

1 one is the Plot Plan. Both of those decisions are appealable to the City Council.  
2 If any interested party wanted to appeal, there are two separate timeframes  
3 though. I want to make it clear that, if anybody wants to appeal the action on the  
4 Tentative Map, there is a 10-day appeal period. That appeal would be filed to the  
5 Director of Community Development and, if such one is received, it will be  
6 coordinated through the City Clerk for a Hearing within 30 days before the City  
7 Council. If anybody is interested in appealing the Plot Plan, the appeal period is  
8 15 days also submitted through a letter to the Director of Community  
9 Development, and then we will coordinate with the City Clerk to have it on the  
10 Agenda with the City Council within 30 days.

11  
12 **CHAIR LOWELL** – Thank you very much. Sorry, I'm trying to get myself  
13 organized up here. Okay, that moves us on....oh, I heard somebody say take a  
14 break. Anybody want to take a break? Can we take a 5 minute break? What?  
15 Just 5 minutes.

16  
17  
18 **BREAK**  
19

20 **CHAIR LOWELL** – Okay welcome back ladies and gentlemen. Sorry about that  
21 break. I would like to begin with the next item, which is Case PEN16-0092  
22 (formerly PA16-0018) General Plan Amendment; PEN16-0093 (also PA16-0019)  
23 Zone Change; PEN-0094 (PA14-0052), which is a Conditional Use Permit; and  
24 finally PEN16-0095, which was also PA14-0052, Tentative Tract Map 36760.  
25 The Applicant is Mission Pacific Land Company, and the Case Planner is Mr. Jeff  
26 Bradshaw. Do we have a Staff Report on this item?

27  
28  
29  
30 3. Case: PEN16-0092 (PA16-0018) - General Plan  
31 Amendment  
32 PEN16-0093 (PA16-0019) - Zone Change  
33 PEN16-0094 (PA14-0052) - Conditional Use Permit  
34 PEN16-0095 (PA14-0052) Tentative Tract Map 36760  
35  
36 Applicant: Mission Pacific Land Company  
37  
38 Owner: MPLC Legacy 75 Associates, LP.  
39  
40 Representative: Rick Engineering Company  
41  
42 Location: Southeast corner of Indian Street and Gentian  
43 Avenue  
44  
45 Case Planner: Jeff Bradshaw  
46

Council District: 4  
Proposal: Legacy Park Project

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission:

1. **APPROVE** Resolution No. 2017-08 and thereby RECOMMEND that the City Council:
  - **ADOPT** a Mitigated Negative Declaration for General Plan Amendment application PEN16-0092, pursuant to California Environmental Quality Act (CEQA) Guidelines; and
  - **APPROVE** General Plan Amendment application PEN16-0092 based on the findings contained in this resolution, and as shown on the attachment included as Exhibit A.
2. **APPROVE** Resolution No. 2017-09 and thereby RECOMMEND that the City Council:
  - **ADOPT** a Mitigated Negative Declaration for Zone Change application PEN16-0093, pursuant to the California Environmental Quality Act (CEQA) Guidelines; and
  - **APPROVE** Zone Change application PEN16-0093 based on the findings contained in this resolution, and as shown on the attachment included as Exhibit A.
3. **APPROVE** Resolution No. 2017-10 and thereby RECOMMEND that the City Council:
  - **ADOPT** a Mitigated Negative Declaration for Conditional Use Permit application PEN16-0094, pursuant to the California Environmental Quality Act (CEQA) Guidelines; and
  - **APPROVE** the Mitigated Monitoring and Reporting Program prepared for Conditional Use Permit PEN16-0094 pursuant to the California Environmental Quality Act (CEQA) Guidelines, included as Exhibit A; and

- 1           • **APPROVE** Conditional Use Permit application PEN16-0094 based on  
2           the findings contained in this resolution, and subject to the attached  
3           conditions of approval included as Exhibit A.  
4  
5
- 6       4. **APPROVE** Resolution No. 2017-11 and thereby RECOMMEND that the City  
7       Council:  
8
- 9           • **ADOPT** a Mitigated Negative Declaration for Tentative Tract Map  
10          36760 (PEN16-0095), pursuant to the California Environmental Quality  
11          Act (CEQA) Guidelines; and  
12
- 13          • **APPROVE** the Mitigation Monitoring and Reporting Program prepared  
14          for Tentative Tract Map 36760 (PEN16-0095) pursuant to the  
15          California Environmental Quality Act (CEQA) Guidelines, included as  
16          Exhibit A; and  
17
- 18          • **APPROVE** Tentative Tract Map 36760 (PEN16-0095) based on the  
19          findings contained in this resolution, and subject to the attached  
20          conditions of approval included as Exhibit A.  
21

