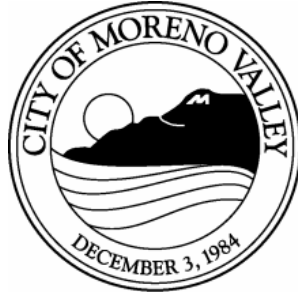

PLANNING COMMISSIONERS

BRIAN LOWELL
Chair

JEFFREY BARNES
Vice-Chair

RAY L. BAKER
Commissioner



JEFFREY SIMS
Commissioner

CARLOS RAMIREZ
Commissioner

PATRICIA KORZEC
Commissioner

MELI VAN NATTA
Commissioner

PLANNING COMMISSION

Regular Meeting

Agenda

Thursday, July 28, 2016 at 7:00 PM
City Hall Council Chamber – 14177 Frederick Street

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Approval of Agenda

CONSENT CALENDAR

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

APPROVAL OF MINUTES

Planning Commission - Regular Meeting - Jun 23, 2016 7:00 PM

Approved as submitted.

SPECIAL PRESENTATION

Recognition and appreciation for dedicated service for Commissioner Van Natta

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

PUBLIC COMMENTS PROCEDURE

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

NON-PUBLIC HEARING ITEMS

PUBLIC HEARING ITEMS

1. Case: PA16-0025 (Smoke Shop Regulations)
Applicant: City of Moreno Valley
Owner: N/A
Representative: N/A
Location: Citywide
Case Planner: Mark Gross
Council District: All

Proposal: Municipal Code Amendment pertaining to the regulation of Smoke Shop uses citywide

STAFF RECOMMENDATION

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

1. **CERTIFY** that the proposed Ordinance [(amendment to the Municipal Code (PA16-0025)] qualifies as an exception in accordance with Section 15061 of the California Environmental Quality Act (CEQA) Guidelines, and
2. **RECOMMENDS APPROVAL** of PA16-0025 to the City Council for the amendment of the City of Moreno Valley Municipal Code to modify Titles 5 and 9, including modification in the Permitted Uses Table attached as Exhibit A, related to the citywide regulation of Smoke Shop uses.

OTHER COMMISSION BUSINESS

STAFF COMMENTS

PLANNING COMMISSIONER COMMENTS

ADJOURNMENT

Next Meeting: Planning Commission Regular Meeting, August 25, 2016 at 7:00 P.M., City of Moreno Valley, City Hall Council Chambers, 14177 Frederick Street, Moreno Valley, CA 92552

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

5 Thursday, June 23rd, 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 the
11 Regular-Scheduled Meeting of the Planning Commission to order. Today is
12 Thursday, June 23rd, 2016. The time is 7:05 PM. Could we have rollcall please?
13

14
15 ROLL CALL
16

17 Commissioners Present:

18 Commissioner Korzec
19 Commissioner Van Natta
20 Commissioner Baker
21 Commissioner Barnes
22 Vice Chair Sims
23 Chair Lowell
24 Alternate Commissioner Nickel
25 Alternate Commissioner Gonzalez
26

27 Staff Present:

28 Rick Sandzimier, Planning Official
29 Paul Early, Assistant City Attorney
30 Erica Tadeo, Administrative Assistant
31
32

33 **CHAIR LOWELL** – I am also here.
34

35 **ADMINISTRATIVE ASSISTANT ERICA TADEO**– And then we have sitting in
36 for Commissioner Ramirez, who is excused absent, Commissioner Nickel.
37

38 **CHAIR LOWELL** – And Erlan Gonzalez is also here.
39

40 **ADMINISTRATIVE ASSISTANT ERICA TADEO**– And Commissioner Gonzalez.
41

42
43 PLEDGE OF ALLEGIANCE
44

1 **CHAIR LOWELL** – Thank you very much. Commissioner Korzec, could you
2 lead us in the Pledge of Allegiance please?
3

4
5 **APPROVAL OF THE AGENDA**
6

7 **CHAIR LOWELL** – Thank you very much. Could we have a motion to approve
8 tonight’s Agenda?
9

10 **COMMISSIONER VAN NATTA** – I so approve. I so move.
11

12 **COMMISSIONER BAKER** – I’ll second.
13

14 **CHAIR LOWELL** – We have a motion by Commissioner Van Natta. We have a
15 second by Commissioner Baker. All in favor, say aye.
16

17 **COMMISSIONER KORZEC** – Aye.
18

19 **COMMISSIONER VAN NATTA** – Aye.
20

21 **COMMISSIONER BAKER** – Aye.
22

23 **COMMISSIONER BARNES** – Aye.
24

25 **ALTERNATE COMMISSIONER NICKEL** – Aye.
26

27 **CHAIR LOWELL** – Aye.
28

29 **VICE CHAIR SIMS** – Aye.
30

31 **CHAIR LOWELL** – All opposed, say nay.
32

33
34 Opposed – 0
35

36
37 **Motion carries 7 – 0**
38

39
40 **CHAIR LOWELL** – The motion passes 7-0. Tonight’s Agenda is approved. We
41 have a Consent Calendar.
42

43
44
45 **CONSENT CALENDAR**
46

Minutes Acceptance: Minutes of Jun 23, 2016 7:00 PM (APPROVAL OF MINUTES)

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

7 **APPROVAL OF MINUTES**

8
9 Planning Commission - Regular Meeting - May 26th, 2016 at 7:00 PM

10
11 Approve as submitted.
12
13

14 **CHAIR LOWELL** – I do not believe we have any Consent Calendar items
15 tonight, so that moves us onto the approval of the Minutes from the Planning
16 Commission Regular Meeting of May 26th, 2016 at 7:00. I do believe we have
17 somebody that wanted to have a question about the Minutes.
18

19 **COMMISSIONER KORZEC** – Yes, while I think they are very much improved
20 from the last time, there are just two things. One is very minor. On page 12, line
21 31, there is an extra E on the end of Tom Jerele’s names. It’s not Tome Jerele,
22 it’s Tom. It’s spelled correctly in the rest.
23

24 **CHAIR LOWELL** – Which page 12, packet 12 or minute 12?
25

26 **COMMISSIONER KORZEC** – Packet page 12.
27

28 **CHAIR LOWELL** – Ah, there we go.
29

30 **COMMISSIONER KORZEC** – Line 31.
31

32 **COMMISSIONER VAN NATTA** – I noticed they did learn how to spell aye and
33 nay though.
34

35 **COMMISSIONER KORZEC** – They did. They are much improved.
36

37 **CHAIR LOWELL** – Actually, according to Tom Jerele’s own email, Jerele is
38 correct.
39

40 **COMMISSIONER KORZEC** – No. It’s Tom.
41

42 **CHAIR LOWELL** – Oh, Tom. Sorry.
43

44 **COMMISSIONER VAN NATTA** – Not Tome.
45

46 **COMMISSIONER KORZEC** – Not Tome or Tommy or, you know.....

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CHAIR LOWELL – Little accents.

COMMISSIONER KORZEC – But probably the most important is on packet page 7, lines 18, 27, 32 and 37. Those comments are attributed to myself, and I don't know anything about Sage College or any of this discussion. I believe that came from someone else on the Planning Commission, but it is attributed to me for some reason. Meli, was that you?

COMMISSIONER VAN NATTA – No. I didn't say anything about Sage College.

COMMISSIONER KORZEC – Who brought up the discussion about Jeffrey? Was it you, Lori?

ALTERNATE COMMISSIONER NICKEL – Which line?

COMMISSIONER KORZEC – Right here.

ALTERNATE COMMISSIONER NICKEL – Oh, yeah, that was me.

COMMISSIONER KORZEC – Okay, so then lines 18, 27, 32 and 37 would be attributed to Lori, and that's it for me.

CHAIR LOWELL – Perfect. Any other questions or corrections before I move for motion to approve? No? Awesome.

PLANNING OFFICIAL RICK SANDZIMIER – When you make your motion to approve, if you just make the motion with the amendments noted, and then we'll have those corrected.

CHAIR LOWELL – Perfect. I would like to make a motion to approve the Minutes for Planning Commission Regular Meeting on May 26th, 2016, as amended.

COMMISSIONER BAKER – I second.

CHAIR LOWELL – All in favor, say aye.

COMMISSIONER KORZEC – Aye.

COMMISSIONER VAN NATTA – Aye.

COMMISSIONER BAKER – Aye.

COMMISSIONER BARNES – Aye.

1 **ALTERNATE COMMISSIONER NICKEL** – Aye.

2
3 **CHAIR LOWELL** – Aye.

4
5 **VICE CHAIR SIMS** – Aye.

6
7 **CHAIR LOWELL** – All opposed, say nay.

8
9
10 Opposed – 0

11
12
13 **Motion carries 7 – 0**

14
15
16 **CHAIR LOWELL** – The motion passes 7-0. The Minutes are approved, and that
17 moves us onto election of officers, which I believe Staff has a quick statement.

18
19 **PLANNING OFFICIAL RICK SANDZIMIER** – I do, and I apologize that we did
20 have to have the meeting this evening for this item. But the item before you is a
21 selection of the chairman and the vice chairman for the coming year. This is an
22 item that your rules and procedures indicate should be taken care of in April. It
23 was inadvertently missed, and we were unable to get it onto the May Agenda so
24 we wanted to make sure we got it here on the June Agenda. The selection of the
25 chairman and the vice chairman, as stated in your rules and procedures, it does
26 indicate that alternate commissioners are not eligible to sit in either of those, so I
27 just wanted to make sure that that's clear. The rules also indicate that, if a chair
28 and a vice chair are nominated to continue to serve, they are limited to two
29 consecutive years so the current chairman and the current vice chair are eligible
30 still to serve one additional year if that was one of your choices. And, this
31 evening, this selection we would be recommending that we do by a voice vote.
32 The order in doing the selection is first you take nominations for the chairman.
33 Chairman Lowell would be asked to take in the nominations. You can have
34 multiple nominations. If you do have multiple nominations, the process would
35 first start with the confirmation of the nominee to see if they are in agreement and
36 willing to take on the position. If they are, we would go to the next nominee and
37 ask them the same, so that when you do vote on them that you do have an
38 understanding that the nominees themselves are willing to be in those positions.
39 You would start with the first nominee. You would go through a vote. If a
40 majority vote is achieved on one nominee, you don't have to go to the next. You
41 would basically end at that point. The new chairman becomes immediate, so you
42 would basically pass the gavel to the new chairman and the new chair will be
43 asked to go ahead and do the nominees or select the nominations for the vice
44 chair and then you would follow that same process. So, with that, we're here to
45 answer any questions you might have before you start the process. Otherwise, I
46 will turn it over to the chairman to go ahead and start the process.

