

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

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

6  
7  
8                                   **CALL TO ORDER**  
9

10  
11                                   **CHAIR LOWELL** – Good evening ladies and gentlemen. I would like to call to  
12 order the Planning Commission Meeting, the Regular Meeting of the Planning  
13 Commission. Today is Thursday, March 23, 2017. It is 7:02 PM. May we have  
14 roll call please?  
15

16  
17                                   **ROLL CALL**  
18

19                                   Commissioners Present:

20                                   Commissioner Ramirez  
21                                   Commissioner Korzec  
22                                   Commissioner Baker  
23                                   Commissioner Sims  
24                                   Vice Chair Barnes  
25                                   Chair Lowell  
26                                   Alternate Commissioner Nickel  
27

28  
29                                   Staff Present:

30                                   Rick Sandzimier, Planning Official  
31                                   Paul Early, Assistant City Attorney  
32                                   Darisa Vargas, Senior Administrative Assistant  
33                                   Julia Descoteaux, Associate Planner  
34

35  
36                                   Speakers:

37                                   Rafael Brugueras  
38  
39

40                                   **PLEDGE OF ALLEGIANCE**  
41

42  
43                                   **CHAIR LOWELL** – Could you all join me in the Pledge of Allegiance? Please  
44 stand and face the flag.

1  
2  
3 **APPROVAL OF THE AGENDA**

4  
5 Approval of Agenda

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

10  
11 **COMMISSIONER BAKER** – I so move.

12  
13 **CHAIR LOWELL** – We have a motion. Do we have a second?

14  
15 **COMMISSIONER NICKEL** – Second.

16  
17 **CHAIR LOWELL** – All in favor say aye.

18  
19 **COMMISSIONER KORZEC** – Aye.

20  
21 **COMMISSIONER BAKER** – Aye.

22  
23 **COMMISSIONER RAMIREZ** – Aye.

24  
25 **COMMISSIONER SIMS** – Aye.

26  
27 **COMMISSIONER NICKEL** – Aye.

28  
29 **CHAIR LOWELL** – Aye.

30  
31 **VICE CHAIR BARNES** – Aye.

32  
33 **CHAIR LOWELL** – All opposed say nay. The Agenda is passed 7-0.

34  
35  
36 Opposed – 0

37  
38  
39 **Motion carries 7 – 0**

40  
41  
42 **CONSENT CALENDAR**

43  
44 *All matters listed under Consent Calendar are considered to be routine and all*  
45 *will be enacted by one rollcall vote. There will be no discussion of these items*

1 unless Members of the Planning Commission request specific items be removed  
2 from the Consent Calendar for separate action.

3  
4  
5 **APPROVAL OF MINUTES**

6  
7 Planning Commission - Regular Meeting - February 9, 2017 at 7:00 PM

8  
9 Planning Commission - Regular Meeting - February 23, 2017 at 7:00 PM

10  
11  
12 **CHAIR LOWELL** – That moves us onto the Consent Calendar, which we have  
13 approval of Minutes from the Planning Commission. We have two Minutes to  
14 approve, Planning Commission Regular Meeting February 9, 2017, and Planning  
15 Commission Regular Meeting February 23, 2017. Do we have any questions,  
16 comments, or corrections? No? Then, I would like to ask for a motion to  
17 approve the Minutes as presented.

18  
19 **COMMISSIONER NICKEL** – I'll move to approve both Minutes.

20  
21 **CHAIR LOWELL** – Do we have a second?

22  
23 **COMMISSIONER BAKER** – I'll second.

24  
25 **CHAIR LOWELL** – All in favor say aye.

26  
27 **COMMISSIONER KORZEC** – Aye.

28  
29 **COMMISSIONER BAKER** – Aye.

30  
31 **COMMISSIONER RAMIREZ** – Aye.

32  
33 **COMMISSIONER SIMS** – Aye.

34  
35 **COMMISSIONER NICKEL** – Aye.

36  
37 **CHAIR LOWELL** – Aye.

38  
39 **VICE CHAIR BARNES** – Aye.

40  
41 **CHAIR LOWELL** – All opposed say nay. The motion passes 7-0. The Minutes  
42 are approved.

43  
44  
45 Opposed – 0

1  
2 **Motion carries 7 – 0**  
3  
4

5 **PUBLIC COMMENTS PROCEDURE**  
6

7 *Any person wishing to address the Commission on any matter, either under*  
8 *Public Comments section of the Agenda or scheduled items or public hearings,*  
9 *must fill out a “Request to Speak” form available at the door. The completed*  
10 *form must be submitted to the Secretary prior to the Agenda item being called by*  
11 *the Chairperson. In speaking to the Commission, member of the public may be*  
12 *limited to three minutes per person, except for the applicant for entitlement. The*  
13 *Commission may establish an overall time limit for comments on a particular*  
14 *Agenda item. Members of the public must direct their questions to the*  
15 *Chairperson of the Commission and not to other members of the Commission,*  
16 *the applicant, the Staff, or the audience. Additionally, there is an ADA note.*  
17 *Upon request, this Agenda will be made available in appropriate alternative*  
18 *formats to persons with disabilities in compliance with the Americans with*  
19 *Disabilities Act of 1990. Any person with a disability who requires a modification*  
20 *or accommodation in order to participate in a meeting should direct their request*  
21 *to Guy Pagan, our ADA Coordinator, at (951) 413-3120 at least 72 hours prior to*  
22 *the meeting. The 72-hour notification will enable the City to make reasonable*  
23 *arrangements to ensure accessibility to this meeting.*  
24  
25

26 **CHAIR LOWELL** – That moves us onto the Public Comments for tonight. Do we  
27 have anybody wishing to speak on something not on the Agenda? Do we have  
28 any Speaker Slips Ms. Vargas?  
29

