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

Thursday April 23<sup>rd</sup>, 2015, 7:00 PM

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**CALL TO ORDER**

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Introduction and Swearing-in of New and Re-appointed Commissioners

- Patricia Korzec (new)
- Jeffrey Sims (re-appointed)
- Meli Van Natta (re-appointed)
- Jeffrey Barnes (re-appointed)

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**CHAIR SIMS** – Good evening. It's 7:01. Welcome to the April 23<sup>rd</sup>, 2015, Regular Meeting of the Planning Commission, City of Moreno Valley. Tonight is a special night for the Commission as we'll be introducing and swearing-in our new and re-appointed Commissioners, so I'd like to ask the City Clerk, Jane Halstead to step forward and conduct this swearing-in ceremony.

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**CITY CLERK HALSTEAD** – Will Patricia Korzec, newly appointed, come on down; Jeffrey Sims, re-appointed; Meli Van Natta, re-appointed; Jeffrey Barnes, re-appointed and I'll conduct the swearing-in. Please raise your right hand and repeat after me and state your name where applicable. I, do solemnly swear that I will support and defend the constitution of the United States and the constitution of the State of California against all enemies foreign and domestic, that I will bear true faith and allegiance to the constitution of the United States and the constitution of the State of California, that I take this obligation freely, without any mental reservation or purpose of evasion and that I will and faithfully discharge the duties upon which I am about to enter. Congratulations and I've got a little pin for you.

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**ROLL CALL**

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**Commissioners Present:**

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Chair Lowell  
Vice-Chair Sims  
Commissioner Baker  
Commissioner Lowell  
Commissioner Ramirez  
Commissioner Sims  
Commissioner Barnes

1 Staff Present:

2 Mike Lee, Community & Economic Development Director

3 Richard Sandzimier, Planning Official

4 Claudia Manrique, Associate Planner

5 Clement Jimenez, Land Development Engineer

6 Suzanne Bryant, City Attorney

7 Michael Lloyd, Senior Transportation Engineer

8 Randy Metz, Fire Marshall

10  
11 PLEDGE OF ALLEGIANCE

13  
14 APPROVAL OF THE AGENDA

15  
16 **CHAIR SIMS** – Okay, Staff has asked that we add a presentation of recognition  
17 item onto the Agenda for our former Commissioner, Mr. Jeff Giba, so can I get a  
18 motion to approve the addition to our Agenda from one of our Commissioners?  
19

20 **COMMISSIONER BARNES** – So moved

21  
22 **CHAIR SIMS** – So we have Commissioner Barnes first

23  
24 **VICE CHAIR LOWELL** – I'll second

25  
26 **CHAIR SIMS** – And a second. Do we need to do a roll call?  
27

28 **COMMISSIONER RAMIREZ** – Yes

29  
30 **COMMISSIONER BARNES** – Yes

31  
32 **COMMISSIONER KORZEC** – Yes

33  
34 **COMMISSIONER BAKER** – Yes

35  
36 **COMMISSIONER VAN NATTA** – Yes

37  
38 **VICE CHAIR LOWELL** – Yes

39  
40 **CHAIR SIMS** – Yes

41  
42 **CHAIR SIMS** – Okay so that brings us to the presentation and I'd like to ask our  
43 Planning Official, Rick Sandzimier to lead us through that.  
44

45 **PLANNING OFFICIAL SANDZIMIER** – Thank you. I'd like to invite forward  
46 Former Commissioner Jeff Giba and now City Councilmember for the City. We

1 just want to take a moment before your former peers and the residents of Moreno  
2 Valley and Staff. Well we had a plan for that. We're going to give it to you  
3 anyways at some point, but as the Planning Official for the City of Moreno Valley,  
4 it has been my pleasure in the short time I've been here to be able to work with  
5 you as a Commissioner and I'm seeing you in action now as a Councilmember. I  
6 know your commitment to the City is immeasurable. It is deep. I know you are  
7 very interested in what goes on here in Moreno Valley and so it is with great  
8 pride that I get to sit here, even though I didn't get to work with you all the years  
9 you were here and there are a lot of people here that might have some things to  
10 say after I make these couple of words, but this is a plaque in honor of Jeffrey  
11 Giba in recognition and appreciation of your three years of dedicated service,  
12 your service to the community. Your service and commitment is greatly  
13 appreciated to the successful growth and development of the City of Moreno  
14 Valley as a Commissioner from September 13<sup>th</sup>, 2011 to December 8<sup>th</sup>, 2014.  
15 Thank you very much. This is for you. I will give you a chance to address the  
16 audience and also this evening, we do have our Economic Development Director  
17 Mike Lee who has not yet had a chance to talk to our Commission but at a point  
18 here, I'd like to have Mike step forward also and say a couple of words to  
19 yourself and to the Commission, so you're up.

20

21 **FORMER COMMISSIONER GIBA** – I'll keep it really short. This is a surprise. I  
22 came here for them. I didn't come here for me. I am truly honored. It is over  
23 three years actually and I have to honestly say I have never missed a meeting  
24 because I enjoyed being here and working with all of you; the Planning  
25 Commission team up here. Well I affectionately call them my homies, so I  
26 support them 100 percent in the City and I thank you very much. Thank you.

27

28 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR** – Good evening  
29 Chairperson and members of the Planning Commission. My name is Mike Lee.  
30 I'm the Community and Economic Development Director. I just wanted to come  
31 out and welcome everybody. I wanted to come out a little bit earlier to greet all  
32 the Planning Commissioners, but understanding that there was swearing-in  
33 today, I think that there was a better appropriate time to come out and introduce  
34 myself and also it is a great opportunity to have a chance to see Councilmember  
35 Giba receive the presentation of the plaque, so it was kind of a two for one. I'm  
36 very happy to be in the City and excited to be serving the City Council and also  
37 serving you. Thank you.

38

39 **CHAIR SIMS** – Welcome aboard. Do any of the Commissioners have anything  
40 to add?

41

42

### 43 **APPROVAL OF MINUTES**

44

- 45 • March 12<sup>th</sup>, 2015
- 46 • March 26<sup>th</sup>, 2015

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**CHAIR SIMS** – Okay moving along, the next thing on the Agenda is approval of the minutes. We have two minute packages on our Agenda today, so the first one is the minutes of the March 12<sup>th</sup>, 2015 Commission meeting. You have those in your packet; if you have reviewed them; if everything is... I'm going to be abstaining from this one, I wasn't at the meeting, so I'm going to abstain from voting, so I'm looking for a Commissioner to make a motion.

**VICE CHAIR LOWELL** – I'll motion to approve the minutes.

**COMMISSIONER BAKER** – I'll second

**CHAIR SIMS** – Okay we have a first and a second.

**COMMISSIONER VAN NATTA** – Yes

**COMMISSIONER BAKER** – Yes

**COMMISSIONER BARNES** – Yes

**COMMISSIONER RAMIREZ** – Yes

**VICE CHAIR LOWELL** – Yes

**GRACE ESPINO-SALCEDO** – Abstaining we have Sims and Korzec

**CHAIR SIMS** – Okay the next item on the Agenda is the consideration of the minutes of March 26<sup>th</sup>, 2015 Commission Meeting. Those also were in your packet for review. If they are good to go, I'd look for a motion.

**COMMISSIONER VAN NATTA** – I move to approve

**COMMISSIONER BAKER** – I'll second

**CHAIR SIMS** – Okay we have a first and second.

**COMMISSIONER RAMIREZ** – Yes

**COMMISSIONER BARNES** – Yes

**COMMISSIONER BAKER** – Yes

**COMMISSIONER VAN NATTA** – Yes

**VICE CHAIR LOWELL** – Yes

1  
2 **CHAIR SIMS** – Yes

3  
4 **GRACE ESPINO-SALCEDO** – Commissioner Korzec will abstain

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7  
8 **ELECTION OF OFFICERS**

- 9  
10
  - Chairman
  - Vice-Chairman

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13  
14 **CHAIR SIMS** – Okay, this bring us to the first... this is the first meeting in April,  
15 which per our Rules and Procedures for this Commission is the time to elect  
16 Officers. So the process is we need to elect a Chairperson position and then  
17 also the Vice Chair to serve for a one year period.

