

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

5 **Thursday, May 12th, 2016, 7:00 PM**

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8 **CALL TO ORDER**
9

10 **CHAIR LOWELL** – Good evening ladies and gentlemen. I would like to call to
11 order the Regular Meeting of the Planning Commission. Today is May 12th,
12 2016. The time is 7:05 PM. Could we have rollcall please?
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16 **ROLL CALL**
17

18 Commissioners Present:

19 Commissioner Ramirez
20 Commissioner Korzec
21 Commissioner Barnes
22 Vice Chair Sims
23 Chair Lowell
24 Alternate Commissioner Nickel
25 Alternate Commissioner Gonzalez
26

27 Staff Present:

28 Rick Sandzimier, Planning Official
29 Paul Early, Assistant City Attorney
30 Erica Tadeo, Administrative Assistant
31 Jeff Bradshaw, Associate Planner
32 Michael Lloyd, Traffic Engineer
33 Ahmad Ansari, Public Works Director/City Engineer
34 Josh Frohman, Associate Engineer
35 Quang Nguyen, Senior Engineer
36

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38
39 **PLEDGE OF ALLEGIANCE**
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42 **CHAIR LOWELL** – I am also here. Because we have two excused absences,
43 Commissioner Van Natta and Commissioner Baker, we're letting the alternates
44 Commissioner Nickel and Commissioner Gonzalez sit in for them today. So, with

1 that said, I would like to ask Commissioner Gonzalez to lead us in the Pledge of
2 Allegiance tonight.

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6 **APPROVAL OF THE AGENDA**

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8 **Approval of Agenda**

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11 **CHAIR LOWELL** – Thank you very much. Would anybody like to make a
12 motion to approve tonight’s Agenda? Let’s see if we can do it. The vote thing
13 is.....

14
15 **VICE CHAIR SIMS** – I’ll make that motion to approve the Agenda.

16
17 **CHAIR LOWELL** – Perfect. We have a motion by Vice Chair Sims. Do we have
18 a second?

19
20 **COMMISSIONER BARNES** – I’ll second.

21
22 **CHAIR LOWELL** – We have a second by Commissioner Barnes. All in favor,
23 say “I.”

24
25 **COMMISSIONER RAMIREZ** – I

26
27 **COMMISSIONER KORZEC** – I

28
29 **COMMISSIONER BARNES** – I

30
31 **VICE CHAIR SIMS** – I

32
33 **CHAIR LOWELL** – I

34
35 **ALTERNATE COMMISSIONER NICKEL** – I

36
37 **ALTERNATE COMMISSIONER GONZALEZ** – I

38
39 **CHAIR LOWELL** – All opposed say “neigh.” The motion carries 7 – 0. Moving
40 on.

41
42
43 Opposed – 0

1 **Motion carries 7 – 0**

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3
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5 **CONSENT CALENDAR**

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

11
12
13 **CHAIR LOWELL** – The next item is the Consent Calendar, which I do not
14 believe we have any items on the Consent Calendar.

15
16 **PLANNING OFFICIAL RICK SANDZIMIER** – None.

17
18
19
20 **APPROVAL OF MINUTES**

21
22 **None**

23
24
25 **CHAIR LOWELL** – Approval of Minutes. We don't have any Minutes to approve
26 to night?

27
28 **PLANNING OFFICIAL RICK SANDZIMIER** – We do not.

29
30
31
32 **PUBLIC COMMENTS PROCEDURE**

33
34 *Any person wishing to address the Commission on any matter, either under*
35 *Public Comments section of the Agenda or scheduled items or public hearings,*
36 *must fill out a "Request to Speak" form available at the door. The completed*
37 *form must be submitted to the Secretary prior to the Agenda item being called by*
38 *the Chairperson. In speaking to the Commission, member of the public may be*
39 *limited to three minutes per person, except for the applicant for entitlement. The*
40 *Commission may establish an overall time limit for comments on a particular*
41 *Agenda item. Members of the public must direct their questions to the*
42 *Chairperson of the Commission and not to other members of the Commission,*
43 *the applicant, the Staff, or the audience. Upon request, this Agenda will be made*
44 *available in appropriate alternative formats to persons with disabilities in*
45 *compliance with the Americans with Disabilities Act of 1990. Any person with a*
46 *disability who requires a modification or accommodation in order to participate in*

1 a meeting should direct their request to Guy Pagan, our ADA Coordinator, at
2 (951) 413-3120 at least 48 hours prior to the meeting. The 48-hour notification
3 will enable the City to make reasonable arrangements to ensure accessibility to
4 this meeting.

5
6
7 **CHAIR LOWELL** – Which keeps moving us down the line to the Public
8 Comments. With that said, we would be moving on unless we have any
9 Comment/Speaker Slips.

10
11 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – We do not.

12
13 **CHAIR LOWELL** – Perfect. So I was hoping to ask the Commission up here if
14 we want to reorganize tonight’s meeting. We have a Non-Public Hearing Item,
15 which is a fairly routine Fiscal Year Report by Staff. But we also have a Public
16 Hearing Item, which is a fairly lengthy item, which is Case No. 2 (Tentative Tract
17 Map and Master Plot Plan). But I would like to reorder them. Does anybody
18 have any opinions or thoughts about reordering the Public Hearing Item to be No.
19 1 and hearing Staff’s report second, or should we just plow through the Staff’s
20 report first?

21
22 **COMMISSIONER RAMIREZ** – No opinion.

23
24 **COMMISSIONER KORZEC** – No opinion.

25
26 **COMMISSIONER BARNES** – No opinion.

27
28 **VICE CHAIR SIMS** – No opinion.

29
30 **ALTERNATE COMMISSIONER NICKEL** – It’s your call.

31
32 **ALTERNATE COMMISSIONER GONZALEZ** – No opinion.

33
34 **CHAIR LOWELL** – Wow. Okay, with that said, I would like to move the Public
35 Hearing Item given the last couple meetings we’ve had some members of the
36 audience suggest that we move Public Hearing Items first to ease their wait. So,
37 with that said, I would like to move to Public Hearing Item, which is Item No. 2
38 (Case No. PA15-0047 Tentative Parcel Map; PA15-0048 Master Plot Plan;
39 PA15-0049 Conditional Use Permit; PA15-0050 Plot Plan; PA15-0051
40 Conditional Use Permit; PA16-0012 also a Plot Plan). The Applicant is Day and
41 Eucalyptus, LLC. The Case Planner is Mr. Jeff Bradshaw.

1 **PUBLIC HEARING ITEMS**

- 2
- 3 1. Case: PA15-0047 - Tentative Parcel Map 37058
4 PA15-0048 - Master Plot Plan
5 PA15-0049 - Conditional Use Permit – 112 room hotel
6 PA15-0050 - Plot Plan – 104 room hotel
7 PA15-0051 - Conditional Use Permit – service station
8 PA16-0012 Plot Plan – multiple tenant retail building

9

10 Applicant: Day and Eucalyptus, LLC

11

12 Owner: Jeff Troesh

13

14 Representative: MPA Architects, Inc.

15

16 Location: Northeast corner of Day Street and Eucalyptus
17 Avenue

18

19 Case Planner: Jeff Bradshaw

20

21 Council District: 5

22

23 Proposal: The Quarter Project proposes to subdivide 8.54 acres
24 into six parcels for development of two hotels, a
25 service station with convenience store, a multiple
26 tenant retail building, and future development of a fast
27 food restaurant with drive-through and a retail
28 building.

29

30

31 **STAFF RECOMMENDATION:**

32

33

34 Staff recommends that the Planning Commission **ADOPT** a Mitigated Negative
35 Declaration pursuant to the California Environmental Quality Act (CEQA)
36 Guidelines, for the project applications PA15-0047, PA15-0048, PA15-0050,
37 PA15-0051, and PA16-0012 as described in the following resolutions and:

- 38
- 39 1. **APPROVE** Resolution No. 2016-09 and thereby **APPROVE** Tentative
40 Parcel Map 37058 (PA15-0047), subject to the attached conditions of
41 approval included as Exhibit A to Resolution 2016-09.
42
- 43 2. **APPROVE** Resolution No. 2016-10 and thereby **APPROVE** Master Plot
44 Plan PA15-0048, subject to the attached conditions of approval included
45 as Exhibit A to Resolution 2016-10.
46

- 1 3. **APPROVE** Resolution No. 2016-11 and thereby **APPROVE** Conditional
2 Use Permit PA15-0049, subject to the attached conditions of approval
3 included as Exhibit A to Resolution 2016-11.
4
- 5 4. **APPROVE** Resolution No. 2016-12 and thereby **APPROVE** Plot Plan
6 PA15-0050, subject to the attached conditions of approval included as
7 Exhibit A to Resolution 2016-12.
8
- 9 5. **APPROVE** Resolution No. 2016-13 and thereby **APPROVE** Conditional
10 Use Permit PA15-0051, subject to the attached conditions of approval
11 included as Exhibit A to Resolution 2016-13.
12
- 13 6. **APPROVE** Resolution No. 2016-14 and thereby **APPROVE** Plot Plan
14 PA16-0012, subject to the attached conditions of approval included as
15 Exhibit A to Resolution 2016-14.
16

17
18 **PLANNING OFFICIAL RICK SANDZIMIER** – Before Jeff gives his presentation,
19 I would just like to introduce Jeff as the Case Planner who will be giving the
20 presentation. However, I want to point out that we also have our Economic
21 Development Director here this evening, Mike Lee. We also have our Public
22 Works Director, Ahmad. And so it is a very important project to the City, so we're
23 ready to answer any questions the Commission will have tonight.
24

25 **CHAIR LOWELL** – Perfect.
26

27 **ASSOCIATE PLANNER JEFF BRADSHAW** – Thank you. Chair and Members
28 of the Planning Commission: There are quite a few applications connected here,
29 but I will do my best to present this to you in concise a way as possible. This
30 project has been identified by the developer as the Quarter Project. It includes
31 the six applications that were described by the Chair, and it proposes
32 development of a Master Plan Commercial Center to be located on eight-and-a-
33 half acres at the northeast corner of Day Street and Eucalyptus. By way of
34 background, the project site is zoned Community Commercial. The site is
35 currently vacant and was disturbed through past use as a concrete batch plant,
36 which began operating there at the site at least as early as 1978. The batch
37 plant ceased operations in 2014, and the owner worked to clear the site and
38 prepare it for some future use. The project currently is mostly leveled to rolling to
39 some slopes where there's some grade differences between the existing streets,
40 and the site is currently graded. The other thing to note with the project site in its
41 current state is the existing telecommunications facility that is located on the
42 project. That is a facility that includes two equipment shelters and a 77-foot-tall
43 tower. The facility continues to operate at this location even with the batch plant
44 having moved on under a long-term lease agreement. There is currently an
45 application on file with the City to modify that tower for one of the co-location
46 tenants. One of the telecommunication operators is there. Staff's working with

