

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

5 **Thursday, July 28th, 2016 at 7:00 PM**

6
7
8 **CALL TO ORDER**
9

10 **CHAIR LOWELL** – Good evening ladies and gentlemen. I would like to call to
11 order this Regular Meeting of the Planning Commission. Today is Thursday, July
12 28th, 2016. The time is just after 7:00. I believe it is 7:02 PM. The meeting is
13 now in order. Could we have roll call please?
14

15
16 **ROLL CALL**
17

18 Commissioners Present:

19 Commissioner Ramirez
20 Commissioner Korzec
21 Commissioner Van Natta
22 Commissioner Baker
23 Commissioner Gonzalez
24 Vice Chair Barnes
25 Chair Lowell
26 Alternate Commissioner Nickel
27 Commissioner Sims - Excused Absent
28

29
30 Staff Present:

31 Rick Sandzimier, Planning Official
32 Erica Tadeo, Administrative Assistant
33 Allen Brock, Community Development Director
34 Jennifer Mizrahi, Assistant City Attorney
35 Mark Gross, Senior Planner
36 Claudia Manrique, Associate Planner
37

38
39 Speakers:

40 Rafael Brugueras
41 Tom Jerele, Sr.
42 Sandra Murphy
43 Santiago Hernandez
44 Leonardo Gonzalez

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

PLEDGE OF ALLEGIANCE

CHAIR LOWELL – Thank you very much. I believe Frank Wright would like to lead us in the pledge of Allegiance tonight; if you could step up to the microphone.

FRANK WRIGHT – Everyone please stand, place your hand over your heart, and repeat after me.

APPROVAL OF THE AGENDA

CHAIR LOWELL – Thank you very much. I would like to motion to approve tonight’s Agenda. Would anybody like to second my motion to approve tonight’s Agenda?

COMMISSIONER BAKER – I’ll second it.

CHAIR LOWELL – Perfect. So, all in favor, say aye.

COMMISSIONER RAMIREZ – Aye.

COMMISSIONER KORZEC – Aye.

COMMISSIONER VAN NATTA – Aye.

COMMISSIONER BAKER – Aye.

COMMISSIONER GONZALEZ – Aye.

CHAIR LOWELL – Aye.

VICE CHAIR BARNES – Aye.

CHAIR LOWELL – All opposed, say nay. No nay, so the motion passes 7-0. Tonight’s Agenda is approved.

Opposed – 0

Motion carries 7 – 0

1 **CONSENT CALENDAR**

2
3 *All matters listed under Consent Calendar are considered to be routine and all*
4 *will be enacted by one rollcall vote. There will be no discussion of these items*
5 *unless Members of the Planning Commission request specific items be removed*
6 *from the Consent Calendar for separate action.*
7

8
9 **CHAIR LOWELL** – Let’s move onto the Consent Calendar, which I don’t believe
10 we have any items tonight.

11
12 **PLANNING OFFICIAL RICK SANDZIMIER** – We technically have the approval
13 of the Minutes, which is under the Consent Calendar.

14
15 **CHAIR LOWELL** – Ah, there we go. Yes we do.

16
17
18 **APPROVAL OF MINUTES**

19
20 Planning Commission - Regular Meeting - June 23rd, 2016 at 7:00 PM

21
22 Approve as submitted.

23
24
25 **CHAIR LOWELL** – So tonight we have approval of Minutes from the Regular
26 Meeting of June 23rd, 2016. Do we have any questions or comments? I don’t
27 see anybody raising their hands. Do we want to approve as submitted?
28

29 **COMMISSIONER BAKER** – I so approve.

30
31 **CHAIR LOWELL** – Do we need a second?

32
33 **COMMISSIONER KORZEC** – I’ll second.

34
35 **CHAIR LOWELL** – Perfect. All in favor, say aye.

36
37 **COMMISSIONER RAMIREZ** – Aye.

38
39 **COMMISSIONER KORZEC** – Aye.

40
41 **COMMISSIONER VAN NATTA** – Aye.

42
43 **COMMISSIONER BAKER** – Aye.

44
45 **CHAIR LOWELL** – Aye.
46

1 **VICE CHAIR BARNES** – Aye.

2
3 **CHAIR LOWELL** – All opposed, say nay. We have six ayes and one abstain.
4 The motion passes. The Minutes are approved.

5
6
7 Opposed – 0

8
9
10 **Motion carries 6 – 0 – 1, with one Abstain**

11
12
13 **SPECIAL PRESENTATION**

14
15 Recognition and appreciation for dedicated service for Commissioner Van
16 Natta

17
18
19 **CHAIR LOWELL** – That moves us onto our special presentation, recognition,
20 and appreciation for dedicated service for Commissioner Mrs. Meli Van Natta.

21
22 **PLANNING OFFICIAL RICK SANDZIMIER** – If I could just take a quick minute
23 and identify this is a recognition of one of our outgoing Commissioners who this
24 is her last meeting with us, but I'd also like to ask Councilmember Giba to lead us
25 in this particular presentation first. After Councilmember Giba does what he is
26 going to do, we will also follow up with a few words.

27
28 **COUNCILMEMBER GIBA** – You made it sound like I was going to dance or
29 something Ricky. I mean, I know I'm strange but well I'm so excited for Meli
30 because you see the smile on her face. It's not because she's leaving here but
31 because she is going to be going home to her husband. They have been
32 separated for what a month or two now?

33
34 **COMMISSIONER VAN NATTA** – Yeah. He's in Texas already waiting for me.

35
36 **COUNCILMEMBER GIBA** – He's in Texas waiting. Most of you probably don't
37 know that when I was on the Planning Commission back in 2011 we
38 affectionately called Meli mom, and she was the Chair two years in a row. Then
39 we tried to make her Chair for the third year. The rules didn't allow us to do it.
40 So, by default, I ended up being the Chair. So we have a long relationship and
41 we're losing one heck of a person in the City who served this community for
42 many, many years as a Planning Commissioner, has served the community on
43 the chamber with the Chamber of Commerce. She has been a business owner
44 here for many, many years and so we're not just losing a Planning
45 Commissioner, we're losing a wonderful resident in the City of Moreno Valley and
46 I think deserves for us to spend a few minutes in shall we say celebration on her

1 behalf but in sadness from ours. And I have a certificate put together for you,
2 Meli, so if you'd like to come down here because I'm not going up there. I did my
3 three plus years so and a couple extra things, but I'm not going to give them to
4 you. This is a Certificate of Recognition on behalf of the City Council of the City
5 of Moreno Valley. Mary E. (Meli) Van Natta is awarded this Certificate of
6 Recognition for your unparalleled performance and exemplary dedication as a
7 Planning Commissioner of the City of Moreno Valley for the period of 03/08/2011
8 to 07/28/2016 signed by me and, very rarely do I say this, Mayor Pro Tem Jeffrey
9 Giba. And then I asked for all the other Commissioners to sign too so that you
10 have a good record of who you sat with up here. And I'd also like to ask Rafael,
11 where are you, Rafael and Tom Jerele to come up and give you a special
12 presentation.

13
14 **COMMISSIONER VAN NATTA** – Okay.

15
16 **COUNCILMEMBER GIBA** – So hang tight. Don't leave.

17
18 **COMMISSIONER VAN NATTA** – Oh goodness.

19
20 **SPEAKER RAFAEL BRUGUERAS** – I'm going to wait for Tom to come up a
21 little bit.

22
23 **COMMISSIONER VAN NATTA** – Okay.

24
25 **SPEAKER RAFAEL BRUGUERAS** – On behalf of the City of Moreno Valley,
26 we honestly we thank you for all you've done and, when you leave, you leave a
27 lot of memories because we're going to look at all the things that were built in the
28 City of Moreno Valley for the last several years as our reminder of your decision
29 to help our city to grow.

30
31 **COMMISSIONER VAN NATTA** – Thank you.

32
33 **SPEAKER TOM JERELE SR.** – Meli, you can thank Mayor Pro Tem Giba for all
34 this beautiful acknowledgement. It's well deserved. It is an honor to be a small
35 part. I'm going to wait to do my other comments. I have my notes over there
36 when we take speakers, but I thank you for your service to not only the
37 Commission but the community and just the great citizens.

38
39 **COMMISSIONER VAN NATTA** – Thank you. Thank you very much.

40
41 **COUNCILMEMBER GIBA** – By the way, Meli, the champagne is for when you
42 get home to your husband.

43
44 **SPEAKER RAFAEL BRUGUERAS** – There you go.

45
46 **COMMISSIONER VAN NATTA** – Thank you.

1
2 **SPEAKER RAFAEL BRUGUERAS** – Thank you so much.

3
4 **PLANNING OFFICIAL RICK SANDZIMIER** – Stay down, Meli, if you can.

5
6 **COUNCILMEMBER GIBA** – She’s got to put her stuff away. She’s got so much
7 of it. We just wanted to show her how much we love her and we’re going to miss
8 her. And I know, Carlos, you’ve sat with her for almost the entire time that she
9 was here and most of the other Commissioners. Ray has sat with her all this
10 time too.

11
12 **COMMISSIONER BAKER** – Yeah, you bet.

13
14 **COUNCILMEMBER GIBA** – So I know that myself and Carlos and Ray and Meli
15 have all been together for quite some time. I’m going to turn it over now to the
16 Planning Official, Mr. Rick Sandzimier for the rest of this presentation.

17
18 **PLANNING OFFICIAL RICK SANDZIMIER** – Thank you Councilmember Giba,
19 always a nice introduction. I prepared some notes because I know that I won’t
20 be able to remember everything that I’ve written down here but I did want.....the
21 cat is out of the bag. This is Meli’s last night with us, and we are trying to
22 recognize her for her committed service to the City of Moreno Valley. It is my
23 honor as the Planning Official to present this plaque to Commissioner Van Natta
24 and the plaque reads: City of Moreno Valley is pleased to honor Meli Van Natta
25 in recognition and appreciation for your five years of dedicated service. Your
26 commitment contributed greatly to the successful growth and development of the
27 City of Moreno Valley Planning Commission 03/08/2011 to 07/28/2016. You’ve
28 had the opportunity to be recognized by Councilmember Giba, members of our
29 community. We’ll probably hear some words later from your Commission, but I
30 as the Planning Official and the Staff in the Planning Department have had a
31 wonderful time working with you for many years. I’ve had the pleasure for two.
32 Many of my Staff had it for much, much longer and I know that they recognize the
33 service that you have provided to our department/our division, and so I put
34 together a few notes. You know, what influence can a Commissioner have over
35 a five year period? Well, we did a little checking and with a little help from Erica
36 to look through some of the records, and I would like to highlight some of the
37 contributions that Meli has made. This is for the benefit of all those in the
38 audience that came out tonight. But I know that our meetings are televised so
39 some people that were not able to make it tonight may be watching from home,
40 and this is the indication that you do reach out to a lot of members of the
41 community being a very high profile Commission. Meli has been a respected
42 Member of the Commission and particularly recognized for her persistent,
43 thoughtful, and thorough attention to the details of each project and other matters
44 that have come before her. Over the five plus years, she has worked side-by-
45 side and effectively with 11 other Commissioners. She has earned the respect of
46 her fellow Commissioners and was elected to serve as the Chairman of the

1 Commission twice serving in that capacity for 23 months and, as mentioned by
2 Councilmember Giba, would have probably gone another year if we would have
3 been able to allow you to do so. Last year, she collaborated with the
4 Commission on updating the Rules and Procedures of the Commission and
5 subsequently worked on updates to the Rules and Procedures to bring in the
6 addition of alternate Commissioners, which took place just last year. During her
7 five years, we counted 181 items and projects that were considered enacted on
8 by this Commission. These projects will continue to shape the City for many
9 years to come. To highlight some of those unique projects back in 2011 when
10 you first started, I don't know if you remember this one or not, but there was a
11 Dark Sky Ordinance that was brought before this Commission. It was an effort to
12 try and minimize light pollution throughout the city. After that, in 2011, they
13 approved a 139 unit residential assisted living facility, a memory care facility now
14 know as Renaissance Village, which is a very nice facility in our community that
15 has been built since that time. You participated in approving the Climate Action
16 Plan for the City in 2012. You were instrumental in helping us adopt two housing
17 elements, one in 2011 and another that was adopted in 2014. You worked on
18 the Alessandro Boulevard Corridor Study, which introduced R30 zoning, which is
19 a higher density residential zoning along Alessandro and also introduced the idea
20 of mixed use overlays, which is a significant contribution that still has not yet
21 been fully realized and there's things that we look at when we do our planning
22 today. You participated in the SR60 Corridor Study. You participated....that
23 was in 2014. You participated in the Nason Street Corridor Study just last year,
24 and you just recently brought a Comprehensive Development Code update to the
25 Commission. Residential projects that you have participated in: Continental
26 East had a Planned Unit Development at Krameria and Lasselle. There is
27 current activity on that. We expect that maybe they will be breaking ground in
28 the next year or so. It is 93 units. CV Communities, a developer in our City, got
29 entitlement for 159 homes along the Quincy Channel and another 115 homes
30 around Manzanita and Perris. Those took place in 2013/2014, and we expect
31 that those will be nice developments when they come along as well. Oak Park
32 Partners, in 2014/2015, processed the General Plan Amendment, a Zone
33 Change, and Plot Plans for 266 multi-family dwelling units off of Box Springs and
34 Clark Street. There is activity on that project that Julia continues to work on, and
35 so we will see that one come to fruition probably in the near future as well. Nova
36 Homes, my Staff (Claudia) is here, processed that one as 121 units at the corner
37 of Cactus and Perris. Beazer Homes, my other staff member here (Mark Gross)
38 participated in this one. This is 272 residential units at Eucalyptus right across
39 the street from the Stone Ridge Shopping Center. Industrial development: We
40 give a lot of credit and recognition for the industrial development that is going on
41 in the city. There is a lot of it, but I just wanted to highlight that we also did have
42 residential and other projects as well. On the industrial side: March Business
43 Center, 1.8 million square feet approved in 2012 and still under development.
44 Today there are actually buildings that will be occupied soon. The Saint
45 Christopher Church Master Plan in 2013; the Prologis development, about 1.5
46 million square feet adjacent to the Auto Mall; the First Nandina Project in the

