

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



21.2

(MT 15570)

10:00 a.m. being the time set for public hearing on the recommendation from Transportation and Land Management Agency/Planning regarding the Public Hearing on Conditional Use Permit No. 190033, Adopt Ordinance No. 664.82 and Development Agreement No. 1900021 – CEQA EXEMPT – Applicant: Catalyst Hemet, LLC – Third Supervisorial District – Ramona Area – San Jacinto Area Plan: Commercial Retail: (CR) (0.20 – 0.35 FAR) – Location: south of East Florida Avenue/SH-74 and east of Columbia Street – 0.67 Acres – Zoning: Scenic Highway Commercial (C-P-S) – REQUEST: Development Agreement No. 1900021 is associated with the proposed Conditional Use Permit and grants the applicant vesting rights to develop the Project in accordance with the terms of Development Agreement No. 1900021 and Conditional Use Permit No. 190033. The Development Agreement will provide community benefits to the San Jacinto Valley Area and has a term of 10 years. Conditional Use Permit No. 190033 is a proposal to utilize an existing building to establish and operate a 4,080 square foot cannabis retail facility with delivery on an 0.67-acre lot with parking and landscaping. – APN: 438-230-042, District 3.

On motion of Supervisor Washington, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is continued to Tuesday, August 24, 2021, at 10:00 a.m. or as soon as possible thereafter.

Roll Call:

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on August 17, 2021 of Supervisors Minutes.

(seal)

WITNESS my hand and the seal of the Board of Supervisors
Dated: August 17, 2021
Kecia R. Harper, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By: [Signature] Deputy

AGENDA NO.
21.2

xc: Planning, COB



RIVERSIDE COUNTY
PLANNING DEPARTMENT

John Hildebrand
Planning Director

WP 190033
DA 1900021

Hearing Date: August 17, 2021

To: Clerk of the Board of Supervisors

From: Planning Department – Riverside (Planner: Russell Brady)

MinuteTraq #: 15570

Project Description:

TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: Public Hearing on Conditional Use Permit No. 190033, Adopt Ordinance No. 664.82 and Development Agreement No. 1900021 – CEQA EXEMPT – Applicant: Catalyst Hemet, LLC – Third Supervisorial District – Ramona Area – San Jacinto Area Plan: Commercial Retail: (CR) (0.20 – 0.35 FAR) – Location: south of East Florida Avenue/SH-74 and east of Columbia Street – 0.67 Acres – Zoning: Scenic Highway Commercial (C-P-S) – REQUEST: Development Agreement No. 1900021 is associated with the proposed Conditional Use Permit and grants the applicant vesting rights to develop the Project in accordance with the terms of Development Agreement No. 1900021 and Conditional Use Permit No. 190033. The Development Agreement will provide community benefits to the San Jacinto Valley Area and has a term of 10 years. Conditional Use Permit No. 190033 is a proposal to utilize an existing building to establish and operate a 4,080 square foot cannabis retail facility with delivery on an 0.67-acre lot with parking and landscaping. – APN: 438-230-042. District 3

The attached item(s) require the following action(s) by the Board of Supervisors:

- Place on Administrative Action
 - Receive & File
 - EOT
- Labels provided If Set For Hearing
 - 10 Day 20 Day 30 day
- Place on Consent Calendar
- Place on Policy Calendar (Resolutions; Ordinances; PNC)
- Place on Section Initiation Proceeding (GPIP)
- Set for Hearing (Legislative Action Required; CZ, GPA, SP, SPA)
- Publish in Newspaper: (3rd Dist) Press Enterprise
- CEQA Exempt
 - 10 Day 20 Day 30 day
- Notify Property Owners (app/agencies/property owner labels provided)

Designate Newspaper used by Planning Department for Notice of Hearing:
(3rd Dist) Press Enterprise

RECEIVED RIVERSIDE COUNTY
CLERK/BOARD OF SUPERVISORS
2021 AUG - 2 PM 3: 17

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 77-588 Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7040

"Planning Our Future... Preserving Our Past"

Planning 8/17/21 Item 21-2

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM:
(ID # 15570)

MEETING DATE:
Tuesday, August 17, 2021

FROM : TLMA-PLANNING:

SUBJECT: TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: Public Hearing on Conditional Use Permit No. 190033, Adopt Ordinance No. 664.82 and Development Agreement No. 1900021 – CEQA EXEMPT – Applicant: Catalyst Hemet, LLC – Third Supervisorial District – Ramona Area – San Jacinto Area Plan: Commercial Retail: (CR) (0.20 – 0.35 FAR) – Location: south of East Florida Avenue/SH-74 and east of Columbia Street – 0.67 Acres – Zoning: Scenic Highway Commercial (C-P-S) – REQUEST: Development Agreement No. 1900021 is associated with the proposed Conditional Use Permit and grants the applicant vesting rights to develop the Project in accordance with the terms of Development Agreement No. 1900021 and Conditional Use Permit No. 190033. The Development Agreement will provide community benefits to the San Jacinto Valley Area and has a term of 10 years. Conditional Use Permit No. 190033 is a proposal to utilize an existing building to establish and operate a 4,080 square foot cannabis retail facility with delivery on an 0.67-acre lot with parking and landscaping. – APN: 438-230-042. District 3 [100% Applicant Funds]

RECOMMENDED MOTION: That the Board of Supervisors:

1. **FIND** that the project is **EXEMPT** from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061 (b) (3) (Common Sense), Section 15301 (Existing Facilities), and Section 15303 (New Construction or Conversion of Small Structures) based on the findings and conclusions in the staff report;
2. **APPROVE Conditional Use Permit No. 190033**, subject to the attached Advisory Notification Document, Conditions of Approval, and based upon the findings and conclusions provided in this staff report, subject to adoption of Ordinance No. 664.82; and
3. **INTRODUCE, READ TITLE and WAIVE FURTHER READING OF, and ADOPT** on successive weeks **ORDINANCE NO. 664.82** an ordinance of the County of Riverside approving Development Agreement No. 1900021, based upon the findings in the staff report.

ACTION:

MINUTES OF THE BOARD OF SUPERVISORS

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
SOURCE OF FUNDS: Applicant Funded 100%			Budget Adjustment:	No
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: [CEO use]

BACKGROUND:

Project Details

The proposed project will occupy an approximately 4,080 square-foot tenant space to be used as a storefront for a retail cannabis business within an existing building on a 0.67 acre lot with parking and landscaping. The project includes thirty seven (37) off-street parking spaces which consists of thirty four (34) standard parking spaces, and three (3) accessible parking spaces, exceeding the off-street requirement for retail cannabis at 1 stall per 200 square-feet that requires a minimum of twenty one (21) parking spaces pursuant to Ordinance No. 348 Section 18.12. The site also includes a trash enclosure at the southeast corner of the property. Furthermore, landscaping and internal walkways are existing throughout the site. The property is accessed from Columbia Street and Florida Avenue/SH-74.

The existing structure is a single story 9,505 square foot commercial building with multiple tenant spaces in it. The structure has a flat roof with stucco siding, stone veneer finish and glass doors and windows.

The interior of the proposed suite area consists of areas for retail sales, reception and waiting area, and other spaces that include restrooms, break room, and storage area.

The business will operate between the hours of 6am to 10pm daily in accordance with the County of Riverside Ordinance No. 348 Section 19.505 (I). Deliveries will operate daily during normal business hours, seven days per week.

As part of the approval process for cannabis retail facilities, a development agreement between the County of Riverside and the applicant was applied for under Development Agreement No. 1900021 ("DA1900021").

General Plan Consistency

The project site has a General Plan Foundation Component of Community Development (CD) and Land Use Designation of Commercial Retail (CR). The Community Development General

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

Plan Foundation Component depicts areas where urban and suburban development is appropriate. It is the intent of this General Plan Foundation Component to provide a breadth of land uses that foster variety and choice, accommodate a range of life styles, living and working conditions, and accommodate diverse community settings. The goal is to accommodate a balance of jobs, housing, and services within communities to help achieve other aspects of the RCIP Vision, such as mobility, open space, and air quality goals.

The Commercial Retail (CR) land use designation provides for the emphasis on general uses such as grocery stores, drug stores, and other retail outlets at a neighborhood, community, and regional level. The project is consistent with the Community Development General Plan Foundation Component and Commercial Retail Land Use Designation as it would provide retail, community services and job opportunities within the surrounding community.

Zoning Consistency

The project site is currently zoned Scenic Highway Commercial (C-P-S). Pursuant to Ordinance No. 348, Article XIXh, Section 19.518, Cannabis Retailers are allowed in the C-P-S Zone with an approved conditional use permit. The applicant has submitted this CUP application to ensure compliance with all applicable development standards and regulations. As further described in the findings section, the project meets all the applicable development standards for the C-P-S Zone and those set forth in Section 19.519 of Ordinance No. 348, including design, height, setbacks, and parking requirements.

