

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

5 **Thursday, February 25th, 2016, 7:00 PM**

6
7
8 **CALL TO ORDER**
9

10 **CHAIR LOWELL** – Good evening ladies and gentleman. I would like to call to
11 order the Regular Meeting of the Planning Commission. Today is Thursday
12 February 25th, 2016. The time is 7:03 PM. Could we have rollcall please?
13

14
15 **ROLL CALL**
16

17 Commissioners Present:

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

28 Staff Present:

29 Rick Sandzimier, Planning Official
30 Paul Early, Assistant City Attorney
31 Claudia Manrique, Associate Planner
32 Julia Descoteaux, Associate Planner
33 Erica Tadeo, Administrative Assistant
34

35
36 **PLEDGE OF ALLEGIANCE**
37

38 **CHAIR LOWELL** – Thank you very much, and I believe Commissioner Van
39 Natta would like to lead us in the Pledge of Allegiance tonight.
40

41 **COMMISSIONER VAN NATTA** – Please stand and join me in the pledge to our
42 flag.
43
44

1 **APPROVAL OF THE AGENDA**

2
3 **CHAIR LOWELL** – Thank you. Please be seated. Would anybody like to move
4 to approve tonight’s Agenda? Can we vote on this? Wait for the vote. Do we
5 have the voting option enabled on this? How about we just do a verbal motion?
6 Oh, there we go.

7
8 **COMMISSIONER VAN NATTA** – I move to approve the Agenda.

9
10 **CHAIR LOWELL** – Awesome. Would anybody like to second?

11
12 **COMMISSIONER BAKER** – I’ll second.

13
14 **CHAIR LOWELL** – Seconded by Mr. Baker. Okay, please cast your vote.
15 Perfect. Tonight’s Agenda has been approved 7-0.

16
17
18 Opposed – 0

19
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21 **Motion carries 7 – 0**

22
23
24 **CONSENT CALENDAR**

25
26 *All matters listed under Consent Calendar are considered to be routine and all*
27 *will be enacted by one rollcall vote. There will be no discussion of these items*
28 *unless Members of the Planning Commission request specific items be removed*
29 *from the Consent Calendar for separate action.*

30
31
32 **CHAIR LOWELL** – Moving onto our Consent Calendar. I do not believe we
33 have any Consent Calendar items tonight?

34
35 **PLANNING OFFICIAL RICK SANDZIMIER** – None.

36
37 **CHAIR LOWELL** – Perfect.

38
39
40 **APPROVAL OF MINUTES**

41
42 None

43
44 **CHAIR LOWELL** – Moving onto the Public Comments portion. Do we have
45 any Public Comments speakers tonight?

1 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – We do have one.

2
3 **CHAIR LOWELL** – Okay.

4
5 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – On a non-item.

6
7 **CHAIR LOWELL** – Let me clarify.

8
9
10 **PUBLIC COMMENTS PROCEDURE**

11
12 *Any person wishing to address the Commission on any matter, either under*
13 *Public Comments section of the Agenda or scheduled items or public hearings,*
14 *must fill out a “Request to Speak” form available at the door. The completed*
15 *form must be submitted to the Secretary prior to the Agenda item being called by*
16 *the Chairperson. In speaking to the Commission, any member of the public may*
17 *be limited to three minutes per person, except for the applicant for entitlement.*
18 *The Commission may establish an overall time limit for comments on a particular*
19 *Agenda item. Members of the public must direct their questions to the*
20 *Chairperson of the Commission and not to other members of the Commission,*
21 *the applicant, the Staff, or the audience. Additionally, upon request, this Agenda*
22 *will be made available in appropriate alternate formats to persons with disabilities*
23 *in compliance with the American Disabilities Act of 1990. Any person with*
24 *disabilities who requires a modification or accommodation in order to participate*
25 *in a meeting should direct their request to Guy Pagan, our ADA Coordinator at*
26 *(951) 413-3120 at least 48 hours before the meeting. The 48-hour notification*
27 *will enable the City to make reasonable arrangements to ensure accessibility to*
28 *the meeting.*

29
30
31 **CHAIR LOWELL** – With that, I’d like to open the Public Comments portion of the
32 meeting tonight. Please call the first speaker.

33
34 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – Rafael Brugueras.

35
36 **CHAIR LOWELL** – There we go.

37
38 **SPEAKER RAFAEL BRUGUERAS** – Good evening Commissioners, Staff,
39 residents of Moreno Valley, and guests. My name is Rafael Brugueras, and I’m
40 part of the Moreno Valley Job Coalition. I’m here to say thank you so much to all
41 you Commissioners for the good work that you have done because I’ve been to a
42 lot of meetings and I’ve been hearing of all the new projects that have been
43 approved that are in their last phases and Moreno Valley is really grateful to you
44 seven really because it takes courage to figure a lot of things out and make sure
45 that the City is getting their fair part of it. You know, that we’re not getting bad
46 companies coming in and destroying our city because that’s the fight throughout

1 everything that we do in the city is to make sure that our city stays protected,
2 safe, and clean. Being part of some of the other organizations that I go to and
3 listen to, all the work that you have approved the City needs to know that it
4 begins here. All the work begins right here in this room with you seven approving
5 the work, and I for one do not want to forget who you are. And the City should
6 not forget who you are because you do a lot of great work for us, and we fight for
7 these kinds of jobs and approvals. So thank you so much for your hard work and
8 may you all be blessed. Thank you so much.

9
10 **CHAIR LOWELL** – Thank you very much. Our next speaker is Tom Jerele.

11
12 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – I'm sorry, Chair. He's
13 actually going to be speaking on the first item.

14
15 **CHAIR LOWELL** – Ah. Were you wanting to speak on the Non-Public?