1 south area of the City, 1.4 million square feet of industrial development; Moreno
2 Valley Modular Logistics facility also on the south end of town, 1.1 million square
3 feet of industrial development; the World Logistics Center General Plan
4 Amendment, Zone Change, Specific Plan, Development Agreement (a very
5 extensive project that will result, hopefully in the near future to 40.6 million
6 square feet in this development. And we will see that being developed over a 20
7 to 30 year period of time) so from your legacy and involvement in that project
8 alone we'll continue to remember your contributions. Many wireless cell towers
9 that are popping up around the city, which help communication and connectivity
10 for all the residents/the businesses, you had a substantial review of a lot of those
11 projects. The county opened up a new office building (54,000 square feet
12 approximately) off of Heacock. If you drive down Heacock near the 60 Freeway,
13 you will see that that one just recently opened. We approved a renovation for the
14 Time Warner substation off of Fir Street. That was one where we came up with
15 some unique architecture for the building to try and take a utility and make it look
16 kind of like a residential home.

17
18 **COMMISSIONER VAN NATTA** – Um-hum.

19
20 **PLANNING OFFICIAL RICK SANDZIMIER** – We appreciated the input that the
21 Commission and yourself had on that project. The Walmart at Perris and
22 Gentian that you approved last year, and we hope to see that one come in for
23 development real soon and the Les Schwab Tires, which was approved under
24 your watch. It also has moved through the development phase and is open now
25 on Perris Boulevard. That was another contribution. Those are just things that
26 we wanted to mention. Those are things that we think leave a lasting impression,
27 indelible mark on our community. I want to wish you well in your future. As the
28 Planning Official, it has been my pleasure for at least two years and everybody
29 else up here has had the pleasure for a little bit longer, but I want to thank you
30 very much.

31
32 **COMMISSIONER VAN NATTA** – Thank you.

33
34 **PLANNING OFFICIAL RICK SANDZIMIER** – Thank you. I want to give you the
35 floor also to say something.

36
37 **COMMISSIONER VAN NATTA** – Thank you.

38
39 **CHAIR LOWELL** – Hey Meli, I might limit you to three minutes though.

40
41 **COMMISSIONER VAN NATTA** – Go ahead and set the timer. I don't have any
42 prepared comments, so it will be fairly short. And Rick I have to say, when we
43 interviewed you, I knew you'd make a great Official and I'm glad you joined us.
44 And I just want to say thank you to everybody who came out tonight and all the
45 comments that were made and this lovely plaque. I will find a nice place to put it
46 where I can look at it and remember everything that has gone on. Sometimes

1 being a Planning Commissioner isn't always....doesn't always make you the
2 most popular person because there are people who disagree with what you say
3 and what you do, but we try to do the best job that we can and knowing that
4 some of the things that we have voted on and some of the things that we have
5 approved won't see the light of day for many, many years does not lessen our
6 interest or our dedication to making sure that the right things are approved. So I
7 appreciated the City Council for giving me this opportunity and everybody who
8 has participated in the process and all of you that are here tonight to tell me
9 goodbye. Thank you very much.

10
11 **CHAIR LOWELL** – Well I do know that we're all going to miss you terribly up
12 here. Moving onto Public Comments.

13
14
15 **PUBLIC COMMENTS PROCEDURE**

16
17 *Any person wishing to address the Commission on any matter, either under*
18 *Public Comments section of the Agenda or scheduled items or public hearings,*
19 *must fill out a "Request to Speak" form available at the door. The completed*
20 *form must be submitted to the Secretary prior to the Agenda item being called by*
21 *the Chairperson. In speaking to the Commission, member of the public may be*
22 *limited to three minutes per person, except for the applicant for entitlement. The*
23 *Commission may establish an overall time limit for comments on a particular*
24 *Agenda item. Members of the public must direct their questions to the*
25 *Chairperson of the Commission and not to other members of the Commission,*
26 *the applicant, the Staff, or the audience. Additionally, there is an ADA note.*
27 *Upon request, this Agenda will be made available in appropriate alternative*
28 *formats to persons with disabilities in compliance with the Americans with*
29 *Disabilities Act of 1990. Any person with a disability who requires a modification*
30 *or accommodation in order to participate in a meeting should direct their request*
31 *to Guy Pagan, our ADA Coordinator, at (951) 413-3120 at least 48 hours prior to*
32 *the meeting. The 48-hour notification will enable the City to make reasonable*
33 *arrangements to ensure accessibility to this meeting.*

34
35
36 **CHAIR LOWELL** – We have a Non-Public Hearing Item tonight. How does that
37 work with the Public Comments portion of the Non-Public Hearing Items?
38 Actually, we don't have any. Moving on, never mind.

39
40 **PLANNING OFFICIAL RICK SANDZIMIER** – We actually have some Public
41 Comments. People wanted to speak, I believe, on Commissioner Van Natta.

42
43 **CHAIR LOWELL** – Okay, so let's invite them up. So the first one up is Mr.
44 Rafael Brugueras followed by Mr. Tom Jerele Sr., then Sandra Murphy, and then
45 Santiago Hernandez.

1 **SPEAKER RAFAEL BRUGUERAS** – Good evening Planning Commissioners,
2 Staff, residents, and our guests. You know, the bible teaches me but it teaches
3 all of us, how do we measure a person? Tonight Rick just measured her for what
4 she has done for us in the City of Moreno Valley. By that measurement, we have
5 seen things being done already, and we know that our future will have other
6 things that are going to be built as the process goes on and that is how we are
7 going to remember you as we see our City grow more and more and more. But I
8 also want to thank the rest of the Planning Commissioners because it takes a
9 team to vote yes seven times. Sometimes it is an odd number, but that's okay
10 because it also tells us that we can't always have everything. But I'm glad
11 because I didn't know how important it is to come to this meeting and to see
12 talent work for the City of Moreno Valley. I've been here since 1992, and I just
13 started to come here last year. So where was I? Hiding somewhere in a garage
14 working hard minding my business, and that shouldn't be. If you live in the City
15 of Moreno Valley, you should be involved because being involved gets things
16 done. And I know there was a big issue with the big project, but I'm deeply
17 grateful for that to come to pass maybe one day and it will because there's a
18 process to everything. But I'm very happy today because when I see the East
19 Side and I go to the West Side or head towards the freeway and Cactus, I see
20 growth. That will always remind me of what all the Planning Commissioners,
21 including her, have done for the City of Moreno Valley. And I always will
22 remember you. Never forget us because we'll never forget you. Thank you.

23

24 **CHAIR LOWELL** – Mr. Tom Jerele.

25

26 **SPEAKER TOM JERELE SR.** – Tom Jerele speaking on behalf of myself and a
27 little bit for the Sundance Center where I spent a little bit of time. Chair Lowell,
28 Vice Chair Barnes, Commissioners, members of Staff, and the public both here
29 in the chambers and watching at home: First of all, it was really nice when Mayor
30 Pro Tem Giba asked if I was going to be here. I said yeah. He said, do you think
31 some of the regulars will be there? And I said, well probably, just for sure me
32 and Rafael. He said, well I need some help. But there are almost 30 people
33 here tonight, and they are here for a single purpose to thank you for your service.
34 So I want to acknowledge Commissioner Van Natta and a couple of observations
35 I have had on her work here at the Commission and so a few words to describe
36 her work (1) prepared, (2) very focused, (3) attentive, (4) engaged, (5) courteous,
37 (6) receptive, (7) respectful, (8) patient, (9) plain spoken and clear, (10) wise, and
38 (11) professional. So I thank you for those good characteristics, and I think those
39 are good attributes for any person who wants to serve their local community at
40 any level. I thank you greatly. A couple people couldn't be here tonight. Dave
41 Slosson couldn't be here. He has a weekly church function with his family, but I
42 know he appreciates your service greatly and expressed his sentiments to me.
43 Also, Debra Craig and Roy Bleckert very much wanted to be here, but they are
44 out doing something. They are doing some dirty work tonight. They are cleaning
45 up a vacant lot at Perris and Brodiaea as we speak, so they are probably getting
46 good and dusty right now, but they very much wanted me to express their

1 sentiments so we thank you. And I thank you not only on behalf of myself but the
2 community for your years of good work and doing some good things in a good
3 way. Thank you.

4
5 **CHAIR LOWELL** – Ms. Sandra Murphy.

6
7 **SPEAKER SANDRA MURPHY** – Good evening. I am just here just to represent
8 myself to say thank you. For five years, probably it would be too much for some
9 people (181 projects) but it will take someone who really wants to do something
10 for the future and make sure that the next generation will have better chances,
11 and that is what I saw in you. I didn't see it too many times because I was not
12 involved with nothing with the community because I commute a lot, but one of the
13 moments that I crossed a word with you when we were in the process with a
14 project for the World Logistics, I knew that you are a person who is honest,
15 sincere, and you care. And that I can tell you from the bottom of my heart. God
16 gives us the opportunity in some positions to help others, but it's the way we help
17 and they way we conduct ourselves that makes a big difference. It's not about
18 the numbers. It's by the way that you show that you care, and you show us that
19 you care for this city even though not everybody thinks that Planning
20 Commission is very important in our city because that's our future whatever it
21 comes that it's going to change the lives of others and make it better. It comes
22 from you. You have to review and approve those projects. You have to be the
23 person who rejects those projects because it's not going to be good for the city,
24 so you play a big roll in the future of this city and for many years we will
25 remember you. Even though it was five years but, if you multiply it by 181, it will
26 say a ton. Thank you very much.

27
28 **CHAIR LOWELL** – Thank you. Santiago Hernandez.

29
30 **SPEAKER SANTIAGO HERNANDEZ** – I just want to say thank you to this lady
31 who is going to Texas. She is a great lady that I just know a year ago. She has
32 great knowledge of the city and great knowledge of the area that she lived. I
33 want to say thanks and God bless you, Meli. Thank you.

34
35 **CHAIR LOWELL** – I saw one of the Speakers Slips being handed to you during
36 that. Were there any other speakers?

37
38 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – No.

39
40 **CHAIR LOWELL** – Perfect. Thank you very much.

41
42
43 **NON-PUBLIC HEARING ITEMS**

44
45 **None**

46

1
2 **CHAIR LOWELL** – So that moves us onto the Public Hearing Items, which is
3 Case PA16-0025 (Smoke Shop Regulations). The Case Planner is Mr. Mark
4 Gross.

