

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

5 **Thursday, February 22, 2018 at 7:00 PM**

6
7
8 **CALL TO ORDER**
9

10 **VICE CHAIR KORZEC** – Good evening and welcome to the Planning
11 Commission of Moreno Valley. I now call this meeting to order on February 22,
12 2018, at 7:03 PM.
13

14 **ROLL CALL**
15

16 Commissioners Present:

17 Commissioner Lowell
18 Commissioner Baker
19 Commissioner Sims
20 Vice Chair Korzec
21 Chair Barnes – Excused Absent
22

23 Staff Present:

24 Rick Sandzimier, Planning Official
25 Albert Armijo, Interim Planning Official
26 Paul Early, Assistant City Attorney
27 Darren Ziegler, Deputy City Attorney I
28 Ashley Aparicio, Administrative Assistant
29 Gabriel Diaz, Case Planner
30 Mark Gross, Senior Planner
31 Julia Descoteaux, Associate Planner
32 Chris Ormsby, Senior Planner
33 Adria Reinertson, Fire Marshal
34 Allen Brock, Assistant City Manager
35 Michael Lloyd, Assistant City Engineer
36 Eric Lewis, City Traffic Engineer
37

38 Speakers:

39 Rafael Brugueras
40 Tom Behrens
41 Orlando Montero
42 Alfie Hernandez
43
44

1 **PLEDGE OF ALLEGIANCE**

2
3 **VICE CHAIR KORZEC** – The Pledge of Allegiance will be led by Commissioner
4 Brian Lowell.

5
6 **APPROVAL OF THE AGENDA**

7
8 Approval of Agenda

9
10 **VICE CHAIR KORZEC** – Thank you, Commissioner Lowell. May we now have
11 the rollcall? We are now going to move to the approval of the Agenda. We are
12 going to move item number three up to item number two, we are just going to
13 reverse that order, and item four will be removed because we no longer need
14 that ad-hoc committee because of the City Council meeting putting forth some
15 commissioners on Tuesday. So those will be changes.

16
17 **COMMISSIONER LOWELL** – I'll motion to approve the Agenda.

18
19 **COMMISSIONER BAKER** – I'll second.

20
21 **VICE CHAIR KORZEC** – All in favor. We're good to go. All in favor...

22
23 **COMMISSIONER BAKER** – Aye.

24
25 **VICE CHAIR KORZEC** – Aye.

26
27 **COMMISSIONER SIMS** – Aye.

28
29 **COMMISSIONER LOWELL** – Aye.

30
31 **VICE CHAIR KORZEC** – Opposed? Abstain? The motion carries.

32
33 Opposed – 0

34
35 **Motion carries 4 – 0**

36
37 **CONSENT CALENDAR**

38
39 *All matters listed under Consent Calendar are considered to be routine and all*
40 *will be enacted by one rollcall vote. There will be no discussion of these items*
41 *unless Members of the Planning Commission request specific items be removed*
42 *from the Consent Calendar for separate action.*

1 **VICE CHAIR KORZEC** – Onto our Consent Calendar and, at this time, we have
2 no items for consent.

3
4 **APPROVAL OF MINUTES**

5
6 **Planning Commission - Regular Meeting - February 8, 2018 at 7:00 PM**

7
8 **VICE CHAIR KORZEC** – We’re now going to move to the approval of Minutes on
9 the Agenda. The Planning Commission Regular Meeting Minutes of February 8,
10 2018. Recommendation: Approval of the Minutes as presented. Do we have a
11 motion or discussion?

12
13 **COMMISSIONER LOWELL** – I’ll motion to approve as presented.

14
15 **COMMISSIONER BAKR** – I’ll second.

16
17 **VICE CHAIR KORZEC** – All in favor...

18
19 **COMMISSIONER BAKER** – Aye.

20
21 **VICE CHAIR KORZEC** – Aye.

22
23 **COMMISSIONER SIMS** – Aye.

24
25 **COMMISSIONER LOWELL** – Aye.

26
27 **VICE CHAIR KORZEC** –The motion passed.

28
29 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – We do have a vote.

30
31 **VICE CHAIR KORZEC** – Oh, we do have a vote on this one, okay, perfect. Well
32 we’ve pushed our buttons.

33
34 **PLANNING OFFICIAL RICK SANDZIMIER** – There may be a glitch in the
35 system because the Chairman is not here tonight, so and maybe there was some
36 kind of a setting we were supposed to do. I’m not sure how to fix that but maybe
37 we just do a rollcall vote.

38
39 **VICE CHAIR KORZEC** – Okay. All in favor, oh, a rollcall vote.

40
41 **PLANNING OFFICIAL RICK SANDZIMIER** – Actually, it did kick in.

42
43 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – My apologies. I think I
44 have to click the stop the vote.

45
46 **PLANNING OFFICIAL RICK SANDZIMIER** – It did kick in.

1 **VICE CHAIR KORZEC** – We’re okay. Okay, the motion is passed.

2
3 Opposed – 0

4
5 **Motion carries 4 – 0**

6
7 **PUBLIC COMMENTS PROCEDURE**

8
9 *Any person wishing to address the Commission on any matter, either under*
10 *Public Comments section of the Agenda or scheduled items or public hearings,*
11 *must fill out a “Request to Speak” form available at the door. The completed*
12 *form must be submitted to the Secretary prior to the Agenda item being called by*
13 *the Chairperson. In speaking to the Commission, member of the public may be*
14 *limited to three minutes per person, except for the applicant for entitlement. The*
15 *Commission may establish an overall time limit for comments on a particular*
16 *Agenda item. Members of the public must direct their questions to the*
17 *Chairperson of the Commission and not to other members of the Commission,*
18 *the applicant, the Staff, or the audience. Upon request, this Agenda will be made*
19 *available in appropriate alternative formats to persons with disabilities in*
20 *compliance with the Americans with Disabilities Act of 1990. Any person with a*
21 *disability who requires a modification or accommodation in order to participate in*
22 *a meeting should direct their request to Guy Pegan, our ADA Coordinator, at*
23 *(951) 413-3120 at least 72 hours prior to the meeting. The 72-hour notification*
24 *will enable the City to make reasonable arrangements to ensure accessibility to*
25 *this meeting.*

26
27 **VICE CHAIR KORZEC** – Moving along to the Public Comments. Do we have
28 any speaker requests?

29
30 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – Not at this time, no.

31
32 **VICE CHAIR KORZEC** – We have none, okay.

33
34 **NON-PUBLIC HEARING ITEMS**

35
36 None

37
38 **VICE CHAIR KORZEC** – Non-Public Hearing Items. At this time, we have no
39 items. So we’re going to move onto the Public Hearing Items.

1 **PUBLIC HEARING ITEMS**

- 2
- 3 1. Case: PEN17-0090 - Conditional Use Permit
- 4
- 5 Applicant: Bryan Alberre
- 6
- 7 Owner: Ironwood Community Plaza, LLC.
- 8
- 9 Representative: Bryan Alberre
- 10
- 11 Location: 23940 Ironwood Avenue, Suite E
- 12
- 13 Case Planner: Gabriel Diaz
- 14
- 15 Council District: 2
- 16
- 17 Proposal: The applicant is seeking approval of a
- 18 Conditional Use Permit to operate a new
- 19 smoke shop.
- 20

21 **STAFF RECOMMENDATION**

22

23 Staff recommends that the Planning Commission **APPROVE** Resolution No.

24 2018-10 and thereby:

25

- 26 1. **CERTIFY** that PEN17-0090, a Conditional Use Permit for a new smoke shop
- 27 qualifies for a categorical exemption in accordance with CEQA Guidelines,
- 28 Section 15332, for In-fill Development; and
- 29
- 30 2. **APPROVE** PEN17-0090, a Conditional Use Permit for a new smoke shop
- 31 business, subject to the Conditions of Approval included as Exhibit A.
- 32

33 **VICE CHAIR KORZEC** – Questions or comments from the public on a public

34 hearing matter are limited to 3 minutes per individual and must pertain to the

35 subject under consideration. Those wishing to speak on any public hearing item

36 should complete and submit a green speaker slip to the Planning Commission

37 Clerk. Once again, those are on the back table. Public Hearing Item No. 1 is a

38 proposed Conditional Use Permit to operate a new smoke shop.

39 Recommendation: Staff recommends that the Planning Commission approve

40 Resolution No. 2018-10, and now we will have a Staff Report by Gabriel Diaz.

41

42 **ASSOCIATE PLANNER GABRIEL DIAZ** – Thank you Vice Chair and

43 Commissioners. We have PEN17-0090, a Conditional Use Permit for a new

44 smoke shop use within an existing commercial center. The proposed square

45 footage is 1605 square feet at the existing Ironwood Plaza Shopping Center

46 located at 23940 Ironwood Avenue.....

1
2 **VICE CHAIR KORZEC** – Mr. Diaz, we're having trouble hearing you. Is your
3 microphone on?

4
5 **ASSOCIATE PLANNER GABRIEL DIAZ** – Yeah, can you hear me?

6
7 **VICE CHAIR KORZEC** – That's better.

8
9 **ASSOCIATE PLANNER GABRIEL DIAZ** – Okay, the project is located at 23490
10 Ironwood Avenue, Suite E, at the northwest corner of Heacock Street and
11 Ironwood Avenue. The applicant is Bryan Alberre. It's located within Council
12 District 2. I do have some exhibits. The current zoning for the proposed use for
13 the existing shopping center is Neighborhood Commercial, and surrounding the
14 proposed...there we go. There's an aerial photo of the existing shopping center.
15 The existing uses around the proposed smoke shop, is to the north and west, is
16 an existing mobile home park, and it's zoned R15, Multifamily Residential. To
17 the east across Heacock Street is an Edison Sub Station and single-family
18 homes zoned R5, Single-family Residential. To the south, is vacant land existing
19 family homes zoned R5 and a Rite Aid Pharmacy zoned Neighborhood
20 Commercial. Let me move onto the proposed smoke shop. The proposed
21 smoke shop use requires a Conditional Use Application because their proposed
22 use is located within 300 feet of a residential zone. The smoke shop proposes to
23 sell cigarettes, cigars, and other tobacco-related products, vapes, vaping
24 accessories, and lawfully-permitted uses or products. The proposed hours of
25 operation would be from 9:00 a.m. to 9:00 p.m. Monday through Sunday and
26 proposes one to three employees per shift. There will be no smoking inside the
27 business. Here is how the inside of the business looks like. Here's the Zoning
28 Map. To access the proposed smoke shop, you will access it from driveways on
29 Heacock Street and Ironwood Avenue. As described in our Municipal Code, a
30 smoke shop use requires additional parking in comparison to an existing general
31 retail space. Therefore, the applicant submitted a parking analysis. The parking
32 analysis evaluated current and future parking conditions. The parking analysis
33 concluded that there is sufficient parking for future and existing uses at the
34 proposed center. A public notice was sent to all property owners, posted onsite,
35 and published in the local newspaper. No public comment to report. I did not
36 receive any calls. Environmentally, the project has been reviewed in accordance
37 with the latest edition of the California Environmental Quality Act Guidelines and
38 Staff has determined that the project will not result in the potential of significant
39 effect on the environment and has determined the project qualifies as a Class 32
40 Exemption, Section 15332 of the CEQA Guidelines as an In-Fill Development.
41 This is a change from the notice that went out, the notice we stated that this was
42 exempt as a Class I Categorical Exemption per CEQA Guidelines Section 15301,
43 existing facilities. Therefore, staff recommends that the Planning Commission
44 approve Resolution No. 2018-10 and thereby certify the proposed Conditional
45 Use Permit qualifies for a categorical exemption in accordance with the CEQA
46 Guidelines Section 15332 for In-Fill Development and approve Conditional Use

1 Permit PEN17-0090 for a new smoke shop use. This concludes Staff's
2 presentation. Any questions? Thank you.

3
4 **VICE CHAIR KORZEC** – Thank you. Do we have any questions of Staff?
5 Brian?

6
7 **COMMISSIONER LOWELL** – Just for clarification, when you first introduced the
8 item, I think you misspoke the address. Could you verify what the address was?

9
10 **ASSOCIATE PLANNER GABRIEL DIAZ** – 23940 Ironwood Avenue, Suite E.

11
12 **COMMISSIONER LOWELL** – Perfect, yeah, it was transposed when you said it.

13
14 **ASSOCIATE PLANNER GABRIEL DIAZ** – Oh.

15
16 **COMMISSIONER LOWELL** – The other question I have is the parking. In the
17 Staff Report, it says that there is a parking shortfall and the parking study was
18 done. Could you give us a summary of that parking study and what's going to be
19 done?

20
21 **ASSOCIATE PLANNER GABRIEL DIAZ** – The parking study was prepared by
22 TJW Engineering to evaluate the onsite parking, and they had previously been
23 the people that did the previous analysis for...there's a Bank of America ATM, so
24 we had that basis, and we recommended that the Applicant not necessarily hire
25 TJW but have somebody do an analysis for them because there was one already
26 on record. It did conclude that the peak demand weekday occurred from 4:30
27 p.m. to 5:30 p.m. when a total of 143 parking spaces were occupied. There was
28 also a Saturday peak demand that occurred at 1:00 p.m. and a total of 137
29 parking spaces were used. The overall parking capacity for the site is 254
30 spaces. Therefore, the site had peak occupancy of 56% and 54%. The existing
31 parking provided is more than adequate to support re-tenanting of the vacant
32 suites and reestablishing or establishing this proposed smoke shop. I did go out
33 and do a site visit middle of the day middle of the week probably when a lot of
34 people are going to the 99 Cent Store and other places, and there are a lot of
35 parking spaces that are vacant.

36
37 **COMMISSIONER LOWELL** – So, per the City Standard's, there is a parking
38 shortfall but, per reality, there's not a parking shortfall?

39
40 **ASSOCIATE PLANNER GABRIEL DIAZ** – Correct.

41
42 **COMMISSIONER LOWELL** – Thank you.

