

**RESOLUTION NO. (Next in order)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT 19-05083, AS CONDITIONED, LOCATED AT THE 511 4<sup>TH</sup> STREET AT THE CORNER OF 4<sup>TH</sup> STREET AND WILKERSON AVENUE.**

**WHEREAS**, on June 19, 2019, the Planning Commission conducted a duly noticed public hearing on the project and adopted Planning Commission Resolution 19-14, approving Conditional Use Permit 19-05083 to allow the sale of beer, wine, and distilled spirits, with conditions of approval; and

**WHEREAS**, on June 27, 2019, the Project applicant filed an Appeal of the Planning Commission's approval to request the removal of conditions of approval 6d and 6e to allow the sale of individual bottles of beer and wine in bottles of any size; and

**WHEREAS**, a duly noticed public hearing was held on July 30, 2019, by the City Council, at which time all interested persons were given full opportunity to be heard and to present evidence in regards to conditions of approval 6d and 6e; and

**WHEREAS**, at the duly noticed public hearing on July 30, 2019, the City Council considered all written and oral evidence and testimony, including but not limited to testimony from members of the public and written and oral reports by City staff.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.** The above recitals are all true and correct and incorporated herein by this reference.

**Section 2.** The City Council hereby uphold Planning Commission's approval of CUP 19-05083, as conditioned, leaving in place all of the conditions of approval imposed through Planning Commission Resolution No. 19-14.

**Section 3.** Planning Commission Resolution No. 19-14 remains in full force and effect.

**Section 4.** The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words of this Resolution shall remain in full force and effect.

**Section 9.** The Mayor shall sign this Resolution and the City Clerk shall certify to the passage and adoption of this Resolution.

ADOPTED, SIGNED, and APPROVED this 30<sup>th</sup> day of July 2019.

\_\_\_\_\_  
Mayor, Michael M. Vargas

ATTEST:

\_\_\_\_\_  
City Clerk, Nancy Salazar

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE   ) §  
CITY OF PERRIS            )

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Resolution Number (Next in order) was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held on the 30<sup>th</sup> day of July 2019, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
City Clerk, Nancy Salazar



**CITY OF PERRIS  
POLICE DEPARTMENT  
MEMORANDUM**

**DATE:** July 15, 2019

**TO:** Planning Department  
Attention: Kenneth Phung

**FROM:** Deputy Donnis Crawford  
(951) 210-1132

**SUBJECT:** CUP/ PCN 19-050083

The police department has reviewed the transmitted documents regarding CUP 19-05-05083. The police department requests that the CUP contain a condition that the applicant install video surveillance with appropriate digital video recording capability for the interior and exterior parking areas of the business.

A review of calls for service at the location from January 1, 2018 to July 1, 2019, found that there was not an unusual or problematic use of police services at the location. I also approve the sale of single cans of beer (instead of a minimum 3-pack) and to sell wine in smaller quantities than 750 ml. and/or smaller than a 4-pack of wine coolers cans of beer.



Received 7.18.19

**City Council Chambers  
101 North "D" Street  
Perris, California**

To whom it may concern:

My name is Ike Mephors, and I am the current operator of California Mini Mart located at 511 E. 4<sup>th</sup> Street in Perris, CA 92570. I have responsibly operated this Mini Mart with a Type 20 ABC Liquor License for beer and wine for off-site consumption since July 27<sup>th</sup>1999 (ABC License Number 352642), the site itself has operated with a TYPE 20 ABC Liquor License through a different tenant since December 3<sup>rd</sup> of 1994 (ABC License Number 292475).

I recently received an approval from The City of Perris for an upgrade in Liquor License from a Type 20 to a Type 21 (full line of alcohol for off-site consumption). The reason for my letter is for the council to re-consider the following conditions / operational requirements as stated on **CUP 19-05083 & PCN 19-05084**:

**6d. No beer may be sold in single containers. Beer shall be sold in quantities of 3-pack or greater. Wine or wine coolers shall be sold in quantities of 4-pack or greater.**

**6e. Sale of wine shall not be in containers less than 750 ml.**

Given the demographics of the City of Perris and our market share and our precarious location outside the homes and neighborhoods, we cannot survive the impact of removal of single serve in the shop.

We are constantly struggling for our market share between the two giants, namely 7 Eleven and Rio Ranch Market. Packages are only sold in the weekends for parties and special events only, most likely due to income demographics.

Most people cannot afford to buy packages every time and every day because of financial constraints.

We are nowhere near any homes or apartments as to supply a steady stream of customers for packages.

Single serve of beer and wine holds a critical 25% of our daily sales. This is critical because it has better margin than the packages. Single serve draws in more foot traffic that sustains the



business than the packages.

The only competitive advantage we have with our Giant neighbors is the single serve and therefore taking away that aspect leaves us no chances to compete and survive.

On the other hand, Liquor from our own prospective should be an addition not a subtraction to the business. Liquor sustains the business especially in the winter months when it is very cold, beer sales drop and package sales drop to a freezing point.

Liquor at the onset may not contribute anything significantly, it may take 2-3 years before the impact would be felt. Even at that we would be happy if it can contribute up to 5% to 10% of our daily sales maximum.

From all indications a type 21 Liquor License should be an addition to the business and to the public convenience and necessity, but removing the single serve impacts the business negatively to the point of survival. It can be challenging given my precarious location and challenging neighbors.

It will add 5% to 10% of maximum profits but it will take away much more from the business. From these and other factors you can see that it is absolutely necessary to have both single serve and the liquor to fulfill the objectives of the business and that of the city.

Furthermore, we been the best Ambassador of the city for the last 20 years. We represent the good people of Perris to the world. We meet people from different parts of the globe Skydiving, Motocross, Investors etc. asking questions about the City of Perris. Anything from free directions to the safety of the city. Just as the saying goes, there is no better ad than a good word of mouth.

Unity in diversity have been the strength of the city because of the multicultural people of the city.

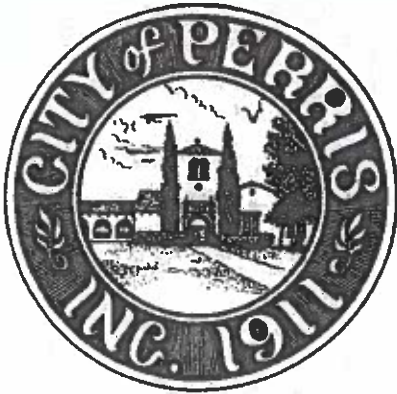
We are the prime testament of this attribute of the city for the last 20 years.

On behalf of my family we choose this medium to thank the City Council and the Mayor for the great job they are rendering to the people of this great city.

Yours Truly,

**IKE MEPHORS, - ABILITY INVESTMENT, INC.**

[www.LiquorLicenseAgents.com](http://www.LiquorLicenseAgents.com)  
1055 W 7th St 33<sup>rd</sup> FL #326 Los Angeles, CA 90017  
(O) 800-799-9081 (F) 800-604-0108



# CITY OF PERRIS

**PERRIS POLICE DEPARTMENT**

403 East 4th Street  
PERRIS, CALIFORNIA 92570  
TEL: (909) 940-6200  
FAX: (909) 940-6220

March 26, 2003

California Mini Mart  
511 East 4<sup>th</sup> Street  
Perris, California 92570

RE: Report number PER03037050, videotape taken as evidence

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Dear Business Owner:

Recently, you released a videotape to our agency that contained images of a crime occurring at your business. This tape has been reviewed and analyzed. As a result of your video surveillance system, a suspect was identified for the crime.

We at the Perris Police Department would like to thank you for your cooperation and assistance in helping us solve this case. We encourage you to continue using your system in the future.

Sincerely,

Guy Kestell  
Chief of Police

ATTACHMENT 4

## DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL



Date: May 30, 2014

California Mini Mart

511 E. 4<sup>th</sup> Street Ste. A

Perris, CA 92570

Re: License #352642

Dear Licensee,

On May 30, 2014, the Riverside County Sheriff Department conducted a minor decoy operation at various licensed establishments in your city. A decoy, under the age of 21, was sent into your establishment in an attempt to purchase alcoholic beverages. Your business was successful in preventing this activity. Thank you for a job well done.

