

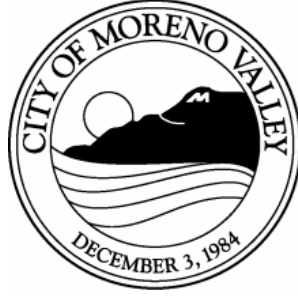
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**PLANNING COMMISSIONERS**

ALVIN DEJOHNETTE  
Chairperson

MATTHEW CHEN  
Vice Chairperson

JEFFREY SIMS  
Commissioner



OMAR COBIAN  
Commissioner

JOANN STEPHAN  
Commissioner

VACANT  
Commissioner

VACANT  
Commissioner

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# **PLANNING COMMISSION Regular Meeting**

## **Agenda**

**Thursday, September 22, 2022 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*

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*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 72 hours before the meeting. The 72 hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

**NON-PUBLIC HEARING ITEMS**

- 1. Annual Review of Planning Commission Rules of Procedure.

**PUBLIC HEARING ITEMS**

- 1. Case: PEN21-0291 Conditional Use Permit  
PEN21-0290 Tentative Tract Map  
  
Applicant: Pacifica Investments  
Property Owner: Chin Chang and Daniel Chu  
Representative: EPD Solutions Inc.  
Location: Northside of Alessandro Boulevard between Morrison and Nason Streets (APN 487-470-022).  
  
Case Planner: Kirt Coury  
Council District: 3  
Proposal: 1) Conditional Use Permit for a Single-Family Residential Planned Unit Development; and 2) Tentative Tract Map 38625 to subdivide an 18.49-acre site into 225 single-family residential lots.

**OTHER COMMISSION BUSINESS**

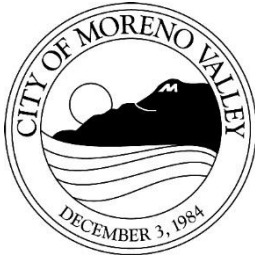
No items for discussion.

**STAFF COMMENTS**

**PLANNING COMMISSIONER COMMENTS**

**ADJOURNMENT**

Planning Commission Regular Meeting, October 13, 2022, at 7:00 P.M., City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, CA 92553.



## PLANNING COMMISSION

### STAFF REPORT

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Meeting Date: September 22, 2022

ANNUAL REVIEW OF PLANNING COMMISSION RULES OF PROCEDURE.

#### **SUMMARY**

Section 2.18.030 (Meetings – Rules of procedure) of the Moreno Valley Municipal Code, in relevant part, provides that the Commission shall all adopt rules for the transaction of business. The Commission last updated the Planning Commission Rules of Procedure in 2017. Attached to this staff report are proposed updated Planning Commission Rules of Procedure for the Commission’s review and consideration.

#### **NOTIFICATION**

Publication of the Agenda.

#### **STAFF RECOMMENDATION**

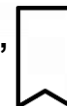
Staff recommends that the Planning Commission **APPROVE** the amendments to the Planning Commission Rules and Procedures.

Prepared by:  
Sean P Kelleher  
Planning Division Manager

Approved by:  
Manuel A. Mancha  
Community Development Director

#### **ATTACHMENTS**

To view large attachments, please click your “bookmarks”



on the left hand side of this document for the necessary attachment.

1. Planning Commission Rules and Procedures Final
2. Planning Commission Rules and Procedures Redline

**CITY OF MORENO VALLEY  
PLANNING COMMISSION RULES OF PROCEDURE**

**I. RULES OF ORDER, ORGANIZATION AND OFFICERS**

**A. RULES OF ORDER**

Except as otherwise provided in these Rules of Procedure and the Brown Act, the latest edition of "The Standard Code of Parliamentary Procedure," shall be used as a guide to the conduct of Planning Commission meetings. Except as may otherwise be provided by applicable law, no omission to conform to said rules of order shall be deemed to invalidate any action taken by the Planning Commission.

**B. ORGANIZATION**

The Planning Commission shall consist of seven (7) Regular Commissioners and two (2) Alternate Commissioners and shall be organized and exercise such powers as prescribed by ordinance and/or resolution of the City Council and applicable law.

**C. OFFICERS**

**1. SELECTION**

- a. A Chairperson and Vice-Chairperson shall be elected annually from among the Planning Commission's Regular Commissioners at the first meeting in April, to serve at the pleasure of the Planning Commission. The term of office for Chairperson and Vice-Chairperson shall be one (1) year. No person shall serve more than two consecutive terms as either Chairperson or Vice-Chairperson, however a commissioner may serve for two consecutive terms as Vice-Chairperson followed by two consecutive terms as Chairperson, or vice versa.
- b. If the Chairperson vacates his or her office before the term of office is completed, a new Chairperson shall be elected at the next regular meeting. A new Vice-Chairperson shall also be elected if the former Vice-Chairperson is elected Chairperson.
- c. In the absence of the Chairperson and Vice-Chairperson at a Planning Commission meeting to call the meeting to order, a temporary presiding officer shall be designated by the members present at the subject meeting. Alternate Commissioners shall not be eligible to serve as Chairperson, Vice-Chairperson, or temporary presiding officer.

## 2. RESPONSIBILITIES

The responsibilities and powers of members of the Planning Commission shall be as follows:

### a. Chairperson

- 1) Preside over all Planning Commission meetings.
- 2) Call special meetings of the Planning Commission in accordance with the Brown Act and these Rules of Procedure.
- 3) Sign documents on behalf of the Planning Commission.
- 4) Assist staff in determining agenda items.

### b. Vice-Chairperson

During the absence, disability or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all the duties and responsibilities of the Chairperson.

- c. The Planning Official with the assistance of his or her staff, shall be responsible for providing the Planning Commission with proposed minutes of its meetings, proposed forms of resolutions when appropriate, staff reports and recommendations on matters of business which are presented to the Planning Commission for its review and consideration as Planning Commission agenda items.

