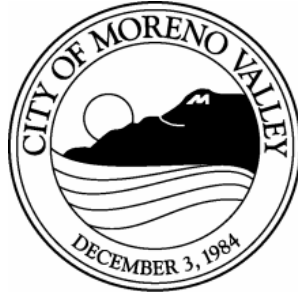

PLANNING COMMISSIONERS

JEFFREY BARNES
Chair

PATRICIA KORZEC
Vice-Chair

RAY L. BAKER
Commissioner



JEFFREY SIMS
Commissioner

BRIAN LOWELL
Commissioner

VACANT
Commissioner

VACANT
Commissioner

PLANNING COMMISSION

Regular Meeting

Agenda

Thursday, August 24, 2017 at 7:00 PM
City Hall Council Chamber – 14177 Frederick Street

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Approval of Agenda

CONSENT CALENDAR

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

APPROVAL OF MINUTES

Planning Commission - Special Meeting - Jul 20, 2017 7:00 PM

Approved as submitted

PUBLIC COMMENTS PROCEDURE

Any person wishing to address the Commission on any matter, either under the Public Comments section of the Agenda or scheduled items or public hearings, must fill out a "Request to Speak" form available at the door. The completed form must be submitted to the Secretary prior to the Agenda item being called by the Chairperson. In speaking to the Commission, member of the public may be limited to three minutes per person, except for the applicant for entitlement. The Commission may establish an overall time limit for comments on a particular Agenda item. Members of the public must direct their questions to

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Guy Pegan, ADA Coordinator, at 951.413.3120 at least 72 hours before the meeting. The 72-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

the Chairperson of the Commission and not to other members of the Commission, the applicant, the Staff, or the audience.

NON-PUBLIC HEARING ITEMS

PUBLIC HEARING ITEMS

1. Case: PEN17-0048
- Applicant: Martha L. Veloz
- Owner: John Lin
- Representative: Melvin Evitt
- Location: 13373 Perris Boulevard
- Case Planner: Sergio Gutierrez
- Council District: 1

Proposal: PEN17-0048 Conditional Use Permit An application to allow for the sale of beer and wine within an existing convenience store located at 13373 Perris Boulevard.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2017-30, and thereby:

1. **CERTIFY** that this item is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 1 Categorical Exemption, CEQA Guidelines, Section 15301 for Existing Facilities; and
 2. **APPROVE** PEN17-0048 Conditional Use Permit subject to the attached Conditions of Approval included as Exhibit A.
2. Case: PEN17-0091
- Applicant: RSI Communities LLC
- Owner: RSI Communities LLC
- Representative: Rola Nicasio
- Location: 15436 El Braso Drive

Case Planner: Mayra Salas and Jeff Bradshaw

Council District: 4

Proposal: PEN17-0091 Variance

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2017-31, and thereby:

1. **CERTIFY** that the project is exempt under the California Environmental Quality Act in that it can be determined with certainty that there is no possibility that the variance application could have a significant effect on the environment and is therefore exempt under the general rule exemption Section 15061 (b)(3) of the California Environmental Quality Act Guidelines; and
2. **APPROVE** Variance application PEN17-0091 based on the findings contained in this resolution.

OTHER COMMISSION BUSINESS

STAFF COMMENTS

PLANNING COMMISSIONER COMMENTS

ADJOURNMENT

Planning Commission Regular Meeting, September 28, 2017 at 7:00 P.M., City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, CA 92553.

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

5 **Thursday, July 20, 2017 at 7:00 PM**

6
7
8 **CALL TO ORDER**
9

10
11 **CHAIR BARNES** – Good evening ladies and gentlemen. I would finally like to
12 call to order the Special Meeting of the Planning Commission. Today is
13 Thursday, July 20, 2017, and it is 7:25 PM. Can we have roll call please?
14

15
16 **ROLL CALL**
17

18 Commissioners Present:

19 Commissioner Lowell
20 Commissioner Baker
21 Commissioner Sims
22 Vice Chair Korzec
23 Chair Barnes
24

25
26 Staff Present:

27 Rick Sandzimier, Planning Official
28 Martin Koczanowicz, City Attorney
29 Erica Tadeo, Administrative Assistant
30 Jeff Bradshaw, Associate Planner
31 Julia Descoteaux, Associate Planner
32 Adria Reinertson, Fire Marshal
33 Eric Lewis, City Traffic Engineer
34 Michael Lloyd, City Traffic Engineer
35

36
37 Speakers:

38 Rafael Brugueras
39 Wayne Peterson
40 Kathleen Dale
41 Michael Day
42 Tom Jerele, Sr.
43
44

Minutes Acceptance: Minutes of Jul 20, 2017 7:00 PM (APPROVAL OF MINUTES)

1 **PLEDGE OF ALLEGIANCE**

2
3
4 **CHAIR BARNES** – Commissioner Lowell, could you lead us in the Pledge
5 please?

6
7 **COMMISSIONER LOWELL** – Please stand. Place your hand over your heart
8 and follow me.

9
10
11 **APPROVAL OF THE AGENDA**

12 Approval of Agenda

13
14
15
16 **CHAIR BARNES** – Thank you. At this time, we need to approve the Agenda.

17
18 **COMMISSIONER LOWELL** – I’ll motion to approve.

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

21
22 **CHAIR BARNES** – A motion from Commissioner Lowell, a second from
23 Commissioner Baker.

24
25 **CHAIR BARNES** – All in favor.....

26
27 **VICE CHAIR KORZEC** – Aye.

28
29 **COMMISSIONER BAKER** – Aye.

30
31 **COMMISSIONER SIMS** – Aye.

32
33 **COMMISSIONER LOWELL** – Aye.

34
35 **CHAIR BARNES** – Aye.

36
37 **CHAIR BARNES** – Opposed? The motion carries. Thank you.

38
39
40
41 Opposed – 0

42
43
44 **Motion carries 5 – 0**

1 **CONSENT CALENDAR**

2
3 *All matters listed under Consent Calendar are considered to be routine and all*
4 *will be enacted by one roll call vote. There will be no discussion of these items*
5 *unless Members of the Planning Commission request specific items be removed*
6 *from the Consent Calendar for separate action.*
7

8
9 **APPROVAL OF MINUTES**

10
11 **Planning Commission - Regular Meeting – May 25, 2017 at 7:00 PM**
12

13
14
15 **CHAIR BARNES** – Next on the Agenda, is the Consent Calendar, and seeing no
16 items.....

17
18 **COMMISSIONER LOWELL** – The Minutes.

19
20 **PLANNING OFFICIAL RICK SANDZIMIER** – The Minutes...the Minutes are on
21 the Consent Calendar.

22
23 **CHAIR BARNES** – Oh, I’m sorry, yes, apologies. Approval of the Minutes from
24 the meeting of May 25, 2017.

25
26 **COMMISSIONER SIMS** – I’ll make a motion to approve the Minutes from the
27 May 25, 2017, meeting.

28
29 **COMMISSIONER LOWELL** – I’ll second.

30
31 **CHAIR BARNES** – Motion approved from Commissioner Sims, second from
32 Commissioner Lowell. All in favor....

33
34 **VICE CHAIR KORZEC** – Aye.

35
36 **COMMISSIONER BAKER** – Aye.

37
38 **COMMISSIONER SIMS** – Aye.

39
40 **COMMISSIONER LOWELL** – Aye.

41
42 **CHAIR BARNES** – Aye.

43
44 **CHAIR BARNES** – Opposed? The motion passes.
45
46

Minutes Acceptance: Minutes of Jul 20, 2017 7:00 PM (APPROVAL OF MINUTES)

1
2 Opposed – 0
3

4
5 **Motion carries 5 – 0**
6

7
8 **PUBLIC COMMENTS PROCEDURE**
9

10 *Any person wishing to address the Commission on any matter, either under*
11 *Public Comments section of the Agenda or scheduled items or public hearings,*
12 *must fill out a “Request to Speak” form available at the door. The completed*
13 *form must be submitted to the Secretary prior to the Agenda item being called by*
14 *the Chairperson. In speaking to the Commission, member of the public may be*
15 *limited to three minutes per person, except for the applicant for entitlement. The*
16 *Commission may establish an overall time limit for comments on a particular*
17 *Agenda item. Members of the public must direct their questions to the*
18 *Chairperson of the Commission and not to other members of the Commission,*
19 *the applicant, the Staff, or the audience. Additionally, there is an ADA note.*
20 *Upon request, this Agenda will be made available in appropriate alternative*
21 *formats to persons with disabilities in compliance with the Americans with*
22 *Disabilities Act of 1990. Any person with a disability who requires a modification*
23 *or accommodation in order to participate in a meeting should direct their request*
24 *to Guy Pagan, our ADA Coordinator, at (951) 413-3120 at least 72 hours prior to*
25 *the meeting. The 72-hour notification will enable the City to make reasonable*
26 *arrangements to ensure accessibility to this meeting.*
27

28
29 **CHAIR BARNES** – Do we have any Speaker Slips?
30

31 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – We do, Mr. Rafael Brugueras.
32

33 **CHAIR BARNES** – Mr. Brugueras.
34

35 **SPEAKER RAFAEL BRUGUERAS** – Good evening. It seems so long ago, May
36 25, 2017, since we’ve seen each other. Good evening Chair. Good evening
37 Commissioner’s. Good evening Staff, Residents, and our guests. It is a
38 pleasure to be back in the chamber once again with the Commissioners and the
39 Staff so we can continue to have Moreno Valley go forward as it has. I’m excited
40 for some of the things that I saw on the Agenda for tonight, but I want to talk
41 about some of the things that I’ve already seen approved throughout the city, all
42 the construction sites, things going up, things being built, being turned. That’s
43 the thing about our city. We have plenty of dirt that we can turn and make
44 something out of it so people can go to work, people can live in it, and people
45 can see because it is important to see what you put up and how it is put up. So
46 what inspired me to come and talk on this non-agenda issue was something that

1 I read that Alan Brock and Rick Sandzimier has it on the Agenda, and it talks
2 about the Planning Commission specifically finds that what they do is about facts
3 that are set forth to bring truth and correction. This is one of the things that I
4 enjoy coming to this Planning Commission month after month to see what they
5 are going to do and how they are going to...and how you are going to receive it
6 because I only get three minutes to tell you how I feel about what I saw and what
7 I think, but you too have the opportunity to go through it for a little while and sort
8 it all out so the city that is hearing can understand what you're going to approve
9 and what they have done to make the city better. You can see the room full
10 tonight. It's a beautiful thing to see people that we don't know that come to our
11 city to develop, to have their dreams fulfilled. It's a great feeling when I drive
12 around my city and, when people ask me what I do, I tell them what I do, and I do
13 it with a free heart. And I thank them, and I thank you guys for all the things that
14 you already have approved. May we be blessed tonight.

15
16
17 **NON-PUBLIC HEARING ITEMS**

18
19 None

20
21
22 **CHAIR BARNES** – Thank you. Anyone else? Alright, having no other speakers
23 on the list, we will move to the Non-Public Hearing items, which there are none.

24
25 **PLANNING OFFICIAL RICK SANDZIMIER** – There are none.

26
27
28 **PUBLIC HEARING ITEMS**

- 29
30 1. Case: PEN16-0153 – Mainstreet Transitional Care
31 Facility
32
33 Applicant: MS Moreno Valley, LLC
34
35 Owner: Inland Land Group, LLC
36
37 Representative: Albert A. Webb Associates
38
39 Location: Southwest corner of Oliver Street and Filaree
40 Avenue
41
42 Case Planner: Jeff Bradshaw
43
44 Council District: 4
45

1 Proposal: Conditional Use Permit PEN16-0153 for
2 Mainstreet Transitional Care Facility, a one-
3 story, 57,000 square foot 90 room transitional
4 care facility on a 7.12 acre site.
5
6

7 **STAFF RECOMMENDATION**
8

9 A. Staff recommends that the Planning Commission **APPROVE** Resolution No.
10 2017-28 and thereby:
11

- 12 1. **CERTIFY** that the Mitigated Negative Declaration prepared for Conditional
13 Use Permit PEN16-0153 on file with the Community Development
14 Department, incorporated herein by this reference, has been completed in
15 compliance with the California Environmental Quality Act, that the
16 Planning Commission reviewed and considered the information contained
17 in the Mitigated Negative Declaration and the document reflects the City's
18 independent judgment and analysis; attached hereto as Exhibit A and
19
20 2. **ADOPT** the Mitigation Monitoring and Reporting Program prepared for
21 Conditional Use Permit PEN16-0153, attached hereto as Exhibit B.
22

23 B. Staff recommends that the Planning Commission **APPROVE** Resolution No.
24 2017-29 and thereby:
25

- 26 1. **APPROVE** Conditional Use Permit PEN16-0153 based on the findings
27 contained in this resolution and subject to the Conditions of Approval
28 included as Exhibit A.
29
30
31

32 **CHAIR BARNES** – Alright, next up, Public Hearing Items. Case No. 1 is PEN16-
33 0153, Mainstreet Transitional Care Facility. The applicant is MS Moreno Valley,
34 LLC. Do we have a Staff Report?
35

36 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes, I would like to introduce Jeff
37 Bradshaw, our Associate Planner, for the Staff Report.
38

39 **ASSOCIATE PLANNER JEFF BRADSHAW** – Good evening Chair Barnes,
40 Members of the Planning Commission. The item presented to you this evening is
41 a request by the Applicant, MS Moreno Valley, LLC to develop a 50,000 square
42 foot 90-room one-story transitional care facility. This would take place on a
43 parcel of approximately seven acres located on the west side of Oliver Street at
44 what was the intersection of Filaree and Oliver. Just as a way of description, this
45 is included in the Staff Report, I wanted to read this I guess as part of the
46 presentation. This transitional care facility would be the first skilled nursing care

1 facility in the City of Moreno Valley. It would fulfill an important community need
2 by providing transitional care to seniors and a facility that can serve as a bridge
3 between hospital and living at home. This facility serves a different function
4 when compared to longer-term assisted living and/or memory-care facilities by
5 providing short-term transitional therapy for community residents working with
6 their physicians to return home after a hospital stay and to provide them with the
7 best chance to minimize setbacks that could result later through readmission,
8 and so this is really a different kind of a facility than we have seen here
9 previously. The project that is proposed would include private rooms that would
10 provide 24-hour nursing care. Each of the rooms would include....excuse
11 me....amenities at the facility would include a dining room, a kitchen, a
12 rehabilitation therapy gym, seating areas, nourishment areas, and outdoor
13 recreational areas for the residents of this facility. The project is
14 proposed....would place the building with the main entrance oriented towards the
15 north with access being provided to the site from Oliver Street and also from a
16 shared private-access road that is located on the easement between the hospital,
17 the Kaiser Hospital to the west, and this development. The architectural design
18 for this.....the architectural design for the facility includes undulating or moving
19 footprint for a low-profile building. The design of the building provides, through
20 the use of different enhancements and treatments, provide visual interests along
21 the lawn access of the buildings. It uses a combination of different materials and
22 color changes. Materials would include stucco lap siding and metal-louvered
23 canopies, but there is some variation in the roofline. Exterior finishes in
24 combination with stone treatments, glazing fascia, metal awnings all work to help
25 break up the lawn access and the facades of the facility. The project site, as I
26 said, is located along the west side of Oliver Street. It is a site that, with the
27 topography, is relatively flat but does slope gently towards to the north. The
28 project again is a seven-acre parcel. The General Plan Designation for this
29 location is Office. The Zoning is Office as well and, in the case of the
30 development of a convalescent home, assisted living, or a use of this category
31 when the facility is within 300 feet of existing residential, then a Conditional Use
32 Permit is required. That is why the Conditional Use Permit Application is being
33 presented to you this evening. The project site also is located within the Medical
34 Use Overlay District, and so the proposed use is consistent with the City's vision
35 for what should occur in the near vicinity of the County Regional Medical Center
36 to the north or the Kaiser Hospital immediately to the west. The project is
37 bounded by vacant land to the north, which is a portion of the Aquabella Specific
38 Plan; Kaiser Hospital and Kaiser office buildings to the west; existing residential
39 tract homes to the east; and Landmark Middle School to the northeast. The
40 Applicant worked very diligently with Staff to come up with design at this location
41 that is consistent with the objectives of our General Plan as well as satisfies the
42 requirements of our existing code, and so the design that is presented to you this
43 evening is consistent with requirements for parking access and is conditioned to
44 be consistent with our requirements with landscape and providing screening
45 landscape and shade for the parking areas. Transitional care facility does fall
46 under our jurisdiction, the City's jurisdiction, for review of the application, for

1 approval of the application, and for review and approval of the site design. The
2 facility itself, as a skilled nursing facility, falls under the jurisdiction of the Office of
3 Statewide Health Planning or OSHPD for plan check purposes and for issuance
4 of the building permit for the structure itself. The City has had an opportunity to
5 coordinate with OSHPD. They are aware of the project, and they had an
6 opportunity to review the proposed environmental documentation for the project.
7 City Staff has prepared an initial study for this project and, through analysis of the
8 project, determined that a Mitigated Negative Declaration is appropriate for this
9 project. This document represents the City's independent judgment and
10 analysis. The project, as proposed and conditioned and with Mitigation
11 Measures, will not have a significant effect on the environment. Studies that
12 were prepared and included with this environmental document included a Traffic
13 Impact Study Exemption Request; Cultural Resource Assessment; Biological
14 Assessment; preliminary studies for Hydrology, a Geotechnical and a Water
15 Quality Management Plan. Having reviewed the content of those studies and
16 prepared the document that we have, Staff would be recommending a
17 Certification of Adoption of the Mitigated Negative Declaration and also
18 Certification of the Monitoring Program that is attached to the Staff Report this
19 evening. Standard notice was provided for this project. There was a 20-day
20 notice published in the newspaper for the environmental document. The site was
21 also posted and notices sent to surrounding property owners. Out of that
22 noticing effort, we did receive one comment letter from Highland Fairview, the
23 ownership of the adjacent Aquabella Specific Plan. I believe a copy of that letter
24 was made available to you. Staff has had an opportunity to review the content of
25 the letter, and we feel that the project as designed, presented to you this
26 evening, and conditioned does satisfy the requirements of our City Municipal
27 Code. It is consistent with the General Plan. The Environmental Documentation
28 Staff also feels it is appropriate, complete, and adequate to the project. The
29 Applicant did work with Web Engineers, their representative, and have provided
30 an Air Quality and Greenhouse Gas Study that they made available to you this
31 evening that further supports the conclusions that Staff arrived at in the Mitigated
32 Negative Declaration. We did have an opportunity to meet with both the
33 Applicant and Representatives from Highland Fairview to discuss what had been
34 identified to the City as Highland Fairview's primary concerns about this project
35 and, out of that meeting, appeared to arrive at a resolution that seemed to satisfy
36 both parties. The Applicant is here this evening, and I believe representatives
37 from Highland Fairview, and they can speak probably more specifically to the
38 outcome of that meeting. We also prepared a memo for you this evening
39 recommending the addition of four Conditions of Approval for the project. Two of
40 those are intended to allow the City to work with the Applicant and take them
41 through our process in a little more normal fashion where the state would be
42 responsible for the building. The first two conditions would allow us to work with
43 the Applicant and enforce our conditions in a little more standard approach. That
44 would allow us to work with them to satisfy design requirements on the site
45 aspects of the project with the state being responsible for the building. The last
46 two conditions are intended to address concerns that were raised about the

1 grading along the northern property line as well as a screen wall that would
2 separate this use from future development in Aquabella. With that, Staff would
3 recommend adoption of the environmental documentation as presented to you
4 this evening and approval of the project subject to those additional conditions.

5
6 **PLANNING OFFICIAL RICK SANDZIMIER** – As Jeff concludes his presentation,
7 I just want to elaborate briefly on the memo that we sent to you as the blue copy
8 since we did give you a lot of information this evening just to make sure you’re
9 focusing on the Conditions of Approval, and I would also like to compliment the
10 professionalism and respect that both parties, both the Mainstreet Applicant and
11 Highland Fairview, coming together this afternoon to meet and discuss this and
12 come to a resolution. I think that deserves some note on the record that this is
13 an important project. We consider both Highland Fairview as a key stakeholder
14 in this city, and we look forward to a relationship with the Mainstreet Applicant on
15 a successful project and they became a key stakeholder in this city, so that was
16 important for us. Thank you.