Sincerely,

Deputy B. Recksiek #4224

Law Enforcement Official/District Administrator

*Distribution:*

*White* \_\_\_ mailed to licensee; or \_\_\_ left copy at premises. *Pink* to file. *Canary* to PD.



COUNTY OF RIVERSIDE  
DEPARTMENT OF ENVIRONMENTAL HEALTH

Steve Van Stockum, Director

August 12, 2014

Ability Investment Inc.  
California Mini Mart  
P.O. Box 1338  
Moreno Valley, CA 92556

Dear Merchant:

**Congratulations!**

On July 31, 2014, the County of Riverside, Department of Environmental Health, Retail Tobacco Program conducted a *Youth Decoy Operation* at your business located at 511 E. 4<sup>th</sup> St., Perris, CA 92570 and you **SUCCESSFULLY PASSED!**

Responsible tobacco merchants are a part of our business community and your effort to help us keep tobacco products out of the hands of our youth is appreciated.

We will regularly use Youth Decoy Operations as a tool to identify merchants who sell tobacco to minors.

Please share with your employee(s), whom performed correctly during the Youth Decoy Operation that they did a great job asking for I.D. and complying with the standard procedures as outlined by the STAKE ACT and Riverside County Ordinance 838.

Keep up the good work! By working together we can make a difference.

Sincerely,



Keith Jones, REHS, MBA  
Deputy Director  
Riverside County Environmental Health  
Retail Tobacco Program

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Office Locations • Blythe • Corona • Hemet • Indio • Murrieta • Palm Springs • Riverside •

Phone: (888)722-4234

[www.rivcoeh.org](http://www.rivcoeh.org)



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# CITY OF PERRIS

## PLANNING COMMISSION

### AGENDA SUBMITTAL

**MEETING DATE:**

June 19, 2019

**SUBJECT:**

**Conditional Use Permit (CUP) 19-05083, and Letter of Public Convenience and Necessity (PCN) 19-05084 – Request for a CUP and PCN to upgrade an existing type 20 liquor license (beer and wine) to a type 21 liquor license (general alcohol) which allows for the sale of all types of liquor at an existing mini-mart at 511 E. 4th Street suite "A." Applicant: Ike Mephors, Ability Investment Inc.**

**REQUESTED ACTION:**

**ADOPT Resolution No. 19-14 finding the project is exempt from CEQA pursuant to Section 15301(a) under a Class 1, Existing Facilities, and approving Conditional Use Permit 19-05083 and Public Convenience or Necessity 19-05084 to allow the sale of distilled spirits in addition to beer and wine at 511 E. 4<sup>th</sup> Street, based on the findings contained in the Resolution and subject to the Conditions of Approval.**

**CONTACT:**

Dr. Grace Williams, Director of Planning and Economic Development 

**BACKGROUND/DISCUSSION:**

The Applicant, *Ability Investment Inc. (Doing Business As: California Mini Mart)*, is applying for a Conditional Use Permit to upgrade their existing type 20 Alcohol Beverage Control (ABC) liquor license (beer and wine) to a type 21 ABC liquor license (beer, wine and distilled spirits) to allow the sale and dispensing of distilled spirits in addition to beer and wine for off-site consumption in conjunction with their 2,497 square feet existing mini-mart located at 551 E. 4<sup>th</sup> Street. The applicant has operated with a type 20 liquor license for beer and wine at the premise since July 27, 1999 (ABC License Number 352642). Under a different tenant, the site has operated with a type 20 liquor license since December 3, 1994 (ABC License Number 292475). The reason for a request to upgrade from a type 20 to a type 21 liquor license is that the applicant won a type 21 liquor license in the California Department of Alcoholic Beverage Control's priority drawing Lottery.

A letter of Public Convenience or Necessity (PCN) is necessary due to an over-concentration of alcohol licenses within the project's census tract. According to the State Department of ABC, only two off-site licenses are allowed in the census tract where the project is located, where there are currently six licenses. Therefore, a Public Convenience or Necessity (PCN) letter is required for the over-concentration of off-site sale of beer and wine, and distilled spirits within this part of the City. Staff supports the proposed upgrade to type 21 ABC liquor license as being in the interest of Public Convenience or Necessity as it will: (1) not increase the number of establishments selling alcohol within the census tract, (2) the site is not located near sensitive uses -- i.e. parks, schools, and churches, (3) the applicant will limit alcohol sales to no more than 5% of the floor area, and (4) the operation is not anticipated to create a public health and safety concern for the City.

As of the writing of this report, no comments in opposition have been received from the neighboring property owners. In addition, the Sheriff Department has no objection to this proposal other than requesting a condition that the applicant installs video surveillance with appropriate digital video recording capability for the interior and exterior parking areas of the business. The request has been incorporated into the

Conditions of Approval. Detailed project information is provided in the attached staff report and conditions of approval.

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**BUDGET (or FISCAL) IMPACT:** Cost for staff preparation of this item, cost of construction and payment of impact fees are covered by the applicant.

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Prepared by: Cathy Perring, Consultant Planner  
Reviewed by: Kenneth Phung, Planning Manager

Attachments: Exhibit A – Police Response 5-8-19  
Exhibit B - Conditions of Approval (Planning, Police)  
Exhibit C – Aerial Map of Site  
Exhibit D – ABC Census Tract Map  
Exhibit E – ABC Census Tract alcohol list  
Exhibit F - Convenience Store Floor Plan  
Exhibit G - Planning Resolution 19-14

Public Hearing: June 19, 2019

**CITY OF PERRIS  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION**

**PROJECT REPORT**

**CASE NUMBER:** Conditional Use Permit 19-05083 (CUP) and a Letter of Public Convenience or Necessity 19-05084 (PCN)

**Environmental Determination:** The project is exempt from CEQA pursuant to Guidelines Section 15301(a) under a Class 1, Existing Facilities, because the permit deals with the operation and minor alteration of an existing private structure currently operating as a mini-mart, the same use as proposed.

**Date:** June 19, 2019 - Planning Commission

**Project Planner:** Cathy Perring, Consultant Planner

**Applicant:** Ike Mephors, Ability Investment Inc.  
P.O. Box 1338  
Moreno Valley, CA 92556

**Owner:** George L. Hanes, President  
Haines Investments Properties, LLC  
20331 Via Guadalupe  
Yorba Linda, CA 92887

**Location:** 511 E. 4<sup>th</sup> Street, southwest corner of E. 4<sup>th</sup> Street and Wilkerson Ave.

**PROJECT DESCRIPTION:** The CUP is to upgrade an existing type 20 liquor license (beer and wine) to a type 21 liquor license (general alcohol) which allows for the sale of all types of liquor at an existing mini-mart at 511 E. 4th Street suite "A." The Public Convenience or Necessity (PCN) is for the over-concentration of off-site sale of alcohol.

**Acreage:** Total of 0.57 acres  
APN: 310-082-023

**Related Cases:** N/A

**ZONING AND LAND USE:**

Existing Zoning: Downtown Specific Plan (DTSP)/4<sup>th</sup> St. Gateway (G)

Surrounding Zoning: North: DTSP/G-Downtown Perris Specific Plan/4<sup>th</sup> Street Gateway  
South: DTSP/G-Downtown Perris Specific Plan/4<sup>th</sup> Street Gateway  
East: CC – DTSP/G-Downtown Perris Specific Plan/4<sup>th</sup> Street Gateway  
West: CC – DTSP/G-Downtown Perris Specific Plan/4<sup>th</sup> Street Gateway

Existing Land Use: Strip Mall, including California Minimart

Surrounding Land Uses: North: Fast food restaurants  
South: Vacant land  
East: Minimart/gas station and hotel  
West: Fast food restaurants

**PROJECT REVIEW AND BACKGROUND**

The Applicant, *Ability Investment Inc. (Doing Business As: California Mini Mart)*, is applying for a Conditional Use Permit to upgrade their existing type 20 Alcohol Beverage Control (ABC) liquor license (beer and wine) to a type 21 ABC liquor license (beer, wine and distilled spirits) to allow the sale and dispensing of distilled spirits in addition to beer and wine for off-site consumption in conjunction with their 2,497 square feet existing mini-mart. The applicant has operated with a type 20 liquor license for beer and wine at the premise since July 27, 1999 (ABC License Number 352642). Under a different tenant, the site has operated with a type 20 liquor license since December 3, 1994 (ABC License Number 292475). The reason for a request to upgrade from a type 20 to a type 21 liquor license is that the applicant won a type 21 liquor license in the California Department of Alcoholic Beverage Control's priority drawing Lottery.