22  
23       **CASE PLANNER JEFF BRADSHAW** – Thank you. Good evening Chair Lowell  
24       and Members of the Planning Commission. The Applicant has proposed a  
25       project they refer to as the Legacy Park Project. The concept there would be to  
26       develop 221 single-family residential lots in a Planned Unit Development on  
27       approximately 53 acres located at the southeast corner of Gentian and Indian on  
28       the west side of the California Aqueduct. The project, as presented, will require  
29       legislative actions by the City Council in their adoption of a General Plan  
30       Amendment and Zone Change in order to change the Land Use Designation for  
31       the 15 acre portion of the project that's located on the east side along the  
32       Aqueduct. The proposal there would be to change from Residential 30 to  
33       Residential 5 or R30 to R5. They are also seeking approval of a Tentative Tract  
34       Map and a Conditional Use Permit to create a Planned Unit Development. The  
35       Planned Unit Development would guide the neighborhood design, it would  
36       establish or guide the lot configurations, create park and open space, and also  
37       provide a set of design guidelines for the project. As you noticed, Chair Lowell,  
38       the project has two sets of case numbers. The project has been around long  
39       enough that it is being tracked under two systems. Ultimately, when the project  
40       is approved, we will referring to the PEN numbers as the case numbers for this  
41       project.  
42

43       **CHAIR LOWELL** – And, for clarification, the PEN stands for Planning  
44       Entitlement Number? I'm getting a nod.  
45

46       **SENIOR PLANNER CHRIS ORMSBY** – That is correct, yes.

1  
2 **CASE PLANNER JEFF BRADSHAW** – I have also learned something new  
3 then. I didn't know what that was. The design of the project includes some park  
4 amenities and so consistent with General Plan Policies, our City's Master Plan of  
5 Trails and Master Plan of Parks. The project will do two things. One will be to  
6 complete the segment of the Juan Bautista de Anza Trail, which is a trail system  
7 within the California Aqueduct. That will be constructed by the developer and  
8 then conveyed to the City for maintenance. The project is also responsible for  
9 constructing and conveying to the City a 2.8 acre size park, a public park, with  
10 amenities that would include play equipment, a picnic shelter, a gazebo,  
11 barbeques, picnic tables, benches, concrete walkways, and a decomposed  
12 granite walking path through the park. The public park is located on the south  
13 property line of the project site immediately adjacent to some ball fields that were  
14 developed on the middle school site in cooperation with the City. The Planned  
15 Unit Development for this project will establish minimum lot sizes of 4000 and  
16 5000 square feet based on the layout and lot mix of the two conceptual lot sizes.  
17 The average lot size for the whole project would be approximately 5800 square  
18 feet. The Design Guidelines for the project, as proposed, would provide site  
19 development standards. It was establish architectural styles for the future  
20 residential development that would occur there, and they would also provide  
21 criteria for community walls, fences, landscape, some of the hardscape  
22 elements, and also identify the common amenities within the project, which  
23 includes some passive recreation areas, pocket parks, and pathways and paseos  
24 within the project. An initial study was prepared for this project to examine the  
25 potential of this project to have impacts on the environment. The study provides  
26 information in support of and also findings for a Mitigated Negative Declaration  
27 for this project. The result of that initial study is that the project will not have a  
28 significant effect on the environment with the implementation of mitigation. The  
29 technical studies prepared for this project included an Air Quality Study,  
30 Greenhouse Gas Analysis, Traffic Study, Cultural Resource Assessment, a  
31 Biological Assessment, preliminary studies for both hydrology and water quality,  
32 and geotechnical studies. Based on the findings of those technical studies that  
33 were prepared, it was determined mitigation for this project would be necessary  
34 for the categories of biological resources and traffic to reduce impacts to a less  
35 than significant level. There were no other categories in that checklist that  
36 required mitigation. A Mitigation Monitoring Program was prepared for the  
37 project. That's attached in the Staff Report as Attachment 8. It's also attached to  
38 the resolutions for both the Conditional Use Permit and the Map. There are  
39 additional Conditions of Approval that have been incorporated into that  
40 monitoring program to ensure compliance of this project with General Plan  
41 Policies, and those Mitigation Measures relate to noise and cultural resources.  
42 Public Notice for this project was provided in the newspaper 20 days in advance  
43 of the meeting to allow for comment on the Mitigated Negative Declaration.  
44 Notice was also sent to all property owners within 300 feet of the property, and  
45 the site was posted for the hearing. As of this evening, Staff has received no  
46 phone calls or inquiries in response to the noticing efforts of the City. Before you,

1 you should have a memo that is specific to this project. After the Staff Report  
2 was prepared, we had an opportunity to work with the Applicant to discuss the  
3 Conditions of Approval, and there were a number of conditions that Staff felt  
4 would be appropriate to modify. Those modified conditions are referenced within  
5 that memo including modification to one of the Mitigation Measures and so Staff's  
6 recommendation would be to approve the project implementing those revised or  
7 modified Conditions of Approval. There is quite a bit of detail related to this  
8 project, but I know the Agenda is a full Agenda so I was trying to keep my  
9 presentation brief. If there are any details of the project that you would like me to  
10 revisit, I'd be happy to answer any questions for you. With that, Staff would  
11 recommend approval of the project with consideration given to those revised  
12 Conditions of Approval.

13  
14 **CHAIR LOWELL** – Thank you, I had.....

15  
16 **PLANNING OFFICIAL RICK SANDZIMIER** – Just for clarification, Jeff  
17 mentioned a memo that was put on your dais. It is the salmon colored one. We  
18 put a lot of information in your dais this evening, so I just wanted to make sure  
19 you understood that one. The other ones are for the next item. Those are in  
20 white.

21  
22 **CHAIR LOWELL** – I didn't see it in the packet, but the California Aqueduct runs  
23 right next to this project and to the neighboring parcel. Is there any plans.....or  
24 are there any plans to make the California Aqueduct a trail throughout the City?

