



CITY OF PERRIS PLANNING COMMISSION AGENDA

June 21, 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, McCarron,
Vice Chair Shively, Chair Balderrama

3. INVOCATION:

4. PLEDGE OF ALLEGIANCE: Commissioner Hammond

5. PRESENTATION:

6. CONSENT CALENDAR:

A. Planning Commission Minutes for June 07, 2017

7. PUBLIC HEARING:

A. Tentative Parcel Map 37344 (TPM 17-05062) – Proposed subdivision of 1.45 acre lot (Pad K) into two lots within the Perris Crossing retail center. Parcel 1 is a vacant .71 acre with an approved multi-tenant retail use; Parcel 2 is .73 acre and developed with a restaurant use. Applicant: Jamey Tabata, Dasher & Tabata Inc.

B. Conditional Use Permit 17-05058 with Letter of Public Convenience or Necessity (PCN) – Proposal to allow an off-site beer and wine sales license (Type 20) at an approved 2,955 s.f. 7-Eleven convenience store with a fueling station at the northwest corner of Harley Knox and Perris Blvd. The PCN is required due to an overconcentration of alcohol licenses in the census tract. The site is a .99 acre parcel of the approved March Plaza retail center. Applicant: Frank Allen Sipe, Barghausen Consulting Engineers, Inc.

8. BUSINESS/WORKSHOP:

A. Review City of Perris Planning Commission Bylaws

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

Planning Commission Agenda

**CITY OF PERRIS
06.21.17**

Item

6A

Planning Commission Minutes for June 07, 2017

CITY OF PERRIS

MINUTES:

Date of Meeting: June 7, 2017

06:05 PM

Place of Meeting: City Council Chambers

1. CALL TO ORDER: The meeting was called to order at 6:05 p.m.
2. ROLL CALL: Commissioners: McCarron, Hammond, Weir, Arras, Vice Chair Shively, Chair Balderrama

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

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

3. INVOCATION:
4. PLEDGE OF ALLEGIANCE: Commissioner McCarron
5. PRESENTATION:
6. CONSENT CALENDAR:

A. Planning Commission Minutes for May 17, 2017

The Chair called for a motion.

M/S/C: Moved by Commissioner McCarron, seconded by Vice Chair Shively to Approve Planning Commission Minutes for May 17, 2017.

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

NOES:

ABSENT:

ABSTAIN:

7. PUBLIC HEARING:
 - A. TTM 36989 (TTM 15-05180), TTM 36988 (TTM 15-05181) and Design Guidelines (DG) 15-00006 – Proposal for Tentative Tract Map 36989 to subdivide 37.65 acres into 169 single family lots, Tentative Tract Map 36989 to subdivide 37.09 acres into 145 single family lots within the Green Valley Specific Plan and proposed Commercial and Residential Design Guidelines for the Green Valley Specific Plan, located north of Ethanac Road and west of Murrieta Road. Applicant: Patrick Parker, Raintree Investment Corporation

A letter requesting continuance of TTM 36988 to the July 19th Planning Commission meeting was distributed to the commission.

Associate Planner, Phung, stated that TTM 36989 and Design Guidelines 15-00006 also need to be continued on the July 19th Planning Commission meeting, because both tracts must be submitted simultaneously.

Vice Chair, Shively and Commissioner Arras, stated they have visited the site.

Speaker, Gerald Palomino, requested the Commission consider the future impacts of current design and architecture and, the effects of the Perris Valley Airport flight path on proposed residential tract.

Speaker, Patrick Conatser, with the Perris Valley Airport, gave a brief presentation on the operation of the airport and potential effects to new development. He also requested that property owners be notified of aircraft operations.

Speaker, Patrick Parker, with Raintree Investments, presented the proposed project to the Commission.

The Chair called for a motion.

M/S/C: Moved by Commissioner Hammond, seconded by Commissioner Weir to Continue TTM 36989 (TTM 15-05180), TTM 36988 (TTM 15-05181) and Design Guidelines (DG) 15-00006 – Proposal for Tentative Tract Map 36989 to subdivide 37.65 acres into 169 single family lots, Tentative Tract Map 36989 to subdivide 37.09 acres into 145 single family lots within the Green Valley Specific Plan and proposed Commercial and Residential Design Guidelines for the Green Valley Specific Plan, located north of Ethanac Road and west of Murrieta Road, to the July 19th Planning Commission Meeting.

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

NOES:

ABSENT:

ABSTAIN:

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:

Director of Development Services, Miramontes, introduced the newly appointed Planning Commission member, Alfonso Hernandez and, stated that the next Planning Commission meeting will be on July 19th and, a code amendment regarding parking for multi-family developments and possibly amenities, will soon be brought to the Commission.

Planning Commissioner, Alfonso Hernandez, introduced himself to the Commission.

Planning Commission Agenda

**CITY OF PERRIS
06.21.17**

Item

7A

Tentative Parcel Map 37344 (TPM 17-05062)

PLANNING COMMISSION
AGENDA SUBMITTAL

Meeting Date: June 21, 2017

SUBJECT: Tentative Parcel Map 37344 (TPM 17-05062) – Proposed subdivision of 1.45 acre lot (Pad K) into two lots within the Perris Crossing retail center. Parcel 1 is a vacant .71 acre with an approved multi-tenant retail use; Parcel 2 is .73 acre and developed with a restaurant use. Applicant: Jamey Tabata, Dasher & Tabata Inc.

REQUESTED ACTION: Adopt Resolution No. 17-14 approving Tentative Parcel Map 37344 (17-05062) to subdivide a 1.45 acre parcel into two (2) lots, based on the findings contained in the staff report and subject to the Conditions of Approval.

CONTACT: Clara Miramontes, Director of Development Services 

BACKGROUND/DISCUSSION:

The applicant proposes to subdivide a 1.45 acre lot (Pad K) into two lots within the Perris Crossing retail center. Parcel 1 is .71 acre of vacant land with an approved 3-unit retail use, and Parcel 2 is .73 acre and developed with a 9,755 square-foot restaurant use (Corky's). The retail shop building will be attached to the west side of Corky's.

The map will be used for financing purposes to attract a developer and tenants for the approved 3-unit commercial building. The site is located within the Green Valley Specific Plan, within the commercial zone. As conditioned by DPR 04-0621, commercial development may be approved administratively, and Corky's Restaurant and the attached multi-tenant building were approved under Administrative Development Plan Review (ADPR) 15-0101 on July 23, 2015. Corky's is now open and a thriving business.

The project is categorically exempt from CEQA under Class 15, Minor Land Divisions. This class consists of the minor division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels under special conditions, which the project meets.

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

Public Hearing: September 21, 2016

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

STAFF REPORT

CASE NUMBER: Tentative Parcel Map 37344 (TPM 17-05062)

Date: June 21, 2017

Project Planner: Diane Sbardellati, Associate Planner

Project Description: Proposed subdivision of 1.45 acre lot (Pad K) into two lots within the Perris Crossing retail center. Parcel 1 is a vacant .71 acre with an approved multi-tenant retail use; Parcel 2 is .73 acre and developed with a restaurant use.

Location: Perris Crossing retail center, northwest corner of Ethanac and the I-215 Freeway. Pad K is located on Case Road, south of Watson Road

Assessor's Parcel Number: 327-470-035

Owner: William Rothacker Jr., Perris Acquisition LLC
Address: 6400 Fiddlers Green Circle, Suite 1820
Greenwood Village, CO 80111

Applicant: Jamey Tobata, Dasher & Tobata, Inc.
Address: 30100 Crown Valley Pkwy., Suite 34
Laguna Niguel, CA 92677

Environmental Determination: The project is categorically exempt from CEQA under Class 15, Minor Land Divisions.

Related Cases: PR 17-05019, ADPR 15-05101

EXISTING ZONING AND LAND USE:

Existing Zoning: Green Valley Specific Plan - Commercial

Surrounding Zoning: Green Valley Specific Plan to the north, south & west; I-215 to the east

Existing Land Use: Commercial/retail development and vacant land

Surrounding Land Use: Commercial/retail development

BACKGROUND

The Perris Crossing retail center was approved by the Planning Commission on June 15, 2005 under Development Plan Review 04-0621 for the development of a 650,500 square foot commercial center in three phases on approximately 68.5 acres of vacant land. The location is north of Ethanac Road, west of the Interstate 215 Freeway, and south of Watson Road, with frontage on Case Road. The center includes Winco Foods and Home Depot as anchor stores, with a variety of retail shops, service uses, and restaurants.

The project site land use designation is Green Valley Specific Plan, with the underlying zoning designation of Commercial. The proposed project is subject to the development standards for the Commercial Zone of the Green Valley Specific Plan. The existing and proposed restaurant and retail uses are permitted in the Commercial zone of Green Valley Specific Plan.

PROJECT DESCRIPTION

The applicant proposes to subdivide a 1.45 acre lot (Pad K) into two lots within the Perris Crossing retail center. Pad K is bound by Case Road to the east, vacant pads to the north, Home Depot to the west, and an entrance to the shopping center to the south. Existing public improvements include curb, gutter, sidewalk and landscaping on Case Road and an entry driveway to the center.

Proposed Parcel 1 is .71 acre of vacant land with an approved 3-unit retail use, and Parcel 2 is .73 acre and developed with a 9,755 square-foot restaurant use (Corky's). Parcel 2 fronts on Case Road, and Parcel 1 is directly west. The approved multi-tenant building is 4,765 square feet, and Corky's restaurant is 4,990 square feet.

The map will be used for financing purposes to attract a developer and tenants for the approved 3-unit commercial building. The site is located within the Green Valley Specific Plan, within the commercial zone. As conditioned by DPR 04-0621, commercial development may be approved administratively, and Corky's Restaurant and the attached three unit commercial building were approved under Administrative Development Plan Review (ADPR) 15-0101 on July 23, 2015. Corky's Restaurant is now open and a thriving business.

EASEMENTS AND CC&Rs

The two parcels to be created by TPM 37344 will share access, easements, covenants and conditions relating to parking, vehicle access, utility use, a variety of maintenance responsibilities, including water quality control devices (natural and artificial BMP's), and other common activities between the subject properties, as well as with other parcels that comprise the Perris Crossing center. All landowners sign and are party to the agreements, which are subject to the City's approval and recorded to run with the land. These documents serve as the Covenants, Conditions and Restrictions (CC&Rs). These recorded documents include the following:

1. Operation and Reciprocal Easement Agreement
2. Declaration of Restrictive Covenant
3. Cross Access Easement

4. Declaration of Restrictive Covenants

According to the property owner's attorney, the CC&Rs set out the comprehensive development scheme for the property, and the subject tentative map is designed to comply with all existing agreements. The CC&Rs do not require an amendment for this subdivision, since there "is no language to amend."

