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Closed	Closed	Closed	14,127.82	+0.27%	3,182.03	+0.39%	1,525.20	+0.46%

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Feb. 19, 2013, 9:00 p.m. EST

Highland Fairview's Logistic Facility Honored as Largest Building of its kind to Earn 'LEED-Gold' in the U.S.

1.8 Million Square-Foot Facility, home of Sketchers North American Distribution Center, Sets Record for Green Building sustainable development



PR Newswire

United Business Media

RANCHO BELLAGIO, Calif., Feb. 19, 2013 /PRNewswire via COMTEX/ -- The U.S. Green Building Council (USGBC), the leading authority in green building will present the Highland Fairview-Skechers next generation Logistics Facility the Leadership in Energy and Environmental Design (LEED) Gold Certification at a ceremony next Friday, February 22 at 9 a.m. at 29800 Eucalyptus Ave., in Rancho Belago, CA (eastern portion of Moreno Valley).

The 1.8 million square-foot facility is the largest building of its kind in the United States to receive this honor.

The USGBC, LEED Gold Certification ceremony will be held Friday, February 22 at 9:00 a.m. at the building and will be attended by representatives of the Office of the Governor of California, County of Riverside and City of Moreno Valley, along with VIPs and community leaders.

"We are honored to receive this unique recognition. A LEED Gold designation is a tremendous achievement for any project. To be recognized as the largest, most advanced sustainable development of its kind in the United States is especially rewarding," said Highland Fairview President & Chief Executive Officer Iddo Benzeevi. "To achieve this level of sustainability at this scale required new and innovative approaches to design, the integration of state-of-the-art technologies and advanced construction systems. I'm proud to have been a part of bringing this national recognition to our region."

"SKECHERS is committed to growing its business in a way that conserves natural resources, protects the environment and reduces waste," said David Weinberg, SKECHERS Chief Operating Officer and Chief Financial Officer. "In addition to efficiently distributing our product across North America, the SKECHERS Rancho Belago facility is an outstanding example of how large corporations can grow their business while also promoting earth-friendly practices. We're proud of the design innovation and 'green' features that can be found throughout the facility."

The global logistics center, which serves as the North American distribution headquarters for SKECHERS USA, incorporates Highland Fairview's Complete Life Cycle approach to sustainable development which includes extensive use of recycled construction building materials, the latest technology in irrigation and water utilization, storm water treatment, advanced solar power generation systems, and advanced environmentally-friendly materials to name a few. The facility also makes extensive use of parabolic skylights to increase natural lighting in all areas, low water-use fixtures, and recycled water repurposed for irrigation.

LEED, administered by the United States Green Building Council, is a comprehensive system to define, measure and designate "green buildings." Certification in the national recognition program is based on strict standards in five key areas: site planning, water management, energy, material use and indoor environmental quality.

The Highland Fairview-Skechers Logistics Center has become a landmark in the area and is known for its design. With 1.8 million square feet of space, the global logistics center is the first building in a planned eco-friendly logistics campus that will add thousands of new

The Wall Street Journal



CRAIG STEPHEN

Hong Kong's Starbucks indicator

With much out of reach for the middle class in China, a cup of coffee says a lot about aspirations.
 • China's premature overheating

Log In

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To investors who want to retire comfortably.

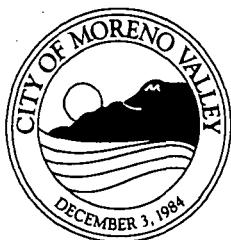
If you have a \$500,000 portfolio, download the guide by *Forbes* columnist and money manager Ken Fisher's firm. It's called **"The 15-Minute Retirement Plan."**

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Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: May 22, 2012

TITLE: PUBLIC HEARING REGARDING THE EXPANSION OF THE APPLICATIONS FOR A GENERAL PLAN AMENDMENT (PA12-0010), CHANGE OF ZONE (PA12-0012) AND SPECIFIC PLAN (PA12-013) FOR THE WORLD LOGISTICS CENTER PROJECT AND A RECOMMENDATION FROM THE CITY COUNCIL TO INCLUDE PROPERTIES NOT OWNED BY OR PARTICIPATING WITH THE PROJECT APPLICANT, HIGHLAND FAIRVIEW PROPERTIES.

RECOMMENDED ACTION

Staff recommends that the City Council conduct the Public Hearing and thereafter direct staff to apply one of the alternatives set forth below pertaining to properties not owned by or participating with Highland Fairview Properties in their applications for a general plan amendment, change of zone and specific plan for the World Logistics Center Project.

BACKGROUND

In April 2011, the City Council adopted a comprehensive Economic Development Action Plan (EDAP) that identified the Moreno Highlands area, generally located east of Redlands Boulevard and south of the Moreno Valley Freeway (Highway 60), as an "area of opportunity for logistics development". The Plan also identified logistics as a prime area of focus and opportunity for the City in an effort to increase employment and revenue to benefit residents and local businesses and support the provision of public services.

On March 19, 2012, Highland Fairview Properties (HFP) submitted General Plan Amendment, Change of Zone and Specific Plan applications to the Planning Division for the proposed World Logistics Center (WLC) Project. The WLC Project is the type of

project envisioned by the adopted City Council EDAP and could further the implementation of the EDAP.

The WLC Project applications include land owned or participating with HFP in the WLC Project and a number of properties not owned by or participating with HFP in the WLC Project or the applications. HFP has also submitted Tentative Parcel Map, Annexation and Development Agreement applications for the same project. All land in the last three applications is owned by or participating with HFP. The General Plan Amendment, Change of Zone, Specific Plan and Tentative Parcel Map were deemed to be complete for processing on April 18, 2012.

The proposed World Logistics Center Specific Plan is a master plan for the development of up to 41.6 million square feet of modern high-cube logistics warehouse distribution facilities on approximately 2,665 acres of land located generally east of Redlands Boulevard, south of the Moreno Valley Freeway (Highway 60) and west of Gilman Springs Road. The General Plan Amendment and Change of Zone, which cover approximately 3,820 acres, also include 1,136 acres of open space and 19 acres of existing public utility facilities located south of the Specific Plan area and north of the City limits. The majority of the Project area is currently covered by the Moreno Highlands Specific Plan, a 3,038 acre master plan approved in 1992 with a mixture of residential, commercial, business park and public/recreation uses.

DISCUSSION

The Municipal Code authorizes an amendment to the General Plan to be initiated by any one of three actions: (1) recommendation of the Planning Commission and City Council concurrence; (2) recommendation of the City Council; or (3) a privately filed application for a specific property or properties submitted by the property owner or owner's authorized agent (MC Section 9.02.040). The Municipal Code similarly authorizes an amendment for a change of zone to be initiated by one of three actions: (1) recommendation of staff or the Planning Commission; (2) recommendation of the City Council; or (3) a privately filed application from a property owner or the owner's authorized agent relating to the owner's property (MC Sections 9.02.050). The Municipal Code does not have explicit provisions to include properties not providing authorization for a Specific Plan or similar type of project (MC Section 9.02.190). For such projects, the practice has been to include only properties providing authorization. Therefore, staff is requesting City Council direction as set forth below.

The majority of Specific Plan area is owned by HFP affiliated companies. Authorization has also been provided by the second largest owner in the Specific Plan area, the Henrietta Lee Trust. In addition, a group of owners in the southwest portion of the Specific Plan area and one owner on Theodore Street have provided authorization for the Project.

The approximate 1,155 acres located outside of the Specific Plan area but within the General Plan Amendment and Change of Zone applications are owned by the California

Department of Fish and Game, San Diego Gas & Electric and the Southern California Gas Company. None of these entities have provided authorization for the Project. Attachment 1 provides a map of the ownership and location of the properties identified above in this paragraph.

Approval of the WLC Project would require the elimination of the Moreno Highlands Specific Plan (MoHi) that covers most of the Project area, including all of the area outside of the proposed WLC Specific Plan. The MoHi plan has been covered by a 20-year development agreement negotiated by the original master developer, that until this year precluded action by the City or any single landowner to revise the area's land use or zoning. To eliminate the MoHi plan, the utility and open space outside the proposed WLC Specific Plan need to be included in the General Plan Amendment and Change of Zone applications to provide alternative land use designations compatible with the current use of the property for utility facilities and open space.

Within the Specific Plan area, there are 18 owners (total of 21 parcels) that have not provided authorization for the Project. The largest landowner of these parcels is the Metropolitan Water District of Southern California (MWD) which owns 132 acres, but only uses 18 acres of the property for its Inland Feeder water transmission system. The remaining 114 acres has been determined as surplus by MWD. These parcels total approximately 294 acres or 11% of the Specific Plan area. The majority of the other parcels (13 total parcels) are located northeast of Theodore Street and Dracaea Avenue; three parcels are northeast of Redlands Boulevard and Dracaea Avenue; three parcels are northwest of Theodore Street and Alessandro Boulevard; and two are northeast of Cactus Avenue and Merwin Street. All of these properties are located outside of the MoHi plan area. Some of the parcels are developed with single family homes and accessory structures. Others have agricultural activities or are vacant. Only seven existing residential units are located within the boundaries of the proposed WLC Specific Plan, with four being owner-occupied and three rental properties.

The non-participating parcels identified in the above paragraph are either located adjacent to the primary truck access route for the proposed WLC Specific Plan (Theodore Street) or are surrounded on three or more sides by participating properties. All but three of the properties are currently zoned for residential uses, which would be incompatible in close proximity or surrounded by the proposed development of logistics uses. Therefore, it would further advance a consistent and comprehensive planning strategy to include these parcels in the General Plan Amendment and Change of Zone applications in order to identify new more appropriate land use designations for consideration in conjunction with the overall WLC Project. Inclusion in the Specific Plan application will allow for greater design consistency in property development and simplify the development review process should properties in and out of the Specific Plan be combined. Any existing structures or uses would become non-conforming with approval of any land use changes and would be allowed to remain in place unless abandoned for an extended period of time (currently one year per the City Municipal Code).

The initial draft of the Specific Plan includes two land use categories – Logistics and Light Logistics. The former category is generally limited to large logistics facilities. The latter category is intended to include properties that are too small to accommodate large logistics facilities. Staff has worked with the applicant to expand the list of permitted uses in the Light Logistics category to include thirteen possible uses for warehouse, storage and similar activities (see attached Exhibit 3). Most of these uses are consistent with the permitted uses in the Moreno Valley Industrial Area Specific Plan in the south part of the City.

ALTERNATIVES

Staff is seeking direction from the City Council as to which of the following options should be followed in processing the WLC Project applications:

1. Include all properties not providing authorization in all three applications. This action is a recommendation by the City Council to include all properties not providing authorization to be included in all three applications. This action would provide for the development of consistent land uses and development regulations for the area east of Redlands Boulevard. If adopted, such land uses and regulations would change and make most existing property improvements non-conforming.
2. Include all properties not providing authorization in the General Plan and Change of Zone applications, but not the Specific Plan application. This action would be a recommendation by the City Council to include all properties not providing authorization to be included in the applications for a General Plan Amendment and Change of Zone. This action would provide for the development of consistent land uses for the area east of Redlands Boulevard, but would allow for non-participating parcels to default to existing City zoning classifications that provide a greater variety of uses which may be incompatible with the logistics focus proposed for the area. If adopted, such land uses and regulations would change and make most existing property improvements non-conforming.
3. Include some of the properties in one or more of the applications. This action is a recommendation by the City council to include certain of the properties not providing authorization to be included in one or more of the applications. This action would not provide for the development of consistent land uses for the area east of Redlands Boulevard. If the Specific Plan is adopted, such inconsistent land uses would affect the current property rights and expectations of non-participating property owners by increasing the level of review and regulation to provide consistency, but would not make existing property improvements non-conforming. This action would also increase the level of review and regulation to provide consistency for development within the Specific Plan.

FISCAL IMPACT

All direct costs associated with the processing of the WLC Project applications shall be borne by HFP.

NOTIFICATION

Notice of this Public Hearing was sent to all property owners within the WLC Project area and tracts and properties adjacent to the Project area. Notice of the Hearing was also published in the Press Enterprise on April 27, 2012, and posted in proximity to properties located within the Project area that did not provide authorization for the WLC Project applications.

ATTACHMENTS/EXHIBITS

1. Map of Non-Participating Parcels with Owner Names
2. Map of Draft Land Use Plan for Proposed Specific Plan
3. LL "Light Logistics" Permitted Uses

Prepared By:
John C. Terell AICP
Planning Official

Department Head Approval:
Barry Foster
Community & Economic Development Director

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

SUPERIOR COURT OF CALIFORNIA

COUNTY OF RIVERSIDE

MORENO VALLEY CITIZENS FOR)
LAWFUL GOVERNMENT, an unincorporated)
association,)
Petitioner,)
vs.) No. RIC10013884
CITY OF MORENO VALLEY,)
Respondent,)
HIGHLAND FAIRVIEW PROPERTIES, LLC,)
Real Party in Interest,)
HF LOGISTICS-SKX T1, LLC,)
Real Party in Interest,)
DOES 1 through 100, inclusive,)
Real Parties in Interest.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Proceedings of Monday, August 2, 2010,
before the Honorable Gloria Connor Trask,
Judge, Department 1.

ORIGINAL

Patricia L. Hanson, CSR 2329
Riverside Superior Court
4050 Main Street, Department 1
Riverside, California 92501

Jane Halstead
City Clerk
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

CITY CLERK
MORENO VALLEY
RECEIVED
10 AUG 23 PM 1:56

RE: Public Records Act Request

Dear Ms. Halstead:

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.) and the California Constitution, as amended by passage of Proposition 59 on November 2, 2004, I am writing to request a copy of the following records, which I understand to be in the possession of your agency:

- All correspondence, including but not limited to e-mails, letters and memos, between Iddo Benzeevi, Highland Fairview Properties and any of the company's employees or representatives and city council members Jesse Molina, Richard Stewart, Robin Hastings, Bonnie Flickinger and William Batey from March 1, 2010 to Aug. 23, 2010.
- All correspondence, including but not limited to e-mails, letters and memos, between Iddo Benzeevi, Highland Fairview Properties and any of the company's employees or representatives and City of Moreno Valley staff from March 1, 2010 to Aug. 23, 2010.
- All correspondence, including but not limited to e-mails, letters and memos, from city staff to city council members Jesse Molina, Richard Stewart, Robin Hastings, Bonnie Flickinger and William Batey concerning Iddo Benzeevi, the Skecher's warehouse project, Highland Fairview Properties and all of the company's other projects from March 1, 2010 to Aug. 23, 2010.
- All correspondence, including but not limited to e-mails, letters and memos, from and to city council members Jesse Molina, Richard Stewart, Robin Hastings, Bonnie Flickinger and William Batey concerning the creation and membership of the blue-ribbon committee advising the city on the search for a new city manager.
- All Form 700s for city council members Jesse Molina, Richard Stewart, Robin Hastings, Bonnie Flickinger and William Batey for years 2008, 2009 and 2010.
- All Form 700s for Planning Commission members George Riechers, Maria Marzoeki, Rick De Jong, Ray Baker, Richard Dozier, Michael Geller and George Salas, Jr. for years 2008, 2009 and 2010.
- All Form 460s for city council members Jesse Molina, Richard Stewart, Robin Hastings, Bonnie Flickinger and William Batey for years 2006, 2007, 2008, 2009 and 2010 to date.

3450 Fourteenth St., Riverside, CA 92501

[REDACTED] dgang@pe.com

MV00228631

If you determine that any or all of the information is exempt from disclosure, I ask that you reconsider that determination in view of Prop 59, which has amended the state Constitution to require that all exemptions be "narrowly construed." Prop 59 may modify or overturn authorities on which you have relied in the past.

If you nonetheless determine that the requested records are subject to a still-valid exemption, I would further request that: (1) you exercise your discretion to disclose some or all of the records notwithstanding the exemption; and (2) that, with respect to records containing both exempt and non-exempt content, you redact the exempt content and disclose the rest.

Finally, should you deny part or all of this request, you are required to provide a written response describing the legal authority or authorities on which you rely. Please also address the question whether Prop 59 requires disclosure even though authorities predating Prop 59 may appear to support your exemption claim.

If I can provide any clarification that will help expedite your attention to this request, please contact me at [REDACTED]. I ask that you notify me of any duplication costs so I may decide which records I want copied.

Thank you for your time and attention to this matter.

Sincerely,



Duane W. Gang

THE PRESS-ENTERPRISE



Duane W. Gang
Staff Writer

3450 Fourteenth Street, Riverside, CA 92501-3878

[REDACTED] • Email: dgang@pe.com
www.PE.com

3450 Fourteenth St., Riverside, CA 92501

[REDACTED] dgang@pe.com

Baker&Hostetler LLP

12100 Wilshire Boulevard
15th Floor
Los Angeles, CA 90025-7120

Bruce R. Greene
direct dial: 310.442.8834
bgreen@bakerlaw.com

[REDACTED]
www.bakerlaw.com

Memorandum

To: Iddo Benzeevi, Highland Fairview Properties
From: Bruce Greene
Date: June 8, 2010
Re: Highland Fairview Corporate Park, Moreno Valley

I understand that HF Logistics-SKX T1, LLC would like to begin construction at the Highland Fairview Corporate Park in advance of recording of the final subdivision map for this phase of the project. The site currently consists of several legal parcels which would be reconfigured by the pending parcel map. You have requested the City of Moreno Valley to provide you with construction permits subject to the prior recordation of a covenant which would hold all the existing parcels as one until the final map is recorded.

After reviewing the issues considered, the applicable laws and the city's authority to grant you your request; my findings are as follows:

- There is no prohibition in state law or in the Municipal Code against using such a covenant for this purpose. State law does, however, recognize that such covenants are permissible (Government Code Sec. 27281.5).
- Covenants of this kind are commonly used in other jurisdictions. As an example I have attached a copy of San Diego Municipal Code Sec. 125.0760, explicitly authorizing temporary merger of parcels through such a covenant allowing the issuance of development and construction permits, although the adoption of an ordinance is not necessary. While you may find some jurisdictions that do not elect to accommodate this practice, many do, such as San Diego and Los Angeles. This is a matter of local policy and not law, and Moreno Valley can elect

Chicago Cincinnati Cleveland Columbus Costa Mesa
Denver Houston Los Angeles New York Orlando Washington, DC

103433851.1

MV00228638

to allow the practice if the City Council considers it appropriate. Such action will not be in contradiction to the city's municipal code or the Subdivision Map Act.

- The state Subdivision Map Act does not prohibit the kind of temporary merger of parcels which you propose and the subsequent development of those parcels. The only provision which remotely addresses this issue is Government Code Sec. 66499.30. This statute pertains only to situations in which "a final map is required." The question, therefore, is whether or not you fall within that category. As it happens, you have obtained approval for a tentative map; however, merely filing for or obtaining approval of a map for other purposes does not make you subject to the statute. The limited, temporary tying of the parcels by means of a covenant which you propose does not require a subdivision map, just as no map would be required if you had proposed such a covenant arrangement prior to ever filing an application for a map. In other words, the Subdivision Map Act simply does not apply to this situation.
- There is no risk to the City in approving the proposed temporary covenant. Even if it were to be contested, the City's only potential exposure would be to a court order to undo the consolidation of parcels and stop any construction. Instead, by allowing use of the covenant, the City would be assured that the final map would be recorded prior to the end of this calendar year.

BG:mb
Attachment

Sierra Club
and
Community Alliance for
Riverside's Economy and Environment

Dear City Council Members:

Re: Highland Fairview Corporate Park

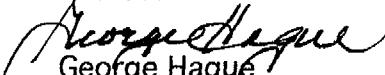
The developer's report attempts to sell you the idea that this project would be so wonderful that it should be approved. The report refers to the "aesthetics" of the project. But aesthetics cannot compensate for nor can they mitigate the harmful impacts this massive project would have on our community. Please factor into your decision the following issues:

1. You must vote over-riding considerations on AIR QUALITY. All the warehouse workers will be subjected to significant health problems from the thousands of daily truck trips – one every 40 seconds in every 24 hours. The massive area where workers labor is not air-conditioned; thus, they must continually breathe the toxic diesel pollution, which will eventually affect most with health problems. Our very poor air quality will become even worse with this project's diesel trucks – many times more than what existing zoning would allow. More than just "jobs now", we need healthy jobs.
2. There are two projects that are adjacent to this one, which would add 3,000,000 more square feet of warehousing/logistics centers. If you approve this project, you are in reality approving all three, for a total of 5,000,000 square feet of polluting warehousing. The Sierra Club and CAREE do not believe the cumulative, growth-inducing impacts have been thoroughly analyzed for environmental impacts on our community. The "logistic modified General Plan" (LMGP) concept proposed by the developer is something that must be incorporated into the document now before you. Just saying the developer has not submitted paperwork for the LMGP does not justify not having this foreseeable project's information prior to your vote.
3. Noise will substantially increase, and you are telling hundreds, if not thousands, of residents to "grin and bear it" so you can approve this unhealthy project. State Route 60 through Moreno Valley has few trucks compared to Interstate 10. This project and its growth-inducing impacts will change our commuter freeway into one that makes those who live close to it suffer significant noise and pollution impacts from all the noisy, polluting diesel trucks. The 500-foot buffer needs to be 500 meters (or 1600 feet) and must extend southwest as well as directly south. This raises a question as to where the environmental justice analysis is in this document. It is totally lacking and needs to be before you prior to any vote.
4. Greenhouse effects and climate change have not been mitigated. The LEED-certified building – even the lowest level of certification – probably will not

happen. That is why the developer is now qualifying the certification. If we want water in Southern California, we need snow packs in the northern mountains. Think of your children's and grandchildren's future and demand more than what the developer believes is "feasible".

5. Another issue that has not been resolved prior to your vote is TRAFFIC. The developer does not factor in all existing approved projects (like Moreno Highlands with 6,000-plus homes and zoning for 20,000 jobs). The FEIR states that there are two lanes that allow you to continue west from the 60 to the 215. In reality only the SR 60 lane on the far left allows you to continue west, while the other lane forces drivers to exit at Central Avenue. Until the traffic analysis deals with this issue, you cannot vote to certify this EIR because it is inadequate. You must realize that while 2,200 daily diesel truck trips may not sound overwhelming, they represent one every 40 seconds for 24 hours every day. If the two adjacent warehouses are approved, then you are looking at adding one noisy, polluting diesel truck to Highway 60 every 10 to 15 seconds for 24 hours a day – something to look forward to as we head west on that single lane. The FEIR tries to convince you that a truck is like 1 ½ cars. I would rather be behind two Hondas than one noisy, polluting diesel truck. Please remember that in 7 to 14 years, we may have "cleaner" trucks, but not "clean". You, however, could require only cleaner trucks (strongly recommended by AQMD as feasible) and protect Moreno Valley residents as well as the workers.
6. Alternative sites have not been expanded to include other possibilities and thoroughly analyzed. I-215 has no houses along it and is built with overpasses and road-width to handle this number of diesel trucks. Why hasn't the old golf course at Norton Air Base been suggested? That was at one time a strong possibility. The Banning/Beaumont area would, like Norton, be better for trucks because I-10 is also built for them, and trucks would not need to use SR-60 to get to that area.
7. You cannot satisfy impacts to threatened and endangered species by simply paying a mitigation fee. You must thoroughly analyze impacts to each species and how the fee will further each species' recovery.

Please vote to continue the project tonight so you can read and study all information presented to you, including the attached stories, which are very relevant to this project's impact on our community. Please keep both the Sierra Club and CAREE informed of future documents and meetings related to this project by using the address below.


George Hague
Conservation Chair
Moreno Valley Group of the Sierra Club
26711 Ironwood Avenue
Moreno Valley, CA 92555-1906

CAREE
P. O. Box 5199
Riverside, CA 92517-5199

CITY COUNCIL
MORENO VALLEY
RECEIVED

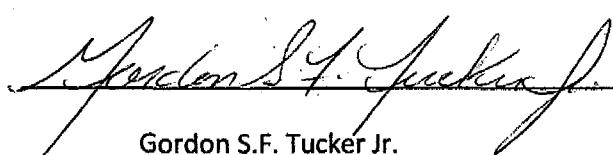
09 FEB - 9 PM | 2: 05

Declaration of Authenticity

I Gordon S.F. Tucker Jr., do hereby swear that the audio recording for which I have submitted into the public record in the matter now before the city council (The Highland Fairview Corporate Project), of the City of Moreno Valley is a true and correct copy of the recording made by me on January 31st, 2009 at approximately 1458 hours at the location of 24899 Alessandro Blvd., in the city of Moreno Valley, 92553 (Fiesta Food Wherehouse).

The for mentioned audio recording is of the petition takers located outside of the Fiesta Food Wherehouse, and of their claims of working on behalf of the City Council of Moreno Valley and Highland Fairview LLC.

I swear under the penalty of perjury that the forgoing is true and correct. This document was executed in the City of Moreno Valley, County of Riverside, State of California on this the 3rd Day of February in the Year of 2009.

 Date: 02/03/2009

Gordon S.F. Tucker Jr.

submitted - 2/3/09 Council mtg

MV00228732

2009 Highland Fairview/Skechers
Stewart – Correspondence

28115 Gerald Lane
Moreno Valley, CA 92555

February 10, 2009

Dear Councilmembers Hastings, Stewart, Batey, Molina, Flickinger,
and Senior Planner Mark Gross:

I am writing to add my voice to those recommending that you **deny PA07-0088**, a zone change to allow the building of a 1.82 million square foot warehouse (total of 2.62 million square feet for all phases of development) in the east end of Moreno Valley. My reasons have been well-articulated by others with credible evidence, and include the following:

1. Changing the City Plan solely for the benefit of one individual and his employees: The City Plan was developed with considerable taxpayer money, effort of City employees and volunteer work by citizens, over several years. It reflects wise use of land resources and a vision of a city with a variety of businesses and home values. The East End was to have lower density, higher value homes. The City Plan is our Constitution, and as such should not be changed to a use that will not benefit Moreno Valley residents and will instead create an unhealthful environment.
2. Traffic: traffic issues were reviewed in the EIR and commented on by CalTrans and others (e.g., Ms. Melody Lardner in the public comments before you, Feb. 3, 2009). These are not trivial issues. Purchasing a home in the East End has been an expensive enough proposition that many (if not most of us) commute to specialized professional jobs. We chose to live in a suburb because we like the rural atmosphere, but we need to be able to commute to work.
3. Health: Logistics centers are foci for high truck traffic. Diesel exhaust is very hazardous. The medical community and South Coast AQMD have provided testimony to you on this issue. How are Mr. Benzeevi's profits of greater societal value than the health of our children?
4. Jobs: You have been provided with ample evidence that Skechers, the only tenant to date of the proposed logistics center, is unlikely to hire many (if any) Moreno Valley residents. Ms. Sue Gilchrist and others have provided data on warehouse employment. The existing zoning would provide more and better paid **new full time** jobs.
5. The EIR is inadequate, as testified by George Hague, Dr. Tony Metcalf, and others. You need more and better quality information before voting.
6. Impact on existing businesses: Existing new businesses in the East End, including those in the Target and WalMart shopping centers, were built in this area in anticipation of more homes, not fewer and lower income homes associated with warehouses. If warehouses go in we could lose these sales-tax generating businesses which employ hundreds of people.
7. Likelihood that the project will be built and occupied: The developer, Mr. Iddo Benzeevi, has an existing plan in place for an upscale development, Moreno Highlands, which includes part of the project area. His project was approved when housing values were high, and yet he did not build. Similarly, he is the developer of Aqua Bella, another project which you have approved. In the case of Aqua Bella he has only "moved a lot of dirt" (his comment, City Council meeting, Feb. 3, 2009). Others have testified to you that Mr. Benzeevi has never built anything. Will he build this project or simply use the change in zoning to increase the value of the land and sell it? If the project is built, will Skechers move in? Skechers stock has gone from \$25/ share to ca. \$7.60/ share, the most recent decrease last week. Does this company have the capital to move to and equip a large new facility?
8. Finally, and perhaps most distressingly, most or all of our City Council representatives have a financial association with Mr. Benzeevi. Mr. Benzeevi and his associate, Jerry Stephens, have contributed to Moreno Valley Taxpayers, who used the money for smear campaigns against former councilmembers White and West, who had stated opposition to the project. Mr.

Benzeevi also contributed to the campaigns of at least Hastings, Molina, and Flickinger. It is unlikely that Hastings and Molina would have been elected without Mr. Benzeevi's financial assistance. Michael Geller is the treasurer of MV Taxpayers, and is employed by Mr. Benzeevi. He should have recused himself from the Planning Commission decision, but did not. Richard Stewart is Mr. Geller's law partner. **It is unethical for those with financial relationships with the developer to vote on this issue. Please recuse yourselves.**

Riverside resident Jamil Dada has called Moreno Valley "Blagojevich West." You can, by voting against this zone change, prove him wrong.

Should you approve this project, please include a sunset clause: if the logistics center is not built and occupied within 12 months, zoning returns to BP and residential.

Thank you for your attention to these issues.

Sincerely yours,



Laura Merrill, Ph.D.

2/10/09

Moreno Valley City Council

My name is Carol Epstein and I am part owner of 28855 Redlands Blvd which has been in my family for nearly 50 years. Quoting from PressEnterprise Thur Jan 29th 2009, Congrats on the city council deciding not to take 10% pay increase. Also noted in the article there are 40 city employee positions left vacant, city department heads have not taken a 2% cost of living salary increase and I understand you have or plan to approve an early retirement incentive. Given facts like these, and lots of other data that shows how many people in this area are without work, losing their homes and suffering, it would be unconscienceable of the council to ignore the opportunity that the Sketchers project offers the citizens of this city. I understand that this project might make some changes to the general plan and it occurs to me that change is a part of life adapting to progress. I believe that you must take this opportunity to start the recovery of a suffering city. Those people who have moved to the east end of the valley and now want to keep it rural should take a drive down the 215 to the Perris /Mead valley area. We all know what they will find is wide open spaces, Large lots, horses and other farm animals....They will also find rusted out cars and equipment, overgrown lots, high crime and LOW property values. None of us wants to look 5-10 years down the line to see that as our future. There is so much more I could say but I trust that you have heard all this many times now. I do need to add one important fact for you to consider. It has come to my attention that my tenant has been protesting and speaking against this project. Of course she doesn't want this project to go through she is trying to protect her low rent. I believe the property owners opinions should be much more important to you. So I just want to end by saying, PLEASE DON'T LET US DOWN, I BEG YOU TO APPROVE THIS PROJECT.

Carol Epstein

Carol Epstein

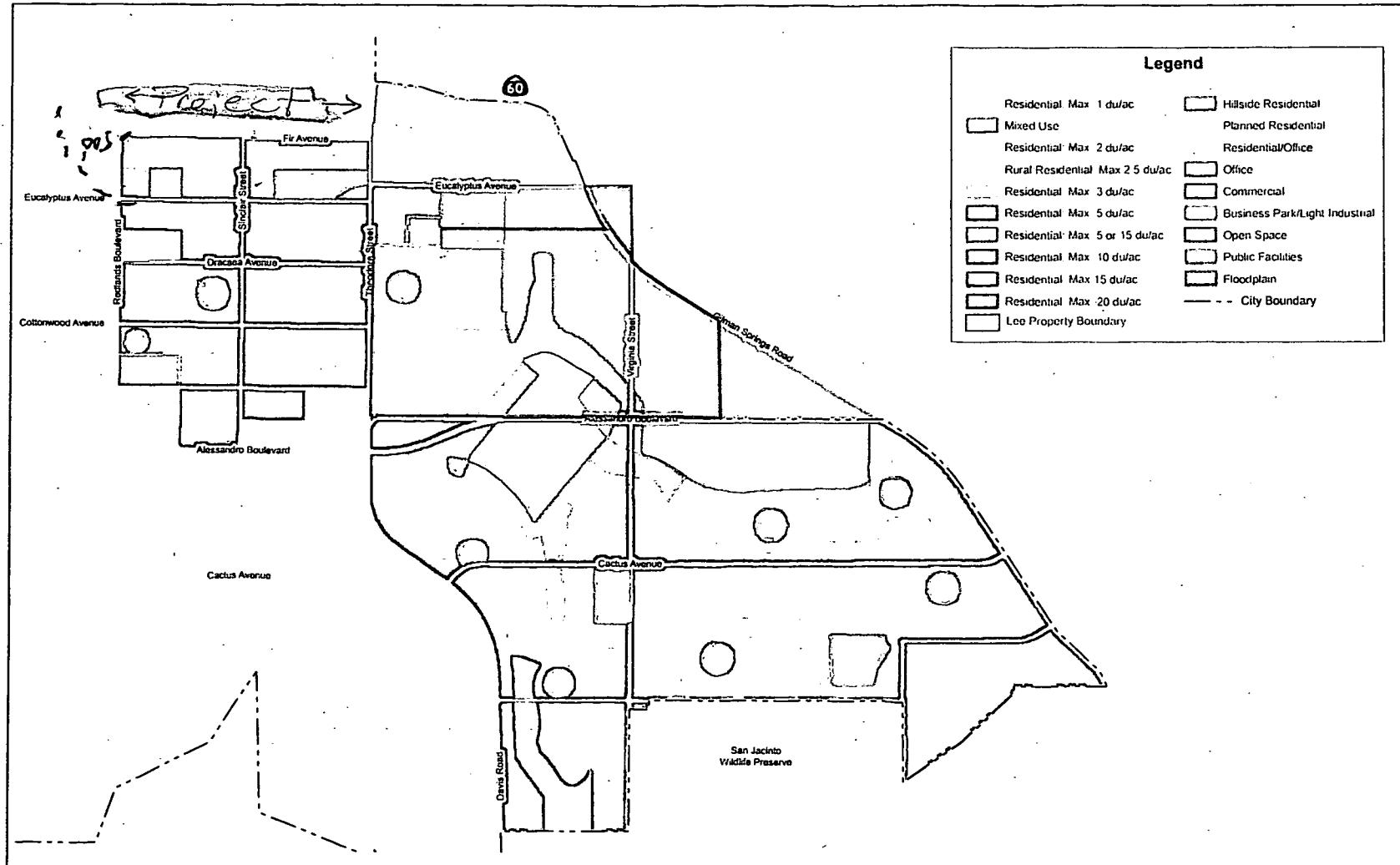
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CITY COUNCIL

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Submittal by George Hague
2/9/09



Source: RBF Consulting, January 2008.



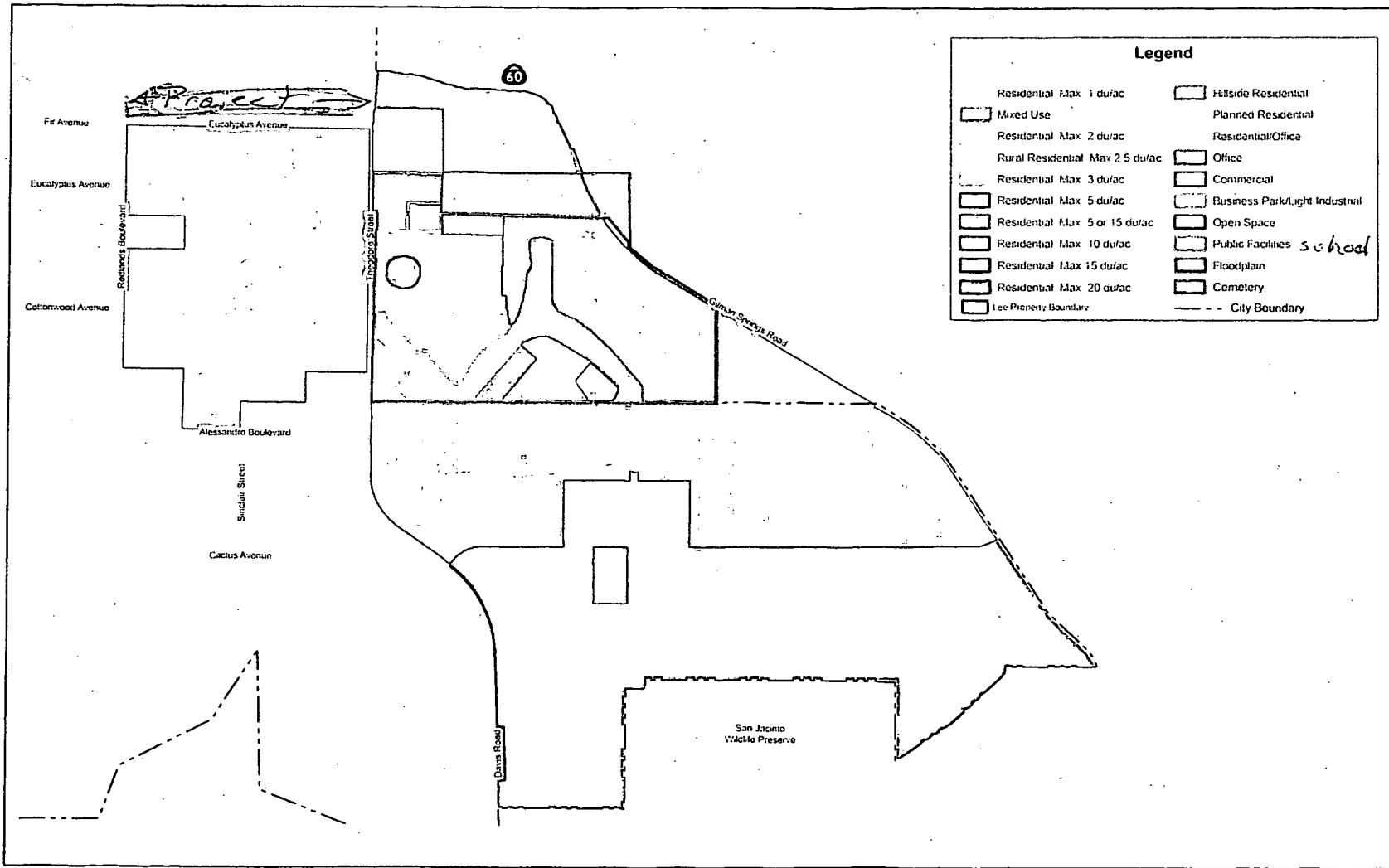
NOT TO SCALE

Michael Brandman Associates

26100015 • 05/2008 | 6-1_city_gp.cdr

Exhibit 6-1
City General Plan Land Use

HIGHLAND FAIRVIEW CORPORATE PARK
ENVIRONMENTAL IMPACT REPORT



Source: RBF Consulting, January 2008.



NOT TO SCALE

Michael Brandman Associates

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Exhibit 8-1 Logistics Modified General Plan

HIGHLAND FAIRVIEW CORPORATE PARK
ENVIRONMENTAL IMPACT REPORT

Table 8-1: Existing General Plan and Logistics Modified General Plan Comparison

Land Use Type	Unit	Existing General Plan	Logistics Modified General Plan
Residential	DU	8,691**	1,342*
Commercial	TSF	1,489	304*
Business Park/Light Industrial	TSF	12,357	4,500*
Logistics	TSF	0***	35,626
Office	TSF	240	59*
School	STU	7,200	1,800*

Notes:

DU = dwelling units

TSF = thousands square feet

STU = students

AC = acres

* Located on Lee Property.

** Includes approximately 2,381 units located on CDFG property.

*** Logistics is not a defined land use designation in the Moreno Highlands Specific Plan but it is an allowed use within the Business Park designation of the Moreno Highlands Specific Plan.

An area in the middle of the Moreno Highlands area, approximately 620 acres referred to as the Lee Property, is not owned by the Applicant. The Lee Property is shown on Exhibit 8-1. The MHSP designates the Lee Property for a mixture of industrial, residential, commercial, open space, and community uses as shown on Exhibit 8-1. There is no information available that would indicate that the Lee Property will be developed other than as designated in the MHSP. Therefore, the LMGP concept assumes that the Lee Property will be developed pursuant to the MHSP zoning.

The MHSP area includes 905.2 acres in the San Jacinto Wildlife Preserve. While the MHSP designates this land for development—2,381 residential units as well as schools, parks, and open space—the land is controlled by the California Department of Fish and Game (CDFG), is not likely to be developed, but, instead, is most likely to remain as open space and habitat. The LMGP concept therefore assumes no development on this land.

8.3.1 - Analysis of Logistics Modified General Plan and Existing General Plan

Preliminary comparisons of the LMGP concept and the Existing GP for the Moreno Highlands area are made for each of the impact categories addressed in this EIR.

Aesthetics

Both the LMGP and Existing GP would result in residential and non-residential development along the hillside areas and on the valley floor. Noise barriers and other structures would obscure views of the surrounding hills to some degree. Impacts on scenic resources, visual character, and light and glare would occur with implementation of either the LMGP or Existing GP. Under the LMGP, the introduction of logistics uses in areas south of Eucalyptus Avenue and west of Theodore Street, and south and east of the Lee Property, would require aesthetics mitigation measures that are similar to

measures and infrastructure maintenance will be in accordance with either the Riverside County Flood Control and Water Conservation District or the City's standard engineering practices.

Additionally, all new development is required to build master drainage plan facilities and/or pay fees that are used to build the facilities.

Land Use and Planning

The City's Master Plan of Trails shows a network of potential trails in the area contemplated for logistics use under the LMGP. While the potential for these trails would remain, it is unclear if any modification to, or deletion of, trail alignments would be necessary.

The Existing GP would retain the existing land use designations and zoning within the Moreno Highlands area. The Business Park and Office uses included in the Existing GP would contribute to a high jobs/housing ratio and there would be no further impacts related to consistency with the SCAG Regional Growth Projections. Under the Existing GP, there would be 8,691 homes and 14,086,000 sq ft of industrial and commercial development. As shown on Table 8-2, the Existing GP for the Moreno Highlands area would generate 17,733 jobs, and the jobs housing balance for the area would be 2.04 jobs per household. Furthermore, the CDFG land is planned mostly for residential uses. If the CDFG land was not developed, the jobs/housing ratio would be even higher.

Table 8-2: Jobs Generated by Existing General Plan in the Moreno Highlands Area

Type of Project	Size of Project	Estimated Number of Jobs
Schools	7,200 Students	510
Commercial	1,489,000 sq ft	2,978 (1/500 sq ft)
Business Park/Light Industrial	12,357,000 sq ft	12,357 (1/1000 sq ft)
Office	943,800 sq ft	1,888 (1/500 sq ft)
Logistics	0	0
TOTAL JOBS		17,733

Notes: sq ft = square feet

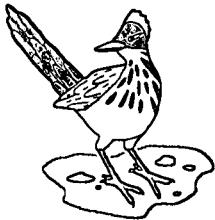
Source: MBA, 2007.

Table 8-3: Jobs Generated by the Logistics Modified General Plan in Moreno Highlands Area

Type of Project	Size of Project	Estimated Number of Jobs
Schools	1,800 Students	100
Commercial	304,000 sq ft	608 (1/500 sq ft)
Business Park/Light Industrial	4,500,000 sq ft	4,500 (1/1000 sq ft)
Office	59,000 sq ft	118 (1/500 sq ft)
Logistics	35,626,000 sq ft	21,375 (0.6/1000 sq ft)
TOTAL JOBS		26,701

Note: sq ft = square feet

Source: MBA, 2007.



The Roadrunner

Friends of the Northern San Jacinto Valley

www.northfriends.org

September 2008

OCTOBER IS MEMBERSHIP RENEWAL MONTH:

Fall has arrived at the San Jacinto Wildlife Area and there is much to look forward to with the arrival of wintering birds of prey, migrating waterfowl and shorebirds. The wildlife area is an important link in the Pacific Flyway and provides a stopping point for birds to rest and eat before continuing their migration. Some of the migrating birds end up spending the fall and winter months here. The northern San Jacinto Valley is one of a few remaining inland valleys which has not been developed. Even though the financial crisis has stopped many developments in their tracks, larger developers are continuing to work to gain approval for their projects so they can be built when the economy changes. The Friends are dedicated to working to preserve and protect the northern San Jacinto Valley, the San Jacinto Wildlife Area and Mystic Lake. Please take time to renew your membership with the Friends this month and give what you can. A membership form can be found on the outside flap of this newsletter.

SAN JACINTO WILDLIFE AREA News:

TRICOLORED BLACKBIRDS—BAD NEWS, GOOD NEWS

by Tom Paulek: The results of the statewide Tricolored Blackbird population survey are in and the numbers for southern California are low. Statewide volunteers counted approximately 400,000 tricolors. Fewer than 5,500 birds were found in the six-county southern California region. The 2008 survey coordinated by Audubon California indicates the southern population is at risk and may be teetering towards extinction. The good news is the UCLA Conservation Genetics Resource Center has begun a genetic analysis to determine whether the southern California tricolors are genetically distinct from the more numerous northern California birds. The Friends group was instrumental in collecting the specimens UCLA has extracted the DNA material from to perform the genetic analysis. Tricolor nest content collections were made over the last three years. Nest colonies sampled included the 2006 nesting colony in the San Jacinto Valley, Riverside County and the 2007 nesting colony at Rancho Jamul Ecological Reserve in San Diego County. In 2008 nest contents were collected, after the nesting season, at Holiday Lake in Los Angeles County and the Newberry Springs area in San Bernardino County. The UCLA investigators expect to have preliminary results of the genetic testing this November. If the genetic work indicates the southern California tricolors are genetically distinct, it will further substantiate the need to list the southern tricolors as a distinct population segment under the Endangered Species Act.

SAN JACINTO WILDLIFE AREA LAND MANAGEMENT

PLAN by Ann McKibben: The California Department of Fish and Game has hired a consultant (Dudek) to develop a management plan for the San Jacinto Wildlife Area (SJWA). A public meeting was held at the SJWA on September 29, 2008 to discuss what issues needed to be addressed by the

management plan. Approximately fifty to sixty people attended the public meeting to voice their concern about the plan. Most of those in attendance were from the hunting community. Their concerns ranged from increased hunting opportunities and development of hunting areas on the SJWA, dog training facilities, increasing hunting days, and requests that non-consumptive users of the wildlife area start paying a user's fee to support the SJWA. Those from the environmental community asked that the document address and follow the Riverside County Multi-Species Habitat Conservation Plan, Stephens' Kangaroo Rat Habitat Conservation Plan, address the reclaimed water contract with Eastern Municipal Water District (which will expire in 2014), address complex land use issues and development surrounding the SJWA, and preserving and maintaining burrowing owl habitat. Others suggested that DFG needed to address the city of Moreno Valley Trails System which is projected to cross the northern boundary of the SJWA. Nuevo and Lakeview community residents expressed concerns about development adjacent to the SJWA and the potential change to access the wildlife area if the Villages of Lakeview project is approved by the county. After the draft document is completed the Department of Fish and Game plans to hold another public meeting to take comments on the document. Anyone with questions on the project can contact: Eddy Konno, California Department of Fish and Game, (760) 200-9174. The Friends will be posting updated information on the plan and any future hearing dates on our web page once the information is made available.

FRIENDS NEWS & PROJECTS:

FRIENDS' LAWSUIT FILED, AUGUST 2007 by Sue Nash: FRIENDS OF THE NORTHERN SAN VALLEY V. WILDLIFE CONSERVATION BOARD (WCB), DEPARTMENT OF FISH AND GAME (DFG), CALIFORNIA WATERFOWL ASSOCIATION (CWA). Riverside Trial Court # RIC477696 (briefs online); Court of Appeal Case #E045894; 4th District, Division Two. Disappointingly, at the April 18th, 2008, the judge, Gloria Trask, agreed with the Attorney General of California (representing the DFG & WCB) that the WCB could approve and give a notice to proceed to a project subject to the California Environmental Quality Act (CEQA) and then several months later the DFG could prepare an alleged CEQA document. Friends are preparing our opening brief for the court of appeal in which we again argue that such a procedure would effectively repeal CEQA, which requires that BEFORE approving any project subject to CEQA, all state agencies shall review a final Environmental Impact Report (EIR), Negative Declaration or other CEQA document. (CEQA Guidelines 15004(a))

Friends also contend that the Mitigated Negative Declaration prepared for this project in March 2008 is void as it was prepared over a year after the WCB approved the project in February 2007. Friends hope to have a published appellate court opinion upholding CEQA, and to receive

attorney fees for our efforts to uphold the law, by next summer.

PROPOSED MCANALLY CHICKEN RANCH, CONDITIONAL USE PERMIT NO.3512 by Ann McKibben:

The Riverside County Planning Department released the Draft Environmental Impact Report (DEIR) for the McAnally Chicken Ranch Conditional Use Permit (CUP) No. 3512 on September 26. As we have mentioned previously, Lewis Corp must relocate a chicken ranch in order to build The Villages of Lakeview project in Lakeview/Nuevo. The ranch, if approved, would house 2.2 MILLION chickens adjacent to the San Jacinto Wildlife Area where thousands of waterfowl and shorebirds winter each year. Major concerns regarding the project are the spread of avian flu, water quality degradation, locating a industrial scale poultry facility next to the San Jacinto Wildlife Area (a cornerstone reserve in the Riverside County MSHCP) plus locating such a huge facility adjacent to the flood plain of the San Jacinto River. All comments on the project must be received by November 9, 2008. Submit comments to: Matt Straite, Riverside County Planning Department, 4080 Lemon Street, 9th Floor, P.O. Box 1409, Riverside, CA 92502-1409. Mr. Straite's telephone number is: (951) 955-8631. Comments can be faxed to: (951) 955-3157. Please take time to voice your concerns about this project and the effects it will have on the northern San Jacinto Valley and the San Jacinto Wildlife Area. Approval for this project is being fast tracked which means the CUP will not go before the Riverside County Planning Commission first, but instead will go straight to the Riverside County Board of Supervisors for approval. If you are following this project, you can check the Board of Supervisors' web page for their agenda at: <http://www.clerkoftheboard.co.riverside.ca.us/agendas/2008.htm> Please check the Friends' web site at www.northfriends.org where we have posted our comment letters.

PROPOSED HIGHLAND FAIRVIEW CORPORATE CENTER by Ann McKibben:

The city of Moreno Valley released the draft environmental impact report (DEIR) for the Highland Fairview Corporate Center in August. Comments on the draft EIR were due September 19. The Friends of the Northern San Jacinto Valley submitted written comments on the DEIR. The project proponent wants to build a 2.42 million square foot logistic center for Skechers Shoes along the southern edge of Highway 60 between Redlands Boulevard and Theodore Street in eastern Moreno Valley. Concerns are: increased truck traffic which will occur if this project and two other logistic centers are built along Highway 60. Also, increased air pollution, diesel particulates and their effects on local air quality is a huge concern as are health effects. According to the project planner, a public hearing on the project might occur in November or December. The project may be put before the Moreno Valley City Council about a month and a half after the planning commission hearing. Project planner is: Mark Gross, Moreno Valley Planning Department, (951) 413-3222. Please take time to attend the Planning Commission hearing and Moreno Valley City Council meeting and let them know that you are concerned about the severe health effects, traffic, changes in land use designations this project will have. You can call Mr. Gross for more information. Planning Commission and city council meetings agendas can be found at: <http://www.moreno-valley.ca.us/>

PROPOSED VILLAGES OF LAKEVIEW SPECIFIC PLAN 342 by Ann McKibben:

Lewis Corp continues to work on

their draft environmental impact report (DEIR) for The Villages of Lakeview Specific Plan 342 in Lakeview and Nuevo. The project was scheduled for the October 15, 2008 Riverside County Planning Commission meeting as workshop item. (The project plans to build 10,000+ homes in these communities with approximately 3,000 units planned between the southern boundary of the San Jacinto Wildlife Area and the northern border of the Ramona Expressway.) One has to question whether it is good land use planning to locate high density residential units adjacent to an MSHCP reserve. There is strong opposition to the project from Lakeview/Nuevo residents. Please take time to write a letter, attend public hearings on the project, and help us work to preserve the southern boundary of the San Jacinto Wildlife Area. For more information on the project, contact project planner Matt Straite, Riverside County Planning Department at (951) 955-8631. You can check for planning commission agendas at: http://www.rctlma.org/planning/content/hearings/pc/current_pc.html The Friends will have information posted at their web page: www.northfriends.org

PROPOSED MID COUNTY PARKWAY by Ann McKibben:

The draft environmental document (DEIR) for the Mid County Parkway (MCP), a Riverside County Transportation Commission (RCTC) project which plans to expand the Ramona Expressway from the city of San Jacinto to the city of Corona as a six to eight lane road, was released by the Riverside County Transportation Commission on October 10, 2008. The proposed parkway is a 32 mile 'freeway' between the cities of San Jacinto and Corona. The RCTC and Orange County are also talking about extending the road via tunnels through the Cleveland National Forest (the Irvine-Corona Expressway). The highway will go through the middle of the Villages of Lakeview Project and impact the southern boundary of the San Jacinto Wildlife Area where the road crosses the historic course of the San Jacinto River. The Friends have commented on this project for many years. All written comments are due by December 8, 2008. All draft EIR comments, public meetings and hearing dates are posted at: <http://www.midcountyparkway.org/> or call the RCTC at (951) 787-7141. Project manager is Cathy Bechtel.

PERSONAL BIRDING TOUR AT THE SJWA by Ann McKibben:

In our September 2007 newsletter the Friends sponsored a fundraising event. For every \$5.00 regular membership donation to the Friends, a raffle ticket would be given. The drawing for the birding tour was held March 15, 2008 at the Bluebird Box and Birding Nature Walk. Holder of the winning ticket was Mary Rosczyk of Murrieta. The Personal Birding Tour took place on May 31, 2008 at the



wildlife area. Mary invited two friends, Patty Loy and Grace Briganti, to join the tour. Sue Nash, Tom Paulek, Ann & Mike McKibben

and George Hague led the bird walk where we visited wetland areas, the reclaimed water pond and the west side of Davis Road. Breakfast and lunch were served at the picnic

tables by the office. Sandwiches and dessert from Simple Simon's topped the day's events. Besides the tour Mary also received a copy of The Sibley Field Guide to Birds and fancy binocular straps as part of the day's celebration. Many thanks to Mary for her very generous donation to the Friends and support of the San Jacinto Wildlife Area! And thank you, also, to all of our loyal members who took time to make a donation to the Friends. Our fundraising event raised \$2,900.00 for the Friends' work.

THE JOY OF LOOKING by Sandy Kasper, Teacher, Diamond Valley Middle School, Hemet: On May 20 and 21, 2008 the Friends of the Northern San Jacinto Valley and the Department of Fish and Game hosted two environmental field trips for two 6th grade classes from Diamond Valley Middle School in Hemet. The students and parents were led



on an informative hike by Sue Nash. She pointed out native plants and animals that are endangered or threatened by invasive species and destruction of habitat. We were also able

to observe and identify several species of waterfowl using the binoculars and guides provided by the Friends of the NSJV. The Department of Fish and Game gave students a walk-through of the SJWA office, including close-up looks at their mounted cougar and game birds. They shared copies of the Fish and Game magazine and educational brochures for us to take home. When the students returned to school they were able to do 70 follow-up investigations in the computer lab, increasing their knowledge and appreciation of wildlife in this area.

CLIMATE CHANGE AND CEQA by Sue Nash:

This is a very brief summary of laws impacting how developers must deal with climate change under CEQA, including the mitigation of greenhouse gas emissions and/or the effects of greenhouse gas emissions. As you can see, how climate change is to be addressed in CEQA is a process which is far from complete. The following sources should be helpful to you in responding to Draft EIRs and evaluating these and other air quality issues of development.

The Global Warming Solutions Act of 2006 (AB 32) requires the California Air Resources Board (ARB) to prepared a Scoping Plan to achieve reductions in greenhouse gas (GHG) emissions in CA. On June 26, 2008, ARB staff presented the initial draft of the AB 32 Scoping Plan for Board review and public comment. The Document can be found by going to the ARB web page: www.arb.ca.gov The South Coast Air Quality Management District has also developed a draft Climate Change Policy and has assembled a Greenhouse Gas Emissions Working Group. It can be found by going to: www.aqmd.gov

Pursuant to Senate Bill 97, the Governor's office of planning and Research (OPR) is in the process of developing CEQA Guidelines for the mitigation of or the effects of greenhouse gas emissions. The OPR must prepare the Guidelines by July, 2009, and they must be adopted by the Resources Agency by January, 2010. In the meantime, the OPR has provided a Technical Advisory which provides

OPR's perspective on the issue of CEQA and climate change. It can be found at: www.opr.ca.gov

The most difficult and controversial issue concerning CEQA and climate change is determining when a project's GHG emissions are significant. To help fill this void until the CEQA Guidelines are final, the California Air Pollution Control Officer's Association (CAPCOA) issued a white paper suggesting various approaches to determining significance. *CEQA and Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to CEQA*. (Found at: www.capcoa.org)

METROPOLITAN WATER DISTRICT AND WATER SUPPLIES by Sue Nash: The MWD, either through the State Water Project bringing water from northern California or the Colorado River Water Project, supplies around 90% of the water which Eastern Municipal Water District distributes to the San Jacinto Wildlife Area and surrounding communities. MWD has recently issued a series of press releases regarding the Governor's declaration of drought in southern California. In September and October, MWD also held a series of four public forums as it begins updating its region-wide water resources plan. Information on these forums and information on how much water is likely to be available for western Riverside County through 2030 can be found at: www.mwdh2o.com

THANK YOU TO WALK LEADERS: Thank you to all of those who led bird walks, nature walks, and birding field trips at the San Jacinto Wildlife Area from fall 2007 to spring 2008. We are fortunate to have many individuals who volunteer their time and share their knowledge at these events. And those who attend the walks always express their appreciation and value what they have learned. It is a busy world we live in, and we sincerely appreciate all of the dedicated leaders who make these events possible.

LINKS:

Friends of the Northern San Jacinto Valley:
www.northfriends.org

San Bernardino Valley Audubon Society: www.svas.org
Rare Bird Alert:
<http://listserv.arizona.edu/archives/birdwest.html>
(Southeastern California RBA) or
<http://groups.yahoo.com/group/inlandcountybirds/>

NATURE WALKS AND FIELDS TRIPS AT THE SAN JACINTO WILDLIFE AREA:

**September 13, 2008, Saturday, 5:00 p.m. to 8:00 p.m.
EVENING INSECT NATURE WALK**

Entomologist Gordon Pratt will bring several display boxes of insects and help explain the difference between butterflies, moths and others. He will also set up a blue light to attract insects once the sun goes down. Please wear long sleeved shirts and long pants; bring non-toxic insect repellent because of mosquitoes. Leader: Gordon Pratt.

**October 19, 2008, Sunday, 9:00 a.m. to Noon
SJWA NATURE WALK**

Join us for a relaxing morning walk where we will explore the wetlands habitat at the SJWA and see what kind of waterfowl and shorebirds we can find. It will be a leisurely stroll, driving to a few locations and take in the beauty of the northern San Jacinto Valley. Leader: Tom Paulek.

November 16, 2008, Sunday, 7:00 a.m.

NORTHERN SAN JACINTO VALLEY FIELD TRIP—San Bernardino Valley Audubon Society

Check www.sbvash.org for current information. SBVAS's birding field trip in the northern San Jacinto Valley will cover parts of the valley and the SJWA. On good days 100+ species can be found—wintering birds of prey, waterfowl and shorebirds. Leaders: Tony Metcalf (951) 242-7038 and Dave Goodward, (909) 783-2417.

December 7, 2008, Sunday, 9:00 a.m. to Noon

MORNING BIRDING WALK AT THE SJWA

Join us for a leisure morning walk to see what kind of birds we can find in early December. Fall brings lots of migrating waterfowl and shorebirds. We will take our time and identify the birds we see. Leader: Sue Nash.

December 2008

CHRISTMAS BIRD COUNT at the SJWA & San Jacinto Valley—San Bernardino Valley Audubon Society

Check www.sbvash.org for information on the CBC in the northern San Jacinto Valley. All are welcome to join in on the count no matter what your birding experience is.

January 4, 2009, Sunday, 8:00 a.m. to 10:00 a.m.

BEGINNING BIRD WALK—San Bernardino Valley Audubon Society

Check www.sbvash.org for current information. A slow-paced walk to introduce participants to basic birding techniques and identification skills so you will feel comfortable birding on your own or joining Audubon's longer birding trips. Leader: Doug Karalun, (909) 425-5355.

January 18, 2009, Sunday, 9:00 a.m. to Noon

SJWA NATURE WALK

We will be looking for birds at the reclaimed water ponds and visiting a variety of habitats on this nature walk. Also, we will talk about the geology and ecology of the wildlife area and the northern San Jacinto Valley. Join us for a fun day of

birding and learning about the natural resources of the San Jacinto Wildlife Area. Leaders: Sue Nash, Tom Paulek, Mike McKibben.



February 1, 2009, Sunday, 8:00 a.m. to 10:00 a.m.

BEGINNING BIRD WALK—San Bernardino Valley Audubon Society

Check www.sbvash.org for current information. A slow-paced walk to introduce participants to basic birding techniques and identification skills so you will feel comfortable birding on your own or joining Audubon's longer birding trips. Leaders: Jennifer & Michelle Tobin. Contact: Cathy Tobin, (951) 684-9613.

February 21, 2009, Saturday, 8:00 a.m.

SAN JACINTO WILDLIFE AREA—San Bernardino Valley Audubon Society

Check www.sbvash.org for current information. Ducks, geese, ibis and birds of prey of some of the birds to be seen on this

trip. Leader: To Be Announced. Check SBVAS web page for updated information on this walk.

Just a reminder that there is all day waterfowl hunting on Wednesdays & Saturdays from October 19, 2008 through February 7, 2009 at the wildlife area. Because of hunting days we have to schedule our nature walks on Sundays. We plan on having Saturday walks (when possible) this spring.

BEGINNING BIRD WALKS: San Bernardino Valley Audubon Society organizes and sponsors Beginning Bird Walks (BBW) at various locations in Riverside County. We are fortunate that a number of the walks are held at the San Jacinto Wildlife Area. Please note that the BBWs start at 8:00 a.m. Please check their web site at: www.sbvash.org for information on dates and locations for all their Beginning Bird Walks. Or call Cathy Tobin at (951) 684-9613. Thank you SBVAS!

FOR INFORMATION on the Friends walks, call Ann McKibben at (951) 924-8150 or Sue Nash at (909) 228-6710. Our walks are free and open to all. Children are welcome and you do not need to be a member of the Friends to join us on any of our walks.

WHERE TO MEET: All nature walks meet at the appointed time in the parking lot of the San Jacinto Wildlife Area headquarters at 17050 Davis Road, Lakeview. There are picnic tables and restrooms available if you want to spend the day.

FOR ALL WALKS: Bring binoculars, camera (if you are interested), non-toxic insect repellent, sturdy walking shoes, hat, sunscreen, plenty of water, lunch, snacks, and wear appropriate clothing for the weather.

TO VISIT THE SAN JACINTO WILDLIFE AREA:

Hours: The wildlife area is open seven days a week from Dawn to Dusk. You are welcome to visit on your own at any time. There is an Information Kiosk on the east side of Davis Road adjacent to the parking lot.

FALL HUNTING HOURS: The San Jacinto Wildlife Area is owned by the state of California and managed by the Department of Fish and Game. Hunting is allowed at all state-owned wildlife areas. Hunting fees which are collected at facilities throughout the state are used to manage wildlife habitat throughout the state.

Waterfowl Hunting: *October 18, 2008 through February 7, 2009; There will be ALL DAY waterfowl hunting on all Wednesdays and Saturdays. The Wetland Areas at the San Jacinto Wildlife Area will be closed ALL DAY ON WEDNESDAY AND SATURDAYS for non-hunting public use during the waterfowl season.*

Pheasant Hunting: *November 10, 17, 24, and December 1, 8, 15, 2008 (ALL Mondays), there is ALL DAY pheasant hunting throughout the wildlife area on the Mondays listed.* Please keep these dates in mind when you schedule your visits to the wildlife area and call the area staff at (951) 928-0580 during regular work hours if you have any questions regarding which areas might be closed.

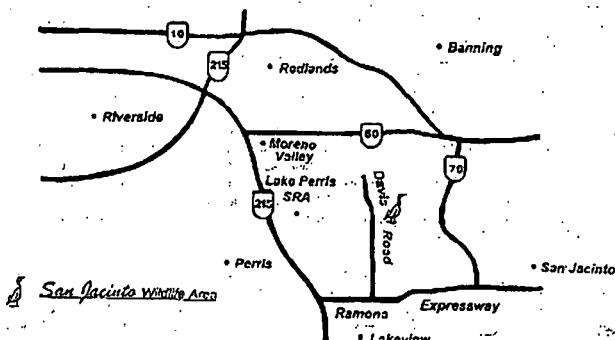
DIRECTIONS TO THE SAN JACINTO WILDLIFE AREA: San Jacinto Wildlife Area, 17050 Davis Road, Lakeview. Telephone: (951) 928-0580. **DAVIS ROAD IS CLOSED FROM MORENO VALLEY.** Please use one of these alternate routes to visit the San Jacinto Wildlife Area. *From*

Moreno Valley: go south on Perris Boulevard to the Ramona Expressway; go east on the Ramona Expressway to Davis Road in Lakeview; go north on Davis Road 2.3 miles to the headquarters. **From Hemet/San Jacinto Area:** take the Ramona Expressway west to Davis Road in Lakeview; go north on Davis Road 2.3 miles to the headquarters. **From Highway 215:** take the Ramona Expressway east to Davis Road in Lakeview (traffic signal); go north on Davis Road 2.3 miles to the area headquarters.

PLEASE USE CAUTION WHILE DRIVING ON DAVIS ROAD IF THERE HAVE BEEN RECENT RAINS. *Do not drive on Davis Road if it is muddy or it is raining. During the rainy season, please call the wildlife area headquarters, (951) 928-0580, during regular work hours to ask about road conditions.*

San Jacinto Wildlife Area

Vicinity Map



THANK YOU FOR YOUR DONATIONS: The Friends realize that we are fortunate to have supporters who continue to make donations to our organization year after year. Thank you for making it possible for the Friends to go forward with their work!

THANK YOU Ann McKibben and Sue Nash for folding, labeling, and sealing our spring newsletter.

WAIVER FORM: The Friends will be asking all walk participants to sign waiver of responsibility forms. Please be aware that minors (under the age 18) cannot sign the waiver. The signator must be a parent or other responsible adult. If you will not be with or are dropping off a minor at one of the Friends' nature walks, please call Sue Nash at (909) 228-6710 or e-mail her at: snash22@earthlink.net for a copy of the form so you can sign it and have the minor bring it with them. The form can also be found on our web page.

FRIENDS' WEB PAGE: Please check out the Friends' web page at: www.northfriends.org for information about our nature walks and updated "Take Action" information.

OTHER NEWS:

WHERE WE'VE BEEN SEEN: The Friends attended the May 17 Idyllwild Earth Fair held in Idyllwild where they hosted an information table about the San Jacinto Wildlife Area. Sue Nash hosted the table, talked to visitors and gave handouts to those who stopped by. Thank you to Sue for

spending the day at the festival and getting the word out about the San Jacinto Wildlife Area and the Friends!

SELF-GUIDED AUTO TOUR: a self-guided auto tour is available for visitors to use at the San Jacinto Wildlife Area. These reusable guides follow a series of signs and explain what can be seen at each of the seven stops. You can pick them up from a box which is adjacent to the entrance kiosk. You will find a "return" box for the guides sitting on the other side of the road as you leave the wildlife area.

TIRED OF OUR NEWSLETTER?: The Friends would be happy to remove your name from our mailing list if you no longer want to receive our newsletter. Send your name and address to: Friends of the Northern San Jacinto Valley, P.O. Box 9097, Moreno Valley, CA 92552-9097; e-mail: northfriends@northfriends.org or call Ann McKibben at (951) 924-8150 to have your name deleted. Our current newsletter is posted on the Friends' web page at: www.northfriends.org

UP-COMING EVENTS:

OCTOBER 18 (noon to 5 p.m.) & 19 (9 a.m. to 3 p.m.), 2008 – FALL PLANT SALE, UCR Botanic Gardens. Information: (951) 784-6962. www.gardens.ucr.edu

NOVEMBER 22 & 23, 2008 – WILDLIFE ART FESTIVAL, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands. Information: (909) 307-2669.

MAY 16, 2009 (10 a.m. to 3 p.m.) – DUCK DAZE, Hidden Valley Nature Center, 11401 Arlington Avenue, Riverside. Information: (951) 785-7452.

Photographs for this issue by: Anna Cadle, George Hague, Ann McKibben.



SJWA Plant Walk, April 2008

FRIENDS OF THE NORTHERN SAN JACINTO VALLEY
P.O. Box 9097
Moreno Valley, CA 92552-9097

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web page: www.northfriends.org

Board Members: Greg Ballmer, Jane Block, George Hague, Ann McKibben, Doug Morton, Sue Nash, Tom Paulek, Paul Prado

The Friends of the Northern San Jacinto Valley is a local conservation group dedicated to preserving and protecting the northern San Jacinto Valley, San Jacinto Wildlife Area, and Mystic Lake. We are a 501(c)(3) organization.

The Roadrunner comes out twice a year in February and September. It is written and edited by Ann McKibben, Sue Nash & Tom Paulek.

MEMBERSHIP FORM – Please enroll me as a contributing member of the Friends of the Northern San Jacinto Valley. I will contribute:

\$10.00 \$20.00 \$50.00 \$100.00 Gift Membership

Name _____

Address _____

City _____ State/Zip Code _____

Telephone _____ Date _____

e-mail _____

Make checks payable to: Friends of the Northern San Jacinto Valley

Mail to: Friends of the Northern San Jacinto Valley

P.O. Box 9097

Moreno Valley, CA 92552-9097

e-mail: northfriends@northfriends.org

The Friends is a 501(c)(3) organization.

The Roadrunner, September 2008

**FRIENDS OF THE NORTHERN
SAN JACINTO VALLEY**

**P.O. Box 9097
Moreno Valley, CA 92552-9097**

“Return Service Requested”

**Membership Renewal
October is the Month!**



Palm and Pine

A publication of the San Gorgonio Chapter of the Sierra Club
Serving Riverside and San Bernardino Counties



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FOUNDED 1892

Volume 39 Number 1

Protect America's Environment For our Families... For our Future

JANUARY—FEBRUARY 2009

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Interview With Dennis Schramm...*Superintendent of Mojave National Preserve*

By David Lamfrom

A Brief Introduction to Mojave National Preserve: To millions of drivers en route to or returning from Sin City, the Mojave National Preserve is a large green or brown area on a map, a desolate, rugged, barren landscape to be traversed. To those who have come to know "the Preserve" it is a 1.6 million acre desert mountain wonderland, teeming with wildlife, wildflowers, and wilderness; a place containing singing sand dunes, sweeping vistas, and arguably the finest night sky viewing in Southern California. The Mojave Preserve is a significant reservoir of cultural history dating back 8,000 years or more and is a haven of wilderness within a developing world, allowing current and future generations the opportunity to experience the vastness and diversity of the Eastern Mojave Desert.

Introducing Mr. Dennis Schramm

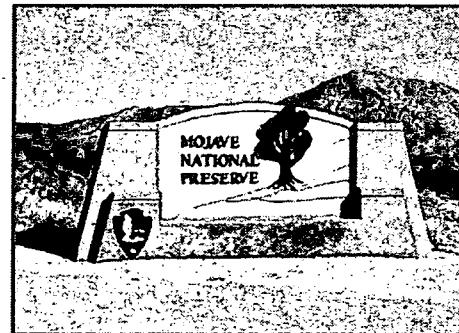
Dennis Schramm has been the superintendent of Mojave National Preserve for almost three years. He is a professional botanist who grew up in the Mojave Desert and has witnessed firsthand the population boom that impacts desert wildlands. Dennis—has worked for the

NPS for 31 years and has worked in Alaska as well as Santa Monica Mountains NRA. I have posed questions to Dennis in order to share the work being done at Mojave National Preserve. The National Parks Conservation Association (NPCA) would like to thank Dennis Schramm for taking the time to discuss the Mojave National Preserve with us.

David: Speaking to those who are unfamiliar with the Preserve, what is significant about Mojave National Preserve?

Dennis: Well, from the perspective of the enabling legislation, it is the natural and scenic resources including transitional desert elements that all come together here; it is the human history and the resources associated with Native Americans and westward expansion; and it is the opportunities for compatible outdoor recreation and to promote understanding of the Mojave Desert.

From my personal perspective I think the most significant thing is the preservation of 1.6 million acres of prime Mojave Desert ecosystem and the vast landscapes that are encompassed within the Preserve. Considering the develop-



Craig Deutsche/Desert Committee
The South Entrance to a National Treasure

ments being proposed today in the Mojave, it is so important that a large expanse of the Mojave Desert is permanently protected for future generations.

Your favorite destination in the Preserve?

Wow, that's kind of hard. There are so many different landscapes and vegetation types to explore. But I would have to say that the hike into the Castle Peaks is definitely one of the tops on my list.

In your lifetime, how has the Mojave Desert changed?

Population growth and the way peo-

(Continued on page 2)

Students—Join Now!

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Candidate 80th Assembly District
- Membership Application:.....11**
Not a member yet?

- Non-Sierra Club Classes.....12**
- Grey Frandsen Endorsement.....12**
Candidate 66th Assembly District

Membership Meetings

Tuesday, January 6

Mount Zirkel Wilderness

Mary Ann Ruiz, Chapter member and Chair of the Los Serranos Group will present the stunning scenery of the Mt. Zirkel Wilderness she experienced during her 9-day backpack last summer.

Tuesday, February 3

San Manuel Band of Mission Indians

Most know the San Manuel Band of Mission Indians is located above Highland, but few know much about their history and culture. James Ramos, Chairman of the Band will bring a wealth of information featuring song, culture and history.

Programs begin at 7:30 p.m. at the San Bernardino County Museum in Redlands

(California St exit 10 Fwy)

for almost three years. He is a professional botanist who grew up in the Mojave Desert and has witnessed firsthand the population boom that impacts desert wildlands. Dennis has worked for the

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In your lifetime, how has the Mojave Desert changed?