16
17 **SPEAKER TOM JERELE** – Will the Commission oblige me for just a second?

18
19 **CHAIR LOWELL** – Sure.

20
21 **SPEAKER TOM JERELE** – I just want to say Happy New Year and welcome
22 back. I haven't been here in a while, and I want to echo Mr. Brugueras'
23 comments. We do appreciate the good work the Commission has done. I think
24 what you did with a really challenging controversial project with WLC was nothing
25 short of masterful. It was very well done. I will always be grateful for that. I think
26 you really set the bar high, not just for the Commission but for the City, so you
27 should be commended for that. And I know it takes a lot of commitment to do
28 what you guys do. You don't do it for the money. It's a big, big, big undertaking;
29 a big responsibility. I do want to give an applaud outside of Planning, but you
30 know if we don't have good things in our City....Next week we've got that great
31 concert over at the City Hall right at the main building at 7:00 on Thursday, the
32 3rd. It's going to be, I can't remember, the famous composer's work there that
33 does all the Star Wars music and everything. So, anyhow, it's free and it's a
34 wonderful thing. It's a great way to develop community pride. Have a nice
35 evening. Thank you.

36
37 **CHAIR LOWELL** – Thank you very much. I'm assuming you still wanted to
38 speak on the next item? Are there any more Public Comments Speaker Slips?

39
40 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – No.

41
42 **CHAIR LOWELL** – Perfect. With that, I will close the Public Comments portion.
43
44
45
46

1 **NON-PUBLIC HEARING ITEMS**

2
3 None

4
5 **CHAIR LOWELL** – Moving onto the Non-Public Hearing Items. Do we have any
6 Non-Public Hearing Items tonight?

7
8 **PLANNING OFFICIAL RICK SANDZIMIER** – We have none.

9
10 **CHAIR LOWELL** – Perfect.

11
12
13 **PUBLIC HEARING ITEMS**

- 14
- 15 1. Case: PA15-0042 (CUP)
- 16
- 17 Applicant: Verizon Wireless
- 18
- 19 Owner: Oasis Community Church
- 20
- 21 Representative: Smartlink, LLC (James Rogers)
- 22
- 23 Location: 23750 Alessandro Blvd (Oasis Community Church)
- 24
- 25 Case Planner: Claudia Manrique
- 26
- 27 Council District: 3
- 28
- 29 Proposal: Conditional Use Permit (PA15-0042) for a new
- 30 wireless facility
- 31
- 32

33 **STAFF RECOMMENDATION:**

34
35 Recommend the Planning Commission **APPROVE** Resolution No. 2016-02.

- 36
- 37 1. **CERTIFY** that the proposed Verizon wireless telecommunications facility is
- 38 exempt from the provisions of the California Environmental Quality Act
- 39 (CEQA), as a Class 3 Categorical Exemption, CEQA Guidelines, Section
- 40 15303 for New Construction or Conversion of Small Structures; and
- 41
- 42 2. **APPROVE** Conditional Use Permit PA15-0042 based on the findings
- 43 contained in Planning Commission Resolution 2016-02, subject to the
- 44 conditions of approval included as Exhibit A of the Resolution.
- 45
- 46

1 **CHAIR LOWELL** – Moving onto our first Public Hearing Item, which is case
2 PA15-0042. The Applicant is Verizon Wireless. The Case Planner is Ms.
3 Claudia Manrique.

4
5 **PLANNING OFFICIAL RICK SANDZIMIER** – I'd just like to introduce Claudia
6 Manrique, our Associate Planner. The application before you is a wireless
7 communications.
8

9 **ASSOCIATE PLANNER CLAUDIA MANRIQUE** – Good evening. I'm Claudia
10 Manrique, the Case Planner. Tonight we have a Conditional Use Permit, a CUP
11 for a new wireless facility. It is a 70 foot tall mono-broadleaf also known as an
12 elm tree tower. The proposed tower is located at the Oasis Community Church.
13 It's in the parking lot. The church is located at 23750 Alessandro Boulevard. We
14 have the aerial. The small yellow dot within the red box is the location of the
15 proposed tower. Verizon has a new design, which doesn't require an equipment
16 shelter and allows for a smaller footprint, so the lease area is 14 x 16 and will
17 house the required equipment in the tower. The lease area will be screened by
18 an 8-foot fence, which would be screened by some landscape shrubs, as well as
19 the existing trash enclosure that's located on the south end of the proposed site.
20 Here is the Site Plan. South is Alessandro Boulevard. The site is 350 feet back
21 or north off Alessandro. The houses to the north are 240 feet. And then the
22 setbacks from both the east and west, which are neighboring commercial uses
23 as well, are 250 feet. Here is a closer slide of the actual Site Plan. The three
24 large circles with the crosshair in the center are going to be proposed additional
25 trees that will be planted. The species are not called out yet. They will fit the
26 environment and the climate of Moreno Valley and will be one of the broadleaf
27 species that's currently in the parking lot. There's about three or four different
28 tree species currently in the parking lot, so we wanted to sort of pick one or two
29 of the ones and have them blend in further. This is the tower itself. Again, it is
30 70 feet. Here are some conceptual drawings of the tree and also the proposed
31 additional planning of the three trees that will be added to the site. Here is
32 looking north from Alessandro, east looking towards the site, looking southwest,
33 and here we have again east from the parking lot looking towards the tree. Site
34 analysis for the project identified a significant gap in the coverage from
35 Alessandro and Peacock Street and this proposed tower will fill in and increase
36 the capacity for Verizon. This is the existing coverage. The site is located within
37 the navy blue close to the pale blue. It's sort of hard to see. Here's with the
38 proposed site. You'll notice it's all green now and then this is with the additional
39 sites nearby. The proposed site is exempt under CEQA Class 3, Section 15303,
40 for New Construction or Conversions of Small Structures as the site and project
41 will not have a significant impact on the environment. Public notice was sent to
42 all the property owners within 300 feet of the project, as well as posted on site
43 and published in the Press Enterprise Newspaper. All three items were
44 completed on February 13th. Staff recommends that the Planning Commission
45 certify that the project is exempt under CEQA Class 3, Section 15303, and

1 approve Conditional Use Permit PA15-0042 based on the findings in Resolution
2 2016-02. Thank you.

