

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

5   **Thursday, July 23<sup>rd</sup>, 2015, 7:00 PM**

6  
7  
8                                   **CALL TO ORDER**  
9

10                   **CHAIR LOWELL** – Good evening ladies and gentleman. Sorry for the delay.  
11 We had a little technical issue. I'd like to call the July 23<sup>rd</sup>, 2015 Regular Meeting  
12 of the Planning Commission to order. The time is 7:12 PM. Grace, may we have  
13 rollcall please? Could we also verify that the alternate Commissioners are here?  
14

15  
16                                   **ROLL CALL**  
17

18                   Commissioners Present:

19 Commissioner Baker  
20 Commissioner Barnes  
21 Commissioner Ramirez  
22 Commissioner Korzec  
23 Commissioner Van Natta  
24 Vice Chair Sims  
25 Chair Lowell  
26 Alternate Commissioner Gonzalez  
27 Alternate Commissioner Nickel  
28

29                   Staff Present:

30 Claudia Manrique, Associate Planner  
31 Chris Ormsby, Senior Planner  
32 Paul Early, Assistant City Attorney  
33 Allen Brock, Community Development Director/Building Official  
34 Grace Espino-Salcedo, Clerk  
35 Vince Giron, Associate Engineer  
36 Michael Lloyd, Senior Engineer  
37  
38

39                                   **PLEDGE OF ALLEGIANCE**  
40

41                   **CHAIR LOWELL** – It was brought to my attention before the meeting that we  
42 actually have two Commissioners on separate items that are going to have to  
43 recuse themselves, so I believe we will be utilizing alternate Planning

1 Commissioner Gonzalez tonight for Item No. 2 and Item No. 3. So, with that  
2 said, could Commissioner Barnes lead us in the Pledge of Allegiance please?  
3

4  
5 **APPROVAL OF THE AGENDA**  
6

7 **CHAIR LOWELL** – Thank you. Would anyone like to motion to approve  
8 tonight’s Agenda?  
9

10 **COMMISSIONER RAMIREZ** – I so move.  
11

12 **COMMISSIONER BAKER** – I second.  
13

14 **CHAIR LOWELL** – Okay, we have a mover and a second. All in favor, I.  
15

16 **COMMISSIONER VAN NATTA** – I  
17

18 **COMMISSIONER KORZEC** – I  
19

20 **VICE CHAIR SIMS** – I  
21

22 **COMMISSIONER BAKER** – I  
23

24 **COMMISSIONER BARNES** – I  
25

26 **COMMISSIONER RAMIREZ** – I  
27  
28

29 **CONSENT CALENDAR**  
30

31 *All matters listed under Consent Calendar are considered to be routine and all*  
32 *will be enacted by one rollcall vote. There will be no discussion of these items*  
33 *unless Members of the Planning Commission request specific items be removed*  
34 *from the Consent Calendar for separate action.*  
35  
36

37 **CHAIR LOWELL** – So that moves us on to our Consent Calendar. I don’t  
38 believe we have any items on the Consent Calendar tonight.  
39  
40

41 **APPROVAL OF MINUTES**  
42

- 43 • **Planning Commission - Regular Meeting - March 12, 2015, 7:00**
- 44 **PM**
- 45 • **Planning Commission - Regular Meeting - March 26, 2015, 7:00**
- 46 **PM**

1 • **Planning Commission - Regular Meeting - April 23, 2015, 7:00**  
2 **PM**  
3

4 **CHAIR LOWELL** – We are going to move on to the approval of the Minutes from  
5 the previous meetings. We have the Minutes from the March 12<sup>th</sup>, 2015,  
6 meeting. We also have the Regular Meeting from March 26<sup>th</sup>, 2015, and the  
7 Regular Meeting from April 23<sup>rd</sup>, 2015. Anybody want to motion to approve them,  
8 or are there any comments or questions on it before we motion?  
9

10 **COMMISSIONER VAN NATTA** – I think that we should do them separately  
11 since not all people were present for each one.  
12

13 **COMMISSIONER BAKER** – I agree.  
14

15 **CHAIR LOWELL** – Let's verify who was here.  
16

17 **COMMISSIONER VAN NATTA** – I believe on Thursday March 12<sup>th</sup>, 2015,  
18 Commissioner Sims was absent.  
19

20 **CHAIR LOWELL** – Okay, so do you want to motion to approve the March 12<sup>th</sup>,  
21 2015 meeting?  
22

23 **COMMISSIONER VAN NATTA** – Yeah, I'll move to approve the Minutes of the  
24 Meeting of Thursday, March 12<sup>th</sup>, 2015.  
25

26 **COMMISSIONER BAKER** – I'll second that.  
27

28 **CHAIR LOWELL** – So I guess we're going to vote on these individually, so we  
29 have a motion by Commissioner Van Natta and a second by Commissioner  
30 Baker. All in favor, I.  
31

32 **COMMISSIONER BAKER** – I  
33

34 **COMMISSIONER VAN NATTA** – I  
35

36 **COMMISSIONER KORZEC** – I  
37

38 **COMMISSIONER RAMIREZ** – I  
39

40 **COMMISSIONER BARNES** – I  
41

42 **CHAIR LOWELL** – Anybody oppose? No. Okay.  
43

44 **VICE CHAIR SIMS** – I abstain.  
45

46 **CHAIR LOWELL** – We have one abstention.

1 **GRACE ESPINO-SALCEDO** – We have two abstentions also with  
2 Commissioner Korzec.

3  
4 **COMMISSIONER VAN NATTA** – Oh yeah. Sorry.

5  
6 **CHAIR LOWELL** – Should we do rollcall vote or should we just raise our hands  
7 and say I?  
8

9 **GRACE ESPINO-SALCEDO** – Let's go ahead and do a rollcall vote.

10  
11 **CHAIR LOWELL** – Okay, so for the March 12<sup>th</sup>, 2015 Meeting Minutes we're  
12 going to do a rollcall vote.

13  
14 **COMMISSIONER RAMIREZ** – Yes.

15  
16 **COMMISSIONER VAN NATTA** – Yes.

17  
18 **COMMISSIONER BAKER** – Yes.

19  
20 **COMMISSIONER BARNES** – Yes.

21  
22 **GRACE ESPINO-SALCEDO** – And we have two abstentions, Commissioner  
23 Korzec and Vice Chair Sims.  
24  
25

26 **Motion carries 6 – 0 – 2, with two Abstentions**

27  
28 **CHAIR LOWELL** – So that moves us onto the March 26<sup>th</sup>, 2015 meeting.  
29 Approval of the Minutes from March 26<sup>th</sup>, 2015. Do we have a motion?  
30

31 **VICE CHAIR SIMS** – I'll approve that. I'll make a motion to approve the Minutes  
32 from March 26<sup>th</sup>, 2015.  
33

34 **CHAIR LOWELL** – We have a motion by Vice Chair Sims. Do we have a  
35 second?  
36

37 **COMMISSIONER VAN NATTA** – I second.

38  
39 **COMMISSIONER BARNES** – I second.  
40

41 **CHAIR LOWELL** – Oh, we have a race.

42  
43 **VICE CHAIR SIMS** – Wow. Flip a coin.  
44

45 **COMMISSIONER VAN NATTA** – Second.  
46

1 **CHAIR LOWELL** – So we have a motion by Commissioner Sims and a second  
2 by Commissioner Van Natta. May we have a rollcall vote please?

3  
4 **COMMISSIONER BARNES** – Yes.

5  
6 **COMMISSIONER BAKER** – Yes.

7  
8 **COMMISSIONER VAN NATTA** – Yes.

9  
10 **COMMISSIONER RAMIREZ** – Yes.

11  
12 **VICE CHAIR SIMS** – Yes.

13  
14 **CHAIR LOWELL** – Yes.

15  
16 **GRACE ESPINO-SALCEDO**– And we have one abstention with Commissioner  
17 Korzec.

18  
19 **Motion carries 6 – 0 – 1, with one Abstention**

20  
21 **CHAIR LOWELL** – That moves us onto the April 23<sup>rd</sup>, 2015 meeting. I’m getting  
22 feedback. I don’t know if I’m leaning too close to the microphone, but I’m hearing  
23 pulsing. I don’t know if IT can deal with that? So the April 23<sup>rd</sup> meeting, anybody  
24 want to comment? I have one question. It says Commissioners present: It has  
25 Chair Lowell and Commissioner Lowell. I’m in there twice. I don’t know if that’s  
26 just normal or not normal?

27  
28 **GRACE ESPINO-SALCEDO** – We’ll go ahead and make that correction.

29  
30 **CHAIR LOWELL** – Awesome. Was there anybody present that isn’t showing up  
31 on here? Was Korzec at this meeting?

32  
33 **GRACE ESPINO-SALCEDO** – Yes.

34  
35 **CHAIR LOWELL** – Because she was sworn in, so that would be the revision. I  
36 don’t see any other revisions. Anybody else have any comments?

37  
38 **VICE CHAIR SIMS** – I make a motion to approve the Minutes from April 23<sup>rd</sup>,  
39 2015.

40  
41 **CHAIR LOWELL** – So we have a motion by Vice Chair Sims. Do we have a  
42 second?

43  
44 **COMMISSIONER BAKER** – I’ll second.

1 **CHAIR LOWELL** – We have a second by Commissioner Baker. Can we have a  
2 rollcall vote please?

3  
4 **COMMISSIONER RAMIREZ** – Yes.

5  
6 **COMMISSIONER KORZEC** – Yes.

7  
8 **COMMISSIONER VAN NATTA** – Yes.

9  
10 **COMMISSIONER BAKER** – Yes.

11  
12 **COMMISSIONER BARNES** – Yes.

13  
14 **VICE CHAIR SIMS** – Yes.

15  
16 **CHAIR LOWELL** – Yes.

17  
18  
19 **PUBLIC COMMENTS PROCEDURE**

20  
21 *Any person wishing to address the Commission on any matter, either under*  
22 *Public Comments section of the Agenda or scheduled items or public hearings,*  
23 *must fill out a “Request to Speak” form available at the door. And I believe we*  
24 *have an electronic kiosk that is either up and running tonight or in the process of*  
25 *working. The completed form must be submitted to the Secretary prior to the*  
26 *Agenda item being called by the Chairperson. In speaking to the Commission,*  
27 *members of the public may be limited to three minutes per person, except for the*  
28 *applicant for entitlement. The Commission may establish an overall time limit for*  
29 *comments on a particular Agenda item. Members of the public must direct their*  
30 *questions to the Chairperson of the Commission and not to other members of the*  
31 *Commission, the applicant, the Staff, or the audience. Additionally, upon*  
32 *request, this Agenda will be made available in appropriate alternate formats to*  
33 *persons with disabilities in compliance with the American Disabilities Act of 1990.*  
34 *Any person with disabilities who requires a modification or accommodation in*  
35 *order to participate in a meeting should direct their request to Guy Pagan, our*  
36 *ADA Coordinator at (951) 413-3120 at least 48 hours before the meeting. The*  
37 *48-hour notification will enable the City to make reasonable arrangements to*  
38 *ensure accessibility to the meeting.*

39  
40 **CHAIR LOWELL** – That moves us to the Public Comments portion. With that  
41 said, the Public Comments are hereby open. Do we have anybody wanting to  
42 speak on something that is not an Agenda item?

43  
44 **GRACE ESPINO-SALCEDO** – We don’t have anybody who signed in for them.

45  
46

1 **NON-PUBLIC HEARING ITEMS**

2  
3 None

4  
5 **CHAIR LOWELL** – Okay, so the Public Comment portion is now closed, which  
6 moves us on to the Non-Public Hearing Items, which we don't have any.

