
PLANNING COMMISSIONERS

JEFFREY BARNES
Chair

PATRICIA KORZEC
Vice-Chair

RAY L. BAKER
Commissioner



JEFFREY SIMS
Commissioner

BRIAN LOWELL
Commissioner

VACANT
Commissioner

VACANT
Commissioner

PLANNING COMMISSION

Regular Meeting

Agenda

Thursday, February 22, 2018 at 7:00 PM
City Hall Council Chamber – 14177 Frederick Street

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Approval of Agenda

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.

APPROVAL OF MINUTES

Planning Commission - Regular Meeting - February 8, 2018 7:00 PM

PUBLIC COMMENTS PROCEDURE

Any person wishing to address the Commission on any matter, either under the Public Comments section of the Agenda or scheduled items or public hearings, must fill out a "Request to Speak" form available at the door. The completed form must be submitted to the Secretary prior to the Agenda item being called by the Chairperson. In speaking to the Commission, member of the public may be limited to three minutes per person, except for the applicant for entitlement. The Commission may establish an overall time limit for comments on a particular Agenda item. Members of the public must direct their questions to the Chairperson of the Commission and not to other members of the Commission, the applicant, the Staff, or the audience.

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Guy Pegan, ADA Coordinator, at 951.413.3120 at least 72 hours before the meeting. The 72-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

NON-PUBLIC HEARING ITEMS

PUBLIC HEARING ITEMS

1. Case: PEN17-0090 Conditional Use Permit
Applicant: Bryan Alberre
Owner: Ironwood Community Plaza, LLC
Representative: Bryan Alberre
Location: 23940 Ironwood Avenue, Suite E.
Case Planner: Gabriel Diaz
Council District: 2

Proposal: The applicant is seeking approval of a Conditional Use Permit to operate a new Smoke Shop

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2018-10, and thereby:

1. **CERTIFY** that PEN17-0090, a Conditional Use Permit for a new smoke shop qualifies for a categorical exemption in accordance with CEQA Guidelines, Section 15332, for in-fill development; and
2. **APPROVE** PEN17-0090, a Conditional Use Permit for a new smoke shop business, subject to the conditions of approval included as Exhibit A.

2. Case: PEN17-0157
Applicant: City of Moreno Valley
Owner: City of Moreno Valley
Representative: N/A
Location: City Wide
Case Planner: Mark Gross, Senior Planner

Council District: City Wide

Proposal: Commercial Cannabis Land Use Regulations

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2018-09, and thereby recommend that the City Council:

1. **FIND** that PEN17-0157 (Municipal Code Amendment for Commercial Cannabis Land Uses Regulations) qualifies for an exemption under the California Environmental Quality Act (CEQA) per provisions put forth in Senate Bill 94 “Medicinal and Adult Use Cannabis Regulation and Safety Act exempting adoption of an ordinance, rule or regulation by a local jurisdiction that will require subsequent discretionary permits, licenses or other authorization, and
2. **APPROVE** the proposed amendments to Title 9 of the City Municipal Code (PEN17-0157) setting forth land use zoning and development regulations for commercial cannabis land use activities, included as Exhibit A and Exhibit B.

3. Case: PEN17-0128 Tentative Tract Map 37369
PEN17-0129 Variance
PEN17-0130 Administrative Plot Plan

Applicant: Ed Romero

Owner: Silvia Romero

Representative: Steven Ritchey

Location: 24645 Eucalyptus Avenue (428-040-017, 018)

Case Planner: Julia Descoteaux

Council District: 1

Proposal: PROPOSED TENTATIVE TRACT MAP 37369
SUBDIVIDING 1.6 ACRES INTO SEVEN LOTS
INCLUDING A VARIANCE FOR REDUCED SETBACKS
AND AN ADMINISTRATIVE PLOT PLAN FOR THE
ADDITION OF A GARAGE

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2018-11 and 2018-12, and thereby:

1. **CERTIFY** that this item is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 32 Categorical Exemption, CEQA Guidelines, Section 15332 (In-Fill Development); and
2. **APPROVE** PEN17-0129 (Variance).
3. **APPROVE** Tentative Parcel Map 37369, PEN17-0128, subject to the conditions of approval attached as Exhibit A.

OTHER COMMISSION BUSINESS

4. Formation of Ad Hoc Committee to consider Planning Commission vacancies. (Report of: Planning Commission)

On February 8, 2018 the Planning Commission requested this agenda item be placed for their discussion and direction as warranted.

5. Planning Commission Action Minutes (Report of: Planning Commission)

STAFF COMMENTS

PLANNING COMMISSIONER COMMENTS

ADJOURNMENT

Planning Commission Regular Meeting, March 22, 2018 at 7:00 P.M., City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, CA 92553.

1 CITY OF MORENO VALLEY PLANNING COMMISSION
2 REGULAR MEETING
3 CITY HALL COUNCIL CHAMBER – 14177 FREDERICK STREET
4

5 Thursday, February 8, 2018 at 7:00 PM

6
7
8 CALL TO ORDER
9

10
11 CHAIR BARNES – Good evening ladies and gentlemen. I would like to call this
12 Regular-Scheduled Meeting of the Planning Commission to order. It's Thursday,
13 February 8, 2018, and it's 7:02 PM. Do we have roll call please?
14

15
16 ROLL CALL
17

18 Commissioners Present:

19 Commissioner Lowell
20 Commissioner Baker
21 Commissioner Sims
22 Vice Chair Korzec
23 Chair Barnes
24

25
26 Staff Present:

27 Rick Sandzimier, Planning Official
28 Albert Armijo, Interim Planning Official
29 Julia Descoteaux, Associate Planner
30 Claudia Manrique, Associate Planner
31 Martin Koczanowicz, City Attorney
32 Chris Ormsby, Senior Planner
33

34
35 Speakers:

36 Rafael Brugueras
37 Kendrick Rivas
38 Bill Novodor
39 Bill Liu
40
41
42
43
44

1 **PLEDGE OF ALLEGIANCE**

2
3
4 **CHAIR BARNES** – Thank you, at this time, the Pledge of Allegiance. Any
5 volunteers? Commissioner Sims, thank you.
6

7
8 **APPROVAL OF THE AGENDA**

9
10 Approval of Agenda

11
12
13 **CHAIR BARNES** – Thank you, Jeff. Next item is Approval of the Agenda.

14
15 **COMMISSIONER LOWELL** – I'll motion to approve the agenda.

16
17 **COMMISSIONER LOWELL** – I'll second.

18
19 **CHAIR BARNES** – A motion from Commissioner Lowell, a second from
20 Commissioner Baker. All in favor...

21
22 **VICE CHAIR KORZEC** – Aye.

23
24 **CHAIR BARNES** – Aye.

25
26 **COMMISSIONER BAKER** – Aye.

27
28 **COMMISSIONER SIMS** – Aye.

29
30 **COMMISSIONER LOWELL** – Aye.

31
32 **CHAIR BARNES** – Opposed? The motion carries.

33
34
35 Opposed – 0

36
37
38 **Motion carries 5 – 0**

39
40
41 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – Sir, we do have the
42 digital board room loaded this evening.

43
44 **CHAIR BARNES** – Alright.

45
46 **COMMISSIONER LOWELL** – I don't think we can do that, though.

1
2 **CHAIR BARNES** – On that we don't need it, though, right? We'll use it on future
3 issues?

4
5 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – It's up to you.
6

7 **CHAIR BARNES** – Okay, well we've already voted. We won't revisit that one.
8

9 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – Okay.
10

11 **CHAIR BARNES** – Are we good?
12

13 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – We're good.
14

15 **CHAIR BARNES** – Alright, my apologies. This high tech stuff is so confusing.
16
17

18 **CONSENT CALENDAR**

19
20 *All matters listed under Consent Calendar are considered to be routine and all*
21 *will be enacted by one rollcall vote. There will be no discussion of these items*
22 *unless Members of the Planning Commission request specific items be removed*
23 *from the Consent Calendar for separate action.*
24
25

26 **APPROVAL OF MINUTES**

27
28 Planning Commission - Special Meeting – December 21, 2017 at 7:00 PM
29
30

31 **CHAIR BARNES** – Alright, moving onto the Consent Calendar. We have first
32 approval of Minutes for the meeting of December 21, 2017.
33

34 **COMMISSIONER BAKER** – Yeah, I'll move that we approve the Minutes.
35

36 **COMMISSIONER SIMS** – I'll second.
37

38 **COMMISSIONER BAKER** – For December 21, 2017. Yeah, I'm sorry.
39

40 **CHAIR BARNES** – Hit the mover button.
41

42 **COMMISSIONER BAKER** – Got it, okay, got it. Sorry.
43

44 **CHAIR BARNES** – Alright, we have a motion from Commissioner Baker and a
45 second from Commissioner Sims. Please vote. All votes have been cast. The
46 motion carries 4-0. This is going to totally confuse me tonight.

1
2 Opposed – 0
3

4
5 **Motion carries 4 – 0 – 1 with one abstention**
6

7
8 **PUBLIC COMMENTS PROCEDURE**
9

10 *Any person wishing to address the Commission on any matter, either under*
11 *Public Comments section of the Agenda or scheduled items or public hearings,*
12 *must fill out a “Request to Speak” form available at the door. The completed*
13 *form must be submitted to the Secretary prior to the Agenda item being called by*
14 *the Chairperson. In speaking to the Commission, member of the public may be*
15 *limited to three minutes per person, except for the applicant for entitlement. The*
16 *Commission may establish an overall time limit for comments on a particular*
17 *Agenda item. Members of the public must direct their questions to the*
18 *Chairperson of the Commission and not to other members of the Commission,*
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21 *compliance with the Americans with Disabilities Act of 1990. Any person with a*
22 *disability who requires a modification or accommodation in order to participate in*
23 *a meeting should direct their request to Guy Pegan, our ADA Coordinator, at*
24 *(951) 413-3120 at least 72 hours prior to the meeting. The 72-hour notification*
25 *will enable the City to make reasonable arrangements to ensure accessibility to*
26 *this meeting.*
27

28
29 **CHAIR BARNES** – Next item, the Public Comment portion of the meeting. Do
30 we have any Speaker Slips?
31

32 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – We do. We have Rafael
33 Brugueras and Kendrick Rivas.
34

35 **CHAIR BARNES** – Mr. Brugueras.
36

37 **SPEAKER RAFAEL BRUGUERAS** – Good evening Chair, Commissioners,
38 Staff, Residents, and our guests. I want to talk about what occurred Tuesday,
39 the name change and that me and the council members voted to change
40 Theodore. If Theodore had a chance to speak tonight, he would be glad that he
41 was being remembered in the last several weeks and how he contributed to the
42 City of Moreno Valley by bringing the well so there would be water for the
43 oranges and the fruit and the men and women that work in the fields and live in
44 the City of Moreno because you’ve got to understand, before it was called
45 Moreno Valley, it was called Moreno, Moreno Valley. It would have been called
46 Brown, Mr. Brown, but he decided not to do that and used his last name

1 translated to a Spanish name Moreno. That's why today it's called Moreno
2 Valley, to honor him for what he contributed to Moreno Valley because he bought
3 land. He used the reservoir. A lot of these pioneers that have vision lived in
4 Redlands and saw the valley, and they came here to produce oranges, fruit,
5 cattle. We go to remember that the American Indians and the Mexicano. The
6 Mexican people were here first, so I believe if there were fruits or anything to do
7 with picking, the Mexican people were here doing that, and they were a color of
8 brown. I want to know who Brown was as a person. I can't find that yet, but I did
9 a lot of history and Moreno Valley or Moreno Beach was once called Pettit. Then
10 that got changed to Moreno Valley, I mean Moreno Beach when the lake was
11 built. Look at it today, how it has grown when you make name changes. Right
12 now in this city, we've got 1995 names in this city alone in the streets, almost
13 2000 names. Change is good. We're going to talk about change because that's
14 our theme tonight in our Agenda is change. We are going to talk about a few
15 things. Thank you so much.

16
17 **CHAIR BARNES** – Thank you, Mr. Brugueras.

18
19 **PLANNING OFFICIAL RICK SANDZIMIER** – When Nina doesn't have the timer
20 up, I believe it does appear on your screen.

21
22 **CHAIR BARNES** – It was not but may it had finished and fell off. I'm not sure.
23 Mr. Rivas.

24
25 **SPEAKER KENDRICK RIVAS** – Good evening Chair and Commissioners, Staff,
26 and fellow citizens. I would like to address the President of the United States
27 and the Council. Mr. President, yes, I did vote for you, and I voted for Hilary
28 Clinton in the primary. America doesn't need a military parade. Why? We know
29 our military is the strongest in the world, and the entire world knows that. The
30 entire world does know that they can piss off the United States Government, but
31 the United States Government will do something but if you....but if other
32 comments do piss off the American people, they know that the American people
33 will retaliate at the fullest. We don't need a military parade and Commissioners I
34 would say, if any new home developments happening, can there please be a like
35 a walkway to like a main Street? I've been seeing on satellite images that there
36 isn't like walkways that have you to go to a main Street, so you have to go down
37 the street, make a right or left and go back up the street, which takes a lot of time
38 of walking. Can there please, like in the new home developments, be easier to
39 access one of the main streets? Thank you.

40
41 **CHAIR BARNES** – Thank you, Mr. Rivas. Any other speakers?

42
43 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – No Sir.

44
45 **CHAIR BARNES** – Thanks very much. So we'll close the Public Comments
46 section of the meeting.

1
2
3 **NON-PUBLIC HEARING ITEMS**
4

- 5 1. General Plan Annual Report to be submitted to the State Office of Planning
6 and Research (Report of: Community Development)
7
8
9

10 **STAFF RECOMMENDATION**

11
12 Staff recommends that the Planning Commission **APPROVE** Resolution No.
13 2018-08 and thereby:
14

- 15 1. **CERTIFY** that the proposed General Plan Annual Report qualifies as an
16 exemption in accordance with Section 15061 of the California Environmental
17 Quality Act (CEQA) Guidelines; and
18
19 2. **RECOMMENDS** to the City Council that the January 1, 2017 to December 31,
20 2017, General Plan Annual Report is consistent with the requirements of
21 Government Code Section 65400 with regard to reporting on status of the
22 City General Plan and progress in its implementation, and is ready for the
23 submittal to the Office for Planning and Research and to the Department of
24 Housing and Community Development by April 1, 2018.
25
26
27

28 **CHAIR BARNES** – Next item on the Agenda, Non-Public Hearing Items.
29 General Plan Annual Report to be submitted to the State Office of Planning and
30 Research.
31

32 **PLANNING OFFICIAL RICK SANDZIMIER** – Before I introduce the speaker on
33 this one, I do want to introduce one additional gentleman that is here with us this
34 evening to my right and that is Albert Armijo. Albert is our new interim planning
35 manager/planning official. He was brought on board for my position. I've
36 stepped up into the acting community development director position, and so
37 Albert will be here at subsequent meetings. I will be attending some but not all,
38 and I just wanted to introduce Albert to you. We're happy to have him on board.
39 He just started this week. The item before you...
40

41 **CHAIR BARNES** – Welcome Mr. Armijo.
42

43 **PLANNING OFFICIAL RICK SANDZIMIER** – The item before you, the Non-
44 Public Hearing Item will be presented by Claudia Manrique.
45

1 **ASSOCIATE PLANNER CLAUDIA MANRIQUE** – Good evening Chair and
2 Commissioners. California Government Code Section 65-400 requires an
3 Annual Progress Report on the implementation status of the City’s General Plan,
4 and this includes progress meeting our Regional Housing Needs Assessment,
5 also known as RHNA. Reports are due every April 1st to the State Offices of
6 Planning and Research (OPR) and Housing and Community Development
7 (HCD). The 2017 General Plan Annual Report includes major projects and
8 General Plan Amendments that were approved by the Planning Commission and
9 City Council during the reporting period of January 27, 2017, through December
10 2017. It shows that the General Plan continues to serve as an effective guide for
11 orderly growth and development in Moreno Valley, and our highlights are in the
12 housing, which is Appendix A of the Staff Report. In 2017, we constructed and
13 had final occupancy of 341 single-family homes, 2 accessory dwelling units, and
14 84 multiple-family units, which in this case were all apartments, which counts
15 towards the City’s RHNA levels of moderate and above-moderate income levels.
16 The City was also able to partner with the Riverside Housing Development
17 Corporation to rehab 8 apartment units. These units qualify as very low income
18 and help with our RHNA. The General Plan Annual Report is exempt from
19 CEQA. We went to Section 15061, as this report does not have the capability to
20 impact the environment, and therefore Staff recommends that the Planning
21 Commission forwards the item....recommends forwarding the item onto the City
22 Council for final consideration and for us to submit to the State. Thank you.

23
24 **CHAIR BARNES** – Thank you, Claudia. Does anyone have any questions of the
25 Staff on the Annual Report? We have a speaker, Commissioner Sims.

26
27 **COMMISSIONER SIMS** – Mine’s not on the Staff Report, except for the part
28 where their talking about the City has taken steps increasing budgetary
29 approvals and outlining the Momentum Moreno Valley Strategic Plan to pursue a
30 Comprehensive General Plan Update by August 2019, and I’d be interested in
31 just hearing what that kind of entails and what the timeline is to move that
32 forward and perhaps if you’ve already thought through what the....you know how
33 the input from the public gets involved with that.

34
35 **PLANNING OFFICIAL RICK SANDZIMIER** – Sure, the General Plan Update
36 that you’re referencing in the Momentum Moreno Valley Strategic Plan had
37 multiple parts to it. The first part was to do an assessment of the General Plan. I
38 looked at all the policies, goals, and objectives to identify which ones have been
39 completed, which ones need to be readdressed, and which ones are simply
40 outdated and should be readdressed for that purpose. We also, in the Strategic
41 Plan, had identified pulling together an Ad-Hoc Committee of key members of the
42 city staff and city departments. We did do that, and we’ve had multiple meetings
43 of that committee to get together to develop the scope of work for the General
44 Plan Update. Another component of Momentum Moreno Valley was to set aside
45 money in increments to basically cobble together enough money to actually do
46 the Comprehensive General Plan Update. That has been accomplished, as well,

1 and we also have sought outside grants and been successful in some regards,
2 and so we have some money that has been brought in to do that. All of that was
3 put together into a Staff Report, and we're moving forward to the City Council to
4 retain a consultant to do the General Plan Update so that we can meet the
5 August 2019 target date. On January 9, 2018, the City Council held a Study
6 Session on the General Plan Update and directed Staff to conduct some
7 visioning first before we actually embarked upon the consultant work. So, right
8 now, what we're in the process of doing is evaluating that vision. We've had
9 some visioning workshop, and we've had the executive team meet and discuss
10 some options of where we can go, and we're working through the city manager's
11 office to get some additional feedback. That's the progress to date, and we will
12 update this Planning Commission and City Council as that progresses.

13
14 **COMMISSIONER SIMS** – Is Momentum Moreno Valley a document that's on the
15 website or is that something that can be shared with the public at large?

16
17 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes. Momentum Moreno Valley
18 on the City's website has, right on the front page of our website is a quick links
19 button. The public can click on the quick links and Momentum Moreno Valley is
20 one of the shortcuts and that will give the comprehensive summary of all of the
21 initiatives, objectives, and various initiatives for each of those objectives, and
22 then it also has an attachment that has the scanned information regarding
23 Moreno Valley, so it's all online and available for the public.

24
25 **CHAIR BARNES** – Thank you Rick. Any other questions? Well, having no
26 questions and seeing no speakers, we probably want to vote.

27
28 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – We do have speakers
29 Sir.

30
31 **CHAIR BARNES** – What's that?

32
33 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – We do have speakers.

34
35 **CHAIR BARNES** – Oh, we do?

36
37 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – We have two, Rafael
38 Brugueras and Kendrick Rivas.

39
40 **CHAIR BARNES** – Okay, then open the Public Hearing for....Rick, is it
41 appropriate to open the Public Hearing and get speaker input on this?

42
43 **PLANNING OFFICIAL RICK SANDZIMIER** – It's not actually a Public Hearing.
44 It wasn't public, but you can take public comments on it, absolutely.
45

1 **CHAIR BARNES** – Yeah, alright, well then we will do that. We will accept some
2 public comments. Mr. Brugueras.

3
4 **SPEAKER RAFAEL BRUGUERAS** – Good evening again Chair,
5 Commissioners, Staff, Residents, and Guests. I was looking at the Agenda on
6 an item myself, and I was on page two, and I looked at the years. They are too
7 long by the time we have another meeting. You know, we look at the one that
8 said September 1988. The last time it was done was in 2006. You know, then
9 we got another that was done in 2014. I think that we should need to cut down
10 instead of waiting those 10 years because they look like 10 years apart. You
11 know, the General Plan it was 18 from the last time I see here. From 1988 to
12 2006, that's the last time that was talked about or done anything with. Okay,
13 that's 18 years. Okay so what I'm saying is that, because we are now living in a
14 fast-pacing country, things are changing every day, every hour. We need to cut
15 down on waiting to make great changes for our City and region. We should cut it
16 down to five years instead of 10 years or 18 years because we're having things
17 that are finally coming back to our country, and we have land that we can
18 designate to those particular projects. You know because there are companies
19 who want to move all their entire industry, all their entire men and women, all
20 their entire equipment into one building because it costs money to have four or
21 five of them like Sketchers did at one time. That's why Sketchers is there today
22 because they had five buildings, and they were offered a proposal to have one
23 great building, and we have that one great building on Theodore. It's a world-
24 class building. That's what I'm saying. If we could change of us waiting so long
25 to do things, maybe things would come faster to the city and things would get
26 approved a little quicker. I'm just saying, by me just reading this, we have waited
27 a long time to do things, and we need to change that thought because, again, we
28 are living in a fast-paced country and whoever makes the first bid or the first
29 acceptance that...that's where the project goes and that's what we're trying to
30 do. We're trying to stay ahead of the competition, and I wish everybody the
31 same luck as much...I want Moreno Valley to have the same, but we want to stay
32 ahead of the competition so we can be the ones to have these wonderful
33 companies and whatever else we bring to our city. That's what we want. We
34 don't want to wait 18 or 10 years. We need to change that thought.

35
36 **CHAIR BARNES** – Thank you Mr. Brugueras. Mr. Rivas.

37
38 **SPEAKER KENDRICK RIVAS** – Good evening Chair, Commissioners, Staff. I
39 like how the General Plan says we are working with RTA. I'm very appreciative
40 of that. I also would like to say that, as the city grows, it will become more
41 populated. I would say, if the streets are supposed to be three- or six-lane
42 highways, I would recommend that it should be a six-lane highway so in the
43 future maybe one of the...maybe the middle lane will convert into a bus rapid
44 lane and then it will convert into a light rail and, in the General Plan, I would like
45 to see if we could attract more white-collared jobs instead of blue-collared jobs. I

1 think the city really needs to balance the white-collared jobs distribution. Thank
2 you.

3
4 **CHAIR BARNES** – Thank you, Mr. Rivas. Rick, could you give us a brief
5 summary of the rules and regulations that derive the General Plan Update?
6

7 **PLANNING OFFICIAL RICK SANDZIMIER** – A General Plan is basically the
8 City’s Mission Statement. It’s the guiding document, in terms of policies and
9 goals. Every city, when it is incorporated, is expected to have, in the State of
10 California in particular, is expected to have a General Plan. A General Plan has
11 seven mandatory elements. Now there is actually a new mandatory element that
12 has been introduced for any comprehensive update to the General Plan. That
13 would be the Environmental Justice Element after 2018. The seven mandatory
14 elements of our General Plan do not have to be updated on any particular
15 frequency, except for the Housing Element. The Housing Element, based on
16 State Law, is expected to be updated every four or eight years, depending on if
17 you’ve qualified for an eight-year cycle. In 2014, the City updated its Housing
18 Element and qualified through HCB (Housing and Community Development) to
19 have an eight-year cycle, so our General Plan does not have to be updated,
20 other than the Housing Element until...the next update on that would be 2021.
21 Now the reason we do a comprehensive update is it is good practice to try and
22 update your General Plan on a regular basis and they have said, as a target, that
23 a 10-year timespan, based on the way the speaker identified, there’s a lot of
24 things that are changing in the region. There are things that are changing in the
25 state. There may be new State Legislation. There may be different
26 environmental laws, things that may affect your policies or your goals. Also
27 around you, specifically like Moreno Valley, if the Riverside, the County of
28 Riverside, the City of Perris, Caltrans or some other agency made some
29 significant changes to any of their Land Planning or Transportation Planning, we
30 may want to reflect that in our General Plan, so those are the reasons why the
31 world around you is changing that you may want to take a pause and look at your
32 Circulation Element and your Land Use Element. The Noise Element, in
33 particular here, is something that we would look at because we’re next to March
34 Air Base, so when March Air Base adopted a new Airport Land Use Compatibility
35 Plan, we’re expected to make sure our General Plan is consistent with that, and
36 so those are some examples of the things we would look at in a comprehensive
37 update to the General Plan. Our recommendation to do a comprehensive update
38 in the Strategic Plan was because we were hitting that 10-year cycle and...and
39 so, in 2016, we were at 10 years. Now we’re at 11, 12 years and climbing, so, so
40 we’re in that range.
41

42 **CHAIR BARNES** – Alright, thank you. I appreciate it.
43

44 **COMMISSIONER SIMS** – I just, from a comment standpoint, is I tend to agree.
45 There should be....it should be done more than once every 10, once....before 18,
46 20 years goes by or something like that to reflect changes, but that is why there

1 is a General Plan Amendment process that can accommodate the change and
2 just from an....just from an effort level, I would not want the public to think
3 that...to minimize the effort it takes to do a General Plan Update because there
4 are desperate views throughout the community to get the visioning and the
5 document actually adopted by the City Council and so forth. So it's a massive, I
6 would believe, a massive undertaking and that's why you see the length of
7 duration between efforts to do that, but I do think with all the changes that
8 Moreno Valley has done with the logistics projects and the other things that have
9 come to our Commission with the area to the north of the freeway between
10 Moreno Beach and Redlands Boulevard and that whole area out there, there are
11 things on the table that should be codified in the General Plan that sets
12 precedent and vision for how we act and make approvals for things, so I would
13 be highly supportive of the vision and effort to get a good scope of work outlined
14 and, in that scope of work, to have appropriate amount of public input into the
15 process so that there is a document everybody feels good about.

16
17 **CHAIR BARNES** – Rick.

18
19 **PLANNING OFFICIAL RICK SANDZIMIER** – If I can just elaborate...Those are
20 excellent points that were made by Commissioner Sims. I want to make one
21 distinction between the General Plan Update and the General Plan Amendment.
22 The reason we give you an Annual Report tonight, and it has to be filed with the
23 State by April 1, 2018, is because the State wants us to be monitoring and
24 reporting on what takes place every year on your General Plan, so that the
25 agency is making progress towards its established goals and policies and, if
26 there has been any individual General Plan Amendments, if you're changing any
27 Land Use Designation for any of your parcels, if you make a change to the
28 Circulation System Element, so you want to reduce the width of a roadway in
29 your General Plan or you want to add a new roadway, those constitute as
30 amendments to your General Plan, but they are not really a comprehensive
31 update. The comprehensive update we're talking about is looking at that whole
32 vision in a comprehensive point of view and deciding is the City still going in the
33 direction it wants to go. Are the policies set up so that the Planning Commission
34 and the other communities and bodies that are advising to the City Council are all
35 lined up and moving in that direction, but it is a very expensive effort, and the
36 bids we did get on the consultant proposals are approximately a million to a
37 million-and-a-half dollars is where we were at. So it isn't a small undertaking. I
38 just wanted to point that out.

39
40 **CHAIR BARNES** – Thank you. Any other comments? Alright, does anybody
41 want to make a motion to....yeah, I can't bring up the voting.

42
43 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – I'll set it up for you Sir. I
44 need the motion and second it first.
45

1 **CHAIR BARNES** – Alright, a motion from Commissioner Sims, and a second
2 from Commissioner Baker.

3
4 **COMMISSIONER SIMS** – We’re being challenged by our technical abilities here
5 on the screen. So I make a recommendation that the Planning Commission
6 approve Resolution No. 2018-08 and (1) CERTIFY that the General Plan Annual
7 Report qualifies as an exemption in accordance with California Environmental
8 Quality Act and (2) RECOMMEND to the City Council that the January 1, 2017,
9 to December 31, 2017, General Plan Annual Report is consistent with the
10 requirements of appropriate government code sections with regard to the City
11 General Plan progress and its implementation, and it is ready to submit to the
12 Office of Planning and Research and to the Department of Housing of
13 Community Development by April 1, 2018.

14
15 **COMMISSIONER BAKER** – I’ll second that resolution.

16
17 **CHAIR BARNES** – It’s working, so a motion by Commissioner Sims and a
18 second by Commissioner Baker. Please vote. The votes have been cast. The
19 motion carries 5-0. Thank you very much.

20
21
22 Opposed – 0

23
24
25 **Motion carries 5 – 0**

26
27
28
29 **PUBLIC HEARING ITEMS**

- 30
31
32
33
34 2. Case: PEN16-0048 General Plan Amendment
35 PEN16-0049 Change of Zone
36 PEN16-0052 Parcel Map
37 PEN16-0053 Master Plot Plan
38 PEN16-0054-0055 Plot Plans (Medical Bld.
39 1&2)
40 PEN16-0056-0057 Conditional Use Permits
41 PEN17-0013 Phasing Plan

42
43 Applicant: Richard Torng, Galaxy Management, Inc.

44
45 Owner: Galaxy Management, Inc.
46

1 Representative: Charles Yu
2
3 Location: Southeast Corner of Brodiaea Avenue and
4 Nason Street (486-290-036 & 436-280-037)
5
6 Case Planner: Julia Descoteaux
7
8 Council District: 3
9
10 Proposal: Proposed General Plan Amendment, Change
11 of Zone, Parcel Map, Plot Plans, Conditional
12 Use Permits, and Phasing Plan for the
13 development of a five building mixed-used
14 medical center campus.
15

16
17 **STAFF RECOMMENDATION**

18
19 Staff recommends that the Planning Commission **APPROVE** the following
20 Resolution Nos. 2018-01, 2018-02, 2018-03, 2018-04, 2018-05, and 2018-06
21 and thereby recommend that the Moreno Valley City Council:
22

23 Resolution: 2018-01

- 24
25 1. **CERTIFY** the Mitigated Negative Declaration prepared for the Majestic
26 Moreno Valley project, inclusive of all related applications, on file with the
27 Community Development Department, incorporated herein by this reference,
28 which Mitigated Negative Declaration has been completed in compliance with
29 the California Environmental Quality Act, and the information and findings
30 contained in the Mitigated Negative Declaration, attached hereto as Exhibit A,
31 reflects the City's independent judgment and analysis; and
32
33 2. **ADOPT** the Mitigated Monitoring and Reporting Program prepared for the
34 proposed Majestic Moreno Valley project, attached hereto as Exhibit B; and
35

36 Resolution: 2018-02

- 37
38 3. **APPROVE** PEN16-0048, General Plan Amendment as shown on the
39 attachment included as Exhibit A; and
40

41 Resolution: 2018-03

- 42
43 4. **APPROVE** PEN16-0049 Change of Zone as shown on the attachment
44 included as Exhibit A; and
45

46 Resolution: 2018-04

1
2 5. **APPROVE** Tentative Parcel Map 36227, PEN16-0052, subject to the
3 attached Conditions of Approval attached as Exhibit A.

4
5 Resolution: 2018-05
6

7 6. **APPROVE** PEN16-0053, Master Plot Plan, PEN16-0054 – PEN16-0055 Plot
8 Plans and PEN17-0013, Phasing Plan subject to the attached Conditions of
9 Approval attached as Exhibits A, B, C, and D; and

10
11 Resolution: 2018-06
12

13 7. **APPROVE** PEN16-0056 – PEN16-0057 Conditional Use Permits, subject to
14 the attached Conditions of Approval attached as Exhibits A and B.
15

16
17 **CHAIR BARNES** – Next up, Public Hearing Items. Case PEN16-0048, a
18 General Plan Amendment, additional case is a Change of Zone, Parcel Map,
19 Master Plot Plan, additional Plot Plans, a Conditional Use Permit, and a Phasing
20 Plan. The Applicant is Richard Torng, Galaxy Management, Inc. Do we have a
21 Staff Report?
22

23 **PLANNING OFFICIAL RICK SANDZIMIER** – We do. I'd like to introduce our
24 Staff Planner and Staff Project Manager, Julia Descoteaux.
25

26 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Good morning, wow, good
27 evening Chair Barnes and Members of the Planning Commission. The item
28 before you proposed by Galaxy Management includes multiple entitlement
29 applications, as you just listed, for a five building mixed-use medical facility
30 campus located on the southeast corner Nason and Brodiaea on approximately
31 18.5 acres. The project will be developed with higher-intensity medical uses on
32 the westerly portion of the site and a variety of uses for that would be medical
33 offices, wellness buildings, and an urgent care. And then the lower-intensity
34 uses will be assisted living and skilled-nursing facilities and will be located on the
35 eastern portion of the site. The project will include a General Plan Amendment.
36 The current General Plan is R2. The properties adjacent to the site, to the north
37 is Residential R3/R5 and then, to the south, is R2; all residential areas. To the
38 west would be Community Commercial and, to the northwest, there is some
39 Residential Office. All of the area on the west side of the project....I'm sorry, on
40 the west side of Nason are within the medical use overlay. The project is
41 proposing a change of General Plan to Residential Office. Along with that
42 General Plan Amendment would be a Change of Zone. The current zoning on
43 this parcel is RA2, which is Residential/Agricultural 2 (two units to the acre). To
44 the south is also RA2 and, to the north, is R3 and R5. On the west side of Nason
45 is Community Commercial and Office Commercial. The proposed changes
46 would reduce, if we approve the General Plan Amendment and then the Change

1 of Zone, it would reduce the large-lot residential; however, it would offer a
2 different type of housing that would still meet the housing needs of the
3 community. Also with the project is a Tentative Parcel Map to subdivide the two
4 parcels into seven parcels, and then we have a Master Plot Plan. The Master
5 Plot Plan establishes the layout for the entire project. There are two medical
6 buildings along the frontage of Nason with a center driveway providing a main
7 entry into the campus. Included in the design is access on Brodiaea with full
8 street improvements. There are landscape setback areas. Block walls are all
9 included in the design in consideration of the existing residential around the site.
10 The overall project includes a landscaped entrance along the street frontages,
11 decorative paving, walking paths, trellis' connecting the building, impervious
12 paving to assist in water quality while also providing a decorative design to the
13 project. So buildings one and two are two-story. Building one is a medical office
14 building, and the medical building two is a wellness center and will also have an
15 urgent care. Buildings three, four, and five are all located on eastern portion of
16 the site. Building three, four, and five have assisted-living facilities and then
17 there will be skilled-nursing facilities in 5A and 5B. Along with the project is also
18 a Phasing Plan. The project will be developed in three phases, the assisted
19 living in buildings 3C, 4C, and 5C will be developed first. Phase two is the
20 medical buildings one and two along Nason, and phase three is the skilled-
21 nursing buildings 5A and 5B. When 5A and 5B are completed, they will connect
22 to building 5C. The surrounding area.....or the site is surrounded by some
23 vacant land to the north as well as to the south and some existing residential lots
24 to the east. To the west is the Riverside County Regional Medical Center. The
25 project is also located within the Nason Corridor, which is a Guiding Vision
26 Document for transforming the area into a walkable and livable center for Moreno
27 Valley with a range of housing jobs and connecting neighborhoods. Access to
28 the site: the main entrance will be off of Nason. Also, along Brodiaea, you'll
29 have three entrances to the site; actually two that are really the main entrance.
30 The third one provides a loop around the project mainly for fire services.
31 Impervious pavement has been incorporated into the site to assist with the water
32 quality and each use in the site was parked separately and meets the parking
33 requirement. There are 650 parking spaces on the site and 595 were required
34 per the Code. An initial study was completed for the project and determined that
35 the project would have some potential for significant effect on the environment in
36 the areas of water/air quality, biological, cultural, noise, transportation, and tribal
37 resources. However, with the project, we have included 20 Mitigation Measures
38 implemented for the project with the Mitigated Monitoring and Reporting Program
39 and, with those applied, there will be not a significant effect on the environment;
40 therefore a Mitigated Negative Declaration has been prepared. Notification for
41 the project was noticed within 300 feet of residential or to all sites within 300 feet
42 as well as posted on the site and in the newspaper. To date, I have received one
43 phone call regarding the project. The caller did not have any concerns with the
44 project, more with the existing situation on the site and the fencing....what type of
45 fencing would be put in, and you've also received a letter on your chair this
46 evening. With this, this completes Staff's Report. Staff recommends that the

1 Planning Commission APPROVE Resolutions 2018-01, 2018-02, 2018-03, 2018-
2 04, 2018-05, and 2018-06 and recommend that the City Council CERTIFY the
3 Mitigated Negative Declaration, adopt the Mitigated Monitoring Program, approve
4 the General Plan Amendment, approve the Change of Zone, approve the
5 Tentative Parcel Map, and approve the Master Plot Plans (two Plot Plans), a
6 Phasing Plan, two Conditional Use Permits and, with that, we'll answer any
7 questions for you. The Applicant is also here with their environmental consultant,
8 as well. Thank you.

9
10 **CHAIR BARNES** – Thank you Claudia.