1
2 **CHAIR LOWELL** – Thank you. Now I do have a question because Mr. Rafael
3 Brugueras submitted a Speaker Slip. Is it time to take the Speaker Slip now or
4 should we move to Public Comments?
5

6 **PLANNING OFFICIAL RICK SANDZIMIER** – Actually, there is no.....this is not
7 a Public Hearing so you can take the comments before you go through the
8 nominees. I should've also identified that we did receive an email earlier today
9 from Mr. Jerele, Tom Jerele. Tom Jerele's email printout was provided on your
10 dais so that was another comment that he wanted to enter into the record. It
11 speaks for itself, if you read that, if you have any questions. But I would
12 encourage you to take the Public Comment first and then go on with the
13 business.
14

15 **CHAIR LOWELL** – Perfect. Thank you. Mr. Rafael Brugueras, if you'd like to
16 speak.
17
18

19 **PUBLIC COMMENTS PROCEDURE**
20

21 *Any person wishing to address the Commission on any matter, either under*
22 *Public Comments section of the Agenda or scheduled items or public hearings,*
23 *must fill out a "Request to Speak" form available at the door. The completed*
24 *form must be submitted to the Secretary prior to the Agenda item being called by*
25 *the Chairperson. In speaking to the Commission, member of the public may be*
26 *limited to three minutes per person, except for the applicant for entitlement. The*
27 *Commission may establish an overall time limit for comments on a particular*
28 *Agenda item. Members of the public must direct their questions to the*
29 *Chairperson of the Commission and not to other members of the Commission,*
30 *the applicant, the Staff, or the audience. Additionally, there is an ADA note.*
31 *Upon request, this Agenda will be made available in appropriate alternative*
32 *formats to persons with disabilities in compliance with the Americans with*
33 *Disabilities Act of 1990. Any person with a disability who requires a modification*
34 *or accommodation in order to participate in a meeting should direct their request*
35 *to Guy Pagan, our ADA Coordinator, at (951) 413-3120 at least 48 hours prior to*
36 *the meeting. The 48-hour notification will enable the City to make reasonable*
37 *arrangements to ensure accessibility to this meeting.*
38
39

40 **SPEAKER RAFAEL BRUGUERAS** – Good evening Commissioners, Staff and
41 resident Tom who just made it on time. I was running a little behind because I
42 didn't know if I was going to make it or not. I didn't shave. I didn't have time to
43 do anything. So I was running behind, and I was running behind one of the
44 Commissioners. I was just chasing him. I didn't know he was.....he was just
45 making a right turn with me so he thought I was stalking him. But, anyways, he
46 came before me and I came behind him. And I had in me gladness because the

1 room was not empty. There are responsible Commissioners that come here
2 every month to do the business of the City, and when you decide to put someone
3 in the chair of the chairman or the vice chair, you're going to put somebody that's
4 responsible to this City that comes every month to do the business and do it
5 fairly. And numbers can be fixed and lines can be straightened out. You know,
6 we don't have to stop a project because the line went a little way. We can
7 always fix it and continue with the project, and that's what you have done here
8 since I've been coming. I know there are others that would like to stop
9 everything and nothing gets done for the City, but you have shown courage to do
10 things the right way. But I also am glad to see Ms. Nickels and Mr.
11 Garcia...Gonzalez here every month also to take the place of those that cannot
12 make it that night. That's very important also. So whoever you decide to put
13 there, I know that the City will be safe for another two years. And wherever you
14 go in your career, because you know this chamber has been having trouble this
15 month with one of the Councilmember's that revealed themselves and her
16 naughty, naughty things to other Commissioners, other Councilmembers. You
17 know, this woman has been through a lot, but it makes it good to come in here
18 tonight and see something different, something new, and something that's been
19 going on to the City in this upright righteous way. That's what I'm trying to say.
20 You guys been good. I know you can say no to some projects, and I understand
21 that because we like to see the City be beautified not made out of cement,
22 concrete, you know, things like that. But if we drive down the 91 Freeway
23 heading west, look at what they did with our money. They took concrete and
24 made designs out of it. It looks pretty when you go west on the 91. We can do
25 that with some of the buildings that we built. We can make them a little different,
26 a little prettier, add windows to them. But we'd rather have jobs, and that's what
27 you have done. And I thank you very much, and whoever you put, I know it will
28 be good for the City.

29
30 **CHAIR LOWELL** – Thank you, Sir. I see you walked in Tom. Would you like to
31 also speak?
32

33 **SPEAKER TOM JERELE** – Tom Jerele again speaking on behalf of myself and
34 somewhat for the Sundance Center where I spent a bit of time in the old part of
35 town there but chairman, vice chair, Commissioners, Members of the Staff, and
36 all the public (all two of us), but first of all I would like to say ditto to what Mr.
37 Brugueras had to say. He summed that up very well. I sent an email, and it
38 speaks for itself. But I did want it to come up on the dais just incase we couldn't
39 make it. But I was able to get here and because there is something that I didn't
40 embody in the email. What I really like, well I'm a big believer in continuity of
41 government. I think it's very, very important. Candidly, I think this is a very well
42 functioning body, and I'm glad Mr. Brugueras acknowledged the alternates. I
43 think that was a great initiative, and it's working very well. It's being evidenced
44 tonight so, and I've seen them both be seated from time to time and so it's really
45 good. It's good government. But the thing I like most of all is treatment of the
46 public both.....some of them are a little rambunctious. Some of them aren't the

1 most polite. Some aren't the most well spoken and perhaps knowledgeable in
2 what they are speaking about, but there's been a great decorum and hospitality
3 and just nice treatment of people. And that, to me, goes a long way because I'll
4 tell you, you know, I'm used to doing this. I've been doing it. I've always had the
5 ability to get up and give it to people. I've never been innately shy, but a lot of
6 people are. And so when they come and address any body, I mean, it can shake
7 them up and their knees are knocking. So I like that treatment being provided to
8 the public, and I just wanted to thank you as a group. The decision is yours. You
9 know, I don't even know if the chair is endorsing to maintain the status quo. I
10 think the direction of the Commission has been very good, and like I said it's
11 been well done. But it's up to you, and whatever you choose, you've got a good
12 body of Commissioners up there. So I thank you and I appreciate you letting me
13 speak.

14
15 **CHAIR LOWELL** – Thanks Mr. Jerele. With that, I'd like to open it up and
16 accept nominations for the chair position.

17
18
19 **ELECTION OF OFFICERS**

- 20
21 1. Chairman.
22
23 2. Vice-Chairman.
24

25
26 **VICE CHAIR SIMS** – I would nominate Brian Lowell to continue another year at
27 the Chair.

28
29 **CHAIR LOWELL** – I appreciate it. I'll accept the nomination. Any other
30 seconds on that or any other nominations?

31
32 **COMMISSIONER BARNES** – It requires a second, right?

33
34 **PLANNING OFFICIAL RICK SANDZIMIER** – It actually does not.

35
36 **COMMISSIONER BARNES** – Oh, it does not? Okay.

37
38 **CHAIR LOWELL** – Nominations?

39
40 **COMMISSIONER VAN NATTA** – I'd like to put a nomination in and a comment.
41 I think you guys have done a great job but it's also good to bring other people
42 into the mix too. And so I would like to nominate Mr. Sims as Chair and Mr.
43 Barnes as Vice-Chair.

44
45 **CHAIR LOWELL** – Okay. Any other nominations? Okay so let's vote on....
46

1 **VICE CHAIR SIMS** – Can we say something first?
2
3 **CHAIR LOWELL** – Sure.
4
5 **VICE CHAIR SIMS** – I appreciate the thought, but I would prefer not to be Chair
6 or Vice-Chair going forward. I have to have some surgery, and my health has
7 been a little sketchy, so I'm going to be having to miss two to three meetings
8 starting next month. And so I appreciate the nod, but I would prefer to recuse
9 myself from that.
10
11 **COMMISSIONER VAN NATTA** – In that case, I would like to nominate
12 Commissioner Korzec for Vice Chair. Get your feet wet and start learning what
13 to do.
14
15 **CHAIR LOWELL** – We'll approach Vice-Chair when we get there.
16
17 **COMMISSIONER KORZEC** – Yeah, let's just do Chair first.
18
19 **CHAIR LOWELL** – Let's just do Chair first.
20
21 **COMMISSIONER VAN NATTA** – Okay. I didn't know if you were doing it on
22 both at the same time.
23
24 **CHAIR LOWELL** – We'll just do one.
25
26 **COMMISSIONER VAN NATTA** – Okay.
27
28 **CHAIR LOWELL** – So we just have me since Sims declines. Any other
29 nominations for Chair? Okay, all in favor for nominating me for Chair, say aye.
30
31 **COMMISSIONER KORZEC** – Aye.
32
33 **COMMISSIONER VAN NATTA** – Aye.
34
35 **COMMISSIONER BAKER** – Aye.
36
37 **COMMISSIONER BARNES** – Aye.
38
39 **CHAIR LOWELL** – Aye.
40
41 **VICE CHAIR SIMS** – Aye.
42
43 **CHAIR LOWELL** – All opposed, say nay.
44
45
46 Opposed – 0

Minutes Acceptance: Minutes of Jun 23, 2016 7:00 PM (APPROVAL OF MINUTES)

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Motion carries 6 – 0

CHAIR LOWELL – Okay. It passes 6-0 because Ms. Nickel is not entitled to vote on it. Perfect so that makes me the Chair again for another year until April. Awesome. And we now move onto the Vice-Chair. Any nominations for Vice-Chair?

COMMISSIONER VAN NATTA – I’d like to nominate Jeffrey Barnes for Vice-Chair.

CHAIR LOWELL – So we have one nomination for Mr. Barnes.

COMMISSIONER VAN NATTA – Does that mean you’re turning down the nomination for Vice-Chair?

COMMISSIONER KORZEC – Yes I am this year.

VICE CHAIR SIMS – I would second that motion as well.

CHAIR LOWELL – Any other nominations.

COMMISSIONER BARNES – Well I won’t decline to serve if elected, so thank you.

VICE CHAIR SIMS – I would just like to note that I would like to keep, it’s the spirit of keeping the engineering type in the Vice-Chair position.

COMMISSIONER VAN NATTA – That was actually what I was trying to avoid.

COMMISSIONER BARNES – Jeff, you’ve tarnished my campaign, and I’ve just started.

CHAIR LOWELL – Okay. So, if there are no other nominations, all in favor of nominating Mr. Barnes to be Vice-Chair say aye.

COMMISSIONER KORZEC – Aye.

COMMISSIONER VAN NATTA – Aye.

COMMISSIONER BAKER – Aye.

COMMISSIONER BARNES – Aye.

1 **CHAIR LOWELL** – Aye.

2
3 **VICE CHAIR SIMS** – Aye.

4
5 **CHAIR LOWELL** – All opposed, say nay. The motion passes 6-0 with Ms.
6 Nickels abstaining. So, congratulations, Mr. Vice-Chair. Let’s switch seats.

7
8
9 Opposed – 0

10
11
12 **Motion carries 6 – 0**

13
14
15 **VICE CHAIR BARNES** – Thank you Chairman Lowell.

16
17 **COMMISSIONER SIMS** – Now you’re in.

18
19 **VICE CHAIR BARNES** – No good deed goes unpunished.

