

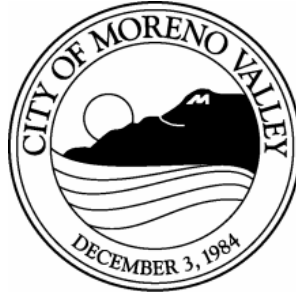
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**PLANNING COMMISSIONERS**

BRIAN LOWELL  
Chair

JEFFREY BARNES  
Vice-Chair

RAY L. BAKER  
Commissioner



JEFFREY SIMS  
Commissioner

CARLOS RAMIREZ  
Commissioner

PATRICIA KORZEC  
Commissioner

VACANT  
Commissioner

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# PLANNING COMMISSION

## Regular Meeting

### Agenda

Thursday, March 23, 2017 at 7:00 PM  
City Hall Council Chamber – 14177 Frederick Street

#### CALL TO ORDER

#### ROLL CALL

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF AGENDA

#### CONSENT CALENDAR

*All matters listed under Consent Calendar are considered to be routine and all will be enacted by one roll call vote. There will be no discussion of these items unless Members of the Planning Commission request specific items be removed from the Consent Calendar for separate action.*

#### APPROVAL OF MINUTES

Planning Commission - Regular Meeting - Feb 9, 2017 7:00 PM

Planning Commission - Regular Meeting - Feb 23, 2017 7:00 PM

#### PUBLIC COMMENTS PROCEDURE

*Any person wishing to address the Commission on any matter, either under the Public Comments section of the Agenda or scheduled items or public hearings, must fill out a "Request to Speak" form available at the door. The completed form must be submitted to the Secretary prior to the Agenda item being called by the Chairperson. In speaking to the Commission, member of the public may be limited to three minutes per person, except for the applicant for entitlement. The Commission may establish an overall time limit for comments on a particular Agenda item. Members of the public must direct their questions to the Chairperson of the Commission and not to other members of the Commission, the applicant, the Staff,*

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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 Guy Pegan, ADA Coordinator, at 951.413.3120 at least 72 hours before the meeting. The 72-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

or the audience.

## **NON-PUBLIC HEARING ITEMS**

None

## **PUBLIC HEARING ITEMS**

1. Case: PEN16-0164
- Applicant: Raafat Aziz Shahid
- Owner: Butterfield Valley Partners
- Representative: Raafat Aziz Shahid
- Location: 25073 Sunnymead Blvd Suite D-14
- Case Planner: Julia Descoteaux
- Council District: 3
- Proposal: PEN16-0164 Conditional Use Permit

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2017-15, and thereby:

1. **CERTIFY** that the land use change proposed with PEN16-0164 Conditional Use Permit (Existing Structure) is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 1 Categorical Exemption, CEQA Guidelines, Section 15301 for Existing Facilities; and
2. **APPROVE** PEN16-0164 Conditional Use Permit (Existing Structure) subject to the attached Conditions of Approval included as Exhibit A.

## **OTHER COMMISSION BUSINESS**

2. Planning Commission Recommended Modification to Ordinance 890 (Report of: Community Development)

Case: Not Applicable

Applicant: Planning Commission Recommendation

Owner: Not Applicable

Representative: Not Applicable  
Location: Not Applicable  
Case Planner: Richard Sandzimier, Planning Official  
Council District: Citywide

**STAFF COMMENTS**

**PLANNING COMMISSIONER COMMENTS**

**ADJOURNMENT**

Next Meeting: Planning Commission Regular Meeting, April 27, 2017 at 7:00 P.M., City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, CA 92553.

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

5                                   **Thursday, February 9, 2017 at 7:00 PM**

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7  
8                                   **CALL TO ORDER**  
9

10                                  **CHAIR LOWELL** – Good evening ladies and gentlemen. I would like to call to  
11 order this Regular Continuation Meeting of the Planning Commission. There was  
12 a typo on the Agenda. It says Special Meeting, but it is actually a Continued  
13 Regular Meeting. Today is Thursday, February 9, 2017. The time is a little bit  
14 after 7:00. It is 7:08 PM. I would like to call the meeting to order. Could we have  
15 rollcall please?  
16

17  
18                                  **ROLL CALL**  
19

20                                  Commissioners Present:

- 21 Commissioner Korzec
- 22 Commissioner Nickel
- 23 Commissioner Baker
- 24 Commissioner Gonzalez
- 25 Commissioner Sims
- 26 Vice Chair Barnes
- 27 Chair Lowell
- 28 Commissioner Ramirez - Excused Absent

29  
30  
31                                  Staff Present:

- 32 Rick Sandzimier, Planning Official
- 33 Paul Early, Assistant City Attorney
- 34 Erica Tadeo, Senior Administrative Specialist
- 35 Claudia Manrique, Case Planner
- 36 Michael Lloyd, Traffic Engineer
- 37 Eric Lewis, City Traffic Engineer
- 38 Chris Ormsby, Senior Planner

39  
40  
41                                  Speakers:

- 42 RD Hayes
- 43 Suzanne Potter
- 44 Susan Zeitz

1 Siegfried Dankreyier  
2 Marcia Narog  
3 George Hague  
4 Kathleen Dale

5  
6  
7 **CHAIR LOWELL** – Commissioner Gonzalez, could you lead us in the Pledge of  
8 Allegiance, please?

9  
10 **COMMISSIONER GONZALEZ** – I will.

11  
12  
13 **PLEDGE OF ALLEGIANCE**

14  
15  
16 **CHAIR LOWELL** – Thank you very much. Would anybody like to make a  
17 motion to approve tonight's Agenda?

18  
19  
20 **APPROVAL OF THE AGENDA**

21  
22  
23 **COMMISSIONER BAKER** – I so move.

24  
25 **CHAIR LOWELL** – We have a motion by Commissioner Baker. Do we have a  
26 second?

27  
28 **VICE CHAIR BARNES** – I'll second.

29  
30 **CHAIR LOWELL** – We have many seconds. All in favor, say aye.

31  
32 **COMMISSIONER KORZEC** – Aye.

33  
34 **COMMISSIONER BAKER** – Aye.

35  
36 **COMMISSIONER SIMS** – Aye.

37  
38 **COMMISSIONER GONZALEZ** – Aye.

39  
40 **COMMISSIONER NICKEL** – Aye.

41  
42 **CHAIR LOWELL** – Aye.

43  
44 **VICE CHAIR BARNES** – Aye.

45  
46 **CHAIR LOWELL** – All opposed, say nay. Any abstentions?

1  
2  
3 Opposed – 0  
4  
5

6 **Motion carries 7 – 0**  
7  
8

9 **CHAIR LOWELL** – The motion passes 7-0. Tonight's Agenda is officially  
10 approved. That moves us onto our Consent Calendar items, which I do not  
11 believe we have any.  
12

13  
14 **CONSENT CALENDAR**  
15

16 *All matters listed under Consent Calendar are considered to be routine and all*  
17 *will be enacted by one rollcall vote. There will be no discussion of these items*  
18 *unless Members of the Planning Commission request specific items be removed*  
19 *from the Consent Calendar for separate action.*  
20

21  
22  
23 **APPROVAL OF MINUTES**  
24

25 **None**  
26  
27

28 **CHAIR LOWELL** – Approval of Minutes is next, which, again, we don't have  
29 any.  
30

31  
32 **PUBLIC COMMENTS PROCEDURE**  
33

34 *Any person wishing to address the Commission on any matter, either under*  
35 *Public Comments section of the Agenda or scheduled items or public hearings,*  
36 *must fill out a "Request to Speak" form available at the door. The completed*  
37 *form must be submitted to the Secretary prior to the Agenda item being called by*  
38 *the Chairperson. In speaking to the Commission, member of the public may be*  
39 *limited to three minutes per person, except for the applicant for entitlement. The*  
40 *Commission may establish an overall time limit for comments on a particular*  
41 *Agenda item. Members of the public must direct their questions to the*  
42 *Chairperson of the Commission and not to other members of the Commission,*  
43 *the applicant, the Staff, or the audience. Additionally, there is an ADA note.*  
44 *Upon request, this Agenda will be made available in appropriate alternative*  
45 *formats to persons with disabilities in compliance with the Americans with*  
46 *Disabilities Act of 1990. Any person with a disability who requires a modification*

1 or accommodation in order to participate in a meeting should direct their request  
2 to Guy Pagan, our ADA Coordinator, at (951) 413-3120 at least 48 hours prior to  
3 the meeting. The 48-hour notification will enable the City to make reasonable  
4 arrangements to ensure accessibility to this meeting.  
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7

8 **NON-PUBLIC HEARING ITEMS**  
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10 **CHAIR LOWELL** – That moves us onto Public Comments on Non-Public  
11 Hearing Items, which I do believe we have a few Speaker Slips. A couple people  
12 turned in duplicate slips. We're going to limit.....you're limited to one speaking  
13 opportunity at a time so, if you have a slip, please turn it in now, and we will start  
14 calling you up one by one. Also, since this is a continuation meeting, if your Non-  
15 Public Hearing Item comments lean toward a Public Hearing Item that is on  
16 tonight's Agenda, I will be cutting you off and asking you to withhold your  
17 comments for the next time you can speak, which would be at the City Council  
18 Meeting. The Public Comments have closed on this Agenda item and, if you do  
19 start speaking towards this, it won't be on the record, so I would recommend  
20 holding your.....I'm sorry, I'd recommend holding your opinions and desires and  
21 wishes and comments until the City Council Meeting if and when this item is  
22 moved onto City Council. With that said, who would our first speaker be?  
23

24 **SENIOR ADMINISTRATIVE SPECIALIST**Darisa Vargas– Kathleen Dale.  
25

26 **CHAIR LOWELL** – Ms. Dale, come on up. And who would the next one be?  
27 Could you read off a couple of them?  
28

29 **SENIOR ADMINISTRATIVE SPECIALIST ERICA TADEO** – George Hague and  
30 R.D. Hayes.  
31

32 **CHAIR LOWELL** – Thank you.  
33

34 **SPEAKER KATHLEEN DALE** – It's awfully high.  
35

36 **CHAIR LOWELL** – You can bring it down.  
37

38 **SPEAKER KATHLEEN DALE** – Good evening, my name is Kathleen Dale. I'm  
39 a life-long Moreno Valley resident and retired from a 35-year career as a planner  
40 and an environmental consultant. I wanted to just address you on three matters  
41 that are relevant to your general authority and function. The first one is regarding  
42 the information that comes to you in applicant presentations and staff reports and  
43 Staff comments during your hearing matters, and I hope you are all listening  
44 carefully to what's being said and that you're understanding when misinformation  
45 is put into the record and striking that misinformation from your knowledge base  
46 for your deliberations. I think also it's important that when misinformation has

1 been presented to you, and in fact this happens in your written staff reports as  
2 well, that you should express to the public that there was misinformation in the  
3 record and that you have not considered that in your deliberations. In your Rules  
4 of Procedure, there is a requirement for disclosures and one aspect of those  
5 disclosures has to do with a recused member and not having conversations with  
6 that recused member about the project. So, if any of you have something to  
7 disclose, I hope that you do that on a regular basis. The third item has to do with  
8 your.....with one of your authorities, and I don't know if this has been explained to  
9 you but, in the Municipal Code, Section that establishes the Parks Commission,  
10 you actually have the authority to refer matters to the Parks Commission for  
11 review. And so, if you have a project that involves a General Plan Amendment  
12 that affects future park facilities, you really, before you take action on that, should  
13 refer that to the Parks Commission for their recommendation before you take  
14 action. Thank you.

15

16 **CHAIR LOWELL** – Thank you. Mr. George Hague.

17

18 **SPEAKER GEORGE HAGUE** – Good evening, George Hague. Restating a few  
19 of the things I said last time. Once again, the Planning Department is your Staff.  
20 Do not let them treat you as if you are their subordinates. You need to realize  
21 that you can and should direct them, and hopefully you will. This City does not  
22 do the best job in preparing the Planning Commissioners. If you go online and  
23 just Google Planning Commission responsibilities, you'll see cities that have fairly  
24 decent documents that help Commissioners understand their role and functions  
25 of what they should and should not do, and I would recommend that for  
26 everybody sitting up there at this time. I, again, thank you prior to hearing a  
27 project that involves historical or environmental perhaps damage that you should  
28 have the input from that county.....or that committee here in this city. Same thing  
29 goes with parks. You need to get the input from them first, and you should direct  
30 Staff to require that. That's your job is to direct Staff to do that. We had quite a  
31 few people here last time. We have quite a few people here this time. I was  
32 promised, for example, that the tables along the side of the wall would be  
33 removed that people are now sitting on and chairs would be put in their place.  
34 As you can see, that was not done. So, once again, we have people standing in  
35 the back so they can be in the main room. Now, I hope the Planning  
36 Commission recommends to Staff that, during a City Council Meeting, something  
37 needs to be done. Because, during a normal Council Meeting, this room is fairly  
38 full. Add 100 people to that. So, what recommendation will this Planning  
39 Commission make to Staff in order to make it so that people can be at the  
40 meeting before the City Council and be able to sit and listen and not be turned  
41 away at the door like last time because there were not enough chairs? If this is  
42 not Special Meeting before the City Council, you're not doing the best by the  
43 people in this city. So hopefully you will do that. I hope you will also, when you  
44 have time, look further into the responsibilities of the Planning Commission. And  
45 I will this time, and in the future, be watching to see if you do list those who are  
46 associated with a project if you've been talking to them or anybody that is a



1 proponent of the project and that you list those people prior to your vote. That's  
2 very responsible for the public to hear that from those who are making decisions.  
3 And I thank you very much for your time this evening, and I appreciate you  
4 having this hearing at this time when we can be here by ourselves without three  
5 or four other items prior to the project. You probably appreciate that also. You  
6 have a good evening.

7  
8 **CHAIR LOWELL** – Thank you, Mr. Hague. RD Hayes followed by Suzanne  
9 Potter followed by Susan Zeitz. That's fine. You can pull the microphone down.

10  
11 **SPEAKER RD HAYES** – Thank you. I am here to speak to the general promise  
12 that is here in the city that growth under these circumstances is good. I came to  
13 this city in 1972 before it was a city. Twelve years before it was a city because it  
14 was small like the town city county seat that I came from back East. It took off  
15 with cancerous growth. And it has been studied and published in magazines of  
16 state jurisdiction that, when a population becomes over 100,000, you're going to  
17 become desperate to maintain the police and fire and basic services without  
18 anything else. And the more you get larger, the more you're going to have to trim  
19 everything off. And the only way you're going to be able to survive is by federal  
20 subsidies. I looked today and you see all of the various small units around that  
21 are going good that you would think would be supported by the City and instead  
22 they are supported by the federal government rats. The senior center is one of  
23 the items that I know.....I'm a member of the Friends of the Senior Center. The  
24 growth is not necessarily good when it is choking the people. You are going to  
25 run into the.....in fact, I think, perhaps now, they have already run into the  
26 problem that the services cost more than really you can afford without taking  
27 temporary things such as setting out new subdivisions and that sort of thing to  
28 get enough funds to run the operations. I thank you for your attention.

29  
30 **CHAIR LOWELL** – Thank you very much, Mr. Hayes. We have Suzanne Potter  
31 followed by Susan Zeitz followed by Marcia Narog.

32  
33 **SPEAKER SUZANNE POTTER** – Good evening, my name is Suzanne Potter.  
34 I'm a resident of the Sterling Ranch area of Moreno Valley. I'm also Rotarian and  
35 as a Rotarian we have a four-way test that we....of the things that we think, say,  
36 or do. First, is it the truth? Second, is it fair to all concerned? Third, is it  
37 beneficial to all concerned? And, fourth, will it build goodwill and better  
38 friendships? In light of that, I think I wanted to bring up a few things that I think  
39 are facts, well-known facts, that when the Planning Commission, I'm sure, needs  
40 to consider the benefit of the community not just of a few. A well-known fact,  
41 California's Affordable Housing shortage of production has been more than  
42 100,000 annually but not for the last 10 years, and Moreno Valley is no exception  
43 to that. Home ownership in California is at the lowest level since the 1940s.  
44 Another well-known fact, living in the same community you work in is one of the  
45 most beneficial things economically and socially and educationally for the  
46 residents of that community. Moreno Valley Unified School District is the largest

1 employer in the city and yet it is amazing that a large percentage of that staff do  
2 not live in this community. As a retired educator, there is no single more  
3 important factor for a child's success than to have their parents involved in their  
4 education. If you don't live in the community that you work in, that's a hard thing  
5 to do. One of the other things that is really important, I think, is our safety.  
6 Improved streets, provide safe places to walk and to ride. Some areas you have  
7 nothing but gullies and eroded hillsides, so I hope that you take these things into  
8 consideration when you make your deliberations. Thank you.

9  
10 **CHAIR LOWELL** – Thank you, Ms. Potter. Susan Zeitz followed by Marcia  
11 Narog.

12  
13 **SPEAKER SUSAN ZEITZ** – Hi. Susan Zeitz, 26386 Ironwood Avenue. A  
14 Moreno Valley resident for 34 years I believe it is. I hope that you take into  
15 account the history of the planned usage for Moreno Valley. I hope that you  
16 have done your due diligence in studying the land usage in Moreno Valley. I  
17 hope that you take into the consideration the past rulings maintaining the current  
18 zonings. I hope that you realize you work for us and the past....for the past 34  
19 years, we have had many citizens who have come to a lot of the meetings to  
20 ensure that the zonings stay the way that the zonings are and trying to maintain  
21 the lifestyle that we have come to....that we came here for; that we have moved  
22 here for. And that not everybody can afford to live in the areas that we live, but  
23 you know, that's just how it is. I can't live at the beach. I can't afford it. I can't  
24 live in Hollywood. I can't afford it. So trying to change zonings to make it more  
25 affordable for people is not the answer. That doesn't benefit the majority of the  
26 people who already live here. That only benefits the people who own the land  
27 who want to do it for the money. They don't care about anything else. They  
28 don't care about the people who have been here so thank you.

29  
30 **CHAIR LOWELL** – Thank you very much. And Marcia Narog.

31  
32 **SPEAKER MARCIA NAROG** – Good evening, my name is Marcia Narog, and I  
33 live at 11475 Carrie Lane in the northeast sector of Moreno Valley. One of the  
34 things I am here to talk about is planning. When I first voted for the City to  
35 incorporate, we were hoping that it would be better planning than what happened  
36 under the County's overview. So, in light of that, we all would like to be able to  
37 plan on how the Planning Commission makes recommendations, and we'd also  
38 like to be able to plan on how the City decides on what's going on. I have a very  
39 specific item that I would like to bring to you tonight. It is able a FEMA grant that  
40 was awarded for our specific private road where I live. I live on a private road  
41 and a public road. I'm on a corner. I'm on a nexus of a low-lying stream where  
42 drainages come from two directions. The FEMA grant was supposed to correct  
43 the drainage in our neighborhood, and it was supposed to help improve the  
44 streets that I live on so that the future 10- or 50- or 100-year floods wouldn't be  
45 causing problems. I bring this up because I have been in contact with the City  
46 previously, every three to six months, because I wanted to be involved in the

1 planning since it will involve my private property. So, in light of this, I would like  
2 to be able to get some input on how I can expect the planning to go forward  
3 because they have come out and they have identified where the utilities and the  
4 water lines are again, and I haven't been contacted by the City as I had  
5 requested for what the future plans are going to be. So, if any body could help  
6 me out with this, and if anybody could help me out with being able to rely on the  
7 City's plans and the General Plan and the FEMA money, I would really  
8 appreciate it. So thank you very much.

9  
10 **PLANNING OFFICIAL RICK SANDZIMIER** – Mr. Chairman.

11  
12 **CHAIR LOWELL** – Yes, Mr. Sandzimier.

13  
14 **PLANNING OFFICIAL RICK SANDZIMIER** – I'll get her information, and we'll  
15 get a hold of her and see if we can follow up on that.

16  
17 **CHAIR LOWELL** – I'd appreciate that. Thank you. Last call for Speaker Slips  
18 on Non-Public Hearing Items, going once, going twice....

19  
20 **COMMISSIONER GONZALEZ** – Oh, that gentleman right there.

21  
22 **CHAIR LOWELL** – If you could come up and state your name please and then  
23 could you fill out a pink slip after the fact? You can just come on up, and we'll  
24 take care of the paperwork when you're done.

25  
26 **SPEAKER SIEGFRIED DANKREYIER** – I will fill out a sheet, and I didn't intend  
27 to speak but nevertheless.....

28  
29 **CHAIR LOWELL** – Can you state your name please?

30  
31 **SPEAKER SIEGFRIED Dankmeyer** – My name is Siegfried Dankmeyer, 26992  
32 Sandy Lane. I think that I have the only property, which is so to speak, cheek-  
33 on-cheek, with the development. I have heard all kinds of comments. Of course,  
34 I was at the last meeting with most of the statements about spreading your arms,  
35 not listening even if the window is closed, not listening to the neighbors jukebox  
36 or TV and all these things. We heard about technical things. I have not, and I  
37 got my hearing aids in, I think I have not heard a word about money. And, as you  
38 all know, money talks, and this is what I want to say briefly because I moved to  
39 where we live in 1986. We have enjoyed the hillsides. Our kids grew up there  
40 and the only admonishment I had to give them was watch out for the snakes.  
41 So, and we still have snakes, but that's another issue. But, I also have told them  
42 for the last 30 years, enjoy it while it lasts because, one of these days, the big  
43 machines will show up and do a number on this piece of land. As you know,  
44 there is not much land of that quality left in Moreno Valley, and I knew some  
45 of.....the lady just mentioned when the City was incorporated. I knew some of  
46 these people when the City was founded. There were people in there like Mr.

1 Scott who had his interest, and then there were people like Judy Nieburger,  
2 which were kind of idealistic in that, hey what we can do if we take that away  
3 from the County? The County didn't have any interest, so, they said, well okay  
4 it's another project. So the planning and the administration from that time on has  
5 gone steadily downhill. And I don't come to all these meetings, very, very  
6 seldom. I used to be, in the early 90s, I used to be on the Design of Review  
7 Board, which the City had, and the Planning Staff came and brought a stack of  
8 envelopes a couple of feet high, and I would study that stuff and look over it. I'm  
9 a design professional, so I would make overlays and how it could make better  
10 and well, in fact, my wife didn't know I was like that but I spent all weekend trying  
11 to make something better.

12  
13 **CHAIR LOWELL** – Thank you very much.

14  
15 **SPEAKER SIEGFRIED DANKREYIER** – That's my nature, but we have these  
16 meetings and these so-called developers who.....

17  
18 **CHAIR LOWELL** – Your three minutes are up. If you could rap it up.

19  
20 **SPEAKER SIEGFRIED DANKREYIER** – How many minutes I have left?

21  
22 **CHAIR LOWELL** – You're over now.

23  
24 **SPEAKER SIEGFRIED DANKREYIER** – Okay.

25  
26 **CHAIR LOWELL** – I appreciate it.

27  
28 **SPEAKER SIEGFRIED DANKREYIER** – Thanks.

29  
30 **CHAIR LOWELL** – Thank you.

31  
32 **SPEAKER SIEGFRIED DANKREYIER** – Because I have all kinds of things to  
33 say.

34  
35 **CHAIR LOWELL** – Thank you very much. If you could provide your Speaker  
36 Slip to the Staff, I would appreciate it.

37  
38 **SPEAKER SIEGFRIED DANKREYIER** – Pardon me?

39  
40 **CHAIR LOWELL** – If you could provide that pink slip to the Staff.

41  
42 **SPEAKER SIEGFRIED DANKREYIER** – I did not.

43  
44 **CHAIR LOWELL** – If you could do that, I would appreciate it.

45  
46 **SPEAKER SIEGFRIED DANKREYIER** – I will do that and give it to you.

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**CHAIR LOWELL** – Thank you very much.

**SPEAKER SIEGFRIED DANKREYIER** – Okay, so obviously.....

**CHAIR LOWELL** – Thank you.

**SPEAKER SIEGFRIED DANKREYIER** – But.....

**CHAIR LOWELL** – Have a seat please. Thank you.

**SPEAKER SIEGFRIED DANKREYIER** – Obviously.....

**CHAIR LOWELL** – Can you have a seat please? You're times up. Thank you.

**SPEAKER SIEGFRIED DANKREYIER** – I just was asking you.....

**CHAIR LOWELL** – Yeah, times up.

**SPEAKER SIEGFRIED DANKREYIER** – Well I have a lot more to say. Can I give you two pink slips?

**CHAIR LOWELL** – Thank you very much. With that, I would like to conclude the Non-Public Hearing Items, and that moves us onto our first Case item, which is a continuation from last meeting, and I do have to recuse myself from it from a conflict of interest. So, with that, I would like to turn the meeting over to Vice Chair Barnes.

**PUBLIC HEARING ITEMS**

- 1. Case: Ironwood Village - General Plan Amendment, Change of Zone, Tentative Tract Map 37001, and Design Guidelines for a 181 lot Single-Family Residential Development
- Applicant: Global Investment & Development, LLC
- Owner: Ironwood 8 Properties, Inc.
- Representative: Anderson Consulting Engineers, Inc

Minutes Acceptance: Minutes of Feb 9, 2017 7:00 PM (APPROVAL OF MINUTES)

1 Location: Ironwood Avenue, east of Nason Street  
 2 and west of Oliver Street (APN: 473-  
 3 160-004)  
 4  
 5 Case Planner: Claudia Manrique  
 6  
 7 Council District: 2  
 8  
 9 Proposal: Continuance of Ironwood Village -  
 10 General Plan Amendment, Change of  
 11 Zone, Tentative Tract Map 37001, and  
 12 Design Guidelines for a 181 lot Single-  
 13 Family Residential Development  
 14  
 15

**STAFF RECOMMENDATION**

16  
17  
18 Staff recommends that the Planning Commission take the following action:

19  
20 **APPROVE** Resolution No. 2017-15, 2017-16, and 2017-17 and thereby  
21 **RECOMMEND** that the City Council:

- 22
- 23 1. **CERTIFY** a Mitigated Negative Declaration, pursuant to the California  
24 Environmental Quality Act (CEQA) Guidelines; and  
25
- 26 2. **APPROVE** the Mitigation Monitoring and Reporting Program prepared for  
27 General Plan Amendment Application No. PEN16-0077 (PA15-0037),  
28 Change of Zone Application No. PEN16-0078 (PA15-0038), Tentative  
29 Tract Map 37001 Application No. PEN16-0079 (PA15-0039) and Plot Plan  
30 Application PEN16-0080 (PA15-0040) for the Ironwood Village Design  
31 Guidelines pursuant to the California Environmental Quality Act (CEQA)  
32 Guidelines; and  
33
- 34 3. **APPROVE** Resolution No. 2017-05 and thereby **APPROVE** General Plan  
35 Amendment Application No. PEN16-0077 (PA15-0037); and  
36
- 37 4. **APPROVE** Resolution No. 2017-06 and thereby **APPROVE** Change of  
38 Zone Application No. PEN16-0078 (PA15-0038); and  
39
- 40 5. **APPROVE** Resolution No. 2017-07 and thereby **APPROVE** Tentative  
41 Tract Map 37001 and the Ironwood Village Design Guidelines, subject to  
42 the attached Conditions of Approval included as Exhibit A and attached  
43 Design Guidelines included as Exhibit B to Resolution 2017-07.  
44  
45  
46

1 **VICE CHAIR BARNES** – Thank you, Chair Lowell. As you know, the Staff  
2 Report and discussion with the Applicant and the Public Hearing portion of the  
3 meeting took place at the previous meeting. We are here this evening.....I  
4 apologize. We are here this evening for the deliberation portion of the case. Mr.  
5 Sandzimier, should we have a brief summary or anything or do we just wade in?  
6

7 **PLANNING OFFICIAL RICK SANDZIMIER** – We’ve completed the Staff  
8 presentation. You guys concluded the deliberation so the only thing we should  
9 have is, Commissioner Gonzalez who was not here at the last meeting.....I  
10 know I did receive an email from him but, if he could just disclose, for the record,  
11 how he has brought himself up to speed on this particular item, that would be  
12 appropriate. And then you guys can go into your deliberations.  
13

14 **VICE CHAIR BARNES** – Thank you.  
15

16 **COMMISSIONER GONZALEZ** – Good evening. I listened to the meeting, to the  
17 Public Comments portion of this item. I read over the various correspondence  
18 and emails of our residents who have concerns regarding the project, and I did a  
19 thorough review of the documents as I do on every project that I sit on. So that’s  
20 how I brought myself up to speed. Thank you.  
21

22 **VICE CHAIR BARNES** – Thank you, Commissioner. Alright, with that being  
23 said, deliberation is open. Would anybody like to make the initial comments?  
24 No, I don’t have the magic button, so Commissioner Sims.  
25

26 **COMMISSIONER SIMS** – I have questions of Staff. I have some questions of  
27 Staff, so on.....it’s my understanding that there’s a certain limit on the number of  
28 General Plan Amendments that the City can approve every year. Is that true?  
29

30 **PLANNING OFFICIAL RICK SANDZIMIER** – That is true. We can approve any  
31 particular element of the General Plan four times per year.  
32

33 **COMMISSIONER SIMS** – Is the four times a year, is that on a fiscal basis or on  
34 a calendar year basis?  
35

36 **PLANNING OFFICIAL RICK SANDZIMIER** – It would be on a calendar year  
37 basis.  
38

39 **COMMISSIONER SIMS** – So I think we did one. We’ve done one so far this  
40 year then. Is that correct? I believe there was a fringe. At the last meeting,  
41 there was a fringe.  
42

43 **PLANNING OFFICIAL RICK SANDZIMIER** – You guys have considered one  
44 project that does have a General Plan Amendment. This item is a second one.  
45 The City Council is the formal approving body on any legislative action so the  
46 item’s not technically approved yet because it still needs to go to the City

1 Council, so there have been no General Plan Amendments approved this year,  
2 but you guys gave considered one other one. That is true.

