

To: City of Moreno Valley
Planning Department
14177 Frederick St
Moreno Valley, CA 92553

From: McDonalds USA LLC
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Date: 6/4/2026

RE: Appeal Justification Letter for PEN25-0136 | 11875 Pigeon Pass Rd, Moreno Valley, CA 92557

Honorable Members of City of Council:

McDonald's USA, LLC respectfully submits this appeal to the City Council regarding the Planning Commission's denial of Conditional Use Permit PEN25-0136 for the proposed McDonald's project, considered at the May 28, 2026 public hearing. As documented in the Staff Report, the project was fully vetted through the City's entitlement process, including interdepartmental and agency review, and was determined to be complete and compliant with applicable General Plan, zoning, and development standards. City staff recommended approval, including adoption of the necessary findings and a CEQA Class 32 exemption for in-fill development.

Following the duly noticed public hearing on May 28, 2026, the Planning Commission denied the project based on concerns raised during public comment. This appeal addresses those denial findings and demonstrates that the project remains in full technical compliance with the Municipal Code and applicable regulations, and that the concerns raised during public comment are not supported by objective evidence in the administrative record. The administrative record for this application includes but is not limited to the Staff Report for Conditional Use Permit PEN25-0136, technical studies, project plans, and all materials submitted and reviewed as part of the May 28, 2026 public hearing.

Denial Finding 1: The proposed project will be detrimental to public safety in that, based on public comment, there is already severe traffic congestion in the vicinity of the project site, which will be exacerbated by the additional vehicular traffic the proposed project will generate.

The record does not support the finding that the proposed project will be detrimental to public safety due to traffic congestion. While public comment raised concerns regarding existing conditions, the traffic memorandum concluded that the project would not create adverse impacts. After accounting for the existing retail use and pass-by reductions, the project remains below the City's 100 peak-hour trip threshold for Level of Service (LOS) analysis.

As a 4,180-square-foot locally serving use, the project is also screened out of further Vehicle Miles Traveled (VMT) analysis under the City's Transportation Impact Analysis Preparation Guide, confirming that it would not materially affect public roadway operations. The site design addresses internal circulation and drive-through operations, with capacity for 14 vehicles under regular conditions and up to 22 vehicles during peak periods. The queuing analysis identified a peak demand of 15 vehicles at comparable locations and concluded that all queuing will be contained on-site. Features such as dual order boards and mobile ordering further improve efficiency and reduce queuing.

demand. Accordingly, the evidence demonstrates that the project will not exacerbate congestion or create unsafe conditions.

Denial Finding 2: The proposed project will be detrimental to public safety in that, based on public comment, the proposed project will add more vehicular traffic in an area where there have been numerous near-miss accidents, serious accidents and fatalities.

Per response to Denial Finding 1, the record does not support the finding that the proposed project will be detrimental to public safety due to traffic accidents and fatalities in the vicinity of the site. The proposed project does not introduce any new points of vehicular access to the public right-of-way and instead utilizes existing driveways and established internal circulation within the existing commercial center. As a result, the project does not create new conflict points, but rather operates within an existing circulation system that is already designed to accommodate commercial traffic.

Furthermore, as part of the Conditional Use Permit review process, the City's Police and Traffic departments evaluated the project plans, including access and circulation, and confirmed that there were no concerns related to traffic safety or an increased potential for accidents.

Denial Finding 3: The proposed project will be detrimental to public welfare in that, based on public comment, the proposed project will contribute to late night traffic on Ironwood Avenue which will interfere with the sleep of residents, which includes many seniors, who live along Ironwood Avenue.

The record does not support the finding that the proposed project will be detrimental to public welfare due to late-night traffic along Ironwood Avenue. While public testimony raised concerns, no evidence demonstrates that the project would generate traffic volumes that would materially affect nearby residents.

The traffic memorandum confirms that the project generates a limited number of net new trips, the majority of which are pass-by in nature and do not introduce new traffic to the surrounding roadway network. A project-specific noise analysis further evaluated operational and traffic-related sound levels, including late-night activity, and concluded that noise would remain within applicable City thresholds and would not result in a significant impact to nearby residences. Accordingly, there is no substantial evidence demonstrating that the project would interfere with nearby residents or create a detrimental impact to public welfare.

