

The proposed warehouse development is unquestionably a use envisioned by the Moreno Valley Industrial Area Specific Plan (Specific Plan). However, the proposed site design is inconsistent with numerous provisions of the Specific Plan and the Moreno Valley Municipal Code. The following comments are provided for the Planning Commission public hearing record. Thoughtful consideration and response to these comments is required prior to action by the Planning Commission.

### **1. The Commission May Not Recommend Affirmative Action on the Project as Presented**

A City-wide Municipal Code amendment in 2011<sup>1</sup> created an inconsistency with the Specific Plan buffer provisions, which appears to have been overlooked at the time of the Municipal Code amendment. Moreno Valley Municipal Code Sections 9.13.050(F) and 9.13.060(A) require that specific plans provide for development that exceeds the minimum standards and quality of development that would otherwise be permitted under the corresponding standard Municipal Code district. For warehousing uses such as those proposed, development outside the Specific Plan is accommodated by the Light Industrial district. The 2011 Municipal Code amendment modified Section 9.05.040(B)(9) to require a minimum 250-foot setback from residential districts for warehouses over 50,000 square feet in size in the Light Industrial district. This Municipal Code provision also measures the setback from the district boundary to the truck dock and **does not** allow for reduction of the 250-foot minimum distance. Pending clarification of the Specific Plan setback provisions as noted in items a and b, below, the Municipal Code 250-foot setback is the applicable minimum standard for review of the proposed project.

The existing setback along Indian Street for the Proctor & Gamble site is not relevant. The Proctor & Gamble building as constructed was not in conformance with applicable Municipal Code provisions at the time it was approved and is currently non-conforming.

The required Municipal Code consistency findings cannot be made for the Specific Plan amendment (PEN16-0001), Building 1 plot plan (PEN16-0003), and the parcel map (PEN16-0007) as presented. As noted below, there is no apparent reason the site could not feasibly comply with the current setback, which was established to enhance compatibility at this longstanding industrial/residential land use interface. The specific plan amendment should not be granted and the project should be modified to comply with the 250 foot (or 300-foot) setback.

If you wish to recommend approval of the specific plan amendment to the City Council, the project must be modified to include a City-wide Municipal Code Amendment, and the EIR must be revised to assess the potential impacts of a reduced 100-foot minimum setback City-wide.

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<sup>1</sup>The specific plan amendment (P07-121, Ordinance 780) that allowed the reduced setback along Indian Avenue was approved in 2008. A subsequent 2011 Municipal Code amendment (PA10-0017, Ordinance 830) established a 250-foot minimum setback. In 2016, a City-wide Municipal Code clean-up amendment (PA14-0011, Ordinance 912) clarified that the setback is measured to dock/loading areas, eliminating a reference to "building" incorrectly included in Ordinance 830.

In addition, the following provisions of the Specific Plan and Municipal Code require clarification before the Commission takes action:

- a. The meaning and intent of Specific Plan language as to whether the applicable buffer along Indian Avenue is 300 feet or 250 feet<sup>2</sup>. Notwithstanding the special setback concession allowed for the Proctor & Gamble site, it appears that the intent of the original specific plan language (page III-2 excerpt attached as page 6) was to only allow more intense industrial uses where parcels adjoining residential properties would accommodate the 300-foot setback.
- b. Applicability of Specific Plan provisions for land uses with the 300 feet from Residential designation (Specific Plan Section III.D, Industrial Land Use Table), versus the setback and landscaping provisions in Specific Plan Section III.C. The Land Use Table from the Specific Plan as posted on the City's website is attached (Specific Plan pages III-3 through 5 attached as pages 7, 8 and 9).
- c. Krameria Avenue is not presently designated as a truck route. If the project will sanction primary use as such, then a corresponding Municipal Code amendment is required. By comparison, it is noted that the project traffic study (traffic study page 54 and Exhibit 3-8, excerpts attached as pages 10 and 11) indicates a requirement for designation of Indian Avenue as a truck route if the bridge is built.

