

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

5 **Thursday, May 25, 2017 at 7:00 PM**

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8 **CALL TO ORDER**
9

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11 **CHAIR BARNES** – Good evening ladies and gentlemen. I would like to call this
12 meeting of the Planning Commission Meeting to order. It is Thursday, May 25,
13 2017, and the time is 7:02 PM. Could I have a roll call please?
14

15
16 **ROLL CALL**
17

18 Commissioners Present:

19 Commissioner Lowell
20 Commissioner Baker
21 Commissioner Sims
22 Vice Chair Korzec
23 Chair Barnes
24

25
26 Staff Present:

27 Rick Sandzimier, Planning Official
28 Paul Early, Assistant City Attorney
29 Erica Tadeo, Administrative Assistant
30 Jeff Bradshaw, Case Planner
31 Ahmad Ansari, Public Works Director
32 Chris Ormsby, Senior Planner
33

34 Speakers:

35 Tom Jerele, Sr.
36 Kathleen Dale
37 Rafael Brugueras
38 Carole Nagengast
39 Susan Zeitz
40 David Zeitz
41 Lindsay Robinson
42 Jackie Smith
43 Christopher Tafoya
44

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2 **PLEDGE OF ALLEGIANCE**

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5 **CHAIR BARNES** – Commissioner Lowell, could you lead us in the Pledge of
6 Allegiance?
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8
9 **APPROVAL OF THE AGENDA**

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11 Approval of Agenda
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14 **CHAIR BARNES** – Thank you. The next item on the Agenda is the approval of
15 the Agenda for the meeting of April 27, 2017. Any comments or a motion?
16

17 **COMMISSIONER BAKER** – You want approval of tonight’s Agenda, right?
18

19 **CHAIR BARNES** – Oh, approve the Agenda. Excuse me; I must be a new
20 chairperson.
21

22 **COMMISSIONER LOWELL** – I’ll motion to approve the Agenda.
23

24 **COMMISSIONER BAKER** – I’ll second.
25

26 **CHAIR BARNES** – Motion by Commissioner Lowell, second by Commissioner
27 Baker. All in favor.....
28

29 **VICE CHAIR KORZEC** – Aye.
30

31 **CHAIR BARNES** – Aye.
32

33 **COMMISSIONER BAKER** – Aye.
34

35 **COMMISSIONER SIMS** – Aye.
36

37 **COMMISSIONER LOWELL** – Aye.
38

39 **CHAIR BARNES** – Opposed? Motion carries 5-0.
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43 Opposed – 0
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1 **Motion carries 5 – 0**

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CONSENT CALENDAR

All matters listed under Consent Calendar are considered to be routine and all will be enacted by one rollcall 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 - April 27, 2017 at 7:00 PM

CHAIR BARNES – Next, we move to the Consent Calendar. Only items are the approval of the Minutes, one set from April 27, 2017. Now, any comments or adjustments to the Minutes? Would anyone like to make a motion to approve them?

VICE CHAIR KORZEC – I’ll make a motion to approve.

COMMISSIONER BAKER – I’ll second.

CHAIR BARNES – Motion by Vice Chair Korzec and second by Commissioner Baker. All in favor.....

VICE CHAIR KORZEC – Aye.

CHAIR BARNES – Aye.

COMMISSIONER BAKER – Aye.

COMMISSIONER SIMS – Aye.

COMMISSIONER LOWELL – Aye.

CHAIR BARNES – Opposed? Motion carries 5-0.

Opposed – 0

1 **Motion carries 5 – 0**

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4 **PUBLIC COMMENTS PROCEDURE**

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6 *Any person wishing to address the Commission on any matter, either under*
7 *Public Comments section of the Agenda or scheduled items or public hearings,*
8 *must fill out a “Request to Speak” form available at the door. The completed*
9 *form must be submitted to the Secretary prior to the Agenda item being called by*
10 *the Chairperson. In speaking to the Commission, member of the public may be*
11 *limited to three minutes per person, except for the applicant for entitlement. The*
12 *Commission may establish an overall time limit for comments on a particular*
13 *Agenda item. Members of the public must direct their questions to the*
14 *Chairperson of the Commission and not to other members of the Commission,*
15 *the applicant, the Staff, or the audience. Additionally, there is an ADA note.*
16 *Upon request, this Agenda will be made available in appropriate alternative*
17 *formats to persons with disabilities in compliance with the Americans with*
18 *Disabilities Act of 1990. Any person with a disability who requires a modification*
19 *or accommodation in order to participate in a meeting should direct their request*
20 *to Guy Pagan, our ADA Coordinator, at (951) 413-3120 at least 72 hours prior to*
21 *the meeting. The 72-hour notification will enable the City to make reasonable*
22 *arrangements to ensure accessibility to this meeting.*

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25 **CHAIR BARNES** – Next on the Agenda is the Public Comment portion of the
26 meeting. Do we have any Public Speaker Slips?

27
28 **ADMINISTRATIVE ASSISTANT ERICA TADEO**– We do. Do you not see them
29 on there?

30
31 **CHAIR BARNES** – I do not see them on here. Oh, hold it, maybe I have to be
32 there. Now I see them. First up, Tom Jerele, Sr.

33
34 **SPEAKER TOM JERELE, SR.** – Chairman Barnes, Vice Chair Korzec,
35 Commissioners, Members of the Staff and the public both here in the chambers
36 and watching at home or on the internet, thank you for the chance to speak. I
37 came tonight for general interest, part of my sport of choice, but I do want to.....I
38 hope I am not stepping out of bounds, but I got some sad news this afternoon
39 that I think a very fine public employee has moved on, Mr. Nick Henderson. I am
40 prayful maybe Alan or Rick can talk about him a little bit. He was functioning as
41 a building official. He had started as an inspector, he was senior inspector. I
42 made a little, I always like to say, a little shopping center in the low-rent, high-
43 crime district, so we don't get A-rated or B-rated tenants. You know, you get
44 some pretty basic people over there so we are not dealing with the corporate
45 500's of the world, but we got a lot of little jobs and a lot of challenging ones
46 because people don't understands codes and the how's and where for's, but Nick

1 has always been a real good resource and a good man to work with. So I hope
2 whatever he is moving onto is a good thing, and I just got the news.....but he
3 was a good public servant in my opinion. Then, I would like to make a comment
4 that would be good. I'm not happy with a 5-member Commission. I think we
5 need to get back up to seven. I know that's not your purview, but I plan to speak
6 to the council. They need to fill all those chairs up there. Sometimes, there are
7 conflicts of interest, and the alternates were a great concept. I think that needs
8 to be taken care of, so hopefully after the election of our new council we will fill all
9 those seats up again. So those are my comments, and thank you for giving me a
10 few minutes. Thank you.

11

12 **CHAIR BARNES** – Thank you Mr. Jerele. Next up, Kathleen Dale.

13

14 **SPEAKER KATHLEEN DALE** – Good evening Commissioners. I wanted to just
15 address a few general issues regarding your responsibilities and authorities.
16 First item has to do with zoning and General Plan consistency. Somewhere
17 around 2006, there was actually a table created that was used a guide during the
18 consistencies, re-zonings after the last General Plan update and that document
19 either needs to be recreated or it needs to be found, dusted off, and brought out
20 to be a reference tool because there is some misinformation floating around
21 about what zones are consistent with what General Plan designations, and that
22 will come up later tonight. I wanted to make sure that you were aware that you
23 do have authority under the Municipal Code to recommend to the council that
24 they initiate General Plan Amendments. Also, there is a tendency to rely on
25 policies and programs kind of in a nebulous fashion to say well our General Plan
26 says we are supposed to do this like preserve knolls or boulders and riparian
27 areas and our truck route says trucks are only supposed to be on certain streets.
28 To rely on those are part of an environmental review, it is okay to do that if those
29 rules are enforced, but unfortunately this city does not have a good track record
30 of actually implementing those provisions, so you should be wary when you see
31 environment review documents that are just relying on compliance with those
32 types of programs. The last thing I wanted to say is I know today I sent some
33 comments off very late, and I just got to thinking I think they probably think I do
34 this on purpose to just stack the record at the end and cause a scramble. I want
35 you to know that's not the case, myself, I am an exceptionally busy person, and I
36 think all the people who are here tonight as well are also busy people, and we
37 don't intentionally hold our comments until the end. You know, we only get
38 access to documents a very short time before comments are due and, once we
39 review those documents, follow up with Staff about questions we have, do some
40 more research, actually write things, get them put to paper, get the edited, and
41 get them sent it, there is not much time to get them in ahead of your meetings.
42 So I hope that you do realize that when people are here and are tired or have
43 submitted late comments.

44

1 **CHAIR BARNES** – Thank you Kathy. Now, we move to a Non-Public Hearing
2 Item, the Fiscal Year 2017/18 Capital Improvement Plan. Do we have a report
3 from Staff?
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8 **NON-PUBLIC HEARING ITEMS**
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10 1. Fiscal Year 2017/18 – 2018/19 Proposed Capital Improvement Plan (Report
11 of: Community Development)
12

13 Case: PEN17-0060
14
15 Applicant: City of Moreno Valley
16
17 Representative: Public Works Department
18
19 Location: City-wide
20
21
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23 **PUBLIC WORKS DIRECTOR AHMAD ANSARI** – Good evening Mr. Chair and
24 Members of the Commission, my name is Ahmad. I’m sorry. I’m the Public
25 Works Director and City Engineer. It’s time again to bring the CIP document
26 before the Commission. With me tonight, I have Henry Ngo, Capital Projects
27 Division Manager. He will be presenting that item, items of the Staff Report
28 briefly, and then we will be ready to answer any questions the Commission may
29 have.
30

31 **CAPITAL PROJECT DIVISION MANAGER HENRY NGO** – Good evening Chair
32 and Members of the Commission. My name is Henry Ngo, Capital Projects
33 Division Manager of Public Works Department. Tonight, the CIP information that
34 you have in your packet is a summary of the projects listed by category then the
35 documents fiscal year 2017/2019. Proposed CIP was posted on the city internet
36 site on April 28, 2017. A link to the document was mailed to you on the same
37 day. The CIP is part of the city budget adoption process. There are about 400
38 projects listed in the document. This is a planning document that serves to
39 identify various types of improvement that the city would need over the next five
40 years and beyond. All projects listed are in conformance with City’s General
41 Plan and are within the State Law Guidelines. Staff brings this document before
42 the Planning Commission for the purpose of making a finding that the document
43 is in conformance with the City of Moreno Valley’s General Plan. If Planning
44 Commission makes a finding that the document is in conformance with the City
45 of Moreno Valley General Plan, the document is scheduled to go before the City
46 Council for the opening and closing of a Public Hearing and for adoption on June

1 20, 2017, which is 26 days from today. Staff therefore recommends the Planning
2 Commission make a finding that the CIP is in conformance with the City of
3 Moreno Valley's General Plan. This concludes my report, and I am available for
4 any questions.

5
6 **CHAIR BARNES** – Thank you.

7
8 **CAPITAL PROJECT DIVISION MANAGER HENRY NGO** – Thanks.

9
10 **CHAIR BARNES** – Does anyone have any questions? Slam dunk. Yeah, yeah,
11 it's a tremendous volume of work and obviously I think we rely on your expertise
12 so I didn't have any questions. Nothing jumped out that raised any with me, so
13 seeing no one willing to.....or wanting to ask any questions.

14
15 **COMMISSIONER LOWELL** – It's not a question on the actual report itself but
16 more of an inquiry. I'm looking at the amount summaries on that first page that
17 you gave us, and I was noticing that the fiscal year 2021 has a lot of
18 improvements scheduled. What's forecasted that we're going to be spending 12
19 million, almost 13 million, on buildings and another 104 million on the bridges or
20 streets and highways? What's the game plan for fiscal year 2021?

21
22 **CAPITAL PROJECT DIVISION MANAGER HENRY NGO** – The short answer
23 Commissioner Lowell is to go after grants. Primarily, those big-ticket items that
24 you see as bridges are the interchanges that we have planned in the TUMF
25 program of WRCOG. However, as you know, the budgets or the allocations that
26 have been set aside for those big-ticket items are not even a fraction of the total
27 cost. Those are probably 60 million or 70 million each interchange, so that's
28 basically where they are coming, but we are forecasting it to the five year and
29 beyond at the buildout so that we have a pretty clear idea of where we are
30 headed.

31
32 **COMMISSIONER LOWELL** – Do we have any specific projects slated for that
33 timeframe or is this just wishful thinking?

34
35 **CAPITAL PROJECT DIVISION MANAGER HENRY NGO** – It is wishful thinking.
36 However, it is planned. Again, those transportation types of projects, aside from
37 the original DIFF that we were going after, we constantly are looking for state and
38 federal grants to make those projects whole.

39
40 **COMMISSIONER LOWELL** – I mean, I guess what I was getting towards is like
41 the Moreno Valley, Moreno Beach Bridge. Is that going to be expanded in that
42 timeframe? Which improvements are possible in the next few years?

43
44 **CAPITAL PROJECT DIVISION MANAGER HENRY NGO** – Yeah, the Moreno
45 Beach second phase, which is the widening of the bridge, currently we have
46 approximately 7 or 8 million dollars in the TUMF. However, as you know, 8

1 million dollars is not going to be sufficient to widen the bridge, so we have to wait
2 until that is fully funded and then supplement it with that TUMF money to be able
3 to make the second phase possible.

4
5 **COMMISSIONER LOWELL** – Okay, thanks.

6
7 **PLANNING OFFICIAL RICK SANDZIMIER** – Mr. Chairman.

8
9 **CHAIR BARNES** – Yes.

10
11 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may, I don't think they
12 mentioned on your dais before you should be a yellow handout with an update to
13 the CIP. That update is basically saying that we have added a resolution
14 number, so there is actually a designated resolution number, so there is actually
15 a designated resolution number that was not in the original packet. Then, late
16 last week, our Public Works Staff has identified that three new projects were
17 identified to get some additional funding, so those have been added to the
18 Capital Improvement Program. So we want to make sure when you take your
19 action this evening that you're recognizing that there were these additions made
20 to that Capital Improvement Program.

21
22 **CHAIR BARNES** – And we'd have to recognize that in the motion?

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

25
26 **CHAIR BARNES** – Yeah, okay, alright. Commissioner Sims.

27
28 **COMMISSIONER SIMS** – Mine's not per say about the particulars of the budget
29 in of itself, but in the report it said that Staff was able or the city was able to
30 complete 23 capital projects totaling approximately 11.2 million dollars in the
31 fiscal year 2016/2017, so I guess that's through this June 30. So, with just the
32 quick math I did, we're proposing like a little over 44 million dollars' worth of
33 capital improvement so I guess my question is, is there the capacity....I come
34 from a public agency, so we always have a bigger think that we can do than we
35 actually ever get done it seems like in a fiscal year but that's an over 400%
36 increase. Is there the capacity to handle that if all the grants and funding were
37 available?

38
39 **CAPITAL PROJECT DIVISION MANAGER HENRY NGO** – In summary, and I'm
40 not sure that has been fully communicated in your Staff Report or not, but just to
41 give you an overview of the active projects that are either in design or in
42 construction phases total approximately 29 million. Those have been previously
43 approved, and they get carried over. Then, the new funding for these two fiscal
44 years for the active projects is approximately 8 million dollars. Then, new funding
45 for the new proposed projects are 9 million dollars for a total of 47 million dollars

1 for active, plus the new. Then, the total project cost of the completed projects is
2 11 million dollars, so most of it is carryover.

3
4 **COMMISSIONER SIMS** – So just as a.....does the city mostly use consultants to
5 do the design work and whatnot, construction management and so forth? Staff
6 just typically operates as project management, project facilitators or?

7
8 **CAPITAL PROJECT DIVISION MANAGER HENRY NGO** – That is correct.

9
10 **CHAIR BARNES** – Thank you. Any other comments, questions? Well, I guess
11 we would entertain a motion then. Commissioner Sims.

12
13 **COMMISSIONER SIMS** – So I would propose that the Planning Commission
14 consider recommending approval of adopting Resolution Number 2017-027
15 consistent with the amendments shown on the sheet that we just received today,
16 the yellow sheet, and we're finding that the fiscal year 2017/2018 and 2018/2019
17 propose CIP program conformance with the City of Moreno Valley's General
18 Plan.

19
20 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Excuse me, Commissioner, if I
21 may interrupt for a second. Just for clarity for the Minutes on the record, is it a
22 motion to consider the adoption or is it a motion to adopt resolution.....

23
24 **COMMISSIONER SIMS** – Okay, to adopt.

25
26 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Thank you.

27
28 **CHAIR BARNES** – Thank you, Paul. I have a motion from Commissioner Sims
29 and a second from Commissioner Baker, and I don't know how to activate, or at
30 least it's not working, the electronic voting. So can we have a roll call please?