Population growth and the way people
(Continued on page 2)

Mount Zirkel Wilderness Area



Bighorn Lake
 Mary Ann Ruiz/Los Serranos Group

The Mount Zirkel Wilderness Area in Colorado is located in Routt National Forest and includes 160,000 acres between the elevations of 7,000 to 12,180 feet.

One of the five original Colorado wilderness areas designated by the 1964 Wilderness Act, Mount Zirkel was greatly enhanced by additions in 1980 and 1993 which augmented the ecological integrity of the wilderness by combining vital low-elevation forests and rivers with the rocky alpine spine of the Park Range.

Major rivers flow from countless glacial lakes along this northernmost stretch of Colorado's Continental Divide. Mount Zirkel and its lakes owe their current shape to Pleistocene glaciation 15,000 years ago.

One significant attribute of Mount Zirkel lies in its miles of river valleys. The two major rivers in the wilderness, the Elk and the Encampment have both been proposed for official designations as wild and scenic rivers by the Forest Service, and offer many miles of lovely valley hiking.

San Manuel Band of Mission Indians



James Ramos, Chairman of the San Manuel Band of Mission Indians

The program will feature the song, culture, history and present status of the San Manuel Band, which has lived peacefully with Mother Earth for thousands of years. The land they inhabited has helped to shape their culture, traditions and present lives. The people at the San Manuel reservation trace their ancestry to the indigenous people of the San Bernardino highlands, passes, valleys, and mountains who the Spaniards collectively called the Serrano, a term meaning highlander. The Serrano looked to nature and the land to provide the necessities of life including shelter, clothing, food and plants used for medicine. Those Serrano who lived at Yuhaviat, an area of pine trees near present day Big Bear Lake were called the Yuhaviatam or the People of the Pines. Members of the San Manuel Band of Mission Indians are descended from the Yuhaviatam and like their ancestors - they maintain a special connection to the land.

In 1891 with passage of the Act for Relief for Mission Indians the San Manuel reservation was established and recognized as a sovereign nation with the right of self-government. The San Manuel reservation was named in honor of its courageous leader, Santos Manuel, and henceforth the tribe was recognized as the San Manuel Band of Mission Indians. Today the San Manuel reservation is just over 800 acres and is located in the foothills of the San Bernardino Mountains in California, just north of the city of Highland.

Sierra Club's Climate Recovery Agenda

By Carl Pope

Our Next Steps: In 2008, Americans chose change. "New Energy for America" trumped "Drill, Baby, drill," marking a major change across the country.

Now that the celebrations are done, we must roll up our sleeves and get to work. Barack Obama's top priority is investment in clean energy and energy efficiency in order to jumpstart our economy, create green jobs and make us more secure – and the Sierra Club's Climate Recovery Agenda closely follows that priority. Energy is now a national priority, and it's clear that the steps we need to take to help our economy recover will also help our climate recover.

The Sierra Club's Climate Recovery Agenda: Fixing our economy, transforming our energy future, slowing and ultimately reversing climate change and its consequences will require a clear agenda and aggressive timetable that will allow us to repower, refuel and rebuild America.



The Sierra Club's Climate Recovery Agenda will help our economy recover, reduce our dependence on foreign oil, cut carbon emissions 80% by 2050, and protect our natural heritage, communities and

(Continued on page 2)

CLIMATE

(Continued from page 1)

country from the consequences of global warming.

Putting our planet on the path to economic and climate recovery will require Congress, working with the Obama Administration, to:

- Invest \$150 - 500 billion in clean energy to create millions of new, high quality jobs.
- Reduce our dependence on oil by increasing vehicle fuel efficiency, increasing the use of alternative fuels, and deploying innovative transportation technology like plug in hybrids.
- Move America to 100% renewable energy for electricity and dramatically increase the efficiency of our buildings and homes.
- Tackle global climate change by establishing an economy-wide cap on carbon emissions. Ensure that carbon permits are auctioned.
- Take action that acknowledges the consequences global warming is already having and the need to protect vulnerable communities, wildlife and their habitat from drought, intense flooding, wildfires and the other changes we are already experiencing.

Congress' first step working with Obama Administration should be serious investments in high performance technologies and energy productivity improvements that will create millions of immediate jobs. Public and private building energy upgrades, mass transportation improvements and grid modernization should also be part of any economic recovery package.

America can lead by example. By taking actions at home, we can provide leadership on the international stage to both work with and be competitive with other nations. This agenda will be hard work, but the good news is that these are

DENNIS SCHRAMM

(Continued from page 1)

people use the desert have changed a lot. Of course Las Vegas has grown substantially since I went to school and college there in the 60's and 70's. This surge of people has caused unprecedented development in the Vegas valley and the Victor Valley/Lancaster areas.

Have attitudes towards the Mojave changed?

I'm not sure if attitudes overall have changed, but a lot more people seem to be interested in motorized recreation, whether it is jet skis on Lake Mead and the Colorado River, or four wheel drive vehicles in OHV areas. There is still a core population of folks who prefer a more intimate experience with the desert, but their voices don't seem as loud as in the 60's.

In your tenure, what do you consider to be the greatest victories or achievements attained?

Well, I have to include in my tenure my first seven years here as the planner and management assistant. Of course, my first major accomplishment was completion of the General Management Plan in 2001. During those first years we also removed 4,000 feral burros and around 8,000 cattle (all with donated funds!). Restoration of the Kelso Depot and opening it as our main visitor center has been a significant achievement and remains a tremendous opportunity for visitor contact. Mojave achieved a 99% visitor satisfaction rate last year and a lot has to do with the Kelso Depot and staff that work there.

I'm also proud of the work we are doing to reduce our impact on the environment. We now have eleven solar systems operating around the Preserve and this year will eliminate the last diesel generator from the Preserve. This year we also converted all our maintenance equipment to bio-based fluids and greatly expanded our recycling program. Finally I would have to say that the

staff we have hired are among the best around and we accomplish a great many things each year due to their hard work and dedication.

What do you consider to be the greatest threats to Mojave National Preserve?

I think most of our threats today are originating outside the Preserve, some from sources that you wouldn't have suspected. Obviously, the proposed Southern Nevada Supplement Airport just north of Primm poses major threats to the natural quiet of the Preserve if it is built. Then there are the hundreds of solar and wind energy applications filed all over the desert. Mojave has nine proposals surrounding it in California. The Ivanpah Solar is moving rapidly through the permitting process. It lies on the bajada just east of Clark Mountain. They propose to clear nearly 9,000 acres for solar energy development, the majority of which is wet solar. They would heat water to produce steam by pointing mirrors at several 450 foot tall towers. Then they would burn natural gas at night to keep the water warm. We've learned recently that some of the projects are proposing new utility rights of way through the Preserve to connect with grid.

Why? How can these challenges be best addressed?

The public needs to speak up at the hearings for these projects. As a federal agency we can only do so much. We raise our concerns at every opportunity, but we are also thinking ahead to mitigation if the projects do get built. It is important for the public to learn the details about these proposals and know how these projects will affect the future of the Mojave Desert.

Looking forward, what are your goals and priorities for improving Mojave National Preserve?

This could go on for a while! There are several areas that we have identified for the future. One obvious opportunity is the National Park Service Centennial Celebration in 2016. A major initiative is already under-

(Continued on page 11)

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America can lead by example. By taking actions at home, we can provide leadership on the international stage to both work with and be competitive with other nations. This agenda will be hard work, but the good news is that these are proven ways to face our economic and environmental challenges – and the solutions help everyone.

Preserve The Future

Not everyone can make a large gift to protect the environment during their lifetime, but you can preserve the environment for generations to come by remembering the Sierra Club in your will.

There are many gift options available. We can even help you plan a gift for your local Chapter.

For more information and confidential assistance, contact:

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85 Second Street, 2nd Floor
San Francisco, CA 94105
(800) 932-4270
planned.giving@sierrachub.org

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Group and Section News

Moreno Valley Group

By Ann McKibben

According to Moreno Valley city planning staff, the Highland Fairview Corporate Center project will probably go before the city's planning commission early next year. The city released the draft environmental impact report (DEIR) in August 2008; comments were due on September 19. The project proponent wants to build a 2.42 million square foot logistic center for Skechers Shoes along the southern edge of Highway 60 between Redlands Boulevard and Theodore Street in eastern Moreno Valley. Concerns are: increased truck traffic which will occur if this project and two other logistic centers are built along Highway 60. Also, increased air pollution, diesel particulates and their effects on local air quality is a huge concern as are health effects. Please contact project planner Mark Gross, Moreno Valley Planning Department, (951) 413-3222 to confirm dates and times for the public hearings. Also, please take time to attend the Planning Commission hearing and Moreno Valley City Council meeting and let them know that you are concerned about the severe health effects, traffic, and changes in land use designations this project will have. You can call Mr. Gross for more information on the project. And you can also call George Hague, Group Conservation Chair at (951) 924-0816, or e-mail the Moreno Valley Group at: movalleygroup@yahoo.com for information on when the Planning Commission and/or City Council hearings will be held. Planning Commission and city council meetings agendas can be found at: <http://www.moreno-valley.ca.us/>

Two new city council members were elected in Moreno Valley's November election. Robin Hastings was elected to represent Moreno Valley's 3rd District (which covers the eastern portion of Moreno Valley where the Highland Fairview projected is proposed to be built). She replaces Frank

Association accepted \$263,000 from Highland Fairview developer Iddo Benzeevi and \$100,000+ from local real estate businessman Jerry Stephens of Diversified Real Estate. The treasurer for the Moreno Valley Taxpayers Association is Moreno Valley Planning Commission member Michael Geller. Mr. Geller is also a law partner with Moreno Valley City Councilmember Richard Stewart. In other election news, the Moreno Valley Utility User's Tax overwhelming passed in the November election.

McAnally Chicken Ranch Conditional Use Permit (CUP) No. 3512 is on the fast track for approval by Riverside County. According to planning staff, the project will bypass a hearing before the Riverside County Planning Commission and will go directly to the Riverside County Board of Supervisors for approval. No reason was given for fast-tracking the project. The Friends of the Northern San Jacinto Valley sent a letter to the Riverside County Planning Department Director Ron Goldman and Supervisor Marion Ashley requesting that the project be heard before the county Planning Commission. No one replied to the request. The ranch, if approved, would house 2.2 MILLION chickens adjacent to the San Jacinto Wildlife Area where thousands of waterfowl and shorebirds winter each year. Major concerns regarding the project are the spread of avian flu, water quality degradation, locating an industrial scale poultry facility next to the San Jacinto Wildlife Area (a cornerstone reserve in the Riverside County Multiple Species Habitat Conservation Plan) plus locating such a huge facility adjacent within feet of the flood plain of the San Jacinto River. Comments on the draft environmental impact report were due on November 9, 2008. In order to build The Villages of Lakeview project the developer (Lewis Operating Corp) has to relocate an existing chicken ranch. It will be

for updated information. The Friends of the Northern San Jacinto Valley also have information posted on their web site: www.northfriends.org

The Riverside County Planning Commission held an all day workshop on The Villages of Lakeview project at their October 15, 2008 commission meeting. Planning staff spent the morning hours giving presentations on various aspects of the project.

freeway and expose them to high levels of air pollution. The 'old' Cajalco Road would remain in place, meaning that Cajalco and the Mid County Parkway would be parallel routes and disrupt the rural landscape for homeowners. You can log onto the web site for the project at: <http://www.midcountyparkway.org/> You can also review DEIR documents at their web site. For more information call the RCTC at (951)



Janet Deen/Moreno Valley

Moreno Valley Group hike to Olive Mountain Peak in Moreno Valley.

After a lunch break the Lewis Operating Corp (LOC), proponents of the project, spent the afternoon touting the virtues of LOC and explaining the quality and value of their project. The workshop completely ignored talking about any issues related to placing 3,000 high density units between the San Jacinto Wildlife Area and the Ramona Expressway or how locating these units would be beneficial to the San Jacinto Wildlife Area. There was no discussion of putting

787-7141. Project manager is Cathy Bechtel. Or you can call George Hague, Group Conservation Chair at (951) 924-0816, or e-mail the Moreno Valley Group at: movalleygroup@yahoo.com for updated information.

Save Our Skyline: Box Springs thru the Badlands is a group based in Moreno Valley committed to preserving the city's northern skyline. Meetings are the third Tuesday of every month at the Coffee Grinder, 23580 Sunnymead Blvd. For more information, call

meetings agendas can be found at: <http://www.moreno-valley.ca.us/>

Two new city council members were elected in Moreno Valley's November election. Robin Hastings was elected to represent Moreno Valley's 3rd District (which covers the eastern portion of Moreno Valley where the Highland Fairview project is proposed to be built). She replaces Frank West who has served for many years. Ms. Hastings is chief of staff for Riverside County Supervisor Marion Ashley. Jesse Molina was elected to represent the 1st Dis-

Riverside County Multiple Species Habitat Conservation Plan) plus locating such a huge facility adjacent within feet of the flood plain of the San Jacinto River. Comments on the draft environmental impact report were due on November 9, 2008. In order to build The Villages of Lakeview project the developer (Lewis Operating Corp) has to relocate an existing chicken ranch. It will be merged with another facility and relocated to the Bridge Street location if the approval process goes forward. If you have questions regarding the project, please contact: Matt



George Hague/Moreno Valley

Scenic view of Lake Perris State Recreation Area

trict defeating long-time city councilmember Charles White. Both Mr. West and Mr. White were targeted by the Moreno Valley Taxpayers Association who claimed that traffic and crime had risen Districts 1 and 3. According to a November 5, 2008 article in The Press-Enterprise, the Moreno Valley Taxpayers Association spent over \$350,000 to unseat both West and White. Apparently, crime and traffic issues only occur in Districts 1 and 3 of the city and stay within council district lines. Councilmember William Bate was unopposed and won reelection for the 5th District. He was not targeted by the group. According to an October 17, 2008 article appearing in The Press-Enterprise, the Moreno Valley Taxpayers

Straite, Riverside County Planning Department, 4080 Lemon Street, 9th Floor, P.O. Box 1409, Riverside, CA 92502-1409, (951) 955-8631. Please take time to voice your concerns about this project and the effects it will have on the northern San Jacinto Valley and the San Jacinto Wildlife Area. You can also help by attending the public hearing before the board of supervisors. If you are following this project, you can check the Board of Supervisors' web page for their agenda at: <http://www.clerkoftheboard.co.riverside.ca.us/agendas/2008.htm> You can also call George Hague, Group Conservation Chair at (951) 924-0816, or e-mail the Moreno Valley Group at: movalleygroup@yahoo.com

the afternoon touting the virtues of LOC and explaining the quality and value of their project. The workshop completely ignored talking about any issues related to placing 3,000' high-density units between the San Jacinto Wildlife Area and the Ramona Expressway or how locating these units would be beneficial to the San Jacinto Wildlife Area. There was no discussion of putting compatible land uses adjacent to the wildlife area and existing homeowners in Lakeview. Around 3:30 in the afternoon the public was allowed to make comments on the proposed project with 3 minutes allotted to each person speaking. George Hague, Group Conservation Chair, made comments as did Ilene Anderson from the Center for Biological Diversity, Tom Paulek, conservation chair for the Friends of the Northern San Jacinto Valley, and Ann McKibben from the FNSJV. Members of the UCCRC citizen's group in Nuevo and other members of the public made comments expressing their concerns about the project and how it would affect existing landowners in the community. A few people spoke in support of the project. For more information on the project, contact project planner Matt Straite, Riverside County Planning Department at (951) 955-8631. You can check for planning commission agendas at: http://www.rctlma.org/planning/content/hearings/pc/current_pc.html The Friends of the Northern San Jacinto Valley have information posted at their web site: www.northfriends.org According to county planning staff, the draft environmental impact report for the project will be released in the summer of 2009.

The draft environmental document for the Mid County Parkway (MCP), a Riverside County Transportation Commission (RCTC) project which plans to expand the Ramona Expressway from the city of San Jacinto to the city of Corona as a six to eight lane road, was released on October 10, 2008. Three public meetings were held in October and two public hearings were held in November. Because of the large number of documents to review for the project, the deadline for comments was postponed until January 8, 2009. The preferred project route would displace about 100 homes, a fire station and businesses in the city of Perris. It would leave existing homes next to the new

servation Chair at (951) 924-0816, or e-mail the Moreno Valley Group at: movalley-group@yahoo.com for updated information.

Save Our Skyline: Box Springs thru the Badlands is a group based in Moreno Valley committed to preserving the city's northern skyline. Meetings are the third Tuesday of every month at the Coffee Grinder, 23580 Sunnymead Blvd. For more information, call Dan Clark at (951) 924-2545 or e-mail saveourskyline@roadrunner.com

For current outings offered by the Moreno Valley Group, please check our web page at: <http://sangorgonio.sierraclub.org/moreno-valley/index.html>

The Moreno Valley Group is selling Sierra Club calendars to support our activities. Please contact Theresa Carson at (951) 242-4752 or e-mail us at: movalley-group@yahoo.com if you would like to buy some calendars.

The city of Moreno Valley Parks and Community Services Department Recreational Trails Board is sponsoring a "Hike to Terri Peak" on January 24, 2009. They will meet at 8:30 a.m. at Landmark Middle School, 15261 Legendary Drive. Please call the department at (951) 413-3702 for more information.

Winter provide wonderful opportunities for bird watching, hiking, and wildlife photography in the northern San Jacinto Valley. To visit the wildlife area take Interstate 215 south past the March Air Reserve Base, exit at the Ramona Expressway; drive east to Davis Road in Lakeview; go north 2.2 miles until you come to the wildlife area entrance gates (17050 Davis Road, Lakeview). The wildlife area is open from dawn to dusk seven days a week. Wetland areas are closed for hunting all day Wednesdays and Saturdays through February 7, 2009. Please call the wildlife area office for more information at (951) 928-0580. Please check www.northfriends.org for current nature walks at the San Jacinto Wildlife Area.

The Moreno Valley Group has many issues to follow, and we are looking for more volunteers. Any amount of time you could contribute would be appreciated. For more information on group meetings and volunteering with the Moreno Valley Group, contact Ann McKibben at (951) 924-8150, Theresa Carson, (951) 242-4752 or George Hague at (951) 924-0816 or e-mail us at: movalley-group@yahoo.com.

Group and Section News

Mojave Group

By Jenny Wilder

Mojave Group ExCom Election Results

Many thanks to the dedicated members who submitted their ballot in a timely manner. We all give Melody a warm welcome to the Mojave Group Excom. Melody takes over from Bill as the Outings Chairperson in January. We hope to continue to be inspired by Bill's outings, Highway Cleanup and leadership for the Wednesday Evening Walks. Our current Excom is as follows: Jenny Wilder, chair; Carol Wiley, vice Chair; Kim Floyd, Conservation; Estelle Delgado, Membership & Chapter Excom delegate; Bryan Baker, Treasurer/website; Adriana Durbin, Secretary; Melody Nichols, Outings Chair.

We also have a great mix of outings leaders and volunteers who help to keep the Mojave Group moving along smoothly. Our ExCom meeting on January 7, 2009 will be an annual planning meeting and all members are welcome to attend. We seek a "Hospitality Chairperson" for our regular monthly meetings (2nd Weds of the month). The Hospitality Chairperson is a volunteer who is responsible for making sure we have refreshments at our monthly meetings. This can be done by making a roster of people willing to take their turn or by providing the refreshments him/herself with the aid of a donation can and/or group funds.

Hacienda at Fairview Valley Proposal

On November 18, 2008 the County of San Bernardino and Strata Equity

Use Services Dept. in San Bernardino. It will also be posted on the SBLUSD website at www.sbcounty.gov/landuseservices. There will be a public hearing, the date of which will be sent to all property owners and residents within 1,300 feet of the proposed project and other persons expressing an interest in the project. Notice of Completion of the Draft EIR starts a 45-calendar day public review period.

The environmental consequences of this project are HUGE, and are not confined to 1,300 feet of the project boundary. The issue of water alone is of concern to all residents in the Victor Valley, but especially to those whose water is supplied by Apple Valley Ranchos Water Company.

This is a current description of the proposed project: "The Hacienda at Fairview Valley Specific Plan encompasses 1,557 acres and proposes a master planned residential community with opportunities for equestrian, family-oriented, and active adult (55+) lifestyles. The Specific Plan provides a mix of approximately 3,114 residential units, 15 acres of Neighborhood Commercial uses, and approximately 336 acres of Parks/Recreation/Open Space. The land uses would be linked together through a network of multi-use trails and pedestrian paths, parks, greenbelts, water features, and natural open space. In addition, the project proposes three overlay districts to allow opportunity for expanding uses, including a Golf Course Overlay, and Equestrian Overlay, and a commercial Overlay."

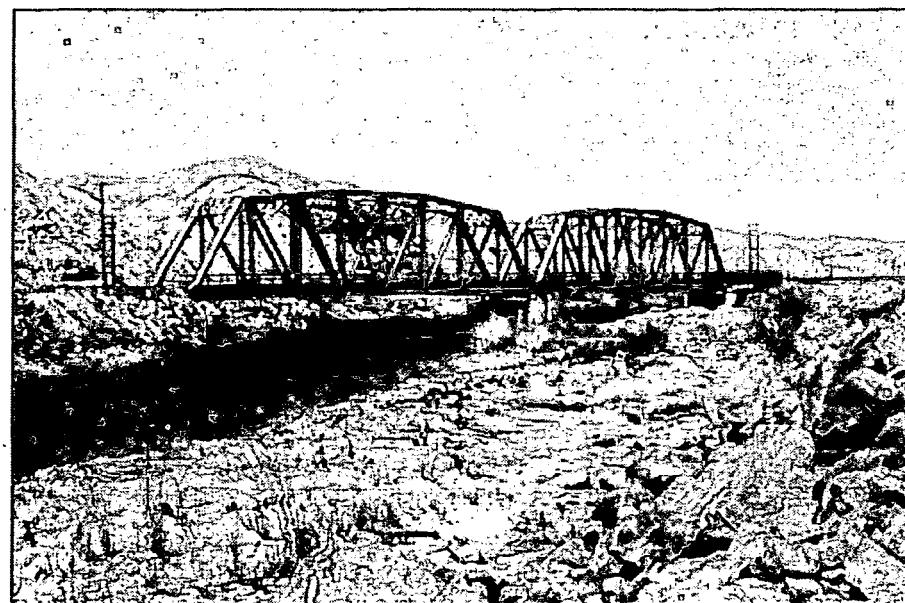
anyway. You are not alone. Write to the county to express your interest in the project and to get on their list so that you are informed about updates: Doug Feremenga, AICP, Senior Planner, 385 North Arrowhead Avenue, First Floor, San Bernardino, CA 92415-0182 or call (909) 387-4147 or email dferemenga@lusd.sbcounty.gov. Mojave Group members may also email Jenny at JensOasis@aol.com to get updates on meetings etc.

Update from the Friends of Juniper Flats

The Juniper Flats Area is an important trans-mountain habitat with numerous seeps and springs which attract wildlife as well as humans. At least three streams have year round

The designated vehicle routes in the region have been signed with open route markers. Unfortunately, this means little to some ATV riders who like to engage in hill climb activity and making their own trails. The Friends of Juniper Flats have developed an Adopt a Trail program to document and report this illegal activity. Each trail takes about 4 hours to complete in the field and there is an expectation that you would do so 2-4 times a year.

Please become a paying member of the Friends of Juniper Flats (\$5), enjoy the area and perhaps adopt a trail so that we can adequately document the damage to the habitat and especially in the riparian areas. Some of the trails require hiking or use of a motorcycle.



Mojave River in Afton Canyon Natural Area

surface water in places along their stretch in most years (2008 was no exception). This area is located to the

Others may be driven in a car and some require 4x4. If you are unable to volunteer in the field but you have ability for

roster of people willing to take their turn or by providing the refreshments him/herself with the aid of a donation can and/or group funds.

Hacienda at Fairview Valley Proposal

On November 18, 2008 the County of San Bernardino and Strata Equity

and pedestrian paths, parks, greenbelts, water features, and natural open space. In addition, the project proposes three overlay districts to allow opportunity for expanding uses, including a Golf Course Overlay, and Equestrian Overlay, and a commercial Overlay."



Kelso Dunes, largest field of eolian sand deposits in the Mojave Desert.

Group held a public meeting called an EIR Public Scoping Meeting. They did a good job of describing the public process for this project to be able to move forward. The next step is for the county and independent EIR consultants (RBF consulting-John E. Gifford) to prepare and distribute the DRAFT EIR. This document will be distributed to the appropriate state, regional and local agencies for their review and comment.

The Draft EIR will also be available for public review at the San Bernardino County Library (Apple Valley Newton T. Bass Branch on Dale Evans Prky), and at the San Bernardino Land

The zoning at present is for rural lifestyle, and most of the surrounding lots are 2.5 acres or more and have their own well. Some of the subject property shares a boundary with public lands. If all the lots were 1 acre there would perhaps be 1,557 houses. This area is not within the Town of Apple Valley limits, it is in the County area. Many projects such as this one require a change in the County General Plan. This seems to happen rather suddenly, but in fact it happens because neighbors are not generally aware of the environmental consequences, they don't have time, or simply feel that they are alone and can't do anything



Mojave River in Afton Canyon Natural Area

surface water in places along their stretch in most years (2008 was no exception). This area is located to the south of Apple Valley east of the Mojave River to where Highway 18 runs past the Mitsubishi Cement Plant and north of the San Bernardino National Forest.

The area is managed by the Bureau of Land Management and represents a major 'open space' for residents of the Victor Valley. The area has been devastated by several fires including the Devil Fire and more recently the Willow Fire in 1999. Junipers that survived the fires are just now recovering significantly and other vegetation including trees such as ash and cottonwood in the riparian areas are gaining height and strength. 3 types of Yucca, a virtual wealth of wildflowers and native bunch grass contribute to the exceptional beauty of the region.

As if that is not enough, you will enjoy tremendous views of the valley and surrounding mountains as well as fields of huge boulders to clamber over and which provide shelter on a hot, cold or windy day! The area has been used by humans for thousands of years and some important archaeological sites are protected by the designation as the Juniper Flats Area of Critical Environmental Concern (ACEC). An ACEC is the BLM's highest level of management for an area.

We will enjoy a hike in the upper section of Arrastre Canyon on January 11, 2009 and in the ACEC on February 28, 2009. We are also planning a service day to pick up trash (more of a 4x4 activity). See the Outings Calendar for more information and updates and join us to discover the serenity and beauty of the Juniper Flats Area!

Others may be driven in a car and some require 4x4. If you are unable to volunteer in the field, but you have ability for organizing, we need someone to then document the findings from each Adopt a Trail visit (computer use required). Contact Jenny Wilder Jen-Oasis@aol.com or 760 220 0730 for a map of the open route system and more information. Please send your membership dues \$5 to Friends of Juniper Flats, Treasurer, P.O. Box 83, Apple Valley, CA 92307.

Youth in the Desert Hikes

We continue to offer hikes for families and often they fill up fast. Early registration for the hikes and campouts is highly recommended. Visit the Calendar section to see where we are going in January and February! Contact Melody Nichols at Labeled-lady@msn.com or 760 963 4430 to join the email list for updates. Thank you Melody! We also encourage families to call the leader of regular Sierra Club Outings to see if their hike is youth/child friendly. Explore, Enjoy, Protect!

4x4 Adventures

Estelle and a select group of volunteers monitor designated Wilderness Areas in the Mojave Desert. Designation as Wilderness takes an act of Congress and is not lightly done. The areas have unique qualities that may not always be apparent. They are well worth exploring! Thank you Estelle. To find out more about this monitoring effort and/or to join the team of volunteers (which could be called the Mojave Group 4x4 Rovers) contact Estelle at estelledelgado@verizon.net 760 241 7327.

Calendar of Outings, Meetings, and Other Events

JANUARY—FEBRUARY 2009

The outings calendar is available on the Internet at <http://sangorgonio.sierraclub.org>

CALENDAR SUBMISSIONS

DEADLINE: Items for the MARCH/APRIL 2009 Calendar are due by February 5. FORMAT items similar to those below. Send items electronically if possible.
SUBMISSIONS: Except for below, send to ralphsalisbury@att.net
OUTINGS: Send outings write-ups to your group or section Outings Chair.
MEETINGS and other events: Send to iwfladd@eee.org

GENERAL INFORMATION, RULES AND DISCLAIMERS

All Outings Leaders are Chapter Certified Leaders having appropriate Outings Training Courses, First Aid Courses, and experience for the Outings they lead. LEADERS may exclude individuals from participation if they believe they may not be qualified. Non-Sierra Club members may join outings unless otherwise stated in the write-up. All participants agree to abide by the Leader's rules. Participants should CALL THE LEADER AHEAD TO SIGN-UP.

WHAT TO BRING

Many Outings specify items to be carried by EACH participant. Do not attend Outings without the specified items unless you have first discussed it with the leader. Often the TEN ESSENTIALS are required. They are: 1) map, 2) compass, 3), flashlight, 4) knife, 5) windproof/waterproof matches in waterproof case, 6) fire starter, 7) first aid kit, 8) extra food and water for emergency use only, 9) extra clothing including rainwear, and 10) sun protection including sunscreen/sunglasses/hat.

ADVENTURE PASS SPECIAL NOTICE

Outings occurring in the San Bernardino, Angeles, Cleveland, or Los Padres National Forests require a Forest Service "Adventure Pass" for each vehicle. These Outings will be preceded by ** in the listings that follow. Be sure to contact the leader regarding permits. The permits cost \$30 per year or \$5 per day, however they may not be obtainable the day of your outing. If you arrive at the meeting place without making arrangements with the leader and you don't have a pass or find a ride in a vehicle with a pass, you will not be able to attend the outing. You are expected to share the cost of the daily passes equally with the others in the vehicle. A \$.50 contribution from everyone in the vehicle is reasonable for annual passes (above normal mileage contribution). America The Beautiful Interagency Passes may be used in lieu of the Adventure Pass.

CARPOOLING POLICY

In the interests of facilitating the logistics of some outings, it is customary that participants make carpooling arrangements. The Sierra Club does not have insurance for carpooling arrangements and assumes no liability for them. Carpooling, ride sharing, or anything similar is strictly a private arrangement among the participants. Participants assume the risks associated with this travel. Drivers should have adequate insurance coverage and their vehicles should have no safety defects. Drivers of carpools agree to not consume any alcoholic beverages. It is customary for riders to share expenses with the driver. Ten cents per mile per person for short trips is suggested while six cents per mile per person over 100 miles is usually reasonable.

LIABILITY WAIVER

In order to participate on one of the Sierra Club's outings, you will need to sign the following liability waiver.

Sign-In Sheet & Acknowledgment of Outing Member Responsibility,

Express Assumption of Risk, and Release of Liability

I understand that during my participation in this Sierra Club Outing, I may be exposed to a variety of hazards and risks, foreseen or unforeseen, which are inherent in each Outing and cannot be eliminated without destroying the unique character of the Outing. These inherent risks include, but are not limited to, the dangers of serious personal-injury, property damage, and death ("Injuries and Damages") from exposure to the hazards of travel and the Sierra Club has not tried to contradict or minimize my understanding of these risks. I know that Injuries and Damages can occur by natural causes or activities of other persons, animals, trip members, trip leaders and assistants or third parties, either as a result of negligence or because of other reasons. I understand that risks of such Injuries and Damages are involved in adventure travel such as

(2ND MON) 7:00 PM **SB MOUNTAINS GROUP** **MEETING**
 Monthly program meeting. No meeting in August or December. PLACE: St. Richard's Episcopal Church, 28708 Highway 18, Sky Forest. INFO: DAVE BARRIE, (909) 337-0313. SB MOUNTAINS GRP

(2ND TUE) 7:00 PM **CHAPTER CONSERVATION COMMITTEE** **MEETING**
 (In July only the meeting will be the 3rd Tuesday, July 18.) Monthly meeting. Take part in working on important conservation issues. Please come: we need your help! PLACE: San Gorgonio CHAPTER Office, 4079 Mission Inn Ave., Riverside. INFO: KIM FLOYD, Conservation Chair, kimfloyd@verizon.net, (760) 249-5385. CHAPTER

(2ND WED) 7:00 PM **MOJAVE GROUP** **MEETING**
 Monthly meeting except for July and August. PLACE: Sterling Inn, Regency Room, 17738 Francesca, Victorville. (One block north of Bear Valley Rd. on Ridgecrest.) Enter on Ridgecrest side of the building. INFO: CAROL WILEY, (760) 245-8734, earthlingwiley@aol.com MOJAVE GROUP

(3RD TUE) 6:00 PM **SAN JACINTO VALLEY (HEMET) CONS COMMITTEE** **MEETING**
 Monthly conservation meeting. The public is welcome. LOCATION: Call or email for location and directions. CONTACT: SHAULI ROSEN-RAGER, (951) 767-2203, gardens@netzon.net. SAN JACINTO VALLEY (HEMET) CONSERVATION COMMITTEE

(3RD TUE) 6:30 PM **BIG BEAR GROUP** **MEETING**
 Monthly meeting. INFO: For current program information, please visit the Group web site www.sierraclubbigbeargroup.org. PLACE: Big Bear Discovery Center, 40971 North Shore Dr. (Hwy. 38), FawnSkin. CONTACT: CHRISTIE WALKER, (909) 866-5006. BIG BEAR GROUP

(3RD TUE) 7:00 PM **LOS SERRANOS GROUP** **MEETING**
 Monthly meeting except August. The public is welcome. Refreshments will be served. PLACE: Educational Building, Upland Presbyterian Church, Euclid Ave. at 11th. INFO: MARY ANN RUIZ, (909) 628-1285. LOS SERRANOS GROUP

(3RD THU) 6:00 PM **TAHQUITZ GROUP** **MEETING**
 Monthly meeting except June to September. PLACE: Portola Community Center, 45480 Portola, Palm Desert (Three blocks south of 111 at Shadow Mountain) Enter parking lot from Shadow Mountain east of Portola. INFO: MICHAEL HOWARD (760) 323-1050. TAHQUITZ GROUP

(4TH TUE) 7:00 PM **SAN GORGONIO CHAPTER EXCOM** **MEETING**
 Chapter governance meeting. PLACE: The San Gorgonio Chapter office, 4079 Mission Inn Ave., Riverside. INFO: RICK ESTES 951-314-3328 <rickestes_92595@yahoo.com> CHAPTER

WEEKLY REOCCURRING FITNESS ACTIVITIES

Please read "LIABILITY WAIVER" preceding these listings

MON 6:00 PM: RIVERSIDE MT. RUBIDOUX ONE HOUR FITNESS **WALK**
 MEET: Ninth Street entrance to Mt. Rubidoux. INFO: JUDY SMITH (951) 369-5117. SAN GORGONIO SIERRA SINGLES

WED 7:00 PM: MOJAVE GROUP, VICTOR VALLEY **WALK**
 Conditioning walk every Wednesday except Group meeting night on the 2nd Wednesday of the month. Walks are paced for participants. Enjoy the evening air, river breeze, sunsets, stars and moon on a three mile walk around Jess Ranch and along the Mojave River. MEET at the Victor Valley Museum in Apple Valley. INFO: BILL SPRENG (760) (951) 4520, bspreng@verizon.net or JENNY WILDER (760) 220-0730, jensoasis@aol.com. MOJAVE GROUP

DECEMBER 15 – DECEMBER 21

Please read "LIABILITY WAIVER" preceding these listings
 (Also refer to Weekly reoccurring Outings & Activities)

Express Assumption of Risk, and Release of Liability

I understand that during my participation in this Sierra Club Outing, I may be exposed to a variety of hazards and risks, foreseen or unforeseen, which are inherent in each Outing and cannot be eliminated without destroying the unique character of the Outing. These inherent risks include, but are not limited to, the dangers of serious personal injury, property damage, and death ("Injuries and Damages") from exposure to the hazards of travel and the Sierra Club has not tried to contradict or minimize my understanding of these risks. I know that Injuries and Damages can occur by natural causes or activities of other persons, animals, trip members, trip leaders and assistants or third parties, either as a result of negligence or because of other reasons. I understand that risks of such Injuries and Damages are involved in adventure travel such as Sierra Club Outings and I appreciate that I may have to exercise extra care for my own person and for others around me in the face of such hazards. I further understand that on this Outing there may not be rescue or medical facilities or expertise necessary to deal with the Injuries and Damages to which I may be exposed.

In consideration for my acceptance as a participant on this Outing, and the services and amenities to be provided by the Sierra Club in connection with the Outing, I confirm my understanding that:

- I have read any rules and conditions applicable to the Outing made available to me; I will pay any costs and fees for the Outing; and I acknowledge my participation is at the discretion of the leader.
- The Outing begins and ends at the location where the Outing officially commences with leader and participants in attendance, as designated by the Sierra Club ("Trailhead"). The Outing does not include carpooling, transportation, or transit to and from the Trailhead, and I am personally responsible for all risks associated with this travel. This does not apply to transportation provided by the Sierra Club after the commencement and before the end of the Outing.
- If I decide to leave early and not to complete the Outing as planned, I assume all risks inherent in my decision to leave and waive all liability against the Sierra Club arising from that decision. Likewise, if the leader has concluded the Outing, and I decide to go forward without the leader, I assume all risks inherent in my decision to go forward and waive all liability against the Sierra Club arising from that decision.
- This Agreement is intended to be as broad and inclusive as is permitted by law. If any provision or any part of any provision of this Agreement is held to be invalid or legally unenforceable for any reason, the remainder of this Agreement shall not be affected thereby and shall remain valid and fully enforceable.
- To the fullest extent allowed by law, I agree to **WAIVE, DISCHARGE CLAIMS, AND RELEASE FROM LIABILITY**, and to **INDEMNIFY AND HOLD HARMLESS** the Sierra Club, its officers, directors, employees, agents, and leaders from any and all liability on account of, or in any way resulting from Injuries and Damages, even if caused by **negligence** of the Sierra Club its officers, directors, employees, agents, and leaders, in any way connected with this Outing. I understand and intend that this assumption of risk and release is binding upon my heirs, executors, administrators and assigns, and includes any minors accompanying me on the Outing.

I have read this document in its entirety and I freely and voluntarily assume all risks of such Injuries and Damages and notwithstanding such risks, I agree to participate in the Outing.

Note: If the participant is a minor, the minor's guardian must sign on the minor's behalf.

RECURRING MONTHLY MEETINGS (LOOK IN CALENDAR FOR DATES)

(1ST MON) 6:00 PM SB MOUNTAINS GROUP EXCOM MEETING
Lake Ridge Escrow Conference Room 27236 Blue Jay Mall on Feb, Apr, Jun, Aug, Oct, Nov & Dec. INFO: DAVE BARRIE, (909) 337-0313.

(1ST TUE) LOS SERRANOS GROUP EXCOM MEETING
Odd-numbered months only (Jan, Mar, May, Jul, Sep, & Nov). PLACE: For meeting time and place, call MARY ANN RUIZ 909-815-9379, ruizmaryann@gmail.com
LOS SERRANOS GROUP

(1ST TUE) 6:30 PM BIG BEAR GROUP EXCOM MEETING
The meeting place rotates. INFO: CHRISTIE WALKER, (909) 866-5006.

(1ST TUE) 7:30 PM SAN GORGONIO CHAPTER MEETING
PROGRAM: See front-page notice. Afterwards, SÁN GORGONIO SIERRA SINGLES will adjourn for food and drink. COST: \$1 donation requested. PLACE: San Bernardino County Museum, 2024 Orange Tree Lane, Redlands. DIRECTIONS: Exit I-10 at California St. INFO: LADD SEEKINS 909-888-0161
<iwfladd@eee.org>.

mile walk around Jess Ranch and along the Mojave River. MEET at the Victor Valley Museum in Apple Valley. INFO: BILL SPRENG (760) (951) 4520, bspreng@verizon.net or JENNY WILDER (760) 220-0730, MOJAVE GROUP

DECEMBER 15 – DECEMBER 21

*Please read "LIABILITY WAIVER" preceding these listings
(Also refer to Weekly reoccurring Outings & Activities)*

DEC 15 (MON) 7:00 PM APPLE VALLEY CONDITIONING HIKE HIKE
Please join me for a 6-mile fast paced conditioning walk along the Mojave River. MEET at the Victor Valley Museum on Apple Valley Road. The path along the river bed has now been graded & is hard packed, which makes for nice evening walking conditions. BRING flashlights, jacket, & wear comfortable walking shoes. Rainy/Foul weather cancels walk, so please call if questionable. LEADER: MELODY NICHOLS (760) 963-4430 <Labelady@msn.com> MOJAVE GROUP

DEC 16 (TUE) 6:00 PM SAN JACINTO VALLEY (HEMET) CONS COMMITTEE MEETING
Monthly conservation meeting. The public is welcome. LOCATION: Call or email for location & directions. CONTACT: SHAULI ROSEN-RAGER, (951) 767-2203, <gardens@netzon.net> SAN JACINTO VALLEY (HEMET) CONSERVATION COMMITTEE

DEC 16 (TUE) 6:30 PM BIG BEAR GROUP MEETING
Monthly meeting. INFO: For current program information, please visit the Group web site www.sierraclubbigbeargroup.org. PLACE: Big Bear Discovery Center, 40971 North Shore Dr. (Hwy. 38), FawnSkin. CONTACT: CHRISTIE WALKER, (909) 866-5006. BIG BEAR GROUP

DEC 16 (TUE) 7:00 PM LOS SERRANOS GROUP MEETING
Our annual Holiday Dessert Potluck is always a fun evening with delicious treats & good company. We will have some winter holiday music along with our usual meeting. Bring your favorite holiday dessert. Coffee & beverages will be provided. PLACE: Educational Building, Upland Presbyterian Church, Euclid Ave. at 11th. INFO: MARY ANN RUIZ, (909) 628-1285. LOS SERRANOS GROUP

DEC 18 (THU) 6:00 PM TAHQUITZ GROUP MEETING
Monthly meeting except June to September. PLACE: Portola Community Center, 45480 Portola, Palm Desert (Three blocks south of 111 at Shadow Mountain) Enter parking lot from Shadow Mountain east of Portola. INFO: MICHAEL HOWARD (760) 323-1050. TAHQUITZ GROUP

DECEMBER 22 – DECEMBER 28

*Please read "LIABILITY WAIVER" preceding these listings
(Also refer to Weekly reoccurring Outings & Activities)*

DEC 28 (SUN) SUNSET PEAK HIKE
Once again we hope to see the San Gabriel Range covered with snow from this vantage point. The last two years we have been let down - we hope for more snow this year! This is a nice 7-mile round trip with about 1350 ft of elevation gain. From the top the view of the whole San Gabriel range, on a crisp & clear winter day is fantastic! BRING: Sturdy shoes, water, lunch. Rain or snow cancels. MEET: For time & place, contact LEADER: MARY ANN RUIZ <ruizmaryann@gmail.com> (909) 815-9379. LOS SERRANOS GROUP

DECEMBER 29 – JANUARY 4

*Please read "LIABILITY WAIVER" preceding these listings
(Also refer to Weekly reoccurring Outings & Activities)*

DEC 29 (MON) 7:00 PM APPLE VALLEY CONDITIONING HIKE HIKE
Please join me for a 6-mile fast paced conditioning walk along the Mojave River. MEET at the Victor Valley Museum on Apple Valley Road. The path along the river bed has now been graded & is hard packed, which makes for nice evening walking conditions. BRING flashlights, jacket, & wear comfortable walking shoes. Rainy/Foul weather cancels walk, so please call if questionable. LEADER: MELODY NICHOLS (760) 963-4430 <Labelady@msn.com> MOJAVE GROUP

DEC 29-JAN 3 MON-SAT CARRIZO PLAIN NATIONAL MONUMENT SERVICE
Celebrate the end of one year & the beginning of the next in one of our new National Monuments. The Carrizo Plain, west of Bakersfield, is a vast grassland, home to pronghorn antelope, tule elk, kit fox, & a wide variety of birds. A welcome hike Dec. 29, three & a half days of service modifying barbed wire fencing, & a full day for hiking & exploring are planned. Use of accommodations at Goodwin Ranch included. Limited to 12 participants. COST: \$30 covers five dinners. RESERVATIONS & INFO: LEADER: CRAIG DEUTSCHE, <deutsche@earthlink.net> (310) 477-6670 or CO-LEADER MELINDA GOODWATER <mgoodwater@sbcglobal.net> (408) 774-1257. CNRCC DESERT COMMITTEE

(Continued on page 6)

*(Continued from page 5)***JAN 3 (SAT)**

BUTCHER'S CAVE **HIKE**
 (Joshua Tree National Park) I don't know what to call this hike. We pass by a place we call 'Butcher's Cave' but it's just a reference point. Midway though the hike we'll be rooting around for an Indian site that we've only heard about. You can help us look. If there are enough of us, we'll form a horizontal line as we go forward & look in all the most likely places. We'll try to give you some clues as to what is a likely place. This is all directly behind Queen Mt. to the north. This is a very seldom-explored yet beautiful area of the park. The hike will be a bit strenuous with some bouldering. We think about six hours long depending on our search. BRING lots of clothing choices in your car & we'll all figure out what we need depending on what kind of day it is. WEAR good boots though & BRING a couple of liters of water & a hearty lunch.
MEET: Call LEADERS ANN & AL MURDY (760) 366-2932 (We don't return calls) or email <al.murdy@gmail.com>

TAHQUITZ GROUP

JAN 3 (SAT)

PCT – CEDAR SPRINGS TO HWY 173 **HIKE**
 Please us for a 9 mile hike along the Pacific Crest Trail starting at Cedar Springs & ending at the 173 PCT parking area. This will be a shuttle. BRING jacket, sturdy hiking boots, lunch, snacks, & plenty of water. Please dress in layers for weather conditions. However; Rainy/Foul weather cancels walk. **MEET:** Call LEADER: MELODY NICHOLS (760) 963-4430 or <Labelady@msn.com>. CO-LEADER BILL SPRENGS. MOJAVE GROUP

JAN 3 (SAT) 9:00 AM

SANTA ROSA ECOLOGICAL PRESERVE **HIKE**
 "New Member" hike (all are welcome though) Enjoy an easy 5 mile roundtrip hike to the Original Ranch Adobe. While you're there, meet local Group leaders & learn about your local Santa Margarita Group (under the shade of ancient oak trees). RESERVATIONS & INFO: Call LEADER RICK ESTES (951) 393-4071 <ricketes92595@gmail.com>

SANTA MARGARITA GROUP

JANUARY 5 – JANUARY 11

Please read "LIABILITY WAIVER" preceding these listings
 (Also refer to Weekly reoccurring Outings & Activities)

JAN 5 (MON) 7:00 PM

APPLE VALLEY CONDITIONING HIKE **HIKE**
 Please join me for a 6-mile fast paced conditioning walk along the Mojave River. **MEET** at the Victor Valley Museum on Apple Valley Road. The path along the river bed has now been graded & is hard packed, which makes for nice evening walking conditions. BRING flashlights, jacket, & wear comfortable walking shoes. Rainy/Foul weather cancels walk, so please call if questionable. LEADER: MELODY NICHOLS (760) 963-4430 <Labelady@msn.com>

MOJAVE GROUP

JAN 6 (TUE)

LOS SERRANOS GROUP EXCOM **MEETING**
 Odd-numbered months only (Jan, Mar, May, Jul, Sep, & Nov). PLACE: For meeting time & place, call DAVID THORNE, (909) 949-8046.

MEETING

JAN 6 (TUE) 6:30 PM

BIG BEAR GROUP EXCOM **MEETING**
 The meeting place rotates. INFO: CHRISTIE WALKER, (909) 866-5006.

BIG BEAR GROUP

JAN 6 (TUE) 7:30 PM

SAN GORGONIO CHAPTER **MEETING**
 PROGRAM: See front-page notice. Afterwards, SAN GORGONIO SIERRA SINGLES will adjourn for food & drink. COST: \$1 donation requested. PLACE: San Bernardino County Museum, 2024 Orange Tree Lane, Redlands. DIRECTIONS: Exit I-10 at California St. INFO: LADD SEEKINS (909) 888-0161 <iwfladd@eee.org>.

CHAPTER

JAN 10-11 (SAT-SUN)

EL PASO WILDERNESS **RESTORATION**
 Assist the Ridgecrest BLM in protecting this wilderness area from OHV abuse by helping to block off & disguise illegal routes. **MEET** late Friday afternoon north of the wilderness area & car caravan to our camping area near Sheep Springs or meet near the work site on Saturday morning. Saturday evening happy hour & potluck. INFO: Contact LEADER: KATE ALLEN <kj.alien@wildblue.net> (661) 944-4056.

CNRCC DESERT COMMITTEE

JAN 11 (SUN) 7:30 AM

CAHUILLA MOUNTAIN **HIKE**
 Starting near Juan Diego Flats, this popular trail will take us through chamise-dominated chaparral, open meadows, & mature black oak forest to the 5,635 feet peak. 5.5 miles RT, 1200 feet elevation gain/loss. Excellent views, mostly well graded trail, comfortable pace. Kids 9 & older welcome. BRING: Hiking boots, lunch, a snack, 3 liters water, sun and/or warm hat, sunscreen. DRESS in layers for unpredictable weather. Binoculars recommended. **MEET:** For carpooling: 7:30 AM at Paloma de Sol Park, Temecula (behind Home Depot on Rt. 79) & 7:30 AM at And Henne's parking lot, Hemet. **MUST REGISTER** by Friday Jan 9. IN

JAN 17 (SAT) 9:00 AM **YOUTH IN THE DESERT - RODMAN MTNS****HIKE**

We will explore the Area of Critical Environmental Concern (ACEC) in the Rodman Mountain Wilderness with the BLM Barstow Office Archaeologist, Jim Shearer. This ACEC was established to protect sensitive, ancient cultural sites that include petroglyphs & intaglios. This moderate hike will be about 5 miles round trip with an optional climb to the top of a nearby hill to get a lovely view of the Cady Mountains & surrounding desert. WEAR good hiking shoes/boots & layered clothing. BRING plenty of water, snacks, lunch, & hat. Don't forget your binoculars & camera! The drive is about 11/2 hours & requires high clearance. Early REGISTRATION & carpooling highly recommended. Group size is limited & preference will be given for folks bringing youths.. INFO Contact LEADER JENNY WILDER <JensOasis@aol.com> (760) 220 0730.

MOJAVE GROUP

JAN 17 (SAT) 9:00 AM **OWL CANYON LOOP****HIKE**

Please join me for a 8 to 10 mile loop hike in Owl Canyon, a great hike through the foothills north of Barstow with great views of the surrounding valleys. BRING your spirit of adventure & 2 to 3 qts of water, sturdy boots, lunch/snacks. INFO: Call LEADER TERENCE MC CORKLY, home (760) 252-2194, cell (760) 412-1683 <oldhikerdude@verizon.net>

MOJAVE GROUP

JAN 18 (SUN) 9:00 AM**CEDAR GLEN****HIKE**

This hike will be part of the East San Gabriel Mountains Campaign to add wilderness acreage to Cucamonga Wilderness. We will write postcards to Congressman David Dreier on a break. Cards & mailing will be provided. This will be an uphill hike on Chapman Trail up Cedar Canyon through oak, spectacular stands of incense cedar, yucca, chaparral, sugar pine, & ponderosa pine to Cedar Glen. Cedar Glen is just inside the Cucamonga Wilderness. Not for beginners, but not all that hard. 4.4 miles round trip, 1460 ft elev. gain. **MEET:** North parking lot of PFF Bank, Claremont, at NE corner of Indian Hill & Foothill Blvds. We will carpool to Ice House Canyon Trail trailhead. BRING: extra warm layers, gloves, water & extra snacks; wear sturdy shoes/boots. Rain/snow cancels. INFO: LEADER: DEAN SHIMEK, <dtsierra@msn.com> (909) 899-2795.

LOS SERRANOS GROUP

JANUARY 19 – JANUARY 25

Please read "LIABILITY WAIVER" preceding these listings
 (Also refer to Weekly reoccurring Outings & Activities)

JAN 19 (MON) 7:00 PM

APPLE VALLEY CONDITIONING HIKE **HIKE**
 Please join me for a 6-mile fast paced conditioning walk along the Mojave River. **MEET** at the Victor Valley Museum on Apple Valley Road. The path along the river bed has now been graded & is hard packed, which makes for nice evening walking conditions. BRING flashlights, jacket, & wear comfortable walking shoes. Rainy/Foul weather cancels walk, so please call if questionable. LEADER: MELODY NICHOLS (760) 963-4430 <Labelady@msn.com>

MOJAVE GROUP

JAN 20 (TUE) 6:00 PM **SAN JACINTO VALLEY (HEMET) CONS COMMITTEE MEETING**

Monthly conservation meeting. The public is welcome. LOCATION: Call or email for location & directions. CONTACT: SHAULI ROSEN-RAGER, (951) 767-2203, <gardens@netzon.net>

SAN JACINTO VALLEY (HEMET) CONSERVATION COMMITTEE

JAN 20 (TUE) 6:30 PM

BIG BEAR GROUP **MEETING**
 Monthly meeting. INFO: For current program information, please visit the Group web site www.sierraclubbigbeargroup.org. PLACE: Big Bear Discovery Center, 40971 North Shore Dr. (Hwy. 38), FawnSkin. CONTACT: CHRISTIE WALKER, (909) 866-5006.

BIG BEAR GROUP

JAN 20 (TUE) 7:00 PM

LOS SERRANOS GROUP **MEETING**
 Dr: Susan Shenck from the Claremont Colleges will speak about the Robert J. Bernard Biological Field Station at the Claremont Colleges. She will tell us about the research that is done there along with information about the plant and animal life that can be found at the station. The station consists of 86 acres of primarily coastal sage scrub, Riversidian alluvial fan scrub, live oak forest, and grassland. In addition, an artificial lake with surrounding riparian woodland and several created vernal pools add to habitat diversity. The public is welcome. Refreshments will be served. PLACE: Educational Building, Upland Presbyterian Church, Euclid Ave. at 11th. INFO: MARY ANN RUIZ, (909) 628-1285.

LOS SERRANOS GROUP

JAN 24 (SAT) 8:00 AM **S B MTS, PACIFIC CREST TRAIL, SILVERWOOD LAKE** **HIKE**
 We will hike West from State Highway 173 to Cedar Springs Dam, Silverwood Lake. Distance: 9.5 mi. Elevation gain: 500 ft. BRING: Water, lunch, 10 essentials. **MEET:** As this hike requires a car shuttle, call LEADER HEATHER SARGEANT (909) 336-2836.

SB MOUNTAINS GROUP

JAN 25 (SUN) 8:30 AM

SYCAMORE CANYON **HIKE**
 Approximate 3 mile hike through Sycamore Canyon Wilderness Park in Riverside. Trails have some ups &

potluck. INFO: Contact LEADER: KATE ALLEN <k.alien@wildblue.net> (661) 944-4056.

CNRCC DESERT COMMITTEE

JAN 11 (SUN) 7:30 AM

CAHUILLA MOUNTAIN

HIKE

Starting near Juan Diego Flats, this popular trail will take us through chamise-dominated chaparral, open meadows, & mature black oak forest to the 5,635 feet peak. 5.5 miles RT, 1200 feet elevation gain/loss. Excellent views, mostly well graded trail, comfortable pace. Kids 9 & older welcome. BRING: Hiking boots, lunch, a snack, 3 liters water, sun and/or warm hat, sunscreen. DRESS in layers for unpredictable weather. Binoculars recommended. MEET: For carpooling: 7:30 AM at Paloma de Sol Park, Temecula (behind Home Depot on Rt. 79), & 7:30 AM at And Henry's parking lot, Hemet. MUST REGISTER by Friday, Jan 9. INFORMATION & RESERVATIONS: SHAULI ROSEN-RAGER (951) 767-2203 <rosenrager@gmail.com>

SANTA MARGARITA GROUP

JAN 11 (SUN) 8:30 AM

JUNIPER FLATS

HIKE

Hike from Coxey Truck Trail to the lovely Arrastre Stream riparian area near the historical VP Mine. Approx. 4 - 5 miles with beautiful views. MEET at 8:30 a.m. at the Victor Valley Museum near the corner of Bear Valley Rd. & Apple Valley Road. BRING lunch, water, snacks & layered clothing. INFO: Contact Carol Wiley <earthlingwiley@aol.com> (760) 245-8734.

MOJAVE GROUP

JAN 11 (SUN) 8:30 AM

HIDDEN SPRINGS

HIKE

Enjoy the local hills & hopefully see some burros with an approximate 3.5 mile loop hike on the Hidden Springs trail & arroyo. Trail has some ups & downs but basically follows the base of the hills & then returns through the arroyo of the housing tract, where we may see lots of birds. BRING: Water, sturdy shoes. MEET: Box Springs Park. DIRECTIONS: From 60 freeway go north on Pigeon Pass Rd. to left on Hidden Springs Dr. Driveway into Box Springs Park is on the left off Hidden Springs Drive. We will meet in the parking area up the gravel road near the picnic tables. INFO & LEADERS: THERESA CARSON (951) 660-7246 & JANET DEEN (951) 616-4759.

MORENO VALLEY GROUP

JAN 11 (SUN) 6:00 PM

MOONLIGHT HIKE

HIKE

Come for a 2 to 3 hour evening hike in the foothills to enjoy the full moon. (Actual full moon is tonight, January 11.) Hikes are moderately paced. Between 4 & 5 miles round trip, 400 to 1200 ft elev.. Hike locations will vary. MEET: North parking lot of PFF Bank, Claremont, at NE corner of Indian Hill & Foothill Blvds... BRING: Jacket, flashlight, water, & wear sturdy shoes/boots. RAIN CANCELS. INFO: LEADERS PATTY & DAVID THORNE (909) 981-5813

LOS SERRANOS GROUP

JANUARY 12 – JANUARY 18

Please read "LIABILITY WAIVER" preceding these listings
(Also refer to Weekly reoccurring Outings & Activities)

JAN 12 (MON) 7:00 PM

APPLE VALLEY CONDITIONING HIKE

HIKE

Please join me for a 6-mile fast paced conditioning walk along the Mojave River. MEET at the Victor Valley Museum on Apple Valley Road. The path along the river bed has now been graded & is hard packed, which makes for nice evening walking conditions. BRING flashlights, jacket, & wear comfortable walking shoes. Rainy/Foul weather cancels walk, so please call if questionable. LEADER: MELODY NICHOLS (760) 963-4430 <Labelady@msn.com>

MOJAVE GROUP

JAN 12 (MON) 7:00 PM

SB MOUNTAINS GROUP

MEETING

Monthly program meeting. No meeting in August or December. PLACE: St. Richard's Episcopal Church, 28708 Highway 18, Sky Forest. INFO: DAVE BARRIE, (909) 337-0313.

SB MOUNTAINS GROUP

JAN 13 (TUE) 7:00 PM

CHAPTER CONSERVATION COMMITTEE

MEETING

Monthly meeting. Take part in working on important conservation issues. Please come: we need your help! PLACE: San Gorgonio CHAPTER Office, 4079 Mission Inn Ave., Riverside. INFO: KIM FLOYD, Conservation Chair, kimfloyd@verizon.net, (760) 249-5385.

CHAPTER

JAN 14 (WED) 7:00 PM

MOJAVE GROUP

MEETING

Monthly meeting except for July & August. PLACE: Sterling Inn, Regency Room, 17738 Francesca, Victorville. (One block north of Bear Valley Rd. on Ridgecrest.) Enter on Ridgecrest side of the building. INFO: CAROL WILEY, (760) 245-8734, <earthlingwiley@webtv.net>

MOJAVE GROUP

JAN 15 (THU) 6:00 PM

TAHQUITZ GROUP

MEETING

The meeting topic will be natural lands recreational resources in and around the Coachella Valley. Please bring along any information about natural lands around the Valley that you have enjoyed. Depending on attendance, this may be the last Tahquitz Group monthly meeting. Starting February, meetings may be discontinued. Please call to confirm. PLACE: Portola Community Center, 45480 Portola, Palm Desert (Three blocks south of 111 at Shadow Mountain) Enter parking lot from Shadow Mountain east of Portola. INFO: MICHAEL HOWARD (760) 323-1050.

TAHQUITZ GROUP

The public is welcome. Refreshments will be served. PLACE: Educational Building, Upland Presbyterian Church, Euclid Ave. at 11th. INFO: MARY ANN RUIZ, (909) 628-1285.

LOS SERRANOS GROUP

JAN 24 (SAT) 8:00 AM SB MTS, PACIFIC CREST TRAIL, SILVERWOOD LAKE HIKE

We will hike West from State Highway 173 to Cedar Springs Dam, Silverwood Lake. Distance: 9.5 mi. Elevation gain: 500 ft. BRING: Water, lunch, 10 essentials. MEET: As this hike requires a car shuttle, call LEADER HEATHER SARGEANT (909) 336-2836.

SB MOUNTAINS GROUP

JAN 25 (SUN) 8:30 AM SYCAMORE CANYON HIKE

Approximate 3 mile hike through Sycamore Canyon Wilderness Park in Riverside. Trails have some ups & downs but overall there is little elevation gain. BRING: Water, sturdy shoes. MEET in the Sycamore Canyon parking area on the south side of Central Ave. between Canyon Crest Drive & the 215/60 Freeway. INFO & LEADERS: THERESA CARSON (951) 660-7246 & JANET DEEN (951) 616-4759.

MORENO VALLEY GROUP

JANUARY 26 – FEBRUARY 1

Please read "LIABILITY WAIVER" preceding these listings
(Also refer to Weekly reoccurring Outings & Activities)

JAN 26 (MON) 7:00 PM APPLE VALLEY CONDITIONING HIKE HIKE

Please join me for a 6-mile fast paced conditioning walk along the Mojave River. MEET at the Victor Valley Museum on Apple Valley Road. The path along the river bed has now been graded & is hard packed, which makes for nice evening walking conditions. BRING flashlights, jacket, & wear comfortable walking shoes. Rainy/Foul weather cancels walk, so please call if questionable. LEADER: MELODY NICHOLS (760) 963-4430 <Labelady@msn.com>

MOJAVE GROUP

JAN 27 (TUE) 7:00 PM SAN GORGONIO CHAPTER EXCOM MEETING

Chapter governance meeting. (No December meeting.) PLACE: The San Gorgonio Chapter office, 4079 Mission Inn Ave., Riverside. INFO: RICK ESTES (951) 314-3328 <ricketes_92595@yahoo.com>.

CHAPTER

FEB 1 (SUN) 7:30 AM BIRDING AT LAKE SKINNER BIRDING

We will spend the morning exploring the riparian, chaparral, shores & lawns, observing the many residents & wintering birds. Conversational pace with many stops. Children 10 & older welcome! Some binoculars will be available. Stay for the whole morning or as long as you wish. BRING: Binoculars, bird book, snack, water. DRESS in layers for unpredictable weather. MEET 7:30 at the park entry road off Warren. DIRECTIONS: From Temecula, take Rancho California north 10 miles until it becomes Warren. Park entry road on right. Call for carpooling if coming from Hemet. Please REGISTER for this outing by Friday Jan. 30. INFO & RESERVATIONS: Call LEADER: SHAULI. ROSEN-RAGER (951) 767-2203 <rosenrager@gmail.com>

SANTA MARGARITA GROUP

FEBRUARY 2 – FEBRUARY 8

Please read "LIABILITY WAIVER" preceding these listings
(Also refer to Weekly reoccurring Outings & Activities)

FEB 2 (MON) 6:00 PM SB MOUNTAINS GROUP EXCOM MEETING

Even numbered months plus November (Feb., Apr., Jun., Aug., Oct., Nov. & Dec.). LOCATION (Unless otherwise noted): Lake Ridge Escrow Conference Room 27236 Blue Jay Mall. INFO: DAVE BARRIE, (909) 337-0313.

SB MOUNTAINS GROUP

FEB 2 (MON) 7:00 PM APPLE VALLEY CONDITIONING HIKE HIKE

Please join me for a 6-mile fast paced conditioning walk along the Mojave River. MEET at the Victor Valley Museum on Apple Valley Road. The path along the river bed has now been graded & is hard packed, which makes for nice evening walking conditions. BRING flashlights, jacket, & wear comfortable walking shoes. Rainy/Foul weather cancels walk, so please call if questionable. LEADER: MELODY NICHOLS (760) 963-4430 <Labelady@msn.com>

MOJAVE GROUP

FEB 3 (TUE) 6:30 PM BIG BEAR GROUP EXCOM MEETING

The meeting place rotates. INFO: CHRISTIE WALKER, (909) 866-5006.

BIG BEAR GROUP

FEB 3 (TUE) 7:30 PM SAN GORGONIO CHAPTER MEETING

PROGRAM: See front-page notice. Afterwards, SAN GORGONIO SIERRA SINGLES will adjourn for food & drink. COST: \$1 donation requested. PLACE: San Bernardino County Museum, 2024 Orange Tree Lane, Redlands. DIRECTIONS: Exit I-10 at California St. INFO: LADD SEEKINS (909) 888-0161 <iwfladd@eee.org>.

CHAPTER

(Continued on page 7)

*(Continued from page 6)***FEB 7 (SAT) PCT – CEDAR SPRINGS TO HWY 173**

Please us for a 9 mile hike along the Pacific Crest Trail starting at Cedar Springs & ending at the 173 PCT parking area. This will be a shuttle. BRING: jacket, sturdy hiking boots, lunch, snacks, & plenty of water. Please dress in layers for weather conditions. However, Rainy/Foul weather cancels walk. MEET: Call LEADER: MELODY NICHOLS (760) 963-4430 or <Labelady@msn.com>. CO-LEADER BILL SPRENGS.. MOJAVE GROUP

FEB 7 (SAT) JOSHUA TREE NP - MAZE TRAIL

The maze trail started out as a horse trail but is interesting enough to have attracted hikers & some of the loose footing may have detracted the equestrians. There are many adventures along the way with lovely overviews & unusual rock formations. February is a good camera month in the park. There's a daring little peak to climb for the foolish. I will if you will. The hike will take about five-hours; I'd guess it's about seven miles long. This is a moderate to strenuous hike depending on what condition you're in. BRING: Have a variety of clothes in your car & we'll decide at the meeting place what is apropos for the weather. Otherwise, good boots, lunch & two liters of water should about do it. MEET: Call for meeting place and time. LEADERS ANN & AL MURDY (760) 366-2932 (we don't return calls) <al.murdy@gmail.com> TAHQUITZ GROUP

FEB 7 (SAT) 8:30 AM S B MTS, GREEN VALLEY LAKE

Green Valley Lake has some of the best snow in our local mountains, so come & join me for a day of fun. You need to provide your own equipment, & prior experience on snowshoes is required. MEET in the parking lot behind Lloyd's restaurant on Hwy 18 in Running Springs at 8:30 am to carpool. WEAR layered clothing. BRING lunch & adequate fluids. RESERVATIONS: To sign up, call LEADER HEATHER SARGEANT (909) 336-2836. No snow cancels.

HIKE**HIKE****HIKE****HIKE****FEB 7 (SAT) 9:00 AM SANTA ROSA ECOLOGICAL PRESERVE**

"New Member" hike. (All are welcome, though.) Enjoy an easy 5 mile roundtrip hike to the Original Ranch Adobe & while you're there, meet local Group leaders & learn about your local Santa Margarita Group (under the shade of ancient oaks trees). RESERVATIONS & INFO: LEADER RICK ESTES (951) 393-4071 <rickestes92595@gmail.com>

HIKE**HIKE****HIKE****FEB 8 (SUN) 6:00 PM MOONLIGHT HIKE**

Come for a 2 to 3 hour evening hike in the foothills to enjoy the "full" moon. (Actual full moon is February 9.) Hikes are moderately paced. Between 4 & 5 miles rt, 400 to 1200 ft elev. Hike locations will vary. MEET: North parking lot of PFF Bank, Claremont, at NE corner of Indian Hill & Foothill Blvds. BRING: Jacket, flashlight, water, & wear sturdy shoes/boots. RAIN CANCELS. INFO: Leaders PATTY & DAVID THORNE (909) 981-5813.

HIKE**HIKE****HIKE****FEBRUARY 9 – FEBRUARY 15**

*Please read "LIABILITY WAIVER" preceding these listings
(Also refer to Weekly reoccurring Outings & Activities)*

FEB 9 (MON) 7:00 PM APPLE VALLEY CONDITIONING HIKE

Please join me for a 6-mile fast paced conditioning walk along the Mojave River. MEET at the Victor Valley Museum on Apple Valley Road. The path along the river bed has now been graded & is hard packed, which makes for nice evening walking conditions. BRING flashlights, jacket, & wear comfortable walking shoes. Rainy/Foul weather cancels walk, so please call if questionable. LEADER: MELODY NICHOLS (760) 963-4430 <Labelady@msn.com>

HIKE**HIKE****HIKE****FEB 9 (MON) 7:00 PM SB MOUNTAINS GROUP**

Monthly program meeting. No meeting in August or December. PLACE: St. Richard's Episcopal Church, 28708 Highway 18, Sky Forest. INFO: DAVE BARRIE, (909) 337-0313.

MEETING**MEETING****MEETING****FEB 9-11 (MON-WED) GOLD BUTTE MIDWEEK MAGIC**

You've heard about the new bill for a national conservation area in Gold Butte, & you wonder where IS this place? To find out, join our exploratory tour. Petroglyphs, peak scrambling, redrock & granite, Joshua trees, old mining ruins. Car camping with central commissary by Vicky Hoover. INFO: Contact VICKY HOOVER (415) 977-5527 <vicky.hoover@sierraclub.org>

EXPLORATORY TOUR**EXPLORATORY TOUR****EXPLORATORY TOUR****FEB 10 (TUE) 7:00 PM CHAPTER CONSERVATION COMMITTEE**

Monthly meeting. Take part in working on important conservation issues. Please come: we need your help! PLACE: San Gorgonio CHAPTER Office, 4079 Mission Inn Ave., Riverside. INFO: KIM FLOYD, Conservation Chair, kimfloyd@verizon.net, (760) 249-5385.

MEETING**MEETING****MEETING**

to confirm. PLACE: Portola Community Center, 45480 Portola, Palm Desert (Three blocks south of 111 at Shadow Mountain) Enter parking lot from Shadow Mountain east of Portola. INFO: MICHAEL HOWARD (760) 323-1050. TAHQUITZ GROUP

FEB 21 (SAT) 8:00 AM S B MTS: LAKE GREGORY IN WINTER BIRD WALK

See wintering birds as we walk part way around the lake. Optional breakfast after. MEET: South Shore parking lot, just east of the water slide. LEADER: BILL ENGS (909) 338-1910. SB MOUNTAINS GROUP

FEB 21-22 (SAT-SUN) E CALIFORNIA DESERT CLEAN-UP SERVICE & HIKE

Immediately north of Trona, CA, Great Falls Basin borders on a Wilderness Study Area that has been subject to ORV abuse. On Saturday we will assist Marty Dicke with the BLM to build a fence closing off an illegal vehicle hill-climb. Sunday is reserved for hiking & exploring into the washes, dry falls, & nearby ridges. Carcamping & potluck Saturday evening. MEET: For time & place, contact LEADER CRAIG DEUTSCHE <craig.deutsche@gmail.com> (310) 477-6670. CNRCC DESERT COMMITTEE

FEB 22 (SUN) 8:30 AM SYCAMORE CANYON HIKE

Approximate 3 mile hike through Sycamore Canyon Wilderness Park in Riverside. Trails have some ups & downs but overall there is little elevation gain. We will try to explore some different trails than the previous hike. BRING: Water, sturdy shoes. MEET in the Sycamore Canyon parking area on the south side of Central Ave. between Canyon Crest Drive & the 215/60 Freeway. INFO: Call LEADERS: THERESA CARSON (951) 660-7246 & JANET DEEN (951) 616-4759. MORENO VALLEY GROUP

FEB 22 (SUN) 9:00 AM CHAPMAN TRAIL - ICE HOUSE CANYON TRAIL LOOP HIKE

This hike will be part of the East San Gabriel Mountains Campaign to add wilderness acreage to Cucamonga Wilderness. We will write postcards to Congressman David Dreier on a break. Cards & mailing will be provided. This will be an uphill hike on Chapman Trail up Cedar Canyon through oak, spectacular stands of incense cedar, yucca, chaparral, Sugar pine, & Ponderosa pine to the junction with Ice House Canyon Trail. We will loop back on Ice House Canyon Trail. Moderate. 8.2 miles Round Trip, 2000 ft elev. gain. MEET: North parking lot of PFF Bank, Claremont, at NE corner of Indian Hill & Foothill Blvds. We will carpool to Ice House Canyon Trail trailhead. BRING: Extra warm layers, gloves, water, & extra snacks; wear sturdy shoes/boots. Rain/snow cancels. INFO: LEADER: DEAN SHIMEK, <dtsierra@msn.com> (909) 899-2795. LOS SERRANOS GROUP

FEBRUARY 23 – MARCH 1

*Please read "LIABILITY WAIVER" preceding these listings
(Also refer to Weekly reoccurring Outings & Activities)*

FEB 23 (MON) 7:00 PM APPLE VALLEY CONDITIONING HIKE HIKE

Please join me for a 6-mile fast paced conditioning walk along the Mojave River. MEET at the Victor Valley Museum on Apple Valley Road. The path along the river bed has now been graded & is hard packed, which makes for nice evening walking conditions. BRING flashlights, jacket, & wear comfortable walking shoes. Rainy/Foul weather cancels walk, so please call if questionable. LEADER: MELODY NICHOLS (760) 963-4430 <Labelady@msn.com>

FEB 24 (TUE) 7:00 PM SAN GORGONIO CHAPTER EXCOM MEETING

Chapter governance meeting. (No December meeting.) PLACE: The San Gorgonio Chapter office, 4079 Mission Inn Ave., Riverside. INFO: RICK ESTES (951) 314-3328 <rickestes_92595@yahoo.com>. CHAPTER

FEB 26 (THU) 6:00 PM DINNER ON THE TOWN SOCIAL

Join us for an evening of fun & food. Your Sierra Club friends are planning another "Dinner on the Town" at a surprise location. This event to be announced on the LSG website. INFO: MARY ANN RUIZ (909) 815-9379 <ruizmaryann@gmail.com> LOS SERRANOS GROUP

FEB 28 (SAT) 9:00 AM SB MTS, PACIFIC CREST TRAIL, SILVERWOOD LAKE HIKE

As we hike 8 miles on the Pacific Crest Trail, from the park office to Cedar Springs Dam & return, we will have great views of the water & the park. Elevation gain & loss: about 500 feet. WEAR: hiking boots. BRING: water, snack, lunch, layered clothing. MEET: call for meeting place & RESERVATIONS. LEADER, BILLIE WOLFF (909) 338-2534. SB MOUNTAINS GROUP

FUTURE OUTINGS & EVENTS

*Please read "LIABILITY WAIVER" preceding these listings
(Also refer to Weekly reoccurring Outings & Activities)*

place? To find out, join our exploratory tour. Petroglyphs, peak scrambling, redrock & granite, Joshua trees, old mining ruins. Car camping with central commissary by Vicky Hoover. INFO: Contact VICKY HOOVER (415) 977-5527 <vicky.hoover@sierraclub.org>

CNRCC WILDERNESS COMMITTEE

FEB 10 (TUE) 7:00 PM CHAPTER CONSERVATION COMMITTEE MEETING
Monthly meeting. Take part in working on important conservation issues. Please come: we need your help! PLACE: San Gorgonio CHAPTER Office, 4079 Mission Inn Ave., Riverside. INFO: KIM FLOYD, Conservation Chair, kimfloyd@verizon.net, (760) 249-5385.