20
21 **CHAIR LOWELL** – Yeah we’ll switch them. Well it’s still Jeff and Jeff so it’s.....

22
23 **VICE CHAIR BARNES** – Yeah, yeah.

24
25 **CHAIR LOWELL** – Okay so that moves us on to any other questions for Staff
26 before we move to adjournment? No? Okay, with that said, our next Planning
27 Commission Meeting is a regular meeting on July 28th, 2016, at 7:00 PM. I’d like
28 to adjourn to that meeting.

29
30 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may, just as you are
31 adjourning, right now we do not have any Agenda items for that meeting. But we
32 are looking at the projects and hopefully we’ll have at least one. If we don’t, I’m
33 also considering a presentation just on planning activity and then the other thing
34 that we would like to do is it’s our understanding that Commissioner Van Natta
35 will be leaving us in August and that may be her last meeting, and we do have a
36 small recognition that we’d like to make at that meeting. And I’d like the public to
37 hear that incase we’d like to have some people attend for that purpose. So we
38 look forward to seeing you guys next month and that’s it.

39
40 **COMMISSIONER SIMS** – What date is that meeting?

41
42 **CHAIR LOWELL** – July 28th.

43
44 **COMMISSIONER SIMS** – Oh, I definitely am excusing myself from the meeting.
45 I will not be here.

46

1 **CHAIR LOWELL** – I believe it’s a Thursday.

2
3 **COMMISSIONER SIMS** – I understand. I’m having a procedure done on the
4 26th. I’ll be out of commission.

5
6 **COMMISSIONER VAN NATTA** – Out of commission. The commissioner will be
7 out of commission. That’s good.

8
9 **COMMISSIONER SIMS** – The commissioner will be out of commission.

10
11
12 **ADJOURNMENT**

13
14 **CHAIR LOWELL** – Perfect. Then I’d like to adjourn to July 28th, 2016, at 7:00
15 PM. Thank you very much. Have a great night.

16
17
18 **NEXT MEETING**

19 *Next Meeting: Planning Commission Regular Meeting, July 28th, 2016 at 7:00*
20 *PM, City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street,*
21 *Moreno Valley, CA 92553.*

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37 _____
38 Richard J. Sandzimier
39 Planning Official
40 Approved

_____ Date

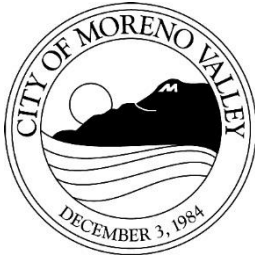
Minutes Acceptance: Minutes of Jun 23, 2016 7:00 PM (APPROVAL OF MINUTES)

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Brian R. Lowell
Chair

Date

Minutes Acceptance: Minutes of Jun 23, 2016 7:00 PM (APPROVAL OF MINUTES)



PLANNING COMMISSION

STAFF REPORT

Meeting Date: July 28, 2016

MUNICIPAL CODE AMENDMENT PERTAINING TO THE REGULATION OF SMOKE SHOP USES CITYWIDE

Case: PA16-0025 (Smoke Shop Regulations)

Applicant: City of Moreno Valley

Owner: N/A

Representative: N/A

Location: Citywide

Case Planner: Mark Gross

Council District: All

SUMMARY

The proposed Ordinance would amend Titles 5 and 9 of the Municipal Code relating to the use of “smoke shops” and provide enforcement of regulations to ensure the health, safety and welfare of the residents, businesses, visitors and other stakeholders in the City. The Ordinance proposes to accomplish two tasks: 1) declare it grounds for business and tobacco retailer license revocation when any business sells drug paraphernalia, pursuant to Health and Safety Code Section 11364.5, and 2) regulate smoke shops as a land use.

PROJECT DESCRIPTION

Background

The City Council requested that the Public Safety Sub Committee (PSSC) provide input regarding how the City can control and restrict the sale of drug paraphernalia and other

illegal substances from smoke shops. Although the sale and regulation of drug paraphernalia is regulated by State law (Health and Safety Code Sections 11364-11364.7), there remains concern that such activity has great potential for negative community impacts. With appropriate local land use, regulatory, licensing and enforcement controls the potential negative effects on the community can be minimized and/or avoided. Four proposed regulatory strategies presented to the PSSC included:

1. Amending the Moreno Valley Municipal Code to include drug paraphernalia offenses as grounds for business license and or tobacco retailer license revocation
2. Adopting an ordinance adding new zoning restrictions regulating head/smoke shops and hookah bars, including requiring a conditional use permit
3. Adopting an ordinance prohibiting new head/smoke shops and hookah bars
4. Adopting a moratorium prohibiting any new head/smoke shops and hookah bars pending further study

A total of three (3) meetings were held with the PSSC on this matter. The following two strategies were endorsed and recommended by the PSSC:

1. Amend the Moreno Valley Municipal Code to include drug paraphernalia offenses as grounds for business and tobacco retailer license revocation

In 2007, Moreno Valley adopted its own tobacco retailer licensing law: Ordinance No. 752, which is codified as Moreno Valley Municipal Code Chapter 5.04. Under the City's current Moreno Valley Municipal Code, it is a violation to sell tobacco products and paraphernalia in view of the public or to advertise such products for sale at the location without a valid tobacco retailer's license. A violation of any local, state or federal tobacco-related law is grounds for licensing revocation.

However, the current Moreno Valley Municipal Code language under Chapter 5.04, does not expressly provide for tobacco license revocation if the license holder violates drug paraphernalia laws. Such revocation is permissible pursuant to Health & Safety Code section 11364.7(d), which provides that a violation of Section 11364.7 (illegal sale of drug paraphernalia by a holder of a city business license is grounds for revocation of that license if the offense occurred in the course of the licensee's business. Amending Moreno Valley Municipal Code Chapter 5.04 to include these grounds for license revocation would further strengthen the City's ability to stop offenders.

In addition to Chapter 5.04 specifically related to Tabaco Licenses, the proposed Ordinance makes selling drug paraphernalia pursuant to Health and Safety Code Section 11364.5 and 11364.7 grounds for business license revocation for **any** business, not just tobacco retailers, pursuant to Moreno Valley Municipal Code Chapter 5.02.

2. Adopt an ordinance adding new zoning restrictions for smoke shops, as defined, including the requirement of a conditional use permit.

In reviewing the Moreno Valley Municipal Code, it was noted that “smoke shops” are permitted as a matter of right in certain zones. Considering the possible negative secondary effects of smoke shops, the PSSC provided direction to regulate smoke shops as a land use.

The PSSC suggested the following zoning restrictions for smoke shops:

- Allow smoke shops only in the Community Commercial (CC) zone with a conditional use permit;
- Require that smoke shops have certain development standards including, sufficient parking, lighting, landscaping, etc.;
- Regulate distance requirements of smoke shops from each other and from certain sensitive land uses.

While surveying the City, it was noted that there are approximately twenty-eight (28) smoke shops established within the City, all of which will become legal non-conforming should this Ordinance be adopted.

Further, several Southern California smoke shop ordinances were reviewed in the process of revising the Moreno Valley Municipal Code to regulate the use, specifically those of Anaheim, Victorville, Covina and El Cajon. The proposed Ordinance implements certain regulations for smoke shops, similar to those of the cities of Covina and El Cajon, which include conditionally permitting smoke shop uses only within certain commercial/retail zones and providing distance requirements from smoke shop uses to other more sensitive land uses.

Project

The Ordinance proposes to accomplish two tasks: 1) declare it grounds for business and/or tobacco retailer license revocation when any business sells drug paraphernalia, pursuant to Health and Safety Code Section 11364.5, and 2) regulate smoke shops as a land use. Six (6) specific areas of the Moreno Valley Municipal Code have been amended to accomplish the two tasks, which are as follows:

Item 1. AMENDMENT TO TITLE 5, CHAPTER 5.02, SECTION 5.02.270(A) “SUSPENSION OR REVOCATION” OF THE CITY OF MORENO VALLEY MUNICIPAL CODE

The following language will be added to the Section 5.02.270 (A):

“4. Has any conviction, including a plea of “no contest” or its equivalent, of federal, state, or local drug paraphernalia offense, as “drug paraphernalia” as defined in Health and Safety Code Section 11364.5, and as may be amended.”

Staff Note: The Municipal Code currently does not expressly provide criteria for business license revocation tied to violations of drug paraphernalia laws. The updated language includes grounds for business license revocation if the license holder violates

drug paraphernalia laws, which would strengthen the City's enforcement powers to combat the potential adverse undesirable community impacts of smoke shops. Prior notice shall be given to the licensee prior to any revocation of license.

**Item 2. AMENDMENT TO TITLE 5, CHAPTER 5.04, SECTION 5.04.090(A)
"REVOCATION OF LICENSE" OF THE CITY OF MORENO VALLEY
MUNICIPAL CODE**

The following language will be added to Section 5.04.090 (A):

"3. A tobacco retailer's license shall be revoked if the city or the county of Riverside hearing officer, if so designated by the city manager, finds, after the licensee is afforded notice and an opportunity to be heard, that the licensee, including his or her agents or employees, has any conviction, including a plea of "no contest" or its equivalent, of federal, state, or local drug paraphernalia offense, as "drug paraphernalia" as defined in Health and Safety Code Section 11364.5 as may be amended."

Staff Note: The language included above would allow the City to revoke a license of a Tobacco Retailer if violations of drug paraphernalia are found. Prior notice shall be given to the licensee prior to any revocation of license.

**Item 3. AMENDMENT TO TITLE 9, CHAPTER 9.02, SECTION 9.02.020
"PERMITTED USES" OF THE CITY OF MORENO VALLEY MUNICIPAL
CODE**

Smoke shop uses are also not currently included as a use category within the Permitted Uses Table. Title 9, currently permits smoke shop uses in all commercial land zones.

The proposed Ordinance sets forth regulations to limit new smoke shops as "conditionally permitted" uses to be located only in the Community Commercial (CC) zoning districts. Existing uses that are not located in a CC district can remain at the site as long as provisions are adhered to within the Smoke Shop Ordinance and Section 9.02.180 "Legal Non-Conforming Uses, Improvements and Parcels". Additional information on legal non-conforming uses and smoke shops are included in Item 6 below.

Further documentation of the change in land use for smoke shops is found in the modified permitted use table, which is included as Exhibit A to the Resolution.

**Item 4. AMENDMENT TO TITLE 9, CHAPTER 9.15, SECTION 9.15.030
"DEFINITIONS" OF THE CITY OF MORENO VALLEY MUNICIPAL
CODE.**

The following language of the Municipal Code under Section 9.15.030 "Definitions" shall be amended as follows:

“Smoke Shop” shall mean any retail establishment known as a smoking shop, smoking lounge, vape shop, hookah bar, cigar bar, cigar shop, or headshop, or any other retail establishment that devotes 30% or more of its total floor space to products intended or designed for use in ingesting, inhaling, or otherwise introducing tobacco into the human body, including but not limited to tobacco products, electronic cigarettes which contain nicotine and emit smoke or vapor, smoking accessories, including but not limited to rolling papers, rolling machines, herb grinders, scales, glass pipes, hookah pipes, bong, bubblers, or other paraphernalia.