7  
8  
9 **PUBLIC HEARING ITEMS**

- 10  
11 1. Case: PA14-0031 (TTM 36761) and P14-059 (Variance)
- 12  
13 Applicant: Right Solutions, LLC
- 14  
15 Owner: Right Solutions, LLC
- 16  
17 Representative: Blaine Womer, Civil Engineering
- 18  
19 Location: 24329 Dunlavy Court  
20 (west of Indian Street and east of Davis Street)
- 21  
22 Associate Planner: Claudia Manrique
- 23  
24 Council District: 1
- 25  
26 Proposal: PA14-0031 (TTM 36761) and P14-059 (Variance)

27  
28  
29 **STAFF RECOMMENDATION:**

30  
31 Recommend the Planning Commission **APPROVE** Resolution No. 2015-10 and  
32 Resolution No. 2015-11 and thereby:

- 33  
34  
35 1. **CERTIFY** that the proposed Variance (P14-059) and Tentative Tract Map  
36 36761 (PA14-0031) are exempt from the provisions of the California  
37 Environmental Quality Act (CEQA), as a Class 32 Categorical Exemption,  
38 CEQA Guidelines, Section 15332 (In-Fill Development); and
- 39  
40 2. **APPROVE** Variance (P14-059) based on the findings contained in Planning  
41 Commission Resolution 2015-10; and
- 42  
43 3. **APPROVE** Tentative Tract Map 36761 (PA14-0031) based on the findings  
44 contained in Planning Commission Resolution 2015-11, subject to the  
45 conditions of approval included as Exhibit A of the Resolution.
- 46

1 **CHAIR LOWELL** – So, by default we move to the Public Hearing Items. The  
2 first Item is Case No. PA-140031 Tentative Tract Map 36761 and P14-059, A  
3 Variance. The owner and applicant are Right Solutions, and the Associate  
4 Planner is Claudia Manrique. Do we have a Staff Report on this item? Thank  
5 you.  
6

7 **ASSOCIATE PLANNER CLAUDIA MANRIQUE** – Good evening. I’m Claudia  
8 Manrique, the Associate Planner. The Applicant is proposing to subdivide one  
9 parcel into seven single-family lots. The proposed project is located on the south  
10 side of Dunlavy Court west of Indian Street and east of Davis Street. The aerial  
11 is shown. The Applicant has also submitted a Variance to allow for a minimum  
12 lot width of Lot No. 1 to be approximately 59.3 feet instead of the minimum 70  
13 feet required by the Residential Site Development Standards for Residential 5.  
14 As noted, the site is zoned Residential 5, and there are currently three  
15 abandoned structures on the parcel. The project site is in an area that is zoned  
16 predominantly Single-Family R5, and this project would be an In-Fill to finish out  
17 the balance of the tract development. Here is a map of the zoning. As you can  
18 see, all the way around the parcel is R5. The proposed subdivision includes  
19 seven single-family lots ranging in size from 10,292 square feet to 10,306 square  
20 feet. The minimum lot standard for R5 is 7200 square feet, and in the west  
21 corner of the site is a litter lot for an infiltration water quality basin; Tentative Tract  
22 Map layout. Variances to the zoning regulation may be granted in respect to  
23 development standards such as lot width. Reducing the lot width from the  
24 required 70 feet to the 59.3 feet will not constitute a grant of a special privilege to  
25 the Applicant. The surrounding subdivisions were built out at the old County of  
26 Riverside’s R1 standard, which had a lot width minimum of 60 feet instead of the  
27 current 70 feet. There is also a unique condition affecting the proposed project.  
28 The two lots to the west of the proposed project, 11806 and 11810 Davis Street  
29 both have their existing rear fences and some structures on the property owned  
30 by the Applicant. On this aerial, you can see the houses on Davis are in red.  
31 The property tonight for the proposed map is in yellow, and there is a slight  
32 overlap of what the property owner owns and where there is an existing, garage,  
33 shed, and some fencing. The Applicant is proposing to transfer approximately  
34 1500 square feet to each of the existing residences to the west allowing the  
35 structures in the rear yard to remain. The loss of the acreage to the properties to  
36 the west, in order to maintain good neighbor relations, impacts the subdivisions  
37 ability to meet the current residential site standards of R5. And, thus, we’re  
38 asking for the Variance for the lot width of Lot No.1. Staff believes that the scope  
39 and the scale of the project is comparable to the properties in the surrounding  
40 neighborhood. The project was submitted in June 2014, and we’ve been working  
41 with the Applicant and the Applicant’s representative to clear up the issues with  
42 the property and who owns what. Documents have been provided proving the  
43 land ownership and were reviewed by Land Development Staff clearing up the  
44 ownership issue and allowing us to schedule the project for the Planning  
45 Commission. Again, the Applicant is willing to give up or transfer ownership of  
46 approximately 1500 square feet to each of the existing residences to the west on



1 Davis Street and thus allowing the structures to remain. Condition Land  
2 Development LD54 requires a lot line adjustment to be recorded prior to Final  
3 Map, and this will ensure that the Final Map configuration is consistent with the  
4 approved Tentative Tract Map. Planning Staff has determined that the project  
5 will not have an impact on the environment and therefore is exempt under CEQA  
6 as in In-Fill. And, according to the Municipal Code Section 9.02.200, public  
7 notification was mailed out to owners within 300 feet, as well as published in the  
8 Press Enterprise Newspaper on July 10<sup>th</sup>. As of tonight, I had one phone call.  
9 One of the owners along Dunlavy was asking if the street was going to be  
10 widened. The street improvements will be done with the development of the tract  
11 and that will widen the street somewhat because right now the Southern half of  
12 Dunlavy is undeveloped. Then, we have on the tan paper, there are two  
13 changes to the Conditions of Approval from Special Districts. Special Districts  
14 used to be under Financial Services Department, and they are now back under  
15 Public Works. Therefore, there are some changes to the wording in the  
16 conditions, as well as a change from Community and Economic Development  
17 Department to just Community Development Department. Staff recommends the  
18 certification that the proposed Variance and Tract Map are exempt under CEQA,  
19 approve Variance P14-059 based on the findings in Resolution 2015-10, and  
20 approve Tentative Tract Map 36761 based on the findings contained in  
21 Resolution 2015-11, including the Conditions of Approval as amended. Thank  
22 you.

23

24 **CHAIR LOWELL** – Thank you for that. Are, my brain just locked up on me. Do  
25 we...

26

27 **COMMISSIONER VAN NATTA** – Well we can ask questions first before we go  
28 to the Applicant.

29

30 **CHAIR LOWELL** – My brain just locked up on me. Any Commissioners have  
31 any questions for Staff?

32

33 **COMMISSIONER VAN NATTA** – Yeah that's why my name is up on your  
34 screen there. Okay. That little finger of land that goes, well you can't see where  
35 I'm pointing, but I'm looking at the Tentative Tract Map where you said that's like  
36 a drainage basin there.

37

38 **ASSOCIATE PLANNER CLAUDIA MANRIQUE** – Yes, that is correct.

39

40 **COMMISSIONER VAN NATTA** – I'm looking at the Tentative Tract Map and  
41 seeing where it's showing the drainage going to the south. What water gets  
42 drained into there? Is that supposed to be water draining off of these parcels  
43 going there?

44

45 **ASSOCIATE PLANNER CLAUDIA MANRIQUE** – The front of the parcels will  
46 all drain towards the street and then towards Lot A, which is the basin. The

1 arrows on the rear of the lot or the Southern sections, yes, they'll drain to the  
2 potential drain.

3  
4 **COMMISSIONER VAN NATTA** – Yes, okay but there's not like a channel or  
5 anything across the back to divert any of that water so it doesn't go onto the  
6 other properties that face on Grove?

7  
8 **ASSOCIATE ENGINEER VINCE GIRON** – Good evening Chair and fellow  
9 Commissioners, Vince Giron with Land Development Division. The way the  
10 project site is being proposed to be graded is that the northerly half of the site will  
11 drain towards the street and the southerly half, as you indicated, will continue to  
12 drain in its natural drainage pattern. And there is no proposed channel along the  
13 rear property lines. It will continue to drain in its natural drainage pattern. The  
14 difference is that currently the entire site drains southerly, so this proposed site  
15 would actually take in effect half of the lots and drain them towards the street  
16 thereby reducing the drainage that goes towards the south.

17  
18 **COMMISSIONER VAN NATTA** – Well maybe I don't understand all about  
19 drainage, but I thought the purpose of putting the additional drainage and  
20 everything is that once you've built out a lot and you've got concrete and  
21 everything else that that increases the amount of water that runs off the  
22 property?

23  
24 **ASSOCIATE ENGINEER VINCE GIRON** – That's correct, it does increase. On  
25 single-family residential lots, the increase on each lot is minimal. But that is  
26 correct and that portion that increases is going to drain towards the street and not  
27 towards the back or the rear of the lot. Is that clear?

28  
29 **COMMISSIONER VAN NATTA** – So is that center area there that divides the  
30 north and the south. That is a difference in grade then?

31  
32 **ASSOCIATE ENGINEER VINCE GIRON** – That's correct. You see the little  
33 symbols that look like a Y if you will?

34  
35 **COMMISSIONER VAN NATTA** – Yeah.

36  
37 **ASSOCIATE ENGINEER VINCE GIRON** – That indicates that there is a slope  
38 there.

39  
40 **COMMISSIONER VAN NATTA** – Um-hum.

41  
42 **ASSOCIATE ENGINEER VINCE GIRON** – And that slope is pointing, or I  
43 should say, facing the south. So half the site is raised and draining towards the  
44 street and that little strip that you see there with the Y's, that's a slope. And,  
45 everything from the point on, is drained towards the rear.

46

1 **COMMISSIONER VAN NATTA** – So everything from there south then drains  
2 into the other properties?

3  
4 **ASSOCIATE ENGINEER VINCE GIRON** – That’s correct, yes.

5  
6 **COMMISSIONER VAN NATTA** – Okay, that was my question. Thank you.

7  
8 **CHAIR LOWELL** – Mr. Sims.

9  
10 **VICE CHAIR SIMS** – I just looked through the Conditions of Approval and there  
11 is a structure that is on the existing property that says it’s going to be removed.  
12 But I noticed on there that there’s an existing, it appears there is a septic system  
13 on the site. I didn’t see any kind of condition in there that the abandonment of  
14 that septic system would be approved by County Department, Environmental  
15 Health, or....

16  
17 **COMMUNITY DEVELOPMENT DIRECTOR/BUILDING OFFICIAL ALLEN**  
18 **BROCK**– Building and safety would require permits along with the demo permits  
19 that would be required for those two structures to also abandon that septic  
20 system. That septic system would be inspected by City Staff, not Environmental  
21 Health, yeah.

22  
23 **VICE CHAIR SIMS** – Okay.

24  
25 **CHAIR LOWELL** – Commissioner Barnes.

26  
27 **COMMISSIONER BARNES** – In regards to the drainage of the portion of the  
28 site that’s being undisturbed, is there a building restriction on that so that they  
29 couldn’t put in a basketball court and basically make the whole south half  
30 impervious because that would alter?

31  
32 **ASSOCIATE ENGINEER VINCE GIRON** – From Land Development’s  
33 perspective, there have been on restrictions that have been placed on there so.

34  
35 **COMMISSIONER BARNES** – Okay, so that should be considered or do we not  
36 care? I mean I understand that it’s natural terrain and you’re reducing drainage  
37 there by half. So I don’t have any issue with that, but there could be alternation  
38 that would contradict that in the future.

39  
40 **ASSOCIATE ENGINEER VINCE GIRON** – There could be yes, that’s correct.  
41 As I mentioned earlier, currently the entire site is draining towards the south and  
42 the northerly half of the site now is being proposed to drain towards the street.  
43 So it is, in fact, reducing the runoff that those properties to the south will  
44 experience. So, if additional impervious area was added, I don’t think it will be an  
45 issue. A basketball court, or even if they put a tennis court back there, I don’t  
46 think the increase in runoff would be substantial.