FEB 11 (WED) 7:00 PM MOJAVE GROUP MEETING
Monthly meeting except for July & August. PLACE: Sterling Inn, Regency Room, 17738 Francesca, Victorville. (One block north of Bear Valley Rd. on Ridgecrest.) Enter on Ridgecrest side of the building. INFO: CAROL WILEY, (760) 245-8734, <earthlingwiley@webtv.net>

MOJAVE GROUP

FEB 15 (SUN) YOUTH IN THE DESERT - AFTON CANYON HIKE
Join us for a cross-country hike through a rugged landscape & winding slot canyons just north of Barstow. Our hike will take us through lands that were utilized by Native Americans as a water source. Jedidiah Smith & Kit Carson traveled through here in the early 1800's. We'll start in Afton Canyon, often called the Grand Canyon of California, with the beautiful red, gold, brown & purple striped walls. This area is one of the few places where the Mojave River flows above ground, & the surface water attracts a variety of wildlife. We'll hike roughly 4 miles, keeping a look out for bighorn sheep & other animals. DRESS for the weather, wear sturdy shoes or hiking boots, BRING 2 liters of water & lunch. Don't forget your camera. LEADER CAROL WILEY. INFO: LAUREL WILLIAMS <lwilliams@calwild.org> (909) 260-8833. MOJAVE GROUP

FEBRUARY 16 – FEBRUARY 22

Please read "LIABILITY WAIVER" preceding these listings
(Also refer to Weekly reoccurring Outings & Activities)

FEB 16 (MON) 7:00 PM APPLE VALLEY CONDITIONING HIKE
Please join me for a 6-mile fast paced conditioning walk along the Mojave River. MEET at the Victor Valley Museum on Apple Valley Road. The path along the river bed has now been graded & is hard packed, which makes for nice evening walking conditions. BRING flashlights, jacket, & wear comfortable walking shoes. Rainy/Foul weather cancels walk, so please call if questionable. LEADER: MELODY NICHOLS (760) 963-4430 <Labelady@msn.com>

HIKE

FEB 17 (TUE) 6:00 PM SAN JACINTO VALLEY (HEMET) CONS COMMITTEE MEETING
Monthly conservation meeting. The public is welcome. LOCATION: Call or email for location & directions. CONTACT: SHAULI ROSEN-RAGER, (951) 767-2203, <gardens@netzon.net>

SAN JACINTO VALLEY (HEMET) CONSERVATION COMMITTEE

FEB 17 (TUE) 6:30 PM BIG BEAR GROUP MEETING
Monthly meeting. INFO: For current program information, please visit the Group web site www.sierraclubbigbeargroup.org. PLACE: Big Bear Discovery Center, 40971 North Shore Dr. (Hwy. 38), FawnSkin. CONTACT: CHRISTIE WALKER, (909) 866-5006.

BIG BEAR GROUP

FEB 17 (TUE) 7:00 PM LOS SERRANOS GROUP MEETING
Monthly meeting except August. The Program this month is to be determined at press time. The public is welcome. Refreshments will be served. PLACE: Educational Building, Upland Presbyterian Church, Euclid Ave. at 11th. INFO: MARY ANN RUIZ, (909) 628-1285.

LOS SERRANOS GROUP

FEB 19 (THU) 6:00 PM TAHQUITZ GROUP MEETING
Depending on attendance at the January meeting, this and future meetings might be cancelled. Please call

Thank you for Remembering

Your financial contribution means a lot to us. By supporting this chapter, you support the Sierra Club's work in your back yard. This makes you an important part of our work to protect wilderness and wildlife, to improve the quality of life in our cities, and to promote the enjoyment of nature.

have great views of the water & the park. Elevation gain & loss: about 500 feet. WEAR: hiking boots. BRING: water, snack, lunch, layered clothing. MEET: call for meeting place & RESERVATIONS. LEADER, BILLIE WOLFF (909) 338-2534.

SB MOUNTAINS GROUP

FUTURE OUTINGS & EVENTS

Please read "LIABILITY WAIVER" preceding these listings
(Also refer to Weekly reoccurring Outings & Activities)

MAR 2 (MON) 7:00 PM APPLE VALLEY CONDITIONING HIKE
Please join me for a 6-mile fast paced conditioning walk along the Mojave River. MEET at the Victor Valley Museum on Apple Valley Road. The path along the river bed has now been graded & is hard packed, which makes for nice evening walking conditions. BRING flashlights, jacket, & wear comfortable walking shoes. Rainy/Foul weather cancels walk, so please call if questionable. LEADER: MELODY NICHOLS (760) 963-4430 <Labelady@msn.com>

HIKE

MAR 8 (SUN) 6:00 PM MOONLIGHT HIKE
Come for a 2 to 3 hour evening hike in the foothills to enjoy the "full" moon. (Actual full moon is March 11.) Hikes are moderately paced. Between 4 & 5 miles rt, 400 to 1200 ft elev.. Hike locations will vary. MEET: North parking lot of PFF Bank, Claremont, at NE corner of Indian Hill & Foothill Blvds. BRING: Jacket, flashlight, water, & wear sturdy shoes/boots. RAIN CANCELS. INFO: Leaders PATTY & DAVID THORNE (909) 981-5813.

HIKE

MAR 14-15 (SAT-SUN) GHOST TOWN EXTRAVAGANZA
Come with us to this spectacular desert landscape near Death Valley to explore the ruins of California's colorful past. Camp at the historic ghost town of Ballarat (flush toilets & hot showers). On Sat, do a very challenging hike to ghost town Lookout City with expert Hal Fowler who will regale us with tales of this Wild West town. Later we'll return to camp for Happy Hour, a potluck feast & campfire. On Sun, a quick visit to the infamous Riley town site before heading home. Group size strictly limited. RESERVATIONS: Send \$8 per person (Sierra Club), 2 SASE, H&W phones, email, rideshare info to LEADER: LYGEIA GERARD, P.O. Box 294726, Phelan, CA 92329; (760) 868-2179. CNRCC DESERT COMMITTEE

CARCAMP

MAR 20-22 (FRI-SUN) CA DESERT WILDERNESS IN SPRING SERVICE
Enjoy our traditional spring equinox fling in far-eastern California desert helping the BLM Needles office wilderness coordinator Mona Daniels restore & improve wilderness. Car camping with central commissary by Vicky Hoover. RESERVATIONS & INFO: Contact VICKY HOOVER, (415) 977-5527, <vicky.hoover@sierraclub.org>

MOJAVE GROUP

APR 5-10 (SUN-FRI) FENCES & FLOWERS IN THE CARRIZO PLAIN SERVICE
This National Monument is famous for open spaces, for abundant wildlife, & for its springtime wildflowers. Fences significantly restrict the movement of the resident pronghorn antelope, & our service will be in modifying & removing fences for their benefit. We will plan a welcome hike on April 5, three & a half days of service, & a full day for exploring the monument. Use of accommodations at Goodwin Ranch is included. Limited to 12 participants; \$30 covers 5 dinners. RESERVATIONS & INFO: Contact LEADER: CRAIG DEUTSCHE <deutsche@earthlink.net> (310) 477-6670, or CO-LEADER MELINDA GOODWATER, <mgoodwater@sbcglobal.net> (408) 774-1257.

CNRCC DESERT COMMITTEE

APR 18-20 (SAT-MON) FURNACE CREEK, NEVADA BACKPACK
On the east side of the White Mountains near Dyer, Nevada; Furnace Creek is a beautiful stream, threatened by plans to rebuild a road that washed out sometime in the 80s. We'll backpack up the creek on Saturday, do a day hike beyond the head of the canyon at Tres Plumas Flats on Sunday, and backpack out on Monday. Water is available near our campsite. This is an easy to moderate trip with ample opportunity to explore and enjoy. We should be back at our cars by late morning on Monday. LIMITED to 12 participants. RESERVATIONS & INFO: Contact LEADER: JOHN WILKINSON (408) 876-8295 <johnfw1@mac.com>

CNRCC DESERT COMMITTEE

Other Outings & Outdoor Classes

In addition to the Natural History Classes and Outdoor Field Study Classes listed elsewhere in the Palm and Pine under The Desert Institute, UCR Extension and Rancho Santa Ana, you can find additional outings and classes at www.desertreport.org

(Continued from page 7)

NON-SIERRA CLUB ACTIVITIES

The following activities, meeting & events are neither sponsored nor administered by the Sierra Club. The Sierra Club has no information about the planning of these activities & makes no representations or warranties about the quality, safety, supervision or management of such activities. They are published only as a reader service because they may be of interest to the readers of this publication.

NON-SIERRA CLUB RECURRING WEEKLY & MONTHLY MEETINGS

(LOOK IN CALENDAR FOR DATES)

(1ST FRI) 8:00 PM INTERNATIONAL FOLK DANCE FOLK DANCE
NON-SIERRA CLUB EVENT UC RIVERSIDE FOLK DANCE CLUB

Join us for international folk dancing. This is the same group that used to meet at UCR. Meetings are twice monthly: on the 1st & 3rd Fridays. COST: \$2 donation to help pay for the room. PLACE: Highgrove United Methodist Church, 938 W. Center St., Highgrove. DIRECTIONS: Take the Center St. exit from Interstate 215. The church is one half mile east of the freeway on the right. INFO: GAIL SEEKINS (909) 825-4427 <lgseekins@sbcglobal.net>

(1ST SUN) 3:30 PM RIVERSIDE CONTRA DANCE DANCE
NON-SIERRA CLUB EVENT RIVERSIDE CONTRA DANCE

Join us in for an afternoon of contra dance to live music. Dance Instruction at 3:30. Dance from 4:00 to 7:00. Refreshment will be served at the break. Potluck at 7:00, so bring a dish to share. COST: \$9 general admission, \$7.00 students with ID. PLACE: All Saints Episcopal Church, 3847 Terracina Dr., Riverside. DIRECTIONS: The church is on the corner of Terracina & Magnolia between 14th St. & Central Ave. From the 91 freeway, exit on 14th St., go north to Magnolia & turn left. The church will be on your right. Alternatively, exit at Central Ave., go north to Magnolia & turn right: The church will be on your left. Caller/Band Coordinator: PATTY MCCOLLOM (714) 267-4567 or <mccollom@sbcglobal.net> INFO: CAITLIN ST. JOHN (951) 522-2473 <caitlinstjohn@yahoo.com> Riverside Contra Dance Website: <<http://bees.ucr.edu/riversidedance/cdclink.html>>

(3RD TUE) 6:30 PM SAVE OUR SKYLINE: BOX SPRINGS THRU THE BADLANDS OPEN SPACE MEETING
NON-SIERRA CLUB EVENT SAVE OUR SKYLINE: BOX SPRINGS THRU THE BADLANDS

Help us preserve Moreno Valley's northern skyline & secure a natural open-space corridor between the Box Springs Mountains & the Badlands, including the upper basin of Reche Canyon. We meet at the Coffee Grinder, 23580 Sunnymead Blvd., Moreno Valley. INFO: DAN CLARK, (951) 924-2454 <saveourskyline@roadrunner.com>

(3RD WED) 7:30 PM AUDUBON SOCIETY MEETING
NON-SIERRA CLUB EVENT SAN BERNARDINO VALLEY AUDUBON SOCIETY

PROGRAM: A guest speaker presents an illustrated program on wildlife or natural science. Note that the December meeting will be a potluck holiday dinner starting at 6:30 PM. Come early to browse the gift tables & socialize. LOCATION: San Bernardino County Museum, 2024 Orange Tree Lane, Redlands. DIRECTIONS: Exit I-10 at California St. INFO: DORI MEYERS, (714) 779-2201.

(3RD FRI) 8:00 PM INTERNATIONAL FOLK DANCE FOLK DANCE
NON-SIERRA CLUB EVENT UC RIVERSIDE FOLK DANCE CLUB

Join us for international folk dancing. This is the same group that used to meet at UCR. Meetings are twice monthly: on the 1st & 3rd Fridays. COST: \$2 donation to help pay for the room. PLACE: Highgrove United Methodist Church, 938 W. Center St., Highgrove. DIRECTIONS: Take the Center St. exit from Interstate 215. The church is one half mile east of the freeway on the right. INFO: GAIL SEEKINS (909) 825-4427 <lgseekins@sbcglobal.net>

NON-SIERRA CLUB ACTIVITIES CALENDAR

DEC 16 (TUE) 6:30 PM SAVE OUR SKYLINE: BOX SPRINGS THRU THE BADLANDS OPEN SPACE MEETING
NON-SIERRA CLUB EVENT SAVE OUR SKYLINE: BOX SPRINGS THRU THE BADLANDS

Help us preserve Moreno Valley's northern skyline & secure a natural open-space corridor between the Box Springs Mountains & the Badlands, including the upper basin of Reche Canyon. We meet at the

DEC 19 (FRI) 8:00 PM INTERNATIONAL FOLK DANCE FOLK DANCE
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Join us for international folk dancing. This is the same group that used to meet at UCR. Meetings are twice monthly: on the 1st & 3rd Fridays. COST: \$2 donation to help pay for the room. PLACE: Highgrove United Methodist Church, 938 W. Center St., Highgrove. DIRECTIONS: Take the Center St. exit from Interstate 215. The church is one half mile east of the freeway on the right. INFO: GAIL SEEKINS, (909) 825-4427 <lgseekins@sbcglobal.net>

DEC 20 (SAT) 8:30 AM BIG MORONGO HIKE
NON-SIERRA CLUB EVENT CALIFORNIA WILDERNESS COALITION

Join CWC for a leisurely hike through biologically rich riparian forest & Mesquite forest, & a foray into desert hills for a potential opportunity to view desert bighorn. This family-friendly hike will give us ample opportunity to view some of the over 240 species of birds that utilize Big Morongo as a refuge. BRING 2 liters of water per person, sturdy walking shoes or boots, hat, sunscreen, snacks & a picnic lunch. Stroller & wheelchair accessible. REGISTRATION: If you are planning on joining us. Please leave a message in advance for LAUREL WILLIAMS at <lwilliams@calwild.org> or (909) 260-8833.

JAN 2 (FRI) 8:00 PM INTERNATIONAL FOLK DANCE FOLK DANCE
NON-SIERRA CLUB EVENT UC RIVERSIDE FOLK DANCE CLUB

Join us for international folk dancing. This is the same group that used to meet at UCR. Meetings are twice monthly: on the 1st & 3rd Fridays. COST: \$2 donation to help pay for the room. PLACE: Highgrove United Methodist Church, 938 W. Center St., Highgrove. DIRECTIONS: Take the Center St. exit from Interstate 215. The church is one half mile east of the freeway on the right. INFO: GAIL SEEKINS (909) 825-4427 <lgseekins@sbcglobal.net>

JAN 4 (SUN) 8:00 AM SAN JACINTO WILDLIFE AREA BEGINNING BIRD WALK
NON-SIERRA CLUB EVENT FRIENDS OF THE NORTHERN SAN JACINTO VALLEY

Co sponsored with the San Bernardino Audubon Society. Check <www.sbas.org> for current information. A slow-paced walk to introduce participants to basic birding techniques & identification skills so you will feel comfortable birding on your own or joining Audubon's longer birding trips. Do not drive on Davis Road if the road is muddy. COST: Free. BRING: Binoculars, bird book, sturdy shoes, hat, plenty of water, lunch, snacks, non-toxic insect repellent. MEET: San Jacinto Wildlife Area headquarters, 17050 Davis Rd, Lakeview. DIRECTIONS: From Interstate 215, take Ramona Expressway east to Davis Rd. in Lakeview; north on Davis Rd. 2.3 miles to headquarters. Davis Rd. is closed from Moreno Valley. Only entrance to wildlife area is from the Ramona Expressway. INFO: DOUG KARALUN (909) 425-5355.

JAN 4 (SUN) 3:30 PM RIVERSIDE CONTRA DANCE DANCE
NON-SIERRA CLUB EVENT RIVERSIDE CONTRA DANCE

Caller: Jonathan Southard (from Santa Barbara). Band: Atlantic Crossing (Georgiana Hennessy - fiddle; Patty McCollom - banjo; Matt Tonge - guitar). Join us in for an afternoon of contra dance to live music. Dance Instruction at 3:30. Dance from 4:00 to 7:00. Refreshment will be served at the break. Potluck at 7:00, so bring a dish to share. COST: \$9 general admission, \$7.00 students with ID. PLACE: All Saints Episcopal Church, 3847 Terracina Dr., Riverside. DIRECTIONS: The church is on the corner of Terracina & Magnolia between 14th St. & Central Ave. From the 91 freeway, exit on 14th St., go north to Magnolia & turn left. The church will be on your right. Alternatively, exit at Central Ave., go north to Magnolia & turn right. The church will be on your left. Caller/Band Coordinator: PATTY MCCOLLOM (714) 267-4567 or <mccollom@sbcglobal.net> INFO: CAITLIN ST. JOHN (951) 522-2473 <caitlinstjohn@yahoo.com> Website: <<http://bees.ucr.edu/riversidedance/cdclink.html>>

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JAN 18 (SUN) 9:00 AM SAN JACINTO WILDLIFE AREA BEGINNING BIRD WALK
NON-SIERRA CLUB EVENT FRIENDS OF THE NORTHERN SAN JACINTO VALLEY

Join us for a morning of birding & learning about the natural resources at the San Jacinto Wildlife Area. Tom Paulek & Mike McKibben will talk about the ecology & geology of the wildlife area & northern San Jacinto Valley. Do not drive on Davis Road if the road is muddy. COST: Free. BRING: Binoculars, bird book, sturdy shoes, hat, plenty of water, lunch, snacks, non-toxic insect repellent. MEET: San Jacinto Wildlife Area headquarters, 17050 Davis Road, Lakeview. DIRECTIONS: From Interstate 215, take

NON-SIERRA CLUB ACTIVITIES CALENDAR

DEC 16 (TUE) 6:30 PM SAVE OUR SKYLINE: BOX SPRINGS THRU THE BADLANDS OPEN SPACE MEETING

NON-SIERRA CLUB EVENT

SAVE OUR SKYLINE: BOX SPRINGS THRU THE BADLANDS
Help us preserve Moreno Valley's northern skyline & secure a natural open-space corridor between the Box Springs Mountains & the Badlands, including the upper basin of Reche Canyon. We meet at the Coffee Grinder, 23580 Sunnymead Blvd., Moreno Valley. INFO: DAN CLARK, (951) 924-2454 <saveourskyline@roadrunner.com>

DEC 17 (WED) 6:30 PM AUDUBON SOCIETY MEETING

NON-SIERRA CLUB EVENT

Come & Celebrate the Holidays. Our traditional potluck dinner will be held at the San Bernardino County Museum, on Wednesday, December 17 at 6:30 p.m. Turkey, ham and beverages will be provided. Please bring your own table service & your favorite dish to share: a salad, vegetable, casserole, side dish, or dessert. Plan to do a little last minute holiday shopping at our bookstore. For our program please bring fifteen of your favorite nature slides to show. Come early to browse the gift tables & socialize. LOCATION: San Bernardino County Museum, 2024 Orange Tree Lane, Redlands. DIRECTIONS: Exit I-10 at California St. INFO: DORI MEYERS (714) 779-2201.

United Methodist Church, 938 W. Center St., Highgrove. DIRECTIONS: Take the Center St. exit from Interstate 215. The church is one half mile east of the freeway on the right. INFO: GAIL SEEKINS (909) 825-4427 <lgseekins@sbcglobal.net>

JAN 18 (SUN) 9:00 AM SAN JACINTO WILDLIFE AREA BEGINNING BIRD WALK

NON-SIERRA CLUB EVENT

FRIENDS OF THE NORTHERN SAN JACINTO VALLEY
Join us for a morning of birding & learning about the natural resources at the San Jacinto Wildlife Area. Tom Paulek & Mike McKibben will talk about the ecology & geology of the wildlife area & northern San Jacinto Valley. Do not drive on Davis Road if the road is muddy. COST: Free. BRING: Binoculars, bird book, sturdy shoes, hat, plenty of water, lunch, snacks, non-toxic insect repellent. MEET: San Jacinto Wildlife Area headquarters, 17050 Davis Road, Lakeview. DIRECTIONS: From Interstate 215, take Ramona Expressway east to Davis Rd. in Lakeview; north on Davis Rd. 2.3 miles to headquarters. Davis Rd. is closed from Moreno Valley. Only entrance to wildlife area is from the Ramona Expressway. INFO: ANN MCKIBBEN, (951) 924-8150 or SUE NASH, (909) 228-6710.

JAN 20 (TUE) 6:30 PM SAVE OUR SKYLINE: BOX SPRINGS THRU THE BADLANDS OPEN SPACE MEETING

NON-SIERRA CLUB EVENT

SAVE OUR SKYLINE: BOX SPRINGS THRU THE BADLANDS
Help us preserve Moreno Valley's northern skyline & secure a natural open-space corridor between the Box Springs Mountains & the Badlands, including the upper basin of Reche Canyon. We meet at the

(Continued on page 9)

Chapter Executive Committee

San Gorgonio Chapter Website
<http://sangorgonio.sierraclub.org>

Chair

*Rick Estes 951-314-3328
rickestes_92595@yahoo.com

Vice-Chair

Open

Secretary

Kim Floyd
760-249-5385

Treasurer

*Ladd Seekins 909-825-4427
lgseekins@sbcglobal.net

Conservation Chair

*Kim Floyd 760-249-5385
kimffloyd@verizon.net

Conservation Education Chair

Open

Membership Chair

*Bill Cunningham 909-793-9558

Outings Chair

*Ralph Salisbury 951-686-4141
ralphsalisbury@att.net

SC Council Delegate

*Rick Estes 951-314-3328
rickestes_92595@yahoo.com

CNRCC Delegates

*George Hague 909-924-0816
Sid Silliman 909-946-5027
gssilliman@csupomona.edu

Group Representatives

Big Bear Group

*Don Jordan 909-585-8786
donjordan@silvercloud.net

Los Serranos Group

*Mary Ann Ruiz 909-815-9379
ruizmaryann@gmail.com

Mojave Group

*Estelle Delgado 760-241-7327
estelledelgado@verizon.net

Moreno Valley

*George Hague 951-924-0816

San Bernardino Mtns. Group

*Dave Barrie 909-337-0313
barriemail@mac.com

Tahquitz Group

*Joan Taylor

Wilderness Skills/Leadership Training

Ralph Salisbury 951-686-4141

Chapter Conservation Issue Chairs

Desert Issues — High Desert

Kim Floyd 760-249-5385
Kimfloyd@verizon.net

Desert Issues — Low Desert

Joan Taylor

Desert — Eagle Mountain

Donna Char pied 760-392-4722
laronna@earthlink.net

Forestry Issues — Mountaintop RD

East — Ed Wallace 909-584-9407
West — Steve Farrell 909-338-2637
spamsqf@verizon.net

Forestry Issues San Jacinto RD

Holly Owen 951-303-7922
Joyce Burk 760-252-3820

Forestry Issues Cleveland NF

Gene Frick 951-689-2283
gfrick@cosmoaccess.net

Water Issues

Steve Farrell 909-338-2637

California Wild Heritage Campaign

Joyce Burk 760-252-3820

Group Directory

Big Bear Group

Chair — Christie Walker 909-866-5006
Meets 3rd Tuesday, Discovery Center

North Shore, 6:30 p.m.
www.sierraclubbigbeargroup.org

Los Serranos Group

Chair — Mary Ann Ruiz 909-815-9379
ruizmaryann@gmail.com
Meets 3rd Tuesday Upland Presbyterian Church,
Ed Building 7 p.m.

Mojave Group

Chair — Jenny Wilder 760-220-0730
jensoasis@aol.com
Meets 2nd Wednesday except Jul. & Aug.

Sterling Inn, Regency Room,
17738 Francesca, Victorville 7 p.m.

(just north of Bear Valley and Ridgecrest)
(also contact earthlingwiley@aol.com)

Moreno Valley Group

Chair — Michael Millspaugh 951-653-2068

Mountains Group

Chair — Dave Barrie 909-337-0313
barriemail@mac.com

Meets 2nd Monday 7:00 p.m.
Except Aug & Dec. St Richard's Episcopal
Church, 28708 Hwy 18, Sky Forest

Tahquitz Group

Chair — Jeff Morgan 760-324-8696

Section Directory

Sierra Singles

Chair — Ralph Salisbury 951-686-4141
Meets 1st Tuesday,
San Bernardino County Museum

Natural Science Section

Co-Chairs — Janice/Brian Elliott
909-985-2395

THE DESERT INSTITUTE CLASSES

(Continued from page 12)

review camera basics and how to combine traditional photography skills with digital techniques to create dynamic images in the classroom session and then focus the field sessions on exploring the landscape using boulder towers, outwash plains, panoramas, close ups, and Joshua trees as subjects. Downer will teach participants to develop their personal photography styles against the backdrop of the Mojave Desert and how to optimize images using Adobe Photoshop including an introduction to creating professional quality multimedia presentations, how to stitch together panoramas and improve photographs.

February 27-28/March 1, 2009 Rocks & Minerals of Joshua Tree National Park - Learn the geologic story of tectonic plates, magma & time that formed the building blocks of Joshua Tree National Park. Bruce Bridenbecker will explain the critical principles that shaped the rocks and minerals of this area into the blonde granite and pre-Cambrian gneiss which are iconic of the Mojave and Colorado Deserts. During this combined three-day lecture and field class, participants will focus on identification of the three basic rock types: igneous, metamorphic, and sedimentary and then apply their knowledge in the field by exploring examples of rock types, contact zones, and unique geologic formations like polka dot granite and pink feldspar megacrysts.

March 1, 2009 Secrets of a Desert Oasis - Explore the largest stretch of palm trees in Joshua Tree National Park with Mark Wheeler. The class will travel to an isolated canyon on the park's south boundary that has over 110 palms! Participants will walk through Munsen canyon to reach Munsen Oasis - a high secluded stand of 35 palms with the backdrop of Eagle Mountain. Along the way the class will learn about the ecology of the Colorado Desert, geology of the Eagle Mountains, the importance of oases, the threats to the south boundary and the complexity of washes. The class may even see some big horn sheep who are known to occasionally inhabit this haven for wildlife. Persons attending must be in good physical condition, and comfortable spending the day walking and rock scrambling up to twelve miles in the park.

March 6-7, 2009 Archaeological Surveying - Uncover Joshua Tree National Park's historic past through archaeological surveying. During the classroom sessions, Wanda Raschkow will provide a background on historic archaeology and teach survey techniques. Participants will learn basic map and compass skills, artifact identification, and the use of transects. The class will then apply their new mapping skills and record an archaeological site in the park. Participants will document their findings and draw conclusions to create a picture of the people who inhabited the park. This is a great opportunity to get hands-on experience with archaeological field methods. Field sessions will focus on historic period sites.

March 7, 2009 Basic Desert Survival - Learn the essential "big four" skills needed to safely explore the sometimes harsh and often challenging desert landscape of Joshua Tree National Park. Tony Nester, survival expert and author of Desert Survival Tips, Tricks and Skills, will teach the physical skills and mental processes that will prepare participants to discover some of the most beautiful and most dangerous habitats of the world. Nester will offer suggestions and strategies to manage your mind in survival situations and how to set priorities when stakes are high. Some of the topics covered include: survival kits, edible and dangerous plants, stellar navigation, as well as desert hazards such as flash floods, venomous creatures, and heat-related injuries. The class will also engage in mock survival scenarios. This class is not to be missed if you plan on spending any time in the desert!

March 8, 2009 Primitive Skills: The Universal Tool Kit - Join Paul Campbell to delve into one of the oldest skills known to man: making and using stone tools in this all-day field class. The universal tool kit is the secret tool kit of primitive technology. It makes survival possible without a store-bought metal knife or hatchet. Campbell will discuss the process our ancestors used to pick up naturally fractured rocks or with a few deft strokes turn cobbles into basic tools that are rarely pictured or documented in the archaeological record. Then the class will get to feel the thrill of working directly with rock by breaking, shaping, and creating primitive tools. The tools will then be used to cut wood, haft simple flake knives and make a basic spear.

March 8, 2009 Rare Species of Joshua Tree National Park - Joshua Tree National Park is a land of diversity, with ecosystems of the high, cool Mojave Desert and the low, hot Colorado Desert all within its boundaries. Katie Barrows, botanist specializing in endangered species, will explain what animals and plants are considered rare, threatened, or endangered and why in this one-day field class. Starting with a classroom session, Barrows will discuss the basics of what rare or endangered means from a legal and biological perspective, what plants, animals, and insects fall into those categories in the park, and whether extinction is a natural process or the current rate of plant and animal loss around the world is something to be concerned about. During the field component, participants will learn what is being done to ensure that rare species populations remain healthy and prosperous and the 'value' of rare or endangered species while exploring some of the habitats that are home to Joshua Tree's rare plants and animals. The class will also discuss some of the issues involved in conservation efforts in southern California. If lucky, participants may encounter one of the park's best loved residents - the threatened desert tortoise.

March 14, 2009 Malapai Hill's Fantastic Geology - Investigate the natural architecture and origin of Joshua Tree National Park's fantastic volcanic geology with Richard Hazlett. Starting in the classroom, participants will be introduced to basic geologic principles, and then Hazlett will focus on one of the park's spectacular examples of volcanism - Malapai Hill. Malapai Hill is a health tower that stands 400 feet tall in the middle of Pleasant Valley and contains

(Continued from page 8)

Coffee Grinder, 23580 Sunnymead Blvd., Moreno Valley. INFO: DAN CLARK, (951) 924-2454 <saveourskyline@roadrunner.com>

JAN 21 (WED) 7:30 PM

NON-SIERRA CLUB EVENT

AUDUBON SOCIETY

MEETING

SAN BERNARDINO VALLEY AUDUBON SOCIETY

PROGRAM: A guest speaker presents an illustrated program on wildlife or natural science. Come early to browse the gift tables & socialize. LOCATION: San Bernardino County Museum, 2024 Orange Tree Lane, Redlands. DIRECTIONS: Exit I-10 at California St. INFO: DORI MEYERS, (714) 779-2201.

FEB 1 (SUN) 8:00 AM

NON-SIERRA CLUB EVENT

SAN JACINTO WILDLIFE AREA

BEGINNING BIRD WALK

FRIENDS OF THE NORTHERN SAN JACINTO VALLEY

Co sponsored with the San Bernardino Audubon Society. Check <www.sbvfas.org> for current information. A slow-paced walk to introduce participants to basic birding techniques & identification skills so you will feel comfortable birding on your own or joining Audubon's longer birding trips. Do not drive on Davis Road if the road is muddy. COST: Free. BRING: Binoculars, bird book, sturdy shoes, hat, plenty of water, lunch, snacks, non-toxic insect repellent. MEET: San Jacinto Wildlife Area headquarters, 17050 Davis Rd, Lakeview. DIRECTIONS: From Interstate 215, take Ramona Expressway east to Davis Rd. in Lakeview; north on Davis Rd. 2.3 miles to headquarters. Davis Rd. is closed from Moreno Valley. Only entrance to wildlife area is from the Ramona Expressway. INFO: CATHY TOBIN, (951) 684-9613

FEB 1 (SUN) 3:30 PM

NON-SIERRA CLUB EVENT

RIVERSIDE CONTRA DANCE

DANCE

RIVERSIDE CONTRA DANCE

Caller: John Rogers. Band: Molly and the Moonlighters (Evan Anderson, Marie Bruno, Barbara Whitney, Patty McCollom). Join us in for an afternoon of contra dance to live music. Dance Instruction at 3:30. Dance from 4:00 to 7:00. Refreshment will be served at the break. Potluck at 7:00, so bring a dish to share. COST: \$9 general admission, \$7.00 students with ID. PLACE: All Saints Episcopal Church, 3847 Terracina Dr., Riverside. DIRECTIONS: The church is on the corner of Terracina & Magnolia between 14th St. & Central Ave. From the 91 freeway, exit on 14th St., go north to Magnolia & turn left. The church will be on your right. Alternatively, exit at Central Ave., go north to Magnolia & turn right. The church will be on your left. Caller/Band Coordinator: PATTY MCCOLLOM (714) 267-4567 or <mmccollom@sbcglobal.net> INFO: CAITLIN ST. JOHN (951) 522-2473 <caitlinstjohn@yahoo.com> Riverside Contra Dance Website: <<http://bees.ucr.edu/riversidedance/cdlink.html>>

FEB 6 (FRI) 8:00 PM

NON-SIERRA CLUB EVENT

INTERNATIONAL FOLK DANCE

FOLK DANCE

UC RIVERSIDE FOLK DANCE CLUB

Join us for international folk dancing. This is the same group that used to meet at UCR. Meetings are twice monthly: on the 1st & 3rd Fridays. COST: \$2 donation to help pay for the room. PLACE: Highgrove United Methodist Church, 938 W. Center St., Highgrove. DIRECTIONS: Take the Center St. exit from Interstate 215. The church is one half mile east of the freeway on the right. INFO: GAIL SEEKINS (909) 825-4427 <gseekins@sbcglobal.net>

FEB 17 (TUE) 6:30 PM

NON-SIERRA CLUB EVENT

SAVE OUR SKYLINE: BOX SPRINGS THRU THE BADLANDS

OPEN SPACE MEETING

SAVE OUR SKYLINE: BOX SPRINGS THRU THE BADLANDS

Help us preserve Moreno Valley's northern skyline & secure a natural open-space corridor between the Box Springs Mountains & the Badlands, including the upper basin of Reche Canyon. We meet at the Coffee Grinder, 23580 Sunnymead Blvd., Moreno Valley. INFO: DAN CLARK, (951) 924-2454 <saveourskyline@roadrunner.com>

FEB 18 (WED) 7:30 PM

NON-SIERRA CLUB EVENT

AUDUBON SOCIETY

MEETING

SAN BERNARDINO VALLEY AUDUBON SOCIETY

PROGRAM: A guest speaker presents an illustrated program on wildlife or natural science. Come early to browse the gift tables & socialize. LOCATION: San Bernardino County Museum, 2024 Orange Tree Lane, Redlands. DIRECTIONS: Exit I-10 at California St. INFO: DORI MEYERS, (714) 779-2201.

FEB 20 (FRI) 8:00 PM

NON-SIERRA CLUB EVENT

INTERNATIONAL FOLK DANCE

FOLK DANCE

UC RIVERSIDE FOLK DANCE CLUB

Join us for international folk dancing. This is the same group that used to meet at UCR. Meetings are twice monthly: on the 1st & 3rd Fridays. COST: \$2 donation to help pay for the room. PLACE: Highgrove United Methodist Church, 938 W. Center St., Highgrove. DIRECTIONS: Take the Center St. exit from Interstate 215. The church is one half mile east of the freeway on the right. INFO: GAIL SEEKINS (909) 825-4427 <gseekins@sbcglobal.net>

categories in the park, and whether extinction is a natural process or the current rate of plant and animal loss around the world is something to be concerned about. During the field component, participants will learn what is being done to ensure that rare species populations remain healthy and prosperous and the 'value' of rare or endangered species while exploring some of the habitats that are home to Joshua Tree's rare plants and animals. The class will also discuss some of the issues involved in conservation efforts in southern California. If lucky, participants may encounter one of the park's best loved residents – the threatened desert tortoise.

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March 14, 2009 Drypoint Prints from Jumbo Rocks - Discover the fun of printmaking with visual artist Gretchen Grunt. Grunt will guide participants in a day of creativity through the process of making drypoint prints. The class will start with a field trip to Jumbo Rocks Campground in Joshua Tree National Park where participants will begin the printmaking process by scratching on a plastic plate with a needle. The class will finalize their art pieces in a printing session at the Twentynine Palms Creative Center. The use of inks and an etching press will complete the magical process of making unique drypoint prints. A variety of techniques will be demonstrated using brushes, brayers, Q-tips, scratching, cheese cloth and multiple colors. All art materials will be provided and no previous experience required.

March 15, 2009 Desert Literature - Be inspired by the literature of the desert! Michel Walker, who has taught numerous classes in environmental literature from Texas to Nevada, will present excerpts from some of the most influential authors in this one-day seminar. Walker will introduce participants to famous desert writers including: Abbey, Austin, Bowden, Harjo, Kingsolver, and Ronald while visiting unique locations within Joshua Tree National Park. There is no better way to read and discuss these famous writings than surrounded by the Joshua trees, vast vistas, and desert sand that create this unique landscape. Students will also have the opportunity to write their own nature inspired compositions during the class.

March 15, 2009 Southern California Rock Art - Pictographs and petroglyphs provide a fascinating glimpse into humanity's ancient past. Daniel McCarthy will discuss the universal media of rock art that serves as a testimonial for the ancient voices from the past. This one-day field class will include trips to three archaeological sites with representative rock art from Southern California. Class discussions will focus on who made these timeless images, how they were created, and their importance. McCarthy will guide participants to these fragments of the past that provide a valuable record of ancient societies. This is a great opportunity to learn about rock art's communication through stylistic imagery with an expert archaeologist!

March 20-22, 2009 Flora of Joshua Tree Park - Learn the secret of how plants survive in some of the hottest deserts in the world in this two-day field class offered by the Desert Institute. Stefanie Ritter and Mark Wheeler will guide the class in the identification of desert flora while unfolding the story of how plants have adapted to flourish in a land with little rain. The class will walk through the Joshua trees, getting up close and personal with the spring blossoms and perennial shrubs. Participants will learn the identification characteristics, indicator species and the importance of plants in the Mojave and Colorado Deserts.

March 21, 2009 Watercolor Painting in the Park - Indulge your creativity with a day of painting in Joshua Tree National Park. Participants will be immersed in the desert landscape and learn the observational skills that are essential to painting nature. Audrey Gillick will help students shift the desert scenery to paper with watercolor paint. Participants will learn basic methods for transforming nature into art through techniques that maintain color clarity and high quality value difference with glazes, washes, wet-on-wet, and dry brush. Learn how the characteristic transparency of watercolor painting brings landscapes to life by allowing light to pass through the film of paint and reflect back off the white paper to give brightness and sparkle to the artwork that matches the sunlit desert environment. This pleasant non-intimidating class provides ample time to relax, investigate and paint.

March 22, 2009 Light & Color: Oil Painting in JTNP - Capture the vitality of Joshua Tree National Park in this all-day plein air painting class with international art instructor Diana McClary. McClary will teach signature oil painting techniques such as 'fat over lean,' tone adjustment, underpainting, glazing, and ability to conceal brushstrokes while participants are immersed in the beauty of a desert spring. Participants will have the opportunity for individual instruction on effective use of light and shadow, defining values, and composition in oil. McClary is known for her unique use of color and will also share her approach to color harmony. This pleasant non-intimidating class requires no previous experience and provides ample time to relax, investigate and paint.

March 27-28, 2009 Photography Up Close & Personal - Record the beautiful intricacy of the desert using macro photography in this two-day field class. Spelman Evans Downer will teach participants the secret of small scale picture composition and encourage the development of unique photographic styles. During the classroom session, Downer will review basics such as exposure, shutter speeds and depth of field, and how to combine digital camera techniques with traditional photography skills. The field session in Joshua Tree National Park will explore the landscape focusing on flowers, insects, and detail oriented composition. A tripod is strongly recommended for this class. Downer will emphasize formulating personal images of this much photographed landscape.

Redlands. DIRECTIONS: Exit I-10 at California St. INFO: DORI MEYERS, (714) 779-2201.

**FEB 20 (FRI) 8:00 PM
NON-SIERRA CLUB EVENT**

INTERNATIONAL FOLK DANCE

**FOLK DANCE
UC RIVERSIDE FOLK DANCE CLUB**

Join us for international folk dancing. This is the same group that used to meet at UCR. Meetings are twice monthly on the 1st & 3rd Fridays. COST: \$2 donation to help pay for the room. PLACE: Highgrove United Methodist Church, 938 W. Center St., Highgrove. DIRECTIONS: Take the Center St. exit from Interstate 215. The church is one half mile east of the freeway on the right. INFO: GAIL SEEKINS (909) 825-4427 <lgseekins@sbcglobal.net>

Rancho Santa Ana Botanic Garden Natural History Classes & Field Trips

The Rancho Santa Ana Botanic Garden in Claremont has an extensive list of classes and field trips including Horticulture and Botany classes, Natural History classes and field trips and Art classes. For a complete description and fees go to www.rsabg.org and click on "View Full Calendar" or contact Cotton Coslett at ccoslett@rsabg.org or 909-625-8767, ext. 224.



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Art at the Oasis

Joshua Tree National Park Art Festival

Seventeenth Annual Joshua Tree National Park Art Festival
 April 3, 4 & 5, 2009 (9:00 am to 5:00 pm each day)
 Joshua Tree National Park Visitor Center
 74485 National Park Drive, Twentynine Palms, CA 92277
 (760) 367-5500

Enjoy the arts in an outdoor setting at the Oasis of Mara Visitor Center. The Sixteenth Annual Art Festival will be held at Joshua Tree National Park's Headquarters in Twentynine Palms on April 3, 4, and 5, 9:00 a.m. to 5:00 p.m. You'll have the pleasure of seeing the work of more than twenty artists under the visitor center patio next to the .8 mile historic Oasis of Mara nature trail. A love and respect for the Joshua Tree National Park is the common bond between these artists and you can't escape the feelings of camaraderie that exist at this festival!! Each artist will have work for sale and enjoy sharing their very personal interpretation of the Joshua Tree National Park with you.

Painting, sculpture, photography, ceramics, and jewelry are some of the media included in this year's Art Festival.

Joshua Tree National Park Association, sponsor of the Art Festival, is a non-profit organization that provides support and assistance to the Park's interpretive, educational and scientific programs. Open to the public, there is no fee to attend the Art Festival.



How California Can Achieve A 33% Standard For Clean Renewable Power

By Jim Metropulos, SC California

California once led the world in renewable energy. Now, and we have the power to take back the lead.

As it stands, our state's three Investor-Owned-Utilities — PG&E, Southern Edison, and San Diego Electric & Gas — probably will fall short of the state's current renewables target, 20% by 2010.

That's why Sierra Club California believes the state should reform our renewable energy portfolio standard (RPS) law. Improving this law will help us meet AB 32 climate protection goals, improve the quality of the air we breathe, and reduce our reliance on depleted fossil fuel resources.

Other states have adopted RPS laws and made significant strides in building renewable energy. In 2007, Texas reached a total installed wind capacity of over 5,000 megawatts. That same year, California only built about 60 megawatts of wind turbines — a dismal performance. Making California a leader again will require significant reforms in the RPS law to remove current regulations that have a built-in bias against renewable energy, and replace these with rules that support the state's goals for clean energy.

Although efforts to pass legislation to boost the RPS goal and to make reforms in the program failed this year, Sierra Club California continues to lobby for more renewable power. We are pleased that Speaker

success in increasing renewable energy generation in Germany, Spain and France.

Include municipal utilities in the RPS.

Municipal utilities like the Los Angeles Department of Water and Power and Sacramento Municipal Utility District should achieve the same renewable power levels as the Investor-Owned-Utilities.

Expand RPS Definition to Allow for Innovation and Energy Recovery Systems.

The RPS should include innovative, less well-known technologies to foster breakthroughs, and all thermal, kinetic, pressure, osmotic sources of electricity using little or no fossil fuel.

Expand Community Choice

Sierra Club activists favor community choice clean energy plans that would allow cities to get over half their electricity from renewables. The RPS law should help and not hinder these local efforts to increase renewable power generation.

Above all, in upgrading California's RPS law we must guard against efforts to undermine it in the name of reform. First, we oppose changing the definition to allow more hydropower to be considered as renewable. California offers very limited protection in its current renewable law, but does restrict the size of small hydros to 30 megawatts, and forbid new impoundments of water — hardly sufficient to protect water resources and aquatic life.

Second, we do not think utilities



Huts and Lodges

Want to escape to the mountains? Try visiting one of the Sierra Club Huts or Lodges. Stay overnight at the best rates in town.

Keller Ski Hut, built in 1938 is at an elevation of 6800 feet on Highway 18 between Running Springs and Big Bear in the San Bernardino Mountains, across from Snow Valley Ski Area. An adventure pass is required. There are two rustic living/dining rooms; fully equipped kitchen with cookware, dishes, utensils, stove, refrigerator, two dormitory sleeping lofts with 30 sleeping pads on floors; and bathroom. On open weekends or work parties/overseer training, call Jacqueline Meese (714-427-0457). Keller rates (SC): \$3.00 Day; \$8.00 overnight.

Harwood Lodge, built in 1930 to honor Aurelia Harwood, the first woman president of the Sierra Club is located in the San Gabriel Mountains on Mt. Baldy at 6000 feet elevation. It is about 2 miles after Icehouse Canyon and across from Snow Crest Park on the way up Mt. Baldy Road. The driveway on the right is shared with the Zen Center. There is a fully equipped kitchen, dormitory sleeping facilities and restrooms with showers. On Open Weekends, no reservation is required. Check in with the Overseer between 10:00 a.m. Saturday until 3:00 p.m. Sunday. SC Rates: \$5.00 Day; \$12.00 overnight.

San Antonio Ski Hut, built by the Ski Mountaineers in 1937. At 8200 feet, it is reached by a steep 3 mile hike with 2200 feet of gain. Rates: \$1.00 Day; \$10.00 overnight.

Open weekends/Work Parties/Overseer Training for these huts and lodges can be found by visiting the Angeles Chapter Website (access through sierraclub.org) or in the Angeles Schedule of Activities.

support the state's goals for clean energy.

Although efforts to pass legislation to boost the RPS goal and to make reforms in the program failed this year, Sierra Club California continues to lobby for more renewable power. We are pleased that Speaker Karen Bass has appointed an RPS working group to develop legislation for 2009. Despite the end of the legislative session, this group of lawmakers, which includes Assembly members Krekorian, Blakeslee, and Levine, continues to meet regularly with Sierra Club California and other stakeholders in Sacramento, soliciting our ideas and listening to our concerns about reforming the RPS law.

We have a lot to say about RPS. First, Sierra Club California believes that California needs to adopt a 33% renewable power goal now. To meet our current goal, and work to 33% by 2020 and then 50% or more renewable power generation in the future, Sierra Club California supports and advocates for the following:

Eliminate Market Price Referent.

Currently, state regulators stack renewable power contracts against future natural gas prices by applying the Market Price Referent, meaning natural gas is used as the basis for competition. This outdated practice discourages capital investment in renewables consistently underestimating future gas prices at the expense of renewable power prices.

Adopt Feed-In Tariffs.

Feed-in-Tariffs, which set fixed contract terms and prices for each green technology, would provide a more stable incentive structure, freeing investors and developers from risks and uncertainties. Feed-in-tariff programs have achieved remarkable

fornia offers very limited protection in its current renewable law, but does restrict the size of small hydros to 30 megawatts, and forbid new impoundments of water – hardly sufficient to protect water resources and aquatic life.

Second, we do not think utilities should get renewable power credit for their energy efficiency efforts. While we have always supported energy efficiency, we believe the RPS should instead encourage investment in new sources of clean renewable power while other programs focus on energy efficiency efforts.

We should also keep in mind that not all energy sources labeled under current law as "renewable" are equally sustainable in terms of environmental impacts or energy supply. Even renewable energy can have adverse impacts; poor environmental practices at the Altamont wind site in Northern California resulted in excessive bird kills. The impact and sources of biofuels, large-scale development of solar power in the desert, toxic materials in certain types of solar panels, and other issues should be addressed and standards developed for proper use of resources. Unfortunately, utilities don't always consider those problems during environmental review.

As we power up California's standards, we need to ensure we do not lose valuable resources, and that we do nothing to harm the environment we are striving to protect and improve. As lawmakers address our concerns, we move closer to a RPS for California that leads the way toward sustainable, smart development of renewable energy.

Rock Climbing

(Continued from page 12)

In time, I realized that on all these climbs I had never led a pitch. (A pitch is the distance a climber can cover in one rope length.) Always I had been belayed from above. On a "multi-pitch" climb, it is more efficient to climb as a two person team and to alternate leads. If a third person (non-leader) is added to a party, he can be belayed from above. To advance, I had to learn the technical skills of leading.

On a Class 5 climb, the leader does not have the security of a top belay. Instead, on ascending he places "protection;" pitons pounded into cracks; nuts jammed into openings and other anchoring devices; to which is attached a snap link, for the rope to run through. Contrasted with the top belay, if the leader falls, he will drop twice the vertical distance he has climbed above the last protection point before being caught by the rope. The other part of the system is the role of the belayer. Now the belayer, in a secure stance at the bottom of the pitch, must be prepared to break a fall that has built up energy. The procedure is dynamic, that is, when the rope suddenly tightens, it needs to slide around the belayer's body, friction absorbing most of the energy of the fall, as he brings the climber it a controlled stop.

To learn the leader techniques I enrolled in the Advanced Climbing Course taught by Helen and Carl Weisner. The class goal was to learn to lead multi-pitch climbs—where there is exposure (that means if you free fall, you are likely to get hurt), so the leader needs "protection." We learned piton placement, rope management, lower belay technique, rappelling and safe practices.

One day, at Indian Rock, for a simulated leader fall,

they tied a heavy (about 50 pounds) iron weight to one end of an old climbing rope, fed the rope through a pulley fastened high up in a tree and hauled the weight all the way up. Below, the trainee, a person took up a lower belay stance on the ground. A few feet of the belay rope was gathered and tied off to form a slack section so that when the weight was cut loose, it fell free (the slack distance) before the belayer felt the pull. Each student caught a "fall." When it was my turn to perform, I felt what it was like to execute a dynamic belay.

We had "hands-on" practice during climbs in the Valley. Proper rope management was always stressed. One route finding principle I remember was, when we can't find where the route goes, "Always look around the corner." For graduation, we divided into teams and climbed Arrowhead Spire (5.5) to demonstrate what we had learned. After the course, Bob Smith and I repeated the climb. I remember leading a steep pitch and feeling very shaky up there. We reached the top.

In the 1960's, the function of climbing clubs was changing: If I remember correctly, it had been a Yosemite National Park rule that a person needed to be qualified to sign out to do a climb in the Valley. That meant that either you were known to the Climbing Ranger or that you were member of a climbing organization and had passed the group's climbing tests. In time more and more parties were able to sign out on their own, so that the attraction of groups like the Sierra Club Rock Climbing Sections (RCS) became less.

Toward the latter 1960's I was elected chair of the S F Bay Chapter RCS. I remember the installation dinner. I was asked to get up on the stage and make an acceptance speech. As soon as I had finished what I had to say, I was smacked in the face with a cream pie, and there was much laughter. That was the end of the tradition. To my memory we never mounted any outings to the Valley afterward, and the chapter RCS faded out.

I never returned to do climbs in the Valley: my energy was focused elsewhere. I opted to spend my outing time on backpacking and peak climbing. Looking back, I realize that if I was ever going to be a skilled rock climber, and have fun, I would have to had to rock climb on about every weekend. Lacking that interest, though, by the 1990's I felt that I had become a more skilled climber than I was in the 1960's. I have no doubt that the what I learned in the '60's helped me climb the big mountains, and in instances where there was exposure, to do it safely.

Sierra Student Coalition

We Can Do It!

FUND APPEAL DONORS... *Thanks to the generous donors to the San Gorgonio Chapter's Fall 2008 Fund Appeal. Your support makes publishing the Palm and Pine possible and helps our conservation work. Gifts received through November are acknowledged here.*

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Forging a clean energy future



Students: Check out <http://www.ssc.org>

DENNIS SCHRAMM

(Continued from page 2)

way to get the parks ready for this milestone event. Mojave has identified a number of proposals, and we will continue to refine our thinking in conversations with the public. One major initiative that needs to be supported is the relevancy of parks to future generations. This means connecting kids with parks and with the outdoors in general. We are working on this initiative with several of our sister parks. Restoration of disturbed lands and ensuring safe visits for the public at all of our abandoned mine lands is a priority for us, and for all the desert parks. Reducing our carbon footprint is a major priority for all of us. We will be looking for opportunities to implement meaningful actions that contribute to this goal. This is just one aspect of dealing with climate change. Protecting Mojave from invasive species rates high as well. Surprisingly, given the

long grazing history, Mojave has few issues with the major weed species. After the Hackberry Fire I would have expected lots of exotics to invade the area, and that has not happened. It is important to guard against these invasives making inroads into the Preserve. I also think it is important that we get some wayside exhibits with short accessible trails at four or five key areas along the main paved roads through the Preserve. Providing opportunities for the public to experience areas like the lava beds and cinder cones, the diverse Mojave scrub vegetation in Granite Pass, and the Joshua Tree community on Cima Dome are important to helping people connect first hand with the resources and not just have a drive-through experience. Finally, we are anxious to move forward with a tortoise headstart facility in Ivanpah Valley. This facility will help us and other land managers learn more about juvenile tortoise survival and to jumpstart the population recovery with reproductive age tortoises that have been protected from predation. Getting

more juveniles to reproductive age in the population is critical to tortoise recovery.

What opportunities exist for the conservation community and the local community to support the efforts of Mojave National Preserve?

Opportunities are almost endless. Obviously volunteers and donations are very important to our operation, and these tend to come from the local communities and members of conservation groups. Being an active voice for National Parks and being a participant in the public review of development proposals that are threatening to further fragment the desert. Teach the children to love the outdoors!

I would like to offer you the last word, is there anything you would like to impart to those reading this article?

Mojave National Preserve is a very special part of the Mojave Desert. Many people worked very hard to create the Preserve and it is up to all of us to ensure that

future generations can enjoy this place as we do. Most of all, get out and enjoy the quiet, enjoy the dark night skies, enjoy the smells after a desert rain, and enjoy the vast open spaces and spectacular landscapes. This is your national park!

David Lamfrom is the Cal Desert Field Rep for NPCA's Cal Desert Field Office. David is a relative newcomer to the Cal Desert and pursues his passions of conservation, wildlife photography, hiking, and herpetology throughout the Mojave.

Editor's note: This article was reprinted with permission from The Desert Report – the news of the desert from Sierra Club California/Nevada Desert Committee.

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The Desert Institute Classes

Experience Nature with the Desert Institute at Joshua Tree National Park. Joshua Tree National Park, CA, February 5, 2008 – The Desert Institute offers exciting, short outdoor courses in cultural history, natural science, survival skills and the arts where adults can explore the wonders of the park with expert instructors. Each student will have an intimate learning experience with the natural world. This is a great way to visit Joshua Tree National Park and the surrounding area, where sunshine is plentiful in this fascinating backdrop of ancient rock formations and desert vegetation. Below is a course calendar for fall 2008. For information on fees, locations etc, please call or email the Desert Institute to request a course catalog at (760) 367-5535 or desertinstitute@zippnet.net. or visit our website at www.joshuatree.org

February 13-14, 2009 Basic Map & Compass Session A - Do you want the confidence to explore the desert and not get lost? Outdoor guide, Karl VonHalle will teach participants how to navigate using a map and compass in this two-day hands-on field class. Participants will learn the basics of topography, map reading, and the history of navigation during the Friday evening lecture and then spend all-day Saturday in the field. VonHalle will teach simple and straightforward map and compass skills separately and then combine them in a route-finding adventure in the wilderness of Joshua Tree National Park. These orientation techniques are potentially lifesaving skills that will allow participants to explore the wilderness and most importantly find their way back home.

February 14, 2009 Mining History of Joshua Tree National Park - Discover the captivating mining history and the unique geology that created the landscape of Joshua Tree National Park. Margaret Eggers will explain the natural processes behind the unique Joshua Tree landscapes and discuss how gold ore was mined and refined in the area. Participants will get to experience the rich connection between the mining and the geological stories in person as the class travels to various historic mining sites within Joshua Tree National Park. During the field session, participants will learn why there are over 250 abandoned mines in the park and how the gold and other minerals were processed and extracted in a harsh but beautiful desert environment created through weathering, erosion, and climate change.

February 15, 2009 Advanced Map & Compass - Hone your route finding ability with this advanced map and compass field class. Under the expert guidance of outdoor guide Karl VonHalle, learn how to plan a cross country route through the wilderness, practice navigation based on land features, calculate triangulation, and tell the difference between flat terrain miles and energy miles. During this all-day desert adventure you will travel approximately 8 miles, charting a course through Joshua Tree National Park to locate specific rock formations and historical landmarks.

February 15, 2009 Explore Ruby Lee Well - Discover a part of Joshua Tree National Park's rich mining history in this all-day field class. Mark Wheeler will guide the class down a historic mining road that leads from Park Route 11 to the base of the Hexie Mountains. Participants will learn the importance of interior Colorado Desert ecology and Hexie Mountain geology on the journey to Ruby Lee Well. At the well, Wheeler will explain the cultural history and significance of the site and Ruby Lee Mill. On the way back the class will travel via Porcupine wash and learn about wash ecology, alluvial fans, and maybe see early wildflowers that are unique to that area. Persons attending must be in good physical condition, and comfortable spending the day walking up to twelve miles in the park.

February 20-21, 2009 Tracking in Joshua Tree National Park - Investigate and learn about the natural world in this two-day tracking field class. Jim Lowery will explain how to read the signs and tracks that create natural stories on the desert landscape. The class will then venture into the field where participants will become environmental detectives by identifying and measuring tracks, following gaits, and reading signs to piece together the patterns found in the desert sand. This class provides a solid background for beginning trackers with ample "dirt time" to provide the best and quickest track identification instruction.

February 21-22, 2009 Geology & Paleontology of the Pinto Basin - Discover the prehistoric past of Joshua Tree National Park with paleontologists Kathleen Springer, Eric Scott, and J. Chris Sargeant in this two-day field class. A lecture describing their geologic and paleontologic research in the park, followed by a full-day field trip will reveal the park's buried riches of Pleistocene fossils. Participants will learn about the new discoveries that have provided scientists a revised hypothesis of the pre-history of the Southern California region. The class will also learn about the methodology of paleontology including discovery, recovery, curation and analysis of specimens.

February 22, 2009 Advanced Wilderness Navigation - Learn how to explore the desert using advanced navigation techniques with Karl VonHalle, wilderness traveler and educator. This all-day class starts indoors then moves to the field for an afternoon in the Wonderland of Rocks. Karl will instruct participants in advanced wilderness navigation by traveling through boulder piles, washes and canyons combining compass, GPS, USGS quads, and UTM coordinates to determine the classes' route. Be prepared to spend a day discovering one of the most scenic areas in Joshua Tree National Park covering up to six miles with moderate boulder scrambling. Prerequisite Map & Compass Basic Skills or prior map and compass abilities, call if you have any questions.

February 27-28, 2009 Photography: Nature to the Digital Studio - Capture the beauty of Joshua Tree National Park through your camera lens and learn how to enhance your images in a digital studio. Spelman Evans Downer will

Rock Climbing....My Story

By Bill Engs

Around the time I joined the Sierra Club in 1958, I attended my first rock climbing practice at Indian Rock, in Berkeley, where I was living.

I don't recall whether UC Hiking Club or Sierra Club ran the first event I attended, only that I was drawn to it.

At these sessions, we climbed over low angle slopes and boulders while we waited for a chance to ascend the more difficult, steep rock, using ropes for protection.

Before I go on, I want to explain the process and the terminology. The climber is protected from a serious fall by a rope tied around his waist.

The rope is connected to a "belayer" who sits above (in this case) with the rope running back around his hips, and he gathers in the rope as the climber progresses upward. A climber who "peels off" the rock can be immediately arrested by the rope (unless the belayer has dozed off) and suffers no damage. Simultaneously, the shock of the fall is absorbed by the body of the belayer.

On these Indian Rock outings we practiced easy and difficult climbs, keeping three points of contact (e.g., two hands and one foot) with the rock while making a move. We practiced rappels at Indian Rock, too:

From the top of a climb, climbers often "rope down" by "rappelling." A climber rappels by wrapping a rope (secured at the top by an anchor) around his torso and lowering himself on the rope. The friction of the rope on the body allows the rappeler to control the descent as he varies the amount of friction using one hand. A rappel is done on a doubled rope so that by pulling on one end, the rope can be retrieved from the bottom.

I can see myself, now, doing my first rappel. I was holding on to a rope with my braking hand, walking backward down the rock toward a drop off.

There was no rock below, just space. Getting over the edge felt awkward and



the lip and then hung free, tending to spin around on the rope, before I could lower myself to the bottom. Later, I learned that most rappels were more stable: I could keep my feet on the rock as I descended. Nevertheless, rappels are the most potentially dangerous part of rock climbing.

My first real climbing experience was on a UC Berkeley trip to Yosemite Valley. We climbed Sunnyside Bench (rated 5.0—the easiest piton-protected climb, explained below). I was belayed from above, of course. On later Yosemite outings, with Sierra Club members, I did many of the easier Class 5 routes in the Valley including Monday Morning Slab, lower Royal Arches, Church Tower and Lower Brother. A most memorable climb was on Sentinel Rock (led by Al Steck). It was windy, and the only way to communicate ("up rope" or "slack") was for us to emit toots, like a steam whistle. At one point, while making my way along a ledge, I encountered a three foot section where the rock had fallen away. Straddling the gap, I looked down between my legs and saw a straight vertical drop of over 2,000 feet to the Valley floor. (What was I doing up there?)

park's buried riches of Pleistocene fossils. Participants will learn about the new discoveries that have provided scientists a revised hypothesis of the pre-history of the Southern California region. The class will also learn about the methodology of paleontology including discovery, recovery, curation and analysis of specimens.

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(Continued on page 9)

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I can see myself, now, doing my first rappel. I was holding on to a rope with my braking hand, walking backward down the rock toward a drop off.

There was no rock below, just space. Getting over the edge felt awkward and somewhat terrifying. Somehow I got over

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(Continued on page 11)

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Deadline: 1st of the month preceding the issue date.
(Feb 1, Apr 1, Jun 1, Aug 1, Oct 1, Dec 1)

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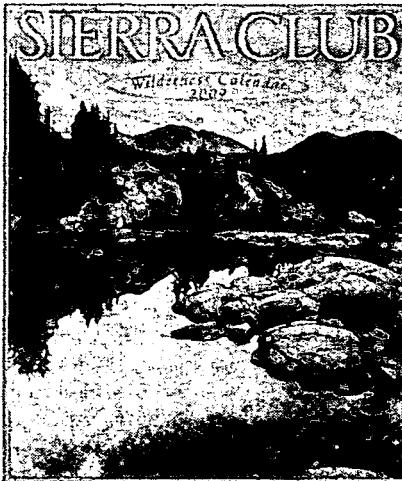
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STATUS: PLANNED

WEST RIDGE INDUSTRIAL PARK
SOUTH SIDE OF SR 60
BETWEEN QUINCY ST. AND REDLANDS BLVD.

14 ON LOCATION MAP

PROJECT FEATURES:

- +/- 1 million sq. ft. logistics facility

DEVELOPER:

Ridge Property Trust

Dennis Rice

562.856.3819

drice@rptrust.com

BROKER:

Lee & Associates

Jeff Ruscigno

951.276.3660

jruscigno@lee-aassoc.com

HIGHLAND FAIRVIEW CORPORATE PARK
SOUTH OF SR 60
BETWEEN REDLANDS BLVD. AND THEODORE ST.

15 ON LOCATION MAP

PROJECT FEATURES:

- 265.3 Acres
- Phase 1: +/- 1.8 million sq. ft. industrial warehouse
- Phase 2: +/- 2.6 million sq. ft. mixed-use at build-out

DEVELOPER:

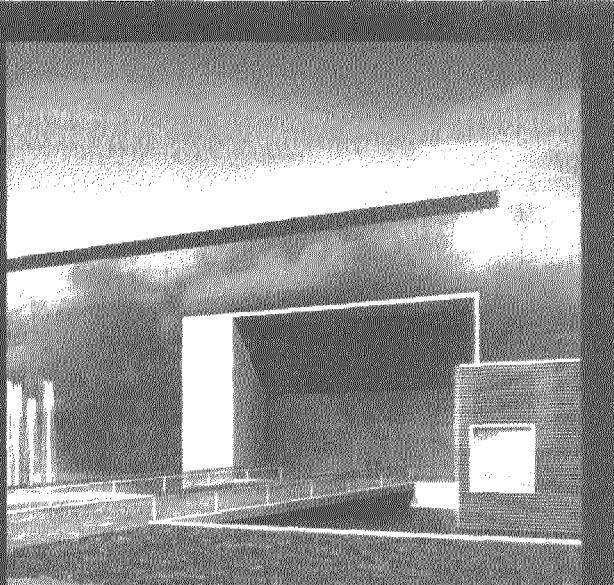
Highland Fairview Properties

Wayne Peterson

714.824.8011

wpeterson@highlandfairview.com

STATUS: PLANNED

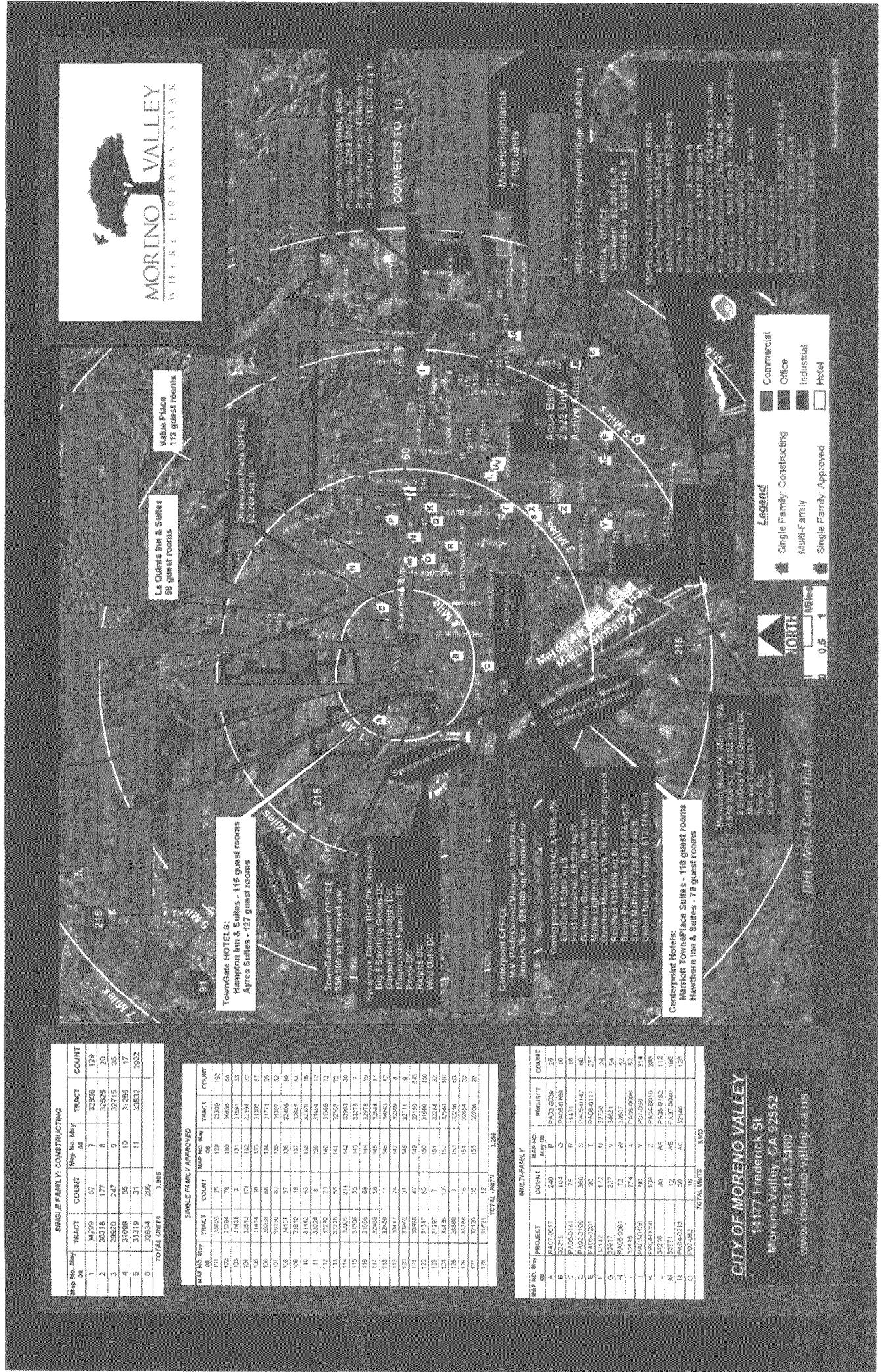


WHERE DREAMS SOAR



CITY OF MORENO VALLEY
ECONOMIC DEVELOPMENT DEPARTMENT
951.413.3460

MV00229229



MV00229230



MORENO VALLEY INDUSTRIAL CENTER
PERRIS BLVD. AND RIVARD RD.

12 ON LOCATION MAP

PROJECT FEATURES:

- 355,920 sq. ft.
- Entitled to 569,200 sq. ft. with adjacent building
- 30' Clearance height
- ESFR sprinklers
- 180' Truck court
- 65 Dock high doors
- 2 Grade level doors
- Along established truck route
- Convenient access to I-215

STATUS: ENTITLED

BROKER:
CBRE
Ian Devries
909.418.2129
ian.devries@cbre.com

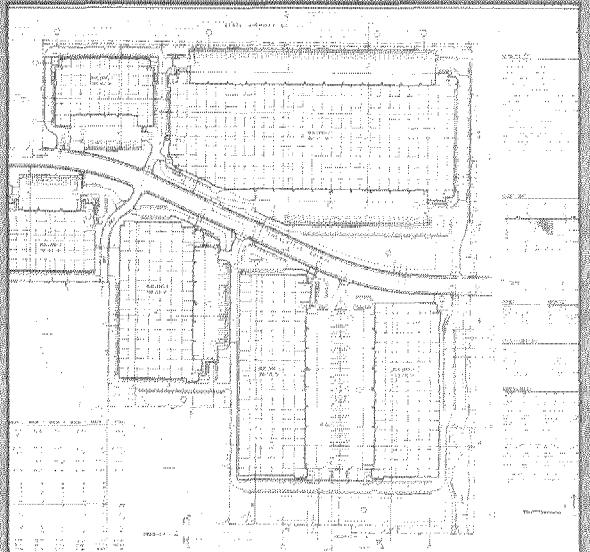
PROLOGIS
SOUTH SIDE OF SR 60 BETWEEN PETTIT ST. & QUINCY ST.

