

RESOLUTION NO. 6793

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS ADOPTING FINDINGS OF FACT PURSUANT TO THE STATE SUBDIVISION MAP ACT FOR TENTATIVE PARCEL MAP NO. 18550 AND APPROVING TENTATIVE PARCEL MAP NO. 18550

WHEREAS, the Redlands Planning Commission has adopted its Resolution No. 1175 recommending approval of Tentative Parcel Map No. 18550 to the City Council of the City of Redlands ("this City Council"); and

WHEREAS, a certified copy of Planning Commission Resolution No. 1175 and related material has been forwarded to this City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REDLANDS AS FOLLOWS:

Section 1. The City Council of the City of Redlands hereby approves Tentative Parcel Map No. 18550 for the Redlands Commons Project, subject to the conditions of approval identified in Exhibit "A" of this Resolution, and based upon the following findings which apply to both the tentative and final maps for Tentative Parcel Map No. 18850:

A. The proposed map is consistent with applicable General and Specific Plans, as well as applicable provisions of the City of Redlands Municipal Code.

The property within Tentative Parcel Map No. 18550 ("TPM 18550") is located in the and will consist of 20,000 square feet of single-story office space, 75,000 square feet of inline retail space, and 10,500 square feet of restaurant space and will encompass 12.95 net acres. As addressed in greater detail in the EIR prepared in connection with TPM 18550, which analyzed the environmental effects of TPM 18550 pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) ("CEQA"), TPM 18550 advances the goals and policies of the City of Redlands General Plan (the "General Plan") as well as the East Valley Corridor Specific Plan (the "EVCSP").

On the General Plan Land Use Map, TPM 18550 is designated for "Commercial" land uses. The General Plan contains Guiding Policies which influence planning decisions within the City. The Guiding Policies that are applicable to TPM 18550 are as follows:

Policy 4.40g – "Locate High and Medium-Density development near regional access routes, employment centers, shopping areas, and public services."

Policy 4.50a – "Encourage development of office space in the East Valley Corridor."

Policy 4.62a – "Develop the EVCSP so as to promote and facilitate high-quality commercial and industrial development within the Corridor area."

TPM 18550 is, and will be, consistent with the General Plan; development of TPM 18550 would not conflict with the General Plan policies and it is consistent with the intent of the General Plan since it locates Medium-Density development with a floor area ratio ("FAR") of 0.19 (approximately 105,500 square feet/12.95 acres), close to major access routes, employment centers, and services. TPM 18550 is a "keystone" location within the EVCSP area due to its proximity to the I-210 and San Bernardino Avenue, and as such, has the unique ability to create a highly accessible and visible master planned development within contiguous property boundaries without the limitations imposed by property ownership patterns and existing street systems seen throughout most of the EVCSP area. TPM 18550 creates a fully integrated development of office and commercial uses rather than development of less desirable fragmented land uses spread out over several locations. Also, because TPM 18550 consists of high-quality commercial components, it will create significant employment opportunities for the local/regional population. Therefore, the City finds that TPM 18550 is and will be consistent with the General Plan.

In addition to the General Plan, TPM 18550 is subject to the EVCSP. The EVCSP tailors the policies of the General Plan for the characteristics of the East Valley Corridor area and indicates that the intent is to develop the East Valley Corridor into commercial areas will create employment opportunities for City residents as well as commuters into the City from other areas. TPM 18550 will be near existing and proposed residential uses so that employees and visitors will not have to travel long distances, thereby reducing commuting distances and improving the jobs to housing ratio.

Much like the General Plan, the EVCSP contains a number of policies intended to guide growth and development within the East Valley Corridor. The applicable EVCSP goals include:

Goal EV2.0205(a) – "Develop the EVCSP so as to facilitate the high-quality commercial, industrial, and residential development within the corridor area."

Goal EV2.0205(a)(1) – "Maximize generation of employment opportunities in a region which has a significant imbalance of housing versus employment opportunities."

Goal EV2.0205(a)(2) – "Facilitate location in the project area of a wide range of commercial uses to serve the region, local industry, and residential neighborhoods."

As noted above, TPM 18550 contains commercial and office uses that would provide a range of new employment opportunities within the area. Furthermore, the development within TPM 18550 is consistent with the EVCSP in that it includes setbacks, building heights, massing, meandering pathways, landscaping, architectural features, and artwork that will result in an aesthetically high quality development. Therefore, TPM 18550 is and will be consistent with the EVCSP.

With regard to the Redlands Municipal Code, Concept Plan No. 7 for Redlands Commons and Trojan Groves (the "Concept Plan"), and the regulations contained therein, have been designed to be consistent with the City's Municipal Code. The Concept Plan is intended to

allow for development standards that specifically address the needs of TPM 18550, while insuring substantial compliance with the spirit, intent, and provisions of the various City ordinances. TPM 18550 will comply with all applicable development standards contained in the Concept Plan. Consequently, the City finds that TPM 18550 is and will be consistent with the General Plan, the EVCSP, as well as all applicable provisions of the Municipal Code.