3  
4 **COMMISSIONER SIMS** – Okay and then my next question is on this primary  
5 animal keeping overlay that was done for the, kind of the northeast quadrant of  
6 the city. Is there any other besides the one that’s directly south of the 60, you  
7 know, from Redlands, between Redlands and generally Nason? Are there any  
8 other primary animal keeping overlay areas within the city?  
9

10 **PLANNING OFFICIAL RICK SANDZIMIER** – No. I believe the exhibits that we  
11 gave you in the previous Staff Report showed all of the PAKO. Do we have that  
12 exhibit still? We can put that exhibit back up.  
13

14 **COMMISSIONER SIMS** – I have it in front of me. So this exhibit right here is the  
15 extent of the entire animal keeping areas?  
16

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

19 **COMMISSIONER SIMS** – Okay. That’s mine.  
20

21 **VICE CHAIR BARNES** – Alright. Anyone else? Alright, while you guys think  
22 about it, I have some questions for Staff but it has to do with the regulations that  
23 govern half-acre lots. One question pertains to septic. Are there any rules or  
24 requirements, or pending rules or requirements, that would affect the viability of  
25 half-acre lots on septic as moving forward?  
26

27 **PLANNING OFFICIAL RICK SANDZIMIER** – No. The provisions for using a  
28 septic system is, if you need a private sewage system with your development,  
29 you would make a proposal for that. If you are in proximity to an existing sewer  
30 system, then the expectation is that you would tie into that existing sewer system.  
31 In this particular case, there is no existing sewer system for the loss to tie into, so  
32 it would be.....I don’t know if that answers your question.  
33

34 **VICE CHAIR BARNES** – I think so. So, at this point, half-acre lots with septic  
35 are perfectly viable. Is that the minimum size for septic?  
36

37 **PLANNING OFFICIAL RICK SANDZIMIER** – That I don’t know.  
38

39 **COMMISSIONER GONZALEZ**– Yes, yes.  
40

41 **VICE CHAIR BARNES** – Okay, alright.  
42

43 **PLANNING OFFICIAL RICK SANDZIMIER** – I think that we should have the  
44 Staff answer the question. I know that there’s some other noise in the  
45 background but I’d prefer for the record that the Staff answer the questions.  
46 Thanks.



1  
2 **TRAFFIC ENGINEER MICHAEL LLOYD** – Good evening, Vice Chair, Michael  
3 Lloyd with Land Development. To answer your question, half-acre lots are the  
4 minimum size. That’s per county health requirements. As of October of last  
5 year, they approved a local agency management program that deals with septic  
6 and, within that document, that provides the rules for the city, as well as the  
7 county. It does establish half acre as the minimum.

8  
9 **VICE CHAIR BARNES** – Okay, and no discussion of any possible change to  
10 that moving forward?

11  
12 **TRAFFIC ENGINEER MICHAEL LLOYD** – I’m not aware of any.

13  
14 **VICE CHAIR BARNES** – Okay. Thanks very much. Another question I had, as  
15 it relates to half-acre lots, is water usage for landscape and irrigation. Being in a  
16 drought, or coming out of a drought, I know water usage is critical. Are there any  
17 conflicts between the goals of reducing water usage and the Municipal Code,  
18 Code Compliance issues with maintaining your property landscaped? Any  
19 conflicts in that?

20  
21 **CASE PLANNER CLAUDIA MANRIQUE** – No. There’s no conflicts, and we  
22 have chapter 9.17.070, which addresses some water efficiency requirements for  
23 all landscaping of all single-family homes, as well as the development standard  
24 section chapter 9.030.040, which talks about front yard landscaping. It’s now  
25 required in lots of half-acre size as long as there are five or more units. That was  
26 one of the latest Code Amendments that you approved last summer. Previous to  
27 that, only street trees were required for the half-acre lots, but now there’s no  
28 difference in the landscape standards for half acre or the proposed R3 and R5.

29  
30 **VICE CHAIR BARNES** – Okay, alright. Thank you.

31  
32 **COMMISSIONER SIMS** – Jeff, just as a note on the water....regardless if they  
33 are half or whatever these, the R5, R3, the...Eastern is the water purveyor, and  
34 they have water budget based rates and so each of the lots, assuming I don’t  
35 think this project met the threshold for water supply assessment but Eastern  
36 would have, in their Master Plan, would of course had supply consideration.  
37 Each of the lots, whether, whatever size that they ultimately are, there would be a  
38 specific water-based budget for each of the houses.

39  
40 **VICE CHAIR BARNES** – Okay. Thank you. That’s all my questions at the  
41 moment. Anyone else? This is deliberation so we’re....you’re welcome to.....

42  
43 **COMMISSIONER GONZALEZ** – I.....

44  
45 **VICE CHAIR BARNES** – Putting forth your opinion.  
46

1 **COMMISSIONER GONZALEZ** – I had my.....

2  
3 **VICE CHAIR BARNES** – Oh, I'm sorry. Next up, Commissioner Gonzalez.

4  
5 **COMMISSIONER GONZALEZ** – And this question is for Staff. When is the next  
6 scheduled General Plan update for the City of Moreno Valley? I know it was  
7 done in 2005 or 2006.

8  
9 **PLANNING OFFICIAL RICK SANDZIMIER** – It was approved in 2006 so we're  
10 actually in the midst of initiating that effort already. The item that came to you at  
11 your last meeting was a General Plan Annual Report and, during that Annual  
12 Report, our Senior Planner, Mark Gross, had indicated in that report that we have  
13 already establishing an AD HOC Committee to start compiling some  
14 recommendations for the scope of work for the General Plan update and then the  
15 Adopted Strategic Plan, Momentum Moreno Valley, there and specific initiatives  
16 already outlined in there. I believe they are initiatives 1.9.1, 1.9.2, 1.9.3, and  
17 1.9.4 that outline four specific strategies that are going to be carried out over a, I  
18 believe most of them are a one-year timeframe, but the overall General Plan  
19 Update is expected to take place within a three-year period. In addition to that,  
20 the Staff has already put together one grant request to see if we can get some  
21 outside funding for that outside effort, and we're continuing to pursue that grant  
22 through SKAG, and we will look for other opportunities. Then, in our budget  
23 development that is currently under way, one of the initiatives specifically talked  
24 about putting some money in place to actually fund it. So those are the efforts  
25 that are under way. The General Plan should be updated within three years as a  
26 result of that effort.

27  
28 **COMMISSIONER GONZALEZ** – Okay, thank you.

29  
30 **VICE CHAIR BARNES** – Commissioner Nickel.

31  
32 **COMMISSIONER NICKEL** – Yes, I would really like to see this project go back  
33 to the Parks and Recreation Commission and the Multi-Use Trails. I did attend a  
34 small presentation on your map here and, having done the City's Original Master  
35 Plan and been a grant reviewer for RCTC on SD821 funds, there's a whole lot of  
36 problems with their trails here. And what I didn't like was, you know, people  
37 volunteer and give their time to Commissions and Boards, and a lot of the  
38 Commission and Boards do not get stipends. And they should be treated with  
39 the upmost respect. Sometimes our volunteers are worth more than Staff  
40 because they are there because they want to be there. And this was just  
41 basically dumped on the Trails Committee without really them being able to  
42 address what their needs are. After all, if you have equestrians on that  
43 committee, then they understand. Because I look at this map, and it's like I don't  
44 think horses can jump that far from Oliver over to that fire run. I'm just saying I  
45 don't think they can, so that's one of my big concerns. And then, even with the  
46 Applicant, we're talking about private park, community park....what is it? Is it

1 going to be open to the public? Because I can guarantee you the minute they  
2 start putting bicycles and things like that of nonresidents down through those  
3 tracks that HOA is going to have a fit. And, to encourage a trail pathway that  
4 runs along people's driveways, that's a liability I don't even think HOA's could  
5 even be insured for. So that's why I have a lot of concerns about that  
6 and.....but I really do believe it is in our purview to have Parks and Recreation  
7 review this projects on this, and as well the Multi-Use Trails. I don't know where  
8 bicycles are at now. Are they with Traffic Safety Committee, Eric? Or are they  
9 with multi-trails if they are on the roadway?

10  
11 **CITY TRAFFIC ENGINEER ERIC LEWIS** – It's a combination of both. Public  
12 Works is typically taking the lead on the bicycle facilities and trails remains with  
13 the Trails Board.

14  
15 **COMMISSIONER NICKEL** – So we're dealing with bicycles that are actually  
16 considered motor vehicles when they are on the roadway, correct?

17  
18 **CITY TRAFFIC ENGINEER ERIC LEWIS** – That is correct.

19  
20 **COMMISSIONER NICKEL** – Okay, so none of that was addressed in the Traffic  
21 Study as far as I could see so those are concerns that I have there. That's my  
22 comments for right now.

23  
24 **VICE CHAIR BARNES** – Thank you. Commissioner Korzec.

25  
26 **COMMISSIONER KORZEC** – Well my comment is pretty basic, and it's  
27 basically I still don't see the compelling reason to change the zoning. I don't  
28 understand, maybe I'm misunderstanding, but I drove through our neighborhoods  
29 and I looked around. And we heard figures that 53% of the housing on the  
30 market right now is R5 housing. I don't understand what the compelling need is  
31 to put more R5 housing in right now and go into a community where people  
32 bought their homes in good faith that it would be R30 zoning without a valid  
33 reason other than someone just wants to build it. Just because somebody wants  
34 to build it doesn't mean it's the right thing. My suggestion would be to the  
35 developer maybe find a different property here with that zoning and build it but,  
36 until someone can prove to me why we need more of this in that neighborhood,  
37 I'm just not going to get it.

38  
39 **VICE CHAIR BARNES** – Anyone?

40  
41 **COMMISSIONER SIMS** – I have comments. Or is there already somebody else  
42 ahead of me?

43  
44 **COMMISSIONER NICKEL** – Go ahead, Jeff.  
45

1 **VICE CHAIR BARNES** – Well I have a question for Commissioner Korzec. Just,  
2 for point of clarification, is your issue with the lot sizes or the density?  
3

4 **COMMISSIONER KORZEC** – It's actually with both. It's changing the General  
5 Plan and making this decision when there's such a public outcry on this and, if  
6 we're not listening to the people that are here and all this paperwork, we're not  
7 doing our job. They bought their homes here. I don't live in that neighborhood  
8 so I have no vested interest. I'm a city girl, so I won't be living in your  
9 neighborhood. But I think, to me, it's an intrinsic problem in this community that  
10 we don't listen to our people. We have an area that's one of the last areas that is  
11 very pleasant to drive through. They are not saying they don't want a  
12 development there. They just don't want this type of development, so they are  
13 not against it. They bought those homes with that....with it being R30 housing.  
14 And, yes, if we had a pressing issue that we could bring here why we needed to  
15 add this, then I would consider it. I don't see the pressing issue with 53% of our  
16 housing right now that's for sale being this type of housing. Why are we going to  
17 ruin a neighborhood when there's no need for it at this time?  
18

19 **VICE CHAIR BARNES** – Alright, if we could limit the applause. I think everyone  
20 knows where your leanings are so.....  
21

22 **PLANNING OFFICIAL RICK SANDZIMIER** – Mr. Chair....  
23

24 **VICE CHAIR BARNES** – Let's move this along as quickly as possible.  
25

26 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may just clarify one thing.  
27

28 **VICE CHAIR BARNES** – Yes.  
29

30 **PLANNING OFFICIAL RICK SANDZIMIER** – I'm sure Commissioner Korzec, in  
31 your reference to R30, it's actually zoned R2A, which is two dwelling. Your  
32 reference to R30, just so the public doesn't hear it wrong.....  
33

34 **COMMISSIONER KORZEC** – Okay.  
35

36 **PLANNING OFFICIAL RICK SANDZIMIER** – R30 would mean 30 dwellings per  
37 acre. I don't think that's what you're intending.  
38

39 **COMMISSIONER KORZEC** – I'm looking at the paperwork that I have, and I  
40 took it from the paperwork.  
41

42 **PLANNING OFFICIAL RICK SANDZIMIER** – That somebody's proposing R30?  
43

44 **COMMISSIONER KORZEC** – No, that we're not....that they....let me find the  
45 paperwork. Oh, I've got it wrong. R3. No, right here, what does that say?  
46

1 **COMMISSIONER GONZALEZ** – R30.  
2  
3 **COMMISSIONER KORZEC** – Yeah, it does say R30 on my paperwork.  
4  
5 **VICE CHAIR BARNES** – So a typo?  
6  
7 **COMMISSIONER KORZEC** – Well I’m going from the typo.  
8  
9 **PLANNING OFFICIAL RICK SANDZIMIER** – Is it, is it a Staff Report?  
10  
11 **COMMISSIONER KORZEC** – Yeah. It’s right on the first, it’s right on the first  
12 page of the Staff Report, so I was preparing.....  
13  
14 **COMMISSIONER GONZALEZ** – It’s page one, page one.  
15  
16 **COMMISSIONER KORZEC** – In preparing my notes, I took it directly off of the  
17 paperwork we were given.  
18  
19 **COMMISSIONER NICKEL** – Fair enough.  
20  
21 **VICE CHAIR BARNES** – Yeah.  
22  
23 **COMMISSIONER NICKEL** – A typo is a typo.  
24  
25 **COMMISSIONER KORZEC** – So I will stand corrected if you correct it on the  
26 paperwork.  
27  
28 **VICE CHAIR BARNES** – I think we all.....we’re clear now.  
29  
30 **COMMISSIONER KORZEC** – I believe what I read. Yeah, you understand the  
31 point that I did take it directly off the Staff Report that was given to us on the first  
32 page.  
33  
34 **VICE CHAIR BARNES** – Well, while they look into that, to go back to my  
35 question, I would lean....I would be more likely to consider a development that  
36 didn’t necessarily have a density increase but did vary from the lot size because I  
37 could see the benefit, in some cases, for smaller lots clustered on a property of  
38 that size with more open space around them, so the density, the impacts, be they  
39 traffic, smog, whatever are no different so.....  
40  
41 **COMMISSIONER NICKEL** – Wait a minute. Tell them, if they can’t be quiet,  
42 we’re going to take a break.  
43  
44 **VICE CHAIR BARNES** – Yeah, yeah.....  
45  
46 **COMMISSIONER NICKEL** – Because I can’t hear.

1  
2 **COMMISSIONER KORZEC** – Okay, I had that wrong. I was on the wrong page.

3  
4 **VICE CHAIR BARNES** – Okay. So that we can hear each other speak, please  
5 limit the public comments.

6  
7 **COMMISSIONER KORZEC** – Okay, I will correct this. I had all this paperwork.  
8 I was on the wrong page.

9  
10 **VICE CHAIR BARNES** – Okay.

11  
12 **COMMISSIONER KORZEC** – Okay, so I do correct that but my point is still the  
13 same. I don't understand why we need a zoning change.

14  
15 **VICE CHAIR BARNES** – Alright.

16  
17 **COMMISSIONER KORZEC** – You can ask me all the questions you want, but I  
18 don't see the need for it at this time in that neighborhood.

19  
20 **VICE CHAIR BARNES** – Okay. I just wanted to clarification as to what  
21 you're.....

22  
23 **COMMISSIONER KORZEC** – Because I was reading.....

24  
25 **VICE CHAIR BARNES** – What your concerns were.....

26  
27 **COMMISSIONER KORZEC** – Off of the wrong page. My concerns were that we  
28 have a lot of housing already on the market of this type. We're going into a  
29 neighborhood where people bought homes in good faith that there would be a  
30 certain expectation of the land use, and we're going to change it when I don't  
31 understand why, at this point, it needs to be changed. This is a General Plan,  
32 and I just can't see us coming back each time a developer or somebody wants to  
33 do something different and us.....we can consider it, but my point is I feel for all  
34 the people in this book that have come here that have spoken up and said they  
35 don't want this change. That's as simple as I can be.

36  
37 **VICE CHAIR BARNES** – Anyone else? Commissioner Sims.

38  
39 **COMMISSIONER SIMS** – So I'm a civil engineer by trade. I used to do  
40 subdivision work, and I have to compliment the developer. I think they did, and  
41 his team, I think they did a really nice job on....for a layout. However, I have  
42 pondered on this for quite some time and, for full disclosure, I live on a tract with  
43 half-acre lots. I'm on the south side of the freeway. And I remember, I  
44 remember 10 years ago or so, Richmond American came in and they wanted to  
45 put in R3. And there were 64 lots in my subdivision, and our neighborhood got  
46 all wound up and they said, oh, oh we can't have R2, or we can't have R3. So,

1 anyhow, and I was the only person out of the 64 that said no. You know, I  
2 supported the R3 for that particular subdivision that went in. And my reason was  
3 I've lived out there since 1994 and there's probably, out of the 64 lots, there's  
4 probably 10 that have a front yard and probably five that have a back yard. It's,  
5 you know, we have curb gutter. We have street lights, but we don't, you know,  
6 people have a half acre and its in....I tend to have a fundamental belief that  
7 people have a hard time keeping up to a nice maintenance of a half acre. That's  
8 just my fundamental belief because I've lived in it for 22 years. However, when I  
9 drive every day through the R3 lots, they are really nice. They have an HOA.  
10 They are well maintained. They have CCR's. It's nice. So that's how I preface  
11 it. I struggled with this situation. I tend to believe, though, over the last several  
12 years, this City has worked very, very hard at what's good for the City. So a big  
13 decision was made to do a General Plan Amendment and a whole quadrant of  
14 the City east of Redlands got converted from an agricultural thing and got moved  
15 into industrial logistics. That was a huge decision for the city. Some people like  
16 it. Some people don't, but that decision was made. Here we have a  
17 general.....now we're going to the last remaining kind of undeveloped area in  
18 the city, the northeast quadrant where there is some development, but this is  
19 primarily R2. It's a primary area for keeping animals with the overload, and I just  
20 think we're.....I personally believe it's asking the City to a fatigue point of  
21 wholesale changes because this is one of those, once the nose of the camel gets  
22 under the tent, this it'll keep going. And so I guess my fundamental belief is I'm  
23 not opposed. I think it is a well-designed tract. I personally like the tract. I think  
24 it was well done. I don't agree though with not doing.....I think, if we're going to  
25 start doing more General Plan Amendments, this area is the last kind of bastion  
26 of the city that can have people that want to have animal keeping and have a  
27 rural lifestyle. And, if we're going to do it, we should do a comprehensive look at  
28 the General Plan rather than piece mail one piece at a time. That's my two  
29 cents.

30  
31 **COMMISSIONER NICKEL** – I agree. Can I speak?

32  
33 **VICE CHAIR BARNES** – Yes, of course you may.

34  
35 **COMMISSIONER NICKEL** – Can I go first?

36  
37 **VICE CHAIR BARNES** – Commissioner.....

38  
39 **COMMISSIONER NICKEL** – No, it's okay.

40  
41 **VICE CHAIR BARNES** – He's next on the list. Commissioner Gonzalez.

42  
43 **COMMISSIONER GONZALEZ** – I also want to provide some comments and  
44 feedback and also disclosure. I also live on a half acre. I live on the south side  
45 in the, actually in the southern part of the PAKO. And, you know, I moved to an  
46 area where the reason I moved out there was to spread my wings, and not

1 actually hear my neighbors, and my family can grow, and my kids can play and  
2 whatnot but I also understand the every community, every section of the city  
3 needs a variety where all of us can enjoy the area. We all need multi-family  
4 housing. We all need single-family homes. We all need half-acre homes.  
5 Different strokes for different folks. I fundamentally believe that. But, in echoing  
6 Mr. Sims comments, I kind of prefaced to Planning Director, Rick, that I think that  
7 we, if we're going down that path, we really need to wait and see what the true  
8 General Plan Update will say. What's a comprehensive look at what the  
9 community? Because everyone is going to have input on that and that's going to  
10 be in a few years so I think, and, maybe at that point, there will be a shift and the  
11 community will decide otherwise. But, at this time, I think that the plan in place is  
12 suitable. And, another thing, if the developer is willing to relook at this site for  
13 maybe an R2 perspective, that's always welcome. But I want to say that the  
14 General Plan Update is coming. It's right around the corner. I think that a  
15 comprehensive look will have a better product at the end versus, you know, if we  
16 look and approve this one, what stops someone else from proposing something  
17 in the area that will require another General Plan Amendment so those are my  
18 comments for now. And I will wait to hear further ones.

19  
20 **VICE CHAIR BARNES** – Commissioner Nickel.

21  
22 **COMMISSIONER NICKEL** – Well I only live on a 7300 square foot lot, but I like  
23 it. Okay, I have a question for Staff. Why is San Manuel not included in the  
24 Native American contracts out of curiosity? Can anybody explain?

25  
26 **SENIOR PLANNER CHRIS ORMSBY** – AB52 requires us as a city to send the  
27 notice to certain tribes, and there is a list of tribes. I believe that is one of the  
28 tribes we send to but, if they don't respond within the 30 days, then they didn't  
29 ask for consultations so there would not be that formal consultation with them.

30  
31 **COMMISSIONER NICKEL** – Okay and my other concern is nowhere did the  
32 Applicant make, in any of these documents, unless I missed it, did not mention  
33 the burrows that are in the area. There is no mention, and that's a big issue.  
34 And I think they are still protected aren't they?

35  
36 **VICE CHAIR BARNES** – I can't answer that. I don't know.

37  
38 **COMMISSIONER NICKEL** – I mean, unless you run into them because they are  
39 not crossing at a 45 degree angle.

40  
41 **VICE CHAIR BARNES** – I don't know.

42  
43 **COMMISSIONER NICKEL** – Yeah, no, my husband informed me they don't  
44 cross the street at 45 degree angles. I was like, really? Okay. After a near miss,  
45 so that's a concern. I'm not comfortable, again, I'm not comfortable even  
46 forwarding this up to Council because it's missing a lot, and I feel a lot of the



1 work hasn't been done. And everybody is always talking about eliminating the  
2 need for a commute. Well, you know, we have a hospital in town, and I could  
3 wager that most of the doctors do not live in town because we do not have the  
4 high-end housing. When Anaheim Hills was created, that's mostly where all the  
5 Orange County doctors moved to unless they were at the beach, and we're in a  
6 really difficult crisis with getting doctors to stay in this region. Loma Linda cannot  
7 even keep their med students in this region. And, right now, the big place for  
8 young doctors to go with families is Temecula. There's five hospitals down there.  
9 It's wonderful if you're a trauma doctor on call. And the way I look at this is we'll  
10 never get to a level one trauma center from a level two unless we start getting  
11 some high-end homes for the professionals within the hospital. And the  
12 difference between a level one and a level two is whether you live or die if you  
13 have a dissecting abdominal aneurysm. And being an old critical care nurse and  
14 having a husband who does blood banking, that's important. And some of us  
15 here are approaching the age where we really might need those services. Yeah,  
16 I can't, yeah.....I mean, the county hospital does not do open heart surgeries. A  
17 lot of people don't realize that, so that's the other reason I look at it. You know,  
18 you've got to start having high-end housing to attract those professionals to stay  
19 here and not leave and stay in town. And the fact that the lack of healthcare is  
20 basically what I cut my teeth on when my family first moved here was the  
21 concern of children being hit by cars and there was no access, immediate  
22 access, to healthcare. So that's the other thing why you have to have something  
23 to entice the doctors to stay.

24  
25 **VICE CHAIR BARNES** – Anyone else? Mr. Sandzimier.

26  
27 **PLANNING OFFICIAL RICK SANDZIMIER** – May I ask a clarification because  
28 we will be going ultimately to the City Council? If I could just ask Commissioner  
29 Nickel to elaborate a little bit on what you mean by high-end housing? Are you  
30 talking about the price point? Are you talking about the amenities or both? Can  
31 you just kind of describe that for us?

32  
33 **COMMISSIONER NICKEL** – Both, both. Open Space, kick back and relax. Are  
34 we talking about making all of these affordable housing? We can't do that.

35  
36 **PLANNING OFFICIAL RICK SANDZIMIER** – No. I was just asking if it was a  
37 price point issue or if it was an amenity issue because there is a difference. You  
38 can have.....

39  
40 **COMMISSIONER NICKEL** – Both.....

41  
42 **PLANNING OFFICIAL RICK SANDZIMIER** – Okay, so I just wanted  
43 clarification. Thank you.

44  
45 **COMMISSIONER GONZALEZ** – I have a question.

46

1 **VICE CHAIR BARNES** – Commissioner Gonzalez.

2  
3 **COMMISSIONER GONZALEZ** – I have a question follow Staff. Does the  
4 current General Plan have reference in going back to high-end housing to an  
5 executive housing area component of the City? Is there language that tailors an  
6 area to a certain type of housing, or is it strictly R1, R2, R3 in kind of the zoning  
7 description? Or is there an area where the City can say, hey this is where, you  
8 know, executive housing.