Staff Note: The Moreno Valley Municipal Code has not previously defined “Smoke Shops” and related uses such as hookah bars and vape shops. Amended language within Section 9.15.030 will further define the smoke shop uses as establishments that devote 30% or more floor space to these uses. The amended language now provides a clear definition of smoke shops, which can enable and ensure proper enforcement of this land use.

Item 5. AMENDMENT TO TITLE 9, CHAPTER 9.09, ADDING SECTION 9.09.280 “SMOKE SHOPS” TO THE CITY OF MORENO VALLEY MUNICIPAL CODE

The following language will be added to Section 9.09.280 of the Municipal Code as follows:

9.09.280 Smoke Shops

A. Purpose and Intent. This section is aimed to protect the public health, safety and welfare by providing that Smoke Shops, as defined in Section 9.15.030 of Chapter 9.15 of this Code, do not create an adverse impact on adjacent properties and surrounding neighborhoods by reason of insufficient on-site customer and employee parking, traffic generation, visual blight, bright lights, noise, or fumes. The following special standards shall apply to Smoke Shops.

B. Conditional Use Permit Required.

1. Smoke Shops shall be conditionally permitted in Community Commercial (CC) District Zones, pursuant to Title 9, Chapter 9.02, Section 9.02.020 of this Code.

C. Location and Distance Requirements

1. Smoke Shops shall not be located within 750 feet of any other such shop.
2. No Smoke Shop shall be located within 500 feet of any parcel of land that contains one or more of the following specific land uses:
 - a. All Residential uses, including mobile home parks, Single Room Occupancy (SROs), and orphanages;
 - b. Churches;

- c. Arcades, bowling alleys, skating rinks, amusement parks, race tracks, and fair grounds;
 - d. Parks.
3. No Smoke Shop shall be located within 750 feet of any parcel of land that contains one or more of the following specific land uses:
- a. Childcare/Daycare facilities;
 - b. Institution of higher education, including community or junior college, college, or university;
 - c. Vocational training;
 - d. Civic Centers/Public Government, including libraries, recreation centers, senior centers, employment resource centers, youth resource centers.
4. No Smoke Shop shall be located within 1000 feet of any parcel of land that contains one or more of the following specific land uses:
- a. Adult businesses;
 - b. Emergency shelters;
 - c. Large family daycare;
 - d. Rehabilitation centers;
 - e. Residential care facilities operating as sober living facilities;
 - f. Public or Private Schools (K-12);
5. Distance, without regard to intervening structures, shall be:
- a. A straight line measured from the closest exterior structural wall of any two smoke shops; and
 - b. A straight line measured from the closest exterior structural wall of a smoke shop to the closest property line of any of the specific land uses listed above.

D. Parking.

1. Parking for Smoke Shops shall be the same as the parking requirements and restrictions for off-street parking that pertains to eating and drinking establishments as described in Table 9.11.040(B) 12 of this Code.

E. Lighting.

1. All lighting shall comply with the provisions of Section 9.08.100 of this title.

F. Waste and Storage and Disposal. Waste, storage, and disposal of all tobacco products shall meet all applicable state and local health regulations.

G. Air Quality.

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

2. Required exhaust systems shall be equipped with appropriate and reasonably available control technology to minimize or eliminate noxious smoke or pollutants which would otherwise be emitted.

Staff Note: The proposed language included in Section 9.09.280 of the Municipal Code will allow new smoke shop uses to locate only within a Community Commercial (CC) zoned property. In addition, all new smoke shops will be required to obtain a Conditional Use Permit (CUP). Conditions of approval will be included with the CUP to assist in regulating the use.

Location and distance requirements have also been added to the Municipal Code to minimize impacts of smoke shops on adjacent properties and surrounding neighborhoods containing sensitive land uses. This includes a distance requirement of 500 feet between Smoke Shops and land uses such as residential properties, churches, arcades/amusement facilities and parks. A 750 foot distance requirement has been established between existing and newly created smoke shop uses, and between new smoke shop uses and such existing uses as childcare/daycare facilities, colleges, vocational schools and government uses. A distance requirement of 1000 feet has been established between smoke shop uses and uses such as adult businesses, emergency shelters, large day care centers, rehabilitation centers, residential care facilities that are operating as sober living facilities and public or private schools. Corresponding exhibits highlighting proposed buffer areas are attached to the report.

General standards have also been provided in the Municipal Code for parking, lighting and air quality as related to smoke shop uses.

Item 6. AMENDMENT TO TITLE 9, CHAPTER 9.02, SECTION 9.02.180(D) “LEGAL NONCONFORMING USES, IMPROVEMENTS, AND PARCELS” OF THE CITY OF MORENO VALLEY MUNICIPAL CODE

The following language shall be amended within Section 9.02.180(D) of the Municipal Code as follows:

D. Discontinuation of Legal Nonconforming Uses. Whenever a legal nonconforming use has been discontinued for a continuous period of twelve (12) months or more, the use shall not be reestablished, and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located. Discontinuation shall include termination of a use regardless of intent to resume the use. The community development director may, however, grant an extension of the twelve (12) month period, based on a finding that such extension will not adversely affect the public health, safety or welfare. Notwithstanding, Smoke Shops regulated pursuant to Section 9.09.280 of the MVMC shall not be reestablished if 1) closed, or 2) if ownership of the smoke shop changes in any manner whatsoever.

Staff Note: If proposed modifications to the Municipal Code are approved with this amendment, all 28 existing smoke shop businesses in the City would be considered

legal non-conforming uses since they either are not located within a Community Commercial (CC) zoning district or do not meet distancing requirements established under Section 9.09.280 “Smoke Shops”. Therefore, these uses would be required to adhere to standards included in Section 9.02.180 “Legal Non-Conforming Uses, Improvements and Parcels” of the Municipal Code. Currently, there are provisions relating to non-conforming uses or structures that would allow uses/structures to be repaired and restored under certain circumstances such as fire. Of note, modified language for smoke shops under Section 9.02.180 (D) above establishes the requirement that a smoke shop use may not be re-established if the business is closed or ownership of the smoke shop changes.

ENVIRONMENTAL

The proposed Municipal Code Amendment (PA16-0025 – Smoke Shop Amendment) is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. In the case of the proposed smoke shop amendments, there is no possibility that the activity would create the potential for a significant impact upon the environment.

NOTIFICATION

Public notice was properly provided for this amendment. A 1/8 page public hearing notice for this code amendment was published in the local newspaper on July 15, 2016. In addition, individual notices have been provided to all twenty-eight (28) existing smoke shop tenants on record with an active business license and to existing property owners where smoke shop uses are located.

STAFF RECOMMENDATION

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

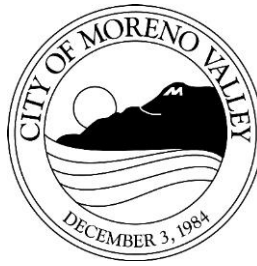
1. **CERTIFY** that the proposed Ordinance [(amendment to the Municipal Code (PA16-0025)] qualifies as an exception in accordance with Section 15061 of the California Environmental Quality Act (CEQA) Guidelines, and
2. **RECOMMENDS APPROVAL** of PA16-0025 to the City Council for the amendment of the City of Moreno Valley Municipal Code to modify Titles 5 and 9, including modification in the Permitted Uses Table attached as Exhibit A, related to the citywide regulation of Smoke Shop uses.

Prepared by:
Mark Gross
Senior Planner

Approved by:
Allen Brock
Community Development Director

ATTACHMENTS

1. PC Notice
2. PC Resolution and Exhibit A (Permitted Uses Table)
3. Smoke Shop Analysis - 500 Foot Buffer
4. Smoke Shop Analysis - 750 Foot Buffer
5. Smoke Shop Analysis - 1000 Foot Buffer



NOTICE OF PLANNING COMMISSION PUBLIC HEARING

THE PLANNING COMMISSION WILL CONSIDER A CITYWIDE AMENDMENT (PA16-0025) TO THE CITY OF MORENO VALLEY MUNICIPAL CODE, AMENDING MUNICIPAL CODE SECTIONS 5.02.270(A) "SUSPENSION OR REVOCATION", 5.04.0909(A) "REVOCATION OF LICENSE", 9.02.020 "PERMITTED USES", 9.15.030 "DEFINITIONS, 9.02.180 (D) "LEGAL NONCONFORMING USES, IMPROVEMENTS AND PARCELS", AND ADDING SECTION 9.09.280, "SMOKE SHOPS" PERTAINING TO THE REGULATION OF SMOKE SHOPS

The amendment would add language in the Municipal Code regulating the use of "smoke shops" and providing enforcement of regulations to ensure the health, safety and welfare of the City and its residents.

The Planning Commission may consider any appropriate modifications or alternatives to the amendment or environmental determination. The amendment is exempt under California Environmental Quality Act Guidelines Section 15061 in that there is no possibility that the proposed activity may have the potential for a significant impact upon the environment.

Any person interested in the proposed project may contact Mark Gross at (951) 413-3215 or at the Community Development Department at 14177 Frederick Street, Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday – Thursday and 7:30 a.m. to 4:30 p.m. on Fridays) or may telephone (951) 413-3206 for further information.

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

**Thursday, July 28, 2016
7:00 P.M.
City Council Chamber
14177 Frederick Street.
Moreno Valley, CA 92552-0805**

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

RESOLUTION NO. 2016-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY RECOMMENDING APPROVAL OF PA16-0025 (MUNICIPAL CODE AMENDMENT) TO THE CITY COUNCIL AMENDING MUNICIPAL CODE SECTIONS 5.02.270(A) "SUSPENSION OR REVOCATION"; 5.04.090(A) "REVOCATION OF LICENSE"; 9.02.020 "PERMITTED USES"; 9.15.030 "DEFINITIONS", 9.02.180 (D) "LEGAL NONCONFORMING USES, IMPROVEMENTS, AND PARCELS", AND ADDING SECTION 9.09.280 "SMOKE SHOPS", ALL PERTAINING TO THE CITYWIDE REGULATION OF SMOKE SHOPS

WHEREAS, the City of Moreno Valley ("City") has a responsibility to plan and regulate the use of property within the City; and

WHEREAS, the City desires to maintain the quality of life and character of the City's neighborhoods in order to avoid negative consequences to property, social, and environmental values; and

WHEREAS, establishments that permit the smoking of tobacco or sell or display smoking, drug or tobacco paraphernalia, may adversely affect the City's ability to attract and retain businesses and visitors to areas of the City necessary for its economic growth and vitality; and

WHEREAS, this Ordinance proposes to accomplish two tasks: 1) declare it grounds for business and tobacco retailer license revocation when any business sells drug paraphernalia, pursuant to Health and Safety Code Section 11364.5, and 2) regulate smoke shops as a land use, as defined in this Ordinance; and