25  
26 **CASE PLANNER JEFF BRADSHAW** – Yes. That is part of our Master Plan of  
27 Trails and so.....

28  
29 **CHAIR LOWELL** – I didn't....I guess what I was going for was in the conditions,  
30 I didn't see any condition saying they would have to improve a portion of that.

31  
32 **CASE PLANNER JEFF BRADSHAW** – It's in the Park Conditions. So a key  
33 element of this project is their responsibility for completing those improvements.

34  
35 **PLANNING OFFICIAL RICK SANDZIMIER** – If I could, I will just take the liberty  
36 to ask Eric Lewis to give a little bit more information about the Juan Bautista  
37 Trail. It is a very nice jewel within the community. It's being worked on, and  
38 we've got some recent grants. If Eric could just touch on that for a second.

39  
40 **CITY TRAFFIC ENGINEER ERIC LEWIS** – The Juan Bautista Trail,  
41 approximately seven miles, is currently being looked at for its 35% plans for the  
42 alignment of the entire segment. We've also received two grants totaling four  
43 million dollars for the Active Transportation Program to build certain segments,  
44 and we're just kind of building a segment at a time until it's completed. It is one  
45 of the initiatives by the City Council contained in Momentum Moreno Valley to  
46 build the entire segment say within three years.

1  
2 **CHAIR LOWELL** – Thank you very much.

3  
4 **CITY TRAFFIC ENGINEER ERIC LEWIS** – Thank you.

5  
6 **CHAIR LOWELL** – I'd like to, unless we have any questions or clarifications for  
7 Staff, I would like to invite the Applicant up.

8  
9 **APPLICANT JASON KELLER** – Good evening Commissioner, City Staff, and  
10 guests. My name is Jason Keller with Mission Pacific Land Company, the project  
11 applicant. Jeff did a great job of giving you the details and the background of the  
12 project. I just have a few items I would like to elaborate on and just some key  
13 points. Jeff mentioned we're proposing 221 lots as part of a PUD development.  
14 We're looking at having two different neighborhood types, or two different product  
15 types within that, which are the 5000 square foot lots and the 4000 square foot  
16 lots; 145 of the 5000 and 46 of the 4000. Our process to determine this land  
17 plan, we considered the adjacent land uses and lot sizes around the project.  
18 Namely, to the north, we have a project that is under, not us. We sold a project  
19 to a builder that's under construction. Those lots are 7200 square feet. To the  
20 west, there are existing residential communities that are between 4500 and 5000  
21 square foot lot sizes. And then, to the south, we have the March Middle School  
22 and other R30 future developments. And then, to the east, there is the approved  
23 commercial site that is adjacent to the Aqueduct. With the proposed lot sizes of  
24 4000 and 5000 square foot lots, we were looking at trying to create a diversity in  
25 housing product while providing a logical transition of land uses being adjacent to  
26 the higher intensity uses. Namely, the commercial site to the east and the R30  
27 future developments to the south. Jeff mentioned some of the park amenities  
28 that I proposed as part of our plan. I'll just briefly kind of go over a couple of  
29 those. The 2.8 acre neighborhood park, we worked very closely with Parks  
30 Department in coming up with the amenities and design for that at least at this  
31 conceptual level. The 3.5 acre Aqueduct Trail, which you just heard a lot about,  
32 this will be a very nice amenity and also will be a nice buffer between our  
33 proposed residential development and the commercial site to the east. Adjacent  
34 to that, and that'll be integrated as part of the use, will be the 0.85 acre fitness  
35 park that will have direct access from the Aqueduct Trail and be a benefit and be  
36 able to be a good use that ties in. In addition to that, within the internal part of  
37 our project, we have seven open space lots that'll be utilized for passive park  
38 uses, paseo path connections that integrates to the DWR or Aqueduct Trail and  
39 other areas for enhanced landscaping and entry monumentation. Those seven  
40 open space parcels total roughly just under one acre. Some other amenity  
41 features that we are offering that are not necessarily open space or park, we  
42 looked at trying to create some different esthetic feels and looks within the street  
43 sections. We have enhanced parkway landscaping that we're proposing on two  
44 of the major roads within the development, streets D and L. By enhanced  
45 landscaping, I mean a larger or wider landscaped section adjacent to the curb  
46 rather than behind sidewalk so it kind of creates a break between the curb and

1 the sidewalk, and it's wider so it will have an opportunity to do more landscaping  
2 within that area. L Street provides.....I'm sorry, back to D. Street. With the  
3 enhanced landscaping there, we're trying to promote a path of travel that extends  
4 from the southwest corner of the project at Indian. D Street kind of runs north  
5 and then east through the project and then extends to the paseos so it provides a  
6 nice connection to the Aqueduct Trail and the Fitness Park. So, with that wider  
7 section on that side of the street, it will promote a path of travel central to the  
8 project. Similarly, on L Street, we're doing similar expanded curb adjacent  
9 parkway landscaping on both sides of the street to create an entry statement and  
10 an enhanced look the full length of the street and that would be the north/south  
11 street central to the project. To add to the enhanced look of the residential  
12 collector at L Street, we have utilized decorative paving at crosswalks and one  
13 raised crosswalk with decorative paving. These raised crosswalks, or the raised  
14 crosswalk and the decorative pavement will have contrasting colors to the dark  
15 asphalt. This will provide a traffic calming effect and to discourage speeding and  
16 to create a visual impact alerting drivers to pedestrian crossings. And then, just  
17 as a general overlay, we had the PUD Design Guidelines that provided  
18 architectural guidelines to promote a high standard of neighborhood design in  
19 architectural quality. That's about all I have for you for now. I've got a couple of  
20 members from our consultant team here, so I'll be happy to answer any  
21 questions you guys may have. Thank you.

