MEETING AGENDA
OF THE PLANNING COMMISSION
Wednesday, September 11, 2019
Regular Meeting: 7:00 P.M.
City of Jurupa Valley City Hall
City Council Chambers
8930 Limonite Ave., Jurupa Valley, CA 92509

A. As a courtesy to those in attendance, we ask that cell phones be turned off or set to their silent mode and that you keep talking to a minimum so that all persons can hear the comments of the public and Planning Commission. The Commission Rules of Order require permission of the Chair to speak with anyone at the staff table or to approach the dais.

B. A member of the public who wishes to speak under Public Comments must fill out a “Speaker Card” and submit it to the City Staff BEFORE the Chairman calls for Public Comments on an agenda item. Each agenda item up will be open for public comments before taking action. Public comments on subjects that are not on the agenda can be made during the “Public Appearance/Comments” portion of the agenda.

C. If you wish to address the Planning Commission on a specific agenda item or during public comment, please fill out a speaker card and hand it to the Clerk with your name and address before the item is called so that we can call you to come to the podium for your comments. While listing your name and address is not required, it helps us to provide follow-up information to you if needed. Exhibits must be handed to the staff for distribution to the Commission.

D. As a courtesy to others and to assure that each person wishing to be heard has an opportunity to speak, please limit your comments to 5 minutes.

REGULAR SESSION
1. 7:00 P.M. – Call to Order and Roll Call
   - Corey Moore, Chair
   - Arleen Pruitt, Chair Pro Tem
   - Mariana Lopez
   - Penny Newman
   - Guillermo Silva

2. Pledge of Allegiance

3. Public Appearance/Comments (30 minutes)

4. Approval of Agenda
5. Approval of Minutes

5.1 August 21, 2019 Adjourned Meeting

5.2 August 28, 2019 Regular Meeting

6. Public Hearings

6.1 MASTER APPLICATION NO. 19135 (TPM37062EOT) TO CONSIDER A ONE-YEAR EXTENSION OF TIME FOR A PREVIOUSLY APPROVED TENTATIVE PARCEL MAP (TPM37062) FOR “LIMONITE PLAZA” – A 38,800 SQUARE-FOOT SHOPPING CENTER ON 5.5 GROSS ACRES LOCATED AT 9241 LIMONITE AVE. (APN: 165-240-019)

RECOMMENDATION

By motion, adopt Planning Commission Resolution No. 2019-09-11-01A approving a one-year Extension of Time for Tentative Parcel Map No. 37062 for Limonite Plaza shopping center on approximately 5.5 acres.

7. Commission Business

7.1 MASTER APPLICATION NO. 19134 (TPM36977EOT) RESOLUTION TO DENY THE 1-YEAR EXTENSION OF TIME FOR TENTATIVE PARCEL MAP 36977 FOR “VALLEY PLAZA” – A SHOPPING CENTER ON 4.44 ACRES AT 8250 MISSION BOULEVARD (APN: 171-260-013)

RECOMMENDATION

By motion, adopt Planning Commission Resolution No. 2019-09-11-02 denying a one-year Extension of Time for TPM36977 for Valley Square shopping center on approximately 4.44 acres.

8. Public Appearance/Comments

9. Planning Commissioner's Reports and Comments

10. Planning Department Report

11. Adjournment
In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if you need special assistance to participate in a meeting of the Jurupa Valley Planning Commission, please call 951-332-6464. Notification at least 48 hours prior to the meeting or time when services are needed will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Agendas of public meetings and any other writings distributed to all, or a majority of, the Jurupa Valley Planning Commission in connection with a matter subject to discussion or consideration at an open meeting of the Planning Commission are public records. If such writing is distributed less than 72 hours prior to a public meeting, the writing will be made available for public inspection at the City of Jurupa Valley, 8930 Limonite Ave., Jurupa Valley, CA 92509, at the time the writing is distributed to all, or a majority of, the Jurupa Valley Planning Commission. The Planning Commission may also post the writing on its Internet website at www.jurupavalley.org.
1. Call to Order and Roll Call

The Adjourned Regular Session of the Jurupa Valley Planning Commission meeting was called to order at 7:00 p.m. on August 21, 2019 at the City Council Chambers, 8930 Limonite Ave., Jurupa Valley.

Members present:
- Corey Moore, Chair
- Arleen Pruitt, Chair Pro Tem
- Mariana Lopez, Commission Member
- Penny Newman, Commission Member
- Guillermo Silva, Commission Member

Members absent: None

2. Pledge of Allegiance – Commissioner Silva led the Pledge of Allegiance

3. Public Appearance/Comments - None

4. Approval of Agenda

Commissioner Moore moved, and Chair Pro Tem Pruitt seconded, a motion to delete item 7.1 and approve the August 21, 2019 agenda. The motion was approved 5:0.

Ayes: Lopez, Moore, Newman, Pruitt, Silva
Noes: None
Abstained: None
Absent: None

5. Approval of Minutes

Chair Moore moved and Commissioner Newman seconded, a motion to approve the July 24, 2019 Planning Commission Minutes. The motion was approved 5:0

Ayes: Lopez, Moore, Newman, Pruitt, Silva
Noes: None
Abstained: None
Absent: None
Commissioner Silva moved and Chair Moore seconded, a motion to approve the August 7, 2019 Planning Commission Minutes. The motion was approved 5:0.