1 **COMMISSIONER BARNES** – It will probably just restore it to where it is now  
2 when the whole lot is draining that way.

3  
4 **ASSOCIATE ENGINEER VINCE GIRON** – Potentially restore it.

5  
6 **COMMISSIONER BARNES** – Yeah.

7  
8 **ASSOCIATE ENGINEER VINCE GIRON** – But it would be...we're talking about  
9 very minimal, minimal flows or an increase in flow.

10  
11 **COMMISSIONER BARNES** – Okay.

12  
13 **ASSOCIATE ENGINEER VINCE GIRON** – Runoff I should say.

14  
15 **COMMISSIONER BARNES** – Okay, yeah, alright. I don't disagree. Thank you.

16  
17 **ASSOCIATE ENGINEER VINCE GIRON** – You're welcome.

18  
19 **CHAIR LOWELL** – I have some issue with the drainage also. In light of last  
20 weekend when he had the tremendous 100-year or 1000-year storm depending  
21 on how you analyze it, we have various portions of the city washed out by mud.  
22 I've gotten calls from several residents complaining about the mud. Specifically,  
23 over in Sunnymead Ranch, there was one actually just around the corner from  
24 here off Hubbard that every time it rains they get mud. And, this last time, they  
25 got almost a foot of mud in their living room. I am slightly disappointed in this  
26 Tentative Tract Map because, although they take half the lot and drain it north  
27 towards Dunlavy, they still leave half the lot draining south to cross into  
28 neighbor's yards. Granted it is the existing condition, but I would like to propose  
29 some sort of mitigation measure, i.e., a v-ditch along the southerly property line  
30 to help collect and direct the flow more directly as opposed to just letting the  
31 natural course take its way and find a better solution for this water that is coming  
32 off the southerly property line. That's my question and it's not really a question  
33 on that. But the question that would piggyback on it is, if these flows flow to the  
34 south and to the west, where does it ultimately go? Does it get collected and  
35 draining over towards the southwest corner, which is parcel APN475 what is that  
36 25041? Is that where all the drainage goes through or does it uniformly cross the  
37 south lot line?

38  
39 **ASSOCIATE ENGINEER VINCE GIRON** – I'm going to defer to the engineer  
40 who designed the property. I know there is a challenge in getting the drainage  
41 from the rear of the lot to the street, towards the north, only because of the  
42 difference in grades. If there were a channel that was constructed and collected  
43 and concentrated the flows, it would need an outlet and that would in all  
44 probability require easements through properties in which there is no guarantee  
45 that we could obtain or that the developer can obtain. In regards to the more

1 specifics, if it would be possible for the engineer to comment on that during their  
2 time, I'll defer.

3  
4 **CHAIR LOWELL** – Okay. I guess we'll ask the same question when the  
5 Applicant comes up. Do we have any other questions for Staff?  
6

7 **VICE CHAIR SIMS** – I just, as a side note, I mean I think there is greater  
8 protection of the downstream lots here with the development as proposed. It's  
9 going to be taking the street drainage that coming from the east going to the  
10 west, and it's going to be curbed over probably there's going to be some type of  
11 inlet structure to this drainage basin. So you're probably taking some of the  
12 street flow that otherwise would have got off this property down to the  
13 downstream, as well as you got half the lot that's going to be back-drained going  
14 in its unnatural way. I would say this protects, has greater protection, than they  
15 otherwise would.  
16

17 **CHAIR LOWELL** – Yeah. But, if they get a foot of mud in their backyard versus  
18 2 inches now, they still get mud in their yard. That's something we can talk about  
19 in a minute. Any other questions for Staff? Do we want to invite the...I'm totally  
20 spaced right now. My notes got all disheveled, so I'm kind of....  
21

22 **COMMISSIONER VAN NATTA** – It's Public Comments, but the Applicant goes  
23 first.  
24

25 **CHAIR LOWELL** – I'd like to invite the Applicant up. Thank you.  
26

27 **APPLICANT BLAINE WOMER** – Mr. Chairman, Members of the Commission,  
28 my name is Blaine Womer of Womer Engineering, 41555 East Florida Avenue  
29 Suite G in Hemet. First off, I just want to take a moment to thank Claudia and the  
30 rest of Staff for working with us on this project. The challenge of the property  
31 ownership and that type of thing created a little unique situation that we had to  
32 work through and they did a nice job of helping us through that. I was just going  
33 to come up and say that we've read the Staff Report. We concur with the  
34 findings, we agree to the conditions, and I'm happy to answer any questions. But  
35 I think I know what the question is, so I would like to reiterate what Vince said.  
36 The entire project did drain to the south in a sheet-flow fashion, and it has been  
37 that way forever. It drains to the properties to the south and then ultimately gets  
38 intercepted by the street that they take access from. Our proposal, because of  
39 the topography, was to drain the front portion where the houses are going to be,  
40 where the driveways are going to be. The impervious surfaces of that, by law,  
41 we need to clean up from the standpoint of water quality mitigation to go out front  
42 into the street and drain into the basin there. The purpose of leaving the natural  
43 area in the back portion of the lots were...quite frankly because of the depth of  
44 the lots, if we tried to grade all of it to Dunlavy, we're not sure that the people to  
45 the south would ever see sunlight in the backyard. The retaining wall ended up  
46 being humungous, like 8 feet or something like that. So we came up with a

1 concept to reduce the flow that gets there substantially, at least in half, and drain  
2 the front portion to Dunlavy and let the remainder continue on. It's not an  
3 unusual situation by any stretch. Offsite flows like that are pretty common. The  
4 concern I would have with concentrating it is, is there no acceptable outlet. We  
5 are an In-Fill piece of property here. Our options are kind of limited, both south,  
6 east, and west. So we thought that the sheet-flow option was the best. We think  
7 that, certainly the fact that it's less than half, it's going to slow down the water  
8 and receding water in a sheet-flow fashion like that is always better than trying to  
9 concentrate it. So I hope that answers your question, but I'm certainly happy to  
10 try to enumerate further if needed.

11  
12 **CHAIR LOWELL** – Thank you. Do we have any questions for the Applicant?

13  
14 **COMMISSIONER VAN NATTA** – Um-hum.

15  
16 **CHAIR LOWELL** – By all mean, Commissioner Van Natta.

17  
18 **COMMISSIONER VAN NATTA** – So was it considered maybe some sort of a  
19 channel across the back of the property there, and in exchange for the 1500  
20 square feet of land that you're giving to those two properties get the agreement  
21 of one of them you'll give them the extra land in the back if they'll allow you a  
22 channel down the side that you can redirect the flow?

23  
24 **APPLICANT BLAINE WOMER** – Well we did not pursue that again because I  
25 still believe as the engineer of record that the sheet-flow fashion is the better way  
26 to go. However, we haven't done a survey of parcel. I can't see it without my  
27 glasses, but I do not believe that there is sufficient room to provide an easement  
28 and a channel that would go out to Davis Street. There's just not sufficient room  
29 given the constraints of the existing home and the improvements.

30  
31 **COMMISSIONER VAN NATTA** – Okay.

32  
33 **APPLICANT BLAINE WOMER** – Again, we're very constrained east and west  
34 and south because we're an In-Fill property.

35  
36 **COMMISSIONER VAN NATTA** – Thank you.

37  
38 **CHAIR LOWELL** – Have you guys spoken with the Silas family to see if they  
39 would be willing since it seems to be the location where most of this drainage  
40 flows through? I was wondering if you had spoken with them if they would be  
41 willing to give you an easement to actually improve that lot, so they wouldn't have  
42 unmitigated water just flowing right through their yard and washing out their  
43 backyard.

1 **APPLICANT BLAINE WOMER** – Well Mr. Chairman, no we haven't. We really  
2 didn't think this was an issue mainly because we thought we came up with what  
3 we, and I believe the City agreed, was the best solution.  
4

5 **CHAIR LOWELL** – Well I agree that it is a better situation that what was original,  
6 but I'm sure you saw the news where we had bridges washed out. We had two  
7 feet of mud in people's backyards.  
8

9 **APPLICANT BLAINE WOMER** – Right.  
10

11 **CHAIR LOWELL** – It's an issue that is only an issue when it rains, and it doesn't  
12 rain here often so people forget about it. But before I harp on you too much, are  
13 any of these residents to the south here tonight? Okay, well we will get to you in  
14 a couple moments because I have a couple questions for you and then I can let  
15 the Applicant respond to them.  
16

17 **APPLICANT BLAINE WOMER** – Right and I would just like to point out that  
18 most of the damage you see from rain storms certainly are from concentrated  
19 flow like we're talking about and larger tributaries than what we see here. So  
20 that's why we came up with what we did, but I'll be happy to come back up.  
21

22 **CHAIR LOWELL** – Before you head out, does anybody else have comments for  
23 the Applicant? Okay, I thank you very much.  
24

25 **APPLICANT BLAINE WOMER** – Thank you.  
26

27 **CHAIR LOWELL** – So I believe that brings us to the Public Comments portion of  
28 this Item. It looks like we have Daniel Alberto. He would like to speak. Is he  
29 here tonight? Come up to the microphone please. Thank you.  
30

31 **SPEAKER DANIEL ALBERTO** – Hi, my name is Daniel Alberto. I, right now,  
32 the property I live in is 11810 Davis Street. For me and our part, we don't have  
33 any problems with them building houses in the back. We do....as long as they  
34 do not take any property from our land already because from what we were told  
35 there was going to be 20 feet that we were in their property, which from the plans  
36 that we have, it's 162 as it already measures and that's basically what we're  
37 paying right now for taxes or for the house that 162. But, my point is, as long as  
38 they don't touch the land, we don't have anything against it. So, if they're willing  
39 to work on the land that they already have and create the houses, then that's fine  
40 for us as well. But that's pretty much it on our part.  
41

42 **CHAIR LOWELL** – Thank you. Have you experienced any issues with the  
43 drainage?  
44

45 **SPEAKER DANIEL ALBERTO** – With the drainage, no not recently. We do  
46 make ourselves, along with it, we carve a way so that it goes through the side of

1 our house so it goes through drainage that we have right there on the side of it.  
2 So we have not experienced any issues as of right now.

3  
4 **CHAIR LOWELL** – How long have you lived there?

5  
6 **SPEAKER DANIEL ALBERTO** – For about 10 years.

7  
8 **CHAIR LOWELL** – Ten years? Okay.

9  
10 **SPEAKER DANIEL ALBERTO** – Any other questions?

11  
12 **CHAIR LOWELL** – Thank you very much.

13  
14 **SPEAKER DANIEL ALBERTO** – Thank you.

15  
16 **CHAIR LOWELL** – We have Carol Hollinger.

17  
18 **SPEAKER CAROL HOLLINGER** – Hi. My name is Carol Hollinger. I live at  
19 11806 Davis Street. I am speaking in favor of the Variance. On behalf of my  
20 mother and myself who both live in the house, we have absolutely no problem  
21 with him building houses on his property provided it does not affect our property.  
22 We noticed that the description that Claudia read is not what we were told and is  
23 not what we agreed to. I would really like to have that reviewed. I would also like  
24 to point out that the houses on the other side of Dunlavy are I believe 67 feet  
25 wide lots and our two houses, our two lots on Davis Street, are each 65 feet  
26 wide. And, so even at 68 or 69 feet wide, the lots that would be built there would  
27 be the widest in the area. I have on problem with that. We've had no problems  
28 with drainage. Our only concern is that the lot line adjustment would put the  
29 property lines set in stone and we do not want our property affected. That's our  
30 only concern. Thank you.

31  
32 **VICE CHAIR SIMS** – Can I ask a question?

33  
34 **CHAIR LOWELL** – By all means.

35  
36 **VICE CHAIR SIMS** – So if I understand what this project proposes is that they  
37 would do a lot line adjustment that would add on to your property because it  
38 appears from the Staff Report....