11
12 **PLANNING OFFICIAL RICK SANDZIMIER** – Mr. Chair, if I may, just to
13 add...Julia had mentioned that a letter was put on your dais but didn't elaborate
14 on much of the detail there. It's my understanding that we did get that. It came
15 in today. It was a letter from a law firm alleging some possible inappropriateness
16 maybe in the way of the transfer of the land was made between the current
17 owner and the previous owner. We made a hard copy available to you on your
18 dais. Our city attorney has looked at the letter and is able to give you some
19 insight or some background on what we have found if it is of your interest tonight,
20 so I just wanted to let you know that we have looked at it and....

21
22 **CITY ATTORNEY MARTIN KOCZANOWICZ** – Sure, Honorable Chair....

23
24 **CHAIR BARNES** – Yeah, go ahead.

25
26 **CITY ATTORNEY MARTIN KOCZANOWICZ** – And Commission Members, very
27 simply put, it's not an insight, but it's....the letter states that there is a pending
28 litigation pertaining to the title of the property. The letter admits that the title of
29 the property is in the name of the Applicant. Whether or not there is a lawsuit,
30 whether or not the title was obtained in accordance with an agreement or outside
31 of an agreement, there is litigation over that issue. It is completely not within the
32 purview of your review, approval, or denial of the project. We have confirmed the
33 Applicant is the person that has control over the land. The letter affirms that at
34 this point in time, so I understand the energy in the letter. That is completely
35 outside of your purview with regard to approval or denial of the project.

36
37 **CHAIR BARNES** – Thank you. With that being said, would the Applicant like to
38 present some information?

39
40 **APPLICANT PAUL DEPALATIS** – Mr. Chairman, Members of the Commission,
41 my name is Paul DePalatis. I'm the planning director for MSA Consulting and,
42 with me tonight, is Nicole Vann. She is our project manager for this project as
43 well as Richard Torng who is the Applicant. Our offices are located at 34200 Bob
44 Hope Drive in Rancho Mirage, so we came out to see you today and just
45 wanted to say a few things, not to duplicate what Staff has said, but just to
46 summarize that this project is to complement the Health District in the Nason

1 Corridor as well as the regional hospital next door. It contains the three
2 components of assisted living, skilled nursing, and then the medical offices next
3 to Nason. We spent almost two years now working through the details of the
4 design with Staff, and we think we've brought you a quality project tonight. So
5 we would like to request your approval and be available to answer any questions.
6 As well, if there is any public comment, we'd like to have the opportunity to
7 respond to that, if possible, afterwards. So we're here to answer any questions
8 you might have.

9
10 **CHAIR BARNES** – Thank you. Commissioners, any questions of the Applicant?
11 Thank you very much. Any questions of the Staff? No? Alright, before we move
12 to the public comments, I had a couple of things that I wanted a little bit of
13 clarification on. Give me a moment while I find them. The Parcel Map is not a
14 requirement of any building permits. Is that correct? They can move forward
15 with Grading and Building Permits.

16
17 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – That's correct. On....well,
18 there's a small portion....there are two lots involved, and the two lots....let me go
19 back. So, yeah, they could develop the easterly portion of the site and then work
20 together with Land Development. If they wanted to put it all in one lot, then they
21 could work with Land Development on either a Parcel Map or a....I would defer to
22 Land Development on, on how they would put that smaller piece in but...

23
24 **CHAIR BARNES** – Okay. I was just curious whether they were tied together
25 but....

26
27 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – The Parcel Map that their
28 showing for the seven lots is not really tied. I believe we can ask the Applicant,
29 but that seems like a financing-type map, more so than for the project.

30
31 **CHAIR BARNES** – Okay, thank you. There is a condition that requires
32 reciprocal access between the property and the adjacent parcel to the south
33 provided to the city. That's for the shared driveway off of Nason?

34
35 **ASSOCIATE PLANNER JULIA DESCOTEAUX** –Yes, yes.

36
37 **CHAIR BARNES** – The project requires a six-foot wall on the south and the west
38 side?

39
40 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – South and east.

41
42 **CHAIR BARNES** – South and east, yes, excuse me. Thank you.

43
44 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Yes.

45

1 **CHAIR BARNES** – And I think that was it. No other questions of the
2 Commissioners? Alright, well then let's open the Public Hearing. Do we have
3 speakers?
4

5 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – Yes Sir, we do. We
6 have four. We have Bill Novodor, Rafael Brugueras, Bill Liu, and Kendrick Rivas.
7

8 **CHAIR BARNES** – Mr. Novodor.
9

10 **SPEAKER BILL NOVODOR** – Good evening Chairman and Commissioners.
11 Just to give you an idea, I'm also a Planning Commissioner in the city in which I
12 live, so I am very familiar with what you have to go through. The other part of it is
13 that I have been working on this project since 2008. We also had engaged the
14 services of MSA Consulting, so there is a bit of an issue in conflict, but one of the
15 things that I would like to make you aware of is that there is a lis pendens on this
16 property. It has been on the property since 2014, and twice it has been before
17 the courts, and the courts have refused to remove the lis pendens. We are in
18 litigation, and we will probably be going to trial towards the last quarter of 2018.
19 The issue also that everything that has been listed as to our site, we also were
20 the ones that did the Lot Line Adjustment for that small parcel through MSA
21 Consulting, by the way. The other part of it is that the buildings are almost
22 identical to exactly what we developed, and so I am here really more as a friend
23 to the Commission and to the City of Moreno Valley. John Terrell, Mark Gross, I
24 can go through the list of the individuals that have worked with us and
25 understand what we were trying to do. I would appreciate it very much that your
26 consideration would be...and I would like my attorney, Mr. Bill Liu, to now speak
27 on our behalf, as well.
28

29 **SPEAKER BILL LIU** – Good evening Commissioners. I assume you got my
30 letter?
31

32 **CHAIR BARNES** – Yes.
33

34 **SPEAKER BILL LIU** – Okay and did you have a chance to look at it?
35

36 **CHAIR BARNES** – Yes.
37

38 **SPEAKER BILL LIU** – There were two attachments, the lawsuit, a copy of the
39 lawsuit, and a copy of the lis pendens. Basically what we have here is a case of
40 theft. Mr. Torng and Mr. Novodor, about four or five years ago, got into a venture
41 where they were going to develop this land with this precise same medical
42 facility. So what Mr. Torng has done is he has stolen all of the documents, and
43 we just found out about this very, very recently. So the lawsuit is theft. So they
44 got into a project to develop this land, and they were going to develop it together,
45 but then Mr. Torng took it upon himself and coerced Mr. Novodor where he got
46 the land under his own title under Galaxy Management, but he was supposed to

1 transfer that back to the joint venture, so they could go ahead and develop it, but
2 he never did. Then he went ahead, and he foreclosed on the property as a
3 partner in the joint venture, in which you can't do. It's a breach of fiduciary duty,
4 so we did file a lawsuit in 2014. A trial should be set. It's out at Riverside Court
5 before Judge Ottolia. It should be set for trial later this year. Mr. Torng went into
6 court last year and went into court early this year to try to remove the lis
7 pendens.

8
9 **CHAIR BARNES** – Thank you, Mr. Lui. Your time is.....

10
11 **COMMISSIONER LOWELL** – I would like to hear him if he's at the....

12
13 **PLANNING OFFICIAL RICK SANDZIMIER** – This is a second speaker.

14
15 **CHAIR BARNES** – Alright, continue.

16
17 **SPEAKER BILL LIU** – Okay, so I'm sorry.

18
19 **CHAIR BARNES** – My apologies.

20
21 **SPEAKER BILL LIU** – We're both Bill's. So, anyway, Mr. Torng went into court
22 to try to remove the lis pendens. He failed. Judge Ottolia said, and the test is
23 whether we had a probability of success on the matter and, if we do have a
24 probability of success of trial, then the lis pendens is not removed. It has not
25 been removed, and we anticipate when we go to trial that we will prevail. So I
26 would ask this Commission not to approve it. I would ask for a denial but, if you
27 don't want to deny it, I think it would incumbent upon you to at least hold it in
28 abeyance until our trial because the title....I don't know....I don't understand what
29 the city attorney is saying, it is not within your purview. This title is clouded.
30 There has been a theft and fraud committed, and we're not asking for a long
31 period of time for you to decide this matter. This case has been very, very old.
32 We are going to go to trial setting....hearing on March 15, 2018, and the judge
33 has already said that it is going to be set within six or seven months within that
34 trial setting. So it should be set August or September, and we really believe we
35 are going to prevail on this. So I think it's premature for this Council...or this
36 Commission to approve all this and go forward with all of this and, as Mr.
37 Novodor said, it's exactly what he has done for the last four or five years. Mr.
38 Novodor has put in over \$2 million into this project and having it stolen under his
39 feet by Mr. Torng. So we're not asking for a lot from you, just perhaps an
40 abeyance of this. Don't go forward. It's theft. We intend to win and, when we
41 win, we'll proceed with this project. Thank you.

42
43 **CHAIR BARNES** – Thank you very much. Next speaker, Mr. Brugueras.

44
45 **SPEAKER RAFAEL BRUGUERAS** – Chair Barnes, I was hoping that maybe
46 you would have asked the attorney to answer that before we continue because, if

1 it's not going to be approved tonight....I mean, I would like to see it approved.
2 It's a great project, but we have a double here, as he is claiming. So I love the
3 project. I went out and looked at it. I loved the pictures. I love everything that
4 they are going to do in the City of Moreno Valley. Even if it got approved tonight,
5 it is not going to be built tomorrow and if, for whatever reason the truth comes out
6 where can't build it because someone else prevailed, I'm not sure what happens
7 to our approval tonight, if it's approved. So, anyway, I'm going to use my last two
8 minutes to talk about the project. I do like the project. I like everything that is
9 being done for the....for the residents that need this care. What I wanted to know
10 is, urgent care, is it going to be 24 hours because it talks about an urgent care
11 building? I'm not sure if that's open to the public or not for 24 hours, urgent care.
12 My second one is I didn't see anything in the Staff Report where they are going
13 to put some electric chargers for cars. You know, they have a lot of parking
14 space, so I would like to see that be put into the project. And I am not sure if
15 they are going to use any solar to charge the lights at night in the parking lot or
16 anything like that instead of using electricity. They can use that long strip that we
17 see in the middle of 499 or 485, the picture right down here. Maybe they'll put
18 the lights, the solar, on top of those. Like I see a lot of our buildings...our parking
19 structures where they have solar, so there is always constant light at not. So
20 because I'm not sure if this facility is going to be open 24 hours, but I do like it
21 and I'm hoping that, whatever happens tonight, we get an answer from our city
22 attorney and our city managers and our staff managers and, wow, I'm surprised.
23 Anyway, thank you so much.

24
25 **CHAIR BARNES** – Thank you Mr. Brugueras. Last speaker, Mr. Rivas.

26
27 **SPEAKER KENDRICK RIVAS** – Good evening Chair, Commissioners. I'm
28 actually mixed on this project. The only thing that I like about this project is the
29 office space, and I do believe that there are too many parking spaces, but I agree
30 with Rafael. I think we do need to add like electric charging stations because
31 they are going to be more common because apparently California wants us all to
32 have electric charger by the year 2040, so it would be nice if we can start
33 implementing that now. I think since there is probably some litigation, I think this
34 probably should be on hold until it gets settled. I know one of the reasons why
35 he does want you to approve it because of property tax, and I just learned that in
36 my government class yesterday. Now I know the reason why a bunch of
37 buildings are coming down and 60% vacancy. Thank you.

38
39 **CHAIR BARNES** – Thank you Mr. Rivas. Seeing no other public speakers, I will
40 close the Public Hearing.

41
42 **PLANNING OFFICIAL RICK SANDZIMIER** – Mr. Chair.

43
44 **CHAIR BARNES** – Yes.

45

1 **PLANNING OFFICIAL RICK SANDZIMIER** – You may want to allow the
2 Applicant to come back and rebut any of the speaking, if you like.

3
4 **CHAIR BARNES** – Okay, thank you. Would the Applicant like to rebut any of the
5 public comments? Thank you Rick.

6
7 **APPLICANT PAUL DEPALATIS** – Just a few things, as far as the Parcel Map
8 goes, it is mainly for financing. The parcels are designed around the buildings,
9 so that will facilitate development of the property. Then, I've also been on a
10 Planning Commission before, and I think we all know that the Planning
11 Commission's job is to actually act on the physical merits of the project before
12 you, so we would request you do that. I'm sure Mr. Novodor will have his day in
13 court, and they can resolve whether he's correct or not at that time. Thank you.

14
15 **SPEAKER RICHARD TORNG** – My name is Richard Torng, and I have a few
16 comments about this Bill Novodor and the Bill Liu, and we have this civil matter in
17 the courtroom. I think we should discuss it in the courtroom, and then tonight we
18 have the application for the entitlement of the project. I think the civil matter, we
19 should put it aside. Thank you.

20
21 **CHAIR BARNES** – Thank you very much. We will now close the Public Hearing.
22 As you said, that's the direction we've been given by the city attorney, so....

23
24 **CITY ATTORNEY MARTIN KOCZANOWICZ** – Honorable Chair and
25 Commission Members, again, my opinion remains the same. If court wanted to
26 take control of the property and preclude any development or anything else
27 happening with the property, there are mechanisms by which that could have
28 been applied for and obtained, if it was warranted.

29
30 **CHAIR BARNES** – Alright.

31
32 **CITY ATTORNEY MARTIN KOCZANOWICZ** – Before you is a project. Approval
33 of the project is what you're considering. Litigation over the title to the
34 property.....by the way, the litigation mostly asks for money, so not for the
35 property, is beyond the purview of the Commission. We're not sitting here
36 deciding who is right or wrong on a lawsuit for title

37
38 **CHAIR BARNES** – Okay.

39
40 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may add, with regard to your
41 action this evening, you're in an advisory capacity on this project to the City
42 Council, so the City Council will be the ultimate decision-making authority on the
43 project because the components of the project require a legislative action, which
44 is you advising or recommending to the City Council. We do not have a City
45 Council date yet but if we find any more information, at that point, we could also

1 share that with the City Council but, at this point, I agree with the city attorney
2 who said I am recommending that you move forward.

3
4 **CHAIR BARNES** – I agree. That was my opinion. That’s a civil matter, and
5 that’s not us.

6
7 **COMMISSIONER SIMS** – But I do have question. So it’s probably to the city
8 attorney, so depending on whatever the outcome is, if this project is
9 entitled....let’s just go down that path. It gets a recommendation for entitlement
10 to the Council and the Council acts and entitles the project, approves it. Then,
11 this goes to civil trial, and it does have a change where if the property....just a
12 “what if” scenario here, if the property did....the transaction was found to be
13 faulty and it’s clouded, what becomes of the entitlement? Does the entitlement
14 just run with the land or is it because...if there was a change in ownership, what
15 becomes of that?

16
17 **CITY ATTORNEY MARTIN KOCZANOWICZ** – I’m not going to speak for the
18 judge. If the judge decides that there are some orders that are pertinent to the
19 fate of the property itself. Then those orders will be issued, and those affected
20 will need to comply with them. With regard to the approvals or the entitlements
21 that are obtained, they run with the land. So if the land is sold or transfer of
22 property is mandated by the court that does not affect these entitlements in the
23 form that they were submitted to you and the form that they were approved
24 ultimately by the Council.

25
26 **CHAIR BARNES** – Thank you. Any other questions?

27
28 **COMMISSIONER LOWELL** – I have some questions.

29
30 **CHAIR BARNES** – Yeah, are we going to start talking about the project?

31
32 **COMMISSIONER LOWELL** – I was actually going to ask a very similar question
33 that Mr. Sims asked, but we got an answer. So as far as the noise goes, we got
34 a Noise Study, and it says that there is no noise issue; however, I’m seeing the
35 fact that we have an assisted-living facility, we have skilled-nursing facilities, and
36 an urgent care. I’m assuming at some point in time an ambulance might come to
37 or from this facility. I live off of Nason and, when you have your windows open,
38 all you hear all night is sirens. Is there any kind of mechanism we can do to quiet
39 some of the sirens or put a limit on what they can and can’t do? I know it’s an
40 emergency situation, so the sirens are necessary, but that’s all you hear all night,
41 so you have to sleep with your windows and doors shut.

42
43 **SENIOR PLANNER CHRIS ORMSBY** – I could respond to that just based on
44 experience we’ve had with projects near fire stations but generally, and fire might
45 speak to this as well, but my understanding is that usually emergency vehicles
46 will turn their sirens off when they go onto private property in a situation where

1 it's, especially in a residential area. Obviously, it depends on the circumstance,
2 and it would be very difficult to condition a project for that, but that is my
3 understanding with kind of the way it works with the fire services.

4
5 **COMMISSIONER LOWELL** – But this facility won't be receiving emergency
6 calls. It will be generating them as needed, like if my own personal residence
7 needed an emergency call. That's not going to be a designation for
8 ambulances?

9
10 **SENIOR PLANNER CHRIS ORMSBY** – That is correct.

11
12 **CHAIR BARNES** – Anybody else? No further questions? Wow. Well then,
13 would anyone like to make a motion?

14
15 **COMMISSIONER LOWELL** – I thought there would be a lot more questions with
16 all these pages of documents.

17
18 **CHAIR BARNES** – As did I, compliments to the Staff; the perfect project.

19
20 **VICE CHAIR KORZEC** – Yeah, it was very thorough.

21
22 **CHAIR BARNES** – Well done. I'll ask a question while the rest of you decide
23 whether you have any. Can I get a brief explanation of the medical overlay
24 because I see it will be applied to this project or this property as part of the
25 entitlement? How does that work? Explain it a little bit.

26
27 **SENIOR PLANNER CHRIS ORMSBY** – I will make a try at that since I wrote that
28 section of the Code about 10 years ago. It was a long time ago but, as I recall,
29 the purpose of the medical overlay is to, in fact, encourage medical uses within a
30 given area. There are some....I guess the key element of it is that it allows for
31 some variation in the Use Table, in our Regular Use Table, as far as Medical
32 Use, so it allows for a little broader range of medical uses that would be
33 otherwise maybe allowed under the zone of Commercial or Office, so it
34 doesn't....it's not very far reaching, in terms of what it allows that differs from the
35 Code. It's more of a refinement of the Use Table in that regard. It also identifies
36 some uses and Conditional Use Permits, so it pretty well protects neighboring
37 residential in terms of the uses that are allowed within the overlay, but it's really
38 to facilitate economic development associated with furthering medical use.

39
40 **CHAIR BARNES** – Is the applicant of that component a Change of Zone?

41
42 **SENIOR PLANNER CHRIS ORMSBY** – That would be. It is...it is an actual
43 layer on our Zoning Map.

44
45 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may, just a little elaboration...a
46 project that recently came before the Planning Commission was the Main Street

1 Transitional Care facility. It was the 90-bed semi-hospital type of a project. That
2 was allowed because of the medical overlay that applied to that property, which
3 is up just northeast of the Kaiser property, and so we're asking for exactly what
4 Chris said there. It's for an economic development purpose. Our economic
5 development goals, we're talking about the areas along Nason being encouraged
6 for additional medical-related uses, and so this is in line with that.

7
8 **CHAIR BARNES** – Okay. Thanks Rick. Any questions? Everyone's just...

9
10 **CITY ATTORNEY MARTIN KOCZANOWICZ** – Honorable Chair and
11 Commission Members, just anticipating the next move. One motion to approve
12 Staff's recommendation would be appropriate under these circumstances.

13
14 **CHAIR BARNES** – Okay. That sounds good to me.

15
16 **COMMISSIONER LOWELL** – And it can also be a motion just to approve the
17 Resolution, correct? You don't have to read all the items?

18
19 **CHAIR BARNES** – Right.

20
21 **COMMISSIONER LOWELL** – That would be a lot of reading.

22
23 **PLANNING OFFICIAL RICK SANDZIMIER** – Except that there are multiple
24 resolution numbers, so you'll want to...

25
26 **CITY ATTORNEY MARTIN KOCZANOWICZ** – Read 01, 02 etc.

27
28 **PLANNING OFFICIAL RICK SANDZIMIER** – Okay.

29
30 **CHAIR BARNES** – So do we have a mover?

31
32 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – I have it Sir.

33
34 **CHAIR BARNES** – You got it?

35
36 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – You'll do push button as
37 soon as I hear who makes the motion.

38
39 **CHAIR BARNES** – Oh, I see. Okay, so would anyone like to make a motion?
40 Commissioner Korzec.

41
42 **VICE CHAIR KORZEC** – I make a motion that we pass Resolutions 2018-01, 02,
43 03, 04, 05, and 06.

44
45 **COMMISSIONER LOWELL** – I'll second.
46

1 **CHAIR BARNES** – We have a motion and a second. Please vote. All votes
2 have been cast. The motion carries 5-0. Thank you very much. Do we have a
3 wrap-up?

4
5
6
7 Opposed – 0
8
9

10 **Motion carries 5 – 0**
11

12
13 **PLANNING OFFICIAL RICK SANDZIMIER** – This item, as I indicated earlier, is
14 going to be going forward to the City Council. Since your action was to
15 recommend approval, there is no appeal necessary. The motion will move
16 forward to City Council. I will let you know when that is.
17

18 **CHAIR BARNES** – Thank you Rick.
19

20
21 **OTHER COMMISSION BUSINESS**
22

23 **CHAIR BARNES** – Any other Commission Business that we need to attend to?
24 Rick? Commissioners?
25

26 **COMMISSIONER LOWELL** – I had a question just for Staff, just a general
27 comment. On this last project, I drive by the project site pretty much daily and
28 the public notice sign, although when you're standing next to it is gigantic, when
29 you're driving down Nason, you can barely read public notice. Is there any
30 chance of making those signs a little bit larger or some of the text on it bigger, so
31 you can see it?
32

33 **PLANNING OFFICIAL RICK SANDZIMIER** – I will say that the signs that we are
34 posting out there are fairly large. They do meet the obligation that our Code calls
35 for. Our fee schedule is tied to the cost of those signs and so, if we were to try
36 and increase the size of the sign, it could affect the cost and that cost may not be
37 fully covered by the applicant's and, right now, the way the fee structure is set,
38 it's intended to cover that. So that would be the one.....
39

40 **COMMISSIONER LOWELL** – Maybe the Public Hearing Notice words around or
41 give it just a.....
42

43 **PLANNING OFFICIAL RICK SANDZIMIER** – We can take a look at that and
44 bring it to the sign manufacturer.
45

1 **COMMISSIONER LOWELL** – You’re driving down the street at 50 miles an hour
2 and you’re like, I can’t even read that.

3
4 **PLANNING OFFICIAL RICK SANDZIMIER** – We can talk to the sign
5 manufacturer and if they can increase the size of the font, at least for the public
6 notice portion, that’s probably simple enough.

7
8 **COMMISSIONER LOWELL** – Thanks Rick. I appreciate it.

9
10 **PLANNING OFFICIAL RICK SANDZIMIER** – Thanks.

11
12 **CHAIR BARNES** – Anything else?

13
14
15 **STAFF COMMENTS**

16
17 **CHAIR BARNES** – Any Staff Comments?

18
19 **PLANNING OFFICIAL RICK SANDZIMIER** – No, other than I introduced our
20 new planning manager earlier. You’ll expect to see him. One particular item that
21 will coming before the Commission soon will be the cannabis regulations. We
22 expect that to be on your Agenda for February 22, 2018. A notice was put to the
23 newspaper and will be published this weekend. We’re still fine tuning all of the
24 recommendations on that, and so we think that’ll be a....I’ll call it an interesting
25 discussion possibly that evening, so I just wanted to give you the heads up. With
26 regard to filling the vacancies on the Commission, I think there was a question
27 asked about that before. There is no progress at this point. So, in case anybody
28 up there was interested to know, I’ll keep you posted if I hear anything else but,
29 right now, I am not hearing anything. Then the only other thing would be the first
30 meeting in April will be the time to select a new Chair and Vice Chair. So, in
31 case you guys are interested to know that, that’s coming up in two months so.

32
33 **CHAIR BARNES** – I’m sure they are all interested to know about that.

34
35
36 **PLANNING COMMISSIONER COMMENTS**

37
38 **COMMISSIONER SIMS** – I would just like to make a comment on the lack of
39 Commissioners on our Commission. I believe we had our first lack of quorum.
40 We had a meeting missed or canceled due to lack of quorum. It was in big bold
41 print when I came across my email. I was one of the offenders, so I apologize in
42 advance but we went through, three or four years ago, quite the rigmarole about
43 having alternates and maybe it wasn’t even that long because it still seems to
44 create a bit of a spasm in my back over that, but I would strongly urge the
45 Council to make some decisions because we’ve gone without....we’ve had
46 vacant seats for quite some time. I don’t know how long it is. It’s probably been

1 a year, and it seems like that's not that hard of a deal to get done and....or, at a
2 minimum, appoint the two alternates that we had, so we wouldn't have a lack of
3 quorum because I think that was the whole goal for that but anyhow that would
4 be my suggestion. I could write a letter to Councilmembers and give that....well
5 if they don't watch these meetings.

6
7 **COMMISSIONER LOWELL** – Jeff, you and I are very likeminded. I was going
8 was going to say something very similar, and I completely agree. The lack of
9 direction from the top down is very frustrating, especially when we don't have
10 enough people up here to make quorum. We have a body of seven and the
11 quorum is four and when, one or two of us is sick or have to miss, the last
12 meeting got canceled. The Applicant had to waste money. It's a big problem,
13 and the City Council needs to get off the dime and do something.

14
15 **CHAIR BARNES** – Can we as a body draft a....

16
17 **COMMISSIONER LOWELL** – Strongly-worded letter....

18
19 **CHAIR BARNES** – To the Council that would be presented to them and maybe
20 read into the record or something?

21
22 **CITY ATTORNEY MARTIN KOCZANOWICZ** – I think that the comments here,
23 which will be reflected in the Minutes, can be relayed to the City Council.

24
25 **PLANNING OFFICIAL RICK SANDZIMIER** – To answer your question, if you
26 would like, anybody can write a letter to the City Council. So that would be your
27 prerogative.

28
29 **CHAIR BARNES** – And, if it is presented to them, will it be read into the public
30 record or will it just be circular filed?

31
32 **COMMISSIONER LOWELL** – You write the letter. I'll read it. I will go to a
33 meeting and read it.

34
35 **CHAIR BARNES** – Well, I guess my feeling about our comments getting to the
36 City Council, yeah, that might happen but, at this point, it has been so long, and I
37 think we've done such a disservice to the people wanting to do business in the
38 City that I'd like something a little more formal expressing our disappointment in
39 the action.

40
41 **COMMISSIONER SIMS** – I tend to agree. I really wasn't that worried about it
42 and just the pain and the struggle we went through the alternate rules for the
43 alternate Commissioners for eight hours or whatever it was, but it really didn't hit
44 home until we got the cancelation notice, and I looked at the cancelation notice
45 and it says due to lack of quorum, and that just seems dumb that we can't have a

1 quorum when there are seven seats and two alternates. It would be highly
2 unusual that we would have that if we had all the positions filled.

3
4 **COMMISSIONER LOWELL** – In my 10 years in the Commission that was the
5 first meeting due to lack of quorum that was canceled.

6
7 **VICE CHAIR KORZEC** – Really?

8
9 **CHAIR BARNES** – So if we wanted to draft up something. We obviously don't
10 want to take meeting time to do that, how would we go about getting together in
11 some fashion to do that?

12
13 **PLANNING OFFICIAL RICK SANDZIMIER** – I would advise against three or
14 more of you getting, actually four or more of you getting together outside of this
15 meeting since you're talking about it this evening and, if you agree for the
16 Chairman to write the letter and you agree on how you'd like to have that
17 presented, you can do that here, but I would discourage you from trying to do
18 that outside of this meeting.

19
20 **CITY ATTORNEY MARTIN KOCZANOWICZ** – I think that, just to followup,
21 Honorable Chair and Commission Members, if the Planning Commission is
22 contemplating as a body assigning a writer to a letter that is going to go to the
23 Council, my recommendation would be that you agendize that for the next
24 meeting. That's a decision that's not on the Agenda for consideration or
25 deliberation. That is not on the current agenda and, if it's going to come from the
26 body, from Planning Commission, it needs to be agendized and that decision
27 needs to be voted on.

28
29 **CHAIR BARNES** – Alright, then I'd like to ask that we agendize that item, and I
30 think the item might be a committee of three. We can do that right?

31
32 **CITY ATTORNEY MARTIN KOCZANOWICZ** – A committee of three would be
33 an Ad-Hoc Committee. The quorum is four?

34
35 **PLANNING OFFICIAL RICK SANDZIMIER** – A quorum is four.

36
37 **CITY ATTORNEY MARTIN KOCZANOWICZ** – Okay, then a committee of three
38 would be fine as an Ad-Hoc Committee.

39
40 **CHAIR BARNES** – Okay so next week, or next meeting, let's put on the Agenda
41 a line item to put together a committee. Mr. Lowell and Mr. Sims will put
42 something together and make a statement voicing our thoughts on the issue.

43
44 **PLANNING OFFICIAL RICK SANDZIMIER** – Okay, just so I understand clearly,
45 I think what I'm hearing you say is that there's going to be a committee of three of

1 you that are going to get together, prepare a draft letter, that draft letter will be
2 put....

3
4 **CITY ATTORNEY MARTIN KOCZANOWICZ** – That decision is going to be
5 made whether or not they have a committee.

6
7 **PLANNING OFFICIAL RICK SANDZIMIER** – Whether or not they have a
8 committee. Okay, okay.

9
10 **CHAIR BARNES** – Yeah, what I’m proposing is that we discuss, at the next
11 meeting, the idea of putting together a three-person panel.....

12
13 **PLANNING OFFICIAL RICK SANDZIMIER** – We’ll put that on the Agenda.

14
15 **CHAIR BARNES** – Three of them doing something and then, whatever they do,
16 we bring that before the Commission. Everybody would vote on it and, if it’s in
17 favor, then it would move forward.

18
19 **PLANNING OFFICIAL RICK SANDZIMIER** – Okay, we’ll put that on there.

20
21 **CHAIR BARNES** – Reasonable?

22
23 **PLANNING OFFICIAL RICK SANDZIMIER** – Yep.

24
25 **CHAIR BARNES** – Okay, alright. Thank you, Jeff.

26
27 **VICE CHAIR KORZEC** – Thank you Jeff.

28
29 **CHAIR BARNES** – For moving that forward.

30
31 **COMMISSIONER SIMS** – Well, if you’re an executive for a company and your
32 Board of Directors has given you money to fill positions, how long would you be
33 the chief executive if you didn’t fill all the positions?

34
35 **COMMISSIONER LOWELL** – It’s cost saving.

36
37 **CHAIR BARNES** – Ninety-eight bucks a month times two buddy. Alright,
38 anything else?

39
40 **COMMISSIONER LOWELL** – No Sir.

41
42 **VICE CHAIR KORZEC** – No.

43
44
45 **ADJOURNMENT**

46

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CHAIR BARNES – Alright, I think we’ve used up our Planning Commission time so, with that being done, let’s adjourn the meeting to the next regularly-scheduled meeting of the Planning Commission, which is February 22, 2018, at 7:00 PM in these Chambers. Thank you very much. We’re adjourned. Good night.

NEXT MEETING

Next Meeting: Planning Commission Regular Meeting, February 22, 2018 at 7:00 PM, City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, CA 92553.

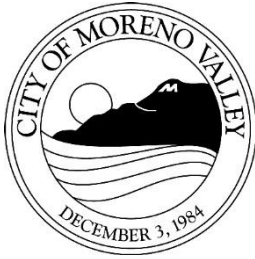
Richard J. Sandzimier
Planning Official
Approved

Date

Jeffrey Barnes
Chair

Date

Minutes Acceptance: Minutes of Feb 8, 2018 7:00 PM (APPROVAL OF MINUTES)



PLANNING COMMISSION

STAFF REPORT

Meeting Date: February 22, 2018

THE APPLICANT IS SEEKING APPROVAL OF A CONDITIONAL USE PERMIT TO OPERATE A NEW SMOKE SHOP

Case: PEN17-0090 Conditional Use Permit

Applicant: Bryan Alberre

Owner: Ironwood Community Plaza, LLC

Representative: Bryan Alberre

Location: 23940 Ironwood Avenue, Suite E.

Case Planner: Gabriel Diaz

Council District: 2

SUMMARY

The applicant, Bryan Alberre, is seeking approval of a Conditional Use Permit for a new smoke shop use within an existing tenant space (1,605 square foot) at the established Ironwood Plaza Shopping Center. The property is zoned Neighborhood Commercial (NC). The project site is located at 23940 Ironwood Avenue, Suite E, at the northwest corner of Heacock Street and Ironwood Avenue.

PROJECT DESCRIPTION

Project

The proposed smoke shop use requires a Conditional Use Permit application because the proposed use is located within 300 feet of a residential zone and use. The proposed smoke shop use is within an existing tenant space (1,605 square foot) at the Ironwood Plaza Shopping Center. Items for sale include cigarettes, cigars, and other tobacco-related products, vapes, vaping accessories, and any lawfully permitted products relating to such. The hours of operation will be from 9 a.m. to 9 p.m. Monday

through Sunday, and the business is proposed to be staffed by one to three employees per shift. It is estimated that 100 to 120 customers a day will visit the smoke shop. The peak hours are estimated to be from 3 p.m. to 7 p.m. There will be no smoking inside the business.

Site/Surrounding Area

The project site is located at 23940 Ironwood Avenue, Suite E within the existing Ironwood Plaza Shopping Center. The Center is located at the northwest corner of Heacock Street and Ironwood Avenue, and the site is zoned Neighborhood Commercial (NC). The current zoning and land uses adjacent to the project consists of the IL Sorrento Mobile Home Park located to the north and west, on property zoned Residential 15 (R15); to the east across Heacock Street is a Southern California Edison electrical substation on property zoned Residential 5 (R5), as well as existing single family homes also on property with a zoning designation of Residential 5 District (R5); to the south across Ironwood Avenue is a Ride Aid Pharmacy on property zoned Neighborhood Commercial (NC), and existing single family homes and a vacant parcel of land zoned Residential 5 District (R5).

Access/Parking

There are five access driveways to the shopping center. There are two driveways from Heacock Street and three driveways on Ironwood Avenue.

As described in Municipal Code Section 9.09.280, smoke shops shall meet the parking requirements of an eating and drinking establishment of one parking space for every one hundred square feet of gross floor area up to 6,000 square feet. The general retail use parking requirement is one parking space for every two hundred twenty-five square feet of gross floor area. The applicant submitted a parking analysis prepared by TJW Engineering, Inc. to evaluate the onsite parking. The parking analysis evaluates current parking conditions at the center as well as projected future conditions with tenancing of the smoke shop and other vacant suites to determine if the existing parking supply is adequate to meet future parking demand. The parking analysis concluded that there is sufficient parking for the existing uses and the proposed smoke shop use. The parking survey satisfies all City requirements and was conducted during typical weekday and weekend conditions. The study concluded that the weekday peak parking demand occurred at 4:30 p.m. and 5:30 p.m. when a total of 143 parking spaces were occupied. The Saturday peak demand occurred at 1:00 p.m., when a total of 137 parking spaces were occupied. The overall parking capacity is 254 spaces. Therefore the site had peak occupancy of 56 and 54 percent, respectively, during the weekday and Saturday peak hours. The existing parking provided is more than adequate to support re-tenancing of the vacant suites as retail establishments, including the proposed smoke shop.

Design/Landscaping

No new construction or landscaping is being proposed. The proposed smoke shop use is within an existing tenant space within the Ironwood Plaza Shopping Center.

ENVIRONMENTAL

The project has been reviewed in accordance with the latest edition of the California Environmental Quality Act (CEQA) Guidelines and staff has determined the project will not result in the potential for a significant effect on the environment and has determined the project qualifies for a Class 32 exemption, Section 15332 of the CEQA Guidelines as an In-Fill Development.

NOTIFICATION

The public hearing notice for this project was published in the local newspaper on February 11, 2018. Public notices were sent to all property owners of record within 300 feet of the project site on February 8, 2018. The public hearing notice for this project was posted on the project site on February 9, 2018.

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

No review by outside agencies was required. The proposed smoke shop use is within an existing tenant space within the Ironwood Plaza Shopping Center.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2018-10, and thereby:

1. **CERTIFY** that PEN17-0090, a Conditional Use Permit for a new smoke shop qualifies for a categorical exemption in accordance with CEQA Guidelines, Section 15332, for in-fill development; and
2. **APPROVE** PEN17-0090, a Conditional Use Permit for a new smoke shop business, subject to the conditions of approval included as Exhibit A.

