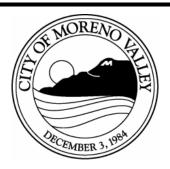
PLANNING COMMISSIONERS

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, March 12, 2020 at 7:00 PM City Hall Council Chamber – 14177 Frederick Street

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMENTS PROCEDURE

Any person wishing to address the Commission on any matter, either under the Public Comments section of the Agenda or scheduled items or public hearings, should 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.

1. Planning Commission Minutes – Regular Meeting – February 27, 2020, 7:00 PM

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

No items for discussion.

PUBLIC HEARING ITEMS

1. Case: PEN19-0166 – PLOT PLAN

Applicant: Continental East Fund III, LLC

Property Owner Continental East Fund III, LLC

Representative Continental East Fund III, LLC

Location: Northeast corner of Lasselle St. and Krameria Ave.

Case Planner: Jeff Bradshaw

Council District: 4

Proposal Plot Plan for a 21,304 square foot retail center

comprised of four buildings on a 2.84 acre site located at the northeast corner of Krameria Avenue

and Lasselle Street.

2. Case: Conditional Use Permit (PEN19-0220)

Applicant: Dajuan Evans

Property Owner Himada Properties, LLC

Representative Eric Lightman

Location: 14070 Perris Boulevard

Case Planner: Julia Descoteaux

Council District: 3

Proposal Conditional Use Permit for a 6,580 square foot

retail cannabis dispensary located within an existing

building at 14070 Perris Boulevard.

3. Case: Conditional Use Permit (PEN19-0020)

Applicant: Downtown Connect

Property Owner MJV Real Estate, LLC

Representative Anthony Hicks

Location: 12540 Heacock Street

(APN's 481-120-033 and 481-120-035)

Case Planner: Sean P. Kelleher

Council District: 1

Proposal Conditional Use Permit for a 3,815 square foot

retail cannabis dispensary, "Downtown Connect" located within an existing tenant space at 12540 Heacock Street along with an associated off-site

parking facility.

OTHER COMMISSION BUSINESS

No items for discussion.

STAFF COMMENTS

PLANNING COMMISSIONER COMMENTS

ADJOURNMENT

Planning Commission Regular Meeting, March 27, 2020 at 7:00 P.M., City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, CA 92553.

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

REGULAR MEETING – 7:00 PM February 27, 2020

CALL TO ORDER

This Regular meeting of the Planning Commission of the City of Moreno Valley was called to order at 7:02 p.m., by Chairperson Sims in the Council Chambers located at 14177 Frederick Street, Moreno Valley, California.

ROLL CALL

Planning Commission: Jeffrey Sims Chairperson Present

Ray L. Baker Vice Chairperson Present Patricia Korzec Commissioner Present Robert Harris Commissioner Present JoAnn Stephan Commissioner Present Rafael Brugueras Commissioner Present Alvin DeJohnette Commissioner Present

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner DeJohnette.

APPROVAL OF AGENDA

Motion to approve the agenda was made by Vice Chairperson Baker and seconded by Commissioner Harris.

Vote: 7-0

Ayes: Vice Chairperson Baker, Commissioner Harris, Korzec, Stephan, Brugueras,

Chairperson Sims and Commissioner DeJohnette

Action: Approved

STAFF PRESENT

Martin Koczanowicz City Attorney

Manuel Mancha Community Development Director

Patty Nevins Planning Official
Sean Kelleher Senior Planner
Chris Ormsby Senior Planner
Claudia Manrique Associate Planner
Eric Lewis City Traffic Engineer
Michael Lloyd Assistant City Engineer
Guy Pegan Senior Associate Engineer

Paul Villalobos Fire Marshall

Ashley Aparicio Planning Commission Secretary

PUBLIC COMMENTS PROCEDURE

PUBLIC COMMENTS

No public comments.

CONSENT CALENDAR

1. Planning Commission - Regular Meeting - January 9, 2020, 7:00 PM

Motion to approve the minutes of January 9, 2020 was made by Vice Chairperson Baker and seconded by Commissioner Brugueras.

Vote: 7-0

Ayes: Vice Chairperson Baker, Commissioner Brugueras, Korzec, Harris,

Stephan, Chairperson Sims and Commissioner DeJohnette

Action: Approved

NON-PUBLIC HEARING ITEMS

- 1. Annual Progress Report as Required by Government Code 65400 (Report of: Planning Commission)
 - A. Staff recommends that the Planning Commission APPROVE Resolution No. 2020-02, and thereby:
 - Certify that the General Plan Annual Report qualifies for the common sense exemption in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines; and
 - Recommends to the City Council that the January 2019 to December 2019 General Plan Annual Report is consistent with the requirements of Government Code Section 65400 and is ready for submittal to the Office of Planning and Research and to the Department of Housing and Community Development by April 1, 2020.

Motion to approve Resolution Number 2020-02 was made by Commissioner Korzec and seconded by Commissioner Stephan.

Vote: 7-0

Ayes: Commissioner Korzec, Stephan, Harris, Brugueras,

Chairperson Sims, Vice Chairperson Baker and Commissioner

DeJohnette

Action: Approved

PUBLIC HEARING ITEMS

- 1. A Standard Street Vacation of a portion of Stoddard Street located between Williams Avenue and Alessandro Boulevard. (Report of: Planning Commission)
 - A. Staff recommends that the Planning Commission APPROVE Resolution No. 2020-03, FINDING that the vacation of Stoddard Street is in conformance with the General Plan and current zoning, and thereby RECOMMEND that the City Council:
 - 1. Certify that the vacation, LGL19-0053 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3), Common Sense Exemption; and
 - Recognize that the vacation, LGL19-0053, is not required as a condition of approval for a private development, and is within the scope of the requesting property owner to vacate said paper street. No new or additional environmental review or determination is required for the street vacation; and
 - 3. Approve LGL19-0053 for the vacation of a portion of Stoddard Street located south of Williams Avenue and north of Alessandro Boulevard, based on the findings contained in this resolution.

Public Hearing Opened: 7:21 p.m.

Martha Moreno expressed concerns with the item. Public Works staff will contact her to further discuss the concerns.

Public Hearing Closed: 7:25 p.m.

Motion to approve Resolution Number 2020-03 was made by Commissioner Korzec and seconded by Commissioner DeJohnette.

Vote: 7-0

Ayes: Commissioner Korzec, DeJohnette, Stephan, Harris, Brugueras,

Chairperson Sims and Vice Chairperson Baker

Action: Approved

- Conditional Use Permit for a 2,374 square foot retail Cannabis Dispensary, "RD MOVAL, LLC" Located within an existing building at 21820 Alessandro Boulevard (Report of: Planning Commission)
 - A. Staff recommends that the Planning Commission APPROVE Resolution No. 2020-05, and thereby:

- 1. Certify that Conditional Use Permit PEN19-0052 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) as a Class 1 Exemption (Section 15301, Existing Facilities); and
- 2. Approve Conditional Use Permit PEN19-0052 subject to the attached Conditions of Approval included as Exhibit A to the Resolution.

Public Hearing Opened: 7:39 p.m.

Dr. Karla Kendall Richmond opposes the item.

Public Hearing Closed: 7:44 p.m.

Motion to approve Resolution Number 2020-05 with amendment to Exhibit A, adding condition number 76 to the Conditions of Approval requiring the new parking area to be designed and constructed with impervious asphalt concrete (AC) within the drive aisles and pervious AC within the parking stalls, was made by Commissioner Brugueras and seconded by Commissioner Stephan.

Vote: 6-1

Ayes: Commissioner Brugueras, Stephan, Korzec, Harris, Vice

Chairperson Baker and Commissioner DeJohnette

Noes: Chairperson Sims

Action: Approved

OTHER COMMISSION BUSINESS

No items for discussion.

STAFF COMMENTS

Patty Nevins, Planning Official, welcomes and introduces the City's new Community Development Director, Manuel Mancha.

Mr. Mancha thanked the Chair and Commission to be given the opportunity to be a part of the future development of the City along with our residents and Council.

Ms. Nevins also added we are in the process in updating our General Plan. There are flyers at the back of the room for more information.

PLANNING COMMISSIONER COMMENTS

Commissioner Brugueras asked all residents to take advantage and go to the meetings and voice your opinions for the General Plan and to do their part so they can be comfortable with the decisions when the update goes forward.

Commissioner DeJohnette asked about the dates for the upcoming workshops and if they are the same topics or different topics.

Ms. Nevins explained the workshops are the same topics but will be taking place in the different districts within the City.

ADJOURNMENT

There being no further business to come before the Planning Commission, Chairperson Sims adjourned the meeting at 8:02 PM.

Submitted by:	Approved by:	
Ashley Aparicio	Jeffrey Sims	
Planning Commission Secretary	Chairperson	



PLANNING COMMISSION STAFF REPORT

Meeting Date: March 12, 2020

PLOT PLAN FOR A 21,304 SQUARE FOOT RETAIL CENTER COMPRISED OF FOUR BUILDINGS ON A 2.84 ACRE SITE LOCATED AT THE NORTHEAST CORNER OF KRAMERIA AVENUE AND LASSELLE STREET

Case: PEN19-0166 – PLOT PLAN

Applicant: Continental East Fund III, LLC

Property Owner Continental East Fund III, LLC

Representative Continental East Fund III, LLC

Location: Northeast corner of Lasselle St. and Krameria Ave.

Case Planner: Jeff Bradshaw

Council District: 4

Proposal Plot Plan for a 21,304 square foot retail center

comprised of four buildings on a 2.84 acre site located at the northeast corner of Krameria Avenue and

Lasselle Street.

SUMMARY

The applicant, Continental East Fund III, LLC, is requesting approval of a Plot Plan for the construction of a new 21,304 square foot retail center on a 2.84-acre parcel located within the Moreno Valley Ranch Specific Plan at the northeast corner of Lasselle Street and Krameria Avenue. The property is currently zoned Specific Plan 193 Commercial (SP 193 C) District. The project as designed and conditioned is consistent with the goals, policies and objectives of the City's General Plan as well as the requirements of the Moreno Valley Ranch Specific Plan and the City's Municipal Code.

ID#3926 Page 1

BACKGROUND

On March 5, 2019, the City Council approved the following applications: 1) a General Plan Amendment amending the land use designation to Commercial; 2) a Specific Plan Amendment and Change of Zone to the Moreno Valley Ranch Specific Plan to Commercial (SP193 C); and 3) a Tentative Parcel Map 37514 to subdivide the 2.84-acre project site (Parcel 2) away from a larger 19-acre project site.

PROJECT DESCRIPTION

Project

The applicant is requesting approval of a Plot Plan for the construction of a new 21,304 square foot retail center on a 2.84-acre site located within the Moreno Valley Ranch Specific Plan at the northeast corner of Lasselle Street and Krameria Avenue. The retail center is comprised of a combination of four buildings surrounding a central courtyard. Parking and landscape improvements areas are provided along the perimeter of the site.

Site / Surrounding Area

The 2.84-acre project site is located at the northeast corner of Lasselle Street and Krameria Avenue. The site has been rough graded and various site improvements including a detention basin were previously constructed in the southwestern portion of the Project site to capture runoff from the adjacent Lasselle Elementary School storm drain system.

Surrounding land uses included multi-family residential unit currently under construction by the same developer to the north, single-family residences to the south and west, and vacant land to the east entitled for future apartments. Lasselle Elementary school and Moreno Valley Community College are both located in close proximity to the site. Overall, the proposed commercial development is compatible with objectives outlined in the City's General Plan as well as with existing and planned land uses in the project area.

Access/Parking

Access to the project site will be from Lasselle Street and Krameria Avenue via Lydias Way, a private street that provides shared access to the apartment project located to the north and east. Entry to the project site will be via two driveways taking access from the private street.

Based on the proposed combination of retail, restaurant and office uses, the proposed retail center requires a total of 117 parking stalls. The project as designed exceeds the standard by providing a total of 121 parking spaces.

Design / Landscaping

The proposed 21,304-square foot retail center includes four buildings arranged around a central courtyard. The one and two-story buildings incorporate a contemporary Spanish Colonial architectural design. The design is consistent with the architectural guidelines of the Specific Plan as it includes varied building heights and tower elements, decorative metal work, arched entries, and incorporates durable quality materials including stucco, s-tile roofing, decorative tile enhancements around archways, exposed wood, and iron.

The pad elevation of the site is higher than the grade of adjacent Lasselle Street and Krameria Avenue. Perimeter landscape for the site is placed at the back of sidewalk between the sidewalk and retaining walls and in shared water quality treatment swales/landscape planters at the perimeter of the site's parking lot, around the building's exterior and within the central courtyard. The on-site landscape consists of drought tolerant ground cover, shrubs and trees.

REVIEW PROCESS

In compliance with the Municipal Code, the Project Review Staff Committee (PRSC) reviewed this project and met with the applicant on August 20, 2019. The applicant has worked with staff, and modified the plans to be consistent with the development standards of Moreno Valley Ranch Specific Plan and the Municipal Code. Based on staff's review, it was determined that the project will be consistent with the General Plan, the Moreno Valley Ranch Specific Plan, and City requirements, subject to the conditions of approval in the attached Resolution.

ENVIRONMENTAL

City staff has completed an independent review of the potential environmental impacts of the proposed project in accordance with the California Environmental Quality Act (CEQA) Guidelines and has determined the project does not have the potential for a significant effect on the environment, and qualifies for a Class 32 Categorical Exemption (Section 15332, In-fill Development Projects).

NOTIFICATION

Public notice was sent to all property owners of record within 600' of the project on February 27, 2020. The public hearing notice for this project was also posted on the project site on February 28, 2020, and a notice was published in the local newspaper on February 28, 2020.

As of the date of report preparation, staff has received no phone calls or correspondence in response to the noticing for this project.

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.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2020-09, and thereby:

- 1. **CERTIFY** that Plot Plan (PEN19-0166) is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 32 Exemption (Section 15332, In-fill Development Projects); and
- 2. **APPROVE** Plot Plan (PEN19-0166) subject to the attached Conditions of Approval included as Exhibit A to this Resolution.

Prepared by: Jeffrey Bradshaw Associate Planner Approved by: Patty Nevins Planning Official

ATTACHMENTS

- 1. Resolution 2020-09
- 2. Exhibit A to Resolution 2020-09
- 3. Site Plan and Preliminary Grading Plan
- 4. Architectural Plans
- Conceptual Landscape Plan
- Noticing Radius Map
- 7. Public Hearing Notice

PLANNING COMMISSION RESOLUTION NO. 2020-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING A PLOT PLAN (PEN19-0166) FOR DEVELOPMENT OF A 21,304 SQUARE FOOT RETAIL CENTER ON 2.84 ACRES LOCATED AT THE NORTHEAST CORNER OF LASSELLE STREET AND KRAMERIA AVENUE.

- **WHEREAS,** on July 23, 2019, Continental East Fund III, LLC, filed an application for the approval of Plot Plan application PEN19-0166 for development of a 21,304 square foot retail center as described in the title above; and
- WHEREAS, the City has reviewed this project and determined that it is consistent with the site's General Plan Commercial designation, all applicable General Plan policies and the Commercial zoning district of the Moreno Valley Ranch Specific Plan (SP 193); 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 notice for this project was published in the local newspaper on February 28, 2020. Public notice was sent to all property owners of record within 600 feet of the project site on February 27, 2020. The public hearing notice for this project was also posted on the project site on February 28, 2020; and
- **WHEREAS,** on March 12, 2020, the Planning Commission of the City of Moreno Valley conducted a hearing to consider the application; and
- WHEREAS, on March 12, 2020, the Planning Commission of the City of Moreno Valley determined that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15332, 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.
- **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 meeting on March 12, 2020, including written and oral staff reports, public testimony and the record from the public hearing, this Planning Commission hereby specifically finds as follows:
 - Conformance with General Plan Policies The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The General Plan Land Use designation for the project site is Commercial. General Plan Policy 2.4.1 states that the primary purpose of areas designated Commercial is to provide property for business purposes, including, but not limited to, retail stores, restaurants, banks, hotels, professional offices, personal services and repair services. The zoning regulations shall identify the particular uses permitted on each parcel of land, which could include compatible noncommercial uses.

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 with its goals, objectives, policies, and programs established within the Plan.

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

FACT: The project proposes to develop the 2.84-acre site consistent with the development standards of the Commercial zoning district of the Moreno Valley Ranch Specific Plan.

The Commercial (C) zone defers to the Neighborhood Commercial (NC) District in the City's Municipal Code for permitted uses. As designed and conditioned, the project would be consistent with the purposes and intent of Title 9 and the Moreno Valley Ranch Specific Plan.

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 Plot Plan as designed and conditioned will provide acceptable levels of protection from natural and man-made hazards to life, health, and property consistent with General Goal 9.6.1. The project site is located less than one half mile from Fire Station No. 91 located to the west on Lasselle Street near Iris Avenue. Therefore, adequate emergency services can be provided to the site consistent with General Plan Goal 9.6.2.

The proposed project as designed and conditioned will result in a development that will minimize the potential for loss of life and protect residents, workers, and visitors to the City from physical injury and property damage due to seismic ground shaking and flooding as provided for in General Plan Objective 6.1 and General Plan Objective 6.2.

Surrounding land uses include multi-family residential unit currently under construction by the same developer to the north, single-family residences to the South and west, and vacant land to the east entitled for future apartments. Lasselle Elementary school and Moreno Valley Community College are both located in close proximity to the site.

The project as designed is consistent with the Commercial zone of the Moreno Valley Ranch Specific Plan and the applicable development standards of City's Neighborhood Commercial zone per Municipal Code Section 9.04.

This project qualifies as exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15332 (In-fill Development Projects). The project meets the following criteria of the In-fill Exemption: 1) The project is consistent with the site's Commercial General Plan designation and applicable General Plan policies as well the Commercial zone of the Moreno Valley Ranch Specific Plan and application zoning standards; 2) The proposed development is within the City limits and on a project site of no more than give acres in an urbanized area; 3) The project site has no value as habitat for endangered, rare or threatened species; 4) Approval of the project will not result in any significant impacts relating to traffic, noise, air quality or water quality; and 5) The site can be adequately served by all required utilities and public services.

4. **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 is located at the northeast corner of Lasselle Street and Krameria Avenue within the Moreno Valley Ranch Specific Plan. Permitted uses for the 2.84-acre project site are the uses listed under the Commercial zone of the Moreno Valley Ranch Specific Plan and the City's Neighborhood Commercial (NC) District.

Surrounding land uses include multi-family residential unit currently under construction by the same developer to the north, single-family residences to the south and west, and vacant land to the east entitled for future apartments. Lasselle Elementary school and Moreno Valley Community College are both located in close proximity to the site.

The Commercial (C) zone of the Moreno Valley Ranch Specific Plan states that it is anticipated that the population generated by eventual build-out of Moreno Valley Ranch will be served by several commercial centers located within the village core neighborhood nodes. The project site is one the commercial center locations referenced in the Specific Plan.

The project as designed and conditioned is compatible with existing and proposed land uses in the vicinity.

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 PEN19-0166, 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. 2020-09, and:

- CERTIFY that Plot Plan (PEN19-0166) is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 32 Exemption, CEQA Guidelines Section 15332 (In-fill Development Projects); and
- 2. **APPROVE** Plot Plan (PEN19-0166), based on the findings contained in this resolution and subject to the conditions of approval included as Exhibit A.

APPROVED this 12th day of March, 2020.

Conditions of Approval

Exhibit A:

	Jeffrey Sims Chairperson, Planning Commission
ATTEST:	APPROVED AS TO FORM:
Patty Nevins, Planning Official Secretary to the Planning Commission	City Attorney
Attachments:	

Plot Plan PEN19-0166 Page 1

> CITY OF MORENO VALLEY CONDITIONS OF APPROVAL Plot Plan (PEN19-0166)

EFFECTIVE DATE: EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

- 1. Plot Plan PEN19-0166 is approved for the development of a 21,304 square foot retail center on Parcel 2 of Parcel Map 37514, including shop space for 4,572 square feet of retail, 8,044 square feet of restaurant, and 4,032 square feet of office use.
- 2. Any expansion to this use or exterior alterations will require the submittal of a separate application(s) and shall be reviewed and approved under separate permit(s). (MC 9.02.080)
- 3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
- 4. 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)
- 5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- 6. This project is located within the Moreno Valley Ranch Specific Plan (Specific Plan 193). The provisions of the specific plan, the design manual, their subsequent amendments, and the Conditions of Approval shall prevail unless modified herein. (MC 9.13)
- 7. 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)
- 8. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
- 9. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Plot Plan PEN19-0166 Page 2

10. A change or modification to the land use or the approved site plan may require a separate approval. Prior to any change or modification, the property owner shall contact the City of Moreno Valley Community Development Department to determine if a separate approval is required.

Special Conditions

11. The retail center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.

Prior to Grading Permit

- 12. Prior to issuance of any grading permit, all Conditions of Approval shall be printed on the grading plans.
- 13. Prior to the issuance of grading permits, decorative (e.g. colored/scored concrete or as approve by the Planning Official) pedestrian pathways across circulation aisles/paths shall be provided throughout the development to connect commercial buildings with open space and/or parking and/or the public right-of-way. The pathways shall be shown on the precise grading plan. (GP Objective 46.8, DG)
- 14. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- 15. If potential historic, archaeological, Native American cultural resources or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area must cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered during grading and other construction excavation, no further disturbance shall occur until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission shall be notified within 5-days of the published finding to be given a reasonable opportunity to identify the "most likely descendant." The "most likely descendant" shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).