43
44 **VICE CHAIR KORZEC** – Anyone else? Okay, anything else Brian? Okay,
45 would the Applicant like to speak please? Is the Applicant here?

1 **APPLICANT BRYAN ALBERRE** – Hello? Okay, my name is Bryan Alberre.
2 Thank you for listening to our project. Gabriel, thank you for the last couple
3 months. You've worked very hard keeping me on track as we go. We currently
4 occupy the corner building, Ironwood Liquor, and had an opportunity about a
5 year ago. The landlord asked us if we would entertain the idea of a smoke shop.
6 We said sure. We realize that there was more to it than that, so we're here
7 tonight, and got to do a Traffic Study, as well. We think we can go hand in hand
8 with our business, and we think it is a good addition to the neighborhood, if you
9 have any questions.

10
11 **VICE CHAIR KORZEC** – Any questions of the Applicant? Okay, thank you.

12
13 **APPLICANT BRYAN ALBERRE** – Thank you.

14
15 **VICE CHAIR KORZEC** – We'll now open up the Public Hearing. Do we have
16 any speakers?

17
18 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – We do. We have Tom
19 Behrens. I apologize for the mispronunciation and Rafael Brugueras.

20
21 **VICE CHAIR KORZEC** – We Tom Behrens please step up to the podium.

22
23 **SPEAKER TOM BEHRENS** – Good evening Planning Commission. I live across
24 the street from this facility or the smoke shop that they want to put in, and I have
25 some concerns with the public safety aspect of it. I've been on the phone with
26 the police chief and my councilman and somebody else here at City Hall about
27 the increased crime that we have in the neighborhood from...a lot of it is from the
28 homeless people that are encamped across the street over there, and I feel that
29 a smoke shop would probably not be real good thing because of the type of items
30 that they sell. They are supposed to be tobacco-related items, but they are also
31 used for other things and I mean, if you look at the crime reports and stuff, I
32 mean almost every single day we either have an assault, a public intoxication,
33 public disturbance, petty theft going on between Rite Aid and the liquor store and
34 the different places there and stuff. I don't think that this is really a good
35 business for that area in there at this time. There's just....there's just too much
36 stuff going on and the propositions that the voters have passed have increased
37 the amounts that make it where they can't arrest these people. They just
38 basically cite them and let them go. They can't get them back and stuff. I just....I
39 just don't think it's a really good idea at this time for that, and we have the liquor
40 store there, which also sells tobacco products and stuff, so I just....I think it's a
41 detrimental safety issue to people there with the added people coming in and
42 stuff, and I don't know if there is going to be any security involved with this,
43 especially afterhours in the evening and stuff. Anyway, that's all I've got to say.
44 Thank you.

45
46 **VICE CHAIR KORZEC** – Next. Rafael Brugueras.

1
2 **SPEAKER RAFAEL BRUGUERAS** – Good evening Chair, Commissioners,
3 Staff, Residents, and our guests, I hope tonight this will be the last approval on a
4 smoke shop in the City of Moreno Valley until we get a number of how many we
5 already have in the city. Okay? Now, I've seen smoke shops as we drive
6 throughout the city, but I want you to look at this number 1600 square feet. This
7 is as big as a living space of a house that we're going to put this product on
8 Heacock and Ironwood. Okay, 1600 square feet. That's pretty....I went to see it,
9 and I was amazed to look inside the window how wide and how deep it is, and
10 we're looking at cigarettes. Okay, products related to such lawfully, I mean that's
11 a lot of things. That could be anything, okay. The smallest one next to him was
12 800 square foot, and I went in there, and that's our water, and he had his
13 crammed in there. So I'm asking myself what is going to be in this 1600 square
14 foot facility because you know and I know that we're open for business to sell
15 marijuana in the future. That's a fact. That's passed. That's law in this city.
16 What's going to happen when he opens or any new shop because this is not a
17 new shop, this is just another shop that we're going to add to the City of Moreno
18 Valley. I'm asking you commissioners to ask the staff to give you numbers to find
19 out how many we already have in the city because if you can't find it in this
20 smoke shop, God knows that you can go to the other twelve and find what you're
21 looking for. Really, really, really, I don't know if any of you have been there to
22 see what it looks like or I don't know if any of you smoke and have been in a
23 smoke shop and see what's inside of the smoke shop. It's just not cigarettes.
24 There's a lot of other stuff that's in there. I hope that this is the last one that we
25 approve if we do tonight until we get our numbers straight and find out how many
26 we have in each district. We don't need 15 in one district and ten in another and
27 thirty in another. We don't need that. We have enough smoke shops in this city
28 and, if you can't find it here, then go to Riverside, go to Banning, go to Palm
29 Springs. You can go to Hollywood and get what you want there. Believe me or
30 not, I bet you they have it all because it's an open society there. I'm pro
31 development. I love development. I would love him to have a business, but I just
32 heard the last speaker and you heard the last speaker, and we all did. We need
33 to know what's right for the City of Moreno Valley.

34
35 **VICE CHAIR KORZEC** – Thank you Mr. Brugueras. Would the Applicant like to
36 address any of the public comments?

37
38 **APPLICANT BRYAN ALBERRE** – We currently own four other businesses in
39 Moreno Valley. We own the Chevron in Moreno Beach and Alessandro. We
40 own other liquor stores. This is our first smoke shop. Our intent is not to open a
41 marijuana nor do we want to. Furthermore, it is in our lease that we are not
42 allowed to convert the use in any way. We have an existing business there. We
43 would like to expand our cigarette selection, and our intent is not to carry pipes or
44 any of that. It is to carry cigarettes, cigars, vapes, hookah, and all those
45 products. Ideally, 1300 to 1500 square feet would've been great. All they had

1 was 1600. That's all the landlord space they have. I'm very familiar with the
2 shopping center. I'm there every day. That's about it.

3
4 **COMMISSIONER LOWELL** – You said you own an existing shop there. What
5 shop do you own?

6
7 **APPLICANT BRYAN ALBERRE** – The Ironwood Liquor. The corner building.

8
9 **COMMISSIONER LOWELL** – And you can't take the use of the smoke shop and
10 put it in the liquor store to kind of save space or?

11
12 **APPLICANT BRYAN ALBERRE** – Well, for example, we're not a speciality in
13 cigarettes or cigars or, you know, we specialize in liquor, so our...the majority of
14 our stores, especially Ironwood Liquor is liquor, so we're not, we're not venturing
15 into that in that store.

16
17 **COMMISSIONER LOWELL** – Thank you.

18
19 **VICE CHAIR KORZEC** – Anyone else? Thank you Sir.

20
21 **APPLICANT BRYAN ALBERRE** – Thank you.

22
23 **VICE CHAIR KORZEC** – Okay, with that, I'll close the Public Hearing and open it
24 up to commissioners deliberations. Anyone want to say anything or?

25
26 **COMMISSIONER LOWELL** – My concern was about the possibility of selling
27 marijuana there, but the Applicant said that they have no intent of ever selling
28 marijuana there, plus they have a lease that restricts them from doing so. If at
29 some point in time their leased changed, would they have to come back in front
30 of the Planning Commission or in front of the city to get a new CUP to change it
31 to allow marijuana sales?

32
33 **PLANNING OFFICIAL RICK SANDZIMIER** – It looks like our attorney is
34 reaching for the thing, but I'll start with it. The item later for you on the agenda
35 tonight is to put forward some land use regulations. In the absence of any land
36 use regulations, all marijuana activities are prohibited in the city. So I'd be I
37 guess better prepared to answer the question depending on how the item on the
38 agenda later goes forward that our city attorney may be.....

39
40 **COMMISSIONER LOWELL** – Well hypothetically if things go in the way that pot
41 shops are now allowed in the city, the general consensus would be they would
42 have to come back and apply for a new permit or a new CUP to allow that kind of
43 sale. It's just not automatic that if they own a shop or something that they can
44 start selling.

1 **ASSISTANT CITY ATTORNEY PAUL EARLY** – That’s correct. If everything
2 goes according to the Staff recommendations, you would not be able to operate
3 a cannabis business in the city without regulatory permits, specific land use. It’s
4 a separate CUP for it, as well, so there’s...this application would not relate in any
5 way to that. They wouldn’t be able to convert it lawfully. They would have to
6 come in as an entirely new business and seek the cannabis permits and site use.

7
8 **COMMISSIONER LOWELL** – In the past, we’ve talked about smoke shop
9 regulations, and we had a very long discussion about what is drug paraphernalia.
10 It’s basically when you see kind of a situation, given that they are selling some
11 paraphernalia that could be misused, is that going to be an issue if they open up
12 this smoke shop and they want to sell other methods of using tobacco that could
13 be misused. Is that going to null and void the CUP?

14
15 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Most of that is regulated by
16 State Law and so, as far as our office is concerned, we wouldn’t be enforcing
17 those types of regulations if they are carrying certain types of pipes that we might
18 commonly use in a different...for a different product than tobacco. That’s not
19 something that we’re regulating.

20
21 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may, just to clarify one thing,
22 when we did bring the smoke shop discussion for you there was some
23 modification to Title 5 of our Municipal Code that do affect the business licenses
24 that are issued, and there are some provisions within there where we can revoke
25 a business license based on the certain types of activity. We typically in the
26 Community Development Department enforce the regulations in Title 9, which is
27 the Planning and Zoning Regulations, but I do want to make sure you understand
28 there is a separate Title, Title 5, of our code that does have some provisions that
29 speak to what you’re talking about. So given the two speakers tonight that spoke
30 out against the shop, if they see something that is not copacetic and is kind of
31 shady, how would they contact the city or who would they contact to file the
32 complaint? Would it be the police department? Would it be the City?

33
34 **PLANNING OFFICIAL RICK SANDZIMIER** – They could contact the Code
35 Enforcement Group, which is out of the Community Development Department, so
36 they would contact the department we are in. if they wanted to contact the police
37 department, they could do that, as well, and those sorts of complaints can be
38 coordinated or carried over to the Code Enforcement Department depending on
39 what the nature of the complaint is. We would typically send somebody out to
40 investigate and, depending on what they find, there could be a notice of violation,
41 a notice of correction of some sort, or they could be a citation depending what
42 the activity is that is found on the site would be so.

43
44 **COMMISSIONER LOWELL** – Thank you.
45

1 **VICE CHAIR KORZEC** – Do we know where the closest smoke shop is to this,
2 how far away?

3
4 **PLANNING OFFICIAL RICK SANDZIMIER** – I don't have the information this
5 evening.

6
7 **VICE CHAIR KORZEC** – No?

8
9 **ASSOCIATE PLANNER GABRIEL DIAZ** – I drove around the area. There is no
10 commercial center that close this. This kind of seems isolated north of Ironwood.
11 Sorry, I didn't see...our Code I think restricts another smoke shop within 600 feet,
12 and there is no other smoke shop within 600 feet.

13
14 **VICE CHAIR KORZEC** – Yeah, I don't think so. That's my neighborhood. I go to
15 that shopping center a lot. I'm one of those 4:30 to 5:30 people that have no
16 trouble parking and go to the 99 Cent Store, so but I didn't think there was
17 anything else in the neighborhood, so it's not that there would be a huge amount
18 in one area. Okay, any other questions? Mr. Sims.

19
20 **COMMISSIONER SIMS** – So on the issue of the security, I don't know if a
21 smoke shop attracts nefarious-type people more than the liquor store or the
22 supermarket or the 99 Cent Store, so I'm not so sure how big of a deal that is,
23 but at the end of the day I would assume, and this may be more of a question to
24 the Applicant due to the familiarity with the space that they are leasing out from
25 that shopping center, is there a 24/7 security provided by the owner of the
26 shopping center? I don't know that. No there is not, okay. And then I guess, as
27 far as....anyhow that would be nice if they had security there but anyhow, at the
28 end of the day, the other issue that was brought up was the how many smoke
29 shops are....I guess at the end of the day is this seems more of a niche business
30 where it's more community-based catering to a certain demographic and certain
31 geographics, as well, and personally from my standpoint I would allow it to be
32 market driven. If there's a saturation of smoke shops, the lesser use smoke
33 shops will go out of business, so I don't know if that's the Planning Commissions
34 purview to really regulate that type of a situation, so anyhow that's my comments.

35
36 **VICE CHAIR KORZEC** – Anyone else? If not, do we have a motion?

37
38 **COMMISSIONER LOWELL** – Yeah, I'll make a motion. I motion that we
39 approve Resolution No. 2018-10 and thereby certify that PEN17-0090,
40 Conditional Use Permit for a new smoke shop qualifies for categorical exemption
41 in accordance with CEQA Guidelines Section 15332 for In-Fill Development and
42 also approve PEN17-0090, a Conditional Use Permit for a new smoke shop
43 subject to the Conditions of Approval included as Exhibit A.

44
45 **COMMISSIONER BAKER** – I'll second that.

1 Opposed – 0

2
3 **Motion carries 4 – 0**

4
5 **VICE CHAIR KORZEC** – Okay. Any other comments on that? Okay, moving
6 along, we're going to move to Item No. 2 on the agenda that we moved up. It
7 was formerly Item No. 3. It's proposed Tentative Tract Map 37369 subdividing
8 1.6 acres into seven lots, including a Variance for reduced setbacks and an
9 administrative Plot Plan for the addition of a garage, and the Staff recommends
10 that we approve Resolution No. 2018-11. The Staff Report will be given by Julia
11 Descoteaux.

