



**CITY OF PERRIS
PLANNING COMMISSION
AGENDA**

February 15, 2017

City Council Chambers
Meeting to convene at 6:00 P.M.
101 North "D" Street
Perris, CA 92570

1. CALL TO ORDER:

2. ROLL CALL:

Commissioners: Hammond, Weir, Arras, Stuart, Shively,
Vice Chair Shively, Chair Balderrama

3. INVOCATION:

4. PLEDGE OF ALLEGIANCE: Chair Balderrama

5. PRESENTATION:

A. Appreciation and Recognition Presentation for David Stuart

6. CONSENT CALENDAR:

A. Planning Commission Minutes for January 18, 2017

7. PUBLIC HEARING:

A. **Scoping Meeting for an Environmental Impact Report (17-05014) associated with Development Plan Review (DPR) 16-00008, and Tentative Parcel Map (37187) 16-05181** – Development Plan Review to construct a 668,681 sq. ft. industrial development on approximately 34.57 gross acres, and a Tentative Parcel Map to consolidate six (6) lots into one parcel located at the southeast corner of Indian Avenue and Markham Street. **Applicant:** Adam Schmidt, Duke Realty.

- B. Conditional Use Permit 16-05237** – Proposal to develop a 2,999 square foot drive-through restaurant (Carl's Jr.) on a .88 acre lot within an existing shopping center located on Ramona Expressway, at Brennan Avenue. **Applicant:** William Shuman, KZ Companies
- C. Conditional Use Permit 16-05149** - Proposal to replace an existing static billboard with a 45-foot tall digital billboard with displays on both sides. **Applicant:** Tim Lynch General Outdoor Advertising

8. BUSINESS/WORKSHOP:

9. PUBLIC COMMENTS:

Anyone who wishes to address the Planning Commission regarding items not on the agenda may do so at this time. Please walk up to the podium and wait for the Chairperson to recognize you. Please speak clearly, give your name, spell your last name, and address for accurate recording in the minutes. Each speaker will be given three (3) minutes to address the Planning Commission.

10. COMMISSION MEMBERS ANNOUNCEMENTS OR REPORTS:

11. DIRECTOR OF DEVELOPMENT SERVICES REPORTS AND/OR INFORMATION:

12. ADJOURNMENT

Item 6.A

CITY OF PERRIS

MINUTES:

Date of Meeting: January 18, 2017

06:00 PM

Place of Meeting: City Council Chambers

1. CALL TO ORDER: The meeting was called to order at 6:01 p.m.
2. ROLL CALL: Commissioners: Shively, Hammond, Weir, Arras, Stuart, Vice Chair Balderrama, Chairman McCarron

Commission Members Present: Commissioner Stuart, Commissioner Weir, Commissioner Hammond, Chairman McCarron, Vice Chair Balderrama, Commissioner Arras, and Commissioner Shively.

Staff Members Present: Director of Development Services Miramontes, City Engineer Motlagh, Contract Planner Phung, Associate Planner Sbardellati, Assistant Planner Muhu, Assistant City Attorney Khuu.

3. INVOCATION:
4. PLEDGE OF ALLEGIANCE: Commissioner Shively
5. PRESENTATION:
6. CONSENT CALENDAR:
 - A. Planning Commission Minutes for November 16, 2016.

The Chair called for a motion.

M/S/C: Moved by Commissioner Weir, seconded by Commissioner Stuart to Approve Planning Commission Minutes for November 16, 2016

AYES: Commissioner Stuart, Commissioner Weir, Commissioner Hammond, Chairman McCarron, Vice Chair Balderrama, Commissioner Arras, Commissioner Shively.

NOES:

ABSENT:

ABSTAIN:

7. PUBLIC HEARING:
 - A. Development Plan Review (DPR) 16-00003, Specific Plan Amendment (SPA) 16-

05050 & Tentative Parcel Map (TPM) 16-05049 (TPM 37055) – Development Plan review for a proposal to construct a 380,000 square-foot industrial building on approximately 21.6 acres of vacant land. A Tentative Parcel Map to consolidate 8 lots into one parcel and a Specific Plan Amendment to change the land use designation from Commercial to Light Industrial on 23.1 acres of land is also proposed to facilitate the development, located at the southeast corner of the I-215 Freeway and Harley Knox Blvd. Applicant: Jason Krotts, Perris Gateway Investors, LLC (Continued from December 21, 2016)

Commissioner Arras, Commissioner Hammond, Commissioner Weir and Chairman McCarron stated they have visited the site.

Chairman McCarron stated revised Conditions of Approval and a comment letter were handed to the Commission.

Contract Planner Kenneth Phung presented the item. He concluded his item recommending the Planning Commission Approve Resolution No. 16-31 recommending that the City Council review and adopt the Mitigated Negative Declaration 2326, and approve Development Plan Review (DPR) 16-00003, Specific Plan Amendment (SPA) 16-05050 & Tentative Parcel Map (TPM) 16-05049 (TPM 37055), based on the findings and subject to the Conditions of Approval.

Commissioner Hammond commented that Planning Condition of Approval # 38F should include that graffiti shall be removed within 48 hours.

Applicant Jason Krotts, gave a brief description about the project and answered questions of the Commission.

Speaker Douglas Chermak, provided additional information regarding a comment letter previously handed to the commission.

Speaker Damon Allen, representing the Southern California Environmental Justice alliance, expressed concerns regarding the Mitigated Negative Declaration.

Chris Brown, project consultant, reported that the air quality study assesses the worst case scenario and impacts would be less than significant with mitigation.

The Chair called for a motion.

M/S/C: Moved by Vice Chair Balderrama, seconded by Commissioner Shively to Approve Resolution No. 16-31 recommending that the City Council review and adopt the Mitigated Negative Declaration 2326, and approve Development Plan Review (DPR) 16-00003, Specific Plan Amendment (SPA) 16-05050 & Tentative Parcel Map (TPM) 16-05049 (TPM 37055), based on the findings and subject to the Conditions of Approval and adding to Condition # 38F that graffiti shall be removed within 48 hours.

AYES: Commissioner Stuart, Commissioner Weir, Commissioner Hammond, Chairman McCarron, Vice Chair Balderrama, Commissioner Arras, Commissioner Shively.

NOES:

ABSENT:

ABSTAIN:

- B. Conditional Use Permit 16-05074 with Letter of Public Convenience or Necessity, and Variance 16-05142 for a 2,940 s.f. 7-Eleven convenience store with off-site beer and wine sales and a fueling station at the northeast corner of Case Road and Ethanac Road, west of the I-215 Freeway, within the Perris Crossing retail center. Applicant: Frank Allen Sipe, Barghausen Consulting Engineers, Inc.

Associate Planner Diane presented the item. She concluded her item recommending the Planning Commission Adopt Resolution No. 17-01 approving Conditional Use Permit 16-05074 for development of a 7-Eleven store with alcohol sales and a fueling station with a Letter of Public Convenience and Necessity for the sale of beer and wine, and Variance 16-05142 to allow a second seller of alcoholic beverages in a retail center, based on the findings and the Conditions of Approval.

Commissioner Shively, Commissioner Arras, Commissioner Weir, Vice Chair Balderrama and Chairman McCarron stated they have visited the site.

Commissioner Hammond expressed safety concerns with regard to the right turn lane into the fuel station.

City Engineer Motlagh, presented the possible options to making the right turn lane safer.

Chairman McCarron agreed with Commissioner Hammond's concerns regarding the safety of the right turn lane into the project site.

Applicant Allen Sipe, gave a brief presentation on the project.

City Engineer Motlagh, proposed a Condition of Approval to be added regarding the right turn lane into the project.

The Chair called for a motion.

M/S/C: Moved by Commissioner Shively, seconded by Commissioner Weir to Adopt Resolution No. 17-01 approving Conditional Use Permit 16-05074 for development of a 7-Eleven store with alcohol sales and a fueling station with a Letter of Public Convenience and Necessity for the sale of beer and wine, and Variance 16-05142 to allow a second seller of alcoholic beverages in a retail center, based on the findings and the Conditions of Approval and adding Engineering Condition #14 stating that at the discretion of the City and in consultation with applicants traffic engineer, it will be determined if a dedicated right turn lane or additional signage may be necessary and if so implement it as such.

AYES: Commissioner Stuart, Commissioner Weir, Commissioner Hammond, Chairman McCarron, Vice Chair Balderrama, Commissioner Arras, Commissioner Shively.

NOES:

ABSENT:

ABSTAIN:

8. BUSINESS/WORKSHOP:

A. Planning Commissioner Election of Chair and Vice Chair

Commissioner Stuart announced his retirement from the Planning Commission.

Commission Members voted Vice Chair Balderrama as Planning Commission Chairperson.

Commission Members voted Commissioner Shively as Planning Commission Vice Chair.

Commissioner Hammond acknowledged Chairman McCarron on his time serving as Planning Commission Chairman.

9. PUBLIC COMMENTS: Anyone who wishes to address the Planning Commission regarding items not on the agenda may do so at this time. Please walk up to the podium and wait for the Chairperson to recognize you. Please speak clearly, give your name, spell your last name, and address for accurate recording in the minutes. Each speaker will be given three (3) minutes to address the Planning Commission.

10. COMMISSION MEMBERS ANNOUNCEMENTS OR REPORTS:

Commission Members acknowledged Commissioner Stuart's dedication and great work during his time serving the Planning Commission.

Commissioner Weir commented that the American Legion will hold a Flag Retirement Ceremony on February 4, 2017 and a Sweetheart Dance on February 18, 2017.

11. DIRECTOR OF DEVELOPMENT SERVICES REPORTS AND/OR INFORMATION:

Director of Development Services Miramontes congratulated Chairperson Balderrama and Vice Chairman Shively on their new positions and acknowledged Chairman McCarron for his time serving as Planning Commission Chairman.

12. ADJOURNMENT:

The Chair called for a motion.

M/S/C: Moved by Commissioner Stuart, seconded by 0 to Adjourn

AYES: Commissioner Stuart, Commissioner Weir, Commissioner Hammond, Chairman McCarron, Vice Chair Balderrama, Commissioner Arras, Commissioner Shively.

NOES:

ABSENT:

ABSTAIN:


Item 7.A

**PLANNING COMMISSION
AGENDA SUBMITTAL**

Meeting Date: February 15, 2017

SUBJECT: **Scoping Meeting for an Environmental Impact Report (17-05014) associated with Development Plan Review (DPR) 16-00008, and Tentative Parcel Map (37187) 16-05181 – Development Plan Review to construct a 668,681 sq. ft. industrial development on approximately 34.57 gross acres, and a Tentative Parcel Map to consolidate six (6) lots into one parcel located at the southeast corner of Indian Avenue and Markham Street. Applicant: Adam Schmidt, Duke Realty.**

REQUESTED ACTION: **Conduct a public Scoping Meeting, review, discuss, and provide comments regarding the proposed project for the preparation of an Environmental Impact Report**

CONTACT: Clara Miramontes, Director of Development Services 

BACKGROUND/DISCUSSION:

The applicant is proposing to develop approximately 668,681 sq. ft. industrial development on approximately 34.57 gross acres located at the southeast corner of Indian Avenue and Markham Street. The project includes Development Plan Review for the review of the site plan and building elevations.

The project will also require a Tentative Parcel Map (TPM) application to consolidate six (6) existing parcels (APNs 302-070-17, 302-070-18, 302-070-21, 302-070-22, 302-070-23, 302-070-24) into one industrial parcel. The property is located within the “LI” (Light Industrial) zone and along a Major Roadway Visual Overlay Zone (Markham Street and Indian Avenue) of the *Perris Valley Commerce Center* SP. All projects along Major Roadway Visual Overlay Zone require a superior architectural presence and aesthetic enhancements along both Markham Street and Indian Avenue. Some visual overlay zone enhancements include: full building articulation in the first 20% of the building, increased landscape buffer, decorative screen walls, enhanced landscape entrances with treatments, and raised landscaped medians.

The applicant has submitted building elevations with an architectural style that consists of a modern industrial design, including concrete tilt-up walls, metal cap with window glazing. The project adheres to the PVCC Specific Plan requirement that the architecture provide a clearly defined base, body and cap. The building proposes two veneer materials which are wood stone veneer and Aegean coral veneer. Additionally, the project provides a screen wall to include pilasters every 40 feet in distance. The wall shall be required to be architecturally consistent with the building design and to include a landscape planter along all street frontages. Staff collaborated with the applicant to provide more architectural detailing such as enhancing the entries with the two veneer materials, additional fenestration, and greater roof height variation in accordance with the PVCC Specific Plan.

Current site design for the project includes: perimeter lighting, landscaping, four (4) detention basins, two (2) truck dock loading areas, and parking lots along the northern and southern, project boundaries to accommodate 271 parking spaces and 162 trailer parking spaces. The project proposes four (4) points of access from Markham Street, Indian Avenue, and Perry Street.

A Notice of Preparation (NOP) has been prepared (attached) that identifies the need for an Environmental Impact Report (EIR). The NOP public commenting period begins on January 25, 2017 to February 23, 2017. The scoping meeting will allow interested persons, organizations, and agencies to comment on the preliminary assessment of the environmental issues to further address in the Environmental Impact

Report. After the scoping meeting, *Webb Associates.*, will prepare a Draft EIR in compliance with the California Environmental Quality Act. Upon completion of the DEIR, staff will respond to comments received during the circulation period of the DEIR, and the Final EIR will be brought back to the Planning Commission for consideration and adoption.

BUDGET (or FISCAL) IMPACT:

Cost for staff preparation of this item, cost of construction and payment of development impact fees are provided by the applicant.

PREPARED BY: Nathan Perez, Associate Planner 
REVIEWED BY: Clara Miramontes, Director of Development Services

City Attorney: N/A
Finance Director: N/A

Public Scoping Meeting: February 15, 2017

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

STAFF REPORT

Cases: SCOPING MEETING for **EIR 17-05014**
Development Plan Review (DPR) 16-00008
Tentative Parcel Map (TPM 37187) 16-05181

Environmental Determination: Environmental Impact Report in Process
State Clearinghouse No. 2017011061

Date: February 15, 2017

Project Planner: Nathan Perez, Associate Planner

Owner: Duke Realty
300 Spectrum Center Drive, Suite 1450
Irvine, CA 92618

Applicant: Webb Associates
3788 McCray Street
Riverside, CA 92506

Location: Generally located in north Perris, at the southeast corner of Redlands Avenue and Perry Street.

PROJECT DESCRIPTION: The applicant is proposing to construct a 668,681 sq. ft. high cube industrial development on approximately 34.57 gross acres, and a Tentative Parcel Map to consolidate six (6) lots into one parcel located at the southeast corner of Indian Avenue and Markham Street.

Acreage: approximately 34.57 gross acres

Agency Letters: Native American Heritage Commission dated 1/27/17
SCAQMD dated 1/27/17
Department of Transportation letter dated 1/30/17

Related Cases: N/A

ZONING AND LAND USE:

Existing Zoning: Light Industrial (Perris Valley Commerce Center SP)

Surrounding Zoning: Light Industrial (Perris Valley Commerce Center SP)

north, south, east and west.

Existing Land Uses: Vacant Land, with an existing non-conforming building

Surrounding Land Uses: Vacant land to north, east, west and south.

ANALYSIS AND REVIEW:

I. PROJECT LOCATION

The proposed project is within the *Perris Valley Commerce Center* (PVCC) Specific Plan area, at the southeast corner of Indian Avenue and Markham Street. The vacant 34.57 gross acre site is surrounded by vacant parcels to the east, west, north and south. The Project site is relatively flat, descending gradually to the southeast, and is situated at an elevation approximately 1,465 feet above mean sea level (amsl). The Project site has been historically used for agricultural purposes and is currently vacant with overgrown vegetation, except for various *Bruno Farms* buildings and farming operations located on the eastern portion of the Project site. The major roads that currently provide access to the site are Perry Street, Indian Avenue, and Markham Street, with the nearest I-215 interchanges at Ramona Expressway and Harley Knox Boulevard.

The Assessor Parcel Numbers (APNs) that make up the project site consists of six (6) parcels: APNs 302-070-17, 302-070-18, 302-070-21, 302-070-22, 302-070-23, 302-070-24; totaling approximately 34.57 acres.

II. PROJECT DESCRIPTION

The applicant is proposing to construct a 668,681 sq. ft. high cube industrial development on approximately 34.57 gross acres, and a Tentative Parcel Map to consolidate six (6) lots into one parcel located at the southeast corner of Indian Avenue and Markham Street. The project includes 169,409 sq. ft. of landscaping, 271 parking stalls, and 162 trailer parking stalls. A Development Plan Review (DPR) is required for review of architecture and site project layout.

III. PROJECT ANALYSIS

A. ZONING AND GENERAL PLAN CONSISTENCY

Per the *Perris Valley Commerce Center* SP, the project site is zoned "LI" (Light Industrial) with a Specific Plan (SP) General Plan Land Use designation. The proposed high cubed warehouse is permitted in the "LI" zone, which allows light industrial uses and related activities including manufacturing, research, warehousing/distribution, and assembly of non-hazardous products and materials, and retailing related to manufacturing.

According to the General Plan, the proposed development is located in Planning Area 1 “North commercial/Industrial” which is primarily designated for industrial land uses. The area is bounded to the north by March Air Reserve Base and Moreno Valley, to the west by 215 interstate, to the east Lake Perris and Ramona Expressway to the south.

B. SITE DESIGN

Current site design for the project includes: perimeter lighting, landscaping, four (4) detention basins, two (2) truck dock loading areas, and parking lots along the northern and southern, project boundaries to accommodate 271 parking spaces and 162 trailer parking spaces. The project proposes four (4) points of access from Markham Street, Indian Avenue, and Perry Street.

In accordance with the Perris Valley Commerce Center Specific Plan (PVCC SP), staff is requiring a minimum 12-foot high decorative wall along the truck trailer parking area facing Indian Avenue in order to screen all loading truck activity from public view. The wall shall be required to be architecturally enhanced. As well, a large landscape planter will be provided to allow berming and enhanced landscaping. In addition, all detention basins shall be landscaped and secured by wrought iron fencing with pilaster columns spaced at minimum 50 feet apart to help screen the basin from public view.

Buildings over 100,000 sq. ft. are required to provide employee amenities consisting of at least one indoor amenity and two outdoor amenities (consisting of one dining area and one recreation area). Indoor amenities can range from cafeterias to weight rooms. Outdoor amenities can range from basketball courts to volleyball courts, in addition to a required outdoor dining area. The project provides one outdoor amenity (basketball court), but no indoor employee amenities. The plans will be required to show the required recreational amenities.

C. ZONING CODE COMPLIANCE

Development Standards

Per the *Perris Valley Commerce Center SP*, the project site is zoned Light Industrial (LI) and is subject to the following development standards:

Development Standard	Required	Provided
Lot Coverage	50 % max	50%
Building Size	0.75 FAR	.50 FAR
Structure Height	50' feet max	42' feet
Front Setback (Perry Street)	30' feet min	155' feet
Side Setback	None	N/A
Rear Setback	None	N/A

The Light Industrial zone permits a maximum building lot coverage of 50% and Floor Area Ratio (FAR) of .75%. The proposed combined building square footage is 668,681 sq. ft., or 50% lot coverage, thus the project is in compliance with both the lot coverage and FAR provision of the zoning code.

The LI zone requires a minimum front yard setback of 10' feet for projects fronting collectors (Perry Street) and no rear and side yard setbacks are required if the building adjoins a non-residential use. Per P.M.C. 19.08 (Definitions), the front setback on a corner lot that has the shorter street frontage shall be considered the front lot line. Therefore, Perry Street is the front of the project.

The proposed building provides a front yard setback of 155' feet and since there is no residential development adjacent to the north, east and west of the site; no side or rear setbacks are required. Thus, the project meets all setback requirements.

Parking

The Parking and Loading Standards of the P.M.C. Section 19.69 requires that all industrial development provide off-street parking. The parking requirement calculation is based on 668,681 square feet of warehouse floor area and 27,000 square feet of office area (7,800 sq. ft. mezzanine area). The following table provides a total parking breakdown.

<i>Use</i>	<i>Sq. ft. of use</i>	<i>City Ratio</i>	<i>Spaces Required</i>
Office	27,000 sq. ft.	Parking for office area less than 10% of the total gross sq. ft. shall be included in warehouse calculation	0 spaces
High Cube Warehouse (First 20,000 square feet)	20,000 sq. ft.	1 space per 1,000 sq. ft.	20 spaces
High cube Warehouse (above 20,000 square feet)	20,000 sq. ft.	1 space per 2,000 sq. ft.	10 spaces
High Cube Warehouse (40,000 square feet or more)	628,681 sq. ft.	1 space per 5,000 sq. ft.	126 spaces
Total Parking Space Required			156 spaces
Total Parking Spaces Provided			271 spaces

The proposal also includes 162 truck trailer parking spaces, separated from all standard parking lot areas. Overall, the project meets P.M.C. 19.69 requirement for Off-Street Parking.

D. ELEVATIONS

The project is located within the LI zone and along a Major Roadway Visual Overlay Zone (Indian Avenue and Markham Avenue) of the *Perris Valley Commerce Center SP*. All projects along Major Roadway Visual Overlay Zone require a superior architectural presence and aesthetic enhancements along Indian Avenue and Markham Avenue.

The applicant has submitted building elevations with an architectural style that consists of a modern industrial design, including concrete tilt-up walls, metal cap with window glazing. The project adheres to the PVCC Specific Plan requirement that the architecture provide a clearly defined base, body and cap. The building proposes two veneer materials which are wood stone veneer and Aegean coral veneer. Additionally, the project provides a screen wall to include pilasters every 40 feet in distance. The wall shall be required to be architecturally consistent with the building design and to include a landscape planter along all street frontages. Staff collaborated with the applicant to provide more architectural detailing such as enhancing the entries with the two veneer materials, additional fenestration, and greater roof height variation in accordance with the PVCC Specific Plan.

E. LANDSCAPING

The *Perris Valley Commerce Center Specific Plan (PVCC SP)* requires landscaping to be provided at a minimum rate of 12% for the entire site. A conceptual landscape plan has not been submitted but the applicant will submit required plans prior to approval of this project. The current site plan shows a total of 169,409 sq. ft. of landscaping, or 12.7%. All WQMP detention basins will also be landscaped.

Landscape areas are proposed around the north and south perimeter of the building to screen the building foundation. Shade trees are also required to be provided throughout car parking areas at the rate of one tree for every six vehicles, and water quality basins will be fully landscaped to blend with the overall landscape design. Particular emphasis will be placed on enhanced landscaping at all project entries. All driveway entrances are required to have multi-level planting with trees, shrubs, groundcover to accent all entrances.