3
4 **CHAIR LOWELL** – Thank you very much. Do we have any questions for Staff
5 before we invite the Applicant up? Any questions? Commissioner Ramirez.

6
7 **COMMISSIONER RAMIREZ** – Have there been any concerns raised by any of
8 the businesses or residents in the area?

9
10 **ASSOCIATE PLANNER CLAUDIA MANRIQUE** – No. As of tonight, I received
11 no phone calls or inquiries about the project.

12
13 **COMMISSIONER RAMIREZ** – Thank you.

14
15 **CHAIR LOWELL** – Any other questions before we invite the Applicant up?
16 Commissioner Barnes.

17
18 **COMMISSIONER BARNES** – Does this site have a provision for additional
19 vendors to use this pole or is this Verizon only?

20
21 **ASSOCIATE PLANNER CLAUDIA MANRIQUE** – Right now it's Verizon only,
22 but with the 70 feet it does allow for co-location in the future.

23
24 **CHAIR LOWELL** – Any other comments or questions? Perfect. I'd like to invite
25 the Applicant up if they would like to say something.

26
27 **APPLICANT JAMES ROGERS** – Good evening Commissioners. My name is
28 James Rogers. I'm with Smartlink. We're representing Verizon Wireless on this
29 application. Just quickly with regards to the question the Commissioner had
30 regarding the co-location. On the elevation drawings, we do show where
31 additional antennas could be placed, so there is spacing there. Structurally, it will
32 accommodate. If, when, how many? That's up to some future wireless carrier,
33 so you know we can't say just when or how that would occur. Obviously, it would
34 come through the City for review and approval. As far as the project, as staff
35 showed in the exhibits here and the Staff Report, Verizon's coverage really drops
36 off at about I believe it's Graham north/south Street to the west. And so this site
37 is necessary really to cover all the businesses and then the residential
38 neighborhoods along Alessandro going further to the east. The conditions of
39 approval, as they've been drafted, Verizon has reviewed them and finds them
40 acceptable. And, at this point, I think I would just be happy to answer any
41 questions you might have or that might come up in the hearing.

42
43 **CHAIR LOWELL** – Thank you very much. Does anybody have any questions
44 for the Applicant? I appreciate it. We'll call you up if we have any questions. I'm
45 assuming we have a couple Public Comments?

1 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – We do.

2
3 **CHAIR LOWELL** – Perfect. I'd like to open up the Public Comments portion of
4 this hearing item. Where's the speaker button? I don't have the ability to call up
5 somebody right now. Could you call them up for me?

6
7 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – Yeah, we have...first up is
8 Rafael Brugueras.

9
10 **SPEAKER RAFAEL BRUGUERAS** – I want to make a correction before I
11 speak.

12
13 **CHAIR LOWELL** – Okay.

14
15 **SPEAKER RAFAEL BRUGUERAS** – I was hoping that, why I put down
16 three/one, I'm thinking that this is one, two, and three on the back. So I want to
17 speak on Aquabella.

18
19 **CHAIR LOWELL** – Okay.

20
21 **SPEAKER RAFAEL BRUGUERAS** – So I'm good to go back?

22
23 **CHAIR LOWELL** – Yeah, you're fine.

24
25 **SPEAKER RAFAEL BRUGUERAS** – Great, thank you.

26
27 **CHAIR LOWELL** – Thank you. I know we saw somebody submitted late
28 paperwork. If anybody else would like to speak on this, please fill out a form.
29 Could you call up the next speaker please?

30
31 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – Tom Jerele.

32
33 **CHAIR LOWELL** – I don't know why I don't have the option to call up speakers
34 myself.

35
36 **SPEAKER TOM JERELE** – Thank you. Chair Lowell, Vice Chair Sims,
37 Commissioners, Staff and the public both in the chambers and watching at home
38 and on the internet: I have been reticent about supporting cellphone tower
39 approvals. For one thing, they've come quite a long way of, you know, making
40 them look good. I was looking at a real tree the other day. I could have sworn it
41 was. It was so perfect. I said I didn't know real trees grew that perfectly. I said
42 that's got to be one of them. I'm looking, no antenna. Maybe there was one. It
43 was really tough. But, anyways, they've done a great job and I've seen some of
44 the Verizon plans. You know, I always tell people you can tell a good project just
45 by the quality of the plans, and with several engineers on the Commission, I'm
46 sure you can respect that. They really put a lot of detail and further they answer

1 a lot of questions. But the biggest reason I support this and just about any cell
2 tower that might come up, I deem it a public safety issue. I was surprised to hear
3 that the coverage dropped off in the heart of, you know, think about it. That's a
4 dense area and that's old Sunnymead. And we have so many people now that
5 are dropping home lines anymore and they're banking on that cellphone. I had
6 an old slide phone that was about four years old. It was my old zero G phone
7 and well I got bad reception. I got a brand new top of the line Android, and it's
8 still dropping calls and I'm not with Verizon. I'm with Sprint, and I think they are
9 very weak in this area. And that's one comment that I'd like to give. I like the
10 idea of being able to accommodate other users because my service is better
11 down the hill, but up in Sunnymead Ranch it's really, really bad. I mean I've
12 missed some very, very important calls and they don't even go through. It
13 doesn't tell me I've missed them or anything. So, people say, I called and you
14 didn't answer and nothing happened. That's weird. So, in any event, but God
15 forbid you needed a cop, fire department, ambulance or somebody else did. So,
16 it's a public safety issue and I really not only support this but the ongoing effort.
17 I've actually talked to the Utilities Commission several times. I've asked them to
18 go to the industry. In fact, maybe one of these gentlemen can provide some
19 resources where the industry will map out and show where the weak points are
20 because we need to get our City better served for all the service companies.
21 Thank you.