**2. Notwithstanding the Reasons Noted above that the Commission May Not Approve the Project as Presented, the Commission Should Not Recommend Affirmative Action on the Project as Presented**

Extending back to the City's first General Plan, land use planning for this area has reflected an interface between industrial and residential uses. General Plan, Municipal Code and Specific Plan provisions have provided guidance for intensity of industrial uses and development standards for industrial uses to avoid or minimize potential conflicts with surrounding uses (Specific Plan Goals and Objectives, Land Use Compatibility Goal, page IV-1, excerpt attached as page 12). The limited range of permitted uses under the Specific Plan for lands within 300 feet of residential areas (Specific Plan Industrial Land Use Table attached as pages 7, 8 and 9) and the Specific Plan setback provisions within 300 feet of residential areas are commitments to the residents of adjacent neighborhoods that should not be compromised without compelling justification.

The interface conditions for the proposed Moreno Valley Logistics Center site and the Proctor & Gamble site are quite distinct. The Proctor & Gamble site adjoins established residential tracts along

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<sup>2</sup> The text of Specific Plan Section III.C as amended by Ordinance 780 indicates the 250-foot reduced buffer applies along major arterials. The specific plan identifies the areas subject to the 300-foot from Residential provisions (Specific Plan Figure III-1, copy attached as page 5), including many locations that are not along major arterials. Indian Avenue is, and has always been, designated as a minor arterial under the Specific Plan. Accordingly, it is not clear whether a reduction from the 300-foot requirement was ever intended at this interface.

the Iris frontage, and only limited existing residential use along the Indian Street frontage. For the comparable interface, the Proctor & Gamble site provides a 250-foot setback from residential uses. Further, the Proctor & Gamble site restricts truck access to the west side of the building (via Cosmos Street) and contains all on-site truck activity within 14-foot screening walls. As these measures have been successfully integrated into the thriving Proctor & Gamble operation, they should be feasible for the proposed project.

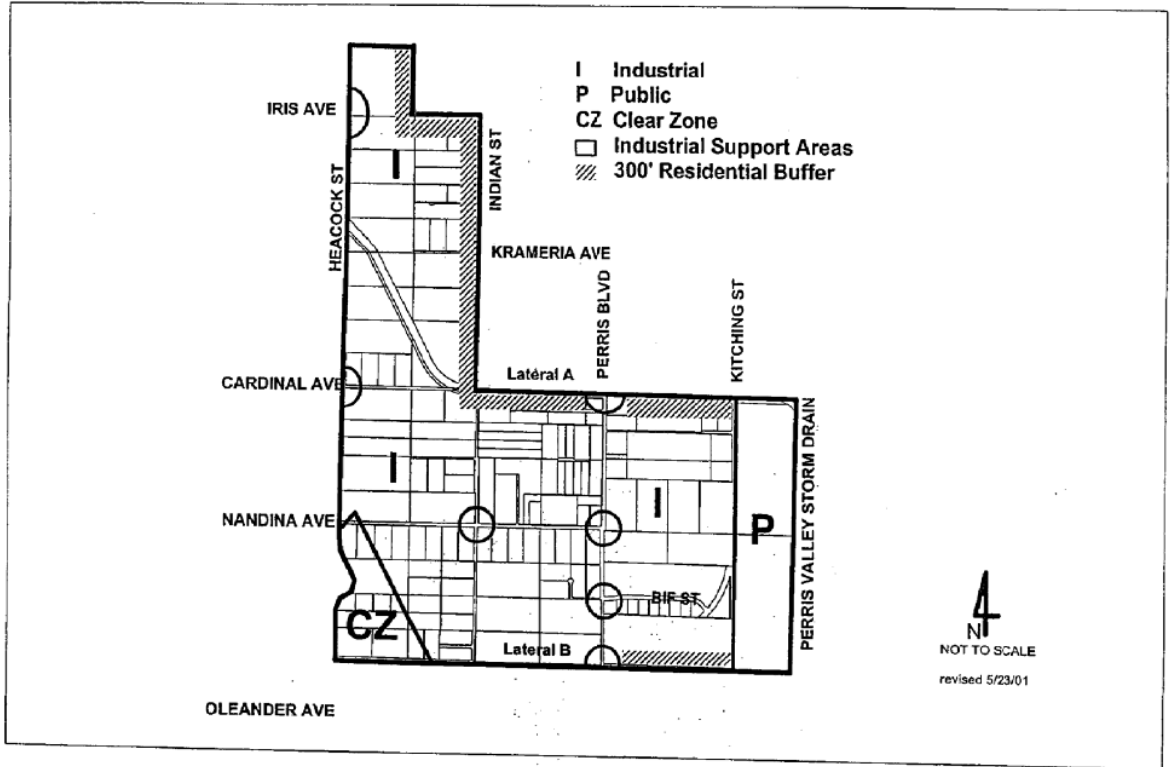
The Planning Commission should send the project back to staff and the applicant to revise the project to provide a design for Building 1 consistent with Proctor & Gamble, including:

- a) A 250-foot setback on Indian Street adjacent to the existing neighborhoods. Proposed Building 1 is 710 feet wide (measured east to west). The Specific Plan setback requirement would be met by simply reducing the building width to 560 feet. Aerial photographs reveal existing, occupied cross dock buildings in the City of narrower width (Federal Mogul at the northwest corner of Cactus and Frederick and Karma, east of Perris Boulevard at the Perris Valley Channel), so such a modification should be feasible.;
- b) Truck access restricted to Cosmos Street, with enforceable improvements and signage to ensure that truck access for the project is limited to Heacock Street, Krameria Avenue west of Cosmos Street and Cosmos Street. The May 2015 Project Review Staff Committee minutes includes such requirements; it is unclear why they are not reflected in the plans before you;
- c) Extended the improved length of Cosmos Street by incorporating into the project the Not-a-Part parcel at the currently identified terminus of Cosmos Street;
- d) Additional dock walls enclosing on-site truck circulation routes, including the drive between the south and east docks at the southeast corner of the site and a new drive connecting the east and west docks along the north end of the building, similar to the Proctor & Gamble layout along the Iris Avenue frontage.
- e) Demonstrate conformance with the Municipal Code performance standard (Section 9.10.050) requiring that operations emissions not exceed South Coast Air Quality Management District requirements.
- f) Demonstrate conformance with the Specific Plan air emissions performance standard (III.H.9.c, Page III-17, excerpt attached as page 14) requiring that emissions shall not be injurious to the health of workers or residents, as measured at the property line (note this is distinct from the projected risk of death evaluated in the health risk assessment and indicates an intent to establish a requirement more stringent than SCAQMD's).
- g) Demonstrate compliance with the Specific Plan performance standard of 65 Ldn maximum noise level at the project property line (Section III.H.9.a, attached as page 14).
- h) Demonstrate compliance with the Municipal Code Section 9.10.140 performance standard for 55 decibel maximum noise level at the project property line for loudspeakers, buzzers, gongs, etc.

- i) Incorporate Municipal Code Section 9.05.050 Good Neighbor Guidelines for warehouses over 650, 000 square feet, specifically as related to location of drives, docks and internal circulation away from homes [9.05.050(A)(1)] and designation of truck routes to eliminate traffic through residential areas [9.05.050(B)(1) and (3)], including Heacock Street north of Iris Avenue. The 24-hour traffic counts conducted in April 2015 as part of the EIR traffic study documented 59 trucks on Indian Street south of Krameria Avenue and 108 trucks on Krameria Avenue east of Indian Street (despite the "No truck" sign on eastbound Krameria Avenue at the Indian Street intersection). It is clear that more than reduced driveway widths and signs are required to effectively control truck traffic. The City, together with the landowners and businesses in the Specific Plan area, must develop and implement an effective program incorporating traffic control measures such as more substantial signage, pavement markings, physical barriers, and an education program for owners, tenants and truckers.
- j) Incorporate widened sidewalks along Indian Street, Heacock Street, and Krameria Avenue in accordance with Specific Plan requirements (Development Framework provision D.2.h, page IV-8, and the Bikeways and Pedestrian Ways Exhibit, excerpts attached as pages 15 and 16).