As will be discussed further in the report, the census tract where the project is located has an over-concentration of similarly licensed businesses. Therefore, a Public Convenience or Necessity (PCN) letter is required for the over-concentration of off-site sale of beer and wine, and distilled spirits within this part of the City.



## **PROJECT ANALYSIS AND REVIEW**

### General Plan and Zoning Consistency

The General Plan land use designation of the site is Community Commercial. The Community Commercial land use designation permits retail uses such as supermarkets, food marts, convenience stores, and retail businesses. Uses such as drive-through restaurants, fueling stations, and establishments that sell alcohol are permitted through a Conditional Use Permit process.

The site is located within the Downtown Specific Plan, which serves as its zoning. The Downtown Specific Plan land use for this site is "4<sup>th</sup> Street Gateway," which is primarily for commercial and mixed-use potential uses. The 4th Street Gateway, as depicted in the Downtown Specific Plan, is intended to create an auto-oriented corridor with an emphasis on a more commercial frontage streetscape that caters to the vehicular traffic that travels along SR- 74 (4th Street). Primary uses include retail, office, and commercial, with opportunities for mixed-use buildings where appropriate. Parking should be accessed through shared driveways or accessed through alleys, which occurs at the project site.

The existing shopping center where the project mini-mart is located meets the objectives of the General Plan and zoning by including service-oriented and retail business activities which serve the entire City and travelers on SR-74. The existing mini-mart currently sells alcohol under a CUP. Therefore, the addition of the sale of distilled spirits will not change the use, and this use is consistent with the General Plan and zoning for the site.

### Analysis of Alcohol Sales

The project location is currently operating as a full-service mini mart serving the surrounding community and visiting public patrons. The hours of operation are Sunday through Thursday from 9 am to 12 pm, and Friday and Saturday from 9 am to 2 am. The primary products sold are the usual grocery and convenience store items. The store's merchandise includes non-perishable groceries, fast food prepared on-site, tobacco products, non-alcoholic beverages, clothing, and general merchandise. Alcohol sales, some refrigerated and some not, currently occupy approximately 5% of the sales floor area. The existing mini mart will continue to sell beer and wine for the convenience of its patrons that shop for other items sold there. For this CUP, the applicant is simply requesting to add distilled spirits. If approved, Conditional Use Permit 19-05083 and Letter of Public Convenience or Necessity (PCN) 19-05084 would allow the sale of distilled spirits in addition to the sale of beer and wine which already occur at the project location, 511 E. 4th Street. The Planning Commission is authorized to approve or deny any requests for determination of public convenience or necessity in conjunction with a CUP, per PMC 19.54.20 (k).

When a census tract is determined by the ABC to be within an area of "undue concentration" for off-site sales licenses, the City is required to make findings to support the proposed sale of alcoholic beverages as being in the interest of Public Convenience or Necessity. The subject site is located within Census Tract 0427.19, where the Department of ABC concentration standards allow a maximum of two (2) off-site sales licenses. Currently, there are six (6) active off-site sales licenses within the census tract, including the project site. The existing six (6) businesses within the census tract are described in the table on the following page:

<b>Off-Site Alcohol Licenses within Census Tract # 0427.19</b>			
	<b>Business Name</b>	<b>Address</b>	<b>License Type</b>
1	Chevron Station	428 S. Redlands Ave., Perris	Type 20 (Beer and Wine)
2	California Minimart	511 E 4 <sup>th</sup> Street, Perris	Type 20 (Beer and Wine)
3	Rio Ranch Market	460 E 4 <sup>th</sup> Street, Perris	Type 20 (Beer and Wine)
4	S & K Liquor	360 E 4 <sup>th</sup> Street, Perris	Type 21 (General)
5	Nuevo Market	29616 Nuevo Road, Nuevo	Type 21 (General)
6	7-Eleven	525 E. 4 <sup>th</sup> Street, Perris	Type 20 (Beer and Wine)

Currently, five (5) of the licenses are within half a mile of each other. One establishment called Nuevo Market is over five (5) miles northeast of the site in the unincorporated town of Nuevo. Of the five licenses in the vicinity of the project site, only S & K Liquor can sell distilled spirits.

Planning Staff presented this proposal to the Riverside County Sheriff Department for review and comment. Riverside County Sheriff (Perris Station) had no objection to the sale of alcohol at the establishment because a review of calls for service at the project location, from January 1, 2018, to May 08, 2019, found that there was not an unusual or problematic use of police services at the location. The Sheriff's Dept. response (Exhibit A) requests that the CUP include the following condition of approval (COA):

The applicant shall install video surveillance with appropriate digital video recording capability for the interior and exterior parking areas of the business.

In addition to other standard conditions for alcohol sales, Planning staff is also recommending a condition that requires all distilled spirits to be kept in a locked cabinet behind the sales counter where the register is located. These findings are provided below in this report.

Planning staff is recommending approval because there is not an increase in the number of establishments selling alcohol within the census tract and because law enforcement does not oppose the request.

## **ENVIRONMENTAL DETERMINATION**

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(a) under a Class 1, Existing Facilities, because the permit deals with minor changes to an existing use. A CUP is required due to the addition of one type of product for sale, distilled spirits. The project does not change the operation or facilities of an existing private structure currently operating as a mini-mart, the same use as is proposed. The key consideration for this type of exemption is whether the project involves negligible or no expansion of an existing use. Therefore, the CUP and PNC are exempt from CEQA.

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## **MANDATORY FINDINGS FOR APPROVAL**

### **A. Findings for Conditional Use Permit**

- 1. The proposed location of the conditional use is in accord with the objectives of this Title and the purposes of the zone in which the site is located.**

The site is located within the Downtown Specific Plan (DSP) which serves as its zoning. The Downtown Specific Plan land use for this site is "4th Street Gateway," which is primarily for commercial and mixed-use potential uses. The 4th Street Gateway, as depicted in the Downtown Specific Plan, is intended to create an auto-oriented corridor with an emphasis on a more commercial frontage streetscape that caters to the vehicular traffic that travels along SR- 74 (4th Street). Primary uses include retail, office, and commercial, with opportunities for mixed-use buildings where appropriate. Parking should be accessed through shared driveways or accessed through alleys, which occurs at the project site.

The existing shopping center where the project mini-mart is located meets the objectives of the General Plan and zoning by including service-oriented and retail business activities which serve the entire City and travelers on SR-74. The existing mini-mart currently sells alcohol under a CUP. Therefore, the addition of the sale of distilled spirits will not change the use, and this use is consistent with the General Plan and zoning for the site. The site location is in accordance with the objectives of Chapter 19.61 Conditional Use Permits and meets the purposes of the zone in which the site is located.

- 2. The proposed plan is consistent with the City's General Plan and conforms to all Specific Plans, zoning standards, applicable subdivision requirements, and other ordinances and resolutions of the City.**

The General Plan land use designation of the site is Community Commercial. The Community Commercial land use designation permits retail uses such as supermarkets, food marts, convenience stores, and retail businesses. Uses such as drive-through restaurants, fueling stations, and establishments that sell alcohol are permitted through a Conditional Use Permit process. Through a Conditional Use Permit, staff reviewed the Project in detail to ensure that the site design and future land uses coincide with the intent and the purpose of these requirements. As conditioned, the proposed plan is consistent with the City's General Plan, zoning standards, and ordinances, and resolutions of the City. Concerning applicable General Plan land use policies, the Project is consistent with General Plan Policy III.A by providing at the existing location, the proposed addition of distilled spirits will provide alcohol options for the area. Concerning applicable general Plan land use policies, the project is consistent with the General Plan Policy III.A by providing diversity in the local economy.