22
23 **CHAIR LOWELL** – Thank you, Tom.

24
25 **SPEAKER TOM JERELE** – Oh, I'll give you my slip from last time.

26
27 **CHAIR LOWELL** – Can you call up the next speaker Ms. Tadeo.

28
29 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – I think it's Randel Parcell. I
30 apologize.

31
32 **SPEAKER RANDEL PARCELL** – Sorry for the late entry.

33
34 **CHAIR LOWELL** – Not a problem.

35
36 **SPEAKER RANDEL PARCELL** – My first time speaking on my City Council up
37 here so didn't know the process.

38
39 **CHAIR LOWELL** – It's the Planning Commission.

40
41 **SPEAKER RANDEL PARCELL** – Oh, the Planning Commission.

42
43 **CHAIR LOWELL** – We just got promoted.

44
45 **SPEAKER RANDEL PARCELL** – You're obviously doing better, so.

46

1 **CHAIR LOWELL** – We should just change this to mayor right now for the
2 hearing.

3
4 **SPEAKER RANDEL PARCELL** – I live 300 feet right behind the tower. I'm one
5 of the houses there. I'm not opposed to the tower. I went online and checked for
6 any cancer causing law and basically up to one to two miles, nothing closer than
7 one mile, was registered. That's still not my concern. My concern is, is there a
8 plan in place for the people along that wall that have their own cellphones being
9 scrambled and for interference for the Wi-Fi in our homes? Is there a plan in
10 place we can call once the tower is in to rectify a problem that we do not have at
11 this time?

12
13 **CHAIR LOWELL** – I don't know that answer. We can address that after your
14 time if up if you'd like.

15
16 **SPEAKER RANDEL PARCELL** – Yeah, that's a big deal. We have no
17 problems at this time with Wi-Fi, cellphone connections, nothing. So once the
18 tower goes in, if we start having problems, what are our recourses?

19
20 **CHAIR LOWELL** – Well we'll ask the Applicant.

21
22 **SPEAKER RANDEL PARCELL** – And I have Verizon anyways, so that's it.
23 Thank you.

24
25 **CHAIR LOWELL** – Thank you very much. Do we have any questions or
26 comments before we ask the Applicant if they'd like to rebut? No? Would the
27 Applicant like to respond to what was just asked?

28
29 **APPLICANT JAMES ROGERS** – Okay, as I understand the question, will there
30 be any interference on the residents to the north on their existing cellphones or
31 Wi-Fi systems. Short answer is no. There will not be any interference. The FCC
32 is very specific on the frequencies that are divided out between the different
33 carriers and frankly the frequencies used by most cities and their public safety
34 systems (fire, police, etc.) so that there is not any interference. The only
35 interference we typically might be concerned about is where we are say putting
36 antennas themselves very close to each other, like we would on the tower, and
37 then we'd have interference between each other. That's why there has to be a
38 certain amount of either vertical or horizontal separation of the antennas but for
39 the residents surrounding, no, there will not be any interference on their devices
40 frankly unless there is something wrong with their device. And I'm glad to hear
41 that he is a Verizon customer because obviously his service will improve greatly.
42 And the thing that I just learned last week from an expert is his battery life will
43 extend because it's not having to work so hard. Phones work harder trying to get
44 a signal from a base station or tower a mile away. Being this close his battery,
45 you know, his phone will have no trouble picking up and he should find his
46 battery lasting longer and not heating up as much; all good things.

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

3
4 **COMMISSIONER VAN NATTA** – Before you sit down, Sir. I think the second
5 part of his question was, if there is a problem or they perceive a problem, who
6 would they contact?
7

8 **SPEAKER JAMES ROGERS** – Well I know on the facility there will be, and I
9 frankly now cannot remember if it's a condition of approval, it's a standard one of
10 a sign going on the fence with a phone number to contact regarding the facility.
11 So they can certainly do that. Probably, frankly the best way, is for them to
12 contact the City and the City will contact Verizon because we have to comply
13 with all the conditions of approval.
14

15 **CHAIR LOWELL** – Okay, thank you.

16
17 **COMMISSIONER VAN NATTA** – Thank you.
18

19 **CHAIR LOWELL** – You can probably call the Planning Department. Pretty
20 much any department you can just ask and they will direct you around. Let's just
21 give out Rick's cellphone.
22

23 **PLANNING OFFICIAL RICK SANDZIMIER** – So my response, the gentleman
24 was absolutely right. First, they can contact Verizon as their provider and see
25 what Verizon can do to kind of investigate it. If they contacted the City, the City
26 would only be in a facilitation position to kind of help them get numbers to reach
27 out to Verizon or to reach out to the FCC. But the City is not necessarily going to
28 be in a regulatory framework to actually correct that problem, but we can point
29 them in the right direction.
30

31 **CHAIR LOWELL** – Does that answer your question, Sir?
32

33 **SPEAKER RANDEL PARCELL** – Yeah.
34

35 **COMMISSIONER VAN NATTA** – I think he mentioned that there would be a
36 plaque on the fence that has a phone number of who to call.
37

38 **CHAIR LOWELL** – Well that's a question we haven't been asked before, so we
39 don't have a good answer. But we'll look into it for you.
40

41 **SPEAKER RANDEL PARCELL** – Is there a way I could get a response?
42

43 **COMMISSIONER VAN NATTA** – I don't know. Ask the Council.
44

45 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Chair, the issue that I see here
46 is that the City has no authority or jurisdiction over this particular issue. It would

1 be the FCC that would have exclusive regulation over interference and
2 frequencies that are used by these towers. So, if there were ever any concerns
3 or problems with that, the appropriate agency to contact would be the FCC in this
4 regard.