In addition, the project record must be clarified as to:

- i. Inconsistent information in the record regarding truck use of Driveway 6 at the south end of the Indian Street frontage. The plot plan for Building 1 depicts a layout that would restrict truck access, while the traffic analysis in the EIR considers 20% of project truck traffic accessing the site at this driveway if Indian Street is extended over the flood control channel.
- ii. Dedication and improvement of the planned multi-use trail along the flood control channel. The General Plan, Specific Plan, and Bikeway Master Plan are not clear as to the intent for location of this facility with respect to the existing flood control right of way. Further, there is nothing in those documents or the project record indicating Riverside County Flood Control and Water Conservation District (Flood Control) is agreeable to location of this facility within their right-of way. If Flood Control does not allow this facility within their right-of-way and right-of-way dedication is not required at this time, then contrary to the statements in the EIR, approval of this project would preclude future implementation of this planned bikeway.
- iii. How the monoculture of warehouses proposed represented in the proposed project and development with the Specific Plan to date relates to the mix of industrial, business park and mixed-uses envisioned under the Specific Plan (See Specific Plan Goals and Objectives pages IV-1 and 2 attached as pages 12 and 13).



MAP III - 1

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## MORENO VALLEY INDUSTRIAL AREA PLAN

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### 1. Industrial

The Industrial designation encompasses approximately 1360 acres or 88% of the Project area. This designation is intended to cover a wide range of industrial and industrial/business related support uses. To ensure compatibility with surrounding land uses and Project image, the designation has been established with criteria for certain uses to be permitted or prohibited within 300 feet of residential designations or specific intersections.

#### Industrial Support Areas

The purpose of the Industrial Support Areas is to allow industrial/business support services, such as food service, gas stations, office supply and sales, and day care, within the Area Plan without affecting the integrity of lands available for industrial uses. The Industrial Support Areas are located within 300 feet of key intersections within the Area Plan (see Map III-1, Land Use Map). Permitted uses may extend beyond the 300 foot distance if the Community & Economic Development Director determines that the use and design would not affect the integrity of industrial uses, and that the development proposal is part of an integrated industrial or business park.

The Industrial Support Areas are shown on Map III-1.

#### 300 Foot Proximity to Residential District

This criteria is intended to provide a buffer between residential districts within the Area Plan without affecting the integrity of lands available for industrial uses. Where parcels exceed 300 feet in depth from a major arterial, permitted uses may extend beyond this distance so as not to affect the integrity of industrial uses, if the development proposal is part of an integrated industrial or business park, as determined by the Community & Economic Development Director.

### 2. Public

The purpose of the public district is to conduct public or institutional activities, as defined under Public Safety & Utility Services, and Utility Facilities. The Public designation covers the existing Eastern Municipal Water District's Moreno Valley

Regional Water Reclamation Facility and percolation ponds, comprising 137 acres or 9% of the Project area. The facility provides secondary treatment of sewage from the surrounding community and provides reclaimed water service.

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**2. Clear Zone**

The Clear Zone consists of approximately 50 acres of land, or approximately 3% of the Project area, in the southwest corner of the Moreno Valley Industrial Area. This zone is within an area of high accident potential from MARB as may be designated through the most recent MARB Air Installation Compatible Use Zone (AICUZ) Study. In accordance with the Study land uses are restricted to open space, agricultural, automobile parking and roads.

