

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

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6 **Thursday December 10th, 2015, 7:00 PM**

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9 **CALL TO ORDER**

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11 **CHAIR LOWELL** – Good evening ladies and gentleman. I would like to call the
12 Regular Scheduled Planning Commission Meeting of December 10, 2015 to
13 order. The time is 7:07 PM. May we have roll call please?
14

15
16 **ROLL CALL**

17
18 Commissioners Present:

19 Chair Lowell
20 Alternate Planning Commissioner Nickel
21 Commissioner Korzec
22 Alternate Planning Commissioner Gonzalez
23 Commissioner Van Natta
24 Commissioner Baker
25 Commissioner Barnes
26

27 Staff Present:

28 Rick Sandzimier, Planning Official
29 Claudia Manrique, Associate Planner
30 Mark Gross, Senior Case Planner
31 Chris Ormsby, Senior Case Planner
32 Paul Early, City Attorney
33
34

35 **CHAIR LOWELL** – I would like to note that Commissioner Ramirez and
36 Commissioner Sims are absent and in their place alternate Commissioners Lori
37 Nickel and Commissioner Erlan Gonzalez are taking their place. With that said, I
38 would like to invite Shaheed Juarez up to the podium to lead us in the Pledge of
39 Allegiance tonight.
40

41
42 **PLEDGE OF ALLEGIANCE**

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44
45 **APPROVAL OF THE AGENDA**

1 **CHAIR LOWELL** – Thank you. I would then like to motion to approve tonight's
2 Agenda.

3
4 **COMMISSIONER VAN NATTA** – So moved.

5
6 **COMMISSIONER BAKER** – I'll second.

7
8 **CHAIR LOWELL** – Perfect. Motion by Commissioner Van Natta; second by
9 Commissioner Baker. May we have a vote please. A roll call vote? I don't think I
10 have the option to vote on here yet. Oh, there we go. Now we can vote. So if
11 Commissioner Van Natta would like to motion.

12
13 **COMMISSIONER VAN NATTA** – It's not coming up on mine.

14
15 **CHAIR LOWELL** – I'm trying to push it. There we go. Now it should work.
16 Okay there we go. Technology makes things more difficult I swear. Okay we are
17 good to go. Looks like we passed the Agenda 7-0; awesome.

18
19 **COMMISSIONER VAN NATTA** – Wow. That's a good start.

20
21 Opposed – 0

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23
24 **Motion carries 7 – 0**

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27 **SPECIAL PRESENTATION**

28
29 Vista Verde Middle School 8th Grade STEM Class on WLC

30
31 **CHAIR LOWELL** – That's a good start to the meeting. With that said, this
32 moves us on to a special presentation. This has been something that the City,
33 myself, and a local school have worked on. This is kind of a neat thing. Vista
34 Verde Middle School's 8th grade class, the STEM Class, they have a special
35 presentation on the World Logistics Center. The synopsis of this is that my wife
36 is a teacher at Vista Verde Middle School and one of her colleagues, Ms. Jenny
37 Pramschufer, asked the students to do a project on the World Logistics Center.
38 In trying to get some background and some research, she invited me to her
39 class. I extended an invite to Mr. Mark Gross. The two of us went to the
40 classroom and gave several hours of presentations to the kids. We spent
41 several hours fielding questions and got the kids on their merry way giving them
42 some background and that has expanded into a 15 minute presentation that the
43 kids did. There were eight groups and the best for and against presentations
44 were picked out of their entire class. We invited them here to give a
45 presentation, but due to some unforeseen technical difficulties we are not able to
46 show the presentation so we're kind of on a change of pace tonight. Instead of

1 the kids giving their full presentations, which they gave at school, we're going to
2 kind of change gears a little bit. We have Mayor Pro Tem Yxstian Gutierrez here.
3 He is going to introduce the students, give a little summary, and we're going to
4 talk a little bit more. Then we'll introduce the kids. So you can come on up.

5
6 **MAYOR PRO TEM YXSTIAN GUTIERREZ** – Alright well I'm excited to be here
7 tonight on behalf of Chairman Lowell's invitation. Vista Verde Middle School
8 students did a great job with this project. They completed a two-week
9 assignment and group collaboration to review the World Logistics Center; its pros
10 and cons. The WLC pros and cons, environmental impacts, and community
11 responses were all taken into consideration before they came up with their
12 individual opinions on the project. They also went through an information
13 gathering phase as well, including by collecting background materials. They also
14 received interviews and conducted those interviews by teachers, neighbors, and
15 other community members. In some instances the interviews were conducted
16 with local leaders, including Council Members. All of these tasks assisted the
17 student groups in defending their final opinion for or against the project. Over 50
18 students participated in the project. Fifteen minute presentations were
19 completed to provide an evaluation of project research and possible solutions.
20 Each of the presentations included verbal and media presentations with videos
21 and project websites as Chairman Lowell indicated. The students exemplified
22 great prowess in their ability to comprehend the issues, conduct public outreach,
23 formulate final determinations, and provide multimedia presentations. Two group
24 finalists with opposing viewpoints were invited to give their presentation at
25 tonight's Planning Commission Meeting. I'd like to invite the students to please
26 come forward to receive their certificate. The City of Moreno Valley, on behalf of
27 the City Council, we appreciate their efforts and also in being a future leader as
28 well. I am pleased to present the certificates of recognition to the winning teams,
29 so without further ado the first one is for Isabel Andres. Is she here tonight? She
30 couldn't make it? Okay. Kailey Bateman, alright. Congratulations. You can
31 stand right there. Our next certificate goes to Angela Garcia. Is she here?
32 Alright. Congratulations. Shaheed Juarez. Gabriel Sagastume. Liliana
33 Villanueva. Congrats. Alexander Josti. I don't know if I'm saying it correctly.
34 He's not here today? Okay. And this one is for the teacher who, and I'm just
35 going to read this. It says awarded this Certificate of Recognition for successfully
36 coordinating the students problem-based learning assignment to research,
37 conduct surveys and interviews, and collect data on the economic and
38 environmental impact of the World Logistics Center. So on behalf of the City
39 Council, congratulations Ms. Jenny Pramschufer. And, if you want, maybe just
40 take a little quick photo.

41
42 **PLANNING OFFICIAL RICK SANDZIMIER** – Thank you Mayor Pro Tem. I'd
43 like to say a few words. My name is Rick Sandzimier. I'm the Planning Official
44 for the City of Moreno Valley, and I just wanted to take a quick second here and
45 recognize the kids personally myself. As the leader of the Planning Department
46 here in the City, when Planning Commissioner Lowell called me up and talked

1 about this particular project I thought this was an excellent opportunity. It's
2 something that is inline with what I want our Staff to be doing, which is to get
3 engaged with the community. I'm happy that Mark Gross, our Senior Planner
4 who worked on the project, was actually able to get out to the community to meet
5 with these kids to sit down and share with them some of the thinking that goes on
6 in how these projects are developed. You should appreciate how much
7 information you're getting about your community not only by meeting with my
8 Staff but with your teachers who have offered you the opportunity to learn from
9 the Commissioner who is an appointed leader in our community and the fact that
10 you've drawn the recognition from our Mayor Pro Tem this evening to come out
11 and recognize you for your effort. I think those are all commendable. The fact
12 that we have outstanding parents that are standing behind these kids is also
13 something that is important to me as a leader in this community and I don't get
14 much time to get up here and say these kinds of things, but I used to do Campus
15 Planning at UC Irvine when I first started in my career. I was a student at the
16 school at the time when I got engaged, and one of the things that I found very
17 enjoyable as I was a student was I got involved in the campus planning. I started
18 appreciating a little bit more about what was going on when I walked around from
19 classroom to classroom. I got a job at the university and started doing some
20 Campus Planning and working with the adjacent City. I learned a little bit more
21 and it just was an ever-growing learning experience since that point. And these
22 kids who have now have had the opportunity not only to meet with my Staff and
23 the teachers and gone through this exercise I believe that the developer who is
24 here this evening, Iddo Benzeevi, I believe his team had some involvement in
25 providing some information. The students get the opportunity now to see how all
26 this stuff is kind of brought together and how it's made and how they can
27 formulate an opinion. Whether it's in favor or against, it's important that our
28 community from the get go, from young people, start learning about how your
29 community works. So that is a very exciting thing for me because we have a lot
30 of people that show up at our Council meetings. A lot of them are adults. We
31 have some young adults that are showing up, but when we get down to the
32 young level at 8th grade and you guys now have an opportunity to see how a
33 large project is put together you can also appreciate that those are the same
34 pieces that go into how we plan our roadways, how we plan our trail systems,
35 how we plan our parks, how our Economic Development Team is working with
36 the different businesses that want to come in here. There are a lot of decisions
37 that are going on about why somebody wants to come to Moreno Valley and they
38 all have to make the same choice. Is it a good thing or a bad thing? Is this going
39 to be good for my future or not so good for my future? And so getting the input
40 from the community is very important, and I appreciate the opportunity to have
41 my team work with you and be here with you tonight when you get your
42 recognitions so thank you very much.

43

44 **CHAIR LOWELL** – I do believe the students still had a small presentation they
45 wanted to give also, so if you would approach the microphone and introduce
46 yourself and the floor is yours for a while.

1 **SPEAKER ANGELA GARCIA** – Hi. I’m Angela Garcia.

2
3 **SPEAKER GABRIEL SAGASTUME** – I’m Gabriel Sagastume.

4
5 **SPEAKER KAILEY BATEMAN** – I’m Kailey Bateman.

6
7 **SPEAKER LILIANA VILLANUEVA** – I’m Liliana Villanueva.

8
9 **SPEAKER SHAHEED JUAREZ** – And I’m Shaheed Juarez.

10
11 **SPEAKER ANGELA GARCIA** – And we are part of the 8th grade Junior
12 Scholars Program at Vista Verde Middle School.

13
14 **SPEAKER LILIANA VILLANUEVA** – As Angela said, we are part of the Junior
15 Scholars Program, which offers well-qualified students a rigorous Pre-AP, highly
16 structured and cross-curricular environment. It’s intended to prepare us for
17 consideration into the comprehensive high schools that have Scholars programs
18 set out for us. Here we immerse ourselves in challenging and dynamic curricular
19 meanwhile gaining the skills we need to succeed academically. Now we were
20 here to present to you our presentations that we conducted in PBL and PBL is a
21 teaching method that the leaders of our Junior Scholars Program have used.
22 We, the students, work for a period of time to investigate and respond to a strong
23 dynamic and complex question or problem, which Angela will take away.

24
25 **SPEAKER ANGELA GARCIA** – When assigned PBL we were given a driving
26 question that we would base our entire projects off of. This question was how do
27 we calculate and counteract the effect of a massive World Logistics Center in
28 Moreno Valley. For the entire assignment we created we were asked to choose
29 whether we were for or against the World Logistics Center. One of our groups
30 has chosen to support while the other has chosen to oppose.