5
6 **CHAIR LOWELL** – There you go. Sorry we're not more helpful but that's the
7 path of least resistance I guess. With that said, do we have any questions or
8 comments before we ask for a motion?

9
10 **COMMISSIONER BARNES** – I have a question.

11
12 **CHAIR LOWELL** – Commissioner Barnes.

13
14 **COMMISSIONER BARNES** – Back to the multiuser aspect of it. Is that
15 something that the City can condition the facility to have, the ability at least to
16 other vendors? Or is that outside the City's purview?

17
18 **PLANNING OFFICIAL RICK SANDZIMIER** – Well our requirement is that we
19 can ask them to plan for a future co-location, but we can't compel them to co-
20 locate.

21
22 **COMMISSIONER BARNES** – Okay.

23
24 **PLANNING OFFICIAL RICK SANDZIMIER** – And, if I may, to the other
25 gentleman's question. If they want to contact the Planning Staff tomorrow, we
26 can reach out and find out if we can get a number from the FCC to give to them.
27 But, right now, I don't have a number for him. But I'd be happy to try and do
28 some research for that gentleman if you'd like. My name is Rick Sandzimier. I'm
29 the Planning Official. Thank you.

30
31 **CHAIR LOWELL** – Thank you. Any other questions before we motion? No?
32 Who would like to motion? Don't everybody jump up at once.

33
34 **COMMISSIONER VAN NATTA** – Okay. I move that the Planning Commission
35 approve Resolution 2016-02 and certify that the facility is exempt from CEQA
36 and approve the Conditional Use Permit as recommended by Staff.

37
38 **CHAIR LOWELL** – Perfect. Would anybody like to second?

39
40 **COMMISSIONER KORZEC** – I'll second.

41
42 **CHAIR LOWELL** – Perfect. Motion by Commissioner Van Natta and seconded
43 by Commissioner Korzec. Please cast your vote. We are waiting on
44 Commissioner Baker. Perfect. All votes are cast. The motion passes 7-0. Do
45 we have a Staff wrap-up on this item?
46

1
2 Opposed – 0
3

4
5 **Motion carries 7 – 0**
6

7
8 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes. This is an approval that is
9 appealable. If anybody is interested in appealing this particular action this
10 evening, they have 15 days to do so. They can file their appeal to the City
11 Council through the Community Development Director, and we will agendize it for
12 consideration by the City Council within 30 days.
13

14 **CHAIR LOWELL** – Thank you very much. Moving onto the next item on the
15 Agenda, which is we actually have two things. We have the update of the
16 Development Agreement and the hearing on the update?
17

18 **PLANNING OFFICIAL RICK SANDZIMIER** – We have an Annual Report and a
19 request for an extension of time. Julia Descoteaux, our Associate Planner, is
20 going to give the Staff Report and go over those two items for you.
21

22 **CHAIR LOWELL** – Perfect, so the next item is Case P15-108. Like you said,
23 the Case Planner is Ms. Julia Descoteaux.
24

25
26 2. Case: P15-108
27
28 Applicant: Highland Fairview
29
30 Owner: Highland Fairview
31
32 Representative: Wayne Peterson
33
34 Location: South of Iris Avenue to Cactus Avenue
35
36 Case Planner: Julia Descoteaux
37
38 Council District: 3
39

40
41 **RECOMMENDED ACTION:**

42
43 **Recommendations:**

- 44
45 1. That the Planning Commission recommends that the City Council
46 accept the Aquabella Development Agreement Annual Report as

1 submitted by Highland Fairview finding that the property owner has
2 complied in good faith with the terms, obligations and conditions of the
3 Aquabella Development Agreement, and
4

- 5 2. That the Planning Commission recommends that the City Council
6 authorize the Mayor to sign the Extension of Term Agreement for the
7 Aquabella Development Agreement extending the term to January 12,
8 2021, as provided in Section 2.3.2 of the Development Agreement
9 adopted by Ordinance No. 704.
10

11
12 Proposal: EXTENSION OF TERM FOR THE AQUABELLA
13 DEVELOPMENT AGREEMENT FOR FIVE YEARS AS
14 PROVIDED FOR IN THE AGREEMENT AND THE ANNUAL
15 REVIEW OF THE AGREEMENT.
16

17
18 **ALTERNATIVES**
19

- 20 1. That the Planning Commission recommends that the City Council accept the
21 Aquabella Development Agreement Annual Report as submitted by Highland
22 Fairview finding that the property owner has complied in good faith with the
23 terms, obligations and conditions of the Aquabella Development Agreement,
24 and **(Staff recommendation)**.
25 2. That the Planning Commission recommends that the City Council authorizes
26 the Mayor to sign the Extension of Term (Attachment 1) Agreement for the
27 Aquabella Development Agreement to approve a five year extension of the
28 Development Agreement extending the term to January 12, 2021, as provided
29 for in Section 2.3.2 of the Development Agreement adopted by Ordinance No.
30 704 **(Staff recommendation)**.
31
32 3. That the Planning Commission recommends that the City Council reject the
33 Annual Report based on evidence that the developer is in default **(Staff does**
34 **not recommend this alternative)**.
35
36 4. That the Planning Commission recommends that the City Council reject the
37 request for an Extension of Term of the Aquabella Development Agreement
38 **(Staff does not recommend this alternative)**.
39
40 5. That the Planning Commission recommends that the City Council modify the
41 request for an Extension of Term of the Aquabella Development Agreement
42 for a period of less than five (5) years **(Staff does not recommend this**
43 **alternative)**.
44
45
46