12
13
14 2. Case: PEN17-0128 – Tentative Tract Map
15 PEN17-0129 – Variance
16 PEN17-0130 – Administrative Plot Plan
17
18 Applicant: Ed Romero
19
20 Owner: Silvia Romero
21
22 Representative: Steven Ritchey
23
24 Location: 24645 Eucalyptus Avenue (428-040-017, 018)
25
26 Case Planner: Julia Descoteaux
27
28 Council District: 1
29
30 Proposal: Proposed Tentative Tract Map 37369
31 subdividing 1.6 acres into seven lots,
32 increasing a Variance for reduced setbacks
33 and an administrative Plot Plan for the addition
34 of a garage.
35

36 **STAFF RECOMMENDATION**

37
38 Staff recommends that the Planning Commission **APPROVE** Resolution No.
39 2018-11 and 2018-12, and thereby:

- 40
41 1. **CERTIFY** that this item is exempt from the provisions of the California
42 Environmental Quality Act (CEQA), as a Class 32 Categorical Exemption,
43 CEQA Guidelines, Section 15332 (In-fill Development); and
44
45 2. **APPROVE** PEN17-0129, (Variance); and
46

1 3. **APPROVE** Tentative Parcel Map 37369, PEN17-0128, subject to the
2 Conditions of Approval attached as Exhibit A.
3

4 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Good evening Vice Chair
5 Korzec and members of the Planning Commission. I'm Julia Descoteaux,
6 associate planner on this project. The item before you is PEN17-0128, a
7 Tentative Tract Map 37369; PEN17-0129, a Variance; and PEN17-0130, which is
8 actually an administrative approval. The Applicant is seeking approval for
9 Tentative Tract Map 37369 to subdivide 1.6 acres, which includes 2 parcels, into
10 seven single-family residential lots ranging from 9073 square feet to 11,178
11 square feet and a Variance for the reduced setbacks and a nonconforming
12 garage. The site is currently developed with seven residential units constructed
13 prior to the City's Municipal Code and the Specific Plan 204 under Riverside
14 County regulations. All of the proposed lots exceed the 4080 square foot
15 residential lot size required in the Specific Plan 204. Several of the proposed lot
16 will require an approval for a Variance, as they do not comply with the residential
17 setback requirements of the Specific Plan 204. The development standards
18 require a five foot side setback where both of the units on proposed lots three
19 and four have less than the required five feet. Currently, they have about three-
20 and-a-half feet, which is one-and-a-half feet short of what they are required. Lot
21 seven will require a Variance for the side street setback on Eucalyptus where the
22 existing dwelling is about two-and-a-half feet short of the required 15 feet on that
23 side of the street. Where the development standards in the Specific Plan are
24 silent, the plan defaults to the City's Municipal Code, and the City's Municipal
25 Code requires that all single-family residential units are constructed to have a
26 two-car garage. On lot six, there is currently a one-car garage, which meets the
27 requirements in the current zoning; however, due to the existing layout of the
28 site, a remodel or a development of a new garage is not feasible for this site.
29 Proposed lot one does not have a garage currently but, at this location, there is
30 ample room to construct a garage, so we have an Administrative Plot Plan that
31 we'll be approving. Should you approve this map tonight, we'll approve the
32 Administrative Approval for the garage to be constructed on that lot. Except
33 where I have just discussed, all the other requirements for single-family
34 development within the Specific Plan 204 have been met. The site will take
35 access from a private driveway on Eucalyptus Avenue. The map will be required
36 to provide reciprocal access to the parcel fronting on the northwest corner that is
37 not a part of this project. All parking will be onsite in the individual driveways and
38 all the resident owners will maintain the private driveway. The utility pole in the
39 driveway is required to be relocated or undergrounded, and the Applicant will
40 work with Southern California Edison to accomplish this. All of the surrounding
41 areas within the Specific Plan 204 with the same residential zoning, that allows
42 both single-family and multifamily units. The project is exempt from the California
43 Environmental Quality Act as a Class 32 Categorical Exemption for In-Fill,
44 Section 15332. The project was posted on the site, in the newspaper, and sent
45 to all property owners within 300 feet. To date, I have received two phone calls
46 regarding the project. Both of those callers just wanted to know what the project

1 was and didn't give me any feedback either way of how they felt about the
2 project. They just wanted information. Staff recommends that the Planning
3 Commission approve Resolution 2018-11 and certify that the project is exempt
4 from the California Environmental Quality Act as a Class 32 Categorical
5 Exemption and approve PEN17-0128 for the Tentative Tract Map, PEN17-0129
6 for the Variance, and this concludes Staff's presentation. The Applicant and
7 myself are here to answer any questions for you. Thank you.

8
9 **VICE CHAIR KORZEC** – Thank you. Do we have questions of Staff? Brian.

10
11 **COMMISSIONER LOWELL** – Could you give us a little background as to what's
12 going on here. We have a series of houses that are being subdivided onto their
13 own lot. So currently there are seven houses or seven dwelling units sitting on
14 one lot?

15
16 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Currently, there are two lots,
17 let me go back. Well, actually, that's a good picture. There's two lots here. It's
18 divided about in the middle, so there's four lots on the right side of the screen
19 and then there's the three homes that are on the left side, the very first home
20 adjacent to Eucalyptus is not a part of this project. In the past, in this area,
21 especially during the county days, there were a lot of areas like this where they
22 built multiple houses on each lot and so the Applicant at this time owns both of
23 the parcels, so they would like to subdivide so that they could sell the lot, the
24 houses individually. Right now, if they sell the one lot on the right, all four houses
25 go with it.

26
27 **COMMISSIONER LOWELL** – So it's basically a nonconforming situation right
28 now?

29
30 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – It's not nonconforming in the
31 Specific Plan 204 because you can have multifamily on one lot.

32
33 **COMMISSIONER LOWELL** – Gotcha.

34
35 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – So it is allowed in the zone
36 currently and would have been allowed in the county scope too since....

37
38 **COMMISSIONER LOWELL** – And then a point of clarification, in the Staff
39 Report, it says there are seven single-family residences but on the Tentative
40 Tract Map #22, it says the existing site contains multifamily detached dwellings.
41 Which one is correct?

42
43 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Sorry, well, they are single-
44 family, but it is in a multifamily design right now.

45
46 **COMMISSIONER LOWELL** – I don't know what that means.

1
2 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – They are detached units, so
3 they are not....

4
5 **COMMISSIONER LOWELL** – But the individual dwelling units, they are for single
6 family. They are not multifamily, okay, so the Tentative Map is not correct on that
7 Specific Plan. Okay, thank you.

8
9 **VICE CHAIR KORZEC** – Commissioner Sims.

10
11 **COMMISSIONER SIMS** – Are all of the individual houses currently with their own
12 water and sewer connection and water meter?

13
14 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Yes.

15
16 **COMMISSIONER SIMS** – And electrical and all that?

17
18 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – Yes, they have the power
19 poles go along the back.

20
21 **COMMISSIONER SIMS** – And the only other questions would be for fire. With
22 the substandard side yard, if there is an event that requires access to the back
23 and there is....I mean, three-and-a-half feet, I don't know what it takes to
24 maneuver a man or a person and a hose and whatever has to happen, but is that
25 sufficient with a wall, a fence?

26
27 **ASSOCIATE PLANNER JULIA DESCOTEAUX** – I will defer to the fire marshal.

28
29 **FIRE MARSHAL ADRIA REINERTSON** – Adria Reinertson, fire marshal.
30 Because these are existing dwellings, there is no way for us to retroactively
31 enforce provisions. If they were to build anything additional on this site, they
32 would have to comply with our regulations and code today.

33
34 **COMMISSIONER SIMS** – Well that still didn't answer. I mean, from an actual...I
35 mean, thank you for the answer, but just to elaborate physically is it possible to
36 get back there between the site yard...image if there is a block wall, there's a
37 block wall...I don't know if there's block walls or chain-link fences or whatnot but,
38 if there's a fence between the two yards, the side yard so that you have three-
39 and-a-half on one side, three-and-a-half or whatever it is on the other, can a
40 person with a hose or whatever that needs to get through there with equipment
41 get through to the back of the structure?

42
43 **FIRE MARSHAL ADRIA REINERTSON** – We certainly could. Today's
44 regulations actually allow for three foot setbacks because of the fire sprinkler
45 regulations. If this had been under our regulations to begin with, it would've

1 required at least the five foot, so it is possible, but it does present some
2 challenges.

3
4 **COMMISSIONER LOWELL** – We approved the Tract Map over by Walmart off
5 of Eucalyptus over by Super Target at Nason and Moreno Beach, and they are
6 single-family detached, and they have three foot side-yard setbacks at least.

7
8 **COMMISSIONER SIMS** – You’re right. I can’t remember but, if you say so, I
9 believe you.

10
11 **COMMISSIONER LOWELL** – But they have fire sprinklers, which is a big
12 difference.

13
14 **COMMISSIONER SIMS** – Well, yeah, I mean it’s not...the concern is it’s an
15 existing condition. I just...now we’re going to create legal lots, so anyhow.

16
17 **VICE CHAIR KORZEC** – Anyone else? Would the Applicant like to come up and
18 speak? Would Ed Romero be here?

19
20 **APPLICANT STEVE RICHEY** – Good evening Planning Commissioners, my
21 name is Steve Richey. I’m the representative for Ed Romero. He is here, as
22 well. I’m with Land Engineering Consultants, so I did the Tentative Map for them.
23 We’ve reviewed the conditions. We’re in agreement with what’s being asked for
24 on this project. I’m pretty much here to answer any questions, if you had any
25 additional questions related to some of the setback things, maybe I could some
26 of those but maybe just a clarification on the setbacks, I think the three-and-a-
27 half foot setbacks are along the Southerly line, which is not a proposed lot line.
28 It’s an existing lot line, so regardless of whether...there’s no new lot lines that are
29 being proposed that would have less than a five-foot setback. That’s just a
30 condition that maybe back when these homes were built. I don’t know that they
31 had the best survey information on how to set fences and property lines at that
32 time. I think these homes were all built in the 50s. I think 1958 is what I’ve come
33 up with, so they’ve been around for a long time. The other Variance off of
34 Eucalyptus is only due to the additional dedication that is being requested, so it
35 does leave us slightly short out there, but that is only because of the dedication
36 that we’re a little bit less. Otherwise, the existing right-of-way would’ve given us
37 the adequate setback. The garage that was requested is actually a site where
38 there was an existing garage that burned down several years ago, so it’s really
39 just a replacement of a garage that was there (AUDIO CUTS OUT) on the site.
40 Any other questions, I’m here to answer.

41
42 **VICE CHAIR KORZEC** – Any questions gentleman? Okay, thank you very
43 much. I’ll now open up the Public Hearing on this, and it looks like we have one
44 speaker.

1 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – We do. We have Rafael
2 Brugueras.

3
4 **VICE CHAIR KORZEC** – Mr. Brugueras please.

5
6 **SPEAKER RAFAEL BRUGUERAS** – Good evening once again Chair,
7 Commissioners, Residents, and our guests. I went to this site, and it took me a
8 while to find the address because they are foreign numbers and four on this side,
9 three on this side, and then I found the address in the middle of the lot, and I
10 looked behind it, and I'm thinking one-and-a-half, 1.6 acres, so it's the whole
11 thing, and I'm glad for the question that Mr. Lowell asked because I figured it out
12 what he wants to do with the lot. Okay, and as he divides them in the future, they
13 are pretty good-sized lots between 9000 and 11,000 square feet. The question
14 that I didn't hear get asked, the homes that are there now, are they homeowners
15 or these are renters on these lots because, when he divides the lot, he's going to
16 have an opportunity to sell them. Is he going to sell them to the homeowners
17 that are there or to the renters or to future buyers, and are they going to tar the
18 entrance because there's only one way in and one way out? Okay, that's one
19 thing also there, so I'm happy for those that are finally getting their own lots.
20 They can do whatever they like. They are going to put their little fences and take
21 care of their own little property. That's a beautiful thing there and for those that
22 want to do upgrades, you know, that's a good thing too. However you decide to
23 do tonight just make sure, as we were mentioning, that the fire trucks can get in
24 and the fire trucks can get out because at the end of the lot there's a fence then
25 there's another property. I thought it was going to be that, but it's not, so that
26 was only my concern when I got there. Thank you.

27
28 **VICE CHAIR KORZEC** – Thank you, Sir. Would the Applicant like to address
29 any of those issues? You don't have to if you don't want to. Okay, that's fine.
30 Alright, I'm going to close the Public Hearing and begin our deliberations.
31 Commissioner Sims.

32
33 **COMMISSIONER SIMS** – This seems to be a similar application to what we did
34 that was done over on Alessandro out closer between Moreno Beach and
35 Redlands Boulevard where there was a cluster of homes, preexisting homes and
36 wanted to subdivide the lot to create legal lots, so it looks like it is appropriately
37 conditioned to get it done, and I would imagine that the situation, if Mr. Romero
38 owns all the houses and he's renting those out, if he goes to sell them that the
39 tenants would have an opportunity to become a homeowner if they so choose to
40 be so, or they will have some kind of a rental termination agreement or a
41 termination clause in their agreement that would be amenable to the owner and
42 the tenant so.

43
44 **COMMISSIONER LOWELL** – I have a question. On the variances, on the side-
45 yard variances on lots three and lot four, it looks like the existing fence is further
46 away from the house than the property line, which leaves about a foot gap

1 between the property line and the fence. Is that something that is going to be
2 rectified on the conditions saying they have to pull the fence back to the property
3 line or has the fence been there long enough that they actually have like a
4 prescriptive right to that portion of land?

5
6 **SENIOR PLANNER CHRIS ORMSBY** – We could take a look at that through the
7 plan check process. If it's up by a foot, I don't know how...when we get to the
8 actual standpoint of plan checks on it, we can look at that and.....

9
10 **COMMISSIONER LOWELL** – I've forgotten what the rules are, but if the fence
11 has been there for 20, 30 years, which it seems like it has been, then that's the
12 assumed property and, if that is the case, then you wouldn't have 3.6 feet to the
13 property line, you'd have more like 4.6 or even closer to five feet, so the variance
14 might not necessarily be needed.

15
16 **SENIOR PLANNER CHRIS ORMSBY** – Okay, yeah, if it's an open fence, there's
17 some flexibility. That could possibly be in the setback, so that would probably
18 stay where it is.

19
20 **COMMISSIONER LOWELL** – Okay.

21
22 **VICE CHAIR KORZEC** – Commissioner Baker.

23
24 **COMMISSIONER BAKER** – I think this gives us an opportunity to kind of square
25 this away with the property owner there. It's too bad it's gone on like what 50
26 years or what it has been so, I would move that we move forward with it.