31
32 **SPEAKER SHAHEED JUAREZ** – So as part of the PBL project we had to do
33 some sort of assignment for each of the four main subjects. For example, for
34 math we had to come up with survey questions and interview people and our
35 survey questions had to somehow support our argument. For example, do you
36 think pollution is good or bad? Or how do you feel about the City getting these
37 jobs?

38
39 **SPEAKER KAILEY BATEMAN** – For science, we had to collect all of our data
40 and write an abstract to display this in a few paragraphs.

41
42 **SPEAKER GABRIEL SAGASTUME** – In our ELA class, we had to create a
43 thesis statement, which is the basis and heart of our presentation and our whole
44 project together.

1 **SPEAKER LILIANA VILLANUEVA** – Thank you for listening to our
2 presentation. We did hope to present to you our entire PBL, but this is a basic
3 synopsis of it and we thank you.

4
5 **CHAIR LOWELL** – I just want to extend my congratulations to the group of kids.
6 Between Mark Gross and myself, we spent a couple days at the school helping
7 the kids, answering questions, giving them information, and it was an amazing
8 experience for me. I know for me it was an amazing experience. Seeing the
9 level that these kids were being asked to perform, for instance tonight where we
10 had the technical issue where their presentations weren't going to be broadcast
11 these kids just came up with that little speech off the cuff, and I'm quite
12 impressed at how quickly they were able to come up with something that was so
13 coherent. I mean they're outshining me right now, but I'm just truly impressed. It
14 was a heck of a great experience for me. I don't know if Mark Gross will respond
15 the same.

16
17 **SENIOR CASE PLANNER MARK GROSS** – Other than this was an impressive
18 group, and all I can say is these are definitely future leaders of our City. I mean
19 they have definitely something to bring to the table, and this was a rewarding
20 experience for Staff to be involved in this type of a project and the presentation
21 that they provided; great presentations.

22
23 **CHAIR LOWELL** – And I know that five students were here tonight but six
24 received certificates. But I want to extend my congratulations to everybody in
25 your class who did a phenomenal job. Being on the receiving side trying to grade
26 the projects and pick the best is like trying to pick your favorite kid. It's really
27 impossible to do. If we had the time, I wish we could have all the kids here and
28 give them certificates and let them speak, but it was a fantastic experience and I
29 really appreciate the time. Thank you very much. Do we still want to stop for a
30 photo?

31
32 **PLANNING OFFICIAL RICK SANDZIMIER** – I was going to say Chairman,
33 you're welcome to take a slight break if they want to take some pictures if their
34 family wants to come up and take pictures. We would just ask that you take a
35 small recess.

36
37 **CHAIR LOWELL** – Alright I think we're going to do that. We're going to take a
38 small recess, so we can allow the parents, students, and Mayor Pro Tem to
39 come up here and do a nice little photo op. We'll be back in a couple of minutes.
40 Thank you.

41
42
43 **MEETING BREAK**

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45
46 **CONSENT CALENDAR**

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

5
6 **CHAIR LOWELL** – Welcome back everybody. We’re back to our live meeting.
7 So that was our special presentation. Again I want to thank everybody and
8 congratulate everybody that received their certificates today. We’re moving on to
9 our Consent Calendar, which I don’t believe we have any items on the Consent
10 Calendar tonight.

11
12
13 **APPROVAL OF MINUTES**

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15 **CHAIR LOWELL** – Moving on to approval of Minutes, which we don’t have any
16 from previous meetings.

17
18
19 **PUBLIC COMMENTS PROCEDURE**

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21 *Any person wishing to address the Commission on any matter, either under*
22 *Public Comments section of the Agenda or scheduled items or public hearings,*
23 *must fill out a “Request to Speak” form available at the door. The completed*
24 *form must be submitted to the Secretary prior to the Agenda item being called by*
25 *the Chairperson. In speaking to the Commission, member of the public may be*
26 *limited to three minutes per person, except for the applicant for entitlement. The*
27 *Commission may establish an overall time limit for comments on a particular*
28 *Agenda item. Members of the public must direct their questions to the*
29 *Chairperson of the Commission and not to other members of the Commission,*
30 *the applicant, the Staff, or the audience.*

31
32 **CHAIR LOWELL** – We now are going to go to the Public Comments portion. I
33 don’t believe we have any Public Comments. Do we have any Speaker Slips
34 tonight? No?

35
36
37 **NON-PUBLIC HEARING ITEMS**

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39 **CHAIR LOWELL** – Alright so that just keeps us moving on down. So we go to
40 the Non-Public Hearing Items, which I don’t believe we have any.

41
42
43 **PUBLIC HEARING ITEMS**

- 44
45 1. Case: PA15-0009 (CUP)
46 Applicant: Verizon Wireless

1 Owner: Shinder Kaur and Parmjit Singh
2 Representative: SAC Wireless (Dail Richard)
3 Location: 14058 Redlands Boulevard (Farm Market)
4 Case Planner: Claudia Manrique
5 Council District: 3
6 Proposal: Conditional Use Permit (PA15-0009) for a new
7 wireless communications facility.
8

9 **STAFF RECOMMENDATION:**

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

- 11
12
13 1. **CERTIFY** that the proposed Verizon wireless telecommunications
14 facility is exempt from the provisions of the California Environmental
15 Quality Act (CEQA), as a Class 3 Categorical Exemption, CEQA
16 Guidelines, Section 15303 for New Construction or Conversion of
17 Small Structures; and
18
19 2. **APPROVE** Conditional Use Permit PA15-0009 based on the findings
20 contained in Planning Commission Resolution 2015-25, subject to the
21 conditions of approval included as Exhibit A of the Resolution.
22

23 **CHAIR LOWELL** – Now we go to the Public Hearing Items, which the first item
24 number is Case No. PA15-0009, a Conditional Use Permit, which this item I
25 believe was continued from a few meetings ago. The Case Planner is Claudia
26 Manrique.
27

28 **COMMISSIONER VAN NATTA** – And since I was not in on this when they
29 began, I will be excusing myself from the meeting for this item.
30

31 **CHAIR LOWELL** – That is correct. Per our rules, whoever is seated at the
32 original hearing of the item is the body that is going to be present for the rest of
33 the hearing. Commissioner Ramirez was absent. Commissioner Nickel was in
34 his place. Again Commissioner Van Natta was absent, so Commissioner
35 Gonzalez was in her place. You don't have to leave the room if you don't want
36 to. You can just take a seat.

37 **COMMISSIONER VAN NATTA** – It's a conflict.
38

39 **CHAIR LOWELL** – Not for this one. It's not a conflict.
40

41 **PLANNING OFFICIAL RICK SANDZIMIER** – No you don't have to leave the
42 room. You can actually sit in the room.
43

44 **CHAIR LOWELL** – Unless you want to go out and get some fresh air. So, that
45 said, Claudia Manrique is the Case Planner. Do we have the Staff Report on this
46 item?

1 **PLANNING OFFICIAL RICK SANDZIMIER** – Yeah. This item is an item that
2 was continued from originally the October 8th meeting. There has been a period
3 of time the item was actually continued to a couple of times since then to give the
4 Applicant an opportunity to work through some of the issues. Claudia will be
5 giving the presentation. Staff is available to answer all the questions later.
6

7 **ASSOCIATE PLANNER CLAUDIA MANRIQUE** – Good evening. I'm Claudia
8 Manrique the Case Planner for PA15-0009 Conditional Use Permit for a new
9 Verizon Wireless Telecommunications Facility with a 60-foot monopine. It was
10 first heard at the October 8th Planning Commission Hearing. The Commission
11 raised some questions and requested clarification on the CEQA determination,
12 project location, required setbacks, and what was being considered for the future
13 widening of Kimberly Avenue. During the Public Comment portion of the
14 meeting, we had two public speakers who raised concerns with the location near
15 the residential homes to the east and the south of the project. The Planning
16 Commission granted a continuance to allow the Applicant time to address the
17 comments, and it was continued to the October 22nd meeting. Requiring
18 additional time, the Applicant asked for two continuances from November 12th
19 and tonight's hearing December 10th. During this time, Staff has been working
20 with SAC Wireless and Verizon to review the onsite relocation of the proposed
21 wireless facility further north on the site and away from Kimberly Avenue. We
22 have the aerial that will show the new location. It's more towards the center of
23 the site. It's on the actual neighboring parcel. Both parcels are owned by the
24 same property owner. Unfortunately, on the aerial, we don't have the farm
25 market on there yet. This is the new Site Plan. Again you'll see the tree has
26 been moved to the center of the site. It is behind the trash enclosure of the farm
27 market, and there will be two additional live pine trees to help with the integration
28 of the wireless facility on the site. This new location provides 154 feet setback
29 from Kimberly Avenue, which is on the south end of the property, 87 feet from
30 Alessandro which is on the north, and from the east 117 feet. The minimum
31 requirement setback from all these three is 60 feet. This is an actual view of the
32 tree, and in front of the tree you'll see a trash enclosure and there is the farm
33 market, as well as the two trees that will be planted. This is from the east on the
34 bottom view. We have some photo simulations. This will be from Alessandro
35 looking south onto the property. This is from Redlands Boulevard looking east.
36 This is also on Redlands but looking north from Kimberly Avenue. Right now this
37 is the coverage at the site. This is with the new proposed monopine. The green
38 shows the extent of the capacity of the carrier and the coverage that will be
39 received by the new monopine. This shows with other wireless facilities in the
40 area. Again Staff has been working with the Applicant to solve the issues of the
41 prior location and now we meet and exceed the required setbacks and also
42 moving the tree further north on the site works for any of the future widening of
43 Kimberly Avenue. The Staff has reviewed the project in accordance to CEQA
44 Guidelines and determined that the project qualifies as a Category Exemption
45 under 15303 New Construction or Conversion of a Small Structure. This
46 exemption includes projects that involve construction in location of limited

1 numbers of new small facilities or structures including electrical, gas, and other
2 utility extensions. This project consists of a wireless cell facility, which is
3 intended to improve the wireless coverage to the neighbors. The public notice
4 for this project was for the October 8th meeting and was completed on September
5 27th. Given the prior action of the Planning Commission to formally continue the
6 hearing to dates certain, no additional public notice was required and Staff
7 recommends that the Planning Commission certify that the project is exempt
8 under CEQA as a Class 3 Category Exemption Section 15303 and approve
9 Conditional Use Permit PA15-0009 based on the findings contained in Resolution
10 2015-25. Thank you.

11
12 **CHAIR LOWELL** – Does anybody have any questions for Staff? I don't see any
13 hands going up, so I would like to invite the Applicant up.