- 3. The proposed location of the Conditional Use Permit and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or**

**welfare, or materially injurious to properties or improvements in the vicinity.**

As conditioned, the proposed sale of alcohol (beer, wine, and distilled spirits) will not be detrimental to the public health, safety or welfare, or injurious to property and improvements in the vicinity or to the general welfare of the City. The subject property is zoned for commercial uses and will be utilized as such with the proposed alcohol sales in conjunction with a market. The sale of beer, wine, and distilled spirits in this location for off-site consumption will not represent the introduction of a new use to the area. Riverside County Sheriff (Perris Station) had no objection to the sale of alcohol at the establishment because a review of calls for service at the project location, from January 1, 2018, to May 08, 2019, found that there was not an unusual or problematic use of police services at the location. In addition, a condition of approval has been added to require the installation of video surveillance equipment with appropriate digital video recording capability for the interior and exterior parking areas of the business.

**4. The architecture proposed is compatible with community standards and protects the character of adjacent development.**

There is no proposed change to the building. The existing architecture is compatible with community standards and reflects the character of adjacent development.

**5. The landscaping plan ensures visual relief and provides an attractive environment for the public's enjoyment.**

There is no proposed change to the existing landscaping on the site which includes turf, trees, and shrubs around the perimeter of the site.

**B. Additional Findings Required per PMC Section 19.65.040 Conditional Use Permit for the Sale of Alcoholic Beverages:**

**1. The location or the use shall not result in adverse impacts on park facilities, school facilities, existing religious land uses, and/or existing residential land uses.**

The use as a mini-mart conforms to the intent of the zoning district, and a CUP is required for the sales of alcohol. The nearest park (*Bob Long Park*) is located approximately 2,300 feet from the existing mini-mart on the opposite side of the freeway. The nearest school (*Palms Elementary*) is located approximately 3,000 feet away, also on the opposite side of the freeway. The nearest religious use is *Arbol de Vida* which is about 700 feet north of the site on Wilkerson Avenue. Moreover, the proposed convenience store is more than 1,000 feet away from any park or school. *Arbol de Vida* is located in a commercial center less than 1,000 feet from the mini-mart; however, minimarts located in a shopping center such as the project are exempt from the distance requirements. In addition, the operation of the mini-mart has not adversely impacted the church in the past. Overall, the proposal will not result in adverse impacts to parks, school, and religious institutions.

- 2. The traffic increases associated with the use will not result in potential hazards to existing pedestrian and/or vehicular traffic.**

The project will not increase traffic associated with the Project, which would result in potential hazards to existing pedestrian and/or vehicular traffic. The proposal is to add the sale of distilled spirits to a location that already sells beer and wine. It is a use that is consistent with the intent of the area in the General Plan, so it was anticipated and analyzed by the EIR prepared for the City of Perris General Plan (2030) Land Use and Circulation Element. The Project site is located on 4<sup>th</sup> Street at Wilkerson Avenue which provides a signalized intersection to prevent hazards to existing pedestrian and vehicular traffic.

- 3. The establishment shall not constitute an enforcement problem to the City Police Department.**

The proposal was presented to the Riverside County Sheriff (Perris Station, Deputy Crawford) for comment by planning staff. Written comments from Deputy Crawford indicate that Riverside County Sheriff has no objection to the sale of alcohol at the establishment because a review of calls for service at the project location, from January 1, 2018, to May 08, 2019, found that there was not an unusual or problematic use of police services at the location. In addition, a condition of approval has been added, at Deputy Crawford's request, to require the installation of video surveillance equipment with appropriate digital video recording capability for the interior and exterior parking areas of the business. Planning staff is also recommending a condition that requires all distilled spirits to be kept in a locked cabinet behind the sales counter where the register is located.

- 4. The development conforms to all applicable provisions of this Code.**

The proposed Project conforms to or exceeds all applicable provisions of the Municipal Code and the necessary Letter of Public Convenience or Necessity (PCN) for an ABC Type 21 License for Off-Site Consumption. See the Findings below regarding the PCN.

**C. Findings for a Letter of Public Convenience or Necessity (PCN):**

- 1. The sale of alcohol at this Convenience Store will be a public convenience.**

Five (5) of the licenses in the census tract are within a half of a mile from the proposed Food Mart. The other establishment with a license called Nuevo Market in the unincorporated area town of Nuevo is a significant distance from the site, which is over five miles northeast of the site. The California Mini-Mart currently sells beer and wine for the convenience of its patrons that are already in the store for groceries and general merchandise. As an already licensed mini-mart, the applicant has experience with their current liquor license (type 20) which has helped prepare them for an upgrade in license to type 21. The general merchandise, beer, wine, and food currently sold on-site provide a needed service and a convenience to the public who already use the store. The addition of distilled spirits will provide more variety in the types of beverages sold.

- 2. The approval of a new license for the off-sale of alcohol (beer, wine and distilled spirits) is an ancillary use to a general merchandise store and will not have a disproportionate impact on adjacent residential neighborhoods or sensitive uses.**

Approximately 5% of the public area (non-walk-in freezer and non-office space) of the store is devoted exclusively for the sale of beer and wine. The sale of beer and wine is ancillary, and patrons will incidentally purchase beer and wine in association with the sale of general merchandise and groceries. Moreover, the proposed convenience store is more than 1,000 feet away from any park or school, which is the distance standard for these uses as required by the Zoning Code. The nearest religious use is located in a commercial center less than 1,000 feet from the mini-mart. The operation of the mini-mart has not adversely impacted this religious use in the past. Overall, the proposal will not result in adverse impacts to parks, schools, and religious institutions. Based on the small floor area of alcohol display, and the nearest residences approximately 800 feet from the store, no disproportionate impact is anticipated to adjacent residential properties.

- 3. The approval of the sale of distilled spirits in addition to beer and wine at the California Mini-Mart, 511 E. 4<sup>th</sup> Street at Wilkerson Avenue, will not result in an adverse impact on public health, safety, or welfare.**

As conditioned, the proposed sale of alcohol (beer, wine, and distilled spirits) will not result in an adverse impact to the public health, safety or welfare. The subject property is zoned for commercial uses and will be utilized as such with the proposed alcohol sales in conjunction with a market. The sale of beer, wine, and distilled spirits in this location for off-site consumption will not represent the introduction of a new use to the area or an additional site where alcohol is sold. Riverside County Sheriff (Perris Station) had no objection to the sale of alcohol at the establishment because a review of calls for service at the project location, from January 1, 2018, to May 08, 2019, found that there was not an unusual or problematic use of police services at the location. In addition, a condition of approval has been added to require the installation of video surveillance equipment with appropriate digital video recording capability for the interior and exterior parking areas of the business. Planning staff is also recommending a condition that requires all distilled spirits to be kept in a locked cabinet behind the sales counter where the register is located.

A public hearing notice was mailed to adjacent property owners within 300 feet of the subject site. To date, staff has not received any comments from the public.

## **RECOMMENDATION**

**Adopt Resolution No. 19-14** recommending that Planning Commission find project is exempt from CEQA pursuant to Section 15301(a) under a Class 1, Existing Facilities, and approving Conditional Use Permit 19-05083 and Public Convenience or Necessity 19-05084 to allow the sale of distilled spirits in addition to beer and wine at 511 E. 4<sup>th</sup> Street, based on the findings contained in the Resolution and subject to the Conditions of Approval.

Attachments: Exhibit A – Police Response 5-8-19  
Exhibit B – Planing Conditions of Approval

- Exhibit C – Aerial Map of Site
- Exhibit D – ABC Census Tract Map
- Exhibit E – ABC Census Tract alcohol list
- Exhibit F - Convenience Store Floor Plan
- Exhibit G - Planning Resolution 19-14



**CITY OF PERRIS  
POLICE DEPARTMENT  
MEMORANDUM**

**DATE:** May 8, 2019  
**TO:** Planning Department  
Attention: Cathy Perring  
**FROM:** Deputy Donnis Crawford  
(951) 210-1132  
**SUBJECT:** CUP 19-05083 & PCN 19-05084

The police department has reviewed the transmitted documents regarding CUP 19-05083 PCN 19-0584. The police department requests that the CUP contain a condition that the applicant install video surveillance with appropriate digital video recording capability for the interior and exterior parking areas of the business.