WHEREAS, in 2007, the City adopted Ordinance No. 752, codified as City Municipal Code ("MVMC") Chapter 5.04, "Licensure of Tobacco Retailers", in which it is a violation to sell tobacco products and paraphernalia in view of the public or to advertise such products for sale at the location without a valid tobacco retailer's license; and;

WHEREAS, Chapter 5.04 related to Tobacco Retailers, nor Chapter 5.02 related to businesses in general, of the MVMC currently do not expressly provide for business license revocation if the license holder violates state drug paraphernalia laws; and

WHEREAS, a violation of law relating to the sale of drug paraphernalia is grounds for business license revocation, pursuant to Health & Safety Code sections 11364.5(g) and 11364.7(d); and

WHEREAS, the City now desires to amend MVMC Chapters 5.04 and 5.02 to include grounds for license revocation if the license holder violates state drug paraphernalia laws, which will further strengthen the City's ability to punish offenders and combat the secondary effects of smoke shops; and

WHEREAS, although Chapter 5.04 regulates Tobacco Retailers, it does not regulate land use issues related to "Smoke Shops"; and

WHEREAS, the City also wishes to regulate smoke shops as conditionally permitted uses that are only permitted within certain zones by amending Section 9.02.020, of the MVMC to add "Smoke Shops" as a category that shall be allowed only in Community Commercial District Zones; and

WHEREAS, this Ordinance shall also add Section 9.09.280 "Smoke Shops" as a land use to be regulated in order to further define special standards that shall apply to Smoke Shops; and

WHEREAS, upon consideration of this matter by and with direction from the City's Public Safety Subcommittee at a meeting on June 15, 2016, City staff initiated application PA16-0025 to amend the City's Municipal Code including modifications in Title 5 regarding Suspension or Revocation, and Revocation of License, and modifications in Title 9 regarding Permitted Uses, Definitions, and Legal Nonconforming Uses, Improvements and Parcels, and addition of new regulations pertaining to Smoke Shops; and

WHEREAS, City staff reviewed the proposed Municipal Code Amendment in accordance with established City procedures, and with consideration of the General Plan and other applicable regulations; and

WHEREAS, upon completion of the proper review process this project was appropriately agendized, and noticed in the Press Enterprise Newspaper on July 15, 2016, for a public hearing before the Planning Commission on July 28, 2016 ; and

WHEREAS, on July 28th, 2016, the City Planning Commission conducted a public hearing to consider this Ordinance; and

WHEREAS, this Ordinance qualifies as exempt from further environmental review pursuant to Section 15061 of the California Environmental Quality Act (CEQA) Guidelines;

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

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

Section 1. Findings

A. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on July 28, 2016, including but not limited to: written and oral City staff reports, testimony presented at the public hearing, and the record from the public hearing, this Planning Commission finds as follows:

1. **Recitals** - This Planning Commission finds that all of the facts set forth above in this Resolution are true and correct
2. **Conformance with General Plan Policies** – The proposed Ordinance is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The Ordinance would add language relating to the use of “smoke shops” and provide enforcement of regulations to ensure the health safety and welfare of the residents, businesses, visitors and other stakeholders in the City. The citywide amendment to the Municipal Code would: 1) add grounds for business license revocation pursuant to Health and Safety Code Sections 11364.5(g) and 11364.7(d), as amended, related to the sale of drug paraphernalia, and 2) amend existing sections of the Code to provide language and standards for smoke shop uses including, but not limited to, definition of the use, procedures and development standards for establishment of the use as a conditionally permitted use in the Community Commercial (CC) land use district and limitations with respect to legal non-conforming uses. The proposed amendments to the Municipal Code for Smoke Shops are consistent with, and do not conflict with any existing goals, objectives, policies, and programs established within the General Plan.

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

FACT: The sale of drug paraphernalia is prohibited under State law. However, state law allows for cities to declare it grounds for business license revocation for businesses that illegally sell drug paraphernalia. This Ordinance does just that- makes it grounds for business license revocation if any business is found to have violated state drug paraphernalia laws. Making this grounds for business license revocation promotes the general health, safety and welfare of the City.

In addition, this Ordinance specifies the zoning district and sets development standards related to Smoke Shops. Regulating

Smoke Shops will promote the betterment of the City's health, safety, and welfare.

The proposed modifications to the Municipal Code for smoke shops would not be detrimental to the public health, safety or general welfare of the community. The addition of language relating to the definition and use of "smoke shops", the establishment of clear and specific zoning regulations, and siting criteria and other development regulations that enable proper enforcement of regulations for the use would ensure the health, safety and welfare of the City residents, business, visitors and other stakeholders.

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

FACT: The proposed Ordinance is consistent with the purposes and intent of both Title 5 and Title 9. Title 9, currently permits smoke shop uses in all commercial land zones. The proposed Ordinance sets forth regulations to limit smoke shops as "conditionally permitted" uses only in the Community Commercial (CC) land use districts. The amended language provides a clear definition of smoke shops, which can enable and ensure proper enforcement of this land use. The addition of Section 9.09.280 "Smoke Shops" establishes clear, specific and proper zoning and development standards that shall apply to smoke shops. Furthermore, Title 5, Chapters 5.02 and 5.04 of the MVMC currently does not expressly provide criteria for business license revocation tied to violations of drug paraphernalia laws. The Ordinance includes grounds for license revocation if the license holder violates drug paraphernalia laws, which strengthen the City's enforcement powers to combat the potential adverse undesirable community impacts of smoke shops.

Section 2. AMENDMENT TO TITLE 5, CHAPTER 5.02, SECTION 5.02.270(A) "SUSPENSION OR REVOCATION" OF THE CITY OF MORENO VALLEY MUNICIPAL CODE.

That Section 5.02.270(A) of the City of Moreno Valley Municipal Code ("MVMC") shall be amended to read as follows:

5.02.270 Suspension or revocation.

A. The business license officer shall have the power to suspend or revoke any business license issued hereunder whenever it appears to the business license officer that the holder of the license:

1. Has violated any provision of this chapter, or any rule or regulation adopted pursuant hereto; or

2. Commits any act or offense which would have constituted grounds hereunder to deny the issuance or renewal of a business license; or

3. Failure to make lawful payment of a fee, tax, charge, penalty or interest due under this chapter.

4. Has any conviction, including a plea of “no contest” or its equivalent, of federal, state, or local drug paraphernalia offense, as “drug paraphernalia” is defined in Health and Safety Code Section 11364.5, and as may be amended, shall be grounds for revocation or suspension of a Business License, pursuant to Health and Safety Code Section 11364.5(g), as may be amended.

Section 3. AMENDMENT TO TITLE 5, CHAPTER 5.04, SECTION 5.04.090(A) “REVOCATION OF LICENSE” OF THE CITY OF MORENO VALLEY MUNICIPAL CODE.

That Section 5.04.090(A) of the MVMC shall be amended to read as follows:

A. Revocation of License for Violation.

1. In addition to any other penalty authorized by law, a tobacco retailer’s license shall be revoked if the city or the county of Riverside hearing officer, if so designated by the city manager, finds, after the licensee is afforded notice and an opportunity to be heard, that the licensee, including his or her agents or employees, has violated any of the requirements, conditions or prohibitions of this chapter, or in a different legal proceeding has pleaded guilty, “no contest” or an equivalent, or admitted to a violation of any law designated in Section 5.04.080(A) (hereinafter “license violation”).

2. For a first or second alleged license violation within any sixty (60) month period, the city or its designee may engage in settlement negotiations in lieu of a hearing and may enter into a settlement agreement with a tobacco retailer alleged to have violated this chapter. Settlements shall not be confidential and shall contain the following minimum terms:

a. After a first alleged violation of this chapter at a location or business within any sixty (60) month period:

- i. An agreement to stop acting as a tobacco retailer for at least one day;
- ii. A settlement payment of at least one thousand dollars (\$1000.00);

and

iii. An admission that the violation occurred and a stipulation that the violation will be counted when considering what penalty will be assessed for any future violations.

- b. After a second alleged violation of this chapter at a location or business within any sixty (60) month period:
- i. An agreement to stop acting as a tobacco retailer for at least ten (10) days;
 - ii. A settlement payment of at least five thousand dollars (\$5000.00); and
 - iii. An admission that the violation occurred and a stipulation that the violation will be counted when considering what penalty will be assessed for any future violations.

3. A tobacco retailer's license shall be revoked if the city or the county of Riverside hearing officer, if so designated by the city manager, finds, after the licensee is afforded notice and an opportunity to be heard, that the licensee, including his or her agents or employees, has any conviction, or entered a plea of "no contest" or its equivalent, of federal, state, or local drug paraphernalia offense, as "drug paraphernalia" is defined in Health and Safety Code Section 11364.5 as may be amended, shall be grounds for revocation or suspension of a Business License, pursuant to Health and Safety Code Section 11364.5(g), as may be amended.

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

That Section 9.02.020, Table 9.02.020-1 of the MVMC, which is attached hereto as Exhibit "A," shall be amended to add "Smoke Shops" as a category that shall be allowed only in Community Commercial District Zones and with a conditional use permit.

Section 5. AMENDMENT TO TITLE 9, CHAPTER 9.15, SECTION 9.15.030 "DEFINITIONS" OF THE CITY OF MORENO VALLEY MUNICIPAL CODE.

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

"Smoke Shop" shall mean any retail establishment known as a smoking shop, smoking lounge, vape shop, hookah bar, cigar bar, cigar shop, or headshop, or any other retail establishment that devotes 30% or more of its total floor space to products intended or designed for use in ingesting, inhaling, or otherwise introducing tobacco into the human body, including but not limited to tobacco products, electronic cigarettes which contain nicotine and emit smoke or vapor, smoking accessories, including but not limited to rolling papers, rolling machines, herb grinders, scales, glass pipes, hookah pipes, bong, bubblers, or other paraphernalia.

Section 6. AMENDMENT TO TITLE 9, CHAPTER 9.09, ADDING SECTION

**9.09.280 “SMOKE SHOPS” TO THE CITY OF MORENO VALLEY
MUNICIPAL CODE.**

That Section 9.09.280 shall be added to the MVMC as follows:

9.09.280 Smoke Shops

A. Purpose and Intent. This section is aimed to protect the public health, safety and welfare by providing that Smoke Shops, as defined in Section 9.15.030 of Chapter 9.15 of this Code, do not create an adverse impact on adjacent properties and surrounding neighborhoods by reason of insufficient on-site customer and employee parking, traffic generation, visual blight, bright lights, noise, or fumes. The following special standards shall apply to Smoke Shops.