39  
40 **SPEAKER CAROL HOLLINGER** – No.

41  
42 **VICE CHAIR SIMS** – Okay.

43  
44 **SPEAKER CAROL HOLLINGER** – The owners of the development are claiming  
45 that we are encroaching on their property. We don't believe so.

46



1 **VICE CHAIR SIMS** – Okay.  
2  
3 **SPEAKER CAROL HOLLINGER** – The property line dispute was settled back in  
4 1970 between the owners that owned the property back then. Our fence is sitting  
5 where that court case decided it would be. It's still standing there to this day. So  
6 we would just like the lot line adjustment to solidify where the property lines are.  
7  
8 **CHAIR LOWELL** – And, if I'm not mistaken, that's what this Tentative Map is  
9 proposing.  
10  
11 **SPEAKER CAROL HOLLINGER** – Okay, thank you.  
12  
13 **VICE CHAIR SIMS** – Yeah, it appears that at the end of this that you'll have like  
14 15 feet or more. You know, where you fence is now, the new property line would  
15 be 15 feet to the east.  
16  
17 **CHAIR LOWELL** – No. The fence would stay where it is.  
18  
19 **SPEAKER CAROL HOLLINGER** – No.  
20  
21 **CHAIR LOWELL** – The new property line would be right on the fence. They are  
22 giving you zero. There's a building here.  
23  
24 **VICE CHAIR SIMS** – Oh, okay.  
25  
26 **CHAIR LOWELL** – So the new property line would just basically go right where  
27 the fence is.  
28  
29 **VICE CHAIR SIMS** – Okay, alright, well I guess I....  
30  
31 **CHAIR LOWELL** – They are also going to be doing, I think it's a Variance for  
32 zero setback too.  
33  
34 **COMMISSIONER BARNES** – It's going to put the property line where the line of  
35 occupation is.  
36  
37 **VICE CHAIR SIMS** – Oh, okay.  
38  
39 **COMMISSIONER BARNES** – It's essentially going to match what's on the  
40 ground. That's the goal of this correct?  
41  
42 **SPEAKER CAROL HOLLINGER** – Yes.  
43  
44 **VICE CHAIR SIMS** – Okay, well that's, you know....you're good with the line  
45 where it's proposed to go?  
46

1 **CHAIR LOWELL** – You're happy where your fence is?  
2  
3 **SPEAKER CAROL HOLLINGER** – Yes.  
4  
5 **VICE CHAIR SIMS** – Okay, yeah, alright.  
6  
7 **SPEAKER CAROL HOLLINGER** – Yes.  
8  
9 **CHAIR LOWELL** – Okay. Any questions for her besides what we just talked  
10 about? Okay, thank you very much.  
11  
12 **SPEAKER CAROL HOLLINGER** – Okay, thank you.  
13  
14 **CHAIR LOWELL** – And I don't have anymore Public Speaker Slips. I do have a  
15 hand raised. Did you happen to fill out a slip, Sir?  
16  
17 **AUDIENCE MEMBER** – I did not.  
18  
19 **CHAIR LOWELL** – I'm okay with it if everybody else is okay with it.  
20  
21 **COMMISSIONER VAN NATTA** – Sure.  
22  
23 **CHAIR LOWELL** – By all means, come on up and introduce yourself please.  
24 And can you fill out a green slip when you're done just so we can keep record of  
25 who you are? You can do it after the fact.  
26  
27 **SPEAKER WILLIAM GREGORY STAPLETON** – My name is William Gregory  
28 Stapleton. I live at 24266 Groven Lane. The property is behind me. My  
29 apologies for being late. I didn't get to hear what project is being proposed. My  
30 concern is the drainage. Just this last rain that we had over last weekend did  
31 flow into my property. There was no damage. There was a lot of water flowed  
32 out, but because of the ditching and elevated pad that I have, it wasn't a major  
33 problem. But I do know that the topography of this site that, when they built the  
34 houses on the north side of Dunlavy, there was excess dirt. And the owner at  
35 that time was Bob Trobaugh, and he allowed them to put the fill on the proposed  
36 parcel site and it's elevated. They did a good job of leveling it, and it slopes  
37 down onto my property and so my concern is, is there going to be a drainage  
38 system of some sort? Is there going to be what type of a wall on what would be  
39 the south side of the project site? Can I come up and point at the picture here?  
40  
41 **CHAIR LOWELL** – Can you go back to the microphone? Thanks.  
42  
43 **SPEAKER WILLIAM GREGORY STAPLETON** – My concern was I didn't hear  
44 if they are going to be single story or two story, and I would have a real objection  
45 if they are two-story houses because of the being elevated and looking down on  
46 to those of us to the south side of this project for privacy concerns.

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

2  
3 **COMMISSIONER VAN NATTA** – I have a question.

4  
5 **CHAIR LOWELL** – Okay.

6  
7 **COMMISSIONER VAN NATTA** – Is there, in your opinion, room between your  
8 property and the one directly to the west to where a drainage channel could be  
9 placed?

10  
11 **SPEAKER WILLIAM GREGORY STAPLETON** – If it was necessary, I would  
12 work with the City and the builder about an easement for drainage through there.  
13 The property at 24262, I believe. I can't speak for them, but I know that....can I  
14 approach the map again?

15  
16 **CHAIR LOWELL** – Yeah, go ahead just speak louder so we can hear you.

17  
18 **SPEAKER WILLIAM GREGORY STAPLETON** – Alright. No one is maintaining  
19 this easement. It's full of weeds and some people were growing marijuana back  
20 there because no one was there to keep eye on it or maintaining it, so it was a  
21 free for all. So, this area here, is kind of messy. And I don't know about what  
22 kind of easement there is here for utilities. I know that Edison and Verizon, and I  
23 don't know what other kind of cable company is using this pole line here. The  
24 utilities do need to have access to these utilities because the poles are getting  
25 old, and there have been quite a few on Davis that have been splintering and  
26 have fallen and had to be replaced. But I don't know about the status of that.  
27 That would probably have to be checked out with Edison and Verizon. But, with  
28 my property here, my concern is drainage and the privacy. And I don't know  
29 what type of fencing or wall there would be on the south side. I'm sorry for being  
30 late, but I didn't get to hear what they had proposed.

31  
32 **CHAIR LOWELL** – Okay, thank you. You can turn it off. That's fine. They'll  
33 come get it. Thank you. Can you just fill out one of these green papers for us?  
34 Thank you. With that said, I don't think anymore people want to speak on this on  
35 the public side of things. Any other Speaker Slips? I'm going to close the Public  
36 Comments portion, which moves us on to our Commissioner Discussions.

37  
38 **COMMISSIONER VAN NATTA** – Could we have the Applicant come back and  
39 maybe discuss whether or not this other proposal regarding the drainage might  
40 be something that could be considered?

41  
42 **CHAIR LOWELL** – Yeah, we can do that. Do we have any other questions or  
43 discussions beforehand? Please come up.

44  
45 **APPLICANT BLAINE WOMER** – Mr. Chairman, Members of the Commission,  
46 the other point probably worth making is there is some offsite flows that come to

1 us from the east down Dunlavy. Because there are no curb and gutter  
2 improvements in front of the property, and at some point I do remember when we  
3 were out surveying that at some point, they can break over as well. We've  
4 calculated the 100-year flow to be 4.4 cubic feet per second, so this project  
5 would also reduce those flows because they are going to intercept them and  
6 continue them west on Dunlavy to the already constructed City-owned and City-  
7 maintained Storm Drain System there at the intersection of Davis and Dunlavy.  
8 So, any of those offsite flows, will also be taken away from any of the owners that  
9 are impacted from offsite flows on Grove. So, again, I guess I just want to  
10 reiterate that we've significantly reduced those flows and again I prefer to keep  
11 them in a sheet-flow fashion mainly because anything we put together in the way  
12 of a channel is a lot-to-lot-to-lot drainage and then to somebody else's lot that my  
13 client would have to go negotiate with to get it out to Grove. And, anytime we do  
14 something like that, then there's the issue of maintenance. There is no  
15 maintenance associated with this. We're reducing the flow significantly, and we  
16 just think it's the better solution.

17  
18 **COMMISSIONER VAN NATTA** – And what about the continuance of the utility  
19 easement that's coming in from the east?  
20

21 **APPLICANT BLAINE WOMER** – Well I noticed there are a couple power poles  
22 down there, but I think those must be on the property to the south because it  
23 didn't show up in our title report. So I don't know who, it obviously probably  
24 would be an Edison easement but it doesn't show up on our title report.  
25

26 **COMMISSIONER VAN NATTA** – Okay.  
27

28 **VICE CHAIR SIMS** – Could you address what the housing product is on these  
29 lots?  
30

31 **APPLICANT BLAINE WOMER** – As the engineer, I don't know yet. My client is  
32 in the audience here. He may be able to address it if he's made those kind of  
33 decisions yet. If you would like him to come up?  
34

35 **CHAIR LOWELL** – Yes, please.  
36

37 **APPLICANT WALID ABID** – My name is Walid Abid. I'm the owner of the  
38 Dunlavy project. We are planning on building, if you approve this, the seven lots.  
39 And the Variance of the seven lots are single-story units on all seven lots. There  
40 will not be any two-story units built.  
41

42 **CHAIR LOWELL** – Okay. Any other questions or comments?  
43

44 **COMMISSIONER BAKER** – I had one here. On the block wall to the south, how  
45 tall is that going to be?  
46

1 **SPEAKER** – I am not sure uh....

2  
3 **COMMISSIONER BAKER** – No wall? Would there be one?

4  
5 **CHAIR LOWELL** – No.

6  
7 **COMMISSIONER BAKER** – Why not?

8  
9 **COMMISSIONER BARNES** – Well.....

10  
11 **COMMISSIONER VAN NATTA** – Not if you're going to have flow.

12  
13 **COMMISSIONER BARNES** – Yeah, if I could address the drainage issue a little  
14 bit. I happen to live across the street from the Dunlavy area that has the major  
15 mud situation that has occurred in previous rainy seasons, and the issue is  
16 partially caused by the fact that there is a drainage structure on the upstream  
17 side of the wall. The water comes down against the wall. The structure is  
18 insufficient. The water breaks out of the structure because its been collected  
19 there, and then it goes to an area that's not designed at all to handle the water.  
20 So, the downside of putting a drainage ditch along the south property line, is that  
21 you collect all the water and you take it to the southwest corner of the site. Then,  
22 if we get a 1000-year storm like we had before, you've suddenly taken all of that  
23 drainage issue, which would be distributed equally amongst the six lots to the  
24 south. You've now put it all in the southeast corner, and that's a much greater  
25 problem than if you had one-sixth of a 1000-year storm at the rear of each lot.  
26 So there's a downside of improving that south line, and that's putting all of the  
27 potential failure in one small spot. So I would caution against that living across  
28 the street from a situation that's almost identical to this but about 100 times larger  
29 in scale, so there is some good science to what they are proposing.

30  
31 **VICE CHAIR SIMS** – I would tend to agree. In my younger years, I designed a  
32 couple of tracts with rear-yard drainage and it was complicated. You'd have  
33 these conveyance and restrictions that were downstream for all the benefit but  
34 the upstream guys would have to do this, that, and the other thing. It just puts a  
35 lot of trust that each of the owners would maintain the drainage, the V-ditch or  
36 whatever it would be. And then wherever this thing pops out through private  
37 property, it creates quite a challenge. And this, what strikes me, is the reduction  
38 in the flow coming from the east that you're not getting from the street flow. It's  
39 going to be controlled and then you have half or more of the lots that it's tilted  
40 back forward. So you should, I haven't seen the Hydrology Study, but it would  
41 seem to me that there would be a significant reduction in what would be the  
42 undeveloped flow.