A review of calls for service at the location from January 1, 2018 to May 08, 2019, found that there was not an unusual or problematic use of police services at the location.

**EXHIBIT A**



**CITY OF PERRIS  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION**

**CONDITIONS OF APPROVAL**

**Conditional Use Permit No. 19-05083**

**Letter of Public Convenience No. 19-05084**

**June 19, 2019**

**PROJECT:** Conditional Use Permit and Letter of Public Necessity and Convenience (PCN) to upgrade an existing type 20 license (beer and wine) to type 21 (general alcohol) which would allow the sale of all types of liquor at an existing establishment (California Mini-Mart) at 511 E. 4th Street suite "A". **Applicant:** Ike Mephors, Ability Investment, Inc.

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**General Requirements:**

1. **City Ordinances and Business License.** The subject business shall maintain compliance with all local and City Ordinances, including but not limited to an annual fire inspection and maintenance of a City business license.
2. **Indemnification.** The developer/applicant shall indemnify, protect, defend, and hold harmless, the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City, or any agency or instrumentality thereof, or any of its officers, employees and agents, to attack, set aside, void, annul, or seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voters of the City, concerning CUP/PCN 19-05083/19-05084. The City shall promptly notify the developer/applicant of any claim, action, or proceeding for which indemnification is sought and shall further cooperate fully in defense of the action.
3. **State, County and City Ordinances.** All tenants shall maintain compliance with all State, County and City ordinances, including but not limited to an annual fire inspection and maintenance of a City business license, and specific requirements for food service or food preparation uses regarding the appropriate means for grease and trash disposal.
4. **ABC License – Type 21 General (Beer, Wine and Distilled Spirits).** The owner/applicant shall obtain an alcohol license from the California Department of Alcohol and Beverage Control (ABC) before the sale of alcohol beverages.
5. **Standards for Minimarts** (per Perris Municipal Code Section 19.65.030). The project shall comply with the following:
  - a. The owner of each location and the management at each location shall educate the public regarding driving under the influence of intoxicating beverages, driving with open containers and the penalties associated with the violation of each of these laws. This educational requirement may be met by posting prominent signs, decals and/or brochures at points of purchase.

**EXHIBIT B**

- b. No displays of beer, wine or other alcoholic beverages shall be located within five feet of any building entrance or checkout counter.
  - c. Cold beer, wine or other alcoholic beverages shall be sold from or displayed in the main, permanently affixed electrical cooler only. No display and sale of alcohol shall be made from an ice tub, barrel, or similar container.
  - d. No lighted advertising for beer, wine or other alcoholic beverages shall be located on the exterior of the building or within the window areas.
  - e. Conditional use permits shall be required consistent with Chapter 19.61, CONDITIONAL USE PERMITS.
6. **Additional Operational Requirements.** The following shall apply at all times:
- a. The licensee shall regularly police the area under its control to prevent the loitering of persons about the premises.
  - b. The licensee shall post signs in the area under its control with regard to prohibiting open containers and loitering at the location.
  - c. Digital security cameras shall be installed to monitor and record the interior of the store and exterior parking areas of the business. Surveillance footage shall be maintained for a minimum of 30 days.
  - d. No beer may be sold in single containers. Beer shall be sold in quantities of 3-pack or greater. Wine or wine coolers shall be sold in quantities of 4-pack or greater.
  - e. Sale of wine shall not be in containers less than 750 ml.
  - f. The sales floor space allocated to alcoholic beverages shall not exceed 5% of the total sales floor area, including distilled spirits.
  - g. Distilled spirits (hard liquor) shall be stored for sale in a locked cabinet behind the sales counter at all times.
  - h. Cooler doors for alcoholic beverage products shall be locked during hours when alcoholic beverages may not be sold.
  - i. Alcohol shall not be sold between the hours of 2:00 am and 6:00 am (per State Law).
  - j. Employees selling alcohol must be at least 18 years of age.
  - k. Purchased alcohol shall be bagged prior to leaving store.
  - l. Continued non-compliance will lead to revocation of this Conditional Use Permit.
7. **Planning Clearance.** The applicant shall first obtain clearance from the Planning Division verifying that all pertinent conditions of approval have been met.