18  
19 **COMMISSIONER VAN NATTA** – I nominate Brian Lowell for Chair.

20  
21 **CHAIR SIMS** – I second that. Do we have any other nominations? Okay, we are  
22 looking for a vote.

23  
24 **PLANNING OFFICIAL SANDZIMIER** – You'll want to close the nominations for  
25 the Chair.

26  
27 **COMMISSIONER BAKER** – I move that we close the nominations.

28  
29 **COMMISSIONER BARNES** - Second

30  
31 **COMMISSIONER RAMIREZ** – Yes

32  
33 **COMMISSIONER BARNES** – Yes

34  
35 **COMMISSIONER KORZEC** – Yes

36  
37 **COMMISSIONER VAN NATTA** – Yes

38  
39 **COMMISSIONER BAKER** – Yes

40  
41 **CHAIR SIMS** – Yes

42  
43 **GRACE ESPINO-SALCEDO** – Vice Chair Lowell, do you accept?

44  
45 **VICE CHAIR LOWELL** – Yes

46

1 **CHAIR SIMS** – Okay, so that bring us to the next...  
2  
3 **PLANNING OFFICIAL SANDZIMIER** – If I may interject...  
4  
5 **CHAIR SIMS** – So is it time to switch?  
6  
7 **PLANNING OFFICIAL SANDZIMIER** – Is it customary that the new Chairman  
8 actually be able to entertain the nominations for the new Vice Chairman, so that  
9 would be customary way to go. You don't have to switch seats yet; we'll wait  
10 until the next part is done and then we can switch.  
11  
12 **COMMISSIONER SIMS** – Congratulations  
13  
14 **CHAIR LOWELL** – Thank you I appreciate it. Thank you for appointing me  
15 Chair. I'd like to open up the nominations for the Vice Chair position.  
16  
17 **COMMISSIONER VAN NATTA** – I'd like to nominate Jeffrey Sims for Vice Chair.  
18  
19 **COMMISSIONER BARNES** – I'll second that.  
20  
21 **CHAIR LOWELL** – Is that the end of nominations?  
22  
23 **COMMISSIONER BAKER** – I'd like to close nominations or move to close the... I  
24 move that we close the nominations.  
25  
26 **CHAIR LOWELL** – I'll second that. Can we have a vote please Grace?  
27  
28 **COMMISSIONER VAN NATTA** – Yes  
29  
30 **COMMISSIONER BAKER** – Yes  
31  
32 **COMMISSIONER KORZEC** – Yes  
33  
34 **COMMISSIONER BARNES** – Yes  
35  
36 **COMMISSIONER RAMIREZ** – Yes  
37  
38 **CHAIR LOWELL** – Yes  
39  
40 **GRACE ESPINO-SALCEDO** – Commissioner Sims do you accept?  
41  
42 **CHAIR SIMS** – Yes  
43  
44 **PLANNING OFFICIAL SANDZIMIER** – Now you want to take a vote on the  
45 actual Vice Chair. That was a vote to close the nomination so the next one is to  
46 take a motion to approve the nomination.

1  
2 **CHAIR LOWELL** – Okay can we have a roll call vote to approve the nomination  
3 of Jeffrey Sims as the Vice Chair?  
4

5 **CITY ATTORNEY EARLY** – I think we still need a motion and a second. There  
6 was just an interjecting motion there that confused it, so we need to take a  
7 motion again to appoint Commissioner Sims as the Vice Chair and a second.  
8

9 **COMMISSIONER VAN NATTA** – Okay I move to appoint Jeffrey Sims as Vice  
10 Chair.  
11

12 **COMMISSIONER BAKER** – I'll second that.  
13

14 **CHAIR LOWELL** – Okay a motion and a second. Can we have a roll call vote  
15 please?  
16

17 **COMMISSIONER RAMIREZ** – Yes  
18

19 **COMMISSIONER BARNES** – Yes  
20

21 **COMMISSIONER KORZEC** – Yes  
22

23 **COMMISSIONER SIMS** – Yes  
24

25 **COMMISSIONER BAKER** – Yes  
26

27 **COMMISSIONER VAN NATTA** – Yes  
28

29 **CHAIR LOWELL** – Yes  
30

31 **CHAIR LOWELL** – Okay can we take a quick recess to switch seats around?  
32

33 **PLANNING OFFICIAL SANDZIMIER** – That would be great  
34

35 **CHAIR LOWELL** – Okay a quick recess. Now that we're back and finished with  
36 the election of the officers we are now moving to the Public Comments portion of  
37 our Agenda.  
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39  
40

41 **PUBLIC ADVISED OF THE PROCEDURES TO BE FOLLOWED IN THE**  
42 **MEETING**

43  
44 *(On display in the rear of the room)*  
45  
46

1 **COMMENTS BY ANY MEMBER OF THE PUBLIC ON ANY MATTER WHICH**  
2 **IS NOT LISTED ON THE AGENDA AND WHICH IS WITHIN THE SUBJECT**  
3 **MATTER JURISDICTION OF THE COMMISSION**  
4

5 *Upon request, this agenda will be made available in appropriate alternative*  
6 *formats to persons with disabilities, in compliance with the Americans with*  
7 *Disabilities Act of 1990. Any person with a disability who requires a modification*  
8 *or accommodation in order to participate in a meeting should direct such request*  
9 *to Mark Sambito, ADA Coordinator, at 951-413-3120 at least 48 hours before the*  
10 *meeting. The 48 hour notification will enable the City to make reasonable*  
11 *arrangements to ensure accessibility to this meeting.*  
12  
13

14 **CHAIR LOWELL** – Now that brings us to the public comments portion of the  
15 Agenda. This is the portion of the meeting where comments by any member of  
16 the public on any matter which is not listed on the Agenda and which is within the  
17 subject matter jurisdiction of the Commission. Grace do we have any Speaker  
18 Slips?  
19

20 **GRACE ESPINO-SALCEDO** – I do not have any speaker slips.  
21  
22  
23  
24

25 **NON-PUBLIC HEARING ITEMS**  
26  
27

28 **CHAIR LOWELL** – Okay, I guess then we'll do the Public Comments portion of  
29 the meeting and then we'll go to the Non-Public Hearing Items and I see we have  
30 no Non-Public Hearing Items.  
31

32 **PLANNING OFFICIAL SANDZIMIER** – We have none  
33  
34  
35  
36

37 **PUBLIC HEARING ITEMS**  
38

39 **Note:** At the Applicant's request, Item 1 was continued from the Regular  
40 Planning Commission Meeting of March 12<sup>th</sup>, 2015.  
41

- 42 1. Case Description: PA13-0063 Plot Plan  
43 P13-130 Environmental Impact Report (EIR)  
44 Applicant: Kearny Real Estate Company  
45 Owner: Kearny Real Estate Company



1 Representative: Jason Rosin, Kearny Real Estate Company  
2 Location: 17300 Perris Blvd. (NEC of Perris Blvd. and  
3 Modular Way  
4 Proposal: A Plot Plan for the construction of a 1,109,378  
5 square foot warehouse building on 50.68 net  
6 acres with the demolition of the existing  
7 warehouse facility. The project site is in the  
8 Moreno Valley Industrial Area Specific Plan  
9 208. Approval of this project will require the  
10 Review and certification of an EIR.  
11 Case Planner: Claudia Manrique  
12

13 **Recommendation:**

14  
15 **APPROVE** Resolution No. 2015-03 and Resolution No. 2015-04 and  
16 thereby:

- 17 1. **CERTIFY** that Final Environmental Impact Report (EIR), P13-130, for  
18 the Modular Logistics Center on file with the Community & Economic  
19 Development Department, has been completed in compliance with the  
20 California Environmental Quality Act, the Planning Commission  
21 reviewed and considered the information contained in the Final EIR,  
22 and the Final EIR reflects the City's independent judgment and  
23 analysis as provided for in Planning Commission Resolution 2015-03.
- 24 2. **ADOPT** the Findings and Statement of Overriding Considerations  
25 regarding the Final EIR for the Modular Logistics Center, attached  
26 hereto as Exhibit A to Resolution 2015-03.
- 27 3. **APPROVE** the Mitigation Monitoring Program for the Final EIR for the  
28 proposed Modular Logistics Center, attached hereto as Exhibit B to  
29 the Resolution 2015-03.
- 30 4. **APPROVE** PA13-0063 Plot Plan, subject to the attached Conditions of  
31 Approval included as Exhibit A to Resolution 2015-04.  
32  
33  
34

35 **CHAIR LOWELL** – Okay, I'll keep moving us on down the line. Now we are  
36 moving on to the Public Hearing Items of our Agenda and the first Public Hearing  
37 Item is a Plot Plan and an Environmental Impact Report filed by the Kearny Real  
38 Estate Company for a 1.1 million square foot modular logistics warehouse,  
39 located on 50.68 acres on the northeast corner of Perris Boulevard and Modular  
40 Way. Is there a Staff Report on this item?  
41

42 **PLANNING OFFICIAL SANDZIMIER** – Yes there is. I'd like to introduce  
43 Associate Planner Claudia Manrique to give us our Staff Report today.  
44

45 **ASSOCIATE PLANNER MANRIQUE** – Good evening. I'm Claudia Manrique,  
46 Project Planner for PA13-063 Plot Plan and P13-130, the EIR. The applicant,

1 Kearny Real Estate Company is proposing a Plot Plan for a 1.1 million square  
2 foot industrial warehouse. It is located at 17300 Perris Boulevard, which is the  
3 northeast corner of Perris Boulevard and Modular Way. The proposed  
4 warehouse facility is located within the Industrial Area Specific Plan. The sites  
5 adjacent to the project are also zoned Industrial and are within the Industrial  
6 Specific Plan as well. Properties to the north include a recently constructed  
7 555,000 square foot industrial distribution center and several other constructed  
8 warehouse facilities are further west. To the south is Walgreen's Distribution  
9 Facility and to the east is the Moreno Valley Regional Water Reclamation  
10 Facility. It is a waste water treatment facility, which is operated by Eastern  
11 Municipal Water District. The Plot Plan includes 1,109,378 square foot building  
12 which includes an approximately 20,000 square feet of office space and the rest  
13 is warehouse space. The truck loading areas are to the north and south of the  
14 building, with 225 loading bays and truck parking within screened areas. The  
15 auto parking will be located on the east and west side of the building. This is the  
16 site plan right here. The proposed building is a concrete tilt-up that is designed  
17 up to 42 feet in height. The screen walls included in the building are designed to  
18 be complimentary to the design and colors of the building. The project was  
19 submitted in November of 2013 and has been designed and conditioned to meet  
20 the City Municipal Code and Specific Plan requirements. The environmental  
21 review process included a scoping meeting, a Draft EIR and the Final EIR. The  
22 Final EIR includes comments and responses from letters received during the  
23 Draft EIR period. The environmental documents were completed by T & B  
24 Planning and concurred by Staff. The Final EIR included significant and  
25 unavoidable impacts which are described in the Final EIR. Mitigation Measures  
26 have been included for approval with this project. After the Final EIR was  
27 circulated, the City received some written communications from Mr. George  
28 Hague, via email, dated March 2<sup>nd</sup> and which focused on traffic and air quality  
29 concerns. They are printed on the white paper in front of you. Excuse me, I'm  
30 sorry, the white paper is the response to his comments by T & B Planning. So  
31 Cal Environmental Justice Alliance provided via mail, a letter dated April 22<sup>nd</sup>,  
32 which is provided tonight on green paper. The Alliance feels that the EIR didn't  
33 address environmental justice concerns, focusing only on the physical  
34 environment and prior to providing our recommendations, Tracy Zen is here from  
35 T & B Planning to provide information on the EIR.

36  
37 **SPEAKER ZEN** – Okay, I think it's working now. I'm going to start over. My  
38 name is Tracy Zen with the consulting firm T & B Planning and we prepared the  
39 Environmental Impact Report for the project. I'm going to summarize the CEQA  
40 process briefly and conclude for you the conclusions of the EIR that you are  
41 being asked to certify this evening. The City prepared an Initial Study that was  
42 released for a 30 day public review period in March of 2014. Seven comment  
43 letters were received on the scope of the EIR and the EIR addressed all of the  
44 comments that were received during that period. The scoping meeting that Staff  
45 mentioned was held in April of 2014 had very low attendance. There were two  
46 attendees. We received verbal comments on the scope of the EIR and

1 addressed those as well. Over the next seven months, the Environmental Impact  
2 Report was prepared along with numerous technical studies that are appended  
3 and part of the record. The EIR was released for public review for 30 days in  
4 November of 2014. Upon the close of that public review period, five comment  
5 letters were received and as Staff mentioned, written responses to all those  
6 comments are included in the Final EIR. There is an errata of changes and  
7 additions included in the EIR as Table F-2. If you review that table, you'll see  
8 that all of the modifications that were made to the document between the time  
9 the draft was circulated and the Final EIR was circulated, was just simply  
10 clarifications or amplifications of the information that was included in the draft.  
11 Therefore the Final EIR did not need to be re-circulated. In conclusion, the EIR  
12 found that all impacts would be mitigated to below the level of significance  
13 through the application of 49 mitigation measures that the EIR documents and  
14 that have been replicated as conditions of approval on the project. The impacts  
15 that could not be mitigated to below the level of significance and therefore you  
16 are being asked to consider a Statement of Overriding Considerations this  
17 evening are a few. The first is regional air quality emissions from NOX, nitrogen  
18 oxides from vehicle exhaust. On projects like this there are a lot of vehicle traffic  
19 coming to and from the project and by the sheer nature and size of the project,  
20 the tailpipe emissions exceed the significant standards of the South Coast Air  
21 Quality Management District. Engine requirements, fuel standards, engine  
22 standards are all regulated by the State and Federal Government and are  
23 beyond the scope of the City, therefore the EIR concluded that there were no  
24 feasible mitigation measures that the City could apply to this project to fully  
25 reduce that impact level of significance. Greenhouse gas was also found as  
26 significant and unmitigable for the same reason. In a sheer abundance of  
27 caution, the EIR also concluded that cumulative construction noise may be  
28 significant and unmitigable because there are additional parcels around the site  
29 that might be under simultaneous construction. There is no way to really to tell  
30 exactly when projects are going to be constructed. We conservatively concluded  
31 that if by chance multiple projects in this area are under construction at exactly  
32 the same time, there might be some cumulative noise impacts during the  
33 construction process. And then lastly under the subject area of traffic, this  
34 project will have some traffic impacts on congested intersections and roadway  
35 segments as well as a couple of segments on the freeway. The project is  
36 conditioned to provide or pay development impact fees and the TUMF fees, but  
37 because, which would fully mitigate those impacts; fee payment is a completely  
38 acceptable form of mitigation under CEQA, but because the improvements might  
39 not be physically in place at the time the project starts contributing traffic to those  
40 locations, we wanted to make sure there was full disclosure that those areas will  
41 continue to experience congestion until the improvements come on line, including  
42 the ramps at Harley Knox and I-15 in the City of Perris that are beyond the  
43 jurisdiction of Moreno Valley. Staff mentioned the two comments letters that  
44 were received after the EIR was circulated. You have our written response to the  
45 email communication from Mr. Hague and then the letter from So Cal  
46 Environmental Justice that was received this morning. Because of the late arrival

1 of that letter, we did not have time to prepare a written response, but we did  
2 review the letter in detail and feel that the EIR does address all the points in that  
3 letter. I'm not going to do that now but I'm prepared to respond to that letter if  
4 you would like me to. So in conclusion in our professional opinion, the EIR is a  
5 fully informative document and about the environmental consequences of this  
6 project and it would be appropriate for you to certify the EIR this evening in  
7 association with your consideration of the project. I'm available for any questions  
8 you have. Also the consultant that prepared the Traffic Study, the Greenhouse  
9 Gas Study, the Health Risk Study and the Air Quality Report and Noise Report  
10 are here if you have any technical questions to address to them. Thank you.