31
32 **COMMISSIONER SIMS** – Oh, there it is.

33
34 **COMMISSIONER LOWELL** – You got to click the mover Mr. Sims?

35
36 **CHAIR BARNES** – Can you click the mover button?

37
38 **COMMISSIONER SIMS** – Certainly.

39
40 **CHAIR BARNES** – And the second. Very good. We're up and running, so
41 everyone please vote. The motion is approved 5-0. Thank you Staff, thank you
42 very much.

43
44
45 Opposed – 0
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2 **Motion carries 5 – 0**
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5
6 **PUBLIC HEARING ITEMS**
7

- 8 2. Case: PEN17-0027 – Conditional Use Permit
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10 Applicant: Smartlink on behalf of AT&T
11
12 Owner: Family Services Association of Western
13 Riverside
14
15 Representative: Smartlink
16
17 Location: 21250 Box Springs Road
18
19 Case Planner: Jeff Bradshaw
20
21 Council District: 2
22
23 Proposal: PEN17-0027 – Conditional Use Permit for a 75’
24 tall AT&T telecommunication facility with the
25 tower element designed as a monopalm.
26
27
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29

30 **STAFF RECOMMENDATION**
31

32 Staff recommends that the Planning Commission **APPROVE** Resolution No.
33 2017-25, and thereby:
34

- 35 1. **RECOGNIZE** that the Conditional Use Permit PEN17-0027 will not have a
36 significant effect on the environment and is therefore exempt from the
37 provisions of the California Environmental Quality Act (CEQA) as a Class 32
38 Categorical Exemption, CEQA Guidelines, Section 15332 for In-Fill
39 Development, per CEQA Guidelines Section 15332; and
40
41 2. **APPROVE** Conditional Use Permit PEN17-0027, subject to the attached
42 Conditions of Approval included as Exhibit A.
43
44
45

1 **CHAIR BARNES** – Next, moving to the Public Hearing items. Case 2 on the
2 Agenda, the Conditional Use Permit (PEN17-0027). Do we have a Staff Report?

3
4 **CASE PLANNER JEFF BRADSHAW** – Good evening Chair Barnes and
5 Members of the Planning Commission. My name is Jeff Bradshaw. I am the
6 case planner assigned to this project. This Conditional Use Permit proposes the
7 development of a telecommunications facility on the location of an existing office
8 building. The proposal would be to add a 75-foot tall pole designed to look like a
9 palm tree. Amenities to that installation would include a 12-panel array at the top
10 of the palm tree, support equipment that would be housed inside an equipment
11 room inside the office building itself, the planting of some additional live palms,
12 and the installation of an emergency generator on the site. Typically, a project of
13 this type and at this height would not require Planning Commission approval, but
14 it was presented to the Planning Commission as an original project in 2013.
15 There are some unique aspects to the project.....

16
17 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Chair, Vice Chair, Members of
18 the Commission, it has come to our attention that there were public commenters
19 on that last item. The color of the slip was wrong, but they did put in a slip and
20 wanted to speak, so it is my recommendation at this time that we call those
21 public speaks and reconsider that motion after you’ve heard their comments. It’s
22 not a Public Hearing Item, so we don’t have the public hearing complications, but
23 I do want to make sure that they have a chance to speak before we move on.

24
25 **CHAIR BARNES** – So, that being said, we will put Case 2 on hold and open
26 public comments for Case 1, the Capital Improvement Plan. Is that correct,
27 Paul?

28
29 **PLANNING OFFICIAL RICK SANDZIMIER** – Yeah, that would be the
30 appropriate.....

31
32 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Yeah, that’s my
33 recommendation.

34
35 **CHAIR BARNES** – Okay, alright. We don’t need a motion or anything to do
36 that?

37
38 **ASSISTANT CITY ATTORNEY PAUL EARLY** – No.

39
40 **CHAIR BARNES** – I have the authority. I have the gavel, okay.

41
42 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Yes.

43
44 **CHAIR BARNES** – Alright, thank you very much. So we will put Case 2, the
45 CUP, on hold, and we will now hear Public Comments on the Case 1, the
46 proposed Capital Improvement Plan. Our apologies.

1
2 **SPEAKER RAFAEL BRUGUERAS** – Good evening Chair, Commissioners,
3 Staff, residents, and our guests. I was glad to hear it passed 5-0, so telling the
4 story makes it a lot easier, fun, and enjoyable. It was 500 pages on this item
5 alone, so I had to decide to pick what’s best to show the Commissioners what
6 they have done throughout the years when we bring development and projects
7 into our city. So page 68 shows pictures of improvement. Pages 95 through 104
8 shows more pictures of before and after of decisions that you made for us in the
9 city when you approve projects and, when those projects or developments are
10 approved, the city generates funding. When they generate funding, these are the
11 projects that they do for us. So, if you go to page 100, it tells you all the projects
12 that have been funded and partially funded. This is what we do in the City of
13 Moreno Valley. We try to bring lives to live better lives. That’s what we want to
14 do in the City of Moreno Valley. This is why the staff works hard on behalf of the
15 city and the residents. When we grow, it makes it a lot simpler for them to get
16 funding for us because even our state or county cannot refuse the growth of our
17 city. They have to give us our portion that we put into the system. We put in
18 taxes, like we get our electricity bill or our cable bill, and you see the other taxes
19 that are being paid out. We do the same thing with our taxes. We give it out, so
20 one day we can ask for it in return to complete these projects, so I’m deeply
21 grateful for your votes in the past. We have new ones that we’re going to look at
22 throughout the evening. And I thank the Staff for their hard work, and I thank you
23 for approving this because this is what makes Moreno Valley unique around the
24 region. There are a lot of people watching us and a lot of people are investing in
25 our city because we’re moving ahead.

26
27 **CHAIR BARNES** – Thank you Mr. Brugueras. Next up, Tom Jerele, Sr.
28

29 **SPEAKER TOM JERELE, SR.** – Tom Jerele, Sr. speaking on behalf of myself
30 and a little bit on behalf of the Sundance Center. Chairman Barnes, Vice Chair
31 Korzec, Commissioners, and Members of the Staff and public both in the
32 chambers and watching at home: Thank you for bringing up these public
33 comments. I just....just before the meeting, I had a chance to speak to Mr.
34 Lewis, and I asked him.....it’s my understanding this is the first time you’ve had to
35 deal with this document at the Planning Commission level. Is that correct or
36 incorrect? It’s.....pardon me?
37

38 **CHAIR BARNES** – It’s annual. We’ve seen this before, yes.
39

40 **SPEAKER TOM JERELE, SR.** – Okay, well it’s a good thing that it comes to you.
41 I know it’s a huge document as Mr. Brugueras said. I mean, it’s a bit
42 burdensome. It’s probably not fun reading, but it’s essential reading because,
43 when you’re making decisions on various projects, they may have substandard
44 infrastructure at the time, but if you see the capital projects and know what’s
45 coming online and when, it allows you to make better decisions whether it’s this

1 commission or another one. So I just wanted to affirm the city for bringing this
2 forth to the Planning Commission. It's a good idea.

3
4 **CHAIR BARNES** – Thank you Mr. Jerele. I see no other speakers on the list.
5 We can now close the public comment period and resume the Staff Report on
6 Public Hearing Item No. 2.

7
8 **COMMISSIONER SIMS** – Do we.....I think we need to revote.

9
10 **ASSISTANT CITY ATTORNEY PAUL EARLY** – I don't think a new vote is
11 necessary. It wasn't a Public Hearing Item, and the speakers were favorable to
12 the council's motion in the first place, so you're fine to move onto Item 2.

13
14 **CHAIR BARNES** – That's right. You did say that. I apologize. Alright, now we
15 will resume the Staff Report for Public Hearing Item No. 2. Mr. Bradshaw.

16
17 **CASE PLANNER JEFF BRADSHAW** – I'm waiting for the images to catch up
18 here. Again, the item before you this evening is a Conditional Use Permit for a
19 telecommunications facility. It is presented to you this evening for your review
20 because of a number of things associated with this particular application. It is
21 unique because of site constraints that the telecommunication facility is being
22 proposed along the Box Springs frontage. This time, they are also asking for an
23 emergency generator. This project was approved by the Planning Commission
24 originally in 2013, and due to circumstances, the approval lapsed before the
25 Applicant, AT&T, had the opportunity to construct on this site. They are still
26 interested in being able to place a facility here. If you look at the propagation
27 maps that were provided with the application, it shows a blank spot or a missing
28 spot in their coverage and so this is an important location for them. So the item
29 presented to you this evening is very similar in design, the exact same design
30 actually, that was presented to the Planning Commission in 2013. Because of
31 that, we're presenting to you the same project this evening. The location is
32 somewhat unique. It's located towards the front of the site near the southeast
33 corner of the building where it would be visible from the roadway. The design is
34 a faux palm, and they are proposing to add two live palms that would be
35 clustered near the other existing palms at the corner of the building. Staff has
36 had an opportunity to review the design and consideration of the surrounding
37 uses. This telecommunications facility is an allowable use within this zone, and
38 based on the location and the design, we were able to accommodate the
39 adjacent uses and the future development of multi-family project in the R15 Zone
40 to the east....or to the west rather. Staff has reviewed this project, and based on
41 its design and the way that it is conditioned, it is determined that this project
42 would not have a significant effect on the environment and qualifies as an
43 exemption under the California Environmental Quality Act as a Class 32
44 Exemption or In-Fill Development Exemption under section 15332. We did
45 provide notice for the project consistent with our Municipal Code. The site was
46 posted in advance of tonight's hearing as well as sending notices out to all

1 property owners within 300 feet of the project site. As of tonight's meeting, I
2 have not received any communications, phone calls, emails, or inquiries about
3 the project. With that, Staff would recommend that the Planning Commission
4 recognize that this project does qualify as an In-Fill Exemption and approve the
5 project as presented to you this evening subject to the Conditions of Approval,
6 and I am happy to answer any questions that you might have about this project.

7
8 **CHAIR BARNES** – Thank you Mr. Bradshaw. Commissioners, any questions?
9 Commissioner Lowell.

10
11 **COMMISSIONER LOWELL** – I thought this project was very familiar. It was one
12 of the first projects I got to vote on when I was sworn in. I didn't notice any
13 callout or mention of anything that has changed between the previous application
14 in 2013 versus this application. Are there any changes or any modifications to
15 the conditions that are different based on the new Building Code or Municipal
16 Code? I'm not aware of.....I didn't see any and didn't read any.

17
18 **CASE PLANNER JEFF BRADSHAW** – It's conditioned for consistency with the
19 new code. I'm not familiar with the Building Code to know what those subtleties
20 would be, but it is conditioned to satisfy current Building Code requirements. As
21 far as the design goes, it is basically the same proposal that the Planning
22 Commission reviewed in 2013. The biggest difference I would say is the addition
23 of the emergency generator, which is now a pretty standard requirement for most
24 of these installations so they can guarantee there is no interruption in service if
25 the power goes down. That is new. The generator is proposed to be located in
26 the planter area at the northern most tip of the triangle shape of the property. It'll
27 be screened with a block enclosure, which is standard for our requirements, and
28 the developer, or Applicant rather, is also proposing to provide a sound
29 attenuation device or cap on top of the generator to help mitigate any noise
30 impacts during the operation of the generator. From what I understand, they
31 would test the generator for a half hour at a time. Every couple of months, they
32 would go out on the site to test it. That's the one difference in design from the
33 original proposal.

34
35 **COMMISSIONER LOWELL** – And then my last question, it says that there is
36 going to be 12 panel antennas on the monopalm. Is this going to be a single
37 provider cell site, or is it going to be able to co-locate like we have done in the
38 past?

39
40 **CASE PLANNER JEFF BRADSHAW** – It'll be a single site. The monopalm
41 design makes it difficult for co-locations. I think the exception we've seen is
42 when they come back and maybe add a microwave dish in support of the array
43 that's already there, but by design we're not able to co-locate on the palms.

44
45 **COMMISSIONER LOWELL** – Thank you.
46

1 **CHAIR BARNES** – Any other questions? Alright, would the Applicant like to
2 come forward?
3

4 **APPLICANT ALEXIS HADLEY** – Good evening Chairman Barnes and
5 Commissioners. My name is Alexis Hadley. I'm here on behalf of AT&T tonight.
6 I don't have anything to add necessarily to Staff comments. I greatly appreciate
7 the swiftness with which this project was processed, but I am happy to answer
8 any question that you all have.
9

10 **CHAIR BARNES** – Thank you. Anyone? Alright, we don't seem to have any
11 questions. Do we have public speakers?
12

13 **PLANNING OFFICIAL RICK SANDZIMIER** – You do want to open the Public
14 Hearing and then ask for the speakers. Then, if there are none, you'll close it. If
15 there are some.....
16

17 **CHAIR BARNES** – Alright, thank you. Alright, my apologies for my inexperience.
18 Alright, so at this point we will open the Public Hearing and ask if there are any
19 public speakers?
20

21 **ADMINISTRATIVE ASSISTANT ERICA TADEO**– There are. There's two.
22

23 **CHAIR BARNES** – And they still don't show.
24

25 **ADMINISTRATIVE ASSISTANT ERICA TADEO**– Okay, I'll call them up.
26

27 **CHAIR BARNES** – Alright, thank you.
28

29 **ADMINISTRATIVE ASSISTANT ERICA TADEO**– First one is Rafael Brugueras.
30

31 **CHAIR BARNES** – Mr. Brugueras.
32

33 **SPEAKER RAFAEL BRUGUERAS** – Good evening once again Chair,
34 Commissioners, Staff, guests, and residents. I was glad when I opened up my
35 email and I saw AT&T, another communicator provider adding to the city. With
36 your approval tonight, we will add them to our family of communications, as this
37 city needs other communications. A lot of us sometimes get dropped calls. You
38 know, we want to choose other things. So by providing and approval tonight, it
39 will help because we know that Verizon dominates the city because I've been up
40 here a few times when Verizon is always coming up and putting in antennas
41 throughout the city to make their communication better. So I'm glad to see AT&T
42 and their family here. The other thing I'm glad to hear is that we're going to put
43 palm trees because I went to this site, and I got out of my truck, and I walked on
44 the dirt. So we're hoping that.....because there's houses across the street from
45 this place, so we're hoping that it will look decor. So when people come out and
46 go to school, or go to work, or Saturday walk it looks nice. You know, that's what

1 we want. We want to make sure that corner behind the building on the side of
2 the street looks nice for the residents that live there because they have to look at
3 this day after day and for quite a while. The other thing that I hope whoever is
4 maintaining it that they will cut the weeds, maintain it, make it look good because
5 the drought has hurt this city tremendously. We have a lot, a lot of brown
6 patches throughout the whole city. I mean, if we threw a match, it would light up.
7 I mean, it's pretty bad out there, and I've seen a lot of it. Okay, so I like the
8 project. I like the family coming into the city. I hope it gets approved tonight, so
9 we can add more communication to our city.

10
11 **CHAIR BARNES** – Thank you Mr. Brugueras. Next speaker.

12
13 **ADMINISTRATIVE ASSISTANT ERICA TADEO**– Tom Jerele, Sr.

14
15 **CHAIR BARNES** – Mr. Jerele.

16
17 **SPEAKER TOM JERELE, SR.** – Tom Jerele, Sr. again speaking on behalf of
18 myself and our little Sundance Center where I spend some time. Chair Barnes,
19 Vice Chair Korzec, Commissioners, and members of the Staff and public, I think
20 I've been across the board supportive of just about any communication
21 infrastructure. You know, technology has changed, and I don't have
22 to...everybody in this room knows that the world is cellphones. I was at the
23 Office Depot earlier, and they got a little fax machine in there. That thing is
24 people all day long on it. I went why is there a big demand for faxes? Well it
25 dawned on me. Nobody has a landline at home anymore. They got to go over
26 there and use it. You'd be amazed how many people come in all day long to use
27 that, so it tells me people are going wireless and that can be a mixed blessing.
28 I'd like to see every house wired just for public safety issues, but nevertheless it's
29 something we depend on. I don't have a landline in my home, and so I'm always
30 very supportive. It's a public safety issue. I live up in Sunnymead Ranch. This
31 won't benefit us, and I'm with Sprint, but the reception up there is beginning to be
32 nonexistent. I mean, I don't even try to make calls anymore until I get down the
33 hill, and I get a lot of dropped calls down the hill. So, in short, I'm always happy
34 to support any legitimate company expanding their infrastructure and bringing it
35 in the city just for a public safety issue. On that subject, I really encourage the
36 leaders of our city to encourage these providers, these service providers/major
37 companies, to expand their service. Verizon, even though I'm not with them,
38 they are here a lot. They do...they've done a lot, so I'm glad AT&T is
39 expanding. So I just wanted to share that, so thank you.