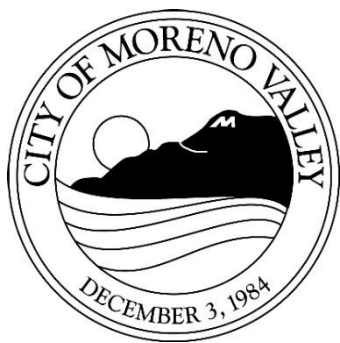
Prepared by:
Gabriel Diaz
Associate Planner
Official

Approved by:
Richard J. Sandzimier
Community Development Director/ Planning

ATTACHMENTS

1. Public Hearing Notice
2. Aerial Photo
3. Zoning Map
4. Resolution 2018-10
5. Exhibit A - Conditions of Approval
6. Site Plan
7. Floor Plan

8. Parking Analysis



This may affect your property

Notice of PUBLIC HEARING

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

Project: PEN17-0090 – Conditional Use Permit

Applicant: Bryan Alberre
Owner: Ironwood Community Plaza, LLC
Representative: Bryan Alberre
A.P. No: 264-100-010
Location: 23940 Ironwood Avenue, Suite E.
 Northwest corner of Ironwood Avenue and Heacock Street

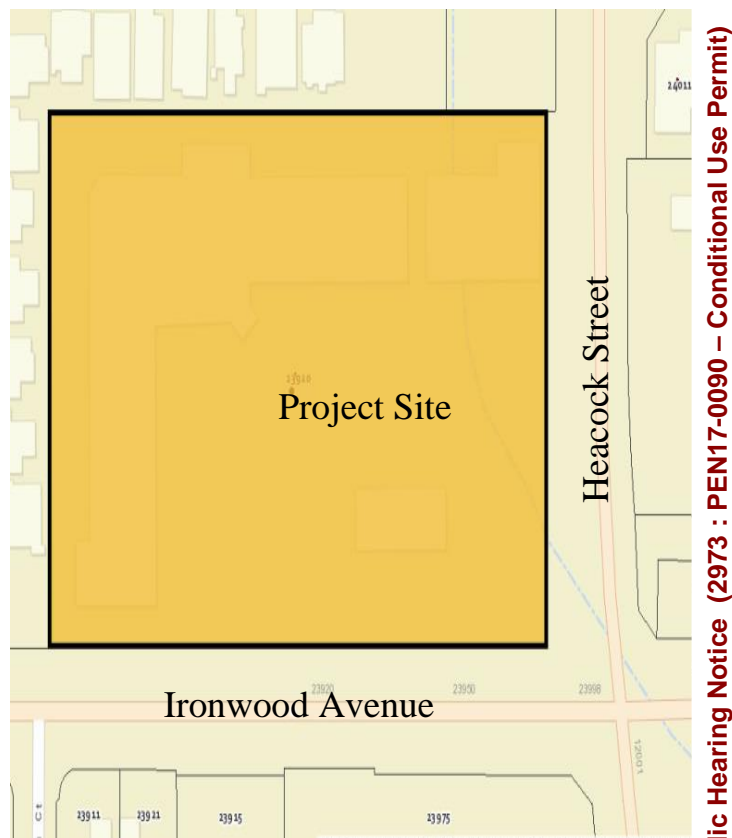
Proposal: Conditional Use Permit for a new smoke shop use within an existing tenant space (1,605 square foot) at the Ironwood Plaza Shopping Center. The property is currently zoned: Neighborhood Commercial (NC).

Council District: 2

Environmental Determination: Exempt. The project has been evaluated against criteria set forth in the California Environmental Quality Act (CEQA) Guidelines and it was determined that the project is consistent with all of the required conditions described in Section 15301 for a Class 1 Categorical Exemption. Therefore, a recommendation to find the project exempt from the provisions of the CEQA as a Class 1 Categorical Exemption, CEQA Guidelines, Section 15301 Existing Facilities is being carried forward with the project.

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

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



LOCATION N ↑

PLANNING COMMISSION HEARING

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

DATE AND TIME: February 22, 2018, 7:00 p.m.
CONTACT PLANNER: Gabriel Diaz
PHONE: (951) 413-3226

Upon request and in compliance with the Americans with Disabilities Act of 1990, any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Guy Pegan, ADA Coordinator, at 951.413.3120 at least 4 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Attachment: Public Hearing Notice (2973 : PEN17-0090 – Conditional Use Permit)

Aerial Photo



Legend

Public Facilities

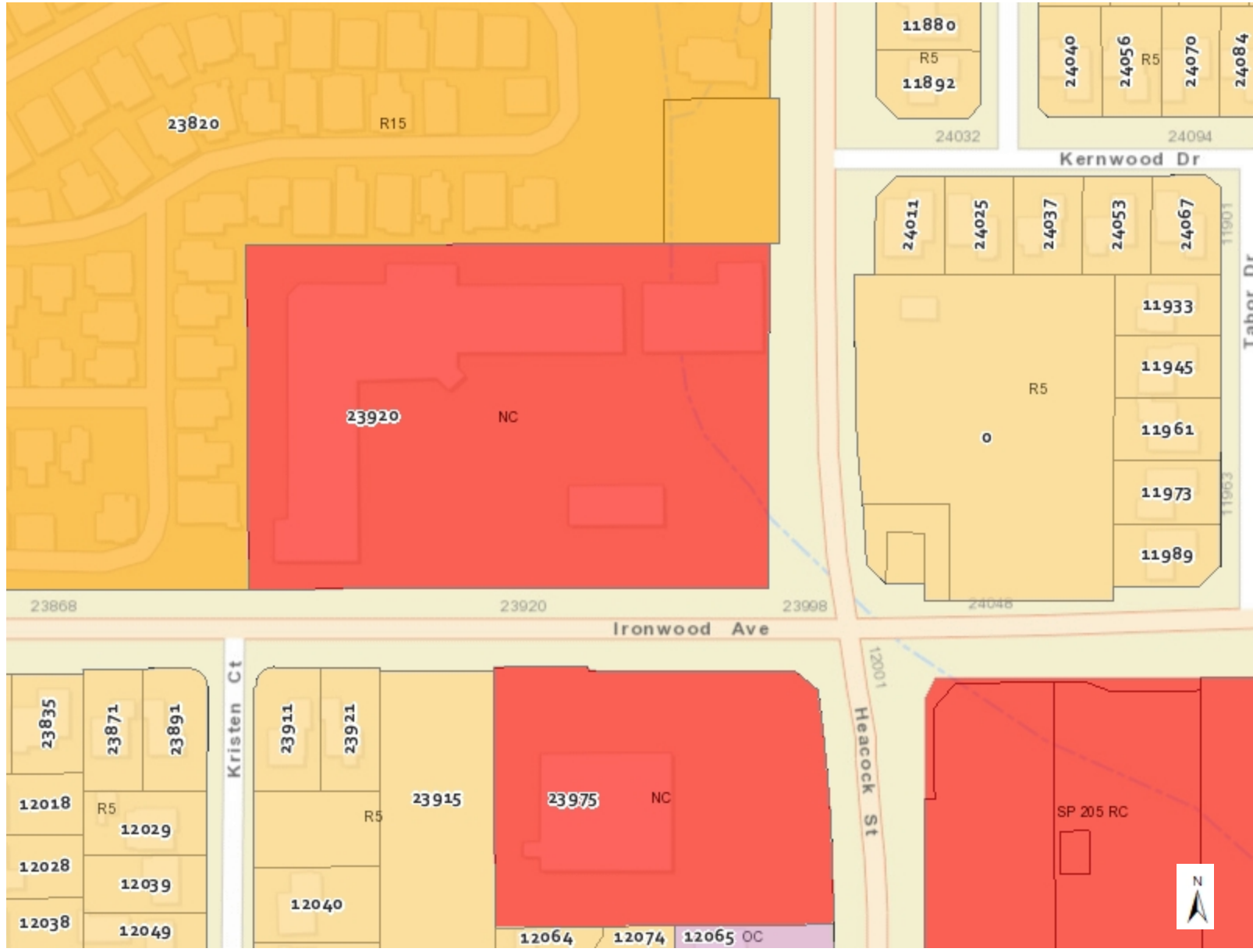
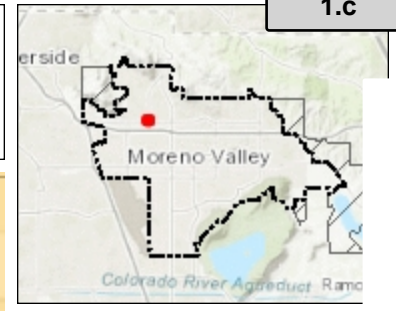
- Public Facilities; Employment Re: Permanente Moreno Valley Medi Conference & Recreation Center; Mall Branch
- ★ Fire Stations
- Parcels
- ⬜ City Boundary
- ⊘ Sphere of Influence

315.5 0 157.74 315.5 Feet

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

Notes

Zoning Map



Legend

Zoning

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

Master Plan of Trails

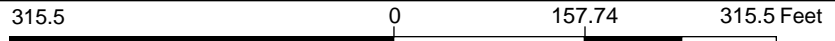
- Bridge
- Improved
- Multiuse
- Proposed
- Regional
- State

Parcels

City Boundary

Sphere of Influence

Attachment: Zoning Map (2973 : PEN17-0090 – Conditional Use Permit)



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

PLANNING COMMISSION RESOLUTION NO. 2018-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING CONDITIONAL USE PERMIT APPLICATION PEN17-0090 FOR A SMOKE SHOP USE WITHIN AN EXISTING TENANT SPACE (1,605 SQUARE FEET) AT THE IRONWOOD PLAZA SHOPPING CENTER. THE PROJECT IS LOCATED AT 23940 IRONWOOD AVENUE, SUITE E (ASSESSOR'S PARCEL NUMBER 264-100-010).

WHEREAS, the applicant, Bryan Alberre, has filed an application for the approval of PEN17-0090 Conditional Use Permit, as described in the title of this Resolution; and

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

WHEREAS, upon completion of a thorough development review process the project was appropriately agendized and noticed for a public hearing before a 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 11, 2018. Public notice was sent to all property owners of record within 300 feet of the project site on February 8, 2018. The public hearing notice for this project was also posted on the project site on February 9, 2018; and

WHEREAS, on February 22, 2018, the Planning Commission of the City of Moreno Valley held a meeting to consider the application; and

WHEREAS, on February 22, 2018, 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, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; 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; and

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

- A. The 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 the Planning Commission during the above-referenced meeting on February 22, 2018 including written and oral staff reports, and the record from the public hearing, the Community Development Director 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: The proposed use is consistent with the General Plan designation. As designed and conditioned, the proposed smoke shop use will be compatible with the goals, objectives, policies, and programs established within the General Plan and future developments, which may occur within the immediate area.

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

FACT: As designed and conditioned, the proposed Conditional Use Permit for a smoke shop use will comply with the Municipal Code Section 9.09.280 which provides standards for smoke shops. The proposed smoke shop use requires a Conditional Use Permit application because the proposed use is located within 300 feet of a residential zone and use. The proposed smoke shop use is within an existing tenant space (1,605 square foot) at the Ironwood Plaza Shopping Center. The proposed smoke shop is not located within six hundred (600) feet of a smoke shop, adult business, emergency shelters, or public government facilities. The proposed smoke shop is not located within four hundred (400) feet of a vocational training facility, colleges, universities, or other higher education institutions. The proposed smoke shop is not located within two hundred (200) feet of a church, arcades, bowling alleys, skating rinks, amusement parks, race tracks, or fairgrounds.

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 Conditional Use Permit PEN17-0090 will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity. Based on planning staff's review of the project, the project would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15332 (In-Fill Development Projects).

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: As designed and conditioned, the proposed project will be operated to be compatible with surrounding neighborhood commercial use. The proposed smoke shop use is within an existing tenant space (1,605 square foot) at the Ironwood Plaza Shopping Center. No new construction is proposed. The hours of operation will be from 9 a.m. to 9 p.m. Monday through Sunday. The project is located in the Neighborhood Commercial (NC) land use district, which permits the use with a Conditional Use Permit.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2018-10, and thereby:

1. **CERTIFY** that PEN17-0090, a Conditional Use Permit for a new smoke shop qualifies for a categorical exemption in accordance with CEQA Guidelines, Section 15332, for in-fill development; and
2. **APPROVE** PEN17-0090, a Conditional Use Permit for a new smoke shop business, subject to the conditions of approval included as Exhibit A.

APPROVED this 22nd day of February, 2018.

AYES:
NOES:
ABSTAIN:

Jeffrey Barnes
Chair, Planning Commission

ATTEST:

Albert Armijo
Interim Planning Manager

APPROVED AS TO FORM:

City Attorney

Exhibit A

Attachment: Resolution 2018-10 [Revision 2] (2973 : PEN17-0090 – Conditional Use Permit)

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN17-0090)

Page 1

CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Conditional Use Permit (PEN17-0090)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. A change or modification to the land use or the approved site plans 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.
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. 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. (MC 9.02.230)
4. 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.
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)

Special Conditions

7. The site has been approved for PEN17-0090 Conditional Use Permit for a new

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN17-0090)

Page 2

smoke shop use within an existing tenant space (1,605 square foot). A change or modification shall require separate approval. For a Conditional Use Permit, violation may result in revocation of the Conditional Use Permit.

Building Division

8. Contact the Building Safety Division for permit application submittal requirements.
9. The proposed development is subject to the payment of applicable processing fees as required by the City's current Fee Ordinance at the time a building permit application is submitted or prior to the issuance of permits as determined by the City.
10. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, and occupancy separation(s) requirements of the 2016 California Building Code.

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

11. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
12. 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.
13. New Moreno Valley businesses are encouraged to hire local residents.
14. 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.
15. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Employment Resource Center ("ERC").

The ERC offers no cost assistance to businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN17-0090)

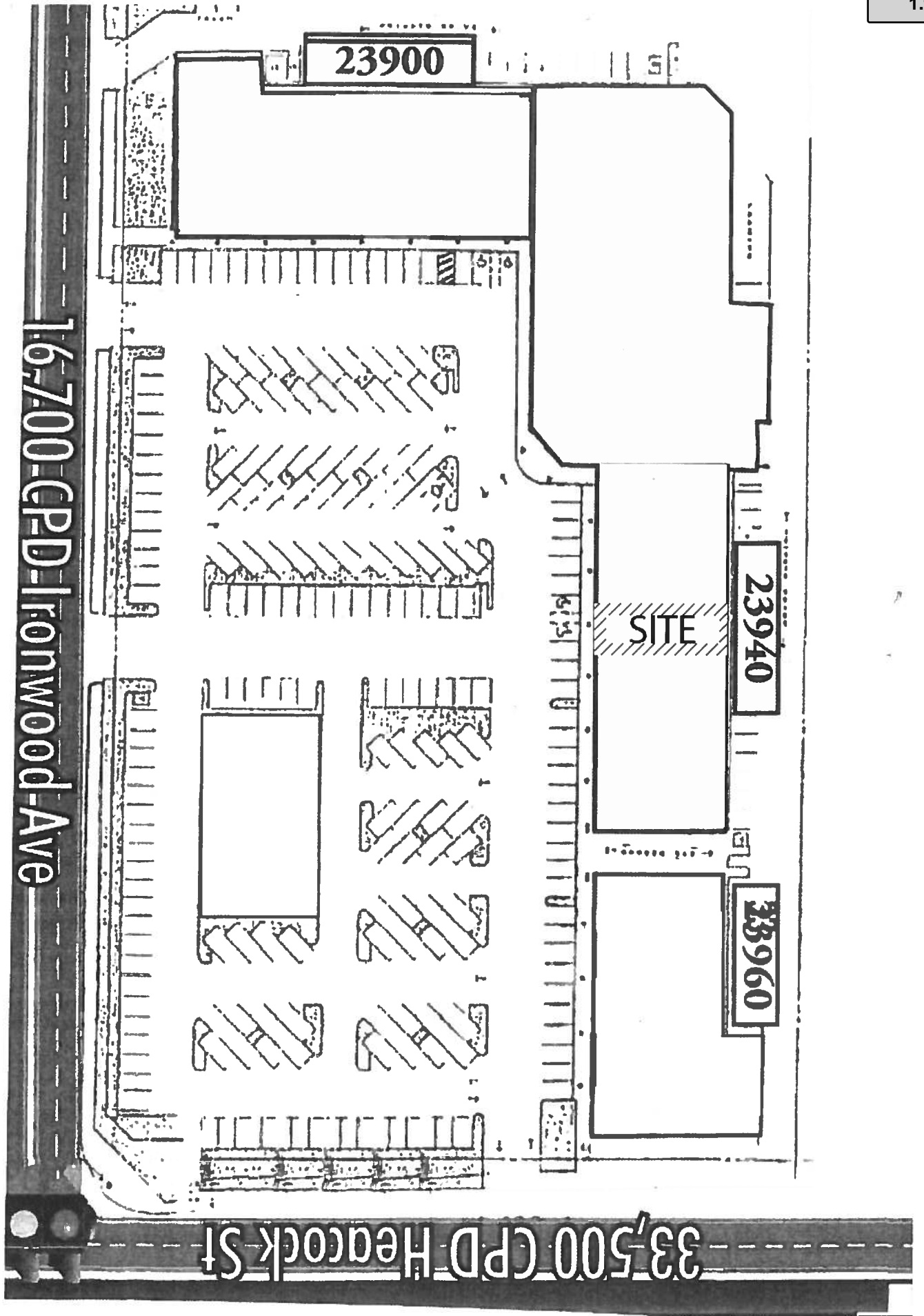
Page 3

FIRE DEPARTMENT**Fire Prevention Bureau**

16. 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.
17. 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)
18. 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[1])

IRONWOOD AVE



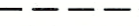
16700 CPD Ironwood Ave

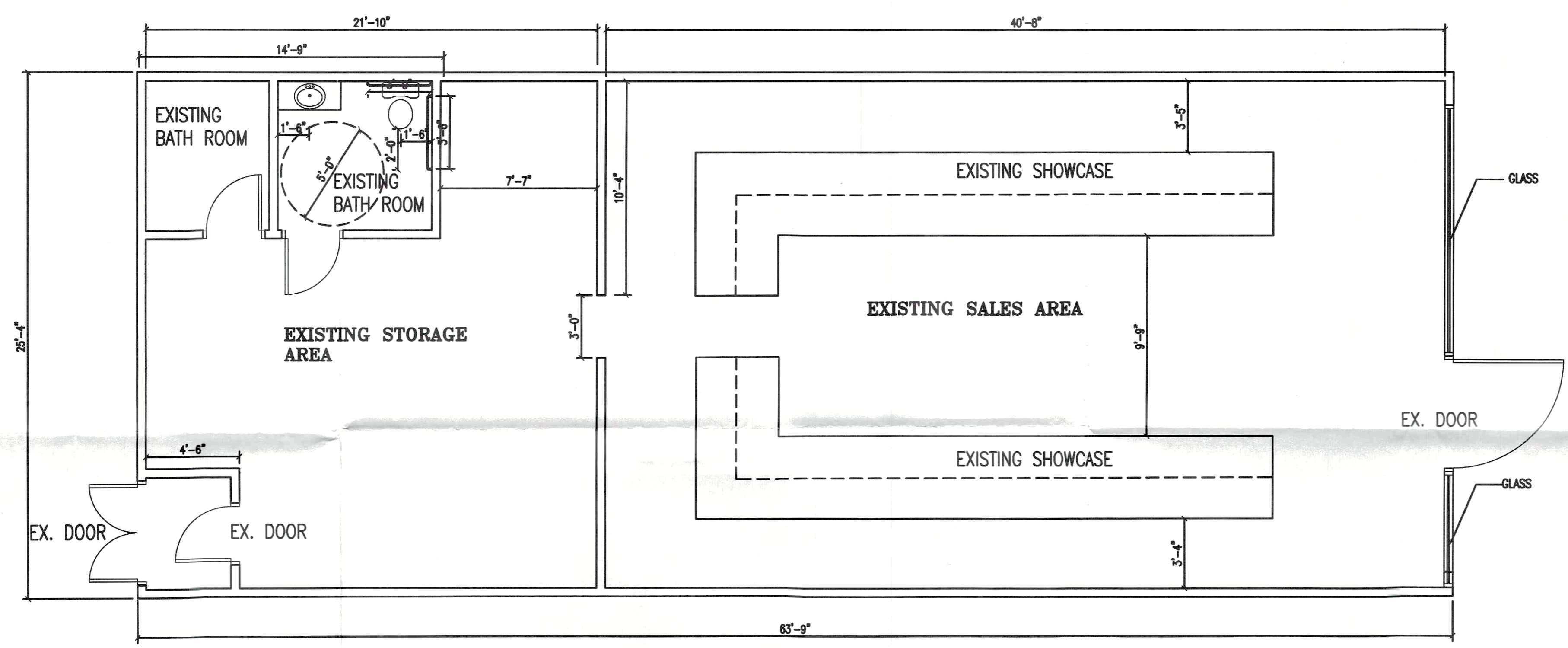


Attachment: Site Plan (2973 : PEN17-0090 - Conditional Use Permit)


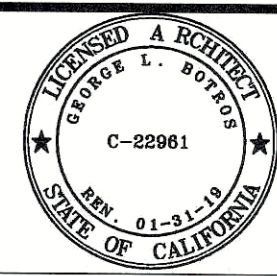
HEACOCK ST.

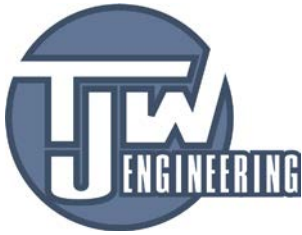
LEGEND:

-  EXIST WALLS
-  NEW WALLS
-  DEMOLISH WALLS



FLOOR PLAN
 SCALE
 1/4"=1'-0"

	FLOOR PLAN		OWNER:		
	GB ARCHITECTS ARCHITECTURE . PLANNING . ENGINEERING 400 N. MOUNTAIN AV. # 208 UPLAND, CA. 91786 (909) 849-6999 FAX (909) 949-2928		BRYAN 9700 CANYON NBCREST DR. 951-961-8183		
	PROJECT#	SCALE	A-1		
	DATE:	1/4"=1'-0"			
		5-3-2017			



November 22, 2017

Mr. Bryan Alberre
P.O. Box 525
Moreno Valley, CA 92556

REPORT: Ironwood Plaza Parking Analysis

Dear Mr. Alberre,

TJW ENGINEERING, INC. (TJW) is pleased to submit this parking analysis for Ironwood Plaza in the City of Moreno Valley. The Center is considering the re-tenanting of a 1,605 square foot smoke shop; however, the Center is projected to have a parking shortfall relative to minimum parking requirements. This parking study evaluates current parking conditions at the Center, as well as projected future conditions with re-tenanting of the smoke shop and other vacant suites, to determine if the existing parking supply is adequate to meet future parking demand.

Project Description

Ironwood Plaza is a 54,692 square foot shopping center located on the northwest corner of the Heacock Street/Ironwood Avenue intersection in the City of Moreno Valley. The Center is contemplating filling a 1,605 square foot vacant suite with a Smoke Shop.

Figure 1 shows an aerial view of the project site and immediate surroundings.

Figure 1: Project Site



Table 1 summarizes the existing uses at Ironwood Plaza on a suite-by-suite basis, including the proposed Smoke Shop, which would occupy a currently vacant 1,605 square foot suite.

Attachment: Parking Analysis (2973 : PEN17-0090 – Conditional Use Permit)

Table 1: Ironwood Plaza Tenant Roster (10/2017)

Suite	Tenant	Use	Square Footage
22900 - A	Botanica Moreno	Retail	900
22900 - B	Vacant	Retail	1,738
22900 - C	Pharmacy	Retail	1,035
22900 - D	Vacant	Retail	2,225
22900 - E	EES Medical	Medical Office	3,222
22900 - G	Panda Bowl	Restaurant	1,784
22900 - H	Taco Shop	Restaurant	1,966
23920	99 Cents Only	Retail	19,696
23940 - A	Best Insurance	Office	1,025
23940 - B	Aqua Pura	Retail	832
23940 - B	Metro PCS	Retail	1,280
23940 - D	Vacant	Retail	1,605
23940 - E	Vacant/Proposed Smoke Shop	Retail	1,605
23940 - F	Angela's Nails	Nail Salon	1,600
23940 - H	Vacant	Retail	1,550
23960 - AB	La Bamba	Restaurant	4,103
23960 - CD	Video Vision	Retail	2,486
23960 - E	Lorenzo's Pizza	Restaurant	2,240
23980	Ironwood Liquor	Retail	3,800
		Total	54,692

As shown in **Table 1**, Ironwood Plaza is a 54,692 square foot shopping center anchored by a 99 Cents Only Store. **Table 2** summarized the square footage at Ironwood Plaza by land use category.

Table 2: Ironwood Plaza Land Use Analysis

Use	Square Footage	Percent of Total
Retail	38,752	70.9%
Medical Office	3,222	5.9%
Office	1,025	1.9%
Restaurant	10,093	18.5%
Nail Salon	1,600	2.9%
Total	54,692	100.0%

City of Moreno Valley Minimum Parking Requirements

Table 9.11.040B-12 of the City of Moreno Valley Municipal code lists minimum off-street parking requirements for land uses within the City; off-street parking requirements for uses in Ironwood Plaza are listed in **Table 3**.

Table 3: City of Moreno Valley Minimum Off-Street Parking Requirements

Use	Minimum Parking Requirement	Notes
Retail	1 space per 225 square feet of GFA	
Medical Office	1 space per 225 square feet of GFA	
Office	1 space per 250 square feet of GFA	
Restaurant	1 space per 100 square feet of GFA up to 6,000 square feet 1 space per 75 square feet of GFA above 6,000 square feet	Minimum of 10 spaces required for stand alone use. No additional parking required if outdoor dining area comprises no more than 15% of the interior gross floor area of the primary food service use; if outdoor dining area is over 15%, 1 space for every 60 sq. ft. or 1 space for every 3 seats, whichever is greater.
Restaurant within shopping centers of 25,000 square feet of building area or greater	1 space per 225 square feet of gross floor area up to 15% of the shopping center gross square footage	
Nail Salon	1 space per 2 work stations	

Note: GFA = Gross Floor Area

Source: City of Moreno Valley Municipal Code Table 9.11.040B-12

Based on the code distinction for restaurants versus restaurants in a shopping center, the following assumption regarding parking requirements for the restaurant uses in Ironwood Plaza are utilized in the calculation of the Center's minimum parking requirements in this analysis:

- Restaurants comprise 18.5% of Ironwood Plaza (10,093 square feet)
 - Since restaurants in shopping centers with greater than 25,000 square feet of gross floor area have a different, lower, parking requirement, this lower requirement has been applied to the restaurants at Ironwood Plaza up to the 15% threshold; i.e. to 8,204 square feet of the restaurant space ($8,204/54,692 = 15\%$).
 - The regular restaurant parking requirement (1 space per 100 square feet of gross floor area) has been applied to the remaining 1,893 square feet of restaurant space.

Table 4 summarizes the minimum off-street parking requirements for Ironwood Plaza, based on the City's minimum off-street parking requirements, the mix of land uses at Ironwood Plaza, and the assumptions noted above pertaining to the restaurant space.

Table 4: Ironwood Plaza Minimum Off-Street Parking Requirements

Use	Minimum Parking Requirement	Quantity	Required Parking
Retail	1 space per 225 square feet of GFA	38,752 square feet	172.2
Medical Office	1 space per 225 square feet of GFA	3,222 square feet	14.3
Office	1 space per 250 square feet of GFA	1,025 square feet	4.1
Restaurant (up to 15% of Center square footage)	1 space per 225 square feet GFA	8,204 square feet	36.5
Restaurant (above 15% of Center square footage)	1 space per 100 square feet GFA	1,889 square feet	18.9
Nail Salon	1 space per 2 work stations	16 work stations	8.0
Total			254.0

Note: GFA = Gross Floor Area

Source: City of Moreno Valley Municipal Code Table 9.11.040B-12

Based on the City's minimum parking requirements, the assumptions regarding restaurant space in a shopping center, and the existing/planned uses at Ironwood Plaza, the Center's minimum off-street parking requirement is 254 parking spaces.

Based on TJW's review of parking conditions at the Center, Ironwood Plaza currently has 254 striped parking spaces, meeting City code requirements. Additional information regarding the site review and existing parking utilization data is provided in the next section of this letter.

Parking Survey, Ironwood Plaza, Moreno Valley, CA

A parking survey was conducted during typical weekday conditions on Thursday, November 4th 2017 from 11:00 AM to 7:00 PM and during typical weekend conditions on Saturday, November 6th, 2017 from 11:00 AM to 7:00 PM. Currently the site has 211 spaces in the front of the center and 43 spaces behind the center for a total of 254 parking spaces. Parking Zones A-1 through A-6 are shown and identified on **Exhibit 1**. The six zones provide a total of 254 parking spaces. The survey was conducted at thirty-minute intervals to identify peak parking demand within the site. The results of the parking survey were tabulated and are shown in **Table 5** and **Table 6**.



Not to Scale

.xpm

Exhibit 1: Ironwood Plaza

BAP-17-001 Ironwood Parking Analysis - November 2017



Table 5: Summary of Weekday Parking Demand, Ironwood Plaza, Moreno Valley, CA

Time	Parking Zone						Total	Occupancy (%)	Available Spaces
	A-1	A-2	A-3	A-4	A-5	A-6			
	51	13	18	79	50	43	254		
Spaces Occupied									
11:00 AM	11	1	10	43	21	11	97	38%	157
11:30 AM	7	5	14	38	25	11	100	39%	154
12:00 PM	13	0	15	41	23	11	103	41%	151
12:30 PM	16	5	18	45	29	11	124	49%	130
1:00 PM	14	3	15	34	22	11	99	39%	155
1:30 PM	11	6	16	40	31	10	114	45%	140
2:00 PM	10	2	14	42	33	9	110	43%	144
2:30 PM	14	1	17	45	39	9	125	49%	129
3:00 PM	13	2	13	50	25	11	114	45%	140
3:30 PM	9	4	15	41	31	11	111	44%	143
4:00 PM	19	3	17	52	35	10	136	54%	118
4:30 PM	19	5	18	60	31	10	143	56%	111
5:00 PM	19	8	19	49	40	8	143	56%	111
5:30 PM	13	3	17	43	30	5	111	44%	143
6:00 PM	14	2	19	39	36	5	115	45%	139
6:30 PM	14	4	19	35	29	5	106	42%	148

As shown in **Table 5**, the existing weekday PM peak parking demand for the *Ironwood Plaza* occurred at 4:30 PM and 5:00 PM when a total of 143 spaces were occupied (56% occupancy). Peak weekday parking demand at Ironwood Plaza is driven by activity at the 99c Only Store.

Table 6: Summary of Saturday Parking Demand, Ironwood Plaza, Moreno Valley, CA

Time	Parking Zone						Total	Occupancy (%)	Available Spaces
	A-1	A-2	A-3	A-4	A-5	A-6			
	51	13	18	79	50	43			
	Spaces Occupied								
11:00 AM	10	7	12	57	26	7	119	47%	135
11:30 AM	8	5	4	52	32	7	108	43%	146
12:00 PM	12	8	15	57	27	8	127	50%	127
12:30 PM	14	9	16	53	32	7	131	52%	123
1:00 PM	15	8	14	62	31	7	137	54%	117
1:30 PM	9	8	14	49	27	7	114	45%	140
2:00 PM	14	7	12	52	32	6	123	48%	131
2:30 PM	11	4	10	59	26	6	116	46%	138
3:00 PM	9	4	15	44	29	6	107	42%	147
3:30 PM	15	8	15	53	27	6	124	49%	130
4:00 PM	14	6	11	48	26	6	111	44%	143
4:30 PM	6	12	15	47	26	6	112	44%	142
5:00 PM	15	9	12	41	27	7	111	44%	143
5:30 PM	12	11	11	37	29	5	105	41%	149
6:00 PM	15	11	13	43	31	4	117	46%	137
6:30 PM	11	10	12	36	21	5	95	37%	159

As shown in **Table 6**, the existing Saturday peak parking demand for the *Ironwood Plaza* occurred at 1:00 PM, when a total of 137 spaces were occupied (54% occupancy).

The peak observed periods of parking demand are consistent with a typical shopping center anchored by a supermarket; the supermarket use typically peaks after work on weekdays, and just after lunchtime on weekends.

Based upon the parking survey, for all of zones A-1 through A-6 there is currently an excess of 111 parking spaces available during the peak weekday parking demand period and 117 parking spaces during the peak Saturday parking demand period.

It should be noted that there are 5 existing vacancies in *Ironwood Plaza*, including the proposed Smoke Shop space, totaling 8,723 square feet of retail space. The general retail parking rate for the City of Moreno Valley is one parking space per 225 square feet. 8,723 square feet of unoccupied space equates to 39 parking spaces associated with the re-occupation of this vacant space by retail tenants, including the Smoke Shop. Since there are approximately 111 excess parking spaces during peak weekday parking demand, there is adequate parking to accommodate both the Smoke Shop and other future tenants at full occupancy of the shopping center.

Additionally, the current tenants at Ironwood Plaza are currently generating peak parking demand at a ratio of 3.11 spaces per thousand square feet based on the data collected during the field survey, as shown below.

Table 7: Parking Demand Projection at Full Occupancy Based on Current Parking Demand Rates

	Square Feet	%
Occupied Square Footage	45,969	84.1%
Vacant Square Footage	8,723	15.9%
Total Square Footage	54,692	100%
		Spaces
Current Observed Peak Parking Demand		143
Current Peak Parking Demand Ratio per 1,000 occupied sqft		3.11
Projected Peak Parking Demand at Full Occupancy		170

Based on this metric, at full occupancy Ironwood Plaza is projected to have a peak parking demand of 170 parking spaces on a typical weekday.

Findings

1. Based on the City of Moreno Valley's off-street parking requirements for the uses at Ironwood Plaza, the Center is required to provide 254 parking spaces.
2. Based on a field review, conducted by TJW Engineering on November 4, 2017, Ironwood Plaza currently has 254 striped parking spaces, meeting City code.
3. A parking survey was conducted during typical weekday conditions on Thursday, November 4th 2017 from 11:00 AM to 7:00 PM and during typical weekend conditions on Saturday, November 6th, 2017 from 11:00 AM to 7:00 PM at thirty-minute intervals to establish peak parking demand at the site.
4. Based upon the parking survey, the weekday peak parking demand the center occurred at 4:30 PM and 5:00 PM when a total of 143 spaces were occupied within the site. The Saturday peak parking demand occurred at 1:00 PM, when a total of 137 spaces were occupied. The overall parking capacity is 254 spaces. Therefore the site had peak occupancies of 56 and 54 percent, respectively, during the weekday and Saturday peak hours.
5. The existing site currently has approximately 111 vacant parking spaces during the peak period of parking demand on atypical weekday, and 117 vacant parking spaces during the peak period of parking demand on a typical Saturday.
6. The Center has 5 existing vacancies, including the proposed Smoke Shop space, totaling 8,723 square feet.
7. Ironwood Plaza currently has a building occupancy rate of 84% but is only using 56% of its parking supply.
8. The existing parking supply is more than adequate to support re-tenanting of the vacant suites as retail establishments, including the proposed Smoke Shop.

Mr. Brian Alberre
November 22, 2017

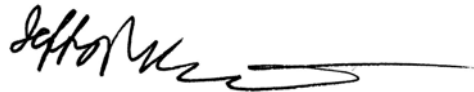
Ironwood Plaza
Parking Analysis

TJW appreciates the opportunity to work on this project. Please feel free to call us at (949) 878-3509 if you have any questions regarding this analysis.

Sincerely,



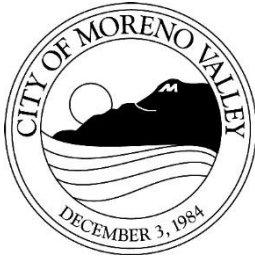
Thomas Wheat, PE, TE
Principal
TJW Engineering, Inc.



Jeffrey Weckstein
Transportation Planner
TJW Engineering, Inc.

Registered Civil Engineer #69467
Registered Traffic Engineer #2565





PLANNING COMMISSION

STAFF REPORT

Meeting Date: February 22, 2018

COMMERCIAL CANNABIS LAND USE REGULATIONS

Case: PEN17-0157

Applicant: City of Moreno Valley

Owner: City of Moreno Valley

Representative: N/A

Location: City Wide

Case Planner: Mark Gross, Senior Planner

Council District: City Wide

SUMMARY

The proposed amendment would add language in Title 9 of the Municipal Code to set forth land use regulations for commercial cannabis dispensaries, testing, cultivation, manufacturing, distribution and combinations of activities as “microbusinesses”, and associated distribution and transportation activities. The amendment includes new definitions in Chapter 9.15, Section 9.15.030 and the addition of commercial cannabis regulations to the Municipal Code in a new Section 9.09.290 entitled, “Commercial Cannabis Activity Regulations.” Appropriately established regulations enable enforcement by the City of the regulations to ensure the health, safety and welfare of the City and its residents. The recommendations of the Planning Commission on this matter will be carried forward to the City Council in accordance with Section 9.02.050 of the City Municipal Code.

PROJECT DESCRIPTION

Background

Development of an ordinance for regulatory and land use cannabis operations was initiated by the City Council in view of State law (Proposition 64 passed by California voters in 2016) which allowed recreational (Adult-Use) cannabis to be grown and distributed on a commercial basis in California since January 1, 2018. The Council directed staff to review and provide input on how the City can regulate cannabis business and land use activities and operations.

Although State regulations have been in existence since the first of this year, commercial cannabis licenses and permits cannot be issued in the City for any commercial cannabis activity/business until appropriate land use regulations and entitlement procedures are put in place by the City. The regulations proposed and under consideration will require that a Conditional Use Permit be obtained through approval of the City Planning Commission by the applicant in addition to completing/securing the required State licensing. Only when the land use approvals (i.e. Conditional Use Permit), City Commercial Cannabis Business Permit, and State license are issued, will a commercial cannabis establishment be allowed to open doors and legally operate at an approved location within the City.

