

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

5                                   **Thursday, October 8<sup>th</sup>, 2015, 7:00 PM**

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8                                   **CALL TO ORDER**  
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10                                   **CHAIR LOWELL** – Good evening ladies and gentleman. I would like to call the  
11                                   October 8<sup>th</sup>, 2015 Regular Meeting of the Planning Commission to order. The  
12                                   time is actually 7:04 PM. Grace, may we have the rollcall please?  
13

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15                                   **ROLL CALL**  
16

17                                   Commissioners Present:

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

26                                   Staff Present:

27                                   Rick Sandzimier, Planning Official  
28                                   Paul Early, Assistant City Attorney  
29                                   Grace Espino-Salcedo, Administrative Assistant  
30                                   Jeff Bradshaw, Case Planner  
31                                   Claudia Manrique, Case Planner  
32                                   Vince Giron, Traffic Engineer  
33                                   Michael Lloyd, Traffic Engineer  
34

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36                                   **CHAIR LOWELL** – It also should be noted that Commissioner Ramirez and  
37                                   Commissioner Van Natta are absent and their absences are approved. I would  
38                                   like to ask Vice Chair Sims to lead us in the Pledge of Allegiance tonight.  
39

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41                                   **PLEDGE OF ALLEGIANCE**  
42

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44                                   **APPROVAL OF THE AGENDA**

1  
2 **CHAIR LOWELL** – Thank you. Would anyone like to motion to approve  
3 tonight’s Agenda? Now we can motion.

4  
5 **ALTERNATE COMMISSIONER NICKEL** – I move to approve tonight’s Agenda.

6  
7 **CHAIR LOWELL** – Push that little move button on your screen. Moved by  
8 Commissioner Nickel and seconded by Korzec. That was a race. So please  
9 cast your vote. I’m assuming we’re all going to say yes. Perfect. All votes have  
10 been cast. Tonight’s Agenda has been approved. Perfect.

11  
12  
13 **CONSENT CALENDAR**

14  
15 *All matters listed under Consent Calendar are considered to be routine and all*  
16 *will be enacted by one rollcall vote. There will be no discussion of these items*  
17 *unless Members of the Planning Commission request specific items be removed*  
18 *from the Consent Calendar for separate action.*

19  
20  
21 **APPROVAL OF MINUTES**

22  
23 **Planning Commission - Regular Meeting - May 14<sup>th</sup>, 2015 7:00 PM**

24  
25  
26 **CHAIR LOWELL** – Now we’re moving on to approval of the Minutes. We have  
27 Minutes from the previous meetings, specifically the meeting of May 14<sup>th</sup>, 2015.  
28 Does anybody have any questions or comments about the meeting or the  
29 Minutes? Okay. Motion to approve the Minutes?

30  
31 **COMMISSIONER BAKER** – I so move to approve the Minutes.

32  
33 **CHAIR LOWELL** – Do we have a second?

34  
35 **ALTERNATE COMMISSIONER GONZALEZ** – I second.

36  
37 **CHAIR LOWELL** – Perfect. With that said, may we have a rollcall vote? It  
38 didn’t let me do it. There we go. It just popped up. There we go. Let’s do a  
39 motion and a second. Who seconded it?

40  
41 **ALTERNATE COMMISSIONER GONZALEZ** – I did.

42  
43 **ALTERNATE COMMISSIONER NICKEL** – But it is not showing. Oh,  
44 someone’s got to push it.

1 **CHAIR LOWELL** – Oh my goodness, so complicated. Sometimes I just think  
2 I....okay, everybody vote please.

3  
4 **ALTERNATE COMMISSIONER NICKEL** – Chairman Lowell.

5  
6 **CHAIR LOWELL** – Yes ma'am.

7  
8 **ALTERNATE COMMISSIONER NICKEL** – I have a question for the Assistant  
9 City Attorney. Erlan and myself were not seated at this meeting, so we should  
10 abstain?

11  
12 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Well you were present at the  
13 meeting, so if you reviewed the Minutes and you believe they reflect accurately  
14 you certainly can vote. It's typical for absent commissioners to abstain on a vote  
15 to approve the Minutes, but as long as you are familiar with them and aware of  
16 them you're certainly capable of voting on the item if you wanted to.

17  
18 **CHAIR LOWELL** – You were part of the meeting. That is the day you were  
19 sworn in.

20  
21 **ALTERNATE COMMISSIONER NICKEL** – I know. I was just checking.

22  
23 **CHAIR LOWELL** – You could have abstained if you so chose.

24  
25 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Right.

26  
27 **ALTERNATE COMMISSIONER NICKEL** – Oh, I know what was said.

28  
29 **CHAIR LOWELL** – Okay and it passed 7-0, awesome. Pardon me one second.  
30 Let me get back to my meeting.

31  
32  
33 Opposed – 0

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35  
36 **Motion carries 7 – 0**

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39 **PUBLIC COMMENTS PROCEDURE**

40  
41 *Any person wishing to address the Commission on any matter, either under*  
42 *Public Comments section of the Agenda or scheduled items or public hearings,*  
43 *must fill out a "Request to Speak" form available at the door or at the side of the*  
44 *room over here. The completed form must be submitted to the Secretary prior to*  
45 *the Agenda item being called by the Chairperson. In speaking to the*  
46 *Commission, members of the public may be limited to three minutes per person,*

1 *except for the applicant for entitlement. The Commission may establish an*  
2 *overall time limit for comments on a particular Agenda item. Members of the*  
3 *public must direct their questions to the Chairperson of the Commission and not*  
4 *to other members of the Commission, the applicant, the Staff, or the audience.*  
5 *Additionally, upon request, this Agenda will be made available in appropriate*  
6 *alternative formats to persons with disabilities in compliance with the Americans*  
7 *with Disabilities Act of 1990. Any person with a disability who requires a*  
8 *modification or accommodation in order to participate in the meeting should*  
9 *direct their request to Guy Pagan, our ADA Coordinator. His phone number is*  
10 *(951) 413-3120. Please make your request at least 48 hours prior to the*  
11 *meeting. The 48-hour notification will enable the City to make reasonable*  
12 *arrangements to ensure accessibility to this meeting.*

13  
14  
15 **CHAIR LOWELL** – So that moves us onto the Public Hearing portion of the  
16 meeting.

17  
18  
19 **NON-PUBLIC HEARING ITEMS**

20  
21 **None**

22  
23 **CHAIR LOWELL** – That moves us onto the Non-Public Hearing Items, which I  
24 don't believe we have any.

25  
26 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Were you going to take Public  
27 Comments on matters not on the Agenda at this time?

28  
29 **CHAIR LOWELL** – Right. Do we have any Public Comments?

30  
31 **ADMINISTRATIVE ASSISTANT GRACE ESPINO-SALCEDO** – I do not have  
32 any.

33  
34 **CHAIR LOWELL** – Ah, see.

35  
36 **ADMINISTRATIVE ASSISTANT GRACE ESPINO-SALCEDO** – I do not have  
37 any Slips that is.

38  
39 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Your foresight is ahead of me  
40 on this.

41  
42 **CHAIR LOWELL** – Okay, so that moves us onto the Non-Public Hearing Items,  
43 which I don't believe we have any.

44  
45 **PLANNING OFFICIAL RICK SANDZIMIER** – We have none.

1 **CHAIR LOWELL** – Perfect.  
2  
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4 **PUBLIC HEARING ITEMS**  
5

- 6 1. Case: PA15-0028 – Tentative Parcel Map 36468  
7  
8 Applicant: Continental East Fund III, LLC  
9  
10 Owner: Continental East Fund III, LLC  
11  
12 Representative: Continental East Fund III, LLC  
13  
14 Location: Moreno Valley Ranch Specific Plan (SP #193)  
15  
16 Case Planner: Jeff Bradshaw  
17  
18 Council District: 4  
19  
20 Proposal: Applicant request for continuance to the October 22<sup>nd</sup>,  
21 2015, Planning Commission meeting for proposed  
22 Finance Map 36468. Tentative Parcel Map No.  
23 36468 proposes to create a three parcel subdivision  
24 for finance purposes for property located within the  
25 approved 217 unit Continental Villages Project. The  
26 three parcels correspond to the three distinct  
27 residential product types located within the project.  
28 The Finance Map does not include any proposed  
29 development.  
30

31  
32 **STAFF RECOMMENDATION:**  
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34 Staff recommends that the Planning Commission take the following action:  
35

36 **APPROVE** the applicant’s request for a continuance of the public hearing  
37 for this item to the next Regular Planning Commission Meeting date of  
38 October 22<sup>nd</sup>, 2015.  
39

40 **CHAIR LOWELL** – That moves us onto the Public Hearing Items. The first item,  
41 which is PA15-0028, Tentative Parcel Map 36468. The Applicant is Continental  
42 East Fund III, LLC and our Case Planner is Mr. Jeff Bradshaw.  
43

44 **PLANNING OFFICIAL RICK SANDZIMIER** – We are not going to have a verbal  
45 Staff Report, but I’m going to take the opportunity here this evening to identify  
46 that this particular Applicant asked for the item to be on the hearing this evening

1 so we did schedule it for this evening and our public notice was actually posted in  
2 the newspaper and on the site calling for the public hearing to be conducted this  
3 evening. However, subsequent to that posting, the Applicant had some  
4 additional information or additional stuff they needed to still do with the project so  
5 they sent us a request to see if they could continue the item to the next Regular  
6 Meeting, which would be October 22<sup>nd</sup>, 2015. And so what we have done is we  
7 have included a brief Staff Report, and because of the fact that there was a  
8 public notice issued, it would appropriate for the Commission to consider if there  
9 are any speakers present that wanted to comment on it to either allow them to  
10 speak this evening or ask them to hold their comments until the next meeting  
11 when this item is taken up. But I just wanted to point that out for the  
12 Commission.

13  
14 **CHAIR LOWELL** – Okay, so should we hear a brief Staff Report or should we  
15 see if there are any Public Comments?

16  
17 **PLANNING OFFICIAL RICK SANDZIMIER** – We do not have a detailed Staff  
18 Report this evening. There will be no Staff Report. It was just an opportunity if  
19 somebody wanted to speak.

20  
21 **CHAIR LOWELL** – Okay, with that said, do we have any Speaker Slips for  
22 tonight?

23  
24 **ADMINISTRATIVE ASSISTANT GRACE ESPINO-SALCEDO** – I don't have  
25 any Public Speaker Slips for Item No. 1.

26  
27 **CHAIR LOWELL** – Okay.

28  
29 **PLANNING OFFICIAL RICK SANDZIMIER** – But we would just be asking you  
30 then to take an action to continue the item. So the reason to take an action and  
31 continue it to the 22<sup>nd</sup> would be it removes the need to do any additional noticing.  
32 Thank you.

33  
34 **CHAIR LOWELL** – Okay, so is there any specific verbiage that I need to say as  
35 far as a motion? A motion to continue the Item until October 22<sup>nd</sup>, 2015?

36  
37 **ASSISTANT CITY ATTORNEY PAUL EARLY** – That is exactly perfect.

38  
39 **CHAIR LOWELL** – Okay, would anybody like to make a motion? I'll make a  
40 motion.

41  
42 **VICE CHAIR SIMS** – Well how do we do it?

43  
44  
45 **CHAIR LOWELL** – The vote button is not up here. There we go. I'm still getting  
46 used to my programming. Okay, I'll make the motion.

1  
2 **VICE CHAIR SIMS** – Well no, I think I am ready.

3  
4 **CHAIR LOWELL** – Okay.

5  
6 **VICE CHAIR SIMS** – I would move that we continue this item to a Public  
7 Hearing until the next Regular Planning Commission Meeting of October 22<sup>nd</sup>,  
8 2015.

9  
10 **CHAIR LOWELL** – Perfect. It looks like it was seconded by Commissioner  
11 Korzec.

12  
13 **COMMISSIONER KORZEC** – Yes.

14  
15 **CHAIR LOWELL** – Two more votes to go. Perfect, all votes have been cast.  
16 The Item has been continued to the next meeting voted unanimously 7-0.

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18  
19 Opposed – 0

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22 **Motion carries 7 – 0**

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26 2. Case: PA15-0009 (CUP)  
27  
28 Applicant: Verizon Wireless  
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30 Owner: Shinder Kaur and Parmjit Singh  
31  
32 Representative: SAC Wireless (Dail Richard)  
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34 Location: 14058 Redlands Boulevard (Farm Market)  
35  
36 Case Planner: Claudia Manrique  
37  
38 Council District: 3  
39  
40 Proposal: Conditional Use Permit (PA15-0009) for a new  
41 wireless communications facility.  
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44 **STAFF RECOMMENDATION:**

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46 Recommend that the Planning Commission **APPROVE** Resolution No. 2015-25.

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1. **CERTIFY** that the proposed Verizon wireless telecommunications facility is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 3 Categorical Exemption, CEQA Guidelines, Section 15303 for New Construction or Conversion of Small Structures; and
2. **APPROVE** Conditional Use Permit PA15-0009 based on the findings contained in Planning Commission Resolution 2015-25, subject to the conditions of approval included as Exhibit A of the Resolution.

**CHAIR LOWELL** – That moves us onto the second item. Do we need to have a Staff wrap-up on that one?

**PLANNING OFFICIAL RICK SANDZIMIER** – There is no Staff wrap-up on that one, and while I’m here, the next item is a Public Hearing. Claudia Manrique, our Staff Planner, will be giving the presentation.

**CHAIR LOWELL** – Perfect. So the second item is Case PA15-009, which is a Conditional Use Permit. The Applicant is Verizon Wireless and our Case Planner is Claudia Manrique.

