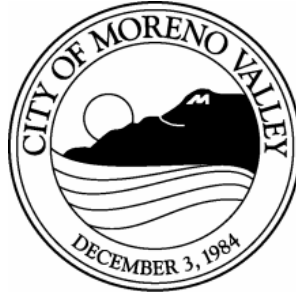

PLANNING COMMISSIONERS

JEFFREY BARNES
Chair

PATRICIA KORZEC
Vice-Chair

RAY L. BAKER
Commissioner



JEFFREY SIMS
Commissioner

ALVIN DEJOHNETTE
Commissioner

JoAnn Stephan
Alternate Commissioner

Robert Harris
Alternate Commissioner

PLANNING COMMISSION

Regular Meeting

Agenda

Thursday, May 24, 2018 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.

1. Case: PEN17-0044 – Master Plot Plan, PEN17-0045 – Plot Plan, and PEN17-0046 – Conditional Use Permit
Applicant: Western States Engineering
Owner: Royal Excel Enterprises
Representative: Western States Engineering

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.

Location: Southwest corner of Moreno Beach Drive and John F. Kennedy Drive

Case Planner: Jeff Bradshaw

Council District: 4

Proposal: Denial of the Moreno Beach Commercial Center – Proposal to develop a commercial center with a gas station, convenience store, a detached self-serve car wash and retail/restaurant space.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2018-30, and thereby:

1. **DENY** Master Plot Plan PEN17-0044, Plot Plan PEN17-0045 and Conditional Use Permit PEN17-0046 based on the findings contained in this resolution which reflect the Planning Commission’s consideration and action on the project.

2. Case: PEN18-0061

Applicant: City of Moreno Valley

Owner: City of Moreno Valley

Representative: Community Development Department

Location: Citywide

Case Planner: Claudia Manrique

Council District: All

Proposal: Denial of an amendment to the City’s existing Temporary Use Permit (TUP) regulations (Section 9.02.150 of the Municipal Code) adding "safe and sane" fireworks sales as a permitted temporary use.

STAFF RECOMMENDATION

That the Planning Commission confirms and **APPROVES** Resolution No. 2018-31, and thereby:

1. **Recommend disapproval** of the proposed amendment to the City's existing Temporary Use Permit (TUP) regulations (Section 9.02.150 of the Municipal Code) to add "safe and sane" fireworks sales as a permitted temporary use based on the findings contained in this resolution.

APPROVAL OF MINUTES

Planning Commission - Regular Meeting - April 12, 2018 7:00 PM

Planning Commission - Regular Meeting - April 26, 2018 7:00 PM

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 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: PEN18-0022 Conditional Use Permit
Applicant: Yum Yum Donut Shops Inc. / DBA – WIN WIN
Owner: Yum Yum Donut Shops Inc.
Representative: Liliger Damaso
Location: Northwest corner of Alessandro Boulevard and Day Street
Case Planner: Gabriel Diaz
Council District: 1
Proposal: Request for a Conditional Use Permit to allow for alcoholic beverage sales from a previously approved convenience store

STAFF RECOMMENDATION

Staff recommends that the Planning Commission APPROVE Resolution No. 2018-29, and thereby:

1. CERTIFY that the proposed Conditional Use Permit is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 5 Categorical Exemption, CEQA Guidelines, Section 15305 (Minor Alterations in Land Use Limitations); and
2. APPROVE Conditional Use Permit PEN18-0022 based on the findings contained in Planning Commission Resolution 2018-29, subject to the conditions of approval included as Exhibit A of the Resolution.

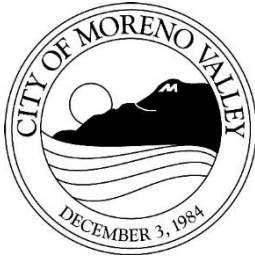
OTHER COMMISSION BUSINESS

STAFF COMMENTS

PLANNING COMMISSIONER COMMENTS

ADJOURNMENT

Planning Commission Regular Meeting, June 28, 2018 at 7:00 P.M., City of Moreno Valley, City Hall Council Chamber, located at 14177 Frederick Street, Moreno Valley, CA 92553.



PLANNING COMMISSION

STAFF REPORT

Meeting Date: May 24, 2018

DENIAL OF THE MORENO BEACH COMMERCIAL CENTER - PROPOSAL TO DEVELOP A COMMERCIAL CENTER WITH A GAS STATION, CONVENIENCE STORE, A DETACHED SELF SERVE CAR WASH AND RETAIL/RESTAURANT SPACE

Case: PEN17-0044 – Master Plot Plan, PEN17-0045 – Plot Plan, and PEN17-0046 – Conditional Use Permit

Applicant: Western States Engineering

Owner: Royal Excel Enterprises

Representative: Western States Engineering

Location: Southwest corner of Moreno Beach Drive and John F. Kennedy Drive

Case Planner: Jeff Bradshaw

Council District: 4

PROJECT DESCRIPTION

A Planning Commission public hearing for the Moreno Beach Commercial Center project was conducted on April 26, 2018. Following the staff report and public comments from the applicant and the interested speakers, the Planning Commission closed the public hearing and after deliberation, voted 6-0 to deny the project.

The attached Resolution 2018-30 has been prepared with findings that support the Planning Commission's deliberations and denial action.

NOTIFICATION

No further public notice was required for this item.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2018-30, and thereby:

1. **DENY** Master Plot Plan PEN17-0044, Plot Plan PEN17-0045 and Conditional Use Permit PEN17-0046 based on the findings contained in this resolution which reflect the Planning Commission's consideration and action on the project.

Prepared by:
Jeffrey Bradshaw
Associate Planner

Approved by:
Albert Armijo
Interim Planning Manager

ATTACHMENTS

1. Resolution 2018-30

PLANNING COMMISSION RESOLUTION NO. 2018-30

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY DENYING MASTER PLOT PLAN PEN17-0044, PLOT PLAN PEN17-0045 AND CONDITIONAL USE PERMIT PEN17-0046, A PROPOSAL TO DEVELOP A RETAIL CENTER TO INCLUDE A SERVICE STATION WITH SIX GAS PUMP ISLANDS, A 7,616 SQUARE FOOT THREE TENANT RETAIL BUILDING WITH SPACE FOR A CONVENIENCE STORE INCLUDING THE SALE OF BEER AND WINE AND TWO RESTAURANT SPACES AND A DRIVE-THROUGH CAR WASH BUILDING OF 3,526 SQUARE FEET ON A 2.45 ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF MORENO BEACH DRIVE AND JOHN F. KENNEDY DRIVE (ASSESSOR'S PARCEL NUMBER 304-240-004).

Section 1:

WHEREAS, Western States Engineering, filed applications for the approval of Master Plot Plan PEN17-0044, Plot Plan PEN17-0045, and Conditional Use Permit PEN17-0046 for development of a retail center with a service station for property located at southwest corner of Moreno Beach Drive and John F. Kennedy Drive as described in the title above; and

WHEREAS, prior to scheduling the project for public hearing, the applicant clarified that the conditional use permit application would also include the sale of beer and wine at the convenience store; and

WHEREAS, on April 26, 2018, the Planning Commission held a public hearing to consider the application and following a staff report and testimony from the applicant and from the general public, the Planning Commission closed the public hearing and after deliberation on the project; voted 6-0 to deny the project; and

WHEREAS, this resolution has been prepared to formalize the findings made by the Planning Commission to deny the Moreno Beach Commercial Center project at the April 26, 2018 public hearing; 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 April 26, 2018, including written and oral staff reports, public testimony and the record from the public hearing, this Planning Commission finds as follows:

1. The proposed conditional uses are not consistent with the goals and policies of the General Plan or the Moreno Valley Ranch Specific Plan (SP 193).

FACT: The project is located within the Moreno Valley Ranch Specific Plan (SP 193). Within the Specific Plan, the site is designated as Commercial. The applicable development standards are the Neighborhood Commercial (NC) standards within the City's Municipal Code. Municipal Code Section 9.04.020 Commercial Districts states that the primary purpose of the Neighborhood Commercial (NC) district is to satisfy the daily shopping needs of Moreno Valley residents by providing construction of conveniently located neighborhood centers which provide limited retail commercial services. The specific land uses are expected to be compatible with the surrounding land uses, and particularly the residential communities, without causing any undue concerns or impact to the peaceful enjoyment of communities.

Upon thoughtful consideration, the Commission finds the proposed mix of land uses in the project, in light of but not limited to hours of operation, potential for light and noise impacts, traffic, odors and potential risks associate with gasoline products is not compatible with existing residential uses including single-family homes located immediately adjacent to the south or across Via Sonata to the south of the proposed service station; condominiums located north of John F. Kennedy Drive (120 feet); and apartments located to the east of Moreno Beach Drive (160 feet). The project is also located within approximately 290 feet of Fairway Park, 1,040 feet of Landmark Middle School and 1,580 feet of Celebration Park.

The proposed project as designed is not consistent with General Plan Community Development Element Goal 2.1 to minimize conflicts between land uses, and other potential mix of uses could be considered that would promote the rational utilization of presently underdeveloped and undeveloped parcels.