27
28 **VICE CHAIR KORZEC** – Okay, well are there any other comments first?

29
30 **COMMISSIONER BAKER** – I can make a motion if you'd like.

31
32 **VICE CHAIR KORZEC** – Okay, if there's no other comments, I will welcome a
33 motion.

34
35 **COMMISSIONER BAKER** – I'll do that. I move that we, the Planning
36 Commission, hereby approve Resolution 2018-12 and thereby certify that this
37 item is exempt from the provision of the California Environmental Quality Act as a
38 Class 32 Categorical Exemption from CEQA Guidelines Section 15332 In-Fill
39 Development and also approve PEN17-0129 Variance.

40
41 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Excuse me, mine shows it's
42 Resolution 2018-11. Does that match up with yours?

43
44 **COMMISSIONER BAKER** – Mine's 12.

45
46 **COMMISSIONER LOWELL** – There's two of them on there, 11 and 12.

1
2 **COMMISSIONER BAKER** – Oh, there’s two?

3
4 **VICE CHAIR KORZEC** – Yeah, there’s one below it.

5
6 **COMMISSIONER BAKER** – Okay, sorry about that.

7
8 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Yeah, so does it include both
9 resolutions?

10
11 **COMMISSIONER BAKER** – Let me redo that again so we got it on the record
12 right. Okay recommend that they...the Planning Commission approve
13 Resolution 2018-11 and also 2018-12 and thereby certify that this item is exempt
14 from the provisions of the California Environmental Quality Act as a Class 32
15 Categorical Exemption CEQA Guidelines Section 15332 as an In-Fill
16 Development and also approve PEN17-0129 Variance and also approve
17 Tentative Parcel Map 37369, PEN17-0128 subject to Conditions of Approval and
18 attachment of Exhibit A.

19
20 **COMMISSIONER LOWELL** – I’ll second.

21
22 **VICE CHAIR KORZEC** – And the motion is approved, four yeases.

23
24 Opposed – 0

25
26 **Motion carries 4 – 0**

27
28 **VICE CHAIR KORZEC** – Okay, moving along. The next will be the commercial
29 cannabis land use regulations. I noticed there’s only one speaker slip filled in on
30 this?

31
32 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – Correct.

33
34 **VICE CHAIR KORZEC** – I see there’s a lot of people out there, so if any of you
35 want to speak, you need to go over to the side table, fill in a slip, and bring it to
36 the clerk. Okay, I just thought we’d anticipate that.

37
38 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – Thank you.

39
40 **VICE CHAIR KORZEC** – Okay, on this one, the staff recommends that the
41 Planning Commission approve Resolution 2018-09, and the Staff Report on this
42 will be by Mark Gross.

43
44
45 3. Case: PEN17-0157

1 Applicant: City of Moreno Valley
2
3 Owner: City of Moreno Valley
4
5 Representative: N/A
6
7 Location: City-wide
8
9 Case Planner: Mark Gross
10
11 Council District: City-wide
12
13 Proposal: Commercial Cannabis Land Use Regulations
14

15 **STAFF RECOMMENDATION**

16
17 Staff recommends that the Planning Commission **APPROVE** Resolution No.
18 2018-00, and thereby recommend that the City Council:

- 19
20 1. **FIND** that PEN17-0157 (Municipal Code Amendment for Commercial
21 Cannabis Land Use Regulations) qualifies for an exception under the
22 California Environmental Quality Act (CEQA) per provisions at this point in
23 time forth in Senate Bill 94 “medicinal and Adult Use Cannabis Regulation
24 and Safety Act exempting adoption of an ordinance, rule or regulation by a
25 local jurisdiction that will require subsequent discretionary permits,
26 licenses or other authorization; and
27
28 2. **APPROVE** the proposed amendments to Title 9 of the City Municipal
29 Code (PEN17-0157) setting forth land use zoning and development
30 regulations for commercial cannabis land use activities, included as
31 Exhibit A and Exhibit B.
32

33 **SENIOR PLANNER MARK GROSS** – Well good evening Vice-Chair Korzec and
34 Members of the Planning Commission. Tonight we’re looking at a Draft Land
35 Use Ordinance that is being presented to the Planning Commission for regulation
36 of commercial cannabis activities in Moreno Valley and that includes
37 dispensaries, testing, cultivation, manufacturing, microbusinesses, and
38 distribution centers. We have definitions for all of those uses in the proposed
39 Ordinance that was part of your Staff Report as a draft. Now, a little bit of
40 background that I want to provide on the actual subject; the City Council directed
41 Staff to review and provide input on how the City can regulate and control
42 cannabis business operations and legalization of cannabis products that are
43 included in proposition 64, which is the State proposition that allowed for
44 cannabis uses. So what we had a chance to do is there was a couple of areas
45 that the City needed to pull together if we were going to move forward with
46 cannabis operations or allowing for cannabis operations and one of those was a

1 Regulatory Ordinance, the other was the Land Use Ordinance, which of course is
2 before you this evening. Now the Regulatory Ordinance was actually passed late
3 last year and the State, just to give you a little more background, I'm sure a lot of
4 you know about this already, but the State, as of January 1, 2018, is issuing
5 commercial cannabis licenses, and they provide for these licenses only if the
6 local jurisdiction permits are secured first. So any licenses or conditional use
7 permits would have to be secured. Now the ordinance includes five different land
8 use districts and 26 conditionally permitted cannabis uses city-wide, all required
9 in enclosed permanent structures, and I want to run through exactly what we are
10 looking at as far as these 26 uses that we're looking at as far as the amounts.
11 We have six different cannabis operations that we're looking at and, starting off
12 with dispensaries, we're looking at 10 of those that may be allowed. I want to
13 also give you information on where they would be allowed as far as the zoning
14 districts and, for dispensaries, that would be community commercial,
15 neighborhood commercial, and business-park mixed use zones. For testing,
16 there would be a maximum of two that may be allowed within the business park,
17 business-park mixed use, and the business park and the neighborhood
18 commercial. Excuse me, let's go back and do a redo on that. Testing allows for
19 a maximum of two, and that's in the business park, business-park mixed use and
20 light industrial zones is what I wanted to say. For cultivation and manufacturing,
21 there would be five each that would be allowed; five cultivation and five
22 manufacturing, and that may be allowed within the business park, the business-
23 park mixed use, and the light industrial zoning districts. For microbusinesses,
24 which is a mix of dispensaries, cultivation, and possibly manufacturing, we're
25 looking at a maximum of two that may be allowed within the business-park mixed
26 use zones. Finally, for distribution centers, a maximum of two may be allowed in
27 any of the five zoning districts that would be allowing commercial cannabis
28 activities, and so we're looking at the five zoning districts, and I'll mention them
29 here just so you're aware of these five districts. We're talking about
30 neighborhood commercial, community commercial, business park, business-park
31 mixed use, and light industrial. Those are the five areas that are open for these
32 different uses as we've indicated. So, I want to talk a little bit about the
33 ordinance, and then we're going to get into the map that is provided here. In fact,
34 we have a number of maps that we've included, so we will be getting into those
35 here in just one second, but what I want to talk about is just the ordinance itself.
36 The ordinance does provide for 14 definitions, and these are all consistent with
37 the Title 5, Regulatory Ordinance. It also provides for specific zoning districts as
38 we've mentioned here. It provides for Conditional Use Permit requirements for
39 all 26 proposed uses. It provides for general development standards. It provides
40 for land use buffers, which we're going to get into in just a minute or two, and it
41 also provides for grounds for revocation of cannabis businesses. Again,
42 cannabis uses are required under a Conditional Use Permit, it would coming
43 before this body, before the Planning Commission, and the Planning Commission
44 would have a chance to review those permits and approve those permits. And, if
45 there are violations of those permits, whether they be from just Conditions of
46 Approval or operations, , there are revocation proceedings that are followed in

1 the ordinance itself. So at this particular time I want to talk a little bit more about
2 where some of the cannabis operations would be allowed, and I'm going to start
3 with the maps that you see. They'll be about a series of five maps, and they go
4 from very general to very specific, and so here we start off with a very specific
5 map. This is the Zoning Map of the City, so you see all of the colors there. It
6 includes zoning for every single property within the city, so that's the first one that
7 we wanted to provide. Now this next map is just providing for possible
8 opportunities or possible land that would be included in or land, I should say, that
9 would be included in the community commercial and the neighbor commercial
10 zones in the city. This does not include any specific plans, and we'll talk a little
11 bit more about specific plans in a moment because we've added a little bit more
12 information to some of these maps. So the maps that were originally in your
13 packet just included areas that were not including specific plans but, as you'll see
14 on the last map, we'll get into the specific plans and how they work. So we
15 talked about community and neighborhood commercial areas, and these are
16 potential areas that again could be for dispensary-type uses. So this next map
17 that we're showing is actually showing land within the business park, the
18 business-park mixed use, and the light industrial zones and, again, not including
19 specific plans here. In these particular areas, these could be possibilities for,
20 testing, manufacturing, and cultivation. This next map actually is providing...it
21 does show all of the different zones that is allowing for cannabis activities, and
22 what this does is it provides for potential acres and areas where all 26
23 commercial cannabis businesses could locate, , but this does not include any of
24 the information that we have in our ordinance. Now the ordinance is going to
25 include buffers and other requirements, and so this is just showing you the
26 potential areas that we have. Now, for this next map, this is actually getting into
27 the specifics. Here we actually include the 600 foot buffer that is a requirement
28 of the ordinance, and that's consistent with State Regulations and, what we're
29 talking about, and you can see the little bubbles all along and all around these
30 sensitive land uses and, again, this is consistent with State Regulations. There is
31 a buffer regulation of 600 feet from cannabis uses, and, and we're talking about
32 items such as public and private schools, daycare centers, youth centers,
33 arcades, and these...all of these items that you see up here were all queried
34 through the Business License Division Records. Now when the 600 foot buffer is
35 factored in, you have approximately 632 areas eligible for dispensary uses, 663
36 acres that is eligible for cultivation, manufacturing and testing, 44 acres possibly
37 for microbusinesses, and 1251 acres for distribution centers The reason for the
38 large amount for the distribution centers is the fact that, again, distribution
39 centers would be allowed in every one of the five zoning districts that are
40 allowing for cannabis operations. So what this map also includes is specific plan
41 areas, and I want to talk a little bit about the specific plan areas because we have
42 additional cannabis sites and acreage that was...that is provided...that could be
43 provided and is provided in specific plans. Some of these areas include like
44 zoning, where the commercial cannabis use is allowed in our ordinance. ...All of
45 these specific plans that we include on this map are actually deferring to
46 Municipal Code standards. We have specific plans in our city that either defer to

1 the standards, or they just defer to the Municipal Code where the permitted uses
2 is based on the Municipal Code standards. If the ordinance is approved, all of
3 these uses or areas could actually defer to the Municipal Code and to what is
4 allowed under cannabis operations. There are other specific plans that we did
5 not include here that have their own permitted use tables and their own
6 standards and those we didn't include because they would actually have to come
7 in for a specific plan amendment to allow for cannabis land uses. What this does
8 and what this shows, is when you factor in all the specific plan areas that are
9 possible, the ones that are actually tiering over to the Municipal Code, you're
10 looking at approximately another 200 acres that is possible for primarily
11 commercial dispensary operations. So that's just a little bit of information on the
12 maps themselves, and I want to talk just a little bit about some of the other
13 information, such as the environmental document for this project. The Cannabis
14 Ordinance is exempt from the California Environmental Quality Act, and that's in
15 conjunction with State Senate Bill 94. That's the medicinal and adult use
16 cannabis regulation and safety act that exempts... the adoption of an ordinance
17 by a local jurisdiction that is requires discretionary permits or licenses. Now the
18 ordinance is requiring a City License and a Conditional Use Permit in this case,
19 so that would allow for the appropriate environmental review and determination
20 on a case by case basis. So as this body has a chance to review conditional use
21 permits and the Staff works on the review of the environmental document, they
22 would be able to determine through CEQA what the appropriate environmental
23 document would be. Now there was notice on this particular item. It was
24 published in the Press Enterprise Newspaper, and that was back on February 11,
25 2018. Before I get into a few other items, I did want to say that I did receive six
26 calls actually in total on the item and most of the callers were determining if their
27 property....they were looking at certain property to see if certain cannabis
28 operations were allowed by this particular ordinance if this ordinance were to
29 come into play, and it gets approved. So they were really interested in locations
30 of where cannabis operations possibly could go. So we talked a little bit about
31 the notice,, I do want to end with the fact that the Cannabis Ordinance is now
32 requiring consideration tonight and recommendation by the Planning
33 Commission and that would be followed by City Council deliberation and action
34 on all required Municipal Code changes, and we're looking at possibly getting
35 this on, at least our goal possibly would be getting it up for the middle of March to
36 a City Council Meeting possibly on March 20, 2018, is what we're looking at, but
37 that will be determined based on what we go through this evening. So that
38 concludes Staff's Report, and we're able to answer any questions that you may
39 have. Thank you very much.