5
6
7 **PUBLIC HEARING ITEMS**

- 8
9 1. Case: PA16-0025 (Smoke Shop Regulations)
10
11 Applicant: City of Moreno Valley
12
13 Owner: N/A
14
15 Representative: N/A
16
17 Location: City-wide
18
19 Case Planner: Mark Gross
20
21 Council District: All
22
23 Proposal: Municipal Code Amendment pertaining to the
24 regulation of Smoke Shop uses city-wide.
25

26
27 **STAFF RECOMMENDATION**

28
29 Staff recommends that the Planning Commission APPROVE Resolution No.
30 2016-18, and thereby:

- 31
32 1. **CERTIFY** that the proposed Ordinance (amendment to the Municipal
33 Code PA16-0025) qualifies as an exception in accordance with Section
34 15061 of the California Environmental Quality Act (CEQA) Guidelines,
35 and
36
37 2. **RECOMMENDS APPROVAL** of PA16-0025 to the City Council for the
38 amendment of the City of Moreno Valley Municipal Code to modify
39 Titles 5 and 9, including modification in the Permitted Uses Table
40 attached as Exhibit A, related to the city-wide regulation of Smoke
41 Shop uses.
42

43
44 **SENIOR PLANNER MARK GROSS** – Good evening Chair Lowell and members
45 of the Planning Commission: Mark Gross, Senior Planner, here to provide a brief
46 report on the proposed Code Amendment for Smoke Shop uses. The primary

1 purpose of the Municipal Code Amendment before you this evening is to regulate
2 and enforce Smoke Shop uses city-wide. I want to talk a little bit about the
3 background of how we've got to this point and why we are actually looking at
4 providing an Ordinance such as this. Now the City Council originally requested
5 that the Public Safety Subcommittee provide input regarding how the City can
6 limit Smoke Shops that sell drug paraphernalia and other illegal substances. The
7 concern is that, without appropriate local control, such uses may have negative
8 effects on both health, safety, and welfare for city residents. And, although the
9 sale and regulation of drug paraphernalia is primarily regulated by State Law and
10 that would be specifically Section 11364 (the Health and Safety Code), there are
11 ways in which the City can combat negative secondary effects of these uses and
12 we're going to try to show you how that is going to be done tonight with this
13 Ordinance Amendment. Now there are approximately 28 Smoke Shop uses that
14 are included in the City of Moreno Valley and right there I just want to point to
15 that particular map and we'll go through those maps as we go through the
16 presentation, but it pretty much shows on those little circles of where the Smoke
17 Shop uses are located. And, if you were to count the number of circles that are
18 up there, you will probably count 27. And that is because there is actually almost
19 a duplicate one use, actually two uses in the mall. I believe maybe one at the
20 top, maybe 1st floor and 2nd floor and so that is why....that's how we actually get
21 to the 28. You will count 27, but again there are two in the mall. Now there were
22 several local Smoke Shop Ordinances that were reviewed in the process of
23 revising the Municipal Code. We've looked at a number of different cities and
24 that would include the cities of Anaheim, Victorville, Covina, and El Cajon. We
25 took a look at their Ordinances to see how a local entity can actually regulate this
26 type of a use. The Amendment to regulate Smoke Shops that we're proposing
27 this evening is really consistent to what the cities of Covina or El Cajon enacted.
28 Actually, there were a couple of things that they looked at. One was including
29 Smoke Shops that would be provided as a conditionally permitted use within a
30 Community Commercial Zone, and that was one of the items. The other item
31 was providing distance requirements from Smoke Shop uses to other more
32 sensitive land uses. Now there were a total of three meetings that were held with
33 the Public Safety Subcommittee to discuss Smoke Shops and how they can be
34 regulated from more of a local perspective. From these meetings, there were
35 two primary approaches that were agreed upon by the Safety Subcommittee to
36 be carried forward. One of those items is to amend the Municipal Code to
37 include drug paraphernalia offenses as grounds for business and tobacco retailer
38 license revocation. In this case, the City is proposing language in Title 5 that
39 would allow the City to revoke a business and/or a tobacco license if violations of
40 drug paraphernalia are found. A second item that was carried forward from the
41 Public Safety Subcommittee Meeting was the adoption of an Ordinance adding
42 new zoning regulations for Smoke Shops. And, in this case, a new section in
43 Title 9 of the Municipal Code is being proposed to be created to regulate these
44 types of uses. A Smoke Shop in this case will be defined as a site devoting 30%
45 or more of floor space for Smoke Shop uses or tobacco products. Now this
46 particular Ordinance is going to look at both new Smoke Shop uses, as well as

1 existing, and I am going to go over how this Ordinance will be looking at each.
2 First of all, starting out with new uses, the proposed amendment will only allow
3 new Smoke Shops to be located in the Community Commercial Zone District.
4 And, in addition, all new Smoke Shops will require a Conditional Use Permit.
5 Now we talked a little bit about location and distance requirements and how
6 some of the other cities looked at that. Again, we are carrying that forward in this
7 Municipal Code Amendment and, in this case, location and distance
8 requirements have been added to minimize impact of Smoke Shops on adjacent
9 more sensitive land uses. And I want to now turn your attention over to the maps
10 that we do have up because these are some of the requirements that we are
11 carrying forward for new uses with or for uses that will have these buffer
12 requirements. This first map actually includes a 500 foot buffer, so with this
13 particular Ordinance there would be provisions to include a distance requirement
14 of 500 feet between Smoke Shop uses and land uses such as residential uses,
15 churches, arcades, amusement facilities, and parks. This next slide is actually a
16 requirement that shows again how these circles kind of bubble out a little bit as
17 you get, of course, the larger distance requirement. And the requirement also is
18 going to include, in this Ordinance, a 750 foot distancing requirement from
19 existing newly created Smoke Shop uses and between Smoke Shop uses and
20 childcare/daycare facilities, colleges, vocational schools, and governmental uses.
21 And then finally you have this 1000 foot Buffer Map that is including and showing
22 the distance requirement between Smoke Shop uses and uses such as adult
23 businesses, emergency shelters, large daycare centers, rehabilitation centers,
24 residential care facilities that are operating as sober living facilities, and public or
25 private schools. So we talked a little bit mainly about the new uses, and I want to
26 talk more now about the existing uses and how this Ordinance will be looking at
27 existing uses. Now existing uses that are not located in the Community
28 Commercial or CC Zoning District or not meeting distancing requirements from
29 Smoke Shop uses or other more sensitive land uses, as we've discussed just
30 previously, can remain at the site where they are located if operating legally
31 under their current ownership. These uses would be considered legal
32 nonconforming pursuant to Municipal Code Section 9.02180 and that would be
33 legal nonconforming uses, improvements, and parcels. So that pretty much
34 summarizes the items, and I want to also talk a little bit about some of the
35 environmental and the noticing. The Smoke Shop Amendment is exempt from
36 the California Environmental Quality Act (CEQA) pursuant to Section 15061 of
37 the CEQA Guidelines in that there is no possibility that the proposed activity may
38 have a potential for a significant impact upon the environment. Noticing was
39 provided for the city-wide amendment, and it was done by way of a one-eighth
40 page display ad that was located in the newspaper on July 15th. The City also
41 provided notice to all Smoke Shop owners and property owners where these
42 uses are located. Now Staff did receive two calls in response to the noticing.
43 General questions were raised one by a Smoke Shop owner and another by a
44 property owner on how this Ordinance and this effort will affect their business or
45 property. Now Staff did go through some of things such as we've gone through
46 tonight with the business owners and the property owners, and they did not have

1 any specific concerns once we explained all of the nuances or the requirements
2 of the Ordinance. Therefore, I do want to mention and just read into the record
3 that Staff recommends that the Planning Commission certify that the proposed
4 Ordinance Amendment to the Municipal Code PA16-0025 qualifies as an
5 exemption in accordance with Section 15061 of the California Environmental
6 Quality Act (CEQA) Guidelines and (2) to approve Planning Commission
7 Resolution 2016-18 recommending that the City Council approve the proposed
8 amendment to the Moreno Valley Municipal Code amending Sections 502270(a),
9 suspension or revocation; 504090(a) revocation of license; 902020 permitted
10 uses; 915030, definitions; 902180(d), legal nonconforming uses, improvements
11 and parcels; and adding Section 909280, Smoke Shops, all pertaining to the city-
12 wide regulation of Smoke Shop uses. Now, before concluding my report, I want
13 to make note of a minor modification to the Planning Commission Resolution on
14 page 35 of your Planning Commission packet. Now, for your information, we did
15 get copies of I believe this is the memo that was provided to all of the
16 Commissioners at their dais, as well as I think we have some of these available
17 for the public there on the far table. But I do want to just read in the last
18 sentence because this is the last sentence of Section 9.02.280(d) which shall be
19 modified to remove any previous language included in the underlying format and
20 provide with the following new language, and it would include and read as this:
21 Not withstanding Smoke Shops currently operating legally with all proper
22 applicable licenses, permits, and entitlements shall be deemed to be legal
23 nonconforming under their current ownership. That concludes the report on the
24 item. Staff from both the Planning Division and the City Attorney's office is here
25 and will be happy to answer any questions or concerns that the Commission may
26 have.

27
28 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may just elaborate a little bit on
29 that Staff Report. This is a very sensitive Land Use Regulation and also changes
30 Title 5. I want to make sure that the Commission is fully aware that this has been
31 a collaborative effort between both the Planning Staff and our City Attorney's
32 office. Jennifer Mizrahi is sitting to my left. You don't see Paul Early here
33 tonight, but Jennifer Mizrahi is from our City Attorney's office and she has been
34 working very diligently on this particular item. The language before you that Mark
35 has just pointed out is something that Jennifer, myself, and Mark discussed
36 earlier after looking through the proposed text amendments. Jennifer has done
37 some research on some Case Law, State Law, and other stuff just to make sure
38 that we've got it covered and so we apologize for the shortness of getting this out
39 to you, but it was just a change that was made earlier today. Staff again is
40 available here to answer any questions. We appreciate any consideration or
41 comments that you have.

42
43 **CHAIR LOWELL** – Before we move onto our Commissioner Discussion, do we
44 have any people wishing to speak on this item?

45
46 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – Yes, we have two.

1
2 **CHAIR LOWELL** – Since we normally go City, Applicant, Public Comments, I
3 think we should open up the Public Comments and then go into our
4 Commissioner Discussion.

5
6 **PLANNING OFFICIAL RICK SANDZIMIER** – That’s fine. The order would be, if
7 the Commission has any comments for clarification from the Staff Report, we
8 would do those first. But, if you have no questions on the Staff Report, then it’s
9 appropriate to go to Public Comments.

10
11 **CHAIR LOWELL** – I’m leery of opening up to our discussion because I know
12 we’ll just jump right into our discussion. So, if we have any specific comments or
13 questions regarding clarification of what we just heard, now would be the time. If
14 not, I’d like to open up Public Comments. Commissioner Korzec.

15
16 **COMMISSIONER KORZEC** – I wanted to ask the reasoning behind the parks
17 only having a 500 foot buffer versus schools having the 1000 foot because so
18 many children go to parks and it would seem to me that might be the same
19 consideration as a school or a large daycare center, so I just wanted to know why
20 parks would have just a shorter distance?

21
22 **PLANNING OFFICIAL RICK SANDZIMIER** – You’re right. There’s some
23 subjectivity that was applied in terms of trying to judge what the sensitivity of the
24 uses are. You’re absolutely right that there are children that do frequent our
25 parks, but parks are more of a community benefit and we don’t want to.....we
26 didn’t want to penalize, or I didn’t want to penalize businesses that are located
27 next to a park, so I chose the smaller distance. That was simply my judgment
28 call.

29
30 **CHAIR LOWELL** – Any other questions or clarifications before we move onto
31 Public Comments? I don’t see any hands going up. Okay, I’d like to open up the
32 Public Comments portion. Do we have any speakers waiting in the wings?

33
34 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – Yeah, Rafael Brugueras and
35 then Leonardo Gonzalez.

36
37 **SPEAKER RAFAEL BRUGUERAS** – Good evening Commissioners, Staff and
38 residents. One of the hardest things for me is to always tell someone why I
39 disapproved this, but I approve it now because I understand what he is saying
40 about Ordinance and rules and regulations. But I have to review it myself
41 because I am once an addict. I know what it’s like to buy stuff like that when I
42 was young, these stores. I didn’t hear anything about 21 and over. I didn’t hear
43 anything where these bongs and everything should be in the back of the room
44 behind a curtain or on the wall 21 and over permitted. I didn’t hear any of that
45 where someone can walk in and just look at all the stuff. You know why I don’t
46 walk into a Smoke Shop? One, I don’t smoke. Two, for what they sell. It tempts

1 me. I'm 60 years old, and it still tempts me how easy it is now to buy something
2 to smoke from. We have gone backwards in this country because we always
3 want to be politically correct but this town we cannot be politically correct when it
4 comes to young people because we know that there's always going to be
5 somebody to send somebody in a store to buy something from there. There is
6 always going to be somebody to do that, to harm our kids. It doesn't matter.
7 One thing about narcotics, it doesn't pick color or gender. I used to be firm mind
8 over matter until I became an addict and then the matter became over the mind.
9 It hurt me but thank God for love and the love of my parents and people that
10 trusted me to get out of it, and I got out of it. I have to reveal myself so I can help
11 someone else. You're going to make a decision tonight again, a very important
12 decision, to help somebody. I don't know if anybody in your family has ever been
13 through a situation, but I know you know somebody who has been through a
14 situation but I'm asking you to make the rules hard. If they don't want to do
15 business in Moreno Valley, send them over to another city. Let somebody drive.
16 I remember when I had to go to another city to buy stuff for myself I was always
17 afraid to get caught. Let them have that fear because it may help them to get out
18 of a situation they might be getting themselves into. I'm asking you to help our
19 City. I'm asking you to help our children, and I'm also asking you to help existing
20 addicts or those that are still recovering for 30 years or more. This is why I do
21 not walk into a shop. I see how easy it is to go back to something that can harm
22 me. If it can harm me, I know it can harm someone else. So think about what
23 you're going to do tonight. Improve the rules. Make them better. She mentioned
24 500 feet. It should be 1000. Treat it like alcohol. Make it hard for young people
25 to get and to sell in the stores.

26
27 **CHAIR LOWELL** – Thank you very much. I believe we have Leo, Leo
28 Gonzalez.