40
41 **CHAIR BARNES** – Thank you Mr. Jerele. Any other public speakers?

42
43 **ADMINISTRATIVE ASSISTANT ERICA TADEO**– No. That's it.

44
45 **CHAIR BARNES** – Thank you very much. Alright, since we have no additional
46 public speakers, we will close the Public Hearing and entertain any questions of

1 the Commissioners to Staff or the Applicant. Would the Applicant like to
2 comment on anything that came out during the Public Hearing portion?

3
4 **APPLICANT ALEXIS HADLEY** – Just a very brief thank you to the members of
5 the public who spoke on my behalf. It is very rare that people come here to
6 speak on behalf on cellphone towers, so happy to be here. Thank you.

7
8 **CHAIR BARNES** – Thank you. Commissioner questions or comments?

9
10 **COMMISSIONER LOWELL** – No Sir.

11
12 **CHAIR BARNES** – Seeing neither, I think the next step might be a motion.

13
14 **COMMISSIONER LOWELL** – I'd like to make a motion.

15
16 **CHAIR BARNES** – Oh, if I.....we have a motion by Commissioner Lowell.

17
18 **COMMISSIONER LOWELL** – I'd like to make a motion that the Planning
19 Commission approve Resolution Number 2017-25 and there by recognize that
20 the Conditional Use Permit PEN17-0027 will not have a significant effect on the
21 environment and is therefore exempt from the provisions of the California
22 Environmental Quality Act (CEQA) as a Class 32 Categorical Exemption CEQA
23 Guidelines Section 15332 for In-Fill Development per CEQA Guidelines Section
24 15301; and (2) approve Conditional Use Permit PEN17-0027 subject to the
25 attached Conditions of Approval.

26
27 **CASE PLANNER JEFF BRADSHAW** – Commissioner Lowell. Sorry to interrupt
28 you. There is a typo in the way that's written, so as it closes it should be section
29 15332 again.

30
31 **COMMISSIONER LOWELL** – And that's the end of?

32
33 **CASE PLANNER JEFF BRADSHAW** – It's the very last line of what you just
34 read.

35
36 **COMMISSIONER LOWELL** – So let me amend that motion. So that would be
37 Section 15332 for In-Fill Development per CEQA Guidelines Section 15332; and
38 (2) approve Conditional Use Permit PEN17-0027 subject to the attached
39 Conditions of Approval as Exhibit A.

40
41 **CHAIR BARNES** – Thank you Commissioner Lowell. A second?

42
43 **COMMISSIONER BAKER** – I'll second.

44
45 **CHAIR BARNES** – Commissioner Baker has seconded. Please vote. All votes
46 are cast. Approved 5-0. Muddled through another one. Thank you very much.

1
2
3 Opposed – 0
4
5

6 **Motion carries 5 – 0**
7

8
9 **COMMISSIONER BAKER** – We’re moving right along dude.
10

11 **CHAIR BARNES** – Oh my gosh, alright, next on the Agenda Case Number 3, a
12 Conditional Use Permit (PEN16-0157). Do we have a Staff Report?
13
14
15

16
17 3. Case: PEN16-0157 – Conditional Use Permit
18
19 Applicant: Jigish Shah
20
21 Owner: MV MMP, Inc.
22
23 Representative: Jigish Shah
24
25 Location: North side of Eucalyptus Avenue and 650 feet
26 east of Day Street
27
28 Case Planner: Jeff Bradshaw
29
30 Council District: 1
31
32 Proposal: PEN16-0157 – Conditional Use Permit for a
33 four-story, 106 room hotel, within the Town
34 Gate Center in the western portion of the City.
35
36
37

38 **STAFF RECOMMENDATION**
39

40 Staff recommends that the Planning Commission **APPROVE** Resolution No.
41 2017-26, and thereby:
42

- 43 1. **RECOGNIZE** that hotel improvement contemplated in Conditional Use Permit
44 PEN16-0157 will not have a significant effect on the environment and
45 therefore qualifies for an exemption within the provisions of the California

- 1 Environmental Quality Act (CEQA), as a Class 32 Categorical Exemption,
2 CEQA Guidelines, Section 15332 for In-Fill Development; and
3 2. **APPROVE** Conditional Use Permit PEN16-0157 based on the findings
4 contained in this resolution, and subject to the attached Conditions of
5 Approval included as Exhibit A.
6
7

8 **CASE PLANNER JEFF BRADSHAW** – We do, thank you Commissioner Barnes
9 and members of the Planning Commission. Jeff Bradshaw, I'm the associate
10 planner assigned to this project. This application before you this evening
11 proposes the development of a 4-story 58,448 square foot hotel. The hotel
12 would include 88 rooms and 18 suites for a total of 106 dwelling units in the hotel.
13 The amenities that would be included with this hotel would be a breakfast room,
14 outdoor patio area for dining, a fitness center, a swimming pool and spa, lounge,
15 a food preparation room, guest laundry, and a meeting room. The project is
16 proposed to be developed within a portion of the Town Gate Specific Plan. It is
17 just to the south of the WinCo Shopping Center and ultimately the hotel site
18 would be developed on 2.31 acres. This will probably be a more confusing
19 explanation than is actually warranted. The project is currently comprised of two
20 parcels as you can see in this exhibit, and they are oriented north/south fashion.
21 The proposal for the development is through the lot-line adjustment developed on
22 2.31 acres, which would be the north half of those two parcels. That lot-line
23 adjustment has been approved by the city, certified rather, and the document
24 recorded as of April 11, 2017. So the 2.31 acre site is now an existing parcel,
25 and it's the north portion of the exhibit that you see there. What that results in is
26 1.74 acre vacant parcel with frontage along Eucalyptus that would developed by
27 a different property owner at a future date. So the hotel would be proposed to be
28 developed in this manner. Access would be through existing driveways off
29 Eucalyptus with this project providing or satisfying required parking on the site.
30 The developer worked with us to satisfy pedestrian connections as well. It was
31 important that we find a way to have people staying at this hotel have a safe way
32 to connect to the shopping and the restaurants to the north and to continue to
33 provide access to residents from across the street to the south, so pedestrian
34 connections are part of the design and part of the Conditions of Approval for this
35 project. The architectural design for the project includes details that help break
36 up the long axis on the ends of the building. The developer also worked with us
37 to provide a more established or prominent entrance along the north elevation.
38 The building is oriented, the primary entrance oriented towards the south towards
39 Eucalyptus but we wanted to make sure that there was an identifiable entrance
40 on the north side where people might come from shopping and the restaurants.
41 The other design elements include the variation in the roof line, candle-levered
42 roof elements, and exterior finish that includes roof tones in a combination of
43 stone and tile, glazing and other facia treatments. The surrounding area at the
44 project site includes established or existing retail uses to the north. The Quarter
45 project, which was recently approved, proposes a hotel development as well,
46 along with some retail and a service station. So this use really is compatible and

1 consistent with the retail development that has occurred to the north and to the
2 west. It is consistent with the zone in the Specific Plan and located a sufficient
3 distance from existing residential to the south on the other side of Eucalyptus that
4 there would not be any other type of impacts to the existing home residents that
5 live there. The project as designed and conditioned would not result in a
6 significant impact on the environment. Staff has reviewed the project and
7 determined that the project at this location qualifies for an exemption under the
8 CEQA as a Class 32 or In-Fill Exemption under Section 15332 of the California
9 Environmental Quality Act Guidelines. Public notice for this project was satisfied
10 the Building Code. The site was posted 10 days in advance of the meeting.
11 Notices were also sent out to property owners within 300 feet of the site. In the
12 case of this project, no contact was made. We had no phone calls or inquiries of
13 any kind from the public and, as of this evening, no inquiries or questions about
14 the project. With that, Staff would recommend that the Planning Commission
15 recognize that this project qualifies as an In-Fill Exemption under the California
16 Environmental Quality Act and approve the Conditional Use Permit as presented
17 to you this evening and subject to the Conditions of Approval as attached to
18 Resolution 2017-26. That concludes my report. I'd be happy to answer any
19 questions that you might have.
20

21 **CHAIR BARNES** – Thank you Mr. Bradshaw. Any questions? I have one. I
22 recall seeing a condition that stated that the pedestrian access would be
23 provided down the east side of the property.
24

25 **CASE PLANNER JEFF BRADSHAW** – I apologize Chair Barnes, I missed the
26 first part of your question.
27

28 **CHAIR BARNES** – No problem. I seem to recall a condition. I don't remember
29 which one it was that specified that the pedestrian access would be provided
30 down the east side of the property?
31

32 **CASE PLANNER JEFF BRADSHAW** – That's correct. So if you look at the
33 exhibit that's on the screen now, what would be the southeast corner of the site,
34 it's an odd-shaped parcel, but the property line that they share with the fire
35 station site.
36

37 **CHAIR BARNES** – Right.
38

39 **CASE PLANNER JEFF BRADSHAW** – There's a pedestrian connection that
40 takes occupants of the hotel to the property line. There is an additional condition
41 that requires the continuation of that same pathway offsite down to Eucalyptus
42 Avenue to allow what is an informal pedestrian connection that you can see if
43 you look at aerial photographs to continue.
44

45 **CHAIR BARNES** – That made perfect sense. My real question was why did you
46 condition them to use the east side? It seemed like it would be more logical to go

1 down the drive aisle because there would be improvements and probably
2 setback from that.....

3
4 **CASE PLANNER JEFF BRADSHAW** – It goes back to looking at the aerial
5 photograph and kind of the established pattern I guess. As you look at the aerial,
6 you can see that people over time have created their own pathway, and it's
7 essentially along the east side of the property near that location. The other
8 reason for placing it there was, in working with the adjacent property owner, they
9 were comfortable as we met with them, at least in conversation, with the idea of
10 the pathway as long as it was in a location of the site that did not disturb or
11 interfere with future development of the property. That is why it is placed there,
12 rather than at the far west end.

13
14 **PLANNING OFFICIAL RICK SANDZIMIER** – Mr. Chairman, if I may, and Jeff is
15 absolutely right. What we did look at was the existing aerial photography of the
16 site, and you'll see where the paths are being burned. Basically, you'll see the
17 dirt strips. There are actually two paths of travel that kind of make access to
18 WinCo and what you have to do, if you pull back on the aerial photograph, you'll
19 see the relationship to the residential development that's on the south side of
20 Eucalyptus. It's where the people that can come from the residential
21 development can get across the street. They then get across the street and then
22 conveniently get across the site. When the hotel is built in here, if you look
23 closely across the path, you'll see a diagonal. Then, because of the fire station,
24 the west edge of the fire station lines up with that other road that is straight
25 across the street. We're finding that people cross there and then come into the
26 site to get to WinCo. Because the hotel will kind of block that diagonal access, it
27 made sense to go to the east edge, and then it also gives people an opportunity
28 still to walk up to the signal. It's not a signalized intersection, but it's a more full-
29 access intersection that the main drive aisle goes into the WinCo, so they'll still
30 have convenient access there.

31
32 **CHAIR BARNES** – Alright. Any other questions? Not at this time. Alright,
33 hearing no other questions, we will open the Public Hearing. Do we have any
34 speakers on this tonight? We do? I should know that because it says one. Mr.
35 Brugueras.

36
37 **PLANNING OFFICIAL RICK SANDZIMIER** – Mr. Chair, before we call the public
38 speakers, do we want to call the Applicant up to allow them to have some
39 comments?

40
41 **CHAIR BARNES** – Yes, we would be happy to do that.

42
43 **PLANNING OFFICIAL RICK SANDZIMIER** – Okay.

44
45 **CHAIR BARNES** – One of these I will get right tonight, but I'm running out of
46 chances aren't I? My apologies. The floor is yours.

1
2 **APPLICANT JIGISH SHAH** – Jigish Shah with the owner, developer, and
3 partners of this hotel. Good evening Chairman and Commissioners. I don't have
4 anything to add. Thank you, Jeff, for all your support and Mike and his team and
5 look forward to building and operating the hotel here. Does anyone have
6 questions for me?

7
8 **CHAIR BARNES** – Anyone?

9
10 **VICE CHAIR KORZEC** – Well I just wanted to make a comment. I really love the
11 design, and I really like the clean lines and the fact that it is not all beige. So I
12 think you're adding something really nice to that neighborhood, and I wish in
13 Moreno Valley we would start to get things that look a little bit more different, so I
14 applaud you on that.

15
16 **COMMISSIONER LOWELL** – No one would believe that this is right next to a
17 concrete plant that used to be there.

18
19 **CHAIR BARNES** – Commissioner Sims.

20
21 **COMMISSIONER SIMS** – Just a question. What kind of timetable for
22 implementation is this?

23
24 **APPLICANT JIGISH SHAH** – My expectation is that we'll start construction late
25 July or early August, and it's going to take approximately 12 to 14 months before
26 we check in our first guest.

27
28 **CHAIR BARNES** – Anyone else? Thank you. Now, at this time, Rick.....

29
30 **PLANNING OFFICIAL RICK SANDZIMIER** – Now, at this time you want to open
31 the Public Hearing.

32
33 **CHAIR BARNES** – Oh my gosh. Alright, at this time we will open the Public
34 Hearing, and we have one speaker on the list, Mr. Brugueras.

35
36 **SPEAKER RAFAEL BRUGUERAS** – Thank you again Chair, Commissioners,
37 Staff, guests, and our residents. It is a joy to know that we have one of the big
38 corporations in our country, the Marriott, considering Moreno Valley to do
39 business in. That's a privilege. We have worked very hard to clean our image in
40 our city, and I thank the commissioners, the staff, and the residents from being
41 partakers of that because it takes all of us to take this train forward. When I went
42 to look for this development, I went north and south and, when I got to
43 Eucalyptus and Day Street, I said how can this be because we already have a
44 project being built on that corner with hotels and a gas station and restaurants. I
45 said okay let me go and make a left, and I did and I saw the sign because that's
46 the first thing I look for. I look for that sign that the Staff puts up, public hearing,

1 then I know this is the area I need to be in. Once again, I parked my truck, threw
2 on my hazard lights, got out of the truck, and got on the dirt. I looked around,
3 and I was glad to see where it's at because it's going to do wonders coming
4 down that street heading towards the freeway. I wrote a couple of things for our
5 future guests and our builders. We have WinCo. We have the fire station. We
6 have future development. Down the street, we have restaurants. On Day Street,
7 we have gas stations. We have freeway entrances and exits on Eucalyptus and
8 Day and, if they come down Alessandro, they will wind up on Eucalyptus and
9 Day Street. We're moving ahead. People are recognizing the City of Moreno
10 Valley, and we are grateful for all these corporations that are finally giving us a
11 chance. I hope this project gets approved tonight because we could use the
12 additional jobs that it brings because we know that hotels do not get cleaned by
13 themselves, and it will bring revenue for the city, and it will bring those additional
14 taxes that got approved by the residents in November. So we're finally moving
15 ahead. As Ms. Korzec mentioned, it is a beautiful design, it is. When you really
16 look at it, it is well put together. It is going to be in a beautiful area, and I believe
17 that the houses and the apartments that are across the street from this place can
18 put their relatives in there so they don't have to have that extra room in their
19 house. So thank you so much Marriott for considering Moreno Valley.
20

21 **CHAIR BARNES** – Thank you Mr. Brugueras. Would the Applicant like to
22 respond to anything that he heard? Perfect. Alright, with that, we will close the
23 Public Hearing and entertain discussion from the Commission. Any comments?
24

25 **COMMISSIONER BAKER** – I think it's a good project. We probably need to
26 move forward with this.
27

28 **COMMISSIONER LOWELL** – I also think it's a good project. I'm excited to see
29 development in that part of town. That part of town really needs some help.
30 Everything that goes in improves Edgemont. It improves the Box Springs Water
31 District. It improves Eastern. It improves the whole area, and I'm glad people
32 are willing to put some money in that part of town. I look forward to you guys
33 coming to town.
34

35 **CHAIR BARNES** – Anyone else? I agree. It seems very well thought out, nice
36 project. It fits in the location well. I think it's ideal, so with that, anyone like to
37 make a motion?
38

39 **COMMISSIONER SIMS** – I'll make a motion.
40

41 **CHAIR BARNES** – No it isn't. It's way complicated. I may call in sick next week
42 so Vice Chair Korzec can handle it. Ah, there we go, finally.
43

44 **COMMISSIONER SIMS** – Alright, I'm moving, and I recommend that the
45 Planning Commission approve Resolution Number 2017-26 and in the balance of
46 the conditions as proposed in the Staff Report.

1
2 **CHAIR BARNES** – Do we have a second?

3
4 **COMMISSIONER LOWELL** – I will second.