V. MARCH ARB/IP ALUCP

The proposed site plan complies with the 2014 March Air Reserve Base/Inland Port Airport Lands Use Compatibility Plan, and therefore does not require ALUC (Airport Land Use Commission) review. However, a portion of the building is within the Accident Potential Zone (APZ) I and Accident Potential Zone II of the March Airport Overlay Zone (AOZ) which required this project to be transmitted to MARCH ARB for comment. The original site plan included offices within the APZ I and APZII which raised concerns with the base concerning offices locations within APZs which yields a higher concentration of people. The applicant collaborated with staff and MARCH ARB, and revised the site plan to remove all office areas

outside the APZ zones. Since the site plan revision, no further comments have been received from MARCH ARB.

VI. ENVIRONMENTAL IMPACT REPORT

Staff has determined that an Environmental Impact Report (EIR) would be the appropriate means of environmental documentation for the project. *Webb Associates* will be preparing the Environmental Impact Report (EIR). A Notice of Preparation (NOP) has been prepared to allow public agencies 30 days (January 25, 2017 to February 23, 2017) to submit written comments.

During the 30 day NOP commenting period, the following letters (exhibit C) were submitted by public agencies and interested parties:

- Native American Heritage Commission dated 1/27/17
- SCAQMD dated 1/27/17
- Department of Transportation letter dated 1/30/17
- Lozeau Drury LLP dated 1/30/17

All comments in the letters will be addressed in the EIR and all commenting agencies will be forwarded a copy of the Draft EIR upon completion.

The proposed project may have significant effects on the environment, which will be further addressed in the forthcoming EIR. It is anticipated that the EIR will focus on the following issues:

- A. ***Aesthetics***. The City of Perris General Plan Environmental Impact Report identifies aesthetics effects as significant if a Project creates a substantial, demonstrable negative impact on the area. The Draft EIR will evaluate impacts related to light and glare impacts.
- B. ***Air Quality***. The Project site is located within the South Coast Air Basin (Basin). Air quality in the Basin is administered by the South Coast Air Quality Management District (SCAQMD). Impacts related to the potential violation of any air quality standard, cumulatively considerable net increase of any criteria pollutant, and potential exposure to sensitive receptors to substantial pollutant concentrations will be addressed in the Draft EIR.
- C. ***Biological Resources***. Site specific biological resource surveys will be prepared for the Project site to assess existing biological conditions. The results of these surveys will be discussed in the Draft EIR. The Draft EIR will also address consistency with the applicable habitat conservation plans such as the Western Riverside County Multiple Species Habitat Conservation Plan and the Stephen's Kangaroo Rat Habitat Conservation Plan.
- D. ***Cultural Resources***. The proposed Project could potentially cause a substantial

adverse change in the significance of an archaeological resource; indirectly destroy a unique paleontological resource, site, or unique geologic feature; or potentially disturb currently unknown human remains. In order to evaluate potential impacts to cultural resources, historical/archaeological resources and paleontological resources reports will be prepared for the Project. Impacts to cultural resources will be addressed in the forthcoming Draft EIR.

- E. ***Greenhouse Gas Emissions.*** The Draft EIR will evaluate the potential for the Project to generate substantial greenhouse gas emissions and/or be inconsistent with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.
- F. ***Hazards and Hazardous Materials.*** The Draft EIR will evaluate the potential impacts related to the Project's proximity to the nearby March Air Reserve Base.
- G. ***Hydrology and Water Quality.*** The Draft EIR will address compliance with the established National Pollution Discharge Elimination System and water quality standards and the creation of runoff.
- H. ***Noise.*** The Draft EIR will identify existing and future noise levels in the Project vicinity and evaluate the potential impacts of the proposed Project. Noise issues to be addressed include construction noise, operational noise, exposure of people to airport noise, and noise levels in excess of noise standards.
- I. ***Transportation.*** The Draft EIR will describe existing and future traffic conditions, and will assess potential Project-specific and cumulative impacts based on a Project-specific traffic study. The Draft EIR will also evaluate Project consistency with adopted policies and plans.
- J. ***Utilities and Service Systems.*** The Draft EIR will evaluate impacts associated with providing on-site utility and service systems.

VI. EIR SCHEDULE

The tentative schedule for preparing and processing the EIR is provided below. Please note that this is a draft schedule, which may be revised during the process.

TASK OR MILESTONE	DATE
City of Perris Issued Notice of Preparation	January 25, 2017
End of 30-day Response Period for NOP	February 23, 2017
Environmental Scoping Meeting	February 15, 2017
Complete Draft EIR, Issue Notice of Completion, and Begin 45-day Review	Summer, 2017

Scoping Session Staff Report

End of 45-Day Review Period	Fall 2017
Publish Notice of Final EIR and Begin 10-day Review	Fall 2017
Planning Commission Public Hearing	Winter 2017

After the scoping meeting, *Webb Associates, Inc.*, will prepare a Draft EIR in compliance with the California Environmental Quality Act (CEQA). Upon completion of the DEIR, staff will respond to comments received during the circulation period of the DEIR, and the Final EIR will be brought back to the Planning Commission for consideration and adoption.

VII. RECOMMENDATION:

Staff recommends that the Planning Commission conduct a public Scoping Meeting; and review, discuss, and provide direction to staff regarding the proposed project, and provide feedback for integration into the EIR 17-05014; TPM 37187 (16-05181), and DPR 16-00008

Attachments: Exhibit A: Vicinity Map
Exhibit B: Aerial Map
Exhibit C: Zoning Map
Exhibit D: Agency Letters
Exhibit E: Notice of Preparation
Exhibit F: Site Plan and Elevations (11'X17')
Exhibit G: Tentative Parcel Map

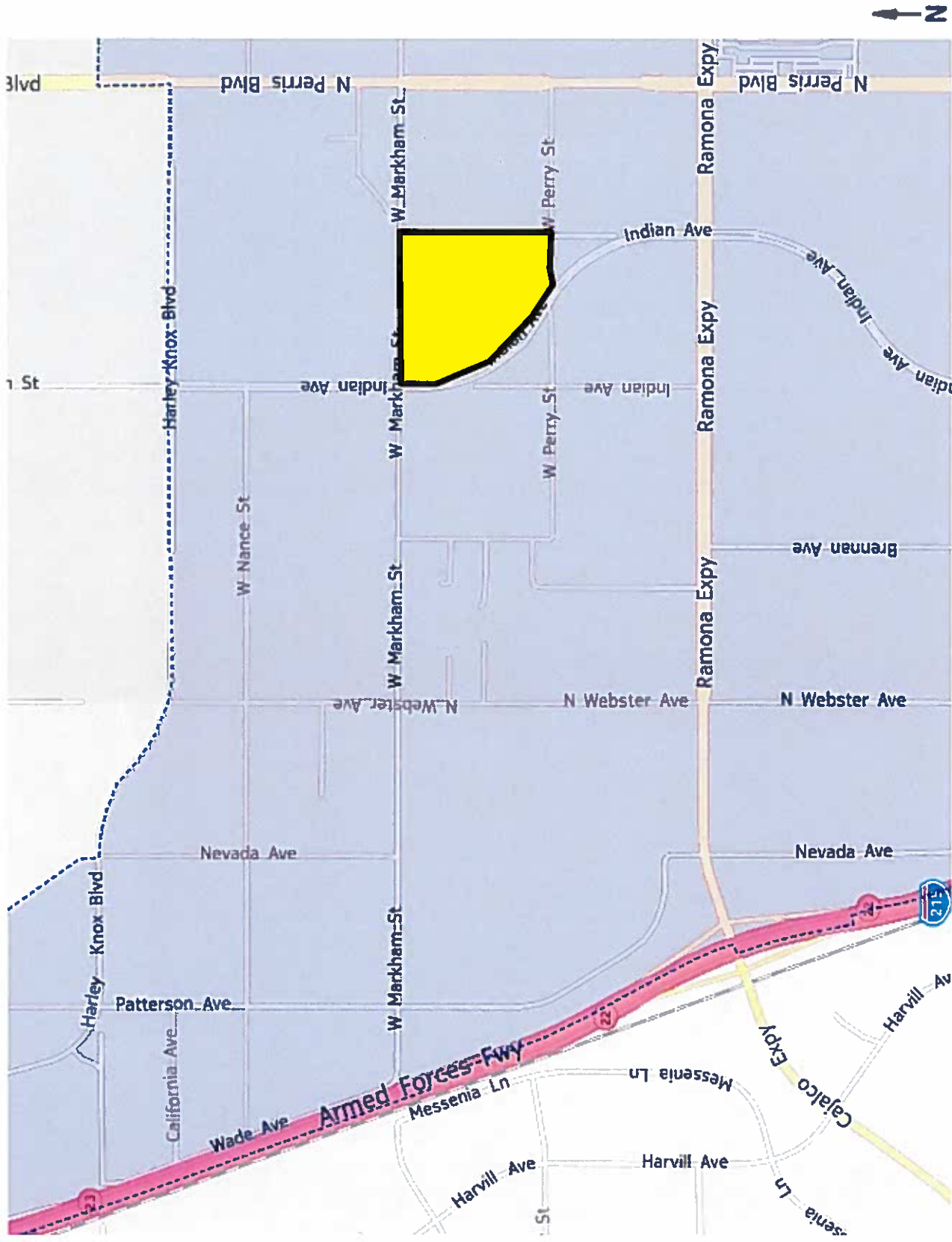


EXHIBIT A – Duke Industrial at Indian and Markham

VICINITY MAP



EXHIBIT B – Duke Industrial at Indian and Markham

AERIAL MAP

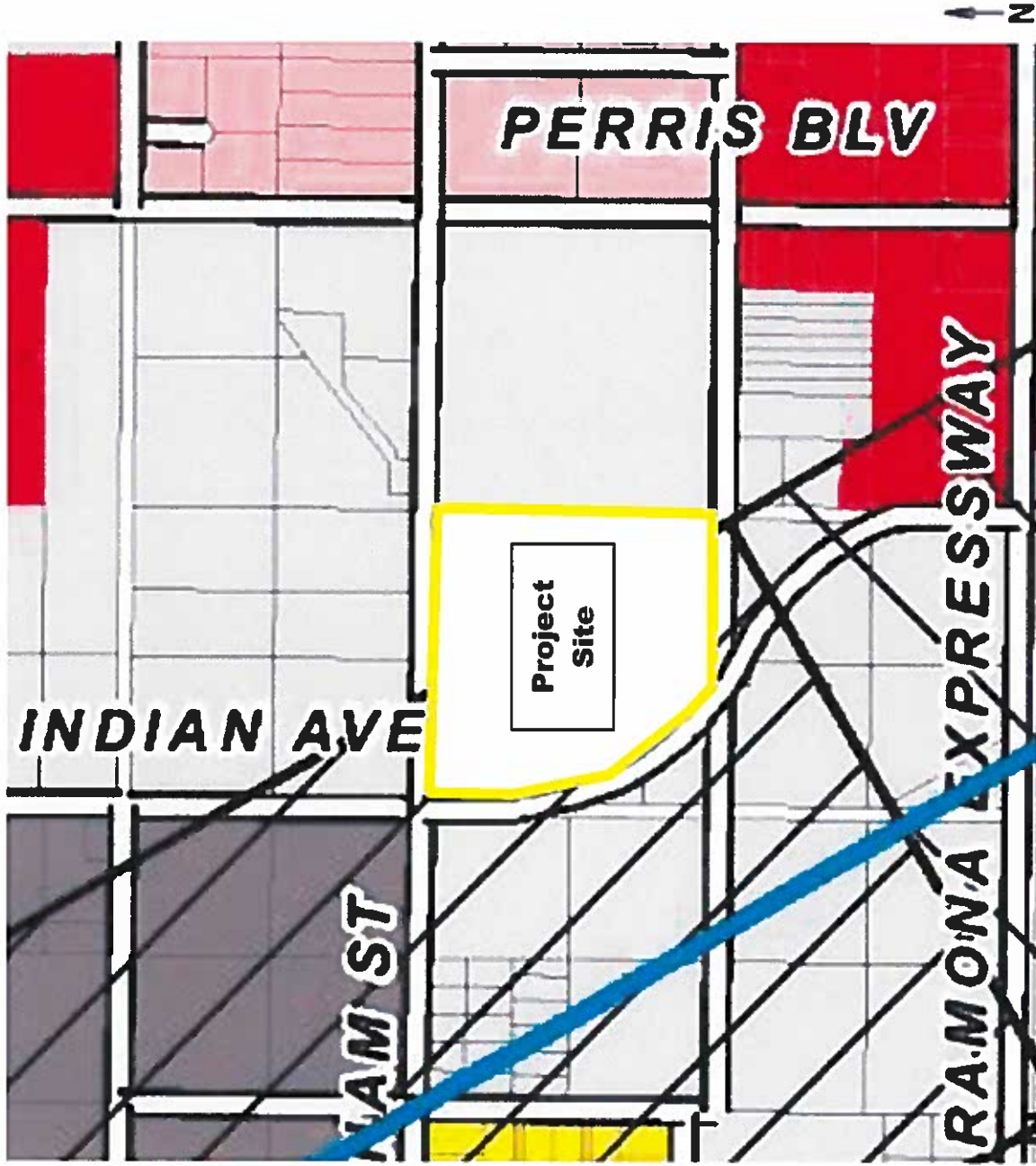


EXHIBIT C – Duke at Markham Street and Indian Avenue **PVCC SP MAP**

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Fax (916) 373-5471
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>
Twitter: @CA_NAHC



January 27, 2016

Nathan Perez
City of Perris
135 North D Street
Perris, CA 92570-1998

sent via e-mail:
nperez@cityofperris.org

RE: SCH# 2017011061; Duke Warehouse at Indian Avenue and Markham Street Project, Notice of Preparation for Draft Environmental Impact Report, Riverside County, California

Dear Mr. Perez:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a **separate category of cultural resources**, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (Pub. Resources Code § 21084.2). Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>. Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. **Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).

Exhibit D

- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. **Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. **Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. **Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. **Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. **Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).
7. **Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
8. **Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. **Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. **Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**

- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - I. Planning and construction to avoid the resources and protect the cultural and natural context.
 - II. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - I. Protecting the cultural character and integrity of the resource.
 - II. Protecting the traditional use of the resource.
 - III. Protecting the confidentiality of the resource.
- c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
- e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
- f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)). *This process should be documented in the Cultural Resources section of your environmental document.*

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe. (Gov. Code § 65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason,

we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have been already recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

Please contact me if you need any additional information at gayle.totton@nahc.ca.gov.

Sincerely,



Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst

cc: State Clearinghouse



South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

January 27, 2017

nperez@cityofperris.org

Nathan Perez, Associate Planner
City of Perris – Planning Division
135 North “D” St.,
Perris, CA 92570

**Notice of Preparation of a CEQA Document for the
Duke Warehouse Project**

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The SCAQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the Draft EIR. Please send the SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to the SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address in our letterhead. **In addition, please send with the Draft EIR all appendices or technical documents related to the air quality and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include original emission calculation spreadsheets and modeling files (not Adobe PDF files). Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. More recent guidance developed since this Handbook was published is also available on SCAQMD's website here: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). SCAQMD staff also recommends that the Lead Agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: www.caleemod.com.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD staff requests that the lead agency quantify criteria pollutant emissions and compare the results to the recommended regional significance thresholds found here: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>. In addition to analyzing regional air quality impacts, the SCAQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a Draft EIR document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the lead agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*") can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

In addition, guidance on siting incompatible land uses (such as placing homes near freeways) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Perspective*, which can be found at the following internet address: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process.

Finally, should the proposed project include equipment that generates or controls air contaminants, a permit may be required and the SCAQMD should be listed as a responsible agency and consulted. The assumptions in the submitted Draft EIR would also be the basis for permit conditions and limits. Permit questions can be directed to the SCAQMD Permit Services staff at (909) 396-3385, who can provide further assistance.

Project Specific Comments – High Cube Warehouse Projects

SCAQMD recommends the use of truck trip rates from the Institute of Transportation Engineers (ITE) for high cube warehouse projects located in SCAQMD (i.e. 1.68 average daily vehicle trips per 1,000 s.f. and 0.64 average daily truck trips per 1,000 s.f.). Consistent with CEQA Guidelines, the Draft EIR may use a non-default trip rate if there is substantial evidence indicating another rate is more appropriate for the air quality analysis.

For high cube warehouse projects, the SCAQMD staff has been working on a Warehouse Truck Trip Study to better quantify trip rates associated with local warehouse and distribution projects, as truck emission represent more than 90 percent of air quality impacts from these projects. Details regarding this study can be found online here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/high-cube-warehouse>

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate these impacts. Pursuant to CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Mitigation Measure resources are available on the SCAQMD CEQA Air Quality Handbook website: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's webpage (<http://www.aqmd.gov>).

The SCAQMD staff is available to work with the lead agency to ensure that project emissions are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact Jack Cheng, Air Quality Specialist by e-mail at jcheng@aqmd.gov or by phone at (909) 396-2448.

Sincerely,

Jillian Wong

Jillian Wong, Ph.D.
Planning and Rules Manager
Planning, Rule Development & Area Sources

JC:JW
RVC170125-02
Control Number

DEPARTMENT OF TRANSPORTATION

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*Serious drought
Help save water!*

January 30, 2017

City of Perris
Planning Division
Nathan Perez
135 North "D" Street
Perris, CA 92570

DEVELOPMENT SERVICES
PLANNING DIVISION
FEB 03 2017

Duke Warehouse – Southwest corner of Indian Avenue and Markham Street, EIR 17-05014;
TPM 37187. (Riv 215 R31.54)

Mr. Perez,

We have completed our initial review for the above mentioned proposal for the development of 668,681 square feet building on approximately 31 acres. With the Tentative Parcel Map (TPM #37187) to merge multiple parcels into on [Case No. 16-05181]. Project is located in the northern part of the City of Perris at the southeast corner of Indian Avenue and Markham Street, west of N Perris Blvd. Less than one mile southeast of March Air Force Reserve Base (MARB).

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. Under the California Environmental Quality Act (CEQA), we are required to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the City of Perris due to the Project's potential impact to State facilities it is also subject to the policies and regulations that govern the SHS.

We recommend the following to be provided:

Traffic Study

- A Traffic Impact Study (TIS) is necessary to determine this proposed project's near-term and long-term impacts to the State facilities and to propose appropriate mitigation measures. The study should be based on Caltrans' *Guide for the Preparation of Traffic Impact Studies (TIS)* which is located at the following website:
http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf
Minimum contents of the traffic impact study are listed in Appendix "A" of the TIS guide.
- The data used in the TIS should not be more than 2 years old.

- The geographic area examined in the traffic study should include as a minimum all regionally significant arterial system segments and intersections, including State highway facilities where the project will add over 100 peak hour trips. State highway facilities that are experiencing noticeable delays should be analyzed in the scope of the traffic study for projects that add 50 to 100 peak hour trips.
- Traffic Analysis Scenarios should clearly be exhibited as exiting, existing + project, existing + project + cumulative, and existing + project + cumulative + ambient growth.
- Caltrans endeavors that any direct and cumulative impacts to the State highway system be eliminated or reduced to a level of insignificance pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) standards.
- The LOS for operating State highway facilities is based upon Measures of Effectiveness (MOE) identified in the Highway Capacity Manual (HCM). Caltrans endeavors to maintain a target LOS at the transition between LOS "C" and LOS "D" on State highway facilities; however, Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS. If an existing State highway facility is operating at less than this target LOS, the existing MOE should be maintained. In general, the region-wide goal for an acceptable LOS on all freeways, roadway segments, and intersections is "D". For undeveloped or not densely developed locations, the goal may be to achieve LOS "C".
- Clearly indicate LOS with and without improvements.
- It is recommended that the Synchro Analysis includes all intersections from the Project site to the proposed study areas. A PHF of 0.92 in urban areas is recommended to be used in the Synchro Analysis.
- All freeway entrance and exit ramps where a proposed project will add a significant number of peak-hour trips that may cause any traffic queues to exceed storage capacities should be analyzed. If ramp metering is to occur, a ramp queue analysis for all nearby Caltrans metered on-ramps is required to identify the delay to motorists using the on-ramps and the storage necessary to accommodate the queuing. The effects of ramp metering should be analyzed in the traffic study. For metered freeway ramps, LOS does not apply. However, ramp meter delays above 15 minutes are considered excessive.
- Proposed improvements should be exhibited in preliminary drawings that indicate the LOS with improvements.
- Please submit 3 hard copies of all Traffic Impact Analysis documents and 2 cd's. Also where applicable provide 2 cd's of the Synchro Analysis file.

Mr. Perez
January 30, 2017
Page 3

Multimodal Accessibility:

Caltrans encourages the provision of multimodal transportation options for road users in order to mitigate congestion and reduce vehicle miles traveled, which in turn reduces greenhouse gas emissions and our State's effect on climate change. This is reflected in our mission, to "provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability". Caltrans therefore seeks to reduce vehicle trips associated with proposed new local development and recommends appropriate mitigation measures that address the transportation impacts of such development. These measures may include the planning and provision of access for the circulation of bicycles, pedestrians, and transit users.

- Collaborate with local and regional partners to plan, develop, and maintain effective bicycle, pedestrian, and transit networks.
- Encourage local agencies to include bicycle, pedestrian, and transit elements in regional and local planning documents, including general plans, transportation plans, and circulation elements.
- Promote land uses that encourage bicycle, pedestrian, and transit travel.
- Promote awareness of bicycle, pedestrian, and transit needs to develop an integrated, multimodal transportation system.
- Maximize bicycle, pedestrian, and transit safety and mobility through each project's life cycle.

Prior to your submission for an Encroachment Permit, a follow-up Traffic Study Report letter will be required from the Department of Planning.

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Talvin Dennis at (909) 806-3957 or myself at (909) 383-4557 for assistance.

Sincerely,



MARK ROBERTS
Office Chief
Intergovernmental Review, Community and Regional Planning

DEVELOPMENT SERVICES
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FEB 06 2017



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Via Email and U.S. Mail

January 30, 2017

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Re: CEQA and Land Use Notice Request for the Duke Warehouse at Indian Avenue and Markham Street SCH2017011061

Dear Mr. Perez, Ms. Miramontes and Ms. Salazar:

I am writing on behalf of the Laborers International Union of North America, Local Union 1184 and its members living in the County of Riverside and/or City of Perris ("LiUNA"), regarding the Duke Warehouse at Indian Avenue and Markham Street SCH2017011061 ,aka EIR 17-05014; TPM 37187; Case No. 16-0518; and DPR 16-00008, including all actions related or referring to the proposal to merge 6 parcels (APNs: 302-070-17, -18, -21, -22, -23, and -24) on approximately 31 acres to construct a warehouse of approximately 668, 681 square feet ("Project").