Municipal Code Section 9.13.100 states that, "...no Conditional Use Permit or plot plan shall be adopted or granted within an area covered by a Specific Plan unless it is consistent with the Specific Plan. The project's proposed conditionally permitted uses are found to be inconsistent with the goals and policies of the General Plan or the Moreno Valley Ranch Specific Plan (SP 193).

2. The proposed conditional uses do not comply with all applicable zoning and other regulations.

FACT: The project site is located within the Moreno Valley Ranch Specific Plan (SP 193) with a zoning designation of Commercial (C). Design guidelines for architecture and landscape are provided in SP 193, while site development standards for the commercial development defer to the City's Neighborhood Commercial (NC) development standards.

Municipal Code Section 9.04.020 Commercial Districts states that the primary purpose of the neighborhood commercial (NC) district is to satisfy the daily shopping needs of Moreno Valley residents by providing construction of conveniently located neighborhood centers which provide limited retail commercial services. That are compatible with the surrounding residential communities.

As a conditionally permitted use, the proposed project is not compatible with existing residences located in close proximity to the project site due to the potential for increased light and glare, noise, and public safety impacts to minors and increased potential for criminal activity. Therefore, proposed use does not comply with all applicable zoning and other regulations.

3. The proposed conditional uses will be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: The proposed project site is located at the southwest corner of John F. Kennedy Drive and Moreno Beach Drive. The area to the west of the proposed project includes a golf course maintenance yard, Fairway Park, Celebration Park and the Landmark Middle School. There are two large higher density, multiple-family residential parcels to the east and north of the project. These lots are developed with apartments and condominiums. The area directly south of the proposed project is zoned residential and completely developed. There also are residential tracts to the northeast and northwest of the proposed commercial project.

Municipal Code Section 9.04.020 Commercial Districts states that the primary purpose of the neighborhood commercial (NC) district is to satisfy

the daily shopping needs of Moreno Valley residents by providing construction of conveniently located neighborhood centers which provide limited retail commercial services. That are compatible with the surrounding residential communities.

Due to the potential for increased light and glare, noise, public safety considerations, incompatibility with nearby youth activities and increased potential for criminal activity, the proposed conditional uses could not be found compatible with existing established residential uses including single-family homes located immediately adjacent to the south or across the street to the south of the proposed service station; condominiums located north of John F. Kennedy Drive (120 feet); and apartments located to the east of Moreno Beach Drive (160 feet). The project is located within approximately 290 feet of Fairway Park, 1,040 feet of Landmark Middle School and 1,580 feet of Celebration Park.

The proposed conditional uses will be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

4. The location, design and operation of the proposed conditional uses will not be compatible with existing and planned land uses in the vicinity.

FACT: The project is located within the Moreno Valley Ranch Specific Plan. Within the Specific Plan, the site is designated as Commercial. The applicable development standards are the Neighborhood Commercial standards within the City's Municipal Code. Within the Neighborhood Commercial district, the proposed service station and sale of alcoholic beverages in conjunction with the related convenience store use requires approval of a conditional use permit when located within 300 feet of a residential zoning district or an existing residence.

Based on Municipal Code Section 9.02.060, a Conditional Use Permit is a discretionary entitlement process used to allow for the establishment of those uses which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location, and therefore warrants specific considerations of the context in which the uses would be operated.

Due to the potential for increased light and glare, noise, odors, public safety considerations, proximity to youth activities and increased potential for criminal activity, the proposed conditional use are not compatible with existing residential uses including single-family homes located immediately adjacent to the south or across the street to the south of the proposed service station; condominiums located north of John F. Kennedy

Drive (120 feet); and apartments located to the east of Moreno Beach Drive (160 feet). The project is located within approximately 290 feet of Fairway Park, 1,040 feet of Landmark Middle School and 1,580 feet of Celebration Park.

Municipal Code Section 9.04.020 Commercial Districts states that the primary purpose of the neighborhood commercial (NC) district is to satisfy the daily shopping needs of Moreno Valley residents by providing construction of conveniently located neighborhood centers which provide limited retail commercial services. That are compatible with the surrounding residential communities.

The conditional uses proposed by the project are not compatible with existing single-family residences, apartments, condominiums, parks and the school that are located in close proximity to the project site. Therefore, the proposed project will not be compatible with existing and planned land uses in the vicinity.

Section 2:

BE IT FURTHER RESOLVED that the Planning Commission does **HEREBY APPROVE** Resolution No. 2018-30, and thereby:

1. **DENY** Master Plot Plan PEN17-0044, Plot Plan PEN17-0045 and Conditional Use Permit PEN17-0046, based on the findings contained in this resolution

APPROVED this 24th day of May, 2018.

AYES:
NOES:
ABSTAINS:

Jeffrey Barnes
Chair, Planning Commission

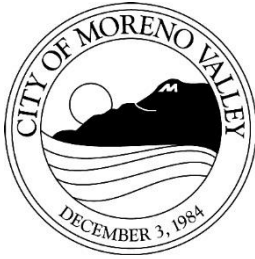
ATTEST:

Albert Armijo, Interim Planning Manager
Secretary to the Planning Commission

APPROVED AS TO FORM:

City Attorney

Attachment: Resolution 2018-30 [Revision 2] (3110 : DENIAL OF THE MORENO BEACH COMMERCIAL CENTER -)



PLANNING COMMISSION

STAFF REPORT

Meeting Date: May 24, 2018

DENIAL OF AN AMENDMENT TO THE CITY'S EXISTING TEMPORARY USE PERMIT (TUP) REGULATIONS (SECTION 9.02.150 OF THE MUNICIPAL CODE) ADDING "SAFE AND SANE" FIREWORKS SALES AS A PERMITTED TEMPORARY USE

Case: PEN18-0061
Applicant: City of Moreno Valley
Owner: City of Moreno Valley
Representative: Community Development Department
Location: Citywide
Case Planner: Claudia Manrique
Council District: All

PROJECT DESCRIPTION

A public hearing by the Planning Commission was conducted on April 26, 2018 to consider proposed amendments to the City's Temporary Use Permit (TUP) regulations contained in Section 9.02.150 of the Municipal Code to allow for sales of fireworks as a regulated land use. Following consideration of the staff report and public comments on this matter, the Planning Commission closed the public hearing, deliberated and voted 6-0, with one Commissioner absent to deny the recommended action.

The attached Resolution 2018-31 has been prepared to reflect the Planning Commission discussion and findings for the denial action. Planning Commission confirmation is being requested.

NOTIFICATION

No further public notice was required for this item.

RECOMMENDATION

That the Planning Commission confirms and **APPROVES** Resolution No. 2018-31, and thereby:

1. **Recommend disapproval** of the proposed amendment to the City's existing Temporary Use Permit (TUP) regulations (Section 9.02.150 of the Municipal Code) to add "safe and sane" fireworks sales as a permitted temporary use based on the findings contained in this resolution.

Prepared by:
Ashley Aparicio
Administrative Assistant

Approved by:
Albert Armijo
Interim Planning Manager

ATTACHMENTS

1. Resolution 2018-31

PLANNING COMMISSION RESOLUTION NO. 2018-31

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECOMMENDING DISAPPROVAL OF PEN18-0061, A PROPOSED AMENDMENT TO TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE SECTION 9.02.150 "TEMPORARY USE PERMIT (TUP)" REGULATIONS TO ADD FIREWORKS SALES

WHEREAS, City of Moreno Valley has filed an application for the approval of PEN18-0061 (Municipal Code Amendment) as described in the title of this Resolution and Exhibit A (Proposed Change to Temporary Uses Table 9.02.150-3); 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 public hearing notice for this project was published in the local newspaper on April 15, 2018 in accordance with Section 9.02.200 of the Municipal Code; and

WHEREAS, on April 26, 2018, the Planning Commission held a public hearing to consider the application and following a staff report and public comments from the applicant and the general public, the Planning Commission closed the public hearing and voted 6-0 to deny the project; and

WHEREAS, this resolution has been prepared to formalize the findings made by the Planning Commission in taking an action to disapprove the proposed amendment to Title 9 to add fireworks sales to the Temporary Uses Table 9.02.150-3 (PEN18-0061) at the April 26, 2018 public hearing; and

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

NOW, THEREFORE, BE IT 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 April 26, 2018, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby finds as follows:

1. The proposed use does not comply with all applicable zoning and other regulations.

FACT: The proposed amendment is in direct conflict with Section 8.36.060 (Hazardous Materials) of the Municipal Code, which states that the storage, use, sale, possession, and handling of fireworks 1.4G (commonly referred to as Safe and Sane) and fireworks 1.3G is prohibited. The consensus of the Planning Commission was that a policy decision regarding the sale of fireworks should be made prior to any change to establishing regulations to allow fireworks sales through a Temporary Use Permit.

