

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

5 **Thursday, February 8, 2018 at 7:00 PM**

6
7
8 **CALL TO ORDER**
9

10
11 **CHAIR BARNES** – Good evening ladies and gentlemen. I would like to call this
12 Regular-Scheduled Meeting of the Planning Commission to order. It's Thursday,
13 February 8, 2018, and it's 7:02 PM. Do we have 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 Albert Armijo, Interim Planning Official
29 Julia Descoteaux, Associate Planner
30 Claudia Manrique, Associate Planner
31 Martin Koczanowicz, City Attorney
32 Chris Ormsby, Senior Planner
33

34
35 **Speakers:**

36 Rafael Brugueras
37 Kendrick Rivas
38 Bill Novodor
39 Bill Liu
40
41
42
43
44

1 **PLEDGE OF ALLEGIANCE**

2
3

4 **CHAIR BARNES** – Thank you, at this time, the Pledge of Allegiance. Any
5 volunteers? Commissioner Sims, thank you.

6
7

8 **APPROVAL OF THE AGENDA**

9
10

Approval of Agenda

11
12

13 **CHAIR BARNES** – Thank you, Jeff. Next item is Approval of the Agenda.

14
15

16 **COMMISSIONER LOWELL** – I'll motion to approve the agenda.

17
18

19 **COMMISSIONER LOWELL** – I'll second.

20
21

22 **CHAIR BARNES** – A motion from Commissioner Lowell, a second from
23 Commissioner Baker. All in favor...

24
25

26 **VICE CHAIR KORZEC** – Aye.

27
28

29 **CHAIR BARNES** – Aye.

30
31

32 **COMMISSIONER BAKER** – Aye.

33
34

35 **COMMISSIONER SIMS** – Aye.

36
37

38 **COMMISSIONER LOWELL** – Aye.

39
40

41 **CHAIR BARNES** – Opposed? The motion carries.

42
43

44 Opposed – 0

45
46

Motion carries 5 – 0

47
48

49 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – Sir, we do have the
50 digital board room loaded this evening.

51
52

53 **CHAIR BARNES** – Alright.

54
55

56 **COMMISSIONER LOWELL** – I don't think we can do that, though.

1
2 **CHAIR BARNES** – On that we don't need it, though, right? We'll use it on future
3 issues?

4
5 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – It's up to you.

6
7 **CHAIR BARNES** – Okay, well we've already voted. We won't revisit that one.

8
9 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – Okay.

10
11 **CHAIR BARNES** – Are we good?

12
13 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – We're good.

14
15 **CHAIR BARNES** – Alright, my apologies. This high tech stuff is so confusing.

16
17
18 **CONSENT CALENDAR**

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

24
25
26 **APPROVAL OF MINUTES**

27
28 Planning Commission - Special Meeting – December 21, 2017 at 7:00 PM

29
30
31 **CHAIR BARNES** – Alright, moving onto the Consent Calendar. We have first
32 approval of Minutes for the meeting of December 21, 2017.

33
34 **COMMISSIONER BAKER** – Yeah, I'll move that we approve the Minutes.

35
36 **COMMISSIONER SIMS** – I'll second.

37
38 **COMMISSIONER BAKER** – For December 21, 2017. Yeah, I'm sorry.

39
40 **CHAIR BARNES** – Hit the mover button.

41
42 **COMMISSIONER BAKER** – Got it, okay, got it. Sorry.

43
44 **CHAIR BARNES** – Alright, we have a motion from Commissioner Baker and a
45 second from Commissioner Sims. Please vote. All votes have been cast. The
46 motion carries 4-0. This is going to totally confuse me tonight.

1
2 Opposed – 0
3
4

5 **Motion carries 4 – 0 – 1 with one abstention**
6
7

8 **PUBLIC COMMENTS PROCEDURE**
9

10 *Any person wishing to address the Commission on any matter, either under*
11 *Public Comments section of the Agenda or scheduled items or public hearings,*
12 *must fill out a “Request to Speak” form available at the door. The completed*
13 *form must be submitted to the Secretary prior to the Agenda item being called by*
14 *the Chairperson. In speaking to the Commission, member of the public may be*
15 *limited to three minutes per person, except for the applicant for entitlement. The*
16 *Commission may establish an overall time limit for comments on a particular*
17 *Agenda item. Members of the public must direct their questions to the*
18 *Chairperson of the Commission and not to other members of the Commission,*
19 *the applicant, the Staff, or the audience. Upon request, this Agenda will be made*
20 *available in appropriate alternative formats to persons with disabilities in*
21 *compliance with the Americans with Disabilities Act of 1990. Any person with a*
22 *disability who requires a modification or accommodation in order to participate in*
23 *a meeting should direct their request to Guy Pegan, our ADA Coordinator, at*
24 *(951) 413-3120 at least 72 hours prior to the meeting. The 72-hour notification*
25 *will enable the City to make reasonable arrangements to ensure accessibility to*
26 *this meeting.*
27
28

29 **CHAIR BARNES** – Next item, the Public Comment portion of the meeting. Do
30 we have any Speaker Slips?
31

32 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – We do. We have Rafael
33 Brugueras and Kendrick Rivas.
34

35 **CHAIR BARNES** – Mr. Brugueras.
36

37 **SPEAKER RAFAEL BRUGUERAS** – Good evening Chair, Commissioners,
38 Staff, Residents, and our guests. I want to talk about what occurred Tuesday,
39 the name change and that me and the council members voted to change
40 Theodore. If Theodore had a chance to speak tonight, he would be glad that he
41 was being remembered in the last several weeks and how he contributed to the
42 City of Moreno Valley by bringing the well so there would be water for the
43 oranges and the fruit and the men and women that work in the fields and live in
44 the City of Moreno because you’ve got to understand, before it was called
45 Moreno Valley, it was called Moreno, Moreno Valley. It would have been called
46 Brown, Mr. Brown, but he decided not to do that and used his last name

1 translated to a Spanish name Moreno. That's why today it's called Moreno
2 Valley, to honor him for what he contributed to Moreno Valley because he bought
3 land. He used the reservoir. A lot of these pioneers that have vision lived in
4 Redlands and saw the valley, and they came here to produce oranges, fruit,
5 cattle. We go to remember that the American Indians and the Mexicano. The
6 Mexican people were here first, so I believe if there were fruits or anything to do
7 with picking, the Mexican people were here doing that, and they were a color of
8 brown. I want to know who Brown was as a person. I can't find that yet, but I did
9 a lot of history and Moreno Valley or Moreno Beach was once called Pettit. Then
10 that got changed to Moreno Valley, I mean Moreno Beach when the lake was
11 built. Look at it today, how it has grown when you make name changes. Right
12 now in this city, we've got 1995 names in this city alone in the streets, almost
13 2000 names. Change is good. We're going to talk about change because that's
14 our theme tonight in our Agenda is change. We are going to talk about a few
15 things. Thank you so much.

16
17 **CHAIR BARNES** – Thank you, Mr. Brugueras.

18
19 **PLANNING OFFICIAL RICK SANDZIMIER** – When Nina doesn't have the timer
20 up, I believe it does appear on your screen.

21
22 **CHAIR BARNES** – It was not but may it had finished and fell off. I'm not sure.
23 Mr. Rivas.

24
25 **SPEAKER KENDRICK RIVAS** – Good evening Chair and Commissioners, Staff,
26 and fellow citizens. I would like to address the President of the United States
27 and the Council. Mr. President, yes, I did vote for you, and I voted for Hilary
28 Clinton in the primary. America doesn't need a military parade. Why? We know
29 our military is the strongest in the world, and the entire world knows that. The
30 entire world does know that they can piss off the United States Government, but
31 the United States Government will do something but if you....but if other
32 comments do piss off the American people, they know that the American people
33 will retaliate at the fullest. We don't need a military parade and Commissioners I
34 would say, if any new home developments happening, can there please be a like
35 a walkway to like a main Street? I've been seeing on satellite images that there
36 isn't like walkways that have you to go to a main Street, so you have to go down
37 the street, make a right or left and go back up the street, which takes a lot of time
38 of walking. Can there please, like in the new home developments, be easier to
39 access one of the main streets? Thank you.