We hereby request that the City of Perris ("City") send by electronic mail or U.S. Mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:

- Notices of any public hearing held pursuant to CEQA.
- Notices of determination that an Environmental Impact Report ("EIR") is required for a project, prepared pursuant to Public Resources Code Section 21080.4.
- Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
- Notices of preparation of an EIR or a negative declaration for a project, prepared pursuant to Public Resources Code Section 21092.
- Notices of availability of an EIR or a negative declaration for a project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
- Notices of approval and/or determination to carry out a project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of determination that a project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which requires agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

In addition, we request that the City send to us via email or U.S. mail a copy of all Planning Commission and City Council meeting and/or hearing agendas.

Please send notice by email or U.S. Mail to:

Richard Drury
Theresa Rettinghouse
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607
510 836-4200
richard@lozeaudrury.com
theresa@lozeaudrury.com

Please call should you have any questions. Thank you for your attention to this matter.

Sincerely,



Theresa Rettinghouse
Paralegal
Lozeau | Drury LLP



NOTICE OF PREPARATION DRAFT ENVIRONMENTAL IMPACT REPORT

To:

(Potential Responsible,
Trustee, Federal and Local
Agencies and nearby property
owners)

From:

City of Perris
Development Services Department
135 North "D" Street
Perris CA, 92570

CEQA LEAD AGENCY:

Staff Contact: Nathan Perez, Associate Planner
Planning Division
City of Perris, 135 North "D" Street
Perris, California 92570
Phone (951) 953-5003 ext. 279, FAX (951) 943-8379
Email: nperez@cityofperris.org

**SUBJECT: DUKE WAREHOUSE AT SOUTHWEST CORNER OF INDIAN AVENUE AND
MARKHAM STREET- DRAFT ENVIRONMENTAL IMPACT REPORT (EIR 17-05014; TPM
37187 [Case No. 16-05181]; and DPR 16-00008)**

The City of Perris is commencing preparation of a Draft Environmental Impact Report (EIR) for the Duke Warehouse at Indian Avenue and Markham Street Project described herein. The City wants to know the views of your agency as to the scope and content of the environmental information germane to your agency's statutory responsibilities. As a responsible or trustee agency, your agency may need to use the EIR prepared by the City when considering issuance of a permit or other approval for the Project. The City also wants to know the issues of concerns to the nearby property owners. Information gathered during the NOP comment period will be used to shape and focus future analyses of environmental impacts.

NOP COMMENT PERIOD:

The City invites you to submit written comments describing your specific environmental concerns. If you are representing a public agency, please identify your specific areas of statutory responsibility if applicable. Written comments are desired at the earliest possible date, but due to the time limits mandated by State law, your response must be sent no later than 30 days after receipt of this notice. **The NOP public comment period begins on January 25, 2017 and ends on February 23, 2017. A public scoping meeting is scheduled for 6:00 p.m., February 15, 2017 in the City Council Chambers of the City of Perris, 101 North "D" Street.** Please send your written comments to the City staff contact identified above, and please include your name, address, and contact information in your correspondence.

The Project description, location, and the potential environmental effects are contained in the attached materials. An Initial Study was prepared for the proposed Project and is also available at <http://www.cityofperris.org/departments/development/planning.html>.

Project Title: Duke Warehouse at Indian Avenue and Markham Street

Exhibit E

Duke Warehouse at Indian Avenue and Markham Street
Notice of Preparation

January 25, 2017
Page 2 of 10

Project Applicant: Adam Schmid
Duke Realty Limited Partnership
300 Spectrum Center Drive, Suite 1450
Irvine, CA 92618
Contact: Mr. Adam Schmid
(949) 797-7050

Date: January 25, 2017

Signature: _____
Nathan Perez, Associate Planner

I. PROJECT LOCATION

The proposed Project site is generally located in the northern portion of the City of Perris, at the southeast corner of Indian Avenue and Markham Street, and west of N Perris Boulevard. (Figure 1). The site consists of six parcels (APNs 302-070-17, 302-070-18, 302-070-21, 302-070-22, 302-070-23, 302-070-24 (Portion of Perry Road Right-of-Way)) totaling approximately 31 acres. The Project site is located South of Markham Street, East of Indian Avenue, and north of Perry Street. The Project site is located less than one mile to the southeast of March Air Reserve Base (MARB). (Figure 2 illustrates the limits of the proposed Project site).

The Project site is relatively flat, descending gradually to the southeast, and is situated at an elevation approximately 1,465 feet above mean sea level. (amsl). The Project vicinity is characterized by a mix of developed and undeveloped properties. Developed properties in the vicinity include, industrial properties to the south, east, west, and north. The Project site has been historically used for agricultural purposes and is currently vacant with overgrown vegetation, except for various Bruno Farms buildings and farming operations located on the eastern portion of the Project site. The major roads that currently provide access to the site are Perry Street, Indian Avenue, and Markham Street, with the nearest I-215 interchanges at Ramona Expressway and Harley Knox Boulevard.

The City of Perris General Plan designates the Project site as Specific Plan. The Project site is within the Perris Valley Commerce Center Specific Plan (PVCC-SP), which was adopted by the City of Perris on January 10, 2012. The Project site is currently zoned Light Industrial (LI) in the PVCC-SP.

Figure 1: Regional and Project Location



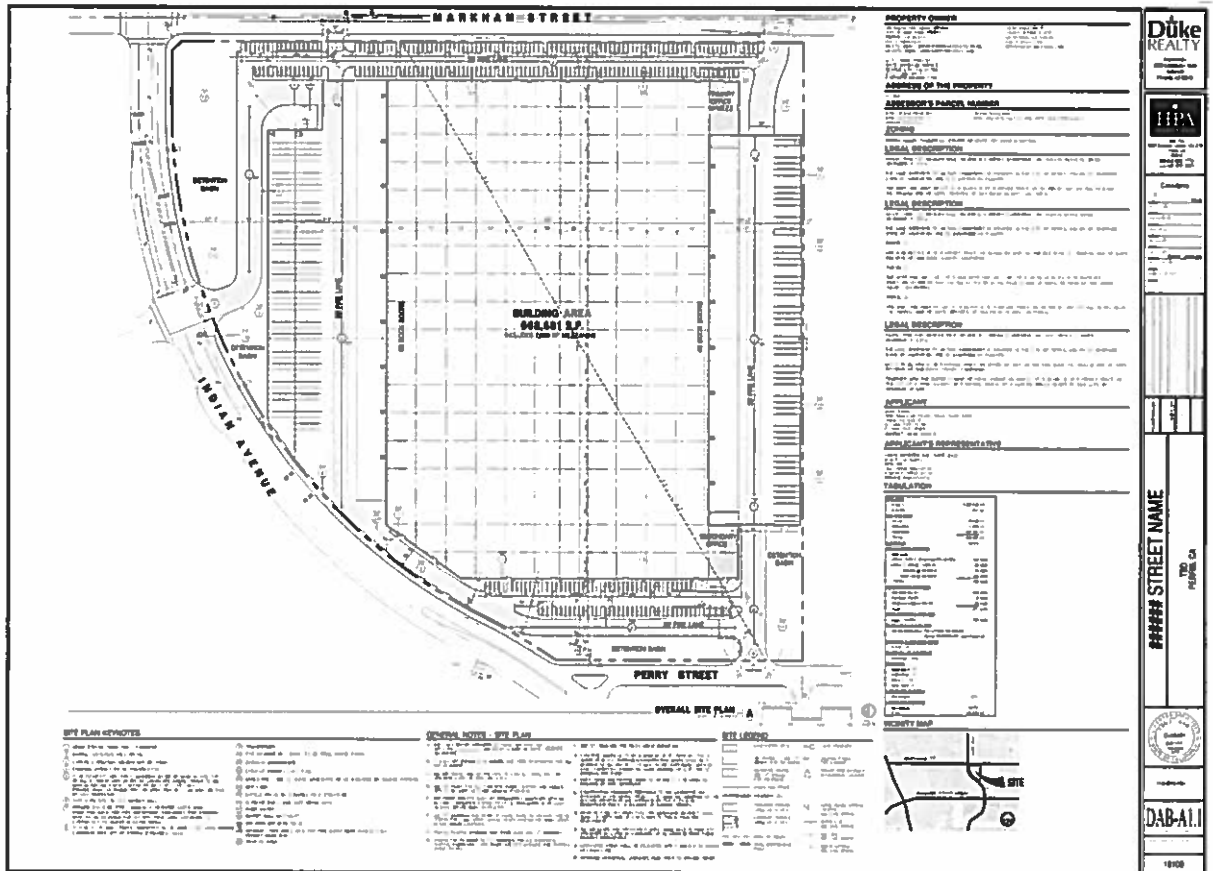
II. PROJECT DESCRIPTION

The proposed Project consists of the following components:

- A warehouse development site encompassing 668,681 square feet in a building on approximately 31 acres.
- Tentative Parcel Map (TPM #37187) to merge multiple parcels into one [Case No. 16-05181].
- Infrastructure includes road widening of Markham Street south of its centerline along the Project frontage to its ultimate street section. Street improvements for Perry Street include curbing, sidewalks, street lights, parkway landscaping, and realignment of the intersection at Indian Avenue. Construction of two new left turn lanes within the existing median of Indian Avenue is also proposed. The proposed Project will likely involve extension of recycled water line along the Project's westerly frontage within Perry Street. Sanitary sewer service would be provided via construction of a new sewer line in Perry Street from the Project's easterly limits to tie into an existing sewer main in Perris Boulevard.

Figure 3 presents the conceptual site plan for the Project.

Figure 3: Conceptual Site Plan



III. REQUIRED PERMITS/ACTIONS

The following permits and discretionary actions are required by the City of Perris as to implement the proposed Project:

- Certification of the EIR with the determination that the EIR has been prepared in compliance with the requirements of CEQA;
- Development Plan Review 16-00008 to allow the development of the 35.61 acre site with a 668,681 square foot warehouse distribution facility as well as the demolition of the existing facility located on a portion of the Project site;
- Tentative Parcel Map (TPM #37187) to merge multiple parcels into one [Case No. 16-05181]; and,

Other non-discretionary actions anticipated to be taken by the City at the staff level for the proposed Project include:

- Review and approval of all off-site infrastructure plans, including street and utility improvements pursuant to the conditions of approval;
- Review all on-site plans, including grading and on-site utilities; and
- Approval of a Preliminary Water Quality Management Plan (PWQMP) to mitigate post-construction runoff flows.

Approvals and permits that may be required by other agencies include:

- A National Pollutant Discharge Elimination System (NPDES) permit from the Regional Water Quality Control Board (RWQCB) to ensure that construction site drainage velocities are equal to or less than the pre-construction conditions and downstream water quality is not worsened; and
- Approval of water and sewer improvement plans by the Eastern Municipal Water District.

IV. PROBABLE ENVIRONMENTAL EFFECTS OF THE PROJECT

The Draft EIR shall contain a detailed Project description, a map identifying the location of the Project site and surrounding land uses, a description of the existing environmental setting, Project-specific impacts, cumulative impacts, mitigation measures to reduce potentially significant impacts to less than significant levels, and an alternatives analysis. It is anticipated that the Draft EIR will focus on the following issues:

- A. ***Aesthetics.*** The City of Perris General Plan Environmental Impact Report identifies aesthetics effects as significant if a Project creates a substantial, demonstrable negative impact on the area. The Draft EIR will evaluate impacts related to light and glare impacts.
- B. ***Air Quality.*** The Project site is located within the South Coast Air Basin (Basin). Air quality in the Basin is administered by the South Coast Air Quality Management District (SCAQMD). Impacts related to the potential violation of any air quality standard, cumulatively considerable net increase of any criteria pollutant, and potential exposure to sensitive receptors to substantial pollutant concentrations will be addressed in the Draft EIR.
- C. ***Biological Resources.*** Site specific biological resource surveys will be prepared for the Project site to assess existing biological conditions. The results of these surveys will be discussed in the Draft EIR. The Draft EIR will also address consistency with the applicable habitat conservation plans such as the Western Riverside County Multiple Species Habitat Conservation Plan and the Stephen's Kangaroo Rat Habitat Conservation Plan.
- D. ***Cultural Resources.*** The proposed Project could potentially cause a substantial adverse change in the significance of an archaeological resource; indirectly destroy a unique paleontological resource, site, or unique geologic feature; or potentially disturb currently unknown human remains. In order to evaluate potential impacts to cultural resources, historical/archaeological resources and paleontological resources reports will be prepared for the Project. Impacts to cultural resources will be addressed in the forthcoming Draft EIR.
- E. ***Greenhouse Gas Emissions.*** The Draft EIR will evaluate the potential for the Project to generate substantial greenhouse gas emissions and/or be inconsistent with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.
- F. ***Hazards and Hazardous Materials.*** The Draft EIR will evaluate the potential impacts related to the Project's proximity to the nearby March Air Reserve Base.
- G. ***Hydrology and Water Quality.*** The Draft EIR will address compliance with the established National Pollution Discharge Elimination System and water quality standards and the creation of runoff.
- H. ***Noise.*** The Draft EIR will identify existing and future noise levels in the Project vicinity and evaluate the potential impacts of the proposed Project. Noise issues to be addressed include construction noise, operational noise, exposure of people to airport noise, and noise levels in excess of noise standards.
- I. ***Transportation.*** The Draft EIR will describe existing and future traffic conditions, and will assess potential Project-specific and cumulative impacts based on a Project-specific traffic study. The Draft EIR will also evaluate Project consistency with adopted policies and plans.

- J. *Utilities and Service Systems.* The Draft EIR will evaluate impacts associated with providing on-site.

V. FUTURE PUBLIC MEETINGS

As noted earlier, the City of Perris will hold a public scoping meeting with the City of Perris Planning Commission on February 15, 2017 for the proposed Project. The City will provide background information on Environmental Impact Reports, solicit public input, respond to questions, and focus the document on issues of public concern.

VI. RESPONSE TO THIS NOTICE OF PREPARATION

Please provide written comments to the City of Perris no later than 30 days from receipt of this Notice of Preparation. According to Code Section 15082(b) of the CEQA Guidelines, your comments should address the scope and content of environmental information related to your agency's area of statutory responsibility. More specifically, your response should identify the significant environmental issues and reasonable alternatives and mitigation measures that your agency will need to have explored in the Draft EIR; and, whether your agency will be a responsible agency or a trustee agency, as defined by California Environmental Quality Act (CEQA) Code Sections 15381 and 15386, respectively. Please return all comments to the following address:

Nathan Perez, Associate Planner
City of Perris Development Services Department
135 North "D" Street
Perris CA, 92570

The City of Perris appreciates your conscientious attention to this Notice of Preparation.

PROPERTY OWNER
 1100 N. G Street
 Los Angeles, CA 90012
 (213) 475-1111
 (213) 475-1111
 (213) 475-1111
 (213) 475-1111

ASSESSOR'S PARCEL NUMBER
 532-275-111-1
 532-275-111-2
 532-275-111-3
 532-275-111-4

ZONING
 LAR 1-1
 LAR 1-2
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 LAR 1-4

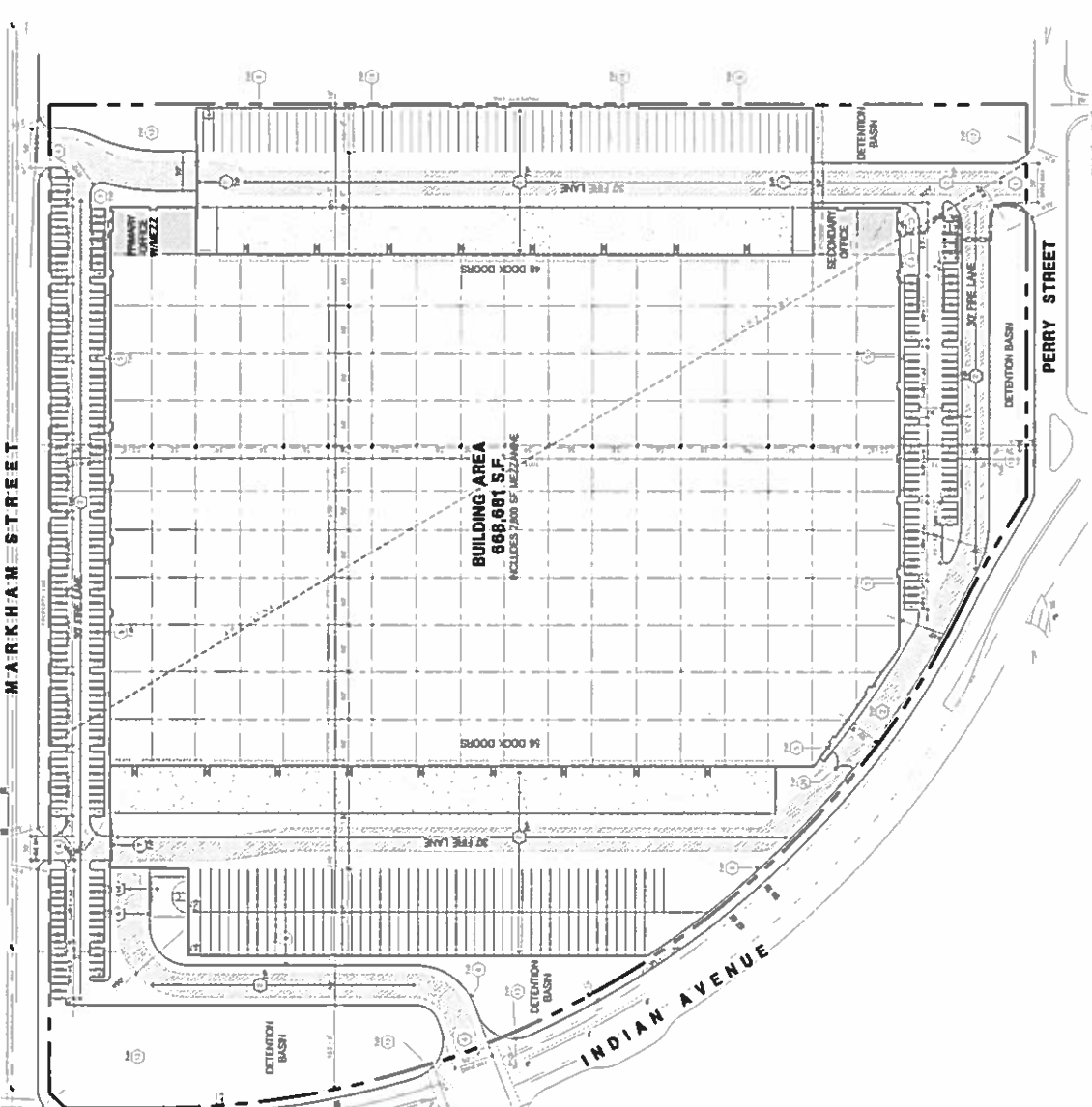
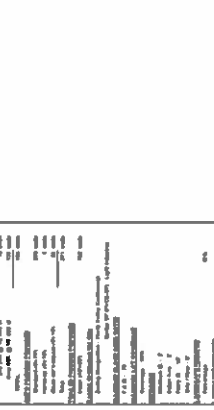
LEGAL DESCRIPTION
 THE LAND REFERRED TO IN THIS INSTRUMENT IS SHOWN IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, AND IS DESCRIBED AS FOLLOWS:
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APPLICANT
 Name
 Address
 City
 State
 Zip

APPLICANT'S REPRESENTATIVE
 Name
 Address
 City
 State
 Zip

TABULATION
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GENERAL NOTES - SITE PLAN

1. ALL DIMENSIONS ARE FROM EXISTING CONDITIONS.
2. ALL DIMENSIONS ARE FROM THE FACE OF THE CURB UNLESS NOTED OTHERWISE.
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SITE LEGEND