**D. Industrial Land Use Table**

The permitted (P) and conditionally permitted (C) land uses of the Industrial designation are as follows:

INDUSTRIAL LAND USE TABLE			
INDUSTRIAL AREA USES	INDUSTRIAL	IND. SUPPORT AREAS	300' FROM RESIDENTIAL
<b>MANUFACTURING</b>			
Custom	P	P	P
Light	P	P	P
Medium	P	P	
Heavy	P		
<b>WHOLESALE/STORAGE/DISTRIBUTION</b>			
Aircraft Facilities	P	P	
Public Storage/Mini-Warehouse	P	P	P
With Outdoor Storage	P	P	P
Light	P	P	P
With Outdoor Storage	P	P	
Medium	P	P	
Heavy	P		
<b>OFFICE</b>			
Offices, Business and Professional		P	P
Financial Institutions		P	
Medical Clinics		P	

**MORENO VALLEY INDUSTRIAL AREA PLAN**

<b>INDUSTRIAL LAND USE TABLE</b>			
<b>INDUSTRIAL AREA USES</b>	<b>INDUSTRIAL</b>	<b>IND. SUPPORT AREAS</b>	<b>300' FROM RESIDENTIAL</b>
Research & Development Services	P	P	P
<b>COMMERCIAL/SERVICE</b>			
Agricultural/Nursery Supplies & Services	P	P	P
Animal Care	P	P	C
Automotive Fleet Storage	P	P	P
Automotive Sales/Rental/Leasing & Accessories	P	P	P
Automotive Service Stations		P	
Automotive/Truck Repair - Minor	P	P	P
Automotive/Truck Repair - Major	P	C	C
Building Contractor's Storage Yard	P		
Building & Site Maintenance Services	P	P	P
Building Material and Equipment Supplies & Sales	P	P	P
With Outdoor Storage	P	P	C
Business Supply/Equipment Sales/Rental & Services	P	P	P
With Outdoor Storage	P	P	C
Business Support Services		P	
Caretaker's Residence (surveillance only)	P	P	P
Communication Facilities, Antennas & Satellite	*	*	*
Convenience Sales & Services		P	
Day Care Facilities		P	
Incidental Use	P	P	P
Eating & Drinking Establishments		P	
With Live Entertainment or Drive-through		P	
Food & Beverage Sales		P	
Heavy Equipment Sales & Rentals	P		
Hotel/Motel		C	
Laundry Services	P	P	P
With Fleet Storage	P	P	C
Mortuary, Cemetery & Crematory Services	P	P	C
Outdoor Commercial	C		
Personal Services and Trade Schools		P	

**MORENO VALLEY INDUSTRIAL AREA PLAN**

INDUSTRIAL LAND USE TABLE			
INDUSTRIAL AREA USES	INDUSTRIAL	IND. SUPPORT AREAS	300' FROM RESIDENTIAL
Petroleum Products Storage	P		
Recreational Facilities With Outdoor Activities		P	
Repair Services	P	P	P
Sexually Oriented Businesses	P	P	
Vehicle Storage	P		
<b>CIVIC</b>			
Administrative Civic Services		P	
Public Safety & Utility Services	P	P	P
Utility Facilities	P	P	P

**E. Interim Uses**

Interim uses shall not preclude full development in accordance with the development regulations and standards of the Area Plan and shall not have any permanent buildings constructed. Interim activities include agricultural crops, roadside sale of crops and existing residential uses.

**F. Land Use Definitions**

The following definitions are intended to provide a general description of each use category. Under each category, example uses are provided. These examples are not all-inclusive, but are intended to provide a sample of uses that would fit in a particular category. Uses not addressed in the Industrial Land Use Table are prohibited, except the Community & Economic Development Director has the ability to make land use interpretations based upon the description of the proposed use and similarities with the listed uses.