5
6 **CHAIR BARNES** – Commissioner Lowell. Please vote. All votes have been
7 cast. The motion carries 5-0. Thank you very much. My last chance. Rick, go
8 ahead.

9
10
11 Opposed – 0

12
13
14 **Motion carries 5 – 0**

15
16
17 **PLANNING OFFICIAL RICK SANDZIMIER** – As far as the Staff wrap-up goes,
18 I'd just like to add a couple of comments before I give the wrap-up. First, it's
19 refreshing to hear the comments from the commission this evening and
20 comments from the public recognizing the design of the facility. Our staff is
21 working very hard to make sure that the architectural style of the developments
22 are complimentary to what's out there but also bringing a good image to the city.
23 We appreciate recognizing the pedestrian connection because, on this particular
24 project, we also were making pedestrian connections on the other side of the
25 building, which weren't brought up, but we were looking at making connections to
26 the existing street and then also to the existing developments to the people that
27 would come and visit that hotel. I appreciate the effort from Mr. Shah and his
28 team. They were very accommodating working with us. We tried to push this
29 through in an expedited fashion, and so what I also wanted to do was recognize
30 our economic development team led by Mike Lee who is working with these
31 kinds of businesses to bring them into our town and then work with us in
32 Planning to make sure that, as a team, we're bringing better images and better
33 projects to the city. So I just wanted to make those few comments. As far as a
34 wrap-up goes, this is an action taken by the Planning Commission that can be
35 appealed to the City Council. If there is any interested party out there that feels
36 that they want to make an appeal, they can file that appeal within 15 days of this
37 action. That appeal should be directed to the community development director.
38 It would be agendaized for a City Council Hearing within 30 days if we do receive
39 one.

40
41 **CHAIR BARNES** – Thank you Rick. Last on the Agenda, Item 4 is a Change of
42 Zone. Case PEN16—042 (formerly PA16-0026). Can we have a Staff Report
43 please?

1
2 4. Case: PEN16-0042 (PA16-0026)
3
4 Applicant: Najj Doumit
5
6 Owner: Elie Abinader, John Klabb, and Najj Doumit
7
8 Representative: Najj Doumit
9
10 Location: South side of Mountain Ranch Road at
11 Northshore Drive, northerly of Ironwood
12 Avenue APN: 474-250-003
13
14 Case Planner: Jeff Bradshaw
15
16 Council District: 2
17
18 Proposal: This item was continued from the April 27,
19 2017, Planning Commission Agenda. Zone
20 Change - The Applicant is seeking approval of
21 a Zone Change from R1 to R2 for a 10 acre
22 site along the south side of Mountain Ranch
23 Road at Northshore Drive, making the zoning
24 consistent with the project site's Residential 2
25 General Plan Land Use Designation.
26
27
28

29 **STAFF RECOMMENDATION**
30

31 Staff recommends that the Planning Commission:
32

- 33 1. **APPROVE** Resolution No. 2017-2 and thereby **RECOMMEND** that the City
34 Council:
35
- 36 • **ADOPT** a Negative Declaration for Zone Change application PEN16-
37 0042, pursuant to the California Environmental Quality Act (CEQA)
38 Guidelines; and
39
 - 40 • **APPROVE** Zone Change application PEN16-0042 based on the
41 findings contained in this resolution, and as shown on the attachment
42 included as Exhibit A.
43
44
45

1 **CASE PLANNER JEFF BRADSHAW** – We do and, as a surprise, I have
2 another report for you. My name is Jeff Bradshaw. I'm the case planner
3 assigned to this project. The application presented to you this evening is for a
4 proposed Zone Change. This item was originally on the Planning Commission's
5 April 27, 2017, Agenda and that was continued to this evening at the request of
6 the Applicant who wanted an opportunity to meet with residents and discuss their
7 concerns about the project. The project location is 10 acres located north of
8 Ironwood Avenue on the south side of Mountain Ranch Road. The site has
9 unique topography. It is rolling, to level, in some locations but mostly rolling
10 topography with a prominent knoll and rocky outcroppings near the eastern
11 portion of the site. The proposal of the Applicant would be to change the existing
12 zoning from Residential 1 or R1 to an R2 Designation; the primary difference
13 there being the minimum lot size going from a minimum of 40,000 square feet
14 under the R1 Zone to 20,000 square feet under the R2 Zone. The surrounding
15 area to the west is designated for single-family residential uses in the R2 Zone
16 and density. The surrounding area to the south and east includes some vacant
17 land but mostly custom homes in the R1 Zone, so the project site sits right where
18 the R2 and the R1 meets. The unique aspect of this project is that the General
19 Plan designation for this site is R2 with an R1 Zone. As we researched this
20 project going back to the time of city adoption of the General Plan in 1988, the
21 General Plan Designation for this site was R2. As the city went through a zoning
22 consistency exercise, it appears that, from the beginning, the General Plan was
23 R2 and the zoning was R1. So there has been a disconnect between the
24 General Plan and the Zoning since city incorporation. By way of background,
25 there was a previous development proposed for this property. That application,
26 or that proposal rather, included an application for a Zone Change from R1 to R2,
27 and it also included a Tentative Tract Map. That was presented to the Planning
28 Commission in 2009. The Commission at the time voted to recommend approval
29 of the Zone Change and the map and that went on to the City Council where the
30 project was ultimately denied. This project was presented to you this evening
31 after going through a review process with Staff. We reviewed the proposed Zone
32 Change and requested some information from the developer in the way of a Trip
33 Generation Analysis, which was provided. Once we had an opportunity to review
34 that content and had an opportunity to prepare an initial study for the project, it
35 was then scheduled for a Public Hearing in April. Through the preparation of that
36 initial study, it was determined by Staff that the project, the Zone Change, in and
37 of itself would not result in a significant effect on the environment. The Trip
38 Generation Evaluation that was prepared for the project demonstrated that a full
39 Traffic Study was not required for the project based on the low traffic generation
40 forecasted for future buildout of the project under an R2 density, and that
41 document was noticed, rather the availability of the document, was published in
42 the paper 20 days in advance of the April 27, 2017, hearing date. Again, for this
43 project, Staff worked to satisfy the City's Municipal Code Requirements for
44 notification of a hearing. Again, the availability of the Negative Declaration was
45 published in the newspaper 20 days in advance. Ten days in advance to the
46 hearing, the site was posted and notices were sent to all property owners located

1 within 300 feet of the project site. Out of that notification process, I did take a
2 number of phone calls, and there were some inquiries about the project. I had
3 the opportunity to speak with Susan Zeitz a number of times, and she took the
4 time to respond in writing. A copy of her correspondence is provided to you.
5 She also took the time to walk the project site and take a significant number of
6 pictures, which are available in a memorandum that was prepared for you this
7 evening, so the memo that you have is intended to.....I guess it's an extension of
8 the Staff Report. It's an opportunity to bring the comments from the public into
9 the record, and it includes correspondence that we received leading up to the
10 April 27, 2017, hearing, along with the letter from Mrs. Zeitz that I mentioned and
11 her photographs. There is another section to that memorandum that includes
12 additional email correspondence and letters that were submitted for tonight's
13 hearing. So those are available to you for your review and reference. Then,
14 there was an additional email that arrived after the memo was put together, so a
15 copy of the email letter from Kathleen Dale is also available to you for reference
16 as well. I think it is important to acknowledge.....I'm going to go back through
17 some of the comments and relay to you some of the concerns, and then I know
18 there are people here that will more appropriately speak for themselves. One
19 thing that is important to acknowledge is that the surrounding properties,
20 especially to the east, are not all vacant like described in the Staff Report. There
21 are undeveloped or open areas to the east that are put of custom home lots in
22 the R1 Zone. Some of the concerns stated by the residents are very similar to
23 concerns raised during the 2009 public hearing process; concerns with changes
24 to quality of life, concerns over additional traffic that might be generated by
25 potential of doubling the density of the site, concerns about loss of zone that
26 would allow for animal keeping. I'll leave it at that I guess. The comments speak
27 for themselves very consistently among the correspondence you have. You'll
28 see strong opposition to the change that is proposed by this development. One
29 unique thing about the project this evening is you're having a Zone Change
30 presented to you without a development application. That is not a requirement
31 by our Code. I think often you see a Zone Change or General Plan Amendment
32 accompanied by a Plot Plan or a subdivision or a development application of
33 some type and that was what was done in 2009. What's presented to you this
34 evening is just the request for the Zone Change, and again a development
35 application is not a requirement of our code and these changes can be presented
36 to you for consideration on their own merits. With that, staff would recommend
37 that the Planning Commission recommend to the Council the adoption of a
38 Negative Declaration for this Zone Change and approval of the Zone Change as
39 requested by the Applicant. That concludes my report, and I'd be happy to
40 answer any questions you might have.

41

42 **PLANNING OFFICIAL RICK SANDZIMIER** – Mr. Chairman, if I may, I also just
43 want to elaborate where Mr. Bradshaw has pointed out that we have received
44 some pretty significant comments from the area residents. We have received a
45 handful or even more of photographs, but I want to ensure you also that our Staff
46 has been out to the site. Myself I've been out to the site at least three times,

1 walked the perimeter, drove the perimeter, and tried to look at it from different
2 vantage points in terms.....we're trying to make a determination on compatibility
3 of the Zone Change. That's our requirement as your Staff, so I just want to
4 assure you that, in addition to the residents who do live out there, we appreciate
5 their perspective on the project, but I can tell you that our Staff has also done
6 their due diligence and the Applicant himself has provided information about the
7 site and photographs of the site that have all been in consideration for this item
8 for you tonight.

9
10 **CHAIR BARNES** – Thank you Rick.

11
12 **CASE PLANNER JEFF BRADSHAW** – Amended here to the slides, we have
13 the photographs that Susan provided to us. If those are of interest, we can show
14 those as well.

15
16 **CHAIR BARNES** – Thank you Jeff. Any questions of Staff?

17
18 **VICE CHAIR KORZEC** – I visited the site a few times and saw a lot of
19 outcroppings, rocks. Has there been any investigation to date on Native
20 American artifacts because those are typically areas those might be found. I was
21 just curious about that.

22
23 **CASE PLANNER JEFF BRADSHAW** – There was a cultural resource
24 assessment done for the 2009 application. That was not required in this case
25 because there was no actual development or impact to the site. We did have an
26 opportunity to meet in consultation with three tribes that expressed interest in the
27 project when we had sent the transmittal of the project to their attention. Through
28 that process, they recognized that, without an actual development, there really
29 wasn't anything to discuss in the way of impacts. If and when the site is
30 developed in the future, that would be a requirement of the City that they provide
31 an assessment of the property, something more current that would include a
32 record search of anything that might have already been discovered in the near
33 vicinity as well as the appropriate steps that the archeologist would take to
34 investigate this site and that would be part of the review of any future
35 development there.

36
37 **VICE CHAIR KORZEC** – And are there any endangered species in that area,
38 kangaroo, rats, etc., burrowing owls, things like that that there are any signs of at
39 this point?

40
41 **CASE PLANNER JEFF BRADSHAW** – That type of study was also done in
42 2009. Again, with no development, we didn't request any type of study because
43 there would be no impact into the Zone Change until development does occur.
44 I'm not aware of any sensitive species on the site currently. In the future when
45 development would occur, prior to the application being presented to the
46 Planning Commission, there would be a requirement to go back out to the site

1 and provide studies or assessments. Burrowing owl would be one that we would
2 have them do in particular.

3
4 **PLANNING OFFICIAL RICK SANDZIMIER** – If I can elaborate on that, it's not
5 only one time. Also, when the development project comes in, say they want to
6 subdivide the property, there would be a burrowing owl assessment done as part
7 of that entitlement to get the tentative tract laid out. Also, as a standard condition
8 of approval we would put on that development, before they come in and do
9 grading because that entitlement could be in place for three years, up to 36
10 months and it can also be extended over time, so if they didn't build right away
11 there is always a condition of approval put on that sort of approval that requires
12 them to do another subsequent burrowing owl study 30 days before the grading.
13 So that's a standard practice, so it's not that it hasn't been a careful consideration
14 with this development.

15
16 **CHAIR BARNES** – Any other questions?

17
18 **COMMISSIONER SIMS** – On the....is this proposed to be on septic systems or
19 would there be a public sewer built, or is that undetermined at this point?
20

21 **PLANNING OFFICIAL RICK SANDZIMIER** – As Mr. Bradshaw is indicating, it's
22 kind of a what sounds like a broken record. There actually is no development
23 plan associated with this. No map. We can tell you, and we can refer back to
24 the 2009 or 2008, I think it was application. There was a proposed sewer
25 connection, but we don't know that that's going to be the case until he submits a
26 new application. So we do have evidence that there was consideration for a
27 sewer in the past, but we don't have an application on file to confirm that would
28 be the case today.
29

30 **CHAIR BARNES** – Anyone else? I have a question. In the background section
31 of the Staff Report, the second half of the second paragraph, it says that the
32 Government Code further states that in the event that a Zoning Ordinance
33 becomes inconsistent with a General Plan by reason of amendment to the plan
34 or to any element of the plan, Zoning Ordinance shall be amended within a
35 reasonable time so that it is consistent with the General Plan as amended. Now,
36 in this case, the zoning and the General Plan were inconsistent at their inception.
37 It's inconsistent due to an amendment, so this action is strictly driven by the
38 Applicant's desire to change the zone. That is not a factor in this?
39

40 **PLANNING OFFICIAL RICK SANDZIMIER** – It's my understanding that you're
41 correct in that it has been inconsistent since inception, since the General Plan
42 and the zoning documents were first created, but I believe as part of the last
43 project that came in there was an interest to try and make it consistent. There
44 was some consideration in the 2006 General Plan Update to address these
45 issues of consistency, and in each instance there had been no change made so

1 it has remained inconsistent all along. I believe there have been previous
2 attempts to bring it to compliance. Correct me if I'm wrong.

3
4 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Yeah and that's my concern as
5 well. There have been changes to the General Plan and to the Zoning Atlas as
6 well, so whether or not this particular parcel has been touched or not, there are
7 inconsistencies that would need to be addressed. That does not necessarily
8 mean that the zone has to be changed. The General Plan could be changed to
9 be consistent with the current Zoning Map and alleviate the problem in the same
10 manner.

11
12 **CHAIR BARNES** – Alright, I just wanted to be clear that this is strictly driven by
13 the Applicant's desire, not by the City's mandate based on the Government Code
14 to make the General Plan and the zone conform.

15
16 **PLANNING OFFICIAL RICK SANDZIMIER** – That's correct. This is an
17 application driven by a private property owner.

18
19 **CHAIR BARNES** – Alright, that was all. Minor clarification. Anybody else? Oh,
20 yeah.

21
22 **COMMISSIONER LOWELL** – I have a question. I'll just take the microphone.

23
24 **CHAIR BARNES** – Okay, go for it.

25
26 **COMMISSIONER LOWELL** – On the EIR documents, the last page I guess it's
27 page three of the environmental factors, it says the basis of this initial evaluation
28 and it says I find that although the proposed project could have a significant
29 effect on the environment, there will not be a significant effect in this case
30 because revisions in the project had been made by or agreed to by the project
31 proponent a Negative Declaration will be prepared. If there is no project, how
32 can we make that assumption or make that statement?

33
34 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Zone Change is a project.

35
36 **COMMISSIONER LOWELL** – It's a Zone Change. It's not an actual project.

37
38 **ASSISTANT CITY ATTORNEY PAUL EARLY** – But it's a project as far as
39 CEQA is concerned. It's considered to be a project.

40
41 **COMMISSIONER LOWELL** – So this specific Negative Declaration is only
42 pertaining to the Zone Change but, if they decide to put a giant coal power plant
43 there, they'd still have to do another CEQA and say yes this is a gross polluter or
44 something along those lines?
45

1 **CASE PLANNER JEFF BRADSHAW** – That’s correct. It would have to be
2 reviewed under its own merits anything else.....

3
4 **COMMISSIONER LOWELL** – Okay, so this CEQA just pertains to change from
5 R1 to R2 and that’s it?
6

7 **CASE PLANNER JEFF BRADSHAW** – Only to the Zone Change.

8
9 **COMMISSIONER LOWELL** – Nothing out reaching past that?

10
11 **CASE PLANNER JEFF BRADSHAW** – Nope.

