1 2 3	CITY OF MORENO VALLEY PLANNING COMMISSION REGULAR MEETING CITY HALL COUNCIL CHAMBER – 14177 FREDERICK STREET		
4 5	Thursday March 26 <sup>th</sup> , 2015, 7:00 PM		
6 7	CALL TO ORDER		
8	ROLL CALL		
10 11	PLEDGE OF ALLEGIANCE		
12 13	APPROVAL OF THE AGENDA		
14 15 16	<u>CHAIR SIMS</u> – Okay, the first step here tonight is to get a motion to approve the Agenda for this evenings meeting. Can I have a first?		
17 18			
25 26	COMMISSIONER BAKER – Yes		
27 28	COMMISSIONER BARNES - Yes		
29 30	COMMISSIONER VAN NATTA - Yes		
31 32	COMMISSIONER RAMIREZ – Yes		
33 34	VICE CHAIR LOWELL – Yes		
35 36	CHAIR SIMS - Yes		
37 38	APPROVAL OF MINUTES		
39 40	None		
41 42	PUBLIC ADVISED OF THE PROCEDURES TO BE FOLLOWED IN THE MEETING		
43 44 45	(On display in the rear of the room)		

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

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Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mark Sambito, ADA Coordinator, at 951-413-3120 at least 48 hours before the meeting. The 48 hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

<u>CHAIR SIMS</u> – Okay that bring us to our public comments portion of the Agenda. This is the time for any member of the public to address us any matter which is not listed on the Agenda and which is within the subject matter jurisdiction of our Commission. So Grace, do we have any Speaker Slips?

**GRACE ESPINO-SALCEDO** – We do not have any Speaker Slips.

## **NON-PUBLIC HEARING ITEMS**

None

<u>CHAIR SIMS</u> – So I guess that would conclude our public comments at this point.

#### **PUBLIC HEARING ITEMS**

1. Case Description: PA14-0058 Conditional Use Permit

Applicant: Verizon Wireless

Owner: Shepherd of the Valley Lutheran Church

Representative: Spectrum Services Inc. (Ms. Sunnshine Schupp)

Location: 11650 Perris Blvd. (Shepherd of the Valley

Lutheran Church

Proposal: A Conditional Use Permit (CUP) for a new

Wireless Communications Facility with a 55 ft.

Monopalm Tree

Case Planner: Claudia Manrique

#### Recommendation:

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**APPROVE** Resolution No. 2015-05 and thereby:

1. **CERTIFY** that the proposed Verizon wireless telecommunications facility is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 3 Categorical Exemption, CEQA Guidelines, Section 15303 for New Construction or Conversion of Small Structures: and

2. **APPROVE** Conditional Use Permit PA14-0058 based on the findings contained in Planning Commission Resolution 2015-05, subject to the conditions of approval included as Exhibit A of the Resolution.

**CHAIR SIMS** – So that bring us to our Public Hearing. Our first item and our only item on the Public Hearing that I know unless we have anything to be added is a Conditional Use Permit for a new wireless communications facility with a 55 foot monopalm tree. Is there a Staff Report on this item?

PLANNING OFFICIAL SANDZIMIER - There is Mr. Chairman. I'd like to introduce Claudia Manrique to give you this report.

**ASSOCIATE PLANNER MANRIQUE** – Good evening. I'm Claudia Manrique. The proposal is for a Conditional Use Permit for a new wireless telecommunications facility which includes a 50 foot tall monopalm tree structure. The equipment structure is surrounded by an eight foot tall split face block wall which will match existing split face block walls along the existing facility that is also on the site and the trash enclosure. The proposed facility is located at 11650 Perris Boulevard, which is the Shepherd of the Valley Lutheran Church. Up here we have the aerial footage showing the project site. It is towards the back of the church property along the southern border.

There is an existing neighboring AT&T wireless facility which is also a monopalm operating on the site and it was constructed back in 2005 and this will remain on The proposed 50 foot tall monopalm will fill in a gap of cell coverage capacity for Verizon. The design of the monopalm blends in with existing trees species on site. Again there is an existing monopalm for AT&T as well as some live palms in the project area. Here we have... this shows the layout of the site plan including the equipment shelter and the proposed palm tree and it is within the heavy black dash line area. Directly to the west, that is the existing palm and equipment shelter that will remain. This shows the palm tree. Another view of the palm tree and then the applicant has prepared the photo sims which are here, which will show what the palm tree will look like. And this is looking south from the school buildings onto the project site. This is further away, so you get an idea what it is going to look like from a distance and this is from Perris Boulevard itself when you are looking directly east into the church property and further in the background you can see where the tree is going to be.