## D. POWERS AND DUTIES

The functions, powers and duties of the Planning Commission shall include but not be limited to, all those functions, powers and duties of a Planning Commission and Board of Zoning Adjustment as provided in Chapters 3 and 4 of Title 7 commencing with Section 65100 of the Government Code of the State (the Planning and Zoning Law), as the same may be hereafter amended. The Planning Commission shall perform such other duties and functions as may be designated by ordinance, resolution or minute order of the City Council.

## E. CONFLICTS OF INTEREST AND BIAS

1. All Commissioners shall be subject to the regulations of the Fair Political Practices Commission and the Political Reform Act.

2. All Commissioners shall be subject to the prohibition regarding interests in contracts as set forth in the Government Code.
3. All Commissioners shall be subject to the restrictions pertaining to common law bias.
4. Any Commissioner with a disqualifying interest shall publicly disclose for the minutes the reason for their disqualifying interest and recuse themselves as required by applicable state law.

F. TRANSPARENCY AND DISCLOSURE

1. Any Commissioners shall publicly disclose for the minutes, prior to voting on any particular agenda item, whether they communicated in any manner with an applicant or developer or any of their representatives, or any members of the public regarding any particular agenda item. Such commissioners shall also disclose for the minutes the substance of any such communications.

G. ABSENCES AND VACANCIES

1. Alternate Commissioners shall be filled in accordance with Ordinance No. 890.
2. All Regular Commissioners and Alternate Commissioners should attempt to attend all meetings. In the event of the absence of a Regular Commissioner for all, or any part of a meeting, an Alternate Commissioner who is present shall be seated to serve as a full voting member of the Planning Commission at the subject Planning Commission meeting. If an Alternate Commissioner is not available to serve for any reason, the Planning Commission shall continue with the meeting with the remaining Regular Commissioners provided a quorum is present. The minutes shall reflect the presence, attendance, and voting of all Regular and Alternate Commissioners at every meeting.
3. For each Planning Commission meeting, the Planning Official shall designate a Primary Alternate Commissioner to attend the subject meeting. This designation shall rotate every meeting amongst the two Alternative Commissioners. If the Planning Official expects that more than one Regular Commissioner may not attend a meeting, the Planning Official shall request that the Secondary Alternate Commissioner be present at the meeting.
4. At a continued public hearing, if a Regular or Alternate Commissioner did not attend any prior hearing regarding the same continued matter, such Commissioner may only participate at the subject continued public hearing if he or she states for the record that he/she

has reviewed the relevant staff report and familiarized themselves with the evidence received during the hearing by either: (a) watched the full video of the relevant prior public hearings, and/or (b) read the relevant public hearing transcripts, and/or minutes. In no case shall a particular Alternate Commissioner be designated to serve in place of more than one other Commissioner any single public hearing item.

5. Alternate Commissioners shall be deemed to be participating in a meeting if they are seated as a voting member for all, or any part, of a meeting.
6. Alternate Commissioners may participate in the discussion and debate of an agenda item only if seated as a voting Commissioner.

## II. MEETINGS

### A. PUBLIC MEETINGS

All Planning Commission meetings shall be held in full compliance with all applicable state laws, ordinances of the City, and these Rules of Procedure.

### B. REGULAR MEETINGS

1. Regular meetings shall be held on the second and fourth Thursdays of each month at 6:00 p.m. in the Council Chambers at City Hall, 14177 Frederick Street, Moreno Valley, California, unless otherwise determined by the Commission.
2. Whenever a regular meeting falls on a public holiday, no regular meeting shall be held on that day. Such regular meeting shall occur on the next business day, at an adjourned meeting, or cancelled by motion adopted by the Planning Commission.

### C. ADJOURNED MEETINGS

The Planning Commission may adjourn its meeting to a date and hour certain pursuant to the Brown Act.

### D. SPECIAL MEETINGS

Special meetings of the Planning Commission may be called by the Chairperson or a majority of the Regular Commissioners pursuant to the applicable provisions of the Brown Act.

### E. STUDY SESSIONS/WORKSHOPS

1. The Planning Commission may be convened as a whole or as a committee of the whole in the same manner as prescribed for the

calling of a special meeting for the purpose of holding study sessions, subject to the provisions of the Brown Act.

2. All study sessions shall be open to the public.

F. AGENDA

1. An agenda for each Planning Commission meeting shall be prepared by the Planning Official or his or her designee with the cooperation and approval of the Chairperson, or, in the absence of the Chairperson, by the Vice-Chairperson.
  - a. The Planning Commission cannot guarantee that applicants meeting filing deadlines will be placed on the agenda of the first meeting thereafter.
  - b. A copy of the agenda for each regular meeting of the Planning Commission shall be posted at City Hall seventy-two (72) hours prior to each regular meeting and at least twenty-four (24) hours prior to each special meeting of the Commission.
2. Regular Meeting agendas shall be organized as follows:
  - a. CALL TO ORDER
  - b. ROLL CALL
  - c. PLEDGE OF ALLEGIANCE
  - d. APPROVAL OF THE AGENDA
  - e. PUBLIC COMMENTS PROCEDURE
  - f. PUBLIC COMMENTS [FOR ITEMS NOT ON THE AGENDA]
  - g. CONSENT CALENDAR
  - h. NON-PUBLIC HEARING ITEMS
  - i. PUBLIC HEARING ITEMS
  - j. OTHER COMMISSION BUSINESS
  - k. STAFF COMMENTS
  - l. PLANNING COMMISSIONER COMMENTS
  - m. ADJOURNMENT



3. Public Hearings shall be conducted as follows:
  - a. Introduction of public hearing item by staff.
  - b. Applicant's presentation.
  - c. Open public testimony period.
  - d. Applicant's opportunity to respond.
  - e. Close public testimony period.
  - f. Commissioner questions of staff and the applicant.
  - g. Deliberation with each Commissioner provided with 5 minutes maximum to speak.
  - h. Close deliberations and call for any motions and a second.
  - i. Vote.
  - j. Staff summary of decision.

