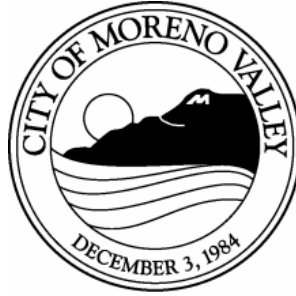

PLANNING COMMISSIONERS

PATRICIA KORZEC
Chairperson

ALVIN DEJOHNETTE
Vice Chairperson

JEFFREY SIMS
Commissioner



RAFAEL BRUGUERAS
Commissioner

OMAR COBIAN
Commissioner

VACANT
Commissioner

VACANT
Commissioner

PLANNING COMMISSION Regular Meeting

Revised Agenda

**Thursday, December 9, 2021 at 7:00 PM
City Hall Council Chamber – 14177 Frederick Street**

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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, members 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.

PUBLIC COMMENTS

CONSENT CALENDAR

All matters listed under Consent Calendar are considered to be routine and non-controversial, and may be enacted by one roll call vote. There will be no discussion of these items unless a member of the Planning Commission requests that an item be removed for separate action.

1. Planning Commission Minutes – Regular Meeting – November 29, 2021 7:00 PM
2. Cancellation of December 23, 2021 Planning Commission Meeting

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 the ADA Coordinator, at 951.413.3350 at least 48 hours before the meeting. The 48 hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

NON-PUBLIC HEARING ITEMS

No items for discussion.

PUBLIC HEARING ITEMS

1. Case: PEN21-0077 Conditional Use Permit
Applicant: Pilot Company
Property Owner: NALA Prop
Representative: Pilot Company, c/o Brad Alsup
Location: Northwest corner of Redlands Boulevard and Eucalyptus Avenue (APN'S: 488-330-030, -035, -036, -037, and -038)
Case Planner: Jeff Bradshaw
Council District: 3
Proposal: Applicant is requesting a continuance of the public hearing for a Conditional Use Permit for the Pilot Travel Center to develop a 17.28-acre site with a 14,087-square foot travel center building with space for a drive-thru fast food restaurant, additional food service with a kitchen, retail store, driver amenities (e.g., restrooms, showers, laundry), and support/utility areas, fueling stations for passenger vehicles and trucks, and above ground fuel storage tanks.

2. Case: PEN21-0162 – Tentative Parcel Map 38209 for Finance and Conveyance Purposes Only
Applicant: Juan Quezada
Property Owner: Peter Weaver
Representative: James Rhynard Land Surveying
Location: Southeast corner of Redlands Boulevard and Kalmia Avenue (APN: 473-220-001)
Case Planner: Jeff Bradshaw
Council District: 2
Proposal: The Applicant is requesting approval of a Tentative Parcel Map 38209 (PEN21-0162) for Finance and Conveyance purposes only to subdivide an 11.49 acre parcel into 2 parcels. The proposed finance map will not create legal building sites upon which new development may occur. A future map for development purposes must be processed and recorded in order for any development on either of the parcels to occur.

3. Case: General Plan Amendment (PEN21-0113)
Change of Zone (PEN21-0114)
Plot Plan (PEN21-0112)
- Applicant: Rancho Belago Developers, Inc
Property Owner: Moreno Valley Housing Authority
Representative: James Jernigan
- Location: North of Cottonwood Avenue on the east side of Indian Street (APN: 482-161-026)
- Case Planner: Julia Descoteaux
Council District: 1
- Proposal: The Applicant is requesting the approval of the following entitlements for the development of Courtyards at Cottonwood Phase II which consists of a 32-unit affordable apartment complex located on a 1.61 acre site: 1) a General Plan Amendment (GPA) amending the City's General Plan from Public (P) to Residential 15 (R15); 2) a Change of Zone from Public (P) District to Residential 15 (R15) District and 3) a Plot Plan for a 32-unit affordable apartment complex.
4. Case: PEN21-0073 - Municipal Code Amendment
Applicant: City of Moreno Valley
Case Planner: Chris Ormsby
Council District: All Districts
- Proposal: The proposed Omnibus Municipal Code amendment includes various updates and text clean-ups for the purpose of clarifying and streamlining various development standards within Title 9 Planning and Zoning, Chapter 9.02 Permits and Approvals, Chapter 9.03 Residential Districts, Chapter 9.05 Industrial Districts, Chapter 9.07 Special Districts, Chapter 9.08 General Development Standards, Chapter 9.09 Specific Use Development Standards, Chapter 9.11 Parking, Pedestrian and Loading Requirements, Chapter 9.14 Land Divisions, Chapter 9.15 Definitions, Chapter 9.16 Design Guidelines, and Chapter 9.17 Landscape and Water Efficiency Requirements, and additional comprehensive updates to Section 9.03.050 (Density bonus program for affordable housing) and Section 9.09.130 (Accessory dwelling units) consistent with State law and to further housing production.

OTHER COMMISSION BUSINESS

STAFF COMMENTS

PLANNING COMMISSIONER COMMENTS

ADJOURNMENT

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

**REGULAR MEETING – 8:00 PM
November 29, 2021**

CALL TO ORDER

This regular meeting of the Planning Commission of the City of Moreno Valley was called to order at 7:03 p.m., by Chairperson Korzec in the Council Chambers located at 14177 Frederick Street, Moreno Valley, California.

ROLL CALL

Planning Commission:	Patricia Korzec	Chairperson	Present
	Alvin DeJohnette	Vice Chairperson	Present
	Jeffrey Sims	Commissioner	Absent
	Rafael Brugueras	Commissioner	Present
	Omar Cobian	Commissioner	Present

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Brugueras.

APPROVAL OF AGENDA

Motion to approve the Agenda was made by Vice Chairperson DeJohnette and seconded by Commissioner Brugueras.