- 16. 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.
- 17. Prior to the issuance of grading permits, the site plan and grading plans shall show decorative hardscape (e.g. colored concrete, stamped concrete, pavers or as approved by the Planning

Plot Plan PEN19-0166 Page 3

Official) consistent and compatible with the design, color and materials of the proposed development for all driveway ingress /egress locations of the project.

- 18. Prior to issuance of grading permits, the developer shall submit wall /fence plans to the Planning Division for review and approval as follows:
 - a. A 3-foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.
- 19. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
 - a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
- 20. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
- 21. Prior to issuance of any grading permit, all Conditions of Approval shall be printed on the building plans.
- 22. Prior to the issuance of building permits, the developer shall provide documentation that contact was made to the U.S. Postal Service to determine the appropriate type and location of mailboxes.
- 23. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan or separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color and materials of the building (s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
- 24. Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
 - a. A three (3) foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls.
 - d. Drought tolerant landscape shall be used. Sod shall be limited to gathering areas.

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- e. Street trees shall be provided every 40 feet on center in the right of way.
- f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way. Trees may be massed for pleasing aesthetic effects.
- g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.
- h. Landscaping on three sides of any trash enclosure.
- i. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site in question.
- 25. 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)
- 26. 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 Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
- 27. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
- 28. Prior to or at building plan check submittal, 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 prior to the issuance of a building permit. 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, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, 9.16.280)
- 29. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.
- 30. Prior to issuance of building permits, proposed covered trash enclosure (s) shall be included in the Planning review of the Fence and Wall plans. The trash enclosure (s), including the roof materials, shall be compatible with the architecture, color and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides unless located within the truck loading area. Approved design plans shall be included in a Building submittal (Fence and walls or building design plans). (GP Objective 43.6, DG)

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Prior to Building Final or Occupancy

- 31. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
- 32. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department Planning Division on a CD disk.
- 33. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

- 34. 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.
- 35. 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.
- 36. Contact the Building Safety Division for permit application submittal requirements.
- 37. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner 's or owner representative's project requirements (OPR). All requirements in The 2016 California Green Building Standards Code, sections 5.410.2 5.410.2.6 must be met.
- 38. 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.
- 39. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
- 40. The proposed development shall be subject to the payment of required 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.
- 41. 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.
- 42. 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

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suppression systems, accessibility, etc. The current code edition is the 2016 CBC.

- 43. The proposed non-residential project shall comply with 2016 California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
- 44. 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.
- 45. 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)

Economic Development Department (EDD)

- 46. New Moreno Valley business are encouraged to hire local residents.
- 47. 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:
 - a. Job Announcements
 - b. Applicant testing / pre-screening
 - c. Interviewing
 - d. Job Fair support
 - e. Training space

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

48. 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.

FIRE DEPARTMENT

Fire Prevention Bureau

- 49. Prior to issuance of building permits, plans specifying the required structural materials for building construction in high fire hazard severity zones shall be submitted to the Fire Prevention Bureau for approval. (CFC, 4905)
- 50. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall

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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])

- 51. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
- 52. 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])
- 53. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
- 54. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
- 55. 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)
- 56. 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)
- 57. 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)
- 58. 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)
- 59. 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 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.
- 60. 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

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of building plan submittal.

- 61. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
- 62. 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 the thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
- 63. 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)
- 64. 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)
- 65. 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 ½" x 2 ½") (CFC 507.5.1, 507.5.7, Appendix C, NFPA 24-7.2.3, MVMC 912.2.1)
- 66. 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)
- 67. 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)
- 68. 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)
- 69. Plans for private water mains supplying fire sprinkler systems and /or private fire hydrants shall be submitted to the Fire Prevention Bureau for approval. (CFC 105 and CFC 3312.1)
- 70. 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 B 105.1. 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)
- 71. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

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- 72. 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)
- 73. 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.

PUBLIC WORKS DEPARTMENT

Land Development

- 74. Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, shall be required prior to the final occupancy as approved by the City Engineer, of as otherwise noted in the Special Conditions. If slurry is required, a slurry mix design shall be submitted for review and approved by the City Engineer. The latex additive shall be Ultra Pave 70 (for anionic) or Ultra Pave 65 K (for cationic) or an approved equal per the geotechnical report. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two -and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.
- 75. 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]
- 76. 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.
- 77. 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.

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- e. 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.
- 78. In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. If unsuccessful, the Developer shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right -of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right -of-way or easement acquisition. [GC 66462.5]
- 79. All Conditions of Approval from previously approved PEN18-0090 shall continue to apply unless otherwise indicated herein.
- 80. 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]
- 81. Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement no structures, obstructions, or encroachments by landfills are allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.
- 82. 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.
- 83. The proposed private storm drain system shall connect to the existing Riverside County Flood Control storm drain in Krameria Avenue. A storm drain manhole shall be placed at the right-of-way line to mark the beginning of the publicly maintained portion of this storm drain.
- 84. This project shall submit civil engineering design plans, reports and /or documents (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. Precise grading w/ erosion control plan prior to Grading permit issuance;
 - b. Public Improvement Plan (e.g., Street/Storm Drain w/ Striping, RCFC Storm Drain, Sewer/Water, etc.) prior to Encroachment Permit Issuance;
 - c. Final drainage study (prior to grading plan approval);
 - d. Final WQMP (prior to grading plan approval);

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- e. Legal Documents (e.g., Easement(s), Dedication(s), prior to building permit release);
- f. As-Built revision for all plans (prior to occupancy release);
- 85. 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 Property Owner's Association (POA). The Developer shall enter into a Stormwater Maintenance Covenant, prior to Occupancy permit.

Prior to Grading Plan Approval

- 86. Resolution of all drainage issues shall be as approved by the City Engineer.
- 87. 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.
- 88. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity.
- 89. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
 - a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
 - A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
- 90. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

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- 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.
- 91. 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.
- 92. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) a guidance document for the Santa Ana region of Riverside County.
- 93. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
- 94. The developer shall pay all remaining plan check fees.
- 95. 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.
- 96. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
- 97. 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

- 98. 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)]
- 99. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be

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- limited to, access easements, reciprocal access, private and /or public utility easements as may be relevant to the project.
- 100. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
- 101. A digital (pdf) copy of all approved grading plans shall be submitted to the Land Development Division.
- 102. 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)]
- 103. 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]
- 104. The developer shall pay current DIF fees adopted by the City Council. [Ord. 695 § 1.1 (part), 2005] [MC 3.38.030, 040, 050]
- 105. The developer shall pay current TUMF fees adopted by the City Council. [Ord. 835 § 2.1, 2012] [MC 3.44.060]

Prior to Improvement Plan Approval

- 106. The developer is required to bring any existing sidewalk and access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.
- 107. The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
- 108. The street improvement plans, as required, shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.
- 109. The design plan and profile, as required, 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.
- 110. 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.
- 111. 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]

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9.14.110 A.2]

- 112. 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.
- 113. Any missing or deficient existing improvements along the project frontage shall be constructed or secured for construction. The City Engineer may require the ultimate structural section for pavement to half-street width plus 18 feet or provide core test results confirming that existing pavement section is per current City Standards; additional signing & striping to accommodate increased traffic imposed by the development, etc.
- 114. For non-subdivision projects, all street dedications shall be free of 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.
- 115. 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 Encroachment Permit

- 116. A digital (pdf) copy of all approved improvement plans shall be submitted to the Land Development Division.
- 117. All applicable inspection fees shall be paid.
- 118. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
- 119. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

- 120. 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.
- 121. For non-subdivision projects, the developer shall guarantee the completion of all related public improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
- 122. For Commercial/Industrial projects, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

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- 123. For non-subdivision projects, all street dedications shall be free of 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.
- 124. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and /or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
- 125. 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 Engineer (excluding models homes).

Prior to Occupancy

- 126. All outstanding fees shall be paid.
- 127. 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.
- 128. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
- 129. For commercial, industrial and multi-family projects, in compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of certificate of occupancy issuance. 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. 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.
 - Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or
 - ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.
 - b. Notify the Special Districts Division of the intent to request building permits 90 days prior to their issuance and the financial option selected. The financial option selected shall be in place prior to the issuance of certificate of occupancy. [California Government Code & Municipal Code]

Plot Plan PEN19-0166 Page 16

- 130. The developer shall complete all public improvements in conformance with current City standards, except as noted in the Special Conditions, including but not limited to the following:
 - a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights (<MVU: SL-2 / SCE: LS-2>), signing, striping, under sidewalk drains, landscaping and irrigation, medians, pavement tapers/transitions and traffic control devices as appropriate.
 - b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
 - c. City-owned utilities.
 - d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
 - e. Under grounding of all existing and proposed utilities adjacent to and on -site. [MC 9.14.130]
 - f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
- 131. For commercial, industrial and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.
- 132. 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.
- 133. 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

Plot Plan PEN19-0166 Page 17

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.

Special Conditions

- 134. Prior to approval of any grading plan, the additional right -of-way required at project entrances shall be shown on the grading plans and shall be consistent with that shown on the final map.
- 135. Prior to approval of any grading plan, the plans shall clearly show that any slope near the public right-of-way has a minimum set-back area at 2% maximum of 2 feet before the start of a (2' min,) drainage swale at the top of toe of slope.
- 136. Prior to final grading plan approval, the developer shall submit for review and approval either a reciprocal access agreement for the shared use of the proposed driveway on Lasselle Street between the multi-family parcel, the commercial project and the clustered units parcel and the connecting access to Krameria Avenue across from Colt Way or alternatively, covenants, conditions, and restrictions (CCRs) that provide for the shared use of the driveway.
- 137. Prior to grading plan approval, the developer shall guarantee the construction of the following improvements by posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer. Public improvements shall be constructed per City standards:
 - a. Lasselle Street, Arterial, City Standard MVSI-104A-O Modified per Moreno Valley Ranch Specific Plan (100-foot RW / 76-foot CC) shall be constructed to include missing improvements and replacement of damaged or non -standard improvements along project frontage. Improvements shall consist of, but not be limited to, sidewalk, pedestrian ramps, emergency vehicle median access, driveway approach, and undergrounding of overhead utilities less than 115,000 volts along project frontage. Improvements between Krameria Avenue and the project entrance shall consist of pavement, base, curb, gutter, sidewalk, and may include the relocation of a street light, and relocation of a power pole. A Bus Turnout per City Std. No. MVSI-161-0 on Lasselle Street between Lydias Way (private street) and Krameria Avenue as approved by the City Engineer.
 - b. Krameria Avenue, Minor Arterial, City Standard MVSI-105A-O (88-foot RW / 64- foot CC) shall be constructed to include missing improvements and replacement of damaged or non-standard improvements along project frontage. Improvements shall consist of, but not be limited to, sidewalk, driveway approaches, drainage structures, pedestrian ramps, dry and wet utilities, relocation of any existing street lights at conflict with proposed project entrance locations, removal of any abandonment storm drain laterals.
 - c. Project entrances at Lasselle Street and at Krameria Avenue across the street from

Plot Plan PEN19-0166 Page 18

Colt Way, shall be constructed per City Standard for local streets, No. MVSI-160 Series. No decorative pavers shall be placed within the public right-of-way.

- d. Pavement core samples of existing pavement may be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate meeting current City standards, the developer may still be required to perform a one -tenth inch grind and overlay or slurry seal depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.
- 138. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:
 - a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;
 - b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;
 - c. That the applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
 - d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

Special Districts Division

- 139. This project has been identified to potentially be included in the formation of a Map Act Area of Benefit Special District for the construction of major thoroughfares and/or freeway improvements. The property owner(s) shall participate in such District and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but will retain the right to object any eventual assessment that is not equitable should the financial burden of the assessment not be reasonably proportionate to the benefit the affected property obtains from the improvements to be installed. The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option when submitting an application for the first building permit to determine whether the development will be subjected to this condition. If subject to the condition, the special election requires a 90 day process in compliance with the provisions of Article 13C of the California Constitution. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100).
- 140. 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

Plot Plan PEN19-0166 Page 19

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.

- 141. Commercial (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 continuous operation, remediation and/or replacement, monitoring, systems evaluations and enhancement of on -site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater 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 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.)
- 142. 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 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.)
- 143. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
- 144. 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.

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145. Zones A, C, and Zone 03

The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services District Zone A (Parks & Community Services), Zone C (Arterial Street Lighting), and Landscape Maintenance District (LMD) 2014-02 Zone 03. All assessable parcels therein shall be subject to annual parcel taxes for Zone A and Zone C and the annual assessment charge for LMD 2014-02 Zone 03 for operations and capital improvements.

<u>Transportation Engineering Division</u>

- 146. Conditions of approval may be modified and/or added if the project is phased or altered from any approved plans.
- 147. Access to the project shall be allowed as follows:
 - Lasselle Street: right-turn in/out only.
 - Krameria Avenue: full access.
- 148. All on-site traffic signing and striping should be accordance with the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD).
- 149. Communication conduit along project frontage on Lasselle Street may be required per City Standard Plan No. MVSI-186-0.
- 150. Krameria Avenue is designated as a minor arterial (88'RW/64'CC) at the project location per City Standard Plan No. MVSI-105A-1. Any improvements undertaken by this project shall be consistent with the City's standards for this facility.
- 151. Lasselle Street is designated as an Arterial (100'RW/76'CC) at the project location per City Standard Plan No. MVSI-104A-0. Any improvements undertaken by this project shall be consistent with the City's standards for this facility.
- 152. Prior to final approval of the landscape plans and construction plans for any type of fencing or monument sign, the project plans shall demonstrate that sight distance at the project driveway conforms to City Standard Plan No. MVSI-164A-0 through MVSI-164C-0. Trees, plants, shrubs, fence and monument sign shall not be located in an area that obstructs the drivers' line-of-sight.
- 153. 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 along the project frontages. Signing and striping plans shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and current City of Moreno Valley Standard Plans by a qualified registered Civil or Traffic Engineer.
- 154. Prior to the final approval of the street improvement plans, a median improvement plan shall be prepared by a registered civil engineer for the existing landscaped median on Lasselle Street, north of Krameria Avenue. The median shall be designed per current City Standards to extend the existing south bound left -turn lane storage length to 300 feet at Lasselle Street/Krameria Avenue intersection. Median construction shall include but not be limited to: paving, concrete curbs, median hardscape, signing and striping. Exact requirements will be determined during the plan check process.
- 155. Prior to the final approval of the street improvement plans, a bus turnout shall be designed

Plot Plan PEN19-0166 Page 21

per the latest City of Moreno Valley Standard Plans, or as approved by the City Engineer, for northbound traffic and shall be located on the east side of Lasselle Street, between the project access and Lasselle Street/Krameria Avenue intersection.

- 156. Prior to issuance of an encroachment permit for work within the public right -of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic Engineer shall be required for plan approval by the City Traffic Engineer.
- 157. Prior to issuance of Certificate of Occupancy for this project, improvements to extend the south bound left-turn lane at Lasselle Street/Krameria Avenue intersection shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer.
- 158. Prior to issuance of Certificate of Occupancy for this project, all signing and striping shall be installed per current City Standards and the approved plans.
- 159. Prior to issuance of Certificate of Occupancy for this project, a bus turnout shall be installed for northbound traffic and shall be located on the east side of Lasselle Street, between the project access and Lasselle Street/Krameria Avenue intersection.

PARKS & COMMUNITY SERVICES DEPARTMENT

160. 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.

- 2. THE PROPERTY SHOWN HEREON CONTAINS THE ENTIRE CONTIGUOUS OWNER.
- 3. TOTAL AREA: 2.84 AC GROSS, 2.33 AC NET
- 4. ALL OPEN SPACE AREAS, LANDSCAPED AREAS, AND POST CONSTRUCTION BMPS SHALL BE MAINTAINED BY OWNER, EXCEPT WHERE NOTED.
- 5. THE ENTIRE PROJECT SHALL BE MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM MAINTAINED BY MERCHANT/OWNER ASSOCIATION.
- 6. ALL DIMENSIONS ARE TO FACE OF BUILDING WALLS AND CONCRETE CURB FACE.
- 7. CONTOUR INTERVAL = 1 FOOT.
- 8. NO REGULATED TREES EXIST ON SITE, UNLESS NOTED.
- 9. THE LOCATIONS OF ALL EXISTING UTILITIES SHOWN ON THIS MAP ARE
- 10. SOURCE OF TOPOGRAPHY: VERTICAL MAPPING RESOURCES, INC. 941 ORANGE AVENUE, #126 CORONADO, CA 92118 DATE: AUGUST 8, 2018 TELEPHONE: (619) 435-1200
- 11. THIS PROJECT IS WITHIN MORENO VALLEY RANCH SPECIFIC PLAN NO. 193.
- 12. THIS PROJECT IS NOT LOCATED IN A SPECIAL STUDIES ZONE.
- 13. THIS PROPERTY IS NOT SUBJECT TO LIQUEFACTION OR OTHER GEOLOGIC HAZARDS AND IS NOT LOCATED IN A SPECIAL STUDIES ZONE.
- 14. THIS PROPERTY IS NOT SUBJECT TO OVERFLOW, INUNDATION OR OTHER FLOOD
- 15. PROPOSED WASTE DISPOSAL SYSTEM: EMWD AND DUMPSTERS FOR SOLID WASTE.
- 16. ALL BUILDINGS PROPOSED BY THE PROJECT WILL BE ERECTED IN CONFORMANCE WITH THE UNIFORM BUILDING CODE OCCUPANCY GROUP AND CONSTRUCTION TYPE FOR COMMERCIAL CONSTRUCTION.
- 17. PROJECT IS LOCATED ON PAGE 747, GRID J-3 OF THOMAS BROTHERS (RIVERSIDE COUNTY. 2015 EDITION).
- 18. THERE ARE NO KNOWN EXISTING WELLS ON THE PROPERTY OR WITHIN 200' OF THE PROPERTY BOUNDARY.
- 19. THIS PROJECT WILL NOT IMPLEMENT THE USE OF A SEPTIC SYSTEM.
- 20. ALL ADA PARKING SPACES SHALL BE LESS THAN 2% IN ALL DIRECTIONS AND THE ADA PATH OF TRAVEL (POT) SHALL HAVE A MAXIMUM 2% CROSS FALL. ALL
- ADA REQUIREMENTS SHALL MEET CBC AND ADA GUIDELINES. 21. ALL OFF-SITE WATER WILL IN INTERCEPTED BY PERIMETER ROADS AND ASSOCIATED STORM DRAIN.

LEGAL DESCRIPTION

PARCEL 2 OF PARCEL MAP NO. 37514. IN THE CITY OF MORENO VALLEY. COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 247, PAGES 65 THROUGH 68 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID

BENCHMARK

AT THE INTERSECTION OF PERRIS BOULEVARD AND IRIS AVENUE, 58.55 FEET SOUTHWEST OF A CHISELED "X" IN A 3" IRON CORNER POST: 40.89 FEET NORTHEAST OF NAIL AND TAG IN THE WEST SIDE OF POWER POLE #213136; 34.39 FEET NORTHWEST OF A NAIL AND TAG SET IN SOUTHWEST SIDE OF TELEPHONE POLE #15160: A 1" IRON PIPE AND TAG AND SURVEY IN A NADWELL MONUMENT: M-32.

WATER QUALITY

A COMPLETE WATER QUALITY MANAGEMENT PLAN (WQMP) IS BEING PROVIDED WITH THE PROJECT SPECIFIC WOMP. THE PLAN IDENTIFIES THE FOLLOWING:

- A) POTENTIAL POST-PROJECT POLLUTANTS AND HYDROLOGICAL IMPACTS ASSOCIATED WITH THE DEVELOPMENT.
- B) PROPOSED MITIGATION MEASURES (BEST MANAGEMENT PRACTICES BMP'S) FOR TREATMENT OF IDENTIFIED IMPACTS INCLUDING SITE DESIGN, SOURCE CONTROL,
- AND TREATMENT CONTROL POST-PROJECT BMP'S.
- C) SUSTAINABLE FUNDING AND MAINTENANCE MECHANISMS FOR THE AFOREMENTIONED BEST MANAGEMENT PRACTICES - BMP'S. A MAINTENANCE AGREEMENT TO BE APPROVED BY CITY COUNCIL WILL BE REQUIRED PRIOR TO ISSUANCE OF GRADING PERMIT.

FLOOD ZONING

THIS AREA IS NOT WITHIN A FLOOD HAZARD AREA. THE AREA IS CONSIDERED A ZONE X (UNSHADED) FLOOD HAZARD WHICH IS OUTSIDE OF THE 100-YEAR FLOOD LIMITS.

EARTHWORK QUANTITIES

CUT: 8,100 CY FILL: 7,000 CY

- 1. THE PROJECT IS EXPECTED TO BALANCE EARTHWORK ONSITE.
- 2. EARTHWORK QUANTITIES ARE UNADJUSTED OR "RAW" AND THEREFORE DO NOT CONSIDER SOIL FACTORS SUCH AS SHRINKAGE AND SUBSIDENCE.