9  
10 **PLANNING OFFICIAL RICK SANDZIMIER** – The General Plan and the Zoning  
11 Code don't specifically talk about high-end housing or not. It's really incumbent  
12 upon the developer or in the custom home areas. The people that build those  
13 homes, they build to a certain standard that they want and that will start driving  
14 the price. You can have small compact houses that are high priced, highly  
15 amenitized. You can have large estate lots that....I have seen some come in that  
16 have modular units that they want to put on it. It just depends on how people  
17 want to use their property. In this case, when we're looking at a larger tract, it's  
18 my understanding in talking with the Development Team, that they were looking  
19 at the amenitized larger lots. And they were still looking for a higher price point.  
20 It wasn't intended to be affordable. It wasn't going to be low-end housing. It was  
21 going to be a higher price point. That's why I was asking for the clarification. So,  
22 what we were working with them on, we were looking at the trail connections,  
23 and we were looking at what the streetscape looked like and what they were  
24 going to do with the bridges that crossed over the detention basins. Those were  
25 cost items and so they were going to drive the cost of that development a little  
26 higher but, in the end, it was intended to be feel-good amenities that helped drive  
27 the price point and the quality of the homes up. And, ideally, they would start to  
28 cater to those people, to those professionals, who maybe don't have that  
29 opportunity today here in the community. So that was a consideration, but it  
30 wasn't something that we were looking at specifically in any section or chapter of  
31 the General Plan.

32  
33 **COMMISSIONER GONZALEZ** – Thank you.

34  
35 **COMMISSIONER SIMS** – I have just kind of philosophically, you know, I got on  
36 the Planning Commission several years ago, and I live in....I came from  
37 Riverside. Riverside is a different city. Riverside has different amenities.  
38 Temecula has different amenities. The coast, you're going to have a different  
39 vibe and different setup. Moreno Valley inherently has an Achilles heel because  
40 it was a series of small townships within the county that had desperate planning.  
41 There was, you know, what went down was what you got and so we have parts  
42 of the City that are old. Some are older, some are newer. I think the City has,  
43 since it has incorporated, has had more logic and more attempt at trying to  
44 consolidate the best of what it can do with what it is. And I think, and I think  
45 regardless, for instance, the World Logistics people.....that was quite the uproar.  
46 But, there is a desire like the one lady mentioned, being able to work close to

1 home is a very, very good thing. I think Moreno Valley is doing a good job  
2 attracting jobs and trying to provide the opportunity. We probably will never have  
3 the million dollar home brackets that you can get the high dollars. There just,  
4 there's just not enough here. So at the end of the day, for me, what's driving a  
5 decision, I will probably vote no for this General Plan Amendment. And  
6 associated other things, I think this is the last part of the city where people that  
7 do want to have a reasonable chance to have an upscale-type living and have  
8 primary area to keep their animals and that kind of lifestyle. That's it for Moreno  
9 Valley. There's no other places, and we should respect that. And my only last  
10 thing is, with the trail, you're....Commissioner Nickel when you said I don't know  
11 about having horse trails going down next to driveways, I don't know. I have  
12 friends in Norco. You go through Norco and there are trails everywhere, but here  
13 you're setting yourself up for a subdivision that has no animal keeping but you're  
14 going to have horses walking and pooping in your front yard. So people that live  
15 outside of the tract are going to say, that's great, my horse left you a gift. You  
16 can use it to make your flowers, but the people that are in the tract are going,  
17 hey, thanks. You know, anyways, so yeah.

18  
19 **VICE CHAIR BARNES** – Anyone else. Commissioner Baker.

20  
21 **COMMISSIONER BAKER** – Yeah I'd like to kind of just chime in on this a little  
22 bit. Ever since I've been on the Planning Commission, I keep hearing about the  
23 hillside housing, which it would be nice, but the problem we've got with that is  
24 these people that want to spend a million dollars for hillside. They want the  
25 amenities to go with it, and I'm talking not a septic tank. That want, you know,  
26 curb and gutter and the sewers and everything else and street lights. And I  
27 totally understand that, but I don't know how we're going to get the horse in front  
28 of the cart to get this done because it takes money. We don't, in this part of  
29 town, we don't even have sewage system. I think most of that north of 60 is on  
30 septic, correct? For the most part? But I think this is a good product they are  
31 putting it. It's probably just in the wrong location, but what I'd like to know is why  
32 we aren't having developers come in here and doing the half acre deal? Is that a  
33 monetary deal or? I mean, I've been on here eight years, and I've not heard one  
34 project come in with a half-acre development. I totally understand that, and I  
35 think we need it. But I don't know if this particular developer it has to do with the  
36 land, and I don't know particularly who, I guess it's Ironwood 8 Properties that  
37 owns this property. But it seems like we need to work with this owner to see if  
38 we can get a developer to do some half-acre lots up there, and it's a great area.  
39 But, you know, to put this in here, it's going to be tough. One question I've got of  
40 Staff here, and you know we've got R3 and R5. Is there an R4 zone in our  
41 Planning Department or in our plan or not?

42  
43 **PLANNING OFFICIAL RICK SANDZIMIER** – No.

44  
45 **COMMISSIONER BAKER** – Okay there isn't, and why isn't there one?

46

1 **PLANNING OFFICIAL RICK SANDZIMIER** – The ranges of housing density.....

2  
3 **COMMISSIONER BAKER** – Okay.....

4  
5 **PLANNING OFFICIAL RICK SANDZIMIER** – Allow for.....

6  
7 **COMMISSIONER BAKER** – And I understand R3 is three units an acre and R5  
8 is five units an acre. Is that correct?

9  
10 **PLANNING OFFICIAL RICK SANDZIMIER** – Up to five.

11  
12 **COMMISSIONER BAKER** – Up to five. Okay, got it. The other thing is....the  
13 thing I was asked, on this 12-inch sewer line, that's the developer....if that were  
14 to come forth, he'd have to pay for that, right? That infrastructure under the 60.  
15 Is that correct or not?

16  
17 **TRAFFIC ENGINEER MICHAEL LLOYD** – Michael Lloyd with Land  
18 Development. The developer would work with EMWD to get that installed and  
19 would work out that cost with EMWD.

20  
21 **COMMISSIONER BAKER** – Thank you. From the Planning Department, has  
22 there been any inquiries to you guys either in the past or coming forth, is  
23 anybody interested in developed half-acre lots up there? And what's the big  
24 holdup on that if.....why they haven't. Is it due to the utilities or the expense of  
25 doing that or is it just not cost prohibitive?

26  
27 **SENIOR PLANNER CHRIS ORMSBY** – Rick may have some comments on the  
28 last part of the questions but.....

29  
30 **COMMISSIONER BAKER** – Okay.

31  
32 **SENIOR PLANNER CHRIS ORMSBY** – But, before 2008, there were a number  
33 of projects. Some of those are still valid approvals for half-acre lots. In fact,  
34 we've done some extensions of time. So there was activity. There haven't been  
35 many new projects since 2008 in that regard.

36  
37 **COMMISSIONER BAKER** – That's an economic issue, right? Trying to drive  
38 that I imagine or somewhat?

39  
40 **PLANNING OFFICIAL RICK SANDZIMIER** – In the almost two-and-a-half years  
41 that I've been here, we haven't had anybody inquire with me that wants to build  
42 half-acre lot subdivisions.

43  
44 **COMMISSIONER BAKER** – I don't totally understand that because that's a  
45 great area up there. If I had the money, I'd go up there and do one. There's a  
46 whole lot, but I don't have the cash to do it. But it seems like, if you could put a

1 group of people together that would want to promote that, if you really believe in  
2 that area, which I think you do, we need to get our heads together and figure out  
3 a way to develop that.

4  
5 **PLANNING OFFICIAL RICK SANDZIMIER** – I can tell you that, I call tell you  
6 that I have worked in other jurisdictions where I have seen them come in and a  
7 lot of times they come in because there are lots of larger neighborhoods. We  
8 work on a 400 acre or 600 acre development and you look at building a  
9 neighborhood. And you're working with one major land owner who has the wear  
10 with all or has the opportunity to create the smaller lots, the medium lots, and the  
11 larger lots, and they create that as a concept. Here, this is a fairly large  
12 development, but it is not.....

13  
14 **COMMISSIONER BAKER** – It's 50 acres, right?

15  
16 **PLANNING OFFICIAL RICK SANDZIMIER** – Right, but I'm talking about 100's  
17 of acres of land in other areas. I worked with a developer that had 23,000 acres  
18 of land.

19  
20 **COMMISSIONER BAKER** – Wow.

21  
22 **PLANNING OFFICIAL RICK SANDZIMIER** – And so it can be done, but  
23 it.....you have to have the wear with all. You have to have a starting point, and  
24 it is economics. There have to be certain things that starting driving the stuff.  
25 The infrastructure needs to be in place and you have to start somewhere. Those  
26 are some of the challenges out on the east end. I appreciate the tranquility you  
27 have out there. I have driven out there. It is very nice. So it's really what the  
28 vision of the City would be. We'll be looking at that stuff in the General Plan  
29 Update.

30  
31 **COMMISSIONER BAKER** – The only thing I'd say is, as your group out here, I'd  
32 be going and finding who that property owner is and start twisting some arms to  
33 get something done, what you want done, because that's the only way it's going  
34 to happen guys. You've got to get that land owner in your back pocket and get  
35 him to develop half-acre lots there. I mean, we can sit here and talk about this all  
36 night but, until we can find out who controls that property, and I understand what  
37 the developer is doing, and I'd like to see that developer hop in too and maybe  
38 consider some half-acre lots there or something different than this zoning that  
39 we've got going now. That's just my thoughts on it. Okay. That's it.

40  
41 **COMMISSIONER NICKEL** – Yes, my other concern about this is that, of course  
42 there is animal keeping up in that area, and that has another impact to that. I  
43 don't see these homes necessarily being appreciative of the animal smells. You  
44 know, I mean, it's okay for the people that have their animals and all, but I can  
45 actually see residents in a new tract like this calling the City and wanting to get  
46 that changed and stop having chickens, goats, horses.....that's where it starts.

1  
2 **VICE CHAIR BARNES** – If I may, I want to make some points, and in no  
3 particular order so bear with me a bit. First of all, I think Commissioner Sims  
4 summed up many of my feelings very well. The City has been through a very  
5 contentious battle over the east end of the City, and we made some pretty  
6 substantial changes to the General Plan. As he said, the northeast corner seems  
7 to be kind of the last bastion of the larger lots and, given what we just went  
8 through, I'm not in a big hurry to chip away at that also. Now, that being said, I  
9 also think that the project, as proposed, is a very good project. And it's probably,  
10 and this is just my personal opinion, it's probably more likely to provide the high-  
11 end housing that a lot of people are wanting than going out there and doing half-  
12 acre rectangular single-story lots on that 80 acres. Because I think it is a very  
13 good project. It is very creative. It's got amenities, and I think it has a lot of  
14 potential. But, as I said, I agree with Commissioner Sims that that's kind of the  
15 last bastion, and maybe it's too soon. The other thing that...the other point I  
16 want to make is I don't think we, as a body, or the City generally, as a Staff, want  
17 to get in to trying to decide where high-end homes are going to be. None of us  
18 are that smart. The last 10 years has shown us that a lot of people make  
19 mistakes. So I think our goal is to protect the local residents, the homeowners,  
20 protect the landowner and his ability to do something with his land, and we have  
21 to walk a fine line between those two. And, in this case, as the other  
22 Commissioners have said, with the General Plan coming out and what we've just  
23 been through, I am probably not ready to pull the trigger on this. And then the  
24 last thing I wanted to say is, we all live out here in Moreno Valley and some  
25 developer somewhere to the guys that are proposing this, came forward and  
26 proposed the build the home that we live in and that we like and that we're here  
27 trying to protect. And I'd be willing to bet at the Hearing for the homes that you  
28 guys live in, there were people just as passionate as yourselves fighting to  
29 protect what they, at the time, felt was something that shouldn't be changed. So  
30 let's not forget that we're here through the benefit of somebody who took the risk  
31 and put their checkbook on the line to build homes for all of us so just remember  
32 that, you know, we don't live in a vacuum so that's.....okay, that's the end of my  
33 speech.

34  
35 **COMMISSIONER NICKEL** – Well, Commissioner Barnes, before I became a  
36 Planning Commissioner/alternate, I came to do battle for a project that was going  
37 behind my house and, the \_\_\_\_\_, and the project was approved by the  
38 Commission, which I appealed with my husband. And, the funny thing is, the  
39 developer actually listened to everything I had to say. We sat over the kitchen  
40 table, and we did the project. Claudia worked very hard on that, and we had it all  
41 worked out by the time it got to Council. And I think they said Council approved it  
42 in about 23 seconds because both sides were happy, so you can work it out. I  
43 don't understand why the developer hasn't worked with the community.

44  
45 **COMMISSIONER BAKER** – Question on that project. Why hasn't that project  
46 been built? Do you know? I didn't know. I thought.....

1  
2 **COMMISSIONER NICKEL** – I know. Their.....

3  
4 **VICE CHAIR BARNES** – Commissioner Sims.

5  
6 **COMMISSIONER SIMS** – I agree with that you said about your soapbox you got  
7 on. I like it. Anyhow, I do, from Design, I do have to take my hats off. I do think  
8 it is a great design for the project for that and I.....hopefully when the Council....  
9 this will probably go to an appeal to the Council and whatnot and who knows  
10 what's going to happen at that. But, at the end of the day, when a General Plan  
11 Amendment goes through, hopefully there is flexibility when the General Plan  
12 Amendment goes through that there can be a way to do like clustering and things  
13 in some of these areas where you can get a desirable finished project and leave  
14 a lot of open spaces. Because I personally, a few years ago, designed a  
15 few.....if you go up Canyon Crest between Country Club, up to by Ransom by  
16 Canyon Crest right there, there is hillside development. I personally designed  
17 that, and we worked very, very closely with the City and it's, it's.....they are all  
18 nice-sized lots, and those are million dollar homes up there. So you can build on  
19 hillsides and do that stuff but.....anyhow, I guess the long story short is I think, if  
20 the City does go through a General Plan Amendment, hopefully the Council will  
21 push towards doing that with the City and all of the folks that are out here and the  
22 northeast area comes up for that. People own property, and people should be  
23 able to develop the property, and there are economic challenges to that. Not  
24 just, not for just grading and putting in a piece of pipe. There are school fees,  
25 water district fees, all these different fees and stuff so there are economic  
26 barriers that have to be climbed over for a developer to do something with the  
27 property. So I think, I tend to agree that there needs to be a rational approach  
28 when the General Plan Amendment goes so that some of this area can get  
29 cluster lots and things like that where you can get large open space and stuff like  
30 that. But that's another thing for another day.

31  
32 **COMMISSIONER BAKER** – Just out of curiosity, on that development you did  
33 up there on Canyon Crest, how did you get the utilities up there? Was that a big  
34 deal? I mean, those people didn't build those houses on....they didn't build those  
35 on septic tanks, right? Did you get sewer up there?

36  
37 **COMMISSIONER SIMS** – No, there's sewer, there's sewer in that area.

38  
39 **COMMISSIONER BAKER** – And that was a capital improvement on  
40 somebody's part, right?

41  
42 **COMMISSIONER SIMS** – The developer paid for it.

43  
44 **COMMISSIONER BAKER** – They paid for it. Okay, got it.  
45

1 **VICE CHAIR BARNES** – Anymore comments? Most people seem to have  
2 made their position fairly clear. Unless somebody has something earth  
3 shattering, I would suggest maybe somebody make a motion.

4  
5 **COMMISSIONER SIMS** – I'll make a motion.

6  
7 **VICE CHAIR BARNES** – Alright.

8  
9 **COMMISSIONER SIMS** – I make a motion that the Planning Commission not  
10 approve the Staff recommendation Items one through five.

11  
12 **COMMISSIONER NICKEL** – Second.

13  
14 **VICE CHAIR BARNES** – I have a motion by Commissioner Sims and a second  
15 by Commissioner Nickel.

16  
17 **COMMISSIONER NICKEL** – And my vote's not coming up.

18  
19 **VICE CHAIR BARNES** – I don't.....

20  
21 **COMMISSIONER SIMS** – So we're going to have to actually show our hands?

22  
23 **VICE CHAIR BARNES** – Yeah, yeah we actually have to push a button guys.

24  
25 **COMMISSIONER NICKEL** – Well it's not coming up.

26  
27 **VICE CHAIR BARNES** – Yeah, I think we may have to take a.....

28  
29 **COMMISSIONER NICKEL** – Rollcall.....

30  
31 **VICE CHAIR BARNES** – Verbal vote because I don't know how to work this  
32 thing to put it bluntly.

33  
34 **COMMISSIONER KORZEC** – Could you just repeat what we're voting on  
35 because we're not voting on this. We're voting to negate this.

36  
37 **VICE CHAIR BARNES** – The motion was to deny.....

38  
39 **COMMISSIONER KORZEC** – Okay.

40  
41 **VICE CHAIR BARNES** – The Staff recommendation.

42  
43 **COMMISSIONER BAKER** – So then we vote yes or no on that, right?

44  
45 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Yeah. There's no final action  
46 being proposed for the Planning Commission. It's simply a recommendation to



1 the City Council. So the motion that I heard what that you make a  
2 recommendation not to approve this project, and Staff will prepare a revised  
3 resolution document that's much shorter and simply says that.

4  
5 **VICE CHAIR BARNES** – And so a yes vote would be in support of that.....

6  
7 **ASSISTANT CITY ATTORNEY PAUL EARLY** – That motion to deny it.

8  
9 **VICE CHAIR BARNES** – For lack of, okay.....

10  
11 **COMMISSIONER NICKEL** – Yes.

12  
13 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Rather to recommend denial.

14  
15 **COMMISSIONER NICKEL** – Okay.

16  
17 **VICE CHAIR BARNES** – Yeah, okay. Are we ready to vote? No other  
18 comments? No further motions, anything? Alright, Darisa if you could.....

19  
20 **COMMISSIONER GONZALEZ** – Yes.

21  
22 **COMMISSIONER KORZEC** – Yes.

23  
24 **COMMISSIONER NICKEL** – Yes.

25  
26 **COMMISSIONER BAKER** – Yes.

27  
28 **COMMISSIONER SIMS** – Yes.

29  
30 **VICE CHAIR BARNES** – Yes.

31  
32  
33  
34 Opposed – 0

35  
36  
37 **Motion carries 6 – 0**

38  
39  
40 **COMMISSIONER BAKER** – It ain't over yet.

41  
42 **COMMISSIONER SIMS** – No.

43  
44 **VICE CHAIR BARNES** – With that, Mr. Sandzimier.  
45

1 **PLANNING OFFICIAL RICK SANDZIMIER** – I was going to say that the wrap-  
2 up will be that this will be scheduled to go to the City Council. But, before we go  
3 to the City Council, we'll bring back at your next regular meeting, that Resolution  
4 for you to look at. So we're going to put that Resolution on the Agenda for the  
5 next meeting. Are we going to see it, or are we just going to take it to them for  
6 signature?  
7

8 **ASSISTANT CITY ATTORNEY PAUL EARLY** – No. I think we can put...we'll  
9 put...just bring a Resolution for your signature that'll be exactly worded as same  
10 as the motion.  
11

12 **VICE CHAIR BARNES** – Right, okay.  
13

14 **ASSISTANT CITY ATTORNEY PAUL EARLY** – It doesn't have all the other  
15 information in it so I don't think.  
16

17 **PLANNING OFFICIAL RICK SANDZIMIER** – So we'll just bring it for a  
18 signature.  
19

20 **VICE CHAIR BARNES** – Okay. Now, does that conclude this case, and I can  
21 recall Chair Lowell?  
22

23 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes.  
24

25 **VICE CHAIR BARNES** – Alright. Thank you everyone for your attendance. We  
26 appreciate your involvement.  
27

28 **COMMISSIONER NICKEL** – Can we take a break? We've got to get Lowell.  
29

30 **VICE CHAIR BARNES** – I would like to take a five minute break and recall Chair  
31 Lowell if he's in earshot.  
32

33  
34 **MEETING BREAK**  
35

36  
37 **CHAIR LOWELL** – Well welcome back ladies and gentlemen. With Public  
38 Hearing Item No. 1 that was continued and now voted on. We're now onto Other  
39 Commissioner Business, which I don't think we have any. I'm hearing nothing  
40 over there, so I think we're good.  
41

42  
43  
44 **OTHER COMMISSIONER BUSINESS**  
45  
46

1 **CHAIR LOWELL** – That moves us onto Staff Comments. Do we have any  
2 comments from Staff or for Staff?

3  
4  
5 **STAFF COMMENTS**  
6

7  
8 **PLANNING OFFICIAL RICK SANDZIMIER** – I was just going to say that our  
9 next regular meeting will be on March 23, 2017, I believe.

10  
11 **CHAIR LOWELL** – Not February 23?  
12

13 **PLANNING OFFICIAL RICK SANDZIMIER** – Oh, February 23, 2017. I'm sorry.  
14 I'm already thinking March. February 23, 2017. Yeah, see you in two weeks.  
15

16 **CHAIR LOWELL** – Alright and that moves us onto Planning Commissioner  
17 comments.  
18

19  
20 **PLANNING COMMISSIONER COMMENTS**  
21

22  
23 **CHAIR LOWELL** – I have one. In the Planning Commissioner Rule of  
24 Procedure, I would like to at least discuss clarifying whether or not who can seat  
25 on what so basically how the alternates or vacant seats are handled. So maybe  
26 we can bring that up on an item next go around just to kind of put a dot on every I  
27 and cross every T to make sure everything is clear.  
28

29 **PLANNING OFFICIAL RICK SANDZIMIER** – Alright. We'll put that on the next  
30 Agenda then for the 23<sup>rd</sup>.  
31

32 **CHAIR LOWELL** – Please.  
33

34 **PLANNING OFFICIAL RICK SANDZIMIER** – Okay.  
35

36 **CHAIR LOWELL** – Thank you.  
37

38 **COMMISSIONER SIMS** – Are you guys going to send out the rules again?  
39

40 **PLANNING OFFICIAL RICK SANDZIMIER** – We will include them.  
41

42 **COMMISSIONER SIMS** – I think we cleaned those up pretty good.  
43

44 **CHAIR LOWELL** – We did.  
45

1 **VICE CHAIR BARNES** – Well I think the clarification that he is asking for is that  
2 we started the hearing with an empty seat and it wasn't crystal clear that, when  
3 you start with an empty seat, you can then fill it on the second hearing. Because,  
4 when we went through this before, most of the discussion centered around  
5 missing the second meeting and then coming back for the third, but we didn't  
6 really hone in on missing the first one coming in for the second.

7  
8 **CHAIR LOWELL** – Specifically Section 1, Subsection G, No. 4.

9  
10 **VICE CHAIR BARNES** – I know.

11  
12 **CHAIR LOWELL** – It's just one of those things I would like to at least talk about  
13 next go around, just briefly, to make sure that it's all dotted. I talked to Paul a  
14 little bit about it and also the rules are.....they do make a decision. They do tell  
15 us what to do and how to handle the situation. I just think it could be a pinch  
16 more clear for next go around. That's it.

17  
18 **COMMISSIONER NICKEL** – Would it be a good idea to put the alternates name  
19 at the top on the Agendas so that the public kind of is aware of what's going on?

20  
21 **CHAIR LOWELL** – That was an item we were talking about earlier, so yeah I  
22 agree. It's something we can look into.

23  
24 **COMMISSIONER GONZALEZ** – And also to be included in the quorum. I think  
25 that's important.

26  
27 **COMMISSIONER NICKEL** – The alternates are getting feisty.

28  
29 **CHAIR LOWELL** – Yeah, we can bring all of our, all of our.....

30  
31 **COMMISSIONER NICKEL** – We're making our demands.

32  
33 **CHAIR LOWELL** – Okay, any other Commissioner Comments before we  
34 adjourn?

35  
36 **COMMISSIONER SIMS** – I have two. I wanted to thank Staff on the work they  
37 did do with the developer. I personally thought that it was a well-designed tract  
38 and conditioned well and so forth. So that doesn't fall.....it's not that there was a  
39 lack of good work that was done there, that wasn't what was driving me.  
40 Anyhow, don't forget there's a Valentine's Day coming up here so....

41  
42 **CHAIR LOWELL** – Don't worry, I'll buy you flowers.

43  
44 **COMMISSIONER SIMS** – Plan accordingly.

45  
46 **CHAIR LOWELL** – I'll buy you flowers, Jeff.

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**COMMISSIONER SIMS** – Some people who are forgetful.

**COMMISSIONER GONZALEZ** – I just want to say thank you to my colleagues. I know sometimes it's.....these are tough decisions, and they are passionate and emotionally driven so but I appreciate everyone's coolness under fire. And, especially at the previous meeting, you guys handled yourselves in a very professional and equitable manner so thank you, thank you for that and Staff as well. Thank you for all your hard work and putting in and being here. You know, it's already 8:35 so thank you.

**VICE CHAIR BARNES** – I have a question on a different subject.

**CHAIR LOWELL** – Vice Chair.

**VICE CHAIR BARNES** – Mr. Sandzimier, what.....as the General Plan Amendment moves forward, what will be the Commission's involvement in that process if any?

**PLANNING OFFICIAL RICK SANDZIMIER** – It hasn't been fully defined yet in terms of how the process is going to go. What we're doing right now is we assembled an AD HOC Committee of Staff. So that means that we've got people from each of the departments and divisions looking at every objective and basic policy in the General Plan and identifying areas where we think we should be making some recommendations for revisiting it. Depending on the full scope, we have to figure out the cost, and then we have to figure out what the process will be to engage the public, and then how to use the Commission's, how to use the City Council. There are a variety of ways of doing it. If we formed a different committee or a policy committee, say, it may be with a representative from the Commission, maybe representative from the City Council. But we haven't got there yet. So we'll keep you posted, but we just got the process rolling. It will be a three-year effort. We'll probably see a lot more activity in the first six months of the new fiscal year depending on budget and then we'll know a little bit better how we're going to go.

**VICE CHAIR BARNES** – It seems like since the Commission will be obviously reviewing and addressing projects that are affected by the General Plan that somebody from this group or the future group, whatever that looks like, should be involved maybe sooner rather than later to get incorporated things that might be important to the Commission as a general statement. I know I would like to be involved in some way or somebody from this group.

**COMMISSIONER NICKEL** – I mean, even the other Boards and Commissions like Parks and Recreation and Trails. Those types of Land Use Commissions other than us.

1 **PLANNING OFFICIAL RICK SANDZIMIER** – Your comments are all noted.

2  
3 **COMMISSIONER SIMS** – I appreciate it.

4  
5 **VICE CHAIR BARNES** – I know we’ve got a long time.

6  
7 **COMMISSIONER NICKEL** – You want to see it done, right?

8  
9 **VICE CHAIR BARNES** – Okay, thank you.

10  
11 **CHAIR LOWELL** – Any other questions or comments? Nope? Going once,  
12 going twice.....perfect, I would like to adjourn the meeting to the next Planning  
13 Commission Regular Meeting on February 23, 2017, right here in City Council  
14 Chambers at 7:00 p.m.

15  
16  
17 **ADJOURNMENT**

18  
19 **CHAIR LOWELL** – Thank you very much. Have a Happy Valentine’s Day, and  
20 have a good night.