Vote: 4-0

Ayes: Vice Chairperson DeJohnette, Commissioner Brugueras, Commissioner Cobian, and Chairperson Korzec

Absent: Commissioner Sims

Action: **Approved**

PUBLIC COMMENTS PROCEDURE

PUBLIC COMMENTS

No items for discussion.

CONSENT CALENDAR

1. Planning Commission - Regular Meeting - October 28, 2021 7:00 PM

Motion to approve the Consent Calendar was made by Commissioner Brugueras and seconded by Vice Chairperson DeJohnette.

Minutes Acceptance: Minutes of Nov 29, 2021 8:00 PM (CONSENT CALENDAR)

Vote: 4-0
Ayes: Commissioner Brugueras, Vice Chairperson DeJohnette, Commissioner Cobian, and Chairperson Korzec
Absent: Commissioner Sims
Action: **Approved**

NON-PUBLIC HEARING ITEMS

No Public Comments.

PUBLIC HEARING ITEMS

1. VARIANCE APPLICATION TO INCREASE THE MAXIMUM HEIGHT OF ON-SITE EXTERIOR RETAINING WALLS NOT EXCEEDING SIX FEET (6') IN HEIGHT WITHIN AN APPROVED 45 UNIT SINGLE-FAMILY RESIDENTIAL PROJECT (Report of: Planning Commission)

Public Hearing Opened: 7:05 PM.

A motion was made by Commissioner Brugueras and seconded Commissioner Cobian to approve Resolution No. 2021-53.

Vote: 4-0
Ayes: Commissioner Brugueras, Commissioner Cobian, Vice Chairperson DeJohnette, and Chairperson Korzec
Absent: Commissioner Sims
Action: **Approved**

Public Hearing Closed: 7:10 PM.

2. A CONDITIONAL USE PERMIT (PEN21-0095) AND PLOT PLAN (PEN21-0096) FOR THE CONSTRUCTION AND OPERATION OF A 7-ELEVEN WITH A 16-PUMP FUELING STATION AND AN APPROXIMATELY 4,088 SQUARE FOOT CONVENIENCE STORE WITH ALCOHOL SALES (Report of: Planning Commission)

Public Hearing Opened: 7:10 PM.

A motion to approve was made by Vice Chairperson DeJohnette and seconded by Commissioner Cobian to approve Resolution No. 2021-46.

Vote: 4-0
Ayes: Vice Chairperson DeJohnette, Commissioner Cobian, Commissioner Brugueras, and Chairperson Korzec
Absent: Commissioner Sims
Action: **Approved**

Minutes Acceptance: Minutes of Nov 29, 2021 8:00 PM (CONSENT CALENDAR)

Public Speaker:

Jonny Guzman, supports item.
Brittany Goodrich, supports item.
Tom Jerele, supports item.
Roy Bleckert, supports item.

Public Hearing Closed: 7:54 PM.

OTHER COMMISSION BUSINESS

No items for discussion.

STAFF COMMENTS

No items for discussion.

PLANNING COMMISSIONER COMMENTS

Commissioner Brugueras stated that one thing about pictures is that they have a thousand words that you have to bring out of the picture. The picture with the couch is what bothered Commissioner Brugueras. He stated how a homeless person get a couch all the way to Heacock. Us as residence are the problem we need to call Waste Management. We pay for that service. If we stick together and use that plan we can make the City clean. But if you leave it out there and say to yourself I am glad they took it, it's on you.

ADJOURNMENT

There being no further business to come before the Planning Commission, Chairperson Korzec adjourned the meeting at 7:57 PM.

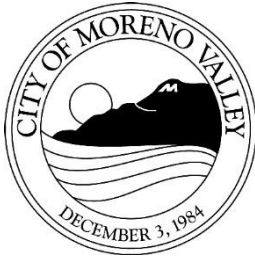
Submitted by:

Approved by:

Naudia Samuels
Planning Commission Secretary

Patricia Korzec
Chairperson

Minutes Acceptance: Minutes of Nov 29, 2021 8:00 PM (CONSENT CALENDAR)



PLANNING COMMISSION

STAFF REPORT

Meeting Date: December 9, 2021

CANCELLATION OF DECEMBER 23, 2021 PLANNING COMMISSION MEETING

RECOMMENDED ACTION

Recommendation: That the Planning Commission confirm cancellation of December 23, 2021, Planning Commission Regular Meeting.

SUMMARY

The second regularly schedule for the Planning Commission in December is scheduled for Thursday, December 23, 2021, which is observed as a holiday by the City of Moreno Valley, and City Hall will be closed. Historically, when a Planning Commission meetings has fallen on an observed holiday the meeting has been canceled.

DISCUSSION

When regular Planning Commission meetings fall on an observed holiday the meeting is typically canceled, an example of this was November 11, 2021. Staff is requesting confirmation regarding whether this year's December 23, 2021 regular meeting should be simply cancelled in advance so that the public may be notified in advance, rather than learning after they may show up for the meeting that the meeting will not take place due to a lack of a quorum. A cancellation will also allow staff to make the necessary adjustments to calendaring and noticing certain public hearings which involve a considerable amount of time and effort since some public hearing notices have to be published at least ten days in advance of the public hearings, and notices have to be sent to record property owners, numerous public agencies and other interested parties. Notice of cancellation of the meeting will be posted and distributed in advance in the same manner as the regular meeting agendas are posted and distributed.