14
15 **APPLICANT AHMAD SMITH** – Good evening. My name is Ahmad Smith. I live
16 at 1421 Haddington Drive in Riverside, California. I am here representing
17 Verizon Wireless and on behalf of Verizon Wireless I would like to thank Staff for
18 working with us so diligently to put together a project that we think can be
19 approved by the Planning Commission and that will be a great benefit to the City
20 of Moreno Valley, its residents, and our customers. My consultant who has
21 worked with Staff so diligently took ill last night, so I am here on his behalf and I
22 can answer any questions that Staff or the Commission might have of me and
23 just let me say that we have reviewed the conditions of approval. We have no
24 problem with them. We can accept them, and we ask that you guys approve our
25 project as is.

26
27 **CHAIR LOWELL** – Thank you. Does anybody have any questions for the
28 Applicant? No? Okay. Thank you very much.

29
30 **APPLICANT AHMAD SMITH** – Thank you.

31
32
33 **PUBLIC COMMENTS**

34
35 **CHAIR LOWELL** – I would like to open up the Public Comments portion. It
36 looks like we have one speaker ready to speak. We have Richard Irvine.

37
38 **SPEAKER RICHARD IRVINE** – My name is Richard Irvine. I live right next door
39 to the proposed site, and I represent the residents that are against the project.
40 My notes are all out of order here.

41
42 **CHAIR LOWELL** – No worries. You can take your time.

43
44 **SPEAKER RICHARD IRVINE** – Yeah well I only got three minutes and I timed
45 it.

1 **CHAIR LOWELL** – We paused it. I won't hold that against you.

2
3 **SPEAKER RICHARD IRVINE** – I'm missing the very first page. The residents
4 are supposed to be notified about this, and I heard her say that it wasn't
5 necessary to do so. I thought that would've constituted reversible error but
6 leaves to be seen. Verizon points out that 20 years ago our government said
7 that radiation is not harmful. That was back when there were few cell towers and
8 hardly anybody had a cell phone. Now there are 200 million in the United States,
9 which incidentally allows 100 times more radiation than is permitted in some
10 other countries. In that 20 years dozens of studies have proven the health
11 hazards of cell towers. California mandates that "every effort should be made to
12 place these controversial structures away from established residential
13 neighborhoods." If you agree with the State, you must vote no on this proposal.
14 There are no above-ground telephone poles, electric or cable lines in this
15 neighborhood. Is it necessary to force this tower upon us? Construction at the
16 proposed site has virtually stopped for the last two months possibly due to the
17 code violations, environmental, and legal issues. This construction has been
18 ongoing for over five years subjecting neighbors to dust, dirt, dumping, noise,
19 damages, and violations. This site is simply not a good choice. This exact
20 historical site dates back to the original start of Moreno in 1891. Should history
21 be sacrificed to this technology? Studies show this 60-foot structure will have a
22 negative impact on property values. Is this fair to the homeowners? The
23 homeowners say no, and they have signed petitions to save their health,
24 property, and right to quiet enjoyment. Are you going to ignore their signatures?
25 If no, vote no. Verizon is required by law to prove that no alternative sites are
26 available. They have not even come close to meeting that obligation requiring
27 you to vote no. Have all the problems been thoroughly researched and legally
28 addressed like lot line setbacks, easements, hazards, future development, and
29 residential rights? Are you sure this project is immune from class action,
30 violation of civil rights, due process, or other litigation? If you have the slightest
31 question or reasonable doubt or have answered no to any of the questions that
32 I've asked, I strongly recommend that you err on the side of caution and vote no
33 on this proposal to get the cell out of our neighborhood.

34
35 **CHAIR LOWELL** – Thank you very much Mr. Irvine. Thank you very much. I
36 don't hear or see any other people wanting to speak, so at this point in time I
37 want to close the Public Comments portion.

38
39
40 **COMMISSIONER DISCUSSION**

41
42 **CHAIR LOWELL** – That moves us on to Commissioner Discussion. Do we
43 have any questions or concerns? Anybody have any comments or actually
44 would the Applicant like to comment on what he just heard? Do you have any
45 questions or comments? Nothing? Okay. I would like to thank the Applicant.
46 One of the major concerns we had were some setbacks and a couple of other

1 little items here and there, and I'd like to thank them for taking the time to
2 address our concerns and come back with a new Site Plan. It looks like on the
3 Site Plan you have addressed all of our concerns, so I really appreciate it. I
4 know it took a little bit of effort and it has been continued a couple meetings, but I
5 appreciate the effort. Thank you very much. Anybody like to motion tonight?

6
7 **COMMISSIONER NICKEL** – I'll motion.

8
9 **CHAIR LOWELL** – I'll second. Motion by Commissioner Nickel. Second by
10 myself. Please vote.

11
12 **DEPUTY CITY ATTORNEY PAUL EARLY** – Have we established what that
13 motion is? Is it to approve as set forth in the Agenda?

14
15 **CHAIR LOWELL** – Microphone.

16
17 **DEPUTY CITY ATTORNEY PAUL EARLY** – Yeah you're not on, and you don't
18 need to necessarily read it all if you just tell us that the motion is to approve as
19 set forth in the Agenda. That is sufficient too.

20
21 **COMMISSIONER NICKEL** – Approve Conditional Use Permit PA15-0009.

22
23 **CHAIR LOWELL** – She's making a motion to approve the Resolution that is
24 presented tonight. I second it. We will still have the vote. Vice Chair Sims and
25 Commissioner Van Natta are abstaining because they're not here, so we are
26 good to go. The vote passes 6-0 with three abstaining because they're not here,
27 so we're good to go. This voting system is a little confusing because before we
28 used to read the whole thing and say I motion it, so it's a little bit of a learning
29 process for me still so.

30
31 Opposed – 0

32 Abstentions – Vice Chair Sims

33 Commissioner Van Natta

34 Commissioner Ramirez

35
36
37 **Motion carries 6 – 0 with three Abstentions**

38
39
40 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may, just for interpretation
41 purposes, by moving the Staff recommendation to approve the project we
42 assume that certification of the environmental document was included in that?

43
44 **ASSOCIATE PLANNER CLAUDIA MANRIQUE** – Correct.

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

1 **CHAIR LOWELL** – I still think we should read the motion to approve item A,
2 item B. I still think that would be a better way of doing it to alleviate any
3 confusion.

4
5 **DEPUTY CITY ATTORNEY PAUL EARLY** – Completely up to you.

6
7 **CHAIR LOWELL** – I think we'll do that moving forward. Is there Staff wrap-up
8 on this item?

9
10 **PLANNING OFFICIAL RICK SANDZIMIER** – This is a Conditional Use Permit.
11 It is an action by the Planning Commission that is appealable to the City Council
12 if there are any interested parties that are interested in doing so. Our Municipal
13 Code outlines that an appeal can be filed to the City Council through the Director
14 of Community Development. That appeal must be filed within 15 days of this
15 action, and that's the wrap-up.

16
17 2. Case: PA15-0035 - Tentative Parcel Map No. 36986
18 Applicant: Al Rattan
19 Owner: Continental East Fund VII, LLC
20 Representative: Charlene Kussner
21 Location: Southwest corner of Brodiaea Avenue and Moreno
22 Beach Drive
23 Case Planner: Mark Gross, AICP
24 Council District: 3
25 Proposal: PA15-0035 Tentative Parcel Map No. 36986 -
26 Finance and Conveyance Map
27
28

29 **STAFF RECOMMENDATION:**

30
31 Staff recommends that the Planning Commission **APPROVE** Resolution No.
32 2015-32, and thereby:

- 33
34 1. **CERTIFY** that the project will not have a significant effect on the
35 environment and is therefore exempt from the provisions of the
36 California Environmental Quality Act (CEQA), as a Class 15
37 Categorical Exemption as allowed for Minor Land Division, per CEQA
38 Guidelines Section 15315; and
39
40 2. **APPROVE** PA15-0035 Tentative Parcel Map No. 36986 to subdivide
41 7.4 gross acres of land located in Assessor's Parcel Number 486-250-
42 021 into two (2) parcels for finance and conveyance purposes only,
43 and subject to the attached conditions of approval included as Exhibit
44 A.
45

1 **CHAIR LOWELL** – Thank you. That moves us onto item #2, which is Case No.
2 PA15-0035, a Tentative Parcel Map No. 36986. At this time, I would like to
3 acknowledge that Commissioner Van Natta is seated again. The Case Planner
4 on this is Mr. Mark Gross. Do we have a Staff presentation on this item?
5

6 **SENIOR CASE PLANNER MARK GROSS** – Good evening Chair Lowell and
7 Members of the Planning Commission. I'm Mark Gross, Senior Planner here to
8 discuss PA15-0035. The Applicant, Continental East, is requesting approval for
9 Tentative Parcel Map 36986, which creates a two-parcel subdivision for finance
10 and conveyance purposes only. The proposed map for the almost 7.4 acre
11 parcel located on the southwest corner of Moreno Beach Drive and Brodiaea
12 Avenue does not include any proposed development. Now the first slide that you
13 see up there is just pretty much a location of where the area is located currently.
14 I want to talk a little bit about the history behind this site. The Planning
15 Commission back on December 8th, 2011 and then again on August 23rd, 2012
16 approved a Conditional Use Permit and an amended version of such for the
17 Renaissance Village Moreno Valley Project. It provided for three phases of
18 development for a 98,700 square foot assisted-living and memory-care facility,
19 which I did note in the Staff Report, I think there was one indication where it was
20 listed at 97,000. It actually is a 98,700 square foot site. What I'd like to do is
21 kind of move to the next slide and this is actually the Finance and Conveyance
22 Map that is before you this evening. What it shows pretty much is you'll have two
23 parcels. Again no development is proposed with this particular project, but it
24 does show what actually has been built in these areas to date. What I want to do
25 is kind of run through that just a little bit so that you're aware of it. Phase one
26 includes 73,700 square feet of constructed memory-care and assisted-living
27 buildings with associated outdoor recreation space and parking facilities. Phase
28 two includes an exercise pool and phase three calls for two additional assisted-
29 living buildings totaling 25,000 square feet. Now each of those two phases are
30 not yet constructed but again the 73,700 square feet of the project has been
31 constructed to date. Now the land area for the undeveloped pool, which is in
32 phase two, is within parcel one of the proposed Finance and Conveyance Map.
33 The 25,000 square feet of additional assisted-living buildings, which is included in
34 phase three, is located within parcel two of that proposed map. Now in
35 discussions with the Applicant the purpose of the Finance and Conveyance Map
36 is to assist Continental East with the financing and completion of the remainder
37 of the project phases. Again we have the two phases that are still yet to be
38 developed, which must be in compliance. All of this, the development out there,
39 is in compliance with the Conditions of Approval of a prior-approved Renaissance
40 Village Project and in no case is this map modifying any of those conditions.
41 Those are all stand alone and that is the project as it stands. This again is just a
42 Finance and Conveyance Map that does not include development. Now any
43 future proposed modifications to the prior approval would require review and
44 approval under a separate application. The land division as proposed and
45 conditioned is consistent with the Subdivision Map Act, the General Plan, and to
46 requirements and provisions for the Finance and Conveyance Map included in