**MANUFACTURING**

**Custom Manufacturing:** Activities typically include: manufacturing, processing, assembling, packaging, treatment, or fabrication of custom made products. These types of business establishments do not utilize raw materials for their finished products, but rather, may utilize semi-finished type of manufactured materials for their custom made-to-order products. The finished products from these business establishments are ready for use or consumption and

### 3.3 TRUCK ROUTES

While the City of Moreno Valley's General Plan recognizes the trucking industry and the importance of the region's role in the movement of goods, there are no truck routes defined within the County. Exhibit 3-8 shows the existing truck routes throughout the City of Moreno Valley. Based on the exhibit, the following roadways within the study area are identified as truck routes: Cactus Avenue, Elsworth Street, Frederick Street, Graham Street, Heacock Street, Perris Boulevard, Indian Street, San Michele Road, and Nandina Avenue. The City of Perris also has a designated truck route map in their General Plan, which is shown on Exhibit 3-9. As shown, Harley Knox Boulevard, east of the I-215 Freeway, Perris Boulevard, and Indian Street, are identified as designated City of Perris truck routes within the study area.

The development of the proposed Project would require a modification to the Existing Truck Routes, as shown on Exhibit 3-8 to extend the existing truck route along Indian Street from San Michele to Driveway 6 to the north. The proposed modification is only necessary if and when the Indian Street bridge is constructed over the Perris Valley Storm Drain Channel to provide access to trucks serving Building 1.

### 3.4 TRANSIT SERVICE

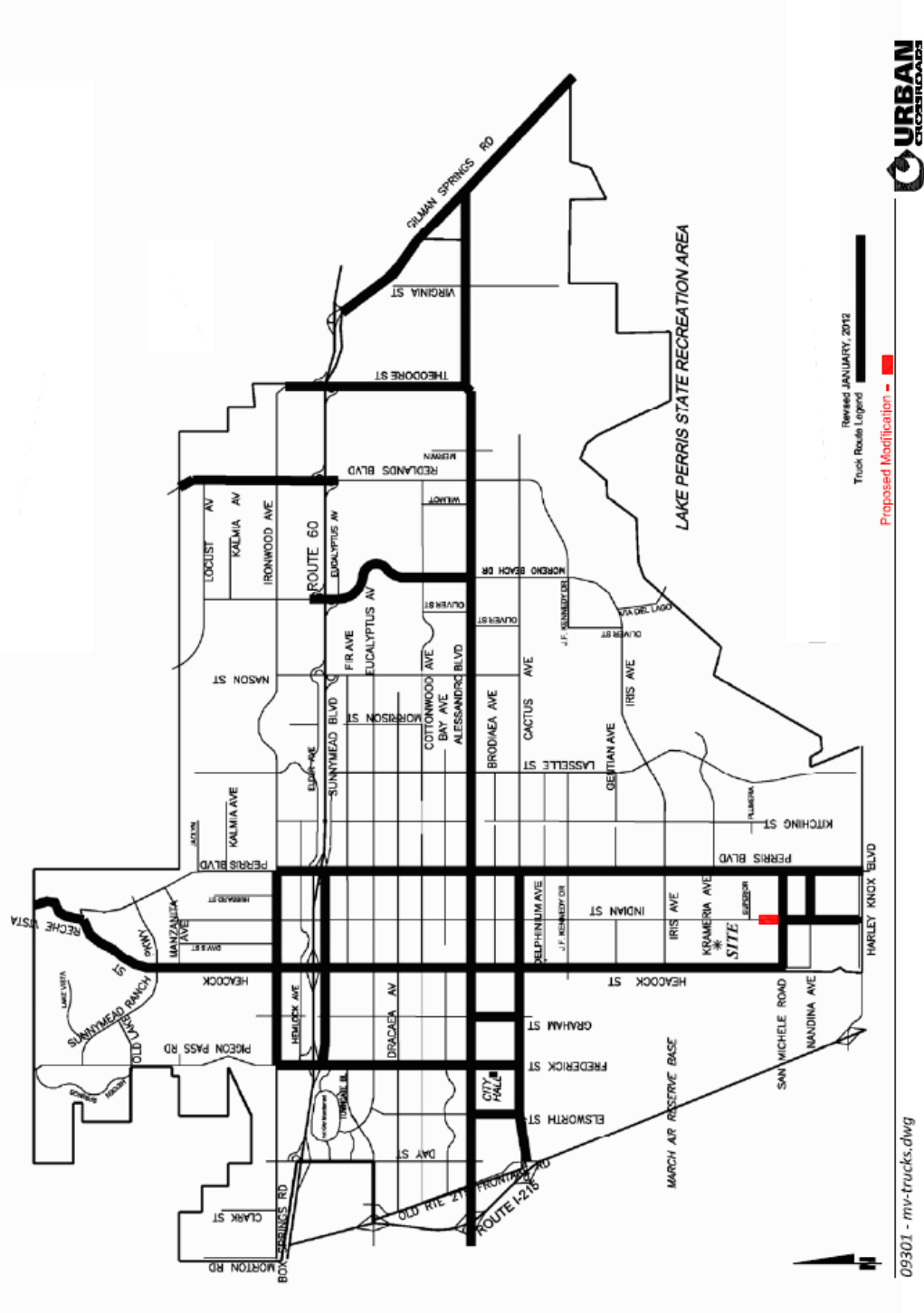
The study area is currently served by the Riverside Transit Authority (RTA), a public transit agency serving the unincorporated Riverside County region. As shown on Exhibit 3-10, there are currently 2 existing bus routes that serve the roadways within the study area in close proximity to the proposed Project. RTA Route 19 serves Perris Boulevard north of Iris Avenue, Iris Avenue east of Perris Boulevard, Perris Boulevard south of Krameria Avenue, and Krameria Avenue east of Perris Boulevard. RTA Route 20 runs along Indian Street between Iris Avenue and Krameria Avenue and along both Krameria Avenue and Iris Avenue east of Indian Street. However, RTA Route 20 only runs along this route when schools are in session.