B. Conditional Use Permit Required.

- 1. Smoke Shops shall be conditionally permitted in Community Commercial (CC) District Zones, pursuant to Title 9, Chapter 9.02, Section 9.02.020 of this Code.**

C. Location and Distance Requirements

- 1. Smoke Shops shall not be located within 750 feet of any other such shop.**
- 2. No Smoke Shop shall be located within 500 feet of any parcel of land that contains one or more of the following specific land uses:**
 - a. All Residential uses, including mobile home parks, Single Room Occupancy (SROs), and orphanages;**
 - b. Churches;**
 - c. Arcades, bowling alleys, skating rinks, amusement parks, race tracks, and fair grounds;**
 - d. Parks.**
- 3. No Smoke Shop shall be located within 750 feet of any parcel of land that contains one or more of the following specific land uses:**
 - a. Childcare/Daycare facilities;**
 - b. Institution of higher education, including community or junior college, college, or university;**
 - c. Vocational training;**
 - d. Civic Centers/Public Government, including libraries, recreation centers, senior centers, employment resource centers, youth resource centers.**
- 4. No Smoke Shop shall be located within 1000 feet of any parcel of land that contains one or more of the following specific land uses:**

- a. Adult businesses;
- b. Emergency shelters;
- c. Large family daycare;
- d. Rehabilitation centers;
- e. Residential care facilities operating as sober living facilities;
- f. Public or Private Schools (K-12).

5. Distance, without regard to intervening structures, shall be:

- a. A straight line measured from the closest exterior structural wall of any two smoke shops; and
- b. A straight line measured from the closest exterior structural wall of a smoke shop to the closest property line of any of the specific land uses listed above.

D. Parking.

1. Parking for Smoke Shops shall be the same as the parking requirements and restrictions for off-street parking that pertains to eating and drinking establishments as described in Table 9.11.040(B) 12 of this Code.

E. Lighting.

1. All lighting shall comply with the provisions of Section 9.08.100 of this title.

F. Waste and Storage and Disposal. Waste, storage, and disposal of all tobacco products shall meet all applicable state and local health regulations.

G. Air Quality.

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

2. Required exhaust systems shall be equipped with appropriate and reasonably available control technology to minimize or eliminate noxious smoke or pollutants which would otherwise be emitted.

Section 7. AMENDMENT TO TITLE 9, CHAPTER 9.02, SECTION 9.02.180(D) "LEGAL NONCONFORMING USES, IMPROVEMENTS, AND PARCELS" OF THE CITY OF MORENO VALLEY MUNICIPAL CODE.

That MVMC Section 9.02.180(D) shall be revised as follows (adding the last sentence):

D. Discontinuation of Legal Nonconforming Uses. Whenever a legal nonconforming use has been discontinued for a continuous period of twelve (12) months or more, the use shall not be reestablished, and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located. Discontinuation shall include termination of a use regardless of intent to resume the use. The community development director may, however, grant an extension of the twelve (12) month period, based on a finding that such extension will not adversely affect the public health, safety or welfare. Notwithstanding, Smoke Shops regulated pursuant to Section 9.09.280 of the Moreno Valley Municipal Code shall not be reestablished if 1) closed, or 2) if ownership of the smoke shop changes in any manner whatsoever.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2016-18 and hereby:

1. **CERTIFIES** that the proposed Ordinance [(amendment to the Municipal Code (PA16-0025)] qualifies as an exception in accordance with Section 15061 of the California Environmental Quality Act (CEQA) Guidelines, and
2. **RECOMMENDS APPROVAL** of PA16-0025 to the City Council for the amendment of the City of Moreno Valley Municipal Code to modify Titles 5 and 9, including modification in the Permitted Uses Table attached as Exhibit A, related to the citywide regulation of Smoke Shop uses.

APPROVED this 28th day of July, 2016

Brian Lowell
Chair, Planning Commission

ATTEST:

Richard J. Sandzimier, Planning Official

APPROVED AS TO FORM:

City Attorney

Attachment: Exhibit A – Permitted Uses Table

Attachment: PC Resolution and Exhibit A (Permitted Uses Table) (2187 : Municipal Code Amendment for Smoke Shop Uses)

Permitted Uses Table 9.02.020-1

X - Indicates stated use is permitted subject to district requirements.
 C - Indicates stated use is allowed with a conditional use permit.
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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones					
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUI (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS

Adult Businesses																	A		A	A		A	A	A	A	
Agricultural Uses—Crops Only	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Agricultural (involving structures)																						X				
Aircraft Landing Facilities																	C		C	C	C	C				
Ambulance Service																	♦				♦	X	X	X	X	
Amusement Parks, Fairgrounds																	♦					X				
Animal Raising (see Section 9.09.090 of this title)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Appliance and Electronic Repair Shops													X	X	X	X	X					X	X			X
Arcades, Video Machines																♦	X	♦								
Athletic Clubs, Gymnasiums and Spas													X	X	X	X	X		X			X	X	X	X	
Auction Houses																	X									X
Auditoriums													♦	♦	♦			♦	♦	♦	♦	♦	♦	♦	♦	
Auto Electronic Accessories and Installation																	X					X	X			X
Automobile Fleet Storage																						X	X			
Automobile, Motorcycle, Truck, Golf Cart, Recreational Vehicle																	♦					X	X			

Permitted Uses Table 9.02.020-1

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and Boat Sales and Incidental Minor Repairs and Accessory Installations																											
Auto Service Stations Accessory uses include convenience store and car wash Minor repairs to include auto/boat/motorcycle/RV (excludes major repair, paint, body work)																◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	
Automotive, Boat, Motorcycle and RV Repair—Minor (includes brake, muffler and tire installation and repair)																◆	X						X	X		X	
Automotive Paint and Body Repair—Major Engine Overhaul																	◆						X				
Auto Rentals																	X							X	X	X	
Auto Supply Stores												X	X	X	X	X	X						X	X		X	
Bakery Shops												X	X	X	X	X	X									X	
Bakery—Commercial																						X					
Banks—Financial Institutions												X	X	X	X	X	X	X	X	X					X	X	
Barber and Beauty Colleges												X	X	X	X	X			X	X				X	X		

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Bars (Drinking Establishments)																											
Bars													C	C	C	C	C	C									
Bars, with Limited Live Entertainment													C	C	C	C	C	C									
Boat Sales New and Used Including Repairs and Accessory Installation																	♦						X				
Boarding and Rooming Houses									X	X	X	X	X	X													
Bowling Alley													♦	♦	♦	X	X										
Building Material Sales With outdoor storage																	♦						X	X			
Building Material Storage Yards																						X					
Bus, Rail and Taxi Stations																	♦										
Business Equipment Sales (includes repairs)													X	X	X	X	X	X	X							X	
Business Schools													X	X	X	X	X	X	X	X			X	X	X	X	
Business Supply Stores													X	X	X	X	X	X					X	X	X	X	
Cabinet Shop																						X	X	X	X		
Caretakers Residence ¹																	♦	♦	C	♦	♦	♦	♦	♦	♦	♦	
Car Wash																X	X					X					
Accessory to auto related use																	♦	♦					X				
Catering Service													X	X	X	X	X	X							X	X	
Cemetery (Human or Pet) With or Without	C	C	C	C	C	C	C	C	C	C	C	C															

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Accessory Mortuary and Cremation Services (Minimum 10-acre site required)																											
Churches ²	C	C	C	C	C	C	C	C	C	C	C	C	♦	♦	♦	♦	♦	C	♦	♦	♦	♦	♦	♦	♦		
Clubs								♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦						C
Commercial Radio or Television Stations																											
With on-site antenna																	♦						♦	♦	♦	♦	
Without on-site antenna																	X						X	X	X	X	
Communications Facilities (See Section 9.09.040 of this title)																											
Computer Sales and Repairs													X	X	X	X	X		X				X	X	X	X	
Contractors Storage Yard																							X				
Convalescent Homes/Assisted Living							C	C	C	C	C	C	♦	♦	♦	♦	♦	♦	♦	♦	♦						
Convenience Stores																											
With drive-through																X	X										
Without drive-through													X	X	X	X	X										
With alcohol sales													♦	♦	♦	♦	♦										
Convention Hall, Trade Show, Exhibit Building with Incidental Food Services															C		♦		♦		♦				♦	♦	
Copy Shops													X	X	X	X	X	X	X	X			X	X	X	X	
Country Club	C	C	C	C	C	C	C	C	C	C	C	C															
Dancing, Art, Music and													X	X	X	X	X	X	X	X			X	X	X		

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Similar Schools																											
Day Care Centers	C	C	C	C	C	C	C	C	C	C	C	C	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	C
Delicatessens													X	X	X	X	X	X	X						X	X	X
Diaper Supply Service																							X				
Laundry with fleet storage																							X				
Disposal company																							X				
Drapery Shops													X	X	X	X	X	X									
Dressmaking Shops													X	X	X	X	X	X									
Driving School													X	X	X	X	X		X	X				X	X	X	
Drug Stores													X	X	X	X	X	X									
Dry Cleaning or Laundry																											
a. Dry Cleaning													X	X	X	X	X	X	X							X	
b. Laundromat													X	X	X	X	X	X	X								
c. Laundry Commercial																							X	X			
Emergency Shelters ¹⁴																						X	C			C	
Equestrian Centers, Riding Academies, Commercial Stables (including incidental sales of feed and tack)	C	C	C	C													♦										C
Exterminators																							X	X	X	X	
Farm Worker Housing									X	X	X	X															
Feed and Grain Stores																X	X	X									
Fire and Police Stations	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Floor Covering Stores (may include incidental repairs with installation service)													X	X	X	X	X						X				
Fraternity/Sorority								C	C	C	C	C															

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Frozen Food Locker																						X	X				
Gasoline Dispensing - Non-retail accessory to an auto-related use																	X						X	X	X	X	
Glass Shops and Glass Studios—Stained, etc.																X	X						X	X		X	
Golf Courses or Golf Driving Ranges with Incidental Commercial Uses	C	C	C	C	C	C	C	C	C	C	C	C														♦	
Handicapped Housing								X	X	X	X	X	X	X													
Heavy Equipment Sales and Rentals																	X							X	X		
Hospitals																	♦		♦	♦	♦				C	C	C
Hotels																											
a. With 20% or less of the units containing kitchens													X	X	X		X		C					X	X	X	
b. With over 20% of the units containing kitchens													C	C	C		C		C					C	C	C	
Ice Cream Stores—Including Yogurt Sales													X	X	X	X	X	X	X							X	
Impound Yards																							X				
Jewelry Stores													X	X	X	X	X	X									
Kennel and Catteries	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		♦	♦	♦	♦	C				
Laboratories (medical and dental)													X	X	X	X	X		X	X			X	X	X	X	
Libraries	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			X	X	X	

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Liquor Stores													♦	♦		♦	♦										
Live/Work Unit (12)													X	X	X												
Locksmith Shops													X	X	X	X	X	X					X	X	X	X	
Lodge Halls and Similar Facilities													♦	♦	♦	♦	♦		♦						♦	♦	
Lumberyards																		X					X				
Mail Order House																	X						X	X	X	X	
Manufacturing and Assembly																											
a. Custom and light manufacturing indoor uses only (50,000 square feet or less), with light truck traffic, on-site and wholesaling of goods produced																							X	X	X	X	
b. Custom and light manufacturing indoor uses only (more than 50,000 square feet), with light truck traffic, on-site and wholesaling of goods produced																							X	X			
c. General manufacturing with frequent truck traffic and/or outdoor equipment or storage																							X	X			
d. Retail sales of goods produced or																							X	X	X	X	