1 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Good evening Planning
2 Commissioners. Again, I'm Julia Descoteaux and the item before you this
3 evening is a request from the City Council that the Planning Commission review
4 the Extension of Term and the Annual Review for the Aquabella Development
5 Agreement. The item was put on the calendar for the January 5th City Council
6 Meeting. However, with mutual agreement with the developer (Highland
7 Fairview) and City Staff, it was pulled from consideration with an express from
8 the Council that the Planning Commission review and provide a recommendation
9 to them. The Extension of Term has been submitted again by Highland Fairview
10 to request a five-year extension on the Aquabella Agreement. The original
11 agreement was established on January 12th, 2006, and was for a term of 10
12 years. The Agreement provides the opportunity for up to three 5-year
13 extensions. The extensions can be one year or up to five years. It can be
14 anywhere in between. The Applicant was required to submit in writing the
15 request. And they stated that, while there are some indications of improving
16 economic conditions that should have a positive effect on the housing, there is
17 not yet enough strength in the market during the last several years to support the
18 project as it was originally proposed. The developer was also required, per the
19 agreement to the reasonable satisfaction of the City Engineer, offer for dedication
20 a portion of the public infrastructure set forth in Exhibit B of the attachment of the
21 agreement, which required that certain infrastructure be completed between Iris
22 north to Cactus. To date, all of those items have been completed, except for two.
23 One of them is a left turn lane at Fir and Nason and the other is a signal at
24 Delphinium and La Salle. The other improvements were done completed by the
25 City of Moreno Valley based on funding sources from Measure A monies, grant
26 monies, and several development impact funds. Additionally, the two remaining
27 improvements currently are not warranted due to the lack of physical
28 development on the site. The Annual Review provides that the Applicant
29 demonstrate good faith in compliance with the terms of the agreement. We did
30 receive, again, a letter from Highland Fairview requesting the Annual Review and
31 the City did accept that. The agreement provides that certain elements of the
32 agreement have to be in place prior to something else. For example, the
33 construction of the certain number of dwelling units has to be done before the
34 clubhouse and different facilities are in. To date, there has been no development
35 on the site. Currently, one-half of the project has been mass graded and the
36 erosion control and site stabilization features are in place. However, the grading
37 operation has ceased as of December 2007, and the developer has surrendered
38 the Mass Grading Permit. And, again, the City Council has asked that you
39 review the information and provide a recommendation to them as to whether you
40 feel that the intent of the agreement has been met and whether you would
41 recommend the five-year extension or anything up to that. This concludes my
42 presentation and Staff is here to answer any questions for you. Thank you.

43
44 **CHAIR LOWELL** – Thank you very much.
45

1 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may, I think Julia was pretty
2 thorough in there. I just wanted to make it really clear on the record that the
3 extension of the term is a provision that’s already allowed for in the Development
4 Agreement itself. So there’s no modification happening to the Development
5 Agreement, and there is no request in this at all to modify the actual underlying
6 Specific Plan. So it’s simply, what I would call, an administrative action again as
7 an advisory body to the City Council. The City Council is within their rights and
8 the Staff working with the City Council and the Applicant believes that this is a
9 prudent approach to bring it to the Planning Commission. And, if you have any
10 thoughts, we’ll take those thoughts to the City Council. But it’s really more of an
11 administrative review of the document at this point for you.

12
13 **CHAIR LOWELL** – Thank you. Do we have any questions of Staff before we
14 invite the Applicant up? No? Okay, I would like to invite the Applicant up if they
15 would like.

16
17 **APPLICANT IDDO BENZEEVI** – Good evening Commissioners, Iddo Benzeevi
18 presidency of Highland Fairview. There’s not much to add to the Staff Report. I
19 think they exactly expressed what the conditions are. Since 2007/2008, we all
20 experienced the big economic recession. Some call it the depression. We
21 started with mass grading. We’ve done a lot of work, about \$9 or \$10 million of
22 work on the site. And, when the economy sort of came to a standstill, so did we
23 and we’re waiting for better economic times. We have a plan that’s approved.
24 Nothing has really changed. We’re not currently changing anything and neither
25 did Staff recommend that we change anything. Some of those improvements
26 that have been articulated that have been done have been done some by the
27 City, some by the County, some by the MWD, Edison and so forth, and we as
28 well contributed several million dollars toward that effort; approximately about \$8
29 million. At this time, we’re simply asking for a continuation of the exact same
30 plan with no modification. We are waiting for better economic times so we can
31 continue with development. I’d be happy to answer any questions.

32
33 **CHAIR LOWELL** – Thank you very much. Do we have any questions for the
34 Applicant? No? Thank you very much. I do have a question for Staff real quick.
35 We had the Annual Report. Is there going to be a presentation or just with the
36 documents that were already provided?

37
38 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – It’s just with the documents
39 provided.

40
41 **CHAIR LOWELL** – Just double checking. I’m assuming we have some Public
42 Comment Speakers on this?

43
44 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – We do.

45
46 **CHAIR LOWELL** – Perfect. Could we invite them up one at a time?

1
2 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – Yes. First one is Rafael
3 Brugueras.

4
5 **SPEAKER RAFAEL BRUGUERAS** – Good evening again Commissioners,
6 Staff.....

7
8 **CHAIR LOWELL** – Before you start, I have to officially open the Public
9 Comments portion.