40
41 **CHAIR BARNES** – Thank you, Mr. Rivas. Any other speakers?

42
43 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – No Sir.

44
45 **CHAIR BARNES** – Thanks very much. So we'll close the Public Comments
46 section of the meeting.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

NON-PUBLIC HEARING ITEMS

1. General Plan Annual Report to be submitted to the State Office of Planning and Research (Report of: Community Development)

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2018-08 and thereby:

1. **CERTIFY** that the proposed General Plan Annual Report qualifies as an exemption in accordance with Section 15061 of the California Environmental Quality Act (CEQA) Guidelines; and
2. **RECOMMENDS** to the City Council that the January 1, 2017 to December 31, 2017, General Plan Annual Report is consistent with the requirements of Government Code Section 65400 with regard to reporting on status of the City General Plan and progress in its implementation, and is ready for the submittal to the Office for Planning and Research and to the Department of Housing and Community Development by April 1, 2018.

CHAIR BARNES – Next item on the Agenda, Non-Public Hearing Items. General Plan Annual Report to be submitted to the State Office of Planning and Research.

PLANNING OFFICIAL RICK SANDZIMIER – Before I introduce the speaker on this one, I do want to introduce one additional gentleman that is here with us this evening to my right and that is Albert Armijo. Albert is our new interim planning manager/planning official. He was brought on board for my position. I’ve stepped up into the acting community development director position, and so Albert will be here at subsequent meetings. I will be attending some but not all, and I just wanted to introduce Albert to you. We’re happy to have him on board. He just started this week. The item before you...

CHAIR BARNES – Welcome Mr. Armijo.

PLANNING OFFICIAL RICK SANDZIMIER – The item before you, the Non-Public Hearing Item will be presented by Claudia Manrique.

1 **ASSOCIATE PLANNER CLAUDIA MANRIQUE** – Good evening Chair and
2 Commissioners. California Government Code Section 65-400 requires an
3 Annual Progress Report on the implementation status of the City's General Plan,
4 and this includes progress meeting our Regional Housing Needs Assessment,
5 also known as RHNA. Reports are due every April 1st to the State Offices of
6 Planning and Research (OPR) and Housing and Community Development
7 (HCD). The 2017 General Plan Annual Report includes major projects and
8 General Plan Amendments that were approved by the Planning Commission and
9 City Council during the reporting period of January 27, 2017, through December
10 2017. It shows that the General Plan continues to serve as an effective guide for
11 orderly growth and development in Moreno Valley, and our highlights are in the
12 housing, which is Appendix A of the Staff Report. In 2017, we constructed and
13 had final occupancy of 341 single-family homes, 2 accessory dwelling units, and
14 84 multiple-family units, which in this case were all apartments, which counts
15 towards the City's RHNA levels of moderate and above-moderate income levels.
16 The City was also able to partner with the Riverside Housing Development
17 Corporation to rehab 8 apartment units. These units qualify as very low income
18 and help with our RHNA. The General Plan Annual Report is exempt from
19 CEQA. We went to Section 15061, as this report does not have the capability to
20 impact the environment, and therefore Staff recommends that the Planning
21 Commission forwards the item....recommends forwarding the item onto the City
22 Council for final consideration and for us to submit to the State. Thank you.

23
24 **CHAIR BARNES** – Thank you, Claudia. Does anyone have any questions of the
25 Staff on the Annual Report? We have a speaker, Commissioner Sims.

26
27 **COMMISSIONER SIMS** – Mine's not on the Staff Report, except for the part
28 where their talking about the City has taken steps increasing budgetary
29 approvals and outlining the Momentum Moreno Valley Strategic Plan to pursue a
30 Comprehensive General Plan Update by August 2019, and I'd be interested in
31 just hearing what that kind of entails and what the timeline is to move that
32 forward and perhaps if you've already thought through what the....you know how
33 the input from the public gets involved with that.

34
35 **PLANNING OFFICIAL RICK SANDZIMIER** – Sure, the General Plan Update
36 that you're referencing in the Momentum Moreno Valley Strategic Plan had
37 multiple parts to it. The first part was to do an assessment of the General Plan. I
38 looked at all the policies, goals, and objectives to identify which ones have been
39 completed, which ones need to be readdressed, and which ones are simply
40 outdated and should be readdressed for that purpose. We also, in the Strategic
41 Plan, had identified pulling together an Ad-Hoc Committee of key members of the
42 city staff and city departments. We did do that, and we've had multiple meetings
43 of that committee to get together to develop the scope of work for the General
44 Plan Update. Another component of Momentum Moreno Valley was to set aside
45 money in increments to basically cobble together enough money to actually do
46 the Comprehensive General Plan Update. That has been accomplished, as well,

1 and we also have sought outside grants and been successful in some regards,
2 and so we have some money that has been brought in to do that. All of that was
3 put together into a Staff Report, and we're moving forward to the City Council to
4 retain a consultant to do the General Plan Update so that we can meet the
5 August 2019 target date. On January 9, 2018, the City Council held a Study
6 Session on the General Plan Update and directed Staff to conduct some
7 visioning first before we actually embarked upon the consultant work. So, right
8 now, what we're in the process of doing is evaluating that vision. We've had
9 some visioning workshop, and we've had the executive team meet and discuss
10 some options of where we can go, and we're working through the city manager's
11 office to get some additional feedback. That's the progress to date, and we will
12 update this Planning Commission and City Council as that progresses.

13
14 **COMMISSIONER SIMS** – Is Momentum Moreno Valley a document that's on the
15 website or is that something that can be shared with the public at large?

16
17 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes. Momentum Moreno Valley
18 on the City's website has, right on the front page of our website is a quick links
19 button. The public can click on the quick links and Momentum Moreno Valley is
20 one of the shortcuts and that will give the comprehensive summary of all of the
21 initiatives, objectives, and various initiatives for each of those objectives, and
22 then it also has an attachment that has the scanned information regarding
23 Moreno Valley, so it's all online and available for the public.

24
25 **CHAIR BARNES** – Thank you Rick. Any other questions? Well, having no
26 questions and seeing no speakers, we probably want to vote.

27
28 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – We do have speakers
29 Sir.

30
31 **CHAIR BARNES** – What's that?

32
33 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – We do have speakers.

34
35 **CHAIR BARNES** – Oh, we do?

36
37 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – We have two, Rafael
38 Brugueras and Kendrick Rivas.

39
40 **CHAIR BARNES** – Okay, then open the Public Hearing for....Rick, is it
41 appropriate to open the Public Hearing and get speaker input on this?

42
43 **PLANNING OFFICIAL RICK SANDZIMIER** – It's not actually a Public Hearing.
44 It wasn't public, but you can take public comments on it, absolutely.
45

1 **CHAIR BARNES** – Yeah, alright, well then we will do that. We will accept some
2 public comments. Mr. Brugueras.

3
4 **SPEAKER RAFAEL BRUGUERAS** – Good evening again Chair,
5 Commissioners, Staff, Residents, and Guests. I was looking at the Agenda on
6 an item myself, and I was on page two, and I looked at the years. They are too
7 long by the time we have another meeting. You know, we look at the one that
8 said September 1988. The last time it was done was in 2006. You know, then
9 we got another that was done in 2014. I think that we should need to cut down
10 instead of waiting those 10 years because they look like 10 years apart. You
11 know, the General Plan it was 18 from the last time I see here. From 1988 to
12 2006, that's the last time that was talked about or done anything with. Okay,
13 that's 18 years. Okay so what I'm saying is that, because we are now living in a
14 fast-pacing country, things are changing every day, every hour. We need to cut
15 down on waiting to make great changes for our City and region. We should cut it
16 down to five years instead of 10 years or 18 years because we're having things
17 that are finally coming back to our country, and we have land that we can
18 designate to those particular projects. You know because there are companies
19 who want to move all their entire industry, all their entire men and women, all
20 their entire equipment into one building because it costs money to have four or
21 five of them like Sketchers did at one time. That's why Sketchers is there today
22 because they had five buildings, and they were offered a proposal to have one
23 great building, and we have that one great building on Theodore. It's a world-
24 class building. That's what I'm saying. If we could change of us waiting so long
25 to do things, maybe things would come faster to the city and things would get
26 approved a little quicker. I'm just saying, by me just reading this, we have waited
27 a long time to do things, and we need to change that thought because, again, we
28 are living in a fast-paced country and whoever makes the first bid or the first
29 acceptance that...that's where the project goes and that's what we're trying to
30 do. We're trying to stay ahead of the competition, and I wish everybody the
31 same luck as much...I want Moreno Valley to have the same, but we want to stay
32 ahead of the competition so we can be the ones to have these wonderful
33 companies and whatever else we bring to our city. That's what we want. We
34 don't want to wait 18 or 10 years. We need to change that thought.