**ASSOCIATE PLANNER CLAUDIA MANRIQUE** – Good evening. I’m Claudia Manrique, the Project Planner. The proposal is for a new wireless telecommunications facility, a WCF. The Applicant is Verizon and it is for a 60 foot monopine to be located at 14058 Redlands Boulevard, which is the site of the Farmer’s Market. Under the current regulations in the Code, WCF’s a permitted with a Conditional Use Permit within a Commercial Zone. Due to the site being less than 300 feet away from Residential Zones, the project approval authority has been elevated to Planning Commission. The nearest home to the project located directly across Kimberly Street is approximately 98 feet away. In addition to this home, there are several other homes in the immediate proximity of the proposed tower and equipment enclosure. We have an aerial photograph. The parcel highlighted in red is the project site. Again, the new facility is proposed as a 60 foot tall monopine designed to mask its appearance as a tower in an attempt to match the existing pine trees around the site. The antenna rays and panels will be painted to match the pine trees and help blend the equipment with the neighboring existing pine trees. The 190 foot equipment shelter will house, along with the monopine, within a 900 square foot lease area which will be screened by an 8 foot decorative block wall, which is going to be painted to match the existing Farmer’s Market building. The design of the tree blends in with the existing tree species near the site, and they will be required to plant three additional pine trees. The Applicant has prepared some photographic simulations. First we have, this is the zoning of the site. The site is zoned



1 Village Commercial, and it is surrounded by other commercial on the four  
2 corners. This is the tower itself, and you can see in the front is the Farmer's  
3 Market building. This is from the side. The star next to the Farmer's Market  
4 shows where the tower will be placed on the site. This from east looking towards  
5 the Farmer's Market. Here is off Redlands Boulevard. Off of Redlands just south  
6 of Kimberly. That's the last one. As noted, the site includes the Farmer's Market  
7 PA06173, which is currently under construction. The market was designed to be  
8 consistent with the Village Commercial Standards, which provides limited retail  
9 commercial services, which are compatible to the residential community around  
10 the facility. The Farmer's Market building is the largest structure within this  
11 commercial zone and provides the best opportunity to house a wireless facility.  
12 In addition, the wireless facility design is considerate of building materials, colors,  
13 and the landscape palette of the area. The landscape for the Farmer's Market is  
14 not quite complete, but it also has pine trees and that's part of why we decided  
15 that a monopine was appropriate for the site, as well as the three additional tree  
16 species that are being conditioned to be added. This project was submitted in  
17 March of 2015 and City Staff from various departments, including fire prevention,  
18 has been working with the Applicant to resolve any issues and interests that were  
19 raised during the review. Planning Staff has reviewed the environmental and  
20 found that the project is exempt under CEQA Class 3 Categorical Exemption,  
21 Section 15303, for New Construction or Conversion of Small Structures. Public  
22 notice was sent to property owners within 300 feet of the project and posted on  
23 site, as well as published in the Press Enterprise Newspaper on September 25<sup>th</sup>,  
24 2015. As of today, I received one letter that was signed by six of the neighbors  
25 against the project mainly due to the proximity to their homes and some issues or  
26 concerns with health. I also received one phone call also against the project. I  
27 don't know, I believe he is here tonight to speak his concerns. Staff recommends  
28 **APPROVAL** of Resolution 2015-25 **CERTIFYING** that the project is exempt  
29 under CEQA and **APPROVE** Conditional Use Permit PA15-0009. Thank you.

30  
31 **CHAIR LOWELL** – Thank you very much. Anybody have any questions for  
32 Staff? Okay, with that said, I'd like to invite the Applicant up to speak.

33  
34 **APPLICANT DAIL RICHARD** – Hello. My name is Dail Richard. I am here on  
35 behalf of Verizon. I want to thank Ms. Manrique for the presentation. I think she  
36 did a good job illustrating what it is we are trying to accomplish here and  
37 ultimately what the facility is going to look like once it's constructed. I know the  
38 Farmer's Market is still under construction, but we did the best we could with the  
39 photo simulations to make you guys aware of exactly what we're trying to do and  
40 what it'll look like. A few things I did want to point out. The main objective of this  
41 project is to address a gap in coverage for Verizon. It will be their latest 4G LTE  
42 technology and it'll close the gap in that particular area. It'll also allow the other  
43 nearby facilities to operate a little bit more effectively during peak usage, so it  
44 brings a meaningful benefit to the network in the general area to the community.  
45 In addition, we have worked with the Planning Department on some esthetic  
46 components in order to make sure that we don't just provide the most minimally

1 acceptable design for something that is actually desired by the community and  
2 what we've done is we've ensured that branching for the monopine starts at a  
3 certain distance off the ground. And we have also agreed for conditions to  
4 interval spacing vertically along the tower to ensure a nice full appearance for the  
5 monopine. And the addition of the trees will actually be three live trees at a  
6 mature height of 20 feet, so we won't be planting small trees that will take years  
7 to grow. We will be planting mature trees, so it'll have a nice appearance from  
8 the onset of the project. We do recommend or hope to get a favorable approval  
9 on the project, and I'm available if there are any questions.

10  
11 **CHAIR LOWELL** – Thank you very much. Does anybody have any questions  
12 for the Applicant?

13  
14 **ALTERNATE COMMISSIONER GONZALEZ** – I do.

15  
16 **CHAIR LOWELL** – Mr. Gonzalez.

17  
18 **ALTERNATE COMMISSIONER GONZALEZ** – A few questions. Are any of the  
19 nearby facilities also Verizon? That is my first question. And do you have any  
20 other kind of a Master Plan of gap coverage in this vicinity or at least in the  
21 Moreno Valley environment?

22  
23 **APPLICANT DAIL RICHARD** – The other nearby facilities that this would affect  
24 would be the other Verizon facilities. There are just a couple nearby. We do not  
25 have a Master Plan for this particular city, but the gap in coverage would be  
26 addressed by this project as its proposed. When Verizon identifies a gap in  
27 coverage, we're issued a very specific target search area and we locate best  
28 location within there in order to meet their coverage needs, as well as any local  
29 Municipal Code Regulations and Federal Guidelines.

30  
31 **ALTERNATE COMMISSIONER GONZALEZ** – So this was the most apt site in  
32 your analysis at this time?

33  
34 **APPLICANT DAIL RICHARD** – Yeah a number of factors go into choosing a  
35 specific location. It has to, of course, meet Verizon's network objectives. That's  
36 key. Another thing that I mentioned just a minute ago was that it has to abide by  
37 Local Zoning Regulations as far as where we're allowed to install a wireless  
38 facility, which this location allows for it. But then we also need a landlord or  
39 property owner whose willing to enter a long-term agreement with Verizon in  
40 order to make sure that a couple years after the expense of building this tower it  
41 doesn't fall apart. So a lot of pieces have to come together and this was the best  
42 location.

43  
44 **ALTERNATE COMMISSIONER GONZALEZ** – Thank you.

45  
46 **CHAIR LOWELL** – Were there any other locations that were considered?

1  
2 **APPLICANT DAIL RICHARD** – We identified other potential locations but none  
3 were taken beyond the point of just general interest. This one, it met all of the  
4 objective goals right off the bat. The property owner was interested, so we  
5 moved forward with this project.

6  
7 **CHAIR LOWELL** – Now as far as the specific location on site, is that set in  
8 stone or is that up to negotiation? I mean my curiosity is why is this cell tower so  
9 close to Kimberly when it could be moved further north towards Alessandro  
10 where it would be more centered in the commercial area?

11  
12 **APPLICANT DAIL RICHARD** – Sure. I wouldn't say that the location is set in  
13 stone but change in location does set back the project for Verizon. A number of  
14 reports and studies are done for that specific location; the soils in that location,  
15 etc. But that location was chosen (A) because it's behind the Farmer's Market so  
16 it provides some additional screening and coverage there and it allows for our  
17 equipment enclosure to blend in more esthetically with the Farmer's Market by  
18 painting it and texturing it to match that building. Also, we have to deal with fire  
19 department access regulations. So, depending upon the placement of the pine,  
20 we may have been required to pave a large portion of the land with a fire turnout.  
21 So by using this location here, it allows the fire department, if necessary, for  
22 emergency response to pull up along side the street if there is any sort of fire or  
23 emergency and we can also utilize the existing parking lot for the Farmer's  
24 Market for entry and exit for fire vehicles.

25  
26 **CHAIR LOWELL** – Fair enough. Thank you very much. Any other questions for  
27 the Applicant? Okay. Thank you very much. That moves us onto the Public  
28 Comments portion. If anyone is interested in speaking on this item, please fill out  
29 a Speaker Slip and provide it to our recording secretary if you have not done so  
30 already. Do we have any Speaker Slips on this item, Grace?

31  
32 **ADMINISTRATIVE ASSISTANT GRACE ESPINO-SALCEDO** – We have one  
33 Speaker Slip from Rick Irvine.

34  
35 **CHAIR LOWELL** – Okay. That does not show up on my screen but please  
36 make your way up to the podium. Could you introduce yourself for us?

37  
38 **SPEAKER RICK IRVINE** – My name is Rick Irvine. I live right next door to the  
39 property that would be on the east side. I'm glad to see that you've approved a  
40 continuance to give us some more time because originally we were only allowed  
41 nine days to amount any kind of an opposition against this, and that was kind of  
42 unreasonable. We would like to request an additional extension because it's  
43 going to take us a while to get all the petitions and signatures. The lawn signs  
44 aren't even done yet. And it's taken them five years so far to build the property  
45 that is there and a little more time for the opponents would certainly be  
46 appreciated. One thing that concerns us is the Telecommunications Act of 1996.

1 It says that we cannot base opposition upon health issues. It just seems so  
2 absurd to ignore all of the studies and the adverse effects that have been  
3 reported in the last 20 years, including cancer and genetic damage which may  
4 not even be apparent until the next generation or two. Or the radiation, asbestos,  
5 or thalidomide it is arguably unconstitutional to deny us the right to claim health  
6 issues, and I hope the decisions will best be conceded towards caution. Nobody  
7 wants to live next to a cell tower or develop symptoms from it. It degrades our  
8 once beautiful rural atmosphere and decreases our property values, but this  
9 location is proposed on the exact spot where the original and historic town of  
10 Moreno was established. Back in 1891, the historical stagecoach road  
11 immediately east was a landmark linking the two. I would think the original  
12 inhabitants would be turning over in their grave right now if they knew that ugly  
13 technology and electromagnetic radiation that might be coming up from their  
14 hallowed historic ground. Cell tower sites are traditionally placed in remote  
15 locations, on hills/on industrial parks, rather than in the middle of residential  
16 neighborhoods. "Every effort should be made to place these controversial  
17 structures away from established residential neighborhoods." Also, the proposer  
18 of such a tower must prove no alternative sites are available. Well, in this case  
19 and I brought a big chart, it shows there are sites within blocks on every side of  
20 this proposed property, even one mile east where they've already crammed the  
21 World Logistics Center down our throats despite scandal, corruption, and bribes.  
22 Speaking of Marcello, he might have had a hand in even proposing and  
23 approving this site because it's been dumping dirt, dust, and noise on the  
24 surrounding voters for the last five years.

25

26 **CHAIR LOWELL** – Thank you very much. That was your three minutes. Thank  
27 you very much.

28

29 **SPEAKER RICK IRVINE** – I asked for three minutes and 15 second but okay.

30

31 **CHAIR LOWELL** – If you can wrap it up quickly I'll let you go.

32

33 **SPEAKER RICK IRVINE** – I certainly can. There are some problems with the  
34 construction. As a matter of fact, I sent several of you a 25-page document. It's  
35 hit other agencies and as a result construction there has come to a standstill.  
36 There are going to be some problems, and if I were Verizon I wouldn't touch that  
37 site with a 10 foot pole or a 60 foot monopine. People tell me it's going to  
38 happen. It doesn't make any difference what you do. But to those people, I'll tell  
39 them, I'm mad as hell and I'm not going to take it anymore. Those people they  
40 are trying to take our tranquility and our health away from us. I can sum up the  
41 entire thing in two words or one gesture. Thank you.

42

43 **CHAIR LOWELL** – Thank you very much. I don't see any other speakers. Do  
44 we have any other speakers on this item? Perfect, thank you.

45

1 **PLANNING OFFICIAL RICK SANDZIMIER** – Chair Lowell: Before you close  
2 the Public Hearing I just wanted to point out that the speaker had identified that  
3 there was a request for a continuance on this item. I wanted to make sure that  
4 it's clear to, not only the Commission but any of the audience who might think  
5 that's still the case, the item before you was the item we were talking about was  
6 a continuance. There has been no request for a continuance on this particular  
7 item.

8  
9 **CHAIR LOWELL** – The continuance that you were referring to I'm assuming  
10 was the one for the previous item so he probably was just confused.

11  
12 **PLANNING OFFICIAL RICK SANDZIMIER** – It was for the map, yes.

13  
14 **CHAIR LOWELL** – For clarification, there is no continuation on this item.  
15 Perfect. Thank you. With that said, I'd like to close the Public Comments portion  
16 of this hearing. Do we have any questions for Staff, the Applicant, or amongst  
17 ourselves? I don't see anybody chomping at the bit to talk.

18  
19 **PLANNING OFFICIAL RICK SANDZIMIER** – Mr. Chair.

20  
21 **CHAIR LOWELL** – Yes, Sir.

22  
23 **PLANNING OFFICIAL RICK SANDZIMIER** – Per your rules and procedures, it  
24 would be customary also to allow the Applicant if they wanted an opportunity to  
25 rebut any public speaking to also have an opportunity to do, so it's at your  
26 discretion but....

27  
28 **CHAIR LOWELL** – Okay, yeah, I think I'd like to add. Okay, thank you.

29  
30 **APPLICANT DAIL RICHARD** – Thank you very much. Again, my name is Dail  
31 Richard. I'm the Applicant for Verizon. Just briefly, I just wanted to make sure  
32 that everyone's aware that this project is separate from the Farmer's Market  
33 project. There may be some kind of issue going on with that I'm not aware of,  
34 but Verizon's project is separate from that. I just wanted to make that clear.  
35 Also, I just wanted to make clear in case anyone here is not that FCC (Federal  
36 Communications Commission) does regulate all wireless facilities in the US.  
37 This site was designed to be compliant with all FCC Regulations, so it does not  
38 pose a risk to public health and safety. Thank you.

39  
40 **CHAIR LOWELL** – Do we have any questions for the Applicant? Staff? Any  
41 questions at all?

42  
43 **VICE CHAIR SIMS** – I do have a question of Staff. It's on the Categorical...is  
44 that okay?

45  
46 **CHAIR LOWELL** – By all means, you're up.