1 both the property owner and the cell tower operator to address esthetics and
2 possibly see an improvement in the design of that facility. Surrounding uses are
3 compatible with the project that is being proposed to you this evening. This
4 project site is bounded by the Towngate Specific Plan on the north, east, and
5 south sides. To the west, is Office Zoning within in the City of Riverside. The
6 Edgemont Elementary School is located within about 750 feet of the project site
7 to the west of Eucalyptus Avenue, and the site has ready access to both State
8 Highway 60 and Interstate 215. The applications include a Tentative Parcel Map
9 (Tentative Map 37058), which proposes to subdivide the eight-and-a-half acres of
10 the site into six parcels for commercial development. The map has been
11 conditioned to record uses both for shared access and shared parking, and Staff
12 has reviewed the map for consistency with the Community Commercial Zone
13 with Subdivision Map Act in the City's Land Development Section of the
14 Municipal Code and is consistent in all respects with those requirements. The
15 second application presented to you this evening is a Master Plot Plan
16 Application, and that would propose development of a commercial nature on
17 each of the six parcels. Parcel one is proposed to be developed with a 6049
18 square foot restaurant building with drive through. Parcel two is proposed as a
19 multi-tenant building that could include both retail or restaurant uses of 6300
20 square feet. Parcel three on the corner will be developed with a service station
21 and a related retail building for both convenient store and a restaurant. Parcel
22 four is proposed to be developed with another retail building. Parcel five is a
23 hotel site, and parcel six is a hotel site as well. The intent of the Master Plot Plan
24 was to allow for a comprehensive review of the design and layout of that center
25 so that each of these six separate pieces can function together. And so the
26 Master Plot Plan was the vehicle to make sure that the parking would work for all
27 those uses, that the access was appropriate, that the drive aisle is landscaped,
28 and the designs of the buildings are all compatible with one another and so that
29 would be the intent of the Master Plot Plan to establish standards for landscape
30 and color materials for the buildings in the future development that would take
31 place there. The next application is a Conditional Use Permit proposed for
32 development of the hotel on parcel six, and that proposes a four-story hotel of
33 85,162 square feet with 112 rooms or suites. In this case, each of the suites
34 would include a kitchen. And our Municipal Code requires the approval of the
35 Conditional Use Permit in those instances where more than 20% of the rooms
36 would include a kitchen. And, in this case, all the suites would include a sink, a
37 refrigerator, a stove, and a microwave and that was the only need for the
38 Conditional Use Permit. Without the number of kitchens proposed, this would
39 have been a Plot Plan. Amenities at this hotel include a swimming pool, outdoor
40 patio, exercise room, guest room, and meeting room. The adjacent parcel five is
41 also a hotel, and this Plot Plan proposes a four-story hotel with 50,902 square
42 feet with 104 guest rooms. The amenities here are comparable. They include a
43 swimming pool, lounge, fitness center, guest laundry, business center, meeting
44 room, and breakfast room. And the intent of these individual applications was to
45 allow Staff to review the architecture and the specific use proposed and how they
46 relate that to the Master Plot Plan in terms of shared parking and access, both for

1 vehicles and for pedestrians. The next application is Conditional Use Permit
2 PA15-0051, and that proposed the development of a service station with the
3 related convenient store with alcohol sales and a fast-food restaurant and that
4 would be on parcel three. Because of the location of this parcel across the street
5 from residential, it's within 300 feet of existing apartments and single-family
6 homes, which required the Conditional Use Permit at this location for the service
7 station use. The CUP was also required for the sale of alcohol in the convenient
8 store, and again that's because of the proximity to the residential uses across the
9 street. The Resolutions that are attached to the Staff Report, I think, are an
10 important reference. They always are. But I just wanted to point out, especially
11 for both of the Conditional Use Permits, that the findings have been made in
12 those Resolutions in support of the first CUP that I presented to you for the hotel.
13 And, again, the findings for the service station in the appropriate Resolution in
14 support of that use at that location. Plot Plan PA16-0012 proposes development
15 of a 6300 square foot multi-tenant building on parcel two. And development of
16 parcels one and four are referenced on the Master Plot Plan with regards to the
17 building footprint. But, at this time, the Applicant has chosen to wait to present
18 architecture and so those would be.....development on parcels one and four
19 would occur in the future and would require separate applications that would be
20 submitted to Staff for review of the architecture for both sites, and those would be
21 reviewed for consistency with the Master Plot Plan and the standards that would
22 be established if that project is approved this evening. Another aspect or
23 importance of the Master Plot Planning was the opportunity to look again at the
24 compatibility of those uses within the center and how they would be mutually
25 beneficial, and so the Traffic Study that was prepared for the project also
26 included a Shared Parking Analysis. And so the Master Plot Plan includes
27 analysis of that shared parking concept, and approval of the Master Plot Plan
28 would rely on the Planning Commission's recognition of that as an integral part of
29 the approval of the project. Again, the Traffic Study presented some analysis on
30 that idea of shared parking with the conclusion that peak-hour traffic would be
31 less than required parking under the City's Municipal Code for that combination
32 of uses. And, based on the analysis and the findings from that report, Staff
33 would recommend acceptance of that concept and approval of that shared
34 parking for this facility and findings have been made in support of that as well
35 within in the Resolution prepared for the Master Plot Plan. An initial study was
36 prepared for this project to examine potential impacts to the environment. There
37 were a number of technical studies prepared for this project. Again, a Traffic
38 Study was prepared for this project to be....the only areas that were identified as
39 having potential impacts were through the cumulative analysis, and those were
40 referenced in the Staff Report and mitigation has been proposed to reduce those
41 impacts to less than significant. So there is a Mitigation Monitoring Program
42 proposed for this project with the specific mitigation to address what was
43 identified as potential impacts at intersections at Day Street and Bay Avenue,
44 Day Street and Alessandro, and Day Street and Canyon Springs Parkway.
45 Additionally, as we prepared the initial study, we looked at the categories of air
46 quality, biological resources, noise, cultural resources. And, while the analysis

1 did not suggest that this project would result in any impacts under any of those
2 categories, Staff still felt that it was important to include mitigation measures not
3 for the purpose of reducing an impact but for purposes of being able to track
4 significant milestones in the project and whether they were mitigation specific to
5 the construction process or mitigation specific to the operation of the facility.
6 Staff felt it was important to highlight those or document them even though those
7 mitigation measures are a matter of routine in satisfying either City or State
8 requirements. Notification for this project was published in the newspaper
9 beginning in April notifying the public of the availability of the Mitigated Negative
10 Declaration. That occurred 20 days before this evenings hearing. A notice of the
11 availability of that document was also provided to the City of Riverside as a
12 trustee agency. Notice was also sent to all property owners of record within 300
13 feet of the project, and the site was posted. And the City didn't receive any
14 phone calls in response to that notice from the City of Riverside. I did receive
15 one phone call from WinCo who wanted to better understand what was being
16 proposed at the corner. And, just by way of reference, we did hear from some of
17 the other agencies and utilities that we coordinate with. And the City has taken
18 their comments into consideration and, where appropriate, we've applied
19 Conditions of Approval to address any of the comments raised by the utilities or
20 these other agencies. An important part of this process also was making sure
21 that the City was in compliance with State Assembly Bill 52, and the City met
22 those requirements by providing notice to the Native American Tribal Groups that
23 requested participation in that process and we're able to document complete
24 consultation with all those tribal groups. With that, Staff would recommend
25 adoption of the Mitigated Negative Declaration as presented to you this evening,
26 as well as approval of the project. That concludes my report, and if there are any
27 questions, I'd be happy to answer those for you.

28
29 **CHAIR LOWELL** – Thank you, Jeff. Any questions for Staff before I move onto
30 the Applicant? I don't see any hands going up.

31
32 **ALTERNATE COMMISSIONER NICKEL** – I was going to wait until after.

33
34 **CHAIR LOWELL** – Okay.

35
36 **VICE CHAIR SIMS** – I have a question. So, just for clarity on the parking
37 requirement, does the Municipal Code look at the parking requirement when you
38 have these multiple, this Master Plan approach? It looks at each project
39 individually and that's how you got to the 353? And then when you do the
40 analysis for shared parking with this kind of facility, that's how you come down
41 that it supports a peak analysis at 271?

42
43 **ASSOCIATE PLANNER JEFF BRADSHAW** – That's correct.

44
45 **VICE CHAIR SIMS** – Okay. So it doesn't really require a Variance or anything
46 as long as.....

1
2 **ASSOCIATE PLANNER JEFF BRADSHAW** – There’s not a requirement for a
3 Variance. Our Parking Section in the Municipal Code allows for this approach of
4 shared parking. But it does require the preparation of the Shared Parking
5 Analysis by a registered traffic engineer, and there’s some real specific criteria
6 that goes into the qualifications of who prepares the report, as well as specific
7 items that need to be included in that analysis. And so it is a matter of checking
8 their report against those requirements in that section of the code. And then that
9 section goes onto State that findings need to be made in support of this idea of
10 shared parking, and those findings are included in the Resolution for the Master
11 Plot Plan. And so there’s a set of findings there that’s a little bit different than
12 what we presented to you for other projects maybe and that’s how we would
13 satisfy that section without needing a Variance.
14

15 **CHAIR LOWELL** – I have two questions for Staff. I know we were talking about
16 a Conditional Use Permit for the sale of alcohol near residential buildings, those
17 within 300 feet. How does that go into effect with the Eucalyptus Elementary
18 School or the elementary school off of Day? No, off of Eucalyptus. I was right.
19

20 **ASSOCIATE PLANNER JEFF BRADSHAW** – As the project moves forward, if
21 approved from construction to occupancy, they will need to coordinate with the
22 State Agency for Alcohol (ABC). I apologize. I don’t recall what the acronym is.
23

24 **CHAIR LOWELL** – It’s okay.
25

26 **ASSOCIATE PLANNER JEFF BRADSHAW** – They’ll meet according with the
27 State on whether or not the license can be issued. Part of that process will be
28 coming to the City and working with our police department on concentration and
29 the issuance of a letter of convenience if that’s appropriate at this location.
30

31 **CHAIR LOWELL** – Is there any question where the location of the gas station
32 and the restaurant might be too close to the school where it might be an issue
33 later on down the line, or is that setback far enough that it shouldn’t be an issue?
34

35 **ASSOCIATE PLANNER JEFF BRADSHAW** – They satisfy all the design
36 requirements required for this type of use and with this zone. The school district
37 was also notified of the project and they were aware that from the beginning
38 stage when the project was first submitted to us, as well as being notified again
39 once the project was scheduled for tonight’s hearing. And so there’s been an
40 opportunity to coordinate with them and make sure they understood what was
41 being presented to you this evening for approval. Thank you.
42

43 **PLANNING OFFICIAL RICK SANDZIMIER** – I think with regard to your
44 question regarding the alcohol beverage control licensing, the City does not
45 regulate the Alcohol Beverage Control License itself. That’s at the State level. If
46 the criteria for issuing that license requires consideration of the proximity to

1 schools, that would be done by that agency. It's not done by the City. If there's
2 an overconcentration of alcohol vendors or alcohol licenses in the area then it's
3 deemed an Over-Concentrated Census Tract, and then that's when our sheriff
4 department would be asked to render a determination on if it's public
5 convenience and necessity for issuance of a license. There's no requirement
6 that the Public Safety Department make that recommendation. There's
7 provisions within the regulations at the State that, if the police department does
8 not make that determination, they have to wait a 90-day period and then the
9 Alcohol Beverage Licensing Board themselves makes the final decision.