Ayes: Moore, Pruitt, Lopez, Newman, Silva
Noes: None
Abstained: None
Absent: None

Commissioner Lopez moved and Commissioner Silva seconded, a motion to approve the August 14, 2019 Planning Commission Minutes. The motion was approved 5:0.

Ayes: Moore, Pruitt, Lopez, Newman, Silva
Noes: None
Abstained: None
Absent: None

6. PUBLIC HEARING

6.1 MASTER APPLICATION NO. 19134 (TPM36977EOT) AND MASTER APPLICATION NO. 19161 (SDP19077) TO ALLOW A ONE-YEAR EXTENSION TO A PREVIOUSLY APPROVED TENTATIVE PARCEL MAP (TPM36977) AND TO ALLOW ADDITIONAL TIME TO DEVELOP THE "VALLEY PLAZA) SHOPPING ON 4.44 ACRES LOCATED AT 8250 MISSION BLVD. (APN:161-260-013) APPLICANT: LIMONITE C&C, LLC.

Mr. Tom Merrell, Planning Director provided a PowerPoint presentation and briefed the commissioners of the project called “Valley Plaza” located on 4.44 acres at 8250 Mission Blvd and noted the project had been approved by the Commission on June 22, 2016. The project’s previously approved entitlements are the following: Conditional Use Permit & Public Convenience or Necessity for ARCO gasoline service station and AM/PM mini-mart; a Site Development Permit for a shopping center; and a Tentative Parcel Map to subdivide the project site into three parcels. On November, 5, 2018 the Planning Director approved a Substantial Conformance to allow a minor modification to the site plan. Mr. Merrell discussed the expiration of entitlements which is the Site Development Permit for the shopping center that expired on June 22, 2019 and noted the applicant has constructed a portion of the shopping center, gas station and car wash and requests re-approval to provide two more years to construct the remainder of the shopping center. The Tentative Parcel Map has an expiration date of June 22, 2019 and the applicant requests a one year extension to June 22, 2020.

COMMISSIONERS QUESTIONS FOR STAFF

- Construction of buildings in phases concerns Commissioners
- Language and time limit deadline for the Site Development Permit concerns
- Concerns for the height of the wall
- Amending the current Conditions of Approval

PUBLIC HEARING OPENED

Chair Moore opened the public hearing.

Mr. and Mrs. Frias, residents stated they are concerned the height of the wall is much too low on the residents side and requests that it be heighten for security and the entire neighborhood is in agreement.
Ms. Kim Jarrell Johnson, resident, has concerns with the Site Development Permit, the phasing process and has concerns that there are requests to amend the Conditions of Approval.

**PUBLIC HEARING CLOSED**

There being no other persons wishing to speak, Chair Moore closed the public hearing.

Commissioner Lopez moved, and Commissioner Silva seconded, a motion to amend and revise Resolution No. 2019-08-21-01 as discussed approving Site Development Permit No. 19077 and direct staff to prepare a Resolution for denial of the Extension of Time for TTM36977 for Planning Commission adoption at a future meeting date.

Ayes: Lopez, Moore, Newman, Pruitt, Silva

Noes: None

Abstained: None

Absent: None

7. **Commission Business - None**

8. **Public Appearance/Comments - None**

9. **Planning Commissioner's Reports and Comments**

10. **Planning Department Report** – Planning Director Mr. Merrell discussed upcoming agenda items. There being no further business before the Jurupa Valley Planning Commission, Chair Moore adjourned the meeting at 8:30 p.m. to the September 11, 2019 Planning Commission meeting.

    Respectfully submitted,

    Thomas G. Merrell, AICP, Planning Director
    Secretary of the Planning Commission
1. Call to Order and Roll Call

Due to the prior cancelation of the Regular Session, the Jurupa Valley Planning Commission meeting was called to order by the Secretary of the Planning Commission at 7:00 p.m. on August 28 2019 at the City Council Chambers, 8930 Limonite Ave., Jurupa Valley and due to a lack of a quorum, was adjourned.

Roll Call:
- Corey Moore, Chair, Absent
- Arleen Pruitt, Chair Pro Tem, Absent
- Mariana Lopez, Commission Member, Absent
- Penny Newman, Commission Member, Absent
- Guillermo Silva, Commission Member, Absent

Meeting was adjourned due to the lack of a quorum.

Respectfully submitted,

Thomas G. Merrell, AICP, Planning Director
Secretary of the Planning Commission
RECOMMENDATION
By motion, adopt Planning Commission Resolution No. 2019-09-11-01A (1) adopting a Previous Environmental Document Review Determination and (2) approving a one-year Extension of Time for Tentative Parcel Map No. 37062 (TPM37062) for Limonite Plaza shopping center on approximately 5.5 acres.

BACKGROUND

PAST APPROVALS

A. Original Approval. On July 21, 2016, the City Council sustained the Planning Commission’s approval for a 38,800 square-foot shopping center, Limonite Plaza, proposed at the northwest corner of Limonite Avenue and Felspar Street (APN: 165-240-019). The approval included the following entitlements:

- Conditional Use Permit & Public Convenience or Necessity for ARCO gasoline service station, car wash, and AM/PM mini-mart with concurrent sale of beer and wine for off-site consumption;
- Site Development Permit for the shopping center; and
- Tentative Parcel Map (Schedule “E”) to subdivide project site into four (4) parcels.