43  
44 **CHAIR LOWELL** – Has a Hydrology Study been prepared for this yet? What  
45 was this tributary area beforehand? I mean is it tens of acres or are we talking  
46 like a couple acres?

1 **APPLICANT BLAINE WOMER** – Are you talking about the offsite tributary to  
2 the east?

3  
4 **CHAIR LOWELL** – I’m talking about all the water that could possibly flow to the  
5 southwest corner of this property. What would be tributary upstream from it  
6 offsite and onsite?  
7

8 **APPLICANT BLAINE WOMER** – It’s, again, I don’t know the acreages. But it  
9 goes from the northeast corner of our property, and it goes upstream all the way  
10 to the next major north/south street. You’ll have to help me out with that one.  
11

12 **COMMISSIONER BARNES** – Indian.  
13

14 **APPLICANT BLAINE WOMER** – Indian. And then it’s our property. That’s the  
15 entire tributary. That’s why we have, in the 100-year condition, 4.4 cfs to our  
16 northeast corner. And then the bulk of our flow, of course, is going north and  
17 having to be routed through our water quality mitigation basin. And then the  
18 smaller area is sheet flow to the south.  
19

20 **CHAIR LOWELL** – I believe you said it, but I don’t remember it. You said it was  
21 4.4 cfs in the existing condition. What was the flow after the fact for just the area  
22 from the slopes to the south property line in the developed condition?  
23

24 **APPLICANT BLAINE WOMER** – That I just don’t recall. I’m sorry. I don’t  
25 recall.  
26

27 **CHAIR LOWELL** – Thank you. Any other comments?  
28

29 **COMMISSIONER BARNES** – No.  
30

31 **COMMISSIONER VAN NATTA** – I was just going to say that I did have a  
32 concern. I think my concerns have been met as far as the drainage goes with  
33 half of it now draining to the front and the collection basin over there and  
34 everything. I think it will be an improvement.  
35

36 **VICE CHAIR SIMS** – I just wanted to, just as a Commissioner Comment, I think  
37 this is really a nice In-Fill project. I think it’s designed sensitive to the existing  
38 surroundings. I think it addresses the issues of the property line and structures  
39 along Davis, and I think it will be an enhanced situation for the property owners  
40 that south of this. They’ll get less drainage coming into the property. Then, you’ll  
41 have the full improvements along Dunlavy that finishes off the project.  
42

43 **CHAIR LOWELL** – I have a couple questions. On the Conditions of Approval,  
44 P15, it’s one of the last bullet points. It’s saying all lots designated for water  
45 quality basins shall be dedicated and maintained by an HOA. That HOA shall  
46 contract yadda, yadda, yadda. Basically, they are saying we’re establishing a

1 homeowner's association to maintain this basin. Are seven home capable of  
2 generating reasonable HOA revenues to maintain this basin? I'm part of an  
3 HOA. I pay \$70.00 a month, and I'm part of a 200 house HOA. We have a  
4 couple basins, and do we know what the expenses would be to maintain this  
5 basin and can seven homes feasibly share that? And, if not, should this go to a  
6 CFD instead of an HOA?

7  
8 **SENIOR PLANNER CHRIS ORMSBY** – Well I believe we would need a little  
9 input from the Applicant as well. As far as my experience, we have some very  
10 small tracks that do have HOA's that are successful. I can't say that there's one  
11 that is seven lots, but I am familiar with some that are 15 or 20 lots. So I think  
12 the Applicant, I don't know if they've weighed in on that before, but it would be  
13 good to get their input.

14  
15 **CHAIR LOWELL** – Does the Applicant have any insight to that?

16  
17 **APPLICANT BLAINE WOMER** – As far as the...no financials have been run for  
18 the cost of maintaining the basin. It's a very small basin because there are only  
19 seven lots tributary to it, and it's going to be landscaped with drought tolerant  
20 plants. And I don't think it's going to be heavy lifting by any stretch and the  
21 seven lots would certainly, at least in my mind, be able to handle that. But  
22 sometimes, I mean the better thing and I don't know that the City has this, but  
23 would be LMD or something like that that we could annex to. But, if that's not  
24 something that the City has available, then the HOA is the only option.

25  
26 **CHAIR LOWELL** – That's kind of what I was referring to. I was wondering if the  
27 financing of the monthly maintenance would be too much for seven lots to handle  
28 on their own. I mean these basins, once they are built, they don't last forever.  
29 They have to be rejuvenated every few years. The monthly maintenance of  
30 pulling weeds and mowing lawns, if there is grass on it, that's inconsequential.  
31 But the every other year maintenance where they have to dig up the bottom and  
32 reinstall it, that's kind of expensive. So, I was wondering, do you think seven lots  
33 can handle that?

34  
35 **APPLICANT BLAINE WOMER** – Well if it's an HOA, we'll have to make it  
36 handle it. But the.....

37  
38 **CHAIR LOWELL** – I just don't want to approve this and all of a sudden you have  
39 a \$250 a month HOA payment for seven homes. That would be ridiculous.

40  
41 **APPLICANT BLAINE WOMER** – Right. Yeah, and I don't foresee anything like  
42 that. But I would certainly be willing to work with Staff to see if there are some  
43 options other than the HOA. Like I said, like an LMD or something that...

44  
45 **CHAIR LOWELL** – Are there options? Is this something that we've looked into?

1 **ASSOCIATE ENGINEER VINCE GIRON** – Good evening, Vince Giron with  
2 Land Development. As far as annexing or making it part of an LMD, that's not a  
3 practice. We don't have a policy or any procedure on including it. Up to date,  
4 every tract that has had a water quality basin has been required to form an HOA  
5 and to enter into a Maintenance Agreement with the City thereby the City would  
6 be maintaining it. And, this particular tract, it's a little bit different in the language.  
7 It's smaller. It's, as you pointed out Chairman, it's unique. But, at this point, we  
8 don't have that in place for the City to include it into an LMD. It would be the  
9 HOA's responsibility to either maintain it through their HOA or to enter into an  
10 agreement with the City for the City to maintain it. The City would then ballot,  
11 which is related to the Special Districts Condition 12 that you received today,  
12 where they would ballot and they would ballot for a rate in accordance with the  
13 size of the basin. I don't have those rates. It's a Special District Division Table,  
14 but it would be assessed accordingly. You know, if I might add, one of the  
15 reasons why the HOA's are required is that there is no recourse for the City to  
16 assess all the individual lots should maintenance fail or should they fail to  
17 perform. An HOA is sort of a belt and suspender, if you will, so HOA laws are  
18 very different legally as opposed to the City placing liens on properties. That is  
19 not an option for the City when it comes to maintenance of the basin if we do not  
20 enter into an agreement.

21  
22 **CHAIR LOWELL** – Okay, thank you.

23  
24 **APPLICANT BLAINE WOMER** – It would seem for this size project that it would  
25 make more sense to establish the HOA for the funding mechanism and enter into  
26 the agreement with the City. Thank you.

27  
28 **CHAIR LOWELL** – Any other comments or questions? Would someone like to  
29 make a motion?

30  
31 **VICE CHAIR SIMS** – I'll make a motion.

32  
33 **CHAIR LOWELL** – Okay, I just started the voter so you can be the mover Mr.  
34 Sims.

35  
36 **VICE CHAIR SIMS** – Okay. Alright.

37  
38 **CHAIR LOWELL** – We have a motion by Mr. Sims.

39  
40 **VICE CHAIR SIMS** – Let me get to the right place. Let me get my glasses.

41  
42 **CHAIR LOWELL** – We have a second by Commissioner Van Natta. Let's  
43 please vote on our screens.

44  
45 **VICE CHAIR SIMS** – Alright, do we have to read the motion?  
46



1 **CHAIR LOWELL** – Ah, yes. I’m sorry, we do. Commissioner Van Natta needs  
2 to make the motion.

3  
4 **VICE CHAIR SIMS** – I’ll do it. I make a motion that the Planning Commission  
5 approve Resolution No. 2015-10 and Resolution 2015-11 (1) certifying that the  
6 proposed Variance P14-059 and Tentative Tract Map 36761 are exempt from the  
7 provisions of CEQA as a Class 32 Categorical Exemption CEQA Guidelines  
8 Section 15332 In-Fill Development, and (2) approve Variance P14-059 based on  
9 the findings contained in Planning Commission Resolution 2015-10, and (3)  
10 approve the Tentative Tract Map 36761 Planning No. PA14-0031 based on the  
11 findings contained in Planning Commission Resolution 2015-11 subject to the  
12 conditions of approval included as Exhibit A of the Resolution.

13  
14 **ASSISTANT CITY ATTORNEY PAUL EARLY** – As amended.

15  
16 **VICE CHAIR SIMS** – As amended.

17  
18 **CHAIR LOWELL** – As amended. So we have a motion by Commissioner Sims  
19 and we have a second by Commissioner Van Natta. Please vote on your  
20 screens.

21  
22 **COMMISSIONER VAN NATTA** – You don’t have to vote Jeff because yours is  
23 already automatically yes.

24  
25 **CHAIR LOWELL** – But he can option out of it if he didn’t want to.

26  
27 **VICE CHAIR SIMS** – I could change my mind all of a sudden.

28  
29 **COMMISSIONER VAN NATTA** – You could still abstain.

30  
31 **CHAIR LOWELL** – Okay, with that said, we have all the votes in. I’m closing the  
32 voting in three, two, one. The motion passes, 6 yay and 1 nay.

33  
34  
35 **Motion carries 6 – 1**

36  
37 **CHAIR LOWELL** – Do we have a Staff wrap-up on this item?

38  
39 **SENIOR PLANNER CHRIS ORMSBY**– Yes. This action will be final unless an  
40 appeal is filed within 15 consecutive calendar days.

41  
42  
43 2. Case: PA15-0008 (Conditional Use Permit)  
44  
45 Applicant: Verizon Wireless  
46

1 Owner: Strong Tower Church of God (Pastor John Ooten)  
2  
3 Representative: Core Development Services (Henry Castro)  
4  
5 Location: 24771 Iris Avenue  
6  
7 Associate Planner: Claudia Manrique  
8 Council District: 4  
9  
10 Proposal: Conditional Use Permit (PA15-0008) for a new  
11 wireless communications facility with a 55 foot  
12 monopalm tree.  
13  
14

15 **STAFF RECOMMENDATION:**

16  
17 Recommend the Planning Commission **APPROVE** Resolution No. 2015-20.

- 18  
19 1. **CERTIFY** that the proposed Verizon wireless telecommunications facility is  
20 exempt from the provisions of the California Environmental Quality Act  
21 (CEQA), as a Class 3 Categorical Exemption, CEQA Guidelines, Section  
22 15303 for New Construction or Conversion of Small Structures; and  
23  
24 2. **APPROVE** Conditional Use Permit PA15-0008 based on the findings  
25 contained in Planning Commission Resolution 2015-20, subject to the  
26 conditions of approval included as Exhibit A of the Resolution.  
27

28 **CHAIR LOWELL** – Thank you. That moves on to Case No. 2, which is PA15-  
29 0008, a Conditional Use Permit for a Verizon Wireless cell tower. If I’m not  
30 mistaking, we do have a Commissioner that needs to recuse themselves.  
31

32 **COMMISSIONER KORZEC** – Yes, I’d like to recuse myself. March Field Air  
33 Museum has a cellphone tower there. I am the administrator of the lease with  
34 Verizon. We’re doing some negotiations right now and I would naturally be  
35 biased towards the project, so I think we should seat someone that’s a little more  
36 neutral.  
37

38 **CHAIR LOWELL** – Thank you. In her place, we are going to be having alternate  
39 Commissioner Gonzalez. If you give us a moment, we’re going to shuffle some  
40 chairs around. Give him a chance to login. So, the second case is PA15-008,  
41 it’s a Conditional Use Permit. The Applicant is Verizon Wireless. The owner is  
42 the Strong Tower Church of God. The representative is our Core Development  
43 Services, and the Associate Planner again is Claudia Manrique. Do we have a  
44 Staff Report on this item?  
45

1 **ASSOCIATE PLANNER CLAUDIA MANRIQUE** – Good evening. Verizon  
2 Wireless is proposing a wireless communications...