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Exhibit F



North Elevation - Markham Street



West Elevation - Indian Avenue

1 Sherwin Williams SW 7036 Accessible Beige

2 Sherwin Williams SW 7038 Tony Taupe

3 Sherwin Williams SW 7040 Smokehouse

4 Sherwin-Williams SW 7541 Gracian Ivory

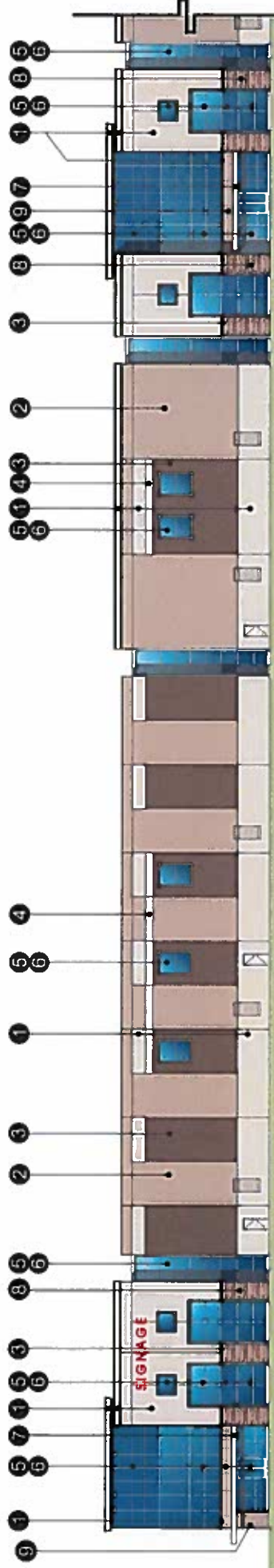
5 Blue Reflective GLAZING

6 Clear Anodized MULLIONS

7 Sherwin-Williams Metallics SW 7541 Gracian Ivory (Clearcoat) @ Metal CANOPY

8 Coronado Stone Veneer & captrim Rought Cut Woodstone Color: Cedar

9 Coronado Stone Veneer & captrim Style: Aegean Coral Color: Santorini Blend (custom to match paint color)



Enlarged View of North Elevation - Markham Street



Indian Avenue & Markham Street

PERRIS, CA





North Elevation - Markham Street



West Elevation - Indian Avenue



South Elevation - Perry Street



East Elevation



Enlarged View of North Elevation - Markham Street



Indian Avenue & Markham Street

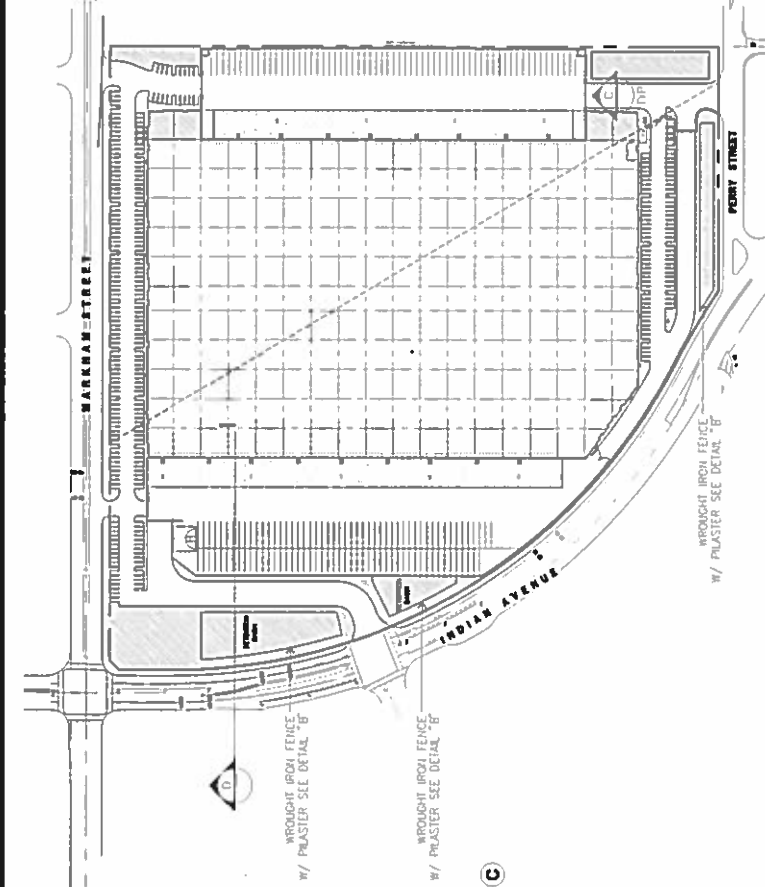
PERRIS, CA



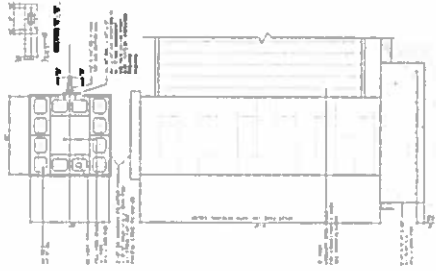
Project # 16100.00

CONCEPTUAL COLORED ELEVATIONS

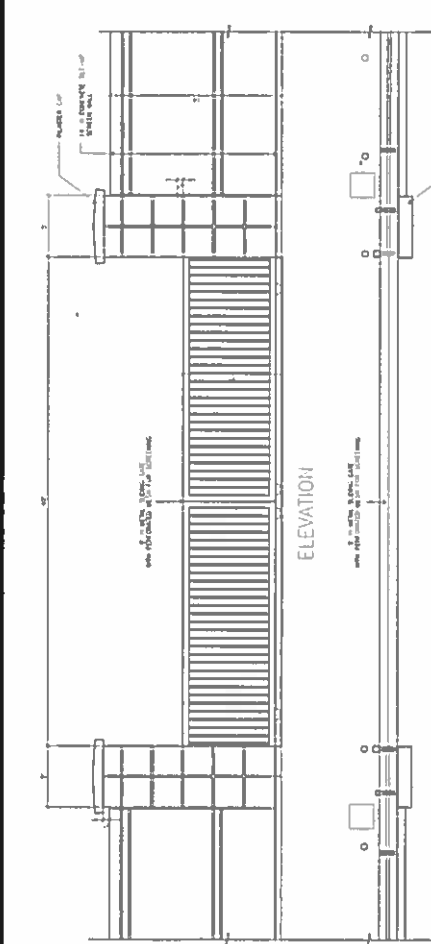
01.30.2017



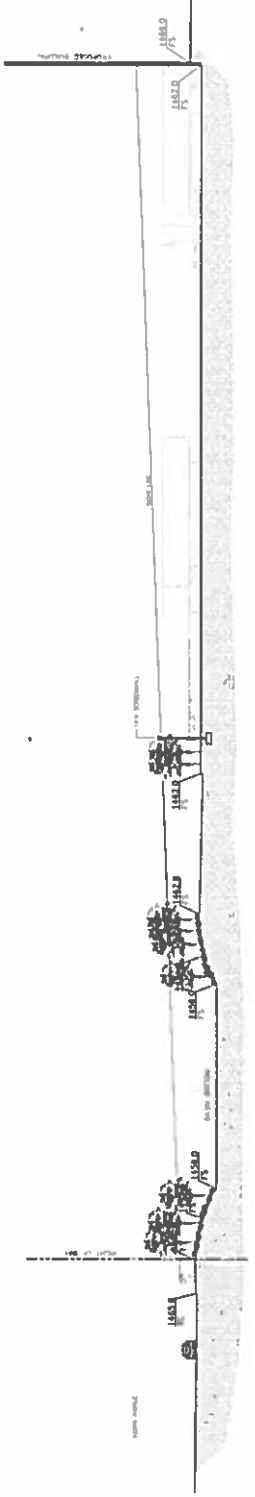
OVERALL SITE PLAN A



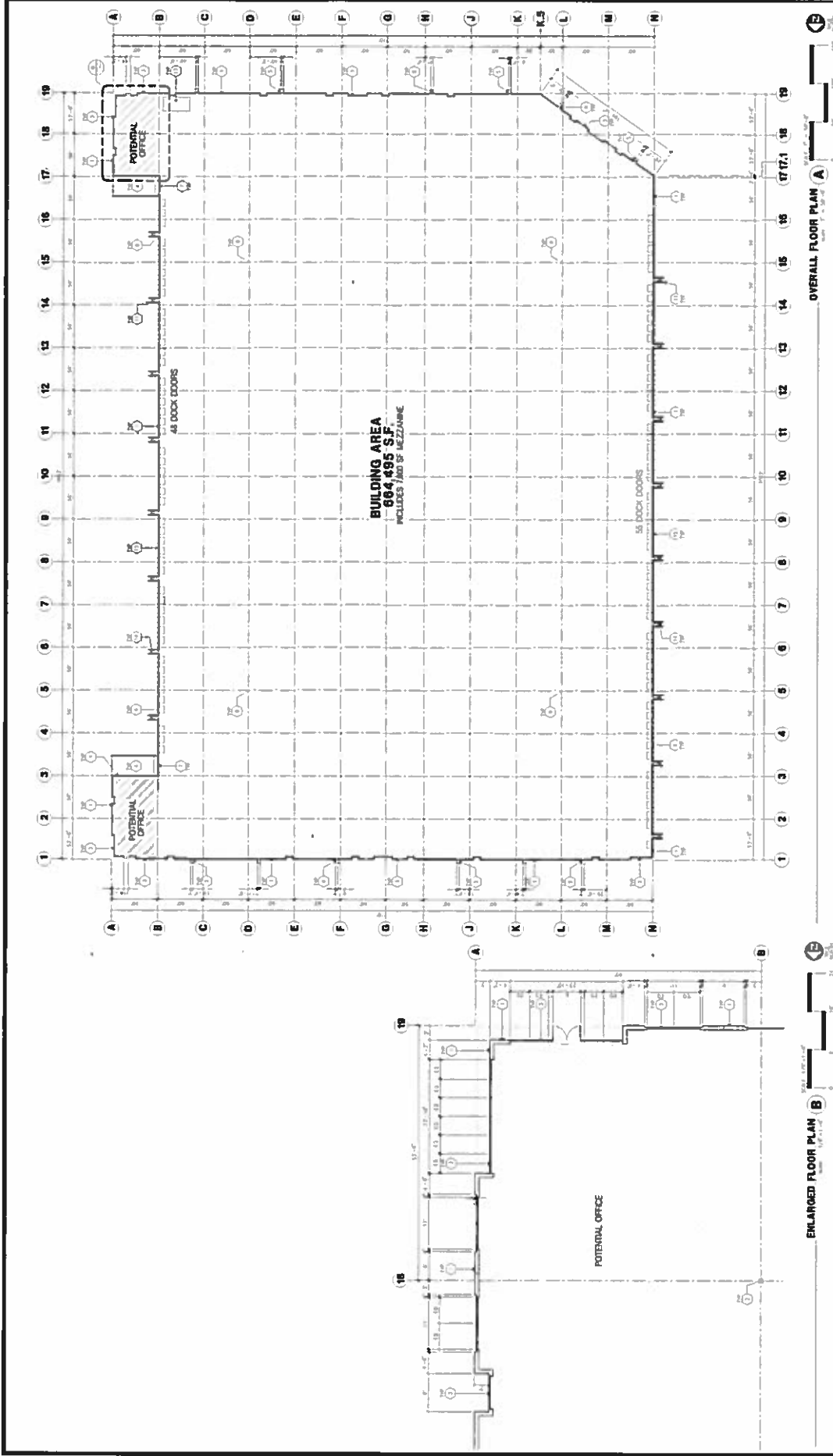
PLASTER / WROUGHT IRON FENCE B



TYPICAL SCREEN WALL DETAIL C



PLASTER / WROUGHT IRON FENCE D



- KEYNOTES - FLOOR PLAN**
1. CONCRETE FILL-UP PANEL
 2. STRUCTURAL STEEL COLUMN
 3. FLOOR FINISH (SEE ARCHITECTURAL SPECIFICATIONS)
 4. 1/2" THICK CONCRETE SLAB (SEE ARCHITECTURAL SPECIFICATIONS)
 5. CONCRETE WALL
 6. 1/2" THICK CONCRETE SLAB (SEE ARCHITECTURAL SPECIFICATIONS)
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- GENERAL NOTES - FLOOR PLAN**
- A. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 - B. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 - C. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
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 - Z. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

BUILDING AREA - 864,495 SF
 INCLUDES 1ND 5' MEZZANINE

POTENTIAL OFFICE

POTENTIAL OFFICE

POTENTIAL OFFICE

OVERALL FLOOR PLAN

ENLARGED FLOOR PLAN

Item 7.B

PLANNING COMMISSION
AGENDA SUBMITTAL

Meeting Date: February 15, 2017

SUBJECT: Conditional Use Permit 16-05237 – for the development of a 2,999 square foot drive-through restaurant (Carl's Jr.) on a .88 acre lot within an existing shopping center located on Ramona Expressway, at Brennan Avenue. Applicant: William Shuman, KZ Companies

REQUESTED ACTION: ADOPT Resolution No. 17-02 to approve Conditional Use Permit 16-05237 to construct a new drive-through restaurant based on the findings and subject to the Conditions of Approval.

CONTACT: Clara Miramontes, Director of Development Services 

BACKGROUND/DISCUSSION:

Conditional Use Permit 16-05237 is a request to construct a 2,999 square foot drive-through restaurant (Carl's Jr.) within an existing shopping center located between Webster and Brennan Avenues, on the north side of Ramona Expressway. The Perris Valley Commerce Center Specific Plan (PVCCSP) indicates the project site is zoned C (Commercial) which allows for general retail, service uses and restaurants, including drive-through restaurants, subject to approval of a Conditional Use Permit by the Planning Commission.

The project would develop a vacant pad at the northwest corner of Brennan Avenue and Ramona Expressway within the Ramona Marketplace center. The existing shopping center was approved November 15, 2006 by the Planning Commission for development of a seven acre retail/commercial center with associated parking, landscaping and street improvements. This decision was upheld by the City Council on December 12, 2006 when an appeal of the Planning Conditions of Approval to allow a second fueling station for large vehicles was supported.

The architecture of the proposed drive-through restaurant represents a new and modern look for the Carl's Jr. franchise. The building features a variety of high-tech materials and a color palette of gray, red and beige to distinguish base, body and cap. The interior of the building will be well-lit by the number of large windows. A porte cochere is provided over the drive-up window and coordinates with the building. All mechanical equipment on the roof is concealed from public view by a decorative parapet. The Ramona Marketplace has an existing ingress, egress, and shared parking agreement for the entire center. Overall, the project is consistent with the development standards for the Perris Valley Commerce Center Specific Plan regarding parking, setbacks, landscaping, building coverage and height requirements.

The project is Categorically Exempt pursuant to CEQA Article 15332 (Class 32) for infill development within city limits on less than five acres of land that is in compliance with applicable general plan policies, zoning requirements and with no habitat valuable for biological resources. A public hearing notice was mailed to adjacent property owners within 300' feet of the subject site. To date, no comments have been received from the public.

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

Prepared by: Diane Sbardellati, Associate Planner
City Attorney: N/A

Public Hearing: February 15, 2017

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

PROJECT REPORT

CASE NUMBER: Conditional Use Permit 16-05237

Date: February 15, 2017 Planning Commission

Project Planner: Diane Sbardellati, Associate Planner

Project Description: **Conditional Use Permit 16-05237** - to develop a 2,999 square foot drive-through restaurant (Carl's Jr.) on a .88 acre lot within an existing shopping center located on Ramona Expressway, at Brennan Avenue.

Location: Northwest corner of Brennan Avenue and Ramona Expressway

Assessor's Parcel Number: 302-260-077

Applicant: Pat Cowan, KZ Companies, LLC
Address: 3180 University Avenue
San Diego, CA 92104

Environmental Determination: Categorically Exempt pursuant to CEQA Article 15332 Class 32 for infill development

Related Cases: CUP 06-0019

EXISTING ZONING AND LAND USE:

Existing Zoning: Perris Valley Commerce Specific Plan - Commercial

Existing Land Use: Vacant pad in existing commercial center

Surrounding Zoning:

<i>Direction</i>	<i>Perris Valley Commerce Specific Plan - Zoning</i>
North	Residential
South	Light Industrial
East	Light Industrial
West	Commercial

Surrounding Land Uses:

<i>Direction</i>	<i>Land Use</i>
North	Single Family Homes
South	Industrial storage
East	Vacant land
West	Commercial center

PROJECT DESCRIPTION AND BACKGROUND:

The applicant requests approval of a Conditional Use Permit (CUP) to construct a 2,999 s.f. drive-through restaurant for Carl's Jr. within an existing shopping center located on the north side of Ramona Expressway between Webster and Brennan Avenues. The Carl's Jr. will be located at the corner of Brennan Avenue and Ramona Expressway. The project is located within the Perris Valley Commerce Center Specific Plan (PVCCSP), and the underlying land use designation is Commercial, which allows for general retail, service uses and restaurants. The proposed Carl's Jr. with drive-through lane is subject to the approval of a Conditional Use Permit by the Planning Commission.

The development includes 32 standard parking stalls and 3,546 square feet. of new landscaping, and 7,581 square feet of existing landscape within the bioswales surrounding the project on Ramona Expressway and Brennan Avenue. w, the proposed off-site landscaping which includes the landscape parkway along Ramona Expressway, is conditioned to be annexed into the landscape maintenance district to ensure irrigation and landscape maintenance.

ANALYSIS AND REVIEW:

GENERAL PLAN AND SPECIFIC PLAN CONSISTENCY

The proposed project is consistent with the Commercial Zone of the Perris Valley Commerce Specific Plan, and overall, complies with all development standards regarding parking, structure setbacks, landscaping, and building overage and height requirements.

The proposed project is located in Planning Area 1 (North Industrial) of the City of Perris General Plan (2030), which consists of 1,925 acres and is bounded by the March Air Reserve Base to the north, the I-215 freeway to the west, the City Limit to the east near Lake Perris, and to the south by Ramona Expressway. 46% of the City's General Industrial land is located in Area 1, and 26% of the Light Industrial land. Uses like fast food restaurants support the many industrial businesses in the immediate area, as well as commuters traveling along Ramona Expressway from the freeway. The project is consistent with Policy III.A of the General Plan to provide diversity in commerce to the local economy and to help provide jobs to Perris residents. Therefore, the proposed development is compatible with land use goals set forth in Planning Area 3 of the General Plan.

DEVELOPMENT STANDARDS

The proposed use, site design, setbacks, parking, and landscaping have been reviewed by Planning staff to verify and ensure compliance with development standards for the Perris Valley Commerce Center Specific Plan commercial zone. The Commercial Zone of the PVCCSP allows a maximum Floor Area Ratio (FAR) of 75%, and a maximum lot coverage area of 50%. The proposed project complies with these requirements by being .

The Specific Plan requires a minimum 15-foot setback from the Ramona Expressway. The building is set back 50 feet, however, the first 20 feet from the property line is a deep bioswale that wraps around the corner of Brennan Avenue to continue north, terminating at the northern boundary of the site. Side or rear yard setback requirements apply if the project is adjacent to a residential zone. A single family residence is located adjacent to and north of the commercial center, however the building is 85 feet south of an existing sound wall separating the residence from the commercial property. No residential properties are located to the east, and the required side setback from an adjacent street is the same as the front setback at 15-feet. The setback from Brennan Avenue is 35 feet, including the bioswale, and complies with this requirement.

PARKING & CIRCULATION

The PVCCSP refers readers to the Parking and Loading Standards of the Perris Municipal Zoning Code (P.M.C. Section 19.69) for off-street parking requirements. The Zoning Code requires one parking space per 50 square feet of dining floor area plus 10 additional parking spaces. Based on the approximately 1,000 square feet of interior dining area, a minimum of 32 parking stalls are required, and are provided. Two of the 32 stalls are disabled-accessible, which also meets code requirements. In addition, the requirement for stacking area for eight vehicles has also been met. The project site currently has two existing points of access: one from Ramona Expressway and the other from Brennan Avenue. Ramona Marketplace as a whole has a recorded shared parking and reciprocal access agreement.

Brennan Avenue is currently closed to traffic at the north boundary of the commercial center by K-rail to prevent traffic from Ramona Expressway, particularly trucks, from traveling on Brennan Avenue in front of single family homes. Due to the unsightly condition of the K-rail (graffiti), Planning staff has conditioned the project to provide an alternate, more attractive and permanent barrier for Brennan Avenue, as well as a sign prohibiting through access. The City Engineer will also review the proposed barrier and sign. The shopping center owner has agreed to this condition.

BUILDING ARCHITECTURE

The proposed drive-through restaurant uses a variety of materials and a color palette of gray, red and beige to distinguish base, body and cap of the building. The interior of the building will be well-lit by the number of large windows. The proposed materials of the building include stucco, stone tile (Daltile Limestone "Jurastone Beige") wainscot and façade treatment (including the full plane of the main entry) to match the stone tile used on other buildings in the center, decorative ridged parapets, and high-end metal panels for the red body color of the building (Mitsubishi Plastics "Apple Red").

Metal box canopies shelter the two entrances. A porte cochere is provided over the drive-up window and features a light gray stucco (“Dovetail”) with red accents and stone tile to coordinate with the building. All mechanical equipment on the roof is concealed from public view by the decorative parapet. The building also includes a partial star graphic near the top of the parapet on the south and east elevations, and a larger partial star silhouette on the east elevation. The architecture is a new and modern look for the Carl’s Jr. franchise.

LANDSCAPING

The project proposes 3,546 square feet of new landscaping within the project area, with 7,581 square feet of bioswales within the project site along Ramona Expressway and Brennan Avenue. These bioswales are required to be reconstructed and re-landscaped. The landscaping section of the Perris Commerce Center Specific Plan (Table 4.0-1) requires all commercial development to provide at least 10% landscaping on site. The conceptual landscape plan indicates the project will provide 29% landscaping, including the bioswales along the project frontage, and therefore exceeds the landscape standard. Landscaping has been provided in parking areas, along the drive-through lane, and to screen the trash enclosure. The plan provides the minimum number of trees based on the number of parking stalls, but not enough to provide shade, which is another development standard. Staff has conditioned the project to add trees on the west elevation of the building, and one end parking planter at the back of the site. Except for the existing median of Ramona Expressway, the proposed off-site landscaping along Brennan Avenue and Ramona Expressway will be maintained by the property owner and not required to be annexed into the landscape maintenance district.

ENVIRONMENTAL CONSIDERATIONS

The project is Categorical Exempt pursuant to CEQA Article 15332 Class 32 for infill development within city limits on less than five acres of land in compliance with applicable general plan policies and zoning requirements, and with no habitat value for biological resources.

MARCH AIR RESERVE BASE/INLAND PORT AIRPORT INFLUENCE AREA

The project is located within the March Air Reserve Base/Inland Port Airport Influence Area (March AIA) Zone C-1. The project site is outside, but close to and west of Accident Potential Zone 1 (Zone APZ 1/B-1) (See Exhibit G). The project is in compliance with the 2014 March ARB/IP Land Use Compatibility Plan (March ALUCP), and therefore does not require Airport Land Use Commission (ALUC) review for consistency. Staff received a comment letter dated January 3, 2017 from the Department of the Air Force, 452d Mission Support Group/Civil Engineers, for March Air Reserve Base which provided recommendations for the proposed project. These recommendations have been included in the Planning Conditions of Approval.

PUBLIC AND AGENCY COMMENTS

A public hearing notice was mailed to property owners within 300 feet of the subject property. As of the writing of this report, no comments opposing the project have been received.

FINDINGS FOR CONDITIONAL USE PERMIT 16-05237

1. The proposed location of the conditional use is in accord with the objectives of the P.M.C. 19.54.040 and the purposes of the Commercial Zone of the Perris Valley Commerce Specific Plan 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.
3. The proposed location of the conditional use and conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to the properties or improvements in the vicinity.
4. The architecture of the building will be compatible with the existing commercial center and nearby building standards, and protects the character of the adjacent development.

RECOMMENDATION

Staff recommends that the Planning Commission:

Adopt Resolution No. 17-02 approving **Conditional Use Permit 15-05237** for the development of a 2,999 square foot drive-through restaurant within an existing commercial center located at the northwest corner of Brennan Avenue and Ramona Expressway, based on the findings and information contained in the staff report and the attached exhibits, and subject to the Conditions of Approval.