40
41 **PLANNING OFFICIAL RICK SANDZIMIER** – Madam Chairman, if I may just
42 take a second....Mark can I have the clicker? Mark did an excellent job going
43 through this in some detail but because it's an important issue that you guys are
44 considering tonight and the public is also focusing on some of these maps to
45 possibly make some decisions, I just want to go back real quickly over these and
46 just kind of show a little bit of a focus by the uses and to also indicate that some

1 of these maps were not included in your Staff Report that was published last
2 week. Some of these maps are newer and were just produced for this meeting
3 this evening. So the first one I want to start with all of the red areas here, as
4 Mark has indicated, are the community commercial zones and neighborhood
5 commercial zones in which dispensaries and distribution facilities would be
6 allowed so, if anybody is interested in which specific uses could occur in here, it's
7 just dispensaries and just distribution facilities. While there's a lot of sites being
8 shown up there, the number of recommended dispensaries is limited to 10, so
9 only 10 dispensaries could occur in all those red areas. Some of them could be
10 more concentrated. Some of them may be spread out. We don't know where
11 they are going to come in and, as far as distribution facilities, we're
12 recommending two distribution facilities. Some were in all of those red areas.
13 The light blue areas represent the business park, business-park mixed use, and
14 light industrial areas and, as Mark indicated, these are the areas in which
15 cultivation, manufacturing, testing laboratories, and distribution facilities can be
16 located. The one thing I'd like to point out is the microbusinesses, which we're
17 only recommending two, would only be limited to those areas that are designated
18 as business-park mixed use, which is only a small portion of this, and I apologize
19 that I don't have a map that highlights just the business-park mixed use, but we
20 could drilldown on that if anybody in the public wanted to call and ask specifics
21 about that. The number of manufacturing locations would be five. Cultivation
22 sites would be five. Testing laboratories is two. Microbusinesses is two and,
23 again, distribution is two city wide, and those two could be either in the blue area
24 here or in the red areas that I showed before. This area is showing collectively
25 all of those blue and red areas and, as Mark indicated, we overlaid the specific
26 plans, and this is the new information that, as we drill down and we looked at the
27 specific plan provisions, those...only those specific plans that have references to
28 neighborhood commercial or community commercial were the ones that we
29 wanted to make sure were clear to you and were clear to the public, and we
30 would be making clear to the City Council who will be the ultimate decision-
31 making body on this. We wanted to show this collectively. The other thing that I
32 wanted to show is, if you look at this map, here there is an acreage table up in
33 the top right corner, and so it gives you a sense of how much acreage is
34 available in each of those zoning districts and then, once we apply the next map,
35 which is the restricted areas, the 600 foot buffer, if you toggle between that
36 matrix on this page and the matrix on the next page you'll see that in each of the
37 categories, the amount of acreage goes down considerably. In some, it's a little
38 more negligible, but in all there is a reduction in the amount of sites that would be
39 available once you apply the buffers. The other thing that you can see, if you
40 toggle between this map here and this map here, is the amount of color, so the
41 amount of color what shows up on this map you can see disappears somewhat, I
42 know it's a little bit difficult because you see a lot of pink up there, but the brighter
43 colors disappear and gives you a visual representation of where the areas start
44 to fall out because of those restrictions. So just wanted to make sure that people
45 understood what the maps were trying to convey, and I think Mark did an
46 excellent job in the presentation. The other stuff that's in your Staff Report that's

1 available for the public to look at is the resolution, which documents all the
2 reasons why we're doing this and then it goes into specific modifications that
3 we'll be adding into our Municipal Code and, if you have any questions on any of
4 those specifics, we're very happy to answer those tonight. The last thing I'll say
5 is this has been a yeoman's effort to try and put all this stuff together in a short
6 period of time. In addition to Mark, the Staff behind me, our city attorney's office,
7 and others have been very active in making sure this is all pulled together, so
8 we're here this evening to answer any questions. Thank you very much.

9
10 **VICE CHAIR KORZEC** – Any questions of Staff?

11
12 **COMMISSIONER SIMS** – I have some.

13
14 **VICE CHAIR KORZEC** – Go ahead.

15
16 **COMMISSIONER SIMS** – So thank you, Mark. You always seem to get the
17 tough, the tough issues to present so, so I don't really understand some of the
18 nuances between distribution and microbusiness and dispensary because I
19 don't...but I guess I kind of get the sense of what those are, so I'm assuming that
20 the dispensaries are the place where people can just come in and by product off
21 the street?

22
23 **PLANNING OFFICIAL RICK SANDZIMIER** – That would be correct.

24
25 **COMMISSIONER SIMS** – So and then like a microbusiness would be like going
26 to Hangar 24, and you can go and see how they make it and how they grow it,
27 and you can just make a day of it. Go there. You couldn't do sampling, though.

28
29 **SENIOR PLANNER MARK GROSS** – Correct. There would be no sampling. In
30 fact, in any of the uses, there wouldn't be anything associated with that.

31
32 **COMMISSIONER SIMS** – But you could see the whole kind of food chain of how
33 this stuff is grown....

34
35 **SENIOR PLANNER MARK GROSS** – Right.

36
37 **COMMISSIONER SIMS** – Packaged, sold, that kind of thing.

38
39 **SENIOR PLANNER MARK GROSS** – Correct.

40
41 **COMMISSIONER SIMS** – The distribution I guess is...I have no idea of what...it
42 seems like when you say distribution I think of logistics so you'd see truckloads of
43 this coming in in boxes or what is this and then it goes out to the dispensaries or
44 how is that...what is that kind of situation?

45

1 **SENIOR PLANNER MARK GROSS** – Well, as far as the distribution goes, it's
2 really providing for...it could be providing for the procurement or transportation of
3 cannabis or cannabis products between entities that really are licensed by the
4 State of California, so they would all be licensed.

5
6 **COMMISSIONER SIMS** – And I, I get the hierarchy of how you take the 26
7 potential land, potential CUPs that would have to go in, and there's more of the
8 cash-n-carry walk in, you get product, and walk out type thing. So that makes
9 sense. How did the 26 come about? How was that picked as a number?

10
11 **PLANNING OFFICIAL RICK SANDZIMIER** – Let me try and address that. First
12 before I address the number, I want to provide one clarification. In your
13 description in the types of uses, you described the microbusinesses as a place
14 where people could go and see how the product is grown and then packaged,
15 and then manufactured. I'm not sure if you meant that literally or not, but I
16 wanted to point out that there are actually restrictions based on the State
17 Regulations and in our Municipal Code that would restrict the public from getting
18 into these facilities, so our regulations are not intended to make these facilities a
19 place where the public would go in and try and see or learn. They are actually
20 intended to be very secure sites just to make sure we minimize that....

21
22 **COMMISSIONER SIMS** – So then help me understand what the difference is
23 between a dispensary and a microbusiness.

24
25 **PLANNING OFFICIAL RICK SANDZIMIER** – The microbusiness is a place
26 where there is actual cultivation going on. There is manufacturing, and there is
27 some sort of a distribution or a dispensary, but you have to have three actual
28 cannabis activities going on in the location, except for testing. Testing has to be
29 done completely remote from any of those types of activities, so you would go
30 into those places, but not with the intent to roam around and see how things are
31 being done, so that's the clarification I'm trying to make, but you could see in a
32 microbusiness all of those things being done. The other thing with the
33 microbusiness is the size of the facility is limited based on how much cultivation
34 is done is limited in particular. With regard to the 26 locations, we have tried to
35 identify what a city of 52 square miles with population of 209,000/210,000 people
36 would need. We're also looking at the amount of available land that is out there
37 for this and then also what the market demands are. A lot of this will be dictated
38 just based on market demands. So even if we put 26 out there and only five
39 come in, we'll know that our number was maybe too high and, if we put out 26
40 and 52 come in and we know we're only half way there, that'll be an indicator.
41 So we are testing the market rather than oversaturating it and saying that you
42 can put one of these types of activities anywhere in the city. We started with a
43 place to kind of control the number. We've based it on research we've done with
44 other jurisdictions. There are some jurisdictions that are not allowing any types
45 of dispensaries. Possibly there are some that are focusing on cultivation. There
46 are some that have opened up the doors similar to us and are allowing all these,

1 but we did a lot of research, and so we tried to compare ourselves to what's
2 going on in the industry and knowing that, most likely, as a new industry we're
3 going to have to make some adjustments somewhere down the road but now this
4 is the starting point. We started at one point with 22 and then the idea of
5 distribution we thought that we'd miss that because distribution you're asking is a
6 function that is needed to move product from one of the uses to the other and
7 somebody may be interested in setting up a place where they are kind of the
8 middle man, so we introduced two more to the 22 that we had and then the idea
9 of microbusiness, which is a new entity in itself. We introduced that and added
10 two of those, and that's how we got from 22 to 26, but our number has not
11 fluctuated any more than the 22 to 26 range.

12
13 **COMMISSIONER SIMS** – Okay, thanks. So going on with the....I appreciate the
14 clarification on that. The other....when I read through the....when I was looking
15 through the resolution, so I'm not going to read all the whereas', but I'm going to
16 read the pertinent ones that caught my eye. So I read whereas in November of
17 2016 Proposition 64 was approved by voters in California. So that was the Adult
18 Use Marijuana Act, so there was a majority. It passed. And then Governor
19 Brown, on June 27, 2017, they amended it...amended the Proposition 64, and he
20 signed the Medical and Adult Use Cannabis Regulation Safety Act. Then I read
21 down three more, whereas and then it goes the Planning Commission, and that's
22 us, we're recognizes that regulating licensed commercial activity is permitted in
23 the state, even though the Federal Control Substances Act, various sections,
24 classifies marijuana as a schedule one drug and makes it unlawful under federal
25 law. So I...this is...I don't know how to square that. So here we have the State
26 saying it's okay we're....we're already adopted through amendments to Title 10
27 of the Municipal Code gives the City regulatory authority to license and regulate
28 the sale of all this stuff for the cannabis activities. Now the Planning Commission
29 is considering entitlement process for actual specification of location but how do
30 we, as planning commissioners and the City, regulate when, even though our
31 State says it's okay, but out United States say it's illegal...I just....how do we
32 square that?

33
34 **PLANNING OFFICIAL RICK SANDZIMIER** – Let me describe the purpose of the
35 whereas statements in the resolution. The intention in a resolution is to make
36 sure that we're doing this in the light of day, so the whereas statements are
37 basically reflecting those facts that are true. The language was also modeled
38 after other resolutions and other ordinances that we examined at other
39 jurisdictions. So we're trying to be consistent with what other jurisdictions have
40 done in the whereas statements and the findings they have made. It is an
41 interesting dilemma when you talk about what the federal regulations are
42 restricting and what the State is allowing, but then there's power that's vested in
43 a City to make its own regulations in the light of day, and this is where I'll turn it
44 over to the city attorney to help me communicate that part.

45

1 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Thank you. I think the short
2 answer to your question is you can't. Federal Law does continue to prohibit and
3 schedule marijuana as a Schedule 1 drug, and it's prohibited under Federal Law.
4 Our State and a number of other states have decided that they feel differently
5 about it and, City's that follow State Law, many of them have joined on with the
6 State. If you're concerned about city liability or personal liability to the feds, the
7 city is not going to be engaging in any of these uses, so there's really no risk
8 from the Federal Government to the City simply by identifying and
9 allowing...identifying where these uses are going to be permitted or not under
10 State Law. We're just following State Law Guidelines on that, but to the
11 operators of these facilities, they remain under a cloud of enforcement under
12 Federal Law and that's going to depend on the administration at the time, as far
13 as how proactive they are going to be about enforcement of that or not, but how
14 do we square the two? We can't. Currently, they are in conflict.

15
16 **COMMISSIONER SIMS** – Okay, thank you for that, and then the other...the
17 other question is, is has Staff...I guess it goes to public policy as far as benefits
18 to the City. Do the benefits to the City outweigh the necessity to approve these
19 things? So, for instance, if we...I would assume there's sales tax or there's some
20 kind of benefit that comes to the City by approving these...an additional type
21 business, so there must be revenues. Has there been any kind of statistical
22 analysis or economical analysis that would demonstrate that the benefits from
23 revenue increases to the City would offset any of the costs that would come for
24 enhanced regulations, staff investigatory enforcement from our cops and whatnot
25 to make sure that this stuff...that, if this type of business and ordinance is
26 approved, that it's a cost neutral to the City?

27
28 **ASSISTANT CITY ATTORNEY PAUL EARLY** – So this is more on the
29 Regulatory Ordinance side of things and maybe we need to mention how those
30 are...there's two different ordinances at play here, the regulatory ordinance that
31 was already passed by the Council and may be amended in the future. That
32 ordinance is what allows the business to operate. Think of it like a business
33 license, but there's an application process. They owners are screened. They
34 have a number of requirements on them. The application fee is quite substantial
35 on that because it's designed, as you said, to cover all of those costs, including
36 additional staffing, security, police, code enforcement, so all those things have
37 been taken into consideration under the regulatory framework. This ordinance
38 that is before the Planning Commission is subject only to the land use aspect of
39 it. So if you think of it in terms of the cannabis business operator permit license
40 as being a license issued to an individual operator, what's before you right now is
41 more site specific. The Conditional Use Permit for that particular location and
42 any Conditions that might be in addition to the Regulatory Ordinance that are
43 going to apply to that particular location, so there are two separate ones in play,
44 but the first one, the one that the Council's already adopted, does take into
45 consideration those revenue neutral aspects to it. Apart and aside from that, it is
46 possible that there will be additional revenue that's not revenue neutral. It's not

1 designed to recover costs. It's simply revenue to the City. That could come in
2 the form of sales tax revenue. It could also come in the form of additional special
3 taxation that the voters may approve in the future specifically on these types of
4 businesses, but those would not be to offset anything. Those would simply be
5 revenue.

6
7 **COMMISSIONER LOWELL** – Yeah, I have a couple.

8
9 **VICE CHAIR KORZEC** – Go ahead.

10
11 **COMMISSIONER LOWELL** – I noticed that the WLC, World Logistics Specific
12 Plan area is not an area that allows any type of cultivation use, distribution,
13 testing. Is that something that is potentially amended in the Specific Plan for that
14 side of that part of town or is....that part of town is a pretty big part of town, and it
15 looks like it was excluded.

16
17 **SENIOR PLANNER MARK GROSS** – Yeah that actually is in a one of the
18 specific plans that does not defer over to the Municipal Code. They have their
19 own individual regulations and permitted uses in that specific plan so, in order for
20 that to open up, the Applicant would have to come in and would actually have to
21 modify the specific plan. It would be a specific plan amendment to allow for that
22 type of use if this ordinance was to pass. So it doesn't defer to the Code,they
23 would have to look at their own specific plan and see what can be done, and that
24 would be a specific plan amendment to allow for that use.

25
26 **COMMISSIONER LOWELL** – Thank you for that one. Is the permitting process
27 to allow the dispensaries and other facilities, is that a stand-alone permit
28 meaning that store has to be dedicated to that use or could say Target or
29 Walmart or any other existing facility apply for a license to sell?