35
36 **CHAIR BARNES** – Thank you Mr. Brugueras. Mr. Rivas.

37
38 **SPEAKER KENDRICK RIVAS** – Good evening Chair, Commissioners, Staff. I
39 like how the General Plan says we are working with RTA. I'm very appreciative
40 of that. I also would like to say that, as the city grows, it will become more
41 populated. I would say, if the streets are supposed to be three- or six-lane
42 highways, I would recommend that it should be a six-lane highway so in the
43 future maybe one of the...maybe the middle lane will convert into a bus rapid
44 lane and then it will convert into a light rail and, in the General Plan, I would like
45 to see if we could attract more white-collared jobs instead of blue-collared jobs. I

1 think the city really needs to balance the white-collared jobs distribution. Thank
2 you.

3
4 **CHAIR BARNES** – Thank you, Mr. Rivas. Rick, could you give us a brief
5 summary of the rules and regulations that derive the General Plan Update?
6

7 **PLANNING OFFICIAL RICK SANDZIMIER** – A General Plan is basically the
8 City's Mission Statement. It's the guiding document, in terms of policies and
9 goals. Every city, when it is incorporated, is expected to have, in the State of
10 California in particular, is expected to have a General Plan. A General Plan has
11 seven mandatory elements. Now there is actually a new mandatory element that
12 has been introduced for any comprehensive update to the General Plan. That
13 would be the Environmental Justice Element after 2018. The seven mandatory
14 elements of our General Plan do not have to be updated on any particular
15 frequency, except for the Housing Element. The Housing Element, based on
16 State Law, is expected to be updated every four or eight years, depending on if
17 you've qualified for an eight-year cycle. In 2014, the City updated its Housing
18 Element and qualified through HCB (Housing and Community Development) to
19 have an eight-year cycle, so our General Plan does not have to be updated,
20 other than the Housing Element until...the next update on that would be 2021.
21 Now the reason we do a comprehensive update is it is good practice to try and
22 update your General Plan on a regular basis and they have said, as a target, that
23 a 10-year timespan, based on the way the speaker identified, there's a lot of
24 things that are changing in the region. There are things that are changing in the
25 state. There may be new State Legislation. There may be different
26 environmental laws, things that may affect your policies or your goals. Also
27 around you, specifically like Moreno Valley, if the Riverside, the County of
28 Riverside, the City of Perris, Caltrans or some other agency made some
29 significant changes to any of their Land Planning or Transportation Planning, we
30 may want to reflect that in our General Plan, so those are the reasons why the
31 world around you is changing that you may want to take a pause and look at your
32 Circulation Element and your Land Use Element. The Noise Element, in
33 particular here, is something that we would look at because we're next to March
34 Air Base, so when March Air Base adopted a new Airport Land Use Compatibility
35 Plan, we're expected to make sure our General Plan is consistent with that, and
36 so those are some examples of the things we would look at in a comprehensive
37 update to the General Plan. Our recommendation to do a comprehensive update
38 in the Strategic Plan was because we were hitting that 10-year cycle and...and
39 so, in 2016, we were at 10 years. Now we're at 11, 12 years and climbing, so, so
40 we're in that range.

41
42 **CHAIR BARNES** – Alright, thank you. I appreciate it.

43
44 **COMMISSIONER SIMS** – I just, from a comment standpoint, is I tend to agree.
45 There should be....it should be done more than once every 10, once....before 18,
46 20 years goes by or something like that to reflect changes, but that is why there

1 is a General Plan Amendment process that can accommodate the change and
2 just from an....just from an effort level, I would not want the public to think
3 that...to minimize the effort it takes to do a General Plan Update because there
4 are desperate views throughout the community to get the visioning and the
5 document actually adopted by the City Council and so forth. So it's a massive, I
6 would believe, a massive undertaking and that's why you see the length of
7 duration between efforts to do that, but I do think with all the changes that
8 Moreno Valley has done with the logistics projects and the other things that have
9 come to our Commission with the area to the north of the freeway between
10 Moreno Beach and Redlands Boulevard and that whole area out there, there are
11 things on the table that should be codified in the General Plan that sets
12 precedent and vision for how we act and make approvals for things, so I would
13 be highly supportive of the vision and effort to get a good scope of work outlined
14 and, in that scope of work, to have appropriate amount of public input into the
15 process so that there is a document everybody feels good about.

16
17 **CHAIR BARNES** – Rick.

18
19 **PLANNING OFFICIAL RICK SANDZIMIER** – If I can just elaborate...Those are
20 excellent points that were made by Commissioner Sims. I want to make one
21 distinction between the General Plan Update and the General Plan Amendment.
22 The reason we give you an Annual Report tonight, and it has to be filed with the
23 State by April 1, 2018, is because the State wants us to be monitoring and
24 reporting on what takes place every year on your General Plan, so that the
25 agency is making progress towards its established goals and policies and, if
26 there has been any individual General Plan Amendments, if you're changing any
27 Land Use Designation for any of your parcels, if you make a change to the
28 Circulation System Element, so you want to reduce the width of a roadway in
29 your General Plan or you want to add a new roadway, those constitute as
30 amendments to your General Plan, but they are not really a comprehensive
31 update. The comprehensive update we're talking about is looking at that whole
32 vision in a comprehensive point of view and deciding is the City still going in the
33 direction it wants to go. Are the policies set up so that the Planning Commission
34 and the other communities and bodies that are advising to the City Council are all
35 lined up and moving in that direction, but it is a very expensive effort, and the
36 bids we did get on the consultant proposals are approximately a million to a
37 million-and-a-half dollars is where we were at. So it isn't a small undertaking. I
38 just wanted to point that out.

39
40 **CHAIR BARNES** – Thank you. Any other comments? Alright, does anybody
41 want to make a motion to....yeah, I can't bring up the voting.

42
43 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – I'll set it up for you Sir. I
44 need the motion and second it first.

1 **CHAIR BARNES** – Alright, a motion from Commissioner Sims, and a second
2 from Commissioner Baker.

3
4 **COMMISSIONER SIMS** – We're being challenged by our technical abilities here
5 on the screen. So I make a recommendation that the Planning Commission
6 approve Resolution No. 2018-08 and (1) CERTIFY that the General Plan Annual
7 Report qualifies as an exemption in accordance with California Environmental
8 Quality Act and (2) RECOMMEND to the City Council that the January 1, 2017,
9 to December 31, 2017, General Plan Annual Report is consistent with the
10 requirements of appropriate government code sections with regard to the City
11 General Plan progress and its implementation, and it is ready to submit to the
12 Office of Planning and Research and to the Department of Housing of
13 Community Development by April 1, 2018.

14
15 **COMMISSIONER BAKER** – I'll second that resolution.

16
17 **CHAIR BARNES** – It's working, so a motion by Commissioner Sims and a
18 second by Commissioner Baker. Please vote. The votes have been cast. The
19 motion carries 5-0. Thank you very much.

20
21
22 Opposed – 0
23

24
25 **Motion carries 5 – 0**
26

27
28
29 **PUBLIC HEARING ITEMS**
30

- 31
32
33
34 2. Case: PEN16-0048 General Plan Amendment
35 PEN16-0049 Change of Zone
36 PEN16-0052 Parcel Map
37 PEN16-0053 Master Plot Plan
38 PEN16-0054-0055 Plot Plans (Medical Bld.
39 1&2)
40 PEN16-0056-0057 Conditional Use Permits
41 PEN17-0013 Phasing Plan

42
43 Applicant: Richard Torng, Galaxy Management, Inc.