Prepared by:
Sean P Kelleher
Planning Division Manager

Approved by:
Sean P Kelleher
Planning Division Manager

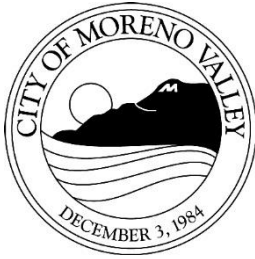
ATTACHMENTS

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None



PLANNING COMMISSION

STAFF REPORT

Meeting Date: December 9, 2021

CONTINUANCE OF A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF A TRAVEL CENTER THAT INCLUDES FAST FOOD, RETAIL, FUELING STATIONS FOR PASSENGER VEHICLES AND TRUCKS, AND TRUCK PARKING ON A 17-ACRE PARCEL LOCATED AT THE NORTHWEST CORNER OF REDLANDS BOULEVARD AND EUCALYPTUS AVENUE

Case: PEN21-0077 Conditional Use Permit

Applicant: Pilot Company

Property Owner: NALA Prop

Representative: Pilot Company, c/o Brad Alsup

Location: Northwest corner of Redlands Boulevard and Eucalyptus Avenue (APN'S: 488-330-030, -035, -036, -037, and -038)

Case Planner: Jeff Bradshaw

Council District: 3

Proposal: Applicant is requesting a continuance of the public hearing for a Conditional Use Permit for the Pilot Travel Center to develop a 17.28-acre site with a 14,087-square foot travel center building with space for a drive-thru fast food restaurant, additional food service with a kitchen, retail store, driver amenities (e.g., restrooms, showers, laundry), and support/utility areas, fueling stations for passenger vehicles and trucks, and above ground fuel storage tanks.

SUMMARY

The applicant has requested a continuance for Conditional Use Permit (PEN21-0077) to the January 13, 2022 Planning Commission Meeting. A copy of the request is provided as an attachment.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **CONTINUE** Conditional Use Permit (PEN21-0077) to the January 13, 2022 Planning Commission Meeting.

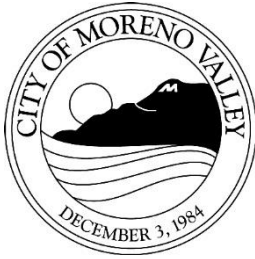
Prepared by:
Jeffrey Bradshaw
Associate Planner

Approved by:
Sean P Kelleher
Planning Division Manager

ATTACHMENTS

To view large attachments, please click your “bookmarks”  on the left hand side of this document for the necessary attachment.

1. Applicant Continuance Request



PLANNING COMMISSION

STAFF REPORT

Meeting Date: December 9, 2021

TENTATIVE PARCEL MAP 38209 - FINANCE MAP FOR FINANCE AND CONVEYANCE PURPOSES TO SUBDIVIDE AN 11.49 ACRE PARCEL INTO TWO PARCELS, LOCATED AT THE SOUTHEAST CORNER OF REDLANDS BOULEVARD AND KALMIA AVENUE

Case: PEN21-0162 – Tentative Parcel Map 38209 for Finance and Conveyance Purposes Only

Applicant: Juan Quezada

Property Owner: Peter Weaver

Representative: James Rhynard Land Surveying

Location: Southeast corner of Redlands Boulevard and Kalmia Avenue (APN: 473-220-001)

Case Planner: Jeff Bradshaw

Council District: 2

Proposal: The Applicant is requesting approval of a Tentative Parcel Map 38209 (PEN21-0162) for Finance and Conveyance purposes only to subdivide an 11.49 acre parcel into 2 parcels. The proposed finance map will not create legal building sites upon which new development may occur. A future map for development purposes must be processed and recorded in order for any development on either of the parcels to occur.

SUMMARY

Juan Quezada (“Applicant”) is requesting approval of Tentative Parcel Map 38209 (PEN21-0162) to subdivide the subject 11.49 acre site located at the southwest corner

of Redlands Boulevard and Kalmia Avenue (APN: 473-220-001) into two parcels for “finance and conveyance purposes only.” (“Finance Map”)

PROJECT DESCRIPTION

Project

Tentative Parcel Map 38209 (PEN21-0162) (Finance Map) will subdivide a single 11.49 acre parcel into two parcels for finance and conveyance purposes only for property located at the southeast corner of Redlands Boulevard and Kalmia Avenue. (“Subject Site”) This will result in creating the following two parcels:

- Parcel 1 – 1.92 acres to include an existing single-family residence with accessory structures; and
- Parcel 2 – 9.57 acres to include an existing single-family residence with accessory structures.

The Finance Map will not create legal building parcels upon which any new development may occur. A future map for development purposes must be processed and recorded before any development may occur on either Parcel 1 or Parcel 2.

Site

The Subject Site is located at the southeast corner of Redlands Boulevard and Kalmia Avenue (APN: 437-220-001). The Subject Site is irregular in shape and has been developed with two single-family residences and several accessory structures.

Surrounding Area

The area surrounding the Subject Site is comprised of vacant land in the Residential 1 (R1) District. Developed properties in proximity to the Subject Site are predominately single-family custom homes on parcels approximately one acre in size. Additional land uses in the vicinity of the Subject Site include a church across Redlands Boulevard to the west and the City’s Equestrian Center to the north across Locust Avenue. Overall, the proposed Finance Map is consistent with the applicable policies of the City’s General Plan and compatible with existing land uses in the vicinity of the Subject Site.

Access

Access to the Subject Site (which includes both Parcel 1 and Parcel 2) will be by an existing shared driveway on Redlands Boulevard. One of the conditions of approval of the proposed Finance Map requires the Applicant to record an easement for the shared driveway on Redlands Boulevard and for a driveway across Parcel 1 to allow access to Parcel 2.

Design

As stated previously, the proposed Finance Map does not include any proposed development. Future development of either parcel will require review and approval of separate entitlement applications for the specific development proposed.

REVIEW PROCESS

The proposed Finance Map has been considered by all appropriate agencies within and outside of the City, which is part of the standard review process for development applications. The proposed Finance Map was reviewed by the Project Review Staff Committee as required by the Municipal Code. Following subsequent revisions and reviews by staff, the proposed Finance Map application and related material were determined to be complete with a recommendation to approve the proposed Finance Map as conditioned.