### III. REVIEW AND AMENDMENTS PROCEDURE

- A. These Rules of Procedure should be reviewed in July of each year by a subcommittee appointed by the Chairperson. The review subcommittee shall present their recommendations at a Planning Commission meeting.
- B. In addition, these Rules of Procedure may be amended by a majority of the Regular Commissioners at a Planning Commission meeting, provided that notice of any proposed amendments are provided to each Commissioner not less than five days prior to said meeting.

**CITY OF MORENO VALLEY  
PLANNING COMMISSION RULES OF PROCEDURE**

I. RULES OF ORDER, ORGANIZATION, AND OFFICERS

A. RULES OF ORDER

Except as otherwise provided in these Rules of Procedure and the Brown Act, the latest edition of "The Standard Code of Parliamentary Procedure 4<sup>th</sup> Edition," shall be used as a guide to the conduct of Planning Commission meetings. ~~of the Planning Commission; e~~ Except as may otherwise be provided by applicable law, no omission to conform to said rules of order shall ~~in any instance~~ be deemed to invalidate any action taken by the Planning Commission.

B. ORGANIZATION

The Planning Commission shall consist of seven (7) Regular Commissioners ~~members~~ and two (2) alternate Commissioners ~~members~~ and shall be organized and exercise such powers as prescribed by Ordinance and/or resolution of the City Council and applicable law of the City of Moreno Valley.

C. OFFICERS

1. SELECTION

- a. A Chairperson and Vice-Chairperson shall be elected annually from among the Planning Commission's Regular Commissioners ~~membership~~ at the first meeting in April, to serve at the pleasure of the Planning Commission. The term of office for Chairperson and Vice-Chairperson shall be one (1) year. No person shall serve more than two consecutive terms as either Chairperson or Vice-Chairperson, however, a commissioner may serve for two consecutive terms as Vice-Chairperson followed by two consecutive terms as Chairperson, or vice versa.
- b. If the Chairperson vacates his or her office before the term of office is completed, a new Chairperson shall be elected at the next regular meeting. A new Vice-Chairperson shall also be elected if the former Vice-Chairperson is elected Chairperson.
- c. In the absence of the Chairperson and Vice-Chairperson ~~at,~~ any other member may call the a Planning Commission meeting to call the meeting to order, whereupon a temporary presiding officer ~~Chairperson pro tem~~ shall be designated ~~by~~ elected from the members present at the subject meeting ~~to~~

~~preside.~~ Alternate ~~Commissioners~~members shall not be eligible to serve as Chairperson, ~~or~~ Vice-Chairperson, ~~or temporary presiding officer.~~

## 2. RESPONSIBILITIES

The responsibilities and powers ~~of the officers and staff~~ of members of the Planning Commission shall be as follows:

### a. Chairperson

- 1) Preside ~~over~~at all Planning Commission meetings ~~of the Commission.~~
- 2) Call special meetings of the Planning Commission in accordance with the Brown Act ~~legal requirements~~ and these Rules of Procedure.
- 3) Sign documents on behalf of the Planning Commission.
- ~~4) See that all actions of the Commission are properly taken.~~

~~5)4)~~ Assist staff in determining agenda items.

~~b. The Chairperson shall be an ex-officio member of all committees of the Planning Commission with voice but not vote.~~

### ~~e.~~b. Vice-Chairperson

During the absence, disability or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all the duties and ~~be subject to all the~~ responsibilities of the Chairperson.

~~d.~~c. The Planning Official with the assistance of his or her staff, shall be responsible for providing the Planning Commission with proposed minutes of its meetings, ~~with~~ proposed forms of resolutions when appropriate, ~~with~~ staff reports and recommendations on matters of business which are presented to come before the Planning Commission for its review and consideration as Planning Commission agenda items, ~~and with proposed forms of recommendations and reports for the Commission.~~

## D. POWERS AND DUTIES

The functions, powers and duties of the Planning Commission shall include but not be limited to,~~be~~ all those functions, powers and duties of a Planning Commission and Board of Zoning Adjustment as provided in Chapters 3 and 4 of Title 7 commencing with Section 65100 of the Government Code of the State (the Planning and Zoning Law), as the same may be hereafter amended. The Planning Commission shall perform such other duties and functions as may be designated by ordinance, resolution, or minute order of the City Council.

E. CONFLICTS OF INTEREST AND BIAS

1. All Commissioners shall be subject to the regulations of the Fair Political Practices Commission and the Political Reform Act.
2. All Commissioners shall be subject to the prohibition regarding interests in contracts as set forth in the Government Code.
3. All Commissioners shall be subject to the restrictions pertaining to common law bias.
4. Any Commissioner with a disqualifying interest shall publicly disclose for the minutes the reason for their disqualifying interest and recuse themselves as required by applicable state law.

E.F. TRANSPARENCY AND DISCLOSURE ETHICAL PROCESS AND PROCEDURE

- ~~1. Whenever after appointment, a Commissioner possesses or is likely to possess a financial interest in a project which is pending or likely to be pending in the foreseeable future before the Commission, it is the duty of the Commissioner to disclose for the record the interest and abstain not only from discussion and voting, but a higher duty to abstain from discussion with any other Commissioner or staff concerning any matters relevant to the project, wherein the Commissioner has a financial interest in the decision.~~
- ~~2. It is equally unethical and improper for such Commissioner to recommend to other individuals that they contact other Commissioners or staff with respect to any matter relevant to the project.~~
- ~~3. Whenever a Commissioner discovers the existence of a possible conflict of interest and is unsure as to that situation, the Commissioner should consult with the City Attorney or the staff of the FPPC for clarification of his or her position; in the event a financial interest or likely financial interest exists in a project, the record should so disclose and be available for review.~~

- ~~4. No Commissioner should continue to serve as a Commissioner if it appears likely that he or she will receive substantial financial gain (obtain a financial interest as defined in the FPPC) from a large number of Planning Commission decisions on projects in a broad area of interest.~~
- ~~5. Nothing contained herein shall be construed to relieve a Commissioner of any duty imposed by State law or to change the law and regulations applicable to conflict and disclosure matters.~~
- ~~6. With respect to membership by a Commissioner in any other organization which may be incompatible with membership on the Planning Commission, the Commissioner should consider, to the extent recognized by law, any or all of the following, as may be applicable:
 