17
18 **CHAIR BARNES** – Thank you Rick. Thank you very much Jeff. Does the
19 Applicant have a presentation?

20
21 **SPEAKER RACHEL HARMAN** – Rachel Harman. I’m a development manager
22 for this project, and I just want to thank Jeff and his team for all of the hard work
23 and all of their efforts that have gone into this evening and the preparation for this
24 evening. So, yes, I’m from Mainstreet, and we develop skilled nursing facilities,
25 and we really focus in transitional care, which is kind of a newer product type.
26 Many people may not really understand what we mean when we do say
27 transitional care but, as Jeff stated, it’s really to help people go from transition
28 from hospital to home and to cut down on hospital readmission. Our average
29 length of stay is 14-21 days. We service very low acuity level patients, and we
30 feel that this is really a great need in the community. I think it is important to note
31 that, with our development, we could be bringing as many as 400 jobs to the City
32 of Moreno Valley, 100 of them being permanent, and the additional being
33 construction jobs. We have over 50 facilities across the United States, either
34 open or under construction, and this would be the first for Southern California.
35 So we are very excited about that. We thank you for your time and
36 consideration.

37
38 **CHAIR BARNES** – Thank you. Any questions of Staff or the Applicant? Okay,
39 who was first? Commissioner Lowell.

40
41 **COMMISSIONER LOWELL** – I have a clarification. When this meeting was
42 supposed to happen last month, a couple residents were asking when they
43 were.....in advance of the meeting whether or not this facility was going to be a
44 halfway house. I believe I know the answer, but I would just like to hear it from
45 you.

1 **SPEAKER RACHEL HARMAN** – Yes, this will not be a halfway house.

2
3 **COMMISSIONER LOWELL** – It's intended to take people from a hospital?

4
5 **SPEAKER RACHEL HARMAN** – Correct.

6
7 **COMMISSIONER LOWELL** – Treat them, make them better, and send them
8 home?

9
10 **SPEAKER RACHEL HARMAN** – Correct. The majority of the patient's that we
11 see are typically recovering from either an orthopedic or a cardiac event, and
12 they just need that little additional help to get them home and get them back on
13 their feet.

14
15 **COMMISSIONER LOWELL** – Thank you.

16
17 **CHAIR BARNES** – Commissioner Sims.

18
19 **COMMISSIONER SIMS** – My question is about the....it's directed to Staff on
20 the....there's the southerly exit, it looks like it goes to the private road that goes
21 north and south. How is that handled? I didn't see how that is handled. Is there
22 like Reciprocal Access Agreements between that whole group of properties that
23 allows ingress/egress?

24
25 **ASSOCIATE PLANNER JEFF BRADSHAW** – That's correct, so there's a
26 shared access easement, an arrangement that would allow for shared use of that
27 driveway, so it's a....rather than a public street, it is a long private drive to the
28 benefit of both Kaiser and to the development that will occur on this same Parcel
29 Map over time, so the dialysis center that is there now accesses their site
30 through that same easement, and this facility would do so as well.

31
32 **CHAIR BARNES** – Anyone else? I have a question on the parking. Providing
33 127 spaces, which is quite a bit in excess of the requirement, why so many
34 spaces?

35
36 **SPEAKER RACHEL HARMAN** – Typically, we try to provide at least a 1:3
37 parking ratio in our facilities. It's really just to accommodate guests and staff.
38 We don't want people to have to walk too far, of course, so we're open to
39 amending our parking per the City's request.

40
41 **CHAIR BARNES** – I was just curious. In this day and age with lead and water
42 quality.....

43
44 **SPEAKER RACHEL HARMAN** – Right.

45

1 **COMMISSIONER LOWELL** – Most people put in the minimum parking, so just
2 wondering. Thank you. Anyone else? Questions?

3
4 **COMMISSIONER LOWELL** – No sir.

5
6 **CHAIR BARNES** – Alright, at this time, we will open the Public Hearing and take
7 comments. Do we have any speakers?

8
9 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – Yes, we have two. Rafael
10 Brugueras followed by Wayne Peterson.

11
12 **SPEAKER RAFAEL BRUGUERAS** – Good evening again Commissioners,
13 Staff, Residents, and our guests. Mr. Barnes, when you get a chance, I would
14 like you to ask the Applicant is it....are they going to help the seniors that live in
15 nursing homes or residents living in....residents, are they going to go there
16 before they go to the hospital or from the hospital to there and then home? So
17 are they going to help the elderly people go there first before they wind up at the
18 hospital? That's one question you can ask them. Yes, thank you so much. I
19 went to the site, and I'm glad to hear what she's mentioned because it's going to
20 help Kaiser and all the hospitals send patients to them before they go home to
21 get rehab and to get help. And I was hoping that it also will help a person like my
22 mother-in-law who has dementia. She got ill. She winded up at Riverside
23 Hospital, and she had to stay there for two weeks and, from there, she had to go
24 to a rehab, but it was in Riverside, and my wife was there every day. My wife
25 was there every day from morning to night. It's not far, but it ain't close either, so
26 I am hoping tonight that you approve this project, not to only help my wife, but to
27 help all the mothers and sons, husbands and wives, their elders that get sick that
28 have to go far. We need something like that in our city. I didn't see anything
29 when I drove around to see if we have something like this, but I also am glad that
30 they have 50 throughout the states, and they are hoping to be the first in Moreno
31 Valley. Remember that, the first in Moreno Valley. I'm hoping there will be other
32 ones like that that will come. Many will come to our city to help our residents but
33 our regional place as a whole so people don't have to go far, Oklahoma, Arizona.
34 They can come to Moreno Valley right here. They all can join us. It is a nice
35 area, Oliver Street and Iris. It's a real nice area for medical centers, so I hope
36 that you approve this tonight that you will help all the parents, sons and
37 daughters that need help don't have to go far. It's a nice facility. I looked at the
38 pictures. That color is going to blend into the neighborhood. On page 146, they
39 are going to have a lot of little places. It's real nice. They are going to build it
40 real nice to blend in with the neighborhood. So I'm hoping that you approve and,
41 if it goes well for them and they become successful like she mentioned, they like
42 doing this work. Maybe they will build another for us here in Moreno Valley to
43 accommodate more people. Ninety beds, it's okay but, 150 beds, it's a lot better.

44
45 **CHAIR BARNES** – Thank you Mr. Brugueras. Next speaker?
46

1 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – Wayne Peterson.

2
3 **SPEAKER WAYNE PETERSON** – Good evening Commissioners, Wayne
4 Peterson with Highland Fairview. As Jeff indicated, we have met with Staff and
5 also the Mainplace, I'm sorry, Mainstreet folks; very cordial, very friendly, and
6 extremely productive meeting today to resolve some questions that we had. We
7 submitted a letter some time ago before. We had an opportunity to sit down with
8 the Applicant and understand a lot of the approaches that they are taking with
9 their project. As Staff indicated, we share a property line and making sure that
10 that edge is done as nicely as possible for the benefit of both properties was our
11 purpose in getting involved. I am very happy to say that we were able to work
12 out issues, very flexible approach to finding the right way to deal with that
13 common property line, and two of the Conditions of Approval that are on the blue
14 sheet today relate to that particular issue. So we are comfortable that the project
15 addresses our concerns, and we are in support of the project as it is proposed
16 and as proposed to be conditioned. On behalf of Highland Fairview, we want to
17 welcome the Mainstreet people to Moreno Valley, and we wish them the very
18 best of luck with their project during construction and up in operation, and we are
19 very happy that they are a member of our community, and we're very anxious to
20 be cooperative with them as a next-door neighbor. So happy to answer any
21 questions that the Commission may have at this point.

22
23 **CHAIR BARNES** – Thank you. Commissioner Lowell.

24
25 **COMMISSIONER LOWELL** – I have a question for you. A lot, a lot of the Staff
26 and you and some of the applicants have talked about Highland Fairview having
27 some objections and having some concerns, and there was mention of a meeting
28 today and having some resolution. Could you give us some insight as to what
29 the objections were and what the resolutions were?
30

31 **SPEAKER WAYNE PETERSON** – Sure. I mentioned generally that it has to do
32 with the common boundary. Very typically a development will deal with a piece
33 of property and keep all of their activities on their own property in order to avoid
34 of having to deal with next-door neighbor, totally understandable. That's
35 essentially what happened in this case. We reviewed the plans when they were
36 submitted to the City and took a look at them and started thinking that maybe
37 there is a better way to do this and offer to be....try to offer to be more
38 cooperative and a good neighbor. The end result of it is a grading concept for
39 that edge that has yet to be finalized, but we are confident that between their
40 engineering group and ours that we can find a solution that works for everybody.
41 Essentially what it involves is allowing Mainstreet to grade onto Highland
42 Fairview property to come up with an efficient engineering smart, environmentally
43 sensitive, and esthetically pleasing solution for both properties. And I, speaking
44 for Highland Fairview, we feel very comfortable that it is a definite win-win. It's
45 the kind of detail that usually gets lost in projects like this, but our concern now is
46 the time to deal with those things so properties don't become eyesores or

1 maintenance problems in the long-term. So we thank Rick and his staff for
2 initiating the meeting and coordinating it and polishing some Conditions of
3 Approval, but like I say we're very happy with the way it's been resolved. We
4 look forward to working with them on making all the details work out as well, so
5 thank you.

6
7 **COMMISSIONER LOWELL** – Thank you.

8
9 **CHAIR BARNES** – Thank you Mr. Peterson.

10
11 **SPEAKER WAYNE PETERSON** – Thank you.

12
13 **CHAIR BARNES** – Any other speakers?

14
15 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – No.

16
17 **CHAIR BARNES** – Alright. At this time, we will close the Public Hearing and
18 have some discussion. Anyone? Commissioner Lowell.

19
20 **COMMISSIONER LOWELL** – I have a couple questions for Staff. On the, it
21 looks like the southerly access road or parking aisle, it appears to be about 500
22 feet long, and it appears to be a dead-end and a 24-foot-wide drive aisle. I don't
23 see how that's going to be accommodating anybody trying to find parking, going
24 to the end and realizing there is no parking and either having to turnaround or
25 back-up 500 feet. Plus, I don't think that has appropriate fire access.

26
27 **ASSOCIATE PLANNER JEFF BRADSHAW** – I'll answer the best I can and the,
28 if it is incomplete on the fire part, then the fire marshal can jump in. The design
29 of the project does end...that back drive aisle does end without a through point.
30 It's not full access all the way around the building. There is a courtyard area at
31 the rear of the building that satisfies turnaround for fire and any other large
32 vehicles that would need to go back there, and we feel that the drive aisle with
33 this is wide enough to accommodate the turnaround. The length...the long
34 length of the drive aisle there is broken up by that courtyard area that would allow
35 for hammerhead function or turnaround.

36
37 **COMMISSIONER LOWELL** – So you're saying, mid parking aisle, they could
38 drive over that little curb or that little entry area?

39
40 **ASSOCIATE PLANNER JEFF BRADSHAW** – There is an open not courtyard,
41 maybe that's not the right description....at the rear of the facility, there is an open
42 paved area that would act as a midpoint turnaround for large vehicles as well as
43 other vehicles that would pass down that drive aisle.

44
45 **PLANNING OFFICIAL RICK SANDZIMIER** – If I could take a crack at adding
46 some additional information. It might be helpful, as you look at the plan, the

1 notations on the plan have a box-type of a line that goes around the perimeter of
2 the whole facility on the three sides. That boxed line is a fire route, designated
3 fire access. And, if you follow on the south side of the building, you'll see that
4 those boxes turn into that open area. That open area does provide for the
5 turnaround for the large vehicles. With regard to the distance from that courtyard
6 area to the end of the drive aisle, we recognize that to be 145 feet, even though
7 the entire length of that drive aisle is 500 feet. Going on your number there, it is
8 approximately 500 feet. That's the 145 feet dimension where there's a break,
9 and so it's not providing any sort of a dimension above 150 feet, which would be
10 a concern for our fire department. Our Fire Marshal is here and may add some
11 additional detail. The other thing with regard to the 24-foot drive aisle, is we
12 recognize it as a single-loaded drive aisle, so you only having parking on the
13 south edge and, at the very end of that drive aisle, you do have the design that
14 allows for a little pop out, which allows for the last vehicle on the end an area to
15 back out and maneuver in the right direction to the exit, so it's not leaving anyone
16 in a tight configuration. So those are some of the considerations during the plan
17 check. That's somewhat typical in terms of the things we will review, but I also
18 have our Traffic Staff here and our Fire Marshal here if they would like to add
19 anything.
20

21 **FIRE MARSHAL ADRIA REINERTSON** – Yes, Adria Reinertson, Fire Marshal.
22 Just to confirm what both Jeff and Rick had stated, anything over 150 foot dead-
23 end requires a turnaround of some sort. This is in fact a 145 feet from that quasi
24 hammerhead turnaround, which we found to be acceptable.
25

26 **COMMISSIONER LOWELL** – Okay, that answers my question. Thanks.
27

28 **CHAIR BARNES** – Any other questions, observations, thoughts? Does anybody
29 have an opinion on the project?
30

31 **COMMISSIONER SIMS** – I would like to make a motion. I think it's a great
32 project. I think it's something we need in Moreno Valley. I'd be happy to make a
33 motion. I feel real good.
34

35 **CHAIR BARNES** – I think you should.
36

37 **COMMISSIONER SIMS** – Alright then, so I propose that we make a motion that
38 Planning Commission approve Resolution No. 2017-28 and thereby certify that
39 the Mitigated Negative Declaration prepared for Conditional Use Permit PEN16-
40 0153 on file with the Community Development Department has been completed
41 in compliance with CEQA and that the Planning Commission reviewed and
42 considered the information contained in the Mitigated Negative Declaration. The
43 document reflects the City's independent judgment and analysis and; two, that
44 we adopt the Mitigation Monitoring Reporting Program prepared for the
45 Conditional Use Permit PEN16-0153 and that the Planning Commission approve
46 Resolution No. 2017-29 and thereby approve the Conditional Use Permit PEN16-

1 0153 based on the findings contained in this Resolution and subject to the
2 Conditions of Approval included as Exhibit A along with the July 2017 additional
3 Conditions that were provided in a Staff Memo to the Planning Commission.
4
5

6 **CITY ATTORNEY MARTIN KOCZANOWICZ** – Honorable Chair, Commission
7 Members, I would recommend that you treat those as two separate motions and
8 take action on them separately.
9

10 **CHAIR BARNES** – Alright.

11
12 **PLANNING OFFICIAL RICK SANDZIMIER** – So the first one would be in
13 paragraph A and the second one would be on paragraph B of the recommended
14 actions.
15

16 **COMMISSIONER SIMS** – Alrighty then.

17
18 **CHAIR BARNES** – Alright. Do we need a new motion or can we just have two
19 votes?
20

21 **COMMISSIONER LOWELL** – I would say just.....
22

23 **CITY ATTORNEY MARTIN KOCZANOWICZ** – No. We would need a couple of
24 seconds and then, and I don't mean timewise, I just mean second.
25

26 **COMMISSIONER LOWELL** – How about you just re-read the very first sentence
27 of A. It says recommend approve Resolution Number and be done with it.
28

29 **COMMISSIONER SIMS** – Okay you guys are.....
30

31 **COMMISSIONER LOWELL** – Just that one sentence I think.
32

33 **COMMISSIONER SIMS** – Alright then. For the.....
34

35 **COMMISSIONER LOWELL** – Don't read one or two, just A.
36

37 **COMMISSIONER SIMS** – The Planning Commission approve Resolution No.
38 2017-28.
39

40 **COMMISSIONER SIMS** – Does it have to be as amended by tonight?
41

42 **CHAIR BARNES** – Which Resolution do the Conditions.....
43

44 **CITY ATTORNEY MARTIN KOCZANOWICZ** – On this one, you just need a
45 second.
46

1 **COMMISSIONER LOWELL** – I'll second it.
2
3 **PLANNING OFFICIAL RICK SANDZIMIER** – That's only on the environmental
4 document, so the other one is tied to the project, so you'll reference that on the
5 next one so.
6
7 **CHAIR BARNES** – Alright having a motion from Commissioner Sims and a
8 second from Commissioner Lowell. May we have a roll call vote please?
9
10 **COMMISSIONER LOWELL** – Yes.
11
12 **COMMISSIONER BAKER** – Yes.
13
14 **COMMISSIONER SIMS** – Yes.
15
16 **VICE CHAIR KORZEC** – Yes.
17
18 **CHAIR BARNES** – Yes.
19
20 **CHAIR BARNES** – The motion passes 5-0.
21
22
23 Opposed – 0
24
25
26 **Motion carries 5 – 0**
27
28
29
30 **COMMISSIONER SIMS** – Okay, can I make a second motion now?
31
32 **COMMISSIONER LOWELL** – No you can't.
33
34 **CHAIR BARNES** – Of course, carry on.
35
36 **COMMISSIONER SIMS** – Or would you care to do it?
37
38 **COMMISSIONER LOWELL** – No. Go for it.
39
40 **CHAIR BARNES** – You're on a roll.
41
42 **COMMISSIONER SIMS** – Alright.
43
44 **CHAIR BARNES** – Go.
45

1 **COMMISSIONER SIMS** – Okay, so I make a motion that the Planning
2 Commission approve Resolution No. 2017-29 and thereby approve Conditional
3 Use Permit PEN16-0153 based on the findings contained in this Resolution and
4 subject to the Conditions of Approval included as Exhibit A and the modified
5 added Conditions pursuant to the July 2017 Memo from Staff.

6
7 **COMMISSIONER BAKER** – I’ll second that.

8
9 **PLANNING OFFICIAL RICK SANDZIMIER** – The July 20, 2017 memo. I think
10 you said July 17th.

11
12 **COMMISSIONER SIMS** – Oh. I’ll start again.

13
14 **CHAIR BARNES** – Alright. We have a motion and a second.

15
16 **COMMISSIONER LOWELL** – I’ll second it.

17
18 **CHAIR BARNES** – Commissioner Baker beat you to it.

19
20 **COMMISSIONER LOWELL** – Aww, I’ll third it.

21
22 **CHAIR BARNES** – Alright. Roll call vote please.

23
24 **COMMISSIONER LOWELL** – I say yes.

25
26 **COMMISSIONER BAKER** – Yes.

27
28 **COMMISSIONER SIMS** – Yes.

29
30 **VICE CHAIR KORZEC** – Yes.

31
32 **CHAIR BARNES** – Yes.

33
34 **CHAIR BARNES** – The motion carries 5-0. Thank you very much. Do we have
35 a wrap-up?

36
37
38 Opposed – 0

39
40
41 **Motion carries 5 – 0**

42
43
44 **PLANNING OFFICIAL RICK SANDZIMIER** – Sure. The action you’ve just taken
45 is on a Conditional Use Permit, a Conditional Use Permit is a discretionary action
46 taken by the Planning Commission that is appealable to the City Council. If any

1 interested party wants to file an appeal, they can file an appeal within 15 days of
2 this action. That appeal should be directed to the Director of Community
3 Development and, if we do receive one, we will work with our City Clerk to
4 agendize that within 30 days for City Council consideration. Thank you.

