

---

**PLANNING COMMISSIONERS**

JEFFREY SIMS  
Chairperson

RAY L. BAKER  
Vice Chairperson

PATRICIA KORZEC  
Commissioner



ALVIN DEJOHNETTE  
Commissioner

JOANN STEPHAN  
Commissioner

ROBERT HARRIS  
Commissioner

RAFAEL BRUGUERAS  
Commissioner

---

# **PLANNING COMMISSION**

## **Regular Meeting**

### **Agenda**

**Thursday, September 26, 2019 at 7:00 PM**  
**City Hall Council Chamber – 14177 Frederick Street**

#### **CALL TO ORDER**

#### **ROLL CALL**

#### **PLEDGE OF ALLEGIANCE**

#### **APPROVAL OF AGENDA**

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, member 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 all will be enacted by one roll call vote. There will be no discussion of these items unless Members of the Planning Commission request specific items be removed from the Consent Calendar for separate action.*

---

*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 Guy Pegan, ADA Coordinator, at 951.413.3120 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**

**PUBLIC HEARING ITEMS**

- 1. Case:** PEN19-0005

**Applicant:** Nader Awad

**Property Owner:** David S. Moody

**Representative:** Nader Awad

**Location:** 12199 Heacock Street, Units 2 and 3

**Case Planner:** Dina Lomeli

**Council District:** 1

**Proposal:** Conditional Use Permit (CUP) to allow a retail cannabis dispensary “Empire Gardens” within a 2,358 square foot space located at 12199 Heacock Street, Units 2 and 3.
  
- 2. Case:** PEN18-0080 – Tentative Tract Map 37462

**Applicant:** Hakan Buvan

**Property Owner:** Hakan Buvan

**Representative:** Charlene Kussner

**Location:** North side of Bradshaw Circle

**Case Planner:** Gabriel Diaz

**Council District:** 3

**Proposal:** A Tentative Tract Map (TTM 37462) to subdivide 1.7 acres of vacant land into 8 single-family residential lots and 4 lettered lots for street and water quality purposes.

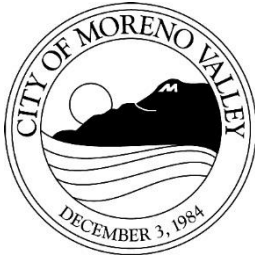
**OTHER COMMISSION BUSINESS**

**STAFF COMMENTS**

## **PLANNING COMMISSIONER COMMENTS**

### **ADJOURNMENT**

Planning Commission Regular Meeting, October 10, 2019 at 7:00 P.M., City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, CA 92553.



## PLANNING COMMISSION

### STAFF REPORT

Meeting Date: September 26, 2019

CONDITIONAL USE PERMIT APPLICATION FOR A RETAIL CANNABIS DISPENSARY "EMPIRE GARDENS," LOCATED AT 12199 HEACOCK STREET, WITHIN AN EXISTING CENTER.

**Case:** PEN19-0005

**Applicant:** Nader Awad

**Property Owner:** David S. Moody

**Representative:** Nader Awad

**Location:** 12199 Heacock Street, Units 2 and 3

**Case Planner:** Dina Lomeli

**Council District:** 1

**Proposal:** Conditional Use Permit (CUP) to allow a retail cannabis dispensary "Empire Gardens" within a 2,358 square foot space located at 12199 Heacock Street, Units 2 and 3.

#### SUMMARY

The Applicant, Mr. Nader Awad on behalf of I.E. Gardens Inc., is requesting approval of a Conditional Use Permit (CUP) to allow a retail cannabis dispensary, "Empire Gardens," within a 2,358 square foot retail space located at 12199 Heacock Street, units 2 and 3, in an existing center. This center is located within the Community Commercial (CC) zone. The applicant is proposing hours of operation between 7:00 am and 10:00 pm, seven days per week. The proposed use is for commercial retail sales of cannabis and cannabis products sold to individuals who are 21 years of age or older.

This project, as conditioned, is consistent with goals, policies and objectives of the City's General Plan and Municipal Code.

## **Background**

On May 25, 2019, the Planning Commission considered this project and continued the public hearing to the June 27, 2019 Planning Commission Meeting date in order to allow the applicant time to prepare a parking analysis for the project site. However, the parking study was not finalized in time for the June 27, 2019 meeting, and the item was continued off-calendar.

## **Article XI, Section 7**

Pursuant to the authority granted to the City by Article XI, Section 7 of the California Constitution, a City may make and enforce, within its limits, regulations designed to promote the public health, safety, and welfare. The City Council, recently adopted Ordinances that regulate commercial cannabis businesses in the City. These ordinances are based on both federal and state laws.

## **Federal and State Laws**

The Federal Controlled Substances Act classifies marijuana as a Schedule 1 Drug and makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute, or possess with intent to manufacture, distribute, dispense, or possess. However, in 2016, Proposition 64 was approved by the voters in California ("The Adult Use Marijuana Act" or AUMA). AUMA established a comprehensive system to legalize, control and regulate the cultivation, processing, manufacturing, distribution, testing and sale of non-medical marijuana and products for use by adults 21 years of age and older. In addition, it allows taxation of commercial growth and retail sales of marijuana and marijuana products. Most recently, in 2017, then Governor Jerry Brown signed the "Medical and Adult-Use Cannabis Regulations and Safety Act" (MAUCRSA) which further amends prior statutory enactments.

## **City Regulations**

In November 2017, the City Council adopted Ordinance 926, which set rules for the establishment, operation, and regulation of specific commercial cannabis uses and in March 2018 the City Council approved Resolution 2018-11 approving the initial procedure for permit applications. Land use regulations for the operation of the cannabis uses were established in April 2018 with the adoption of Ordinance 932, which provided for the following cannabis uses: dispensaries, testing, cultivation, manufacturing, microbusinesses, and distribution.

Additionally, in December 2018, the City Council adopted Resolution No. 2018-94, establishing a maximum of 43 commercial cannabis permits. The table below identifies the various types of commercial cannabis permit types, number of permits allowed, and number and status of permits submitted.

Commercial Cannabis Permit Types	Number of Permits Allowed	Number of Provisional Business Permits Issued	Number of Conditional Use Permit Applications Submitted	Number of Conditional Use Permit Applications In Review	Number of Conditional Use Permit Applications Approved
Dispensaries	23	23*	22*	16	6
Testing Facilities	2	0	0	0	0
Cultivation	8	2	2	2	0
Manufacturing	5	2	2	2	0
Distribution (of products from licensee to licensee only)	2	2	2	1	1
Microbusinesses	3	3*	3*	1	1

\*Note: The Provisional Business License for one Microbusiness and one Dispensary have been revoked; therefore, the associated Conditional Use Permit Applications were closed.

The City's multi-step process for selecting commercial cannabis businesses that can legally operate in the City is as follows:

**Step 1 – Application Process.** Commercial Cannabis Business Permit applications were reviewed and a background check of business Owner(s) and their Employees, was conducted. Applications with a minimum overall score of 80% were interviewed by staff to establish a candidate pool, and applications were required to be submitted through an online (PlanetBids) system. The City issued provisional Commercial Cannabis Business Permits to 32 successful applicants, including the single provisional permit that was revoked by the City. Only these commercial cannabis businesses can proceed to the subsequent steps in the process.

**Step 2 – Obtain a Conditional Use Permit.** Municipal Code Section 9.09.290C2 requires that commercial cannabis businesses must obtain a Conditional Use Permit, which is a land use entitlement process to confirm the proposed land use and site development elements will be consistent with City established development regulations as well as compatible with other land uses near the proposed project.

**Step 3 – State approval.** In addition to local permits, each Commercial cannabis business must also obtain applicable State of California cannabis permits prior to commencing operation lawfully within the City.

**Step 4 – Obtain a Certificate of Occupancy.** Lastly, all commercial cannabis businesses must obtain a Certificate of Occupancy (“C of O”) from the Building and Safety Division, prior to opening for business. The C of O is the final step in the process and documents that the Applicant has completed all required tenant improvements to the building and modifications to the parking lot, as required by conditions of approval in the CUP Resolution, and have paid all requisite City fees.

Provisional Commercial Cannabis Business Permit

On December 20, 2018, I.E. Gardens Inc., the operator of the proposed Empire Gardens dispensary received a provisional Commercial Cannabis Business Permit (Permit Number MVCCBP-R0012) from the City of Moreno Valley for their proposed location at 12199 Heacock Street, units 2 and 3. A subsequent application for a Conditional Use Permit was submitted to the City on January 4, 2019. The applicant has also applied for the necessary state permits.

**PROJECT DESCRIPTION**

**Project**

The applicant is requesting approval to establish a commercial cannabis dispensary (retail sales only) named Empire Gardens. The site is located at 12199 Heacock Street, units 2 and 3, in a vacant, in-line space, within an existing commercial center located approximately 223 feet north of the intersection of Hemlock Avenue and Heacock Street (Assessor’s Parcel Number 292-182-021). The tenant space is approximately 2,358 square feet.

Since the original review by the Planning Commission, the applicant has made slight modifications to the floor plan as detailed in the table below.

	<b>Original Proposal</b>	<b>Revised Proposal</b>
<b>Waiting Area</b>	641 Sq. Ft.	338 Sq. Ft.
<b>Product Show Room</b>	792 Sq. Ft.	1,157 Sq. Ft.
<b>Product Storage Area</b>	203 Sq. Ft.	558 Sq. Ft.
<b>Security Room and Office</b>	593 Sq. Ft.	238 Sq. Ft.
<b>Restroom</b>	126 Sq. Ft.	67 Sq. Ft.
<b>Total Area</b>	2,355 Sq. Ft.	2,358 Sq. Ft.

As with the original proposal, the product show room includes one controlled point of customer ingress and egress from the waiting area, for security purposes. The exterior door into the product show room is for employees only.

Proposed hours of operation for this retail use will be between 7:00 a.m. and 10:00 p.m., which is consistent with State law allowing hours of operation between 6:00 a.m. and 10:00 p.m.

**Site**

**Safety and Security Plan**

Moreno Valley Municipal Code Section 9.09.294(B)(6) requires that any transfer of product or currency shall be identified in an individual security plan that is approved by the City. A Safety and Security Plan that identifies methods to address site security for employees, customers and the public as well as fire prevention methods that comply

with local and state laws was provided. Some of the highlights of the Safety and Security Plan include the following:

- 1) Utilization of on-site security personnel to monitor the exterior and interior of the business premises.
- 2) Controlled entrances.
- 3) Installation and maintenance of a security and a fire alarm system through a licensed alarm company.
- 4) Installation of a video surveillance system consisting of interior and exterior cameras and video recorders.

The Safety and Security Plan ensures safety for both customers and employees of a commercial cannabis business. Exterior doors, windows or other points of access within 20' of the premises will be under video surveillance and will be patrolled by a licensed security officer during hours of operation.

Public access from the public waiting area into the showroom and sales area will be controlled and will utilize electronic sensors and cameras throughout all public and private areas. All surveillance videos will be made available to Police and Fire Departments upon their request.

The Municipal Code also requires that two secured parking spaces, be identified on a plot plan for use by vehicles involving the transfer of cannabis products or currency. Staff has interpreted this to mean spaces that are in proximity to entrances, monitored by cameras, and overseen by security people. A condition has been included to require identification of the two spaces on a plot plan to be incorporated into the security plan.

### Odor Control Plan

An Odor Control Plan was provided to demonstrate conformance with City requirements related to nuisance/odor; the plan states that an air quality mechanical system will be used that incorporates a two-part air filtering system with special odor absorbing filters and a specialty air exhaust system in the tenant space. These filters will effectively absorb all odors and impurities in the air, according to the Odor Control Plan.

These systems will ensure that any odors associated with the dispensary are not detectable outside the premises, including parking lots, public rights-of-way, and adjacent business locations or surrounding neighborhoods. The required air filtration system and the air exchange system are required to be consistent with the Odor Control Plan submitted to the City and will be designed by a licensed Mechanical Engineer and reviewed and permitted by Building Division staff as part of the tenant improvement plans for the heating, ventilation and air conditioning (HVAC) systems for the proposed dispensary.

### Surrounding Area



Tenants immediately adjacent to the proposed use in the same building include Watson Tax & Financial and Resource Center. Commercial uses are located to the south and east of the center; residential uses are located to the west of the commercial center, and legal non-conforming residential uses are located to the north of the center.

### **Access/Parking**

The parking lot for the Center accessed from Heacock Street and contains a total of 35 parking spaces. The access point and number of parking spaces will not be modified by this project.

Due to concerns with parking availability identified at the May 25, 2019 Planning Commission Meeting, the applicant commissioned K2 Traffic Engineering, Inc. to prepare a Parking Study to assess the parking on-site (Attachment 8). The Parking Study included three different methodologies to ensure there would be adequate parking within the Center. The methodologies are as follows:

- 1) Standard Parking Analysis utilizing the Municipal Code parking requirements for all existing and proposed uses.

Based on the Municipal Code parking requirements for the existing and proposed mix of uses (office, service, retail), including the proposed retail cannabis dispensary, yields a minimum parking requirement of 35 spaces.

- 2) Shared Parking Analysis utilizing time-of-day factors found in the Urban Land Institute's (ULI) "Shared Parking, Second Edition".

Parking surveys were conducted on-site on Saturday June 1, 2019, Tuesday, June 4, 2019, and Thursday, June 6, 2019. Based on the surveys and ULI data for the cannabis dispensary it was determined that the peak parking demand of 33 spaces within the Center would be utilized at 3:00 PM.

- 3) Reverted Office Analysis assumes all of the spaces within the center, with the exception of the dispensary, have reverted to office use. The time-of-day factors found in the Urban Land Institute's (ULI) "Shared Parking, Second Edition," is again utilized in this analysis. It should be noted that K2 Traffic Engineering, Inc. recommended excluding the 558 square foot product storage room, as it is only accessed by employees from this methodology.

This analysis examined the possibility of the entire center converting back to office uses with the exception of the proposed cannabis dispensary, as this would result in the highest parking demand for the center. Utilizing the ULI data for both office and cannabis dispensary uses it was determined that the peak parking demand for the center would be 35 spaces at 2:00 p.m., should this circumstance occur in the future.

Based on the parking study prepared by K2 Traffic Engineering, Inc., with the proposed floor plan modifications, there is adequate parking available within the center inclusive of the proposed cannabis dispensary.

### **Design/Landscaping**

The project does not include any expansion of the building. A special condition requires the applicant to remove any graffiti on their leasable space within 24 hours of the occurrence. An additional special condition requires the applicant to ensure that all landscaped areas and the parking lot be maintained in a healthy and thriving condition, free from weeds, trash and debris.

### **REVIEW PROCESS**

In compliance with the Municipal Code, the Project Review Staff Committee (PRSC) reviewed this project on February 13, 2019. Based on the review, it was determined that no further site plan changes were required, and that the project will be consistent with the City's requirements subject to the conditions of approval in the attached Resolution.

### **ENVIRONMENTAL**

This project is a retail use within an existing tenant space in the existing center. As designed and conditioned, this project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 Class 1 for Existing Facilities.

### **NOTIFICATION**

As the project was continued off-calendar by the Planning Commission on June 27, 2019, a new public hearing notice for this project was published in the local newspaper on September 13, 2019. Public notices were sent to all property owners of record within 300 feet of the project site on September 12, 2019. The public hearing notice for this project was posted on the project site on September 13, 2019.

As of the preparation of this Staff Report, no new comments have been received. Prior to the May 23, 2019 meeting, City Staff had received three phone calls in response to the public notice one requesting additional project information and the other two expressing a concern with the availability of on-site parking for the combination of uses.

### **REVIEW AGENCY COMMENTS**

The project application materials were circulated for review by all appropriate City Departments and Divisions, as well as applicable outside Agencies. Throughout the review process, comments and proposed conditions of approval were provided in writing to the Applicant. As applicable, conditions of approval have been included in the Resolution, recommending approval of the project to the Planning Commission.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2019-27, and thereby:

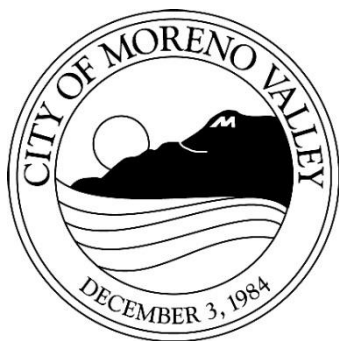
1. **CERTIFY** that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Class 1) Existing Facilities; and
2. **APPROVE** PEN19-0005 Conditional Use Permit subject to the attached Conditions of Approval included as Exhibit A.

Prepared by:  
Sean P Kelleher

Approved by:  
Patty Nevins  
Planning Official

## **ATTACHMENTS**

1. 300' Public Hearing Notice
2. 300' Foot Radius map
3. Resolution No. 2019-27
4. Exhibit A to Resolution No. 2019-27 Conditions of Approval
5. Site Plan
6. Proposed Floor Plan
7. Parking Analysis
8. Building Elevations
9. Zoning Map
10. Aerial



This may affect your property

# Notice of PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held by the Planning Commission of the City of Moreno Valley on the following item(s):

**Project:** PEN19-0005  
**Applicant:** Nader Awad  
**Owner:** David S. Moody  
**Representative:** Nader Awad  
**A.P. No(s):** 292-182-021  
**Location:** 12199 Heacock Street  
**Proposal:** Conditional Use Permit Application for a Retail Cannabis Dispensary "Empire Gardens," located at 12199 Heacock Street, within an existing commercial center.

**Council District:** 1

The project has been evaluated against criteria set forth in the California Environmental Quality Act (CEQA) Guidelines and it was determined that the project will not have a significant effect on the environment. A finding that the project is exempt from the provisions of CEQA as a Class 1 Categorical Exemption in accordance with CEQA Guidelines Section 15301 for Existing Facilities is being recommended for the project.

A public hearing before the Planning Commission has been scheduled for the proposed project. Any person interested in commenting on the proposal and recommended environmental determination may speak at the hearing or provide written testimony at or prior to the hearing. The project application, supporting plans and environmental documents may be inspected at the Community Development Department at 14177 Frederick Street, Moreno Valley, California during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday and 7:30 a.m. to 4:30 p.m., Friday), or you may telephone (951) 413-3206 for further information.

The Planning Commission, at the Hearing or during deliberations, could also consider and approve changes to the project. If you challenge this project,

including any modifications considered for the project in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the Public Hearing.