ENVIRONMENTAL

Staff recommends that the Planning Commission find that Tentative Parcel Map 38209 (PEN21-0162) is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061.b.3 as the proposed project qualifies as an activity that is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. In other words, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

NOTIFICATION

Public notice was sent to all property owners of record within 600 feet of the Subject Site on November 24, 2021. The public hearing notice for the proposed Finance Map was also posted at the Subject Site and in the Press Enterprise Newspaper on November 26, 2021.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

1. **APPROVE** Resolution No. 2021-55, and thereby:
 - a) **FIND AND DECLARE** that the proposed project Tentative Parcel Map 38209 (PEN21-0162) (Finance Map) is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061.b.3 as the proposed project qualifies as an activity that is covered by the common sense exemption that CEQA applies only to projects, which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may

have a significant effect on the environment; such activity is not subject to CEQA.

- b) **APPROVE** Tentative Parcel Map 38209 (PEN21-0162) (Finance Map) for Finance and Conveyance purposes only, subject to the attached Conditions of Approval included as Exhibit A.

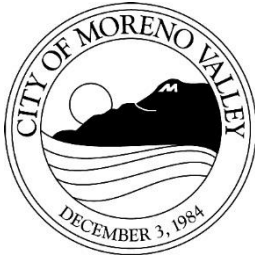
Prepared by:
Jeffrey Bradshaw
Associate Planner

Approved by:
Sean P Kelleher
Planning Division Manager

ATTACHMENTS

To view large attachments, please click your “bookmarks”  on the left hand side of this document for the necessary attachment.

1. Resolution No. 2021-55 Tentative Parcel Map
2. Zoning Map
3. Tentative Parcel Map 38209



PLANNING COMMISSION

STAFF REPORT

Meeting Date: December 9, 2021

PEN21-0112 THROUGH PEN21-0113: COURTYARDS AT COTTONWOOD PHASE II A PROPOSED GENERAL PLAN AMENDMENT, CHANGE OF ZONE, AND PLOT PLAN FOR A 32-UNIT AFFORDABLE RESIDENTIAL DEVELOPMENT ON 1.61 ACRES, LOCATED NORTH OF COTTONWOOD AVENUE ON THE EAST SIDE OF INDIAN STREET

Case: General Plan Amendment (PEN21-0113)
Change of Zone (PEN21-0114)
Plot Plan (PEN21-0112)

Applicant: Rancho Belago Developers, Inc

Property Owner: Moreno Valley Housing Authority

Representative: James Jernigan

Location: North of Cottonwood Avenue on the east side of Indian Street (APN: 482-161-026)

Case Planner: Julia Descoteaux

Council District: 1

Proposal: The Applicant is requesting the approval of the following entitlements for the development of Courtyards at Cottonwood Phase II which consists of a 32-unit affordable apartment complex located on a 1.61 acre site: 1) a General Plan Amendment (GPA) amending the City's General Plan from Public (P) to Residential 15 (R15); 2) a Change of Zone from Public (P) District to Residential 15 (R15) District and 3) a Plot Plan for a 32-unit affordable apartment complex.

SUMMARY

Rancho Belago Developers, Inc., (“Applicant”) is requesting the approval of the following: 1) a General Plan Amendment (PEN21-0113) to amend the General Plan Land Use Designation from Public (P) to Residential 15 (R15); 2) a Change of Zone (PEN21-0114) to amend the Zoning Atlas from Public (P) District to Residential 15 (R15) District and 3) a Plot Plan (PEN21-0112) for a 32-unit affordable apartment (“Proposed Project”) on a 1.61 acre site located on the east side of Indian Street north of Cottonwood Avenue Assessor Parcel No. 482-161-026 (“Project Site”). In addition to the above entitlement applications, the Applicant is seeking the City’s certification of a Mitigated Negative Declaration (MND) and the approval of a Mitigation Monitoring and Reporting Program (MMRP) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Background

On November 5, 2019, the City Council adopted Resolution 2019-60 approving a General Plan Amendment and on November 19, 2019, approving and adopting Ordinance 963 rezoning the subject site from the Residential 5 (R5) District to the Public (P) District as the Moreno Valley Unified School District expressed a need for the property. The Courtyards at Cottonwood Phase 1 project site was rezoned at the same time from Residential 5 (R5) District to the Residential 10 (R10) District.

PROJECT DESCRIPTION

Proposed Project

The Applicant is seeking approval of various land use entitlements to construct “The Courtyards at Cottonwood Phase II,” which is a gated 32-unit affordable multi-family residential complex that will consist of two (2) two-story buildings and a laundry room for a total of three (3) buildings. The Proposed Project will connect with the adjacent Courtyards at Cottonwood Phase I Project which was approved in 2019 and is currently under construction.

General Plan Amendment

The City of Moreno Valley General Plan Land Use Map designates the Project Site, as Public (P). The Applicant seeks to change this designation to Residential 15 (R15).

Public (P), in general, provides for public and institutional uses; whereas Residential 15 (R15) will allow for the development of fifteen dwelling units per acre, The R15 designation is necessary to allow for the development of the 32 units (with the affordable density bonus) on the 1.61 acre site.

Zone Change

The proposed Change of Zone (PEN21-0114) from Public (P) District to Residential 15 (R15) District is also necessary to allow the development of the 32 units (with the affordable density bonus) on the 1.61 acre site.

Plot Plan

Plot Plan (PEN21-0112), which is required for multiple-family residential projects shows the layout of the Proposed Project, which again, consists of two 16-unit, two-story buildings and a laundry building for a total of three buildings. The proposed project will share ingress and egress with the Phase I Project located to the south. The Phase I Project was approved in 2019 and is currently under construction. The Proposed Project will be served by a full-time onsite property manager, and will include a community building, mail kiosk, a community pool, tot lot, basketball courts and walking paths that will be situated within the Phase I Project but will provide for reciprocal access to the residents of the Proposed Project.