30 **SENIOR ADMINISTRATIVE ASSISTANT DARISA VARGAS** – I have Rafael  
31 Brugueras for Non-Public Hearing.  
32

33 **CHAIR LOWELL** – Come on up Mr. Brugueras. The microphone is yours.  
34  
35

36 **NON-PUBLIC HEARING ITEMS**  
37

38 **None**  
39  
40

41 **SPEAKER RAFAEL BRUGUERAS** – Good evening Chair, Commissioners,  
42 Staff, Residents, and Guests: You know, when I come here, I am at peace  
43 because one thing that I’m sure that each one of you know that, when I come  
44 here, I support all projects. The newspaper wrote an article that I was affiliated  
45 with Highland Fairview, and that is not true. I do like them, and I got to meet  
46 some of the supporters, but I am not affiliated with them. He is a developer, and

1 just like every developer that comes here, I say hello. The Staff puts out the  
2 Agenda. I go get my boots wet, dirty. I read everything. I take pictures, and I  
3 come back and I share with you what I saw. That's what I do. I have no  
4 personal agenda for nobody. That's the beauty of it. I owe nobody no money,  
5 nothing, nothing. I don't even take water from anybody. I bring my own water,  
6 so no one can say I took something from someone. I love coming here. Many of  
7 you know the truth. That is a good thing. I fight for everyone, and I will continue  
8 to do that. I want to share the document that George Hague talked about on  
9 February 9, 2017. See this is proof. This is what made me go out and do what I  
10 am doing even more, and this is what he told you. "This City does not do the  
11 best job in preparing the Planning Commissioners." I don't believe that. I think  
12 the City does a great job, and you do a great job also. Okay? If you go online,  
13 that's what made me do it, if you go online and just Google, that's what I did. It's  
14 all here exactly what each one of your duties are and your responsibility to this  
15 City, okay and if you see cities that have documents that help Commissioners. In  
16 other words, I did not like what he did to you. He scolded you thinking that you  
17 were somehow attached to the Staff, and the Staff was telling you what to do.  
18 The Staff looks for your direction, and that is what they get is your direction.  
19 You're no one's puppet. That's what George tried to do that day, and that is what  
20 got me angry, and that is what made me go out and look at the responsibility of  
21 each one of you. I am glad to be here to learn because I learn from each one of  
22 you what a resident should be doing every time something like this comes up, to  
23 fight for development, to fight for jobs, to fight for housing, to fight for things. This  
24 is why I come here every month to learn. Thank you.  
25

26 **CHAIR LOWELL** – Thank you, Sir. Anybody else wishing to speak on  
27 something that is not on the Agenda tonight? Going once, going twice....I would  
28 like to close the Non-Public Hearing Items. That moves us onto the Public  
29 Hearing Item for tonight. The first one is Case PEN16-0164. The Applicant is  
30 Raafar Shahid, and the Case Planner is Ms. Julia Descoteaux.  
31

### 32 **PUBLIC HEARING ITEMS**

33  
34  
35 1. Case: PEN16-0164  
36  
37 Applicant: Raafat Aziz Shahid  
38  
39 Owner: Butterfield Valley Partners  
40  
41 Representative: Raafat Aziz Shahid  
42  
43 Location: 25073 Sunnymead Blvd Suite D-14  
44  
45 Case Planner: Julia Descoteaux  
46

1 Council District: 3  
2  
3 Proposal: PEN16-0164 Conditional Use Permit  
4  
5

6 **STAFF RECOMMENDATION**  
7

8 Staff recommends that the Planning Commission **APPROVE** Resolution No.  
9 2017-15, and thereby:

- 10  
11 1. **CERTIFY** that the land use exchange proposed with PEN16-0164  
12 Conditional Use Permit (Existing Structures) is exempt from the provisions  
13 of the California Environmental Quality Act (CEQA), as a Class 1  
14 Categorical Exemption, CEQA Guidelines, Section 15301 for Existing  
15 Facilities; and  
16  
17 2. **APPROVE** PEN16-0164 Conditional Use Permit (Existing Structure)  
18 subject to the attached Conditions of Approval included as Exhibit A.  
19  
20  
21

22 **PLANNING OFFICIAL RICK SANDZIMIER** – Just for the record, I just wanted to  
23 introduce Julia as our Associate Planner in the Community Development  
24 Department.  
25

26 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Thank you. The Applicant is  
27 Mr. Shahid, and he is proposing a modification to his existing site to sell distilled  
28 spirits, in addition to beer and wine, which he currently sells. Mr. Shahid has  
29 been running the Shahid Convenient Store since 1998 at 25073 Sunnymead  
30 Boulevard in Suite D14. The current Type 20 ABC License allows him to sell  
31 beer and wine. He is going to be requesting of the Alcohol Beverage Control  
32 Board to obtain a Type 21 License to sell distilled spirits. The existing store  
33 again is located on Sunnymead Boulevard in the Butterfield Valley Village  
34 Shopping Center. The use is a permitted use within the City’s Municipal Code,  
35 which allows convenient stores. However, since the site is within 300 feet of  
36 residential, he is required to get a Conditional Use Permit. The existing shopping  
37 center includes a variety of different uses, including his convenient store, a  
38 supermarket, grocery store, a mini mall, and other retail businesses. The project  
39 was reviewed by Staff, as well as the Moreno Valley Police Department. They  
40 reviewed the project, and the only condition was that he surrender his current 20  
41 ABC License when he obtains the 21. The surrounding areas include some  
42 community commercial zoning to the east, residential to the south, and  
43 community commercial within the village plan to the west. The convenient store  
44 is within the existing commercial center. There will be no proposed changes to  
45 the center via the driveways or any other parts of the center with this application.  
46 The project has been reviewed in accordance with the California Environmental

1 Quality Act and has been determined that, under the provisions of CEQA, it  
2 qualifies as a Class 1 Categorical Exemption (15301). Staff recommends that  
3 the Planning Commission approve Resolution 2017-15 certifying that the use is  
4 exempt from the provisions of the California Environmental Quality Act and  
5 approve the Conditional Use Permit to allow the sale of distilled spirits. This  
6 concludes my report, and the Applicant and myself are here to answer any  
7 questions for you. Thank you.