13 ON LOCATION MAP

PROJECT FEATURES:

- +/- 2.2 million square feet
- 6 buildings
 - 168,342 sq. ft. building #1
 - 861,112 sq. ft. building #2
 - 160,602 sq. ft. building #3
 - 339,223 sq. ft. building #4
 - 390,102 sq. ft. building #5
 - 325,038 sq. ft. building #6
- Freeway visibility
- Convenient access to SR 60 and I-10

DEVELOPER:
Prologis
Michael Del Santo
909.673.8710
mdelporto@prologis.com



STATUS: PLANNED/CONCEPTUAL

RESOLUTION NO. 2007-08-81

**RESOLUTION OF THE BOARD OF EDUCATION OF
THE MORENO VALLEY UNIFIED SCHOOL DISTRICT
ELECTING TO ABANDON CERTAIN SPECIFIED EAST
MORENO VALLEY SCHOOL SITES; TO ACCEPT THE
CONTRIBUTION OFFERED BY HIGHLAND FAIRVIEW;
AND AUTHORIZING DISTRICT STAFF TO IDENTIFY
NEW SCHOOL SITE LOCATIONS AND TO TAKE SUCH
ACTIONS REASONABLY NECESSARY TO FACILITATE
THE PURPOSE OF THIS RESOLUTION**

WHEREAS, the Board of Education ("Board") of the Moreno Valley Unified School District ("District") previously adopted Resolution Nos. 2006-07-87 and 2007-08-47, wherein it approved the construction of a high school, middle school, and elementary school on certain real property, identified as Riverside County Assessor Parcel Nos. 477-110-001, -002, -003, -004, -009, -010, and -011, 478-220-006, and -007 and located east and west of Redlands Boulevard between the currently designated Eucalyptus and Fir Avenues in the east side of the City of Moreno Valley ("Schools"); and

WHEREAS, in the process of analyzing and planning for the location of the Schools, significant concerns were identified regarding potentially inconsistent uses between the Schools and proposed warehousing facilities in the vicinity of the Schools ("Warehouse Projects"); and

WHEREAS, two of the Warehouse Projects involve the proposed construction and operation of potentially up to 4 million square feet of new warehousing facilities, including 624 truck loading docks, and are currently in varying stages of consideration before the City of Moreno Valley ("City"), with the potential of a third project which would include an additional 1 million square feet that has not yet been presented to the City; and

WHEREAS, the District's original siting of the Schools was based on contemplated significant residential development in the areas surrounding the Schools. Those same areas are now under consideration for rezoning for light industrial uses, and it is anticipated the such land use changes will likely result in further warehousing operations further east and south of the Schools, potentially impacting the proposed middle and elementary schools; and

WHEREAS, the District has incurred substantial costs in designing and conducting required environmental review and testing in connection with the choice of sites for the Schools but has not yet acquired any of the sites nor commenced construction of any of the Schools; and

WHEREAS, the District is concerned with the placement of schools in areas originally planned for residential development and which may now be located in industrial warehousing areas that may not be conducive to schools; and

WHEREAS, Highland Fairview, in its continuing cooperation with the District in its efforts to provide schools to house its students, has offered to contribute \$500,000 to the District which will allow it to identify and review other school sites that will not be incompatible with the Warehouse Projects and that, in view of the Warehouse Projects, will generally provide better sites for the District's schools; and

WHEREAS, it is reasonably probable that environmental concerns relative to conflicts between the Warehouse Projects and the Schools would not be ultimately resolved until after such time as the District must complete the acquisition of the related properties and begin construction of, at a minimum, the high school, in order to meet the educational needs of the District, with no guarantee that the Warehouse Projects would not have a negative impact on the Schools after construction.

NOW, THEREFORE, THE BOARD DOES HEREBY DETERMINE, RESOLVE, AND ORDER AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The Board hereby finds and determines that the potential incompatibility of the Warehouse Projects with the proposed Schools, coupled with the uncertainty of future resolution of those concerns within the timeframe required for the District to open a new high school and Highland Fairview's contribution to assist the District with the funding of the cost associated with the review and design of other, more compatible, school sites, so that the District's search for and analysis of new potential school sites will not be at additional public expense, renders pursuit of the Schools, in their current locations, undesirable.

Section 3. Based on the reasons set forth herein, the Board hereby finds and determines that it is in the best interests of the District, its students, and the public it serves, both financially and environmentally, to abandon the School projects, as previously approved by Resolution Nos. 2006-07-87 and 2007-08-47.

Section 4. The Board hereby accepts Highland Fairview's contribution of \$500,000.

Section 5. The Board hereby finds and determines that (1) the environmental concerns previously expressed by the District to the City regarding the Warehouse Projects, and the allowance of such land uses adjacent to the Schools, will be withdrawn as they shall no longer apply, as the District will no longer seek to operate schools in the locations identified as incompatible with the proposed Warehouse Projects; and (2) the concerns previously expressed by the District to the City concerning the impact of the Warehouse Projects on the Schools should be considered and avoided by the District in selecting other potential sites in a reasonable proximity to the Warehouse Projects.

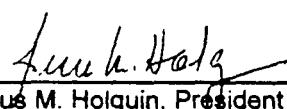
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Section 6. The Superintendent, or her designee, is hereby authorized to (1) provide written notice to the City of Moreno Valley, and to any other interested or involved party or agency, of the District's election to abandon the Schools, as currently proposed; (2) identify new sites for the proposed Schools, with particular consideration to be given to selecting sites that would not place the new schools in conflict with the proposed Warehouse Projects; and (3) enter into an agreement consistent with Sections 3 and 5 of this Resolution that the District will abandon the Schools projects as defined herein and consider future warehouse projects in the selection of any school sites east of Redlands Boulevard and south of Interstate 60; and (4) take any other such action as may be reasonably necessary to effectuate the purpose of this Resolution.

Section 7. The Board appreciates the cooperation and efforts of Highland Fairview in assisting the District to provide for future educational opportunities for its students in a manner consistent with the continuously evolving landscape of the community of Moreno Valley.

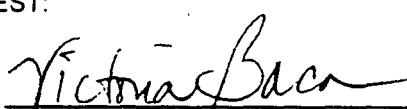
APPROVED, ADOPTED, AND SIGNED this 15th day of April, 2008.

By:


Jesus M. Holguin, President of the Board of
Education of the Moreno Valley Unified
School District

ATTEST:

By:


Victoria Baca, Clerk of the Board of Education
of the Moreno Valley Unified School District



Moreno Valley

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More distribution centers proposed for Moreno Valley's eastern side

Block 1

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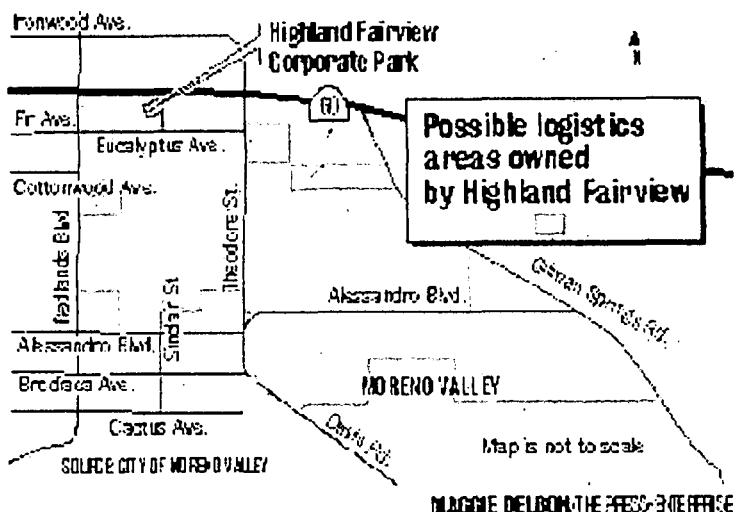
By DAN LEE
The Press-Enterprise

MORENO VALLEY - Highland Fairview Properties, the developer of the Aquabella residential project and the Skechers logistics facility, is considering plans to build as much as 35 million square feet in distribution centers on the eastern side of town.

That potential scenario was included in the draft environmental impact report that the Michael Brandman Associates consulting firm prepared for the Skechers project. It would affect about 1,800 acres south of Highway 60 and between Redlands Boulevard and Gilman Springs Road, reducing the number of homes allowable in the Specific Plan in the area and increasing the land devoted to industrial uses.

Although the 1.8 million-square-foot Skechers building is a separate project, Highland Fairview President Iddo Benzeevi said the scenario was included in the report because residents had asked what might happen if that area, known as the Moreno Highlands, was developed into a business park. Highland Fairview has not formally submitted any proposal for logistic centers in the Moreno Highlands area.

STORY BY DAN LEE



"It is an alternative that will be evaluated," Benzeevi said by phone. "We're looking at every possibility."

Any such proposal would require revising the Moreno Highlands Specific Plan, which would require the city Planning Commission and the City Council to hold public hearings prior to approval, city Planning Official John Terell said by phone.

Jobs

The City Council had approved the Moreno Highlands plan in 1992. The 3,000-acre, master-planned community would include 7,700 homes, a 600-acre business park, schools, golf courses and 120 acres of city parks. It would add as many as 30,000 new residents to Moreno Valley and 21,000 jobs, according to city estimates at the time.

Environmental activists sued the city over the plan, claiming that traffic, air pollution and potential earthquake hazards were not adequately addressed. They also argued that the planned community threatened the nearby San Jacinto Wildlife Area.

Although the projects' developers decided not to shelve their construction plans in June 1993, citing the economic downturn at that time, a judge in May 1994 ruled that the city had approved the Moreno Highlands plan properly. The Moreno Highlands community remains unbuilt.

Benzeevi said it is critical that Moreno Valley develop more of an employment base: Only about 3 percent of Moreno Valley's land can generate jobs, compared with the 10-20 percent in most cities. Without sufficient local jobs, residents are forced to commute out of town for work, creating traffic and causing them to have less time with their families, he said.

"It is just not acceptable," Benzeevi said. "We need to build sustainable communities."

A big part of the original Highlands plan already was intended for industrial uses, the developer added. With the addition of distribution centers the Moreno Highlands area could generate more than 26,700 jobs, according to Michael Brandman Associates.

Jamil Dada, chairman of the Moreno Valley Chamber of Commerce, said he agrees that Moreno Valley needs jobs. Dada has supported the Skechers project and proposals by ProLogis and First Industrial Trust to build distribution centers nearby.

Dada added, however, that he would like to see city officials determine what Moreno Valley residents want on the eastern end. He also said he would like to know what the environmental impact of the proposed changes might be.

'Still a Mess'

A new grassroots group called Residents for a Livable Moreno Valley is expressing concern about the proposed distribution centers. Spokesman Bob Franz said he is not opposed to growth or creating more jobs, but building distribution centers in eastern Moreno Valley does not make sense, given the traffic and pollution.

"It's already still a mess heading west (on Highway 60)," Franz said by phone. "I don't think it's a good idea taking trucks east through the Badlands."

The addition of logistics buildings to the Moreno Highlands would result in less traffic and overall pollution emissions than the land uses under the existing plan, according to Michael Brandman Associates. However, it would result in increased diesel emissions, the consulting firm found in its report.

Benzeevi said any logistics or distribution centers built in the Moreno Highlands area would be built to the same standard as the Skechers building, which is seeking the highest rating under the Leadership in Energy and Environmental Design standards. The developer added that Highland Fairview would take the necessary steps to minimize the effects on air quality and traffic as much as possible.

The logistics proposal and the future of eastern Moreno Valley are expected to be issues in the Nov. 4 election for the 3rd Council District seat, which represents the area.

Incumbent Frank West has said his constituents are concerned about building distribution centers on the eastern end of Moreno Valley. But West has four challengers: Robin Hastings, Mike Rios, Ray Carbajal Jr. and Robert Burks.

Moreover, the Moreno Valley Taxpayers Association has spent about \$120,000 on a campaign to oust West and fellow incumbent Councilman Charles White. Highland Fairview Properties has contributed \$60,000 to the effort, according to the most recent campaign finance reports that have been submitted.

Reach Dan Lee at [REDACTED] or dlee@PE.com



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Thu Feb 5, 2009 5:49pm EST

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Feb 5 (Reuters) - Shoe maker Skechers USA Inc (SKX.N) said it expects a fourth-quarter loss as its gross margin declined in a worsening retail environment, slamming its shares down 22 percent.

Skechers, whose rivals include Deckers Outdoor (DECK.O) and Timberland (TBL.N), said it was hit by "U.S. retailers' comps being down significantly and a number of both retail bankruptcies and going-out-of-business sales."

The company, which expects a fourth-quarter loss of 45 cents to 50 cents a share, believes it will continue to be hurt by these factors in 2009.

The company said it is cutting additional operating expenses in all key areas of business and has reduced its headcount by about 3 percent.

Skechers, which had in October forecast a quarterly profit of 15 cents to 23 cents a share, also said buying plans for many of its key retail partners may be down about 7 percent to 20 percent across all categories of merchandise, including footwear, in the first half of 2009.

The company, which expects fourth-quarter sales of \$290 million to \$300 million, also expects its margins in its international business to be hurt by worsening economic conditions in several regions outside the United States. But the company, which in October had forecast quarterly sales of \$305 million to \$320 million, expects to break even in the first half of 2009, and return to profitability in the second half of the year.

Analysts on average were expecting the company to post a fourth-quarter profit of 15 cents a share on revenue of \$305.2 million, according to Reuters Estimates.

Shares of the Manhattan Beach, California-based company fell to \$7.85 in after-hours trade. They had closed at \$10.09 Thursday on the New York Stock Exchange. (Reporting by Renju Jose and Pratish Narayanan in Bangalore; Editing by Deepak Kannan)

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Skechers expects large 4Q loss on higher markdowns

Skechers warns of big 4Q loss as higher markdowns crimped margins for shoe retailer

Thursday February 5, 2009, 6:52 pm EST

Yahoo! Buzz

Print

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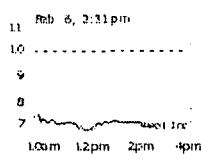
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Related: Skechers USA Inc.

NEW YORK (AP) -- Skechers USA Inc. on Thursday said it expects to post a large loss in its fourth quarter, hurt by higher markdowns as the shoe retailer tried to boost sales, sending shares down sharply in after-hours trading.

Related Quotes

Symbol	Price	Change
SKX	7.32	-2.77



The stock dropped \$2.04, or 20 percent, to \$8.05 in late trading, after rising 33 cents, or 3.4 percent, to finish at \$10.09.

Skechers expects a loss between 45 cents and 50 cents per share and sales between \$290 million and \$300 million.

Analysts polled by Thomson Reuters predict earnings of 15 cents per share and sales of \$305.2 million.

Skechers said the shortfall is primarily due to a decrease in gross margin as the company reduced prices to better manage inventory. Skechers also said the company's sales and margins were hurt from some retailers going bankrupt.

"The global economic environment has resulted in a far more substantial impact to consumer demand than we had previously anticipated," said Chief Operating Officer David Weinberg.

The company expects to break even in the first half of 2009, return to profitability in the second half of the year, and report 2009 annual revenue between \$1.2 billion and \$1.3 billion.

Analysts polled by Thomson Reuters expect sales of \$1.46 billion for the year.

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Mayor Richard Stewart
Mayor Pro-Tem Bonnie Flickinger
Council member Bill Batey
Councilmember Robin Hastings
Councilmember Jessie Molina

Just wanted to give you some more of my thoughts on this Highland Fairview project featuring Skechers, if I may.

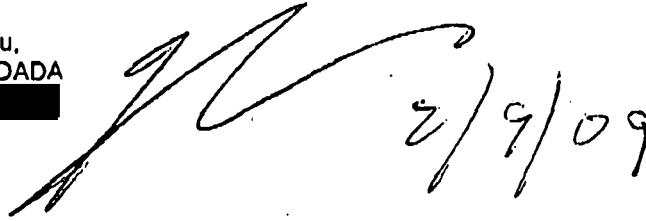
It is becoming clear now that even a majority of the opponents are saying go ahead, but build it in Bonnie's district. I believe that Moreno Valley could use a high profile, prestigious landmark. Hundreds of thousands of people (not all Moreno Valley residents) drive back and forth on Highway 60 and all they presently see, other than the Mall, is weed infested fields, dilapidated huts, old tires, broken down cars, etc. This architectural gem smack in the center of town would restore our citizen's pride !

I also believe that because of the state of the economy and due to the fact that all over this country, companies are tucking their tails between their legs and walking away or at least mothballing projects, that Moreno Valley will make national news if you approve this project. And what a message that would send; that little old Moreno Valley, amidst all the turmoil, is flourishing and attracting global companies. That would definitely create interest from many other large employers considering new sites !

On the other hand, if you choose to decline this project, you will send a message loud and clear that we don't care about global companies, that we don't care about financially stable companies (very rare today) and that we don't care that it is the worst economic time in 80 years, we're just not interested in business. It would be a form of economic suicide !

And finally, please don't let two former council members who are trying to provoke you, influence your decisions. Moreno Valley needs bold, visionary leaders to gain back the stature and respect that our great community deserves. We need change, not fear mongering.

Thank you,
JAMIL DADA
[REDACTED]



2/9/09

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February 6th, 2009

TO: The Moreno Valley City Council

RE: Investigation of the November 2008 City Council Election process and results

Please postpone your vote regarding the Sketcher's project, or any other proposed development submitted by Iddo Benzeevi/Highland Fairview until a formal investigation into the bona fides of the November 2008 City Council Election process and results is concluded.

Fremont Older
Moreno Valley, CA

MV00229266

February 6th, 2009

TO: The Editor, Press Enterprise

RE: The Stench of Corruption In Moreno Valley Politics: November 2008 City Council election process and results

This letter is in reference to Dan Lee's report in the February 6th, 2009 edition of your newspaper in which he quotes a former FPPC official who opined that direct contributions or expenditures on behalf of a candidate's campaign do not create a conflict of interest which disables the winning candidate from thereafter voting on a matter which directly affects the campaign contributor. Sadly, under current California campaign finance laws, that statement is correct.

Conflict of interest is not the issue with respect to the corruption which affected the Moreno Valley City Council November 2008 election process and results.

Pigs Don't Fly: It is not a coincidence that council members West and White, who oppose Benzeevi's/Highland Fairview's proposed warehouse project were ousted from office as the result of a \$350,000 smear campaign against them which was funded with Benzeevi's/Highland Fairview's/Stephen's money; and that the two newly-elected candidates, Hastings and Molina; who support Benzeevi's/Highland Fairview's project, received nearly \$200,000 in support of their campaigns from Benzeevi/Highland Fairview, the "Association" and Benzeevi's protégés.

In total, Benzeevi/Highland Fairview, the "Association" using Benzeevi's/Highland Fairview's money, and their protégés, committed \$500,000 in cash or services to oust West and White and to install Hastings and Molina.

West and White's combined total expenditures? \$40,000.

(1) **Money laundering**, (2) **false reporting** and (3) "**quid pro quo**" (ie cash or property for a vote) are quite illegal in California and are **in issue** with respect to the Moreno Valley 2008 City Council election process and results.

A formal investigation by appropriate authorities is required to determine whether money was laundered (ie. whether the actual "source" of campaign contributions or expenditures in opposition to West and White and in support of Hastings and Molina were falsely reported) and whether any city council member sold their vote on Benzeevi's/Highland Fairview's proposed warehouse project.

Using the Subpoena power of the Riverside County District Attorney's Office and the California State Attorney General, tracing is required to determine:

- the **beneficial ownership** of Highland Fairview (tracing past fictitious names, nominees etc.)
- the **actual source** (as opposed to the name of the remitter) of donations to the Moreno Valley Taxpayer's Association and to the contributors to the Molina and Hastings campaigns. Detailed tracing of bank records is required which can only be accomplished through issuance and enforcement of Subpoenas.
- the **beneficial ownership** (ie tracing past fictitious business names and "nominees") of all tracts of land which will be directly or indirectly benefited by approval of the proposed amendment to the General Plan, thereby paving the way for unfettered, "boot-strapped" warehouse developments in the East end of the City
- the **fact and substance of any contacts or relationship** between Benzeevi/Highland Fairview, or their agents or "entities", [eg. LLCs, Joint Ventures, Trusts etc. purchasing/transferring/holding land in the area subject to the proposed amendment to the General Plan] and Council members Batey, Hastings, Molina, or Stewart, as well as Planning Commissioner Geller prior to the election **and their contributors**
- **Benzeevi's/Highland Fairview's relationship with any contributor to the "Association" and to the Molina or Hasting's campaign**, including the political consultants who extended more than \$30,000 in credit to the Hasting's campaign and contributed services to the Molina campaign.

Fremont Older
Moreno Valley, CA

cc: Michael Cabral, Riverside County District Attorney
Gary W. Schons, Senior Assistant California State Attorney General
California Fair Political Practices Commission
Moreno Valley City Council

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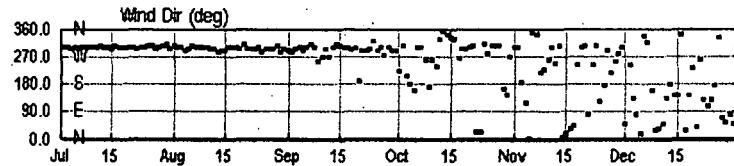
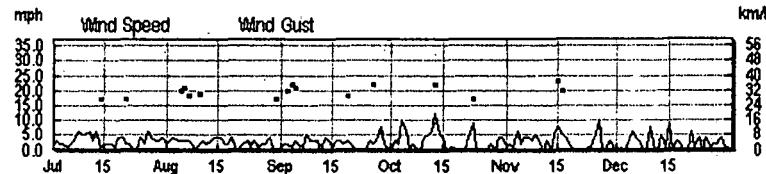
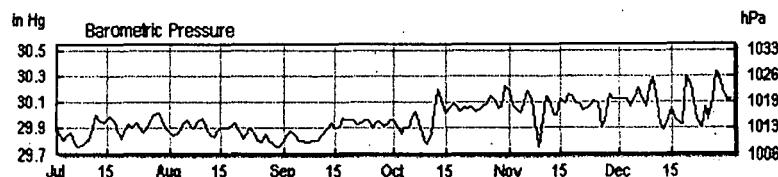
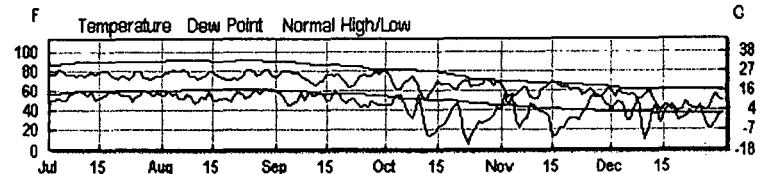


History for Riverside March, CA

July 1, 2008 through December 31, 2008

Custom Summary

	Max:	Avg:	Min:	Sum:
Temperature:				
Max Temperature	102 °F	84 °F	44 °F	
Mean Temperature	83 °F	68 °F	38 °F	
Min Temperature	70 °F	52 °F	25 °F	
Degree Days:				
Heating Degree Days (base 65)	26	4	0	681
Cooling Degree Days (base 65)	18	6	0	1180
Growing Degree Days (base 50)	33	18	0	3358
Dew Point:				
Dew Point	67 °F	45 °F	-4 °F	
Precipitation:				
Precipitation	1.33 in	0.02 in	0.00 in	3.63 in
Snowdepth	-	-	-	-
Wind:				
Wind	26 mph	3 mph	0 mph	
Gust Wind	32 mph	20 mph	16 mph	
Sea Level Pressure:				
Sea Level Pressure	30.39 in	29.97 in	29.67 in	



Observations

2008	Temp. (°F)	Dew Point (°F)	Humidity (%)	Sea Level Pressure (in)	Visibility (mi)	Wind (mph)	Gust Speed (mph)	Precip (in)	Events
July	high avg low	high avg low	high avg low	high	avg	low	high avg low	high avg	high sum

Sierra Club
and
Community Alliance for
Riverside's Economy and Environment

Please submit
this and all
attachments
into the
Public Record

Dear City Council Members:

Re: Highland Fairview Corporate Park

The developer's report attempts to sell you the idea that this project would be so wonderful that it should be approved. The report refers to the "aesthetics" of the project. But aesthetics cannot compensate for nor can they mitigate the harmful impacts this massive project would have on our community. Please factor into your decision the following issues:

1. You must vote over-riding considerations on AIR QUALITY. All the warehouse workers will be subjected to significant health problems from the thousands of daily truck trips – one every 40 seconds in every 24 hours. The massive area where workers labor is not air-conditioned; thus, they must continually breathe the toxic diesel pollution, which will eventually affect most with health problems. Our very poor air quality will become even worse with this project's diesel trucks – many times more than what existing zoning would allow. More than just "jobs now", we need healthy jobs.
2. There are two projects that are adjacent to this one, which would add 3,000,000 more square feet of warehousing/logistics centers. If you approve this project, you are in reality approving all three, for a total of 5,000,000 square feet of polluting warehousing. The Sierra Club and CAREE do not believe the cumulative, growth-inducing impacts have been thoroughly analyzed for environmental impacts on our community. The "logistic modified General Plan" (LMGP) concept proposed by the developer is something that must be incorporated into the document now before you. Just saying the developer has not submitted paperwork for the LMGP does not justify not having this foreseeable project's information prior to your vote.
3. Noise will substantially increase, and you are telling hundreds, if not thousands, of residents to "grin and bear it" so you can approve this unhealthy project. State Route 60 through Moreno Valley has few trucks compared to Interstate 10. This project and its growth-inducing impacts will change our commuter freeway into one that makes those who live close to it suffer significant noise and pollution impacts from all the noisy, polluting diesel trucks. The 500-foot buffer needs to be 500 meters (or 1600 feet) and must extend southwest as well as directly south. This raises a question as to where the environmental justice analysis is in this document. It is totally lacking and needs to be before you prior to any vote.
4. Greenhouse effects and climate change have not been mitigated. The LEED-certified building – even the lowest level of certification – probably will not

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happen. That is why the developer is now qualifying the certification. If we want water in Southern California, we need snow packs in the northern mountains. Think of your children's and grandchildren's future and demand more than what the developer believes is "feasible".

5. Another issue that has not been resolved prior to your vote is TRAFFIC. The developer does not factor in all existing approved projects (like Moreno Highlands with 6,000-plus homes and zoning for 20,000 jobs). The FEIR states that there are two lanes that allow you to continue west from the 60 to the 215. In reality only the SR 60 lane on the far left allows you to continue west, while the other lane forces drivers to exit at Central Avenue. Until the traffic analysis deals with this issue, you cannot vote to certify this EIR because it is inadequate. You must realize that while 2,200 daily diesel truck trips may not sound overwhelming, they represent one every 40 seconds for 24 hours every day. If the two adjacent warehouses are approved, then you are looking at adding one noisy, polluting diesel truck to Highway 60 every 10 to 15 seconds for 24 hours a day - something to look forward to as we head west on that single lane. The FEIR tries to convince you that a truck is like 1 ½ cars. I would rather be behind two Hondas than one noisy, polluting diesel truck. Please remember that in 7 to 14 years, we may have "cleaner" trucks, but not "clean". You, however, could require only cleaner trucks (strongly recommended by AQMD as feasible) and protect Moreno Valley residents as well as the workers.
6. Alternative sites have not been expanded to include other possibilities and thoroughly analyzed. I-215 has no houses along it and is built with overpasses and road-width to handle this number of diesel trucks. Why hasn't the old golf course at Norton Air Base been suggested? That was at one time a strong possibility. The Banning/Beaumont area would, like Norton, be better for trucks because I-10 is also built for them, and trucks would not need to use SR-60 to get to that area.
7. You cannot satisfy impacts to threatened and endangered species by simply paying a mitigation fee. You must thoroughly analyze impacts to each species and how the fee will further each species' recovery.

Please vote to continue the project tonight so you can read and study all information presented to you, including the attached stories, which are very relevant to this project's impact on our community. Please keep both the Sierra Club and CAREE informed of future documents and meetings related to this project by using the address below.

George Hague
George Hague

Conservation Chair

Moreno Valley Group of the Sierra Club
26711 Ironwood Avenue

Moreno Valley, CA 92555-1906

CAREE

P. O. Box 5199
Riverside, CA 92517-5199

Attachments

(1) 6 pages CCAEJ Oct 10, 2007

(2) MCA. Air Resources Board

(3) 6 pages on SB 375

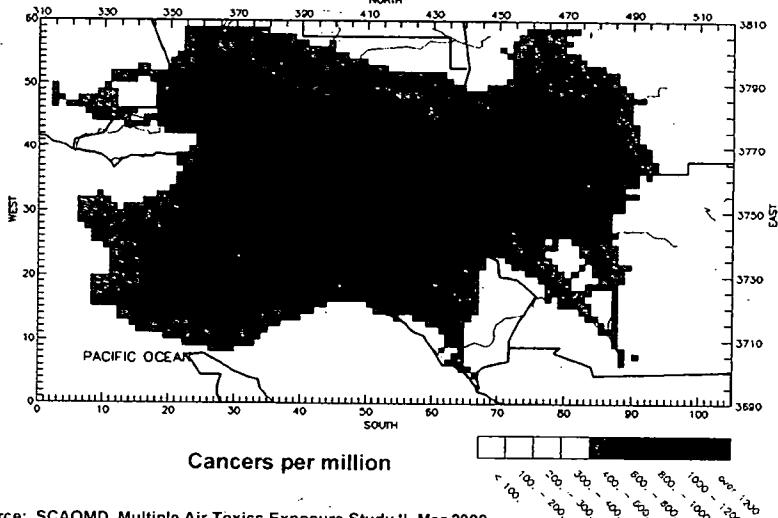
(4) 11 Pages: Growing the SACOG Region: September 2007

(5) 7 pages on LMG Plan
(6) 3 pages MVUSD Resolutions No. 2007-08-87

Air Pollution

- Issue primarily in Western Riverside County
- X ▪ Riverside County is first in the nation for asthma, heart disease, respiratory ailments
- Inland Empire has worst air quality in California
- X ▪ Mira Loma area has the highest levels of particulate pollution in the US (SCAQMD, Multiple Air Toxics Exposure Study II, Mar 2000)
- Diesel particulates are 71% of the major pollutants contributing to cancer risk in the South Coast Air Basin (SCAQMD, Multiple Air Toxics Exposure Study II, Mar 2000)
 - The largest source of diesel emissions in the South Coast Air Basin is the goods movement industry

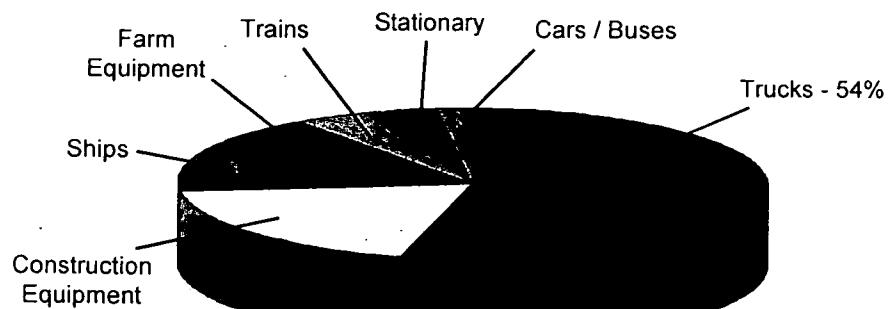
Estimated Risk of Cancer from Airborne Toxics: All Emission Sources



Source: SCAQMD, Multiple Air Toxics Exposure Study II, Mar 2000

✓

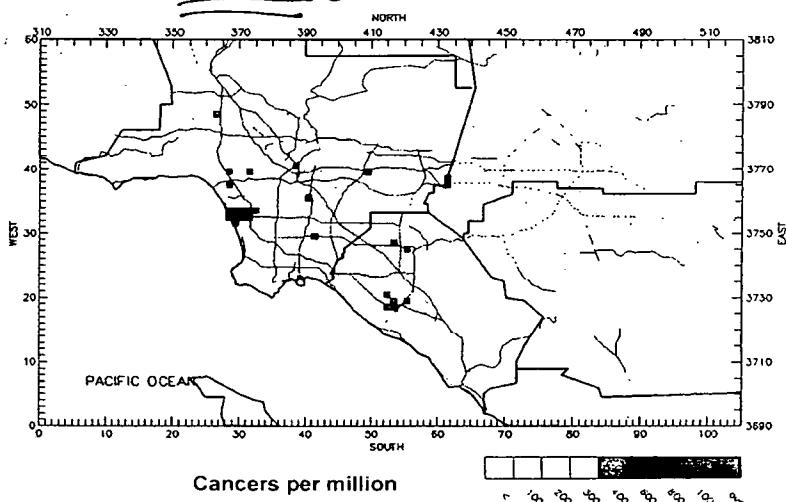
Major Sources of Diesel Emissions (SCAG Region)



Source: California Air Resources Board

LAMBERT
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Estimated Risk of Cancer from Airborne Toxics: Excluding Diesel



Source: SCAQMD, Multiple Air Toxics Exposure Study II, Mar 2000

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#3

SB 375 Should

impact the placement
of logistic centers and
young Valley. Please
consider HCP in light of what
is now law.

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Up-to-date Information on Real Estate, Construction,
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October 24, 2008 | Posted By

SB 375: CALIFORNIA ADOPTS NEW LAW GEARED TO REDUCE GREENHOUSE GAS EMISSIONS BY INTEGRATING REGIONAL TRANSPORTATION AND LAND USE PLANNING

By Rafael F. Muilenburg, James E. Pugh, and Michael Hansen

On September 30, 2008, the rules governing regional planning changed dramatically when Governor Schwarzenegger signed Senate Bill No. 375 ("SB 375") into law. SB 375, in its essence, attempts to control greenhouse gas ("GHG") emissions by curbing urban sprawl through the implementation of "sustainable community strategies" in land use and transportation planning, along with various related incentives relating to housing development.

SB 375 was put together through an unusual compromise that brought together the diverse interests of the California Building Industry Association, League of California Cities, environmental groups, and affordable housing advocates. The "compromise" nature of the bill is apparent from the text - most of the mandatory requirements or "teeth" contained in earlier versions of the bill have been stripped out, and the final bill represents a hodgepodge of different provisions that advance the respective goals of the various constituent groups. Nonetheless, the planning requirements of the bill are likely to have significant and direct "persuasive" effect on local jurisdictions and developers, and these requirements may obtain further force under certain developing CEQA requirements relating to climate change (as discussed below).

SB 375 creates a complex set of requirements that may represent the first step towards creating an overarching strategy for pursuit of regional transportation-oriented development and the AB 32 goals for GHG emissions reduction. Although the extent of the actual substantive changes SB 375 will trigger is difficult to quantify, the likely impact of the bill should not be minimized - its implementation over the next few years will tell the tale. Whatever the ultimate outcome, interested parties throughout California, from regional transportation agencies to local governmental agencies to land developers and industries alike, will need to navigate this new legal landscape as it evolves. For such parties, it is critical to carefully consider SB 375's provisions now and become involved early on in its implementation.

Background Information

The bill applies to every region in the state that has a Metropolitan Planning Organization ("MPO"), which is a policy-making organization made up of representatives from local government and transportation authorities. MPOs receive state and federal funds to accomplish regional transportation planning.

California has 18 MPOs. Please see the attached map that shows the jurisdictional boundaries for the state's 18 MPOs. Most of the MPOs cover a single county, such as the San Diego Association of Governments ("SANDAG") and the Santa Barbara Association of Governments, while the MPOs in certain regions cover multiple counties. For example, the Bay Area region's MPO is the Metropolitan Transportation Commission ("MTC") associated with the Association of Bay Area Governments ("ABAG"), which serves nine counties, and the MPO for the Los Angeles region and adjoining counties is the Southern California Association of Governments ("SCAG").

MPOs prepare the region's Regional Transportation Plan ("RTP"). The RTP sets forth the long-range (20 year) transportation plan for the region and is based upon a set of land use assumptions about future development patterns. The RTP identifies the existing and future transportation needs in the region and includes rough cost estimates. RTPs must be updated every four or five years, depending on whether the region meets federal air quality attainment standards.

What Does SB 375 Say?

The bill requires all Metropolitan Planning Organizations ("MPOs") to update their Regional Transportation Plans ("RTPs") so that resulting development patterns and supporting transportation networks can reduce GHG emissions by the amounts to be set by the California Air Resources Board ("CARB"). The language of SB 375 articulates changes to the landscape of regional planning and the applicable standards for analysis of transportation-related climate change impacts under CEQA through a multi-pronged approach. The key elements of that approach include:

1. Regional GHG Targets

AB 32 requires CARB to set reduction targets for the state for various sectors of the economy. CARB will soon release its Scoping Plan, which the board plans to adopt by January 1, 2009. The Scoping Plan will include reduction targets for the state and a strategy for meeting those targets. SB 375 requires CARB to divvy up the state targets and assign each region a target for the automobile and light truck sectors for 2020 and 2035.

To develop these targets, the bill requires CARB to create a Regional Targets Advisory Committee by January 31, 2009 to recommend facts to consider and methodologies to use for setting the regional GHG targets. The committee must be comprised of representatives of the MPOs, affected air districts; the League of California Cities, the California State Association of Counties, local transportation agencies, and members of the public. The Regional Targets Advisory Committee must submit its report to CARB with its recommendation by September 30, 2009. In turn, CARB will review the report and must provide targets for each region by June 30, 2010.

Interested parties may want to closely monitor the formation of the Regional Targets Advisory Committee and the rest of the process to ensure that CARB sets the targets for each region in a reasonable manner.

2. Sustainable Community Strategies

Each of the Metropolitan Planning Organizations described above ("MPOs") that are tasked with implementing SB 375 must incorporate a Sustainable Community Strategy ("SCS") as a new linchpin element of its Regional Transportation Plan ("RTP"). The SCS will be effectively a blueprint-like set of planning assumptions that shape the land use component of the RTP. Its goal is to promote development density near urban cores and transit centers.

Under SB 375, each SCS prepared by an MPO must, at a minimum, (a) identify the general location of uses, residential

densities, and building intensities within the region; (b) identify a transportation network to serve the transportation needs of the region; (c) identify areas within the region sufficient to house all the population of the region over the life of the RTP; (d) include a discussion of how the development pattern and transportation network can work together to reduce greenhouse gas emissions; and (e) set forth a forecasted development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, will reduce the GHG emissions from automobiles and light trucks to achieve, if there is a *feasible* way to do so, the reduction targets set by CARB. Determining what is "feasible" will likely be a much-debated (and potentially litigated) subject, especially considering that SB 375 uses the definition of "feasible" found in CEQA, thus incorporating a standard that is extremely flexible and case-specific. CARB must certify that the final SCS meets the regional targets before it is enforceable.

If CARB does not approve the SCS, the MPO can revise and resubmit it. Alternatively, if it is clear that "federal planning requirements" preclude meeting the GHG emissions targets or if the public will not accept the proposed framework of the SCS, the MPO must adopt an Alternative Planning Strategy ("APS"). The APS would theoretically show how the GHG emissions targets could be achieved through alternative development patterns or additional transportation measures. The APS would not be adopted as part of the RTP and would not be considered an "applicable land use plan" under CEQA. In contrast, because the SCS is the land use plan for the RTP, inconsistency between a project and the SCS could form the basis of a significant environmental impact under CEQA.

Prior to adoption of the SCS, the MPO must conduct at least two informational meetings in each county within the region for members of the board of supervisors and city councils. Each MPO must also adopt a Public Participation Plan for development of the SCS that includes: outreach efforts to encourage active participation of a broad range of stakeholder groups; consultation with congestion management agencies, transportation agencies, and transportation commissions; workshops for the public; circulation of a draft SCS for at least 55 days; and at least three public hearings on the draft SCS.

Land owners and other interested parties in each region should be actively involved in the development of the SCS through the above process to advocate for current and future projects to be included within the "forecasted development patterns" submitted for approval in the SCS.

3. Regional Housing and Transportation Planning

SB 375 requires that planning for transportation and housing occur together. To accomplish that goal, the bill extends the general plan housing element update period from five to eight years, thereby synchronizing those efforts with the eight-year Regional Housing Needs Allocation ("RHNA") periods. Procedurally, the MPOs will first allocate housing units among cities and counties using the RHNA. Those allocations must be consistent with the approved SCS. Second, and based on the RHNA, the local governments must submit a new housing element to the Department of Housing and Community Development. The housing element must comply with various planning requirements provided in Section 65583 of the California Government Code as amended by SB 375. Then, the local governments have 3 years to rezone parcels within the housing element boundaries to demonstrate consistency with the SCS.

If a local government fails to do so, the local government generally may not disapprove a housing development project, or impose other discretionary measures to make the project infeasible, if the project is otherwise consistent with the SCS. (The local government may only disapprove the project if it makes findings based on substantial evidence that the project would adversely impact public health and safety.) This may give project proponents significant additional leverage to obtain local approval of infill or high-density projects that are consistent with the SCS.

4. Transportation Funding

SB 375 focuses public transportation funds on infrastructure improvements that are consistent with or facilitate the SCS. The financial element of the RTP will recommend that projects consistent with the SCS be financed with regional improvement funds - presumably, it will be harder to obtain funding for projects that are inconsistent with the SCS. This may result in increasingly privately financed transportation infrastructure, such as toll roads, to fund those developments that are not considered consistent with the SCS.

5. Streamlined CEQA Review for Qualifying Projects

SB 375 fast-tracks "transit-priority projects" that are consistent with general use designation, density, building intensity, and applicable policies specified in either the SCS or APS. It also provides CEQA exemptions and streamlining provisions for certain residential and mixed use projects that are consistent with such policies (this generally includes certain infill and high-density projects located adjacent to transportation nodes or corridors, which satisfy other applicable policies such as providing affordable housing on site). SB 375 provides detailed definitions regarding what characteristics these qualifying projects must include; and it outlines the streamlined CEQA procedures that apply to qualifying projects.

What Does SB 375 Not Say?

Specific "disclaimer" language was inserted into the bill at the behest of the various interest groups that reached the compromise on the legislation, which expressly provide that "nothing" in the bill (the six "nothings") shall:

1. Be interpreted to supersede the prerogatives of local agencies over land use planning;
2. Be interpreted to limit the California Air Resources Board's authority under any law;
3. Be interpreted to authorize the abrogation of vested rights;
4. Require a local agency's land use policies and regulations to be consistent with the regional plans that are created;
5. Require a metropolitan planning organization to approve a strategy inconsistent with federal law; or
6. Relieve a public or private entity or any person from compliance from any other law.

SB 375 further states that "Nor will the plans that are developed under the provisions of SB 375 regulate the use of land."

These "disclaimer" provisions may lead to arguments in the future regarding their interpretation, as some of them arguably conflict with other provisions of SB 375. For example, though the plans developed under SB 375 may not regulate the use of land directly, they certainly have a strong indirect effect on the planning process that controls land use, and may in some cases act to "supersede the prerogatives of local agencies over land use planning." Such issues could very well be the subject of litigation in years to come.

When Will SB 375 Be Implemented?

- December 11, 2008: CARB plans to adopt the Scoping Plan required by AB 32 on this date. The Scoping Plan must include state-wide GHG reduction targets for various sectors of the economy. We may want to provide

7

comments on the proposed final plan.

- January 31, 2009: CARB must create a Regional Targets Advisory Committee, which must recommend facts to consider and methodologies to use for divvying up the state targets and assigning each region a target for the automobile and light truck sectors for 2020 and 2035.
- September 30, 2009: The Regional Targets Advisory Committee must submit a report to CARB with its recommendation regarding the regional targets.
- June 30, 2010: CARB must provide each region its GHG emissions reduction targets for use in the region's next RTP update.
- After June 30, 2010: Each MPO must prepare an SCS (and possibly an APS) as part of its next regular RTP update.

So, What Does SB 375 Really Do?

Ultimately, no one knows exactly what SB 375 will do, other than create a series of planning milestones that must be met between now and 2010, and then into the future. These milestones may be what is needed to begin to pull the diverse landscape of regional planning together into a coherent policy for meeting California's housing and transportation needs into the future. Each agency and property owner will need to evaluate the legislation to determine how it affects them and how to address its dictates, and stay closely in contact with the planning processes being conducted by CARB and by the local MPO will affect specific properties located within their jurisdictions and/or ownerships.

For land owners it could provide significant density incentives and CEQA streamlining benefits for certain transit-oriented projects. Land owners may also want to consider promoting an SCS that is favorable to their parcel. One way to do this is to join the advisory committees established by each MPO that will shape the development of each RTP, or otherwise participate in the public processes established by each MPO as described above. There are also incentives to develop housing with a minimum of 49% affordable units, since these projects may qualify for an "anti-NIMBY" defense if a local government fails to grant the necessary approvals for a project that meets zoning requirements and the applicable requirements specified in SB 375.

On the downside, traditional auto-oriented development (i.e., "sprawl") will be even more carefully scrutinized under SB 375, as the ultimate goal for the SCS is to meet GHG emissions targets set by CARB. For agencies, the transportation-funding provisions of SB 375 could provide access to funds for meeting their transportation goals, for projects that are consistent with an adopted SCS - however, transportation funding may be more scarce for infrastructure outside the urban core. On the brighter side, SB 375 requires that realistic "planning assumptions" be applied under federal law, and this may allow for arguments on behalf of land owners in shaping the SCS process, e.g. that feasibility and financeability of future projects should be considered. Both local agencies and developers will need to be alert to these issues in planning future projects and arguments supporting the inclusion of proposed projects within the SCS will need to be carefully analyzed.

On the CEQA side, the implementation of SB 375 will present both significant challenges and significant opportunities. The legislation contemplates CEQA exemptions for "transit-priority projects" as discussed above and other CEQA streamlining for projects that are consistent with the applicable SCS. Likewise, the new CEQA guidelines currently being considered by ARB and the Office of Planning and Research would grant projects that are consistent with the applicable SCS (at either a program level or an individual-project level) an exemption from having to analyze their transportation-related impacts to global climate change. On the other hand, it is fairly clear (through not explicitly stated) in SB 375 that proposed new projects that are inconsistent with an adopted SCS will be more likely to be viewed as having a significant transportation-related impact to climate change, which will require mitigation. These details, like so many others, will be fleshed out in the upcoming months as the legislation is implemented.

For all of these reasons, it is essential to carefully consider SB 375 provisions and how they will affect the properties and business plans of land owners and developers, and the future responsibilities of local agencies, as early as possible.

Sheppard Mullin has a team of 60 attorneys throughout California with specialized knowledge and experience in land use, real estate, and environmental law, and an interdisciplinary team of attorneys specializing in global climate change law in California and other jurisdictions, who can advise clients on SB 375 and other evolving climate change rules in a wide variety of practice specialties and issue areas. Several of our attorneys have been involved in the development and early implementation of SB 375, and have been speaking as well as writing on the topic. As such, our attorneys are well-positioned to assist developers and public agencies in benefiting from SB 375 or avoiding its pitfalls.

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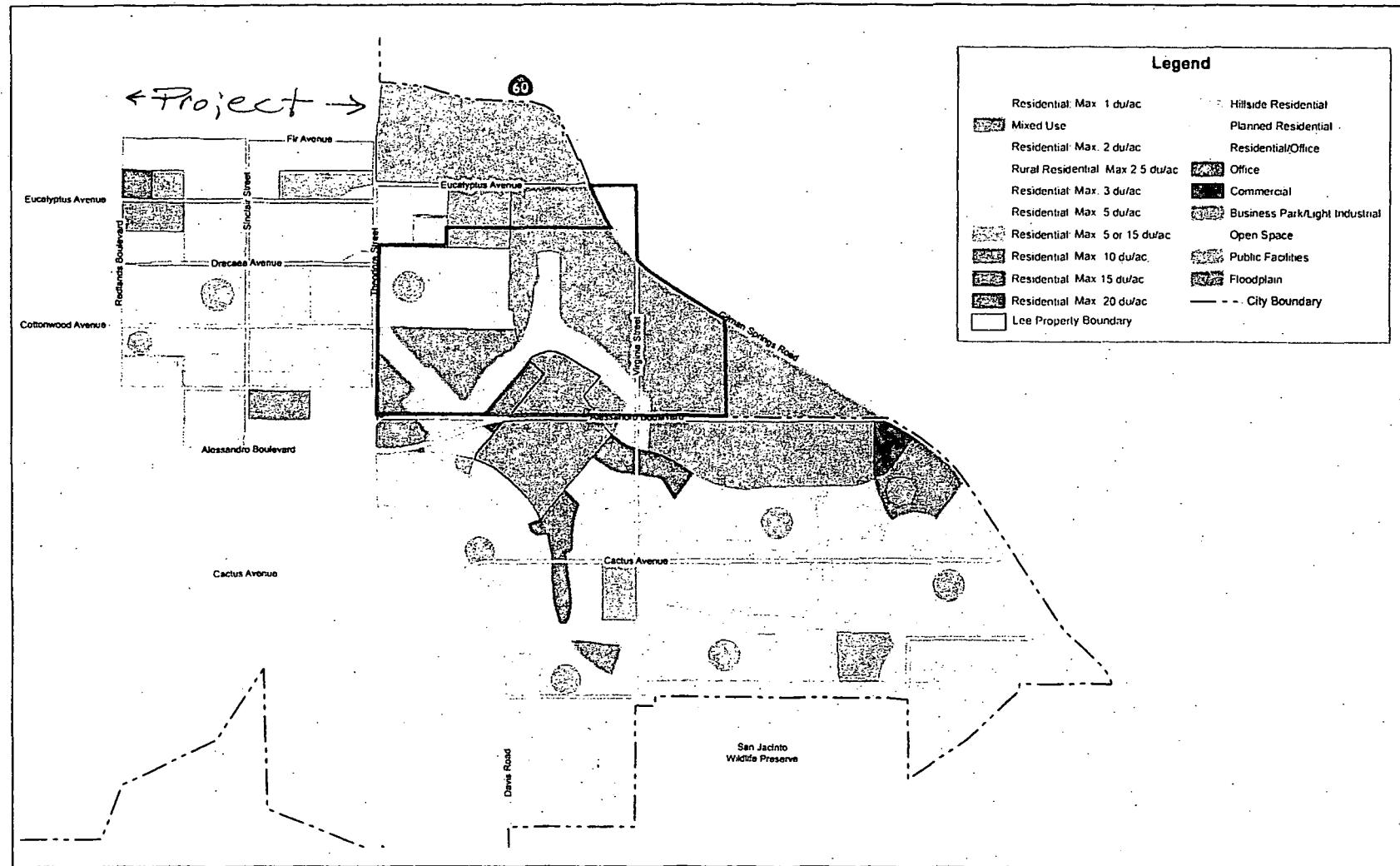
Rafael F. Muilenburg is a partner in the Real Estate and Land Use and Environmental Practice Group and the Global Climate Change Practice Group in the firm's Del Mar Heights office. James E. Pugh is an associate in the Real Estate Land Use and Environmental Practice Group in the firm's Los Angeles office. Michael Hansen is an associate in the Real Estate, Land Use and Environmental Practice Group in the firm's San Diego office.

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By choosing to communicate with us without such prior approval, you understand and agree that Sheppard Mullin will have no duty to keep confidential any information you provide.

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Source: RBF Consulting, January 2008.



NOT TO SCALE

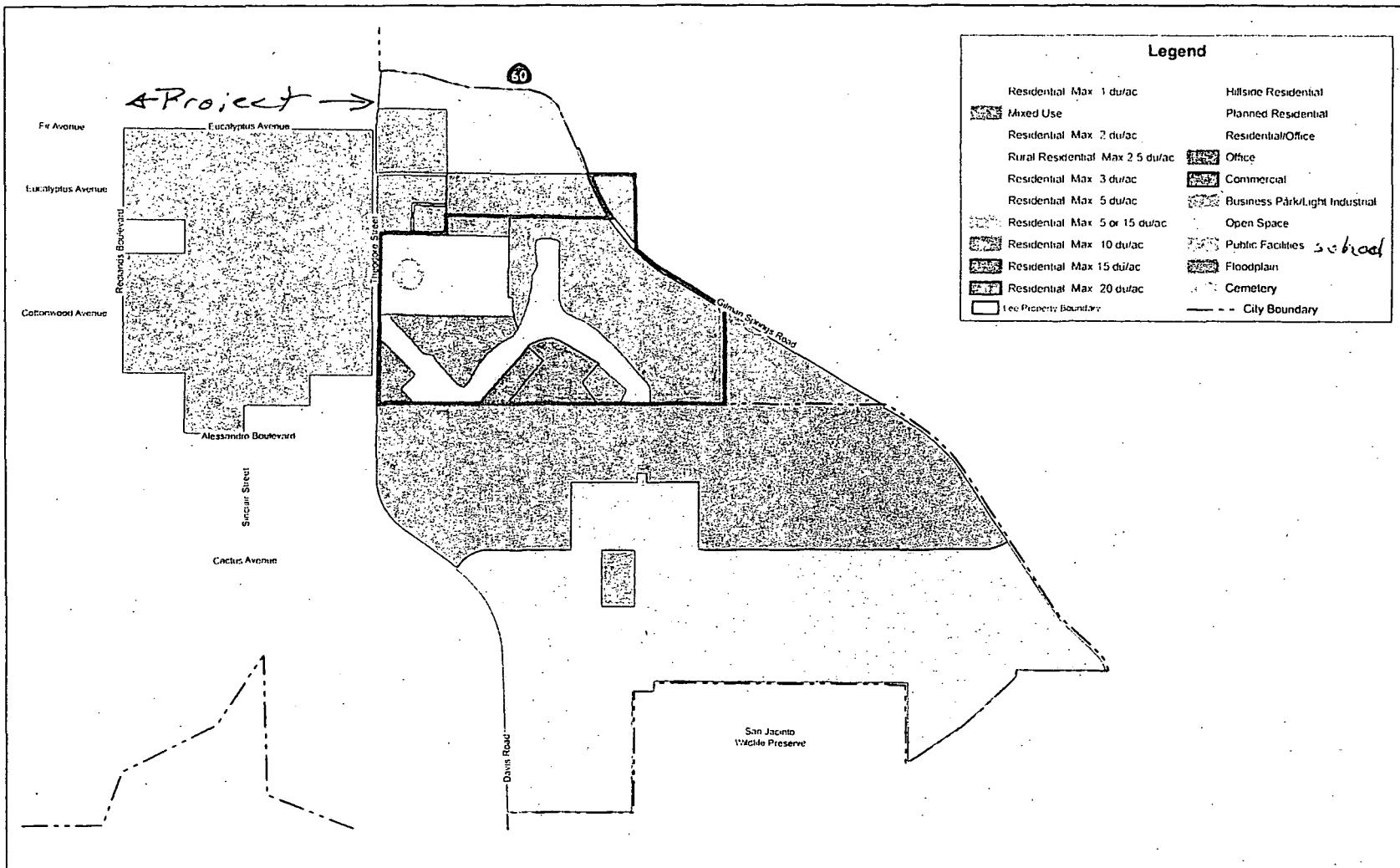
Michael Brandman Associates

26100015 • 05/2008 | 6-1_city_gp.cdr

Exhibit 6-1
City General Plan Land Use

HIGHLAND FAIRVIEW CORPORATE PARK
ENVIRONMENTAL IMPACT REPORT

MV00229306



Source: RBF Consulting, January 2008.



NOT TO SCALE

Michael Brandman Associates

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Exhibit 8-1 Logistics Modified General Plan

HIGHLAND FAIRVIEW CORPORATE PARK
ENVIRONMENTAL IMPACT REPORT

Table 8-1: Existing General Plan and Logistics Modified General Plan Comparison

Land Use Type	Unit	Existing General Plan	Logistics Modified General Plan
Residential	DU	8,691**	1,342*
Commercial	TSF	1,489	304*
Business Park/Light Industrial	TSF	12,357	4,500*
Logistics	TSF	0***	35,626
Office	TSF	240	59*
School	STU	7,200	1,800*

Notes:

DU = dwelling units

TSF = thousands square feet

STU = students

AC = acres

* Located on Lee Property.

** Includes approximately 2,381 units located on CDFG property.

*** Logistics is not a defined land use designation in the Moreno Highlands Specific Plan but it is an allowed use within the Business Park designation of the Moreno Highlands Specific Plan.

An area in the middle of the Moreno Highlands area, approximately 620 acres referred to as the Lee Property, is not owned by the Applicant. The Lee Property is shown on Exhibit 8-1. The MHSP designates the Lee Property for a mixture of industrial, residential, commercial, open space, and community uses as shown on Exhibit 8-1. There is no information available that would indicate that the Lee Property will be developed other than as designated in the MHSP. Therefore, the LMGP concept assumes that the Lee Property will be developed pursuant to the MHSP zoning.

The MHSP area includes 905.2 acres in the San Jacinto Wildlife Preserve. While the MHSP designates this land for development—2,381 residential units as well as schools, parks, and open space—the land is controlled by the California Department of Fish and Game (CDFG), is not likely to be developed, but, instead, is most likely to remain as open space and habitat. The LMGP concept therefore assumes no development on this land.

8.3.1 - Analysis of Logistics Modified General Plan and Existing General Plan

Preliminary comparisons of the LMGP concept and the Existing GP for the Moreno Highlands area are made for each of the impact categories addressed in this EIR.

Aesthetics

Both the LMGP and Existing GP would result in residential and non-residential development along the hillside areas and on the valley floor. Noise barriers and other structures would obscure views of the surrounding hills to some degree. Impacts on scenic resources, visual character, and light and glare would occur with implementation of either the LMGP or Existing GP. Under the LMGP, the introduction of logistics uses in areas south of Eucalyptus Avenue and west of Theodore Street, and south and east of the Lee Property, would require aesthetics mitigation measures that are similar to

measures and infrastructure maintenance will be in accordance with either the Riverside County Flood Control and Water Conservation District or the City's standard engineering practices. Additionally, all new development is required to build master drainage plan facilities and/or pay fees that are used to build the facilities.

Land Use and Planning

The City's Master Plan of Trails shows a network of potential trails in the area contemplated for logistics use under the LMGP. While the potential for these trails would remain, it is unclear if any modification to, or deletion of, trail alignments would be necessary.

The Existing GP would retain the existing land use designations and zoning within the Moreno Highlands area. The Business Park and Office uses included in the Existing GP would contribute to a high jobs/housing ratio and there would be no further impacts related to consistency with the SCAG Regional Growth Projections. Under the Existing GP, there would be 8,691 homes and 14,086,000 sq ft of industrial and commercial development. As shown on Table 8-2, the Existing GP for the Moreno Highlands area would generate 17,733 jobs, and the jobs housing balance for the area would be 2.04 jobs per household. Furthermore, the CDFG land is planned mostly for residential uses. If the CDFG land was not developed, the jobs/housing ratio would be even higher.

Table 8-2: Jobs Generated by Existing General Plan in the Moreno Highlands Area

Type of Project	Size of Project	Estimated Number of Jobs
Schools	7,200 Students	510
Commercial	1,489,000 sq ft	2,978 (1/500 sq ft)
Business Park/Light Industrial	12,357,000 sq ft	12,357 (1/1000 sq ft)
Office	943,800 sq ft	1,888 (1/500 sq ft)
Logistics	0	0
	TOTAL JOBS	17,733

Notes: sq ft = square feet

Source: MBA, 2007.

Table 8-3: Jobs Generated by the Logistics Modified General Plan in Moreno Highlands Area

Type of Project	Size of Project	Estimated Number of Jobs
Schools	1,800 Students	100
Commercial	304,000 sq ft	608 (1/500 sq ft)
Business Park/Light Industrial	4,500,000 sq ft	4,500 (1/1000 sq ft)
Office	59,000 sq ft	118 (1/500 sq ft)
Logistics	35,626,000 sq ft	21,375 (0.6/1000 sq ft)
	TOTAL JOBS	26,701

Note: sq ft = square feet

Source: MBA, 2007.

Moreno Valley

Comments 3 | Recommend 1

More distribution centers proposed for Moreno Valley's eastern side

Block 1

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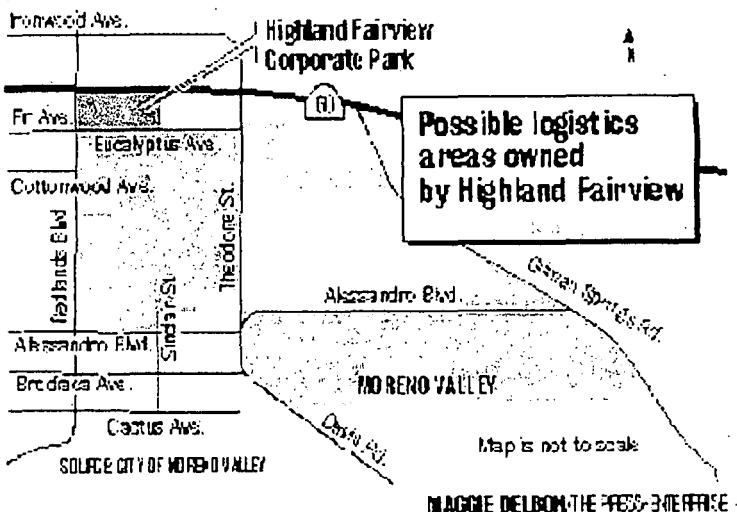
10:00 PM PDT on Thursday, August 21, 2008

By DAN LEE
The Press-Enterprise

MORENO VALLEY - Highland Fairview Properties, the developer of the Aquabella residential project and the Skechers logistics facility, is considering plans to build as much as 35 million square feet in distribution centers on the eastern side of town.

That potential scenario was included in the draft environmental impact report that the Michael Brandman Associates consulting firm prepared for the Skechers project. It would affect about 1,800 acres south of Highway 60 and between Redlands Boulevard and Gilman Springs Road, reducing the number of homes allowable in the Specific Plan in the area and increasing the land devoted to industrial uses.

Although the 1.8 million-square-foot Skechers building is a separate project, Highland Fairview President Iddo Benzeevi said the scenario was included in the report because residents had asked what might happen if that area, known as the Moreno Highlands, was developed into a business park. Highland Fairview has not formally submitted any proposal for logistic centers in the Moreno Highlands area.



MAGGIE DELBON/THE PRESS-ENTERPRISE

"It is an alternative that will be evaluated," Benzeevi said by phone. "We're looking at every possibility."

Any such proposal would require revising the Moreno Highlands Specific Plan, which would require the city Planning Commission and the City Council to hold public hearings prior to approval, city Planning Official John Terell said by phone.

Jobs

The City Council had approved the Moreno Highlands plan in 1992. The 3,000-acre, master-planned community would include 7,700 homes, a 600-acre business park, schools, golf courses and 120 acres of city parks. It would add as many as 30,000 new residents to Moreno Valley and 21,000 jobs, according to city estimates at the time.

Environmental activists sued the city over the plan, claiming that traffic, air pollution and potential earthquake hazards were not adequately addressed. They also argued that the planned community threatened the nearby San Jacinto Wildlife Area.

Although the projects' developers decided not to shelve their construction plans in June 1993, citing the economic downturn at that time, a judge in May 1994 ruled that the city had approved the Moreno Highlands plan properly. The Moreno Highlands community remains unbuilt.

Benzeevi said it is critical that Moreno Valley develop more of an employment base: Only about 3 percent of Moreno Valley's land can generate jobs, compared with the 10-20 percent in most cities. Without sufficient local jobs, residents are forced to commute out of town for work, creating traffic and causing them to have less time with their families, he said.

"It is just not acceptable," Benzeevi said. "We need to build sustainable communities."

A big part of the original Highlands plan already was intended for industrial uses, the developer added. With the addition of distribution centers the Moreno Highlands area could generate more than 26,700 jobs, according to Michael Brandman Associates.

Jamil Dada, chairman of the Moreno Valley Chamber of Commerce, said he agrees that Moreno Valley needs jobs. Dada has supported the Skechers project and proposals by ProLogis and First Industrial Trust to build distribution centers nearby.

Dada added, however, that he would like to see city officials determine what Moreno Valley residents want on the eastern end. He also said he would like to know what the environmental impact of the proposed changes might be.

'Still a Mess'

A new grassroots group called Residents for a Livable Moreno Valley is expressing concern about the proposed distribution centers. Spokesman Bob Franz said he is not opposed to growth or creating more jobs, but building distribution centers in eastern Moreno Valley does not make sense, given the traffic and pollution.

"It's already still a mess heading west (on Highway 60)," Franz said by phone. "I don't think it's a good idea taking trucks east through the Badlands."

The addition of logistics buildings to the Moreno Highlands would result in less traffic and overall pollution emissions than the land uses under the existing plan, according to Michael Brandman Associates. However, it would result in increased diesel emissions, the consulting firm found in its report.

Benzeevi said any logistics or distribution centers built in the Moreno Highlands area would be built to the same standard as the Skechers building, which is seeking the highest rating under the Leadership in Energy and Environmental Design standards. The developer added that Highland Fairview would take the necessary steps to minimize the effects on air quality and traffic as much as possible.

The logistics proposal and the future of eastern Moreno Valley are expected to be issues in the Nov. 4 election for the 3rd Council District seat, which represents the area.

Incumbent Frank West has said his constituents are concerned about building distribution centers on the eastern end of Moreno Valley. But West has four challengers: Robin Hastings, Mike Rios, Ray Carbajal Jr. and Robert Burks.

Moreover, the Moreno Valley Taxpayers Association has spent about \$120,000 on a campaign to oust West and fellow incumbent Councilman Charles White. Highland Fairview Properties has contributed \$60,000 to the effort, according to the most recent campaign finance reports that have been submitted.

Reach Dan Lee at [REDACTED] or dlee@PE.com

Sierra Club
and
Community Alliance for
Riverside's Economy and Environment

Dear City Council Members:

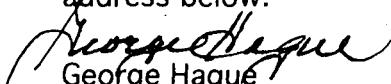
Re: Highland Fairview Corporate Park

The developer's report attempts to sell you the idea that this project would be so wonderful that it should be approved. The report refers to the "aesthetics" of the project. But aesthetics cannot compensate for nor can they mitigate the harmful impacts this massive project would have on our community. Please factor into your decision the following issues:

1. You must vote over-riding considerations on AIR QUALITY. All the warehouse workers will be subjected to significant health problems from the thousands of daily truck trips – one every 40 seconds in every 24 hours. The massive area where workers labor is not air-conditioned; thus, they must continually breathe the toxic diesel pollution, which will eventually affect most with health problems. Our very poor air quality will become even worse with this project's diesel trucks – many times more than what existing zoning would allow. More than just "jobs now", we need healthy jobs.
2. There are two projects that are adjacent to this one, which would add 3,000,000 more square feet of warehousing/logistics centers. If you approve this project, you are in reality approving all three, for a total of 5,000,000 square feet of polluting warehousing. The Sierra Club and CAREE do not believe the cumulative, growth-inducing impacts have been thoroughly analyzed for environmental impacts on our community. The "logistic modified General Plan" (LMGP) concept proposed by the developer is something that must be incorporated into the document now before you. Just saying the developer has not submitted paperwork for the LMGP does not justify not having this foreseeable project's information prior to your vote.
3. Noise will substantially increase, and you are telling hundreds, if not thousands, of residents to "grin and bear it" so you can approve this unhealthy project. State Route 60 through Moreno Valley has few trucks compared to Interstate 10. This project and its growth-inducing impacts will change our commuter freeway into one that makes those who live close to it suffer significant noise and pollution impacts from all the noisy, polluting diesel trucks. The 500-foot buffer needs to be 500 meters (or 1600 feet) and must extend southwest as well as directly south. This raises a question as to where the environmental justice analysis is in this document. It is totally lacking and needs to be before you prior to any vote.
4. Greenhouse effects and climate change have not been mitigated. The LEED-certified building – even the lowest level of certification – probably will not

- happen. That is why the developer is now qualifying the certification. If we want water in Southern California, we need snow packs in the northern mountains. Think of your children's and grandchildren's future and demand more than what the developer believes is "feasible".
5. Another issue that has not been resolved prior to your vote is TRAFFIC. The developer does not factor in all existing approved projects (like Moreno Highlands with 6,000-plus homes and zoning for 20,000 jobs). The FEIR states that there are two lanes that allow you to continue west from the 60 to the 215. In reality only the SR 60 lane on the far left allows you to continue west, while the other lane forces drivers to exit at Central Avenue. Until the traffic analysis deals with this issue, you cannot vote to certify this EIR because it is inadequate. You must realize that while 2,200 daily diesel truck trips may not sound overwhelming, they represent one every 40 seconds for 24 hours every day. If the two adjacent warehouses are approved, then you are looking at adding one noisy, polluting diesel truck to Highway 60 every 10 to 15 seconds for 24 hours a day - something to look forward to as we head west on that single lane. The FEIR tries to convince you that a truck is like 1 ½ cars. I would rather be behind two Hondas than one noisy, polluting diesel truck. Please remember that in 7 to 14 years, we may have "cleaner" trucks, but not "clean". You, however, could require only cleaner trucks (strongly recommended by AQMD as feasible) and protect Moreno Valley residents as well as the workers.
 6. Alternative sites have not been expanded to include other possibilities and thoroughly analyzed. I-215 has no houses along it and is built with overpasses and road-width to handle this number of diesel trucks. Why hasn't the old golf course at Norton Air Base been suggested? That was at one time a strong possibility. The Banning/Beaumont area would, like Norton, be better for trucks because I-10 is also built for them, and trucks would not need to use SR-60 to get to that area.
 7. You cannot satisfy impacts to threatened and endangered species by simply paying a mitigation fee. You must thoroughly analyze impacts to each species and how the fee will further each species' recovery.

Please vote to continue the project tonight so you can read and study all information presented to you, including the attached stories, which are very relevant to this project's impact on our community. Please keep both the Sierra Club and CAREE informed of future documents and meetings related to this project by using the address below.



George Hague
Conservation Chair
Moreno Valley Group of the Sierra Club
26711 Ironwood Avenue
Moreno Valley, CA 92555-1906

CAREE
P. O. Box 5199
Riverside, CA 92517-5199

**MORENO VALLEY HISPANIC
CHAMBER OF COMMERCE**

EST. 1993



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Jeri Vaughan
Omar Montez
Diane Kacsmarck
Javier Figueroa
Sam Jones

February 3, 2009

To Honorable Members of the Moreno Valley City Council

The Moreno Valley Hispanic Chamber of Commerce has represented the greater business community in Moreno Valley since 1993. Our constituents range in size from multinational to the local home based businesses that reside within our City's boundary. We, as past and current Presidents of the Chamber, come forward now on their behalf and issue this letter proclaiming our unilateral support for the proposed Highland Fairview Corporate Park project.

Moreno Valley needs to support real projects which will bring real economic benefits, real jobs, and real tax dollars to the City. We need to take advantage of such opportunities when they arise. This is just such an opportunity.

We, as a Chamber, like the City Council, care and share the same concerns about the City of Moreno Valley. We endorse intelligent responsible development, high quality diverse employment that enhances the standard of living for Moreno Valley families and provide a great future for generations of Moreno Valley residents to come. We strongly urge you to approve the Highland Fairview Corporate Park project.

We trust during this critical time in Moreno Valley's history that leadership will recognize that the opportunity for positive change is before us today and that opportunity is a great one indeed. By approving this project, Moreno Valley will gain a great company, and hopefully attract others that will follow Skechers' lead.

We want to thank Highland Fairview for its leadership and vision and for bringing the first Fortune 500 world-class company to Moreno Valley. Mr. Benzeevi has been a pillar of the community and a strong supporter of the City of Moreno Valley, of the Hispanic Chamber and of the overall Hispanic community. We have no better friend. We applaud his vision, his commitment and his investment in our community.

Sincerely

Jack Schirner
MVHCC President 09

Art Alcaraz
MVHCC Past President 07-08

Anthony Fabelo
MVHCC Past President 06-07

Jaimie Hurtado
MVHCC Past President 04-06

Aurelio Aguirre
MVHCC Past President 00-02

FRIENDS OF THE NORTHERN SAN JACINTO VALLEY
P.O. Box 9097
Moreno Valley, CA 92552-9097
www.northfriends.org

3 February 2009

City Councilmembers
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

Dear City Councilmembers:

Re: Agenda Item E-1, Highland Fairview Corporate Park

Thank you for the opportunity to make comments on Highland Fairview Corporate Park project.

The Friends do not think the Final Environmental Impact Report for the Highland Fairview Corporate Park has adequately addressed all of the issues raised by all the comment letters on the project.

In particular the Friends are extremely concerned that "Air Quality" issues have not been addressed and the project emissions during operation will exceed the South Coast Air Quality District's regional thresholds for a number of pollutants that are detrimental to our community's health, especially for children and the elderly.

The document does not adequately address "Climate Change and Greenhouse Gases" and instead relies on a finding of overriding consideration.

We are extremely concerned about the high levels of truck trips this project will bring to Moreno Valley. Highway 60 is not built to handle the levels of traffic this project will require. And it will make an already unsafe road even more dangerous to residents and visitors.

We are also concerned because the document does not contain analysis of traffic levels for the Moreno Highlands project which is adjacent to the Highland Fairview Corporate Park.

It is disheartening that the city have chosen to fast track the project, have given a very limited time span for public review (releasing the final EIR during the Christmas and New Years' holidays) of the environmental document, and are clearly marginalizing the public's

input and concerns by moving quickly on the project and allowing the project proponent unlimited time to discuss his project before the city's decision makers.

The Draft Final Environmental Impact Report for the Highland Fairview Corporate Park is inadequate and does not properly address all of the issues of concern raised in all the comment letters.

We urge you listen to the Planning Commission's concerns and also vote to deny the approval of this project.

Sincerely,

Ann L. Turner-McKibben

Ann L. Turner-McKibben, President

[REDACTED]
e-mail: northfriends@northfriends.org

City Council Members
City of Moreno Valley
P.O. Box 88005
Moreno Valley, CA 92552

February 3, 2009

Re: Comments on Highland Fairview Corporate Park Project DEIR/FEIR, State Clearinghouse Number 2007101132

Dear Council members:

I have been a resident of Moreno Valley since 1985, and have been a Geologist at U.C. Riverside since 1984. Prior to that I was a resident of Riverside from 1971-1979. I would like to make comments on the FEIR/DEIR for the Highland Fairview Project.

Assertions made on page 3-147 of the FEIR (Responses to comments, letter 15, response 15-1) are incorrect. Just because there are no active or potentially active faults shown on 20+ year old Alquist-Priolo fault maps does not mean that the project doesn't have to trench for unmapped faults on the property. State Publication 42 on using the Alquist-Priolo maps clearly states on page 9: "*The fault information shown on the maps is not sufficient to meet the requirement for fault-rupture hazard investigations. Local governmental units must require developers to have project sites within the Earthquake Fault Zones evaluated to determine if a potential hazard from any fault, whether heretofore recognized or not, exists with regard to proposed structures and their occupants.*" (Bryant and Hart, 2007, Fault-rupture hazard zones in California; Calif. Div. Mines and Geol., Special Publ. 42. online at [ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sp/Sp42.pdf](http://ftp.consrv.ca.gov/pub/dmg/pubs/sp/Sp42.pdf)).

