

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

5                                   **Thursday, February 23, 2017 at 7:00 PM**

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7  
8                                   **CALL TO ORDER**  
9

10                                   **CHAIR LOWELL** – Good evening ladies and gentlemen. I'd like to call to order  
11 the Regular Meeting of the Planning Commission. Today is Thursday, February  
12 23, 2017. The time is 7:02 PM. May we have rollcall please?  
13

14  
15                                   **ROLL CALL**  
16

17                                   Commissioners Present:

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

27  
28                                   Staff Present:

29 Rick Sandzimier, Planning Official  
30 Paul Early, Assistant City Attorney  
31 Darisa Vargas, Senior Administrative Specialist  
32 Julia Descoteaux, Case Planner  
33 Gabriel Diaz, Case Planner  
34 Michael Lloyd, Land Development Division Manager  
35

36                                   Speakers:

37 Rafael Brugueras  
38  
39

40                                   **CHAIR LOWELL** – Commissioner Nickel is our seated alternate today, correct?  
41

42                                   **SENIOR ADMINISTRATIVE SPECIALIST DARISA VARGAS** – Yes.  
43

1 **CHAIR LOWELL** – Perfect. Mr. Ramirez, could you lead us in the Pledge of  
2 Allegiance please?

3  
4  
5 **PLEDGE OF ALLEGIANCE**

6  
7 **CHAIR LOWELL** – Thank you. Please be seated. Would anybody like to make a  
8 motion to approve tonight’s Agenda?

9  
10  
11 **APPROVAL OF THE AGENDA**

12 Approval of Agenda

13  
14  
15  
16 **COMMISSIONER BAKER** – I’ll so move.

17  
18 **CHAIR LOWELL** – We have a motion by Commissioner Baker. Do we have a  
19 second?

20  
21 **VICE CHAIR BARNES** – Second.

22  
23 **CHAIR LOWELL** – Second by Vice Chair Barnes. All in favor, say aye.

24  
25 **COMMISSIONER KORZEC** – Aye.

26  
27 **COMMISSIONER BAKER** – Aye.

28  
29 **COMMISSIONER RAMIREZ** – Aye.

30  
31 **COMMISSIONER SIMS** – Aye.

32  
33 **COMMISSIONER NICKEL** – Aye.

34  
35 **CHAIR LOWELL** – Aye.

36  
37 **VICE CHAIR BARNES** – Aye.

38  
39 **CHAIR LOWELL** – All opposed, say nay.

40  
41  
42 Opposed – 0

43  
44  
45 **Motion carries 7 – 0**

1 **CHAIR LOWELL** – The motion passes 7-0. Tonight’s Agenda is approved,  
2 which moves us onto the Consent Calendar, which we have an Approval of  
3 Minutes tonight.

4  
5  
6 **CONSENT CALENDAR**

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

12  
13  
14 **APPROVAL OF MINUTES**

15  
16 **Planning Commission - Regular Meeting - January 26, 2017 at 7:00 PM**

17  
18 **Approve as submitted.**

19  
20  
21 **CHAIR LOWELL** – Would anybody like to make a motion or have any comments  
22 or corrections on the Minutes as presented? And, as a clarification, the Planning  
23 Commission Minutes are from the Regular Meeting January 26, 2017, at 7:00  
24 PM. I was present for a portion of that meeting. I abstained for one of the items,  
25 so I can approve the portion that I was present for. I did see the..... did watch  
26 the meeting, so I can also attest for but I won’t vouch for those Minutes, as I  
27 wasn’t seated. Anybody have any comments or questions before we move for a  
28 motion? Nope? Okay, I would like to motion to approve the Minutes from the  
29 Regular Meeting of January 26, 2017. All in favor, say aye.

30  
31 **COMMISSIONER KORZEC** – Aye.

32  
33 **COMMISSIONER BAKER** – Aye.

34  
35 **COMMISSIONER RAMIREZ** – Aye.

36  
37 **COMMISSIONER SIMS** – Aye.

38  
39 **COMMISSIONER NICKEL** – Aye.

40  
41 **CHAIR LOWELL** – Aye.

42  
43 **VICE CHAIR BARNES** – Aye.

44  
45 **CHAIR LOWELL** – All opposed, say nay. The motion passes 7-0.

1  
2 Opposed – 0  
3

4  
5 **Motion carries 7 – 0**  
6

7  
8  
9 **PUBLIC COMMENTS PROCEDURE**  
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11 *Any person wishing to address the Commission on any matter, either under*  
12 *Public Comments section of the Agenda or scheduled items or public hearings,*  
13 *must fill out a “Request to Speak” form available at the door. The completed*  
14 *form must be submitted to the Secretary prior to the Agenda item being called by*  
15 *the Chairperson. In speaking to the Commission, member of the public may be*  
16 *limited to three minutes per person, except for the applicant for entitlement. The*  
17 *Commission may establish an overall time limit for comments on a particular*  
18 *Agenda item. Members of the public must direct their questions to the*  
19 *Chairperson of the Commission and not to other members of the Commission,*  
20 *the applicant, the Staff, or the audience. Additionally, there is an ADA note.*  
21 *Upon request, this Agenda will be made available in appropriate alternative*  
22 *formats to persons with disabilities in compliance with the Americans with*  
23 *Disabilities Act of 1990. Any person with a disability who requires a modification*  
24 *or accommodation in order to participate in a meeting should direct their request*  
25 *to Guy Pagan, our ADA Coordinator, at (951) 413-3120 at least 48 hours prior to*  
26 *the meeting. The 48-hour notification will enable the City to make reasonable*  
27 *arrangements to ensure accessibility to this meeting.*  
28

29  
30 **NON-PUBLIC HEARING ITEMS**  
31

32 None  
33  
34

35 **CHAIR LOWELL** – Do we have any Non-Public Hearing Items tonight? I don’t  
36 believe so. Do we have anybody wanting to speak on a Non-Public Hearing Item  
37 tonight?  
38

39 **SENIOR ADMINISTRATIVE SPECIALIST DARISA VARGAS** – Yes, we do.  
40

41 **PLANNING OFFICIAL RICK SANDZIMIER** – We actually do have two items that  
42 are Non-Public Hearing Items. They are the discussion items at the end of the  
43 agenda. Those would be a discussion of the Public Notice requirements and the  
44 Planning Commission Rules of Procedure.  
45

1 **CHAIR LOWELL** – Ah, that was under the Other Commissioner Business. Did  
2 you want to do that first, or should we do it at the end?

3  
4 **PLANNING OFFICIAL RICK SANDZIMIER** – If somebody wants to speak on a  
5 Non-Public Hearing Item, you could use this time for them to allow them to make  
6 some general comments just about those two topics, but I don't know if you have  
7 any other speakers?

8  
9 **CHAIR LOWELL** – Do we have any Speaker Slips?

10  
11 **SENIOR ADMINISTRATIVE SPECIALIST DARISA VARGAS** – We have one.

12  
13 **CHAIR LOWELL** – I don't have that up here yet. Could you call them up,  
14 please?

15  
16 **SENIOR ADMINISTRATIVE SPECIALIST DARISA VARGAS** – Rafael  
17 Brugueras.

18  
19 **CHAIR LOWELL** – Mr. Brugueras, come on up.

20  
21 **SPEAKER RAFAEL BRUGUERAS** – Good evening, Chair, Commissioners,  
22 Staff, residents, and guests: I'm glad I'm here today. I won't get haggled like two  
23 weeks ago, so I'm able to speak and you can also hear me. You know, George,  
24 when he came up, he challenged you about looking up what a Commissioner  
25 does on Google. I went home, and I did that, and I saw your duties as  
26 Commissioners to the City. How your duties are supposed to approve projects  
27 that are good and that I heard during the comments of each one of you. None of  
28 you said it was a bad deal. The only thing that happened that week is that the  
29 emotions got the better of the development. That development should be have  
30 been approved at least 5-1. It would have been good to have 6-0, but 5-1 should  
31 have been done because each one of you loved the project. You had nothing  
32 bad to say about the project, so as Commissioners, we cannot allow emotions to  
33 push away bad development. Let the judges and the courts do that. That's their  
34 duty. Our duty as residents and commissioners is to bring development into the  
35 city, especially when they are well breaded, and I heard from the best up there it  
36 was well-breaded development. So I learned something. I learned when I go out  
37 and look to support the new developments that we have here today, I get out of  
38 my vehicle, and I open the door to see what's going on, and I'll ask questions to  
39 see how they are thinking and what makes me come up here every time to  
40 support them. I learned that from you guys. I know what it is.....I know now  
41 what it is like to be heckled by people that I don't even know at all, but the funny  
42 thing about it is that it's not their land. They didn't buy it. We were not going to  
43 change what they already had. They would have kept their R5s. What we  
44 wanted to do was make that property better looking than it has been for the last  
45 40 years. We had an opportunity to do that again, and it didn't happen. It was  
46 going to be high-end houses; houses from 7200 square foot up to 17,000 square

1 foot lots. That's pretty big to do things on. Yes, we couldn't have the horses, but  
2 it was a wonderful project, and we'll have many of those coming. Please do not  
3 allow the emotions of others to push this city backwards.

4  
5 **CHAIR LOWELL** – Thank you, Rafael. Do we have any other people wanting to  
6 speak?

7  
8 **SENIOR ADMINISTRATIVE SPECIALIST DARISA VARGAS** – No, we do not.

9  
10 **CHAIR LOWELL** – Okay, Thank you very much, and I would like to close the  
11 Non-Public Hearing. That moves us onto the Public Hearing Items, which is  
12 Case No. PEN16-0123 (formerly PA14-0028), which is a Plot Plan. The  
13 Applicant is MV Bella Vista GP, LLC. The case planner is Mr. Gabriel Diaz. Do  
14 we have a Staff Report on this item?

15  
16  
17 **PUBLIC HEARING ITEMS**

- 18  
19 1. Case: PEN 16-0123 (PA14-0028 Plot Plan)  
20  
21 Applicant: MV Bella Vista GP, LLC  
22  
23 Owner: MV Bella Vista LP  
24  
25 Representative: Paul Onufer  
26  
27 Location: Northeast corner of Lasselle Street and Cactus  
28 Avenue  
29  
30 Case Planner: Gabriel Diaz  
31  
32 Council District: 3  
33  
34 Proposal: PEN16-0123 (PA14-0028 Plot Plan)  
35  
36  
37

38 **STAFF RECOMMENDATION**

39  
40 Staff recommends that the Planning Commission **APPROVE** Resolution No.  
41 2017-23 and thereby:

- 42  
43 1. **ADOPT** an Addendum to the Environmental Impact Report for the prior  
44 Specific Plan for Plot Plan PEN16-0123 (PA14-0028), pursuant to the  
45 California Environmental Quality Act (CEQA) Guidelines; and  
46

1           2. **APPROVE** Plot Plan PEN16-0123 (PA14-0028), subject to the conditions  
2           of approval included as Exhibit A.  
3  
4  
5

6           **CASE PLANNER GABRIEL DIAZ** – Thank you, Chairman and Commissioners.  
7           We’re here to hear, well you gave the Case Number. The project is located on  
8           the northeast corner of Lasselle and Cactus Avenue, we have an aerial photo  
9           there with the project site there. The zone is Aquabella Specific Plan 218, High-  
10          Density Residential meant for multi-family. The applicant representative is Paul  
11          Onufer, and he is here today. The applicant is proposing to develop a 220 unit  
12          multi-family apartment project with associated open space on 10.91 acres of  
13          land. The site is rectangular in shape, presently vacant, and relatively flat. The  
14          site has been disked for weed abatement over the years, and you can see that  
15          from the aerial. There is the project Grading Plan. We’ll go into the look of the  
16          apartments here. The project includes a total of 14 apartment buildings with a  
17          mix of two-story and three-story buildings. We’ll go real quick through those;  
18          two-story building, three-story building. That’s the clubhouse and the office  
19          leasing area. The project includes a total of 14 buildings, including a mix of two-  
20          story and three-story buildings. The apartment buildings will include a mix of  
21          one, two, and three bedroom units. The square footage ranges from 762 to 1412  
22          square feet for the three-bedroom units. Amenities include a leasing office, a  
23          community clubhouse, a fitness room, showers, kitchen, business room, and  
24          clubroom. Other amenities onsite include a 60 x 30 lap pool, spa, cabanas, fire  
25          pit, barbeque grills, decorative paving, and open space for activities. The project  
26          achieves required open space through the patio and balcony design features,  
27          courtyards, and other gathering areas throughout the project provide the required  
28          public common open space. The project is providing a total of 393 parking  
29          spaces, including 84 attached garages, 154 carports, 155 open parking spaces  
30          for residents and guests. Access into the project will be provided from the main  
31          entrance of Lasselle Street. There is a secondary access off of Cactus.  
32          Driveway entrance will be limited to right in-right out. The project will construct a  
33          median on Cactus to limit the driveway access. There is a third access for  
34          emergency only on Lasselle just to the north of the main access to the site. The  
35          project is gated and does use communication kiosks to contact the office or  
36          residents. Surrounding the project site to the west and southwest is existing  
37          single-family tract homes consistent with the R5 zoning. The property  
38          immediately to the north is vacant, zoned open space and R30. To the east and  
39          south is vacant land zoned Aquabella Specific Plan 218-LM, which is low-  
40          medium density residential. The project, as designed and conditioned, conforms  
41          to the development standards of the SP218H Zoning and the Design Guidelines  
42          for multi-family residential development described in the Aquabella Specific Plan,  
43          City’s Municipal Code, and City Landscape Standards. The Aquabella Specific  
44          Plan Master Design Guidelines for multi-family projects calls for buildings to have  
45          a Southern Mediterranean Architectural influence style, which this project meets  
46          with a simple color palette and concrete tiled roofs. Go back to the elevation.