It is the intent that, with appropriate local land use, regulatory, licensing, and enforcement controls put in place, the potential for negative effects on the community from this new industry of commercial cannabis dispensaries, cultivation, manufacturing, distribution, microbusinesses and testing activities can be minimized and/or avoided.

The following two strategies to address the above concerns were forwarded to staff by the City Council at their October 10, 2017 Study Session:

- Amend Title 5 of the Moreno Valley Municipal Code to include establishment of cannabis licensing which would set out the regulatory authority of the City over such businesses that conduct commercial cannabis dispensary operations, testing, cultivation and manufacturing.
- Amend Title 9 of the Moreno Valley Municipal Code to specify the entitlement process, establish procedures (i.e. Conditional Use Permit) and include areas where various cannabis businesses could locate in the City.

On October 24, 2017, a regulatory Ordinance was introduced to City Council and approved thirty days after its second reading to add language for the licensing/permitting process in Title 5 of the Municipal Code. This included background checks on owners and operators, control of the proposed property or proof of landlord's consent and operating requirements for specific types of businesses, including dispensaries, cultivation, testing and manufacturing.

In addition to the regulatory ordinance under Title 5, a land use ordinance under Title 9 is required to designate locations and provide regulations for cannabis activities.

Proposed amendments to Title 9 of the Municipal Code both specify the entitlement process and provide regulations where Cannabis dispensaries, testing, cultivation, distribution facilities, microbusiness and manufacturing businesses could locate. This process evaluates the different types of the commercial cannabis activities, and based on potential impacts, policies of the General Plan and other related factors sets forth zoning and development regulations . All cannabis activities in the City will be subject to obtaining approval through the Planning Commission for a Conditional Use Permit (CUP) in addition to securing a separate State license through the State.

Five (5) zoning districts, as further described in Section 9.01.090 of the City Municipal Code, have been selected and are being recommended as zones that would allow establishment of commercial cannabis businesses, including the Business Park (BP), Business Park - Mixed Use (BPX), Light industrial (LI), Community Commercial (CC), and Neighborhood Commercial (NC) zoning districts. The maximum amount of proposed commercial cannabis business activities to be conditionally permitted and licensed in the City will be twenty-six (26). Further details of where cannabis activities can locate and a breakdown of the twenty-six businesses allowed in the five designated zoning districts are provided in the following sections of this report.

Language included in the attached Resolution provides the groundwork to allow for future commercial cannabis businesses to locate within the City of Moreno Valley. The establishment of cannabis regulations requires consideration and recommendation by the Planning Commission, followed by City Council deliberation and action on all required Municipal Code changes.

Project

The primary purpose of this Municipal Code Amendment is to establish standards for the regulation of cannabis business activities through land use restrictions and detailed development regulations and standards. The development standards comply with State law, which allows recreational (Adult-Use) cannabis to be grown and distributed on a commercial basis in California since January 2018. In part, the commercial cannabis activity regulations recommended are consistent with State requirements aimed to protect specifically identified sensitive land uses by including provisions of a required 600 foot setback in those cases. Specific requirements that define building size, visibility, parking, lighting, signs/graphics site security and waste/storage of cannabis products and other potential public nuisance standards are included in the draft ordinance to provide further protection to the general public, existing businesses and the community.

The proposed cannabis activities regulatory framework has been vetted through a comprehensive internal staff review including each City Department.

Important aspects of the new commercial cannabis language and regulations proposed in the attached draft City Council Ordinance are summarized as follows:

1. Limits Cannabis Activities to Specific Zoning Districts

The establishment of Section 9.09.290 “Commercial Cannabis Activities” sets the stage for the allowance and establishment of commercial cannabis businesses in the City, including dispensaries, testing, cultivation, distribution, microbusiness and manufacturing operations. Section 9.02.020, Table 9.02.020-1 of the Municipal Code includes “Commercial Cannabis Activities” as a land use category to allow cannabis testing, cultivation, distribution and manufacturing uses within the Business Park (BP), Business Park - Mixed Use (BPX) and Light Industrial (LI) zoning districts citywide with approval of a Conditional Use Permit (CUP). Cannabis dispensary and distribution uses are allowed only within the Community Commercial (CC), Neighborhood Commercial (NC), and Business Park - Mixed Use (BPX) zoning districts citywide with approval of a CUP. Of note, distribution centers are allowed in all five zoning districts with approval of a CUP. Cannabis microbusiness activities are limited to only one zoning district with approval of a CUP, which is Business Park - Mixed Use (BPX). Specific definitions for each cannabis activity are proposed to be included in Title 9, Chapter 9.15, Section 9.15.030 of the Municipal Code and would be consistent with definitions included within Title 5 of the Municipal Code.

The primary intent of the new standards is to allow cannabis businesses to establish in designated zoning districts and not create an adverse impact on adjacent properties or surrounding neighborhoods. Sensible zoning and land use controls have been developed in accordance with State law to protect the City’s residents, neighborhoods, and businesses from disproportionately negative impacts and secondary effects. This includes such regulations for visibility, insufficient on-site customer and employee parking, lighting, signage and graphics, site security, waste/storage disposal and other public nuisances (i.e. odor).

2. Cannabis Land Uses Activities require discretionary approval of a Conditional Use Permit

The proposed Municipal Code Amendment sets forth regulations to limit cannabis operations to twenty-six (26) total businesses citywide. All 26 establishments would be required to obtain approval of a Conditional Use Permit (CUP) through the City Planning Commission, and would only be allowed to locate within Business Park (BP), Business Park - Mixed Use (BPX) Light Industrial (LI), Community Commercial (CC), and Neighborhood Commercial (NC) zoning districts. A breakdown of the maximum commercial cannabis land use types allowed and the zoning districts that allow the uses are included below:

- Dispensaries** - A maximum of ten (10) cannabis dispensaries are allowed to conditionally establish in the City, only within the Community Commercial (CC), Neighborhood Commercial (NC), and Business Park - Mixed Use (BPX) zoning districts.
- Testing** - A maximum of two (2) cannabis testing facilities are allowed to conditionally establish in the City, only within the Business Park (BP), Business

Park - Mixed Use (BPX), and Light Industrial (LI) zoning districts.

- **Cultivation** - A maximum of five (5) cultivation businesses are allowed to conditionally establish in the City, only within the Business Park (BP), Business Park - Mixed Use (BPX), and Light Industrial (LI) zoning districts.
- **Manufacturing** - A maximum of five (5) manufacturing business are allowed to conditionally establish in the City, only within the Business Park (BP), Business Park - Mixed Use (BPX), and Light Industrial (LI) zoning districts.
- **Microbusiness** - A maximum of two (2) cannabis microbusiness facilities are allowed to conditionally establish in the City, only within the Business Park - Mixed Use (BPX) zoning districts.
- **Distribution Center** - A maximum of two (2) cannabis distribution centers are allowed to conditionally establish in the City, within the Community Commercial (CC), Neighborhood Commercial (NC), Business Park (BP), Business Park - Mixed Use (BPX), and Light Industrial (LI) zoning districts.

None of the above activities shall be permitted without a CUP or outside of the appropriate zoning districts. The Planning Commission is authorized to conditionally approve or deny a CUP application on a case by case basis and subject to findings being met as set forth for all conditional use permits within Section 9.02.060 of the Municipal Code.

Four maps have been completed, and included as attachments to this staff report, to clearly show zoning districts and buffer limitations for commercial cannabis activities. Map 1 provides all CC and NC zoning districts in the city not covered by a Specific Plan. Map 2 provides all BP, BPX and LI zoning districts in the City not covered by a Specific Plan. Map 3 provides all zoning districts and available acreage of where conditionally permitted commercial cannabis activities could potentially establish. Map 4 includes the required buffer of 600 feet from specific sensitive land uses, consistent with State regulations, which must be observed when siting commercial cannabis activities. The sensitive land uses include public or private schools providing K-12 instruction, day care centers, youth centers and arcades as queried through the Business License Division. Map 4 presents areas that would be eliminated from consideration and the reduced acreage table that results from application of the required 600' buffer. Based on the restricted Map 4, approximately 632 acres of land is available for commercial cannabis dispensary activities between the CC (453.19), NC (134.52) and BPX (43.64) zoning districts; approximately 663 acres of land is available for commercial cannabis cultivation, manufacturing or testing activities between the LI (447.96), BP (171.23) and BPX (43.64) zoning districts; approximately 44 acres of land is available for microbusinesses in BPX (43.64); and approximately 1,251 acres of land is available for commercial cannabis distribution centers between all the designated zoning districts. It is important to note that total acreage calculations on the attached GIS maps do not include Specific Plan areas, which may allow land uses based on underlying Municipal Code zoning districts in addition to the Specific Plan land use regulations.

3. Establishes General Development Standards for Cannabis Land Uses

General development standards for cannabis activities would be added as Section 9.09.294. This includes buffers consistent with the State cannabis regulations. No license or CUP shall be granted within 600 feet of a school providing instruction in grades K-12, day care centers, youth centers or arcades that are in existence at the time license and/or CUP is approved. The horizontal distance is measured in a straight line from the property line of the sensitive land use (e.g. school, day care center or youth center) to the closest property line of the lot on which the commercial cannabis activity will be located.

Additional commercial cannabis activity regulations are recommended in the proposed Ordinance as follows:

- No cannabis product shall be smoked, eaten, or otherwise consumed or ingested outside of or within the business.
- No person 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.
- The cannabis licensee shall display its current valid Commercial Cannabis Business Permit under Chapter 5.05 of this Code and a CUP 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.
- It shall be unlawful to operate commercial cannabis activities in a building which contains a residence, or within a residential dwelling unit.
- It shall be unlawful for any person to permit commercial cannabis cultivation, manufacturing, testing or sales at, on or within any real property that does not have a valid CUP approved for such use.
- 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.

4. Provides Specific Use Requirements for Cannabis Land Uses

Specific development requirements are provided for commercial cannabis dispensaries, testing, cultivation, distribution, microbusiness and manufacturing activities. These includes limitations on building size, regulations with respect to visibility of cannabis plants, materials or products from a public right of way, regulations for signage/graphics, site security, storage and waste disposal. Parking requirements and lighting standards are included. With regards to building size, in no case shall the size of the commercial

cannabis cultivation canopy within any single facility exceed 22,000 square feet. A microbusiness must engage in at least three of the four following commercial cannabis activities: cultivation (limited to 10,00 sq. ft.), manufacturing (with limitations), distribution, and retail sale.

Additionally, specific public nuisance standards are included in the ordinance. Odor control devices shall be incorporated into the cannabis business site to include requirements for exhaust air filtration systems, ventilation, the prohibition of loitering, removal of graffiti and the more general requirement that commercial cannabis activities shall not adversely affect the health or safety of nearby residents. This would include controls for the excessive creation of dust, glare, heat, noise, smoke, traffic, vibration, and hazards created due to use or storage of materials, processes, products, or wastes.

5. Provides Revocation Standards for Cannabis Land Uses

The draft ordinance includes a section to establish grounds for revocation of all conditionally permitted commercial cannabis land use activities if a licensee violates terms of the approved Conditional Use Permit (CUP). Any of the following items shall be grounds for revocation of a commercial cannabis land use permit:

- Failure to comply with one or more conditions of approval of the Conditional Use Permit (CUP).
- The land use permit was granted on the basis of false material or information, including written or oral communications, given willfully or negligently by the applicant.
- The ownership or control of the commercial cannabis business has been transferred and/or sold, a land use permit issued pursuant to this Chapter has been transferred and/or sold, or the title of any parcels constituting the site on which the land use permit was originally issued has been transferred. New ownership should require a secured cannabis business permit/license in order for a CUP to remain valid and is subject to the one year inactivity requirement included in Section 9.02.260(C)(3).
- Any act or omission by an owner or licensee in violation of the provisions of this Chapter.
- Any act or omission by an owner or licensee that results in the denial or revocation of the owner's or licensee's State license.
- Any act or omission that results in the revocation of that owner's or licensee's commercial cannabis Business License Clearance under Title 5, Chapter 5.02 of the Moreno Valley Municipal Code.
- An owner's or licensee's failure to take appropriate action to evict or otherwise remove persons conducting commercial cannabis activities who do not maintain

the necessary permits or licenses in good standing with City or State.

- Permit holder's conviction for possession or delivery of any form of illegal drugs.
- City or any other governmental agencies discovery of any form of illegal drugs, other than cannabis products regulated by this ordinance, on the licensed premises at any time.
- Conduct of the commercial cannabis activities in a manner that constitutes a nuisance where the owner or licensee has failed to comply with reasonable conditions to abate the nuisance (e.g., odor).

All revocation proceedings shall be consistent with Municipal Code Section 9.02.260 "Revocation of approvals or permits". Revocation of a Conditional Use Permit (CUP) shall be conducted through proper noticing and a public hearing through the Planning Commission, and if appealed, the City Council.

Conclusion

In summary, the proposed modifications to the Municipal Code would allow for up to twenty-six (26) total commercial cannabis businesses to be conditionally permitted in the City. This includes ten (10) dispensaries, two (2) testing facilities, five (5) cultivation facilities, five (5) manufacturing facilities, two (2) microbusinesses and two (2) distribution centers. The commercial cannabis land use, by type of activities, would be limited to five zoning districts, including Business Park (BP), Business Park- Mixed Use (BPX), Light Industrial (LI), Community Commercial (CC) and Neighborhood Commercial (NC). All legal/licensed cannabis operations would adhere to standards included in the newly established Section 9.09.290 "Commercial Cannabis Activity Regulations" of the Municipal Code, and would only be authorized with a properly processed and approved Conditional Use Permit (CUP) through the Planning Commission.

ENVIRONMENTAL

The adoption of the Municipal Code Amendment to establish commercial cannabis land use regulations is exempt from the California Environmental Quality Act (CEQA) per provisions put forth in Senate Bill 94 "Medicinal and Adult Use Cannabis Regulation and Safety Act exempting adoption of an ordinance, rule or regulation by a local jurisdiction that will require subsequent discretionary permits, licenses or other authorization subject to CEQA. All new cannabis businesses submitting a CUP application would be subject to requirements of CEQA including the development of an Initial Study to establish the appropriate environmental determination.

NOTIFICATION

Public notice was properly provided prior to this Planning Commission meeting. A half

page public hearing notice for this code amendment was published in the local newspaper on February 11, 2018. In addition, notices and reports were provided to outside sources based upon written notice to provide such information.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2018-09, and thereby recommend that the City Council:

1. **FIND** that PEN17-0157 (Municipal Code Amendment for Commercial Cannabis Land Uses Regulations) qualifies for an exemption under the California Environmental Quality Act (CEQA) per provisions put forth in Senate Bill 94 “Medicinal and Adult Use Cannabis Regulation and Safety Act exempting adoption of an ordinance, rule or regulation by a local jurisdiction that will require subsequent discretionary permits, licenses or other authorization, and
2. **APPROVE** the proposed amendments to Title 9 of the City Municipal Code (PEN17-0157) setting forth land use zoning and development regulations for commercial cannabis land use activities, included as Exhibit A and Exhibit B.

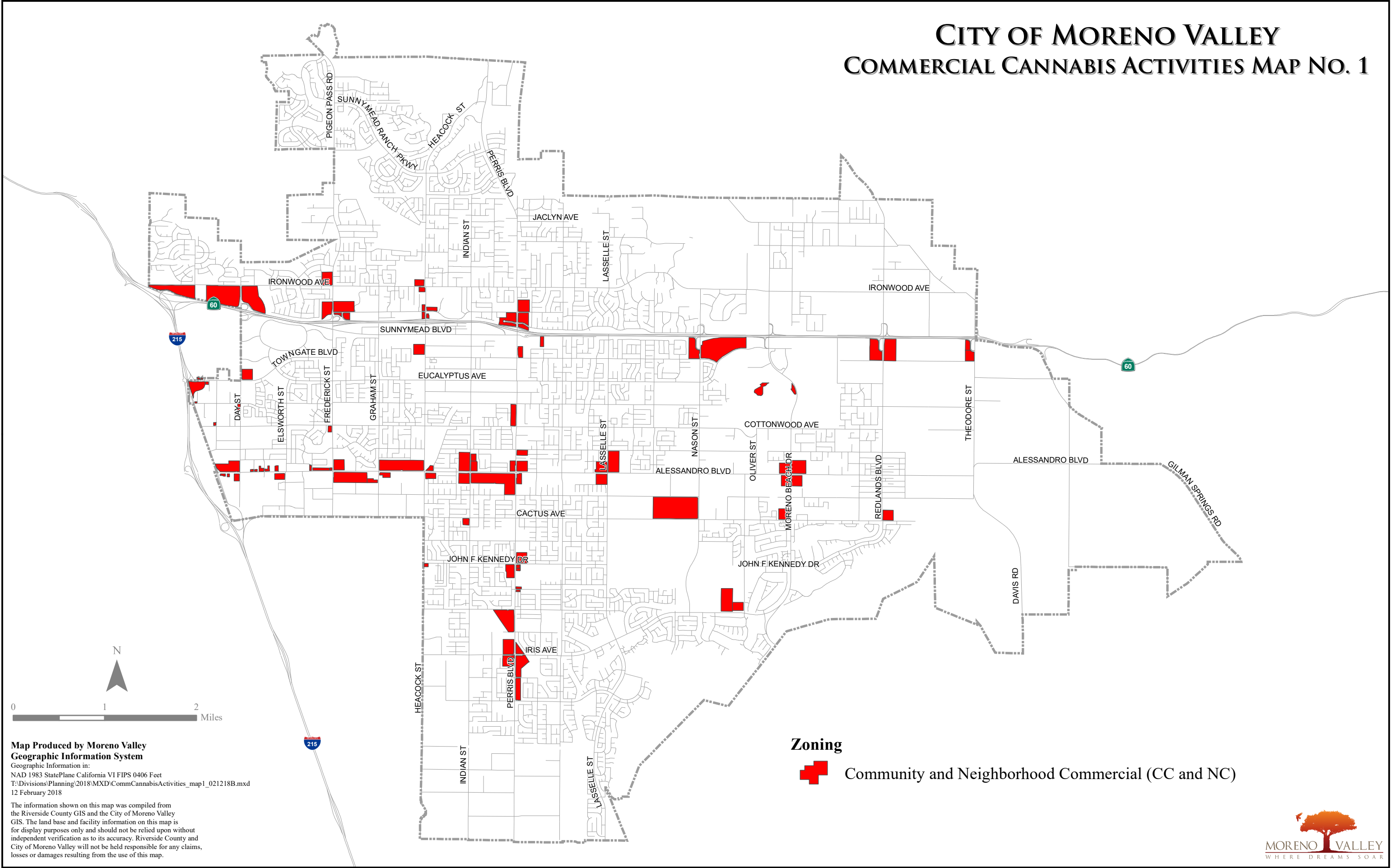
Prepared by:
Mark Gross
Senior Planner
Official

Approved by:
Richard J. Sandzimier
Community Development Director/ Planning

ATTACHMENTS

1. Map 1
2. Map 2
3. Map 3
4. Map 4
5. PC Newspaper Notice
6. Resolution 2018-09
7. Exhibit A - Draft Cannabis Ordinance
8. Exhibit B - Permitted Use Table
9. Zoning Map

CITY OF MORENO VALLEY COMMERCIAL CANNABIS ACTIVITIES MAP NO. 1



Map Produced by Moreno Valley
Geographic Information System

Geographic Information in:
NAD 1983 StatePlane California VI FIPS 0406 Feet
T:\Divisions\Planning\2018\MXD\CommCannabisActivities_map1_021218B.mxd
12 February 2018

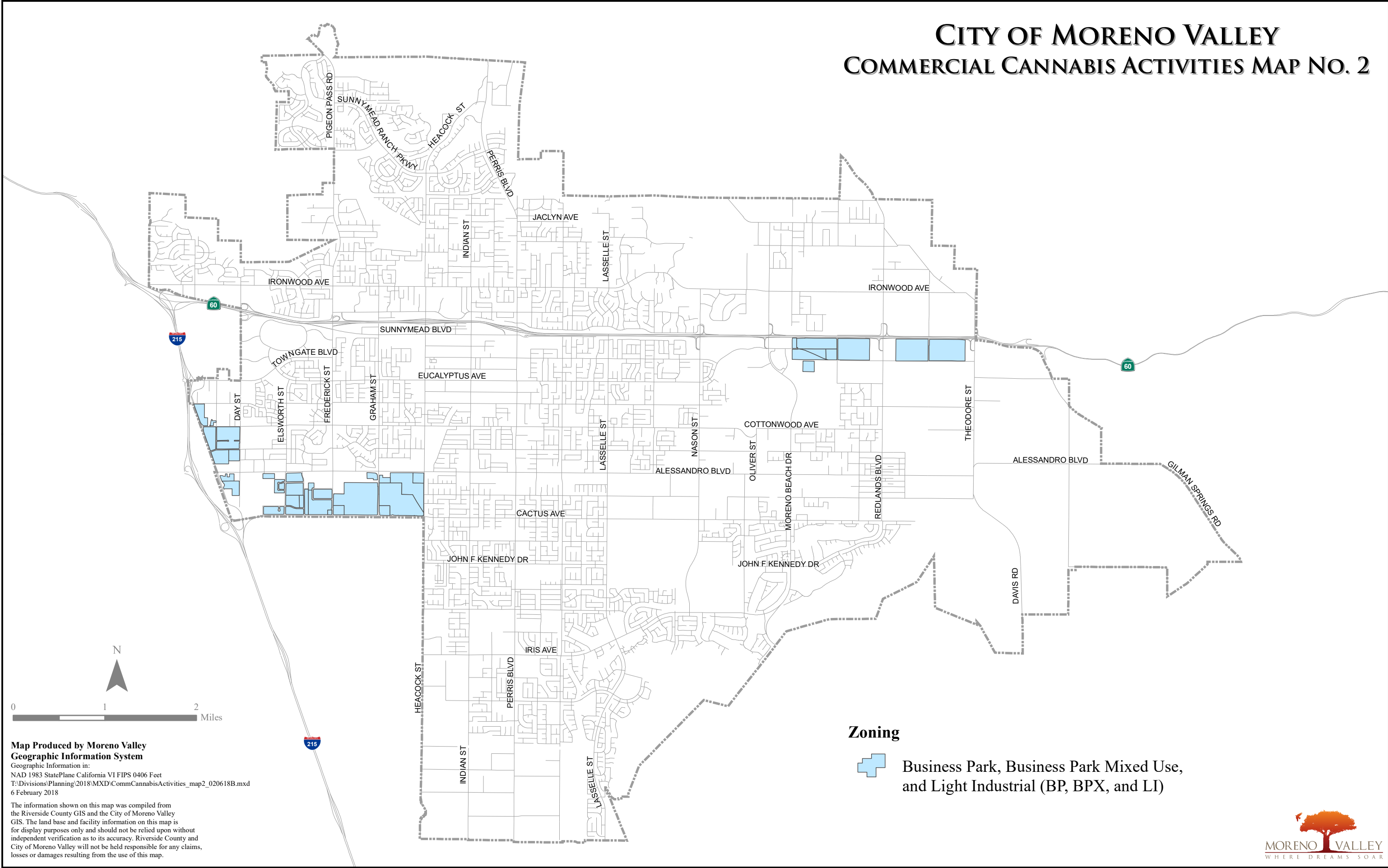
The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City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

Zoning

 Community and Neighborhood Commercial (CC and NC)




CITY OF MORENO VALLEY COMMERCIAL CANNABIS ACTIVITIES MAP NO. 2



**Map Produced by Moreno Valley
Geographic Information System**
 Geographic Information in:
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The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley 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.

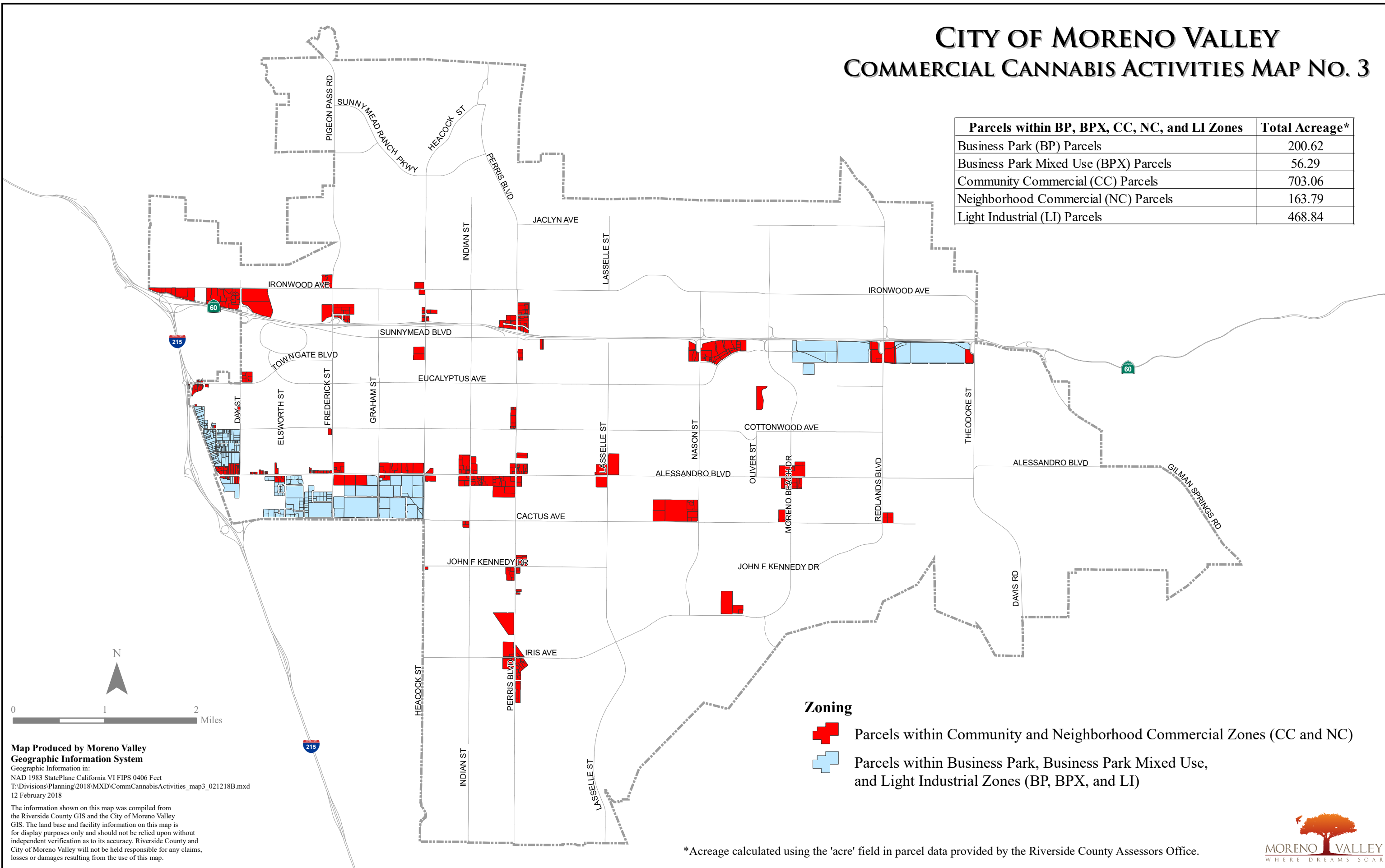
Zoning
 Business Park, Business Park Mixed Use, and Light Industrial (BP, BPX, and LI)



Attachment: Map 2 [Revision 1] (2977 : Commercial Cannabis Land Use Regulations)

CITY OF MORENO VALLEY COMMERCIAL CANNABIS ACTIVITIES MAP NO. 3

Parcels within BP, BPX, CC, NC, and LI Zones	Total Acreage*
Business Park (BP) Parcels	200.62
Business Park Mixed Use (BPX) Parcels	56.29
Community Commercial (CC) Parcels	703.06
Neighborhood Commercial (NC) Parcels	163.79
Light Industrial (LI) Parcels	468.84



Zoning

- Parcels within Community and Neighborhood Commercial Zones (CC and NC)
- Parcels within Business Park, Business Park Mixed Use, and Light Industrial Zones (BP, BPX, and LI)

Map Produced by Moreno Valley Geographic Information System
 Geographic Information in:
 NAD 1983 StatePlane California VI FIPS 0406 Feet
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 12 February 2018

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*Acreage calculated using the 'acre' field in parcel data provided by the Riverside County Assessors Office.

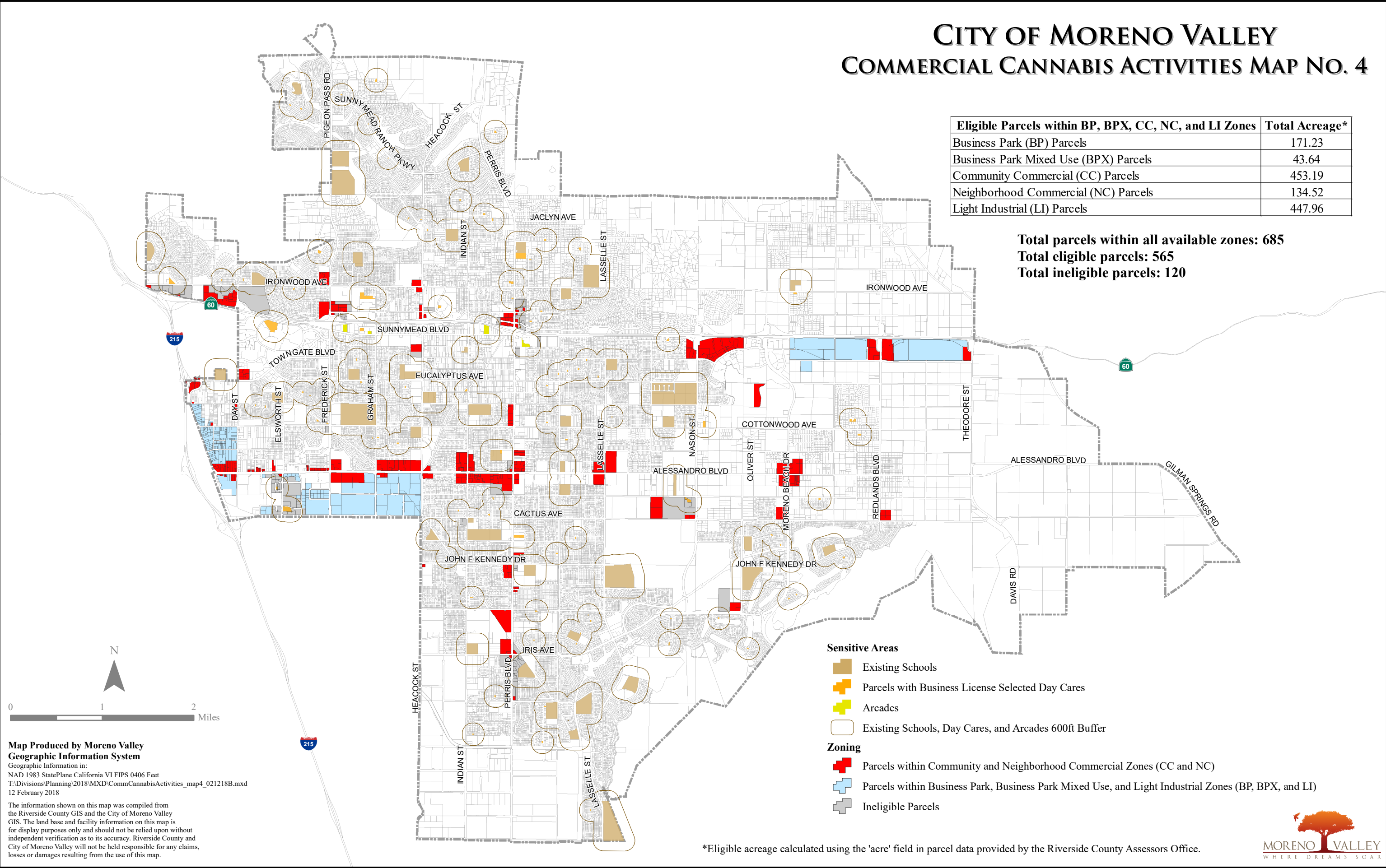


Attachment: Map 3 [Revision 1] (2977 : Commercial Cannabis Land Use Regulations)

CITY OF MORENO VALLEY COMMERCIAL CANNABIS ACTIVITIES MAP NO. 4

Eligible Parcels within BP, BPX, CC, NC, and LI Zones	Total Acreage*
Business Park (BP) Parcels	171.23
Business Park Mixed Use (BPX) Parcels	43.64
Community Commercial (CC) Parcels	453.19
Neighborhood Commercial (NC) Parcels	134.52
Light Industrial (LI) Parcels	447.96

Total parcels within all available zones: 685
Total eligible parcels: 565
Total ineligible parcels: 120



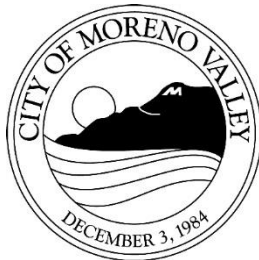
Map Produced by Moreno Valley Geographic Information System
 Geographic Information in:
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 12 February 2018

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- Sensitive Areas**
- Existing Schools
 - Parcels with Business License Selected Day Cares
 - Arcades
 - Existing Schools, Day Cares, and Arcades 600ft Buffer
- Zoning**
- Parcels within Community and Neighborhood Commercial Zones (CC and NC)
 - Parcels within Business Park, Business Park Mixed Use, and Light Industrial Zones (BP, BPX, and LI)
 - Ineligible Parcels

*Eligible acreage calculated using the 'acre' field in parcel data provided by the Riverside County Assessors Office.





NOTICE OF PLANNING COMMISSION PUBLIC HEARING

THE PLANNING COMMISSION WILL CONSIDER A CITYWIDE AMENDMENT (PEN17-0157) TO THE CITY OF MORENO VALLEY MUNICIPAL CODE, AMENDING SECTIONS 9.02.020 "PERMITTED USES AND 9.15.030 "DEFINITIONS" AND ADDING SECTION 9.09.290 "COMMERCIAL CANNABIS ACTIVITIES" TO TITLE 9 OF THE MORENO VALLEY MUNICIPAL CODE ESTABLISHING LAND USE REGULATIONS FOR OPERATION OF DISPENSARIES, TESTING, CULTIVATION AND MANUFACTURING OF CANNABIS BUSINESSES

The proposed amendment would add language in the Municipal Code to set forth land use regulations for commercial cannabis dispensaries, testing, cultivation, manufacturing, and associated distribution and transportation activities. Appropriately established regulations enable enforcement by the City of the regulations to ensure the health, safety and welfare of the City and its residents. The recommendation of the Planning Commission on this matter will be carried forward to the City Council in accordance with Section 9.02.050 of the City Municipal Code.

The adoption of the proposed Code amendment is exempt from the California Environmental Quality Act per provisions put forth in Senate Bill 94 "Medicinal and Adult Use Cannabis Regulation and Safety Act exempting adoption of an ordinance, rule or regulation by a local jurisdiction that will require subsequent discretionary permits, licenses or other authorization subject to CEQA. The Planning Commission may consider appropriate modifications or alternatives to the recommended action or environmental determination.

Any person interested in the proposed project may speak on the project at the Planning Commission public hearing. For additional information contact Mark Gross, Senior Planner, at (951) 413-3206 or at the Community Development Department at 14177 Frederick Street, Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday – Thursday and 7:30 a.m. to 4:30 p.m. on Fridays) or you may call (951) 413-3206 for further information.