29
30 **SPEAKER LEONARDO GONZALEZ** – I think I turned in the wrong color slip, so
31 it's not her fault, but I didn't want to leave without saying my piece. I actually do
32 agree with him as far as that matter, so we'll touch on that a little bit. It's hard for
33 people to quit. I think it's even harder or for people....it's easy to go back. It's
34 hard to quit as far as that goes. I know that from personal experience. But, Ms.
35 Van Natta, I don't want to leave here without saying my piece. Believe it or not,
36 you were one of the first people whose name came up when I moved to this town
37 because we're both in the real estate circles, and when I knew that you were on
38 the Planning Commission I started to pay a lot of attention to you. And you've
39 kind of somewhat become a silent mentor to me believe it or not. When I found
40 out that you were leaving to Texas through just people talking, and then I found
41 out everything that you did, and you embody the quote that I live by. "Live your
42 life so that the work of your life outlives your life." And everything you've done
43 and everything Mr. Sandzimier talked about, that's exactly what you did. A lot of
44 the stuff you're doing for, you've done for us, and a lot of the Planning
45 Commission you've done for our generation. So I want to speak on behalf of all
46 the growing families in Moreno Valley. We thank you. We honor your vision, and

1 hopefully we can honor your commitment to the City as we get older. So thank
2 you so much for your five years of service.

3
4 **CHAIR LOWELL** – Thank you very much, Leo. Do we have any other Speaker
5 Slips?

6
7 **ADMINISTRATIVE ASSISTANT ERICA TADEO** – No, we do not.

8
9 **CHAIR LOWELL** – Okay, I would like to open up the Commissioner Discussion.
10 I have a whole slew of questions, but I am going to defer to the second half.
11 Commissioner Gonzalez.

12
13 **COMMISSIONER GONZALEZ** – I just have a lot of questions as well. One of
14 the things that pops out is, out of the 28 Smoke Shops, none will be conforming.
15 Is that correct?

16
17 **SENIOR PLANNER MARK GROSS** – Yes that actually is correct. All of the
18 uses, the 28 uses, are either not included in a Community Commercial Zoning
19 District or they are probably not meeting distance requirements either from
20 Smoke Shop use to Smoke Shop use or from Smoke Shop use to other of the
21 more sensitive land uses that we've talked about. Primarily, if you look back at
22 the, I don't know if you can go back to some of the....I guess we can't. But, on
23 the maps that we showed, primarily what is providing this is as a legal
24 nonconforming use.....there we go. Thank you. It pretty much shows that most
25 of these uses, if we go back to maybe the 500 foot buffer, again most of these
26 actually are adjacent or touching residential uses. So, in that case, that's
27 probably one of the reasons why they are becoming nonconforming. They are
28 legal nonconforming, but there are situations in some instances where we have
29 Smoke Shop uses that are very close to one another, and thus they are not
30 meeting the 750 buffer.

31
32 **COMMISSIONER GONZALEZ** – So in an ideal situation, I mean, is it feasible
33 for a Smoke Shop to (if we were to opt these rules as is) come into the City and
34 establish themselves or would it be very difficult?

35
36 **SENIOR PLANNER MARK GROSS** – Well I think that in trying to answer that
37 question, it's going to be definitely more difficult as far as to establish, although
38 there are still some areas in the city where a new Smoke Shop could be provided
39 but very few. But if you look at areas, in fact one of the areas that I'll mention I
40 guess or a couple of the areas, is right immediately to the south of the 60
41 Freeway and over by Moreno Beach Drive. There are a couple of shopping
42 centers in there. I don't know if you noticed the big red on the side. There are
43 not any Smoke Shops in that particular area. There are some areas that are
44 adjacent to the freeway that may allow for those uses and then some other of the
45 Community Commercial Zoning areas that are not established yet. It would be
46 definitely more difficult; much more difficult to provide a Smoke Shop use.

1
2 **COMMISSIONER GONZALEZ** – Thank you.

3
4 **VICE CHAIR BARNES** – During your presentation, you indicated that smoke
5 shops and I think the quote was “may have negative impacts.” Has there been
6 an identification of negative impacts that we are specifically trying to solve or is
7 this just an opinion of Staff or the Public Safety Commission that this is
8 something that should be done? What’s driving this?
9

10 **PLANNING OFFICIAL RICK SANDZIMIER** – There was no identified trend or
11 significant problem. There is a perception or a concern that was raised by
12 members of our City Council, and that’s why they asked the Public Safety
13 Committee to consider this item. In addition to the Planning Staff working with
14 the City Attorney’s Office, we also have consulted with the police department on
15 this and had them review it. I have no data that suggests that there is, like I said,
16 a trend. Our attorney probably could describe why we’re doing this. She
17 describes it more in a legal sense or in an appropriate sense.
18

19 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – It’s pretty much what Mr.
20 Sandzimier said. It’s pretty much a prophylactic measure that kind of came from
21 the top down and, in looking at the Municipal Code, we noticed that Smoke
22 Shops were just a permitted use. And, when we took a harder look, I said well
23 do we really want to have this as just a permitted use or do we want to make it a
24 little bit more difficult because it is more sensitive use and have it kind of, you
25 know, bring it forth to the Planning Commission on a case-by-case basis as a
26 Conditional Use and actually get some buffering. You know, the buffering that
27 we have been talking about, but it is definitely a prophylactic measure.
28

29 **VICE CHAIR BARNES** – Okay, so we’ve got 28 uses but there’s not been any
30 statistical identification of issues with any of these facilities?
31

32 **PLANNING OFFICIAL RICK SANDZIMIER** – The other thing I want to mention
33 is there was principle concern with the display, or the sale, or the inappropriate
34 use of drug paraphernalia. That was one of the major concerns. That’s a
35 change that’s being made to Title 5, which is not a title in the Municipal Code that
36 the Planning Commission typically works with, but it does provide the provisions
37 now for the City to revoke business licenses and tobacco retailer licenses. That
38 was really the initial concern. When we looked at it deeper the concern about,
39 well what about the land use regulations, that’s when the changes to Title 9
40 became apparent and we recommended for consideration as well.
41

42 **VICE CHAIR BARNES** – So that modification to allow the revocation of the
43 license, based on the information that you had provided from I guess the State
44 Health, that provision already exists. Is that correct?
45

1 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – There’s currently some
2 State Law....well there is State Law specifically with respect to drug
3 paraphernalia sales. And, for the most part, it’s pretty much the State’s to deal
4 with. The City really can’t do much about it except for this one provision, which is
5 if a business sells or violates State Law with respect to drug paraphernalia sales,
6 what the State recognized was it said okay cities if this is an issue you’re having,
7 and I’m not saying that is, what you can do is you can amend your Ordinance
8 and actually include it as grounds for revocation of the business license or frankly
9 any kind of license is what the State says. And so that was kind of the first focus.
10 It was okay what can we do, and that’s what we could do. So there is grounds of
11 revocation of the business license if somebody has some kind of drug
12 paraphernalia offense. So that’s kind of a warm portion of the Ordinance. That’s
13 at Title 5. And then in looking at it and kind of delving deeper, we started looking
14 at okay well Smoke Shops in general they are just kind of permitted as a matter
15 of right and do we want that and that’s how the other Title 9 kind of came into
16 play.

17
18 **VICE CHAIR BARNES** – Okay so the State basically is giving us the right to
19 revoke the license, but unless we put it in our Ordinance we don’t have the ability
20 to do that?

21
22 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – That is correct.

23
24 **VICE CHAIR BARNES** – Okay.

25
26 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – Yes.

27
28 **VICE CHAIR BARNES** – Alright. I have others but let’s move on. I’ll be back.

29
30 **CHAIR LOWELL** – One of the questions that I have pertains to the phrase drug
31 paraphernalia. It is a very vague term, and I asked a couple days ago about the
32 State Safety Code. And it says, as used in this section, drug paraphernalia
33 means all equipment, products, and material of any kind which are intended for
34 the use or designated for use in planting, propagating, cultivating, growing,
35 harvesting, manufacturing, compounding, converting, producing, processing,
36 preparing, testing, analyzing, packaging, repackaging, sorting, containing,
37 concealing, injecting, ingesting, inhaling or otherwise introducing into the human
38 body a controlled substance. Drug paraphernalia includes but is not limited to all
39 of the following: kits intended for the use or designated for use in planting,
40 propagating, cultivating, growing, or harvesting of any species of plant which is a
41 controlled substance for which a controlled substance can be derived. And they
42 have a whole bunch of other stuff. I mean, it’s just pages and pages and pages
43 and pages. I’m wondering if this is getting us too much into a gray area. The
44 reason why I say that is what about an outdoor nursery where all they do is they
45 promote the propagation of plants in general? What about a hydroponic
46 company where all they do is say hey let’s grow stuff indoors? Well they are

1 intending you to grow and harvest any plant, but you could use that for nefarious
2 purposes. What if there is a company out there that they only want to sell
3 spoons? Well any Hollywood Movie shows you using heroin and a spoon. Well
4 they are going to be selling spoons. Well, technically, they are selling drug
5 paraphernalia. It's just such a big gray area, how do we know what we're trying
6 to make an Ordinance against?
7

8 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – The only thing that I could
9 say to that is currently what you read from is the State Law. That's currently the
10 State Law, and how I have it written in the Ordinance is that drug paraphernalia it
11 goes to that definition. And, what I would say to that is, obviously your police
12 department knows what drug paraphernalia is. They deal with it all the time. I
13 personally don't know as much as they do about drug paraphernalia, but these
14 people deal with this all the time. They deal with the definition. They understand
15 it and so what the Ordinance does is it connects back to the State Law because I
16 wasn't about to make up a definition for drug paraphernalia.
17

18 **CHAIR LOWELL** – So what it kind of seems like is that we're making an
19 Ordinance that is subjective, which is kind of frustrating and I don't agree with.
20

21 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – I don't know if it's.....
22

23 **CHAIR LOWELL** – I like the intent, but it just needs to be more solidified.
24

25 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – In terms of the subjectivity,
26 and I could just kind of talk a little bit about that. It specifically relates back to the
27 Health and Safety Code definition, and that's the definition frankly that we would
28 need to use because we cannot as a City make up our own definition of drug
29 paraphernalia. It is State Law.
30

31 **CHAIR LOWELL** – Correct.
32

33 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – And they don't give us,
34 meaning the City, a lot of wiggle room to kind of regulate in that area. So that's
35 what I would say to that but I understand your concern, which the definition is
36 difficult.
37

38 **CHAIR LOWELL** – Well I kind of enjoy watching the show called Locked Up on
39 MSNBC and, if criminals are anything, they are ingenuitive. So Lowes could be a
40 company that is dedicated 100% to drug paraphernalia. So I would hate to make
41 a law that is so broad for outreaching that you could misinterpret it or interpret it
42 poorly to get people that are 100% innocent and maybe naive in trouble.
43

44 **PLANNING OFFICIAL RICK SANDZIMIER** – Well if I may just add a little. The
45 protection from being applied too broadly is that it does tie back to Smoke Shops.
46 So, if you had a nursery that was selling stuff or if you had Target.....

1
2 **CHAIR LOWELL** – Yeah, it says 30% designation. So, if they designate 30% of
3 their building towards Tobacco or Drug Shops, whatever, or Smoke Shops. But
4 that’s what I was saying. What if a nursery or a hydroponics store or something
5 that sells products that aren’t intended for that use could be misused.....
6

7 **PLANNING OFFICIAL RICK SANDZIMIER** – Well it’s my understanding.....
8

9 **CHAIR LOWELL** – Two things is to fine tune the definition of drug paraphernalia
10 and also widen this out to companies that aren’t permitted Smoke Shops but also
11 kind of skirt the legal definition of a Smoke Shop.
12

13 **PLANNING OFFICIAL RICK SANDZIMIER** – The intent here is again to
14 regulate that sale happening within a place that’s been defined as a Smoke
15 Shop. So they’ve got a business license established as a Smoke Shop or they
16 have a Tobacco Retailer License, and then if those drug shops are selling
17 flatware and they don’t normally sell flatware and all of a sudden they are selling
18 a lot of spoons, then there might be a connection made that okay there is
19 something amiss here. It provides some teeth from an enforcement standpoint.
20 Could it be? You’re right that the criminal mind is clever. They come up with
21 different ways to work around this. But, as we put this together, the intention was
22 focused on the 28 Smoke Shops that we have and the other Smoke Shops that
23 may want to come in here. It wasn’t intended to try and regulate this use as a
24 component of some other business, but we can give that some additional
25 thought.
26

27 **CHAIR LOWELL** – Alright, and I just....this is totally just drilling down that some
28 point a little bit harder, but CNN has this thing that says 90% of US currency
29 carries traces of cocaine so technically a dollar that I have in my pocket could be
30 drug paraphernalia. So if I owned a business and I dedicated.....if I owned a
31 Smoke Shop, and I had absolutely no water bongs or vaporizers or hookahs or
32 anything, I just strictly have a humidor. That’s all I have just high-end cigars. I
33 have dollar bills in my cash register that have cocaine on them, per this study, I
34 could get in trouble and lose my license even though I’m 100% innocent so
35 it’s.....I like the intent, I’m just having a hard time grasping it.
36

37 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – Mr. Chair and members of
38 the Commission, I completely understand. I understand. I mean, it is a broad
39 definition. Unfortunately, it’s not something that we can really mess with. It
40 comes directly from State Law. I agree. It’s definitely broad, and I definitely
41 understand your point. The only problem is that we’re stuck with it if we want to
42 go this route. If the Planning Commission kind of wants to go this route and have
43 drug paraphernalia offenses be grounds for license revocation, we’re kind of
44 stuck with the State Law defining drug paraphernalia, and I definitely understand.
45

46 **CHAIR LOWELL** – I like the intent.