44
45 Owner: Galaxy Management, Inc.
46

1 Representative: Charles Yu
2
3 Location: Southeast Corner of Brodiaea Avenue and
4 Nason Street (486-290-036 & 436-280-037)
5
6 Case Planner: Julia Descoteaux
7
8 Council District: 3
9
10 Proposal: Proposed General Plan Amendment, Change
11 of Zone, Parcel Map, Plot Plans, Conditional
12 Use Permits, and Phasing Plan for the
13 development of a five building mixed-used
14 medical center campus.
15
16

17 **STAFF RECOMMENDATION**

18
19 Staff recommends that the Planning Commission **APPROVE** the following
20 Resolution Nos. 2018-01, 2018-02, 2018-03, 2018-04, 2018-05, and 2018-06
21 and thereby recommend that the Moreno Valley City Council:
22

23 Resolution: 2018-01
24

- 25 1. **CERTIFY** the Mitigated Negative Declaration prepared for the Majestic
26 Moreno Valley project, inclusive of all related applications, on file with the
27 Community Development Department, incorporated herein by this reference,
28 which Mitigated Negative Declaration has been completed in compliance with
29 the California Environmental Quality Act, and the information and findings
30 contained in the Mitigated Negative Declaration, attached hereto as Exhibit A,
31 reflects the City's independent judgment and analysis; and
32
33 2. **ADOPT** the Mitigated Monitoring and Reporting Program prepared for the
34 proposed Majestic Moreno Valley project, attached hereto as Exhibit B; and
35

36 Resolution: 2018-02
37

- 38 3. **APPROVE** PEN16-0048, General Plan Amendment as shown on the
39 attachment included as Exhibit A; and
40

41 Resolution: 2018-03
42

- 43 4. **APPROVE** PEN16-0049 Change of Zone as shown on the attachment
44 included as Exhibit A; and
45

46 Resolution: 2018-04

1
2 5. **APPROVE** Tentative Parcel Map 36227, PEN16-0052, subject to the
3 attached Conditions of Approval attached as Exhibit A.

4
5 Resolution: 2018-05
6

7 6. **APPROVE** PEN16-0053, Master Plot Plan, PEN16-0054 – PEN16-0055 Plot
8 Plans and PEN17-0013, Phasing Plan subject to the attached Conditions of
9 Approval attached as Exhibits A, B, C, and D; and

10
11 Resolution: 2018-06
12

13 7. **APPROVE** PEN16-0056 – PEN16-0057 Conditional Use Permits, subject to
14 the attached Conditions of Approval attached as Exhibits A and B.

15
16
17 **CHAIR BARNES** – Next up, Public Hearing Items. Case PEN16-0048, a
18 General Plan Amendment, additional case is a Change of Zone, Parcel Map,
19 Master Plot Plan, additional Plot Plans, a Conditional Use Permit, and a Phasing
20 Plan. The Applicant is Richard Tomg, Galaxy Management, Inc. Do we have a
21 Staff Report?

22
23 **PLANNING OFFICIAL RICK SANDZIMIER** – We do. I'd like to introduce our
24 Staff Planner and Staff Project Manager, Julia Descoteaux.

25
26 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Good morning, wow, good
27 evening Chair Barnes and Members of the Planning Commission. The item
28 before you proposed by Galaxy Management includes multiple entitlement
29 applications, as you just listed, for a five building mixed-use medical facility
30 campus located on the southeast corner Nason and Brodiaea on approximately
31 18.5 acres. The project will be developed with higher-intensity medical uses on
32 the westerly portion of the site and a variety of uses for that would be medical
33 offices, wellness buildings, and an urgent care. And then the lower-intensity
34 uses will be assisted living and skilled-nursing facilities and will be located on the
35 eastern portion of the site. The project will include a General Plan Amendment.
36 The current General Plan is R2. The properties adjacent to the site, to the north
37 is Residential R3/R5 and then, to the south, is R2; all residential areas. To the
38 west would be Community Commercial and, to the northwest, there is some
39 Residential Office. All of the area on the west side of the project....I'm sorry, on
40 the west side of Nason are within the medical use overlay. The project is
41 proposing a change of General Plan to Residential Office. Along with that
42 General Plan Amendment would be a Change of Zone. The current zoning on
43 this parcel is RA2, which is Residential/Agricultural 2 (two units to the acre). To
44 the south is also RA2 and, to the north, is R3 and R5. On the west side of Nason
45 is Community Commercial and Office Commercial. The proposed changes
46 would reduce, if we approve the General Plan Amendment and then the Change

1 of Zone, it would reduce the large-lot residential; however, it would offer a
2 different type of housing that would still meet the housing needs of the
3 community. Also with the project is a Tentative Parcel Map to subdivide the two
4 parcels into seven parcels, and then we have a Master Plot Plan. The Master
5 Plot Plan establishes the layout for the entire project. There are two medical
6 buildings along the frontage of Nason with a center driveway providing a main
7 entry into the campus. Included in the design is access on Brodiaea with full
8 street improvements. There are landscape setback areas. Block walls are all
9 included in the design in consideration of the existing residential around the site.
10 The overall project includes a landscaped entrance along the street frontages,
11 decorative paving, walking paths, trellis' connecting the building, impervious
12 paving to assist in water quality while also providing a decorative design to the
13 project. So buildings one and two are two-story. Building one is a medical office
14 building, and the medical building two is a wellness center and will also have an
15 urgent care. Buildings three, four, and five are all located on eastern portion of
16 the site. Building three, four, and five have assisted-living facilities and then
17 there will be skilled-nursing facilities in 5A and 5B. Along with the project is also
18 a Phasing Plan. The project will be developed in three phases, the assisted
19 living in buildings 3C, 4C, and 5C will be developed first. Phase two is the
20 medical buildings one and two along Nason, and phase three is the skilled-
21 nursing buildings 5A and 5B. When 5A and 5B are completed, they will connect
22 to building 5C. The surrounding area.....or the site is surrounded by some
23 vacant land to the north as well as to the south and some existing residential lots
24 to the east. To the west is the Riverside County Regional Medical Center. The
25 project is also located within the Nason Corridor, which is a Guiding Vision
26 Document for transforming the area into a walkable and livable center for Moreno
27 Valley with a range of housing jobs and connecting neighborhoods. Access to
28 the site: the main entrance will be off of Nason. Also, along Brodiaea, you'll
29 have three entrances to the site; actually two that are really the main entrance.
30 The third one provides a loop around the project mainly for fire services.
31 Impervious pavement has been incorporated into the site to assist with the water
32 quality and each use in the site was parked separately and meets the parking
33 requirement. There are 650 parking spaces on the site and 595 were required
34 per the Code. An initial study was completed for the project and determined that
35 the project would have some potential for significant effect on the environment in
36 the areas of water/air quality, biological, cultural, noise, transportation, and tribal
37 resources. However, with the project, we have included 20 Mitigation Measures
38 implemented for the project with the Mitigated Monitoring and Reporting Program
39 and, with those applied, there will be not a significant effect on the environment;
40 therefore a Mitigated Negative Declaration has been prepared. Notification for
41 the project was noticed within 300 feet of residential or to all sites within 300 feet
42 as well as posted on the site and in the newspaper. To date, I have received one
43 phone call regarding the project. The caller did not have any concerns with the
44 project, more with the existing situation on the site and the fencing.....what type of
45 fencing would be put in, and you've also received a letter on your chair this
46 evening. With this, this completes Staff's Report. Staff recommends that the

1 Planning Commission APPROVE Resolutions 2018-01, 2018-02, 2018-03, 2018-
2 04, 2018-05, and 2018-06 and recommend that the City Council CERTIFY the
3 Mitigated Negative Declaration, adopt the Mitigated Monitoring Program, approve
4 the General Plan Amendment, approve the Change of Zone, approve the
5 Tentative Parcel Map, and approve the Master Plot Plans (two Plot Plans), a
6 Phasing Plan, two Conditional Use Permits and, with that, we'll answer any
7 questions for you. The Applicant is also here with their environmental consultant,
8 as well. Thank you.