The EIR cannot duck its responsibility and try to get by with a cheap, inadequate approach: relying on prior off-site trenching to document, assess and mitigate on-site hazards. Contrary to assertions made in Response 15-1, there has been no legitimate statistical assessment of whether or not known or suspected faults nearby project onto the project site. In fact, the active faulting patterns in the San Jacinto Valley are *characterized* by complex multiple branching and jogging patterns (Park, S.K. et al. 1995, Delineation of intrabasin structure in a dilatational jog of the San Jacinto fault zone, southern California; Jour. Geophysical Research, Vol. 100, No. BA, p. 691-702, and Morton, D.M., and Miller, F. K., 2006, Geologic map of the San Bernardino and Santa Ana 30' x 60' quadrangles, California; USGS Open File Report 1271, 2006, <http://pubs.usgs.gov/of/2006/1217/>). This makes trenching on-site *essential* to evaluate and date potential unmapped faults and their splays on the project site. Otherwise the specific geologic hazards on the project site are poorly known, unevaluated and not capable of being mitigated. The provisions of CEQA and Alquist-Priolo regarding the project and analysis of its impacts and hazards therefore have not been satisfied.

Assertions made on page 3-148 of the FEIR (Responses to comments, letter 150, response 15-3) are also incorrect. It doesn't matter whether the potential for peak ground acceleration reaching ~1 is 10% or 90% over 50 years, the potential is there and so the infrastructure simply *has to be built* to withstand that level of potential ground acceleration and shaking. It's why we use 100-year flood zone maps (a 1% probability over a century). Otherwise no mitigation has been attained.

I ask that these comments be incorporated into the public record for review of this EIR, and hereby incorporate all references cited (and their contained references) into the review process for this EIR.

I also ask that I be kept informed in writing of all notices, documents, meetings and actions regarding this EIR and Project, at the address listed below.

Sincerely,



Michael A. McKibben, Ph.D.
23296 Sonnet Drive
Moreno Valley, CA 92557

([REDACTED]
mamckibben@roadrunner.com

2/3/09 c: City Council (5)

Mark Gross, PLAN

Melody Lardner Comments on Highland Fairview Development

CITY COUNCIL

MORENO VALLEY

RECEIVED

February 3, 2009

09 FEB - 3

PH 1

CITY CLERK
MORENO VALLEY
RECEIVED

To the Members of the Moreno Valley City Council:

09 FEB - 4 PM 4:02

Comments on PA-07-0088 (Change of Zone), PA07-0089 (General Plan Amendment), PA07-0090 (Tentative Parcel Map 35629) to include PA08-057 (Phasing Map), PA07-0091 (Plot Plan) and P07-157 (EIR) – Highland Fairview Project

The Highland Fairview Project before you will generate excessive diesel truck traffic on Hwy 60 polluting our city and clogging a freeway with cars and trucks that is already clogged at times now. Try driving our freeways at commute times or even weekends as people are running their weekend errands and see how off-ramps back up onto the freeways even now and even outside of "commute times." The EIR identified the pollution from the traffic as a significant effect and gave a breakout of truck and car traffic from this project that was astounding.

I was concerned with all of the numbers flying around at the Planning Commission meetings and I would like to stress that these numbers for traffic are from the final EIR for this project and not made up. In phase 1, the final EIR stated that we can expect 3,325 trips daily where 50% would be trucks (that is 1,663 trucks in a day only in phase 1). In phase 2, there would be 8,739 daily trips where 25% would be trucks – that is 2,185 trucks a day). In Phase 3, the final EIR notes that there will be 15,339 trips a day (2,200 trucks and 13,139 cars) from this project! It should also be noted that it was mentioned in the EIR that 330 truck trips a day would be passing through the Badlands to the east on Hwy 60 and we all know how clogged that gets now with slow trucks and only two lanes and no widening planned by Caltrans anywhere on the horizon! For comparison, under the current general plan there would only be 725 trucks per day according to the final EIR. Again I am stressing that these are the numbers in the final EIR for this project.

Another way to look at this is to look at trucks per minute. Under Phase 1, there would be 69 trucks an hour (1663 trucks per day) or over a truck a minute if based on a 24 hour day. In Phase 2, there would be 91 trucks an hour or 1.5 truck trips a minute using a 24 hour day. These figures of trucks per minute were based on a 24 hour day and if they operate mainly during the day then the figures of trucks per minute will be even more intense during the day and it appears from the EIR that that will be the case. Under the current general plan and zoning, there would only be 0.5 trucks per minute. The video shown by the proponent of the traffic from this project at peak times appears very misleading. I counted the red trucks during a loop of that presentation and it was nowhere near the numbers shown in the EIR if you look at it from trucks per minute.

Highway 60 through Moreno Valley is already congested at times. Even now, trucks often ride in the fast lane to avoid cars getting on and off ramps between Perris and Moreno Beach and slower cars are in the slow lanes making traffic blockades going down this stretch of freeway

during commute times. Cars back up into traffic lanes from the off-ramps during peak commute home times. Theodore and Redlands off-ramps are small off-ramps with stop signs at the bottom and no separate turn lanes onto and off of the freeway. And the overpasses themselves are small with small narrow sidewalks. Theodore is very narrow and potholed now. Many of the improvements noted in the EIR are not going to help this on-ramp and off-ramp situation or these overpasses in the near future as many will have to wait until CalTrans improves them. All of the trucks and cars noted above may be exiting at those two ramps.

I am concerned that trucks and cars trying to get in and out of this project may try to find other ways around these off-ramps by using other ramps and traveling through the city. Many commuters do it now. Redlands and Theodore need to be improved with bigger off-ramps, traffic lights and turn lanes both north and southbound to ease the congestion that will be coming if you approve this project and we cannot count on Caltrans to do it anytime soon. Although the final EIR mentions contributing fair share with other cumulative projects to temporarily fix the intersection at Redlands - what if there is no one else to contribute - will it not get done? The temporary improvements may have to last for years - would they be adequate to serve the intersection for many years to come since Caltrans has not even scheduled any improvements to this ramp? And the temporary improvements to this intersection from this project are not planned until Phase 3 apparently due to the lack of a connection to Eucalyptus until phase 3 but will all of the cars and trucks know that? I would like to see that Redlands is improved before Eucalyptus is completed. And the improvements to Redlands will still not fix the overpasses and ramps. These overpasses are narrow now - how does one walk across or ride a bike across with all of this traffic? And the ramps are only one lane wide.

Caltrans does not even have improvements to these off-ramps (Redlands and Theodore) and overpasses on their schedule yet according to the final EIR. Caltrans is not going to even begin improvement work on Nason and Moreno Beach overpasses and ramps until 2011 and with the state budget crisis I would not be surprised if even that is delayed even further into the future. Also remember that Hwy 60 is already down to two lanes at Redlands Blvd. as the car pool lane ends just after Moreno Beach so one less lane for all of this additional traffic there. If approved, this project should fund extension of those car pool lanes to Theodore. Interstate 215 is much larger and wider and designed for this type of traffic and can better accommodate this increased traffic than Hwy 60. I support warehouses there where they are closer to a larger freeway and potential cargo hubs at March - it makes more sense there and not carting all of this cargo across town on a too small freeway like Highway 60.

The EIR explains away some comments on traffic on the freeway by stating that Caltrans and Riverside County monitor traffic situations. Well we all know how far behind Caltrans is with

fixing any problems and with the state budget crisis it will only get worse. And then we will have to live with the problem for years once a problem is identified and planned for and then years more during construction. Maybe the proponents should fund improvements to the ramps and overpasses now. I worry that if anything else ever does develop on the east end this end of the freeway and the Redlands and Theodore ramps will be impossible.

I am very concerned about traffic impacts on Redlands Blvd. itself. This is the first off-ramp trucks and cars traveling to this complex will encounter if coming from the west, which most will be according to the traffic information in the EIR. It is expected that most will therefore exit on Redlands which is a narrow potholed street now. The proponent had said they may place truck bars to prevent trucks from entering Eucalyptus off of Redlands Blvd. into the complex. Use of that bar is not in the proposal evaluated by the city as it was not in the developers proposal to the city so I am unsure if that will be required. I am concerned even if these bars are installed that trucks may still exit at Redlands and then find they cannot enter that way and then wander down Redlands Blvd. to try to get around to other side of the complex which would mean traveling east on Alessandro which is a small neighborhood street in this location. There is nothing to stop trucks from exiting at Redlands Blvd.! And in Phase 3, they noted this project will bring an estimated 13,139 cars as well who can and will exit at Redlands. I am not sure what it would take to encourage traffic to mostly use Theodore where there is less use now.

I am also concerned that trucks and commuters will use Redlands Blvd. to the north and San Timoteo Canyon which was not analyzed in the EIR. The EIR assumed no traffic impacts to these roads from the project. Commuters already use this route from the San Bernardino county areas to get to Moreno Valley as well as trucks trying to get around traffic or find a quick way to San Bernardino County. This is an already overloaded small road that in reality will be impacted as well as commuters from Ontario may use it (employees who transfer from their current facility) to get to Moreno Valley and trucks will use it to bypass traffic or shortcut routes as some do already. This project will affect this route and it was not analyzed in the EIR.

Approval of this project will also open the door to more of these types of proposals on the east end as people I future developments south of the 60 on the east end will not want houses near warehouses so developers will look to building other than houses to make money on their properties. If right now it is only economical to build warehouses then that is what may end up out here as it is much easier to build like next to like as it avoids a lot of neighbor conflicts and then what will our freeway look like? And what will happen to the higher density housing some of this project will displace?

Another area where incorrect numbers were being thrown during the planning commission meetings is with the number of jobs resulting from this project. We heard a lot about all of the

jobs this project will create for Moreno Valley at the Planning Commission meeting but I fear it will not be as many as people have been lead to believe. Many have rallied others to speak about wanting and needing jobs based on figures that were much higher than what is presented in the final EIR. The final EIR states that this project will create only 1,986 jobs at build-out but the final EIR states that there are currently 1,000 employees at the Skecher's Ontario facility and I would bet most of them will commute here rather than quit their jobs in this current economy. That only leaves potentially 986 new jobs into the future from this project and that was at full build out, which means phase 2 and 3 being built and occupied as well. So it is very unclear how many jobs Skechers will bring, but from the EIR it will be well under the figures we have seen in flyers and presentations. I found it interesting that no representative of Skechers was at any of the Planning Commission meetings to clarify this very large issue for members of our community. And if Skechers really wants this project and it were really creating a lot of jobs, then why would they not send someone to represent them to these meetings and get to the bottom of this very big issue.

The EIR noted that under the current general plan it was estimated that there could be 4,250 jobs created in this same location. It appears this project will not bring as many jobs as estimated under the current plan and zooming and it appears not as many high paying jobs as was planned for this area.

Other issues:

Solar – if this is a truly green project and it gets approved, I would like to see enough solar to run the entire warehouse (and for all of the warehouses proposed) and not just the office space for Skechers as stated in their proposal. Let's look forward into the future and take advantage of the very large roof areas on warehoused. Moreno Valley of course has a vested interest in this facility buying electricity from their utility company but utility companies are being pressured to become more green in the future and if Skechers really wants this project have them make it fully green and give back more electricity to the grid – maybe that will help mitigate the pollution from the trucks if you approve this project. The final EIR noted that greenhouse gases were a significant issue and were not mitigated to less than significance. Many utilities are looking to bring in green electricity from far away and that has its own issues with new lines needing to be constructed and additional impacts and here we have a great opportunity to add green electricity to our area and make Moreno Valley utility more green! Also the additional phases of this project should also be required to be green buildings with enough solar to run their operations (there was no mention of solar for the other phases in the final EIR).

24 hour construction – The proponent is asking for a 24 hour construction waiver will create light in the nighttime on nearby hillsides and although construction manager is supposed to

make sure that is kept to a minimum who will be out there checking and enforcing at night? Plus the noises at night carry far greater distances so residents quite a distance away will hear this noise at night. The city has times for construction for a reason and we do not need to subject everyone to this additional noise and lighting. Wildlife in the nearby Badlands and preserves will also hear the noise and be affected by the lighting as well.

Lighting for the final project – If approved, I hope the permanent lighting will be kept to a minimum. The city of Beaumont did not require minimum lighting at one of their warehouse facilities on the west end of their city and you can see the orange glow from that facility in Moreno Valley (across the Badlands from that warehouse sight). Let's not contribute to that light pollution! Please keep lighting to the bare minimum. The new Stater Brothers at Moreno Beach Marketplace is a good example of low lighting and this facility should be kept to those standards.

Landscaping – If this project is approved, please require them to plant large trees (boxed tress) and not small ones that will take years to grow – this will help mitigate noise and pollution more quickly if this project is approved. The proponent also mentioned planning gaps in the vegetation along the freeway so we can have views of the building. I think these gaps should be planted with trees as well to mitigate the noise and pollution as much as possible as vegetation can help mitigate these impacts to some extent, rather than worry about a view of the building. The EIR identified noise and air quality as significant impacts and vegetation, if carefully selected will help mitigate some of that. They need to be required to plant drought tolerant vegetation but careful selection must be done as some drought tolerant vegetation is not very lush. Selection of the plants must be done in a manner to select those plants that are truly drought tolerant in our area but also develop into dense vegetation where needed as screening and for noise reduction. Some plants sold as drought tolerant may not be drought tolerant in our climate so careful selection is needed and some may not be tolerant of the winter cold so follow-up re-planting may need to be required as well. I am concerned that visual representations of the project were misleading. The vegetation shown was more like 20-30 year old landscaping (very tall and very dense) and not landscaping at 5 years as was presented at the planning meetings. And the amount for water for the plants shown may be more than this project would have under the agreement with EMWD.

Pollution – Air Quality was identified as a significant cumulative effect in the final EIR. They do mention diesel emissions being reduced with newer trucks but newer trucks can be years in coming as no one is going to go out and sell their working truck now until it finally breaks down for good which could be many years down the road and meantime we will see much increased pollution from all of these trucks. And the number of trucks as stated above is well over what

we would see under the current general plan and zoning. I have breathing difficulties and this is a big concern to me.

Water – this project was delayed at least partly because EMWD would not approve any new projects due to water concerns about a year ago but then they turn around and say it is OK for new development but then are raising our rates and saying there is not enough water! This project, if approved should be required to use recycled water for all landscaping. The pool/fountain area in front of the building is also a waste of water. Waterscapes lead to evaporation and thus more water use. It is not clear what the water source is for the water in the fountain/pool, but I have heard it might be from a well where they will be pumping water from groundwater as I could not find this information in the EIR. Any groundwater pumping could have impacts to Mystic Lake and the wildlife areas which are downstream of this project. And is the use drought tolerant landscaping I am not sure the visuals of the landscaping presented at the planning meeting will appear quite as dense and lush.

I moved to the east end of Moreno Valley for the more rural, quiet, and less busy and bustling life. I used to live in a much busier section of Moreno Valley and I looked for an area that would be mostly residential and the east end was what I was looking for. I looked at the zoning there before deciding to move there. And during the general plan revision, I kept hearing how they wanted to create an upscale area on this end and I was looking forward to it. Large warehouses and truck traffic do not fit this vision and I fear we will head our city into a totally different direction than what was envisioned. I hope that because of the budget crisis we are not losing the vision for the east end of Moreno Valley and I would hate for the city to take such a short sighted view because once this is built there is no turning back. This is not a good project for this area and does not make sense in this location and may not bring all that some are being promised.

Thank you for your reviewing my comments.

Melody Lardner
28201 War Admiral St.
Moreno Valley, CA 92555



Highland Fairview

14225 Corporate Way

Moreno Valley, CA 92553

Tel: 951.867.5300 Fax: 951.867.5377

January 28, 2009

Meghan Kennedy
13582 Red Mahogany Dr.
Moreno Valley, CA 92553-4309

Dear Ms. Kennedy:

Next Tuesday at 6 PM the City Council will be holding the hearing for our proposed Highland Fairview Industrial Park, which includes the much talked about Skechers' North American Operation Headquarters.

You would think that in today's tough economic reality, every city would do anything in its power to approve a proposal that would generate more than \$157 million in annual economic stimulus for our community, create 2,500 permanent jobs and over 1,000 construction jobs.

But as we witnessed at the Planning Commission hearings, the pressure that a small group of NIMBYs ("Not in My Back Yard" people) are putting on the city to reject this project is having an impact.

These NIMBYs don't speak for the community. I know this because to date, I have heard from more than 6,000 community residents just like you who have sent me emails, letters and told me they support our effort. Thank you as well for standing with me. It means more to me than you can know.

At next week's hearing, please don't let the NIMBYs speak for you. Attend the hearing, and speak for yourself. Let the City Council know you want jobs and economic stimulus for Moreno Valley.

The challenges that Moreno Valley faces – double-digit unemployment, a sluggish housing market, and a looming city budget crisis – will not go away unless we work aggressively to reverse our economic decline. Bringing Skechers to Moreno Valley will go a long way in helping us do just that. Details for the City Council hearing are as follows:

Tuesday, February 3rd at 6:00 PM
Moreno Valley City Council Chambers
14177 Frederick Street

We will be hosting a gathering at our office before the hearing, so that we can all meet, share some food and conversation, and walk over to the hearing together. Details for the gathering at our office are as follows:

**Tuesday, February 3rd at 5:00 PM
Highland Fairview Offices
14225 Corporate Way**

To help us anticipate the number of people attending, please RSVP by calling 951.867.5365 or emailing me at Benzeevi@highlandfairview.com. If you can't make it to the gathering at our office, that's okay. Just go directly to the hearing.

Thank you again for your support. It has served as a constant reminder to us that we are doing the right thing. We could not have made the progress we've made without you.

I really hope you'll be able to make the hearing next week, so that together we can tell the City Council to do the right thing and approve our project so we can start creating jobs for Moreno Valley.

Sincerely,


Iddo Benzeevi
President, Highland Fairview

City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA. 92553
(951) 413-3000

29, January 2009

RE: Highland Fairview Corporate Park Project

I am writing in opposition to the granting of the changes needed and the overall approval of the Highland Fairview Corporate Park Project (**PA07-0088 (CZ), PA07-0089 (GPA), PA07-0090 (TPM), and PA07-0091 (PP)**), for the following reasons.

The developer Iddo Benzeevi and Highland Fairview lack the appropriate track record to undertake such an enormous project. Iddo Benzeevi the representative of Highland Fairview, has repeatedly given false testimony before the City Council of Moreno Valley, the Planning Commission of Moreno Valley and the general public as well as to his and Highland Fairview's qualifications, and/or past experience in undertaking such developments.

Mr. Benzeevi has stated on the record that he has over 30 years of development experience, and has built many projects within California and throughout the nation, however this claim is false.

Neither Mr. Benzeevi nor Highland Fairview has ever been properly licensed within this state to act in the fashion for which he so states. Of the 360 months Mr. Benzeevi has claimed to have been in the profession of developing and building "high quality construction and design", he or his alter egos have only been properly licensed under California law for seventeen (17), of those months (March 24th, 2007 through August 30th of 2008).

Currently Highland Fairview has an RME (Responsible Managing Employee) which came onboard on January 15th, 2009. However this RME's licenses are set to expire on March 31st, of 2009. This brings into suspicion the true nature of this relationship between the RME and Highland Fairview.

Is this a true employee of Highland Fairview or just an individual which is loaning out his license to that of Highland Fairview? If it be the later, this would constitute a misdemeanor under the laws of California.

Under California law Mr. Benzeevi and/or Highland Fairview is required to poses at all times throughout the development process, a valid state contractor's license, be it personally or through an RME or RMO (Responsible Managing Officer). However this has never been the case with Mr. Benzeevi or any of his alter egos when dealing with or within the city of Moreno Valley, yet the city continues to issue permits for various operations pertaining to Highland Fairview and its project(s).

Highland Fairview has lacked the ability to subcontract work regarding its projects for which it has in the past or is currently engaged in. California law requires a contractor's license for such undertakings which have taken place, and also requires Counties and Cities to verify the proper existence of such licenses prior to the issuance of any such permits.

Per the documentation within the DEIR by Michael Brandman Associates, many operations which required permits from the City of Moreno Valley were not issued at a time Highland Fairview was nor had it ever been in compliance with state contracting laws. All this took place with no doubt that this work was being performed as part of overall development process of the Highland Fairview Corporate Park Project (Skechers Distribution, Logistics Center), as stated in the documentation within the DEIR and the FEIR as well.

Given the facts above, both Highland Fairview and Iddo Benzevi have purported to, and have stated to have the capacity to undertake such developments not only now but in the past, all in violation of California law.

California Business and Professions Code 7026 states; "*any person who undertakes to or offers to undertake to, or purports to have the capacity to undertake to, or submits a bid to, or does himself or herself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, parking facility, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith, or the cleaning of grounds or structures in connection therewith, or the preparation and removal of roadway construction zones, lane closures, flagging, or traffic diversions, or the installation, repair, maintenance, or calibration of monitoring equipment for underground storage tanks, and whether or not the performance of work herein described involves the addition to, or fabrication into, any structure, project, development or improvement herein described of any material or article of merchandise. "Contractor" includes subcontractor and specialty contractor. "Roadway" includes, but is not limited to, public or city streets, highways, or any public conveyance."*"

The term "undertake to" has been defined as "putting oneself under the obligation to perform, to guarantee or to accept as a charge (57 Ops.Cal.Atty.Gen. 421 (1974).

Although Highland Fairview would not be under any obligation to the public to perform as it states in regards to this project (The Highland Fairview Corporate Park), it is however under a contractual obligation with Skechers U.S.A., Inc., to perform and provide that of a 1.8 million square foot warehouse and distribution facility.

Highland Fairview again is under no obligation to accept a charge from the public (that the public is aware of) for the Highland Fairview Corporate Park Project. Again it is however under a contractual agreement with Skechers U.S.A., Inc. for an eleven year lease for the results of said construction as mentioned above, for which Highland Fairview is to receive nearly \$100,000,000.00 in compensations.

This mentioned lease is not based on any contingent that it is void in the event the project was not approved in accordance with City, County and State laws, and was worded as if the project was already pre-approved and only in need of construction.

Highland Fairview by and through Iddo Benzeevi have made statements for which he and Highland Fairview have offered as an enticement of approval for this project a form of guarantee, the guarantee of 2500 jobs for Moreno Valley and a large influx of tax based benefits to the City of Moreno Valley.

This guarantee can be evidenced not only by his (Iddo Benzeevi's) words but by and through his and Highland Fairview's actions as well. These actions include but are not limited to offering of "Jobs Now" t-shirts, food and drink to those who come and support the Skechers project which will bring much needed jobs to Moreno Valley, the payment of citizens in the amount of \$20.00 per person to stand at the podium before the planning commission and recite the words Skechers will bring 2,500 new jobs to Moreno Valley, and an ongoing petition drive throughout Moreno Valley to gather signatures to bring the 2,500 new jobs for which Skechers will bring to this City.

As to the track record of Iddo Benzeevi and his alter egos, the City of Moreno Valley has on prior occasions made concessions in its General Plans, Zoning etc. on behalf of Mr. Benzeevi, only to see no such developments produced. The City of Moreno Valley dealt with this same almost exact issue in 1986 in regards to another grandiose Distribution Hub, complete with a 10,000 foot runway big enough to handle a 747. The results, changes made by the city, yet no development took place, just a large waste of the taxpayers money and time dealing with a go nowhere project by the Benzeevi Holdings.

Not to be out done San Bernardino County took a try with Iddo Benzeevi as well in the yearly 1990's with their need to redevelop the Norton Air Force Base, only to find themselves disappointed in their decision, as can be evidenced by these quotes as taken from the Los Angeles Business journal August 19th, 1991; (http://www.thefreelibrary.com/_print/PrintArticle.aspx?id=11227602)

"The board has decided to come up with new guidelines . . . because of our disappointing experience," Mitchell said. **"Mr. Benzeevi hasn't been able to come up with anybody to join him in developing the project."**

"It is a wasted year, in retrospect," said Jon Mikels, a San Bernardino County supervisor who was on the IVDA board when Benzeevi was given the exclusive deal to negotiate the base's development. Mikels said he wanted to split the rights among two or three of the top developers who bid for the project, but was overruled by other IVDA board members."

"The development board has "lost a lot of good faith. They lost a lot of good P.R. and they got a lot of egg on their face," said David Ariss, managing director of the California Commerce Center, a 10 million square foot industrial center adjacent to Ontario Airport, which is 85 percent owned by Lusk Co., a San Diego-based developer. Lusk, along with Upland-based Lewis Homes, has written to IVDA indicating a joint-venture interest in developing the Norton site, according to the IVDA's Mitchell."

The City of Moreno Valley again made concessions in its zoning etc. for Iddo Benzeevi in regards to the Aqua Bella development when it approved that project against a great deal of public debate as well as legal court challenges, only to see that four years later this development has yet to materialize, and most of this action again took place with the developer/builder acting without the proper licensing required under law.

These are not the only actions Highland Fairview and/or Mr. Benzeevi have taken in their quest for total dominance of the City of Moreno Valley, they/or he (Mr. Benzeevi) have put themselves out as brokering land deals, yet again in depth research into Mr. Benzeevi and his many alter egos show that at no time has he ever in his adult life held or possessed any required licensing for such endeavors within this or any other state.

Mr. Benzeevi has undertaken the defamatory actions against several elected officials of our city, and its citizens as well. He has employed the use of a political hate group to come before the council and the city's planning commission to defame the character of those who oppose his projects. He is currently engaging in the tactic of divide and conquer of our city, Mr. Benzeevi personally interview prospective candidates to run against those who either apposed this project on behalf of their constituents, or opposed his vision of the nick name Ranch Belago, all in an attempt to seed the council in his favor.

Highland Fairview has acted outside the law in dealing with Hazardous Waste and Materials which were found to be present on the proposed sites for the total build out of the projects they have submitted to the city for approval. This can be evidenced by the DEIR, its supporting documents and the recommendations made by those licensed companies which were contracted by Highland Fairview for site assessment.

These claims will hold even in regards to the later received by Mike Rios from Highland Fairview by and through the City of Moreno Valley dated January 6th, 2009 (Which was an incomplete un-signed letter of three pages including one map). NOTE: A response to said letter is being drafted and will include all documentations in support of its arguments against the claims of Highland Fairview.

As a conclusion I feel it is important that this also be made a part of the record. It is with some great suspicion that every time a letter is submitted be it by way of personal delivery to the city and its staff, or by means of e-mail, that within fifteen minutes or less those same letters and or documents are on the desk of Iddo Benzeevi and Highland Fairview.

That two days after the final and negative decision as to the purposed Highland Fairview Project was made by the Planning Commission of Moreno Valley, that Mr. Dada of the Moreno Valley Chamber of Commerce was able to give a date certain as to the public hearing before the City Council, in his address and call for support of the project before the chambers dinner event on January 17th, 2009.

Also of interest was the absence of supporters at the regular city council meeting which was held on Tuesday January 27th, 2009 (A group which has yet to miss any opportunity to speak up to this date).

The only substantive difference was the unknown announcement made by now Mayor Richard A. Stewart that no public comments would be heard on the issue of the Highland Fairview Project.

These occurrences and situations bring into question the actions of not only our city government, but that of our council as well, and cast a big shadow of distrust upon entities, those elected and those employed by the people of Moreno valley.

It is the duty of our elected officials to protect the rights of its citizens, and to uphold the rule of law and the state and federal constitutions. That being said there are no inherent rights to a corporate entity in the constitutions of our nation or state. However the actions of this government of the City of Moreno Valley seems more interested in the protectionism of a business entity than that of the citizens it was elected to serve.

In going forward let us not forget our nation is not a true democracy nor has it ever been. We are by definition a republic as so stated in our pledge to the flag and in our constitution as well.

The distinguishing feature of a Democracy is: Rule by Omnipotent Majority. In a Democracy, The Individual, and any group of Individuals composing any Minority, have no protection against the unlimited power of The Majority. It is a case of Majority over Man.

Traditional American philosophy teaches that The Majority must be strictly limited in power, and in the operation of government, for the protection of The Individual's God-given, unalienable rights proclaimed in the Declaration of Independence and, therefore, of the rights of The Minority of all minorities.

Therein lies the reason why the American leaders who framed and ratified the United States Constitution in 1787-1788 chose, for America's form of government, that of a Republic and not a Democracy.

America is a republic not a democracy in form of government so as to limit effectively the majority to protect the individual or the minority.

A Republic is a constitutionally limited government of the representative type, created by a written Constitution adopted by the people and changeable (from its original meaning) by them only by its amendment with its powers divided between three separate Branches: Executive, Legislative and Judicial. In a Republic, the whole system is designed primarily to protect The Individual's unalienable rights therefore The Minority, all minorities against any violation by government or by others. As the Declaration of Independence expresses this American goal of safeguarding these rights, the people form their governments "to secure these rights" to make and keep them secure.

Its purpose is to control The Majority strictly, as well as all others among the people, primarily to protect The Individual's God-given, unalienable rights and therefore for the protection of the rights of The Minority, of all minorities, and the liberties of people in general.

It has been held that in order for this form of government to survive and function as was intended, that the public would need to be informed and knowledgeable of the issues at hand. If we apply all these principals to this issue before the city, one would see that the minority has taken its time to gain knowledge and information into this issue far beyond that which has been presented before the planning commission, the city council and the public in general. It is that knowledge which should side in their favor over that of the supposed majority which merely comes to the table with the constant phrase of 2,500 jobs, which has more than been proven be factual evidence not to be the case.

If the majority comes before the government with information which is suspect or incorrect, it is the constitutional duty of the government to side on that which is more accurate and upholds the rights of the minority.

This could be best stated by a quote from Thomas Jefferson's first inaugural address on March 14th of 1801;

"I ask your indulgence for my own errors, which will never be intentional, and your support against the errors of others, who may condemn what they would not if seen in all its parts."

The key here in this quote is the words, "**MAY CONDEMN WHAT THEY WOULD NOT....IF SEEN IN ALL ITS PARTS.**"

He even went further in this address to the people;

"We are all republicans, we are all federalists. If there be any among us who would wish to dissolve the Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it."

Again let me point out the important key parts of this quote, "**ERROR OF OPINION MAY BE TOLERATED WHERE REASON IS LEFT TO COMBATE IT.**"

Yet again from Thomas Jefferson's address to the people;

"All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possesses their equal rights, which equal law must protect, and to violate would be oppression."

The words here should be obvious but here they are anyway, "**that will to be rightful must be reasonable; that the minority possesses their equal rights, which equal law must protect, and to violate would be oppression.**"

If not for these beliefs and followings of our past we would not be the nation we are today, women and minorities would not be able to vote undocumented immigrants and their children would not have access to healthcare and education in California (based on a overwhelming passage of a bill denying them those rights by the majority of California voters, however over ruled as being unconstitutional), and educational and employment opportunities would not be open to all.

With all that said the minority (by appearance only) has come before both bodies of our local government, both the planning commission and the city council, and here we are again before the council one more time. On every occasion they have presented evidence which should lead to the same conclusion as that of the planning commission on January 15th of 2009.

This evidence has been very divers , well researched, and substantiated on all accounts, however the so called majority has come before the same with only one argument, and that is the number of 2,500 jobs by one employer, that being Skechers U.S.A., Inc. who has yet to make any such claim. However the minority has proven through factual evidence that the purposed tenant Skechers only employees currently 2157 employees nationwide in its entire corporation (based on information provided for their investors). If the number of 2157 is what they Skechers U.S.A., Inc. puts out on their corporate filings and to their investors, one would think it to be an accurate one as well, otherwise it would bring up past memories of Enron, and do we need an Enron in Moreno Valley?

When all is added up as stated above there could only be one choice for the City Council of Moreno Valley, and that would be to side with the Planning Commission and deny the applicant at this time.

I request that this letter be entered into the record of the public hearing before the Moreno valley City Council held on the 3rd Day of February in the Year of 2009.

Gordon S.F. Tucker Jr.
25279 El Greco Dr.
Moreno valley, CA. 92553
[REDACTED]
mvgordie@roadrunner.com

CITY COUNCIL
MORENO VALLEY
RECEIVED

January 27, 2009

09 JAN 29 PM 4:29

Hon. Councilman Stewart
14177 Frederick Street
Moreno Valley, CA 92552

Subject: Highland Fairview Project

Dear Councilman Stewart,

The proposed Highland Fairview Project has instilled me with fear. On the surface it sounds "grand", but in reality it will do far more damage than good. Just recently the Moreno Valley Freeway was "opened" up after undergoing a more than two-year revamping. In that time it was very difficult to get in and out of Moreno Valley. Sitting on the 60 Freeway is no one's favorite past time. I can picture this happening again (only worse) should this project go forward when the delivery trucks begin their routine travel to and from the warehouse site. And God forbid if there is an accident. Let's talk about bumper-to-bumper traffic with no way to escape. That magnitude of traffic will equal congestion, which equals pollution, which equals unhealthy air quality. Anyone who does not believe that this will have a detrimental impact on our environment has not been paying attention to what is happening in the news every day. The Arctic Shelf is ready to collapse because Global warming is real. It stems from many things including traffic congestion. I don't want the children in my life to be left with only a warehouse and unhealthy air. I want them to have the opportunity to live in a neighborhood where they can play outside without suffering respiratory problems. In fact I want to live that way too. Somehow being left with the dire consequences of traffic and pollution does not seem to be a fair exchange for the people of this community.

I have been a resident of Moreno Valley for over 20 years. During that time I've seen many changes including the real estate values wax and wane. I did not buy property in this community to live in a warehouse district, but a family community with affordable housing and safe neighborhoods. Property values have already declined in this fragile economy. I believe that having Moreno Valley become a warehouse City will cause further decline in property values. Further decline is not what we need. A warehouse City is not an image I want to be synonymous with Moreno Valley. This is the exact image that will be portrayed if the City Council amends the General Plan to re-zone the Eastern portion of Moreno Valley to Light Industrial. That surely is not VIEW property. The City will be bordered by warehouses on the Southwest and Northeast. Our communities will be squeezed in the middle. As a representative of this community I urge you to consider that the price for "progress" in this case is too high a price to pay for all of Moreno Valley. Please VOTE against this proposed project.

Thank you for your consideration.

Sincerely,


Carrie L. Watson
9853 Casmalia Court
Moreno Valley, CA

cc: Jesse L. Molina; Robin N. Hastings; Bonnie Flickinger; William H. Batey II;
City Clerk: Jane Halstead

MV00229433

CITY COUNCIL
MORENO VALLEY
RECEIVED

09 JAN 29 PM 4:12

Mayor Richard Stewart
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

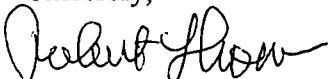
Dear Mayor Stewart,

As a business owner/leader in the city of Moreno Valley, I am urging you to support the Highland Fairview project and zone change.

We are in a time when the economy is down and jobs are hard to obtain. Now more than ever we need to support new business opportunities and move forward with new ideas and objectives.

Highland Fairview's proposed "LEED Certified" Business Park, with Skechers as a guaranteed 10 year tenant, will help Moreno Valley provide jobs that we desperately need. I ask that you please support this important project and approve the zone change request before you.

Sincerely,



Robert Thomas
Regional Manager
Security Public Storage

CC: Mayor Pro-Tem Bonnie Flickinger
Council Member Robin Hastings
Council Member William Batey
Council Member Jesse Molina

MV00229435

CITY COUNCIL
MORENO VALLEY
RECEIVED

09 JAN 29 PM 4:13

Mayor Richard Stewart
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Dear Mayor Stewart,

As a business owner/leader in the city of Moreno Valley, I am urging you to support the Highland Fairview project and zone change.

We are in a time when the economy is down and jobs are hard to obtain. Now more than ever we need to support new business opportunities and move forward with new ideas and objectives.

Highland Fairview's proposed "LEED Certified" Business Park, with Skechers as a guaranteed 10 year tenant, will help Moreno Valley provide jobs that we desperately need. I ask that you please support this important project and approve the zone change request before you.

Sincerely,



CC: Mayor Pro-Tem Bonnie Flickinger
Council Member Robin Hastings
Council Member William Batey
Council Member Jesse Molina

MV00229436

CITY COUNCIL
MORENO VALLEY
RECEIVED

m/c

09 JAN 26 PM 2: 15

January 24, 2009

Attn: Moreno Valley City Council

Moreno Valley, Ca.

Fax [redacted] [redacted]

To whom it may concern,

My name is Larry Crosier, my wife and I are part owners in the property at:
28855 Redlands Blvd. This property has been in our family for over
50 years. In this period of time, we have seen very little growth, and nothing
positive for the city itself.

We support the approval of Sketchers Warehouse, knowing it will bring jobs,
and positive growth to the city. We think this area has laid dormant long
enough, and we hope you will finally make a decision that will benefit all
concerned.

Thank You

Mr & Mrs Larry Crosier

mk
CITY COUNCIL
MORENO VALLEY
RECEIVED

1/22/09

09 JAN 26 PM 2: 15

City of Moreno Valley
Attn; City Council Members

I understand you will soon be voting on the Sketchers project. I wanted to let you know that I have recently moved here to the east end of Moreno Valley. We are homeowners at 14985 T, Fairlawn Circle. I am hoping that you will approve this project. At this time I am have to commute to Riverside for my two jobs. I am hoping to live here for a long time and raise my children here. It would be so helpful if there where jobs locally so that I would not have to spend the time and money it takes me to go elsewhere for work. I am with in 3 miles of the site and do not see that it would cause me any problems rather it would benefit me not just with jobs but with the taxes dollars etc. it will bring to the area.

Thank you,

Kleota Battle



CITY COUNCIL
MORENO VALLEY
RECEIVED

09 JAN 26 PM 4:38

MC

January 22, 2009

Mayor Richard Stewart
14177 Frederick St.
Moreno Valley, CA 92553

Re: Sketchers proposed 1.8 million square feet facility

Dear Mayor Stewart:

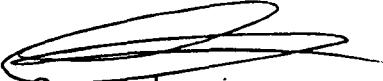
I was quite disappointed to see that the planning commission recently rejected the developers' proposal to immediately build a 1.8 million square feet distribution facility along the 60 Freeway in the city limits.

First of all I would like to state that I have no vested interest in the project or the developer. Our company has processed over the years several residential projects in the city and we have always enjoyed the level of professionalism we have been treated with.

In the current economic climate we are in, I certainly find it quite appalling that any city would try to run out of town a tremendous opportunity such as this one; creating significant jobs and revenue. And as leaders of the community it is important that you bear in mind not only the immediate jobs, but the related jobs and benefits to the community, the local food establishments that will have added customers, the local retailers, the local fuel stations, motels and so forth.

It is high time our leaders both locally, state and federal take a stand and quit cowering to the extremists who are ruining this great country of ours. Those folks who complain are just doing it to complain. The folks who don't care that hundreds, if not thousands of folks that are out of work may obtain work from projects just like this one.

Sincerely,


Gregory Lansing

CITY COUNCIL
MORENO VALLEY
RECEIVED

MC
09 JAN 26 PM 4:30

January 20th, 2009

TO: The Moreno Valley City Council
FROM: Fremont Older, Moreno Valley, CA 92555
RE: November 2008 City Council election process and results

Enclosed please find a copy of my letter to the editor for The Press Enterprise.

Request is hereby made that the City Council vote to indefinitely postpone its vote on any project proposed by Iddo Benzeevi/Highland Fairview pending the results of an investigation by the Riverside County District Attorney's Office, the State Attorney General and the Fair Political Practices Commission into the November 2008 Moreno Valley City Council election process and results.

Fremont Older
Moreno Valley, CA 92555

MV00229441

January 18th, 2009

TO: The Editor, Press Enterprise

The Stench of Corruption In Moreno Valley Politics: Land Development , Follow the Money and Subversion of the Democratic Process. The Need for a Formal Investigation by the Riverside County District Attorney, State Attorney General and the Fair Political Practices Commission into the Moreno Valley November 2008 City Council Election Process and Results

An iconic American folk singer once opined in song that at least in the realm of politics, "**money doesn't talk, it swears**".

His observation perfectly describes the November 2008 election of two new members to the Moreno Valley City Council and the ouster of two long-term, honest, dedicated public servants.

The nexus between who was ousted (West and White) and who was elected (Hastings and Molina)?

Ousted City Council members West and White, who publicly oppose a *pending* proposed warehouse project in the east (rural) end of Moreno Valley were the targets of a \$350,000 smear campaign, \$263,000 of which was funded with the developer's money and conducted in the name of the Moreno Valley Taxpayer's Association. Jerry Stephens of Diversified Real Estate purportedly donated \$100,000 to the "Association".

Newly-elected council members Hastings and Molina who opposed the project before the election *now publicly support the project*. Hastings and Molina have direct ties to Iddo Benzeevi/Highland Fairview and to long-time Benzeevi/Highland Fairview campaign political consultants. "Association" funds were not only used to character assassinate West and White, but also to support both Hastings and Molina.

The project would require an amendment to the General Plan and the abandonment of the City's long-term commitment to preserve the rural character of the East end, would invite massive amounts of particulate diesel pollution caused by thousands of diesel truck trips per month over an inadequate, already congested freeway/surface street infrastructure, and would generate a handful of jobs, at best. **On its face, it would appear to be an abject dereliction of duty for any City Council member to vote to approve the project.** [The Moreno Valley Planning Commission voted 4 -2 on January 17th, 2009 not to approve the project for countless obvious reasons, including those listed herein.]

As part of its \$350,000 effort to oust West and White and to install Molina and Hastings in their place, the "Association" circulated glossy, expensive, albeit sleazy mailers throughout the City, smearing West and White. The mailers were replete with materially false and misleading information about West and White. The "Association" also circulated signs and ads in support of Molina and Hastings and provided phone banks for Molina.

The smear campaign was funded by Iddo Benzeevi, President of Highland Fairview Properties, a Miami, Florida based real estate developer seeking approval of the warehouse project, who funneled \$263,000 into the "Association". The campaign was orchestrated by **Michael Geller**, Treasurer of the "Association" using Iddo Benzeevi's/HIGHLAND FAIRVIEW'S money.

Michael Geller is also a member of the Moreno Valley Planning Commission; and is also the law partner of Councilman Richard Stewart; who was instrumental in his law partner's appointment to the Moreno Valley Planning Commission.

On January 17th, 2009, the Moreno Valley Planning Commission voted 4 to 2 *not to approve Benzeevi's project, over Geller's vocal, histrionic and bellicose support of the project.*

Prior to the November 2008 election process and Benzeevi's/HIGHLAND FAIRVIEW'S massive infusion of funds to the Association to fund the attack on West and White, the "Association" was an essentially defunct IRC 501(c)(3) charitable organization, *which by law* (1) cannot use association funds (contributions) to affect the outcome of an election, including, *inter alia*, using the association's funds to publish campaign materials that support or oppose a candidate and (2) cannot use association funds (contributions) to benefit a single individual or control group. The identity of members of the "Association" is not publicly known.

Councilman William Batey, who now also supports the warehouse project and is expected to vote to approve the project on January 27th, 2009, took he and his family on an all-expense paid vacation to a posh Hotel in Miami, Florida, which is located on the same street just a few miles away from Iddo Benzeevi's/HIGHLAND FAIRVIEW'S Miami, Florida principal

business office. Reportedly, Iddo Benzeevi/Highland Fairview paid all travel, lodging and meal expenses for Batey and his family.

The Need for an Investigation by Appropriate Authorities: That Iddo Benzeevi/Highland Fairview and the "Association" dictated the results of the November 2008 Moreno Valley City Council Election for financial gain is obvious; the worst kind of unsophisticated, political thuggery, which subverts the democratic process and further adds to the state-wide view that Riverside County is one of the most corrupt Counties in the State.

Follow the money. Only the Subpoena power of the Riverside County District Attorney's Office and/or the State Attorney General can uncover:

- the **beneficial ownership** of Highland Fairview (tracing past fictitious names, nominees etc.)
- the **actual source** (as opposed to the name of the remitter) of donations to the Moreno Valley Taxpayer's Association. Detailed tracing of bank records is required which can only be accomplished through issuance and enforcement of Subpoenas.
- the **beneficial ownership** (ie tracing past fictitious business names and "nominees") of all tracts of land which will be directly or indirectly benefited by approval of the proposed amendment to the General Plan, thereby paving the way for unfettered, "boot-strapped" warehouse developments in the East end of the City
- the fact and substance of any contacts or relationship between Benzeevi/Highland Fairview, or their agents or representatives, and Council members Batey, Hastings, Molina, or Stewart, as well as Planning Commissioner Geller prior to the election
- Benzeevi's/Highland Fairview's relationship with any contributor to the "Association", and to the Molina or Hastings campaign, including the political consultants who extended more than \$30,000 in credit to the Hastings campaign and contributed services to the Molina campaign.

The source of the money and the relationship of those using the money to politically assassinate West and White, to install Hastings and Molina as Moreno Valley City Councilmen and to otherwise influence the Council to approve the Benzeevi/Highland Fairview warehouse project must be traced through legal process to determine whether campaign or other laws were violated, whether the election results should be set aside, and whether Council members Batey, Hastings, Molina, or Stewart should be recalled.

Fremont Older
Moreno Valley, CA

cc: Riverside County District Attorney
California State Attorney General
California Fair Political Practices Commission
Moreno Valley City Council

CITY COUNCIL
MORENO VALLEY
RECEIVED

1/20/2009

09 JAN 21 PM 2: 14

Moreno Valley City Council

Attn: *Mayor*

Richard A. Stewart

As property owners in Moreno Valley we felt compelled to contact you about our concerns over the recent recommendation by the planning commission not to support the Sketchers warehouse and distribution center project.

We attempted to attend the meeting of January 8th 2009, but like many others was turned away due to the large crowds. Rather than attending the next meeting we chose to watch it on the live feed over the internet. We urge you to disregard their recommendation. It was clear from the speakers that evening that those citizens were in favor of the project on a 2 to 1 basis.

We were appalled that the vote went against such an important project. It was obvious to me that several members of that commission were not listening to the public. One member seemed to be hostile towards the applicant. He also would not allow the representative from Sketchers to speak, and stated it would have been simplified if the Sketchers had a representative present to answer questions. . One member seems unable to finish a complete sentence, and kept asking others what he was saying. Another member was so uninformed that she was unaware that the school district many months ago abandoned their plans to build schools in the area. She cited that as one of the main reasons for her to vote against it. We heard things like a fear that there was not going to be enough water to support the project even though Eastern Municipal Water has long ago said they would be able to supply the needed water. we heard how the traffic would be a huge problem in spite of the fact that the cities traffic department has said the roads could handle the increased traffic. Some how they seem to ignored the general public, the water district, the school district and the traffic division. We are embarrassed for them. They should be ashamed of themselves for taking positions they accepted and then failing to do the due diligence required to make informed decisions.

We were relieved to hear at the end of the meeting that there are 4 spaces opening up on the committee, thank God. The city deserves and needs a Planning Committee that represents the city in an intelligent informed manner. Some of this committee seems to be short sighted and perhaps only concerned with there own agendas. It is our feeling that it would be foolish to let an opportunity like this slip through our fingers. We understand there are those who would like to keep the east side rural, but those people should take a drive down to Mead Valley/Perris they have lots of wide open space for themselves and their animals. They also have high crime and low property values not to mention the resemblance to a 3rd world country. Our property has been in the family for nearly 50 years. Now that we would like to sell this property to care for my father (one of the original family owners) we are being held hostage, first by the school district for a couple of years while they did their studies and chased off any prospective buyers we had. Those who came to this area as little as a few years ago now want to put their desires ahead of

those of us who have owned here for nearly ½ century. Our property was once zoned for Business Park now we are zoned for "Executive" housing. Realistically who are we kidding with all the vacant unsold or foreclosed housing in the city how long will it take before the city needs additional housing? We beg you to make a decision that serves the best interest of the city as a whole.

There has been a lot said about putting industry on the south side, it is my understanding that much of that would put the building and growth in the city of Riverside. What sense does that make when the city of Moreno Valley is in need of the jobs, taxes and fee's that would be generated by project this size. Please use your own good judgment, in addition to the information provided by The Moreno Valley School District, Eastern Municipal Water District; the cities own Traffic Department and what appears to be a majority of the citizens to approve this project. Thank you in advance for your attention on this important matter.

We also feel it very curious that "Several" of the objecting planners said what a beautiful project, if it were only on the south side I would approve it.

Do they really think that pollution, traffic, water would not be a factor on the south side? Do they think that air pollution- as they have protested, would not blow from one area to another?

Do they believe Los Angeles, San Bernardino, and other areas have never contributed any air pollution to the Moreno Valley area via wind?

Do they really believe that if this was in the South side, all of their objections would not apply there too?

We believe the planning commission had already made up their collective minds, and used the erroneous reasons / excesses to disallow the project, and remove the possibility of this project to appease the select few certain members they seem to represent.

Please feel free to contact us.

Sincerely,

Carol Epstein
Paul B. Epstein

Paul and Carol Epstein property owners of
28855 Redlands Blvd Moreno Valley, Ca.
Home address 11750 Carly Ct Riverside, Ca. 92503
[REDACTED]

Suzanne Potter

28131 Bethany Circle Moreno Valley, CA 92555

January 17, 2009

City of Moreno Valley
Mayor Stewart and City Council Members
City Hall Council Chambers
14177 Frederick St.
Moreno Valley, CA 92553

Re: Skechers Project

Dear Council Members:

Change is hard, but inevitable. We are facing times of great economic change, hard times. Hard times call for hard decisions. In order to make the right decisions, we must take our personal feelings and pride out of the equation, and look at things objectively; and at what we know is, not what we think may be.

What we know is that, with very few exceptions, even the people who said NIMBY (Not in my back yard) thought the idea of a Skechers North American Headquarters and Logistics Center in Moreno Valley was a great world-class project for this community – as long as we put it in a different part of town. That is NOT an option, not a choice we are able to make, not something Skechers is going to consider. No one in our city's economic development department has been able to attract Skechers, or anyone similar, to occupy the empty buildings WE (our Planning Commission anyway) think are the appropriate size and location. It is a private citizen of our community that has steered his company to SECURE this multinational corporation to bring their North American Operations Center, with state-of-the-art logistics technology to our community, with world-class architecture and design, planning, and investment. What we also know is that this local company has spent a great deal of time and money to achieve the most responsible environmental, economic, and aesthetic outcomes possible for their community.

What MAY be is more traffic than we would like (though it will generate less traffic than the existing general plan's 7,000 additional homes), and more pollution than is acceptable (though the EIR shows it will be responsibly, appropriately) and less than promised jobs (though it will generate at least a couple thousands local jobs, at least 1,000 immediate construction jobs, and \$45 million in improvements and contributions – including 1.2 million to our local schools). However, the bottom line is – it's not what WE planned.

So how do we decide? How do we make the best choice for our present, and our future? Proverbs are pithy sayings, general truths distilled from ageless wisdom. This particular decision brings two to mind. First, *A bird in the hand is worth two in the bush*. We know we will reap economic benefit for our community and our citizens if we say yes to this change in our general plan, but have no idea when and if anything better will come if we say no.

Second, *Pride goeth before a fall*. We can let what is essentially no more than pride (along with arrogance and an unwillingness to compromise or change) prevent us from taking this opportunity, and, as a result, see some other local community take advantage of what we turn down. It would be naïve to think that other local communities, economic development agencies, and other companies are not closely watching and waiting for the final decision on this project.

We face a window of opportunity – a window that will not be open much longer. If we let this one close without taking advantage of it, there is no guarantee, or likelihood that another will open soon – or ever. Please make the decision that is best for ALL of Moreno Valley – say “Yes” to what CAN be rather than “No” to what might be.

Sincerely,

Suzanne Potter

Suzanne Potter

MV00229449

CITY COUNCIL
MORENO VALLEY
RECEIVED

M/C

Jan. 12, 2009

09 JAN 13 PM 3:15
Dear Councilperson / Mayor Stewart,

My wife and I have lived off of Redlands Blvd. in Moreno Valley for over 20 years.

As I considered writing this letter I realized it would fill 2 to 3 pages. The bottom line is please do not change the City's general plan and bail out Mr. Bongeau on his premature commitment to Speckers.

We need to support the now in Moreno Valley shopping centers (Walmart, Target, Best Buys, Kohl's etc.) with housing not transient truckers, excessive traffic on the 60 Fwy, air pollution and a questionable number of employees to support our city's needs.

Your consideration and NO VOTE on this proposal will be appreciated.

Sincerely,

Gilbert Dunlap

Maryann Dunlap

11031 Night Shadow Dr.
Moreno Valley, Ca. 92555

MV00229450



CITY COUNCIL
CITY OF MORENO VALLEY MORENO VALLEY
Community Development Department RECEIVED
Planning Division 08 DEC 22 PM 1: 54

MEMORANDUM

To: Mayor and City Council
From: Mark Gross, AICP, Senior Planner *MG*
Date: December 19, 2008
Subject: Release of the Final Environmental Impact Report (EIR) for the Highland Fairview Corporate Park Project.

Enclosed is a copy of the Final Environmental Impact Report (EIR) for the Highland Fairview Corporate Park Project, a 2,620,000 square foot industrial and commercial development on approximately 158 acres (265.3 acres to include offsite improvements and drainage), including a 1,820,000 square foot industrial warehouse building for Skechers. The project is located south of Highway 60 along future Eucalyptus Avenue (Fir Avenue) between Redlands Boulevard and Theodore Street.

The Final EIR contains responses to the comments that were received during the public review period, necessary modifications to the text of the Draft EIR, and the proposed Mitigation Monitoring Program for the project. For your information, the document is also located online at www.moreno-valley.ca.us, at the City Hall Community Development Department offices and at the Public Library. The project and subsequent EIR have also been scheduled for public hearing at the January 8, 2009 Planning Commission Meeting.

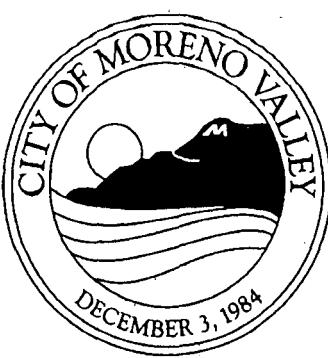
If you should have any questions on the attached document, please do not hesitate to contact Mark Gross, Senior Planner, at Extension 3215.

Approved by: *John Terell* John Terell, Planning Official

MG

Cc: Bob G. Gutierrez, City Manager
Rick Hartmann, Deputy City Manager
Kyle Kollar, Community Development Director
Planning Commission (7 disk copies)
Environmental and Historical Preservation Board (7 disk copies)

Attachment



Notice of PUBLIC HEARING

This may affect your property. Please read.

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

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

APPLICANT: Highland Fairview Inc.

OWNER: Highland Fairview Inc.

REPRESENTATIVE: Wayne Peterson

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

PROPOSAL: A tentative parcel map to subdivide a 158.4 gross acre portion of land (265.3 acres to include offsite improvements and drainage) into four (4) separate buildable parcels and two parcels dedicated for freeway improvement purposes (a total of 2,620,000 square feet of industrial and commercial development), with the first phase to include a plot plan for a 1,820,000 square foot distribution warehouse building on approximately 83 acres. The project site currently lies within the BP (Business Park) and CC (Community Commercial) land use districts and will require a change of zone to LI (Light Industrial) for all proposed industrial uses/parcels and a General Plan Amendment for the elimination of a required multi-use trail connection, adjustment of a multi-use trail to the north side of future Eucalyptus Avenue and the addition of medians on future Eucalyptus as well as the adjustment of parcel lines and land use for two parcels located in the CC land use district (a deduction of 138 feet in width on the eastern portion and enlargement of 93 feet in width on the western portion. An Environmental Impact Report (EIR) has been prepared.

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

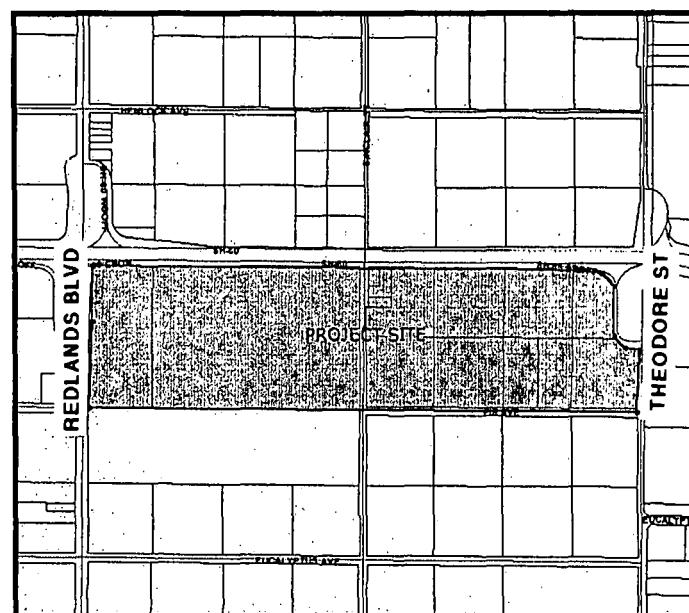
COUNCIL DISTRICT: 3

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

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

The Planning Commission, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

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



LOCATION N ↑

PLANNING COMMISSION HEARING

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

DATE AND TIME: January 8, 2009 at 7 PM

CONTACT PLANNER: Mark Gross

PHONE: [REDACTED]

**Final
Environmental Impact Report**

P07-157 (EIR)

Highland Fairview Corporate Park
PA07-0088 (CZ), PA07-0089 (GPA), PA07-0090
(TPM 35629), and PA07-0091 (PP)
State Clearinghouse No. 2007101132

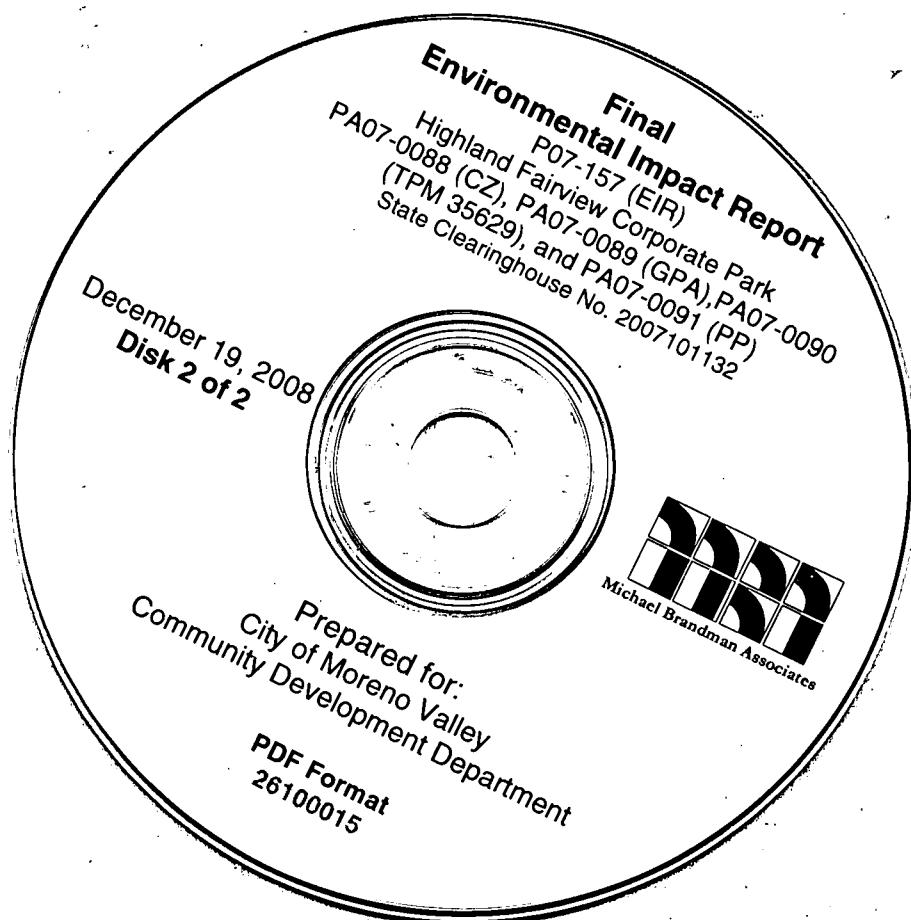
December 19, 2008
Disk 1 of 2



Prepared for:
City of Moreno Valley
Community Development Department

PDF Format
26100015

MV00229453



MV00229454

Designations in Surrounding Areas

The surrounding areas have a mix of land use designations, as shown in Table 2.

Table 2: Onsite and Adjacent Land Use Designations

Location	Jurisdiction	Current Land Uses	General Plan Land Uses	Zoning Designations
Onsite	City of Moreno Valley	Agriculture/dry farming, rural residential	MHSP	MHSP
North	County and City of Moreno Valley	SR-60, rural residential north of freeway	County W-2, C-P-S, City RR, R1	County W-2, C-P-S, City O, R1
South	County and State of California	Agriculture, San Jacinto Valley Wildlife Area	MHSP and OS (City and County)	MHSP and OS (City and County)
East	Riverside County	Gilman Springs Road, rural residential	RR (City)	W-2, W-2-1 and W-2-20 (County)
West	City of Moreno Valley	Residential, Industrial 1	R2, R3, R5, and LI	R2, R3, R5, and LI

Notes:
 MHSP = Moreno Highlands Specific Plan RR = rural residential W-2 = controlled development area
 C-P-S = scenic highway commercial O = office OS = open space
 R1 = residential density of one dwelling unit per acre
 R2 = residential density of two dwelling units per acre
 R3 = residential density of three dwelling units per acre
 Source: World Logistics Center EIR Project Description, 2012.

1.4.4 - Project Characteristics

The project covers approximately 3,918 acres and proposes a maximum of 41.4 million sq ft of “high-cube logistics” warehouse distribution uses classified as “Logistics Development” (LD) and 200,000 sq ft (approximately 0.5 percent) of warehousing-related uses classified as “Light Logistics” (LL) on 2,710 acres within the WLC Specific Plan. The lands within the WLC Specific Plan that are designated LL are existing rural lots, some containing residential uses, that may be considered “non-conforming uses” once the WLC Specific Plan is approved. The components of the proposed project are discussed below.

Project Terms

The following terms and areas are defined here for the purposes of this analysis,

World Logistics Center Project: The term refers to all related development and planning activities currently proposed in the Rancho Belago area of the eastern end of the City of Moreno Valley. The WLC property is generally located south of the SR-60 Freeway, east of Redlands Boulevard, west of Gilman Springs Road, and north of Mystic Lake and the San Jacinto Wildlife Area.

Project Site or Project Area: This term refers to the entire 3,918-acre area covered by the EIR encompassed by: (a) the Specific Plan Area (2,710 acres); (b) the CDFG Conservation Buffer Area

Project” scenario. A maximum cancer risk of 100 in a million was noted at the sensitive receptors located within the WLC Specific Plan while a maximum risk of 22 in a million was found within the sensitive receptors located within the residential areas to the west of the WLC Specific Plan across Redlands Boulevard.

Table 60 compares the maximum cancer risks for Scenario 1, “No Project”, Scenario 2, “With Project”, and the project’s incremental impact at three locations: at the maximum individual cancer risk anywhere in the area covered by the dispersion model, at the sensitive receptors located within the boundaries of the WLC Specific Plan, and at the sensitive receptors located in the residential areas to the west of the WLC Specific Plan across Redlands Boulevard. Each scenario quantified cancer risks over the 2012-2081 70-year risk exposure time period; further, the project’s incremental impacts include both construction and operational emissions,

Table 60: Estimated Cancer Risks for Sensitive Receptors - Without Mitigation

Receptor Location	Cancer Risk (risk per million) ¹				Project Increment Exceeds Threshold?
	Scenario 1 No Project	Scenario 2 With Project ²	Project Increment ²	Significance Threshold	
Maximum Individual Cancer Risk ³	183.9	190.4	6.5	10	No
Cancer Risk within the Specific Plan ⁴	21.0	121.7	100.7	10	Yes
Cancer Risk in Residential Areas Across Redlands Boulevard ⁵	25.0	47.2	22.2	10	Yes

Notes:

- 1 70-year lifetime exposures over the 2012 to 2081 time period.
- 2 Project’s incremental impacts assume unmitigated construction diesel PM emissions
- 3 The maximum individual cancer risk is located near the intersection of I-10 and SR-60 near the City of Beaumont
- 4 The maximum impacted sensitive receptor located within the Specific Plan is located near the Intersection of Theodore Street, Street E and Street F
- 5 The maximum impacted sensitive receptor within the residential areas to the west of the project across Redlands Boulevard is located near the intersection of Redlands Boulevard and Eucalyptus Avenue

Source: Dispersion modeling conducted by Michael Brandman Associates, see Appendix F, Health Risk Assessment Spreadsheets and AERMOD Output.

As noted from the above table, the project’s incremental cancer risks exceed the SCAQMD’s cancer risk significance threshold of 10 in a million at sensitive receptor locations both within the WLC Specific Plan boundaries (existing residences) as well as within the residential areas located to the west of the WLC Specific Plan across Redlands Boulevard.

Exhibit 20 provides the cancer risk within the immediate vicinity of the project. The location of the maximum incremental cancer risk occurs at the existing sensitive receptors located within the WLC Specific Plan near the intersection of Theodore Street, Street E, and Street F.

Mitigation Measures

Mitigation Measures AQ-1, AQ-2, AQ-4, AQ-5, and AQ-6 are required (see Section 1, Executive Summary).

Level of Significance After Mitigation

Significant and unavoidable impact.

The 70-year lifetime cancer risks after implementation of mitigation are summarized shown in Table 61 for the project incremental health risk impacts. As shown, cancer risks exceed the threshold of 10 in one million. Despite implementation of mitigation measures impacts remain significant and unavoidable. Exhibit 21 displays the project's cancer risks after mitigation.

Table 61: Estimated Cancer Risks for Sensitive Receptors - With Mitigation

Receptor Location	Cancer Risk (risk per million)				Project Increment Exceeds Threshold?
	Scenario 1 No Project	Scenario 2 With Project ¹	Project Increment ²	Significance Threshold	
Maximum Individual Cancer Risk ³	183.9	190.2	6.3	10	No
Cancer Risk within the Specific Plan ⁴	21.0	97.8	76.8	10	Yes
Cancer Risk in Residential Areas Across Redlands Boulevard ⁵	25.0	45.9	20.9	10	Yes

Notes:

1 70-year lifetime exposures over the 2012 to 2081 time period.
 2 Project's incremental impacts assume unmitigated construction diesel PM emissions
 3 The maximum individual cancer risk is located near the intersection of I-10 and SR-60 near the City of Beaumont
 4 The maximum impacted sensitive receptor located within the Specific Plan is located near the Intersection of Theodore Street, Street E and Street F
 5 The maximum impacted sensitive receptor within the residential areas to the west of the project across Redlands Boulevard is located near the intersection of Redlands Boulevard and Eucalyptus Avenue.

Source: Source: Dispersion modeling conducted by Michael Brandman Associates, see Appendix F, Health Risk Assessment Spreadsheets and AERMOD Output.

A Note on Cancer Risks

A risk level of 1 in a million implies a likelihood that up to one person, out of one million equally exposed people would contract cancer if exposed continuously (24 hours per day) to the specific concentration over 70 years (an assumed lifetime). This risk would be an excess cancer risk that is in addition to any cancer risk borne by a person not exposed to these air toxics.¹⁰

¹⁰ Definition of a 1 in a million cancer risk from the US EPA, Technology Transfer Network Air Toxics, Glossary of Key Terms, Website: www.epa.gov/ttn/atw/natamain/gloss1.html.

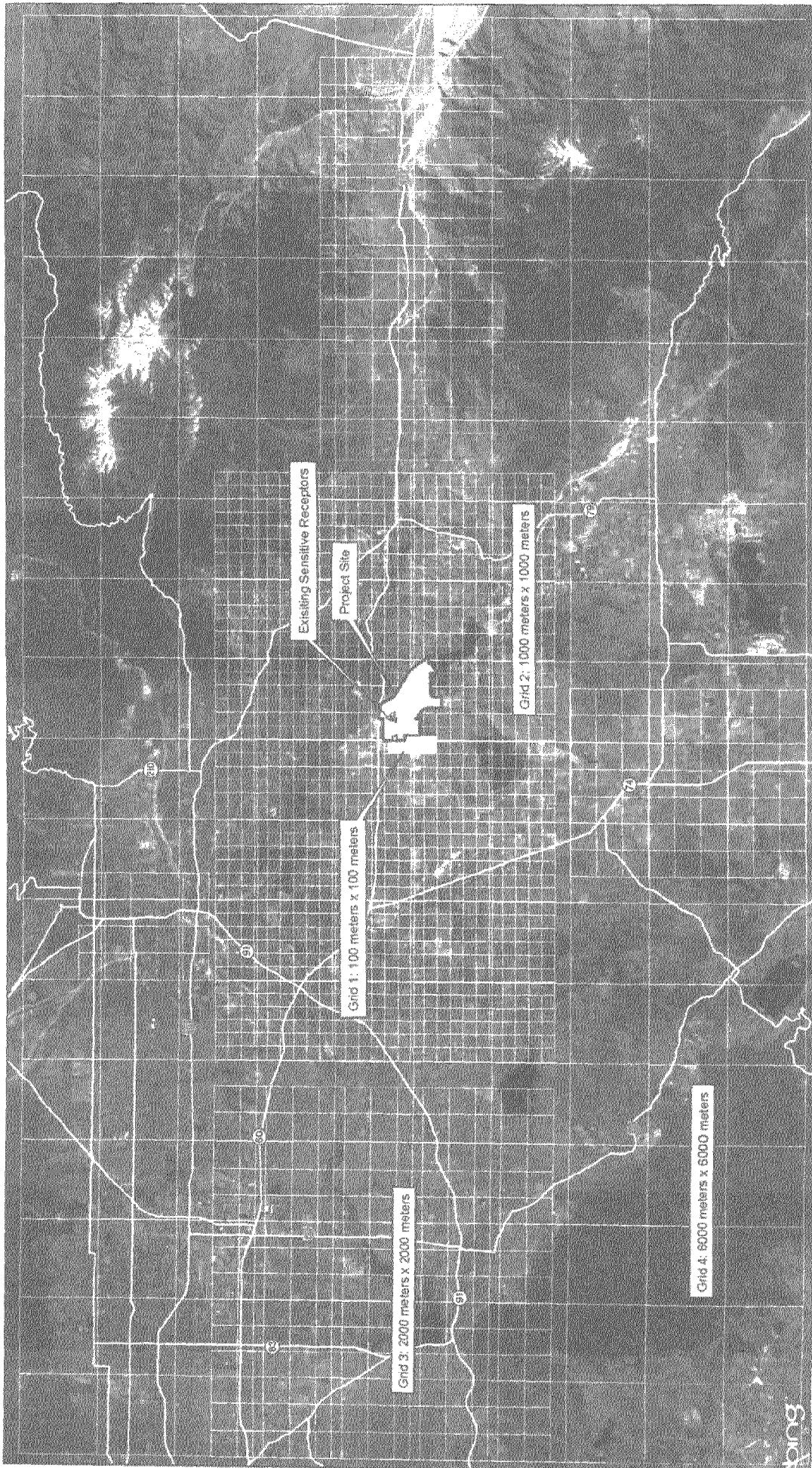
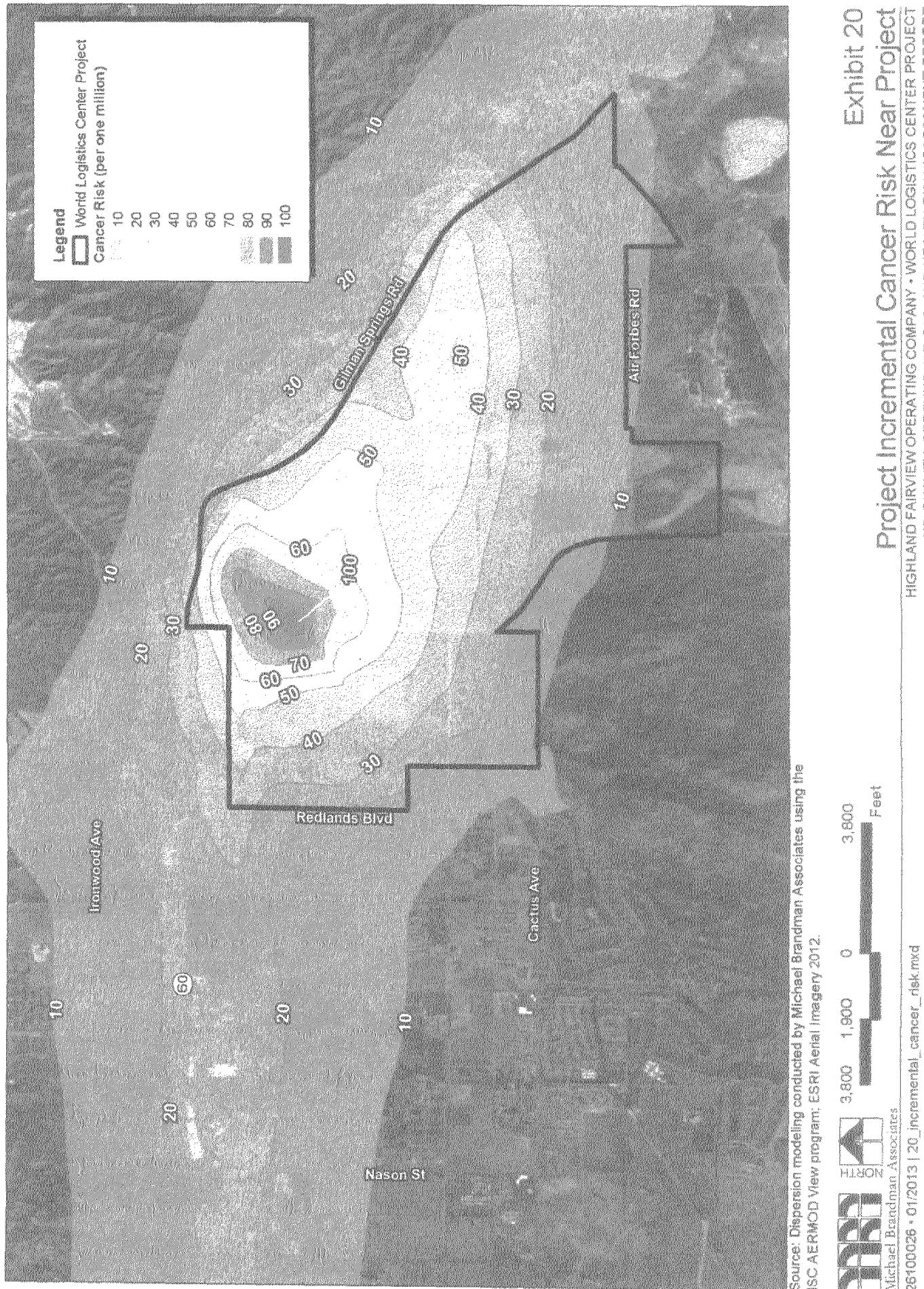


Exhibit 15
Expanded Health Risk Assessment Network
HIGHLAND FAIRVIEW OPERATING COMPANY • WORLD LOGISTICS CENTER PROJECT
AIR QUALITY, GREENHOUSE GAS, AND HEALTH RISK ASSESSMENT REPORT

Source: Aera Construction Company, Michael Brandman Associates, 2012.