21  
22  
23 **NEXT MEETING**

24 *Next Meeting: Planning Commission Regular Meeting, February 23, 2017 at*  
25 *7:00 PM, City of Moreno Valley, City Hall Council Chamber, 14177 Frederick*  
26 *Street, Moreno Valley, CA 92553.*

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39 \_\_\_\_\_  
40 Richard J. Sandzimier  
41 Planning Official  
42 Approved

\_\_\_\_\_ Date

Minutes Acceptance: Minutes of Feb 9, 2017 7:00 PM (APPROVAL OF MINUTES)

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\_\_\_\_\_  
Brian R. Lowell  
Chair

\_\_\_\_\_  
Date

Minutes Acceptance: Minutes of Feb 9, 2017 7:00 PM (APPROVAL OF MINUTES)

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

5 Thursday, February 23, 2017 at 7:00 PM

6  
7  
8 CALL TO ORDER  
9

10 **CHAIR LOWELL** – Good evening ladies and gentlemen. I'd like to call to order  
11 the Regular Meeting of the Planning Commission. Today is Thursday, February  
12 23, 2017. The time is 7:02 PM. May we have rollcall please?  
13

14  
15 ROLL CALL  
16

17 Commissioners Present:

18 Commissioner Ramirez  
19 Commissioner Korzec  
20 Commissioner Nickel  
21 Commissioner Baker  
22 Alternate Commissioner Gonzalez  
23 Commissioner Sims  
24 Vice Chair Barnes  
25 Chair Lowell  
26

27  
28 Staff Present:

29 Rick Sandzimier, Planning Official  
30 Paul Early, Assistant City Attorney  
31 Darisa Vargas, Senior Administrative Specialist  
32 Julia Descoteaux, Case Planner  
33 Gabriel Diaz, Case Planner  
34 Michael Lloyd, Land Development Division Manager  
35

36 Speakers:

37 Rafael Brugueras  
38  
39

40 **CHAIR LOWELL** – Commissioner Nickel is our seated alternate today, correct?  
41

42 **SENIOR ADMINISTRATIVE SPECIALIST DARISA VARGAS** – Yes.  
43



1 **CHAIR LOWELL** – Perfect. Mr. Ramirez, could you lead us in the Pledge of  
2 Allegiance please?

3  
4  
5 **PLEDGE OF ALLEGIANCE**

6  
7 **CHAIR LOWELL** – Thank you. Please be seated. Would anybody like to make a  
8 motion to approve tonight’s Agenda?

9  
10  
11 **APPROVAL OF THE AGENDA**

12 Approval of Agenda

13  
14  
15  
16 **COMMISSIONER BAKER** – I’ll so move.

17  
18 **CHAIR LOWELL** – We have a motion by Commissioner Baker. Do we have a  
19 second?

20  
21 **VICE CHAIR BARNES** – Second.

22  
23 **CHAIR LOWELL** – Second by Vice Chair Barnes. All in favor, say aye.

24  
25 **COMMISSIONER KORZEC** – Aye.

26  
27 **COMMISSIONER BAKER** – Aye.

28  
29 **COMMISSIONER RAMIREZ** – Aye.

30  
31 **COMMISSIONER SIMS** – Aye.

32  
33 **COMMISSIONER NICKEL** – Aye.

34  
35 **CHAIR LOWELL** – Aye.

36  
37 **VICE CHAIR BARNES** – Aye.

38  
39 **CHAIR LOWELL** – All opposed, say nay.

40  
41  
42 Opposed – 0

43  
44  
45 **Motion carries 7 – 0**

46

Minutes Acceptance: Minutes of Feb 23, 2017 7:00 PM (APPROVAL OF MINUTES)

1 **CHAIR LOWELL** – The motion passes 7-0. Tonight’s Agenda is approved,  
2 which moves us onto the Consent Calendar, which we have an Approval of  
3 Minutes tonight.

4  
5  
6 **CONSENT CALENDAR**  
7

8 *All matters listed under Consent Calendar are considered to be routine and all*  
9 *will be enacted by one rollcall vote. There will be no discussion of these items*  
10 *unless Members of the Planning Commission request specific items be removed*  
11 *from the Consent Calendar for separate action.*

12  
13  
14 **APPROVAL OF MINUTES**  
15

16 Planning Commission - Regular Meeting - January 26, 2017 at 7:00 PM

17  
18 Approve as submitted.  
19  
20

21 **CHAIR LOWELL** – Would anybody like to make a motion or have any comments  
22 or corrections on the Minutes as presented? And, as a clarification, the Planning  
23 Commission Minutes are from the Regular Meeting January 26, 2017, at 7:00  
24 PM. I was present for a portion of that meeting. I abstained for one of the items,  
25 so I can approve the portion that I was present for. I did see the..... did watch  
26 the meeting, so I can also attest for but I won’t vouch for those Minutes, as I  
27 wasn’t seated. Anybody have any comments or questions before we move for a  
28 motion? Nope? Okay, I would like to motion to approve the Minutes from the  
29 Regular Meeting of January 26, 2017. All in favor, say aye.

30  
31 **COMMISSIONER KORZEC** – Aye.  
32

33 **COMMISSIONER BAKER** – Aye.  
34

35 **COMMISSIONER RAMIREZ** – Aye.  
36

37 **COMMISSIONER SIMS** – Aye.  
38

39 **COMMISSIONER NICKEL** – Aye.  
40

41 **CHAIR LOWELL** – Aye.  
42

43 **VICE CHAIR BARNES** – Aye.  
44

45 **CHAIR LOWELL** – All opposed, say nay. The motion passes 7-0.  
46

Minutes Acceptance: Minutes of Feb 23, 2017 7:00 PM (APPROVAL OF MINUTES)

1  
2 Opposed – 0  
3

4  
5 **Motion carries 7 – 0**  
6

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8  
9 **PUBLIC COMMENTS PROCEDURE**  
10

11 *Any person wishing to address the Commission on any matter, either under*  
12 *Public Comments section of the Agenda or scheduled items or public hearings,*  
13 *must fill out a “Request to Speak” form available at the door. The completed*  
14 *form must be submitted to the Secretary prior to the Agenda item being called by*  
15 *the Chairperson. In speaking to the Commission, member of the public may be*  
16 *limited to three minutes per person, except for the applicant for entitlement. The*  
17 *Commission may establish an overall time limit for comments on a particular*  
18 *Agenda item. Members of the public must direct their questions to the*  
19 *Chairperson of the Commission and not to other members of the Commission,*  
20 *the applicant, the Staff, or the audience. Additionally, there is an ADA note.*  
21 *Upon request, this Agenda will be made available in appropriate alternative*  
22 *formats to persons with disabilities in compliance with the Americans with*  
23 *Disabilities Act of 1990. Any person with a disability who requires a modification*  
24 *or accommodation in order to participate in a meeting should direct their request*  
25 *to Guy Pagan, our ADA Coordinator, at (951) 413-3120 at least 48 hours prior to*  
26 *the meeting. The 48-hour notification will enable the City to make reasonable*  
27 *arrangements to ensure accessibility to this meeting.*  
28

29  
30 **NON-PUBLIC HEARING ITEMS**  
31

32 None  
33  
34

35 **CHAIR LOWELL** – Do we have any Non-Public Hearing Items tonight? I don't  
36 believe so. Do we have anybody wanting to speak on a Non-Public Hearing Item  
37 tonight?  
38

39 **SENIOR ADMINISTRATIVE SPECIALIST DARISA VARGAS** – Yes, we do.  
40

41 **PLANNING OFFICIAL RICK SANDZIMIER** – We actually do have two items that  
42 are Non-Public Hearing Items. They are the discussion items at the end of the  
43 agenda. Those would be a discussion of the Public Notice requirements and the  
44 Planning Commission Rules of Procedure.  
45

1 **CHAIR LOWELL** – Ah, that was under the Other Commissioner Business. Did  
2 you want to do that first, or should we do it at the end?

3  
4 **PLANNING OFFICIAL RICK SANDZIMIER** – If somebody wants to speak on a  
5 Non-Public Hearing Item, you could use this time for them to allow them to make  
6 some general comments just about those two topics, but I don't know if you have  
7 any other speakers?

8  
9 **CHAIR LOWELL** – Do we have any Speaker Slips?

10  
11 **SENIOR ADMINISTRATIVE SPECIALIST DARISA VARGAS** – We have one.

12  
13 **CHAIR LOWELL** – I don't have that up here yet. Could you call them up,  
14 please?

15  
16 **SENIOR ADMINISTRATIVE SPECIALIST DARISA VARGAS** – Rafael  
17 Brugueras.

18  
19 **CHAIR LOWELL** – Mr. Brugueras, come on up.

20  
21 **SPEAKER RAFAEL BRUGUERAS** – Good evening, Chair, Commissioners,  
22 Staff, residents, and guests: I'm glad I'm here today. I won't get haggled like two  
23 weeks ago, so I'm able to speak and you can also hear me. You know, George,  
24 when he came up, he challenged you about looking up what a Commissioner  
25 does on Google. I went home, and I did that, and I saw your duties as  
26 Commissioners to the City. How your duties are supposed to approve projects  
27 that are good and that I heard during the comments of each one of you. None of  
28 you said it was a bad deal. The only thing that happened that week is that the  
29 emotions got the better of the development. That development should be have  
30 been approved at least 5-1. It would have been good to have 6-0, but 5-1 should  
31 have been done because each one of you loved the project. You had nothing  
32 bad to say about the project, so as Commissioners, we cannot allow emotions to  
33 push away bad development. Let the judges and the courts do that. That's their  
34 duty. Our duty as residents and commissioners is to bring development into the  
35 city, especially when they are well breaded, and I heard from the best up there it  
36 was well-breaded development. So I learned something. I learned when I go out  
37 and look to support the new developments that we have here today, I get out of  
38 my vehicle, and I open the door to see what's going on, and I'll ask questions to  
39 see how they are thinking and what makes me come up here every time to  
40 support them. I learned that from you guys. I know what it is.....I know now  
41 what it is like to be heckled by people that I don't even know at all, but the funny  
42 thing about it is that it's not their land. They didn't buy it. We were not going to  
43 change what they already had. They would have kept their R5s. What we  
44 wanted to do was make that property better looking than it has been for the last  
45 40 years. We had an opportunity to do that again, and it didn't happen. It was  
46 going to be high-end houses; houses from 7200 square foot up to 17,000 square

1 foot lots. That's pretty big to do things on. Yes, we couldn't have the horses, but  
2 it was a wonderful project, and we'll have many of those coming. Please do not  
3 allow the emotions of others to push this city backwards.

4  
5 **CHAIR LOWELL** – Thank you, Rafael. Do we have any other people wanting to  
6 speak?

7  
8 **SENIOR ADMINISTRATIVE SPECIALIST DARISA VARGAS** – No, we do not.

9  
10 **CHAIR LOWELL** – Okay, Thank you very much, and I would like to close the  
11 Non-Public Hearing. That moves us onto the Public Hearing Items, which is  
12 Case No. PEN16-0123 (formerly PA14-0028), which is a Plot Plan. The  
13 Applicant is MV Bella Vista GP, LLC. The case planner is Mr. Gabriel Diaz. Do  
14 we have a Staff Report on this item?

15  
16  
17 **PUBLIC HEARING ITEMS**

- 18  
19 1. Case: PEN 16-0123 (PA14-0028 Plot Plan)  
20  
21 Applicant: MV Bella Vista GP, LLC  
22  
23 Owner: MV Bella Vista LP  
24  
25 Representative: Paul Onufer  
26  
27 Location: Northeast corner of Lasselle Street and Cactus  
28 Avenue  
29  
30 Case Planner: Gabriel Diaz  
31  
32 Council District: 3  
33  
34 Proposal: PEN16-0123 (PA14-0028 Plot Plan)  
35  
36  
37

38 **STAFF RECOMMENDATION**

39  
40 Staff recommends that the Planning Commission **APPROVE** Resolution No.  
41 2017-23 and thereby:

- 42  
43 1. **ADOPT** an Addendum to the Environmental Impact Report for the prior  
44 Specific Plan for Plot Plan PEN16-0123 (PA14-0028), pursuant to the  
45 California Environmental Quality Act (CEQA) Guidelines; and  
46

- 1           2. **APPROVE** Plot Plan PEN16-0123 (PA14-0028), subject to the conditions  
2           of approval included as Exhibit A.  
3  
4  
5

6           **CASE PLANNER GABRIEL DIAZ** – Thank you, Chairman and Commissioners.  
7           We’re here to hear, well you gave the Case Number. The project is located on  
8           the northeast corner of Lasselle and Cactus Avenue, we have an aerial photo  
9           there with the project site there. The zone is Aquabella Specific Plan 218, High-  
10          Density Residential meant for multi-family. The applicant representative is Paul  
11          Onufer, and he is here today. The applicant is proposing to develop a 220 unit  
12          multi-family apartment project with associated open space on 10.91 acres of  
13          land. The site is rectangular in shape, presently vacant, and relatively flat. The  
14          site has been disked for weed abatement over the years, and you can see that  
15          from the aerial. There is the project Grading Plan. We’ll go into the look of the  
16          apartments here. The project includes a total of 14 apartment buildings with a  
17          mix of two-story and three-story buildings. We’ll go real quick through those;  
18          two-story building, three-story building. That’s the clubhouse and the office  
19          leasing area. The project includes a total of 14 buildings, including a mix of two-  
20          story and three-story buildings. The apartment buildings will include a mix of  
21          one, two, and three bedroom units. The square footage ranges from 762 to 1412  
22          square feet for the three-bedroom units. Amenities include a leasing office, a  
23          community clubhouse, a fitness room, showers, kitchen, business room, and  
24          clubroom. Other amenities onsite include a 60 x 30 lap pool, spa, cabanas, fire  
25          pit, barbeque grills, decorative paving, and open space for activities. The project  
26          achieves required open space through the patio and balcony design features,  
27          courtyards, and other gathering areas throughout the project provide the required  
28          public common open space. The project is providing a total of 393 parking  
29          spaces, including 84 attached garages, 154 carports, 155 open parking spaces  
30          for residents and guests. Access into the project will be provided from the main  
31          entrance of Lasselle Street. There is a secondary access off of Cactus.  
32          Driveway entrance will be limited to right in-right out. The project will construct a  
33          median on Cactus to limit the driveway access. There is a third access for  
34          emergency only on Lasselle just to the north of the main access to the site. The  
35          project is gated and does use communication kiosks to contact the office or  
36          residents. Surrounding the project site to the west and southwest is existing  
37          single-family tract homes consistent with the R5 zoning. The property  
38          immediately to the north is vacant, zoned open space and R30. To the east and  
39          south is vacant land zoned Aquabella Specific Plan 218-LM, which is low-  
40          medium density residential. The project, as designed and conditioned, conforms  
41          to the development standards of the SP218H Zoning and the Design Guidelines  
42          for multi-family residential development described in the Aquabella Specific Plan,  
43          City’s Municipal Code, and City Landscape Standards. The Aquabella Specific  
44          Plan Master Design Guidelines for multi-family projects calls for buildings to have  
45          a Southern Mediterranean Architectural influence style, which this project meets  
46          with a simple color palette and concrete tiled roofs. Go back to the elevation.

1 The architectural designs of the apartments include stucco exteriors with  
2 architectural features around windows and patios and balcony areas of the  
3 building to break up the massing and add focal points to the building. These  
4 detailed features include concrete tile roofs, window trim, colored trim, wood  
5 trellises, wrought iron guardrails, and covered balconies. Variation among the  
6 buildings is created with a mixture of two-story and three-story buildings, roof  
7 lines, porches, balconies, and the proposed color palette that is of the simple  
8 earth tones. The community clubhouse building and the leasing office design are  
9 consistent with the overall project architectural theme, and the proposed carpools  
10 are constructed of steel columns and prefinished metal roofs. Notification to the  
11 project: Public Notice was sent to all property owners within 300 feet of the  
12 proposed project site on February 9, 2017. In addition to the Public Hearing  
13 Notice, the project was posted onsite on February 10, 2017, and published in the  
14 Press Enterprise Newspaper on February 11, 2017. I did receive one call today  
15 regarding...from an adjacent neighbor across the street on Lasselle. He had  
16 concerns about the speeds on Lasselle, and he had a lot of questions regarding  
17 traffic, speeds on Lasselle. I did refer him to our traffic engineer, Eric Lewis, and  
18 I don't know if the gentleman did show up or not, but it seemed like his questions  
19 were answered. Environmentally, Planning Staff has reviewed this project in  
20 accordance with the California Environmental Quality Act Guidelines. An  
21 addendum to the Environmental Impact Report (EIR) for the prior Specific Plan  
22 has been prepared pursuant to Section 15164 of the CEQA Guidelines. The  
23 project will not cause a significant effect in the case because site conditions are  
24 consistent and do not create more or different environmental impacts than those  
25 addressed in the Environmental Impact Report. The project will not increase the  
26 total number of residential units provided in the Specific Plan. Therefore, Staff  
27 recommends that the Planning Commission APPROVE Resolution No. 2017-23  
28 and thereby ADOPT an addendum to the Environmental Impact Report for the  
29 prior Specific Plan for Plot Plan PEN16-0123 pursuant to the California  
30 Environmental Quality Act Guidelines and APPROVE Plot Plan PEN16-0123  
31 subject to the Conditions of Approval. This concludes Staff presentation. Any  
32 questions?  
33

34 **CHAIR LOWELL** – Thank you very much. Does anybody have any questions or  
35 clarifications from Staff? Nope? I have one. I don't know if it's a big deal. On  
36 the architect's open space plan, page 150 of the packet, the exhibit shows that  
37 the buildings are also included in the open space. It looks like there is some  
38 hatching done wrong. I don't know if it's a big deal, if it's critical or anything, but  
39 the exhibit seems to be a little bit incorrect.  
40

41 **CASE PLANNER GABRIEL DIAZ** – What page was that?  
42

43 **CHAIR LOWELL** – Packet page 150. It's A-2 in the architectural plans.  
44

45 **CASE PLANNER GABRIEL DIAZ** – What was your question again? Sorry.  
46

1 **CHAIR LOWELL** – The building footprint itself is hatched, but the hatching  
2 dictates common open space, so I don't know that the building itself would be  
3 common open space if it's a private apartment. It just looks like it's a clarification.  
4

5 **CASE PLANNER GABRIEL DIAZ** – No, I don't believe that's included, but yeah,  
6 you're probably correct.  
7

8 **CHAIR LOWELL** – Well, then I don't have any other questions. Anybody else?  
9 We have Commissioner Barnes.  
10

11 **VICE CHAIR BARNES** – Yeah, I had a question on the improvements on  
12 Cactus. The right-of-way is shown at 44. There's a 12 foot easement for road  
13 purposes. What's the deal? Can you explain what's going on there? Are they  
14 going to dedicate that 12 feet? I guess what I'm really driving at, is what's the  
15 building setback along Cactus, and is it applied from the right-of-way, or is it  
16 majored from than road easement?  
17

18 **CASE PLANNER GABRIEL DIAZ** – I believe the setback is 10 feet and is  
19 always after dedication, the property line after dedication.  
20

21 **VICE CHAIR BARNES** – So the right-of-way will move to the edge of the  
22 easement, and then it's 10 feet from there to the building.  
23

24 **CASE PLANNER GABRIEL DIAZ** – Land Development, Michael Lloyd can  
25 answer the dedication process.  
26

27 **LAND DEVELOPMENT DIVISION MANAGER MICHAEL LLOYD** – Good  
28 evening, Commissioners. Yes, the additional right-of-way, I believe is needed  
29 because the current right-of-way, and I see the project applicant is here as well  
30 so they might be able to address it more specifically; but I believe the right-of-  
31 way is either in place or it is to the back of curb. As you're aware, the  
32 improvements were put in place already through a capital project along Cactus  
33 Avenue up to the back of curb, so if there is additional right-of-way, it would be  
34 that 12 foot parkway portion.  
35

36 **VICE CHAIR BARNES** – I guess my question is, are we skirting the setback  
37 requirement by leaving that 12 feet as a roadway easement and not.....  
38

39 **CHAIR LOWELL** – I think what he's looking at is the wrap-around sidewalk into  
40 the driveway. It shows there's a little trapezoidal-shaped right-of-way dedication.  
41 I don't know that that continues all the way down the length of Cactus though.  
42

43 **LAND DEVELOPMENT DIVISION MANAGER MICHAEL LLOYD** – You're  
44 correct, Chair. That trapezoidal portion is to capture, it's a pedestrian easement  
45 to capture in essence the wrap-around sidewalk, so that we meet ADA  
46 requirements, so your observation is correct.



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**CHAIR LOWELL** –So the right-of-way on Cactus is staying minus that little driveway cutout?

**LAND DEVELOPMENT DIVISION MANAGER MICHAEL LLOYD** – That is correct. Does that help?

**VICE CHAIR BARNES** – I thought easement 9, easement in favor of the city for public highway purposes. That 12 foot widening, is that the ultimate right-of-way, and is that building 10 feet from that right-of-way?

**LAND DEVELOPMENT DIVISION MANAGER MICHAEL LLOYD** – The 12 feet is necessary, that’s the parkway portion that we.....

**VICE CHAIR BARNES** – Right.

**LAND DEVELOPMENT DIVISION MANAGER MICHAEL LLOYD** – Had eluded to, so my understanding is the setback would be measured from that point, but I would defer to Planning on the measurement on that.

**VICE CHAIR BARNES** – Okay. Because the building is pretty close to that 6 foot landscape dedication and.....

**CASE PLANNER GABRIEL DIAZ** – When I did check the setbacks, it did meet the 10 foot setbacks, and I do agree that section is close to the property line.

**VICE CHAIR BARNES** – Okay.

**CASE PLANNER GABRIEL DIAZ** – But it is 10 feet.

**VICE CHAIR BARNES** – Okay. That was it.

**CHAIR LOWELL** – Commissioner Sims, did you have something? I saw your name disappear.

**COMMISSIONER SIMS** – I think I answered my own question.

**CHAIR LOWELL** – Anybody else before we move onto the Applicant? Going once, going twice.....perfect, the floor is yours, Mr. Applicant.

**APPLICANT PAUL ONUFER** – Good evening Chairman and fellow Planning Commissioners and Staff. My name is Paul Onufer with MV Bella Vista LP, the Applicant. We are here to answer any questions you may have. We agree with the conditions set forth and the conditions of approval. We have our architect here and our engineer to answer any questions you may have.

1 **CHAIR LOWELL** – When you think, if everything goes to plan and everything  
2 just lines up and rainbows come out of everywhere, when do you think you'd be  
3 breaking ground and starting construction?  
4

5 **APPLICANT PAUL ONUFER** – I wish tomorrow, but realistically it's probably a  
6 year. I just, there's just so many issues we have to deal with on Brodiaea and  
7 then the biggest issue is probably just financing.  
8

9 **CHAIR LOWELL** – What's the rent market that you're hoping to attract?  
10

11 **APPLICANT PAUL ONUFER** – I would say it's....market rents typically today in  
12 Moreno Valley are 1.65 a square foot so somewhere in that range. The reason  
13 why we design the product with the attached garages is to really attract some  
14 employees at the hospital, and hopefully we can attract some of the workers  
15 there so they could even walk to work so. That's our target, you know, we'll see.  
16 Costs are going up, and we'll see who can make it work.  
17

18 **CHAIR LOWELL** – I have one last question. I recently joined the world of the  
19 electric vehicle club. Do you happen to have any electric vehicle plugging  
20 options for charging onsite? Because I know that's.....driving around town here  
21 you can't really charge, except for the Walmart.  
22

23 **APPLICANT PAUL ONUFER** – Right, so I understand from the Building Code,  
24 we are required to plumb at least 3% of the parking stalls for EV.  
25

26 **CHAIR LOWELL** – You don't actually have to install it?  
27

28 **APPLICANT PAUL ONUFER** – Don't have to install it, but we would agree to  
29 install it. That's not a big deal.  
30

31 **CHAIR LOWELL** – So if somebody came in and said, hey I have an electric  
32 vehicle, I want to rent your apartment. You would install it then? Or would you  
33 install it....what would be the option?  
34

35 **APPLICANT PAUL ONUFER** – We would probably install it up front. It depends.  
36 Because, if they are going to rent the ones with the garage, that may be a little bit  
37 different than the ones in the, more in the carports or open parking spots.  
38

39 **CHAIR LOWELL** – Alright. I know that moving....as future developments come  
40 down the line, I know that electric vehicles are going to be bigger and bigger. I  
41 know another person in my office just bought one. It's becoming more and more  
42 popular.  
43

44 **APPLICANT PAUL ONUFER** – Absolutely.  
45

1 **CHAIR LOWELL** – I can drive 60 miles on a charge and not even have to use an  
2 ounce of gas but.....

3  
4 **APPLICANT PAUL ONUFER** – It’s a great feeling.

5  
6 **CHAIR LOWELL** – Getting home is hard because there’s nowhere to charge.  
7 So, yeah, it would be a great amenity. I’m sure it would attract a lot of people,  
8 especially if they live and work close, you can drive on electric everywhere so.

9  
10 **APPLICANT PAUL ONUFER** – Right.

11  
12 **CHAIR LOWELL** – It’s just something to think about. It would be a nice amenity.

13  
14 **APPLICANT PAUL ONUFER** – Right.

15  
16 **CHAIR LOWELL** – I appreciate it. Thank you.

17  
18 **APPLICANT PAUL ONUFER** – Alright.

19  
20 **CHAIR LOWELL** – Do we have any other questions for the Applicant? Anybody  
21 else? Nope? Thank you very much.

22  
23 **APPLICANT PAUL ONUFER** – Thank you.

24  
25 **CHAIR LOWELL** – It looks like we have Mr. Barnes did pipe up.

26  
27 **VICE CHAIR BARNES** – Yeah I did.

28  
29 **CHAIR LOWELL** – You still want to talk?

30  
31 **VICE CHAIR BARNES** – Actually this is back to the Staff question on.....the  
32 Cactus Avenue section doesn’t seem to match what we just discussed. It shows  
33 44 feet to the right-of-way, which matches the plan, but then it shows a 6-foot  
34 landscape easement. It doesn’t show the 12-foot right-of-way dedication.

35  
36 **CHAIR LOWELL** – If I’m not mistaken, isn’t Cactus completely improved minus  
37 sidewalk and landscape?

38  
39 **VICE CHAIR BARNES** – Yeah, I believe it is.

40  
41 **LAND DEVELOPMENT DIVISION MANAGER MICHAEL LLOYD** – You are  
42 correct, and I believe the right-of-way including the parkway portion behind the  
43 curb was acquired as part of the capital project, so I believe the right-of-way is in  
44 place today. What makes this kind of unique on this particular corner there at  
45 Cactus and Lasselle is it is not our typical dimensions for the classification. I  
46 believe it is a minor arterial because, as you probably were in the field and

1 noticed, there is a free right turn in the Northbound Lasselle to Eastbound Cactus  
2 direction and so it kind of skewed our typical dimensions. So I don't know if  
3 that's necessarily what's being reflected in terms of why some dimensions might  
4 be slightly off but my understanding is that the right-of-way is in place and I see  
5 Paul is.....

6  
7 **APPLICANT PAUL ONUFER** – That's our understanding as well.

8  
9 **VICE CHAIR BARNES** – Okay, my concern is we were creatively applying or  
10 using a road easement to allow that building to go to the south encroaching the  
11 10 foot because it's to an easement, not to a property line. We're moving the  
12 right-of-way to 56, and they are 10 feet from that that conform, so okay. Thanks.

13  
14 **CHAIR LOWELL** – Commissioner Sims.

15  
16 **COMMISSIONER SIMS** – So I'm looking at the project, which I think it's going to  
17 be a nice project. The zoning, if I understand right for the project site, allows up  
18 to 20-to-1, right? Is that correct?

19  
20 **CASE PLANNER GABRIEL DIAZ** – Correct. The....in the Specific Plan, this  
21 rectangular piece was called out for 220 units, and that is what they are building  
22 according to.