1
2 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – Yeah.

3
4 **CHAIR LOWELL** – But my fear is that this would be misinterpreted and applied
5 to drive a business out of the city when they were 100% innocent.

6
7 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – Understood, understood.

8
9 **CHAIR LOWELL** – Could we also expand this to apply to other stores that have
10 less than 30%. So, if they have a Smoke Shop or if they have 25% of the
11 building is dedicated to Smoke Shop stuff, could we include them also that way
12 we can weed out some riffraff.

13
14 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – Correct. That’s exactly
15 what we....so there are two amendments to Title 5. There is one under 5.02,
16 and then there is one under 5.04. And I believe the one under 5.04.....wait did I
17 get that right? One of them is related to general businesses. So if any general
18 business sells drug paraphernalia, it could be a grounds of revocation.

19
20 **CHAIR LOWELL** – Okay, I didn’t pick up on that. Okay.

21
22 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – I may have gotten the two
23 code sections.

24
25 **CHAIR LOWELL** – One of the comments that I didn’t think of that Mr. Rafael
26 Brugueras brought up is what about adding age restrictions to the entrance of the
27 buildings, age restrictions? So, if we have a building that is dedicated to Smoke
28 Shop or 100% dedicated to liquor, can we add an age restriction to prevent little
29 kids from being exposed to it too early?

30
31 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – Yeah that’s all actually
32 defined by State Law and the State pretty much has that kind of control. The City
33 does not have control over the age restrictions but something that was brought
34 up, which is not in the Ordinance, is maybe placement. You know, placement of
35 the products. You know, placement of a hookah pipe or something like that.
36 That’s not in the current Ordinance, but that is something like a land use kind of
37 regulation that we could regulate.

38
39 **CHAIR LOWELL** – And I know this Ordinance is kind of a last ditch effort to
40 prevent this stuff from getting into our City and exposing kids to it, but the TV and
41 video games do far worse. One last little thing that I had was....actually I have
42 two things. So say we have a legal nonconforming business, or say we have a
43 new business that comes in that is legal and conforming, it is in the right zoning,
44 right location, right setbacks, and what if another business comes in and wants to
45 set up shop right next to it? Are there reverse restrictions where you can’t put
46 that next to it?

1
2 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – We did not set up the
3 Ordinance that way. We pretty much set up the Ordinance where the Smoke
4 Shop itself is being regulated and so, to answer your question, the answer is that
5 person could come in and what it would do is it would make the Smoke Shop
6 legal nonconforming. So that’s how it would actually, you know, place out.
7

8 **CHAIR LOWELL** – Can we put some sort of senior rights into this Ordinance
9 where the Smoke Shop was there first and then a child care for neonatal
10 intensive care unit moved in right next door, which we can’t have because it
11 would be horrible to have it right next door, but I don’t want the new guy in town
12 pushing out the old business because they were there forever.
13

14 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – It wouldn’t push it out per
15 say. They would become legal nonconforming.
16

17 **CHAIR LOWELL** – Correct, but according to legal nonconforming, if they go out
18 of business or want to do renovations for longer than 12 months then their shop
19 they lose their license and they can’t go back in. So that’s what I was saying if
20 we could have some sort of a senior rights like they were established first. This
21 guy came in after the fact and said well I’m coming in here so you can’t have
22 your business anymore if something should happen, if there is a catastrophic fire
23 and you’re down for a while. And I know that the Ordinance said that Planning
24 Official and Planning Staff can extend the expiration date of that permit, but I still
25 like the idea of having some sort of senior rights saying these guys were in town
26 first.
27

28 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – My initial reaction is
29 probably yes, but I’d like to actually look into that a little bit but I think we could
30 probably do something and make something work where if we have a good legal
31 Smoke Shop and if a daycare wants to come and move in next door maybe there
32 is a way to draft some language. I just can’t think of anything right now off the
33 top of my head, but I’ll have to look at it. My gut reaction would be yes.
34

35 **CHAIR LOWELL** – And then the last question I have, I promise this is my last
36 question. What about home occupations businesses? Can you have a home
37 occupation business that would be legal noncompliant with a Smoke Shop?
38

39 **PLANNING OFFICIAL RICK SANDZIMIER** – The challenge there, it’s
40 automatically a home occupation would be in a residential district so we would
41 not want to establish a Smoke Shop as a home occupation.
42

43 **CHAIR LOWELL** – Okay I was just curious because we talked about home
44 occupation a while ago and it just kind of came to my mind. Okay, I’ll relinquish
45 the microphone. Mr. Sims is not here so who piped in for Mr. Sims?
46

1 **COMMISSIONER VAN NATTA** – I put in next in line to speak. Am I there?

2
3 **CHAIR LOWELL** – You piped in as Mr. Sims I think.

4
5 **COMMISSIONER VAN NATTA** – Well I don't know why. I didn't sign in as Mr.
6 Sims.

7
8 **CHAIR LOWELL** – You're already out of the system.

9
10 **COMMISSIONER VAN NATTA** – They kicked me out already. Do I still get to
11 talk?

12
13 **CHAIR LOWELL** – I do want to note, I do want to note that when the meeting
14 first started there were 40+ people here and now we have two so they were here
15 just for you.

16
17 **COMMISSIONER VAN NATTA** – Thank you. I realized that.

18
19 **CHAIR LOWELL** – Commissioner Van Natta.

20
21 **COMMISSIONER VAN NATTA** – Okay just one comment first and then onto my
22 question. The idea of the police will know it's drug paraphernalia when they see
23 it is kind of like I'll recognize pornography when I see it. I can't describe it to you,
24 but I'll know what it is when I see it kind of that sort of thing. And I do kind of
25 question, if it is already illegal to sell drug paraphernalia, then why can't we just
26 pursue that on the legal basis? Send the cops in there to charge them with
27 selling drug paraphernalia.

28
29 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – We definitely could and that
30 would be probably a criminal investigation. What this does is it gives us kind of
31 one more quiver in our, whatever it is called, arrow in our quiver where we would
32 actually be able to revoke the business license in addition to of course the
33 criminal.....

34
35 **COMMISSIONER VAN NATTA** – Well, if someone is convicted of criminal
36 activity and running a business in the City, isn't there already some way of
37 revoking their business license without making it specific?

38
39 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – I would have to go back to
40 the business license revocation section. If I recall correctly, I don't remember
41 seeing it but that doesn't necessarily mean it's not there. I'd have to go back.

42
43 **COMMISSIONER VAN NATTA** – Well I mean, if you send the cops in there
44 every day because they've got drug paraphernalia, pretty soon they are going to
45 lose business and they will close down anyway.

1 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – Correct, yeah.

2
3 **COMMISSIONER VAN NATTA** – The other question I had is where you have
4 this change where it says they shall be deemed to be legal nonconforming under
5 the current ownership. Does that mean that, if a Smoke Shop decides to sell to
6 someone else and they are now not conforming because the daycare moved in
7 next door, would that mean that they could not sell?

8
9 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – Nonconforming, the answer
10 is that the City would have to give the Smoke Shop owner the benefit of its
11 bargain meaning that we couldn't just immediately take away their use. That
12 would be a taking. So, if that was the case, the City would actually have to make
13 a judgment and say you haven't been there long enough, maybe they've only
14 been there a year or so. But, if you have been there a much longer period like 10
15 or 11 years, then all of a sudden you've got the benefit of your bargain.
16 Nonconforming use law is kind of our cane, so I don't know if I completely
17 answered the question. You have to look at whether or not the Smoke Shop has
18 actually received the benefit of its use.

19
20 **COMMISSIONER VAN NATTA** – Okay what I'm looking at is you have a
21 business and the business has moved in there and they've established
22 themselves as a Smoke Shop and they've built up a business and so forth and
23 that person wants to retire and sell this working business that is making a lot of
24 good money for \$100,000 to someone else and retire to Texas.

25
26 **CHAIR LOWELL** – That's what I was going to say.

27
28 **COMMISSIONER VAN NATTA** – Okay then by adding this on here under their
29 current ownership that basically gives the City the right to say no you can't sell
30 that to someone else and saying the benefit of the bargain and this and that and
31 making it all subjective and how long is too long and everything like that to me is
32 just a little bit too vague.

33
34 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – Right.

35
36 **COMMISSIONER VAN NATTA** – I think removing that thing that says under
37 their current ownership would make this a lot more palatable because then that
38 way that person part of the benefit of owning a business is the ability to sell it.
39 And, if you can't sell it, then you've lost the value that you've built up in that
40 business.

41
42 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – Correct and as a matter of
43 fact, we actually had this discussion this morning thinking maybe it would be best
44 actually to remove that portion of it, which no objection I don't think from Staff or
45 myself at all. It would probably be a little bit cleaner to remove that. So if that is
46 something that the Planning Commission wanted to do and just have the period

1 go right after nonconforming that might actually clean up that language as well. I
2 don't know if Rick has something to say about that.

3
4 **PLANNING OFFICIAL RICK SANDZIMIER** – I do. The only amendment to
5 paragraph D is the addition of that language. So, if we don't want to make the
6 changes, there would be no changes to paragraph D. So it would just....we
7 would just remove the entire proposal and not make any changes to D. But
8 everything that you see on the handout that is not bolded is going to remain in
9 our Code and so Smoke Shops would just be treated like any other
10 nonconforming use. They follow the same rules and regulations.

11
12 **COMMISSIONER VAN NATTA** – And then it stops at welfare period?

13
14 **PLANNING OFFICIAL RICK SANDZIMIER** – Correct.

15
16 **COMMISSIONER VAN NATTA** – Okay that was my big question there. Being a
17 business person who has just sold a business, it would have upset me very much
18 to not be able to sell it. There still seems to be some issue though when there is
19 a Smoke Shop if someone else puts a business in, daycare whatever else it is
20 within that 1000 feet or the 750 feet or the 500 feet depending on the use to the
21 Smoke Shop. Why should they be allowed to do that if the Smoke Shop is
22 already there?

23
24 **PLANNING OFFICIAL RICK SANDZIMIER** – If I could try and address that.
25 That was actually something that we did spend a lot of time on. I mean, we were
26 very concerned about the rest of the project. It kind of goes both back and forth.
27 But on the exhibit that Mr. Gross put up there, even if you have the most
28 restrictive one (the 500 foot dimension), what we have is most of the shops are
29 already next to residential development. A lot of that land is still vacant and so
30 someone wanted to come in with a residential development, which we do want to
31 see some residential development, we could be limiting a lot of residential growth
32 in our community. So that alone was one of the reasons that we said that we
33 don't want reciprocal. We want this to be and that's why we talked with the City
34 Attorney's office and the language that we just talked about was intended to be
35 helping to put some teeth in there so that was one way. We appreciate the
36 comments and we anticipated that this would be an interesting discussion
37 tonight, but we just don't want to keep childcare or residential development or a
38 gas station or some other type of use from coming in. A gas station is not a
39 sensitive use but I meant to throw one of the sensitive uses out there like a
40 private school or.....

41
42 **COMMISSIONER VAN NATTA** – Which brings me to the other side of that
43 question because I can see keeping it away from daycare and schools and
44 everything else like that, but why would you not want to have a Smoke Shop
45 located within 1000 feet of an adult business? It seems like they would like to
46 occupy the same.....

1
2 **PLANNING OFFICIAL RICK SANDZIMIER** – This is along the lines of I think
3 the speaker earlier who spoke about the temptation, and when we talked about
4 this as Staff. There are certain uses that already have sort of a potential
5 secondary effect associated with them. An adult business was one of them. So
6 we felt that, if these uses are closer together, you're increasing the potential for
7 negative secondary effects. That was the reasoning.

8
9 **COMMISSIONER VAN NATTA** – The concentration of all those in one area
10 might negatively affect that area?

11
12 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes, exactly.

13
14 **COMMISSIONER VAN NATTA** – Alright that makes sense, and I would approve
15 of it without that change to paragraph D.

16
17 **CHAIR LOWELL** – Commissioner Gonzalez.

18
19 **COMMISSIONER GONZALEZ** – If we were to compare it with alcohol and the
20 sale of alcohol, would this be more restrictive or less restrictive than alcohol?
21 You know, people that sell in establishments for liquor stores or whatnot.

22
23 **PLANNING OFFICIAL RICK SANDZIMIER** – It would be, just off the cuff and
24 just my initial reaction, it would be more restrictive. ABC licenses you can get.
25 You can have an overconcentration of liquor licenses in a certain area. There
26 are findings that can be made that allow for a business to continue to operate
27 and petition for an alcoholic beverage license so that seems more flexible. This
28 is pretty specific in terms of the grounds for revocation and it was, without the
29 change to paragraph D, intended to be very restrictive in terms of change of
30 ownership of a business and then it is also pretty restrictive with regard to setting
31 the buffers of 500 to 750 and the 1000 are very specific development
32 requirements that we would be looking at. That's my off the cuff reaction.

33
34 **CHAIR LOWELL** – Commissioner Barnes.

35
36 **VICE CHAIR BARNES** – I guess going back to the question that I asked earlier,
37 we're spending a fair amount of effort overregulating a business that no one has
38 identified any problems with, and I'm not a fan of drug use but it seems like we
39 are singling these businesses out with no basis in fact. That's just an
40 observation. The other question just escaped me. Darn it.