8  
9 **CHAIR LOWELL** – Thank you. I have a question for Staff. On page 92 of the  
10 packet, section C3, it says city right-of-way. I’m assuming that’s just a boilerplate  
11 comment where it says the city expressly reserves the right to establish, modify,  
12 adjust any fee, dedication, reservation, or other exaction to the extent permitted.  
13 I’m assuming that’s just boilerplate and there is no right-of-way. No  
14 improvements like you said.

15  
16 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – That’s correct.

17  
18 **COMMISSIONER BAKER** – I have one other. Not to be nitpicky here, but under  
19 site it says Sunnymead Boulevard and Alessandro. It should be Perris, correct?  
20

21 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Correct. It should be Perris.  
22

23 **COMMISSIONER BAKER** – Okay and one declaration I want to make. I did go  
24 to the site and met with Rafael, so just so everybody knows that and saw what  
25 was going on. Thank you.

26  
27 **COMMISSIONER SIMS** – Similar to Chairman Lowell’s, on page 92, the  
28 fee....basically all of Section C is that.....except for it looks like.....are there any  
29 fees to be collected with this?  
30

31 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – No.

32  
33 **COMMISSIONER SIMS** – This is just a standard catchall?  
34

35 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – It’s just a standard in the  
36 resolution, yes.  
37

38 **COMMISSIONER SIMS** – Okay.  
39

40 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – But there are no fees because  
41 the site is already developed, so they do not apply.  
42

43 **COMMISSIONER SIMS** – Very good.  
44

45 **CHAIR LOWELL** – On packet page 94, under P2 and P3, I have a question. P2  
46 says that, once the ABC Permit 21 gets issued, they have to surrender their type

1 20 Permit. Is a type 21 more inclusive? It'll cover everything that the type 20  
2 already does?

3  
4 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Yes. It includes all alcohol.

5  
6 **CHAIR LOWELL** – Okay.

7  
8 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Whereas the 20 is beer and  
9 wine only and the 21 includes beer, wine, and distilled spirits.

10  
11 **CHAIR LOWELL** – Okay, alright, so surrendering the type 20 is just a matter of  
12 practice, no big deal?

13  
14 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Pardon?

15  
16 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Surrendering the original  
17 permit.....

18  
19 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Yes.....

20  
21 **CHAIR LOWELL** – Is just a matter of practice.

22  
23 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Right.

24  
25 **CHAIR LOWELL** – And then, on P3, it says the Applicant shall move the existing  
26 cigarettes wall sign. That's just the cigarettes on the outside of the building,  
27 right?

28  
29 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Currently, the wall sign that  
30 tells you that the store is there just says cigarettes, and we're requesting, per the  
31 Municipal Code, the sign above the building should represent the use that's  
32 being done there. That sign was original to the prior occupant and hasn't been  
33 changed, so we're asking the Applicant to revise the sign and put up a new sign  
34 representing his business.

35  
36 **CHAIR LOWELL** – And the business itself will be selling tobacco still?

37  
38 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – It's a convenient store, so  
39 there are tobacco sales, beer and wine, the distilled spirits, and all the other items  
40 that you would normally find at a convenient store.

41  
42 **CHAIR LOWELL** – I thought that was the case. I was just trying to clarify.

43  
44 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Okay.

45

1 **CHAIR LOWELL** – Thank you very much. Anybody else wishing to speak?  
2 Questions of Staff?

3  
4 **VICE CHAIR BARNES** – I have one. P5: A change of modification shall require  
5 a separate approval. Violation may result in revocation of the approved permit.  
6 What's the scope of those changes?

7  
8 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Well....

9  
10 **VICE CHAIR BARNES** – That seems a little vague I guess.

11  
12 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – If they were doing any  
13 changes to the exterior of the building. If they wanted to do a different type of a  
14 use then they have to come back in and modify it and the violation means that, if  
15 they violate the Conditional Use Permit, they have problems, then we bring  
16 that.....there's a process that they would have to go....we would have to go  
17 through and bring it back to you to revoke the Conditional Use Permit.

18  
19 **VICE CHAIR BARNES** – I think you need to make that a little clearer in that  
20 condition. If I were him I would think that anything I did I'd have to come to the  
21 City and say, is this okay to do?

22  
23 **PLANNING OFFICIAL RICK SANDZIMIER** – I would recommend to make two  
24 changes. One I would recommend that we change the word shall to may  
25 because there's so many changes that could occur. It might be better to say (a  
26 change or modification to the use of the property may require a separate  
27 approval).

28  
29 **VICE CHAIR BARNES** – Okay.

30  
31 **PLANNING OFFICIAL RICK SANDZIMIER** – And that way.....

32  
33 **VICE CHAIR BARNES** – The insertion of the word use makes a big difference.

34  
35 **PLANNING OFFICIAL RICK SANDZIMIER** – And then I think we should also  
36 include another sentence in there that says (prior to any modification to the land  
37 use the property owner shall coordinate or contact the City of Moreno Valley).

38  
39 **VICE CHAIR BARNES** – That helps.

40  
41 **PLANNING OFFICIAL RICK SANDZIMIER** – So then we could...we don't know  
42 what the change would be, but we'd allow them to check in with us. We could tell  
43 them that's going to be fine, you don't have a new permit that is needed, and  
44 there may be an opportunity, if there is, that we kind of catch it. Those would be  
45 my two recommended suggestions.