10
11 **CHAIR LOWELL** – Okay.

12
13 **PLANNING OFFICIAL RICK SANDZIMIER** – So that's a whole separate
14 process, and it's not regulated by Title 9 of our Municipal Code.

15
16 **CHAIR LOWELL** – Okay and then a followup question, or a different question. I
17 know we just recently approved a project just further west on Eucalyptus. It was
18 a condo and apartment complex, and that was part of Box Springs Water District.
19 This project is fairly close, and it says it's Eastern Municipal Water District. Is
20 that accurate? It is Eastern?

21
22 **ASSOCIATE PLANNER JEFF BRADSHAW** – That's correct.

23
24 **CHAIR LOWELL** – So there's enough water? I know Eastern has got a pretty
25 big infrastructure.

26
27 **ASSOCIATE PLANNER JEFF BRADSHAW** – Yes.

28
29 **CHAIR LOWELL** – Okay, that was it. Thank you. Any other questions for Staff
30 before we move onto the Applicant? Nope? Okay. At this time, I'd like to invite
31 the Applicant up.

32
33 **APPLICANT BARRY FOSTER**– Good evening.

34
35 **CHAIR LOWELL** – Good evening.

36
37 **APPLICANT BARRY FOSTER** – My name is Barry Foster, and I'm part of the
38 Development Team with the Applicant Day and Eucalyptus, LLC. I know a few of
39 you from when I worked for the City of Moreno Valley. I worked for eight years
40 for the City. I actually helped relocate Robertson's to the new location on old
41 215, and I always thought that this was a key corner that really is kind of that
42 missing piece with the Towngate area and that would be a good opportunity. I
43 worked with the Troesh family who actually owns the property. They are the
44 previous owners of Robertson's Ready Mix.

45
46 **CHAIR LOWELL** – Could you pull the microphone a little closer?

1
2 **APPLICANT BARRY FOSTER** – Sure. Sorry about that. The Troesh family
3 sold Robertson’s to Mitsubishi, so their not involved in that company anymore but
4 they still own the property. And the challenge that we really had was looking at
5 this property, and the frontage along Day and Eucalyptus is pretty easy to use.
6 It’s what do you do with the property in back? There’s a lot of depth there. If you
7 look at that trade area, almost all the major anchor retail users are already there
8 either on Frederick or on Day in Moreno Valley or they are across the street in
9 Riverside. So you’ve got just kind of a whole turmoil in the retail business now
10 with bankruptcies and store closings and all that. So a lot of the footprints are
11 changing, and so we didn’t think it laid out to be kind of a typical shopping center.
12 So we really went to work to try to figure out what was the highest and best use
13 for that rear property, and what we came upon was two hotels back there. And
14 we think that really makes the most sense in a market perspective and from an
15 economic consideration and really from a land use consideration. Another
16 challenge we had was finding the right development team, and we looked at a
17 couple of folks and finally ended up going with Cody Small and Brent Ogden who
18 are working along with me on the retail and kind of the overall Master Plan for the
19 project. And then Jordan Scott with Glacier House Hotels out of Arizona who has
20 extensive hotel background in terms of developing hotels but, more importantly,
21 operating hotels. So he will be the franchisee of this company for both the
22 hotels. And then we also have the land owner. The land owner didn’t want to
23 sell the property, so they will be a joint venture partner in the project too. So a
24 little bit of different ploy was there in trying to work it all together in a Master Plan
25 environment. Together our Development Team brings over 130 years of
26 development experience for this project, so this is not the first project that any of
27 this group has done and so we’re very experienced at doing these kinds of
28 projects. Again, the development is really its market relevant for this location and
29 this trade area. The Development Plan that we came up with, and Jeff talked
30 about, is two hotels with a total of 116 rooms. And then we’ve got the four pads.
31 On the hard corner, there is a convenience store with a fuel station. It’s a new
32 concept called Beyond. The owner of that concept used to be the largest
33 franchisee for ARCO in the State of California. He has now started to do
34 Beyond. He has about 15 of them opened, and he’s got about another 15 that
35 he’s working with. This location will have Chevron as the fuel, and the Beyond
36 will also include a Fat Burger restaurant location too. They’ll be built into it as
37 part of the convenience store. And then there’s two more pads on Day Street.
38 One would be a multi-tenant building with retail and restaurant uses and another
39 one would have both retail and restaurant uses (multi-tenant) but would also
40 include a drive-through. And then we have another pad on the Eucalyptus side
41 on the frontage that we’re really envisioning for healthcare related uses. We
42 think that fits. Their looking at doing a lot of healthcare and medical uses across
43 the street in Riverside, and we just think that that’s a nice coordination with the
44 site. Both hotels are recognizable flags, and we haven’t really announced them
45 but we’re going to tonight. One is a Residence Inn by Marriott. That’s the 112
46 room. And then the other one, the 104 room, is a Holiday Inn Express. You

1 know, if you look at hotels and Jordan and his team do a lot of them, really
2 there's three different hotel chains that are doing hotels. It's IHG, which does the
3 Holiday Inn Express. It's Marriott and it's Hilton, so we have two of those brands.
4 And we think it fits really nicely with Ayres and Hampton, and there's a lot of
5 upside and opportunity there. We also have...and then the ground lease with
6 Beyond is executed and both the hotels are fully approved and executed too.
7 We have marketing discussions going on with a lot of different users for the pads.
8 Gaining approval tonight is important. We've got a lot of meetings set up for in
9 two weeks in Las Vegas for the big shopping center conference with potential
10 users that we're talking to already. Timing is extremely important to get these
11 two hotels. We had to commit to some very aggressive timeframes. They were
12 looking at locations across Day Street in Riverside. And so meeting those
13 expectations in terms with timing is very, very important for this project. We've
14 worked very closely with City Staff to produce a workable Site Plan that would
15 work with perspective users in the marketplace. But we also wanted to have
16 some nice architecture and design, and we want it to be a center. So, if you look
17 at color palates and materials and all of that, it really is integrated in terms of the
18 whole center. You know, this is not a small project. It's, you know, eight-and-a-
19 half acres. Ground-up development is still a little bit challenging now in Southern
20 California. As we've gotten through the recession, things have gotten a little bit
21 better. Total investment for the project is \$38 million. Employment is projected
22 to be 150 to 170 people in all the various projects and that doesn't include
23 construction. The project will produce a lot of revenue for the City. We're
24 estimating in year one \$510,000 annually in TOT revenue/bed tax revenue. By
25 year three when the project is stabilized, it's projected to increase to \$170,000
26 annually. Sales tax in year one, we're projecting \$200,000 annually, and by year
27 three we're projecting it to rise to \$125,000. So, collectively, the entire project is
28 about \$750,000 annually in new revenue to the City. That isn't even taking into
29 consideration property tax. I think it's a nice economic driver for that area and for
30 the City. Again, we think the project is market relevant, and it's the right project
31 for this location and for Moreno Valley. We really want to thank all the Staff who
32 have worked with us on this project. They have been fantastic to work with. I
33 have had the opportunity to work with a lot of them before and some of them I
34 didn't have the opportunity to work with them, but they really have helped us
35 meet our time expectations and make this a really nice project. You know, from
36 Mike Lee to Allen Brock to Rick Sandzimier to Michael Lloyd, Jeff Bradshaw,
37 Ahmad Ansari, Eric Lewis, Guy Pagan, and Michelle Patterson, we used a lot of
38 people to make this a really, really nice project. And we appreciate the effort and
39 cooperation that we've gotten from City Staff. We've got a lot of our people here
40 tonight to talk, and if you have any questions of them, they are more than willing
41 to do that. We've got Cody Small here and Jordan Scott here whose doing the
42 hotel. We have two architects. We actually have one architect here, Mike
43 Porter. Plus, we have our civil engineer too. And so they are happy, if you have
44 any questions, to kind of drill down on some of the issues and questions you
45 might have. I just want to comment one more point too about the ABC. Every
46 restaurant that had beer and wine or alcohol in Towngate has had that same

1 issue with an overconcentration. There's never been a challenge. You know, we
2 think it's far enough away from the school and from any residential and so we'll
3 work to make that work out. And we don't see any kind of issue what that in the
4 future. So, with that, I'm happy to answer any questions or any of the team is
5 too.

6
7 **CHAIR LOWELL** – Thank you very much. Does anybody have any questions
8 for the Applicant?

9
10 **ALTERNATE COMMISSIONER GONZALEZ** – I do.

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

13
14 **ALTERNATE COMMISSIONER GONZALEZ** – Hi Barry. Can you give us your
15 take on the hotel industry as far as if there's a need for more, for example,
16 Holiday Inn's? I know there's Ayres. There's Hampton Inn. Is there a need in
17 Moreno Valley or in the greater Moreno Valley/Riverside area for more hotels? If
18 you could elaborate on that. What type of market analysis was conducted and
19 why hotels are an important component of this project and this location?

20
21 **APPLICANT BARRY FOSTER** – Sure. I do work in a lot of cities. I currently do
22 work in about 16 cities in Southern California or actually a couple up in the Bay
23 Area too, and hotels are very much in an upswing right now. And it's not the
24 upper scale hotels. It's the mid price limited service like these. And really it's the
25 IHG, which is Holiday Inn. It's Marriott and a number of the products that they
26 have and it's Hilton. Those are the aggressive players. And so when they are
27 looking at a potential site, and Marriott has been looking at this area for a long
28 time, they were looking at it when I was here and very interested in looking for
29 more locations here. Their franchisee goes through a process where he's doing
30 the due diligence with Marriott or IHG. He has to get their approval, and so
31 there's a lot of studies and analysis that goes into that. But, ultimately, it's his
32 money. It's not Marriott's money or IHG's money. It's their investment. So,
33 again, the Residence Inn is about \$17.5 million and the Holiday Inn is about
34 \$14.5 million. And so they put a lot of equity into building those hotels, and so
35 they really do their due diligence to figure out where they want to be. And so,
36 when we brought them out here and gave them a tour of the trade area, they
37 were really impressed with looking at the access to UCR and looking at the
38 access to all the new business logistics and everything else that's gone into the
39 East End of Moreno Valley and also the South End. And so those folks, when
40 they are coming out to visit Amazon, they are not staying in Perris. They are
41 staying in the Towngate area. Why? Because they've got all those amenities
42 there with all the restaurants. That's why the location is the location. It's
43 because of everything that's been built up on that area. So there's a lot that goes
44 into it but you know in California right now and especially in Southern California
45 hotel development is very much on an upswing and very much in demand.