**LOCATION N** ↑

## PLANNING COMMISSION HEARING

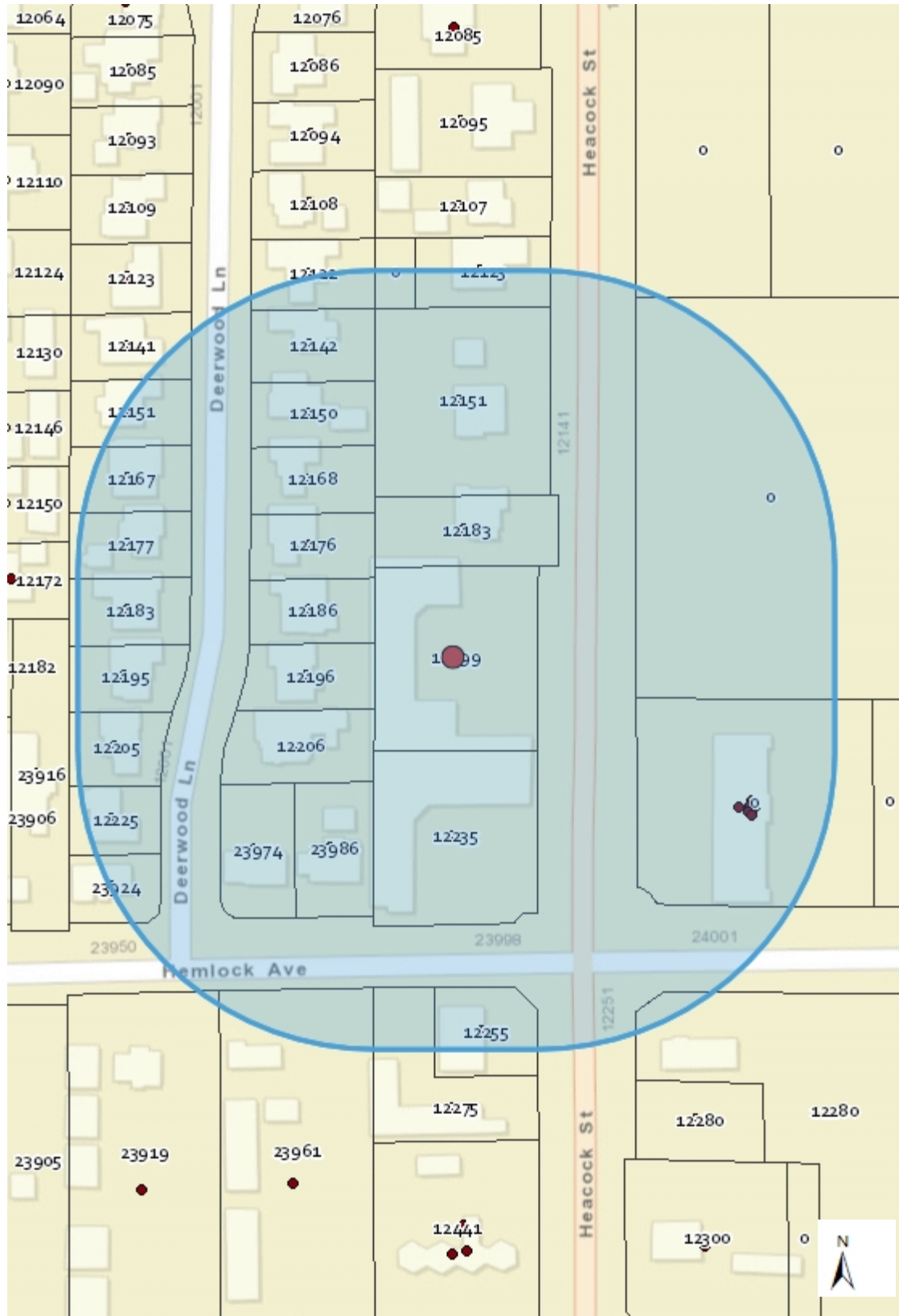
City Council Chamber, City Hall  
 14177 Frederick Street  
 Moreno Valley, Calif. 92553

**DATE AND TIME:** September 26, 2019 at 7:00 P.M.  
**CONTACT PLANNER:** Dina Lomeli  
**PHONE:** (951) 413-3206

*Upon request and 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 Guy Pegan, ADA Coordinator, at (951) 413-3120 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*



# 300' Radius Map from 12199 Heacock Street



### Legend

- Address Points
- Public Facilities
  - Public Facilities
  - ★ Fire Stations
- Parcels
- ⬜ City Boundary
- ⊘ Sphere of Influence

Attachment: 300' Foot Radius map (3737 : PEN 19-0005-Cannabis Dispensary)

### Notes

315.5 0 157.74 315.5 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

Print Date: 4/30/2019

*DISCLAIMER: The information shown on this map was compiled from the City of Moreno Valley GIS and Riverside County GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.*

PLANNING COMMISSION RESOLUTION NO. 2019-27

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING A CONDITIONAL USE PERMIT (PEN19-0005) FOR A CANNABIS DISPENSARY, "EMPIRE GARDENS," WITHIN A 2,358 SQUARE FOOT RETAIL SPACE AT 12199 HEACOCK STREET, UNITS 2 AND 3, LOCATED ON THE WEST SIDE OF HEACOCK STREET AND NORTH OF HEMLOCK AVENUE (ASSESSOR PARCEL NUMBER 292-182-021).

**WHEREAS**, Mr. Nader Awad, representative for .I E. Gardens Inc., has filed an application for the approval of Conditional Use Permit (CUP) PEN19-0005 for the development of a 2,358 square foot cannabis dispensary, operating between the hours of 7:00 AM and 10:00 PM, 7-days per week, as described in the title above; and

**WHEREAS**, the application has been evaluated in accordance with established City of Moreno Valley (City) procedures, and with consideration of the Municipal Code, General Plan and other applicable regulations; and

**WHEREAS**, upon completion of a thorough development review process the project was appropriately agendized and noticed for a public hearing before the Planning Commission of the City of Moreno Valley (Planning Commission); and

**WHEREAS**, the public hearing notices for this project were published in the local newspaper on May 10, 2019 and September 13, 2019 and public notice were sent to all property owners of record within 300 feet of the project site on May 9, 2019 and September 12, 2019. The public hearing notice for this project was also posted on the project site on May 10, 2019 and September 13, 2019; and

**WHEREAS**, on May 23, 2019, June 27, 2019, and September 26, 2019, the Planning Commission held a public hearings to consider the application; and

**WHEREAS**, on September 26, 2019, the Planning Commission of the City of Moreno Valley determined that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.) under CEQA Guidelines Section 15301, Class 1: Existing Facilities; and

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred; and

**WHEREAS**, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

**NOW, THEREFORE, BE IT RESOLVED**, it is hereby found, determined and resolved by the Planning Commission as follows:

A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meetings on May 23, 2019, June 27, 2019, and September 26, 2019 including written and oral staff reports, public testimony and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. **Conformance with General Plan Policies** – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

**FACT:** State Planning Law required cities and counties to set forth goals, policies, and implementation programs for the long term physical development of the community. Section 65302 (a) of the Government Code requires preparation of a land use element which designates the proposed general distribution and general location of the uses of land for housing, business, industry, public buildings, and open space. The proposed development is located within the Commercial (C) land use designation of the Moreno Valley General Plan.

The CUP has been evaluated against General Plan Objective 2.4, which states “provide commercial areas within the City that are conveniently located, efficient, attractive, and have safe and easy pedestrian and vehicular circulation in order to serve the retail and service commercial needs of Moreno Valley residents and businesses” Staff has confirmed that the proposed project does not conflict with any of the goals, objectives, policies, and programs of the General Plan. The addition of a new, retail cannabis dispensary will provide an efficient retail use with safe and easy pedestrian and vehicle circulation that will provide a convenience to the surrounding neighborhood.

2. **Conformance with Zoning Regulations** – The proposed use complies with all applicable zoning and other regulations.

**FACT:** The proposed project is within the Community Commercial (CC) zoning district. Municipal Code Section 9.02.290 C 2 (Cannabis Business Locations and Use), requires a Conditional Use Permit in order to lawfully operate commercial cannabis activities including dispensaries. The proposed Conditional Use Permit for a cannabis dispensary will comply with the Municipal Code Section 9.09.290 Commercial Cannabis Activities, which provides standards for cannabis dispensaries. The proposed

dispensary will be located within a 2,358 square foot tenant space in the commercial center.

The project is designed in accordance with the provisions of Section 9.09.290, as well as, Section 9.04 Commercial Districts, and Section 9.16 Design Guidelines of the City's Municipal Code. The project as designed and conditioned would comply with all applicable zoning standards.

- 3. Health, Safety and Welfare** – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

**FACT:** The proposed commercial cannabis business will operate in an existing 2,358 square foot retail space within an existing center. This proposed use will be consistent with General Plan Goal 6.1. The proposed project will be operated consistent with the Applicant's Security Plan which contains physical planning strategies that maximize surveillance opportunities via security guards, surveillance cameras and equipment. Therefore, the proposed business is consistent with General Plan Goal 6.1.

Planning staff has reviewed the request in accordance with the latest edition of the California Environmental Quality Act (CEQA) Guidelines and has determined that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.) under CEQA Guidelines Section 15301, Class 1: Existing Facilities.

- 4. Redevelopment Plan** - The project conforms with any applicable provisions of any city redevelopment plan.

**FACT:** In January 2011, the Governor of the State of California proposed statewide elimination of redevelopment agencies. State legislation was passed on June 29, 2011 prohibiting redevelopment agencies from engaging in new business and established timelines for dissolution of redevelopment agencies. For these reasons, the finding is no longer applicable. Even if redevelopment was still in place, the site is not within the boundaries of the City redevelopment plan.

- 5. Location, Design and Operation** – The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

**FACT:** The project site is consistent with the Commercial (C) General Plan and Community Commercial zoning designations. The proposed commercial cannabis dispensary will be within a 2,358 square foot existing space of an approximately 9,797 square foot retail center. No expansion of the facilities is proposed, only interior tenant improvements, consistent with



applicable federal, state and local regulations, are proposed. The project is a conditionally permitted use within the Community Commercial (CC) zone.

Additionally, the project site is not located within 600 feet from any public or private school providing instruction in kindergarten or grades 1 through 12, and from day care centers, youth centers, or arcades.

Overall, the proposed project has been found to be consistent with certain objectives, goals and policies outlined in the City's General Plan, as well as being compatible with the existing land uses in the project area.

This project as proposed and conditioned conforms to all development standards of the Community Commercial (CC) zone and the design guidelines for commercial developments prescribed in the City's Municipal Code and City Landscape Standards.

## **FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS**

### **1. FEES**

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this Resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

### **2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS**

The adopted Conditions of Approval for PEN18-0080, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

### **3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS**

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this Resolution begins on the effective date of this Resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the applicable statute of limitations has previously expired.

**BE IT FURTHER RESOLVED** that the Planning Commission **HEREBY APPROVES** Resolution No. 2019-27, and thereby:

- 1. **APPROVE** Conditional Use Permit PEN19-0005 based on the findings contained in this resolution, and subject to the attached conditions of approval included as Exhibit A.

**APPROVED** this 26th day of September 2019.

\_\_\_\_\_  
 Jeffrey Sims  
 Chairperson, Planning Commission

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
 Patty Nevins, Planning Official  
 Secretary to the Planning Commission

\_\_\_\_\_  
 City Attorney

Attachments:  
Exhibit A: Conditions of Approval

Attachment: Resolution No. 2019-27 [Revision 3] (3737 : PEN 19-0005-Cannabis Dispensary)

CITY OF MORENO VALLEY  
CONDITIONS OF APPROVAL  
Conditional Use Permit (PEN19-0005)

EFFECTIVE DATE:  
EXPIRATION DATE:

**COMMUNITY DEVELOPMENT DEPARTMENT**

Planning Division

1. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
2. In the event the use hereby permitted ceases operation for a period of one (1) year or more, or as defined in the current Municipal Code, this permit may be revoked in accordance with provisions of the Municipal Code. (MC 9.02.260)
3. This project is located within Community Commercial (CC) zone. The provisions of the Municipal Code, the design manual, their subsequent amendments, and the Conditions of Approval shall prevail unless modified herein. (MC 9.13)
4. The commercial cannabis dispensary shall be consistent with all other applicable federal, state and local requirements including the Moreno Valley Municipal Code Title 5 and Title 9, and all related Municipal Code sections. (MC 9.09.290 (E)(4)(i))
5. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Planning Official. (MC 9.14.020)
6. All landscaped areas and the parking lot shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
7. Any signs indicated on the submitted plans are not included with this approval and shall be reviewed under separate permit.
8. All site plans, grading plans, landscape plans and proposed signage shall be coordinated for consistency with this approval.

Special Conditions

9. The site has been approved for a retail Cannabis Dispensary, located at 12199 Heacock Street, Units 2 & 3 (approximately 2,358 square feet) per the approved plans and per the requirements of the City's Municipal Code (MC) Section 9.09.290 Commercial cannabis activities, 9.09.293 Cannabis Business locations and use, and 5.05 Commercial Cannabis

Attachment: Exhibit A to Resolution No. 2019-27 Conditions of Approval [Revision 1] (3737 : PEN 19-0005-Cannabis Dispensary)

**CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN19-0005)

Page 2

1.d

Activity. A change or modification to the interior design/set-up, exterior elevations or business process (including security procedures) shall require separate review and approval. For a Conditional Use Permit, violation may result in revocation in the case of a Conditional Use Permit per MC Section 9.09.290 F and 9.02.260.

10. The applicant shall replace any dead landscaping within the portion of the shopping center adjacent to the facility, on the south and west and east sides of the building within the existing parking lot.
11. Prior to building final, all approved site improvements shall be installed and completed per the approved plans.
12. Daily hours of operation for the dispensary may start no earlier than 6:00 am and end no later than 10:00 pm, Sunday through Saturday.
13. No person associated with this retail cannabis business shall cause or permit the sale, dispensing or consumption of alcoholic beverages or the sale of tobacco products on or within 50 feet of the premises of a cannabis business. (MC 9.09.290 (D)(2)(b))
14. The cannabis licensee shall display its current valid Commercial Cannabis Business Permit under Chapter 5.05 of this Code and a Conditional Use Permit issued in accordance with this chapter inside the lobby or waiting area of the main entrance to the site. The permits shall be displayed at all times in a conspicuous plane so that it may be readily seen by all persons entering the site. (MC 9.09.290 (D)(2)(c))
15. All City Fire, Police and Code personnel shall have unlimited and unrestricted property access for inspections of commercial cannabis businesses and facilities during business hours. (MC 9.09.290 (D)(2)(g))
16. No cannabis or marijuana raw materials or products shall be visible from the exterior of any structure, facility, or building in which commercial cannabis dispensaries are being conducted. All commercial cannabis dispensaries must take place within a fully enclosed, secured and permanent structure (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel). (MC 9.09.290 (E)(4)(b))
17. The commercial cannabis dispensary shall have designated locked storage on the dispensary property for after-hours storage of medical and adult use recreational cannabis and cannabis infused products. All cannabis and cannabis infused products shall be stored at the dispensary property in secured rooms that are completely enclosed or in a safe that is bolted to the floor (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel). (MC 9.09.290 (E)(4)(c))
18. No delivery service (retail) of any cannabis products is allowed. All distribution of cannabis must be conducted within the enclosed building area of the dispensary property between the seller and buyer. (MC 9.09.290 (E)(4)(e))
19. No person shall smoke, ingest, or otherwise consume cannabis in any form on, or within twenty (20) feet of, the dispensary site. (MC 9.09.290 (E)(4)(f))
20. No commercial cannabis dispensary owner or employee shall: (i) cause or permit the sale, distribution, or consumption of alcoholic beverages on the dispensary property (ii) hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of

Attachment: Exhibit A to Resolution No. 2019-27 Conditions of Approval [Revision 1] (3737 : PEN 19-0005-Cannabis Dispensary)

alcoholic beverages; or (iii) operate a business on or adjacent to the dispensary property that sells alcoholic beverages. No alcoholic beverages shall be allowed or stored on the dispensary property. (MC 9.09.290 (E)(4)(g))

21. All operations conducted and equipment used must be in compliance with all applicable state and local regulations, including all building, electrical and fire codes. (MC 9.09.290 (E)(7)(b))
22. A fire sprinkler system shall be installed for this project or as required by the Municipal Code Section 9.09.290. An approved automatic fire sprinkler system, designed in compliance with the California Fire Code is required in every building that houses a commercial cannabis business. This is a minimum standard and does not preclude the city from imposing additional fire prevention measures as deemed necessary by the fire marshal. (MC 9.09.290 (E)(7)(d))
23. From a public right-of-way, no exterior evidence of commercial cannabis dispensing (including raw materials, marijuana plants or other cannabis or cannabis-infused products) shall be visible except for any signage authorized as part of the CUP approval and separately issued signage permit. (MC 9.09.290 (E)(8)(b))
24. Exterior landscaping within ten (10) feet of a licensed premises shall be designed, installed and maintained free of locations which could reasonably be used by persons to conceal themselves and/or to enable undesirable activity. The design and maintenance practices shall give appropriate consideration to both natural and artificial illumination. (MC 9.09.290 (E)(8)(c))
25. Two secured parking spaces, identified on a plot plan shall be located convenient to the required secured area of each facility to be used by secured transfer vehicles involved in the couriering or dispensing of cannabis materials products to and from the facility and for use by any secured vehicle commissioned for the transfer of currency to and from the facility. (MC 9.09.290 (E)(9)(f))
26. Security surveillance cameras and a video recording system must be installed to monitor all doors into and out of the buildings on the site, the parking lot, loading areas, and all exterior sides of the property adjacent to the public rights-of-way. The camera and recording systems must be of adequate quality, color rendition, and resolution to allow the identification of any individual present on the site. The recording system must be capable of exporting the recorded video in standards MPEG formats to another common medium, such as a DVD or USB drive. (MC 9.09.290 (E)(12)(a))
27. Professionally and centrally monitored fire, robbery, and burglar alarm systems must be installed and maintained in good working condition. The alarm system must include a private security company that is required to respond to every alarm. (MC 9.09.290 (E)(12)(b))
28. Waste, storage, and disposal of all marijuana and cannabis products shall meet all applicable state and local health regulation. (MC 9.09.290 (E)(13))
29. Odor control devices and techniques in accordance with the Odor Control Plan submitted shall be incorporated in all licensed premises to ensure that odors from cannabis or marijuana are not detectable offsite or anywhere on the premises per MC 9.09.290.E14a and b.
30. Licensee shall prohibit loitering by individuals outside the licensed premises or anywhere on the property. (MC 9.09.290 (E)(14)(c))
31. Licensee shall remove any graffiti from the licensed premises within twenty-four (24) hours of

its occurrence, or as requested by the city. (MC 9.09.290 (E)(14)(d))

32. Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approval of any new or repaired landscaping as required by the Planning Division to comply with the City's Municipal Code, Chapter 9.17.
33. Prior to issuance of Certificates of Occupancy or building final, the required landscaping and irrigation shall be installed, and inspected and approved by the Planning Division. (DC 9.03.040)
34. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards and the Security Plan at all times.
35. Prior to approval of tenant improvement plans, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it meets the lighting standards in the Cannabis Ordinance 932. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG) Lighting shall comply with the provisions of MC Section 9.08.100 including fixture type, wattage illumination levels and shielding. (MC 9.09.290 (E)(10))
36. The commercial cannabis operation shall comply with all requirements of Moreno Valley Municipal Code Chapter 5.05 prior to issuance of occupancy permits.
37. The Applicant shall submit either a parking analysis demonstrating the combination of uses on-site will not exceed the number of stalls available or provide off-site parking facilities for employees in compliance with Section 9.11.070.D. of the Municipal Code.

Security Plan and Measures

38. Prior to Building Permit or Certificate of Occupancy, the process for any transfer of product or currency shall be identified in an updated Security Plan to be reviewed and approved by the Planning Division. (MC 9.09.290 (D)(2)(f))
39. The Security Plan on file with the City of Moreno Valley shall remain in effect as long as the established use is in operation. Any changes, additions, removal or modifications to the plan shall be submitted to the City for review and inclusion in the Conditional Use Permit file.

Economic Development Department (EDD)

40. New Moreno Valley business are encouraged to hire local residents.
41. New Moreno Valley business may utilize the workforce recruitment services provided by the Moreno Valley Employment Resource Center ("ERC").  
The ERC offers no cost assistance to businesses recruiting and training potential employees. Complimentary services include:
  - Job Announcements
  - Applicant testing / pre-screening
  - Interviewing

- Job Fair support
- Training space

New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.

New Moreno Valley businesses may adopt a “First Source” approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.

Building and Safety Division

42. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
43. Contact the Building Safety Division for permit application submittal requirements.
44. Any construction within the city shall only be completed between the hour of seven a.m. to seven p.m. Monday through Friday, excluding holidays and from eight a.m. to four p.m. on Saturday, unless written approval is obtained from the city building official or city engineer (Municipal Code Section 8.14.040 (E)).
45. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
46. The proposed development is subject to the payment of applicable processing fees as required by the City’s current Fee Ordinance at the time a building permit application is submitted or prior to the issuance of permits as determined by the City.
47. The proposed project will be subject to approval by the Eastern Municipal Water District and all applicable fees and charges shall be paid prior to permit issuance. Contact the water district at 951.928.3777 for specific details.
48. The proposed project’s occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the 2016 California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
49. All remodeled structures shall be designed in conformance to the latest design standards adopted by the State of California in the California Building Code, (CBC) Part 2, Title 24, California Code of Regulations including requirements for allowable area, occupancy separations, fire suppression systems, accessibility, etc. The current code edition is the 2016 CBC.
50. Prior to permit issuance, every applicant shall submit a properly completed Waste Management Plan (WMP), as a portion of the building or demolition permit process. (MC 8.80.030)

**FIRE DEPARTMENT**

Attachment: Exhibit A to Resolution No. 2019-27 Conditions of Approval [Revision 1] (3737 : PEN 19-0005-Cannabis Dispensary)

Fire Prevention Bureau

- 51. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
- 52. All restricted access and egress devices shall be approved by the Building and Fire Departments and be in compliance with the 2016 CBC.
- 53. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in effect at the time of building plan submittal.
- 54. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
- 55. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)

**PUBLIC WORKS DEPARTMENT**

Land Development Division

- 56. The developer shall comply with all applicable City ordinances and resolutions including the City’s Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
- 57. The developer shall monitor, supervise and control all construction related activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
  - (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
  - (b) Observance of working hours as stipulated on permits issued by the Land Development Division.
  - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
  - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements during the grading operations.

Violation of any condition, restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedy as noted in City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

Prior to Encroachment Permit

- 58. All outstand fees shall be paid.