22  
23 **CHAIR LOWELL** – Thank you, Sir. Any questions for the Applicant before he  
24 sits down? I don't see anybody chomping at the bit. Thank you very much. I  
25 only see one speaker. Is that accurate?

26  
27 **SENIOR ADMINISTRATIVE SPECIALIST DARISA VARGAS** – Yes it is.

28  
29 **CHAIR LOWELL** – Okay, I'd like to open the Public Comments portion of this  
30 item. This is going to be the last call for anybody wanting to speak on this item.  
31 Okay, with that said, we have one speaker, Mr. Rafael Brugueras.

32  
33 **SPEAKER RAFAEL BRUGUERAS** – Good evening Chair, Commissioners,  
34 Staff, residents, and guests. Once again, like I said in the last case, that I make  
35 an effort to go to each one of these places and stand.....no. I get out, I go to the  
36 places, and I get out of my truck. I just don't drive by. I get out and look and step  
37 on the dirt so you can see the mud on my feet. I do my job to make sure that  
38 whatever we put in this city does not harm the residents of Moreno Valley. That  
39 is my first priority and that includes your sons and daughters and your grandkids.  
40 That's important to me because I have a granddaughter, and I look after her very  
41 well so I make an effort. So, as I started down the street, down Indian heading  
42 towards the project, I saw the school. I said uh-oh. What are they going to do on  
43 this big corner? Because that's important to know what they are going to put  
44 next to a school. So I drove into the block and I couldn't find the sign, so I made  
45 my left down the street and I winded up on Heacock. And I said well I must of  
46 missed it because I'm looking for a small parcel, and I didn't realize it was a 53

1 acre lot or acreage what they wanted to build on. Then, right next to the land,  
2 there was already development going on. And I said, oh, oh, what are they going  
3 to build there? Because I finally got to the sign, and I read everything that the  
4 Applicant mentioned. See, this is what's good about going to the site. This is  
5 what's good about going to the Agenda, to the packet yourself, so you can read  
6 for yourself what's going on and what they are bringing to our city so you can  
7 make an adult decision and an honest one to yourself first. This is what I keep  
8 telling the city to do, the residents. Go out for yourself. Don't allow others to  
9 speak for you. Don't do that because you'll miss the opportunity to see how your  
10 city can grow. I got out, and I saw the 221 houses and, I said to myself, let me  
11 go to the other side and find out what they are doing. And I spoke to the, I guess  
12 the general manager that's inside the little trailer, and I got a chance to talk to  
13 John. He told me they are going to build another 140 houses, and I said that's  
14 wonderful because that'll accommodate the school, the new Walmart that they  
15 are building right next to it, and the houses next door. But, residents, I want you  
16 to think about this, 4000 and 5000 square foot lots. I want you to remember  
17 those two numbers because they are going to be important in the next case,  
18 4000 and 5000. Because some people are telling you something wrong about  
19 the next case.

20  
21 **CHAIR LOWELL** – Thank you, Mr. Brugueras. Last and final call for speakers.  
22 Anybody want to speak on this item? Nope? Going once, going twice.....Public  
23 Comments are closed. Thank you very much. Mr. Keller, would you like to  
24 respond to anything you've heard so far? No? Okay, thank you. Questions or  
25 comments before we move to motions?

26  
27 **COMMISSIONER NICKEL** – Yes.

28  
29 **CHAIR LOWELL** – Commissioner Nickel.

30  
31 **COMMISSIONER NICKEL** – I have questions that should probably go to Eric.  
32 The way I'm seeing this, it looks like on the California Aqueduct, that they are  
33 doing like little feeders that go directly into that commercial property or so that  
34 there won't be fencing on that side, on the Walmart side.

35  
36 **CASE PLANNER JEFF BRADSHAW** – If I could, I'll respond to that.

37  
38 **COMMISSIONER NICKEL** – Okay, whichever one.

39  
40 **CASE PLANNER JEFF BRADSHAW** – There will be fencing along the Walmart  
41 site, except for those instances where there is a dedicated connection into the  
42 trail.

43  
44 **COMMISSIONER NICKEL** – Okay, so can you give me an idea of like how  
45 many? Is it just one?  
46



1 **CASE PLANNER JEFF BRADSHAW** – That I recall. There is an opening that's  
2 in alignment with the storefront where the future Walmart building would go so it  
3 lines up with that sidewalk access across the front of the store, and I believe  
4 there is a second point of access to the south near Santiago.

5  
6 **COMMISSIONER NICKEL** – So that would be lot 172, 173, and 174 is where  
7 that connector is, right? Okay. My other concern is, is Santiago being  
8 considered to be added to the Master Bikeway Circulation Map? Gention is on  
9 the Bikeway Map that I have but, with the school site, that public park there, what  
10 type of action is going to be taken on increasing circulation for bikes from the  
11 Aqueduct through the park?