The Proposed Project's two residential buildings will be located on the westerly portion of the Project Site with parking to the east and south, creating a buffer between the proposed new residential units and the existing single-family homes to the east. A block wall will be constructed on the easterly property line between the existing single-family residential zone and the Proposed Project.

The Phase 1 Project extends Myrna Street westerly to form a cul-de-sac. This improves the circulation within the neighborhood to the east. Neither the Phase I Project nor the Proposed Project will allow any vehicle or pedestrian access from the cul-de-sac.

Affordable Housing Incentives

The proposed development will be an affordable housing project that will be rented to extremely low-income households (up to 30% of median income), very low households (up to 50% of median income), low-income households (up to 60% median income) and moderate-income households (up to 80% median income). All income-restricted units will be offered at rents that do not exceed affordable rents as defined in the California Health and Safety Code, and these affordable rents will be enforced via the recordation of affordability covenants.

Per the City's Density Bonus Program for affordable housing, as set forth in MVMC Section 9.03.050, and applicable State requirements, the Proposed Project is eligible for a number of incentives or concessions in exchange for the recordation of long term affordability covenants. These incentives and concessions include the following:

- **Increased Density** – The Proposed Project is eligible for a thirty-five (35%) percent density bonus. This means the base density of 15 dwelling units per acre may be increase to 20.25 dwelling units per acre. As such, the Proposed Project's density may be increased from 15 dwelling units per acre to the 19.88 dwelling units per acre, which is needed in order to construct the 32 dwelling units on the 1.16 acre Project Site.

- Affordable Parking Reduction – The Density Bonus Program for the Proposed Project allows for a 20% parking reduction since all of the Proposed Project's 32 units will be made available to extremely low, very low, low or moderate income households. With the 20% parking reduction, the Proposed Project will only be required to provide 52 parking spaces; however the Proposed Project will provide 53 parking spaces.
- Modification of Development Standards – Consistent with the City's Density Bonus Program the Applicant is requesting a reduction in the private open space requirement for each ground floor unit. Specifically, the Applicant is seeking a reduction from the required 150 sq. ft. per ground floor unit to 100 sq. ft. per ground floor unit. The proposed 100 sq. ft. private open area, however, is consistent with the requirements for the Proposed Project's second story units. This reduction in private open space for the ground floor units will not result in any reductions or variations in the Proposed Project's other requirement for open space, landscaping, or any lot coverage restrictions.
- Development Impact and Park Impact Fee Reductions – Consistent with the City's Density Bonus Program, the Applicant is requesting a reduction in the Development Impact Fees and Park Land Impact Mitigation Fees. The Density Bonus Program allows for a fifty (50%) percent reduction in these fees for each unit that is made affordable to very low-income households and a twenty-five (25%) percent reduction for each unit made affordable to low-income households.

The details of these aforementioned incentives and associated affordability requirements will be memorialized and incorporated into a Density Bonus Housing Agreement between the owner and the City and the affordable rents will also be enforceable via the recordation of long-term affordability covenants recorded against the Project Site.

Site/ Surrounding Area

The vacant 1.61 acre site is located north of Cottonwood Avenue on the east side of Indian Street between the existing school site and Phase 1 which is under construction. Surrounding uses include Moreno Valley Adult/March Mountain High School to the north within the Public (P) District, and single-family residential development within the Residential 5 (R5) District to the east and west with the Residential 10 (R10) District to the south. The Proposed Project has been designed to be compatible with the adjacent uses by providing appropriate setbacks between the residential structures and the existing residences.

Access

Access to the Project Site will be from the access points approved with Phase I Project, with full access also being provided on Cottonwood Avenue. There will be an “exit only” on Indian Street.

Parking

Parking will be located on the easterly portion of the Project Site and along the southerly boundary adjacent to the Proposed Project’s main drive aisle. Both covered and open parking spaces will be provided with a total of 53 parking spaces which, as discussed above, complies with parking requirement after the parking reductions the Proposed Project is entitled to under the City’s Density Bonus Program.

Design/Landscaping

The buildings reflect a contemporary architecture style with high durability materials which include concrete flat tile style roofing, metal awnings, and energy efficient windows, consistent with the Phase 1 project to the south.

The propose project complies with the development standards for the Residential 15 (R15) District and the City’s Municipal Code. Landscaping is designed to meet the landscape standards set forth in the City’s Municipal Code Section 9.17.

REVIEW PROCESS

The Proposed Project has been considered by all appropriate agencies within and outside of the City, consistent with the standard review process required for these types of development applications. The Proposed Project was reviewed by the Project Review Staff Committee as required by the Municipal Code. Following subsequent revisions, and review by various staff, the Project’s entitlement package was deemed complete for processing for the Planning Commission review and consideration.

ENVIRONMENTAL

An Initial Study was prepared by Kimley-Horn & Associates in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study examined the Proposed Project’s impacts on the environment. The Initial Study/Mitigation Negative Declaration (IS/MND) provides information in support of the finding that a Mitigated Negative Declaration serves as the appropriate CEQA documentation for the Proposed Project in that the Proposed Project, with the implementation of the proposed mitigation measures, will not have a significant effect on the environment.

Mitigation Measures are recommended for the Proposed Project in the following areas: Biological Resources, Cultural, Noise, and Tribal Cultural Resources. However, these measures are not required to address a known significant impact. Based on the Initial Study, and the proposed mitigation measures, the Project will not cause any significant impacts or environmental damage. Notwithstanding, the measures for Tribal resources

have been included to address input from the Tribal governments. The measures are specifically intended to ensure that potential Tribal cultural resources that might be discovered are adequately protected from destruction.