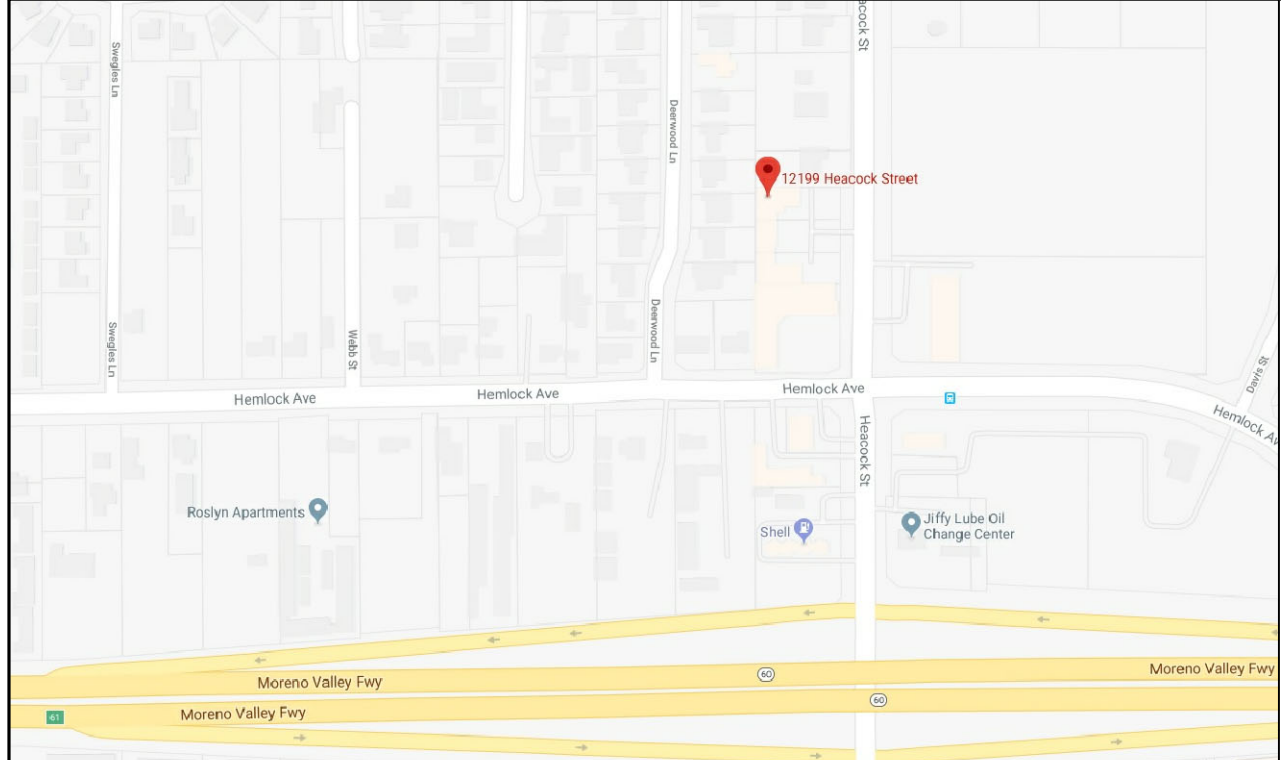
Attachment: Exhibit A to Resolution No. 2019-27 Conditions of Approval [Revision 1] (3737 : PEN 19-0005-Cannabis Dispensary)



Prior to Occupancy

- 59. All outstanding fees shall be paid.
- 60. The existing driveway shall be reconstructed per City Standard Plan MVS1-112C-0. In addition, dedicate additional right-of-way as shown on said standard.

Attachment: Exhibit A to Resolution No. 2019-27 Conditions of Approval [Revision 1] (3737 : PEN 19-0005-Cannabis Dispensary)



EMPIRE GARDENS  
I.E. GARDENS, INC  
APN# 292-182-021  
12199 HEACOCK ST  
UNIT 2, UNIT 3  
MORENO VALLEY,  
CA 92557

BUILDING NOTES

- I. GENERAL
- ALL WORK SHALL COMPLY WITH THE FOLLOWING:
    - 2016 EDITION OF THE CALIFORNIA BUILDING CODE & LATEST ATTACHMENTS.
    - CALIFORNIA ADMINISTRATIVE CODE TITLES B, 19 AND 24
    - CITY OF MORENO VALLEY CODE OF ORDINANCES.
  - DO NOT SCALE DRAWINGS, CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE PRIOR TO BIDDING AND START OF CONSTRUCTION. IF DISCREPANCIES ARE FOUND, NOTIFY DESIGNER IMMEDIATELY FOR CLARIFICATIONS.
  - SUBSTITUTIONS FOR SPECIFIED MATERIALS REQUIRE THE APPROVAL OF THE DESIGNER.
  - THE DESIGNER SHALL BE NOTIFIED IMMEDIATELY OF THE UNAVAILABILITY OF SPECIFIED MATERIALS OR EQUIPMENT WHICH WILL DELAY THE SCHEDULED CONSTRUCTION COMPLETION DATE.
  - ALL CONTRACTORS SHALL MAINTAIN THE PREMISES CLEAN AND FREE FROM ALL TRASH AND DEBRIS. THE FIXTURES, EQUIPMENT GLAZING, FLOORS, ETC. SHALL BE LEFT CLEAN AND READY FOR OTHER THE NEXT TRADE OR OCCUPANCY.
  - ANY WORK INSTALLED IN THE CONFLICT WITH THE CONSTRUCTION DRAWINGS, WITHOUT PRIOR APPROVAL OF THE DESIGNER OR THE OWNER, SHALL BE CORRECTED BY THE CONTRACTOR AT HIS EXPENSE.
  - LIGHT, VENTILATION, AND SANITATION SHALL COMPLY WITH SECTION 1202-3.4 IF THE 2016 CALIFORNIA BUILDING CODE.
  - THE TITLE-24 ACCESS REGULATIONS AND THE TITLE-24 ENERGY CONSERVATION STANDARDS FOR NONRESIDENTIAL BUILDINGS HAVE BEEN REVIEWED AND THE DESIGN, DRAWINGS AND CALCULATIONS SUBMITTED CONFORM SUBSTANTIALLY WITH THOSE REGULATIONS.
  - THE BUILDING COMPLIES WITH TITLE-24 AND ADA HANDICAP REQUIREMENTS ON ENTRANCE PATH OF TRAVEL TO AREAS BEING REMODELED AND RESTROOMS.
  - BUSINESS LICENSE REQUIRED FOR ALL SUBCONTRACTORS PRIOR TO PERMIT ISSUANCE.

PARKING AND SITE NOTES

- PAINT 4" SOLID WHITE STRIPE
- PAINT 4" SOLID BLUE STRIPE
- FURNISH AND INSTALL DISABLED TOW-AWAY SIGN PER MUTCD SPEC R100B(CA)
- PAINT 4" SOLID BLUE STRIPE O.C. @ 45'
- PAINT HANDICAP PARKING SYMBOL PER CALTRANS STD. DWG NO. A24C
- FURNISH AND INSTALL HANDICAP PARKING SIGN PER MUTCD SPECS R99 (CA)
- PAINT WORD PER PLAN AND PER CALTRANS STD. A24E
- PAINTED DIRECTIONAL ARROWS PER CA MUTCD FIGURE 3B-24
- PAINT CURB RED AND PAINT SOLID WHITE LETTERS "NO PARKING FIRE LANE"

PROJECT DESCRIPTION

CANNABIS DISPENSARY RETAIL

BUILDING SUMMARY

RECORDED LOT SIZE: 0.7 ACRES  
 ZONING: COMMERCIAL C-1  
 IN A CITY  
 NOT IN A ZONING OVERLAY  
 NOT IN A ZONE DISTRICT/AREA  
 NOT IN A HISTORICAL PRESERVATION DISTRICT  
 BUILDING SQFT: 2,355 SQFT

PARKING REQUIRED: 13  
 NO NEW DEVELOPMENT ADDED

WATERSHED: SAN JACINTO VALLEY  
 WATER DISTRICT: EASTERN MUNICIPAL WATER DISTRICT (EMWD)

FLOOD PLAIN REVIEW: OUTSIDE FLOOD PLAIN  
 FLOOD CONTROL DISTRICT: RIVERSIDE COUNTY FLOOD CONTROL

NOT IN FAULT ZONE/LINE  
 LIGHTING (ORD. 655) N/A  
 EASEMENTS: EXISTING  
 FIRE: NONE

EXISTING LAND USE ADJACENT TO SITE: C-1

LANDSCAPE AREA: 3,240 SQFT  
 LANDSCAPE % OF PARKING AREA: 12% 3,240 SQFT

LOT % OF COVERAGE: 38% 9,797 SQFT

CONCRETE PAVING SQFT: 12,472 SQFT

STREET LIGHTS: 3

BUILDING EAVES AND CANOPIES: EXISTING  
 GROSS BUILDING AREA: 9,797 SQ FT

LOT DIMENSIONS: 186' X 164' 3 1/2"

POWER POLES: 2  
 EXISTING UTILITY LINES, SEWER ACCESS

AIR TREATMENT SYSTEM

AMAIRCARE 4000 VOC CHEM WITH HEPA AND CARBON CANISTER AIRWASH FILTRATION SYSTEM. COVERS 18,000 FT3 (PROVIDES 1 ACH/HR)

"ALL THE USE OF AREAS ON THE PREMISES OF THE MEDICAL MARIJUANA DISPENSARY, INCLUDING ... EXTERIOR LIGHTING... AIR TREATMENT SYSTEM AND SIGNAGE.

SECURITY PLAN

ACCORDING TO BCC 5044(G), SECURITY CAMERA FOOTAGE TO BE RETAINED FOR 90 DAYS.

PER BCC 5044(G) CAMERAS SHALL RECORD CONTINUOUSLY FOR 24 HOURS PER DAY.

CANNABIS ROOM USED TO STORE, PREPARE AND PACKAGE CANNABIS

CANNABIS TO LEAVE THE CANNABIS ROOM ONLY IN CORRECT PACKAGING TO AVOID ANY DECONTAMINATION AND FOR SECURITY REASONS

SECURITY CAMERAS TO BE ADDED TO EXTERIOR AND INTERIOR OF BUSINESS

SCOPE OF WORK

SCOPE OF WORK: SITE TO REMAIN EXISTING. TENANT IMPROVEMENTS OF UNIT 2 AND UNIT 3 WILL BE ADJUSTED TO CANNABIS DISPENSARY RETAIL. THIS INCLUDES ADDING NEW WALLS TO DIVIDE THE SPACE.

TENANT AGREEMENT

NOTE THE APPROVAL OF THE TENANT IMPROVEMENT DOES NOT CONSTITUTE AN APPROVAL OF THE LAND USE, NOR DOES IT CONSTITUTE AN APPROVAL TO OPERATE A BUSINESS. THE APPLICANT IS RESPONSIBLE FOR CONTACTING THE PLANNING DIVISION TO VERIFY THE ZONING AND LAND USE AND WHETHER A CONDITIONAL USE PERMIT IS REQUIRED. CITY OF MORENO VALLEY.

I (WE), I.E. GARDENS TENANT(S)

ACKNOWLEDGE THAT I (WE) HAVE REVIEWED AND APPROVED THE ATTACHED PLANS, I UNDERSTAND THAT I (WE) ARE RESPONSIBLE FOR THE INSTALLATION OF ALL TELEPHONE SYSTEMS AND CRT OUTLETS, INCLUDING CABLING AND THAT THE LANDLORD PROVIDES CONDUIT THROUGH THE WALLS. I(WE) ACKNOWLEDGE THAT ANY CHANGES, MODIFICATIONS, ADDITIONS OR DELETIONS OF THESE PLANS THAT INCREASE THE TOTAL OF THE TENANT IMPROVEMENT CONSTRUCTION COST SHALL BE THE SOLE COST AND EXPENSE OF THE TENANT.

AGREED AND APPROVED:

BY: NADER AWAD DATE: 05/07/2018

PRINT NAME: NADER AWAD

TITLE: PRESIDENT

CODE ANALYSIS

APPLICABLE CODES:  
 CITY OF MORENO VALLEYS CODE AND ORDINANCES  
 2016 C.B.C  
 2016 C.P.C  
 2016 C.M.C  
 2016 C.E.C  
 2016 C.F.C.  
 2016 CA ENERGY

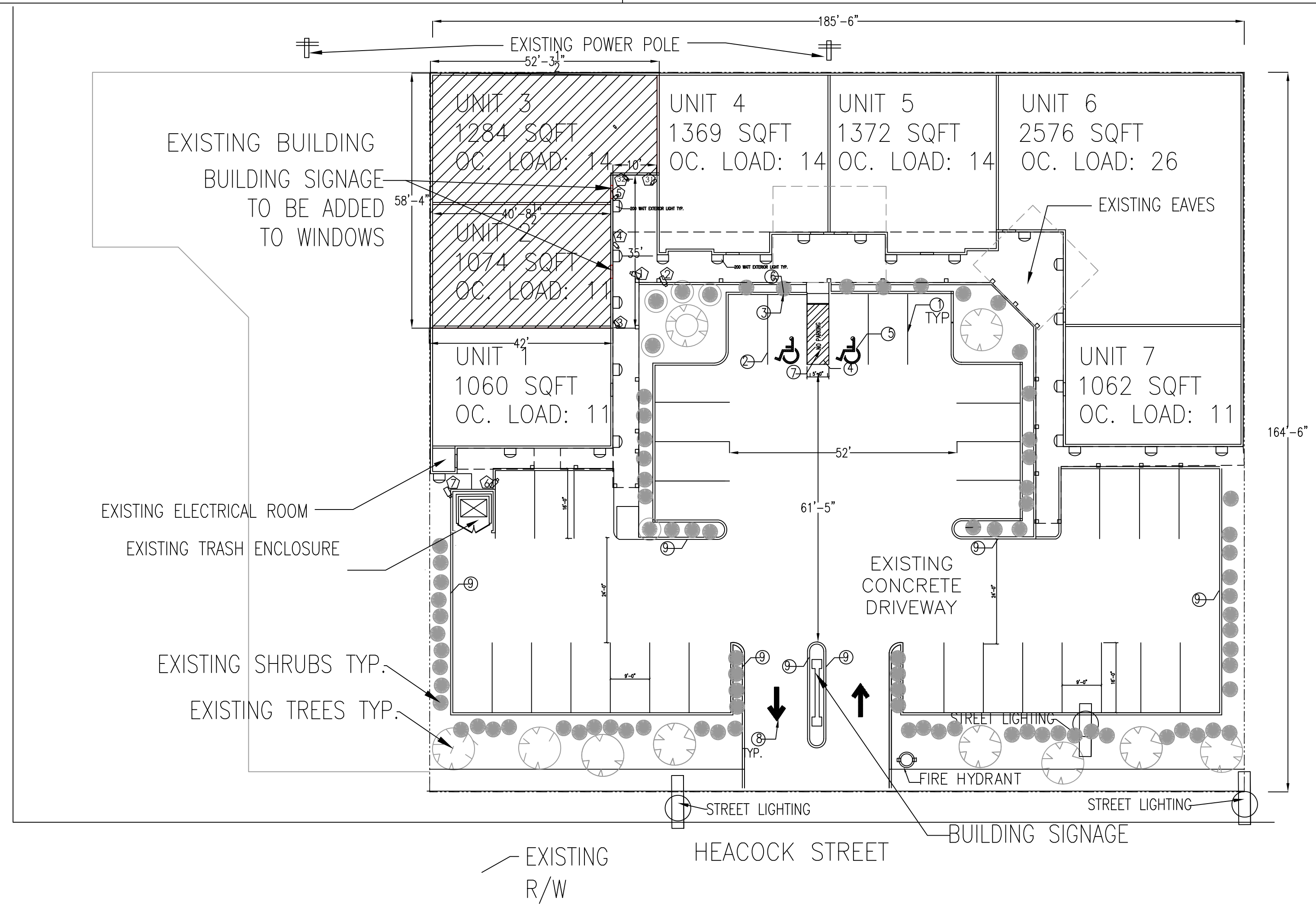
SCHOOL DISTRICT AND 3 NEAREST SCHOOLS

SCHOOL DISTRICT:  
 MORENO VALLEY UNIFIED SCHOOL DISTRICT

MIDLAND ELEMENTARY SCHOOL  
 (1.1 MILES / 5,808 FEET)  
 11440 DAVIS ST,  
 MORENO VALLEY, CA 92557

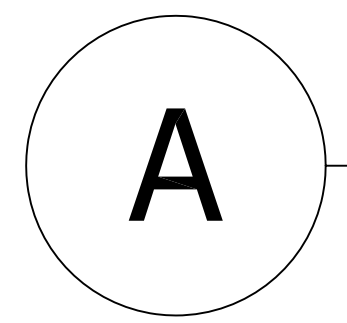
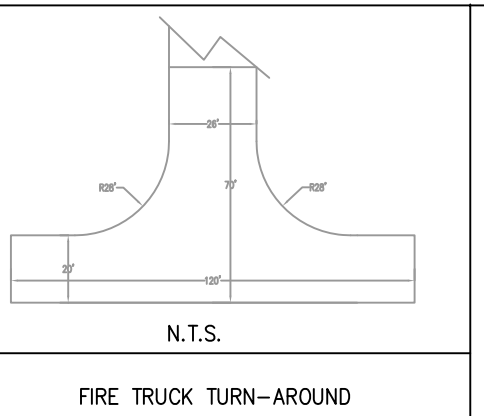
SUNNYMEAD ELEMENTARY SCHOOL  
 (1.2 MILES / 6,864 FEET)  
 24050 DRACAEA AVE,  
 MORENO VALLEY, CA 92553

CREEKSIDE ELEMENTARY SCHOOL  
 (1.4 MILES / 7,392 FEET)  
 13563 HEACOCK ST,  
 MORENO VALLEY, CA 92553



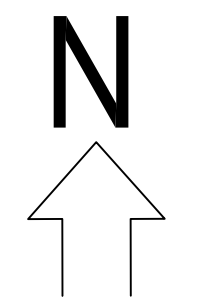
SYMBOL LEGEND

[Symbol]	EXISTING POWER POLE
[Symbol]	ADA PATH OF TRAVEL
[Symbol]	STREET LIGHT
[Symbol]	EXISTING FIRE HYDRANT
[Symbol]	SECURITY CAMERA NUMBER
[Symbol]	SECURITY CAMERA
[Symbol]	200 WATT EXTERIOR LIGHT



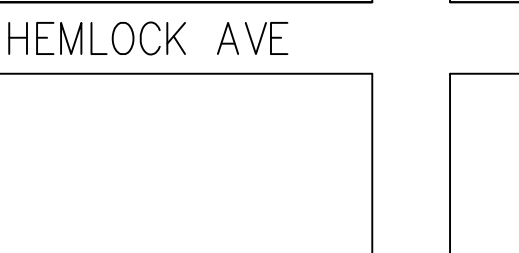
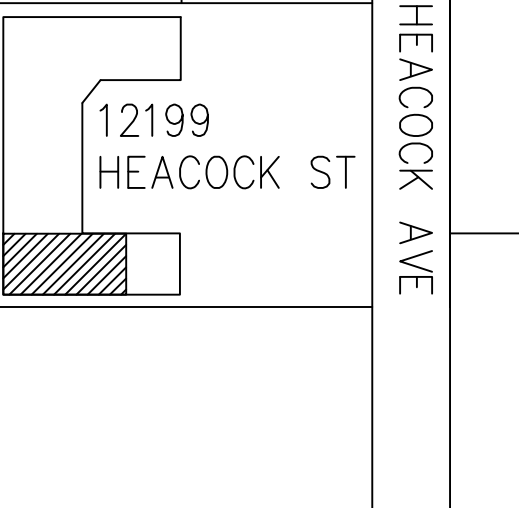
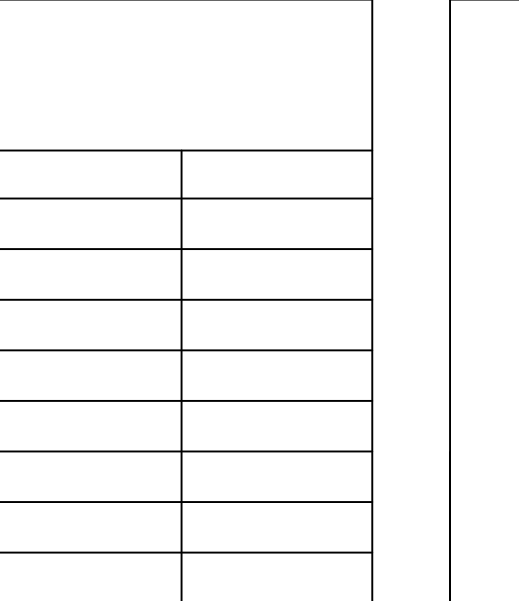
EXISTING SITE PLAN

Scale: 1" = 20'



OWNER:  
 EMPIRE GARDENS  
 I.E. GARDENS, INC  
 APN# 292-182-021  
 12199 HEACOCK ST  
 UNIT 2, UNIT 3  
 MORENO VALLEY,  
 CA 92557