The project site includes a proposed landscape plan in accordance with the County of Riverside Ordinance No. 348 and Ordinance No. 859.

Development Agreement

The applicant has proposed entering into the attached Development Agreement No. 1900021 (DA) with the County for the Project. The DA is consistent with the General Plan and with Board Policy B-9. Additionally, the Advisory Notification Document, Conditions of Approval, and entitlement approvals are incorporated in the exhibits of the DA and will ensure that the Project is developed in a way that would not conflict with the public's health, safety, or general welfare. The DA has a term of 10 years (with the option for a 5-year extension subject to mutual approval) and will grant the applicant vesting rights to develop the Project in accordance with the terms of the DA. In exchange, the DA provides certain public benefits that go beyond the basic requirements of the County including annual public benefit payments, which will be used for additional public safety services, infrastructure improvements or community enhancement programs.

Development Agreement No. 1900021 requires the applicant to make the following payments:

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

- 1) An initial deposit-based fee of \$5,000 for annual inspections and the administration of the development agreement program.
- 2) A baseline Public Benefits payment of \$73,440.00, which will be increased 2% per year. The baseline payment amount shall be allocated 45% to the Code Enforcement Department, and the remaining 55% will be transferred to the Executive Office for deposit into the General Fund, to be allocated as part of the annual budget process and generally spent on cannabis regulatory activity performed by the District Attorney's Cannabis Regulation Task Force, the Sheriff's Office, Public Health, County Counsel, and the Agricultural Commissioner's office. The percentages above are based on the expected regulatory costs that were used to establish the baseline Public Benefits fee, as approved by the Board on January 29, 2019. The Code Enforcement Department will serve as the main regulatory arm of the County in monitoring that the businesses will comply with their conditions of approval and respond to public concerns.
- 3) An annual Additional Public Benefit payment of \$165,000.00, which will increase 3% per year for the initial 5 years of the DA and then 4% for the remaining term of the DA. This payment shall be held by TLMA in an account specifically for the Winchester area, to be allocated by the Board of Supervisors to projects and services that benefit the community.

Per state law, a development agreement is a legislative act that must be approved by ordinance. Proposed Ordinance No. 664.82, an Ordinance of the County of Riverside Approving Development Agreement No. 1900021, incorporates by reference DA No. 1900021 consistent with Government Code section 65867.5.

Development Agreement No. 1900021 and Conditional Use Permit No. 190033 were submitted to the County of Riverside on October 15, 2019.

Planning Commission

The Conditional Use Permit and Development Agreement went to public hearing for the Planning Commission on April 7, 2021. At that hearing, concerns were noted regarding the height of the wall along the southern boundary to deter people from climbing over the wall onto the adjacent property to the site. The Planning Commission directed the applicant and staff to include a condition of approval and update plans as appropriate for a minimum height of six feet. The applicant has updated the project plans and a condition of approval is in the attachments that reflect this request from the Planning Commission.

On April 7, 2021, the Planning Commission voted 4-0 (Commissioner Leonard recused himself) in favor of recommending approval to the Board of Supervisors.

Impact on Residents and Businesses

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

The impacts of this project have been evaluated through the environmental review and public hearing process by the Planning Department and at the Planning Commission Hearing.

SUPPLEMENTAL:

Additional Fiscal Information

All fees are paid by the applicant; there is no General Fund obligation.

ATTACHMENTS:

- A. **PLANNING COMMISSION MINUTES**
- B. **PLANNING COMMISSION MEMO**
- C. **PLANNING COMMISSION STAFF REPORT**
- D. **ORDINANCE NO. 664.82**
- E. **DEVELOPMENT AGREEMENT NO. 1900021**

PROPERTY OWNERS CERTIFICATION FORM

I, VINNIE NGUYEN certify that on February 25, 2021

The attached property owners list was prepared by Riverside County GIS,

APN (s) or case numbers CUP190033 for

Company or Individual's Name RCIT - GIS,

Distance buffered 600'

Pursuant to application requirements furnished by the Riverside County Planning Department. Said list is a complete and true compilation of the owners of the subject property and all other property owners within 600 feet of the property involved, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum notification area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the project is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information filed is true and correct to the best of my knowledge. I understand that incorrect or incomplete information may be grounds for rejection or denial of the application.