ENVIRONMENTAL CONSIDERATIONS

The project is categorically exempt by the California Environmental Quality Act (CEQA) as a Class 15, Minor Land Divisions. This class includes the minor division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have a slope greater than 20 percent.

FINDINGS FOR TENTATIVE PARCEL MAP 37344 (TPM 17-05062):

The following findings are recommended for the project:

1. Tentative Parcel Map 37344 will not result in a significant adverse effect on the environment.
2. The project site is physically suitable for type and density of Tentative Parcel Map 37344.
3. As conditioned, Tentative Parcel Map 37344 is consistent with City standards, ordinances, and policies.
4. Tentative Parcel Map 37344 is compatible with the surrounding land uses and zoning designations in the area.
5. Tentative Parcel Map 37344 will not have a negative affect on public health, safety, or general welfare of the City of Perris residents.
6. Tentative Parcel Map 37344 is in compliance with the Subdivision Map Act.

RECOMMENDATION:

Staff recommends that the Planning Commission:

ADOPT Resolution No. 17-14 approving Tentative Parcel Map 37344 (TPM 17-05062), based on the information and findings presented in the staff report, and subject to the attached Conditions of Approval.

Attachments: Exhibit A – Conditions of Approval

- Exhibit B – Vicinity Map
- Exhibit C – Aerial View
- Exhibit D – General Plan/Zoning Map/Green Valley Specific Plan
- Exhibit E – Tentative Parcel Map 37344
- Exhibit F – Approved Development
- Exhibit G – Resolution 17-14

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

CONDITIONS OF APPROVAL

Planning Commission

June 21, 2017

TENTATIVE PARCEL MAP 37344

PROJECT: Tentative Parcel Map 37144 (TPM 16-05124) – Proposed subdivision of 1.45 acre lot (Pad K) into two lots within the Perris Crossing retail center. Parcel 1 is .71 acre of vacant land with an approved multi-tenant retail use; Parcel 2 is .73 acre and developed with a restaurant use. The map is requested for financing purposes. Applicant: Jamey Tabata, Dasher & Tabata, Inc.

General Requirements:

1. **City Ordinances and Business License.** The businesses to occupy the existing and approved buildings on the site shall maintain compliance with all local and City Ordinances, including but not limited to an annual fire inspection and maintenance of a City business license.
2. **Development Standards.** The project shall conform to all requirements of the Green Valley Specific Plan and Perris Municipal Code Title 19 for commercial development.
3. **Conformance to Administrative Development Review (ADPR) 15-05101 and DPR 04-0621.** The project shall conform to the approved Conditions of Approval for ADPR 15-05101 and DPR 04-0621, as applicable. Any deviation shall require the appropriate Planning Division review and approval.
4. **Fire Safety Requirements.** The project shall adhere to all fire safety/emergency services requirements as mandated by the City Fire Marshal and any applicable city codes, ordinances, and the Uniform Fire Code.
5. **Building Division Requirements.** The project shall adhere to all applicable building and development codes, including the Uniform Building Code and any applicable city codes and ordinances, and State-mandated requirements.
6. **City Engineer.** The project shall adhere to all requirements of the City Engineer, as presented in the project Conditions of Approval dated June 6, 2017.
7. **Amended Water Quality Management Plan (WQMP) 15-05101.** An amended WQMP shall be approved for the subject new parcels, and be inspected and signed off prior to issuance of a Certificate of Occupancy for the approved, unconstructed building on Parcel 1.
8. **Expansion of Use.** Any future expansion or change of use shall require Planning review and approval.

EXHIBIT A

9. **Future Obligation of Buyers and Lessees.** All future buyers and lessees shall be informed of their obligation to comply with these Conditions of Approval. The applicant shall provide a copy of these conditions and inform the buyer or lessee of their obligation to maintain compliance with all local and City ordinances, including but not limited to an annual fire inspection and maintenance of a City business license.
10. **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 Tentative Parcel Map 37344. 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.
11. **Approval Period.** In accordance with the Subdivision Map Act, the recordation of the final map shall occur within two (2) years from Planning Commission approval, unless an automatic extension is granted by the State of California. The applicant may apply for a maximum of five (5) one-year extensions to permit additional time to record the final map. A written request for an extension shall be submitted to the Planning Division at least thirty (30) days prior to the initial (and subsequent extensions) expiration of Tentative Parcel Map approval.
12. **Graffiti** located on site shall be removed within 48 hours. The site shall be maintained in a graffiti-free state at all times.
13. **Waste-Hauling.** The developer shall use only the City-approved waste hauler for all construction and other waste disposal.

Project-Specific Requirements:

14. **Conformance to CC&Rs.** The project shall conform to the various documents collectively known as the Perris Crossing CC&Rs which control easements, access, utilities, maintenance, stormwater control, and all other activities regulated by the CC&Rs.
15. **Grease Interceptors.** The existing grease interceptor located on Parcel 1 will be on a different parcel than the existing restaurant, which is allowable only through an easement. This grease interceptor cannot be shared with other restaurant uses. Every restaurant use is required to have its own grease interceptor per Eastern Municipal Water District (EMWD).
16. **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 for filing of the CEQA Notice of Exemption.

Prior to Final Map Recordation:

17. **Final Map Application.** The Final Map application shall be submitted to the Planning Division with payment of appropriate fees for review and approval, concurrently with an application to the City Engineer. The Final Map application shall include all appropriate easements and shall include, but not be limited to, the following:
 - a. The Final Map shall preserve all existing ingress and egress access easements.
 - b. The Final Map shall conform substantially to the Planning Commission-approved Tentative Parcel Map.

18. **Recordation of Final Map.** Prior to recordation of the Final Map, the owner shall obtain the following clearances, approvals or actions:
 - a. Approval of Final Map by the City Engineer.
 - b. Verification from the Planning Division that all pertinent Conditions of Approval have been met.
 - c. Required approvals from any outside agency.

End Conditions



CITY OF PERRIS

HABIB MOTLAGH, CITY ENGINEER

CONDITIONS OF APPROVAL

P8-625
June 6, 2017
Tentative Financing Map 37344

With respect to the Conditions of Approval for the above referenced project, the City of Perris requires that the developer provide the following street improvements and/or road dedication in accordance with the City of Perris Municipal Code Title 18. It is understood that the site plan and the map 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. The Final Map shall be reviewed and approved by City Engineer and shall include installation of all monuments.
2. This map is for financing purpose only and as such, no permit(s) shall be issued for development and/or redevelopment of individual lots.