1 The architectural designs of the apartments include stucco exteriors with  
2 architectural features around windows and patios and balcony areas of the  
3 building to break up the massing and add focal points to the building. These  
4 detailed features include concrete tile roofs, window trim, colored trim, wood  
5 trellises, wrought iron guardrails, and covered balconies. Variation among the  
6 buildings is created with a mixture of two-story and three-story buildings, roof  
7 lines, porches, balconies, and the proposed color palette that is of the simple  
8 earth tones. The community clubhouse building and the leasing office design are  
9 consistent with the overall project architectural theme, and the proposed carports  
10 are constructed of steel columns and prefinished metal roofs. Notification to the  
11 project: Public Notice was sent to all property owners within 300 feet of the  
12 proposed project site on February 9, 2017. In addition to the Public Hearing  
13 Notice, the project was posted onsite on February 10, 2017, and published in the  
14 Press Enterprise Newspaper on February 11, 2017. I did receive one call today  
15 regarding...from an adjacent neighbor across the street on Lasselle. He had  
16 concerns about the speeds on Lasselle, and he had a lot of questions regarding  
17 traffic, speeds on Lasselle. I did refer him to our traffic engineer, Eric Lewis, and  
18 I don't know if the gentleman did show up or not, but it seemed like his questions  
19 were answered. Environmentally, Planning Staff has reviewed this project in  
20 accordance with the California Environmental Quality Act Guidelines. An  
21 addendum to the Environmental Impact Report (EIR) for the prior Specific Plan  
22 has been prepared pursuant to Section 15164 of the CEQA Guidelines. The  
23 project will not cause a significant effect in the case because site conditions are  
24 consistent and do not create more or different environmental impacts than those  
25 addressed in the Environmental Impact Report. The project will not increase the  
26 total number of residential units provided in the Specific Plan. Therefore, Staff  
27 recommends that the Planning Commission APPROVE Resolution No. 2017-23  
28 and thereby ADOPT an addendum to the Environmental Impact Report for the  
29 prior Specific Plan for Plot Plan PEN16-0123 pursuant to the California  
30 Environmental Quality Act Guidelines and APPROVE Plot Plan PEN16-0123  
31 subject to the Conditions of Approval. This concludes Staff presentation. Any  
32 questions?

33  
34 **CHAIR LOWELL** – Thank you very much. Does anybody have any questions or  
35 clarifications from Staff? Nope? I have one. I don't know if it's a big deal. On  
36 the architect's open space plan, page 150 of the packet, the exhibit shows that  
37 the buildings are also included in the open space. It looks like there is some  
38 hatching done wrong. I don't know if it's a big deal, if it's critical or anything, but  
39 the exhibit seems to be a little bit incorrect.

40  
41 **CASE PLANNER GABRIEL DIAZ** – What page was that?

42  
43 **CHAIR LOWELL** – Packet page 150. It's A-2 in the architectural plans.

44  
45 **CASE PLANNER GABRIEL DIAZ** – What was your question again? Sorry.

46



1 **CHAIR LOWELL** – The building footprint itself is hatched, but the hatching  
2 dictates common open space, so I don't know that the building itself would be  
3 common open space if it's a private apartment. It just looks like it's a clarification.  
4

5 **CASE PLANNER GABRIEL DIAZ** – No, I don't believe that's included, but yeah,  
6 you're probably correct.  
7

8 **CHAIR LOWELL** – Well, then I don't have any other questions. Anybody else?  
9 We have Commissioner Barnes.  
10

11 **VICE CHAIR BARNES** – Yeah, I had a question on the improvements on  
12 Cactus. The right-of-way is shown at 44. There's a 12 foot easement for road  
13 purposes. What's the deal? Can you explain what's going on there? Are they  
14 going to dedicate that 12 feet? I guess what I'm really driving at, is what's the  
15 building setback along Cactus, and is it applied from the right-of-way, or is it  
16 majored from than road easement?  
17

18 **CASE PLANNER GABRIEL DIAZ** – I believe the setback is 10 feet and is  
19 always after dedication, the property line after dedication.  
20

21 **VICE CHAIR BARNES** – So the right-of-way will move to the edge of the  
22 easement, and then it's 10 feet from there to the building.  
23

24 **CASE PLANNER GABRIEL DIAZ** – Land Development, Michael Lloyd can  
25 answer the dedication process.  
26

27 **LAND DEVELOPMENT DIVISION MANAGER MICHAEL LLOYD** – Good  
28 evening, Commissioners. Yes, the additional right-of-way, I believe is needed  
29 because the current right-of-way, and I see the project applicant is here as well  
30 so they might be able to address it more specifically; but I believe the right-of-  
31 way is either in place or it is to the back of curb. As you're aware, the  
32 improvements were put in place already through a capital project along Cactus  
33 Avenue up to the back of curb, so if there is additional right-of-way, it would be  
34 that 12 foot parkway portion.  
35

36 **VICE CHAIR BARNES** – I guess my question is, are we skirting the setback  
37 requirement by leaving that 12 feet as a roadway easement and not.....  
38

39 **CHAIR LOWELL** – I think what he's looking at is the wrap-around sidewalk into  
40 the driveway. It shows there's a little trapezoidal-shaped right-of-way dedication.  
41 I don't know that that continues all the way down the length of Cactus though.  
42

43 **LAND DEVELOPMENT DIVISION MANAGER MICHAEL LLOYD** – You're  
44 correct, Chair. That trapezoidal portion is to capture, it's a pedestrian easement  
45 to capture in essence the wrap-around sidewalk, so that we meet ADA  
46 requirements, so your observation is correct.

1  
2 **CHAIR LOWELL** –So the right-of-way on Cactus is staying minus that little  
3 driveway cutout?

4  
5 **LAND DEVELOPMENT DIVISION MANAGER MICHAEL LLOYD** – That is  
6 correct. Does that help?

7  
8 **VICE CHAIR BARNES** – I thought easement 9, easement in favor of the city for  
9 public highway purposes. That 12 foot widening, is that the ultimate right-of-way,  
10 and is that building 10 feet from that right-of-way?

11  
12 **LAND DEVELOPMENT DIVISION MANAGER MICHAEL LLOYD** – The 12 feet  
13 is necessary, that's the parkway portion that we.....

14  
15 **VICE CHAIR BARNES** – Right.

16  
17 **LAND DEVELOPMENT DIVISION MANAGER MICHAEL LLOYD** – Had eluded  
18 to, so my understanding is the setback would be measured from that point, but I  
19 would defer to Planning on the measurement on that.

20  
21 **VICE CHAIR BARNES** – Okay. Because the building is pretty close to that 6  
22 foot landscape dedication and.....

23  
24 **CASE PLANNER GABRIEL DIAZ** – When I did check the setbacks, it did meet  
25 the 10 foot setbacks, and I do agree that section is close to the property line.

26  
27 **VICE CHAIR BARNES** – Okay.

28  
29 **CASE PLANNER GABRIEL DIAZ** – But it is 10 feet.

30  
31 **VICE CHAIR BARNES** – Okay. That was it.

32  
33 **CHAIR LOWELL** – Commissioner Sims, did you have something? I saw your  
34 name disappear.

35  
36 **COMMISSIONER SIMS** – I think I answered my own question.

37  
38 **CHAIR LOWELL** – Anybody else before we move onto the Applicant? Going  
39 once, going twice.....perfect, the floor is yours, Mr. Applicant.

40  
41 **APPLICANT PAUL ONUFER** – Good evening Chairman and fellow Planning  
42 Commissioners and Staff. My name is Paul Onufer with MV Bella Vista LP, the  
43 Applicant. We are here to answer any questions you may have. We agree with  
44 the conditions set forth and the conditions of approval. We have our architect  
45 here and our engineer to answer any questions you may have.

1 **CHAIR LOWELL** – When you think, if everything goes to plan and everything  
2 just lines up and rainbows come out of everywhere, when do you think you'd be  
3 breaking ground and starting construction?  
4

5 **APPLICANT PAUL ONUFER** – I wish tomorrow, but realistically it's probably a  
6 year. I just, there's just so many issues we have to deal with on Brodiaea and  
7 then the biggest issue is probably just financing.  
8

9 **CHAIR LOWELL** – What's the rent market that you're hoping to attract?  
10

11 **APPLICANT PAUL ONUFER** – I would say it's....market rents typically today in  
12 Moreno Valley are 1.65 a square foot so somewhere in that range. The reason  
13 why we design the product with the attached garages is to really attract some  
14 employees at the hospital, and hopefully we can attract some of the workers  
15 there so they could even walk to work so. That's our target, you know, we'll see.  
16 Costs are going up, and we'll see who can make it work.  
17

18 **CHAIR LOWELL** – I have one last question. I recently joined the world of the  
19 electric vehicle club. Do you happen to have any electric vehicle plugging  
20 options for charging onsite? Because I know that's.....driving around town here  
21 you can't really charge, except for the Walmart.  
22

23 **APPLICANT PAUL ONUFER** – Right, so I understand from the Building Code,  
24 we are required to plumb at least 3% of the parking stalls for EV.  
25

26 **CHAIR LOWELL** – You don't actually have to install it?  
27

28 **APPLICANT PAUL ONUFER** – Don't have to install it, but we would agree to  
29 install it. That's not a big deal.  
30

31 **CHAIR LOWELL** – So if somebody came in and said, hey I have an electric  
32 vehicle, I want to rent your apartment. You would install it then? Or would you  
33 install it....what would be the option?  
34

35 **APPLICANT PAUL ONUFER** – We would probably install it up front. It depends.  
36 Because, if they are going to rent the ones with the garage, that may be a little bit  
37 different than the ones in the, more in the carports or open parking spots.  
38

39 **CHAIR LOWELL** – Alright. I know that moving....as future developments come  
40 down the line, I know that electric vehicles are going to be bigger and bigger. I  
41 know another person in my office just bought one. It's becoming more and more  
42 popular.  
43

44 **APPLICANT PAUL ONUFER** – Absolutely.  
45

1 **CHAIR LOWELL** – I can drive 60 miles on a charge and not even have to use an  
2 ounce of gas but.....

3  
4 **APPLICANT PAUL ONUFER** – It’s a great feeling.

5  
6 **CHAIR LOWELL** – Getting home is hard because there’s nowhere to charge.  
7 So, yeah, it would be a great amenity. I’m sure it would attract a lot of people,  
8 especially if they live and work close, you can drive on electric everywhere so.

9  
10 **APPLICANT PAUL ONUFER** – Right.

11  
12 **CHAIR LOWELL** – It’s just something to think about. It would be a nice amenity.

13  
14 **APPLICANT PAUL ONUFER** – Right.

15  
16 **CHAIR LOWELL** – I appreciate it. Thank you.

17  
18 **APPLICANT PAUL ONUFER** – Alright.

19  
20 **CHAIR LOWELL** – Do we have any other questions for the Applicant? Anybody  
21 else? Nope? Thank you very much.

22  
23 **APPLICANT PAUL ONUFER** – Thank you.

24  
25 **CHAIR LOWELL** – It looks like we have Mr. Barnes did pipe up.

26  
27 **VICE CHAIR BARNES** – Yeah I did.

28  
29 **CHAIR LOWELL** – You still want to talk?

30  
31 **VICE CHAIR BARNES** – Actually this is back to the Staff question on.....the  
32 Cactus Avenue section doesn’t seem to match what we just discussed. It shows  
33 44 feet to the right-of-way, which matches the plan, but then it shows a 6-foot  
34 landscape easement. It doesn’t show the 12-foot right-of-way dedication.

35  
36 **CHAIR LOWELL** – If I’m not mistaken, isn’t Cactus completely improved minus  
37 sidewalk and landscape?

38  
39 **VICE CHAIR BARNES** – Yeah, I believe it is.