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission on or before the following meeting date:

**Thursday, February 22, 2018
7:00 P.M.
City Council Chamber
14177 Frederick Street.
Moreno Valley, CA 92552-0805**

Upon request and in compliance with the Americans with Disabilities Act of 1990, any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Guy Pegan, ADA Coordinator, at 951.413.3120 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

PLANNING COMMISSION RESOLUTION NO. 2018-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF PEN17-0157, AMENDING SECTIONS 9.02.020 “PERMITTED USES” AND 9.15.030 “DEFINITIONS”, AND ADDING SECTION 9.09.290 “COMMERCIAL CANNABIS ACTIVITIES” TO TITLE 9 OF THE MORENO VALLEY MUNICIPAL CODE, ESTABLISHING LAND USE REGULATIONS FOR OPERATION OF COMMERCIAL CANNABIS DISPENSARIES, TESTING, CULTIVATION, DISTRIBUTION, MICROBUSINESS, AND MANUFACTURING ACTIVITIES

WHEREAS, the City of Moreno Valley (“City”) has the authority and the responsibility to plan and regulate the use of property within the City under its police powers; and

WHEREAS, the City desires to maintain the quality of life and character of the City’s neighborhoods and to avoid placement of land uses that could result in negative consequences to property, social, and environmental values; and

WHEREAS, in November 2016, Proposition 64 was approved by the voters in California (“The Adult Use Marijuana Act”) (“AUMA”) (codified as amendments to California Health and Safety Code, Business and Professions Code, Revenue and Taxation Code and Food and Agricultural Code), establishing a comprehensive system to legalize, control and regulate the cultivation, processing, manufacturing, distribution, testing, and sale of non-medical marijuana, including marijuana products, for use by adults 21 years of age and older, and to tax the commercial growth and retail sale of marijuana, as well as other marijuana related activities; and

WHEREAS, on June 27, 2017 Governor Jerry Brown signed the “Medical and Adult-Use Cannabis Regulations and Safety Act” (“MAUCRSA”) which further amends and in some parts supersedes prior statutory enactments; and

WHEREAS, establishments that engage in the dispensing, testing, cultivation and manufacturing of cannabis products may, if not properly located and regulated, adversely affect the City’s interests for its continued economic growth and vitality; and

WHEREAS, permitting the dispensing, testing, cultivation and manufacturing of cannabis establishments without appropriate regulation and controls will have adverse impacts to the health, safety, and welfare of the City and its residents; and

WHEREAS, the Planning Commission recognizes that regulated and licensed commercial cannabis activity is permitted in the State of California, even though the Federal Controlled Substances Act, 21 U.S.C. Sections 801 et seq. classifies marijuana

as a Schedule 1 Drug and makes it unlawful, under federal law, for any Person to cultivate, manufacture, distribute, dispense, or possess with intent to manufacture, distribute or dispense marijuana; and

WHEREAS, the Planning Commission is aware pursuant to the authority granted to the City by Article XI, Section 7 of the California Constitution, the City may make and enforce within its limits all local police, sanitary, and other ordinance and regulations not in conflict with general laws and has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote public health and safety; and

WHEREAS, comprehensive zoning regulations and regulations upon the use of land and property within the City lie within the City's police power; and

WHEREAS, the Planning Commission has considered the City Council desire to establish reasonable zoning, land use controls and regulations on the operation of marijuana-related businesses, which land use regulations are intended in part to address the potential for negative impacts and nuisance impacts of marijuana-related businesses; and

WHEREAS, it is the intent of the Planning Commission in making this recommendation to the City Council that the Planning Commission expects the City Council of Moreno Valley to maintain local control over these matters to the fullest extent permitted by law, and it is further Planning Commission's intention that nothing in the recommended ordinance shall be construed, in any way, to expand or supersede state law controlling the rights to use, sell or possess marijuana; to engage in any public nuisance; to violate federal law, or to engage in any activity in relation to the cultivation, distribution, testing or consumption of marijuana that is otherwise illegal; and

WHEREAS, the City seeks to regulate commercial cannabis dispensaries, testing, cultivation, distribution, microbusiness and manufacturing , subject to the usual application process for a Conditional Use Permit (CUP) and discretionary approval of such CUP by the Planning Commission of the City of Moreno Valley; and

WHEREAS, commercial cannabis cultivation, manufacturing and testing shall be conditionally permitted only in the Business Park (BP), Business Park-Mixed Use (BPX) and Light Industrial (LI) zoning districts of the City and commercial cannabis dispensaries shall be conditionally permitted only in the Community Commercial (CC), Neighborhood Commercial (NC), and Business Park-Mixed Use (BPX) zoning districts of the City. Commercial cannabis microbusinesses shall be conditionally permitted only in the Business Park-Mixed Use (BPX) and commercial cannabis distribution centers shall be conditionally permitted in all five zoning districts (BP, BPX, LI, CC, NC); and

WHEREAS, it is the Planning Commissions intent in recommending to the City Council the adoption of this Ordinance that through enforcement of this Ordinance no more than twenty-six (26) Conditional Use Permits (CUPs) for commercial cannabis land use activities will be approved and active at any given time, which 26 permits shall be further

specified to authorize, a maximum of ten (10) dispensaries, a maximum of two (2) testing facilities, a maximum of five (5) cultivation facilities, a maximum of two (2) microbusinesses, a maximum of two (2) distribution centers, and a maximum of five (5) manufacturing facilities; and

WHEREAS, this recommended amendment of the Moreno Valley Municipal Code (MVMC) is exempt from environmental review under the California Environmental Quality Act (CEQA) Guidelines until July 1, 2019, as established with Senate Bill 94 “Medicinal and Adult-Use Cannabis Regulation and Safety Act, which exempts the adoption of a specified ordinance, rule or regulation by a local jurisdiction that requires subsequent discretionary review of permits, licenses, or other authorizations to engage in commercial cannabis activity; and

WHEREAS, a proper notice was processed in accordance with Section 9.02.200 of the MVMC for the scheduled February 22, 2018 public hearing of the Planning Commission regarding this matter, with publication in the Press Enterprise newspaper on February 10, 2018; and

WHEREAS, on February 22, 2018, the Planning Commission held a public hearing and considered the proposed Cannabis Land Use Ordinance; and

WHEREAS, this proposed amendment to the MVMC is subject to a subsequent public hearing before the City Council of the City of Moreno Valley; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Moreno Valley as follows:

- A. This Planning Commission hereby 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 February 22, 2018 including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

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

FACT: The Ordinance would add language within Title 9, Chapter 9.09 and a newly established Section 9.09.290 of the MVMC to regulate commercial cannabis dispensing, testing, cultivation, distribution, microbusiness and manufacturing activities as conditionally permitted land uses and provides a framework that may be used for enforcement of set regulations to ensure the

desired public health safety and welfare of residents, businesses, visitors and other stakeholders in the City. The Ordinance would identify appropriate zoning districts for the various desired commercial cannabis land uses including commercial cannabis testing, cultivation and manufacturing in the Business Park (BP), Business Park -Mixed Use (BPX) and Light Industrial (LI) land use districts, commercial cannabis dispensaries within the Community Commercial (CC), Neighborhood Commercial (NC), and Business Park-Mixed Use (BPX) land use districts, commercial cannabis microbusinesses in Business Park-Mixed Use (BPX) land use district, and commercial cannabis distribution centers in all five land use districts. The Ordinance further establishes new specific development standards for commercial cannabis uses including, but not limited to, facility size, buffer distance requirements, signage, parking, public access, security, public nuisance considerations, and visibility. Commercial cannabis activities shall only be allowed as a conditionally permitted use after applicants have secured a properly processed Conditional Use Permit (CUP) through successful action of the Planning Commission, or City Council if warranted. The proposed Ordinance is consistent with, and does not conflict with existing goals, objectives, policies, and programs established within the General Plan.

2. **Health, Safety and Welfare** – The proposed Ordinance will not be detrimental to the public health, safety or general welfare

FACT: State law under Proposition 64 established a comprehensive system to legalize, control and regulate the cultivation, processing, manufacturing, distribution, testing, and sale of non-medical marijuana, including marijuana products, for use by adults 21 years and older. The purpose of this ordinance is to provide consistency with State Law and regulatory ordinance previously established within MVMC Title 5, and to regulate commercial cannabis activities that are conducted in accordance with State law in order to protect public health, safety and general welfare of residents, visitors, businesses and other stakeholders within the City.

This Ordinance specifies zoning districts that allow for commercial cannabis dispensing, testing, cultivation and manufacturing establishments as a conditionally permitted land use and sets forth newly established Section 9.09.290 of the MVMC to discuss specific development regulations for commercial cannabis testing, cultivation and manufacturing in the Business Park (BP), Business Park -Mixed Use (BPX) and Light Industrial (LI) land use districts, commercial cannabis dispensaries within the Community Commercial (CC), Neighborhood Commercial (NC), and Business

Park-Mixed Use (BPX) land use districts, commercial cannabis microbusinesses in the Business Park-Mixed Use (BPX) land use district, and commercial cannabis distribution centers in all five land use districts. This regulatory framework for commercial cannabis activities within the City is considerate of the City's desired interests for ensuring proper health, safety, and welfare. The establishment of clear and specific land use regulations and development standards enable the City to ensure proper enforcement of regulations.

3. **Conformance with Municipal Code Regulations** – The proposed Ordinance is consistent with the purposes and intent of this title.

FACT: The proposed Ordinance which amends Title 9 of the MVMC is consistent with the purposes and intent of previous amendments to Title 5 of the MVMC. Chapter 5.05 provides the regulation of commercial cannabis activity to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”) and to accommodate the needs of medically ill persons and provide access to cannabis for medicinal purposes and provide access for recreational adult-use for persons over the age of 21 as authorized by the Control, Tax & Regulation of the Adult Use Cannabis Act (“AUMA” or “Proposition 64” passed by California voters in 2016), while imposing sensible regulations to protect the City’s residents, neighborhoods, and businesses from disproportionately negative impacts. Title 5 of the MVMC regulates the cultivation, processing, manufacturing testing, sale, delivery, distribution, and of cannabis and cannabis products in a responsible manner to protect the health, safety, and welfare of the residents of the City of Moreno Valley and enables enforcement of rules and regulations related to cannabis products and activities consistent with state law. MVMC Title 9 land use requirements set forth in this ordinance will establish where commercial cannabis activities can be located.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2018-09 and thereby recommend that the City Council:

1. **FIND** that PEN17-0157 (Municipal Code Amendment for Commercial Cannabis Land Uses Regulations) qualifies for an exemption under the California Environmental Quality Act (CEQA) per provisions put forth in Senate Bill 94 “Medicinal and Adult Use Cannabis Regulation and Safety Act exempting adoption of an ordinance, rule or regulation by a local jurisdiction that will require subsequent discretionary permits, licenses or other authorization, and

- 2. **APPROVE** the proposed amendments to Title 9 of the City Municipal Code (PEN17-0157) setting forth land use zoning and development regulations for commercial cannabis land use activities, included as Exhibit A and Exhibit B.

APPROVED on this 22nd day of February, 2018.

AYES:
 NOES:
 ABSTAIN:

Jeffrey Barnes
 Chair, Planning Commission

ATTEST:

Albert Armijo
 Interim Planning Manager

APPROVED AS TO FORM:

City Attorney

Attachment: Exhibit A

Attachment: Resolution 2018-09 [Revision 5] (2977 : Commercial Cannabis Land Use Regulations)

Exhibit A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTIONS 9.02.020 “PERMITTED USES” AND 9.15.030 “DEFINITIONS,” AND ADDING SECTION 9.09.290 “COMMERCIAL CANNABIS ACTIVITIES” TO TITLE 9 OF THE MORENO VALLEY MUNICIPAL CODE, ESTABLISHING LAND USE REGULATIONS FOR OPERATION OF DISPENSARIES, TESTING, CULTIVATION AND MANUFACTURING AND RELATED CANNABIS BUSINESSES

WHEREAS, the City of Moreno Valley (“City”) has the authority and the responsibility to plan and regulate the use of property within the City under its police powers; and

WHEREAS, the City desires to maintain the quality of life and character of the City’s neighborhoods and to avoid placement of land uses that could result in negative consequences to property, social, and environmental values; and

WHEREAS, establishments that engage in the dispensing, testing, cultivation and manufacturing of cannabis products may, if not properly located and regulated, adversely affect the City’s interests for its continued economic growth and vitality; and

WHEREAS, permitting the dispensing, testing, cultivation and manufacturing of cannabis establishments without appropriate regulation and controls will have adverse impacts to the health, safety, and welfare of the City and its residents; and

WHEREAS, City Council recognizes that regulated and licensed commercial cannabis activity is permitted in the State of California, even though the Federal Controlled Substances Act, 21 U.S.C. Sections 801 et seq. classifies marijuana as a Schedule 1 Drug and makes it unlawful, under federal law, for any Person to cultivate, manufacture, distribute, dispense, or possess with intent to manufacture, distribute or dispense marijuana; and

WHEREAS, pursuant to the authority granted to the City by Article XI, Section 7 of the California Constitution, the City may make and enforce within its limits all local police, sanitary, and other ordinance and regulations not in conflict with general laws and has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote public health and safety; and

WHEREAS, in November, 2016, Proposition 64 was approved by the voters in California (“The Adult Use Marijuana Act”) (“AUMA”) (codified as amendments to California Health and Safety Code, Business and Professions Code, Revenue and Taxation Code and Food and Agricultural Code), establishing a comprehensive system to legalize, control and regulate the cultivation, processing, manufacturing, distribution, testing, and sale of non-medical marijuana, including marijuana products, for use by adults 21 years of age and older, and to tax the commercial growth and retail sale of marijuana, as well as other marijuana related activities; and

WHEREAS, on June 27, 2017 Governor Jerry Brown signed the “Medical and Adult-Use Cannabis Regulations and Safety Act” (“MAUCRSA”) which further amends and in some parts supersedes prior statutory enactments; and

WHEREAS, comprehensive zoning regulations and regulations upon the use of land and property within the City lie within the City’s police power; and

WHEREAS, the City Council desires to establish reasonable zoning, land use controls and regulations on the operation of marijuana-related businesses, which land use regulations are intended in part to address the potential for negative impacts and nuisance impacts of marijuana-related businesses; and

WHEREAS, it is the intent of the City Council of Moreno Valley to maintain local control over these matters to the fullest extent permitted by law, and it is further City Council’s intention that nothing in this ordinance shall be construed, in any way, to expand or supersede state law controlling the rights to use, sell or possess marijuana; to engage in any public nuisance; to violate federal law, or to engage in any activity in relation to the cultivation, distribution, testing or consumption of marijuana that is otherwise illegal; and

WHEREAS, the City seeks to regulate cannabis dispensaries, testing, cultivation and manufacturing, subject to the usual application process for a Conditional Use Permit (CUP) and discretionary approval of such CUP by the Planning Commission of the City of Moreno Valley; and

WHEREAS, cannabis cultivation, manufacturing and testing shall be conditionally permitted only in the Business Park (BP), Business Park-Mixed Use (BPX) and Light Industrial (LI) zoning districts of the City, cannabis dispensaries shall be conditionally permitted only in the Community Commercial (CC), Neighborhood Commercial (NC), and Business Park-Mixed Use (BPX) zoning districts of the City, cannabis microbusinesses shall be conditionally permitted only in the Business Park-Mixed Use (BPX) zone and cannabis distribution centers shall be conditionally permitted in all five zoning districts; and

WHEREAS, it is the City’s intent in adopting this Ordinance that no more than twenty-six (26) Conditional Use Permits (CUPs) for cannabis land use activities

can be approved and active at any given time, which 26 permits shall be further specified to authorize, a maximum of ten (10) dispensaries, a maximum of two (2) testing facilities, a maximum of five (5) cultivation facilities, a maximum of two (2) microbusinesses, a maximum of two (2) distribution centers, and a maximum of five (5) manufacturing facilities; and

WHEREAS, this amendment of the Moreno Valley Municipal Code (MVMC) is exempt from environmental review under the California Environmental Quality Act (CEQA) Guidelines until July 1, 2019, as established with Senate Bill 94 “Medicinal and Adult-Use Cannabis Regulation and Safety Act, which exempts the adoption of a specified ordinance, rule or regulation by a local jurisdiction that requires subsequent discretionary review of permits, licenses, or other authorizations to engage in commercial cannabis activity; and

WHEREAS, a proper notice was processed in accordance with Section 9.02.200 of the MVMC for the scheduled February 22, 2018 public hearing of the Planning Commission regarding this matter, with publication in the Press Enterprise newspaper on February 10, 2018; and

WHEREAS, on February 22, 2018, the Planning Commission held a public hearing and considered the proposed Cannabis Land Use Ordinance; and

WHEREAS, a proper notice processed in accordance with Section 9.02.200 of the MVMC, for the scheduled March 20, 2018 City Council public hearing regarding this matter was published in the Press Enterprise newspaper on March 10, 2018; and

WHEREAS, on March 20, 2018, the City Council conducted the requisite public hearing and considered all available materials including public input on this Ordinance; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Moreno Valley as follows:

Section 1. RECITALS

That the above recitals are true and correct and are incorporated as though fully set forth herein.

Section 2. Findings

- A. Based upon substantial evidence presented to this City Council during the hearing on this Ordinance, including but not limited to: written and

oral City staff reports, testimony presented at the public hearing, and the record from the public hearing, this City Council finds as follows:

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

FACT: The Ordinance would add language within Title 9, Chapter 9.09 and a newly established Section 9.09.290 of the MVMC to regulate cannabis dispensing, testing, cultivation, manufacturing and related cannabis establishments as conditionally permitted land uses and provides a framework that may be used for enforcement of set regulations to ensure the desired public health safety and welfare of residents, businesses, visitors and other stakeholders in the City. The Ordinance would identify appropriate zoning districts for the various desired commercial cannabis land uses including cannabis testing, cultivation and manufacturing in the Business Park (BP), Business Park -Mixed Use (BPX) and Light Industrial (LI) zones, cannabis dispensaries within the Community Commercial (CC), Neighborhood Commercial (NC), and Business Park-Mixed Use (BPX) zones, cannabis microbusinesses in Business Park-Mixed Use (BPX) zone, and cannabis distribution centers in all five zoning districts. The Ordinance further establishes new specific development standards for commercial cannabis uses including, but not limited to, facility size, buffer distance requirements, signage, parking, public access, security, public nuisance considerations, and visibility. Commercial cannabis activities shall only be allowed as a conditionally permitted use after applicants have secured a properly processed Conditional Use Permit (CUP) through successful action of the Planning Commission, or City Council if warranted. The proposed Ordinance is consistent with, and does not conflict with existing goals, objectives, policies, and programs established within the General Plan.

2. **Health, Safety and Welfare** – The proposed Ordinance will not be detrimental to the public health, safety or general welfare.

FACT: State law under Proposition 64 established a comprehensive system to legalize, control and regulate the cultivation, processing, manufacturing, distribution, testing, and sale of non-medical marijuana, including marijuana

products, for use by adults 21 years and older. The purpose of this ordinance is to provide consistency with State Law and regulatory ordinance previously established within MVMC Title 5, and to regulate commercial cannabis activities that are conducted in accordance with State law in order to protect public health, safety and general welfare of residents, visitors, businesses and other stakeholders within the City.

This Ordinance specifies zoning districts that allow for cannabis dispensing, testing, cultivation and manufacturing establishments as a conditionally permitted land use and sets forth newly established Section 9.09.290 of the MVMC to discuss specific development regulations for cannabis testing, cultivation and manufacturing in the Business Park (BP), Business Park -Mixed Use (BPX) and Light Industrial (LI) land use districts, cannabis dispensaries within the Community Commercial (CC), Neighborhood Commercial (NC), and Business Park-Mixed Use (BPX) land use districts, cannabis microbusinesses in the Business Park-Mixed Use (BPX) land use district, and cannabis distribution centers in all five land use districts. This regulatory framework for commercial cannabis activities within the City is considerate of the City's desired interests for ensuring proper health, safety, and welfare. The establishment of clear and specific land use regulations and development standards enable the City to ensure proper enforcement of regulations.

3. Conformance with Municipal Code Regulations – The proposed Ordinance is consistent with the purposes and intent of this title.

FACT: The proposed Ordinance which amends Title 9 of the MVMC is consistent with the purposes and intent of previous amendments to Title 5 of the MVMC. Chapter 5.05 provides the regulation of commercial cannabis activity to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”) and to accommodate the needs of medically ill persons and provide access to cannabis for medicinal purposes and provide access for recreational adult-use for persons over the age of 21 as authorized by the Control, Tax & Regulation of the Adult Use Cannabis Act (“AUMA” or “Proposition 64” passed by California voters in 2016), while imposing sensible regulations to protect the City’s residents, neighborhoods,

and businesses from disproportionately negative impacts. Title 5 of the MVMC regulates the cultivation, processing, manufacturing testing, sale, delivery, distribution, and of cannabis and cannabis products in a responsible manner to protect the health, safety, and welfare of the residents of the City of Moreno Valley and enables enforcement of rules and regulations related to cannabis products and activities consistent with state law. MVMC Title 9 land use requirements set forth in this ordinance will establish where commercial cannabis businesses can be located.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AS FOLLOWS:

Section 3. AMENDMENT TO TITLE 9, CHAPTER 9.15, SECTION 9.15.030 “DEFINITIONS” OF THE CITY OF MORENO VALLEY MUNICIPAL CODE

That Section 9.15.030 “Definitions” of the MVMC shall be amended to add the following definition:

A. “Applicant” means an owner applying for a City Permit pursuant to this division

B. “Cannabis” means all parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.

C. “Cannabis cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

D. “Cannabis dispensary” means any activity involving the retail sale of cannabis or cannabis products from a retailer.

E. “Cannabis distribution” means the procurement, sale, and transport of cannabis and cannabis products between licensees.

F. “Cannabis manufacturing” means a location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid commercial cannabis business permit for manufacturing from the City of Moreno Valley and, a valid state license as required for manufacturing of cannabis products.

G. “Cannabis testing” means a laboratory, facility, or entity that offers or preforms tests of cannabis or cannabis products and that is both: 1) accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state; and 2) licensed by the Bureau of Cannabis Control.

H. “Cannabis microbusiness” means a location with a combination of cannabis manufacturing, cultivation (limited to 10,000 sq ft), and dispensary activities. Testing is not allowed.

I. “Cannabis distribution center” means a location that provides the procurement, sale, and transport of cannabis and cannabis products between entities licensed by the state of California.

J. “Canopy” means all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether contiguous or noncontiguous on any one site.

K. “License” means a state license issued under this division, and includes A-license and an M-license, as well as a testing laboratory license.

L. “Licensee” means any person holding a license under this division, regardless of whether the license held is an A-license, M-license, or a testing laboratory license.

M. “Owner” means any of the following:

(1) A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.

(2) The Executive Officer of a nonprofit or other entity.

(3) A member of the board of directors of a nonprofit.

(4) An individual who will be participating in the direction, control, or management of the person applying for a license or who has a financial interest in the business other than a fixed lease of real property

N. “Premises” means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee unless the operator is granted a M-License and a A-License for the same type of activity and such operation is lawful under state and local laws, rules and regulations.

Section 4. AMENDMENT TO TITLE 9, CHAPTER 9.02, SECTION 9.02.020 “PERMITTED USES” OF THE CITY OF MORENO VALLEY MUNICIPAL CODE.

That Section 9.02.020, Table 9.02.020-1 of the MVMC, which is attached hereto as Exhibit “A,” shall be amended to add “Commercial Cannabis Activities” as a land use category within Title 9 of the Municipal Code to allow cannabis testing, cultivation and manufacturing uses within the Business Park (BP), Business Park - Mixed Use (BPX) and Light Industrial (LI) zoning districts citywide with approval of a Conditional Use Permit (CUP). Cannabis dispensary uses are allowed only within the Community Commercial (CC), Neighborhood Commercial (NC), and Business Park - Mixed Use (BPX) zoning districts citywide with approval of a CUP. Distribution centers are allowed in all five zoning districts with approval of a CUP. Microbusinesses are the only use limited to one zoning district with approval of a CUP, which is Business Park - Mixed Use (BPX).

Section 5. AMENDMENT TO TITLE 9, CHAPTER 9.09, TO ADD SECTION 9.09.290 “COMMERCIAL CANNABIS ACTIVITY REGULATIONS” TO THE CITY OF MORENO VALLEY MUNICIPAL CODE.

That Section 9.09.290 shall be added to the Moreno Valley Municipal Code as follows:

ARTICLE 1. Section 9.09.290 of Title 9, is hereby added to the Moreno Valley Municipal Code under Specific Use Development Standards as follows:

Section 9.09.290. Commercial Cannabis Activities

- 9.09.291 Purpose and Intent**
- 9.09.292 Applicability**
- 9.09.293 Cannabis Business Locations and Use**
- 9.09.294 General Development Standards**
- 9.09.295 Specific Use Requirements**
- 9.09.296 Grounds for Revocation**

9.09.291 Purpose and Intent

A. Purpose - This section is intended to protect the public health, safety and welfare by ensuring that cannabis establishments, as defined in this Chapter and in Title 5, Chapter 5.05 of this Municipal Code, do not create an adverse impact on adjacent properties or surrounding neighborhoods by imposing sensible land use regulations in accordance with State law to protect the City's residents, neighborhoods, and businesses from direct negative impacts and/or secondary effects, including but not limited to, proximity to sensitive receptors or uses, visibility, insufficient on-site customer and employee parking, lighting, signage and graphics, site security, waste/storage disposal and public nuisances such as excessive noise and/or odor.

B. Intent - The intent of this section is to regulate and provide for the conditional use permitting of the following commercial cannabis business land uses:

- 1. Cannabis Dispensaries**
- 2. Cannabis Testing**
- 3. Cannabis Cultivation**
- 4. Cannabis Manufacturing**
- 5. Cannabis Distribution Centers**
- 6. Cannabis Microbusinesses**

9.09.292 Applicability

A. This Chapter of Title 9 sets forth land use development standards for cannabis dispensaries, testing laboratories/facilities, cultivation, manufacturing and related cannabis activities including the allowed location by zoning districts, placement of facilities including buffers, and maximum number of land use permits for cannabis businesses by type.

9.09.293 - Cannabis Business Locations and Use

A. Locations and Numbers of Permits by Land Use Type Allowed

A maximum of twenty-six (26) businesses with approved Conditional Use Permits for commercial cannabis activity will be allowed to operate in the City at any one time. Commercial cannabis land use activities may be allowed to establish in the City within the Business Park (BP), Business Park-Mixed Use (BPX), Light Industrial (LI), Community Commercial (CC), and Neighborhood Commercial (NC) zoning districts, with limitations, as follows.

- 1. Dispensaries – A maximum of ten (10) commercial cannabis dispensaries may be allowed to establish within the Community**

Commercial (CC), Neighborhood Commercial (NC) and Business Park-Mixed Use (BPX) zoning districts, with a properly secured conditional use permit approved through the Planning Commission.

2. Testing – A maximum of two (2) commercial cannabis testing facilities may be allowed to establish within Business Park (BP) Business Park-Mixed Use (BPX), and Light Industrial (LI) zoning districts, with a properly secured conditional use permit approved through the Planning Commission.
3. Cultivation – A maximum of five (5) commercial cannabis cultivation facilities may be allowed to establish within the Business Park (BP), Business Park-Mixed Use (BPX), and Light Industrial (LI) zoning districts, with a properly secured conditional use permit approved through the Planning Commission.
4. Manufacturing – A maximum of five (5) commercial cannabis manufacturing facilities may be allowed to establish within the Business Park (BP), Business Park-Mixed Use (BPX), and Light Industrial (LI) zoning districts, with a properly secured conditional use permit approved through the Planning Commission.
5. Microbusiness - A maximum of two (2) cannabis microbusiness facilities are allowed to establish in the City, only within the Business Park - Mixed Use (BPX) zoning districts, with a properly secured conditional use permit approved through the Planning Commission.
6. Distribution Center - A maximum of two (2) cannabis distribution centers are allowed to establish in the City, within the Community Commercial (CC), Neighborhood Commercial (NC), Business Park (BP), Business Park - Mixed Use (BPX), and Light Industrial (LI) zoning districts, with a properly secured conditional use permit approved through the Planning Commission

B. Conditional Use Permit Required

In order to lawfully operate, all commercial cannabis activities including dispensaries, testing laboratories, cultivation, microbusiness, distribution, and manufacturing facilities shall require an approved Conditional Use Permit as provided under Chapter 9.02, Section 9.02.060 of the Municipal Code, along with a valid Commercial Cannabis Business Permit and a valid State License.

9.09.294 General Development Standards

A. Placement and Buffer of Cannabis Businesses

1. No licensee under this division shall be located within a 600-foot radius of a public or private school providing instruction in kindergarten or grades 1 through 12, a day care center, a youth center or arcades that are in existence at the time the license is issued.

2. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the school, day care center, youth center or arcade to the closest property line of the lot on which the dispensary, operator, establishment, or provider is to be located without regard to intervening structures.

B. General Business Requirements

1. No cannabis product shall be smoked, eaten, or otherwise consumed or ingested outside of or within the business.

2. No person 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.

3. The cannabis licensee shall display its current valid Commercial Cannabis Business Permit under Chapter 5.05 of this Code and a CUP 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.

4. It shall be unlawful to operate commercial cannabis activities in a building which contains a residence, or within a residential dwelling unit.

5. It shall be unlawful for any person to permit commercial cannabis cultivation, manufacturing, testing or sales at, on or within any real property that does not have a valid CUP approved for such use.

6. Any transfer of product or currency shall be identified in an individual security plan which is approved by the City.

7. 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.

9.09.295 Specific Use Requirements

A. Commercial Cannabis Cultivation

1. Commercial cannabis cultivation facilities shall require a properly secured Conditional Use Permit approved by the Planning Commission and will only be allowed in the Business Park (BP), Business Park-Mixed Use (BPX), and Light Industrial (LI) zoning districts.

2. The total area of the premises designated/used for the cultivation canopy shall not be more than twenty-two thousand (22,000) square feet for every Conditional Use Permit application approved.

3. Cannabis cultivation including all cannabis or marijuana plants at any stage of growth shall not be visible from the exterior of any structure, facility, or building containing cannabis cultivation. All cannabis cultivation must take place within an enclosed, secured structure. The security system must allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel).

4. Outdoor cannabis cultivation is prohibited in the City.

5. Only owners, agents, applicants, managers, employees, and volunteers of the cannabis cultivation licensee and agents or employees of the City are permitted to be onsite of any cultivation facility.

6. All cultivation areas in the building shall be separated from the main entrance and lobby, and shall be secured by a lock accessible only to managers and staff of the cannabis cultivation licensee (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel).

7. No cannabis cultivation licensee shall allow public access to the facility.

8. Each building with a cultivation area shall have an area designed for the secure transfer of cannabis from the cultivation area to a vehicle for transportation.

9. Each building containing cultivation shall have designated storage space for cannabis that has completed the cultivation process or is otherwise not being cultivated. Storage size will be determined on a case-by-case basis dependent on the submitted site plan and building canopy size in accordance with the City's building and conditional use permit regulations. The storage areas shall be separated from the main entrance and lobby and shall be secured by a lock accessible only to managers and staff of the cannabis cultivation licensee. (with accommodations in place at all times to

allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel).

10. Any person(s) cultivating cannabis with the use of grow lights, fans, ventilation devices or any other electrical or mechanical equipment shall comply with all applicable building and fire code requirements adopted by the City of Moreno Valley, and shall obtain all necessary permits and prerequisite inspections required for such installation prior to commercial use of the equipment and/or facility.

11. No person shall conduct any retail sales of any materials, goods or services produced at, used to produce, or otherwise available at the cannabis cultivation site.

12. All cultivation facilities shall be organized in orderly rows with aisles at least three (3) feet wide, and no more than eight (8) feet between an aisle and the next aisle or the aisle and the wall, and clear access shall be maintained to all exits unless the Planning Official, Building Official and Fire Marshal collectively determine that the business has provided an alternative, properly dimensioned floor plan that confirms equivalent access and clearance/separation between plants and the facility exits.

13. Cultivation operations shall be consistent with all other applicable Federal, State and local requirements, including all applicable provisions of Moreno Valley Municipal Code Chapter 5.

B. Commercial Cannabis Manufacturing

1. Commercial cannabis manufacturing facilities shall require a properly secured Conditional Use Permit and will only be allowed in the Business Park (BP), Business Park-Mixed Use (BPX), and Light Industrial (LI) zoning districts.

2. Only manufacturing facilities with a Type-6 State license (non-volatile) may be allowed to operate in the City.

3. Cannabis manufacturing, including all cannabis or marijuana raw materials and products shall not be visible from the exterior of any structure, facility, or building containing cannabis manufacturing. All cannabis manufacturing activities must take place within an enclosed locked structure (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel).

4 Only owners, agents, applicants, managers, employees, and volunteers of the cannabis cultivation licensee and agents or employees of the City are permitted to be onsite of any cultivation facility.

5. All equipment, systems and manufacturing processes must meet or exceed all applicable local, county, state and federal requirements and regulations regarding air, water, health and safety, and handling, processing and storage of hazardous materials, solvents, gases and waste. No manufacturing facility shall commence operations or be issued any form of certificate of occupancy without first obtaining all required fire, environmental, health and safety, planning, and building certificates, permits, inspections and other approvals required under the City's Municipal Code and all other applicable local, county, state and federal regulations.

6. A commercial cannabis manufacturing licensee shall (i) employ full time quality control personnel and (ii) establish standard operating procedures and batch records that comply with current Good Manufacturing Practices, as outlined by the State Department of Public Health and the U.S. Food and Drug Administration.

7. Commercial cannabis manufacturing licensee shall comply with sanitation standards equivalent to the California Retail Food Code (Part 7 (commencing with Section 113700) of Division 104 of the Health and Safety Code) for food preparation, storage, handling and sale of edible cannabis or marijuana products. Edible cannabis or marijuana products are deemed to be unadulterated food products.

8. No person shall conduct any retail sales of any goods or services from a commercial cannabis manufacturing site.

9. Manufacturing operations shall be consistent with all other applicable Federal, State and local requirements, including Moreno Valley Municipal Code Chapter 5.

C. Commercial Cannabis Testing

1. Commercial cannabis testing facilities shall require a properly secured Conditional Use Permit approved by the Planning Commission and will only be allowed in the Business Park (BP), Business Park-Mixed Use (BPX), and Light Industrial (LI) zoning districts.

2. No cannabis or marijuana raw materials, products, items being tested, or waste products from testing activities shall be visible from the exterior of any structure, facility, or building in which commercial cannabis testing is being conducted. All commercial cannabis testing must take place within

an enclosed locked structure (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel).

3. All entrances into the buildings on the laboratory site shall be locked at all times with entry controlled by the cannabis testing laboratory licensee's managers and staff (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel).

4. The laboratory site shall have a building with a main entrance that is clearly visible from the public street or sidewalk. The main entrance shall be maintained clear of barriers and other obstructions. Inside of the main entrance, there shall be a lobby which will be an area securely separated from the testing facilities.

5. All testing areas in any building on the laboratory site shall be separated from the main entrance and lobby, and shall be secured by a lock accessible only to managers and staff of the cannabis testing laboratory licensee (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel).

6. Each building with a testing area shall have an area designed for the secure transfer of cannabis raw materials and products from a transfer vehicle to and from the testing area.

7. Each building with a testing area shall have designated storage space for cannabis raw materials and products that have been tested or are waiting to be tested. Storage size will be determined on a case-by-case basis dependent on the submitted site plan and building canopy size in accordance with the City's building and conditional use permit regulations. The storage areas shall be separated from the main entrance and lobby, and shall be secured by a lock accessible only to managers and staff of the commercial cannabis testing laboratory licensee (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel).

8. No person shall conduct any retail sales of any cannabis goods or services on or from a permitted and licensed commercial cannabis testing laboratory site.

9. No plants shall be located in a commercial cannabis/marijuana testing facility.

10. No testing facility shall have more than one hundred pounds of raw marijuana and one hundred pounds of marijuana-infused products at any one time.

11. Testing operations shall be consistent with all other applicable Federal, State and local requirements, including Moreno Valley Municipal Code Chapter 5.

D. Commercial Cannabis Dispensaries

1. Commercial cannabis dispensary facilities shall require a properly secured Conditional Use Permit approved by the Planning Commission and will only be allowed in the Community Commercial (CC), Neighborhood Commercial (NC) and Business Park-Mixed Use (BPX) zoning districts.

2. A commercial cannabis dispensary shall have designated locked storage on the dispensary property, identified and approved as a part of the security plan, for after-hours storage of medicinal 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).

3. All entrances into a commercial cannabis dispensary's building shall include high visibility from the main front door exterior at all times with entry controlled by dispensary personnel.

4. A commercial cannabis dispensary shall not provide any form of delivery service. All distribution of cannabis must be conducted within the enclosed building areas of the dispensary property between the seller and buyer.

5. No person shall smoke, ingest, or otherwise consume cannabis in any form on, or within 20 feet of, the dispensary site

6. No commercial cannabis dispensary owner or employee shall 1) cause or permit the sale, distribution, or consumption of alcoholic beverages on the dispensary property; 2) hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages; or 3) 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.

7. Hours of operation for a cannabis dispensary shall be established on a case by case basis as conditioned under the Conditional Use Permit (CUP).

8. Commercial cannabis dispensary or distribution operations shall be consistent with all other applicable Federal, State and local requirements, including Moreno Valley Municipal Code Chapter 5 .

E. Commercial Cannabis Distribution Centers

1. Cannabis distribution shall only occur shall require a properly secured Conditional Use Permit approved by the Planning Commission within established zoning areas in the City that allow for cannabis uses, limited only to the Community Commercial (CC), Neighborhood Commercial (NC), Business Park-Mixed Use (BPX), Business Park (BP) and Light Industrial (LI) zoning use districts.

2. Distribution of cannabis products shall only be conducted with a valid permit and according to activity permitted by State law.

3. There shall be no deliveries from the premises of cannabis or cannabis containing products except to another State or local licensed or permitted cannabis business.

4. A cannabis distribution licensee shall maintain a database and provide a list of the individuals and vehicles authorized to conduct transportation on behalf of the cannabis distribution licensee to the City.

5. Distribution operations shall be consistent with all other applicable Federal, State and local requirements, including Moreno Valley Municipal Code Chapter 5.

F. Commercial Cannabis Microbusinesses

1. Commercial cannabis microbusiness facilities shall require a properly secured Conditional Use Permit approved by the Planning Commission and will only be allowed in the Business Park-Mixed Use (BPX) zoning districts.

2. A licensee conducting a commercial cannabis microbusiness shall meet all applicable operational requirements for Retail/Commercial Cannabis Dispensaries, Commercial Cannabis Cultivation, Commercial Cannabis Distribution and Commercial Cannabis Manufacturing activities.

3. The operator must hold a microbusiness (Type 12) license issued by the state Bureau of Cannabis Control.

4. A microbusiness operation shall be consistent with all other applicable Federal, State and local requirements, including Moreno Valley Municipal Code Chapter 5.

G. Building Size and Operation

1. The size and height of a building used for a commercial cannabis activity shall be governed by the permitted development standards of the underlying zoning district, and for commercial cannabis cultivation uses the interior space used for growing marijuana plants shall not exceed canopy size regulations set forth in State law, Chapter 6, Section 26061. In no case shall the size of the commercial cannabis canopy within any single facility exceed twenty-two thousand (22,000) square feet.