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

11
12 **PLANNING OFFICIAL RICK SANDZIMIER** – Mr. Chair, if I may, just to
13 add...Julia had mentioned that a letter was put on your dais but didn't elaborate
14 on much of the detail there. It's my understanding that we did get that. It came
15 in today. It was a letter from a law firm alleging some possible inappropriateness
16 maybe in the way of the transfer of the land was made between the current
17 owner and the previous owner. We made a hard copy available to you on your
18 dais. Our city attorney has looked at the letter and is able to give you some
19 insight or some background on what we have found if it is of your interest tonight,
20 so I just wanted to let you know that we have looked at it and....

21
22 **CITY ATTORNEY MARTIN KOCZANOWICZ** – Sure, Honorable Chair....

23
24 **CHAIR BARNES** – Yeah, go ahead.

25
26 **CITY ATTORNEY MARTIN KOCZANOWICZ** – And Commission Members, very
27 simply put, it's not an insight, but it's....the letter states that there is a pending
28 litigation pertaining to the title of the property. The letter admits that the title of
29 the property is in the name of the Applicant. Whether or not there is a lawsuit,
30 whether or not the title was obtained in accordance with an agreement or outside
31 of an agreement, there is litigation over that issue. It is completely not within the
32 purview of your review, approval, or denial of the project. We have confirmed the
33 Applicant is the person that has control over the land. The letter affirms that at
34 this point in time, so I understand the energy in the letter. That is completely
35 outside of your purview with regard to approval or denial of the project.

36
37 **CHAIR BARNES** – Thank you. With that being said, would the Applicant like to
38 present some information?

39
40 **APPLICANT PAUL DEPALATIS** – Mr. Chairman, Members of the Commission,
41 my name is Paul DePalatis. I'm the planning director for MSA Consulting and,
42 with me tonight, is Nicole Vann. She is our project manager for this project as
43 well as Richard Torng who is the Applicant. Our offices are located at 34200 Bob
44 Hope Drive in Ranchero Mirage, so we came out to see you today and just
45 wanted to say a few things, not to duplicate what Staff has said, but just to
46 summarize that this project is to complement the Health District in the Nason

1 Corridor as well as the regional hospital next door. It contains the three
2 components of assisted living, skilled nursing, and then the medical offices next
3 to Nason. We spent almost two years now working through the details of the
4 design with Staff, and we think we've brought you a quality project tonight. So
5 we would like to request your approval and be available to answer any questions.
6 As well, if there is any public comment, we'd like to have the opportunity to
7 respond to that, if possible, afterwards. So we're here to answer any questions
8 you might have.
9

10 **CHAIR BARNES** – Thank you. Commissioners, any questions of the Applicant?
11 Thank you very much. Any questions of the Staff? No? Alright, before we move
12 to the public comments, I had a couple of things that I wanted a little bit of
13 clarification on. Give me a moment while I find them. The Parcel Map is not a
14 requirement of any building permits. Is that correct? They can move forward
15 with Grading and Building Permits.
16

17 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – That's correct. On....well,
18 there's a small portion....there are two lots involved, and the two lots....let me go
19 back. So, yeah, they could develop the easterly portion of the site and then work
20 together with Land Development. If they wanted to put it all in one lot, then they
21 could work with Land Development on either a Parcel Map or a....I would defer to
22 Land Development on, on how they would put that smaller piece in but...
23

24 **CHAIR BARNES** – Okay. I was just curious whether they were tied together
25 but....
26

27 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – The Parcel Map that their
28 showing for the seven lots is not really tied. I believe we can ask the Applicant,
29 but that seems like a financing-type map, more so than for the project.
30

31 **CHAIR BARNES** – Okay, thank you. There is a condition that requires
32 reciprocal access between the property and the adjacent parcel to the south
33 provided to the city. That's for the shared driveway off of Nason?
34

35 **ASSOCIATE PLANNER JULIA DESCOTEAUX** –Yes, yes.
36

37 **CHAIR BARNES** – The project requires a six-foot wall on the south and the west
38 side?
39

40 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – South and east.
41

42 **CHAIR BARNES** – South and east, yes, excuse me. Thank you.
43

44 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Yes.
45

1 **CHAIR BARNES** – And I think that was it. No other questions of the
2 Commissioners? Alright, well then let's open the Public Hearing. Do we have
3 speakers?
4

5 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – Yes Sir, we do. We
6 have four. We have Bill Novodor, Rafael Brugueras, Bill Liu, and Kendrick Rivas.
7

8 **CHAIR BARNES** – Mr. Novodor.
9

10 **SPEAKER BILL NOVODOR** – Good evening Chairman and Commissioners.
11 Just to give you an idea, I'm also a Planning Commissioner in the city in which I
12 live, so I am very familiar with what you have to go through. The other part of it is
13 that I have been working on this project since 2008. We also had engaged the
14 services of MSA Consulting, so there is a bit of an issue in conflict, but one of the
15 things that I would like to make you aware of is that there is a lis pendens on this
16 property. It has been on the property since 2014, and twice it has been before
17 the courts, and the courts have refused to remove the lis pendens. We are in
18 litigation, and we will probably be going to trial towards the last quarter of 2018.
19 The issue also that everything that has been listed as to our site, we also were
20 the ones that did the Lot Line Adjustment for that small parcel through MSA
21 Consulting, by the way. The other part of it is that the buildings are almost
22 identical to exactly what we developed, and so I am here really more as a friend
23 to the Commission and to the City of Moreno Valley. John Terrell, Mark Gross, I
24 can go through the list of the individuals that have worked with us and
25 understand what we were trying to do. I would appreciate it very much that your
26 consideration would be...and I would like my attorney, Mr. Bill Liu, to now speak
27 on our behalf, as well.
28

29 **SPEAKER BILL LIU** – Good evening Commissioners. I assume you got my
30 letter?
31

32 **CHAIR BARNES** – Yes.
33

34 **SPEAKER BILL LIU** – Okay and did you have a chance to look at it?
35

36 **CHAIR BARNES** – Yes.
37

38 **SPEAKER BILL LIU** – There were two attachments, the lawsuit, a copy of the
39 lawsuit, and a copy of the lis pendens. Basically what we have here is a case of
40 theft. Mr. Torng and Mr. Novodor, about four or five years ago, got into a venture
41 where they were going to develop this land with this precise same medical
42 facility. So what Mr. Torng has done is he has stolen all of the documents, and
43 we just found out about this very, very recently. So the lawsuit is theft. So they
44 got into a project to develop this land, and they were going to develop it together,
45 but then Mr. Torng took it upon himself and coerced Mr. Novodor where he got
46 the land under his own title under Galaxy Management, but he was supposed to

1 transfer that back to the joint venture, so they could go ahead and develop it, but
2 he never did. Then he went ahead, and he foreclosed on the property as a
3 partner in the joint venture, in which you can't do. It's a breach of fiduciary duty,
4 so we did file a lawsuit in 2014. A trial should be set. It's out at Riverside Court
5 before Judge Ottolia. It should be set for trial later this year. Mr. Tornng went into
6 court last year and went into court early this year to try to remove the lis
7 pendens.

8
9 **CHAIR BARNES** – Thank you, Mr. Lui. Your time is.....

10
11 **COMMISSIONER LOWELL** – I would like to hear him if he's at the....

12
13 **PLANNING OFFICIAL RICK SANDZIMIER** – This is a second speaker.

14
15 **CHAIR BARNES** – Alright, continue.

16
17 **SPEAKER BILL LIU** – Okay, so I'm sorry.

18
19 **CHAIR BARNES** – My apologies.