1 Ordinance 894 Chapter 9.14 of the City's Municipal Code. From an
2 environmental standpoint, Tentative Parcel Map 36986 will not have a significant
3 effect on the environment and is therefore exempt from the provisions of the
4 California Environmental Quality Act (CEQA) as a Class 15 Categorical
5 Exemption as allowed for minor land divisions per CEQA Guidelines Section
6 15315. Public notice was sent to all property owners of record surrounding the
7 site. It was also published in the newspaper and posted on site. Staff did not
8 receive any public inquiries on the map before you this evening. That leads us to
9 the recommendation, and I'll just kind of read it here just so it's into the record.
10 Staff's recommendation is for the Planning Commission to approve Resolution
11 2015-32, which would certify that the project will not have a significant effect on
12 the environment. It is therefore exempt from the provisions of the California
13 Environmental Quality Act (CEQA) as a Class 15 Categorical Exemption as
14 allowed for minor land divisions per CEQA Guidelines Section 15315, and also to
15 approve PA15-0035 Tentative Parcel Map 36986 to subdivide 7.4 gross acres of
16 land located in Parcel No. 486-250-021 into two parcels for finance and
17 conveyance purposes only subject to the attached Conditions of Approval that
18 are included in Exhibit A. That concludes Staff's Report on the project. We're
19 here to answer any questions. In addition, I did want to mention that both
20 Charlene Kussner and Alex Ramirez, representatives from Continental East, are
21 here in the audience this evening to answer any questions on their proposal a
22 little later on during the Applicant Comments portion of the hearing. Thank you.

23
24 **CHAIR LOWELL** – Thank you. Do we have any questions for Staff? I don't see
25 anybody's hand going up, so I'd like to invite the Applicant up.

26
27 **APPLICANT ALEX RAMIREZ** – Good evening Commissioners and good
28 evening Staff. We want to thank you for the opportunity to continue to work with
29 you and we just appreciate taking the time...we want to thank Mark for taking the
30 time to clearly convey exactly what we're looking to do, which is just subdivide
31 the property for financial purposes. We're not changing. We're not submitting
32 anything to change what is currently standing alone and approved. We thank
33 you for your consideration and your time and we look forward to working with you
34 on continued projects, as well as this one.

35 36 37 **PUBLIC COMMENTS**

38
39 **CHAIR LOWELL** – Any questions for the Applicant? No. Thank you very much.

40
41 **APPLICANT ALEX RAMIREZ** – Thank you.

42
43 **CHAIR LOWELL** – I don't see anybody in the audience wanting to speak, but I'll
44 open the Public Comments portion. Do we have any Speaker Slips tonight?
45 No? Okay, so we're going to close the Public Comments portion.

46

1 **COMMISSIONER COMMENTS**

2
3 **CHAIR LOWELL** – Do we have any questions or discussions? Am I the only
4 one talking tonight?

5
6 **COMMISSIONER VAN NATTA** – You’re doing a fine job of it.

7
8 **CHAIR LOWELL** – Okay with that said, I’d like to move.....

9
10 **COMMISSIONER BARNES** – I’ll ask a question.

11
12 **CHAIR LOWELL** – Make sure everyone’s awake here today.

13
14 **COMMISSIONER BARNES** – Could Staff clarify to me what’s the next step
15 beyond this map? This map records it’s for financing purposes. Party A and
16 party B potentially buy the two parcels, where does it go forward from that point?
17 Is it replaced by another mechanism. What happens next?

18
19 **SENIOR PLANNER MARK GROSS** – This will actually have to go through the
20 Final Map process. As far as the process and how it flows, this particular item as
21 we indicated is a separate map from the development. The development has its
22 own approvals. In fact, there are two Conditional Use Permits. I think there was
23 a Conditional Use Permit and an Administrative Conditional Use Permit, as well
24 as a couple of amended Plot Plans so those are separate instances. Again I
25 think, as I mentioned in my presentation, this really is solely for the purpose of
26 the developer in this case to complete the financing that is required for the
27 additional phases. There are two phases still to go in the project so that will be
28 part of what this map will do. But again this map does not guide development but
29 that will be their next step in the process and possibly Rick would like to indicate
30 something as well.

31
32 **PLANNING OFFICIAL RICK SANDZIMIER** – I’ll chime in real quick. As Mark
33 has indicated there is the underlying approval. If you’ve been out to the
34 Renaissance Village, it’s an excellent assisted-living facility. There are some
35 remaining parcels that are yet to be developed. There is also the area in the
36 back, which is the area where a pool is intended to be built. Those are still the
37 approvals, so our understanding in talking with Charlene and the team from
38 Continental East is that this Financing Map gives them the ability to attract the
39 investment into the property and so it opens up that door so long as the next
40 developer that comes on board wants to build out the next phase of the
41 development and doesn’t want to change anything then they have the underlying
42 approvals to the extent that the map for that particular parcel they’re going to be
43 developed has to be reviewed. It would be brought in and reviewed as a
44 Development Map, not a Finance Map but a Development Map. So we would
45 extend the same Conditions of Development/Conditions of Approval that were
46 already approved in the underwriting. We’d carry those forward unless the

1 Applicant at that time wanted to make any changes. They can make changes
2 but those changes would be subject to our review, and they are not automatic.
3 They are discretionary actions since its part of an already approved application.
4 If the Applicant wants to give you any additional input in terms of the timing,
5 we're not aware of if this is going to happen within the next month or within the
6 next year, but right now the approvals that we grant are good for three years so
7 that's the rest of the story I guess.

8
9 **COMMISSIONER BARNES** – So currently all of the development on the site is
10 approved?

11
12 **SENIOR PLANNER MARK GROSS** – Everything is approved out there as is
13 stands. In fact, the last Administrative Plot Plan actually has an ending date of
14 2017, sometime in 2017, so yes everything is approved and 73,700 square feet
15 of the 98,700 square foot site is completed right now. It's just the....

16
17 **COMMISSIONER BARNES** – I guess my question is then what's the hammer
18 that requires that this map be replaced. Could they just get their funding and the
19 approved development could be built and this Financing Map could sit here in
20 perpetuity? What requires that it be replaced by a Development Map? I don't
21 know that I care, it's just a question to understand the process.

22
23 **LAND DEVELOPMENT DIVISION VINCENT GIRON** – Vincent Giron with Land
24 Development Division. Good evening Commission. The map itself would be
25 required ultimately to be recorded, the Final Map when they come in for
26 entitlements. So Conditions of Approval for future development on here would
27 require that map. I think the biggest thing to note is that, if in the future the sale
28 of property wanted for instance if future owners wanted to sell the property as it's
29 shown here for parcel one/parcel two, they wouldn't be able to because it's not a
30 legal lot so this doesn't create a legal lot for the purposes of that.

31
32 **COMMISSIONER BARNES** – So construction of phase three would require a
33 map?

34
35 **LAND DEVELOPMENT DIVISION VINCENT GIRON** – When it came in for
36 entitlements.

37
38 **COMMISSIONER BARNES** – It's already entitled though. That was my
39 question is that all of the development on the property is entitled.

40
41 **CHAIR LOWELL** – I think if they're trying to sell it to somebody for them to
42 develop it that's when they have to require the Final Map. If they finance it
43 internally this map could shrivel up and go away. It depends on what avenue
44 they take I think is what's going on.

45
46 **COMMISSIONER BARNES** – Okay.

1 **CHAIR LOWELL** – I think it's vague.

2
3 **COMMISSIONER BARNES** – You think? Okay again I just wanted to
4 understand the process. I'm not sure that I do yet.

5
6 **CHAIR LOWELL** – The Applicant's at the podium. Please, Sir.

7
8 **APPLICANT AL RATTAN** – I just want to clarify that this is for financial
9 purposes. We have no intention of selling and it is just to obtain the necessary
10 financing to complete phase three.

11
12 **COMMISSIONER BARNES** – And I understand that and I'm not in opposition, I
13 just am not seeing a mechanism in here that requires that this Financing Map be
14 replaced by a Land Division Map.

15
16 **APPLICANT ALEX RAMIREZ** – If we were to submit changes or change the
17 phase three projects that we have currently agreed to then yes we would. But, at
18 this point, this is strictly just for financial purposes that I don't believe, Staff would
19 be better equipped to answer that, but I don't believe it would require any
20 additional changes.

21
22 **CHAIR LOWELL** – I have a question since you're here. We get a couple of
23 these in front of us a year, and I always have questions as to how does this map
24 help you with financing. Could you expand upon how this map is for financial
25 purposes only?

26
27 **APPLICANT ALEX RAMIREZ** – Well it's essentially a mechanism that we use
28 to either...most of our projects, or depending on the project we're using, we apply
29 for EB5 applications which is international investors so to continue the phase out
30 of the building of a certain phase we have a certain allotment of investors for that
31 particular phase. So, until that phase is completed, money is kept in escrow
32 essentially. So, until we have additional funding for an additional phase, we're
33 not getting additional investor money because it's not being released out of
34 escrow until the completion of construction per federal requirements. So that's
35 why we use this mechanism to garner in the money that we need to complete a
36 phase. Once our projects are completed, the funds are released and then our
37 investors are compensated or continue to gain their interest or equity into the
38 project or property.

39
40 **CHAIR LOWELL** – So, at the end of the day, is your goal to have two distinct
41 parcels or are they going merge into one?

42
43 **APPLICANT ALEX RAMIREZ** – No it's one. It's all one continuous project. It's
44 for financing purposes. With our application through the EB5 projects, that's why
45 we have to do it separately because the federal government will not allow us to
46 use funds that were dedicated for phase one into the phase three project. Even

1 though it's the same lot, it's the same builder, it's all one continuous unit, we're
2 not allowed federally to do that. It has to be individually.

3
4 **CHAIR LOWELL** – Any your intent is to get this map approved but never go to
5 final recordation of this Parcel Map?

6
7 **APPLICANT ALEX RAMIREZ** – No. We will go to final. It's just right now we're
8 still doing research in potential changes to phase three in regards to how we're
9 going to provide services to the residents of those phases.

10
11 **CHAIR LOWELL** – So, at the end of the day, there will be two parcels?

12
13 **APPLICANT ALEX RAMIREZ** – Technically yes.