46

1 **ALTERNATE COMMISSIONER GONZALEZ** – Thank you.

2
3 **CHAIR LOWELL** – Thank you very much. Commissioner Barnes.

4
5 **COMMISSIONER BARNES** – You mentioned that the gas station at the corner
6 is going to be a Beyond and that's a fairly new enterprise?

7
8 **APPLICANT BARRY FOSTER** – Yes.

9
10 **COMMISSIONER BARNES** – Are all the others Chevron and Fat Burger
11 combinations?

12
13 **APPLICANT BARRY FOSTER** – They have a couple of Fat Burgers. The
14 person that has the Beyond concept, the owner, he is a franchisee for Fat
15 Burger. I think he's done two or three of them in California, so Fat Burger is kind
16 of coming back into California. They slowed down for a while. He has the ability
17 to do Chevron or ARGO or a number of different types of gas. But, the Beyond
18 concept, there's one if you want to take a look at it. Probably the closest one is
19 in Riverside. It's by La Sierra University. It's more of a upper end convenience
20 store. It's very automated. They have a \$45,000 machine that's about this wide
21 and about this tall, and it produces 10 different kinds of coffee drinks. It costs
22 \$45,000 and everyone of those goes into one of their stores, and so it's a very
23 high tech kind of upper end convenience store. And the operator has years and
24 years and years of experience in that business.

25
26 **COMMISSIONER BARNES** – Okay. Where I was really going, I noticed that it
27 has a fast food restaurant in it but there's no drive through.

28
29 **APPLICANT BARRY FOSTER** – There's no drive through there. Fat Burger
30 doesn't use a drive through concept.

31
32 **COMMISSIONER BARNES** – Okay.

33
34 **APPLICANT BARRY FOSTER** – Well, we'll have one drive through, and it will
35 be one of the other pads.

36
37 **COMMISSIONER BARNES** – Right.

38
39 **APPLICANT BARRY FOSTER** – And we're talking to a couple of users. We
40 would have liked to probably had another drive through but logistically it didn't
41 work and so we're just going with one.

42
43 **COMMISSIONER BARNES** – Because parcels three and four are kind of
44 isolated from the main drive and they share a relatively small amount of parking
45 and I was just curious as to.....I mean, obviously the developer is happy with the

1 arrangement. But it seems like that corner might have some usage issues with
2 traffic and....

3
4 **APPLICANT BARRY FOSTER** – It’s a little tight and so we tried to make it the
5 best it can, but there is a lot of parking that’s behind the hotel there too that it’s all
6 shared parking.

7
8 **COMMISSIONER BARNES** – That’s a long hike for a Fat Burger. Okay.
9 Thanks very much.

10
11 **APPLICANT BARRY FOSTER** – You’re welcome.

12
13 **CHAIR LOWELL** – Any other questions? No? Thank you very much.

14
15 **APPLICANT BARRY FOSTER** – Thank you.

16
17 **CHAIR LOWELL** – I know we reorganized things, so if anybody is looking to
18 speak on this item, please make sure you fill out a slip. I don’t see anybody
19 moving, so I’d like to open the Public Comments portion. It looks like we have
20 two speakers waiting. The first one up is Mr. Roy Bleckert. The second in line is
21 Mr. Rafael Brugueras.

22
23 **SPEAKER ROY BLECKERT** – I would just like to remind you that you should
24 look at, Staff/Planning Commission, should look at any of the Owner Participation
25 Agreements that may have been involved with these properties or any of the
26 others starting back in 2006 and make sure that everything is in compliance with
27 any city regulations, redevelopment oversight, boards have been in compliance
28 with that stated for the record. Looking at the development, I got alerted to this a
29 couple days ago through social media. People were alerting me to this. It was
30 on Moreno Valley Matters. Public concerns on this project, so this precipitated
31 some questions that I submitted to Rick Sandzimier across the board. So one of
32 the questions was what happens to the studio apartments? What precludes
33 somebody from signing a three-year lease to rent those buildings out? How
34 would that work? How is our City Codes? I found that there is, you know, maybe
35 some wiggle room tentative. I think in the future, even if you do pass this project,
36 that needs to be looked at so we tighten this up. Because, as Rick Sandzimier
37 said, well maybe this case was in a rare instance. I will remind you that, except
38 in rare instances, is a synonym for Moreno Valley. We’ve had a lot of these
39 cases. Our hotel row in the 90s, we built a lot of hotels and that you can see
40 some of the direction that’s went there hasn’t been the best facilitated. So we
41 should look at what’s going on. I recall driving by that project in Riverside that
42 Barry mentioned. I seemed to see a lot of vacant buildings in there. So
43 sometimes as we’re drawing these things up, they don’t work as their planned.
44 Stated that, I do like the economic development bringing into the City. That’s a
45 plus; net plus if things work out. It will be a great project moving forward if it
46 pencils out like that. But there are some challenges, some protections I think you

1 need to look at now and in the future so projects like studio apartments don't get
2 turned into low-income apartments in the future if these projects do not pan out
3 like they do. You know, things can change. The economic circumstances, we've
4 had base closings. There was a race track closing in the 80s. The base
5 closures in the 90s precipitated changing all around this area for that, so there's
6 things we have to look at in the planning process before and after and put in
7 regulations and protections for the public moving forward as we look at these
8 projects. It doesn't, you know, it's a tough decision sometimes for these to make.
9 You have to weigh the cost benefit versus the analysis of that, but that's my take
10 on this project.

11
12 **CHAIR LOWELL** – Thank you very much Roy. Mr. Rafael Brugueras.

13
14 **SPEAKER RAFAEL BRUGUERAS** – Good evening Commissioners, Staff,
15 residents, and our guests. I put down that I approve this project. I'll tell you why.
16 For many of us that live in the City of Moreno Valley know that corner,
17 Eucalyptus and Day Street, and we know when everybody is going to work they
18 head towards the 215. And we know there's a school right there and across the
19 street you have Edgemont, and this will be a great improvement for Edgemont.
20 Truly it will be. I mean, it would light up that corner real, real well. People will be
21 happy to cross the street to buy gas, eat a burger, shop. It'd be a wonderful,
22 wonderful additional improvement to the City of Moreno Valley. We'll finally see
23 trees, birds, and get rid of some of the ants that are on the corner. He mentioned
24 a lot of great things this developer, what it will bring. And you know that I'm a job
25 activist. I fight for jobs all the time, and he mentioned good numbers. And I was
26 sitting down thinking about my own numbers. He mentioned 100 to 150 people
27 working. Think about all the new businesses that will be there that maybe one
28 day there will be three or four employees contributing to the general fund. You
29 know our city is growing and every little bit that we put in our big egg basket does
30 well. We have a big project he mentioned on the east side coming after we get
31 rid of all of the lawsuits. Look at the South Side or the West Side now. As long
32 as we continue to add to the city, to the basket, we're going to be okay. Now, he
33 mentioned things about the hotel but a lot of people don't know that the GPA is
34 building the airport. It's going to be a commercial airport. We have Metrolink on
35 Cactus that's opening up this month. People are going to come visit Moreno
36 Valley finally and they do want a nice place to stay. He mentioned two great
37 names that I would stay if I needed to stay and be safe and have a clean room.
38 Think about those jobs. This project is going to enhance that corner. But, most
39 of all, it's going to do something for Edgemont. We are never going to forget
40 Edgemont/Moreno because we incorporate it all into one big city to one
41 wonderful city called Moreno Valley. So we're going to fight, and I'm going to
42 continue to fight for jobs for men and women like them to come to our city, to
43 invest in our city, and have their own money and we the people don't have to
44 bring any money out of our pockets because their willing to put all their money in
45 our basket for the greater good of Moreno Valley.

46

1 **CHAIR LOWELL** – Thank you, Sir. Do we have anymore Speaker Slips?

2
3 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – No we do not.

4
5 **CHAIR LOWELL** – Perfect. With that, I'd like to close the Public Comments
6 portion. Would the Applicant like to respond to anything they've heard so far?

7
8 **APPLICANT BARRY FOSTER** – No.

9
10 **CHAIR LOWELL** – No? Thank you very much. Any questions or comments
11 from the Planning Commissioners? Anybody raising their hands? Alright,
12 Commissioner Ramirez.

13
14 **COMMISSIONER RAMIREZ** – I think this is a great project. It's in a great
15 location. If we don't do it, guess what, Riverside is going do it on the West End.
16 This is an improvement to Edgemont. The demand for hotels is obviously there.
17 It's going to create a lot of jobs. It's going to have a great economic impact on
18 our community, and I'm ready to vote for this project.

19
20 **CHAIR LOWELL** – Any other questions or comments? Awesome.
21 Commissioner Nickels.

22
23 **ALTERNATE COMMISSIONER NICKEL** – I had a couple questions for Staff. Is
24 there any reason why the City Master Plan Bikeway wasn't referenced
25 throughout any of the information in the project? It's.....just curious.

26
27 **TRAFFIC ENGINEER MICHAEL LLOYD** – I'm not following the question in
28 terms of referenced how?

29
30 **ALTERNATE COMMISSIONER NICKEL** – In regards to circulation and
31 alternate loads of transportation. It's.....

32
33 **TRAFFIC ENGINEER MICHAEL LLOYD** – The Traffic Study did provide some
34 oversight or some analysis in terms of alternative modes of travel, which
35 obviously includes the installation of sidewalk along Eucalyptus and Day. So that
36 would fill missing gaps, which would provide people the opportunity to walk both
37 along Eucalyptus and Day where currently they don't have that option. In terms
38 of bicycle facilities, I apologize, I don't have the Bike Plan in front of me so I don't
39 recall off the top of my head what is planned for Day Street.

40
41 **ALTERNATE COMMISSIONER NICKEL** – Class 2.

42
43 **TRAFFIC ENGINEER MICHAEL LLOYD** – Class 2, okay. So it wouldn't make
44 sense to have this project put in about 600 feet of Class 2 by itself. So it's part of
45 the Master Plan to go ahead and install those Class 2's, and once these

1 improvements are in place, then the City would be in a position to go ahead and
2 stripe them throughout the entire corridor.

3
4 **ALTERNATE COMMISSIONER NICKEL** – Off the top of your head, can you
5 give me a reference point about the location of this center to the Aqueduct
6 Bikeway that the City is going for grant money for?