B. Revised Permit Approval. On October 19, 2017, the City Council considered an appeal by Councilmember Berkson and approved the following modifications to the original approval:

- Site plan modifications to parking area, circulation, trash enclosures, vapor recovery system, air and water dispenser, and car wash lanes; and
- Floor Plan modifications of the am pm building.
C. **Minor Modification Approval.** On October 18, 2018, the Planning Director approved a Substantial Conformance to allow the following minor modifications to the site plan (MA18203):

- Relocation of bicycle facilities and hitching post for the convenience store
- Elimination of a window on the convenience store
- Modifications to the plantings and location of landscaping surrounding the gas station, car wash, and north perimeter wall.
- Addition of pay station for the car wash
- Change in design of security light for convenience door

**EXPIRATION OF ENTITLEMENTS**

A. **Conditional Use Permit and Public Convenience or Necessity.** These approvals have been used and are not expired.

B. **Site Development Permit.** Not under consideration at this time, the approved Site Development Permit for the shopping center expired on July 21, 2018. The approval provided two years for the applicant to construct the shopping center. However, at this time, the applicant has constructed a portion of the shopping center: the gas station with convenience store and car wash.

**Pending Applications:**

- Re-Approval of the Site Development Permit: Because, the applicant needs more time to construct the remainder of the shopping center, the applicant is requesting re-approval of the shopping center to provide two more years. This entitlement will be presented to the Planning Commission at a future meeting date for Planning Commission action. Staff needs additional time to review the minor modifications to the site plan: location of trash enclosures and parking areas.

- Building Permits: The applicant has submitted building permit applications for the unconstructed areas of the shopping center.

C. **Tentative Parcel Map 37062.** Now under consideration, the tentative parcel map's original expiration date is 7/21/19. The applicant is requesting a one-year extension to record the final map to allow additional time. The extension would expire on July 21, 2020, if approved by the Planning Commission.

**Pending Application:** The applicant has a pending application with Engineering Department to record the final map.

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<tr>
<th>TABLE 2: GENERAL PROJECT INFORMATION</th>
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<td>EXISTING GENERAL PLAN LAND USE DESIGNATION</td>
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<td>AIRPORT INFLUENCE AREA</td>
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<td>EXISTING ZONING CLASSIFICATIONS</td>
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ANALYSIS

I. **TITLE 9 LAND USE ORDINANCE.** There is no proposal to change the previously approved tentative parcel map. Thus, it is consistent with the Zoning Code, as shown on the plans.

II. **TITLE 7 SUBDIVISIONS.** Pursuant to the Subdivision Ordinance, an extension of time shall not be granted unless the tentative map conforms to the Comprehensive General Plan, is consistent with existing zoning, and does not adversely affect the general health, safety, and welfare of the public.

III. **ADDITIONAL FACTORS AND CONSIDERATIONS**

In a recent decision, the Planning Commission denied an extension for a parcel map that proposed to create separate lots for unconstructed pads within a unified shopping center at Mission and Pyrite. In that case, if the 1-year extension of time for the tentative map had been approved, it would have allowed the owner to subdivide and sell off the vacant parcels, leaving construction of the remainder of the shopping center uncertain.

Inasmuch as this application fits the precedent set by the Planning Commission in denying the proposed map extension at Mission and Pyrite, staff received a letter from the applicant that clarifies their intent for this Limonite Plaza project. The Commission should consider whether this additional information would offset the potential of an indirect adverse impact on the general health, safety and welfare of the public.

The primary issue at hand is the importance of completing the project as a unified shopping center. The applicant has represented the following to assure the Commission that the proposed subdivision will not result in fragmenting the ownership before the center is completed:
1. The applicant states that it does not intend to sell off the parcels as vacant, unconstructed pads based on the applicant’s history with other project sites in other cities.

2. The applicant states that most financial institutions that would provide construction loans to the applicant require the subdivision of the project site. Thus, the applicant express the need to subdivide the project site.

From the above, it is apparent that the applicant is dependent on the filing of the final map for completion of the center, inasmuch as most financial institutions require the parcels to be subdivided in order to obtain funding for the project.

Staff appreciates the applicant’s clarification of the intended need to subdivide the property and intent to complete the project.

Staff recommends approval of the one-year extension of time (see Resolution No. 2019-09-11-1A). In light of the Commission’s action on the Mission and Pyrite center, staff has included an alternate resolution of denial (see Resolution No. 2019-09-11-1B) for the Planning Commission’s concurrent consideration.

IV. FINDINGS FOR TENTATIVE LAND DIVISION MAPS (SECTION 7.15.180 OF TITLE 7 SUBDIVISION)

“A tentative map shall be denied if it does not meet all requirements of this title, or if any of the following findings are made:

1. That the proposed land division is not consistent with applicable general and specific plans;

2. That the design or improvement of the proposed land division is not consistent with applicable general and specific plans;

3. That the site of the proposed land division is not physically suitable for the type of development;

4. That the site of the proposed land division is not physically suitable for the proposed density of the development;

5. That the design of the proposed land division or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

6. That the design of the proposed land division or the type of improvements will conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed land division. A land division may be approved if it is found that alternate easements for access or for use will be provided and that they will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction;

7. That the design of the proposed land division or the type of improvements will conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed land division. A land division may be approved if it is found that alternate easements for access or for use will be provided and that they will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction;

8. Notwithstanding subsection 5 of this section, a tentative map may be approved if an environmental impact report was prepared with respect to the project and a finding was made, pursuant to the California Environmental Quality Act (Pub. Resources Code Section 21000 et seq.), that specific
economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report."