B. The design and improvement of the proposed subdivision are consistent with applicable General and Specific Plans.

The General Plan contains a number of Implementing Policies that are intended to impose development guidelines for developments within the City. The applicable Implementing Policies include:

Policy 4.62l – “Maximize generation of employment policies in a region which has a significant imbalance of housing versus employment opportunities.”

Policy 4.62m – “Facilitate location in project area of a wide range of commercial uses to serve the region, local industry, and residential neighborhoods.”

Policy 4.62u – “Develop opportunities for community oriented services within the General Plan area.”

Policy 4.62gg – “Enhance the beauty of the East Valley Corridor and the overall quality of life for users and residents of the area.”

Upon build out, TPM 18550 will consist of commercial uses that will conform to the requirements of the General Plan. For example, the General Plan states, “[t]he East Valley Corridor is the best, perhaps only, location capable of attracting the office, high-tech and distribution jobs the eastern portion of San Bernardino Valley needs.” See General Plan, Section 4.0, p. 36. To this end, TPM 18550 consists of office, retail and restaurant uses and encompasses 12.95 net acres and 15.22 gross acres. The office component will include two single-story office buildings of 9,000 and 11,000 square feet. The retail component will include a neighborhood inline retail center and various outparcels that would serve the growing needs of the existing neighborhoods and the new households moving to the area. It will include 75,000 square feet of retail space and 10,500 square feet of restaurant space. Building heights for the retail buildings will range from 20 to 60 feet, with the office buildings ranging in height from 20 to 54 feet, inclusive of parapets and mechanical equipment. All commercial buildings would be set back at least 40 feet from proposed residential uses, and there would be a 35 foot landscaped buffer separating TPM 18550 from proposed uses to the north. The retail component will be designed to provide high visibility for the retailers and for the entire commercial portion of Redlands Commons. The buildings will be set back from San Bernardino Avenue and Texas Street with landscaping and possible outdoor seating.

With regards to the EVCSP, TPM 18550 is within the Special Development District. To this end, the Concept Plan establishes development standards that apply to all land and buildings within the Development Envelope. The Concept Plan’s development standards governing TPM 18550 include:

- a. All lots shall have adequate width, depth and area to accommodate all parking setbacks, landscaping, loading, trash enclosures, and access requirements.
- b. Maximum building height of 60 feet for structures located on TPM 18550.
- c. No minimum lot coverage is required.
- d. Setbacks: front yard – 25 feet; street side yard – 25 feet; side and rear yards – none (when adjoining a residential district, 40 feet from the building to the abutting residential lot line).
- e. In addition to the above development standards there are also landscaping, parking, site lighting, trash enclosure, screening, fencing, wall, and sign requirements.

The design and improvement proposed for this property will be consistent with the uses permitted and conditionally permitted within the Special Development District within the EVCSP, as well as consistent with the development and design standards of the Concept Plan. The required yards, setbacks, walls, and landscaping features associated with TPM 18550 would adequately buffer TPM 18550 from adjacent uses, yet would also ensure integration with other surrounding uses. The property is more than adequate to accommodate TPM 18550, and associated improvements required by the EVCSP, including parking, landscaping, and off-site improvements. Since TPM 18550 will conform to applicable design guidelines associated with the Special Development District and the Concept Plan, the City finds that the design and improvements of the subdivision is and will be consistent with the EVCSP.

TPM 18550 is a well designed commercial development that will provide a wide range of commercial opportunities as well as services to the local community as well as the region at large. The design and improvements will incorporate landscaping, setbacks, trees, art work and other fixtures to attract high-quality tenants as well as create a substantial number of new jobs while enhancing the overall character of the community. Consequently, the City finds that the design and improvement of TPM 18550 is and will be consistent with the General Plan and the EVCSP.

C. The site is physically suitable for the proposed type of development.

TPM 18550 is currently in use as an active citrus grove, but will ultimately be developed to accommodate a mixed use, commercial/office development. TPM 18550 is physically suitable for the proposed type of development because there are no environmental hazards, there is suitable roadway access, and TPM 18550 will be connected to the City's utility infrastructure. Furthermore, the land is relatively flat, with low potential for soil subsidence or erosion. There are no known locally active or potentially active faults trending toward or through TPM 18550. Because TPM 18550 is not in an Alquist-Priolo Earthquake Fault Zone, the potential for damage as a result of direct rupture is remote, and TPM 18550 would not present any adverse impacts with respect to exposing people or property to hazardous conditions resulting from rupture of a known earthquake fault in TPM 18550. TPM 18550 is, however, like much of Southern California located in Seismic Zone 4. As a result, there is a risk of seismic shaking.

Accordingly, development will be required to comply with all design standards applicable to Seismic Zone 4 (the most stringent in the state) in order to reduce risk to TPM 18550 occupants.

TPM 18550 has not been identified as being in an area subject to potentially susceptible liquefaction by the California Geologic Survey (the "CGS") or the County of San Bernardino. Regional groundwater maps and groundwater data indicate that shallow groundwater conditions do not exist locally, nor have they existed historically. As a result, the potential for liquefaction to occur on-site is very low. In addition, TPM 18550 is outside any Landslide Hazard Zone defined by the state. TPM 18550 does not contain any marsh or riparian woodland acreage, wetlands, or urban streams or watercourses. Therefore, the City finds that the Site is physically suitable for the type of development.