7
8 **TRAFFIC ENGINEER MICHAEL LLOYD** – Sure. Well the grant monies that
9 we're pursuing are, to my knowledge, along the Southern portion of the trail so
10 it's closer to Lake Perris. As you're probably familiar, over at Arbor Park is
11 approximately where the northern terminus of the trail is, which is approximately
12 one-quarter of a mile away. So the sidewalks along this project frontage would
13 provide that connectivity from this project site to the trail, and there are a fair
14 amount of improvements already in place along the northern portion of the trail.

15
16 **ALTERNATE COMMISSIONER NICKEL** – And I had one other question. Is
17 there any reason why charging stations weren't considered for the hotel for
18 electric cars?

19
20 **TRAFFIC ENGINEER MICHAEL LLOYD** – I would have to defer to other Staff
21 to comment on that or possibly the Applicant.

22
23 **PLANNING OFFICIAL RICK SANDZIMIER** – The Applicant did not propose any
24 sort of electric charging stations, and there is no requirement in our Code to
25 obligate them to put one in. As far as a consideration, if the Commission is
26 inclined to want to talk about this topic, we'd be happy to talk to you about it. But
27 there is no requirement for them to put them in. I mean, that's why we didn't
28 require that.

29
30 **CHAIR LOWELL** – On the City side of things, there's no requirement. But
31 doesn't Cal Green require it?

32
33 **APPLICANT BARRY FOSTER** – Yes.

34
35 **CHAIR LOWELL** – California Green Building Code.

36
37 **APPLICANT BARRY FOSTER** – We have, just to help Rick out, we have.....I
38 think we have 20 that are associated with the hotel (charging stations).

39
40 **CHAIR LOWELL** – Charging stations? Because it just says fuel efficient vehicle
41 parking and that's just painted. It's not an actual charging station. So what
42 Commissioner Nickel's was asking is have you guys considered installing actual
43 charging stations? And if I'm not mistaken, Cal Green if you have a certain
44 number of parking stalls, you have to install.

1 **APPLICANT BARRY FOSTER** – All I know is when we worked with Staff we
2 met all the Cal Green requirements, so whatever we were required to do is built
3 into the plan.

4
5 **CHAIR LOWELL** – Okay.

6
7 **ALTERNATE COMMISSIONER NICKEL** – I’m not against the project. I just
8 want us to get.....

9
10 **PLANNING OFFICIAL RICK SANDZIMIER** – I fully appreciate the question. I’m
11 going to try and do a little bit of research here while you guys continue your
12 dialogue.

13
14 **ALTERNATE COMMISSIONER NICKEL** – Okay.

15
16 **PLANNING OFFICIAL RICK SANDZIMIER** – We are not aware of it, on the
17 Staff, that was a requirement. But, if there is one, we’ll look into it right now.

18
19 **CHAIR LOWELL** – Okay. Now one of the questions I did have for Staff, one of
20 the public speakers (Mr. Roy Bleckert) asked a very good question. What is the
21 City stance on long-term tenants. What is the longest time that you can stay at a
22 Residence Inn? I know those are long-term rentals, more than one or two nights,
23 more than a week. If somebody lost their home or had a fire and wanted to stay
24 there for three months or eight months, is that an issue?

25
26 **PLANNING OFFICIAL RICK SANDZIMIER** – The long-term stay at a hotel is an
27 anomaly from the research that we’ve done here in Moreno Valley. We have no
28 requirements in our Municipal Code that would restrict them to 30 days or less,
29 but there is a distinction by the California Department of Consumer Affairs in
30 terms of transient. The definition of transient is somebody who stays in a place
31 less than 30 consecutive days. Consecutive days in a hotel is defined by not
32 only staying in the hotel but also making regular payments, so you have to pay
33 for your stay without any sort of a gap. In a hotel, if you miss a payment and
34 then get up to speed two days later, that is considered a gap and so you’re
35 considered as a guest at the hotel up until the 30th day. After that, they do
36 establish tenancy or residency and what that does is it removes the requirement
37 for that resident or tenant to pay that Transient Occupancy Tax. Again, it’s an
38 anomaly. So your question, is there reasons why somebody would stay or
39 maybe an interest for someone to stay, you’re absolutely right. Somebody who
40 has a flood in their home, somebody whose house burns down, somebody
41 who.....

42
43 **CHAIR LOWELL** – Is displaced for any number of reasons.....

44
45 **PLANNING OFFICIAL RICK SANDZIMIER** – Is displaced for whatever reason,
46 they may need a place to stay and they may try and make an arrangement with

1 the hotel in the same city that they live in or somewhere close and that might be
2 a reason why they take up a longer term residency. Another issue could be
3 we're close to the base, so somebody who might be on a military assignment
4 who doesn't have housing on the base might come here and want to take a
5 longer occupancy within a hotel that's nearby. There's different provisions within
6 the federal government that they may not have to pay the Transient Occupancy
7 Tax anyways because of their federal relationship. Other things could be a
8 construction crew that is coming out to build a new warehouse or a new hotel
9 and they believe that phase of construction is going to be more efficient if their
10 construction crew is here and they make a decision to try and occupy a hotel.
11 Again, those are anomalies. We don't believe those to be regular and so we did
12 explore the question that Mr. Bleckert raised to try and be prepared for this
13 tonight. So I think we have vetted it, and there's no reason that we've come
14 across to put a condition in place to kind of protect against this. But we're not
15 precluded from addressing this issue at some later time should it turn out to
16 become an issue at the site. Say one of the hotels does, as Mr. Bleckert
17 indicated, become challenged or wants to try and reinvent themselves. We could
18 address it at that time, but it's a commercially zoned property. It wouldn't be
19 residentially owned, so we'd have a lot of other issues we'd have to go through in
20 an entitlement process to address that.

21
22 **CHAIR LOWELL** – Perfect. Yeah, I wasn't really concerned. But I just wanted
23 to hear an answer for Mr. Bleckert's question, so thank you very much. Second
24 thing is charging stations, and I would like an answer at some point in time on
25 that tonight. That would be kind of neat if we could come up with the idea of
26 charging stations. Third was Day Street. I know Day Street, if you head a little
27 bit further south past Eucalyptus, the speed limit goes from 45 down to 35 down
28 to 25. And, as you approach Frederick, it speeds back up again. Is there any
29 long-term solution? I know that's a neighborhood, and those houses front on
30 Day Street. But long-term down the line, what's the ultimate goal should those
31 tenants or residents decide to sell their home or some sort of long-term fix for
32 both the resident side of things where there is going to be more traffic but also
33 from the commuter standpoint where you have a speed trap sort of because I
34 know there's a lot of police motorcycles that sit there looking to give out speeding
35 tickets?

36
37 **TRAFFIC ENGINEER MICHAEL LLOYD** – My understanding of the placement
38 of the 25 mile per hour speed limit was a combination of two things. You
39 mentioned the first, the residences fronting the roadway. The second is related
40 to the designed speed for the roadway. When it was done as a capital project to
41 widen the roadway out to two lanes, we had some great challenges through that
42 area to fit within the footprint of our right-of-way and not have to go through an
43 eminent domain process and have relocations of residences. We try to stay
44 within that footprint, so given the design speed that we have on the roadway, it's
45 conducive for a 25 mile per hour posted speed limit. So is that the long-term
46 solution? No. The roadway, per our General Plan, is long-term planned for four

1 lanes. So, at some point in time, the roadway would be widened and it would
2 need to meet an arterial design speed. So at that time whenever that occurs,
3 that widening occurs, that's most likely when the speed limits would be adjusted.

4
5 **CHAIR LOWELL** – So if and when this project comes to fruition and the
6 residents are experiencing even more traffic and even more speeding vehicles,
7 what would a temporary solution be? Just more strict enforcement? Is there
8 some other speed bump issue or stop signs or something we could do to help?

9
10 **TRAFFIC ENGINEER MICHAEL LLOYD** – It would certainly...it's an ongoing,
11 our Traffic Engineering Division monitors it. It's an ongoing observation. We
12 observe what's going on out there. I think, if you recall, there is what we call the
13 feedback. You know, the radar feedback signs that indicate your speed so at
14 least there is some warning provided. If there is additional traffic control through
15 signing, certainly that is an option. And, as you mentioned, enforcement always
16 helps.

17
18 **CHAIR LOWELL** – Okay. Thank you very much. Any other questions for Staff
19 or the Applicant before I make a motion? I don't see anybody's hands going up.
20 Would anybody like to make a motion tonight?

21
22 **PLANNING OFFICIAL RICK SANDZIMIER** – Before we make the motion....

23
24 **CHAIR LOWELL** – Yes, Sir.

25
26 **PLANNING OFFICIAL RICK SANDZIMIER** – We're almost close to getting you
27 the answer on the Cal Green question. From what we've been able to locate so
28 far, it appears that this would be a consideration during the building plan check
29 review process because that's when we confirm our Building Code compliance
30 and Cal Green requirements. From what we can tell here, it looks like a project
31 may be required to put in infrastructure for or leading up to, but I'm not sure that
32 the actual electric vehicle charging station has to be in place with the project. But
33 we can't confirm yet, but there may be some requirements to put it in for a future
34 application. So we're not going to miss that opportunity because their still going
35 to have to comply with the building plan check requirements.

36
37 **CHAIR LOWELL** – Correct. I, for whatever reason, this was actually an issue
38 on one of my projects that I was working on last week where Cal Green became
39 an item. Well I was working on a small parking lot that had 20 parking spaces,
40 and they were trying to get us to do the same thing by installing the conduits and
41 infrastructure without actually installing the charging station. And, if I remember,
42 it was something like the threshold was 200 parking stalls or more; something
43 along that line where you would have to actually install the infrastructure. So this
44 would be a project that would have to qualify for that, so okay thank you very
45 much. Any other questions?

1 **COMMISSIONER BARNES** – No.

2
3 **CHAIR LOWELL** – I'd like to entertain a motion on this project. Let's go to vote.
4 If you'd like to make a motion, please click the button and then state your motion.

5
6 **ALTERNATE COMMISSIONER GONZALEZ** – I second the motion.

7
8 **CHAIR LOWELL** – No. You actually have to read the motion right there.

9
10 **ALTERNATE COMMISSIONER GONZALEZ** – Okay.

11
12 **CHAIR LOWELL** – And I don't believe we actually have to read all the items.
13 We can just say....

14
15 **ASSISTANT CITY ATTORNEY PAUL EARLY** – No. If you just want to make a
16 motion to approve, to adopt the Mitigated Negative Declaration and approve the
17 Resolutions that are set forth in the Staff Report that would be sufficient
18 (assuming that's your motion).