Habib Motlagh

Habib Motlagh
City Engineer



AERIAL VIEW

EXHIBIT C

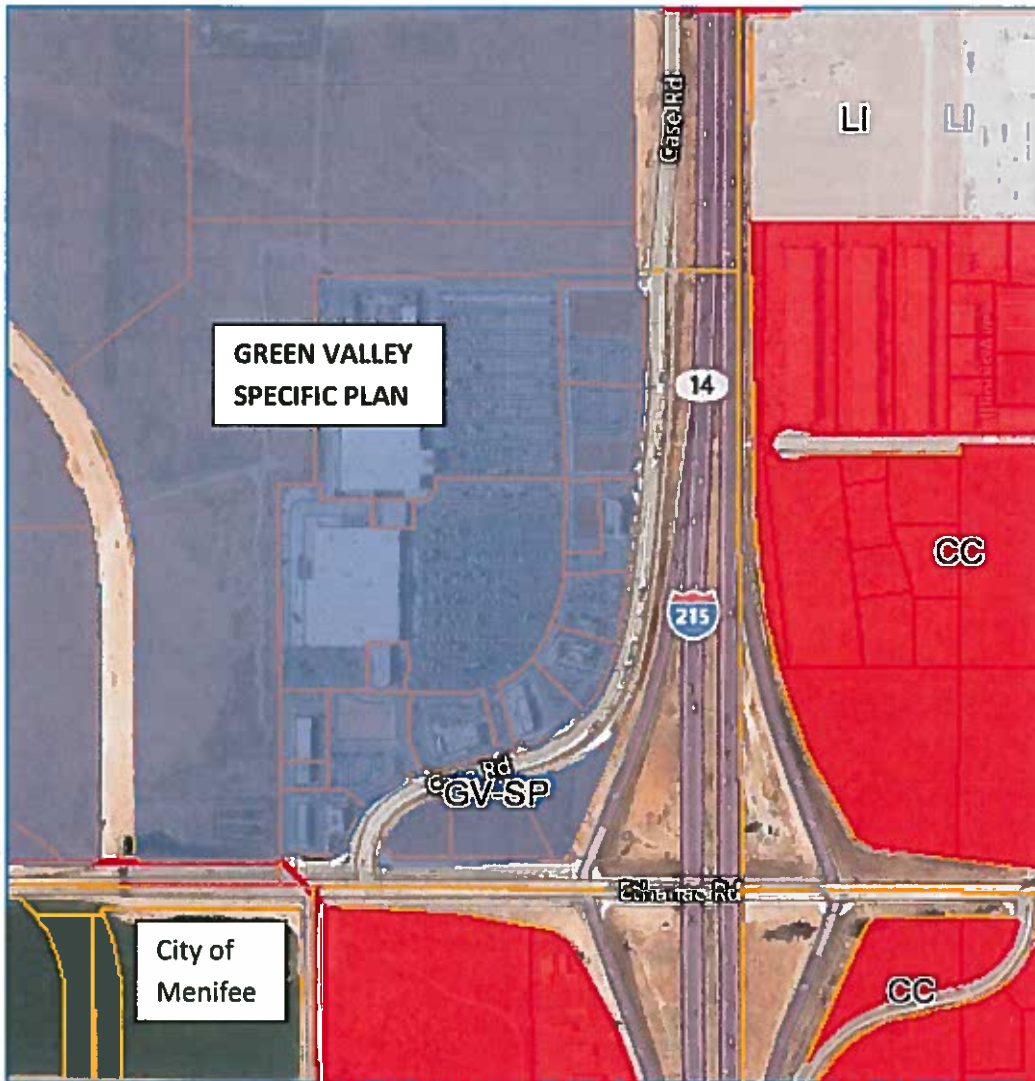
Tentative Parcel Map 37344

PAD K – Perris Crossing

Northwest corner Case Road & Ethanac Road

Planning Commission

June 21, 2017



GENERAL PLAN /ZONING DESIGNATION

EXHIBIT D

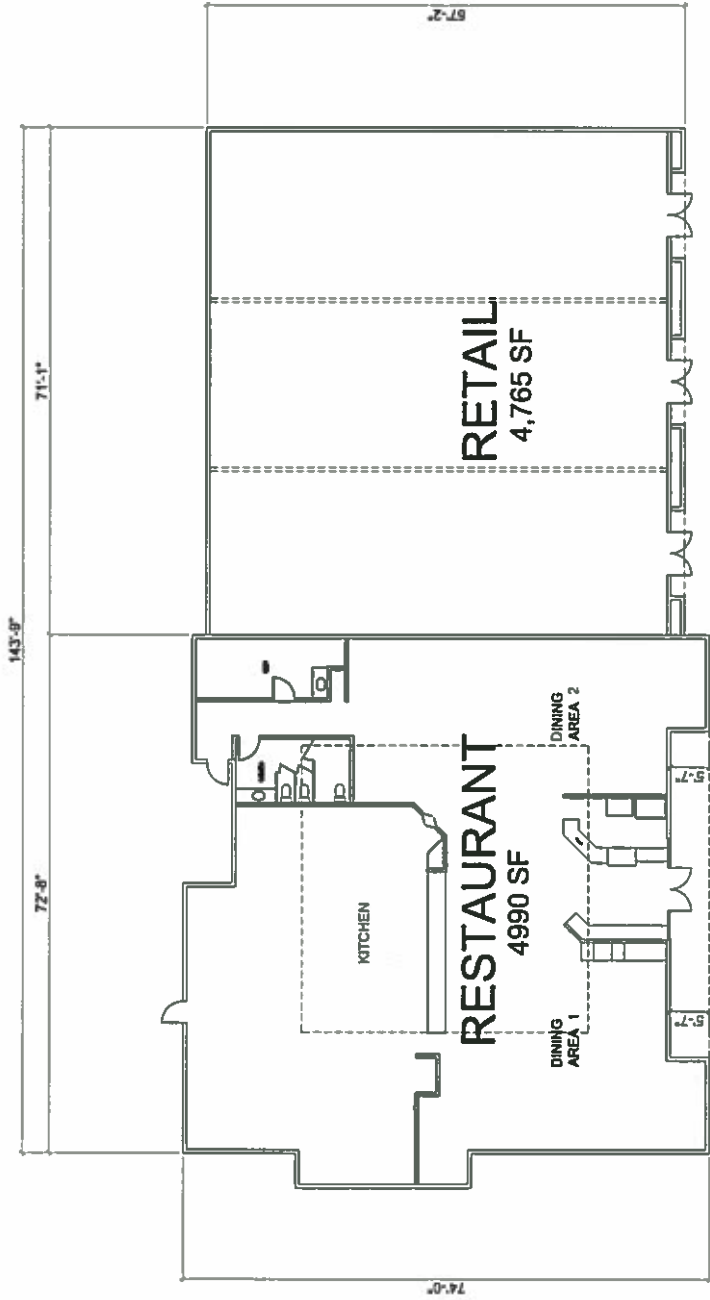
Tentative Parcel Map 37344

PAD K – Perris Crossing

Northwest corner Case Road & Ethanac Road

Planning Commission

June 21, 2017



FLOOR PLAN
SCALE: 1/8"=1'-0"

CONCEPTUAL FLOOR PLAN

**RETAIL & RESTAURANT BUILDING
PAD 'K', PERRIS CROSSING
PERRIS, CALIFORNIA**

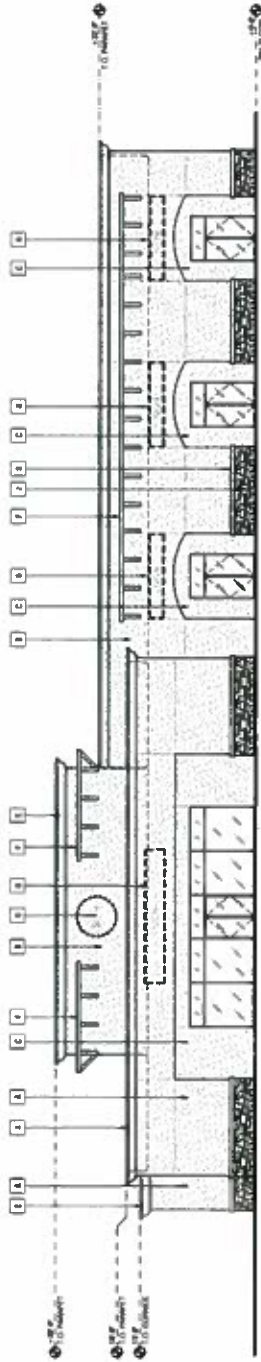
DATE: 07/09/15
JOB # A-1504108

Sheet No.
A-2
sheet 2 of 3

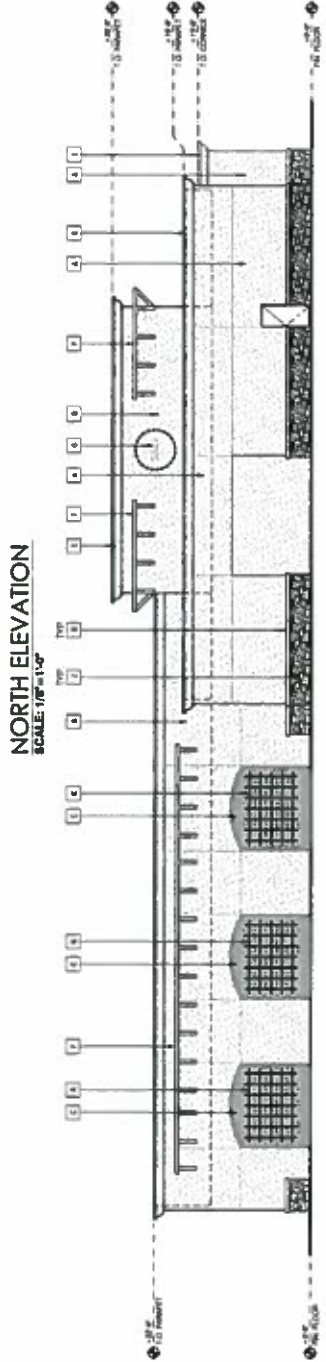


THIS IS A CONCEPTUAL FLOOR PLAN. IT IS NOT TO BE USED FOR PERMITS OR CONSTRUCTION. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY THE ARCHITECT.

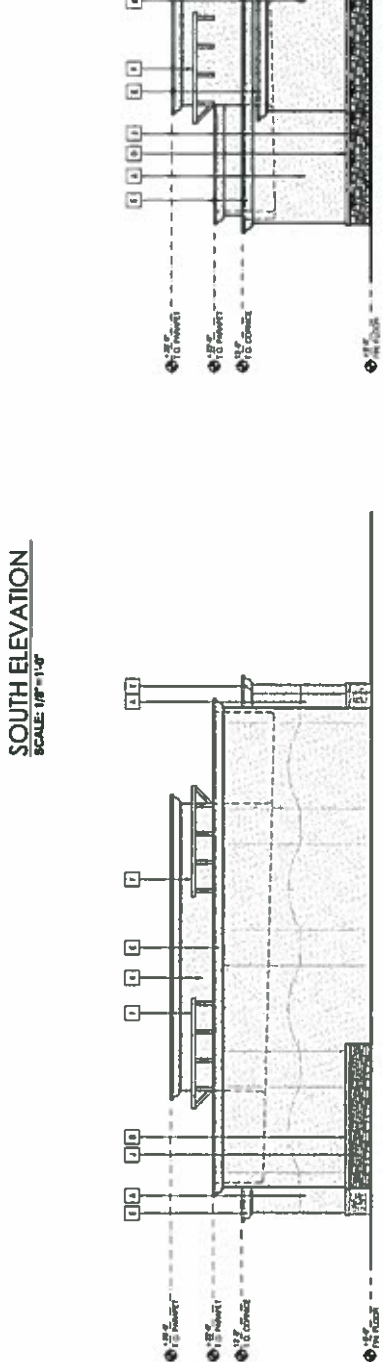
CADENCE CAPITAL INVESTMENTS LLC
5480 E. ORCHARD RD., #4350
GREENWOOD VILLAGE, CO 80232
720-493-5100
720-493-3801 rx.



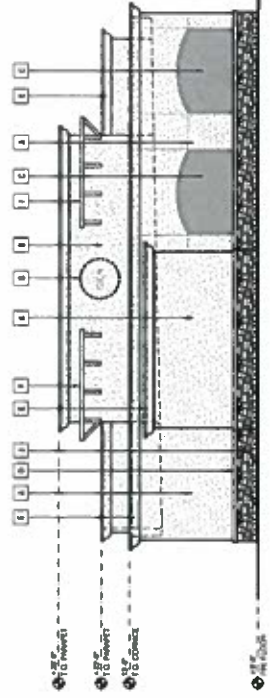
WEST ELEVATION
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NORTH ELEVATION
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SOUTH ELEVATION
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EAST ELEVATION
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FINISH SCHEDULE	
1	EXTERIOR CLASH FINISHES (SEE)
2	EXTERIOR CLASH FINISHES (SEE)
3	EXTERIOR CLASH FINISHES (SEE)
4	CONCRETE
5	CONCRETE
6	CONCRETE
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DATE: 07/09/15
JOB # A.1504108

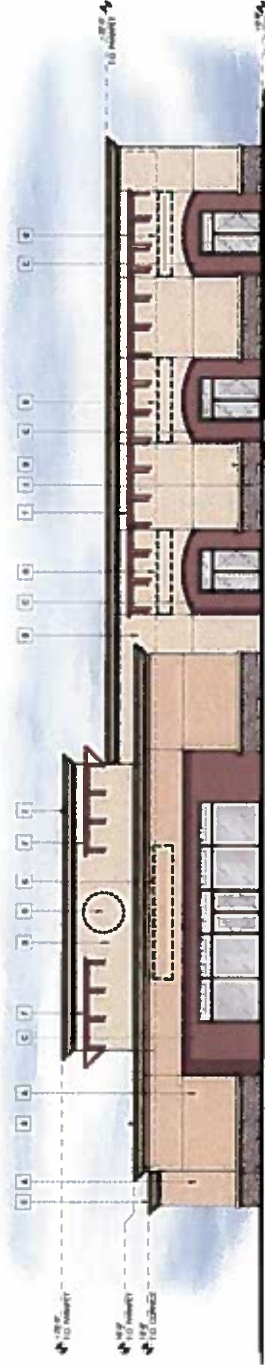
Sheet No. **A-3**
sheet 3 of 3

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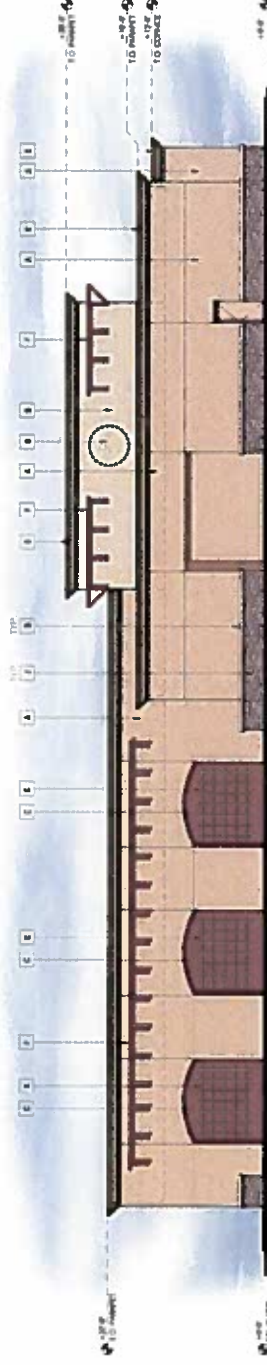
CONCEPTUAL ELEVATIONS
RETAIL & RESTAURANT BUILDING
PAD 'K', PERRIS CROSSING
PERRIS, CALIFORNIA

CADENCE CAPITAL INVESTMENTS LLC
8480 E. ORCHARD RD., #4350
GREENWOOD VILLAGE, CO 80333
720.493.5100
720.493.3801 FL.