2. The proposed regulations could be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: As the sale of fireworks is prohibited in Moreno Valley, the impact on public health, safety and welfare of the proposed regulations of fireworks sales through a Temporary Use Permit cannot be determined until such time that specific requirements to allow for fireworks in Moreno Valley are established. Therefore, depending on the specific future regulations to allow fireworks that may be adopted, there is the potential that there could be impacts on public health, safety, and welfare related to approval of regulations of fireworks sales through a Temporary Use Permit.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2018-31 and thereby:

RECOMMENDS DISAPPROVAL of the proposed amendment to the City's existing Temporary Use Permit (TUP) regulations (Section 9.02.150 of the Municipal Code) to add "safe and sane" fireworks sales as a permitted temporary use based on the findings contained in this resolution.

APPROVED on this 24th day of May, 2018.

AYES:
NOES:
ABSENT:
ABSTAIN:

Jeffrey Barnes
Chair, Planning Commission

ATTEST:

Albert Armijo, Interim Planning Manager

APPROVED AS TO FORM:

City Attorney

Attachment: Resolution 2018-31 [Revision 3] (3117 : Denial of an amendment to the City's existing Temporary Use Permit (TUP) regulations)

**OFFICIAL MINUTES OF THE
PLANNING COMMISSION
OF THE CITY OF MORENO VALLEY**

**REGULAR MEETING – 7:00 PM
April 12, 2018**

CALL TO ORDER

This Regular Meeting of the Planning Commission of the City of Moreno Valley was called to order at 7:00 p.m. by Commissioner Barnes in the Council Chamber located at 14177 Frederick Street.

ROLL CALL

Planning Commission:	Robert Harris	Commissioner	Present
	JoAnn Stephan	Commissioner	Present
	Jeffrey Sims	Commissioner	Present
	Alvin Dejohnette	Commissioner	Present
	Ray L. Baker	Commissioner	Present
	Patricia Korzec	Vice Chair	Present
	Jeffrey Barnes	Chair	Present

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner, Patricia Korzec.

APPROVAL OF AGENDA

Motion made by Commissioner Baker and seconded by Commissioner Sims.

Vote: 7-0-0-0
Ayes: Commissioner Korzec, Harris, Stephan, Sims, Baker, Barnes and Dejohnette.
Noes:
Abstain:
Action: Approved
Excused:

STAFF PRESENT

Paul Early	City Attorney
Richard Sandzimier	Acting Community Development Director
Albert Armijo	Interim Planning Manager
Chris Ormsby	Senior Planner
Gabriel Diaz	Associate Planner
Jeffrey Bradshaw	Associate Planner
Ashley Aparicio	Planning Commission Secretary
Michael Lloyd	Associate City Engineer
Eric Lewis	City Traffic Engineer

Vince Girón Associate Engineer
Adria Reinertson Fire Marshal

SELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

RECOMMEND THAT THE COMMISSION:

1. Accept Nominations for and elect a New Chairperson

Nomination made by Commissioner Baker and seconded by Commissioner Sims to nominate Jeffrey Barnes for his second term as Chairperson to the Planning Commission.

Vote: 6-0-1-0
Ayes: Commissioner Harris, Stephan, Sims, Dejohnette, Baker and Korzec.
Noes:
Abstain: Jeffrey Barnes
Action: Approved
Excused:

2. Accepts Nomination for and elect a New Vice-Chairperson

Nomination made by Commissioner Sims and seconded by Commissioner Baker to nominate Patricia Korzec for her second term as Vice Chairperson to the Planning Commission.

Vote: 6-0-1-0
Ayes: Commissioner Harris, Stephan, Sims, Dejohnette, Baker and Barnes.
Noes:
Abstain: Patricia Korzec
Action: Approved
Excused:

CONSENT CALENDAR

No items for Discussion

APPROVAL OF MINUTES

Planning Commission - Regular Meeting - March 22, 2018 7:00 PM

Motion made by Commissioner Baker and seconded by Commissioner Harris to approve minutes from March 22, 2018 as is.

Vote: 6-0-1-0

Minutes Acceptance: Minutes of Apr 12, 2018 7:00 PM (APPROVAL OF MINUTES)

Ayes: Commissioner Harris, Stephan, Sims, Baker, Chair Barnes and Commissioner Dejohnette
Noes:
Abstain: Vice Chair Patricia Korzec
Action: Approved
Excused:

PUBLIC COMMENTS NON-AGENDA ITEMS

Rafael Bruqueras

1. Congratulations to the reapportioned Chair and Vice Chair.
2. Remind residents and new residents about the upcoming Moreno Valley Public Safety Expo with the Fire and Police Departments on April 14, 2018.
3. What the City is spending
4. Proud of the full dais, it's a beautiful thing.

Ken Iglesias

1. Would like our new communities in the city to add wider and walk-able paths to main streets.
2. Would like to see a 99 cent Store placed in the Stoneridge or Moreno Beach Plaza shopping centers.
3. Wants to know what the Commission's Plans are for having the city's residents being able to have access to Fiber-optic cable internet within the next 5 years.

NON-PUBLIC HEARING ITEMS

No items for Discussion

PUBLIC HEARING ITEMS

1. Moreno Beach Commercial Center - proposal to develop a commercial center with a gas station, convenience store, a detached self-serve car wash and retail/restaurant space (Report of: Planning Commission)

Motion made by Commissioner Baker and seconded by Vice Chair Korzec to Continue the Item to the April 26, 2018 Regular Meeting of the Planning Commission.

Vote: 7-0-0-0
Ayes: Vice Chair Korzec, Commissioner Harris, Stephan, Sims, Baker, Chair Barnes and Commissioner Dejohnette
Noes:
Abstain:
Action: Approved
Excused:

Minutes Acceptance: Minutes of Apr 12, 2018 7:00 PM (APPROVAL OF MINUTES)

2. A General Plan Amendment, Change of Zone, Specific Plan Amendment, Tentative Parcel Map, and Plot Plan for a 417 unit multi-family apartment complex, including provisions to reestablish 18 holes of the Golf Course, conversion of the remaining nine (9) golf course holes into an exercise area, and long term maintenance (Report of: Planning Commission)

Recommendations:

Staff recommends that the Planning Commission APPROVE Resolution Nos. 2018-17, 2018-18, 2018-19, 2018-20, 2018-21, 2018-22, and thereby recommend that the Moreno Valley City Council take the following actions.

Resolution No. 2018-17

1. ADOPT a Mitigated Negative Declaration for Plot Plan PEN16-0130, Tentative Tract Map PEN16-0129, Specific Plan Amendment PEN16-0128, General Plan Amendment and Zone Change PEN16-0127 pursuant to the California Environmental Quality Act (CEQA) Guidelines, and included as Exhibit A; and
2. ADOPT the Mitigation Monitoring and Reporting Program prepared for Plot Plan PEN16-0130, Tentative Tract Map PEN16-0129, Specific Plan Amendment PEN16-0128, General Plan Amendment and Zone Change PEN16-0127 pursuant to the California Environmental Quality Act (CEQA) Guidelines, and included as Exhibit B; and

Resolution No. 2018-18

3. APPROVE Resolution No. 2018-18 and thereby APPROVE Specific Plan Amendment PEN16-0128 as Exhibit A including Specific Plan Land Use Map (Exhibit B)

Resolution No. 2018-19

4. APPROVE General Plan Amendment PEN16-0127 including General Plan Land Use Map (Exhibit A)

Resolution No. 2018-20

5. APPROVE Change of Zone PEN16-0127 including Zoning Atlas Land Use Map (Exhibit A)

Resolution No. 2018-21

6. APPROVE Plot Plan PEN16-0130, subject to the attached conditions of approval included as Exhibit A.

Resolution No. 2018-22

APPROVE Tentative Tract Map PEN16-0129, subject to the attached conditions of approval included as Exhibit A.

Public Hearing Opened: 8:34 p.m.

Public Comments:

Bill Shepson supports the item.

Ann McLeish in opposition of the item.

Graham Baldwin supports the item.

Gabrielle Sibley supports the item.

Donovan Saadiq supports the item.

Clifford Wilson in opposition of the item.

Patricia Roy supports the item.

Ron Dudeck supports the item.

Barbara Dudeck supports the item.

PT McEwen supports the item.

Ken Iglesias supports the item.

Rafael Brugueras supports the item.

Cory Joseph in opposition of the item.

Raymond Talbut supports the item.

Jeanne Callaway in opposition of the item.

Gary Eirew in opposition of the item.

John Callaway in opposition of the item.

Angelica Franco in opposition of the item.

Fernando Franko in opposition of the item.

Minutes Acceptance: Minutes of Apr 12, 2018 7:00 PM (APPROVAL OF MINUTES)

Elsie La Salle in opposition of the item.

Bob Vanderwalker supports the item.

Don Meinberg supports the item.

Scott Woods supports the item.

Roy Bleckert Does not state his support or opposition to the item.

Rose Balwind supports the item.

Brian Stidham supports the item.

Public Hearing Closed: 9:47 p.m.

Upon closing the public hearing portion of the meeting Chair Barnes called for a 5 minute recess.

At 9:55 p.m. Chair Barnes reconvened the meeting.