3  
4 **CHAIR LOWELL** – Commissioner Korzec, could you step outside the Council  
5 Chambers please? Thank you. Sorry about that. Thank you very much. Please  
6 continue.

7  
8 **ASSOCIATE PLANNER CLAUDIA MANRIQUE** – Again, Verizon Wireless is  
9 proposing a wireless communication facility consisting of a 55 foot monopalm.  
10 The facility is proposed to be located at 24771 Iris Avenue, which is the Strong  
11 Tower Church. The design of the monopalm is intended to mask its appearance  
12 as a tower in attempt to blend with the matching existing palm trees that are  
13 existing on the site. All equipment will be painted to help blend in with the  
14 monopalm. And, in addition, the tower will contain a fake palm frond skirt and  
15 this is going to help hide the attached antenna that's further down on the  
16 monopalm from view. The Verizon new modular-controlled equipment designs  
17 do not require the equipment shelter and allows for a smaller footprint than they  
18 have in the past. The equipment will be enclosed and surrounded by a block wall  
19 within a 900 foot lease area. The proposed 50 foot monopalm will fill in the gap  
20 in cell coverage capacity. The design of the monopalm again is to blend in with  
21 the existing tree species on site, and Verizon will provide two additional 24-inch-  
22 box palm trees. Here we have an aerial of the project site. Here's a map of the  
23 existing zoning. The site is R5 surrounded by R5 to the west and the south.  
24 North there is some R30, as well as commercial. On the northeast corner of Iris  
25 and Perris, there is a Home Depot. To the northwest, is the March Middle School  
26 and Rainbow Ridge Elementary School. The location of the palm on the site is  
27 approximately 173 feet from the nearest house to the west and 227 feet from the  
28 backyard fence of the track homes to the east. Access to the site will be off Iris  
29 Avenue through the existing church parking lot to the lease area. This project is  
30 exempt under CEQA as a Class 3, Section 15303, New Construction. The Site  
31 Plan for the project. Here you have the monopalm structure itself, and again it's  
32 showing the detail of the skirt. This one shows the new palms that will be planted  
33 along with the monopalm. Here are some site photos generated to show how it's  
34 going to look out in the real world. This site is from Emma Lane, which is located  
35 on the west side of the property. This is the current coverage map. There is an  
36 existing pole off Heacock. This shows the coverage with the new monopalm.  
37 Public notification was sent to property owners within 300 feet of the project, as  
38 well as published in the Press Enterprise on July 10<sup>th</sup>. As of this evening, I  
39 received two phone calls from residents both to the west on Emma who had  
40 some issues with the design and questions of why they were allowed to have a  
41 cell tower at this site. In our Code, churches even within residential  
42 neighborhoods, are allowed to have the wireless facilities as long as they meet  
43 the setback which is the height of the tower, which would be 55 feet. And, again,  
44 the closest resident to this tower is 173 feet. Staff recommends the certification  
45 that this project is exempt under CEQA and approve Conditional Use Permit  
46 PA15-0008 based on the findings in Resolution 2015-20. Thank you.

1 **CHAIR LOWELL** – Thank you. Do any of our Commissioners have questions  
2 for Staff? Commissioner Ramirez.

3  
4 **COMMISSIONER RAMIREZ** – Did Staff work with the Applicant, as well as the  
5 property owner to select the specific location for this proposed tower? The  
6 reason why I’m asking is because it looks like the owner owns that entire  
7 property and it’s obviously a church. So, in the event that they decide to develop  
8 the entire property, now what happens to the tower? Is it moved? Who pays for  
9 the cost of moving it or relocating it?

10  
11 **ASSOCIATE PLANNER CLAUDIA MANRIQUE** – When the project came in,  
12 the site was selected. The location of the tower was actually a little further south  
13 than where it is tonight. We had them move it closer to the building one to help  
14 bring the equipment and the block wall, as well as it was closer to the existing  
15 palm trees. There is on palm tree on site that is actually taller than the proposed  
16 tower, and then it wouldn’t impact the southern half of this project at all.

17  
18 **SENIOR PLANNER CHRIS ORMSBY**– Just a follow on to that with regard to  
19 generally those kinds of locations. I mean, I think it would ultimately it could stay  
20 at the location its at if the rest of the site were developed. I mean, we have other  
21 sites where they are centralized to a complex of sorts. Based on where it’s  
22 located, it actually is in a location where it would lend itself to be out of the way of  
23 further expansion on the site. So, we feel, it provides a flexibility to remain there  
24 long-term.

25  
26 **CHAIR LOWELL** – Commissioner Van Natta.

27  
28 **COMMISSIONER VAN NATTA** – I was looking at the pictures and trying to find  
29 a picture of the building itself, and I’m only seeing parts of it. Am I missing a  
30 picture of what the church building is that this is sitting behind or next to?

31  
32 **ASSOCIATE PLANNER CLAUDIA MANRIQUE** – Unfortunately, the photo  
33 simulations do not have a picture of the whole front of the church, which is an  
34 existing single-family house that was converted for church use.

35  
36 **COMMISSIONER VAN NATTA** – Okay, and this is and has been used as a  
37 church for some time? It’s not just recently been converted to church use?

38  
39 **ASSOCIATE PLANNER CLAUDIA MANRIQUE** – Right, it has been an active  
40 church since at least 1999.

41  
42 **COMMISSIONER VAN NATTA** – Okay.

43  
44 **CHAIR LOWELL** – Okay, any other questions for Staff or can we call up the  
45 Applicant? No one is raising their hand, so I say can the Applicant come up  
46 please?

1 **APPLICANT HENRY CASTRO** – Good evening Chair and Members of the  
2 Commission, my name is Henry Castro. I'm here on behalf of Verizon Wireless.  
3 We've been working with Staff to come to a design that both Staff is okay with  
4 and the property owner. To kind of add to what Claudia was saying, the church  
5 currently does have plans for future development and this actually is in a place  
6 that allows for that to occur. Any other questions you have, I would be happy to  
7 answer.

8  
9 **CHAIR LOWELL** – If this site wasn't available, what would be the next best  
10 location?

11  
12 **APPLICANT HENRY CASTRO** – We looked to the east, I want to say along  
13 Perris where the Home Depot is. The search ring we're working with is right in  
14 the middle of residential, so we did go east a little bit. We looked at six other  
15 properties, including the Home Depot. I believe there was a Walgreens, a Water  
16 District there and a couple others that there were either issues with the lease,  
17 limitations to the property itself (not enough space/not being able to meet  
18 setbacks) so that's how we came to this actual property.

19  
20 **CHAIR LOWELL** – Gotcha. Any other questions for the Applicant? Okay, thank  
21 you.

22  
23 **APPLICANT HENRY CASTRO** – Thank you.

24  
25 **CHAIR LOWELL** – With that said, I think I'd like to open up the Public  
26 Comments portion. We have a couple Speaker Slips. We have Alfredo  
27 Gonzalez.

28  
29 **SPEAKER ALFREDO GONZALEZ** – I'm Alfredo Gonzalez, and I'm on 16110  
30 Emma Lane. I'm directly south of this property where this project is being  
31 proposed, and I completely disagree on putting it in there. One of them is this is  
32 a residential area, and there's a lot of properties north of that area that can be  
33 developed. And I think also my son actually maintains part of this project and  
34 actually every time they do any work of them they always do it at night. That's  
35 when they bring the sites down to go ahead and do it. And then another thing is  
36 the noise. You know, they are constantly making noise. And also I can't believe  
37 that it's being proposed in a residential area. You know, actually what is the  
38 residue of the rays being emitted by these things and being around this area and  
39 I am directly next door to it, south of it.

40  
41 **CHAIR LOWELL** – Do you share a property line?

42  
43 **SPEAKER ALFREDO GONZALEZ** – Yes, I do.

44  
45 **CHAIR LOWELL** – Okay, thank you.

1 **SPEAKER ALFREDO GONZALEZ** – Thank you.

2  
3 **CHAIR LOWELL** – The next speaker is Rhonda Allen.

4  
5 **SPEAKER RHONDA ALLEN** – Rhonda Allen, 16085 Emma Lane. I'm to the  
6 west, back west of the property. This is my view of it, and it will be right here  
7 along with the other gorgeous palm trees he has as you can see. And I look at  
8 the Big Bear Mountain and I don't like that being obstructed. According to  
9 antennasearch.com, there are like 72 cell towers in a three mile radius of my  
10 home. There is one right at the Extra Storage, which is 0.07 miles from me.  
11 Why can't they go share that tower? You know, I hear that they do share on  
12 occasion. I heard that there is a buzzing noise or a humming that comes from  
13 these towers, and my bedroom window faces that and everything echoes across  
14 the field there. I hear Home Depot's phone. I hear the beeping of the, you know,  
15 forklifts and everything in the wee hours of the morning, so that is one concern.  
16 And the maintenance like Al said, you know, in the wee hours of the morning. I  
17 don't think we need to be disturbed like that. It's totally an eyesore. I think it will  
18 lower our property value, which that's not very good, and possible health risks.  
19 I'm a breast cancer survivor, so that kind of freaks me out. I know there are pros  
20 and cons to everything, but there was with cigarettes also and now the Surgeon  
21 General says, right? So that's really all I have to say, so just please don't allow  
22 it. Don't allow it. Thank you.

23  
24 **CHAIR LOWELL** – Thank you very much. Any Commissioner questions or  
25 comments?

26  
27 **COMMISSIONER VAN NATTA** – I would like a response from someone about  
28 whether or not there is actually a buzzing sound that comes from the tower when  
29 it's in use.

30  
31 **SENIOR PLANNER CHRIS ORMSBY**– Well I think we will want to call in the  
32 Applicant as well, but I can tell you from my experience I actually wrote the  
33 telecommunications section of the Municipal Code. So I'm very familiar with the  
34 research in that area. I'm not aware that these towers are supposed to generate  
35 any sort of noise. If there was any noise, I assume it would be from the  
36 equipment as opposed to the array. But we can inquire as to the Applicant. I  
37 have never had that come up in many, many years of dealing with these.

38  
39 **COMMISSIONER VAN NATTA** – Then the other question, which would also be  
40 for the Applicant would be to respond to the concern about any health risks from  
41 the towers.

42  
43 **APPLICANT HENRY CASTRO** – To address the question regarding the noise, I  
44 think some of the concerns may have been associated with wireless facilities that  
45 had equipment enclosures that require AC units to be running. With this new  
46 design, it's just an equipment cabinet. There is a standby generator, which only

1 runs in the event of any emergency, so there is no known noise associated with  
2 it. As far as the maintenance, a tech will be there about once every two weeks.  
3 As far as the hours the tech will be out, we can work with Staff to limit those  
4 hours so that they are not after a certain time and not also not too early in the  
5 morning. For the safety concerns, we get that one a lot, Verizon and all these  
6 cell sites are regulated by the FCC. They operate well below the established  
7 guidelines that they are required to. In addition to that, the way these antennas  
8 work is they project toward the horizon, so normally the homes immediately  
9 surrounding them they have no impact on at all.

10  
11 **COMMISSIONER VAN NATTA** – Would it be reasonable for this location  
12 because it is so close to housing to not have maintenance done after 10:00 PM  
13 or prior to 6:00 AM?

14  
15 **APPLICANT HENRY CASTRO** – I believe that is something that could be  
16 conditioned that Verizon would be fine with.

17  
18 **CHAIR LOWELL** – We have a couple more questions. We have Commissioner  
19 Barnes please.