23  
24 **COMMISSIONER SIMS** – So the next question, the zoning map shows  
25 SP218LM and then your Staff Report indicates it's 4-to-15 dwelling units to the  
26 acre.

27  
28 **CASE PLANNER GABRIEL DIAZ** – Because that's to the south and to the east.

29  
30 **COMMISSIONER SIMS** – Right. So does this.....and why I'm wondering, asking  
31 about this, is looking at the Plot Plan for the layout for the apartments, the type 1  
32 buildings are, if I understand what I looked at here today, are the three-story  
33 buildings are the.....and so, in the absence of knowing what's going to happen on  
34 the property to the, I guess this would be to the east, are we cool with three-story  
35 buildings that we don't know.....I guess I'm cool with the three-story buildings,  
36 but are they appropriately back away from the property line where they are not  
37 going to be intrusive if somebody goes and builds four houses to the acre type  
38 units on the undeveloped property directly east?

39  
40 **CASE PLANNER GABRIEL DIAZ** – It meets the requirements of the Specific  
41 Plan, the zoning requirements. They are building accordingly. The buildings are  
42 set back from the property line with parking areas, carports in between. Yeah, I  
43 guess if somebody builds a single-family home to the east, they could look down  
44 upon it; but this project is building it per the code. They are not asking for a  
45 Variance, and they are meeting the density. I think it's a well-designed project. It  
46 meets the fire circulation access.

1  
2 **COMMISSIONER SIMS** – Good. I just, to fellow Commissioners, it just, you  
3 know, that’s been a recurrent thing. This is a little different because this is raw  
4 ground so these guys.....if this project goes first, you know, then whoever  
5 develops the property adjacent, they have to take that into account. A few of the  
6 ones that I’ve seen in my time on the Commission, there’s been.....it would be a  
7 fill-in project and then you have these large.....that has always been a theme, so  
8 anyhow I say, if you’re first in, you should be able to do what you want so; as  
9 long as it meets code.

10  
11 **CHAIR LOWELL** – Speaking of first in, isn’t this the first project within the  
12 Aquabella Specific Plan?

13  
14 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may. It is the first development  
15 within the Aquabella Specific Plan. It was specifically identified in the Aquabella  
16 Specific Plan as being the high-density area. It was clearly identified when we  
17 looked at this Aquabella Specific Plan as being intended for this type of  
18 development, and it basically was done in the context of knowing what was going  
19 to happen on the adjacent property, so it was well known that, in order to  
20 accomplish this sort of density, you’re going to need to have two-story to three-  
21 story buildings. What our planner, Gabriel, has indicated is that we have  
22 carefully looked at that with regard to development standards, and it does meet  
23 our development standards for this specific type of building. So we don’t expect  
24 there to be any sort of a problem with it, and it would be.... it has been deemed  
25 consistent with that Specific Plan.

26  
27 **CHAIR LOWELL** – Vice Chair Barnes.

28  
29 **VICE CHAIR BARNES** – I was just going to say, building 7, which is the closest  
30 one, looks like it is about 60 feet from the property line so that’s pretty substantial  
31 for three-story so.

32  
33 **CHAIR LOWELL** – And that was building 7, you said?

34  
35 **VICE CHAIR BARNES** – Yeah, the one in the middle.

36  
37 **CHAIR LOWELL** – And building 3 is facing north, which has a big hill just  
38 opposite that.

39  
40 **VICE CHAIR BARNES** – Yeah, so.

41  
42 **CHAIR LOWELL** – Okay, well before we get too much further into this, let’s open  
43 up the Public Comments, the Public Hearing. It looks like we have Mr. Rafael  
44 Brugueras. Do you want to come up? And if anybody else wants to speak, now  
45 is the time to do so to fill out a slip. I don’t see anybody moving, so Mr.  
46 Brugueras, you have the floor.

1  
2 **SPEAKER RAFAEL BRUGUERAS** – Good evening again, Chair,  
3 Commissioners, Staff, residents, and guests. I was reminded by a lady that  
4 came to the house to share her faith to me, and I was sharing with her about  
5 development and everything, and she asked me if I knew anything about this  
6 developer right now on Lasselle and Cactus. I didn't know because I wasn't  
7 aware of looking at the agenda yet, but I went over to it yesterday, and I had to  
8 laugh because the signs of the campaign are no longer there on that fence. That  
9 corner reminds me of so many times I had to climb over the fence to get Brian  
10 Lowell's signs to put them back on the fence so people could know he was  
11 running. That's how many times I had to go in there. I know that dirt. I know the  
12 ants on that dirt. So I went back to the corner and I looked at their vision and  
13 what they wanted to do what that corner. Then, I looked over to my right, and I  
14 saw the hospital and the first thing I thought of, people can live there and work  
15 down the street without a lot of traffic. But I know people because I used to live  
16 on Eastridge and Walmart was the closet street. That's small and people still  
17 drive across the street to Walmart. People never give up their cars. I don't care  
18 how close things are. They'll drive to them. Okay, that's a fact. Traffic, there is  
19 always going to be traffic but development is what stays for a long period of time.  
20 Anyway, I looked at it, and I said this will be a great project. Because I also  
21 looked at the pictures, and I looked at all the things they were going to build and  
22 all the colors, and they way it looks real pretty. It looks real nice, so someone  
23 that works and makes good income in that hospital and live across the street  
24 from it, but I also thought of the project that's coming, the University Care  
25 General Hospital. The additional one they are going to build next to that one, so I  
26 thought about all those people that one day will come into our city to be  
27 employed by that hospital and need a place to stay next to the hospital until they  
28 can get themselves established enough to move out of that apartment and one  
29 day live in a house. That's the way we look at our city. That's the way I look at  
30 my city, progress and hope for all. I hope that this project gets approved, and I  
31 hope he gets financed because it is a great project for that corner that needs  
32 help. Remember, a lot of this land has been sitting there for over 40 years. It's  
33 time to fill them up with something that's decent in our city. Thank you.

34  
35 **CHAIR LOWELL** – Thank you, Mr. Brugueras. Last call for anybody wanting to  
36 speak. Going once, going twice.....Public Hearing is now closed. Now let's  
37 move onto our Commissioner Discussion. Oh, actually, Mr. Onufer, would you  
38 like to respond to anything you've heard so far before we move into our  
39 discussion?

40  
41 **APPLICANT PAUL ONUFER** – No, we're fine. Thank you.

42  
43 **CHAIR LOWELL** – Thank you very much. Okay, the floor is open. Any  
44 questions, comments, deliberations? If nothing, anybody want to make a  
45 motion? I don't see anybody's hands going up. Vice Chair Barnes.

46

1 **VICE CHAIR BARNES** – Seems pretty uncontroversial and the right project in  
2 the right place, and I have no objections. I think we should make a motion and  
3 move on.

4  
5 **CHAIR LOWELL** – What about making it one acre?  
6

7 **VICE CHAIR BARNES** – Why stop at one? Really? I’ve never made a motion.  
8

9 **CHAIR LOWELL** – Any other comments or questions.  
10

11 **COMMISSIONER SIMS** – No.  
12

13 **CHAIR LOWELL** – Well I also think this is a great project. I’ve been in that area.  
14 I’ve walked the neighborhoods. I think this is going to be a shining jewel in the  
15 city. I think Aquabella needs somebody to step up in this Specific Plan area and  
16 scoop the first shovel full of dirt and be a shining star on what Aquabella is going  
17 to be in the next 10-15 years. I can’t speak for everybody, but I really hope this  
18 gets approved. It’s going to be a great project. Anybody want to make a motion?  
19 Let’s get the vote going.  
20

21 **COMMISSIONER SIMS** – I would make a motion that we adopt Staff’s  
22 recommendation in approving Resolution No. 2017-23 and ADOPT the  
23 addendum to the Environmental Impact Report and APPROVE the Plot Plan with  
24 all the numbers stated in the Staff recommendation.  
25

26 **CHAIR LOWELL** – Can you hit the mover button?  
27

28 **COMMISSIONER SIMS** – There you go.  
29

30 **CHAIR LOWELL** – Anybody want to second? We have a motion by  
31 Commissioner Sims and a second by Commissioner Nickel. Cast your votes.  
32 This is interesting. On the vote, it says it’s waiting for the City Attorney and the  
33 Planning Official. Do you get a vote now?  
34

35 **COMMISSIONER NICKEL** – It did say like 9, didn’t it.  
36

37 **CHAIR LOWELL** – Going once, going twice....we’re ending the vote. The  
38 motion passes 7-0 even with the Planning Official and the City Attorney not  
39 voting. Do we have a Staff wrap-up on this item?  
40

41  
42 Opposed – 0  
43

44  
45 **Motion carries 7 – 0**  
46

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3 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes. The actions taken tonight by  
4 the Planning Commission are appealable actions to the City Council. If any  
5 interested party is interested in appealing the project, they can appeal within 15  
6 days. The appeal should be directed to the Director of Community Development,  
7 and we'll pass it onto the City Clerk and agenda it for City Council consideration  
8 within 30 days.

9  
10 **CHAIR LOWELL** – Thank you very much, and it also looks like we have Vice  
11 Chair Barnes over here wanting to speak. No? You're good?

12  
13 **VICE CHAIR BARNES** – Never mind.

14  
15 **CHAIR LOWELL** – My papers got out of order. Give me a second here. So  
16 thank you very much. I really appreciate it. I think this project is going to be a  
17 great project....addition to the city. I look forward to seeing it being built in the  
18 near future. Hopefully, tomorrow, like you said. That's moves us onto Item No.  
19 2, which is PEN16-0028 an Amended Conditional Use Permit for expansion of  
20 the Resource Center for the Alta Vista Public Charter School. The owner is  
21 Southpointe Center, Ltd., and the case planner is Ms. Julia Descoteaux.

22  
23  
24  
25  
26 2. Case: PEN16-0028 an Amended Conditional Use  
27 Permit for expansion of the Resource Center  
28 for the Alta Vista Public Charter School  
29  
30 Applicant: Alta Vista Public Charter School  
31  
32 Owner: Southpointe Center, Ltd.  
33  
34 Representative: Kyle Knowland  
35  
36 Location: 24021 Alessandro Boulevard #116-119A;  
37 Southeast corner of Alessandro Boulevard and  
38 Heacock Street (APN: 482-481-034)  
39  
40 Case Planner: Julia Descoteaux  
41  
42 Council District: 3  
43  
44 Proposal: PEN16-0028 Amended Conditional Use Permit  
45 for expansion of the Resource Center for the  
46 Alta Vista Public Charter School



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4 **STAFF RECOMMENDATION**

5  
6 Staff recommends that the Planning Commission **APPROVE** Resolution No.  
7 2017-13, and thereby:

- 8  
9 3. **CERTIFY** that this is exempt from the provisions of the California  
10 Environmental Quality Act (CEQA), as a Class 1 Categorical Exemption,  
11 CEQA Guidelines, Section 15301 for Existing Facilities; and  
12  
13 4. **APPROVE** PEN16-0028 Amended Conditional Use Permit (Existing  
14 Structure) subject to the attached Conditions of Approval included as  
15 Exhibit A.  
16  
17  
18  
19

20 **CASE PLANNER JULIA DESCOTEUX** – Good evening, Planning  
21 Commission. I’m Julia Descoteaux, Associate Planner, and the item before you  
22 is an Amended Conditional Use Permit for the expansion of the existing  
23 Resource Center for the Alta Vista Charter School. The CUP original Conditional  
24 Use Permit for the school was approved in October of 2013 to provide an  
25 alternative to the traditional education structure with a personalized education  
26 program for students 14-19 years of age. The expansion includes four suites  
27 with 4684 square feet in the existing retail center on the southeast corner of  
28 Alessandro Boulevard and Heacock Street. All the educational programs will be  
29 held within the buildings with no recreational facilities required due to the age of  
30 the students. The program includes four small-group classrooms with a project  
31 peak enrollment of 66 students, 16 teachers, and 12 support staff operating  
32 during the hours of 8:00 a.m. to 6:00 p.m., and they will stagger those schedules  
33 between 8:00 to 1:00 and 1:00 to 6:00. The existing retail center is zoned  
34 neighborhood commercial, which provides for retail restaurants, and office-type  
35 uses and other uses that are compatible with retail office uses and the  
36 neighborhoods. Properties to the north are zoned neighborhood commercial and  
37 R5 with existing development. Property to the south is zoned R5 with, existing  
38 dwellings. To the west is undeveloped business park mixed use. The overall  
39 shopping center has four buildings with varying uses, including retail, office, and  
40 restaurant uses. Parking for the site is mainly in the front with some parking off  
41 to the east side and some additional parking on the rear of the building. Access  
42 to the parking lot will be from the existing driveways along Alessandro Boulevard,  
43 there are two driveways, and on Heacock Street. The project was noticed in the  
44 Press Enterprise, posted on the site, and mailed to all property owners within 300  
45 feet and, to date, Staff has not received any comments or questions about the  
46 project. The project will not have a significant effect on the environment, as it

1 qualifies for a Class I Categorical Exemption for Existing Facilities. Therefore,  
2 Staff recommends that the Planning Commission APPROVE Resolution 2017-13  
3 CERTIFYING that the project is exempt from the provisions of the California  
4 Environmental Quality Act Class I Categorical Exemption, CEQA Guidelines  
5 Section 15301 for Existing Facilities and APPROVE PEN16-0028, an Amended  
6 Conditional Use Permit subject to the attached Conditions of Approval. This  
7 concludes Staff's presentation, and the Applicant and myself are here to answer  
8 any questions.  
9

10 **CHAIR LOWELL** – Thank you, Ms. Descoteaux. Do we have any questions or  
11 clarifications for Staff? No? Okay, would the Applicant like to come up and say  
12 anything? I don't see anybody rushing up to the microphone. You guys okay?  
13 Okay. It can be as simple as, yes we like what you guys are doing and sit back  
14 down again, or whatever you want to do.  
15

16 **SPEAKER JOE HERRERA** – Good evening. I'm the principal, Joe Herrera, at  
17 the Alta Vista Public Charter Resource Center.  
18

19 **CHAIR LOWELL** – Can you pull up the microphone a little bit?  
20

21 **SPEAKER JOE HERRERA** – Our primary use for this new learning center is to  
22 promote CTE career technical education programs, so that we can continue to  
23 serve the kids of Moreno Valley in a nontraditional setting but, with this new  
24 center, it is going to promote....the kids are going to be able to get hands on  
25 skills....kids that maybe are destined for the four-year university, so they can  
26 immediately have an impact in their local community and help bolster the  
27 economy with the hands-on skills. Our pathways include medical logistics,  
28 renewable energy, advanced manufacturing. So that's what we would be using  
29 the space for. Thank you.  
30

31 **CHAIR LOWELL** – You keep saying kids, and then you said four year. What  
32 age range are looking to?  
33

34 **SPEAKER JOE HERRERA** – We service 14-19 year old students. Some are  
35 older. The special education students we take up until the age of 22.  
36

37 **CHAIR LOWELL** – Is this high school replacement? Is it additional school?  
38

39 **SPEAKER JOE HERRERA** – It's an alternative education setting, so we service  
40 all kinds of learners. Maybe the kids that haven't traditionally been.... the  
41 traditional setting hasn't been the right fit for them. Maybe some kids have fallen  
42 behind and want to get ahead. We have some kids that have been bullied at the  
43 traditional setting that come to us and feel more safe and secure. We have a  
44 very good relationship with the local unified, and we operate with them and their  
45 counseling staff there to make sure that these kids are getting serviced.  
46 Sometimes the kids get caught up and return, which helps the Moreno Valley

1 Unified's graduation rates because they have the highest in the county of  
2 Riverside, so it is a plus for them as well. So we're just trying to help everyone  
3 that we can with our center and the programs we offer.

4  
5 **CHAIR LOWELL** – Now is this charter school, is it privately funded? You would  
6 have to pay tuition to go there or is it publically funded?

7  
8 **SPEAKER JOE HERRERA** – We are entirely free, nonprofit.

9  
10 **CHAIR LOWELL** – Good to know. Appreciate it. Any questions for the  
11 applicant? No? Thank you very much.

12  
13 **SPEAKER JOE HERRERA** – Thank you.

14  
15 **CHAIR LOWELL** – It looks like we have one Public Comment, so I'd like to open  
16 the Public Comments. Mr. Rafael Brugueras, if you'd like to come up.

17  
18 **SPEAKER RAFAEL BRUGUERAS** – Thank you, again, Chair, Commissioners,  
19 Staff, residents, and guests. I make it my duty to go to these sites as a resident  
20 first to make sure that our city gets what it needs, and I went to the site, and  
21 when I pulled up and looked at the existing building that was there, I didn't  
22 see.....I thought they were going to add on to the back of the building somehow,  
23 so I went around and I looked. I thought, how are they going to do this? So I  
24 finally opened up the packet and then I started to see the studio numbers. I said,  
25 okay, I got the little picture and I went and I looked at it real well. I said, okay, I  
26 got it, and I went to look at the studio, at the empty studios. And I saw between  
27 the barber shop and the dentist and what they wanted to do. I peaked inside the  
28 window, and I looked at the empty spaces, and I said okay, great, no problem.  
29 Then I went back to my truck, and I was going to take off but something didn't let  
30 me go. So what I did, because I was curious, I went to their building. I opened  
31 the door, and I peaked inside and, just like I'm looking at you, I looked at the  
32 three receptionists. I looked over to my left, just like this, and all I saw was kids  
33 on these old-fashioned metal tables. Then, on the side, just like this, they had  
34 the teachers. So just like this, a big room just like this, all the kids. Then it  
35 dawned on me why they needed the space, why they wanted to build extra  
36 classrooms to make the student count smaller. Like the principal said, to make it  
37 more intimate for them to learn more. If we want our city to grow.....see this is  
38 why I failed in school. I got my own problems, and this is why I fight for them.  
39 Education is important. It can either get you a good-paying job, get yourself  
40 relocated to another state and work or start your own business; be professionals  
41 like you men and women are because each one of you are professionals, but it  
42 took education to get you where you're at and then on-hand work to further your  
43 career. He wants to do that for the kids of our city and those that come here.  
44 Give them the opportunity to grow, so we can have a lot of high school graduates  
45 and one day we'll have men and women like yourselves sitting up there  
46 representing the city. Thank you.

1  
2 **CHAIR LOWELL** – Thank you, Mr. Brugueras. Anybody else wanting to speak?  
3 Going once, going twice....the Public Hearing on this item is now closed. Let's  
4 move onto our Commissioner Discussion. Any questions, comments, or  
5 clarifications? Vice Chair Barnes.

6  
7 **VICE CHAIR BARNES** – Question of Staff. Do we have any rules in the  
8 Development Code specifically geared towards learning centers, private schools,  
9 that type of thing? Is there anything that specifically addresses that type of  
10 facility?

11  
12 **CASE PLANNER JULIA DESCOTEAUX** – As far as how you run them?

13  
14 **VICE CHAIR BARNES** – No.

15  
16 **CHAIR LOWELL** – Julia, could you pull your microphone up a little bit?

17  
18 **CASE PLANNER JULIA DESCOTEAUX** – How they run them or the design of  
19 the school?

20  
21 **VICE CHAIR BARNES** – Just anything that's specifically geared  
22 towards....what's driving my question, and anybody's whose willing to take on  
23 privately educated kids, I applaud, so it's not geared specifically to this project,  
24 but I got to looking at this site and you've got three separate areas that serve the  
25 school and you've got people, I'm assuming, walking back and forth between  
26 them, and I mean these are all fairly old kids, so it's not that big of deal and,  
27 again it doesn't specifically apply to this but you go by a public school and it's got  
28 wrought iron fencing around it and you can't get in the parking lot without going  
29 by campus security and all that. Do you have any Development Code  
30 components that govern what a facility that serves kids should look like?

31  
32 **PLANNING OFFICIAL RICK SANDZIMIER** – No, we do not. The private  
33 schools, they are privately run. They have different standards. They  
34 basically....what our Code regulates is where they can be, in which zoning  
35 districts they can be allowed. Then, with regard to the development code (the  
36 setbacks, the density, the parking requirements), those are things that we can  
37 regulate, but we do not look at the actual site design. We don't have any  
38 designated outdoor space for them. That's not something that we.....

39  
40 **VICE CHAIR BARNES** – It's basically just a commercial use?

41  
42 **PLANNING OFFICIAL RICK SANDZIMIER** – Right, and we do have other  
43 centers in town, shopping centers where we've had some public charter schools.  
44 In fact, there was one before you just a couple of months ago across the street at  
45 Alessandro and Frederick.

46

1 **VICE CHAIR BARNES** – Yeah, and again I don't have an issue. I was just  
2 curious whether we have anything the activity at all. Okay, alright, that answers  
3 all my questions. Thank you.

4  
5 **CHAIR LOWELL** – It didn't dawn on me when we talked about the other charter  
6 school across the street a few weeks ago, but is this considered a sensitive  
7 area? They are right next to a vape shop, and a restaurant and possibly some  
8 alcohol and whatnot. Are there are setback requirements?

9  
10 **PLANNING OFFICIAL RICK SANDZIMIER** – I believe that same question came  
11 up at the....the last time it came up, and the answer is, no that's not a  
12 consideration with this particular use. If this was a vape shop being proposed  
13 next to a school, it would be treated differently. But the school being located next  
14 to an existing vape shop is not a concern.

15  
16 **CHAIR LOWELL** – So it's.....

17  
18 **PLANNING OFFICIAL RICK SANDZIMIER** – They know going in.

19  
20 **CHAIR LOWELL** – That answers like 99% of my question, so anybody else?  
21 Going once, going twice.....anybody want to make a motion?

22  
23 **COMMISSIONER BAKER** – I'll make a motion.

24  
25 **CHAIR LOWELL** – Let's go to the vote. There we go. If you can click the  
26 button, Mr. Baker.

27  
28 **COMMISSIONER BAKER** – Okay.

29  
30 **CHAIR LOWELL** – You have to click the button on there first.

31  
32 **COMMISSIONER BAKER** – Over here?

33  
34 **CHAIR LOWELL** – Yeah.

35  
36 **COMMISSIONER BAKER** – Got it?

37  
38 **CHAIR LOWELL** – Yep. You got it.

39  
40 **COMMISSIONER BAKER** – Okay. Do you want me to read it or?

41  
42 **CHAIR LOWELL** – Yes, please.

43  
44 **COMMISSIONER BAKER** – Okay. I move that we APPROVE Resolution 2017-  
45 13 and thereby CERTIFY that this item is exempt from the provisions of the  
46 California Environmental Quality Act (CEQA) as Class I Categorical Exemption

1 on CEQA Guidelines Section 15301 for Existing Facilities; and also APPROVE  
2 PEN16-0028 (P16-112), Amended Conditional Use Permit, Existing Structure,  
3 subject to the attached Conditions of Approval included as Exhibit A.  
4

5 **CHAIR LOWELL** – Perfect. We have a motion by Commissioner Baker, and we  
6 have a second by Vice Chair Barnes. All in favor, cast your vote....or, not in  
7 favor, cast your vote either way. I was going to do an, all in favor, say aye thing;  
8 but, yeah, again we’re still waiting for the City Attorney and Planning Official.  
9

10 **COMMISSIONER NICKEL** – Yes. Put your vote in.  
11

12 **CHAIR LOWELL** – Going once, going twice....the motion passes 7-0. Do we  
13 have a Staff wrap-up on this item?  
14

15  
16 Opposed – 0  
17

18  
19 **Motion carries 7 – 0**  
20

21  
22 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes, this item is an appealable  
23 item also to the City Council. Any interested party that is interested in appealing  
24 the item, they have 15 days to do so. They can direct their written appeal to the  
25 Director of Community Development, and we will pass it along to the City Clerk  
26 for being agendized on the City Council Hearing within 30 days.  
27

28 **CHAIR LOWELL** – Thank you very much. That moves us onto Other  
29 Commissioner Business, which is Public Notice Requirement (Report of the  
30 Planning Commission). Do we have a Staff summary on this one?  
31

32  
33 **OTHER COMMISSION BUSINESS**  
34

35 3. Public Notice Requirements (Report of: Planning Commission)  
36  
37

38 **PLANNING OFFICIAL RICK SANDZIMIER** – I’ll just introduce the item. It is an  
39 item we put on the Agenda at the request of the Commission. It is my  
40 understanding that the Public Noticing requirements that you were looking at was  
41 consideration of the 300 foot distance that we are currently using. It is in our  
42 Municipal Code. In anticipation of that discussion, we did include a copy of our  
43 Municipal Code Section that talks about the 300 foot requirement. We also  
44 looked at the California Planning Law requirements for this same item, so we  
45 included that with your Staff Report. In the Municipal Code and in the State Law,  
46 they are consistent with regard to how we public notice using a 300 foot radius.

1 In addition, our public noticing requirements, in addition to mailing out to the 300  
2 foot residence or property owners within 300 foot, we do post the site. Each  
3 project site it posted with a sign, and then we also put an advertisement in the  
4 newspaper, so we are doing more than the minimum required. And the state  
5 regulations, if you were able to read through and see some of the fine details, I  
6 believe I tried to highlight it in the attachment. There is one section in there that  
7 does give the local jurisdiction some flexibility if you want to go above and  
8 beyond what the state requirement is, but that is at the discretion of the agency.  
9 In this particular case, the Planning Commission would serve as an advisory  
10 capacity on that because that would be a Develop Code Amendment and City  
11 Council would be the legislative authority to actually make the final approval on  
12 that and so that's how that would work.

13  
14 **CHAIR LOWELL** – And the reason why this was issue, what I wanted to bring it  
15 up, is that, in the past, we have had some fairly large projects that have come  
16 through the Planning Commission and, noticing 300 feet, seems like it falls short  
17 of the effect it will have on the community. For instance, we had a World  
18 Logistics Project come through here. Noticing 300 feet only noticed a few  
19 hundred people, whereas it's a large percentage of the city, and it seems likely  
20 proportionally a project of a large scale like that should have involved a larger  
21 notification radius whereas a smaller project like we just did tonight should have  
22 a smaller notification radius. I know we're doing more than what the state is  
23 requiring, but I think it's look a good faith effort that we should just look at it and  
24 maybe get a teared notification radius saying that, if it is X size it has to be 300  
25 feet and, if it is more than 1000 acres or more than 100 acres, it has to notice  
26 1000 feet or half mile or something. Granted it is a more expensive option  
27 because you have to have more postage and more mailings, but personally I had  
28 to mail notifications to 20,000 residents, and it cost me \$4000.00. Andy when  
29 you're doing 1000 acres or 100 acres, you're talking multi-million dollar projects;  
30 a couple thousand dollars in notifications, is kind of a drop in a bucket. So that's  
31 just my personal opinion. I think it should be at least reviewed as some sort of a  
32 teared notification. That's my opinion. I don't know if anybody else has any  
33 comments or questions.

34  
35 **VICE CHAIR BARNES** – Well I was going to say basically the same thing. My  
36 suggestion, I don't want to debate this all night, but my suggestion is maybe  
37 break it down by area. Zero to 5 acres is 300 feet, and 5-10 is 500 feet, and  
38 greater than 10 is 1000 feet.

39  
40 **CHAIR LOWELL** – I think that's fair.

41  
42 **VICE CHAIR BARNES** – It's a reoccurring theme that people complain about the  
43 300 foot radius, so I think to be responsive to the public, we should consider  
44 expanding it. And that was the best way I could think of doing something that's  
45 easy to apply and, not two owners on a development and going out a 1000 feet,  
46 it would have to be a pretty large project. I think they could afford the postage on

1 that. The other thing that was an issue that I had anyway, and people in the  
2 public seem to have an issue with, is complaints about not getting notification.  
3 We discussed publishing a list as part of the Staff Report, just the list of  
4 addresses. Or maybe a map that shows the radius that applies to the project,  
5 just something that shows the public who got the notice. I think that would  
6 eliminate a lot of questions too. So that's my two cents.