14
15 **CHAIR LOWELL** – I'm not on the financing team. I can't figure this stuff out, but
16 okay I'll believe you. My other question is on here that new parcel line that is or
17 is not illegal. At some point in time in the future would there be any setback
18 requirements to the north? It looks like that parcel line is going right on the zero-
19 foot setback. I don't know if it's commercial, if it's medical, if it's residential.

20
21 **SENIOR PLANNER MARK GROSS** – Are you talking about the shopping center
22 to the south of the project?

23
24 **CHAIR LOWELL** – No, no, no. Parcel one to the parcel line.

25
26 **SENIOR PLANNER MARK GROSS** – Parcel one, okay.

27
28 **PLANNING OFFICIAL RICK SANDZIMIER** – Yeah the parcel line.

29
30 **CHAIR LOWELL** – Yeah the Improvement Map. It looks like that parcel line is
31 crossing right at a zero-foot setback to the phase two and phase three to the
32 north.

33
34 **SENIOR PLANNER MARK GROSS** – Well the development I'm not certain.
35 Everything that you see here is superimposed as it was approved so...

36
37 **CHAIR LOWELL** – Correct.

38
39 **SENIOR PLANNER MARK GROSS** – It does include everything the way it was
40 approved. I don't know how else really to answer that.

41
42 **CHAIR LOWELL** – Well no but that parcel line, is that a new parcel line for this
43 map or was it....

44
45 **SENIOR PLANNER MARK GROSS** – It is a parcel line.

46

1 **CHAIR LOWELL** – A parcel line for some other...

2
3 **PLANNING OFFICIAL RICK SANDZIMIER** – It's a parcel line for financing
4 purposes. It's not for development purposes, so we take a setback from that line.
5 It's not the same as from a developed parcel line where you have the setback
6 from that property. This is for finance purposes only. That's the distinction.

7
8 **CHAIR LOWELL** – Okay.

9
10 **PLANNING OFFICIAL RICK SANDZIMIER** – So all the setbacks would be
11 required as the underlying map. Now if they change the development and they
12 wanted to substitute in an actual Development Map then we would evaluate that
13 future development against the Development Map setbacks, but that's not what
14 this is.

15
16 **COMMISSIONER BARNES** – But, if they don't change anything, they don't have
17 to do a Development Map?

18
19 **PLANNING OFFICIAL RICK SANDZIMIER** – I believe that is correct, yes.

20
21 **COMMISSIONER BARNES** – So this Financing Map could sit here in
22 perpetuity? There's no subsequent process that they are required to do to
23 replace this Financing Map with a Development Map? And I don't know that
24 that's a bad thing, I'm just asking the question.

25
26 **COMMISSIONER VAN NATTA** – Can I say something?

27
28 **CHAIR LOWELL** – Yes, please.

29
30 **COMMISSIONER VAN NATTA** – I think the engineers up here are trying to look
31 at this a little bit more complicated than it needs to be. Their getting the ideas of
32 parcels and projects mixed up. It would be like if you want to look at it in terms of
33 residential, I could have two parcels and I could build a house right smack dab in
34 the middle half of one parcel and half on the other. I own both parcels. I'm
35 building one house. So they have one project here. They're building one project,
36 they're just splitting it into two parcels.

37
38 **COMMISSIONER BARNES** – Actually you couldn't build a house straddling
39 your line, so...

40
41 **COMMISSIONER VAN NATTA** – I've seen it done.

42
43 **PLANNING OFFICIAL RICK SANDZIMIER** – Okay.

44
45 **COMMISSIONER BARNES** – Not legally.

46

1 **COMMISSIONER VAN NATTA** – I mean it's just a matter of you're putting those
2 two parcels together to make one piece of land. You wouldn't have to worry
3 about a setback if you're putting one building on both.

4
5 **CHAIR LOWELL** – I guess the confusion for me is the difference between a
6 Tentative Parcel Map for finance purposes versus land separation.

7
8 **PLANNING OFFICIAL RICK SANDZIMIER** – There's a distinction in that and
9 what we're approving tonight is for the financing purposes only, so that's about
10 as clear as I can make it because...

11
12 **CHAIR LOWELL** – But in order for this Parcel Map to be approved for financing
13 and conveyance purposes only, would this Tentative Parcel Map ever go to final
14 recordation and for an actual land-lot split?

15
16 **PLANNING OFFICIAL RICK SANDZIMIER** – Not the Financing Map, no.

17
18 **COMMISSIONER BARNES** – Well it does have to record because it doesn't
19 exist until it records.

20
21 **PLANNING OFFICIAL RICK SANDZIMIER** – Right so I don't...and it depends
22 on what the developer wants to use it for. So I don't know the exact answer.
23 The one difference in the Financing Conveyance Map is typically you don't have
24 an underlying approval already. Typically we've had come in, in the last two
25 Financing Conveyance Maps, is we've had underlying approvals already in place
26 and that's why we've had to kind of structure the approvals the way they are to
27 recognize that. But normally if somebody has a raw piece of land and they
28 haven't actually got a development approval they come up with a Financing Map
29 to sell off individual parcels and then whoever they sell that parcel to comes in
30 and wants to do its own map for that particular parcel. That's the way we
31 probably all recognize it and understand it the best, but this is new in our City and
32 Continental East has had some experience with it before. We have worked very
33 closely with them. We think it's an excellent opportunity to stimulate some
34 development opportunities and we've seen that twice now in just the last few
35 months, so we appreciate the fact that we have this tool available to us now.

36
37 **CHAIR LOWELL** – I like the idea. I'm just trying to get a little education on this
38 because I'm not familiar with financing and conveyance purpose maps, so
39 anybody else have questions or comments?

40
41 **COMMISSIONER GONZALEZ** – I have one question, a straightforward
42 question. If you obtain your financing the way you envision it, when do you feel
43 the development will be completely.....

44
45 **APPLICANT ALEX RAMIREZ** – Complete build-out?
46

1 **COMMISSIONER GONZALEZ** – Yeah.

2
3 **APPLICANT ALEX RAMIREZ** – We estimate....well right now we're in the
4 research process. So we're looking to finalize and submit what phase three will
5 actually look like and be built out for, so we anticipate probably breaking ground
6 next year and trying to complete everything as quick as possible within 2017
7 parameters.

8
9 **COMMISSIONER GONZALEZ** – Thank you.

10
11 **CHAIR LOWELL** – Any other questions or comments?

12
13 **COMMISSIONER BARNES** – I'll make one more comment.

14
15 **CHAIR LOWELL** – Commissioner Barnes.

16
17 **COMMISSIONER BARNES** – It seems appropriate that there should be a
18 mechanism to cause this map at some point in time to be replaced by a
19 Development Map because what happens heaven forbid that the project tanks
20 for some reason and now the property is encumbered with a Finance Map and
21 no Development Map and what does that do to the bank, whoever takes it back,
22 future property owners? It seems like there should be something in place that
23 causes this to go away. Not a question, just an observation.

24 **CHAIR LOWELL** – They're consulting each other back there. Any other
25 questions while we're on this one? No? Sorry for the dead air. Mr. Sandzimier
26 do you want to have a response or can we move on? I think he just wants to
27 move on.

28
29 **PLANNING OFFICIAL RICK SANDZIMIER** – If it's a significant interest or a
30 significant concern for you, I apologize. We don't have a firm answer for you this
31 evening on this, so if you're not comfortable going forward we would only ask that
32 you give us the opportunity to come back with an answer. That's the best
33 answer that Vincent and I right now just discussed so....

34
35 **COMMISSIONER BARNES** – I want to stress that I'm not opposed at all. It's
36 strictly a technical issue, but I'm concerned with the unforeseen consequences of
37 not having a completion mandated by the conditions.

38
39 **APPLICANT ALEX RAMIREZ** – Unfortunately, there isn't a precedent set for a
40 project that didn't go through with the Financing Map based on our experiences
41 and based on previous projects that have been built throughout Southern
42 California with Financial Maps, so realistically I cannot give you a proper answer
43 just like Staff. But because it's not a Building Map or a Final Map, we don't
44 foresee it being an encumbrance to a buyer or a bank who would pick up the
45 property. If anything, it would bring them additional interest because they could

1 actually sell each individual part of it within the parameters that were already set
2 on that particular project.

3
4 **COMMISSIONER BARNES** – If they could sell each individual part then what
5 differentiates the financing from the Standard Development Map?

6
7 **APPLICANT ALEX RAMIREZ** – What I mean by sell each individual part is just
8 for financing purposes or again for investment generation. It's not necessarily for
9 an actual individual. Nobody is going to go in and buy part of it and build
10 something completely different that doesn't adhere to it. Usually when you're
11 involving everything in one Financial Map it's just going to be that set project
12 because, based on our conditions that we have to meet for that additional
13 funding or that investor funding, we can't change the project once it's submitted if
14 that's what it is because we're required by federal law to complete it as we
15 stated. And they will check before any funds are ever released out of escrow.

16
17 **COMMISSIONER BARNES** – Can parcels in Financing Maps have separate
18 owners?

19
20 **APPLICANT ALEX RAMIREZ** – We haven't seen that ourselves personally. It's
21 usually a group entity that does it, but I can't see why it wouldn't.

22
23 **COMMISSIONER BARNES** – I mean can two totally independent parties own
24 one on parcel one and one on parcel two on a Financing Map? If they can then
25 what's the difference between a Financing Map then and a standard Subdivision
26 Map?

27
28 **LAND DEVELOPER VINCE GIRON** – In light of all the questions that you're
29 asking, we don't have an answer. That's the short of it, and if answers are
30 sought, they all are great questions....I would only, as Rick mentioned, if you feel
31 it needs to be explored more we definitely can do it. I see no harm, no foul. If
32 we're setting precedents, I may not be such a...well I'll leave it up to you.

33
34 **APPLICANT ALEX RAMIREZ** – Well unfortunately we haven't had the
35 experience where somebody who has used the Financial Map that has fallen out
36 or has divided it and fallen and sold off part of it to a completely different
37 interested party that it wasn't looking to build out the same exact project they
38 already had approved, so we are talking about something hypothetical that we
39 don't know that would actually happen. The reason for the Financial Map is to
40 make sure that the project goes to full completion that way it's been submitted.
41 That's the only purpose of the Financial Map. Now, by not having the Financial
42 Map, it does affect that. So, in essence, it's an essential tool for us to seek the
43 funding that we need to complete it as we submit it.

44
45 **COMMISSIONER BARNES** – And I understand that and again I'm not in
46 opposition. My only question is what requires that the last step be completed?

1 There's nothing in here that requires that. Again I'd be concerned with the
2 unforeseen consequences of the process not being completed.