1  
2 **VICE CHAIR SIMS** – Just on the CEQA, the use of the Categorical Exemption. I  
3 just quickly pulled that up. Can somebody walk us through the process of getting  
4 to use of that? You know, it's stated for consistency this is applicable. I just  
5 would like to hear Planning Staff's take on that. How you get there on that one?  
6

7 **ASSOCIATE PLANNER CLAUDIA MANRIQUE** – For the cell towers, we look  
8 at them by themselves, as well as on the site. So, due to the size of the  
9 enclosure, we felt that it best fit under the New Construction as a Small Structure.  
10 The other alternative for an exemption that possibly could have been used was  
11 In-Fill, but we felt this was better.  
12

13 **VICE CHAIR SIMS** – Yeah, I guess the word, probably the word I have it pulled  
14 up here on my phone what that Reference Section out of the CEQA Guidelines  
15 15303 New Construction or Conversion of Small Structures. I guess it's just  
16 subjective is the word small. You know, I get the 190 square foot little equipment  
17 building is small in relationship to the size of the actual building, but 60 foot  
18 monopine may not be considered in some to be small. So I just that's been kind  
19 of one of my things as a Planning Commissioner is the use of Categorical  
20 Exemptions. I tend to find that small is that's a stretch in my opinion, but that's  
21 just one Planning Commissioners opinion.  
22

23 **CHAIR LOWELL** – Any other questions? One of the questions I had was on the  
24 map itself. On the Site Plan, it shows....excuse me. The Zone Map shows that  
25 there is a property line going north/south parallel to Redlands and between  
26 Kimberly and Alessandro and it says an existing temporary chain link fence is to  
27 be removed. On the Site Plan, it shows that fence on the property line, but this  
28 shows the property line being larger. Was there a parcel merger? What's the  
29 ultimate outcome of this because it looks like on this Site Plan the cell tower is  
30 kind of crossing the property line?  
31

32 **ASSOCIATE PLANNER CLAUDIA MANRIQUE** – Right. Originally, before  
33 when the Farmer's Market was approved there were four or five parcels. So  
34 some of them were merged, I'm just not sure how many were merged or what's  
35 shown on our current GIS but cell tower is on the same parcel as the Farmer's  
36 Market, so that was part of.....  
37

38 **CHAIR LOWELL** – That's not encroaching any setbacks or anything?  
39

40 **ASSOCIATE PLANNER CLAUDIA MANRIQUE** – Right. Since the parcel also  
41 to the east is commercial and that was part of why the project is sited where it is  
42 because it is on the same property. If you move the tower too far north, then it  
43 would be actually on the neighboring parcel. That's one of the other reasons.  
44

45 **PLANNING OFFICIAL RICK SANDZIMIER** – Chair and Members of the  
46 Commission: I do have Vince Giron here from our Land Development

1 Department. He has some additional information and might be able to shed  
2 some light on this with regard to the number of parcels.

3  
4 **TRAFFIC ENGINEER VINCE GIRON** – Yes good evening Chair and fellow  
5 Commissioners, Vince Giron with the Land Development Division. There were  
6 four parcels previously on the existing Farmer’s Market site. There are two  
7 parcels on either side, one on either side of the Farmer’s Market site. So, to  
8 answer the question of the merger, there was a parcel merger. It was done a few  
9 years ago and there were four parcels that were merged.

10  
11 **CHAIR LOWELL** – Okay, so drilling down on that a little bit further, is the cell  
12 tower (the enclosure) all contained on one parcel and what are the setbacks to  
13 the property lines? I can’t quite see on this Site Plan.

14  
15 **TRAFFIC ENGINEER VINCE GIRON** – Well I don’t see property lines on the  
16 exhibits here. I’d have to see an exhibit where it shows the true property lines.

17  
18 **COMMISSIONER BARNES** – Is A-1, is that all accurate? It appears to show a  
19 property line, but I don’t....

20  
21 **CHAIR LOWELL** – It’s right on top of it but then they have this one over here.

22  
23 **COMMISSIONER BARNES** – Yeah, is that distinctive border the.....

24  
25 **TRAFFIC ENGINEER VINCE GIRON** – It appears that the chain link fence  
26 where that’s at and the westerly where it shows the property line is one parcel.  
27 I’d have to....I can’t verify from these drawings whether or not that chain link  
28 fence is on a property line.

29  
30 **CHAIR LOWELL** – Yeah, I was just trying to verify the setbacks because I don’t  
31 see dimensions on these plans.

32  
33 **VICE CHAIR SIMS** – I can’t imagine that the Farmer’s Market.....

34  
35 **ASSOCIATE PLANNER CLAUDIA MANRIQUE** – As far as setbacks for  
36 commercial zoning, if anything comes in to the east, that property setback is zero  
37 so it won’t be impacting. And then from Kimberly, the tower is 78 feet back,  
38 which met the requirement of the tree needed to be as far back from the property  
39 line as the height, so it’s actually a little further back than the 60 feet.

40  
41 **CHAIR LOWELL** – And you don’t see any possible future dedication of right-of-  
42 way from Kimberly Avenue?

43  
44 **TRAFFIC ENGINEER VINCE GIRON** – At this moment, no. There is no future  
45 dedication.

1 **CHAIR LOWELL** – It just looks like that next to the Farmer’s Market that they  
2 dedicated right-of-way and on this parcel to the east they didn’t dedicate right-of-  
3 way, so it seems like we’re kind of skirting the issue of the setback if we have to  
4 dedicate the right-of-way in the future to put a new development in there.

5  
6 **TRAFFIC ENGINEER VINCE GIRON** – If there is future development on the  
7 vacant parcel to the east, we would require typically that they dedicate the same  
8 amount of right-of-way.

9  
10 **CHAIR LOWELL** – And, if that was the case, then the cell tower wouldn’t meet  
11 the setback criteria that we just spoke about that it has to be set back the height  
12 of the tower to the distance off the property line.

13  
14 **TRAFFIC ENGINEER VINCE GIRON** – I don’t know what the setback is. I’m  
15 going to have to defer to Planning.

16  
17 **CHAIR LOWELL** – It is on the visible Dogleg.

18  
19 **COMMISSIONER BARNES** – That’s 60 feet.

20  
21 **CHAIR LOWELL** – That’s what I’m asking. I can’t quite tell on the Site Plan  
22 because one is just 30 feet, so that’s 30 feet so.

23  
24 **COMMISSIONER BARNES** – Yeah, it’s not 60 feet off the right-of-way now.

25  
26 **CHAIR LOWELL** – I know these things are normally slam dunk, but I have some  
27 issue with this one. I have some concerns.

28  
29 **COMMISSIONER BARNES** – Is his comment about the setback, is that correct?

30  
31 **PLANNING OFFICIAL RICK SANDZIMIER** – I’ve been told that the current  
32 setback dimension, which isn’t legible at all on these plans was measured at 70  
33 feet from the existing property line to the proposed tower. It does not take into  
34 consideration any subsequent dedication of right-of-way for any expansion of  
35 Kimberly Lane, but there was no expansion of Kimberly Lane assumed with  
36 review of this particular project.

37  
38 **COMMISSIONER BARNES** – And the setback he was referring to was from the  
39 property line, not from the right-of-way?

40  
41 **PLANNING OFFICIAL RICK SANDZIMIER** – From the property line at this  
42 point, which is considered as same as the right.

43  
44 **CHAIR LOWELL** – It’s one in the same right now.

45  
46 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes.



1  
2 **CHAIR LOWELL** – It's got a little Dogleg. The future right-of-way, in my  
3 understanding, would be up here.

4  
5 **COMMISSIONER BARNES** – Right.

6  
7 **CHAIR LOWELL** – And then it wouldn't meet the setback criteria anyway. I  
8 don't know. I personally think that this specific site is a really small commercial  
9 site and we're trying to put something that requires a larger setback from  
10 residences. And I understand the need for it, but I think there could be a better  
11 location. For instance, a couple blocks away we have the World Logistics Center  
12 coming down the pike and that would be a good spot because everybody hates  
13 that spot anyway. That's just my opinion. Anybody have any questions or  
14 concerns?

15  
16 **ALTERNATE COMMISSIONER NICKEL** – I have one concern perhaps  
17 addressing the gentleman who spoke as our Agenda's actually say the Applicant  
18 requests a continuance for the Public Hearing for this item to the next Regular. I  
19 understand that, but the Agenda actually says that. I mean, I could be wrong.  
20 It's on page 2. That's in the Agenda that I received. It shows both items.

21  
22 **ASSISTANT CITY ATTORNEY PAUL EARLY** – I think you're just looking at the  
23 formatting Commissioner Nickel. At the bottom of page 2 where the No. 2 is, that  
24 is where this item starts.

25  
26 **ALTERNATE COMMISSIONER NICKEL** – Okay, alright.

27  
28 **ASSISTANT CITY ATTORNEY PAUL EARLY** – If your reading above it, that is  
29 attached to Item 1.

30  
31 **ALTERNATE COMMISSIONER NICKEL** – Well it.....

32  
33 **ASSISTANT CITY ATTORNEY PAUL EARLY** – I think there is just probably not  
34 enough space between the end of one and the beginning of two.

35  
36 **ALTERNATE COMMISSIONER NICKEL** – Now, but if I continue over to page 3,  
37 it says Farmer's Market. If I continue reading my page.

38  
39 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Correct.

40  
41 **ALTERNATE COMMISSIONER NICKEL** – That this.....

42  
43 **ASSISTANT CITY ATTORNEY PAUL EARLY** – That the action to continue is  
44 attached to Item No. 1. There is no suggestion of a continuance on Item No. 2.

45

1 **PLANNING OFFICIAL RICK SANDZIMIER** – If you look at the Agenda,  
2 following the description of the project you'll get down to another section of Staff  
3 recommendations, so the Staff recommendation is specific to Item No. 2.....  
4

5 **ALTERNATE COMMISSIONER NICKEL** – Right, I know. That's.....  
6

7 **PLANNING OFFICIAL RICK SANDZIMIER** – There are two of them. One is to  
8 **CERTIFY** the environmental document and the second would be to **APPROVE**  
9 the CUP. So, along that same format, you'll see that the recommendations  
10 you're referring to refers to the first item.  
11

12 **ALTERNATE COMMISSIONER NICKEL** – Alright.  
13

14 **CHAIR LOWELL** – My concern is that, if something is developed on the eastern  
15 portion of the Farmer's Market Lot, I know from experience we have to dedicate  
16 right-of-way. If we dedicate right-of-way to the ultimate attempt of Kimberly, that  
17 cell tower is going to be even closer to the right-of-way. I currently don't think  
18 that the cell tower meets the current setbacks and it's going to be even closer in  
19 the future. I wish there would be something that could be done as far as pushing  
20 it back, but the Applicant said there was some issue with fire, landscaping,  
21 access, whatnot. I think that the ultimate right-of-way should be taken into  
22 consideration when placing the cell tower.  
23

24 **ALTERNATE COMMISSIONER GONZALEZ** – I want to add to that. I think that,  
25 maybe as the Chair said, more consideration should be taken into the whole site  
26 because I see this site being fully developed at one time and maybe Staff and the  
27 Applicant looks at the whole site as one whole and locates it in the best location  
28 as best you can. Maybe further north it is more centered, but I don't know how  
29 that impacts fire and other departments so.  
30

31 **CHAIR LOWELL** – Commissioner Barnes.  
32

33 **COMMISSIONER BARNES** – Could Staff clarify something for me? Is the  
34 setback requirement in the easterly direction towards the residences same as the  
35 setback requirement to the south towards the public right-of-way?  
36

37 **PLANNING OFFICIAL RICK SANDZIMIER** – The setback requirement is 60  
38 feet from the adjacent right-of-way to Kimberly Lane. If right now the current  
39 setback to Kimberly Lane is 70 feet, if the future widening of Kimberly Lane was  
40 10 feet or less, the pole would still satisfy the setback requirement. I don't have  
41 enough information before me tonight to tell me that it would be 10 feet or less in  
42 terms of that future dedication. The setback from the tower to the east towards  
43 the adjacent residential development, I'll look it up real quick in terms of what the  
44 setback requirement is unless Claudia knows off the top of her head.  
45

1 **ASSOCIATE PLANNER CLAUDIA MANRIQUE** – For the tower, it is the same  
2 meaning that the tower is 60 feet, so the setback from the eastern property line to  
3 the tower would need to be whatever the height the tree was so 60 feet. If it  
4 came in as a commercial, we would require 20 feet of landscaping and then most  
5 likely parking unless they wanted to put the building back there and then the  
6 setback would be based on the requirement for fire access around the building.

7  
8 **COMMISSIONER BARNES** – Alright then, to alleviate the concern, could we  
9 add a condition that it be located the appropriate setback from the ultimate right-  
10 of-way from Kimberly to avoid it being noncompliant should Kimberly be  
11 widened?

12  
13 **PLANNING OFFICIAL RICK SANDZIMIER** – That would be fine. We could  
14 absolutely entertain a condition of approval to that effect. I would ask the  
15 Applicant to state if he has any objections or concerns to it, but I believe that  
16 would meet the intent of the Zoning Code. It would meet the interest of the  
17 Commissioners I'm hearing tonight, and it would be an opportunity to move the  
18 project forward. In the absence of doing that, we could also continue the item  
19 altogether and have Staff go back and work with the Applicant and try to identify  
20 what the ultimate right-of-way for Kimberly Lane would be and then revise the  
21 plans as necessary and bring those back. That would cost them money. But I  
22 think you'll accomplish the same thing by the approach you suggested, which is  
23 just put a condition of approval which could be addressed as they put together  
24 the actual improvement plans.

25  
26 **CHAIR LOWELL** – Is the owner of the Farmer's Market here tonight? I don't  
27 see any hands going up.

28  
29 **PLANNING OFFICIAL RICK SANDZIMIER** – I don't know.

30  
31 **CHAIR LOWELL** – Okay, would the Applicant have any questions or want to  
32 speak to that effect?