1  
2 **VICE CHAIR BARNES** – That’s better. I like that. That helps. Thank you.

3  
4 **CHAIR LOWELL** – Any other questions before we invite up the Applicant?  
5 Nope? Mr. Shahid, if you would like to come up and say anything. If you’re  
6 okay, then you’re okay. Okay, thank you. Do we have anybody wishing to speak  
7 on this? It looks like we have Mr. Rafael Brugueras. I would like to open the  
8 Public Hearing.

9  
10 **SPEAKER RAFAEL BRUGUERAS** – Good evening again Chair, Commissions,  
11 Staff, Residents, and Guests: I went to the site for one specific reason. When I  
12 looked at the Agenda, and I read it myself, and I learned now what type 20 and  
13 type 21 are. When I kept reading through the Staff’s Report, I realized he wanted  
14 to change....he wanted to sell liquor and I said wait a minute, liquor, so I gotta go  
15 see for myself, okay, because I know the plaza well. I know the supermarket on  
16 the corner, but I never thought of the little store because I’ve never been in it, but  
17 I know there is a shoe store that used to be on the side. So I don’t pay attention  
18 to it anyway because of cigarettes, so I don’t smoke, so I just go right by it. I  
19 went and I parked my truck on the side, and I walked along the sidewalk, and I  
20 looked inside the store. I looked and I saw all the cigarettes and all the lotto  
21 tickets, and I saw the wine on the side. I said to myself, where is he going to put  
22 the liquor? So I said okay. I went to the supermarket, and I asked them what  
23 time are they going to close? They said 10:00, so I’m thinking that he’s going to  
24 keep the store open to generate business between 11:00 and 12:00 before  
25 midnight or something. That’s my thought. So, anyway, I went inside the store,  
26 and I talked to the clerk who I thought was the owner, but in reality it was not.  
27 He asked me if I wanted to stay and wait for him, and I said sure. Come on over,  
28 so I can talk to you, so I can know your plans. So I got to know him. I got to  
29 know what he wanted to do with the liquor because my concern is, with the liquor  
30 is, not to allow young people to be able to steal it or be easy to be attainable  
31 where they can reach and take something. So I asked how is he going to do this  
32 with the cigarette and the lotto tickets? He said what he is going to do like some  
33 of the convenient stores, especially the Chevron on Stoneridge, they have the  
34 lottos in the little machine, and he is going to put the cigarettes in a little box. So  
35 he is going to have the cigarettes and the lotto in a box where they cannot be  
36 touched, and in the back he is going to redesign everything where no one can go  
37 behind the counter and buy liquor without them knowing it, so that made me glad  
38 to hear. He should have spoke because he has a story. He was given a letter of  
39 appreciation because one night a young man walked into this store and opened  
40 up the refrigerator box. So he stops them when he thinks they look young.  
41 Anyway, the kid wanted to buy beer. He told them no, but what he didn’t realize  
42 is that there was an undercover cop watching him from the door. The  
43 undercover cop told him thank you for what you did, and they gave him an  
44 award. That’s what made me to come and speak for him on his behalf. He is a  
45 man that is going to keep us safe and keep the law the way it should be in our  
46 city.

1  
2 **CHAIR LOWELL** – Thank you, Rafael. Anybody else wishing to speak? Going  
3 once, going twice.....I would like to close the Public Hearing. Does anybody  
4 have any questions or comments? Would the Applicant like to respond to  
5 anything he has heard so far?  
6  
7 **COMMISSIONER NICKEL** – I just wanted to clarify Commissioner Baker, when  
8 you said Rafael, did you mean Mr. Brugueras?  
9  
10 **COMMISSIONER BAKER** – Yes.  
11  
12 **COMMISSIONER NICKEL** – Okay, well.....  
13  
14 **COMMISSIONER BAKER** – No, Rafael the owner. Not Rafael Brugueras. I’m  
15 sorry.  
16  
17 **COMMISSIONER NICKEL** – No, that’s okay.....  
18  
19 **CHAIR LOWELL** – That’s a good clarification.  
20  
21 **COMMISSIONER NICKEL** – Just so it’s in the Minutes.  
22  
23 **COMMISSIONER BAKER** – Okay.  
24  
25 **COMMISSIONER NICKEL** – Yeah.  
26  
27 **COMMISSIONER BAKER** – Two Rafael’s going on here.  
28  
29 **COMMISSIONER NICKEL** – For our clerk for the Minutes.  
30  
31 **CHAIR LOWELL** – Any other questions, comments, concerns?  
32  
33 **VICE CHAIR BARNES** – I have a question. Oh, go ahead.  
34  
35 **COMMISSIONER BAKER** – One thing. I did go to the store, and I do like the  
36 way he is putting the liquor behind the counter. He’s got a good plan there, so  
37 it’s not going to be accessible to the public, and he runs a good store from what I  
38 could see the time I was around there. So I really like his project, okay, thank  
39 you.  
40  
41 **VICE CHAIR BARNES** – Where’s the nearest type 21 to this location?  
42  
43 **ASSOCIATE PLANNER JULIA DESCOTEUX** – That would be the grocery  
44 store next door.  
45  
46 **VICE CHAIR BARNES** – Oh, okay.