Motion made by Commissioner Baker and seconded by Vice Chair Korzec to approve Resolution Nos. 2018-17, 2018-18, 2018-19, 2018-20, 2018-21, and 2018-22.

Vote:	7-0-0-0
Ayes:	Vice Chair Korzec, Commissioner Harris, Stephan, Sims, Baker, Chair Barnes and Commissioner Dejohnette
Noes:	
Abstain:	
Action:	Approved
Excused:	

OTHER COMMISSION BUSINESS

No items for Discussion

STAFF COMMENTS

Albert Armijo states in Staff Wrap-up that Planning Staff will be forwarding this to City Council for deliberation at the earliest available hearing.

PLANNING COMMISSIONER COMMENTS

Commissioner Sims states he is glad we have the continuity of the Chair and Vice Chair.

Minutes Acceptance: Minutes of Apr 12, 2018 7:00 PM (APPROVAL OF MINUTES)

ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Barnes adjourned the meeting at 10:04 p.m.

Submitted by:

Approved by:

Ashley Aparicio
Planning Commission Secretary

Jeffrey Barnes
Chair

Minutes Acceptance: Minutes of Apr 12, 2018 7:00 PM (APPROVAL OF MINUTES)

**OFFICIAL MINUTES OF THE
PLANNING COMMISSION
OF THE CITY OF MORENO VALLEY**

**REGULAR MEETING – 7:00 PM
April 26, 2018**

CALL TO ORDER

This Regular Meeting of the Planning Commission of the City of Moreno Valley was called to order at 7:05 p.m. by Chair Barnes in the Council Chamber located at 14177 Frederick Street.

ROLL CALL

Planning Commission:	Patricia Korzec	Vice Chairman	Present
	Robert Harris	Commissioner	Present
	JoAnn Stephan	Commissioner	Present
	Jeffrey Sims	Commissioner	Excused Absence
	Ray L. Baker	Commissioner	Present
	Jeffrey Barnes	Chair	Present
	Alvin Dejohnette	Commissioner	Present

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner JoAnn Stephan.

APPROVAL OF AGENDA

Motion made by Commissioner Baker and seconded by Vice Chair Korzec to approve agenda as is.

Vote: 6-0-0-1
Ayes: Vice Chair Korzec, Commissioner Harris, Stephan, Baker, Chair Barnes and Commissioner Dejohnette
Noes:
Abstain:
Action: Approved
Excused: Commissioner Sims

STAFF PRESENT

Paul Early	City Attorney
Richard Sandzimier	Acting Community Development Director
Albert Armijo	Interim Planning Manager
Chris Ormsby	Senior Planner
Jeff Bradshaw	Associate Planner
Claudia Manrique	Associate Planner
Ashley Aparicio	Planning Commission Secretary
Vera Sanchez	Senior Administrative Assistant
Adria Reinertson	Fire Marshal

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Michael Lloyd
Eric Lewis

Engineering Division Manager/Assistant City Engineer
Transportation Division Manager/City Traffic Engineer

CONSENT CALENDAR

No items for Discussion

APPROVAL OF MINUTES

No items for Discussion

PUBLIC COMMENTS PROCEDURE

Ken Iglesias

1. Prior to the meeting he had seen live on CNN the leader of North Korea shook hands with the leader of South Korea. The South Korean leader crossed the cement line to North Korea and both leaders crossed into South Korea for secret meetings.
2. Most of Moreno Valley will have access to Fiber-optic Internet within the next 5 years.
3. New home development should have nicer access to main streets.
4. Suggest having east coast style new home development as there are enough Spanish style developments, as it is much nicer.

Rafael Bruqueras

1. It is important to understand and learn from the homes being built on Eucalyptus between Nason and Moreno Beach. The model homes are open but the grand opening is May 5th. He would like for the Commissioners to go and to see what was approved by this Commission. When you look at those homes, look at the backyard. When you have residents and developers that want to build in the future and say that 7200 square feet is not big compared to what is being built now that you will understand that 7200 square feet and 10000 square feet are large lots compared to what these people are going to get for \$330,000.00. I hope you all go so you can see the vision for the Commission to look at lot signs. When people complain you aren't going to know until you see these homes. People will buy them but I want people to not complain about these lots because they aren't going to know what small lots are until you see these homes.

NON-PUBLIC HEARING ITEMS

No items for Discussion

PUBLIC HEARING ITEMS

1. Moreno Beach Commercial Center - proposal to develop a commercial center with a gas station, convenience store, a detached self-serve car wash and retail/restaurant space (Report of: Planning Commission)

Recommendations:

Staff recommends that the Planning Commission APPROVE Resolution No. 2018-23, 2018-24, 2018-25, and 2018-26 and thereby recommend that the Moreno Valley City Council take the following actions.

Resolution No. 2018-23

1. CERTIFY that the Mitigated Negative Declaration prepared for Master Plot Plan PEN17-0044, Plot Plan PEN17-0045 and Conditional Use Permit PEN17-0046 on file with the Community Development Department, incorporated herein by this reference, has been completed in compliance with the California Environmental Quality Act, that the Planning Commission reviewed and considered the information contained in the Mitigated Negative Declaration and the document reflects the City's independent judgment and analysis; attached hereto as Exhibit A; and
2. APPROVE the Mitigation Monitoring Program prepared for Master Plot Plan PEN17-0044, Plot Plan PEN17-0045 and Conditional Use Permit PEN17-0046, attached hereto as Exhibit B.

Resolution No. 2018-24

3. APPROVE Master Plot Plan PEN17-0044 based on the findings contained in this resolution, and subject to the conditions of approval included as Exhibit A.

Resolution No. 2018-25

4. APPROVE Plot Plan PEN17-0045 based on the findings contained in this resolution, and subject to the conditions of approval included as Exhibit A.

Resolution No. 2018-26

5. APPROVE Conditional Use Permit PEN17-0046 based on the findings contained in this resolution, and subject to the conditions of approval included as Exhibit A.

Public Hearing Opened: 7:44 p.m.

Public Comments:

Jim Larson is in opposition to the item.

Josie Arias is in opposition to the item.

Kregg McCarthy is in opposition to the item.

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Robert & Denia Campus is in opposition to the item.

Tina Dagnal on behalf of Moreno Valley Unified School District is in opposition to the item.

Gabrielle Sibley is in opposition to the item.

Linda Gilbert-Williams is in opposition to the item.

Regina Mayorya is in opposition to the item.

Ken Iglesias is in opposition to the item.

Luis Quijada is in opposition to the item.

Angelica Arina is in opposition to the item.

Peter Wissa is in opposition to the item.

Jose C Guzman is in opposition to the item.

Moises Santiago is in opposition to the item.

Rhonda Bogan is in opposition to the item.

Eric Bogan is in opposition to the item.

Rose Baldwin is in opposition to the item.

Henry Chao is in opposition to the item.

Raymond Talbot is in opposition to the item.

Melinda Martin is in opposition to the item.

Leanna Gonzalez is in opposition to the item.

Cory Joseph is in opposition to the item.

Pete Hurtado is in opposition to the item.

Karen Benites is in opposition to the item.

Rafael Brugereras is in opposition to the item.

Mike Bunthanom is in opposition to the item.

Alfred Lopez Jr. is in opposition to the item.

Leo Gonzalez is in opposition to the item.

Graham Baldwin is in opposition to the item.

Public Hearing Closed: 8:44 p.m.

Upon closing the public hearing portion of the meeting Chair Barnes called for a 5 minute recess.

At 9:02 p.m. Chair Barnes reconvened the meeting.

Motion made by Chair Barnes and seconded by Commissioner Baker to deny the project and recommend a denial resolution be brought back to the Commission at the May 24, 2018 regular meeting.

Vote: 6-0-0-1
 Ayes: Vice Chair Korzec, Commissioner Harris, Stephan, Baker, Chair Barnes and Commissioner Dejohnette
 Noes:
 Abstain:
 Action: Approved
 Excused: Commissioner Sims

2. An amendment to the City's Temporary Use Permit (TUP) regulations (Section 9.02.150 of the Municipal Code) adding "safe and sane" fireworks sales as a permitted temporary use (Report of: Planning Commission)

Recommendations:

Staff recommends that the Planning Commission APPROVE Resolution No. 2018-28, and thereby recommend that the Moreno Valley City Council take the following actions.

1. **CERTIFY** that application PEN18-0061 (Municipal Code Amendment), which will allow provisions for sales of safe and sane fireworks as a temporary land use in the City, qualifies as a Class 4 categorical exemption in accordance with CEQA Guidelines, Section 15304 (Minor Alternations to Land).
2. **APPROVE** PEN18-0061, a proposed amendment to Title 9 of the City Municipal Code adding provisions for sales of safe and sane fireworks as a temporary land use in the City.

Public Hearing Opened: 9:18 p.m.

Minutes Acceptance: Minutes of Apr 26, 2018 7:00 PM (APPROVAL OF MINUTES)

Public Comments:

Ken Iglesias supports the item.

Graham Baldwin is in opposition to the item.