33  
34 **APPLICANT DAIL RICHARD** – Again, this is Dail Richard with Verizon. Thank  
35 you very much for allowing me to speak again. I understand the concerns about  
36 the setback along with future development. It is a little tricky considering no one  
37 knows when and to what extent that other Open Space will be developed. We  
38 would be okay with a condition of approval that states that the final location be  
39 setback a distance that would accommodate the codes of the dedication for  
40 future right-of-way use as long as we could get the information in a timely  
41 manner so we could continue on with this project.

42  
43 **CHAIR LOWELL** – One of the only concerns that I have is that, if we move the  
44 tower back, are there any existing doors on the back of the building that might be  
45 blocked? So that might be something to take into consideration.

46

1 **COMMISSIONER BARNES** – I don't show any elevations here.

2  
3 **APPLICANT DAIL RICHARD** – There may be some doors. That building  
4 though is quite long, so it does allow us for quite a bit of room to play with if  
5 necessary to accommodate any doors.

6  
7 **CHAIR LOWELL** – Okay.

8  
9 **COMMISSIONER BARNES** – There doesn't appear to be a door but.....

10  
11 **CHAIR LOWELL** – Do we have any other questions or concerns or comments?  
12 Would anybody like to make a motion?

13  
14 **VICE CHAIR SIMS** – Before we make a motion, just for Commissioner  
15 Discussion, I'm going to vote no on this one. I disagree that this is the use of the  
16 CEQA Categorical Exemption. I think a monopine exceeds the term small. And I  
17 also have concerns, you know, I didn't see the setback issue. I have concerns,  
18 though, that this was posted to be in this location. We're going to do a change  
19 on the fly here. We don't know where the access point will actually be, so I'm  
20 going to vote no. My main objection is the use of the Categorical Exemption. A  
21 monopine may be subjective, but I think that's larger than smaller so.

22  
23 **CHAIR LOWELL** – One of the thoughts that I had is that you could put this  
24 tower behind the trash enclosure. It would be in the center of the property. It  
25 would be a lot further away from the residences, which would make some of the  
26 neighbors happy. Anyway.....

27  
28 **PLANNING OFFICIAL RICK SANDZIMIER** – Mr. Chairman, I would like to  
29 suggest some of the discussion this evening and some of the fact there we're not  
30 able to give you the precise information with regard to setback and the property  
31 line, I think it would be prudent on our part as Staff to recommend to you that we  
32 do continue this item to at least allow us to go back and confirm that the plans we  
33 have before you are correct.

34  
35 **CHAIR LOWELL** – Okay.

36  
37 **PLANNING OFFICIAL RICK SANDZIMIER** – It doesn't hurt to be sure. In this  
38 particular case, we can come back at the next Regular Meeting, which would be  
39 October 22<sup>nd</sup>. I don't believe it would take that much longer to do it. I would not  
40 want to delay the Applicant, but I think the slight delay in this particular case is  
41 both a win/win for him and for us to get it right.

42  
43 **CHAIR LOWELL** – Okay. I approve that. That's my idea. I like that a lot better.  
44 Anybody want to motion to that effect?

1 **VICE CHAIR SIMS** – I’ll vote that. I’ll move that we continue this Item to the  
2 next Regular-Scheduled Planning Commission Meeting on October 22<sup>nd</sup>.

3  
4 **CHAIR LOWELL** – Motion and a second by Ray Baker. Two left to vote.

5  
6 **COMMISSIONER BARNES** – Is that the right one?

7  
8 **CHAIR LOWELL** – Yeah. It’s the right one, Conditional Use Permit. No but we  
9 just motioned to continue.

10  
11 **COMMISSIONER BARNES** – Okay.

12  
13 **CHAIR LOWELL** – So the motion that we just made does not reflect what we’re  
14 voting on with the screens up here, but we are voting to continue the item not this  
15 one up here the Conditional Use Permit.

16  
17 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Well it’s what you said. It is not  
18 the computer that matters.

19  
20 **CHAIR LOWELL** – Yes.

21  
22 **ADMINISTRATIVE ASSISTANT GRACE ESPINO-SALCEDO** – Chair Lowell, if  
23 you’ll give me a minute and let me see if I’m able to change the motion so that  
24 we’re making the proper motion.

25  
26 **CHAIR LOWELL** – Okay.

27  
28 **VICE CHAIR SIMS** – Put my vote in so I don’t have to touch the screen.

29  
30 **CHAIR LOWELL** – She is going to fix it.

31  
32 **ADMINISTRATIVE ASSISTANT GRACE ESPINO-SALCEDO** – I’m going to go  
33 ahead and clear your votes and then we will try it again.

34  
35 **CHAIR LOWELL** – Perfect.

36  
37 **ADMINISTRATIVE ASSISTANT GRACE ESPINO-SALCEDO** – Okay. Go  
38 ahead.

39  
40 **CHAIR LOWELL** – Okay we are going back. We are voting on the Conditional  
41 Use Permit, and we are voting to continue it but it still says the same up top.  
42 Let’s just do a rollcall vote and save a headache.

43  
44 **ADMINISTRATIVE ASSISTANT GRACE ESPINO-SALCEDO** – Okay.

45

1 **CHAIR LOWELL** – We have a motion by Vice Chair Sims over here. Can you  
2 repeat your motion?

3  
4 **VICE CHAIR SIMS** – I move that we **CONTINUE** Conditional Use Permit PA15-  
5 0009 until the next Regularly-Scheduled Planning Commission Meeting on  
6 October 22<sup>nd</sup>.

7  
8 **CHAIR LOWELL** – We have a motion by Commissioner Sims and a second by  
9 Commissioner Baker. Can we have a rollcall vote please?

10  
11 **COMMISSIONER GONZALEZ** – Yes

12  
13 **COMMISSIONER KORZEC** – Yes

14  
15 **COMMISSIONER BARNES** – Yes

16  
17 **COMMISSIONER BAKER** – Yes

18  
19 **COMMISSIONER NICKEL** – Yes

20  
21 **VICE CHAIR SIMS** – Yes

22  
23 **CHAIR LOWELL** – Yes. And do we have a Staff wrap-up on this item?

24  
25  
26 Opposed – 0

27  
28  
29 **Motion carries 7 – 0**

30  
31  
32 **PLANNING OFFICIAL RICK SANDZIMIER** – Just a quick one. Because you're  
33 continuing the item, it will come back but no new public noticing will be required.  
34 But the public should be aware there will be an opportunity to reopen the Public  
35 Comment period again, so it will basically be a redo of the Public Hearing. So we  
36 will have a new Staff presentation and a new opportunity for Public Comment at  
37 that time.

38  
39 **CHAIR LOWELL** – Okay. Thank you very much.

- 40  
41  
42 3. Case: PA13-0032 – Plot Plan  
43 PA13-0033 – Tentative Parcel Map 36606  
44 PA13-0034 – Conditional Use Permit  
45 P13-071 – Environmental Impact Report  
46

1 Applicant: Kimley-Horn and Associates, Inc.  
2  
3 Owner: Walmart Real Estate Business Trust  
4  
5 Representative: Kimley-Horn and Associates, Inc.  
6  
7 Location: Southwest corner of Perris Boulevard and Gentian  
8 Avenue  
9  
10 Case Planner: Jeff Bradshaw  
11  
12 Council District: 4  
13  
14 Proposal: The South Moreno Valley Walmart project proposes a  
15 Plot Plan application for development of a retail store  
16 (Walmart) consisting of a total of 185,761 square feet  
17 and a single commercial outparcel. The development  
18 of the outparcel has been reviewed under a  
19 Conditional Use Permit application for either a gas  
20 station with 165 fueling pumps, a 2900 square foot  
21 convenience store, and a drive-through car wash, or  
22 as a 3500 square foot fast food restaurant with drive  
23 through and a 3200 square foot retail building.  
24 Development of the site will include an on-site  
25 detention basin and offsite roadway and utility  
26 improvements. The applicant is also seeking  
27 approval of Tentative Parcel Map No. 36606 to  
28 subdivide the project site into two parcels. Approval  
29 of this project will require certification of an  
30 Environmental Impact Report.  
31  
32

33 **STAFF RECOMMENDATION:**

34  
35 Staff recommends that:

- 36  
37 1. The Planning Commission **APPROVE** Resolution No. 2015-26 and  
38 thereby:  
39 a. **CERTIFY** that the Environmental Impact Report (EIR) for the South  
40 Moreno Valley Walmart project (Attachments 9 and 10) has been  
41 completed in compliance with the California Environmental Quality  
42 Act; and  
43 b. **ADOPT** the Findings and Statement of Overriding Considerations  
44 regarding the Final EIR for the South Moreno Valley Walmart  
45 project, attached hereto as Exhibit A to Resolution 2015-26; and

- 1 c. **APPROVE** the Mitigation Monitoring Program for the Final EIR for  
2 the proposed South Moreno Valley Walmart project, attached  
3 hereto as Exhibit B to Resolution 2015-26.  
4
- 5 2. The Planning Commission **APPROVE** Resolution No. 2015-27 and  
6 thereby:  
7 a. **APPROVE** Tentative Parcel Map 36606 (PA13-0033), subject to  
8 the attached conditions of approval included as Exhibit A to  
9 Resolution 2015-27.
- 10
- 11 3. The Planning Commission **APPROVE** Resolution No. 2015-28 and  
12 there by:  
13 a. **APPROVE** Plot Plan PA13-0032, subject to the attached conditions  
14 of approval included as Exhibit A to Resolution 2015-28.  
15
- 16 4. The Planning Commission **APPROVE** Resolution No. 2015-29 and  
17 there by:  
18 a. **APPROVE** Conditional Use Permit PA13-0034, subject to the  
19 attached conditions of approval included as Exhibit A to Resolution  
20 2015-29.  
21

22 **CHAIR LOWELL** – That moves us onto the third and final item for tonight’s  
23 meeting. We have four different resolutions. We have Case PA13-0032, a Plot  
24 Plan; PA13-0033, a Tentative Parcel Map for Parcel Map 36606; PA13-0034, a  
25 Conditional Use Permit; P13-071, an Environmental Impact Report. The  
26 Applicant is Kimley-Horn and Associates. The owner is Walmart. The Case  
27 Planner is Mr. Jeff Bradshaw. Do we have a Staff Report on this item?  
28

29 **PLANNING OFFICIAL RICK SANDZIMIER** – There is. Before I allow Jeff  
30 Bradshaw, the Project Manager on this particular project to speak on it, I do want  
31 to say a warm welcome for a project that has been in the works for quite a while.  
32 We’re happy that we’ve got to the point tonight for a Public Hearing on a pretty  
33 substantial project in the Perris and Gentian area of the City. Thank you.  
34

35 **ASSOCIATE PLANNER JEFF BRADSHAW** – Thank you and good evening  
36 Chair Lowell and Members of the Planning Commission. The item before you  
37 this evening includes three applications as described in the title to the Staff  
38 Report. Presented to you for your consideration this evening are applications for  
39 a Tentative Parcel Map, a Plot Plan, and a Conditional Use Permit. Approval of  
40 this project would require certification of an Environmental Impact Report and the  
41 Environmental Impact Report and the project applications are presented to you  
42 this evening for you review and for final action. I kind of made the jobs of the  
43 media folks difficult this evening with a whole series of separate exhibits, but if  
44 we could start with the aerial we can display that first and we can kind of show  
45 you what the surrounding area is like. The project is located on the west side of  
46 Perris Boulevard between Gentian Avenue and Santiago Drive. The project site



1 is currently zoned community commercial. The land uses to the north include  
2 vacant R5 zoned land that has been approved for single-family development  
3 along with existing single-family track homes further to the north. South of the  
4 project site is vacant R30 zoned land. There is an existing Home Depot store.  
5 And then as you go further south at the intersection of Perris and Iris, there is  
6 existing commercial development there (a service station and a large shopping  
7 center). Land uses to the west of the project include vacant single-family zoned  
8 land again, some R30 zoned land, and existing single-family track homes further  
9 to the west on the opposite side of Indian Street. The proposed retail store is a  
10 permitted use in the Community Commercial Zone and the project as designed  
11 and conditioned would be compatible with existing and planned uses in the  
12 vicinity of the project site with the implementation of required mitigation. And,  
13 again as designed and conditioned, the operation of this proposed use Staff  
14 would expect that to integrate smoothly with the surrounding neighborhood and  
15 to also be supportive of both existing and future development in this area. If we  
16 could switch to the other slides, I wanted to provide some information on the  
17 project applications. The Applicant proposes to subdivide the project site, which  
18 is comprised of approximately 21 acres. Tentative Parcel Map 36606 would  
19 propose to subdivide the site into two development parcels and one lettered lot.  
20 The map is conditioned to record reciprocal access easements for shared access  
21 between parcels one and two and the property again is zoned Community  
22 Commercial and the intended purpose for these two parcels would be for future  
23 retail development. Parcel one is the largest of the parcels. It is located on the  
24 north portion of the site. It is approximately 19 acres in size. This is the parcel  
25 located at the southwest corner of Gentian and Perris. It is triangular in shape. It  
26 is bounded on the north by Gentian, on the east by Perris Boulevard, on the west  
27 by the California Aqueduct, and on the south by a portion of Santiago Drive. And  
28 this is the site that is intended for the 185,761 square foot Walmart building.  
29 Parcel two is an outparcel. It is located to the south at the northwest corner of  
30 Santiago Street and Perris Boulevard. It is one acre in size. It is a rectangular  
31 shaped piece and this is intended as a future site for retail stand-alone  
32 development of some type. There is a Conditional Use Permit proposed for this  
33 site, and I will provide some additional information on that as we get to the  
34 description of the Conditional Use Permit. There is a lettered lot proposed at the  
35 southeast corner of Gentian and the California Aqueduct. This is a triangular  
36 shaped piece. It is approximately 0.85 acre in size and this portion of the site is  
37 not really conducive for use as parking or any other retail use and conditioned  
38 going forward to be maintained by the developer as a landscaped area. The Plot  
39 Plan application proposed for this development was the application that guided  
40 the design and review of the proposed Walmart store. Again, that is a facility that  
41 is proposed to be 185,761 square feet in size. In addition to the main store  
42 building, other ancillary uses in the operation of the store would include the truck  
43 docks and the loading facilities, a garden center with outdoor sales, trash  
44 compaction, organic waste, recycling, and bale and pallet storage areas and  
45 those would all occur along the north side of the building. The overall site design  
46 would allow for parking for 829 parking spaces and 42 bicycle parking spaces,