20
21 **SPEAKER BILL LIU** – We're both Bill's. So, anyway, Mr. Tornng went into court
22 to try to remove the lis pendens. He failed. Judge Ottolia said, and the test is
23 whether we had a probability of success on the matter and, if we do have a
24 probability of success of trial, then the lis pendens is not removed. It has not
25 been removed, and we anticipate when we go to trial that we will prevail. So I
26 would ask this Commission not to approve it. I would ask for a denial but, if you
27 don't want to deny it, I think it would incumbent upon you to at least hold it in
28 abeyance until our trial because the title....I don't know....I don't understand what
29 the city attorney is saying, it is not within your purview. This title is clouded.
30 There has been a theft and fraud committed, and we're not asking for a long
31 period of time for you to decide this matter. This case has been very, very old.
32 We are going to go to trial setting.....hearing on March 15, 2018, and the judge
33 has already said that it is going to be set within six or seven months within that
34 trial setting. So it should be set August or September, and we really believe we
35 are going to prevail on this. So I think it's premature for this Council...or this
36 Commission to approve all this and go forward with all of this and, as Mr.
37 Novodor said, it's exactly what he has done for the last four or five years. Mr.
38 Novodor has put in over \$2 million into this project and having it stolen under his
39 feet by Mr. Tornng. So we're not asking for a lot from you, just perhaps an
40 abeyance of this. Don't go forward. It's theft. We intend to win and, when we
41 win, we'll proceed with this project. Thank you.

42
43 **CHAIR BARNES** – Thank you very much. Next speaker, Mr. Brugueras.

44
45 **SPEAKER RAFAEL BRUGUERAS** – Chair Barnes, I was hoping that maybe
46 you would have asked the attorney to answer that before we continue because, if

1 it's not going to be approved tonight....I mean, I would like to see it approved.
2 It's a great project, but we have a double here, as he is claiming. So I love the
3 project. I went out and looked at it. I loved the pictures. I love everything that
4 they are going to do in the City of Moreno Valley. Even if it got approved tonight,
5 it is not going to be built tomorrow and if, for whatever reason the truth comes out
6 where can't build it because someone else prevailed, I'm not sure what happens
7 to our approval tonight, if it's approved. So, anyway, I'm going to use my last two
8 minutes to talk about the project. I do like the project. I like everything that is
9 being done for the....for the residents that need this care. What I wanted to know
10 is, urgent care, is it going to be 24 hours because it talks about an urgent care
11 building? I'm not sure if that's open to the public or not for 24 hours, urgent care.
12 My second one is I didn't see anything in the Staff Report where they are going
13 to put some electric chargers for cars. You know, they have a lot of parking
14 space, so I would like to see that be put into the project. And I am not sure if
15 they are going to use any solar to charge the lights at night in the parking lot or
16 anything like that instead of using electricity. They can use that long strip that we
17 see in the middle of 499 or 485, the picture right down here. Maybe they'll put
18 the lights, the solar, on top of those. Like I see a lot of our buildings...our parking
19 structures where they have solar, so there is always constant light at not. So
20 because I'm not sure if this facility is going to be open 24 hours, but I do like it
21 and I'm hoping that, whatever happens tonight, we get an answer from our city
22 attorney and our city managers and our staff managers and, wow, I'm surprised.
23 Anyway, thank you so much.

24
25 **CHAIR BARNES** – Thank you Mr. Brugueras. Last speaker, Mr. Rivas.

26
27 **SPEAKER KENDRICK RIVAS** – Good evening Chair, Commissioners. I'm
28 actually mixed on this project. The only thing that I like about this project is the
29 office space, and I do believe that there are too many parking spaces, but I agree
30 with Rafael. I think we do need to add like electric charging stations because
31 they are going to be more common because apparently California wants us all to
32 have electric charger by the year 2040, so it would be nice if we can start
33 implementing that now. I think since there is probably some litigation, I think this
34 probably should be on hold until it gets settled. I know one of the reasons why
35 he does want you to approve it because of property tax, and I just learned that in
36 my government class yesterday. Now I know the reason why a bunch of
37 buildings are coming down and 60% vacancy. Thank you.

38
39 **CHAIR BARNES** – Thank you Mr. Rivas. Seeing no other public speakers, I will
40 close the Public Hearing.

41
42 **PLANNING OFFICIAL RICK SANDZIMIER** – Mr. Chair.

43
44 **CHAIR BARNES** – Yes.
45

1 **PLANNING OFFICIAL RICK SANDZIMIER** – You may want to allow the
2 Applicant to come back and rebut any of the speaking, if you like.

3
4 **CHAIR BARNES** – Okay, thank you. Would the Applicant like to rebut any of the
5 public comments? Thank you Rick.

6
7 **APPLICANT PAUL DEPALATIS** – Just a few things, as far as the Parcel Map
8 goes, it is mainly for financing. The parcels are designed around the buildings,
9 so that will facilitate development of the property. Then, I've also been on a
10 Planning Commission before, and I think we all know that the Planning
11 Commission's job is to actually act on the physical merits of the project before
12 you, so we would request you do that. I'm sure Mr. Novodor will have his day in
13 court, and they can resolve whether he's correct or not at that time. Thank you.

14
15 **SPEAKER RICHARD TORNG** – My name is Richard Torng, and I have a few
16 comments about this Bill Novodor and the Bill Liu, and we have this civil matter in
17 the courtroom. I think we should discuss it in the courtroom, and then tonight we
18 have the application for the entitlement of the project. I think the civil matter, we
19 should put it aside. Thank you.

20
21 **CHAIR BARNES** – Thank you very much. We will now close the Public Hearing.
22 As you said, that's the direction we've been given by the city attorney, so....

23
24 **CITY ATTORNEY MARTIN KOCZANOWICZ** – Honorable Chair and
25 Commission Members, again, my opinion remains the same. If court wanted to
26 take control of the property and preclude any development or anything else
27 happening with the property, there are mechanisms by which that could have
28 been applied for and obtained, if it was warranted.

29
30 **CHAIR BARNES** – Alright.

31
32 **CITY ATTORNEY MARTIN KOCZANOWICZ** – Before you is a project. Approval
33 of the project is what you're considering. Litigation over the title to the
34 property.....by the way, the litigation mostly asks for money, so not for the
35 property, is beyond the purview of the Commission. We're not sitting here
36 deciding who is right or wrong on a lawsuit for title

37
38 **CHAIR BARNES** – Okay.

39
40 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may add, with regard to your
41 action this evening, you're in an advisory capacity on this project to the City
42 Council, so the City Council will be the ultimate decision-making authority on the
43 project because the components of the project require a legislative action, which
44 is you advising or recommending to the City Council. We do not have a City
45 Council date yet but if we find any more information, at that point, we could also

1 share that with the City Council but, at this point, I agree with the city attorney
2 who said I am recommending that you move forward.

3
4 **CHAIR BARNES** – I agree. That was my opinion. That’s a civil matter, and
5 that’s not us.

6
7 **COMMISSIONER SIMS** – But I do have question. So it’s probably to the city
8 attorney, so depending on whatever the outcome is, if this project is
9 entitled....let’s just go down that path. It gets a recommendation for entitlement
10 to the Council and the Council acts and entitles the project, approves it. Then,
11 this goes to civil trial, and it does have a change where if the property....just a
12 “what if” scenario here, if the property did....the transaction was found to be
13 faulty and it’s clouded, what becomes of the entitlement? Does the entitlement
14 just run with the land or is it because...if there was a change in ownership, what
15 becomes of that?

16
17 **CITY ATTORNEY MARTIN KOCZANOWICZ** – I’m not going to speak for the
18 judge. If the judge decides that there are some orders that are pertinent to the
19 fate of the property itself. Then those orders will be issued, and those affected
20 will need to comply with them. With regard to the approvals or the entitlements
21 that are obtained, they run with the land. So if the land is sold or transfer of
22 property is mandated by the court that does not affect these entitlements in the
23 form that they were submitted to you and the form that they were approved
24 ultimately by the Council.

25
26 **CHAIR BARNES** – Thank you. Any other questions?

27
28 **COMMISSIONER LOWELL** – I have some questions.

29
30 **CHAIR BARNES** – Yeah, are we going to start talking about the project?

31
32 **COMMISSIONER LOWELL** – I was actually going to ask a very similar question
33 that Mr. Sims asked, but we got an answer. So as far as the noise goes, we got
34 a Noise Study, and it says that there is no noise issue; however, I’m seeing the
35 fact that we have an assisted-living facility, we have skilled-nursing facilities, and
36 an urgent care. I’m assuming at some point in time an ambulance might come to
37 or from this facility. I live off of Nason and, when you have your windows open,
38 all you hear all night is sirens. Is there any kind of mechanism we can do to quiet
39 some of the sirens or put a limit on what they can and can’t do? I know it’s an
40 emergency situation, so the sirens are necessary, but that’s all you hear all night,
41 so you have to sleep with your windows and doors shut.