Raymond Talbot is in opposition to the item.

Public Hearing Closed: 9:21 p.m.

Motion made by Vice Chair Korzec and seconded by Commissioner Harris to deny the project and recommend a denial resolution be brought back to the Commission at the May 24, 2018 regular meeting.

Vote: 6-0-0-1
Ayes: Vice Chair Korzec, Commissioner Harris, Stephan, Baker, Chair Barnes and Commissioner Dejohnette
Noes:
Abstain:
Action: Approved
Excused: Commissioner Sims

OTHER COMMISSION BUSINESS

No items for Discussion

STAFF COMMENTS

No items for Discussion

PLANNING COMMISSIONER COMMENTS

No items for Discussion

ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Barnes adjourned the meeting at 9:43 p.m.

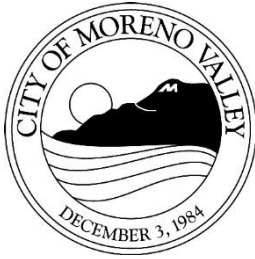
Submitted by:

Approved by:

Ashley Aparicio
Planning Commission Secretary

Jeffrey Barnes
Chair

Minutes Acceptance: Minutes of Apr 26, 2018 7:00 PM (APPROVAL OF MINUTES)



PLANNING COMMISSION

STAFF REPORT

Meeting Date: May 24, 2018

REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW FOR ALCOHOLIC BEVERAGE SALES FROM A PREVIOUSLY APPROVED CONVENIENCE STORE

Case: PEN18-0022 Conditional Use Permit

Applicant: Yum Yum Donut Shops Inc. / DBA – WIN WIN

Owner: Yum Yum Donut Shops Inc.

Representative: Liliger Damaso

Location: Northwest corner of Alessandro Boulevard and Day Street

Case Planner: Gabriel Diaz

Council District: 1

SUMMARY

The proposal is for a Conditional Use Permit (CUP) to allow sale of pre-packaged beer and wine at a recently approved, but not yet constructed, Winchell's Donut Shop to be located at the northwest corner of Alessandro Boulevard and Day Street. Pursuant to Moreno Valley Municipal Code Section 9.02.020 (Permitted Uses) a CUP is necessary and requires a discretionary action by the Planning Commission to allow for alcohol sales when that proposed land use is within 300 feet of residential use.

PROJECT DESCRIPTION

Project

The applicant, Yum Yum Donut Shops Inc., is applying for a CUP to allow for off-site sales of alcoholic beverages at a recently approved 4,263 square foot Winchell's Donut Shop and convenience store within the Community Commercial zoning district located at the northwest corner of Alessandro Boulevard and Day Street. The applicant

proposes to use twenty to twenty-five percent of the total square footage of the reach-in cooler area for alcoholic beverages. The coolers can be accessed directly by customers. Based on information from the applicant, the demand for beer and wine will account for twenty-five percent of the total sales. No change to the existing floor plan of the Winchell's Donut Shop floor plan is proposed. The Winchell's Donut Shop includes the donut shop, build to order sandwich shop, and a convenience store that will be open 24 hours daily. There will be approximately 15 to 20 employees of the business.

A CUP is required for the off-site sale of alcohol in the Community Commercial zone when the proposed use is within 300 feet of a residential zone or use. In addition to a CUP, prior to any sales of alcoholic beverages taking place, the applicant must also obtain a Type-20 license from the State of California Department of Alcohol Beverage Control (ABC) for the intended category of sales. The applicant has not applied for that license at this time. A Type-20 Off-Sale General Alcohol License (Package Store) authorizes the sale of beer and wine for consumption off the premises where sold. In the absence of a City approved CUP, any application to ABC would remain pending until the ABC is informed by the City that a CUP has been granted on the subject property. As a CUP is valid for 36 months, the applicant would be able to rely on such approval, or any properly secured extension(s) of time from the City, in their effort to secure the requisite ABC license.

The land immediately east of the site across Day Street is vacant land planned for multi-family residential up to 30 dwelling units per acre. That land is predominantly City owned land. Privately owned properties directly adjacent to the project site to the north and west are zoned Community Commercial. The property to the north is developed with residential units, which are legal non-conforming uses and structures within the commercial zone. A small grocery store, La Buena Market, is located immediately west of the site and is operating consistent with the provisions of the Community Commercial zoning designation.

Planning staff obtained additional information regarding other locations of alcohol sales within the vicinity of the site. The Department of Alcohol Beverage Control only allows two Type-20 licenses within a Census Tract without a Letter of Public Convenience and Necessity from the City. The boundary for Census Tract 425.05 extends from Alessandro Boulevard to State Highway 60 to the north and includes development within the Town Gate Specific Plan and the developed commercial areas west Day Street and northerly of Eucalyptus Avenue. The western boundary of the tract is the 215 freeway, and the eastern boundary is Day Street. There is currently an over concentration of Type-20 licenses within Census Tract 425.05.

There are three Type-20 and Type-21 licenses issued for businesses located on Alessandro Boulevard within one-half mile of the site. Type-20 licenses are limited to beer and wine only. Type-21 licenses include beer, wine, and distilled spirits. The business selling alcoholic beverages in proximity of the site include:

- A. La Buena Market (Type-20) on the adjacent property to the west of the site on Alessandro Boulevard,

- B. Liquor store (Type-21) approximately 675 feet to the west on Alessandro Boulevard.
- C. An AM/PM gas station and convenience store (Type-20) on Alessandro Boulevard approximately 1,900 feet to the west, and outside of the City limits.

Access/Parking

Addition of beer and wine sales will not affect the approved access or parking for the donut shop and convenience store. Primary direct access to the proposed development will be from a driveway on Alessandro Boulevard and a driveway off Day Street. Both driveways will be restricted to right-in and right-out movements.

Review Process

Planning staff has included a number of conditions of approval to address the potential for any concerns regarding compatibility with the adjacent residences to the north and the potential multi-family residences to the east. Several conditions originate from Moreno Valley Police Department staff recommendations as follows.

- Address numbers should be placed at multiple locations on the building and be illuminated.
- Rooftop addressing of the building should be implemented.
- The parking lot and buildings should be well lit. Minimize the shadows cast by landscaping and trees on the property.
- Maximize the number of windows on the businesses so customers can see out in to the parking lot while inside eating. This will help parking lot security by giving people the opportunity to maintain visual of their vehicles and valuables.
- Security cameras should be placed inside the businesses and several cameras outside.
- 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 and be evenly dispersed.
- Upon completion of construction, each building or business shall have an alarm system that is monitored by a designated private alarm company to notify the Moreno Valley Police Department of any intrusion.
- ABC approval(s) will be required for alcohol licenses in the area.

In addition, planning staff has included a condition of approval requiring that coolers storing beer and wine accessible to the public be locked between the hours of 2:00 a.m. to 6:00 a.m. This condition of approval would be consistent with current State law which also prohibits sale of alcoholic beverages between those hours.

Planning staff considered the conditions of approval below, but did not include in the conditions of approval. The Planning Commission could consider these additional conditions if determined necessary to ensure compatibility with surrounding uses, such as the following.

- A. Require locks for coolers that have beer and wine to restrict all direct access by customers.

- B. Require additional security measures such as the addition of a security guard.
- C. Prohibit the sale of single can or bottle sales of pre-packaged beer and wine products at the site.

Once the application receives an approved Conditional Use Permit for the alcohol sales, the applicant will submit an application to the State of California Department of Alcohol Beverage Control for a Type-20 license. This application will not be approved until the State Department is informed by the City that a CUP has been granted on the subject property allowing the applicant to sell alcohol for off-site consumption. In addition the applicant will need to obtain a Letter of Public Convenience and Necessity from the Police Department.

There is currently an over concentration of Type-20 licenses in Census Tract 425.05. The Department of Alcohol Beverage Control only permits two Type-20 licenses within the Census Tract without a letter of public necessity. There are three Type-20 and Type-21 licenses on Alessandro Boulevard within one-half mile of the site. There are several other Type-20 licenses within Census Tract 425.05; however, most are more than one mile from the site within the vicinity of the Town Gate Specific Plan area.

ENVIRONMENTAL

Planning staff has reviewed the request in accordance with the latest edition of the California Environmental Quality Act (CEQA) Guidelines and has determined that the project will not result in any significant effect on the environment and qualifies for an exemption under the provisions of CEQA as a minor alteration in land use limitations, Class 5 Categorical Exemption, CEQA Guidelines, Section 15305 (Minor Alteration in Land Use Limitations).

NOTIFICATION

The public hearing notice for this project was published in the local newspaper on May 13, 2018. Public notices were sent to all property owners of record within 300 feet of the project site on May 10, 2018. The public hearing notice for this project was posted on the project site on May 11, 2018.

As of the date of report preparation, staff has received no phone calls or correspondence in response to the noticing for this project.