1 which would satisfy the City's requirements for parking for both bicycles and  
2 vehicles. The store does propose to operate for 24 hours. It will offer general  
3 merchandise and grocery sales, as well as alcohol beverage sales, and it is  
4 important to note that the sale of alcohol is a permitted use with the operation of  
5 a grocery store. The site also accommodates a water quality storm water  
6 detention basin. This is on parcel one and this basin is designed to  
7 accommodate the storm water and water quality requirements for both parcel  
8 one and parcel two. The Walmart site also includes a segment of multiuse trail  
9 that would be required to be built on the north side of Santiago. This would  
10 provide an east/west pedestrian connection from Perris Boulevard to a future  
11 regional trail connection most recently identified as the Juan Bautista De Anza  
12 Trail, and this is a trail segment that in our Master plan of trails would be built  
13 within the California Aqueduct alignment. Access to the project site is proposed  
14 from Perris Boulevard, Gentian Avenue, and Santiago Drive. The Perris  
15 Boulevard access would be restricted to right in and right out access only. This  
16 would result from the installation of the required landscape median of Perris  
17 Boulevard. Additional access would come from single driveways, one on  
18 Gentian Avenue and the other on Santiago Drive. Both of those  
19 intersections...the intersections at Gentian and Santiago will both be developed  
20 as lighted intersections and that is a requirement and condition of the project to  
21 provide that infrastructure. The Staff having worked with the Applicant was able  
22 to ensure that the site design of the project is consistent with our Code. It  
23 satisfies requirements in our Municipal Code for setbacks, lot coverage, parking,  
24 the design of the drive, interior circulation parking, driveways, pedestrian access  
25 and landscape, as well as satisfying requirements for public improvements. The  
26 project as designed and conditioned satisfies all of those requirements. In terms  
27 of design, Staff worked with the Applicant and the architect to ensure that all  
28 sides of the building included an architectural treatment. When you look at the  
29 way the building is sited on this property, it ends up being visible on all four sides.  
30 And it was important to Staff to work with the Applicant to make sure that all four  
31 sides received architectural treatment to make it an attractive building. The  
32 primary building materials are concrete masonry block. There is split-face block  
33 integrated into the design. There are primarily brown earth tones with cultured  
34 stone treatments on the columns and entrances. Building treatments would also  
35 include cornices on tower features with metal canopies and metal awnings. The  
36 loading docks, as I mentioned, are located on the north side of the building. Staff  
37 has worked with the Applicant through design to screen that activity from where  
38 it's going to be visible from Gentian Avenue and to further screen it from the  
39 future residential development to the north that would occur on the north side of  
40 Gentian. That is done with a combination of screen walls and some dense  
41 landscape that's required to be planted in that plantar area along the south side  
42 of Gentian. In addition to standard landscape treatment for the project site,  
43 which would include street trees and parking lot landscape, the Planning Staff  
44 has also worked with the developer to again provide a tree row along the north  
45 side of the building for screening purposes and along the front as well. In the  
46 large centers, it can be a challenge sometimes to be able to integrate landscape

1 into the design where you have parking and pedestrian access and other things  
2 competing for that same space and Walmart worked with us to provide some  
3 trellis structures and some landscape planters along the front elevation as well.  
4 It should be noted that the developer has been conditioned to install landscape  
5 within that lettered lot and maintain that for the life of the project. The required  
6 water quality basin walls will be landscaped and maintained by the developer.  
7 The third application proposed with this project is the Condition Use Permit,  
8 which is proposed for the development of the second parcel or the outparcel.  
9 And the Conditional Use Permit includes an A and a B option for that one acre.  
10 The A option proposes a gas station with 16 fueling stations and a convenient  
11 store. The B option proposes a 3500-square-foot fast food restaurant with drive-  
12 thru with a separate retail building. The environmental analysis of the project  
13 consideration was given to both these uses with the determination that the gas  
14 station was most likely to result in the greatest impacts and so the analysis  
15 focused on and examined impacts under that scenario, which from a  
16 conservative approach would anticipate the greatest potential impacts to that  
17 outparcel. Staff had a chance to work with the Applicant on the site design for  
18 both those options and those are included in the Staff Report. In the attachments  
19 that you have, there is an A and a B option in the Site Plans that show the  
20 potential layout for either the gas station scenario or the fast food scenario. And  
21 currently there is not an identified tenant or developer for either of those uses, so  
22 building elevations were not provided or required for review at this time. That's  
23 not unusual for master plan-type development and for the benefit of the Planning  
24 Commission and the public as well before development of either of those uses  
25 would occur there would be a separate review required. The standard procedure  
26 for that would be to submit an application to Staff for a Staff review of a Plot Plan  
27 that would not require additional notice or hearing. At the Planning Official's  
28 discretion, that could be returned to the Planning Commission for their review. In  
29 the event that the site is developed in the future and the proposed use is  
30 substantially different from what would be approved through this proposal, that  
31 would require that the application the application be returned here as an  
32 Amended Conditional Use Permit and the Planning Commission would have the  
33 opportunity to review both the new design and any potential impacts that might  
34 not have been previously examined under the Environmental Impact Report.  
35 This project did require, as I stated, the preparation of an Environmental Impact  
36 Report. That process started in 2014. Staff worked with the environmental  
37 consulting firm of Applied Planning in the preparation of an initial study and a  
38 Notice of Preparation of an Environmental Impact Report was circulated to the  
39 public in March 2014. There was a comment period of 30 days that ran from  
40 March 28<sup>th</sup> to April 28<sup>th</sup> of that year with a public meeting that was held on April  
41 16<sup>th</sup> at City Hall to elicit public comment with regards to the direction or scope  
42 that the Environmental Impact Report should take. Following that meeting, Staff  
43 worked with the environmental consultant to prepare a draft Environmental  
44 Impact Report and following a series of reviews of that document the draft was  
45 completed and available for public review for a 45 day period that began in April  
46 2015. That ran for 45 days from April 20<sup>th</sup> through June 4<sup>th</sup> of 2015 and that was

1 made available for public review here at the City Hall, at the library, and was  
2 posted on the City's website as well. The draft was sent to all reported state and  
3 local agencies, as well as interested parties that had indicated interest in seeing  
4 that document. As a result of that effort, the City did receive seven comment  
5 letters in response to the distribution of that document. At that same time, we did  
6 receive some comment letters that weren't specific to the Environmental Impact  
7 Report but were residents opinions about the Walmart project itself and so those  
8 responses were prepared for the seven comment letters but not for the emails  
9 that spoke to their opinion about the project. Those emails were provided to you  
10 in a separate attachment to the Staff Report in Attachment 14. Staff had a  
11 chance to then work with the Applied Planning in the preparation of responses to  
12 those seven comment letters. The Final Impact Report, including the response  
13 to comments, was circulated for public review on September 24<sup>th</sup> of this year.  
14 The document was recirculated to those that had commented, as well as those  
15 agencies that had requested and any individuals that had requested to see a  
16 copy of it and again made available for public review here at the City, at the  
17 library, and at the City's website. The analysis of the Walmart project identified  
18 that there were instances where there were the potential for impacts under  
19 various categories, and as a result of that, Mitigation Measures were prepared to  
20 reduce those project specific and cumulative impacts and those were for the  
21 categories of traffic and circulation, air quality, noise, hydrology and water quality,  
22 geology and soils, biological resources, cultural resources, and hazards and  
23 hazardous materials. Any other categories of potential impacts that were  
24 evaluated in the EIR were considered to be less than significant and did not  
25 require Mitigation Measures. Mitigation Measures have been proposed and  
26 those are available for review in the Staff Report, both in the Final EIR, as well as  
27 the Mitigation Monitoring Program and that was included as an attachment to the  
28 Resolution presented to you this evening for making findings in support of the  
29 Final EIR. Some of the Mitigation Measures included were intended to reduce  
30 the environmental impacts to make more feasible, and where the impacts could  
31 not be reduced to a less than significant level for the categories of traffic and  
32 circulation and air quality, the adoption of the Statement of Overriding  
33 Considerations is recommended for this evening. There was a letter submitted to  
34 the City today, and I believe you have a copy of that available to you. It is a hard  
35 copy of a letter submitted by So-Cal Environmental Justice Alliance. In that  
36 letter, they identify their concerns or they challenge rather the adequacy or the  
37 completeness of the Mitigation Measures proposed specifically for traffic and  
38 circulation and air quality and Staff has had a chance to review the letter and we  
39 just wanted to make it clear that we don't agree with the content of the letter.  
40 Staff is confident that the Final Impact Report and that the Mitigation Measures  
41 are complete and adequate and that they do appropriately address the impacts  
42 that have been identified under the two categories of traffic and circulation and  
43 air quality. And, in fact, the Staff Report included a section on both of those  
44 categories with an explanation of the Mitigation Measures that are proposed. We  
45 do acknowledge that the impacts under those two categories in some instances  
46 cannot be reduced to less than a significant level. But mitigation has been

1 implemented again to the extent where feasible, and I just wanted to share two  
2 sections from the Staff Report that I think respond to that comment letter. The  
3 Traffic Analysis, as prepared for the project, indicated that even with the  
4 implementation of Mitigation Measures that impacts to the levels of service at  
5 certain local intersections and roadway segments would remain cumulatively  
6 significant and unavoidable. Additionally, the project would result in cumulative  
7 impacts to regional transportation infrastructure. I think it's important to note that  
8 again in the case where the project is contributing traffic to already deficient  
9 intersections or roadway segments that the mitigation in place is to pay their fair  
10 share or impact fees through the County's TUMF program and the City's DIF.  
11 And, by paying their fair share, CEQA recognizes this as an acceptable or  
12 reasonable form of mitigation where their existing conditions in the project is  
13 contributing additional impacts to those areas. Under the category of air quality,  
14 the Air Quality Analysis prepared for the project indicated that even with the  
15 implementation of Mitigation Measures that impacts to air quality would occur as  
16 construction source and operational source emissions would exceed applicable  
17 Air Quality Management District's thresholds for (NOX). Project impacts are  
18 significant on an individual basis and would therefore contribute to cumulatively  
19 significant air quality impacts within a nonattainment area. Again, this speaks to  
20 some of those issues raised in this letter by So-Cal Alliance. Additionally, since  
21 the land use designation for the project site changed from R5 to Community  
22 Commercial in 2013, it is no longer consistent with the District's Air Quality  
23 Management Plan that was adopted by South Coast Air Quality Management  
24 District in 2012. Because of this change, findings cannot be made for the project  
25 to demonstrate consistency with the criteria and requirements of that air quality  
26 management plan. Therefore, the project would be inconsistent with the AQMP  
27 criteria's one and two resulting in termination of the impacts and this regard  
28 would be considered to be potentially significant. Again, the Final EIR and the  
29 Mitigation Measures identify those instances where feasible the project would  
30 mitigate for their contribution to impacts in a situation where in our own basin or  
31 already in a nonattainment area. So, in those instances again where projects  
32 impacts can't be reduced to less than significant, the California Environmental  
33 Quality Act does allow for the decision-making body to consider a Statement of  
34 Overriding Considerations and Findings and that is what Staff is recommending  
35 this evening. Findings have been prepared and the criteria or the requirement in  
36 this is that the decision-making body be able to balance the economic, legal,  
37 social, technological or other benefits of a project against its unavoidable  
38 environmental impacts, and findings that have been prepared in support of this  
39 documentation. Staff feels like those are complete and adequate for the project  
40 as proposed. Those findings have been presented to you this evening in the  
41 Staff Report as Exhibit A attachment to the Staff Report. That was an awful lot of  
42 information. Staff is prepared to answer any questions that you might have for  
43 either the project design or the environmental document that was prepared for  
44 the project. Ross Geller with Applied Planning is also available to answer  
45 questions if you have anything related to the projects environmental

1 documentation, and I know the Applicant's team is here as well to answer any  
2 questions for you. Thank you.

3  
4 **PLANNING OFFICIAL RICK SANDZIMIER** – And I wanted to say thanks to Jeff  
5 also for that thorough Staff presentation. I just wanted to add in, I started off the  
6 presentation that this would be a warm welcome to the City, and I wanted to  
7 highlight why that is in light of the Statement of Overriding Considerations  
8 recommendation that Staff is bringing to the Commission this evening. I think it's  
9 important to indentify that the Walmart project, the one-acre parcel, it's proximity  
10 to the Regional Trail System are all things that I think are going to help with that  
11 particular area of the City. The improvement of the property, which we  
12 understand Walmart is ready to move forward within a timely fashion if they are  
13 able to get to the next level of development, would improve the property tax  
14 revenue that comes into the City. There is a sale's tax revenue that comes into  
15 the City. There is a synergy between this land use and the planned land uses  
16 adjacent, which are some residential developments, which over the last year  
17 since I've been here we've been working closely with to find out how we can  
18 stimulate that sort of development in this area. We believe that this sort of a  
19 project will help that along. The synergy also created between the Walmart  
20 center, the one acre parcel of additional retail development coupled with Home  
21 Depot Center, which is just down south of the project helps the Home Depot  
22 Center be successful because you get additional activity and traffic in that  
23 particular area. So, for these things and these benefits to the community, that's  
24 the reason we're asking the Planning Commission to consider that there are  
25 some significant impacts that cannot be mitigated to less than significance. But  
26 these other benefits economic and social to the community outweigh those  
27 impacts, and in our recommendation that is why we are recommending this  
28 project and recommending the environmental document Statement of Overriding  
29 Consideration. Thank you.

30  
31 **CHAIR LOWELL** – Thank you very much. I'm assuming we all have a lot of  
32 questions. I'll start off with a nice easy one. In reading one of the Mitigating  
33 Measures on the EIR, it says that they are supposed to pay their fair share of  
34 fees towards to the Eastbound 60 Sunnymead off-ramp roundabout. There's  
35 going to be....do we have anymore information about this roundabout?