End of Conditions

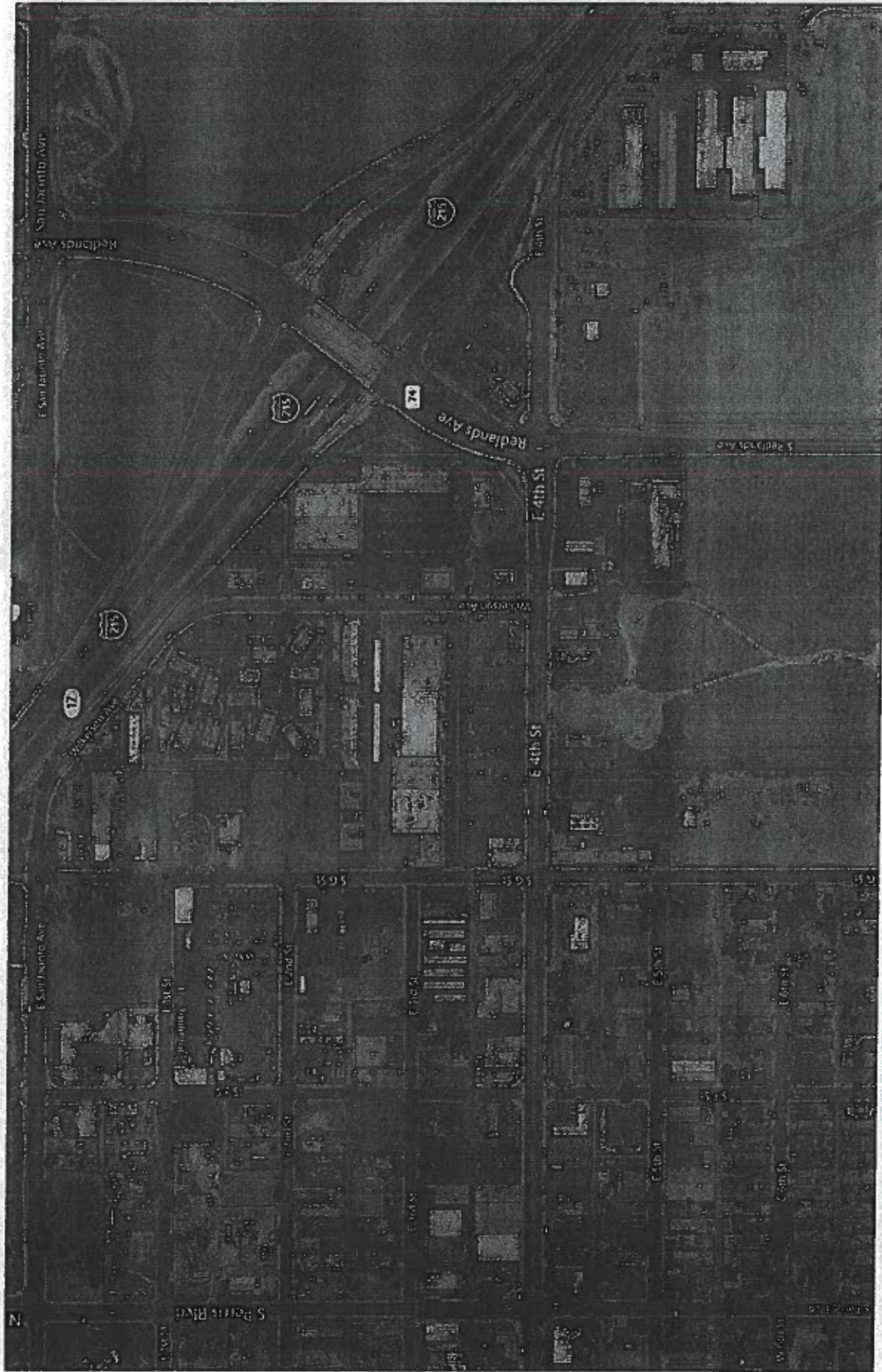


EXHIBIT C - AERIAL

Census Tract 427.19 in RIVERSIDE County, California

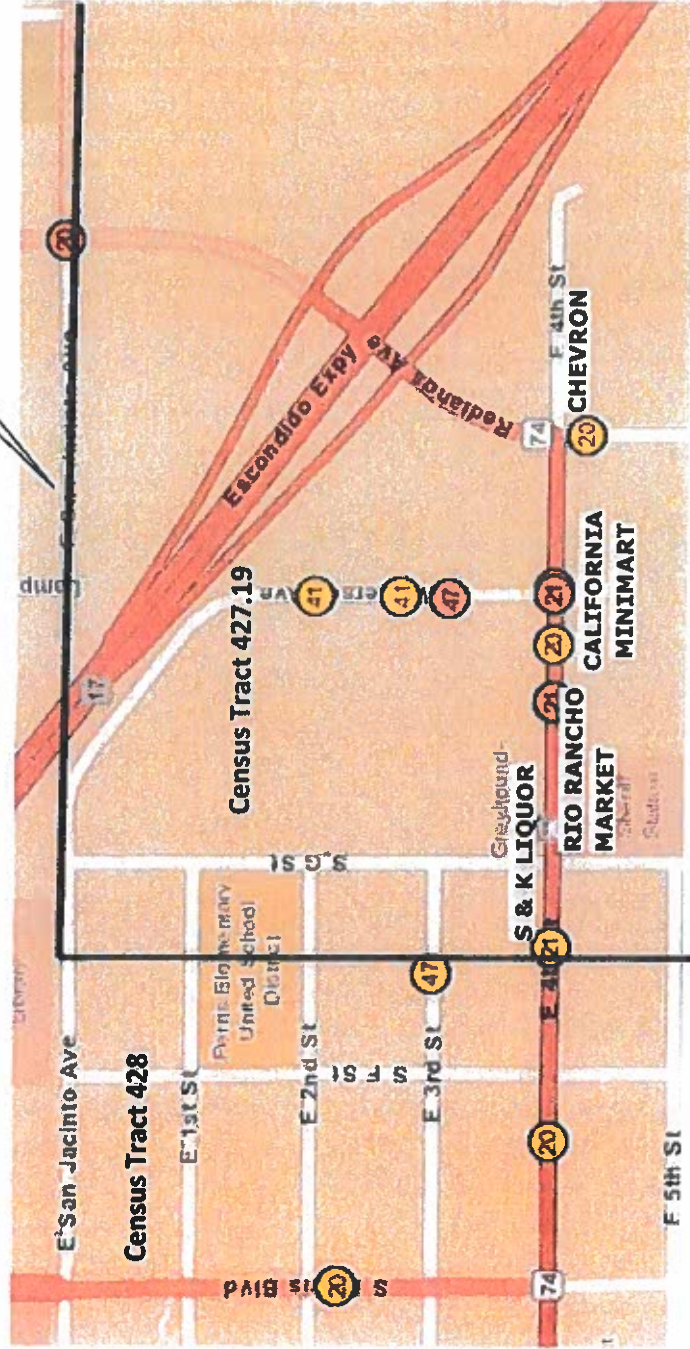
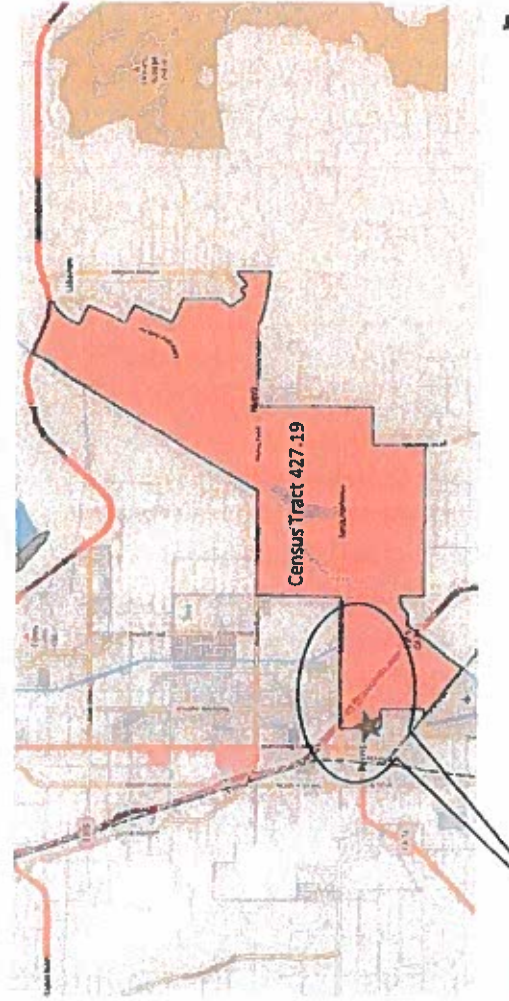


EXHIBIT D--ABC Census Tract Map

**NUMBER OF LICENSES AUTHORIZED  
BY CENSUS TRACT**

County Name	County Population	County Ratio On Sale	County Ratio Off Sale	Census Tract #	Census Tract Population	On Sale	Off Sale
RIVERSIDE	2,415,955	1,091	1,751	424.02	4,780	4	2
RIVERSIDE	2,415,955	1,091	1,751	424.03	4,071	3	2
RIVERSIDE	2,415,955	1,091	1,751	424.04	2,038	1	1
RIVERSIDE	2,415,955	1,091	1,751	424.05	4,997	4	2
RIVERSIDE	2,415,955	1,091	1,751	424.06	4,150	3	2
RIVERSIDE	2,415,955	1,091	1,751	424.07	3,262	2	1
RIVERSIDE	2,415,955	1,091	1,751	424.08	3,152	2	1
RIVERSIDE	2,415,955	1,091	1,751	424.09	3,299	3	1
RIVERSIDE	2,415,955	1,091	1,751	424.10	4,882	4	2
RIVERSIDE	2,415,955	1,091	1,751	424.11	2,540	2	1
RIVERSIDE	2,415,955	1,091	1,751	424.12	5,129	4	2
RIVERSIDE	2,415,955	1,091	1,751	425.05	3,639	3	2
RIVERSIDE	2,415,955	1,091	1,751	425.06	9,483	8	5
RIVERSIDE	2,415,955	1,091	1,751	425.07	5,011	4	2
RIVERSIDE	2,415,955	1,091	1,751	425.08	4,888	4	2
RIVERSIDE	2,415,955	1,091	1,751	425.09	3,193	2	1
RIVERSIDE	2,415,955	1,091	1,751	425.10	5,048	4	2
RIVERSIDE	2,415,955	1,091	1,751	425.11	3,308	3	1
RIVERSIDE	2,415,955	1,091	1,751	425.12	3,200	2	1
RIVERSIDE	2,415,955	1,091	1,751	425.13	3,379	3	1
RIVERSIDE	2,415,955	1,091	1,751	425.14	3,165	2	1
RIVERSIDE	2,415,955	1,091	1,751	425.15	3,803	3	2
RIVERSIDE	2,415,955	1,091	1,751	425.16	4,177	3	2
RIVERSIDE	2,415,955	1,091	1,751	425.17	3,278	3	1
RIVERSIDE	2,415,955	1,091	1,751	425.18	3,670	3	2
RIVERSIDE	2,415,955	1,091	1,751	425.19	1,706	1	0
RIVERSIDE	2,415,955	1,091	1,751	425.20	4,669	4	2
RIVERSIDE	2,415,955	1,091	1,751	425.21	4,922	4	2
RIVERSIDE	2,415,955	1,091	1,751	426.17	11,436	10	6
RIVERSIDE	2,415,955	1,091	1,751	426.18	8,283	7	4
RIVERSIDE	2,415,955	1,091	1,751	426.19	11,267	10	6
RIVERSIDE	2,415,955	1,091	1,751	426.20	10,463	9	5
RIVERSIDE	2,415,955	1,091	1,751	426.21	6,556	6	3
RIVERSIDE	2,415,955	1,091	1,751	426.22	4,107	3	2
RIVERSIDE	2,415,955	1,091	1,751	426.23	3,682	3	2
RIVERSIDE	2,415,955	1,091	1,751	426.24	3,784	3	2
RIVERSIDE	2,415,955	1,091	1,751	427.06	8,393	7	4
RIVERSIDE	2,415,955	1,091	1,751	427.08	5,171	4	2
RIVERSIDE	2,415,955	1,091	1,751	427.09	4,905	4	2
RIVERSIDE	2,415,955	1,091	1,751	427.11	4,543	4	2
RIVERSIDE	2,415,955	1,091	1,751	427.14	3,230	2	1
RIVERSIDE	2,415,955	1,091	1,751	427.15	12,805	11	7
RIVERSIDE	2,415,955	1,091	1,751	427.16	5,033	4	2
RIVERSIDE	2,415,955	1,091	1,751	427.17	5,079	4	2
RIVERSIDE	2,415,955	1,091	1,751	427.19	5,025	4	2
RIVERSIDE	2,415,955	1,091	1,751	427.20	4,434	4	2