12  
13 **CITY TRAFFIC ENGINEER ERIC LEWIS** – Again, Eric Lewis, City Traffic  
14 Engineer. Santiago would function as a Class 3 bike route. It's basically a two-  
15 lane roadway.

16  
17 **COMMISSIONER NICKEL** – Thank you. I appreciate it.

18  
19 **CHAIR LOWELL** – Commissioner Baker.

20  
21 **COMMISSIONER BAKER** – I have one other question that kind of piggybacks  
22 on that. I assume that trail is going to get extended with that property to the north  
23 they are developing now. Is that correct?

24  
25 **CASE PLANNER JEFF BRADSHAW** – Yes. Jeff Bradshaw with Planning.  
26 That is correct. When tract 22180 to the north is developed, they are responsible  
27 for completing those segments of the trail.

28  
29 **COMMISSIONER BAKER** – Okay, very good. Thank you.

30  
31 **CHAIR LOWELL** – Vice Chair Barnes.

32  
33 **VICE CHAIR BARNES** – I have a question on the street section on Indian.  
34 There's a 10 foot landscape easement along the median that is outside the wall.  
35 That property is privately owned, but it is not usable by the residents, correct?

36  
37 **CASE PLANNER JEFF BRADSHAW** – Correct. It would be considered reverse  
38 frontage parkway and so it'll be developed, planted, initially by the Applicant, by  
39 the developer, to city standard. And then with an easement over that area to  
40 allow city access for maintenance through Special Districts.

41  
42 **VICE CHAIR BARNES** – Alright. Why does the....why do the residents have to  
43 pay that yet have no access or use of it? Can't that be part of the right-of-way on  
44 Indian? What functionally is the difference? Alright, my question was, the 10  
45 foot easement along Indian Avenue that is privately owned but outside the wall,

1 what's the goal of having that privately owned but not useable by the owners of  
2 the internal lot?

3  
4 **CASE PLANNER JEFF BRADSHAW** – Well the....I'll ask maybe Public Works  
5 to respond to the right-of-way portion of that question.  
6

7 **TRAFFIC ENGINEER MICHAEL LLOYD** – Michael Lloyd with Land  
8 Development again. Good evening Chair and Commissioners. With regards to  
9 the right-of-way aspect, our General Plan dictates what our right-of-way widths  
10 are. So, in this case, Indian Street is classified as a minor arterial. On the half-  
11 width section from center line to right-of-way, it is 44 feet. So, anything above  
12 and beyond that, we have to work a separate instrument, which is why we handle  
13 it through the easement so that Special Districts has the opportunity to go in and  
14 maintain it. So, from a purely right-of-way classification that you're eluding to, we  
15 have to abide by the General Plan. And, like I mentioned, the classification is  
16 minor arterial. Does that provide any clarity or?  
17

18 **VICE CHAIR BARNES** – Some. I guess my concern is those people are paying  
19 taxes on property that is outside their wall.  
20

21 **CASE PLANNER JEFF BRADSHAW** – They are, but the intent I think is to  
22 satisfy other sections of our General Plan in that their homes are backing to a  
23 roadway, and the intent is to provide some passing space as a buffer between  
24 the back, the rear of those homes, and provide an esthetic element to the project.  
25 And so the placement of the wall is such that there is space or room for that  
26 landscape to be planted and established.  
27

28 **VICE CHAIR BARNES** – Well I can appreciate the desire for the buffer, it just  
29 doesn't seem that those people should be singled out to pay for it.  
30

31 **CASE PLANNER JEFF BRADSHAW** – This is a standard throughout the City,  
32 so anywhere you see reverse frontage parkway, you're going to see that same  
33 implementation of an easement area outside of the right-of-way in that buffering  
34 landscape.  
35

36 **VICE CHAIR BARNES** – Right. I don't agree with those either.  
37

38 **CASE PLANNER JEFF BRADSHAW** – Understood.  
39

40 **CHAIR LOWELL** – I guess what he was trying to go for is, is there another  
41 mechanism of taking that land away from the owners, configuring it into a single  
42 lot, and dedicating it to the City of the HOA with an easement over it?  
43

44 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may, to go along with Michael  
45 Lloyd. He spelled it out pretty clearly but just, from a Planning standpoint, in  
46 order for the City to acquire right-of-way you have to make a finding, a 65402

1 determination out of the Government Code. And your acquisition of the property  
2 has to be consistent with the General Plan. If our General Plan does not dictate  
3 that we want that on a right-of-way for the road, then we have to come up with  
4 the other instrument that Michael has outlined. That would be one of the other  
5 challenges so I don't know if that helps or not, but there are some requirements  
6 in terms of the way cities can acquire property.

7  
8 **VICE CHAIR BARNES** – So the answer is we can't solve the problem so.....I'm  
9 being sarcastic. I apologize.

10  
11 **CASE PLANNER JEFF BRADSHAW** – The other option is the HOA  
12 maintaining ownership of that area, and those fees would still go back to those  
13 property owners through.....

14  
15 **CHAIR LOWELL** – Yeah, but it would be diversified over the entire tract versus  
16 the few neighbors on the street.

17  
18 **VICE CHAIR BARNES** – That seems a preferable compromise, although not the  
19 best.