MV00231449



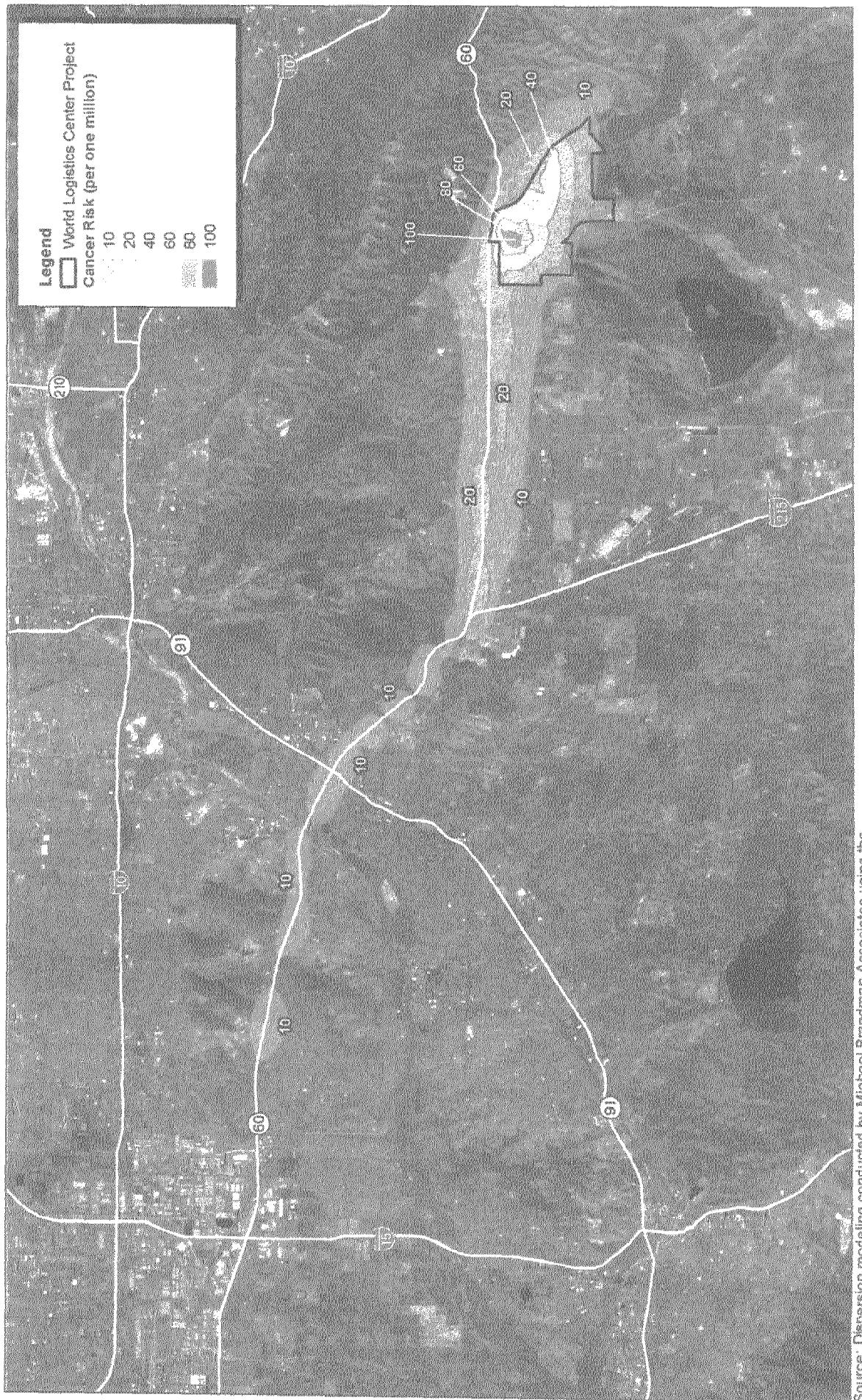
Source: Dispersion modelling conducted by Michael Brandman Associates using the SCS AERMOD View program; ESRI Aerial Imagery 2012.



Exhibit 20

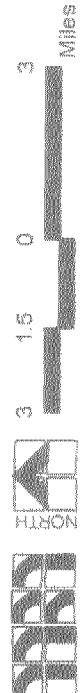
Project Incremental Cancer Risk Near Project

AND FAIRVIEW OPERATING COMPANY • WORLD LOGISTICS CENTER PROJECT
AIR QUALITY, GREENHOUSE GAS, AND HEALTH RISK ASSESSMENT REPORT



Project Incremental Cancer Bill **Exhibit 19**

Source: Dispersion modelling conducted by Michael Brandman Associates using the ISC AERMOD View program; ESRI Aerial Imagery 2012.



HIGHLAND FAIRVIEW OPERATING COMPANY • WORLD LOGISTICS CENTER PROJECT
AIR QUALITY, GREENHOUSE GAS, AND HEALTH RISK ASSESSMENT REPORT

MV00231451



RIVERSIDE COUNTY
DISTRICT ATTORNEY
3960 ORANGE STREET
RIVERSIDE, CALIFORNIA 92501-3643
951-955-5520

PAUL E. ZELLERBACH
DISTRICT ATTORNEY

October 22, 2013

Ms. Jane Halstead
Moreno Valley City Clerk
14177 Frederick St.
Moreno Valley, CA 92552

Subject: **Preservation of Evidence Demand**

Dear Ms. Halstead:

The Riverside County District Attorney's Office has learned that the Moreno Valley City Council will consider adopting Resolution No. 2013-82, a "Resolution Adopting Updated Records Retention Schedules and Authorizing Destruction of Certain City Records" at its regular meeting on October 22, 2013.

The District Attorney's Office has reason to believe that litigation may result from matters currently under investigation with regard to the City of Moreno Valley and that relevant evidence potentially may be destroyed if Resolution No. 2013-82 is passed and implemented. This information may be in the City of Moreno Valley's possession or control and the City has a duty to preserve that information.

Therefore, the District Attorney's Office demands that the City of Moreno Valley immediately take action to protect and preserve until further notice any of that information that is in its possession or under its control until further notice.

Specifically, the District Attorney's Office demands that the City of Moreno Valley immediately suspend deletion, overwriting and/or any other destruction of records and electronic stored information (hereinafter "ESI") connected, either directly or indirectly, to the following:

- All records and ESI associated with or concerning Highland Fairview, Iddo Benzeevi, Jerry Stephens, Tom Owings, Marcelo Co, Jesse Molina, Victoria Baca, Richard Stewart, Yxstian Gutierrez and Michael Geller.
- All records and ESI associated with or concerning all City of Moreno Valley elected and appointed public officials and Department Heads.

- All records and ESI associated with or concerning pending or approved development construction projects, infrastructure and/or new infrastructure projects located in the City of Moreno Valley.
- All records and ESI associated with or concerning communications to and from City of Moreno Valley employees, elected and/or appointed public officials regarding the hiring, employment and discharge of former City Manager Henry Garcia.
- All records and ESI associated with or concerning the following development projects: Skechers, World Logistic Center, Prologis, Aquabella Development, Ridge Property Development and Nason Street infrastructure improvements.

The District Attorney's Office is specifically demanding that you preserve all documents, tangible things and ESI potentially associated with or concerning the matters identified above for the time frame of January 1, 2008 to present.

ESI, as used in this demand, should be afforded the broadest possible definition and includes (by way of example and not as an exclusive list) any and all information electronically, magnetically or optically stored as:

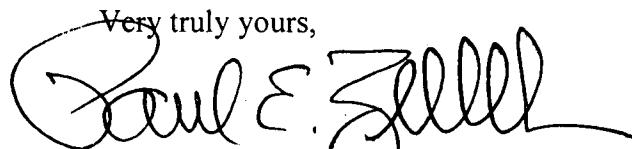
- Digital communications (e.g., e-mail, voice mail, instant messaging);
- Word processed documents (e.g., Word or WordPerfect documents and drafts);
- Spreadsheets and tables (e.g., Excel or Lotus 123 worksheets);
- Accounting Application Data (e.g., QuickBooks, Money, Peachtree data files);
- Image and Facsimile Files (e.g., .PDF, .TIFF, .JPG, .GIF images);
- Sound Recordings (e.g., .WAV and .MP3 files);
- Video and Animation (e.g., .AVI and .MOV files);
- Databases (e.g., Access, Oracle, SQL Server data, SAP);
- Contact and Relationship Management Data (e.g., Outlook, ACT!);
- Calendar and Diary Application Data (e.g., Outlook PST, Yahoo, blog tools);
- Online Access Data (e.g., Temporary Internet Files, History, Cookies);
- Presentations (e.g., PowerPoint, Corel Presentations)
- Network Access and Server Activity Logs;
- Project Management Application Data;
- Computer Aided Design/Drawing Files; and,
- Back Up and Archival Files (e.g., Zip, .GHO)

All ESI must be preserved so that it can be retrieved at a later time. The information must be preserved in its original electronic form so that all information contained within it,

Jane Halstead, Moreno Valley City Clerk
October 22, 2013
Page | 3

whether visible or not, is also available for inspection. It is not sufficient to make a hard copy of electronic communication.

Thank you for your anticipated cooperation.

Very truly yours,

PAUL E. ZELLERBACH
Riverside County District Attorney

Cc: Michelle Dawson
Moreno Valley City Manager
14177 Frederick St.
Moreno Valley, CA 92552

Suzanne Bryant
Moreno Valley City Attorney
14177 Frederick St.
Moreno Valley, CA 92552

Tom Owings
Mayor, Moreno Valley City Council
14177 Frederick St.
Moreno Valley, CA 92552

Jesse Molina
Mayor Pro Tem, Moreno Valley City Council
14177 Frederick St.
Moreno Valley, CA 92552

✓Victoria Baca
Moreno Valley City Council
14177 Frederick St.
Moreno Valley, CA 92552

Richard Stewart
Moreno Valley City Council
14177 Frederick St.
Moreno Valley, CA 92552

Yxstain Gutierrez
Moreno Valley City Council
14177 Frederick St.
Moreno Valley, CA 92552

PAUL E. ZELLERBACH
RIVERSIDE COUNTY DISTRICT ATTORNEY
3960 ORANGE STREET
RIVERSIDE, CA 92501-3643

CITY CLERK
MORENO VALLEY
RECEIVED

13 OCT 22 PM 2:33

Victoria Baca
Moreno Valley City Council
14177 Frederick St.
Moreno Valley, CA 92552

CITY COUNCIL
MORENO VALLEY
RECEIVED

13 OCT 22 PM 2:43

MV0023317

Date: July 10, 2013
From: Mayor Tom Owings
To: Michelle Dawson, City Manager

To: The Corrupt Mayor and City Council
Subject: The "Forgotten" Priorities of the MV Citizens' Majority

FYI

The July 9th City Council (CC) Report on the \$2,000,000 funding for Theodore Street Interchange at SR 60 is a total travesty and a tremendous dis-service to the citizens that live and work in Moreno Valley. This is another ploy for the entire corrupt CC to appease Iddo Benzevi, the Sketchers owner (Greenburgs') and the cronies of Jerry Stephens at their behest by using the \$2,000,000 in realized savings from the other Iddo benefiting \$25,000,000 Cactus/Nason project. The CC back in April 26, 2011 took this money away from previously funded and "construction-ready" street improvement projects like Kitching Street, Reche Vista Drive, Heacock Avenue and Perris Boulevard realignment projects to fund the Cactus/Nason Project.

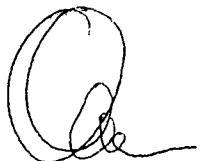
We are well aware of the Mayor's corrupt relationship with the Sketchers' owner and his cozy relationship with the political association headed by Jerry Stephens, Michael Geller, Doug Whitney and David Slawson. In 2011 & 2012, "Slump Lord" Co, "Plain Dumb" Molina and "Past his Prime" Stewart of the CC at the guidance of the corrupt Henry Garcia and Barry Foster, voted to take existing funding away (they used big words like "re-sequencing") from very important projects to the City majority/citizens to benefit Iddo's Cactus/Nason project. Henry and the corrupt CC even agreed to offer the contractor a \$100,000 bonus to finish the project two months early because Iddo was going to build a "jobs, jobs, jobs" medical facility; which we all now call new Nason; a "road to nowhere" (right Molina?) because there is nothing there or planned in the near future. Do you know that Iddo will not have to pay any Development Impact Fees if he develops that property according to the City-Highland Fairview Development Agreement because he was supposed to pay and build Cactus and Nason (Agreement dated January 2006 page 49 & 52)? Now, the corrupt CC is taking the \$2,000,000 in savings to fund another Iddo project (the World Logistic Center directly benefits) out in nowhere while we citizens suffer without the necessary upkeep of our existing streets. What a mockery!!!

You currently have a key bunch of Department Heads that were hand-picked by Henry to make "things happen" on behalf of Iddo, the Sketchers owner and the Jerry Stephens' political association. Did you know Henry and the corrupt CC checks with "City Hall West" (Iddo's Office at Veterans and Calle San Juan) before they make any decisions? Henry hired "Riverside's Chief Crook" Desantis to concoct a biased Audit of the Public Works Department so that Henry and the current City Manager, Michelle Dawson fired the previous Public Works Director at the behest of Iddo and corrupt Barry in order to hire Henry's hand-picked Public Works Director, Ahmad Ansari from Henry's former job at City of Rialto. Did you know that even the Western Riverside Council of Government staff is questioning the City of Moreno Valley's request to add the Theodore Interchange into the previously approved TUMF network? They know this corrupt City's blatant actions are to benefit Iddo; which is an illegal action in accordance with their Administrative Plan. Apparently, it was corrupt Henry's directive to his hand- picked Public Works Director to get this done at the behest of Iddo and Sketchers. He was apparently directed to request removing Redlands Interchange to add the Theodore Interchange to the TUMF network if necessary!!! If you ask the citizens of Moreno Valley, Redlands Interchange needs the fix sooner than Theodore Interchange.

Henry also fired the former Human Resources Director and made Desantis the "interim" then subsequently permanent Director (isn't non-competitive recruitment illegal for City Government?) so they could hand pick recruit "behind closed doors" the "pawns of their game". Why do you think Desantis is now the Assistant City Manager!! The morale of staff is extremely low and they function in fear. There are many City staff that know the corrupt ways of the Department Heads (past and present) but they are very scared that they will be fired or laid off under the pretense of economic budget cuts like the former Public Works Director, City Attorney, Human Resources Director, the Building Official, the Code Enforcement Officer, the Deputy City Attorney, and many others. These people and the present key employees should be deposed by the US Attorney General with protection from disclosure and impunity. However, the CC and key Department Heads hand-picked by Henry must be prosecuted to the fullest extent possible.

For God, Country, City, Justice and plain Fairness, please use the taxpayers' money not to benefit developers but to fund the much needed repairs to Kitching Street, Reche Vista Drive including a traffic signal and the realignment of Heacock Avenue and Perris Boulevard, and so many other streets that badly needs new pavement.

On behalf of the MV Citizens' Majority,

A handwritten signature consisting of a large, stylized letter 'Q' followed by a smaller, cursive 'a'.

C: United States Attorney
Press Enterprise

CITY COUNCIL
MORENO VALLEY
RECEIVED

13 JUL 10 PM 5:41

MV00232336

Highland Fairview / Sketches
2009/2010 Stewart, Richard

09 NOV 18 PM 4:58



MEMORANDUM

To: Mayor Richard Stewart and Members of the City Council
From: Robert G. Gutierrez, City Manager
Date: November 16, 2009
Subject: INFORMATION REGARDING THE SLPP GRANT APPLICATIONS OF HIGHLAND FAIRVIEW

In early August, City Staff met with representatives of Highland Fairview to discuss the City filing for four State-Local Partnership Program (SLPP) grant applications on behalf of Highland Fairview. The four projects were: the construction of Eucalyptus Avenue, Redlands Boulevard, and Theodore Street associated with its Highland Fairview Corporate Park (HFCP) project and Cactus Avenue associated with its Aquabella aged-restricted housing project. By way of background, The Highway Safety, Traffic Reduction, Air Quality, and Port Act of 2006, commonly referred to as Proposition 1B, includes funding for two, State-Local Partnership Programs (SLPP). The first program is a formula grant program in which a city must have a voter-approved tax and/or fee to qualify. Measure A qualifies as a local match. The second SLPP program is a competitive grant program and is the source of Highland Fairview's request. A local city must have in place its own development impact fee for transportation related improvements to serve as matching funds. The City's DIF and TUMF programs qualify.

The California Transportation Commission (CTC) will be the responsible agency in awarding SLPP competitive grant program funds and Caltrans will have local oversight. A brief summary of the grant is as follows:

- The SLPP requires a local match (100%) of a uniform traffic mitigation fee up to a grant request of \$1,000,000. DIF and TUMF would qualify.
- The City is the grant applicant in that the funds must be distributed by the City from its DIF/TUMP program. The State would reimburse the City for the improvements.
- The project must be prevailing wage and must follow the Public Contract Code.
- The projects must be constructed in 2010. The SLPP Guidelines state the grant recipient may have two additional years to complete the project.
- A request for SLPP grant funds must include the signature of the Chief Executive Officer or other authorized officer of the implementing agency in order for the

Memo

Highland Fairview/SLPP Grant Funds

November 16, 2009

application to be considered and filed with the CTC by August 15 (since the 15th was a Saturday, applications were accepted until the close of business on Monday, August 17).

- The Agency will commit to have the available funds upon submittal of a grant nomination to CTC.

Highland Fairview prepared the necessary SLPP grant applications, obtaining the necessary signature and filed the request for funding on August 17.

The City received notice from the Commission and Department of Transportation, Local Assistance staff that two of Highland Fairview's proposed projects for State-Local Partnership Program (SLPP) 1-B competitive grant funds are being recommended to the Commission for funding. The two SLPP applications are: Cactus Avenue Street Improvements and Eucalyptus Street Improvements. Each application requested funding in the amount of \$1 million.

We have been advised that on October 15, 2009, the California Transportation Commission took action to approve Highland Fairview's grant applications for the two projects. Based on the representation to City Staff that Highland Fairview would fully fund its projects, the City is requesting Highland Fairview deposit the necessary funds to match and construct the two projects with the City prior to the Commission's hearing dates (Cactus Avenue project is estimated to cost \$6,350,000 and Eucalyptus Street Improvements \$6,265,915). A copy of the letter staff sent to Highland Fairview advising them of the same is attached for your information.

The SLPP grant process requires an agency requesting grant funds to demonstrate evidence of matching developer fees. Since the City Council has not taken action to fund the two projects, staff is requesting Highland Fairview deposit the necessary funds with the City as soon as possible. Upon depositing the funds with the City, the two projects will be placed on the City Council agenda for its consideration of the grant funds and approval of the projects. If this does not occur, the Commission may remove the two projects from further consideration for the grant money due to lack of matching funds.

Please contact Chris Vogt if you have any questions on the information provided above.

Attachment: Letter to Highland Fairview dated November 16, 2009,
SLPP Grant Funds for the Cactus Avenue and Eucalyptus Avenue
Improvements – Highland Fairview Properties

c: Bob Hansen, Interim City Attorney
Betsy Adams, Assistant City Manager
Chris Vogt, Public Works Director/City Engineer

RGG/rch

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1417 FREDERICK STREET

P.O. BOX 8803

MORENO VALLEY, CA 92552-0803

**SENT VIA
E-MAIL & U.S. MAIL**

November 16, 2009

Danette Fenstermacher
Chief Operating Officer &
Executive Vice President
Highland Fairview Properties
14225 Corporate Way
Moreno Valley, CA 92553

RE: SLPP Grant Funds for the Cactus Avenue and Eucalyptus Avenue Improvements – Highland Fairview Properties

Dear Ms. Fenstermacher:

On October 15, 2009, the California Transportation Commission took action to approve grant applications applied for by the City at the request of Highland Fairview. As you will recall, these applications were for the Cactus Avenue Street Improvements and the Eucalyptus Avenue Improvements, which are obligations of Highland Fairview to construct as part of the approvals for the Highland Fairview Corporate Park Project. Based on representations made to City Staff on Thursday, August 13, 2009, Highland Fairview stated it would fully fund these projects. Therefore, the City is now requesting that Highland Fairview deposit the necessary funds to match and construct these two projects. The cost estimates included in the applications for the projects are as follows:

Cactus Avenue Improvements – \$6,350,000; and
Eucalyptus Avenue Improvements – \$6,265,915.

As you are aware, the SLPP grant process requires the agency requesting grant funds to demonstrate evidence of matching developer fees and the financial ability to construct the projects. Since the City Council has not taken action to fund these two projects, it is imperative that Highland Fairview deposit the necessary funds with the City as soon as possible.

Upon depositing the funds with the City, an action will be placed on the City Council agenda for consideration of acceptance of the grant funds and approval of the funding of the projects. Please be advised that until the necessary funds are deposited with the City, staff cannot recommend to the City Council that the grants be accepted. If the City Council does not accept the grants and approve the funding of these two projects, the Commission may remove the two projects from further consideration for the grant money due to lack of matching funds.

PUBLIC WORKS DEPARTMENT

MV00233532

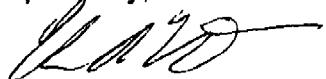
Danette Fenstermacher

November 16, 2009

Page 2

Feel free to contact me if you have any questions and/or comments.

Respectfully,



Chris A. Vogt, P.E.

Public Works Director/City Engineer

V:/Highland Fairview :Ltr.HFP. SLPP.09.1028

Discussion Topics (in random order)

CITY

INDUSTRY

1. Signage at truck driveways on Eucalyptus between Redlands and Theodore directing use of Theodore
2. Physical barriers to trucks on westbound Eucalyptus after HFCP Phase 3 opening
3. Work with Cal-Trans for placement of freeway signs on SR60 directing HFCP trucks to Theodore
4. Eliminate "Truck route" designation on Ironwood between Moreno Beach Drive and Theodore Street
5. Code Compliance and enforcement efforts for Commercial properties established
6. "Dark Sky" lighting guidelines considered for City lighting policy
7. AB811 (City finance of alternative energy installations)
8. Climate Action Plan prepared by City
9. Regional development impact fee to fund SR60 mainline improvements
10. Send a staff person to 6/12/09 AB811 conference

HIGHLAND FAIRVIEW

1. Provide information on trucks for Skechers distributors – distribution %, out-of-state trips % of total
2. Restrict distribution trucks entering Skechers facility to highest enforceable AQ standards and Smart Way 1.25 trucks as feasible
3. Average Tier II modifications to construction equipment
4. Carpooling incentives
5. Preferred parking for alternative fuel vehicles
6. Additional plug-in stations for electric vehicles
7. Added on-site solar to provide more than office demand based upon level of assistance from MV Utility.
8. Electric/propane yard goats
9. Attorney's fees
10. Disclosure to prospective residents of HF developments about nearby logistics project
11. Agricultural easement
12. Restrict diesel-powered portable generators during construction
13. Optimize energy efficiency of exterior lighting
14. Solar water heaters

SIERRA CLUB

1. Provide Agricultural Preserve contact information

PRUL 6 @ SEECAKES.COM



PRUL Gathere

Upon Phase 3 of the project, all vehicles over 10,000 pounds entering or exiting Phase 1 or Phase 2 facilities shall continue to utilize the Theodore Street entrances and exits to SR 60 unless the traffic study required prior to Phase 3 identifies compelling evidence that the failure to allow large vehicles to utilize the Redlands Ave. entrances and exits to SR 60 will cause the Theodore St. entrances and exits to SR 60 to exceed Level of Service standards of the City and that mitigation is unavailable to reduce impacts to acceptable levels and that allowing the use of Redlands Ave. will not result in any decrease in the Level of Service for Redlands Ave. for either links or intersections.

The applicant shall be responsible for constructing physical constraints on the project site itself, or within the right of way for Eucalyptus St. if approved by the City, installation of no right turn for trucks signs at Phase 1 and 2 project exits, shall pay for the installation of informational signs on SR 60 advising trucks to utilize Theodore street exits, ~~and shall subsidize City Code Enforcement in order to enforce the no right turn requirements.~~

Developer shall purchase an equal acreage (122.9 acres) of agricultural land in western Riverside County to compensate for the loss of acreage by the proposed buildings, parking lots, and roads. Satisfactory arrangements shall be made to ensure the perpetual use of this mitigation land for active agricultural purposes such as conveyance to an agricultural land conservancy.* AR 4716

~~All restaurants and food or beverage stores shall provide an electrical hookup for refrigeration units on delivery trucks. Trucks incapable of utilizing the electrical hookup for powering refrigeration units shall be prohibited from accessing the site.~~ All leasing documents shall include these requirements and provide that violation of those provisions will constitute a material breach of the lease that will result in the termination of the lease. Because of the fact that these terms of the lease are designed to benefit the public, the public shall be considered to be a third party beneficiary with standing to enforce the requirements of the lease.* AR 4717

- Install high pressure injectors on diesel construction equipment.* AR 4718

Install catalytic converters on gasoline-powered equipment.* AR 4718

~~Minimize construction worker trips by requiring carpooling and providing for lunch onsite.* AR 4718~~

Require each user to establish a carpool/vanpool program.* AR 4718

~~Implement parking cash out program for non-driving employees.* AR 4719~~

~~Implement a compressed workweek schedule.* AR 4719~~

Provide electrical vehicle ('EV') and compressed natural gas ('CNG') vehicles in vehicle fleets.* AR 4719

~~Install EV charging facilities for a minimum of 10% of all parking spaces.* AR 4719~~

Provide preferential parking locations for EVs and CNG vehicles.* AR 4719

Utilize electrical equipment for landscape maintenance.* AR 4719

Utilize only CARB certified equipment for construction activities.* AR 4719

~~Provide subsidies or incentives to employees who use public transit or carpooling including preferential parking.* AR 4719~~

~~Plant shade trees in parking lots to provide minimum 50% cover to reduce evaporative emissions from parked vehicles.* AR 4719~~

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For the purposes of this EIR, a significant impact would occur if implementation of General Plan Alternatives 1, 2, or 3 would:¶

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use.¶
- Conflict with existing zoning for agricultural use, or a Williamson Act contract.¶
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.¶ (General Plan FEIR P 5.8-7)¶
- Purchasing conservation easements on existing agricultural land to ensure that the land is never converted to urban uses.¶ (General Plan FEIR P 5.8-8)¶

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Utilize electric yard trucks.* AR 4719

All buildings shall be constructed to LEED Platinum standards.* AR 4719

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The Project shall meet SmartWay 1.25 ratings.* AR 4719

The project shall use only freight companies that meet SmartWay 1.25 ratings.* AR 4719

Extend grading period sufficiently to reduce air quality impacts below a level of significance. AR 4719

Provide double glazing for all residents adjacent to or immediately across the street from the project. AR 4720

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Trucks should be prohibited from using entrances and exits after the hours of 7:00 p.m. and on Sundays. AR 4720

No generators shall be allowed.* AR 4720

The Project shall be required to construct renewable energy sources sufficient to provide 100% of all electrical usage for the entire Project. AR4721

The Project shall be required to construct renewable energy sources sufficient to offset the equivalent of 100% of all greenhouse gas emissions from mobile sources (internal combustion engines) for the entire Project. AR 4722

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The Project shall be prohibited from installing any air conditioning in any space where the electrical demand is not totally offset by the production of electricity from renewable resources. AR 4722

A project design mitigation measure limiting the building height to 25 feet would preserve the present scenic vista from the highway AR 4801

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As such a mitigation measure reducing the height of the structure to preserve some of the scenic vistas should be imposed. AR4809

A feasible mitigation measure worthy of consideration would be for the intended warehouse tenant Sketchers Corporation to commit to operating the facility with trucks equipped only with the latest air pollution abatement technology including diesel soot filters. A simple contract condition in the Sketchers trucking agreements could implement such a program thereby mitigating the project health burdens imposed on the community. AR4801

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Add a mitigation measure to assure that the site lighting is compatible with "Dark Sky" specifications. AR4801

Add mitigation measures requiring a percentage of the business's personal or contracted vehicle fleet (diesel trucks), operating to and from the site, to be low or zero emission vehicles. All diesel trucks delivering to the site shall include soot filters or the latest technological equipment available. AR4801

~~Additionally, require the installation of photovoltaic solar panels over the massive roof area of the facility to offset fuels use to generate electricity. AR4801~~

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~~the SCAQMD recommends that MM AQ-1 3 is enhanced so that it specifies the conditions for approval of the General Plan Amendment, Change of Zone, Tentative Parcel Map and Plot Plan to preclude the establishment of residential and sensitive receptors of at least 500 feet from the property linear AR 4886~~

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~~Therefore, in addition to MM AQ-1 through AQ-10, SCAQMD staff recommends that the lead agency consider requiring the measures below to further mitigate PM10 emissions.~~

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- Alternative fueled off-road equipment or giving additional points in the job bidding process to contractors who commit to using alternative fueled off-road equipment;
- All streets shall be swept at least once a day using SCAQMD Rule 1186 certified street sweepers or roadway washing trucks if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water);
- Configure construction parking to minimize traffic interference;
- Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow;
- Provide dedicated turn lanes for movement of construction trucks and equipment on- and off site;
- Schedule construction activities that affect traffic flow on the arterial system to off peak hour to the extent practicable;
- Reroute construction trucks away from congested streets and sensitive receptor areas;
- Improve traffic flow by signal synchronization

AR 4887

SCAQMD staff recommends modifying existing mitigation measures as follows.

MMAQ-2 All diesel powered construction equipment in use shall require control equipment that meets, at a minimum Tier III emission requirements. In the event Tier III equipment is not available, diesel powered construction equipment in use shall require emissions control equipment with minimum of Tier II diesel standards.

MMA-4 During project construction, the developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of 5 minutes. AR 4888

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~~The SCAQMD recommends the lead agency consider the following additional mitigation measures to reduce diesel emissions which contribute to the projects overall impact:~~

- Re-route truck traffic by adding direct off ramps for the truck traffic or by restricting truck traffic on certain sensitive routes;
- Restrict operation to "clean" trucks, such as a 2007 or newer model year or 2010 compliant vehicle;
- Use "clean" street sweepers compliant with SCAQMD Rule 1186.1;

~~Require or provide incentives to use CARB certified particulate traps that meet level 3 requirements; AR 4888~~

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There should also be a clause that will insure that residents who buy these homes that are within close proximity to the Logistic Centers/warehouses are made aware of the health risks associated to the diesel sources that are in close proximity to their homes. AR 4905

~~Require all Heavy-duty Diesel Delivery Vehicles to Reduce Black Carbon Emissions: AR 4935~~

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Require All Mobile Cargo Handling Equipment to Comply With the Emissions Standards for Port Equipment: AR 4935

~~The project should create incentives for early compliance with all regulatory reduction measures so that black carbon can be reduced as rapidly as possible. AR 4935~~

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Designing buildings for passive heating and cooling, and Natural Light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc. AR 4947

Reducing the use of pavement and impermeable surfaces. AR 4947

Installing solar water heating systems to generate all of the Project's hot water requirements. AR 4949

~~Create a car sharing program within the planned community. AR 4950~~

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~~Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system. AR 4950~~

Discussion Topics (in random order)

CITY

1. Signage at truck driveways on Eucalyptus between Redlands and Theodore directing use of Theodore
2. Physical barriers to trucks on westbound Eucalyptus after HFCP Phase 3 opening
3. Work with Cal-Trans for placement of freeway signs on SR60 directing HFCP trucks to Theodore
4. Eliminate "Truck route" designation on Ironwood between Moreno Beach Drive and Theodore Street
5. Code Compliance and enforcement efforts for Commercial properties established
6. "Dark Sky" lighting guidelines considered for City lighting policy
7. AB811 (City finance of alternative energy installations)
8. Climate Action Plan prepared by City
9. Regional development impact fee to fund SR60 mainline improvements
10. Send a staff person to 6/12/09 AB811 conference

HIGHLAND FAIRVIEW

1. Provide information on trucks for Skechers distributors – distribution %, out-of-state trips % of total
2. Restrict distribution trucks entering Skechers facility to highest enforceable AQ standards and Smart Way 1.25 trucks as feasible
3. Tier II/Tier III modifications to construction equipment
4. Carpooling incentives
5. Preferred parking for alternative fuel vehicles
6. Additional plug-in stations for electric vehicles
7. Upgrade Skechers fleet to use electric, CNG, clean diesel trucks
8. Added on-site solar to provide more than office demand based upon level of assistance from MV Utility.
9. Electric/propane yard goats
10. Attorney's fees
11. Disclosure to prospective residents of nearby logistics uses
12. Ag easement/contribution
13. Electric equipment for landscape maintenance
14. Keep Sierra Club informed of planning efforts for Moreno Highlands property
15. Restrict diesel-powered portable generators during construction
16. Use low-energy exterior lighting
17. Solar water heaters

SIERRA CLUB

1. Provide Agricultural Preserve contact information

CITY ITEM 1

Signage at truck driveways on Eucalyptus between Redlands and Theodore directing use of Theodore

CITY ITEM 2

Physical barriers to trucks on westbound Eucalyptus after HFCP Phase 3 opening

Upon Phase 3 of the project, all vehicles over 10,000 pounds entering or exiting Phase 1 or Phase 2 facilities shall continue to utilize the Theodore Street entrances and exits to SR 60 unless the traffic study required prior to Phase 3 identifies compelling evidence that the failure to allow large vehicles to utilize the Redlands Ave. entrances and exits to SR 60 will cause the Theodore St. entrances and exits to SR 60 to exceed Level of Service standards of the City and that mitigation is unavailable to reduce impacts to acceptable levels and that allowing the use of Redlands Ave. will not result in any decrease in the Level of Service for Redlands Ave. for either links or intersections.

The applicant shall be responsible for constructing physical constraints on the project site itself, or within the right of way for Eucalyptus St. if approved by the City, installation of no right turn for trucks signs at Phase 1 and 2 project exits and shall pay for the installation of informational signs on SR 60 advising trucks to utilize Theodore street exits. City will be responsible for acquiring approval from Cal-Trans to post the SR-60 informational signs. City Code Enforcement will make reasonable efforts to enforce the no right turn requirements.

CITY ITEM 3

Work with Cal-Trans for placement of freeway signs on SR60 directing HFCP trucks to Theodore

Within 30 days of the execution of this agreement, the City shall submit a formal request to Caltrans for the construction of a sign or signs to be installed along the SR60 freeway directing all HFCP project traffic to the Theodore Street exit. The location, size, design and text of said sign(s) shall comply with all applicable Caltrans standards.

CITY ITEM 4

Eliminate "Truck route" designation on Ironwood between Moreno Beach Drive and Theodore Street

Within 30 days of the execution of this agreement, the City Manager, or designee, shall initiate the process to delete the "truck route" designation on Ironwood Avenue between Moreno Beach Drive and Theodore Street.

*IT IS UNDERSTOOD
THE PUBLIC HEARING AND LEGISLATIVE PROCESS OF
THE CITY COUNCIL WILL DETERMINE THE FINAL OUTCOME*

CITY ITEM 5

Code compliance and enforcement efforts for commercial properties established

[Input needed from City]

WORK PLAN

FINES TO COVER COSTS

CITY ITEM 6

"Dark Sky" lighting guidelines considered for City lighting policy

Within 30 days of the execution of this agreement, the City Manager, or designee, shall initiate an amendment to the Municipal Code to consider adoption of the standards of the International Dark Sky Association regarding exterior lighting.'

* NEED TO ADJUST PERMITS TO
RURAL / THINNING AREAS —

CITY ITEM 7

AB811 (City finance of alternative energy installations)

Within 30 days of the execution of this agreement, the City Manager, or designee, shall initiate the process to consider implementation of the provisions of AB811 regarding City financing the installation of alternative energy facilities.

CITY ITEM 8

Climate Action Plan prepared by City

Within 30 days of the execution of this agreement, the City Manager, or designee, shall initiate the process to consider an amendment to the General Plan to add a "climate action plan."

CITY ITEM 9

Regional development impact fee to fund SR60 mainline improvements

[City lacks authority to initiate a regional impact fee for
Caltrans facilities]

CITY ITEM 10

1. Send a staff person to 6/12/09 AB811 conference

[Done]

HIGHLAND FAIRVIEW ITEM 1

Provide information on trucks for Skechers distributors – distribution %, out-of-state trips % of total

[Done]

HIGHLAND FAIRVIEW ITEM 2

Restrict distribution trucks entering Skechers facility to highest enforceable AQ standards and Smart Way 1.25 trucks as feasible

[To be discussed]

HIGHLAND FAIRVIEW ITEM 3

Average Tier II modifications to construction equipment

All off-road equipment with a horsepower rating of 25 hp or greater used during construction of the HFCP project shall meet a minimum Tier II rating, and 75% of said equipment shall meet a minimum Tier III rating. The percentage calculations shall be based upon the total count of the off-road equipment used.

HIGHLAND FAIRVIEW ITEM 4

Carpooling incentives

[To be discussed]

HIGHLAND FAIRVIEW ITEM 5

Preferred parking for alternative fuel vehicles

Prior to the occupancy of each building phase, parking stalls reserved for alternative fuel vehicles shall be provided. The plot plan for each building phase shall designate the number and location of all such stalls. After building occupancy, an annual review of building tenants shall be conducted by the property owner to determine the level of use of such vehicles and the demand for such reserved spaces. Spaces located closest to building entries shall be converted from general parking to alternative fuel vehicle parking to meet or exceed the demand.

HIGHLAND FAIRVIEW ITEM 6

Additional plug-in stations for electric vehicles

Prior to the occupancy of each building phase, plug-in stations (parking stalls) for electric vehicles shall be provided. The plot plan for each building phase shall designate the number and location of all such stalls. After building occupancy, an annual review of building tenants shall be conducted by the property owner to determine the level of use of such vehicles and the demand for such reserved plug-in stations. Additional plug-in stations shall be provided to meet or exceed the demand.

HIGHLAND FAIRVIEW ITEM 7

Added on-site solar to provide more than office demand based upon level of assistance from MV Utility.

[To be discussed]

HIGHLAND FAIRVIEW ITEM 8

Electric/propane “yard goats”

No diesel-powered “yard goats” shall be permitted.

HIGHLAND FAIRVIEW ITEM 9

Attorney's fees

[To be discussed]

HIGHLAND FAIRVIEW ITEM 10

Disclosure to prospective residents of HF developments about nearby logistics project

Draft Disclosure for New Residential buyers on Land owned by Highland Fairview

Buyer acknowledges that the property which Buyer is purchasing is located in the vicinity of the Highland Fairview Corporate Park project. See the attached map. In addition to commercial and office uses, there are or may be distribution warehouses for national and regional companies located within the project. As a result of these uses, there will be automobile and truck traffic, which may operate on a 24/7 basis for pickup and deliveries of products from the various buildings within the project. There may also be increased diesel fumes, noise and lights as a result of the operation of these facilities. For a complete environmental assessment of the Highland Fairview Corporate Park project, please review the Environmental Impact Report (EIR) for the project. Copies of the EIR are available from the City of Moreno Valley or from the sales/leasing staff at (project name).

HIGHLAND FAIRVIEW ITEM 11

Agricultural easement

[To be discussed]

HIGHLAND FAIRVIEW ITEM 12

Restrict diesel-powered portable generators during construction

[To be discussed]

HIGHLAND FAIRVIEW ITEM 13

Optimize energy efficiency of exterior lighting (LED)

[To be discussed]

HIGHLAND FAIRVIEW ITEM 14

Solar water heaters

[To be discussed]

SIERRA CLUB ITEM

Provide Agricultural Preserve contact information

[To be discussed]

Porous Pavement:

Use of porous pavements can offer benefits to reducing urban runoff and improving water quality. There is much published information regarding the use of porous pavement and most of this information, including that produced by the EPA-Urban Watershed Management Research, agrees on two basic criteria in consideration of its use:

- 1) The use of Porous Pavement is not suitable for heavy or high traffic areas.
- 2) Underlying soils must be sufficiently permeable and subgrade cannot be overly compacted.

Highland Fairview Corporate Park (HFCP) gave serious consideration, in the development of Parcel 1 (Skechers), to the use of permeable pavement as one of its design features to reduce runoff and address water quality. While the final design was unable to incorporate permeable pavement into the project, it did lead to incorporating design features that not only reduce urban runoff and improved water quality, it also achieves the goal of infiltrating runoff into the subsurface.

Early in design it was concluded that soil characteristics, compaction requirements and traffic impacts limited the practical use of permeable pavement. Permeable pavement contains little or no sand, creating the voids between the aggregate that make it permeable. The pavement relies upon a binder to hold the aggregate together, but without sand to fill the voids its strength is compromised, when compared to traditional pavement mixes. Its appearance has been compared to Rice Krispies treats. The weaker pavement combined with the heavy axle loads and high traffic areas of the truck yards and drive aisles, prohibit the use of permeable pavement. This limited our consideration of its use to the automobile parking and drive aisle areas.

The geotechnical studies found the site soil is comprised of silt, silty sand, and interbedded clay layers. This soil type along with the 95% relative compaction requirements make it nearly impermeable and would simply trap the runoff below the permeable pavement, saturating the base and subgrade, leading to pavement failure. Consideration was given to the use of a subdrain system to convey this water away from the base and subgrade and into the storm drain system. The concept addressed the saturation issue but was counter to the objectives of allowing enough time for runoff to infiltrate and remove pollutants. Use of permeable pavement in the auto parking and drive aisles was no longer a consideration.

The constraints and design effort led us in the direction of incorporating combined detention and water quality basins to address runoff and water quality. As design progressed, the water quality component of the combined basins changed from extended detention to infiltration. The benefit of infiltration basins not only enhanced the water quality treatment, but also ensured some degree of runoff recharge into the subsurface.

Parcel 1(Skechers) has 4 acres of combined detention and water quality basins along the north and south perimeters of the proposed parking and truck yard areas. These basins are designed as infiltration basins and intercept all the runoff from the parcel, which totals 82.6 acres. The basins are approximately 8 ft deep, the lower 2 feet of depth in these

basins have no outlet and will percolate into the soil. Select well draining material will be incorporated in the bottom of the basins during grading, to a minimum depth of 3 feet, to meet percolation requirements as conditioned by the city with the project approval.

The bottom 2 ft of these basins occupy an area of 2 acres, this equates to 4 acre-ft of volume that will percolate back into the soil. If you spread 4 acre-ft over the entire 82.6 acre site (Parcel 1) it would equate to one-half inch of water over the entire parcel area. It's conceivable this amount of percolation is similar to what is experienced in the undeveloped condition of the site, since the site has an existing slope of 2.5%. At a 2.5% slope and with a silty sand soil type, not much water would accumulate before it would find a way to runoff to the south.

The upper 6 ft of these basins serve as detention and will drain the accumulated runoff from high intensity storms over an extended period at a regulated rate. Detaining water over this extended period also allows additional time for percolation that the site is not experiencing in its current condition. In addition, the release of this detained water occurs immediately south of the project onto native soil where it works its way across undeveloped open area and in unlined drainage channels, for a distance of nearly 4 miles. This preserves the opportunity for runoff to infiltrate.

Parcel 1 totals 82.6 acres and includes the 1.8 million sf building with a footprint of 41.6 acres; truck drive aisles and loading areas total 18.1 acres; automobile parking areas total 6.8 acres; and landscaped open space areas total 16.1 acres. The landscaped open space areas are nearly 20% of the total site area, providing respectable opportunities for runoff mitigation and infiltration.

Highland Fairview - Skechers Bldg
Estimated Solar Incentive - Power Purchase Agreement Scenario
DRAFT WORKSHEET - For Discussion Purposes Only

Assumptions

1. For discussion only. There is no current, City Council approved program that supports this proposed incentive structure.
2. Payments calculated at 90% of the Day Ahead Index for CAISO SP15 as published by Platts Energy Trader.
3. Payments are initiated upon completion of installation "when the breaker closes".
4. Per Highland Fairview, System size is 770 kW AC.
5. System size reflects capacity at point of interconnection with MVU system.
6. Power Purchase Agreement over 20 year term.

770 kW AC

<u>Total Estimated Payments =</u>	\$1,948,538
<u>Present Value Estimated Payments (@5.0%) =</u>	\$1,199,942

<u>20 Years</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>	<u>Year 6</u>	<u>Year 7</u>	<u>Year 8</u>	<u>Year 9</u>	<u>Year 10</u>
	\$85,183	\$94,292	\$96,866	\$96,396	\$96,266	\$96,298	\$96,323	\$95,706	\$95,441	\$95,112
	<u>Year 11</u>	<u>Year 12</u>	<u>Year 13</u>	<u>Year 14</u>	<u>Year 15</u>	<u>Year 16</u>	<u>Year 17</u>	<u>Year 18</u>	<u>Year 19</u>	<u>Year 20</u>
	\$95,026	\$93,997	\$96,164	\$96,461	\$98,688	\$100,437	\$102,218	\$104,031	\$105,878	\$107,757

TEL: 951.413.3000

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WWW.MORENO-VALLEY.CA.US



14177 FREDERICK STREET

P. O. Box 88005

MORENO VALLEY, CA 92552-0805

February 12, 2008

Jon Glazer
Vice President of Strategic Planning
Highland Fairview
14225 Corporate Way
Moreno Valley, CA 92553

RE: Proposed Solar Project near Sketchers Project

Dear Jon,

Thanks for contacting me regarding your proposed solar project near the Sketcher's Project located south of SR60 and east of Redlands Blvd. in Moreno Valley. As a condition for this development, the City of Moreno Valley's Electric Utility (MVU) will be providing electric service to the project.

When we met to discuss the proposed solar element of the project, Highland Fairview was interested in how MVU would value the energy generated in excess of on-site requirements (solar generated power delivered to the MVU grid). You stated that Highland Fairview was currently in the design phase of the project and you needed feedback from MVU in order to make some decisions regarding your project.

Please consider this memorandum as a starting point for discussions concerning the purchase of energy from a solar resource located near the subject project. We have incorporated the information you have provided so far (conceptual energy production model). Please be advised that the numbers presented here are for discussion only, and that further contractual documents will be required if Highland Fairview is interested in developing the project, including approval by the City Council for the City of Moreno Valley.

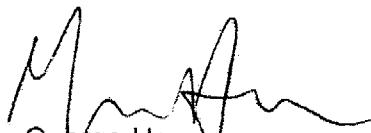
These numbers are not based upon any actual design of a system, as Highland Fairview has not provided MVU with any maps, plans, or drawings depicting the proposed solar arrangement.

We have based our analysis upon a 20 year window, and using the information provided by you, a system of 770 kW (AC). For purposes of discussion only,

MV00233571

MVU values the solar energy generated at approximately \$100,000 per calendar year. Alternatively, MVU would consider a value of 90% of the Day Ahead Index for CAISO SP15 as published in Platts Energy Trader.

Sincerely,



George Hanson
Electric Utility Manager

Cc: Mark Anderson, P.E., Highland Fairview
Chris Vogt, City of Moreno Valley
Mike McDonald, McDonald Partners



CITY OF MORENO VALLEY CITY COUNCIL
Community Development Department MORENO VALLEY RECEIVED

Planning Division

09 MAY 26 PM 3:09

MEMORANDUM

R. Stentz

To: Mayor and City Council
From: *J* John C. Terell, Planning Official
Date: May 22, 2009
Subject: Highland Fairview Corporate Park – Modifications to Conditions of Approval

On May 14, 2009, Highland Fairview Properties submitted applications requesting modifications to various conditions of approval for the Highland Fairview Corporate Park (Skechers). The requested changes involve two components of the project – medians and multi-use trails that would require a general plan amendment. The requested changes also affect over 50 conditions of approval in five general categories for two related projects – the tentative map and plot plan for the Corporate Park. The general categories and conditions of approval are identified in the attached letter from Highland Fairview. This letter was previously delivered to the City Council by Highland Fairview in April.

The request has been distributed by the Planning Division to project review staff in the various departments and divisions affected by the proposal. An internal project review staff committee meeting is set for next Tuesday to review the proposal. An initial response to the proposal will be provided to Highland Fairview within a few days after that meeting.

Attachment: April 14, 2009, Letter from Highland Fairview

Cc: Kyle Kollar, Community Development Director
Rick Hartmann, Deputy City Manager
Mark Gross, Senior Planner

**HIGHLAND FAIRVIEW**

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300

April 14, 2009

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

SUBJECT: Modification to Conditions of Approval
Highland Fairview Corporate Park

Dear Mayor Stewart and Council Members:

Highland Fairview respectfully requests the City Council to consider the following conditions of approval imposed on the Highland Fairview Corporate Park project. As we brought up in the public hearing, these conditions are either unsuitable for the nature of this project or require unwarranted exactions that fail to meet the nexus requirement of the law. We request that the Council conduct its hearing on this matter at the earliest available opportunity in order to avoid any additional delays to the project.

1. SR60 Landscaping

Existing Condition: Condition of Approval P14 on Tentative Parcel Map TPM 35629 (Resolution 2009-10) requires the preparation and processing of plans for the installation of landscaping and irrigation within the SR60 right-of-way adjacent to the project site in compliance with the SR60 Design Manual.

Requested Action: Highland Fairview requests the removal of this condition.

Justification: This condition has been inconsistently applied throughout the city and has been shown to be unproductive in many instances, ineffective in most cases, and arbitrary. Installation of such landscaping will only detract from the extensive landscaping designed for the project and will likely not be maintained by Caltrans. In some areas along the freeway some sparse landscaping has been installed but is very poorly maintained. In other areas, no landscaping has been installed. Currently, the freeway frontage is a mixture of areas of sparse, struggling landscape, and areas of barren, unmaintained land. Clearly, there has been no consistent application of the SR60 Design Manual criteria. To apply this requirement to the HFCP project is unreasonable.

No project along the SR60 frontage includes a landscape treatment as extensive as that proposed with the HFCP project. Millions of dollars in landscaping and irrigation improvements are proposed to be installed along the freeway boundary, the sole purpose of which is to enhance the appearance of the project site as viewed from the freeway. The requirement to add additional basic landscaping within the freeway right-of-way will only detract from the project landscaping.

Mayor Richard Stewart and
Members of the City Council
April 14, 2009
Page 2

There is no assurance that Caltrans will allow landscaping to be installed within its right-of-way and no indication that they will maintain it. In fact, Caltrans staff has indicated informally that they will not allow such improvements nor will they commit to any maintenance whatsoever.

2. Eucalyptus Avenue Median

Existing Conditions: Several conditions require the installation of a new median within the future right-of-way of Eucalyptus Avenue.

Requested Action: Modify the applicable conditions to allow for the option to install a median along Eucalyptus Avenue.

Justification: Prior to the HFCP project, the previous Circulation Element of the General Plan did not require a median in Eucalyptus Avenue. The option of adding a median was raised by Highland Fairview as a way to enhance the street scene adjacent to the project site. The reason the median was articulated in the project plans is to enable staff to consider the issues involved before an option is selected. The median is not a requirement of the City. There is no traffic-related need for the median, nor is it required for other sections of the Eucalyptus Avenue throughout the City. Therefore, the installation of the median should be an option on the part of the project applicant.

3. Multi-Use Trails

Existing Condition: Several conditions imposed on the TPM and the Plot Plan require the dedication and improvement of multi-use trails on the project site.

Requested Action: Delete and/or modify all conditions requiring dedication and improvement of multi-use trails on the project site. Modify all related conditions to require that: 1) the necessary land be allocated for potential future multi-use trails, 2) site grading be designed to accommodate the future multi-use trails, 3) the multi-use trail areas be landscaped and maintained in a manner consistent with immediately adjacent areas until such time as the City decides to construct the multi-use trails, and 4) the ongoing maintenance of the multi-use trails, if built, be borne by the City for the benefit of the public and not by the property owner or the local property owners' association.

Justification: There is a complete lack of nexus between the project and the City's requirement to dedicate and improve multi-use trails on the project site. The project creates absolutely no demand for these trails, therefore there is no nexus. The trails can be accommodated in the project design but the impacted land (or appropriate easements) should be acquired by the City, the trails should be constructed by the City and the trails should be maintained by the City. There should be a sunset clause in the condition such that if the City does not acquire the impacted land or easements within five years of the recordation of the Final Map for the project, the City's option to acquire the land or easements will expire.

Mayor Richard Stewart and
Members of the City Council
April 14, 2009
Page 3

4. Deferral of Development Impact Fees

Existing Conditions: The project is conditioned to pay massive development impact fees, amounting to nearly 15 million dollars.

Requested Action: Modify related conditions to defer payment of all applicable development impact fees to Certificate of Occupancy.

Justification: Development impact fees constitute a substantial financial hardship for all new construction projects. Collection of these fees at the point of building occupancy is the most equitable point in the process. It is at the point of occupancy when the building or project begins having an impact on the local infrastructure. It is at that point when the various development impact fees should be collected.

5. Dedication and Improvement of Public Improvements

Existing Conditions: The project approval contains dozens of conditions requiring the dedication and improvement of public facilities (streets, parkways, trails, etc.) far in excess of the demand which the project creates for such facilities.

Requested Action: Modify all related conditions to only require a fair-share contribution by the project for the dedication and improvement of all public infrastructures.

Improvement credits and Reimbursement Agreements should be entered into between the City and the project for any amount the project contributes in excess of its pro-rata share for such improvements.

Justification: These conditions fail to meet the requirement for a direct nexus between the project and any required public improvements. Such conditions impose an unjust and unequal burden on some projects while benefiting the city and others unfairly at the expense of one taxpayer.

Attached is a listing of the conditions which we believe are related to each of the changes requested above. Other conditions may be impacted as a result of our detailed discussions with staff.

We look forward to discussing these issues with staff and with the City Council at the earliest possible opportunity. If questions arise during the City's review of this request, please do not hesitate to contact me directly.

Sincerely,



Iddo Benzeevi
President and CEO

Requested Changes to Resolution 2009-10 (TPM 35629)

1) SR 60 Landscaping

- a) Delete Condition P14

2) Eucalyptus Avenue Median

- a) Modify Condition P20 to add “Construction of raised, planted median is optional. Subdivider may choose to install painted median.”
- b) Modify Condition LD70(a)(i) to insert “(optional)” after the words “raised landscape median.”
- c) Modify Condition SD-2 to insert “(optional)” after the word “median.”
- d) Modify Condition SD-6 to insert “if installed by the Subdivider” after the words “median landscape” in the first sentence.
- e) Modify Condition SD-10 to insert “(optional)” after the word “median.”
- f) Delete Condition SD-12 requiring installation of median landscaping.
- g) Modify Condition TE19 to insert “optional” following the word “median” in the second and fourth bullets.

3) Multi-Use Trails

- a) Modify Condition LD68(b) to add: “Said multi-use trail easement shall be labeled ‘future,’ and is contingent upon City acquisition of said easement from the landowner.”
- b) Modify Condition LD68(c) to add, “The City will maintain all multi-use trails.”
- c) Modify Condition LD70(a)(viii) to add, “The future trail area shall be designed and graded with the project and shall be landscaped consistent with adjacent land. The City may acquire an easement for a multi-use trail from the property owner and construct and maintain a multi-use trail.”
- d) Modify Condition LD91 to add “(optional)” after the words “multi-use trail.”
- e) The entire set of Conditions of Approval from Parks and Community Services Department needs to be re-written to differentiate between bike trails and multi-use trails. Future multi-use trails will be graded with the project. Easements for the multi-use trails will be acquired from the landowner by the City. The City shall be responsible for the construction and the maintenance of the multi-use trails.

4) Deferral of Development Impact Fees

- a) Modify Condition P23 to replace “building permits” with “Certificate of Occupancy.”

5) Dedication and Improvement of Public Infrastructure

- a) Modify Condition LD2 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
- b) Modify Condition LD4 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a

credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”

- c) Modify Condition LD27 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
- d) Modify Condition LD46 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
- e) Modify Condition LD65 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
- f) Modify Condition LD66 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
- g) Modify Condition LD68 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
- h) Modify Condition LD70 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
- i) Modify Condition LD78 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
- j) Modify Condition LD90 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
- k) Modify Condition LD91 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
- l) Modify Condition LD93 to add, “All dedications and improvements to public

infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project's fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements."

- m) Modify Condition TE17 to add, "All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project's fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements."
- n) Modify Condition TE18 to add, "All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project's fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements."
- o) Modify the Parks and Community Services Department conditions to add paragraph (u) as follows, "All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project's fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements."

Requested Changes to Resolution 2009-11 (Plot Plan - PA07-0091)

- 1) SR 60 Landscaping**
 - a) Delete Condition P10
- 2) Eucalyptus Avenue Median**
 - a) Modify Condition SD-2 to insert “(optional)” after the word “median.”
 - b) Modify Condition SD-3 to insert “(optional)” after the word “median.”
 - c) Modify Condition SD-7 to insert “if installed by the Subdivider” after the words “median landscape” in the first sentence.
 - d) Modify Condition SD-10 to insert “(optional)” after the word “median.”
 - e) Delete Condition SD-12 requiring installation of median landscaping.
 - f) Modify Condition TE20 to insert “optional” following the word “median” in the second and fourth bullets.
- 3) Multi-Use Trails**
 - a) The entire set of Conditions of Approval from Parks and Community Services Department needs to be re-written to differentiate between bike trails and multi-use trails. Future multi-use trails will be graded with the project. Easements for the multi-use trails will be acquired from the landowner by the City. The City shall be responsible for the construction and the maintenance of the multi-use trails.
- 4) Deferral of Development Impact Fees**
 - a) Modify Condition P19 to replace “building permits” with “Certificate of Occupancy.”
- 5) Dedication and Improvements of Public Infrastructure**
 - a) Modify Condition P80 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
 - b) Modify Condition PD81 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
 - c) Modify Condition PD82 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
 - d) Modify Condition PD83 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure

- dedications and/or improvements.”
- e) Modify Condition PD84 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
 - f) Modify Condition PD85 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
 - g) Modify Condition LD43 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
 - h) Modify Condition LD44 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
 - i) Modify Condition LD66 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
 - j) Modify Condition TE3 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
 - k) Modify Condition TE11 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
 - l) Modify Condition TE12 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
 - m) Modify Condition TE13 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
 - n) Modify Condition TE14 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure

dedications and/or improvements.”

- o) Modify Condition TE15 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
- p) Modify Condition TE18 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
- q) Modify Condition TE19 to add, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”
- r) Modify the Parks and Community Services Department conditions to add paragraph (u) as follows, “All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project’s fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements.”

Richard Stewart

From: Robin Hastings
Sent: Thursday, February 12, 2009 2:16 PM
To: CRW315@aol.com; Bonnie Flickinger; Jesse Molina; Richard Stewart; William Batey
Cc: Bob Gutierrez
Subject: RE: Council Vote on Sketchers Project

Charles:

I have long considered you a friend and a true leader in this community but must respectfully disagree with your assumption and share with you my feelings on this matter. I hope that you will consider our long friendship and what I thought was mutual respect as you consider my comments.

First, let me clarify that you are combining two separate warehouses; the 1.5 million square foot Planning Commission approved warehouse at Iris and Heacock a week after they denied the 1.8 million square foot warehouse between Redlands and Theodore along the 60 freeway. There was a general plan amendment contained in both warehouse proposals which speaks to the consistency issue you deem hogwash and is a matter of public record.

I am truly sorry that you believe it is okay to place a 1.5 million square foot warehouse in the middle of Moreno Valley (with no freeway access) at Iris and Heacock, across the street from two schools, a church and surrounded by residential homes because it is a different developer. Do not speak to me of health, safety and welfare of our residents when you have lost your objectivity to the point that you have total disregard for the health impact on those residents AND school children. Where was the concern for the air quality, truck traffic and health impacts for this project? Not one person spoke during this public hearing! How do you equate that with the total outcry that occurred on the east end where it is open space? Do the residents on Iris and Heacock, who will have a much higher impact, have less value than those who are miles away from the project on the east end? It was these facts that determined my vote not the personal vendetta which drives your opposition!

The fact that you would turn away jobs, millions in economic benefit and property tax revenue when the City will lose another \$2.5 million in property tax in 2009 speaks more to your personal grudge than on the issues before us. The fact that the residents supported this zone change 3-1 in favor also demonstrates your detachment from the community. The change of zone on the east end, which was from business park/industrial to light industrial, simply addresses the building size. The General Plan amendment moved and expanded a recreational trail. This site has direct freeway access, is not close to any schools, churches and is miles away from residential neighborhoods. Let me reiterate that we did not approve placing it in a residential neighborhood surrounded by families and school children that would require diesel trucks to drive miles through the city!!!

Your support of the untouchable General Plan fails to address the 9 General Plan amendments in two years that occurred on your watch -- not mine! Does this mean you were "disregarding their desire, as indicated in the current general plan, to have a sensible, well planned and controlled growth structure for the city."?! Of course not! You were making decisions based on what you felt were in the best interests of the City as a whole.

The issue of Rancho Belago, which also occurred on your watch -- not mine -- has absolutely nothing to do with this discussion and only demonstrates how much your opposition of that has colored your perception of the decisions that had to be made.

It would appear that your day of reckoning occurred on November 7 because of your lack of perception as to the real issues the city is facing. I hope that our friendship and long history will withstand these diametrically opposed positions but will honor whatever decision you make in that regard.

Sincerely,

Robin

From: CRW315@aol.com [mailto:CRW315@aol.com]
Sent: Thu 2/12/2009 9:21 AM
To: Bonnie Flickinger; Jesse Molina; Robin Hastings; Richard Stewart; William Batey
Cc: Bob Gutierrez
Subject: Council Vote on Sketchers Project

Your unanimous vote of the Sketchers project on Tuesday February 10, 2009 certainly upheld my assumption of such a vote being a foregone conclusion.

The conversation about voting for "consistency" was much hog-wash. The area of Iris and Heacock St is properly zoned and allows 50,000 sq ft warehouses in our current general plan not 1.8 million sq ft warehousing.

It appears that it is council pay back time for favors received and or favors promised. It is now time to rename "Rancho Belago" to read "Rancho Benzieeve/Stephensville".

I believe each of you will have a day of reckoning for your total disregard for the health, safety and welfare of the citizens of this city as well as disregarding their desire, as indicated in the current general plan, to have a sensible, well planned and controlled growth structure for the city.

Once again, in my opinion, you have succumbed to the rich and famous.

Charles White

The year's hottest artists on the red carpet at the Grammy Awards. **AOL Music takes you there.**

Suggested Trucking Mitigation

Long Haul Trucks account for 55.12% of all delivery trips. Forty-five SmartWay carriers carry 63% of all long haul trips. 203 non-SmartWay carriers account for 37% of all long haul trips. Ten non-SmartWay carriers¹, with an average of three or more trips per month, account for 40.67% of all non-SmartWay long haul trips.

1. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall become SmartWay Partner.
2. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.

Consolidators account for 31.43% of all delivery trips. Fourteen SmartWay consolidators, with an average of three or more trips per month, account for 55.49% of all consolidator trips. Thirty-five consolidators account for the remaining 44.51% of consolidator trips. Eleven consolidator carriers² account for 86.28% of all consolidator non-SmartWay trips.

3. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve a 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidator trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.

Local deliveries account for only 12.07% of all delivery trips. Of these, 30.7% are carried by SmartWay carriers. None of the Skechers trucks are SmartWay. These Skechers trucks account for 65% of all non-SmartWay local delivery trips.

4. By the end of the year 2012 Skechers shall modify its truck fleet so that all vehicles conform to 2010 air quality standards or better. Results, including backup data shall be reported to the Planning Department semi-annually.

¹ Cedar Rapid Steel Transport, Allstate World Cargo, Roadway, Interstate, AF & G, Precision Transport Line, Aeronet, Simplified Express, Purolater (Western Canada), Global Link Express

² NRT, Gale Triangle, Barthco Transportation Svcs, JB Hunt Backhaul, Meridian IQ, Special Dispatch Of California, Hot Services, Skechers Truck-CFX, Quicksilver, International Logistics Trasp, Eagle Global Logistics, City Fashion Express(CFX)

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14177 FREDERICK STREET
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 14, 2010

Iddo Benzeevi, President
Highland Fairview
14225 Corporate Way
Moreno Valley, CA 92553

RE: SLPP Grant Funds for the Eucalyptus Avenue Street Improvements

Dear Mr. Benzeevi,

I received your letter on April 12, 2010, which states your opposition to the City's street construction oversight and surety amounts. It is not the City's intent or objective to impede the construction of the Eucalyptus Avenue street improvements and the Highland Fairview Corporate Park (i.e., Skechers) project. The City is compelled by law to insure future public improvements are constructed to their standards and if for some reason the construction does not go well, have a means by which the City can assume ownership of the work and complete the improvements as approved by the City.

It is the City's position that the SLPP Grant requires a local agency (i.e., the City of Moreno Valley) to manage the construction of the street improvements to be eligible for SLPP Grant funds. It is also our opinion that the street improvements must comply with the Public Contract Code. However, in the spirit of cooperation, if Highland Fairview has a differing opinion and wishes to serve as the contractor and construct the street improvements itself, the City Council may approve that process.

In order to work with you to solve this circumstance as you desire, I have attached an amendment to Option One for City Council to consider. As you can see the City Council may wish to add the Eucalyptus Avenue Improvements to its Capital Improvement Plan. The City may also determine that the project could be funded by approximately 60% of your DIF payments, the SLPP Grant* and other developer payments. The other impediment to your proceeding on your own is the surety that will serve as a guarantee that the project will be completed. You may accomplish this requirement by a cash deposit of some agreed upon amount in an Escrow account. By the time you start the road project you may have completed your Rough Grading and you could use that redeemed deposit as part of what may be an agreed upon surety.

If the above process is satisfactory to you, and City Council approves, you could proceed as outlined. Please be advised that we still believe the following:

1. The State may not approve you as the contractor. If they do, fine.
2. The State may require that you pay prevailing wages. If they do not, and still honor the grant, fine.

CITY MANAGER'S OFFICE

MV00233684

Mr. Iddo Benzeevi, Highland Fairview

April 14, 2010

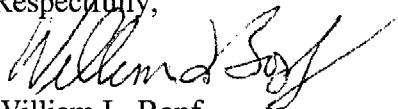
Page 2

3. We will require acceptable surety for the public improvement (source: State Map Act and Municipal Code).

Please advise if this alternative is acceptable to you and I will submit it to the City Council as another option to my report for the April 27, 2010 Council meeting.

Please feel free to contact me if you have other comments and/or questions.

Respectfully,



William L. Bopf
Interim City Manager

c: Mayor Flickinger and Members of the City Council
Rick Hartman, Interim Assistant City Manager
Robert L. Hansen, Interim City Attorney
Chris A. Vogt, P.E., Public Works Director/City Engineer

Enclosure: Option One - Amended

* Required by the SLPP Grant, some funds must be from Developer Fees and it must be a funded project on the City's CIP

OPTION ONE – Amended

(Note: Amendments are ~~in highlighted underlined italic~~ type.)

Highland Fairview to Construct Eucalyptus Avenue

Goal: Funding and Constructing the Eucalyptus Avenue Improvements for the Highland Fairview Corporate Park/Skechers project

Requirement(s): A) City permits required (including inspections)

Funding Method(s): Highland Fairview to fully fund the project – approximately \$6.3 million; and therefore, Highland Fairview may not be eligible for SLPP grant funds.

Results:

- A) Highland Fairview administers the construction project – may be the most expeditious means to construct the street improvements (i.e., California Contract Code/prevailing wage issues may not apply)
- B) Highland Fairview can construct underground utilities and street improvements as one operation
- C) The street improvements would be constructed to City standards
- D) Eucalyptus Avenue would be dedicated to the City upon completion
- E) Highland Fairview may be eligible for DIF Reimbursement per City Council adopted policy

Obstacles:

- A) Requires Highland Fairview to fund the project
- B) ~~Requires Highland Fairview to pay its DIF obligation as required by the SLPP Grant. (Approximately 60 percent of the DIF obligation paid by Highland Fairview will be credited to the street improvements.)~~
- C) Highland Fairview may not receive up to \$1 million (based on reimbursement by the State) in SLPP Grant funds

Required City Action:

- A) Amend CIP Plan to include Eucalyptus Avenue improvements as a "Funded Project" for Fiscal Year 2009-10, funding source of Highland Fairview DIF obligation and private funds**
- B) Instruct Staff to review the plans and specifications prepared by Highland Fairview for the Eucalyptus Avenue street improvement project**
- C) Instruct Staff to collect the necessary surety as required by statute and Municipal Code**

**HIGHLAND FAIRVIEW**

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5327 Fax: 951.867.5328

April , 2010

CITY OF MORENO VALLEY
RECEIVED
CITY MANAGER

2010 APR 12 PM 1:34

Mr. William L. Bopf
Interim City Manager
City of Moreno Valley
14177 Frederick Street
Moreno Valley, California 92552

Re: SLPP Grant Funds-Eucalyptus Street

Dear Bill,

I appreciate your efforts to move the Eucalyptus SLPP Grant fund project forward. To reiterate our conversation, Highland Fairview with the cooperation of the city applied for and received approval for a SLPP Grant for the construction of Eucalyptus Street. As a grant, the funds do not have to be repaid and therefore are a direct benefit to the City and its residents. It is not often that the city can receive "free" money and I am sure you share my sentiment that we should do all we can to insure that we secure this opportunity for the benefit of our community.

As part of the Highland Fairview Corporate Park (HFCP), Highland Fairview is mandated by the City's Conditions of Approval to construct Eucalyptus Street which is of course, a public improvement project and the subject of this grant. As the builder, we are therefore required to provide the City with guarantees to secure the construction of the street such as subdivision bonds or other acceptable forms of security to the city.

A concern has been raised by staff pertaining to their worry that in the unlikely event the street construction will not be completed, the city will be left with the task of collecting on the guarantee before they could secure the funds necessary to finish the job, while the "community" is inconvenienced by not having the street fully functioning.

I am somewhat perplexed. I could see the city's concern if we were talking about a major city street which is in constant use and its interruption will be of great public inconvenience. This is certainly not the case here. Eucalyptus is not an improved street nor is it in use and therefore does not currently impact the community. When the street will finally be placed in service , it will have limited use and will initially only service as access to the HFCP project (Skechers building), since there is nothing else in the vicinity today.

MV00233687

Mr. William Bopf

April 9, 2010

Page 2

Therefore, should an interruption occur to the street's construction, the city will not be under any unusual time pressure to accelerate the completion of the street ahead of the normal time it takes to collect on the bonds or guarantees.

Further, The HFCP project would not receive any development or occupancy approvals without the construction of Eucalyptus Street. Therefore the project would be halted and there will be no immediate need for the street. In this unlikely event the city will definitely have plenty of time to collect on the bonds and finish the street without impacting the public.

Additionally, the amount to be guaranteed by Highland Fairview required by the City is in fact substantially higher than the actual estimated construction costs. This is primarily due to the City's unit costs and contingency levels, both of which significantly exceed our construction bid estimates and will provide an extra security cushion to the city.

In any event, if the street construction was interrupted for some reason, the City would be able to use the security we will post (bond or Letter of Credit) to complete the work.

The city will also insure that payments to the contractor will only be made after each phase of work will have been completed further limiting their exposure. If there were a situation that occurred with the street development, the City would have notice immediately. If grant funds were used to reimburse as street development takes place, appropriate documentation would be required in the submittal of the request for reimbursement.

The State and Federal programs offer significant opportunities to facilitate and expedite good projects and we look forward to working with the City to apply the governmental incentives in our community. HFCP is exactly the type of job-producing, economy-growing project that these programs were designed to assist. The City can be a great help in this effort to bring jobs and economic growth to our community.

Bill, especially in these difficult economic times, we should think out of the box and work harder to capture any opportunity we can to improve our community. I appreciate your personal interest and initiative. We remain anxious to work with your office to move our projects forward. I believe the risk to the city is de minimis at best and the benefit is substantial.

Sincerely,



Iddo Benzeevi
President

Tel: 951.413.3000

Fax: 951.413.3750

WWW.MORENO-VALLEY.CA.US



14177 FREDERICK STREET

P. O. BOX 88005

MORENO VALLEY, CA 92552-0805

March 30, 2010

Sent Via E-Mail
3/30/10

Ms. Kim Abreau, Senior Vice President
Bank of America, N.A.
Commercial Real Estate Banking
2308 Ponce De Leon Boulevard
Coral Gables, FL 33134-5408

SUBJECT: Highland Fairview Corporate Park – Items Needed Prior to Issuance of a Grading Permit

Dear Ms. Abreau:

Per your request, the City of Moreno Valley is providing this update regarding the items that remain to be addressed prior to the issuance of the grading permit for the Highland Fairview Corporate Park project.