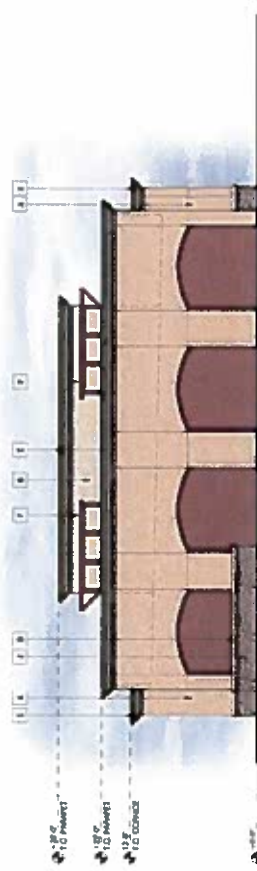
THIS PLAN IS A PROPERTY OF THE ARCHITECT. CONSULTING ENGINEER AND ARCHITECT. ANY REPRODUCTION OR TRANSMISSION OF THIS PLAN WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT, CONSULTING ENGINEER AND ARCHITECT IS STRICTLY PROHIBITED. THE ARCHITECT, CONSULTING ENGINEER AND ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION AND DATA PROVIDED ON THIS PLAN. THE ARCHITECT, CONSULTING ENGINEER AND ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION AND DATA PROVIDED BY OTHERS.



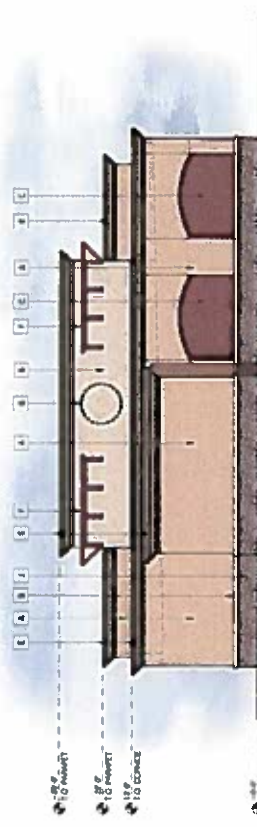
NORTH ELEVATION
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SOUTH ELEVATION
SCALE: 1/8"=1'-0"



WEST ELEVATION
SCALE: 1/8"=1'-0"



EAST ELEVATION
SCALE: 1/8"=1'-0"

FINISH SCHEDULE	
1	STUCCO COLOR MATCH (see)
2	INTERIOR CEILING (see)
3	INTERIOR CEILING TRUSSES (see)
4	INTERIOR CEILING TRUSSES (see)
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6	INTERIOR CEILING TRUSSES (see)
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100	INTERIOR CEILING TRUSSES (see)

DATE: 07/08/15
JOB # A-1504108

CONCEPTUAL ELEVATIONS

Sheet No.
A-3
sheet 3 of 3

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This plan is a property of the Architect/Engineer and shall not be used for any other project without the written consent of the Architect/Engineer. The user of this plan shall be held responsible for any errors or omissions. The Architect/Engineer shall not be held responsible for any errors or omissions made by the contractor. The contractor shall be held responsible for any errors or omissions made by the contractor.

RESOLUTION NUMBER 17-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 37344 (TPM 17-05062) TO SUBDIVIDE A 1.45 ACRE PAD WITHIN PERRIS CROSSING RETAIL CENTER AT THE NORTHWEST CORNER OF ETHANAC AND CASR ROADS, SOUTH OF WATSON ROAD, INTO TWO LOTS FOR COMMERCIAL DEVELOPMENT, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the applicant filed a Tentative Parcel Map 37344 (TPM 17-05062) to subdivide an existing 1.45 acres commercial pad (Pad K) in the Perris Crossing commercial/retail center into two lots for approved development; and

WHEREAS, proposed Parcel 1 is a vacant .71 acre with an approved multi-tenant building, and proposed Parcel 2 is .73 acre and developed with a restaurant use (Corky's); and

WHEREAS, the proposed project conforms to the objectives of the Zoning Ordinance and the purpose of the Green Valley Specific Plan; and

WHEREAS, the proposed project is consistent with the City's General Plan and other Ordinances and Resolutions of the City; and

WHEREAS, this Tentative Parcel Map has been duly noticed; and

WHEREAS, a public hearing was held on June 21, 2017, at which time all interested persons were given full opportunity to be heard and to present evidence; and

WHEREAS, all legal prerequisites for the adoption of this resolution have occurred.

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 Class 15, Minor Land Divisions, and a Categorical Exemption is hereby adopted. This class consists of the minor division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels under special conditions that the project meets.

EXHIBIT G

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

Tentative Parcel Map 37344 (TPM 17-05062):

- A. Tentative Parcel Map 37344 is consistent with the Green Valley Specific Plan land use designation of commercial, and all other applicable Specific Plan and General Plan policies; and
- B. The proposed project will not result in significant adverse environmental effects.
- C. The proposed project is consistent with the goals and policies of the Land Use Element of the General Plan and the Green Valley Specific Plan land use designation of Commercial, and all other applicable Specific Plan and General Plan policies.
- D. The proposed project, as conditioned, is consistent with city standards, ordinances, and policies.
- E. The project will not affect health, safety, and welfare.

Section 4. For the foregoing reasons the Commission hereby approves Tentative Parcel Map 37344 to subdivide an existing 1.45 acres commercial pad (Pad K) in the Perris Crossing commercial center into two lots for approved development, 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 21st day of June 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 17-14 was duly adopted by the Planning Commission of the City of Perris at a regular meeting of said Planning Commission on the 21st day of June 2017, and that it was so adopted by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Secretary, Planning Commission

Planning Commission Agenda

**CITY OF PERRIS
06.21.17**

Item

7B

**Conditional Use Permit 17-05058
with Letter of Public Convenience or Necessity (PCN)**

PLANNING COMMISSION AGENDA SUBMITTAL

Meeting Date: June 21, 2017

SUBJECT: **Conditional Use Permit 17-05058 with Letter of Public Convenience or Necessity (PCN) for off-site beer and wine sales (ABC Type 20) at an approved 2,955 s.f. 7-Eleven convenience store with fueling station at the northwest corner of Harley Knox and Perris Blvd. The PCN is required due to an overconcentration of alcohol sellers in the census tract. The site is a .99 acre parcel of the approved March Plaza retail center. Applicant: Frank Allen Sipe, Barghausen Consulting Engineers, Inc.**

REQUESTED ACTION: **Adopt Resolution No. 17-09 approving Conditional Use Permit 17-05058 with a Letter of Public Convenience or Necessity for the sale of beer and wine at a new 7-Eleven store, based on the findings and subject to the Conditions of Approval.**

CONTACT: Clara Miramontes, Director of Development Services 

BACKGROUND/DISCUSSION:

A Conditional Use Permit is requested to allow the sale of beer and wine from an approved 2,955 square foot 7-Eleven convenience store with a 16-pump fueling station. The site is a .99 acre portion of the approved 8.28 acre March Plaza commercial center to be constructed at the northwest corner of Harley Knox and Perris Blvd. A Letter of Public Necessity or Convenience (PCN) is required due to the concentration of off-site ABC licenses within the census tract.

At the March 15, 2017 Planning Commission meeting, the Planning Commission approved Tentative Parcel Map 16-05166 and Conditional Use Permit 16-05165 to subdivide 8.28 acres into seven lots for the development of a new 47,253 square foot shopping center, "March Plaza", at the northwest corner of Perris Boulevard and Harley Knox Boulevard. Conditional Use Permit 16-05171 approved a new 7-Eleven convenience store and fueling station at the immediate corner of Perris and Harley Knox Boulevards, and the development of the 7-Eleven will serve as Phase 1 and the anchor store for the commercial center.

Like the other Perris 7-Elevens, this will be a 24-hour convenience market featuring fresh foods and bakery items in addition to the usual grocery and convenience store items. Beer and wine sales will be limited to 1.5% of the sales floor area, and is offered for the convenience of Perris Valley Commerce Center Specific Plan businesses, residents, and visitors. This 7-Eleven will retail sales tax for the City of Perris which is currently being lost to Moreno Valley, and Moreno Valley's industrial area will use this 7-Eleven as well.

The Letter of Public Convenience or Necessity (PCN) is necessary due to the number of alcohol licenses within the project's census tract. According to the State Department of Alcohol Beverage Control (ABC), six off-site alcohol licenses are allowed and 12 are currently listed for Census Tract 426.20. It should be noted that two of the licenses are listed in error by ABC, and are located outside Census Tract 426.20, and the Chevron station on Ramona Expressway appears twice on the list as a result of their Type 20 license being surrendered to obtain a Type 21 general alcohol license. ABC's policy is to list any license that is not cancelled or revoked. Thus there are actually nine current Type 20 and 21 licenses in Tract 426.20.

The current concentration of valid licenses is clustered along major arterials: Perris Blvd. and Ramona Expressway. Currently there are no alcohol licenses on Harley Knox Blvd. at the northerly limits of the City. Of the nine current licenses, four are held by gas stations (Chevron, Arco, Shell and Circle K) similar in business models to 7-Eleven. Four of the five non-gas station licenses in the census tract are Type 21, allowing general alcohol sales.