5
6 **CHAIR BARNES** – Thank you, Rick. Moving on. Case two: PEN16-0001,
7 PEN16-0007, PEN16-0002, PEN16-0003, PEN16-0004, PEN16-0005, PEN16-
8 0006, a Specific Plan Amendment, Tentative Parcel Map, Environmental Impact
9 Report, and Plot Plans for four buildings. The Applicant is Prologis. Do we have
10 a Staff Report?
11
12
13
14

15 2. Cases: PEN16-0001 (P15-036) Specific Plan
16 Amendment
17 PEN16-0007 (PA15-0018) Tentative Parcel
18 Map 36150
19 PEN16-0002 (P15-037) Environmental Impact
20 Report
21 PEN16-0003, PEN16-0004, PEN16-0005,
22 PEN16-0006 (PA15-0014-0018) Plot Plans
23

24 Applicant: Prologis
25
26 Owner: Moorpark Country Properties
27
28 Representative: Scott Mulkay
29
30 Location: Krameria Avenue south to Cardinal Avenue
31 between Heacock Street and Indian Street
32
33 Case Planner: Julia Descoteaux
34
35 Council District: 4
36
37 Proposal: Moreno Valley Logistics Center: The Applicant
38 is seeking approval of a Specific Plan
39 Amendment to reduce required buffering and
40 landscape requirements; and approval of a
41 Tentative Parcel Map and four Plot Plans for
42 development of 1,736, 180 square feet of
43 warehouse floor space configured in four
44 separate buildings on property measuring a
45 total of 89.4 acres.
46

1
2
3
4 **STAFF RECOMMENDATION**
5

6 A. Staff recommends that the Planning Commission **APPROVE** Resolution No.
7 2017-16 and thereby recommends that the Moreno Valley City Council:
8

- 9 1. **CERTIFY** that the Final Environmental Impact Report PEN16-0002 (EIR,
10 P15-036) for the Moreno Valley Logistics Center project on file with the
11 Community Development Department, incorporated herein by this
12 reference, has been completed in compliance with the California
13 Environmental Quality Act, that the Planning Commission reviewed and
14 considered the information contained in the Final EIR and that the Final
15 EIR reflects the City's Independent judgment and analysis; and
16
17 2. **ADOPT** the Mitigation Monitoring and Reporting Program for the Final EIR
18 for the proposed Moreno Valley Logistics Center project, attached hereto
19 as Exhibit A; and
20
21 3. **ADOPT** the Facts, Findings, and Statement of Overriding Considerations
22 regarding the Final EIR for the Moreno Valley Logistics Center project,
23 attached hereto as Exhibit B; and
24

25 B. Staff recommends that the Planning Commission **APPROVE** Resolution Nos.
26 2017-18, 2017-19, and 2017-20 and thereby recommends that the Moreno
27 Valley City Council:
28

- 29 1. **APPROVE** the Specific Plan Amendment to the Moreno Valley Industrial
30 Area Specific Plan 208 (Resolution: 2017-18) and;
31
32 2. **APPROVE** Plot Plans PEN16-0003 (PA15-0014), PEN16-0004 (PA15-
33 0015), PEN16-0005 (PA15-0016), and PEN16-0006 (PA15-0017), subject
34 to the attached Conditions of Approval attached as Exhibits A, B, C and D
35 (Resolution: 2017-19) and;
36
37 3. **APPROVE** Tentative Parcel Map 36150, PEN16-0007 (PA15-0018),
38 subject to the attached Conditions of Approval attached as Exhibit A
39 (Resolution: 2017-20).
40
41

42 **PLANNING OFFICIAL RICK SANDZIMIER** – Let me introduce Julia Descoteaux
43 to give the Staff Report.
44

45 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Thank you. Chair Barnes and
46 Members of the Planning Commission, the Moreno Valley Logistics Center

1 project will include a development of a total of 1,736,180 square feet of
2 warehouse space on 89.4 acres. The project includes a total of four buildings
3 ranging in size from 97,222 square feet to 1,351,763 square feet. In addition,
4 there are four Plot Plan Applications for the buildings, and the project also
5 includes a Specific Plan Amendment and a Tentative Parcel Map. The project is
6 bounded by Heacock Street on the west, Indian Street on the north, and the
7 southerly terminus of the project aligns with Cardinal Way. It is designed for
8 high-cube warehousing and or E-commerce,. The project site is within the
9 Moreno Valley Industrial Area Specific Plan, as are all of the surrounding land
10 uses to the north, south, and west. The vacant site is relatively flat and slopes
11 from north to south. The project is located within the Industrial Area Plan, which
12 was adopted in 1989 and allows for the industrial uses within the southwestern
13 portion of the city. The area within the immediate vicinity is designated for
14 industrial development much of which is already developed. The areas to the
15 immediate east are developed single-family residential houses that were
16 constructed from 1987 to 2006. The Zoning on these properties is R5 with a a
17 maximum of 5 residential dwelling units to the acre. The Tentative Parcel Map
18 includes a consolidation of the parcels to coincide with the project. Tentative
19 Parcel Map 36150 will consolidate the three parcels into two parcels with two
20 remaining parcels in the project. The consolidation parcels will be in the parcel
21 one, which is the large building right there and building number two. As
22 mentioned, the project includes four Plot Plan Applications for each of the four
23 buildings. Building one is proposed, as designed, to accommodate a high-cube
24 warehouse building or an E-commerce occupant. The smaller buildings are
25 proposed to accommodate industrial warehousing manufacturing, assembly, and
26 E-commerce and/or similar-use tenants. Building one is just over 1,350,000
27 square feet and is oriented toward Indian Street extending from Krameria Avenue
28 towards the Perris Valley Storm Drain. The street frontage along Indian will
29 include a 14-foot high-screen wall, dense landscaping adjacent to the wall, and a
30 water-quality feature on the southeast corner of the site. There will be no truck
31 access from Indian Street. Building 2 is 122,275 square feet and is located on
32 Southerly Krameria Avenue and will be accessed from the extension at Cosmos
33 Street to the south. The project includes an Alternative Site Plan that would omit
34 building 2 and construct a 166 space truck-trailer parking lot on parcel two. In
35 addition, there is a triangular-shaped 2.5 acre parcel at the terminus of Cosmos
36 Street, which is not a part of the project and under separate ownership. Building
37 3 is a maximum of 97,222 square feet and is located south of the Perris Valley
38 Storm Drain Channel on a separate parcel, and the access is from Cardinal
39 Avenue. The color of the all the buildings will be designed consistent
40 architectural elements, materials and colors to include vertical and horizontal
41 scoring with varied drift lines at various locations. Colors for the project will
42 include whites, grey, and dark grey colors for accents. There will be green
43 reflective glazing and metal details used for accents on the buildings. Screen
44 walls will be designed with the same details and colors for consistency. A
45 Specific Plan Application has also been proposed with this application. The text
46 change is limited to modifying the buffering requirement along Indian Street south

1 of Krameria Avenue to the Perris Valley Storm Drain Channel. The proposal
2 modifies the Specific Plan text for the setbacks and buffering requirements for
3 the west side of Indian Street to be consistent with the standards that were
4 applied north of Krameria Avenue to Iris. With this new modification, there is a
5 requirement for 50 feet of landscaping from the property line to the screen wall.
6 An Environmental Impact Report was prepared for the project as described in
7 detail in the Staff Report. A total of 66 Mitigation Measures were recommended
8 to reduce specific and cumulative impacts. Even with the proposed mitigation, a
9 number of potential impacts cannot be reduced to less than significant level. As
10 specified in Section 5.0 of the EIR document, the impacts that are included to be
11 significant and unavoidable include air quality, greenhouse gas emissions, land
12 use planning, and traffic and transportation. These impacts will require
13 Overriding Findings as described in detail in the Staff Report. To date, we have
14 received several letters and a few phone calls regarding the project. We
15 received two emails, one from George Hague and one from the Law Offices of
16 Abigail Smith. Both of those were provided to you earlier in the week for your
17 review. Last night and this morning, we received two letters, one last night and
18 one this morning from Kathleen Dale, and then we also received several emails
19 from three additional residents. The three additional residents oppose the
20 Specific Plan Amendment, and all of those have been provided to you as well.
21 Some of the comments in the letters includes the truck traffic on Indian. As
22 proposed by the project, there will be no truck traffic allowed on Indian. The
23 ingress/egress location at the southern portion of the site is for autos only and
24 does not.....will not accommodate truck traffic. The trucks will enter from
25 Krameria and Cosmos, and they will not be allowed to go right.....make a right
26 turn onto Krameria from the site going towards Indian. We've added a Condition
27 of Approval, which was provided to you, in addition to the original Conditions of
28 Approval that talk about signage for the trucks, and we provided that copy to you
29 prior to the issuance of a Certificate of Occupancy. All future tenants will develop
30 a Truck Circulation Strategy that will be reviewed and approved by the Planning
31 Division and the Public Works Department. The strategy will address directional
32 signage, both onsite and offsite, and provide supplemental information regarding
33 truck routes to be available for the site for the purpose of ensuring that trucks do
34 not encroach in the residential neighborhoods. We also received.....during the
35 EIR process, we received a comment letter from Lozeau and Drury and
36 subsequent to the draft EIR going out, they have withdrawn their letter of
37 opposition to the project. Additional correction that we will be making in the
38 Mitigation Monitoring, on Mitigation Measure 4-3-3, it does refer to creating the
39 signage for the three-minute idling, and it talks about adding a sign that says five
40 minutes but, below it, it does say that both the construction traffic and the
41 operational trucks will be three minute idling, so we will correct that error in the
42 Mitigation Measures. The Environmental Impact Report was prepared by T&B
43 Planning. We do have Tracy Zinn here, the principal of the company here to
44 provide a brief overview of the EIR as part of Staff's presentation.
45

1 **PLANNING OFFICIAL RICK SANDZIMIER** – While Tracy comes up, just for
2 clarification on that signage regarding the five and the three minutes, the
3 correction we’re making is to make them all three minutes, so we’re making it the
4 more restrictive of the two.

5
6 **SPEAKER TRACY ZINN** – Good evening, Tracy Zinn, with the consulting firm
7 T&B Planning, the primary author of the EIR. Also here to respond to any
8 technical questions you may have is David Ornelas, Senior Project Manager with
9 our office and Charlene Joe, the consulting traffic engineer. The final EIR before
10 you tonight represents a complete analysis of the proposed project as required
11 by CEQA, and it objectively presents the information to allow the City to make an
12 informed decision on the environmental effects of the project and in many
13 instances, as you may hear me describe, the analysis that was conducted and
14 many of the technical studies are presented in the EIR use conservative analysis
15 methodologies, so some of the reporting in the documentation overstates the
16 impacts that will actually occur. The EIR’s notice of preparation was released for
17 public review in June 2015 and the Draft EIR was released in July 2016. The City
18 received eight comment letters on the draft EIR during that public review period.
19 All of the comments were responded to in writing, and the comment letters and
20 the responses should be before you as part of the final EIR. The 66, I counted
21 68, 66-68 Mitigation Measures that will be imposed by the City cover the topics of
22 esthetics, air quality, biological resources, cultural resources, greenhouse gas
23 emissions, hazards, hydrology, noise, and traffic. These Mitigation Measures are
24 in addition to the City’s Conditions of Approval that are placed on each building
25 and application; design features that are proposed by the project, some of which
26 reduce or avoid environmental effects; and all of the mandatory regulatory
27 requirements that are imposed as a matter of law by the City and the State and
28 Federal Government. After application of the Mitigation Measures, the design
29 features and the regulatory requirements, as Julia mentioned, there are a few
30 environmental impacts that are not feasible to mitigate to less than significant
31 and, as she mentioned, those are air quality, greenhouse gas, transportation,
32 and traffic, and we also identified a land use impact associated with air quality.
33 Because there is an air quality emissions impact, the EIR found that the project
34 would not comply with the South Coast Air Quality Management District’s Air
35 Quality Management Plan. As also mentioned, in the past few days, the city has
36 received some comment letters. Some of those did address the EIR, particularly
37 the buffer along Indian Street and the applicant’s proposal to reduce the setback.
38 The EIR is obligated to evaluate the project as proposed by the applicant....by
39 the applications, which it does, so I just wanted to touch on a few facts regarding
40 the findings of the Environmental Report....Environmental Impact Report
41 regarding the Edge Condition along Indian. As mentioned, none of the project’s
42 truck traffic will travel on Indian adjacent to the project site. Previously
43 mentioned, all of the truck access will be taken from Krameria and Cosmos.
44 There is a driveway in the southeast corner of the Building 1 site. The project, as
45 designed, does not allow trucks to exit that driveway. However, in one of the
46 comment letters and someone may bring up tonight, some of the scenarios in the

Minutes Acceptance: Minutes of Jul 20, 2017 7:00 PM (APPROVAL OF MINUTES)

1 EIR do show trucks exiting from that driveway. The reason that analysis was
2 included in the EIR is because, at some point in the future, it is anticipated that
3 the Indian Avenue Bridge will be constructed over the channel, so the City
4 wanted to make sure that the analysis covered a scenario to show what fair
5 share contributions the project would be required to contribute to south of the
6 project. So in all instances where that makes a difference, meaning the Traffic
7 Study, the Air Quality Reporting, the Noise Reporting, the Health Assessment
8 Reporting, the EIR includes a with and without Indian Avenue Bridge over the
9 channel analysis so you can see it both ways. Regarding noise along that edge,
10 the only significant impact that the EIR reports will occur is construction impacts
11 and how the modeling occurs is all of the construction equipment is assumed to
12 be simultaneously operating at the property boundary. So regardless of whether
13 the setback is 100 feet or 300 feet, the modeling would still be the same, so that
14 impact would occur in either situation. Some of the comments brought up health
15 risks and diesel particulate matter that the residents may be exposed to. A
16 Health Risk Assessment was prepared using two different methodologies. In
17 both methodologies, the health risk is determined to be less than significant,
18 which means less than 10 persons in a million chance of cancer, which is how
19 the modeling is conducted. In both scenarios, the impact is less than significant.
20 Some of the comments indicated that the cancer risk is pushing the envelope or
21 reaching 10. The methodology that is recommended by the South Coast Air
22 Quality Management District, the results are six, but we did include the more
23 conservative methodology recommended by the California Office of
24 Environmental Health Hazard. That is not recommended to be used for CEQA
25 purposes, but we frequently and the City frequently gets comments asking for
26 that methodology to be applied and, under that methodology, the result is nine.
27 So that said, the background risk in that area is 0.009% and, to that, the project
28 would be adding a very small increment. Would moving the building back further
29 from where it is currently proposed to what the Specific Plan would cause to
30 occur make a difference? We have a 15-page modeling result on that, and the
31 difference is nearly immeasurable, so I just wanted to point those out because
32 those items were included in the comment letters. So, to recap, the conclusions
33 by....drawn by the EIR, all of the environmental effects of the project can be
34 reduced to below a level of significance, except for the four that would require the
35 City Council to adopt a Statement of Overriding Consideration and, again, that is
36 air quality, greenhouse gas, land use associated with the air quality management
37 plan and consistency, and transportation and traffic due to the project's traffic
38 circulating to areas outside the city and the city cannot compel other jurisdictions
39 to make improvements, even though the project applicant is required to
40 contribute fair share of fees. That's a lot of data, and there's a lot more. I could
41 probably talk for an hour, so I will stop there and be available for questions.
42 Thank you.

43
44 **CHAIR BARNES** – Thanks very much.

45

1 **ASSOCIATE PLANNER JULIA DESCOTEUX** – A couple of additional items is
2 that currently there is no bridge proposed for over the storm drain. It is a capital
3 project, and I can let Transportation answer any questions regarding that but,
4 even with a bridge there, the truck route is not intended to ever go north of that
5 channel. Also, one other comment that was brought up in some of the comment
6 letters was regarding solar in the roof and based on Airport Land Use
7 Commission and being close to March Air Reserve Base, although the buildings
8 will be constructed to accommodate it, the applicant's, should they wish to do
9 solar, would have to come back in to not only the City but the Airport Land Use
10 Commission and get approval from that agency as well as March Air Reserve
11 Base. With that, that concludes Staff's report. When you bring the Applicant up,
12 they do have a short presentation as well but, at this time, I will conclude Staff's
13 presentation and recommend that the Planning Commission approve the
14 Resolution and thereby recommend that the City Council certify the
15 Environmental Impact Report, adopt the Mitigation Monitoring and Reporting
16 Program for the Final EIR, adopt the Facts and Findings and Statement of
17 Overriding Considerations, approve the Specific Plan Amendment, and approve
18 the four Plot Plans associated with the project. Thank you.

19
20 **CHAIR BARNES** – Thank you, Julia. Would the Applicant like to make a
21 presentation?
22

23 **SPEAKER TYSON CHAVE** – Yeah, hello, I think we do have a small Power
24 Point presentation that we'll bring up, so good evening Planning Commission
25 Members, my name is Tyson Chave. I'm the investment officer with Prologis in
26 the Inland Empire. I wanted to share just some brief information on Prologis.
27 Some of you may have heard of us, but I thought it would help for background
28 purposes. Prologis is a publicly-traded company. We operate in 20 countries.
29 We have over 3000 buildings globally, and we have more than 5000 customers
30 within those buildings. We've been in business since 1983, and we've been
31 awarded the Global 100 Most Sustainable Company Award for nine years
32 running, something we're pretty proud of. Locally, to kind of bring it to home, in
33 the Inland Empire, we have approximately 45 million square feet of warehouse
34 distribution space with a small, and that's in about 115 buildings, with a small but
35 growing presence in Moreno Valley. In Moreno Valley, you probably saw it on
36 your way into the meeting, but we are under construction on a 601,000 square
37 foot building just immediately east of here, and we're very excited about that
38 building. We're also very excited about this opportunity to expand our presence
39 in the city. Our customers are our lifeline, and this slide represents just a small
40 sample of some of the customers with which whom we have extensive
41 relationships. Interesting to know one of the bullets on here but really jumped out
42 at me, we have....we average over 20 leases globally with our top 25 customers.
43 Kind of shows the breadth and depth of the relationships that we have. So,
44 enough on Prologis, I'm certainly available to answer any additional questions,
45 but I am now going to turn it over to Scott Mulkay whose our Regional Head of
46 Construction to talk a little bit more specifically about the project.

1
2 **SPEAKER SCOTT MULKAY** – Thank you Tyson. Commissioners, City Staff,
3 again, my name is Scott Mulkay. I’m Vice President and Development Manager
4 for this particular project. Not only is Prologis a developer, but I think it is also
5 important to note we’re a long-term holder of our properties. We have coworkers
6 who both manage the property with maintenance technicians on staff who ensure
7 that it is up-kept to the highest standards of esthetics, quality, and sustainability.
8 Tyson touched on us being named for the ninth time to the global 100 list to the
9 most sustainable companies. As you can see on the slide, there are numerous
10 awards and recognitions. In addition, last year, we were ranked on News Weeks
11 US Greenest Companies for the third consecutive year. While these recognitions
12 speak to our overall stewardship, the project is the most important aspect of our
13 sustainability efforts. To this point, the project will be built to LEED Standards.
14 There was discussion of the roof being solar ready. I would like to point out to
15 that. We are the third largest owner of rooftop solar in the United States. We
16 have over 100 mega-lots of rooftop solar. We do use LED lighting. We are
17 proposing electric vehicle charging stations. There is low-impact, esthetically-
18 pleasing landscape design amongst others. In addition to the sustainability
19 efforts of the project, there are numerous financial benefits this project will
20 provide to the city and its residents. As you can see, the net fiscal revenue will
21 be just under 1 million dollars annually. The project will create and sustain an
22 estimated 600 new permanent direct and indirect jobs for the City of Moreno
23 Valley. In addition, the project will generate an estimated household earning of
24 between 21 and 26 million dollars annually, which over the course of the 11
25 years is, as you can see, in the 250 million dollar range. Additionally, the
26 increased economic output estimated for the City of Moreno Valley is
27 approximately 100 million dollars per year. Again, I would like to thank you for
28 the opportunity to present our project. I would also like to reserve some time at
29 the end for my team to address or respond to any comments as necessary that
30 may come up. Thank you very much.

31
32 **CHAIR BARNES** – Thank you. Does anyone have questions of Staff or the
33 Applicant? I have a question. In going through the Conditions, I only saw
34 Conditions for the four buildings, not for the Tentative Map. What did I miss?
35

36 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – It’ll take me a moment to look
37 through the Conditions, but we do have Conditions of Approval for the Map.
38

39 **CHAIR BARNES** – Okay, alright. I couldn’t find them so....anybody? No?
40 Alright, Eric could you talk about the status of the bridge, just general
41 information?
42

43 **CITY TRAFFIC ENGINEER ERIC LEWIS** – Yes, Eric Lewis, City Traffic
44 Engineer. The bridge is, as mentioned earlier, and unfunded CIP project. It’s
45 part of our circulation system to connect both....both sides of the bridge, but
46 currently it is unfunded.