12
13 **PLANNING OFFICIAL RICK SANDZIMIER** – If I can also just, with regard to that
14 because I think that might have been some of the comments and some of the
15 letters and correspondence you’ve received. A project defined under CEQA
16 basically says that this is an action being taken that can create a physical change
17 to the environment, so we have to look at it as a project where it has that
18 potential. We look at it, and we do an initial study and, as a conclusion of that
19 initial study, we determined that there is nothing at this particular phase that
20 would result in impacts that would be more than significant. In this case, there
21 were not even any impacts that needed to be mitigated, so we processed the
22 Negative Declaration. We could have identified if there were any impacts that
23 could be addressed through mitigation. That would make it a Mitigated Negative
24 Declaration. Then, if there were impacts that were perceived to be even greater
25 than that or things that could not be mitigated, we would want to do an
26 Environmental Impact Report. In this case, we went through the appropriate
27 steps with CEQA, as this is defined as a project under CEQA, and we concluded
28 that a Negative Declaration was the appropriate document.
29

30 **SENIOR PLANNER CHRIS ORMSBY** – Just one clarification for the record. I
31 think with regard to the section of page three that you were referring to, we
32 should delete the words (because revisions in this project have been made).
33 There haven’t been revisions to the project because the project is the Change of
34 Zone, so that language should be struck, but basically what we’re saying is that
35 the project could have a significant impact on the environment, but it will not in
36 this case based on the analysis that was done. The conclusion is that there
37 would not be a significant impact on the environment, so we need to tweak that
38 wording a little bit.
39

40 **COMMISSIONER LOWELL** – Okay, I would be more comfortable with that.

41
42 **CHAIR BARNES** – Any other questions? Would the Applicant like to respond to
43 the Staff Report or any of our questions? The floor is yours.
44

45 **APPLICANT NAJI DOUMIT** – Commissioners, public, City of Moreno Valley....
46 everyone can hear me? Okay, Commissioners, City of Moreno Valley Planning

1 Department: Good evening, my name is Naji Doumit. I am the applicant here. I
2 would like to express my feeling about the other hearing that I have been here
3 with the City of Moreno Valley working since 2004, and I'm very happy to see
4 that kind of projects that are going to come to the city and that's very good work
5 from City of Moreno Valley. Also, it's going to bring employment. It's going to
6 bring higher-wage people to the city. So tonight I will discuss the proposed Zone
7 Change and the benefit of it. As you may know already, the project is
8 approximately 10 acres currently zoned R1. However, the General Plan is
9 designated R2. I am proposing a Zone Change from R1 to R2 at the north and
10 west side of the property. The benefit of that change is it will increase the
11 neighborhood real estate value by adding upscale homes. It will widen the street
12 on Mountain Ranch Road from one lane to double lanes. We will build semi-
13 custom home to meet the demand for a new home due to the creation of a new
14 job and higher wages in the City of Moreno Valley. More homes will benefit the
15 city and it will increase the level of employment and keeping undeveloped land
16 will not benefit anyone, except the weed abatement company. The hearing was
17 supposed to be on April 27, 2017, and due to the phone calls and opposition
18 from some of the neighbors, we continued it until this month. I did send a letter
19 within a 300 feet radius of the property to the residents to meet and discuss the
20 zone changes and listen to their concerns in order to have a better understanding
21 on how to develop the property. The resident's concerns were as per the
22 following: the traffic, so the proposed change was analyzed by Urban Crossroad
23 and the R2 Zoning will only generate seven more a.m. peak-hour trips and 10
24 more peak-hour trips than the current R1 Zoning Plan. In regard to the rural
25 environment, we discussed the potential to keep the east side of the property to
26 minimum of one acre, one story to preserve the large boulders regardless if the
27 zone is designated to R1 or R2, so we can keep the east side on a minimum one
28 acre. The new custom home will be built in a design that complements the
29 neighborhood and the latest style. In regard to the animal rights, by setting back
30 the new home and utilizing fences and hedges in the future plan, the new
31 development will be designed to not interrupt neighborhood with animal or their
32 privacy. Tonight I am asking the City to approve the Zone Change. Thank you.

33

34 **CHAIR BARNES** – Thank you Mr. Doumit.

35

36 **COMMISSIONER LOWELL** – I have a question for you Sir. You were giving
37 descriptions of development and houses and semi-custom homes and widening
38 the road, but the application tonight is just a Change of Zone. Why did you
39 choose to apply for a Change of Zone and not submit an application for a
40 development at the same time?

41

42 **APPLICANT NAJI DOUMIT** – Well the Zone Change will affect the development.
43 In the past, we had issues back in 2007 of the opposition from the neighbors.
44 This time I reached out to them, and by listening and hearing their concerns, I
45 was able to propose these ideas by keeping the east side of the property as a

1 minimum one acre development for each house just to give them the privacy and
2 the security of it.

3
4 **COMMISSIONER LOWELL** – My personal preference is when we do Change of
5 Zone applications, I like to see what the proposed use of the land would be. It
6 kind of makes it easier to understand what your intent is. A Change of Zone on
7 its face just.....it seems like half an idea. You seem to have a pretty sound idea
8 and dream of what you want to do. For my benefit, it would have been better for
9 me to see what your intent was, what your dream was, what your vision is so we
10 can help decide whether or not the Change of Zone is a good idea or a bad idea,
11 so it's just kind of hard to understand what's going on without seeing a map or
12 without a plan.

13
14 **APPLICANT NAJI DOUMIT** – I tried to put it in words how it's going to be by
15 widening the street, preserve the boulders on the property, and to keep the looks
16 of it by maximizing the size of the properties per lot on the east side.....

17
18 **COMMISSIONER LOWELL** – Correct, I understand that, but what I'm saying is
19 that what's presented to us right now is just a Change of Zone. We can't really
20 take into account what you're saying as part of our decision-making process
21 because it's not evidence in front of us. It's not evidence to support the project
22 because it's not a subjected object or a submitted report, so I just.

23
24 **APPLICANT NAJI DOUMIT** – Well, if you look at the property on the east side, I
25 mean on the west side, they are R2 homes. They are all on half-an-acre lot. If
26 you look at the north side of the Mountain Ranch Road, there are in R2 Zone as
27 well. That's why we are going to keep the consistency of these types of
28 residences and the size of the property to put it on half an acre on that side and
29 maybe use the same half an acre on the north side and keep the neighbors
30 happy to develop the property on the eastern side on one acre.

31
32 **COMMISSIONER LOWELL** – Well, again, a map would've been nice to have;
33 something to help support what you're saying. Everybody is talking about
34 consistency, well right now the project is consistent with the east and the south
35 but, if you change it to zone, it will be consistent to the west and to the north. So,
36 either way, it's still going to be consistent, it just matters which way you look at it.
37 So my original point is I would've liked to have seen a map so I could've seen
38 what was being proposed and what your desires are. It just makes it a little
39 easier to understand.

40
41 **APPLICANT NAJI DOUMIT** – Yeah, it would be easier to understand. I did have
42 a map back in 2006, and we did submit it to the City Council. It was approved by
43 the Commission back then, but it did get denied back in 2007 with the Council
44 due to the opposition of the neighbors. This time, I tried to reach out without
45 doing the map to see what they are their concerns so I can.....later on when I
46 submit the plan and I do a map, I would know how to approach it and how to

1 submit it to the city for approval, so that is the concern of it. I don't want to go
2 with the expense of spending a couple hundred thousand dollars again for it to
3 not get approved and just deny the project. I'd rather resolve the issues now
4 then spending all that money and all the time not to get it done.

5
6 **COMMISSIONER LOWELL** – Thank you.

7
8 **CHAIR BARNES** – Anybody else?

9
10 **VICE CHAIR KORZEC** – I just wanted to ask how many people came to the
11 meeting that year? Can you give us a little detail of how many people you
12 represented?

13
14 **APPLICANT NAJI DOUMIT** – I believe there were about 10 or 12 persons who
15 came to the meeting.

16
17 **CHAIR BARNES** – I have a question of Staff. As far as I know, we cannot apply
18 any conditions to a Change of Zone, correct?

19
20 **PLANNING OFFICIAL RICK SANDZIMIER** – No. we would not apply conditions.

21
22 **CHAIR BARNES** – I guess my question is, thinking outside the box a little bit, is
23 there a way to memorialize his commitments for a future project in some way that
24 would address his concerns about what it ultimately might be, his commitments
25 to the neighbors as to what it will be, and alleviate our questions moving forward.
26 Is there a way to do that? I know it's a tough question on short notice.

27
28 **PLANNING OFFICIAL RICK SANDZIMIER** – Well there is a separate
29 application that could be submitted, which could be a Development Agreement,
30 which would say I want to get approval for the Change of Zone; but then, in the
31 Development Agreement, you may want to have a guarantee of a certain number
32 of lots, and in that conversation, you're defining the total number of lots that you
33 would get on that 10 acres of the site. In exchange, you would be saying on the
34 east end, and you'd have to define what the east end of the property or east side
35 of the property is would be no smaller than one-acre lots. You could do that, but
36 it's a separate application. The reality, if you look at the site and you go back
37 and I know it's not an application that's before us, the previous map that he had
38 submitted most of the properties on the east side were going to be larger lots
39 anyways because of the rock outcroppings that have already been identified and
40 then just some of the physical constraints or challenges on the property. There is
41 not an easy way to carve it up into something smaller than one-acre lots, and I
42 think if you looked at that previous map that's what you would see. I attended
43 the community meeting the other night, it was last week. There were about 10 to
44 12 people. There was some discussion about the previous application was only
45 going to achieve 14 lots. Then, some of the conversation with the community
46 was talking to the Applicant here about possibly reducing that down to 12 lots if

1 you were to carve it up the way they were talking about with one-acre lots on one
2 side. So we've already evaluated a worst-case condition just breaking a 10 acre
3 lot down into half-acre lots. We've assumed up to 20 but in reality what's already
4 been discussed and presented out there is probably going to be 14 lots or less
5 and so, if the commission wanted to go through another process, we'd have to
6 ask the Applicant if he wanted to submit something like a Development
7 Agreement to kind of memorialize things. The other thing I would offer is, in my
8 experience, it is no uncommon for an applicant to come in and do a Zone
9 Change before they submit for a map or a Plot Plan because there is a lot of
10 expense involved. There are applicants that are willing to come in, get the
11 entitlement, submit for a Plot Plan, and then they come in even before that
12 entitlement is done and they go at risk with building and grading permits because
13 they're more eager, they're ready, and they're willing to take that risk. It just
14 depends on the Applicant how they approach it. In this particular case, I'm
15 hearing the Applicant say that he went through quite a bit of expense several
16 years back, got an approval from the Planning Commission, and ultimately did
17 not get the approvals of the City Council, and what he has told us in the
18 processing and what I think I've heard from him tonight, is he is trying to get this
19 first incremental approval from you and that's fine and that is acceptable in
20 accordance with our code and provisions.

21
22 **CHAIR BARNES** – Well I certainly understand his reluctance to spend his money
23 up front on the risk of a project that may or may not be approved but, before we
24 get too far off the path, any other questions about what has been presented so
25 far? Thank you Mr. Doumit. At this time, let's move to the Public Hearing
26 portion. We have nine speakers, the first being Carole Nagengast. I think I
27 pronounced that wrong. My apologies. Susan Zeitz is number two on the list.

28
29 **SPEAKER CAROLE NAGENGAST** – Good evening Mr. Chair, Members of the
30 Commission, Staff, and public. My name is Carole Nagengast. That's fine.
31 Everybody does that to it. Well I live at 26410 Ironwood Avenue in Moreno
32 Valley. I'm a longtime property owner with land, two parcels just to the east of
33 the proposed zoning change. The land owner, Mr. Doumit, is asking to double to
34 20, the potential density, of houses allowed on the parcel that we're discussing,
35 and the City of recommending that this be approved. I remind you that, in 2009,
36 a proposal for 14 houses on the same site was denied due to resident objections,
37 including my own at the time and to the natural unsuitability of the parcel for
38 development. You have seen their significant outcroppings, the rocks, and you
39 have stated that, to the best of your knowledge, the site has never been
40 examined for Native American or other cultural artifacts. As importantly, the
41 planning notice of public hearing sent to me suggests that changing the zoning
42 from R1 to R2 would make this parcel and I quote "consistent with zoning of
43 adjacent developed single-family residential properties to the north and to the
44 west. You've addressed this in some part. However, the above statement is
45 rather misleading. It does not mention the adjacent undeveloped properties in
46 the east and to the south that have been zoned R1 for decades. Secondly, it

1 flies in the face of the 2006 General Plan Zoning of this area as R1. If the
2 General Plan is outdated or inconsistent, and it well may be, my suggestion is
3 that we by all means have a full discussion of it, complete with environment,
4 historical, and cultural impact studies. Let us not make piece-meal significant
5 changes to the General Plan without a full and fair assessment of all aspects of
6 it. I've lived in my present home since long before incorporation of the city
7 because I, my family, and my neighbors value its semi-rural nature. A
8 progressive Planning Commission in any city would ensure the continued
9 designation of any part of the city as semi-rural in order to attract the kinds of
10 families who want horses and other animals, who want to raise their children in a
11 natural environment that includes both wildlife and their privacy. I attended the
12 informal discussion with the land owner last week, and I was somewhat amused
13 and partially shocked to hear a member of his team refer to the northern part of
14 my 5+ acres as a vacant lot. Okay, this has been addressed several times, but I
15 make a point of it because frankly my feelings were hurt just a little bit. That land
16 is part of my back yard. Okay, it's not a vacant lot, and it's an ever-shrinking
17 environment for foxes, rabbits, coyotes, and a myriad of rodent, bird, and insect
18 species. I don't know if any of them are endangered, and I suspect you all read
19 my email since I brought it up at that time earlier today, but the memory of the
20 Stephen's kangaroo rat saga lingers in my mind as it does perhaps in yours.

21
22 **CHAIR BARNES** – Carole your time is up.

23
24 **SPEAKER CAROLE NAGENGAST** – Already? This is not nimby. Okay, if I had
25 known 30 years ago that this would be under constant discussion, I probably
26 would've moved then with my family.

27
28 **CHAIR BARNES** – Thank you.

29
30 **SPEAKER CAROLE NAGENGAST** – Thank you.

31
32 **CHAIR BARNES** – Susan Zeitz.

33
34 **SPEAKER SUSAN ZEITZ** – Before my clock starts, I wanted to ask Rick, he said
35 he.....

36
37 **ASSISTANT CITY ATTORNEY PAUL EARLY** – We're at the Public Hearing. If
38 you want to step up to the microphone, nothing will be recorded unless you come
39 up there. Thank you.

40
41 **SPEAKER SUSAN ZEITZ** – Okay, alright, and walking that property means
42 hiking all over it. I am against the rezoning of Mountain Ranch Road. Since
43 February 1984, for 33 years, we have lived next to and shared our western
44 property line with this property. The subject of the second rezoning request, this
45 unique and challenging property has many crazy topographical features all
46 crammed onto less than 10 acres. From his highest knoll, which is almost

1 centered on this land, you can look around and see that you're standing on what
2 geologically begins with the knolls located on my neighbor's property, Carole's, to
3 the east of me that flows and blends onto and across our property. You would
4 also see earth and boulders, two of which are extremely large. The one in the
5 southeast corner runs east to west, is deep, has large earth that runs the width of
6 the property to the south and is as high as their roof. The other is large and
7 pear-shaped running alongside our shared property line between this knoll and
8 mine. You will also see elevation differences. There are many and great. From
9 the knoll, you can envision a line drawn down the approximate center of the
10 property from north to south, and what you would see on the eastern half are the
11 knolls, the boles, the boles, the largest elevation differences and the harmonious
12 eastern property line that would be ruined by any grading. You would also see
13 the western half has lower elevations, is mostly level, has less dramatic
14 transitions between it and the existing properties to the west, north, and the
15 southwest corner. I've gained an intimate knowledge of this property by 33 years
16 of walking, hiking, and riding horses on it. I recently walked trying to capture it's
17 unique topography with my camera because I wanted everyone to understand
18 why it's zoned R1, why it couldn't support anything less than R1, and why it
19 should remain R1. It's hard to imagine so many topographical challenges can be
20 found on less than 10 acres even when you see it with your own eyes. If you
21 haven't walked this property, I recommend it; the whole property. I submitted
22 photos and letters, which I see that you've gotten in hopes that the photos would
23 enable you to ascertain that it is in the best interest of this land to remain R1.
24 Remember too that the current R1 Zone is consistent with the General Plan
25 Designation and that the R2 General Plan Land Use Designation is for residential
26 uses at a maximum density of two units per acre. November 9, 2017, the city
27 council members denied this applicant's request for the Zone Change, one that
28 had a plan that included five more home than allowed by R1 Zoning. The
29 counselors decided that homeowners have their life savings invested, bought in
30 this area in good faith believing it would remain R1, attended the creation of the
31 first and subsequent Master Plans where we were assured that this northeast
32 area would remain rural. We were told that Vista De Cerros was a natural and
33 good dividing line between R2 and R1 and, in 2006, just to the south of this there
34 was also a denial for a zone change citing many of the same reasons. I'd like to
35 ask you to recommend to the City Council that they should initiate a General Plan
36 Amendment placing this area and the Residential-1 Land Use Designation. The
37 Planning Commission is granted this authority under the MVMC9.02.040D1.
38 Thank you.