3
4 **APPLICANT ALEX RAMIREZ** – We're required to complete it per our project,
5 per our investors, per the agreement with the City. I mean we want to make sure
6 this project gets to completion. Again we are our own entity. I can't say what
7 future builders are going to do and what experience you'll have with them, but
8 this is what we need to complete it for what we committed to the City.

9
10 **COMMISSIONER BARNES** – I have put the question out there and it's
11 unanswered, so I guess the vote will tell the tale.

12
13 **CHAIR LOWELL** – And I know Tentative Parcel Maps, Tentative Track Maps
14 generally have an expiration date with automatic extensions. Do Financing Maps
15 have the same expirations or do they expire after a certain amount of time?

16
17 **SENIOR PLANNER MARK GROSS** – It would still be the three years.

18
19 **CHAIR LOWELL** – With the automatic extensions.

20
21 **COMMISSIONER BARNES** – But the question is not the expiration of the
22 Tentative Map, the question is the replacement of the Final Map. Once it's
23 recorded, it stays, so my opinion is that there should be a condition that requires
24 that the process be completed at some point in time.

25
26 **PLANNING OFFICIAL RICK SANDZIMIER** – Let me understand what you
27 mean by completed. What does that mean, that it be recorded?

28
29 **COMMISSIONER BARNES** – No.

30
31 **PLANNING OFFICIAL RICK SANDZIMIER** – Because if that's what it is then
32 we do have condition P5.

33
34 **COMMISSIONER BARNES** – Well the Financing Map isn't the end of the
35 process. At some point there is a Land Development Map that is required,
36 correct?

37
38 **PLANNING OFFICIAL RICK SANDZIMIER** – They have an underlying approval
39 and, as the gentleman said, their intention is to build out that project as
40 previously approved and as conditioned here. The requirement is to maintain all
41 the conditions of the development that are already run with that previous
42 underlying approval, so nothing changes. If they were to change something, they
43 would have to come back and we would have to do an amendment to the
44 underlying approval and to the extent that amendment requires a new
45 Subdivision Map of some sort then we would process the new Subdivision Map

1 at that time. But, right now, the indications we've had are that they intend to go
2 forward and build out the remaining phases of the project.

3
4 **COMMISSIONER BARNES** – The project as approved?

5
6 **PLANNING OFFICIAL RICK SANDZIMIER** – Right, so that's where I'm kind
7 of....

8
9 **COMMISSIONER BARNES** – Which means they don't need to replace the
10 Financing Map. There's no mechanism or process if they complete the project
11 as proposed that requires that that Financing Map go away.

12
13 **SENIOR PLANNER MARK GROSS** – That's correct, yeah. And actually P5
14 and P6 actually talk about just what Rick was mentioning here where you have
15 the requirements to where they would have to come back if there were changes
16 to any of the actual project.

17
18 **COMMISSIONER BARNES** – Right, but if there is no change, the Financing
19 Map will be the Record Map on this property.

20
21 **SENIOR PLANNER MARK GROSS** – Right, I mean that's how we see it.

22
23 **LAND DEVELOPER VINCE GIRON** – Commissioner Barnes, as Mark has
24 noted on P6 it does read that no additional applications for building or grading
25 permits shall be accepted for the parcel or parcels created by this map until a
26 future map or another Conditional Use Permit for this development has been
27 approved. So you're looking for something that's tied close to that, correct?
28 Something that gives it a finality.

29
30 **COMMISSIONER BARNES** – I guess what I'm saying is that if it is legal and
31 acceptable for a Financing Map to exist on a property forever then I'm fine with
32 that. I was just asking a question that is it normal that a Financing Map be the
33 end product of a land division? If it's normally replaced by a Land Division Map, I
34 think we should require that it be replaced. If it's acceptable that this map stay
35 for the next 30 years, then I'm fine with it.

36
37 **APPLICANT ALEX RAMIREZ** – That's been the experience at other cities that it
38 just stays depending on how it's used. It doesn't affect again unless, like you
39 stated, there are changes that are made. Then it's a completely different
40 application with a different Recorded Map.

41
42 **SENIOR PLANNER MARK GROSS** – Actually Chris Ormsby our Senior
43 Planner here also worked on the ordinance and possibly he could talk a little bit
44 about how some of the review was of that ordinance and with other cities.

45

1 **SENIOR PLANNER CHRIS ORMSBY** – I was just going to indicate that, based
2 on research from other cities, other cities do have it structured in a similar way
3 that we have it here. So generally any future development on that site is going to
4 trigger further Plot Plan and Entitlement approvals. But, if in fact you have a site
5 like this one where there are already entitlements built that way, those cities
6 didn't have a provision about any further Final Map recordation beyond that.

7
8 **COMMISSIONER BARNES** – So they were comfortable with the Financing Map
9 just sitting there and being in place?

10
11 **SENIOR PLANNER CHRIS ORMSBY** – Yes.

12
13 **PLANNING OFFICIAL RICK SANDZIMIER** – It's serving its purpose for the
14 financing actually that is being sought. Again it's not a development activity. To
15 me, that's the understanding I have.

16
17 **COMMISSIONER BARNES** – Alright, thank you. Sorry.

18
19 **CHAIR LOWELL** – Hey, I'd rather get the questions out now than tomorrow.
20 Okay, with that said, are there anymore questions or comments? Does the
21 Applicant have anything else to say?

22
23 **APPLICANT ALEX RAMIREZ** – We just appreciate the concern and we hope
24 that...we will assist in the process of seeking the right answers for you. But we
25 are talking about a hypothetical that hasn't been experienced anywhere, and we
26 hope we're not the first.

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

28
29 **APPLICANT ALEX RAMIREZ** – Thank you.

30
31 **CHAIR LOWELL** – Any other questions or comments? No? Would anybody
32 like to make a motion tonight? Quick button, quick button.

33
34 **COMMISSIONER BAKER** – I'll second.

35
36 **COMMISSIONER VAN NATTA** – I move that the Planning Commission approve
37 Resolution No. 2015-32 as presented.

38
39 **CHAIR LOWELL** – We have a motion by Commissioner Van Natta. We have a
40 second by Commissioner Baker. Cast your vote please. Perfect, that's
41 everything. The motion passes 7-0. Do we have a Staff wrap-up on this item?

42
43
44 Opposed – 0

1 **Motion carries 7 – 0**

2
3 **PLANNING OFFICIAL RICK SANDZIMIER** – Now this item is appealable to the
4 City Council. If any interested party is interested in appealing, they can file their
5 appeal within 15 days of your action. The appeal would be filed to the City
6 Council through the Community Development Director, and I don't think I
7 indicated it on the last wrap-up, but the item is then agendized for the City
8 Council Hearing within 30 days.

9
10 **CHAIR LOWELL** – Thank you very much.

11
12
13 3. Case: PA14-0038 (Municipal Code Amendment)
14 Applicant: City of Moreno Valley
15 Owner: Not applicable
16 Representative: City of Moreno Valley
17 Location: City-wide
18 Case Planner: Chris Ormsby, AICP
19 Council District: City-wide
20 Proposal: Destiny Bonus Ordinance Related to Energy
21 Efficiency
22

23 **STAFF RECOMMENDATION:**

24
25 Staff recommends that the Planning Commission **APPROVE** Resolution No.
26 2015-33, and thereby recommend to the City Council:

- 27
28 1. **CERTIFY** that the proposed Municipal Code Amendment is exempt
29 from the provisions of the California Environmental Quality Act
30 (CEQA) Guidelines, per Section 15061 (b)(3); and
31
32 2. **APPROVAL** of Municipal Code Amendment PA14-0038 based on the
33 findings contained in Planning Commission Resolution 2015-33.
34
35

36 **CHAIR LOWELL** – That moves us on to item #3, Case No. PA14-0038, a
37 Municipal Code Amendment. The Case Planner Mr. Chris Ormsby and the
38 Applicant is actually the entire City of Moreno Valley.

39
40 **SENIOR PLANNER CHRIS ORMSBY** – Good evening Chair Lowell and
41 Members of the Planning Commission. This Code Amendment is one of the four
42 tasks under the Southern California Strategic Strategies Program, which is
43 funded by Southern California Edison. At your November 12th meeting the
44 Commission reviewed and approved Task 4, the General Plan Amendment to
45 incorporate an energy efficiency section with new language into the General
46 Plan. The proposal before you this evening implements Task 5 into the program.

1 The Municipal Code Amendment proposes a Density Bonus Incentive for
2 achieving energy efficiency and incorporating green building measures that
3 exceed the Building Code. The code amendment will add a new section of the
4 Municipal Code Section 9.03.055. The incentive will be for a 5% density bonus if
5 a multifamily project is designed and built to at least the LEED certified level.
6 The calculation of the bonus is based on the maximum allowable density of the
7 zone in which the project is located. It will apply to all multifamily zones. And
8 just a little bit more information about how that calculation works, under the
9 development standards, the multifamily zones require at least a one acre site
10 area. Therefore, with a 5% density bonus and the identified provisions for the
11 rounding, any project within the R10 multifamily zone would be eligible for at
12 least a bonus of one residential dwelling unit so really any project within any of
13 the multifamily zones covered by the bonus would receive at least a one unit
14 bonus. The density bonus of 5% is tied to the LEED green-rating system. LEED
15 stands for leadership in energy and environmental design. It is the most widely
16 recognized green building rating system in the world. There is only one LEED
17 certified building in the city to date based on my research, which is the Skechers
18 warehouse building, and it is certified at the Gold level. The Code Amendment
19 was presented at the same public outreach meetings as the General Plan
20 Amendment that you reviewed last month. As was mentioned, the feedback
21 regarding energy efficiency at the public meetings was positive. There was some
22 input from the public encouraging the promotion of energy efficiency and green
23 building as an economic marketing tool, but just to summarize the density bonus
24 under this Code Amendment is entirely incentive based. The requirements only
25 apply if the developer would like to take advantage of the bonus incentive. On
26 the dais, there is a memorandum dated with today's date as provided for and the
27 approving documents related to this grant. Southern California Edison had the
28 opportunity to review the language of the Code Amendment and yesterday they
29 completed their review concurrent with the Staff Report going forward. They did
30 have some comments on it more in the way it is organized. There is no
31 substantive change to the text or what I've described in the presentation, so the
32 intent is then for Staff recommending approval of Resolution 2015-33 with Exhibit
33 A as amended by the attachment to this memorandum. With that, I'll open it up
34 to questions of Staff.

35
36

37 COMMISSIONER COMMENTS

38

39 **CHAIR LOWELL** – Thank you very much. Anybody have any comments or
40 questions for Staff?

41

42 **COMMISSIONER VAN NATTA** – I do.

43

44 **CHAIR LOWELL** – Commissioner Van Natta, please.