ALTERNATIVES

- A. Approve the Conditional Use Permit with the conditions of approval as recommended by staff.
- B. Approve the Conditional Use Permit with modifications to conditions of approval based on Planning Commission's discussion and deliberation.
- C. Deny the Conditional Use Permit application based on Planning Commission discussion and deliberation and direct staff to return with a Resolution of denial for consideration at the next regular Planning Commission meeting.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission APPROVE Resolution No. 2018-29, and thereby:

1. CERTIFY that the proposed Conditional Use Permit is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 5 Categorical Exemption, CEQA Guidelines, Section 15305 (Minor Alterations in Land Use Limitations); and
2. APPROVE Conditional Use Permit PEN18-0022 based on the findings contained in Planning Commission Resolution 2018-29, subject to the conditions of approval included as Exhibit A of the Resolution.

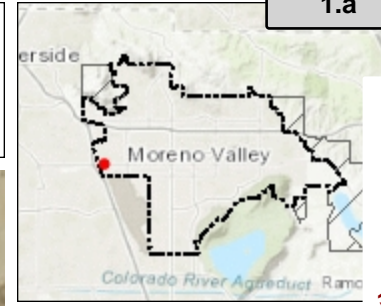
Prepared by:
Gabriel Diaz
Associate Planner

Approved by:
Albert Armijo
Interim Planning Manager

ATTACHMENTS

1. Aerial Photograph
2. Zoning Map
3. Site Plan
4. Floor Plan
5. Public Hearing Notice
6. Resolution 2018-29
7. Exhibit A - Conditions of Approval PEN18-0022

Aerial Photograph



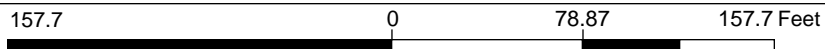
Legend

Public Facilities

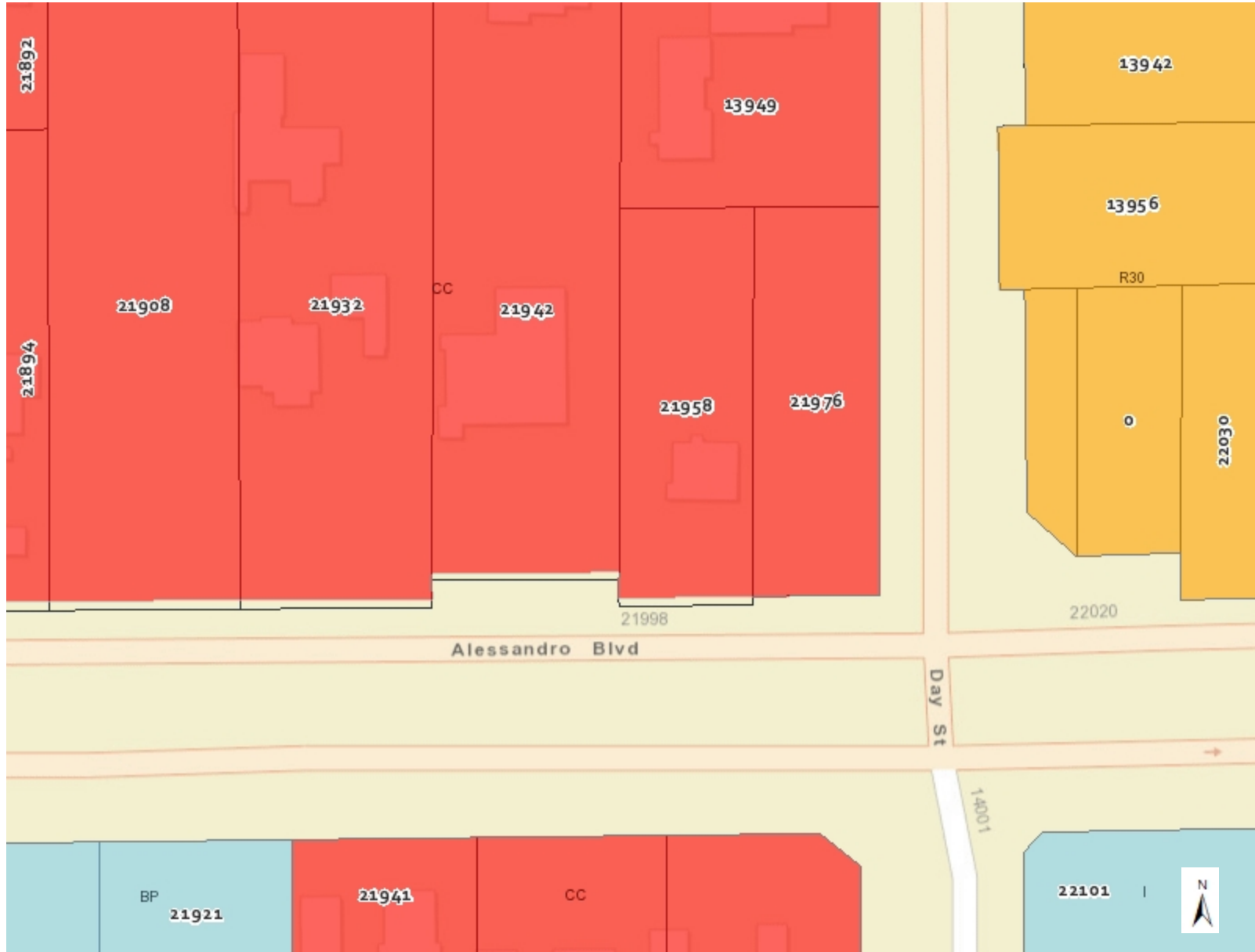
- Public Facilities; Employment Re: Permanente Moreno Valley Medi Conference & Recreation Center
- ★ Fire Stations
- Parcels
- ⊞ City Boundary
- ⊞ Sphere of Influence

Attachment: Aerial Photograph (3108 : PEN18-0022 Conditional Use Permit)

Notes



Zoning Map



Legend

Zoning

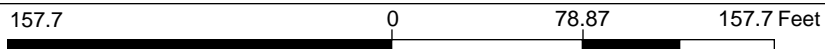
- Commercial
- Industrial/Business Park
- Public Facilities
- Office
- Planned Development
- Large Lot Residential
- Residential Agriculture 2 DU/AC
- Residential 2 DU/AC
- Suburban Residential
- Multi-family
- Open Space/Park

Master Plan of Trails

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

- Parcels
- City Boundary
- Sphere of Influence

Notes



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.

Attachment: Zoning Map (3108 : PEN18-0022 Conditional Use Permit)

ENLARGED SITE PLAN KEYNOTES

- 1 ACCESSIBLE PATH OF TRAVEL FROM PUBLIC WAY.
- 2 ACCESSIBLE PATH OF TRAVEL FROM PARKING.
- 3 TRASH ENCLOSURE
- 4 SIGN POLE LOCATION
- 5 TRANSFORMER LOCATION
- 6 NEW PROPERTY LINE
- 7 RELOCATED WATER METER. TO BE SCREENED WITH LANDSCAPING



THESE DRAWINGS AND SPECIFICATIONS AND IDEAS, DESIGN AND ARRANGEMENTS REPRESENTED THEREIN ARE AND SHALL REMAIN THE PROPERTY OF GARY WANG & ASSOCIATES, INC. NO PART HEREIN SHALL BE COPIED, DISCLOSED TO OTHERS OR USED IN CONNECTION WITH ANY WORK OR PROJECT OTHER THAN THE SPECIFIC PROJECT FOR WHICH THEY HAVE BEEN PREPARED AND DEVELOPED WITHOUT THE WRITTEN CONSENT OF GARY WANG & ASSOCIATES. VISUAL CONTACT WITH THESE DRAWINGS AND SPECIFICATIONS SHALL CONSTITUTE CONCLUSIVE EVIDENCE OF THESE RESTRICTIONS. WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB, AND THIS OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS. SHOP DETAILS MUST BE SUBMITTED TO THIS OFFICE FOR REVIEW BEFORE PROCEEDING WITH THE FABRICATION.