  - ~~a. Withdrawal of membership from either the Commission or the said organization.~~
  - ~~b. Leave of absence from the conflicting organization.~~
  - ~~c. Inactivity during Commission tenure.~~
  - ~~d. Being a non-voting participant in the conflicting organization.~~
  - ~~e. Being a non-office holder in the conflicting organization.~~
  - ~~f. Being a non-policy making member in the conflicting organization.~~
  - ~~g. Making no public statements within or about the organization.~~~~

~~F. FITNESS TO SERVE; STATEMENT OF PRIOR CONVERSATIONS~~

- ~~1. Any Planning Commissioner who wishes to serve the City of Moreno Valley shall adhere to the goals, performance objectives, duties, responsibilities, ethical process and procedure, and public relations standards as herein listed.~~
- ~~2. Present Commissioners who wish to serve but cannot justifiably adhere to the contents of these Rules of Procedure must evaluate their fitness to serve.~~
- 3.1. Any Commissioners shall publicly disclose for the minutes declare, prior to voting on any particular agenda item in the recorded minutes, whether or not they talked or otherwise communicated in any manner independently with an applicant or developer or any of their representatives, or any members of the public regarding any

~~particular agenda item~~the developer, with the proponents, or with the opponents or with a representative of the developer, proponents or opponents concerning a project under consideration. Such Commissioners shall also further publicly disclose for the minutes the substance of any such communications.

#### G. ABSENCES AND VACANCIES

1. ~~Permanent or long term~~Alternate Commissioners ~~vacancies~~ shall be filled ~~by alternate Commissioners~~ in accordance with Ordinance No. 890 of the City of Moreno Valley.
2. All Regular Commissioners and ~~a~~Alternate Commissioners should attempt to attend all meetings. In the event of ~~the an~~ absence of a ~~r~~Regular Commissioner for all, or any part of a meeting, an ~~a~~Alternate Commissioner who is present shall be seated to serve as a full voting member of the Planning Commission at the subject Planning Commission meeting. If ~~an a~~Alternate Commissioners ~~is are~~ not available to serve ~~or are disqualified from serving~~ for any reason, the Planning Commission shall continue with the meeting with the remaining rRegular Commissioners, provided as long as a quorum is present. The minutes shall reflect the presence, attendance, seating and voting record of all rRegular and aAlternate Commissioners at every meeting.
3. ~~Alternate Commissioners shall be called on a rotational basis if available. For Eeach Planning Commission meeting, the Planning Official shall designate will have a Primary and Secondary aAlternate Commissioner, which assignment shall rotate every meeting to attend the subject meeting. This designation shall rotate every meeting amongst the two Alternative Commissioners. If the Planning Official expects that more than one Regular Commissioner may not attend a meeting, the Planning Official shall request that the Secondary Alternate Commissioner be present at the meeting. re is more than one absence or vacancy, the secondary alternate Commissioner may also be called to serve. The service or non-service of one or both alternate Commissioners at any meeting shall not affect the rotational order for any future meeting. For the first meeting after any appointment, the rotational order shall be established in alphabetical order by the last name of the Alternate Commissioner.~~
4. At a continued public hearing, if a Regular or Alternate Commissioner did not attend any prior hearing regarding the same continued matter, such Commissioner may only participate at the subject continued public hearing if he or she is seated on the first day of any public hearing item, such Commissioner shall continue to be

~~seated for that item until the completion of the vote on that item, without regard to the number of meeting dates the item is continued over. If a Commissioner seat was vacant on the first day of a public hearing item, that vacant seat may be filled by a regular or alternate Commissioner on future continued hearing dates if he/she makes a statement for on the record that he/she has reviewed the relevant staff report and familiarize themselves with the evidence received during the hearing by either: (a) watched the full video of the relevant prior public hearings, and/or attended all prior hearing dates, (b) read the relevant publicall prior hearing transcripts, and/or minutes. (c) listened to the recordings of all prior hearings on the item. If a Commissioner has not met the aforementioned requirements, they shall be declared ineligible to be seated on the Commission for that item. In no case shall a particular Alternate Commissioner be designated to serve in place of more than one other two different Commissioners fill the same vacant seat on any single public hearing item.~~

- 5. Alternate ~~Commissioners~~members shall be deemed to be participating in a meeting if they are seated as a voting member for all, or any part, of a meeting.
- 6. Alternate Commissioners may participate in the discussion and debate of an agenda item only if seated as a voting Commissioner.

II. MEETINGS

A. PUBLIC MEETINGS

All Planning Commission meetings shall be held in full compliance with all applicable state laws, ordinances of the City, and these Rules of Procedure.

B. REGULAR MEETINGS

- 1. Regular meetings shall be held on the second and fourth Thursdays of each month at ~~7~~6:00 p.m. in the Council Chambers at City Hall, 14177 Frederick Street, Moreno Valley, California, unless otherwise determined by the Commission.
- 2. Whenever a regular meeting falls on a public holiday, no regular meeting shall be held on that day. Such regular meeting shall occur on the next business day, at an adjourned meeting, or cancelled by motion adopted by the Planning Commission.

C. ADJOURNED MEETINGS

~~In the event it is determined by t~~The Planning Commission ~~may~~to adjourn its meeting to a date and hour certain pursuant to the Brown Act~~ertain hour~~

~~on another day, a specific date, time, and place must be set by the Commission prior to the regular motion to adjourn, and the meeting so adjourned.~~

#### D. SPECIAL MEETINGS

Special meetings of the Planning Commission may be ~~held at any time upon the~~ called by ~~of~~ the Chairperson or ~~by~~ a majority of the Regular Commissioners pursuant to the applicable provisions of the Brown Act ~~voting members of the Commission or upon request of the City Council following at least 48 hours' notice to each member of the Commission and to the press, and to each person who has duly requested notice of such meetings. The time and place of the special meeting shall be determined by the convening authority, except that the meeting place shall be within the corporate limits of the City. Only those matters of business described in the call and notice for a special meeting shall be considered by the Commission.~~

#### E. STUDY SESSIONS/WORKSHOPS

1. The Planning Commission may be convened as a whole or as a committee of the whole in the same manner as prescribed for the calling of a special meeting for the purpose of holding a study sessions, subject to the provisions of the Brown Act provided that no official action shall be taken and no quorum shall be required.
2. All study sessions shall be open to the public.