1  
2 **CHAIR LOWELL** – Across the street at the gas station.  
3  
4 **VICE CHAIR BARNES** – The gas station sells liquor?  
5  
6 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – And then the gas station  
7 across the way.  
8  
9 **VICE CHAIR BARNES** – Really?  
10  
11 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Yes.  
12  
13 **COMMISSIONER NICKEL** – There’s a 7-11 across Perris as well that would sell  
14 liquor as well.  
15  
16 **VICE CHAIR BARNES** – Well I guess I don’t buy much liquor.  
17  
18 **COMMISSIONER NICKEL** – Me neither.  
19  
20 **CHAIR LOWELL** – Maybe you need to buy more. You have a great store that  
21 sells it right here.  
22  
23 **COMMISSIONER NICKEL** – It was just Slurpees when my kids were growing up.  
24  
25 **VICE CHAIR BARNES** – Okay, thank you.  
26  
27 **CHAIR LOWELL** – Commissioner Sims.  
28  
29 **COMMISSIONER SIMS** – Thanks. I was just going to note that this request for  
30 upgrading the liquor license and Conditional Use Permit seems consistent with  
31 the sales already going on in the shopping center so I plan to support this.  
32  
33 **CHAIR LOWELL** – To me, it seems pretty open and shut also. Any other  
34 questions, comments, concerns? Would anybody like to make a motion?  
35  
36 **PLANNING OFFICIAL RICK SANDZIMIER** – Mr. Chair.  
37  
38 **CHAIR LOWELL** – Yes, Sir.  
39  
40 **PLANNING OFFICIAL RICK SANDZIMIER** – Two things. One: I just wanted to  
41 read into the record the language I came up with for the modified Condition #5 if  
42 you guys want to go forward with a motion to include this one.  
43  
44 **CHAIR LOWELL** – Yes, Sir.  
45

1 **PLANNING OFFICIAL RICK SANDZIMIER** – A change or modification, this is  
2 the replacement condition for P5. A change or modification to the land use may  
3 require a separate approval. Prior to any change or modification to the land use  
4 of the site, the property owner shall contact the City of Moreno Valley Community  
5 Development Department to determine if a separate approval is warranted.  
6 Violation may result in revocation of the approved permit.

7  
8 **CHAIR LOWELL** – I like that.

9  
10 **VICE CHAIR BARNES** – That’s pretty good.

11  
12 **PLANNING OFFICIAL RICK SANDZIMIER** – The other clarification I wanted to  
13 make is you had asked me a question about something to the effect of cigarette  
14 sales. I did want to call out to the Commissions attention Condition P3. We have  
15 actually worked with the Applicant to get him to agree to change the name on the  
16 store. Right now, it says cigarettes across the top, which makes someone think  
17 maybe it is just a cigarette shop. Early on, before he acquired this business, it  
18 was a smoke shop, but the signage has never changed. So, in doing this, we are  
19 going to give better recognition to it being a convenient store, and so we think  
20 that will be actually helpful to him and also helpful to the shopping center in  
21 general. So I just wanted to call that out. Thank you.

22  
23 **CHAIR LOWELL** – Would anybody like to make a motion?

24  
25 **COMMISSIONER BAKER** – I’ll make a motion. I move that we approve  
26 Resolution 2017-15 and thereby certify that the land use change proposed with  
27 PEN16-0164 Conditional Use Permit for Existing Structures is exempt from the  
28 provisions of the California Environmental Quality Act (CEQA) and as a Class 1  
29 Categorical Exemption (CEQA Guidelines Section 15301) for Existing Facilities  
30 and also approve PEN16-0164 Conditional Use Permit (Existing Structures)  
31 subject to the attached Conditions of Approval included as Exhibit A.

32  
33 **CHAIR LOWELL** – As amended.

34  
35 **COMMISSIONER BAKER** – As amended.

36  
37 **CHAIR LOWELL** – Can you push the motion mover button? The green one way  
38 up top. Use the pen.

39  
40 **COMMISSIONER BAKER** – I pushed it hard. Oh, pen?

41  
42 **CHAIR LOWELL** – There we go.

43  
44 **COMMISSIONER BAKER** – Okay, got it. The magic touch. Thank you.  
45

1 **CHAIR LOWELL** – We have a motion by Commissioner Baker. We have a  
2 second by Vice Chair Barnes. Please cast your votes. Waiting on Ms. Korzec.

3  
4 **COMMISSIONER NICKEL** – Pass the pen.

5  
6 **CHAIR LOWELL** – Here. I'll help you cast your vote. Ah, technology. It says all  
7 votes have been cast. We're good to go. Okay, going once, going twice.....the  
8 motion passes 7-0. Do we have a Staff wrap-up on this item?  
9

10  
11 Opposed – 0  
12

13  
14 **Motion carries 7 – 0**  
15

16  
17 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes. The action just taken by the  
18 Planning Commission is an appealable action. If any interested party has an  
19 objection to the actions taken by the Planning Commission, and they appeal that  
20 decision to the City Council, that appeal should be filed through the Community  
21 Development Director within 15 days of this action. If an appeal is filed, we will  
22 schedule it for a Hearing before the City Council within 30 days.  
23

24 **CHAIR LOWELL** – Thank you, Mr. Sandzimier. Thank you very much, Mr.  
25 Shahid. I hope you do very well in your business. That moves us onto the  
26 second item for tonight, and it looks like we, nope, Mr. Sims is not ready to speak  
27 on that one. Other Commissioner Business, which is the second item. Planning  
28 Commission recommendation for modification of Ordinance #890, Report of the  
29 Community Development Department.  
30

31  
32 **OTHER COMMISSION BUSINESS**  
33

34	2. Case:	Not applicable
35		
36	Applicant:	Planning Commission Recommendation
37		
38	Owner:	Not applicable
39		
40	Representative:	Not applicable
41		
42	Location:	Not applicable
43		
44	Case Planner:	Richard Sandzimier, Planning Official
45		
46	Council District:	City-wide