40  
41 **LAND DEVELOPMENT DIVISION MANAGER MICHAEL LLOYD** – You are  
42 correct, and I believe the right-of-way including the parkway portion behind the  
43 curb was acquired as part of the capital project, so I believe the right-of-way is in  
44 place today. What makes this kind of unique on this particular corner there at  
45 Cactus and Lasselle is it is not our typical dimensions for the classification. I  
46 believe it is a minor arterial because, as you probably were in the field and

1 noticed, there is a free right turn in the Northbound Lasselle to Eastbound Cactus  
2 direction and so it kind of skewed our typical dimensions. So I don't know if  
3 that's necessarily what's being reflected in terms of why some dimensions might  
4 be slightly off but my understanding is that the right-of-way is in place and I see  
5 Paul is.....

6  
7 **APPLICANT PAUL ONUFER** – That's our understanding as well.

8  
9 **VICE CHAIR BARNES** – Okay, my concern is we were creatively applying or  
10 using a road easement to allow that building to go to the south encroaching the  
11 10 foot because it's to an easement, not to a property line. We're moving the  
12 right-of-way to 56, and they are 10 feet from that that conform, so okay. Thanks.

13  
14 **CHAIR LOWELL** – Commissioner Sims.

15  
16 **COMMISSIONER SIMS** – So I'm looking at the project, which I think it's going to  
17 be a nice project. The zoning, if I understand right for the project site, allows up  
18 to 20-to-1, right? Is that correct?

19  
20 **CASE PLANNER GABRIEL DIAZ** – Correct. The....in the Specific Plan, this  
21 rectangular piece was called out for 220 units, and that is what they are building  
22 according to.

23  
24 **COMMISSIONER SIMS** – So the next question, the zoning map shows  
25 SP218LM and then your Staff Report indicates it's 4-to-15 dwelling units to the  
26 acre.

27  
28 **CASE PLANNER GABRIEL DIAZ** – Because that's to the south and to the east.

29  
30 **COMMISSIONER SIMS** – Right. So does this.....and why I'm wondering, asking  
31 about this, is looking at the Plot Plan for the layout for the apartments, the type 1  
32 buildings are, if I understand what I looked at here today, are the three-story  
33 buildings are the.....and so, in the absence of knowing what's going to happen on  
34 the property to the, I guess this would be to the east, are we cool with three-story  
35 buildings that we don't know.....I guess I'm cool with the three-story buildings,  
36 but are they appropriately back away from the property line where they are not  
37 going to be intrusive if somebody goes and builds four houses to the acre type  
38 units on the undeveloped property directly east?

39  
40 **CASE PLANNER GABRIEL DIAZ** – It meets the requirements of the Specific  
41 Plan, the zoning requirements. They are building accordingly. The buildings are  
42 set back from the property line with parking areas, carports in between. Yeah, I  
43 guess if somebody builds a single-family home to the east, they could look down  
44 upon it; but this project is building it per the code. They are not asking for a  
45 Variance, and they are meeting the density. I think it's a well-designed project. It  
46 meets the fire circulation access.

1  
2 **COMMISSIONER SIMS** – Good. I just, to fellow Commissioners, it just, you  
3 know, that’s been a recurrent thing. This is a little different because this is raw  
4 ground so these guys.....if this project goes first, you know, then whoever  
5 develops the property adjacent, they have to take that into account. A few of the  
6 ones that I’ve seen in my time on the Commission, there’s been.....it would be a  
7 fill-in project and then you have these large.....that has always been a theme, so  
8 anyhow I say, if you’re first in, you should be able to do what you want so; as  
9 long as it meets code.

10  
11 **CHAIR LOWELL** – Speaking of first in, isn’t this the first project within the  
12 Aquabella Specific Plan?

13  
14 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may. It is the first development  
15 within the Aquabella Specific Plan. It was specifically identified in the Aquabella  
16 Specific Plan as being the high-density area. It was clearly identified when we  
17 looked at this Aquabella Specific Plan as being intended for this type of  
18 development, and it basically was done in the context of knowing what was going  
19 to happen on the adjacent property, so it was well known that, in order to  
20 accomplish this sort of density, you’re going to need to have two-story to three-  
21 story buildings. What our planner, Gabriel, has indicated is that we have  
22 carefully looked at that with regard to development standards, and it does meet  
23 our development standards for this specific type of building. So we don’t expect  
24 there to be any sort of a problem with it, and it would be.... it has been deemed  
25 consistent with that Specific Plan.

26  
27 **CHAIR LOWELL** – Vice Chair Barnes.

28  
29 **VICE CHAIR BARNES** – I was just going to say, building 7, which is the closest  
30 one, looks like it is about 60 feet from the property line so that’s pretty substantial  
31 for three-story so.

32  
33 **CHAIR LOWELL** – And that was building 7, you said?

34  
35 **VICE CHAIR BARNES** – Yeah, the one in the middle.

36  
37 **CHAIR LOWELL** – And building 3 is facing north, which has a big hill just  
38 opposite that.

39  
40 **VICE CHAIR BARNES** – Yeah, so.

41  
42 **CHAIR LOWELL** – Okay, well before we get too much further into this, let’s open  
43 up the Public Comments, the Public Hearing. It looks like we have Mr. Rafael  
44 Brugueras. Do you want to come up? And if anybody else wants to speak, now  
45 is the time to do so to fill out a slip. I don’t see anybody moving, so Mr.  
46 Brugueras, you have the floor.

1  
2 **SPEAKER RAFAEL BRUGUERAS** – Good evening again, Chair,  
3 Commissioners, Staff, residents, and guests. I was reminded by a lady that  
4 came to the house to share her faith to me, and I was sharing with her about  
5 development and everything, and she asked me if I knew anything about this  
6 developer right now on Lasselle and Cactus. I didn't know because I wasn't  
7 aware of looking at the agenda yet, but I went over to it yesterday, and I had to  
8 laugh because the signs of the campaign are no longer there on that fence. That  
9 corner reminds me of so many times I had to climb over the fence to get Brian  
10 Lowell's signs to put them back on the fence so people could know he was  
11 running. That's how many times I had to go in there. I know that dirt. I know the  
12 ants on that dirt. So I went back to the corner and I looked at their vision and  
13 what they wanted to do what that corner. Then, I looked over to my right, and I  
14 saw the hospital and the first thing I thought of, people can live there and work  
15 down the street without a lot of traffic. But I know people because I used to live  
16 on Eastridge and Walmart was the closet street. That's small and people still  
17 drive across the street to Walmart. People never give up their cars. I don't care  
18 how close things are. They'll drive to them. Okay, that's a fact. Traffic, there is  
19 always going to be traffic but development is what stays for a long period of time.  
20 Anyway, I looked at it, and I said this will be a great project. Because I also  
21 looked at the pictures, and I looked at all the things they were going to build and  
22 all the colors, and they way it looks real pretty. It looks real nice, so someone  
23 that works and makes good income in that hospital and live across the street  
24 from it, but I also thought of the project that's coming, the University Care  
25 General Hospital. The additional one they are going to build next to that one, so I  
26 thought about all those people that one day will come into our city to be  
27 employed by that hospital and need a place to stay next to the hospital until they  
28 can get themselves established enough to move out of that apartment and one  
29 day live in a house. That's the way we look at our city. That's the way I look at  
30 my city, progress and hope for all. I hope that this project gets approved, and I  
31 hope he gets financed because it is a great project for that corner that needs  
32 help. Remember, a lot of this land has been sitting there for over 40 years. It's  
33 time to fill them up with something that's decent in our city. Thank you.

34  
35 **CHAIR LOWELL** – Thank you, Mr. Brugueras. Last call for anybody wanting to  
36 speak. Going once, going twice.....Public Hearing is now closed. Now let's  
37 move onto our Commissioner Discussion. Oh, actually, Mr. Onufer, would you  
38 like to respond to anything you've heard so far before we move into our  
39 discussion?

40  
41 **APPLICANT PAUL ONUFER** – No, we're fine. Thank you.

42  
43 **CHAIR LOWELL** – Thank you very much. Okay, the floor is open. Any  
44 questions, comments, deliberations? If nothing, anybody want to make a  
45 motion? I don't see anybody's hands going up. Vice Chair Barnes.

1 **VICE CHAIR BARNES** – Seems pretty uncontroversial and the right project in  
2 the right place, and I have no objections. I think we should make a motion and  
3 move on.

4  
5 **CHAIR LOWELL** – What about making it one acre?  
6

7 **VICE CHAIR BARNES** – Why stop at one? Really? I've never made a motion.  
8

9 **CHAIR LOWELL** – Any other comments or questions.  
10

11 **COMMISSIONER SIMS** – No.  
12

13 **CHAIR LOWELL** – Well I also think this is a great project. I've been in that area.  
14 I've walked the neighborhoods. I think this is going to be a shining jewel in the  
15 city. I think Aquabella needs somebody to step up in this Specific Plan area and  
16 scoop the first shovel full of dirt and be a shining star on what Aquabella is going  
17 to be in the next 10-15 years. I can't speak for everybody, but I really hope this  
18 gets approved. It's going to be a great project. Anybody want to make a motion?  
19 Let's get the vote going.  
20

21 **COMMISSIONER SIMS** – I would make a motion that we adopt Staff's  
22 recommendation in approving Resolution No. 2017-23 and ADOPT the  
23 addendum to the Environmental Impact Report and APPROVE the Plot Plan with  
24 all the numbers stated in the Staff recommendation.  
25

26 **CHAIR LOWELL** – Can you hit the mover button?  
27

28 **COMMISSIONER SIMS** – There you go.  
29

30 **CHAIR LOWELL** – Anybody want to second? We have a motion by  
31 Commissioner Sims and a second by Commissioner Nickel. Cast your votes.  
32 This is interesting. On the vote, it says it's waiting for the City Attorney and the  
33 Planning Official. Do you get a vote now?  
34

35 **COMMISSIONER NICKEL** – It did say like 9, didn't it.  
36

37 **CHAIR LOWELL** – Going once, going twice....we're ending the vote. The  
38 motion passes 7-0 even with the Planning Official and the City Attorney not  
39 voting. Do we have a Staff wrap-up on this item?  
40

41  
42 Opposed – 0  
43

44  
45 **Motion carries 7 – 0**  
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**PLANNING OFFICIAL RICK SANDZIMIER** – Yes. The actions taken tonight by the Planning Commission are appealable actions to the City Council. If any interested party is interested in appealing the project, they can appeal within 15 days. The appeal should be directed to the Director of Community Development, and we'll pass it onto the City Clerk and agenda it for City Council consideration within 30 days.

**CHAIR LOWELL** – Thank you very much, and it also looks like we have Vice Chair Barnes over here wanting to speak. No? You're good?

**VICE CHAIR BARNES** – Never mind.

**CHAIR LOWELL** – My papers got out of order. Give me a second here. So thank you very much. I really appreciate it. I think this project is going to be a great project....addition to the city. I look forward to seeing it being built in the near future. Hopefully, tomorrow, like you said. That's moves us onto Item No. 2, which is PEN16-0028 an Amended Conditional Use Permit for expansion of the Resource Center for the Alta Vista Public Charter School. The owner is Southpointe Center, Ltd., and the case planner is Ms. Julia Descoteaux.