7  
8 **CHAIR LOWELL** – Anyone else? Commissioner Nickel.

9  
10 **COMMISSIONER NICKEL** – I have a question. When your notices go out, are  
11 they going out to the property owner in the address? Because a lot of houses  
12 around town are absentee landlords.

13  
14 **PLANNING OFFICIAL RICK SANDZIMIER** – The requirement is to send it to the  
15 registered property owner, I believe is the way it is labeled. So I believe it's the  
16 property. We send it to the property address, and I do believe that if the owner is  
17 not located there that we do also notice them at the location where they receive  
18 their mail. There are some special circumstances where we go above and  
19 beyond. One is when we were bringing the Smoke Shop Ordinance. What we  
20 did was we specifically noticed the property owner, but we also wanted to notify  
21 the business owner recognizing that the business owner is the one who also is  
22 possibly impacted by that if they are leasing the property. So we do try to give  
23 some consideration when there is a uniqueness about that. What I will say is,  
24 tonight we had two items that we did public notice using the 300 foot radius. We  
25 had one speaker on each.....

26  
27 **CHAIR LOWELL** – And, for the record, he does not live within 300 feet of either.

28  
29 **PLANNING OFFICIAL RICK SANDZIMIER** – Correct. So I don't know, but we  
30 saw that in the last meeting we had, we had a roomful of people, and I was told  
31 that one person thought that we only notified 25 property owners but we still had  
32 a room of 80 or more people. So the World Logistics Center project, you  
33 indicated that the notice probably didn't hit that many people, but we had  
34 hundreds of people that came to that. So those projects that are going to be of  
35 key interest or of some particular interest to the city are usually getting  
36 recognized in the newspaper, somebody will pick up the notice by driving by and  
37 seeing the sign that is posted, somebody will see the notice in the newspaper,  
38 and somebody might be getting it directly and then they notify their friends, their  
39 neighbors, and it's working. So using that consistent approach, we do find that  
40 most of the projects that have some sort of unique or sensitive interest do attract  
41 people. So I think it's working. I've been doing this for 30 years and every  
42 agency I've worked for, I've had people come before a Commission or a City  
43 Council and say the same thing that they didn't get a notice or a notice should of  
44 went further. It's not uncommon. It's really up to you and to the City Council  
45 what you'd like to do, and we as Staff will follow your lead. But I just want to  
46 make sure that you understand that the way we look at it, this is not a unique



1 issue. I expect that it will come up from time to time. That's kind of my input.  
2 The other thing is, for a City that's trying to be business friendly or to try and  
3 encourage business to come in and not feel like they have enormous costs,  
4 because we do get questions all the time about the fees, the mailing and the  
5 distribution do cost money, whether it's a couple thousand dollars or a couple  
6 hundred dollars. There is also a labor involved, and there is also the labor  
7 involved in terms of getting things out to the mail, stuffing envelopes, and other  
8 stuff. There's other things that are involved other than just the postage stamp,  
9 and so those are things that have to be taken into consideration.

10  
11 **CHAIR LOWELL** – Yeah, and on that same line, I do believe that is correct, but  
12 we also shouldn't be throwing away the baby with the bathwater being business  
13 friendly, so I think it's at least worth a discussion, and that's what we're doing  
14 tonight. We have Commissioner Sims ready to speak also.

15  
16 **COMMISSIONER SIMS** – I tend to agree with our Planning Official that I do  
17 believe in transparency and that we should be as open, and I think we're  
18 televised and so everything is recorded and whatnot. I tend to think that, if this  
19 was an upheaval, an uproar, that state statute would have already addressed this  
20 and people would have wrote their Congressman and whatever and gotten this  
21 changed by State Law to change the minimum standard would be adopted in the  
22 Municipal Code. So, to beyond that, I think....I couldn't say it better than the  
23 Planning Official stated that projects are well known, and I think it falls a little  
24 bit....a little grandstanding when people say, oh we didn't get notification. When  
25 you have a 1000 people like we had at World Logistics or we had 100 people  
26 here like we did at the last one, I think the process works fine. And I can tell you,  
27 in my personal career where I work, we do projects and there are Facebook chat  
28 rooms, all sorts of stuff; as soon as one person....it's out and so I'm rambling  
29 now, but to go further, this is similar to the next thing that we talked about, about  
30 the rules and procedure about things. I disagreed with things in the procedures.  
31 I think if you go to a teared complicated system that you have this project, you  
32 have to do this notification, you're setting yourself up....you're setting Staff up for  
33 potential failure, legal claims, and things that will prohibit and create more hazard  
34 for the City to navigate through. And so my personal opinion would be stick with  
35 State Statute and our Municipal Code that's consistent with the State Statute.

36  
37 **CHAIR LOWELL** – I think it is at least worth a discussion, which is what we're  
38 doing, and if it doesn't go anywhere, it doesn't go anywhere but it's a common  
39 thread through most of our meetings, oh we're not notified. We need to do more,  
40 so at least we can say we're talking about it. Vice Chair Barnes.

41  
42 **VICE CHAIR BARNES** – I don't disagree with Commissioner Sims, but it is a  
43 reoccurring theme. I think the distance is an issue that we could address pretty  
44 simply but, the not getting a notice thing, I think a suggestion to that is worth  
45 doing. If we're going to be responsive to the public, I think we should attempt to  
46 address it. I don't think it's an unreasonable request. So I would be in favor of

1 proposing something. I don't want to make it complicated though. I don't want it  
2 turning into a swiss watch to avoid the type of things that Commissioner Sims  
3 was referring to.

4  
5 **COMMISSIONER SIMS** – You I have to throw out, for every new rule, you have  
6 to throw out two. I think that's the new decree.

7  
8 **CHAIR LOWELL** – Oh, I got a couple rules we could throw out.

9  
10 **VICE CHAIR BARNES** – Oh I could do that.

11  
12 **CHAIR LOWELL** – I've got a couple. How about 10-1? So, given what we've  
13 talked about on this specific item, is there anything you guys want from us? Are  
14 we just opening it for discussion?

15  
16 **ASSISTANT CITY ATTORNEY PAUL EARLY** – If I may. I mean, at this point,  
17 we are treating this somewhat like a study session. I think Staff is looking for  
18 some direction from a consensus. If there was a consensus to go in a particular  
19 direction, the next step for them would be to study it, prepare a Staff Report,  
20 come up with the actual costs, some exemplars for this Commission to make a  
21 recommendation to the Council upon. Just a couple things to consider. Along  
22 these lines, we can legally add to them if that's what the Council wants to do.  
23 The cost factor is something that was brought up already. This is not the only  
24 notice that's out there, so we want to be aware of that. All of the meetings are  
25 agendized in public notice, so there are several ways of doing that. I just  
26 checked with Rick too and verified that we do allow for standing notice. There  
27 are certain individuals that have requested of the City of be advised of any  
28 project in the city and they receive notice of that project regardless of where that  
29 is, so that exists right now for people. The other thing that I want to make  
30 mention of, because we're talking about a tiered system, is that does somewhat  
31 exist now in that the 300 feet measurement is from the perimeter of the property,  
32 not the center of the property. So a larger project, like the WLC, has a much,  
33 much larger 300 foot radius than an individual parcel would have. The radius is  
34 exponentially larger because you're measuring that 300 feet from the perimeter.  
35 If it's surrounded by vacant land, the effect is still minimal, but there already is  
36 somewhat of a tiering in there for size, as far as acreage is concerned. So keep  
37 that in mind in whatever direction you're wanting to give to Staff. I just wanted to  
38 make sure you were aware of all those.

39  
40 **VICE CHAIR BARNES** – One of the options would be to formulate some kind of  
41 a suggestion that we could give to the Staff, and they could study it and bring it  
42 back and we could say yay or nay, or does it just die in the vine? Is this  
43 important enough that we want to put together a defined suggestion to the Staff  
44 or do we not care enough, or it's not important enough to put forth a.....

1 **CHAIR LOWELL** – Commissioner Sims, you, and I are the only three people that  
2 really voiced their opinion on this, so it seems like the other four really don't care.

3  
4 **COMMISSIONER NICKEL** – I do, I mean I care.

5  
6 **COMMISSIONER KORZEC** – We care, and I would like to speak if that's okay.

7  
8 **CHAIR LOWELL** – By all means.

9  
10 **COMMISSIONER KORZEC** – On the tiered system, I don't see the necessity for  
11 that. I think the state is fine, but I think what Commissioner Barnes was saying is  
12 important. We've had people come up here and say, did you send this to this  
13 Indian tribe, this one? I don't see the problem just posting a list who were sent  
14 the notices. I don't know how difficult that is. I don't know how costly that is.  
15 But, to me, if they are sent out anyways, somebody should have a list and that  
16 would alleviate some of the questions from us who say, did you contact San  
17 Manuel, did you do this and that? Because we could clearly just look at the list.

18  
19 **VICE CHAIR BARNES** – There is a list. You could redact the owner's names.  
20 It's a pretty simple process so.....

21  
22 **COMMISSIONER KORZEC** – So I would be.....

23  
24 **VICE CHAIR BARNES** – I think as a pretty simple first step that should be done.

25  
26 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may, Mr. Chairman. Whenever  
27 there is going to be a project that requires a public hearing, the applicant is  
28 required to give us the mailing list, so we will have a copy of the mailing list. That  
29 can be provided. In addition, our assistant state attorney has indicated, if  
30 anybody specifically says they want to be notified on the project, if they ask us as  
31 part of the Environmental Review to be included, we usually include them as  
32 somebody who gets the public notice and any adjacent agencies that we're  
33 required to notice will get that. So we can provide you a list of everybody. We  
34 can just start making that a common practice if that's your interest but, as the  
35 assistant city attorney said, we would take that as one suggestion, come back to  
36 you, and make a recommendation. I just want to make sure I understand what  
37 all the ramifications in terms of cost, and how it effects our process, and if there's  
38 anything I'm not thinking about by doing that. I just want to make sure that I'm  
39 covered.

40  
41 **CHAIR LOWELL** – I don't know that we need to have a list of these names of the  
42 residents in our packets because the packets are just going to get exponentially  
43 thick, but I think the agencies that were contacted would be great and maybe just  
44 have the list ready if anybody wants it, like hey here's the list of people who we  
45 talked to or we sent out notices to I mean.

1 **VICE CHAIR BARNES** – I mean, it’s not really for us because...

2  
3 **CHAIR LOWELL** – I don’t want to see the list names. I just think...

4  
5 **VICE CHAIR BARNES** – Right. It’s for the public who comes up and complains  
6 that they didn’t get notified. We would know who got notified and then there  
7 would be no dispute, so it’s for them. It’s not for us.

8  
9 **COMMISSIONER SIMS** – Can I ask a question? From a...this is just a  
10 hypothetical.....so, if the City fails in their notification process, doesn’t back check  
11 the accessory parcels or however you generate the list of the 300, all of the  
12 accessory parcels or parcels within the 300 foot radius of the perimeter of the  
13 project site. Is that a way that somebody could file claim on the validity of the  
14 approvals and of the entitlement?

15  
16 **ASSISTANT CITY ATTORNEY PAUL EARLY** – So the actual....there’s no  
17 technical violation for failing to provide notice. However, if somebody were....if  
18 there were actual harm to somebody that wanted to claim that, if they had notice  
19 and it could’ve been different, then it could open a door there; but the threshold is  
20 much higher. There is no claim for reversal just because there was no notice  
21 given.

22  
23 **VICE CHAIR BARNES** – It seems like there is no harm and it’s in everybody’s  
24 best interest to include the list of who was notified in the Staff Report. It seems  
25 like a very minor, to me. And this is two separate issues also.

26  
27 **COMMISSIONER NICKEL** – I don’t think you’re out of sync with that.

28  
29 **COMMISSIONER SIMS** – I guess my, this is kind of free flow, but I don’t know  
30 if....I think if you put it out as public information and whatnot, all these names and  
31 stuff like that, it creates a situation where organizers and whatnot. I think if  
32 people are really interested in what....I think the notification process is there and  
33 so I mean I don’t disagree having like the map and then it shows 300 feet out and  
34 it shows all the property parcels and you put a line, this is the list and then the  
35 public agencies are tribal lands or whatever, include that. I don’t think you should  
36 make it that easy. As soon as you put these agenda packets out, somebody that  
37 has a grind on a developer or is a no growth, or I don’t know whoever has a  
38 motivation then all of a sudden has all the names, all the addresses, and you’re  
39 providing that for obstacle to....I don’t think that’s the purpose. We just want  
40 people to know that there’s a project.

41  
42 **VICE CHAIR BARNES** – The people that are motivated don’t need the  
43 notification because they monitor this and they are all over the agenda. It’s for  
44 Billy-bob who suddenly something shows up in the mail, he commutes to work,  
45 he gets home at 6:30 and.....

46

1 **COMMISSIONER SIMS** – But that doesn't fix this. It doesn't fix that, Jeff.  
2  
3 **ASSISTANT CITY ATTORNEY PAUL EARLY** – If I may.....  
4  
5 **COMMISSIONER SIMS** – Mailing it...people out there read the mail.  
6  
7 **VICE CHAIR BARNES** – Well it's for the people who come up to the counter and  
8 said I wasn't notified. Well, if you live there, you were.  
9  
10 **COMMISSIONER SIMS** – They are all going to say that. You're going to hear  
11 that on every controversial hearing, is I didn't get notice. If it wasn't for my  
12 neighbor, I wouldn't have heard about it.  
13  
14 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Just to make a clear point on  
15 this exact topic you're discussing right now, whether or not Staff starts to include  
16 this list into the agenda packet, that list is a public record and can be pulled by  
17 anybody at any time. So, if there are concerns about people being able to get to  
18 it, if they put in a request at the clerk's office for a copy of the list of addresses  
19 that notice was sent to, the City is going to have an obligation to disclose that.  
20  
21 **VICE CHAIR BARNES** – Well then maybe as part of the Staff Report where you  
22 talk about the notification, you just add in a sentence that this is public record and  
23 it's available and then we have an answer to all those people's questions and the  
24 problems solved.  
25  
26 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Yeah I don't know that the clerk  
27 wants the extra work, but they do have a legal right to that document if they  
28 request it.  
29  
30 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may, as I listen to the  
31 discussion and I hear this, the one thing that comes to mind is the people that we  
32 notify that live within 300 feet of the piece of property are only being now  
33 engaged in that project because they live within 300 feet of that piece of property.  
34 They may not have any concern or care about the project. They may like to  
35 preserve their privacy. They may not want everybody to know who lives there  
36 and doesn't live there and if they got a notice or didn't get a notice but, if we put it  
37 out there into this packet, you're actually opening up some stuff about them. So I  
38 would prefer as the assistant city attorney just indicated would be, or maybe it  
39 was the Vice Chair, to just make a notice in the packet that says, if somebody is  
40 interested in the list, you can request it. But I would rather just not just offer it up.  
41  
42 **CHAIR LOWELL** – I don't think we should hand that out.  
43  
44 **PLANNING OFFICIAL RICK SANDZIMIER** – I think people that are interested in  
45 it can go after it, rather than us just being free with semi-confidential information.  
46

Minutes Acceptance: Minutes of Feb 23, 2017 7:00 PM (APPROVAL OF MINUTES)

1 **VICE CHAIR BARNES** – I’m fine with that as a solution. I wasn’t aware that it’s  
2 public record but, if it is, if somebody has an axe to grind and they want to see  
3 the list, then that...to me, that solves the problem.  
4

5 **CHAIR LOWELL** – Or what about on the Public Hearing Notice? Where we  
6 have the 8.5 x 11 sheet right here where we have like an outline, like a red  
7 outline, saying if you live with.....not like.....have a 300 foot offset shown on that  
8 map saying this is the area that was notified. I don’t know if that is something  
9 that would even be a possibility because it kind of covers what Jeff was saying  
10 over here about having a map.....  
11

12 **PLANNING OFFICIAL RICK SANDZIMIER** – That’s definitely a possibility. We  
13 could work with our GIS Staff, and they can draw a 300 foot buffer around the  
14 project there, and you can indentify which of the properties fall within that area.  
15

16 **CHAIR LOWELL** – I think that would eliminate the need for a list, but it wouldn’t  
17 eliminate the other idea that we’re talking about, about having a larger notification  
18 radius. What I would like to see, instead of maybe having a tiered project list,  
19 maybe bump it up to like 400 feet as an average, so everybody gets notified  
20 within 400 feet of the project; do a little bit more. Or see what some of the  
21 applicant’s say, some of the ones you just talked to. See if they would be okay  
22 with that or if it is a deal breaker? I mean, I personally want to make the city  
23 business friendly, but I also don’t want to throw the baby out with the bathwater.  
24 I want to make sure that we’re doing our part to notify the neighbors and the  
25 common thread, like you’ve said through your 30 years of experience, that  
26 everybody says that, oh we’re not doing enough. Well we’re talking about it, so  
27 let’s at least look into notifying more.  
28

29 **VICE CHAIR BARNES** – Does the majority of the Commission want to change  
30 the 300 foot limit?  
31

32 **CHAIR LOWELL** – Did you guys hear that?  
33

34 **VICE CHAIR BARNES** – Does the majority of the Commission want to change  
35 the 300 foot limit? That’s three no’s. That’s four no’s. Okay. We’re done.  
36

37 **CHAIR LOWELL** – We’re okay with 300 foot then. We beat this up for no  
38 reason.  
39

40 **COMMISSIONER SIMS** – It’s good to discuss it. I like the idea of putting a map  
41 with the 300 that’s consistent with the Code and the State Statute....  
42

43 **CHAIR LOWELL** – But as far as extending the notification radius.....  
44

45 **COMMISSIONER SIMS** – I think everybody that needs to know, will know, and  
46 they will be advised, and they will be here. So but putting a map.....

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**CHAIR LOWELL** – I think graphically showing the radius....

**COMMISSIONER SIMS** – And then graphically is one of these things you could, in you Staff Report, and these were the notifications; just make that part of your routine. It deflates that.

**CHAIR LOWELL** – I agree. I think that would be a good compromise.

**VICE CHAIR BARNES** – Okay.

**COMMISSIONER BAKER** – I got one question on that Lasselle and Cactus project. Did anybody go by there? That sign is not put up properly, the notice sign. I mean, it was hanging at half-mast when I saw it.

**PLANNING OFFICIAL RICK SANDZIMIER** – Okay.

**COMMISSIONER BAKER** – Well it was. It wasn't hanging on the post.

**PLANNING OFFICIAL RICK SANDZIMIER** – I didn't drive out there but I believe our Planner does go out there. I have seen some of the signs. It has been up for a little while. We have had some heavy rains. I don't know if the rains.....

**COMMISSIONER BAKER** – Part of it.

**PLANNING OFFICIAL RICK SANDZIMIER** – I have seen some signs that have fallen down, and I have asked for us to address those so.

**CHAIR LOWELL** – So I think we've....Mr. Sandzimier, are you okay with what we talked about? Are you ready to move on to the next one?

**VICE CHAIR BARNES** – Have we come to a consensus?

**CHAIR LOWELL** – I do not have it up here.

**SENIOR ADMINISTRATIVE SPECIALIST DARISA VARGAS** – For Agenda Item No. 3, Rafael Brugueras.

**CHAIR LOWELL** – You're sneaking in under the wire, Mr. Rafael.

**SPEAKER RAFAEL BRUGUERAS** – Let me start with this first. Good evening, Chair, Commissioners, and Staff.

**CHAIR LOWELL** – You know, you should just have a chair up here.

1 **SPEAKER RAFAEL BRUGUERAS** – No, no. You guys open the door.  
2 Because when you're sitting back here, I thought about the 200 or 300 people  
3 that were chatting behind me. Think about if they found my name on that list and  
4 they know where I live because I'm fighting for development, and they're  
5 disagreeing with it. That's number one. I understand what he's saying. Because  
6 sometimes we can't open up that can because a lot of worms come out of it. It's  
7 better to stay with the rules because think about two weeks ago. Three-quarters  
8 of those people don't even live in those neighborhoods and they were here  
9 because of George running around getting everybody's name, email, and phone  
10 number. That's all they did that evening, for the last two evenings. So if they  
11 want something, they will email everybody, make phone calls and all 500 of them  
12 will be here again. Real simple. The other thing that we have here in the city  
13 that we spend money, the taxpayers, we have morenovalley.org. If you will sign  
14 up, they will mail you the agenda. Real simple. It comes to you quicker than  
15 they get it, and you can look at the packet just like I do and look at the pictures  
16 and go to the site. You do it. I do it. It's simple, but people don't want that. We  
17 have social media. We heard that. We have all that. They were here. My next  
18 question is, are you going to be liable if someone gets hurt because now they got  
19 a list that's private. Because he mentioned it, the assistant attorney. That  
20 shocked me when that becomes private because that means that anybody in that  
21 room can go pay a fee and get all these names of people that disapprove and  
22 approve. We don't need that in the city. You know and I know, when there's a  
23 project that people don't like or like, the phone calls go out, can you make it and  
24 support it? They are all here. You see it. You see anybody here tonight?  
25 Nobody is here tonight because they are not suing us or it's not in my backyard.  
26 When something they want to make money off of or it's in my backyard, you see  
27 200-300 of them here. Real easy. I learned a lot in the last couple of years how  
28 this works in this room, okay? But I surely don't want my name or my neighbors  
29 name or your names out there to get hurt. Let's keep it simple. They'll know,  
30 Commissioner, really, they'll know. You've seen it. They'll know. Let's keep it  
31 simple so the City don't get sued, you may not get sued for making that choice, I  
32 don't know. I don't know what the law is, but let's keep it simple. Let them come.  
33 Believe me, they'll come. I come. They come. Believe me, they'll come.

34  
35 **CHAIR LOWELL** – Thank you, Sir. Okay, I think we have given a lot of thought,  
36 consideration, comments, and direction to Staff. Do you need anything else from  
37 us on this one or do you have a whole bucket of worms to deal with?

38  
39 **PLANNING OFFICIAL RICK SANDZIMIER** – No, no. I think we've got...we've  
40 got clear direction and the one suggestion it looked like you had consensus on  
41 was to, you know, public notification discussion in the Staff Report to have an  
42 accompanying attachment, which would just be a map showing the properties  
43 that were noticed. We don't have to give any information about anyone who  
44 resides there....

45  
46 **CHAIR LOWELL** – I think that's a safe bet.



1  
2 **PLANNING OFFICIAL RICK SANDZIMIER** – It just shows generally the  
3 properties that were noticed, and we’ll work on that.

4  
5 **COMMISSIONER NICKEL** – Right, and just add a disclaimer that the information  
6 is available at the Clerk’s office.

7  
8 **CHAIR LOWELL** – I wouldn’t even go that far.

9  
10 **COMMISSIONER NICKEL** – Okay.

11  
12 **CHAIR LOWELL** – And on that notification is the property owner’s, not the  
13 residents, correct?

14  
15 **PLANNING OFFICIAL RICK SANDZIMIER** – I’ll go back, and I’ll confirm, you  
16 know that....it’s my understanding that we’re sending it to the property owner of  
17 record. I believe it goes to the property itself plus the owner if they live offsite. I’ll  
18 confirm that.

19  
20  
21 4. Planning Commission Rules of Procedure (Report of: Planning Commission)

22  
23 **CHAIR LOWELL** – Perfect and that takes us onto Other Commissioner Business  
24 Item No. 4, and the reason I brought this up is, the last two meetings we had a  
25 couple absentees. We had a couple vacant seats, and I wanted clarification by  
26 maybe adding another Rule No. 7 to page 214, let me see what item this is. I  
27 think it is Rule, where am I going here? Give me a second, let me find it. Yeah,  
28 it’s page 214 of the packet. It’s Absences and Vacancies, Item No. G6, so 1G6,  
29 1G4, I mean. I would like to add 1G7, a line that just states that, in the event that  
30 an item is heard and there’s a vacant seat, I want to explicitly state that vacant  
31 seat can or seat cannot be filled at a subsequent meeting should a Planning  
32 Commissioner come back or an alternate become available. 1G4 touches on it,  
33 but it doesn’t nail it down, and I don’t want to talk about any other rules unless  
34 somebody has some other idea; but I just wanted to explicitly state without a  
35 vacant seat on the first item, the first day of the hearing can be filled at a  
36 subsequent meeting or that it cannot be filled.

37  
38 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Well the threshold question is  
39 which direction do you want to go in? Then, after we know that, we can craft the  
40 appropriate language.

41  
42 **CHAIR LOWELL** – My original understanding was that we could not but, after  
43 reading item 1G4, it says that you can.

44  
45 **ASSISTANT CITY ATTORNEY PAUL EARLY** – My interpretation of the way it  
46 currently is, is that you can, which is what we actually in fact did last time. So, if

1 you want to make that clearer, we can work on language to make that clearer;  
2 but if the intent is to move it the other way so that empty seats are not filled, then  
3 I would want to know that because that would be a very different rewriting.

4  
5 **COMMISSIONER NICKEL** – Could we allow Commissioner Gonzalez to speak  
6 in regards to the rules?

7  
8 **CHAIR LOWELL** – Yeah, if he wants to speak, just wave and I’ll see you.

9  
10 **COMMISSIONER NICKEL** – Yeah, he waved.

11  
12 **CHAIR LOWELL** – Commissioner Gonzalez, go for it.

13  
14 **ALTERNATE COMMISSIONER GONZALEZ** – I just want to give the example  
15 from the last meeting. I was the one that I didn’t attend the January 26, 2017,  
16 meeting, but I was given the option to come to speed, listen to the video, hear the  
17 comments, read the packet, and I was available at the subsequent meeting on  
18 February 9, 2017. So I guess, to the Commission, do you like that or is that  
19 something you prefer the....if you were there the first time, then you know that’s  
20 it.

21  
22 **COMMISSIONER SIMS** – I have a question, not a comment. We’ll get to your  
23 thing later, but the.....in looking at G4 on page 214, it goes on and on here.  
24 Then, I think I’m in the second sentence. It starts, in the event of an absence on  
25 any subsequent hearing date, no, and then now this word (new), which is  
26 different, new Commissioner shall be seated in the vacant seat. Then, the next  
27 sentence: A regular or alternate Commissioner. So, what is the difference  
28 between a new, regular? I think I understand regular and alternate but what  
29 does new mean?

30  
31 **ASSISTANT CITY ATTORNEY PAUL EARLY** – So the current way that I’m  
32 interpreting this, and my understanding of the way it was when we first voted this  
33 in, was you can the seats, not the people, but the seats. If somebody is in the  
34 seat to start a hearing, that seat it theirs only, and they cannot be replaced.  
35 However, in the circumstance where the hearing starts with only six seats filled,  
36 so it starts with a vacant seat, that vacant seat can be filled at a subsequent  
37 meeting by an alternate or returning member as long as they follow that  
38 procedure that is set forth in there. So we’re not ever swapping a Commissioner.

39  
40 **VICE CHAIR BARNES** – Eight people can’t participate.

41  
42 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Correct. We’re never trading  
43 seats or swapping a Commissioner, but if a seat was vacant at the beginning, it  
44 can be filled later on as long as the person follows that procedure that’s outlined  
45 in there. That’s how I’ve interpreted it. If that’s what we want to keep, I can  
46 certainly go back and try to redraft that to make that a little clearer, but that’s how

1 I've been interpreting it. That's how we handled the last meeting. So it's  
2 however you guys want to go forward with it. So, however you guys want to go  
3 forward with it.