EXHIBITS:

- A Conditions of Approval (Planning, Engineering and Public Works)
- B Vicinity Map
- C Aerial View
- D General Plan & Zoning Map
- E Reduced Plan Set
- F Colors and Materials Board
- G MARB Airport Land Use Plan
- H Resolution

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

CONDITIONS OF APPROVAL

Planning Commission

February 15, 2017

Conditional Use Permit 15-05237

PROJECT: Conditional Use Permit 15-05237 to construct a 2,999 s.f. Carl's Jr. drive-through restaurant within an existing shopping center located on the northwest corner of Brennan Avenue and Ramona Expressway. Applicant: Pat Cowen, KZ Companies, LLC

General Requirements:

1. **Development Standards.** The project shall conform to all requirements of the City of Perris Municipal Code Title 19 and Perris Valley Commerce Center Specific Plan.
2. **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.
3. **Conformance to Approved Plans.** Development of the project site, building elevations, and conceptual landscaping shall conform substantially to the approved set of plans presented at the February 15, 2017 Planning Commission meeting, or as amended by these conditions. Any deviation shall require appropriate Planning Division review and approval.
4. **Term of Approval.** This approval shall be used within three (3) years of approval date; otherwise it becomes null and void. By use is meant the beginning of substantial construction within the three (3) year period which is thereafter diligently pursued to completion or the beginning of substantial utilization, as contemplated by this approval. A maximum of three (3) one-year time extensions shall be permitted.
5. **Building Official/Fire Marshal.** The proposed project shall adhere to all requirements of the Building Official/Fire Marshal. Fire hydrants shall be located on the project site pursuant to the Building Official. The applicant shall submit a fire access and fire underground plan prior to construction drawings. Water, gas, sewer, electrical transformers, power vaults and separate fire/water supply lines (if applicable) must be shown on the final set of construction plans pursuant to the requirements of the Building Official. All Conditions of Approval shall be included on building plans.
6. **Fire Department Conditions.** The project shall comply with the following:
 - a. A fire-flow report shall be provided to the Fire Plan Checker prior to grading permit issuance.
 - b. Prior to building permit issuance, indicate on fire plans the location of the building address and specify whether it is internally or externally illuminated. The address shall be clearly visible from the street.
 - c. All required fire hydrants shall be readily visible, with a clear space of not less than three feet.
 - d. All required fire hydrants shall be operational prior to building construction.

Exhibit A

- e. Prior to construction a temporary address sign shall be posted and clearly visible from the street.
7. **Engineering Conditions.** The project shall comply with all requirements of the City Engineer Conditions of Approval dated February 7, 2017.
8. **Public Works Administration.** The project shall comply with all requirements of the City of Perris Public Works Administration Conditions of Approval dated January 31, 2017.
9. **Southern California Edison.** The applicant shall contact the Southern California Edison (SCE) area service planner at (951) 928-8323 to complete the required forms prior to commencement of construction.
10. **Brennan Avenue.** A barrier of posts and wire, or another acceptable method of blocking through access on Brennan Avenue north of the project site shall be approved by the City Engineer and Planning staff. In addition, a sign shall be posted to prohibit through traffic.
11. **Screening of Roof-Mounted Equipment.** Parapet walls shall prevent public views of roof-mounted equipment on all elevations of the building.
12. **Notice of Exemption.** Within three (3) days of Planning Commission approval, the applicant shall submit a check to the City Planning Division, payable to "Riverside County Clerk-Recorder," for a \$50.00 check to file the notice exemption.
13. **Signs.** All project signage shall be in compliance with the approved sign program for Ramona Marketplace.
14. **Waste-Hauling.** The developer shall use only the City-approved waste hauler for all construction and other waste disposal.
15. **Graffiti** located on site shall be removed within 48 hours. The site shall be maintained in a graffiti-free state at all times.
16. **Property Maintenance.** The project shall comply with provisions of Perris Municipal Code 7.06 regarding Landscape Maintenance, and Chapter 7.42 regarding Property Maintenance.
17. **ADA Compliance.** The project shall conform to all disabled access requirements in accordance with the State of California, Title 24, and Federal Americans with Disabilities Act (ADA).
18. **Signage.** The proposed project does not include signage. All proposed signs shall be reviewed and approved by the Planning Division prior to the issuance of building permits.
19. **Trash Enclosure.** A covered trash enclosure constructed to City standards is required. The trash enclosure shall be easily accessible to the tenant and be screened by landscaping from the public view. The trash enclosure shall have an overhead trellis

treatment. Elevations shall be included on final landscape plans for review and approval by the Planning Division.

20. **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 Conditional Use Permit 16-05237. 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 the defense of the action.

Prior to Grading Permit Issuance:

21. **Site Lighting Plan.** The applicant shall submit a lighting plan to the Planning Division for review and approval. Full cutoff low sodium fixtures shall be used to prevent light and glare above the horizontal plan of the bottom of the lighting fixture. A minimum of one (1) foot-candle of light shall be provided in parking and pedestrian areas.
22. **Water Quality Management Plan.** The proposed project shall install all required BMP's associated with WQMP 06-0019 per plan and be inspected and approved by the City Engineer's Department.

Prior to Building Permit Issuance:

23. **Site Lighting Plan.** The applicant shall submit a lighting plan to the Planning Division for review and approval. Full cutoff low sodium fixtures shall be used to prevent light and glare above the horizontal plan of the bottom of the lighting fixture. A minimum of one (1) foot-candle of light shall be provided in parking and pedestrian areas.
24. **Landscaping.** Prior to issuance of building permits, three (3) copies of Construction Landscaping and Irrigation Plans shall be submitted to the Planning Division for approval and shall be accompanied by the appropriate filing fee. The landscape and irrigation plan shall be prepared by a registered landscape architect and conform to the requirements of Chapter 19.70 of the Municipal Code. The location, number, genus, species, and container size of the plants shall be shown. The following shall apply:
- a. **Parking Area Trees.** A minimum of 30 percent of trees shall be 36 inch box or larger. A minimum of one 24-inch box tree per 6 parking stalls shall be provided, and the project shall provide additional 24-inch box trees in the following areas:
 - b. **BMPs for Water Quality.** All BMPs (infiltration basins, vegetated swales, detention basins, etc.) shall be indicated on the landscape plans with appropriate planting and irrigation.
 - c. **Bioswales.** The formal landscape plan shall include the landscaping of the bioswales along the project frontage.

- d. **Corner Landscaping.** Enhanced landscaping, including 24-inch box trees, shall be provided at the corner of Brennan Avenue and Ramona Expressway around the proposed monument sign.
 - e. **Street Trees and Right-of-Way Planting Palette.** Street trees shall be placed a maximum distance of 30 feet on center, utilizing a planting palette consistent with the Perris Valley Commerce Center Specific Plan for Ramona Expressway.
 - f. **Maintenance.** All required landscaping shall be maintained in a viable growth condition.
 - g. **Irrigation Rain Sensors.** Rain sensing override devices shall be required on all irrigation systems (PMC 19.70.040.D.16.b) for water conservation. Soil moisture sensors are required.
25. **Building Plans.** All Conditions of Approval shall be copied onto the approved building plans. Such conditions shall be annotated, directing the reviewer to the sheet (or sheets) and detail(s) indicating satisfaction of the conditions.
26. **Planning Clearance.** The applicant shall first obtain clearance from the Planning Division verifying that all pertinent conditions of approval have been met.
27. **Fees.** The developer shall pay the following fees prior to building permit issuance:
- a. Stephen's Kangaroo Rat Mitigation Fees of \$500.00 per acre
 - b. Multiple Species Habitat Conservation Plan fees
 - d. Statutory school fees in effect at permit issuance to appropriate school districts
 - f. Road Bridge Benefit District (RBBD) fees
 - g. Perris Valley Master Drainage Plan fees
28. **March Air Reserve Base.** In accordance with recommendations by March Air Reserve Base, the following measures are required:
- a. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
 - b. The following uses shall be prohibited:
 - i) Any use which would direct a steady light or flashing light of red, white, green or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - ii) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - iii) Any use which would generate excessive smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, artificial marshes, wastewater management facilities, composting operations, trash transfer stations that are open on one or more sides, recycling centers contain putrescible wastes, construction and demolition debris facilities, fly

- ash disposal and incinerators.)
- iv) Any use that would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
 - v) Noise sensitive outdoor nonresidential uses and hazards to flight.
- c. A "Notice of Airport in the Vicinity" shall be provided to all potential purchasers and tenants and shall be recorded as a deed notice.
 - d. Any proposed detention basin(s) on the site (including bio-retention areas for water quality treatment) shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature. Landscaping in and around the retention basin(s) shall not include trees that produce seeds, fruits, or berries.
 - e. March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air Base radio communication could result. Sources of electromagnetic radiation include radio wave transmission in conjunction with remote equipment inclusive of irrigation controllers, access gates, etc.
 - f. This consistency determination applies specifically to use of this building as a restaurant.
29. **Assessment and Community Facilities Districts.** The project shall be annexed into any assessment, community facilities, or similar district that provides funding for maintenance, services, or public improvements that benefit the project. The costs and benefits shall be described in the applicable district and annexation documents. The developer shall complete all actions required to complete such annexation prior to issuance of a Certificate of Occupancy. This condition shall apply only to districts existing at the time the project is approved (or all requirements have been met for a certificate of occupancy, as applicable). Such districts may include but are not limited to the following:
- a. Landscape Maintenance District No. 1;
 - b. Maintenance District No. 84-1;
 - c. North Perris Community Facilities Assessment District

Prior to Issuance of Occupancy Permits:

- 30. **Final Inspection.** The applicant shall obtain occupancy clearance from the Planning Division by scheduling a final Planning inspection after final sign-offs from the Building Division and Engineering Department. Planning staff shall verify that all pertinent conditions of approval have been met.
- 31. **Occupancy Clearance.** The applicant shall have all required paving, parking, walls, site lighting, signage, landscaping and automatic irrigation installed and in good condition.

32. **Landscape Inspections.** The project applicant shall inform the on-site project manager and the landscape contractor of their responsibility to call for final landscape inspection after all the landscaping and irrigation have been installed and is completely operational. Reconstructed Infiltration Basins (B-17 and B-21) shall be inspected by the Public Works Department or their designee. Before calling for final inspection, a "Certificate of Compliance" form shall be completed and signed by the designer/auditor responsible for the project, and this form must be submitted to the project planner prior to the issuance of the Certificate of Occupancy.

Construction and Operational Requirements:

33. **Construction Practices.** To reduce potential noise and air quality nuisances, the following items shall be listed as "General Notes" on the construction drawings:
- a. Construction activity and equipment maintenance is limited to the hours between 7:00 a.m. and 7:00 p.m. Per Zoning Ordinance, Noise Control, Section 7.34.060, it is unlawful for any persons between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on a legal holiday, or on Sundays to erect, construct, demolish, excavate, alter or repair any building or structure in a manner as to create disturbing excessive or offensive noise. Construction activity shall not exceed 80 dBA in residential zones in the City.
 - b. Stationary construction equipment that generates noise in excess of 65 dBA at the project boundaries must be shielded and located at least 100 feet from occupied residences. The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. Equipment and shielding shall remain in the designated location throughout construction activities.
 - c. Construction routes are limited to City of Perris designated truck routes.
 - d. If applicable, water trucks or sprinkler systems shall be used during clearing, grading, earth moving, excavation, transportation of cut or fill materials and construction phases to prevent dust from leaving the site and to create a crust after each day's activities cease. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
 - e. A person or persons shall be designated to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. The name and telephone number of such persons shall be provided to the City.
 - f. Project applicants shall provide construction site electrical hook-ups for electric hand tools such as saws, drills, and compressors, to eliminate the need for diesel powered electric generators or provide evidence that electrical hook ups at construction sites are not practical or prohibitively expensive.

END OF CONDITIONS



CITY OF PERRIS

HABIB MOTLAGH, CITY ENGINEER

CONDITIONS OF APPROVAL

P8-625

February 7, 2017

CUP 16-05237 – Carl's Jr. (NEc of Brennan & Ramona Exp.)

With respect to the Conditions of Approval for the above referenced project, the City of Perris requires that the applicant provide the following street improvements and/or road dedications in accordance with the City of Perris Municipal Code Title 18. It is understood that the site plan correctly shows all existing and proposed easements, traveled ways, rights-of-way, and drainage courses with appropriate Q's and that their omission may require the map to be resubmitted for further consideration. These Ordinances and the following conditions are essential parts and requirement occurring in ONE is as binding as though occurring in all. They are intended to be complimentary and to describe the conditions for a complete design of the improvements. Unless otherwise noted, all offsite improvements as conditioned shall be installed prior to issuance of any occupancy permits. All questions regarding the true meaning of the conditions shall be referred to the City Engineer's office.

1. Development of this property shall be coordinated with the development of adjacent properties to ensure that watercourses remain unobstructed and storm waters are not diverted from one watershed to another. This may require the construction of permanent and/or temporary drainage facilities or offsite construction and grading as determined by City. Appropriate drainage fees shall be paid prior to issuance of Building Permit.
2. The property's grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area. No ponding or concentration of water to upstream and downstream properties shall be permitted.
3. The applicant shall submit final WQMP for City review and approval prior to issuance of any permit.
4. All grading and drainage improvements shall comply with NPDES, WQMP, and Best Management Practices.

DEPARTMENT OF ENGINEERING
170 WILKERSON AVE., SUITE D, PERRIS, CA 92570-2200
TEL.: (951) 943-6504 - FAX: (951) 943-8416

5. Annexation to various maintenance districts as appropriate shall be required and completed prior to issuance of Building Permit. The applicant shall pay its fair share for maintenance of the existing signal at intersection of Ramona Expressway and Webster Avenue estimated at 5%.
6. Prior to start of grading, the City Engineer shall review and approve all onsite and offsite civil related work and the applicant shall secure Planning/Building Divisions approval.
7. Access shall be limited to existing driveway for Brennan Avenue.
8. The applicant shall work with Planning staff and install landscaping adjacent to existing barricades at end of Brennan Avenue.

Habib Motlagh

Habib Motlagh
City Engineer



CITY OF PERRIS

PUBLIC WORKS DEPARTMENT

Engineering Administration

NPDES

Special Districts (Lighting, Landscape, Flood Control)

MEMORANDUM

Date: January 31, 2017

To: Diane Sbardellati, Project Planner

From: Michael Morales, CIP Manager 

Subject: CUP 16-05237– Conditions of Approval

Proposal to construct a 2,999 sf fast food restaurant, with associated improvements, on a .88 acre parcel of an existing retail center. Project is at the northwest corner of Brennan Avenue and Ramona Expressway, within the Perris Valley Commerce Center (PVCC) Specific Plan

1. **Landscaping Plans.** Three (3) copies of Construction Landscaping and Irrigation Plans for the off-site landscaping, including parkways along Ramona Expressway and Brennan Avenue shall be submitted to the Planning Department for approval and shall be accompanied by the appropriate filing fee. The landscape and irrigation plan shall be prepared by a registered landscape architect and conform to the requirements of Chapter 19.70 of the Municipal Code. The location, number, genus, species, and container size of the plants shall be shown. This landscape plan shall be titled "LMD Off-site Landscape Plan CUP 16-05237" and shall be mutually exclusive of any private property, on-site landscaping. Elements of the Landscape Plan shall include but not be limited to:
 - a. **Landscape Limits** – Limits of right-of-way areas or easement areas, defined by concrete mow curb, fully dimensioned, that are to be annexed into the Landscape Maintenance District. A planting palette and hardscape plan intended to meet the design intent of the Landscape Guidelines in effect for the area, including the Perris Valley Commerce Center Specific Plan; and the design intent of neighboring development (street trees at BZ 96, immediately east of the proposed development) as determined by the Engineering Administration and Special Districts Division, including:
 - **Ramona Expressway** –Tree Primary: Lagerstroemia indica x fauriei "Tuscarora"-Crape Myrtle-Indian Tribe Varieties, 15 gallon at 20' on center
 - **Brennan Avenue**-Tree Primary- Platanus Acerfolia, London Plane Tree, 24" Box at 30' on center, and shrubs and ground cover Per Section 6.2.1 Streetscape Landscape design guidelines and planting pallet for Collector Road. Remove existing high water use turf.
 - b. **Irrigation** –A list of irrigation system components intended to meet the performance, durability, water efficiency, and anti-theft requirements for Special District landscape areas as determined by the Engineering Administration and Special Districts Division. Components shall include, but not be limited to Salco or GPH flexible PVC risers. Locations of Existing controllers, backflows and utility meters shall be shown on plans.
 - c. **Landscape Weed Barrier** - Weed cloth with a minimum expected life of 10-years shall be required under all mulched areas.
 - d. **Wire Mesh and Gravel At Pull Boxes**- Provide wire mesh and gravel layer within valve boxes to prevent rodent intrusion.

2. **Landscape Inspections.** The project applicant shall inform the on-site project manager and the landscape contractor of their responsibility to call for only "OFF-SITE" landscape and irrigation inspections at the appropriate stages of construction. Inspections shall be scheduled at least two-working days (Monday through Friday) prior to actual inspection. Contact Public Works-Engineering Administration/Special Districts at (951) 956-2120 to schedule inspections.
 - **Inspection #1** - Trenches open, irrigation installed, and system pressurized to 150 PSI for four hours.
 - **Inspection #2** - Soil prepared, and plant materials positioned and ready to plant.
 - **Inspection #3** - Landscaping installed, irrigation system fully operational, and and all required turn-over submittal items provided to Public-Works Engineering Administration/Special Districts.
3. **Water Quality Management Plans-Implementation of Approved Plan for Pad Tenant B-10 required.** The Master Site WQMP for the Ramona Market Place Plaza was approved under Conditions of Approval WQMP #06-0019 dated February 29, 2008. This WQMP included the Site Design, Source Control, and Treatment Control BMP's for Pad Tenant within drainage area B-10, as shown on the approved BMP Site Plan. Therefore, the proposed development shall adhere to the WQMP in effect for the project. The applicant shall submit an appropriate filing fee to the City Engineer's Office for required inspections of the re-construction of infiltration trenches and bio-swales required for the project, installation of on-site fossil filters as required, catch basin stenciling, building downspouts, covered trash enclosures, on-site training and education materials for future employees, etc.
 - **WQMP Inspections-** The project applicant shall inform the on-site project manager and the water quality/utilities contractor of their responsibility to call for both "ON-SITE" and OFF-SITE" WQMP Inspections at the appropriate stages of construction. Contact CGRM at (909) 455-8520 to schedule inspections.
 - **Reconstruct Infiltration Basins-** Both basins, B-17 and B-21 have accumulated sediment, debris, have clogged, have volunteer trees reducing capacity and obstructing flow, and lack vegetation necessary for their proper operation. These infiltration basins, and have not been accepted by the City, nor have they been assessed under FCD #1. All other basins on site have been re-constructed by the City for their proper operation. Developer shall reconstruct Basins B-17 and B-21 per the approved site plan and cross-sections provided in the approved Master Site WQMP.
 - **Acceptance By Public Works/Special Districts-**Both on-site and off-site flood control/water quality facilities required for the project, as depicted in the Final WQMP, shall be installed and fully operational, and approved by final inspection by the City's WQMP Consultant, CGRM. The Developer shall obtain a final Clearance Letter from CGRM indicating compliance with all applicable Conditions of Approval for the approved WQMP. The developer shall deliver the same to the Public Works-Engineering and Administration Division/Special Districts. The developer has previously submitted a Covenant and Agreement describing on-going maintenance responsibilities for on-site facilities per the approved WQMP, to the Public Works Engineering Administration and Special Districts Division. The Public Works Engineering Administration and Special Districts Division has previously reviewed and approved the Covenant and Agreement. The City has previously recorded the same with the Riverside County Recorder's Office, and the recorded instrument has been returned to the City Clerk of the City of Perris for filing.
4. **Assessment Districts.** Prior to permit issuance, developer shall deposit \$5,250 per district, \$5,250 total due. Payment is to be made to the City of Perris, and the check delivered to the City Engineer's Office. Payment shall be accompanied by the appropriate document for each district indicating intent and understanding of annexation, to be notarized by property owner(s):

- **Consent and Waiver for Landscape Maintenance District No. 1** –Developer shall pay his fair share (+-10%) for the existing Ramona expressway Landscape Median benefiting the proposed project.

- Original notarized document(s) to be sent to:
Roxanne Shepherd
Shepherd & Staats Incorporated
2370 Edgehill Road
Vista, CA 92084

- a. Prior to final map recordation or final certificate of occupancy the developer shall annex into the aforementioned districts, posting an adequate maintenance performance bond to be retained by the City as required by the City Engineer. Upon receipt of deposit and Consent and Waiver Forms, the developer shall work with City to meet all required milestones for annexations.

- i. City prepares the Engineer's Reports which includes a description of the improvements to be maintained, an annual cost estimate and annual assessment amounts.

- ii. Reports are reviewed and approved by the property owner. The assessment ballots will be based on these Reports.

- iii. The Reports and corresponding resolutions are placed, for approval, on the City Council Meeting Agenda. City Council action will include ordering the assessment ballots and setting a Public Hearing for no sooner than 45 days. Property owner attendance at this City Council Meeting is not required.

- iv. The assessment ballots are sent to the property owner and are opened by the City Clerk at the close of the Public Hearing. With a "YES" vote by the property owner the City Council can move forward with the Resolution that Confirms the Annexation. Property owner attendance at this Public Hearing is not required.

- v. Confirmation by the City Council completes the annexation process and the condition of approval has been met.