To approve the sale of alcoholic beverages in an area of “undue concentration,” the City is required to make findings in support of the proposed project to demonstrate that it is in the public interest or public convenience. Perris Police Department responded in writing on May 22, 2017 that less than 2% of the calls received in a 12-square mile area surrounding the site were alcohol related. They requested 7-Eleven install video surveillance equipment inside and outside the store, which 7-Eleven has agreed to do, and does for every site. A public hearing notice was mailed to adjacent property owners within 300’ feet of the subject site. To date, staff has not received any comments from the public. As conditioned and discussed in detail in the staff report, staff is supportive of this project. The project findings are included in the attached resolution.

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 in compliance with applicable general plan policies and zoning requirements, and with no habitat value for biological resources.

BUDGET (or FISCAL) IMPACT: Costs for staff preparation of this item are borne by the applicant.

Prepared by: Diane Sbardellati, Associate Planner

Public Hearing: June 21, 2017

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

PROJECT REPORT

CASE NUMBER: Conditional Use Permit 17-05058 and Letter of Public Convenience and Necessity (PCN)

Date: June 21, 2017 - Planning Commission

Project Planner: Diane Sbardellati, Associate Planner

Project Description: Request to approve the off-site sale of beer and wine (Type 20 ABC License) and a Letter of Public Necessity or Convenience (PCN) for an approved 7-Eleven convenience store and fueling station at the northwest corner of Harley Knox and Perris Blvd. Liquor sales will comprise 1.5% of the floor sale area. A PCN is required due to an overconcentration of alcohol sellers in the census tract. The site is a .99 acre parcel of the approved March Plaza retail center.

Location: Northwest corner of Harley Knox and Perris Blvd.

Assessor's Parcel Number: 302-090-034

Applicant: Frank Allen Sipe, Barghausen Consulting Engineers, Inc.
3883 Ruffin Road, Suite B
San Diego, CA 92123

Owner: Roger Shadowen, 7-Eleven Corp.

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

Related Cases: Tentative Parcel Map 16-05166, Conditional Use Permit 16-05165 (March Plaza); Conditional Use Permit 16-05171 (7-Eleven)

ZONING AND LAND USE:

Existing Zoning and General Plan Land Use Designations: Perris Valley Commerce Center Specific Plan (PVCCSP) - Commercial

<i>Direction</i>	<i>Zoning</i>
North	PVCCSP - Commercial

Surrounding Zoning:

South	PVCCSP - Commercial
East	PVCCSP - Commercial
West	PVCCSP - Commercial

Existing Land Use:

Undeveloped vacant land

Surrounding Land Use:

<i>Direction</i>	<i>Zoning</i>
North	Entitled vacant land
South	Entitled vacant land
East	Industrial warehouse
West	Undeveloped vacant land

PROJECT BACKGROUND

The subject 7-Eleven was approved for development by the Planning Commission on March 15, 2017 under Conditional Use Permit 16-05171. The 7-Eleven is one of eight building pads comprising the March Plaza commercial shopping center, also approved by the Planning Commission on March 15, 2017 (Conditional Use Permit 16-05165). The shopping center will include 47,253 square feet of building area to be developed on 8.28 net acres of vacant land zoned PVCCSP-Commercial. Surrounding land uses consist of an industrial warehouse to the west, the Riverside County Flood Control drainage channel to the north at the City of Moreno Valley border, vacant entitled land to the south for the Home Depot Distribution Center, and vacant land across Perris Blvd. to the east.

The 2,955 s.f. 7-Eleven and fueling center is Phase 1 of the March Plaza retail center and will be located at the immediate corner of Perris and Harley Knox Blvds. The March Plaza 7-Eleven would serve the occupants of the surrounding industrial buildings, visitors to the area, and nearby residents, who lack many commercial services. The closest convenience stores are located near the intersection of Ramona Expressway and Perris Blvd., approximately one mile south of March Plaza. Visitors and workers in north Perris drive a significant distance and often outside the City for lunch and other needed services. This project will effectively capture retail sales and sales tax revenue for the City of Perris.

The Planning Commission is authorized to allow additional alcohol sales if it would serve public convenience or necessity. The Conditional Use Permit for the sale of beer and wine was not included in the original CUP request by accident, and 7-Eleven considers the sale of beer and wine critical to their operation. The location is within the over-concentrated Census Tract 426.20.

PROJECT DESCRIPTION

The March Plaza 7-Eleven convenience store is the third 7-Eleven for the City of Perris. The other locations are south Perris in the Perris Crossing retail center on Ethanac Blvd., and on 4th Street in downtown Perris, near the I-215 Freeway. The location in north Perris will be a 24-hour convenience store featuring fresh food and bakery items, in addition to the usual grocery and convenience store items. The architecture of the 7-Eleven is distinctive and attractive, as required

by the Visual Corridor standards of the PVCCSP for Harley Knox and Perris Blvds. The store also meets or exceeds all development standards for the Commercial zone of the PVCCSP.

The 7-Eleven is oriented to Perris Blvd. with the fueling station in front, with a 55-foot setback from the property line. The fueling center will be screened from the arterial roadways by the March Plaza theme wall, which is 10 feet in height at the corner, stepping down to six feet on the wing portions. This monument wall will contain signage for the center and have raised planters. The 7-Eleven site shares access through recorded easement with the March Plaza commercial center and has limited access (right turn in and out only due to existing medians) driveways at Harley Knox Blvd. and Perris Blvd.

The proposed use as a convenience store conforms to the intent of the Commercial District of the PVCCSP, and Conditional Use Permits are required for the fueling station use and alcohol sales. Liquor sales will comprise 1.5% of the total floor area, which is 1,724 square feet.

LETTER OF PUBLIC CONVENIENCE AND NECESSITY (PCN)

The applicant is requesting a letter of Public Convenience or Necessity (PCN) to permit the sale of alcoholic beverages (Type 20 ABC Beer and Wine License) for off-site consumption at the proposed 7-Eleven store at March Plaza. A Letter of Public Convenience and Necessity (PCN) is necessary due to the proposed use contributing to an over-concentration of alcohol licenses within the project's census tract. Most of the approved Type 20 and 21 ABC licenses are near the intersection of Perris Blvd. and Ramona Expressway. To be approved, the City is required to make findings in support of the proposed project to demonstrate that it is in the public interest ("Public Convenience or Necessity") to approve the use. Findings in support of the PCN follow, and are also found in the attached Resolution.

According to the State Department of Alcohol Beverage Control (ABC), six off-sale alcohol licenses are allowed in Census Tract 426.20 and 12 are currently listed. Census Tract 426.20 is a large census tract extending east from the I-215 Freeway to the town of Nuevo, and south to Nuevo Road, taking in Perris Blvd. However, research indicates that two ABC licenses are actually located in different census tracts, and one license was surrendered to allow an upgrade from a Type 20 to a Type 21 license. ABC informed staff surrendered licenses are not removed from the list, and 7-Eleven would have to request the removal of the two establishments listed in the wrong census tract. Counting only Type 20 beer and wine licenses, there are four existing locations on Perris Blvd: three convenience stores at the intersection of Perris Blvd and Ramona Expressway, and the Dollar General market located on Perris Blvd. south of Walnut Street. The table below lists the existing alcohol licenses, and attached Exhibit F provides their location.

<i>Off-Site Alcohol Licenses within Census Tract # 0426.20</i>			
	<i>Name of Business</i>	<i>Address</i>	<i>License Type</i>
1	Cardenas Market	2560 N. Perris Blvd.	Type 21(Off-Sale General)
2	Arco AM PM	4040 N. Perris Blvd.	Type 20 (Off-Sale Beer and Wine)
3	Lake Chevron	796 W. Ramona Expy.	Type 21 (Off-Sale General)
4	Lake Perris Market & Liquor	85 E Ramona Expy., K-13	Type 21 (Off-Sale General)

5	Dollar General	2980 N. Perris Blvd.	Type 20 (Off-Sale Beer and Wine)
6	Walmart	1800 N. Perris Blvd.	Type 21 (Off-Sale General)
7	Circle K	3995 N. Perris Blvd.	Type 20 (Off-Sale Beer and Wine)
8	Shell Gas Station	4039 N. Perris Blvd.	Type 20 (Off-Sale Beer and Wine)
9	Lakeside Liquor	4164 N. Perris Blvd.	Type 21 (Off-Sale General)

7-Eleven proposes to sell beer and wine for the convenience of residents, workers, and visitors to the north Perris area, who may already be in the store for groceries and general merchandise, and purchasing gasoline. The large warehouse developments of north Perris and south Moreno Valley employ thousands of people around all shifts and retail services are urgently needed. As this area continues to develop with industrial uses, the demand for commercial services will increase. Staff supports 7-Eleven's request for a letter of Public Convenience and Necessity (PCN) to permit the sale of alcoholic beverages (Type 20 ABC Beer and Wine License) for off-site consumption at this location. As with previous locations, 7-Eleven has voluntarily agreed to the project Conditions of Approval which include the use of video surveillance equipment as requested by the Perris Police Department.

PUBLIC/AGENCY COMMENTS

This proposal was presented to the Perris Police Department for comment by Planning staff for their review and comment. Sgt. J.P Strang responded in writing on May 22, 2017 stating a one-year review of calls for service within the 12-square-mile area surrounding the site indicated there was not an unusual or problematic use of police services, and calls related to alcohol were less than 2%. The Perris Police Department requested a Condition of Approval requiring the applicant to install video surveillance and recording equipment to cover interior and exterior areas of the site, which Planning has included in the Conditions, and 7-Eleven agrees to and already does as a standard business practice. In addition, a public hearing notice was mailed to various agencies and adjacent property owners within 300' feet of the subject site. To date, staff has not received any comments from the public.

ENVIRONMENTAL DETERMINATION

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 in compliance with applicable general plan policies and zoning requirements, and with no habitat value for biological resources.

MANDATORY FINDINGS FOR PROJECT APPROVAL

A. Findings Required to Grant a Conditional Use Permit for the Sale of Alcohol

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

The zoning and General Plan designation of the site are Perris Valley Commerce Center Specific Plan - Commercial. This zone permits retail uses including convenience stores and fueling stations. The subject 7-Eleven is an approved, unconstructed building within the March Plaza commercial center. As conditioned, the project meets or exceeds the objectives of the Perris Valley Commerce Center Specific Plan - Commercial land use designation.

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

The proposed project conforms to the goals of the General Plan by complying with the developments standards of the Perris Valley Commerce Center Specific Plan-Commercial land use designation, and the high standards for development within the March Plaza, by providing superior site design and building architecture. The project is consistent with General Plan Policy III.A by providing new commercial shopping and employment opportunities within the City.

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

As conditioned, the proposed 7-Eleven will not be detrimental to the public health, safety or welfare, or injurious to property and improvements in the vicinity or to the general welfare of the City. 7-Eleven has state-of-the art training for employees, security measures, and controls on the sale of alcohol and cigarettes, beyond the City's requirements. 7-Eleven has voluntarily agreed to the project Conditions of Approval which include the use of video surveillance equipment as requested by the Perris Police Department. The Perris Police Department responded in writing on May 22, 2017 stating a one-year review of calls for service within the 12-square-mile area surrounding the project site indicated there was not an unusual or problematic use of police services, and calls related to alcohol were less than 2%.