REVISION	NS:		
L NO	DESCRIPTION	APPR	DATE

PLOT PLAN PEN19-0166, PM NO. 37514 CONTINENTAL PLAZA

PARCEL 2 OF PARCEL MAP NO. 37514, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 247, PAGES 65 THROUGH 68 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ASSESSOR PARCEL NUMBER: 308-050-053

SHEET INDEX		
SHEET NO. SHEET NAME		
1 OF 4	TITLE SHEET	
2 OF 4	TYPICAL SECTIONS	
3 OF 4	SITE PLAN	
4 OF 4	PRELIMINARY GRADING PLAN	

LEGEND

(XX.XX)

EXISTING ELEVATION

RIGHT OF WAY

MAJOR CONTOUR

MINOR CONTOUR

SLOPE INDICATOR

SLOPE (IF > 8:1)

BREAK/RIDGE LINE

RETAINING WALL

SANITARY SEWER

POTABLE WATER

FIRE HYDRANT

STORM DRAIN

TRASH ENCLOSURE

LANDSCAPE AREA

BIO-RETENTION BASIN

EACH ROW

NUMBER OF PARKING SPACES IN

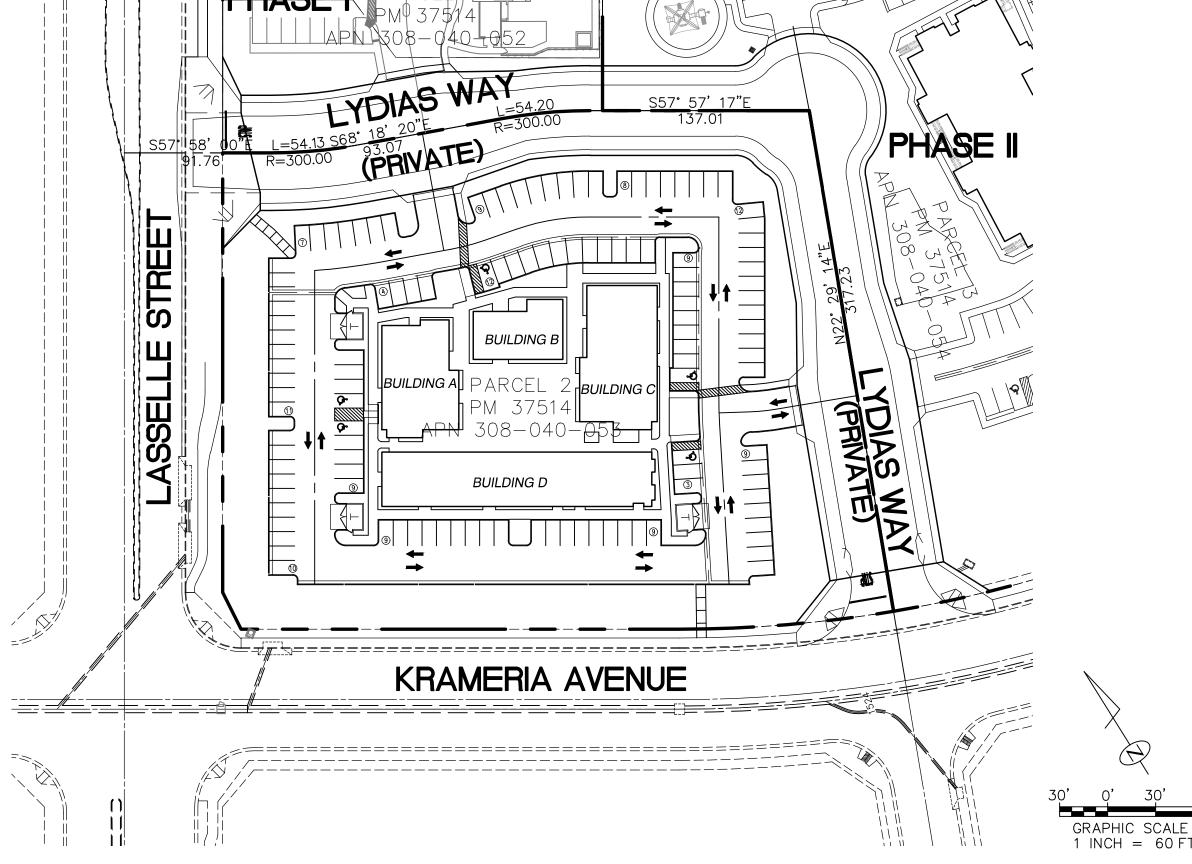
DAYLIGHT LINE

FLOW LINE

PROJECT BOUNDARY

EXISTING PROPERTY LINE

EXISTING RIGHT OF WAY





PARKING TABULATION

REQUIRED PARKING: RETAIL 4,572 SF @ 1 SPACE/225 SF = 20 SPACES FOOD 8,094 SF @ 1 SP/100 = 81 SPACES OFFICE 5,032 SF @ 1 SPACE/250 SF = 20 SPACES 121 SPACES TOTAL PROVIDED PARKING:

TOTAL REQUIRED PARKING: 121 SPACES ACCESSIBLE PARKING SPACES REQUIRED PER CMV ORD. 9.11.040 IS 5 SPACES

ACCESSIBLE PARKING SPACES PROVIDED IS 5 SPACES SPACES REQUIRED FOR CLEAN AIR VEHICLES PER CGBSC TABLE 5.106.5.2 121 SPACES = 11 SPACES

LAND USE NOTES

EXISTING ZONING: NEIGHBORHOOD COMMERCIAL (SP 193) PROPOSED ZONING: NEIGHBORHOOD COMMERCIAL (SP 193) EXISTING LAND USE: COMMERCIAL (SP 193) PROPOSED LAND USE: COMMERCIAL (SP 193) ADJACENT EXISTING LAND USE: HIGH AND MEDIUM HIGH DENSITY RESIDENTIAL

SETBACK SUMMARY

FRONT SETBACKS: MINIMUM STREET/PROPERTY FRONT YARD* 20 FT **REAR SETBACKS:** MINIMUM STREET/PROPERTY REAR YARD* 20 FT SIDE SETBACKS:

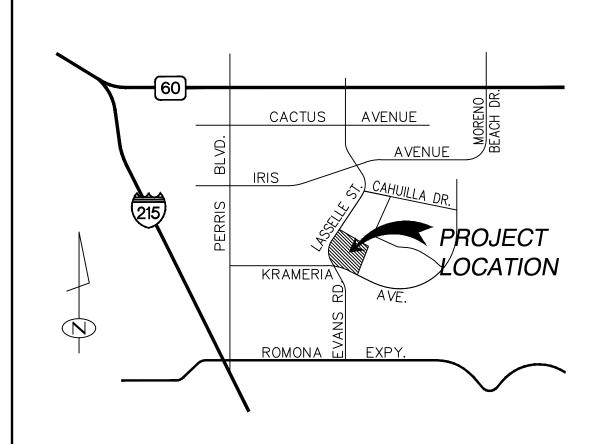
MINIMUM STREET/PROPERTY SIDE YARD* 20 FT

* FROM PUBLIC RIGHT OF WAY

SITE COVERAGE SUMMARY

TOTAL GROSS AREA: 2.84 AC TOTAL NET AREA: 2.33 AC OPEN SPACE/LANDSCAPE AREA: 0.56 AC OPEN SPACE/LANDSCAPE COVERAGE: 24.0% 0.34 AC BUILDING AREA: BUILDING COVERAGE: 14.5% PAVING/HARDSCAPE/SOIL MEDIA AREA: 1.43 AC

PAVING/HARDSCAPE/SOIL MEDIA COVERAGE: 61.5%



VICINITY MAP NOT TO SCALE

UTILITY PURVEYORS

WATER:

EASTERN MUNICIPAL WATER DISTRICT 2270 TRUMBLE ROAD

PERRIS, CA. 92572 (951) 928-3777

SEWER: EASTERN MUNICIPAL WATER DISTRICT 2270 TRUMBLE ROAD PERRIS, CA. 92572

(951) 928-3777 **ELECTRIC:** MORENO VALLEY ELECTRIC UTILITY

14331 FREDERICK STREET, SUITE 2 MORENO VALLEY, CA 92553 (951) 413-3500

SOUTHERN CALIFORNIA GAS COMPANY 527 NORTH SAN JACINTO STREET HEMET, CA 92543

30098 HAUN RD #320

MENIFEE, CA 92584 (951) 723-8452

(877) 507-7905

(800) 427-2200

CABLE: FRONTIER SOUTH 4TH STREET REDLANDS, CA 92373

SCHOOL DISTRICTS

SCHOOL DISTRICT: VAL VERDE UNIFIED SCHOOL DISTRICT

975 MORGAN STREET PERRIS, CA 92571 (951) 940-6100

ABBREVIATIONS

IMPROVEMENT

AC	ASPHALT CONCRETE	INV	INVERT
APN	ASSESSOR PARCEL	LAT	LATERAL
	NUMBER	LP	LOW POINT
BSL	BUILDING SETBACK LINE	MB	MAP BOOK
C/L	CENTERLINE	PE	PAD ELEVATION
CBC	CALIFORNIA BUILDING CODE	PL	PROPERTY LINE
CGBSC	CALIFORNIA GREEN	PM	PARCEL MAP
	BUILDING STANDARDS CODE	POC	POINT OF CONNECTION
CVM	CITY OF MORENO VALLEY	REC	RECREATION
ESMT.	EASEMENT	R/W	RIGHT OF WAY
EP	EDGE OF PAVEMENT	ŔŚ	RECORD OF SURVEY
EX. OR EXIST.	EXISTING	SD	STORM DRAIN
FG	FINISH GRADE	SP	SPECIFIC PLAN
FF	FINISH FLOOR	SW	SIDEWALK
FL	FLOW LINE	SWR	SANITARY SEWER
FS	FINISH SURFACE	TC	TOP OF CURB
GB	GRADE BREAK	TEMP	TEMPORARY
HP	HIGH POINT	WTR	POTABLE WATER

OWNER

CONTINENTAL EAST FUND III, L.L.C. 25467 MEDICAL CENTER DR., SUITE 201 MURRIETA, CA 92562

CONTINENTAL EAST FUND III, L.L.C.

25467 MEDICAL CENTER DR., SUITE 201

BRENNAN RIDDLE

ENGINEER

ANDERSON CONSULTING ENGINEERS, INC. 12526 HIGH BLUFF DRIVE, SUITE 300 SAN DIEGO, CA 92130

jeff@ace-civil.com TELEPHONE: (858) 524-6579

MURRIETA, CA 92562 CONTACT: JEFFERY A. ANDERSON CONTACT:

> briddle@continentaldev.com TELEPHONE: (951) 600-8600

APPLICANT

PLOT PLAN PEN19-0166, PM NO. 37514 CONTINENTAL PLAZA

TITLE SHEET

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



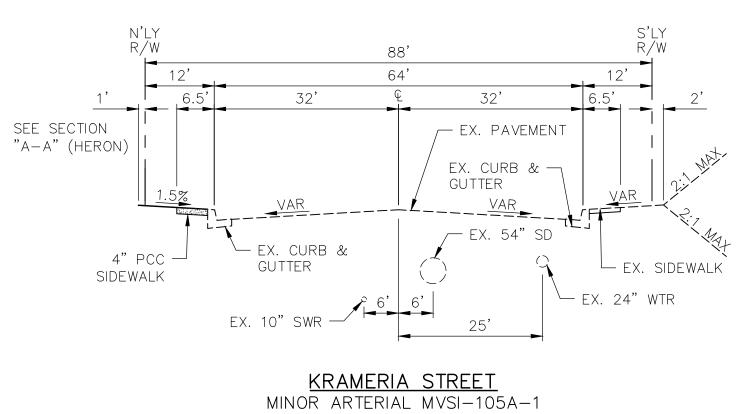
NGINEER: ANDERSON CONSULTING Engineers, Inc.

12526 HIGH BLUFF DRIVE. SUITE 300 SAN DIEGO, CA 92130 (858) 524-6579

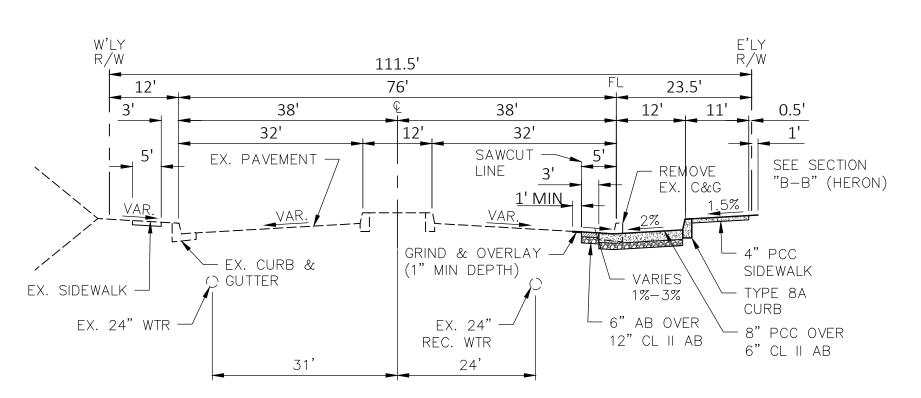
DATE: 10/29/2019 DESIGNED BY: JAA DRAWN BY: IMC CHECKED BY: JAA

SHEET **1** OF **4** Packet Pg. 39 PLOT PLAN PEN19-0166, PM NO. 37514

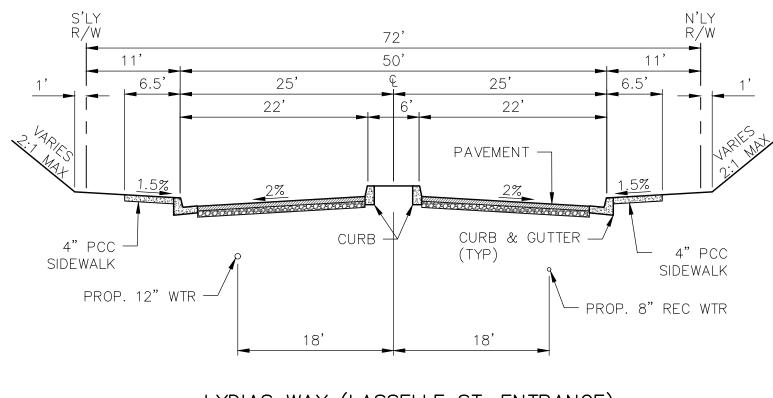
CONTINENTAL PLAZA



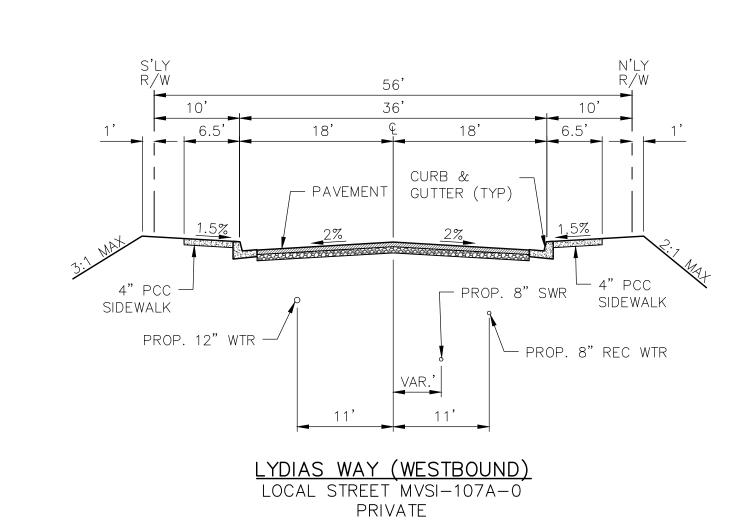
NOT TO SCALE

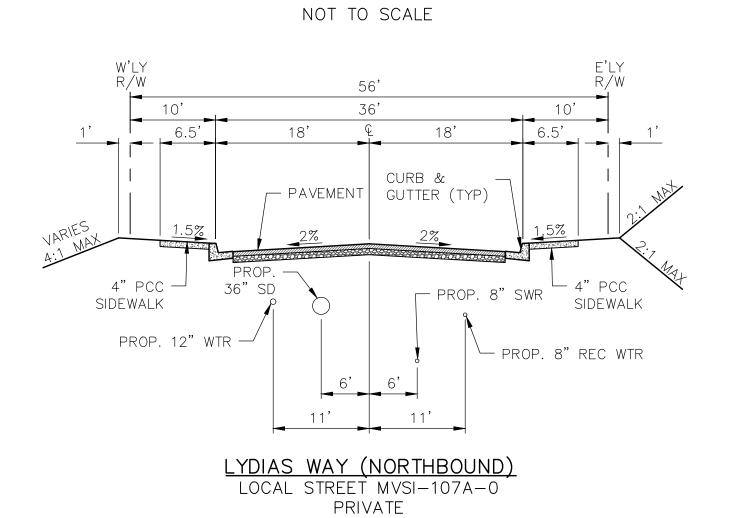


LASSELLE STREET (AT BUSTOP) ALTERNATIVE ARTERIAL MVSI-104B-0 T.I. = 10.0NOT TO SCALE

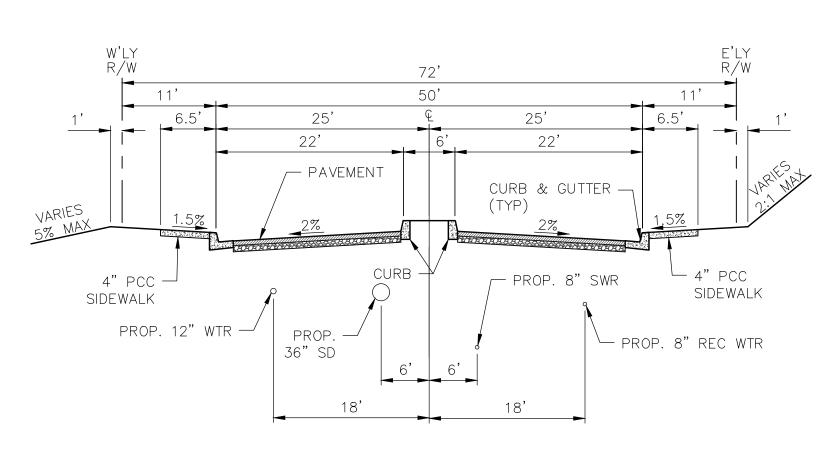


LYDIAS WAY (LASSELLE ST. ENTRANCE) LOCAL STREET MVSI-107A-0 PRIVATE NOT TO SCALE

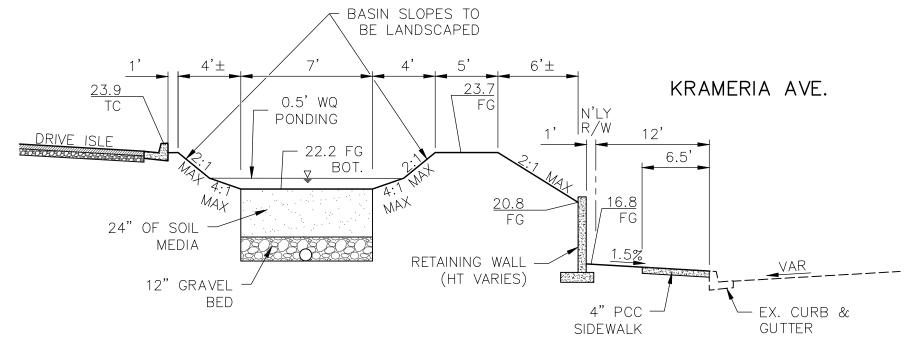




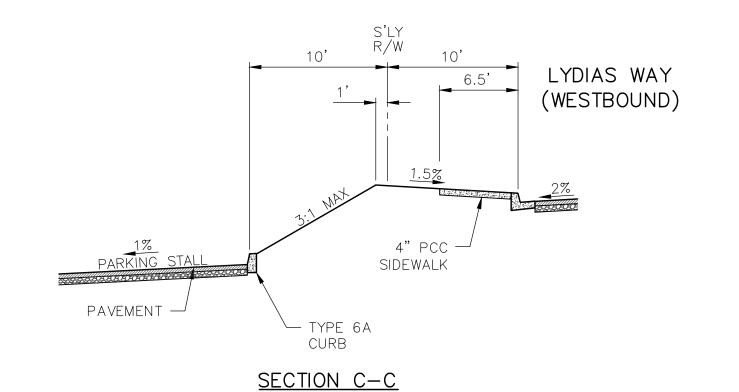
NOT TO SCALE



LYDIAS WAY (KRAMERIA AVE. ENTRANCE) LOCAL STREET MVSI-107A-0 PRIVATE NOT TO SCALE



SECTION A-A NOT TO SCALE BASIN SLOPES TO BE LANDSCAPED LASSELLE ST. 0.5' WQ -PONDING (AT BUS STOP) (HT VARIES) 12" GRAVEL - 4" PCC SIDEWALK 8" PCC OVER 6" CL II AB SECTION B-B NOT TO SCALE