45

1 **COMMISSIONER VAN NATTA** – I remember some previous conversation on
2 actually it was back when Skechers was being built and they were talking about
3 the LEED certified and said that LEED certification can't be obtained until after
4 the construction is complete and they do an inspection, so how can you get the
5 density bonus and add an additional dwelling unit if you can't get the LEED
6 certification until after it's built?

7
8 **SENIOR PLANNER CHRIS ORMSBY** – That's a very good question, and we
9 did take that into consideration. We actually have structured the ordinance so
10 that LEED certification itself is not required, but the building will be conditioned
11 through the entitlement process to be designed and reflected in the building plan
12 check that, in fact, it meets the LEED certified level. So it will be up to the
13 developer to actually receive the certification, but we feel that this particular
14 rating system is the best system to use because it leaves the potential for that
15 developer to obtain a well recognized designation for their property, which adds
16 economic value to it. So that's the reason we went with the LEED rating system.

17
18 **COMMISSIONER VAN NATTA** – So how then and who determines whether or
19 not this is going to meet LEED certification standards?

20
21 **SENIOR PLANNER CHRIS ORMSBY** – This language was also reviewed by
22 our Community Development Director and so it would be done by the Building
23 Division through the plan check process, so there would be conditions of
24 approval in the final conditions. There would be a requirement, in fact, that it
25 meets those provisions that get the design to a LEED certified level.

26
27 **COMMISSIONER GONZALEZ** – So it's synonymous if these conditions of
28 approval are abided by then it's synonymous with the LEED certification pretty
29 much; it's equal.

30
31 **SENIOR PLANNER CHRIS ORMSBY** – Right, right what really gets you to the
32 potential for a LEED certification is the design of these various features that are
33 brought into the project, so they are quantifiable and able to be reflected on the
34 building plans.

35
36 **PLANNING OFFICIAL RICK SANDZIMIER** – Okay, if I may, the purpose for the
37 bonus is to encourage projects to move towards more energy efficiency, so you
38 have to develop some sort of criteria, a target that you're aiming for. And so by
39 having the LEED program, which is a recognized program, as a target and you're
40 moving towards that, the best ability we have to achieve that target is to make
41 sure through the review process we're following those standards. Now
42 somebody could say, well we gave them a density bonus, they ended up
43 designing it all that way but they never actually got the LEED certification, should
44 we take the density bonus back? The answer would be, no, because they were
45 striving for the energy efficiency, which was the whole purpose for the program. I
46 don't think you want to penalize them, but we believe that if you design it in

1 accordance with LEED it should achieve the LEED standard. But it will be
2 incumbent upon the developer also to follow through to make sure that happens.

3
4 **CHAIR LOWELL** – Alright.

5
6 **COMMISSIONER VAN NATTA** – Okay so basically we're telling the developer,
7 oh you just got to try.

8
9 **SENIOR PLANNER CHRIS ORMSBY** – No.

10
11 **COMMISSIONER VAN NATTA** – And if you don't make it, you don't get the
12 LEED certification, nothing is going to happen. Shouldn't there be some sort of
13 a, I don't know, a fine or some sort of a consequence if after they've completed
14 and they've gotten the bonus and they've gotten their extra units if they do not go
15 ahead and get the LEED certification afterwards if for some reason they don't
16 qualify for it after the project is completed some sort of consequence if it wasn't
17 met.

18
19 **SENIOR PLANNER CHRIS ORMSBY** – Well there are some cities that actually
20 have done that, a relatively small number, and the result is typically a rather
21 complex set of requirements in order to be able to monitor that and there is a lot
22 of administrative effort in following through on the part of Staff to make sure
23 these things are certified after the fact. If the project is designed to a LEED
24 certified level as Rick had indicated, the energy efficiency aspect of it has been
25 achieved. Southern California Edison also seems to concur with the language,
26 as amended here, so I think they feel that it achieves the purpose of what this
27 grant is for.

28
29 **PLANNING OFFICIAL RICK SANDZIMIER** – I would be a little concerned if
30 there was a penalty because you may end up inadvertently or unintentionally
31 getting people not to try because they're going to say in order for me to try I
32 already have to spend extra effort. I maybe have to have some additional
33 expenses, I'm going to put certain things in, and then if I by no fault of my own
34 can't get somebody to certify me now I got to pay a penalty. So I just think that
35 we may end up hurting ourselves and maybe nobody would even try if we put a
36 penalty on it.

37
38 **COMMISSIONER VAN NATTA** – But, at the same time, I think there should be
39 something in there that says that they are required to apply for the certification
40 once the project is complete. There would be a benefit I think to the City and to
41 attracting future development to be able to say we have X number of buildings
42 that are LEED certified at this level or at that level. So if they only build them to
43 the LEED standards and then they never go ahead and get the certification then
44 we don't have that ribbon hanging on the building that says this is LEED certified
45 to verify that we did what we had set out to do.

46

1 **SENIOR PLANNER CHRIS ORMSBY** – Well we will have achieved what we set
2 out to do because the buildings will be not just more energy efficient but will have
3 incorporated green building measures that really go beyond what the code
4 currently requires. There is a cost to applying for LEED certification. So there is
5 a little bit of concern with requiring it on the part of larger projects because I
6 believe it's based on the size of the project. I think the ordinance would be
7 encouraging them to seek LEED certification.

8
9 **COMMISSIONER GONZALEZ** – Because this ordinance is more for having
10 green buildings, not necessarily seeking LEED certification. That was the intent.

11
12 **SENIOR PLANNER CHRIS ORMSBY** – That is correct.

13
14 **PLANNING OFFICIAL RICK SANDZIMIER** – I do want to say that I appreciate
15 Commissioner Van Natta's comments. I do. I think we're all going to strive for
16 that and, as Chris has indicated, we would be encouraging them to go that next
17 step and actually apply for the certification. It would be great if all of them
18 actually got the certifications and we did have the ribbons, the recognitions, the
19 plaques on the buildings but that's absolutely what our goal is and I believe that
20 would be consistent with what Edison is pushing for. So I think we're trying to get
21 to the place you're talking about.

22
23 **COMMISSIONER VAN NATTA** – Can't we at least put in there that they have to
24 apply for LEED certification?

25
26 **PLANNING OFFICIAL RICK SANDZIMIER** – Can I make a suggestion? This is
27 going to go to the City Council ultimately for the final decision. Can we take that
28 as a recommendation from the Planning Commission that that's an extra item
29 that you'd like us to put in the program? It would give us an opportunity between
30 now and the City Council Hearing to contact Edison and find out if there is any
31 concern with respect to that. We could do some research with what other cities
32 are doing without holding it up here because we are trying to meet a deadline in
33 terms of the Edison Grant that is funded through the end of this year. Then we
34 have to have everything wrapped up by March of next year, but we have to
35 expend all the money through December.

36
37 **COMMISSIONER VAN NATTA** – I just think it would be a stronger
38 recommendation if we made it part of the approval.

39
40 **DEPUTY CITY ATTORNEY PAUL EARLY** – In not having had a chance to
41 research this particular question, but I can tell you that right off the top of my
42 head, I have some nexus questions about conditioning a project to apply for a
43 third party certification that is secondary to the actual design that they're actually
44 doing. So I'm not sure, and I'm not saying we can't, but it does raise some
45 concerns to me about whether that would be a lawful condition to do to make
46 them, because that seems to be an issue for the City but not directly having to do

1 with the building because those criteria will have been met. But getting that third
2 party certification seems to be a secondary step that causes me a little bit of
3 discomfort in whether we could condition that or not.

4
5 **COMMISSIONER VAN NATTA** – I don't know. That's kind of like saying, well
6 as long as you do all the class work, you don't have to take the final exam.

7
8 **DEPUTY CITY ATTORNEY PAUL EARLY** – They do have to take the final
9 exam, but the final exam is administered by the City. The City is applying the
10 criteria.

11
12 **PLANNING OFFICIAL RICK SANDZIMIER** – Right.

13
14 **DEPUTY CITY ATTORNEY PAUL EARLY** – That's how I would.

15
16 **COMMISSIONER VAN NATTA** – You just don't get the diploma.

17
18 **CHAIR LOWELL** – Mr. Barnes.

19
20 **COMMISSIONER BARNES** – In my experience with builders and LEED, we run
21 into situations quite often where a builder will choose to build to LEED standards
22 but they just don't want to spend the large expense and time to get the
23 parchment to hang by the front door. They prefer to spend their money on the
24 upgrades necessary to achieve the LEED building standard and it goes through
25 plan check and all those things are quantifiable improvements that are reviewed
26 by City Staff and the building it built to that standard. The LEED certification is a
27 process that takes place after the fact and allows them to hang a plaque on the
28 front door that says they spent the \$200,000 to get the certification.

29
30 **COMMISSIONER VAN NATTA** – It also verifies, though, that we as a City have
31 done our job in making them build it to that standard.

32
33 **COMMISSIONER BARNES** – Well the Building Department in reviewing the
34 design of the building will force them to meet that criteria just like they are
35 required to meet all the other building criteria that are currently in the code.
36 Basically what they're saying is, if you don't want it, we're going to use Code A.
37 But, if you choose to get the Density Bonus, we're going to use Building Code B
38 which is building to a higher standard; more insulation, different roof materials,
39 different pavement materials. So I really don't think that there's an issue.

40
41 **CHAIR LOWELL** – It's the same idea as trying to build a house that's
42 seismically earthquake proof, but we don't have to put the house on a shake
43 table and shake it to pieces to prove that it's earthquake resistant. We are
44 building it towards a standard, but we don't have to prove the standard is there.
45 So if the City is setting goals saying we want you to be LEED certified or build

1 towards a LEED certification, it's a good goal, but I don't think making it
2 mandatory to prove it is a must on this one.

3
4 **COMMISSIONER VAN NATTA** – I just have a problem with setting a goal and
5 then not having a definitive way to establish the fact that we have met the goal.

6
7 **CHAIR LOWELL** – Yeah but you have calculations X amount of energy. The
8 energy calculations that are going to go into it, you can do the math behind it
9 without actually getting the letter grade on it.

10
11 **COMMISSIONER BARNES** – The City can enforce the rules. We just don't
12 necessarily have to force them to go to a private third party to pay for the piece of
13 parchment.

14
15 **COMMISSIONER GONZALEZ** – Which is the Green Building Council, I mean I
16 don't think we should....

17
18 **COMMISSIONER BARNES** – I think it's fine as it's written.

19
20 **COMMISSIONER VAN NATTA** – Okay.

21
22 **CHAIR LOWELL** – Commissioner Korzec.