**RESOLUTION NUMBER 19-14**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, FINDING THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO SECTION 15301(a) UNDER A CLASS 1, EXISTING FACILITIES, AND APPROVING CONDITIONAL USE PERMIT (CUP) 19-05083 AND A LETTER OF PUBLIC CONVENIENCE OR NECESSITY (PCN) 19-05084 FOR A TYPE 21 ABC LICENSE FOR THE SALE OF BEER, WINE AND DISTILLED SPIRITS AT AN EXISTING MINI-MART CONVENIENCE STORE AT 511 E. 4<sup>TH</sup> STREET, AND MAKING FINDINGS IN SUPPORT THEREOF.**

**WHEREAS**, on April 15, 2019, the applicant applied for a Conditional Use Permit and a Letter of Public Convenience or Necessity; and

**WHEREAS**, the proposed location of the use is in accordance with the objectives of the Downtown Specific Plan and the purpose of the 4<sup>th</sup> Street Gateway zoning district; and

**WHEREAS**, the proposed project is consistent with the City's General Plan and conforms to all zoning standards and other Ordinances and Resolutions of the City; and

**WHEREAS**, this Conditional Use Permit and Letter of Public Convenience or Necessity has been duly noticed; and

**WHEREAS**, a public hearing was held on June 19, 2019, at which time all interested persons were given full opportunity to be heard and to present evidence; and

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Perris as follows:

**Section 1.** The above recitals are all true and correct, and incorporated herein by this reference.

**Section 2.** The Planning Commission hereby determines that the project is exempt from CEQA pursuant to Section 15301(a) under Class 1, Existing Facilities, because the permit deals with the operation and minor alteration of an existing private structure currently operating as a mini-mart and the same use is proposed.

**Section 3.** Based on the information contained in the staff report, and supporting exhibits and plans for Conditional Use Permit 19-05083, the Planning Commission hereby finds, as follows:

**A. Findings for Conditional Use Permit**

- 1. The proposed location of the conditional use is in accord with the objectives of this Title and the purposes of the zone in which the site is located.**



## EXHIBIT G

The site is located within the Downtown Specific Plan (DSP) which serves as its zoning. The Downtown Specific Plan land use for this site is "4th Street Gateway," which is primarily for commercial and mixed-use potential uses. The 4th Street Gateway, as depicted in the Downtown Specific Plan, is intended to create an auto-oriented corridor with an emphasis on a more commercial frontage streetscape that caters to the vehicular traffic that travels along SR- 74 (4th Street). Primary uses include retail, office, and commercial, with opportunities for mixed-use buildings where appropriate. Parking should be accessed through shared driveways or accessed through alleys, which occurs at the project site.

The existing shopping center where the project mini-mart is located meets the objectives of the General Plan and zoning by including service-oriented and retail business activities which serve the entire City and travelers on SR-74. The existing mini-mart currently sells alcohol under a CUP. Therefore, the addition of the sale of distilled spirits will not change the use, and this use is consistent with the General Plan and zoning for the site. The site location is in accordance with the objectives of Chapter 19.61 Conditional Use Permits and meets the purposes of the zone in which the site is located.

- 2. The proposed plan is consistent with the City's General Plan and conforms to all Specific Plans, zoning standards, applicable subdivision requirements, and other ordinances and resolutions of the City.**

The General Plan land use designation of the site is Community Commercial. The Community Commercial land use designation permits retail uses such as supermarkets, food marts, convenience stores, and retail businesses. Uses such as drive-through restaurants, fueling stations, and establishments that sell alcohol are permitted through a Conditional Use Permit process. Through a Conditional Use Permit, staff reviewed the Project in detail to ensure that the site design and future land uses coincide with the intent and the purpose of these requirements. As conditioned, the proposed plan is consistent with the City's General Plan, zoning standards, and ordinances, and resolutions of the City. Concerning applicable General Plan land use policies, the Project is consistent with General Plan Policy III.A by providing at the existing location, the proposed addition of distilled spirits will provide alcohol options for the area. Concerning applicable general Plan land use policies, the project is consistent with the General Plan Policy III.A by providing diversity in the local economy.

- 3. The proposed location of the Conditional Use Permit and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.**

As conditioned, the proposed sale of alcohol (beer, wine, and distilled spirits) will not be detrimental to the public health, safety or welfare, or injurious to property and improvements in the vicinity or to the general welfare of the City. The subject property is zoned for commercial uses and will be utilized as such with the proposed alcohol sales in conjunction with a market. The sale of beer, wine, and distilled spirits in this location for off-site consumption will not represent the introduction of a new use to the area. Riverside

County Sheriff (Perris Station) had no objection to the sale of alcohol at the establishment because a review of calls for service at the project location, from January 1, 2018, to May 08, 2019, found that there was not an unusual or problematic use of police services at the location. In addition, a condition of approval has been added to require the installation of video surveillance equipment with appropriate digital video recording capability for the interior and exterior parking areas of the business.

- 4. The architecture proposed is compatible with community standards and protects the character of adjacent development.**

There is no proposed change to the building. The existing architecture is compatible with community standards and reflects the character of adjacent development.

- 5. The landscaping plan ensures visual relief and provides an attractive environment for the public's enjoyment.**

There is no proposed change to the existing landscaping on the site which includes turf, trees, and shrubs around the perimeter of the site.

**B. Additional Findings Required per PMC Section 19.65.040 Conditional Use Permit for the Sale of Alcoholic Beverages:**

- 1. The location or the use shall not result in adverse impacts on park facilities, school facilities, existing religious land uses, and/or existing residential land uses.**

The use as a mini-mart conforms to the intent of the zoning district, and a CUP is required for the sales of alcohol. The nearest park (*Bob Long Park*) is located approximately 2,300 feet from the existing mini-mart on the opposite side of the freeway. The nearest school (*Palms Elementary*) is located approximately 3,000 feet away, also on the opposite side of the freeway. The nearest religious use is Arbol de Vida which is about 700 feet north of the site on Wilkerson Avenue. Moreover, the proposed convenience store is more than 1,000 feet away from any park or school. Arbol de Vida is located in a commercial center less than 1,000 feet from the mini-mart; however, minimarts located in a shopping center such as the project are exempt from the distance requirements. In addition, the operation of the mini-mart has not adversely impacted the church in the past. Overall, the proposal will not result in adverse impacts to parks, school, and religious institutions.