LYDIAS WAY (NORTHBOUND) 4" PCC — SIDEWALK PAVEMENT -TYPE 6A CURB

NOT TO SCALE

SECTION D-D NOT TO SCALE

PLOT PLAN PEN19-0166, PM NO. 37514 CONTINENTAL PLAZA

TYPICAL SECTIONS

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



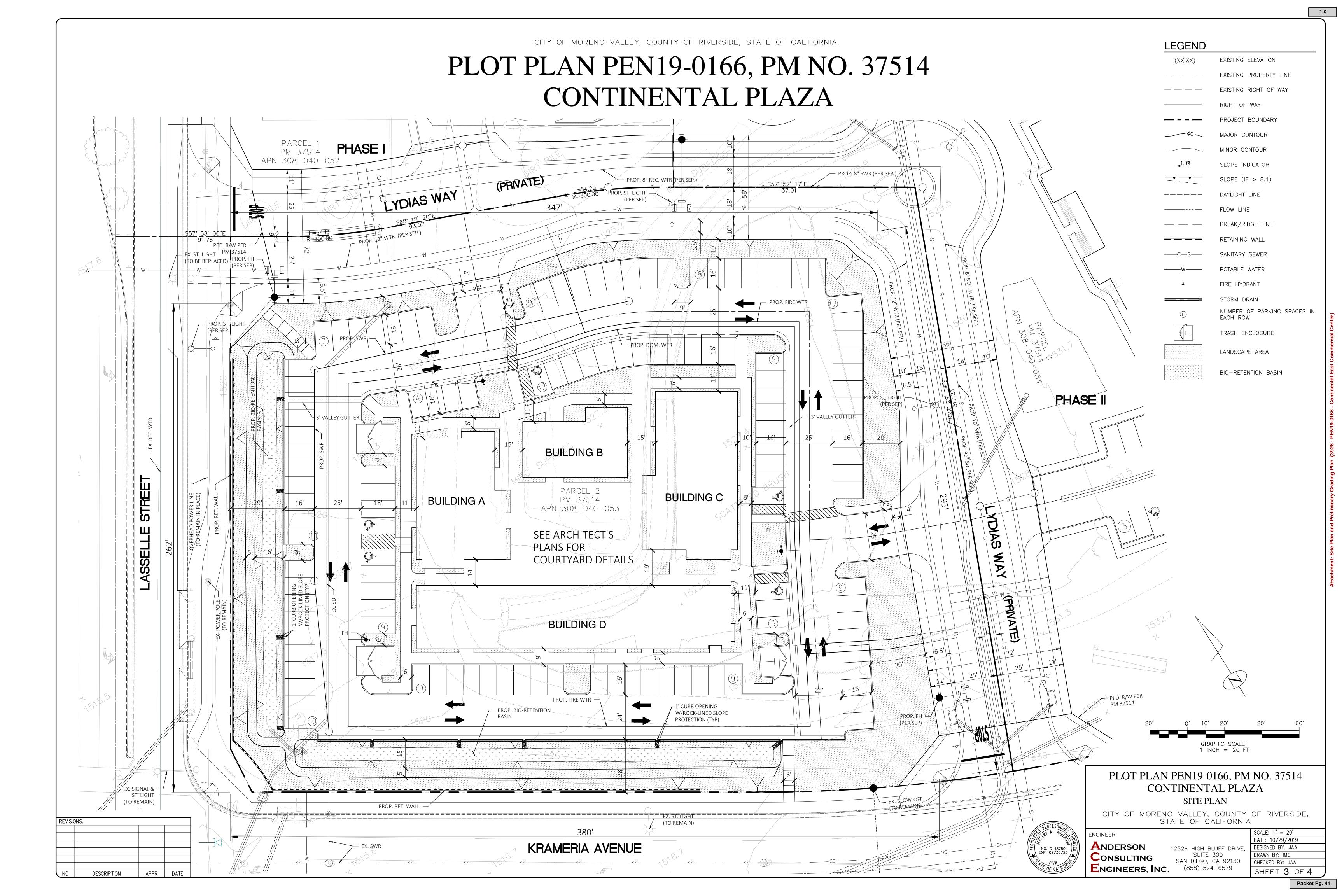
NGINEER: ANDERSON Consulting

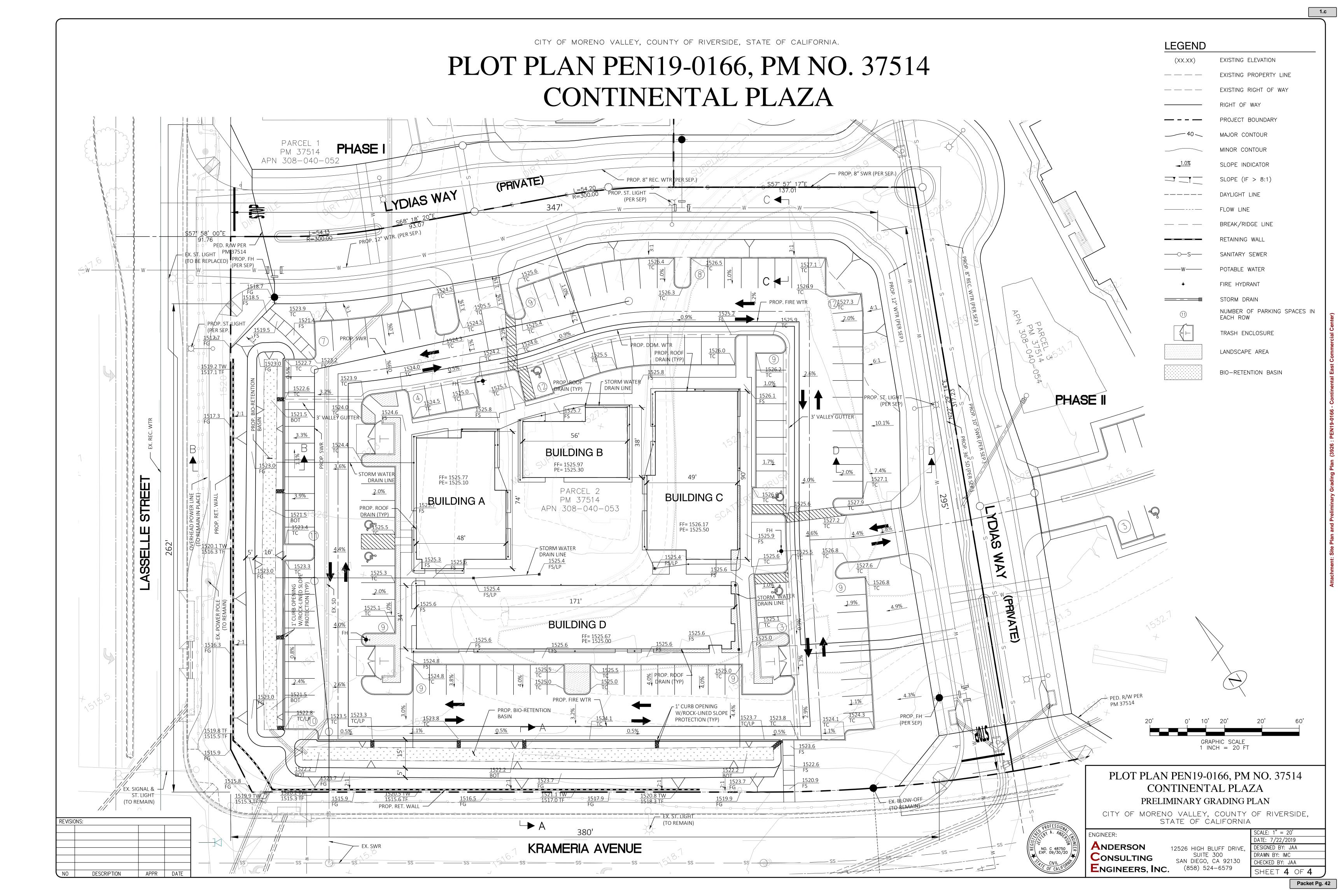
12526 HIGH BLUFF DRIVE, SUITE 300 SAN DIEGO, CA 92130 **ENGINEERS, INC.** (858) 524-6579

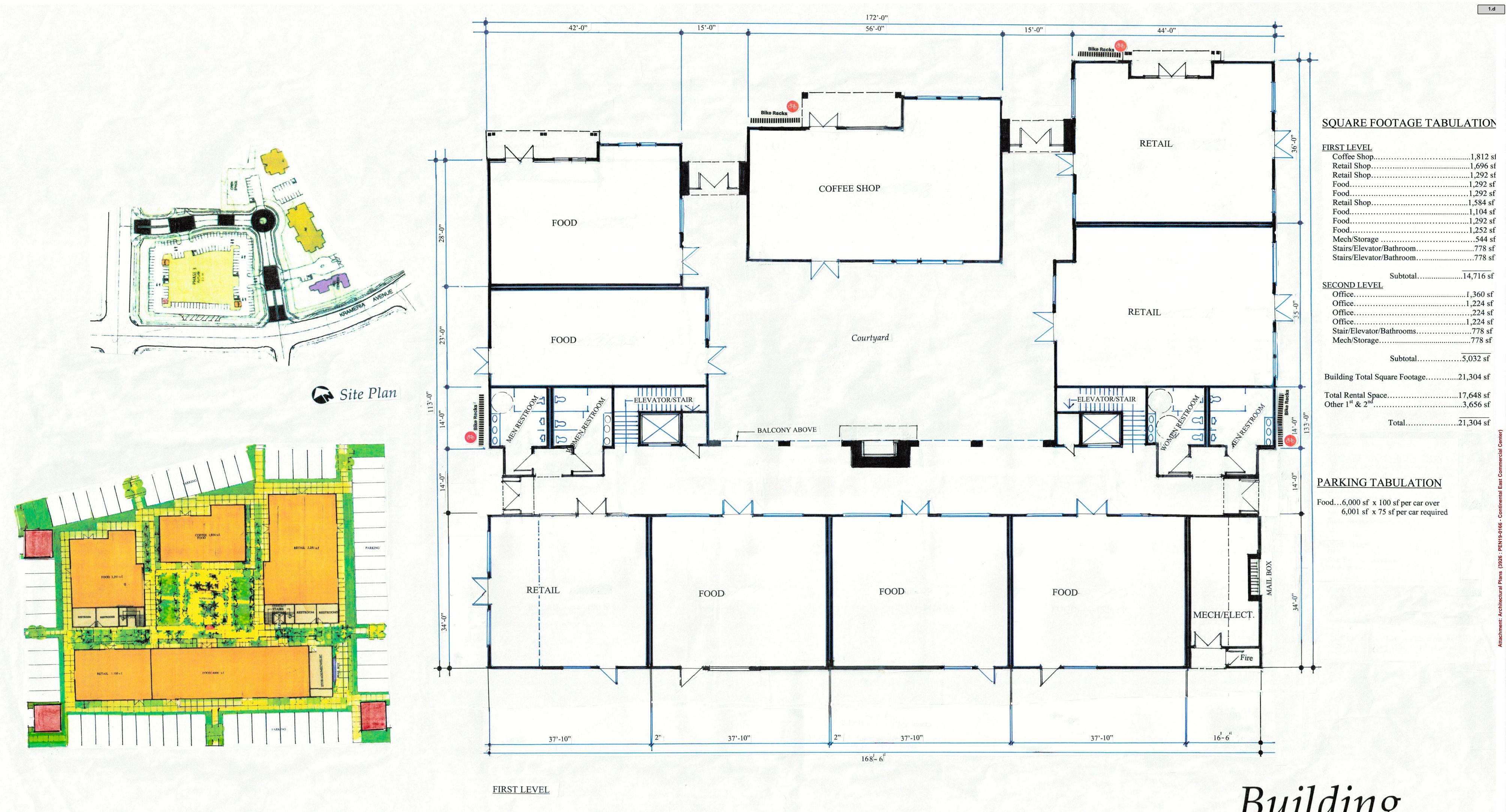
DATE: 7/22/2019 DESIGNED BY: JAA DRAWN BY: IMC CHECKED BY: JAA SHEET 2 OF 4

DESCRIPTION APPR DATE

REVISIONS:







Continental East Development

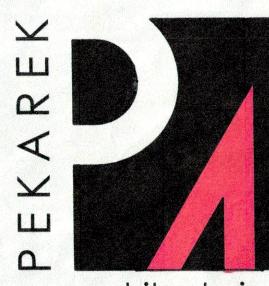
25467 Medical Center Drive, Suite 201 Murrieta, CA 92562

(951) 600-8600

Commercial Continental Villages 3

Building Layouts

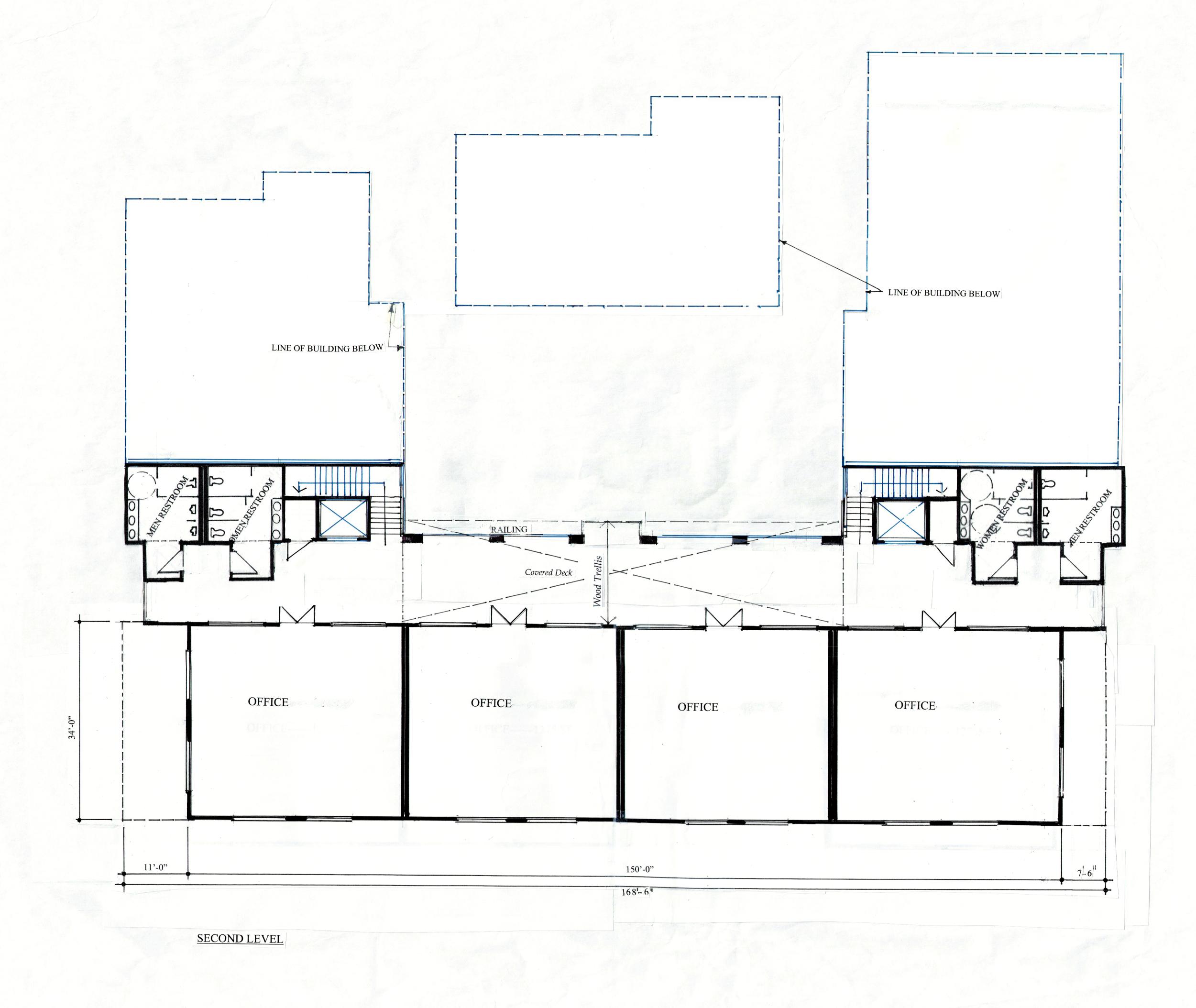
Scale: 1/8" = 1'-0"



architecture • planning
31411 camino capistrano
suite 300
san juan capistrano
ca, 92675
(949) 487-2320

architects, inc.

Packet Pg. 43



Continental East Development

25467 Medical Center Drive, Suite 201 Murrieta, CA 92562

(951) 600-8600

Commercial Continental Villages 3

Building Layouts

Scale: 1/8'' = 1' - 0''



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(949) 487-2320

PLANNING DEPT. REVISIONS 10-27-19



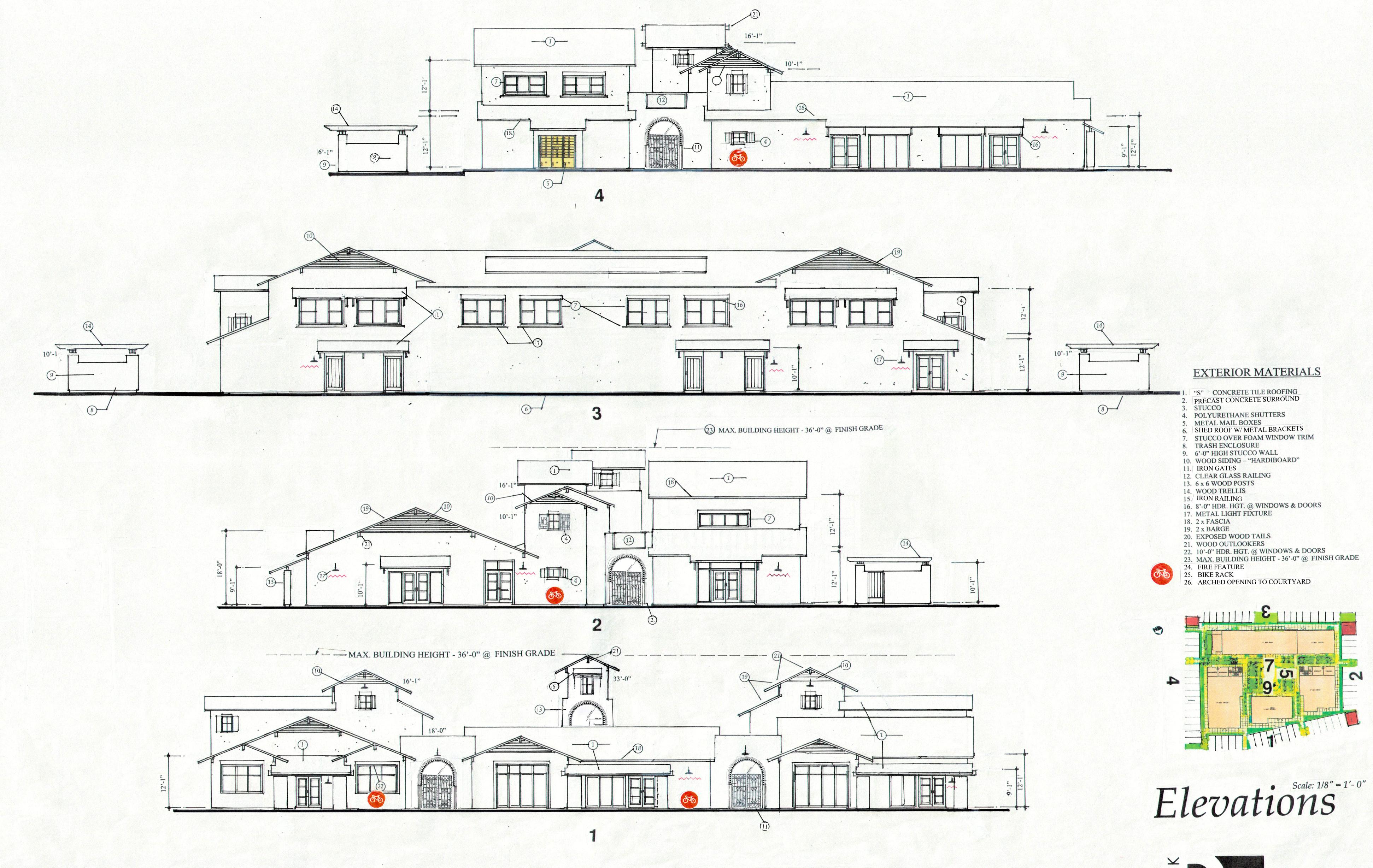
Murrieta, CA 92562

(951) 600-8600

Continental Villages 3

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Continental East Development

25467 Medical Center Drive, Suite 201 Murrieta, CA 92562 Commercial
Continental Villages 3
Moreno Valley, CA

suite 300 san juan capistrano ca, 92675 (949) 487-2320 PLANNING DEPT. REVISION 10-27-19

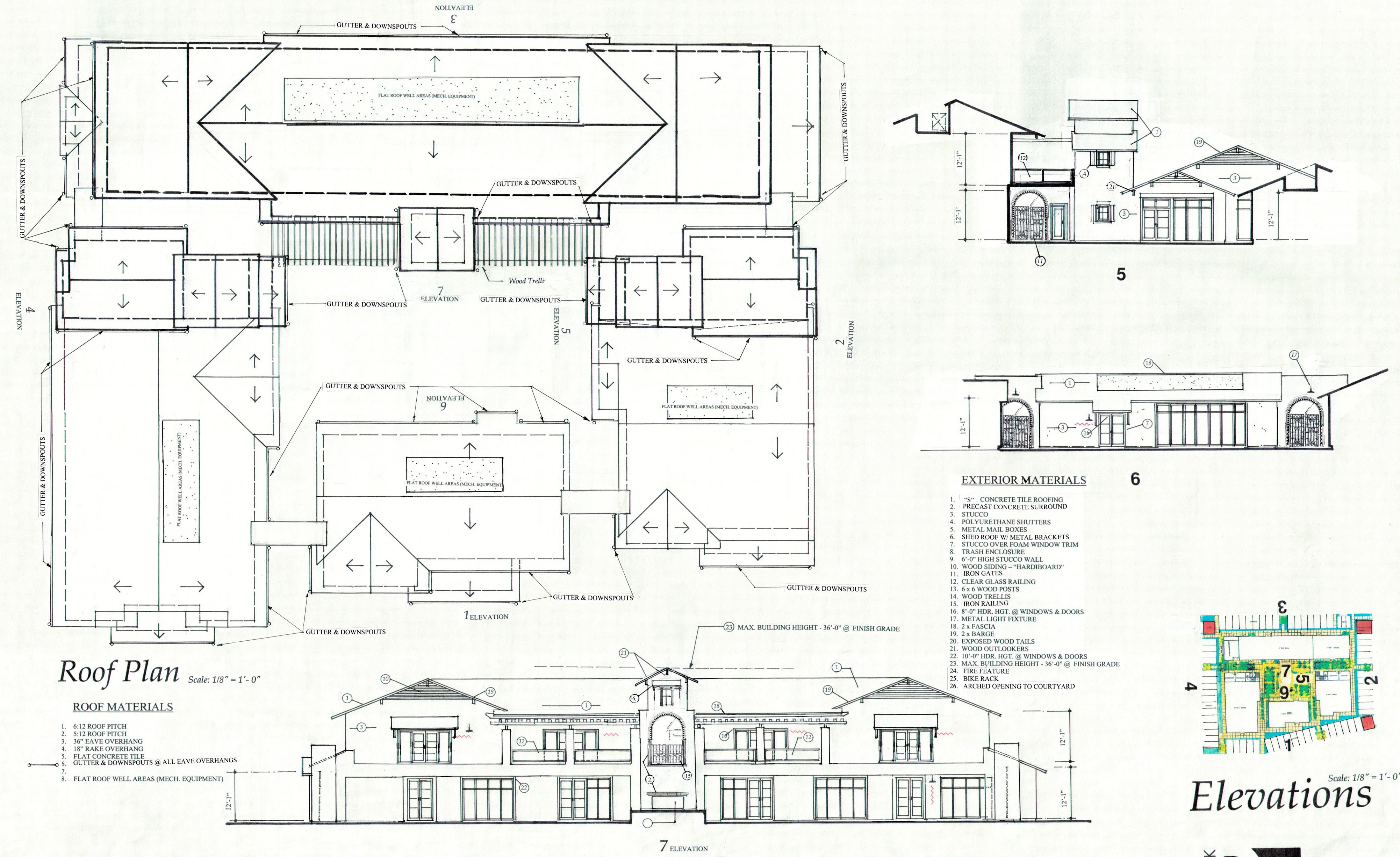
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s, inc. #18-09