30
31 **PLANNING OFFICIAL RICK SANDZIMIER** – The answer is the cannabis activity
32 requires a Conditional Use Permit. If an operation like Target wanted to come in
33 and carve out some aspect of Target and say that this is an area we want to
34 dedicate for cannabis activity, we would evaluate it based on the zoning in which
35 it is and based on the proposal that is made, and then it will also have to go
36 through the regulatory commercial cannabis licensing process, and it would also
37 have to go through a State Licensing process, and so it would have to....it would
38 basically have to go through all the same steps, but we did not make a distinction
39 in this ordinance that is before you that it would have to be a stand-alone
40 business. I think a general presumption is that most of them will be stand alone.
41 You'll probably have a dispensary operating on its own, a cultivation or
42 manufacturing facility that's operating on its own. A testing facility is one of those
43 other areas that is kind of a grey area. I have talked to some other jurisdictions
44 where the testing that is being done. There is all kinds of testing that could be
45 taking place because it's kind of a laboratory, and they may add the commercial
46 cannabis testing to one of the things that they do as an operation, so that's

1 probably the more likely area that the testing lab would come in and do
2 something in addition to cannabis, but I don't really imagine a Target or another
3 shopping, but this is all new, so I don't know.

4
5 **COMMISSIONER LOWELL** – So it's a grey area that's going to be...

6
7 **PLANNING OFFICIAL RICK SANDZIMIER** – That would be a grey area, but it
8 would also be evaluated based on the limit that we've had so, if we've had, 26
9 permits issued and each of the categories has been used up, somebody comes
10 in and wants to add it to a Target or add it to another shop of some sort, it would
11 still have to go through the same process.

12
13 **COMMISSIONER LOWELL** – Okay, now since you mentioned the number, the
14 permit limit number, what is the process say all of our permits are sold? They
15 are all occupied, every single one of them. Is there a waiting list? Say I want to
16 come in and own my own shop, but all of them are used and would I come in and
17 be the first on the list, would it go for X amount of months or years or is it a
18 random lottery that you come in to apply for a permit and there just happens to
19 be one available you get it?

20
21 **PLANNING OFFICIAL RICK SANDZIMIER** – So there's a couple things
22 happening here, as the city attorney identified. There's a commercial cannabis
23 business licensing process that will be done separately. What's in your purview
24 this evening is the discussion about the Conditional Use Permits.

25
26 **COMMISSIONER LOWELL** – Correct.

27
28 **PLANNING OFFICIAL RICK SANDZIMIER** – So the Conditional Use Permits,
29 we could get an application for 30 Conditional Use Permits. They could all come
30 in. They could be evaluated. All 30 of them could be approved, but then only 26
31 of them would be authorized to go through the other process but, as long as they
32 clear the hurdle to get Commercial Cannabis License and, as long as they get
33 the State License, only 26 of those 30 CUPs that were issued would become
34 effective. Now a Conditional Use Permit, as we have discussed with other
35 projects that have come before you, has a life of 36 months. So that CUP would
36 be good for 36 months to be exercised upon and, if during that 36 months the
37 Applicant decides that they want to continue the life of that, there's a provision in
38 the Code that allows for those sorts of permits to be extended, so to get an
39 extension of time for another three years and so, if their slot hasn't opened, I
40 guess somebody theoretically could try and keep their Conditional Use Permit
41 active until the point where they do have a slot, but it's not guaranteed just
42 because you got a CUP that you'll get a license.

43
44 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Yeah, I think Rick mentioned or
45 I mentioned the two, the City has two, but there also is a State License
46 requirement here to, so you need all the licenses to operate; the State License,

1 the City License, and the CUP. The CUP is only about the particular site that
2 we're locating on, so a lot of the concerns you have are important and valid
3 concerns that have been addressed and looked at in both the State and the
4 City's licensing but aren't part of the Land Use Regulations that are in front of you
5 tonight, so that's where there's....I know there's a lot of questions that you have
6 that are or potentially are answered in the State and the Regulatory Licenses, but
7 that's where they would be addressed, not here as far as locations where these
8 would go.

9
10 **COMMISSIONER LOWELL** – Well what my concern is that I don't believe we
11 have a maximum number of liquor stores or smoke shops, but we'll have a
12 maximum number of cannabis industry facilities. So we've haven't really
13 experienced a maxing out of permits yet. This would be the first, in my
14 knowledge, CUP that could max out. So say all 26 permits are used, we're
15 testing microbusiness distribution, all that and cultivation, say somebody does
16 come down the line after all 26 are consumed or used, what's the process. Is
17 there a waiting period? Do you just put your name on a list? Is it a lottery say
18 somebody quits the business, fails, they go out of town, there's 25 of 26, so who
19 governs who gets that last one? Is it just first come first serve?

20
21 **PLANNING OFFICIAL RICK SANDZIMIER** – Okay, so on the CUP, a similar
22 process where things are regulated based on a certain number or maybe a
23 saturation is ABC Licenses. So some of our uses that require a CUP because
24 they are going to sell alcohol, you may have seen that kind of discussion where
25 the Applicant comes in, and I think we had one just a couple of months ago
26 where we have a Condition of Approval that says you've got a Conditional Use
27 Permit that's approved, but that Conditional Use Permit alone does not allow you
28 to sell alcohol or this establishment. You still have to secure your license through
29 ABC. If you're not able to secure your license through ABC because it's an over-
30 concentrated area, and they are not willing to issue a permit because they
31 haven't got a determination of convenience and, I can't remember the word right,
32 but it's a necessity and convenience. So if you don't get that finding, you may
33 not get an alcohol license, but you still have a valid CUP, and that valid CUP is
34 still running with the property and allows that business owner to try and secure
35 the other licenses or approvals that they would need, so that would be similar
36 here. Like I said, you could have maybe 30, maybe 40 people who want to come
37 in and want to get CUPs issued for cannabis activity. We could be bringing them
38 all before the Planning Commission. The Planning Commission could look at all
39 of them, and there would be a Conditions of Approval imposed on those in theory
40 right now is what we're thinking through that, in order to operate that business,
41 you'll still need to get the Commercial Cannabis License approved through the
42 City, and you'll also have to get the State License, and those will become the
43 Conditions of Approval associated with the CUP.

44
45 **COMMISSIONER LOWELL** – So the limiting number is on the City Business
46 License, not the CUP. The CUP, we theoretically have an unlimited number of

1 CUPs that can condition someone to potentially sell this product, but the 26 is on
2 the other side on the City Business License side?

3
4 **ASSISTANT CITY ATTORNEY PAUL EARLY** – That’s the way it’s written, yes.
5 It says a maximum of 26 businesses with approved Conditional Use Permits for
6 Commercial Cannabis activity will be allowed to operate in the city at any one
7 time.

8
9 **COMMISSIONER LOWELL** – Gotcha. I misunderstood. I had it the other way
10 around. Alright, I also noticed that the microbusiness is the only business that
11 has a size limit of 10,000 square feet. Are the facilities in industries size
12 commercial restricted?

13
14 **PLANNING OFFICIAL RICK SANDZIMIER** – The commercial cultivation of
15 cannabis is also limited by the State. Our understanding of the regulations to
16 date and what we’ve written into our code limits that cultivation canopy to 22,000
17 square feet, and that’s tied to the State. So those regulations that we put in there
18 are trying to reflect what the State regulations are. If the State regulations
19 change, our Code would still stay what it is unless they come back and we
20 change the Code but, right now.....

21
22 **COMMISSIONER LOWELL** – Twenty-two thousand for cultivation is the...

23
24 **PLANNING OFFICIAL RICK SANDZIMIER** – Twenty-two thousand is the
25 maximum size for....

26
27 **COMMISSIONER LOWELL** – We’re not going to get a 400,000 square foot site
28 huge warehouse coming in manufacturing all the cannabis for the entire country?

29
30 **PLANNING OFFICIAL RICK SANDZIMIER** – So that’s an interesting question
31 that we’ve, we’ve kind of wrestled with. It depends on how that 400,000 square
32 foot facility is separated with demising walls and stuff, so somebody could come
33 in, if you can get separate licenses approved and carve out the space so to
34 speak so that you’re still consistent with our regulations and the State
35 regulations, you could have some concentration or consolidation of that.

36
37 **COMMISSIONER LOWELL** – Okay.

38
39 **PLANNING OFFICIAL RICK SANDZIMIER** – So that’s a possibility, but we don’t
40 know how that’s going to play out yet.

41
42 **ASSISTANT CITY ATTORNEY PAUL EARLY** – And State Licenses are issued
43 one per individual, so you can’t have a company come in and open up four
44 different ones, but you could have six different people with separate licenses that
45 we place under a single large roof. That’s possible.

46

1 **COMMISSIONER LOWELL** – Okay. I have a few more, but I think that’s it for
2 now. Thank you.

3
4 **VICE CHAIR KORZEC** – Any other questions? Okay then let’s move it forward
5 to the Public Hearing and our speakers?

6
7 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – We have just the one,
8 Rafael Brugueras.

9
10 **VICE CHAIR KORZEC** – Rafael Brugueras please.

11
12 **SPEAKER RAFAEL BRUGUERAS** – Good evening Chair, Commissioners,
13 Staff, and Residents, what a topic that we’re all learning at one time. I want to
14 answer Mr. Sims question about this law. If we’re only giving license in the State
15 of California and Arizona or Nevada or any neighboring state does not have the
16 same laws and marijuana crosses that line, I guess that’s against the law. That’s
17 a federal law because now you’re taking something that no one else wants. The
18 other Federal Law is we don’t know if they can come down from Washington and
19 bust the warehouse down the street because that’s federal law. Okay, there’s
20 the great side of it. That can happen because they have power over the State,
21 okay Federal Law. Those are things that can happen. Okay, we mentioned the
22 World Logistics Center tonight. God forbid that Iddo was standing right here and
23 would apply to manufacture marijuana on his property. This building would be
24 full right now with hundreds of people, but nobody here tonight is here to fight
25 against marijuana. None of them are here tonight. Those are hypocrites
26 because you could have large buildings instead that produce revenue and jobs
27 and safety but, you know what, I hope tonight you approve it because the voters
28 in this city want it. We want what they want. I want you to approve it tonight, so
29 the opposition that comes here later. I want to look at them in their face and
30 wonder why they were not here tonight to fight or ask questions. Nobody that’s
31 how this city...we have two faces in this city, but I know Iddo Benzeevi. I know
32 his character. I know his heart. He would never stand up here and ever do that
33 because not’s the kind of man he is. That’s an honorable man, and people
34 ridicule him for what he wants to do for the better. See, see look at the evil and
35 good tonight people. Tonight you get to see tonight...tonight you got to see it
36 and feel it between good manufacturing warehouses, technology, and now we’re
37 talking about a field that we’ve never been in. That’s okay. Vote on it. I want
38 you to vote on it tonight and allow the staff because they are looking out for us.
39 They are doing their very best to make sure that we don’t get hurt. Please pass it
40 tonight and let’s do what we should have done in the first place.

41
42 **VICE CHAIR KORZEC** – Thank you. With no more speakers, we will close the
43 Public Hearing, and we will now begin deliberations. Anyone want to go first?

44
45 **COMMISSIONER SIMS** – I personally don’t understand the two-step process
46 of....maybe it’s just because of the authority between the differences and the

1 authorities between what City Council can approve with the ordinance and
2 whatnot with the Title 5 versus Title 9, the purviews of what the Planning
3 Commission do versus the City Council. It would seem, though, that there
4 should've been Title 5 prior to approving and giving the City authorization to
5 regulate and go forward with this cannabis activities that they would've had the
6 supplemental Title 9 analysis done to confirm that this was really something that
7 the City is ready to do, but anyhow that's neither here I suppose. I....it's not for
8 me to say with the State what is right and wrong. I personally have a belief that,
9 if the federal law says it's not legal, I don't know....I have a hard time approving
10 it. I personally do. It's just a....there's a lot of other City's that want to take the
11 risk and go ahead. Maybe it's not a risk but to go forward and approve things
12 and allow businesses to come in and State License them and Conditional Use
13 Permits and so forth and so on it gets authorized, but Jeff Sessions' could come
14 down and say that's it and all the money and effort that's at risk for those
15 applicants to do that, but anyhow philosophically it just seems that there's a
16 public policy issue that isn't settled for the entire country on this and I don't know.

17
18 **COMMISSIONER LOWELL** – I've always been one to believe that pot should be
19 legalized, and we should tax the heck out of it and make a lot of revenue out of it
20 to help balance our budget and fund some city projects and city facilities, state
21 security, state police, federal budgets. However, I don't believe that we are up to
22 the enforcement...I don't believe that enforcement is up to par to actively
23 regulate consumption of it. When I was walking the districts last year and the
24 year before, well not this, but walking neighborhoods for the district, you would
25 be hard pressed to find a residence or neighborhood that didn't have pot smoke
26 coming out of the windows. You walk around, and it smells, you can smell it
27 everywhere. My concern with legalizing marijuana is...well it's already legalized
28 in the state, but my concern with it is that, unlike alcohol, if somebody wants to
29 have a beer or a glass of wine or some hard alcohol, you could do it and
30 consume it yourself and somebody standing right next to you can't be adversely
31 affected by you consuming it. However, if you are at home smoking marijuana,
32 and you have a three-year-old like I do, they could get a contact high. They
33 could get high just by being in the room with you, and that kind of scares me.
34 Yesterday, we had a minor driving a car high, drove over a child near Vista Verde
35 Middle School, and the kid more than likely will lose his leg. I do not think that
36 our level of enforcement is up to snuff to allow distribution in the city. I don't think
37 that the enforcement is up to what we are trying to do today. I'm in line with Mr.
38 Sims over here that I don't think it's the right time to do this.