11  
12 **CHAIR LOWELL** – Thank you. Do any of the Commissioners have questions for  
13 Staff?

14  
15 **PLANNING OFFICIAL SANDZIMIER** – We have a little bit more of the  
16 presentation that Claudia still has to give.

17  
18 **ASSOCIATE PLANNER MANRIQUE** – I'll start back with... public notice was  
19 sent to all property owners within record of 300 feet of the project on March 2<sup>nd</sup>.  
20 The public hearing notice for this project was also posted on site on March 2<sup>nd</sup>,  
21 as well as published in the Press Enterprise Newspaper on March 1<sup>st</sup>. As of the  
22 date of today we have received no public inquiries except the two letters; the  
23 email from George Hague which has been addressed and the letter from the  
24 Alliance that was received this morning. We have one change from Special  
25 Districts, condition SD4. It is on the pink memo in front of you. They are  
26 changing to revise from existing irrigation in the parkway to modify the existing  
27 irrigation of the median. And Staff recommends approval of Resolution 2015-03  
28 and 04, thereby certifying the Final EIR document and adopt the findings and  
29 Statement of Overriding Considerations regarding the Final EIR; approve the  
30 Mitigation Monitoring Program for the Final EIR and approve PA13-0063, the Plot  
31 Plan. Thank you.

32  
33 **CHAIR LOWELL** – Thank you Claudia. Do any of my fellow Commissioners  
34 have any questions for Staff?

35  
36 **COMMISSIONER VAN NATTA** – I just had one question. Mr. Hague's letter  
37 refers to three Moreno Valley Schools that border on or touch the Heacock Street  
38 and that being a truck route and yet I'm looking at the map here. Can anybody  
39 tell me which schools he is talking about? I don't see Heacock being affected in  
40 any way directly by this project site.

41  
42 **CHAIR LOWELL** – I do believe there are schools closer if you go farther down  
43 north down Heacock, like towards Ironwood, Eucalyptus and that area, but in this  
44 general vicinity I don't recall any.

1 **VICE CHAIR SIMS** – Yeah, I think the thing is that Heacock is on the City’s traffic  
2 circulation and it’s a truck route, so they have access up to the 60. I think when  
3 reading through this stuff they said that 90 percent of the traffic analysis had 90  
4 percent of the traffic from the project would go either out to Harley Knox out to  
5 the 215 and 10 percent or less would be going up Heacock to 60.

6  
7 **COMMISSIONER VAN NATTA** – Okay, thank you.

8  
9 **CHAIR LOWELL** – Any other comments for Staff?

10  
11 **VICE CHAIR SIMS** – I do have one question. What year specifically was  
12 Specific Plan 208 that maybe just for... give a little color on what the Specific  
13 Plan 208 kind of for the record and for the folks that are listening, what Specific  
14 Plan 208 does for land use and when was that approved?

15  
16 **PLANNING OFFICIAL SANDZIMIER** – I don’t know the exact date. Maybe  
17 Claudia knows the exact date for Specific Plan 208, but Specific Plan 208  
18 includes the southern part of the City. It is an industrial development area right at  
19 the north edge of the City of Perris as it comes into the City of Moreno Valley and  
20 it extends up to approximately Cactus.

21  
22 **VICE CHAIR SIMS** – Well you have in your package where the limits are. It  
23 encompasses all of this property

24  
25 **PLANNING OFFICIAL SANDZIMIER** – Exactly. Its general an industrial area and  
26 the Specific Plan calls for how an industrial development area would be built out  
27 over time. The uses that are allowed in there are industrial, warehouse,  
28 manufacturing type uses. It is consistent with what the proposed use for this  
29 building would be. It is an industrial manufacturing job center. It would be  
30 predominantly jobs. There is some residential development in this area but it is  
31 predominantly larger buildings.

32  
33 **VICE CHAIR SIMS** – Could you remind me; could you remind us all of what is to  
34 the development west of Specific Plan 208 and to the south of Specific Plan 208  
35 for consistency purposes?

36  
37 **ASSOCIATE PLANNER MANRIQUE** – Further west is the March Reserve Air  
38 Base.

39  
40 **VICE CHAIR SIMS** – And to the south what is the land use in the City of Perris  
41 adjacent to Specific Plan 208?

42  
43 **ASSOCIATE PLANNER MANRIQUE** – I believe it is all industrial as well.

44  
45 **VICE CHAIR SIMS** – Thank you.

1 **CHAIR LOWELL** - If there are no other comments I'd like to move on. Would the  
2 applicant like to provide us with a further presentation on the project?

3  
4 **APPLICANT ROSIN** – Hello. It is a pleasure to be here tonight. My name is  
5 Jason Rosin. I'm the Vice President with Kearny Real Estate Company and  
6 Kearny Modular Way who is the owner of the project. We were founded in 1993  
7 and we've been in business for over 20 years. This has been a very exciting  
8 project to work on. We've been involved... we are a full service real estate  
9 company; commercial real estate company involved in everything from property  
10 management to asset management, leasing, investments, development, re-  
11 development and this project certainly fits what we do very well. We've been  
12 involved in over four billion dollars' worth of transactions over the last 20 years  
13 and the bulk of that has all been in Southern California. We've entitled 500 acres  
14 approximately over the course of our history encompassing as much as 10  
15 million square feet in total maximum build-out. Modular Logistics Center which is  
16 the project that is before you, we appreciate you hearing it and we're looking  
17 forward to moving on to the next phase to bring a user here hopefully and getting  
18 it built and creating jobs for the community. We pride ourselves in creating value,  
19 not only for our investors and the tenants that occupy our buildings, but also the  
20 community and so that is the next phase that we're really looking to do and  
21 hoping we can do it as quickly as possible, so thank you. Feel free to ask me  
22 any questions if you'd like.

23  
24 **CHAIR LOWELL** – Thank you. Does anybody have any questions for the  
25 applicant?

26  
27 **COMMISSIONER VAN NATTA** – Yes. So as a real estate development  
28 company, you're working on getting this approved, but you don't have a tenant  
29 for it yet?

30  
31 **APPLICANT ROSIN** – Not at the moment, no

32  
33 **COMMISSIONER VAN NATTA** – So is it likely once you get a tenant there might  
34 be modifications that would be brought forward for review and approval?

35  
36 **APPLICANT ROSIN** – Quite possibly. It is hard to know for sure, because it is  
37 hard to know whether at the end of the day you built it as a build to suit for a  
38 particular tenant or you build it on a speculative basis. Certainly if you do end up  
39 having a build to suit, you know changes are always possible, but in general you  
40 know the plan is to build a building that you see before you.

41  
42 **COMMISSIONER VAN NATTA** – So would your company be involved in doing  
43 the build to suit or are you looking to get the approval for the property so that you  
44 can sell the property with the approvals in place?

1 **APPLICANT ROSIN** – At the end of the day, I’m not entirely sure as to what may  
2 happen. Our goal would be to build a project for a user. That would be our  
3 objective and that would be the ideal plan for us.

4  
5 **COMMISSIONER VAN NATTA** – Thank you.

6  
7 **CHAIR LOWELL** – I have a quick question for you. What is the benefit to  
8 demolishing the existing structure that is on the facility as opposed to a new  
9 piece of property to entitle?

10  
11 **APPLICANT ROSIN** – Well a couple of things. One, I think aesthetically you’ll  
12 end up with a much nicer looking property that is more consistent with what will  
13 be occurring and already has started to occur in the immediate vicinity from a  
14 development perspective. Two; the existing facilities, although it is a nice metal  
15 building, it is in many respects obsolete and certainly not the highest and best  
16 use of the property. There are fifteen employees for that facility and certainly we  
17 think the development that we’re doing is significantly more efficient, so I think it  
18 is more beneficial from not only a value perspective and aesthetic perspective  
19 but also from a jobs creation perspective as well.

20  
21 **CHAIR LOWELL** – Thank you. If there are no other questions for the  
22 applicant...