- 2. The traffic increases associated with the use will not result in potential hazards to existing pedestrian and/or vehicular traffic.**

The project will not increase traffic associated with the Project, which would result in potential hazards to existing pedestrian and/or vehicular traffic. The proposal is to add the sale of distilled spirits to a location that already sells beer and wine. It is a use that is consistent with the intent of the area in the General Plan, so it was anticipated and analyzed by the EIR prepared for the City of Perris General Plan (2030) Land Use and Circulation Element. The Project site is located on 4<sup>th</sup> Street at Wilkerson Avenue which

provides a signalized intersection to prevent hazards to existing pedestrian and vehicular traffic.

**3. The establishment shall not constitute an enforcement problem to the City Police Department.**

The proposal was presented to the Riverside County Sheriff (Perris Station, Deputy Crawford) for comment by planning staff. Written comments from Deputy Crawford indicate that Riverside County Sheriff has no objection to the sale of alcohol at the establishment because a review of calls for service at the project location, from January 1, 2018, to May 08, 2019, found that there was not an unusual or problematic use of police services at the location. In addition, a condition of approval has been added, at Deputy Crawford's request, to require the installation of video surveillance equipment with appropriate digital video recording capability for the interior and exterior parking areas of the business. Planning staff is also recommending a condition that requires all distilled spirits to be kept in a locked cabinet behind the sales counter where the register is located.

**4. The development conforms to all applicable provisions of this Code.**

The proposed Project conforms to or exceeds all applicable provisions of the Municipal Code and the necessary Letter of Public Convenience or Necessity (PCN) for an ABC Type 21 License for Off-Site Consumption. See the Findings below regarding the PCN.

**C. Findings for a Letter of Public Convenience or Necessity (PCN):**

**1. The sale of alcohol at this Convenience Store will be a public convenience.**

Five (5) of the licenses in the census tract are within a half of a mile from the proposed Food Mart. The other establishment with a license called Nuevo Market in the unincorporated area town of Nuevo is a significant distance from the site, which is over five miles northeast of the site. The California Mini-Mart currently sells beer and wine for the convenience of its patrons that are already in the store for groceries and general merchandise. As an already licensed mini-mart, the applicant has experience with their current liquor license (type 20) which has helped prepare them for an upgrade in license to type 21. The general merchandise, beer, wine, and food currently sold on-site provide a needed service and a convenience to the public who already use the store. The addition of distilled spirits will provide more variety in the types of beverages sold.

**2. The approval of a new license for the off-sale of alcohol (beer, wine and distilled spirits) is an ancillary use to a general merchandise store and will not have a disproportionate impact on adjacent residential neighborhoods or sensitive uses.**

Approximately 5% of the public area (non-walk-in freezer and non-office space) of the store is devoted exclusively for the sale of beer and wine. The sale of beer and wine is ancillary, and patrons will incidentally purchase beer and wine in association with the sale of general merchandise and groceries. Moreover, the proposed convenience store is more than 1,000

feet away from any park or school, which is the distance standard for these uses as required by the Zoning Code. The nearest religious use is located in a commercial center less than 1,000 feet from the mini-mart. The operation of the mini-mart has not adversely impacted this religious use in the past. Overall, the proposal will not result in adverse impacts to parks, schools, and religious institutions. Based on the small floor area of alcohol display, and the nearest residences approximately 800 feet from the store, no disproportionate impact is anticipated to adjacent residential properties.

3. **The approval of the sale of distilled spirits in addition to beer and wine at the California Mini-Mart, 511 E. 4<sup>th</sup> Street at Wilkerson Avenue, will not result in an adverse impact on public health, safety, or welfare.**

As conditioned, the proposed sale of alcohol (beer, wine, and distilled spirits) will not result in an adverse impact to the public health, safety or welfare. The subject property is zoned for commercial uses and will be utilized as such with the proposed alcohol sales in conjunction with a market. The sale of beer, wine, and distilled spirits in this location for off-site consumption will not represent the introduction of a new use to the area or an additional site where alcohol is sold. Riverside County Sheriff (Perris Station) had no objection to the sale of alcohol at the establishment because a review of calls for service at the project location, from January 1, 2018, to May 08, 2019, found that there was not an unusual or problematic use of police services at the location. In addition, a condition of approval has been added to require the installation of video surveillance equipment with appropriate digital video recording capability for the interior and exterior parking areas of the business. Planning staff is also recommending a condition that requires all distilled spirits to be kept in a locked cabinet behind the sales counter where the register is located.

**Section 4.** For the foregoing reasons the Commission hereby approves Conditional Use Permit 19-05083 and Letter of Public Necessity or Convenience 19-05084 to allow the the sale of beer, wine and distilled spirits in an existing 2,497 square foot California Mini-Mart convenience store, based on the information and findings presented in the staff report and the Conditions of Approval.

**Section 5.** The Planning Commission declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words of this Resolution shall remain in full force and effect.

**Section 6.** The Chairperson shall sign and the Secretary shall certify to the passage and adoption of this Resolution.

**ADOPTED, SIGNED, and APPROVED** this 19<sup>th</sup> day of June 2019.

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CHAIRPERSON, PLANNING COMMISSION

ATTEST:

\_\_\_\_\_  
Secretary, Planning Commission

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) §  
CITY OF PERRIS )

I, Kenneth Phung, SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Resolution Number 19-14 was duly adopted by the Planning Commission of the City of Perris at a regular meeting of said Planning Commission on the 19<sup>th</sup> day of June 2019, and that it was so adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Secretary, Planning Commission

**RESOLUTION NO. (Next in order)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, APPROVING AN AMENDMENT TO THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT 19-05083 TO REMOVE CONDITIONS 6D AND 6E AS APPROVED BY THE PLANNING COMMISSION LOCATED AT THE 511 4<sup>TH</sup> STREET AT THE CORNER OF 4<sup>TH</sup> STREET AND WILKERSON AVENUE.**

**WHEREAS**, on June 19, 2019, the Planning Commission conducted a duly noticed public hearing on the project and adopted Planning Commission Resolution 19-14, approving Conditional Use Permit 19-05083 to allow the sale of beer, wine, and distilled spirits, with conditions of approval; and

**WHEREAS**, on June 27, 2019, the Project applicant filed an Appeal of the Planning Commission's approval to request the removal of conditions of approval 6d and 6e to allow the sale of individual bottles of beer and wine in bottles of any size; and

**WHEREAS**, a duly noticed public hearing was held on July 30, 2019, by the City Council, at which time all interested persons were given full opportunity to be heard and to present evidence in regards to conditions of approval 6d and 6e; and

**WHEREAS**, at the duly noticed public hearing on July 30, 2019, the City Council considered all written and oral evidence and testimony, including but not limited to testimony from members of the public and written and oral reports by City staff.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.** The above recitals are all true and correct and incorporated herein by this reference.

**Section 2.** The City Council has reviewed and considered the environmental information discussed in the staff report and accompanying attachments and at the duly public hearing held on July 30, 2019, prior to taking action on the Application and determined that the removal of Conditions of Approval Nos. 6d and 6e, does not trigger changes to the previously adopted determination that the project is exempt from CEQA; as such, no further CEQA action is required for the proposed changes to the Conditions of Approval for this Project.

**Section 3.** The City Council hereby finds that the removal of conditions of approval 6d and 6e does not affect any findings made in Planning Commission Resolution No. 19-14, which is incorporated herein by reference, all of which findings remain in full force and effect.

**Section 4.** The City Council hereby adopts the attached Amended Planning Conditions of Approval and hereby modifies Planning Commission Resolution No. 19-14 by removing Conditions of Approval 6d and 6e therein.

**Section 5.** Except as amended as provided in this Resolution, Planning Commission Resolution No. 19-14 remains in full force and effect.

**Section 8.** The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words of this Resolution shall remain in full force and effect.

**Section 9.** The Mayor shall sign this Resolution and the City Clerk shall certify to the passage and adoption of this Resolution.

ADOPTED, SIGNED, and APPROVED this 30<sup>th</sup> day of July 2019.

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Mayor, Michael M. Vargas

ATTEST:

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City Clerk, Nancy Salazar

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) §  
CITY OF PERRIS )

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Resolution Number (Next in order) was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held on the 30<sup>th</sup> day of July 2019, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
City Clerk, Nancy Salazar