**CONCLUSION**

The staff recommends that the Planning Commission approve the application for the Extension of Time for TPM37062 by adopting Resolution 2019-09-11-01A.

**ATTACHMENTS**

1. Resolution No. 2019-09-11-01A approving MA19135 (Extension of Time for TPM37062)
2. Resolution No. 2019-09-11-01B denying MA19135 (Extension of Time for TPM37062)
3. Exhibits: Previously Approved TPM37062 with Grading
4. Applicant’s Letter
RESOLUTION NO. 2019-09-11-01A

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY APPROVING A ONE YEAR EXTENSION OF TIME FOR TENTATIVE PARCEL MAP NO. 37062 FOR A SCHEDULE “E” SUBDIVISION OF APPROXIMATELY 5.5 ACRES OF REAL PROPERTY LOCATED AT 9241 LIMONITE AVENUE (APN: 165-240-019) IN THE SCENIC HIGHWAY COMMERCIAL (C-P-S) ZONE, AND DETERMINING NO FURTHER CEQA REVIEW REQUIRED

THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY DOES RESOLVE AS FOLLOWS:

Section 1. Project. Limonite C&C, LLC (the “Applicant”) has applied for a one year Extension of Time for Tentative Parcel Map No. 37062 (Master Application No. 19135 or MA No. 19135) for a Schedule “E” subdivision of 5.5 acres into four (4) commercial parcels with reciprocal access and parking on real property located at 9241 Limonite Avenue (APN: 165-240-019) in the Scenic Highway Commercial (C-P-S) Zone and designated Commercial Retail (CR) (the “Project”).

Section 2. Extension of Time.

(a) The Applicant is seeking approval of a one year extension of time for Tentative Parcel Map No. 37062 to subdivide approximately 5.5 acres of real property located at 9241 Limonite Avenue (APN: 165-240-019).

(b) The Planning Commission originally approved Tentative Parcel Map No. 37062 on June 22, 2016, with an expiration date of June 22, 2019. Additionally, the Planning Commission approved applications for Site Development Permit No. 31562, Conditional Use Permit No. 15005, and a determination of Public Convenience or Necessity No. 15004 submitted concurrently with Tentative Parcel Map No. 37062 (collectively, Master Application No. 15201).

(c) On June 24, 2016, Councilmember Brian Berkson filed a timely appeal of the Planning Commission’s approval of Master Application No. 15201, including Tentative Parcel Map No. 37062.

(d) On July 21, 2016, the City Council of the City of Jurupa Valley held a public hearing to consider the appeal of the Planning Commission’s approval of Master Application No. 15201, at which time all persons interested in the appeal had the opportunity and did address the City Council on the appeal. Following the receipt of public testimony the City Council closed the public hearing. Following a discussion of the appeal the City Council adopted Resolution No. 2016-38, sustaining the Planning Commission’s approval of Master Application No. 15201, including Tentative Parcel Map No. 37062, with an expiration date of July 21, 2019.
(e) The Applicant filed an application for a one year extension of time for Tentative Parcel Map No. 37062 on June 3, 2019, prior to the July 21, 2019 expiration date.

(f) Section 7.15.230.B.(2) of Chapter 7.15 of the Jurupa Valley Municipal Code and Government Code Section 66452.6(e) provide that the Planning Commission may extend an approved or conditionally approved tentative map for a period or periods not exceeding a total of six (6) years upon application of the subdivider filed prior to the expiration of the tentative map. Further, prior to the expiration of an approved or conditionally approved tentative map, and upon an application by the subdivider to extend that map, the tentative map shall be automatically extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

Section 3. Procedural Findings. The Planning Commission of the City of Jurupa Valley does hereby find, determine, and declare that:

(a) The application for MA No. 19135 was processed including, but not limited to a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

(b) On September 11, 2019, the Planning Commission of the City of Jurupa Valley held a public hearing on MA No. 19135, at which time all persons interested in the Project had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony the Planning Commission closed the public hearing.

(c) All legal preconditions to the adoption of this Resolution have occurred.

Section 4. California Environmental Quality Act Findings.

(a) Pursuant to the California Environmental Quality Act (“CEQA”) and the City’s local CEQA Guidelines, City staff has considered the potential environmental impacts of the Extension of Time for Tentative Parcel Map No. 37062. City staff has also reviewed the Initial Study and Mitigated Negative Declaration (IS/MND) prepared for Tentative Parcel Map No. 37062 and approved by the Planning Commission on June 22, 2016, and on appeal by ten City Council on July 21, 2016, including the impacts and mitigation measures identified therein, and prepared a Previous Environmental Document Review Determination in accordance with CEQA for the Project. Based on that review, the City of Jurupa Valley Planning Department has determined that the Project and the circumstances under which the Project is undertaken do not involve substantial changes which will result in new significant environmental effects, and that the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior IS/MND. All potential environmental impacts associated with Tentative Parcel Map No. 37062 and the Extension of Time for Tentative Parcel Map No. 37062 are adequately addressed by the prior IS/MND, and the mitigation measures contained in the prior IS/MND will reduce those impacts to a level that is less than significant.

(b) The Planning Commission has independently reviewed the Previous Environmental Document Review Determination, and based upon the whole record before it, the Previous Environmental Document Review Determination, and its independent review and
judgment, finds that that the Project, as modified, is not subject to further environmental review pursuant to the Guidelines because:

1) The Project and the circumstances under which the Project is undertaken do not involve substantial changes which will result in new significant environmental effects, and that the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior IS/MND; and

2) All potential environmental impacts associated with Tentative Parcel Map No. 37062 and the Extension of Time for Tentative Parcel Map No. 37062 are adequately addressed by the prior IS/MND, and the mitigation measures contained in the prior IS/MND will reduce those impacts to a level that is less than significant.