39
40 **VICE CHAIR KORZEC** – Well I, for once, disagree with you. I looked through all
41 these regulations for the building of these, the landscaping that they can't have,
42 the this, the that....there's so much thought that went into this document to prove
43 that it's not just throwing out a dispensary out there. The regulations are
44 amazing. I don't know who would want to have to do this to be honest with you.
45 There's so many hoops you have to jump through, and I have to commend the
46 City Staff on really buttoning this up. I thought it was incredibly thorough. I think

1 it's a viable business. People of the state have voted on it. Other cities are
2 doing it. I think you've done a phenomenal job of outlining this. It's not saying
3 that we're going to get all these dispensaries. It's not saying we're going to have
4 all of this. It's we're going to say anyone that wants to start this kind of business
5 like any other business would have the opportunity to do it and, as much as we
6 do smoke shops and we do all these other things, this is a viable business, and
7 it's a new business, and they've certainly buttoned it up with the regulations. I
8 spent hours going through those, and I was really impressed. I don't know how
9 much time you did, but lots of time on that document, so I am going to vote to
10 approve it.

11
12 **COMMISSIONER LOWELL** – Please don't misunderstand me. I do think that
13 City Staff did a phenomenal job. What's before us is absolutely, it's rock solid. I
14 really think you guys did an amazing job.

15
16 **COMMISSIONER BAKER** – You know I think we definitely need to regulate this.
17 This is here whether we like it or not, and I think the Staff did a phenomenal job
18 on putting this together, so I'm in favor of getting regulations in place to do it.

19
20 **VICE CHAIR KORZEC** – With that said, do we have a motion? Unless there are
21 any more comments. Mr. Baker I think you have to make it.

22
23 **COMMISSIONER BAKER** – Okay, I move that we approve Resolution 2018-11
24 and also 2018-12 and thereby certify that this item is exempt from the provisions
25 of the California Environmental Quality Act (CEQA) as a Class 32 Categorical
26 Exemption and CEQA Guidelines Section 15332....I got the wrong deal don't it?
27 I'm sorry.

28
29 **VICE CHAIR KORZEC** – It's okay.

30
31 **COMMISSIONER BAKER** – Okay, let's try it again. Okay, we're going to....I'm
32 sorry about that. I recommend that the....or let's go this way the Planning
33 Commission approve Resolution No. 2018-09 and thereby recommend that the
34 City Council find PEN17-0157 Municipal Code Amendment for Commercial
35 Cannabis Land Use Regulations qualifies for an exemption under the California
36 Environmental Quality Act for provisions put forth in Senate Bill 94 Medical and
37 Adult Use Cannabis Regulation and Safety Act exempting adoption of an
38 Ordinance in rule of regulation by local jurisdiction that will require subsequent
39 discretionary permits, license, and other authorization and also approve the
40 proposed amendments to Title 9 of the City Municipal Code PEN17-15...chuck
41 that....PEN7-0157 setting forth the Land Use Zoning and Development
42 Regulations for Commercial Cannabis Land Use activities included in Exhibit A
43 and Exhibit B.

44
45 **COMMISSIONER LOWELL** – I think that should be PEN17-0157.

46

1 **COMMISSIONER BAKER** – Okay, let’s see the second time I read it wrong or?

2
3 **COMMISSIONER LOWELL** – I think you’re good now.

4
5 **ASSISTANT CITY ATTORNEY PAUL EARLY** – It’s okay as long as we have the
6 resolution number correctly that’s sufficient for your motion, as long as everything
7 under there is what you’re wanting to approve.

8
9 **COMMISSIONER BAKER**– Yep, yeah, you got it. Sorry.

10
11 **VICE CHAIR KORZEC** – It’s okay. Okay, I can second that. Call for the vote.

12
13 Opposed – 2

14
15 **Motion failed 2 – 2**

16
17 **PLANNING OFFICIAL RICK SANDZIMIER** – So that vote is a tie. In the
18 occurrence of a tie, the motion fails. So your options now, you can come up with
19 another recommended action if you want and you can vote on that or the action
20 that’s been taken this evening is an action that would have to be appealed in
21 order to go to the City Council. We can go into some clarification on that if the
22 city attorney would like to help me with that, but whenever an amendment to the
23 zoning provisions of our code are acted on by this Planning Commission and, if
24 the action is a recommendation to disapprove, and you didn’t take an action to
25 disapprove, but the effect of your vote is not carrying it forward. That’s why I
26 need some clarification from the attorney.

27
28 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Alright, it’s a unique special
29 language. We had this once before on a different case where we had different
30 language in the case of a non-approval, so we want to make sure we get it right
31 this time, so my recommendation would be to take a short five-minute recess
32 maybe and then come back so we can look at the code and make sure we’re
33 following the right procedure on this one.

34
35 **VICE CHAIR KORZEC** – Okay, right don’t we reconvene at 9:00?

36
37 **MEETING BREAK**

38
39 **VICE CHAIR KORZEC** – And we’re called back into order.

40
41 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Good evening Madam Vice
42 Chair, so I looked at a couple of the options here. I wanted to make sure I had
43 them clear because the action that was taken was actually non-action. There
44 was a motion to make a recommendation of approval. The motion failed to pass;
45 however, that is not the same as a motion for disapproval passing, and our Code
46 speaks to what would happen under the event of a motion for disapproval

1 passing. It says that the result becomes final and becomes an appealable
2 action. That's the situation we encountered last year, as you may recall. That's
3 not what happened this evening. In my opinion, we just had a motion that failed.
4 That's a non-action. If it were to be left at that, the City Council would be advised
5 of the results of tonight's hearing and would move forward and take appropriate
6 action based on that non-recommendation and based on whatever testimony and
7 hearing that they receive on that date, so that's one option here before you.
8 There are always the options for alternate motions. There are...I looked at
9 whether or not we had the motion for reconsideration available to us. We do not
10 because that can only be made by a member in the prevailing majority. We had
11 no prevailing majority tonight so the only other option, if you did want to move
12 forward with anything tonight, would be to reopen the Public Hearing. You could
13 take some additional testimony, some additional that may be helpful to the
14 Members of the Commission that might help sway their votes one way or the
15 other and then a new motion could be made at that point, but you would open up
16 the Public Hearing and take additional testimony in order to do that. With those
17 options, I kind of leave it in your hands to decide how you want to move forward.
18

19 **COMMISSIONER LOWELL** – So tonight's action is ultimately a recommendation
20 to City Council for them to take a final action on? We're not actually.....
21

22 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Staff is looking for your
23 recommendation for the Council to take final action on at a later time.
24

25 **COMMISSIONER LOWELL** – Okay.
26

27 **ASSISTANT CITY ATTORNEY PAUL EARLY** – However, if this board was to
28 recommend disapproval, that would be....in that rare circumstance, that would be
29 a final action of this board and would need to be appealed to the Council in order
30 for the Council to hear it or for the Council to take it up on their own jurisdiction.
31

32 **COMMISSIONER LOWELL** – I don't know that we're going to have a majority
33 vote on any one item.
34

35 **VICE CHAIR KORZEC** – I, I don't from just...go ahead.
36

37 **COMMISSIONER SIMS** – So I don't know how far we should deliberate or
38 whatnot without...I have two substantive issues for why I voted no, one
39 was....one issue is not as substantive as the other. The first one is the non, just
40 an issue, is the diversions between Federal Law and what the what the State of
41 California has done. I can get my mind wrapped around it because the City, in
42 the answers that were given, the City assumes no risk of that. That's the
43 individual business applicant and, if they get into the business and Jeff Sessions
44 and his guys come and say you're done, you're done, and that's their risk. The
45 other to me, the more substantive issue and I fully understand that what's in front
46 of us with amendment of Title 9 is more Land Use and site specific for the

1 specific uses of this proposed cannabis activity. To me, I just as a
2 Commissioner, I don't disagree that this is a highly regulated....it was an
3 outstanding job done in setting up regulations for this particular activities. My
4 concern is, and I would like to hear more testimony from Staff about the effort
5 went in when the Title 5 amendment went to Council indicating that there was
6 economic benefit to the City sufficient enough that it would support any and all
7 staffing, whether it's code enforcement or the PD that would have to regulate and
8 force and take action for this. We're looking something here that the Council's
9 approved, as far as to regulate. It's coming to us to specify for entitlement
10 process, I just haven't in my, and maybe I missed it in the presentation, but I did
11 not see it in the Staff Report. My ears didn't hear it or pick it up what is the fiscal
12 responsibility to the City that it's going to be at least cost neutral. That's the
13 benefits aren't outweighed by the costs, so but that's kind of where I'm at.

14
15 **ASSISTANT CITY ATTORNEY PAUL EARLY** – So if you'd like to obtain that
16 info and consider it in you deliberations, your Vice Chair would need to reopen
17 public testimony, Staff could provide whatever additional information they would
18 need. You would then re-open up public testimony. The public would then have
19 a chance, once again, to comment on any of the new information, close public
20 testimony, redeliberate, and make a new motion.

21
22 **VICE CHAIR KORZEC** – What is your pleasure? Who would like to continue?

23
24 **COMMISSIONER SIMS** – I would like to hear the additional information.

25
26 **VICE CHAIR KORZEC** – Okay, as long as one person wants to hear it, I think
27 let's reopen the Public Hearing on this, so....

28
29 **PLANNING OFFICIAL RICK SANDZIMIER** – Let me try and address the
30 questions that Commissioner Sims brought up. Again, I want to preface it with
31 the information that we're going to be providing is information that ultimately will
32 be going to the City Council with regard to the fees that will be assessed on
33 Commercial Cannabis Permit, but it is tied to the Land Use Regulations, and so
34 we've been working very close between the Community Development
35 Department, the Finance Department, the City Attorney's office to make sure that
36 Title 5 and Title 9 modifications work together. With regard to the fiscal
37 questions, for example, the Conditional Use Permit fees. The Conditional Use
38 Permit fees that will be assessed to this particular activity is going to be based on
39 the Conditional Use Permit fees that we already have on the books, so it's
40 approximately \$11,000.00 in terms of the fee. There's the \$3000.00 potential
41 deposit that has to be made for the Environmental Analysis and that subsequent
42 action, and then there some miscellaneous posting and public noticing fees, and
43 then there is some Water Quality and Hydrology Study depending on what type
44 of activity. Those fees are intended not to make the City money, but they are
45 intended to cover the cost of the service that's provided to issue the Conditional
46 Use Permit, to do the review of the analysis. It comes up between, I believe,

1 \$16,000.00 and \$18,000.00 is what that element of a cost would be to an
2 applicant. On the Commercial Cannabis permitting side, similar. The analysis is
3 based, in part, on the total number of permits that we're recommending. So
4 looking at 26 permits, our Finance Department has looked at that and tried to
5 evaluate how much more police service would be necessary for that. What type
6 of possible Code Enforcement Services would we need for that? What will the
7 cost of those additional staffing be needed, and I think that's what you were
8 eluding to earlier. There is also the administrative costs that are associate with
9 processing, and so there are different components to that fee structure and that
10 fee structure, I don't have the numbers before me, but I can tell you they are
11 fairly substantial and one of the line items alone was somewhere between
12 \$30,000.00 and \$50,000.00. I believe another one was like an \$8000.00 or
13 \$9000.00 fee, and these are in addition to the CUP fee, so there's these line
14 items in there that have been factored in, again, based on the total number of
15 permits we'd issue, based on how much law enforcement services we would
16 need and then, on top of that, these applicants would have to pay the fees to the
17 State. So they are substantial fees and so, when we assess those fees, we also
18 have to look at recovering our cost and then also making sure it is something that
19 will generate the type of business activity, and so we believe that the fee
20 structure is consistent with all of those factors, and that's about as much
21 information I can give you. If you need more....and I'm sorry the other thing
22 that's important, on the Commercial Cannabis Permit, different than the CUP.
23 The CUP is a permit fee that is only one time when you get the CUP, but the
24 Commercial Cannabis Licensing fee will be an annual fee, so that substantial fee
25 will be paid every year because the cost for services will be born every year.
26 We'll have to have a....if we have to have a police officer, the police officer isn't
27 there just for the first year. He's there for the second year, third year, fourth year
28 and so on, so I hope that provides more information to you. If you want any more
29 detail and you want those specific line item numbers, I can tell you what those
30 draft numbers are as of today but, again, that final number will be something that
31 the City Council will consider based on what the action here is today in terms of if
32 the total number stays at 26. The number is likely to be exactly the same unless
33 some additional information comes but, if you change that number, then we may
34 have to adjust those fees. So that's what I can share with you here.

35
36 **COMMISSIONER SIMS** – So besides the permitting fees, the annual permit fees
37 and so forth, whatever those costs are, I get that there will be a suite of costs that
38 have to be born up front manually to just do....that's part of the business expense
39 for the individual property owner or business owner. Does it, as far as with the
40 projections that the City has done, how's the revenue generated? Is it through
41 sales tax? It goes to the State, and the City gets a certain percent or how is
42 that?

43
44 **PLANNING OFFICIAL RICK SANDZIMIER** – The other revenue stream you're
45 talking about, with regard to taxes, the discussion has occurred so far is that the
46 City would likely be putting together a ballot measure that would have to go

1 before the voters, and the voters would actually have to vote on a tax, so that's
2 an additional revenue that has not been set yet, and it....I really can't give you
3 much more information than that. I'd have to defer to our Finance Staff to find
4 out how much revenue would be generated but that would be above and beyond
5 just recovering the cost for our services. We can't make money on all the other
6 fees we're talking about. We just have to be able to have full cost recovery with
7 the fees I've described. The tax is additional money that the City would generate
8 that could go into the general fund and could be used discretionary.

9
10 **ASSISTANT CITY ATTORNEY PAUL EARLY** – And without a vote, the City will
11 still be getting, no matter what, it's regular sales tax income that it gets on any
12 sales in the City.

13
14 **COMMISSIONER SIMS** – So the tax that the....go ahead.

15
16 **ASSISTANT CITY MANAGER ALLEN BROCK** – Allen Brock, assistant city
17 manager for City of Moreno Valley. There will be sales tax on those items that
18 are eligible for that that the City would participate, like any other commercial
19 business, so there is a commercial or a commercial sales tax component that
20 would be added to that. Also, with the business permit that Rick was mentioning
21 earlier, there's also some fees built in there for auditing purposes that we will
22 take ownership of to make sure that the businesses are in total compliance with
23 the business permit portion, along with the CUP process, so I wanted to add
24 those two items for you.