ARCHITECT
GARY WANG & ASSOCIATES, INC.
 1255 Corporate Center Dr. PH 8
 Monterey Park, CA 91754
 TEL (626) 288-8888 FAX (626) 768-7101
 http://www.garywang.com

STAMP

PROJECT NAME/ADDRESS
Winchell's
 21960 ALESSANDRO BLVD.,
 MORENO VALLEY, CA 92553

ISSUE DATE	
1ST	040114 - 1ST SUB TO PLANNING
2ND	090914 - REVISION
3RD	100314 - 2ND SUBMITTAL
4TH	100116 - 3RD SUBMITTAL
5TH	042117 - 4TH SUBMITTAL
6TH	061617 - 5TH SUBMITTAL
7TH	083017 - 6TH SUBMITTAL
8TH	092917 - 8TH SUBMITTAL

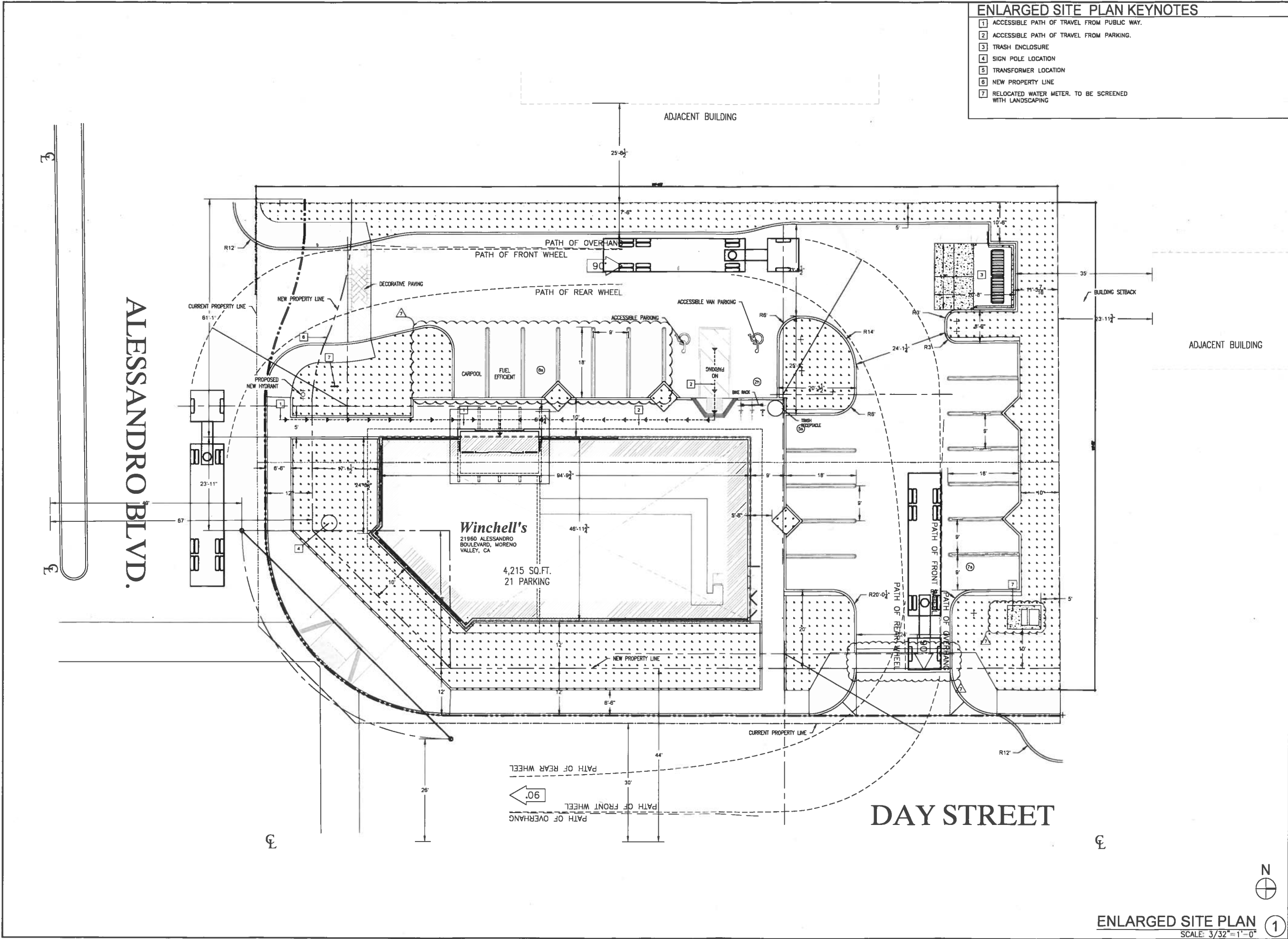
JOB NUMBER
 ARCH PROJECT # 14-074

DRAWN BY
 AD, GC, & CL

SHEET CONTENT
 ENLARGED SITE PLAN

SHEET NO
A-002

EN 16-107



ENLARGED SITE PLAN
 SCALE: 3/32"=1'-0"



Attachment: Site Plan [Revision 1] (3108 : PEN18-0022 Conditional Use Permit)



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ARCHITECT
GARY WANG & ASSOCIATES, INC.
1255 Corporate Center Dr., PH 8
Menlo Park, CA 94025
TEL: (650) 288-6886 FAX: (650) 788-7101
http://www.garywang.com

STAMP

PROJECT NAME/ADDRESS
Winchell's
21960 ALESSANDRO BLVD.,
MORENO VALLEY, CA 92553

ISSUE DATE	
1ST	040114 - 1ST SUB TO PLANNING
2ND	080914 - REVISION
3RD	100314 - 2ND SUBMITTAL
4TH	100116 - 3RD SUBMITTAL
5TH	042117 - 4TH SUBMITTAL
6TH	081817 - 5TH SUBMITTAL
7TH	083017 - 6TH SUBMITTAL
8TH	092917 - 8TH SUBMITTAL

JOB NUMBER
ARCH PROJECT # 14-074

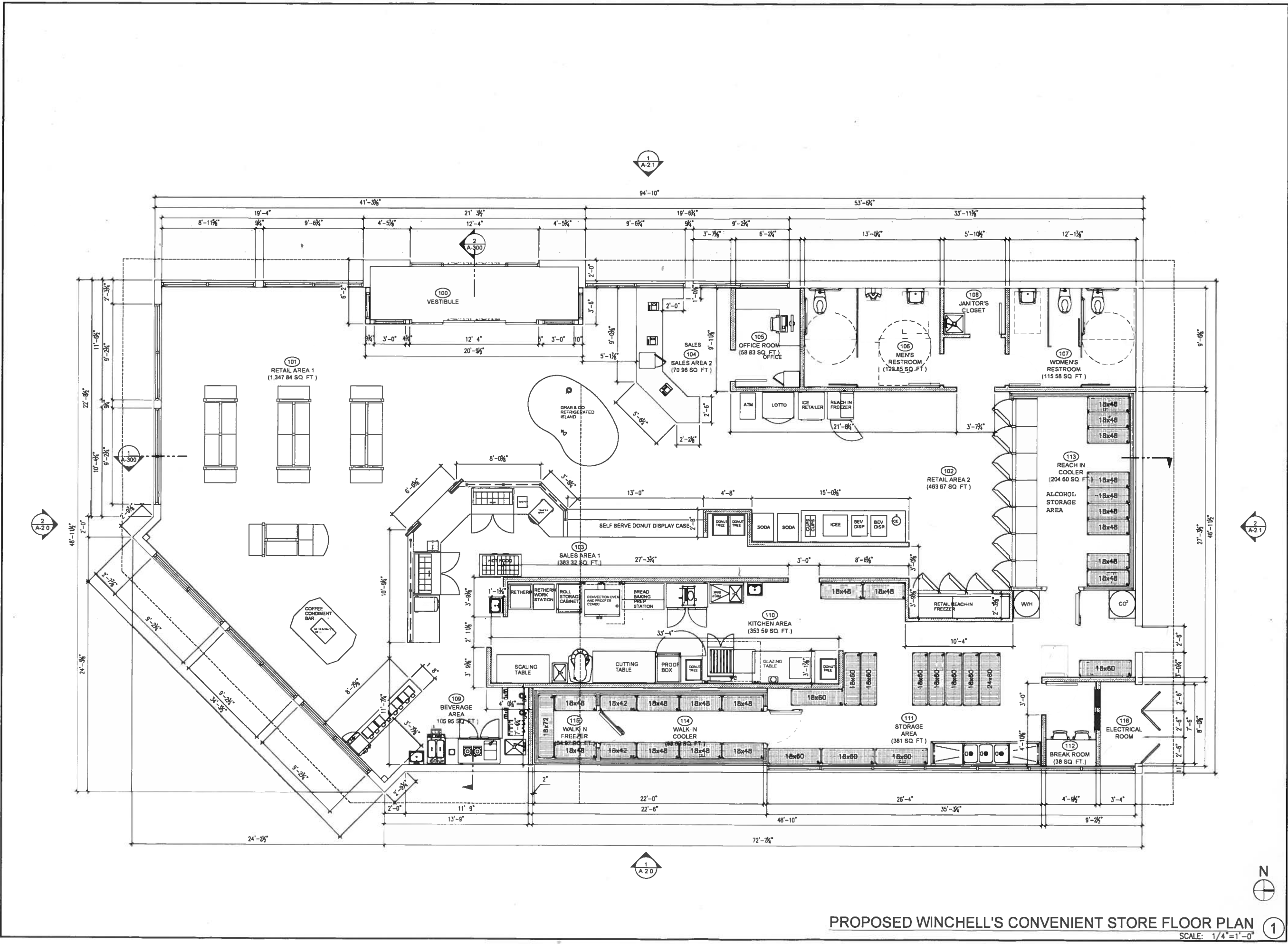
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SHEET CONTENT
FLOOR PLAN

SHEET NO

A-100

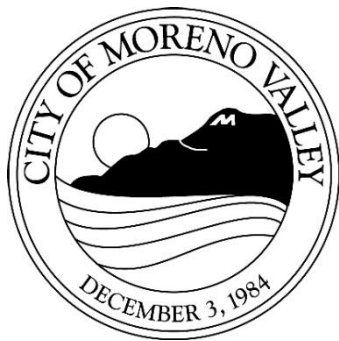
Attachment: Floor Plan [Revision 1] (3108 : PEN18-0022 Conditional Use Permit)



PROPOSED WINCHELL'S CONVENIENT STORE FLOOR PLAN

SCALE: 1/4"=1'-0"

1



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: PEN18-0022 – Conditional Use Permit
Applicant: Yum Yum Donut Shops Inc. / DBA – WIN WIN
Owner: Yum Yum Donut Shop Inc.
Representative: Liliger Damaso
A.P. No.: 263-230-012 and 263-230-013
Location: Northwest corner of Alessandro Boulevard and Day Street
Proposal: A Conditional Use Permit (CUP) to add alcohol beverage sales (Type-20 Beer and Wine) to a recently approved Winchell's Donut Shop convenience store. Type-20 Off-Sale General Alcohol License authorizes the sale of beer and wine for the consumption off the premises where sold.