36  
37 **TRAFFIC ENGINEER MICHAEL LLOYD** – Good evening Chair and  
38 Commissioner's, Michael Lloyd with Public Works Department. The City  
39 received a Highway Safety Improvement Program Grant from Caltrans a couple  
40 of years ago, I believe, and has initiated a project in conjunction with Caltrans  
41 because it is an off-ramp to the freeway system. That project is ongoing. We're  
42 in a phase of that project development known as Intersection Control Evaluation  
43 or ICE for short and part of that evaluation is the type of traffic control obviously,  
44 so whether it's a roundabout or a traffic signal. So we're trying to wrap up that  
45 report, but as of right now it looks like what would be recommended from this  
46 report is a roundabout and then it's up to Caltrans to come to the same

1 conclusion and then move forward with the project and construct it. So, it's early  
2 in the I would call it, in the planning phase (the PAED phase) because we also  
3 have to go through an environmental document. But it is in the works to get  
4 some additional traffic control at this particular location and a roundabout is being  
5 considered.

6  
7 **CHAIR LOWELL** – That would be at the end of the off-ramp?

8  
9 **TRAFFIC ENGINEER MICHAEL LLOYD** – That's correct. Oh, excuse me.  
10 This is the entry ramp to the Eastbound 60. I apologize. So it's on the east.....

11  
12 **CHAIR LOWELL** – It's on the east side of Perris?

13  
14 **TRAFFIC ENGINEER MICHAEL LLOYD** – It's on the east side of Perris. That  
15 is correct.

16  
17 **CHAIR LOWELL** – Okay. I'll defer my questions. Does anybody else have any  
18 questions?

19  
20 **COMMISSIONER BARNES** – Changing subjects a little. Lot A, which is to be  
21 landscaped I guess for the life of the project, was there consideration to  
22 incorporate that as some type of a way point in the trail system since it is right  
23 adjacent to it?

24  
25 **ASSOCIATE PLANNER JEFF BRADSHAW** – Yes. Staff actually had quite a  
26 bit of internal discussion about that, as well as discussion with the Applicant.  
27 Through that discussion, they are prepared and willing to make that available.  
28 The timing isn't right now for the City to accept it. There were some advantages  
29 to allowing that to remain with the developer for the current period of time and so  
30 the condition is written more specifically to guide the maintenance of it until a  
31 point in the future when the City might be prepared to accept it for that purpose.  
32 And, until that trail is built within that Aqueduct alignment, it's premature I guess  
33 for the City to take on the maintenance obligation and the cost and all that to  
34 make that part of a larger park system.

35  
36 **COMMISSIONER BARNES** – Would it be appropriate to include some type of a  
37 mechanism that would guarantee that the City would be able to get that when it  
38 needed it or wanted it?

39  
40 **ASSOCIATE PLANNER JEFF BRADSHAW** – We looked at a number of  
41 options that way and again there were some advantages to the City not  
42 accepting that in a formal process at this time. The disadvantages primarily were  
43 again liability, cost, maintenance, obligations to the City sooner than it was an  
44 actual park. I think it is important too to note that commercial developers don't  
45 have any responsibility or requirement to provide any kind of a park and so, if  
46 that were to occur, it would need to be done at either the City's expense or

1 through some other funding mechanism not in any way that would require  
2 anything of this developer. And, again, the City is just not prepared to do that at  
3 this time and this seemed to be the best way to hold in reserve I guess for future  
4 use without burdening either the developer or the City with any kind of a current  
5 obligation.

6  
7 **COMMISSIONER BARNES** – Okay.

8  
9 **PLANNING OFFICIAL RICK SANDZIMIER** – If I can just add a little bit. On it's  
10 own to try and get a piece, while it looks attractive and it provides some benefits  
11 that we want to keep open, I don't believe to answer your question specifically it  
12 is necessary to lock that down in place today. There are other things on the  
13 other side of the trail that might be coming in with the residential development  
14 and when that comes in it makes more sense and we will continue to work with  
15 our Community Services Staff and at that point then it might be more important to  
16 lock it down when it's got a more meaningful presence.

17  
18 **COMMISSIONER BARNES** – Okay. Thank you.

19  
20 **CHAIR LOWELL** – And, for clarity, it's part of the conditions of approval P2,  
21 talking about how the lot is dedicated so...

22  
23 **COMMISSIONER BARNES** – Yeah, it's a revokable offer.

24  
25 **CHAIR LOWELL** – Vice Chair Sims pointed that out to me too.

26  
27 **COMMISSIONER BARNES** – Okay, thank you.

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

30  
31 **COMMISSIONER KORZEC** – I have a question on the So-Cal Environmental  
32 Justice Alliance letter. I think it's a great project. I think that neighborhood really  
33 could use that project. But the question that I have and something that concerns  
34 me is the traffic and circulation impacts. They are pointing out that these  
35 improvements may not be paid or the improvements not finished at the start of  
36 the projects operation. The impact regarding improvements at 38 intersections  
37 while the project is under construction must be studied. Can you address that a  
38 little bit more for me because that's a frightening thought that 32 intersections are  
39 impacted, the money might not be there, and where does that leave the rest of us  
40 in the City that want to commute through that area?

41  
42 **ASSOCIATE PLANNER JEFF BRADSHAW** – I'll try and give you my best  
43 nontechnical expert answer and then, if that's incomplete, I think Ross Geller is  
44 prepared to provide some additional detail on it or maybe even Michael Lloyd.  
45 The analysis, I'll flip to this exhibit, but I might be getting out of my depth as we  
46 get to this exhibit. The analysis was done in a very complete and thorough way.



1 And those 38 intersections include areas outside of the City's jurisdiction  
2 including intersections within the City of Perris, as well as Caltrans jurisdictions.  
3 The project the way it's designed and conditioned, more specifically conditioned  
4 in the Mitigation Measures that are in place, would require that all of the projects  
5 direct impacts to an intersection or a roadway segment are mitigated and dealt  
6 with before the store opens and operations begin. There are instances where  
7 there are intersections or roadway improvements where the levels of service are  
8 underperforming or deficient as they exist today or in the analysis maybe they will  
9 be underperforming in the future until those improvements are made. The  
10 project contributes additional traffic to specific locations where that is the case  
11 and under CEQA we couldn't fairly burden them with resolving or already existing  
12 or future conditions, so the mitigation is for them to contribute their fair share to  
13 reducing those impacts or their fair share of the cost towards resolving those  
14 impacts. And the letter is correct. The environmental also bears out that there is  
15 no guarantee that those improvements would occur before the project opens and  
16 that's the distinction. If there is something more to add to that, I'd allow Michael  
17 maybe to jump in.

18  
19 **PLANNING OFFICIAL RICK SANDZIMIER** – I'd like to add a little bit. One of  
20 the purposes for the allowance of the Statement of Overriding Considerations  
21 and CEQA is not only have we identified the impact, and we have identified a  
22 Mitigation Measure that holds this developer responsible for satisfying his  
23 requirement to CEQA to mitigate his impacts but there is also a standard that  
24 says you can't obligate a developer to pay more than their fair share. The  
25 mitigation has to be appropriate and balanced with the level of impact. And so,  
26 when you're dealing with regional transportation systems and when you're  
27 dealing with Caltrans or you're dealing with another city like the City of Perris,  
28 even if their obligation was a high percentage. Say it was 80% and we gave 80%  
29 of the money to Caltrans and said okay we gave you 80% to do the intersection  
30 or the on-ramp or the mainline improvements to our freeway, there is no  
31 guarantee that the City or the developer can make that agency do that  
32 improvement. They may say well we have to come up with the other 20% or stop  
33 part of our planning at this time, and so the same thing could happen in the City  
34 of Perris. So the protection of the Statement of Overriding Consideration is not  
35 saying we're ignoring the impact, it's allowing that the development can continue  
36 to proceed so that it's not held hostage. And so that allows for the area to  
37 continue to work together on these regional benefits, and so if the percentage of  
38 contribution is small, they are obligated to it in fair share. If it is a little higher,  
39 they are still obligated to it. And, if it were 100%, they would still be obligated to it  
40 and there still could be a Statement of Overriding Considerations in there. So I  
41 just wanted to make sure you understood that. I would like to still offer Michael  
42 Lloyd, our Traffic Engineer who is present, if he has any additional insight, and  
43 then the developer. Apparently Jeff had introduced him, so I didn't want to cut  
44 him off if he has something to add also.  
45

1 **TRAFFIC ENGINEER MICHAEL LLOYD** – Thank you. I did want to provide  
2 some clarification to the letter. As you mentioned, it references 38 study  
3 intersections. What the letter fails to mention is that the 38 study intersections  
4 that required mitigation was identified under City General Plan Build-out. That's  
5 an important distinction because, unless the entire City builds out except this one  
6 parcel, it's hard to imagine how this would be the last parcel in the City to build  
7 out and it would be potentially providing these level of impacts while the project is  
8 under construction. So hopefully that doesn't muddy the picture but it provides  
9 some clarification. In terms of maybe providing a little bit better picture from a  
10 timing perspective, the Traffic Study provided a 2018 project build-out versus City  
11 build-out, so in the year 2018 it was estimated the project would be completed. It  
12 identified 18 study intersections that would be impacted under the cumulative  
13 analysis. Of those 18, six of those locations have since been improved so there  
14 are things going on across the City to make improvements. There are a couple  
15 of additional locations where the improvements are in the planning process so  
16 they will be put in place, and then there are several other locations where what's  
17 driving the need for the improvement is the adjacent project to it. And case and  
18 point, one of the studied intersections identified was Cactus at Graham and what  
19 drove the need for improvements there was the March LifeCare Project. So as  
20 that project comes on, those improvements would be put in place. So, yes, the  
21 38 seems very overwhelming, but I did want to state that that was for the City's  
22 General Plan Build-out Analysis and the way the study was conducted it basically  
23 assumed the City is going to be built out to its full land use plan. But none of the  
24 street system has been built out. It's a very conservative analysis so that it  
25 positions itself to be defensible. It doesn't assume things in terms of future  
26 improvements that may or may not be funded. So hopefully that sheds some  
27 light and provides some better clarity in terms of what those impacts may or may  
28 not be.

29  
30 **CHAIR LOWELL** – Thank you very much. Do we have any other questions for  
31 Staff before we move onto the Applicant's presentation?

32  
33 **COMMISSIONER BAKER** – I have one here. Hey Jeff, where you talk about  
34 less than 115,000 volts on that transmission line, that one that runs on the east  
35 side of Perris, that's 115,000?

36  
37 **ASSOCIATE PLANNER JEFF BRADSHAW** – Is that a reference to a condition  
38 of approval?

39  
40 **COMMISSIONER BAKER** – Well I'm wondering where you're going to bury that  
41 line along Perris Boulevard like you did at Home Depot?

42  
43 **ASSOCIATE PLANNER JEFF BRADSHAW** – If it's less than 115 KV then  
44 they'd be required to do the undergrounding as a standard requirement I believe.

45  
46 **COMMISSIONER BAKER** – Is that right?

1  
2 **TRAFFIC ENGINEER VINCE GIRON** – Yes, Commissioner Baker. Jeff that is  
3 correct. If it is less than 115, it will be required to be undergrounded and  
4 those.....

5  
6 **COMMISSIONER BAKER** – Is it less than 115,000?

7  
8 **TRAFFIC ENGINEER VINCE GIRON** – Yes.

9  
10 **COMMISSIONER BAKER** – Okay.

11  
12 **TRAFFIC ENGINEER VINCE GIRON** – Yes, yes. Those lines will be required to  
13 be undergrounded.

14  
15 **COMMISSIONER BAKER** – Got it, thanks. Now one other question I had here  
16 it was on some anagrams that I didn't totally understand. Let me get to that right  
17 quick. It has to do with water quality like this SARWQCB. What does that stand  
18 for?

19  
20 **CHAIR LOWELL** – Santa Ana Regional Water Quality Group.

21  
22 **COMMISSIONER BAKER** – Is that what that is? Okay. And then this RCFC, is  
23 that something to do with Riverside County Flood Control?

24  
25 **TRAFFIC VINCE GIRON** – That's correct. Riverside County.

26  
27 **COMMISSIONER BAKER** – Okay. I just wanted to clear that up.

28  
29 **VICE CHAIR SIMS** – I did have a question on the water quality basin just from  
30 a....there is one property owner right now that owns the two parcels plus the  
31 lettered lot, correct?

32  
33 **TRAFFIC ENGINEER VINCE GIRON** – That's correct.

34  
35 **VICE CHAIR SIMS** – So the detention pond on the Grading Plan shows the  
36 potential future gas station or the other option, the other commercial space (fast  
37 food space). It appears that that area would also drain over to the pond as well,  
38 to the detention basin. So how does that work with a gas station. You know, I  
39 would worry if those become separate ownerships but they are sharing that same  
40 use and there was a gas spill that this became a water quality issue. How do  
41 they maintain indemnification on that, or is that something between the property  
42 owners?

43  
44 **TRAFFIC ENGINEER VINCE GIRON** – Yes good evening Commissioner Sims.  
45 To answer that, when the parcel two comes in for it about specific development  
46 for a gas station, there will be a separate review for their water quality. If it goes

1 above and beyond what's already proposed here, then no requirements will be  
2 implemented at that time. There will be a condition. It's a general condition  
3 whether it's through CCNR's or separate mechanism (separate instrument)  
4 where there will be an agreement among...well, at this point, the single property  
5 owner will have to execute an agreement (a Drainage Maintenance Agreement if  
6 you will) so that parcel two can always drain to that detention basin/infiltration  
7 basin. So there are mechanisms or conditions in place that will require that to be  
8 addressed.

9  
10 **CHAIR LOWELL** – In my experience with water quality basins, drywells are kind  
11 of on the bottom end of the water quality because they can sometimes be  
12 misconstrued as a direct injection well. Is there any issue with this water quality  
13 basin and the drywell?

14  
15 **TRAFFIC ENGINEER VINCE GIRON** – We did have it reviewed by our outside  
16 consultant, and they have given their approval for the preliminary Water Quality  
17 Management Plan.

18  
19 **CHAIR LOWELL** – Has Flood Control had a look at this one yet?

20  
21 **TRAFFIC ENGINEER VINCE GIRON** – They were noticed and their  
22 requirements were for the storm drain line in Perris Boulevard.