#### F. AGENDA

1. An agenda for each Planning Commission meeting ~~of the Commission~~ shall be prepared by the Planning Official or his or her designee/delegate with the cooperation and approval of the Chairperson, or in the absence of the Chairperson, by the Vice-Chairperson.
  - a. The Planning Commission cannot guarantee that applicants meeting filing deadlines will be placed on the agenda of the first meeting thereafter.
  - b. A copy of the agenda for each regular meeting of the Planning Commission shall be posted at City Hall seventy-two (72) hours prior to each regular meeting and at least twenty-four (24) hours prior to each special meeting of the Commission.

#### 2. Regular Meeting agendas shall be organized as follows:

##### a. CALL TO ORDER



- b. ROLL CALL
- c. PLEDGE OF ALLEGIANCE
- d. APPROVAL OF THE AGENDA
- e. PUBLIC COMMENTS PROCEDURE
- f. PUBLIC COMMENTS [FOR ITEMS NOT ON THE AGENDA]
- g. CONSENT CALENDAR
- h. NON-PUBLIC HEARING ITEMS
- i. PUBLIC HEARING ITEMS
- j. OTHER COMMISSION BUSINESS
- k. STAFF COMMENTS
- l. PLANNING COMMISSIONER COMMENTS
- m. ADJOURNMENT

3. Public Hearings shall be conducted as follows:

- a. Introduction of public hearing item by staff.
- b. Applicant's presentation.
- c. Open public testimony period.
- d. Applicant's opportunity to respond.
- e. Close public testimony period.
- f. Commissioner questions of staff and the applicant.
- g. Deliberation with each Commissioner provided with 5 minutes maximum to speak.
- h. Close deliberations and call for any motions and a second.
- i. Vote.
- b.j. Staff summary of decision.

~~G. ORDER OF MEETINGS~~

- ~~1. Unless the Chairperson in his or her discretion otherwise directs, the~~

~~order of business shall be as follows:~~

- ~~a. The Chairperson shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Commission to order.~~
- ~~b. Members present and absent shall be recorded, including any alternate members. Alternate members shall be seated on the Commission, if necessary. If all regular Commissioners are present and no conflicts of interest have been announced or appear to be likely, the alternate members may be excused and review the video or transcript of the meeting in lieu of attendance.~~
- ~~c. Pledge of Allegiance shall be made.~~
- ~~d. The agenda shall be approved as submitted or revised (to the extent permitted by law).~~
- ~~e. The public shall be advised of the procedures to be followed in the meeting.~~
- ~~f. The minutes of any preceding meeting shall be submitted for approval.~~
- ~~g. Public comment shall be taken, during which any member of the audience may comment on any matter which is not listed on the agenda. A time limit of three minutes shall be imposed on each individual.~~
- ~~h. The Commission shall then hear and act upon those proposals scheduled for consideration at public hearing, followed by such other matters of business and reports as the Commission or Planning Official finds to require Commission consideration, and as may be properly considered at that time.~~
- ~~i. No action shall be taken by the Commission during any regular meeting on any item not appearing on the posted agenda unless any of the following conditions apply:
 
  - ~~1) A majority of the Commission determines that an "emergency situation" exists.~~
  - ~~2) The Commission determines by a two-thirds vote, or by a unanimous vote if less than two-thirds of the members are present, that the "need to take action" on the item arose subsequent to the posting of the~~~~

~~agenda, or~~

~~3) The item was included in a properly posted agenda for a prior meeting occurring not more than five days prior to the date of the meeting at which the action is taken and was continued to the meeting at which the action is taken.~~

~~j. At 11:00 p.m., or as soon thereafter as practicable, a Commissioner may make a motion to adjourn the meeting and continue any remaining items to a future date.~~

~~k. Adjournment.~~

~~2. PRESENTATION OR HEARING OF PROPOSALS~~

~~The following shall be the order of procedure for public hearings or other proposals concerning planning and zoning matters, and for testimony, unless the Chairperson in his or her discretion shall otherwise direct.~~

~~a. The Chairperson shall announce the subject of the public hearing or other proposals as advertised.~~

~~b. If a request is made for continuance, a motion may be made, seconded and voted upon to continue the public hearing to a definite time, date and place. The Commission may elect to open the hearing and receive evidence prior to acting upon a request or motion to continue the matter.~~

~~c. The staff shall be asked to present the substance of the application, staff report and recommendation, and to answer technical questions from the Commission.~~

~~d. ORDER OF TESTIMONY~~

~~1) Applicant's statement.~~

~~2) Public comment.~~

~~3) A rebuttal from the applicant.~~

~~4) The Chairperson may allow further comments from opponents, proponents and applicant as deemed appropriate by the Chairperson.~~

~~5) Public Hearing closed.~~

~~6) The Commission shall then deliberate and either determine~~

~~the matter or continue the matter to another date and time certain.~~

~~e. RULES OF TESTIMONY~~

- ~~1) Persons presenting testimony to the Commission are requested to give their name and address for the record.~~
- ~~2) If there are numerous people in the audience who wish to participate on the issue, and it is known that all represent the same opinion, a spokesman should be selected to speak for the entire group, if possible. The spokesman will thus have the opportunity of speaking for a reasonable length of time and of presenting a complete case.~~
- ~~3) To avoid unnecessary cumulative evidence, the Chairperson may limit the number of witnesses or the time of testimony on a particular issue.~~
- ~~4) Irrelevant and off-the-subject comments will be ruled out of order.~~
- ~~5) The Chairperson will not permit personal remarks regarding the staff or individual Commissioners during a Public Hearing. Complaints should be submitted in writing or presented verbally as a separate item on the agenda.~~
- ~~6) No person shall address the Commission without first securing the permission of the Chairperson to do so.~~
- ~~7) All comments shall be addressed to the Commission. All questions shall be placed through the Chair.~~