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

As conditioned, the proposed architecture meets or exceeds the design standards for the Perris Valley Commerce Center Specific Plan Commercial land use designation, and the standards for development within the March Plaza. The 7-Eleven is oriented to Perris Blvd., with the fueling station in front, with a 55-foot setback from the property line. The fueling center will be screened from the arterial roadways by the March Plaza theme wall, which is 10 feet in height at the corner, stepping down to six feet on the wing portions. This monument wall will contain signage for the center and have raised planters.

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

The conceptual landscape plan exceeds the requirements of the PVCCSP and the Landscaping Ordinance by providing more than 10% landscaping of the onsite area. The proposed on-site landscaping area will be approximately 51,698 square feet (approximately 16% of the site), exceeding the minimum 10% landscape requirement of the PVCCSP. The landscape plan for the project site is designed with a combination of trees, shrubs, and groundcover in planters adjacent to the building and parking area, and along the perimeter of the project site, where a 15-foot wide landscape setback is provided adjacent to the offsite landscaping in the public right of way.

B. Additional Findings Required per PMC Section 19.65.040 to Grant a Conditional Use Permit for the Sale of Alcoholic Beverages

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

The proposed 7-Eleven will be located in an approved, undeveloped retail center at the northwest corner of Harley Knox and Perris Blvds, in an area devoted to industrial land uses that currently lack service and retail uses of many kinds. The Zoning Code exempts convenience stores in retail centers from all distance requirements. However, the approved 7-Eleven store is more than 1,000 feet away from any existing park, church, school, or residential land use.

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

Project access is provided by new driveway approaches into the March Plaza on Perris Blvd. and Harley Knox Blvd., which are both right-turn only due to the existing raised medians on both arterials. The City Engineer has required a physical barrier (raised curb) to be added to the outside left turn lane on Perris Blvd. at Harley Knox Blvd. to prevent vehicles turning right out of the retail center from attempting to reach the left turn lane by crossing three lanes of traffic. The project site has been designed to allow for onsite and turn-around circulation with minimum 26-foot drive way aisles. All drive aisles, entrances and exits will be clearly marked with directional arrows painted on pavement surface. A divided access is provided from Harley Knox Blvd., with a landscaped planter separating in and out traffic. All access lanes meet street width requirements pursuant to the Uniform Building and Fire Codes to ensure adequate emergency access throughout the project site.

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

7-Eleven stores have implemented an alcohol sales training program which is required for all cashiers and managers. The training program focuses on recognizing and preventing any sales of alcohol that may be detrimental to the public welfare (i.e., sale to minors and intoxicated persons) and other aspects of customer service, personnel management, facility maintenance and operations, and workplace safety. Also, all 7-Eleven Stores have an around-the-clock, closed circuit digital video recorder system, audio recording, and

high-resolution monitoring in clear view of store customers and at the back of the store. Alcohol will not be located near an exit area, thereby discouraging theft. In addition, Section 19.65.030.F of the Zoning Code, Alcoholic Beverage Sales Regulations, contains "Standards for Service Stations" and 7-Eleven has indicated their willingness to comply fully with these regulations.

7-Eleven has voluntarily agreed to the project Conditions of Approval which include the use of video surveillance equipment requested by the Perris Police Department. The Perris Police Department responded in writing on May 22, 2017 stating a one-year review of calls for service within the 12-square-mile area surrounding the project site indicated there was not an unusual or problematic use of police services, and calls related to alcohol were less than 2%.

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

The proposed project conforms to or exceeds all applicable provisions of this Code. As required, the applicant has requested the necessary Letter of Public Convenience and Necessity (PCN) for an ABC Type 20 License for Off-Site Consumption. See the Findings below regarding the PCN.

C. Findings Required to Determine the Appropriateness of a Letter of Public Convenience and Necessity (PCN) for an ABC Type 20 License for Off-Site Consumption

Based upon the information contained within the staff report and accompanying attachments, the Planning Commission is recommended to find the proposal to be in the interest of Public Convenience or Necessity based on the findings below:

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

This request is for a Conditional Use Permit and PCN to allow for Type 20 off-sale of beer and wine from a 2,955 s.f. 7-Eleven convenience store and fueling station approved under CUP 16-05171 on March 15, 2017 by the Planning Commission. The 7-Eleven to be located at the northwest corner of Harley Knox and Perris Blvds. is part of the approved and undeveloped March Plaza multi-use retail center. This location in the northernmost portion of Perris will provide a variety of goods to choose from in a mostly industrial warehouse area. 7-Eleven provides a convenient place for commuters, local employees and residents to buy a variety of goods that cater to a variety of needs. The wide selection of consumer goods include such items as medicines, fresh foods, hot foods, pre-packaged food items, beauty products, dairy products, meats, breads, coffee station and pastries, all within a pleasant atmosphere to relax in. Residents and workers within the immediate area will benefit from offerings of this kind. The 2,955 s.f. gas station/convenience store hours of operation will be 24 hours a day, 7 days a week, with alcohol sales limited to 6:00 am to 2:00 am per state restrictions.

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

7-Eleven provides a convenient place for commuters and local workers and residents to pick up a variety of goods. No more than 1.5% of store area is devoted exclusively for the sale of beer and wine. The sale of beer and wine is an ancillary use to the sale of general merchandise and groceries and no residential properties, schools, parks, or churches are near the project site. The sale of beer and wine along with the variety of standard 7-Eleven offerings will prove valuable to a clientele looking for a broader range of beverage choices, thereby providing a benefit to the community.

3. ***The approval of the sale of beer and wine at the 7-Eleven will not result in an adverse impact on public health, safety, or welfare.***

The subject business is a grocery/retail store within minimal area allocated to beer and wine sales. This proposal was presented to the Perris Police Department for comment by Planning staff for their review and comment. Sgt. J.P Strang responded in writing on May 22, 2017 stating a one-year review of calls for service within the 12-square-mile area surrounding the site indicated there was not an unusual or problematic use of police services, and calls related to alcohol were less than 2%. The Perris Police Department requested a Condition of Approval requiring the applicant to install video surveillance and recording equipment to cover interior and exterior areas of the site, which Planning has included in the project Conditions, which 7-Eleven agrees to and already does as a standard business practice. In addition, a public hearing notice was mailed to various agencies and adjacent property owners within 300' feet of the subject site. To date, staff has not received any comments from the public.

RECOMMENDATION

Staff recommends that the Planning Commission:

Adopt Resolution No. 17-09 approving Conditional Use Permit 17-05058 for the off-site sale of beer and wine (Type 20 ABC License) and a Letter of Public Convenience or Necessity, for an approved 7-Eleven store at the northwest corner of Harley Knox and Perris Blvds, based on the findings and subject to the Conditions of Approval.

Attachments: Exhibit A – Conditions of Approval (Planning)
Exhibit B – Vicinity Map
Exhibit C – Aerial Map of Site and Surrounding Land Uses
Exhibit D – General Plan/Zoning
Exhibit E – Reduced Plan Set
Exhibit F – ABC Census Tract License Map
Exhibit G – ABC Census Tract Color-Coded Map
Exhibit H – Resolution

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

CONDITIONS OF APPROVAL

**Conditional Use Permit/Letter of
Public Convenience No. 17-05058**

June 21, 2017

PROJECT: Conditional Use Permit and Letter of Public Necessity and Convenience (PCN) to approve the sale of beer and wine in a fully concentrated census tract from an approved, unconstructed 2,955 square foot 7-Eleven convenience store with fueling station within the approved March Plaza commercial center at the northwest corner of Harley Knox and Perris Blvd. Applicant: Frank Allen Sipe, Barghausen Consulting Engineers, Inc.

General Requirements:

1. **City Ordinances and Business License.** The subject business shall maintain compliance with all local and City Ordinances, including but not limited to an annual fire inspection and maintenance of a City business license.
2. **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 pursuant to this approval within the three (3) year period which is thereafter diligently pursued to completion, or the beginning of substantial utilization contemplated by this approval. A maximum of three (3) one-year time extensions shall be permitted.
3. **Compliance with Prior Conditions of Approval.** The project shall comply with the approved Conditions for CUP 16-05165 for the March Plaza center, and CUP 16-05171 for the subject 7-Eleven.
4. **Indemnification.** The developer/applicant shall indemnify, protect, defend, and hold harmless, the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City, or any agency or instrumentality thereof, or any of its officers, employees and agents, to attack, set aside, void, annul, or seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voters of the City, concerning CUP/PCN 17-05058. 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.
5. **State, County and City Ordinances.** All tenants shall maintain compliance with all State, County and City ordinances, including but not limited to an annual fire inspection and maintenance of a City business license, and specific requirements for food service or food preparation uses regarding the appropriate means for grease and trash disposal.

EXHIBIT A

6. **ABC License – Type 20 Beer and Wine.** The owner/applicant shall obtain an alcohol license from the California Department of Alcohol and Beverage Control (ABC) prior to the sale of alcohol beverages. Sale of alcoholic beverages is limited to beer and wine only.
7. **Standards for Service Stations and Minimarts** (per Perris Municipal Code Section 19.65.030.F). The project shall comply with the following:
 - a. The owner of each location and the management at each location shall educate the public regarding driving under the influence of intoxicating beverages, driving with open containers and the penalties associated with the violation of each of these laws. This educational requirement may be met by posting prominent signs, decals and/or brochures at points of purchase.
 - b. No displays of beer, wine or other alcoholic beverages shall be located within five feet of any building entrance or checkout counter.
 - c. Cold beer or wine shall be sold from or displayed in the main, permanently affixed electrical cooler only.
 - d. No beer, wine or other alcoholic beverage advertising shall be located on gasoline islands, and no lighted advertising for beer, wine or other alcoholic beverages shall be located on the exterior of the buildings or within the window areas.
 - e. No sale of alcoholic beverages shall be made from a drive-through window.
 - f. Conditional use permits shall be required consistent with Chapter 19.61, **CONDITIONAL USE PERMITS**.
8. **Additional Requirements.** The following shall apply at all times:
 - a. The licensee shall regularly police the area under its control to prevent the loitering of persons about the premises.
 - b. The licensee shall post signs in the area under its control with regard to prohibiting open containers and loitering at the location.
 - c. Digital security cameras shall be installed to monitor and record the interior of the store and exterior parking areas of the business. Surveillance footage shall be maintained for a minimum of 30 days.
9. **Planning Clearance.** The applicant shall first obtain clearance from the Planning Division verifying that all pertinent conditions of approval have been met.