- 2. Case: PEN16-0028 an Amended Conditional Use Permit for expansion of the Resource Center for the Alta Vista Public Charter School
- Applicant: Alta Vista Public Charter School
- Owner: Southpointe Center, Ltd.
- Representative: Kyle Knowland
- Location: 24021 Alessandro Boulevard #116-119A; Southeast corner of Alessandro Boulevard and Heacock Street (APN: 482-481-034)
- Case Planner: Julia Descoteaux
- Council District: 3
- Proposal: PEN16-0028 Amended Conditional Use Permit for expansion of the Resource Center for the Alta Vista Public Charter School

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2  
3  
4 **STAFF RECOMMENDATION**

5  
6 Staff recommends that the Planning Commission **APPROVE** Resolution No.  
7 2017-13, and thereby:

- 8  
9 3. **CERTIFY** that this is exempt from the provisions of the California  
10 Environmental Quality Act (CEQA), as a Class 1 Categorical Exemption,  
11 CEQA Guidelines, Section 15301 for Existing Facilities; and  
12  
13 4. **APPROVE** PEN16-0028 Amended Conditional Use Permit (Existing  
14 Structure) subject to the attached Conditions of Approval included as  
15 Exhibit A.  
16  
17  
18  
19

20 **CASE PLANNER JULIA DESCOTEUX** – Good evening, Planning  
21 Commission. I’m Julia Descoteaux, Associate Planner, and the item before you  
22 is an Amended Conditional Use Permit for the expansion of the existing  
23 Resource Center for the Alta Vista Charter School. The CUP original Conditional  
24 Use Permit for the school was approved in October of 2013 to provide an  
25 alternative to the traditional education structure with a personalized education  
26 program for students 14-19 years of age. The expansion includes four suites  
27 with 4684 square feet in the existing retail center on the southeast corner of  
28 Alessandro Boulevard and Heacock Street. All the educational programs will be  
29 held within the buildings with no recreational facilities required due to the age of  
30 the students. The program includes four small-group classrooms with a project  
31 peak enrollment of 66 students, 16 teachers, and 12 support staff operating  
32 during the hours of 8:00 a.m. to 6:00 p.m., and they will stagger those schedules  
33 between 8:00 to 1:00 and 1:00 to 6:00. The existing retail center is zoned  
34 neighborhood commercial, which provides for retail restaurants, and office-type  
35 uses and other uses that are compatible with retail office uses and the  
36 neighborhoods. Properties to the north are zoned neighborhood commercial and  
37 R5 with existing development. Property to the south is zoned R5 with, existing  
38 dwellings. To the west is undeveloped business park mixed use. The overall  
39 shopping center has four buildings with varying uses, including retail, office, and  
40 restaurant uses. Parking for the site is mainly in the front with some parking off  
41 to the east side and some additional parking on the rear of the building. Access  
42 to the parking lot will be from the existing driveways along Alessandro Boulevard,  
43 there are two driveways, and on Heacock Street. The project was noticed in the  
44 Press Enterprise, posted on the site, and mailed to all property owners within 300  
45 feet and, to date, Staff has not received any comments or questions about the  
46 project. The project will not have a significant effect on the environment, as it

1 qualifies for a Class I Categorical Exemption for Existing Facilities. Therefore,  
2 Staff recommends that the Planning Commission APPROVE Resolution 2017-13  
3 CERTIFYING that the project is exempt from the provisions of the California  
4 Environmental Quality Act Class I Categorical Exemption, CEQA Guidelines  
5 Section 15301 for Existing Facilities and APPROVE PEN16-0028, an Amended  
6 Conditional Use Permit subject to the attached Conditions of Approval. This  
7 concludes Staff's presentation, and the Applicant and myself are here to answer  
8 any questions.

9  
10 **CHAIR LOWELL** – Thank you, Ms. Descoteaux. Do we have any questions or  
11 clarifications for Staff? No? Okay, would the Applicant like to come up and say  
12 anything? I don't see anybody rushing up to the microphone. You guys okay?  
13 Okay. It can be as simple as, yes we like what you guys are doing and sit back  
14 down again, or whatever you want to do.

15  
16 **SPEAKER JOE HERRERA** – Good evening. I'm the principal, Joe Herrera, at  
17 the Alta Vista Public Charter Resource Center.

18  
19 **CHAIR LOWELL** – Can you pull up the microphone a little bit?

20  
21 **SPEAKER JOE HERRERA** – Our primary use for this new learning center is to  
22 promote CTE career technical education programs, so that we can continue to  
23 serve the kids of Moreno Valley in a nontraditional setting but, with this new  
24 center, it is going to promote....the kids are going to be able to get hands on  
25 skills....kids that maybe are destined for the four-year university, so they can  
26 immediately have an impact in their local community and help bolster the  
27 economy with the hands-on skills. Our pathways include medical logistics,  
28 renewable energy, advanced manufacturing. So that's what we would be using  
29 the space for. Thank you.

30  
31 **CHAIR LOWELL** – You keep saying kids, and then you said four year. What  
32 age range are looking to?

33  
34 **SPEAKER JOE HERRERA** – We service 14-19 year old students. Some are  
35 older. The special education students we take up until the age of 22.

36  
37 **CHAIR LOWELL** – Is this high school replacement? Is it additional school?

38  
39 **SPEAKER JOE HERRERA** – It's an alternative education setting, so we service  
40 all kinds of learners. Maybe the kids that haven't traditionally been.... the  
41 traditional setting hasn't been the right fit for them. Maybe some kids have fallen  
42 behind and want to get ahead. We have some kids that have been bullied at the  
43 traditional setting that come to us and feel more safe and secure. We have a  
44 very good relationship with the local unified, and we operate with them and their  
45 counseling staff there to make sure that these kids are getting serviced.  
46 Sometimes the kids get caught up and return, which helps the Moreno Valley

1 Unified's graduation rates because they have the highest in the county of  
2 Riverside, so it is a plus for them as well. So we're just trying to help everyone  
3 that we can with our center and the programs we offer.

4  
5 **CHAIR LOWELL** – Now is this charter school, is it privately funded? You would  
6 have to pay tuition to go there or is it publically funded?

7  
8 **SPEAKER JOE HERRERA** – We are entirely free, nonprofit.

9  
10 **CHAIR LOWELL** – Good to know. Appreciate it. Any questions for the  
11 applicant? No? Thank you very much.

12  
13 **SPEAKER JOE HERRERA** – Thank you.

14  
15 **CHAIR LOWELL** – It looks like we have one Public Comment, so I'd like to open  
16 the Public Comments. Mr. Rafael Brugueras, if you'd like to come up.

17  
18 **SPEAKER RAFAEL BRUGUERAS** – Thank you, again, Chair, Commissioners,  
19 Staff, residents, and guests. I make it my duty to go to these sites as a resident  
20 first to make sure that our city gets what it needs, and I went to the site, and  
21 when I pulled up and looked at the existing building that was there, I didn't  
22 see.....I thought they were going to add on to the back of the building somehow,  
23 so I went around and I looked. I thought, how are they going to do this? So I  
24 finally opened up the packet and then I started to see the studio numbers. I said,  
25 okay, I got the little picture and I went and I looked at it real well. I said, okay, I  
26 got it, and I went to look at the studio, at the empty studios. And I saw between  
27 the barber shop and the dentist and what they wanted to do. I peaked inside the  
28 window, and I looked at the empty spaces, and I said okay, great, no problem.  
29 Then I went back to my truck, and I was going to take off but something didn't let  
30 me go. So what I did, because I was curious, I went to their building. I opened  
31 the door, and I peaked inside and, just like I'm looking at you, I looked at the  
32 three receptionists. I looked over to my left, just like this, and all I saw was kids  
33 on these old-fashioned metal tables. Then, on the side, just like this, they had  
34 the teachers. So just like this, a big room just like this, all the kids. Then it  
35 dawned on me why they needed the space, why they wanted to build extra  
36 classrooms to make the student count smaller. Like the principal said, to make it  
37 more intimate for them to learn more. If we want our city to grow.....see this is  
38 why I failed in school. I got my own problems, and this is why I fight for them.  
39 Education is important. It can either get you a good-paying job, get yourself  
40 relocated to another state and work or start your own business; be professionals  
41 like you men and women are because each one of you are professionals, but it  
42 took education to get you where you're at and then on-hand work to further your  
43 career. He wants to do that for the kids of our city and those that come here.  
44 Give them the opportunity to grow, so we can have a lot of high school graduates  
45 and one day we'll have men and women like yourselves sitting up there  
46 representing the city. Thank you.

1  
2 **CHAIR LOWELL** – Thank you, Mr. Brugueras. Anybody else wanting to speak?  
3 Going once, going twice....the Public Hearing on this item is now closed. Let's  
4 move onto our Commissioner Discussion. Any questions, comments, or  
5 clarifications? Vice Chair Barnes.

6  
7 **VICE CHAIR BARNES** – Question of Staff. Do we have any rules in the  
8 Development Code specifically geared towards learning centers, private schools,  
9 that type of thing? Is there anything that specifically addresses that type of  
10 facility?

11  
12 **CASE PLANNER JULIA DESCOTEAUX** – As far as how you run them?

13  
14 **VICE CHAIR BARNES** – No.

15  
16 **CHAIR LOWELL** – Julia, could you pull your microphone up a little bit?

17  
18 **CASE PLANNER JULIA DESCOTEAUX** – How they run them or the design of  
19 the school?

20  
21 **VICE CHAIR BARNES** – Just anything that's specifically geared  
22 towards....what's driving my question, and anybody's whose willing to take on  
23 privately educated kids, I applaud, so it's not geared specifically to this project,  
24 but I got to looking at this site and you've got three separate areas that serve the  
25 school and you've got people, I'm assuming, walking back and forth between  
26 them, and I mean these are all fairly old kids, so it's not that big of deal and,  
27 again it doesn't specifically apply to this but you go by a public school and it's got  
28 wrought iron fencing around it and you can't get in the parking lot without going  
29 by campus security and all that. Do you have any Development Code  
30 components that govern what a facility that serves kids should look like?

31  
32 **PLANNING OFFICIAL RICK SANDZIMIER** – No, we do not. The private  
33 schools, they are privately run. They have different standards. They  
34 basically....what our Code regulates is where they can be, in which zoning  
35 districts they can be allowed. Then, with regard to the development code (the  
36 setbacks, the density, the parking requirements), those are things that we can  
37 regulate, but we do not look at the actual site design. We don't have any  
38 designated outdoor space for them. That's not something that we.....

39  
40 **VICE CHAIR BARNES** – It's basically just a commercial use?

41  
42 **PLANNING OFFICIAL RICK SANDZIMIER** – Right, and we do have other  
43 centers in town, shopping centers where we've had some public charter schools.  
44 In fact, there was one before you just a couple of months ago across the street at  
45 Alessandro and Frederick.

46

1 **VICE CHAIR BARNES** – Yeah, and again I don't have an issue. I was just  
2 curious whether we have anything the activity at all. Okay, alright, that answers  
3 all my questions. Thank you.

4  
5 **CHAIR LOWELL** – It didn't dawn on me when we talked about the other charter  
6 school across the street a few weeks ago, but is this considered a sensitive  
7 area? They are right next to a vape shop, and a restaurant and possibly some  
8 alcohol and whatnot. Are there are setback requirements?

9  
10 **PLANNING OFFICIAL RICK SANDZIMIER** – I believe that same question came  
11 up at the....the last time it came up, and the answer is, no that's not a  
12 consideration with this particular use. If this was a vape shop being proposed  
13 next to a school, it would be treated differently. But the school being located next  
14 to an existing vape shop is not a concern.

15  
16 **CHAIR LOWELL** – So it's.....

17  
18 **PLANNING OFFICIAL RICK SANDZIMIER** – They know going in.

19  
20 **CHAIR LOWELL** – That answers like 99% of my question, so anybody else?  
21 Going once, going twice.....anybody want to make a motion?

22  
23 **COMMISSIONER BAKER** – I'll make a motion.

24  
25 **CHAIR LOWELL** – Let's go to the vote. There we go. If you can click the  
26 button, Mr. Baker.

27  
28 **COMMISSIONER BAKER** – Okay.

29  
30 **CHAIR LOWELL** – You have to click the button on there first.

31  
32 **COMMISSIONER BAKER** – Over here?

33  
34 **CHAIR LOWELL** – Yeah.

35  
36 **COMMISSIONER BAKER** – Got it?

37  
38 **CHAIR LOWELL** – Yep. You got it.

39  
40 **COMMISSIONER BAKER** – Okay. Do you want me to read it or?

41  
42 **CHAIR LOWELL** – Yes, please.

43  
44 **COMMISSIONER BAKER** – Okay. I move that we APPROVE Resolution 2017-  
45 13 and thereby CERTIFY that this item is exempt from the provisions of the  
46 California Environmental Quality Act (CEQA) as Class I Categorical Exemption

1 on CEQA Guidelines Section 15301 for Existing Facilities; and also APPROVE  
2 PEN16-0028 (P16-112), Amended Conditional Use Permit, Existing Structure,  
3 subject to the attached Conditions of Approval included as Exhibit A.

4  
5 **CHAIR LOWELL** – Perfect. We have a motion by Commissioner Baker, and we  
6 have a second by Vice Chair Barnes. All in favor, cast your vote....or, not in  
7 favor, cast your vote either way. I was going to do an, all in favor, say aye thing;  
8 but, yeah, again we’re still waiting for the City Attorney and Planning Official.

9  
10 **COMMISSIONER NICKEL** – Yes. Put your vote in.

11  
12 **CHAIR LOWELL** – Going once, going twice....the motion passes 7-0. Do we  
13 have a Staff wrap-up on this item?

14  
15  
16 Opposed – 0

17  
18  
19 **Motion carries 7 – 0**

20  
21  
22 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes, this item is an appealable  
23 item also to the City Council. Any interested party that is interested in appealing  
24 the item, they have 15 days to do so. They can direct their written appeal to the  
25 Director of Community Development, and we will pass it along to the City Clerk  
26 for being agendized on the City Council Hearing within 30 days.

27  
28 **CHAIR LOWELL** – Thank you very much. That moves us onto Other  
29 Commissioner Business, which is Public Notice Requirement (Report of the  
30 Planning Commission). Do we have a Staff summary on this one?