The site is currently developed within an existing church, which also has a daycare and a school; pre-school and kindergarten. The parcels around are residential R5 and include mostly single family houses. There is the Northridge Elementary School directly north of this site. Vehicle access will be off of Perris Boulevard through the church parking lot back to the lease area and the applicant is also providing one assigned next to the equipment shelter for maintenance purposes. The project is exempt under CEQA, Section 15303 for New Construction or Conversions of Small Structures.

Public notification was sent to all property owners within 300 feet on March 13<sup>th</sup> as well as posted on the site on March 13<sup>th</sup> and in the Press Enterprise newspaper on March 14<sup>th</sup>. We have one minor change to the conditions of approval for P8. The statement for the condition ends with the monopalm shall be designed to accommodate co-locations. With the palm tree structures, they are not able to co-locate, especially at the height that this tree is proposed which is 55 feet, so we are just going to ask to delete the last comment sentence of P8. And then we are recommending approval of Resolution 2015-05, certifying that the project is exempt under CEQA and approve Conditional Use Permit PA14-0058. Thank you.

<u>CHAIR SIMS</u> – Okay thank you for the Staff Report. Do any of the Commissioners have questions of Staff they'd like to ask before we bring up the Applicant?

<u>VICE CHAIR LOWELL</u> – I have one. Just to clarify, you said the last sentence is of P8; the sentence that reads, the monopalm shall be designed to accommodate co-locations with future connections provided for at the base of the monopalm structure. That line and that sentence specifically is being deleted?

# **ASSOCIATE PLANNER MANRIQUE** – Yes

<u>CHAIR SIMS</u> – Any other questions of Staff? Okay we'd like to welcome the applicant to come up and give their statement about the project. Please state your name.

<u>APPLICANT</u> – My name is Sunnshine Schupp. I'm with Spectrum Services on behalf of Verizon Wireless and I can answer any questions if you have any.

**CHAIR SIMS** – Commissioners, anything?

<u>COMMISSIONER BARNES</u> – It's pretty straightforward. I have no questions of the applicant.

<u>CHAIR SIMS</u> – Thank you. Well done. Nice Staff Report or project report. Okay, so I would for form
<u>PLANNING OFFICIAL SANDZIMIER</u> – You do have to formally open the Public Hearing even though it looks empty, just in case.
<u>CHAIR SIMS</u> – Okay, so I'm going to open the Public Hearing and I'm going to ask if there is anyone interested in speaking on this item. If you have not already filled out a speaker card and provided to our recording secretary, so Grace do we have anything?
GRACE ESPINO-SALCEDO – We have no speaker slips.
<u>CHAIR SIMS</u> – Okay, being that we haven't heard anything, I would close the Public Hearing on this matter. I guess my only question was there any I did have a question. Was there any objections or anything received by Planning Staff to the proposed project?
ASSOCIATE PLANNER MANRIQUE - No there wasn't
<u>CHAIR SIMS</u> – Okay, now is the time to discuss it; if we have any discussion on the item or I would welcome a motion.
<u>COMMISSIONER BARNES</u> – I do have a question of Staff. Is there a specific setback from property lines for cell antennas?
<u>ASSOCIATE PLANNER MANRIQUE</u> – It depends on the location. Because this is an existing church, we use the same setback as the tree that is existing which did meet the current setback requirements.
<b>COMMISSIONER BARNES</b> – Okay, which is what?
ASSOCIATE PLANNER MANRIQUE – Twenty feet
<u>COMMISSIONER BARNES</u> – Twenty feet, okay thank you
<u>CHAIR SIMS</u> – So if we have a motion, if the motion could include the modification proposed by Staff to condition P8, which would eliminate the last sentence of that condition.
<u>COMMISSIONER VAN NATTA</u> – I move that we <b>APPROVE</b> Resolution No. 2015-05 and thereby:

1 2		the proposed Verizon Wireless telecommunications of from the provisions of the California Environmental		
3 4 5	Guidelines, Section 15303 for New Construction or Conversion Small Structures; and			
6 7 8 9 10 11	contained in Pla conditions of ap	nditional Use Permit PA14-0058 based on the findings anning Commission Resolution 2015-05, subject to the proval included as Exhibit A of the Resolution with the e last sentence of P8.		
12 13	COMMISSIONER BAKER – I'll second that			
14 15 16	CHAIR SIMS - Okay we have a first and a second. Can we have the vote?			
17 18	COMMISSIONER RAMIREZ – Yes			
19 20	COMMISSIONER BAKER - Yes			
21 22	COMMISSIONER VAN NATTA – Yes			
23 24	COMMISSIONER BARNES – Yes			
25 26	VICE CHAIR LOWELL - Yes			
27	CHAIR SIMS - Yes			
28 29	CHAIR SIMS – Is there a c	concluding statement for this from Staff?		
30 31 32 33 34 35 36 37 38	<u>PLANNING OFFICIAL SANDZIMIER</u> – This item is a Conditional Use Permit which is typically approved at the discretion of the Planning Commission, however it is appealable to the City Council. Any affected property owner or any affected person has 15 days to file an appeal. If we receive an appeal it will be scheduled with the City Council within 30 days and that would conclude our report.			
39 40	OTHER COMMISSION BUSINESS			
41	1. Planning Commissi	on Rules of Procedure		
42 43	Recommendation:	ADOPT the Planning Commission Rules of Procedure		
44	•	as amended by the Planning Commission on		
45 46	,	January 8 <sup>th</sup> , 2015		

<u>CHAIR SIMS</u> – Okay, that moves down into Other Business and what we have on here is Planning Commission Rules of Procedure, which have been closely scrutinized, analyzed, modified and discussed thoroughly at our prior meetings, but if there is anything that Staff would like to report on that, I'd turn that over.

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PLANNING OFFICIAL SANDZIMIER – Sure. Mr. Chairman and fellow Commissioners up there, I would like to just reiterate for the record that the Rules of Procedure were presented to the Planning Commission in extensive detail at the January 8<sup>th</sup> meeting. In working with our City Attorney's Office, we have provided a red line version of that document. There has been only I think a couple of very minor slight changes since the January 8th meeting. Those revised documents were provided for you this evening. Within the Rules of Procedure the Commission is authorized every July to review the Rules of Procedure just on an annual basis, however there is also provision on the last page of the Rules of Procedure which says that the Planning Commission can make modifications to the Rules of Procedure at any meeting based on a majority vote of the Commission, so this evening since we are not in July, we still can address these this evening and that is the provision that we'll be using this evening. I'd like to just ask Paul Early from our City Attorney's Office if there is anything he'd like to provide for clarification on the record.

<u>CITY ATTORNEY EARLY</u> – No I have nothing else to add since our prior discussions I think we discussed those minor changes, but if there any other questions I'd be happy to answer them any time.

**CHAIR SIMS** – Does anyone have any questions or comments?

<u>VICE CHAIR LOWELL</u> – I have two questions. It's not really groundbreaking, but I have a question. On the second page, it is item number 2; it says responsibilities, then A. for chairperson, it says call special meetings of the Commission in accordance with the legal requirements of these rules and procedures. What special meetings would you be referring to?

<u>CITY ATTORNEY EARLY</u> – Special meeting is anything that is not a regular meeting, so in the event that the Chair wanted to call or the Planning Staff had a time sensitive issue that needed to be dealt with before the next regular meeting, a special meeting can be called on 24 hours' notice. There is special noticing requirements under the Brown Act for that, but that is what is being referred to here as opposed to anything but the regular twice monthly Thursday night scheduled ones.

<u>VICE CHAIR LOWELL</u> – And that's not something that originated from up here, it originated on the Staff side of things, but the Chair would just call the meeting?

<u>CITY ATTORNEY EARLY</u> – Generally speaking if that issue arose, Staff would bring it to the Chair's attention that we have an issue that is time sensitive and

we want to get it on for the next regularly scheduled meeting and it would be incumbent upon the Chair to authorize that. It then would be noticed and everybody would be informed of that. It is the same procedure with that the Council uses by the way.

PLANNING OFFICIAL SANDZIMIER - If I may just add a little bit, the regular meetings; the term "regular" means that they are held on the second and fourth Thursday of the month starting at 7 o'clock in the evening, so you could have a special meeting that could happen on the second or fourth Thursday of the month if you wanted to start at a different time, so if you said for whatever reason we wanted to start at 4 o'clock on that day, that would constitute a special meeting because you have adjusted the actual starting time. The other thing that would be a special meeting would be any other day of the week or any other day of the month that doesn't fall on that second or fourth Thursday of the month, so those are special meetings. With regard to the special meeting is also being called for a special reason, so you would have... really the Agenda would be limited for the special purpose of that meeting, so if you started at 4 o'clock to have a special meeting on a specific topic, you could adjourn from the special meeting and then go right into your regular meeting at 7 o'clock on that particular Thursday for other items, so there are some nuances with regard to how special meetings are conducted, but that is a little more.

<u>VICE CHAIR LOWELL</u> – Good to know. Then the second question I had was under rules of testimony. It says a person presenting testimony to the Commission is requested to give their name and address for the record. Do we really need their address or is that included on the speaker slips that are given?