IRONWOOD AVE



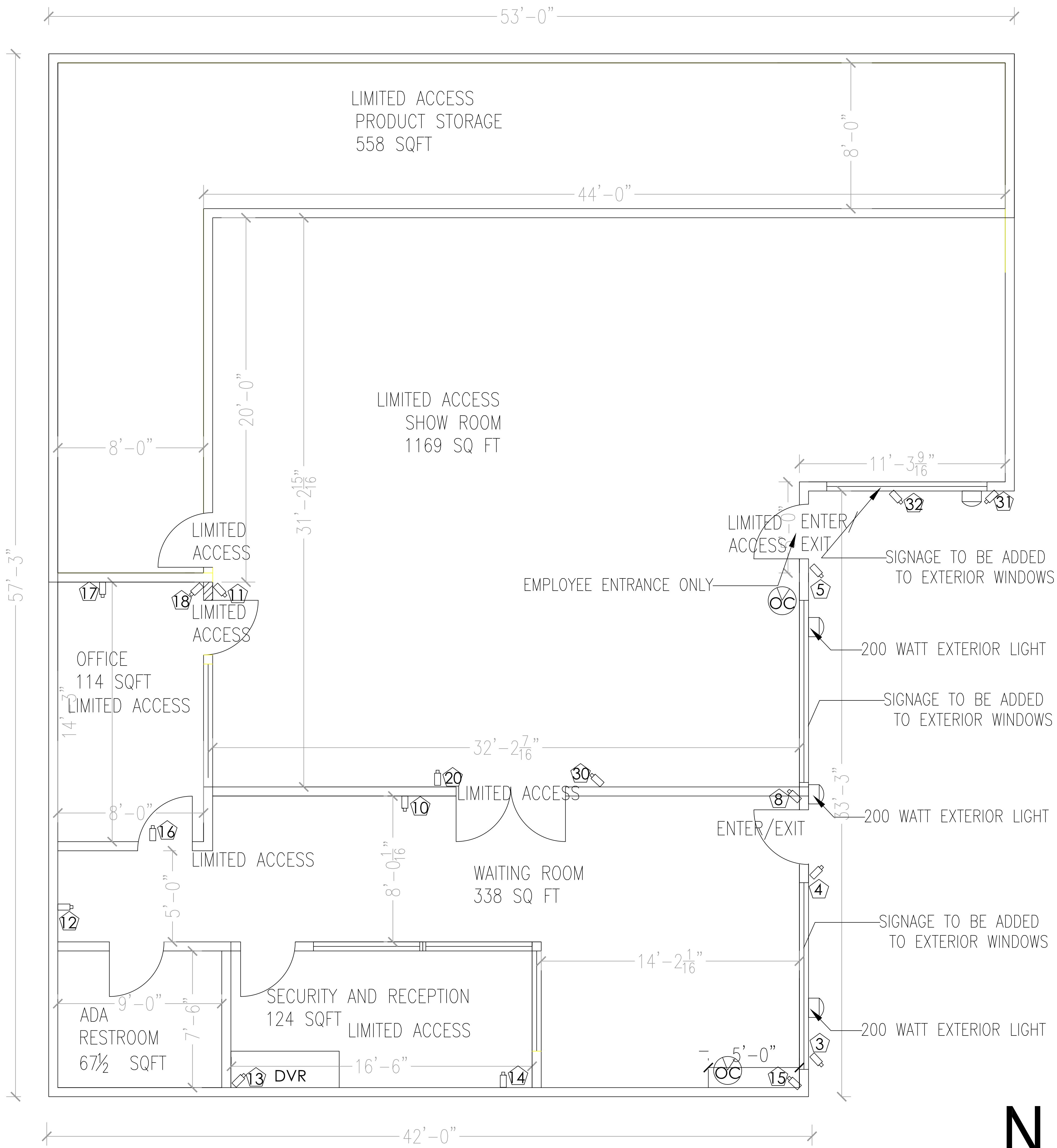
MORENO VALLEY FWY W  
 MORENO VALLEY FWY E

Drawing Status	Date
Schematics	
Design Dev.	
Agencies	
Estimating	
Bidding	
For Const.	
Revisions	Date

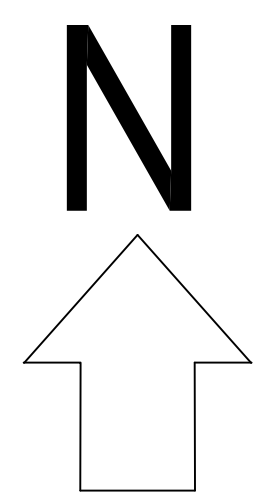
Job No.	EMP-1
DATE	9/22/2018
Drawn	MUNA RAHMAN
Checked	
Scale	1" = 20'

Sheet Title  
 EXISTING  
 SITE PLAN

Sheet No.  
 SP-1



 WALLS TO BE DEMOLISHED

PROPOSED FLOOR PLAN 



September 4, 2019 (Rev.)

Nader Awad  
 Empire Gardens  
 I.E. Gardens, Inc  
 12199 Heacock St, Suite 2  
 Moreno Valley, CA 92557

**Re: Parking Study- Proposed Cannabis Retail Store  
 12199 Heacock Street, Moreno Valley**

Dear Nader,

Per your request, we have conducted a parking study for the proposed cannabis retail store. This letter presents our methodology, finding, and recommendation in regards to the sufficiency of parking.

**PROJECT INFORMATION**

The subject property is an existing one-story commercial building in the Heacock West Plaza located at 12199 Heacock Street in the City of Moreno Valley. Empire Gardens plans to open a cannabis retail store totaling 2,358 square feet at Suites #2 and #3 that includes a 558-square-foot limited access product storage room. The proposed business hours are from 7 am to 10 pm, seven days a week. Site plan shown in **Exhibit 1**. Floor plan is shown in **Exhibit 2**.

Besides the subject development, there are no other vacant units in the center at the time of this study. The list of existing tenants in Heacock West Plaza is shown in **Table 1**. There are thirty five (35) parking spaces provided for all tenants.

**STANDARD PARKING ANALYSIS**

The standard parking analysis based on the parking requirements set forth in Moreno Valley Municipal Code has included all existing and proposed tenants, as shown in **Table 1**.

***K2 Traffic Engineering, Inc.***

1442 Irvine Blvd, Suite 210, Tustin, CA 92780 T.714-832-2116 Email: kay@k2traffic.com

**Table 1. Standard Parking Calculation**

12199 Heacock St, Heacock West Plaza, Moreno Valley						M.V. Municipal Code	
Suite #	Business Name	Use	Business Hours	Sq. Ft.	Parking Ratio (1 space per)	Parking Demand	
1	Watson Tax & Financial Services	Office	M - F: 9am - 5 pm	1,060	250 SF	5	
2-3	<b>Empire Gardens (Proposed)</b>	Retail (Cannabis)	Daily 7am - 10pm	2,358	225 SF	11	
4-6	Moreno Valley Resource Center	Adult Day Care	M - F: 8am - 4:30 pm	5,317	500 SF + employee*	18	
7	Olympic Asian Massage	Massage	Daily 9am - 10:30pm	1,062	2 Stations**	1	
				<b>TOTAL</b>		<b>35</b>	

\* There are 7 employees at Moreno Valley Resource Center.

\*\* Parking ratio is one space for every two (2) stations. There are two (2) stations provided at this location.

The Code states that "Parking requirements for commercial cannabis dispensary businesses shall be the same as parking requirements and restrictions for off-street parking that pertains to general retail establishments" (Section 9.09.290 E (9) a). The parking requirement for Cannabis Dispensary is therefore one space per 225 square feet of gross floor area.

For the proposed cannabis retail of 2,358 square feet, eleven (11) parking spaces are required based on the parking ratio of one space per 225 square feet. The existing tenants requires 24 spaces. The overall parking demand at Heacock West Plaza is 35 spaces, as shown in **Table 2**. The site provides 35 parking spaces, meeting the parking demand.

**Table 2. Maximum Parking Demand**

Category	Parking Demand
Proposed Cannabis Retail	11
Existing Tenants	24
Overall Parking Demand	35
Parking Provided	35

**ALTERNATIVE PARKING ANALYSIS**

As an alternative to the standard analysis, the study applied the methodology of shared parking with time-of-day factors as recommended in “*Shared Parking, Second Edition*” by Urban Land Institute (ULI). The projected future parking demand on an hourly basis for the proposed cannabis retail store is shown in **Exhibit 3**.

Parking surveys are conducted at the subject center for two weekdays and a Saturday to observe actual parking usages by existing tenants. The peak parking of existing tenants occurred on Tuesday at 3 pm when 27 parking spaces were taken. Parking is very light on Saturday as most office were closed. Complete parking data can be found in **Appendix A**.

**Exhibit 4** illustrates the overall parking demands on a hourly basis. The overall peak parking for all existing and proposed tenants is 30 spaces at 3 pm on a typical weekday. The exhibit indicates that daytime parking usages dropped significantly after 3 pm, while the proposed cannabis retail business does not peak until early evening at 6 pm. The existing parking lot of 35 parking spaces is apparently sufficient to accommodate the overall parking demand.

### REVERTED OFFICE USES

A third scenario examines the situation when all tenants in the center, except the subject cannabis retail, revert back to office uses. The product storage room (558 square feet) is intended to maintain inventory with limited access by employees only and should be excluded in the parking calculation. With a total of 7,439 square feet of office and 1,800 square feet of cannabis retail, the projected parking demands on an hourly basis are shown in **Exhibit 5**. The peak parking is 35 spaces at 2 pm in this scenario and the parking capacity of 35 spaces is sufficient to accommodate the project parking demand.

### SUMMARY

Parking calculations with the standard parking calculation and two alternatives all suggest that the proposed cannabis retail facility can be sufficiently accommodated by the exiting parking capacity. The study hereby concludes that the proposed cannabis retail store is suitable for the center and no parking overflow onto public street is expected.

Regards,

**K2 Traffic Engineering, Inc.**



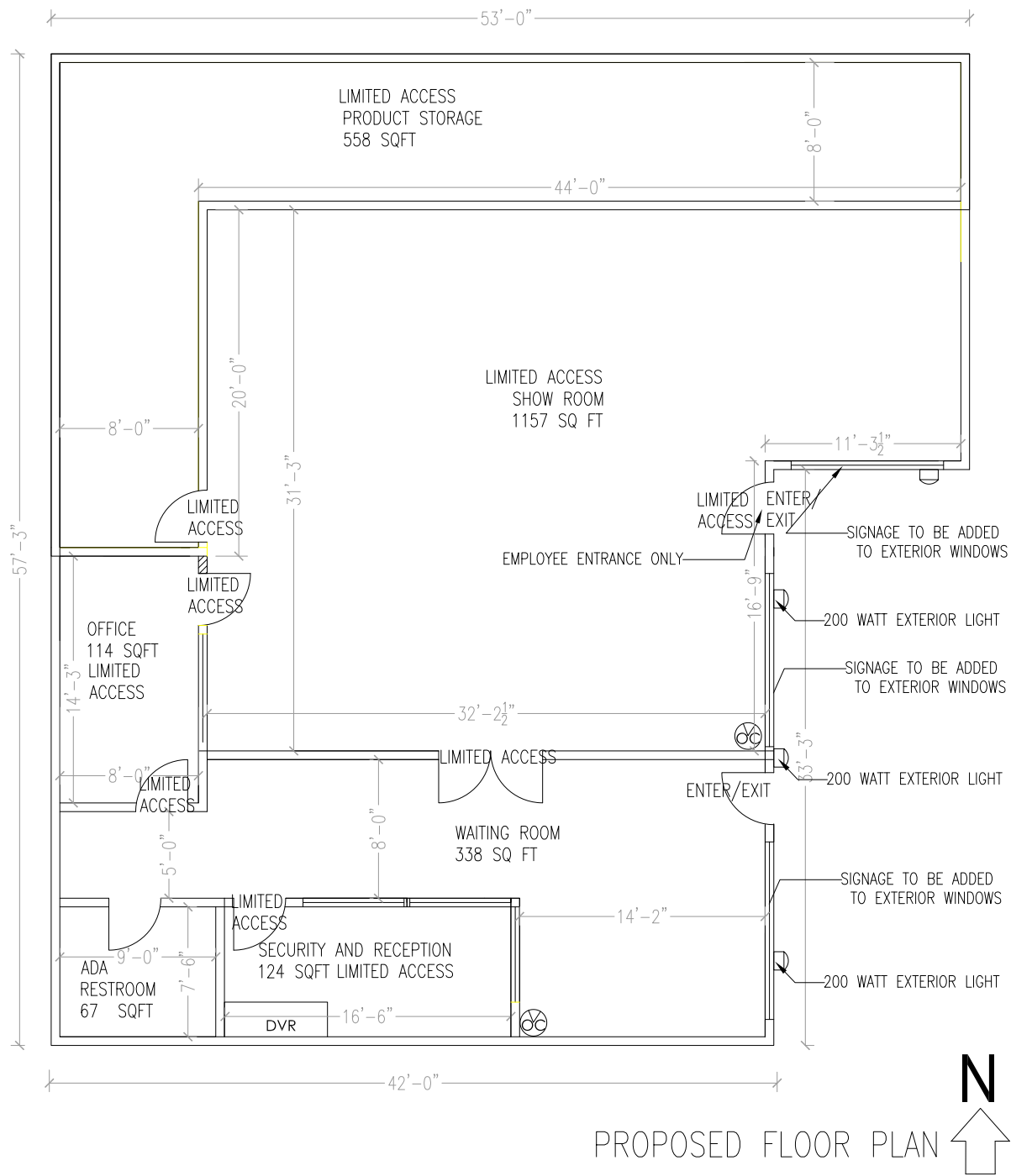
Jende "Kay" Hsu, T.E.  
California Licensed TR2285



Attachment: Parking Analysis (3737 : PEN 19-0005-Cannabis Dispensary)







**EXHIBIT 2. FLOOR PLAN**

**Exhibit 3. Weekday Time-of-Day Factors**

P6341 - Moreno Valley Heacock West Parking  
 12199 Heacock Street, Moreno Valley

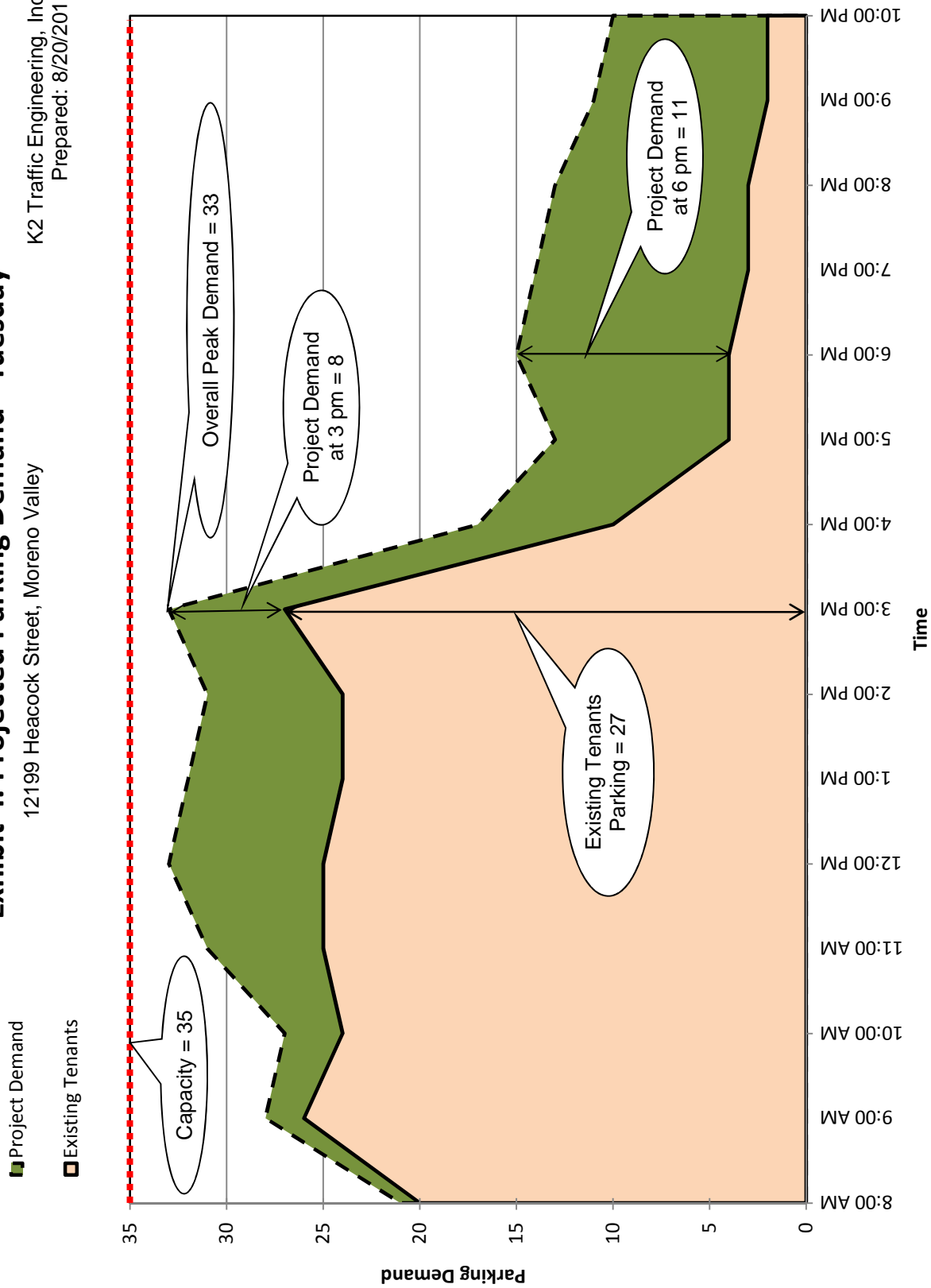
Land Use	Max. Parking Demand	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM
Proposed Cannabis Retail Store	11	10%	20%	30%	50%	70%	70%	60%	50%	60%	85%	100%	100%	90%	80%	70%
	Hourly Demand	1	2	3	6	8	8	7	6	7	9	11	11	10	9	8

Note: Time-of-Day Factors are derived from empirical data of comparable cannabis retail stores.

### Exhibit 4. Projected Parking Demand - Tuesday

12199 Heacock Street, Moreno Valley

K2 Traffic Engineering, Inc.  
Prepared: 8/20/2019



**Exhibit 5. Weekday Time-of-Day Factors (Reverted Office Use)**

P6341 - Moreno Valley Heacock West Parking  
 12199 Heacock Street, Moreno Valley

Land Use	Max. Parking Demand	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM
Office Uses (7,439 sq.ft.)	30	75%	95%	100%	100%	90%	90%	100%	100%	90%	50%	25%	10%	7%	3%	1%
	Hourly Demand	23	29	30	30	27	27	30	30	27	15	8	3	2	1	0
Cannabis Retail (1,800 sq.ft.)	8	10%	20%	30%	50%	70%	70%	60%	50%	60%	85%	100%	100%	90%	80%	70%
	Hourly Demand	1	2	2	4	6	6	5	4	5	7	8	8	7	6	6
<b>Capacity = 35</b>	Total	24	31	32	34	33	33	<b>35</b>	34	32	22	16	11	9	7	6

Note: Time-of-day factors were derived from published data in ULI's "Shared Parking" and empirical data of comparable cannabis retail stores.

**APPENDIX A. PARKING SURVEY**

P6341 Moreno Valley Heacock West Parking  
12199 Heacock St, Heacock West Plaza, Moreno Valley

Date 6/1/2019  
Day Saturday

<i>Time</i>	<i>Parking Usage</i>
CAPACITY	35
Handicap Parking Included	2
8:00 AM	0
9:00 AM	3
10:00 AM	5
11:00 AM	4
12:00 PM	4
1:00 PM	6 *
2:00 PM	5
3:00 PM	5
4:00 PM	6 *
5:00 PM	6 *
6:00 PM	5
7:00 PM	4
8:00 PM	2
9:00 PM	2
10:00 PM	2

\* Peak parking occurred at 1 PM, 4 PM and 5 PM when 6 parking spaces were occupied.

Attachment: Parking Analysis (3737 : PEN 19-0005-Cannabis Dispensary)

**APPENDIX A. PARKING SURVEY**

P6341 Moreno Valley Heacock West Parking

12199 Heacock St, Heacock West Plaza, Moreno Valley

Date 6/4/2019Day Tuesday

<i>Time</i>	<i>Parking Usage</i>
CAPACITY	35
Handicap Parking Included	2
8:00 AM	20
9:00 AM	26
10:00 AM	24
11:00 AM	25
12:00 PM	25
1:00 PM	24
2:00 PM	24
3:00 PM	27 *
4:00 PM	10
5:00 PM	4
6:00 PM	4
7:00 PM	3
8:00 PM	3
9:00 PM	2
10:00 PM	2

\* Peak parking occurred at 3:00 PM when 27 parking spaces were occupied.