20  
21 **PLANNING OFFICIAL RICK SANDZIMIER** – Our Land Development Staff has  
22 a little bit more input.

23  
24 **ASSOCIATE ENGINEER VINCE GIRON** – Yeah, good evening Commissioners.  
25 It would have to be verified, but typically when an easement is dedicated to the  
26 public, or the City in this case, that portion or that area that is dedicated to the  
27 public is not rolled into the square footage or the acreage on the tax bill. I would  
28 have to verify it for this landscape easement but typically the county or the  
29 assessor realizes that the burden is the owners. It is very similar to how this map  
30 or all maps dedicate streets. All the lots are dedicated. They are essentially  
31 easements that are dedicated to the City. The underlying properties go out to the  
32 center line of the street. However, the county or the assessors recognize this as  
33 an owner's easement, if you will, on the properties and they do not include that  
34 right-of-way or easement in this case as part of the assessment that's collected.  
35 The landscaping for that, or actually I should say the assessment for the  
36 landscaped area is collected via a different vehicle mechanism. It is through our  
37 Special Districts balloting that just those property owners would be assessed  
38 those fees in that tract.

39  
40 **VICE CHAIR BARNES** – So you're saying the assessors provided the net  
41 acreage when he calculates the tax not the gross?

42  
43 **ASSOCIATE ENGINEER VINCE GIRON** – That's correct.

44  
45 **VICE CHAIR BARNES** – Okay.  
46

1 **ASSOCIATE ENGINEER VINCE GIRON** – And, once again, I would verify....I  
2 would go....we could look into it and see if this is true for this landscape  
3 easement.

4  
5 **VICE CHAIR BARNES** – Well it's an issue to me and, if it's an amenity to the  
6 tract, I'd prefer as a compromise that the cost be distributed amongst all the  
7 property owners and not just the ones that are giving up the property.

8  
9 **ASSOCIATE ENGINEER VINCE GIRON** – At this time, no.

10  
11 **CHAIR LOWELL** – Does anybody else have any questions or comments?

12  
13 **PLANNING OFFICIAL RICK SANDZIMIER** – I did want to interject a little bit. In  
14 the Staff Report, you may have noticed that the Staff did provide a little  
15 discussion about the fencing around the park site. We have worked with our  
16 Community Service Staff, and I think Jason did a nice job outlining all the  
17 amenities of the development. What we're trying to achieve in the development,  
18 is kind of an open feel. The fencing requirement that is put around the park right  
19 now is at four feet. It provides some security or maybe some safety benefits, but  
20 we're looking into what I call CPTED Principles, crime prevention through  
21 environmental design. We're going to be hopefully getting some training on that  
22 in the near future and, what we're looking for is the other techniques to still  
23 achieve what we're trying to do with that fencing around the parks. We'll still get  
24 the security, but maybe it could provide some additional openness. I only  
25 mention that now because we do have a condition that talks about a four-foot  
26 fence but, if time was to go by before this development relearned other  
27 techniques, I just want to ask the Commission, do you think there's enough  
28 flexibility in that condition that, if we came up with an alternate design and still  
29 achieve that same security or safety objective but without a fence? Maybe it was  
30 to berm it. Maybe it was to do some landscaping or something else, and we  
31 could work with the developer when they are getting closer to the construction  
32 phase. We just think that might be a better fit. The cost of the fence right now is  
33 something that the developer has to incur but, if they don't have to incur that sort  
34 of a cost, maybe it could be spent on some other type of amenity or eliminated  
35 altogether. So I just wanted to see if you had any thoughts or input on that?

36  
37 **CHAIR LOWELL** – Can I ask you which specific condition you're talking about?

38  
39 **PLANNING OFFICIAL RICK SANDZIMIER** – Do you remember the condition  
40 for the fence? While he's looking for that, I hope you're noticing that the last  
41 project, and this project, and we are still to have one more project in front of you.  
42 Staff has been working very hard to make sure that we give you some really  
43 good quality developments, and we're trying to work with these applicants.  
44 Jason and his team have been very good working with us. It has taken a little bit  
45 of time but, to come up with the treatment that they are looking along those two

1 streets, we think those are going to be a real improvement to these kind of  
2 communities so.

3  
4 **COMMISSIONER BAKER** – I got one question on here.

5  
6 **PLANNING OFFICIAL RICK SANDZIMIER** – PCS1A is the condition.

7  
8 **CHAIR LOWELL** – Once again.

9  
10 **PLANNING OFFICIAL RICK SANDZIMIER** – PCS1A, and it's on page 390 of  
11 your packet.

12  
13 **VICE CHAIR BARNES** – Which portion are you saying?

14  
15 **PLANNING OFFICIAL RICK SANDZIMIER** – On page 390 of your packet.....

16  
17 **VICE CHAIR BARNES** – Right.

18  
19 **PLANNING OFFICIAL RICK SANDZIMIER** – It's the bottom paragraph,  
20 paragraph E. It's close to the bottom. The last four lines of that. It talks about a  
21 four-foot high tall wall. The Applicant is not objecting tonight. We've worked with  
22 them. We've worked with the Community Services Staff. I'm just pointing it out  
23 that that's the best we've come up with so far to kind of lead our interest, but we  
24 think there still may be some room as the project gets into design.

25  
26 **CHAIR LOWELL** – Why four foot? Aren't most security fences six foot?