39
40 **CHAIR BARNES** –Thank you very much. David Zeitz next. Lindsay Robinson
41 follows.

42
43 **SPEAKER DAVID ZEITZ** – Hi. My name is David Zeitz. My wife has just spoke,
44 and we have the property that borders the whole east side. My land adjoins the
45 entire east boundary of this property. That is the subject of the second rezoning
46 request. We are against the zoning change. My family has lived there since

1 February of 1984 and contrary to current improper Staff Reports, prior Staff
2 Reports, our property is not vacant or sparsely developed. It is a part of a fully
3 utilized R1 residential lot. We are here again to fight to protect our lifestyle for
4 ourselves and our neighbors. We bought our home because of the rural nature
5 and the large properties to the northeast area and when it was Sunnymead. We
6 attending the Planning and Council meetings at the season's inception to ensure
7 the north end remains rural. Last week, the Applicant held a meeting with the
8 residents that live within 300 feet of this property, and despite short notice, we
9 had approximately 10 to 12 people attending but did personally contact many
10 citizens within the 300 foot boundary who expressed their wishes to us that R1
11 Zoning is to be respected. Keep in mind that there are many more citizens
12 concerned about protecting rural areas that are.....excuse me.....about
13 protecting the rural area of the northeast that were not invited to the meeting as
14 invented by the citizens who had voiced themselves tonight. At the meeting,
15 some of the residents proposed an alternate zoning boundary as to compromise
16 the rezoning of the entire property. It would limit the number of lots to
17 approximately the same number allowed by R1 Zoning but gives more flexibility
18 and lot sizes to meet the constraints of the topography. Mr. Sandzimier and was
19 given the document proposing this alternative, but we were sad to see that only a
20 limited number of the details regarding these residents suggestions were given in
21 the Staff Report. While we appreciate the Applicant's willingness to commit to a
22 one acre minimum lot size on eastern portion line, he has not yet provided any
23 sort of binding legal comment to do so. Being willing isn't enough. We feel that,
24 if you take into considering existing topographical constraints and the condition
25 along the eastern portion of the sites, it is a good alternative, and we'd be happy
26 for him to change his request to reflect this partial rezoning on the eastern part as
27 R1. In 2009, Plot Map.....

28
29 **CHAIR BARNES** – Mr. Zeitz, your time is up.

30
31 **SPEAKER DAVID ZEITZ** – Thank you.

32
33 **CHAIR BARNES** – Thank you very much. Lindsay Robinson. Kathleen Dale
34 follows.

35
36 **SPEAKER LINDSAY ROBINSON** – Welcome back Mr. Baker, Mr. Lowell. I'm
37 glad to see you guys back up there. Again, we worked very hard to get up
38 move-up homes on large lots. That's what people out on the northeast end want
39 to live. So we don't think it's right to having to keep coming back and battle. I
40 learned something new this weekend from Mr. Brock. Homes and the develops
41 don't pay enough for all the public services that you receive, and if you look at
42 this area, it's going to be a dangerous area for fires, as it is already. There's only
43 a limited ingress and egress on Vista De Cerros and Steeplechase. Mountain
44 Ranch Road is a dead-end, so you cannot drive the perimeter. Sorry, so I don't
45 know how Mr. Sandzimier did it. So the residents, when you cram more houses
46 because it's also happening further east, are left with the consequences of what

1 these developers. They take their money, and they leave us to suffer the
2 congestion, the noise, the traffic that we did not move out there for, so please
3 respect the residents. Let us keep the one acre zoning, and I guess that.....oh,
4 and development agreements. Like they said, there is no plot for this. There is
5 no plan. He is not legally bound to keep what he is saying, the knolls, the
6 boulders, whatever. Development Agreements, we all know, get changed all the
7 time. Again, they come in and get, oh this isn't going to work. I want to change
8 this in my Development Agreement, so again that's not a workable solution. So
9 we hope that you will perhaps put this off and make him come back with a Plot
10 Plan or at least something legally binding because just wishes and dreams aren't
11 enough. Our dreams are out there on large lots, and we hope you will respect
12 that and keep the large lots and not do any more zone changing. A promise was
13 made back in 2009. A line was drawn at Vista De Cerros, but the City cannot
14 find the documents, along with several other documents, but we need that
15 promise kept. That's what we.....and we're all vested in this city. We're involved
16 on commissions, boards, in the arts, and everything in the city, and there aren't
17 the jobs to support hundreds and hundreds and thousands of new homes, so
18 again you're going to get back in the commuting issue. Just saying there is only
19 going to be 10 extra trips a day or one extra trip is wrong. Plus, I want to
20 apologize if you guys felt strong-armed by the residents who came and talked to
21 you about the Ironwood Village project because we were informed at a meeting
22 on Monday night by Alex Ramirez and Jovanni that we bullied you guys and
23 strong-armed you because we came and spoke in opposition of Ironwood
24 Village, so thank you.

25

26 **CHAIR BARNES** – Thank you. Kathleen Dale. Then, Rafael Brugueras.

27

28 **SPEAKER KATHLEEN DALE** – Good evening. I'm really tired. I don't normally
29 prepare a script, but I wasn't sure I was going to be able to speak coherently
30 tonight, so the first couple pages of what I gave you is my statement, but the
31 important content is the exhibits that are attached at the back. My name is
32 Kathleen Dale. I'm a lifelong resident of Moreno Valley. I'm a retired planner
33 and environmental consultant. I am here tonight to support my many friends who
34 live in this area and who oppose this rezoning. The three exhibits that I've given
35 you are very important to your decision, but for some reason that information is
36 missing from the Staff Report. These exhibits show the General Plan and
37 development patterns for the R1 area. This information has been central to
38 several prior decisions about zoning for this area, and nothing has changed. The
39 Staff Report states that the rezoning and it was stated again in the oral
40 statements that it's necessary to achieve General Plan consistency, and that's
41 just flat out false. The Residential 2 plan designation is for uses at a maximum
42 density at two units per acre. The less intense one acre per unit density of an R1
43 Zone is consistent, and if you look at the Zoning Map and the General Plan Map
44 that are attached, this area has been designated R2 since the beginning. It's
45 also been zoned R1 since the beginning because that less intense zoning is still
46 consistent. This block of R1 Zoning has been protected consistently over the

1 years with the denial of the R2 Zoning on five acres on the Ironwood frontage in
2 2004, with the General Plan update in 2006, and with the rezoning request on
3 this side in 2009. The existing development pattern has been the primary
4 consideration in this protection, and if you look, there's a map at the back that
5 gives you all of the parcel boundaries for this area from Vista De Cerros over to
6 Nason between Ironwood and Kalmia. There are 90 lots in that area. Eighty of
7 them are currently developed. I think, sorry I'm losing my.....it looks like
8 something happened.....okay, sorry 80 of the 90 lots are developed. Most of
9 those date to before incorporation. The base map that I gave you shows the
10 footprints of the structures, but I added asterisk so you could see the lots that are
11 vacant. There are 10 vacant parcels that range in size from 1.6 to 3.8 acres.
12 Twelve of the developed parcels are less than one acre in area, and all but one
13 date back to before incorporation. There were two parcels where a lot line
14 adjustment was done and created two parcels, one of which was less than an
15 acre. You are under no obligation to approve this rezoning and recognizing the
16 existing development pattern in this rural enclave and the multiple constraints on
17 this particular site. The city has consistently upheld the existing R1 Zoning, and
18 you should do the same. The proposed subdivision that accompanied the 2009
19 denied rezoning demonstrates that this site is not suitable for R2 Zoning. Can I
20 have a few more seconds? I mean, we're not going very late here.

21

22 **CHAIR BARNES** – I don't think that would be appropriate.

23

24 **SPEAKER KATHLEEN DALE** – Wow, alright, well please deny this and also
25 please consider initiating a Zone Change or a General Plan Amendment so these
26 people don't have to come back and do this again.

27

28 **CHAIR BARNES** – Thank you Kathy. Mr. Brugueras. Jackie Smith follows.

29

30 **SPEAKER RAFAEL BRUGUERAS** – Good evening Chair, Commissioners,
31 Staff, residents: I learned a lot tonight about the zoning R1 and R2. I got more
32 educated. I've been up there twice. I was up there in April, and I enjoyed the
33 ridge. I went up there yesterday, and I enjoyed the same ride. I looked. I got out
34 of my truck. I went all the way up to the dead end. I got out, went around
35 because there is a dead-end up there. Turned around, made the U-turn and
36 come back down. I parked the truck, and I get out and I look at the land. I don't
37 walk on land like that that's private, so I stayed within my boundary, that's the
38 street, and I looked at all the property around it. Then, I drive off and I go
39 through the community. On the other side of the hill, is Steeplechase. I said,
40 okay, I go up Steeplechase and I come back down. The one thing I noticed
41 about the neighborhood, there is a lot of people that do take care of their land,
42 and there's a lot of people that are no longer taking care of the land because
43 maybe it's too big, or they don't have the money, or they've gotten a lot older and
44 they cannot handle the three acres or more any longer. Okay? Now, by
45 approving this tonight, it does not change anything that anyone has. All we're
46 doing is allowing more people to live on the hillside. That's all it is. A few more

1 people, a couple of extra cars; 14 the most if only two people per house. Okay,
2 that's not a lot. It's not going to hurt the neighborhood. It's not going to hurt the
3 animals. It's not going to do none of that, but more people would be able to live
4 on the hillside and enjoy the beauty just like the long-term residents that we
5 heard tonight. That's all it is. Now, I give kudos to Ms. Robinson. She said
6 something important, to hold, the developer, or the property owner accountable
7 to some of the changes that he is going to make like Brian Lowell mentioned.
8 That's very important. That, if he is going to promise something, it should be
9 held on paper because people do pass away and people do change their minds.
10 It is a beautiful property to be shared with others. I understand what they have
11 and they've had for a lot of years. We're not taking that away. You're not going
12 to take that away from them. They still have it, but that land should be shared for
13 others to enjoy that hillside. I'm just saying let other people share half acres, 20
14 square foot lots up to 39,000. Those are pretty good-sized lots, and you can put
15 nice custom-made homes on them. You really can. You're not taking anything
16 away from the residents. You're allowing others to enjoy the beauty of the
17 hillside in the City of Moreno Valley.

18
19 **CHAIR BARNES** – Thank you Mr. Brugueras. Jackie Smith. Christopher Tafoya
20 to follow.

21
22 **SPEAKER JACKIE SMITH** – Good evening. My name is Jackie Smith. I have
23 lived in Moreno Valley for over 30 years. I happen to live on the east end, and I
24 find it interesting. I moved from the beach and any of you who have ever lived
25 down there, the beauty of moving out here was getting away from congestion,
26 pollution, noise. I love the ocean, but it was worth it. So here I am, and I have
27 not been one of the active citizens. I have worked outside the city. I live here,
28 and I went elsewhere to work. However, as a result of that, I'm one of the people
29 who hasn't stood up for what needs to be taken care of, and that is this east end
30 property. What I've seen are the changes that have taken the beauty away, and
31 what I'm hearing tonight is residents who are begging to continue leaving a
32 remaining section of Moreno Valley. I have a little trouble breathing, sorry, when
33 I get excited. It's changed dramatically in the past 10 years. Recently, the
34 Sonny Bono Exchange, it's such a dramatic change that it's hard to explain it. In
35 the middle of the night one night, I woke up. What is that noise? What is that
36 noise? And I realized it was the building of the wall and the exchange that
37 created a huge amount of noise coming up from the freeway. I never heard it
38 before. So I know it's easy for people to say, oh let others live there, or let's
39 share it. You see what happened to the beaches. That doesn't make it right.
40 Natural beauty has a place in Moreno Valley. The spaciousness that people paid
41 money for and counted on should remain, so for that reason I ask that you deny
42 rezoning. If I can get my breath here, I am going to read something that
43 someone didn't get to finish. In Mr. Doumit's 2009 Plot Map, it logically shows a
44 tier of our two lots along the west side boundary that matched the existing lots on
45 Vista De Cerros and makes sense when you look at the site topography. The
46 knoll that dominates the eastern half of the site makes logical boundary for R1

1 lots and keeps the entire knoll within the R1 range. The suggested reduced
2 rezoning area creates logical zoning boundaries and is a way to enforce the
3 Applicant's commitment to one acre minimum lots. I ask the Commission to deny
4 the zoning change or to consider the residents request of limit the rezoning to the
5 western part of the property and grant a continuance of this item to allow time for
6 residents.....

7
8 **CHAIR BARNES** – Ms. Smith.

9
10 **SPEAKER JACKIE SMITH** – Thank you.

11
12 **CHAIR BARNES** – Thank you very much. Christopher Tafoya. Tom Jerele, Sr.
13 follows.

14
15 **SPEAKER CHRISTOPHER TAFOYA** – Good evening. My name is Chris
16 Tafoya. I just want to read an email that I sent to the Planning Commission. I
17 wanted to reach out regarding the Mountain Ranch Road rezoning project and to
18 express my concerns about the proposal. As a resident of Moreno Valley's
19 eastern community, I have seen many changes over the years that I have found
20 disturbing. The rural community development in the 92555 area has been
21 steadily developed over the past 10 years and has been hailed as progress by
22 many of our city leaders, including a majority of our City Council. This could not
23 be further from the truth in my perspective. The development that has resulted in
24 several shopping centers, car dealerships, and most troubling logistics centers
25 and warehouses that bring countless trucks, pollution, and noise to our
26 neighborhood. These changes have diminished the unique quality that has
27 endeared Eastern Moreno Valley to so many in our city. Instead of planning
28 these projects in the area of Moreno Valley that were already properly zoned for
29 such development, we have seen time and again developers pressure and buy
30 approval to erect their buildings in the eastern community. That brings us to this
31 moment, in which developers want to take yet another mile when we should not
32 concede an inch. Rezoning the Mountain Ranch Road area for this project will
33 further change what is meant to be a rural community. More homes on smaller
34 plots of land will mean more of the same that we've already had to endure,
35 congestion, pollution, and noise. Those of us that moved to this area did so for
36 its natural environment and character, not to be subjected to the financially-
37 motivated plans of money-motivated developers. Please take my concerns
38 seriously. As a resident of this community for 33 years, I've seen our city roll
39 over time and again to developers, and it would be a shame to see it happen yet
40 again. Stand up to our residents and citizens and recommend that this area of
41 Moreno Valley should not be rezoned for the benefit of developers and to the
42 detriment of our community. Thank you.

43
44 **CHAIR BARNES** – Thank you. Mr. Jerele.

45

1 **SPEAKER TOM JERELE, SR.** – Tom Jerele, Sr. again speaking on behalf of
2 myself. Chair Barnes, Vice Chair Korzec, Commissioners, Staff, and the public:
3 First of all, I would like to say that I have an acute respect for anybody who
4 stands up for their opinion whether for or against. That’s what that flag is all
5 about, and I’m so proud to do the Pledge of Allegiance because it guarantees our
6 freedom to speak our mind and our grievances. I know this property very well.
7 I’ve actually walked it a number of times. I built five custom homes in the 1980s
8 just to the west of this. I designed three others. They ranged....the homes I built
9 were from 21,000 feet to 47,000 feet. The ones I designed were in the mid-
10 3000s, high 3000 foot range. They were built by others. I was working for
11 another company at the time, so I know the area very well. I actually moved out
12 here to try and acquire property just to the northeast of this tract, 10271, which
13 has 10,000 and 12,000 foot lots on it, which are built out today. They would be
14 just east of Lasselle and just above the property that sits to the northeast. I was
15 on that original General Plan Committee that was approved in 1988, but the
16 single-most important thing I can say about this application is I have personal
17 knowledge of the developer, and I have always said determining a person’s
18 credibility, just look what they’ve built before. The Doumit’s, I think, are a class
19 act. They have two properties, one commercial, one residential, and they are not
20 in the best area of town in Edgemont. They improved those areas. And think
21 about that, I didn’t realize they came here in 2004. Well, where were we in
22 2004? Everything was on the up. Come 2007, we were on the down. They
23 made it through the down cycle. They are still here so, and they are maintaining
24 their properties and doing a darn good job in my opinion. So I’m a quasi
25 competitor and, for the record, I have no vested interest in this project. The
26 Doumit’s did not ask me. There is nothing in it for me here then community
27 benefit, and also I know the book on most projects that come to you. I’ve been in
28 the development business, and it’s extremely expensive right now. I also know a
29 little bit about trying to maintain a property. I got a 7800 foot lot and that water
30 bill I love it in the summer, \$170, \$150. You know what I mean? I talked to my
31 neighbors and it’s all about the same. If you want some green grass, you’re
32 going to pay dearly for it, and I live alone so it’s terrible. I do like some of the
33 comments brought forth by both Commissioner Lowell and Chairman Barnes
34 about trying to come up with some assurance. I learned something tonight. I
35 didn’t realize you couldn’t put conditions on a Change of Zone, but I do think
36 there needs to be some assurance for the people around the property. I think the
37 Doumit’s will do a good job. There is a desperate need for high-end housing in
38 this city. It is so underdone. I don’t see this as a very highly-aggressive project.
39 They were talking about the history of that area. I think the question.....