42
43 **SENIOR PLANNER CHRIS ORMSBY** – I could respond to that just based on
44 experience we’ve had with projects near fire stations but generally, and fire might
45 speak to this as well, but my understanding is that usually emergency vehicles
46 will turn their sirens off when they go onto private property in a situation where

1 it's, especially in a residential area. Obviously, it depends on the circumstance,
2 and it would be very difficult to condition a project for that, but that is my
3 understanding with kind of the way it works with the fire services.
4

5 **COMMISSIONER LOWELL** – But this facility won't be receiving emergency
6 calls. It will be generating them as needed, like if my own personal residence
7 needed an emergency call. That's not going to be a designation for
8 ambulances?
9

10 **SENIOR PLANNER CHRIS ORMSBY** – That is correct.
11

12 **CHAIR BARNES** – Anybody else? No further questions? Wow. Well then,
13 would anyone like to make a motion?
14

15 **COMMISSIONER LOWELL** – I thought there would be a lot more questions with
16 all these pages of documents.
17

18 **CHAIR BARNES** – As did I, compliments to the Staff; the perfect project.
19

20 **VICE CHAIR KORZEC** – Yeah, it was very thorough.
21

22 **CHAIR BARNES** – Well done. I'll ask a question while the rest of you decide
23 whether you have any. Can I get a brief explanation of the medical overlay
24 because I see it will be applied to this project or this property as part of the
25 entitlement? How does that work? Explain it a little bit.
26

27 **SENIOR PLANNER CHRIS ORMSBY** – I will make a try at that since I wrote that
28 section of the Code about 10 years ago. It was a long time ago but, as I recall,
29 the purpose of the medical overlay is to, in fact, encourage medical uses within a
30 given area. There are some....I guess the key element of it is that it allows for
31 some variation in the Use Table, in our Regular Use Table, as far as Medical
32 Use, so it allows for a little broader range of medical uses that would be
33 otherwise maybe allowed under the zone of Commercial or Office, so it
34 doesn't....it's not very far reaching, in terms of what it allows that differs from the
35 Code. It's more of a refinement of the Use Table in that regard. It also identifies
36 some uses and Conditional Use Permits, so it pretty well protects neighboring
37 residential in terms of the uses that are allowed within the overlay, but it's really
38 to facilitate economic development associated with furthering medical use.
39

40 **CHAIR BARNES** – Is the applicant of that component a Change of Zone?
41

42 **SENIOR PLANNER CHRIS ORMSBY** – That would be. It is...it is an actual
43 layer on our Zoning Map.
44

45 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may, just a little elaboration...a
46 project that recently came before the Planning Commission was the Main Street

1 Transitional Care facility. It was the 90-bed semi-hospital type of a project. That
2 was allowed because of the medical overlay that applied to that property, which
3 is up just northeast of the Kaiser property, and so we're asking for exactly what
4 Chris said there. It's for an economic development purpose. Our economic
5 development goals, we're talking about the areas along Nason being encouraged
6 for additional medical-related uses, and so this is in line with that.

7
8 **CHAIR BARNES** – Okay. Thanks Rick. Any questions? Everyone's just...

9
10 **CITY ATTORNEY MARTIN KOCZANOWICZ** – Honorable Chair and
11 Commission Members, just anticipating the next move. One motion to approve
12 Staff's recommendation would be appropriate under these circumstances.

13
14 **CHAIR BARNES** – Okay. That sounds good to me.

15
16 **COMMISSIONER LOWELL** – And it can also be a motion just to approve the
17 Resolution, correct? You don't have to read all the items?

18
19 **CHAIR BARNES** – Right.

20
21 **COMMISSIONER LOWELL** – That would be a lot of reading.

22
23 **PLANNING OFFICIAL RICK SANDZIMIER** – Except that there are multiple
24 resolution numbers, so you'll want to...

25
26 **CITY ATTORNEY MARTIN KOCZANOWICZ** – Read 01, 02 etc.

27
28 **PLANNING OFFICIAL RICK SANDZIMIER** – Okay.

29
30 **CHAIR BARNES** – So do we have a mover?

31
32 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – I have it Sir.

33
34 **CHAIR BARNES** – You got it?

35
36 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – You'll do push button as
37 soon as I hear who makes the motion.

38
39 **CHAIR BARNES** – Oh, I see. Okay, so would anyone like to make a motion?
40 Commissioner Korzec.

41
42 **VICE CHAIR KORZEC** – I make a motion that we pass Resolutions 2018-01, 02,
43 03, 04, 05, and 06.

44
45 **COMMISSIONER LOWELL** – I'll second.
46

1 **CHAIR BARNES** – We have a motion and a second. Please vote. All votes
2 have been cast. The motion carries 5-0. Thank you very much. Do we have a
3 wrap-up?
4

5
6
7 Opposed – 0
8
9

10 **Motion carries 5 – 0**
11
12

13 **PLANNING OFFICIAL RICK SANDZIMIER** – This item, as I indicated earlier, is
14 going to be going forward to the City Council. Since your action was to
15 recommend approval, there is no appeal necessary. The motion will move
16 forward to City Council. I will let you know when that is.
17

18 **CHAIR BARNES** – Thank you Rick.
19
20

21 **OTHER COMMISSION BUSINESS**
22

23 **CHAIR BARNES** – Any other Commission Business that we need to attend to?
24 Rick? Commissioners?
25

26 **COMMISSIONER LOWELL** – I had a question just for Staff, just a general
27 comment. On this last project, I drive by the project site pretty much daily and
28 the public notice sign, although when you're standing next to it is gigantic, when
29 you're driving down Nason, you can barely read public notice. Is there any
30 chance of making those signs a little bit larger or some of the text on it bigger, so
31 you can see it?
32

33 **PLANNING OFFICIAL RICK SANDZIMIER** – I will say that the signs that we are
34 posting out there are fairly large. They do meet the obligation that our Code calls
35 for. Our fee schedule is tied to the cost of those signs and so, if we were to try
36 and increase the size of the sign, it could affect the cost and that cost may not be
37 fully covered by the applicant's and, right now, the way the fee structure is set,
38 it's intended to cover that. So that would be the one.....
39

40 **COMMISSIONER LOWELL** – Maybe the Public Hearing Notice words around or
41 give it just a.....
42

43 **PLANNING OFFICIAL RICK SANDZIMIER** – We can take a look at that and
44 bring it to the sign manufacturer.
45

1 **COMMISSIONER LOWELL** – You're driving down the street at 50 miles an hour
2 and you're like, I can't even read that.

3
4 **PLANNING OFFICIAL RICK SANDZIMIER** – We can talk to the sign
5 manufacturer and if they can increase the size of the font, at least for the public
6 notice portion, that's probably simple enough.

7
8 **COMMISSIONER LOWELL** – Thanks Rick. I appreciate it.

9
10 **PLANNING OFFICIAL RICK SANDZIMIER** – Thanks.

11
12 **CHAIR BARNES** – Anything else?

13
14
15 **STAFF COMMENTS**

16
17 **CHAIR BARNES** – Any Staff Comments?

18
19 **PLANNING OFFICIAL RICK SANDZIMIER** – No, other than I introduced our
20 new planning manager earlier. You'll expect to see him. One particular item that
21 will coming before the Commission soon will be the cannabis regulations. We
22 expect that to be on your Agenda for February 22, 2018. A notice was put to the
23 newspaper and will be published this weekend. We're still fine tuning all of the
24 recommendations on that, and so we think that'll be a...I'll call it an interesting
25 discussion possibly that evening, so I just wanted to give you the heads up. With
26 regard to filling the vacancies on the Commission, I think there was a question
27 asked about that before. There is no progress at this point. So, in case anybody
28 up there was interested to know, I'll keep you posted if I hear anything else but,
29 right now, I am not hearing anything. Then the only other thing would be the first
30 meeting in April will be the time to select a new Chair and Vice Chair. So, in
31 case you guys are interested to know that, that's coming up in two months so.