27  
28 **PLANNING OFFICIAL RICK SANDZIMIER** – It's kind of a compromise. What  
29 we're trying to do is, if we put a six foot fence around that park, it then becomes  
30 less inviting and the openness of the development and all the walking elements  
31 that we're trying to get connection to the Aqueduct Trail we're trying to get this  
32 ability for the homeowners to kind of walk around and feel like their in a  
33 neighborhood. It's also right adjacent to the school site, which is not showing up  
34 on the map right here, but the intersection Santiago and Emma Lane is a school  
35 site so you've got this open feeling happening, and we didn't want there to be just  
36 this six foot fence around this what we hope is going to be a really nice amenity  
37 in the development so four foot was the kind of compromise.

38  
39 **VICE CHAIR BARNES** – So it's a security issue?

40  
41 **PLANNING OFFICIAL RICK SANDZIMIER** – It's a security issue. Tony is  
42 here.....

43  
44 **VICE CHAIR BARNES** – That's driving the fence?  
45

1 **PLANNING OFFICIAL RICK SANDZIMIER** – He might be able to add some to  
2 it.

3  
4 **CHAIR LOWELL** – A four-foot fence doesn't really secure anything. The people  
5 that would be hooligans in the park wouldn't really be mindful of a four-foot fence.  
6 They would just hop over it. The people that would be mindful wouldn't do  
7 anything anyways.

8  
9 **PLANNING OFFICIAL RICK SANDZIMIER** – So we recognize that. That's  
10 why.....

11  
12 **CHAIR LOWELL** – That's who'd be going there are midnight to spray paint it.

13  
14 **PLANNING OFFICIAL RICK SANDZIMIER** – That's why we pointed it out, but  
15 we're working on trying to figure out what to do.

16  
17 **CHAIR LOWELL** – The honest citizens that wouldn't do anything nefarious  
18 would respect the four-foot fence, but the people that would do nefarious things  
19 wouldn't care about a four-foot fence.

20  
21 **PLANNING OFFICIAL RICK SANDZIMIER** – The other benefit of a fence, and  
22 Tony probably has much more expertise than this but, if you see on there, there  
23 is kind of a layout for a soccer field. There is enough room there for maybe a  
24 pickup game. The four-foot fence actually kind of keeps the balls from going in to  
25 the street and keeps small children from going out, and it still feels open. There's  
26 some benefits. That's what we were thinking through, but I just wanted to point it  
27 out just to try and get some kind of feedback from you guys.

28  
29 **CHAIR LOWELL** – There's a park up off Sunnymead Ranch area that was wide  
30 open and just recently was fenced in I would say about a year or so ago. And I  
31 think the intent was to keep the burros out of the grass, but it looks like a prison.  
32 It's just a six-foot tall wrought iron black fence. It's just uninviting. It cuts off the  
33 walkway so you can't walk completely in a circle. You have to actually leave the  
34 park to go on the walkway and back, and so I would commend any efforts you  
35 could do to revise the fencing issues. And I think four foot, although isn't going to  
36 keep the criminals out that are going to do horrible things, but I think it's a good  
37 start to secure it for kids and soccer games and whatnot so, as long as it is  
38 somewhat open, I am okay with it. Commissioner Sims.

39  
40 **COMMISSIONER SIMS** – Doesn't the school that's directly to the south going to  
41 have a six-foot fence around it to begin with so isn't the park going to be, by  
42 definition, fenced on the south side? And I guess my followup question would be  
43 is how many of the parks within the city are actually fenced? It almost seems a  
44 little counterintuitive. I thought parks were for everybody to use. I mean there is  
45 a security issue parks. If you fence them, they are really not accessible to the  
46 public.

1  
2 **COMMISSIONER NICKEL** – The one next to Moreno Valley High School, it's  
3 fenced where all the soccer fields are.  
4

5 **CHAIR LOWELL** – Like I said, I think anything you can do to help secure parks  
6 would be great. I live by a park that doesn't have fencing, and it is tagged  
7 regularly. People are trying to light the play structures on fire. They are  
8 destroying things. A fence would be welcome in that situation but, then again, it's  
9 uninviting. So you're kind of, it's a catch 22. You're stuck either way you go.  
10

11 **PLANNING OFFICIAL RICK SANDZIMIER** – And that's why we're trying to  
12 invite....we have a professional consultant that we're looking at bringing in to kind  
13 of start identifying some different techniques maybe it's through, like I said,  
14 landscaping. Maybe it's lighting. Maybe it's just different orientation. We're also,  
15 in our Momentum Moreno Valley Strategic Plan, we've identified an initiative in  
16 there to actually engage the public. So, at some point in the next year or year-  
17 and-a-half, we hope to actually have a session with the residents to talk about  
18 things like maintenance or eyes on the street or neighborhood watch. Different  
19 things to kind of maybe start to deter some of that activity that's been happening  
20 where people take better ownership of their neighborhoods and parks because  
21 we want them to be open and beautiful.  
22

23 **CHAIR LOWELL** – And you said that we're in process of hiring professional  
24 consultants? Is that consultant here?  
25

26 **PLANNING OFFICIAL RICK SANDZIMIER** – That consultant is not here, no. In  
27 our Strategic Plan, the Momentum Moreno Valley, it identifies one initiative for  
28 bringing in a training for our professional staff and then there's another initiative  
29 kind of geared towards helping do some of that training for the neighborhood, for  
30 the community.  
31