~~H. MOTIONS~~

- ~~1. Action upon an order, resolution or other action of the Commission may be proposed by any commissioner by a motion. Before a motion can be considered it must be seconded, at which time it shall be on the floor and must be considered. If not seconded, the motion is lost for lack of a second.~~
- ~~2. A motion to adjourn shall always be in order except during roll call.~~
- ~~3. The Chairperson of the Commission, or other presiding officer, may make and second motions and debate from the Chair subject only to such limitations of debate as are imposed on all members of the Commission. However, since the Chairperson is primarily responsible for the conduct of the meeting, if he or she personally~~

~~desires to engage in extended debate on questions before the Commission, he or she should consider turning the Chair over to another Commissioner.~~

## ~~I. VOTING~~

### ~~1. VOTING REQUIREMENTS~~

~~a. Four Commissioners shall constitute quorum. Alternate members shall be counted in determining if a quorum is present. An affirmative vote of a majority of Commissioners present and voting (but not less than three votes) shall be required to carry a motion, unless a larger number of votes is required by applicable ordinance or other law.~~

~~b. When a member of the Commission abstains from voting on any matter before it because of a potential conflict of interest, that member shall not be counted towards meeting any quorum requirement. Furthermore, said vote shall not constitute nor be considered as either a vote in favor of or opposition to the matter being considered. When a member of the Commission abstains from voting for any reason other than a potential conflict of interest, the abstention shall be counted with the majority.~~

### ~~2. RECORDING OF VOTES~~

~~The minutes of the Commissioner's proceedings shall show the vote of each member, including if they were absent or failed to vote on a matter considered.~~

### ~~3. DISQUALIFICATION FROM VOTING~~

~~A member shall disqualify himself or herself from voting in accordance with the applicable Conflict of Interest Code. When a person disqualifies himself or herself, he or she shall disclose the disqualification prior to Commission consideration of the matter, and the disqualified member shall then leave the voting area.~~

### ~~4. RECONSIDERATION~~

~~A motion for reconsideration of a matter may be made by any commissioner who voted with the prevailing majority on the matter to be reconsidered. Any commissioner may second a motion for reconsideration. If the matter under reconsideration was first considered under a public hearing, the public hearing shall be reopened before any additional evidence is considered. A motion for reconsideration must be made at the same meeting as the meeting~~

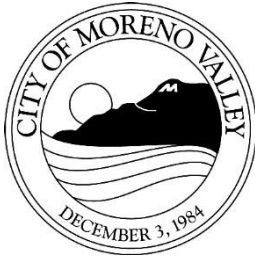
~~where the matter was voted upon.~~

- ~~J. The Chairperson or such other person who may be presiding at meetings of the Commission is responsible for the maintenance of order and decorum at all times. No person should speak who has not first been recognized by the Chair. All questions and remarks should be addressed to the Chair.~~
- ~~K. Any Commissioner may move to require the Chairperson or person presiding at the meeting to enforce the rules, and the affirmative vote of a majority of the Commissioners present shall require him or her to so act.~~
- ~~L. Commissioners shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the Commission, and shall refrain at all times from rude and derogatory remarks, negative reflections as to integrity, abusive comments, and statements as to motive and personality.~~
- ~~M. All written materials to be delivered to the Planning Commission concerning its official business shall be delivered to Planning Division staff for distribution. Staff is advised to distribute written materials concerning any matter on the agenda to the Planning Commission at least seven days (Thursday of the week before each regular meeting) before the date of the meeting when the matter is to be considered by the Planning Commission. If it is not reasonably possible to distribute the material at least seven days before the meeting when the matter is to be considered, the material may be distributed at the earliest possible time with a copy also distributed at the meeting.~~
- ~~N. During Planning Commission meetings, all written materials not already included in the materials which have been previously provided to the Planning Commission and which are offered for consideration by the Commission, shall be distributed to the Planning Commission. The Planning Commission shall consider such written materials as reasonably possible at the time of the meeting.~~
- ~~O. Failure to comply with the strict provisions of these rules shall not necessarily invalidate any action taken by the Commission.~~

### III. REVIEW AND AMENDMENTS PROCEDURE

- A. These Rules of Procedure should~~all~~ be reviewed in July of each year by a subcommittee appointed by the Chair~~person with the general agreement of the Commission~~. The review subcommittee shall present their recommendations at a Planning Commission meeting for amending or not amending these rules.
- B. In addition, these Rules of Procedure may be amended by a majority of the Regular Commissioners at ~~any meeting of the~~ Planning Commission

~~meeting, by a majority of the membership (four affirmative votes) of the Commission~~ provided that notice of ~~any~~the proposed amendments are provided to is received by each Commissioner not less than five days prior to said meeting.



## PLANNING COMMISSION

### STAFF REPORT

Meeting Date: September 22, 2022

CONDITIONAL USE PERMIT FOR A SINGLE-FAMILY RESIDENTIAL PLANNED UNIT DEVELOPMENT AND A TENTATIVE TRACT MAP TO SUBDIVIDE 18.48-ACRE PROJECT SITE IN TO 225 SINGLE-FAMILY LOTS

Case:	PEN21-0291 Conditional Use Permit PEN21-0290 Tentative Tract Map
Applicant:	Pacifica Investments
Property Owner	Chin Chang and Daniel Chu
Representative	EPD Solutions Inc.
Location:	Northside of Alessandro Boulevard between Morrison and Nason Streets (APN 487-470-022).
Case Planner:	Kirt Coury
Council District:	3
Proposal	1) Conditional Use Permit for a Single-Family Residential Planned Unit Development; and 2) Tentative Tract Map 38625 to subdivide an 18.49-acre site into 225 single-family residential lots.