The public comment period for the Notice of Availability for the Initial Study/Mitigated Negative Declaration began on November 10, 2021, and ended on December 2, 2021, which satisfies the required 20-day, Public Comment Period. As of the preparation of this staff report, no comments have been received.

NOTIFICATION

Public notice was sent to all property owners of record within 600' of the project. The public hearing notice for this project was also posted for the Proposed Project on the Project Site and published in the Press Enterprises Newspaper. As of the publication of the staff report no project comments were received.

REVIEW AGENCY COMMENTS

Staff has coordinated with outside agencies where applicable, as is the standard review process with these types of development applications. Some of those agencies include Riverside County Flood Control, Airport Land Use Commission and Utility providers.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

- A. That the Planning Commission **ADOPT** Resolution No. 2021-48, attached hereto **RECOMMENDING** that the City Council:
 1. **ADOPT** the Mitigation Monitoring and Reporting Program prepared for the Proposed Project, which consists of General Plan Amendment (PEN21-0113), Change of Zone (PEN21-0114), and Plot Plan (PEN21-0112) on file with the Community Development Department, incorporated herein by this reference, and any necessary and corresponding amendments to the City's Zoning Atlas to reflect the proposed changes in the zoning classification and/or redistricting associated with the General Plan Amendment (PEN21-0113) and Change of Zone (PEN21-0114), pursuant to CEQA and the CEQA Guidelines and based on the findings as set forth and/or referenced in Resolution No. 2021-48; and
 2. **APPROVE** the Initial Study/Mitigated Negative Declaration prepared for the Proposed Project, which consist of a General Plan Amendment (PEN21-0113), Change of Zone (PEN21-0114) and Plot Plan (PEN21-0112), on file with the Community Development Department, incorporated herein by this reference, and any necessary and corresponding amendment to the City's Zoning Atlas to reflect the proposed changes in the zoning classification and/or redistricting associated with the General Plan Amendment (PEN21-0113) and Change of Zone (PEN21-0114), which was completed in

compliance with CEQA and the CEQA Guidelines, and reflects that the Planning Commission reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration, and exercised its independent judgment and analysis of the Proposed Project's potential environmental impacts, based on the findings as set forth and/or referenced in Resolution No. 2021-48; and

B. That the Planning Commission **ADOPT** Resolution No. 2021-49 attached hereto, **RECOMMENDING** that the City Council:

1. **APPROVE** General Plan Amendment (PEN21-0113) and any necessary and corresponding amendments to the City's Zoning Atlas to reflect the proposed changes in the zoning classification and/or redistricting associated with the General Plan Amendment based on the findings set forth and/or referenced in Resolution No. 2021-49.

C. That the Planning Commission **ADOPT** Resolution No. 2021-50, attached hereto, **RECOMMENDING** that the City Council:

1. **APPROVE** Change of Zone (PEN21-0114) and any necessary and corresponding amendment to the City's Zoning Atlas to reflect the proposed change in the zoning classification and/or redistricting associated with the Change of Zone (PEN21-0114) based on the findings as set forth and/or referenced in Resolution No. 2021-50.

D. That the Planning Commission **ADOPT** Resolution No. 2021-51, attached hereto, **RECOMMENDING** that the City Council:

1. **APPROVE** Plot Plan (PEN21-0112) based on the findings as set forth and/or referenced in Resolution No. 2021-51.

Prepared by:
Julia Descoteaux
Associate Planner

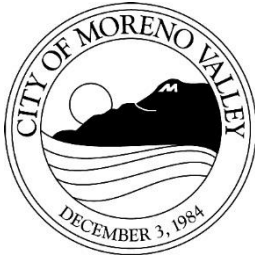
Approved by:
Sean P Kelleher
Planning Division Manager

ATTACHMENTS

To view large attachments, please click your “bookmarks”  on the left hand side of this document for the necessary attachment.

1. Resolution No. 2021-48 IS/MND for Courtyard at Cottonwood Phase II
2. Exhibit A to Resolution No. 2021-48 Mitigated Negative Declaration/Initial Study
3. Appendix A - Air Quality & Greenhouse Gas Emissions Quantification Report Phase 1
4. Appendix B - Courtyards at Cottonwood Phase I and II Plot Plans
5. Appendix C - Cultural Resources Assessment Phase 1

6. Appendix D - Preliminary Geotechnical and Infiltration Feasibility Investigation Report Phase 1
7. Appendix E - Preliminary Geotechnical and Infiltration Feasibility Investigation Update Letter
8. Appendix F - Environmental Assessment Phase 1
9. Appendix G - PWQMP Report
10. Appendix H - Preliminary Hydrology Report
11. Appendix I - Acoustical Analysis Memorandum
12. Appendix J - Trip Generation Memorandum
13. Exhibit B to Resolution No. 2021-48 Notice of Intent to Adopt a Mitigated Negative Declaration / Newspaper Notice
14. Exhibit C to Resolution No. 2021-48 Mitigation Monitoring and Reporting Program
15. Resolution No. 2021-49 General Plan Amendment (PEN21-0113)
16. Resolution No. 2021-50 Change of Zone (PEN21-0114)
17. Resolution No. 2021-51 Plot Plan (PEN21-0112)
18. Project Plans