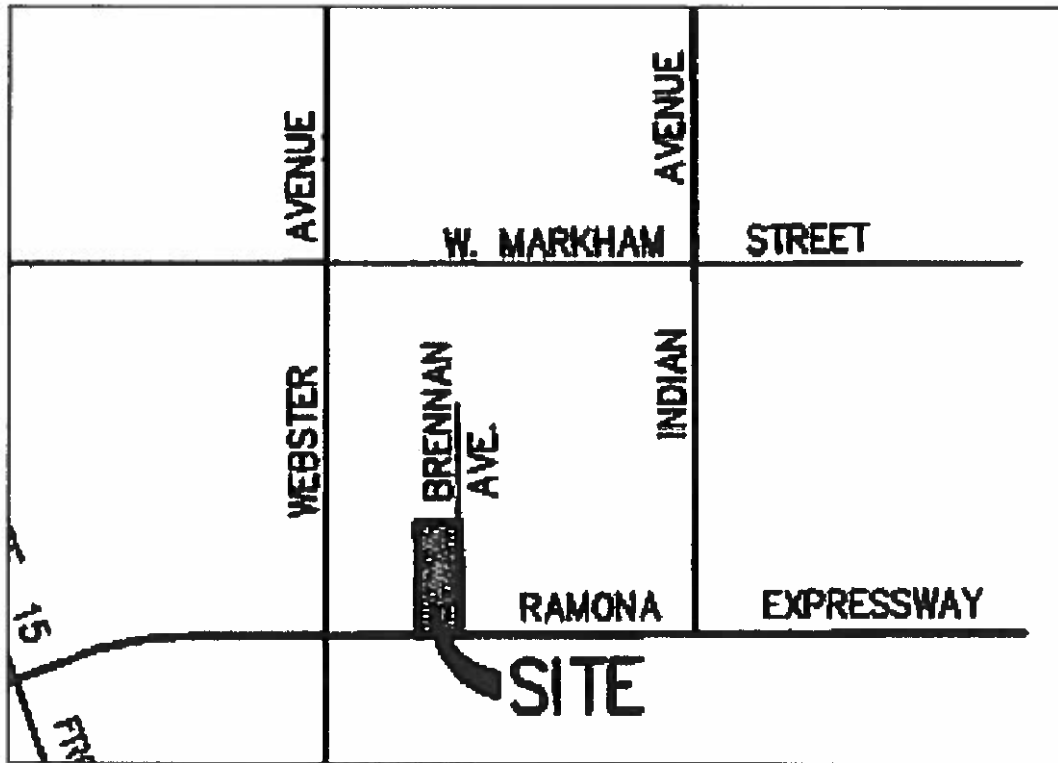


EXHIBIT B – VICINITY MAP

Conditional Use Permit 16-05237
Carl's Jr. at Ramona Marketplace
Northwest Corner of Brennan Avenue and
Ramona Expressway

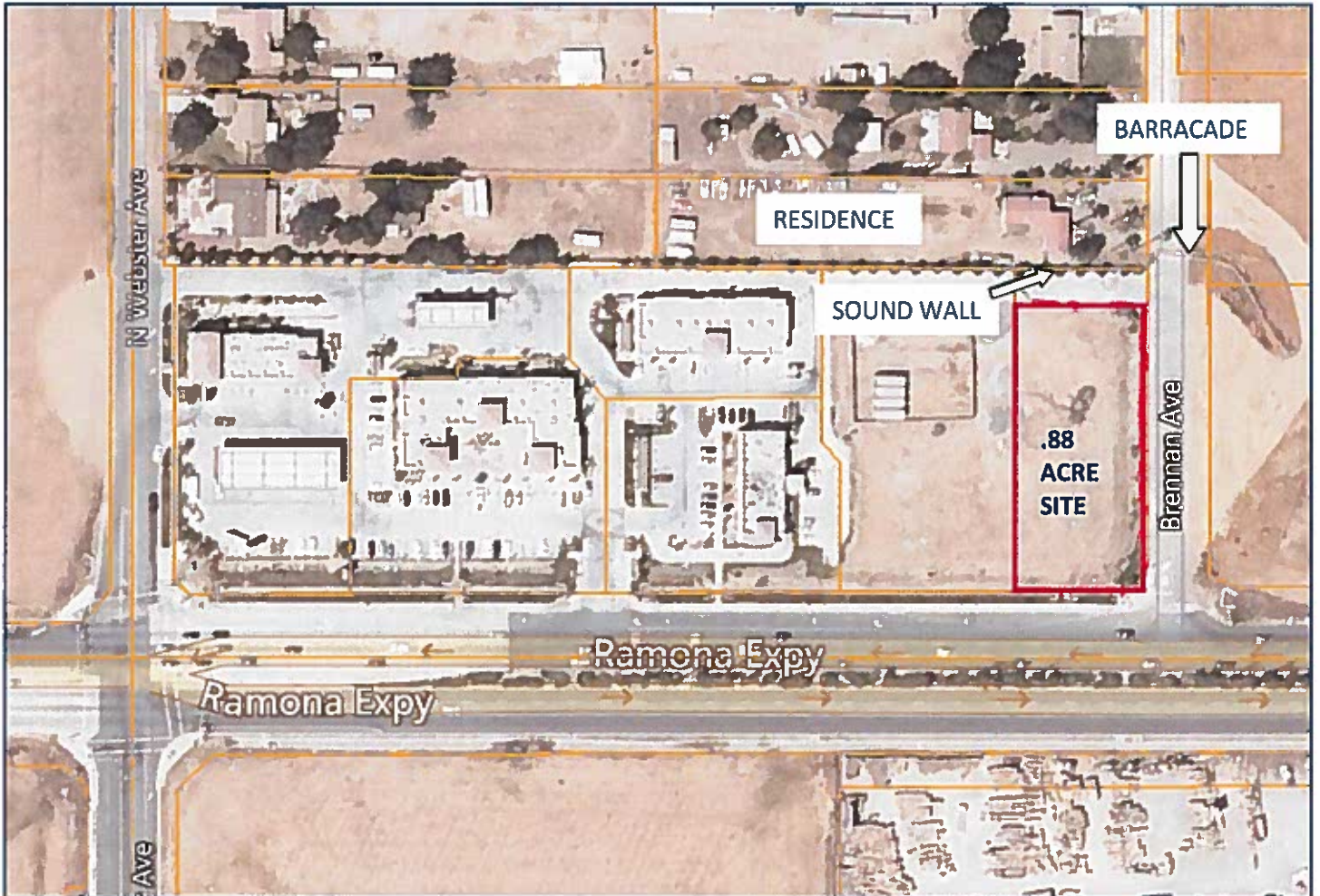


EXHIBIT C – AERIAL VIEW

Conditional Use Permit 16-05237
Carl's Jr. at Ramona Marketplace
Northwest Corner of Brennan Avenue and
Ramona Expressway

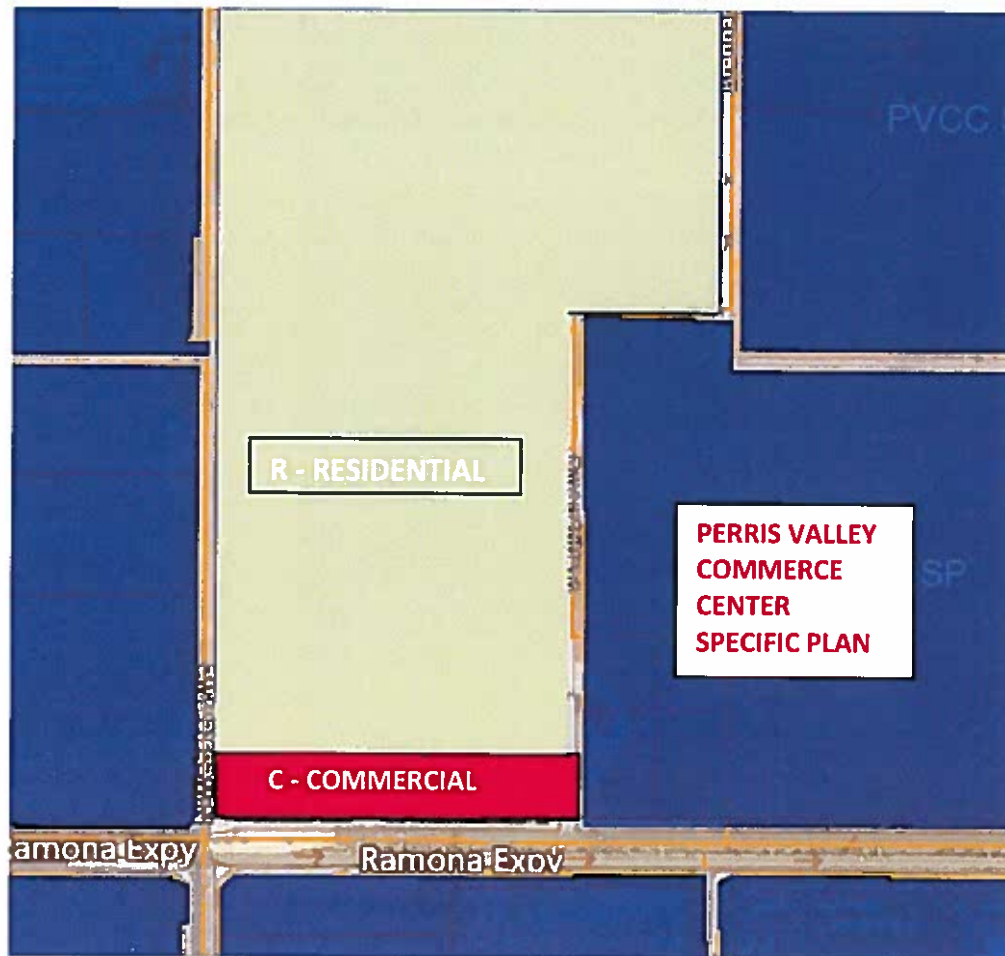


EXHIBIT D – GENERAL PLAN & ZONING

Conditional Use Permit 16-05237
Carl's Jr. at Ramona Marketplace
Northwest Corner of Brennan Avenue
and Ramona Expressway

Exhibit E

OVERALL SITE PLAN



CARL'S JR.
BASIC + SEISMIC PROTOTYPE
PROTOTYPE T25-C-72 2999.8

RAMONA DEVELOPMENT & BROWN AVE.
PERRIS, CA
CLIENT: KZ DEVELOPERS, LLC
18416 TOLLER AVE., SUITE 100
BROWNS VALLEY, CA 92512

KZ
KZ DEVELOPERS, LLC
18416 TOLLER AVE., SUITE 100
BROWNS VALLEY, CA 92512
TEL: 951-261-0000
WWW.KZDEVELOPERS.COM

LYONS WARREN
ARCHITECTS
18416 TOLLER AVE., SUITE 100
BROWNS VALLEY, CA 92512
TEL: 951-261-0000
WWW.LYONSWARREN.COM


LYONS WARREN
 15000 WILLOW WAY
 SUITE 100
 WESTLAKE, CA 91391
 TEL: 818-898-1100
 FAX: 818-898-1101


KZ
 15000 WILLOW WAY
 SUITE 100
 WESTLAKE, CA 91391
 TEL: 818-898-1100
 FAX: 818-898-1101

CLIENT: KZ COMPANY, LLC
 1818 TULLER AVE., SUITE 100
 BIRMGHAM, CA 92612

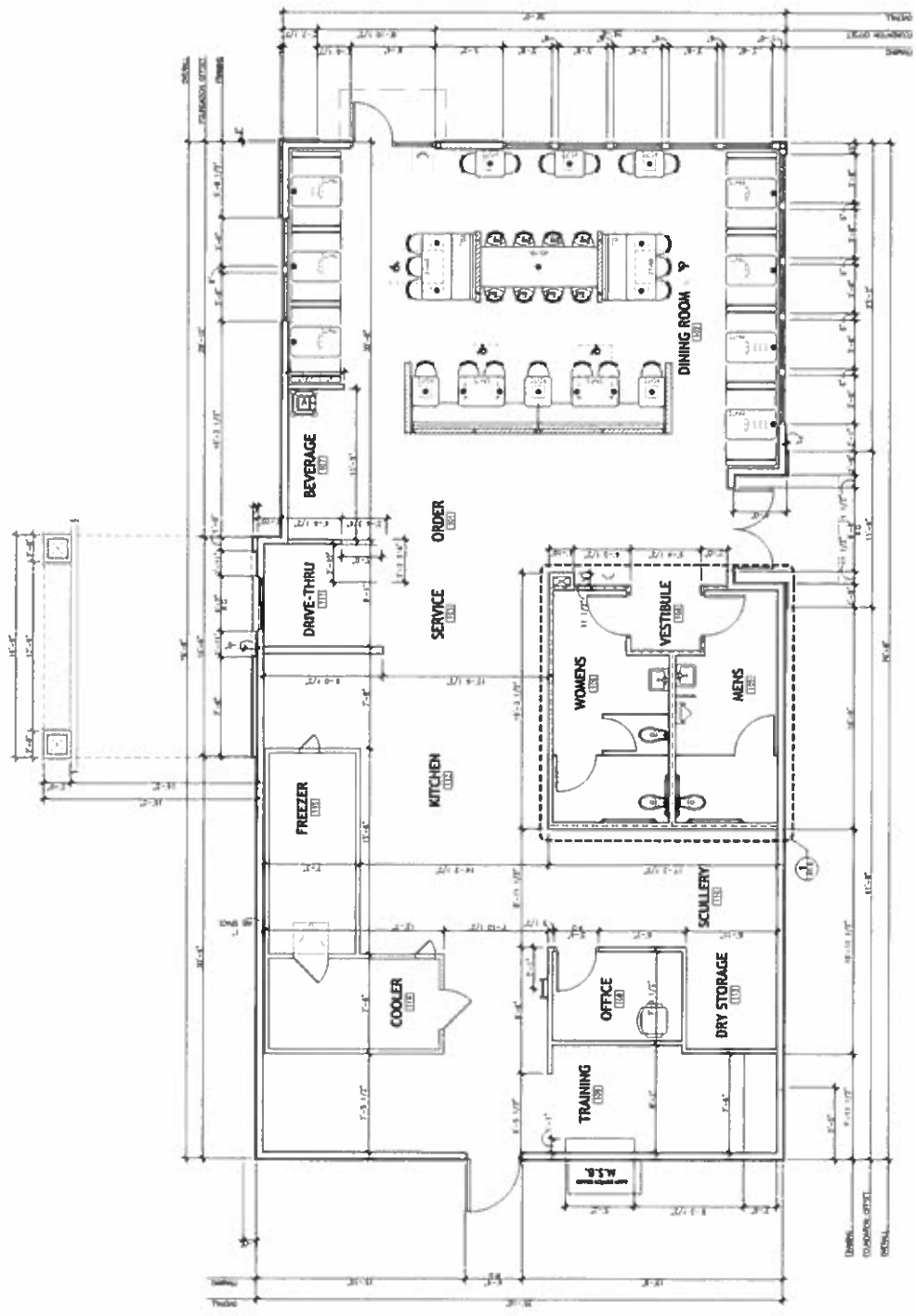
CARL'S JR.
 PROTOTYPE T25-C-72 2999.8
 BASIC + SEISMIC PROTOTYPE
 MAPON, ERNSTWALT & BRODMAN AVE.
 PERRIS, CA



DIMENSIONED
 FLOOR PLAN
A1.0

KZH1601

BUILDING: 2,999 SF



DIMENSIONED FLOOR PLAN
 1

KZH1601

A2.0

EXTERIOR ELEVATIONS



CARL'S JR.
PROTOTYPE T25-C-72 2999.8
BASIC + SEISMIC PROTOTYPE
RAGON DRIVEWAY & BIRDMAN AVE.
PERRIS, CA
OWNER: EZ COMMERCIAL, LLC
1815 TULSA AVE., SUITE 100
BRYNE, CA 92512

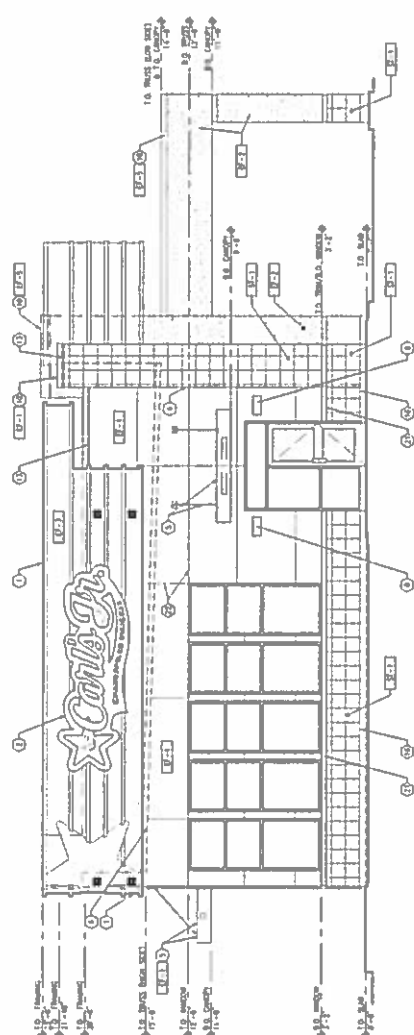
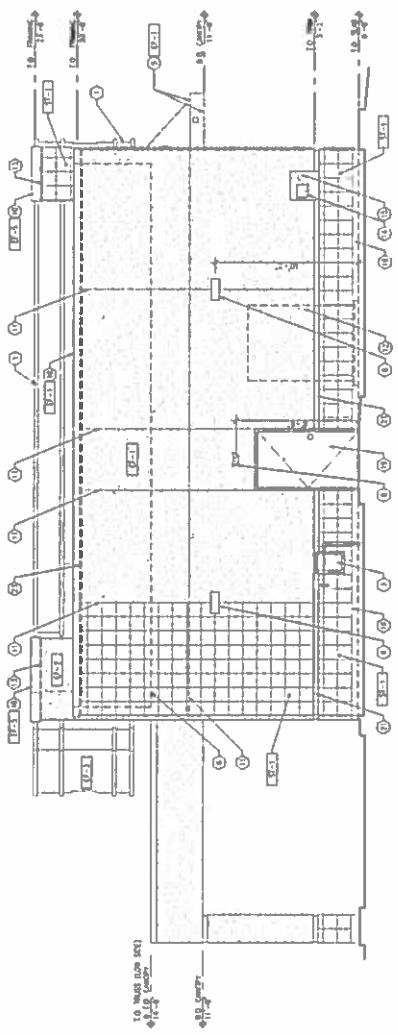


LYONS WARREN
ARCHITECTS
10000 W. CENTRAL EXPRESSWAY
SUITE 100
DALLAS, TEXAS 75243
214.343.7000
www.lyonswarren.com

- GENERAL NOTES**
- 1 REFER TO SHEETS A2.0 AND A2.1 FOR FINISH SCHEDULE
 - 2 REFER TO SHEETS A2.0 AND A2.1 FOR FINISH SCHEDULE
 - 3 REFER TO SHEETS A2.0 AND A2.1 FOR FINISH SCHEDULE
 - 4 REFER TO SHEETS A2.0 AND A2.1 FOR FINISH SCHEDULE
 - 5 REFER TO SHEETS A2.0 AND A2.1 FOR FINISH SCHEDULE
 - 6 REFER TO SHEETS A2.0 AND A2.1 FOR FINISH SCHEDULE
 - 7 REFER TO SHEETS A2.0 AND A2.1 FOR FINISH SCHEDULE
 - 8 REFER TO SHEETS A2.0 AND A2.1 FOR FINISH SCHEDULE
 - 9 REFER TO SHEETS A2.0 AND A2.1 FOR FINISH SCHEDULE
 - 10 REFER TO SHEETS A2.0 AND A2.1 FOR FINISH SCHEDULE
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 - 12 REFER TO SHEETS A2.0 AND A2.1 FOR FINISH SCHEDULE
 - 13 REFER TO SHEETS A2.0 AND A2.1 FOR FINISH SCHEDULE
 - 14 REFER TO SHEETS A2.0 AND A2.1 FOR FINISH SCHEDULE
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 - 17 REFER TO SHEETS A2.0 AND A2.1 FOR FINISH SCHEDULE
 - 18 REFER TO SHEETS A2.0 AND A2.1 FOR FINISH SCHEDULE
 - 19 REFER TO SHEETS A2.0 AND A2.1 FOR FINISH SCHEDULE
 - 20 REFER TO SHEETS A2.0 AND A2.1 FOR FINISH SCHEDULE
 - 21 REFER TO SHEETS A2.0 AND A2.1 FOR FINISH SCHEDULE

EXTERIOR FINISH

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EF-99	CONCRETE	CONCRETE
EF-100	CONCRETE	CONCRETE



EXTENSION
ELEVATIONS



CARL'S JR.
PROTOTYPE T25-C-72 2999.8
BASIC + SEMI-PROTOTYPE
RAMONA CROSSWAY & BROADWAY
PUEBLO, CO
CLIENT: ICE CONSUMERS, LLC
18818 TULLER AVE., SUITE 100
IRVINE, CA 92618

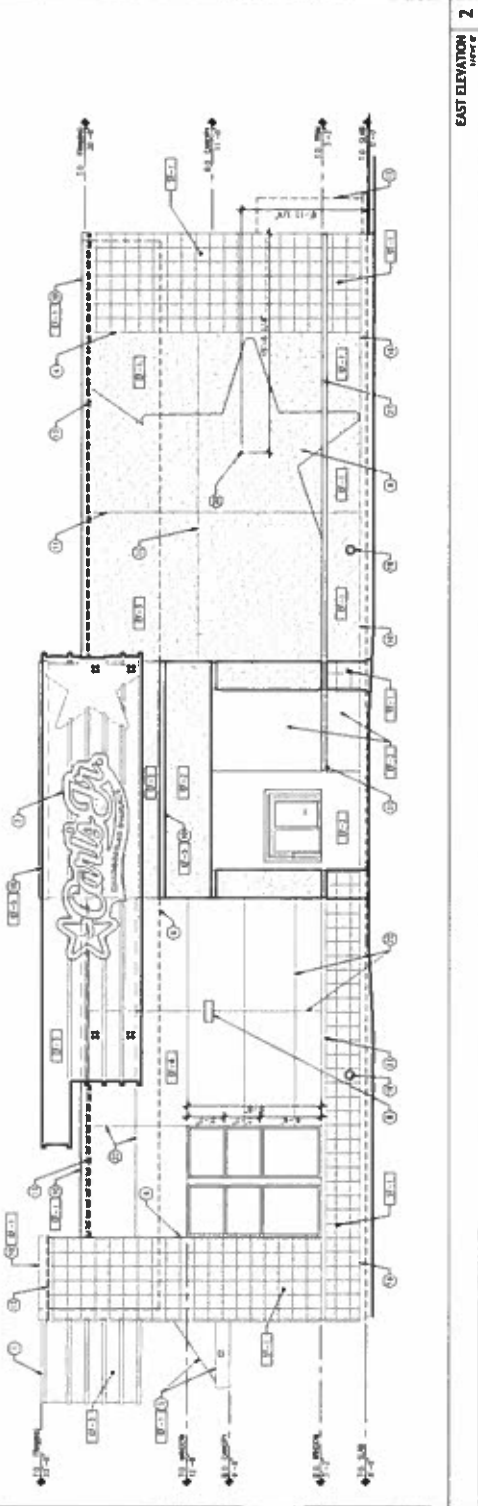


LYONS WARREN

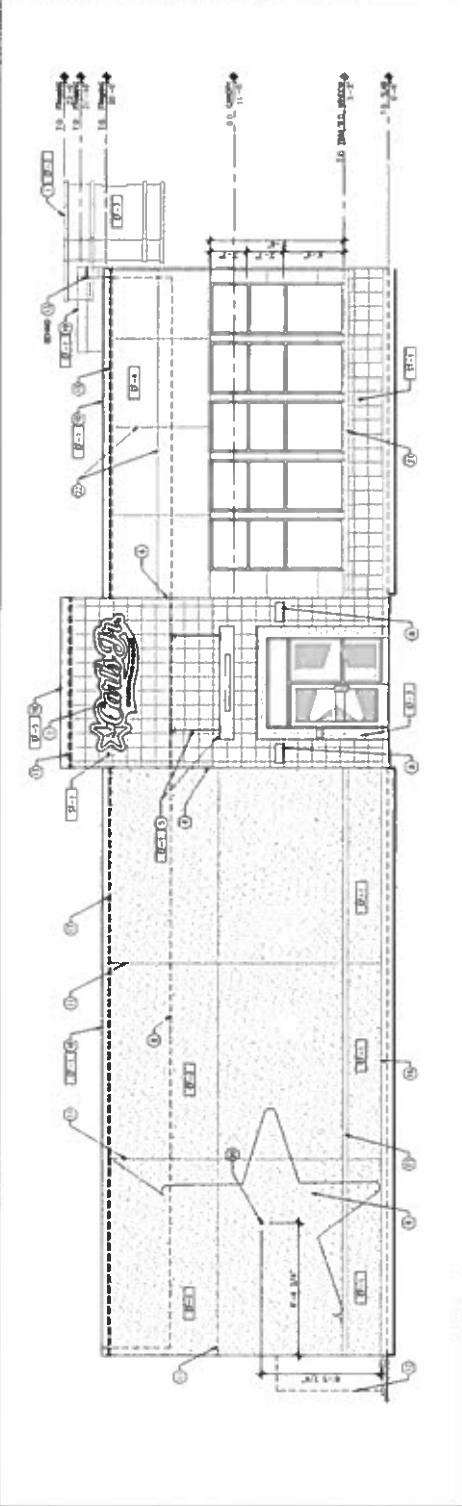
- GENERAL NOTES**
1. SEE SHEETS E2, E3 AND E4 FOR OTHER ELEVATIONS
 2. SEE SHEETS E2, E3 AND E4 FOR OTHER ELEVATIONS
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FOLLOWING:
 - a. AIA A191 - GRAPHIC STANDARDS
 - b. AIA A201 - GENERAL CONDITIONS
 - c. AIA A305 - SPECIFICATIONS FOR ARCHITECTURAL FINISHES
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FOLLOWING:
 - a. AIA A191 - GRAPHIC STANDARDS
 - b. AIA A201 - GENERAL CONDITIONS
 - c. AIA A305 - SPECIFICATIONS FOR ARCHITECTURAL FINISHES
 5. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE ARCHITECT PRIOR TO CONSTRUCTION.
 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FOLLOWING:
 - a. AIA A191 - GRAPHIC STANDARDS
 - b. AIA A201 - GENERAL CONDITIONS
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 - b. AIA A201 - GENERAL CONDITIONS
 - c. AIA A305 - SPECIFICATIONS FOR ARCHITECTURAL FINISHES
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 - b. AIA A201 - GENERAL CONDITIONS
 - c. AIA A305 - SPECIFICATIONS FOR ARCHITECTURAL FINISHES
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 - c. AIA A305 - SPECIFICATIONS FOR ARCHITECTURAL FINISHES
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 - a. AIA A191 - GRAPHIC STANDARDS
 - b. AIA A201 - GENERAL CONDITIONS
 - c. AIA A305 - SPECIFICATIONS FOR ARCHITECTURAL FINISHES