19
20 **ALTERNATE COMMISSIONER GONZALEZ** – Okay wonderful. I'd like to
21 motion that the Planning Commission **ADOPT** the Mitigated Negative Declaration
22 pursuant to the California Environmental Quality Act (CEQA Guidelines) for the
23 project applications PA15-0047, PA-15-0048, PA15-0050, PA15-0051, and
24 PA16-0012 as described in the Resolution.

25
26 **ASSISTANT CITY ATTORNEY PAUL EARLY** – And would you further want to
27 approve Resolutions 2016-09 through 2016-14?

28
29 **ALTERNATE COMMISSIONER GONZALEZ** – Yes. And **APPROVE** Resolution
30 No. 2016-09.

31
32 **ASSISTANT CITY ATTORNEY PAUL EARLY** – You don't need to read them
33 all. You can just state Resolution Nos. 9 through 14 if you want to.

34
35 **ALTERNATE COMMISSIONER GONZALEZ** – And **APPROVE** Resolution Nos.
36 2016-09 through 2016-14.

37
38 **CHAIR LOWELL** – Perfect and we have a second by Commissioner Gonzalez.

39
40 **ALTERNATE COMMISSIONER GONZALEZ** – I second that.

41
42 **CHAIR LOWELL** – Perfect. Please cast your vote. All votes have been cast.
43 The motion passes 7-0. Do we have a Staff wrap-up on this item?

44
45
46 Opposed – 0

1
2
3 **Motion carries 7 – 0**
4
5

6 **PLANNING OFFICIAL RICK SANDZIMIER** – We do. With regard to PA15-
7 0047, which is a Tentative Parcel Map, this is an action you've taken that is
8 appealable. If any interested party is interested in appealing that particular
9 application, they have 10 days to file their application to the City Council through
10 the Community Development Director. If an appeal is filed, we would schedule it
11 for a hearing within 30 days. With regard to the other applications, which are the
12 Master Plot Plan, the Conditional Use Permit, the Plot Plan for the 104 room
13 hotel, the Conditional Use Permit for the service station, and the Plot Plan for the
14 multi-tenant retail building, those are all also appealable. But their appeal period
15 is 15 days from the date of this action. If any interested party is interested in
16 filing that appeal, they would also file an appeal to the City Council through the
17 Community Development Director. And, if we receive an appeal, we will
18 schedule it for a hearing before the City Council within 30 days. That's the wrap-
19 up on the applications. But, while I have the microphone, I'd also like to just take
20 a second. Mr. Foster was very gracious in complimenting my Staff, but I want to
21 compliment the entire City Staff on the work that was done on this particular
22 project. This is a very important project for the City. As you can see, it brings in
23 a lot of value. Our Economic Development Director, Mike Lee is here this
24 evening, as well as our Public Works Director as I mentioned earlier. There's a
25 commitment to this project that has been shown throughout. When the project
26 was first submitted, it was submitted right around the holidays so between
27 December 25th and January 1st and we jumped on it right away after the first of
28 the year. And we made a commitment to the developer that we would try and
29 have this approved, a project with this many pieces, within nine months. As of
30 tonight, we are less than five months from that application date. And that's not
31 an easy thing to do. We had very good work from not only our Public Works
32 Staff but our Fire Department Staff whose here this evening, our Land
33 Development Team, our Special Districts Team, the Traffic, my Staff. Jeff
34 Bradshaw has done an outstanding job. And just this evening, just to show you
35 our responsiveness to try and get you an answer on the Cal Green, I want to
36 compliment Chris Ormsby who was able to look that up for us this evening. So
37 that's the kind of attention we've given to this project, and it's the kind of attention
38 we've been giving to multiple projects over the last year. It's a reputation we'd
39 like to have out there in the community for those that are listening to us. Some of
40 the speakers that come up are acknowledging the effort that we're putting, and
41 really it does help the City shine and our business friendliness and our
42 entitlement process. And, while it's not always easy, we think that we're trying to
43 get good results so thank you for that time.
44

45 **CHAIR LOWELL** – I really applaud the City's efforts also. Having worked
46 firsthand with the City on the various projects and seeing this project come

1 before us tonight, this project looks very well organized, very well put together. It
2 doesn't look like there's any I's that weren't dotted or T's that weren't crossed.
3 The project looks thorough from a design standpoint. From an occupant
4 standpoint, this project is going to be a very big shining star on the City, so I
5 really commend you guys. I was also trying to figure out what this land was
6 going to be like. When I was four years old, I remember standing on the
7 aggregate pile at Robertson's Ready Mix watching the race from the cheap
8 seats. And, when the racetrack went away, I was like man I can't go watch
9 anymore. And then Robertson's moved, and it was like part of my heart just kind
10 of broke. And now seeing Robertson's move down the street with this nice new
11 concrete batch plant and now this project coming to life, I mean I'm extremely
12 happy. This is a great addition to the City, so I applaud everybody. Okay, now
13 that we're moving kind of out of order. We're going to backtrack a little bit to the
14 Non-Public Hearing Items, which is a Staff Report on the Fiscal Year 2016-2017,
15 and my thing just moved, proposed Capital Improvement Plan conformance with
16 the General Plan. The representative tonight is our Public Works Department.

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

- 20
21 2. Find that the Fiscal Year 16/17 Proposed Capital Improvement Plan is in
22 Conformance with the City's General Plan.

23
24 Case: PAXX-XXXX – Fiscal Year 2016-2017 Proposed
25 Capital Improvement Plan conformance with the
26 General Plan

27
28 Applicant: City of Moreno Valley

29
30 Representative: Public Works Department (Jeff Bradshaw)

31
32 Location: Various locations throughout the City of Moreno
33 Valley

34
35
36
37 **STAFF RECOMMENDATION**

38
39 Staff recommends that the Planning Commission make a finding that the Fiscal
40 Year 2016-2017 Proposed CIP is in conformance with the City of Moreno
41 Valley's General Plan.

42
43
44 **PUBLIC WORKS DIRECTOR/CITY ENGINEER AHMAD ANSARI** – Good
45 evening Mr. Chair, Vice Chair and Members of the Commission. As all of you
46 are aware, a Capital Improvement Program is a budget document, is a funding

1 strategy, and a planning tool for those projects that happen in and around the
2 City and our City projects and every year the City Staff Public Works Capital
3 Projects Division provides an update to that document; any changes, any new
4 funding, any new projects and then we bring it before this body (Planning
5 Commission) at about this time. And, usually in June, we take it to the City
6 Council for adoption and final approval. So the document before you, as the
7 Staff Report indicates, is a thick document. I'm sure you recall from the previous
8 years, there are different types of projects that are included in there from streets
9 and interchanges and utilities and buildings and bridges and whatnot to storm
10 drainage, and each of those projects are divided into three groups. Whether we
11 have full funding for those projects, we call them fully funded. Then there are
12 some projects that we have partial funding. You know, perhaps for design and
13 then construction is awaiting for funding, so we call those partially funded. And
14 then we also have a list of unfunded projects. You know, basically it's our wish
15 list. We are planning for the future. We are actively pursuing various funding
16 mechanisms to make those projects whole as well. So the Capital Improvement
17 Program is a five-year plan. However, as I indicated before, each year the
18 update of the CIP with all the project details and the funding is brought forward
19 for approval. One thing that I do like to mention is that the CIP in itself is not a
20 project, so it's exempt from any environmental because each of those projects
21 have to go through their own environmental process. you know, whether it's
22 through Cal Trans or Federal. In your Staff Report, you will see a chart at the
23 end that gives you a very high level summary of different categories of work. We
24 report to the Commission the amount of funding that is carried over to the
25 upcoming fiscal year and then it shows for the next five years, which goes all the
26 way to planning for the fiscal year 2021 and beyond. So, with that, before I
27 conclude my Staff Report I would like to thank the Capital Improvement Division
28 Staff. Specifically, Linda Wilson, Josh Frohman, and Quang Nguyen. All those
29 three Staff are present here tonight. Their happy to answer any questions that
30 you guys will have and then, with that, I conclude my Staff Report. I'd be happy
31 to answer any questions.

32
33 **CHAIR LOWELL** – Thank you. Any questions for Staff? I had one question.
34 I'm looking on the bridges schedule on that little graph, and it shows \$350,000;
35 \$10,000; \$360,000 as the years go on. But when you get to year 2019 and 2020,
36 it jumps up to \$3,250,000. What's scheduled for 2019/2020?

37
38 **PUBLIC WORKS DIRECTOR/CITY ENGINEER AHMAD ANSARI** – As you
39 know, Mr. Chair, there are a number of interchange projects that are unfunded on
40 the 60 Corridor. The only interchange that banks to the old RDA Fund, you
41 know, and many other funding we were able to finish both phases was Mason
42 Interchange. And so what you're seeing as far as the large figure is a planning
43 and a cost estimate for future years to be able to hopefully fund the Theodore
44 Interchange, also Redlands Interchange, Moreno Beach second phase project.
45 As you know, most of those interchanges are already included in the TUMF
46 network so they do receive some level of funding hopefully when the time comes

1 from the WRCOG. But then, as you know, each of those interchanges had a
2 price tag of \$60,000,000 to \$70,000,000. So all those numbers add up to future
3 years that we are planning for right now.

4
5 **CHAIR LOWELL** – Okay. Thank you. Commissioner Barnes.

6
7 **COMMISSIONER BARNES** – I had a question along the same line. It's just a
8 curiosity. The grand total for fiscal 2019 and 2020 is almost six times the
9 previous year. What facilitates or what drives that huge jump in potential
10 expenditure? Do you know something the rest of us.....

11
12 **PUBLIC WORKS DIRECTOR/CITY ENGINEER AHMAD ANSARI** – Again, the
13 big ticket items are those interchanges and even improvement to the 60 Corridor
14 itself. Those, those numbers.....

15
16 **COMMISSIONER BARNES** – And the thought is that work will take place?

17
18 **PUBLIC WORKS DIRECTOR/CITY ENGINEER AHMAD ANSARI** – That's
19 what we're hoping for.

20
21 **COMMISSIONER BARNES** – Okay.

22
23 **PUBLIC WORKS DIRECTOR/CITY ENGINEER AHMAD ANSARI** – Again, you
24 know when you get towards the end of the five-year program, it's nothing but an
25 estimate and a plan at this point. You know, those numbers change. That's why
26 we do the annual update for the Commission and Council.

27
28 **COMMISSIONER BARNES** – What....this reflects what you're hoping to be able
29 to do?

30
31 **PUBLIC WORKS DIRECTOR/CITY ENGINEER AHMAD ANSARI** – That's
32 correct.

33
34 **COMMISSIONER BARNES** – Your forecast of potential funding really isn't a
35 factor in this because you don't know what's going to happen?

36
37 **PUBLIC WORKS DIRECTOR/CITY ENGINEER AHMAD ANSARI** – That's
38 correct. That is correct.

39
40 **COMMISSIONER BARNES** – It's, okay that explains it.