(c) The custodian of records for the prior IS/MND, and all other materials that constitute the record of proceedings upon which the Planning Commission’s recommendation is based, is the Planning Department of the City of Jurupa Valley. Those documents are available for public review in the Planning Department located at 8930 Limonite Avenue, Jurupa Valley, California 92509.

Section 5. Findings for Approval of Extension of Time for Tentative Parcel Map No. 37062. The Planning Commission of the City of Jurupa Valley does hereby find, determine, and declare that the proposed Extension of Time for Tentative Parcel Map No. 37062 should be granted because:

(a) The proposed Extension of Time for Tentative Parcel Map No. 37062 is consistent with the Jurupa Valley 2017 General Plan including, but not limited to, ES 3 and ES 3.2. The subdivision map would allow the applicant to obtain the necessary funding to construct the remaining shopping center and provide tenant spaces for a diversity of commercial enterprises that would meet local needs and attach other retail and commercial uses. Furthermore, the Commercial Retail land use designation allows for shopping centers;

(b) The design or improvement of the land division continues to be consistent with the Jurupa Valley 2017 General Plan including, but not limited to, the construction the remainder of the shopping center with infrastructure to attract new commercial uses to the neighborhood;

(c) The site of the land division continues to be physically suitable for the type of development in that the Project, as previously approved, does not create new significant impacts and is consistent with the zoning and land use designation;

(d) The site of the land division continues to be physically suitable for the proposed density of the development in that the subdivision is consistent with the CR land use designation and the development standards within the C-P-S Zone;

(e) The design of the land division or improvements is not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat, as demonstrated in the prior IS/MND adopted for this Project on June 22, 2016, and July 21, 2016;
(f) The design of the land division or the type of improvements is not likely to cause serious public health problems, as demonstrated in the prior IS/MND adopted for this Project on June 22, 2016, and July 21, 2016; and

(g) The design of the land division or the type of improvements will not conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed land division in that the location of the easements will not conflict in the development of the future commercial development.

Section 6. Approval of Master Application No. 19135. Based on the foregoing, the Planning Commission of the City of Jurupa Valley hereby approves a one year Extension of Time for Tentative Parcel Map No. 37062 (Master Application No. 19135 or MA No. 19135) for the subdivision of 5.5 acres into four (4) commercial parcels with reciprocal access and parking on real property located at 9241 Limonite Avenue (APN: 165-240-019) in the Scenic Highway Commercial (C-P-S) Zone and designated Commercial Retail (CR). Tentative Parcel Map No. 37062 shall expire on July 21, 2020, unless within that period of time the expiration date of July 21, 2020 shall have been extended or a final map shall have been approved and filed with the County Recorder.

Section 7. Certification. The Planning Director shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Jurupa Valley on this 11th day of September, 2019.

______________________________
Corey Moore
Chair of Jurupa Valley Planning Commission

ATTEST:

______________________________
Thomas G. Merrell, AICP
Planning Director/Secretary to the Planning Commission
STATE OF CALIFORNIA  )
COUNTY OF RIVERSIDE  ) ss.
CITY OF JURUPA VALLEY  )

I, Thomas G. Merrell, Planning Director of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2019-09-11-01A was duly adopted and passed at a meeting of the Planning Commission of the City of Jurupa Valley on the 11th day of September, 2019, by the following vote, to wit:

AYES:       COMMISSION MEMBERS:

NOES:       COMMISSION MEMBERS:

ABSENT:     COMMISSION MEMBERS:

ABSTAIN:    COMMISSION MEMBERS:

_________________________________
THOMAS G. MERRELL
PLANNING DIRECTOR
RESOLUTION NO. 2019-09-11-01B

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY DENYING A ONE YEAR EXTENSION OF TIME FOR TENTATIVE PARCEL MAP NO. 37062 FOR A SCHEDULE “E” SUBDIVISION OF APPROXIMATELY 5.5 ACRES OF REAL PROPERTY LOCATED AT 9241 LIMONITE AVENUE (APN: 165-240-019) IN THE SCENIC HIGHWAY COMMERCIAL (C-P-S) ZONE, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA

THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY DOES RESOLVE AS FOLLOWS:

Section 1. Project. Limonite C&C, LLC (the “Applicant”) has applied for a one year Extension of Time for Tentative Parcel Map No. 37062 (Master Application No. 19135 or MA No. 19135) for a Schedule “E” subdivision of 5.5 acres into four (4) commercial parcels with reciprocal access and parking on real property located at 9241 Limonite Avenue (APN: 165-240-019) in the Scenic Highway Commercial (C-P-S) Zone and designated Commercial Retail (CR) (the “Project”).

Section 2. Extension of Time.

(a) The Applicant is seeking approval of a one year extension of time for Tentative Parcel Map No. 37062 to subdivide approximately 5.5 acres of real property located at 9241 Limonite Avenue (APN: 165-240-019).

(b) The Planning Commission originally approved Tentative Parcel Map No. 37062 on June 22, 2016, with an expiration date of June 22, 2019. Additionally, the Planning Commission approved applications for Site Development Permit No. 31562, Conditional Use Permit No. 15005, and a determination of Public Convenience or Necessity No. 15004 submitted concurrently with Tentative Parcel Map No. 37062 (collectively, Master Application No. 15201).