23
24 **COMMISSIONER KORZEC** – I was going to agree with you Jeffrey. I think the
25 overall strategy is to build buildings that are better and encourage people to do
26 this and by saying you have to follow this rule and spend this money, I don't think
27 it's fair to people that are trying to improve their site. So I don't see that
28 parchment as being that important if they follow the criteria that's set down. To
29 me, it's good enough. I don't see the necessity of that piece of paper.
30 Encourage people to build better and more energy efficient buildings should be
31 the bottom line.

32
33 **CHAIR LOWELL** – I have some questions. Being that there are various levels
34 of LEED certification, we have LEED certification, we have Silver, Gold, and
35 Platinum, is there any reason or any thought to putting a tiered bonus that if you
36 go to just the LEED certification you get maybe like 3% bonus. But, if you go all
37 the way up to the Platinum, you get like a 6% bonus. So if you have a different
38 goal you can achieve the Platinum level you get a little extra incentive to go all
39 the way as opposed to just the bare minimum.

40
41 **SENIOR PLANNER CHRIS ORMSBY** – We did look at that and there are some
42 cities that have a little bit of a tier to it. I think the only concern that I saw with
43 that is sort of making the connection between what is a reasonable increase in
44 the density bonus relative to that next certified level. That's very hard to quantify
45 and so it seemed better to start out with a simpler approach with the certified

1 level and perhaps that's something a building block for a future green building
2 effort to look at that further and maybe expand on it.

3
4 **COMMISSIONER VAN NATTA** – I just have one further question while we're
5 talking about this. If the goal is to build to the LEED certified level without getting
6 the LEED certification when it comes to other types of buildings, and I'm thinking
7 specifically the World Logistics Center where they've said they're going to be
8 green buildings, they're going to be LEED certified like Sketchers was and so
9 forth. Are we going to also back off and say well as long as you tried to build
10 them to that level we don't have to go ahead and get the certification?

11
12 **PLANNING OFFICIAL RICK SANDZIMIER** – I'm trying to recall the specific
13 language in that World Logistics Center Specific Plan and I apologize I'm just
14 drawing a blank. I don't recall saying that we actually had to secure the LEED
15 certification. I believe the way it was structured in the Specific Plan, as I recall
16 maybe Mark can correct me if I'm wrong, was that they had to be designed to the
17 LEED criteria. I don't think it said they had to achieve. I don't think they had to
18 get the parchment as you're saying. We're going to try and look it up here on...

19
20 **DEPUTY CITY ATTORNEY PAUL EARLY** – Yeah I'm trying to see if I can find
21 it exactly too while we're talking, but that was my recollection as well. There is
22 no specific requirement that they obtain LEED certification.

23
24 **COMMISSIONER VAN NATTA** – Well I don't have a problem with both being
25 held to the same standards, I just didn't want to see us back off on something
26 now that might come back to bite us later.

27
28 **CHAIR LOWELL** – And I have a couple questions still. And this bonus only
29 applies towards multifamily units? Not single family, not commercial? It's
30 multifamily only?

31
32 **SENIOR PLANNER CHRIS ORMSBY** – Right, that's the way we had structured
33 our original response to the grant proposal was to focus on residential. We did
34 look at the possibility of applying it to single family, but it's really not feasible with
35 tract development and the way subdivisions work to condition those because
36 typically they're merchant builders. They come in later and do those, so to put a
37 condition on a tract map and then try to implement that seemed like it would be
38 difficult. So we decided just to focus on the multifamily for now. Again, perhaps
39 later, we would look at expanding that as part of the....

40
41 **CHAIR LOWELL** – Well, as a for instance, there is a project that Rick and I were
42 talking about.

43
44 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes.

1 **CHAIR LOWELL** – Remember that project over off Eucalyptus they were talking
2 about where it is detached single family that they're trying to change from a
3 quadplex to a single family? They had really narrow side yard setbacks. Would
4 that qualify as a multifamily or could that lead to incentive bonus be applied
5 towards that type of a project where they are detached single family but kind of
6 mimicking multifamily?
7

8 **PLANNING OFFICIAL RICK SANDZIMIER** – I'm not understanding your
9 question.
10

11 **CHAIR LOWELL** – There is really high...what I was asking is if this incentive
12 only applies to multifamily, multifamily residential buildings like apartment
13 complexes, quadplexes, duplexes that kind of thing, what if they are single family
14 detached like that project you and I were talking about and would that 5% bonus
15 could that be applied towards that type of a project where it's not a specific tract
16 map like a conventional tract map but it's a detached single family that kind of
17 mimics a multifamily?
18

19 **PLANNING OFFICIAL RICK SANDZIMIER** – My interpretation, or my
20 understanding, it would have to be a multifamily development. It would be
21 attached product. Unless I'm understanding that wrong.
22

23 **CHAIR LOWELL** – Is it zoning specific or is it?
24

25 **SENIOR PLANNER CHRIS ORMSBY** – It is zoning specific, so it is the R10
26 zone. If this was a PUD within the R10 zone, perhaps it could apply to that. But,
27 in general, it's intended for multifamily within R10, R15, R20 and R30 zones.
28

29 **CHAIR LOWELL** – Okay and then....
30

31 **PLANNING OFFICIAL RICK SANDZIMIER** – In order to achieve the density in
32 the R10, the R15, the R20 and the R30 in order to get to the density area that
33 you're looking for....
34

35 **SENIOR PLANNER CHRIS ORMSBY** – You have to go multifamily.
36

37 **PLANNING OFFICIAL RICK SANDZIMIER** – You most often are going to have
38 the attached product. Once you try and create the small lot subdivisions and use
39 the PUD you're down at the lowest level usually of the density rating, so at an
40 R10 you're usually closer to the eight dwelling as to the acre. So what we're
41 trying to encourage here is you're exercising the right for a density bonus, so
42 you're going to have to be a little higher. I don't know how they can lay it out. I'm
43 sure it is physically possible for them to try and do that, but understanding when
44 we read through this is that it was going to be multifamily attached product. That
45 would've been my read on it.
46

1 **CHAIR LOWELL** – And then that 5% bonus wouldn't affect lot setbacks and
2 minimum lot sizes and all that stuff, right? Because multifamily is one big lot. It
3 doesn't have individual lot lines.

4
5 **SENIOR PLANNER CHRIS ORMSBY** – That's correct. Those are one acre
6 minimum lot sizes.

7
8 **CHAIR LOWELL** – Thank you very much.

9
10 **PLANNING OFFICIAL RICK SANDZIMIER** – We did find the language in the
11 Specific Plan for the World Logistics Center said that all buildings in the World
12 Logistics Center have at least 500,000 square feet shall be designed to meet and
13 exceed the LEED certified status in accordance with LEED standard in criteria in
14 effect as of the date of the approval of the Specific Plan. But it doesn't say you
15 have to have the certificate.

16
17 **COMMISSIONER VAN NATTA** – Alright.

18
19 **CHAIR LOWELL** – Okay.

20
21 **COMMISSIONER VAN NATTA** – And this basically says the same thing but it's
22 on residential.

23
24 **CHAIR LOWELL** – Any other questions or comments? No? Would anybody
25 like to make a motion?

26
27 **COMMISSIONER GONZALEZ** – I'll make a motion. I move that the Planning
28 Commission approve Resolution No. 2015-33 as presented.

29
30 **CHAIR LOWELL** – We have a motion by Commissioner Gonzalez. We have a
31 second by Patricia Korzec. Please cast your votes.

32
33 **COMMISSIONER VAN NATTA** – Would that include the revised wording?

34
35 **DEPUTY CITY ATTORNEY PAUL EARLY** – Yeah, you said as amended.

36
37 **CHAIR LOWELL** – He said as presented. That should be as amended.

38
39 **DEPUTY CITY ATTORNEY PAUL EARLY** – I thought I heard amended.

40
41 **COMMISSIONER GONZALEZ** – As amended by the blue sheet.

42
43 **CHAIR LOWELL** – Perfect. Okay so we have all votes cast as amended and as
44 presented. Motion passes 7-0. Do we have a Staff wrap-up on this item?

1 Opposed – 0
2
3

4 **Motion carries 7 – 0**
5

6 **PLANNING OFFICIAL RICK SANDZIMIER** – This item is a legislative action,
7 which will be taken forward to the City Council as the next reviewing and
8 approving body.
9

10
11 **OTHER COMMISSION BUSINESS, STAFF COMMENTS, PLANNING**
12 **COMMISSIONER COMMENTS**
13

14 **CHAIR LOWELL** – Thank you. Any other Commission Business? Do we have
15 any Staff Comments or Commissioner Comments?
16

17 **PLANNING OFFICIAL RICK SANDZIMIER** – Staff Comments: We do not have
18 a meeting at the end of the month. I want to extend our warm wishes for happy
19 holidays through Christmas and the New Year. We will be reconvening in
20 January, and the proposal on the January 28th meeting the Agenda actually says
21 2015, so we need to adjourn tonight that we will actually be adjourning to 2016.
22 That's the only cleanup.
23

24 **CHAIR LOWELL** – I had one comment. We had an item tonight that was
25 continued from several meetings but it was kind of hard to recollect who was
26 seated. Is there any way that we could ask Staff to maybe send out an email to
27 include on an item that is continued who was seated and who was absent just for
28 ease and making the meeting go along a little more smoothly so we know who
29 should be seated and not seated?
30

31 **PLANNING OFFICIAL RICK SANDZIMIER** – We can do that. When that
32 occurs, we'll just put it into the Agenda in terms of which Commissioner should
33 be seated for that.
34

35 **CHAIR LOWELL** – Because it makes life a little more easy for us up here.
36

37 **PLANNING OFFICIAL** – I'm being counseled that that should only be applied to
38 Public Hearing Items.
39

40 **DEPUTY CITY ATTORNEY PAUL EARLY** – Yeah Public Hearing Items are the
41 only ones that that continuance rule applies to so.
42

43 **CHAIR LOWELL** – Okay.
44

45 **DEPUTY CITY ATTORNEY PAUL EARLY** – Non-Public Hearing Items would
46 be whoever is sitting up there.

1 **ADJOURNMENT**

2
3 **CHAIR LOWELL** – Perfect and with that I’d like to adjourn this meeting to the
4 next Planning Commission Regular Meeting on January 28th, 2016 at 7:00 PM
5 here in the City Council Chambers. Have a good night. Merry Christmas.
6 Happy New Year.

7
8 **COMMISSIONER VAN NATTA** – Merry Christmas.
9
10

1 **NEXT MEETING**

2 *Next Meeting: Planning Commission Regular Meeting, January 28, 2016 at 7:00*
3 *PM, City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street,*
4 *Moreno Valley, CA 92553.*

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14 _____
15 Richard J. Sandzimier
16 Planning Official
17 Approved

_____ Date

18
19
20
21
22
23
24
25
26
27 _____
28 Brian R. Lowell
29 Chair

_____ Date