41
42 **CHAIR LOWELL** – I'm just seeing some big ticket items here on electricity for
43 2016/2017 it's \$13,500,000, and it's a lot less before and a lot less after. What's
44 the plan for this year \$13,500,000 for electricity?

1 **PUBLIC WORKS DIRECTOR/CITY ENGINEER AHMAD ANSARI** – For the
2 electric utility, what the MVU is envisioning is, you know as growth happens you
3 know in different places, the City will need substations (new substations) and
4 those substations are usually in multimillion dollar figures. As you know, the City
5 currently has two substations. One larger, one is which more inner substation,
6 which was built a few years ago. And then this recent 33KV, which was done in
7 the South Central, the southern part of the City that is serving Amazon and other
8 businesses down there and then there is Kitching substation, which is under
9 design right now. So, as growth happens, we're envisioning more and more
10 substations.

11
12 **CHAIR LOWELL** – Perfect. Any other questions for Staff? Commissioner
13 Ramirez.

14
15 **COMMISSIONER RAMIREZ** – Any idea on the timelines for improvements
16 along Ironwood Avenue east of Lasselle through Nason?
17

18 **CHAIR LOWELL** – The little two-land windy road that connects Perris to Nason.
19

20 **COMMISSIONER RAMIREZ** – Yeah, there's been several accidents along that
21 highway that have resulted in fatalities.
22

23 **PUBLIC WORKS DIRECTOR/CITY ENGINEER AHMAD ANSARI** – I need to
24 defer to Quang. Quang, do you have any.....
25

26 **SENIOR ENGINEER QUANG NGUYEN** – Commission, my name is Quang
27 Nguyen. I'm a Senior Engineer with Capital Projects. For Ironwood Avenue east
28 of Lasselle, to the east we have that in the Unfunded Section right now because
29 we haven't gotten any funding or any plan for it. But it is included in the CIP in
30 the Unfunded Section of the CIP that you can go to and review that.
31

32 **PUBLIC WORKS DIRECTOR/CITY ENGINEER AHMAD ANSARI** – We were
33 probably hoping in a couple years to be able to secure funding for that project
34 when it's unfunded.
35

36 **COMMISSIONER RAMIREZ** – Thank you.
37

38 **CHAIR LOWELL** – I think the primary concern is possibly putting in some
39 sidewalks or some better lighting because there's no way for students to walk
40 from that area of town, which serves Palm Middle School and Cloverdale all the
41 way over to Valley View which is the theater high school. There's no safe way
42 for kids to walk without walking into traffic lanes or right on the edge of the
43 pavement, so I don't know if there is something we could do to move that part of
44 the safety.....that aspect of making that street more safe, bring that to the
45 forefront. I don't know if we can appeal to the City Council to take some Rainy
46 Day Funds or something to look into that a little more closely.

1
2 **PUBLIC WORKS DIRECTOR/CITY ENGINEER AHMAD ANSARI** – We'll
3 definitely take a look at that.

4
5 **CHAIR LOWELL** – Any other questions or comments for Staff? Okay. Thank
6 you very much for your report. And that moves us onto the last item for tonight,
7 Other Commissioner Business.

8
9 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Excuse me. There is an
10 action that should be requested on this item.

11
12 **CHAIR LOWELL** – I didn't know that was an action item. My mistake.

13
14 **PUBLIC WORKS DIRECTOR/CITY ENGINEER AHMAD ANSARI** – So Staff
15 recommendation is that the Planning Commission makes a finding that the Fiscal
16 Year 2016/2017 as presented proposed CIP is in conformance with the City of
17 Moreno Valley's General Plan before it is taken to City Council on June 7th.

18
19 **CHAIR LOWELL** – So we need to take a motion and a vote.

20
21 **ALTERNATE COMMISSIONER GONZALEZ** – I'll do it. I'll do the motion. The
22 Planning Commission recommends to make a finding that the Fiscal Year
23 2016/2017 proposed Capital Improvement Plan is in conformance with the City of
24 Moreno Valley's General Plan.

25
26 **CHAIR LOWELL** – Perfect. It was motioned by Commissioner Gonzalez and
27 apparently seconded by Commissioner Nickel. Please cast your vote. Perfect.
28 All votes have been cast. The motion passes 7-0. Do we have a Staff wrap-up
29 on this item.

30
31
32 Opposed – 0

33
34
35 **Motion carries 7 – 0**

36
37
38 **PLANNING OFFICIAL RICK SANDZIMIER** – This item is a budget item, which
39 will ultimately be before the City Council so there is no reason to have an appeal
40 on this so it's ultimately going to be at the City Council anyways.

41
42 **CHAIR LOWELL** – I apologize about the mixup on that, but I think we got this
43 squared away. That does move us onto Other Commissioner Business, which is
44 the Planning Commission Rules of Procedure. This was an item that I was
45 asking to bring onto the table tonight. Where did my paperwork go? There it is.
46 Anyway, go ahead Staff.

1
2
3
4 **OTHER PLANNING COMMISSION BUSINESS**
5

6 3. Planning Commission Rules of Procedure
7

8
9 **RECOMMENDED ACTION:**

10
11 Discuss procedures for filling of a permanent vacancy on the Commission,
12 consider recommendations to be forwarded to the City Council.
13

14
15 **PLANNING OFFICIAL RICK SANDZIMIER** – I was just going to say, if Bob
16 Lorch our technical guy in the back can put up the file that I gave him, we did
17 prepare some information just to try and help facilitate the dialogue this evening.
18 This is your item that you brought up. So, if you want to give your presentation,
19 we can show these slides as you might need.
20

21 **CHAIR LOWELL** – One of the questions that I have was it has been announced
22 that one of our Planning Commissioners is retiring, I believe, come August. And I
23 was trying to figure out how to fill that permanent vacancy, and I know the intent
24 of having the alternate Planning Commissioners was to have a Planning
25 Commissioner floating in the wings to step up to fill a permanent vacancy should
26 a permanent vacancy become present. But we have two alternates, and I'm
27 trying to figure out which alternate gets picked first. I don't know if it was the
28 order that they were called from when they were appointed on City Council. I
29 don't know if that was made alphabetically, so I was hoping to get a little more
30 guidance and discussion and clarity as to what the order of operations should be
31 in August when and if we have a Planning Commissioner step down.
32

33 **PLANNING OFFICIAL RICK SANDZIMIER** – Sure. So Mr. Chairman, the
34 slides that we're going to show you here right now are just some of the research
35 we've been able to do since your request. The slide up there right now is Section
36 G1 out of your currently adopted Rules and Procedures for the Planning
37 Commission, and it simply says that permanent or long-term Commission
38 vacancies shall be filled by alternate Commissioners in accordance with
39 Ordinance 890 of the City of Moreno Valley. We went to Ordinance 890, and
40 there is absolutely nothing in Ordinance 890 to talk about what to do with filling
41 vacancies. So, in that Ordinance, it basically does say that the rules and
42 operation for use of the alternates shall be as defined by the Planning
43 Commission themselves and adopting your Rules of Procedure, which we have
44 already done. So there is another operating policy that the City does have for all
45 Boards and Commissions and what this says is that "Member shall serve until
46 their respective successor or are appointed and qualified. The City Council shall

1 have the power to fill any vacancies. Unless otherwise specified, terms of
2 Members of Boards and Commission shall be for three years.” So, in here, it’s
3 assigning the responsibility for the filling of the vacancy to the City Council. And
4 then working with our interim City Clerk, our interim City Clerk brought to our
5 attention what’s called the Maddy Act. In the Maddy Act, I apologize for the
6 smaller print, but it’s also saying that whenever there’s an unscheduled vacancy
7 that occurs on a Board it’s basically assigning that responsibility to fill the
8 vacancy to the City Council. But it goes into a little bit more detail in that before
9 the City Council fills that position, the City Clerk has the responsibility to post the
10 vacancy to collect input and interest. There’s a window that extends from 20
11 days before the vacancy is created to 20 days after the vacancy is created. In
12 this case, where Commissioner Van Natta has indicated that she believes that
13 her last day will be....she’ll be leaving the area in August. Her last day may be
14 July, the last meeting in July, but we’re not certain yet. So, what we would be
15 recommending, is that we would work with the City Clerk on when Commissioner
16 Van Natta’s actual last date is and then use the 20 day window after rather than
17 trying to predetermine when she might leave. Paragraph B is saying that, if there
18 is some sort of an urgency, the City Council doesn’t have to wait for that period
19 and they can fill it immediately. We don’t believe that there’s any case here
20 where there would be an urgency that would require the filling of the vacancy
21 immediately because you do have the alternates that are already available, and
22 you have the opportunity to rotate the alternates as your rules already prescribe.
23 So, each meeting as we move forward after a vacancy is created, we should
24 have one or both of the Commissioners available to fill the seat. And, even if
25 they are not available, your quorum is constituted when you have the majority of
26 the membership. And so you would have to have a lot more other vacancies to
27 get to the point where you don’t have a quorum. So we don’t think that there
28 would be an urgency. Basically, with those three things before you, our
29 recommendation of Staff is to wait until the vacancy is created. Again, work with
30 the City Clerk to post a filing. That filing is probably already going to happen
31 because we’ll be filling vacancies on Commissions come March of 2017.
32 Commissioner Van Natta’s appointment is through March of 2017, and so we
33 would be working in kind of a window of maybe five to six months where we
34 might have meetings. Some of those are over the holidays, and so I don’t know
35 if that’s enough information to suggest that we may not have to do anything. But
36 it’s the pleasure of the Commission. We will take your recommendations.

37

38 **CHAIR LOWELL** – Well I agree with you that it might not be an urgent issue
39 because we do have the two alternates, so we have bodies sitting around to fill
40 up a vacancy. But....and since Meli’s term is up next year anyway, we’d be
41 looking to fill alternate Commissioners anyway, or permanent Commissioners,
42 and we’d be filling the position. With that said, I don’t think it’s urgent for this go
43 around. But I do think it would be nice to have some more clarity and some
44 definition should another vacancy or second or third down the line happen. I
45 know the original intent of having alternates was to have an alternate standing by
46 to fill the vacancy permanently or temporarily, but it seems like our rules aren’t

1 100% organized to allow that or to facilitate that. So maybe a little more analysis
2 of this going down the line would be a good idea.

3
4 **ASSISTANT CITY ATTORNEY PAUL EARLY** – If I may, ultimately what will
5 happen here when the vacancy becomes official, is we'll need to let Council
6 know. And the Council will have a choice at that point to appoint one of the
7 current alternates to fill the rest of the term, which would satisfy that intent that
8 you just mentioned without having to do new interviews and the whole process
9 again. So that is already in place right now. Council could alternatively, at that
10 point, decide that they just want to do nothing until March. And we would just
11 continue with the alternating as we do. And then the third possibility is the
12 Council could decide to amend Ordinance 890 to delegate that to this
13 Commission for future situations. So I expect that when we bring that Staff
14 Report to Council and the vacancy is officially created that those alternatives will
15 be in play.