31  
32  
33 **OTHER COMMISSION BUSINESS**

34  
35 3. Public Notice Requirements (Report of: Planning Commission)

36  
37  
38 **PLANNING OFFICIAL RICK SANDZIMIER** – I’ll just introduce the item. It is an  
39 item we put on the Agenda at the request of the Commission. It is my  
40 understanding that the Public Noticing requirements that you were looking at was  
41 consideration of the 300 foot distance that we are currently using. It is in our  
42 Municipal Code. In anticipation of that discussion, we did include a copy of our  
43 Municipal Code Section that talks about the 300 foot requirement. We also  
44 looked at the California Planning Law requirements for this same item, so we  
45 included that with your Staff Report. In the Municipal Code and in the State Law,  
46 they are consistent with regard to how we public notice using a 300 foot radius.

1 In addition, our public noticing requirements, in addition to mailing out to the 300  
2 foot residence or property owners within 300 foot, we do post the site. Each  
3 project site it posted with a sign, and then we also put an advertisement in the  
4 newspaper, so we are doing more than the minimum required. And the state  
5 regulations, if you were able to read through and see some of the fine details, I  
6 believe I tried to highlight it in the attachment. There is one section in there that  
7 does give the local jurisdiction some flexibility if you want to go above and  
8 beyond what the state requirement is, but that is at the discretion of the agency.  
9 In this particular case, the Planning Commission would serve as an advisory  
10 capacity on that because that would be a Develop Code Amendment and City  
11 Council would be the legislative authority to actually make the final approval on  
12 that and so that's how that would work.

13  
14 **CHAIR LOWELL** – And the reason why this was issue, what I wanted to bring it  
15 up, is that, in the past, we have had some fairly large projects that have come  
16 through the Planning Commission and, noticing 300 feet, seems like it falls short  
17 of the effect it will have on the community. For instance, we had a World  
18 Logistics Project come through here. Noticing 300 feet only noticed a few  
19 hundred people, whereas it's a large percentage of the city, and it seems likely  
20 proportionally a project of a large scale like that should have involved a larger  
21 notification radius whereas a smaller project like we just did tonight should have  
22 a smaller notification radius. I know we're doing more than what the state is  
23 requiring, but I think it's look a good faith effort that we should just look at it and  
24 maybe get a teared notification radius saying that, if it is X size it has to be 300  
25 feet and, if it is more than 1000 acres or more than 100 acres, it has to notice  
26 1000 feet or half mile or something. Granted it is a more expensive option  
27 because you have to have more postage and more mailings, but personally I had  
28 to mail notifications to 20,000 residents, and it cost me \$4000.00. Andy when  
29 you're doing 1000 acres or 100 acres, you're talking multi-million dollar projects;  
30 a couple thousand dollars in notifications, is kind of a drop in a bucket. So that's  
31 just my personal opinion. I think it should be at least reviewed as some sort of a  
32 teared notification. That's my opinion. I don't know if anybody else has any  
33 comments or questions.

34  
35 **VICE CHAIR BARNES** – Well I was going to say basically the same thing. My  
36 suggestion, I don't want to debate this all night, but my suggestion is maybe  
37 break it down by area. Zero to 5 acres is 300 feet, and 5-10 is 500 feet, and  
38 greater than 10 is 1000 feet.

39  
40 **CHAIR LOWELL** – I think that's fair.

41  
42 **VICE CHAIR BARNES** – It's a reoccurring theme that people complain about the  
43 300 foot radius, so I think to be responsive to the public, we should consider  
44 expanding it. And that was the best way I could think of doing something that's  
45 easy to apply and, not two owners on a development and going out a 1000 feet,  
46 it would have to be a pretty large project. I think they could afford the postage on



1 that. The other thing that was an issue that I had anyway, and people in the  
2 public seem to have an issue with, is complaints about not getting notification.  
3 We discussed publishing a list as part of the Staff Report, just the list of  
4 addresses. Or maybe a map that shows the radius that applies to the project,  
5 just something that shows the public who got the notice. I think that would  
6 eliminate a lot of questions too. So that's my two cents.

7  
8 **CHAIR LOWELL** – Anyone else? Commissioner Nickel.

9  
10 **COMMISSIONER NICKEL** – I have a question. When your notices go out, are  
11 they going out to the property owner in the address? Because a lot of houses  
12 around town are absentee landlords.

13  
14 **PLANNING OFFICIAL RICK SANDZIMIER** – The requirement is to send it to the  
15 registered property owner, I believe is the way it is labeled. So I believe it's the  
16 property. We send it to the property address, and I do believe that if the owner is  
17 not located there that we do also notice them at the location where they receive  
18 their mail. There are some special circumstances where we go above and  
19 beyond. One is when we were bringing the Smoke Shop Ordinance. What we  
20 did was we specifically noticed the property owner, but we also wanted to notify  
21 the business owner recognizing that the business owner is the one who also is  
22 possibly impacted by that if they are leasing the property. So we do try to give  
23 some consideration when there is a uniqueness about that. What I will say is,  
24 tonight we had two items that we did public notice using the 300 foot radius. We  
25 had one speaker on each.....

26  
27 **CHAIR LOWELL** – And, for the record, he does not live within 300 feet of either.

28  
29 **PLANNING OFFICIAL RICK SANDZIMIER** – Correct. So I don't know, but we  
30 saw that in the last meeting we had, we had a roomful of people, and I was told  
31 that one person thought that we only notified 25 property owners but we still had  
32 a room of 80 or more people. So the World Logistics Center project, you  
33 indicated that the notice probably didn't hit that many people, but we had  
34 hundreds of people that came to that. So those projects that are going to be of  
35 key interest or of some particular interest to the city are usually getting  
36 recognized in the newspaper, somebody will pick up the notice by driving by and  
37 seeing the sign that is posted, somebody will see the notice in the newspaper,  
38 and somebody might be getting it directly and then they notify their friends, their  
39 neighbors, and it's working. So using that consistent approach, we do find that  
40 most of the projects that have some sort of unique or sensitive interest do attract  
41 people. So I think it's working. I've been doing this for 30 years and every  
42 agency I've worked for, I've had people come before a Commission or a City  
43 Council and say the same thing that they didn't get a notice or a notice should of  
44 went further. It's not uncommon. It's really up to you and to the City Council  
45 what you'd like to do, and we as Staff will follow your lead. But I just want to  
46 make sure that you understand that the way we look at it, this is not a unique

1 issue. I expect that it will come up from time to time. That's kind of my input.  
2 The other thing is, for a City that's trying to be business friendly or to try and  
3 encourage business to come in and not feel like they have enormous costs,  
4 because we do get questions all the time about the fees, the mailing and the  
5 distribution do cost money, whether it's a couple thousand dollars or a couple  
6 hundred dollars. There is also a labor involved, and there is also the labor  
7 involved in terms of getting things out to the mail, stuffing envelopes, and other  
8 stuff. There's other things that are involved other than just the postage stamp,  
9 and so those are things that have to be taken into consideration.

10  
11 **CHAIR LOWELL** – Yeah, and on that same line, I do believe that is correct, but  
12 we also shouldn't be throwing away the baby with the bathwater being business  
13 friendly, so I think it's at least worth a discussion, and that's what we're doing  
14 tonight. We have Commissioner Sims ready to speak also.

15  
16 **COMMISSIONER SIMS** – I tend to agree with our Planning Official that I do  
17 believe in transparency and that we should be as open, and I think we're  
18 televised and so everything is recorded and whatnot. I tend to think that, if this  
19 was an upheaval, an uproar, that state statute would have already addressed this  
20 and people would have wrote their Congressman and whatever and gotten this  
21 changed by State Law to change the minimum standard would be adopted in the  
22 Municipal Code. So, to beyond that, I think....I couldn't say it better than the  
23 Planning Official stated that projects are well known, and I think it falls a little  
24 bit....a little grandstanding when people say, oh we didn't get notification. When  
25 you have a 1000 people like we had at World Logistics or we had 100 people  
26 here like we did at the last one, I think the process works fine. And I can tell you,  
27 in my personal career where I work, we do projects and there are Facebook chat  
28 rooms, all sorts of stuff; as soon as one person....it's out and so I'm rambling  
29 now, but to go further, this is similar to the next thing that we talked about, about  
30 the rules and procedure about things. I disagreed with things in the procedures.  
31 I think if you go to a teared complicated system that you have this project, you  
32 have to do this notification, you're setting yourself up....you're setting Staff up for  
33 potential failure, legal claims, and things that will prohibit and create more hazard  
34 for the City to navigate through. And so my personal opinion would be stick with  
35 State Statute and our Municipal Code that's consistent with the State Statute.

36  
37 **CHAIR LOWELL** – I think it is at least worth a discussion, which is what we're  
38 doing, and if it doesn't go anywhere, it doesn't go anywhere but it's a common  
39 thread through most of our meetings, oh we're not notified. We need to do more,  
40 so at least we can say we're talking about it. Vice Chair Barnes.

41  
42 **VICE CHAIR BARNES** – I don't disagree with Commissioner Sims, but it is a  
43 reoccurring theme. I think the distance is an issue that we could address pretty  
44 simply but, the not getting a notice thing, I think a suggestion to that is worth  
45 doing. If we're going to be responsive to the public, I think we should attempt to  
46 address it. I don't think it's an unreasonable request. So I would be in favor of

1 proposing something. I don't want to make it complicated though. I don't want it  
2 turning into a swiss watch to avoid the type of things that Commissioner Sims  
3 was referring to.

4  
5 **COMMISSIONER SIMS** – You I have to throw out, for every new rule, you have  
6 to throw out two. I think that's the new decree.

7  
8 **CHAIR LOWELL** – Oh, I got a couple rules we could throw out.

9  
10 **VICE CHAIR BARNES** – Oh I could do that.

11  
12 **CHAIR LOWELL** – I've got a couple. How about 10-1? So, given what we've  
13 talked about on this specific item, is there anything you guys want from us? Are  
14 we just opening it for discussion?

15  
16 **ASSISTANT CITY ATTORNEY PAUL EARLY** – If I may. I mean, at this point,  
17 we are treating this somewhat like a study session. I think Staff is looking for  
18 some direction from a consensus. If there was a consensus to go in a particular  
19 direction, the next step for them would be to study it, prepare a Staff Report,  
20 come up with the actual costs, some exemplars for this Commission to make a  
21 recommendation to the Council upon. Just a couple things to consider. Along  
22 these lines, we can legally add to them if that's what the Council wants to do.  
23 The cost factor is something that was brought up already. This is not the only  
24 notice that's out there, so we want to be aware of that. All of the meetings are  
25 agendized in public notice, so there are several ways of doing that. I just  
26 checked with Rick too and verified that we do allow for standing notice. There  
27 are certain individuals that have requested of the City of be advised of any  
28 project in the city and they receive notice of that project regardless of where that  
29 is, so that exists right now for people. The other thing that I want to make  
30 mention of, because we're talking about a tiered system, is that does somewhat  
31 exist now in that the 300 feet measurement is from the perimeter of the property,  
32 not the center of the property. So a larger project, like the WLC, has a much,  
33 much larger 300 foot radius than an individual parcel would have. The radius is  
34 exponentially larger because you're measuring that 300 feet from the perimeter.  
35 If it's surrounded by vacant land, the effect is still minimal, but there already is  
36 somewhat of a tiering in there for size, as far as acreage is concerned. So keep  
37 that in mind in whatever direction you're wanting to give to Staff. I just wanted to  
38 make sure you were aware of all those.

39  
40 **VICE CHAIR BARNES** – One of the options would be to formulate some kind of  
41 a suggestion that we could give to the Staff, and they could study it and bring it  
42 back and we could say yay or nay, or does it just die in the vine? Is this  
43 important enough that we want to put together a defined suggestion to the Staff  
44 or do we not care enough, or it's not important enough to put forth a.....

45

1 **CHAIR LOWELL** – Commissioner Sims, you, and I are the only three people that  
2 really voiced their opinion on this, so it seems like the other four really don't care.

3  
4 **COMMISSIONER NICKEL** – I do, I mean I care.

5  
6 **COMMISSIONER KORZEC** – We care, and I would like to speak if that's okay.

7  
8 **CHAIR LOWELL** – By all means.

9  
10 **COMMISSIONER KORZEC** – On the tiered system, I don't see the necessity for  
11 that. I think the state is fine, but I think what Commissioner Barnes was saying is  
12 important. We've had people come up here and say, did you send this to this  
13 Indian tribe, this one? I don't see the problem just posting a list who were sent  
14 the notices. I don't know how difficult that is. I don't know how costly that is.  
15 But, to me, if they are sent out anyways, somebody should have a list and that  
16 would alleviate some of the questions from us who say, did you contact San  
17 Manuel, did you do this and that? Because we could clearly just look at the list.

18  
19 **VICE CHAIR BARNES** – There is a list. You could redact the owner's names.  
20 It's a pretty simple process so.....

21  
22 **COMMISSIONER KORZEC** – So I would be.....