Please be advised that the grading plan has been approved. The items listed below are associated tasks which must be completed before the City can issue the actual grading permit. Some of these items stem from requirements of the City's Municipal Code, some are related to the project's Conditions of Approval and Mitigation Measures and others come from administrative procedures relating to grading permit issuance.

Plans

- 1) Tree Plan to be approved by Planning
- 2) Property Owner Association (POA) Landscape Plans to be approved by Planning

Payment of Fees

- 1) Stevens Kangaroo Rat (SKR) Fee
- 2) Area Drainage Fee
- 3) Grading and Inspection Fee
- 4) Parks Plan Check Fee

Site Surveys (within 30 days of permit issuance)

- 1) Burrowing Owl Survey
- 2) Bird Nesting Survey

Posting of Securities

- 1) Posting of Grading Bond or other security
- 2) Posting of Erosion Control Bond or other security

Required Documentation - signed by general contractor

- 1) Use of B20 Biodiesel fuel
- 2) Fugitive Dust Control Plan
- 3) Temporary Security Fencing Plan
- 4) Temporary Project Signage
- 5) Waste Management Plan (WMP)

The above list of permit fees and obligations are applicable to the issuance of a Rough Grading Permit. As indicated above, most of these are requirements of the City's Municipal Code. I can only confirm those that are the City's requirements. Several of those listed are required by other Agencies, in that regard, we merely collect their fees on their behalf. I can not speak for them.

Please call me if you have any questions regarding this information.

Sincerely,



William L. Bopf
Interim City Manager

c: Mayor Flickinger and Members of the City Council
Robert L. Hansen, City Attorney
Rick Hartmann, Interim Assistant City Manager
Kyle Kollar, Community Development Director
Chris Vogt, Public Works Director/City Engineer
Iddo Benzeevi, Highland Fairview

FYI - JV Form 47109

DRAFT
(On City Letterhead)

March 29, 2010

WJR.

Bank of America, N.A.
Commercial Real Estate Banking
Coral Gables, Florida 33134
Attention: Ms. Kim Abreau, Senior Vice President

SUBJECT: Highland Fairview Corporate Park ~ Items Needed Prior to Issuance of a Grading Permit

Dear Ms. Abreau:

Per your request, the City of Moreno Valley is providing this update regarding the items that remain to be addressed prior to the issuance of the grading permit for the Highland Fairview Corporate Park project.

Please be advised that the grading plan has been approved. The items listed below are associated tasks which must be completed before the City can issue the actual grading permit. Some of these items stem from requirements of the City's Municipal Code, some are related to the project's Conditions of Approval and Mitigation Measures and others come from administrative procedures relating to grading permit issuance.

Plans

1) Property Owner Association (POA) Landscape Plans to be approved by Planning
Payment of Fees:

- 1) Stevens Kangaroo Rat (SKR) Fee
- 2) Area Drainage Fee (ADP) of about \$1,060,970
- 3) Grading and Inspection Fee – Provide funding for T&M drawdown account for inspection and field services
- 4) Parks & Comm. Services - Grading Plan Review Fees \$12,375
- 5) MVU – Redlands and Eucalyptus Backbone Design Fees of \$34,221.85 per invoice #MVU-HFCP-001

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Site Surveys (within 30 days of permit issuance)

- 1) Burrowing Owl Survey
- 2) Bird Nesting Survey

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Posting of Securities

- 1) Posting of Grading Bond or other security - \$538,500
- 2) Posting of Erosion Control Bond or other security - \$247,700

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Required Documentation - signed by general contractor

- 1) Use of B20 Biodiesel fuel
- 2) Fugitive Dust Control Plan
- 3) Temporary Security Fencing Plan
- 4) Temporary Project Signage
- 5) Waste Management Plan (WMP)

MV00233697

Please call me if you have any questions regarding this information.

Sincerely,

MV00233698

TEL: 951.413.3000
FAX: 951.413.3750
WWW.MORENO-VALLEY.CA.US



CITY COUNCIL
14177 BRIDENOCK STREET
RECEIVED 8:3005
MORENO VALLEY, CA 92552-0805
10 FEB -3 PM 1: 42

February 2, 2010

Mr. Iddo Benzeevi
Highland Fairview Properties, LLC
14225 Corporate Way
Moreno Valley CA 92553

Dear Mr. Benzeevi:

I want to assure you, as I have stated a number of times during the past two months in which I have served in my current capacity, the City wants your projects to proceed successfully and as rapidly as possible. There has been several letters sent between our respective staff regarding the procedures involved in implementing the State and Local Partnership Program (SLPP) Grant and the projects requested by Highland Fairview. In order to eliminate any confusion on this important matter, I am taking this opportunity to advise you of the City's position on issues surrounding the requirements for implementing the SLPP projects and their attendant grants.

First of all, it is the City's position that SLPP projects must be administered by a Public Governmental Agency, such as a city or county. It is further the City's position that, pursuant to Government Code §8879.66 (G)(1), SLPP projects must:

1. Be publically bid.
2. Pay prevailing wages.
3. Be contracted by a Governmental Agency.

The SLPP Grant Guidelines require the City to have the necessary funds appropriated to the SLPP Grant project(s) prior to the beginning of construction. The Guidelines also state any and/or all SLPP Grant funds allocated to a project will be paid after the work is completed. There are a number of "reporting" requirements of the SLPP, in addition to the two previously mentioned, which will have to be adhered to in order to receive Grant funds.

It is understood that Highland Fairview and its retained legal counsel are of the opinion that a developer can construct, or contract for the construction of, the SLPP projects without public bidding or payment of prevailing wages; however, Highland Fairview has not provided the City with any legal authority supporting that position. Therefore, the

City must follow the requirements as it understands them so as to not jeopardize entitlement to the SLPP Grant proceeds.

With respect to the use of Development Impact Fees (DIF) to construct these projects, neither of the SLPP projects requested by Highland Fairview are designated as "funded" projects on the City's Capital Improvement Plan (CIP). In order to use DIF for either of these SLPP projects, the City Council would have to change the priorities of the CIP, identifying the two SLPP Grant projects as being "funded". Further, the amount of DIF Highland Fairview will pay is not sufficient to fund each SLPP project. It is important to note that the total amount of DIF identified in the program appears sufficient, the portions of Cactus and Eucalyptus Highland Fairview is proposing to construct only qualify for a portion of the DIF collected and are insufficient to cover the estimated cost of the projects. Therefore, portions of the SLPP Grant projects that are not funded by DIF are the cost of doing business in the City of Moreno Valley and the improvements are the financial responsibilities of Highland Fairview.

In addition, it is important to note that Highland Fairview is, by City Council policy, obligated to pay its DIF at the time a building permit is issued. If Highland Fairview wants to defer its DIF obligation until final inspection or Certificate of Occupancy, the City Council would have to amend its existing DIF policy regarding the priority of funds. With regards to the Cactus Avenue SLPP project (integral with the Aquabella Project), Highland Fairview is not obligated to pay DIF until building permits are issued. The Aquabella Project consists of approximately 3,000 homes to be constructed in 10 phases and could take considerable time to pull the permits and build out. These two facts further demonstrate the need to have the available cash to pay contractors for work performed in constructing the two SLPP grant projects. To accomplish this, either City must amend its CIP projects or Highland Fairview deposits with the City the necessary funds to construct the SLPP grant projects.

The use of DIF to fund these SLPP projects is further inhibited by Council Resolution No. 2008-104 dated August 26, 2008 (attached). Please note that the first priority for the use of DIF is to pay Bonded Indebtedness from a surplus above a two-year reserve fund and develop a fund for approved reimbursements from ten percent (10%) of the gross annual DIF collected. The City already has executed Reimbursement Agreements with developers worth over \$2.5 million that provide for a priority of payment.

In summary, the City will proceed with implementing the SLPP Grant projects as follows:

1. The City is in possession of all the design and related documents.
2. The City publically bids the SLPP projects.
3. The City awards the contract(s) to the lowest responsible bidder(s).
4. Highland Fairview has provided the City with cash sufficient to pay for the construction of the projects, sufficient contingency, and administrative costs.
5. The City will be the contracting agency and will administer the project.

I am aware that Highland Fairview may not be in agreement with every conclusion included in this letter, but this is the City's current position on these matters. The procedures outlined in this letter are the procedures that the City will follow regarding the two SLPP projects requested by Highland Fairview.

In my opinion, a more practical and expeditious process that the City has already approved is the use of the City's \$11 million allocation of Recovery Zone Facility Bonds (the "Bonds") for Highland Fairview's Skechers project. Using Moreno Valley's \$11 million allocation in conjunction with \$37 million of Riverside County's own Recovery Zone Facility Bond allocation will provide Highland Fairview with the capacity to issue a total of \$48 million in Recovery Zone Facility Bonds. The City supports the use of these Bonds for Highland Fairview's projects, and in many ways believes it may be a preferred course of action. Highland Fairview may be able to use these Bonds and even benefit from the SLPP Grants. If Highland Fairview pursues the Bonds and wishes to benefit from the SLPP Grants, Highland Fairview should consult Legal Counsel to determine if Highland Fairview can pay its DIF obligations with Bond proceeds, and therefore be entitled to a SLPP Grant of \$1 million. The payment of DIF from Bond proceeds may still be a "qualifying" uniform transportation mitigation fee as required by the Grant. In addition, \$100,000 of this will go into the ten percent (10%) Developer Reimbursement Reserve as required by the Resolution described above. An agreement addressing the foregoing would need to be executed between the City and Highland Fairview if this option is pursued.

In conclusion, I have explained the City's position regarding the manner by which the City will implement the SLPP Grant projects. I have also tried to encourage Highland Fairview to consider the use of Recovery Zone Facility Bonds and have suggested a way for Highland Fairview to investigate, to perhaps benefit from the Bonds and the Grants.

The City is eager to see Highland Fairview's projects proceed as rapidly as possible. As I indicated in a previous letter, as soon as Highland Fairview initiates an application and/or decides how it wants to proceed with the SLPP Grant projects, the City will move as rapidly as resources allow. If things do not move satisfactorily after that, do not hesitate to call me with suggestions as to how the process may proceed more efficiently and effectively.

Sincerely,



William L. Bopf
Interim City Manager

WLB/cp

Attachment: Council Resolution No. 2008-104

- c. Mayor Bonnie Flickinger and Members of the City Council
Chris A. Vogt, P.E., Public Works Director/City Engineer
Rick Hartmann, Interim Assistant City Manager
Robert L. Hansen, Interim City Attorney
Suzanne Bryant, Deputy City Attorney
Prem Kumar, Deputy Public Works Director/Assistant City Engineer
Guy Pegan, Senior Engineer, P.E.

Tel: 951.413.3000
Fax: 951.413.3750
WWW.MORENO-VALLEY.CA.US



14177 FREDERICK STREET
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

10 JAN 21 AM 9:02

January 21, 2010

Mr. Iddo Benzeevi
Highland Fairview Properties, LLC
14225 Corporate Way
Moreno Valley CA 92553

Dear Mr. Benzeevi:

First let me congratulate you on reaching a settlement with the Sierra Club. Councilmember Richard Stewart reported this information at the Council's Study Session last evening, on January 19, 2010.

He also mentioned that you were pursuing the possibility of modifying a number of conditions applicable to the approval of the Highland Fairview Corporate Park Project and related matters. I have attached the minutes of the Project Review Staff Committee held on June 10, 2009. In addition, I have copies of e-mails indicating that since that meeting City Staff has worked on these with your staff through October of 2009. In those minutes a number of conditions you desire to modify were discussed. As indicated in those minutes some of those modifications will have to be approved by the Planning Commission and City Council.

In order for you to proceed with the modifications, you must initiate the appropriate requests through the Planning Division. As soon as you initiate this process, Staff will provide professional attention to your requests and advise you and your staff of all necessary steps that are required. Staff is not certain at this point of all the conditions you wish to modify; you can enumerate them in your application.

One other comment I will provide is the suggestion that you might want to confer with your environmental consultant regarding the modifications you are considering.

CITY MANAGER'S OFFICE

MV00233815

Highland Fairview Properties, LLC

January 20, 2010

Page 2

We look forward to receiving your application in the very near future. Staff will cooperate with you within the policies established by the City Council, and we certainly look forward to the successful completion of your project.

Sincerely,



William L. Bopf
Interim City Manager

WLB/cp

c: Mayor and Members of the City Council

Bob Hansen, Interim City Attorney

Chris Vogt, Public Work Director/City Engineer

Kyle Kollar, Interim Community Development Director

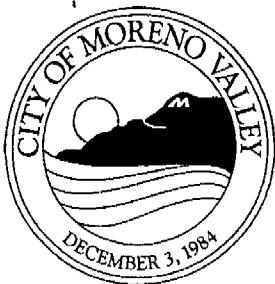
Barry Foster, Economic Development Director

John Terell, Planning Division Manager / Planning Official

Wayne Petersen, Highland Fairview

Danette Fenstermacher, Highland Fairview

MV00233816



Community and Economic Development Department
Planning Division
14177 Frederick Street

P.O. Box 88005
Moreno Valley, CA 82552-0805
(909) 413-3206

CITY OF MORENO VALLEY PROJECT REVIEW STAFF COMMITTEE MEETING MINUTES

**PA09-0013 (General Plan Amendment), P09-038 (Amended Map –
Modification of Conditions), and P09-039 (Amended Plot Plan –
Modification of Conditions)**

The Project Review Staff Committee Meeting for this project was convened at 10:00 a.m. in Training Room. The following department and agency staff members were in attendance:

PRSC Meeting – June 10, 2009

John C. Terell – Planning
Mark Gross – Planning
Michael Lloyd – Transportation Division
Mark Sambito – Land Development
Stuart Sheldon – Special Districts
Tony Hetherman – Parks and Community Services
Denise Bagley – Economic Development

9:00 a.m.

I. Case No.	PA09-0013 (General Plan Amendment), P09-038 (Amended Map – Modification of Conditions), and P09-039 (Amended Plot Plan – Modification of Conditions)
Applicant:	Highland Fairview
Owner:	Highland Fairview
Representative:	Wayne Peterson
APN:	488-350-001 through 002 and 488-360-001 through 012.
Location:	On the north side of Eucalyptus Ave., east of Redlands Blvd., west of Theodore Street and south of Highway 60
Proposal:	A request to modify approximately 56 conditions of approval from the recently approved Highland Fairview Corporate Park Project and Tentative Parcel Map (PA07-0090) as well as Plot Plan (PA07-0091) to cover such items as the removal of Highway 60 landscape, providing an optional center median along Fir/Future Eucalyptus Avenue, removing a required multi-use trail along the project frontage along Fir/future Eucalyptus from Redlands Boulevard to Theodore Street, the deferral of development impact fees and the modification of conditions related to the dedication and improvement of public improvements. A General Plan Amendment is required for removal of any multi-use trail and center median.
RDA Area:	No
Case Planner:	Mark Gross
Status:	First Review

Planning Division Comments

General Comments

1. The comments provided in these minutes are based on current fees, ordinances, policies and conditions. Future changes could necessitate a modification of these comments.

2. The proposed General Plan amendment, modified map and plot plan include changes to approximately 56 original plot plan and map conditions of approval for the Highland Fairview Corporate Park Project (primarily including PA07-0090 and PA07-0091), which was approved by City Council on February 10, 2009. The modifications include the removal of Highway 60 landscape requirements to provide landscape along the freeway, a General Plan required multi-use trail, a landscape median along Fir/future Eucalyptus required pursuant to a General Plan amendment with the original project, the deferral of development impact fees until certificate of occupancy and various conditions of approval relating to the provision of public improvements.
3. Some of the items requested as modification of conditions of the original Highland Fairview Corporate Park Project consists of changes to the General Plan, specifically the removal of the multi-use trail and landscape median. Staff will be seeking input from affected committees regarding the proposal prior to scheduling before the Planning Commission/ and or City Council. The General Plan Amendment would require hearings before the Planning Commission and City Council.
4. At the request of the applicant, all proposed modification of conditions that do not require a General Plan Amendment can be brought forward to the City Council ahead of the items that require a General Plan Amendment. Additional fees for posting and noticing of the additional public hearing would be charged to the applicant.
5. The proposed removal of any landscape along Highway 60 is a requirement of the Highway 60 Corridor Design Manual, which has been incorporated by reference for all properties that contain freeway right of way. Any changes would require the approval of a policy change by City Council. Upon request by the applicant, this item can be provided at a separate public hearing before the City Council (see item above).
6. The proposed modification of the multi-use trail to the north side of Fir Avenue/future Eucalyptus from Redlands Blvd. to Theodore Street is a Parks and Community Services requirement that was originally approved by the Trails Committee and may need to be brought forward to that Committee before scheduling for public hearings. This item would require a public hearing before the Planning Commission and City Council (see Item No. 3 above).
7. The requested deferral of Development Impact Fees until Certificate of Occupancy has been previously approved by City Council for all new development projects and will apply to the Highland Fairview Corporate Park project should the project move forward during the timeframe of the City Council approval.
8. The request for dedication and improvement of public improvements includes conditions of approval that involve the Land Development Division and Transportation Divisions of Public Works in addition to some involvement on the part of Moreno Valley Utilities and will be addressed by those divisions/departments. Upon request by the applicant, this item can be provided at a separate public hearing before the City Council.

- 9. The request for the option to construct the previously approved Eucalyptus Avenue median involves the Special Districts Division of Public Works and will be addressed by that department/division. This request requires a General Plan Amendment, and would require a public hearing before the Planning Commission and City Council (see item No. 3 above).
- 10. The modification of conditions appear to require an addendum to the recently approved and certified Environmental Impact Report (EIR). Items such as the removal of the multi-use trail and landscaped median along Fir/Future Eucalyptus could have an affect on studies (i.e. traffic study) included in the EIR and the overall document. It is recommended that the EIR consultant review the document and prepare information for the proposed addendum.
- 11. Pursuant the application form for a General Plan Amendment, a written explanation of the requested amendment and the reasons for the request, including the proposal's consistency with the goals, objectives, policies and programs of the General Plan is required to proceed with these items.
- 12. A modified plot plan is necessary to show any deletion of improvements, including any proposed removal of the multi-use trail and median along Fir/Future Eucalyptus Avenue.
- 13. Additional diagrams/maps shall be supplied by Highland Fairview that show all changes proposed to the General Plan.
- 14. All required application materials for General Plan Amendment related items necessary for a complete application shall be provided to staff prior to conducting any additional Project Review Staff Committee (PRSC) meetings beyond the first meeting and scheduling the items before Planning Commission and/or City Council.
- 15. In the April 14, 2009 letter to City Council, the Plot Plan modifications to conditions refer to P80 and PD81 through PD85 where improvements to public infrastructure are being requested on a fair share basis. As "PD" comments refer to "Police Department" and PD81 through PD85 do not exist, please clarify if these conditions are referring to Planning Division mitigation measures or Land Development conditions of approval.
- 16. As discussed at the Project Review Staff Committee (PRSC) meeting, Highland Fairview will be providing a letter to staff that clarifies the policy issues related to previous requests made in a letter dated April 14, 2009 to modify specific conditions of approval for the Highland Fairview Corporate Park project.

Building and Safety

- 1. No comments provided.

Fire

- 1. No comments provided as the requested amendment to conditions does not reflect this department.

Public Works

1. **Transportation Engineering**
 - a. See attached comments
2. **Land Development**
 - a. See attached comments
3. **Special Districts**
 - a. See attached comments
4. **Moreno Valley Utilities**
 - a. See attached comments.
5. **Capital Projects**
 - a. No comments are provided as the requested amendment to conditions does not reflect this department.

Police

1. No comments are provided as the requested amendment to conditions does not reflect this department.

Recreation and Community Services

1. See attached comments

Other (MVUSD, Dept. of Health, EMWD, RTA, etc.)

Any comment letters from outside agencies, responsible agencies or interested parties have been provided to the applicant.

Results

Provided to the applicant for informational purposes and corrections.

Copies of written comments given to the Applicant regarding this project are on file in the Planning Division in the Official PRSC Minutes binder.

Mark Gross

From: Wayne Peterson [wpeterson@highlandfairview.com]
Sent: Tuesday, October 13, 2009 9:07 AM
To: John Terell
Cc: Danette Fenstermacher; Brian Hixson; Mark Gross; Kyle Kollar; Rick Hartmann
Subject: RE: HFCP - Native American Monitoring Invitation

John...

I'll check with people here, but three of the five issues we originally raised have been resolved or deferred to the point where they will not impact the ability to get the project underway; the City has deferred impact fees to occupancy, HF will build the Eucalyptus median with the project, and the SR60 landscape issue has been linked to precise grading. The other two issues, trail construction and fair-share dedications, can be addressed later in the process. We do not see an urgency to bring these issues to the Council at this time.

From: John Terell [mailto:JohnT@moval.org]
Sent: Tuesday, October 13, 2009 8:13 AM
To: Wayne Peterson
Cc: Danette Fenstermacher; Brian Hixson; Mark Gross; Kyle Kollar; Rick Hartmann
Subject: RE: HFCP - Native American Monitoring Invitation

Wayne:

Thanks for your response. Does HFP want to pursue any of the other modifications at this time and defer the trails and other issues to a future application?

Thanks,

John

John C. Terell AICP
Planning Official
City of Moreno Valley

PO Box 88005
Moreno Valley, CA 92552-0805

[REDACTED]
johnt@moval.org

From: Wayne Peterson [mailto:wpeterson@highlandfairview.com]
Sent: Monday, October 12, 2009 3:43 PM
To: John Terell
Cc: Danette Fenstermacher; Brian Hixson; Mark Gross; Kyle Kollar; Rick Hartmann
Subject: RE: HFCP - Native American Monitoring Invitation

Thanks John. We'll send the letter to the Tribal groups well in advance of a pre-grade meeting.

Regarding the Trails Committee, please be advised that Highland Fairview will not be pursuing the trails issue immediately and therefore will not need to schedule a discussion at the upcoming Trails Committee meeting.

10/13/2009

MV00233822

Thank you for giving us the heads-up regarding the Committee's schedule changes.

From: John Terell [mailto:JohnT@moval.org]
Sent: Monday, October 12, 2009 10:04 AM
To: Wayne Peterson
Cc: Danette Fenstermacher; Brian Hixson; Mark Gross; Kyle Kollar; Rick Hartmann
Subject: RE: HFCP - Native American Monitoring Invitation

Wayne:

We do not have any issues with the attached letter.

On a related issue, the next meeting of the Trails Board has been moved up to October 28th. We would need to know this week if HFP would want to be on this agenda to discuss the proposed revision to the trail conditions for the HFP Corporate Park. The next Trails Board meeting will not occur until next year. Please advise.

Thanks,

John

John C. Terell AICP
Planning Official
City of Moreno Valley

PO Box 88005
Moreno Valley, CA 92552-0805

[REDACTED]
johnt@moval.org

From: Wayne Peterson [mailto:wpeterson@highlandfairview.com]
Sent: Friday, October 09, 2009 11:45 AM
To: Mark Gross; John Terell
Cc: Danette Fenstermacher; Brian Hixson
Subject: HFCP - Native American Monitoring Invitation

Mark, John...

Attached is a draft of a letter that we will be sending to the two tribal groups that the City identified as required to be invited to monitor on-site grading activities. Please review the draft letter and let me know if it will satisfy the terms of the Conditions.

Thanks

Wayne Peterson
Vice President, Community Planning
Highland Fairview
14225 Corporate Way
Moreno Valley, CA 92553

2010 – 2011 Highland Fairview
Stewart, Richard

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

10 AUG 17 AM 9:15

CITY COUNCIL
MORENO VALLEY
RECEIVED

MORENO VALLEY CITIZENS FOR)
LAWFUL GOVERNMENT, an unincorporated)
association,)
Petitioner,)
vs.) No. RIC10013884
CITY OF MORENO VALLEY,)
Respondent,)
HIGHLAND FAIRVIEW PROPERTIES, LLC,)
Real Party in Interest,)
HF LOGISTICS-SKX T1, LLC,)
Real Party in Interest,)
DOES 1 through 100, inclusive,)
Real Parties in Interest.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Proceedings of Monday, August 2, 2010,
before the Honorable Gloria Connor Trask,
Judge, Department 1.

COPY

Patricia L. Hanson, CSR 2329
Riverside Superior Court
4050 Main Street, Department 1
Riverside, California 92501

APPEARANCES OF COUNSEL

For Petitioner:

JOHNSON & SEDLACK
By: Kimberly Foy, Esq.
26785 Camino Seco
Temecula, California 92590

For Respondent:
City of Moreno
Valley

OFFICE OF THE CITY ATTORNEY
By: Suzanne M. Bryant, Esq.
14177 Frederick Street
Post Office Box 88055
Moreno Valley, California 92552-0805

For Real Parties
in Interest:
Highland Fairview
Properties; HF
Logistics-SKX T1

COX, CASTLE & NICHOLSON LLP
By: Kenneth B. Bley, Esq.
2049 Century Park East, 28th Floor
Los Angeles, California 90067-3284

1 PROCEEDINGS OF MONDAY, AUGUST 2, 2010

2 * * *

3 THE COURT: All right. Moreno Valley Citizens for
4 Lawful Government.

5 (Whereupon, a discussion is held off the record.)

6 THE COURT: Okay. We'll do this again.

7 I have read and considered the following documents:

8 Petitioner's notice re an ex parte application for
9 temporary restraining order and order to show cause re
10 preliminary injunction; petition for writ of mandate;
11 memorandum of points and authorities in opposition filed by
12 Mr. Bley; declaration of John Terell in opposition;
13 declaration of Kenneth Bley --

14 It is Bley, correct?

15 MR. BLEY: Yes, Your Honor.

16 THE COURT: Declaration of Kenneth Bley in opposition;
17 declaration of Jane Halstead in opposition; declaration of
18 Iddo Benzeevi in opposition.

19 I received this morning a memorandum of points and
20 authorities in reply to the opposition filed by Johnson &
21 Sedlack, declaration of Kathleen Dale in support of
22 petitioner's reply, and then Mr. Bley's memorandum of points
23 and authorities. I just received them a few minutes before
24 this hearing, and so I did not have an opportunity to fully
25 study, examine, and research them. And so I skimmed over the
26 reply and did not read or consider the ones submitted -- the
27 ones submitted by Mr. Bley as a supplemental to the reply.

28 All right. It is the court's intention to deny the TRO

1 for the following reasons. And that is, first of all, first
2 and foremost, that the reason for the TRO is that real
3 parties in interest are proceeding in violation of Government
4 Code Section 66451.10 in that a building permit cannot be
5 issued until there is a final map. I don't believe that that
6 is what the code section stands for. And I'm quoting
7 directly from Subdivision (a), which says: Notwithstanding
8 Section 66424, except as is otherwise provided for in this
9 article, two or more contiguous parcels or units of land
10 which have been created under the provisions of this
11 division, or any prior law regulating the division of land,
12 or a local ordinance enacted pursuant to thereto, or which
13 were not subject to those provisions at the time of their
14 creation, shall not be deemed merged by virtue of the fact
15 that the contiguous parcels or units are held by the same
16 owner.

17 I don't see that that stands for the proposition that a
18 building permit can't be issued until -- until there's a
19 final map merging all of those parcels. It just doesn't seem
20 to say that.

21 The other code section that then I would say bootstraps
22 onto 66451 is 66499, which says: No person shall sell,
23 lease, finance any parcel or parcels or commence construction
24 of any building for sale, lease, or financing, except --
25 well, never mind the exception -- for which a final map is
26 required by the subdivision..

27 So it's that section that says for which a final map is
28 required. I don't see that in the first instance 66451

1 requires a final map. So that's the starting point.

2 Mr. Bley, any comment?

3 MR. BLEY: I'm sorry, Your Honor?

4 THE COURT: Any comment?

5 MR. BLEY: No.

6 MS. FOY: Your Honor, if I may. The final map was
7 required by the Conditions of Approval for the project by the
8 City. It was also required under the Subdivision Map Act.
9 So the reason that we cited to 66451 is because the City
10 claimed that the parcels could be merged because they were
11 owned by the same person. 66451 stands for the opposite,
12 stating that two or more parcels are not deemed merged by
13 virtue of that. So that's why we stayed to that.

14 As to 66499.30 it states that no person shall commence
15 construction of any building for which a final map is
16 required. A final map was required in this instance by the
17 Conditions of Approval. So, as such, the final map was
18 required and construction could not be commenced until the
19 Map Act was satisfied.

20 THE COURT: But wasn't that the very purpose of the
21 covenant?

22 MS. FOY: However -- That makes it the purpose of the
23 covenant; however, since it was underneath -- or since it was
24 governed by the Map Act, they couldn't take that step.

25 THE COURT: That's circular reasoning, to my mind. So
26 that just doesn't -- that doesn't work.

27 Mr. Bley, do you want to comment?

28 MR. BLEY: No, Your Honor.

1 THE COURT: All right.

2 Then additionally, just to cover a couple of the other
3 points, one thing I did want to clear up, and that is whether
4 or not this is going to be several weeks or several months.
5 So is the -- is the final map going to be submitted in August
6 or in October? Because I can see their position, --

7 MR. BLEY: Excuse me.

8 THE COURT: --just hypothetically speaking, if there is
9 grading and construction going on at the same time that was
10 not anticipated, if it was anticipated that first there would
11 be grading, grading would be completed and then construction
12 would commence, then that's one thing. If you're joining
13 both of those, there is the potential for increased CEQA
14 violations.

15 MR. BLEY: Let me respond to Your Honor's question.

16 First, grading ceased on Parcel 1 on July 9th of 2010.
17 Construction began five days -- six -- five days later, on
18 July 14th. That's in Mr. Benzeevi's declaration. There is
19 no overlap.

20 THE COURT: Stop for a minute.

21 When you say on -- Parcel 1?

22 MR. BLEY: Parcel 1.

23 THE COURT: When you refer to Parcel 1, you are
24 referring to the parcels as though they were merged.

25 MR. BLEY: That's correct. The eleven parcels which are
26 held together under the covenant to hold and treat them as
27 though they were merged.

28 THE COURT: So that brings me to another point. To my

1 mind, there are nine parcels -- nine or eight parcels that
2 comprise that under which the building is going -- or --
3 yeah, under which the building is going to be, and then the
4 other two or three or four peripheral things like freeway
5 access?

6 MR. BLEY: Yes.

7 What happened, Your Honor, is that the City wanted to
8 have all of the parcels which ultimately will be merged into
9 Parcel 1 held as one. And one of the exhibits -- I think
10 it's either A, B, or C -- shows where all of those eleven
11 parcels are. And as Your Honor has correctly noted, there
12 are several of them which are between the 60 and the
13 building. But we're holding all of them together. And the
14 parcel has been graded entirely.

15 THE COURT: So the entirety, eleven parcels, are graded.

16 MR. BLEY: Yes, Your Honor.

17 THE COURT: Eleven parcels, but eleven parcels are
18 really Parcel 1.

19 MR. BLEY: They will be once the final map is recorded.

20 That brings me to your second question, Your Honor; and
21 that is this. Excuse me. All of the conditions which were
22 imposed at the time the project was approved in February of
23 2009 have now been satisfied. The final map will be
24 presented to the city council no later than August 24th. And
25 it will be approved because, as Your Honor knows, the
26 approval of a final map is a ministerial map once the
27 conditions have been satisfied. The building permit for the
28 entire building will be issued the next day, and construction

1 will then go forward under the building permit for the entire
2 building. The reason that the October date was put in to the
3 City's motion was just to leave a little leeway in case
4 something happened. But come October -- come August 25th HF
5 is going to have its building permit to allow the entirety of
6 the building to be constructed.

7 THE COURT: Miss Foy, comments?

8 MS. FOY: If I may backtrack --

9 THE COURT: Certainly.

10 MS. FOY: -- a point. As to the nine parcels being
11 merged to one, that's the point in the Map Act that requires
12 the final map to be approved and -- created and approved and
13 recorded by the city council. The Map Act governs any
14 mergers of land that involve greater than five lots. So I
15 can't cite to the code section because I don't have it in
16 front of me. But as this was nine plots being merged into
17 one, it's governed under the Map Act. Their city attorney
18 stated repeatedly it was governed by the Map Act because it
19 was nine parcels. So I just wanted to make that point.

20 Additionally, as to the all conditions being satisfied
21 and being approved in August, they have had over a year to
22 get this final map approved and recorded by the City. They
23 have not done it. Whether it will be done in August is still
24 questionable. They say that it will, but we have nothing to
25 ensure that it will be done. And in fact at one of the city
26 council meetings they stated that they would have the papers
27 in by August, but that due to all sorts of administrative
28 work that needed to be done it could be weeks after that that

1 it could be approved. So we have no proof that it will be
2 done by August. All we know is it will be done by October,
3 and any further damage to the environment that could be done
4 by then would already be completed.

5 MR. BLEY: Your Honor, I will represent to the court
6 that it is my understanding that all of the conditions have
7 been satisfied; and there are representatives of HF here if
8 Your Honor wants to take testimony to that effect.

9 With respect to Miss Foy's comment about the application
10 of the Subdivision Map Act, I'm afraid she has it completely
11 backwards. The Map Act applies when you divide land, not
12 when you treat it as one. We're not claiming they're merged.
13 They won't be merged until the final map is recorded. We're
14 just holding them as one parcel.

15 THE COURT: That's my understanding.

16 Anything else we need to talk about, Miss Foy?

17 MS. FOY: Um --

18 THE COURT: Do you disagree with the comments that
19 grading has ceased and it is the construction that has begun
20 and there is no overlap -- or overlay?

21 MS. FOY: I don't disagree with that. The declaration
22 stated that it's been done. So I will accept the declaration
23 as accurate.

24 I would like to point out to Your Honor that there are
25 additional environmental as well as other injuries that are
26 being caused by this.

27 THE COURT: By what?

28 MS. FOY: By them beginning construction of the project

1 prior to the original time that they were given to begin
2 construction by moving it up those six weeks.

3 THE COURT: That are in your papers? Because all I saw
4 was the violation -- because they didn't have a final map and
5 the overlay of -- or the increased potential for changes to
6 the environment by having both grading and construction going
7 on at the same time.

8 MS. FOY: Correct, Your Honor.

9 THE COURT: Is there something else?

10 MS. FOY: But in addition to that, by moving
11 construction up, any particulate matter in the atmosphere
12 will not be given a chance to disperse. Additionally any
13 noise injury to the environment has already been done to the
14 environment.

15 THE COURT: Stop for a minute.

16 The initial CEQA contemplated grading upon completion of
17 grading construction, true?

18 MS. FOY: Correct. But over a certain timeline.

19 JUSTICE GAUT: Sorry.

20 THE COURT: Off the record.

21 (Whereupon, a discussion is held off the record.)

22 THE COURT: Go ahead. I'm sorry, Miss Foy.

23 Back on the record.

24 Go ahead.

25 MS. FOY: Okay.

26 So that was just regarding those minor air quality
27 impacts, noise impacts beneath that.

28 In addition by --

1 THE COURT: Stop for a minute.

2 MS. FOY: Yes.

3 THE COURT: You say that it was contemplated that there
4 would be some sort of time delay from the grading to the
5 construction?

6 MS. FOY: Not a time delay, Your Honor, but a certain
7 timeline, a certain time frame that it would have been done
8 during. That had it been done at a slower pace, there would
9 have been particulate matter emitted into the atmosphere. So
10 any extension of that time would allow that matter to
11 disperse before --

12 THE COURT: Is that in your TRO?

13 MS. FOY: It is not.

14 THE COURT: Then it would not be proper to consider or
15 expect anyone to be prepared to answer or discuss or rule on
16 that.

17 MS. FOY: Okay.

18 THE COURT: Is there something else. --

19 MS. FOY: Yes, Your Honor.

20 THE COURT: -- in your --

21 MS. FOY: Yes, Your Honor.

22 THE COURT: -- in your papers?

23 MS. FOY: Our papers also discuss the fact that --

24 THE COURT: Could you speak slowly --

25 MS. FOY: Yes.

26 THE COURT: -- for the --

27 MS. FOY: Oh.

28 THE COURT: -- court reporter.

1 MS. FOY: By amending the Conditions of Approval which
2 were -- by amending to defer -- or to delay that, which the
3 covenant did and which the building permit and appeal -- or
4 sorry -- the amendment on the July 13th hearing also did, the
5 City deferred mitigation as required by CEQA. Many of the
6 Conditions of Approval were intended to mitigate the
7 environmental impacts. By deferring that, such mitigation is
8 not being done.

9 THE COURT: I'm not sure I understand what you're
10 saying. They said that all the Conditions of Approval have
11 been complied with.

12 MS. FOY: I have not seen anything to state that other
13 than what he has stated here today in court.

14 THE COURT: But you're saying they have not? Is that --

15 MS. FOY: I'm saying that the acts of the city council
16 on July 13th specifically amended the Conditions of Approval
17 to delay them and allow them not to be complied with.

18 THE COURT: But now Mr. Bley represents that all of the
19 Conditions of Approval have been complied with.

20 MS. FOY: But --

21 MR. BLEY: That is correct.

22 MS. FOY: But compliance would have been done after the
23 fact, after the actions were taken by the City after this was
24 all approved. None of it was done beforehand, as was
25 required by CEQA.

26 THE COURT: Okay. But a TRO seeks to stop work
27 today, --

28 MS. FOY: Correct.

1 THE COURT: -- but based upon what? Because now all the
2 conditions have been complied with.

3 MS. FOY: Okay.

4 One of --

5 THE COURT: So is it not moot at this point?

6 MS. FOY: I don't know the answer to that 'cause I don't
7 know what conditions they're referring to that have been
8 complied with. And I would like to --

9 THE COURT: Well, why don't we take a brief recess; and
10 maybe you can talk with this gentleman who's here to testify
11 and tell you all the things that have been complied with.

12 MS. FOY: Okay.

13 THE COURT: I'm perfectly happy to accept Mr. Bley's
14 representation as an officer of the court. But if the
15 gentleman is here, why don't you spend a few minutes and talk
16 with him.

17 MR. BLEY: Your Honor, I may be able to save a few
18 moments.

19 THE COURT: Okay.

20 MR. BLEY: Because the only conditions which were
21 delayed -- not deferred -- the only conditions that -- I'll
22 try it again.

23 The only conditions that were delayed were those which
24 were not in any way affected by the issuance of the limited
25 purpose building permit. Such things as, for instance --
26 excuse me -- the compliance with Title 24 energy requirements
27 which deal with the building itself. Nothing that
28 affected -- Nothing that was in in any way involved with the

1 work that was authorized by the limited purpose building
2 permit was deferred. All of those things had to be satisfied
3 before that permit was issued.

4 THE COURT: Okay.

5 MR. BLEY: So the things we have done since are those
6 which were necessary to go ahead and record the final map and
7 have the final building permit issued.

8 THE COURT: Such as paying, what was it, the school fee?

9 MR. BLEY: We paid -- We couldn't even get that
10 deferred. We paid those \$855,000 in change.

11 THE COURT: I need to take a brief recess anyway.

12 Justice Gaut, I'll see you now.

13 We'll go off the record. And if you want to talk to
14 that gentleman and see what you need.

15 (A recess is taken.)

16 THE COURT: My apologies for the interruption.

17 We're back on the record.

18 Miss Foy, I think maybe off the record I heard you say
19 that you would accept counsel's representation that all the
20 conditions had been satisfied at this point?

21 MS. FOY: Yes, Your Honor.

22 THE COURT: All right.

23 Anything further?

24 MS. FOY: I would like to bring up the fact that none
25 of -- none of this was decided before the July 13th or even
26 after that city council hearing. None of it was decided
27 before the approval of the covenant. And therefore any
28 actions taken by the City were in violation of CEQA. There

1 would have been an exacerbation of environmental harms. In
2 addition, the fact that a building plan was not approved
3 prior to -- to the extending -- or to the giving out of the
4 building permit could have resulted in duplicative building,
5 it could have been denied, the building plan. Obviously
6 those things don't come into play now if they say that that
7 building plan has now been approved. However, as a matter of
8 public policy the fact that they did this to defeat the CEQA
9 suit shouldn't be allowed to basically make it so that the
10 project wasn't disputed anymore.

11 They violated CEQA blatantly. They violated the Map
12 Act, though Your Honor disagrees. They filed the Covenants
13 of Approval. They've acted in utter violation of their own
14 municipal code by doing this by city council and not by the
15 planning commission. And the fact that they've just
16 completed the project to a greater extent --

17 THE COURT: I need to stop you. You are making some
18 very gross generalities and using words that are -- blatant
19 violation. You may disagree from a legal standpoint; but
20 nearly everything that you've said is in -- is -- is
21 speculative and/or moot. And I don't see any good cause to
22 grant the TRO.

23 Counsel....

24 MR. BLEY: Nothing further, Your Honor.

25 THE COURT: I know you could say volumes, and I
26 appreciate your restraint.

27 MR. BLEY: You'll notice the saliva coming out of my
28 mouth where I've bitten my tongue.

1 I would ask one thing. I'm not sure with whether the
2 status conference which was originally scheduled for
3 August 18th -- 16th has been vacated or not. But I would
4 suggest, Your Honor, that if it hasn't been vacated, it be
5 continued to the week of September 7th or the week of
6 September 13th. At that point we should be able to provide
7 the information to the court showing that the case is
8 completely moot.

9 THE COURT: Question: Who is this case assigned to?

10 MR. BLEY: Well, that a good question. I think it has
11 been -- What happened was this. It was originally assigned
12 to Judge Fisher. Judge Fisher was papered by Mr. Johnson.
13 It was then assigned to Judge Tranbarger. We had submitted
14 and then withdrew a paper because we understood he didn't
15 have much CEQA experience and asked that it be --

16 THE COURT: Stop for a minute.

17 He is not a CEQA judge.

18 MS. FOY: Right.

19 THE COURT: He maintains he is not a CEQA judge. And
20 not only is he not a CEQA judge, he does not want to have
21 anything to do with CEQA.

22 MR. BLEY: I thought he had sent it over to you and I
23 figured it would either -- in fact we asked that if he was
24 going to be disqualified that it go to either Your Honor or
25 Judge Waters, we understand, the other two CEQA judges. And
26 so I guess from an administrative point of view, given that
27 there really shouldn't be anymore, I'd ask that it --

28 THE COURT: See the steam coming out of her ears?

1 MR. BLEY: My -- My -- My apologies. I know that --
2 that the reporter's the second most important person in the
3 court; and I apologize for speeding up.

4 What I would suggest, Your Honor, is that from an
5 administrative point of view that it remain in this court;
6 that you set a status conference for, as I said, the week of
7 the 7th of September or the week of the 13th of September, as
8 your calendar permits; and at that point it should be moot.

9 THE COURT: No objection, Miss Foy?

10 MS. FOY: No objection, Your Honor. However, I would
11 still like to request a preliminary injunction hearing on
12 this matter, at which time we may be able to present greater
13 law and evidence regarding the Map Act violation as well as
14 other violations.

15 MR. BLEY: Your Honor, may I suggest then that if an OSC
16 is granted, be issued, that it be set for the same day as the
17 status conference?

18 THE COURT: Any objection to that?

19 MS. FOY: No.

20 THE COURT: All right.

21 We'll set a preliminary injunction for September 7.

22 Can you work out a briefing schedule, or do you need me
23 to do that for your?

24 MR. BLEY: We'll work out a briefing schedule, I'm sure.

25 MS. FOY: Yeah.

26 THE COURT: Thank you.

27 And the case is assigned to Department 1 for all
28 purposes.

1 MR. BLEY: It will be at 8:30 on the 7th?

2 THE COURT: Let's make that -- Oh, give me a minute.

3 No. That will have to be September 10 or 17 because it

4 should be a Friday. I hear these things on Friday.

5 MR. BLEY: Either one is fine for me, Your Honor.

6 MS. FOY: Yeah.

7 THE COURT: Let's do September 10 at 10:00 o'clock.

8 MR. BLEY: 10:00 o'clock.

9 And I'll work out the briefing schedule --

10 MS. FOY: Right.

11 MR. BLEY: -- with Miss Foy.

12 Thank you, Your Honor.

13 MS. FOY: Thank you, Your Honor.

14 THE COURT: Thank you.

15 Court is in recess.

16 (Proceedings are adjourned.)

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2 STATE OF CALIFORNIA)
3 COUNTY OF RIVERSIDE) ss.
4

5 I, PATRICIA L. HANSON, a Certified Shorthand Reporter,
6 Number 2329, do hereby certify:

7 That on August 2, 2010, in the County of Riverside,
8 State of California, I took in shorthand a true and correct
9 report of the proceedings had in the above-entitled cause and
10 that the foregoing transcript is a true and accurate
11 transcription of my shorthand notes, taken as aforesaid.

12
13 DATED: Riverside, California, August 3, 2010.

14
15 
16

17 Patricia L. Hanson, CSR 2329
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FINDING JUSTIFYING CONSIDERATION OF THE NEED FOR A PUBLIC
IMPROVEMENT AGREEMENT WITHOUT PRIOR AGENDA NOTICE

1. HF LOGISTICS-SKX T1, LLC, ("HF") is the developer of the Skechers building which was previously approved by the City Council.
2. The Skechers building will contain over 1,820,000 sq. ft and provide hundreds of new jobs which constitutes a substantial benefit to the City and its citizens.
3. The commencement of construction for the Skechers building was delayed for almost a year because of litigation challenging the City's entitlements granted by the City Council.
4. HF has already began construction on the project and is ready to begin construction of the off-site sewer improvements in Redlands Boulevard. The improvements are a necessary and critical step in the construction sequencing required in order to meet the project schedule which is vital to Skechers business operations.
5. HF misunderstood the city's intentions as described in a letter dated May 26, 2010, that security would not be required in connection with the Redlands street sewer improvements until the recordation of Parcel map 35629. HF has made its plans to start construction of the sewer improvements accordingly.
6. At 4:02 pm on Thursday, June 17, 2010, after the agenda for the June 22, 2010, City Council had been made available to the public, HF was informed that a public improvement agreement would have to be approved by the City Council and adequate security would have to be provided before construction of the sewer improvements could begin.
7. HF has signed the City's Public Improvement Agreement and has opened escrow accounts for security deposit in favor of the City. Upon city acceptance of the PIA, HF will immediately deposited \$844,500, the full amount of security required by the City, into the escrow account.
8. The combination of the need to not delay the commencement and completion of the Skechers building in order to obtain the benefits associated with Skechers moving its operations to the City, the misunderstanding as to when a public improvement agreement would be needed and security provided and the timing of the communication of the need for the agreement and the security form the basis for the City Council's determination, pursuant to the authority granted to it under Government Code § 54954.2(b)(2), that it should consider HF's request for the Council's approval of the public improvement agreement at its June 22, 2010, session even though the matter did not appear on the posted agenda for the session.

Proposed Motion:

Approve and accept Highland Fairview's Covenant to Hold as One Parcel subject to the following conditions:

1. The covenant is amended to state that it is for the issuance of a limited purpose building permit for commencement of construction of the foundation and slab and the poring of wall panels only, which permit shall automatically expire on October 20, 2010, if the final parcel map is not recorded prior to that date;
2. That Highland Fairview agree in writing in the covenant or other recordable agreement to the following terms and conditions prior to issuance of the limited purpose building permit:
 - a. The parcels which are the subject matter of the covenant be owned by the same entity,
 - b. Separate foundation, slab and wall panel building plans be submitted and approved,
 - c. Compliance with all conditions of approval for the issuance of a building permit except recording of the final map,
 - d. Compliance with all requirements for recording the final map except for actual final map approval and recordation, and Public Improvement Agreements and security for same for any public improvements not occurring in the public right-of-way or on public property,
 - e. All Public Improvement Agreements for improvements that will be undertaken in the public right-of-way or on public property pursuant to the limited purpose building permit have been executed and the required security has been posted prior to the time commencement of actual public improvement construction starts,
 - f. The final lot configuration be shown on the map that is being processed,
 - g. The covenant to hold property as one parcel be recorded,
 - h. The holders of all easements across which construction will occur have either abandoned or given written permission for construction across their easements,
 - i. Execution of an encroachment and removal agreement,

- j. The City is only issuing a limited purpose building permit for foundation, slab and the poring of wall panels only. The erection of any walls is specifically prohibited under this limited permit.
- k. The final parcel map shall be recorded before 12:01 a.m. on October 21, 2010,
- l. The limited purpose building permit shall automatically expire at 12:01 a.m. on October 21, 2010, if the final parcel map has not been recorded,
- m. All construction pursuant to the limited purpose building permit shall cease at 12:01 a.m. on October 21, 2010 if the final parcel map has not been recorded,
- n. It will be solely responsible for removal of any improvements and restoration of the site to its pre-construction condition if ordered by any court,
- o. It and its partners waive any and all recourse against the City which may arise out of this action,
- p. Neither the agreement, nor the time for recordation of the final parcel map will be extended beyond October 20, 2010,
- q. It will defend and indemnify the City for all judgments, costs and legal fees which may be incurred as a result of said agreement or the issuance of a limited purpose building permit for the foundation and slab only, and

HIGHLAND FAIRVIEW RATIONALE FOR MOTION TO APPROVE LOT TIE COVENANT

Over the years as a member of this City council I have been faced with several occasions in which I voted to take an action against the advice of the City Attorney. One was the denial of the RADOS project; another was to deny the pass through costs on the mobile home park at Nason and Alessandro. In both of those instances we took the action we took as it was in our opinions in the best interests of our citizens and the City as a whole.

Now I am again facing another scenario in which the city Attorney is advising against our approving a "Lot Tie Covenant, or agreement" in order to allow the huge Sketchers building project to continue construction and avoid a work stoppage while they wait for the paperwork to catch up with them.

I have read and re-read the applicable provisions of the Subdivision Map Act, reviewed the opinions and correspondence from all sides, and have concluded that the "spirit of the law" would be met by an ironclad covenant as an interim until the final map can be filed.

It appears that the law is intended to protect potential purchasers of individual lots and the covenant does just that. I don't see any down side nor risk for the city at all, especially considering that the developer will be stipulating to hold harmless and indemnify the City against any potential court action on this issue should such arise.

If we don't take this action then all construction will stop, resulting in hundreds of construction workers being laid off for a few weeks or longer, and the timing of the completion of this important building is slipped, possibly causing havoc with the large shipment of merchandise that is being manufactured now and due to arrive in Moreno Valley at about the building's estimated completion date.

After careful review of all the issues I have decided to support our approving the covenant and issuing a LIMITED building permit to allow the concrete work on the foundation and slab, as well as the pouring (only) of the walls, but NOT the raising of the walls or any other "vertical" aspect of the building.

By the time all this is done, the final map should be filed and everything will again be back on a normal track towards completion.

The spirit of the law will be maintained, and no harm, legal or otherwise, will be done.

LIMITED PURPOSE BUILDING PERMIT ISSUANCE AGREEMENT

This limited purpose building permit issuance agreement (this "Agreement") is made at Moreno Valley, California, as of June 22, 2010, between the CITY OF MORENO VALLEY, a California general law city (the "City"), on the one hand, and HF LOGISTICS-SKX T1, LLC, a Delaware limited liability company ("HF"), on the other hand, with the respect to the following facts:

A. HF is the sole owner of approximately 83 acres located in the City which currently consists of 11 legal lots (the "building site") and which is currently entitled to be improved with a single building containing approximately 1,820,000 sq. ft (the "building") which will be constructed over portions of nine of the existing lots. The building site is shown on Exhibit A.

B. The building site will become a single parcel, Parcel 1 of Parcel Map 35629 (the "Parcel Map"), upon final approval and recordation of the Parcel Map.

C. HF desires the City to issue a limited purpose building permit allowing HF to begin construction of the building's foundation and slab and to pour and construct, but not erect, walls only prior to the recordation of the Parcel Map and the consolidation of the 11 existing lots into a single legal parcel.

D. HF agrees to assume all risks associated with the issuance of the limited purpose building permit for the construction of the building's foundation and slab and the pouring and construction, but not the erection, of the building's walls (the "limited purpose building permit") and agrees to secure the City with additional commitments to further protect the City included hereinbelow.

E. On June 22, 2010, the City Council authorized the acceptance of the covenant and agreement to hold property as one parcel and to enter into an agreement providing for the issuance of the limited purpose building permit subject to certain terms and conditions included hereinbelow.

THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. Prior to issuance of the limited purpose building permit, HF shall record a covenant and agreement to hold property as one single parcel in the form of Exhibit B.

2. Prior to issuance of the limited purpose building permit, HF shall provide the City with written documentation to the City's satisfaction that all parcels, which are the subject matter of the covenant, are owned by HF.

3. Prior to issuance of the limited purpose building permit, HF shall submit separate foundation, slab, and wall panel building plans to City for approval, which plans must be approved by City prior to issuance of the limited purpose building permit.

4. Prior to issuance of the limited purpose building permit, HF shall comply with all conditions of approval for issuance of a building permit except for the final approval and recording of the Parcel Map, Public Improvement Agreements and security for those improvements occurring solely on private property, and those conditions specifically deferred until issuance of the general building permit as set forth in Exhibit C. The City's Building

Official shall have the discretion to interpret any condition not listed on Exhibit C to determine whether it must be satisfied prior to issuance of the limited purpose building permit.

5. Prior to issuance of the limited purpose building permit, HF shall satisfy all conditions for final approval of the Parcel Map other than those relating to (a) the preparation, approval or recordation of the final Parcel Map, (b) Public Improvement Agreements and security for those improvements occurring solely on private property, and (c) those conditions specifically deferred until issuance of the general building permit as set forth in Exhibit C. HF hereby acknowledges that all such public improvement agreements and the required security for those improvements occurring solely on private property shall be executed and posted prior to final approval of the Parcel Map.

6. Prior to commencement of construction of, and the issuance of any required permits for, public improvements to be constructed in any public right-of-way or on public property, HF shall execute public improvement agreements and provide the required security for any such public improvement. HF hereby acknowledges that all such public improvement agreements and the required security shall be executed and posted prior to final approval of the Parcel Map if not accomplished sooner pursuant to this agreement.

7. Prior to issuance of the limited purpose building permit, HF shall execute an encroachment and removal agreement, in the form of Exhibit D, requiring HF, at its own expense, to remove any improvements constructed in public rights-of way or on public property if the limited purpose building permit expires and the City so requests.

8. Prior to issuance of the limited purpose building permit, HF shall have relocated or removed all easements encumbering the area under the building or have provided the City with written permission from easement holders authorizing HF to build over the easements.

9. HF agrees and acknowledges that the Parcel Map shall receive final approval by the City and be recorded in the Riverside County Recorder's Office before 12:01 a.m. on October 21, 2010.

10. HF agrees and acknowledges that the limited purpose building permit shall automatically expire at 12:01 a.m. on October 21, 2010 if the Parcel Map has not been recorded in the Riverside County Recorder's Office.

11. HF agrees and acknowledges that all construction shall immediately cease by 12:01 a.m. on October 21, 2010, upon expiration of the limited purpose building permit if the final Parcel Map has not been recorded.

12. If the limited purpose building permit expires as a result of the failure to record the final Parcel Map by 12:01 a.m. on October 21, 2010, HF shall be required to obtain a new building permit after the final Parcel Map has been recorded.

13. Neither this Agreement, the limited purpose building permit, nor the time in which to record the final Parcel Map in order to maintain the limited purpose building permit in effect, shall be extended beyond 12:01 a.m. on October 21, 2010.

14. HF shall remove all improvements and construction related materials from the project site, and shall restore the project site to its pre-construction condition, upon the expiration of the limited purpose building permit if ordered to do so by any court.

15. HF hereby expressly waives any claims of vested rights that it might otherwise have if the limited purpose building permit is suspended or terminated regardless of the extent of HF's reliance on its issuance and expressly acknowledges that the limited purpose building permit allows only the construction of the building's foundation and slab and the pouring and construction, but not the erection, of the building's walls.

16. HF hereby expressly waives any rights it might otherwise have for any recourse against the City in any way connected to the issuance of the limited purpose building permit.

17. HF shall defend, indemnify and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul the issuance of the limited purpose building permit. In any claim, action or proceeding against the City arising out of this agreement, or for the issuance of the limited purpose building permit, the City shall be entitled to recover from HF the actual expenditures for its attorneys' fees and all costs including, but not limited to, expert witness fees, in addition to any other relief to which it may be entitled.

18. The parties to this Agreement shall act in good faith and shall take all further actions reasonably necessary to effectuate the letter and the spirit of this Agreement.

19. This Agreement and all rights and obligations arising out of it shall be construed in accordance with the laws of the State of California.

20. Any litigation arising out of this Agreement shall be conducted only in the Riverside County Superior Court.

21. This Agreement is entered into solely for the benefit of the parties hereto. Other than the parties hereto, no third party shall be entitled, directly or indirectly, to base any claim, or to have any right arising from, or related to, this Agreement.

22. This Agreement contains the entire agreement and understanding between the parties and supersedes and replaces all prior negotiations or proposed agreements, written or oral. Each of the parties hereto acknowledges that no other party, nor the agents nor the attorneys for any party, has made any promise, representation or warranty whatsoever, express or implied, not contained herein, to induce the execution of this Agreement and acknowledges that this Agreement has not been executed in reliance upon any promise, representation or warranty not contained herein.

23. This Agreement may not be amended except in a writing signed by all the parties hereto.

24. Each individual signing this Agreement represents and warrants that he or she has been authorized to do so by proper action of the party on whose behalf he or she has signed.

25. This Agreement may be signed in one or more counterparts and, when all parties have signed the original or a counterpart, such counterparts, whether originals, facsimiles or e-mail attachments, together shall constitute one original document.

July ___, 2010

THE CITY OF MORENO VALLEY (the "City")
a California general law city

By: _____
Bonnie Flickinger, Mayor

Attest:

Jane Halstead, City Clerk

Approved as to form:

Robert L. Hansen, City Attorney

July ___, 2010

HF LOGISTICS-SKX T1, LLC ("HF")
a Delaware limited liability company

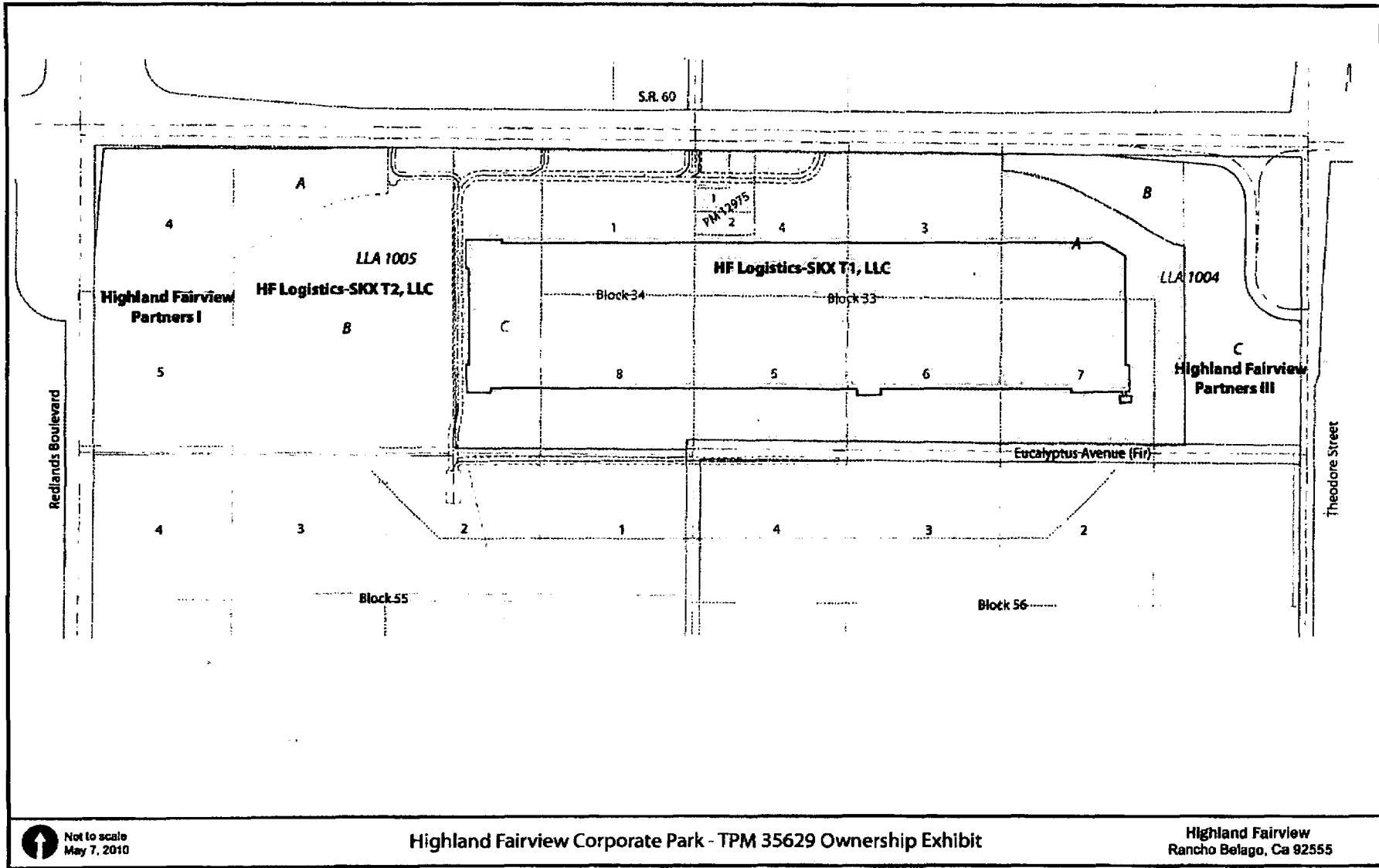
By: HF Logistics-SKX, LLC
a Delaware limited liability company,
its sole member

By: HF Logistics I, LLC
a Delaware limited liability company,
its managing member

By: _____
Iddo Benzeevi, President and Chief
Executive Officer

Exhibit A

MV00234355



**RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:**

**City of Moreno Valley
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552**

**SPACE ABOVE THIS LINE FOR RECORDER'S USE
[EXEMPT FROM RECORDING FEES PURSUANT TO
GOVERNMENT CODE SECTION 6103]**

COVENANT AND AGREEMENT TO HOLD PROPERTY AS ONE PARCEL

The undersigned ("Owner") hereby certifies to the City of Moreno Valley (the "City") that it is the lawful owner of the real property described in Exhibit "A" attached hereto (the "Property"), which Property is located in the City, County of Riverside, State of California.

Owner does hereby covenant and agree with the City that the Property shall be held as one parcel and no portion less than the whole thereof will be sold, disposed of, or in any way divided or hypothecated for any purpose whatsoever other than in accordance with the California Subdivision Map Act, any other applicable State law, and the Municipal Code of the City. As a result, the Property will remain as eleven (11) separate legal parcels until released as provided below.

Owner further covenants that Parcel Map No. 35629 covering the Property will be recorded in the office of the Riverside County Recorder no later than October 20, 2010.

This covenant and agreement shall run with the land and shall be binding upon Owner, any future owners or encumbrancers of the Property, and their respective successors, heirs and assigns. This covenant and agreement shall continue in effect until such time that the City releases the Property from the effect hereof by a written and recorded instrument, upon request of Owner and evidence that this covenant and agreement is no longer required by law.

The purpose of this covenant and agreement is to enable Owner to obtain a limited purpose building permit in accordance with that certain Limited Purpose Building Permit Issuance Agreement between the City and the Owner.

(signature page follows)

IN WITNESS WHEREOF, Owner has executed this instrument as of the _____ day of _____, 2010.

"OWNER"

HF LOGISTICS-SKX T1, LLC,
a Delaware limited liability company

By: HF Logistics-SKX, LLC, a Delaware
limited liability company, its sole member

By: HF Logistics I, LLC, a Delaware
limited liability company, its managing
member

By: _____
Iddo Benzeevi, President and
Chief Executive Officer

ACCEPTED AND AGREED:

CITY OF MORENO VALLEY

By _____
Its _____

STATE OF CALIFORNIA)
)
COUNTY OF _____) ss.

On _____, 2010, before me, _____, Notary Public, personally
appeared _____, who proved to me on the basis of satisfactory
evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to
me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed
the instrument.

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

WITNESS my hand and official seal.

NOTARY PUBLIC

[SEAL]

EXHIBIT "A"

LEGAL DESCRIPTION

089402, 000001, 103358257.4

MV00234358

LEGAL DESCRIPTION

Real property in the City of Moreno Valley, County of Riverside, State of California, described as follows:

PARCEL 1:

THAT CERTAIN PARCEL SHOWN AND DESCRIBED AS "PROPOSED PARCEL C" BEING SET FORTH, DESCRIBED AND CREATED BY THAT CERTAIN LOT LINE ADJUSTMENT NO. 1005 / AND CERTIFICATE OF COMPLIANCE RECORDED MARCH 29, 2010 AS DOCUMENT NO. 2010-0140636 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THOSE PORTIONS OF LOTS 2 AND 7, IN BLOCK 34 OF MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 11 OF MAPS, PAGE 10, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, CALIFORNIA, TOGETHER WITH THAT PORTION OF FIR AVENUE, VACATED BY RESOLUTION OF THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY RECORDED MARCH 27, 1962 AS FILE NO. 27882 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING BETWEEN REDLANDS BOULEVARD AND SINCLAIR STREET, AS SAID STREETS ARE SHOWN ON THE MAP OF SAID TRACT, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF SAID LOT 7, BEING ALSO THE CENTERLINE OF FIR AVENUE (VACATED); THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 7 AND THE CENTERLINE OF FIR AVENUE (VACATED) SOUTH 89 DEGREES 33"11' EAST 288.98 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 1280.03 FEET TO THE NORTHERLY LINE OF SAID LOT 2, BEING ALSO THE SOUTHERLY LINE OF GREVILLEA AVENUE (80 FEET WIDE) AS SHOWN ON SAID MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY (NOW THE SOUTHERLY LINE OF STATE HIGHWAY 60); THENCE ALONG THE NORTHERLY LINE OF SAID LOT 2 AND THE SOUTHERLY LINE OF GREVILLEA AVENUE SOUTH 89 DEGREES 33"13' EAST 381.32 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 2; THENCE ALONG THE EASTERN LINES OF SAID LOT 2 AND SAID LOT 7 SOUTH 00 DEGREES 27"17' WEST 1280.00 FEET TO SAID SOUTHERLY LINE OF LOT 7 AND SAID CENTERLINE OF FIR AVENUE (VACATED); THENCE ALONG SAID SOUTHERLY LINE OF LOT 7 AND SAID CENTERLINE OF FIR AVENUE (VACATED) NORTH 89 DEGREES 33"11' WEST 371.16 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING AN AREA OF 11.056 ACRES, MORE OR LESS.

PARCEL 2:

THAT CERTAIN PARCEL SHOWN AND DESCRIBED AS "PROPOSED PARCEL A" BEING SET FORTH, DESCRIBED AND CREATED BY THAT CERTAIN LOT LINE ADJUSTMENT NO. 1004 / AND CERTIFICATE OF COMPLIANCE RECORDED MARCH 29, 2010 AS DOCUMENT NO. 2010-0140637 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THOSE PORTIONS OF LOTS 1, 2 AND 8 IN BLOCK 33 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 11 OF MAPS, PAGE 10, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LOT 8; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 8, BEING ALSO THE NORTHERLY LINE OF FIR AVENUE (80 FEET WIDE) SOUTH 89 DEGREES 33'11" EAST 130.38 FEET; THENCE LEAVING SAID SOUTHERLY LINE OF LOT 8 AND SAID NORTHERLY LINE OF FIR AVENUE, NORTH 854.59 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 497.00 FEET, A RADIAL LINE OF SAID CURVE FROM SAID POINT BEARS NORTH 15 DEGREES 41'23" EAST; THENCE ALONG SAID CURVE NORTHWESTERLY 103.15 FEET THROUGH A CENTRAL ANGLE OF 11 DEGREES 53'28"; THENCE TANGENT FROM SAID CURVE NORTH 62 DEGREES 25'09" WEST 49.57 FEET; THENCE NORTH 56 DEGREES 42'31" WEST 120.60 FEET; THENCE NORTH 62 DEGREES 25'09" WEST 222.69 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 800.00 FEET; THENCE ALONG SAID CURVE NORTHWESTERLY 310.88 FEET THROUGH A CENTRAL ANGLE OF 22 DEGREES 15'55"; THENCE TANGENT FROM SAID CURVE NORTH 84 DEGREES 41'04" WEST 47.33 FEET TO THE WESTERLY LINE OF SAID LOT 2; THENCE ALONG THE WESTERLY AND SOUTHERLY LINES OF SAID LOT 2, AND THE WESTERLY LINE OF LOT 8 THE FOLLOWING COURSES: SOUTH 00 DEGREES 27'24" WEST 550.52 FEET; THENCE SOUTH 89 DEGREES 33'12" EAST 660.21 FEET; THENCE SOUTH 00 DEGREES 27'19" WEST 620.01 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 9.396 ACRES, MORE OR LESS.

PARCEL A:

LOTS 1 AND 8 OF BLOCK 34, MAP NO. 1, OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11, PAGE 10 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY.

TOGETHER WITH THAT PORTION OF FIR AVENUE, VACATED BY RESOLUTION OF THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY RECORDED MARCH 27, 1962 AS FILE NO. 27882 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING BETWEEN REDLANDS BOULEVARD, AND SINCLAIR STREET AS SAID STREETS ARE SHOWN ON THE MAP OF SAID TRACT.

ALSO TOGETHER WITH THAT PORTION OF SINCLAIR STREET ADJACENT ON THE EAST, AS REJECTED FOR DEDICATION BY THE CITY OF MORENO VALLEY PURSUANT TO THE TERMS AND PROVISIONS OF A DOCUMENT RECORDED MARCH 31, 2010 AS DOCUMENT NO. 2010-0144493 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA.

PARCEL B:

PARCELS 1 AND 2 OF PARCEL MAP 12975, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 72, PAGE 47 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY.

ALSO TOGETHER WITH THAT PORTION OF SINCLAIR STREET ADJACENT ON THE WEST, AS REJECTED FOR DEDICATION BY THE CITY OF MORENO VALLEY PURSUANT TO THE TERMS AND PROVISIONS OF A DOCUMENT RECORDED MARCH 31, 2010 AS DOCUMENT NO. 2010-0144493 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA.

PARCEL C:

LOT 4 IN BLOCK 33 OF MAP NO. 1 OF THE LANDS OF THE BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11, PAGE 10 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, CALIFORNIA.

EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 4;
THENCE EASTERLY ON THE NORTHERLY LINE OF SAID LOT 257.00 FEET;
THENCE AT RIGHT ANGLES SOUTHERLY 398.00 FEET;
THENCE AT RIGHT ANGLES WESTERLY 257.00 FEET, TO THE WESTERLY LINE OF SAID LOT;
THENCE NORtherly, ON THE WESTERLY LINE OF SAID LOT, 398.00 FEET, TO THE POINT OF BEGINNING.

ALSO TOGETHER WITH THAT PORTION OF SINCLAIR STREET ADJACENT ON THE WEST, AS REJECTED FOR DEDICATION BY THE CITY OF MORENO VALLEY PURSUANT TO THE TERMS AND PROVISIONS OF A DOCUMENT RECORDED MARCH 31, 2010 AS DOCUMENT NO. 2010-0144493 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA.

PARCEL D:

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOTS 3 AND 6 OF BLOCK 33 OF MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11, PAGE(S) 10, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY.

PARCEL E:

LOT 7 IN BLOCK 33, OF MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 11, PAGE 10 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, CALIFORNIA.

PARCEL F:

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOT 5 OF BLOCK 33 OF MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT CO., IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11, PAGE 10 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY.

ALSO TOGETHER WITH THAT PORTION OF SINCLAIR STREET ADJACENT ON THE WEST, AS REJECTED FOR DEDICATION BY THE CITY OF MORENO VALLEY PURSUANT TO THE TERMS AND PROVISIONS OF A DOCUMENT RECORDED MARCH 31, 2010 AS DOCUMENT NO. 2010-0144493 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA.

EXHIBIT "C"

CONDITIONS OF APPROVAL WHICH NEED NOT BE SATISFIED PRIOR TO THE ISSUANCE OF THE LIMITED PURPOSE BUILDING PERMIT

(all Tentative Parcel Map and Plot Plan conditions are to be satisfied prior to approval and recordation of the Parcel Map and issuance of the building permit allowing vertical construction of the building)

<u>TPM 35629</u>	<u>Plot Plan PA07-0091</u>	<u>Description</u>
P-23, SD-9	P-19, SD-5	DIF ¹ , TUMF ² , MSHCP Fees
B-1	B-1	Building Plans for vert. construction
LD8	LD8	Public Drainage Easements
LD22		Slope Easement
LD69		Reciprocal Access Easements
LD75	LD64	Spreading Basin Easement
LD76	LD65	Off-Site Easements
SD-10	SD-10	Median Landscape Approval
Parks (h)	Parks(h)	Final Trail Plan Approval
	P18	Site Lighting Plan
	P87	Title 24 Plans
	P89	Solar Panels for Phase 1 Office
	S1	Payment of School Fees ³
	F4, F6-F11, F23	Interim Fire Access Plan

¹ DIF has been deferred until issuance of the Certificate of Occupancy pursuant to City Council Resolution 2009-37.

² TUMF has been deferred until issuance of the Certificate of Occupancy pursuant to City Council Resolution 2009-38.

³ Deferral contingent upon written agreement from the Moreno Valley Unified School District agreeing to this deferral.