23  
24 **COMMISSIONER RAMIREZ** – So in other words you don’t have a tenant at this  
25 time but do you have an idea what kind of a tenant you want to bring in and how  
26 many jobs you anticipate will be created?

27  
28 **APPLICANT ROSIN** – I think every tenant at the end of the day is different. The  
29 types of tenants could range from the Amazon’s; the Hanes brands; the Home  
30 Depot’s; the Lowes. All the tenants that are already in this market and tenants  
31 like those are the types of users that use these facilities and so at the end of the  
32 day it is hard to know exactly what tenant would be occupying the space. From a  
33 jobs creation perspective, you know once again I think there is some variability  
34 there, but my guess would be in the range of 200 or 300 to over 500. It really  
35 depends on the final build out and what that user’s intent is and what exactly is  
36 going on in the building and what they need it for, so there is definitely some  
37 variability there and I know from a study perspective, you can only look at kind of  
38 what the averages are, but so it’s hard to know for sure.

39  
40 **COMMISSIONER RAMIREZ** – Thank you.

41  
42 **CHAIR LOWELL** – So if there are no other comments for the applicant, I’d like to  
43 move on to the public comment portion of this item. If there is anyone interested  
44 in speaking on this item, please fill out a speaker slip card and provide it to our  
45 recording secretary if you have not done so already. Grace has anyone filled out  
46 a speaker slip?

1  
2 **GRACE ESPINO-SALCEDO** – I do not have any speaker slips at this time.

3  
4 **PLANNING OFFICIAL SANDZIMIER** – Do you want to formally open the public  
5 hearing? Saying moving on to the public hearing is fine but just for the record  
6 open and then close.

7  
8 **CHAIR LOWELL** – I would like to open the public hearing. Do we have any  
9 public speaker slips Grace?

10  
11 **GRACE ESPINO-SALCEDO** – We do not have any speaker slips.

12  
13 **CHAIR LOWELL** – Then I'll move to close the public hearing. Would any  
14 Commissioners like to comment?

15  
16 **VICE CHAIR SIMS** – I do if that's okay. I looked through the documentation that  
17 was provided to us and these were going to be as part of this and asked to make  
18 findings for and I forget the exact term...overriding considerations. Is that what is  
19 the term here and there were several and my focus mainly on air quality and the  
20 traffic when I look at these things. What I find with the project though is it is  
21 located specifically in a well suited area for warehouse industrial type land use. It  
22 is what has been there. It was has been planned for 25 years or more as part of  
23 the Specific Plan that the City approved. The area is now just starting to build  
24 out there to create the jobs in that planned area. Also as far as the air quality  
25 considerations, I've looked over that fairly carefully and even though there is  
26 going to be exceedences that can't be mitigated, the fact of it is that the South  
27 Coast Air Basin entire basin is impacted by NOX and SOX and based on the  
28 amount of cargo movement within the South Coast Air Basin, it doesn't really  
29 make sense to put mitigation measures specifically by the City of Moreno Valley  
30 that would control emissions on engines that would otherwise need to by set the  
31 State or Federal Government, so I think it is kind of a no win situation as far as  
32 trying to say a project like this, even though incrementally makes a non-  
33 attainable goal that the South Coast Air Quality Basin sets with the current  
34 engine emissions. I think it makes sense not to require... it makes sense that  
35 overriding findings for at least the air quality make sense. I probably said more  
36 than I need to right there, but anyhow that's what I kind of got out of it.

37  
38 **CHAIR LOWELL** – Any other Commissioner comments? I'm in line with Mr.  
39 Sims over here. I do believe that the vehicle exhaust for a commercial site is an  
40 overriding consideration. If this site were to be developed as a residential, you'd  
41 have a far greater impact on the environment. You'd have more car traffic than  
42 truck traffic. You'd have more air pollution and more greenhouse gases. This  
43 project fits in the exact mold that the rest of the City has been barking about  
44 asking for us to put logistical warehouses on the southern portion of the City and  
45 not over to the east of our City. This fits in a place that is already zoned for it. It



1 is on an already industrial site. I think this is a pretty good solution to what  
2 everybody is asking for. Would anybody like to make a motion?

3  
4 **COMMISSIONER VAN NATTA** – Sure. I move that we **APPROVE** Resolution  
5 No. 2015-03 and Resolution No. 2015-04 and thereby:

- 6  
7 1. **CERTIFY** that the Final Environmental Impact Report (EIR), P13-130,  
8 for the Modular Logistics Center on file with the Community &  
9 Economic Development Department, has been completed in  
10 compliance with the California Environmental Quality Act, the Planning  
11 Commission reviewed and considered the information contained in the  
12 Final EIR, and the Final EIR reflects the City's independent judgment  
13 and analysis as provided for in Planning Commission Resolution  
14 2015-03.
- 15  
16 2. **ADOPT** the Findings and Statement of Overriding Considerations  
17 regarding the Final EIR for the Modular Logistics Center, attached  
18 hereto as Exhibit A to Resolution 2015-03.
- 19  
20 3. **APPROVE** the Mitigation Monitoring Program for the Final EIR for the  
21 proposed Modular Logistics Center, attached hereto as Exhibit B to the  
22 Resolution 2015-03.
- 23  
24 4. **APPROVE** PA13-0063 Plot Plan, subject to the attached Conditions of  
25 Approval included as Exhibit A to Resolution 2015-04.

26  
27  
28 **CITY ATTORNEY EARLY** – Would that last one be as amended?

29  
30 **COMMISSIONER VAN NATTA** – Yeah I was just looking at that to see if that  
31 was the one that it went to... as amended by memorandum dated April 20<sup>th</sup>,  
32 2015.

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

35  
36 **CHAIR LOWELL** – We have a motion and a second. Grace can we have a roll  
37 call vote please.

38  
39 **COMMISSIONER RAMIREZ** – Yes

40  
41 **COMMISSIONER BARNES** – Yes

42  
43 **COMMISSIONER KORZEC** – Yes

44  
45 **COMMISSIONER VAN NATTA** – Yes

46

1 **COMMISSIONER BAKER** – Yes

2  
3 **VICE CHAIR SIMS** – Yes

4  
5 **CHAIR LOWELL** – Yes

6  
7 **CHAIR LOWELL** – Is there a Staff wrap up for this item?

8  
9 **PLANNING OFFICIAL SANDZIMIER** – There is. Per our Municipal Code, action  
10 on the Plot Plan and Certification of the Environmental Impact Report does rest  
11 with the authority of the Planning Commission as the final decision making body,  
12 however any effected person by this project has the right to appeal your decision  
13 to the City Council. They have 15 days to do so. That appeal would be filed with  
14 the Community Development Director and if an appeal is filed it would be  
15 scheduled for a hearing before the City Council within 30 days.

16  
17 **CHAIR LOWELL** – Thank you

18  
19  
20  
21 2. Case Description: PA14-0062 Conditional Use Permit  
22 Applicant: Jeries Ayoub  
23 Owner: Ho Lee  
24 Representative: Jeries Ayoub  
25 Location: 23080 Alessandro Boulevard, Suite 208  
26 Proposal: Conditional Use Permit application to allow 99+  
27 Food Mart, a convenience store, to sell alcohol.  
28 A Type-21 Off-Sale General License, (package  
29 Store) is required from the Alcohol Beverage  
30 Control, which authorizes the sale of beer, wine  
31 and distilled spirits for consumption off the  
32 premises where sold.  
33 Case Planner: Claudia Manrique

34  
35  
36  
37 **Recommendation:**

38  
39 **APPROVE** Resolution No. 2015-09 and thereby:

- 40  
41 1. **CERTIFY** that the proposed that the proposed Conditional  
42 Use Permit is exempt from the provisions of the California  
43 Environmental Quality Act (CEQA), as a Class 1 Categorical  
44 Exemption, as a Class 1 Categorical Exemption, Section  
45 15301, Existing Facilities, and;

- 1                   **2. APPROVE** Conditional Use Permit PA14-0062 based on the  
2 findings contained in Planning Commission Resolution 2015-  
3 09, subject to the conditions of approval included as Exhibit  
4 A of the resolution.  
5  
6  
7