PLANNING COMMISSION

STAFF REPORT

Meeting Date: December 9, 2021

MUNICIPAL CODE AMENDMENTS AMENDING VARIOUS SECTIONS OF TITLE 9 PLANNING AND ZONING INCLUDING CHAPTER 9.02 PERMITS AND APPROVALS, CHAPTER 9.03 RESIDENTIAL DISTRICTS, CHAPTER 9.05 INDUSTRIAL DISTRICTS, CHAPTER 9.07 SPECIAL DISTRICTS, CHAPTER 9.08 GENERAL DEVELOPMENT STANDARDS, CHAPTER 9.09 SPECIFIC USE DEVELOPMENT STANDARDS, CHAPTER 9.11 PARKING, PEDESTRIAN AND LOADING REQUIREMENTS, CHAPTER 9.14 LAND DIVISIONS, CHAPTER 9.15 DEFINITIONS, CHAPTER 9.16 DESIGN GUIDELINES, AND CHAPTER 9.17 LANDSCAPE AND WATER EFFICIENCY REQUIREMENTS

Case: PEN21-0073 - Municipal Code Amendment

Applicant: City of Moreno Valley

Case Planner: Chris Ormsby

Council District: All Districts

Proposal The proposed Omnibus Municipal Code amendment includes various updates and text clean-ups for the purpose of clarifying and streamlining various development standards within Title 9 Planning and Zoning, Chapter 9.02 Permits and Approvals, Chapter 9.03 Residential Districts, Chapter 9.05 Industrial Districts, Chapter 9.07 Special Districts, Chapter 9.08 General Development Standards, Chapter 9.09 Specific Use Development Standards, Chapter 9.11 Parking, Pedestrian and Loading Requirements, Chapter 9.14 Land Divisions, Chapter 9.15 Definitions, Chapter 9.16 Design Guidelines, and Chapter 9.17 Landscape and Water Efficiency Requirements, and additional comprehensive updates to Section 9.03.050 (Density bonus program for affordable housing) and Section 9.09.130 (Accessory

dwelling units) consistent with State law and to further housing production.

SUMMARY

This Municipal Code Amendment revises various sections of Title 9 Planning and Zoning, related to the following areas:

- A. Updates to comply with State requirements related to housing and increasing housing production. These include a comprehensive update of standards for Accessory Dwelling Units and Density Bonus requirements.
- B. Streamlining Code requirements - These updates include revisions to provide flexibility and clarity regarding existing requirements and to streamline certain processes.
- C. Other minor clarifications and clean-up items

PROJECT DESCRIPTION

The discussion of the sections below corresponds to the order of the text amendments set forth in the attached Planning Commission resolution.

Section 9.02.200 (Noticing for the blind, aged, and disable communities)

This proposed Amendment will add language to Section 9.02.200 to address Government Code section 65090 noticing for drive-throughs. The amendment addresses the State requirement that the local agency shall incorporate, where necessary, notice procedures for the blind, aged, and disabled communities in order to facilitate their participation. This has been addressed by identifying that such notices will be sent to the City Senior Center and other agencies and non-profit entities that provide services to the blind, aged, and disabled communities within the City.

9.02.230(C)(3) (Lapse of Approvals and Extensions of Time)

The Subdivision Map Act of the State of California allows for a Tentative Maps to be extended up to six years beyond the initial approval. Section 9.02.230(C)(3) is being amended to be consistent with the Subdivision Map Act.

9.03.040 (Minimum Lot Size) and Table 9.03.040-7 (Minimum Unit Size)

Lot Size

In order to address the State Department of Housing and Community Development's (HCD) comments on the Housing Element regarding the City's development standards for lot size, staff researched further the City's standards for lot size and unit size. The minimum lot size currently identified in the Municipal Code for multi-family zones is one acre. Staff concluded that clarification is needed in the Municipal Code so that it is clear that existing multi-family parcels can be developed under the multi-family zoning standards regardless of their size. This was already the intent and interpretation by staff. This clarification will address State HCD's comments.

Unit Size

Title 9 currently specifies minimum dwelling unit sizes in multiple family projects. This was a concern of the State Department of Housing and Community Development (HCD); therefore the existing minimum unit sizes have been struck.

Section 9.03.050 (Density Bonus Program for Affordable Housing)

The proposed updates to the density bonus section (Density Bonus Program for Affordable Housing) has been prepared to address recent changes in State density bonus law, and will replace the current section in its entirety. Density bonus provisions are a State mandate so it is necessary to update Title 9 of the Municipal Code to be consistent with recent State legislation.

The key pieces of legislation requiring the update were AB 168 and AB 2345. The new legislation which took effect on January 1, 2021 provides for up to a 50% density bonus may be granted to housing projects consisting of a mix of affordable and market-rate homes, which is up from the previous maximum of 35% for mixed income properties. This section is also updated to include density bonuses for housing developments for foster youth, disabled veterans, and college students. The legislation also allows qualifying developers, as a matter of right, to obtain lower parking space requirements than would otherwise be required by local standards.

As specified by State law, cities and counties are required to grant a density bonus and other incentives or concessions to housing projects which contain one of the following:

- At least 5% of the housing units are restricted to very low income residents.
- At least 10% of the housing units are restricted to lower income residents.
- At least 10% of the housing units in a for-sale common interest development are restricted to moderate income residents.
- 100% of the housing units (other than manager's units) are restricted to very low, lower and moderate income residents (with a maximum of 20% moderate).
- At least 10% of the housing units are for transitional foster youth, disabled veterans or homeless persons, with rents restricted at the very low income level.
- At least 20% of the housing units are for low income college students in housing dedicated for full-time students at accredited colleges.
- The project donates at least one acre of land to the city or county for very low income units, and the land has the appropriate general plan designation, zoning, permits and approvals, and access to public facilities needed for such housing.
- The project is a senior citizen housing development (no affordable units required).
- The project is an age-restricted (e.g., 55 years plus) mobilehome park (no affordable units required).

The amount of the density bonus is set on a sliding scale based upon the percentage of affordable units at each income level. The maximum density bonus amounts for very low, lower and moderate income housing were increased by legislation approved in 2020. Staff has developed a Density Bonus table to be consistent with State law. Rather than include the table in Title 9, Section 9.03.050 references that the table is on file with

the Community Development Department staff. This makes the Municipal Code section easier to use, and will facilitate affordable housing production.