32 **CHAIR LOWELL** – Do we want to add any kind of language to Condition  
33 PCS1A that says the four-foot tall fencing or approved equivalent by the City or  
34 some sort of flexibility that should the plans change, or the standards change, to  
35 come up with a better solution before this project gets constructed. We have a  
36 little flexibility to implement that new standard.  
37

38 **PLANNING OFFICIAL RICK SANDZIMIER** – I think your suggested language  
39 or equivalent actually provides that flexibility.  
40

41 **CHAIR LOWELL** – Or City-approved equivalents. Something along those lines.  
42

43 **PLANNING OFFICIAL RICK SANDZIMIER** – I'm just saying or equivalent. I  
44 think.....  
45

1 **CHAIR LOWELL** – Well equivalent could be that they so, oh this is our  
2 equivalent, but it gives you the onus of saying yes or no.

3  
4 **PLANNING OFFICIAL RICK SANDZIMIER** – City-approved equivalent. That  
5 helps. Thank you.

6  
7 **CHAIR LOWELL** – Any other questions or comments? Commissioner Baker.

8  
9 **COMMISSIONER BAKER** – On this, for Traffic Engineering, on this salmon  
10 sheet, you've got where Indian and Cactus they've got an assessment of 12,586  
11 at that intersection. How did we come about that? I'm all for it. I just kind of  
12 wondered how that was calculated?

13  
14 **CITY TRAFFIC ENGINEER ERIC LEWIS** – It's a fair share contribution to  
15 improvements, so it's a percentage of traffic that's added to it and so, the  
16 improvements that are needed to mitigate it, they pay a fair share. So there's a  
17 standard formula for calculating it.

18  
19 **COMMISSIONER BAKER** – And the tract north of there is paying their fair share  
20 too, right? I assume. That one that's under construction north of this one?

21  
22 **CITY TRAFFIC ENGINEER ERIC LEWIS** – I couldn't speak to that without  
23 having the conditions in front of me but, yes, that's typical practice.

24  
25 **COMMISSIONER BAKER** – That's the typical deal, okay, very good. Thank  
26 you.

27  
28 **CHAIR LOWELL** – Any other questions or comments? No hands going up.  
29 With that, I'd like to entertain a motion. Would anybody like to make a motion on  
30 this project? Man, nobody's piping up today. I'll make a motion. I beat you to it.  
31 I'd like to make a motion to approve Resolution No. 2017-08 and thereby  
32 recommend that the City....that's a lot.

33  
34 **ASSISTANT CITY ATTORNEY PAUL EARLY** – You can just stop after the  
35 Resolution number.

36  
37 **CHAIR LOWELL** – Can we just stop after the Resolution No. 2017-08 as  
38 amended?

39  
40 **ASSISTANT CITY ATTORNEY PAUL EARLY** – And there's three others.

41  
42 **CHAIR LOWELL** – What was that?

43  
44 **ASSISTANT CITY ATTORNEY PAUL EARLY** – And there's three others as  
45 well.



1 **CHAIR LOWELL** – Okay.

2  
3 **ASSISTANT CITY ATTORNEY PAUL EARLY** – A total of four Resolutions.

4  
5 **CHAIR LOWELL** – I would like to make a motion to approve Resolution No.  
6 2017-08, approve Resolution No. 2017-09, approve Resolution No. 2017-10 with  
7 the conditions as amended.

8  
9 **ASSISTANT CITY ATTORNEY PAUL EARLY** – One more.

10  
11 **CHAIR LOWELL** – Oh, I crossed that one out. And approve Resolution No.  
12 2017-11.

13  
14 **ASSISTANT CITY ATTORNEY PAUL EARLY** – As amended by both the sheet  
15 and PCS1A, I believe it was.

16  
17 **CHAIR LOWELL** – As amended by the memorandum dated 1/26/2017 on the  
18 salmon color given to us tonight and the conditions as amended.

19  
20 **ASSISTANT CITY ATTORNEY PAUL EARLY** – And the PCS1A amendment.

21  
22 **CHAIR LOWELL** – And the PCS1A amendment. That was a lot. Does anybody  
23 want to second it? We have a second by Commissioner Nickel. All in favor, all  
24 opposed, any abstentions, cast your votes. All votes cast, going once, going  
25 twice....the motion passes 6-0. Do we have a Staff wrap-up on this Item?

26  
27  
28  
29 Opposed – 0

30  
31  
32 **Motion carries 6 – 0**

33  
34  
35 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes. This project requires  
36 legislative action by the City Council so we don't expect there would be any  
37 appeals. It goes to the City Council. That date has not yet been set, but it  
38 should be within the next month or two.

39  
40 **CHAIR LOWELL** – Thank you. I'm assuming, since everybody is still here, this  
41 is the Item that everybody wants to talk to. Unfortunately, I cannot stick around  
42 to hear what's going on. I have a little statement here. Pursuant to Government  
43 Code Section 84308, which disqualifies any Planning Commissioner from  
44 participating in decisions affecting campaign contributions when contributions  
45 exceed \$250 over the past 12 months, I personally have received a campaign  
46 contribution from the Applicant totaling \$1000 over the past 12 months.