D. The site is physically suitable for the proposed density of development.

The office and retail component would encompass 12.95 net acres of the Redlands Commons TPM 18550. This site is more than adequate to accommodate the 9,000 square foot and 11,000 square foot single story garden office buildings, 75,000 square feet of inline retail space and 10,500 square feet of restaurant space, and associated improvements required by the EVCSP, including parking, landscaping, and off-site improvements. Within the EVCSP area, the General Plan indicates that building density standard for nonresidential uses permits a maximum FAR of 0.25 to 0.6 for commercial uses, and 0.6 to 0.9 for office uses. See General Plan, Section 4.0, p. 4. The EVCSP, however, further limits the FAR in the East Valley Corridor to 0.6 for office, and 0.25 for commercial. See EVCSP, p. D4-65. The FAR for TPM 18550 is 0.19, well below the maximum for commercial and office uses. Therefore, upon build out, TPM 18550 will not exceed the FAR imposed under the General Plan and the EVCSP. The EVCSP contains development and performance standards which are designed to ensure an orderly transition from Special Development District uses to existing residential uses. TPM 18550 has been configured in a way that minimizes impacts generated by the proximity of the commercial portion of TPM 18550 to the residential.

The commercial uses will be located along San Bernardino Avenue. Retail uses will be concentrated on the western, northern and southern edges of the commercial center. Office uses will be concentrated on the eastern edge of the area, at the intersection of Texas Street and San Bernardino Avenue. All commercial uses will be set back at least 40 feet from residential uses, including a 35 foot landscaped buffer. The required yards, setbacks, walls, and landscaping features associated with TPM 18550 would adequately buffer the commercial portion of TPM 18550 from adjacent uses, yet would also ensure integration with other surrounding uses. Surface parking spaces and landscaping will occupy the remainder of the site. The General Commercial component will also include approximately 2.93 acres of open space/landscaping. A landscaped area is also proposed along the northerly edge of the Redlands Commons commercial area to separate the residential and commercial land uses.

Furthermore, the commercial uses proposed for this property will be consistent with the uses permitted and conditionally permitted within the General Commercial District of the EVCSP. Sections EV3.0710 and EV3.0713 of the EVCSP also allow permitted and conditionally permitted uses listed in the Neighborhood Commercial and Administrative Professional Districts in the EVCSP General Commercial District. In addition, individual

buildings will be constructed in accordance with established height restrictions and setbacks contained in the Concept Plan. The exterior design, including landscaping, signage, and lighting will conform to all applicable design guidelines contained in the Concept Plan. TPM 18550 will also have adequate parking, ingress and egress and loading areas for the density proposed. Infrastructure serves TPM 18550 and improvements will be made to accommodate the proposed density. Therefore, the City finds that TPM 18550 is physically suitable for the proposed density of development.

E. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The design of the subdivision and the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. TPM 18550 does not include habitat corridors, linkages, crossings, or travel routes and is, therefore, not expected to support any appreciable terrestrial or avian wildlife movement. TPM 18550 does not connect two or more significant wildlife habitats because the surrounding areas are completely developed with urban and agricultural uses to the north and south of TPM 18550. On the western portion of TPM 18550, I-210 creates a significant barrier to movement. TPM 18550 does not contain any marsh or riparian woodland acreage, wetlands, or urban streams or watercourses, and extensive mitigation measures will mitigate any potential impacts to sensitive species to a less than significant level. The mitigation measures noted in the EIR include:

MM 4.4-1(a): Surveying for nesting special-status avian specials not more than 30 days prior to construction. The results of surveys to be submitted to the U.S. Fish and Wildlife Services and/or the California Department of Fish and Game, as well as the City of Redlands. In the alternative the developer can begin construction after the previous season for local raptors and other special species has ended (after August 15) and before the next breeding season begins (Before February 15).

MM 4.4-1(b): If active nests for special-status avian species or raptor nests are found within the construction footprint, construction activities shall be delayed within a minimum 500-foot buffer zone surrounding active raptor nests and a minimum 250-foot buffer zone surrounding nests of other special-status avian species until the young have fledged.

MM 4.4-2: One day prior to disturbance of the citrus trees within the orchard located on TPM 18550, at least two biologists, one of which shall hold a valid California Scientific Collection Permit, shall conduct a pre-construction survey of the area in order to relocate any individual silvery legless lizards. This can be achieved through active capture and relocation to other suitable habitat outside of the potential areas of impact (i.e., outside TPM 18550).