1
2 **CHAIR BARNES** – Is there any kind of a priority rating on that? I know being
3 unfunded obviously the priority is low. Any idea when that may flow to top or?
4

5 **CITY TRAFFIC ENGINEER ERIC LEWIS** – Not at this time. It is an important
6 link for emergency routing and just generally traffic that wants to use the area.
7 Certainly, not for trucks, but no idea at this point.
8

9 **CHAIR BARNES** – Okay. It's just a lower priority than other things on the list?
10

11 **CITY TRAFFIC ENGINEER ERIC LEWIS** – Correct.
12

13 **CHAIR BARNES** – And it'll stay that way until.....okay, alright. Alright, let's move
14 to the Public Comments. At this point, I would like to open the Public Hearing.
15 Do we have any speakers?
16

17 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – We do. Rafael Brugueras
18 followed by Michael Day.
19

20 **CHAIR BARNES** – Mr. Brugueras.
21

22 **SPEAKER RAFAEL BRUGUERAS** – Good evening Commissioners, again,
23 Staff, Residents, and our guests. Tonight was pretty important. We got to hear
24 answers of some of the questions that residents had about trucking going down
25 from Indiana Street, buffing, I mean you got answers. No trucks are allowed to
26 go down residential streets. That's a fact. There's going to be buffing from the
27 property line to the wall. According to what I read, they are going to go from 15
28 feet to 50 feet. That's a lot of buffing, and it's going to have it's all décor, trees,
29 bushes, and everything. So what I like about this developer, and what I learned
30 about his presentation on the buildings they make for these important companies
31 that we shop at daily, I didn't know what they do for our country and our state. I
32 went around P&G (Proctor and Gamble), and I looked at that building for the first
33 time when I first saw this item come up. I went around the whole.....I mean I
34 went around the whole block, and this place was well landscaped. The walls
35 were high. You couldn't see the trucks inside, so the people that live across the
36 street from these.....from this particular building have it well made because when
37 you drive up and down Iris from Perris to Heacock and you look at this building, it
38 is well built. You don't see anything out of its place. Everything is in its place,
39 and I even went there at night to see how the trucks were handling themselves
40 and, way on the other side of the building, that's where all the trucks at. They are
41 nowhere near Iris, so they have it well planned how to make this city safe and
42 effective, especially environmental, so even your solar question got answered by
43 one of the top three people in the world. So by adding this project to our
44 committee.....community would be an enhancement not only to the region but to
45 the men and women that are looking for work. I'm hoping that this local that is
46 sitting behind me is part of that workforce because I know that every man that is

1 sitting behind me is relying on a check every week to provide for their family and
2 themselves. That's important because I used to be a teamster, so I know what
3 it's like to go out there and work for a living. Everybody gets a piece of
4 development. This is what's great about development; everybody gets a piece of
5 it. Nobody fell short of it. By approving this project, all we do we're going to
6 enhance, once again, that dirt that's across the street from P&G to look nice in
7 the neighborhood. If they do the same job that they did for that development, the
8 people around that area, it would just be wonderful to see that dirt not hit their
9 houses or be on their property any longer. Thank you.

10
11 **CHAIR BARNES** – Thank you Mr. Brugueras.

12
13 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – Michael Day.

14
15 **SPEAKER MICHAEL DAY** – Good evening. Commission, I would like to thank
16 you for the opportunity to speak this evening. Excuse me, my name is Michael
17 Day. I'm with LIUNA, the Laborer's International Union of North America Local
18 1184 Riverside Imperial County. We represent over 4000 members in the
19 Riverside Imperial County, and we're here in full support of the project. We've
20 had the pleasure, the honor of entering into a partnership, a true partnership, with
21 Prologis, and one that will employ hundreds, if not, thousands of construction
22 workers that will work on this project and many others in the area, including
23 across the street. As part of that partnership, Prologis has entered into
24 agreements that in turn will lead to relationships with contractors and
25 subcontractors and EPC contractors that will provide livable wages, local hire
26 provisions for local residents that are true stakeholders in these types of projects.
27 They provide health insurance benefits and pension retirements. These things
28 that are crucial to provide for them and their families and to retire with dignity.
29 So, that being said, there is an apprenticeship program, Safe Work
30 Environments. I can go on and on about the partnership we've entered into with
31 Prologis on not only this project but many projects. So, with that being said, I can
32 only urge the Commission to approve the project. It's a good project. It's going
33 to put probably thousands of people to work. You've heard some of the statistics
34 but, what's more important, is that you realize that these projects are temporary
35 part-time, temporary full-time constructions jobs, so the members will finish
36 across the street and move onto to the next project and then the next project.
37 So, at the end of that period of time, they hope to have pensions and retirements
38 and things that are provided to them through their relationships with these
39 developers. So, with that being said, I'm here to answer any questions, and I
40 would like to encourage the Commission to approve this project. Thank you very
41 much.

42
43 **CHAIR BARNES** – Thank you.
44

1 **COMMISSIONER LOWELL** – I have a question for you. Your group proposed
2 objections and questions to the EIR. What were your original questions and
3 objections, and then why did you recant them?
4

5 **SPEAKER MICHAEL DAY** – Well, as we entered into some of those
6 discussions, we have members that are stakeholders here in the community, so
7 they have environmental concerns and true investment interests in those
8 projects. So we look to partner and to move to make sure that the environmental
9 interest of our membership is part of that relationship and that, again, resolve
10 with Collective Bartering Agreements once we do work through this process with
11 the developers.
12

13 **COMMISSIONER LOWELL** – So what were your original objections?
14

15 **SPEAKER MICHAEL DAY** – You.....I'm not.....original objections.....I'd have to
16 refer to legal to council on that. I wasn't prepared to speak to that tonight, but I
17 couldn't answer those questions for you this evening.
18

19 **COMMISSIONER LOWELL** – Okay, my concern was that you guys had
20 legitimate concerns and questions on the EIR.....
21

22 **SPEAKER MICHAEL DAY** – Well as far as the.....I'm sorry.
23

24 **COMMISSIONER LOWELL** – Then, you just announced up there in your three
25 minutes that your Teamsters Union came into some sort of agreement with
26 Prologis. Did you guys get work from them and then you recanted your
27 objections to the Environmental Impact Report? It seems kind of you cried wolf
28 saying, oh look at the environment, oh but we got work and jobs out of it, so we
29 don't care about the environment any longer.
30

31 **SPEAKER MICHAEL DAY** – That's a very good question. As part of any
32 settlement in any environmental settlement, some of those concerns are
33 mitigated and concerns are brought to light. I think some of that has been done
34 through the process, through some of the changes in the EIR and some of the
35 stuff I heard this evening. So, if some of things are addressing concerns and if
36 we can enter into some partnerships with the developers, then that's common
37 goals on behalf of the key stakeholders and our members that live in this
38 community. So, to speak more to that, I mean I have no problem getting back to
39 you and speaking to you directly about that if you can.....I'm here.....I can leave
40 my card and my number here with you but, anything I can do to answer that
41 question, I will do for you.
42

43 **COMMISSIONER LOWELL** – Alright, thank you.
44

45 **CHAIR BARNES** – Thank you.
46

1 **SPEAKER MICHAEL DAY** – Thank you.

2
3 **CHAIR BARNES** – Next speaker.

4
5 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – Kathleen Dale.

6
7 **SPEAKER KATHLEEN DALE** – Good evening Commissioners, Kathleen Dale,
8 a lifelong Moreno Valley resident and retired planner and environmental
9 consultant. You should have two packages of written comments from me. One
10 is 8 pages and one is 16 pages. A lot of that is attachments that are excerpts
11 from the EIR documents or the Specific Plan. I think it's a shame really that the
12 Specific Plan has not really achieved what it envisioned as providing a mix of
13 uses and particularly providing less intense non-trucking intensive uses at the
14 interface with the residential areas, so there you have it. We have a monoculture
15 of warehouses instead. So, even though the project that's before you is in fact
16 permitted under the Specific Plan, there are several issues with the record before
17 you that need to be corrected before you can take any affirmative action. One of
18 the major impediments is that the Specific Plan is now inconsistent with the
19 Municipal Code, and the Specific Plan Amendment that is being requested is
20 inconsistent with the Municipal Code, and you cannot make the required findings
21 of Municipal Code consistency for the Specific Plan Amendment, the Building 1
22 Plot Plan, or the Parcel Map that creates the lots for Parcel or for Building 1 and
23 Building 2. Stepping ahead and putting aside the Municipal Code Section and
24 just looking at the proposed project, there are a lot of issues with the layout for
25 Building 1 that, with some minor modifications, it could be made much more
26 compatible with the adjacent neighborhood and also meet several requirements
27 of the Specific Plan and the Municipal Code that are not met under the current
28 design, and those include complying with the Specific Plan setback on Indian,
29 which it's unclear if it's 250 feet or 300 feet, and that's based on the record that's
30 before you. Also, to restrict truck access so that all the truck access for Building
31 1 comes in on Cosmos, which is similar to what the P&G building does, and then
32 also to do a design similar to the P&G building. And, if you drive around that
33 building and look, all of their onsite truck movement is confined within their 14-
34 foot high-screening walls, which contrary to what Rafael said, do not screen the
35 trucks. I drove down Indian. You can see the trucks sticking over the top of the
36 wall that are in the parking spaces, and I could hear through my closed car
37 windows with the air conditioning on the backup alarms from the trucks that were
38 in that dock area. So there are still compatibility issues at that interface. I
39 wanted to try.....I don't see the clock going, so what are we doing here?

40
41 **CHAIR BARNES** – Sorry. We're having electronic issues this evening.

42
43 **SPEAKER KATHLEEN DALE** – I'm not going to repeat all the things that are in
44 the written comments to you, but there are issues with Municipal Code
45 consistency. There are issues with the site design meeting the Municipal Code
46 and Specific Plan standards. There are 26 items I was able to pull together with

1 my initial review of the EIR with errors, omissions, or required clarifications in the
2 project description; the Mitigation Monitoring Program; the impact analyses for air
3 hazards, land use, noise, traffic, utilities, the alternatives, and the response to
4 comments. I wanted to just address a couple of things that were said in the Staff
5 and Applicant's presentations and in the response to the letter to Abigail Smith.
6 So this issue about whether or not trucks are going use driveway six and come
7 north from Indian, it's just something that's inconsistent in the record and I think,
8 as long as the action that you take and the record that you create from this
9 hearing makes it clear, are they using it? Is it an option to use it or are they not
10 using it? Just make it clear because right now the documentation is inconsistent
11 and, the way its set up sometime in the future when the bridge goes, everything
12 is in place to let trucks start coming into that driveway, except that the Plot Plan
13 Design doesn't accommodate them.

14
15 **CHAIR BARNES** – Thank you Kathy. I think you're well past your three minutes.

16
17 **SPEAKER KATHLEEN DALE** – Okay, well, may I just say please send the
18 project back to Staff and the Applicant to make some modifications and bring it
19 back so that you can approve it. Thank you.

20
21 **CHAIR BARNES** – Thank you. Next speaker.

22
23 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – Tom Jerele, Sr.

24
25 **SPEAKER TOM JERELE, SR.** – Tom Jerele, Sr. speaking on behalf of myself.
26 Chair Barnes, Vice Chair Korzec, Commissioners, Members of the Staff, and the
27 public both here in the chambers and watching at home on MVT3 TV or on the
28 net, I support the project for the following reasons: Number one, it is in the
29 industrial area of the city. It was a long, long, long time ago established. I was
30 on the original General Planning Committee. I'm talking back 1985. Actually, we
31 were still in session until about 1989 when the Planning Commission wrapped up
32 everything and they brought us back for the final stamp of approval, 18-member
33 people. This area of the city was not always designated as Industrial, but the
34 word was Heavy Industrial. It was, they said, if we have it, that's where it should
35 be, so there is a long, long history and going back to the early, early days of the
36 city. It's a logical continuation of the Land Use Plan that has been established.
37 It's already creating good, in this case, union jobs. That's outstanding. That's
38 great. It's good to see organized labor supporting a project. Prologis is a good,
39 established, world-class developer. I mean, you saw their credentials. I have
40 seen them before a couple years ago on some of their other projects, so they are
41 very, very established. They are toughing it out. They have been through some
42 hard times in Moreno Valley during the recession, and they are still here, so they
43 have staying power, so and further financially well healed, and that's a good
44 thing. But, finally, I'm always concerned about the message that our city sends
45 out to any of the business and/or development community, particularly credible
46 people. You know, there's some people that really aren't top flight in the

1 industry, but then there are some that are, and it's important that we send out the
2 welcome mat. It doesn't mean we've got to roll over and say you can have
3 anything you want, but saying you can set standards for quality and good traffic
4 circulation, good environmental standards but, at the same time, entice business
5 development to our city. Thank you.

6
7 **CHAIR BARNES** – Thank you Tom. Any other speakers Erica?

8
9 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – No. Sorry.

10
11 **CHAIR BARNES** – Okay, no problem. Alright, having no other speakers on the
12 list, we will close the Public Hearing and deliberate. Does anybody have any
13 questions or comments?

14
15 **COMMISSIONER BAKER** – I think this is a good project. It's in the right place.
16 We need to move forward with it, I believe.

17
18 **CHAIR BARNES** – Anyone else?

19
20 **COMMISSIONER LOWELL** – I also agree. I think it is a great project. Since
21 there has been a lot of questions and concerns about which directions the trucks
22 are supposed to go, what is the ideal truck route from this site to the freeway?

23
24 **PLANNING OFFICIAL RICK SANDZIMIER** – Eric Lewis will answer that
25 question.

26
27 **CITY TRAFFIC ENGINEER ERIC LEWIS** – The intent is to access Heacock
28 Street via Krameria and ultimately Heacock Street will be pushed southerly to
29 Harley Knox, which will provide direct access to the 215, so this project would
30 either have trucks go north or south on Heacock and take access to the 215 via
31 Cactus or Harley Knox.

32
33 **COMMISSIONER LOWELL** – Does Krameria currently cross the Perris Valley
34 Storm Drain Channel? On the Plot Plan, it doesn't show that it does.

35
36 **CITY TRAFFIC ENGINEER ERIC LEWIS** – No, it does not. It goes around it.

37
38 **COMMISSIONER LOWELL** – So what you said was you would take Krameria to
39 Heacock, but we can't physically get there, so how would we get there?

40
41 **CITY TRAFFIC ENGINEER ERIC LEWIS** – Cosmos. So Krameria and then
42 northerly on Cosmos and then out Krameria again, so it's.....originally it was
43 supposed to be a reverse curb in there, and it was kind of adjusted to a squared
44 off roadway configuration to make the building square, so you can't build.....

45
46 **COMMISSIONER LOWELL** – Gotcha.

1
2 **CITY TRAFFIC ENGINEER ERIC LEWIS** – Curved linear buildings.

3
4 **COMMISSIONER LOWELL** – And then the other question that I was going to
5 ask was, since we have these trucks routes and we have an idling limit, what do
6 we have as far as a mechanism for enforcement? Do we have additional police
7 officers that are going to be going out and make sure that the trucks stay on the
8 truck routes? What happens if they are found off the truck route, and how do we
9 enforce the idling limits?

10
11 **CITY TRAFFIC ENGINEER ERIC LEWIS** – Well I can address the enforcement
12 of the truck routes. The city has created a specific commercial enforcement
13 team. They have a special vehicle outfitted for doing so, and they are heavily
14 involved in this area, especially with the Amazon facility and alike, and so they
15 are out there making their presence known writing citations so.

16
17 **COMMISSIONER LOWELL** – I like hearing that. How about the idling? Is that
18 same enforcement team going to be involved in the idling process or the idling
19 limits?

20
21 **PLANNING OFFICIAL RICK SANDZIMIER** – The idling is a requirement of the
22 operator to keep a log of the trucks that come onto the site, and they are
23 basically keeping a log of that activity, so we would have an opportunity to look at
24 the log with regard to how the trucks are running. It can be a challenge with
25 regard to being onsite on a continuous basis. That will not be the case. If there
26 is a condition that our code enforcement officers are asked to investigate that
27 would be one way to go out and also checks and balances, but it is not.....I just
28 don't want to portray it to be an easy thing that it easy to monitor, but it's a
29 requirement of the project.

30
31 **COMMISSIONER LOWELL** – Thank you.

32
33 **CHAIR BARNES** – Anybody else?

34
35 **COMMISSIONER LOWELL** – Negative.

36
37 **CHAIR BARNES** – Well, hearing no comments, I think it's motion time.

38
39 **PLANNING OFFICIAL RICK SANDZIMIER** – Mr. Chairman, you had asked a
40 minute ago about the Conditions for the Map. Julia was going to go back and
41 print some hard copies. We have noticed in our packet that are some pages that
42 are missing, but the Conditions from our Land Development Group that are
43 specific to the Map, if you turn to page 1438 and 1475, in particular if you have
44 1475. I didn't have that in my packet here, so I apologize but, on 1438, which I
45 think everybody will have, you will notice that the TPM 361.....I got to put my
46 glasses on.....36150, which refer to buildings one and two....

1
2 **CHAIR BARNES** – Right.

3
4 **PLANNING OFFICIAL RICK SANDZIMIER** – Those are Conditions that are
5 specific to that Map. There are also similar Conditions for buildings three and
6 four. I have asked Julia to make the Conditions for the full consideration of the
7 Commission. If you did not have those, I apologize.

8
9 **CHAIR BARNES** – Can we take a recess and read these before we vote or?

10
11 **PLANNING OFFICIAL RICK SANDZIMIER** – It's your prerogative, but I think
12 you're going to find that those conditions are what you've already seen here but
13 also your action this evening is a recommendation for the project to go forward to
14 the City Council. So, ultimately when it goes to the City Council, all that stuff will
15 be in it for the final action.

16
17 **CHAIR BARNES** – Seriously I guess I will leave that up to my fellow
18 Commissioners. So do we have an issue with having not reviewed the
19 Conditions? Okay, the suggestion is that we take a brief recess, and we go
20 through the Conditions just so that we can say we've seen them and.....

21
22 **PLANNING OFFICIAL RICK SANDZIMIER** – That's fine by me. One other
23 thing, Chris and I were just talking. I don't recall during the Public Comments if
24 you did allow the Applicant to rebut any of the input from the community. I think
25 they had made that specific request. I couldn't tell you before you closed the
26 hearing, so.....

27
28 **CHAIR BARNES** – You're right. I did not.

29
30 **PLANNING OFFICIAL RICK SANDZIMIER** – You may want to consider that. I
31 can talk to the City Attorney about how that might be handled and, if we can talk
32 to the Applicant if they don't have an interest, then maybe we don't have to
33 address that, but I just wanted to....

34
35 **CHAIR BARNES** – You're right. My apologies to the Applicant. I was quick on
36 the trigger. Recommendation?

37
38 **CITY ATTORNEY MARTIN KOCZANOWICZ** – There is no issue. You can allow
39 the Applicant to address any comments that they wish to do?

40
41 **CHAIR BARNES** – Alright, just bring them forward?

42
43 **CITY ATTORNEY MARTIN KOCZANOWICZ** – Certainly.

44
45 **CHAIR BARNES** – Alright. Would you like to make further comment?
46

1 **SPEAKER SCOTT MULKAY** – Before I introduce Hans, I would like to say one
2 thing since there have been a few comments about the Indian Street Bridge. We
3 as the project applicant, we are not a proponent of the bridge. We are not
4 looking for the bridge to be built to serve this building. We have intended to
5 construct the building so that it is served via the truck routes that were
6 designated there on Krameria, Cosmos, and over to Heacock. So, with that, I
7 would like to turn it over the Hans.

8
9 **SPEAKER HANS VAN LIGTEN** – Hi, I’m Hans. My name is Hans Van Ligten.
10 I’m a partner with the law firm of Rutan & Tucker, and I’m Land Use and CEQA
11 Council for the project applicant. And let me echo briefly the comments made by
12 everyone else on our team. We appreciate all the hard work staff has done to
13 bring it to this point. It has been a long haul but been worth the effort. I’m going
14 to briefly address the comments relating to the State Planning and Zoning Law
15 and your Municipal Code, and we don’t think it’s an obstacle to the
16 recommendation this evening as portrayed for the very simple reason that you
17 are being asked to make the recommendation on an amendment to the Specific
18 Plan, which is a legislative action. As it was originally adopted, it was a
19 legislative action, and the City Council is ultimately the body that makes
20 decisions about whether to approve or disapprove legislative actions. Contrary
21 to what Ms. Dale said, there is no requirement that a Specific Plan be consistent
22 with the Zoning Ordinance. To the contrary, State Law makes it clear that the
23 Specific Plan need to consistent with the General Plan, which your Staff has
24 made detailed findings and what is, and the amendment will not be consistent
25 with the General plan and, in fact, will further many of the goals in the General
26 Plan. So...and I would specifically, just for purposes of the records, direct
27 anyone who wishes to look to Government Code Section 65453, Subdivision A,
28 which states that the Specific Plan may be amended from time to time at the
29 discretion of the City Council. That’s because it is a legislative action, and State
30 Law specifically authorizes the very action we’re contemplating now, and we
31 appreciate the consideration and, once again, I ask for a positive
32 recommendation to the City Council at the conclusion of your deliberations. If
33 you have any questions, feel free to ask.