Denial Finding 4: The proposed project will be detrimental to public welfare and public safety in that, based on public comment, the proposed project will increase loitering and police calls.

The record does not support the finding that the proposed project will be detrimental to public welfare or public safety due to increased loitering or police calls. While concerns were expressed during public comment, these statements are speculative and are not supported by objective evidence demonstrating that the proposed use would create such conditions.

The proposed project is a nationally recognized quick-service restaurant with standardized operational practices designed to promote efficient turnover, active site management, and consistent customer flow. The business model is oriented towards short-duration visits, including drive-through service and mobile ordering options, which inherently limit the potential for prolonged on-site activity and loitering. Additionally, as a condition of approval, the project is required to provide and implement an on-site security plan for review and approval prior to issuance of a Certificate of Occupancy. This ensures that operational protocols are in place to address site management, monitoring, and any other potential issues that may arise over time. No evidence in the record establishes a nexus between the proposed project and an increase in loitering or calls for police service. Such outcomes are not a typical

or inherent characteristic of a permitted restaurant use operating in compliance with applicable codes and conditions of approval.

Accordingly, while the concerns raised during public comment are acknowledged, they are not supported by evidence that would demonstrate adverse effects to public welfare or public safety related to loitering or increased police calls. The project, as conditioned and designed, will operate in a manner consistent with other commercial uses in the area and will not create the conditions described in the denial finding.

Denial Finding 5: The proposed project will be detrimental to the public health in that, based on public comment, there is concern over the cumulative impacts the air pollution produced by the proposed project will have on children with asthma.

The record does not support the conclusion that the proposed project would be detrimental to public health, including sensitive populations such as children with asthma. The project's potential air quality impacts have been thoroughly evaluated using established regulatory methodologies and thresholds developed specifically to protect public health.

First, both construction and operational emissions associated with the project were quantified using the California Emissions Estimator Model (CalEEMod), consistent with South Coast Air Quality Management District (SCAQMD) guidance. The results demonstrate that all criteria pollutant emissions during construction and long-term operations would remain below SCAQMD's established regional significance thresholds. Because these thresholds are designed to protect regional air quality and public health, impacts are considered less than significant under CEQA.

Second, the analysis specifically evaluated localized impacts to nearby sensitive receptors, including adjacent residential uses located approximately 87 feet from the site. Using SCAQMD's Localized Significance Threshold (LST) methodology—which is specifically intended to assess potential significant impacts at the neighborhood level—the study found that maximum daily emissions during both construction and operation would not exceed localized thresholds for pollutants such as NO_x, CO, PM₁₀, and PM_{2.5}. As a result, pollutant concentrations at nearby residences would not reach levels considered harmful to sensitive populations. The analysis concludes that emissions at the closest receptors would not result in significant concentrations of pollutants and would therefore not create a significant health risk.

Denial Finding 6: The proposed project will be detrimental to public safety in that, based on public comment, the proposed project will add more vehicular traffic near the Stater Brothers driveway where there have been numerous near-miss accidents, serious accidents and pedestrian fatalities.

Per response to Denial Finding 1, the record does not support the finding that the proposed project will be detrimental to public safety due to traffic accidents and fatalities in the vicinity of the site.

Denial Finding 7: The proposed project will be detrimental to public safety in that, based on public comment, the proposed project will produce more crime.

The record does not support the finding that the proposed project will result in increased crime.

The project is subject to enforceable Conditions of Approval, including a requirement for a City-approved on-site security plan prior to issuance of a Certificate of Occupancy, ensuring implementation of appropriate security measures. In addition, McDonald's incorporates standardized operational practices designed to discourage loitering and theft, including interior and exterior security cameras, active site monitoring, assisted counter service for mobile and delivery orders, controlled restroom access, and design features that limit non-customer use. The project will

also be incorporated into the shopping center's broader on-site security services. Accordingly, concerns raised during public comment are addressed through enforceable conditions and established operational practices, and the project will operate in a manner that supports public safety.

Denial Finding 8: The proposed project will be detrimental to public safety in that, based on public comment, the proposed project will exacerbate existing traffic conflicts which will endanger pedestrians, scooter riders and bicyclists.