The EIR's analysis indicates that there are no significant and avoidable impacts relating to the nesting habitat for migratory avian species of special concern and/or raptors on Redlands Commons; the loss of the silvery legless lizard; the loss of foraging areas for sensitive bat

species; and the movement of any native resident or migratory fish or wildlife species. The environmental impacts of the commercial development were analyzed in the EIR. See EIR, Section 4.4. Therefore, the City finds that design of the subdivision and the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

F. The design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

The design of the subdivision and the proposed improvements are not likely to cause serious public health problems. Construction of TPM 18550 will not endanger, jeopardize or otherwise constitute a menace to the public convenience, health, interest, safety, or the general welfare of persons residing or working in the vicinity of TPM 18550. TPM 18550 will be designed in such a manner so that potentially conflicting uses will be segregated from one another in order to reduce potential public health problems. The Project will provide all infrastructure necessary for TPM 18550 including adequate sewer and water systems.

TPM 18550 is required to be connected to the City's sanitary sewer system where the sewage will be directed to facilities administered by the City of Redlands Municipal Utilities and Engineering Department (the "MUED"). As reflected in the EIR, the MUED has reported that TPM 18550 would not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will only have a minor incremental impact on the quantity of the effluent from facilities administered by the MUED. TPM 18550 will consist of commercial and office uses and will not discharge pollutants such as industrial sludge, noxious gasses, medical wastes or radioactive materials. TPM 18550 will not exceed the City's capacity to treat wastewater as the City has the ability to process 9.5 mgd. The facility is currently only processing 6.5 mgd. Uses within Parcel Map 18550 will generate 7,925 gallons per day. As a result, the Parcel Map will only reflect a slight imposition on the City's wastewater capacity.

With regard to solid waste, TPM 18550 will result in a new source of solid waste. The City operates the California Street Landfill, which is a Class III landfill that accepts all solid waste generated within the City's boundaries. The total permitted daily throughput capacity for the landfill is 829 tons. Currently, the average daily disposal is approximately 320 tons per day. The residual average capacity is approximately 509 tons per day. Operation of TPM 18550 will generate 0.13 tons per day, or 48 tons per year. As a result, the City has more than adequate capacity to serve TPM 18550. Furthermore, TPM 18550 will observe the Municipal Code's regulations that govern the procedures for collection, transfer, processing, and disposal of solid waste. With regards to stormwater drainage, TPM 18550 will upgrade all curbs and gutters where appropriate in order to accommodate all drainage flowing from TPM 18550. As a result, the City finds that the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

G. The design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

The design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. No such easements are known to exist. Needed public access for roads and utilities will be acquired by the City and/or appropriate utilities prior to recordation of the proposed tract. All easements and public rights of way to serve TPM 18550 will be designated on the Final Map. Therefore, the City finds that the design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

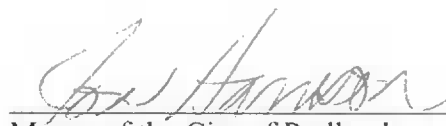
H. The proposed subdivision will not result in parcels that would be too small to sustain their agricultural use pursuant to the California Land Conservation Act ("Williamson Act").

The proposed subdivision will not result in parcels that would be too small to sustain their agricultural use pursuant to Williamson Act contracts. Although the area comprising TPM 18550 currently consists of an active citrus grove, TPM 18550 is not located in a City designated Agricultural Preserve area, nor is it subject to a Williamson Act contract. As noted in the analysis of the Concept Plan, the property comprising TPM 18550 is within a SD District, which envisions future development within the East Valley Corridor that will provide new residences and businesses to that will potentially attract growth to the area. To this end, as demonstrated in the Measure U findings, the proposed density increase would not convert viable agricultural land to non-agricultural uses. The area surrounding the Project is becoming urbanized, with the potential of Wal-Mart to the south, existing residential uses to the northeast, proposed commercial development to the east, a proposed high school to the north and the existence of I-210 to the west. With its prime access to freeways and major arterials, the property comprising TPM 18550 has been the logical place where this growth would occur. While most of the growth has occurred south of the I-10, residential developments and neighborhood retail centers have sprung up in the northern portion of the City as well, particularly in the area surrounding TPM 18550. Agricultural uses on-site are not capable of success or continuing effectiveness, nor are they practicable.

Further, as demonstrated in the EIR Findings, the property comprising TPM 18550 is designated as containing Prime Farmland and Farmland of Statewide Importance and will convert this land from agricultural to urban uses, including commercial and residential. This property, however, is currently designated as Commercial by the City General Plan and as a Special Development District by the EVCSP, which anticipates future urban development, including commercial and office development. Further, the East Valley Corridor area is considered a prime location for commercial and industrial development due to its proximity to large urban areas and relatively few topographic and environmental constraints. TPM 18550 would not, however, instigate a change that is not already reasonably foreseeable under the applicable land use plans and zoning assessed in the EVCSP or the General Plan.

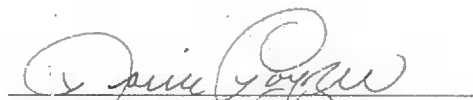
Presently, agriculture has been permitted as an interim use on the land, but was not anticipated as a long term use. As there are a number of current and future non-agricultural developments in the area, the transition into a more intensive use represents a logical, outward expansion of urban development. Thus, the City finds that approval of the proposed subdivision will not result in parcels of land that would be too small to sustain their agricultural use pursuant to the Williamson Act.

ADOPTED, SIGNED AND APPROVED this 6th day of January, 2009.