8 **CHAIR LOWELL** – This moves us to the second Public Hearing Item, which is a  
9 Conditional Use Permit to allow the 99+ Food Mart the permission to sell alcohol.  
10 Is there a Staff Report on this item?  
11

12 **PLANNING OFFICIAL SANDZIMIER** – There is. I'd like to introduce Associate  
13 Planner Claudia Manrique again.  
14

15 **ASSOCIATE PLANNER MANRIQUE** – Good evening I'm Claudia Manrique, the  
16 Project Planner for PA14-0062. The applicant is applying for a Conditional Use  
17 Permit to allow for off-site sales of alcoholic beverages at the existing 99+ Food  
18 Mart Convenience Store within the Neighborhood Commercial NC Zoning  
19 District, which is located across the way on Alessandro Boulevard at 23080 in  
20 Suite 208. The applicant is proposing to offer a limited selection of alcoholic  
21 beverages that will make up a small portion of the existing floor area. There will  
22 be some minor changes to the interior; moving shelves and adding some coolers,  
23 but the existing exterior of this shop will not change at all. A CUP is required for  
24 off-site sales of alcohol when the proposed use is within 300 feet of residential.  
25 You'll see to the north and to the east and also across the street on the west is all  
26 multi-family zoning. According to the State of California, Department of Alcoholic  
27 Beverage Control, ABC, a Type 21 Off-Site General Alcohol License is required  
28 for the off-site sales of beer, wine and distilled spirits. This application will remain  
29 pending until the ABC is informed by the City that the CUP has been granted.  
30 The site is located within the ABC Census Tract No. 425-12, which according to  
31 the ABC is not an over-concentration of alcohol and in fact there is only one other  
32 business in this tract that sells alcohol and it is a restaurant and it is under a Type  
33 47 On-Sales Restaurant License and therefore that License doesn't impact the  
34 number of Off-Site Licenses that are allowed in this census tract. This is the  
35 Census Tract Map. The project was submitted in October of 2014 and the  
36 project was reviewed by the Planning Division as well as the Moreno Valley  
37 Police Department. The Police have no specific conditions or requirements for  
38 the project. Staff has determined that the project will not have a negative impact  
39 on the environment and is exempt under CEQA under Class 1, Categorical  
40 Exemption, CEQA Section 15301 for Existing Facilities. Public Notice was sent  
41 within 300 feet of the project site on April 13<sup>th</sup> and posted on site also on April  
42 13<sup>th</sup> and public in Press Enterprise Newspaper on April 12<sup>th</sup>. As of this evening I  
43 have received one response from an owner of a liquor store that is further west  
44 on Alessandro. He just would prefer not to have more competition. The  
45 Planning Staff recommends approval of Resolution No. 2015-09 and Certify that

1 the proposed Conditional Use Permit is exempt under CEQA and Approve PA14-  
2 0062 based on the findings in the conditions. Thank you very much.

3  
4 **CHAIR LOWELL**- Thank you. Are there any questions for Staff?

5  
6 **COMMISSIONER KORZEC** - I have. I'm kind of new at this so just bear with me.  
7 A Type 21 License. Is there a percentage of what is in that facility that needs to  
8 be other than alcohol to get that license? Is there a balance that is required?

9  
10 **ASSOCIATE PLANNER MANRIQUE** – Actually for the Type 21 is an Off-Sales  
11 License, which is like a package store. So a straight liquor store would have this  
12 same type of license.

13  
14 **COMMISSIOENR KORZEC** – So basically... it would be like a liquor store  
15 license?

16  
17 **PLANNING OFFICIAL SANDZIMIER** – It is a similar... it is basically a similar  
18 type license that a liquor store could use. The percentage of alcohol that is in the  
19 building is not distinguished based... It is based on the particular company's  
20 marketing strategy and their own sales strategy. A 99 cent market may have 5  
21 percent of its sales or lower. This type of a market is not a liquor store that might  
22 have more than 50 percent of its sales related to alcohol, but we don't have a  
23 distinguishing requirement in our code. The Alcohol Beverage and Licensing  
24 Board is one who manages and oversees that.

25  
26 **COMMISSIONER KORZEC** – Okay, so for example if a year from now the store  
27 just wanted to do it all liquor and make it a liquor store, they wouldn't have to go  
28 for a different license with the ABC?

29  
30 **ASSOCIATE PLANNER MANRIQUE** – It is my understanding that this license  
31 would be adequate for straight liquor sales.

32  
33 **COMMISSIONER KORZEC** – Okay, thank you

34  
35 **COMMISSIONER VAN NATTA** – How far is this like in walking distance from  
36 Moreno Valley High School? On the map it looks pretty close?

37  
38 **CHAIR LOWELL** – I would say less than a mile

39  
40 **PLANNING OFFICIAL SANDZIMIER** – Moreno Valley High School is off of  
41 Cottonwood. It is approximately between a quarter mile to a half mile distance  
42 would be my estimate. Cottonwood is the next major intersection above... well it  
43 is actually two blocks away, so probably about half a mile.

44  
45 **COMMISSIONER VAN NATTA** – Okay because I have noticed in this shopping  
46 center that there are high school aged kids that hang around there in the

1 afternoons. My concern was there access to the alcohol, although that is an  
2 enforcement end of it. That brings me to my question regarding the floor plan.  
3 When they submit the floor plan, is that to show us where in the store they're  
4 going to be displaying or keeping the alcoholic beverages?  
5

6 **ASSOCIATE PLANNER MANRIQUE** – Yes and it is also a requirement for the  
7 ABC that the diagram that was included in the packet and part of it is being in an  
8 area that is visible to the cashier, so that is why it is towards the front of the  
9 building. That part of their license mandates that the cashier and the store  
10 employees can see the people coming in.  
11

12 **COMMISSIONER VAN NATTA** – Okay, well I see where the cashier is and so  
13 where it says coolers, is that where the alcohol is going to be or is it going to be  
14 on the shelves or where?  
15

16 **ASSOCIATE PLANNER MANRIQUE** – In the coolers  
17

18 **COMMISSIONER VAN NATTA** – In the coolers along there; okay. What is  
19 this... it looks like there are two doors in the front; one of them next to the cash  
20 register and another one that is marked that is right next to where one of the  
21 coolers is?  
22

23 **CHAIR LOWELL** – Easy access  
24

25 **ASSOCIATE PLANNER MANRIQUE** – From my understanding the last time I've  
26 been into the store, there is just the one entrance and the other one; there is a  
27 door there but it is not used, but the applicant is here and he can better explain  
28 the entrance and exit.  
29

30 **COMMISSIONER VAN NATTA** – Okay maybe I'll wait till the applicant comes us  
31 and do the rest of my questions.  
32

33 **CHAIR LOWELL** – I have question real quick for Staff before we get the  
34 applicant up here. Why is this called an off-site license? What does the off-site  
35 specify, that you can buy it and take it home of they are actually moving outside  
36 of the building to sell it?  
37

38 **ASSOCIATE PLANNER MANRIQUE** – Right, they are selling packaged drinks  
39 that you will take off-site to consume, so as the restaurant is on-sale; meaning  
40 that you can only drink it inside the restaurant or designated area.  
41

42 **CHAIR LOWELL** – So this is really only referring to where you can consume the  
43 alcohol?  
44

45 **ASSOCIATE PLANNER MANRIQUE** – Yes  
46

1 **CHAIR LOWELL** – Okay just a point of clarity. Thank you. Any other comments  
2 or questions for Staff?  
3

4 **COMMISSIONER BARNES** – Yeah I have a question. Does the City have input  
5 in the ABC census tracts configuration?  
6

7 **PLANNING OFFICIAL SANDZIMIER** – I don't believe we have say in the census  
8 tract. To say that the City has is given to the Sheriff's Department whenever  
9 there is an over concentration of alcohol licenses within a census tract and if  
10 there is a high crime rate if those two parameters are present, then Alcoholic  
11 Beverage Control will ask the City Sheriff's Department to make a determination  
12 of public convenience and necessity. In this particular case it is not an over  
13 concentrated area and so that was not an issue.  
14