20  
21 **COMMISSIONER BARNES** – Question on the generator. That has a noise  
22 limitation applied to it that it has to meet I'm assuming?

23  
24 **APPLICANT HENRY CASTRO** – Typically the generators that are proposed, we  
25 work with Staff so that they do meet the requirements of the City's Noise  
26 Ordinance, and again they only run in the event of an emergency.

27  
28 **COMMISSIONER BARNES** – Correct, I understand.

29  
30 **ASSISTANT CITY ATTORNEY PAUL EARLY** – There are general noise  
31 limitations for equipment such as generators in the Municipal Code that govern  
32 citywide, not just as a condition on the project.

33  
34 **COMMISSIONER BARNES** – Okay. Is there anything that we make specific to  
35 this type of an application over and above the general Citywide Noise  
36 Ordinance?

37  
38 **SENIOR PLANNER CHRIS ORMSBY**– I think the Noise Ordinance should  
39 cover the issue based on my experience, and I haven't really heard of it being an  
40 issue at all so.

41  
42 **COMMISSIONER BARNES** – I understand it's only in emergencies. I was just  
43 curious. Thank you.

44  
45 **CHAIR LOWELL** – Commissioner Gonzalez.

1 **COMMISSIONER GONZALEZ** – Hello Mr. Castro. What are the benefits to  
2 Moreno Valley customers that have Verizon Wireless for having one more cell  
3 tower in this area? If you can explain what this would do.  
4

5 **APPLICANT HENRY CASTRO** – Okay. Well first thing to go back to another  
6 concern is why are we in residential? Again, this is where we need the coverage.  
7 With the amount of phones and other devices that are using a signal from these  
8 towers, we're able to actually extend our coverage and increase the reliability of  
9 it, especially during peak hours. So that is definitely an added coverage to the  
10 surrounding homes and especially if there is a school nearby, things like that,  
11 communication reliability. These rings are established based on studies where  
12 it's determined there is a lack in coverage where experiencing dropped calls or  
13 experiencing other issues with data transfer, so that is the main added benefit.  
14

15 **CHAIR LOWELL** – Thank you. Would 600 feet to the east make that much of a  
16 difference in coverage?  
17

18 **APPLICANT HENRY CASTRO** – I mean, I'm not an ARF engineer. I know the  
19 closest, from what I looked up, we're about 180 feet to the property line of the  
20 adjacent home. Looking at the Propagation Map, we do have to be within a  
21 certain distance of the existing wireless facility. Now this search ring, we're able  
22 to extend to try to propose it at the Home Depot in that intersection and that  
23 would've been okay. But, as I mentioned, we weren't able to come up with  
24 anything feasible in that area.  
25

26 **CHAIR LOWELL** – What were the limitations? Why couldn't you come up with  
27 something?  
28

29 **APPLICANT HENRY CASTRO** – Different properties had different issues  
30 whether it came to leasing, the landlord just not having interest. We do have to  
31 have a landlord that's interested and that is willing to allow the cell tower. Certain  
32 properties that have parking requirements were not able to locate in the parking  
33 lot. There were parking or other setback limitations that we're stuck with due to  
34 the fact that we have to meet the setback requirements and look at the existing  
35 development of each property.  
36

37 **CHAIR LOWELL** – Were there any limitations on the Home Depot site? Did you  
38 actually discuss this with the Home Depot?  
39

40 **APPLICANT HENRY CASTRO** – It would have been feasible there, but Home  
41 Depot did not have any interest. So, without the interest, we cannot move  
42 forward.  
43

44 **CHAIR LOWELL** – Do you know if Home Depot owns that property or if they  
45 lease it?  
46



1 **APPLICANT HENRY CASTRO** – I believe they own the property. I would have  
2 to confirm that though. I'm not involved with the leasing end as much.

3  
4 **CHAIR LOWELL** – It's kind of hard to see it, but on the Zoning Map it looks like  
5 there is a small little parcel in the Home Depot parking lot. My personal thought  
6 is that this is....I like cell towers because everybody uses cellphones, but I think  
7 the location is questionable. If you had to fall back on a second location, is it  
8 feasible? Or is this pretty much it or nothing?

9  
10 **APPLICANT HENRY CASTRO** – From what we've experienced in looking at  
11 this area, this was our only option. Staff also had concerns with that being that  
12 it's around residential, but we were able to rule out every other property that was  
13 within the proximity that we actually need it. I believe there is another church  
14 along Iris. That would've possibly given us another option. However, we have  
15 the same issue. It is surrounded by single-family homes.

16  
17 **CHAIR LOWELL** – Gotcha, thank you. Anybody else? Commissioner  
18 Gonzalez, oh nope. Anybody else want to speak? Does anybody else have  
19 questions?

20  
21 **COMMISSIONER BARNES** – Yeah.

22  
23 **CHAIR LOWELL** – Go ahead Commissioner Barnes.

24  
25 **COMMISSIONER BARNES** – Well I guess my question is, is this cell tower  
26 more impactful than the church on Sunday mornings or the school across the  
27 street every morning and every afternoon with the traffic and the noise?

28  
29 **CHAIR LOWELL** – I'm trying to determine the size of the congregation of this  
30 church because it is a converted residential house. I don't envision we're going  
31 to have more than a handful of people attending this church, and if you do, we're  
32 running into a fire occupancy issue. So is anybody here from the church?  
33 Nobody can attest as to how big the congregation is?

34  
35 **COMMISSIONER VAN NATTA** – That was the reason for the question as to  
36 how long the church had been there as to whether it was a permanent fixture,  
37 and it seems as though its been there for a long time.

38  
39 **CHAIR LOWELL** – Well now that we've opened up that can of worms, the  
40 person in the audience said that there has been a lot of cars showing up on the  
41 weekends. Do you know what the occupancy rating of the building is? Does the  
42 fire marshall has any input on that? It's just out of my curiosity. It's totally off  
43 topic.

44  
45 **FIRE MARSHALL ADRIA REINERTSON** – No. I was unaware of the facility.  
46 We could certainly look at it.

1 **CHAIR LOWELL** – I appreciate that. Thank you.

2  
3 **FIRE MARSHALL ADRIA REINERTSON** – Yeah, we can look into it.

4  
5 **CHAIR LOWELL** – Any other questions or comments? The Public Comment  
6 portion is already over, sorry. With that said, would anybody like to make a  
7 motion?

8  
9 **COMMISSIONER VAN NATTA** – Well I did just want to comment that I know  
10 this happens a lot on churches and that churches rely quite a bit on the type of  
11 additional income they can get from these kinds of facilities to keep themselves  
12 open and going. Actually I think if we were to include that restriction regarding  
13 the maintenance not being performed, except between 6:00 AM and 10:00 PM I  
14 would be more comfortable in going forward with this one.

15  
16 **CHAIR LOWELL** – I personally think there are other alternatives. If we can get  
17 this thing moved forward to Perris Boulevard, I think it will make a lot of people  
18 happier.

19  
20 **COMMISSIONER VAN NATTA** – You mean like maybe in the City yard?

21  
22 **CHAIR LOWELL** – Sure, or I mean there's a Home Depot. There are other  
23 commercial sites. I mean that entire intersection is nothing but commercial.  
24 There are alternatives. If we can shoehorn a cell tower in the middle of this  
25 residential church lot, I'm sure we could shoehorn it in another commercial lot  
26 that's more applicable.

27  
28 **COMMISSIONER BARNES** – Only 900 square feet. I don't really call that  
29 shoehorning.

30  
31 **CHAIR LOWELL** – Bigger than my apartment was. With that said, are there any  
32 other Commissioner Comments or Discussion before I move to motion?

33  
34 **COMMISSIONER VAN NATTA** – I would like to ask a question regarding the  
35 wording on putting that restriction into motion. Would that go in Item No. 2 and  
36 would it be sufficient to say subject to the restriction that maintenance be  
37 performed only between 6:00 AM and 10:00 PM except in an emergency?

38  
39 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Yes. You can phrase it that  
40 way and then it'll be incumbent on planning and coming up with the actual  
41 language that's consistent with what the Commission adopts.

42  
43 **COMMISSIONER VAN NATTA** – And that would go at the end of paragraph 2?

44  
45 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Correct.

46

1 **COMMISSIONER VAN NATTA** – Okay then I would like to make a motion.

2  
3 **CHAIR LOWELL** – Click the button.

4  
5 **COMMISSIONER VAN NATTA** – I clicked the button. That makes it me. Okay,  
6 I move that we approve Resolution No. 2015-20 and certify that the proposed  
7 Verizon Wireless telecommunications facility is exempt from the provisions of the  
8 California Environmental Quality Act (CEQA) as a Class 3 Categorical Exemption  
9 CEQA Guidelines Section 15303 for New Construction or Conversion of Small  
10 Structures and approve Conditional Use Permit PA15-0008 based on the findings  
11 contained in Planning Commission Resolution 2015-20 subject to the Conditions  
12 of Approval included as Exhibit A of the Resolution and subject to the restriction  
13 that maintenance be performed only between 6:00 AM and 10:00 PM except in  
14 an emergency.

15  
16 **CHAIR LOWELL** – We have a motion by Commissioner Van Natta. Do we have  
17 a second? We have a second by Commissioner Barnes. Please vote. Okay,  
18 anybody else left to vote? Nope. Okay, we are done voting. Again, the motion  
19 passes 6-1. Do we have a Staff wrap-up on the item?

20  
21  
22 **Motion carries 6 – 1**

23  
24 **SENIOR PLANNER CHRIS ORMSBY**– The action is final unless an appeal is  
25 filed within 15 consecutive calendar days.

26  
27 **CHAIR LOWELL** – Thank you very much.

28  
29 **SENIOR PLANNER CHRIS ORMSBY**– Thank you.

30  
31  
32 3. Case: PA15-0010 (Tentative Tract Map No. 36882)  
33  
34 Applicant: FHII, LLC  
35  
36 Owner: Wheeler Lane Investors  
37  
38 Representative: Darren Asay, Frontier Communications  
39  
40 Location: South side of Brodiaea Avenue, approximately 600  
41 feet west of Moreno Beach Drive  
42  
43 Associate Planner: Chris Ormsby, AICP  
44  
45 Council District: 3  
46



1 pedestrian access on Brodiaea Avenue. The project will also complete the  
2 balance of street improvements on Tradewinds Place and the extension of Sand  
3 Dollar Way to the east of the tracts, so Tradewinds is immediately on the west  
4 edge of the tract. Special attention was also given to designing the bioretention  
5 basin to address the site hydrology and, at the same time, provide an  
6 aesthetically pleasing basin. This is just a land division. There is no requirement  
7 for review of any specific housing product at this time. That would be addressed  
8 according to the City's Development Review through a model home complex,  
9 which is an administrative process. The Applicant has assured Staff that the  
10 project can readily fit on any of the proposed lots. An Initial Study was prepared  
11 for the project to assess potential impacts of the environment. Based on the  
12 Initial Study, Staff determined that the project will not have a significant impact on  
13 the environment. However, mitigation measures have been included to ensure  
14 compliance with regional policies and regulations. Therefore, a Mitigated  
15 Negative Declaration is recommended. Just a couple of notes on the Conditions  
16 of Approval: You have on the dais a memorandum from Special Districts with  
17 today's date. It's an update to the language of one of their conditions. It's on  
18 yellow paper. It's SD8. The purpose of this change is to include a reference to  
19 the National Pollution Discharge Elimination System or NPDES. So it's basically  
20 just a change to their standard condition. It doesn't seem to have any material  
21 impact on the project. It has been provided to the Applicant as well. The  
22 Applicant did also have a request of Planning Staff to modify one of Planning's  
23 conditions and that would be P17, which is a correction which Planning would  
24 like to make, and that language pertains to basically including an easement. It's  
25 referring to the HOA in regards to an easement. So we would be deleting the  
26 words "included as an easement" and instead replace it with "shall be conveyed."  
27 And the Applicant, I think, is going to touch base on that as well so we can make  
28 sure that language is correct. But Staff concurs with that change. And so, then  
29 Staff recommends that the Planning Commission approve Resolution No. 2015-  
30 19 adopting a Mitigated Negative Declaration, a Mitigation Monitoring and  
31 Reporting Program for PA15-0010, which is Tentative Tract 26882 and to  
32 approve the project subject to the Conditions of Approval. So, with that, I'll open  
33 it up to questions of Staff.