41
42 **COMMISSIONER VAN NATTA** – Can I comment and come back to you?

43
44 **VICE CHAIR BARNES** – What's that?
45

1 **COMMISSIONER VAN NATTA** – I said, while you’re thinking about it, I could
2

3
4 **VICE CHAIR BARNES** – Well it came back to me. The way this is presented,
5 this is an all or nothing approval or recommendation. Is that correct?
6

7 **PLANNING OFFICIAL RICK SANDZIMIER** – Not exactly.
8

9 **VICE CHAIR BARNES** – Sections?
10

11 **PLANNING OFFICIAL RICK SANDZIMIER** – I want to try and answer that and
12 in your first observation or statement.
13

14 **VICE CHAIR BARNES** – Okay.
15

16 **PLANNING OFFICIAL RICK SANDZIMIER** – The concern was raised, like we
17 said at the beginning of the presentation, by other interested parties. They asked
18 for it to go through the Public Safety Committee, and the Public Safety
19 Committee made some recommendations. But in order to change a code, in
20 order to change Title 9 in particular, we need to come before the Planning
21 Commission and you serve an advisory capacity. So they are looking, before the
22 change is made, the ultimate change, so it’s not an all or nothing because we’re
23 asking you tonight is to provide recommendations to go forward to the City
24 Council. We can still take a Staff recommendation based on what the Public
25 Safety Subcommittee asked us to do and we would present that in light of what
26 the Planning Commission has offered. You know, if the Planning Commission
27 tonight offered something different than what the Public Safety Committee was
28 asking us to try and take forward, we would present that to the City Council and
29 the City Council could render their final decision. Hopefully, that didn’t make it
30 more money. But that’s where.....your role tonight is not the final decision
31 maker. You’re more of an advisory capacity, and we will take all of your input
32 that way.
33

34 **VICE CHAIR BARNES** – Perfect. That cleared that up.
35

36 **CHAIR LOWELL** – Mr. Sims. I mean, Commissioner Van Natta.
37

38 **COMMISSIONER VAN NATTA** – Okay so just kind of an off the wall question.
39 Is the reason for regulating Smoke Shops at this time in anticipation of the
40 possibility that marijuana might get legalized in the future, and we need to have
41 some boundaries set up before these Smoke Shops are allowed to sell
42 marijuana?
43

44 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – That’s an interesting
45 observation. It never came up during the Public Safety Subcommittee Meeting,

1 so the answer is not to my knowledge at all. I don't know if anybody else has a
2 different answer, but that's my understanding.

3
4 **PLANNING OFFICIAL RICK SANDZIMIER** – That was never presented as a
5 reason to any of us here in Planning.

6
7 **COMMISSIONER VAN NATTA** – It just makes it more interesting.

8
9 **CHAIR LOWELL** – So my big concern is with the legal nonconforming. If this
10 goes through, all 28 of our Smoke Shops are going to be legal nonconforming.
11 Have we looked or given any kind of consideration to what would be the
12 maximum requirements or maximum restrictions we could put where some of the
13 Smoke Shops would be legal and conforming as far as setbacks go and kind of
14 tailor towards that? Like, if one of the minimum setbacks is 500 feet, well what if
15 this is 400 feet and would make like half of them legal conforming? I know that is
16 a very specific question at the last minute.

17
18 **PLANNING OFFICIAL RICK SANDZIMIER** – I'll ask Mark and Claudia. They
19 did some research. I'm not sure if they went any further, any tighter.

20
21 **CHAIR LOWELL** – The intent that I'm going for is maybe the 500 foot setback
22 might be too restrictive. If we bring it back a little bit, some of the shops would be
23 not violating or not nonconforming.

24
25 **SENIOR PLANNER MARK GROSS** – I believe a lot of the cities that we looked
26 at, especially like with the residential and some of the other uses were the 500, is
27 what was looked at. So yeah it could be looked at as if we reduce it a little bit it
28 could, you know, we could look at that. There are situations where, as I
29 mentioned, there are situations where new Smoke Shops could come in. There
30 are situations where right now Smoke Shops that are located within 750 feet of
31 one another, if one moves out, then that use could become legal. The
32 nonconforming tag would be taken away.

33
34 **CHAIR LOWELL** – Was that the situation with the Moreno Valley Mall? What
35 makes those two Smoke Shops nonconforming?

36
37 **SENIOR PLANNER MARK GROSS** – Because of the location, the distance
38 requirement, which would be the 750.

39
40 **CHAIR LOWELL** – So they are vertical. But you could have two in the same
41 mall that's more than 750 feet away? I mean, I'm looking on here.

42
43 **SENIOR PLANNER MARK GROSS** – There's a requirement that you would
44 measure from the closest structural wall of a Smoke Shop to the property line.
45 But, if it's in the mall, then of course that is still going to be within the 750 feet I
46 believe.

1
2 **CHAIR LOWELL** – That’s what I was trying to figure out. On the map, it just
3 shows one dot, but there are two stores.

4
5 **SENIOR PLANNER MARK GROSS** – Right, yeah.

6
7 **CHAIR LOWELL** – So is there any situation where those two would be legal and
8 conforming?

9
10 **PLANNING OFFICIAL RICK SANDZIMIER** – Physically, it is possible but you’d
11 have to have the lease arrangements and everything would have to kind of fall in
12 place where you’re far enough apart in the mall. At opposite ends of the mall,
13 you may be more than the 750 foot.

14
15 **CHAIR LOWELL** – Well what I’m looking at is that, if two businesses decided to
16 set up shop here in the mall, the mall is the best place to put those because
17 there’s no schools around. I mean, it’s indoors. You have to make an effort to
18 go there. You can’t see it as you drive by. So that fact that there’s two shops in
19 the mall and they are legal nonconforming because of this new regulation, I’m
20 trying to figure out if there’s some way we can massage the regulation to make
21 those two shops in the mall on the same property legal and conforming. And I
22 was wondering if it was the 500 foot radius because, if you look at the circle, it
23 looks like it is self-contained within the mall. But, when you go to the 1000 foot,
24 then it looks like it is outstretched into the apartments so.

25
26 **PLANNING OFFICIAL RICK SANDZIMIER** – One thing I could suggest would
27 be, if you’re in the community commercial zoning designation, that the distance
28 requirement could be shrunk to a smaller. But then we end up having more
29 concentration of that use possibly, so that would be it. If you, as Mr. Gross
30 indicated, if one of the shops was to close then the other one becomes a legal, I
31 mean a conforming use.

32
33 **CHAIR LOWELL** – Oh, correct. If you look at the mall, you have Sears on one
34 end. You have Macys on the other end and that’s a pretty big mall. If you have a
35 shop on one side and a shop on the other side and say they are even more than
36 1000 feet apart, it’s still legal nonconforming. So I just.....

37
38 **PLANNING OFFICIAL RICK SANDZIMIER** – It would not be legal
39 nonconforming. They would no longer have the legal nonconforming status if
40 they were separated by more than 750 feet and they were within a Community
41 Commercial District. And, if they were a future new shop, they would have a
42 CUP that would be processed and approved by this Commission before that use.
43 And so as long as they were in good standing with their Conditional Use Permit
44 and so long as they weren’t violating any of the provisions of that or going into
45 Title 5, they would be actually conforming use if they have met all the standards.

1 **CHAIR LOWELL** – Just to give a little better example of this picture, we have
2 two Smoke Shops and they are in the same spot in the mall all on the same side
3 touching each other. They were fine to begin with but now they are legal
4 nonconforming, so these two are legal nonconforming. Say a third shop wanted
5 to go in at the far end of the shop, could they get a CUP? They are further away
6 then the other two shops. I'm just trying to wrap my head around it.

7
8 **PLANNING OFFICIAL RICK SANDZIMIER** – If the new one came in and it was
9 more than I think it's the 750 feet and it processed the CUP, it could become a
10 conforming use. It would be an appropriate use. The other two would stay legal
11 nonconforming.

12
13 **CHAIR LOWELL** – Okay.

14
15 **PLANNING OFFICIAL RICK SANDZIMIER** – And in the Stoneridge Shopping
16 Center, it is another large commercial area where you might be able to have the
17 same kind of situation. But the other thing is you start stretching out to the ends
18 of a mall, the 500 foot, the 700 foot, and the 1000 foot radius starts to look at.....

19
20 **CHAIR LOWELL** – If somebody wanted a monopoly in the mall, they'd just set
21 up right in the middle.

22
23 **PLANNING OFFICIAL RICK SANDZIMIER** – But then the circle that you draw
24 on the perimeters of the mall, you have to look at one of the adjacent uses so if
25 you have a school site or a park site or a residential site those are the other
26 things. So you'd have to find that sweet spot in the mall so to speak.

27
28 **CHAIR LOWELL** – Now would this also work with gas stations? I know we've
29 had a long talk about whether or not to have one gas station or two gas stations
30 or the food for those gas stations and they have a little tiny kiosk and it says 30%
31 of the total floor space. I'm assuming that includes bathrooms too? Okay so it
32 includes bathrooms too. So you have one bathroom, two bathrooms, and a kiosk
33 and the kiosk is inundated with stuff for sale and you have the cigarettes over
34 your head. You have all sorts of paraphernalia on the sides. I know it's a gas
35 station but because 30% of the floor space could be dedicated to cigarettes
36 would it also have to get a Smoke Shop Permit, a CUP?

37
38 **PLANNING OFFICIAL RICK SANDZIMIER** – I'm hearing yes.

39
40 **CHAIR LOWELL** – Because the intent is to sell gasoline and the cigarettes as a
41 byproduct. I mean, you can't even walk in the store in some of these little kiosks
42 and they are like 10 feet by 10 feet.

43
44 **PLANNING OFFICIAL RICK SANDZIMIER** – I don't know for certain. I could
45 check with our business licensing folks but if you are a gas station and you sell

1 cigarette products, I don't know if you have to have a tobacco retailer's license.
2 I'm not sure.

3
4 **CHAIR LOWELL** – Well on Perris there is Food 4 Less and they just put in a
5 gas station there, which is a great gas station with cheap prices, and they have a
6 little retail kiosk. You can't walk in, but they have a bathroom on site so the
7 bathroom is over there so they have this little tiny kiosk and theoretically you
8 have a 10 x 10 square foot thing and you could have 20/30 feet designated to
9 cigarettes that are just hanging up on the wall. They would need a CUP to sell
10 cigarettes at the gas station. It's just this is such a big thing with so much vague
11 ambiguity that I'm trying to wrap my head around it and the more I think about it
12 the more it just seems like it's a good idea but there's just too much wiggle room.

13
14 **VICE CHAIR BARNES** – Isn't there a difference between a tobacco retailer and
15 a Smoke Shop? They are not the same because what you're saying is that
16 everybody that sells a cigarette is a Smoke Shop if they hit the 30% rule.

17
18 **CHAIR LOWELL** – That's what it says.

19
20 **VICE CHAIR BARNES** – But some of this text in here references a tobacco
21 retailer's license. Is that a separate item?

22
23 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – The Tobacco Retailer
24 License, the City many years ago established Chapter 5.04 to specifically
25 regulate tobacco retailers but that specifically only has to do with tobacco. It
26 doesn't have to do with Head Shops and Hookah Bars and things like that so
27 those are the kinds of things that we were trying to kind of close the gap on. But
28 I do see Chair Lowell's question. It's a really good question, and I personally
29 don't know the answer to it sitting right here.

30
31 **CHAIR LOWELL** – Yeah it says Smoke Shops shall mean any retail
32 establishment known as a Smoking Shop, Smoking Lounge, Vapor Shop,
33 Hookah Bar, Cigar Bar, Cigar Shop, Head Shop or any other retail establishment
34 that devotes 30% or more of it's total floor space to the products intended or
35 designated for the use of ingesting, inhaling, or otherwise introducing tobacco
36 into the human body but not limited to tobacco products, cigarettes, E-cigarettes,
37 yadda, yadda, yadda. So I mean 30% I know it's a pretty definitive number and
38 we have to have something that is tangible you can calculate to see if it's
39 enforceable. I mean, some of the gas stations we've approved they are going to
40 have to fall under this or get a new CUP. I don't know.

41
42 **VICE CHAIR BARNES** – Be legal nonconforming.

43
44 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – Something that the
45 Commission could consider, you know, we use 30% but of course it is up to the
46 Commission. The Commission could maybe say 50% or something a little bit

1 different, a little bit more palatable. The reason why we.....correct, we had to
2 pick some kind of number though, because if not, how are you going to calculate
3 it? But, again, the Commission could maybe make a recommendation of a
4 different kind of figure as well.