**APPENDIX A. PARKING SURVEY**

P6341 Moreno Valley Heacock West Parking  
 12199 Heacock St, Heacock West Plaza, Moreno Valley

Date 6/6/2019Day Thursday

<i>Time</i>	<i>Parking Usage</i>
CAPACITY	35
Handicap Parking Included	2
8:00 AM	16
9:00 AM	18
10:00 AM	21
11:00 AM	19
12:00 PM	22
1:00 PM	23 *
2:00 PM	20
3:00 PM	21
4:00 PM	6
5:00 PM	4
6:00 PM	2
7:00 PM	4
8:00 PM	1
9:00 PM	1
10:00 PM	1

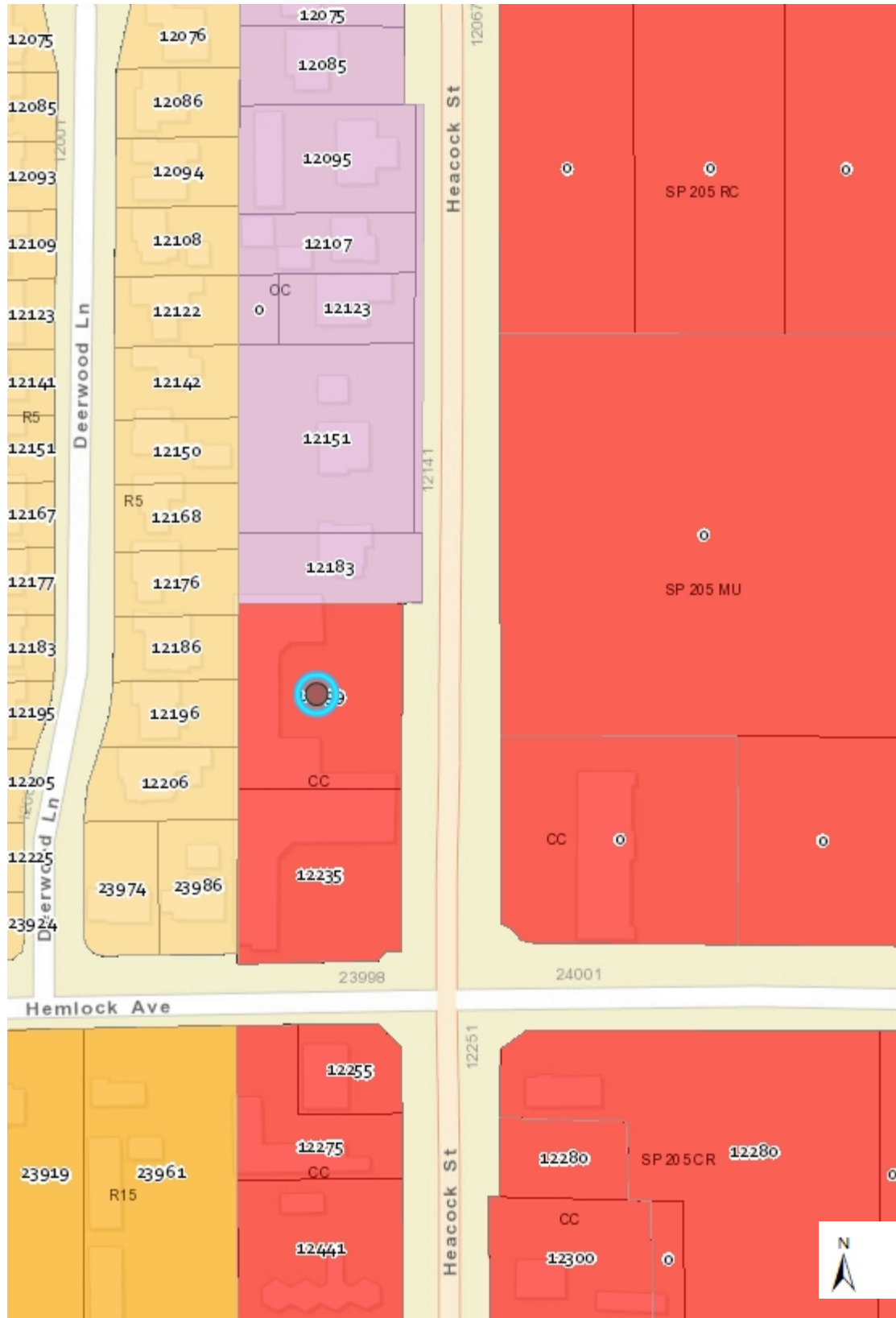
\* Peak parking occurred at 1:00 PM when 23 parking spaces were occupied.







# Community Commercial Zoning Designation



### Legend

- Zoning**
- Commercial
  - Industrial/Business Park
  - Public Facilities
  - Office
  - Planned Development
  - Large Lot Residential
  - Residential Agriculture 2 DU/AC
  - Residential 2 DU/AC
  - Suburban Residential
  - Multi-family
  - Open Space/Park
- Master Plan of Trails**
- Bridge
  - Improved
  - Multiuse
  - Proposed
  - Regional
  - State
- Parcels
  - City Boundary
  - Sphere of Influence

Attachment: Zoning Map (3737 : PEN 19-0005-Cannabis Dispensary)

### Notes

PEN19-0005  
Empire Gardens

315.5 0 157.74 315.5 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

Print Date: 4/30/2019

DISCLAIMER: The information shown on this map was compiled from the City of Moreno Valley GIS and Riverside County GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.



# Aerial View



### Legend

- Public Facilities
  - Public Facilities
  - ★ Fire Stations
- Parcels
- ⬡ City Boundary
- ⊘ Sphere of Influence

### Notes

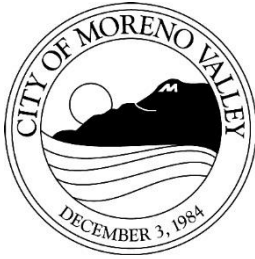
315.5 0 157.74 315.5 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

Print Date: 4/30/2019

DISCLAIMER: The information shown on this map was compiled from the City of Moreno Valley GIS and Riverside County GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.

Attachment: Aerial (3737 : PEN 19-0005-Cannabis Dispensary)



## PLANNING COMMISSION

### STAFF REPORT

Meeting Date: September 26, 2019

PROPOSAL FOR TENTATIVE TRACT MAP 37462 TO SUBDIVIDE 1.7 ACRES OF VACANT LAND INTO 8 SINGLE-FAMILY RESIDENTIAL LOTS, LOCATED ON THE NORTH SIDE OF BRADSHAW CIRCLE

Case:	PEN18-0080 – Tentative Tract Map 37462
Applicant:	Hakan Buvan
Property Owner	Hakan Buvan
Representative	Charlene Kussner
Location:	North side of Bradshaw Circle
Case Planner:	Gabriel Diaz
Council District:	3
Proposal	A Tentative Tract Map (TTM 37462) to subdivide 1.7 acres of vacant land into 8 single-family residential lots and 4 lettered lots for street and water quality purposes.

#### **SUMMARY**

The applicant, Hakan Buvan, has submitted an application for Tentative Tract Map 37462 to subdivide approximately 1.7-acre site into eight single-family residential lots, two lettered lots for private streets, and two lettered lots for water quality purposes. The proposed subdivision is located along the north side of Bradshaw Circle, approximately 425 feet northeast of the intersection of Moreno Beach Drive and Cactus Avenue.

#### **PROJECT DESCRIPTION**

## **Tentative Tract Map**

The applicant, Hakan Buvan, is requesting approval of Tentative Tract Map 37462 for the subdivision of a 1.7-acre vacant site into eight single-family lots. Each proposed single-family lot is consistent with the R5 zoning regulations, and will be at least 7,200 square feet in size. In addition to the single-family lots, the tract design includes four lettered lots. Lots A and B are for private streets. Lot A, identified on the map as "Street A," is a private cul-de-sac that will provide access to all eight lots. Lot B is the northern portion of Bradshaw Circle that has been previously offered as public right of way. Lots C and D are for water quality purposes. Lot C is adjacent to single-family Lot 1, and Lot D is adjacent to single-family Lot 8.

The project layout and design is considerate of and conforms with the adjacent existing and anticipated residential developments located to the north, south, east, and west, of the project site. The grade transition along the southern and western project boundaries will be addressed with a combination of two to three foot tall retaining walls. The grade transition along the northern and eastern project boundary will be 2:1 rear and side yard slopes on Lots 4, 5, 6 and 7.

## **Site and Surrounding Area**

The vacant project site is located on the north side of Bradshaw Circle. The project site and adjacent parcels have a General Plan Land Use and Zoning District designation of Residential 5 (R5). The project site abuts vacant land to the north, south, east, and west, with the exception of a single-family subdivision to the northeast. Single-family residences are located south of Bradshaw Circle and south of Cactus Avenue; commercial development is located on the west side of Moreno Beach Drive.

## **Access**

Access to each of the lots as previously noted will be provided from a new cul-de-sac, Street "A" that runs north and south. Street "A" connects to Bradshaw Circle to the south; both are private streets.

## **Design/Landscaping**

The project is designed in accordance with the provisions of Chapter 9.03 Residential Districts, Section 9.16.130 Design Guidelines, and Section 9.14 Land Divisions of the City's Municipal Code. The project as designed and conditioned complies with all applicable City zoning and development regulations.

Through appropriate conditions of approval applied to the project approval, the developer must create a homeowner's association (HOA) prior to recordation of the final map. The purpose of the HOA at a minimum will be to accept ownership and maintenance responsibility in perpetuity of water quality treatment facilities and private streets.

The walls and fences for this tract are conditioned to be consistent with the provisions for walls and fences within the Moreno Valley Municipal Code, maintenance responsibility for the walls and fences shall be borne by the respective homeowner or may be included in the responsibility of the HOA at the discretion of the applicant.

### **REVIEW PROCESS**

The application for this project was submitted in April 2018. The project has been considered by all appropriate agencies within and outside of the City, as is the standard review process with these types of development applications. The project was reviewed by the Project Review Staff Committee as required by the City Municipal Code. Following subsequent revisions and reviews by staff, the project was determined to be complete with a recommendation to approve the project as designed and conditioned.

### **ENVIRONMENTAL**

This project is for the subdivision of a 1.7-acre vacant site into eight single-family residential lots, two lettered lots for private streets, and two lettered lots for water quality purposes. As designed and conditioned, this project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15332 (Class 32) In-Fill Development Projects.

### **NOTIFICATION**

The public hearing notice for this project was published in the local newspaper on September 13, 2019. Public notices were mailed to all property owners of record within 300 feet of the project site on September 12, 2019. The public hearing notice for this project was posted on site on September 13, 2019.

As of the date of report preparation, staff had received no comments regarding the project.

### **REVIEW AGENCY COMMENTS**

Staff has coordinated with outside agencies and where applicable, as is the standard review process with these types of development applications. Throughout the review process, comments and proposed conditions of approval were provided in writing to the applicant.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2019-33, and thereby:

1. **CERTIFY** that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), under CEQA Guidelines Section 15332 (Class 32) In-Fill Development Projects; and

2. **APPROVE** PEN18-0080 Tentative Tract Map 37462 subject to the conditions of approval included as Exhibit A.

Prepared by:  
Gabriel Diaz  
Associate Planner

Approved by:  
Patty Nevins  
Planning Official

### **ATTACHMENTS**

1. Public Hearing Notice
2. 300 Foot Radius Map
3. Resolution 2019-33
4. Exhibit A to Resolution No. 2019-33 Conditions of Approval
5. Tentative Tract Map 37462
6. Aerial Photograph
7. Zoning Map



This may affect your property

# Notice of PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held by the Planning Commission of the City of Moreno Valley on the following item(s):

Project: PEN18-0080 – Tentative Tract Map 37462  
 Applicant: Hakan Buvan  
 Owner: Hakan Buvan  
 Representative: Charlene Kussner  
 APN: 478-090-030 and 478-090-031  
 Location: North side of Bradshaw Circle  
 Proposal: A Tentative Tract Map application to subdivide approximately 1.7 net acres into eight single-family residential lots and four lettered lots, for street and water quality purposes.  
 Council District: 3

The project has been evaluated against criteria set forth in the California Environmental Quality Act (CEQA) Guidelines and it was determined that the project will not have a significant effect on the environment. A finding that the project is exempt from the provisions of CEQA as a Class 32 Categorical Exemption in accordance with CEQA Guidelines Section 15332 for In-Fill Development Projects.

Any person interested in the proposal may speak at the hearing or provide written testimony at or prior to the hearing. The application file and environmental documents may be inspected at the Community Development Department at 14177 Frederick Street, Moreno Valley, California during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday and 7:30 a.m. to 4:30 p.m. on Fridays), or you may telephone (951) 413-3206 for further information.

The Planning Commission, at the Hearing or during deliberations, could approve changes to the project. If you challenge this project, including any modifications considered for the project, in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing.

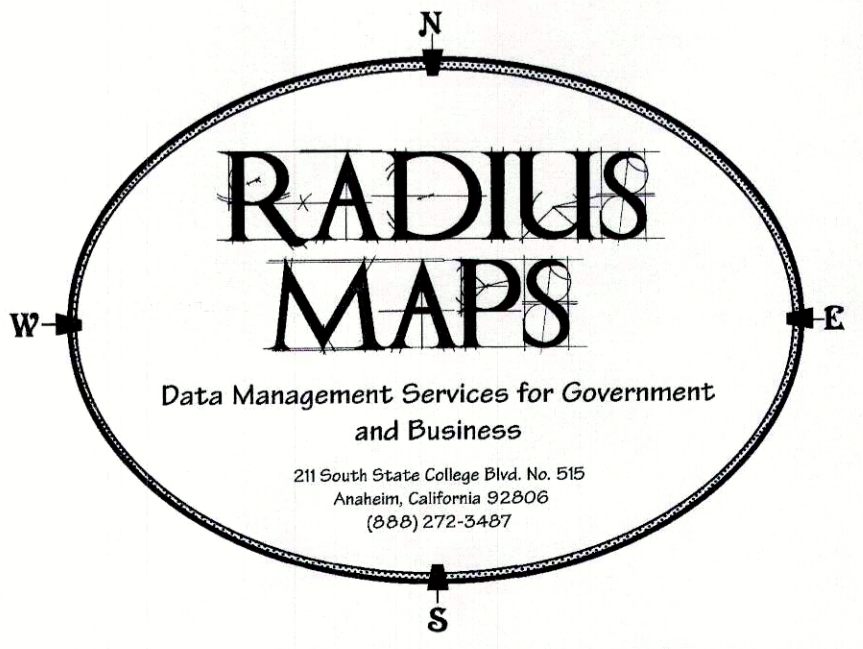
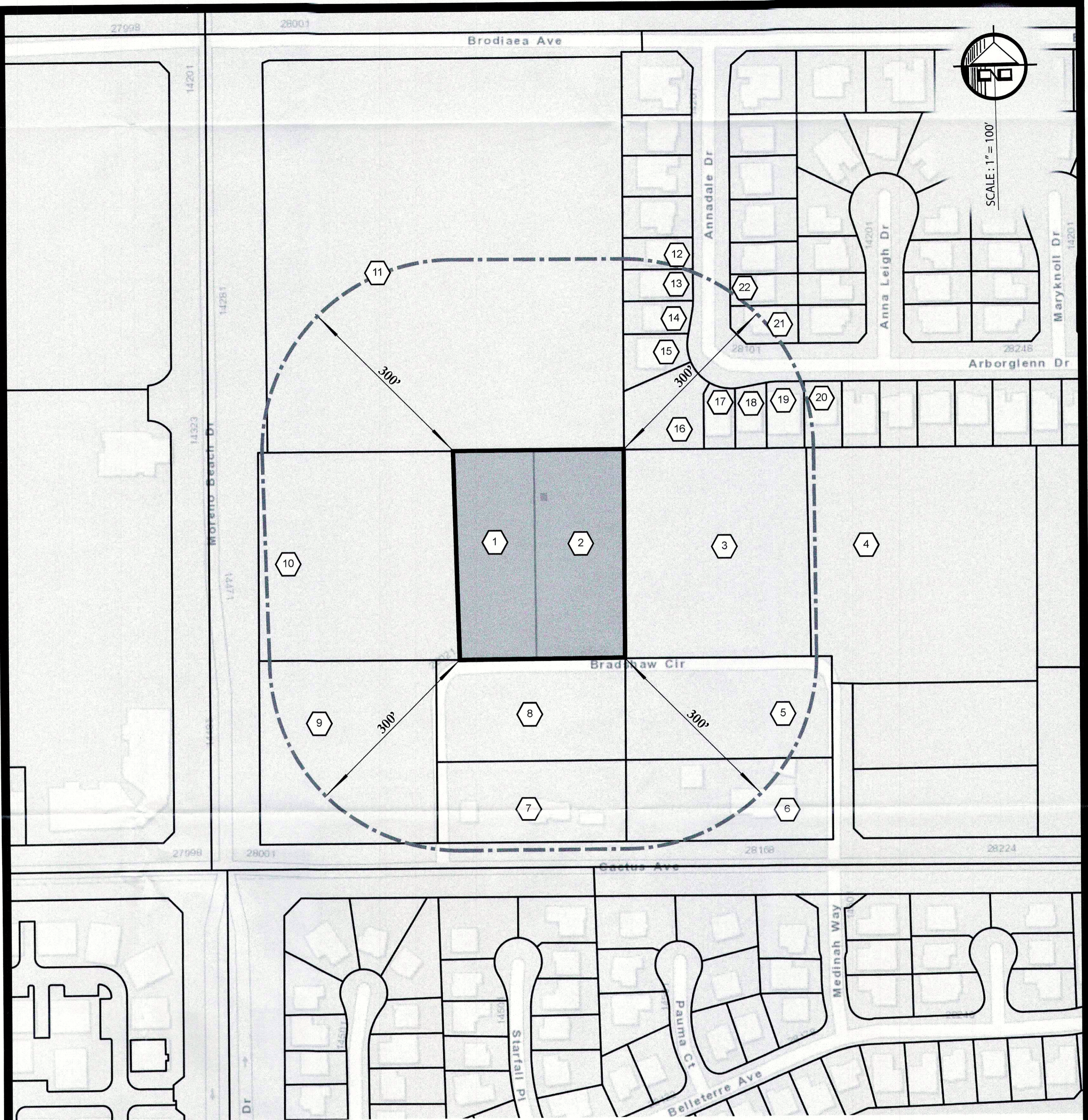


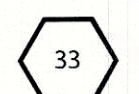

LOCATION N ↑

### PLANNING COMMISSION HEARING

City Council Chambers, City Hall  
 14177 Frederick Street  
 Moreno Valley, Calif. 92553

**DATE AND TIME:** September 26, 2019, 7:00 p.m.  
**CONTACT PLANNER:** Gabriel Diaz  
**PHONE:** (951) 413-3226



- MAP LEGEND**
-  Indicates Map Key Number
  -  Indicates Assessor's Parcel Number

**Public Notification  
Study**

For  
28070 Bradshaw Cir.  
Moreno Valley CA 92555  
APN 478-090-030 & 031

September 6, 2019

JN 19223 Rev



PLANNING COMMISSION RESOLUTION NO. 2019-33

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING TENTATIVE TRACT MAP 37462 (PEN18-0080) TO SUBDIVIDE A 1.7 ACRE SITE INTO EIGHT SINGLE FAMILY RESIDENTIAL LOTS AND FOUR LETTERED LOTS FOR STREET AND WATER QUALITY PURPOSES, LOCATED ON THE NORTH SIDE OF BRADSHAW CIRCLE (ASSESSOR PARCEL NUMBERS 478-090-030 AND 478-090-031)

WHEREAS, Hakan Buvan has filed an application for the approval of Tentative Tract Map 37462, PEN18-0080, for the subdivision of a 1.7 net acre property, Assessor's Parcel Numbers 478-090-030 and 478-090-031, into eight single family lots and 4 lettered lots for street and water quality purposes, as described in the title above; and

**WHEREAS**, the application has been evaluated in accordance with established City of Moreno Valley (City) procedures, and with consideration of the Municipal Code, General Plan and other applicable regulations; and

**WHEREAS**, upon completion of a thorough development review process the project was appropriately agendized and noticed for a public hearing before the Planning Commission of the City of Moreno Valley (Planning Commission); and

**WHEREAS**, the public hearing notices for this project were published in the local newspaper on September 13, 2019. Public notice was sent to all property owners of record within 300 feet of the project site on September 12, 2019. The public hearing notice for this project was also posted on the project site on September 13, 2019; and

**WHEREAS**, on September 26, 2019, the Planning Commission held a public hearing to consider the application; and

**WHEREAS**, on September 26, 2019, the Planning Commission of the City of Moreno Valley determined that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.) under CEQA Guidelines Section 15332, Class 32: In-Fill Development Projects; and

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred; and

**WHEREAS**, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

1  
Resolution No. 2019-33  
Date Approved:

**NOW, THEREFORE, BE IT RESOLVED**, it is hereby found, determined and resolved by the Planning Commission of the City of Moreno Valley as follows:

A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on September 26, 2019, including written and oral staff reports, public testimony and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. That the proposed land division is consistent with applicable general and specific plans;

**FACT:** General Plan Objective 2.2 states that it is the intent of the City to provide a wide range of residential opportunities and dwelling types to meet the demands of present and future residents of all socioeconomic groups. The proposed project has a Residential land use designation that would allow for development of single family residences consistent with this objective.