Mayor of the City of Redlands

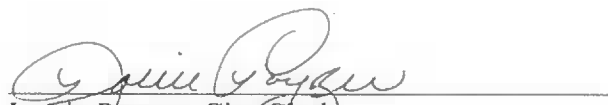
ATTEST:



City Clerk

I, Lorrie Poyzer, City Clerk of the City of Redlands, California, do hereby certify that the foregoing Resolution No. 6793 was duly adopted by the City Council at a regular meeting thereof held on the 6th day of January, 2009, by the following vote:

AYES: Councilmembers Gilbreath, Gallagher, Aguilar; Mayor Harrison
NOES: Councilmember Bean
ABSENT: None
ABSTAIN: None



Lorrie Poyzer, City Clerk
City of Redlands, California

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

CONDITIONS OF APPROVAL

MINOR SUBDIVISION NO. 314 (PARCEL MAP 18550)

Prepared on: January 12, 2009

Applicant: On Texas Street LLC

Location: The northwest corner of Texas Street and San Bernardino Avenue

CONDITIONS OF APPROVAL
MINOR SUBDIVISION NO. 314

1. The issuance of any permits shall comply with all provisions of the Redlands Municipal Code.
2. Unless the map has been recorded or a time extension is granted in accordance with Code, this application shall expire two (2) years from the date of approval.
3. This approval is for a Minor Subdivision to subdivide approximately 36 acres into 11 lots for property on the north side of San Bernardino Avenue, the south side of Pioneer Avenue, the west side of Texas Street, and east of Tennessee Street in the EV/SD, Special Development District of the East Valley Corridor Specific Plan (proposed for change to Concept Plan No. 7).
4. The applicant shall record the lots by Final Parcel Map.
5. The applicant shall insure that the project shall be kept in weed and dust free condition throughout all periods of development.
6. The applicant for this subdivision, and its heirs, successors and assigns shall defend, indemnify and hold harmless the City of Redlands, its elected officials, officers, agents and employees from and against any claim, action, or proceeding to attack, set aside, void, and annul the approval of this subdivision by the City provided such action is brought within the time period provided for in Section 66499.37 of the California Government Code. The City will promptly notify the applicant of any claim, action, or proceeding that may be brought against it.
7. Recorded easements are required for all cross lot drainage in the subdivision.

CONDITIONS OF APPROVAL
MINOR SUBDIVISION NO. 314

8. Pursuant to Government Code Section 66020(d), certain fees, dedications, reservations or exactions imposed by the City as a condition of approval of this project are subject to a statutory ninety (90) day protest period. Please be advised that the ninety (90) day protest period for those fees, dedications, reservations and exactions which are subject to Government Code Section 66020(a) has commenced to run on the date this project was approved by the City.
9. Prior to recordation of the Final Map, the applicant shall submit a final grading plan that shows how off-site drainage from adjacent, up stream, private properties will be picked up and carried to a City storm drain system. The plan shall identify the contours, improvements (buildings, driveways, walls, etc.), landscaping and existing drainage systems of adjacent properties. The plan, at a minimum, shall show the area twenty (20) feet from the tract property line. The plan shall identify the relationship of the subdivision and its proposed grading and improvements to adjacent properties and their grading and improvements and show that the adjacent properties will not be negatively impacted as a result of the acceptance of drainage or on-site improvements. Plans are to be submitted to, reviewed and approved by the Community Development Department and the Public Works Department prior to approval of the Final Map.
10. The final map shall conform with the tentative map as approved by the Planning Commission.
11. All plans submitted to the City shall reflect all Planning Commission approvals and any other changes required by the Commission and/or staff. This condition applies to site plans, landscape plans, elevations, grading, and all other illustrations, text, or plans submitted to the City in connection with the project
12. The applicant shall provide plans that detail retaining walls or obtainment of slope easements to maintain property lines at the tops of all slopes prior to approval of final map.
13. Any conditions of approval determined by the City to not be completed prior to Final Map approval shall be the subject of a Subdivision Improvement Agreement entered into by the developer with the City.