16
17 **CHAIR LOWELL** – So the short of it is we should basically do nothing and wait
18 for City Council to say something come August?

19
20 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Continue with the process
21 we've been doing of alternating the seat.

22
23 **CHAIR LOWELL** – That seems to be working quite well. Commissioner Barnes.

24
25 **COMMISSIONER BARNES** – Just so I'm clear, currently there's a bit of a
26 conflict between our Rules and Procedures, which say that the vacancy shall be
27 filled by the alternate. But the other item you read said that City Council shall
28 act, which implies or states that they could go outside of that.

29
30 **ASSISTANT CITY ATTORNEY PAUL EARLY** – I don't believe our Rules of
31 Procedure say that. They say that it shall be filled in accordance with Ordinance
32 890, which is the City Council's adopted Ordinance. It does not say it shall be
33 filled by an alternate, the permanent seat.

34
35 **COMMISSIONER BARNES** – I thought our Rules and Procedures said that.

36
37 **ASSISTANT CITY ATTORNEY PAUL EARLY** – This is our Rules and
38 Procedures right on your screen now.

39
40 **ALTERNATE COMMISSIONER GONZALEZ** – Yeah but the....when you go to
41 the Ordinance there's nothing.

42
43 **CHAIR LOWELL** – Yeah, it's a blank Ordinance.

44
45 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Well it's not a blank Ordinance,
46 but it doesn't address the specific scenario of appointing a permanent member.

1 That is addressed in another location, so that's why I said we end up with a
2 situation where the intent is still there. The Council can...the Council still retains
3 jurisdiction, but they can appoint one of the two alternates without going through
4 the lengthy process.

5
6 **CHAIR LOWELL** – That was the intent that everybody was hoping for.

7
8 **ASSISTANT CITY ATTORNEY PAUL EARLY** – They still can do that, and we
9 will be bringing that to Council. Their choices are those three that I mentioned;
10 appoint one of the two, kick the can down until March, and we'll continue
11 alternating or make an amendment to Ordinance 890, which would create some
12 different third process.

13
14 **PLANNING OFFICIAL RICK SANDZIMIER** – Just to...well what we put up was
15 with regard to filling the permanent or long-term vacancies. Your Rules and
16 Procedures do address the periodic absences, which is another section here.
17 But it doesn't really apply to what we're talking about this evening.

18
19 **CHAIR LOWELL** – Correct.

20
21 **PLANNING OFFICIAL RICK SANDZIMIER** – And so what we're talking about in
22 terms of rotation, it started in alphabetical order and then it just kind of proceeds
23 since that time. That's the order that is defined in Section G2.

24
25 **CHAIR LOWELL** – Correct.

26
27 **PLANNING OFFICIAL RICK SANDZIMIER** – So....

28
29 **CHAIR LOWELL** – Yeah. We have rules in place for filling a temporary
30 vacancy, but permanent or long-term, thankfully the position that would be open
31 for long-term would be expiring i March, so it's a short long-term. I think this is an
32 item that needs a little bit of polishing, but it's not an urgent emergency.
33 Commissioner Nickels.

34
35 **ALTERNATE COMMISSIONER NICKELS** – I just to wanted to reiterate that
36 since we serve at the Council's pleasure, that the ultimate decision on long-term
37 replacement should reside with the Council because they know what their looking
38 for and what they want.

39
40 **CHAIR LOWELL** – Yeah, agreed, and then it's ultimately going to be their
41 decision.

42
43 **COMMISSIONER BARNES** – Unless we're suggesting that we take away one
44 of the three options. Then, what we have right now, gives them the discretion
45 to.....

1 **CHAIR LOWELL** – The point of tonight was just to shed some light on the
2 situation and make the Council aware that (A) there's a potential for a permanent
3 vacancy, and we need to get a little bit of direction before we have to deal with it
4 retroactively.

5
6 **ALTERNATE COMMISSIONER NICKEL** – We've been put on notice.

7
8 **CHAIR LOWELL** – Exactly. You guys are getting promoted. Perfect. Thank
9 you very much.

10
11 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – Chair. We do have one
12 speaker who wants to speak on this item.

13
14 **CHAIR LOWELL** – Okay.

15
16 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – Rafael Brugueras.

17
18 **CHAIR LOWELL** – I have Mr. Jeff Barnes.

19
20 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – Oh.

21
22 **COMMISSIONER BARNES** – I'm done.

23
24 **SPEAKER RAFAEL BRUGUERAS** – Good evening again Commissioners,
25 Staff, and residents. This is a very important issue. I know we were laughing
26 about it trying to figure it out, but selecting a Commission is very important. No
27 joke to the City. No joke to the residents. No joke to the developer. It's not a
28 joking matter. It will be nice to pick the seniority person next. That's the way I've
29 run working in the warehouse business, seniority prevails. And we have two
30 Commissioners that have faithfully come here and filled the seat when someone
31 is absent, and I'm deeply grateful for that because we always have seven. And,
32 once the votes are cast, their done. It's a beautiful thing to always see seven.
33 It's a nice thing. So when this issue does come to the Council for permanent,
34 then we'll discuss that with the Council because I will be saying the same thing
35 I'm saying to each one of you. I prefer going by seniority. And, if you have two
36 candidates, maybe one will give it to the other based on seniority or maybe the
37 other one can't do it for whatever reason. That'll be something that they will
38 discuss. But it's very important that whoever we put up on this bench has to
39 represent the City of Moreno Valley really truly. We just saw something
40 wonderful happen today, and you guys are talking about things that we can't
41 even think about (2019 and 2020). And, you know, the expansion of many
42 things. So, if we can keep it the way it is, wonderful. The City will be safe for the
43 next few years. And I hope as a resident of the City of Moreno Valley that that's
44 important too that the I's of Moreno Valley, like myself when I drive around, I look
45 all over the City to make sure that the projects that we approve are being done
46 and things that need to be done can be addressed like we did tonight. So, again,

1 whoever you decide to pick I welcome because I've gotten to know all seven of
2 you by coming here and sharing the love of the City. Thank you.

3
4 **CHAIR LOWELL** – Thank you very much. One of the things I'd like to mention.
5 When City Council goes through their selection process and appoints alternates,
6 could we have a situation like we have in courtrooms where you have alternate
7 juror one, alternate juror two where we could say this is alternate Planning
8 Commissioner one, alternate Planning Commissioner two and then maybe have
9 the City Council either look at or possibly approve the thought that in the event
10 that a long-term vacancy alternate Planning Commissioner number one steps up
11 and they would identify Planning Commissioner alternate one or alternate two
12 when their appointed?

13
14 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Yes. That was that alternate
15 three suggestion that I think we should bring to the Council when we bring this so
16 there is something definitive.....

17
18 **CHAIR LOWELL** – That way there's some definitive direction without having to
19 think about it and him and hah and say well I like Lori better than Erlan, or I like
20 Erlan better than Lori so.

21
22 **ALTERNATE COMMISSIONER NICKEL** – I know I make better cookies.

23
24 **ALTERNATE COMMISSIONER GONZALEZ** – Well I'll challenge you to that,
25 Lori.

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29 **STAFF COMMENTS**

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31 **CHAIR LOWELL** – Perfect. I appreciate it. Any further Staff Comments moving
32 on?

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34 **PLANNING OFFICIAL RICK SANDZIMIER** – No.

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39 **PLANNING COMMISSIONER COMMENTS**

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41 **CHAIR LOWELL** – Any Planning Commissioner Comments?

42
43 **ALTERNATE COMMISSIONER NICKEL** – Yes. The three amigos here who
44 attended the League of California Cities Planning Commissioner Conference, I
45 think we all had a good time and learned a lot of things. I did sign up to
46 participate in a monthly conference call with the Statewide Planning

1 Commissioners, and there was an action alert sent out yesterday. And I don't
2 know if you know anything about it, Rick. It's in regards to Senate Bill 1069
3 Wieckowski second units and removal of local land use authority. Have you
4 heard of this at all?

5
6 **PLANNING OFFICIAL RICK SANDZIMIER** – Read the Title again.

7
8 **ALTERNATE COMMISSIONER NICKEL** – Senate Bill 1069 by Senator
9 Wieckowski. It's in regards to second units and removal of local land use
10 authority. In other words, the State wants to regulate and draft all the
11 Ordinances pertaining to the second unit dwellings like granny flats, things like
12 that, kind of taking it out of local jurisdiction. I have the information if you're
13 interested.

14
15 **PLANNING OFFICIAL RICK SANDZIMIER** – I'd be happy to look at that new
16 legislation. There was actually similar legislation that came through, I believe, it
17 was in 2003 in which it did find second units as ministerial projects. And so it
18 already has removed, to some degree, some of the requirements associated with
19 second units. So it's probably something related to that, and we'll look into it.

20
21 **ALTERNATE COMMISSIONER NICKEL** – Yeah and, in fact, there is a draft
22 letter if the City wants to go along with this. But it was supposed to have been
23 heard on the floor today, so that was why the alert because the California League
24 of Cities Housing and Development lobbyist's monitor all that up in Sacramento
25 so she was on the line as well. So that was kind of the big thing about it, and I
26 know one of the Planning Staff from City of Lafayette. We met her. She was
27 saying where they were having trouble, especially since the State declared a
28 housing shortage of affordable housing. It's kind of making things difficult at the
29 local level and that she had brought up an issue that they were faced with that,
30 say it's a typical granny flat out the back, well it still has to be hooked up to
31 utilities. And the utilities up there were charging \$25,000, which totally wipes out
32 any affordability of being able to do that. So there is a lot of scrambling going on
33 up in Sacramento right now and that's the end of that.

34
35 **CHAIR LOWELL** – Thank you. With that said, any other comments or
36 questions? Perfect. I'd like to commend both Commissioner Nickel's and
37 Commissioner Gonzalez for being available tonight and sitting in.

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39
40
41 **ADJOURNMENT**

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43 **CHAIR LOWELL** – I would like to adjourn to the next regular meeting of the
44 Planning Commission May 26th, 2016, at 7:00 P.M. right here in the City Hall.
45 Thank you very much and have a great night.

1 **ALTERNATE COMMISSIONER GONZALEZ** – Thank you.
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7 **NEXT MEETING**

8 *Next Meeting: Planning Commission Regular Meeting, May 26th, 2016 at 7:00*
9 *P.M., City of Moreno Valley, City Hall Council Chambers, 14177 Frederick Street,*
10 *Moreno Valley, CA 92553.*
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23 _____
24 Richard J. Sandzimier
25 Planning Official
26 Approved
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39 Brian R. Lowell
40 Chair

_____ Date