34
35 **CHAIR BARNES** – Thank you very much and, again, my apologies for the
36 oversight.

37
38 **SPEAKER HANS VAN LIGTEN** – No problem. Thank you.

39
40 **CHAIR BARNES** – I’m a rookie. Thank you. Now, back to some time to go
41 through the Conditions. Can we take a.....

42
43 **PLANNING OFFICIAL RICK SANDZIMIER** – I would definitely recommend that
44 you take the time to look through the Conditions of Approval to make yourself
45 comfortable with that. We’ve also made copies of that same document that’s in
46 front of you available for the public if they’d like to look through it. Some of the

1 Conditions that are already reflected in that document are going to be reflected in
2 the Plot Plan Resolution, so some of it is duplicate, and we want to make sure
3 that you're comfortable, so please take the time.

4
5 **CHAIR BARNES** – Alright then let's take a 10 minute recess to review the
6 conditions. We'll adjourn or reconvene rather at 9:05. Thank you.

7
8
9 **MEETING RECESS**

10
11
12 **CHAIR BARNES** – At this time, we would like to reconvene the meeting please.
13 Alright, having taken some time to review the Conditions, do the Commissioners
14 have any questions of Staff?

15
16 **COMMISSIONER SIMS** – Is this an additional, this brown color?

17
18 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Yes.

19
20 **COMMISSIONER SIMS** – Okay.

21
22 **CHAIR BARNES** – Yes. That's a good.....so when we get to the point that
23 we're making a motion, we'll clarify which this gets attached to.

24
25 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – That would be on building one
26 and two.

27
28 **CHAIR BARNES** – Building one and two?

29
30 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Yes.

31
32 **CHAIR BARNES** – Alright, thank you Julia. Alright, does anyone have anything
33 on the additional information we received?

34
35 **COMMISSIONER LOWELL** – No, but I would like to make a little comment on it.
36 I don't have like a question.

37
38 **CHAIR BARNES** – Then I have a question after you're done. Go ahead.

39
40 **COMMISSIONER LOWELL** – In my tenure working with WQMP's, it is always
41 difficult to try to nail down which specific criteria we're supposed to be held to
42 because, over the last 10 years, the WQMP criteria's have been changed and
43 modified and updated and, trying to figure out when and where and how we've
44 been grandfathered, I would like to actually commend Staff on page 22, Land
45 Development Condition #93, it actually explicitly states that this project has to
46 conform to a specific WQMP date to 2006 criteria. That is something that is very

1 rare in Conditions where you get to know exactly what WQMP you're supposed
2 to be held to, so it was just a point that I would like to thank you guys for putting
3 that in explicitly because it's always a sticking point and a big bump that you
4 have to deal with so thank you guys.

5
6 **CHAIR BARNES** – Okay, I have a question on the TE.....Condition TE10 from
7 Case 04, and it has to do with payment of fees to the City of Perris. I have a
8 lousy memory, but I remember.....I think I remember previous cases where there
9 was discussion of improvements outside the city limits being out of our control. I
10 don't recall seeing conditions requiring payments to adjacent cities. Is that
11 something that's newly negotiated or has that been in place a long time, and
12 we've just not run across it?

13
14 **CITY TRAFFIC ENGINEER ERIC LEWIS** – It's been a common theme for
15 projects that border adjacent jurisdictions, whether it have impacts in those
16 jurisdictions.

17
18 **CHAIR BARNES** – Okay, okay. Is that a formal agreement between adjacent
19 cities or.....

20
21 **CITY TRAFFIC ENGINEER ERIC LEWIS** – It's.....

22
23 **CHAIR BARNES** – Do you just do it to benefit.....

24
25 **CITY TRAFFIC ENGINEER ERIC LEWIS** – It's to satisfy the CEQA requirements
26 to mitigate all impacts for the project.

27
28 **CHAIR BARNES** – Okay regardless of city jurisdiction, alliance, etc.?

29
30 **CITY TRAFFIC ENGINEER ERIC LEWIS** – Correct.

31
32 **CHAIR BARNES** – Oh, okay, alright. Thank you, and then the other question I
33 had was I see in the Conditions that the project is required to do a
34 CLOMR/LOMR. Is the channel fully improved?

35
36 **TRAFFIC ENGINEER MICHAEL LLOYD** – Yes it is. This is Michael Lloyd with
37 Land Development Division. Yes, the channel is in place per the Master Plan.

38
39 **CHAIR BARNES** – Then why would the property still be in a flood zone?
40 Wouldn't the channel take it out?

41
42 **TRAFFIC ENGINEER MICHAEL LLOYD** – Excellent question, and I don't have
43 the answer. My guess is this is a cleanup action to take care of the fact that
44 the.....

45
46 **CHAIR BARNES** – Yeah.....

1
2 **TRAFFIC ENGINEER MICHAEL LLOYD** – Storm drain is in place and should be
3 removed.....

4
5 **CHAIR BARNES** – That map was never revised.....

6
7 **TRAFFIC ENGINEER MICHAEL LLOYD** – From the Flood Zone, correct.

8
9 **CHAIR BARNES** – Alright, okay. That’s my questions. Does somebody want to
10 make a motion? Oh, before we make a motion, the motion....sorry....it’s a two-
11 parter correct?

12
13 **CITY ATTORNEY MARTIN KOCZANOWICZ** – Two separate Resolutions. Two
14 separate actions.

15
16 **CHAIR BARNES** – Yeah, similar to the previous A and B?

17
18 **CITY ATTORNEY MARTIN KOCZANOWICZ** – Exactly.

19
20 **CHAIR BARNES** – Okay, so whoever makes the motion, if you would just do
21 paragraph A or B, well A first.

22
23 **COMMISSIONER LOWELL** – I’ll make a motion. Let me get my papers in order
24 here. I would like to make a motion that we approve Resolution No. 2017-16.
25 Do I need to add an amendment per this sheet here tonight?

26
27 **CITY ATTORNEY MARTIN KOCZANOWICZ** – I think that’s on the next one. It’s
28 on the Conditions of Approval.

29
30 **PLANNING OFFICIAL RICK SANDZIMIER** – You’re acting on the Resolution for
31 the Environmental Impact Report first.

32
33 **CITY ATTORNEY MARTIN KOCZANOWICZ** – Right and that.....and that’s part
34 of it.

35
36 **COMMISSIONER LOWELL** – Do I need to read the Certify and Adopt or can I
37 just stop at the Resolution Number?

38
39 **CITY ATTORNEY MARTIN KOCZANOWICZ** – You can just state the Resolution
40 Number, and that’s a sufficient motion unless there is an amendment to it, which
41 would be included.

42
43 **PLANNING OFFICIAL RICK SANDZIMIER** – I’m asking the Staff. On that
44 revised Condition that we’re putting on the project, which I just want to know
45 Resolution we’re going to add that one to?
46

1 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – That would be added to
2 Resolution No. 2017-19.

3
4 **PLANNING OFFICIAL RICK SANDZIMIER** – Okay, so we don't have to add that
5 to this one yet?

6
7 **CITY ATTORNEY MARTIN KOCZANOWICZ** – No. It's on the next one.

8
9 **COMMISSIONER LOWELL** – Okay, so my motion was to approve Resolution
10 No. 2017-16. Do we have a second?

11
12 **CHAIR BARNES** – As presented.

13
14 **COMMISSIONER LOWELL** – As presented.

15
16 **CHAIR BARNES** – Second?

17
18 **COMMISSIONER BAKER** – I'll second that.

19
20 **CHAIR BARNES** – Motion by Commissioner Lowell. Second by Commissioner
21 Baker. Can we have a roll call?

22
23
24 **VICE CHAIR KORZEC** – Yes.

25
26 **COMMISSIONER BAKER** – Yes.

27
28 **COMMISSIONER SIMS** – Yes.

29
30 **COMMISSIONER LOWELL** – Yes ma'am.

31
32 **CHAIR BARNES** – Yes.

33
34 **CHAIR BARNES** – The motion passes 5-0.

35
36

37
38 Opposed – 0

39
40

41 **Motion carries 5 – 0**

42
43
44

Minutes Acceptance: Minutes of Jul 20, 2017 7:00 PM (APPROVAL OF MINUTES)

1 **COMMISSIONER LOWELL** – I would also like to make a motion to approve
2 Resolution No. 2017-18, 2017-19 as amended tonight by this document and
3 Resolution No. 2017-20. That's it.

4
5 **CHAIR BARNES** – No, the Map Conditions.

6
7 **COMMISSIONER LOWELL** – Isn't that part of it?

8
9 **CHAIR BARNES** – Shall we add the Map Conditions?

10
11 **CITY ATTORNEY MARTIN KOCZANOWICZ** – Just as amended, right.

12
13 **COMMISSIONER LOWELL** – As amended.

14
15 **CHAIR BARNES** – As amended, okay.

16
17 **COMMISSIONER LOWELL** – So let me rephrase that. I would like to motion to
18 approve Resolution No. 2017-18, 2017-19 as amended and 2017-20 as
19 amended tonight.

20
21 **CHAIR BARNES** – Sufficient? Alright.

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

24
25 **CHAIR BARNES** – Second from Commissioner Baker. Roll call vote please.

26
27
28 **VICE CHAIR KORZEC** – Yes.

29
30 **COMMISSIONER BAKER** – Yes.

31
32 **COMMISSIONER SIMS** – Yes.

33
34 **COMMISSIONER LOWELL** – Yes.

35
36 **CHAIR BARNES** – Yes.

37
38 **CHAIR BARNES** – The motion carries 5-0. Thank you very much. Do we have
39 a Staff wrap-up?

40
41
42
43 Opposed – 0

44
45

1 **Motion carries 5 – 0**

2
3
4 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes, the actions you’ve taken this
5 evening are recommendations on the project that will be carried forward to the
6 City Council. We do not yet have a date set for the City Council but, when we
7 agendize that, we will let you know, and there will be Public Notices put out that’s
8 required as a Public Hearing before the City Council. It is an action of the
9 Planning Commission, and our Code does say that, “Any action of the Planning
10 Commission can be appealed to the City Council.” So a little interpretation of our
11 Code, if somebody wanted to object, they could file an appeal and still be taken
12 forward to City Council, so we get to the same spot.

13
14
15 **OTHER COMMISSION BUSINESS**

16
17
18 **PLANNING COMMISSIONER COMMENTS**

19
20 **CHAIR BARNES** – Thank you Rick. Any other closing comments?

21
22 **COMMISSIONER LOWELL** – I have some.

23
24 **CHAIR BARNES** – Commissioner Lowell.

25
26 **COMMISSIONER LOWELL** – Earlier in the week, or actually last week,
27 Chairman Barnes, myself, Commissioner Baker, and Mr. Rick Sandzimier went
28 to a Planning Commission Meeting, a training seminar. Planning Commissioners
29 got this nice little handout called the *Planning Commissioner Toolkit*. We also
30 got this book called *Planning Healthy Communities*, and what was presented in
31 front of us and in front of about another hundred Planning Commissioners from
32 all across the state was quite informative telling us different ways of using
33 creative designs, creative concepts, unique solutions to Planning and Urban
34 Developments. As a result of it, I am trying to figure out if there if there is any
35 way that one of our Planning Commissioners could be involved in the early
36 planning of a project because some of our insights might help a developer
37 redesign a project or give a better idea of how the city will....how the residents
38 will receive a project.

39
40 **PLANNING OFFICIAL RICK SANDZIMIER** – I can look into that. My initial
41 reaction this evening is to tread cautiously on that because you don’t want to put
42 yourself in a position where you might conflict yourself out on the project, but I
43 can look into it and have an answer for you by the next meeting.....

44
45 **COMMISSIONER LOWELL** – Sure.

1 **PLANNING OFFICIAL RICK SANDZIMIER** – If there's a way for that to happen,
2 so that would be my initial reaction. With regard to the books that you just
3 referenced, I do have the two extra copies for the two Commissioners that were
4 not able to attend, and I will give those to you before we leave tonight.

5
6 **VICE CHAIR KORZEC** – They sent it to us in the mail. We got them.

7
8 **PLANNING OFFICIAL RICK SANDZIMIER** – Oh, you did, good.

9
10 **COMMISSIONER LOWELL** – That was it. Thank you.

11
12 **CHAIR BARNES** – Anything else? Alright.....

13
14
15 **STAFF COMMENTS**

16
17
18 **PLANNING OFFICIAL RICK SANDZIMIER** – From a Staff point of view, I would
19 like to indicate that the City just had a workshop with the community on crime
20 prevention through environmental design. It was an opportunity, part of our
21 Strategic Plan Initiatives. It's an opportunity to make the community aware of
22 some of the stuff that we do here in the Community Development Department
23 working in concert with the police department. Crime prevention through
24 environmental design is a strategy or a technique used to look at how the plans
25 that are coming before us for the infrastructure of the buildings, the building
26 layout, the parking lot design, landscaping, how they can be designed to actually
27 thwart the possibility for crime.....to reduce the fear of crime. The attendance at
28 the workshop was not a full room, but there were people that have given us
29 positive feedback, and they had suggested that, at some point in the future, this
30 would be a good training for the Planning Commission and maybe even other
31 Commissions in the City. So I just wanted to let you know, if you do hear that
32 from your community members, we will be looking into that the next time we put
33 together a training like that. We do have some books on using crime prevention
34 through environmental design, and I will make those available to you, the
35 Planning Commission, as well. I will be.....just one last announcement. I will be
36 on vacation for the next week. In my absence, should you have any questions or
37 concerns, you can direct your attention to Mr. Ormsby, and I will look forward to
38 seeing you guys next month at the next meeting.

39
40
41 **ADJOURNMENT**

42
43
44 **CHAIR BARNES** – Thank you Rick. Well, with that, I think that concludes the
45 meeting. I want to welcome the....tonight's Applicants to the City of Moreno
46 Valley, and with that, we're adjourned to the next regularly-scheduled meeting,

1 which is August 24, 2017, Jeff's birthday, so everyone wear a colored hat.
2 Alright, thanks very much, and good night. Drive safely.

3
4
5 **NEXT MEETING**

6 *Next Meeting: Planning Commission Regular Meeting, August 24, 2017 at 7:00*
7 *PM, City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street,*
8 *Moreno Valley, CA 92553.*

9
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18
19
20
21 _____
22 Richard J. Sandzimier
23 Planning Official
24 Approved

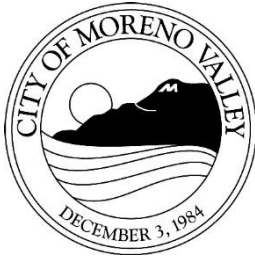
_____ Date

25
26
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30
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33
34
35
36 _____
37 Jeffrey Barnes
38 Chair

_____ Date

DRAFT

Minutes Acceptance: Minutes of Jul 20, 2017 7:00 PM (APPROVAL OF MINUTES)



PLANNING COMMISSION

STAFF REPORT

Meeting Date: August 24, 2017

PEN17-0048 CONDITIONAL USE PERMIT AN APPLICATION TO ALLOW FOR THE SALE OF BEER AND WINE WITHIN AN EXISTING CONVENIENCE STORE LOCATED AT 13373 PERRIS BOULEVARD.

Case: PEN17-0048
Applicant: Martha L. Veloz
Owner: John Lin
Representative: Melvin Evitt
Location: 13373 Perris Boulevard
Case Planner: Sergio Gutierrez
Council District: 1

SUMMARY

The applicant, Melvin Evitt, representing business owner Martha L. Veloz, has submitted a Conditional Use Permit application for the sale of beer and wine within an existing convenience store located within the Hometown Square commercial center at the northwesterly corner of Perris Boulevard and Cottonwood Avenue.

PROJECT DESCRIPTION

Project

The Conditional Use Permit application PEN17-0048 proposes the sale of beer and wine at an existing 2,400 square foot convenience store, Carniceria Las Glorias, within

tenant space D-304 and D-305. The hours of the convenience store are currently 7:00 a.m. to 9:00 p.m. The interior of the facility includes a variety of products including a meat market and the sale of other groceries which makes it somewhat unique. Based on Municipal Code definitions and with consideration of the size of the store, which is less than 5,000 square feet and consideration of the products offered, it was determined that the business most closely fits “convenience store” as opposed to a “retail sales” establishment.

The existing retail use is consistent with the existing Community Commercial zoning district. Based on the City’s Municipal Code, the sale of alcoholic beverages for a convenience store requires a Conditional Use Permit with review and public hearing by the Planning Commission if the proposed use is located 300 feet or less from an existing residential zone or use. As the proposed use is within approximately 200 feet of existing property zoned for single-family residential (R5) to the west, a Conditional Use Permit is required.

Other Considerations

Based on information provided from the Department of Alcoholic Beverage Control (ABC), there is currently an oversaturation of alcohol sales within the Census Tract. Within this Census Tract (Census Tract 425.21), a maximum of two (2) businesses are allowed off-site sale of alcoholic beverages. Currently, four businesses (4) within the census tract are licensed for off-site sales of alcohol. Two (2) of the businesses hold a Type-20 License (Beer and Wine Only), and the remaining two (2) businesses hold a Type-21 License which allows for off-sales of beer, wine and distilled spirits. Three of the four businesses are within 100 to 675 feet of this business. These businesses include the Dollar General store which is across the parking lot to the southwest, Valley Liquor store at the northerly side of the Hometown Square, and, the Circle K store at the southwest corner of Perris Boulevard and Dracaea Avenue, which is immediately north of Hometown Square.

The Moreno Valley Police Department reviewed information from the State of California Alcoholic Beverage Control regarding oversaturation of the area. Their staff concluded that any additional off-site sale of beer and wine within the area might contribute to increased criminal activity within the area. The Moreno Valley Police Department does not support the additional license of alcoholic beverages within the census tract. A representative of the Police Department is expected to attend the Planning Commission meeting, and will be available to provide more information if needed and respond to questions of the Planning Commission.

The applicant, Melvin Evitt, has provided a letter (attached) expressing the applicant’s views regarding the determination of public convenience or necessity for the project. The letter indicates that the business owner would consider restricting the sale of single alcoholic beverages at the business. This condition of approval has not been placed on the project at this time, and enforcement of such a condition would be difficult.

Staff has reviewed the project in detail and considered the applicant's letter and the Police Department's comments. To minimize the potential for concerns during the evening hours, a condition of approval has been placed on the project limiting the sale of alcoholic beverages to the current hours of operation of the store, which are between 7:00 a.m. to 9:00 p.m. Any modification to the hours during which beer and wine are sold would require an amendment to the Conditional Use Permit.

The approval of a Conditional Use Permit provides additional assurance that the special impact or uniqueness of a land use can be addressed through conditions of approval that will run in perpetuity with the land use. With the approval of a Conditional Use Permit, in the event that the manner in which the sale of alcoholic beverages at the site becomes inconsistent with the conditions of approval of the project, the City would have a basis to take appropriate steps up to and including revocation of the Conditional Use Permit.

It is important to note that consideration of this Conditional Use Permit and consideration of the licensing through the Alcohol Beverage Control Board (ABC), while somewhat related, can be separate actions. Staff is recommending approval of the Conditional Use Permit for the project. If this recommendation is supported by the Planning Commission, the applicant will still be required to secure approval from ABC for the Type 20 liquor license before commencing alcohol sales. If this Conditional Use Permit is approved and the ABC license request is denied by the ABC Board, the Conditional Use Permit remains valid for up to thirty-six months, which allows the applicant opportunity to seek an ABC license again at a later time, within that 36 month time period, should the conditions that might currently prevent such licensing change. If the applicant were successful in securing an ABC license but does not secure the Conditional Use Permit they would not be allowed to sell alcohol at this business. Therefore, the Conditional Use Permit is a controlling land use permit.

Site

The site is situated in the southeasterly portion of the existing Hometown Square commercial center. The center includes a variety of commercial uses, including a dental office and other service related businesses on the west, a restaurant on the east, and a Dollar General on the adjacent parcel to the south. The site is located within the Community Commercial (CC) Zone, which is intended to provide for the general shopping needs of area residents and workers with a variety of business, retail, personal and related or similar services.