#### **SUMMARY**

Pacifica Investments (Applicant) submitted applications for a Conditional Use Permit (CUP) for a Planned Unit Development and a Tentative Tract Map (TTM). The purpose of the PUD is to establish flexible standards, as encouraged by the Downtown Center (DC) District purpose statements, to address development standards for small detached residential housing lots on the periphery of the General Plan's designated Downtown Center area. The purpose of the TTM is to subdivide 18.49 gross acres of vacant land into 225 single-family lots with associated amenities and public improvements (TTM 38625). The PUD and TTM together constitute the "Proposed Project".



As part of a public outreach initiative for the Proposed Project, the Applicant's team prepared and mailed an outreach letter to surrounding property owners regarding the Proposed Project. This outreach letter described the type of use, the number of units, location, etc. related to the Proposed Project. In addition, the Applicant's team canvassed the surrounding community on August 4th, 6th, and 27th for face-to-face, door-to-door community outreach. This community outreach resulted in the Applicant gathering several letters of support for the Proposed Project.

## **PROJECT DESCRIPTION**

The Proposed Project consists of the Conditional Use Permit (CUP) for a Planned Unit Development (PUD) and a Tentative Tract Map (TTM) for an 18.49-acre site that will be subdivided into 225 single-family residential lots for the development of 19 live/work units and 206 traditional single-family homes, on the northside of Alessandro Boulevard between Morrison and Nason Streets.

### **Planned Unit Development**

The Downtown Center (DC) District allows for detached single-family residential developments, approved through a Planned Unit Development (PUD), on the periphery of the Downtown Center (DC) District. The PUD establishes development standards and design guidelines for the tract as required by the Downtown Center (DC) District. A PUD provides for greater innovation in housing development, such as variation in lot sizes, setbacks, and amenities not found in standard housing tracts. The PUD further provides guidelines for various architectural styles for the home sites that meet or exceed City-wide design standards in the Municipal Code. All development within the Project site must meet the standards stated in the PUD, including plotting, setbacks, open space areas, and architecture. Additionally, the PUD provides design guidelines for public park amenities, design features for community entrances, and other common area improvements.

The development includes two different product types (live-work units and traditional single-family homes) organized into three Planning Areas.

Planning Area 1 is located along Alessandro Boulevard and will include 19 live-work units. Live-work units are defined in the Municipal Code as a structure or complex of structures that integrates space for both residential and nonresidential uses within individual units. Lot sizes within Planning Area 1 will range in size from 2,047 to 2,607 square feet. Two different floor plans and two different architectural styles are proposed. These include Box Shed Modern and California Contemporary, which will range in size from 2,210 to 2,405 square feet. The live-work units are designed with two separate entries/exits on opposite sides of the structure to accommodate the unique design of the residential and work components of the structure.

Planning Area 2, is located north of Planning Area 1 and includes 108 lots ranging in size from 1,778 to 2,310 square feet. As proposed, this Planning Area will be developed with traditional single-family homes.

Planning Area 3 is located north of Planning Area 2, south of Bay Street, and includes 98 lots ranging in size from 1,806 to 2,732 square feet. As proposed, this Planning Area will also be developed with traditional single-family homes.

As proposed, the 206 traditional single-family homes will be two stories with a private yard and a two-car garage. The residences would front onto private streets or shared courts. There are up to four different floor plans proposed, each with a different architectural style ranging from French, Spanish, Traditional, and Tuscan. The residences would range from 1,630 to 2,060 square feet in size.

### Tentative Tract Map (TTM)

TTM 38625 will subdivide the 18.49-acre site into 225 single-family residential lots, subject to the provisions of the proposed PUD. The TTM will also create private streets, four parks, and guest parking areas, along with other infrastructure improvements as required, all of which shall be maintained by the Homeowners Association (HOA).

Overall, the residential lots range in size from 1,778 square feet to 2,732 square feet. With the approval of the TTM, the Proposed Project would meet the applicable objectives of the Proposed Project's CUP for the PUD.

### Site/Surrounding Area

The approximately 18.5-acre vacant and unimproved Project Site is located on the north side of Alessandro Boulevard between Morrison and Nason Streets, with frontages along Alessandro Boulevard and Bay Avenue.

Surrounding land uses to the north and west of the Project Site are developed with existing single-family residential units within the Residential 5 (R5) District. The properties to the south and east of the Project Site are vacant and unimproved and are within the Downtown Center (DC) District.

### Access/Parking

The Proposed Project's main access will be from Alessandro Boulevard along the south property line of the Project Site. As proposed, the secondary access for the Proposed Project is off of Pegasus Way/Volga Lane along the west property line of the Project site. Additionally, an emergency vehicle access point is being proposed at the terminus of Danube Way. Danube Way, which currently dead ends along the west property line, will be improved with a hammerhead turnaround on the Project site.

All internal streets will be private, meeting the fire department requirements providing a minimum of 24 feet of width, and are maintained by the newly established HOA. The development will provide several designated "guest parking" areas generally dispersed throughout the subdivision. These guest parking spaces include 90-degree and parallel parking stalls along the streets. There are a total of 112 guest parking spaces provided within the community which exceeds the minimum parking requirement.

Each residential lot will have two enclosed garage spaces, creating 450 garage parking spaces in total, which is in addition to the Proposed Project's 112 guest spaces. As such, the Proposed Project will provide a total of 562 parking spaces.

### **Design/Landscaping**

The PUD guidelines include two live-work floor plans, which include two different architectural styles, Box Shed Modern and California Contemporary. In addition, the PUD guidelines include four different architectural styles for the traditional single-family residential floor plans, French, Spanish, Traditional, and Tuscan. As part of this PUD, Staff has included a condition of approval that each of the above architectural elevation types will have a minimum of three (3) color palettes with a variety of field/accent/trim colors, as well as roofing color combinations.