10
11 **SPEAKER RAFAEL BRUGUERAS** – Okay.

12
13 **CHAIR LOWELL** – There we go.

14
15 **SPEAKER RAFAEL BRUGUERAS** – Good evening Commissioners, Staff,
16 residents, guests: Once again, my name is Rafael Brugueras. I've been a
17 resident of Moreno Valley for 22 years, and I lost my house in 2009. I had to give
18 it up. I made a choice. I freaked out my wife. I really did. It broke her heart to
19 lose our home, but I had to do what I had to do. Okay? Highland Fairview could
20 have done the same. They could have gave up on us. They could have sold the
21 land. He would never have pitched in his \$8 million to help to City with some
22 improvements, so he's asking you for a favor. Or all of us are asking you for a
23 favor, for an extension. I wish they would've given me an extension for five years
24 to help with my house, but I obey the law. I gave it up. I moved on. I'm glad.
25 Really, I am glad that I had to give up the house because it would have probably
26 given me a stressful job. But, what I'm saying is, Highland Fairview never gave
27 up on the City. They never gave up on the land because the land did provide the
28 City revenue. He does pay his taxes on time. He does help the community
29 when it was down. Now things are improving. Hopefully next year when the
30 elections are over things will get better for the country because now we'll be
31 focused on four straight years of what is going to happen. So, as a resident and
32 part of the Moreno Job Coalition, you know sometimes it takes a little while to get
33 things done but they do get done. I hope when everything gets done and it
34 comes together, like I said in the beginning of my comments because of you
35 guys that bring jobs and approve good jobs in our City, we'll have more residents
36 living in our City contributing and hopefully the market will open up that way he
37 can build homes for them to live in as we are fighting now for fair housing and
38 other projects. Together we'll make this City one. I like two because we always
39 fight for one because we can always improve to be one. By being two, there's a
40 song that *One is a Lonely Number*. I know a lot of you guys know it if you were
41 born in the 60s or 70s, that nice little song there. But it's true. We've done very
42 well in the last couple of years because of you, the Staff, and the residents
43 fighting for Moreno Valley. I hope that Highland Fairview will get their approval
44 so we can continue to have hope for our City. Thank you.

45
46 **CHAIR LOWELL** – Thank you very much.

1
2 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – Next one is Tom Jerele, Sr.

3
4 **SPEAKER TOM JERELE, SR.** – Before I start my time if I can make a quick
5 recommendation. Much like the City Council, they always call several speakers
6 so that the other speakers know who they are and they can kind of get in line. It
7 might help them with the meeting a little bit better. I'll give you a minute if there
8 are other speakers that you want to stage.

9
10 **CHAIR LOWELL** – Thank you, Tom. Go ahead. You can go ahead Tom, if you
11 want.

12
13 **SPEAKER TOM JERELE, SR.** – Thank you. Tom Jerele again speaking on
14 behalf of myself and definitely on behalf of the Sundance Center where I spent a
15 little bit of time day to day. Chair Lowell, Vice Chair Sims, Commissioners,
16 members of the Staff and public: I support the extension of time for this project
17 and I would any major project. It has nothing to do with who the developer is. It
18 has to do with just basic common sense. It doesn't take a rocket scientist to
19 know we've been in a long-term projected downturn. I listen to a lot of talk radio
20 and not always just the politics stuff. I listen to as much business stuff as I can. I
21 just heard a good show about the possibility of negative interest rates. You
22 know, that's really got a major economic impact if we hit that. I don't know if we
23 will, but still the fact that we can even conceive that is something. That would
24 mean you put your money in the bank and they are going to charge you to keep
25 it. No more even 1%, so you'll pay for the privilege and what ramifications it
26 could have on the economy. So, you know, we're in a different kind of economy.
27 I just heard a good report where the actual unemployment rate is actually 22% in
28 this country because the government has changed the way they do it. I went to
29 an economic conference with Professor Adibi who is from....Commissioner
30 Lowell and number one rated in the country, even over at UCLA. If you look at
31 this recovery, if you will, it's anemic compared to others. So, you know, I think
32 it's just a common sense thing to extend this or any major project that's hanging
33 in there. And I want to commend Highland Fairview. I think it's amazing they've
34 had the staying power to last this long. I mean a lot of you work in the
35 development industry, and I don't know too many people who could weather the
36 storm and still be here paying their bills and ready to start up again when the
37 economy comes back. So it would be a blessing in any community, much less
38 ours. It's a basic project and I was out of town when it came up for hearing many
39 years ago. I apologize to the developers because I owed them that support. I
40 give it now and it's belated, but nevertheless it's an incredible project. It would
41 be a great thing for the City. I said, and I speak on behalf of the center, we have
42 a little shopping center on Sunnymead Boulevard. Our rates today, our rental
43 rates, are about half what they were in 1987. That's a bad barometer for the
44 City, so an interjection of good quality housing in the City is a good thing, as well
45 as we need jobs and other factors. But I support the extension of time. Thank
46 you.

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CHAIR LOWELL – Next speaker please.

ADMINISTRATIVE ASSISTANT ERICA TADEO – I don't have anymore Speaker Slips.

CHAIR LOWELL – Okay. Anybody waiting to speak? Alright, with that, I will close the Public Comments portion. Would the Applicant like to respond to any of the comments they heard?

APPLICANT IDDO BENZEEVI – No.

CHAIR LOWELL – Alright, any Commissioner Comments or Questions? I don't see anybody chomping at the bit.

COMMISSIONER VAN NATTA – Yeah.

CHAIR LOWELL – Go for it. Commissioner Van Natta.