The project site is located on the north side of Bradshaw Circle and has a Residential 5 (R5) General Plan land use designation and is currently zoned Residential 5 (R-5). The project site is surrounded primarily by vacant land to the north, south, east, and west, with the exception of a single-family subdivision to the northeast.

The project is designed in accordance with the provisions of Chapter 9.03 Residential Districts, Section 9.16.130 Design Guidelines and Section 9.14 Land Divisions of the City's Municipal Code. The project as designed and conditioned would comply with all applicable zoning and other regulations.

The project as designed and conditioned will achieve the objectives of the City of Moreno Valley's General Plan. The proposed project is consistent with the General Plan and does not conflict with the goals, objectives, policies, and programs established within the Plan.

2. That the design or improvement of the proposed land division is consistent with applicable general and specific plans;

**FACT:** General Plan Objective 2.2 states that it is the intent of the City to provide a wide range of residential opportunities and dwelling types to meet the demands of present and future residents of all socioeconomic groups. The proposed project has a residential land use designation that would allow for development of single family residences consistent with this objective.

2  
Resolution No. 2019-33  
Date Approved:

The project as designed is consistent with General Plan Policy 2.2.7, which states that the primary purpose of areas designated Residential 5 is to provide for single-family detached housing on standard sized suburban lots. The maximum allowable density under this designation is 5.0 dwelling units per acre. The project proposes a density of 4.7 dwelling units per acre, which is consistent with the site's General Plan land use designation. Therefore, the subdivision as designed and conditioned is consistent with existing goals, objectives, policies and programs of the General Plan.

3. That the site of the proposed land development is physically suitable for the type of development;

**FACT:** The 1.7-acre project site is rectangular in shape with fairly level topography with access provided via Bradshaw Circle and a proposed cul-de-sac. Additionally, sewer and water utility connections will be provided by Eastern Municipal Water District. For these reasons the project site is physically suitable for the proposed eight lot residential subdivision.

4. That the site of the proposed land division is physically suitable for the proposed density of the development;

**FACT:** The project site is rectangular in shape and is comprised of fairly level topography. The tentative tract map is designed in accordance with the provisions of the City's Municipal Code Section 9.14 Land Divisions. The project site is physically suitable for the proposed density of the development.

5. That the design of the land division or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

**FACT:** There are no existing streambeds, drainage features or riparian vegetation on the project site. Based upon information from the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Full Report and review of the MSHCP Plan, there is a survey requirement for Burrowing Owl associated with the project site. A Habitat Assessment for Burrowing Owls has been prepared for the project concluding that suitable habitat for burrowing owls does not currently occur on the project site. Therefore, the tentative tract map will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

6. That the design of the land division or type of improvements are not likely to cause serious public health problems;

**FACT:** As conditioned, the proposed tract map would not cause serious public health problems. There are no known hazardous conditions

associated with the property, the design of the land division or the type of improvements.

The proposed tract map has been designed and conditioned consistent with General Plan Goal 9.6.1 and therefore will not result in unacceptable levels of protection from natural and man-made hazards to life, health, and property. Additionally consistent General Plan Goal 9.6.2, as the city can adequately provide emergency services to the project site.

The proposed tract map will not result in a development that would be inconsistent with General Plan Objectives 6.1 and 6.2 as it has been designed and conditioned to ensure residents, workers, and visitors to the City are protected from physical injury and property damage due to seismic ground shaking and flooding.

The tract map has been designed consistently with the City's Municipal Code Section 9.14 Land Divisions and meets all City requirements related to subdividing a property.

7. That the design of the subdivision 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 subdivision;

**FACT:** The tentative tract map has been designed to accommodate and not conflict with existing easements, including utility and storm drain easements.

8. That the proposed land division and the associated design and improvements are not consistent with applicable ordinances of the city.

**FACT:** The land division proposed by Tentative Tract Map 37462 is consistent with the City's Municipal Code Section 9.14 Land Divisions. The subdivision as designed and conditioned is consistent with applicable ordinances of the city.

9. That the proposed land division is not subject the Williamson Act pursuant to the California Land Conservation Act of 1965.

**FACT:** The project site is not utilized for agricultural purposes and is not under Williamson Act Contract. Additionally, there are no existing surrounding agricultural use, or sites under Williamson Act contract within the City limits.

## FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

### 1. FEES

4  
Resolution No. 2019-33  
Date Approved:

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this Resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

## 2. **DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS**

The adopted Conditions of Approval for PEN18-0080, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

## 3. **CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS**

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this Resolution begins on the effective date of this Resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the applicable statute of limitations has previously expired.

5  
Resolution No. 2019-33  
Date Approved:

**BE IT FURTHER RESOLVED** that the Planning Commission **HEREBY APPROVES** Resolution No. 2019-33 and thereby:

- 1. **APPROVE** Tentative Tract Map 37462, PEN18-0080, based on the findings contained in this resolution, and subject to the attached conditions of approval included as Exhibit A.

**APPROVED** this 26<sup>th</sup> day of September, 2019.

AYES:  
NOES:  
ABSTAIN:

---

Jeffrey Sims  
Chairperson, Planning Commission

ATTEST:

APPROVED AS TO FORM:

---

Patty Nevins, Planning Official  
Secretary to the Planning Commission

---

City Attorney

Attachment  
Exhibit A: Conditions of Approval

Attachment: Resolution 2019-33 [Revision 4] (3734 : PEN18-0080 – Tentative Tract Map 37462)

6  
Resolution No. 2019-33  
Date Approved:

**CONDITIONS OF APPROVAL**

Tentative Tract Map (PEN18-0080)

Page 1

CITY OF MORENO VALLEY  
 CONDITIONS OF APPROVAL  
 Tentative Tract Map (PEN18-0080)

EFFECTIVE DATE:

EXPIRATION DATE:

**COMMUNITY DEVELOPMENT DEPARTMENT****Special Conditions**

1. Prior to grading plan approval, wall and fence plans shall be submitted to and approved by the Planning Division subject to the City's Municipal Code including the following:
  - A. Side and rear yard fences/walls (not adjacent to a right of way) shall be constructed of decorative block, poly-vinyl or wood.
  - B. A solid decorative (e.g. split face, color variation, pattern variation, or as approved by the Planning Official) block wall with pilasters and a cap is required along the perimeter of the tract adjacent to any right of way or reverse frontage location and along any right of way within the interior of the tract (all corner lots).
  - C. A six (6) foot high combination wall with pilasters is required at top of slope along an open space area or adjacent to a park.
  - D. Decorative open iron or steel fencing with pilasters is required adjacent to open space areas and view lots. (View lots are defined as lots where there is more than 15 foot difference in pad elevation.)
  - E. Non-combustible fencing is required for all lots adjacent to all fuel modification zones, subject to the approval of the Fire Prevention Bureau.
2. Prior to grading plan approval, Basin fencing shall include wrought iron fencing with pilasters
3. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.
4. Prior to grading plan approval, decorative block walls shall be provided along the street side for all corner lots. (MC 9.08.070)
5. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020)
6. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to

**CONDITIONS OF APPROVAL**

Tentative Tract Map (PEN18-0080)

Page 2

- Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
7. A drought tolerant landscape palette shall be utilized throughout the tract in compliance with the City's Landscape Requirements. (9.17)
  8. Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to and approved by the Planning Division. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG)
  9. Prior to the issuance of grading permits, grading plans shall be submitted to and approved by the Planning Division to ascertain that development and grading of all lots have been designed to reduce the extent of cut and fill and loss of coastal scrub vegetation. Grading plans shall incorporate multiple level foundations, custom foundations and/or split level pads in accordance with the City's Municipal Code. (MC 9.03.030)
  10. All landscaped areas in perpetuity shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
  11. Prior to issuance of building permit issuance, landscape plans (trees, shrubs and groundcover) for basins maintained by an HOA or other private entity shall be submitted to and approved by the Planning Division for the sides and/or slopes. A hydroseed mix w/irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative (e.g. split face, color variation, pattern variation, or as approved by the Planning Official) wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Planning Official is required to secure all water quality and detention basins more than 18 inches in depth.
  12. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)
  13. Prior to issuance of a building permit, the developer/property owner or developer's successor-in-interest shall pay all applicable impact fees due at permit issuance, including but not limited to Multi-species Habitat Conservation Plan (MSHCP) mitigation fees. (Ord.)



**CONDITIONS OF APPROVAL**

Tentative Tract Map (PEN18-0080)

Page 3

14. Prior to grading plan approval, wall and fence plans shall be submitted to and approved by the Planning Division to include a six (6) foot high solid decorative (e.g. split face, color variation, pattern variation, or as approved by the Planning Official) block wall along the all tract perimeters.
15. Within thirty (30) days prior to any grading or other land disturbance, a pre-construction survey for Burrowing Owls shall be conducted pursuant to the established guidelines of Multiple Species Habitat Conservation Plan. The pre-construction survey shall be submitted to the Planning Division prior to any disturbance of the site and/or grading permit issuance.
16. Prior to building final, all required and proposed fences and walls shall be constructed/installed per the approved plans on file in the Planning Division. (MC 9.080.070)
17. Separate Administrative Plot Plans, including, Design Review (product approval), Model Home Complex or custom home reviews are required for approval of the design of the future single-family homes for Tentative Tract Map 37462.
18. Prior to building final, slope landscape and irrigation shall be installed, certified by the Landscape Architect with documentation provided to the Planning Division with an inspection performed and approved by the Planning Division. Landscaping on lots not yet having dwelling units shall be maintained by the developer weed and disease free. (MC 9.03.040)

Building Division

19. Prior to submittal, all new development, including residential second units, are required to obtain a valid property address prior to permit application. Addresses can be obtained by contacting the Building Safety Division at 951.413.3350.
20. Contact the Building Safety Division for permit application submittal requirements.
21. Any construction within the city shall only be as follows: Monday through Friday seven a.m. to seven p.m.(except for holidays which occur on weekdays), eight a.m. to four p.m.; weekends and holidays (as observed by the city and described in the Moreno Valley Municipal Code Chapter 2.55), unless written approval is first obtained from the Building Official or City Engineer.
22. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
23. The proposed development shall be subject to the payment of required

**CONDITIONS OF APPROVAL**

Tentative Tract Map (PEN18-0080)

Page 4

development fees as required by the City's current Fee Ordinance at the time a building application is submitted or prior to the issuance of permits as determined by the City.

24. The proposed project will be subject to approval by the Eastern Municipal Water District and all applicable fees and charges shall be paid prior to permit issuance. Contact the water district at 951.928.3777 for specific details.
25. All new structures shall be designed in conformance to the latest design standards adopted by the State of California in the California Building Code, (CBC) Part 2, Title 24, California Code of Regulations including requirements for allowable area, occupancy separations, fire suppression systems, accessibility, etc. The current code edition is the 2016 CBC.
26. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the 2016 California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
27. The proposed residential project shall comply with The 2016 California Green Building Standards Code, Section 4.106.4, mandatory requirements for Electric Vehicle Charging Station (EVCS).
28. Prior to permit issuance, every applicant shall submit a properly completed Waste Management Plan (WMP), as a portion of the building or demolition permit process. (MC 8.80.030)

**FIRE DEPARTMENT****Fire Prevention Bureau**

29. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
30. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9, MVMC 8.36.100[D])
31. Prior to issuance of Certificate of Occupancy or Building Final, all residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching

**CONDITIONS OF APPROVAL**

Tentative Tract Map (PEN18-0080)

Page 5

- emergency vehicles. The numbers shall be located consistently on each dwelling throughout the development. The numerals shall be no less than four (4) inches in height and shall be low voltage lighted fixtures. (CFC 505.1, MVMC 8.36.060[I])
32. Single Family Dwellings. Schedule "A" fire prevention approved standard fire hydrants (6" x 4" x 2 ½") shall be located at each intersection of all residential streets. Hydrants shall be spaced no more than 500 feet apart in any direction so that no point on the street is more than 250 feet from a hydrant. Minimum fire flow shall be 1000 GPM for 1 hour duration of 20 PSI. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, serving one and two-family residential developments, standard fire hydrants shall be provided at spacing not to exceed 1000 feet along the tract boundary for transportation hazards. (CFC 507.3, Appendix B, MVMC 8.36.060).
  33. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
  34. The Fire Department emergency vehicular access road shall be (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. The approved fire access road shall be in place during the time of construction. Temporary fire access roads shall be approved by the Fire Prevention Bureau. (CFC 501.4, and MV City Standard Engineering Plan 108d)
  35. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503 and MVMC 8.36.060)
  36. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4)
  37. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (CFC 501.3)
  38. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVLT 440A-0 through MVLT 440C-0)
  39. Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are

**CONDITIONS OF APPROVAL**

Tentative Tract Map (PEN18-0080)

Page 6

- established to prevent obstruction of such roads. (CFC 507, 501.3) a - After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.
40. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in effect at the time of building plan submittal.
  41. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
  42. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
  43. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
  44. The minimum number of fire hydrants required, as well as the location and spacing of fire hydrants, shall comply with the C.F.C., MVMC, and NFPA 24. Fire hydrants shall be located no closer than 40 feet to a building. A fire hydrant shall be located within 50 feet of the fire department connection for buildings protected with a fire sprinkler system. The size and number of outlets required for the approved fire hydrants are (6" x 4" x 2 1/2" x 2 1/2") (CFC 507.5.1, 507.5.7, Appendix C, NFPA 24-7.2.3, MVMC 912.2.1)
  45. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
  46. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)
  47. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4)
  48. Plans for private water mains supplying fire sprinkler systems and/or private fire

**CONDITIONS OF APPROVAL**

Tentative Tract Map (PEN18-0080)

Page 7

- hydrants shall be submitted to the Fire Prevention Bureau for approval. (CFC 105 and CFC 3312.1)
49. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering said waterflow for 2 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 507.3, Appendix B)
  50. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
  51. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)
  52. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall: a. Be signed by a registered civil engineer or a certified fire protection engineer; b. Contain a Fire Prevention Bureau approval signature block; and c. Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.
  53. The road width is marked as 36 ft. The clear width required by the fire prevention bureau is 24 ft. If road is to remain at 36 ft. parking will only be allowed on one side. 40 ft. is required for parking on both sides of the street.

**FINANCIAL & MANAGEMENT SERVICES DEPARTMENT****Moreno Valley Utility**

54. This project requires the installation of electric distribution facilities. A non-exclusive easement shall be provided to Moreno Valley Utility and shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
55. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics

## CONDITIONS OF APPROVAL

Tentative Tract Map (PEN18-0080)

Page 8

for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and/or concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer shall coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City all utility infrastructure including but not limited to, conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, and “bring-up” facilities including electrical capacity to serve the identified development and other adjoining, abutting, or benefiting projects as determined by Moreno Valley Utility – collectively referred to as “utility system”, to and through the development, along with any appurtenant real property easements, as determined by the City Engineer necessary for the distribution and/or delivery of any and all “utility services” to and within the project. For purposes of this condition, “utility services” shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. “Utility services” shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval.

The City, or the City’s designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system.

The developer for this project will be required to obtain electrical service from Moreno Valley Utility. The point of connection is on Cactus west of Moreno Beach at an existing PME Switch, approximately 730' away from the southwest corner of the project. Developer will be required to install conduit and cable (430' on Cactus Avenue and 300' on Bradshaw Circle) to bring up electrical service to the project.

## PUBLIC WORKS DEPARTMENT

### Land Development

56. The developer shall comply with all applicable City ordinances and resolutions including the City’s Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]

**CONDITIONS OF APPROVAL**

Tentative Tract Map (PEN18-0080)

Page 9

57. The final approved conditions of approval (COAs) issued and any applicable Mitigation Measures by the Planning Division shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plans.
58. The developer shall monitor, supervise and control all construction related activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
- (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
  - (b) Observance of working hours as stipulated on permits issued by the Land Development Division.
  - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
  - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements during the grading operations.
- Violation of any condition, restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedy as noted in City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
59. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
60. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. [MC 9.14.110]
61. The maintenance responsibility of the proposed storm drain line shall be clearly identified. Storm drain lines within private property will be privately maintained and those within public streets will be publicly maintained.
62. For single family residential subdivisions, all lots shall drain to the street at a minimum surface grade of 2.0% and on-site drainage shall be conveyed onto the street with subsurface drains at a minimum grade of 0.5% per current City Standards MVSI-152 and MVSI-153A. No cross-lot or over the sidewalk drainage shall be allowed.
63. This project shall submit civil engineering design plans, reports and/or documents

**CONDITIONS OF APPROVAL**

Tentative Tract Map (PEN18-0080)

Page 10

(prepared by a registered/licensed civil engineer) for review and approval by the City Engineer per the current submittal requirements, prior to the indicated threshold or as required by the City Engineer. The submittal consists of, but is not limited to, the following:

- a. Final (Tract) Map (recordation prior to building permit issuance);
  - b. Rough grading w/ erosion control plan (prior to grading permit issuance);
  - c. Precise grading w/ erosion control plan (prior to grading permit issuance);
  - d. Improvement plan (e.g., street/storm drain w/ striping, sewer/water, etc.);
  - e. Final drainage study (prior to grading plan approval);
  - f. Final WQMP (prior to grading plan approval);
  - g. legal documents (e.g., easements(s), dedication(s), etc.) (prior to building permit issuance);
  - h. As-Built revision for all plans (prior to occupancy release);
64. Water quality best management practices (BMPs) designed to meet Water Quality Management Plan (WQMP) requirements for single-family residential development shall not be used as a construction BMP. Water quality BMPs shall be maintained for the entire duration of the project construction and be used to treat runoff from those developed portions of the project. Water quality BMPs shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. Water quality BMPs shall be graded per the approved design plans and once landscaping and irrigation has been installed, it and its maintenance shall be turned over to an established Homeowner's Association (HOA). The Homeowner's Association shall enter into an agreement with the City for basin maintenance.

Prior to Grading Plan Approval

65. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. The study shall analyze 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events [MC 9.14.110(A.1)]. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
66. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity.
67. The final project-specific Water Quality Management Plan (WQMP) shall be consistent with the approved P-WQMP, as well as in full conformance with the document: "Water Quality Management Plan - A Guidance Document for the Santa Ana Region of Riverside County" dated October 22, 2012. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits. At



**CONDITIONS OF APPROVAL**

Tentative Tract Map (PEN18-0080)

Page 11

- a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs, Treatment Control BMPs, Operation and Maintenance requirements for BMPs and sources of funding for BMP implementation.
- a. The Applicant has proposed to incorporate the use of bioretention basins. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.
  - b. The Applicant shall substantiate the Hydrologic Condition of Concerns (HCOG) in Section F of the F-WQMP, if applicable.
  - c. All proposed LID BMP's shall be designed in accordance with the RCFC&WCD's Design Handbook for Low Impact Development Best Management Practices, dated September 2011.
  - d. The proposed LID BMP's as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.
  - e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in the grading plans.
  - f. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site
68. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
  - b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.
  - c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.
  - d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.
69. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
70. If offsite grading is required, the developer shall obtain written permission from the adjacent property owner(s).

**CONDITIONS OF APPROVAL**

Tentative Tract Map (PEN18-0080)

Page 12

71. The developer shall pay all remaining plan check fees.
72. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
73. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.

Prior to Grading Permit

74. A receipt showing payment of the Area Drainage Plan (ADP) fee to Riverside County Flood Control and Water Conservation District shall be submitted. [MC 9.14.100(O)]
75. A digital (pdf) copy of all approved grading plans shall be submitted to the Land Development Division.
76. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the implementation and maintenance of erosion control measures. At least twenty-five (25) percent of the required security shall be in the form of a cash deposit with the City. [MC 8.21.160(H)]
77. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the completion of the grading operations for the project. [MC 8.21.070]
78. The developer shall pay all applicable inspection fees.

Prior to Map Approval

79. All proposed street names shall be submitted for review and approved by the City Engineer, if applicable. [MC 9.14.090(E.2.k)]
80. A copy of the Covenants, Conditions and Restrictions (CC&R's) shall be submitted for review and approved by the City Engineer. The CC&R's shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. In addition, for single-family residential development, bylaws and articles of incorporation shall also be included as part of the maintenance agreement for any water quality BMPs.

**CONDITIONS OF APPROVAL**

Tentative Tract Map (PEN18-0080)

Page 13

81. After recordation, a digital (pdf) copy of the recorded map shall be submitted to the Land Development Division.
82. Maps (prepared by a registered civil engineer and/or licensed surveyor) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
83. Under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System (NPDES) as mandated by the Federal Clean Water Act, this project is subject to the following requirements:
  - a. Establish a Home Owners Association (HOA) to finance the maintenance of the "Water Quality BMPs". Any lots which are identified as "Water Quality BMPs" shall be owned in fee by the HOA.
  - b. Dedicate a maintenance easement to the City of Moreno Valley.
  - c. Execute a maintenance agreement between the City of Moreno Valley and the HOA, which shall be approved by City Council.
  - d. Provide a certificate of insurance per the terms of the maintenance agreement.
  - e. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.
    - i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Residential NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process, or
    - ii. Establish an endowment to cover future maintenance costs for the Residential NPDES Regulatory Rate Schedule.
  - f. Notify the Special Districts Division of the intent to record the final map 90 days prior to City Council action authorizing recordation of the final map and the financial option selected. The final option selected shall be in place prior to the issuance of certificate of occupancy. [California Government Code & Municipal Code]
84. All street dedications shall be free of all encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

Prior to Improvement Plan Approval

85. The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
86. The street improvement plans shall comply with current City policies, plans and

**CONDITIONS OF APPROVAL**

Tentative Tract Map (PEN18-0080)

Page 14

applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.