(c) On June 24, 2016, Councilmember Brian Berkson filed a timely appeal of the Planning Commission’s approval of Master Application No. 15201, including Tentative Parcel Map No. 37062.

(d) On July 21, 2016, the City Council of the City of Jurupa Valley held a public hearing to consider the appeal of the Planning Commission’s approval of Master Application No. 15201, at which time all persons interested in the appeal had the opportunity and did address the City Council on the appeal. Following the receipt of public testimony the City Council closed the public hearing. Following a discussion of the appeal the City Council adopted Resolution No. 2016-38, sustaining the Planning Commission’s approval of Master Application No. 15201, including Tentative Parcel Map No. 37062, with an expiration date of July 21, 2019.
(e) The Applicant filed an application for a one year extension of time for Tentative Parcel Map No. 37062 on June 3, 2019, prior to the July 21, 2019 expiration date.

(f) Section 7.15.230.B.(2) of Chapter 7.15 of the Jurupa Valley Municipal Code and Government Code Section 66452.6(e) provide that the Planning Commission may extend an approved or conditionally approved tentative map for a period or periods not exceeding a total of six (6) years upon application of the subdivider filed prior to the expiration of the tentative map. Further, prior to the expiration of an approved or conditionally approved tentative map, and upon an application by the subdivider to extend that map, the tentative map shall be automatically extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

(g) Government Code Section 66452.6(e) provides that if an advisory agency denies a subdivider’s application for an extension, the subdivider may appeal to the legislative body within fifteen (15) days after the advisory agency has denied the extension.

(h) Section 7.15.230.B.(2) of Chapter 7.15 of the Jurupa Valley Municipal Code provides that the decision of the Planning Commission to approve, conditionally approve, or deny an extension of time for an approved or conditionally approved tentative map must be forwarded to the City Clerk and a notice of the Planning Commission’s decision must be placed on the City Council’s meeting agenda.

(i) Section 7.15.230.B.(2) of Chapter 7.15 of the Jurupa Valley Municipal Code and Government Code Section 66452.6(e) provide that the Planning Commission’s decision to approve, conditionally approve, or deny an extension of time for conditionally approved Tentative Parcel Map No. 36977 shall be final, unless appealed to the City Council by or before September 26, 2019.

Section 3. Procedural Findings. The Planning Commission of the City of Jurupa Valley does hereby find, determine, and declare that:

(a) The application for MA No. 19135 was processed including, but not limited to a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

(b) On September 11, 2019, the Planning Commission of the City of Jurupa Valley held a public hearing on MA No. 19135, at which time all persons interested in the Project had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony the Planning Commission closed the public hearing.

(c) All legal preconditions to the adoption of this Resolution have occurred.

Section 4. California Environmental Quality Act Findings. The Planning Commission, based on its own independent judgment, does hereby find, determine and declare that the Project is exempt from the requirements of the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code, § 21000 et seq.) and the State Guidelines (the “CEQA Guidelines”) (14 Cal. Code Regs. § 15000 et seq.) pursuant to Section 15270(a) of the CEQA
Guidelines because CEQA does not apply to projects which a public agency rejects or disapproves.

Section 5. **Findings for Denial of Extension of Time for Tentative Parcel Map No. 37062.** The Planning Commission of the City of Jurupa Valley does hereby find, determine, and declare that the proposed Extension of Time for Tentative Parcel Map No. 37062 should be granted because:

(a) The proposed Extension of Time for Tentative Parcel Map No. 37062 is inconsistent with the Jurupa Valley 2017 General Plan including, but not limited to, General Plan goal, ES 3, and policy, ES 3.2. Both the goal and policy encourage a diversity of commercial uses to support the local residents’ needs and tax base. Because only the gas station is constructed at this time, this extension of time would allow the applicant to subdivide and sell the undeveloped land to others without the obligation to construct the remainder of the shopping center. As a result, only the gas station and convenience store may be the only uses on the site indefinitely.

Section 6. **Denial of Master Application No. 19135.** Based on the foregoing, the Planning Commission of the City of Jurupa Valley hereby denies the one year Extension of Time for Tentative Parcel Map No. 37062 (Master Application No. 19135 or MA No. 19135) for the subdivision of 5.5 acres into four (4) commercial parcels with reciprocal access and parking on real property located at 9241 Limonite Avenue (APN: 165-240-019) in the Scenic Highway Commercial (C-P-S) Zone and designated Commercial Retail (CR). Tentative Parcel Map No. 37062 expired on September 11, 2020, unless within that period of time the expiration date of July 21, 2019, pursuant to Government Code Section 66452.6(e).

Section 7. **Certification.** The Planning Director shall certify to the adoption of this Resolution.

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of Jurupa Valley on this 11th day of September, 2019.

______________________________
Corey Moore
Chair of Jurupa Valley Planning Commission

ATTEST:

_______________________________
Thomas G. Merrell, AICP
Planning Director/Secretary to the Planning Commission
STATE OF CALIFORNIA
COUNTY OF RIVERSIDE
CITY OF JURUPA VALLEY

I, Thomas G. Merrell, Planning Director of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2019-09-11-01B was duly adopted and passed at a meeting of the Planning Commission of the City of Jurupa Valley on the 11th day of September, 2019, by the following vote, to wit:

AYES: COMMISSION MEMBERS:

NOES: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ABSTAIN: COMMISSION MEMBERS:

__________________________________
THOMAS G. MERRELL
PLANNING DIRECTOR
September 6, 2019

Deputy City Manager Wentz,

Nachhattar Singh Chandi and I are the property owners for the Limonite Ave. and Mission Blvd. developments projects. We have a long history of constructing the most beautiful well-designed gas stations, and we held out no expense when Limonite and Mission were built. In fact, both stations were probably the most expensive gas stations our companies have ever built in our entire professional career. Nachhattar and I are very proud of these 2 locations.