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Continental East Development

25467 Medical Center Drive, Suite 201 Murrieta, CA 92562 Commercial
Continental Villages 3
Moreno Valley, CA

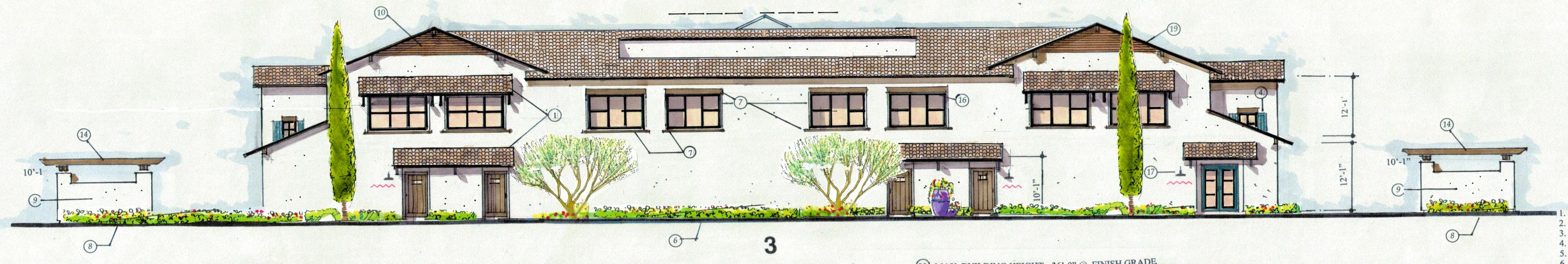


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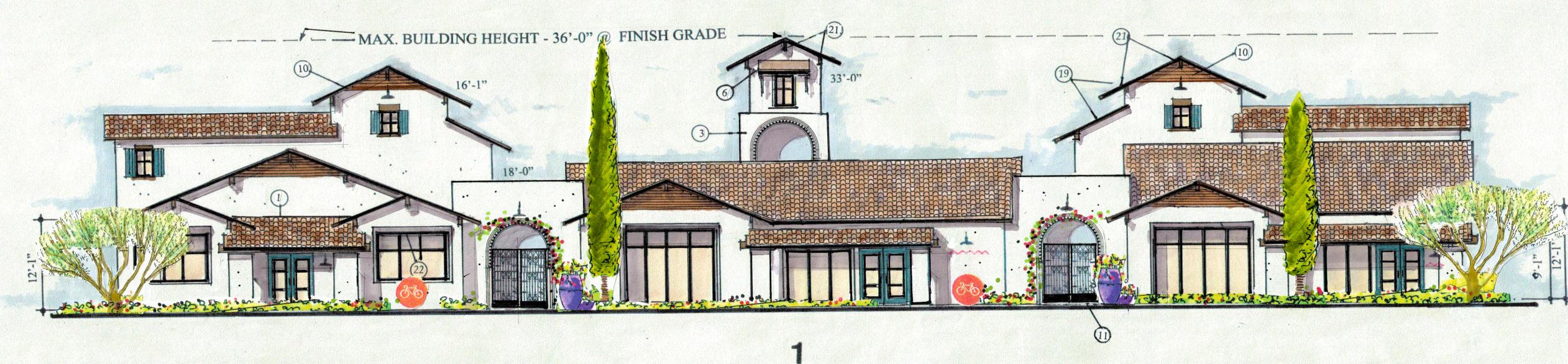
PLANNING DEPT REVISIONS

inc. #18-09





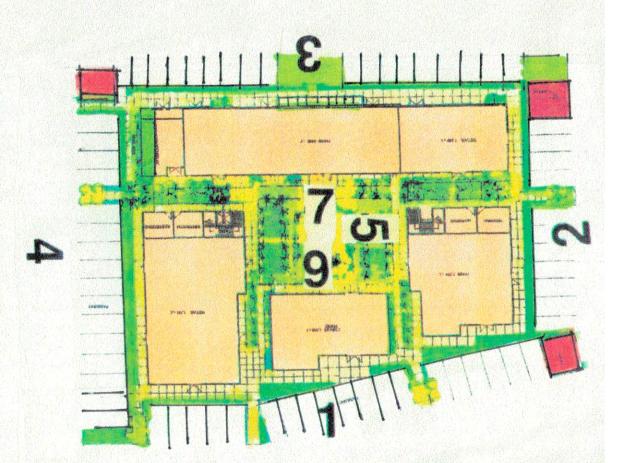




Commercial Continental Villages 3
Moreno Valley, CA

EXTERIOR MATERIALS

- "S" CONCRETE TILE ROOFING
 PRECAST CONCRETE SURROUND
- 3. STUCCO 4. POLYURETHANE SHUTTERS
- 5. METAL MAIL BOXES6. SHED ROOF W/ METAL BRACKETS
- 7. STUCCO OVER FOAM WINDOW TRIM
- 8. TRASH ENCLOSURE 9. 6'-0" HIGH STUCCO WALL
 10. WOOD SIDING – "HARDIBOARD"
- 11. IRON GATES
 12. CLEAR GLASS RAILING
- 13. 6 x 6 WOOD POSTS
 14. WOOD TRELLIS
 15. IRON RAILING
- 16. 8'-0" HDR. HGT. @ WINDOWS & DOORS
- 17. METAL LIGHT FIXTURE
- 18. 2 x FASCIA
- 19. 2 x BARGE 20. EXPOSED WOOD TAILS
- 21. WOOD OUTLOOKERS
 22. 10'-0" HDR. HGT. @ WINDOWS & DOORS
- 23. MAX. BUILDING HEIGHT 36'-0" @ FINISH GRADE
- 24. FIRE FEATURE 25. BIKE RACK
- 26. ARCHED OPENING TO COURTYARD





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architects, inc. #18-09

25467 Medical Center Drive, Suite 201 Murrieta, CA 92562

Continental East Development

Packet Pg. 48

PHONE: (951) 600-8600

CONTACT: AL RATTAN

JOB #21-101 1/27/2020

SHREDDED WOOD MULCH

DECOMPOSED GRANITE

NOT SHOWN TAN DECOMPOSED GRANITE MULCH

3" MAX. AS REQ'D. 3" DEEP - INSTALL TO ALL FLAT AREAS

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CONCEPTUAL COLOR PLAN



Leon Mapping & GIS Services 15031 Chatsworth St, Ste 17 Mission Hills, CA 91345 818-235-7649 leonmapping@hotmail.com www.laradiusmaps.com

LEGAL DESC; SEE APPLICATION (APN): 308-040-057

ACREAGE: 2.78

DATE: 02/13/2020 UPDATE:_

CASE# **USES: FIELD**

CONTACT: BRENNAN RIDDLE PHONE: 951-600-8600 Ext 205

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City of Moreno Valley
Community Development Department
Planning Division
City Hall Council Chamber
14177 Frederick Street
Moreno Valley, CA 92553

NOTICE OF PUBLIC HEARING



Notice of Public Hearing before the Planning Commission the City of Moreno Valley for the following item(s):

MEETING INFORMATION: March 12, 2020, 7:00 P.M. Moreno Valley Council Chamber, 14177 Frederick Street

PROJECT LOCATION: Northeast corner Lasselle Street a Krameria Avenue (APN: 308-040-057), in District 4.

CASE NUMBER(s): PEN19-0166

CASE PLANNER: Jeff Bradshaw, Associate Planner

(951) 413-3224 or jeffreyb@moval.c

<APN>

<Property Owner>

<Street Address>

<City, State, Zip>

NOTICE OF PUBLIC HEARING

PROPOSAL:

A Plot Plan for a 21,304 square foot retail center to be developed on Parcel 2 of Parcel Map 37514 in the Moreno Valle Ranch Specific Plan. The applicant proposes to construct four one and two-story buildings arranged around a centrourtyard on a 2.84-acre parcel. The retail center will provide shop space for retail, restaurant, and office uses. The proper is currently zoned Commercial in the Moreno Valley Ranch Specific Plan (SP 193).

ENVIRONMENTAL DETERMINATION:

The project has been evaluated against criteria set forth in the California Environmental Quality Act (CEQA) Guideline and it was determined that the project is exempt from the provisions of CEQA as a Class 32 Categorical Exemption i accordance with CEQA Guidelines Section 15332 for In-Fill Development Projects.

HEARING:

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 1417 Frederick Street, Moreno Valley, California during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursdand 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 also consider and approve changes to the proje or the environmental determination. If you challenge this project, including any modifications considered for the project, court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in the notice, or in written correspondence delivered to the Planning Commission on or before the public hearing.

Upon request and in compliance with the Americans with Disabilities Act of 1990, any person with a disability who requires a modification c. 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 accessity

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PLANNING COMMISSION STAFF REPORT

Meeting Date: March 12, 2020

CONDITIONAL USE PERMIT FOR A 6,580 SQUARE FOOT RETAIL CANNABIS DISPENSARY LOCATED WITHIN AN EXISTING BUILDING AT 14070 PERRIS BOULEVARD

Case: Conditional Use Permit (PEN19-0220)

Applicant: Dajuan Evans

Property Owner Himada Properties, LLC

Representative Eric Lightman

Location: 14070 Perris Boulevard

Case Planner: Julia Descoteaux

Council District: 3

Proposal Conditional Use Permit for a 6,580 square foot retail

cannabis dispensary located within an existing

building at 14070 Perris Boulevard.

SUMMARY

The Applicant, Colay Health Center, is requesting approval of a Conditional Use Permit (CUP) to allow a 6,580 square foot retail cannabis dispensary, within an existing retail building in the Community Commercial (CC) district. The proposed use for commercial retail sales of cannabis and cannabis products sold to individuals who are 21 years of age or older; the applicant is proposing hours of operation between 8:00 am and 10:00 pm, seven days per week.

BACKGROUND

ID#3937 Page 1

The project site is currently developed with two buildings in an existing shopping center. The proposed dispensary will occupy the smaller, 6,580 square foot building.

California Constitution Article XI

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		Provisional Business	Conditional Use Permit Applications	Conditional Use Permit Applications In	
Dispensaries	23	23*	22*	10	11
Manufacturing	5	2	2	2	0

Cultivation	8	2	2	2	0
Distribution (of products from licensee to licensee only)	2	2	2	1	1
Microbusinesses	3	3*	3*	0	2
Testing Facilities	2	0	0	0	0

*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 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. Only those commercial cannabis businesses with provisional permits are eligible to 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 January 15, 2019, Colay Health Center received a provisional Commercial Cannabis Business Permit (Permit Number MVCCBP-R0011) from the City of Moreno Valley. A subsequent application for a Conditional Use Permit was submitted to the City on October 22, 2019. The applicant represents that they will apply for the necessary state permits once the Planning Commission approves the CUP application.

PROJECT DESCRIPTION

Project

The applicant is requesting approval to establish a commercial cannabis dispensary (retail sales only). The site is located at 14070 Perris Boulevard in an existing building south of Alessandro Boulevard on the east side of Perris Boulevard (APN: 484-020-026).

Proposed tenant improvements include a lobby, retail area, office, and secured storage areas. The lobby includes a check in area with secured access to the retail area. The retail area would provide for the sale of cannabis products. The remainder of the building would include restrooms, employee and security offices, and secured storage areas. The applicant is proposing hours of operation between 8:00 am and 10:00 pm, seven days per week.

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 has been provided to the City 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 and include provisions for on-site security guards, a security and a fire alarm system, required secured parking for deliveries, and a video surveillance system. A condition of approval requires the applicant to provide all video to the Police and Fire Departments, upon their request.

Odor Control Plan

An Odor Control Plan has been prepared for the project in conformance with City requirements to ensure abatement of all potential odors that could emanate from the dispensary. This Plan states that the dispensary will utilize carbon air filters attached to its HVAC exhaust fans as a proper ventilation system for dealing with cannabis-related odors and mitigating noxious fumes. The fully integrated and automated system will regularly call for the substitution of new filters, and therefore under no circumstances will there be any odor nuisance emitted from the operation. The air filtration system will be designed by a licensed Mechanical Engineer and reviewed and permitted by the Building & Safety Division staff as part of the tenant improvement plans for the heating, ventilation and air conditioning (HVAC) systems for the proposed dispensary. In addition, staff is requiring that automatic closures shall be installed on all interior and exterior doors and that all roof venting, wall penetrations panel joints, etc., be sealed to prevent odors from migrating outside of the dispensary.

Surrounding Area

The site is developed with an existing two building shopping center. The existing businesses on-site include a Mexican Restaurant, nail salon, and cigarette store in a

multi-tenant building. As proposed, the retail cannabis facility will occupy the entirety of the second building. Existing commercial uses are located to the north and west. Properties to the east and south are vacant land zoned Residential 15 (R15) District, which are entitled for the construction of an apartment complex.

Access/Parking

Primary site access will be provided from Perris Boulevard with a secondary access from the northerly parcel via Perris Boulevard. The two building shopping center has seventy (70) parking spaces, which meet the parking requirements for the proposed use including the existing uses within the center.

Design/Landscaping

The project does not include an expansion to the existing building. Conditions of approval will require the applicant to repaint the building to complement the existing multi-tenant building. Paint colors will be approved by the Planning Official, prior to issuance of building permits. New and updated landscaping will be required in the existing landscape areas. A landscape and photometric plan is required prior to building permit issuance per the conditions of approval.

REVIEW PROCESS

In compliance with the Municipal Code, the Project Review Staff Committee (PRSC) reviewed this project on December 4, 2019. The applicant has worked with staff, and modified the proposed plans to the satisfaction of all Departments. Based on staff's review, it was determined 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 commercial building. As designed and conditioned, this project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 for Existing Facilities.

NOTIFICATION

Public notice was sent to all property owners of record within 600' of the project on February 27, 2020. The public hearing notice for this project was also posted on the project site on February 28, 2020, and a notice was published in the local newspaper on February 28, 2020.

REVIEW AGENCY COMMENTS

The project application materials were circulated for review by all appropriate City departments and divisions as well as applicable outside agencies.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2020-06, and thereby:

- 1. **CERTIFY** that Conditional Use Permit PEN19-0220 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) as a Class 1 Exemption (Section 15301, Existing Facilities); and
- 2. **APPROVE** Conditional Use Permit PEN19-0220 subject to the attached Conditions of Approval included as Exhibit A to the Resolution.

Prepared by: Julia Descoteaux Associate Planner Approved by: Patty Nevins Planning Official

ATTACHMENTS

- 1. Resolution 2020-06
- 2. Exhibit A to Resolution 2020-06
- 3. Project Plans
- 4. Aerial Map
- 5. Zoning Map
- 6. 600 Foot Radius Map
- 7. Public Hearing Notice
- 8. Public Correspondence Received

PLANNING COMMISSION RESOLUTION NO. 2020-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING A CONDITIONAL USE PERMIT (PEN19-0220) FOR A 6,580 SQUARE FOOT CANNABIS DISPENSARY, LOCATED AT 14070 PERRIS BOULEVARD, ON THE EAST SIDE OF PERRIS BOULEVARD, SOUTH OF ALESSANDRO BOULEVARD (APN: 484-020-026).

WHEREAS, Colay Health Center has filed an application for the approval of Conditional Use Permit (CUP) PEN19-0220 for the development of a 6,580 square foot cannabis dispensary, operating between the hours of 8:00 a.m. and 10:00 p.m., 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, the 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 notice for this project was published in the local newspaper on February 28, 2020 and public notice was sent to all property owners of record within 600 feet of the project site on February 27, 2020. The public hearing notice for this project was also posted on the project site on February 28, 2020, and

WHEREAS, on March 12, 2020, the Planning Commission held a public hearing to consider the application; and

WHEREAS, on March 12, 2020, 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 meeting on March 12, 2020, 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 reuse of an existing commercial building with a new cannabis dispensary will provide a convenient, safe, and easily accessible commercial business within the City.

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) District. Municipal Code Section 9.02.290 C 2 (Cannabis Business Locations and Use), requires a Conditional Use Permit in order to lawfully operate all 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. Additionally, the project is designed in accordance with the provisions of Community Commercial (CC) District and has been 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 commercial building. This proposed use will be consistent with General Plan Goal 6.1 as it achieves acceptable levels of protection from natural and man-made hazards to life, health, and property through the implementation of the security plan, and compliance with applicable building and fire codes.

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. 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 General Plan land use designation and the Community Commercial (CC) District and is permitted subject to the approval of a Conditional Use Permit. The proposed commercial cannabis dispensary will operate within an existing 6,580 square foot commercial building. Proposed interior tenant and modifications to the site are consistent with applicable federal, state and local regulations.

Additionally, the project site is not located within 600 feet of any public or private school providing instruction in kindergarten or grades 1 through 12, and from child 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) District 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 PEN19-0052, 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 APPROVE** Resolution No. 2020-06, and thereby:

- 1. **CERTIFY** that Conditional Use Permit PEN19-0220 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) as a Class 1 Exemption (Section 15301, Existing Facilities); and
- 2. **APPROVE** Conditional Use Permit PEN19-0220 subject to the attached Conditions of Approval included as Exhibit A to the Resolution.

APPROVED this 12th day of March 2020.

	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	

CONDITIONS OF APPROVAL Conditional Use Permit PEN19-0220 Page 1

CITY OF MORENO VALLEY CONDITIONS OF APPROVAL Conditional Use Permit (PEN19-0220)

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. (applicable to CUP's)
- 3. This project is located within the Community Commercial (CC) District. The provisions of the zoning, and the Conditions of Approval shall prevail unless modified herein.
- 4. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- 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. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
- 7. All site plans, landscape and irrigation plans, lighting plans and proposed signage shall be coordinated for consistency with this approval.
- 8. 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))
- 9. A copy of all pages of these conditions shall be included in the construction drawing package.

Conditional Use Permit PEN19-0220 Page 2

Special Conditions

- 10. The site has been approved for a retail Cannabis Dispensary, located at 14070 Perris Boulevard (6,580 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 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 of the Conditional Use Permit per MC Section 9.09.290.F and 9.02.260.
- 11. The cannabis license and the Conditional Use Permit, apply only to the 6,580 square foot building at 14070 Perris Boulevard. No use of any other tenant space, outside of the 2,374 square foot building is allowed per Conditional Use Permit PEN19-0220.
- 12. Prior to Building tenant improvement submittal, the applicant shall submit to the Planning Division (\$1017 Plan check fee) a site improvement plan to include, a landscape plan to identify specific plant material and locations and color and material approval for building paint/improvements.
- 13. Prior to building final, all approved site improvements shall be installed and completed per the approved plans.
- 14. 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.
- 15. A licensee conducting a commercial cannabis dispensary shall meet all applicable operational requirements for retail/commercial cannabis dispensaries. (MC 9.09.290 (E)(4))
- 16. The commercial cannabis operation shall have a valid Commercial Cannabis Business Permit and shall comply with all requirements of Moreno Valley Municipal Code Chapter 5.05 prior to issuance of occupancy permits.
- 17. 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))
- 18. 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 (0)(2)(c))
- 19. 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 (0)(2)(g))
- 20. 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

Conditional Use Permit PEN19-0220 Page 3

personnel). (MC 9.09.290 (E)(4)(b))

- 21. 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))
- 22. 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))
- 23. 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))
- 24. 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 form the State Division of Alcoholic Beverage Control for the sale of 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))
- 25. 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))
- 26. 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))
- 27. 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))
- 28. Exterior landscaping within ten (10) feet of a licensed premises shall be designed 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))
- 29. 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))

Conditional Use Permit PEN19-0220 Page 4

- 30. 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))
- 31. All windows on the building that houses the Cannabis Facility shall be appropriately secured and all cannabis and marijuana securely stored.
- 32. Waste and storage and disposal of all marijuana and cannabis products shall meet all applicable state and local health regulation. (MC 9.09.290 (E)(13)
- 33. Licensee shall prohibit loitering by individuals outside the licensed premises or anywhere on the property. (MC 9.09.290 (E)(14)(c))
- 34. The 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. 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.E.14.a and b.
- 36. The premises must be equipped with an odor absorbing ventilation and exhaust system so that odor generated inside the Cannabis Business that is distinctive to its operation is not detected outside the Cannabis Business, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breeze-ways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the Cannabis Business. As such, Cannabis Businesses must install and maintain the following equipment or any other equipment which the Local Licensing Authority determines has the same or better effectiveness:
 - An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or
 - b. An air system that creates negative air pressure between the Cannabis Businesses' interior and exterior so that the odors generated inside the Cannabis Business are not detectable outside the Cannabis Business.
- 37. All Cannabis heating, ventilation, air conditioning and odor control plans and blue prints shall be stamped by a Licensed HVAC Mechanical Engineer.
- 38. All window arrays, doors and associated framing systems shall be renovated to install new glazing compounds and seals.
- 39. Automatic closures on all interior and exterior doors shall be installed.
- 40. All interior and exterior door seals shall be replaced and adjusted.
- 41. All roof venting, wall penetrations, panel joints etc. shall be sealed.
- 42. The Applicant shall install air curtains on all exterior doors.
- 43. 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))

Conditional Use Permit PEN19-0220 Page 5

- 44. The commercial cannabis operation shall comply with all requirements of Moreno Valley Municipal Code Chapter 5.05 prior to issuance of occupancy permits.
- 45. 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))
- 46. 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.
- 47. 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))

Prior to Building Final or Occupancy

- 48. 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.
- 49. 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))
- 50. 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.
- 51. Prior to building final, all required landscaping and irrigation shall be installed per plan, inspected and approved by the Planning Division. (MC 9.03.040, MC 9.17).