32
33 **CHAIR BARNES** – I'm sure they are all interested to know about that.

34
35
36 **PLANNING COMMISSIONER COMMENTS**

37
38 **COMMISSIONER SIMS** – I would just like to make a comment on the lack of
39 Commissioners on our Commission. I believe we had our first lack of quorum.
40 We had a meeting missed or canceled due to lack of quorum. It was in big bold
41 print when I came across my email. I was one of the offenders, so I apologize in
42 advance but we went through, three or four years ago, quite the rigmarole about
43 having alternates and maybe it wasn't even that long because it still seems to
44 create a bit of a spasm in my back over that, but I would strongly urge the
45 Council to make some decisions because we've gone without....we've had
46 vacant seats for quite some time. I don't know how long it is. It's probably been

1 a year, and it seems like that's not that hard of a deal to get done and....or, at a
2 minimum, appoint the two alternates that we had, so we wouldn't have a lack of
3 quorum because I think that was the whole goal for that but anyhow that would
4 be my suggestion. I could write a letter to Councilmembers and give that....well
5 if they don't watch these meetings.

6
7 **COMMISSIONER LOWELL** – Jeff, you and I are very likeminded. I was going
8 was going to say something very similar, and I completely agree. The lack of
9 direction from the top down is very frustrating, especially when we don't have
10 enough people up here to make quorum. We have a body of seven and the
11 quorum is four and when, one or two of us is sick or have to miss, the last
12 meeting got canceled. The Applicant had to waste money. It's a big problem,
13 and the City Council needs to get off the dime and do something.

14
15 **CHAIR BARNES** – Can we as a body draft a....

16
17 **COMMISSIONER LOWELL** – Strongly-worded letter....

18
19 **CHAIR BARNES** – To the Council that would be presented to them and maybe
20 read into the record or something?

21
22 **CITY ATTORNEY MARTIN KOCZANOWICZ** – I think that the comments here,
23 which will be reflected in the Minutes, can be relayed to the City Council.

24
25 **PLANNING OFFICIAL RICK SANDZIMIER** – To answer your question, if you
26 would like, anybody can write a letter to the City Council. So that would be your
27 prerogative.

28
29 **CHAIR BARNES** – And, if it is presented to them, will it be read into the public
30 record or will it just be circular filed?

31
32 **COMMISSIONER LOWELL** – You write the letter. I'll read it. I will go to a
33 meeting and read it.

34
35 **CHAIR BARNES** – Well, I guess my feeling about our comments getting to the
36 City Council, yeah, that might happen but, at this point, it has been so long, and I
37 think we've done such a disservice to the people wanting to do business in the
38 City that I'd like something a little more formal expressing our disappointment in
39 the action.

40
41 **COMMISSIONER SIMS** – I tend to agree. I really wasn't that worried about it
42 and just the pain and the struggle we went through the alternate rules for the
43 alternate Commissioners for eight hours or whatever it was, but it really didn't hit
44 home until we got the cancelation notice, and I looked at the cancelation notice
45 and it says due to lack of quorum, and that just seems dumb that we can't have a

1 quorum when there are seven seats and two alternates. It would be highly
2 unusual that we would have that if we had all the positions filled.

3
4 **COMMISSIONER LOWELL** – In my 10 years in the Commission that was the
5 first meeting due to lack of quorum that was canceled.

6
7 **VICE CHAIR KORZEC** – Really?

8
9 **CHAIR BARNES** – So if we wanted to draft up something. We obviously don't
10 want to take meeting time to do that, how would we go about getting together in
11 some fashion to do that?

12
13 **PLANNING OFFICIAL RICK SANDZIMIER** – I would advise against three or
14 more of you getting, actually four or more of you getting together outside of this
15 meeting since you're talking about it this evening and, if you agree for the
16 Chairman to write the letter and you agree on how you'd like to have that
17 presented, you can do that here, but I would discourage you from trying to do
18 that outside of this meeting.

19
20 **CITY ATTORNEY MARTIN KOCZANOWICZ** – I think that, just to followup,
21 Honorable Chair and Commission Members, if the Planning Commission is
22 contemplating as a body assigning a writer to a letter that is going to go to the
23 Council, my recommendation would be that you agendize that for the next
24 meeting. That's a decision that's not on the Agenda for consideration or
25 deliberation. That is not on the current agenda and, if it's going to come from the
26 body, from Planning Commission, it needs to be agendized and that decision
27 needs to be voted on.

28
29 **CHAIR BARNES** – Alright, then I'd like to ask that we agendize that item, and I
30 think the item might be a committee of three. We can do that right?

31
32 **CITY ATTORNEY MARTIN KOCZANOWICZ** – A committee of three would be
33 an Ad-Hoc Committee. The quorum is four?

34
35 **PLANNING OFFICIAL RICK SANDZIMIER** – A quorum is four.

36
37 **CITY ATTORNEY MARTIN KOCZANOWICZ** – Okay, then a committee of three
38 would be fine as an Ad-Hoc Committee.

39
40 **CHAIR BARNES** – Okay so next week, or next meeting, let's put on the Agenda
41 a line item to put together a committee. Mr. Lowell and Mr. Sims will put
42 something together and make a statement voicing our thoughts on the issue.

43
44 **PLANNING OFFICIAL RICK SANDZIMIER** – Okay, just so I understand clearly,
45 I think what I'm hearing you say is that there's going to be a committee of three of

1 you that are going to get together, prepare a draft letter, that draft letter will be
2 put....

3
4 **CITY ATTORNEY MARTIN KOCZANOWICZ** – That decision is going to be
5 made whether or not they have a committee.

6
7 **PLANNING OFFICIAL RICK SANDZIMIER** – Whether or not they have a
8 committee. Okay, okay.

9
10 **CHAIR BARNES** – Yeah, what I'm proposing is that we discuss, at the next
11 meeting, the idea of putting together a three-person panel.....

12
13 **PLANNING OFFICIAL RICK SANDZIMIER** – We'll put that on the Agenda.

14
15 **CHAIR BARNES** – Three of them doing something and then, whatever they do,
16 we bring that before the Commission. Everybody would vote on it and, if it's in
17 favor, then it would move forward.

18
19 **PLANNING OFFICIAL RICK SANDZIMIER** – Okay, we'll put that on there.

20
21 **CHAIR BARNES** – Reasonable?

22
23 **PLANNING OFFICIAL RICK SANDZIMIER** – Yep.

24
25 **CHAIR BARNES** – Okay, alright. Thank you, Jeff.

26
27 **VICE CHAIR KORZEC** – Thank you Jeff.

28
29 **CHAIR BARNES** – For moving that forward.

30
31 **COMMISSIONER SIMS** – Well, if you're an executive for a company and your
32 Board of Directors has given you money to fill positions, how long would you be
33 the chief executive if you didn't fill all the positions?

34
35 **COMMISSIONER LOWELL** – It's cost saving.

36
37 **CHAIR BARNES** – Ninety-eight bucks a month times two buddy. Alright,
38 anything else?

39
40 **COMMISSIONER LOWELL** – No Sir.

41
42 **VICE CHAIR KORZEC** – No.

43
44
45 **ADJOURNMENT**
46

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

CHAIR BARNES – Alright, I think we've used up our Planning Commission time so, with that being done, let's adjourn the meeting to the next regularly-scheduled meeting of the Planning Commission, which is February 22, 2018, at 7:00 PM in these Chambers. Thank you very much. We're adjourned. Good night.

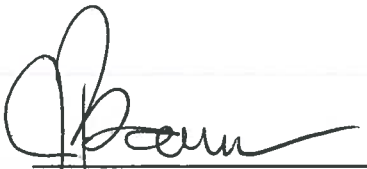
NEXT MEETING

Next Meeting: Planning Commission Regular Meeting, February 22, 2018 at 7:00 PM, City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, CA 92553.



Richard J. Sandzimier
Planning Official
Approved

3/1/2018
Date



Jeffrey Barnes
Chair

3/22/2018
Date