As you may be aware, we have additional property available for shopping center development at each location that will bring retail, fast food and other amenities to the City of Jurupa Valley.

Unfortunately, the parcel mapping process on Limonite and Mission was not efficient, and the City Engineer could not finish in a timely manner. Consequently, we appeared in front of the Planning Commission for a 1-year extension in order to be able to complete the parcel mapping process and other related jobs for the two locations. To our dismay, both Nachhattar and I heard some comments from Commissioners at the City that: should they grant the extension to us, we would then sell the properties and not finish the developments.

We would like to respond to the Planning Commissioners statement. First, we are both developers and operators, and under normal circumstances, we do not sell any of our developed property. We share the same thoughts regarding these 2 locations. There was never any intention of selling property.

Actually, we are in the process to shift to the construction phase and finish up the drawings to begin the process of permitting. At this time, in order for us to be able to complete both projects, we must seek a construction loan from the bank; and the majority of all financial institutions require the map parceling of the properties. Therefore, each development should have their own parcel map recorded with the County. Without this step being accomplished, it will greatly affect the remaining objectives.

Although it is the right of any property owner to sell at any time, our hope is that we have the opportunity to show the Commissioner that we have no intentions to sell either property prior to completion of construction, should we ever decide to sell in the future.

Therefore, we respectfully request the Planning Commission provide us the opportunity to complete the construction of the developments, and approves the extension on the Limonite and Mission projects.

Sincerely,

Jerry Zomorodian

Jerry Zomorodian
Owner
DATE: SEPTEMBER 11, 2019
TO: CHAIR MOORE AND MEMBERS OF THE PLANNING COMMISSION
FROM: THOMAS G. MERRELL, AICP, PLANNING DIRECTOR
BY: ANNETTE TAM, SENIOR PLANNER
SUBJECT: AGENDA ITEM NO. 7.1
MASTER APPLICATION NO. 19134 (TPM36977EOT)
RESOLUTION TO DENY THE 1-YEAR EXTENSION OF TIME FOR TPM36977 OF “VALLEY PLAZA” – SHOPPING CENTER ON 4.44 ACRES
LOCATION: 8250 MISSION BOULEVARD (APN: 171-260-013)
APPLICANT: LIMONITE C & C, LLC

RECOMMENDATION
By motion, adopt Planning Commission Resolution No. 2019-09-11-02 denying a one-year Extension of Time for TPM36977 for Valley Square shopping center on 4.44 acres.

BACKGROUND
On August 21, 2019, the Planning Commission held a public hearing for Master Application No. 19161 (approval of a Site Development Permit) and Master Application No. 19134 (one-year Extension of Time for TPM36977) for the Valley Square shopping center project located at 8250 Mission Blvd.

The Planning Commission closed of the public hearing after receiving public comments, and following a discussion, the Planning Commission took the following actions:

- **MA19161**: Adopted Resolution No. 2019-08-21-01 approving the Site Development Permit for the shopping center; and
- **MA19134**: Directed staff to prepare a resolution denying the one-year Extension of Time for Planning Commission’s consideration at a future meeting. The Planning Commission was concerned that the approval of the Extension of Time would allow the owner to subdivide and sell the vacant parcels, which would leave the construction of the remainder of the shopping center uncertain.

Attached to this staff report is the draft resolution denying the one-year Extension of Time.
ATTACHMENTS

1. Resolution No. 2019-09-11-02 (denying a one-year extension of time for Tentative Parcel Map No. 36977 for a Schedule “E” subdivision of approximately 4.44 acres of real property located at 8250 Mission Boulevard)
RESOLUTION NO. 2019-09-11-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY DENYING A ONE YEAR EXTENSION OF TIME FOR TENTATIVE PARCEL MAP NO. 36977 FOR A SCHEDULE “E” SUBDIVISION OF APPROXIMATELY 4.44 ACRES OF REAL PROPERTY LOCATED AT 8250 MISSION BOULEVARD (APN: 171-260-013) IN THE GENERAL COMMERCIAL (C-1/C-P) ZONE, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA

THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY DOES RESOLVE AS FOLLOWS:

Section 1. Project. Limonite C&C, LLC (the “Applicant”) has applied for:
(1) Site Development Permit No. 19077 (Master Application No. 19161 or MA No. 19161) to construct a shopping center on real property located at 8250 Mission Boulevard (APN: 171-260-013) in the General Commercial (C-1/C-P) Zone and designated Commercial Retail (CR); and
(2) a one year Extension of Time for Tentative Parcel Map No. 36977 (Master Application No. 19134 or MA No. 19134) for a Schedule “E” subdivision of 4.44 acres into three (3) commercial parcels with reciprocal access and parking on real property located at 8250 Mission Boulevard (APN: 171-260-013) in the General Commercial (C-1/C-P) Zone and designated Commercial Retail (CR) (collectively, the “Project”). The proposed Extension of Time for Tentative Parcel Map No. 36977 (Master Application No. 19134 or MA No. 19134) is the subject of this Resolution.