<u>CITY ATTORNEY EARLY</u> – It is generally included on the request. I believe it is on the speaker slips. We can't mandate that. By law it is requested mostly so that Staff or the Commission can follow up with the individual if necessary. It is a voluntary issue, but it is something that is generally requested of speakers.

VICE CHAIR LOWELL - Thank you I appreciate it.

<u>COMMISSIONER BARNES</u> – I have a question and I apologize for not catching this when he discussed this previously, but 1c 1c, the absence of a Chairperson and Vice Chairperson and any other member may call the Commission to order. I read that to mean that if five of the seven where here and the two missing were the Chair and Vice Chair, we could not have a meeting. It seems like we have a higher obligation of five of us are here to both the public and the Staff to have a meeting. Should that be reworded to say something about we shall have a meeting but any member can call the meeting to order?

**COMMISSIONER VAN NATTA** – That's basically what it says I believe.

**CITY ATTORNEY EARLY** – Well yeah that's essentially what it says

<b>COMMISSIONER BARNES</b> – Is t	hat what it's meaning?
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<u>VICE CHAIR LOWELL</u> – We actually went back and forth on that. It actually said may and then it went to shall and then it went back to may.

<u>CITY ATTORNEY EARLY</u> – The 'may' and the 'shall' is related to your duty as a particular Commissioner to be the one to call it to order. There is no mandate that you particularly take on that responsibility. If no one calls it to order then you wouldn't end up having a meeting, but any one of you may. None of you are compelled to, but if any of you call it to order, then the very first action of business would be to vote on who is going to be the Chair for that meeting.

# **COMMISSIONER BARNES** – Alright

<u>CHAIR SIMS</u> – You know what, because I'm getting old, I forget things. Did we talk about the start time of these meetings at seven and moving it to maybe a little earlier? I came Tuesday night to the Council meeting and it started at six and it seemed to be a packed house. They had to bring in additional chairs so everybody was able to make it. I'm certainly open to... I can't remember if we talked about it. I can't remember.

<u>VICE CHAIR LOWELL</u> – We did discuss it and the intent was to give the public a little bit more time to make it from wherever they are to the meetings.

<u>COMMISSIONER VAN NATTA</u> – Including Commissioners who have other obligations.

<u>VICE CHAIR LOWELL</u> – I'm okay with staying at seven unless somebody has some burning desire to start earlier.

**COMMISSIONER BARNES** – No preference

<u>VICE CHAIR LOWELL</u> – Well in that case we could always call a special meeting and start it at six.

**COMMISSIONER VAN NATTA** – I'm okay with leaving it.

**CHAIR SIMS** – I'm agnostic on it. I just couldn't remember if we talked about it, so it has been asked and answered. I've got my...

**COMMISSIONER VAN NATTA** – I'd like to put a mandatory end time on it.

<u>CHAIR SIMS</u> - I don't think that's possible. That's why I was just hoping to move it. If we moved it to six, then we would have more time between six and twelve o'clock at night.

1	<b>COMMISSIONER VAN NATTA</b> – Yeah but I might be late from time to time.					
2 3	CHAIR SIMS – Alright					
4 5 6	VICE CHAIR LOWELL – I think that's it.					
7 8	CHAIR SIMS – So do we proceed with getting a motion to adopt it?					
9 10 11	<u>PLANNING OFFICIAL SANDZIMIER</u> – That would be the appropriate procedure.					
12 13 14	<u>VICE CHAIR LOWELL</u> – I'll make a motion. I motion to <b>ADOPT</b> the Planning Commission Rules and Procedures as amended by the Planning Commission on January 8 <sup>th</sup> , 2015.					
15 16	COMMISSIONER BAKER – I'll second that					
17 18 19	<u>PLANNING OFFICIAL SANDZIMIER</u> – May I ask as amended and presented in the Agenda packets this evening, because I believe there is a slight amendment.					
20 21	CITY ATTORNEY EARLY – You'll want to use todays date					
22 23 24	PLANNING OFFICIAL SANDZIMIER – Yeah, you just want to use todays date.					
24 25 26 27 28	<u>VICE CHAIR LOWELL</u> – And to verify today is the 26 <sup>th</sup> . Okay I will make a new motion. I motion to <b>ADOPT</b> the Planning Commission Rules and Procedures as amended by the Planning Commission on March 26 <sup>th</sup> , 2015.					
29 30	COMMISSIONER BAKER – And I'll second that.					
31 32	CHAIR SIMS – We have a first and a second, can we call for the vote.					
33 34	COMMISSIONER RAMIREZ – Yes					
35 36	COMMISSIONER VAN NATTA – Yes					
37 38	COMMISSIONER BARNES – Yes					
39 40	COMMISSIONER BAKER – Yes					
41 42	VICE CHAIR LOWELL – Yes					
42 43 44	CHAIR SIMS - Yes					
45 46	<u>CHAIR SIMS</u> – Any follow up on this or does this conclude the action?					
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### **STAFF COMMENTS**