TITLE: GIS Analyst

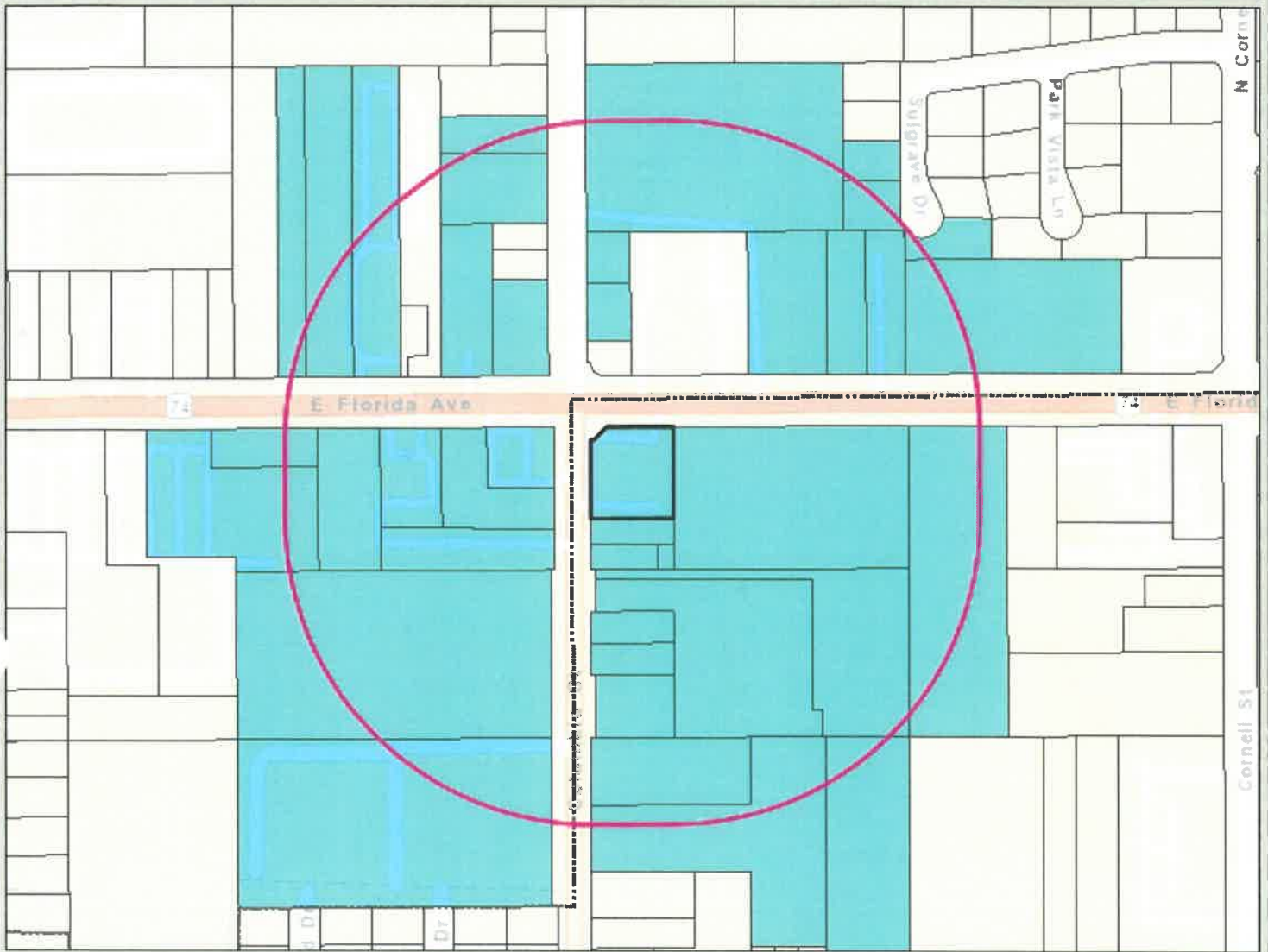
ADDRESS: 4080 Lemon Street 9TH Floor

Riverside, Ca. 92502

TELEPHONE NUMBER (8 a.m. – 5 p.m.): (951) 955-8158

Riverside County GIS Mailing Labels

CUP190033 (600 feet buffer)



Legend

-  County Boundary
-  Cities
-  Parcels
-  World Street Map

Notes



0 376



752 Feet

IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON... 2/24/2021 10:51:23 AM

© Riverside County RCIT

Planning 8/17/21 Item 21-2

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON A CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT IN THE SAN JACINTO AREA PLAN, THIRD SUPERVISORIAL DISTRICT.