Miscellaneous Operating Requirements

52. Persons under the age of twenty-one (21) years shall not be allowed on the premises. It shall be unlawful and a violation of this chapter for any person to employ any person at a commercial cannabis business who is not at least twenty-one (21) years of age.

Building Division

53. 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

Conditional Use Permit PEN19-0220 Page 6

accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.

- 54. Contact the Building Safety Division for permit application submittal requirements.
- 55. 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.
- 56. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
- 57. The proposed development shall be subject to the payment of required 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.
- 58. 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.
- 59. 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.
- 60. 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.
- 61. 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.
- 62. 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)

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

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

Conditional Use Permit PEN19-0220 Page 7

- 65. New Moreno Valley businesses are encouraged to hire local residents.
- 66. New Moreno Valley businesses are encouraged to provide a job fair flyer and /or web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.
- 67. 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:
 - a. Job Announcements
 - b. Applicant testing / pre-screening
 - c. Interviewing
 - d. Job Fair support
 - e. Training space

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

FIRE DEPARTMENT

Fire Prevention Bureau

- 68. Plans state that building is not sprinklered: Revise plan to show that a Fire Sprinkler system will be installed to meet municipal code and NFPA13 requirements for Cannabis operations.
 - "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 requirement is a minimum standard and does not preclude the city from imposing additional fire prevention measures as deemed necessary by the fire marshal on a case-by-case basis."
- 69. 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 the thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
- 70. 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])
- 71. 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)
- 72. 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)
- 73. 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

Conditional Use Permit PEN19-0220 Page 8

509.1 and MVLT 440A-0 through MVLT 440C-0)

- 74. 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 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.
- 75. 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.
- 76. Accommodations are to be made to comply with MVMC Section 9.09.290 Section C: Including all aspects of fire protection features, including but not limited to fire sprinklers, fire alarm, emergency access and maintenance of required exit systems. (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel).

PUBLIC WORKS DEPARTMENT

Special Districts Division

- 77. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
- 78. 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.

Transportation Engineering Division

79. Applicant shall provide bicycle parking near the entrance of the building. Bicycle racks should be U-shaped and be installed per City guidelines (U-shaped racks can accommodate two bicycles).

CUP - CANNABIS RETAIL W/ DELIVERY 14070 PERRIS BLVD MORENO VALLEY, CA 92553 APN 484-020-026

SCOPE OF WORK:

LEGAL DESCRIPTION: Lot: 4; Block: 122; Abbreviated Description: LOT:4 BLK:122 CITY:MORENO VALLEY 1.57 ACRES M/L IN POR LOT 4 BLK 122 MB 011/010 SB BEAR VALLEY & ALESSANDRO DEVELOPMENT CO; City/Muni/Twp: MORENO VALLEY

CONDITIONAL USE PERMIT FOR **CANNABIS FACILITY: RETAIL W/ DELIVERY**

- NO CHANGE ON (E) BUILDINGS
- NO GRADING PROPOSED

APPLICABLE CODES:		
1. 2016 CBC 2. 2016 EBC 3. 2016 MBC 4. 2016 PBC 5. 2016 CALIFORNIA FIRE CODE (CFC).		
BUILDING INFO:		
BUILDING AREA:		
(E) SPACE:	YES	
TOTAL LOT SIZE:	1,57 AC	
(N) STRUCTURE	NO	
(E) STRUCTURE:	8,206 SF	
OCCUPANCY & CONSTRUCTION TYPE		
CONST. TYPE:	TYPE IIIB	
FIRE PROTECTION:	SPRINKLERED	
OCCUPANCY:	M	
NUMBER OF STORIES:	1	
MAXIMUM HEIGHT:	15'-0"	

SHEET INDEX

CS1.0: COVER SHEET SITE: SITE PLAN A1: FLOOR PLAN A2: ELEVATIONS A3: SECURITY PLAN INDEX A5: EXTERIOR RENDERINGS A6: RENDERED SITE PLAN SIGNAGE: SIGN PROGRAM

LIGHTING: LIGHTING SPECS

LIGHTING: LIGHTING SPECS

PARKING MATRIX

70 PARKING SPACES PROVIDED

HOURS OF OPERATION



OCCUPANT LOAD

A. CONSTRUCTION CLASSIFICATION ALLOWABLE HEIGHT

2015 INTERNATIONAL BUILDING CODE USE GROUPS: M

PER 2015 IBC, TABLE 503

CONSTRUCTION TYPE = III-B ALLOWABLE NUMBER OF STORIES = 2 STORIES

B. <u>USE GROUP - AREA:</u> MECANTILE = 6,580 S.F.

C. OCCUPANT LOAD

4,750 S.F. / 60 160 S.F. / 100 G.S.F. / PERSON = 79 G.S.F. / PERSON = 2 STORAGE (M) 1.204 S.F. / 300 G.S.F. / PERSON = 3 TOLET PASSAGE MISC. (M) 466 S.F. / N/A G.S.F. / PERSON = 0

D. ACCESSIBILITY

ALL TOILET ROOMS HAVE AT LEAST ONE ACCESSIBLE FIXTURE OF

EACH TYPE.
ALL SPACES ARE ON AN ACCESSIBLE ROUTE.

RESIDENTIAL MINIEREIA N.I.S. RESIDENTIAL N.I.S. RESIDENTIAL CAROLYNAVE COMMERCIAL u.s. RESIDENTIAL N.I.S. ALESSANDROBLVD ALESSANDROBLVD RESIDENTIAL N.I.S. RESIDENTIAL EMPTY LOT N.I.S. OMMERCIAL EMPTY LOT N.I.S. PARCEL MAP, NTS:

E. FIRE RESISTANCE RATINGS OF STRUCTURAL COMPONENTS

2016 CBC TABLE 601 STRUCTURAL FRAME
BEARING WALLS - EXTERIOR
BEARING WALLS - INTERIOR NON-BEARING WALLS FLOOR CONSTRUCTION

2 HOUR RATING 0 HOUR RATING 0 HOUR RATING O HOUR RATING

0 HOUR RATING

ROOF FRAMING F. MEANS OF EGRESS

2016 CBC 1005.3.2: MIN. WIDTH = 33 X 0.20 = 6.6"; 104" PROVIDED

NUMBER OF EXITS, 2016 CBC TABLE 1006,3.1: OCCUPANT LOAD / STORY: 84 = 2 EXIT; 2 EXITS PROVIDED

EXIT ACCESS TRAVEL DISTANCE, 2016 CBC TABLE 1017.2: MAX. EXIT ACCESS TRAVEL DISTANCE = 250'

G. NUMBER OF TOILET FACILITIES 2016 CPC TABLE A: 6,580 S.F. / 200 = 33 (1) MALE 1 - 100 OCCUPANTS (1) FEMALE 1 - 100 OCCUPANTS

FIRE NOTES

- 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 requirement is a minimum standard and does not preclude the city from imposing additional fire prevention measures as deemed necessary by the fire marshal on a case-by-case
- Accommodations will be made to comply with MVMC Section 9.09.290
- It shall be the responsibility of the owners and the operators of the commercial cannabis business to ensure that the commercial cannabis business is, at all times, operating in a manner compliant with all applicable state and local laws, the 2008 Attorney General Guidelines any subsequently enacted state law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the commercial cannabis business permit. Nothing in this chapter shall be constructed as authorizing any actions which violate state law with regard to the operation of a commercial cannabis business. (Ord. 944 § 1, 2018)



VICINITY MAP, NTS

DESIGN: Temeka Group 9073 Pulsar Ct. Sui Corona, CA 92883 951-538-2462

lerekc646@aol.co

APPLICANT: erek F. Catalano 4079 Shady Ridge Corona, CA 92881 951-415-0064

ERMIT 靣

CONDITIONAL

PEN19-0220

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37

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[Revision 14070

Plans

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PLANS FOR CONDITIONAL USE PERMIT AT RIVERSIDE COUNTY 92553 Ş VALLEY, MORENO BLVD PERRIS

PROJECT TITLE

靣 CUP

Attachment: COVER 5

10.15

COV

TENANT IMPROVEMENTS

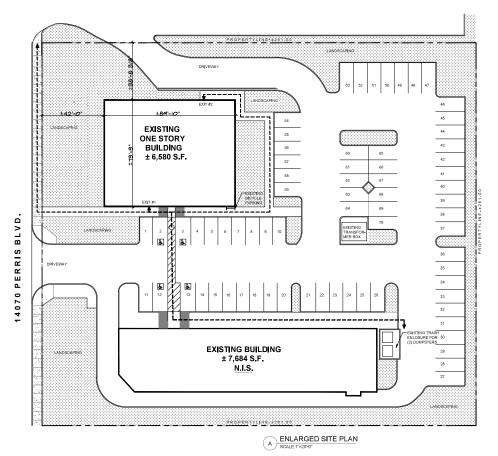
LEGEND

BUSINESS OF OPERATION

----- ACCESSIBLE ROUTE

WILL CARRY BOTH (A) ADULT & (M) MEDICAL LICENSES

- REPAINT FACADE OF THE BUILDING
- NEW LIGHTING (SEE LIGHTING SHEET)
- NEW SIGNAGE (SEE SIGNAGE SHEET)



INTENDED FOR LICENSING CONTENT ONLY (NOT FOR CONSTRUCTION)

APPLICANT:

Derek F. Catalano 4079 Shady Ridge (Corona, CA 92881 951-415-0064 derekc646@aol.cor

DESIGN: Temeka Group 9073 Pulsar Ct. Suil Corona, CA 92883 951-538-2462 tommy@temekagro www.temekagroup.

PERMIT)

USE

PLANS FOR CONDITIONAL USE PERMIT AT RIVERSIDE COUNTY 14070 PERRIS BLVD MORENO VALLEY, CA 92553 PEN19-0220 CONDITIONAL

(3937

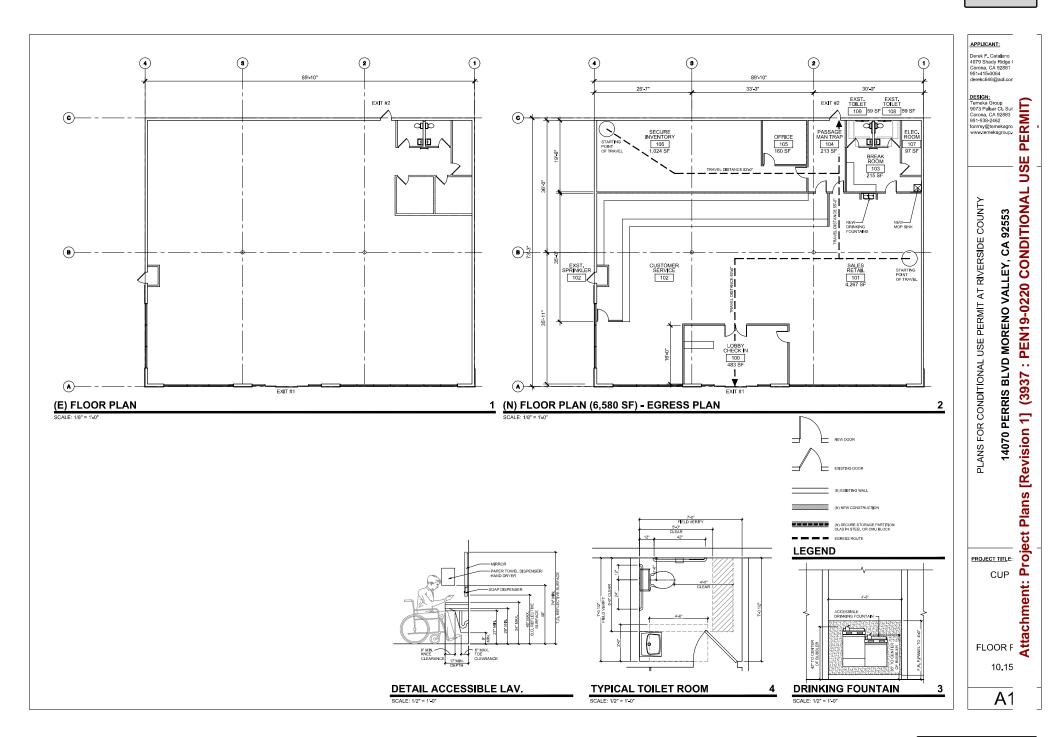
Attachment: Project Plans [Revision 1] PROJECT TITLE:

CUP

SITE P

10.15

SIT



Derek F. Catalano 4079 Shady Ridge (Corona, CA 92881 951-415-0064 derekc646@aol.con

DESIGN: Temeka Group 9073 Pulsar Ct, Suil Corona, CA 92883 951-538-2462 tommy@temekagro www.temekagroup.

14070 PERRIS BLVD MORENO VALLEY, CA 92553

Attachment: Project Plans [Revision 1] (3937: PEN19-0220 CONDITIONAL USE PERMIT)

PROJECT TITLE:

10.15.

A5

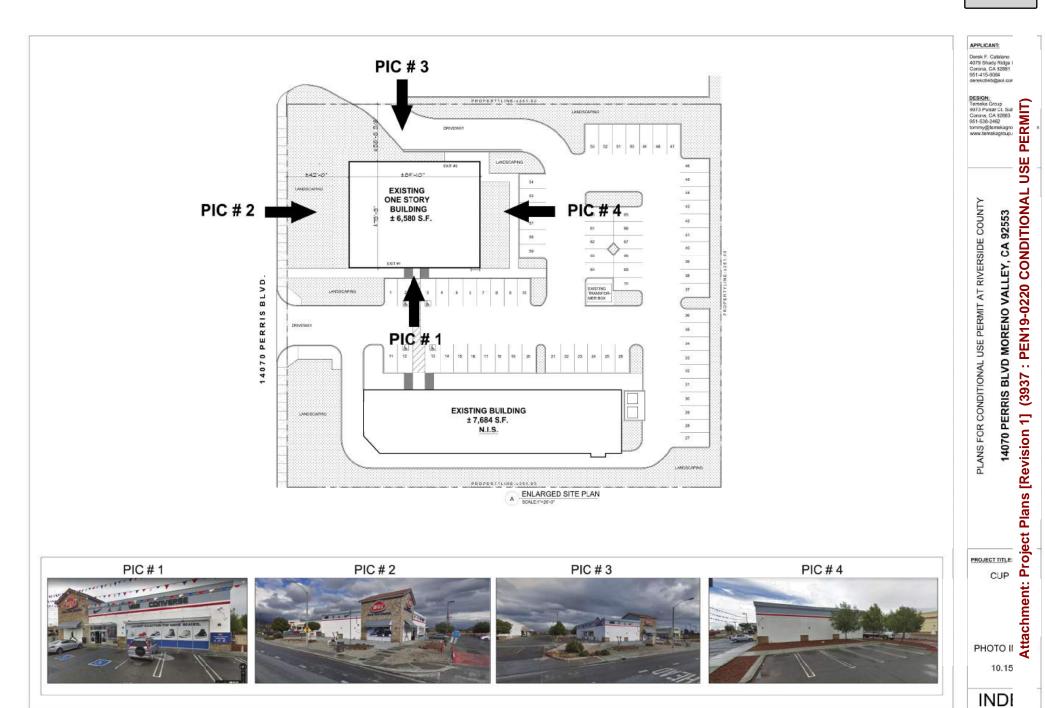








EXTERIOR RENDERINGS





Aerial Map



2.d Attachment: Aerial Map [Revision 1] (3937: PEN19-0220 CONDITIONAL USE PERMIT)

Legend

Master Plan of Trails

Bridge

Improved

Multiuse

Proposed

Regional

State

Road Labels

Parcels

City Boundary

Sphere of Influence

Image Source: Nearmap

Notes:

PEN19-0220 - Conditional Use Permit

WGS_1984_Web_Mercator_Auxiliary_Sphere

631.0

Print Date: 2/27/2020

631.0 Feet

315.48

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.



WGS_1984_Web_Mercator_Auxiliary_Sphere

Zoning Map



Print Date: 2/27/2020

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.



Legend



- 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

Image Source: Nearmap

Notes:

PEN19-0220 - Conditional Use Permit





City of Moreno Valley
Community Development Department
Planning Division
City Hall Council Chamber
14177 Frederick Street
Moreno Valley, CA 92553

NOTICE OF PUBLIC HEARING



Notice of Public Hearing before the Planning Commission the City of Moreno Valley for the following item(s):

MEETING INFORMATION: March 12, 2020, 7:00 P.M.

Moreno Valley Council Chamber, 14177 Frederick Street

PROJECT LOCATION: 14070 Perris Boulevard; located or east side of Perris Boulevard south of Alessandro Boulev (APN: 484-020-026), District 3.

CASE NUMBER(s): PEN19-0220

CASE PLANNER: Julia Descoteaux, Associate Plan

(951) 413-3209 or juliad@moval.orç

<APN>

<Property Owner>

<Street Address>

<City, State, Zip>

NOTICE OF PUBLIC HEARING

PROPOSAL:

A Conditional Use Permit (CUP) for a retail cannabis dispensary Colay Health Center's in an existing 6,580 square for retail tenant space located in the Community Commercial (CC) District.

ENVIRONMENTAL DETERMINATION:

This project is a retail use within an existing single-story retail building. As designed and conditioned, this project is exem from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 for Existin Facilities.

HEARING:

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 141. Frederick Street, Moreno Valley, California during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursdand 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 also consider and approve changes to the project or the environmental determination. If you challenge this project, including any modifications considered for the project, court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in the notice, or in written correspondence delivered to the Planning Commission on or before the public hearing.

Upon request and in compliance with the Americans with Disabilities Act of 1990, any person with a disability who requires a modification c. 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 accessit

SPRINGS ON ALESSANDRO, LLC

March 5, 2020

City of Moreno Valley Planning Commission 14177 Frederick Street Moreno Valley, CA 92553

RE: PEN 19-0220: Colay Health Center

Dear Planning Commission Members:

I OBJECT to Planning Application PEN 19-0220; Colay Health Center.

As the property owner of the parcels (APN's 484-020-006, 018 and 025) immediately adjacent to this proposed project, it is objectionable to me that a cannabis dispensary would be neighboring the approved 272 unit multi-family project I am currently processing through the City (PEN 18-0211).

As a seasoned developer, it is my belief that having a cannabis dispensary so close to a residential project is simply not compatible. If PEN 19-0220 is approved it could negatively impact our ability to market and occupy the units to our target market; families.

Most parents are concerned about their children ingesting marijuana inadvertently left behind by a dispensary customer, teens having easier access to marijuana and customers driving under the influence of marijuana, to name a few.

With housing needs in California at an all-time high, isn't it infinitely more important for the City to provide a welcoming environment for families to move into?

I urge you to DENY application PEN 19-0220.

Please feel free to email me if you would like to discuss my objection further.

Sincerely.

Manager

Springs on Alessandro, LLC jcarter@sprucegroveinc.com

Cc: Julia Descoteaux, Associate Planner



PLANNING COMMISSION STAFF REPORT

Meeting Date: March 12, 2020

CONDITIONAL USE PERMIT FOR A 3,815 SQUARE FOOT RETAIL CANNABIS DISPENSARY, "DOWNTOWN CONNECT" LOCATED WITHIN AN EXISTING TENANT SPACE BUILDING AT 12540 HEACOCK STREET

Case: Conditional Use Permit (PEN19-0020)

Applicant: Downtown Connect

Property Owner MJV Real Estate, LLC

Representative Anthony Hicks

Location: 12540 Heacock Street

(APN's 481-120-033 and 481-120-035)

Case Planner: Sean P. Kelleher

Council District: 1

Proposal Conditional Use Permit for a 3,815 square foot retail

cannabis dispensary, "Downtown Connect" located within an existing tenant space at 12540 Heacock Street along with an associated off-site parking

facility.

SUMMARY

The Applicant, Downtown Connect, is requesting approval of a Conditional Use Permit (CUP) to allow a 3,815 square foot retail cannabis dispensary, "Downtown Connect" within an existing two story office/retail building in the Village Specific Plan SP 204, Village Commercial/Residential (VCR) district. The Applicant is also proposing the construction of a new parking facility for the dispensary on a vacant parcel located approximately 125 feet south of the site, Assessor Parcel Number 481-120-035.

ID#3954 Page 1

The proposed use is for commercial retail sales of cannabis and cannabis products sold to individuals who are 21 years of age or older; the applicant is proposing hours of operation between 8:00 am and 10:00 pm, seven days per week.