15 **COMMISSIONER BARNES** – It just seems that the configuration of the tracts  
16 are such that you are going to get some odd results based on the analysis of the  
17 adjacent tracts, because they are linear north and south, yet the commercial  
18 development and is kind of east west... not specific to this project, more of a  
19 general question.  
20

21 **CHAIR LOWELL** – Any other questions for Staff? If not I would like to ask the  
22 Applicant to the podium and provide us with their presentation.  
23

24 **APPLICANT AYOUB** – Yes my name is Jeries Ayoub. Me and my wife work in  
25 this store. This is my eleventh year in the store. The shopping center you have  
26 ten years ago there is a liquor store. There was a liquor store in the shopping  
27 center and the old owner Jack (?), when we came to rent from him ten years ago,  
28 he refused to get the liquor license because of the problem of the other owner,  
29 which is not us you know and then a new owner came. His name was Joseph.  
30 He bought the shopping center two years ago. He told me you can apply for  
31 liquor. We need liquor in the shopping center and then he sold the store to a  
32 Korean guy, Mr. Ho. Last September the manager of the shopping center came  
33 to our store and I told him you know my lease is up in February 2015. I have to  
34 leave. He said why? I told him there is a competition, a 99 cents store came on  
35 Cottonwood, one block from me and it hurt my business a lot and we are losing  
36 lots of business for the community; for the store, so my sale are about thirteen  
37 thousand dollars a month from this 99 cent store. So I told him if I can get the  
38 liquor, maybe I'll do a little bit better so I can pay my rent. My rent is three  
39 thousand, nine hundred and eight dollars and he told me okay I will reduce your  
40 rent to thirty three hundred and will give you the liquor license, so I can stay in  
41 the shopping center. I told him I'm going to move my store to Riverside if he  
42 didn't agree with my finding and then he told me okay go ahead and apply for the  
43 liquor. I went to the ABC, which you know was in September 9 or September  
44 10<sup>th</sup> I believe in 2014. We entered the lottery, but October 6<sup>th</sup> they told us there  
45 is no lottery because there were not enough people so you got the approval, so  
46 on October 27 we went down and we signed and we paid them seven hundred

1 dollars for the license plus we did get a check for almost thirteen thousand, eight  
2 hundred in September and then we did a fingerprint and they sent me a letter it  
3 says we are waiting for the City for a copy of a Conditional Use Permit from the  
4 Zoning Department. This is what they are waiting for before they approve and  
5 as I heard from Ms. Claudia, they told me the Police approved it. As for your  
6 concern, I think the school is far away from our store; about a mile, because from  
7 our store to Cottonwood is a half a mile and half a mile all the way to the right is  
8 the school far away. It is about a mile. There is no schools around us at all and  
9 this area is empty and the neighborhood on this side and behind us there is a  
10 wall. People can walk to us. It takes them about maybe 600 feet to come to the  
11 store. Nobody jumps the wall you know. Any questions?  
12

13 **COMMISSIONER VAN NATTA** – Yes, on your floor plan here I see where you  
14 have it lined up for the coolers where they can be seen from the cash register.  
15 Is there an exit for your customers through that back door?  
16

17 **APPLICANT AYOUB** – No the back door is... I have three doors; I mean four  
18 doors in the store, because I have... 70 feet wide; the length is 70 feet by 40, so  
19 we have two back doors and two front doors. The back door on the left side of  
20 the building is closed completely. I have stuff... I mean I have my office over  
21 there and the other door; I have a metal door inside the front door. There is two  
22 doors that are always locked and then the door on the front I took the handle and  
23 I put refrigerators so there is no access at all, so only one door only and there are  
24 refrigerators right now, but we try to put in coolers. I have ten refrigerators in the  
25 store. On this side I am going to put the two coolers for beer only and the rest are  
26 for soda and water and it is closed from here. I closed this, so if somebody  
27 wants to get beer, I have to go all the way around and so I can see him and I  
28 have 35 cameras in the store. I watch the store in every inch and even outside  
29 the store also I have cameras, so the hard liquor is going to be behind the  
30 register. There is no hard liquor at all outside; no access to hard liquor; like my  
31 cigarettes behind me all the time.  
32

33 **COMMISSIONER VAN NATTA** – Okay and the restrooms; are those controlled  
34 by key so somebody couldn't grab a drink and go hide in the restroom and drink  
35 it?  
36

37 **APPLICANT AYOUB** – Our restroom is closed for the public. We never we let  
38 anybody use the restroom and we have like a screen to go to our bathroom,  
39 which is our private bathroom for us, but the other bathroom has stuff in it. It is  
40 closed completely and if anybody asks me for the bathrooms, I say there is the  
41 laundry or the restaurants.  
42

43 **COMMISSIONER VAN NATTA** – Okay, alright, those were my questions. Thank  
44 you.  
45

1 **CHAIR LOWELL** – Any other questions or comments for the applicant? Okay,  
2 any comments from the Commissioners?  
3

4 **COMMISSIONER BARNES** – A quick question for Staff. I'm assuming that the  
5 locking of one of the front and one of the rear doors has been approved by Public  
6 Safety, either Police or Fire?  
7

8 **PLANNING OFFICIAL SANDZIMIER** – It would actually be handled through our  
9 Building Department and then if necessary we would talk to the Fire Department  
10 and the Police Department. The item before you today is a Conditional Use  
11 Permit, so this is the land use approval. The actual Certificate of Occupancy;  
12 that would be issued subsequently or they already have the Certificate of  
13 Occupancy for the store as it is, so that is something that would be outside of the  
14 purview of the use permit.  
15

16 **COMMISSIONER BARNES** – It would be just a code violation or something?  
17

18 **PLANNING OFFICIAL SANDZIMIER** – I don't want to say that it is but it is  
19 something that we could look into if that is an issue, but at this point I don't have  
20 any evidence to suggest that it is.  
21

22 **CHAIR LOWELL** – Okay I'd like to open the public comment portion; open the  
23 Public Hearing portion of this item. If there is anyone interested in speaking on  
24 this item please fill out a speaker card and provide it to our recording secretary if  
25 you have not done so already. Grace do we have any speaker slips?  
26

27 **GRACE ESPINO-SALCEDO** – We do not have any  
28

29 **CHAIR LOWELL** – Okay if we don't have any speaker slips, I'd like to close the  
30 Public Hearing.  
31

32 **APPLICANT AYOUB** – I have a comment  
33

34 **CHAIR LOWELL** – Yes sir  
35

36 **APPLICANT AYOUB** – On Tuesday morning I decided to petition. Within  
37 Tuesday and Wednesday I collected three hundred and almost four hundred  
38 signatures from the people around us in the area and everybody wants liquor in  
39 my store. The portion of the liquor is not too much because I have lots of stuff in  
40 the store. I have all kinds of napkins, paper towels, sodas, food, kitchen  
41 supplies, sports supplies, school supplies, toys; everything. I'm not going to have  
42 the whole thing liquor. I have three thousand square feet. Just behind me,  
43 maybe three or four kinds and some kinds of beer. It is not too much. Most of  
44 my customers ask me please we need a liquor store here because most of my  
45 customers don't go to Moreno Valley liquor stores to buy their liquor, they come  
46 from Corona, Pomona and Riverside where they buy their liquor. They never



1 stop on the way on Alessandro and when they come to my shop because I do  
2 lots of services. I do in my store over twenty-five services helping the community.  
3 I do five companies that receive money; MoneyGram, (?) I do money orders. I  
4 do copies. I do faxes; receive and send. Also I do keys; car keys, house keys,  
5 broken keys; locks. I do bill payment. I do all the bills; trash, gas, light, cell  
6 phones. I do sell stamps, bus passes. I do computer repair. I'm a computer  
7 programmer and I do have water outside for the customers. Whatever service  
8 they need, they print from the internet. They print their email. I scan. I email to  
9 Mexico. I email to companies. Whatever service; I mean over twenty-five  
10 services. What they need, they come to me. They come Riverside. They come  
11 Beaumont. They come from far away to the store and when they are there, they  
12 like to buy their beer and liquor. This is what they told me. I have a petition here  
13 with about four hundred names around us and they came and said we need you  
14 Jeries here.