Council District: 1

Environmental Determination: Exempt. The project has been evaluated against criteria set forth in the California Environmental Quality Act (CEQA) Guidelines and it was determined that the project is consistent with all of the required conditions described in Section 15301 for a Class 1 Categorical Exemption. Therefore, a recommendation to find the project exempt from the provisions of the CEQA as a Class 1 Categorical Exemption, CEQA Guidelines, and Section 15301 Existing Facilities is being carried forward with the project.

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.



Attachment: Public Hearing Notice (3108 : PEN18-0022 Conditional Use Permit)

LOCATION N ↑

PLANNING COMMISSION HEARING

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

DATE AND TIME: May 24, 2018, 7:00 p.m.
CONTACT PLANNER: Gabriel Diaz
PHONE: (951) 413-3226

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.

PLANNING COMMISSION RESOLUTION NO. 2018-29

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING PEN18-0022, A CONDITIONAL USE PERMIT (CUP) FOR THE SALE OF BEER AND WINE AT A WINCHELL'S DONUT SHOP AND CONVENIENCE STORE LOCATED ON THE NORTHWEST CORNER OF ALESSANDRO BOULEVARD AND DAY STREET (ASSESSOR'S PARCEL NUMBER 263-230-012 AND 263-230-013)

WHEREAS, Yum Yum Donut Shops Inc., has filed an application for the approval of PEN18-0022, Conditional Use Permit (CUP) to add alcohol beverage sales to an entitled Winchell's Donut Shop and convenience store as described in the title of this Resolution; and

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

WHEREAS, the public hearing notice for this project was published in the local newspaper on May 13, 2018. Public notice was sent to all property owners of record within 300 feet of the project site on May 10, 2018. The public hearing notice for this project was also posted on the project site on May 11, 2018; and

WHEREAS, on May 24, 2018, the Planning Commission of the City of Moreno Valley conducted a public hearing to consider the application; and

WHEREAS, on May 24, 2018, the Planning Commission of the City of Moreno Valley made and issued an environmental determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15305, Minor Alterations in Land Use Limitations; 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 May 24, 2018, 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 sale of alcoholic beverages is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The proposed development is located within the Commercial land use designation of the Moreno Valley General Plan. The CUP has been evaluated against General Plan Objective 2.4, which states “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 retail and service commercial needs of Moreno Valley residents and businesses” and staff has confirmed that the proposed project does not conflict with any of the goals, objectives, policies, and programs of the General Plan.

- 2. **Conformance with Zoning Regulations** – The proposed sale of alcoholic beverages complies with all applicable zoning and other regulations.

FACT: General Plan Policy 2.4.1 states the primary purpose of areas designated Commercial is to provide property for business purposes, including, but not limited to, retail stores, restaurants, banks, hotels, professional offices, personal services and repair services. The zoning regulations shall identify the particular uses permitted on each parcel of land. The proposed project is within the Community Commercial (CC) zoning district. Municipal Code Section 9.02.020 (Permitted Uses) requires a conditional use permit for the off-site sales of alcohol beverages when located within 300 feet of residential uses. The entitled Winchell’s Donut Shop is located within 300 feet of residential developments and an R30 residential zone.

According to the State of California Department of Alcohol Beverage Control (ABC), a Type-20 Off-Sale General Alcohol License (Package Store) is required for the sale of beer and wine for the consumption off the premises. The conditions of

approval of the Conditional Use Permit require that the ABC license is obtained.

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

FACT: Several conditions of approval have been added to the project to address public health, safety, and welfare. These conditions of approval include providing security cameras inside and outside the business, an alarm system monitoring by a private company, placement of signage prohibiting consumption of alcoholic beverages onsite, and limiting access by the public to coolers during hours when alcoholic beverages cannot be sold as specified in State law. With the conditions of approval which incorporate the recommendations of the Police Department, the proposal will not be detrimental to public health, safety and welfare.

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

FACT: There are three businesses selling alcoholic beverages in proximity of the site including La Buena Market (Type-20) on the adjacent property to the west of the site on Alessandro Boulevard, a Liquor store (Type-21) approximately 675 feet to the west on Alessandro Boulevard, and an AM/PM gas station and convenience store (Type-20) on Alessandro Boulevard approximately 1,900 feet to the west, and outside of the City limits.

The sale of alcoholic beverages will be entirely within the building that was previously approved, and no changes to the design of the building are necessary. With the incorporation of the conditions of approval, the sale of alcoholic beverages at this location would not be in conflict with existing and planned land uses in the vicinity.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under 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 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 PEN18-0022, incorporated herein by reference, 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 Government Code Section 66020(a) and failure to follow this procedure in a timely fashion 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. 2018-29 and thereby:

- 1. **CERTIFY** that the proposed Conditional Use Permit is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 5 Categorical Exemption, CEQA Guidelines, Section 15305 (Minor Alterations in Land Use Limitations); and
- 2. **APPROVE** Conditional Use Permit PEN18-0022 based on the findings contained in the resolution and subject to the conditions of approval included as Exhibit A of the resolution.

APPROVED this 24th day of May, 2018.

AYES:
NOES:
ABSTAIN:

Jeffrey Barnes
Chair, Planning Commission

ATTEST:

Albert Armijo, Interim Planning Manager
Secretary to the Planning Commission

APPROVED AS TO FORM:

City Attorney

Exhibit A

Attachment: Resolution 2018-29 [Revision 3] (3108 : PEN18-0022 Conditional Use Permit)

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN18-0022)

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CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Conditional Use Permit (PEN18-0022)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. A change or modification to the land use or the approved site plans may require a separate approval. Prior to any change or modification, the property owner shall contact the City of Moreno Valley Community Development Department to determine if a separate approval is required.
2. Any expansion to this use or exterior alterations will require the submittal of a separate application(s) and shall be reviewed and approved under separate permit(s). (MC 9.02.080)
3. 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. (MC 9.02.230)
4. 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 Conditional Use Permit may be revoked in accordance with provisions of the Municipal Code.
5. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code 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 Planning Official. (MC 9.14.020)
6. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)

Special Conditions

7. The owner or owner's representative shall establish and maintain a relationship with

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Conditional Use Permit (PEN18-0022)

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- the City of Moreno Valley and cooperate with the Problem Oriented Policing (POP) program, or its successors.
8. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
 9. The alcoholic beverage license issued at this location shall be a Type-20 Off-Sale General Alcohol License (Package Store) authorizing the sale of beer and wine for the consumption off the premises where sold.
 10. All operating conditions imposed by the California Department of Alcohol Beverage Control (ABC) shall be complied with at all times.
 11. All licenses and approval from the California Department of Alcohol Beverage Control (ABC) must be secured prior to the sale of alcohol.
 12. The applicant/business owner(s) shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use of the subject property will be cause of revocation of this permit.
 13. No trespassing/loitering signs as well as signs prohibiting the consumption of alcoholic beverages on-site shall be posted at the entrance to the Winchell's Donut Shop.
 14. The site has been approved for a Conditional Use Permit for the sale of beer and wine at the Winchell's Donut Shop convenience store, located at the northwest corner of Alessandro Boulevard and Day Street (APNS: 263-230-012 and 263-230-013). Any change or modification shall require separate approval. For a Conditional Use Permit, violation may result in revocation of the Conditional Use Permit.
 15. Address numbers should be placed at multiple locations on the building and be illuminated.
 16. Rooftop addressing of the building should be implemented.
 17. Security cameras should be placed inside the businesses and several cameras outside.
 18. Upon completion of construction, each building or business shall have an alarm system that is monitored by a designated private alarm company to notify the Moreno Valley Police Department of any intrusion.
 19. Maximize the number of windows on the businesses so customers can see out and into the parking lot. This will help parking lot security by giving customers the

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opportunity to maintain view of their vehicles and valuables.

20. 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 and be evenly dispersed.
21. The coolers storing beer and wine which can be accessed by the public shall be locked between the hours of 2:00 a.m. and 6:00 a.m., or as provided for in Section 25631 of the Business and Professions Code which limits hours for sale of alcoholic beverages.