23  
24 **VICE CHAIR BARNES** – I think as a pretty simple first step that should be done.

25  
26 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may, Mr. Chairman. Whenever  
27 there is going to be a project that requires a public hearing, the applicant is  
28 required to give us the mailing list, so we will have a copy of the mailing list. That  
29 can be provided. In addition, our assistant state attorney has indicated, if  
30 anybody specifically says they want to be notified on the project, if they ask us as  
31 part of the Environmental Review to be included, we usually include them as  
32 somebody who gets the public notice and any adjacent agencies that we're  
33 required to notice will get that. So we can provide you a list of everybody. We  
34 can just start making that a common practice if that's your interest but, as the  
35 assistant city attorney said, we would take that as one suggestion, come back to  
36 you, and make a recommendation. I just want to make sure I understand what  
37 all the ramifications in terms of cost, and how it effects our process, and if there's  
38 anything I'm not thinking about by doing that. I just want to make sure that I'm  
39 covered.

40  
41 **CHAIR LOWELL** – I don't know that we need to have a list of these names of the  
42 residents in our packets because the packets are just going to get exponentially  
43 thick, but I think the agencies that were contacted would be great and maybe just  
44 have the list ready if anybody wants it, like hey here's the list of people who we  
45 talked to or we sent out notices to I mean.

1 **VICE CHAIR BARNES** – I mean, it's not really for us because...

2  
3 **CHAIR LOWELL** – I don't want to see the list names. I just think...

4  
5 **VICE CHAIR BARNES** – Right. It's for the public who comes up and complains  
6 that they didn't get notified. We would know who got notified and then there  
7 would be no dispute, so it's for them. It's not for us.

8  
9 **COMMISSIONER SIMS** – Can I ask a question? From a...this is just a  
10 hypothetical....so, if the City fails in their notification process, doesn't back check  
11 the accessory parcels or however you generate the list of the 300, all of the  
12 accessory parcels or parcels within the 300 foot radius of the perimeter of the  
13 project site. Is that a way that somebody could file claim on the validity of the  
14 approvals and of the entitlement?

15  
16 **ASSISTANT CITY ATTORNEY PAUL EARLY** – So the actual....there's no  
17 technical violation for failing to provide notice. However, if somebody were....if  
18 there were actual harm to somebody that wanted to claim that, if they had notice  
19 and it could've been different, then it could open a door there; but the threshold is  
20 much higher. There is no claim for reversal just because there was no notice  
21 given.

22  
23 **VICE CHAIR BARNES** – It seems like there is no harm and it's in everybody's  
24 best interest to include the list of who was notified in the Staff Report. It seems  
25 like a very minor, to me. And this is two separate issues also.

26  
27 **COMMISSIONER NICKEL** – I don't think you're out of sync with that.

28  
29 **COMMISSIONER SIMS** – I guess my, this is kind of free flow, but I don't know  
30 if....I think if you put it out as public information and whatnot, all these names and  
31 stuff like that, it creates a situation where organizers and whatnot. I think if  
32 people are really interested in what....I think the notification process is there and  
33 so I mean I don't disagree having like the map and then it shows 300 feet out and  
34 it shows all the property parcels and you put a line, this is the list and then the  
35 public agencies are tribal lands or whatever, include that. I don't think you should  
36 make it that easy. As soon as you put these agenda packets out, somebody that  
37 has a grind on a developer or is a no growth, or I don't know whoever has a  
38 motivation then all of a sudden has all the names, all the addresses, and you're  
39 providing that for obstacle to....I don't think that's the purpose. We just want  
40 people to know that there's a project.

41  
42 **VICE CHAIR BARNES** – The people that are motivated don't need the  
43 notification because they monitor this and they are all over the agenda. It's for  
44 Billy-bob who suddenly something shows up in the mail, he commutes to work,  
45 he gets home at 6:30 and.....

46

1 **COMMISSIONER SIMS** – But that doesn't fix this. It doesn't fix that, Jeff.

2  
3 **ASSISTANT CITY ATTORNEY PAUL EARLY** – If I may.....

4  
5 **COMMISSIONER SIMS** – Mailing it...people out there read the mail.

6  
7 **VICE CHAIR BARNES** – Well it's for the people who come up to the counter and  
8 said I wasn't notified. Well, if you live there, you were.

9  
10 **COMMISSIONER SIMS** – They are all going to say that. You're going to hear  
11 that on every controversial hearing, is I didn't get notice. If it wasn't for my  
12 neighbor, I wouldn't have heard about it.

13  
14 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Just to make a clear point on  
15 this exact topic you're discussing right now, whether or not Staff starts to include  
16 this list into the agenda packet, that list is a public record and can be pulled by  
17 anybody at any time. So, if there are concerns about people being able to get to  
18 it, if they put in a request at the clerk's office for a copy of the list of addresses  
19 that notice was sent to, the City is going to have an obligation to disclose that.

20  
21 **VICE CHAIR BARNES** – Well then maybe as part of the Staff Report where you  
22 talk about the notification, you just add in a sentence that this is public record and  
23 it's available and then we have an answer to all those people's questions and the  
24 problems solved.

25  
26 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Yeah I don't know that the clerk  
27 wants the extra work, but they do have a legal right to that document if they  
28 request it.

29  
30 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may, as I listen to the  
31 discussion and I hear this, the one thing that comes to mind is the people that we  
32 notify that live within 300 feet of the piece of property are only being now  
33 engaged in that project because they live within 300 feet of that piece of property.  
34 They may not have any concern or care about the project. They may like to  
35 preserve their privacy. They may not want everybody to know who lives there  
36 and doesn't live there and if they got a notice or didn't get a notice but, if we put it  
37 out there into this packet, you're actually opening up some stuff about them. So I  
38 would prefer as the assistant city attorney just indicated would be, or maybe it  
39 was the Vice Chair, to just make a notice in the packet that says, if somebody is  
40 interested in the list, you can request it. But I would rather just not just offer it up.

41  
42 **CHAIR LOWELL** – I don't think we should hand that out.

43  
44 **PLANNING OFFICIAL RICK SANDZIMIER** – I think people that are interested in  
45 it can go after it, rather than us just being free with semi-confidential information.

46

1 **VICE CHAIR BARNES** – I’m fine with that as a solution. I wasn’t aware that it’s  
2 public record but, if it is, if somebody has an axe to grind and they want to see  
3 the list, then that...to me, that solves the problem.  
4

5 **CHAIR LOWELL** – Or what about on the Public Hearing Notice? Where we  
6 have the 8.5 x 11 sheet right here where we have like an outline, like a red  
7 outline, saying if you live with.....not like.....have a 300 foot offset shown on that  
8 map saying this is the area that was notified. I don’t know if that is something  
9 that would even be a possibility because it kind of covers what Jeff was saying  
10 over here about having a map.....  
11

12 **PLANNING OFFICIAL RICK SANDZIMIER** – That’s definitely a possibility. We  
13 could work with our GIS Staff, and they can draw a 300 foot buffer around the  
14 project there, and you can indentify which of the properties fall within that area.  
15

16 **CHAIR LOWELL** – I think that would eliminate the need for a list, but it wouldn’t  
17 eliminate the other idea that we’re talking about, about having a larger notification  
18 radius. What I would like to see, instead of maybe having a tiered project list,  
19 maybe bump it up to like 400 feet as an average, so everybody gets notified  
20 within 400 feet of the project; do a little bit more. Or see what some of the  
21 applicant’s say, some of the ones you just talked to. See if they would be okay  
22 with that or if it is a deal breaker? I mean, I personally want to make the city  
23 business friendly, but I also don’t want to throw the baby out with the bathwater.  
24 I want to make sure that we’re doing our part to notify the neighbors and the  
25 common thread, like you’ve said through your 30 years of experience, that  
26 everybody says that, oh we’re not doing enough. Well we’re talking about it, so  
27 let’s at least look into notifying more.  
28

29 **VICE CHAIR BARNES** – Does the majority of the Commission want to change  
30 the 300 foot limit?  
31

32 **CHAIR LOWELL** – Did you guys hear that?  
33

34 **VICE CHAIR BARNES** – Does the majority of the Commission want to change  
35 the 300 foot limit? That’s three no’s. That’s four no’s. Okay. We’re done.  
36

37 **CHAIR LOWELL** – We’re okay with 300 foot then. We beat this up for no  
38 reason.  
39

40 **COMMISSIONER SIMS** – It’s good to discuss it. I like the idea of putting a map  
41 with the 300 that’s consistent with the Code and the State Statute....  
42

43 **CHAIR LOWELL** – But as far as extending the notification radius.....  
44

45 **COMMISSIONER SIMS** – I think everybody that needs to know, will know, and  
46 they will be advised, and they will be here. So but putting a map.....

1  
2 **CHAIR LOWELL** – I think graphically showing the radius....  
3  
4 **COMMISSIONER SIMS** – And then graphically is one of these things you could,  
5 in you Staff Report, and these were the notifications; just make that part of your  
6 routine. It deflates that.  
7  
8 **CHAIR LOWELL** – I agree. I think that would be a good compromise.  
9  
10 **VICE CHAIR BARNES** – Okay.  
11  
12 **COMMISSIONER BAKER** – I got one question on that Lasselle and Cactus  
13 project. Did anybody go by there? That sign is not put up properly, the notice  
14 sign. I mean, it was hanging at half-mast when I saw it.  
15  
16 **PLANNING OFFICIAL RICK SANDZIMIER** – Okay.  
17  
18 **COMMISSIONER BAKER** – Well it was. It wasn't hanging on the post.  
19  
20 **PLANNING OFFICIAL RICK SANDZIMIER** – I didn't drive out there but I believe  
21 our Planner does go out there. I have seen some of the signs. It has been up for  
22 a little while. We have had some heavy rains. I don't know if the rains.....  
23  
24 **COMMISSIONER BAKER** – Part of it.  
25  
26 **PLANNING OFFICIAL RICK SANDZIMIER** – I have seen some signs that have  
27 fallen down, and I have asked for us to address those so.  
28  
29 **CHAIR LOWELL** – So I think we've....Mr. Sandzimier, are you okay with what  
30 we talked about? Are you ready to move on to the next one?  
31  
32 **VICE CHAIR BARNES** – Have we come to a consensus?  
33  
34 **CHAIR LOWELL** – I do not have it up here.  
35  
36 **SENIOR ADMINISTRATIVE SPECIALIST DARISA VARGAS** – For Agenda  
37 Item No. 3, Rafael Brugueras.  
38  
39 **CHAIR LOWELL** – You're sneaking in under the wire, Mr. Rafael.  
40  
41 **SPEAKER RAFAEL BRUGUERAS** – Let me start with this first. Good evening,  
42 Chair, Commissioners, and Staff.  
43  
44 **CHAIR LOWELL** – You know, you should just have a chair up here.  
45



1 **SPEAKER RAFAEL BRUGUERAS** – No, no. You guys open the door.  
2 Because when you're sitting back here, I thought about the 200 or 300 people  
3 that were chatting behind me. Think about if they found my name on that list and  
4 they know where I live because I'm fighting for development, and they're  
5 disagreeing with it. That's number one. I understand what he's saying. Because  
6 sometimes we can't open up that can because a lot of worms come out of it. It's  
7 better to stay with the rules because think about two weeks ago. Three-quarters  
8 of those people don't even live in those neighborhoods and they were here  
9 because of George running around getting everybody's name, email, and phone  
10 number. That's all they did that evening, for the last two evenings. So if they  
11 want something, they will email everybody, make phone calls and all 500 of them  
12 will be here again. Real simple. The other thing that we have here in the city  
13 that we spend money, the taxpayers, we have morenovalley.org. If you will sign  
14 up, they will mail you the agenda. Real simple. It comes to you quicker than  
15 they get it, and you can look at the packet just like I do and look at the pictures  
16 and go to the site. You do it. I do it. It's simple, but people don't want that. We  
17 have social media. We heard that. We have all that. They were here. My next  
18 question is, are you going to be liable if someone gets hurt because now they got  
19 a list that's private. Because he mentioned it, the assistant attorney. That  
20 shocked me when that becomes private because that means that anybody in that  
21 room can go pay a fee and get all these names of people that disapprove and  
22 approve. We don't need that in the city. You know and I know, when there's a  
23 project that people don't like or like, the phone calls go out, can you make it and  
24 support it? They are all here. You see it. You see anybody here tonight?  
25 Nobody is here tonight because they are not suing us or it's not in my backyard.  
26 When something they want to make money off of or it's in my backyard, you see  
27 200-300 of them here. Real easy. I learned a lot in the last couple of years how  
28 this works in this room, okay? But I surely don't want my name or my neighbors  
29 name or your names out there to get hurt. Let's keep it simple. They'll know,  
30 Commissioner, really, they'll know. You've seen it. They'll know. Let's keep it  
31 simple so the City don't get sued, you may not get sued for making that choice, I  
32 don't know. I don't know what the law is, but let's keep it simple. Let them come.  
33 Believe me, they'll come. I come. They come. Believe me, they'll come.