Surrounding Area

The project site is located near commercial, office and residential uses. Properties to the north, along Dracaea Avenue, include a gas station and a single family residence. Properties to the south of the shopping center, along Cottonwood Avenue, include a single family residence and a vacant parcel zoned for commercial. Properties to the east include vacant land zoned for office commercial and existing single family

residential uses (R5). Properties to the west include existing single family residential uses (R5).

Access/Parking

There are two points of access to the site along Perris Boulevard. The existing site includes parking in the front of the business with additional shared parking to the north, south and west portions of the site.

ENVIRONMENTAL

The project has been reviewed in accordance the California Environmental Quality Act (CEQA) Guidelines and it has been determined that the project will not result in any significant effect on the environment and qualifies for an exemption under the provisions of the CEQA as a Class 1 Categorical Exemption, CEQA Guidelines, Section 15301 (Existing Facilities). The sales of alcoholic beverages at the site would only involve minor modifications to the interior of the tenant space to add refrigerated cases.

NOTIFICATION

In accordance with Section 9.02.200 of the City's Municipal Code, a public hearing notice was sent to all property owners of record within 300' of the project site. In addition, the public hearing notice for the project was also posted on the project site, and published in the Press Enterprise newspaper on August 12, 2017.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2017-30, and thereby:

1. **CERTIFY** that this item is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 1 Categorical Exemption, CEQA Guidelines, Section 15301 for Existing Facilities; and
2. **APPROVE** PEN17-0048 Conditional Use Permit subject to the attached Conditions of Approval included as Exhibit A.

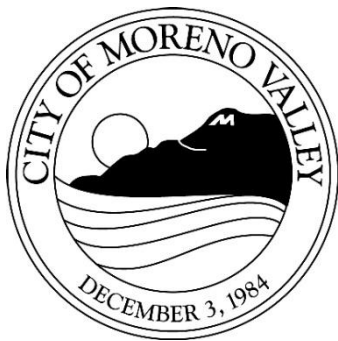
Prepared by:
Sergio Gutierrez
Planning Intern

Approved by:
Allen Brock
Community Development Director

ATTACHMENTS

1. Public Hearing Notice
2. 300 Foot Radius Map
3. Resolution 2017-30

4. Exhibit A to PC Resolution - COA
5. Aerial Photography
6. Zoning Map
7. Site Plan
8. Census Tract 425.21 ABC Saturation Report
9. ABC Census Tract 42521 Licensing Location Map
10. Overview and Project Description Letter



This may affect your property

Notice of PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held by the Planning Commission of the City of Moreno Valley on the following item(s):

Project: PEN17-0048 Conditional Use Permit
 Applicant: Martha L. Veloz
 Owner: John Lin
 Representative: Melvin Evitt
 A.P. No(s): 482-162-047
 Location: 13373 Perris Boulevard
Proposal: The project consists of a Conditional Use Permit (Existing Structure) to allow an existing 2,400 square foot convenience store, Carniceria Las Glorias, to sell alcoholic beverages. The alcohol sales would be limited to the license obtained from the California Department of Alcoholic Beverage Control for beer and wine only (Type-20 Off-Sale Beer and Wine license). There are no proposed exterior modifications to the building.

Council District: District 1

The project will occur within an existing structure and has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA), as a minor alteration to an existing facility, Class 1 Categorical Exemption, CEQA Guidelines, Section 15301 (Existing Facilities).

A public hearing before the Planning Commission has been scheduled for the proposed project. Any person interested in commenting on the proposal and recommended environmental determination may speak at the hearing or provide written testimony at or prior to the hearing. The project application, supporting plans and environmental documents may be inspected at the Community Development Department at 14177 Frederick Street, Moreno Valley, California during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday and 7:30 a.m. to 4:30 p.m., Friday), or you may telephone (951) 413-3206 for further information.

The Planning Commission, at the Hearing or during deliberations, could approve changes or alternatives to the proposal. If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing.



LOCATION N ↑

PLANNING COMMISSION HEARING

City Council Chamber, City Hall
 14177 Frederick Street
 Moreno Valley, Calif. 92553

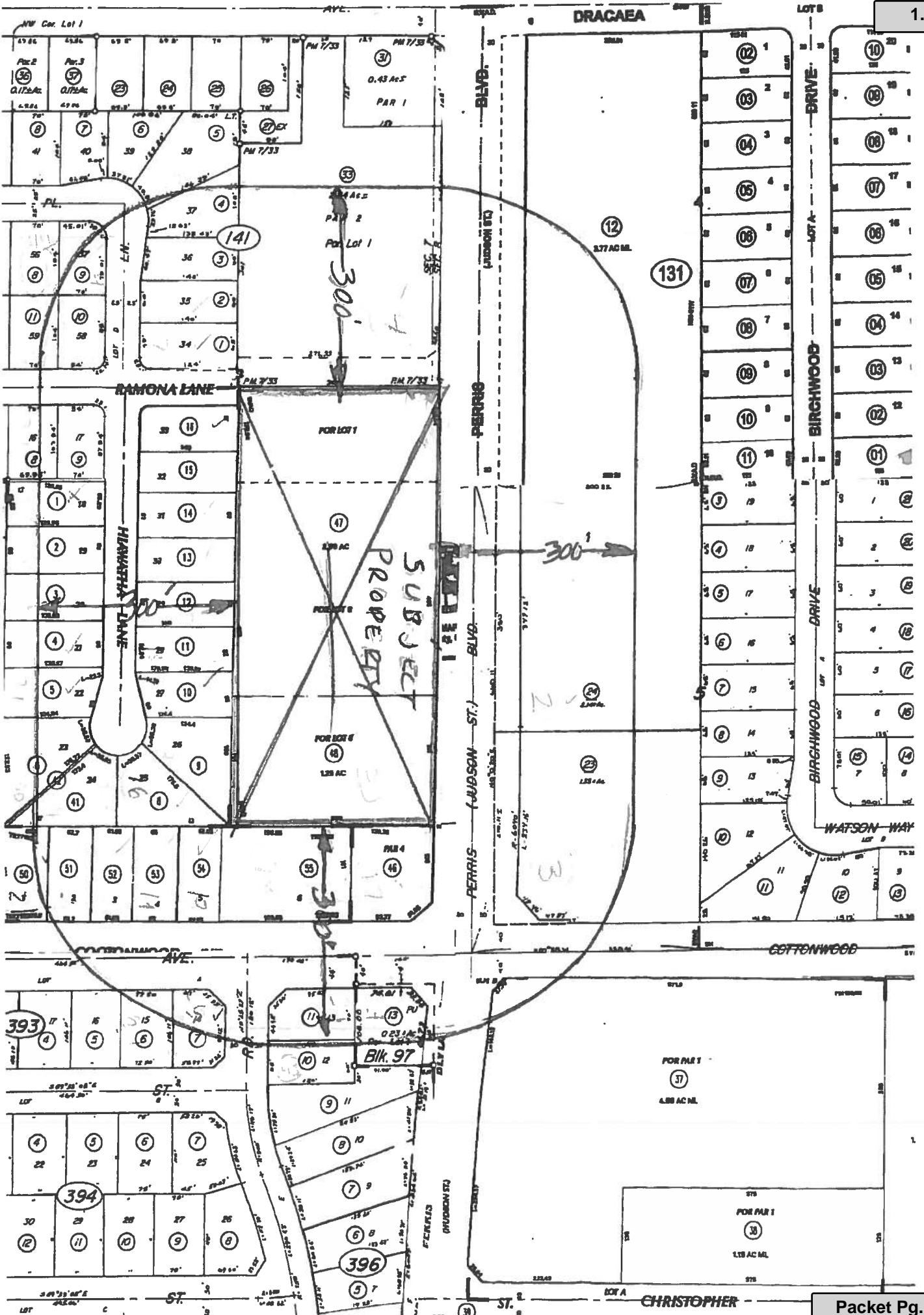
DATE AND TIME: August 24, 2017 at 7:00 p.m

CONTACT PLANNER: Sergio Gutierrez

PHONE: (951) 413-3234

Upon request and in compliance with the Americans with Disabilities Act of 1990, any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Guy Pegan, ADA Coordinator, at 951.413.3120 at least 4 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Attachment: Public Hearing Notice [Revision 2] (2740 : PEN17-0048 Conditional Use Permit)



Attachment: 300 Foot Radius Map (2740 : PEN17-0048 Conditional Use Permit)

RESOLUTION NO. 2017-30

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING PEN17-0048 A CONDITIONAL USE PERMIT TO ALLOW ALCOHOL SALES AT AN EXISTING CONVENIENCE STORE LOCATED AT 13373 PERRIS BOULEVARD SUITE D-304 & 305

WHEREAS, Martha L. Veloz has filed an application for the approval of PEN17-0048 for a Conditional Use Permit as described in the title of this Resolution; and

WHEREAS, the application has been evaluated in accordance with established City of Moreno Valley procedures, and with consideration of the General Plan and other applicable regulations; and

WHEREAS, the project located at 13373 Perris Boulevard is within the Community Commercial Zone, which zone allows for alcohol sales within convenience stores subject to approval of a Conditional Use Permit by the Planning Commission if the proposed use is within 300 feet or less of a residential zone or use; and

WHEREAS, planning staff completed an independent review of the project to ensure consistency with the California Environmental Quality Act (CEQA) and based on a thorough analysis determined that the project will not have a significant effect on the environment. The project qualifies as a Class 1 Categorical Exemption under CEQA Guidelines Section 15301 for existing facilities in that activity will involve only minor interior changes at the business; and

WHEREAS, upon completion of a thorough development review process the project was appropriately agendized and noticed for a public hearing before the Planning Commission on August 24, 2017; and

WHEREAS, the public hearing notice for this project was published in the local newspaper on August 12, 2017. Public notice was sent to all property owners within 300 feet of the project site on August 14, 2017, and the public hearing notice was also posted on the site; and

WHEREAS, on August 24, 2017, the Planning Commission held a public hearing to consider the application; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, it is hereby found, determined and resolved by the Planning Commission of the City of Moreno Valley as follows:

- A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.
- B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on August 24, 2017 including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

- 1. **Conformance with General Plan Policies** – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The project proposes the sale of beer and wine in an existing convenience store within an existing commercial shopping center. The General Plan land use designation for the site is Commercial.

The project is consistent with General Plan policies and objectives. Chapter 9 General Plan Objective 2.4 states the City shall provide commercial areas within the City that are conveniently located, efficient, attractive, and have safe and easy pedestrian and vehicular circulation in order to serve the needs of the residents. The proposed project within the existing shopping center meets Objective 2.4 along with General Plan Policy 2.4.1 that states areas designated Commercial provide property for business purposes including but not limited to retail stores, restaurants, banks, hotels, professional offices and personal services with zoning regulations to identify particular uses permitted.

- 2. **Conformance with Zoning Regulations** – The proposed uses complies with all applicable zoning and other regulations.

FACT: The Community Commercial (CC) zone allows for convenience stores to sell alcohol with the approval of a Conditional Use Permit if the use is within 300 feet from a residential zone or use. The existing convenience store is located approximately 200 feet from existing Single Family Residential uses (R5) on the west of the project site.

The primary purpose of the Community Commercial (CC) district is to provide for the general shopping needs of area residents and workers with a variety of business, retail, personal and related or similar services. These centers must be compatible with the surrounding residential communities. The impacts associated with the operation of a convenience store are expected to be similar to the impacts associated with other permitted uses that could occupy the same tenant space. The sale of beer and wine is a business activity regulated through Alcohol Beverage Control Board (ABC) licensing, and a proper ABC license must be secured in addition to this conditional use permit prior to commencing alcohol sales at this site. Furthermore, the proposed use will not result in expansion of the existing building. As conditioned, the proposed use will comply with all applicable Municipal Code provisions.

3. **Health, Safety and Welfare** – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: The proposed land use for which this Conditional Use Permit will authorize - alcohol sales within an existing convenience store - is a business activity regulated through Alcohol Beverage Control Board licensing, and a proper ABC license must be secured in addition to this conditional use permit prior to commencing alcohol sales at this site. Therefore, though proper vetting by both the City and ABC, the intended use is not expected to be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity. The project is exempt from the requirements of the California Environmental quality Act (CEQA) Guidelines as provided for in Section 15301 (Existing Facilities).

Location, Design and Operation – The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

FACT: The existing convenience store with or without alcohol sales is compatible with the existing and planned land uses in the vicinity. The Conditional Use Permit for the use allows for review and potential revocation in the event operations are subsequently found in conflict with the approved conditions of approval and/or causing a public nuisance. The ABC license is also subject to review and potential revocation.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PEN17-0048 incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it

revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2017-30 and thereby:

1. **CERTIFIES** that this item is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 1 Categorical Exemption, CEQA Guidelines, Section 15301 for Existing Facilities; and
2. **APPROVES** PEN17-0048 Conditional Use Permit subject to the attached Conditions of Approval included as Exhibit A.

APPROVED this 24th day of August, 2017.

Jeffrey Barnes
Chair, Planning Commission

ATTEST:

Richard J. Sandzimier, Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

City Attorney

Attached: Conditions of Approval

EXHIBIT A

**CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 CONDITIONAL USE PERMIT PEN17-0048 TO ALLOW BEER AND WINE SALES
 (TYPE-20 LICENSE) WITHIN AN EXISTING CONVENIENCE STORE LOCATED AT
 13373 PERRIS BOULEVARD
 APN: 482-152-047**

**APPROVAL DATE:
 EXPIRATION DATE:**

COMMUNITY DEVELOPMENT DEPARTMENT**Planning Division****GENERAL CONDITIONS**

- P1. The approval is for a Conditional Use Permit to sell beer and wine only (Type-20 ABC License) within an existing convenience store establishment for off-premises consumption only. No on-site consumption is allowed. A change or modification shall require separate approval. For a Conditional Use Permit, violation may result in revocation in the case of a Conditional Use Permit.
- P2. In the event the use hereby permitted ceases operation for a period of one (1) year or more, or as defined in the current Municipal Code, this permit may be revoked in accordance with provisions of the Municipal Code. (MC 9.02.260)
- P3. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.
- P3. Signage is not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Municipal Code or approved sign program, if applicable, and shall require separate application and approval by the Community Development Department - Planning Division. (MC 9.12.020)
- P4. Any expansion to this use or exterior alterations will require the submittal of a separate application(s) as provided in the City of Moreno Valley's Municipal Code. (MC 9.14.020)
- P5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris by the developer or developer's successor-in-interest. (MC 9.02.030)
- P6. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code

**CONDITIONS OF APPROVAL
 CONDITIONAL USE PERMIT (PEN17-0048)
 PAGE 2**

regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City Planning Official. (MC 9.14.020)

- P7. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)

Specific Conditions

- P9. The sale of beer and wine shall be limited to 7 a.m. to 9 p.m. seven days per week.
- P10. An outdoor trash receptacle shall be provided on site.
- P11. Any convenience/retail store selling alcoholic beverages shall post the premises with signs prohibiting the consumption of alcoholic beverages on-site.
- P12. The owner or owner's representative shall establish and maintain a relationship with the City of Moreno Valley and cooperate with the Problem Oriented Policing (POP) program, or its successors.
- P13. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards of a minimum of one (1) foot candle and a maximum of eight (8) foot candle.

POLICE DEPARTMENT

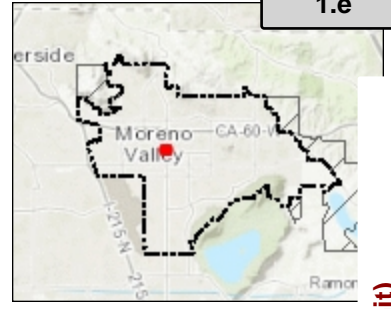
Standard Conditions

- PD1. Addresses shall be in plain view, visible from the street and visible at night.
- PD2. All exterior doors in the rear and the front of the buildings shall display an address or suite number.
- PD3. All exterior doors shall have a vandal resistant light fixture installed above the door. The doors shall be illuminated with a minimum one foot candle illumination at ground level, evenly dispersed.

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT (PEN17-0048)
PAGE 3**

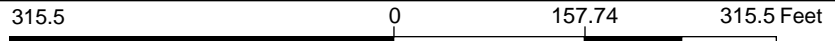
- PD4. The exterior of the building should have high-pressure sodium lights and/or metal halide lights installed and strategically placed throughout the exterior of the building. The parking lots should have adequate lighting to insure a safe environment for customers and or employees.
- PD5. Landscape groundcover should not exceed over 3 feet in height from in the parking lot.
- PD6. Bushes that are near the exterior of the building should not exceed 4 feet in height and should not be planted directly in front of the buildings or walkways.
- PD7. Cash registers shall be placed near the front entrance of the store.
- PD8. Window coverings shall comply with the City ordinance.
- PD9. No loitering signs shall be posted in plain view throughout the building.
- PD10. A monument address is to be located in front of the main entrance.
- PD11. Security cameras shall be provided inside the businesses and several cameras outside.
- PD12. Alcoholic Beverage Control Board of the State of California approval(s) will be required for alcohol licenses in the area. No alcoholic beverage sales can commence until a Type-20 alcohol license is secured. The license must remain valid at all times.
- PD13. The Police Chief may require a recordable security camera system with coverage inside the business and parking lot to address any issues that may arise from the use.

Aerial Photography PEN17-0048



Legend

- Master Plan of Trails**
- Bridge
 - Improved
 - Multiuse
 - Proposed
 - Regional
 - State
- Road Labels**
- Parcels
 - City Boundary
 - Sphere of Influence

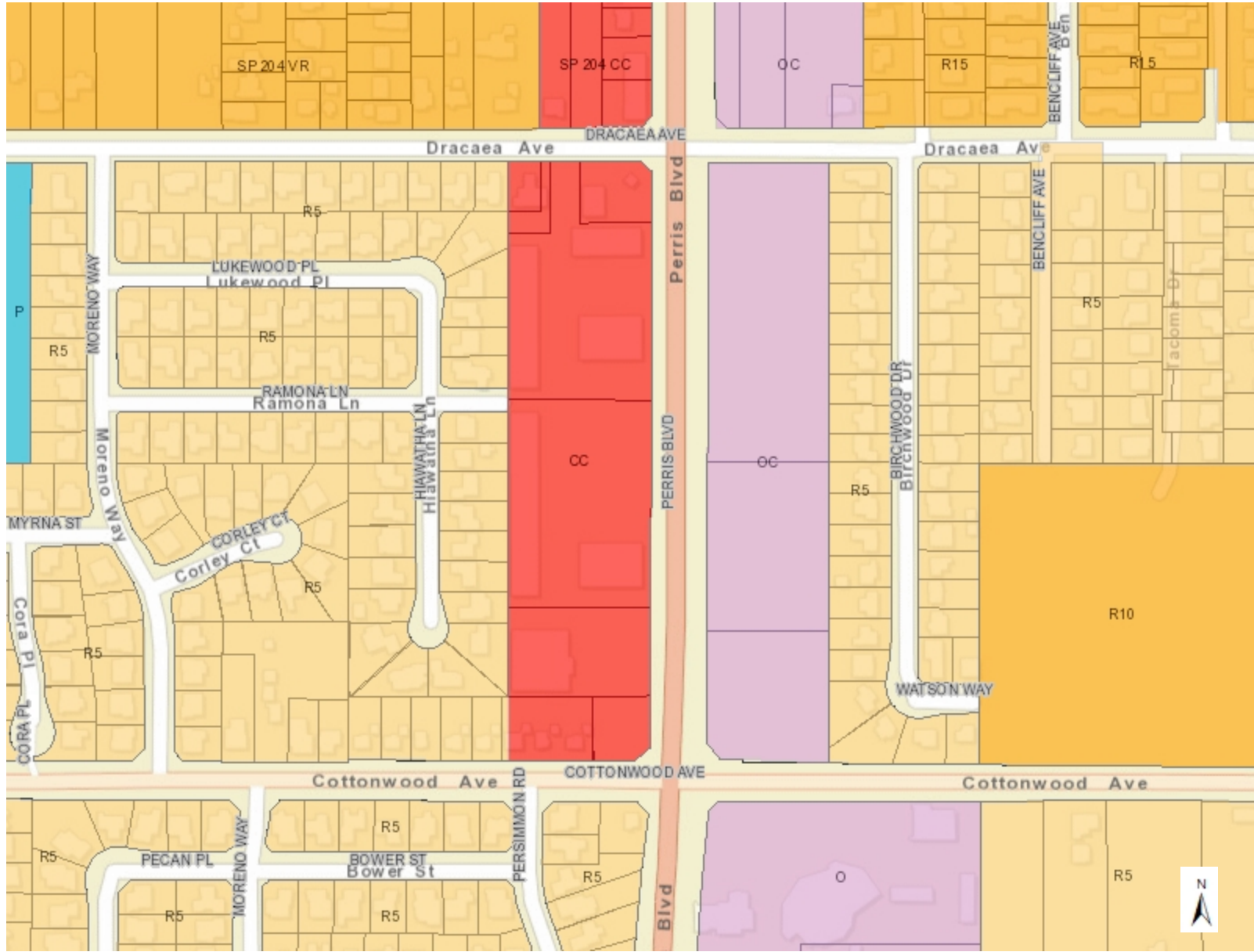
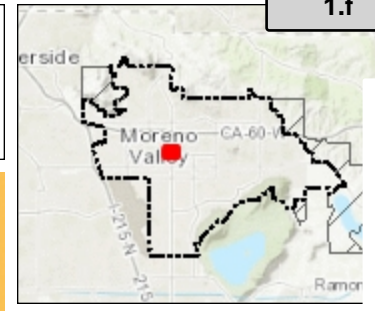


DISCLAIMER: The information shown on this map was compiled from the City of Moreno Valley GIS and Riverside County GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.