2. All operations conducted and equipment used must be in compliance with all applicable state and local regulations, including all building, electrical and fire codes.

3. Different types of commercial cannabis activities may not be located within the same building or structure without appropriate demising walls approved through the Community Development Department, Building Division and Fire Department, and each separate commercial cannabis activity must have distinct separate operating permits issued by the City and State, and CUP issued by the City.

4. An approved automatic fire sprinkler system, designed in compliance with 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 Marshall on a case by case basis.

H. Visibility

1. All commercial cannabis activities shall take place within an enclosed structure.

2. From a public right of way, there should be no exterior evidence of commercial cannabis dispensing, cultivation, manufacturing or testing activities, except for any signage authorized as part of the CUP approval and separately issued signage permits. No raw materials, cannabis or cannabis infused products or marijuana plants shall be visible from the exterior of the building.

3. 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.

I. Parking.

1. Parking requirements for commercial cannabis dispensary businesses shall be the same as parking requirements and restrictions for off-street parking that pertains to general retail establishments as described in Title 9, Table 9.11.040B-12 of the Moreno Valley Municipal Code.

2. Parking requirements for commercial cannabis cultivation businesses shall be the same as parking requirements and restrictions for off-street parking that pertains to general manufacturing establishments as described in Title 9, Table 9.11.040B-12 of the Moreno Valley Municipal Code.

3. Parking requirements for commercial cannabis testing labs shall be the same as parking requirements and restrictions for off-street parking that pertains to research and development establishments as described in Title 9, Table 9.11.040B-12 of the Moreno Valley Municipal Code.

4. Parking requirements for commercial cannabis manufacturing businesses shall be the same as parking requirements and restrictions for off-street parking that pertains to general manufacturing establishments as described in Title 9, Table 9.11.040B-12 of the Moreno Valley Municipal Code.

5. Parking for commercial cannabis distribution businesses shall be the same as parking requirements and restrictions for off-street parking that pertains to general manufacturing establishments as described in Title 9, Table 9.11.040B-12 of the Moreno Valley Municipal Code.

6. An additional two (2) secured parking spaces, or parking as identified within an individual security plan approved by the City, shall be located convenient to the required secured area of each facility and be used by secured transfer vehicles involved in the courtering 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.

J. Lighting.

1. All lighting shall comply with the provisions of Section 9.08.100 of this Title, or as determined in a security plan approved by the City, including fixture type, wattage illumination levels and shielding. This requirement

does not address any potential lighting required under the individual security plans for the facility.

K. Signs and Graphics

1. Any commercial cannabis business shall be limited to one wall-mounted business identification sign per licensed premises and be in compliance with all other aspects of the City's sign regulations included in Chapter 9.12.

2. Signage shall be limited to the identification of the licensee's business name and shall contain no advertising of symbols, language, music, gestures, cartoon characters or other content elements known to appeal primarily to persons below the legal consumption age. The provisions of this section shall not apply to the placement of advertising signs inside a licensed premises and which are not visible by normal unaided vision from a public place, provided that such advertising signs do not advertise marijuana or marijuana products in a manner intended to encourage persons under the age of 21 years to consume marijuana or marijuana products.

3. Signage shall not extend above the highest point of a parapet wall or the lowest point of a sloping roof. In instances where both criteria are present, the regulation resulting in the lowest reasonable height shall govern.

4. A licensee shall post a sign, not less than 12 inches wide and 12 inches long, in a conspicuous place near each monitored building access location on the licensed premises, which sign shall be easily visible to all customers and employees and composed of letters not less than one inch in height, stating "All Activities Monitored and Recorded by Video Camera" or "These Premises are Being Digitally Recorded," or otherwise advising all persons entering the licensed premises that a video surveillance and camera recording system is in operation at the facility and recording all activity.

5. A licensee shall post a sign in a conspicuous place on the outside of the building, near the entry to the premises clearly and legibly posted indicating that smoking, ingesting, or consuming cannabis, marijuana, or alcohol on the licensed premises is prohibited.

L. Site Security

1. 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 cameras and recording system 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 standard MPEG formats to another common medium, such as a DVD or USB drive.

2. Professionally and centrally monitored fire, sprinkler, 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.

M. Waste and Storage and Disposal

1. Waste, storage, and disposal of all marijuana and cannabis products shall meet all applicable state and local health regulations.

N. Public Nuisance Standards

1. Odor control devices and techniques shall be incorporated in all licensed premises to ensure that odors from cannabis or marijuana are not detectable offsite. Licensees shall provide a sufficient odor absorbing ventilation, exhaust or air filtration system so that odor generated inside the licensed premises that is distinctive to its operation is not detected outside of the premises, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building or other separate buildings on the licensed premises.

2. All ventilating equipment shall be directed to top story exhaust vents which face away from adjacent properties.

3. A licensee shall prohibit loitering by individuals outside the licensed premises, whether the loitering is occurring immediately outside the licensed premises facility or anywhere else on the property or parcel.

4. A licensee shall remove graffiti from the licensed premises within twenty-four (24) hours of its occurrence, or as requested by the City.

5. Commercial cannabis activity shall not adversely affect the health, safety, or general welfare of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.

9.09.296 - Grounds for Revocation:

A. Any of the following shall be grounds for revocation of a commercial cannabis land use permit based on evidence and following notice and public hearing pursuant to Section 9.02.260 “Revocation of Approvals or Permits” of the Moreno Valley Municipal Code:

1. Failure to comply with one or more conditions of approval of the Conditional Use Permit (CUP).

2. The land use permit was granted on the basis of false material or information, including written or oral communications, given willfully or negligently by the applicant.

3. The ownership or control of the commercial cannabis business has been transferred and/or sold, a land use permit issued pursuant to this Chapter has been transferred and/or sold, or the title of any parcels constituting the site on which the land use permit was originally issued has been transferred. New ownership would require a secured cannabis business permit/license in order for a CUP to remain valid, and is subject to the one year inactivity requirement included in Section 9.02.260(C)(2).

4. Any act or omission by an owner or licensee in violation of the provisions of this Chapter.

5. Any act or omission by an owner or licensee that results in the denial or revocation of the owner’s or licensee’s State license.

6. Any act or omission that results in the revocation of that owner’s or licensee’s commercial cannabis Business License Clearance under Title 5, Chapter 5.02 of the Moreno Valley Municipal Code.

7. An owner’s or licensee’s failure to take appropriate action to evict or otherwise remove persons conducting commercial cannabis activities who do not maintain the necessary permits or licenses in good standing with City or State.

8 Permit holder’s conviction for possession or delivery of any form of illegal drugs.

9. City or any other governmental agencies discovery of any form of illegal drugs, other than cannabis products regulated by this ordinance, on the licensed premises at any time.

10. Conduct of the commercial cannabis activities in a manner that constitutes a nuisance where the owner or licensee has failed to comply with reasonable conditions to abate the nuisance (e.g., odor).

Section 6. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 7. REPEAL OF CONFLICTING PROVISIONS

All the provisions of the Municipal Code as heretofore adopted by the City of Moreno Valley that are in conflict with the provisions of this ordinance are hereby repealed.

Section 8. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after its second reading.

Section 9. CERTIFICATION

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

Approved and Adopted this _____ day of March, 2018

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Attachment: Exhibit A - Draft Cannabis Ordinance [Revision 7] (2977 : Commercial Cannabis Land Use Regulations)

ORDINANCE JURAT

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF MORENO VALLEY)

I, Pat Jacquez-Nares, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. 2018-____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 20th day of March, 2018 by the following vote:

AYES:

NOES:

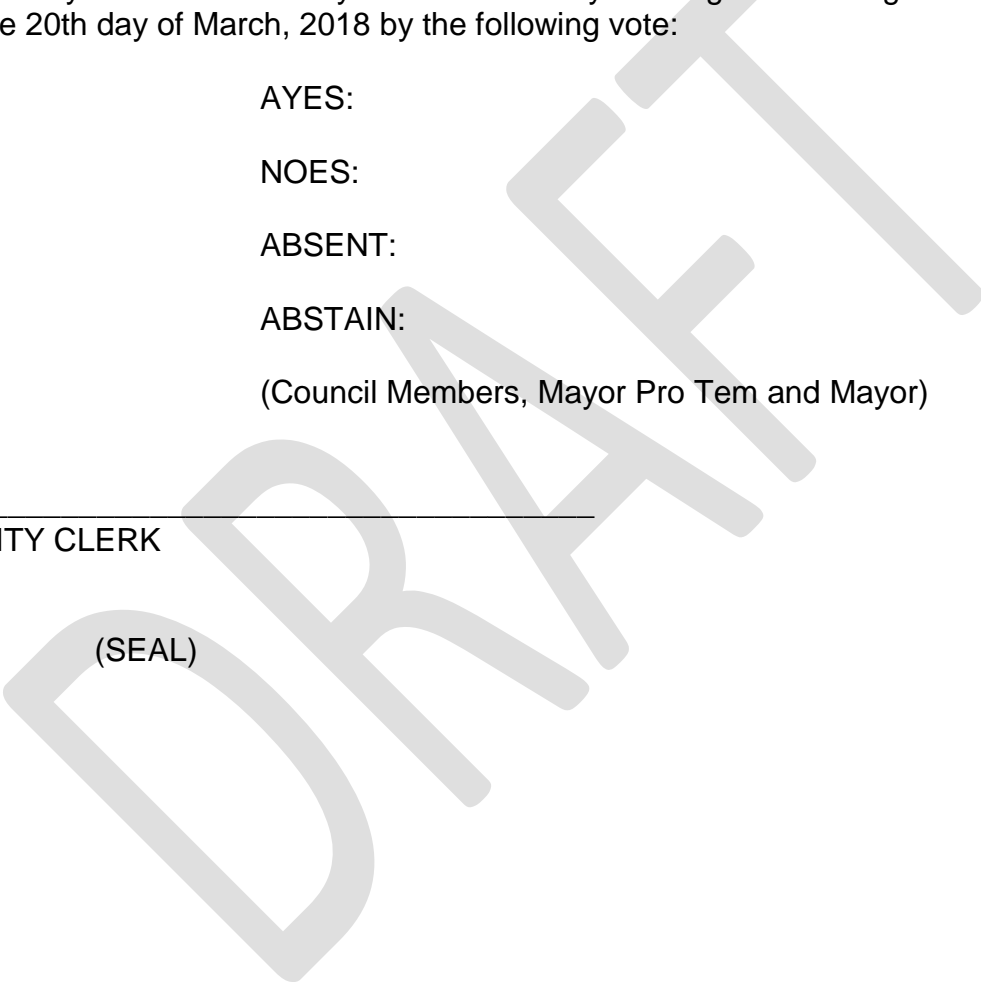
ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)



Permitted Uses Table 9.02.020-1

X - Indicates stated use is permitted subject to district requirements.
 C - Indicates stated use is allowed with a conditional use permit.
 ♦ - Indicates a use is permitted unless the use is located three hundred (300) feet or less from a residential zone or use, in which case the use is allowed with a conditional use permit. However, the expansion of an existing general manufacturing use is allowed without a conditional use permit regardless of its distance from residential zones or residential uses.
 A - Indicates a use is permitted with an adult business use permit, providing the requirements of Section 9.09.030 of this title are met.
 S - Indicates a use is permitted, providing the requirements of 9.09.280 (Smoke Shops) of this title are met. A conditional use permit is required if dictated by the distance criteria.
M - Indicates a use is allowed with a conditional use permit, providing the requirements of 9.09.290 (Commercial Cannabis Activities) of this title are met.

	Residential Zones												Mixed Use Overlay			Commercial & Office Zones						Industrial Zones					
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUI (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS	
Adult Businesses																	A		A	A		A	A	A	A		
Agricultural Uses—Crops Only	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Agricultural (involving structures)																						X					
Aircraft Landing Facilities																	C		C	C	C	C					
Ambulance Service																	♦				♦	X	X	X	X		
Amusement Parks, Fairgrounds																	♦					X					
Animal Raising (see Section 9.09.090 of this title)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Appliance and Electronic Repair Shops												X	X	X	X	X	X					X	X		X		
Arcades, Video Machines																♦	X	♦									
Athletic Clubs, Gymnasiums and Spas												X	X	X	X	X	X		X			X	X	X	X		
Auction Houses																	X								X		
Auditoriums												♦	♦	♦			♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	
Auto Electronic Accessories and Installation																	X					X	X		X		
Automobile Fleet																						X	X				

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones				OS		
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9.11)	MUC (9.11)	MUI (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP		BPX	
Storage																											
Automobile, Motorcycle, Truck, Golf Cart, Recreational Vehicle and Boat Sales and Incidental Minor Repairs and Accessory Installations																	◆						X	X			
Auto Service Stations Accessory uses include convenience store and car wash Minor repairs to include auto/boat/motorcycle/RV (excludes major repair, paint, body work)																◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	
Automotive, Boat, Motorcycle and RV Repair—Minor (includes brake, muffler and tire installation and repair)																◆	X					X	X		X		
Automotive Paint and Body Repair—Major Engine Overhaul																	◆					X					
Auto Rentals																	X						X	X	X		

Attachment: Exhibit B - Permitted Use Table [Revision 1] (2977 : Commercial Cannabis Land Use

Permitted Uses Table 9.02.020-1

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones						Industrial Zones						
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUI (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS		
Auto Supply Stores													X	X	X	X	X					X	X			X		
Bakery Shops													X	X	X	X	X	X									X	
Bakery—Commercial																						X						
Banks—Financial Institutions													X	X	X	X	X	X	X	X					X	X		
Barber and Beauty Colleges													X	X	X	X	X		X	X				X	X			
Bars (Drinking Establishments)																												
Bars													C	C	C	C	C	C										
Bars, with Limited Live Entertainment													C	C	C	C	C	C										
Boat Sales New and Used Including Repairs and Accessory Installation																	♦						X					
Boarding and Rooming Houses									X	X	X	X	X	X														
Bowling Alley													♦	♦	♦	X	X											
Building Material Sales																	♦											
With outdoor storage																	♦						X	X				
Building Material Storage Yards																							X					
Bus, Rail and Taxi Stations															♦		♦											
Business Equipment													X	X	X	X	X	X	X							X		

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones						Industrial Zones				OS			
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUI (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX				
Sales (includes repairs)																													
Business Schools													X	X	X	X	X	X	X	X				X	X	X			
Business Supply Stores													X	X	X	X	X		X				X	X		X			
Cabinet Shop																							X	X	X	X			
Caretakers Residence ¹																♦	♦	C	♦	♦	♦	♦	♦	♦	♦	♦			
Car Wash																X	X						X						
Accessory to auto related use																♦	♦						X						
Catering Service													X	X	X	X	X	X							X	X			
Cemetery (Human or Pet) With or Without Accessory Mortuary and Cremation Services (Minimum 10-acre site required)	C	C	C	C	C	C	C	C	C	C	C	C																	
Churches ²	C	C	C	C	C	C	C	C	C	C	C	C	♦	♦	♦	♦	♦	C	♦	♦	♦	♦	♦	♦	♦	♦			
Clubs								♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦					C		
<u>Commercial Cannabis Activities</u> ¹⁷																													
<u>Cultivation</u> ¹⁸																											M	M	M
<u>Dispensary</u> ¹⁹																	M	M										M	M
<u>Manufacturing</u> ²⁰																											M	M	M
<u>Testing</u> ²¹																											M	M	M
<u>Microbusiness</u> ²²																													M
<u>Distribution Center</u> ²³																	M	M									M	M	M
Commercial Radio or																													

Attachment: Exhibit B - Permitted Use Table [Revision 1] (2977 : Commercial Cannabis Land Use

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones						Industrial Zones					
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Television Stations																											
With on-site antenna																	♦						♦	♦	♦	♦	
Without on-site antenna																	X						X	X	X	X	
Communications Facilities (See Section 9.09.040 of this title)																											
Computer Sales and Repairs													X	X	X	X	X		X				X	X	X	X	
Contractors Storage Yard																							X				
Convalescent Homes/Assisted Living							C	C	C	C	C	C	♦	♦	♦	♦	♦	♦	♦	♦	♦						
Convenience Stores																											
With drive-through																X	X										
Without drive-through													X	X	X	X	X										
With alcohol sales													♦	♦	♦	♦	♦										
Convention Hall, Trade Show, Exhibit Building with Incidental Food Services																			♦			♦					
Copy Shops													X	X	X	X	X	X	X	X			X	X	X	X	
Country Club	C	C	C	C	C	C	C	C	C	C	C	C															
Dancing, Art, Music and Similar Schools													X	X	X	X	X	X	X	X				X	X	X	
Day Care Centers	C	C	C	C	C	C	C	C	C	C	C	C	♦	♦	♦	♦	♦	♦	♦	♦	♦		♦	♦	♦	♦	C
Delicatessens													X	X	X	X	X	X	X				X	X	X		

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	Residential Zones											Mixed Use Overlay			Commercial & Office Zones					Industrial Zones						
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUI (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS
Diaper Supply Service																						X				
Laundry with fleet storage																						X				
Disposal company																						X				
Drapery Shops													X	X	X	X	X	X								
Dressmaking Shops												X	X	X	X	X	X									
Driving School												X	X	X	X	X			X	X			X	X	X	
Drug Stores												X	X	X	X	X	X									
Dry Cleaning or Laundry																										
a. Dry Cleaning												X	X	X	X	X	X	X							X	
b. Laundromat												X	X	X	X	X	X	X								
c. Laundry Commercial																						X	X			
Emergency Shelters ¹⁴																	C		C	C	X	C			C	C
Equestrian Centers, Riding Academies, Commercial Stables (including incidental sales of feed and tack)	C	C	C	C												♦										C
Exterminators																	C					X	X	X	X	
Farm Worker Housing									X	X	X	X														
Feed and Grain Stores																X	X	X								
Fire and Police Stations	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Floor Covering Stores (may include incidental repairs with installation service)												X	X	X	X	X						X				

Attachment: Exhibit B - Permitted Use Table [Revision 1] (2977 : Commercial Cannabis Land Use

Permitted Uses Table 9.02.020-1

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	Residential Zones											Mixed Use Overlay			Commercial & Office Zones					Industrial Zones				OS				
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9.11)	MUC (9.11)	MUI (8,10,11)	NC	CC	VC	OC	O	P	I	LI		BP	BPX		
Fraternity/Sorority								C	C	C	C	C											X	X				
Frozen Food Locker																							X	X				
Gasoline Dispensing - Non-retail accessory to an auto-related use																	X						X	X	X	X		
Glass Shops and Glass Studios—Stained, etc.																X	X						X	X			X	
Golf Courses or Golf Driving Ranges with Incidental Commercial Uses	C	C	C	C	C	C	C	C	C	C	C	C																♦
Handicapped Housing								X	X	X	X	X	X	X	X													
Heavy Equipment Sales and Rentals																	X							X	X			
Hospitals															♦		♦		♦	♦						C	C	C
Hotels																												
a. With 20% or less of the units containing kitchens													X	X	X		X		C					X	X	X		
b. With over 20% of the units containing kitchens													C	C	C		C		C					C	C	C		
Ice Cream Stores—Including Yogurt Sales													X	X	X	X	X	X	X								X	
Impound Yards																							X					
Jewelry Stores													X	X	X	X	X	X										

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Permitted Uses Table 9.02.020-1

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones				OS		
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUI (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP		BPX	
Kennel and Catteries	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		♦	♦	♦	♦	C				
Laboratories (medical and dental)													X	X	X	X	X		X	X		X	X	X	X		
Libraries	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X		
Liquor Stores													♦	♦		♦	♦										
Live/Work Unit (12)													X	X	X												
Locksmith Shops													X	X	X	X	X	X				X	X	X	X		
Lodge Halls and Similar Facilities													♦	♦	♦	♦	♦		♦					♦	♦		
Lumberyards																	X					X					
Mail Order House																	X					X	X	X	X		
Manufacturing and Assembly																											
a. Custom and light manufacturing indoor uses only (50,000 square feet or less), with light truck traffic, on-site and wholesaling of goods produced																						X	X	X	X		
b. Custom and light manufacturing indoor uses only (more than 50,000 square feet), with light truck traffic, on-site and wholesaling of goods produced																						X	X				

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Permitted Uses Table 9.02.020-1

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M- **Indicates a use is allowed with a conditional use permit, providing the requirements of 9.09.290 (Commercial Cannabis Activities) of this title are met.**

	Residential Zones											Mixed Use Overlay			Commercial & Office Zones					Industrial Zones				OS		
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUI (8,10,11)	NC	CC	VC	OC	O	P	I	LI		BP	BPX
c. General manufacturing with frequent truck traffic and/or outdoor equipment or storage																						X	X			
d. Retail sales of goods produced or warehoused on-site ³																						X	X	X	X	
Medical Clinics/Medical Care																										
Inpatient care												X	X	X	X	X			X	X		X	X	X	X	
Urgent care												X	X	X	X	X			X	X						
Medical device services and sales (retail), including, but not limited to, fittings for and sale of prosthetic and orthotic devices														X	X	X			X							
Medical equipment supply, including retail sales for in-home medical care, such as wheelchairs, walkers, and respiratory equipment														X	X	X			X							
Mobile Home Parks	C	C	C	C	C	C	C	C	C	C	C	C														

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Permitted Uses Table 9.02.020-1

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones				OS	
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUI (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP		BPX
Mobile Home Sales or Rentals (outdoor display)																	C									
Mortuaries																										
With cremation services																							X	X		
No cremation services			C	C	C	C	C	C	C	C	C				♦	♦	♦						X	X		
Museums	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Newspaper and Printing Shops												X	X	X	X	X						X	X	X	X	
Nightclubs													C	C		C										
Nursery, (Plant), Wholesale and Distribution	X	X	X	X																		X	X			X
Offices (administrative and professional)												X	X	X	X	X	X	X	X				X	X	X	
Open Air Theaters															C						C					C
Orphanages	C	C	C	C	C	C	C	C	C	C	C															
Painting Contractor																						X	X			
Parcel Delivery Terminals																						X	X	X	X	
Parking Lot															C	C	X	X	C					X		
Parks and Recreation Facilities (public)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Personal Services (e.g., nail salons, spa facilities ¹⁵ , barber and												X	X	X	X	X	X	X							X	

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones						Industrial Zones				OS
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUI (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	
beauty shops, and tattoo parlors)																										
Pharmacy ⁴													X	X	X	X	X	X	X							X
Photo Studios													X	X	X	X	X	X	X							X
Plumbing Shops																	X									X
Plumbing Supply Stores for Contractors																							X	X	X	
Pool Hall														♦		♦	♦									
Postal Services													X	X	X	X	X	X	X				X	X	X	
Pottery Sales with Outdoor Sales													X	X	X	X	X	X				X			X	
Public Administration, Buildings and Civic Centers													X	X	X	X	X	X	X	X	X	X	X	X	X	
Public Utility Stations, Yards, Wells and Similar Facilities, Excluding Offices	C	C	C	C	C	C	C	C	C	C	C	C	♦	♦	♦	♦	♦	♦	♦	♦	♦	X	X	♦	♦	C
Racetracks																	C				C					
Record Store													X	X	X	X	X	X								
Recording Studio													X	X	X	X	X	X	X	X		X	X	X	X	
Recreational Facilities (Private) such as Tennis Club, Polo Club, with Limited Associated Incidental Uses	C	C	C	C	C	C	C	C	C	C	C	C	♦	♦	♦	♦	♦	♦								

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones						Industrial Zones				OS	
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9.11)	MUC (9.11)	MUI (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX		
Recycling, Large Collection Facility ⁵																	♦						X	X			
Recycling, Small Collection Facility													X	X	X	X	X	X									
Recycling Processing Centers																							X	X	X	X	
Refreshment Stands													X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Rental Service																											
Within an enclosed structure (furniture, office, party supplies)													X	X	X	X	X	X					X	X	X	X	
With outdoor storage and display (vehicles, equipment, etc.)																	♦	♦					X	X			
Research and Development													X	X	X					X	X		X	X	X	X	
Residential																											
Single-Family	X	X	X	X	X	X	X	X																			
Multiple-Family									X	X	X	X	X	X	X												
Manufactured home park (see mobile home parks)																											
Residential Care Facility (for seven or more persons)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	X												

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones				OS		
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUI (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP		BPX	
Restaurants (Eating and Drinking Establishments)																											
Without entertainment													X	X	X	X	X	X	X							X	
With Limited Live entertainment													X	X	X	X	X	X	X								
With alcoholic beverage sales													X	X	X	X	X	X	X							X	
With outdoor seating ¹³													X	X	X	X	X	X	X							X	
Restaurants (fast-food)																											
With drive-through																♦	♦										♦
Without drive-through													X	X	X	X	X									X	
Retails Sales													X	X	X	X	X	X									
Support Retail Sales													X	X	X				X							X	
Sandwich Shops ⁶													X	X	X	X	X	X	X	X ⁶							
Schools, Private	C	C	C	C	C	C	C	C	C	C	C	C	♦	♦	♦	♦	♦			♦	♦				♦	♦	
Senior Housing	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X					X	X						
Shoe Shine Stands													X	X	X	X	X		X	X					X	X	
Shoe Repair Shop													X	X	X	X	X	X									
Sign Shop													X	X	X	X	X	X					X	X	X	X	
Single room occupancy (SRO) facility												C	C	C	C		X										
Skating Rinks														X			X										
Smoke Shops ¹⁶																S	S	S	S								
Stationery Stores													X	X	X	X	X	X	X						X	X	
Statue Shop -Outdoor																	♦						X	X			

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones					
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display																										
Storage Lots and Mini-Warehouses																										
Indoor																	C						X			
Outdoor																	C						X			
Swim Schools/Center with Incidental Commercial Uses	C	C	C	C	C	C	C	C	C	C	C						X									
Taxidermist																	X						X	X		
Theaters (excludes open air)													X	X	X	X	X	X								
Tire Recapping																							X			
Trade and Vocational Schools													X	X	X		X		X	X				X	X	X
Transfer, Moving and Storage Facilities																							X	X		
Truck Wash																							X	X		
Upholstery Shops																	X						X	X		X
Vehicle Storage Yards																										
Indoor																	X						X	X		
Outdoor																	C						X	X		
Vending Machine Service and Repair																							X	X	X	X
Veterinarian (including animal hospital)																										
All activities within an													X	X	X	X	X							X	X	

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enclosed structure																											
With outdoor activities																	♦								♦	♦	
Weight Reduction Center													X	X	X	X	X	X	X								
Wholesale, Storage, and Distribution																											
All activities indoors (50,000 square feet or less)																							X	X	X	X	
All activities indoors (more than 50,000 square feet)																							X	X			
All activities outdoors																							X				
Retail sale of goods warehoused on-site ⁷																						X	X	X			
Wrecking Yard																							♦				

Notes:

- (1) Do not consider residential use per distance requirement.
- (2) The administrative plot plan process may be used to establish these uses in an existing building within any commercial or industrial zone, even if the project is located adjacent to residential uses or zones.
- (3) Retail is limited to fifteen (15) percent of gross floor area (see Section 9.05.040 of this title).
- (4) Permitted in the OC and VOR districts only as a support medical office facility.
- (5) Large collection facilities may be established within an existing building through the “tenant improvement” process if such building or tenant space occupied by the use is not located adjacent to a residential use or zone.

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	Residential Zones											Mixed Use Overlay			Commercial & Office Zones					Industrial Zones						
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9.11)	MUC (9.11)	MUI (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS

- (6) Sandwich shops shall not have cooking hoods, nor shall they exceed five percent of the gross floor area of the complex where they are located.
- (7) Retail is limited to fifteen (15) percent of gross floor area (see Section 9.05.040 of this title).
- (8) In the MUI district, mixed use (commercial uses on first floor with office uses or residential uses on upper floors) are (a) required to on lots at street intersections and within 300 feet in any direction from a street intersection, as measured from the corner formed by the lot's property lines, and (b) are allowed, but not required on the other lots.
- (9) In the MUC and MUN districts, mixed use (commercial uses on first floor with office uses or residential uses on upper floors) are (a) required to on lots at street intersections and within 150 feet in any direction from a street intersection, as measured from the corner formed by the lot's property lines, and (b) are allowed, but not required on the other lots.
- (10) See Section 9.07.40 (Medical Use Overlay District)
- (11) See Section 9.09.260 (Mixed Use Development)
- (12) See Section 9.09.250 (Live-Work Development)
- (13) See Section 9.09.270 (Outdoor Dining)
- (14) Use is also permitted in the Moreno Valley Industrial Area Plan (SP 208)
- (15) For Spa Facilities refer to Title 11, Chapter 11.96 of the Municipal Code.
- (16) See Section 9.09.280.C (Smoke Shops) for distance requirements that require a Conditional Use Permit.
- (17) See Section 9.09.290 (Commercial Cannabis Activities) for all Commercial Cannabis Activities regulations.**
- (18) Per Section 9.09.293.A.3 (Cannabis Business Locations and Use) a maximum of five (5) cannabis cultivation businesses are allowed Citywide.**
- (19) Per Section 9.09.293.A.1 (Cannabis Business Locations and Use) a maximum of ten (10) cannabis dispensaries are allowed Citywide.**
- (20) Per Section 9.09.293.A.4 (Cannabis Business Locations and Use) a maximum of five (5) cannabis manufacturing businesses are allowed Citywide.**
- (21) Per Section 9.09.293.A.2 (Cannabis Business Locations and Use) a maximum of two (2) cannabis testing facilities are allowed Citywide.**
- (22) Per Section 9.09.293.A.5 (Cannabis Business Locations and Use) a maximum of two (2) cannabis microbusiness facilities are allowed Citywide.**
- (23) Per Section 9.09.293.A.6 (Cannabis Business Locations and Use) a maximum of two (2) cannabis distribution centers are allowed Citywide.**

Attachment: Exhibit B - Permitted Use Table [Revision 1] (2977 : Commercial Cannabis Land Use

Permitted Uses Table 9.02.020-1

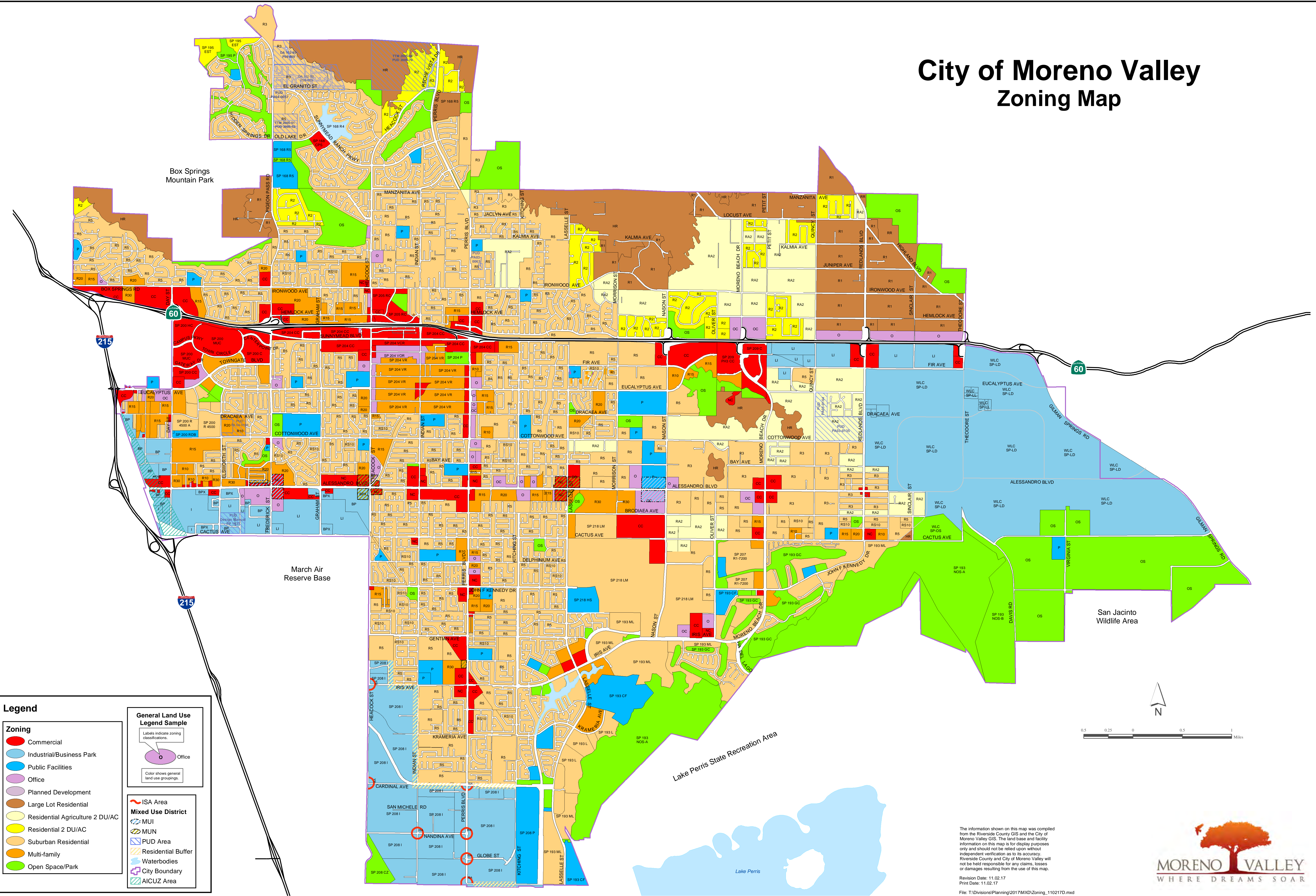
- X - Indicates stated use is permitted subject to district requirements.
- C - Indicates stated use is allowed with a conditional use permit.
- ◆ - Indicates a use is permitted unless the use is located three hundred (300) feet or less from a residential zone or use, in which case the use is allowed with a conditional use permit. However, the expansion of an existing general manufacturing use is allowed without a conditional use permit regardless of its distance from residential zones or residential uses.
- A - Indicates a use is permitted with an adult business use permit, providing the requirements of Section 9.09.030 of this title are met.
- S - Indicates a use is permitted, providing the requirements of 9.09.280 (Smoke Shops) of this title are met. A conditional use permit is required if dictated by the distance criteria.
- M - Indicates a use is allowed with a conditional use permit, providing the requirements of 9.09.290 (Commercial Cannabis Activities) of this title are met.**

	Residential Zones											Mixed Use Overlay			Commercial & Office Zones					Industrial Zones						
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9.11)	MUC (9.11)	MUI (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS

Zoning District Key

HR	Hillside Residential District	MU	Mixed Use Overlay District
RR	Rural Residential District	MUN	Mixed-Use Neighborhood Overlay District
R1	Residential 1 District (40,000 square feet minimum lot size)	MUC	Mixed-Use Community Overlay District
RA2	Residential Agriculture 2 (20,000 square feet minimum lot size)	MUI	Mixed-Use Institutional Anchor Overlay District
R2	Residential 2 District (20,000 square feet minimum lot size)	NC	Neighborhood Commercial District
R3	Residential 3 District (10,000 square feet minimum lot size)	CC	Community Commercial District
R5	Residential 5 District (7,200 square feet minimum lot size)	VC	Village Commercial District
RS10	Residential Single-Family 10 District (4,500 square feet minimum lot size)	OC	Office Commercial District
R10	Residential 10 District (Up to 10 Dwelling Units per net acre)	O	Office District
R15	Residential 15 District (Up to 15 Dwelling Units per net acre)	P	Public District
R20	Residential 20 District (Up to 20 Dwelling Units per net acre)	I	Industrial District
R30	Residential 30 District (Up to 30 Dwelling Units per net acre)	LI	Light Industrial
		BP	Business Park District
		BPX	Business Park-Mixed Use District
		OS	Open Space District

City of Moreno Valley Zoning Map



Legend

Zoning

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

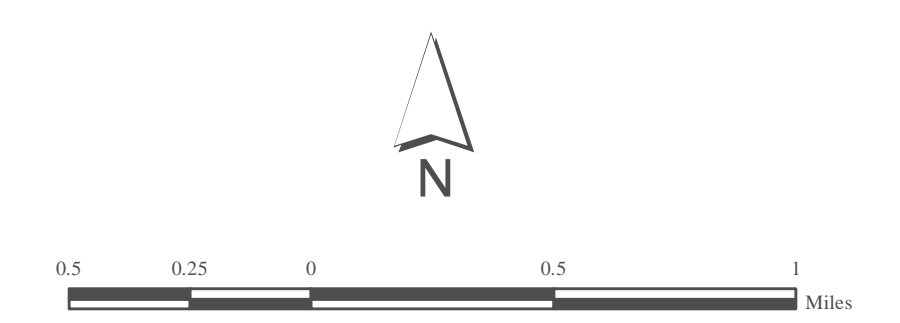
General Land Use Legend Sample

Labels indicate zoning classifications.

Color shows general land use groupings.

Mixed Use District

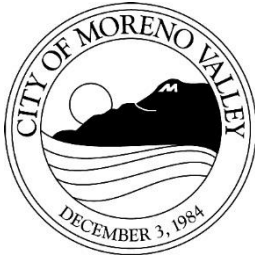
- ISA Area
- MUI
- MUN
- PUD Area
- Residential Buffer
- Waterbodies
- City Boundary
- AICUZ Area



The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley 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.