CONDITIONS OF APPROVAL
MINOR SUBDIVISION NO. 314

14. All slopes in excess of three (3) feet in height shall be landscaped and irrigated. Landscaping for slopes in excess of three (3) feet in height shall be shown on the final landscape plan.
15. The recorded map shall provide a reciprocal parking and access agreement to be recorded over all properties to provide unrestricted access to parking spaces, drive aisles and driveways.
16. The applicant shall establish a Property Owners Association for the project. The Association shall be responsible for the care and maintenance of all property improvements held in common ownership of the subdivision as well as other improvements constructed for the common benefit of the project. Conditions, Covenants and Restrictions (CC&R's) shall be prepared, submitted for review and approval by the City Attorney, prior to approval of the final map. The CC&R's shall include provisions covering the care and maintenance of all property and improvements held in common ownership of the subdivision as well as other improvements on private property constructed for the common benefit of the project including parking area improvements, all landscaping, fountains, and walkways.
17. Conditions, Covenants and Restrictions ("CC&Rs") shall be prepared by the applicant and approved by the City for the project which address the conditions of approval imposed upon the project and address the responsibilities of the Propertyowners' Association ("POA"). The CC&Rs shall contain the following:
 - a. a provision which reads substantially as follows: "The City shall have the right to review and approve any propose amendment or termination of [the CC&Rs] when such termination or amendment would alter, amend, terminate or otherwise impair the rights of the City under those provisions of [the CC&Rs] which satisfy the conditions of approval imposed by the City for the project. All proposed amendments shall be submitted to the City's Community development Director and shall be approved in writing by the City Attorney as a precondition of and prior to the recordation of such amendment."
 - b. a provision which reads substantially as follows: "[The CC&Rs] shall be covenants running with the land, and shall, in any event, and without regard to technical classification or designation, legal or otherwise, be, to the fullest extent permitted by law and equity, binding for the benefit and the favor of, and enforceable by the City of Redlands. Although the City of Redlands shall be a beneficiary of [the CC&Rs], and shall have a right to enforce [them], the City of

CONDITIONS OF APPROVAL
MINOR SUBDIVISION NO. 314

Redlands shall not be obligated hereunder to exercise such rights of enforcement."

18. The CC&Rs shall be subject to a joint review by the all affected City Department Directors and the City Attorney's Office. The applicant shall be required to pay for the review of the CC&Rs by the affected Department Directors and the City Attorney's Office at such persons' hourly billing rates.
19. The CC&Rs shall be submitted to the City at least twenty (20) days prior to the submission of any request for approval of the final map. The CC&Rs shall subsequently be recorded, in the form approved by the City, prior to or at the same time as the final map.
20. As an alternative to the Property Owners Association providing for the care and maintenance of common and privately owned improvements specified in Condition No. 16, the applicant may annex into a Community Facilities District (CFD) at the discretion of the City. The cost for ongoing maintenance shall be financed through an assessment placed on lots within the subdivision. In the event the property owners opts out of the CFD the Property Owners Association shall assume responsibility for the care and maintenance of improvements as outlined in the CC&R's prepared for the project.
21. The applicant shall comply with all applicable Mitigation Measures included in the Mitigation Monitoring Program prepared for the Redlands Commons Environmental Impact Report.
22. As a condition of and prior to final map approval, the applicant shall (1) petition the City for annexation of the property comprising Tentative Parcel Map No. 19078 to the City's Community Facilities District No. 2004-1, or a similar City community facilities district, as designated by the City; (2) take all actions reasonable or necessary to annex such property to the community facilities district; and (3) pay the reasonable and actual costs incurred by the City in annexing the property to the community facilities district; all for the purpose of the maintenance of landscaping of private common areas and public rights-of-way.
23. Landscaped fingers will be added to the landscaping in the commercial area along San Bernardino Avenue, which will eliminate nine parking spaces on the commercial portion of the development.
24. Prior to the installation of any Mexican Fan Palm (*Washingtonia robusta*) proposed in the Landscape Plan, the developer shall work with the City of Redlands to identify and acquire Mexican Fan Palms owned by the City

CONDITIONS OF APPROVAL
MINOR SUBDIVISION NO. 314

that would be removed by the City pursuant to the City's efforts to remove such trees located under power lines. For such identified Mexican Fan Palm located under, interfering, or anticipated to interfere with overhead power lines, the developer, at its sole cost and expense, shall remove the tree and relocate to the Redlands Commons property pursuant to the Landscape Plan. The developer shall provide the City with a replacement minimum 15-gallon tree listed on the city's approved tree list that is suitable to grow under power lines ("Replacement Tree"). Within 12 months of planting of the Replacement Tree, if the tree does not survive, the developer shall replace the Replacement Tree with another 15-gallon tree listed on the City's approved tree list. The City shall not charge the developer any fee to implement the provisions contained within this subsection.

A handwritten signature in black ink, appearing to read "Oscar Orci", is written over a horizontal line.

Oscar Orci
Community Development Director

**MUNICIPAL UTILITIES AND ENGINEERING DEPARTMENT
DEVELOPMENT REQUIREMENTS
MINOR SUBDIVISION NO. 314 (Parcel Map No. 18550; CRA No. 851)**

Date of P.C. Meeting: May 13, 2008
Applicant: On Texas Street
Location: Property Bounded by Pioneer Avenue, Texas Street and San Bernardino Avenue

The applicant shall comply with the following engineering requirements as necessary because the required construction is a necessary prerequisite to the orderly development of the surrounding area and for public health and safety:

All requirements for development shall be consistent with requirements set forth in the East Valley Corridor Specific Plan.

A. The following items are required prior to issuance of the GRADING PERMIT.

No Grading Permit is required.