The PUD includes typical plot plan configurations for the new homes and typical front yard landscaping. The HOA shall perform all front yard landscaping to maintain a consistent well-maintained appearance of the streetscapes throughout the Project Site. A conceptual landscape plan incorporated in the PUD shows the typical street trees along all public streets, landscaping for all entry features, shade trees around and near the park sites, and common area landscaping lots.

The Proposed Project also includes a total of four park facilities available to the residents living within the development and in the surrounding area. The parks will be maintained by the HOA. The 19,056-square foot Community Park located in the center of the Project Site will include a turf playfield, a large shade structure with picnic tables and BBQ grills, walkways with benches, and bike racks. North of the Community Park there will be a second smaller 7,225 square-foot "fitness park", as described by the Applicant. The proposed amenities of the "fitness park" include a multi-purpose lawn, benches, as well as outdoor fitness stations. Additionally, south of the Community Park, near the main entrance of the Project Site, there will be two "parklets" totaling 3,211 square feet. Each "parklet" will include a turf area, shade trellis, and workspace benches.

### **ENVIRONMENTAL**

An Initial Study was prepared by EPD Solutions, Inc. in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study examined the potential impacts of the Proposed Project. The Initial Study/Mitigated Negative Declaration (IS/MND) provides information in support of the finding that a Mitigated Negative Declaration (MND) serves as the appropriate CEQA documentation for the Proposed Project. With the implementation of the proposed mitigation measures, the Proposed Project will not have a significant effect on the environment. Technical studies prepared in support of the IS/MND include the following: Air Quality, Energy, and Greenhouse Gas Impact Analysis, Western Riverside MSHCP Habitat Assessment Report, Focused Burrowing Owl Survey Report, Phase I Cultural Resources Survey, Soils Investigation, Paleontological Assessment, Phase 1 Environmental Site Assessment, Preliminary Hydrology Report, Project Specific Water Quality Management Plan, Noise and Vibration Impact Analysis, and a Vehicle Miles Traveled (VMT)

Screening Analysis. Copies of the appendices to the IS/MND can be accessed from the link attached to this staff report. The documents may also be reviewed at City Hall.

Mitigation measures are recommended for the Proposed Project in the following areas: Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gases, and Tribal and Cultural Resources, all of which are incorporated in the Mitigation Monitoring and Reporting Program (MMRP). The measures for cultural resources have been included to address input from the Tribal governments. The measures are intended to ensure that potential cultural resources that might be discovered are protected. However, these measures are not required to address a known significant impact. Based on the Initial Study, and the proposed mitigation measures, the Proposed Project will not cause a significant impact to the environment.

The public comment period for Notice of Availability for the Initial Study/Mitigated Negative Declaration began on August 19, 2022, and ended on September 8, 2022, which satisfies the required 20-day review period required for the Proposed Project. As of the preparation of this staff report, no comments have been received. Should comments regarding the Proposed Project be received prior to the Planning Commission hearing they will be provided during that public hearing.

### **REVIEW PROCESS**

All appropriate outside agencies have considered the Proposed Project part of the standard review process. The Proposed Project was reviewed by the Project Review Staff Committee as required by the Municipal Code. Following subsequent revisions and reviews by staff, the Proposed Project was determined to be complete.

### **NOTIFICATION**

Consistent with the City Municipal Code provisions, public notice was sent to all property owners of record within 600 feet of the Project Site, posted on the Project Site, and published in the Press Enterprise Newspaper.

### **REVIEW AGENCY COMMENTS**

Staff has coordinated with outside agencies where applicable, as is the standard review process for these development applications.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission take the following actions:

- A. That the Planning Commission ADOPT Resolution No. 2022-37, attached hereto:
  1. **APPROVING** the Initial Study/Mitigated Negative Declaration prepared for Conditional Use Permit (PEN21-0291) for a Planned Unit Development and Tentative Tract Map 38625 (PEN21-0290) on file with the Community Development Department, incorporated herein by this reference, 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; and
2. **ADOPTING** the Mitigation Monitoring and Reporting Program prepared for the Proposed Project, which consists of a Conditional Use Permit (PEN210291) for a Planned Unit Development and Tentative Tract Map 38625 (PEN21-0290) pursuant to CEQA and the CEQA Guidelines.
- B. That the Planning Commission ADOPT Resolution No. 2022-38, attached hereto:
1. **APPROVING** Conditional Use Permit for a Planned Unit Development (PEN21-0291) for a Planned Unit Development and Tentative Tract Map 38625 (PEN21-0290) based on the Recitals, Evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2022-38.

Prepared by:  
Mindy Davis  
Principal 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. Resoultion No. 2022-37 - IS/MND
2. Exhibit A to Resolution No. 2022-37 IS/MND
3. Appendix A - Air Quality, Energy, and Greenhouse Gas Impact Analysis
4. Appendix B - Western Riverside MSHCP Habitat Assessment Report
5. Appendix C - Focused Burrowing Owl Survey Report
6. Appendix D - Phase I Cultural Resources Survey
7. Appendix E - Soils Investigation
8. Appendix F - Paleontological Assessment
9. Appendix G - Phase I Environmental Site Assessment
10. Appendix H - Preliminary Hydrology Report
11. Appendix I - Project Specific Water Quality Management Plan
12. Appendix J - Noise and Vibration Impact Analysis
13. Appendix K - Vehicle Miles Traveled (VMT) Screening Analysis
14. Exhibit B to Resolution No. 2022-37 - Notice of Availability and Intent to Adopt a Mitigated Negative Declaration
15. Exhibit C to Resolution No. 2022-37 Mitigation Monitoring and Reporting Program (MMRP)
16. Resoultion No. 2022-38 - CUP/TTM

17. Planned Unit Development Document - Cover-Perspectives
18. Planned Unit Development Document - Landscape
19. Planned Unit Development Document - Architecture
20. Planned Unit Development Document - Civil
21. Project Plans
22. Zoning Map
23. Alessandro Walk Community Outreach