BACKGROUND

The project site is comprised of two parcels. One parcel is developed with a 6,424 square foot two story office/retail building and associated parking and landscape improvements. The second parcel is undeveloped.

California Constitution Article XI

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. 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	Conditional	Number of Conditional Use Permit Applications Approved
Dispensaries	23	23*	22*	10	11
Manufacturing	5	2	2	2	0
Cultivation	8	2	2	2	0
Distribution (of products from licensee to licensee only)	2	2	2	1	1
Microbusinesses	3	3*	3*	0	2
Testing Facilities	2	0	0	0	0

*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 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. Only those commercial cannabis businesses with provisional permits are eligible to 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 January 17, 2019, Downtown Marijuana, LLC received a provisional Commercial Cannabis Business Permit (Permit Number MVCCBP-R0016) from the City of Moreno Valley. A subsequent application for a Conditional Use Permit was submitted to the City on January 18, 2019. The applicant represents that they will apply for the necessary state permits once the Planning Commission approves the CUP application.

PROJECT DESCRIPTION

Project

The applicant is requesting approval to establish a commercial cannabis dispensary (retail sales only). The dispensary will be located at 12540 Heacock Street in an existing building east side of Heacock Street south of Sunnymead Boulevard (APN: 481-120-033).

Proposed tenant improvements include a lobby, retail area, office, and secured storage areas. The lobby includes a check in area with secured access to the retail area. The retail area would provide for the sale of cannabis products. The remainder of the building would include restrooms, employee and security offices, and secured storage areas. The applicant is proposing hours of operation between 8:00 am and 10:00 pm, seven days per week.

Additionally, the applicant is proposing to construct an off-site parking facility with 14 spaces on a vacant parcel, Assessor Parcel Number: 481-120-035, located approximately 125 feet south of the dispensary 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 has been provided to the City 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 and include provisions for on-site security guards, a security and a fire alarm system, required secured parking for deliveries, and a video surveillance system. A condition of approval requires the applicant to provide all video to the Police and Fire Departments upon their request.

Odor Control Plan

An Odor Control Plan has been prepared for the project in conformance with City requirements to ensure abatement of all potential odors that could emanate from the dispensary. This Plan states that the dispensary will utilize carbon air filters attached to its HVAC exhaust fans as a proper ventilation system for dealing with cannabis-related odors and mitigating noxious fumes. The fully integrated and automated system will

regularly call for the installation of new filters, and therefore under no circumstances will there be any odor nuisance emitted from the operation. The air filtration system will be designed by a licensed Mechanical Engineer and reviewed and permitted by the Building & Safety Division staff as part of the tenant improvement plans for the heating, ventilation and air conditioning (HVAC) systems for the proposed dispensary. In addition, staff is requiring that automatic closures shall be installed on all interior and exterior doors and that all roof venting, wall penetrations panel joints, etc., be sealed to prevent odors from migrating outside of the dispensary.

Surrounding Area

As previously identified the project site consist of 2 non-contiguous parcels. The parcels are approximately 125 feet apart and are separated by a parcel containing an existing multi-tenant building that includes a tattoo business, smoke shop and vehicle repair business. Other surrounding uses include a fast food restaurant to the north, and multi-tenant office/commercial centers to the south, east, and west.

Access/Parking

Access to the site and the new parking lot will be provided from existing driveways on Heacock Street. A total of 28 parking spaces is required for the combination of proposed and existing uses within the two-story office/retail building. The existing parking lot for the building will be restriped to provide 14 parking spaces and 14 additional parking spaces will be provided in the new off-site parking lot. All employees of the dispensary will be required to park in the off-site lot. Signage will also be provided to direct customers to the off-site parking lot should the on-site parking lot be filled.

Design/Landscaping

The project does not include an expansion to the existing building. New and updated landscaping will be required in the existing landscape areas as well as within the new off-site parking lot. A landscape plan is required prior to building permit issuance per the conditions of approval.

REVIEW PROCESS

In compliance with the Municipal Code, the Project Review Staff Committee (PRSC) reviewed this project on February 19, 2019. The applicant has worked with staff, and modified the proposed plans to the satisfaction of all departments. Based on staff's review, it was determined 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 commercial building. As designed and conditioned, this project is exempt from the provisions of the California Environmental

Quality Act (CEQA) under CEQA Guidelines Sections 15301 for Existing Facilities and 15303 for New Construction or Conversion of Small Structures.

NOTIFICATION

Public notice was sent to all property owners of record within 600' of the project on February 27, 2020. The public hearing notice for this project was also posted on the project site on February 28, 2020, and a notice was published in the local newspaper on February 28, 2020.

REVIEW AGENCY COMMENTS

The project application materials were circulated for review by all appropriate City departments and divisions as well as applicable outside agencies.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2020-10, and thereby:

- 1. **CERTIFY** that Conditional Use Permit PEN19-0020 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) as a Class 1 Exemption (Section 15301, Existing Facilities) and as a Class 3 Exemption (Section 15303, New Construction or Conversion of Small Structures); and
- 2. **APPROVE** Conditional Use Permit PEN19-0020 subject to the attached Conditions of Approval included as Exhibit A to the Resolution.

Prepared by: Sean P Kelleher Approved by: Patty Nevins Planning Official

ATTACHMENTS

- 1. Resolution 2020-10
- 2. Exhibit A to Resolution 2020-10
- 3. Project Plans
- 4. Aerial Map
- Zoning Map
- 6. Radius Map
- 7. Mailing Notice PEN19-0020

PLANNING COMMISSION RESOLUTION NO. 2020-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING A CONDITIONAL USE PERMIT (PEN19-0020) FOR A 3,815 SQUARE FOOT CANNABIS DISPENSARY, "DOWNTOWN CONNECT," LOCATED AT 12540 HEACOCK STREET, ON THE EAST SIDE OF HEACOCK STREET SOUTH OF SUNNYMEAD BOULEVARD ALONG WITH OFF-SITE PARKING (APN: 481-120-033 AND 481-120-035).

WHEREAS, Downtown Connect, has filed an application for the approval of Conditional Use Permit (CUP) PEN19-0020 for the development of a 3,815 square foot cannabis dispensary, operating between the hours of 8:00 a.m. and 10:00 p.m., 7 days per week and associated parking, 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 Specific Plan 204, the Municipal Code, the 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 notice for this project was published in the local newspaper on February 28, 2020 and public notice was sent to all property owners of record within 600 feet of the project site on February 27, 2020. The public hearing notice for this project was also posted on the project site on February 28, 2020, and

WHEREAS, on March 12, 2020, the Planning Commission held a public hearing to consider the application; and

WHEREAS, on March 12, 2020, 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 Section 15303, Class 3: New Construction or Conversion of Small Structures; 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 meeting on March 12, 2020, including written and oral staff reports, public testimony and the record from the public hearing, this Planning Commission hereby specifically finds as follows:
 - 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 Mixed Use (MU) 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 reuse of an existing commercial building with a new cannabis dispensary will provide a convenient, safe, and easily accessible commercial business within the City.

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

FACT: The proposed project is within the Village Specific Plan SP 204, Village Commercial/Residential (VCR) district. Municipal Code Section 9.02.290 C 2 (Cannabis Business Locations and Use), requires a Conditional Use Permit in order to lawfully operate all 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. Additionally, the project is designed in accordance with the provisions of Community Commercial (CC) District and has been 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 commercial building. This proposed use will be consistent with General Plan Goal 6.1 as it achieves acceptable levels of protection from natural and man-made hazards to life, health, and property through the implementation of the security plan, and compliance with applicable building and fire codes.

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 and Section 15303, Class 3: New Construction or Conversion of Small Structures.

4. 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 General Plan land use designation, and the Village Specific Plan SP 204, Village Commercial/Residential (VCR) district and is permitted subject to the approval of a Conditional Use Permit. The proposed commercial cannabis dispensary will operate within an existing 3,815 square foot tenant space within the office/retail building. Proposed interior tenant and modifications to the site are consistent with applicable federal, state and local regulations.

Additionally, the project site is not located within 600 feet of any public or private school providing instruction in kindergarten or grades 1 through 12, and from child 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 Village Specific Plan SP 204, Village Commercial/Residential (VCR) district and the design guidelines for commercial developments prescribed in the Specific Plan, 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 PEN19-0020, 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. 2020-10, and thereby:

- 1. **CERTIFY** that Conditional Use Permit PEN19-0020 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) as a Class 1 Exemption (Section 15301, Existing Facilities) and as a Class 3 Exemption (Section 15303, New Construction or Conversion of Small Structures); and
- 2. **APPROVE** Conditional Use Permit PEN19-0020 subject to the attached Conditions of Approval included as Exhibit A to the Resolution.

APPROVED this 12th day of March, 2020.

	Jeffrey Sims Chairperson, Planning Commission
ATTEST:	APPROVED AS TO FORM:
Patty Nevins, Acting Community Development Director Secretary to the Planning Commission	City Attorney
Attachments:	
Exhibit A: Conditions of Approval	

CONDITIONS OF APPROVALConditional Use Permit PEN19-0020 Page 1

CITY OF MORENO VALLEY CONDITIONS OF APPROVAL Conditional Use Permit (PEN19-0020)

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 the Community Commercial (CC) District. The provisions of the zoning, and the Conditions of Approval shall prevail unless modified herein.
- 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.
- 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 renewed under separate permit.
- 8. All site plans, grading plans, landscape plans and proposed signage shall be coordinated for consistency with this approval.
- 9. A copy of all pages of these conditions shall be included in the construction drawing package.

Special Conditions

10. The applicant shall comply with conditions of approval of the Riverside County Airport Land Use Commission Development Review Number ZAP1364MA19 included herein as Exhibit 1.

Conditional Use Permit PEN19-0020 Page 2

- 11. The site has been approved for a commercial cannabis dispensary, located at 12540 Heacock Street, (approximately 3,815 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 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 of a Conditional Use Permit per MC Section 9.09.290 F and 9.02.260.
- 12. The cannabis license and the Conditional Use Permit, apply only to the 3,815 square foot building at 12540 Heacock Street. No use of any other tenant space, outside of the 3,815 square foot building is allowed per Conditional Use Permit PEN19-0020.
- 13. Daily hours of operation for the dispensary may start no earlier than 8:00 am and end no later than 10:00 pm, Sunday through Saturday.
- 14. Prior to Building tenant improvement submittal, the applicant shall submit to the Planning Division (\$1017 Plan check fee) a site improvement plan to include, a landscape plan to identify specific plant material and locations and color and material approval for building paint/improvements.
- 15. Prior to building final, all approved site improvements shall be installed and completed per the approved plans.
- 16. A licensee conducting a commercial cannabis dispensary shall meet all applicable operational requirements for retail/commercial cannabis dispensaries. (MC 9.09.290 (E)(4))
- 17. The commercial cannabis operation shall have a valid Commercial Cannabis Business Permit and shall comply with all requirements of Moreno Valley Municipal Code Chapter 5.05 prior to issuance of occupancy permits.
- 18. 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 place so that it may be readily seen by all persons entering the site. (MC 9.09.290 (D)(2)(c))
- 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))
- 20. No person associated with this commercial cannabis dispensary 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))
- 21. 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))
- 22. 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 form the State Division of Alcoholic Beverage Control for the sale of 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))

Conditional Use Permit PEN19-0020 Page 3

- 23. No cannabis or marijuana 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)(6)(c))
- 24. 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))
- 25. 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))
- 26. 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))
- 27. 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))
- 28. All windows on the building that houses the Cannabis Facility shall be appropriately secured and all cannabis and marijuana securely stored.
- 29. 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))
- 30. Waste and storage and disposal of all cannabis and marijuana products shall meet all applicable state and local health regulation. (MC 9.09.290 (E)(13)
- 31. The premises must be equipped with an odor absorbing ventilation and exhaust system so that odor generated inside the Cannabis Business that is distinctive to its operation is not detected outside the Cannabis Business, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breeze-ways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the Cannabis Business. As such, Cannabis Businesses must install and maintain the following equipment or any other equipment which the Local Licensing Authority determines has the same or better effectiveness:
 - An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or
 - b. An air system that creates negative air pressure between the Cannabis Businesses' interior and exterior so that the odors generated inside the Cannabis Business are not detectable outside the Cannabis Business.

Conditional Use Permit PEN19-0020

Page 4

- 32. All Cannabis heating, ventilation, air conditioning and odor control plans and blue prints shall be stamped by a Licensed HVAC Mechanical Engineer.
- 33. All window arrays, doors and associated framing systems shall be renovated to install new glazing compounds and seals.
- 34. Automatic closures on all interior and exterior doors shall be installed.
- 35. All interior and exterior door seals shall be replaced and adjusted.
- 36. All roof venting, wall penetrations, panel joints etc. shall be sealed.
- 37. The Applicant shall install air curtains on all exterior doors.
- 38. 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))
- 39. 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))
- 40. Licensee shall prohibit loitering by individuals outside the licensed premises or anywhere on the property. (MC 9.09.290 (E) (14) (c))
- 41. 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))
- 42. 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))
- 43. Prior to issuance of Certificates of Occupancy a five foot wide landscape planter shall be installed along the project frontage on Alessandro Boulevard behind the sidewalk.
- 44. 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 for the subject site and off-site parking facility by the Planning Division designed per the City's Municipal Code 9.17.
- 45. Prior to issuance of Certificates of Occupancy or building final, the required landscaping and irrigation improvements for the subject site and off-site parking facility shall be installed, and inspected and approved by the Planning Division. (MC 9.03.040)
- 46. Prior to issuance of Certificates of Occupancy or building final, the applicant shall cause the slurry sealing and restriping of the parking lot that shall be inspected and approved by the Planning and Building Divisions.
- 47. The on- and off-site 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.

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- 48. 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 lots, 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))
- 49. The commercial cannabis operation shall comply with all requirements of Moreno Valley Municipal Code Chapter 5.05 prior to issuance of occupancy permits.

Security Plan and Measures

- 50. 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))
- 51. 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.

Miscellaneous Operating Requirements

- 52. Persons under the age of twenty-one (21) years shall not be allowed on the premises. It shall be unlawful and a violation of this chapter for any person to employ any person at a commercial cannabis business who is not at least twenty-one (21) years of age.
- 53. The applicant shall maintain a lease in perpetuity with the property owner of Assessor Parcel Number: 481-120-035 for the 14 parking spaces. Should the applicant wish to provide parking on an alternative site an application to amend this Conditional Use Permit will be required.
- 54. The applicant shall ensure that all landscaping within the off-site parking facility is maintained at all times.

Building Division

- 55. 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.
- 56. Contact the Building Safety Division for permit application submittal requirements.
- 57. 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.

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- 58. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
- 59. The proposed development shall be subject to the payment of required 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.
- 60. 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.
- 61. 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.
- 62. 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.
- 63. 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.
- 64. 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)
- 65. The accessible route passing perpendicular to the adjacent parking lot along the (0) face curb) must be separated by use of guardrails, 6" curbs or detectable warnings along the entire length of the zero (0) curb face. Provide means of maintaining a separation consistent with accessible code requirements.

Economic Development Department (EDD)

- 66. New Moreno Valley business are encouraged to hire local residents.
- 67. 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:
 - a. Job Announcements
 - b. Applicant testing / pre-screening
 - c. Interviewing
 - d. Job Fair support
 - e. Training space

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

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68. 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.

FIRE DEPARTMENT

Fire Prevention Bureau

- 69. 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])
- 70. 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])
- 71. Delayed Egress devices- Where delayed egress devices are installed a fire alarm system complying with the California Fire Code shall be installed in accordance with the Moreno Valley Municipal Code
- 72. Project shall meet conditions adopted by the City of Moreno Valley Municipal Code Section 9.09.290 regarding Commercial Cannabis activities in regards to specific fire-life safety features required under this section including emergency responder access requirements. 9.09.290 MVMC.
- 73. Project shall use and reference the 2019 California Fire and Building Codes adopted by the City of Moreno Valley with amendments. When referencing codes in the building plans shall ensure that any updates and amendments to these codes are included in any design/modifications to previous submittals prior to building permit issuance.

PUBLIC WORKS DEPARTMENT

Land Development

- 74. 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

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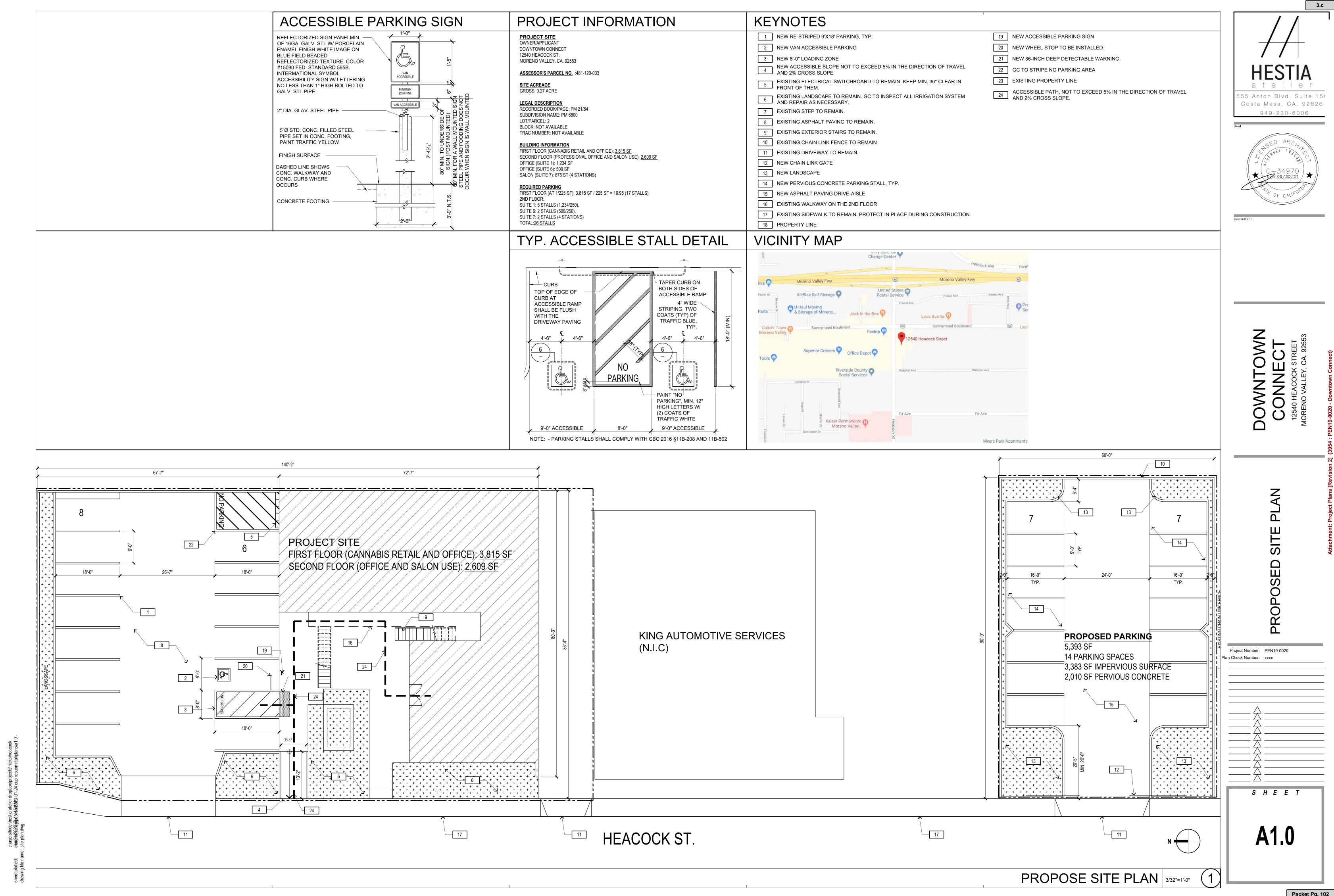
related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