ENCROACHMENT AND REMOVAL AGREEMENT

This encroachment and removal agreement (this "Agreement") is made at Moreno Valley, California, as of June 22, 2010, between the CITY OF MORENO VALLEY, a California general law city (the "City"), on the one hand, and HF LOGISTICS-SKX T1, LLC, a Delaware limited liability company ("HF"), on the other hand, with the respect to the following facts:

A. HF is the sole owner of approximately 83 acres located in the City which currently consists of 11 legal lots and which is currently entitled to be improved with a single building containing approximately 1,820,000 sq. ft (the "building") which will be constructed over portions of nine of the existing lots (the "building site"). The building site is shown on Exhibit A.

B. The building site will become a single parcel, Parcel 1 of Parcel Map 35629 (the "Parcel Map"), upon final approval and recordation of the Parcel Map.

C. HF wishes to begin construction of the building's foundation and slab and to pour and construct, but not erect, walls prior to the recordation of the final Parcel Map and the consolidation of the 11 existing lots into a single legal parcel.

D. On June 22, 2010, the City Council authorized the issuance of a limited purpose building permit for the construction of the building's foundation and slab and the pouring and construction, but not the erection, of the building's walls only (the "limited purpose building permit") prior to the recordation of the final Parcel Map upon the terms set forth in the Limited Purpose Building Permit Issuance Agreement dated June 22, 2010.

E. HF will be required to construct improvements in public rights-of-way or on public property in connection with the construction authorized by the limited purpose building permit.

F. The Limited Purpose Building Permit Issuance Agreement requires that HF agree to remove all improvements constructed in public rights-of-way or on public property in connection with the construction authorized by the limited purpose building permit if the limited purpose building permit expires as a result of the final Parcel Map not being recorded prior to 12:01 a.m. on October 21, 2010. This Agreement is intended to satisfy that requirement.

THEREFORE, IT IS MUTUALLY AGREED THAT:

1. If the limited purpose building permit expires as a result of the final Parcel Map not being recorded prior by 12:01 a.m. on October 21, 2010, HF shall, upon request by the City, prior to February 21, 2011, and at its sole expense, remove all improvements constructed in public rights-of-way or on public property in connection with the construction authorized by the limited building permit and shall restore the public rights-of-way or public property to their pre-construction conditions.

2. HF hereby expressly waives any rights it might otherwise have for any recourse against the City in any way connected to this Agreement or HF's obligation to remove improvements constructed in public rights-of-way or on public property in connection with the

construction authorized by the limited purpose building permit if the limited purpose building permit expires as a result of the Parcel Map not being recorded by 12:01 a.m. on October 21, 2010.

3. HF shall defend, indemnify and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this Agreement. In any claim, action or proceeding against the City arising out of this Agreement, the City shall be entitled to recover from HF the actual expenditures for its attorneys' fees and all costs including, but not limited to, expert witness fees, in addition to any other relief to which it may be entitled.

4. The parties to this Agreement shall act in good faith and shall take all further actions reasonably necessary to effectuate the letter and the spirit of this Agreement.

5. This Agreement and all rights and obligations arising out of it shall be construed in accordance with the laws of the State of California.

6. Any litigation arising out of this Agreement shall be conducted only in the Riverside County Superior Court.

7. This Agreement is entered into solely for the benefit of the parties hereto. Other than the parties hereto, no third party shall be entitled, directly or indirectly, to base any claim, or to have any right arising from, or related to, this Agreement.

8. This Agreement contains the entire agreement and understanding between the parties and supersedes and replaces all prior negotiations or proposed agreements, written or oral. Each of the parties hereto acknowledges that no other party, nor the agents nor the attorneys for any party, has made any promise, representation or warranty whatsoever, express or implied, not contained herein, to induce the execution of this Agreement and acknowledges that this Agreement has not been executed in reliance upon any promise, representation or warranty not contained herein.

9. This Agreement may not be amended except in a writing signed by all the parties hereto.

10. Each individual signing this Agreement represents and warrants that he or she has been authorized to do so by proper action of the party on whose behalf he or she has signed.

11. This Agreement may be signed in one or more counterparts and, when all parties have signed the original or a counterpart, such counterparts, whether originals, facsimiles or e-mail attachments, together shall constitute one original document.

(Signatures on the next page.)

June ___, 2010

THE CITY OF MORENO VALLEY (the "City")
a California general law city

By: _____
Bonnie Flickinger, Mayor

Attest:

Jane Halstead, City Clerk

Approved as to form:

Robert L. Hansen, City Attorney

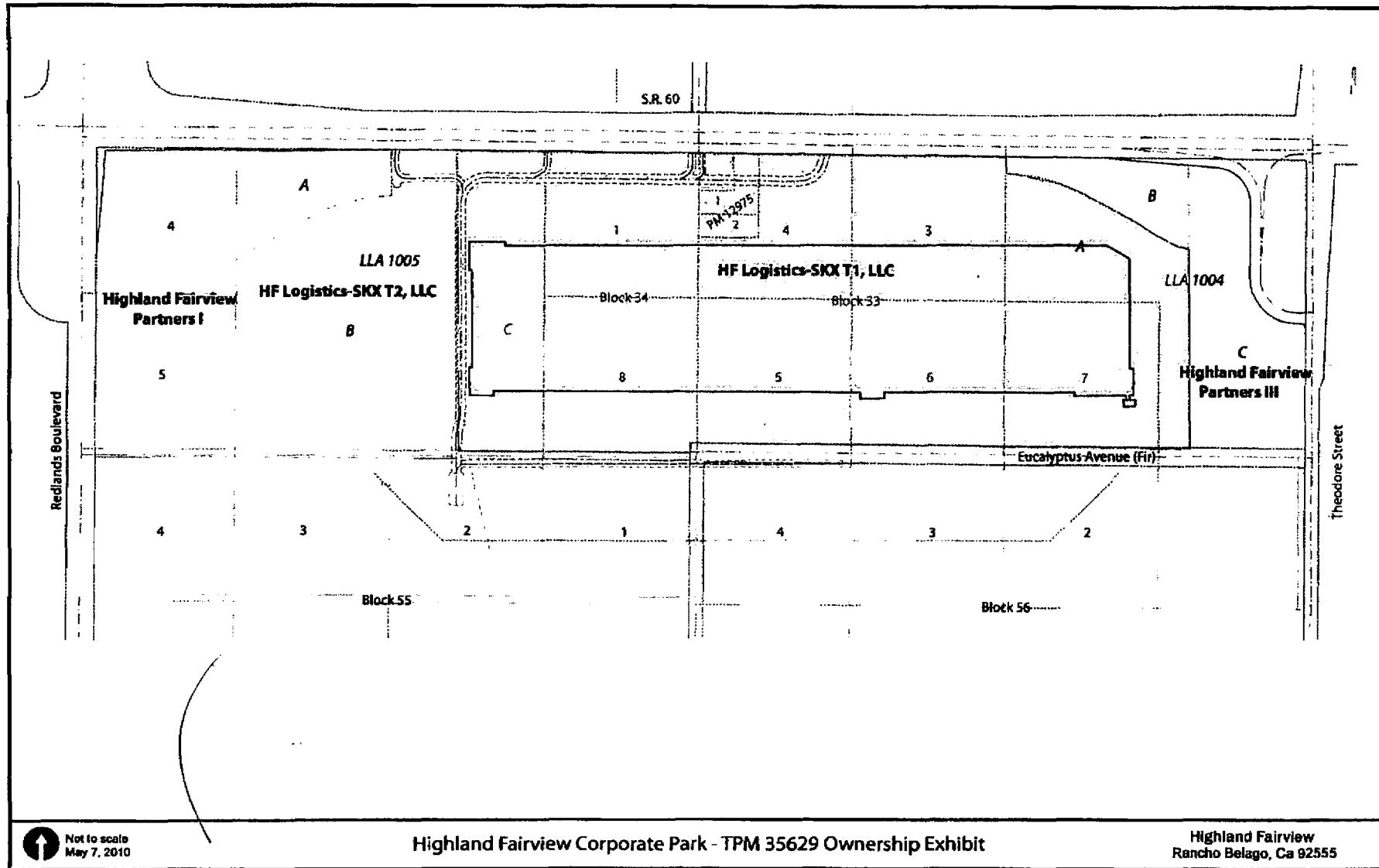
June ___, 2010

HF LOGISTICS-SKX T1, LLC ("HF")
a Delaware limited liability company

By: HF Logistics-SKX, LLC
a Delaware limited liability company,
its sole member

By: HF Logistics I, LLC
a Delaware limited liability company,
its managing member

By: _____
Iddo Benzeevi, President and Chief
Executive Officer



HFCP City Council Agenda Items - July 6th and 13th

B.Hixson

6/28/2010

City Council Agenda - July 6, 2010				
No.	Description	Steps	Status/Action	Responsibility
1	Redlands Sewer PIA	1 Add Bond Reduction clause into PIA 2 Provide HF with PIA for signature 3 Sign PIA and return to City by Wednesday 6/30		City City HF
City Council Agenda - July 13, 2010				
No.	Description	Steps	Status/Action	Responsibility
1	Redlands Electric and Grading PIA	1 Provide City with updated PIA and Engineers Estimate - Past Deadline - 2 Keep Bond Reduction clause in PIA 3 Provide HF with PIA for signature - Past Deadline - 4 Sign PIA and return to City by Wednesday 7/7 - Past Deadline - 5 Provide City with Security (Escrow Account and Instr., Bond Certificate, LOC, etc.) 6 Staff Report to be created and entered into City's Computerized Agenda program		HF N/A City HF HF Past Deadline
2	Phase 1 PIA (Euc.- St, sewer, water, rec water, Sinclair water, Redlands water, Theodore St., monuments)	1 Provide City with updated PIA and Engineers Estimate - Past Deadline - 2 Keep Bond Reduction clause in PIA 3 Provide HF with PIA for signature - Past Deadline - 4 Sign PIA and return to City by Wednesday 7/7 - Past Deadline - 5 Provide City with Security (Escrow Account and Instr., Bond Certificate, LOC, etc.) 6 Staff Report to be created and entered into City's Computerized Agenda program		HF N/A City HF HF Past Deadline
3	Phase 2/3 PIA (Parcels 2,3 & 4)	1 Address City Comments on PIA 2 Review HF responses to comments on PIA 3 Address method for Lien/Deed of Trust for Security - Past Deadline - 4 Provide HF with PIA for signature - Past Deadline - 5 Sign PIA and return to City by Wednesday 7/7 - Past Deadline - 6 Staff Report to be created and entered into City's Computerized Agenda program		HF City City/HF City HF Past Deadline
4	Line F Bond Substitution	1 No PIA Needed since terms of the original agreement are not changing 2 Provide HF with PIA for signature (Not Applicable) 3 Sign PIA and return to City by Wednesday 7/7 (Not Applicable) 4 Provide City with Security (Escrow Account and Instr., Bond Certificate, LOC, etc.) 5 Staff Report to be created and entered into City's Computerized Agenda program		----- ----- ----- HF Past Deadline
5	Moreno Valley Utilities - Line Extension Agreement	1 Review Draft Agreement sent to City 2 Address any comments and sign agreement by Wednesday 7/7 - Past Deadline - 3 Staff Report to be created and entered into City's Computerized Agenda program		City HF Past Deadline

Proposed Motion:

I move that the City Council amend the action taken on June 22, 2010, approving and accepting Highland Fairview's Covenant to Hold as One Parcel subject to certain conditions. ~~It is proposed that the City Council hereby amend its action taken on June 22, 2010~~ as follows:

1. That this activity is not a "project" under CEQA Guidelines Section 15378, and none of the conditions described in Section 15162 of the CEQA Guidelines have occurred that would warrant a subsequent EIR or an addendum to the EIR. Further, the City Council finds that the absence of any change in the project, the absence of any change in the circumstances under which the project is being undertaken, the absence of any new information which would bring into question the adequacy of the EIR, the fact that all of the project impacts were analyzed in the EIR and the fact that all mitigation measures must be satisfied prior to the building's completion means that there is no need for further environmental review.
2. That the terms and conditions are amended to provide that, prior to issuance of a limited purpose building permit for foundation, slab and pouring of wall panels only, Highland Fairview shall comply with all conditions of approval for issuance of a building permit except as follows, which excepted conditions shall be complied with as provided for in applicable City Council Resolutions, Approval and/or Recording of the final Parcel Map, or issuance of the general building permit, whichever is applicable. The excepted conditions are:
 - a. Final approval and recording of the Parcel Map,
 - b. Public Improvement Agreements and security for same for any public improvement occurring solely on private property owned or controlled by Highland Fairview,
 - c. Payment of DIF and TUMF are deferred until issuance of any temporary, conditional or unconditional certificate of occupancy for the Skechers building as provided for in City Council Resolutions 2009-37 and 2009-38,
 - d. Payment of MSHCP fees,
 - e. Approval of Building Plans for vertical construction,
 - f. Public Drainage easements,
 - g. Slope easements,
 - h. Reciprocal Access easements,

- i. Spreading Basin easement,
 - j. Off-site easements,
 - k. Median Landscape Plans approval,
 - l. Final Trail Plan approval,
 - m. Site Lighting Plan,
 - n. Title 24 Plans,
 - o. Solar Panels for Phase 1 Office,
 - p. Payment of School fees, contingent upon Highland Fairview providing the City with written agreement from the Moreno Valley Unified School District for deferral of school fees until issuance of the general building permit, ~~or April~~
 - q. Fire Access Plan.
3. All other terms, conditions and actions pursuant to this matter taken by the City Council on June 22, 2010, shall remain unchanged and in full force and effect.



City Manager's Office

MEMORANDUM

To: Mayor Bonnie Flickinger and Members of the City Council
From: William L. Bopf, Interim City Manager
Date: June 22, 2010
Subject: Processing Problems – Highland Fairview

I am writing this e-mail realizing that it could become public; hence, I will include nothing that I would not repeat in public.

The Staff started processing the Highland Fairview (HF) documents in March 2010 after their long delay. During that time Staff has had to review and revise almost every document they submitted. In spite of this Staff is often criticized by HF. I will not allow this to go unchallenged. If HF publically demeans the Staff I will respond publically. While I am Interim City Manager for the City of Moreno Valley, whether it is for one more day or two more months, I am totally committed to its well-being; that is what a professional City Manager does.

From this point on I will be professionally responsible for all actions of the Staff with respect to HF processing. If they have any complaints they should be directed toward me, and I keep very thorough records.

The reason this e-mail has arisen is in part due to HF quoting Staff out of context, and through their own indecision created a problem for themselves. On Monday, June 21, 2010, HF delivered a Sewer Agreement Surety Agreement that they wanted to have placed on the June 22 Council Agenda. This cannot be accomplished since the Agenda was posted on June 17, 2010. It would be a violation of State Law to take action on an item not included on the posted agenda. However, the City Council can add an item to the agenda by a 4/5 vote if the item arose after the posting of the agenda and there is a good reason to do so (i.e., grant deadline, escrow closing, etc.) Council must make that finding. The total staff has not reviewed the requested item and there is no staff report. Unless Council takes action, the requested item will appear on the July 13, 2010 agenda. HF also delivered on Monday, June 21, 2010, five (5) more documents they wanted to have included on the July 13th agenda. Monday was the deadline for the July 13th agenda. In all likelihood, a number of those items will not appear on the July 13th agenda. There is a way for Council to address HF's documents, but it will require the Council to call a Special Meeting after July 13 or the next meeting will be held in August.

The complexity of the late submitted documents will take at least one working week to review, and if true to form, will require a number of revisions.

I am meeting with Staff to discuss this e-mail, and we will subsequently follow Council's direction within established policies and protocols.

c: Robert Hansen, City Attorney

WLB:cp

Cindy Miller

Subject: FW: Hastings' Time Sensitive Request - Processing Problems - Highland Fairview.doc

From: Hastings, Robin [mailto:RHASTINGS@rcbos.org]
Sent: Tuesday, June 22, 2010 12:05 PM
To: Cindy Miller
Subject: RE: Processing Problems - Highland Fairview.doc

Cindy:

Please print out all of these documents pertaining to the sewer agreement, including the letter from HF, the City Manager's memo and the 5 documents he references as well as the covenant memo we received.

Robin Hastings
Chief of Staff for
Supervisor Marion Ashley
4080 Lemon Street, 5th Floor
Riverside, CA 92506

not rec'd - HF only requested a place holder

From: Cathy Parada
Sent: Tuesday, June 22, 2010 10:15 AM
To: City Council
Cc: Bob Hansen; Bill Bopf
Subject: Processing Problems - Highland Fairview.doc

The attached memo is sent to you on behalf of William L. Bopf, Interim City Manager.

Thanks, cp

Cathy

Cathy Parada
Interim Executive Assistant to the City Manager
City Manager's Office

Cindy Miller

From: Cathy Parada
Sent: Tuesday, June 22, 2010 10:15 AM
To: City Council
Cc: Bob Hansen; Bill Bopf
Subject: Processing Problems - Highland Fairview.doc
Attachments: Processing Problems - Highland Fairview.doc

The attached memo is sent to you on behalf of William L. Bopf, Interim City Manager.

Thanks, cp

Cathy

Cathy Parada
Interim Executive Assistant to the City Manager
City Manager's Office
[Redacted]



MEMORANDUM

To: Mayor Bonnie Flickinger and Members of the City Council
From: William L. Bopf, Interim City Manager
Date: June 22, 2010
Subject: Processing Problems – Highland Fairview

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I am meeting with Staff to discuss this e-mail, and we will subsequently follow Council's direction within established policies and protocols.

c: Robert Hansen, City Attorney

WLB:cp

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

No recording fee per Government Code, Section 6103

This space for Recorder's use only.

**AGREEMENT FOR PUBLIC IMPROVEMENTS
FOR REDLANDS SEWER IMPROVEMENTS AND ESCROW INSTRUCTIONS
PROJECT NO. PA07-0090 (TENTATIVE PARCEL MAP 35629)**

This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and HF Logistics-SKX T1, LLC herein after called Developer, on the date the City signs this agreement..

WITNESSETH:

FIRST: Developer, for and in consideration of the approval by the City of the final map of that certain land division, or that certain other land development project, known as PA07-0090 (Tentative Parcel Map 35629) agrees, at Developer's own expense, to furnish all labor, equipment and material necessary, and within TWENTY-FOUR (24) months from the date this Agreement is executed, to perform and complete in a good and workmanlike manner, all of the required improvements in accordance with those improvement plans for said project which have been approved by the City Engineer, and are on file in the office of the City Engineer, and to do all work incidental thereto in accordance with the standards set forth in City ordinances and regulations, and pay all costs of engineering necessary in connection therewith, which are expressly made a part of this Agreement. All of the above required work shall be done under the inspection of and to the satisfaction of the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Developer further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Developer shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Developer shall also complete any offsite improvements required as a condition of approval and with plans approved by the City Engineer at such time as the City acquires an interest in the land which will permit the improvements to be made, and the Developer waives the 120 day time limitation set forth in Section 66262.5, Government Code. The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A attached hereto, is the sum of FIVE HUNDRED SIXTY THREE THOUSAND AND NO/100 Dollars (***\$563,000***).

SECOND: Developer agrees to pay to the City the actual cost of such inspection of the works and improvements as may be required by the City Engineer. Developer further agrees that, if suit is brought upon this Agreement or any security guaranteeing the completion of the required improvements, all costs and reasonable expenses and fees incurred by the City in successfully enforcing such obligations shall be paid by Developer and guaranteed by the security, including reasonable attorney's fees, and that, upon entry of judgment, such costs, expenses and fees shall be taxed as costs and included in any judgment rendered.

THIRD: City shall not, nor shall any officer or employee of City, except for its or their sole negligence, be liable or responsible for any accident, loss or damage happening or occurring to the works specified in this Agreement prior to the completion and approval thereof, nor shall City or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Developer, his agents or employees, in the performance of the work, and all of said liabilities are assumed by Developer. Developer agrees to protect, defend and hold harmless City and the officers and employees thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Developer, his agents and employees, in the performance of this Agreement, or arising out of the use of any patent or patented article in the performance of this Agreement.

FOURTH: The Developer hereby grants to the City and/or to any authorized agent or employee of the City, the irrevocable permission to enter upon the lands of the above-referenced land division for the purpose of completing the Improvements. This permission shall terminate in the event that the Developer has completed the work within the time specified or any extension thereof granted by the City.

FIFTH: Developer agrees at all times, up to the completion and acceptance of the improvements by the City, to give good and adequate warning to the traveling public of each and every dangerous condition caused by the construction of the Improvements, and to protect the traveling public from such defective or dangerous conditions. The Developer shall keep all traveled ways that are a part of, or affected by the construction of this project free and clear of mud, dirt and debris and shall provide twice monthly street sweeping service. A copy of the contract for street sweeping service shall be provided to the City. The Developer's obligation under this provision shall be secured by the security in escrow securing performance of this Agreement.

SIXTH: The Developer, his agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

SEVENTH: If the Developer, or his agents or employees, neglects, refuses, or fails to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time as have been granted by the City, or if the Developer violates, neglects, refuses, or fails to perform satisfactorily any of the provisions of the plans and specifications, he shall be in default of this Agreement and notice in writing of such default shall be served upon him. Whereupon, the City Engineer shall unilaterally have the ability to withdraw from escrow all funds necessary to correct the violation(s). The City Council shall have the power, on recommendation by the City Engineer, to terminate all rights of the Developer because of such default. The determination by the City Engineer of the question as to whether any of the terms of the Agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon the Developer, and any and all parties who may have any interest in the Agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to the City under law.

EIGHTH: Developer agrees prior to the date this Agreement is executed, to deposit into two separate escrow accounts United States currency for 1) the estimated cost of the work and improvements, totaling \$563,000, for the faithful performance of the terms and conditions of this Agreement (First American Title Insurance Company Escrow Number: 445220), and 2) the estimated cost of labor and materials, in the amount of \$281,500, for the payment of labor and materials (First American Title Insurance Company Escrow Number: 445221) as prescribed by City ordinances and regulations to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California. The escrow accounts shall be established at First American Title Insurance Company, 4380 La Jolla Village Drive, Suite 200, San Diego, Ca 92122, Attn: Verna Gregory-Senior Commercial Escrow Officer. Developer agrees to maintain said escrow account(s) with good and sufficient funds or increase the amounts of said escrow account(s), or both, within ten (10) days after being notified by the City Engineer that the amounts are insufficient. Notwithstanding any other provision herein, if Developer fails to take such action as is necessary to comply with said notice, he shall be in default of this Agreement unless all required Improvements are completed within ninety (90) days of the date on which the City Engineer notified the Developer of the insufficiency of said escrow account(s). Developer reserves the right to substitute the form of security, in accordance with the Moreno Valley Municipal Code, at anytime during the term of this agreement, subject to approval of the City Engineer and City Attorney. At twenty percent (20%) completion, forty percent (40%) completion, sixty percent (60%) completion, eighty percent (80%) completion, and ninety percent (90%) completion of the public improvements, as measured by the dollar value of said improvements as set forth in the Engineer's Preliminary Estimate of Cost and associated unit costs (Exhibit A) and upon written request by the Developer for a partial reduction of the security, the surety company shall be instructed by the City Engineer in writing to reduce the amount of the account(s). A total of ten (10%) percent of the original amount shall be retained until expiration of the twelve (12) month warranty period pursuant to Government Code Section 66499 to secure required warranty work.

NINTH: It is further agreed by and between the parties hereto, including the escrow account(s) securing this Agreement that, in the event it is deemed necessary to extend the time of completion of the work contemplated to be done under this Agreement, extensions of time **may** be granted by the City from time to time, either at its own option, or upon request of Developer, and such extensions shall in no way affect the validity of this Agreement or release the funds from escrow. Developer further agrees to maintain the aforesaid funds in full force and effect during the terms of this Agreement, including any extensions of time as may be granted therein.

TENTH: It is understood and agreed by the parties hereto that if any part, term or provision of this Agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.

AGREEMENT FOR PROJECT NO. PA07-0090 (TENTATIVE PARCEL MAP 35629)
PUBLIC IMPROVEMENTS

PAGE THREE

ELEVENTH: Any notice or notices required or permitted to be given pursuant to this Agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

City:
City Engineer
P.O. Box 88005
14177 Frederick
Moreno Valley, CA 92552-0805

Developer:
HF LOGISTICS-SKX T1, LLC,
14225 Corporate Way
Moreno Valley, California 92553

IN WITNESS WHEREOF Contractor has affixed his name, address and seal.

Date approved by the City: _____

HF LOGISTICS-SKX T1, LLC:

Developer

BY: D. Fenstermacher

Signature

BY: Eddo Benzevi

Signature

Danette Fenstermacher

Print/Type Name

Exec VP + COO

Title

Iddo Benzevi

Print/Type Name

President + CEO

Title

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

By: _____
City Clerk

(SEAL)

CITY OF MORENO VALLEY

By: _____
Mayor

APPROVED AS TO FORM:
CITY ATTORNEY

Date: _____

By: _____
City Attorney

NOTE: TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS UNLESS CORPORATE DOCUMENTS ARE PROVIDED THAT INDICATE OTHERWISE.

SIGNATURES OF CONTRACTOR MUST BE EXECUTED IN QUADRUPPLICATE AND THE EXECUTION OF THE ORIGINAL COPY MUST BE ACKNOWLEDGED BEFORE A NOTARY
ORIGINAL - CITY CLERK; PINK - CONTRACTOR; GREEN - SURETY; BLUE - PROJECT FILE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

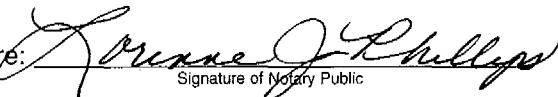
On 6/18/10 before me, LORINNE J. PHILLIPS, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared IDDO BENZEEV,
Name(s) of Signer(s)



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

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

WITNESS my hand and official seal.

Signature: 

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Agreement for Public Improvement Sewer Redlands

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

Corporate Officer — Title(s): _____

Corporate Officer — Title(s): _____

Individual

Individual

Partner — Limited General

Partner — Limited General

Attorney in Fact

Attorney in Fact

Trustee

Trustee

Guardian or Conservator

Guardian or Conservator

Other: _____

Other: _____

Signer Is Representing: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Riverside }

On 6/18/10 Date

before me, LORINNE J. PHILLIPS NOTARY PUBLIC

Here insert Name and Title of the Officer

personally appeared DANETTE FENSTERMACHER

Name(s) of Signer(s)



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

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

WITNESS my hand and official seal.

Signature:

Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Agreement for Public Improvements

*Redlands
Sewer*

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Signer's Name: _____

Corporate Officer -- Title(s): _____

Corporate Officer — Title(s): _____

Individual

Individual

Partner — Limited General

Partner — Limited General

Attorney in Fact

Attorney in Fact

Trustee

Trustee

Guardian or Conservator

Guardian or Conservator

Other: _____

Other: _____

Signer Is Representing: _____

Signer Is Representing: _____

RIGHT THUMPRINT
OF SIGNER

Top of thumb here

RIGHT THUMPRINT
OF SIGNER

Top of thumb here

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 1 of 8

PROJECT: City ID#3918 (Redlands SS)

DATE: 06/18/10
PREPARED BY: Patrick Revere

PUBLIC PAVEMENT SECTIONS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF				
Roadway Excavation				
A.B. Class II - Street 1	0	Thickness (ft.)	0 C.Y.	29.00
	0	S.F.	0 Ton	33.00
A.C. - Street 1	0	Thickness (ft.)	0 Ton	80.00
	0	S.F.	0 C.Y.	29.00
Roadway Excavation				
A.B. Class II - Street 2	0	Thickness (ft.)	0 C.Y.	29.00
	0	S.F.	0 Ton	33.00
A.C. - Street 2	0	Thickness (ft.)	0 Ton	80.00
	0	S.F.	0 Ton	29.00
Roadway Excavation				
A.B. Class II - Street 3	0	Thickness (ft.)	0 C.Y.	29.00
	0	S.F.	0 Ton	33.00
A.C. - Street 3	0	Thickness (ft.)	0 Ton	80.00
	0	S.F.	0 C.Y.	29.00
Roadway Excavation				
A.B. Class II - Street 4	0	Thickness (ft.)	0 C.Y.	29.00
	0	S.F.	0 Ton	33.00
A.C. - Street 4	0	Thickness (ft.)	0 Ton	80.00
	0	S.F.	0 Ton	0
Street Work - DIF				
Roadway Excavation				
A.B. Class II - Street 1	0	Thickness (ft.)	0 C.Y.	29.00
	0	S.F.	0 Ton	33.00
A.C. - Street 1	0	Thickness (ft.)	0 Ton	80.00
	0	S.F.	0 C.Y.	29.00
Roadway Excavation				
A.B. Class II - Street 2	0	Thickness (ft.)	0 C.Y.	29.00
	0	S.F.	0 Ton	33.00
A.C. - Street 2	0	Thickness (ft.)	0 Ton	80.00
	0	S.F.	0 C.Y.	29.00
Roadway Excavation				
A.B. Class II - Street 3	0	Thickness (ft.)	0 C.Y.	29.00
	0	S.F.	0 Ton	33.00
A.C. - Street 3	0	Thickness (ft.)	0 Ton	80.00
	0	S.F.	0 C.Y.	29.00
Roadway Excavation				
A.B. Class II - Street 4	0	Thickness (ft.)	0 C.Y.	29.00
	0	S.F.	0 Ton	33.00
A.C. - Street 4	0	Thickness (ft.)	0 Ton	80.00
	0	S.F.	0 Ton	0
Street Work - TUMF				
Roadway Excavation				
A.B. Class II - Street 1	0	Thickness (ft.)	0 C.Y.	29.00
	0	S.F.	0 Ton	33.00
A.C. - Street 1	0	Thickness (ft.)	0 Ton	80.00
	0	S.F.	0 C.Y.	29.00
Roadway Excavation				
A.B. Class II - Street 2	0	Thickness (ft.)	0 C.Y.	29.00
	0	S.F.	0 Ton	33.00
A.C. - Street 2	0	Thickness (ft.)	0 Ton	80.00
	0	S.F.	0 C.Y.	29.00
Roadway Excavation				
A.B. Class II - Street 3	0	Thickness (ft.)	0 C.Y.	29.00
	0	S.F.	0 Ton	33.00
A.C. - Street 3	0	Thickness (ft.)	0 Ton	80.00
	0	S.F.	0 C.Y.	29.00
Roadway Excavation				
A.B. Class II - Street 4	0	Thickness (ft.)	0 C.Y.	29.00
	0	S.F.	0 Ton	33.00
A.C. - Street 4	0	Thickness (ft.)	0 Ton	80.00
	0	S.F.	0 Ton	0
SUBTOTAL:				0

MV00234383

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 2 of 8

PROJECT: City ID#3918 (Redlands SS)

DATE: 06/18/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK

TYPE	QUANTITY UNIT	UNIT PRICE	TOTAL
Offsite Street Work			
Pavement			
Grind & Pave 0.15'	0 S.F.	3.25	0
A.C. Cap/Overlay	0 Ton	65.00	0
Slurry Seal (Based on \$150/Ton Type II)	0 S.Y.	2.25	0
Paving Fabric	0 S.Y.	1.15	0
Sawcut	0 L.F.	2.00	0
Utility Trench	0 L.F.	17.00	0
Trench Repaving	0 S.F.	12.00	0
Redwood Header	0 L.F.	6.00	0
A.C. Berm - 6"	0 L.F.	10.00	0
A.C. Berm - 8"	0 L.F.	15.00	0
Adjust M.H. to Grade	0 EA.	800.00	0
Adjust Water Valve to Grade	0 EA.	400.00	0
Remove & Dispose Existing Pavement & Base	0 SF	28.00	0
Remove Existing Curb & Gutter	0 L.F.	12.00	0
Concrete			
P.C.C. Paving - 6"	0 S.F.	14.00	0
P.C.C. Paving - 8"	0 S.F.	16.00	0
Curb and Gutter - 6"	0 L.F.	25.00	0
Curb and Gutter - 8"	0 L.F.	30.00	0
Curb and Gutter - 8" (DIF Street Name)	0 L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0 L.F.	30.00	0
Curb Only - 6"	0 L.F.	20.00	0
Curb Only - 8".	0 L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0 L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0 L.F.	25.00	0
A.C. Curb 6"	0 L.F.	12.00	0
A.C. Curb 8"	0 L.F.	15.00	0
Cross Gutter and Spandrel	0 S.F.	12.00	0
Sidewalk	0 S.F.	7.00	0
Sidewalk (DIF Street Name)	0 S.F.	7.00	0
Sidewalk (TUMF Street Name).	0 S.F.	7.00	0
Median Stamped Concrete	0 S.F.	14.00	0
Driveway Approach - 6"	0 S.F.	14.00	0
Driveway Approach - 8"	0 S.F.	16.00	0
Wheelchair Ramp	0 EA.	2,400.00	0
Alley Approach - 8"	0 S.F.	16.00	0
1/2 Alley Apron	0 S.F.	16.00	0
Barricade	0 L.F.	100.00	0
Bus Bay	0 EA.	20,000.00	0
Miscellaneous			
Relocate Power Poles	0 EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0 EA.	30,000.00	0
Erosion Control	0 AC	5,000.00	0
Walls - Masonry: 6' Maximum	0 L.F.	100.00	0
Walls - Retaining: 6' Maximum	0 L.F.	150.00	0
SUBTOTAL:			0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/Inspected by LDD staff)			
Traffic Striping/raised pavement markers	0 L.S.	—	0
Traffic Striping (DIF Street - Perris Blvd)	1 L.S.	—	0
Street Name Sign	0 EA.	300.00	0
Stop Sign	0 EA.	200.00	0
Signs and Posts	0 EA.	200.00	0
Signs and Posts (DIF Street - Perris Blvd)	0 EA.	200.00	0
Street Sweeping Sign	0 EA.	200.00	0
Warning Markers - Type L, Type N	0 EA.	100.00	0
Traffic Control	1 L.S.	100000	10,000
Traffic Control (DIF Street Name)	0 L.S.	100000	0
Traffic Signal PB-Adjust to Grade	0 EA.	250.00	0
Metal Guard Rail	0 L.F.	90.00	0
SUBTOTAL:			10,000
Bondable Street Work Only (not plan checked)			
Undergrounding of Utilities	0 L.F.	196.00	0
Cluster Mail Boxes	0 EA.	4,500.00	0
Relocate Mailbox	0 EA.	350.00	0
Relocate Cluster Mailbox	0 EA.	1,200.00	0
Monuments	0 EA.	300.00	0
Relocate Trees	0 EA.	2,500.00	0
SUBTOTAL:			0

MV00234384

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 3 of 8

PROJECT: City ID#3918 (Redlands SS)

DATE: 06/18/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
<i>Special Districts</i>				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	4,000.00	0
Street Lights (22000 lumen)	0	EA.	5,000.00	0
SPECIAL DISTRICTS SUBTOTAL:				0
<i>Moreno Valley Utilities</i>				
Electrical Utility Infrastructure	0	L.S.	0.00	0
MVU SUBTOTAL:				0
<i>Water Quality Basin</i>				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA.	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA.	0	0
Outlets	0	EA.	0	0
Risers	0	EA.	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
WQB SUBTOTAL:				0
<i>Transportation Engineering</i>				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordination)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
TRANSPORTATION SUBTOTAL:				0

MV00234385

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 4 of 8

PROJECT: City ID#3918 (Redlands SS)

DATE: 06/18/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0 L.F.		130.00	0
18" Reinforced Concrete Pipe	0 L.F.		140.00	0
24" Reinforced Concrete Pipe	0 L.F.		160.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0 L.F.		180.00	0
30" Reinforced Concrete Pipe	0 L.F.		180.00	0
36" Reinforced Concrete Pipe	0 L.F.		190.00	0
42" Reinforced Concrete Pipe	0 L.F.		210.00	0
48" Reinforced Concrete Pipe	0 L.F.		250.00	0
54" Reinforced Concrete Pipe	0 L.F.		300.00	0
60" Reinforced Concrete Pipe	0 L.F.		350.00	0
66" Reinforced Concrete Pipe	0 L.F.		375.00	0
72" Reinforced Concrete Pipe	0 L.F.		414.00	0
78" Reinforced Concrete Pipe	0 L.F.		459.00	0
84" Reinforced Concrete Pipe	0 L.F.		505.00	0
90" Reinforced Concrete Pipe	0 L.F.		557.00	0
96" Reinforced Concrete Pipe	0 L.F.		613.00	0
102" Reinforced Concrete Pipe	0 L.F.		671.00	0
108" Reinforced Concrete Pipe	0 L.F.		724.00	0
114" Reinforced Concrete Pipe	0 L.F.		785.00	0
12" HDPE	0 L.F.		45.00	0
18" HDPE	0 L.F.		50.00	0
24" HDPE	0 L.F.		55.00	0
30" HDPE	0 L.F.		60.00	0
36" HDPE	0 L.F.		70.00	0
42" HDPE	0 L.F.		80.00	0
48" HDPE	0 L.F.		90.00	0
54" HDPE	0 L.F.		125.00	0
60" HDPE	0 L.F.		140.00	0
4" PVC SCH. 40	0 L.F.		25.00	0
4" PVC SCH. 80	0 L.F.		30.00	0
6" PVC SCH. 40	0 L.F.		30.00	0
6" PVC SCH. 80	0 L.F.		35.00	0
8" PVC SCH. 40	0 L.F.		40.00	0
8" PVC SCH. 80	0 L.F.		48.00	0
Reinforced Concrete Structure	0 C.Y.		500.00	0
8" X 10" Reinforced Concrete Box	0 C.Y.		1200.00	0
8" X 12" Reinforced Concrete Box	0 C.Y.		1400.00	0
2-72" Reinforced Concrete Pipe	0 L.F.		180.00	0
3-4" X 2" Reinforced Concrete Pipe	0 L.F.		461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0 EA.		5000.00	0
Manhole No. 2	0 EA.		7500.00	0
Manhole No. 3	0 EA.		9000.00	0
Manhole No. 4	0 EA.		10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0 EA.		3100.00	0
Catch Basin (7')	0 EA.		5500.00	0
Catch Basin (10')	0 EA.		6700.00	0
Catch Basin (14')	0 EA.		8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0 EA.		12500.00	0
Local Depressions	0 EA.		535.00	0
Catch Basin (3.5") (DIF Street Name)	0 EA.		3100.00	0
Catch Basin (7") (DIF Street Name)	0 EA.		5500.00	0
Catch Basin (14") (DIF Street Name)	0 EA.		8000.00	0
Catch Basin (21") (DIF Street Name)	0 EA.		12500.00	0
Local Depressions (DIF Street Name)	0 EA.		535.00	0
24" X 24" Grate basin	0 EA.		2500.00	0
18" X 18" Grate Basin	0 EA.		2100.00	0
6" Wide Strip Basin	0 EA.		3000.00	0
Removal/Relocation- Catch Basin	0 EA.		5000.00	0
Grated Catch Basin	0 EA.		6000.00	0
Headwall	0 EA.		5500.00	0

MV00234386

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 5 of 8

PROJECT: City ID#3918 (Redlands SS)

DATE: 06/18/10

PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6000.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	5000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Greater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
Access Opening	0			0
Miscellaneous				
Rip Rap	0	TON	60.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000	0
SUBTOTAL:				0

MV00234387

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 6 of 8

PROJECT: City ID#3918 (Redlands SS)

DATE: 06/18/10
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	0	L.F.	55.00	0
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.		0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,500.00	0
12" Gate Valve	0	EA.	2,300.00	0
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	990.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	0	EA.	4,000.00	0
	0	EA.		0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0	EA.		0
Services Connections				
1" Service	0	EA.	800.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0	EA.		0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0			0
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
	0			0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	0
Water Service	0	EA.	330.00	0
	0	EA.		0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
	0	EA.		0
SUBTOTAL:				0

MV00234388

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 7 of 8

PROJECT: City ID#3918 (Redlands SS)

DATE: 06/18/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
<i>Pipes - Sewer System</i>				
4" V.C. Pipe	0	L.F.	25.00	0
6" V.C. Pipe	0	L.F.	40.00	0
8" V.C. Pipe	0	L.F.	55.00	0,845
10" V.C. Pipe	0	L.F.	60.00	0
12" V.C. Pipe	0	L.F.	70.00	0
15" V.C. Pipe	1593	L.F.	80.00	367,440
18" V.C. Pipe	0	L.F.	160.00	0
21" V.C. Pipe	0	L.F.	180.00	0
24" V.C. Pipe	0	L.F.	195.00	0
27" V.C. Pipe	0	L.F.	215.00	0
30" V.C. Pipe	0	L.F.	235.00	0
33" V.C. Pipe	0	L.F.	280.00	0
36" V.C. Pipe	0	L.F.	300.00	0
4" SDR - 35	0	L.F.	25.00	0
6" SDR - 35	0	L.F.	30.00	0
8" SDR - 35	0	L.F.	35.00	0
10" SDR - 35	0	L.F.	45.00	0
12" SDR - 35	0	L.F.	54.00	0
15" SDR - 35	0	L.F.	90.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
<i>Cleans Outs - Sewer System</i>				
Clean-outs	0	EA.	730.00	0
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
<i>Manholes - Sewer System</i>				
Standard Manhole 48"	5	EA.	3,140.00	15,700
Standard Manhole 48" Extra Depth	7	EA.	3,500.00	24,500
Standard Manhole 60"	1	EA.	4,500.00	4,500
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	460.00	0
Tie Into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
Pave Around MH	1422	S.F.	14.00	19,908
	0		0.00	0
<i>Miscellaneous - Sewer System</i>				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	5720	S.F.	3.00	17,160
	0		0.00	0
SUBTOTAL:				459,063

MV00234389

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 8 of 8

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: City ID#3918 (Redlands SS)

DATE: 06/18/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	\$0
OFFSITE STREET WORK	\$0
SPECIAL DISTRICTS	\$0
MORENO VALLEY UTILITIES	\$0
WATER QUALITY BASIN	\$0
TRANSPORTATION ENGINEERING	\$0
STORM DRAIN SYSTEM	\$0
WATER SYSTEM	\$0
SEWER SYSTEM	\$459,053
TRAFFIC IMPROVEMENTS	\$10,000
BONDABLE WORK (not plan checked)	\$0

TOTAL COST (VALUE) OF IMPROVEMENTS: \$469,053

+20% CONTINGENCY: \$93,811

GRAND TOTAL: \$562,864

BOND AMOUNT: \$563,000



MV00234390



**First American
Title Insurance Company**
NATIONAL COMMERCIAL SERVICES

4380 La Jolla Village Drive, Suite 200
San Diego, CA 92122

SUPPLEMENTAL ESCROW INSTRUCTIONS

ESCROW NO.: NCS-445220-SD / NCS-445221-SD

DATE: 06/21/2010

First American Title Insurance Company is hereby handed by the undersigned parties, that certain "original" document entitled Agreement for Redlands Sewer Improvement plans. Security Project No. PA07-0090 (Tentative Parcel Map 35629) dated June 8, 2010 executed by and between City of Moreno Valley, ("City") and HF Logistics -SKX-T1,LLC, ("Developer").

First American Title Insurance Company is hereby requested to accept the "Agreement for Redlands Sewer Plans" Security Project No. PA07-0090 (Tentative Parcel Map 35629)" as its escrow instructions and to act as escrow agent for the parties in accordance with the terms and conditions contained in said document.

Each of the parties to this escrow specifically acknowledges that the consummation of this escrow is contingent upon compliance with some or all of the executory terms and provisions of this "Agreement", and that the parties to this "Agreement" are and shall be the sole persons entitled to and authorized to determine whether all of said executory terms and provisions due to be performed prior to the close of escrow have been met or complied with prior to such close. Accordingly, the parties hereby agree that prior to the scheduled close of escrow they shall each deposit with Escrow Holder a **written** instruction or acknowledgement specifying that all the executory terms and provisions of this "Agreement", insofar as the same pertain to each said party respectively and any obligation of escrow holder relative thereto, have been fully met or complied with, or are waived.

Further, each said party shall specifically release Escrow Holder from all liability, if any, which it may have in connection with this escrow because of any party's failure to meet or comply with any such executory term or provision of this "Agreement", prior to close of escrow. Deposit of written instruction or acknowledgement with Escrow Holder shall constitute each said party's specific authorization to close this escrow.

General provisions of First American Title Insurance Company, attached hereto and made a part hereof, are hereby incorporated in said "Agreement". To the extent that the agreement contains any provisions inconsistent with or contrary to the provisions of the General Provisions attached hereto, such "Agreement" shall remain as the agreement of the parties thereto but First American Title Insurance shall be guided by the terms of their General Provisions.

City of Moreno Valley

HF Logistics-SKX-T1, LLC, a California limited liability company

By:


By: Iddo Benzeevi, President and CEO

Escrow General Provisions

The parties understand and acknowledge:

1. SPECIAL DISCLOSURES:

A. DEPOSIT OF FUNDS & DISBURSEMENTS

Unless directed in writing to establish a separate, interest-bearing account together with all necessary taxpayer reporting information, all funds shall be deposited in general escrow accounts in a federally insured financial institution including those affiliated with Escrow Holder ("depositories"). All disbursements shall be made by Escrow Holder's check or by wire transfer unless otherwise instructed in writing. The Good Funds Law (California Insurance Code 12413.1) mandates that Escrow Holder may not disburse funds until the funds are, in fact, available in Escrow Holder's account. Wire transfers are immediately disbursable upon confirmation of receipt. Funds deposited by a cashier's or certified check are generally available on the next banking day following deposit. Funds deposited by a personal check and other types of instruments may not be available until confirmation from Escrow Holder's bank which can vary from 2 to 10 days.

B. DISCLOSURE OF POSSIBLE BENEFITS TO ESCROW HOLDER

As a result of Escrow Holder maintaining its general escrow accounts with the depositories, Escrow Holder may receive certain financial benefits such as an array of bank services, accommodations, loans or other business transactions from the depositories ("collateral benefits"). All collateral benefits shall accrue to the sole benefit of Escrow Holder and Escrow Holder shall have no obligation to account to the parties to this escrow for the value of any such collateral benefits.

C. MISCELLANEOUS FEES

Escrow Holder may incur certain additional costs on behalf of the parties for services performed, or fees charged, by third parties. The fees charged by Escrow Holder for services including, but not limited to, wire transfers, overnight delivery/courier services, recording fees, notary fees, etc. may include a mark up over the direct cost of such services to reflect the averaging of direct, administrative and overhead charges of Escrow Holder for such services which shall, in no event, exceed \$10 for each markup.

D. METHOD TO DELIVER PAYOFF To LENDERS/LIENHOLDERS

To minimize the amount of interest due on any existing loan or lien, Escrow Holder will deliver the payoff funds to the lender/lienholder in an expeditious manner as demanded by the lender/lienholder using (a) personal delivery, (b) wire transfer, or (c) overnight delivery service, unless otherwise directed in writing by the affected party.

2. PRORATIONS & ADJUSTMENTS

The term "close of escrow" means the date on which documents are recorded. All prorations and/or adjustments shall be made to the close of escrow based on the number of actual days, unless otherwise instructed in writing.

3. CONTINGENCY PERIODS

Escrow Holder shall not be responsible for monitoring contingency time periods between the parties. The parties shall execute such documents as may be requested by Escrow Holder to confirm the status of any such periods.

4. REPORTS

As an accommodation, Escrow Holder may agree to transmit orders for inspection, termite, disclosure and other reports if requested, in writing or orally, by the parties or their agents. Escrow Holder shall deliver copies of any such reports as directed. Escrow Holder is not responsible for reviewing such reports or advising the parties of the content of same.

5. INFORMATION FROM AFFILIATED COMPANIES

Escrow Holder may provide the parties' information to and from its affiliates in connection with the offering of products and services from these affiliates.

6. RECORDATION OF DOCUMENTS

Escrow Holder is authorized to record documents delivered through escrow which are necessary or proper for the issuance of the requested title insurance policy(ies). Buyer will provide a completed Preliminary Change of Ownership Report form ("PCOR"). If Buyer fails to provide the PCOR, Escrow Holder shall close escrow and charge Buyer any additional fee incurred for recording the documents without the PCOR. Escrow Holder is released from any liability in connection with same.

7. PERSONAL PROPERTY TAXES

No examination, UCC search, insurance as to personal property and/or the payment of personal property taxes is required unless otherwise instructed in writing.

8. REAL PROPERTY TAXES

Real property taxes are prorated based on the most current available tax statement from the tax collector's office. Supplemental taxes may be assessed as a result of a change in ownership or completion of construction. Adjustments due either party based on the actual new tax bill issued after close of escrow or a supplemental tax bill will be made by the parties outside of escrow and Escrow Holder is released of any liability in connection with such adjustments. The first installment of California real property taxes is due November 1st (delinquent December 10th) and the second installment is due February 1st (delinquent April 10th). If a tax bill is not received from the County at least 30 days prior to the due date, buyer should contact the County Tax Collector's office and request one. Escrow Holder is not responsible for same.

9. CANCELLATION OF ESCROW

(a) Any party desiring to cancel this escrow shall deliver written notice of cancellation to Escrow Holder. Within a reasonable time after receipt of such notice, Escrow Holder shall send by regular mail to the address on the escrow instructions, one copy of said notice to the other party(ies). Unless written objection to cancellation is delivered to Escrow Holder by a party within 10 days after date of mailing, Escrow Holder is authorized, at its option, to comply with the notice and terminate the escrow. If a written objection is received by Escrow Holder, Escrow Holder is authorized, at its option, to hold all funds and documents in escrow (subject to the funds held fee) and to take no other action until otherwise directed by either the parties' mutual written instructions or a final order of a court of competent jurisdiction. If no action is taken on this escrow within 6 months after the closing date specified in the escrow instructions, Escrow Holder's obligations shall, at its option, terminate. Upon termination of this escrow, the parties shall pay all fees, charges and reimbursements due to Escrow Holder and all documents and remaining funds held in escrow shall be returned to the parties depositing same.

(b) Notwithstanding the foregoing paragraph, Escrow Holder shall have the right to unilaterally terminate any escrow which is subject to the provisions of the Equity Purchaser Law (CA Civil Code Section 1695 et seq.) and may return all documents and funds without any consent by or notice to the buyer.

10. CONFLICTING INSTRUCTIONS & DISPUTES

If Escrow Holder becomes aware of any conflicting demands or claims concerning this escrow, Escrow Holder shall have the right to discontinue all further acts on Escrow Holder's part until the conflict is resolved to Escrow Holder's satisfaction. Escrow Holder has the right at its option to file an action in Interpleader requiring the parties to litigate their claims/rights. If such an action is filed, the parties jointly and severally agree (a) to pay Escrow Holder's cancellation charges, costs (including the funds held fees) and reasonable attorneys' fees, and (b) that Escrow Holder is fully released and discharged from all further obligations under the escrow. If an action is brought involving this escrow and/or Escrow Holder, the party(ies) involved in the action agree to indemnify and hold the Escrow Holder harmless against liabilities, damages and costs incurred by Escrow Holder (including reasonable attorneys' fees and costs) except to the extent that such liabilities, damages and costs were caused by the negligence or willful misconduct of Escrow Holder.

**THIS COMPANY CONDUCTS ESCROW BUSINESS UNDER CERTIFICATE OF AUTHORITY
ISSUED BY THE STATE OF CALIFORNIA DEPARTMENT OF INSURANCE.**

Escrow General Provisions

11. USURY

Escrow Holder is not to be concerned with usury as to any loans or encumbrances in this escrow and is hereby released of any responsibility and/or liability therefore.

12. AMENDMENTS TO ESCROW INSTRUCTIONS

Any amendment to the escrow instructions must be in writing, executed by all parties and accepted by Escrow Holder. Escrow Holder may, at its sole option, elect to accept and act upon oral instructions from the parties. If requested by Escrow Holder the parties agree to confirm said instructions in writing as soon as practicable. The escrow instructions as amended shall constitute the entire escrow agreement between the Escrow Holder and the parties hereto with respect to the subject matter of the escrow.

13. INSURANCE POLICIES

In all matters relating to insurance, Escrow Holder may assume that each policy is in force and that the necessary premium has been paid. Escrow Holder is not responsible for obtaining fire, hazard or liability insurance, unless Escrow Holder has received specific written instructions to obtain such insurance prior to close of escrow from the parties or their respective lenders.

14. COPIES OF DOCUMENTS; AUTHORIZATION TO RELEASE

Escrow Holder is authorized to rely upon copies of documents, which include facsimile, electronic, NCR, or photocopies as if they were an originally executed document. If requested by Escrow Holder, the originals of such documents shall be delivered to Escrow Holder. Escrow Holder may withhold documents and/or funds due to the party until such originals are delivered. Documents to be recorded **MUST** contain original signatures. Escrow Holder may furnish copies of any and all documents to the lender(s), real estate broker(s), attorney(s) and/or accountant(s) involved in this transaction upon their request. Delivery of documents by escrow to a real estate broker or agent who is so designated in the purchase agreement shall be deemed delivery to the principal.

15. EXECUTION IN COUNTERPART

The escrow instructions and any amendments may be executed in one or more counterparts, each of which shall be deemed an original, and all of which taken together shall constitute the same instruction.

16. TAX REPORTING, WITHHOLDING & DISCLOSURE

The parties are advised to seek independent advice concerning the tax consequences of this transaction, including but not limited to, their withholding, reporting and disclosure obligations. Escrow Holder does not provide tax or legal advice and the parties agree to hold Escrow Holder harmless from any loss or damage that the parties may incur as a result of their failure to comply with federal and/or state tax laws. **WITHHOLDING OBLIGATIONS ARE THE EXCLUSIVE OBLIGATIONS OF THE PARTIES. ESCROW HOLDER IS NOT RESPONSIBLE TO PERFORM THESE OBLIGATIONS UNLESS ESCROW HOLDER AGREES IN WRITING.**

A. TAXPAYER IDENTIFICATION NUMBER REPORTING

Federal law requires Escrow Holder to report seller's social security number or tax identification number (both numbers are hereafter referred to as the "TIN"), forwarding address, and the gross sales price to the Internal Revenue Service ("IRS"). To comply with the USA PATRIOT Act, certain taxpayer identification information (including, but not limited to, the TIN) may be required by Escrow Holder from certain persons or entities involved (directly or indirectly) in the transaction prior to closing.

Escrow cannot be closed nor any documents recorded until the information is provided and certified as to its accuracy to Escrow Holder. The parties agree to promptly obtain and provide such information as requested by Escrow Holder.

B. STATE WITHHOLDING & REPORTING

Under California law (Rev & Tax Code §18662), a buyer may be required to withhold and deliver to the Franchise Tax Board (FTB) an amount equal to 3.33% of the sales price in the case of disposition of California real property interest ("Real Property") by either: 1) a seller who is an individual, trust or estate or when the disbursement instructions authorize the proceeds to be sent to a financial intermediary of seller; OR 2) a corporate seller that has no permanent place of business in California immediately after the transfer of title to the Real Property. Buyer may be subject to a penalty (equal to the greater of 10% of the amount required to be withheld or \$500) for failing to withhold and transmit the funds to FTB in the time required by law. Buyer is not required to withhold any amount and will not be subject to penalty for failure to withhold if: a) the sales price of the Real Property does not exceed \$100,000; b) the seller executes a written certificate under penalty of perjury certifying that the seller is a corporation with a permanent place of business in California; OR c) the seller, who is an individual, trust, estate or a corporation without a permanent place of business in California, executes a written certificate under penalty of perjury certifying one of the following: (i) the Real Property was the seller's or decedent's principal residence (as defined in IRC §121); (ii) Real Property being conveyed was last used by the seller as sellers principal residence within the meaning of IRC §121 (even if the seller did not meet the two out of the last five years requirement or one of the special circumstances in IRC §121); (iii) the Real Property is or will be exchanged for property of like-kind (as defined in IRC §1031) and that the seller intends to acquire property similar or related in service or use so as to be eligible for nonrecognition of gain for California income tax purposes under IRC §1031; (iv) the Real Property has been compulsorily or involuntarily converted (as defined in IRC §1033) and the seller intends to acquire property similar or related in service or use so as to be eligible for nonrecognition of gain for California income tax purposes under IRC §1033; or (v) the Real Property sale will result in a loss (or net gain not required to be recognized) for California income tax purposes. Seller is subject to penalties for knowingly filing a fraudulent certificate for the purpose of avoiding the withholding laws.

Contact FTB: For additional information regarding California withholding, contact the Franchise Tax Board at (toll free) 888-792-4900, by e-mail nrrws@ftb.ca.gov; or visit their website at www.ftb.ca.gov.

C. FEDERAL WITHHOLDING & REPORTING

Certain federal reporting and withholding requirements exist for real estate transactions where the seller (transferor) is a non-resident alien, a non-domestic corporation, partnership, or limited liability company; or a domestic corporation, partnership or limited liability company controlled by non-residents; or non-resident corporations, partnerships or limited liability companies.

D. TAXPAYER IDENTIFICATION DISCLOSURE

Federal and state laws require that certain forms include a party's TIN and that such forms or copies of the forms be provided to the other party and to the applicable governmental authorities. Parties to a real estate transaction involving seller-provided financing are required to furnish, disclose, and include the other party's TIN in their tax returns. Escrow Holder is authorized to release a party's TINs and copies of statutory forms to the other party and to the applicable governmental authorities in the foregoing circumstances. The parties agree to hold Escrow Holder harmless against any fees, costs, or judgments incurred and/or awarded because of the release of their TIN as authorized herein.

**THIS COMPANY CONDUCTS ESCROW BUSINESS UNDER CERTIFICATE OF AUTHORITY
ISSUED BY THE STATE OF CALIFORNIA DEPARTMENT OF INSURANCE.**

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(7/5/2006)

Page 2 of 2 Pages

Form 1610



The First American Corporation

First American Title Company

Privacy Policy

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information – particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our parent company, The First American Corporation, we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its *Fair Information Values*, a copy of which can be found on our website at www.firstam.com.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies, and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's *Fair Information Values*. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.



HIGHLAND FAIRVIEW

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300

June 21, 2010

Mayor Flickinger and Members of the City Council
City of Moreno Valley
14177 Frederick Street
Moreno Valley, California

SUBJECT: Highland Fairview Corporate Park – City Council Review of Public Improvement Agreement for Redlands Sewer – Application of Government Code Section 54954.2(b)(2).

Dear Mayor Flickinger and Members of the City Council:

Highland Fairview respectfully requests that the City Council exercise its authority under Government Code Section 54954.2(b)(2) to review and approve a Public Improvement Agreement for Redlands Sewer Improvements related to the Highland Fairview Corporate Park project.

This section of the Government Code permits the City Council to act on items not on its regular agenda when the Council determines that “there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted...” (Attached for reference). Please note a two-thirds vote of the Council is necessary.

The specifics of this request are as follows:

Highland Fairview and City staff have been working diligently to prepare and process the numerous plans, documents, agreements, easements, licenses, etc. that are necessary in order to construct the Highland Fairview Corporate Park project and the Skechers building.

The schedule for the project is extraordinarily tight and every day is critical to allowing Skechers to occupy their building as soon as physically possible.

On June 17, 2010, Highland Fairview was refused an encroachment permit to commence the Redlands sewer improvements without a Public Improvement Agreement (PIA) and security. Due to a miscommunication by both City staff and Highland Fairview, the City

June 21, 2010

Page 2

has decided that a PIA and security would, in fact, be required before an encroachment permit for Redlands Sewer would be issued.

The construction of the Redlands sewer improvements is critical to the overall project schedule and delays in that schedule will be extremely difficult, if not impossible to recover.

There are no issues with the sewer improvement plans, and the proposed PIA and cash security are consistent with established City guidelines and procedures. Two escrows were opened Friday June 18th with cash totaling \$844,500 for the security in order to expedite the process. There is no compelling reason that the Council cannot act on the PIA and security at its June 22nd meeting.

Highland Fairview respectfully requests the Council consideration of this request to enable the project to continue moving ahead.

Sincerely,



Iddo Benzeevi
President

Cindy Miller

From: Chris Fryer [CFryer@highlandfairview.com]
Sent: Monday, June 21, 2010 2:27 PM
To: Bonnie Flickinger
Cc: Richard Stewart; William Batey; Jesse Molina; Robin Hastings; Iddo Benzeevi; Danette Fenstermacher
Subject: City Council Review of Redlands Sewer PIA
Importance: High

Attachments: 2010 06 21 City Council Request Redlands Sewer June 22.pdf

Dear Mayor Flickinger and Members of City Council:

The attached letter is being sent to you at the request of Iddo Benzeevi.

Sincerely,
Chris Fryer for Iddo Benzeevi

Chris Fryer | Project Coordinator | Highland Fairview
14225 Corporate Way | Moreno Valley, CA 92553 | Tel: [REDACTED] Email:
CFryer@highlandfairview.com



HIGHLAND FAIRVIEW

14225 Corporate Way
Moreno Valley, CA 92553

June 21, 2010

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City of Moreno Valley
14177 Frederick Street
Moreno Valley, California

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Sincerely,



Iddo Benzeevi
President

Excerpt from California Government Code

54954.2. (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the items.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

Bill Bopf

From: Bill Bopf
Sent: Monday, June 21, 2010 10:11 AM
To: Mark Sambito; 'Brian Hixson'
Cc: Iddo Benzeevi; Danette Fenstermacher; Chris Vogt; Wayne Peterson; Chris Fryer; Lissette Plazola
Subject: RE: 2010-06-21b June 22nd and July 13th Council Agendas

the letter regarding the redlands sewer agreement just arrived at the city hall at 9:45 am monday june 21, 2020. the city council agenda for the june 22nd meeting was posted on thursday june 17, 2010. state law prohibits the city from taking action on an item not posted on the agenda without proper public notice. if all the necessary information is available by the end of this day, june 21, 2010 the staff will complete their work so that the item will appear on the july 13th agenda. staff work has to be completed today or the 13th deadline will be missed. if there any problems with the agreement, the 13th date may be missed.
wlb

From: Mark Sambito
Sent: Monday, June 21, 2010 9:27 AM
To: 'Brian Hixson'
Cc: Iddo Benzeevi; Danette Fenstermacher; Chris Vogt; Bill Bopf; Wayne Peterson; Chris Fryer; Lissette Plazola
Subject: 2010-06-21b June 22nd and July 13th Council Agendas

Brian,

Please do not have Chris Fryer deliver the PIA forms to Mr. Bopf. They should all go to the Land Development Division, attention Liz Plazola seeing as she is the person responsible for creating the original colored agreements. Delivering the forms to the City Manager's office or the City Engineer will only add a layer to the processing and could slow the overall timeline. Thank you.

Mark W. Sambito, P.E.
Engineering Division Manager
City of Moreno Valley
Land Development Division
P.O. Box 88005
Moreno Valley, CA 92552-0805

[REDACTED]
E: marks@moval.org
W: www.moreno-valley.ca.us

From: Brian Hixson [mailto:bhixson@highlandfairview.com]
Sent: Monday, June 21, 2010 7:39 AM
To: Mark Sambito
Cc: Iddo Benzeevi; Danette Fenstermacher; Chris Vogt; Bill Bopf; Wayne Peterson; Chris Fryer
Subject: 2010-06-21 June 22nd and July 13th Council Agendas
Importance: High

Mark,

I need your help with the following:

- 1) **June 22nd City Council Agenda** – As you know the Redlands Sewer is a critical item in the construction schedule. We have begun this work based upon approval from the City. The recent change in security requirements for the Redlands Sewer, due to the discrepancy in the City letter from Mr. Bopf, dated May 26, 2010; the attached Redlands Sewer PIA must be placed on the City Council Agenda for June 22nd in order to continue the construction. (Chris Fryer will bring Bill Bopf, you and Chris Vogt a signed hard copy Monday morning.) We are proposing to post cash security for the Redlands Sewer work in order to expedite the process. We need the City's assistance with resolving this situation by placing the item on the agenda for June 22nd. The same PIA we have been working on for the 20% reductions was used. Also I have included an updated Engineers Estimate along with the plan quantity sheet for reference.

- 2) **July 13th City Council Agenda** – We need to reserve the following as agenda items for the July 13th agenda. We may not need them but we want to cover all options:
 - a) HFCP - Phase 1 Public Improvement Agreement (PIA)
 - b) HFCP - Phase 2/3 PIA (Lien)
 - c) Final Parcel Map Recordation 35629
 - d) Redlands Electrical PIA
 - e) Any other item(s) related to Parcel Map Recordation?

- 3) **Security Form Substitution** – We will be substituting the escrow security for Line F and Redlands Sewer with surety bonds sometime in the near future. I believe this can be done administratively via City Engineer and City Attorney? If for some reason it requires City Council action then I want to be sure we include these on the July 13th agenda.

I appreciate all your help!

Brian Hixson | Vice President of Land Development | Highland Fairview
 3070 Bristol St | Suite 320 | Costa Mesa, CA 92626 | Tel: +1.714.824.8023 | Cell: +1.951.520.5015 | Email:
 bhixson@highlandfairview.com

Information from ESET NOD32 Antivirus, version of virus signature database 3832
 (20090206)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

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<http://www.eset.com>

TEL: 951.413.3000
FAX: 951.413.3750
WWW.MORENO-VALLEY.CA.US



14177 FREDERICK STREET

P. O. BOX 88005

MORENO VALLEY, CA 92552-0805

May 26, 2010

Mr. Iddo Benzeevi
Highland Fairview Properties, LLC
14225 Corporate Way
Moreno Valley CA 92553

Dear Mr. Benzeevi,

In anticipation of the start of the project construction, City staff met to discuss the construction and timing of the Public Improvement Agreements, cost estimates and other supporting documents for the Logistics project (Skechers). The following are the action items resulting from our conversation:

1. The City of Moreno Valley will not require a Public Improvement Agreement (PIA) and corresponding security for the construction of any City-maintained public improvements until the Final Parcel Map is submitted to City Council for approval.
2. The City of Moreno Valley requires the developer to provide both the Faithful Performance (100%) and Material and Labor (50%) security prior to the start of construction of any Flood Control District-maintained storm drain facilities.
3. In regards to the developer using real property as security for the Phase 2 and 3 improvements, Highland Fairview must provide the City with an appraisal and Title Report (as required by City Policy).
4. The value of the property must be a minimum of 2.5 times the estimated costs of the public improvements within Phases 2 and 3. As a cost estimate for the latter phases of the project has not been provided by the developer's engineer, City staff extrapolated the Phase 1 estimate to determine that the approximate costs for the remaining public improvements is about \$2,900,000, therefore the land proposed as security must be valued at a minimum of \$7,250,000.
5. Highland Fairview must provide the City with all securities, Public Improvement Agreement(s) and related Engineer's Cost Estimates and exhibits, title reports and appraisals no later than **June 7th** in order to get on the agenda for the July 13th

City Council meeting. If all of the required information is not provided by this date, the item will be re-scheduled for the next available public hearing.

Feel free to contact me if there are questions on the above information.

Sincerely,



William L. Bopf
Interim City Manager

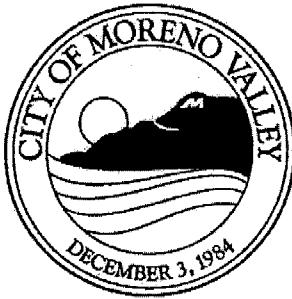
c: Mayor Flickinger and Members of the City Council

Robert L. Hansen, City Attorney

Rick Hartmann, Interim Assistant City Manager

Kyle Kollar, Community Development Director

Chris Vogt, Public Works Director/City Engineer



CITY OF MORENO VALLEY
Community Development Department
Planning Division

MEMORANDUM

To: Robert Hansen, City Attorney
From: Chris Ormsby, AICP, Senior Planner
Date: July 13, 2010
Subject: Environmental Determination Regarding Amendment of City Council Action on June 22 Regarding Applicant's Covenant to Hold as one Parcel subject to certain Conditions (City Council Agenda July 13, 2010, Item G.6)

The proposed action by City Council is not a "project" as defined in CEQA Guidelines Section 15378. There would be no direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment that would result from the proposed action. The site has already been disturbed and graded under authorized grading permit consistent with the approved conditions of approval. The activity of allowing a limited purpose building permit for foundation, slab, and pouring of wall panels would not result in a physical change to the environment that was not already contemplated by the approval of the "project". All applicable conditions of approval, including excepted conditions, would be required to be complied with prior to the issuance of the general building permit.

The "project" as defined in the CEQA Guidelines is the construction of Highland Fairview's Corporate Park. The first phase of the project consists of the construction of a single building permit containing approximately 1,820,000 sq. ft. which will be used as a logistics facility. The impacts of the entire project, including Phase 1, were carefully analyzed in an EIR certified by the Council as having been prepared in full compliance with CEQA on February 10, 2009. The EIR identified a number of potential mitigation measures which were made conditions of the project's approval.

The only effect of the City Council's approval of issuing the limited purpose building permit is to allow the construction for Phase 1 to begin a month earlier than would otherwise be the case. It is merely an approval of one stage of the previously analyzed project, it is not itself a new project. There is no change in the project, as analyzed in the EIR, and all of the conditions imposed at the time the project was approved in 2009 and as amended in 2010 are still in place and must be satisfied before construction of the building can be completed.

When an EIR has been certified, additional CEQA review is very limited. It is required only if certain conditions exist. They are:

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1. There are substantial changes in the project which will require major changes in the EIR because there are new significant environmental impacts or a substantial increase in the severity of previously identified significant impacts.

This condition does not apply because there is no change in the project (only the timing of the start of construction is involved), no new environmental impacts of any kind and no new increase in any environmental impact. The covenant to have the 11 existing lots held as a single parcel has no environmental impact at all because it is consistent with what will happen when Parcel Map 35629 is approved and recorded and the 11 existing lots are merged into the new Parcel 1.

2. There are substantial changes in the circumstances under which the project is undertaken which will require major changes in the EIR because there are new significant environmental impacts or a substantial increase in the severity of previously identified significant environmental impacts.

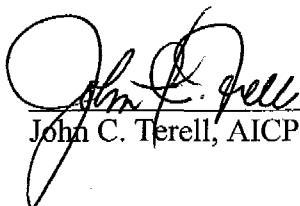
This condition does not apply because there is no change in the circumstances under which the project is being undertaken (no change in air quality, traffic or any other environmental issue which affects the project), no new environmental impacts of any kind and no new increase in any previously identified environmental impact.

3. There is new information of substantial importance which was not, and could not have been, known at the time the EIR was certified which would bring into question the analysis and the mitigation measures set forth in the EIR.

This condition does not apply because no such information has been identified by anyone.

Based on these facts, planning staff recommends the following environmental determination:

This activity is not a "project" under CEQA Guidelines Section 15378, and none of the conditions described in Section 15162 of the CEQA Guidelines have occurred that would warrant a subsequent EIR or an addendum to the EIR. Further, staff finds that the absence of any change in the project, the absence of any change in the circumstances under which the project is being undertaken, the absence of any new information which would bring into question the adequacy of the EIR, the fact that all of the project impacts were analyzed in the EIR and the fact that all mitigation measures must be satisfied prior to the building's completion means that there is no need for further environmental review.



John C. Terell, AICP, Planning Official

Cindy Miller

Item G-2

From: Cathy Parada
Sent: Tuesday, June 22, 2010 9:05 AM
To: City Council
Cc: Bill Bopf
Subject: FW: HF Covenant

Attachments: Proposed Motion for HF Covenant.doc

This e-mail is sent to you on behalf of William L. Bopf, Interim City Manager:

Mayor and Members of the City Council,
Staff could not recommend the issuance of anymore than a Foundation Only Permit, and even that has risks as the City Attorney advises. The attached resolution provides as much protection as possible if council wishes to assume the risk.

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Proposed Motion:

Approve and accept Highland Fairview's Covenant to Hold as One Parcel subject to the following conditions:

1. The covenant is amended to state that it is for the issuance of a limited purpose building permit for commencement of construction of the foundation and slab only, which permit shall automatically expire on October 20, 2010, if the final parcel map is not recorded prior to that date;
2. That Highland Fairview agree in writing in the covenant or other recordable agreement to the following terms and conditions prior to issuance of the limited purpose building permit:
 - a. The parcels which are the subject matter of the covenant be owned by the same entity,
 - b. Separate foundation and slab only building plans be submitted and approved,
 - c. Compliance with all conditions of approval for the issuance of a building permit except recording of the final map,
 - d. Compliance with all requirements for recording the final map except for actual final map approval and recordation, and Public Improvement Agreements and security for same for any public improvements not occurring in the public right-of-way or on public property,
 - e. All Public Improvement Agreements for improvements that will be undertaken in the public right-of-way or on public property pursuant to the limited purpose building permit have been executed and the required security has been posted,
 - f. The final lot configuration be shown on the map that is being processed,
 - g. The covenant to hold property as one parcel be recorded,
 - h. The holders of all easements across which construction will occur have either abandoned or given written permission for construction across their easements,
 - i. Execution of an encroachment and removal agreement,
 - j. The City is only issuing a limited purpose building permit for foundation and slab construction only,

- k. The final parcel map shall be recorded before 12:01 a.m. on October 21, 2010,
- l. The limited purpose building permit shall automatically expire at 12:01 a.m. on October 21, 2010, if the final parcel map has not been recorded,
- m. All construction pursuant to the limited purpose building permit shall cease at 12:01 a.m. on October 21, 2010 if the final parcel map has not been recorded,
- n. It will be solely responsible for removal of any improvements and restoration of the site to its pre-construction condition if ordered by any court,
- o. Prior to execution of the agreement it will provide adequate security for removal of any improvements and restoration of the site to its pre-construction condition if ordered by any court,
- p. It and its partners waive any and all recourse against the City which may arise out of this action,
- q. Neither the agreement, nor the time for recordation of the final parcel map will be extended beyond October 20, 2010,
- r. It will defend and indemnify the City for all judgments, costs and legal fees which may be incurred as a result of said agreement or the issuance of a limited purpose building permit for the foundation and slab only, and
- s. Any other terms and conditions the City Manager and City Attorney deem necessary to implement the agreement and the purposes of this action.