34

35 **CHAIR LOWELL** – Thank you. Anybody have any questions of Staff? Okay,  
36 then I guess I'd like to bring up the Applicant.

37

38 **APPLICANT JD ROWEBERRY** – My name is JD Roweberry for the Applicant  
39 Frontier Communities. We do request, as Staff mentioned, that in Condition P17  
40 we make the change so that the Homeowners Association has actually conveyed  
41 the property that it's required to maintain. That's how we've planned to have the  
42 CC and R's read and that's how the map has been set forth. Other than that,  
43 we're excited to be in Moreno Valley and building new homes in the community.

44

45 **CHAIR LOWELL** – Thank you very much. Anybody have any questions for the  
46 Applicant? No hands are going up. Thank you very much. With that, I'd like to

1 open up the Public Comments portion. I know a gentleman issued a Public  
2 Speaker Slip?

3  
4 **GRACE ESPINO-SALCEDO** – I do have one Speaker and that is Jeri Roberts.

5  
6 **CHAIR LOWELL** – Thank you. Jeri Roberts please.

7  
8 **SPEAKER JERI ROBERTS** – I'm Jeri Roberts. I was dealing with this company  
9 a few months ago on a project on Cottonwood, and it was a horrible experience.  
10 I've never been treated so bad in my entire life by this company. It put street  
11 against street. They brought in a public relations person who went to several  
12 streets and lied about what we, the people on our street, were requesting. And it  
13 made a war between us until we had a meeting and all got together. All seven  
14 streets in our area that are altogether because we got together because of the  
15 lies they were telling you guys, and I don't think we need this company anymore.  
16 They already have a project. It's not finished and it probably won't be. I've got  
17 six pages of complaints, law cases, against the owner of this company. I'll be  
18 happy to bring those in anytime you'd like me to, and that's only from San  
19 Bernardino County. I could not get Riverside because it cost too much per line  
20 item to get them. I couldn't get Orange County because they cost that much too.  
21 I could get San Bernardino County, and it was for free. Your new attorney could  
22 look that up for you also if you guys would like to look at that information. It is  
23 really relevant, I feel, to our City and what they've done in the past in other cities.  
24 So I would like to say please reconsider this or take this under reconsideration.  
25 Don't vote yes on this tonight. Really do some studying on it and this  
26 corporation. And I know that some of you here have dealt with them before. So  
27 have I, and it's not been easy. So I am very, very afraid what will happen to the  
28 people around that area where they are going to do their project. What they  
29 were doing to us was horrible.

30  
31 **CHAIR LOWELL** – Thank you very much.

32  
33 **SPEAKER JERI ROBERTS** – Thank you.

34  
35 **CHAIR LOWELL** – Do we have anymore Speaker Slips, Grace? Thank you  
36 very much. The Public Comments portion of this hearing is now closed. Moving  
37 onto Commissioner Discussion. Does anybody have any questions or  
38 comments?

39  
40 **COMMISSIONER VAN NATTA** – I was just going to say it looks like the natural  
41 extension of the tract that's already there continuing streets that have already  
42 started finishing off Brodiaea. It looks like it would be a good project for the area.

43  
44 **CHAIR LOWELL** – I actually had the same concerns that, I forgot your name. It  
45 wasn't on the screen but that the citizen had about Frontier Homes and their  
46 history. I actually spoke pretty in depth with Mr. Sandzimier, and he said that

1 Frontier Homes this time around I guess they've had new direction and they've  
2 been absolutely wonderful to work with. So, I'm taking you guys on your word  
3 that there's not going to be too many issues. I know last time we met, it was a  
4 different story. But this project looks like a natural in-fill. I like it, and I wish you  
5 guys the best. With that said, Brodiaea, we have a few homes that are going to  
6 be facing north and fronting onto Brodiaea. What is the speed limit of that street?

7  
8 **SENIOR ENGINEER MICHAEL LLOYD** – I would have to investigate because I  
9 don't have the data in front of me. I would speculate typically for a collector like  
10 this it is usually set at 35, but I do not know that for fact only because the  
11 roadway hasn't been completed as a continuous roadway from Oliver to Moreno  
12 Beach. But, speculation, it's either 35 or 25.

13  
14 **CHAIR LOWELL** – Okay, and with that said, I appreciate that because that was  
15 one of my concerns. I wanted to be sure it wasn't a super fast street because  
16 houses are going to be fronting along it. And I do know that one of my fellow  
17 Commissioners mentioned that this Renaissance Village is having some issues  
18 with people trying to make a right turn on Moreno Beach. Is there going to be  
19 any alternative access from Renaissance Village into that site? I didn't see it, but  
20 I'm trying to figure out how this Renaissance Village could get a second point of  
21 access to help the elderly drivers that are not quite capable of driving 100%  
22 perfectly a safe egress out of the property.

23  
24 **SENIOR ENGINEER MICHAEL LLOYD** – When the project was approved, it  
25 was approved where there is access to what I would call the Stater Brother's  
26 Shopping Center. So there are two points of access shared between  
27 Renaissance Village and the shopping center, so that either residents or visitors  
28 could take access to the traffic signal that provides access to the shopping  
29 center.

30  
31 **COMMISSIONER VAN NATTA** – Those gates are never opened.

32  
33 **CHAIR LOWELL** – That's what I was going to mention. I know this is not on  
34 topic with this project, but it's close so it's kind of an issue.

35  
36 **SENIOR ENGINEER MICHAEL LLOYD** – Staff has met with representatives of  
37 Renaissance Village, and we confirmed that the gates can be opened. And there  
38 is a process so that, if a visitor goes there, they can request exit as well as  
39 residents. So we've been assured at least at the Staff level with Renaissance  
40 Village. We've gone out and inspected. They've shown us that the gates are  
41 operable and can be opened through a process that they've got internal for either  
42 visitors or residents to take access to the shopping center.

43  
44 **CHAIR LOWELL** – Is there any mechanism where we could ensure or ask Staff  
45 to go out and visit to make sure that is instead of a secondary exit a more  
46 primary exit? It just seems to be for some of the elderly drivers that don't have

1 the quick reflexes, or they have diminished eyesight, or they are good drivers but  
2 they just don't make the best judgment call that having a stoplight allowing them  
3 to turn left or right is safer.

4  
5 **SENIOR ENGINEER MICHAEL LLOYD** – I can commit to you that we'll  
6 continue to monitor the situation.

7  
8 **CHAIR LOWELL** – That's all I can ask.

9  
10 **SENIOR ENGINEER MICHAEL LLOYD** – And, if there are issues, we have an  
11 established relationship with Staff there and we'll continue to have a dialogue to  
12 make sure that that access is available.

13  
14 **CHAIR LOWELL** – I appreciate it Michael. Back onto topic, we have  
15 Commissioner Gonzalez.

16  
17 **COMMISSIONER GONZALEZ** – This is directed back to Staff. During the  
18 design phase, was there any consideration given to promote walkability, access  
19 from the Stater Brothers site to the proposed development instead of someone  
20 getting in their car and going around? Was that ever considered?

21  
22 **SENIOR PLANNER CHRIS ORMSBY**– That was not. You mean like a cut-  
23 through somewhere?

24  
25 **COMMISSIONER GONZALEZ** – Yeah.

26  
27 **SENIOR PLANNER CHRIS ORMSBY**– Oh okay. Yeah that wasn't something  
28 that the Applicant felt that they wanted to do. We could get their input, but it  
29 wasn't something that we felt was really necessary in this case.

30  
31 **COMMISSIONER GONZALEZ** – Thank you.

32  
33 **CHAIR LOWELL** – Any other comments or questions? Would anybody like to  
34 make a motion?

35  
36 **COMMISSIONER VAN NATTA** – Okay, then I'll move.

37  
38 **CHAIR LOWELL** – You're on a roll tonight. Anyone second?

39  
40 **COMMISSIONER VAN NATTA** – Okay, now I'll read it. I move that we approve  
41 Resolution No. 2015-19 and thereby adopt a Mitigated Negative Declaration and  
42 Mitigation Monitoring and Reporting Program for PA15-0010 Tentative Tract Map  
43 36882 as included in Exhibits A and B and approve PA15-0010 Tentative Tract  
44 Map 36882 subject to the attached Conditions of Approval included in Exhibit C  
45 as amended.



1 **CHAIR LOWELL** – We have a motion by Commissioner Van Natta. Do we have  
2 a second?

3  
4 **ASSISTANT CITY ATTORNEY PAUL EARLY** – I just want to clarify that the  
5 amendment is both proposed amendments. The two conditions SD8 and P17.

6  
7 **COMMISSIONER VAN NATTA** – Accepted to that motion?

8  
9 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Yes.

10  
11 **CHAIR LOWELL** – We have a motion by Commissioner Van Natta. Anybody  
12 want to second? We have a second by Commissioner Baker. Let's vote. So the  
13 only two waiting are Commissioner Barnes and Nickel's, so are good to go. The  
14 vote passes 7-0. Do we have a Staff wrap-up?

15  
16  
17 **Motion carries 7 – 0**

18  
19 **SENIOR PLANNER CHRIS ORMSBY**– The action of the Planning Commission  
20 will be final unless an appeal is filed within 10 calendar days.

21  
22  
23 **OTHER COMMISSION BUSINESS**

24  
25 **CHAIR LOWELL** – Thank you very much. That moves us onto Other Business,  
26 which I don't think we have any.

27  
28  
29 **STAFF COMMENTS**

30  
31 **CHAIR LOWELL** – Staff Comments?

32  
33 **SENIOR PLANNER CHRIS ORMSBY**– Just a real quick comment. The next  
34 Planning Commission Meeting is scheduled for August 27<sup>th</sup>, 2015. The only  
35 scheduled item at this time is a 266 unit multi-family project located on the  
36 Southside of Box Springs Road in the vicinity of Clark Street. The project will  
37 also include a revised Tentative Tract Map for condominium purposes. It is a site  
38 that you have seen before. As you may recall, the Planning Commission  
39 recommended approval of a General Plan Amendment and a Change of Zone to  
40 R30 on the site a little more than six months ago. The City Council approved that  
41 change, so that project will be coming forward and that concludes Staff  
42 Comments.

43  
44  
45 **PLANNING COMMISSIONER COMMENTS**

1 **CHAIR LOWELL** – Thank you very much. Do we have any Planning  
2 Commissioner Comments? I do. It was actually quite a pleasure working with  
3 you Commissioner Gonzalez. It was nice seeing you up here for the first time.  
4

5  
6 **ADJOURNMENT**  
7

8 **CHAIR LOWELL** – With that said, this concludes the July 23<sup>rd</sup>, 2015 Regular  
9 Planning Commission Meeting. The meeting is now adjourned to our next  
10 Regular Meeting, which is August 27<sup>th</sup>, 2015 at 7:00 PM right here in the City  
11 Council Chambers. Thank you very much and have a good night.  
12  
13  
14

1 **NEXT MEETING**

2 *Next Meeting: Planning Commission Regular Meeting, August 27<sup>th</sup>, 2015 at 7:00*  
3 *PM, City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street,*  
4 *Moreno Valley, CA 92553.*

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17 \_\_\_\_\_  
18 Richard J. Sandzimier  
19 Planning Official  
20 Approved

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33 Brian R. Lowell  
34 Chair

\_\_\_\_\_ Date