1  
2  
3  
4 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes, Rick Sandzimier, Planning  
5 Official. At your meeting on February 23, 2017, the Commission entertained  
6 some discussion about the Rules and Procedures of the Commission, and during  
7 the dialogue on those particular Rules and Procedures, the Commission asked  
8 also for consideration with regard to compensation for the Alternate  
9 Commissioners. We informed you at that time that that was something that was  
10 outside of the rules of the Commission and would need to be handled separately.  
11 So, this evening, what we have to put together is a simple Staff Report and our  
12 interpretation from what we thought we heard from the Planning Commission.  
13 We tried to formulate that into a resolution recommending the change to  
14 Ordinance #890, which is really now a portion of the City’s Municipal Code. We  
15 interpreted your dialogue to basically say that currently the restriction is that  
16 Alternate Commissioners are compensated if they participate in the meeting,  
17 which means that they sit at the dais and participate in an item or the entire  
18 meeting. We have made a recommendation, if we’ve interpreted you correctly,  
19 that would mean that they are present at the meeting and that recognizes that  
20 the Alternate Commissioners are preparing for the meeting, they stand ready to  
21 sit at the dais, they have been attending on a regular basis, and so that is what  
22 we’re trying to reflect in this particular resolution. With the Planning Commission  
23 most favorably in favor of this particular resolution, our next step would be taking  
24 this before the City Council for them to consider this matter. The item does have  
25 a financial impact because of compensation to additional Commissioners. We  
26 would take that information to the City Council. That would be the only, I think,  
27 additional information we would have to provide to the City Council on this  
28 particular item. I don’t know if the City Attorney wants to add anything if I have  
29 missed anything. Otherwise, we are here to answer questions.

30  
31 **CHAIR LOWELL** – Vice Chair Barnes.

32  
33 **VICE CHAIR BARNES** – Paul, did you want to speak? When we discussed this  
34 at the last meeting, I originally was not necessarily in favor of it because I thought  
35 the alternates were choosing to attend on their own volition every meeting  
36 thinking that they should only attend when they were needed. I thought it was  
37 their choice to be here, but in reading the Ordinance, it says shall attend, which  
38 says to me that they don’t have an option. So, given that they shall attend, I  
39 definitely think they should be paid. If the Council were to change that to attend  
40 only when needed or something that would be a different story, but since the  
41 Ordinance says shall I think we should move this forward.

42  
43 **CHAIR LOWELL** – I agree. Does anybody have any other questions on this one  
44 or comments?  
45

1 **COMMISSIONER NICKEL** – Yeah, I just have one comment. I’m kind of  
2 concerned because of the status of the Commission in light of Council’s decision  
3 on Tuesday that maybe this should not be going forward until the decision is  
4 made. That’s just kind of how I feel.

5  
6 **CHAIR LOWELL** – This is just our recommendations to Staff, and then they are  
7 going to do.....

8  
9 **COMMISSIONER NICKEL** – No. They have to go forward with it.

10  
11 **CHAIR LOWELL** – Commissioner Sims.

12  
13 **COMMISSIONER SIMS** – Well I originally was not in support when we were  
14 changing the whole Rules and Procedures in 2015 to support having alternate  
15 planning commissioners because it creates another level of bureaucracy to deal  
16 with and more rules and regulations and so forth and so on, but we have it. It  
17 has actually turned out to be pleasant, and I strongly support that we do this. I  
18 think we should direct Staff to bring this at an appropriate time, not necessarily  
19 right when we’re in the upheaval of whatever is going to happen at Council with  
20 appointments of Planning Commissioners. Once we get past that point and this  
21 can go to Council, I then also suggest that the Chair of the Planning Commission  
22 and maybe supported by the Vice Chair go and speak in favor during comment to  
23 support this. This is putting in time and effort to be here. I was at the point  
24 whether it was a shall or a may. If you have people interested in taking the time  
25 to read through the packets and be here and be ready to go, they should be an  
26 equivalent stipend to the regular planning commission. We might find that, to all  
27 my objections and dismay of having the alternate planning commissioners may  
28 come to good need here in the next few weeks.

29  
30 **CHAIR LOWELL** – Since we revised the rules that they now count towards  
31 quorum. Any other questions, comments, concerns?

32  
33 **COMMISSIONER KORZEC** – I think this is what we asked for, and I think it is  
34 well done. However, I think in light of the climate of what is going on, I would like  
35 to see us just maybe hold back on this until the new Commission is seated in  
36 fairness to the new people coming onboard.

37  
38 **CHAIR LOWELL** – I don’t think this is very contentious. I think we should make  
39 the recommendation and let Staff do with it what they wish, go at their pace.

40  
41 **COMMISSIONER SIMS** – If we take action in support of this Resolution, are you  
42 on the clock to get it on a Council Agenda within a specified time?

43  
44 **PLANNING OFFICIAL RICK SANDZIMIER** – I don’t believe we’re on a clock. I  
45 would add this. We are in the midst of developing our budget...the new budget  
46 for the coming year is not yet approved. This is an appropriate time to be

1 considering if we're going to be adding additional compensation. We could at  
2 least consider it in the context of the budget. If the City Council were to adopt it, I  
3 would only recommend that maybe that consideration be given at some point  
4 before the new budget is adopted. It doesn't have to go to the next meeting. We  
5 do have a little bit of time. I think the Commission taking an action this evening is  
6 probably a good time if you're going to take an action because it is the last time  
7 this Commission technically will be seated, and I don't know what is going to  
8 happen after that, so it's an opportunity, so I would just offer that.

9  
10 **COMMISSIONER SIMS** – I would tend to agree and I understand. That's why  
11 I'm not a general manager at work. I never did figure out the politics of things,  
12 but at the end of the day we do have seven plus two, except minus our one that  
13 is gone right now, but the absent seat we've kind of worked together to get to the  
14 point of where we're at and the rock is right there. We should push it to the top of  
15 the hill, and I would think that regardless of what happens as far as the planning,  
16 I think it is a good legacy for our Planning Commission that we push this forward  
17 and get this done. I think it's the right thing to do.