15

16 **CHAIR LOWELL** – I believe I closed it, but I'll just double check. I'd like to close  
17 the Public Hearing portion of this item now. Any comments by the  
18 Commissioners?

19

20 **COMMISSIONER VAN NATTA** – I just wanted to say I like to see someone  
21 providing services for the community that the community needs and also  
22 someone who has been here a long time and knows what his customers want,  
23 trying to respond to that need and it sounds like he's someone who would be  
24 very careful about the sale of liquor and control it properly.

25

26 **CHAIR LOWELL** – Any other comments?

27

28 **COMMISSIONER BAKER** – The only thing I'd like to say is I did go down and  
29 tour the store with Jeries and his wife and they run an upstanding store there and  
30 he's going to put the liquor behind the cash register like he said and it will be  
31 controlled and the beer. From what I could see, it's an upright standing business  
32 and I think it's in area where possibly there is a need definitely and I was there  
33 during the night part and I never say any element around there that I could see  
34 and then during the day part too, so I would vote for this project to go forward  
35 okay.

36

37 **CHAIR LOWELL** – Any other comments?

38

39 **VICE CHAIR SIMS** – It sounds like a motion to me

40

41 **CHAIR LOWELL** – Well on the coat tails of that one would anyone like to  
42 motion?

43

44 **COMMISSIONER BAKER** – I'll make the motion, okay. Let's **APPROVE**  
45 Resolution No. 2015-05 and thereby:

46

- 1                   1. **CERTIFY** that the proposed that the proposed Conditional  
2                   Use Permit is exempt from the provisions of the California  
3                   Environmental Quality Act (CEQA), as a Class 1 Categorical  
4                   Exemption, as a Class 1 Categorical Exemption, Section  
5                   15301, Existing Facilities, and;  
6  
7                   2. **APPROVE** Conditional Use Permit PA14-0062 based on the  
8                   findings contained in Planning Commission Resolution 2015-  
9                   09, subject to the conditions of approval included as Exhibit  
10                  A of the resolution.

11  
12 **COMMISSIONER VAN NATTA** – I second it

13  
14 **CHAIR LOWELL** – I do believe there is a clarification there. I think it is  
15 Resolution No. 2015-09.

16  
17 **COMMISSIONER BAKER** – Okay

18  
19 **CITY ATTORNEY EARLY** – I just want to confirm we had the right Resolution  
20 number.

21  
22 **COMMISSIONER BAKER** – You bet, thank you.

23  
24 **CHAIR LOWELL** – Okay we have a motion and a second? Grace can we have  
25 the vote please?

26  
27 **COMMISSIONER RAMIREZ** - Yes

28  
29 **COMMISSIONER BARNES** - Yes

30  
31 **COMMISSIONER KORZEC** – Yes

32  
33 **COMMISSIONER VAN NATTA** - Yes

34  
35 **COMMISSIONER BAKER** - Yes

36  
37 **VICE CHAIR SIMS** - Yes

38  
39 **CHAIR LOWELL** - Yes

40  
41 **CHAIR LOWELL** – Do we have a Staff wrap up?

42  
43 **PLANNING OFFICIAL SANDZIMIER** – Yes this is another item that the final  
44 authority on the matter is the Planning Commission, however it is appealable to  
45 the City Council by any interested party that feels affected by the project, has the  
46 right to appeal the project to the City Council within 15 days. That appeal will

1 appealed to the Community Development Director and if filed will be scheduled for  
2 hearing before the City Council within 30 days.

3  
4  
5  
6 **OTHER COMMISSION BUSINESS**

7  
8  
9 **CHAIR LOWELL** – Thank you and that moves us onto Other Business. Are  
10 there any other business items on the Agenda today?

11  
12 **PLANNING OFFICIAL SANDZIMIER** – There are none

13  
14 **STAFF COMMENTS**

15  
16  
17 **VICE CHAIR LOWELL** – Okay, do we have any Commissioner or any Staff  
18 comments?

19  
20 **VICE CHAIR SIMS** – I have a request. In my day job I work for a water district  
21 and if anybody has been reading the paper or watching the news, Governor Brown  
22 has issued a mandate; an emergency order to cut back 25 percent on the gallons  
23 per day per person usage in all of California. That is going to effect various  
24 agencies that are retail agencies. I believe Eastern has an even higher; currently  
25 as it stands, it is a higher impact on the gallons per day per capita greater than  
26 25 percent. Having said that, this Commission sees projects brought forth that  
27 have conditions for landscaping and for various projects. I would like it if the Staff  
28 could very soon or maybe the next Planning Commission, give us an idea of  
29 what steps the City is taking in looking at its ordinances on the amount of turf and  
30 plantings and so forth that goes in for projects and is there any potential  
31 consideration that would go into accommodating meeting the Governor's goal for  
32 reduction in water usage?

33  
34 **PLANNING OFFICIAL SANDZIMIER** – We'd be happy to put an item like that on  
35 the Agenda. We will give you an overview of what is already in our Code and we  
36 will talk to you about what the City is considering to address that issue. We'll put  
37 that on the meeting for May 14<sup>th</sup>.

38  
39 **VICE CHAIR SIMS** – Yeah I appreciate that. I believe the Governor and the  
40 State Water Board is working up the rules and reg's on how they are going to do  
41 that implementation. I believe that is all going in somewhere June 1<sup>st</sup> I think they  
42 become effective, so something that is topical and probably our Commission and  
43 the City Council may want to consider that.

44  
45 **COMMISSIONER VAN NATTA** - I think in the interest of saving water, I'll drink  
46 less water and maybe go visit Jeries store.

1  
2 **CHAIR LOWELL** – I like your idea Meli, I like your idea.  
3  
4

5  
6 **PLANNING COMMISSIONER COMMENTS**  
7

8  
9 **CHAIR LOWELL** – With that do we have any comments from the  
10 Commissioners besides what we have already heard?  
11

12  
13  
14 **ADJOURNMENT**  
15

16  
17 **CHAIR LOWELL** – If not then I believe this concludes our meeting. Thank you.  
18

19 **PLANNING OFFICIAL SANDZIMIER** – You're adjourning your meeting to the  
20 next regular meeting which will be on May 14<sup>th</sup>. We'd normally meet on the 4<sup>th</sup>,  
21 however we'll be coming back with a presentation on the Capital Improvement  
22 Budget, which is an important item before it goes to the City Council.  
23

24 **COMMISSIONER VAN NATTA** – Is that the 12<sup>th</sup> or the 14<sup>th</sup>?  
25

26 **COMMISSIONER BAKER** – It says on here the 12<sup>th</sup>  
27

28 **CHAIR LOWELL** – The 14<sup>th</sup> is a Thursday.  
29

30 **COMMISSIONER VAN NATTA** – Okay then this was incorrect.  
31

32 **PLANNING OFFICIAL SANDZIMIER** – The last comment I have is it is nice from  
33 this perspective to see all the seats filled. I look forward to working with the  
34 newest Commissioner Patricia Korzec and I congratulate all the rest of you that  
35 were reappointed. It has been my pleasure to be your Planning Official and I  
36 look forward to the next year in serving the new Chairman and Vice Chair.  
37 Thank you.  
38

39 **CHAIR LOWELL** – Thank you. I'd like to adjourn the meeting to the May 14<sup>th</sup>  
40 meeting. Thank you and have a good night.  
41

42  
43  
44 **NEXT MEETING**

1 *Planning Commission Regular Meeting, May 14<sup>th</sup>, 2015 at 7:00 pm, City of*  
2 *Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno*  
3 *Valley, CA, 92533.*

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11 \_\_\_\_\_  
12 Richard Sandzimier  
13 Planning Official  
14 Approved

\_\_\_\_\_ Date

15  
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20  
21  
22 \_\_\_\_\_  
23 Brian Lowell  
24 Chair

\_\_\_\_\_ Date