Per response to Denial Finding 1, the record does not support the finding that the proposed project will be detrimental to public safety by exacerbating existing traffic conflicts and thereby endangering pedestrians, scooter riders and bicyclists. While concerns regarding pedestrian and bicyclist safety are acknowledged, the technical analysis demonstrates that the project's incremental traffic is limited, largely pass-by in nature, and below thresholds associated with operational or safety impacts. As such, there is no substantial evidence to support the public comment that the project would exacerbate traffic conflicts or endanger pedestrians, scooter riders, or bicyclists.

Denial Finding 9: The proposed project will be detrimental to public safety in that, based on public comment, the proposed project will exacerbate existing traffic congestion at the intersection of Pigeon Pass Road and Ironwood Avenue which will endanger pedestrians crossing the streets at this intersection.

Per response to Denial Findings 8 and 9, the record does not support the finding that the proposed project will exacerbate existing traffic congestion at the intersection of Pigeon Pass Road and Ironwood Avenue which will endanger pedestrians crossing the streets at this intersection.

Denial Finding 10: The proposed project will be detrimental to public health in that, based on public comment, the increased number of vehicles created by the proposed project will expose students in the area to increased fumes. Per response to Denial Finding 5, the record does not support the finding that the proposed project will be detrimental to public health due to increased number of vehicles created by the proposed project will expose students in the area to increased fumes.

Denial Finding 11: The proposed project will be detrimental to public health in that, based on public comment, the increased number of vehicles will add to local air pollution.

Per response to Denial Finding 5, the record does not support the finding that the proposed project will be detrimental to public health due to increased number of vehicles will add to local air pollution.

Denial Finding 12: The proposed project will be materially injurious to nearby property in that, based on public comment, the increased traffic congestion will impact nearby property values.

Per response to Denial Finding 1, the record does not support the finding that the proposed project will be materially injurious to nearby property values due to increased traffic congestion.

Denial Finding 13: The location of the proposed project will not be compatible with existing land uses in the vicinity since, based on public comment, it will add additional drive-through establishments in an area that will enhance the traffic conflicts with the existing large volume of traffic entering and exiting the existing large parking lots servicing the existing large businesses in the vicinity.

The record does not support the finding that the proposed project is incompatible with existing land uses in the vicinity. The project site is located within an established commercial shopping center and is surrounded by existing commercial retail uses within the existing center. The Community Commercial (CC) zoning designation expressly permits eating and drinking establishments with drive-through facilities, subject to a Conditional Use Permit,

recognizing that such uses are appropriate within this type of commercial environment in accordance with City standards.

The project has been specifically designed to integrate with the existing shopping center and to function within the broader site circulation patterns. Access to the project will occur through existing to remain shared driveways and internal drive aisles that currently serve the center, and no new direct access points to the adjacent roadways are proposed. As such, the project does not introduce new or conflicting ingress or egress conditions but rather utilizes an established circulation network designed to accommodate commercial traffic. Furthermore, the City's Police and Traffic departments evaluated the plans and confirmed there were no concerns related to traffic safety or an increase in accident potential.

In conclusion, while public comment expressed concerns regarding the concentration of drive-through uses and existing traffic levels, the objective evidence in the record demonstrates that the project is compatible with surrounding commercial uses and has been thoughtfully designed to function effectively within the existing circulation system of the commercial center.

Denial Finding 14: The location and operation of the proposed project will not be compatible with existing land uses in the nearby vicinity in that, based on public comment, the addition of another drive-thru use situated near State Route 60 on-ramps and off-ramps will create additional traffic congestion and exacerbate traffic conflicts. Per response to Denial Finding 1 and 13, the record does not support the finding that the proposed project will not be compatible with existing land uses in the nearby vicinity, nor that the addition of another drive-thru use situated near State Route 60 on-ramps and off-ramps will create significant traffic congestion and exacerbate traffic conflicts.

Denial Finding 15: The proposed project will be detrimental to the public welfare and materially injurious to the value of nearby properties due to noise associated with early morning delivery trucks serving the proposed project.

The record does not support the conclusion that delivery-related noise would be detrimental to public welfare or nearby property values.