EXTERIOR FINISH

EF-1	PAINT	PAINT
EF-2	PAINT	PAINT
EF-3	PAINT	PAINT
EF-4	PAINT	PAINT
EF-5	PAINT	PAINT
EF-6	PAINT	PAINT
EF-7	PAINT	PAINT
EF-8	PAINT	PAINT
EF-9	PAINT	PAINT
EF-10	PAINT	PAINT



EAST ELEVATION
Scale



WEST ELEVATION
Scale

KZ/H1601

A2.0

EXTERIOR ELEVATIONS



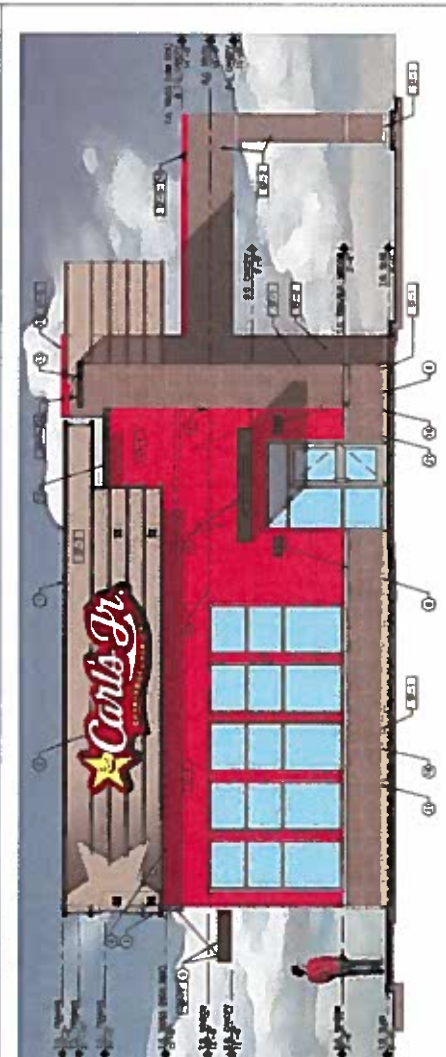
CARL'S JR. PROTOTYPE T25-C-72 2999.8
BASIC + SEISMIC PROTOTYPE
SACHA CORPWARE & PROGRAM INC.
PERSEUS, CA
CLIENT: K2 CORPWARE, LLC
18818 TAYLOR AVE., SUITE 100
IRVINE, CA 92612



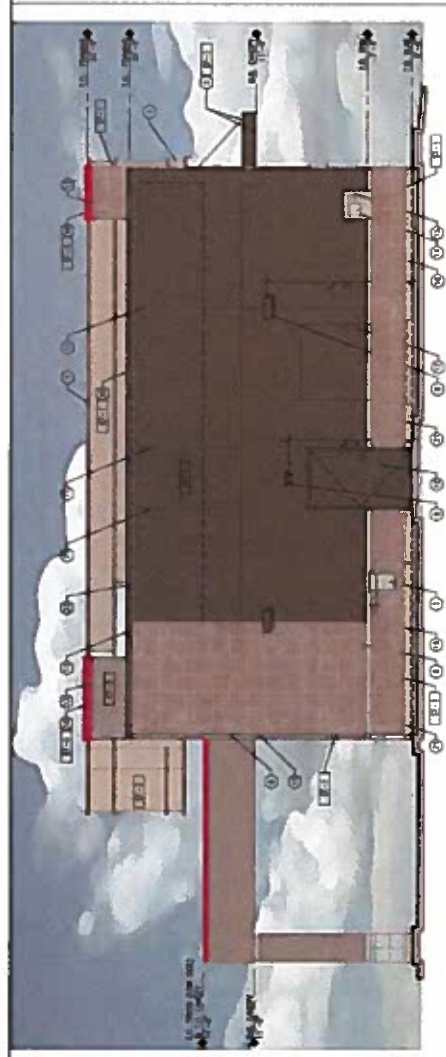
- EXTERIOR FINISH**
- IF-1 COLOR: BRN
 - IF-2 BRN MATT
 - IF-3 BRN MATT
 - IF-4 BRN MATT
 - IF-5 BRN MATT
 - IF-6 BRN MATT
 - IF-7 BRN MATT
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 - IF-11 BRN MATT

- GENERAL NOTES**
1. REFER TO ARCH. AND ALL FOR FINISH SCHEDULE
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2 SOUTH ELEVATION WITH CURVE LITE



1 NORTH ELEVATION WITH CURVE LITE





WEST ELEVATION
1/2" = 1'-0"



EAST ELEVATION
1/2" = 1'-0"

- GENERAL NOTES**
1. REFER TO SHEETS A2.1 AND A2.2 FOR FINISH SCHEDULE
 2. PERFORM ALL WORK IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE
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LYONS WARREN



FOR INFORMATION ONLY
THIS DOCUMENT IS NOT
FOR CONSTRUCTION
UNLESS SPECIFICALLY
NOTED OTHERWISE

CARL S. JR.
BASIC + SEISMIC PROTOTYPE
PROTOTYPE T25-C-72 2999.8

FRANCO DORNSWART & BROTHER AVE.
PERMID, CA
CLIENT: K&N COMPANY, LLC
18413 TOLLER AVE., SUITE 100
IRVINE, CA 92612



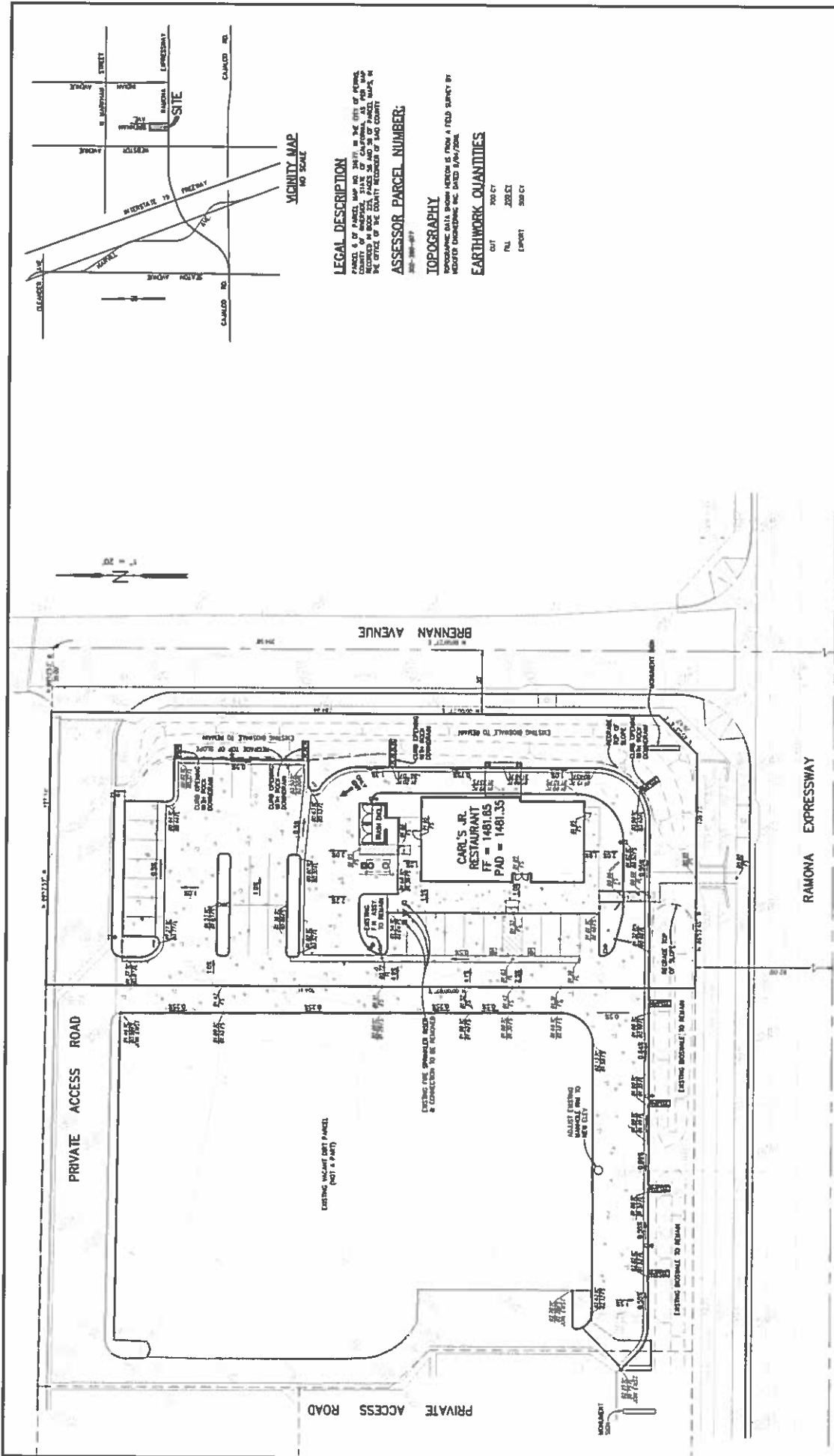
EXTERIOR ELEVATIONS

A2.1

KZH1601

EXTERIOR FINISH

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0-2	PAINT	PAINT
0-3	PAINT	PAINT
0-4	PAINT	PAINT
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0-49	PAINT	PAINT
0-50	PAINT	PAINT



LEGAL DESCRIPTION
 PARCEL 4 OF PARCEL MAP NO. 20477, IN THE CITY OF PERRIS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN COUNTY, PARCEL NO. 44-000-001-001

ASSASSOR PARCEL NUMBER:
 44-000-001-001

TOPOGRAPHY
 TOPOGRAPHIC DATA SHOWN HEREON IS FROM A FIELD SURVEY BY ROBERT CHICKERING, INC. DATED 8/24/2008

EARTHWORK QUANTITIES
 CUT 708 CY
 FILL 235 CY
 EXPORT 308 CY

SHEET NO. 1 OF 1
C 10
PRELIMINARY GRADING PLAN
CARL'S JR. RESTAURANT
RAMONA EXPRESSWAY & BRENNAN AVENUE
PERRIS, CALIFORNIA

ENGINEER: PER CC 10-3-0201 APRIL 1986
 3-1/2" VERTICAL SCALE
 1" = 40' HORIZONTAL SCALE
 ALL ELEVATIONS ARE IN FEET UNLESS OTHERWISE NOTED
 ALL DISTANCES ARE IN FEET UNLESS OTHERWISE NOTED
 ALL CURVE DATA ARE AS SHOWN ON THIS PLAN
 ALL DIMENSIONS ARE AS SHOWN ON THIS PLAN

Medford Engineering, Inc.
 7810 MacArthur Blvd.
 San Diego, CA 92121
 619-591-3535
 www.medfordeng.com
 Michael A. Medford, P.E. (Professional Seal)



NO.	DESCRIPTION	DATE	BY	CHECKED

DIGALERT
 CALL TOLL FREE
 1-800-227-2000
 IF UNDER THE GROUND
 OR IN THE PATH OF
 CONSTRUCTION WORK



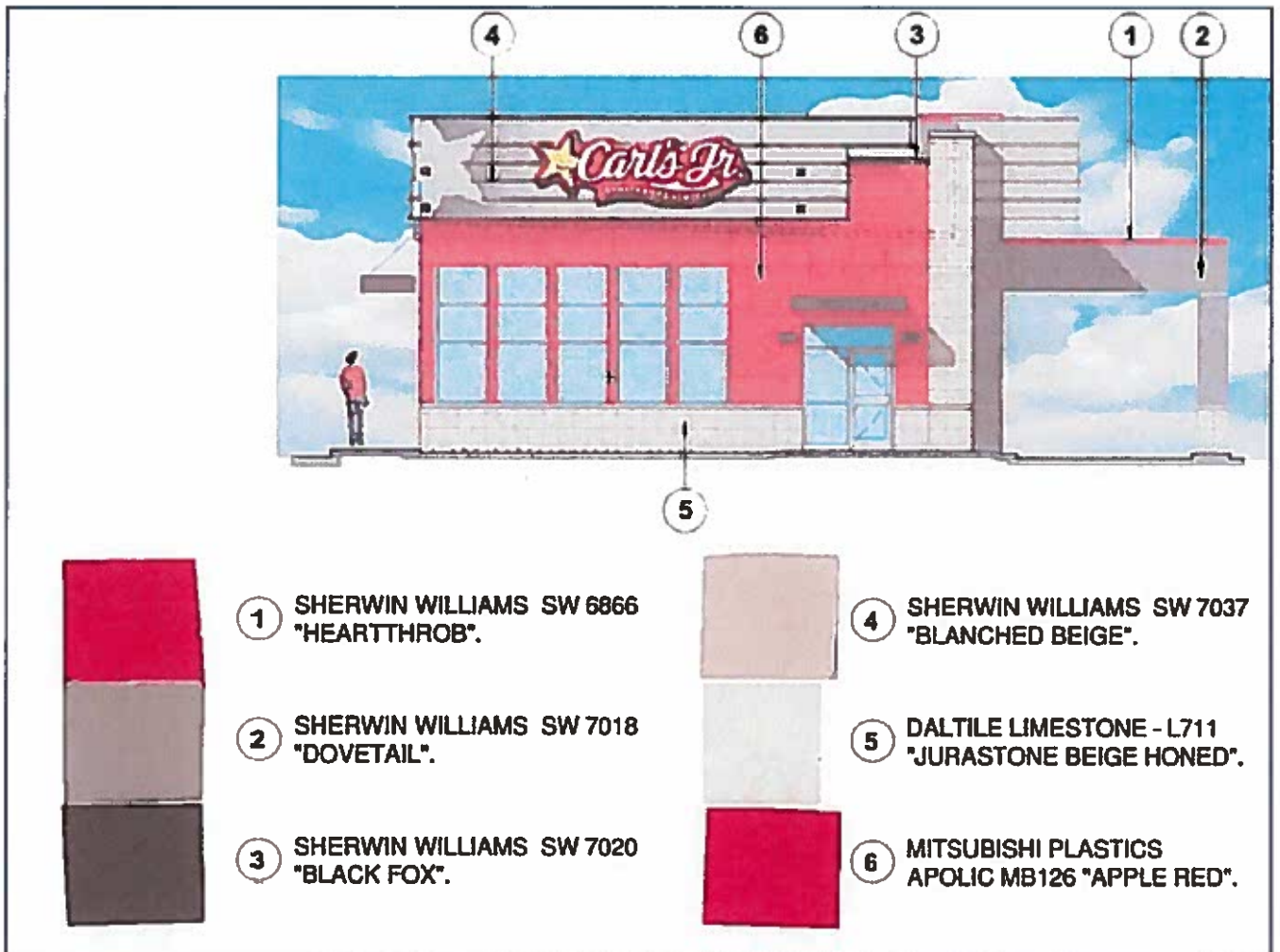


EXHIBIT F – COLORS AND MATERIALS BOARD

Conditional Use Permit 16-05237
Carl's Jr. at Ramona Marketplace
 Northwest Corner of Brennan Avenue and
 Ramona Expressway

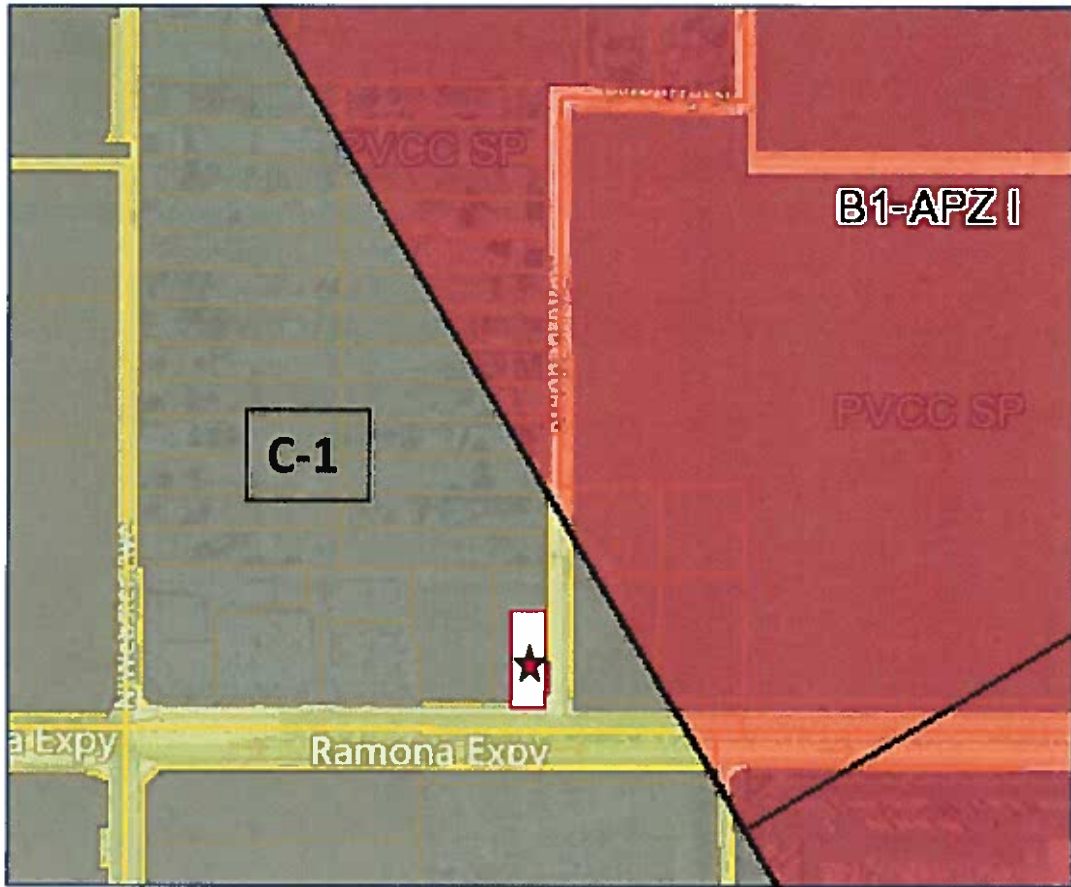


EXHIBIT G – MARB AIRPORT LAND USE PLAN

Conditional Use Permit 16-05237

Carl's Jr. at Ramona Marketplace
Northwest Corner of Brennan Avenue and
Ramona Expressway

RESOLUTION NUMBER 17-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 16-05237 TO DEVELOP A 2,999 SQUARE FOOT DRIVE THRU RESTAURANT WITHIN AN EXISTING SHOPPING CENTER LOCATED AT THE NORTHWEST CORNER OF BRENNAN AVENUE AND RAMONA EXPRESSWAY, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the applicant filed for a Conditional Use Permit to develop a 2,999 s.f. drive-through restaurant (Carl's Jr.) within an existing shopping center located on the northwest corner of Brennan Avenue and Ramona Expressway; and

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

WHEREAS, this Conditional Use Permit (CUP) has been duly noticed; and

WHEREAS, a public hearing was held on February 15, 2017, 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.

Section 2. The Planning Commission has determined that the project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15332 Class 32 for infill development within city limits on less than five acres of land in compliance with applicable general plan policies and zoning requirements, and with no habitat value for biological resources.

Section 3. Based upon the information contained within the staff report and accompanying attachments, with respect to the Conditional Use Permit, the Planning Commission hereby finds the following:

- a) The proposed location of the conditional use is in accord with the objectives of the P.M.C. 19.54.040 and the purposes of the CC of the Perris Valley Commerce Specific Plan in which the site is located.
- b) 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.

Exhibit H

- c) The location of the conditional use and conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to the properties or improvements in the vicinity.
- d) The architecture of the building will remain the same and is therefore compatible with the existing business park center and nearby architectural standards, and protects the character of the adjacent development.