34  
35 **CHAIR LOWELL** – Thank you, Sir. Okay, I think we have given a lot of thought,  
36 consideration, comments, and direction to Staff. Do you need anything else from  
37 us on this one or do you have a whole bucket of worms to deal with?

38  
39 **PLANNING OFFICIAL RICK SANDZIMIER** – No, no. I think we've got...we've  
40 got clear direction and the one suggestion it looked like you had consensus on  
41 was to, you know, public notification discussion in the Staff Report to have an  
42 accompanying attachment, which would just be a map showing the properties  
43 that were noticed. We don't have to give any information about anyone who  
44 resides there....

45  
46 **CHAIR LOWELL** – I think that's a safe bet.

1  
2 **PLANNING OFFICIAL RICK SANDZIMIER** – It just shows generally the  
3 properties that were noticed, and we'll work on that.

4  
5 **COMMISSIONER NICKEL** – Right, and just add a disclaimer that the information  
6 is available at the Clerk's office.

7  
8 **CHAIR LOWELL** – I wouldn't even go that far.

9  
10 **COMMISSIONER NICKEL** – Okay.

11  
12 **CHAIR LOWELL** – And on that notification is the property owner's, not the  
13 residents, correct?

14  
15 **PLANNING OFFICIAL RICK SANDZIMIER** – I'll go back, and I'll confirm, you  
16 know that....it's my understanding that we're sending it to the property owner of  
17 record. I believe it goes to the property itself plus the owner if they live offsite. I'll  
18 confirm that.

19  
20  
21 4. Planning Commission Rules of Procedure (Report of: Planning Commission)

22  
23 **CHAIR LOWELL** – Perfect and that takes us onto Other Commissioner Business  
24 Item No. 4, and the reason I brought this up is, the last two meetings we had a  
25 couple absentees. We had a couple vacant seats, and I wanted clarification by  
26 maybe adding another Rule No. 7 to page 214, let me see what item this is. I  
27 think it is Rule, where am I going here? Give me a second, let me find it. Yeah,  
28 it's page 214 of the packet. It's Absences and Vacancies, Item No. G6, so 1G6,  
29 1G4, I mean. I would like to add 1G7, a line that just states that, in the event that  
30 an item is heard and there's a vacant seat, I want to explicitly state that vacant  
31 seat can or seat cannot be filled at a subsequent meeting should a Planning  
32 Commissioner come back or an alternate become available. 1G4 touches on it,  
33 but it doesn't nail it down, and I don't want to talk about any other rules unless  
34 somebody has some other idea; but I just wanted to explicitly state without a  
35 vacant seat on the first item, the first day of the hearing can be filled at a  
36 subsequent meeting or that it cannot be filled.

37  
38 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Well the threshold question is  
39 which direction do you want to go in? Then, after we know that, we can craft the  
40 appropriate language.

41  
42 **CHAIR LOWELL** – My original understanding was that we could not but, after  
43 reading item 1G4, it says that you can.

44  
45 **ASSISTANT CITY ATTORNEY PAUL EARLY** – My interpretation of the way it  
46 currently is, is that you can, which is what we actually in fact did last time. So, if

1 you want to make that clearer, we can work on language to make that clearer;  
2 but if the intent is to move it the other way so that empty seats are not filled, then  
3 I would want to know that because that would be a very different rewriting.

4  
5 **COMMISSIONER NICKEL** – Could we allow Commissioner Gonzalez to speak  
6 in regards to the rules?

7  
8 **CHAIR LOWELL** – Yeah, if he wants to speak, just wave and I'll see you.

9  
10 **COMMISSIONER NICKEL** – Yeah, he waved.

11  
12 **CHAIR LOWELL** – Commissioner Gonzalez, go for it.

13  
14 **ALTERNATE COMMISSIONER GONZALEZ** – I just want to give the example  
15 from the last meeting. I was the one that I didn't attend the January 26, 2017,  
16 meeting, but I was given the option to come to speed, listen to the video, hear the  
17 comments, read the packet, and I was available at the subsequent meeting on  
18 February 9, 2017. So I guess, to the Commission, do you like that or is that  
19 something you prefer the....if you were there the first time, then you know that's  
20 it.

21  
22 **COMMISSIONER SIMS** – I have a question, not a comment. We'll get to your  
23 thing later, but the.....in looking at G4 on page 214, it goes on and on here.  
24 Then, I think I'm in the second sentence. It starts, in the event of an absence on  
25 any subsequent hearing date, no, and then now this word (new), which is  
26 different, new Commissioner shall be seated in the vacant seat. Then, the next  
27 sentence: A regular or alternate Commissioner. So, what is the difference  
28 between a new, regular? I think I understand regular and alternate but what  
29 does new mean?

30  
31 **ASSISTANT CITY ATTORNEY PAUL EARLY** – So the current way that I'm  
32 interpreting this, and my understanding of the way it was when we first voted this  
33 in, was you can the seats, not the people, but the seats. If somebody is in the  
34 seat to start a hearing, that seat it theirs only, and they cannot be replaced.  
35 However, in the circumstance where the hearing starts with only six seats filled,  
36 so it starts with a vacant seat, that vacant seat can be filled at a subsequent  
37 meeting by an alternate or returning member as long as they follow that  
38 procedure that is set forth in there. So we're not ever swapping a Commissioner.

39  
40 **VICE CHAIR BARNES** – Eight people can't participate.

41  
42 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Correct. We're never trading  
43 seats or swapping a Commissioner, but if a seat was vacant at the beginning, it  
44 can be filled later on as long as the person follows that procedure that's outlined  
45 in there. That's how I've interpreted it. If that's what we want to keep, I can  
46 certainly go back and try to redraft that to make that a little clearer, but that's how

1 I've been interpreting it. That's how we handled the last meeting. So it's  
2 however you guys want to go forward with it. So, however you guys want to go  
3 forward with it.

4  
5 **COMMISSIONER SIMS** – So the answer to the question Commissioner  
6 Gonzalez was asked, was I liked it just how it went down.

7  
8 **CHAIR LOWELL** – I liked it too. I like the option to fill in. I just wanted to make  
9 sure it was crystal clear that that's the way it supposed to happen.

10  
11 **COMMISSIONER NICKEL** – Yes, I liked what Erlan.....

12  
13 **ASSISTANT CITY ATTORNEY PAUL EARLY** – If we want to keep that intent  
14 but maybe clear it up so that it's.....

15  
16 **CHAIR LOWELL** – Yeah....

17  
18 **ASSISTANT CITY ATTORNEY PAUL EARLY** – So that we understand it  
19 altogether. We want to clear it up for the public. We can redraft that and bring  
20 something back to you at the next meeting.

21  
22 **CHAIR LOWELL** – That's perfect. I appreciate it.

23  
24 **COMMISSIONER NICKEL** – Excuse me....

25  
26 **CHAIR LOWELL** – Commissioner Nickel.

27  
28 **COMMISSIONER NICKEL** – Your rules are supposed to be gone over in what,  
29 July or April annually?

30  
31 **PLANNING OFFICIAL RICK SANDZIMIER** – The rules can be agendized at any  
32 time if you would like to talk about them, but we do review them, I think, the rules  
33 themselves, every July. I have to look, but it does say in there that they can also  
34 be brought back at any time.

35  
36 **CHAIR LOWELL** – Any other questions or comments? No?

37  
38 **PLANNING OFFICIAL RICK SANDZIMIER** – There was one item that came up  
39 at the last meeting. It had to do with the Agenda and the format of the Agenda,  
40 and we want to include the alternate Commissioners on the top. That's not  
41 something that's really addressed in the rules....

42  
43 **COMMISSIONER NICKEL** – Yeah.

44  
45 **PLANNING OFFICIAL RICK SANDZIMIER** – But I think it was something that I  
46 thought you guys may want to address when this item came back tonight, and

1 then the other question I have is, my Staff asked me tonight, as we were doing  
2 the roll call for the meeting, I'd like some clarification. To me, the attendance is  
3 all of the members that are sitting at the dais at the participating meeting. Not to  
4 say that Erlan back here is not providing an accordant role, but I believe the Rule  
5 of Procedures say that the alternate Commissioners should attend the meeting;  
6 but it does not mean that they are participating in the meeting unless they sit up  
7 there.

8  
9 **CHAIR LOWELL** – So to include them in a roll call, seems a little awkward to me  
10 sometimes, so I wanted to just throw that out there in terms of how you guys  
11 would like to address them in the roll call. And then also, when they are sitting  
12 up there, it's my understanding, my interpretation, that they are now a  
13 Commissioner. They are an alternate Commissioner because they are waiting to  
14 fill a Commissioner's spot if that Commissioner's spot becomes available but,  
15 when they are up there, we should be addressing them as Commissioner Nickel,  
16 not alternate Commissioner Nickel and so I just wanted to make sure that we're  
17 respecting the seat correctly in the way that we do the roll call and so I'm just  
18 bringing it up tonight. It's a couple things that we've been thinking about as Staff.

19  
20 **VICE CHAIR BARNES** – I agree with everything you just said. That's exactly  
21 right.

22  
23 **COMMISSIONER NICKEL** – The only thing I want to say, as an alternate is, in  
24 regards to the roll call, I think it's important that show how or another we are part  
25 of the roll call. There could be an issue where say Mr. Lowell had to recuse  
26 himself.....

27  
28 **CHAIR LOWELL** – I'm Mr. Lowell....

29  
30 **COMMISSIONER NICKEL** – And then we're coming in, so I just think it's for  
31 documentation purposes that it's important if we're seated and the attendance is  
32 being monitored by Council.

33  
34 **VICE CHAIR BARNES** – Is the roll call to establish a record of who is hearing  
35 the cases that particular evening?

36  
37 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes.

38  
39 **VICE CHAIR BARNES** – So if that's the case.....

40  
41 **ASSISTANT CITY ATTORNEY PAUL EARLY** – And for quorum purposes.....

42  
43 **VICE CHAIR BARNES** – And for quorum purposes....

44  
45 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Because there's a difference in  
46 quorum with alternates and regulars as well.

1  
2 **VICE CHAIR BARNES** – Well, if that’s the case, then seven seats are what’s  
3 required of the roll call. Now, if we want to acknowledge that the alternates are  
4 here, that’s reasonable. I agree with what you’ve said, Rick.

5  
6 **CHAIR LOWELL** – What I think is something we need to at least think about,  
7 since we are concerned about quorum and Commissioner Nickel and  
8 Commissioner Gonzalez don’t count for a quorum, I think that the roll call should  
9 include the seven Commissioners that have been appointed. Then, if we have  
10 an absence, we need to acknowledge that we have an alternate Commissioner  
11 filling in for a vacant seat and granted that alternate Commissioner becomes a  
12 Commissioner, is no longer alternate Commissioner Nickel or alternate  
13 Commissioner Gonzalez. When they are seated up here, it is Commissioner  
14 Gonzalez, Commissioner Nickel. So, as far as the roll call goes, I think we  
15 should do....since we currently have six and we have a permanent vacancy, we  
16 should do the six of us and the acknowledge that alternate Commissioner so and  
17 so is seated up here as now Commissioner so and so.

18  
19 **PLANNING OFFICIAL RICK SANDZIMIER** – I agree.

20  
21 **CHAIR LOWELL** – Okay.

22  
23 **PLANNING OFFICIAL RICK SANDZIMIER** – One question with regard to the  
24 quorum. When the initial rules were set up with regard to the alternates, it was  
25 because it was new and we really didn’t know exactly how that was going to play  
26 out and there was some uneasiness about, what does this all mean? I’ve been  
27 working with them for two years now, and I think I’ve heard from you guys as  
28 Commissioners that they are working well. Our alternate Commissioners are  
29 bringing themselves up to speed. They do all the things that are necessary of  
30 the Commission.

31  
32 **CHAIR LOWELL** – I agree.

33  
34 **PLANNING OFFICIAL RICK SANDZIMIER** – Do you want to revisit that notion  
35 of the quorum.

36  
37 **CHAIR LOWELL** – I think they should count for a quorum.

38  
39 **PLANNING OFFICIAL RICK SANDZIMIER** – It’s up to you guys.

40  
41 **CHAIR LOWELL** – We got pretty close last meeting, and I think that they  
42 have...since we were timid to start with alternate Commissioners, not really  
43 wanting to embrace it wholeheartedly, having two and the experience with both  
44 of them, I think they do a tremendous job. I think we would be fooling ourselves  
45 by not counting them towards quorum.