Notes

Attachment: Aerial Photography (2740 : PEN17-0048 Conditional Use Permit)

Zone: Community Commercial (CC)



Legend

Zoning

- Commercial
- Industrial/Business Park
- Public Facilities
- Office
- Planned Development
- Large Lot Residential
- Residential Agriculture 2 DU/AC
- Residential 2 DU/AC
- Suburban Residential
- Multi-family
- Open Space/Park

Master Plan of Trails

- Bridge
- Improved
- Multiuse
- Proposed
- Regional
- State

Road Labels

- Parcels
- City Boundary
- Sphere of Influence

Notes

631.0 0 315.48 631.0 Feet

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Attachment: Zoning Map (2740 : PEN17-0048 Conditional Use Permit)

Application For Conditional Use Permit For ABC Liquor License Type 20 Off Sale Beer & Wine

CARNICERIA LAS GLORIAS
13373 PERRIS BLVD.
STE D-304
MORENO VALLEY,
CA. 92553
(651) 242-8161

APPLICANT:

MARTHA L. VELOZ
1917 W. ADMIRALITY ST.
COLTON, CA. 92324
(909) 756-3992

PROPERTY OWNER

FORMOSA RENTALS LLC
13373 PERRIS BLVD.
STE. C-203
MORENO VALLEY,
CA. 92553
(951) 485-7388

CONSULTANT:

DICK EVITT
ALL STAR REALTY
5905 WINNCLIFF DRIVE
RIVERSIDE, CA. 92509
(909) 821-6426
dickevitt@earthlink.net

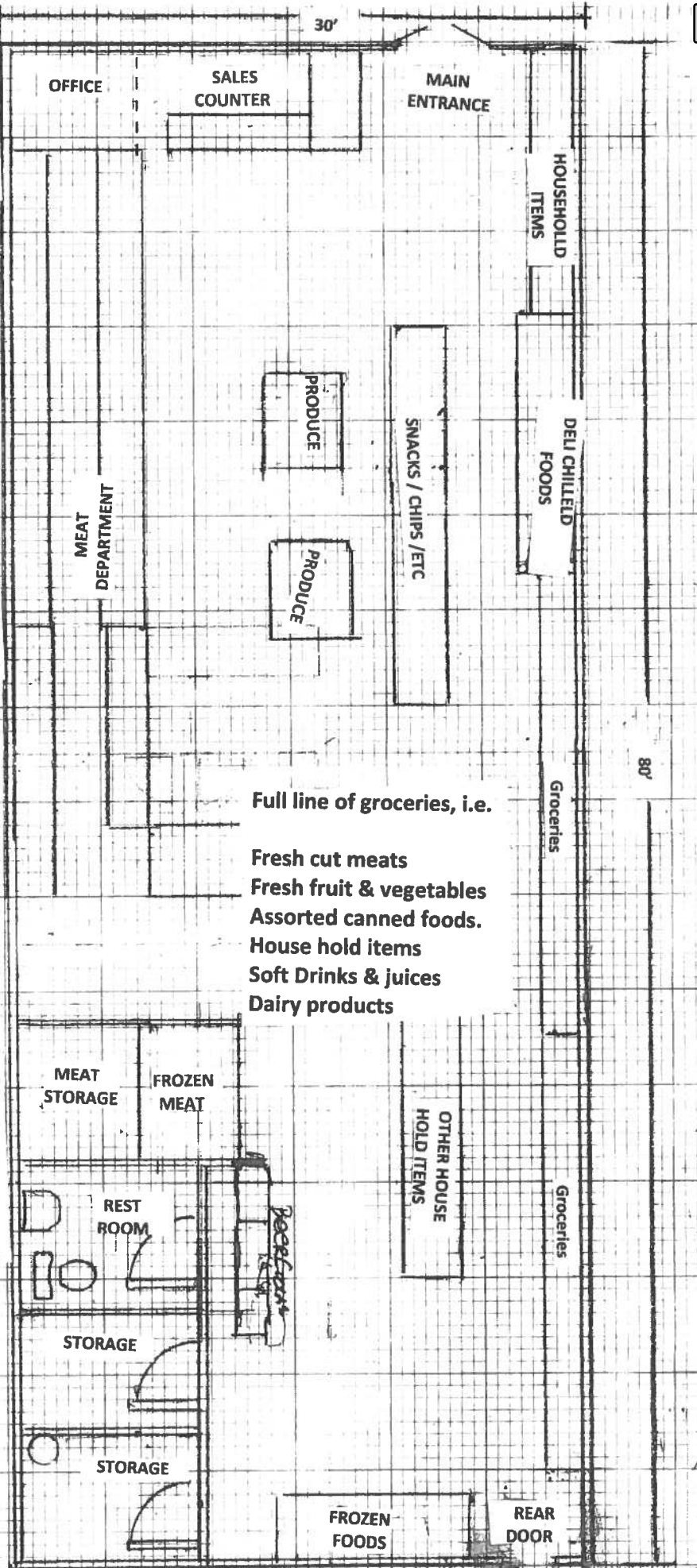
Hours of Operation:

7:00 am to 9:00 pm
7 days a week
Employees 2/3

Employees 2/3 daily

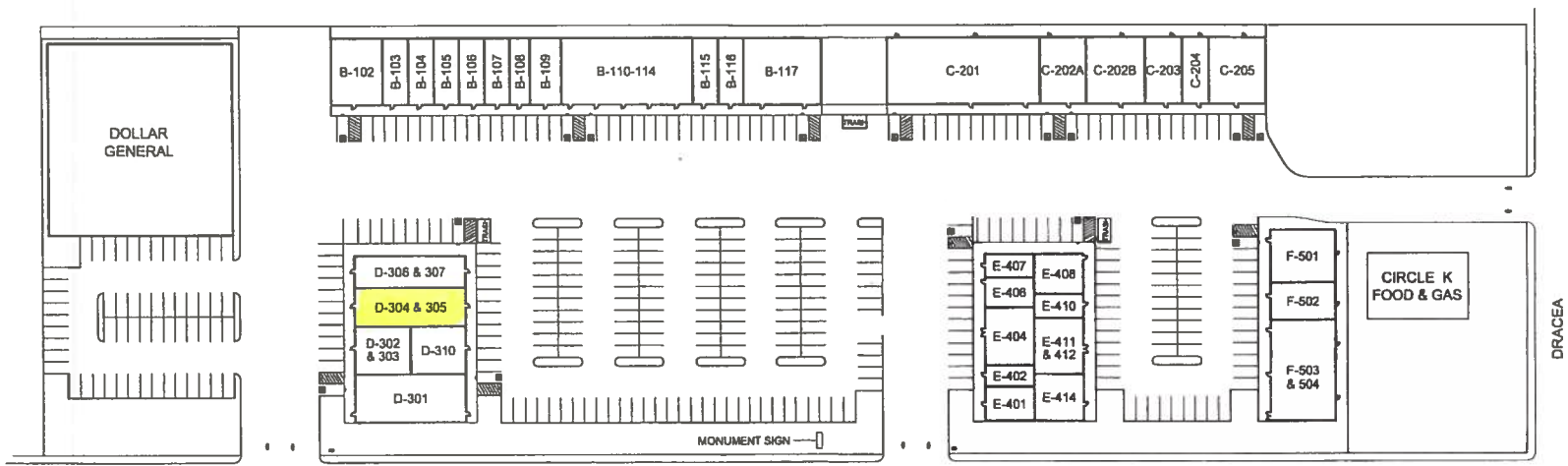


Scale 1" = 5'



Full line of groceries, i.e.
Fresh cut meats
Fresh fruit & vegetables
Assorted canned foods.
House hold items
Soft Drinks & juices
Dairy products

Attachment: Site Plan [Revision 1] (2740 : PEN17-0048 Conditional Use Permit)



HOMETOWN SQUARE
13373 Perris Boulevard
Moreno Valley, Ca. 92553
(951) 485-7388

PERRIS BLVD.



Attachment: Site Plan [Revision 1] (2740 : PEN17-0048 Conditional Use Permit)



**California Department of Alcoholic Beverage
Control
For the County of RIVERSIDE - (Off-Sale Licenses)
and Census Tract = 425.21**

Report as of 7/30/2017

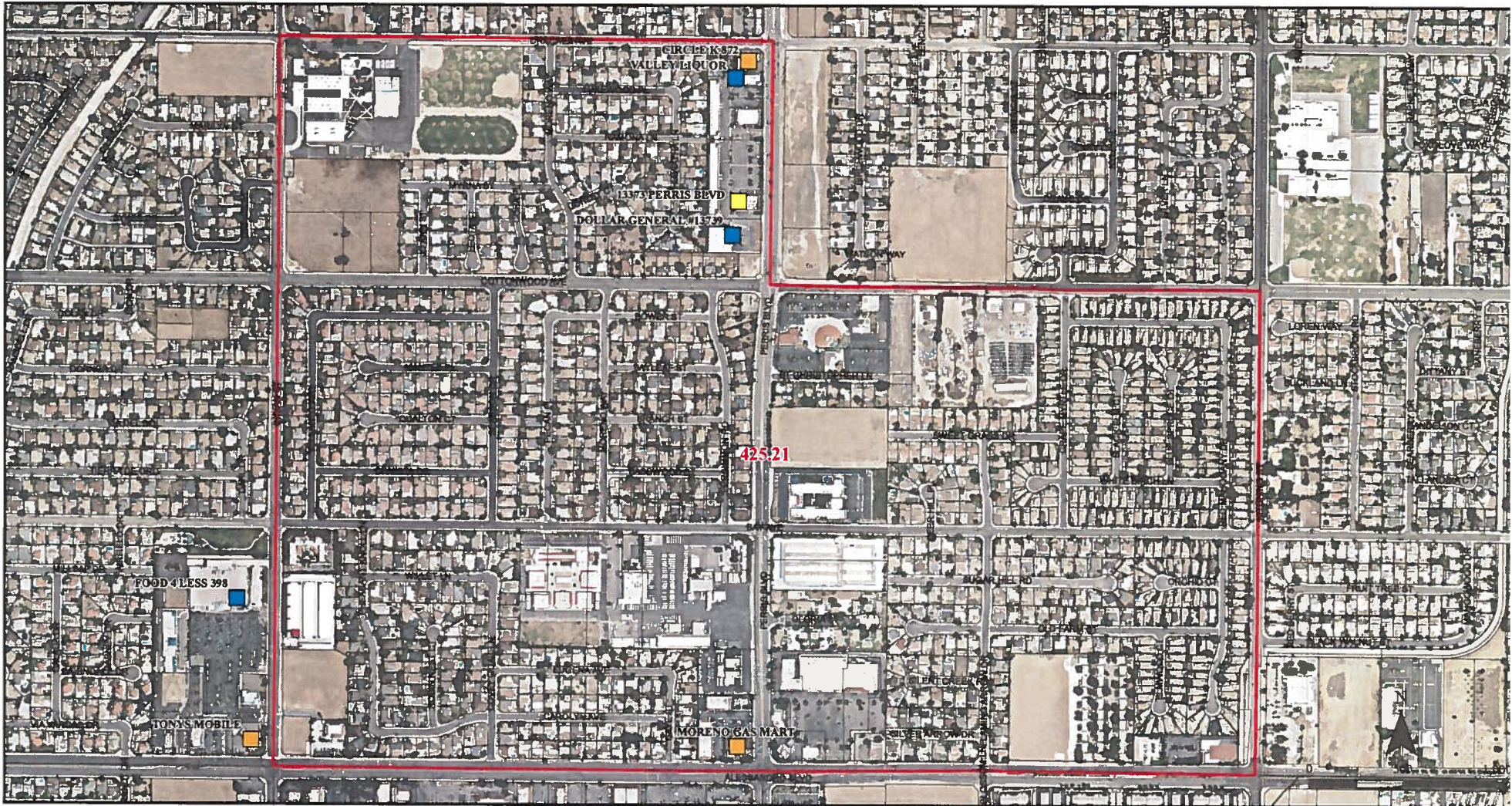
License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1) 341400	ACTIVE	21	7/19/1999	6/30/2018	FOOD 4 LESS OF CALIFORNIA INC 24440 ALESSANDRO BLVD MORENO VALLEY, CA 92553 Census Tract: 0425.21	FOOD 4 LESS 398	PO BOX 54143 LOS ANGELES, CA 90054-0143	3321
2) 388759	ACTIVE	20	5/29/2003	4/30/2018	WASEF, REDA ATTALLA 24440 ALESSANDRO BLVD, # G MORENO VALLEY, CA 92553 Census Tract: 0425.21	TONYS MOBIL		3321
3) 477432	SUREND	21	6/22/2009	5/31/2018	GARFIELD BEACH CVS LLC 25070 ALESSANDRO BLVD MORENO VALLEY, CA 92553-4313 Census Tract: 0425.21	CVS PHARMACY 9224	1 CVS DR, MAIL DROP 23062A WOONSOCKET, RI 02895-6146	3321
4) 519955	ACTIVE	21	4/18/2013 3:53:07 PM	3/31/2018	DOLGEN CALIFORNIA LLC 13473 PERRIS BLVD MORENO VALLEY, CA 92553-4216 Census Tract: 0425.21	DOLLAR GENERAL #13739	100 MISSION RIDGE, ATTN: TAX - LICENSING GOODLETTSVILLE, TN 37072-2171	3321
5) 523848	ACTIVE	21	10/10/2012 12:41:53 PM	9/30/2017	BADESHA INC 13373 PERRIS BLVD, BLDG F 501 MORENO VALLEY, CA 92553-4210 Census Tract: 0425.21	VALLEY LIQUOR		3321
6) 580130	ACTIVE	20	7/26/2017 2:11:57 PM	6/30/2018	ALESSANDRO FUEL CORPORATION 24994 ALESSANDRO BLVD MORENO VALLEY, CA 92553-3944 Census Tract: 0425.21	ALESSANDRO AMPM		3300
7) 90388	ACTIVE	20	5/1/1980	6/30/2018	CIRCLE K STORES INC 13261 PERRIS BLVD MORENO VALLEY, CA 92553 Census Tract: 0425.21	CIRCLE K 872	255 E RINCON ST, STE 100 CORONA, CA 92879-1368	3321

--- End of Report ---

For a definition of codes, view our [glossary](#).

Attachment: Census Tract 425.21 ABC Saturation Report (2740 : PEN17-0048 Conditional Use Permit)

ALCOHOLIC BEVERAGE CONTROL 13373 PERRIS BLVD - CENSUS TRACT 425.21



The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.

ABC License Type

- 20
- 21

Project Site - 13373 Perris Blvd

- Census Tract 425.21 Boundary

Map Produced by Moreno Valley
Geographic Information System
Geographic Information in:
State Plane NAD 83 California Zone 6 Feet
T:\Divisions\Planning\2017\MXD\
ABC_CensusTract42521.mxd
June 19, 2017



Attachment: ABC CensusTract 42521 Licensing Location Map [Revision 1] (2740 : PEN17-0048

OVERVIEW AND PROJECT DISCRIPT

CANILCERIA LAS GLORIAS MARKET is a private operation which provides a variety of services, tobacco, snacks, food and other items for home use. The provide sales taxes for the city and state, provides employment for many and provides these items to customers who are on the way home or on their way to work. The area is well lit at night to help provide security in the immediate area.

CLARIFICATION OF THE LEGAL STANDARS: "PUBLIC CONVENIENCE OR NCESESSITY:

First, it is important to emphasize the Business & Professions Code 23958.4 requires a positive findings of public necessity *"or"* necessity in order for an off-site ABC application to be approved. Thus, it is legally sufficient if CARNICERIA LAS GLORIAS Market shows *either* public convenience *or* public necessity. It is *not* legally necessary to show both.

Second, it is only necessary to show public convenience or necessity where, as here, there is an "Undue concentration:" of licensees in the census tract. The term "undue concentration" (also referred to as "over concentration") is specifically defined in Business & Professional Code 23958.4 as simply a ration of *the number of licenses in a census tract* compared to the *average number of licenses in a County, as a whole*. It does *not* mean that a particular cantus tract necessarily has too many licenses for the needs or convenience of residents in that tract.

"Over concertion" also does not mean the that State, or anyone else, has previously looked at this census tract and determined that it has suffered any deleterious effects from the actual number of licenses existing; or that it will suffer if a new license is issued. It merely provides a guideline for making such a determination, in the form of determining whether, in a particular situation, the ABC license would serve the "Public convenience or necessity."

Thus, in this case, the fact that the census tract is which Carniceria Las Glorias Market site is located is statutorily "over concentrated" does not mean that selling a small amount or beer and wine will have adverse impacts. Rather, is simply means that the City of Moreno Valley must find that **either** public convenience or public necessity will be served by the sale of beer and wine at the site?

Concentration issues are a relative minor factor that does not justify negative findings of PC or N for this site. The community that this location services is made up many commercial uses and is well located at a traffic intersection what would provide services for many commuters going to and returning home from work.

necessary in order to provide the public a complete range of products that they are accustomed to be able to purchase when the stop & shop. Single sales of beer & wine in 12 or 16 ounce containers can be eliminated from sales. All items will be sold in prepackaged from the suppliers. Providing customers all of this at one location is what "public convenience" is really about.

This convenience will prove to be extremely desirable to the public convenience and welfare by providing area residents, visitors and workers with comfortable shopping in a warm friendly atmosphere. We operate in a conscientious and thoughtful way, always with sensitivity towards community needs.

Each owner and retail sales persons will be instructed in proper procedures in the identification and sales to purchases of alcoholic beverages. They will attend the ABC training class

CONCLUSION

As indicated above, this site will clearly serve the public convenience of residents, visitors, shoppers of the local community is seeks to serves. A positive findings of "Public Convenience" we believe warranted.

Customers purchase snacks, tobacco products, ice and many other items as they shop in the store. They would purchase beer & wine if they were available. This is a last stop on their way home from a long days work

Please call me if you need any additional information.

Sincerely,



DICK EVITT
(909) 821-6426
Agent



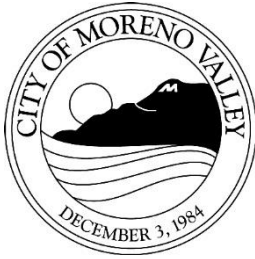
ALL STAR REALTY

5905 Wincliff Drive
Jurupa Valley, CA 92509

Dick Evitt
Real Estate Broker

Phone: (951) 681-0296
Cell: (909) 821-6426
E-mail: dickevitt@earthlink.net
Fax No: (951) 681-1912

Certified Business
Opportunity Appraiser
Business Consultant



PLANNING COMMISSION

STAFF REPORT

Meeting Date: August 24, 2017

PEN17-0091 VARIANCE

Case: PEN17-0091
Applicant: RSI Communities LLC
Owner: RSI Communities LLC
Representative: Rola Nicasio
Location: 15436 El Braso Drive
Case Planner: Mayra Salas and Jeff Bradshaw
Council District: 4

SUMMARY

The applicant, RSI Communities LLC, submitted a variance application for one residential lot within Tract 22180-2 located northwesterly of Perris Blvd and Gentian Avenue. The request is to allow a reduction of a corner side yard setback from 15 feet to 11.9 feet.