Section 4. For the foregoing reasons the Planning Commission hereby approves Conditional Use Permit 16-05237 to develop a 2,999 s.f. drive-thru restaurant within an existing shopping center located on the northwest corner of Brennan Avenue and Ramona Expressway, based on the information and findings presented in the staff report and subject to the attached 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 15^h day of February 2017.

CHAIRPERSON, PLANNING COMMISSION

ATTEST:

Secretary, Planning Commission

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

I, Clara Miramontes, SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Resolution Number 17-02 was duly adopted by the Planning Commission of the City of Perris at a regular meeting of said Planning Commission on the 15th day of February 2017, and that it was so adopted by the following vote:

**AYES:
NOES:
ABSTAIN:
ABSENT:**

Secretary, Planning Commission

Attachment: Exhibit A – Conditions of Approval


Item 7.C

PLANNING COMMISSION
AGENDA SUBMITTAL

Meeting Date: February 15, 2017

SUBJECT: Conditional Use Permit 16-05149 - Proposal to replace an existing static billboard with a 45-foot tall digital billboard with displays on both sides. **Applicant:** Tim Lynch General Outdoor Advertising

REQUESTED ACTION: **ADOPT Resolution No. 17-04** approving Conditional Use Permit 16-05149 to construct a new 45-foot tall digital billboard, subject to the conditions of approval.

CONTACT: Clara Miramontes, Director of Development Services 

BACKGROUND/DISCUSSION:

The proposed project is a request to replace an existing static billboard with a new modern 45-foot-tall digital billboard with displays on both sides located at the northeast corner of San Jacinto Avenue and G Street, adjacent to the I-215 Freeway. The new billboard has been designed to incorporate the City logo with an architecturally enhanced pole design. Since the proposed billboard deviates from the sign code requirements, the City Council is required to approve a Billboard Relocation Agreement. The City Council approved such agreement at the January 10, 2017 meeting. A Conditional Use Permit for a billboard can be processed by the Planning Commission once an approved Billboard Relocation Agreement has been granted by the City Council. The three areas of deviation are as follows: (1) a digital display versus a static display, (2) a height of 45 feet versus 40 feet and (3) 672 sq. ft. of signage area versus 300 sq. ft. of signage area. This is consistent in signage area and height with the proposed Lamar Billboard signs approved by the City Council on January 14, 2014.

Staff is supportive of the proposed billboard, as it will be an improvement to the site and the billboard has been designed to incorporate the City logo with an architecturally enhanced pole design. The digital display will be limited to LED technology only where its illumination does not impair the vision of travelers on adjacent highway in accordance with Section 21466.5 of the Vehicle Code. Also, the digital display shall not change advertisements more than once every four seconds. Therefore, no video streaming, flashing, blinking, or intermittent or moving lights are permitted. In addition, the City will also receive one screen ad in the normal rotation on a continuous basis throughout the term of the agreement at no cost to the City, in order to display public service announcements.

The project is Categorically Exempt pursuant to Article 19 Section 15302(c) and Section 15303 of CEQA for replacement of an existing billboard sign with a new billboard sign requiring only negligible improvements. As of the writing of this report, no comments in opposition have been received from the neighboring property owners or public agencies. Staff is in support of the proposed project. Detailed project information is provided in the attached staff report and conditions of approval.

BUDGET (or FISCAL) IMPACT: All costs associated with this project are borne by the applicant.

Prepared by: Kenneth Phung, Project Planner

City Attorney: N/A

Finance Director: N/A

Public Hearing: February 15, 2017

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

PROJECT REPORT

CASE NUMBER: Conditional Use Permit (CUP) 16-05149

Date: February 15, 2017 - Planning Commission

Project Planner: Kenneth Phung, Project Planner

Project Description: Proposal to replace an existing static billboard with a 45-foot-tall digital billboard with displays on both sides

Location: Northeast corner of San Jacinto Avenue and G Street, adjacent to the I-215 Freeway

Assessor's Parcel Number: 311-190-018

Applicant: Tim Lynch
General Outdoor Advertising
632 S. Hope Avenue
Ontario, CA 91761

Environmental Determination: Categorically exempt pursuant to Article 19 Sections 15302(c) and 15303 of CEQA

EXISTING ZONING AND LAND USE:

Existing Zoning: Downtown Specific Plan (DTSP) - Civic

Existing Land Use: Detention Basin with Static Billboard

PROJECT DESCRIPTION & BACKGROUND

The proposed project is a request to replace an existing static billboard with a new modern 45-foot-tall digital billboard with displays on both sides located at the northeast corner of San Jacinto Avenue and G Street, adjacent to the I-215 Freeway. The new billboard has been designed to incorporate the City logo with an architecturally enhanced pole design. Since the proposed billboard deviates from the sign code requirements, the City Council is required to approve a Billboard Relocation Agreement. The City Council approved such agreement at the January 10, 2017 meeting. A Conditional Use Permit for a billboard can be processed by the Planning Commission once an approved Billboard Relocation Agreement has been granted by the City Council. The three areas of deviation are as follows: (1) a digital display versus a static display, (2) a height of 45 feet versus 40 feet and (3) 672 sq. ft. of signage area versus 300 sq. ft. of signage

area. This is consistent in signage area and height with the proposed Lamar Billboard signs approved by the City Council on January 14, 2014. As part of the Billboard Relocation Agreement, the City will also receive one screen ad in the normal rotation on a continuous basis throughout the term of the agreement at no cost to the City to display public service announcements.

ANALYSIS AND REVIEW

GENERAL PLAN CONSISTENCY

The proposed project will be consistent with the City's General Plan to improve community standards by removing a dilapidated static billboard (with multiple advertisement displays), and replacing it with a modern billboard (with one rotating digital display to reduce visual clutter and improve the appearance of the City). Therefore, the proposed project will be consistent with the General Plan.

CONDITIONAL USE PERMIT

As discussed above, the proposed Conditional Use Permit will allow the removal of an existing dilapidated static billboard sign with a new 45-foot-tall digital billboard with displays on both sides. The table below summarizes the deviation from the billboard sign code, (which can only be approved with a Billboard Relocation Agreement, and which the applicant has obtained).

Deviation From Billboard Sign Code			
Billboard(s)	Static Display	Max. 300-sf sign area	Max. 40-ft sign height
Billboard Replacement	No (proposing digital display)	No (proposing 672 sf)	No (proposing 45-ft)

Staff is supportive of the proposed billboard, as it will be an improvement to the site and the billboard has been designed to incorporate the City logo with an architecturally enhanced pole design. The digital display will be limited to LED technology only where its illumination does not impair the vision of travelers on adjacent highway in accordance with Section 21466.5 of the Vehicle Code. Also, the digital display shall not change advertisements more than once every four seconds. Therefore, no video streaming, flashing, blinking, or intermittent or moving lights are permitted. In addition, the City will also receive one screen ad in the normal rotation on a continuous basis throughout the term of the agreement at no cost to the City, in order to display public service announcements.

PUBLIC/AGENCY COMMENTS

A public hearing notice was mailed to affected public agencies and property owners within 300 feet of the subject properties. As of the writing of this report, no comments in opposition have been received from the neighboring property owners.

ENVIRONMENTAL DETERMINATION

The project is Categorically Exempt pursuant to Article 19 Section 15302(c) and Section 15303 of CEQA for replacement of an existing billboard sign with a new billboard sign requiring only negligible improvements.

FINDINGS

Conditional Use Permit

- A. The proposed location of the conditional use is in accordance with the objectives of this Title and the purposes of the Zone, as an approved Billboard Relocation Agreement has been obtained to facilitate the removal of the static billboard with a modern billboard design that incorporates the City logo with architectural enhancements to the pole design.
- B. The proposed project is consistent with the City's General Plan, zoning standards, applicable subdivision requirements and other ordinances and resolutions of the City with the approved Billboard Relocation Agreement.
- C. The proposed location of the conditional use 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.
- D. The proposed billboard design and layout are compatible with community standards in that it will remove an existing outdated billboard with a new billboard sign that will better protect the character of the adjacent development and the City as a whole.
- E. The proposed project does not necessitate on-site landscaping improvements to ensure visual relief, as the billboard sign is located on an existing detention basin site. Therefore, the new billboards will provide an improved environment for the public's enjoyment.

RECOMMENDATION

Staff recommends that the Planning Commission:

ADOPT Resolution No. 17-04 to approve Conditional Use Permit 16-05149 to allow replacement of an existing static billboard with a 45-foot-tall digital billboard with displays on both sides located at the northeast corner of San Jacinto Avenue and G Street, adjacent to the I-215 Freeway, based on the findings and subject to the Conditions of Approval.

EXHIBITS:

- Exhibit A - Planning Conditions of Approval
- Exhibit B - Vicinity and Aerial Map
- Exhibit C - Downtown Specific Plan Landuse
- Exhibit D - Plans
- Exhibit E - CC Report dated January 10, 2017
- Exhibit F - Resolution 17-04

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

PLANNING COMMISSION CONDITIONS OF APPROVAL

CUP 16-05149

February 15, 2017

Conditional Use Permit (CUP) 16-0149 - Proposal to replace an existing static billboard with a 45-foot tall digital billboard with displays on both sides. **Applicant:** Tim Lynch General Outdoor Advertising

General Requirements:

1. **Conformance to Approved Plans.** Development of the billboard project shall conform substantially to the approved set of plans presented at the February 15, 2017 Planning Commission meeting, or as amended by these conditions. Any deviation shall require appropriate Planning Division review and approval.
2. **Conditional Use Permit Approval.** The Conditional Use Permit approval shall be null and void unless substantial construction of the project or commencement of the land use contemplated by this approval is begun within three (3) years of the approval date. The applicant may apply for a maximum of three (3) one-year extensions. A written request for an extension shall be submitted to the Planning Division at least thirty (30) days prior to the expiration of the Conditional Use Permit.
3. **Permanent Removal of Existing Billboard.** Removal of the exiting billboard shall be in accordance with the Billboard Removal and Reconstruction Agreement approved by the City Council on February 10, 2017.
4. **Signage Display.** The maximum signage display shall be 672 square feet per face with a maximum billboard height of 45 feet. The digital display shall not change advertisement more than once every four seconds and shall comply with all applicable CALTRANS standards for signs adjacent to a freeway.
5. **Public Service Announcements.** City shall have the right to place two (2) public service announcements on the Relocated Billboard on a continuous basis throughout the Term of this Agreement, one (1) display oriented for viewing by northbound traffic and one (1) display oriented for viewing by southbound traffic on the Interstate 215 Freeway; provided, however, that such public service announcements shall be limited to one (1) showing of at least six (6) seconds per minute on the Relocated Billboard's Digital Displays. "Public Service Announcements" pursuant to this Agreement include, but are not limited to, City event announcements, emergency broadcasts, Amber Alerts and Wanted Criminal Postings from City's Police Department and other public or community messages similar in nature.
6. **Sign Application.** A sign application will be required for the precise location, final height, design and photo simulation of the sign. The final design shall be substantially in compliance with the original approval.

EXHIBIT A

7. **Building Official/Fire Marshal.** The proposed improvements shall adhere to all requirements of the Building Official/Fire Marshal. Water, gas, sewer, electrical transformers, power vaults and separate fire/water supply lines (if applicable) must be shown on the final set of construction plans pursuant to the requirements of the Building Official. See City of Perris website, Office of the Fire Marshal for examples and relevant information for access and underground plan available at: <http://www.cityofperris.org>.
8. **Property Maintenance.** The project shall comply with provisions of Perris Municipal Code 7.06 regarding Landscape Maintenance, and Chapter 7.42 regarding Property Maintenance.

PRIOR TO BUILDING PERMIT ISSUANCE

9. **Indemnification/ Hold Harmless.** 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 Conditional Use Permit 16-05149. City shall promptly notify the developer/applicant of any claim, action, or proceeding for which indemnification is sought and shall further cooperate fully in the defense of the action.

PRIOR TO BUILDING PERMIT FINAL

10. **Outstanding Fees.** Any outstanding processing fees due to the Planning Division shall be paid.
11. **Final Planning Inspection.** The applicant shall first obtain clearance from the Planning Division verifying that all conditions of approval have been met by arranging a site inspection with Planning staff.

cc: Building Division

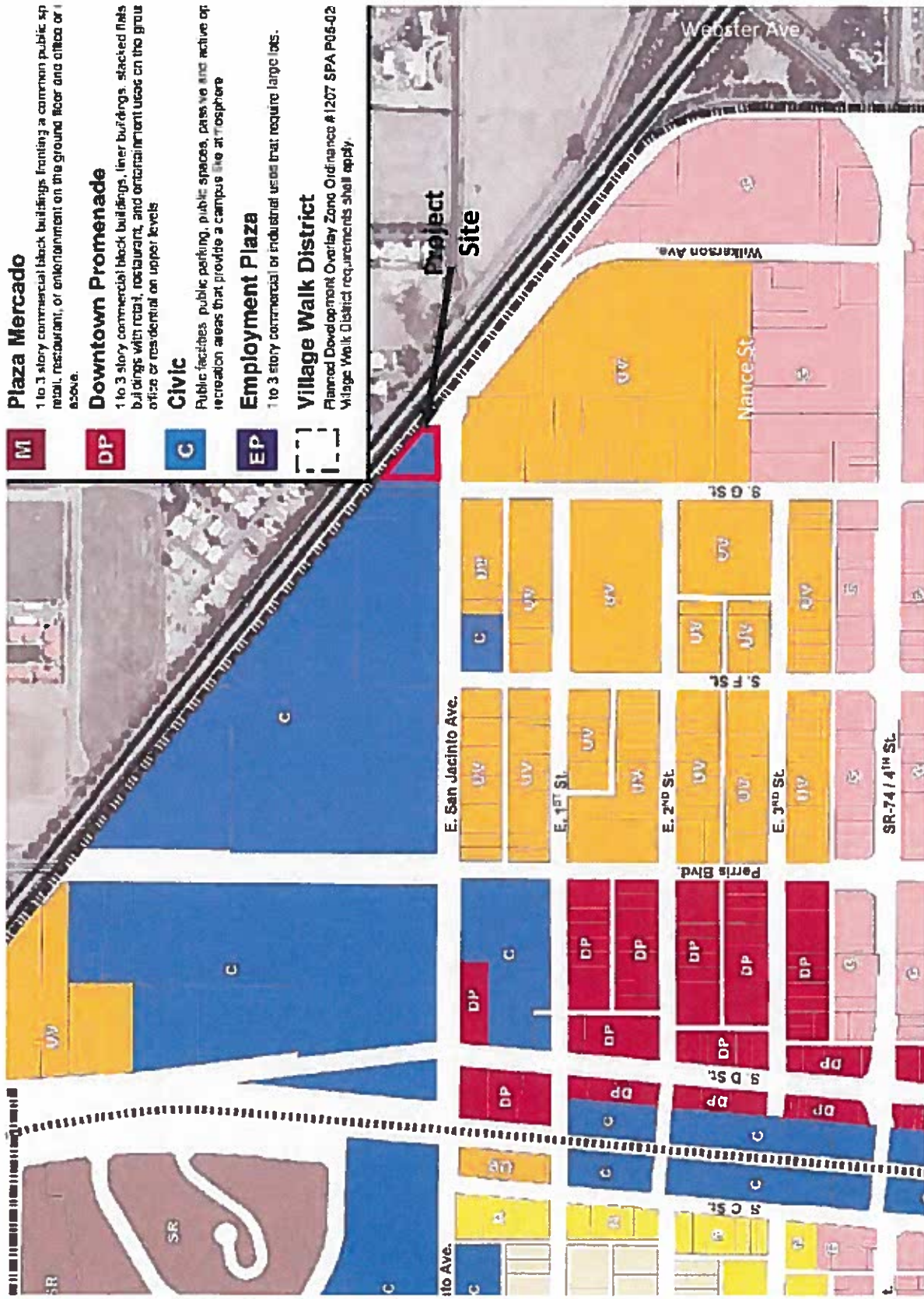
Vicinity & Aerial Map



Planning Commission – February 15, 2017
CUP 16-05149 – Digital Billboard

Exhibit B

Downtown Specific Plan Landuse



CITY COUNCIL
AGENDA SUBMITTAL

Meeting Date: January 10, 2017

SUBJECT: Billboard Relocation and Reconstruction Agreement with General Outdoor Advertising to replace an existing static billboard with a 45-foot tall digital billboard with display on both sides located at northeast corner of San Jacinto Avenue and G Street, adjacent to the I-215 Freeway.

REQUESTED ACTION: That the City Council authorize the City Manager or his designee to execute, on behalf of the City, the attached Billboard Relocation and Reconstruction Agreement and any related documents.

CONTACT: Clara Miramontes, Director of Development Services

BACKGROUND/DISCUSSION:

General Outdoor Advertising (“General Outdoor”) who currently owns an existing static billboard sign located at northeast corner of San Jacinto Avenue and G Street, adjacent to the I-215 Freeway, is proposing to replace the sign with a new 45-foot tall digital billboard with display on both sides that requires approval of a “Billboard Relocation and Reconstruction Agreement.” The new billboard will be an improvement to the site and has been designed to incorporate the City logo and an architecturally enhanced pole design. Although this is a replacement of an existing sign, the proposal is allowed subject to the approval of a Billboard Relocation Agreement by the City Council, as the new billboard consists of a digital display and exceeds the maximum allowable 300-sq. ft. sign area. The new sign proposes 672 sq. ft. of signage area. This is consistent in signage area and height with the proposed Lamar Billboard signs approved by City Council on January 14, 2014.

As part of the “Billboard Relocation and Reconstruction Agreement” the following shall be required:

- ❖ Subject to obtaining City permits and other agency permits, Outdoor Billboard may relocate and reconstruct the existing billboard with a digital display.
- ❖ Outdoor Billboard voluntarily agrees to permit the City to place two public service announcements on a continuous basis throughout the term of the agreement. Public service announcements include Amber Alerts and Wanted Criminal Postings from City’s Police Department and other public or community messages similar in nature. Outdoor Billboard will pay for all costs of production and installation.
- ❖ Outdoor Billboard voluntarily agrees that it will not advertise for adult entertainment or nudity.

If the City Council approves the Billboard Relocation and Reconstruction Agreement, the applicant will be required to proceed with the application of a Conditional Use Permit. In order to approve this request, the City Council must make the following findings:

EXHIBIT E

- ❖ “The proposed agreement is consistent with the goals, objectives, purposes and provisions of the Perris General Plan and the Perris Municipal Code;”
- ❖ “The proposed relocation site is compatible with the uses and structures on the site and in the surrounding area;”
- ❖ “The proposed Relocation Agreement either: 1) reduces the number of outdoor advertising displays within the City; or 2) in the case of relocations to accommodate a public project, the Relocation Agreement serves the public interest by eliminating the need for public fund expenditure;”
- ❖ “The proposed outdoor advertising display would not create a traffic or safety problem with regard to onsite access circulation or visibility;”
- ❖ “The proposed outdoor advertising display would not interfere with onsite parking or landscaping required by City ordinance or permit; ...”
- ❖ “The proposed outdoor advertising display would not otherwise result in a threat to the general health, safety and welfare of City residents.”

Staff is recommending that the City Council authorize the City Manager or his designee to execute the Billboard Relocation and Reconstruction Agreement as the proposal will remove a dilapidated static billboard sign and replace it with a modern billboard that will incorporate the City logo. As well, the City will receive one screen ad in the normal rotation on a continuous basis throughout the term of the agreement at no cost to the City to display public service announcements.

BUDGET (or FISCAL) IMPACT: The City has no expense involved with the agreement. The City will benefit with allowance to have a public service announcement in the normal rotation on a continuous basis throughout the term of the agreement at no cost.

Prepared by: Kenneth Phung, Project Planner

City Attorney: Eric Dunn
Interim Assistant City Manager: Darren Madkin

Consent: January 10, 2017

Attachments: Attachment 1 – Proposed Billboard Sign
Attachment 2 – Billboard Relocation and Reconstruction Agreement, including exhibits.

RESOLUTION NUMBER 17-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 17-04 TO ALLOW REPLACEMENT OF AN EXISTING STATIC BILLBOARD WITH A 45-FOOT TALL DIGITAL BILLBOARD WITH DISPLAYS ON BOTH SIDES LOCATED AT THE NORTHEAST CORNER OF SAN JACINTO AVENUE AND G STREET, ADJACENT TO THE I-215 FREEWAY, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the applicant filed Conditional Use Permit 16-05149 to allow replacement of an existing static billboard with a new modern 45-foot-tall digital billboard with displays on both sides located at the northeast corner of San Jacinto Avenue and G Street, adjacent to the I-215 Freeway; and

WHEREAS, the proposed location of the use is in accordance with the objectives of the Civic landuse designation of the Downtown Specific Plan (DTSP); 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 (CUP) has been duly noticed; and

WHEREAS, a public hearing was held on February 15, 2017, 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.

Section 2. The Planning Commission has determined that the project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15302(c) and Section 15303 of CEQA for replacement of an existing billboard sign with a new billboard sign requiring only negligible improvements.

Section 3. Based upon the information contained within the staff report and accompanying attachments, with respect to the Conditional Use Permit, the Planning Commission hereby finds the following:

- A. The proposed location of the conditional use is in accordance with the objectives of this Title and the purposes of the Zone, as an approved Billboard Relocation Agreement has been obtained to facilitate the removal of the static billboard with a modern billboard design that incorporates the City logo with architectural enhancements to the pole design.

EXHIBIT F

- B. The proposed project is consistent with the City's General Plan, zoning standards, applicable subdivision requirements and other ordinances and resolutions of the City with the approved Billboard Relocation Agreement.
- C. The proposed location of the conditional use 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.
- D. The proposed billboard design and layout are compatible with community standards in that it will remove an existing outdated billboard with a new billboard sign that will better protect the character of the adjacent development and the City as a whole.
- E. The proposed project does not necessitate on-site landscaping improvements to ensure visual relief, as the billboard sign is located on an existing detention basin site. Therefore, the new billboards will provide an improved environment for the public's enjoyment.

Section 4. For the foregoing reasons the Commission hereby approves Conditional Use Permit 16-05149 to replace an existing static billboard with a new modern 45-foot-tall digital billboard with displays on both sides located at the northeast corner of San Jacinto Avenue and G Street, adjacent to the I-215 Freeway, based on the information and findings presented in the staff report and subject to the attached Conditions of Approval (Exhibit A).

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 15th day of February 2017.

CHAIRPERSON, PLANNING COMMISSION

ATTEST:

Secretary, Planning Commission

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

I, Clara Miramontes, SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Resolution Number 17-04 was duly adopted by the Planning Commission of the City of Perris at a regular meeting of said Planning Commission on the 15th day of February 2017, and that it was so adopted by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Secretary, Planning Commission