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warehoused on-site ³																										
Medical Clinics/Medical Care																										
Inpatient care												X	X	X	X	X		X	X			X	X	X	X	
Urgent care												X	X	X	X	X		X	X							
Medical device services and sales (retail), including, but not limited to, fittings for and sale of prosthetic and orthotic devices														X	X	X		X								
Medical equipment supply, including retail sales for in-home medical care, such as wheelchairs, walkers, and respiratory equipment														X	X	X		X								
Mobile Home Parks	C	C	C	C	C	C	C	C	C	C	C															
Mobile Home Sales or Rentals (outdoor display)																C										
Mortuaries																										
With cremation services																							X	X		
No cremation services			C	C	C	C	C	C	C	C	C			♦	♦	♦							X	X		
Museums	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Newspaper and Printing Shops												X	X	X	X	X						X	X	X	X	
Nightclubs													C	C		C										
Nursery, (Plant),	X	X	X	X																		X	X			X

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Wholesale and Distribution																										
Offices (administrative and professional)													X	X	X	X	X	X	X	X			X	X	X	
Open Air Theaters															C						C					C
Orphanages	C	C	C	C	C	C	C	C	C	C	C															
Painting Contractor																						X	X			
Parcel Delivery Terminals																						X	X	X	X	
Parking Lot															C	C	X	X	C					X		
Parks and Recreation Facilities (public)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Personal Services (e.g., nail salons, spa facilities ¹⁵ , barber and beauty shops, and tattoo parlors)													X	X	X	X	X	X							X	
Pharmacy ⁴													X	X	X	X	X	X							X	
Photo Studios													X	X	X	X	X	X							X	
Plumbing Shops																	X								X	
Plumbing Supply Stores for Contractors																							X	X	X	
Pool Hall														♦		♦	♦									
Postal Services													X	X	X	X	X	X					X	X	X	
Pottery Sales with Outdoor Sales													X	X	X	X	X					X			X	
Public Administration, Buildings and Civic Centers													X	X	X	X	X	X	X	X	X	X	X	X	X	
Public Utility Stations,	C	C	C	C	C	C	C	C	C	C	C	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	X	X	♦	♦	C

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Yards, Wells and Similar Facilities, Excluding Offices																											
Racetracks																					C						
Record Store													X	X	X	X	X	X									
Recording Studio													X	X	X	X	X	X	X	X			X	X	X	X	
Recreational Facilities (Private) such as Tennis Club, Polo Club, with Limited Associated Incidental Uses	C	C	C	C	C	C	C	C	C	C	C	C	♦	♦	♦	♦	♦	♦									
Recycling, Large Collection Facility ⁵																	♦					X	X				
Recycling, Small Collection Facility													X	X	X	X	X	X									
Recycling Processing Centers																						X	X	X	X		
Refreshment Stands													X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Rental Service																											
Within an enclosed structure (furniture, office, party supplies)													X	X	X	X	X	X				X	X	X	X		
With outdoor storage and display (vehicles, equipment, etc.)																	♦	♦				X	X				
Research and Development													X	X	X					X	X	X	X	X	X		
Residential																											
Single-Family	X	X	X	X	X	X	X	X																			
Multiple-Family									X	X	X	X	X	X	X												

Permitted Uses Table 9.02.020-1

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 A - Indicates a use is permitted with an adult business use permit, providing the requirements of Section 9.09.030 of this title are met.

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

Permitted Uses Table 9.02.020-1

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones						Industrial Zones				
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUI (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS
Smoke Shops ¹⁶																	C									
Stationery Stores													X	X	X	X	X	X	X					X	X	
Statue Shop -Outdoor display																	♦						X	X		
Storage Lots and Mini-Warehouses																										
Indoor																	C						X			
Outdoor																	C						X			
Swim Schools/Center with Incidental Commercial Uses	C	C	C	C	C	C	C	C	C	C	C	C					X									
Taxidermist																	X						X	X		
Theaters (excludes open air)													X	X	X	X	X	X								
Tire Recapping																							X			
Trade and Vocational Schools													X	X	X		X		X	X				X	X	X
Transfer, Moving and Storage Facilities																							X	X		
Truck Wash																							X	X		
Upholstery Shops																	X						X	X		X
Vehicle Storage Yards																										
Indoor																	X						X	X		
Outdoor																	C						X	X		
Vending Machine Service and Repair																							X	X	X	X
Veterinarian (including animal hospital)																										
All activities within an enclosed structure													X	X	X	X	X								X	X

Permitted Uses Table 9.02.020-1

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones					
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUI (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS

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

Notes:

- (1) Do not consider residential use per distance requirement.
- (2) The administrative plot plan process may be used to establish these uses in an existing building within any commercial or industrial zone, even if the project is located adjacent to residential uses or zones.
- (3) Retail is limited to fifteen (15) percent of gross floor area (see Section 9.05.040 of this title).
- (4) Permitted in the OC and VOR districts only as a support medical office facility.
- (5) Large collection facilities may be established within an existing building through the “tenant improvement” process if such building or tenant space occupied by the use is not located adjacent to a residential use or zone.
- (6) Sandwich shops shall not have cooking hoods, nor shall they exceed five percent of the gross floor area of the complex where they are located.
- (7) Retail is limited to fifteen (15) percent of gross floor area (see Section 9.05.040 of this title).
- (8) In the MUI district, mixed use (commercial uses on first floor with office uses or residential uses on upper floors) are (a) required to on lots at street intersections and within 300 feet in any direction from a street intersection, as measured from the corner formed by the lot’s property lines, and (b) are allowed, but not required on the other lots.

Permitted Uses Table 9.02.020-1

<p>X - Indicates stated use is permitted subject to district requirements. C - Indicates stated use is allowed with a conditional use permit. ◆ - Indicates a use is permitted unless the use is located three hundred (300) feet or less from a residential zone or use, in which case the use is allowed with a conditional use permit. However, the expansion of an existing general manufacturing use is allowed without a conditional use permit regardless of its distance from residential zones or residential uses. A - Indicates a use is permitted with an adult business use permit, providing the requirements of Section 9.09.030 of this title are met.</p>																										
	Residential Zones											Mixed Use Overlay			Commercial & Office Zones					Industrial Zones						
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUI (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS

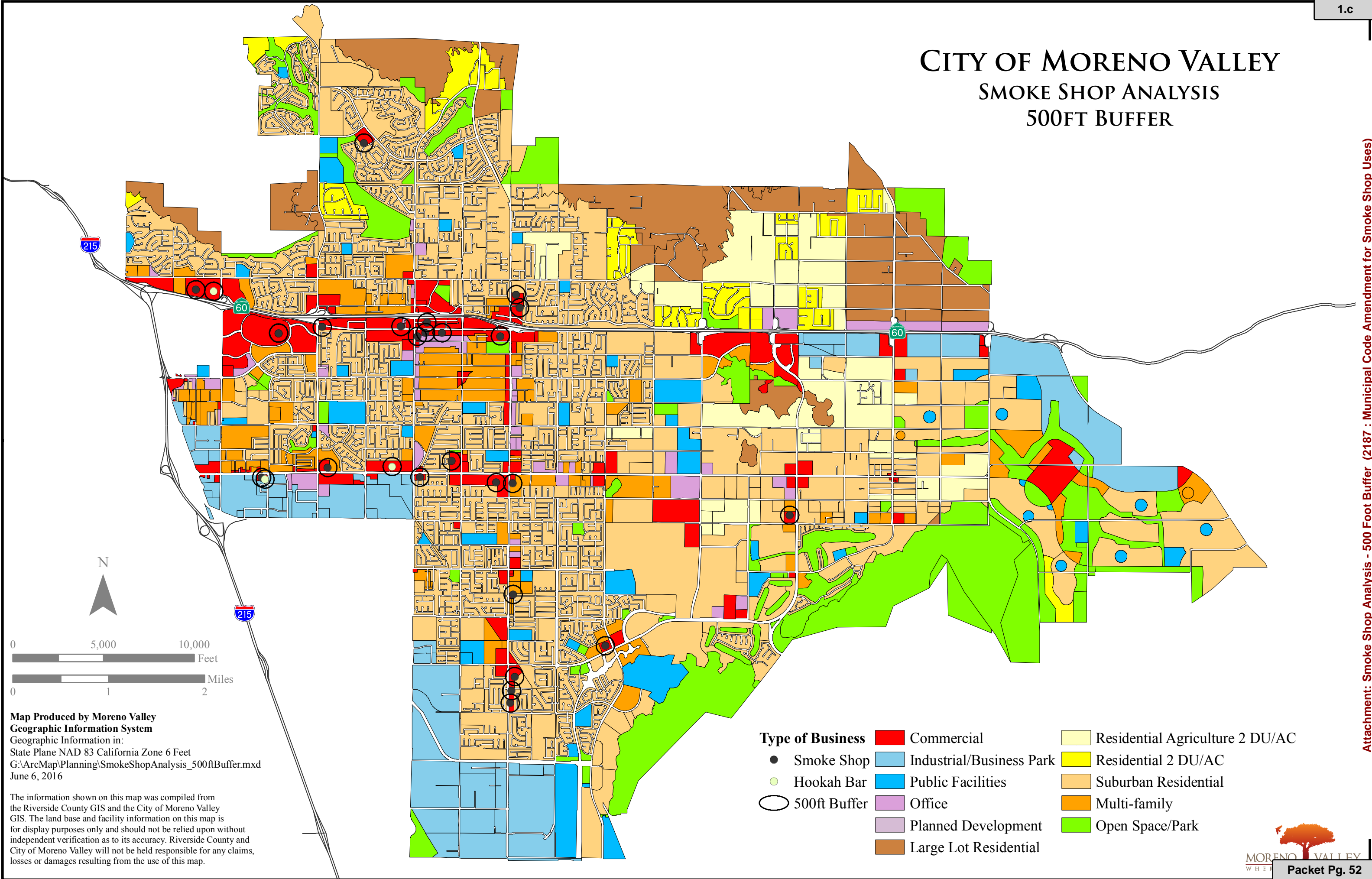
- (9) In the MUC and MUN districts, mixed use (commercial uses on first floor with office uses or residential uses on upper floors) are (a) required to on lots at street intersections and within 150 feet in any direction from a street intersection, as measured from the corner formed by the lot's property lines, and (b) are allowed, but not required on the other lots.
- (10) See Section 9.07.40 (Medical Use Overlay District)
- (11) See Section 9.09.260 (Mixed Use Development)
- (12) See Section 9.09.250 (Live-Work Development)
- (13) See Section 9.09.270 (Outdoor Dining)
- (14) Use is also permitted in the Moreno Valley Industrial Area Plan (SP 208)
- (15) For Spa Facilities refer to Title 11, Chapter 11.96 of the Municipal Code.
- (16) See Section 9.09.280 (Smoke Shops)