Section 2. Extension of Time.

(a) The Applicant is seeking approval of a one year extension of time for Tentative Parcel Map No. 36977 to subdivide approximately 4.44 acres of real property located at 8250 Mission Boulevard (APN: 171-260-013).

(b) The Planning Commission originally approved Tentative Parcel Map No. 36977 on June 22, 2016, with an expiration date of June 22, 2019.

(c) The Applicant filed an application for a one year extension of time for Tentative Parcel Map No. 36977 on June 3, 2019, prior to the June 22, 2019 expiration date.

(d) Section 7.15.230.B.(2) of Chapter 7.15 of the Jurupa Valley Municipal Code and Government Code Section 66452.6(e) provide that the Planning Commission may extend an approved or conditionally approved tentative map for a period or periods not exceeding a total of six (6) years upon application of the subdivider filed prior to the expiration of the tentative map. Further, prior to the expiration of an approved or conditionally approved tentative map, and upon an application by the subdivider to extend that map, the tentative map shall be automatically extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.
(e) Government Code Section 66452.6(e) provides that if an advisory agency denies a subdivider’s application for an extension, the subdivider may appeal to the legislative body within fifteen (15) days after the advisory agency has denied the extension.

(f) Section 7.15.230.B.(2) of Chapter 7.15 of the Jurupa Valley Municipal Code provides that the decision of the Planning Commission to approve, conditionally approve, or deny an extension of time for an approved or conditionally approved tentative map must be forwarded to the City Clerk and a notice of the Planning Commission’s decision must be placed on the City Council’s meeting agenda.

(g) Section 7.15.230.B.(2) of Chapter 7.15 of the Jurupa Valley Municipal Code and Government Code Section 66452.6(e) provide that the Planning Commission’s decision to approve, conditionally approve, or deny an extension of time for conditionally approved Tentative Parcel Map No. 36977 shall be final, unless appealed to the City Council by or before September 26, 2019.

Section 3. Procedural Findings. The Planning Commission of the City of Jurupa Valley does hereby find, determine, and declare that:

(a) The application for MA Nos. 19161 and 19134 were processed including, but not limited to a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

(b) On August 21, 2019, the Planning Commission of the City of Jurupa Valley held a public hearing on MA Nos. 19161 and 19134, at which time all persons interested in the Project had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony the Planning Commission closed the public hearing and directed staff to prepare a resolution denying MA No. 19134 for the Planning Commission’s consideration at a future meeting. Additionally, the Planning Commission adopted Planning Commission Resolution No. 2019-08-21-01, approving Site Development Permit No. 19077 to construct a shopping center on real property located at 8250 Mission Boulevard (APN: 171-260-013) in the General Commercial (C-1/C-P) Zone.

(c) On September 11, 2019, the Planning Commission of the City of Jurupa Valley considered the adoption of this Resolution.

(d) All legal preconditions to the adoption of this Resolution have occurred.

Section 4. California Environmental Quality Act Findings. The Planning Commission, based on its own independent judgment, does hereby find, determine and declare that the Project is exempt from the requirements of the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code, § 21000 et seq.) and the State Guidelines (the “CEQA Guidelines”) (14 Cal. Code Regs. § 15000 et seq.) pursuant to Section 15270(a) of the CEQA Guidelines because CEQA does not apply to projects which a public agency rejects or disapproves.

Section 5. Findings for Denial of Extension of Time for Tentative Parcel Map No. 36977. The Planning Commission of the City of Jurupa Valley does hereby find, determine,
and declare that the proposed Extension of Time for Tentative Parcel Map No. 36977 should be denied because:

(a) The proposed Extension of Time for Tentative Parcel Map No. 36977 is inconsistent with the Jurupa Valley 2017 General Plan including, but not limited to, General Plan goal, ES 3, and policy, ES 3.2. Both the goal and policy encourage a diversity of commercial uses to support the local residents’ needs and tax base. Because only the gas station is constructed at this time, this extension of time would allow the applicant to subdivide and sell the undeveloped land to others without the obligation to construct the remainder of the shopping center. As a result, only the gas station and convenience store may be the only uses on the site indefinitely.

Section 6. **Denial of Master Application No. 19134.** Based on the foregoing, the Planning Commission of the City of Jurupa Valley hereby denies the one year Extension of Time for Tentative Parcel Map No. 36977 (MA No. 19134) for the subdivision of 4.44 acres into three (3) commercial parcels with reciprocal access and parking on real property located at 8250 Mission Boulevard (APN: 171-260-013) in the General Commercial (C-1/C-P) Zone and designated Commercial Retail (CR). Tentative Parcel Map No. 36977 expired on August 21, 2019, pursuant to Government Code Section 66452.6(e).

Section 7. **Certification.** The Planning Director shall certify to the adoption of this Resolution.

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of Jurupa Valley on this 11th day of September, 2019.

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Corey Moore
Chair of Jurupa Valley Planning Commission

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Thomas G. Merrell, AICP
Planning Director/Secretary to the Planning Commission
I, Thomas G. Merrell, Planning Director of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2019-09-11-02 was duly adopted and passed at a meeting of the Planning Commission of the City of Jurupa Valley on the 11th day of September, 2019, by the following vote, to wit:

AYES: COMMISSION MEMBERS:

NOES: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ABSTAIN: COMMISSION MEMBERS:

___________________________
THOMAS G. MERRELL
PLANNING DIRECTOR