40

41 **CHAIR BARNES** – Mr. Jerele, your three minutes are up.

42

43 **SPEAKER TOM JERELE, SR.** – Okay, well in short, there was a gorge on Vista
44 De Cerros and a pile of rocks on the other side, so things change.

45

1 **CHAIR BARNES** – Thank you very much. This concludes the public speakers,
2 so at this time, Mr. Doumit would you like to respond to anything you’ve heard?

3
4 **APPLICANT NAJI DOUMIT** – Good evening again. I really do feel for the
5 residents and knowing the City of Moreno Valley since 2004 and what they are
6 trying to achieve, it’s to keep the money in Moreno Valley in Moreno Valley. The
7 statistics show that most of the high-paid people that work in the City of Moreno
8 Valley they don’t live in Moreno Valley. They live somewhere else, and if we
9 don’t provide some high-end new homes and better places, they are not going to
10 come to Moreno Valley. They are going to go somewhere else, and I do have a
11 track record of I do build some custom homes. I build shopping centers. I build
12 apartments. I build condominiums, and I always do a good job regardless what
13 area I am, so I know for sure that I will doing a beautiful project that everybody
14 will be happy to go and live there. I would consider the opportunities, and I would
15 like to work with the neighbors to come to a conclusion that will benefit
16 everybody. That property is not going to stay vacant there. It is going to get built
17 regardless, whether their 10, whether their 14. It could be R1 Zone and people
18 build their guest house there, and you end up with 20 homes anyway. So I think
19 by coming up to a conclusion that would benefit the people on the easterly side
20 of it, I am willing to work with them. That’s why I am here. That’s why I met
21 them, and that’s why I’m asking for your approval. Thank you.

22
23 **CHAIR BARNES** – Thank you Mr. Doumit. With that, we will close the Public
24 Hearing and have some discussion. Any comments? Ah, you seem to be ready
25 to go, so go. Commissioner Lowell.

26
27 **COMMISSIONER LOWELL** – I have a question for Staff real quick. Given the
28 fact that we were presented with a map, which I probably should’ve downloaded
29 on my own, the zoning versus General Plan Map or Land Use Map, and there is
30 an obvious conflict between R1 Zoning and R2 Zoning. It is more than just this
31 one piece of property. If someone were to develop this land right now, the
32 zoning is R1, but the Land Use Map is R2, which governs?

33
34 **PLANNING OFFICIAL RICK SANDZIMIER** – The zoning regulations in the law.
35 The General Plan is a policy document.

36
37 **COMMISSIONER LOWELL** – So currently the land is zoned R1 and that
38 governs?

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

41
42 **COMMISSIONER LOWELL** – So, since there is a discrepancy between the
43 zoning and the General Plan, how would we rectify those to make them more
44 consistent with one another.

1 **PLANNING OFFICIAL RICK SANDZIMIER** – I’m sorry, I didn’t hear the
2 question?
3

4 **COMMISSIONER LOWELL** – The map that we have here, it says the Zoning
5 Map, it says R1, but the Land Use Map says there’s a bunch of R2. How would
6 we make them, the maps, agree on a global scale or a more macro scale, not
7 just in this one specific property? Is there some mechanism moving down the
8 line that we can make both of these agree?
9

10 **PLANNING OFFICIAL RICK SANDZIMIER** – We are getting ready, you’ve
11 heard me say before, a Comprehensive General Plan Update. The
12 Comprehensive General Plan Update is expected to take anywhere from two to
13 two-and-a-half years from this point forward. It’s a different timeframe.
14

15 **COMMISSIONER LOWELL** – So there’s a long-term plan in progress to make
16 these more consistent with one another?
17

18 **PLANNING OFFICIAL RICK SANDZIMIER** – Right. The difference
19 between....one of the speakers said that the R2 Land Use Designation versus
20 the R1 Zoning Designation are somewhat consistent. I wasn’t quite sure how
21 that would work because, if you have an R2 Land Use Designation in the
22 General Plan versus an R1 Designation in the General Plan, the R1 Designation
23 in the General Plan is saying basically a minimum of one-acre lots or one lot per
24 acre. Okay, R2 is two lots per acre.
25

26 **COMMISSIONER LOWELL** – Correct.
27

28 **PLANNING OFFICIAL RICK SANDZIMIER** – In the R1 Zoning, you’re
29 compromising that property owner’s availability to achieve what the General Plan
30 Policy has set forth. The General Plan Policy was assuming you could get up to
31 two lots per acre but, because of the zoning inconsistency, they can only achieve
32 one. In this particular case, what was outlined in the previous application years
33 ago, they weren’t going to try and get 20 lots. So, what I would say and I said
34 this is the residents the other night, there is nothing in the R2 Zoning, not Land
35 Use but in R2 Zoning, that precludes you from building bigger lots.
36

37 **COMMISSIONER LOWELL** – Correct.
38

39 **PLANNING OFFICIAL RICK SANDZIMIER** – You can always build bigger lots,
40 so I guess what I’m trying to say is I think I understand the previous....
41

42 **COMMISSIONER LOWELL** – Zoned R10 and only build one house.
43

44 **PLANNING OFFICIAL RICK SANDZIMIER** – Right, so it’s just a different
45 perspective. There was....I don’t want to go on a tangent, but I was just trying to

1 make that clarification what the difference between zoning and the General Plan
2 is.

3
4 **ASSISTANT CITY ATTORNEY PAUL EARLY** – If I may join in on this. Rick
5 mentioned that the Zoning Code is the law and that is what governs for the
6 application and, while that’s true, State Law does require that your zoning laws
7 be consistent with your General Plan and they are subject to be voiding if they
8 are not. The courts will give deference the legislative body’s determination of
9 what constitutes consistency. So, if you have provisions in your General Plan
10 that say we want to preserve the rural character of this particular area, what does
11 that mean is something that the legislative body can opine on. My concern on
12 this particular one is that we don’t have that kind of abstract language. We have
13 very specific language that says one thing in the General Plan and one thing in
14 the Zoning Code. So my perspective is I’d like to see that brought consistent
15 without respect to whether or not one is more or less intensive of the other but
16 just that they are consistent. So, if this body or the Council were to not make the
17 Zone Change as recommended, my recommendation would be that they move
18 forward with a General Plan Amendment to once again make it consistent. So
19 whichever way you want to go, we do believe that there does need to be a
20 consistency between the two.

21
22 **COMMISSIONER LOWELL** – And what’s before us tonight is a Zone Change,
23 not a General Plan Amendment?

24
25 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Correct. Right before you
26 tonight is only the option to approve or not approve the Zone Change. However,
27 as I believe Ms. Dale mentioned, it is within the Planning Commission purview to
28 recommend the initiation of a General Plan Amendment, so it’s within your power
29 to initiate that.

30
31 **COMMISSIONER LOWELL** – And a General Plan Amendment would be to what
32 end?

33
34 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Conceivably, if you were to not
35 approve this Zone Change, you may recommend a General Plan Amendment
36 that would change it to the same as the current zone, which would make it R1 in
37 the General Plan. I’ve got to keep them straight but yeah.....

38
39 **COMMISSIONER LOWELL** – That’s what I’m having trouble with.

40
41 **ASSISTANT CITY ATTORNEY PAUL EARLY** – If you don’t.....if you do not
42 approve the Zone Change from R1 to R2, you could recommend that the Staff
43 bring back a General Plan Amendment changing General Plan from R2 to R1.
44 Was I right on that Jeff? Did I get that order right?

45
46 **CHAIR BARNES** – Yes.

1
2 **COMMISSIONER LOWELL** – But, if that’s the case, then wouldn’t we have an
3 island of R1 in the General Plan?
4

5 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Well, if there are other
6 properties that are similarly situated, my recommendation would be to do the
7 same thing to all properties when you brought that forward.
8

9 **COMMISSIONER LOWELL** – Yeah, it’s a lot of land. If you look at it, it’s a lot of
10 land.
11

12 **ASSISTANT CITY ATTORNEY PAUL EARLY** – And it would be a significant
13 General Plan thing to address.
14

15 **COMMISSIONER LOWELL** – Okay. One of the other things for Staff, since I’m
16 talking to you guys right now, one of the.....actually several people in the past,
17 tonight included, have been saying that public notification in the newspaper is
18 obsolete, which I agree. What can we do to make sure the notification keeps up
19 with modern times, posted on the website, tweeted out, some sort of modern-age
20 notification other than the newspaper because I personally don’t get the
21 newspaper? I canceled it about eight years ago. It would just go from my
22 driveway to the trashcan.
23

24 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Public notification in the
25 newspaper is required by law, so that would never change.
26

27 **COMMISSIONER LOWELL** – I understand that.
28

29 **ASSISTANT CITY ATTORNEY PAUL EARLY** – If we did anything in addition to
30 it, it’s certainly within the Council’s power to request, to require that, or the City to
31 adopt policies that require different types of notification understanding that those
32 would probably come with additional cost to developers, so it’s probably a policy
33 decision that would come from the Council.
34

35 **COMMISSIONER LOWELL** – Electronic media shouldn’t have too much cost.
36

37 **ASSISTANT CITY ATTORNEY PAUL EARLY** – It certainly could be
38 recommended.
39

40 **COMMISSIONER LOWELL** – It would be like requiring to send a telegraph or a
41 fax. Not many people have a telegraph or a fax anymore.
42

43 **PLANNING OFFICIAL RICK SANDZIMIER** – With regard to General Plan
44 Amendment initiation, I just wanted to read the Code Section. It says that the
45 initiation of a General Plan Amendment can be created by recommendation of
46 the Planning Commission and City Council concurrence. So, you as the advisory

1 body could make a recommendation, but it still requires the City Council's
2 concurrence in order for you to initiate it.

3
4 **COMMISSIONER LOWELL** – Okay, well I think that's a bridge that we'll have to
5 cross at that point in time.

6
7 **CHAIR BARNES** – Another point of clarification is the assumption that the
8 upcoming General Plan Amendment with fix inconsistencies I think is not true at
9 all because, being a policy document, it could potentially make more parcels
10 inconsistent than it would be consistent because it's the vision moving forward.
11 So potentially parcels would stay in their current zone and would be
12 grandfathered, but at such time as they develop, then they move with
13 consistency of the General Plan. So I don't think we should assume the General
14 Plan Amendment would fix this just in and of itself.

15
16 **PLANNING OFFICIAL RICK SANDZIMIER** – The General Plan Amendment
17 could fix it specifically.....

18
19 **CHAIR BARNES** – I meant the revised, the updated General Plan. That's what I
20 mean, not the General Plan Amendment. Excuse me.

21
22 **PLANNING OFFICIAL RICK SANDZIMIER** – An updated Comprehensive
23 General Plan Update could make is consistent. It's just going to operate under a
24 different timeframe than this applicant is seeking approval for.

25
26 **CHAIR BARNES** – But that's not its goal per say because it could potentially
27 make many other parcels inconsistent because of its directive to be a policy
28 guideline.

29
30 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes, and then that's why you have
31 a certain period of time to make your Zoning Code consistent with you General
32 Plan once you make that change. So that could be the case. We haven't got
33 that far down the road with regard to our Comprehensive General Plan Update.
34 We're still working on the scope. There will be lots of community meetings and a
35 lot of interaction and input before we get down that road.

36
37 **ASSISTANT CITY ATTORNEY PAUL EARLY** – My point was only that you're
38 not mandated to adopt this Zone Change at this point right now. There are other
39 options that will fix these potential problems.

40
41 **CHAIR BARNES** – So in getting back to the project at hand, any other
42 comments?

43
44 **COMMISSIONER LOWELL** – Yes.

45
46 **CHAIR BARNES** – Proceed.

1
2 **COMMISSIONER LOWELL** – Some of the people tonight were talking about the
3 unsuitability of the site saying that there’s knolls, valleys, crests, and rocks, and
4 whatnot. Well, in my experience as an engineer, it is a difficult site to come up
5 with unique solutions, and we’ve seen that in the past. Actually, at the last
6 Planning Commission Meeting, we had a very unique situation where a shopping
7 center was derelict in the back area where there was homeless, drugs, violence,
8 and whatnot, and the property owner proposed a very unique solution to a very
9 weird problem, and I commend that. So this site being unsuitable will generate a
10 nice unique situation and a nice solution. So the engineer in me sees a
11 challenge. The Planning Commissioner in me sees the Zone Change, is this
12 really what we want to do right here and right now without an underlying map or a
13 bigger picture being presented along with it. Going back to the idea of having a
14 transitional plan where you have denser houses on one side and less dense on
15 the other, I like that idea, but given what we’re presented tonight Change of
16 Zone, yes or no, we can’t hold anybody to that. So I’m kind of torn, and I’d like to
17 hear what everybody else has to say before making any other decisions.
18

19 **CHAIR BARNES** – Commissioner Sims.
20

21 **COMMISSIONER SIMS** – I’d like Staff to explain the process on a Developer
22 Agreement with the City, how that process works. I mean, is it full Tentative
23 Tract Map or there is sufficiency in some preliminary design work that could be
24 done at not great expense going all the way through a full entitlement process
25 like for a Tentative Tract Map and so forth to create some certainty that wouldn’t
26 derail a project. I mean, a General Plan Amendment, we could be here until god
27 knows when, if and when that ever goes through a process like that. So what is
28 the process, the actual process that the City has for Development Agreements
29 and could that somehow be meshed into, if we were to continue this, for an
30 appropriate period of time to generate a Development Agree? I look at this, and
31 there are a lot of the same folks that were here for the Ironwood Village, and I
32 look at these as to.....not to be of any disrespect, I look at these as a far, far
33 different situation that what was being proposed with.....the other’s project
34 seemed very incompatible with the rural lifestyle. The half-acre minimum is
35 compatible with animal keeping and, over the three or four years that I’ve been
36 on the Commission, there’s been recurrent of Moreno Valley doesn’t have a
37 place for people who want to move up to. Well, this is a prime spot for that and I
38 think, with the mapping if Mr. Doumit is the same applicant of the 2009 case, and
39 this exhibit that was shown that was here. That’s very, very respectful of the
40 uniqueness of the property, and I do think from a Planning standpoint and an
41 Engineering standpoint, there is going to be obvious development capability of
42 the property against cost. So there will be break points on where it is 13, 12, it’s
43 not going to be 20 lots. They are not going to grade out. It’s highly unlikely to
44 grade out a rock pile. So, anyhow long story short, going back to my original
45 question.....I was pontificating there to give you time to do research, but anyhow
46 I would like to understand what the Development Agreement process is.

1
2 **PLANNING OFFICIAL RICK SANDZIMIER** – Sure, first off.....

3
4 **COMMISSIONER SIMS** – As well as the timing.

5
6 **CHAIR BARNES** – Yeah.

7
8 **PLANNING OFFICIAL RICK SANDZIMIER** – And a lot of preferences, I'm going
9 to read some sections from the Code just to answer your question, but I want to
10 make sure it's real clear for the record, the Applicant has not submitted an
11 application for a Development Agreement, so that's not before you, and it
12 shouldn't be something you're taking on saying we're approving a Development
13 Agreement because we don't have that in front of us. A Development Agreement
14 basically allows, it's an agreement between the property owner and the city to
15 specify things about the density of the site, the intensity, the timing, conditions of
16 development all associated with the real property. It gives the developer some
17 certainty in terms of what the rules and regulations will be for him to develop his
18 property, and it gives the city some assurances. Typically, there is an advent
19 flow that goes back and forth in terms of what is the city going to get out of this
20 Development Agreement? It can be....you have some freedom in the way you
21 negotiate them, but the contents of the Development Agreement shall specify the
22 following: first of all, the duration of the agreement. Second, the permitted uses
23 of the property, including a plan of development unless that is waived by the City
24 Council, but unless it's waived by the City Council you would get a plan for the
25 development. You would specify the range of permitted density and intensity of
26 use. You would identify maximum heights and sizes of proposed buildings, and
27 you would identify provisions for reservation or dedications of land for public
28 purposes or the payment of fees were in lieu thereof. Those are the five specific
29 things in our Code that are called out. As far as the process goes, it would
30 require a separate application. I don't have the fees in front of me, but I believe
31 it's about an \$8000 deposit. The deposit is just to get the process started, but
32 you pay for the full cost of the services that are involved in reviewing the
33 Development Agreement, and it's a back and forth between the Developer and
34 the City Staff. We would also have that Development Agreement, the plans,
35 reviewed by our Public Works Staff or Special Districts Staff or MVU Staff (The
36 Moreno Valley Utility), the Planning Staff, the fire department, so it's a full review
37 and all that time and cost is it could be higher than the \$8000. In addition to that,
38 the developer would be required to put together a Development Agreement
39 document itself that would be negotiated and to the extent that we need to define
40 those heights, intensities, and densities, and a Development Plan, there's a cost
41 involved with that that goes back to the developer. So that somewhat in a
42 nutshell is what a Development Agreement can do.