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, August 17, 2021 at 10:00 A.M.** or as soon as possible thereafter, to consider the Planning Department's recommended approval of **Conditional Use Permit No. 190033 (CUP190033) and Development Agreement No. 1900021**. The Conditional Use Permit proposes to utilize an existing building to establish and operate a 4,080 square foot cannabis retail facility with delivery on an 0.67-acre lot with parking and landscaping. Development Agreement No. 1900021 is associated with the proposed Conditional Use Permit and grants the applicant vesting rights to develop the Project in accordance with the terms of Development Agreement No. 1900021 and Conditional Use Permit No. 190033. The Development Agreement will provide community benefits to the San Jacinto Valley Area and has a term of 10 years. The project is located south of East Florida Avenue/SH-74 and east of Columbia Street in the Third Supervisorial District.

The Planning Commission recommends that the Board of Supervisors find that the project is **EXEMPT** from the California Environmental Quality Act (CEQA); approve **Conditional Use Permit No. 190033**; introduce, read title, and waive further reading of, and adopt on successive weeks **Ordinance No. 664.82** approving **DA1900021**.

The project case file may be viewed from the date of this notice until the public hearing, Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Riverside County Planning Department at 4080 Lemon Street, 12th Floor, Riverside, California 92501.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT RUSSELL BRADY, PRICIPAL PLANNER, AT (951) 955-3025 OR EMAIL RBRADY@RIVCO.ORG.

Any person wishing to testify in support of or in opposition to the project may do so in writing between the date of this notice and the public hearing or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the project.

If you challenge the above item 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 to the Planning Commission or Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the project and/or the related environmental document. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the project, may be changed in a way other than specifically proposed.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact the Clerk of the Board at (951) 955-1069, at least 72 hours prior to hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147.

Dated: August 7, 2021

Kecia Harper, Clerk of the Board
By: Zuly Martinez, Board Assistant

planning 8/17/21 item 21.2

STATE OF CALIFORNIA - THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
ENVIRONMENTAL FILING FEE CASH RECEIPT

CLERK / BOARD OF SUPERVISORS
2021 SEP -8 PM 12:02

Receipt #: 21-384156

State Clearinghouse # (if applicable): _____

Lead Agency: CLERK OF THE BOARD OF SUPERVISORS Date: 08/10/2021

County Agency of Filing: RIVERSIDE Document No: E-202100815

Project Title: CUP NO. 190033 AND DA NO. 1900021

Project Applicant Name: CLERK OF THE BOARD OF SUPERVISORS Phone Number: (951) 955-3025

Project Applicant Address: 4080 LEMON STREET, 1ST FLOOR, ROOM 127, RIVERSIDE, CA 92501

Project Applicant: LOCAL PUBLIC AGENCY

CHECK APPLICABLE FEES:

- Environmental Impact Report _____
- Negative Declaration _____
- Application Fee Water Diversion (State Water Resources Control Board Only) _____
- Project Subject to Certified Regulatory Programs _____
- County Administration Fee _____ \$0.00
 - Project that is exempt from fees (DFG No Effect Determination (Form Attached))
 - Project that is exempt from fees (Notice of Exemption)

Total Received _____ **\$0.00**

Signature and title of person receiving payment: James B. Zimmerman Deputy

Notes:

8/17/21 21.2
2022-2-151332



Lead Agency: Clerk of the Board of Supervisors
ATTN: Russell Brady
Address: 4080 Lemon Street, 1st Floor, Room 127
Riverside, CA 92501

FILED / POSTED

County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder

E-202100815
08/10/2021 10:09 AM Fee: \$ 0.00
Page 1 of 2

Removed *9/1/21* By: *Liz Sampe* Deputy



(SPACE FOR CLERK'S USE)

Project Title

CONDITIONAL USE PERMIT NO. 190033 AND
DEVELOPMENT AGREEMENT NO. 1900021

Filing Type

- Environmental Impact Report
- Mitigated/Negative Declaration
- Notice of Exemption
- Other: NOTICE OF PUBLIC HEARING ON A CONDITIONAL
USE PERMIT AND DEVELOPMENT AGREEMENT

Notes

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON A CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT IN THE SAN JACINTO AREA PLAN, THIRD SUPERVISORIAL DISTRICT.

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Dated: August 7, 2021

Kecia Harper, Clerk of the Board
By: Zuly Martinez, Board Assistant