Permitted Uses Table 9.02.020-1

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	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUI (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS

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

CITY OF MORENO VALLEY SMOKE SHOP ANALYSIS 500FT BUFFER



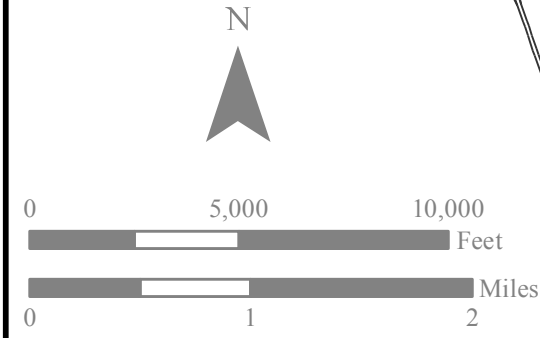
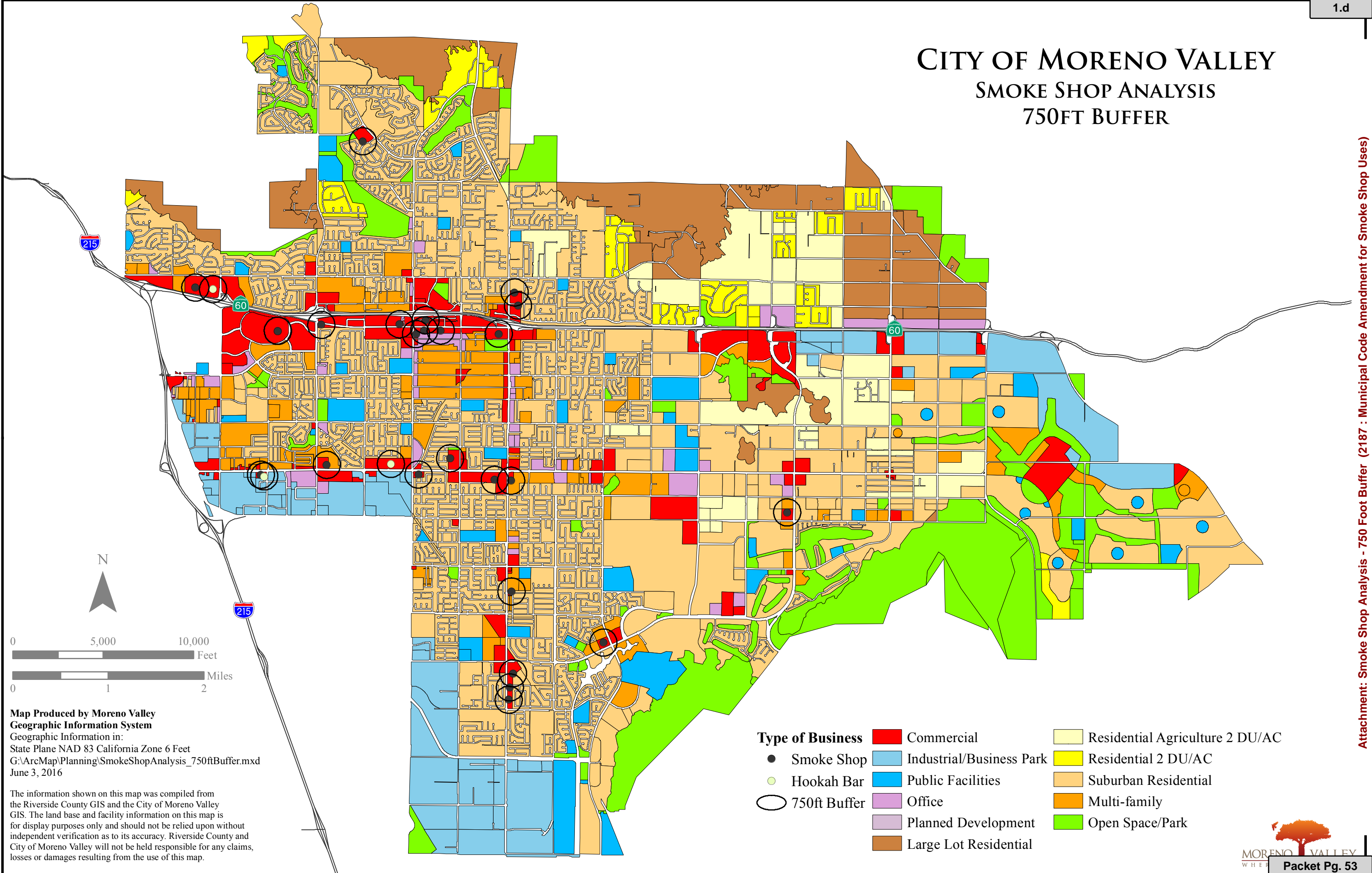
Map Produced by Moreno Valley Geographic Information System
 Geographic Information in:
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 June 6, 2016

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

- | | | |
|---|--|--|
| Type of Business | ■ Commercial | ■ Residential Agriculture 2 DU/AC |
| ● Smoke Shop | ■ Industrial/Business Park | ■ Residential 2 DU/AC |
| ● Hookah Bar | ■ Public Facilities | ■ Suburban Residential |
| 500ft Buffer | ■ Office | ■ Multi-family |
| | ■ Planned Development | ■ Open Space/Park |
| | ■ Large Lot Residential | |

Attachment: Smoke Shop Analysis - 500 Foot Buffer (2187 : Municipal Code Amendment for Smoke Shop Uses)

CITY OF MORENO VALLEY SMOKE SHOP ANALYSIS 750FT BUFFER



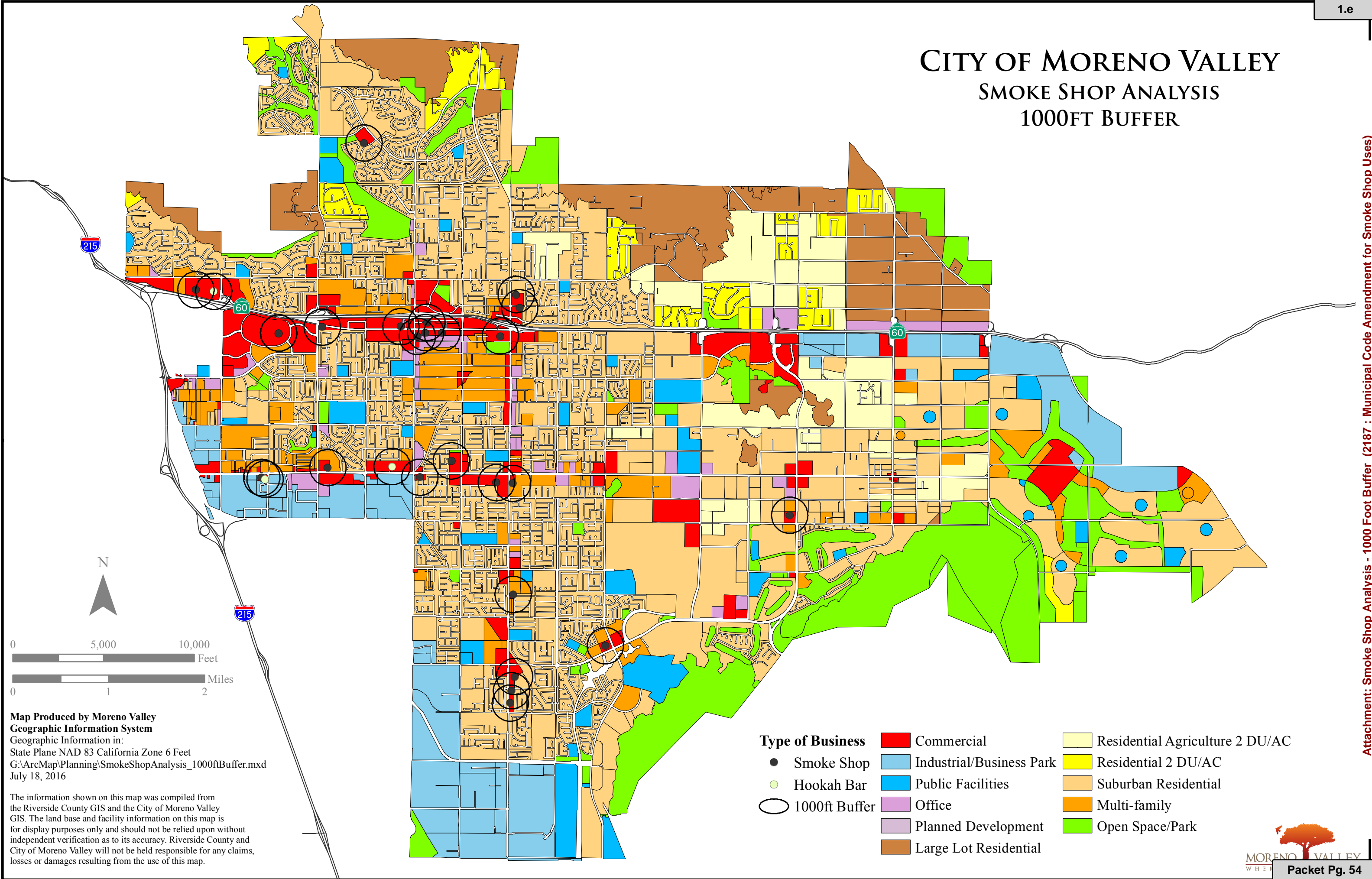
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 June 3, 2016

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- | | | |
|-------------------------|--|---|
| Type of Business | ■ Commercial | ■ Residential Agriculture 2 DU/AC |
| ● Smoke Shop | ■ Industrial/Business Park | ■ Residential 2 DU/AC |
| ○ Hookah Bar | ■ Public Facilities | ■ Suburban Residential |
| ○ 750ft Buffer | ■ Office | ■ Multi-family |
| | ■ Planned Development | ■ Open Space/Park |
| | ■ Large Lot Residential | |

Attachment: Smoke Shop Analysis - 750 Foot Buffer (2187 : Municipal Code Amendment for Smoke Shop Uses)

CITY OF MORENO VALLEY SMOKE SHOP ANALYSIS 1000FT BUFFER



Map Produced by Moreno Valley Geographic Information System
 Geographic Information in:
 State Plane NAD 83 California Zone 6 Feet
 G:\ArcMap\Planning\SmokeShopAnalysis_1000ftBuffer.mxd
 July 18, 2016

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- | | | |
|-------------------------|--|--|
| Type of Business | ■ Commercial | ■ Residential Agriculture 2 DU/AC |
| ● Smoke Shop | ■ Industrial/Business Park | ■ Residential 2 DU/AC |
| ○ Hookah Bar | ■ Public Facilities | ■ Suburban Residential |
| ○ 1000ft Buffer | ■ Office | ■ Multi-family |
| | ■ Planned Development | ■ Open Space/Park |
| | ■ Large Lot Residential | |

Attachment: Smoke Shop Analysis - 1000 Foot Buffer (2187 : Municipal Code Amendment for Smoke Shop Uses)