**CHAIR SIMS** – Okay, so we're down in the Agenda to any Staff Comments.

PLANNING OFFICIAL SANDZIMIER – I do have a few. First and foremost I want to congratulate Commissioner Sims, Commissioner Van Natta and Commissioner Barnes on your re-appointment to the Commission. I look forward to working with you for another few years. The terms for Commissioner Van Natta will expire on the 31<sup>st</sup> of March 2017. The terms for Commissioner Barnes and Commissioner Sims will expire on March 31<sup>st</sup>, 2019. In addition to the three of you rejoining the Commission, I also am proud and look forward to announcing a new Commissioner, Patricia Korzec. Her term will start the first meeting that we have in April, which at this point is scheduled for April 23<sup>rd</sup>.

In accordance with the Rules and Procedures that you've just adopted and it has been in there all along, the first meeting in April is the time when the Commission will be selecting a new Chairman and a new Vice Chair, so if you guys want to think that through at least you have a month before that will take place.

It may be of interest to the Commissioners to know the outcome of two recent appeals. The Commission did review two residential projects that were subsequently appealed and went to the City Council. The first one was Nova Homes, which was a 122 unit Planned Unit Development that was approved by the Planning Commission on December 11th. It was appealed and considered by the City Council on March 10<sup>th</sup>. The project applicant Nova Homes and the appellant were able to agree on some modifications to the project. modifications could also be supported by Staff and the City Council elected to approve that project as modified. It ended up with one reduced unit, so instead of 122 units, it ended up being up being 121 units and there was some other modifications to the project. The second one was a proposal by Frontier Communities. When the Planning Commission considered it on January 8<sup>th</sup>, it was a proposal between 72 and 76 units for another Planned Unit Development off of Cottonwood Avenue. That one was appealed and it was subsequently scheduled for a City Council Hearing on March 24th, which was earlier this week. On the day of the scheduled City Council Meeting, we did receive a letter from the applicant asking that the project be withdrawn. In withdrawing the project, the project no longer is a valid project and becomes void, so there is no project on that particular site. There was no Hearing necessary.

I do want to remind the Planning Commissioners that you are required to submit an annual FPPC, the Fair Political Practice Commission Form 700. If you have not done that yet, you have until April 1<sup>st</sup> to do it. You should have received an email from the City Clerk's Office. If you have any guestions regarding that form,

please let us know. We can put you in contact with the City Clerk. Contact Grace and we can help you with that. It is available to be filed online, so I think it is a fairly straightforward process.

Earlier today I sent out an email to the Commissioners regarding our computer use and security policy. If you had a chance to look at that, it speaks for itself in the email. It gives you a choice. It you would like to have an email account set up, it's not mandatory and I'll leave it to the discretion of each Commissioner to let us know how you would like to go with that, but in order to have that sort of account set up, you would have to fill out the form that was sent to you. If you could, just return that to Grace. Our next scheduled meeting is April 23<sup>rd</sup>. As of now we have at least two items on the Agenda. One is a Public Hearing for the Modular Logistics Center that is proposed by Kearny Real Estate Company. It was on your Agenda for March 12 and it was continued to the April 23<sup>rd</sup> meeting. The second one is a proposed convenience store with alcohol sales, so those are the two items that we know at this point and that concludes Staff's comments.

### **PLANNING COMMISSIONER COMMENTS**

<u>CHAIR SIMS</u> – Thank you. Do we have any Commissioner Comments this evening?

**COMMISSIONER VAN NATTA** – I want to talk just long enough to get past 23 minutes after seven.

<u>CHAIR SIMS</u> – Very good. At your discretion.

<u>COMMISSIONER VAN NATTA</u> – Okay, I'm done. I think we've passed the 23 minutes.

# **ADJOURNMENT**

**CHAIR SIMS** – Okay, I think we're looking for the motion to adjourn this meeting.

**COMMISSIONER VAN NATTA** – So moved

VICE CHAIR LOWELL - I'll second

**CHAIR SIMS** – Is everybody in favor? All right we're done. Thank you.

1	NEXT MEETING				
2	Planning Commission Regular Meeting, April 23 <sup>rd</sup> , 2015 at 7:00 pm, City of				
3	Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, CA, 92533.				
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