18  
19 **VICE CHAIR BARNES** – I agree.

20  
21 **COMMISSIONER KORZEC** – Well you also have two people here that are voting  
22 themselves pay raise who are up, who are being considered to be on the  
23 Commission. I just don't want to put them in jeopardy by some sort of someone  
24 thinking their voting themselves a pay raise.

25  
26 **COMMISSIONER NICKEL** – I have no problem abstaining.

27  
28 **COMMISSIONER KORZEC** – Oh, abstaining, okay.

29  
30 **COMMISSIONER NICKEL** – If that makes it better.

31  
32 **COMMISSIONER KORZEC** – No, I just.....

33  
34 **COMMISSIONER SIMS** – It's a Securitas. It's a dual loop because whoever's on  
35 it.

36  
37 **COMMISSIONER NICKEL** – Is that okay with you Erlan?

38  
39 **COMMISSIONER BAKER** – Let me ask you one thing. Right now, the way your  
40 Planning Department budget sits, you don't have monies to cover this. You're  
41 going to have to appropriate funds to cover this \$2200 or \$2400, right?

42  
43 **PLANNING OFFICIAL RICK SANDZIMIER** – That's correct.

44  
45 **COMMISSIONER BAKER** – I want to put that on the record, okay.

46

1 **COMMISSIONER SIMS** – Do I dare say a way to solve that problem?  
2  
3 **VICE CHAIR BARNES** – No.  
4  
5 **COMMISSIONER KORZEC** – How do we do that?  
6  
7 **COMMISSIONER SIMS** – We all take a pay cut.  
8  
9 **VICE CHAIR BARNES** – I told you not to say that.  
10  
11 **COMMISSIONER NICKEL** – Yeah, well I meant.....  
12  
13 **CHAIR LOWELL** – Turn his microphone off so nobody can actually hear him.  
14  
15 **COMMISSIONER NICKEL** – I met some Commissioners at the academy who  
16 only get \$25, but I didn't tell them how much we get.  
17  
18 **CHAIR LOWELL** – Alright, I'm okay making a motion on this one. I like this. I  
19 think we're doing a good job. I think City Staff has done a tremendous job on this  
20 one also. Do we have to make a motion or is it just a.....  
21  
22 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Yeah. It's a motion, a second,  
23 and adoption of the Resolution.  
24  
25 **CHAIR LOWELL** – I'll make the motion that way nobody else has to worry about  
26 it.  
27  
28 **COMMISSIONER BAKER** – And I'll second.  
29  
30 **CHAIR LOWELL** – I haven't read the motion yet.  
31  
32 **COMMISSIONER BAKER** – Oh yeah, okay, sorry.  
33  
34 **CHAIR LOWELL** – I would like to make a recommendation that the Planning  
35 Commission approves Resolution No. 2017-17. Should I read the whole thing or  
36 is that good enough?  
37  
38 **ASSISTANT CITY ATTORNEY PAUL EARLY** – That's sufficient.  
39  
40 **CHAIR LOWELL** – We have a motion by me. We also have a second by  
41 Commissioner Baker.  
42  
43 **COMMISSIONER BAKER** – Yeah.  
44

1 **CHAIR LOWELL** – All in favor, all oppose, all abstentions, please cast your  
2 votes. All votes are cast. The motion passes 6-0 with one abstention. Do we  
3 have a Staff wrap-up on this item?

4  
5  
6 Opposed – 0

7  
8  
9 **Motion carries 6 – 0 – 1 with one abstention**

10  
11  
12 **PLANNING OFFICIAL RICK SANDZIMIER** – I believe this is an appealable  
13 action. However, the ultimate decision does rest with the City Council, so it  
14 ultimately would be before the City Council. So I would ask the City Attorney, is it  
15 appealable or not?

16  
17 **ASSISTANT CITY ATTORNEY PAUL EARLY** – There is not anything to appeal  
18 here, no.

19  
20 **PLANNING OFFICIAL RICK SANDZIMIER** – There isn't, okay.

21  
22 **ASSISTANT CITY ATTORNEY PAUL EARLY** – It's just a recommendation. It's  
23 not a Public Hearing Item.

24  
25 **PLANNING OFFICIAL RICK SANDZIMIER** – Okay.

26  
27  
28 **STAFF COMMENTS**

29  
30  
31 **CHAIR LOWELL** – Okay, with that said, that moves us onto our last little bit of  
32 business. Do we have Staff Comments?

33  
34 **PLANNING OFFICIAL RICK SANDZIMIER** – We have nothing.

35  
36 **CHAIR LOWELL** – Nothing? After all this time, you have nothing? No.

37  
38  
39 **PLANNING COMMISSIONER COMMENTS**

40  
41  
42 **CHAIR LOWELL** – Planning Commissioner Comments. Does anybody want to  
43 say anything? Commissioner Ramirez.

44  
45 **COMMISSIONER RAMIREZ** – Well, this may very well be my last meeting here,  
46 and I would like to take this opportunity to thank the City of Moreno Valley. It has

1 been a humbling experience to work with some fine and amazing  
2 Commissioners, both past and present. We have done a tremendous job in  
3 moving this city forward. I would like to thank the Staff as well. We went from  
4 our past Planning Official, John Terrell and everyone else that's worked under  
5 him to Rick Sandzimier as well. I am very excited about the direction in which  
6 our City is going. It looks very bright, and the City is in great hands. Thank you  
7 Moreno Valley, and thank you everybody for allowing me the opportunity to serve  
8 you.

9  
10 **CHAIR LOWELL** – Thank you, Commissioner Ramirez. Vice Chair Barnes.