Revision Date: 11.02.17
 Print Date: 11.02.17
 File: T:\Divisions\Planning\2017\MXD\Zoning_110217D.mxd





PLANNING COMMISSION

STAFF REPORT

Meeting Date: February 22, 2018

PROPOSED TENTATIVE TRACT MAP 37369 SUBDIVIDING 1.6 ACRES INTO SEVEN LOTS INCLUDING A VARIANCE FOR REDUCED SETBACKS AND AN ADMINISTRATIVE PLOT PLAN FOR THE ADDITION OF A GARAGE

Case: PEN17-0128 Tentative Tract Map 37369
 PEN17-0129 Variance
 PEN17-0130 Administrative Plot Plan

Applicant: Ed Romero

Owner: Silvia Romero

Representative: Steven Ritchey

Location: 24645 Eucalyptus Avenue (428-040-017, 018)

Case Planner: Julia Descoteaux

Council District: 1

SUMMARY

The applicant, Ed Romero, is requesting approval of a Tentative Tract Map to subdivide 1.6 acres into seven residential lots in the Specific Plan 204, Village Residential (SP204VR). The site is already improved with single-family residences. The request includes a variance from development standards for setbacks on three lots, and a garage on Lot 6. A two car garage is also proposed to be added on Lot 1. The site is located on the south side of Eucalyptus Avenue between Indian Street and Perris Boulevard.

PROJECT DESCRIPTION

The proposed project includes multiple applications required to complete the Tentative Tract Map. The applications include a Tentative Tract Map to subdivide the 1.6 acres into seven lots, a Variance application for reduced setbacks on lots 3, 4, and 7, and for a non-conforming garage on lot 6, and an Administrative Plot Plan for a new garage on lot 1.

The site is within an existing neighborhood and currently includes seven residential dwelling units. Access to the site is from Eucalyptus Avenue via a private street where all seven units take access. The proposed project will divide the lots with each house being on its own lot.

Project

PEN17-0128 Tentative Tract Map 37369

The Tentative Tract Map will subdivide the existing two parcels into seven single-family residential lots that take direct access from the existing driveway included on the Map as a private street. The lots will range in size from 9,073 square feet to 11,178 square feet. The private street will be developed per the City's private street requirements with reciprocal access granted to each lot and will be maintained privately between the owners.

PEN17-0129 Variance

A Variance is necessary for lots 3, 4, 6 and 7 as the existing dwellings do not comply with the residential development setback requirements in Specific Plan 204. The Specific Plan requires all single family residential side yards to be a minimum of five (5) feet and street side setbacks to be fifteen feet. Additionally, two car garages are required by the City's Municipal Code which applies because this standard is not addressed in the Specific Plan. This site was developed prior to the current Specific Plan and the Municipal Code.

The interior side yard setbacks for lots 3 and 4 (southern property line) will be approximately 3'6" which is one and a half foot less than the 5' development standard.

The street side property line of lot 7 will be 12'6" which is two and one half feet less than required 15'.

Lot 6 was originally constructed with a one-car garage, however there is no viable opportunity to alter the existing garage structure to conform to the current two enclosed parking space requirement. The Variance from the two space requirement is necessary to address this physical limitation of the property.

Except for the above described deviations, all other development requirements for single family development in Specific Plan 204 have been met. Due to the existing conditions on the site where all units currently exist, a variance is the appropriate process to achieve the subdivision.

Administrative Plot Plan

The City's Municipal Code requires that all single family residences include a two car garage (20X20) for adequate parking. Currently lot 1 does not have a garage; however, there is a location on the site to build one. To keep in compliance, the project applicant will be required to construct a garage on lot 1 prior to the recordation of the final map. The garage will match the existing dwelling in color and materials.

Site, Access and Parking

The site is located on the south side of Eucalyptus Avenue between Indian Street and Perris Boulevard and consists of two parcels that are .69 and .91 acres in area. Both lots have existing residential dwellings. A private driveway extending from Eucalyptus Avenue south provides access to each dwelling. Parking is provided on individual driveways. All utilities are currently serving the site.

The utility pole currently located in the driveway will be relocated or placed underground outside of the driveway to eliminate the conflict. This is addressed in the conditions of approval. The property owner will coordinate with Southern California Edison to coordinate the process.

Surrounding Area

The surrounding area is within the Specific Plan 204 Village Residential which provides for both single family and multi-family development.

Design/Landscaping

The property owner will be required to landscape the front yards of all of the residential lots prior to the recordation of the Map to ensure they meet the current standards of a residential development.

ENVIRONMENTAL

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

NOTIFICATION

Public notices for the public hearing were sent to all property owners of record within 300 feet of the project on February 8, 2018. The public hearing notice was also posted on the project site on February 9, 2018 and published in the local newspaper on

February 11, 2018. All noticing has been performed consistent with the City Municipal Code

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2018-11 and 2018-12, and thereby:

1. **CERTIFY** that this item is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 32 Categorical Exemption, CEQA Guidelines, Section 15332 (In-Fill Development); and
2. **APPROVE** PEN17-0129 (Variance).
3. **APPROVE** Tentative Parcel Map 37369, PEN17-0128, subject to the conditions of approval attached as Exhibit A.

Prepared by:
Julia Descoteaux
Associate Planner
Official

Approved by:
Richard J. Sandzimier
Community Development Director/ Planning

ATTACHMENTS

1. 2018-11 Map Resolution
2. Exhibit A to Resolution No. 2018-11
3. 2018-12 Variance Resolution
4. Tentative Tract Map 37369
5. Lot 3 Variance
6. Lot 4 Variance
7. Lot 6 Variance
8. Lot 7 Variance
9. 300 Foot notice

PLANNING COMMISSION RESOLUTION NO. 2018-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING PEN17-0128, TENTATIVE TRACT MAP 37369 TO SUBDIVIDE 1.6 ACRES INTO SEVEN RESIDENTIAL LOTS, ASSESSORS PARCEL NUMBERS 482-040-017 AND 482-040-018.

WHEREAS, the applicant, Ed Romero, has filed an application for the approval of PEN17-0128 Tentative Tract Map 37369 as described in the title of this Resolution; and

WHEREAS, the application has been evaluated in accordance with established City of Moreno Valley procedures, and with consideration of 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 11, 2018. Public notice was sent to all property owners of record within 300 feet of the project site on February 8, 2018. The public hearing notice for this project was also posted on the project site on February 9, 2018; and

WHEREAS, on February 22, 2018, the Planning Commission held a public hearing to consider the application; 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, by the Planning Commission of the City of Moreno Valley as follows:

- A. This Planning Commission hereby 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 meeting on February 22, 2018, including written and oral staff

reports: and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

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

FACTS: Tentative Tract Map 37369 will subdivide 1.6 acres into seven single family residential lots. The proposed project is within the Specific Plan 204 Village Residential which allows single family residential developments and is therefore consistent with the City's General Plan and the Specific Plan 204.

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

FACTS: The proposed tentative tract map is consistent with the Village Residential designation of the Specific Plan 204 which is consistent with the City's General Plan for residential development. With the approval of the proposed Variance, the tract map is consistent with the development standards in the Specific Plan and the City's Municipal Code where the Specific Plan is silent. The tract map would create seven single family residential parcels. The site is currently two parcels with seven existing single family units.

3. That the site of the proposed land division is physically suitable for the type of development and density.

FACTS: The tentative tract map is located on the south side of Eucalyptus Avenue between Indian Street and Perris Boulevard. The proposed tentative tract map will subdivide the two parcels into 7 single family residential lots. The existing dwelling units will remain creating the seven lot subdivision.

The surrounding land uses near the site include single-family residential and multi-family uses all within the Specific Plan 204 Village Residential.

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

FACTS: The tract map does not have the potential for a significant impact on the environment. The site includes two parcels totaling 1.6 acres with seven existing dwelling units. As the site is

developed it will not cause environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

5. That the design of the proposed land division or the type of improvements are unlikely to cause serious public health problems.

FACTS: The tentative tract map as designed and conditioned is compatible (with the approval of the Variance) will be compatible with existing and proposed land uses in the vicinity and therefore unlikely to cause serious public health problems.

6. That the design of the proposed land division or type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

FACTS: The proposed Tentative Tract Map will not conflict with any easements acquired by the public at large for access or use of the property within the subdivision. All parcels will include independent utilities and include access via the Private Street as proposed.

7. That the design of the map will not conflict with the requirements under the Williamson Act.

FACTS: The site is not under a Williamson Act contract entered into pursuant to the California Land Conservation Act. Therefore, proposed map is not subject to the Williamson Act.

8. That the proposed land division and the associated design and improvements are consistent with the applicable ordinances of the city.

FACTS: The proposed single family residential tract map is compatible with the established land use designations of the parcels in the area, allowing for various types of housing, consistent with the City's development standards.

C. 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 Rat 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 PEN16-0052 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 Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2018-11, and thereby:

1. **CERTIFY** that this item is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 32 Categorical Exemption, CEQA Guidelines, Section 15332 (In-Fill Development); and
2. **APPROVE** Tentative Parcel Map 37369, PEN17-0128, subject to the attached conditions of approval attached as Exhibit A.

APPROVED this 22nd day of February, 2018.

AYES:
 NOES:
 ABSTAIN:

 Jeffrey Barnes
 Chair, Planning Commission

ATTEST:

 Albert Armijo
 Interim Planning Manager

APPROVED AS TO FORM:

 City Attorney

Attachments

Attachment: 2018-11 Map Resolution [Revision 1] (2982 : PEN17-0128 Tentative Tract Map 37369)

CONDITIONS OF APPROVAL

Tentative Tract Map (PEN17-0128)

Page 1

CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Tentative Tract Map (PEN17-0128)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. 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)
2. 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. (MC 9.02.230)

Special Conditions

3. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.
4. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020)
5. A drought tolerant landscape palette shall be utilized throughout the tract in compliance with the City's Landscape Requirements. (9.17)
6. Prior to recordation of the map, front and street side yard landscape and irrigation plans shall be submitted to, approved by the Planning Division, installed and inspected by the Planning Division. The plans shall be prepared in accordance with the City's Municipal Code Landscape Requirements, and include required street trees.
7. "Prior to recordation of the final subdivision map, the following documents shall be submitted to and approved by the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:
 - A. The document to convey title

CONDITIONS OF APPROVAL

Tentative Tract Map (PEN17-0128)

Page 2

B. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use items such as general building maintenance (apartments, condominiums and townhomes) tot lot/public seating areas and other recreation facilities or buildings. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

In addition, the following deed restrictions and disclosures shall be included within the document and grant deed of the properties:

- A. The developer and/or homeowners association shall promote the use of native plants and trees and drought tolerant species.
 - B. Maintenance of any and all common facilities.
8. Prior to the recordation of the map, the developer shall provide documentation that contact was made Building and Safety and to the U.S. Postal Service to determine the legal addresses and the appropriate type and location of mailboxes.
 9. The site has been approved for Tentative Tract Map 37369 to subdivide two parcels into seven single family residential lots within the Specific Plan 204, Village Residential. The site is currently developed with seven units which will remain. A change or modification shall require separate approval.
 10. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to property file a final map before the expiration.
 11. An Administrative Plot Plan (PEN17-0130) will be approved for the addition of a two car garage to be constructed on Lot 1. Construction of the garage must be completed prior to recordation of the final map.

Building Division

12. Prior to recordation of the map, all properties are required to obtain a valid property address. Addresses can be obtained by contacting the Building Safety Division at 951.413.3350.

CONDITIONS OF APPROVAL

Tentative Tract Map (PEN17-0128)

Page 3

PUBLIC WORKS DEPARTMENT**Land Development**

13. 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]
14. The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
- (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
 - (b) Observance of working hours as stipulated on permits issued by the Land Development Division.
 - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
 - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements during the grading operations.
- Violation of any condition, restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedy as noted in City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
15. 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]
16. The tentative map, master plot plan, plot plan, or conditional use permit shall correctly show all existing easements, traveled ways, and drainage courses. Any omission may require the map or plans associated with this application to be resubmitted for further consideration. [MC 9.14.040(A)]

Prior to Map Approval

17. After recordation, a digital (pdf) copy of the recorded map shall be submitted to the Land Development Division.

CONDITIONS OF APPROVAL

Tentative Tract Map (PEN17-0128)

Page 4

18. Final maps (prepared by a registered civil engineer and/or licensed surveyor) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
19. All street dedications shall be free of all encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

Prior to Encroachment Permit

20. All applicable inspection fees shall be paid.
21. All work performed within public right-of-way requires an encroachment permit. Security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. For non-subdivision projects, the City Engineer may require the execution of a Public Improvement Agreement (PIA) as a condition of the issuance of a construction or encroachment permit. All inspection fees shall be paid prior to issuance of construction permit. [MC 9.14.100(C.4)]

Special Conditions

22. ADP Fee
Prior to map recordation, 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]
23. Public Improvements
Prior to map recordation, the developer shall complete all public improvements, as applicable, 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, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, 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. Undergrounding of all existing and proposed utilities adjacent to and on-site, and/or as approved by the City Engineer. [MC 9.14.130]

CONDITIONS OF APPROVAL

Tentative Tract Map (PEN17-0128)

Page 5

Relocation of overhead electrical utility lines including, but not limited to: Electrical, cable, and telephone, and/or as approved by the City Engineer.

24. Street Offer of Dedication

Prior to map approval, the map shall designate a 14' wide street offer of dedication along the project's Eucalyptus Avenue frontage. Eucalyptus Avenue is designated as a Minor Arterial (88' R/W / 64' CC) per City Standard Plan MVSI-105A-1.

25. Reciprocal Access Easement

Prior to map approval, the map shall designate a 50' wide ingress/egress easement for the benefit of APN 482-040-016, fronting Eucalyptus Avenue and adjacent to the project.

Special Districts Division

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

27. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services District Zone A (Parks & Community Services) and Zone C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual parcel taxes for Zone A and Zone C for operations and capital improvements.

Transportation Engineering Division

28. Eucalyptus Avenue is designated as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-0. Any improvements undertaken by this project shall be consistent with the City's standards for this facility.

29. The project driveway on Eucalyptus Avenue shall conform to City of Moreno Valley Standard No. MVSI-112C-0 for Commercial Driveway Approaches.

30. Sight distance at the proposed driveway on Eucalyptus Avenue shall conform to City of Moreno Valley Standard No. MVSI-164A,B,C-0 at the time of preparation of final grading, landscape, and street improvement plans.

31. Prior to issuance of an encroachment permit for works within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer may be required for plan approval or as required by the City Traffic Engineer.

32. Prior to approval of final map, the existing power pole at the middle of the project driveway on Eucalyptus Avenue shall be relocated to another location outside of the

CONDITIONS OF APPROVAL

Tentative Tract Map (PEN17-0128)

Page 6

driveway as approved by Southern California Edison (SCE) representative. The applicant is responsible for coordinating with SCE and all the costs associated with relocating this power pole.

PLANNING COMMISSION RESOLUTION NO. 2018-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING PEN17-0129, A VARIANCE, TO REDUCE THE MINIMUM INTERIOR SIDE SETBACKS OF LOT THREE (3) AND LOT FOUR (4) TO 3'5" (FIVE FEET REQUIRED) ON THE SOUTH PROPERTY LINE, AND REDUCE THE STREET SIDE SETBACK TO 12'6" (FIFTEEN FEET REQUIRED), ON LOT 7 AND KEEP THE EXISTING SINGLE CAR GARAGE WHERE A TWO CAR GARAGE IS REQUIRED ON LOT 6 OF A PROPOSED RESIDENTIAL (SPECIFIC PLAN 204 VILLAGE RESIDENTIAL) SUBDIVISION, TENTATIVE TRACT MAP 37369. THE PROJECT IS LOCATED AT 24645 EUCALYPTUS AVENUE (ASSESSORS PARCEL NUMBER 482-040-017 AND 018)

WHEREAS, Ed Romero, has filed an application for the approval of a Variance (PEN17-0129) as described in the title of this Resolution; and

WHEREAS, the application has been evaluated in accordance with established City of Moreno Valley procedures, and with consideration of 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; and

WHEREAS, the public hearing notice for this project was published in the local newspaper on February 11, 2018. Public notice was sent to all property owners of record within 300 feet of the project site on February 8, 2018. The public hearing notice for this project was also posted on the project site on February 9, 2018; and

WHEREAS, on February 22, 2018, the Planning Commission of the City of Moreno Valley conducted a public hearing to consider the application; and

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

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; 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, IT IS HEREBY FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Moreno Valley as follows:

- A. This Planning Commission hereby 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 meeting on February 22, 2018 including written and oral staff reports and the record from the public hearing, this Planning Commission hereby specifically finds as follows:
 - 1. The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship not otherwise shared by others within the surrounding area or vicinity.

FACT: This project is a fully developed site with seven existing residences developed under the old County of Riverside standards pre-dating the City, the City's Municipal Code and the Specific Plan 204.

Current Specific Plan 204 Village Residential requirements provide for a minimum of five (5) foot setbacks for interior side setbacks and fifteen (15) feet for street side setbacks. The proposal of the variance in question is to reduce the minimum interior side setback to 3.5 feet for lots 3 and 4 and 12.5 feet for lot 7. The reduction in the required lot setback for Tract 37369 is justified, as an existing condition where without the Variance, the subdivision would not be possible.

The project will also require a Variance for lot 6 as the existing single car garage residence does not have the required two car garage, and due to the site constraints, a new garage or expansion to the existing is not feasible.

Tentative Tract Map 37369 will meet all other minimum site development standards of the current Specific Plan 204 Village Residential.

- 2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the vicinity and under the same zoning classification.

FACT: Because the property meets the objective of Specific Plan 204 Village Residential zoning, providing single family residential development and is compatible to adjacent existing developments, staff believes that the strict application of development standards deprives the property of privileges enjoyed by others in the same Specific Plan 204 Village Residential area.

3. Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by other owners in the vicinity and under the same zoning classification.

FACT: Because the property meets the objective of the Specific Plan 204 Village Residential zoning, providing single family residential development and is compatible with adjacent existing developments, staff believes that the strict application of development standards deprives the property of privileges enjoyed by others in the same Specific Plan 204 area. The reduction of the setbacks, approximately 1.5 feet for lots 3, 4 and 2.5 for lot 7, and the single car garage will not create a subpar parcel as the parcels range from 9,073 to 11,178 square feet. Lot 1 will be required to provide a two car garage per the City's Municipal Code for single family development.

The existing residences in the area range from small lots to large lots with single family and multi-family uses all allowed in the Specific Plan 204.

4. Approval of this Variance does not constitute the granting of a special privilege inconsistent with the limitations on other properties within the vicinity and under the same zoning classification.

FACT: The property has a unique situation where all of the units are existing, constructed prior to City incorporation and approval of Specific Plan 204.

Staff believes that the scope and scale of the project is comparable to development in the neighborhood where lots range from small lots to large lot single family and multi-family uses, all allowed in the Specific Plan 204. Apart from the requested variance, the project complies with the Specific Plan 204 Village Residential and Municipal Code and intent of the residential design guidelines.

5. Approval of the variance is not detrimental to the public health, safety or welfare and is not materially injurious to properties or improvements in the vicinity.

FACT: Planning staff, as is typical with all planning projects, has reviewed the request in accordance with the latest edition of the California Environmental Quality Act (CEQA) Guidelines and has determined the project will not result in any significant effect on the environment and qualifies for an exemption under the provisions of the CEQA as a Class 32 Categorical Exemption, CEQA Guidelines, Section 15332 (In-Fill Development).

6. The granting of a variance is consistent with the objectives and policies of the general plan and the intent of the title.

FACT: Staff believes that the scope and scale of the project is comparable to several similar projects in the neighborhood. Apart from the requested variance, the project complies with the Specific Plan 204 Village Residential and Municipal Code residential design guidelines.

C. 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 Rat 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 PEN17-0129 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 Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2018-12, and thereby:

1. **CERTIFY** that this item is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 32 Categorical Exemption, CEQA Guidelines, Section 15332 (In-Fill Development); and
2. **APPROVE** PEN17-0129 (Variance).

APPROVED this 22nd day of February 2018.

AYES:
NOES:
ABSTAIN:

Jeffrey Barnes
Chair, Planning Commission

ATTEST:

Albert Armijo
Interim Planning Manager

APPROVED AS TO FORM:

City Attorney

Attachment: 2018-12 Variance Resolution [Revision 2] (2982 : PEN17-0128 Tentative Tract Map 37369)

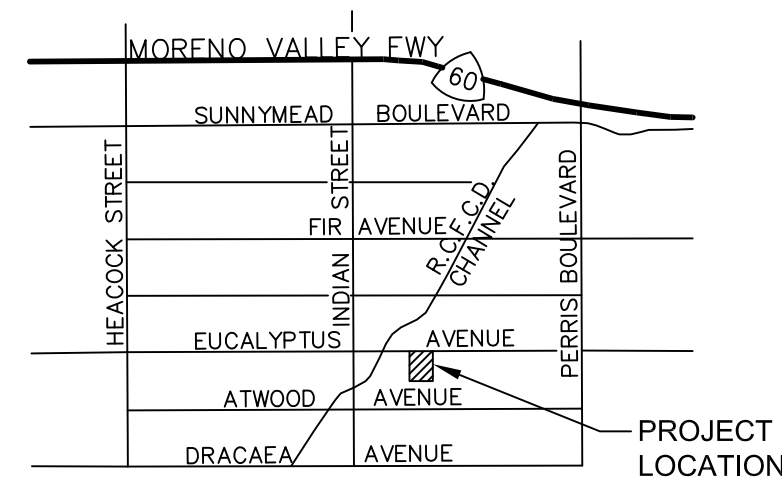
IN THE CITY OF MORENO VALLEY

TENTATIVE TRACT MAP NO. 37369

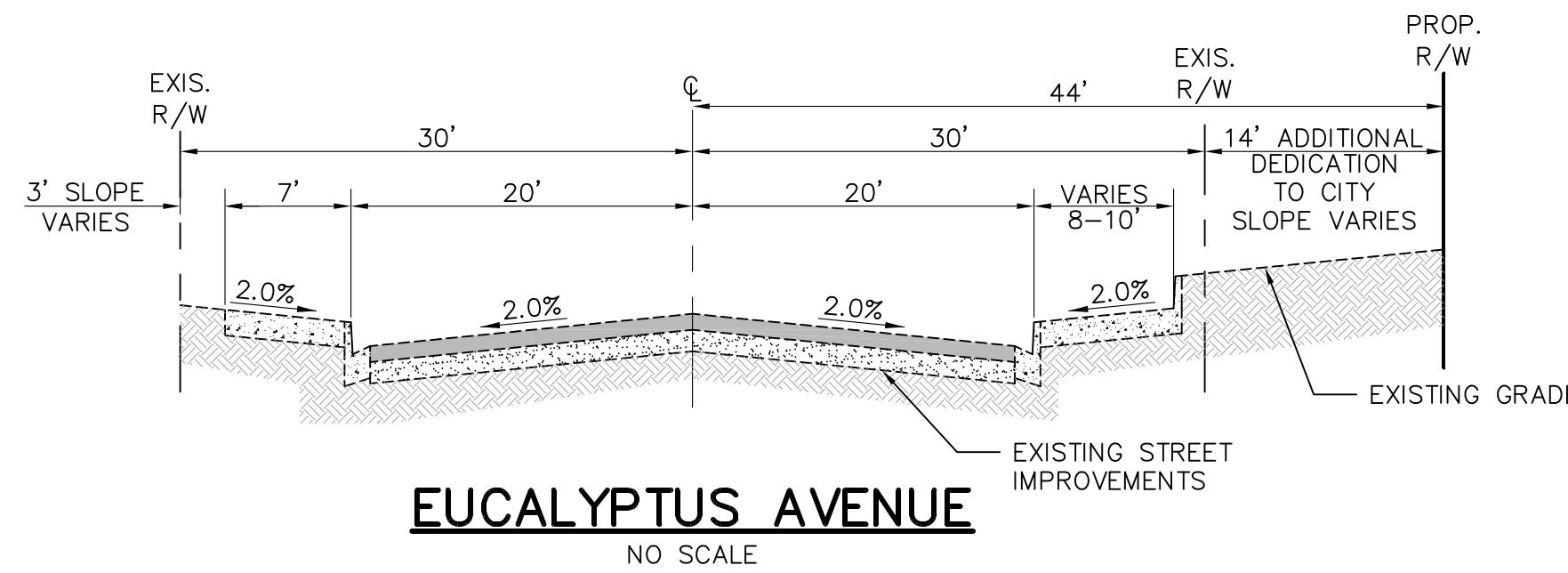
BEING A SUBDIVISION OF A PORTION OF LOTS 311 & 312 OF EDMONT GARDENS AS SHOWN IN BOOK 15, PAGE 90 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, STATE OF CALIFORNIA

LAND ENGINEERING CONSULTANTS, INC.

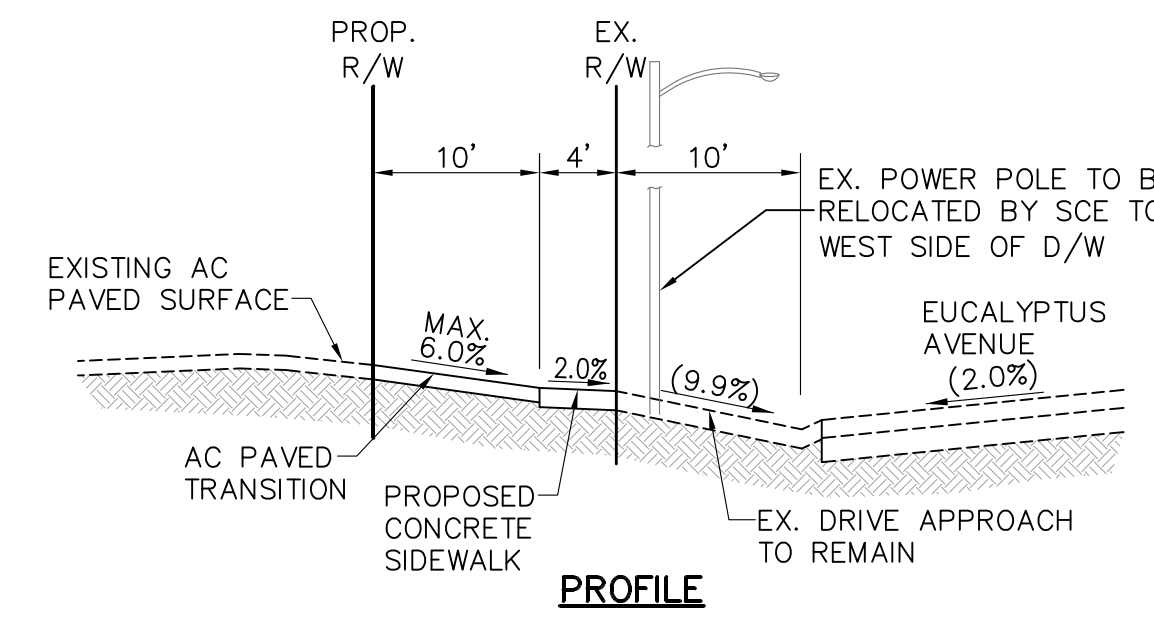
AUGUST 2017



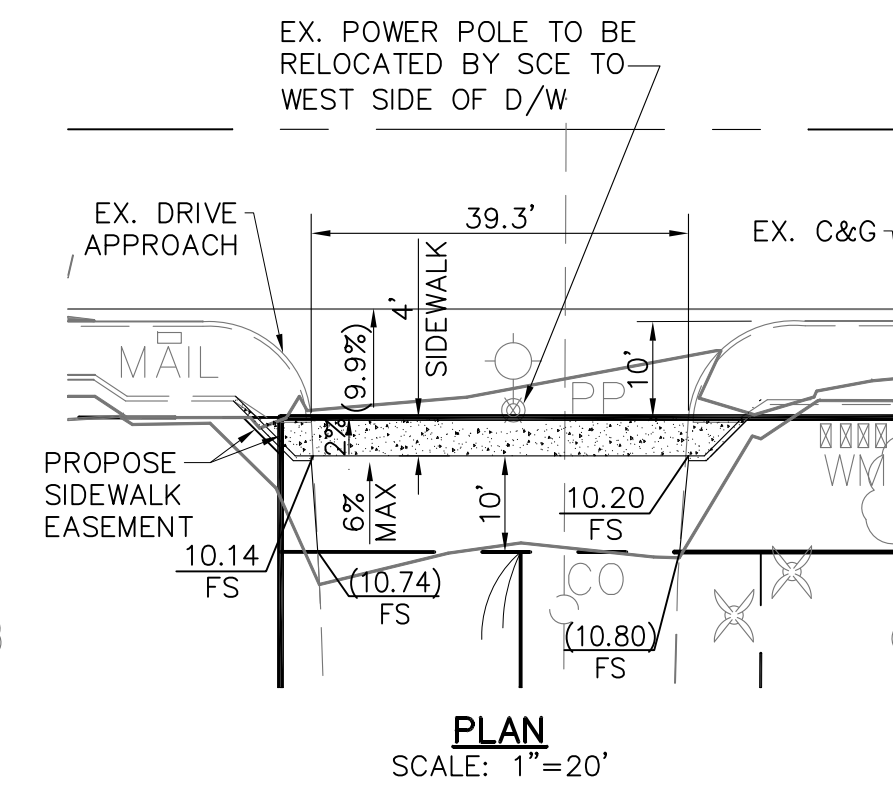
SEC. 7, T.3S., R.3W. VICINITY MAP NO SCALE



EUCALYPTUS AVENUE NO SCALE



PROFILE



PLAN SCALE: 1"=20'

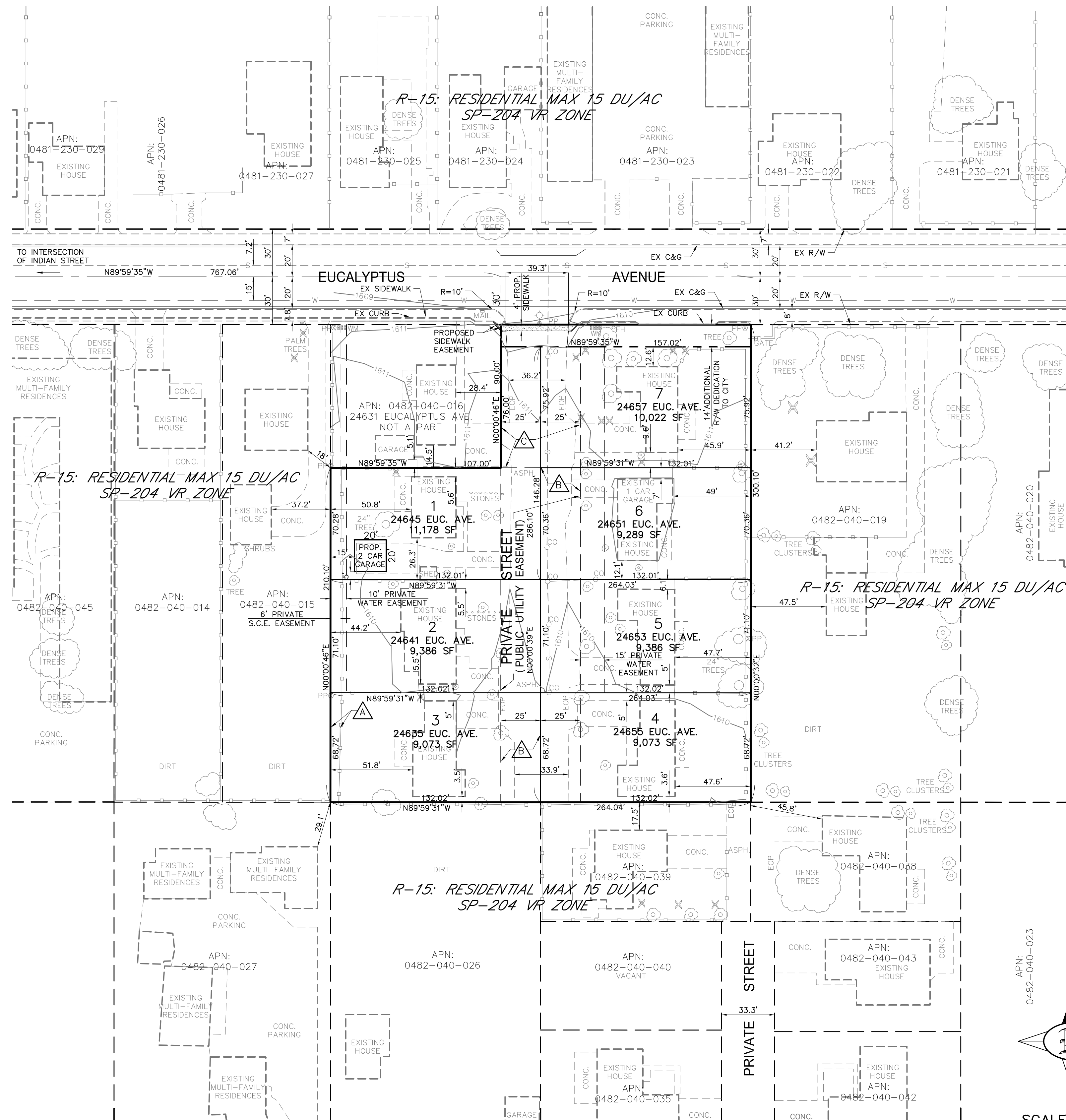
DRIVEWAY AND POWER POLE DETAIL

GENERAL NOTES

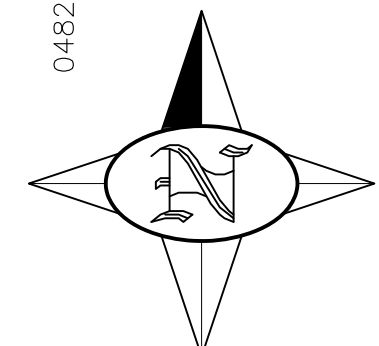
- TOTAL ORIGINAL ACREAGE:**
1.60 AC. GROSS - 1.55 AC. NET
 - NUMBER OF LOTS PROPOSED:**
7 LOTS
 - EXISTING ZONING:**
SP 204 VR - VILLAGE RESIDENTIAL
 - PROPOSED ZONING:**
SP 204 VR - VILLAGE RESIDENTIAL
 - EXISTING LAND USE:**
MULTI FAMILY DWELLINGS
 - PROPOSED LAND USE:**
SINGLE FAMILY DWELLINGS
 - EXISTING LAND USE DESIGNATION:**
SP204VR - MULTI FAMILY - VILLAGE RESIDENTIAL
 - PROPOSED LAND USE DESIGNATION:**
SP204VR - SINGLE FAMILY - VILLAGE RESIDENTIAL
 - METHOD OF SEWAGE DISPOSAL:**
PUBLIC SEWER
 - SCHOOL DISTRICT:**
MORENO VALLEY UNIFIED SCHOOL DISTRICT
 - ASSESSORS PARCEL NO.:**
0482-040-017 & 0482-040-018
 - 2008 THOMAS BROS. GUIDE:**
PAGE: 717, GRID: F-3, F-4
 - TENTATIVE MAP PREPARED:**
AUGUST, 2017
 - NO DRAINAGE FACILITIES ARE PROPOSED AS PART OF THIS PROJECT. ALL Q'S SHOWN ARE APPROXIMATE.
 - THIS PROPERTY IS WITHIN FEMA FLOOD ZONE X. AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. FEMA MAP NO. 06065C0761G.
 - TENTATIVE MAP SHOWS ENTIRE CONTIGUOUS OWNERSHIP.
 - THIS PROJECT IS WITHIN THE 204 THE VILLAGE SPECIFIC PLAN.
 - NO KNOWN EXCAVATION WITHIN OR ADJACENT TO THE SUBDIVISION
 - NO PREVIOUSLY FILLED AREAS WITHIN THE SUBDIVISION INCLUDING ANY LIQUID OR SOLID WASTE DISPOSAL SITES.
 - THE LOCATION OF ALL KNOWN EXISTING WELLS, CULVERTS OR UNDER GROUND STRUCTURES ADJACENT TO PROPERTY IS SHOWN, IF ANY, AND ARE TO REMAIN.
 - PROPERTY ADDRESS:**
EUCALYPTUS AVE., MORENO VALLEY, CA 92553
SEE SITE PLAN FOR SPECIFIC ADDRESS NUMBER.
 - THE EXISTING SITE CONTAINS 7 MULTI FAMILY DETACHED DWELLINGS
 - ALL EXISTING STRUCTURES TO REMAIN (HOUSES, GARAGES, ETC.)
 - ALL EASEMENTS OF RECORD, IF ANY, HAVE BEEN PLOTTED ON THIS MAP. ANY EASEMENTS WHICH CANNOT BE LOCATED FROM THE RECORD WILL BE OMITTED BY THE RECORDED OF THIS MAP.
 - NO GRADING IS PROPOSED AS PART OF THIS PROJECT. FUTURE IMPROVEMENTS TO BE PROPOSED BY SEPARATE DEVELOPMENT APPLICATION.
 - A BUILDING PERMIT FOR A TWO CAR GARAGE IS PROPOSED FOR LOT 1, AND A SEPARATE ADMINISTRATIVE PLOT PLAN APPLICATION HAS BEEN SUBMITTED.
 - ADDITIONAL WATER METER WILL BE ADDED TO SERVE EACH PROPERTY, AS REQUIRED BY EMD.
 - THERE ARE NO SLOPES OR RETAINING WALLS PROPOSED FOR THIS SUBDIVISION.
 - A VARIANCE TO KEEP AN EXISTING 1 CAR GARAGE ON LOT 6 IS REQUESTED BY SEPARATE APPLICATION.
 - A VARIANCE FOR A STREET SIDE YARD SETBACK REDUCTION TO 12.6'± ON LOT 7 IS REQUESTED BY SEPARATE APPLICATION.
 - THERE IS NO TRIBUTARY AREA TO THIS PROPERTY. THE SITE DRAINS GENERALLY TO THE SOUTH IN A SHEET FLOW CONDITION, AND EUCALYPTUS CONVEYS STREET FLOWS TO THE WEST.
- EASEMENT NOTES:**
- A AN EASEMENT IN FAVOR OF SOUTHERN CALIFORNIA EDISON FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED JUNE 25, 1965 AS INSTRUMENT NUMBER 73998 OF OFFICIAL RECORDS
 - B A DECLARATION OF DEDICATION DATED NOVEMBER 5, 1957 EXECUTED BY LESLIE A. GRANT TO IRREVOCABLY DEDICATE IN PERPETUITY FOR PUBLIC ROAD PURPOSES, PUBLIC UTILITY AND PUBLIC SERVICES THE PROPERTY DESCRIBED THEREIN RECORDED NOVEMBER 5, 1957 IN BOOK 2173 PAGE 348 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA
 - C PROPOSED INGRESS AND EGRESS EASEMENT FOR THE BENEFIT OF THE PROPERTY LOCATED AT 24631 EUCALYPTUS AVE. SHOWN AS NOT A PART.
 - D A PERPETUAL AND EXCLUSIVE RIGHT TO ALL WATER AS WELL AS A CONSTRUCTION AND MAINTENANCE IN FAVOR OF EDMONT GARDENS MUTUAL WATER COMPANY RECORDED OCTOBER 14, 1936 IN BOOK 298, PAGE 563 AND ON JANUARY 7, 1937 IN BOOK 307 PAGE 521 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.
 - E A PERPETUAL AND EXCLUSIVE RIGHT TO ALL WATER AS WELL AS A CONSTRUCTION AND MAINTENANCE IN FAVOR OF EDMONT GARDENS MUTUAL WATER COMPANY RECORDED DECEMBER 15, 1936 IN BOOK 306, PAGE 296 AND ON JANUARY 7, 1937 IN BOOK 307 PAGE 521 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.
- LEGAL DESCRIPTION:**
- APN: 0482-040-017
LOT 311 OF EDMONT GARDENS, AS SHOWN BY MAP ON FILE IN BOOK 15, PAGE 90 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, EXCEPT THE NORTHERLY 90 FEET OF THE WESTERLY 107 FEET.
- MULTIFAMILY RESIDENCES KNOWN AS: 24635, 24641, AND 24645 EUCALYPTUS AVE.
APN: 0482-040-018
LOT 312 OF EDMONT GARDENS, AS SHOWN BY MAP ON FILE IN BOOK 15, PAGE 90 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
- MULTIFAMILY RESIDENCES KNOWN AS: 24651, 24653, 24655, AND 24657 EUCALYPTUS AVE.