5
6 **CHAIR LOWELL** – Do you have to get a permit to sell tobacco?
7

8 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – Yeah currently in the city
9 you need a Tobacco Retailers License, I believe, under 5.04. I don't know too,
10 too much about that retailer permit because it wasn't my focus at the time.
11

12 **CHAIR LOWELL** – But there is some sort of City regulation governing on how
13 you can sell tobacco?
14

15 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – Correct.
16

17 **CHAIR LOWELL** – So that would be something we could look at on the tobacco
18 permit side of things. I'm comfortable with that. Commissioner Barnes, do you
19 have a question?
20

21 **VICE CHAIR BARNES** – Item 1, which is 5.02270(a4), that applies to the ability
22 to revoke a license from any business that breaks the drug paraphernalia
23 regulation? Okay. So that closes a loophole for any business that? Yeah,
24 separate from Smoke Shops. Okay.
25

26 **CHAIR LOWELL** – Even a Horticulture Shop, a Hydroponics Shop, Lowes, a
27 store that sells nothing but spoons?
28

29 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – Yes.
30

31 **CHAIR LOWELL** – And the intent of drug paraphernalia is the intent of the
32 object not the object itself? So if you have a bunch of spoons but you're just a
33 really big spoon lover, like those little souvenir spoons you get at Niagara Falls.
34

35 **VICE CHAIR BARNES** – What's with you and the.....
36

37 **CHAIR LOWELL** – It's something that's so ambiguous that everybody has that
38 you can get in trouble for having.
39

40 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – You're absolutely correct. I
41 wish I could make up a definition for drug paraphernalia. I can't, but I do
42 understand the point. I really do.
43

44 **CHAIR LOWELL** – That, that, that.....I did find mine. I printed up what is drug
45 paraphernalia and anything under the sun. I'm just having a hard time grasping
46 that. Commissioner Gonzalez, sorry.

1
2 **COMMISSIONER GONZALEZ** – I.....the component of the.....right now, the
3 only component that I feel I can support is the drug paraphernalia component. I
4 mean, I just feel we're singling out a specific business. That's just my opinion. I
5 think that, like the Chairman says, the intentions are good but you know also
6 there is a difference between a Smoke Shop and a Smoke Shop and Hookah
7 Bars and Cigar Bars and there are a different demographic, different quality,
8 different types of them so I don't know. It's just not an easy decision to blanket
9 these types of businesses, pigeon hole them.

10
11 **CHAIR LOWELL** – I know you guys said you sent out notification to everyone of
12 the Smoke Shop owners. Did you receive any response at all from them? I
13 didn't see that in here.

14
15 **SENIOR PLANNER MARK GROSS** – We did not receive any written response
16 from them. We had two telephone calls that came in with regards to the notices.

17
18 **CHAIR LOWELL** – What were the nature of those calls?

19
20 **SENIOR PLANNER MARK GROSS** – They were pretty much general in nature
21 just asking how the Ordinance would affect their business. Actually, one was the
22 Smoke Shop owner and the other was actually a property manager that was
23 representing an owner. So, again, once we kind of explained some of the
24 requirements, there were no further comments or concerns. But it was just the
25 two calls that we received.

26
27 **CHAIR LOWELL** – I still have you active Erlan or Mr. Gonzalez. Are you still
28 good to go?

29
30 **COMMISSIONER GONZALEZ** – No.

31
32 **CHAIR LOWELL** – Okay, Commissioner Barnes and then Commissioner
33 Korzec.

34
35 **VICE CHAIR BARNES** – It seems like the teeth of this regulation of Smoke
36 Shops is the distance setback and the CUP. Can we apply the distance setback
37 criteria without the CUP? It seems like an awful lot of work to open a Smoke
38 Shop. Is there some compromise that would allow us to regulate the location as
39 we choose without going through a full blown CUP?

40
41 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes.

42
43 **VICE CHAIR BARNES** – Okay. That sounds like a really good idea.

44
45 **CHAIR LOWELL** – I know we've been beating this up like crazy. If a store has
46 less than 30% of their floor space dedicated to tobacco products, they do not

1 have to get a CUP but they still have to get the tobacco license from the state.
2 That's one loophole is that you just shrink down how much your retail space is
3 and your immune to the CUP.
4

5 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – I also think they need a
6 license from the City.
7

8 **CHAIR LOWELL** – But the teeth of this wouldn't be in as effect if you had less
9 than 30% dedicated to tobacco.
10

11 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – In terms of the CUP
12 distance requirements, yes, that's correct.
13

14 **CHAIR LOWELL** – Sorry that was kind of a vague statement. Thank you. Okay
15 Commissioner Korzec.
16

17 **COMMISSIONER KORZEC** – Well I'm thinking more of the big picture here. I'm
18 thinking of the type of community we want to live in and often Moreno Valley has
19 gotten a bad shake over the years that we have drug addicts that were gang
20 related, and we have been fighting for years to get over that. I look at it this way.
21 Smoking things are cancer causing. We know that. I look at drugs. We know
22 how people become addicted. I know these are bad things, and so how many
23 Smoke Shops do we really want to encourage to come here? It seems to me by
24 looking at those maps, there are plenty of places already. And I really personally
25 don't think we should make it easy for people to do these things. You can go
26 anywhere and get every paraphernalia you want. Keep it legal and then it's
27 okay. But I would rather look at the big picture and keep the city safe and be
28 proactive in bringing things here that will create a better community for us and
29 especially for the children that we are going to leave it to.
30

31 **CHAIR LOWELL** – I think that was a nice clap. And one of the other items on
32 page 2, it says adopting a moratorium prohibiting any new Head Smoke Shops
33 and Hookah Bars pending further study.
34

35 **DEPUTY CITY ATTORNEY JENNIFER MIZRAHI** – That was one of the
36 recommendations that we gave to the subcommittee and that was not something
37 that they decided to go with, so we didn't do that.
38

39 **CHAIR LOWELL** – I read that, but I didn't see it in here so okay. I see we have
40 Commissioner Sims wants to speak again. Commissioner Van Natta.
41

42 **COMMISSIONER VAN NATTA** – I'm just going to say there are certain things
43 that you can legislate and certain things that you can control and you can
44 certainly say well we don't need more Smoke Shops in the town because it's bad
45 for your health and everything like that. Well, if you're going to worry about
46 health, let's get rid of all the fast-food restaurants too because eating that stuff is

1 going to raise your cholesterol and kill you. But I think when we get down to it,
2 it's a certain amount of fairness too. Yes, we have to have some control so that
3 we're not overrun with businesses that we don't feel enhance the image of our
4 City. But, at the same time, we can't come out so militantly against a certain type
5 of business that we restricted out of the city entirely if it's a legal business. So
6 they can follow the legal rules and get rid of the drug paraphernalia. However,
7 we need to do it, but don't restrict somebody's ability to open a Smoke Shop if
8 that's what they want to do and there's customers for it and it's a legal purpose.
9 It's not illegal to smoke, so there's already laws restricting minors from buying
10 tobacco products and I think once we remove this thing about the change of
11 ownership I'm okay with the rest of the Ordinance.

12
13 **CHAIR LOWELL** – Do you guys happen to know what the demand is for putting
14 in Smoke Shops? Do you know if there have been permits pulled in the last year
15 or what the timeframe was between the last 10 or so have been built or
16 occupied?

17
18 **PLANNING OFFICIAL RICK SANDZIMIER** – I don't have that information at the
19 tip of my fingers. I don't recall many coming in in the couple of years that I've
20 been here.

21
22 **CHAIR LOWELL** – I'm trying to figure out if there's been a massive flood in the
23 last four or five years where all of a sudden we have all of these Smoke Shops.

24
25 **PLANNING OFFICIAL RICK SANDZIMIER** – Hold on one second. Claudia
26 might have some input on this.

27
28 **ASSOCIATE PLANNER CLAUDIA MANRIQUE** – I don't have an exact
29 number, it probably for 2015, maybe three. The most popular right now is the
30 Vape Shop and a lot of them are just strictly vape not also Smoke Shop so that's
31 the trend that we've noticed at the Planning Counter.

32
33 **CHAIR LOWELL** – And is the Vape Shop included in the Smoke Shop?

34
35 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes.

36
37 **CHAIR LOWELL** – That's what I read also.

38
39 **PLANNING OFFICIAL RICK SANDZIMIER** – And if I could, I'll just add on to
40 what Claudia Manrique said, is I think I've only signed one Certificate of
41 Occupancy for a Hookah Bar since I've been here so.

42
43 **CHAIR LOWELL** – So, in other words, there is not a high demand. So people
44 aren't chomping at the bit to pull business permits and occupational permits.

45
46 **COMMISSIONER GONZALEZ** – There's 28 of them. That's why they.....

1
2 **CHAIR LOWELL** – But they are around. I’m just trying to figure out if they were
3 here for a long time or if they are a flash in the pan. Any other questions or
4 comments before we make a motion? Commissioner Barnes.

5
6 **VICE CHAIR BARNES** – Yeah I guess I’m moving towards making a suggestion
7 not a motion. I’m in favor of the licensure revocation. That seems something
8 that’s important that we clean up the City Ordinance to allow that activity to take
9 place. Apparently, it is not in there now. The other stuff, I find overly restrictive
10 generally and I don’t disagree with the opposition to drugs and smoking and all of
11 that stuff. But, as Commissioner Van Natta said, it is legal and so I would lean
12 towards being much more cautious about the rest of the components of this. I
13 wouldn’t necessarily disagree with some distance setback requirements, and I
14 probably would be in favor of maybe some more restrictive permitted uses
15 designations. I don’t know how many other zones it is legal in, and I should’ve
16 been more informed on that. But I don’t think a CUP is appropriate for this type
17 of use so I’d like to dial this back quite a bit, but parts of it I am definitely in favor
18 of.

19
20 **CHAIR LOWELL** – So it seems like we’re all mixed. Commissioner Gonzalez.

21
22 **COMMISSIONER GONZALEZ** – I would agree. It would have been, you know,
23 Staff did a great amount of work just maybe different options/different scenarios
24 like a different menu. I think that would be something that we can maybe look at
25 and discuss a little bit further. It’s just, you know, maybe it’s the libertarian in me
26 but it just seems a little bit over far-reaching so.

27
28 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may also offer one other
29 alternative. When we went to the Public Safety Subcommittee, there was no
30 urgency or time associated with this. We brought it before the Planning
31 Commission right now because the City Council was to be on a recess, so we
32 didn’t expect to take it back to the City Council until September. So, if the
33 Commission tonight wanted to continue it for us to come back with some
34 additional information, I’m just throwing it out there we could still come back and
35 present it to you in August or maybe early September and then go to the Council
36 afterwards. So that’s a fair option as well.

37
38 **CHAIR LOWELL** – Commissioner Barnes.

39
40 **VICE CHAIR BARNES** – Yeah I think that’s a great idea and my
41 recommendation would to maybe provide some more information as to the
42 permitted uses, what zones it is currently permitted in, and if we want to restrict
43 that maybe you reduce the number of zones to something that’s more
44 appropriate or maybe meets the intent of those higher up who are asking for this.
45 The distance setbacks it doesn’t seem that this should be any worse than alcohol
46 so, as a general statement, I think we could comply with the alcohol standards

1 and I'm definitely opposed to the CUP process for a small Smoke Shop. And
2 then the other recommendation is the change of ownership, you know, getting rid
3 of that. I totally agree with making that change. So that's my suggestions that
4 we get something that is along those lines.

5
6 **COMMISSIONER VAN NATTA** – I concur.

7
8 **CHAIR LOWELL** – I agree also.

9
10 **COMMISSIONER GONZALEZ** – I agree.

11
12 **CHAIR LOWELL** – I would also like to see something about some sort of senior
13 rights that, if you have a Smoke Shop that is legal and conforming and somebody
14 moves in that makes them legal nonconforming, then they need to have some
15 sort of a grandfathering where they are kind of immune to being nonconforming.
16 Any other questions or comments?

17
18 **COMMISSIONER BAKER** – I've got one question.

19
20 **CHAIR LOWELL** – Mr. Baker.

21
22 **COMMISSIONER BAKER** – This may be a different deal but out of these 28
23 Smoke Shops, how many of their licenses are paid up because I've heard there's
24 a lot of City licenses that don't get paid timely. Is there a problem on that or the
25 tobacco license?

26
27 **PLANNING OFFICIAL RICK SANDZIMIER** – I don't have the answer tonight,
28 but we can add that to the list. When we come back to you, we can have that
29 answer. One other statement that was made earlier was, including those
30 recommendations, was looking at some different distance requirements if we
31 could tighten it down to some 200 feet or 250 feet or somewhere.....

32
33 **VICE CHAIR BARNES** – To basically fall inline with the alcohol
34 restrictions/regulations.

35
36 **COMMISSIONER BAKER** – One other question I've got, you know, we
37 approved a bar over here off of Frederick and.....

38
39 **CHAIR LOWELL** – Status Bar.

40
41 **COMMISSIONER BAKER** – Right around the corner, right, just maybe a year
42 ago. Is that correct?

43
44 **CHAIR LOWELL** – Status.

45
46 **COMMISSIONER BAKER** – Huh?