End of Conditions

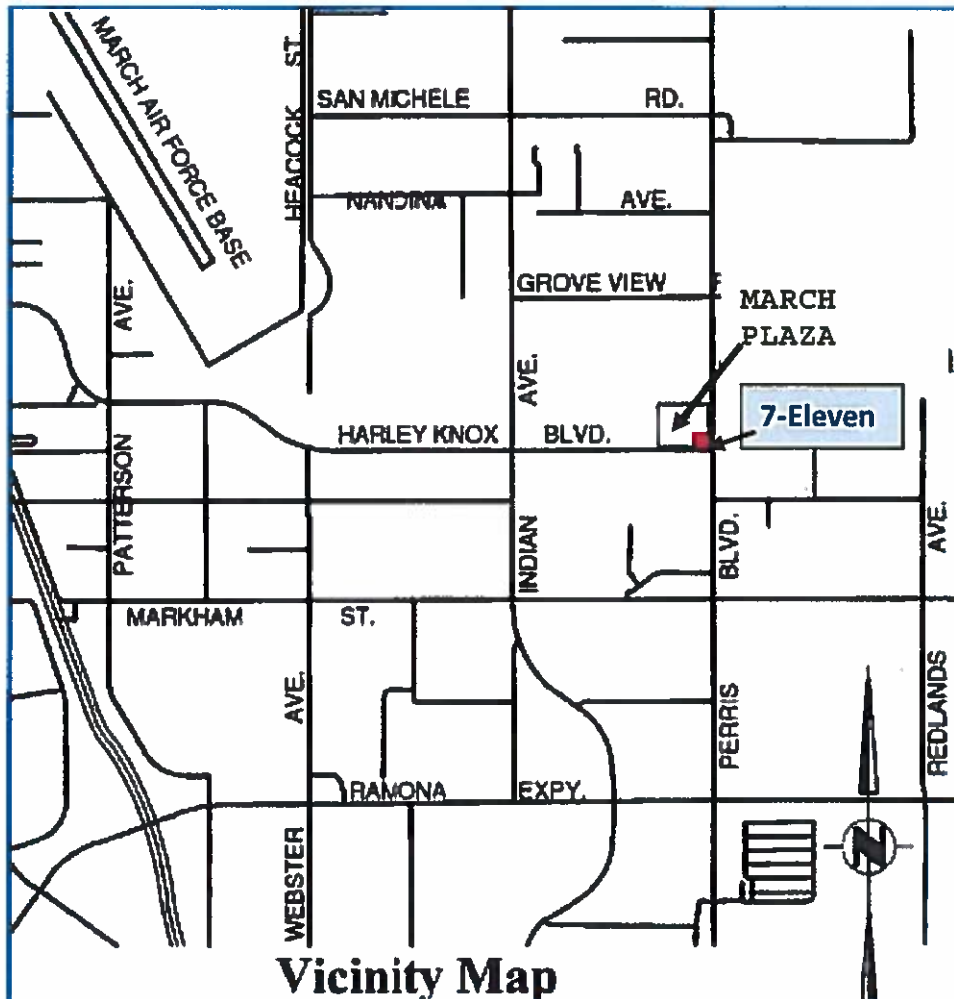


EXHIBIT B – VICINITY MAP

**Conditional Use Permit 17-05058
Letter of Public Convenience or Necessity**

Northwest corner of Perris Blvd. and Harley Knox Blvd.

Planning Commission June 21, 2017

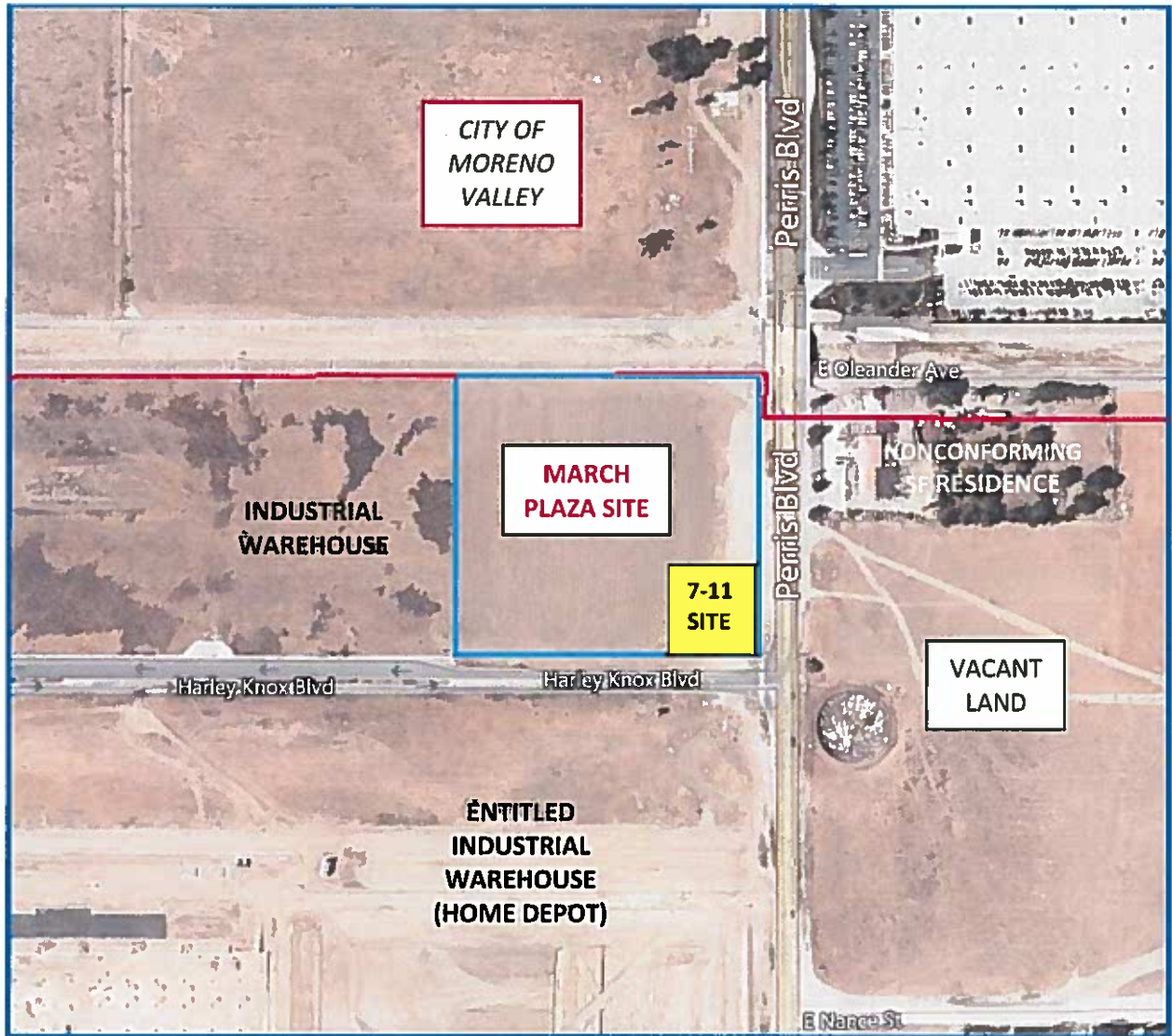


EXHIBIT C – AERIAL VIEW & LAND USE

**Conditional Use Permit 17-05058
Letter of Public Convenience or Necessity**

Northwest corner of Perris Blvd. and Harley Knox Blvd.

Planning Commission June 21, 2017

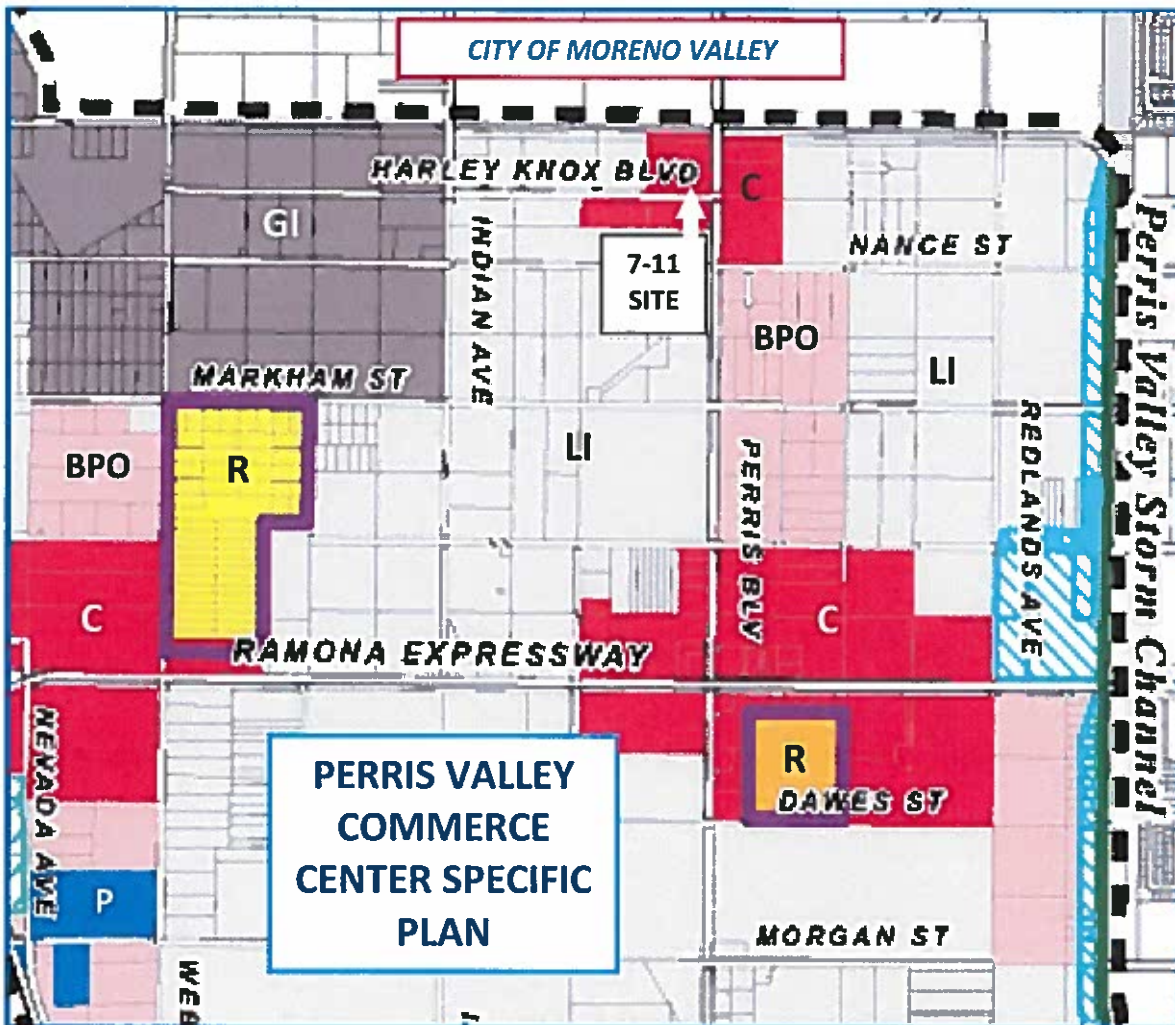


EXHIBIT D – GENERAL PLAN & ZONING

Conditional Use Permit 17-05058

Letter of Public Convenience or Necessity

Northwest corner of Perris Blvd. and Harley Knox Blvd.