1 **VICE CHAIR BARNES** – Yes. It seems kind of a silly distinction to include that  
2 particular, you know, they can vote on the WLC, but they can't be counted as  
3 part of the quorum. It seems somewhat out of balance.  
4

5 **CHAIR LOWELL** – And then going down that avenue a little bit further, I think  
6 that the alternates, if they are present during the meeting, they should also be  
7 paid. I mean, Commissioner Gonzalez, he's spending his time sitting here. He is  
8 spending his entire evening here with us, but he doesn't get the stipend so....  
9

10 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Yeah, that last one, the paid  
11 one, is something that you can make a recommendation to Council, but that's  
12 part of the Ordinance that created them so.....  
13

14 **CHAIR LOWELL** – Well Council wanted to alternates....  
15

16 **ASSISTANT CITY ATTORNEY PAUL EARLY** – We'll take that to Council....  
17

18 **CHAIR LOWELL** – I think they should at least compensate them. If we're all  
19 getting compensated, I think the alternates should be compensated.  
20

21 **ASSISTANT CITY ATTORNEY PAUL EARLY** – If there's a consensus to do  
22 that, we can bring to you an item to make a recommendation as such and would  
23 go to Council with your recommendation about it.  
24

25 **CHAIR LOWELL** – I would make that recommendation. Do we have a second  
26 from anybody?  
27

28 **COMMISSIONER NICKEL** – Erlan's happy about it.  
29

30 **COMMISSIONER SIMS** – I would either, either that, or we could all just, for the  
31 ones that are here, we could all contribute part of our stipend to.....  
32

33 **COMMISSIONER NICKEL** – And I brought cookies too.  
34

35 **COMMISSIONER SIMS** – Exactly or I could go back from two years ago and  
36 repeat what I said how exhausting this is to having alternates. I bet you our two  
37 alternates would say their exhausted as well from this whole thing. It's confusing.  
38 If you don't have a quorum with the seating, then you shouldn't have.....you just  
39 don't have a meeting.  
40

41 **CHAIR LOWELL** – Well considering we're trying to add a rule and you said we  
42 have to take one out, I think we should take out the quorum issue with the  
43 alternates. I think we should streamline it. If they are here, they count towards a  
44 quorum. It makes life a lot easier.  
45

1 **COMMISSIONER SIMS** – I would recommend that we do get something with a  
2 Planning Commission recommendation, though because we've already taken the  
3 steps to have alternate Commissioners. I can't imagine, was is it? One hundred  
4 bucks a month, or \$112? It's \$2400 to add to the general for whatever....I think  
5 we should make that recommendation and ask for it at least starting in Fiscal  
6 year 2018 budget.

7  
8 **CHAIR LOWELL** – Or the next appointment cycle, which is in a month.

9  
10 **PLANNING OFFICIAL RICK SANDZIMIER** – So the two things I'm hearing out  
11 there that I would like you guys to consider making a motion and a second, a  
12 vote on, would be (1) to modify the Rules of Procedures to allow the alternates to  
13 be included as part of the quorum, and the second one would be the  
14 recommendation to consider compensating....take a recommendation forward to  
15 the City Council to consider compensation for the alternates. Again, I don't know  
16 how the attorney wants to handle that.

17  
18 **ASSISTANT CITY ATTORNEY PAUL EARLY** – You don't really need to vote at  
19 this time because we're going to bring something back to them, and they are  
20 going to vote on that item.

21  
22 **PLANNING OFFICIAL RICK SANDZIMIER** – Okay.

23  
24 **ASSISTANT CITY ATTORNEY PAUL EARLY** – We just kind of need a  
25 consensus that's the direction that you want to head on. We'll bring you back a  
26 revised redlined Rule of Procedure with the changes, from what I'm hearing,  
27 make that vacancy issue clearer and add the alternates to the quorum.

28  
29 **COMMISSIONER NICKEL** – Are you good with it?

30  
31 **ASSISTANT CITY ATTORNEY PAUL EARLY** – You would vote and then....as a  
32 body, you would vote on that; take formal action. Then, a separate item would  
33 come to you as a formal resolution of recommendation to the Council that....and  
34 we might consider even having a draft Ordinance in there for you to actually look  
35 at and make the recommendation on that modifies that early Ordinance.

36  
37 **CHAIR LOWELL** – I would like to make a motion to.....

38  
39 **COMMISSIONER SIMS** – Well, can we.....

40  
41 **CHAIR LOWELL** – Whoa, snuck in under the radar there.

42  
43 **COMMISSIONER SIMS** – So I understand before we get to making motions  
44 here. Maybe it's falling a little....so this roll call business was a Staff issue, well  
45 what do we do with the alternates? Okay, so but a roll call and an attendance  
46 record. I mean, I think if they are here in attendance, they should be



1 compensated because they are putting time and effort into getting prepared, and  
2 they spent the time here, so I am fully supportive of that. I don't understand what  
3 the quorum means. If...I think there should only be a quorum if it's only up here.  
4 And, if you're sitting here, then you're recognized. If, for instance tonight,  
5 Commissioner Nickel is a Commissioner. Alternate Commissioner Gonzalez is  
6 just an alternate, and so I don't understand why there would be a roll call to  
7 acknowledge him as it being part of a quorum because he....

8  
9 **VICE CHAIR BARNES** – That's Rick's point.

10  
11 **CHAIR LOWELL** – For instance, last meeting I had to recuse myself. When we  
12 did roll call, it was just to acknowledge who was in the room so we could know if  
13 Commissioner Gonzalez was sitting in the back corner over there, which this  
14 place is packed tonight. We wouldn't be able to notice he was here.

15  
16 **COMMISSIONER SIMS** – But I think there's a difference and I think the city  
17 attorney could help us, but I think quorum means something different than  
18 attendance.

19  
20 **CHAIR LOWELL** – Correct.

21  
22 **COMMISSIONER NICKEL** – Right, yeah.

23  
24 **CHAIR LOWELL** – It does.

25  
26 **COMMISSIONER SIMS** – I think quorum gives you some rights to be able to  
27 participate in, be an active member.

28  
29 **ASSISTANT CITY ATTORNEY PAUL EARLY** – It's particularly a problem when  
30 you have recusal situations. So, for example, we very nearly at the last hearing,  
31 if we had...with the recusal of one or two Commissioners, we only had three  
32 regular Commissioners left. Even if we had both alternates here and had five  
33 Commissioners, which you would think would be enough to do a hearing, under  
34 our current rules we would not be able to do that. Because we would only have  
35 three regulars. We would not have a quorum, which is four regulars. So.....

36  
37 **COMMISSIONER SIMS** – Is this the Brown Act or something like that?

38  
39 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Nope. That was a rule made by  
40 this Commission when it was first adopted, probably because of how the  
41 hesitance of how this was going and one we could easily change, and that's the  
42 sense that I'm getting. In the revised rules that we bring back, that's one of the  
43 things that'll be proposed in there is to remove that condition and treat all nine of  
44 you eventually as being able to be counted towards the quorum.

45  
46 **CHAIR LOWELL** – I think that's a good idea.

1  
2 **ASSISTANT CITY ATTORNEY PAUL EARLY** – We'll bring back that proposed  
3 revision and, if you have any concerns or tweaks about anything....  
4

5 **CHAIR LOWELL** – Okay, so what I would like to do is I would like to make a  
6 motion to...just to do like a yay or nay vote to give direction to clarify whether or  
7 not a vacant seat can or cannot be filled, I think we should make a motion to it so  
8 it can be filled. I would like to remove the restriction that alternate  
9 Commissioners do not count towards quorum, and I would also like to make a  
10 motion to.....

11  
12 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Do count towards quorum.  
13

14 **CHAIR LOWELL** – Do. I'm sorry, my mistake. I would like to make a motion  
15 that alternates do count towards a quorum, and I would like to make a motion, a  
16 recommendation to City Council that the alternate Commissioners be  
17 compensated for their time while they are here if they are present in the room on  
18 the day of the meeting.  
19

20 **VICE CHAIR BARNES** – Do you currently, do the Commissioners currently get  
21 paid if you sit but not if you are not called?  
22

23 **COMMISSIONER NICKEL** – Only if we vote, right but, if we're out there, we  
24 don't get paid.  
25

26 **ASSISTANT CITY ATTORNEY PAUL EARLY** – If they are sitting up there, they  
27 get paid.  
28

29 **CHAIR LOWELL** – These seven seats are the only ones that get the stipends.  
30

31 **ASSISTANT CITY ATTORNEY PAUL EARLY** – And to that motion, this vote  
32 doesn't actually do anything.  
33

34 **CHAIR LOWELL** – Correct. It's just giving Staff direction.  
35

36 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Giving Staff direction to bring  
37 something back to you.  
38

39 **CHAIR LOWELL** – Correct.  
40

41 **ASSISTANT CITY ATTORNEY PAUL EARLY** – The actual action will happen  
42 when you have something in front of you.  
43

44 **CHAIR LOWELL** – So, by making a motion, if we get a second, we'll just do a  
45 roll call (a yay or nay vote), so they can know if it's a majority or minority that

1 supports it or opposes it. So I made that motion. Does anybody want to second  
2 it?

3  
4 **COMMISSIONER NICKEL** – Can I make a second?

5  
6 **CHAIR LOWELL** – I would make a second because you're an alternate.

7  
8 **COMMISSIONER NICKEL** – Okay, I'll second for both of us.

9  
10 **CHAIR LOWELL** – Okay.

11  
12 **COMMISSIONER SIMS** – I don't think we can do that. I think we, if anybody is  
13 against, if they have a problem with it, they should just speak up. Otherwise, we  
14 need to have direction.

15  
16 **CHAIR LOWELL** – Well, no. He just wanted to know if everybody...I was just  
17 going to do a yay or nay vote to see if they wanted to direction.

18  
19 **COMMISSIONER SIMS** – I don't think we should do that.

20  
21 **CHAIR LOWELL** – Well we have a motion and a second. You can abstain.

22  
23 **COMMISSIONER SIMS** – I don't think it's an agendized....

24  
25 **CHAIR LOWELL** – Okay fine then.

26  
27 **COMMISSIONER KORZEC** – I agree. We're asking for direction and we're  
28 asking for.....

29  
30 **COMMISSIONER NICKEL** – We need some direction.

31  
32 **PLANNING OFFICIAL RICK SANDZIMIER** – We've collected your consensus  
33 the way I understand it. We're going to be bringing an item back to you for one  
34 you can actually take a vote on.

35  
36 **COMMISSIONER NICKEL** – There you go.

37  
38 **CHAIR LOWELL** – So that motion is dead then?

39  
40 **VICE CHAIR BARNES** – Yes.

41  
42 **ASSISTANT CITY ATTORNEY PAUL EARLY** – You can withdraw the motion if  
43 you wish.

44  
45 **CHAIR LOWELL** – I will withdraw my motion.  
46

1 **COMMISSIONER SIMS** – I didn't even hear what it was.

2  
3 **CHAIR LOWELL** – Okay.

4  
5 **COMMISSIONER NICKEL** – Oh this is going so fast.

6  
7 **CHAIR LOWELL** – Okay so, with that confusing ending to this meeting, do we  
8 have any other items, comments, or concerns? Staff wrap-up?

9  
10 **VICE CHAIR BARNES** – Mr. Sims, it says you want to speak. Do you want to  
11 speak?

12  
13 **COMMISSIONER SIMS** – No, I.....

14  
15 **CHAIR LOWELL** – No, I took you off. You're finished. You're done.

16  
17  
18 **STAFF COMMENTS**

19  
20 **PLANNING OFFICIAL RICK SANDZIMIER** – The only Staff Comment I have is,  
21 I sent out a pole to see if anybody had any problems with making a meeting on  
22 March 9, 2017. The consensus was all of you could make it, so we have gone  
23 forward, and we are scheduling our next meeting on March 9, 2017. We do have  
24 one item that will be coming to you. That will be the Cactus Commerce Center at  
25 this point and we'll also try to include, if we can get it all wrapped up, we'll include  
26 this discussion on the Rules of Procedure items. So those will be the items on  
27 the agenda.

28  
29 **CHAIR LOWELL** – Thank you very much. Any other questions or comments?

30  
31  
32 **PLANNING COMMISSIONER COMMENTS**

33  
34  
35 **ADJOURNMENT**

36  
37 **CHAIR LOWELL** – No? Okay, that does it for tonight. I would like to adjourn  
38 this meeting to the next meeting of the Planning Commission. It is a regular  
39 meeting dated March 9, 2017, right here in City Council Chambers at 7:00 p.m.  
40 Thank you very much, and have a great night.

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42  
43 **NEXT MEETING**

44 *Next Meeting: Planning Commission Regular Meeting, March 9, 2017 at 7:00*  
45 *PM, City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street,*  
46 *Moreno Valley, CA 92553.*

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Richard J. Sandzimier  
Planning Official  
Approved

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Date

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Brian R. Lowell  
Chair

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Date