23  
24 **CHAIR LOWELL** – Alright and there wasn't any benefit to doing like an  
25 extended detention basin with a sand filter or anything like that? I'm a little leery  
26 of the direct injection drywells. It has potential, like Commissioner Sims was  
27 saying, that if you do have some sort of toxic chemical spill it goes into the  
28 ground water a lot more quickly.

29  
30 **TRAFFIC ENGINEER VINCE GIRON** – Well there is a hierarchy of best  
31 management practices that can be implemented. And one of the first hierarchy is  
32 for, the first level I should say is infiltration. And, extended detention if you will, is  
33 actually at the bottom of that hierarchy meaning it's the least desired. And they  
34 were able to substantiate that they can infiltrate by use of these drywells, and so  
35 that would've been the first requirement of any project to go down the list and  
36 sort of show that you can or cannot use the first requirement on that list (that  
37 hierarchy). So what they presented here was approved by our consultant and  
38 thereby the City as well.

39  
40 **CHAIR LOWELL** – Alright, I appreciate it. Thank you.

41  
42 **TRAFFIC ENGINEER VINCE GIRON** – Sure.

43  
44 **CHAIR LOWELL** – Any other questions for Staff before we move onto the  
45 Applicant? Going once, going twice, okay. At this time, I would like to invite the  
46 Applicant up to the podium for their presentation.

1  
2 **APPLICANT DONOVAN COLLIER** – Good evening Mr. Chairman, honorable  
3 Commissioners. My name is Donovan Collier. I am here on behalf of Walmart  
4 stores. We'd like to thank Staff for all their hard work on this project over the last  
5 two years and the excellent presentation this evening. We have worked very  
6 closely with them over the last two years and believe with their guidance and  
7 input we've come up with a project that Walmart is very proud of. We think it will  
8 be an asset to the community at this location. We really don't have anything to  
9 add to the presentation this evening. However, we do have our Development  
10 Team here in force to hopefully respond to any questions, concerns, or  
11 comments that the Commission or the Staff has of us. So, as of now, we will sit  
12 down and let the Public Hearing commence. Thank you.

13  
14 **CHAIR LOWELL** – Don't go too far away. I've got a couple questions.

15  
16 **APPLICANT DONOVAN COLLIER** – We're here.

17  
18 **CHAIR LOWELL** – So this Walmart is going in the center of the City, well center  
19 of three other Walmart's.

20  
21 **APPLICANT DONOVAN COLLIER** – That's correct.

22  
23 **CHAIR LOWELL** – One's a supercenter. One used to be a regular Walmart that  
24 is now a supercenter that's right next to an abandoned Walmart, and there is one  
25 about three miles south. So basically, from this new Walmart, you're no further  
26 than four miles away as the crow flies from three other Walmart's. Is there really  
27 a need for a fourth Walmart?

28  
29 **APPLICANT DONOVAN COLLIER** – Well, based on the market analysis that  
30 Walmart does, I mean they've chosen this site and they go through a very careful  
31 market analysis in determining spacing and locations for stores. So I anticipate  
32 that this would've just fallen into one of those additional market areas. So, from  
33 that standpoint, yeah I believe that everybody at Walmart believes this is a good  
34 location and a necessary location in this market.

35  
36 **CHAIR LOWELL** – Okay my personal bias is I don't particularly care for  
37 Walmart but that is just my personal bias. I just think that it's inundating this area  
38 with the same, a lot of the same. It's just really close to other Walmart's. I mean  
39 granted we need grocery stores and we have various different grocery stores  
40 throughout town, but it just seems like these large huge warehouses of shopping  
41 centers are just kind of like overwhelming the City. Can anybody....okay, are all  
42 the existing buildings in the foreseeable future going to remain occupied?

43  
44 **APPLICANT DONOVAN COLLIER** – As far as I know, yes. I mean this is a  
45 new....

1 **CHAIR LOWELL** – It's not like over off Day Street where there was a huge store  
2 right next to it.

3  
4 **APPLICANT DONOVAN COLLIER** – No this is a new store. This is a brand  
5 new store. This is not a relocation of an existing store. This is a brand new store  
6 so all of the existing Walmart's in the City of Moreno Valley, City of Riverside,  
7 City of Perris to the south are remaining.

8  
9 **CHAIR LOWELL** – Thank you. Anybody have any other questions or comments  
10 for the Applicant?

11  
12 **COMMISSIONER KORZEC** – Well I also am not a Walmart shopper myself.  
13 But I understand the demographics of the people that shop at Walmart and I  
14 know there's a circumference in area where you will draw people, and I do  
15 believe this project is in your demographic in that area. You are also close to the  
16 base, and I know they have 7000 civilian employees there who probably will also  
17 frequent this on their lunch hour, on their way home to commute. So, even  
18 though I'm not a particular shopper of Walmart, I do understand your  
19 demographics and how you approach a certain community. So I personally don't  
20 think it's too many Walmart's. I think this is a good location for one.

21  
22 **CHAIR LOWELL** – Okay. I have a question.

23  
24 **COMMISSIONER BAKER** – That technically is just the second Walmart in  
25 Moreno Valley, right?

26  
27 **CHAIR LOWELL** – That is technically correct. We just have one.

28  
29 **APPLICANT DONOVAN COLLIER** – Yeah, we just have one right now.

30  
31 **COMMISSIONER GONZALEZ** – How are your outreach efforts to the local  
32 community to Moreno Valley? Can you just describe or elaborate how that has  
33 occurred and continues to occur?

34  
35 **APPLICANT DONOVAN COLLIER** – Absolutely. I'd like to invite Phil Serghini,  
36 the Walmart Public Affairs up to handle that question.

37  
38 **APPLICANT PHIL SERGHINI** – Good evening, Phil Serghini with Walmart. We  
39 are planning first of all to have an open house forum for everyone in that  
40 neighborhood especially. What we'll do is we'll find a space and we'll invite  
41 everybody in to talk to all of our experts one-on-one about the project. We'll be  
42 bringing people from Walmart as well. And then, other than that, we just have  
43 direct mail pieces to the community as well just to let them know about the  
44 process, about the store, and various information sent to them. That's pretty  
45 much it.

1 **COMMISSIONER BAKER** – I’ve got one question for you. I know you sent that  
2 brochure out a number of months ago to the people in that area. How many of  
3 those cards did you get back in showing interest?  
4

5 **APPLICANT PHIL SERGHINI** – We had about 700.  
6

7 **COMMISSIONER BAKER** – That’s what I thought.  
8

9 **APPLICANT PHIL SERGHINI** – Yeah, thank you.  
10

11 **CHAIR LOWELL** – Any other questions for the Applicant before I move on? I  
12 don’t see anybody’s hand going up, so thank you very much.  
13

14 **APPLICANT PHIL SERGHINI** – Thank you.  
15

16 **CHAIR LOWELL** – If there is anybody in the audience interested in speaking on  
17 this item please remember to fill out a Speaker Slip, and if you haven’t done so  
18 already, please do so. It should be one of the, I believe it’s a green slip and  
19 please fill it out and provide it to our recording secretary. At this point in time, do  
20 we have any Speaker Slips?  
21

22 **ADMINISTRATIVE ASSISTANT GRACE ESPINO-SALCEDO** – Chair, we have  
23 two Speaker Slips and two additional with a note saying not speaking, so I’m not  
24 sure if they’ve changed their mind since they’ve submitted their Speaker Slip.  
25 But, if they want to, we do have the Speaker Slip for them.  
26

27 **CHAIR LOWELL** – Alright, I see another one coming up. They don’t show up  
28 on my que over here. Could you call the first one up, please?  
29

30 **ADMINISTRATIVE ASSISTANT GRACE ESPINO-SALCEDO** – So the first one  
31 we have is Ehab Mosaad followed by Patricia Webster.  
32

33 **CHAIR LOWELL** – Thank you. Also, I don’t have a timer up here. Could you  
34 run a timer for me please? Thanks. The microphone is right next to you. There  
35 you go.  
36

37 **SPEAKER EHAB MOSAAD** – I have been living here with my family in Moreno  
38 Valley for 11 years, and I think this is the best development in our area. Where I  
39 live, we have the corporate yard, which is an eyesore so why not bring a  
40 business that will bring you money and be good for our community. The Walmart  
41 that is on Moreno Beach Drive is about 20 minutes away. The Walmart that is by  
42 Costco area is 25 minutes away. The Walmart that is in Perris is over 20  
43 minutes away, so they are not close to each other. This would be a perfect place  
44 to bring jobs to our neighborhood community. It’s an awesome idea to have it  
45 here. It will bring jobs, like I said, clean up the area, and bring a lot of revenue to  
46 the area. I see a lot of corporate businesses that are popping up left and right.

1 They are clogging up the freeways, so why not bring something that is very  
2 important to our area that will serve the people. I am one of the Walmart  
3 shoppers. I work at Kaiser Permanente. I have a good income, but I like  
4 shopping at Walmart. They have affordable prices, they are good to the people,  
5 and we need it in our City. Thank you.

6  
7 **CHAIR LOWELL** – Thank you very much. Could you re-announce the next  
8 person, Grace?

9  
10 **ADMINISTRATIVE ASSISTANT GRACE ESPINO-SALCEDO** – It is Patricia  
11 Webster followed by Joe Meyer.

12  
13 **CHAIR LOWELL** – I don't see anybody coming up. There we go. Okay, thank  
14 you.

15  
16 **ADMINISTRATIVE ASSISTANT GRACE ESPINO-SALCEDO** – Joe Meyer.

17  
18 **SPEAKER JOE MEYER** – Good evening Commissioners. My name is Joe  
19 Meyer. My company is Pacific Retail Partners, and I stood before this  
20 Commission 10 years ago as a joint developer of the Walmart at Moreno Beach  
21 and the 60. To this day, we still own that center. We own everything around the  
22 Walmart and I'm proud to say that we're 100% leased, which is very unusual in  
23 this retail environment. We'll be joint developing this project with them for the  
24 balance of the project. And I just wanted to relay that the concern about having  
25 maybe too many Walmart's in the area. We would be definitely opposed to this  
26 project if it was pulling people out of our project, but having worked with Walmart  
27 for 20 years and joint developed with them and done almost 100 projects, we  
28 know what the number of people in this South Market that when we identified it. I  
29 helped work on that. It is definitely sustainable, and we're excited to bring more  
30 retailers to the front out-lots. I wish I had them today. Unfortunately, people  
31 oppose projects and use the law to slow us down and we don't get to build our  
32 buildings sometimes for several years that is why we don't have the retailers  
33 today. But we're anxious to come back to you on the out-lots, and I think what  
34 you'll see between us and Home Depot now is a real synergy as a retail corridor  
35 and environment there. I think you'll see more activity hopefully maybe from us  
36 on some of those other parcels too, so I encourage you to approve this project  
37 and we're just thankful that it's finally here after all the time that we've spent. So,  
38 if you have any questions for me on my project and how it relates, I'm happy to  
39 answer to those. So thank you for your consideration.

40  
41 **CHAIR LOWELL** – Thank you very much. Next speaker please.

42  
43 **ADMINISTRATIVE ASSISTANT GRACE ESPINO-SALCEDO** – I don't have  
44 anymore unless someone, I believe there is someone here representing So-Cal  
45 Environmental Justice Alliance if they want to speak?



1 **CHAIR LOWELL** – Anybody else want to speak on this item? I don't see any  
2 hands going up. Okay, well the Public Comments portion is now closed. And  
3 that moves us onto our Commissioner Comments. Would any Commissioners  
4 like to make a comment or have questions?

5  
6 **VICE CHAIR SIMS** – I had a question on the, when I was flipping through the  
7 information, I left my book on this at work today accidentally. But did I get it right  
8 that the project will have an impact of \$541,000 approximately to the general  
9 fund? Was that accumulative or is that an annual influx of general fund money?

10  
11 **ASSOCIATE PLANNER JEFF BRADSHAW** – I don't know about the property  
12 tax, but I can tell you that a Walmart of this size would produce \$400,000 to  
13 \$600,000 annually in sales tax revenue to the City.

14  
15 **CHAIR LOWELL** – Is there anyway slate that to crossing guards? I like that  
16 idea.

17  
18 **VICE CHAIR SIMS** – It mentioned somewhere in the documentation that it was  
19 \$541,000 of.....

20  
21 **COMMISSIONER BARNES** – Overriding Considerations.

22  
23 **VICE CHAIR SIMS** – Of part of the Overriding Considerations. And the other  
24 thing that caught my eye was it estimates 300 to 320 jobs that would be  
25 generated from this site and that is substantial, and I think that it is a great  
26 project.

27  
28 **CHAIR LOWELL** – Any other questions, comments, or concerns? One of the  
29 requirements of the Planning Comments was landscaping the median on Perris  
30 Boulevard or the median on Perris Boulevard. Is that going to be landscaped or  
31 it is going to be concrete?

32  
33 **ASSOCIATE PLANNER JEFF BRADSHAW** – It would be a landscaped  
34 median.

35  
36 **CHAIR LOWELL** – Okay, and what's the proximity to the nearest recycled water  
37 line? Do we know if there is one in that area?

38  
39 **ASSOCIATE PLANNER JEFF BRADSHAW** – I don't believe so, but I couldn't  
40 actually tell you where the nearest one is.

41  
42 **CHAIR LOWELL** – I know that's an Nissan question. Yeah, I would like to see  
43 that landscaped and not concrete. I know Nissan is almost on the verge of being  
44 done, and it looks like it's going to be mostly concrete. I think some drought  
45 tolerant plants would like a lot nicer than red concrete. And the screen walls for  
46 the loading docks. I remember you saying something about that, but I didn't

1 quite catch how they are going to be screened from the residence and from the  
2 neighboring properties.

3  
4 **ASSOCIATE PLANNER JEFF BRADSHAW** – Okay, let's see if we can go back  
5 to the Exhibit. There's loading docks at both corners of the north elevation of the  
6 building. The western set of loading docks are screened off of the drive aisle  
7 with a wall that's immediately adjacent to the docks. The eastern set of docks is  
8 screened with a screen wall that's actually on the north side of that drive aisle  
9 and that wall would wrap around the where you see the not quite a cul-de-sac but  
10 you see a circular shape in the drive aisle there for turnaround for the large  
11 vehicles at the northeast corner of the site.