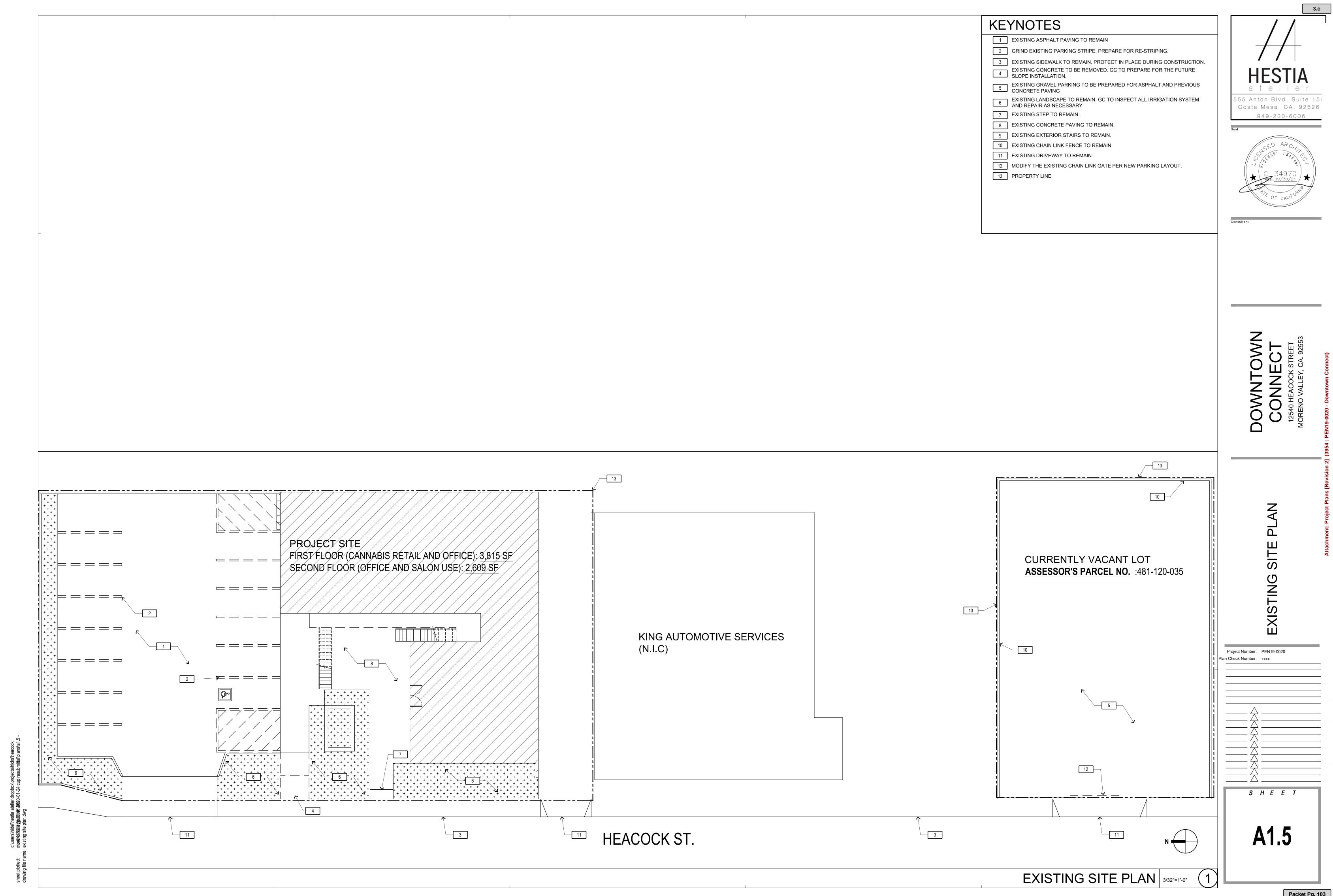
Prior to Encroachment Permit

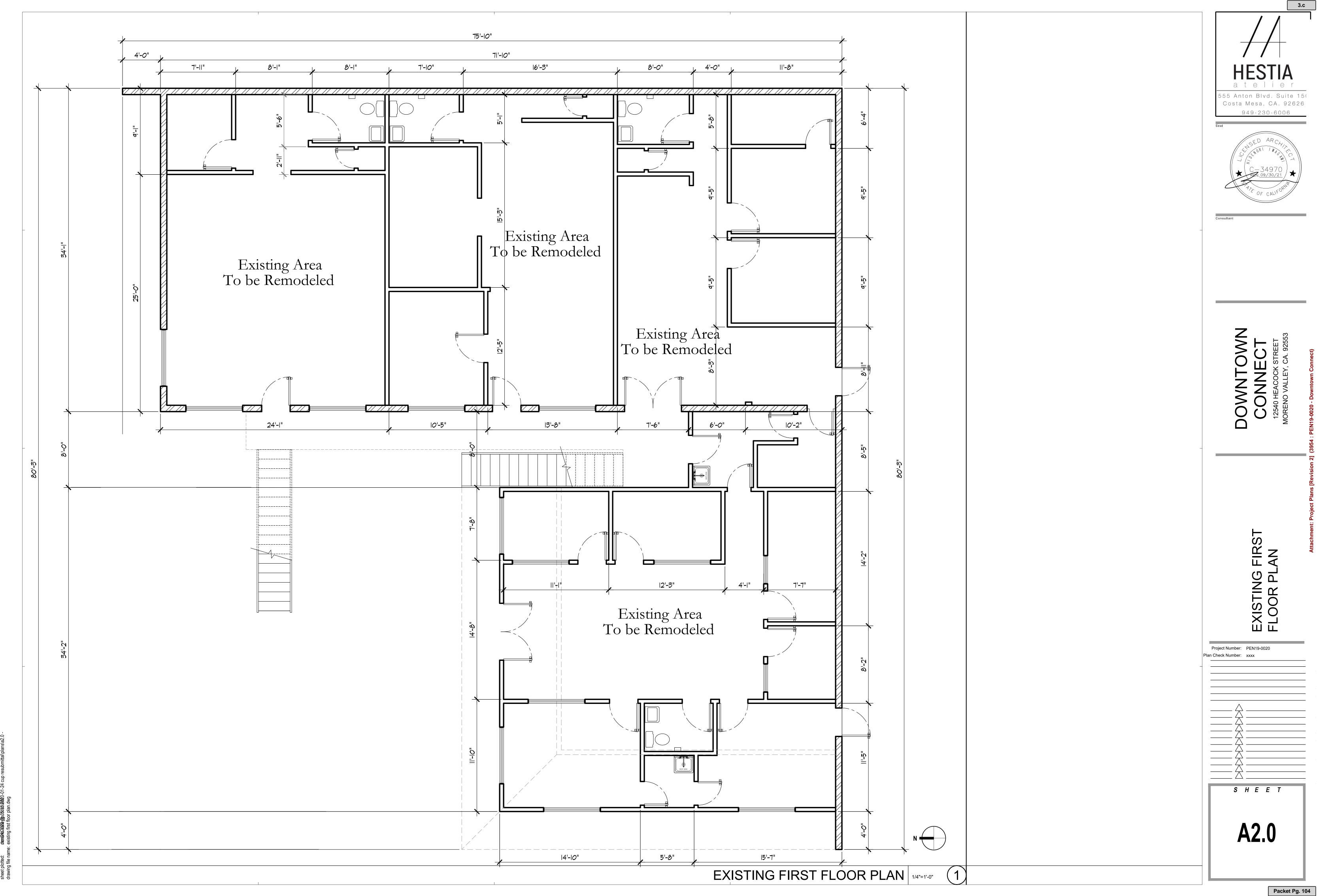
- 75. All applicable inspection fees shall be paid.
- 76. Any work performed within public right-of-way requires an encroachment permit.

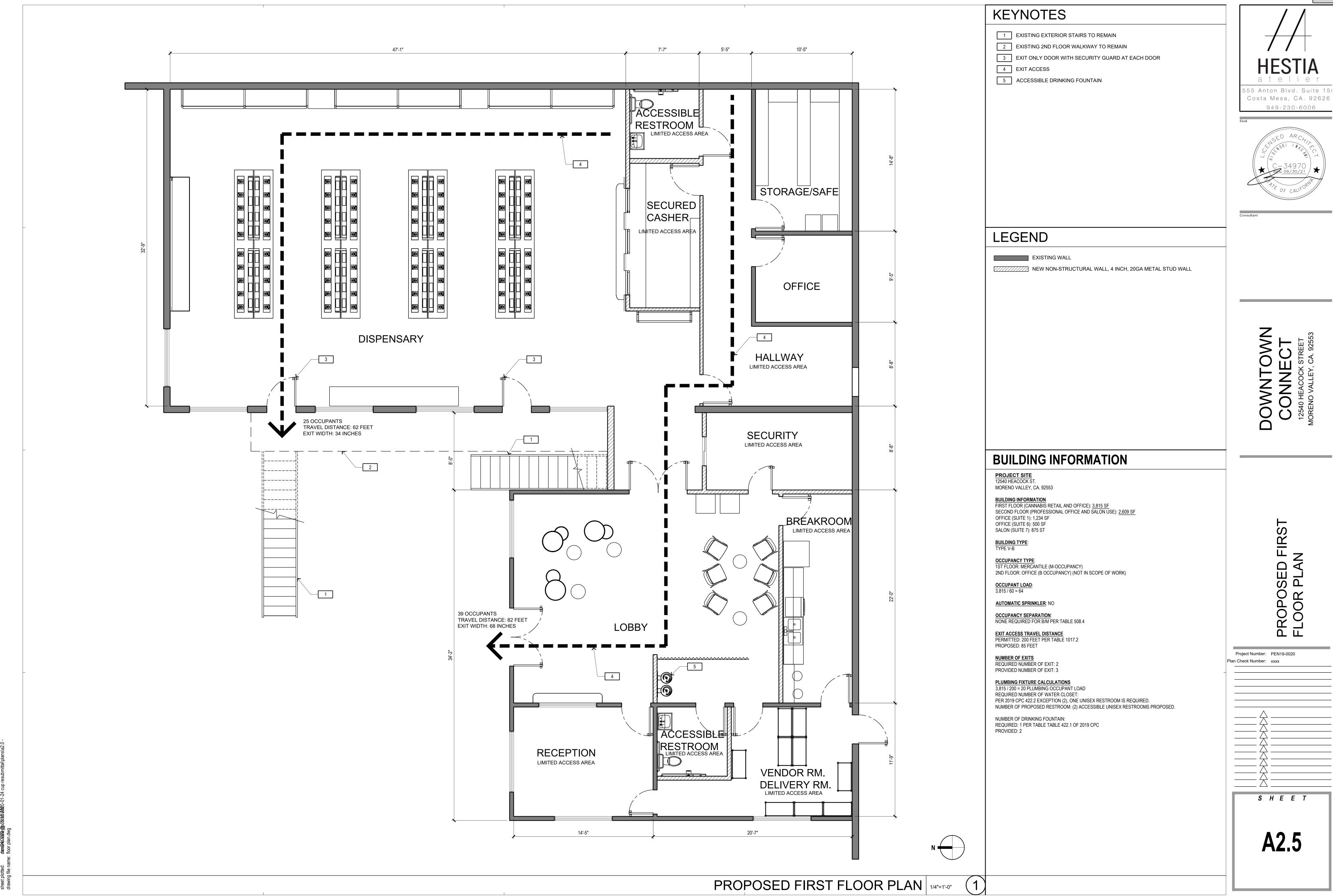
Prior to Occupancy

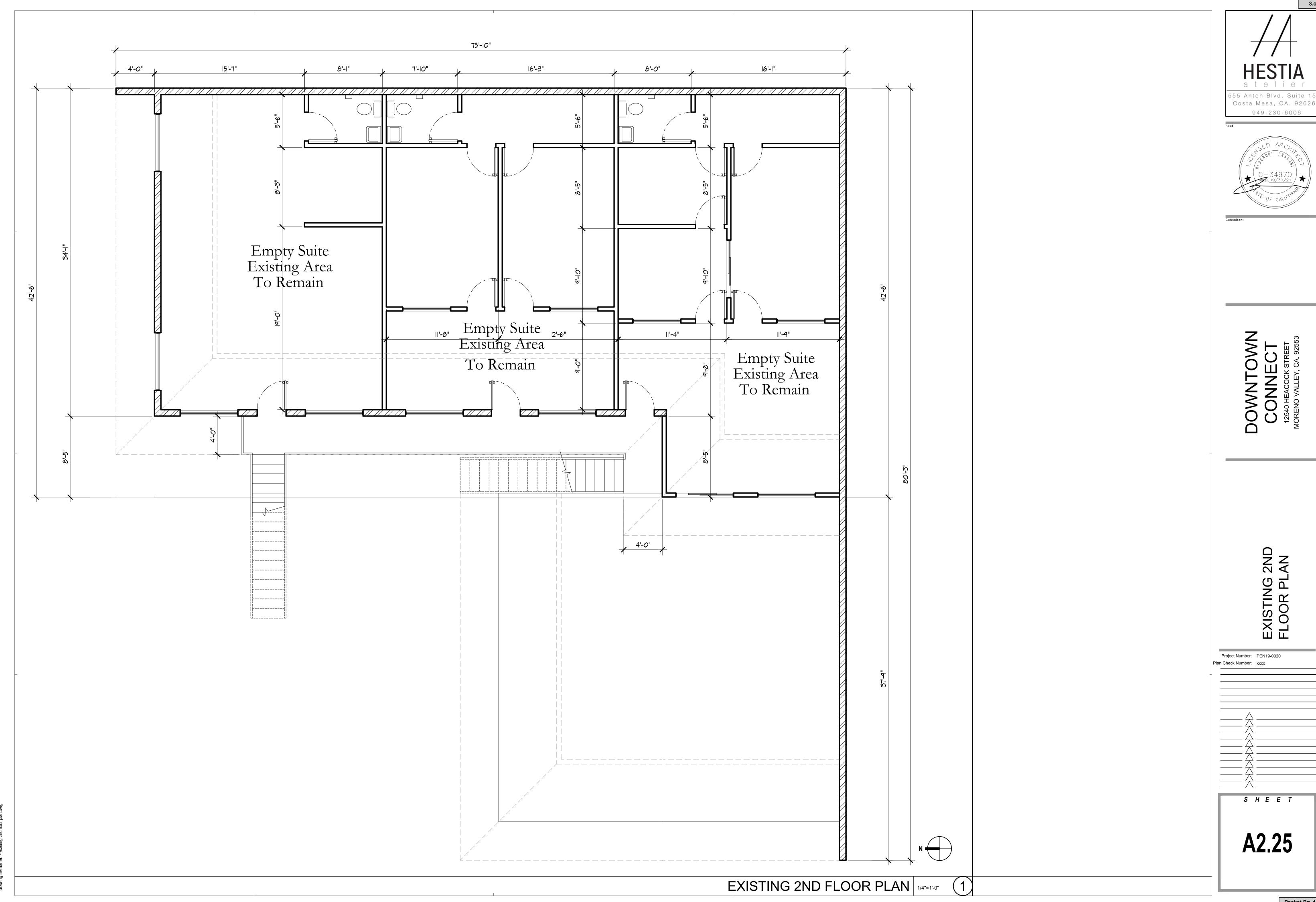
- 77. All outstanding fees shall be paid.
- 78. The existing driveways on Heacock Street shall be reconstructed per City Standard Plan MVSI-112D-0, or as approved by the City Engineer. Reconstruction may require repairs to adjacent curb, gutter, and sidewalk. Furthermore, reconstruction may require right of way dedication/pedestrian easement through the driveway.







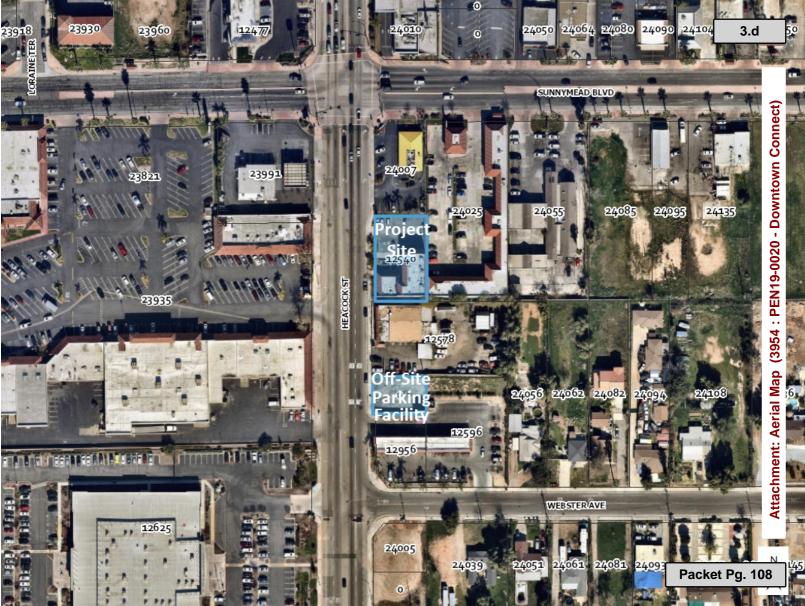




555 Anton Blvd. Suite 150 Costa Mesa, CA. 92626

Project Number: PEN19-0020

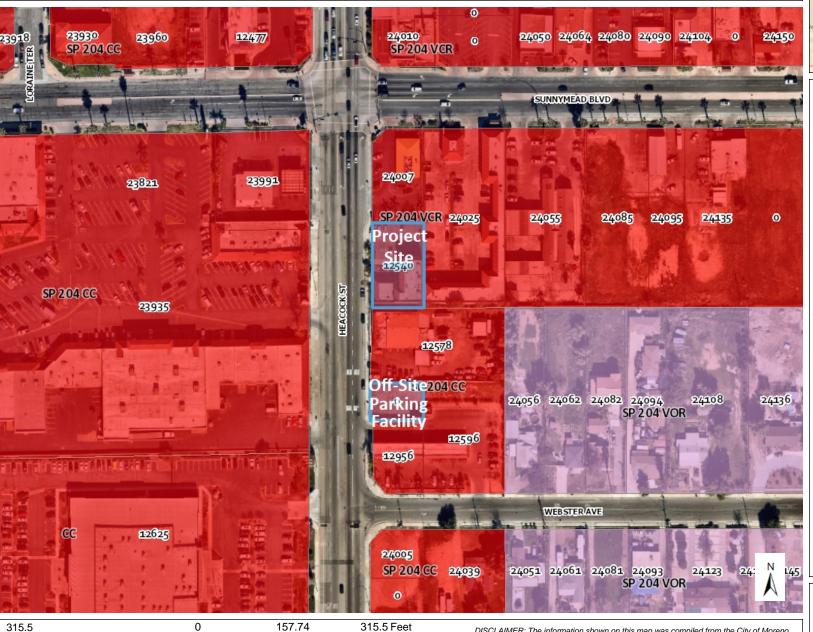
SHEET





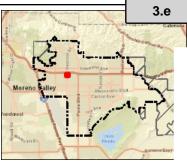
WGS_1984_Web_Mercator_Auxiliary_Sphere

Zoning Map



Print Date: 2/19/2020

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.



Legend



Commercial

Industrial/Business Park

Downtown Connect)

Attachment: Zoning Map (3954: PEN19-0020

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

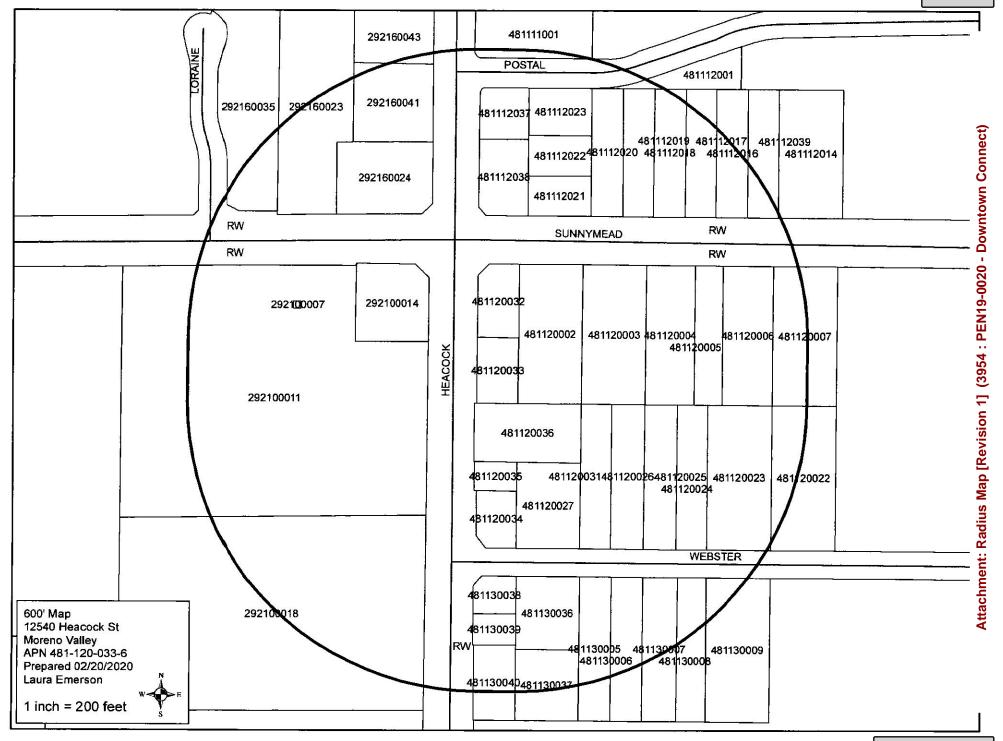
City Boundary

Sphere of Influence

Image Source: Nearmap

Notes:

PEN19-0020 - Conditional use Permit





City of Moreno Valley
Community Development Department
Planning Division
City Hall Council Chamber
14177 Frederick Street
Moreno Valley, CA 92553

NOTICE OF PUBLIC HEARING



Notice of Public Hearing before the Planning Commission the City of Moreno Valley for the following item(s):

MEETING INFORMATION: March 12, 2020, 7:00 P.M.

Moreno Valley Council Chamber, 14177 Frederick Street

PROJECT LOCATION: 12540 Heacock Street; located on east of Heacock Street south of Sunnymead Boulevard (AF 481-120-033 and 481-120-035), District 1.

CASE NUMBER(s): PEN19-0020

CASE PLANNER: Sean P. Kelleher, Senior Plan

(951) 413-3215 or seanke@moval.c

<APN>

<Property Owner>

<Street Address>

<City, State, Zip>

NOTICE OF PUBLIC HEARING

PROPOSAL:

A Conditional Use Permit (CUP) for a retail cannabis dispensary, "Downtown Connect "in an existing 3,815 squar foot retail tenant space located in the Village Specific Plan SP 204, Village Commercial/Residential (VCR) district.

ENVIRONMENTAL DETERMINATION:

This project is a retail use within an existing single-story retail building. As designed and conditioned, this project is exem from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 for Existin Facilities and Section 15303 for New Construction or Conversion of Small Structures.

HEARING:

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 1417 Frederick Street, Moreno Valley, California during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursdand 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 also consider and approve changes to the project or the environmental determination. If you challenge this project, including any modifications considered for the project, court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in the notice, or in written correspondence delivered to the Planning Commission on or before the public hearing.

Upon request and in compliance with the Americans with Disabilities Act of 1990, any person with a disability who requires a modification c. 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 accessity