PROJECT DESCRIPTION

Project

The proposed project is a request for approval of variance to allow for a reduced setback for one residential lot (Lot 48) within a new residential tract that is currently under construction. The residential lot is 0.14 acres and zoned Suburban Residential (R5). The variance will allow a reduction from the required street side yard setback of 15 feet to 11.9 feet for Lot 48 within Tract 22180-2. The lot dimensions were approved and

recorded as part of Tract 22180-2 before RSI Communities took ownership on April 10, 1990.

The tract map was approved and recorded prior to the adoption of the City's Municipal Code. The lots within this tract are generally consistent with the standards of the R5 zone (maximum of five dwelling units per acre). Some of the established legal lots are not consistent with the City standard minimum lot size for the R5 zoning, which is 7,200 feet, nor with the standards for lot width (70 feet minimum) and depth (100 feet minimum). As the developer, RSI has taken steps to assign actual desired house plans to each of the established lots, only one lot within the entire tract of 87 homes has demonstrated a need for a variance.

The lot under consideration for the variance (Lot 48) is approximately 61 feet wide and 120 feet in depth. Although the lot size exceeds the minimum lot size, the narrow width has proven challenging to fit the desired standard floor plan on the site within the setback standards. Furthermore, the lot is somewhat unique as a corner lot.

The applicant has considered available engineering and regulatory options to try and find a solution. A lot line adjustment did not survive as a viable option because it would have a ripple effect and compromise setbacks on other lots. The option to fit another floor plan on the site did not prove fruitful as none of the standard approved footprints could be achieved and also maintain the minimum 15 foot setback required. Creating a unique one-off modified/custom building footprint could be explored; however, this option would be inconsistent with the applicant's desired business model to use prefabrication as a delivery model for their designs to increase efficiency. Given the attempt to identify feasible alternatives did not prove successful, the applicant has asked for consideration and approval by the City of the proposed setback variance.

Basis for Variance

As provided for in Section 9.02.100 of the Municipal Code, the purpose of a variance is to provide for equity in the use of property, and to prevent unnecessary hardships that might result from a strict or literal interpretation and enforcement of certain regulations. The authority to grant variances is vested with the Planning Commission and requires a public hearing. Variances can be granted with respect to development standards, which include side setbacks as identified in this application.

The strict interpretation of the Code will result in unnecessary hardship in this case because of the unique circumstances that apply to the tract. Tract 22180 was recorded in October 1990 prior the City's adoption of the Municipal Code establishing the lot dimensions for Lot 48 at that time. Lot 48 is designed to a width of approximately 61 feet, which was consistent with the standards in place at that time. When the City adopted the Municipal Code in 1992, the established standards for the R5 zone were for

a minimum lot width of 70 feet and a street side setback of 15 feet. These adopted standards created a practical difficulty to design residences on the lots within Tract 22180. All other setbacks for Lot 48 have been satisfied; the variance is only required for the street side setback. In addition, Lot 48 is the only remaining lot within Tract 22180-2 that would require a variance. Upon completion of construction of residences within Tract 22180-2 by RSI Communities, there will be no remaining lots within Tract 22180 to be developed.

Tract 22180 is one of the only remaining tracts with undeveloped lots recorded prior to the adoption of the City's Municipal Code. The circumstances in this case are unique as other approved residential tentative tracts within the City are all designed to achieve the minimum lot width of 70 feet with the exception of Planned Unit Developments (PUD) which have unique zoning standards tailored to the design and layout of the PUD. Therefore, the circumstances applicable to Tract 22180 are exceptional and a similar situation is not anticipated to arise again.

Site

The project site is located northwesterly of the intersection of Perris Avenue and Gentian Avenue (Assessor's Parcel Number 485-113-012). The variance is requested for Lot 48 located on the corner of the northwest of Braso Drive and Quenada Drive. The site is vacant and flat and has been graded. Construction is underway within the tract.

Surrounding Area

The lot is internal to a residential development which is currently under development. A Plan Unit Development, Legacy Park, was recently approved across Gentian Avenue to the immediate south of the site. Entitlement for a new Wal-Mart store has been approved on the vacant property to the southeast of the project site which is zoned Community Commercial (CC).

ENVIRONMENTAL

An Environmental Assessment was previously conducted and a Negative Declaration was adopted for Tract 22180 on April 10, 1990. The site has been graded and residences are under construction within the tract. Considering the site conditions and the variance request, the variance for the minor change in the setback of one lot is an activity that does not have the potential to cause a significant impact on the environment and therefore qualifies for a general rule exemption as provided for in Section 15061 (b)(3) of the California Environmental Quality Act Guidelines.

NOTIFICATION

The public hearing notice for this project was published in the local newspaper on August 12, 2017. Public notice was sent to all property owners of record within 300 feet of the project site on August 12, 2017, and was posted on the site.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2017-31, and thereby:

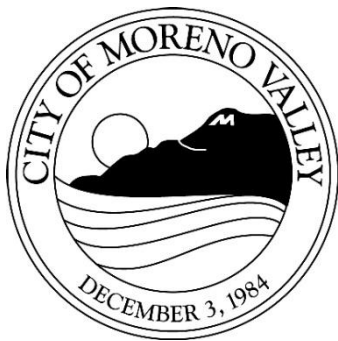
1. **CERTIFY** that the project is exempt under the California Environmental Quality Act in that it can be determined with certainty that there is no possibility that the variance application could have a significant effect on the environment and is therefore exempt under the general rule exemption Section 15061 (b)(3) of the California Environmental Quality Act Guidelines; and
2. **APPROVE** Variance application PEN17-0091 based on the findings contained in this resolution.

Prepared by:
Mayra Salas

Approved by:
Allen Brock
Community Development Director

ATTACHMENTS

1. Public Hearing Notice
2. 300ft radius map
3. Resolution No. 2017-31
4. Exhibit A to PC Resolution 2017-31
5. Project Site - Tract 22180-2, Lot 48



This may affect your property

Notice of PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held by the Planning Commission of the City of Moreno Valley on the following item(s):

Project: PEN17-0091
Applicant: RSI Communities LLC
Owner: RSI Communities LLC
Representative: Rola Nicasio
A.P. No(s): 485-113-012
Location: 15436 El Braso Drive
Proposal: Variance to reduce the street side setback for one single-family residential lot (Tract 22180-2 Lot 48) from 15' to 11.9'
Council District: 4

All conditions of approval related to development of the site have been satisfied and the site has been previously graded under authorized permit. The variance for the minor change to the street side setback of one lot within the tract is an activity that does not have the potential for causing a significant impact on the environment as provided for in Section 15061 (b)(3) of the California Environmental Quality Act Guidelines.

A public hearing before the Planning Commission has been scheduled for the proposed project. Any person interested in commenting on the proposal and recommended environmental determination may speak at the hearing or provide written testimony at or prior to the hearing. The project application, supporting plans and environmental documents may be inspected at the Community Development Department at 14177 Frederick Street, Moreno Valley, California during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday and 7:30 a.m. to 4:30 p.m., Friday), or you may telephone (951) 413-3206 for further information.

The Planning Commission, at the Hearing or during deliberations, could approve changes or alternatives to the proposal. If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing.



LOCATION N ↑

PLANNING COMMISSION HEARING

City Council Chamber, City Hall
 14177 Frederick Street
 Moreno Valley, Calif. 92553

DATE AND TIME: August 24, 2017 at 7:00 p.m.

CONTACT PLANNER: Mayra Salas or Jeff Bradshaw

PHONE: (951) 413-3206

Upon request and in compliance with the Americans with Disabilities Act of 1990, any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Guy Pegan, ADA Coordinator, at 951.413.3120 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Attachment: Public Hearing Notice (2742 : PEN17-0091 Variance)

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCEL MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

NOV 28 2006

POR. E 19 T. 3S., R. 3W
CITY OF MORENO VALLEY

T. R. A. 021-023
021-330

485-11
485-12



ANGLE = 100°

486
09

ASSESSOR'S MAP BK485 PG.11
Riverside County, Calif.

Handwritten initials

WB 207/97-103 TRACT MAP NO. 22180-2

Nov 2006

DATE	OLD NUMBER	NEW NUMBER
01/89	1	111-01
01/89	1	112-01
01/89	1	115-01
01/89	1	114-01
01/89	1	112-14
DATE	OLD NUMBER	NEW NUMBER
06/90	9, 10	112-15
06/90	11, 12	112-16
06/90	13, 14	112-17
06/90	1, 2	113-20
04/96	113-20	31, 32
04/96	112-15	18, 19
04/96	112-16	20, 21
01/06	18, 19	112-22
01/06	20, 21	112-23
01/06	31, 32	112-24

Attachment: 300ft radius map [Revision 3] (2742 : PEN17-0091 Variance)

PLANNING COMMISSION RESOLUTION NO. 2017-31

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING VARIANCE APPLICATION PEN17-0091 FOR A VARIANCE FOR A REDUCTION TO THE STREET SIDE SETBACK FOR ONE SINGLE FAMILY RESIDENCE WITHIN TRACT 22180-2 (ASSESSOR'S PARCEL NUMBER 485-110-012)

WHEREAS, RSI Communities LLC, has filed an application for the approval of Variance application PEN17-0091 for a reduction to the street side setback for one single family residence as described above due to the unique constraints of the project site; and

WHEREAS, the application has been evaluated in accordance with established City of Moreno Valley (City) procedures, and with consideration of the General Plan and other applicable regulations; and

WHEREAS, all conditions of approval related to development of the site have been satisfied and the site has been previously graded under authorized permit. The variance for the minor change to the street side setback of one lot within the tract is an activity that does not have the potential for causing a significant impact on the environment as provided for in Section 15061 (b)(3) of the California Environmental Quality Act Guidelines; and

WHEREAS, the public hearing notice for this project was published in the local newspaper on August 12, 2017. Public notice was sent to all property owners of record within 300 feet of the project site on August 12, 2017. The public hearing notice for this project was also posted on the project site on August, 2017;

WHEREAS, on August 24, 2017, the Planning Commission held a public hearing to consider the application; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, it is hereby found, determined and resolved by the Planning Commission as follows:

- A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on August 24, 2017, including written and oral staff reports, public testimony and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship not otherwise shared by others within the surrounding area or vicinity.

FACT: The project site is 0.14 acres and zoned Suburban Residential (R5). A variance is proposed to allow a reduction of a corner side yard setback from 15 feet to 11.9 feet for Lot 48 within Tract 22180-2. The lot dimensions were approved and recorded as part of Tract 22180-2 in October 1990. The lots were designed according to the standards in place at that time. Since the applicable development standards were updated in 1992 with the adoption of Title 9 of the Municipal Code, the lot width for the lot does not conform to the current minimum standard of 70 feet in width.

For the proposed project, the lot width is approximately 61 feet which was consistent with the development standards in place prior to 1992. The lot is within one of the only undeveloped residential tracts within the City recorded prior to 1992 that is not constructed with residences. The current standard for lot width is a minimum of 70 feet, and the current standard for the street side yard setback is 15 feet. The current standard for lot width creates a practical difficulty in developing Lot 48 with a residence as the lot is only approximately 61 feet wide. Although there are other lots within the tract that do not meet the current minimum width standard, this is the only lot within the entire tract of 87 homes that requires a setback variance.

2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the vicinity and under the same zoning classification.

FACT: There are exceptional circumstances applicable to Tract 22180-02, which do not generally apply to other properties in the vicinity and under the same zoning classification. The lot was designed to the prior development standards, and is proposed on a setback that does not conform to the current standard for lot width. The current street side setback of 15 feet was intended for lots that would meet the required minimum 70 foot width. This condition does not apply to other lots within the area because there are no other residential lots in the vicinity that are nonconforming with regard to lot width and depth.

An alternative building footprint is not feasible as it would require a custom design. For this lot, it would be an extraordinary circumstance for the applicant to have to prepare a unique architectural design for one single-family lot within the tract. The applicant has made an effort to develop a product that would meet the development requirements for all other lots within the tract. The product is feasible for all lots within the tract, except for Lot 48.

3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the vicinity and under the same zoning classification.

FACT: Strict enforcement of the limitation on building size would deprive the applicant of privileges enjoyed by other property owners in the vicinity or under the same zoning classification as it would require the developer to develop an alternative building footprint and custom design for a single lot within the residential tract. There are multiple building footprints that are proposed for this tract but none would meet the minimum 15 foot setback required. All other lots within the tract are able to satisfy the required setbacks for the R5 zoning.

4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and under the same zoning classification.

FACT: The approval of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and under the same zoning classification. There are no remaining undeveloped recorded lots in the vicinity under the same zoning classification that would be nonconforming with regard to lot width and depth. In addition, the tract to the north was developed to the development standards in place prior to 1992, and includes developed lots with street side setbacks between 10 and 15 feet. Therefore, the variance would not constitute a grant of special privilege inconsistent with the limitations on other properties within the vicinity.

5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity; and

FACT: The granting of a variance will allow a reduction to the minimum corner side yard setback. The project as proposed will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. The parcel is similar in width to other residential lots within the same tract and would not pose any concerns for health, safety or welfare.

6. That the granting of a variance is consistent with the objectives and policies of the general plan and the intent of this title.

FACT: The granting of the variance is consistent with the objectives and policies of the General Plan and the intent of the Municipal Code. The General Plan land use designation for the site is Suburban Residential (R5). The variance will provide for equity in the use of the project site property, and will prevent unnecessary hardships that might result from a strict or literal interpretation and enforcement of certain regulations.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2017-31, and thereby:

1. **CERTIFIES** that the project is exempt under the California Environmental Quality Act in that it can be determined with certainty that there is no possibility that the variance application could have a significant effect on the environment and is therefore exempt under Section 15061 (b)(3) of the California Environmental Quality Act Guidelines; and
2. **APPROVE** Variance, PEN17-0091, for Lot 48 of Tract 22180-2 included as Exhibit A based on the findings contained in this resolution.

APPROVED this 24th day of August, 2017.

Jeffrey Barnes
Chair, Planning Commission

ATTEST:

Richard J. Sandzimier, Planning Official
Secretary to the Planning Commission

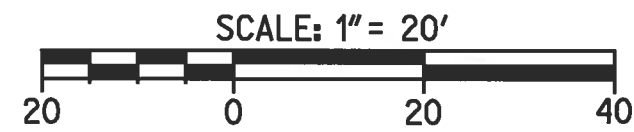
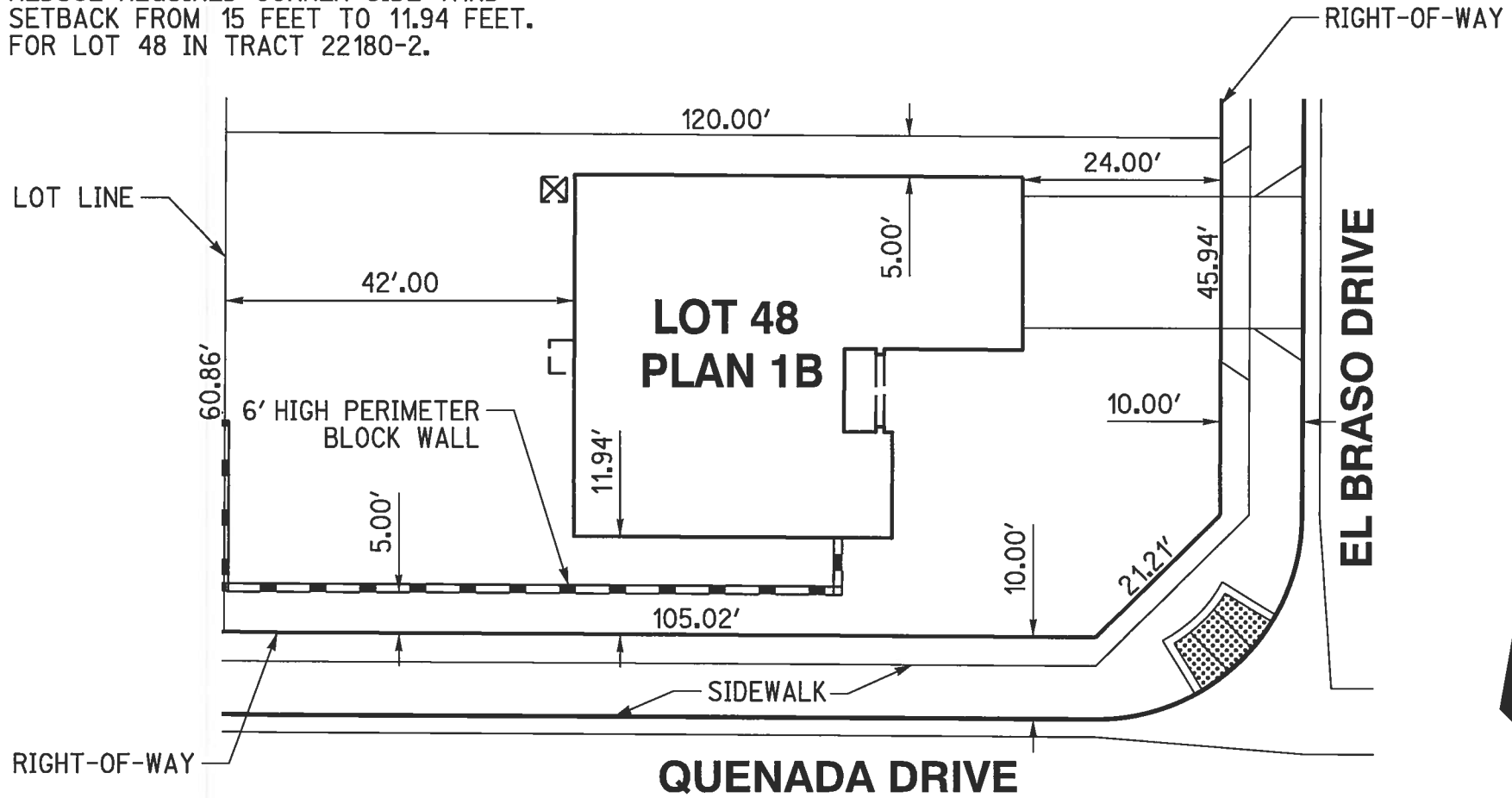
APPROVED AS TO FORM:

City Attorney

Attachment: Resolution No. 2017-31 (2742 : PEN17-0091 Variance)

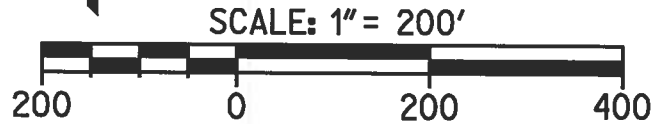
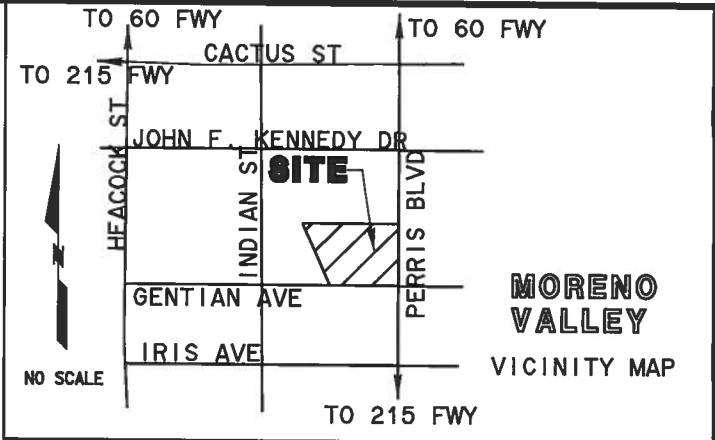
TRACT 22180-2 LOT 48 VARIANCE DIAGRAM

VARIANCE REQUEST:
REDUCE REQUIRED CORNER SIDE YARD
SETBACK FROM 15 FEET TO 11.94 FEET.
FOR LOT 48 IN TRACT 22180-2.



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Attachment: Exhibit A to PC Resolution 2017-31 [Revision 1] (2742 : PEN17-0091 Variance)

TRACT 22180-2 LOT 48 PROJECT SITE



EXISTING RESIDENTIAL (R5)