4  
5 **COMMISSIONER SIMS** – So the answer to the question Commissioner  
6 Gonzalez was asked, was I liked it just how it went down.

7  
8 **CHAIR LOWELL** – I liked it too. I like the option to fill in. I just wanted to make  
9 sure it was crystal clear that that's the way it supposed to happen.

10  
11 **COMMISSIONER NICKEL** – Yes, I liked what Erlan.....

12  
13 **ASSISTANT CITY ATTORNEY PAUL EARLY** – If we want to keep that intent  
14 but maybe clear it up so that it's.....

15  
16 **CHAIR LOWELL** – Yeah....

17  
18 **ASSISTANT CITY ATTORNEY PAUL EARLY** – So that we understand it  
19 altogether. We want to clear it up for the public. We can redraft that and bring  
20 something back to you at the next meeting.

21  
22 **CHAIR LOWELL** – That's perfect. I appreciate it.

23  
24 **COMMISSIONER NICKEL** – Excuse me....

25  
26 **CHAIR LOWELL** – Commissioner Nickel.

27  
28 **COMMISSIONER NICKEL** – Your rules are supposed to be gone over in what,  
29 July or April annually?

30  
31 **PLANNING OFFICIAL RICK SANDZIMIER** – The rules can be agendized at any  
32 time if you would like to talk about them, but we do review them, I think, the rules  
33 themselves, every July. I have to look, but it does say in there that they can also  
34 be brought back at any time.

35  
36 **CHAIR LOWELL** – Any other questions or comments? No?

37  
38 **PLANNING OFFICIAL RICK SANDZIMIER** – There was one item that came up  
39 at the last meeting. It had to do with the Agenda and the format of the Agenda,  
40 and we want to include the alternate Commissioners on the top. That's not  
41 something that's really addressed in the rules....

42  
43 **COMMISSIONER NICKEL** – Yeah.

44  
45 **PLANNING OFFICIAL RICK SANDZIMIER** – But I think it was something that I  
46 thought you guys may want to address when this item came back tonight, and

1 then the other question I have is, my Staff asked me tonight, as we were doing  
2 the roll call for the meeting, I'd like some clarification. To me, the attendance is  
3 all of the members that are sitting at the dais at the participating meeting. Not to  
4 say that Erlan back here is not providing an accordant role, but I believe the Rule  
5 of Procedures say that the alternate Commissioners should attend the meeting;  
6 but it does not mean that they are participating in the meeting unless they sit up  
7 there.

8  
9 **CHAIR LOWELL** – So to include them in a roll call, seems a little awkward to me  
10 sometimes, so I wanted to just throw that out there in terms of how you guys  
11 would like to address them in the roll call. And then also, when they are sitting  
12 up there, it's my understanding, my interpretation, that they are now a  
13 Commissioner. They are an alternate Commissioner because they are waiting to  
14 fill a Commissioner's spot if that Commissioner's spot becomes available but,  
15 when they are up there, we should be addressing them as Commissioner Nickel,  
16 not alternate Commissioner Nickel and so I just wanted to make sure that we're  
17 respecting the seat correctly in the way that we do the roll call and so I'm just  
18 bringing it up tonight. It's a couple things that we've been thinking about as Staff.

19  
20 **VICE CHAIR BARNES** – I agree with everything you just said. That's exactly  
21 right.

22  
23 **COMMISSIONER NICKEL** – The only thing I want to say, as an alternate is, in  
24 regards to the roll call, I think it's important that show how or another we are part  
25 of the roll call. There could be an issue where say Mr. Lowell had to recuse  
26 himself.....

27  
28 **CHAIR LOWELL** – I'm Mr. Lowell....

29  
30 **COMMISSIONER NICKEL** – And then we're coming in, so I just think it's for  
31 documentation purposes that it's important if we're seated and the attendance is  
32 being monitored by Council.

33  
34 **VICE CHAIR BARNES** – Is the roll call to establish a record of who is hearing  
35 the cases that particular evening?

36  
37 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes.

38  
39 **VICE CHAIR BARNES** – So if that's the case.....

40  
41 **ASSISTANT CITY ATTORNEY PAUL EARLY** – And for quorum purposes.....

42  
43 **VICE CHAIR BARNES** – And for quorum purposes....

44  
45 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Because there's a difference in  
46 quorum with alternates and regulars as well.

1  
2 **VICE CHAIR BARNES** – Well, if that’s the case, then seven seats are what’s  
3 required of the roll call. Now, if we want to acknowledge that the alternates are  
4 here, that’s reasonable. I agree with what you’ve said, Rick.

5  
6 **CHAIR LOWELL** – What I think is something we need to at least think about,  
7 since we are concerned about quorum and Commissioner Nickel and  
8 Commissioner Gonzalez don’t count for a quorum, I think that the roll call should  
9 include the seven Commissioners that have been appointed. Then, if we have  
10 an absence, we need to acknowledge that we have an alternate Commissioner  
11 filling in for a vacant seat and granted that alternate Commissioner becomes a  
12 Commissioner, is no longer alternate Commissioner Nickel or alternate  
13 Commissioner Gonzalez. When they are seated up here, it is Commissioner  
14 Gonzalez, Commissioner Nickel. So, as far as the roll call goes, I think we  
15 should do....since we currently have six and we have a permanent vacancy, we  
16 should do the six of us and the acknowledge that alternate Commissioner so and  
17 so is seated up here as now Commissioner so and so.

18  
19 **PLANNING OFFICIAL RICK SANDZIMIER** – I agree.

20  
21 **CHAIR LOWELL** – Okay.

22  
23 **PLANNING OFFICIAL RICK SANDZIMIER** – One question with regard to the  
24 quorum. When the initial rules were set up with regard to the alternates, it was  
25 because it was new and we really didn’t know exactly how that was going to play  
26 out and there was some uneasiness about, what does this all mean? I’ve been  
27 working with them for two years now, and I think I’ve heard from you guys as  
28 Commissioners that they are working well. Our alternate Commissioners are  
29 bringing themselves up to speed. They do all the things that are necessary of  
30 the Commission.

31  
32 **CHAIR LOWELL** – I agree.

33  
34 **PLANNING OFFICIAL RICK SANDZIMIER** – Do you want to revisit that notion  
35 of the quorum.

36  
37 **CHAIR LOWELL** – I think they should count for a quorum.

38  
39 **PLANNING OFFICIAL RICK SANDZIMIER** – It’s up to you guys.

40  
41 **CHAIR LOWELL** – We got pretty close last meeting, and I think that they  
42 have...since we were timid to start with alternate Commissioners, not really  
43 wanting to embrace it wholeheartedly, having two and the experience with both  
44 of them, I think they do a tremendous job. I think we would be fooling ourselves  
45 by not counting them towards quorum.

1 **VICE CHAIR BARNES** – Yes. It seems kind of a silly distinction to include that  
2 particular, you know, they can vote on the WLC, but they can't be counted as  
3 part of the quorum. It seems somewhat out of balance.  
4

5 **CHAIR LOWELL** – And then going down that avenue a little bit further, I think  
6 that the alternates, if they are present during the meeting, they should also be  
7 paid. I mean, Commissioner Gonzalez, he's spending his time sitting here. He is  
8 spending his entire evening here with us, but he doesn't get the stipend so....  
9

10 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Yeah, that last one, the paid  
11 one, is something that you can make a recommendation to Council, but that's  
12 part of the Ordinance that created them so.....  
13

14 **CHAIR LOWELL** – Well Council wanted to alternates....  
15

16 **ASSISTANT CITY ATTORNEY PAUL EARLY** – We'll take that to Council....  
17

18 **CHAIR LOWELL** – I think they should at least compensate them. If we're all  
19 getting compensated, I think the alternates should be compensated.  
20

21 **ASSISTANT CITY ATTORNEY PAUL EARLY** – If there's a consensus to do  
22 that, we can bring to you an item to make a recommendation as such and would  
23 go to Council with your recommendation about it.  
24

25 **CHAIR LOWELL** – I would make that recommendation. Do we have a second  
26 from anybody?  
27

28 **COMMISSIONER NICKEL** – Erlan's happy about it.  
29

30 **COMMISSIONER SIMS** – I would either, either that, or we could all just, for the  
31 ones that are here, we could all contribute part of our stipend to.....  
32

33 **COMMISSIONER NICKEL** – And I brought cookies too.  
34

35 **COMMISSIONER SIMS** – Exactly or I could go back from two years ago and  
36 repeat what I said how exhausting this is to having alternates. I bet you our two  
37 alternates would say their exhausted as well from this whole thing. It's confusing.  
38 If you don't have a quorum with the seating, then you shouldn't have.....you just  
39 don't have a meeting.  
40

41 **CHAIR LOWELL** – Well considering we're trying to add a rule and you said we  
42 have to take one out, I think we should take out the quorum issue with the  
43 alternates. I think we should streamline it. If they are here, they count towards a  
44 quorum. It makes life a lot easier.  
45

1 **COMMISSIONER SIMS** – I would recommend that we do get something with a  
2 Planning Commission recommendation, though because we've already taken the  
3 steps to have alternate Commissioners. I can't imagine, was is it? One hundred  
4 bucks a month, or \$112? It's \$2400 to add to the general for whatever....I think  
5 we should make that recommendation and ask for it at least starting in Fiscal  
6 year 2018 budget.

7  
8 **CHAIR LOWELL** – Or the next appointment cycle, which is in a month.

9  
10 **PLANNING OFFICIAL RICK SANDZIMIER** – So the two things I'm hearing out  
11 there that I would like you guys to consider making a motion and a second, a  
12 vote on, would be (1) to modify the Rules of Procedures to allow the alternates to  
13 be included as part of the quorum, and the second one would be the  
14 recommendation to consider compensating....take a recommendation forward to  
15 the City Council to consider compensation for the alternates. Again, I don't know  
16 how the attorney wants to handle that.

17  
18 **ASSISTANT CITY ATTORNEY PAUL EARLY** – You don't really need to vote at  
19 this time because we're going to bring something back to them, and they are  
20 going to vote on that item.

21  
22 **PLANNING OFFICIAL RICK SANDZIMIER** – Okay.

23  
24 **ASSISTANT CITY ATTORNEY PAUL EARLY** – We just kind of need a  
25 consensus that's the direction that you want to head on. We'll bring you back a  
26 revised redlined Rule of Procedure with the changes, from what I'm hearing,  
27 make that vacancy issue clearer and add the alternates to the quorum.

28  
29 **COMMISSIONER NICKEL** – Are you good with it?

30  
31 **ASSISTANT CITY ATTORNEY PAUL EARLY** – You would vote and then....as a  
32 body, you would vote on that; take formal action. Then, a separate item would  
33 come to you as a formal resolution of recommendation to the Council that....and  
34 we might consider even having a draft Ordinance in there for you to actually look  
35 at and make the recommendation on that modifies that early Ordinance.

36  
37 **CHAIR LOWELL** – I would like to make a motion to.....

38  
39 **COMMISSIONER SIMS** – Well, can we.....

40  
41 **CHAIR LOWELL** – Whoa, snuck in under the radar there.

42  
43 **COMMISSIONER SIMS** – So I understand before we get to making motions  
44 here. Maybe it's falling a little....so this roll call business was a Staff issue, well  
45 what do we do with the alternates? Okay, so but a roll call and an attendance  
46 record. I mean, I think if they are here in attendance, they should be

1 compensated because they are putting time and effort into getting prepared, and  
2 they spent the time here, so I am fully supportive of that. I don't understand what  
3 the quorum means. If...I think there should only be a quorum if it's only up here.  
4 And, if you're sitting here, then you're recognized. If, for instance tonight,  
5 Commissioner Nickel is a Commissioner. Alternate Commissioner Gonzalez is  
6 just an alternate, and so I don't understand why there would be a roll call to  
7 acknowledge him as it being part of a quorum because he....

8  
9 **VICE CHAIR BARNES** – That's Rick's point.

10  
11 **CHAIR LOWELL** – For instance, last meeting I had to recuse myself. When we  
12 did roll call, it was just to acknowledge who was in the room so we could know if  
13 Commissioner Gonzalez was sitting in the back corner over there, which this  
14 place is packed tonight. We wouldn't be able to notice he was here.

15  
16 **COMMISSIONER SIMS** – But I think there's a difference and I think the city  
17 attorney could help us, but I think quorum means something different than  
18 attendance.

19  
20 **CHAIR LOWELL** – Correct.

21  
22 **COMMISSIONER NICKEL** – Right, yeah.

23  
24 **CHAIR LOWELL** – It does.

25  
26 **COMMISSIONER SIMS** – I think quorum gives you some rights to be able to  
27 participate in, be an active member.

28  
29 **ASSISTANT CITY ATTORNEY PAUL EARLY** – It's particularly a problem when  
30 you have recusal situations. So, for example, we very nearly at the last hearing,  
31 if we had...with the recusal of one or two Commissioners, we only had three  
32 regular Commissioners left. Even if we had both alternates here and had five  
33 Commissioners, which you would think would be enough to do a hearing, under  
34 our current rules we would not be able to do that. Because we would only have  
35 three regulars. We would not have a quorum, which is four regulars. So.....

36  
37 **COMMISSIONER SIMS** – Is this the Brown Act or something like that?

38  
39 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Nope. That was a rule made by  
40 this Commission when it was first adopted, probably because of how the  
41 hesitance of how this was going and one we could easily change, and that's the  
42 sense that I'm getting. In the revised rules that we bring back, that's one of the  
43 things that'll be proposed in there is to remove that condition and treat all nine of  
44 you eventually as being able to be counted towards the quorum.

45  
46 **CHAIR LOWELL** – I think that's a good idea.



1  
2 **ASSISTANT CITY ATTORNEY PAUL EARLY** – We’ll bring back that proposed  
3 revision and, if you have any concerns or tweaks about anything....  
4

5 **CHAIR LOWELL** – Okay, so what I would like to do is I would like to make a  
6 motion to...just to do like a yay or nay vote to give direction to clarify whether or  
7 not a vacant seat can or cannot be filled, I think we should make a motion to it so  
8 it can be filled. I would like to remove the restriction that alternate  
9 Commissioners do not count towards quorum, and I would also like to make a  
10 motion to.....

11  
12 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Do count towards quorum.  
13

14 **CHAIR LOWELL** – Do. I’m sorry, my mistake. I would like to make a motion  
15 that alternates do count towards a quorum, and I would like to make a motion, a  
16 recommendation to City Council that the alternate Commissioners be  
17 compensated for their time while they are here if they are present in the room on  
18 the day of the meeting.  
19

20 **VICE CHAIR BARNES** – Do you currently, do the Commissioners currently get  
21 paid if you sit but not if you are not called?  
22

23 **COMMISSIONER NICKEL** – Only if we vote, right but, if we’re out there, we  
24 don’t get paid.  
25

26 **ASSISTANT CITY ATTORNEY PAUL EARLY** – If they are sitting up there, they  
27 get paid.  
28

29 **CHAIR LOWELL** – These seven seats are the only ones that get the stipends.  
30

31 **ASSISTANT CITY ATTORNEY PAUL EARLY** – And to that motion, this vote  
32 doesn’t actually do anything.  
33

34 **CHAIR LOWELL** – Correct. It’s just giving Staff direction.  
35

36 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Giving Staff direction to bring  
37 something back to you.  
38

39 **CHAIR LOWELL** – Correct.  
40

41 **ASSISTANT CITY ATTORNEY PAUL EARLY** – The actual action will happen  
42 when you have something in front of you.  
43

44 **CHAIR LOWELL** – So, by making a motion, if we get a second, we’ll just do a  
45 roll call (a yay or nay vote), so they can know if it’s a majority or minority that

1 supports it or opposes it. So I made that motion. Does anybody want to second  
2 it?

3  
4 **COMMISSIONER NICKEL** – Can I make a second?

5  
6 **CHAIR LOWELL** – I would make a second because you’re an alternate.

7  
8 **COMMISSIONER NICKEL** – Okay, I’ll second for both of us.

9  
10 **CHAIR LOWELL** – Okay.

11  
12 **COMMISSIONER SIMS** – I don’t think we can do that. I think we, if anybody is  
13 against, if they have a problem with it, they should just speak up. Otherwise, we  
14 need to have direction.

15  
16 **CHAIR LOWELL** – Well, no. He just wanted to know if everybody...I was just  
17 going to do a yay or nay vote to see if they wanted to direction.

18  
19 **COMMISSIONER SIMS** – I don’t think we should do that.

20  
21 **CHAIR LOWELL** – Well we have a motion and a second. You can abstain.

22  
23 **COMMISSIONER SIMS** – I don’t think it’s an agendized....

24  
25 **CHAIR LOWELL** – Okay fine then.

26  
27 **COMMISSIONER KORZEC** – I agree. We’re asking for direction and we’re  
28 asking for.....

29  
30 **COMMISSIONER NICKEL** – We need some direction.

31  
32 **PLANNING OFFICIAL RICK SANDZIMIER** – We’ve collected your consensus  
33 the way I understand it. We’re going to be bringing an item back to you for one  
34 you can actually take a vote on.

35  
36 **COMMISSIONER NICKEL** – There you go.

37  
38 **CHAIR LOWELL** – So that motion is dead then?

39  
40 **VICE CHAIR BARNES** – Yes.

41  
42 **ASSISTANT CITY ATTORNEY PAUL EARLY** – You can withdraw the motion if  
43 you wish.

44  
45 **CHAIR LOWELL** – I will withdraw my motion.

46

1 **COMMISSIONER SIMS** – I didn't even hear what it was.

2  
3 **CHAIR LOWELL** – Okay.

4  
5 **COMMISSIONER NICKEL** – Oh this is going so fast.

6  
7 **CHAIR LOWELL** – Okay so, with that confusing ending to this meeting, do we  
8 have any other items, comments, or concerns? Staff wrap-up?

9  
10 **VICE CHAIR BARNES** – Mr. Sims, it says you want to speak. Do you want to  
11 speak?

12  
13 **COMMISSIONER SIMS** – No, I.....

14  
15 **CHAIR LOWELL** – No, I took you off. You're finished. You're done.

16  
17  
18 **STAFF COMMENTS**

19  
20 **PLANNING OFFICIAL RICK SANDZIMIER** – The only Staff Comment I have is,  
21 I sent out a pole to see if anybody had any problems with making a meeting on  
22 March 9, 2017. The consensus was all of you could make it, so we have gone  
23 forward, and we are scheduling our next meeting on March 9, 2017. We do have  
24 one item that will be coming to you. That will be the Cactus Commerce Center at  
25 this point and we'll also try to include, if we can get it all wrapped up, we'll include  
26 this discussion on the Rules of Procedure items. So those will be the items on  
27 the agenda.

28  
29 **CHAIR LOWELL** – Thank you very much. Any other questions or comments?

30  
31  
32 **PLANNING COMMISSIONER COMMENTS**

33  
34  
35 **ADJOURNMENT**

36  
37 **CHAIR LOWELL** – No? Okay, that does it for tonight. I would like to adjourn  
38 this meeting to the next meeting of the Planning Commission. It is a regular  
39 meeting dated March 9, 2017, right here in City Council Chambers at 7:00 p.m.  
40 Thank you very much, and have a great night.

41  
42  
43 **NEXT MEETING**

44 *Next Meeting: Planning Commission Regular Meeting, March 9, 2017 at 7:00*  
45 *PM, City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street,*  
46 *Moreno Valley, CA 92553.*

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\_\_\_\_\_  
Richard J. Sandzimier  
Planning Official  
Approved

\_\_\_\_\_

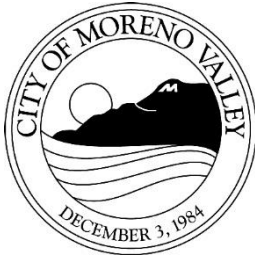
Date

\_\_\_\_\_  
Brian R. Lowell  
Chair

\_\_\_\_\_

Date

Minutes Acceptance: Minutes of Feb 23, 2017 7:00 PM (APPROVAL OF MINUTES)



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## PLANNING COMMISSION

### STAFF REPORT

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Meeting Date: March 23, 2017

PEN16-0164 CONDITIONAL USE PERMIT

Case: PEN16-0164  
Applicant: Raafat Aziz Shahid  
Owner: Butterfield Valley Partners  
Representative: Raafat Aziz Shahid  
Location: 25073 Sunnymead Blvd Suite D-14  
Case Planner: Julia Descoteaux  
Council District: 3

#### **SUMMARY**

The applicant, Raafat Aziz Shahid is proposing a modification to allow for the sale of distilled spirits in addition to beer and wine at the existing Shahid Convenience Store located at 25073 Sunnymead Boulevard. The existing convenience store complies with the land use designation in the Specific Plan 204, Community Commercial area.

#### **PROJECT DESCRIPTION**

##### **Project**

The applicant has been operating the Shahid Convenience Store with his current liquor license since 1998. Under the current Type-20 Alcoholic Beverage Control (ABC) license for the business, only beer and wine sales are permitted. The applicant must apply to the Alcohol Beverage Control Board to modify the ABC Type-20 license to an ABC Type-21 license. The proposed modification provides the opportunity to sell

distilled spirits from the premises in addition to beer and wine. Both the ABC Type-20 and ABC Type-21 licenses allow for off-site consumption only.

The Moreno Valley Police Department has reviewed the project and has no objections to the proposed modification with a condition that the applicant must surrender (cancel) their existing ABC Type-20 (beer and wine) license upon receiving the ABC Type-21 (all liquor) license.

### **Site**

The existing convenience store is located at 25073 Sunnymead Boulevard (Suite D-14) in the Butterfield Valley Village Shopping Center on the southeast corner of Sunnymead Boulevard and Alessandro Boulevard. The site is located in the Sunnymead Village Specific Plan 204, Community Commercial zoning district. The Community Commercial area is subject to the development standards and permitted uses table of the City's Municipal Code. The existing retail land use, with the allowance for alcohol sales, is a conditionally permitted use due to the interest for alcohol sales and the proximity of the proposed use being less than 300 feet from a residential zone.

The existing shopping center includes a variety of uses including the convenience store, a restaurant, a grocery store, a mini mall and other retail business. The Community Commercial district provides for the general shopping needs of area residents and workers with a variety of business, retail, personal and related or similar services.

### **Surrounding Area**

The surrounding areas include a Community Commercial zone to the east, Sunnymead Village Specific Plan 204 Community Commercial and Public zoning to the west, State Highway 60 immediately to the north, and existing commercial and single-family and multi-family residential uses to the south.

### **Access/Parking**

The convenience store is within an existing commercial center. There are no proposed changes to the shopping center access or the parking lot.

### **REVIEW PROCESS**

The application was submitted on December 29, 2016. Based on the City's Municipal Code, the project requires a Conditional Use Permit with review and public hearing by the Planning Commission due to its proximity, 300 feet or less, to a residential zone or use.

### **ENVIRONMENTAL**

The project has been reviewed in accordance with the latest edition of the California Environmental Quality Act (CEQA) Guidelines and it has been determined the project will not result in any significant effect on the environment and qualifies for an exemption under the provisions of the CEQA as a Class 1 Categorical Exemption, CEQA Guidelines, Section 15301 (Existing Facilities).

### **NOTIFICATION**

Public notice was sent to all property owners of record within 300' of the project on March 9, 2017. The public hearing notice for this project was also posted on the project site on March 9, 2017 and published in the local newspaper on March 12, 2017.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2017-15, and thereby:

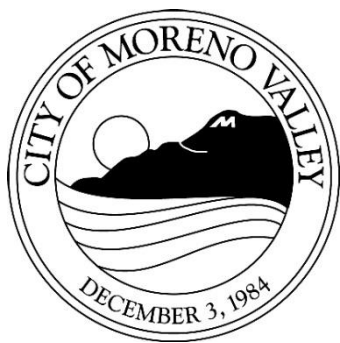
1. **CERTIFY** that the land use change proposed with PEN16-0164 Conditional Use Permit (Existing Structure) is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 1 Categorical Exemption, CEQA Guidelines, Section 15301 for Existing Facilities; and
2. **APPROVE** PEN16-0164 Conditional Use Permit (Existing Structure) subject to the attached Conditions of Approval included as Exhibit A.

Prepared by:  
Julia Descoteaux  
Associate Planner

Approved by:  
Allen Brock  
Community Development Director

### **ATTACHMENTS**

1. 300 Ft Mailing Notice
2. PC\_Resolution 2017-15
3. Exhibit A to Resolution 2017-15 Conditions of Approval
4. Site and Floor plan
5. 300ft Radius Map



This may affect your property

# Notice of PUBLIC HEARING

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):

**Project:** PEN16-0164 A Conditional Use Permit (Existing Facilities) for modification of the existing use of alcohol sales for the Shahid Convenience Store

**Applicant:** Raafat Aziz Shahid

**Owner:** Butterfield Valley Partners

**Representative:** Raafat Aziz Shahid

**Location:** 25073 Sunnymead Boulevard Suite D-14 (479-040-035)

**Proposal:** The project is a Conditional Use Permit to modify the Alcohol Beverage Control license Type-20 (Off-site beer and wine) to a Type 21 (full alcohol sales) license in an existing convenience store.

**Council District:** 3

The project will not have a significant effect on the environment. The project qualifies as a Class 1 Categorical Exemption under CEQA Guidelines Section 15301 for existing facilities in that the impacts associated with the modification of an Alcohol Beverage Control license are expected to be similar to the impacts associated with other permitted uses that could occupy the same tenant space.

A public hearing before the Planning Commission has been scheduled for the proposed project. Any person interested in commenting on the proposal and recommended environmental determination may speak at the hearing or provide written testimony at or prior to the hearing. The project application, supporting plans and environmental documents may be inspected at the Community Development Department at 14177 Frederick Street, Moreno Valley, California during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday and 7:30 a.m. to 4:30 p.m., Friday), or you may telephone (951) 413-3206 for further information.

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:** March 23, 2017  
**CONTACT PLANNER:** Julia Descoteaux  
**PHONE:** (951) 413-3209

*Upon request and 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 Guy Pegan, ADA Coordinator, at 951.413.3120 at least 4 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

Attachment: 300 Ft Mailing Notice (2457 : PEN16-0164 Conditional Use Permit (Existing Structure))



## RESOLUTION NO. 2017-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING PEN16-0164, A CONDITIONAL USE PERMIT (EXISTING STRUCTURE) FOR THE MODIFICATION OF THE ALCOHOL BEVERAGE CONTROL LICENSE FROM A TYPE 20 (OFF-SITE BEER AND WINE) TO A TYPE 21 (OFF-SITE FULL LIQUOR SALES) AT THE EXISTING CONVENIENCE STORE LOCATED AT 25073 SUNNYMEAD BOULEVARD, SUITE D-14 WITHIN AN EXISTING SHOPPING CENTER ASSESSOR PARCEL NUMBER 479-040-035.