9.05.040 (LEED Equivalency for Industrial Development)

The amendment will require industrial buildings larger than 50,000 square feet to be designed and constructed to meet the equivalent of LEED Silver. The requirement will further the implementation the City's recently adopted Climate Action Plan by promoting the use of energy efficient industrial buildings (Strategy I-1). The standard is similar to a number of other cities that require the equivalent of LEED Silver for industrial buildings.

9.07.080, 9.08.260, and 9.08.150(C) (Minor Corrections)

The amendments include minor corrections to Title 9, Section 9.08.260 and 9.07.080 to correct several references to "Community and Economic Development Director" and replaces them with "Community Development Director" to be consistent with the current title of the position. Also, Section 9.08.150 will be amended to eliminate the reference to a Public Works trash enclosure standard.

9.08.270 (Security Plan and On-site Security Requirements)

This amendment adds a section to Chapter 9.08 General Development Standards. The standards will require a detailed security plan for commercial centers larger than two acres and multi-family projects of 51 dwelling units or more. The new section identifies certain requirements to provide an additional level of security for residents and visitors.

9.08.280 (Maintenance of Parkways by Property Owners)

This amendment adds a section to Chapter 9.08 General Development standards. The new section will require an encroachment permit to require that developers maintain landscape areas that are within the right-of-way, and also maintain any areas along their frontages (eg. Caltrans right-of-way). With regard to the landscaping along right-of-way frontages, there has always been an expectation that these areas will be maintained by the property owner unless otherwise specified in the conditions of approval. The requirement for the encroachment permit will ensure that responsibility for landscape maintenance is clear, which will help ensure that the City's parkways and freeway corridor are well maintained and inviting to residents and visitors to the City.

9.09.130 Accessory Dwelling Units

This comprehensive amendment to the Accessory Dwelling Unit section (Section 9.09.130) is necessary to address a number of State legislative bills that became effective in the last three years. The revisions to State law addressing accessory dwelling units were addressed in seven State legislative bills that modified various sections of State law aimed at furthering affordable housing production.

The proposed amendments address State law, and clarify the requirements for accessory dwelling units proposed within the City. As many residents have an interest in developing an accessory dwelling unit, an effort has been made to simplify the

requirements as much as possible while meeting the State mandate. Towards this end, the section includes tables to help assist in understanding the applicable requirements.

Some of the key requirements of the State law that are addressed by the City's amendments to Section 9.09.130 include the following:

- Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one Accessory Dwelling Unit (ADU) and one Junior Accessory Dwelling Unit (JADU) per lot within the proposed or existing single family dwelling if certain requirements are satisfied.
- Allows a permitted JADU to be constructed within the walls of the proposed or existing single-family residence.
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and requires approval of a permit to build an ADU of up to 800 square feet.
- Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement of off-street parking spaces cannot be required by the local agency.
- Reduces the maximum ADU and JADU application review time from 120 days to 60 days.
- Establishes impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees.

Table 9.11.040B-12 Parking, Pedestrian and Loading Requirements

Based on staff's recent experience with the development of several hotels, designated RV parking spaces are not necessary given the current standard of parking for a hotel site. Therefore, Table 9.11.040B-12 is proposed to be modified to remove the provisions mandating the inclusion of RV parking spaces for hotels.

9.14.050.E.1. Residential and Mixed Use Parcel Maps

This amendment modifies the language in Section 9.14.050 to allow residential and mixed use parcel maps to be approved administratively. This change is necessary in order for the City to comply with recent changes to State law (SB 9) that will become in effect on January 1, 2022.

9.15.030 Definitions

Section 9.15.030 has been updated to add the definition of a hotel, consistent with the definition of "hotel" in Section 3.24.020 of the Municipal Code, and to modify and add definitions related to the comprehensive update of the requirements for accessory dwelling units (Section 9.09.130).

9.16.150 Commercial (retail, office, mixed use) section from Chapter 9.16 Design Guidelines

This amendment to Section 9.16.150 specifies that hotels over four stories shall include rooftop amenities such as restaurants, bars, swimming pool, or other amenities. The intent is to establish a high standard for future hotels to ensure that hotels have amenities that would be in step with the quality of future commercial development within the Downtown Center and throughout the City.

9.17.140 Freeway frontage

This amendment is related to the Section 9.08.280 (landscape maintenance) amendment previous discussed. This amendment specifies that if the freeway right-of-way is not landscaped, the property owner shall maintain the right-of-way along their frontage in a manner that is free of weeds, vegetative debris, and refuse. This will help ensure that the areas along State Route 60 are maintained in a manner that will further aesthetics and health and safety.

ENVIRONMENTAL

The proposed Municipal Code Amendments are exempt from the California Environmental Quality Act. The proposed updates addressing accessory dwelling units qualify as a statutory exemption under Section 15282(h) of the California Environmental Quality Act guidelines, and all of the other proposed amendments are exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment

NOTIFICATION

The amendment to the Municipal Code is City-wide. As such, the public hearing notice for the proposed Municipal Code Amendments was published in the Press-Enterprise newspaper on November 26, 2021.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2021-54, and thereby **RECOMMEND** that the City Council:

1. **APPROVE** the Municipal Code Amendments PEN21-0073, based on the findings contained set forth and/or referenced in this Resolution and **ADOPT** an ordinance to include the amendments included in this Resolution.

Prepared by:
Chris Ormsby
Senior Planner

Approved by:
Sean P Kelleher
Planning Division Manager

ATTACHMENTS



To view large attachments, please click your “bookmarks” on the left hand side of this document for the necessary attachment.

1. Resolution No. 2021-54 Municipal Code Amendment (PEN21-0073)
2. 2021 Code Amendment Strikeout Underline format