87. The design plan and profile shall be based upon a centerline, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer.
88. Drainage facilities (i.e. catch basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
89. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
90. All public improvement plans (prepared by a licensed/registered civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
91. All dry and wet utilities shall be shown on the plans and any crossings shall be potholed to determine actual location and elevation. Any conflicts shall be identified and addressed on the plans. The pothole survey data shall be submitted to Land Development with the public improvement plans for reference purposes only. The developer is responsible to coordinate with all affected utility companies and bear all costs of any utility relocation.

Prior to Building Permit

92. An engineered-fill certification, rough grade certification and compaction report shall be submitted for review and approved by the City Engineer. A digital (pdf) copy of the approved compaction report shall be submitted to the Land Development Division. All pads shall meet pad elevations per approved grading plans as noted by the setting of "blue-top" markers installed by a registered land surveyor or licensed civil engineer.
93. For all subdivision projects, the map shall be recorded (excluding model homes). [MC 9.14.190]
94. Certification to the line, grade, flow test and system invert elevations for the water quality control BMPs shall be submitted for review and approved by the City

**CONDITIONS OF APPROVAL**

Tentative Tract Map (PEN18-0080)

Page 15

Engineer (excluding models homes).

95. Prior to building permit issuance, an access agreement shall be recorded to allow the City access from Cactus Ave through Bradshaw circle for maintenance of water quality lots C and D as well as the storm drain lateral and catch basin on Bradshaw Circle.

Prior to Occupancy

96. All outstanding fees shall be paid.
97. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
98. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
99. For residential subdivisions, punch list work for improvements and capping of streets shall be completed and approved by the City Engineer prior to Occupancy.
100. The applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:
- a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP).
  - b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted for review and approved by the City Engineer.
101. The Developer shall comply with the following water quality related items:
- a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
  - b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
  - c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
  - d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
  - e. Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
  - f. Obtain approval and complete installation of the irrigation and landscaping.

**CONDITIONS OF APPROVAL**

Tentative Tract Map (PEN18-0080)

Page 16

Special Districts Division

102. Prior to the issuance of the first building permit for this project, the Developer shall pay Advanced Energy fees for all applicable Residential and Arterial Street Lights required for this development. Payment shall be made to the City of Moreno Valley and collected by the Land Development Division. Fees are based upon the Advanced Energy fee rate in place at the time of payment, as set forth in the current Listing of City Fees, Charges, and Rates adopted by City Council. The Developer shall provide a copy of the receipt to the Special Districts Division (specialdistricts@moval.org). Any change in the project which may increase the number of street lights to be installed will require payment of additional Advanced Energy fees at the then current fee. Questions may be directed to the Special Districts Division at 951.413.3480 or specialdistricts@moval.org.
103. This project is conditioned for a proposed district to provide a funding source for the operation and maintenance of public improvements and/or services associated with new development in that territory. The Developer shall satisfy this condition with one of the options outlined below.
- a. Participate in a special election for maintenance/services and pay all associated costs of the election process and formation, if any. Financing may be structured through a Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or
  - b. Establish an endowment fund to cover the future maintenance and/or service costs.

The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org when submitting the application for building permit issuance. If the first building permit is pulled prior to formation of the district, this condition will not apply. If the district has been or is in the process of being formed the Developer must inform the Special Districts Division of its selected financing option (a. or b. above). The option for participating in a special election requires 90 days to complete the special election process. This allows adequate time to be in compliance with the provisions of Article 13C of the California Constitution.

The financial option selected shall be in place prior to the issuance of the first certificate of occupancy for the project.

104. This project is conditioned to provide a funding source for the following special financing program(s):
- a. Street Lighting Services for capital improvements, energy charges, and

**CONDITIONS OF APPROVAL**

Tentative Tract Map (PEN18-0080)

Page 17

maintenance.

The Developer's responsibility is to provide a funding source for the capital improvements and the continued maintenance. The Developer shall satisfy this condition with one of the options below.

i. Participate in a special election (mail ballot proceeding) and pay all associated costs of the special election and formation, if any. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or

ii. Establish a Property Owner's Association (POA) or Home Owner's Association (HOA) which will be responsible for any and all operation and maintenance costs

The Developer must notify the Special Districts Division at 951.413.3480 or at [specialdistricts@moval.org](mailto:specialdistricts@moval.org) of its selected financial option when submitting the application for building permit issuance. The option for participating in a special election requires approximately 90 days to complete the special election process. This allows adequate time to be in compliance with the provisions of Article 13C of the California Constitution.

The financial option selected shall be in place prior to the issuance of the first certificate of occupancy for the project and prior to acceptance of any improvements.

105. This project has been conditioned to provide a funding source for the continued maintenance, enhancement, and or retrofit of neighborhood parks, open spaces, linear parks, and/or trails systems. The Developer shall satisfy this condition with one of the options below.

a. Participate in a special election for annexation into Community Facilities District No. 1 or other district and pay all associated costs with the special election process and formation, if any; or

b. Establish an endowment fund to cover future maintenance costs for new neighborhood parks.

The Developer must notify the Special Districts Division at 951.413.3480 or at [specialdistricts@moval.org](mailto:specialdistricts@moval.org) when submitting the application for building permit issuance of its selected financial option. If option a. is selected, the special election will require a 90 day process prior to building permit issuance. This allows adequate time to be in compliance with the provisions of Article 13C of the

**CONDITIONS OF APPROVAL**

Tentative Tract Map (PEN18-0080)

Page 18

California Constitution.

Annexation to CFD No. 1 shall be completed or proof of payment to establish the endowment fund shall be provided prior to the issuance of the first certificate of occupancy for the project.

106. This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for Public Safety services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the property owner shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district. The Developer must notify the Special Districts Division at 951.413.3480 or at [specialdistricts@moval.org](mailto:specialdistricts@moval.org) when submitting the application for building permit issuance to determine the requirement for participation. If the first building permit is pulled prior to formation of the district, this condition will not apply. If the condition applies, the special election will require a minimum of 90 days prior to issuance of the first building permit. This allows adequate time to be in compliance with the provisions of Article 13C of the California Constitution. (California Government Code Section 53313 et. seq.)
107. Residential (BP) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide for, but not limited to, stormwater utilities services for the required continuous operation, maintenance, monitoring, system evaluations and enhancements, remediation and/or replacement of on-site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated storm water regulations, a funding source needs to be established. The Developer must notify the Special Districts Division at 951.413.3480 or at [specialdistricts@moval.org](mailto:specialdistricts@moval.org) of its selected financial option for the National Pollution Discharge Elimination System (NPDES) program when submitting the application for the first building permit issuance. (see Land Development's related condition). Participating in a special election the process requires a 90 day period prior to the City's issuance of a building permit. This allows adequate time to be in compliance with the provisions of Article 13D of the California Constitution. (California Health and Safety Code Sections 5473 through 5473.8 (Ord. 708 Section 3.1, 2006) & City of Moreno Valley Municipal Code Title 3, Section 3.50.050.)
108. Any damage to existing landscape areas maintained by the City of Moreno Valley due to project construction shall be repaired/replaced by the Developer, or Developer's successors in interest, at no cost to the City of Moreno Valley.
109. Street Light Authorization forms for all street lights that are conditioned to be



**CONDITIONS OF APPROVAL**

Tentative Tract Map (PEN18-0080)

Page 19

installed as part of this project must be submitted to the Special Districts Division for approval, prior to street light installation. The Street Light Authorization form can be obtained from the utility company providing electric service to the project, either Moreno Valley Utility or Southern California Edison. For questions, contact the Special Districts Division at 951.413.3480 or specialdistricts@moval.org.

110. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services District Zone A (Parks & Community Services) and Zone C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual parcel taxes for Zone A and Zone C for operations and capital improvements.
111. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.

Transportation Engineering Division

112. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
113. All driveways shall conform to Section 9.11.080, and Table 9.11.080-14 of the City's Development Code - Design Guidelines and City Standard Plan No. MVSI-111A-0 for residential driveway approaches.
114. Sight distance at the proposed roadways and driveways shall conform to City of Moreno Valley Standard No. MVSI-164A,B,C-0 at the time of preparation of final grading, landscape, and street improvement plans.
115. During construction activity, developer is responsible for regularly scheduled street sweeping per approved street sweeping schedule.
116. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer shall be required for plan approval by the City Traffic Engineer.
117. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets within the project area.
118. Prior to issuance of a Building Final or Certificate of Occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
119. Prior to issuance of a Building Final or Certificate of Occupancy, all signing and striping shall be installed per current City Standards and the approved plans.

**CONDITIONS OF APPROVAL**

Tentative Tract Map (PEN18-0080)

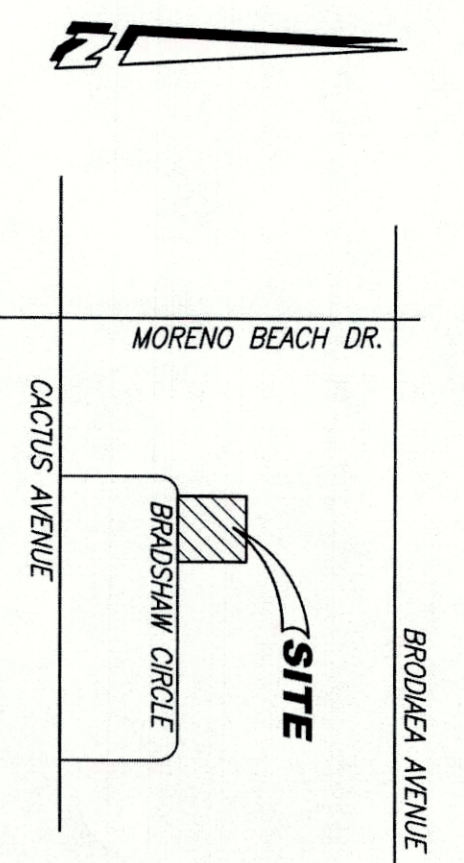
Page 20

120. Prior to acceptance of streets into the City-maintained road system, all signing and striping shall be installed per current City Standards and the approved plans.

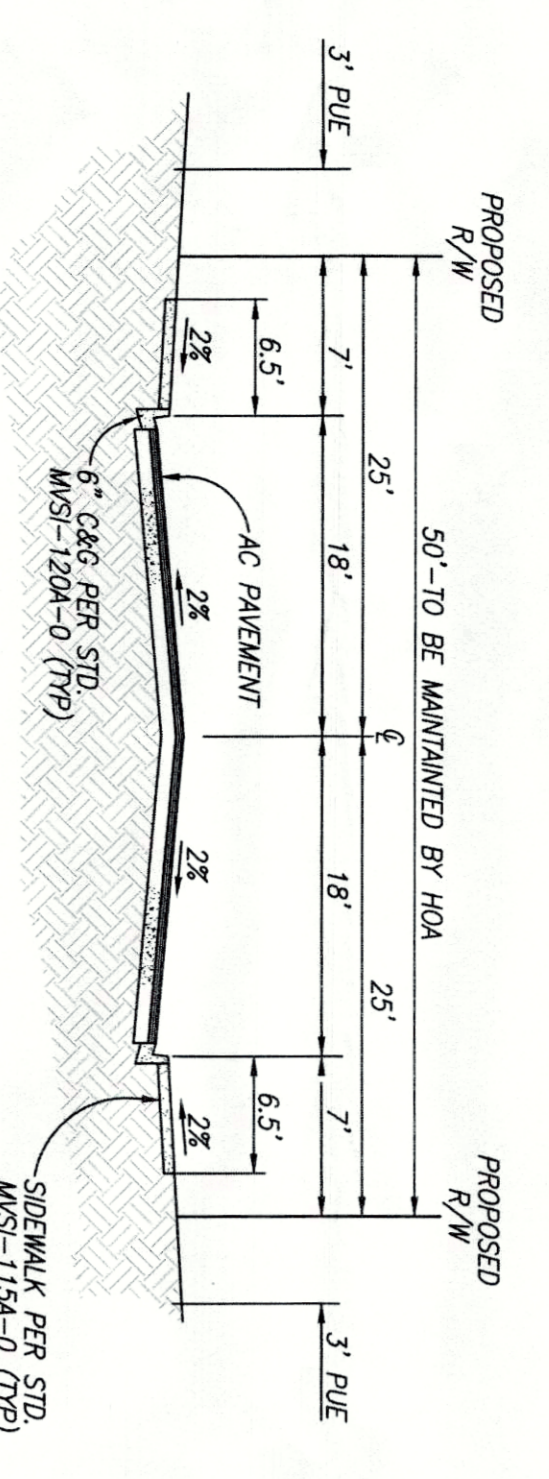
**PARKS & COMMUNITY SERVICES DEPARTMENT**

121. This project is subject to current Development Impact Fees.
122. This project is required to supply a funding source for the continued maintenance, enhancement, and or retrofit of neighborhood parks, open spaces, linear parks, and/or trails systems. This can be achieved through annexing into Community Facilities District No. 1 (Park Maintenance). Please contact the Special Districts Division at 951.413.3480 or specialdistricts@moval.org to complete the annexation process.
123. This project is subject to current Quimby Fees.
124. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services District Zone A (Parks and Community Services). All assessable parcels therein shall be subject to the annual Zone 'A' charge for operations and capital improvements. Proof of such shall be supplied to Parks and Community Services upon Final Map and at Building Permits.

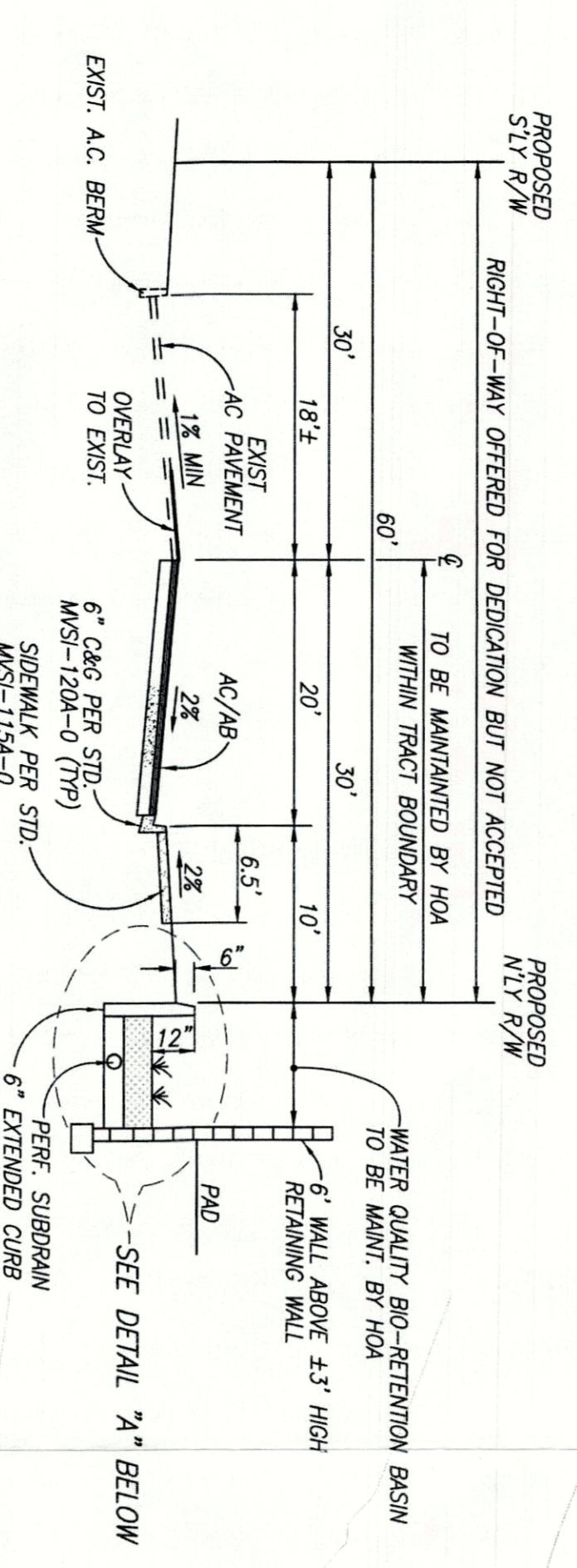
NO.	BY	REVISIONS
1	LOC	REVISED PER 5/29/18 DEPT. COMMENTS (CWD REVIEW)
1	LOC	REVISED PER 5/17/2019 DEPT. COMMENTS (CWD REVIEW)



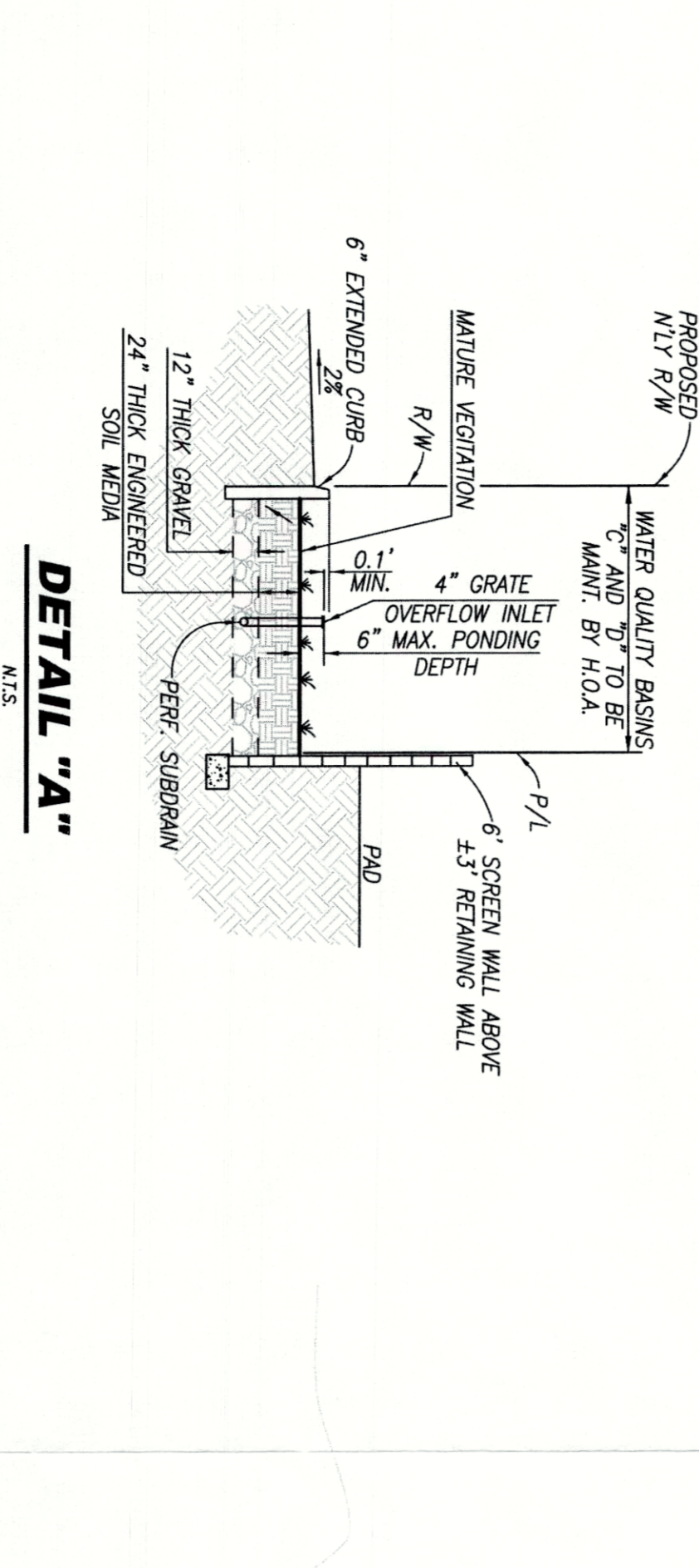
**VICINITY MAP**  
N.T.S.