B. The following items are required prior to RECORDATION OF PARCEL MAP.

1. Pay plan check fee as established per resolution. The amount is to be determined at plan check submittal.
2. All support documentation shall be submitted with the parcel map to be checked. Submission shall include but not be limited to:
 - Title Reports for the property
 - All tract maps and deeds referenced on the Tract Map
 - Easement Documents
 - Boundary and Lot Closure Calculations
3. Requirements for San Bernardino Avenue.
 - a. Dedicate to provide for a 60 foot half street right-of-way width including corner cutoff at the property line return to accommodate a 35 foot radius curb return and pedestrian ramp.
4. Requirements for Texas Street.
 - a. Dedicate to provide for a 44 foot half street right-of-way width.
5. Requirements for Pioneer Avenue
 - a. Dedicate to provide for a 33 foot half street right-of-way width including corner cutoff at the property line return to accommodate a 30 foot radius curb return and pedestrian ramp.

6. Survey and Monumentation bond must be posted.
 7. Execute Subdivision Improvement Agreement.
 8. Owner's Civil Engineer shall furnish tie sheets for all points set or found in public right-of-ways and one mylar copy of recorded parcel map to the City Engineer.
- C. The following items are required prior to issuance of the BUILDING PERMIT**
1. No Building Permit is allowed or required.
- D. The following items are required prior to issuance of the ENCROACHMENT PERMIT.**
1. No Encroachment Permit is required.
- E. The following items are required prior to issuance of CERTIFICATE OF OCCUPANCY.**
1. No Certificate of Occupancy will be issued or required.
- F. The following items are required prior to release of BONDS/WARRANTIES.**
1. Prior to the release of the bonds for the project, all requirements outlined in Section B of these conditions of approval shall be satisfied.
 2. Owner's Civil Engineer shall furnish tie sheets for all points set or found in public right-of-way and one mylar of recorded parcel map to the City Engineer.
 3. Monumentation letter shall be submitted certifying that all monuments have been set as required.


ROSEMARY HOERNING
Director of Municipal Utilities
and Public Works Engineering/City Engineer

744.

TTF:akc

**MUNICIPAL UTILITIES AND ENGINEERING DEPARTMENT
DEVELOPMENT REQUIREMENTS
CRA 851, AND MS 314**

Date: May 13, 2008
Applicant: Gretchen Sauer
Location: NWC San Bernardino Avenue and Texas Street

The specific fee amounts to be paid by the applicant or its successor shall be those established by the city and in effect on the date the permit or other conditioned approval noted below is issued. The fees specified herein are based on estimated flows for a retail/office use identified on the submitted plans. If there is a change in use or tenant improvement resulting in higher estimated flows due to the proposed use, the fees for the additional flows will be due at that time. The fees estimated herein are advisory only.

GENERAL:

Comply with Title 13 and other sections of the Redlands Municipal Code in effect at the time of approval or issuance of permits, as applicable.

WATER SECTION:

THE DEVELOPER SHALL:

1. Pay the Water Source Acquisition Charge at \$33.70 per 100 cubic feet/month estimated monthly flow for retail/office, as a condition of approval of the parcel map.

\$5,200
2. Pay the Water Capital Improvement Charge at \$220.00 per 100 cubic feet/month estimated monthly flow for retail/office, as a condition of approval of the application for a water service connection prior to meter installation.

\$33,700
3. Pay applicable non-potable development impact fees for landscape areas as a condition of approval for the application for a non-potable water service connection prior to meter installation.
4. Pay the Water Main Frontage Charge at \$30 per linear foot of frontage (490 feet) in Texas Street, as a condition of final approval of the parcel map.

\$14,700
5. Install a water main, from an existing 12-inch water main in the intersection of San Bernardino Avenue and Texas Street across the frontage of San Bernardino Avenue and extending approximately 400 feet west of the west property line, as approved by the Municipal Utilities and Engineering Director. Hydraulic calculations are required to be

submitted as a basis for sizing of the water main, with a 8-inch diameter water main being the minimum, based on fire flow requirements, as approved by the Municipal Utilities and Engineering Director.

6. Install a 16-inch diameter non-potable water main along the frontage in Texas Street and an extension to approximately 470 feet south of Pennsylvania Avenue, as approved by the Municipal Utilities and Engineering Director. If the 16-inch diameter non-potable water main exists along the frontage then pay non-potable water main frontage fee at \$23 per linear foot as a condition of final approval of parcel map.
7. Install 6-inch diameter non-potable water main along the frontage in San Bernardino Avenue from the proposed 16-inch diameter non-potable water main in Texas Street, as approved by the Municipal Utilities and Engineering Director.
8. Install commercial fire hydrants as required by the Redlands Fire Department and approved by the Municipal Utilities and Engineering Director.
9. Install reduced pressure principle backflow devices on all water services as approved by the Municipal Utilities and Engineering Department and double detector check valve backflow devices on any separate fire service for fire sprinklers.