Transit service is reviewed and updated by RTA periodically to address ridership, budget and community demand needs. Changes in land use can affect these periodic adjustments which may lead to either enhanced or reduced service where appropriate. As such, it is recommended that the applicant work in conjunction with RTA to potentially provide bus service to the site.

### 3.5 BICYCLE & PEDESTRIAN FACILITIES

In an effort to promote alternative modes of transportation, the City of Moreno Valley also includes a trails and bikeway system. The City of Moreno Valley trails and bikeway system are shown on Exhibit 3-11 and Exhibit 3-12. There is a Class I bike path/multi-purpose trail planned near the vicinity of the proposed Project along the Perris Valley Storm Drain Channel. Class I bikeways are separated from the road. There are Class II bike lanes proposed along Heacock Street, Iris Street, Indian Street, and Krameria Avenue near the vicinity of the Project. Class II bike lanes are striped on the road. Indian Street is proposed to have Class III bike lanes south of the Perris Valley Storm Drain Channel. Class III bike lanes are bike lanes to be shared with vehicles, but are typically signed although not striped.

EXHIBIT 3-8: EXISTING TRUCK ROUTES



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**IV. DEVELOPMENT FRAMEWORK**

**A. Goals and Objectives**

**1. Land Use Compatibility Goal**

To achieve balanced land uses for the Project area emphasizing employment generation and economic growth for the City integrated within the proposed development and the surrounding community by:

Encouraging a mix of industrial and industrial/business related support uses to balance quality development with economic growth.

Developing an economic base for the City of Moreno Valley while minimizing conflicts with surrounding land uses.

Phasing land uses to coordinate with the overall development policies of the City of Moreno Valley.

Designing a well-defined pattern of industrial and industrial/business related a flexible framework.

Providing a pleasant working atmosphere by avoiding or minimizing potential conflicts with adjacent land uses.

Designing within the land use guidelines developed by March Air Force Base/March Inland Port (MARB/MIP) regarding noise, hazard, and height restrictions.

**2. Urban Design Goal**

To provide an attractive and safe working environment by:

Encouraging distinctive industrial, business park and support commercial development by establishing design guidelines for varying land uses, landscape, and architectural design.