12  
13 **CHAIR LOWELL** – How tall are those walls going to be?

14  
15 **ASSOCIATE PLANNER JEFF BRADSHAW** – They are 10 foot tall walls. They  
16 wrap again starting in alignment with the eastern set of docks. They wrap around  
17 the curb. They follow the shape of that circular turn and they come south almost  
18 to the corner of the building, so they would screen the view from traffic going  
19 north and south along Perris Boulevard, as well as the traffic on Gentian. So, in  
20 addition to those screen walls, the condition is for the landscape to include a tree  
21 row and dense or heavy vegetation within that planter area between the building  
22 and Gentian. The additional screening that would benefit the project would occur  
23 also within the short landscaped median that you see there in Gentian itself  
24 where you'd have in terms of mitigating the activity, the noise, and anything that  
25 might be visible from offsite from the backyards to those future homes, you have  
26 the width and separation of Gentian. You have a median at Gentian. You'd have  
27 the parkway landscaped along the north side of Gentian at the rear of those  
28 homes, all of that occurring in addition to what the project itself is required to  
29 provide.

30  
31 **CHAIR LOWELL** – Roger. So the 10 foot block walls are going to be pretty  
32 heavily screened by landscaping, so the walls themselves won't make an  
33 eyesore.

34  
35 **ASSOCIATE PLANNER JEFF BRADSHAW** – Yes, there would be landscape  
36 along the outside of the wall along the Perris landscaped planter area, as well as  
37 Gentian.

38  
39 **CHAIR LOWELL** – And that is going to be privately maintained also?

40  
41 **ASSOCIATE PLANNER JEFF BRADSHAW** – Yes. The entirety of the  
42 landscape for this project would the responsibility of the owner.

43  
44 **CHAIR LOWELL** – Okay, and then moving down the line on these delivery  
45 trucks. Are they going to have any kind of a plug-in for their refrigerated trucks?  
46 I know some of our previous distribution warehouses that have come in front of

1 us have to have no longer than 10 minutes of idling, and if they are going to be  
2 idling longer than that, they have to have plug-ins.

3  
4 **ASSOCIATE PLANNER JEFF BRADSHAW** – I don't recall if that was a  
5 particular mitigation for this project. If you could give us a moment to check the  
6 mitigation, we can review that for you.

7  
8 **CHAIR LOWELL** – Perfect, I'd appreciate it.

9  
10 **ASSOCIATE PLANNER JEFF BRADSHAW** – I don't recall that specifically for  
11 this project.

12  
13 **CHAIR LOWELL** – Yeah, I didn't catch it in there. That's why I am asking.

14  
15 **ASSISTANT CITY ATTORNEY PAUL EARLY** – The idling restrictions are  
16 actually codified in the code and would apply to any user across the entire City,  
17 so whether or not they are conditioned to install any of these, the same idling  
18 restrictions would apply to them.

19  
20 **CHAIR LOWELL** – Well given that it's not a distribution warehouse, the odds of  
21 having a lot of trucks in here idling for a long period of time might not be high  
22 odds. But it still might be a nice requirement to put on that they have the option  
23 to plug-in refrigerated trucks.

24  
25 **ASSISTANT CITY ATTORNEY PAUL EARLY** – I believe the Municipal Code  
26 Section specifies 5 minutes as the maximum idling time.

27  
28 **CHAIR LOWELL** – Alright. So I know that you said the Municipal Code requires  
29 no more than 5 minutes of idling time, but that means they just have to shut off  
30 the trucks. But, if there is a refrigerated truck, will there still be a plug provided  
31 for them to plug in the truck? That's kind of what I was going for.

32  
33 **ASSOCIATE PLANNER JEFF BRADSHAW** – I'm looking at the Mitigation  
34 Measures. I don't see that now, but the Code requires that additionally the idling  
35 is limited to no longer than 5 minutes as a Mitigation Measure as well. I don't see  
36 anything yet on the plug-ins for the refrigerated trucks.

37  
38 **ASSISTANT CITY ATTORNEY PAUL EARLY** – And those restrictions apply to  
39 refrigeration units as well, not just the trucks themselves.

40  
41 **CHAIR LOWELL** – The truck itself. Does anybody else have any questions,  
42 comments, or concerns?

43  
44 **ALTERNATE COMMISSIONER GONZALEZ** – I just want to say it's a good  
45 project. It meets, you know, the needs of Moreno Valley as far as job creation

1 and the social and local infrastructure it's going to provide, so I do shop at  
2 Walmart and I like the project.

3  
4 **CHAIR LOWELL** – Yeah I live pretty close to a Walmart, actually walking  
5 distance, and inevitably once or twice a week a police helicopter is hovering over  
6 Walmart with a light on chasing somebody to or chasing somebody from the  
7 Walmart over off Moreno Beach. And it's becoming more and more redolent and  
8 it concerns me. You drive through the parking lot and the light standards are  
9 damaged, tagged, and broken. There are oil stains on the ground. The type of  
10 cliental that specific store draws is not exactly some place you want to be at 11  
11 o'clock at night if you need a gallon of milk. I personally don't think it is the kind  
12 of cliental or the kind of store after-hours that you'd want to visit. That's my  
13 personal opinion. Do we have any other....did you find that on the plug-ins or  
14 anything?  
15

16 **ASSOCIATE PLANNER JEFF BRADSHAW** – I'm looking at Mitigation Measure  
17 4.4.4, which is Planning Condition 95 in the....there's three sets of conditions and  
18 so I apologize. It's page 393 of the packet. There's a number of Mitigation  
19 Measures here identified specifically for the purpose of energy efficiency, and it  
20 lists a series of bullets that are examples of the types of things that could be  
21 done. It includes, actually here it says, installation of electrical hookups at the  
22 loading dock areas, so it is there as a Mitigation Measure.  
23

24 **CHAIR LOWELL** – Okay, I appreciate it. Okay, with that said, I believe we have  
25 four Resolutions we have to vote on independently. Is that the case?  
26

27 **ASSOCIATE PLANNER JEFF BRADSHAW** – Yes, that is correct.  
28

29 **CHAIR LOWELL** – So, with that said, Grace you said that you were going to so  
30 something so I could click on it and vote on the Resolutions independently.  
31

32 **ADMINISTRATIVE ASSISTANT GRACE ESPINO-SALCEDO** – The first  
33 Resolution should be up for your voting.  
34

35 **CHAIR LOWELL** – Okay, let me try to find my paperwork so I know what we're  
36 voting on. Would anybody like to make a motion on Resolution No. 1, which is  
37 Resolution 2015-26? I have no way of clicking on the vote over here, Grace.  
38 What is this? We'll just do it by rollcall. There we go.  
39

40 **VICE CHAIR SIMS** – I motioned if somebody wants to second.  
41

42 **CHAIR LOWELL** – I think we should do a rollcall. I think it would be a little  
43 easier. Go ahead, make a motion if you'd like.  
44

45 **ADMINISTRATIVE ASSISTANT GRACE ESPINO-SALCEDO** – Chair Lowell, it  
46 looks like it's up for you to go ahead and start voting.

1  
2 **CHAIR LOWELL** – Okay.

3  
4 **ADMINISTRATIVE ASSISTANT GRACE ESPINO-SALCEDO** – Do you see it  
5 on your screen?

6  
7 **CHAIR LOWELL** – Yes ma'am.

8  
9 **ADMINISTRATIVE ASSISTANT GRACE ESPINO-SALCEDO** – Okay.

10  
11 **VICE CHAIR SIMS** – So this is the Resolution No. 2015-26, right?

12  
13 **CHAIR LOWELL** – Yes.

14  
15 **VICE CHAIR SIMS** – Okay, so I would make a motion that the Planning  
16 Commission **APPROVE** Resolution No. 2015-26 and thereby (A) certify that the  
17 Environmental Impact Report for the South Moreno Valley Walmart project has  
18 been completed in compliance with CEQA; (B) **ADOPT** the Findings and  
19 Statements for Overriding Considerations regarding the Final EIR for the South  
20 Moreno Valley Walmart project attached as Exhibit A to Resolution 2015-26; (C)  
21 **APPROVE** the Mitigation Monitoring Program for the Final EIR for the proposed  
22 South Moreno Valley Walmart project attached as Exhibit B to Resolution 2015-  
23 26.

24  
25 **CHAIR LOWELL** – We have a motion by Vice Chair Sims. Do we have a  
26 second?

27  
28 **ALTERNATE COMMISSIONER GONZALEZ** – I'll second that.

29  
30 **CHAIR LOWELL** – Perfect. Oh wait, Erlan motioned, whatever.

31  
32 **VICE CHAIR SIMS** – I'll second that.

33  
34 **CHAIR LOWELL** – Perfect. There were go. Okay, so we have a confusing  
35 motion and second by various people. Go ahead and click your vote. Okay,  
36 there we go. All votes have been cast. Vote passes 6-1.

37  
38  
39 Opposed – 1

40  
41  
42 **Motion carries 6 – 1**

1 **CHAIR LOWELL** – That moves us onto the second item, which is Resolution  
2 2015-27. Would anybody like to make a motion? And the vote is available on  
3 our machines.

4  
5 **ADMINISTRATIVE ASSISTANT GRACE ESPINO-SALCEDO** – There it is.

6  
7 **VICE CHAIR SIMS** – Well I’m hot. I am on a roll. I’ll go. I recommend to make  
8 a motion that the Planning Commission **APPROVE** Resolution No. 2015-27,  
9 which is approving Tentative Parcel Map 36606, PA13-0033 subject to the  
10 attached conditions of approval included as Exhibit A to Resolution 2015-27.

11  
12 **CHAIR LOWELL** – Okay we have a motion by Commissioner Sims and a  
13 second by Mr. Baker. We are waiting on Commissioner Nickel. Okay, all votes  
14 have been cast. And this motion passes 6-1.

15  
16  
17 Opposed – 1

18  
19  
20 **Motion carries 6 – 1**

21  
22  
23 **CHAIR LOWELL** – Moving onto the third Resolution 2015-28. Would anybody  
24 like to motion? Oh, motioned by Commissioner Barnes.

25  
26 **COMMISSIONER BARNES** – I know. There is a first time for everything. I’d  
27 like to make a motion that the Planning Commission **APPROVE** Resolution No.  
28 2015-28 and thereby approve Plot Plan PA13-0032 subject to the attached  
29 conditions of approval included as Exhibit A to Resolution 2015-28.

30  
31 **CHAIR LOWELL** – We have a motion by Commissioner Barnes. Do we have a  
32 second? We have a second by Commissioner Korzec. And all votes have been  
33 cast. And this Resolution passes 6-1.

34  
35  
36 Opposed – 1

37  
38  
39 **Motion carries 6 – 1**

40  
41  
42 **CHAIR LOWELL** – This moves us onto the fourth Resolution, which is 2015-29.  
43 Would anybody like to motion?

44  
45 **ALTERNATE COMMISSIONER GONZALEZ** – I’ll motion.

1 **CHAIR LOWELL** – We have a motion by Commissioner Gonzalez.

2  
3 **ALTERNATE COMMISSIONER GONZALEZ** – I want to motion that the  
4 Planning Commission **APPROVE** Resolution No. 2015-29 and thereby  
5 **APPROVE** Conditional Use Permit PA13-0034 subject to the attached conditions  
6 of approval included as Exhibit A to Resolution 2015-29.

7  
8 **CHAIR LOWELL** – We have a motion by Commissioner Gonzalez and we have  
9 a second by Commissioner Nickel. Please cast your vote. All votes have been  
10 cast. Again, this fourth Resolution passes 6-1. Do we have a Staff wrap-up on  
11 this item?

12  
13  
14 Opposed – 1

15  
16  
17 **Motion carries 6 – 1**

18  
19  
20 **PLANNING OFFICIAL RICK SANDZIMIER** – We do. We appreciate the  
21 Commission entertaining the separate motions this evening. The importance of  
22 that is that the approval for the Tentative Tract Map, the Plot Plan, and the  
23 Conditional Use Permit are all appealable. Applications they can be appealed to  
24 the City Council. The filing of an appeal on a Tentative Tract Map is 10 days, so  
25 10 days from the date of the hearing that appeal can be filed and should be  
26 directed to the City Council through the Community Development Director. The  
27 appeal on the Plot Plan or the Conditional Use Permit should be filed within 15  
28 days of the action and is also addressed to the City Council and filed through the  
29 Community Development Director. Any appeal that is filed would be scheduled  
30 for a hearing before the City Council within 30 days or thereabouts, as close as  
31 possible. And the environmental document action this evening that was  
32 supporting all three of those specific applications. If an appeal was to be filed,  
33 the appeal should be specific to any issues or interests with the environmental  
34 document as well. Thank you.

35  
36  
37 **PLANNING COMMISSIONER COMMENTS**

38  
39 **CHAIR LOWELL** – Thank you very much. Are there any Commissioner  
40 Comments? I have one. I'd like to express some deep sympathy and  
41 condolences to our absent Commissioner Ms. Meli Van Natta. She experienced  
42 a death in her family and it's never good, so our deepest sympathy and my  
43 condolences go out to her and I'm keeping her in our thoughts and prayers  
44 tonight.

1 **ADJOURNMENT**

2  
3  
4 **CHAIR LOWELL** – With that said, this concludes our meeting. Our meeting is  
5 adjourned until our next Regular Meeting, which is October 22<sup>nd</sup>, 2015, at 7:00  
6 PM. Thank you very much and have a good night.  
7

8  
9 **NEXT MEETING**

10 *Next Meeting: Planning Commission Regular Meeting, October 22<sup>nd</sup>, 2015 at*  
11 *7:00 PM, City of Moreno Valley, City Hall Council Chamber, 14177 Frederick*  
12 *Street, Moreno Valley, CA 92553.*  
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24 \_\_\_\_\_  
25 Richard J. Sandzimier  
26 Planning Official  
27 Approved  
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\_\_\_\_\_ Date

39 \_\_\_\_\_  
40 Brian R. Lowell  
41 Chair  
42

\_\_\_\_\_ Date