25
26 **VICE CHAIR KORZEC** – Any other questions? Okay, I will open this up again to
27 public comment. Do we have anyone?

28
29 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – We have three. We
30 have Orlando Montero, Rafael Brugueras, and Alfie Hernandez.

31
32 **VICE CHAIR KORZEC** – Okay, let's start with Orlando Montero please.

33
34 **SPEAKER ORLANDO MONTERO** – Planning Commissioners, thank you. I've
35 been a member, a resident of the city for 18 years now, and I've seen the city go
36 through different cycles. When March Air Force Base closed down, the city was
37 economically depressed. It's coming back. I see this as an opportunity for the
38 city to bring in more revenue. There's been a lot of missed opportunities in the
39 past by this city, and it's here to stay. It's been passed by the State. It's not
40 going anywhere else. It's time for us to take the bull by the horns and say okay
41 it's here. It's us or our neighboring cities. Why not us? Why not bring the money
42 into our city? Why not increase our Code Enforcement, increase our fire
43 department or our police departments. Get more people on the staff. City
44 Council is on board but, most importantly, and this is where I think Mr. Sims and
45 Mr. Lowell you have to take this under consideration. It's been passed, and it's
46 been put before the voters, and it passed overwhelmingly. If you vote against it,

1 you're voting against the will of the people of this city. We voted for this. We
2 want it, so keep that in mind when you're making that decision when you have
3 another chance to vote on this. It's...the decision has been made by the people.
4 That's who you're here to represent. You're here to represent us, and we've
5 spoken loudly, okay, and as far as your concerns about taxation and regulation, I
6 don't know if you've had a chance to look at the State Guidelines for licensing.
7 They are overwhelming. I wouldn't want to go through it. It's like 500 pages or
8 even probably closer to 1000 pages of regulations. It is the most cumbersome
9 industry that you could get into, the most highly regulated. The City Ordinance
10 alone is a little bit overwhelming for someone who wants to undertake this, so
11 you have to take that into consideration. This is the most highly regulated
12 business in this entire state, so that's all I have to say. Thank you.

13
14 **VICE CHAIR KORZEC** – Thank you Mr. Montero. Rafael Brugueras please.

15
16 **SPEAKER RAFAEL BRUGUERAS** – Good evening Vice Chair, Commissioners,
17 Staff, Residents, and Guests. The one thing that it gave me an opportunity to
18 think about what you said and what he said and what she said earlier and how
19 she recommended how the Staff was doing. You know, the one thing that
20 Moreno Valley is going to have advantage over is Colorado because we're going
21 to do it right. Colorado made mistakes when they shut it out, and they learned
22 the lesson the hard way. They should have figured it out before they allowed that
23 to be dispensed out in their state. Their mistake is our victory in Moreno Valley.
24 Our staff has done a heck of a job to prove to me of one in 210,000 people that
25 live in our city that they are going to do the right thing. Now, you're going to have
26 an opportunity in the future to set things in motion when it comes to the taxes or
27 allowing people to come into our city to do business. You have an opportunity to
28 set things because remember one thing that Rick mentioned, grey areas, I don't
29 know because it's new, but you're going to have a chance to make it right. All
30 seven of you...hopefully, next month it will be all seven of you up there to make
31 it right, but today it's only four. We're going to take the tax money and everything
32 that the State gives us back to make sure they recover their money, our money,
33 and that we have money put aside, if it gets bad enough, that we hire deputies,
34 additional deputies to help us in our city if it becomes a problem but, if we stay
35 strong as a city and we follow our laws, we'll have less problems; really, we will.
36 So let's be strong. Let's pass this. Let's get it through, so we can go to the next
37 step. Remember you have the power in the future to say yay or nay or ask more
38 and more and more questions.

39
40 **VICE CHAIR KORZEC** – Thank you Mr. Brugueras. Next, we have Alfie
41 Hernandez.

42
43 **SPEAKER ALFIE HERNANDEZ** – Good evening Staff. Good evening
44 Commission. My name is Alfie, and it seems like everyone is talking about the
45 economic standpoint of this argument, but what about the medical aspect? I'm a
46 former veteran United States Marine Corps. I got out of the Marine Corps with

1 multiple sclerosis, and this is....I've been on Avonex, which was an interferon,
2 for a very long time, and I started receiving more adverse side effects from the
3 Avonex, which was prescribed to me by our Federal Government. Then I came
4 across cannabis, and cannabis helped me dramatically. The side effects of the
5 Avonex prohibited me from going to work on Monday mornings because the side
6 effects lasted almost 72 hours. With my cannabis, which is a natural medicine, I
7 was able to medicate every day, still function at work, and still be a father. Under
8 Avonex, I wasn't able to. We used to have a little ritual before I took my shot
9 every Friday that dad was going to be sick for two days because I would get, my
10 side effects would be fever-like symptoms. So I understand the economic aspect
11 of the city, which is a plus, but there are a lot of patients out there in which this
12 medicine is helping and by being in this area, I'm sure there will be easy access
13 for these patients to get this medicine. Now I have or had children that were
14 opiate addicts. If it wasn't for cannabis, which helped them get off opiates, this is
15 a historic and not only that a medicine that is helping thousands of people across
16 our country, maybe millions. We're not even talking about the world, so please
17 consider your decisions. I understand there is an argument regarding federal
18 prohibition. Well there was an alcohol prohibition, and we knocked that down
19 state by state, as well, just as we are doing today. I know there was a concern
20 about smell. The State has regulated that. I think all the businesses have to
21 have some kind of air purification so that its neighbors cannot smell the cannabis
22 floating through the air duct systems, so there are some places in place right now
23 that will help out with these concerns but, most importantly, let us give the rights
24 to the people of California who voted for this, and let's keep the federal
25 government out of our business. I'm sure they got bigger no acute distress better
26 problems that they can handle at the moment as we speak but, right now, let's let
27 our State handle it and, as the attorney of our city addressed, it's not really a
28 municipal issue, and we're far from that. The State can handle that. I'm sure
29 Jerry Brown is ready for the Federal Government if they decide to come in our
30 state, and that's all I'd like to say. Thank you.

31
32 **VICE CHAIR KORZEC** – Thank you Mr. Hernandez. If there are no more
33 speakers, we will close this portion of the hearing, and we will go once again into
34 deliberation. If there's no deliberation, I will....

35
36 **COMMISSIONER SIMS** – Well I, like I said, like I said, I have two issues. First
37 was the federal, that's a...I can get past that. Now, as far as the....I appreciate
38 the additional information about the economics of this. So kind of repeating what
39 I think I heard was is that the permitting process and so forth that's going to be
40 implemented by the City and the annual licensing fees to retain a business
41 license for the cannabis operations will be substantial and that the...between
42 those expenses, there's been an analysis that's been done to look at the cost
43 side for staffing and whatever enforcement costs are that they'll be covered and
44 potentially opportunities if there is a special tax or whatnot that the city, if that
45 goes before a vote, would put additional revenues if needed to support

1 enforcement of the regulations, so anyhow those were my two main concerns. I
2 think they've been addressed.

3
4 **VICE CHAIR KORZEC** – Shall...would someone like to make a motion?

5
6 **COMMISSIONER BAKER** – Okay, I move that we approve Resolution 2018-09
7 and thereby recommend that the City Council find that PEN17-0157 Municipal
8 Code Amendment for Commercial Cannabis Land Use Regulations qualifies for
9 exemption under the California Environmental Quality Act provisions put forth in
10 Senate Bill 94 Medicinal and Adult Use of Cannabis Regulation and Safety Act
11 exempting adoption of an Ordinance Rule or Regulation by the local jurisdiction
12 that will require subsequent discretionary permits, license, and other
13 authorization. Then also approve the proposed amendments to Title 9 of the City
14 Municipal Code PEN17-0157 setting forth Land Use Zoning and Development
15 Regulations for Commercial Cannabis Land Use activities included as Exhibit A
16 and also Exhibit B.

17
18 **VICE CHAIR KORZEC** – And I will second that. All for the vote.

19
20 Opposed – 1

21
22 **Motion carries 3-1**

23
24 **VICE CHAIR KORZEC** – Okay, moving on. Is there anything we have to say
25 after this?

26
27 **PLANNING OFFICIAL RICK SANDZIMIER** – No. The wrap-up on this one, this
28 is a recommendation that will go forward to the City Council. We do have a
29 tentative target date to get to the City Council, which would be March 20, 2018.
30 That would also be a properly noticed public hearing and then the
31 recommendation of the Planning Commission would be included in the Staff
32 Report, and the City Council will be taking an action on that.

33
34 **VICE CHAIR KORZEC** – Okay, thank you.

35
36 **OTHER COMMISSION BUSINESS**

- 37
38 4. Formation of Ad Hoc Committee to consider Planning Commission vacancies.
39 (Report of: Planning Commission)

40
41 On February 8, 2018, the Planning Commission requested this agenda item
42 be placed for their discussion and direction as warranted.

43
44 **This item (#4) has been removed from the agenda.**

- 45
46 5. Planning Commission Action Minutes (Report of Planning Commission).

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4 **VICE CHAIR KORZEC** – Moving along, other Commission business. Number
5 four was taken off because we have people that have been appointed to the
6 vacancies, and we'll move onto number five, the Planning Commission Action
7 Minutes, and is there any discussion on this? I thought...

8
9 **COMMISSIONER BAKER** – I liked it.

10
11 **VICE CHAIR KORZEC** – I liked it. I thought it was great. I don't like reading all
12 the ah's and um's and all those things and the 20 pages of us thinking, and I
13 think it's much more professional. I think it's easier for the public to read and get
14 to the meat of it so, once again, I applaud you. I think it's a good idea.

15
16 **PLANNING OFFICIAL RICK SANDZIMIER** – Just for the record, Madam Vice
17 Chair, I would like to extend kudos to Ashley who is new here at the City and
18 been serving you guys well. One of the things I asked her to do was to look at
19 how we could be more efficient and really her efforts in looking at this has been
20 showcased obviously by your comments. She has been working closely with the
21 City Clerk's Office, and we've already coordinated through the City Attorney's
22 office to make sure that we can change the format of the Minutes. We've been
23 using the verbatim minutes for a while. They do come at a cost because we
24 have to take those recordings and give them to a transcriber so one of the other
25 benefits were looking at is to try and reduce the cost but also meet the intent and
26 interest of the Commission and the City Council so that they have information
27 available to them as well as the public will be able to see very clearly what
28 actions were taken by this body. The other thing that we did highlight in the
29 report that we gave you is that we will continue to videotape and audio record
30 each of our meetings so, in the event that anybody ever wanted to go back and
31 get the level of detail that the verbatim minutes provide that can be requested
32 and, if they are requested, they can be specific to an item on the agenda, rather
33 than the entire agenda, so we think that we have all of those options available to
34 you, so I just wanted to make sure that was clear on the record as you consider
35 this this evening. We would like you to direct us to use the new summary format,
36 rather than the verbatim minutes and, if we do get that nod, we would be starting
37 to use those as of March Ashley, is that what we said?

38
39 **ADMINISTRATIVE ASSISTANT ASHLEY APARICIO** – Yes, our first meeting in
40 March.

41
42 **PLANNING OFFICIAL RICK SANDZIMIER** – Correct, so these minutes for
43 tonight's meeting would still go through the verbatim process, but we would start
44 in March.

1 **VICE CHAIR KORZEC** – Do any of you have any comments or questions? We
2 don't need to do a motion. We can just do a simple vote, can't we, on this?

3
4 **ASSISTANT CITY ATTORNEY PAUL EARLY** – It's not even a vote item....your
5 just...it's just for you to give direction....

6
7 **VICE CHAIR KORZEC** – Head nodding? Well we have to make sure
8 everybody....head nodding. Okay, it's a go. Ashley, it's amazing what you've
9 done in the brief time you've been with us.

10
11 **COMMISSIONER BAKER** – Yeah.

12
13 **VICE CHAIR KORZEC** – Thank you.

14
15 **STAFF COMMENTS**

16
17 **VICE CHAIR KORZEC** – Alright, moving on. Are there any Staff Comments?

18
19 **PLANNING OFFICIAL RICK SANDZIMIER** – My only comment...actually a
20 couple of comments. You did mention the appointment of Planning
21 Commissioners. The City Council did appoint four members. There was one
22 who did withdraw their name, so there were three that were effectively appointed.
23 Two is alternates and one is a regular commissioner. It's my understanding
24 you're working with the City Clerk's office that those three candidates need to go
25 through the final steps, administrative steps to get sworn in and do the
26 appropriate checks and what not. If everything goes according to plan, we
27 expect that they would be seated at your next meeting on March 22, 2018. The
28 other thing is I mentioned at the last meeting that we brought Albert Armijo on
29 board. Albert is getting now acclimated to the second meeting here, and I what I
30 have talked to him about is that I'll probably be bowing out at some of the
31 meetings in the near future. I will still attend from time to time on some of the
32 more maybe complex or complicated issues, but you'll probably see Albert as the
33 mainstay here for the next meeting.

34
35 **PLANNING COMMISSIONER COMMENTS**

36
37 **VICE CHAIR KORZEC** – Thank you. Do we have any Planning Commissioner
38 Comments? Nothing?

39
40 **COMMISSIONER SIMS** – It's going to be welcome to have a full dais up here.

41
42 **VICE CHAIR KORZEC** – Yes, it will. It will be...we haven't had that in a year.

43
44 **COMMISSIONER SIMS** – We can avoid situations like tonight.

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ADJOURNMENT

VICE CHAIR KORZEC – That’s right. Okay, great. If there’s nothing else, the meeting is adjourned at 9:34 to the next meeting on March 22, 2018. Thank you.

NEXT MEETING

Next Meeting: Planning Commission Regular Meeting, March 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

Patricia Korzec
Vice Chair
Approved

Date