LEGEND:

- SHRUB
- TREE
- PALM TREE
- POWER POLE
- MAILBOX
- WATER METER
- FIRE HYDRANT
- SEWER MH
- FENCE
- EX SEWER
- EX WATER
- ASPH ASPHALT
- CO CLEAN OUT
- CONC CONCRETE
- EOP EDGE OF PAVEMENT
- FH FIRE HYDRANT
- MH MANHOLE
- PP POWER POLE
- EX LOT LINE
- PROP LOT LINE
- PROP STREET LIGHT



APN: 0482-040-023



SCALE: 1"=40'



LOT TABLE				
LOT #	GROSS AREA	NET AREA	INTENDED USE	DWELLING UNITS
1	11,529 S.F.	11,178 S.F.	S.F.R.	1
2	9,386 S.F.	9,386 S.F.	S.F.R.	1
3	9,073 S.F.	9,073 S.F.	S.F.R.	1
4	9,073 S.F.	9,073 S.F.	S.F.R.	1
5	9,386 S.F.	9,386 S.F.	S.F.R.	1
6	9,289 S.F.	9,289 S.F.	S.F.R.	1
7	11,871 S.F.	10,022 S.F.	S.F.R.	1

UTILITIES AND LOCAL AGENCIES SERVICING THIS AREA:

- WATER:** EASTERN MUNICIPAL WATER DISTRICT
2270 TUMBLE ROAD
PERRIS, CA 92570
PH: (800) 928-3777
- GAS:** THE GAS COMPANY 7000 INDIANA AVE. #105, RIVERSIDE, CA. 92373
PH: (800) 427-2200
- SEWER:** EASTERN MUNICIPAL WATER DISTRICT
2270 TUMBLE ROAD
PERRIS, CA 92570
PH: (951) 928-3777
- POWER:** SO. CAL EDISON
26100 MENIFEE ROAD
ROMOLAND, CA. 92585
PH: (951) 928-8210
- TELEPHONE:** VERIZON
P.O. BOX 641
SAN BERNARDINO, CA. 92401
PH: (909) 482-6711
- CABLE:** SPECTRUM
12625 FREDRICKS ST.
MORENO VALLEY, CA. 92374
PH: (888) 892-2253



NO.	DATE	REVISION

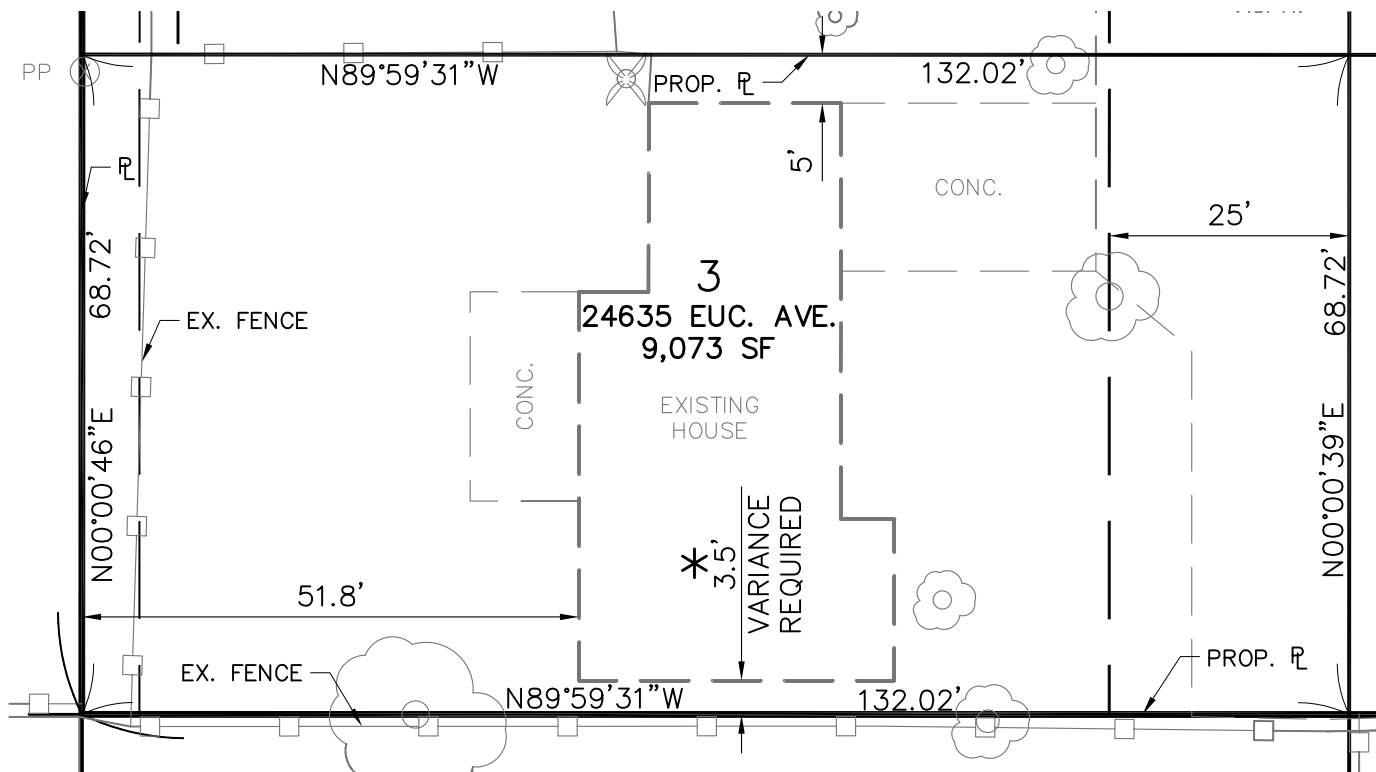


P.O. BOX 541, 650 AVENUE K
CALIMESA, CALIFORNIA 92320
TEL: 909-795-8882 FAX: 909-795-8818

Steven H. Ritchey 01/05/18
STEVEN H. RITCHEY DATE
R.C.E. 51129, EXP. 9/30/19

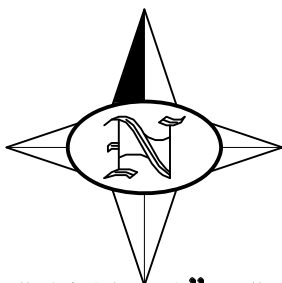
Attachment: Tentative Tract Map 37369 (982) - PEN17-0128 Tentative Tract Map 37369

VARIANCE DIAGRAM SIDE YARD VARIANCE



***NOTE:**

1. A VARIANCE FOR A SIDE YARD SETBACK TO 3.5' INSTEAD OF 5' ON LOT 4 IS REQUESTED.
2. FOR SURROUNDING LAND USES AND IMPROVEMENTS SEE TENTATIVE TRACT MAP 37369.



SCALE: 1"=20'



P.O. BOX 541, 650 AVENUE K
 CALIMESA, CALIFORNIA 92320
 TEL: 909-795- 8882 FAX:
 909-795-8818

Steven H. Ritchey
 STEVEN H. RITCHEY
 R.C.E. 51129, EXP. 9

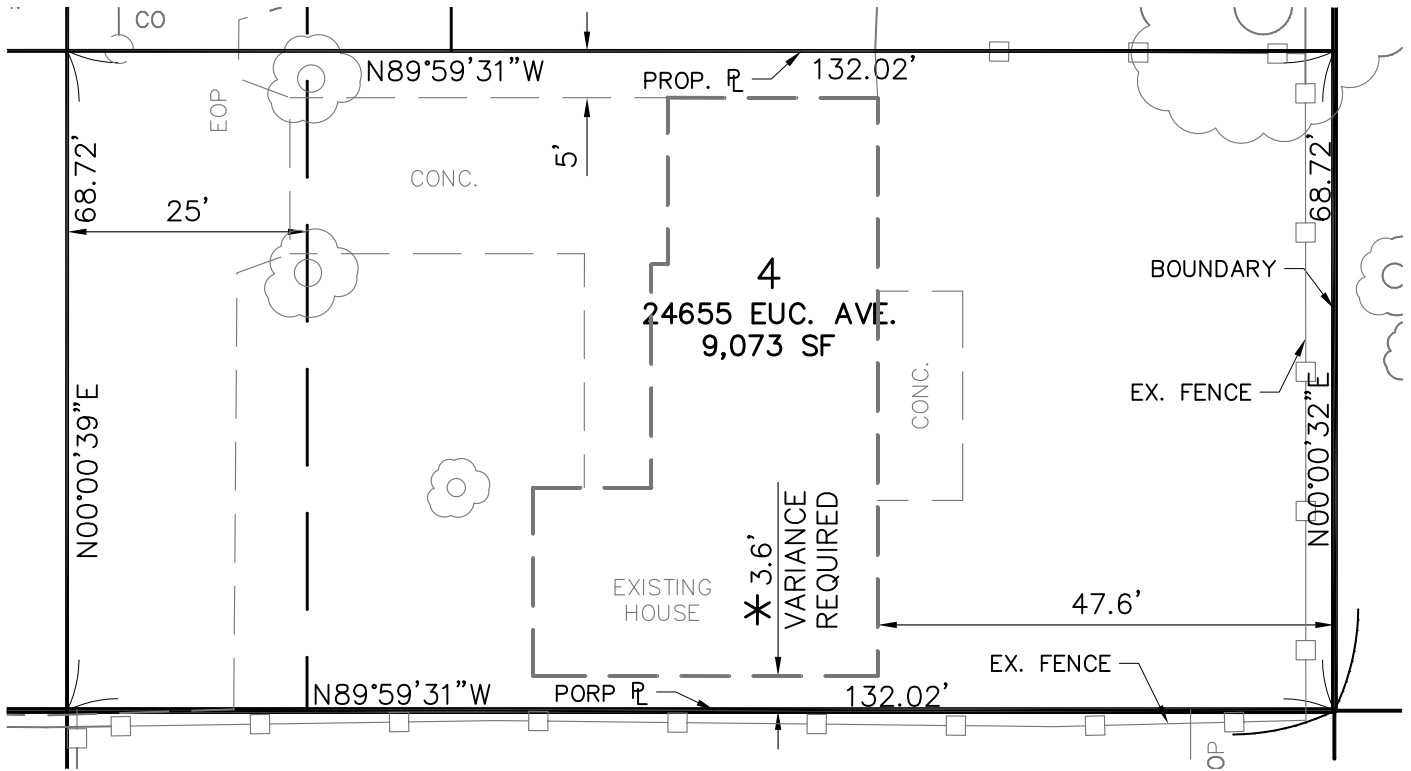
11/06/17
 DATE

SIDE YARD SETBACK VARIANCE

A variance for a side yard setback reduction to 3.5' instead of 5' on lot 3 is requested. The reason for the variance is because there is already an existing structure on the property that is currently 3.5' north of southerly property line.

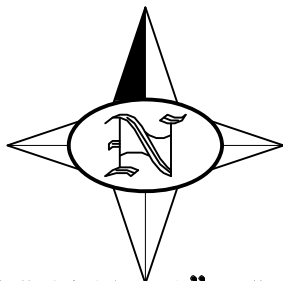
Per the city's requirements of the village development standards the minimum setback for side yard single family residence is 5'. However there is no room to accomplish a 5' setback and unless we remove the existing house and rebuild at different location.

VARIANCE DIAGRAM SIDE YARD VARIANCE



***NOTE:**

1. A VARIANCE FOR A SIDE YARD SETBACK TO 3.6' INSTEAD OF 5' ON LOT 4 IS REQUESTED.
2. FOR SURROUNDING LAND USES AND IMPROVEMENTS SEE TENTATIVE TRACT MAP 37369.



SCALE: 1"=20'



P.O. BOX 541, 650 AVENUE K
CALIMESA, CALIFORNIA 92320
TEL: 909-795- 8882 FAX:
909-795-8818

Steven H. Ritchey
STEVEN H. RITCHEY

11/06/17
DATE

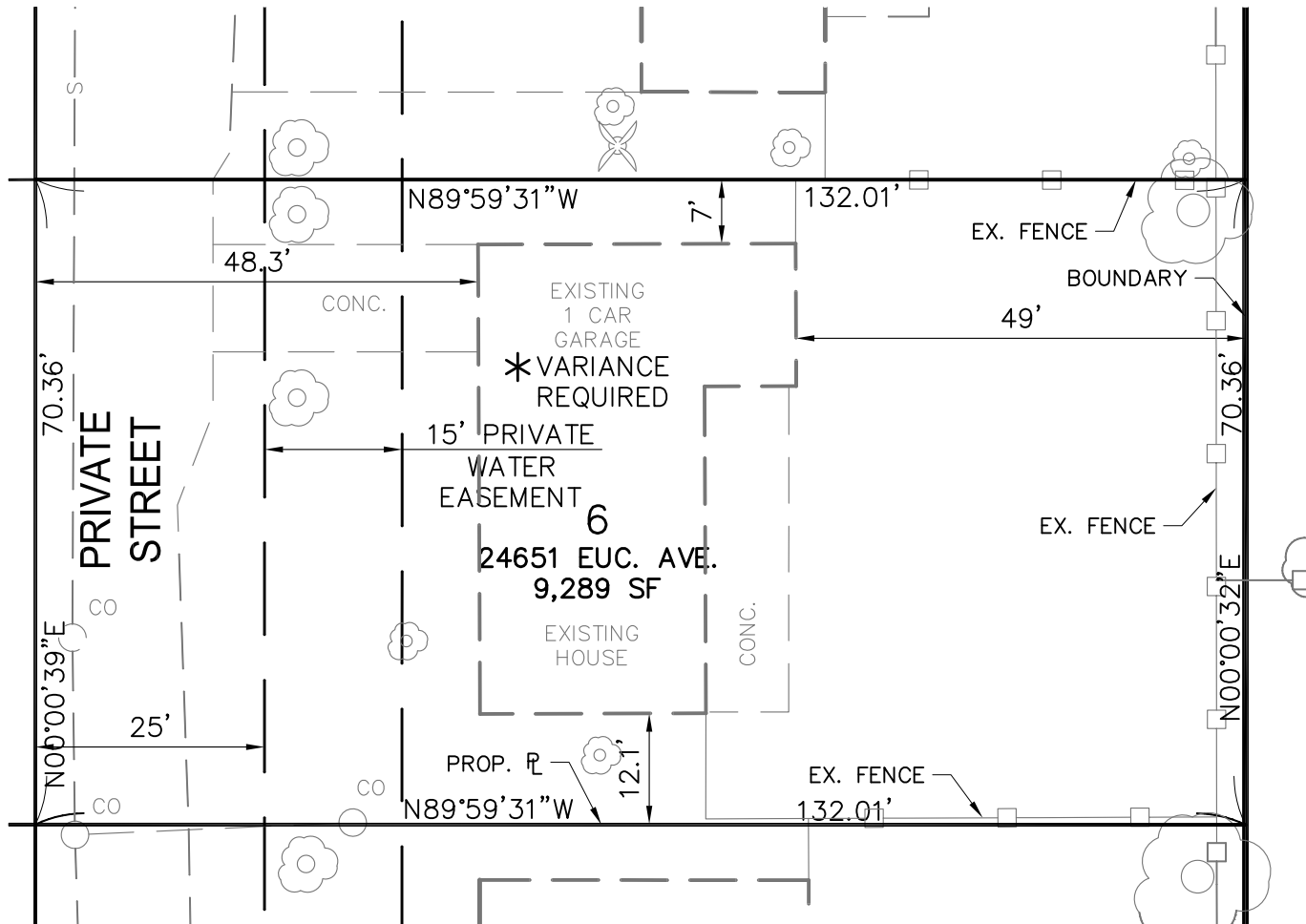
R.C.E. 51129, EXP. 9

SIDE YARD SETBACK VARIANCE

A variance for a side yard setback reduction to 3.6' instead of 5' on lot 4 is requested. The reason for the variance is because there is already an existing structure on the property that is currently 3.6' north of southerly property line.

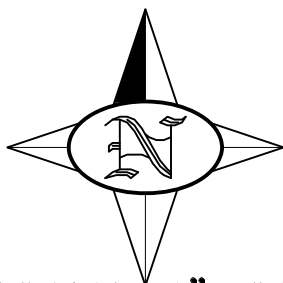
Per the city's requirements of the village development standards the minimum setback for side yard single family residence is 5'. However there is no room to accomplish a 5' setback and unless we remove the existing house and rebuild at different location.

VARIANCE DIAGRAM EXISTING SINGLE CAR GARAGE VARIANCE



***NOTE:**

1. A VARIANCE TO KEEP AN EXISTING 1 CAR GARAGE ON LOT 6 IS REQUESTED.
2. FOR SURROUNDING LAND USES AND IMPROVEMENTS SEE TENTATIVE TRACT MAP 37369.



SCALE: 1"=20'



P.O. BOX 541, 650 AVENUE K
 CALIMESA, CALIFORNIA 92320
 TEL: 909-795- 8882 FAX:
 909-795-8818

Steven H. Ritchey
 STEVEN H. RITCHEY
 R.C.E. 51129, EXP. 9

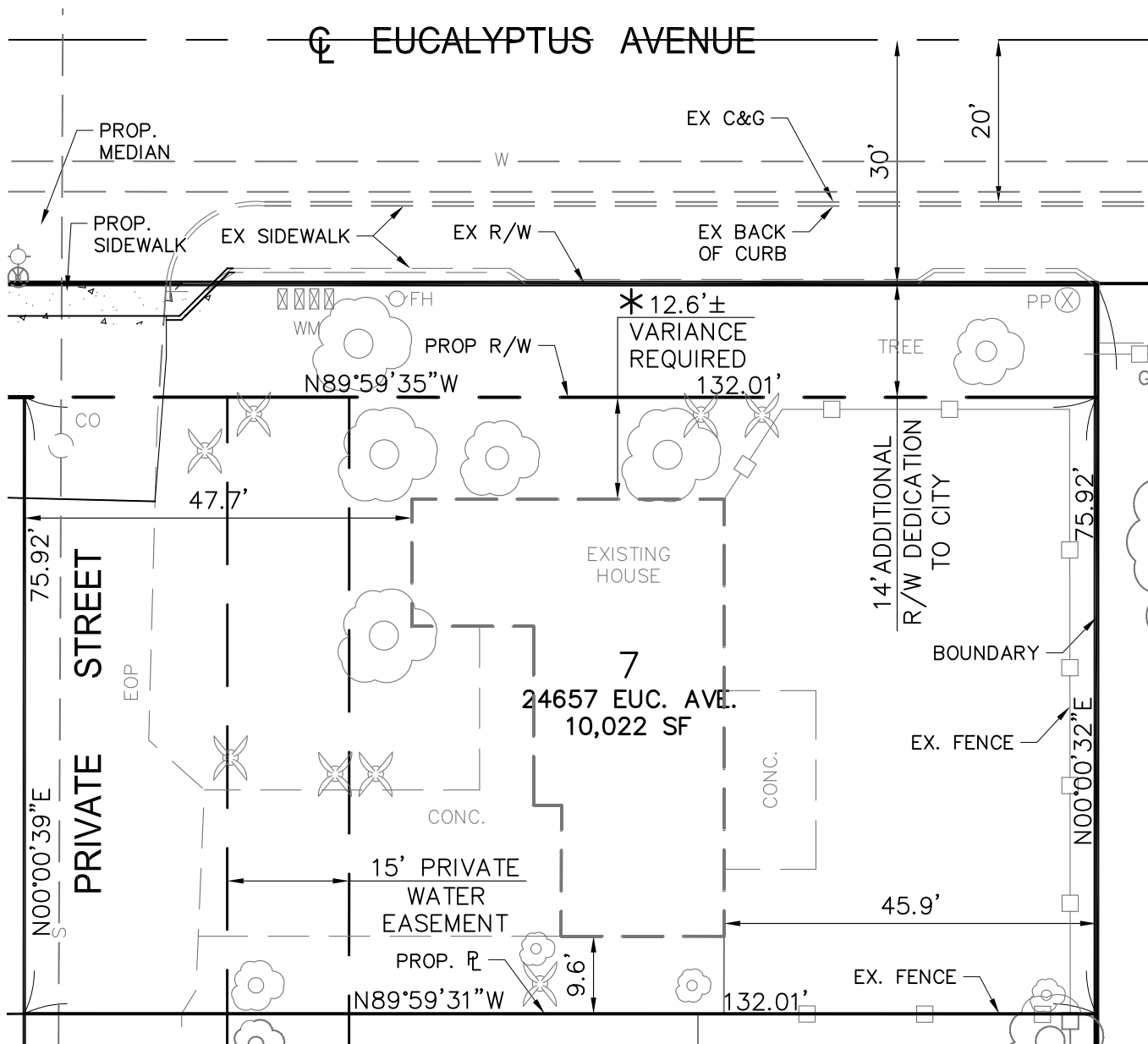
11/06/17
 DATE

EXISTING SINGLE CAR GARAGE VARIANCE

A variance to keep an existing 1 car garage on lot 6 is requested. The reason for the variance is because there is an existing 1 car garage and no room to make this garage larger and keep enough separation between the two existing residences. If the city were to require a garage expansion this would also cause a financial burden on the owners.

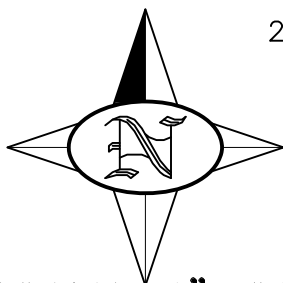
We request that even though this area is zoned for two car garages an exception will be made to keep this existing one car garage on lot 6 of this tentative tract map.

VARIANCE DIAGRAM SIDE YARD STREET SETBACK VARIANCE



***NOTE:**

1. A VARIANCE FOR A STREET SIDE SETBACK REDUCTION TO 12.6'± INSTEAD OF 15' ON LOT 7 IS REQUESTED.
2. FOR SURROUNDING LAND USES AND IMPROVEMENTS SEE TENTATIVE TRACT MAP 37369.



SCALE: 1"=20'



P.O. BOX 541, 650 AVENUE K
 CALIMESA, CALIFORNIA 92320
 TEL: 909-795- 8882 FAX:
 909-795-8818

Steven H. Ritchey
 STEVEN H. RITCHEY
 R.C.E. 51129, EXP. 9

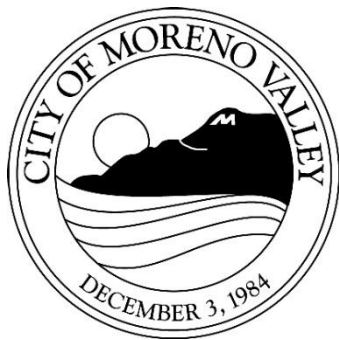
11/06/17
 DATE

Attachment: Lot 7 Variance (2982 : PEN17-0128 Tentative Tract Map 37369)

SIDE YARD STREET SETBACK VARIANCE

A variance for a street side setback reduction to 12.6' +/- instead of 15' on lot 7 is requested. The reason for the variance is because the city of Moreno Valley is asking for an additional 14' R/W dedication on the north side of this lot (Eucalyptus Avenue). There is an existing structure on this property. With the additional R/W dedication there will only be approximately 12.6' of setback from the new R/W.

Per the city's requirements of the village development standards the minimum setback for street side single family residence is 15'. However there is no room to accomplish both a 15' setback and the additional 14' R/W dedication required by the city.



This may affect your property

Notice of PUBLIC HEARING

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

Project: PEN17-0128 Tentative Tract Map 37369
PEN17-0129 Variance
PEN17-0130 Administrative Plot Plan

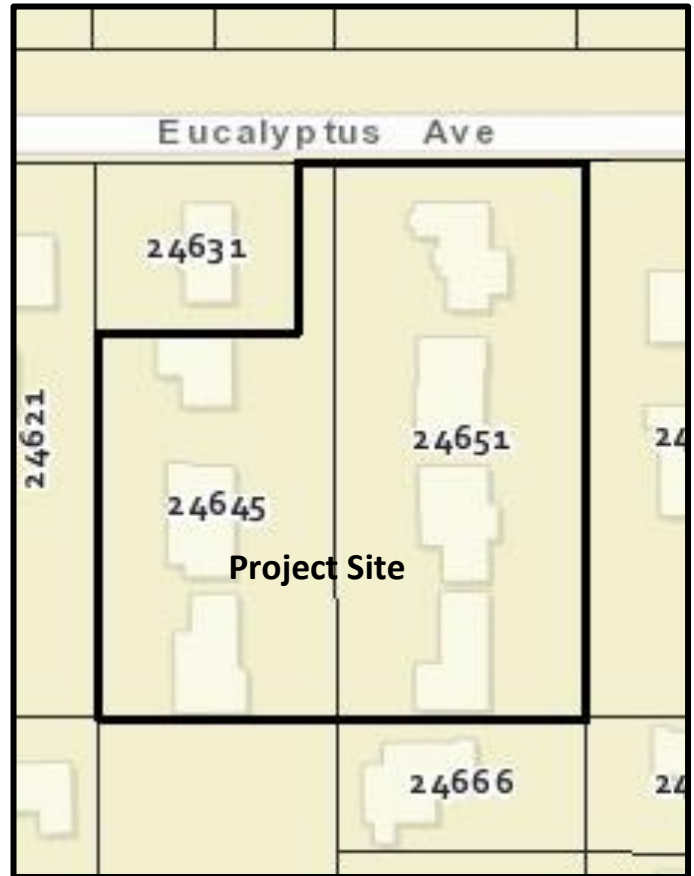
Applicant: Ed Romero
Owner: Silvia Romero
Representative: Steven Ritchey
A.P. No(s): 482-040-017 & 482-040-018
Location: 24645 Eucalyptus Street
Proposal: Tentative Tract Map 37369 to subdivide 1.6 acres in the Specific Plan 204, Village Residential (SP204VR) into seven (7) lots. The site is currently developed with seven existing residential units. The lots will range from 9,073 square feet to 11,178 square feet with a private street in the center of the development for access. As designed, the Tentative Tract Map will require a Variance for lots 3, 4, 6, and 7 for rear and side setbacks. The Administrative Plot Plan for a garage on lot 1 is included to meet the City Standard for a required garage.

Council District: 1

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

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

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



Attachment: 300 Foot notice (2982 : PEN17-0128 Tentative Tract Map 37369)

LOCATION N ↑

PLANNING COMMISSION HEARING

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

DATE AND TIME: February 22, 2018 at 7PM
CONTACT PLANNER: Julia Descoteaux
PHONE: (951)413.3209

Upon request and in compliance with the Americans with Disabilities Act of 1990, any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Guy Pegan, ADA Coordinator, at 951.413.3120 at least 4 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting Date: February 22, 2018

FORMATION OF AD HOC COMMITTEE TO CONSIDER PLANNING COMMISSION
VACANCIES.

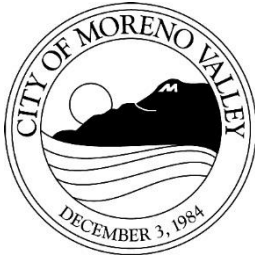
On February 8, 2018 the Planning Commission requested this agenda item be placed for their discussion and direction as warranted.

Prepared by:
Ashley Aparicio
Administrative Assistant

Approved by:
Albert Armijo
Interim Planning Manager

ATTACHMENTS

None



PLANNING COMMISSION

STAFF REPORT

Meeting Date: February 22, 2018

PLANNING COMMISSION ACTION MINUTES

SUMMARY

Currently the Planning Commission is utilizing verbatim minutes. Like transcripts, they are a record of every single word that is said in their meetings. The Planning Commission needs minutes in order to record meeting decisions, which makes them a useful review document when it comes to measuring progress. The purpose of the minutes is to serve as an official written record of the Planning Commission Meeting.

PROJECT DESCRIPTION

Proposed use of Action Minutes to take the place of the Planning Commissions verbatim minutes. Action Minutes would record all decisions, votes and actions that were taken at the meeting. This would allow our citizens and members of the public to easily access what happened at a meeting in a shorter time frame. This recommended change recognizes that all Planning Commission meetings are video and audio recorded so the full detail can always be retrieved through those records.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** the proposed Planning Commission Action Minutes, and thereby begin use of these type of minutes instead of

verbatim minutes beginning with the first regular meeting of the Planning Commission in March 2018 and thereon after.

Prepared by:
Ashley Aparicio
Administrative Assistant

Approved by:
Albert Armijo
Interim Planning Manager

ATTACHMENTS

1. Proposed Action Minutes

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

**REGULAR MEETING – 7:00 PM
December 21, 2017**

CALL TO ORDER

This Special Meeting of the Planning Commission of the City of Moreno Valley was called to order at 7:02 p.m. by Chairman Barnes in the Council Chamber located at 14177 Frederick Street.

ROLL CALL

Planning Commission:	Jeffrey Sims	Commissioner	Present
	Ray L. Baker	Commissioner	Present
	Jeffrey Barnes	Chairman	Present
	Brian Lowell	Commissioner	Present
	Patricia Korzec	Vice Chairman	Excused Absence
	Vacant	Commissioner	
	Vacant	Commissioner	

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Sims.

APPROVAL OF AGENDA

Motion made by Commissioner Lowell and seconded by Commissioner Baker to approve agenda as is.

Vote: 4-0-0-1
 Ayes: Commissioner Sims, Baker, Chairman Barnes and Commissioner Lowell
 Noes:
 Abstain:
 Action: Approved
 Excused: Korzec

STAFF PRESENT

Paul Early	Assistant City Attorney
Richard Sandzimier	Planning Official
Chris Ormsby	Senior Planner
Gabriel Diaz	Associate Planner
Ashley Aparicio	Planning Commission Secretary
Michael Lloyd	Engineering Division Manager/Assistant City Engineer
Chris Cox	Fire Safety Specialist

CONSENT CALENDAR – NONE

Attachment: Proposed Action Minutes (2017 : Planning Commission Action Minutes)

APPROVAL OF MINUTES

MINUTES – REGULAR MEETING OF OCTOBER 26, 2017 7:00 PM

Motion made by Commissioner Sims and seconded by Commissioner Baker to approve minutes from October 2017 as is.

Vote: 4-0-0-1
 Ayes: Commissioner Sims, Baker, Chairman Barnes and Commissioner Lowell
 Noes:
 Abstain:
 Action: Approved
 Excused: Korzec

MINUTES - REGULAR MEETING OF NOVEMBER 9, 2017 7:00 PM

Motion made by Commissioner Lowell and seconded by Commissioner Baker to approve minutes from November 2017 as is.

Vote: 3-0-1-1
 Ayes: Commissioner Baker, Chairman Barnes and Commissioner Lowell
 Noes:
 Abstain: Commissioner Sims
 Action: Approved
 Excused: Korzec

PUBLIC COMMENTS

Rafael Brugueras

1. Spoke on Ordinance No. 926 and the new opportunities it will bring to the city.
2. Thanked the commissioners for all their hard work.

Kendrick Rivas

1. Asked if he could speak on anything during his time for public comment.
2. Noted he was not in favor of the World Logistics Center project.

Roy Bleckert

1. Noted the need for the City Council to take timely action to fill vacancies on the Commission.

NON-PUBLIC HEARING ITEMS - NONE

1. Plot Plan for a proposed 4,236 square foot donut shop/convenience store.
(Report of: Community Development)

Recommendations:

Staff recommends that the Planning Commission APPROVE Resolution No. 2017-43, and thereby:

1. **CERTIFY** that the proposed Plot Plan is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 32 Categorical Exemption, CEQA Guidelines, Section 15332 (In-Fill Development); and
2. **APPROVE** Plot Plan PEN16-0107 based on the findings contained in Planning Commission Resolution 2017- 43, subject to the conditions of approval included as Exhibit A of the Resolution.

Public Hearing Opened: 7:31 p.m.

Public Comments:

Rafael Brugueras supports the item.

Kendrick Rivas is in opposition of the item.

Public Hearing Closed: 7:40 p.m.

Motion made by Commissioner Sims and seconded by Commissioner Baker to approve and adopt Resolution No. 2017-43 with the substitution of the modified Conditions of Approval Presented.

Vote: 4-0-0-1
 Ayes: Commissioner Sims, Baker, Chairman Barnes and Commissioner Lowell
 Noes:
 Abstain:
 Action: Approved
 Excused: Korzec

Attachment: Proposed Action Minutes (2017 : Planning Commission Action Minutes)

2. Plot Plan for a new 5,430 square foot automated car wash facility (Report of: Community Development)

Recommendations:

- A. Staff recommends that the Planning Commission **APPROVE** Resolution No. 2017- 44, and thereby:
1. **CERTIFY** that the Mitigated Negative Declaration prepared for Plot Plan PEN16- 0113 on file with the Community Development Department, incorporated herein by this reference, has been completed in compliance with the California Environmental Quality Act, that the Planning Commission reviewed and considered the information contained in the Mitigated Negative Declaration and the document reflects the City's independent judgment and analysis; attached hereto as Exhibit A; and
 2. **ADOPT** the Mitigation Monitoring and Reporting Program prepared for Plot Plan PEN16-0113, attached hereto as Exhibit B.
- B. Staff recommends that the Planning Commission **APPROVE** Resolution No. 2017- 45, and thereby:
1. **APPROVE** Plot Plan PEN16-0113 based on the findings contained in this resolution, and subject to the conditions of approval included as Exhibit A.

Public Hearing Opened: 7:52 p.m.

Public Comments:

Rafael Brugueras supports the item.

Kendrick Rivas is in opposition of the item.

David Marshall is in opposition of the item.

Public Hearing Closed: 8:02 p.m.

Motion made by Commissioner Baker and seconded by Commissioner Lowell to approve and adopt Resolution No. 2017-44 and 2017-45 with the substitution of the modified Conditions of Approval Presented.

Vote: 4-0-0-1
 Ayes: Commissioner Sims, Baker, Chairman Barnes and Commissioner Lowell
 Noes:
 Abstain:
 Action: Approved
 Excused: Korzec

OTHER COMMISSION BUSINESS - NONE

STAFF COMMENTS - NONE

PLANNING COMMISSIONER COMMENTS - NONE

ADJOURNMENT

There being no further business to come before the Planning Commission, Chairman Barnes adjourned the meeting at 8:28 p.m.

Submitted by:

Approved by:

Richard Sandzimier
Planning Official

Jeffrey Barnes
Chairman

Attachment: Proposed Action Minutes (2997 : Planning Commission Action Minutes)