1
2 **CHAIR LOWELL** – Status is the name of the bar. Status.
3
4 **COMMISSIONER BAKER** – Okay got it. Is that the only one that you know of
5 that we've done recently?
6
7 **CHAIR LOWELL** – Yeah, they are titled with having the largest bar table, bar
8 counter in the state.
9
10 **COMMISSIONER BAKER** – Oh. It was existing and we just expanded it, right?
11 Okay. You know, why did we bring that one in? Because they were going to go
12 more space or?
13
14 **CHAIR LOWELL** – No. They were ground up construction. They were moving
15 into the strip mall.
16
17 **COMMISSIONER BAKER** – Oh, okay. And, Commissioner Barnes, why are
18 you against the CUP issue? You just don't think it's that big a potato to fry or?
19
20 **VICE CHAIR BARNES** – Yeah. A CUP is a lot of work.
21
22 **COMMISSIONER BAKER** – Okay.
23
24 **VICE CHAIR BARNES** – And a Smoke Shop is a pretty specific well-defined
25 use. It doesn't seem like we need the rigorous examination that a CUP requires
26 for somebody to find a space to rent and open a Smoke Shop.
27
28 **COMMISSIONER BAKER** – They'll know that when they go into the City to apply,
29 right?
30
31 **VICE CHAIR BARNES** – Yeah.
32
33 **COMMISSIONER BAKER** – I mean, well know, okay.
34
35 **VICE CHAIR BARNES** – It seems like Staff can easily, you know, monitor that.
36
37 **COMMISSIONER BAKER** – What was the reason for the CPU? Why did you
38 put that in there out of curiosity?
39
40 **PLANNING OFFICIAL RICK SANDZIMIER** – By nature, a conditionally
41 permitted use is a use that is defined as having the potential incompatibility or
42 sensitivity, and so we process a CPU with....it allows for additional discretion as
43 far as legal.
44
45 **CHAIR LOWELL** – Well would a alcohol store, a liquor shop have to get a CUP?
46

1 **COMMISSIONER BAKER** – We’ve done that before too.
2
3 **COMMISSIONER VAN NATTA** – But for other reasons.
4
5 **CHAIR LOWELL** – Because if they have to get a CUP, then the Smoke Shop
6 should fall in the same line.
7
8 **PLANNING OFFICIAL RICK SANDZIMIER** – I believe our retail stores that sell
9 alcohol that are within 300 feet of a Residential District do have to get a CUP.
10 Claudia or Mark is that.....
11
12 **CHAIR LOWELL** – I remember approving one off of Pigeon Pass.
13
14 **COMMISSIONER VAN NATTA** – That’s if they are within the 300 feet. But, if
15 they are outside of the 300 feet, they don’t have to?
16
17 **PLANNING OFFICIAL RICK SANDZIMIER** – If they are outside of the 300 feet
18 and they are within a neighborhood commercial zone or a community commercial
19 zone, they are a permitted use.
20
21 **COMMISSIONER VAN NATTA** – So, if they meet all the requirements, they
22 don’t have to have the CUP and the only time they need a CUP is if they are
23 looking for a Variance on one of the rules.
24
25 **VICE CHAIR BARNES** – And that’s totally reasonable.
26
27 **COMMISSIONER VAN NATTA** – Yeah, I think so and that would be the same
28 thing.
29
30 **COMMISSIONER GONZALEZ** – It’s more restrictive this proposal than alcohol.
31
32 **CHAIR LOWELL** – If all new shops have to have a CUP, do the 28 existing
33 shops have to get a CUP also? Can it be grandfathered into a CUP?
34
35 **VICE CHAIR BARNES** – Legal nonconforming.
36
37 **PLANNING OFFICIAL RICK SANDZIMIER** – They are just grandfathered.
38
39 **CHAIR LOWELL** – So they are just....they are good to go. I agree with the
40 other Commissioners where we’re kind of tailoring it towards the alcohol
41 requirements is a good direction to go in.
42
43 **COMMISSIONER GONZALEZ** – I have one more comment too. Fellow
44 Commissioners, do you see any difference in the type of Smoke Shop or do you
45 guys every.....
46

1 **COMMISSIONER VAN NATTA** – I don't go to any of them anyways so.
2
3 **VICE CHAIR BARNES** – Yeah.
4
5 **COMMISSIONER GONZALEZ** – Just wondering.
6
7 **VICE CHAIR BARNES** – Until our operation shows one type to be different and
8 needs special treatment, I'd say no.
9
10 **COMMISSIONER GONZALEZ** – Okay.
11
12 **COMMISSIONER VAN NATTA** – Shall we.
13
14 **CHAIR LOWELL** – I think we've beaten this horse enough.
15
16 **COMMISSIONER VAN NATTA** – Yeah.
17
18 **CHAIR LOWELL** – Alright.
19
20 **VICE CHAIR BARNES** – So do we need any special motion?
21
22 **CHAIR LOWELL** – Mr. Sandzimier.
23
24 **PLANNING OFFICIAL RICK SANDZIMIER** – If you go into to continue the Item,
25 I just wanted to bring to your attention our next scheduled Planning Commission
26 Hearing is August 25th, but we are working with another Applicant to have a
27 meeting on September 8th. So I would ask, if we're going to continue this, to
28 continue to September 8th to give us enough time to kind of vet it. If we try and
29 get it to August 25th, things kind of get pretty tight so I would just be asking for it
30 to continue to September 8th.
31
32 **COMMISSIONER VAN NATTA** – That's fine with me.
33
34 **CHAIR LOWELL** – Okay then I'd like to motion to continue this Item to the next
35 meeting.....I'd like to continue this Item to the September 8th meeting,
36 09/08/2016 meeting.
37
38 **VICE CHAIR BARNES** – With the recommendation that Staff come back with
39 something focused alone.
40
41 **CHAIR LOWELL** – Do we have a second?
42
43 **COMMISSIONER BAKER** – I'll second that.
44
45 **CHAIR LOWELL** – Okay. Do we need to vote or can we just do roll call? We
46 don't have the voting option available. We have a motion and a second. There

1 we go. I'll move. Hit the second button. Technology. Okay, so motion by me
2 and second by Commissioner Baker. Please cast your votes to continue the
3 Item to September 8th. We're still waiting for you.

4
5 **COMMISSIONER VAN NATTA** – Are you? I already hit it.

6
7 **CHAIR LOWELL** – But it says waiting.

8
9 **COMMISSIONER VAN NATTA** – I don't have the button that says yes on it. It's
10 not allowing me to vote yes.

11
12 **VICE CHAIR BARNES** – Because you seconded it.

13
14 **COMMISSIONER VAN NATTA** – Well he didn't say I seconded it.

15
16 **VICE CHAIR BARNES** – He misspoke.

17
18 **CHAIR LOWELL** – It says we're waiting for Meli to vote. Let's just do a roll call
19 vote. I think we're good to go, but I think a roll call vote would be better. So I
20 motioned and Baker seconds. Could we do a roll call just because she's signed
21 in as Commissioner Sims.

22
23 **COMMISSIONER VAN NATTA** – I did not.

24
25 **COMMISSIONER RAMIREZ** – Aye.

26
27 **COMMISSIONER KORZEC** – Yes.

28
29 **COMMISSIONER VAN NATTA** – Yes.

30
31 **COMMISSIONER BAKER** – Yes.

32
33 **COMMISSIONER GONZALEZ** – Yes.

34
35 **VICE CHAIR BARNES** – Yes.

36
37 **CHAIR LOWELL** – Yes.

38
39
40 Opposed – 0

41
42
43 **Motion carries 7 – 0**

1 **CHAIR LOWELL** – Thank you. We have another speaker up here, Rafael
2 Brugueras, which I don't know what's up. Okay, that moves us onto Other
3 Business. Rafael, what were you looking to speak on? Just to be on the safe
4 side. I have you up here for some reason.

5
6 **SPEAKER RAFAEL BRUGUERAS** – I'm just deeply grateful that we are going
7 to take it back and break it down and dissect it to make sure, like the
8 Commissioner mentioned, to protect the children in the city from being harmed.
9 And finally, like he mentioned, criminals I can tell you they will find a way to get
10 around the law so we have to protect our City and there are plenty of other cities
11 that can do what they want but Moreno Valley wants to have a family-oriented
12 city. That's what I'm talking about, and thank you so much Staff for taking
13 everything in and we're going to come back with much better thoughts. Thank
14 you.

15
16 **CHAIR LOWELL** – Thank you, Rafael.

17 18 19 **OTHER COMMISSION BUSINESS**

20
21 **CHAIR LOWELL** – That moves us onto Other Business, which we don't have
22 any.

23 24 25 **STAFF COMMENTS**

26
27
28 **CHAIR LOWELL** – On to Staff Comments. Do we have any wrap-up
29 comments?

30
31 **PLANNING OFFICIAL RICK SANDZIMIER** – I don't have any Staff Comments,
32 but I will be pleased to go back and talk to Michael Lloyd and Vincent Giron and
33 say that the Commission had plenty to talk about not grilling us on engineering
34 things. The last few meetings you guys have been real specific on engineering-
35 related stuff, so it's refreshing. Thank you.

36
37 **CHAIR LOWELL** – Thanks.

38 39 40 **PLANNING COMMISSIONER COMMENTS**

41
42 **CHAIR LOWELL** – That moves us onto Commissioner Comments. Do we have
43 any Commissioner Comments before we adjourn?

44
45 **VICE CHAIR BARNES** – Yeah. I would like to make a comment. I'd like to
46 thank Commissioner Van Natta for her patience and assistance when I was new

1 Commissioner and didn't know my backside from a hot rock. She was very
2 helpful and you will be missed and thank you for your service. It has been a
3 pleasure to serve with you.

4
5 **COMMISSIONER VAN NATTA** – Thank you.

6
7 **CHAIR LOWELL** – Commissioner Ramirez.

8
9 **COMMISSIONER RAMIREZ** – Yes, Commissioner Van Natta and I came in
10 around the same time. I've learned a lot from you, Meli, and it has been an
11 honor and a pleasure to serve on the Planning Commission with you. I wish you
12 the best. Enjoy your grandkids.

13
14 **COMMISSIONER VAN NATTA** – Thank you.

15
16 **CHAIR LOWELL** – Commissioner Gonzalez.

17
18 **COMMISSIONER GONZALEZ** – Meli, I just want to say it was a pleasure
19 working with you. It was short lived. I appreciate your good comments and also
20 that we're alternates and we're here with everyone. I'm sure I speak for Lori as
21 well so congratulations. I think, you know, you're going to go back to where you
22 want to be and thank you.

23
24 **CHAIR LOWELL** – Commissioner Baker.

25
26 **COMMISSIONER BAKER** – Meli, I want to thank you for taking over the baton
27 when I was Chairman. We kind of went through a traumatic experience there but
28 you did a great job, and I appreciate all your work on it. And I've worked with you
29 on other things in the City too so good job and we're going to miss you.
30 Congratulations.

31
32 **COMMISSIONER VAN NATTA** – Thank you.

33
34 **COMMISSIONER BAKER** – You bet. I mean that.

35
36 **CHAIR LOWELL** – Commissioner Nickel's. Do you have anything you'd like to
37 say too while you're back there?

38
39 **ALTERNATE COMMISSIONER NICKEL** – It has been a pleasure working with
40 you and I felt that you addressed some of my health concerns along the way at
41 different hearings when I couldn't be up there and speaking. Thank you.

42
43 **CHAIR LOWELL** – Commissioner Van Natta, Chairwoman Van Natta, I learned
44 everything I know about being Chair from you, watching you. But I'm sure you
45 haven't taught me everything you know about being Chair. You have been an
46 absolute blessing to be around, a treasure. You're a true friend. You're a great

1 Commissioner. You are a stalwart member of this community from your realtor
2 business, Chamber of Commerce, Planning Commission, you have some big
3 shoes and you're going to leave a big hole to fill.

4
5 **COMMISSIONER VAN NATTA** – Thank you.

6
7 **CHAIR LOWELL** – I really appreciate it. It has been a pleasure. I wish you the
8 best.

9
10 **COMMISSIONER VAN NATTA** – Thank you. When everybody else is done, I
11 will say something.

12
13 **CHAIR LOWELL** – Sorry I skipped Commissioner Korzec.

14
15 **COMMISSIONER KORZEC** – I just want to say you've done so much for the
16 community, not just here, we know each other from the Chamber and other
17 places so good luck to you, and I hope you will be involved in your new
18 community and be a positive influence there also.

19
20 **COMMISSIONER VAN NATTA** – Thank you, and I just wanted to say thank you
21 to everyone. You've all made this a wonderful experience, and I've really
22 enjoyed it. Keep in touch. Texas isn't that far away.

23
24 **CHAIR LOWELL** – What I know about Texas.....

25
26 **COMMISSIONER VAN NATTA** – It's a whole other country.

27
28 **CHAIR LOWELL** – What I know about Texas, it takes a day to drive to Texas. It
29 takes a day to drive across Texas. It's the.....

30
31 **COMMISSIONER VAN NATTA** – At least, yeah.

32
33
34 **ADJOURNMENT**

35
36 **CHAIR LOWELL** – With that said, I would like to adjourn tonight's meeting to the
37 next Regular-Scheduled Meeting of the Planning Commission on August 25th,
38 2016, here in the City Council Chamber at 7:00 p.m. Thank you very much and
39 have a good night.

40
41
42 **NEXT MEETING**

43 *Next Meeting: Planning Commission Regular Meeting, August 25th, 2016 at 7:00*
44 *PM, City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street,*
45 *Moreno Valley, CA 92553.*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Richard J. Sandzimier
Planning Official
Approved

Date

Brian R. Lowell
Chair

Date