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Providing Project development standards to ensure consistent siting and design criteria throughout the Project.

Providing for smooth and visually pleasing transitions between land uses.

Providing special design features along primary circulation corridors and entries to the Project area while retaining an integrated landscape character throughout the Project area.

Encouraging visually pleasing architecture to enhance the development, especially along high visibility roadways.

Planning land uses and implementing design solutions to avoid conflicts between adjacent areas.

### **3. Public Facilities and Services Goal**

To provide for coordinated development of industrial, business park, and mixed use land uses with appropriate infrastructure, public facilities and services by:

Providing for adequate sewer, water, drainage, other utilities, and roads to serve the proposed land uses.

Phasing the development of Project land uses to coordinate with the development of infrastructure improvements.

Providing transportation system improvements to accommodate anticipated development.

### **B. Urban Design Concept**

Planned business and industrial parks have the potential to contribute to the overall community image in a positive way. The Project area is a large planning area within the City and therefore can contribute significantly to the City's developing image. The intent of this section is to address the physical appearance of the Project area, describing the overall Project design concept. Specific design details, design guidelines and development standards are discussed in Section III Development Standards and Guidelines.

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Ground covers may be required for erosion control and/or to mitigate visual impact.

- d. Enclosed outdoor storage or loading areas that are not visible from public view and are not accessible to the general public may not require landscaping as determined by the Community & Economic Development Director.
- e. Areas visible to public view that are accessible to the general public shall be landscaped in accordance the City's Municipal Code.

**9. Performance Standards**

- a. **Noise:** The maximum allowable noise production level of any use shall not exceed 35 Ldn as measured at the lot line of the lot containing the use. Where a use is within 300 feet of residential designation, the noise production level shall not exceed 65 Ldn at the property line. Compliance with the ALCUZ Land Use Compatibility criteria and ultimate compliance with FAA height restrictions and noticing requirements shall be adhered to.
- b. **Vibration:** All uses shall be operated so as not to generate vibration discernible without instruments by the average person beyond 600' from where the source is located. Vibration caused by motor vehicles, temporary construction and demolition is exempt from this standard.
- c. **Particulate Matter and Air Contaminants:** In addition to compliance with the AQMD standards, all uses shall be operated so as not to emit particulate matter or air contaminants which: a) are injurious to the health of either persons engaged in or related to the use of the lot, or persons residing, working, visiting or recreating in neighboring areas; b) substantially and adversely affect the maintenance of property in nearby areas; c) are isruptive of industrial processes carried on in other parts of the industrial area. Where a use occupied a lot abutting or separated by a street lot with designated performance standard for particulate matter and air contaminates shall apply at the common or facing lot line.

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allow for access to land uses.

### **f. Local Streets and Cul de Sacs**

Local streets within the Project area provide internal circulation to individual industrial or business park uses. Sidewalks shall be provided in the public right-of-way in accordance with City standards.

### **g. Truck Routes**

The Public Works Department has established truck routes for the City. The only currently approved routes in the Project area are Perris Boulevard and a portion of Heacock Street. With the implementation of funded improvements to San Michele Avenue and Indian Street, these streets along with additional portions of Heacock Street should be considered for inclusion in the City's approved truck route list.

### **h. Pedestrian Paths and Bikeways**

The Project Development Plan provides a trail system for non-vehicular traffic within the Project area. The system consists of two components: pedestrian sidewalks and bikeways.

Pedestrian Sidewalks: A sidewalk system throughout the Area Plan shall be located in all street rights-of-ways and shall be developed in accordance with City standards.

Where pedestrian pathways are proposed, an additional three (3) foot width of sidewalk shall be provided.

Bikeways: A Class II or III bikeway shall be provided on arterials in accordance with the City's General Plan Circulation Element, as illustrated on Map IV-2.

### **i. Parking**

Off-street parking will be provided in lots associated with each building or building complex. On-street parking will be permitted on major arterials within and surrounding the Project site as outlined in the City's Development Code.