The project's noise analysis evaluated delivery activity using accepted methodologies and City standards. Deliveries were identified as infrequent and generally occurring during early morning hours rather than sensitive nighttime periods. Even under conservative worst-case assumptions, modeled noise levels at nearby residences comply with applicable standards. Short-term noises such as backup alarms are brief and do not contribute to sustained exposure. Overall, the study concludes that delivery-related noise would result in less than significant impacts. In addition, delivery activity already exists on the site as part of current commercial operations. Accordingly, there is no substantial evidence that the project would introduce a new or significant noise impact.

Denial Finding 16: The proposed project will be detrimental to the public welfare in that, based on public comment, the proposed project will enhance light pollution in the vicinity of the proposed project.

The record does not support the conclusion that the proposed project would be detrimental to the public welfare in that the proposed project will enhance light pollution in the vicinity of the proposed project.

The project is located within an existing, developed commercial center that already operates with typical urban lighting conditions, including parking lot lighting, building illumination, and vehicle activity. The proposed project represents a continuation of an existing commercial use pattern and does not introduce a new or uniquely intense source of light within an otherwise dark or rural environment. It is also important to note that all site lighting would

be subject to applicable City development standards, including requirements for shielding, directionality, and placement of lighting fixtures to minimize spillover onto adjacent properties. These regulatory controls are specifically intended to prevent light trespass and protect nearby residential uses. Furthermore, proposed landscape hedging is proposed around the outer limits of the drive through lanes to prevent shield headlights from the neighboring existing developments. Accordingly, there is no substantial evidence to support the claim that the project would be detrimental to public welfare due to light pollution.

Denial Finding 17: The proposed project will be detrimental to the public welfare in that, based on public comment, some members of the public find the smells generated by McDonald's offensive.

The record does not support the finding that the proposed project will be detrimental to public welfare based on concerns related to odors.

The proposed project will operate in compliance with all applicable building and mechanical codes, including requirements related to commercial kitchen ventilation and exhaust systems. McDonald's restaurants are designed with industry-standard kitchen hood systems that incorporate UV filtration technologies, intended to reduce odors associated with cooking operations before exhaust is released. These systems are widely used in commercial restaurant environments to mitigate odor from the development. It should be noted that the project is located within an established commercial shopping center where food-related uses are operational in the existing condition and consistent with the intended function of the Community Commercial zoning designation. The presence of typical restaurant-related odors, when controlled in accordance with code-compliant systems, does not represent a condition that is unusual, hazardous, or incompatible with surrounding commercial uses.

Additionally, per response to Denial Finding 5, the project falls below established CEQA thresholds for air quality impacts, confirming that it would not result in a significant adverse effect on the environment or surrounding community. As such, the generalized perception of odors does not provide substantial evidence that the project would be detrimental to public welfare.

Conclusion

In conclusion, the record demonstrates that the proposed project satisfies all required findings for approval of a Conditional Use Permit. The project is consistent with the General Plan and zoning designation, complies with applicable development standards, and has been designed to protect public health, safety, and welfare while remaining compatible with surrounding land uses. For these reasons, McDonald's USA, LLC respectfully requests that the City Council overturn the Planning Commission's denial and approve Conditional Use Permit PEN25-0136, subject to staff-recommended conditions, consistent with the substantial evidence in the record and the City's regulatory framework.

McDonald's USA, LLC requests that the city council hearing date for this appeal be deferred until such time as Appellate Case No. E088143, in the Fourth Appellate District, Division Two, of the State of California, Jara Holding Second, LLC v. Jaccov, LLC, et.al., on appeal from the Superior Court of the State of California for the County of Riverside, Case No. CVRI2400333, has been fully and finally resolved and any decision/ruling on such case is final and unappealable. McDonald's USA, LLC will contact the City of Moreno Valley to schedule a hearing date for this appeal upon the occurrence of the foregoing.

In closing, we are excited to bring this project to the City of Moreno Valley and remain committed to delivering a development that is fully compliant with all applicable regulatory standards and designed to operate efficiently within the existing commercial environment. We would also like to acknowledge and thank City planning staff for their

continued commitment, responsiveness, and guidance throughout the entitlement process. Their efforts have been instrumental in ensuring the project was thoroughly reviewed and brought forward in a complete and compliant manner.

Thank you for your time, consideration, and thoughtful review of this appeal.

Sincerely,

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