SEWER SECTION:

THE DEVELOPER SHALL:

1. Pay the Sewer Capital Improvement Charge at \$2,210 per 100 gallons per day estimated flow for retail/office, as a condition of issuance of a building permit.
\$84,400
2. Pay the Sewer Main Frontage Charge at \$30 per foot of frontage (1,330 feet) in San Bernardino Avenue, as a condition of final approval of the parcel map.
\$39,900

SOLID WASTE SECTION:

THE DEVELOPER SHALL:

1. Pay the Solid Waste Capital Improvement Charge of \$52 per pound per day estimated waste stream flow, as a condition of issuance of a building permit.
\$121,800
2. Comply with the Solid Waste Recycling Access Act of 1991 (AB 1327), and install double

Redlands Commons, CRA 851, NWC of San Bernardino Avenue and Texas Street
May 13, 2008
Page 3

solid waste bin enclosure(s) as approved by the Municipal Utilities and Engineering Department. Prior to the issuance of a Building Permit, submit a plan, prepared by a licensed engineer on a copy of the site plan showing bin enclosure location(s) and turning and/or turn around movements, and areas, for solid waste collection trucks.

3. Submit site and building recycling plans in accordance with Chapter 13.66 of the Redlands Municipal code, and comply with the plans as approved by the Municipal Utilities and Engineering Department.

AIRPORT SECTION:

THE DEVELOPER SHALL:

(No Requirements.)



ROSEMARY HOERNING
Director of Municipal Utilities &
Public Works Engineering/City Engineer

COMMUNITY DEVELOPMENT

BUILDING AND SAFETY

**CONDITIONAL USE PERMIT 907
COMMISSION REVIEW & APPROVAL NO. 851
GENERAL PLAN AMENDMENT NO. 117
SPECIFIC PAL NO. 40 AMENDMENT NO. 38
CONCEPT PLAN NO. 7
MINOR SUBDIVISION NO. 341
TENTATIVE TRACT NO. 18444**

**Date of Preparation:
Planning Commission Date:
Applicant:**

April 14, 2008

May 13, 2008

On Texas Street LLC

Attn. Gretchen Sauer

Location:

South side of Pioneer Avenue, the west side of Texas Street and east of Tennessee Street.

1. In compliance with the California Building Code (Application for Permit) and prior to the plan check process, the applicant must submit five (5) complete sets of construction plans and two (2) sets of specifications, engineering calculations, diagrams, soils investigation reports, special inspection and structural observation programs and other data to the building division for review and approval prior to the issuance of a building permit. Plans and specifications shall be drawn to scale upon substantial paper and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of codes and all relevant laws, ordinances, rules, and regulations.
2. In compliance with the City of Redlands plan check requirement and part of the plan check process, the applicant shall insert the Conditions of Approvals from each city departments as part of the General Notes.
3. In compliance with the California Plumbing Code and prior to the plan check process, the applicant must submit three (3) complete sets of on-site sewer and water plans to the building division for review and approval prior to the issuance of a plumbing permit.
4. In compliance with the California Code of Regulations, Title 24, Part 2, Appendix Chapter 1 (Administration), the structures shall not be occupied until a certificate of occupancy has been granted by the City of Redlands.
5. In compliance with the Redlands City Ordinances and during the plan check process, the applicant must submit four (4) sets of fire sprinkler or fire alarm plans for plan check review and approvals prior to building permits.
6. In compliance with the California Building Code (Excavation and Grading) and prior to the issuance of a building permit, a soil testing laboratory must submit a final compaction report showing all fills have been compacted to a minimum of 90 percent of maximum density to the Building Division for review and approval prior to the issuance of a building permit.

7. In compliance with the California Building Code (Excavation and Grading) and prior to the issuance of a building permit, the Civil Engineer must submit a letter of pad certification to the building division for review and approval prior to the issuance of a building permit.
8. In compliance with the California Code of Regulations, Title 24 Part 2, (Accessibility Standards) and prior to the building plan check approval, the designer, Architect or Engineer must provide project designs for accessibility for the physically challenged to the building division. Submit the design to the Building Division for their review and approvals prior to the issuance of a building permit.
9. In compliance with the City of Redlands Municipal Code (Title 18 - Easements) and prior to the issuance of a building permit, the applicant must provide copies of the recorded easement documentation for water drainage, utilities, or private sewer (on-site) lines to the Building Division for their review and approval prior to the issuance of a building permit.
10. Prior to the start of construction and prior to the first building inspection, project address shall be posted, sanitation facility provided, and erosion controls per the City Engineer approved plans shall be in place.
11. In compliance with the Redlands Municipal Code (Land Development Standards) slopes exceeding three (3) feet in height shall be provided with irrigation systems and sufficient plants chosen from a list of erosion-resisting plants available at the Department of Building and Safety or design slopes with an approved matting material designed by the project engineer; and submit the design to the Building Division with the grading plan check for review and approval.
12. In compliance with the Redlands Municipal Code and prior to the issuance of grading permits, the applicant shall receive necessary approvals and permits for the demolition of structures on the site.
13. In compliance with the California Building Codes and prior to Certificate of Occupancy or electric/gas releases, the structure shall be provided with sanitation facilities. Such facilities shall be located either in such building or conveniently in a building adjacent thereto on the same property.
14. Prior to Final Occupancy, the design architect/engineer and/or developer shall submit to the Building and Safety office a complete set of approved structural and architectural drawings for the construction of structural and architectural work, including truss, electrical, plumbing, and mechanical plans, which will be transmitted on CD, TIF or GIF imaging file, for archiving purposes per the State of California Requirements.


Richard Pepper
Chief Building Official