43
44 **CHAIR BARNES** – Does a Development Agreement come back to us?
45

1 **PLANNING OFFICIAL RICK SANDZIMIER** – A Development Agreement is a
2 legislative decision. It comes back to you in an advisory capacity, and it's
3 ultimately agreed to by the City Council.

4
5 **CHAIR BARNES** – Okay.

6
7 **COMMISSIONER LOWELL** – Without stepping too far out of line, is this
8 something the Applicant would be interested in doing?

9
10 **PLANNING OFFICIAL RICK SANDZIMIER** – I don't know the answer to that,
11 and tonight the application before you is a proposed Change of Zone. I think to
12 try and negotiate this on the floor.....

13
14 **COMMISSIONER LOWELL** – Well we wouldn't want to negotiate it tonight,
15 maybe possibly table it for a later discussion.

16
17 **CHAIR BARNES** – Yeah, I think before we go there that we pursue a solution
18 that solves tonight's dilemma, which is an action on this case, so.....

19
20 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may, Mr. Chairman, the action
21 tonight just to reiterate what the Staff Report said, and I know there's been some
22 discussion about the lack of a subdivision map or a plan, a Zone Change does
23 not require that. When that plan does come forward, it has to go through its own
24 review, and its own review would require a Plot Plan, which comes back before
25 this Planning Commission. So, if you're uncomfortable with the densities or the
26 layout or lot configuration, there is going to be what I'll call another bite at the
27 apple to go through that process to get that approved. So it's not like approving
28 the Zone Change you give them carte blanche on what they can do with the
29 property.

30
31 **VICE CHAIR KORZEC** – Well, I was just going to say, I'd have difficulty voting in
32 favor of this. I think a Zone Change is something really serious and, without a
33 Development Agreement in place so that we have a little more protection for the
34 homeowners and also for the Applicant who made some nice promises or some
35 nice concessions, just to do a Zone Change and have nothing in place that would
36 legitimize any of these future changes I wouldn't vote in favor of.

37
38 **CHAIR BARNES** – Anybody else? My thought is, at this point, is a Development
39 Agreement is not probably appropriate. At least, I wouldn't recommend it. If
40 we're going to suggest that the client spend some money, and obviously the
41 issue bringing this forward by itself was to avoid the cost of a Tentative Map and
42 all the associated costs, I would think it would be more productive to put that
43 investment into a Tentative Map so that we have something to look at because a
44 Development Agreement still doesn't really answer the neighbors questions, and
45 it really doesn't answer ours. Now, that being said, it seems like the discussions
46 that have been had between the Applicant and the neighbors had been fairly

1 productive, and they are not that far apart. So that would give me some
2 confidence that there is a potential to move forward with the project and
3 negotiate that as a process forward. Without that, I'm a little reluctant to do that,
4 so I kind of second what you're saying, but I don't think a Development
5 Agreement is the place to go because that still takes the can and the cost of the
6 actual development plans down the road.

7
8 **VICE CHAIR KORZEC** – But when other people come here for zoning changes,
9 don't they have most of this in place?

10
11 **CHAIR BARNES** – Yes, they do.

12
13 **VICE CHAIR KORZEC** – So I'm not understanding why this has to be different
14 than having something in place. It's just a little bit more formal. It's just.....

15
16 **COMMISSIONER SIMS** – I guess.....are we deliberating or

17
18 **VICE CHAIR KORZEC** – Yeah we're deliberating.

19
20 **COMMISSIONER SIMS** – We're discussing that so, the story I heard tonight was
21 an applicant went through the whole process, just as Chairman Barnes was kind
22 of suggesting would be the preferred path to go down, and it went down in
23 flames. So whatever he spent to go do a map and get the process and went to
24 the Planning Commission. The Planning Commission approved it, and it died at
25 City Council. So I wouldn't put any faith that it would be successful again
26 because probably the same group of people that would oppose this were
27 probably in 2009. There probably hasn't been a huge turnover.....I'm purely
28 speculating, but who knows? The Council is different, but the homeowner, the
29 opposition or the folks that live there that would oppose this, likely have not
30 changed.

31
32 **CHAIR BARNES** – But, as we've seen on other projects, that gate at the City
33 Council swings both ways too. So our denial of a project could be overturned at
34 the Council level, so.....

35
36 **COMMISSIONER SIMS** – I'm going to be talking to the other....I'm talking to all
37 of our Commissioners here, but the other two that have worked more on doing
38 civil engineering type work, there is inherent constraints on this property that it is
39 highly unlikely that there would ever be 20 or close to 20 lots on this. So that
40 gives me some, as an engineer, some reasonableness that it's not going to
41 develop at the intensity that would be proposed with the approval of a Zone
42 Change.

43
44 **CHAIR BARNES** – We've probably already seen the maximum development,
45 which was the previous project, which is why I'm making the point that I don't
46 think the Applicant and the neighbors are that far apart that, if the entitlement

1 application is processed, a negotiated settlement could be reached but without
2 that.....and it seems like the main issue is the fact that this is one of those
3 projects that falls on the line between X and Y. If something is in the middle of X
4 or the middle of Y, nobody has any problems approving it. But as soon as you
5 get to the edge, the X's want to push into the Y's and the Y's want to push back.
6 So we have to.....

7
8 **COMMISSIONER LOWELL** – The issue that I'm running up against is that, yes
9 we were given a nice pretty map from the 2008/2009 application that was
10 approved by the Planning Commission and denied by the City Council or vice
11 versa. It shows a pretty picture of what they wanted to do 8 to 10 years ago.
12 However, that's not in front of us today. If they want to put in 20 lots, I'm
13 perfectly fine with 20 lots. What's before us today is a Change of Zone. The
14 issue that I have is that I would like to see a little more, lift the veil a little bit more,
15 to see what the ultimate goal is. The engineer in me says, yeah, let's Change
16 the Zone. It would be awesome, but the Commissioner in me goes, um, I don't
17 know. Let's hold up a little bit and make sure we get this right. Either way,
18 something is going to be developed there. It's either going to be 10 homes or a
19 maximum of 20 homes, and that ship has already sailed. Somebody wants to
20 build this, and the neighbors to the east are going to have more houses just like
21 theirs or the neighbors to the west are going to have more houses just like theirs.
22 So it's a matter of who we want to appease, who wants to build here with what. If
23 they want to come in with dynamite and blow up the knoll and grade it out, it's
24 possible, but it's expensive so that's the prohibitive part of things. So what's in
25 front of us is a Change of Zone. I want to see a little bit more like we have in the
26 past with other Change of Zones where you get a little Tentative Map. You
27 know, you get a little peak behind the curtain what's going on. In the past, I
28 voted against Change of Zones without any underlying map. When the
29 underlying maps are shown, I tend to vote in favor of it. I'd just like to have a little
30 more information with what's going on.

31
32 **PLANNING OFFICIAL RICK SANDZIMIER** – Can I try and give a little
33 perspective on can a project be a Zone Change on its own without a
34 Development Plan? In the time that I've been here, just before I got here in
35 about 2013, the City introduced R30 Zoning and mixed-use neighborhood and
36 mixed-use overlay zoning on various properties along Alessandro. That was a
37 Zone Change that had no specific Development Plans associated with it on a
38 number of properties. There was also a Change of Zone that came in, a General
39 Plan Amendment for a piece of property along Perris Boulevard just south of the
40 Walmart site. This is next to the Home Depot site. This is zoned neighborhood
41 commercial, and the property owner came in and said I want to change that to
42 R30 Zoning so that it combines with the adjacent R30 Zoning. No Development
43 Plan, no housing layout, no Site Plan, no parking. It was simply just a Change of
44 Zone. On a much larger scale, the World Logistics Center came in for a Specific
45 Plan, General Plan Amendment, Development Agreement, but there is no
46 specific Plot Plan. There is no Development Plan in terms of how each of the

1 individual sites are going to actually be developed. They still have to come in
2 with those applications. So, on a small site, on a large corner site, and on almost
3 3000 acres of land, we have seen it done, and the protections that the City has it
4 that there is an application process for these developers to have to come back in
5 for to have a review of the Plot Plans, the Conditional Use Permits. They have to
6 go through CEQA review. Then, the ultimately, if they are discretionary as our
7 Code calls for, would have to come back before the Planning Commission. If
8 they involve any sort of a legislative action or Development Agreement, may end
9 up going to the City Council. So that's the checks and balance system we have.
10 It's not any different here than it is in any other community. It happens a lot.
11 That's all I would point out.

12

13 **CHAIR BARNES** – Go ahead Paul.

14

15 **ASSISTANT CITY ATTORNEY PAUL EARLY** – I just wanted to mention on the
16 other side of that same coin, even if the application here had included a Plot Plan
17 and other entitlements to it as well, that's not tied to the Zone Change. So if you
18 approve the Zone Change and the Plot Plan and everything else, that's not to
19 say that, two years down the road, the developer says I'm not going to develop
20 that project. I'm going to resubmit a different one. The Zone Change still stays.
21 So packaging it together with a Zone Change and a Parcel Map does not
22 guarantee that the two will go hand in hand. The Zone Change would continue
23 to run regardless of the other entitlements whether they did it separately or
24 together.

25

26 **CHAIR BARNES** – Okay to maybe restate or summarize that, I think the point
27 that Rick is making is that, if we approve the Zone Change to R2, that doesn't
28 mean we are saying there are going to be 20 lots. This is all hypothetical what
29 I'm saying here. He can come back with 16, and we could say no. He could
30 come back with 14, and we can say no. He could come back with 12, and we'd
31 say we like it. It's a transition project. That's what's required to address the
32 transition. So I kind agree with what Rick is saying is that we can still approve
33 the Change of Zone and then, remembering the discussion, apply our concerns
34 about the transition between the two zones to whatever project were to come
35 back before us. Is that correct?

36

37 **PLANNING OFFICIAL RICK SANDZIMIER** – That's very well stated because,
38 when it comes back and you look at whether it's 20 lots, 16 lots, 14 lots, or
39 something less, we're also still having to make findings that it is consistent with
40 our General Plan. Our General Plan will still say you want to protect those rock
41 outcroppings. You want to be respectful of the hillsides. Our Zoning Ordinance
42 Standards will talk about what kind of grading and how the lot should be
43 developed on and in respect to its site. We also want to respect views and
44 aesthetics. We want to respect privacy, which is in our Design Guidelines, things
45 that need to be respected, so all of those things would be inherent in the review
46 process. Now, that's our process.

1
2 **CHAIR BARNES** – And, as we discuss this more, I’m giving that more and more
3 weight personally. Knowing that we have the opportunity....we will have the
4 opportunity and the responsibility to review a future project and determine how
5 that transition, which is what we’re arguing about now, how that transition is
6 adjudicated. I trust us to do that correctly.

7
8 **COMMISSIONER BAKER** – Yeah, I’m ready to make a motion.

9
10 **CHAIR BARNES** – Any more discussion?

11
12 **COMMISSIONER LOWELL** – No. I came into this very open-minded trying to
13 hear both sides of the argument. In the past, I voted against Zone Changes
14 without maps but, as Mr. Sandzimier just pointed out, that the World Logistics
15 Center that I voted in favor of didn’t have an underlying map. The R30 overlay
16 off Alessandro didn’t have a map, so I’m kind of more....I’m open-minded this
17 entire time, and I’m kind of bouncing both ways on this so I’m.....

18
19 **CHAIR BARNES** – Okay would someone like to make a motion?

20
21 **COMMISSIONER BAKER** – I’ll do it.

22
23 **CHAIR BARNES** – Hang on. Let me try and do this correctly. It’s not likely, but
24 I’ll try. Alright, there we go, can you hit that button, and we’ll move forward
25 accordingly.

26
27 **COMMISSIONER BAKER** – Do you want me to read the motion or not?

28
29 **CHAIR BARNES** – However you choose to do it. Your option.

30
31 **COMMISSIONER BAKER** – The Planning Commission hereby approves
32 Resolution 201....what?

33
34 **COMMISSIONER LOWELL** – Make a motion, not approves.

35
36 **COMMISSIONER BAKER** – I move that the Planning Commission approve
37 hereby Resolution 2017-22 and recommends that the City Council (1) adopt a
38 Negative Declaration for application PEN16-0042 pursuant to California
39 Environmental Quality Act Guidelines; and also (2) approve Change of Zone
40 application PEN16-0042 based on the findings contained in this Resolution.

41
42 **CHAIR BARNES** – We have a second from Commissioner Sims. Please vote.
43 All votes have been cast. The motion carries 4-1. Thank you very much. Wrap-
44 up?

1
2 Opposed – 1
3

4
5 **Motion carries 4 – 1**
6

7
8 **PLANNING OFFICIAL RICK SANDZIMIER** – This is a legislative action that
9 ultimate approval is by the City Council. We'll be taking your recommendation in
10 the form of the Resolution that you just approved tonight to the City Council. We
11 do not have a date yet set. We'll have to take a look at that scheduling. We'll
12 advise you at our next meeting if we have that information.
13

14
15 **OTHER COMMISSION BUSINESS**
16

17
18
19 **STAFF COMMENTS**
20

21
22
23 **PLANNING COMMISSIONER COMMENTS**
24

25
26 **CHAIR BARNES** – Thank you. Any wrap-up comments from the Commission.
27

28 **COMMISSIONER LOWELL** – I sorely missed my fellow Commissioners that are
29 not here and the two alternates that are also not here. I would behoove the City
30 Council to take a shift action to replace and appoint the two missing
31 Commissioners. We are very close to not having a quorum. I think four is a
32 quorum. If any one of us goes on vacation or is sick, we're right on that
33 threshold, so.....
34

35 **CHAIR BARNES** – That's true. Everyone get your flu shots and take your
36 vitamins because we can't afford to be sick.
37

38 **COMMISSIONER LOWELL** – Yes.
39

40 **COMMISSIONER SIMS** – I just, kind of to tag along on that Brian, if we would
41 have had a full panel up here, we may have had further deliberation on this
42 difficult situation that might have been.....
43

44 **COMMISSIONER LOWELL** – The more people up here, the more perspectives,
45 the better we vet a situation, and I really miss my fellow Commissioners.
46

1
2 **ADJOURNMENT**

3
4 **CHAIR BARNES** – Alright. Thank you everyone for your attendance. Staff,
5 thank you very much.
6

7 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Chair Barnes, if I may, I'm
8 sorry. We just skipped over Staff Comments, and I did have one for you this
9 evening, if I may.
10

11 **CHAIR BARNES** – Okay.
12

13 **ASSISTANT CITY ATTORNEY PAUL EARLY** – I just wanted to introduce the
14 Commission to Darren Zeigler, directly behind me, new Deputy City Attorney in
15 our office that we just hired, and we will eventually be by backup for the Planning
16 Commission, so you may see him at some point in the future.
17

18 **COMMISSIONER LOWELL** – As far as the long-term, are you going to be his
19 backup?
20

21 **CHAIR BARNES** – Welcome Darren.
22

23 **ASSISTANT CITY ATTORNEY PAUL EARLY** – So I just wanted to welcome
24 him and introduce you all to this new face you see behind me.
25

26 **CHAIR BARNES** – Thank you. Anything else? With that, the meeting is
27 adjourned to.....
28

29 **PLANNING OFFICIAL RICK SANDZIMIER** – June 22, 2017, we expect to have
30 two items on that Agenda.
31

32 **CHAIR BARNES** – June 22, 2017.
33

34 **COMMISSIONER LOWELL** – Everybody drive safe. Don't drink and drive.
35 Have a great Memorial Day weekend.
36

37 **CHAIR BARNES** – Thank you very much. Good night. The meeting is
38 adjourned.
39

40
41 **NEXT MEETING**

42 *Next Meeting: Planning Commission Regular Meeting, June 22, 2017 at 7:00*
43 *PM, City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street,*
44 *Moreno Valley, CA 92553.*
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Richard J. Sandzimier
Planning Official
Approved

_____ Date

Jeffrey Barnes
Chair

_____ Date