**WHEREAS**, The applicant, Raafat Aziz Shadid, has filed an application for Conditional Use Permit PEN16-0164, requesting to replace the current Type-20 alcohol beverage control license with a Type-21 license to also allow the sale of distilled spirits in addition to beer and wine at 25073 Sunnymead Boulevard, Suite D-14, within an existing shopping center as described in the title of this Resolution; and

**WHEREAS**, the application has been evaluated in accordance with established City of Moreno Valley procedures, and with consideration of the General Plan and other applicable regulations; and

**WHEREAS**, the proposed location at 25073 Sunnymead Boulevard, Suite D-14, is regulated by the Sunnymead Village Specific Plan 204 as a Community Commercial zone which allows for convenience stores with alcohol sales with the approval of a Conditional Use Permit if the proposed use is within 300 feet of a residential zone or use; and

**WHEREAS**, the City completed an independent review of the project for consistency with the California Environmental Quality Act (CEQA). Based on a thorough analysis, staff determined that the project qualifies as a Class 1 Categorical Exemption under CEQA Guidelines Section 15301 for existing facilities; and

**WHEREAS**, upon completion of a thorough development review process by the City the project was appropriately agendized and noticed for a public hearing before the Planning Commission of the City of Moreno Valley; and

**WHEREAS**, the public hearing notice for this project was sent to all property owners within 300 feet of the project site on March 9, 2017, published in the local newspaper on March 12, 2017, and posted on the project site on March 9, 2017; and

**WHEREAS**, on March 23, 2017, the Planning Commission held a public hearing to consider the application and receive public input; and

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred; and

**WHEREAS**, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

**WHEREAS**, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

**NOW, THEREFORE, BE IT HEREBY FOUND, RESOLVED, AND DETERMINED** by the Planning Commission of the City of Moreno Valley as follows:

- A. All of the facts set forth above in this Resolution are true and correct.
- B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on March 23, 2017 including written and oral staff reports, and the record from the public hearing, this Planning Commission finds as follows:

1. **Conformance with General Plan Policies** – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

**FACT:** The project proposes to allow for the sale of distilled spirits, in addition to beer and wine that is currently permitted under licensing with Alcohol Beverage Control, at the existing and operating convenience market. The current and proposed retail land uses at the project site are consistent with the General Plan land use designation for the site which is Commercial.

General Plan Objective 2.4 states the City shall provide commercial areas within the City that are conveniently located, efficient, attractive, and have safe and easy pedestrian and vehicular circulation in order to serve the needs of the residents.

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

**FACT:** In the Sunnymead Village Specific Plan 204, Community Commercial areas are subject to the development standards and permitted uses table of the City's Municipal Code. The proposed convenience store with alcohol sales use, if within 300 feet of a residential zone, is permitted with the approval of a Conditional Use

Permit. Existing multi-family and single family residential uses are located within 300' south of the shopping center.

The primary purpose of the zone is to satisfy the general shopping needs of Moreno Valley residents by providing construction of conveniently located centers which provide retail commercial services. These centers must be compatible with the surrounding residential communities. The impacts associated with the operation of a convenience store are expected to be similar to the impacts associated with other permitted uses that could occupy the same tenant space. The sale of distilled spirits is not expected to modify this operation. Furthermore, the use will not result in expansion of the existing building. As proposed and designed, the proposed use will comply with all applicable Municipal Code provisions and will not negatively impact the surrounding commercial center and neighborhood.

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

**FACT:** The proposed convenience store with alcohol sales requested in the Conditional Use Permit (Existing Structure) application will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity. The project is exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15301 (Existing Facilities). The proposed modification to the Alcohol Beverage Control license from a Type-20 to a Type-21 to include distilled spirits will not include nor result in the physical expansion of the existing occupied suite or the building.

4. **Location, Design and Operation** – The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

**FACT:** The location, design and operation of the proposed use are compatible with existing and planned land uses in the vicinity, and will not negatively impact surrounding properties. The modification to the permit is not expected to have a negative impact on residential uses to the south. All customer access to the convenience store is from the front of the building. Operation and management of the business will continue to and must comply with all appropriate governing regulations of the City and other applicable regulatory agencies for this land use. This use has been

determined to be similar in intensity to other uses conditionally permitted in the Sunnymead Village Specific Plan 204 Community Commercial (SP204 CC) area.

## **C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS**

### **1. FEES**

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

### **2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS**

The adopted Conditions of Approval for PEN16-0164, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

### **3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS**

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

**BE IT FURTHER RESOLVED** that the Planning Commission **HEREBY APPROVES** Resolution No. 2017-15 and thereby:

1. **CERTIFIES** that the land use change proposed with PEN16-0164 Conditional Use Permit (Existing Structure) is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 1 Categorical Exemption, CEQA Guidelines, Section 15301 for Existing Facilities; and
2. **APPROVES** PEN16-0164 Conditional Use Permit (Existing Structure) subject to the attached Conditions of Approval included as Exhibit A.

**APPROVED** this 23<sup>rd</sup> day of March, 2017.

---

Brian Lowell  
Chair, Planning Commission

ATTEST:

---

Richard J. Sandzimier, Planning Official  
Secretary to the Planning Commission

APPROVED AS TO FORM:

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City Attorney

Attached: Conditions of Approval

**CITY OF MORENO VALLEY  
PLANNING DIVISION  
CONDITIONS OF APPROVAL**

**Conditional Use Permit PEN16-0164 to modify the Alcohol Beverage Control License Type-20 (Off-site Beer and Wine) to a Type-21 (Off-site full alcohol sales) License in an existing convenience store within an existing commercial center.  
SHAHID CONVENIENCE STORE  
25073 Sunnymead Boulevard Suite D-14  
APN: 479-040-035**

**APPROVAL DATE:** \_\_\_\_\_  
**EXPIRATION DATE:** \_\_\_\_\_

**COMMUNITY DEVELOPMENT DEPARTMENT**

**Planning Division**

- P1. This approval will allow the existing convenience store to modify their Alcohol Beverage Control license Type-20 (Off-site beer and wine) to a Type-21 (Off-site full alcohol sales) license. Application and approval from the Alcohol Beverage Control Board (ABC) is required.
- P2. The applicant (Shahid Convenience Store) shall surrender (cancel) their existing Type 20 (Off-site beer and wine) license to the Alcohol Beverage Control Board at the time the Type-21(Off-site full alcohol sales) license is approved by the Alcohol Beverage Control Board.
- P3. The applicant shall remove the existing “Cigarettes” wall sign and install a new sign for the Shahid Convenience Store prior to receiving approval from the Alcohol Beverage Control Board, or within six months from the date of this approval, whichever comes first.
- P4. All signs, banners and window signs shall be installed per the requirements of the City’s Municipal Code (permitted where required).
- P5. A change or modification shall require a separate approval. Violation may result in revocation of the approved Permit.
- P6. A current Certificate of Occupancy and Business License are required at all times. (Contact the Building & Safety Division at (951) 413.3350 for a Certificate of Occupancy and/or Tenant Improvement Permit prior to start of business or any construction).

**General Conditions**

- P7. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use

Attachment: Exhibit A to Resolution 2017-15 Conditions of Approval [Revision 1] (2457 : PEN16-0164 Conditional Use Permit (Existing

**PLANNING DIVISION  
CONDITIONS OF APPROVAL  
CONDITIONAL USE PERMIT PEN16-0164  
PAGE 2**

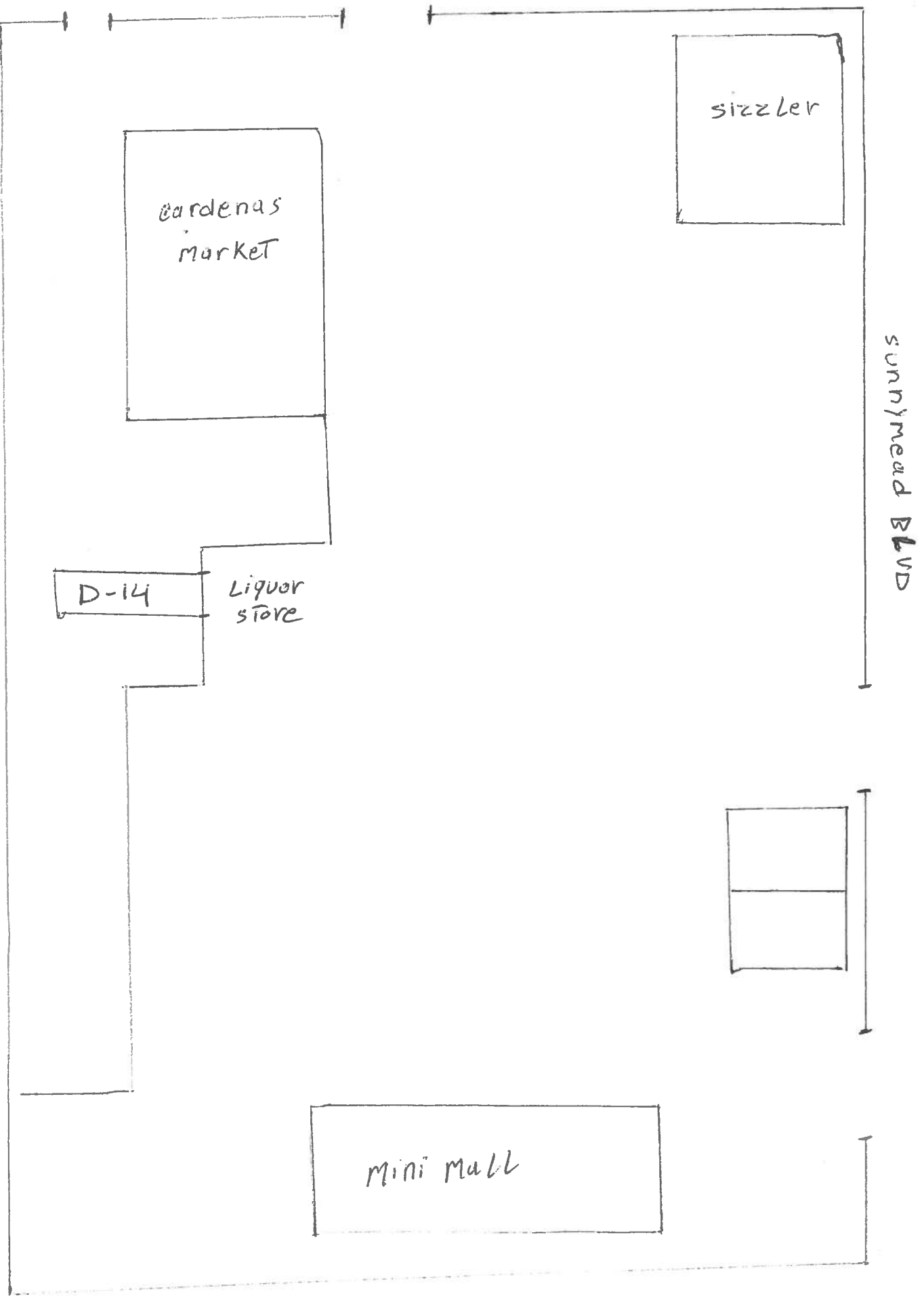
means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)

- P8. In the event the use hereby permitted ceases operation for a period of one (1) year or more, or as defined in the current Municipal Code, this permit may be revoked in accordance with provisions of the Municipal Code. (MC 9.02.260)
- P9. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Planning Official. (MC 9.14.020)

CONVENIENCE STORE 25073 SUNNYMEAD BLVD. #D-14 MARENO VALLEY, CA 92553

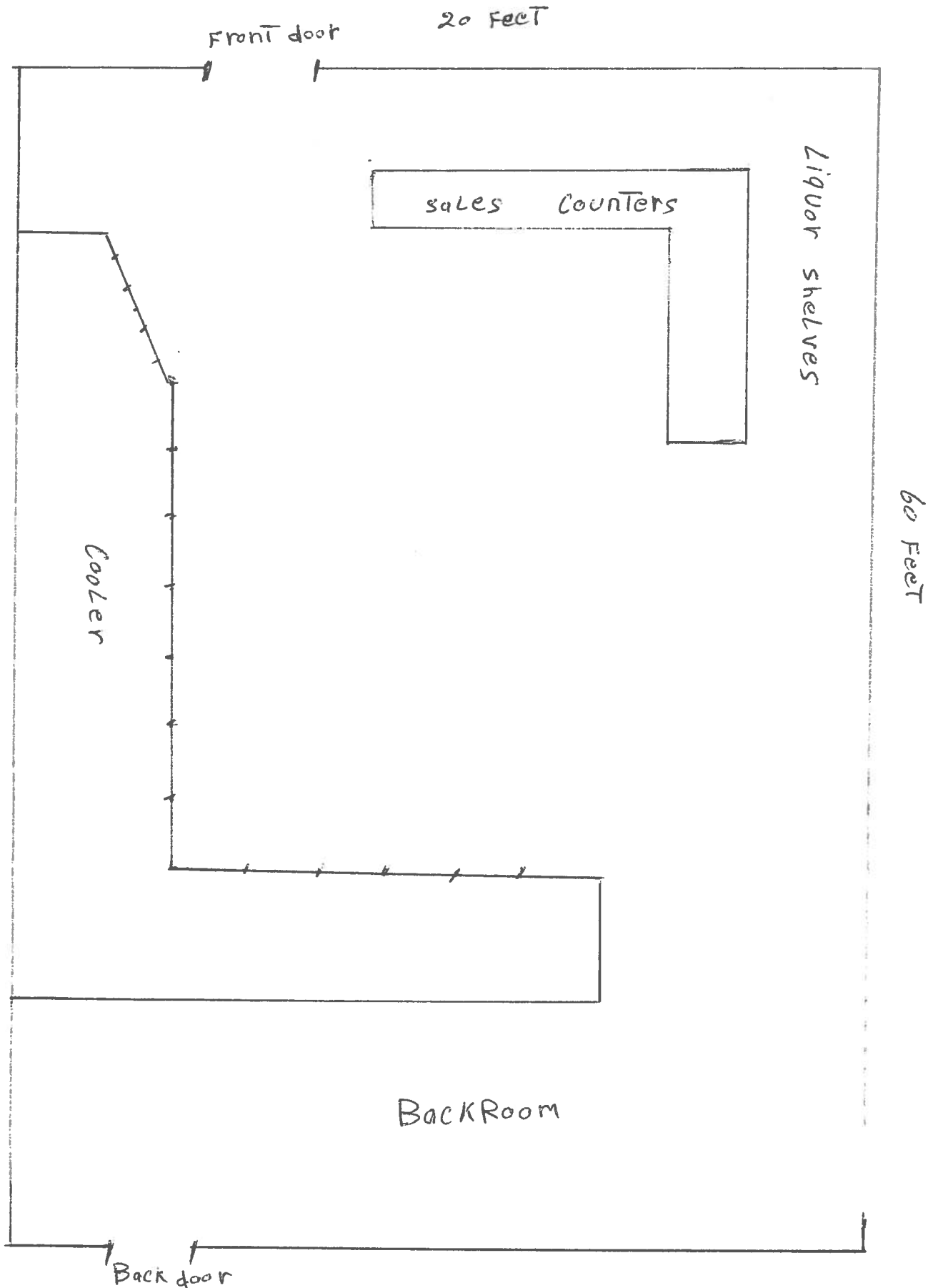
Attachment: Site and Floor plan (2457 : PEN16-0164 Conditional Use Permit (Existing Structure))

1.d





25073 Sunnymead BLVD. #D-14 Mereno Valley CA 92553



LEFT PURPOSES ONLY. NO LIABILITY FOR DATA SHOWN. ASSESSOR'S OFFICE MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES

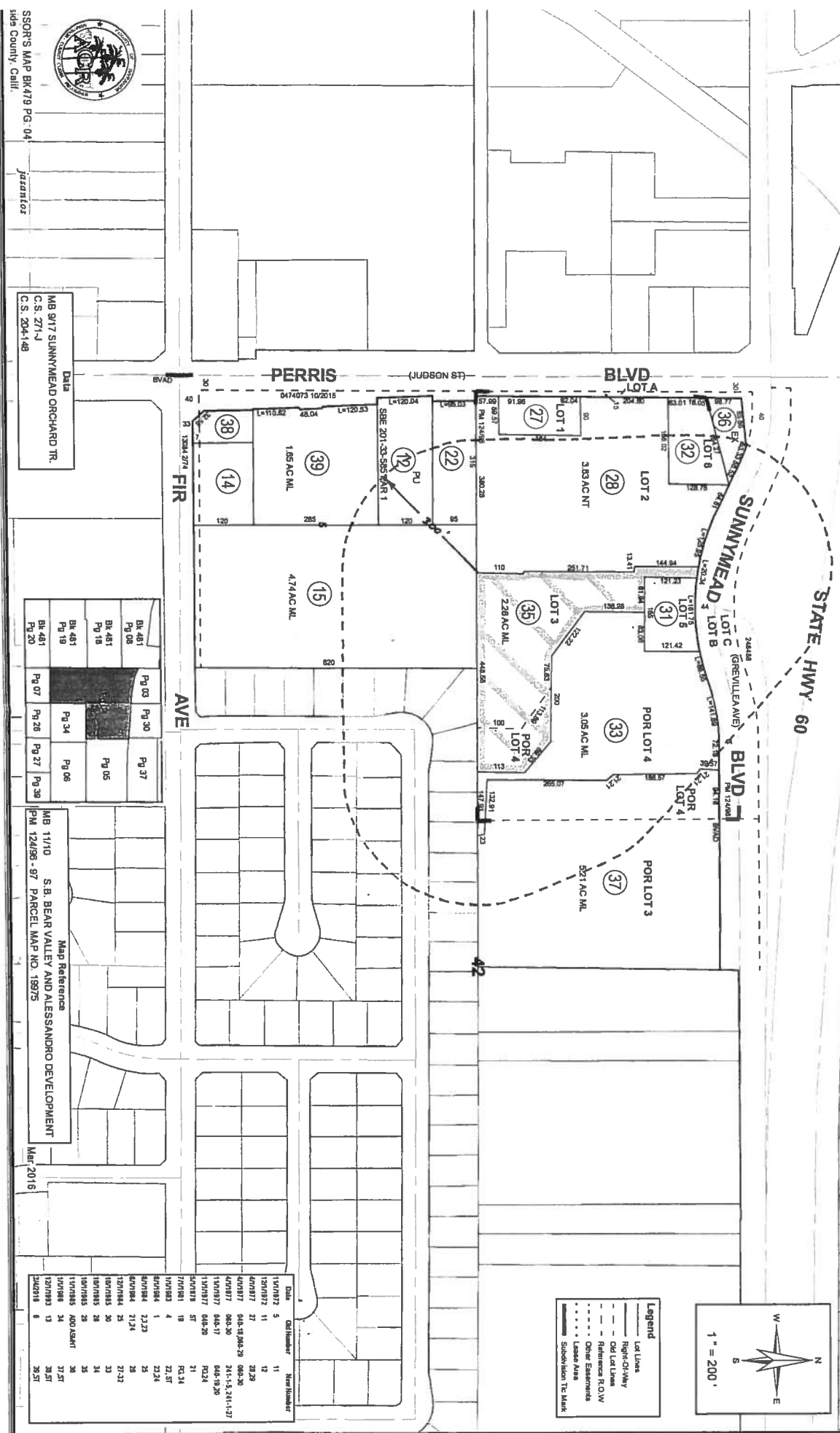
POR. N1/2, SW1/4, SEC. 5 T. 3S. R. 3W  
CITY OF MORENO VALLEY

TRA 021-364

479-04

11-5-4

Attachment: 300ft Radius Map (2457 : PEN16-0164 Conditional Use Permit (Existing Structure))



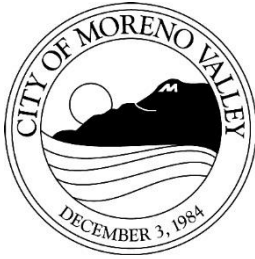
Map Reference  
MB 11/10 S.B. BEAR VALLEY AND ALESSANDRO DEVELOPMENT  
Map 2016  
Pg 03 Pg 30 Pg 37  
Pg 05 Pg 08 Pg 18 Pg 05  
Pg 19 Pg 34 Pg 06  
Pg 20 Pg 07 Pg 28 Pg 27 Pg 38

Data  
MB 9/17 SUNNYMEAD ORCHARD TR.  
C.S. 271-J  
C.S. 204-148

SSORS MAP BK479 PG. 04  
Map Reference  
S.B. BEAR VALLEY AND ALESSANDRO DEVELOPMENT  
Map 2016  
Pg 03 Pg 30 Pg 37  
Pg 05 Pg 08 Pg 18 Pg 05  
Pg 19 Pg 34 Pg 06  
Pg 20 Pg 07 Pg 28 Pg 27 Pg 38

| Date     | Old Number    | New Number       |
|----------|---------------|------------------|
| 11/10/82 | 5             | 11               |
| 12/18/82 | 11            | 12               |
| 4/18/87  | 27            | 28,29            |
| 4/18/87  | 048-18,048-28 | 048-30           |
| 4/18/87  | 048-30        | 241-1-5,241-1-27 |
| 11/18/87 | 048-17        | 048-16,20        |
| 11/18/87 | 048-20        | R224             |
| 5/20/88  | 57            | 31               |
| 7/10/88  | 18            | PC,34            |
| 10/18/84 | 4             | 22,24            |
| 10/18/84 | 22,23         | 22,24            |
| 10/18/84 | 21,24         | 22               |
| 10/18/85 | 25            | 28               |
| 10/18/85 | 26            | 27,32            |
| 10/18/85 | 28            | 33               |
| 10/18/85 | 29            | 34               |
| 10/18/85 | 30            | 35               |
| 10/18/85 | 31            | 36               |
| 10/18/85 | 32            | 37,37            |
| 10/18/85 | 33            | 38,31            |
| 10/18/85 | 34            | 38,31            |

300 Foot Radius Map for PEN16-0164



## PLANNING COMMISSION

### STAFF REPORT

Meeting Date: March 23, 2017

#### PLANNING COMMISSION RECOMMENDED MODIFICATION TO ORDINANCE 890

Case: Not Applicable

Applicant: Planning Commission Recommendation

Owner: Not Applicable

Representative: Not Applicable

Location: Not Applicable

Case Planner: Richard Sandzimier, Planning Official

Council District: Citywide

#### **SUMMARY**

At the Planning Commission meeting of February 23, 2017, under the “Other Commission Business” portion of the agenda, the Planning Commissioners discussed the current stipend restrictions that apply to Alternate Planning Commissioners based on the Municipal Code language adopted by the City Council as Ordinance 890 on March 24, 2015. Upon concluding discussion on this matter the Commission requested that staff return at a subsequent Planning Commission meeting with an Agenda item that will allow them to take an action to make a recommendation to the City Council on changes to the current Code.

#### **PROJECT DESCRIPTION**

On March 24, 2015 the City Council adopted Ordinance 890 establishing provisions in Title 2 of the City Municipal Code to allow for the filling of two alternate members of the Planning Commission.

The specific regulations that pertain to the Planning Commission are included as Chapter 2.18 of the Municipal Code. Section 2.18.050 includes the specific regulations with regard to Alternate members as follows:

**2.18.050 Alternate members of the planning commission.**

A. In addition to the seven regular members, the city council may, at its discretion, appoint two planning commission alternates who shall serve for a term of two years. The alternate members of the planning commission shall attend all regular and special meetings of the planning commission. If a regular member of the commission is absent for any reason from all or any part of a regular or special meeting of the planning commission, a sworn alternate member shall participate in such meeting during the period of absence. During such participation, the alternate member shall receive and exercise all rights and privileges of a regular member, including the right to vote on matters before the planning commission. **Only when participating in a meeting shall the alternate member receive a stipend.**

B. The alternates shall also be subject to the requirements of and shall abide by the Ralph M. Brown Act, the Political Reform Act and other laws applicable to the regular members of the planning commission.

C. The planning commission shall adopt such rules as are necessary to effectuate the purpose of this section. (Ord. 890 § 1, 2015)

At their meeting of February 23, 2017, under the “Other Commission Business” portion of the agenda, the Planning Commissioners discussed the current stipend restrictions that apply to Alternate Planning Commissioners, which are noted in **bold** and underlined above. In discussing this matter, a general consensus expressed by the Commissioners was that the Alternate Commissioners have been required to be prepared to participate for each meeting and have demonstrated that they have come to meetings prepared to do so, and whether they are called/needed to “participate” the Alternate Commissioners most often remain present through the meetings. In recognition of this, the Commission requested that staff return at a subsequent Planning Commission meeting with an Agenda item that will allow them to take an action to make a recommendation to the City Council on changes to the current Code with regard to the stipend for the Alternate members. A Resolution has been prepared and is included as an attachment to this report.

**ENVIRONMENTAL**

Not applicable.

**NOTIFICATION**

Not applicable.

## **RECOMMENDATION**

That Planning Commission **APPROVES** Resolution No. 2017-17, and thereby:

1. Recommend to the City Council an amendment to the Moreno Valley Municipal Code, Chapter 2.18, Section 2.18.050 (A) regarding alternate members of the Planning Commission, to modify the current provision of the ordinance that stipulates “Only when participating in a meeting shall the alternate member receive a stipend” such that the criteria for the alternate member to receive a stipend will be tied to “attendance at a meeting” whether or not the member is needed to participate.

Prepared by:  
Erica Tadeo  
Administrative Assistant

Approved by:  
Allen Brock  
Community Development Director

## **ATTACHMENTS**

1. Resolution 2017-17\_ALTERNATECOMMISSIONERS

PLANNING COMMISSION RESOLUTION NO. 2017-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL THAT THE CITY COUNCIL AMEND CHAPTER 2.18, SECTION 2.18.050 (A) REGARDING ALTERNATE MEMBERS OF THE PLANNING COMMISSION, TO RECEIVE A STIPEND BASED ON "ATTENDANCE" AT A MEETING" WHETHER OR NOT THE MEMBER IS NEEDED TO "PARTICIPATE"

**WHEREAS**, the Planning Commission serving as an advisory body to the City Council, desires that the City Council consider modifications to current Municipal Code regulations and criteria, as described in the title of this Resolution, that pertain to payment of stipends to Alternate Members of the Planning Commission; and

**WHEREAS**, at their regular meeting of February 23, 2017 the Planning Commission under Other Commission Business requested that staff agendize this matter for full discussion at a subsequent Planning Commission meeting; and

**WHEREAS**, this matter was properly placed on the agenda for Planning Commission consideration on March 23, 2017; and

**WHEREAS**, upon consideration of this matter at the Planning Commission meeting on March 23, 2017, the Planning Commission completed their deliberations and they desire to make a recommendation to the City Council for consideration.

**BE IT RESOLVED** that the Planning Commission **HEREBY APPROVES** Resolution NO. 2017-17 and thereby:

A. Recommends to the City Council an amendment to the Moreno Valley Municipal Code, Chapter 2.18, Section 2.18.050 (A) regarding alternate members of the Planning Commission, to modify the current provision of the ordinance that stipulates "Only when participating in a meeting shall the alternate member receive a stipend" such that the criteria for the alternate member to receive a stipend will be tied to "attendance at a meeting" whether or not the member is needed to participate.

**APPROVED** this 23rd day of March, 2017.

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Brian R. Lowell  
Chair, Planning Commission

1  
Resolution No. 2017-17

ATTEST:

\_\_\_\_\_  
Richard J. Sandzimier, Planning Official

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Resolution No. 2017-2  
Date Adopted: April 4, 2017

Attachment: Resolution 2017-17\_ALTERNATE COMMISSIONERS (2550 : Planning Commission Recommended Modification to Ordinance 890)

**RESOLUTION JURAT**

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF MORENO VALLEY        )

I, Patricia Jacquez-Nares, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2017-\_\_\_ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 21<sup>st</sup> day of March, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
CITY CLERK

(SEAL)

Resolution No. 2017-  3    
Date Adopted: April 4, 2017

Attachment: Resolution 2017-17\_ALTERNATE COMMISSIONERS (2550 : Planning Commission Recommended Modification to Ordinance 890)