COMMISSIONER VAN NATTA – Just a couple of thoughts come to mind. Being in the real estate industry myself, I saw how strongly people were affected by the downturn in residential housing and the number of people who lost their homes because the values dropped and they lost their jobs and various different reasons and it is starting to come back. We're starting to see builders come in and get approvals and to start building but at a very slow rate compared to what we've seen before. We're seeing just a small number compared to back in the 2004 to 2006 range, but we are seeing an upturn. This type of a project is thriving in other areas. In the Banning-Beaumont area, they are building homes in retirements communities like this and they are very well received in there. They are great projects, and so I look forward to something like that happening here. And hopefully it will not be five years from now and we're looking at another extension. Hopefully the market will pick up enough to where we can have that big vacant piece of land there converted into something very nice that will be supported in the community.

CHAIR LOWELL – Thank you Commissioner Van Natta. I have one question for Staff. Could you clarify the extension terms? I know that the original agreement went into effect January 12th, 2006, for 10 years, which means January 12th, 2016. That date has since passed. Could you just clarify that, if we grant the five-year extension, is it from today? Is it from January 12th? Just a little clarification would be appreciated.

ASSOCIATE PLANNER JULIA DESCOTEAUX – The five-year extension would be from January 12th.

1 **CHAIR LOWELL** – So the new expiration, if it was a five-year extension, would
2 be January 12th, 2021. Perfect, thank you. Questions? We have Commissioner
3 Sims waiting to speak.

4
5 **VICE CHAIR SIMS** – This is just a comment. I support the extension for five
6 years. I think it's a good project. I think 27 additional residents of an upscale
7 senior-type would be of benefit to the City. I think it's a low pressure, a low
8 expense to the City to have the additional this type of use for the property and I
9 think it dovetails well with the medical in the area. I think there's good synergy
10 there, and I think long-term it's a great benefit to the City.

11
12 **CHAIR LOWELL** – Any other questions or comments before I ask for a motion?
13 No? Would anybody like to make a motion? I'll motion. I motion that the
14 Planning Commission recommends that the City Council accept the Aquabella
15 Development Agreement Annual Report as submitted by Highland Fairview
16 finding that the property owner has complied in good faith with the terms,
17 obligations, and conditions of the Aquabella Development Agreement and that
18 the Planning Commission recommend that the City Council authorize the mayor
19 to sign the Extension Term (Attachment 1) Agreement for the Aquabella
20 Development Agreement to approve a five-year extension of the Development
21 Agreement extending the term until January 12th, 2021, as provided in Section
22 2.3.2 of the Development Agreement adopted by Ordinance No. 704.

23
24 **COMMISSIONER VAN NATTA** – I second.

25
26 **CHAIR LOWELL** – Perfect. Please cast your votes. Commissioner Baker. No,
27 that's the TV screen. Push the button one more time. There you go. Perfect,
28 last call for votes; three, two, one. The motion passes 7-0. Do we have a Staff
29 wrap-up on this item?

30
31
32 Opposed – 0

33
34
35 **Motion carries 7 – 0**

36
37
38 **PLANNING OFFICIAL RICK SANDZIMIER** – This item will be going to the City
39 Council. There is no appeal option since the City Council will be the final
40 deciding body.

41
42
43 **STAFF COMMENTS**

44
45 **CHAIR LOWELL** – Do we have any Staff Comments?
46

1 **PLANNING OFFICIAL RICK SANDZIMIER** – Just in general?
2

3 **CHAIR LOWELL** – On the Agenda.
4

5 **PLANNING OFFICIAL RICK SANDZIMIER** – I do want to report that we have
6 had some good successes lately in terms of the types of projects that are coming
7 through but also the types of programs. Tonight Mike Lee, our Economic
8 Development Director, and Allen Brock, our Community Development Director,
9 are off at an Inland Empire Economic Partnership Presentation where three
10 projects in Moreno Valley were nominated for awards. One was the World
11 Logistics Center. One was the Karma new car factory and the other one was the
12 Hire MoVal Program, so we're getting some good recognition through some of
13 the regional bodies and I think that's always a good sign. Thank you.
14

15 **CHAIR LOWELL** – I'm still waiting for the Karma factory to open up. I'm hoping
16 they'll give us Moreno Valley residents a discount on their cars.
17

18 **COMMISSIONER VAN NATTA** – You're just hoping they'll give you a test drive.
19

20 **CHAIR LOWELL** – Exactly, just a test drive is all I'm asking for.
21

22 **PLANNING OFFICIAL RICK SANDZIMIER** – I actually had an opportunity today
23 to actually go over to the shop, which is under construction. They've got a lot of
24 activity going on there. They've done some pretty wonderful things inside the
25 building to kind of get it ready for the type of car that they are actually building.
26 They are doing some test welding on some of the cars. You see the bodies kind
27 of come into shape, but there is nothing being produced. They are just starting to
28 train and test and get everything inside and it looks pretty good.
29

30 **PLANNING COMMISSIONER COMMENTS** 31

32
33 **CHAIR LOWELL** – Yeah, I'm excited for that project. It's a pretty awesome
34 project. Do we have any Planning Commissioner Comments? No? Okay.
35

36 **ADJOURNMENT** 37

38
39 **CHAIR LOWELL** – With that, I'd like to adjourn tonight's meeting to our next
40 Regular-Scheduled Meeting of the Planning Commission on March 24th, 2016, at
41 7:00 PM right here in the City Council Chambers. Thank you very much and
42 have a good night.
43

1 **NEXT MEETING**

2 *Next Meeting: Planning Commission Regular Meeting, March 24th, 2016 at 7:00*
3 *PM, City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street,*
4 *Moreno Valley, CA 92553.*

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17 Richard J. Sandzimier
18 Planning Official
19 Approved
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32 Brian R. Lowell
33 Chair
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_____ Date