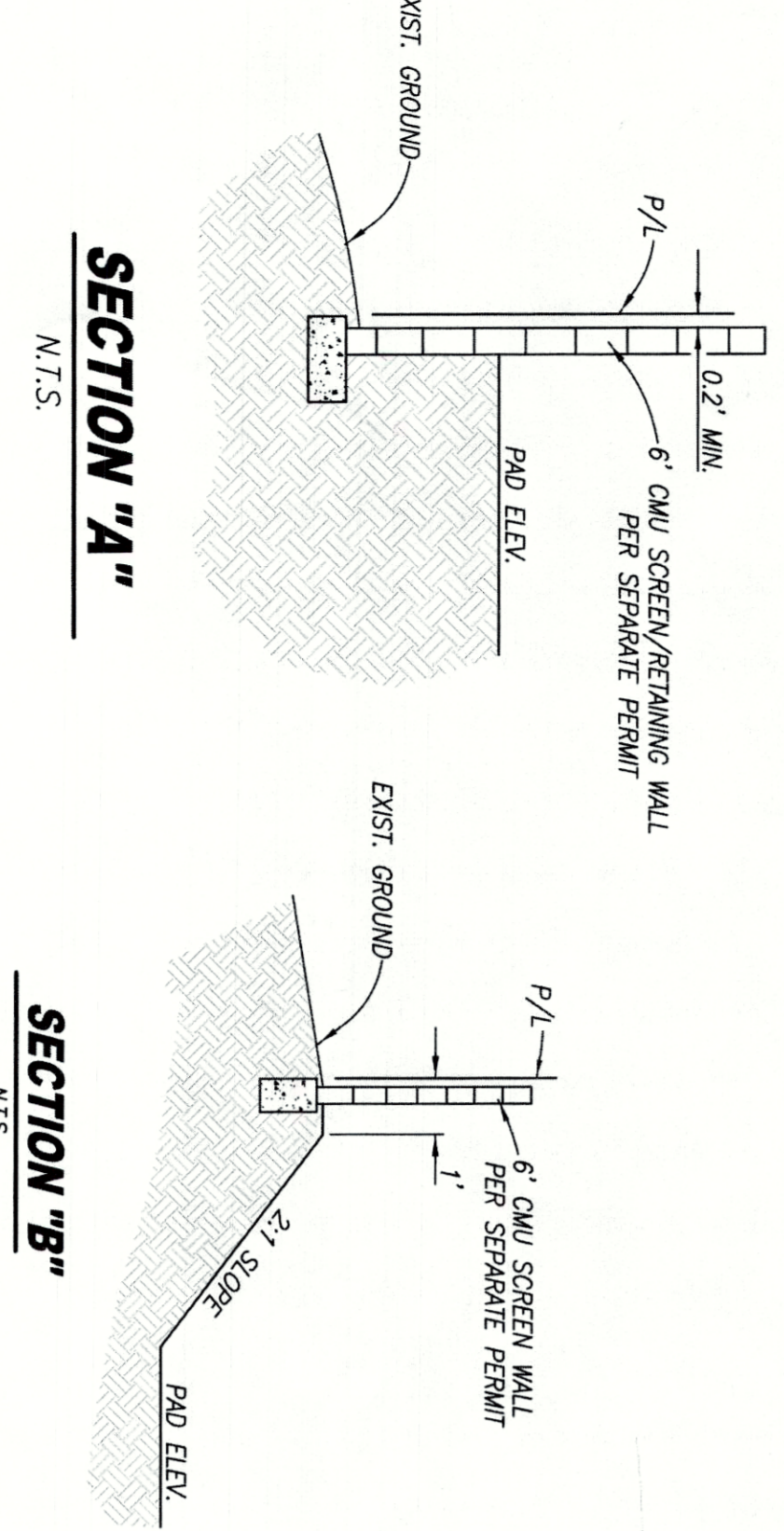
**TYPICAL SECTION "A"**  
N.T.S.  
(MODIFIED LOCAL STREET-CITY STD. MSJ-107B-0)



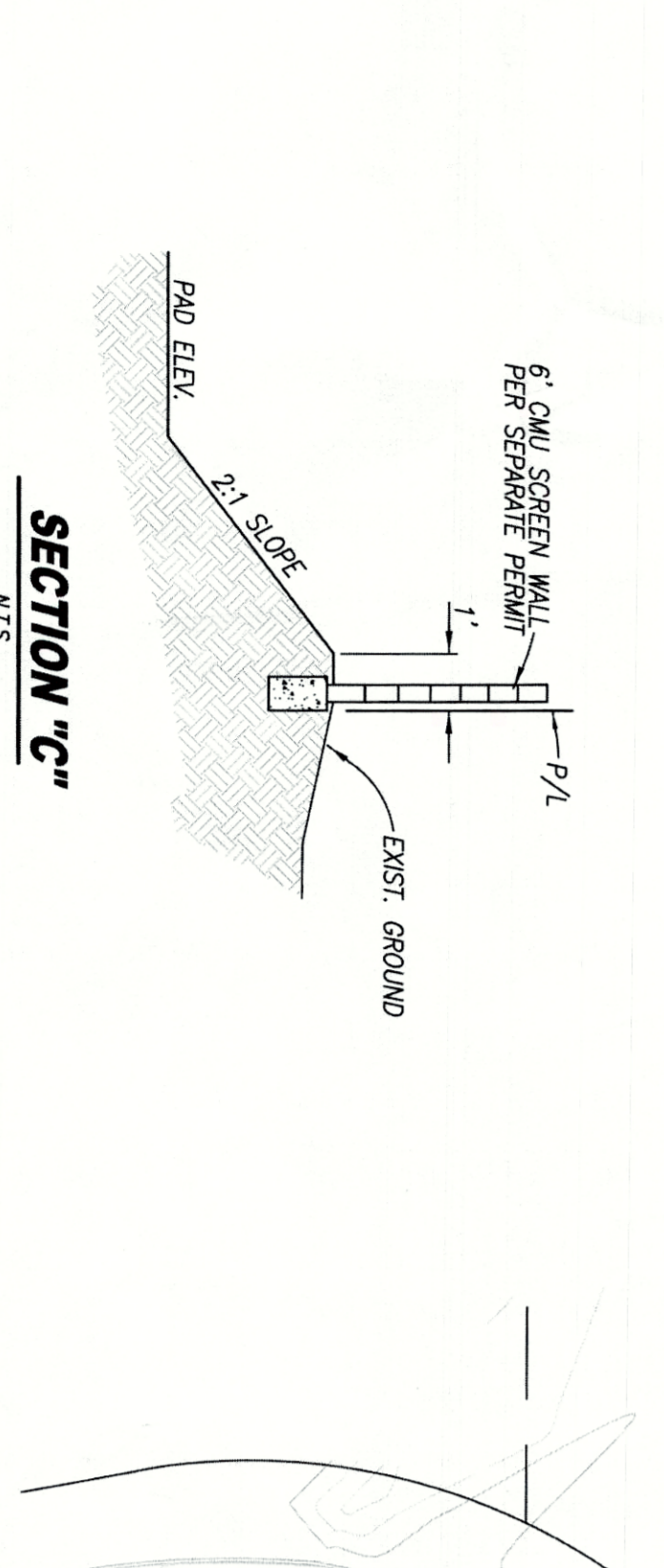
**TYPICAL SECTION "A"**  
N.T.S.  
(LOCAL STREET-CITY STD. MSJ-107A-0)



**DETAIL "A"**  
N.T.S.



**SECTION "A"**  
N.T.S.



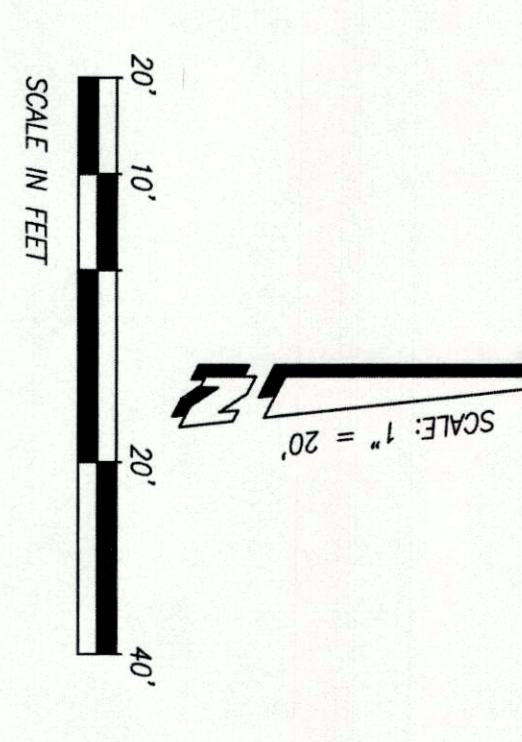
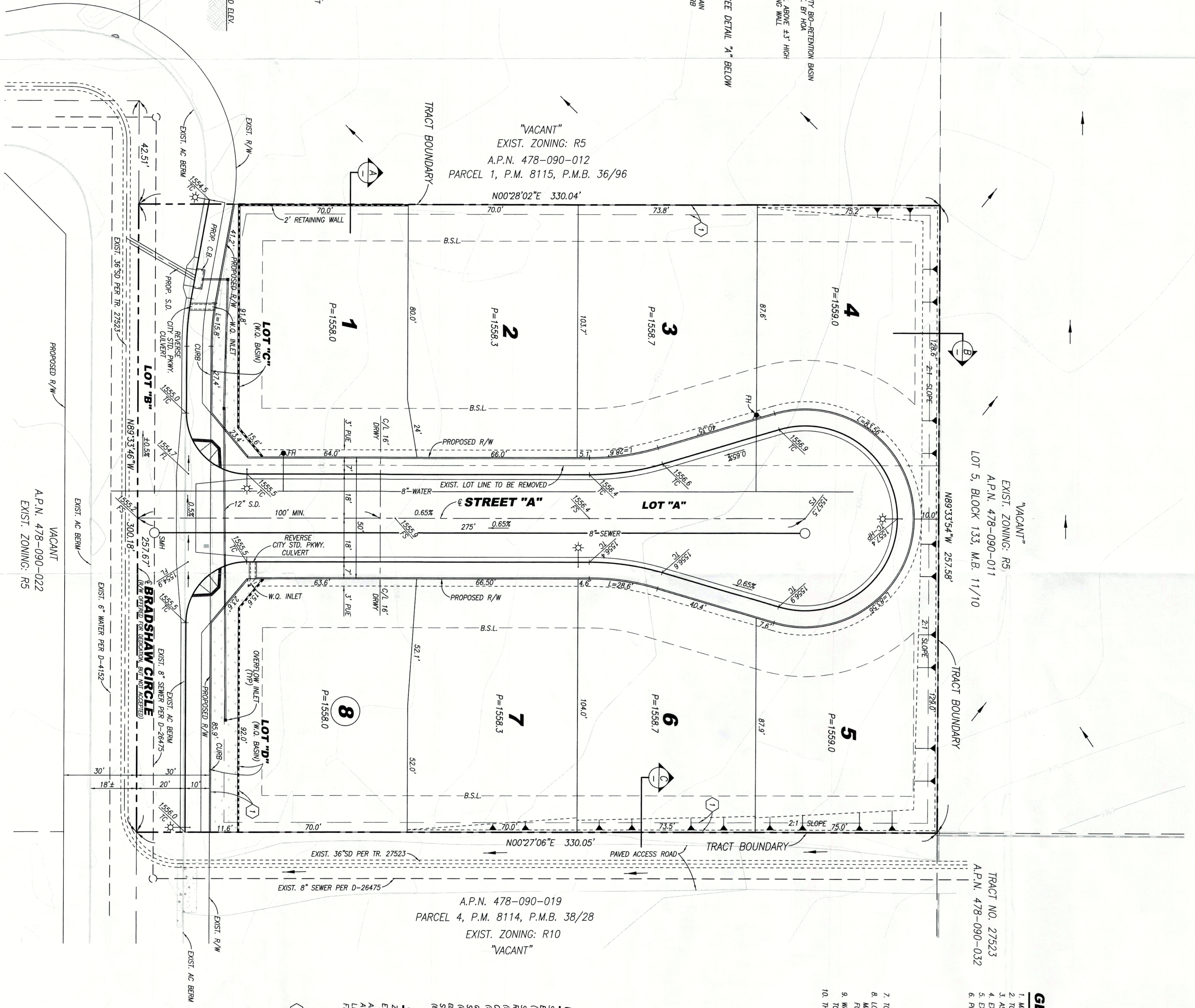
**SECTION "C"**  
N.T.S.

# TENTATIVE TRACT NO. 37462

## CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

### "SINGLE FAMILY RESIDENTIAL SUBDIVISION"

(ASSESSOR'S PARCEL NO. 478-090-030 AND 478-090-031)



**GENERAL NOTES:**

- MAP PREPARATION DATE: 1/2/2018 (REVISED 1/12/2019)
- DATE OF FIELD SURVEY: 10/12/17
- ASSESSOR'S PARCEL NO. 478-090-030 AND 478-090-031
- EXIST. GENERAL PLAN DESIGNATION: RESIDENTIAL
- EXIST. ZONING: R-5
- PROPOSED ZONING: CTRM1A
- MIN. LOT SIZE: 7,200 S.F.
- MIN. LOT FRONTAGE ON ANKUSSES & CUL-DE-SACS: 100'
- MIN. LOT DEPTH: 100'
- MIN. FRONT YARD SETBACK: 20' (TO GARAGE FACE)
- MIN. SIDE YARD SETBACK: 10' MIN./5' MIN. (15' MIN. COMBINED)
- MIN. REAR YARD SETBACK: 15'
- TOTAL PROPOSED LOTS: 8 (0/1/5/2 AC-4-09 DU/AC)
- LOTS A AND B WILL BE DEDICATED TO THE HOA FOR OPEN SPACE PURPOSES. DISTRICTS WILL BE GRANTED OVER LOTS C AND D. THE HOA WILL BE DEDICATED TO THE HOA FOR OPEN SPACE PURPOSES AND THE HOA WILL BE DEDICATED TO THE HOA FOR OPEN SPACE PURPOSES.
- TO HOA FOR MAINTENANCE PURPOSES.
- THERE ARE NO OFF-SITE DRAINAGE AREAS TRIBUTARY TO THIS PROJECT.

**BENCHMARK:**

BENCHMARK PER NOS DATA SHEET 026315  
 FOUND: 1" METRIC/100MM WATER DISTRICT MARK TYPED IN TOP OF A CONCRETE FOUNDATION SHOWN IN DE 1983  
 ELEVATION: 1603.71 (NAD83 DATUM)

**BASIS OF BEARINGS**

THE BASIS OF BEARINGS FOR THE SURVEY IS THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 8 (NAD83/11) EPOCH 2011.00. ALL BEARINGS SHOWN ON THIS MAP ARE GRID, QUOTED BEARINGS AND DISTANCES REFERRED TO THE STATE PLANE COORDINATE SYSTEM. ALL BEARINGS AND DISTANCES REFERRED TO THE STATE PLANE COORDINATE SYSTEM ARE QUOTED BEARINGS AND DISTANCES. THE GROUND DISTANCES AND BEARINGS MAY BE OBTAINED BY MULTIPLYING THE QUOTED BEARINGS AND DISTANCES BY THE CORRECTION FACTOR OF 0.9999958906. THE GROUND DISTANCES AND BEARINGS MAY BE OBTAINED BY MULTIPLYING THE QUOTED BEARINGS AND DISTANCES BY THE CORRECTION FACTOR OF 0.9999958906. E: 0.2811453251, USING AN ELEVATION OF 1623.14'.

**LOT SUMMARY TABLE**

LOT NO.	AREA (SF)	AVG. WIDTH (AVE. DEPTH)	PROP. USE
1	7,200	70' x 100'	RESIDENTIAL LOT
2	7,200	70' x 100'	RESIDENTIAL LOT
3	7,200	73.8' x 95'	RESIDENTIAL LOT
4	7,200	75.2' x 88'	RESIDENTIAL LOT
5	7,200	75' x 85'	RESIDENTIAL LOT
6	7,200	73.5' x 95'	RESIDENTIAL LOT
7	7,217	70' x 100'	RESIDENTIAL LOT
8	7,216	70' x 100'	RESIDENTIAL LOT
"A"	17,336	-	PRIVATE STREET
"B"	1,129	-	PRIVATE STREET
"C"	648	-	W.O. BASIN

**UTILITY PURVEYORS:**

SEWER & WATER: EASTERN MUNICIPAL WATER DISTRICT  
 SUTRO PARK, CA  
 R.C.C.O.D. & W.C.O.  
 (951) 955-1200  
 CITY OF MORENO VALLEY  
 (951) 415-1000  
 S.C. GAS SERVICE  
 (909) 427-2200  
 ELECTRIC: SOUTHERN CALIFORNIA Edison  
 (800) 886-4100

**FLOOD ZONE DESIGNATION**

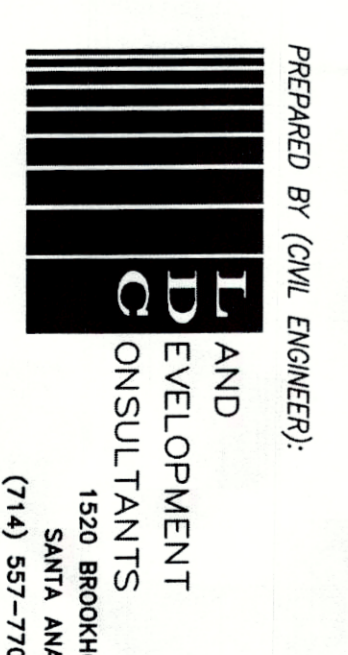
ZONE X, MAP PANEL #060650070G  
 EFFECTIVE DATE: AUGUST 28, 2008  
 AREA OF 0.2% ANNUAL FLOOD CHANCE OF 1% ANNUAL FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM THE ANNUAL CHANCE FLOOD.

**EASEMENT NOTES:**

- EASEMENT IN FAVOR OF SITE RECORDED 8/10/78, PER REC. #18831, ON THE PART OF THE CITY OF MORENO VALLEY, (TO BE DEDICATED PRIOR TO GRADING PERMIT ISSUANCE)

**LEGAL DESCRIPTION:**

PARCELS 1 AND 2, TOGETHER WITH LETTERED LOTS A AND B, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY PARCEL MAP 22468, ON FILE IN BOOK 148, PAGE 53, OF PARCEL MAPS, RECORDS OF SAID COUNTY.

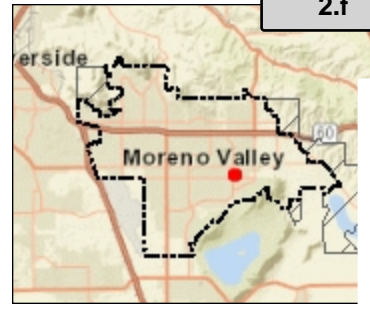


PREPARED BY: (CWE ENGINEER)  
**LAND DEVELOPMENT**  
 CONSULTANTS  
 1520 BROADHOLLOW DRIVE, SUITE 33  
 SANTA ANA, CALIFORNIA, 92705  
 (714) 557-7100 (714) 557-7707 FAX  
 C I U L ENGINEERS

PREPARED FOR (OWNER/APPLICANT):  
 MR. HAKAN BILGIN  
 618 W. LAKE AVENUE  
 MORENO VALLEY, CA 92553  
 PHONE: (949) 296-5595

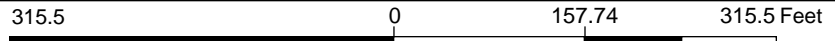
ROUTE for REVIEW 4  
**PEN18-0080**  
 Thursday, June 13, 2019

# Aerial View



### Legend

- Public Facilities
  - Public Facilities
  - ★ Fire Stations
- Parcels
- ⊞ City Boundary
- ◻ Sphere of Influence



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

Print Date: 9/6/2019

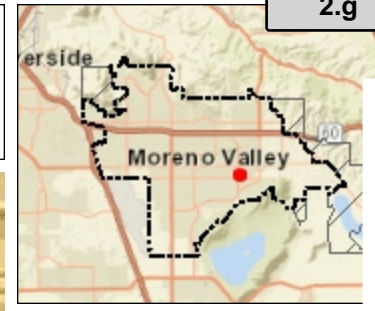
DISCLAIMER: The information shown on this map was compiled from the City of Moreno Valley GIS and Riverside County GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.

### Notes

PEN18-0080  
Tentative Tract Map 37462

Attachment: Aerial Photograph [Revision 1] (3734 : PEN18-0080 – Tentative Tract Map 37462)

# Residential 5 District (R5) Zoning Designation



## Legend

### Zoning

- Commercial
- Industrial/Business Park
- Public Facilities
- Office
- Planned Development
- Large Lot Residential
- Residential Agriculture 2 DU/AC
- Residential 2 DU/AC
- Suburban Residential
- Multi-family
- Open Space/Park

### Master Plan of Trails

- Bridge
- Improved
- Multiuse
- Proposed
- Regional
- State

### Road Labels

- Parcels
- City Boundary
- Sphere of Influence
- World Street Map

## Notes

PEN18-0080  
Tentative Tract Map 37462

315.5 0 157.74 315.5 Feet

DISCLAIMER: The information shown on this map was compiled from the City of Moreno Valley GIS and Riverside County GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.