11  
12 **VICE CHAIR BARNES** – A couple of things. First of all, with only a hint of  
13 sarcasm, I would like to congratulate Commissioner Baker whose eight years of  
14 service actually warranted a nomination for reappointment. For the rest of you  
15 who are vying for a reappointment, I would like to second what he just said.  
16 Thank you all for your help and your support. I think it has been an excellent  
17 Commission. I've learned a lot, and I've been helped a lot by both Staff and my  
18 fellow Commissioners. I think we've done a very good job of handling some very  
19 contentious projects professionally and cordially. I think we've done a good job,  
20 and I wish all of the applicants the best of luck, particularly the ones who are  
21 currently sitting because you guys deserve to be reappointed, and I hope it works  
22 out that way. Then, lastly up on my soapbox, City Government in Moreno Valley  
23 has had more than its fair share of teachable moments the last few years. From  
24 what I see, it appears that we've not learned very much, so I would implore the  
25 Council to please do what you've been elected to do, govern the city and get  
26 some of these things done. So, with that, thank you everyone. It has been a  
27 very pleasant couple of years, so best of luck. Thank you.

28  
29 **CHAIR LOWELL** – Thank you, Mr. Vice Chair. Anybody else? Going once,  
30 going twice.....okay, I have a couple of comments. Echoing Commissioner  
31 Ramirez's statements, this too, might very well be my last meeting. I'm up for  
32 reappointment, and the decision hasn't quite been made yet, so what I would  
33 recommend for Staff moving forward is we have the potential for having six new  
34 faces up here that are green just like I was when I first started. I would highly  
35 recommend that Staff give a training course to the new commissioners on how  
36 the meeting is run, what to say, when to say it, where to say it, order of  
37 operations, how the Board works itself, how the Commission works, who gets to  
38 be Chair and what their responsibilities are, who gets to be Vice Chair and what  
39 their responsibilities are. Similar with the alternates, it was a big learning curve  
40 when I first started. We were not given that kind of privilege to figure out what  
41 we're supposed to do and when we're supposed to do it, but in the four years of  
42 experience I think I've had, I think we've got it down pretty good. The  
43 Commission itself has been working flawlessly. I think we have a great rapport  
44 up here. City Staff has been doing a tremendous job, and I applaud you guys for  
45 all the effort and time you spend, the late nights you spend. It has been an  
46 amazing experience, humbling, educational, informative. It's really nice to be

1 able to see the city move forward and see the City's desire to make the city as  
2 effective, as beautiful, as successful as possible. Yeah, so with that, I want to  
3 thank everybody. It has been a pleasure being your Chairman for the last two  
4 years and Vice Chair before that. So thank you very much, and hopefully I see  
5 you guys in April.

6  
7 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may, with the nice compliments  
8 that some of the Commissioners have extended to the Staff, I do want to take the  
9 opportunity to tell you all before you do leave or come back or whatever might  
10 happen. I've been here for two-and-a-half years, and I've enjoyed every moment  
11 of working with this Commission. I think that you are an effective Commission. I  
12 think you guys keep us on our toes. You are thorough. You articulate in the way  
13 you ask your questions. You kept my Staff busy and learning, and we're getting  
14 better because of it. I want to thank the gentleman to my right, Chris Ormsby.  
15 He has been doing this a lot longer with the City than I. The Staff that come here  
16 before you and make those presentations work very closely with Chris, and so  
17 without the team, we're not as good as we can be. Our City Attorney's office and  
18 our Recording Secretary are all part of this, so we appreciate what you guys  
19 have done, and we appreciate the opportunity to serve you.

20  
21 **CHAIR LOWELL** – Thank you very much. With that said.....microphone.

22  
23 **COMMISSIONER SIMS** – I just...this is more directed to....well, it takes a while  
24 for teams to start to click, and so I don't know how long I've been.....I think I'm  
25 close to four years, or three years, maybe I'm in three years, but anyhow I've  
26 really enjoyed working with all of the Planning Commissioners. Change is  
27 always good because there's change and sometimes change should be done in  
28 an incremental process. Like, right now, we have a vacant seat because there  
29 was a vacancy on this Planning Commission, which should seem like it would be  
30 a very logical thing to bring in a little bit of change with somebody new. A whole  
31 cell change might be difficult for the City, and I think we need.....sometimes when  
32 there are things that are working well, you should let them continue to work well  
33 with continuity and consistency. So, I hope to see all of you back, and good luck  
34 on that.

35  
36 **CHAIR LOWELL** – Commissioner Gonzalez, thank you very much.  
37 Commissioner Ramirez, thank you very much. Commissioner Korzec, thank you  
38 very much. Commissioner Barnes, thank you very much. Commissioner Nickel,  
39 thank you. Commissioner Baker, thank you. Commissioner Sims, thank you.  
40 Mr. Ormsby, Mr. Sandzimier, Mr. Early, Ms. Vargas, thank you very much.

41  
42  
43 **ADJOURNMENT**  
44  
45

1 **CHAIR LOWELL** – I would like to adjourn the meeting tonight to the next regular  
2 meeting, which is April 27, 2017, right here in Council Chambers at 7:00 PM.  
3 Thank you very much, and have a great night.

4  
5  
6 **NEXT MEETING**

7 *Next Meeting: Planning Commission Regular Meeting, April 27<sup>th</sup>, 2017 at 7:00*  
8 *PM, City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street,*  
9 *Moreno Valley, CA 92553.*

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22 \_\_\_\_\_  
23 Richard J. Sandzimier  
24 Planning Official  
25 Approved

\_\_\_\_\_ Date

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35  
36 \_\_\_\_\_  
37 Brian R. Lowell  
38 Chair

\_\_\_\_\_ Date