Planning Commission June 21, 2017



7-Eleven, Inc. is a registered trademark of 7-Eleven, Inc.
 All rights reserved. © 2016
 7-Eleven, Inc. 17235
 17235
 17235

7-ELEVEN, INC.
 ONE ARTS PLAZA, 1722 SOUTH ST
 DALLAS, TX 75221
 7-11 # 37338
 Harley Knox and Parris Shd
 Parris, CA



Ground Up
 STORE # 37338

Harley Knox
 & Parris Shd

17235
 17235
 17235

FLOOR
 PLAN

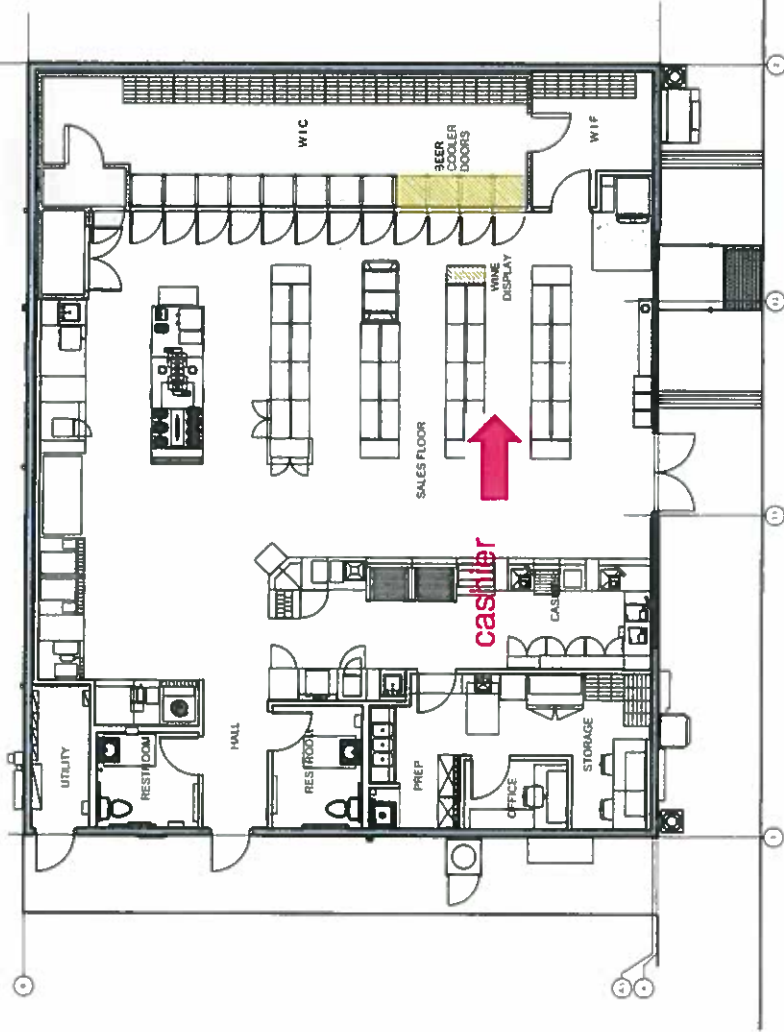
A1

Total Sales
 Floor Area= 1,724 sf

Beer	=	22 sf
Wine	=	5 sf
Total	=	27 sf

% of area - 1.5%

Cashier -
 direct view of Beer/wine area

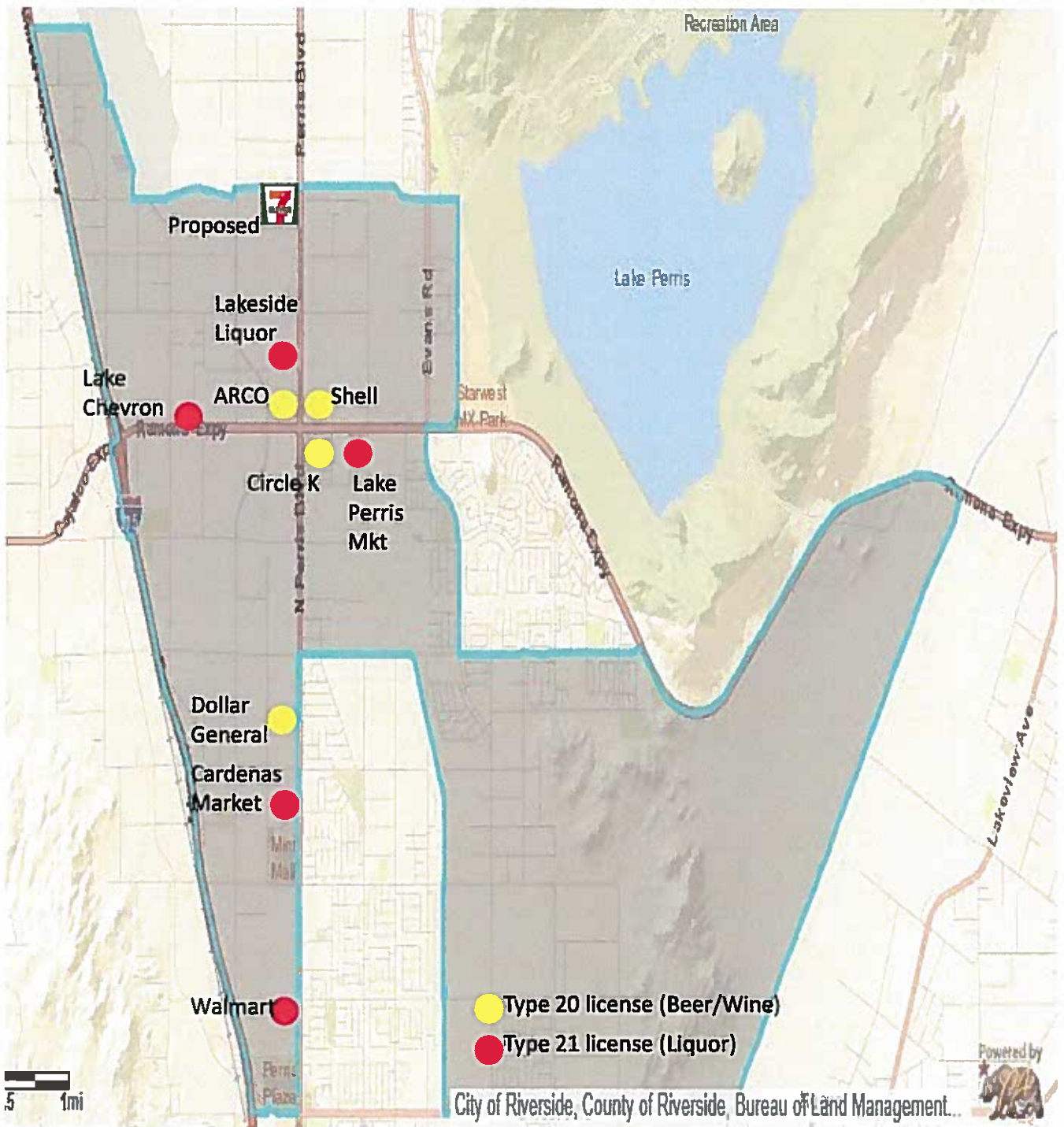


CUP 16-05171

7Eleven #37338 2,940 sf

17235 EAST OF I10

17235



<p>Site No. 1036510</p> <p>Harley Knox/Perris Blvd Perris, CA 92571</p>	<p>ABC Off Site licenses for Census Tract 426.20</p>
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RESOLUTION NUMBER 17-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 17-05058 AND A LETTER OF PUBLIC CONVENIENCE OR NECESSITY (PCN) FOR A TYPE 20 ABC LICENSE FOR THE SALE OF BEER AND WINE AT AN APPROVED 2,955 SQUARE FOOT CONVENIENCE STORE WITH FUELING STATION AT THE NORTHWEST CORNER OF PERRIS BLVD AND HARLEY KNOX BLVD, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, on March 24, 2017, the applicant filed application for a Conditional Use Permit and a Letter of Public Convenience or Necessity; and

WHEREAS, the proposed location of the use is in accordance with the objectives of the Perris Valley Commerce Center Specific Plan and the purpose of the Commercial zoning district; and

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

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

WHEREAS, a public hearing was held on June 21, 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 hereby determines that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines pursuant to Article 19, Section 15301 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 on the information contained in the staff report, and supporting exhibits and plans for Conditional Use Permit 17-05058, the Planning Commission hereby finds, as follows:

A. Findings Required to Grant a Conditional Use Permit for the Sale of Alcohol

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

The zoning and General Plan designation of the site are Perris Valley Commerce Center Specific Plan - Commercial. This zone permits retail uses including convenience stores and fueling stations. The subject 7-Eleven is an approved, unconstructed building within the March Plaza commercial center. As conditioned, the project meets or exceeds the objectives of the Perris Valley Commerce Center Specific Plan - Commercial land use designation.

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

The proposed project conforms to the goals of the General Plan by complying with the developments standards of the Perris Valley Commerce Center Specific Plan-Commercial land use designation, and the high standards for development within the March Plaza, by providing superior site design and building architecture. The project is consistent with General Plan Policy III.A by providing new commercial shopping and employment opportunities within the City.

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

As conditioned, the proposed 7-Eleven will not be detrimental to the public health, safety or welfare, or injurious to property and improvements in the vicinity or to the general welfare of the City. 7-Eleven has state-of-the art training for employees, security measures, and controls on the sale of alcohol and cigarettes, beyond the City's requirements. 7-Eleven has voluntarily agreed to the project Conditions of Approval which include the use of video surveillance equipment as requested by the Perris Police Department. The Perris Police Department responded in writing on May 22, 2017 stating a one-year review of calls for service within the 12-square-mile area surrounding the project site indicated there was not an unusual or problematic use of police services, and calls related to alcohol were less than 2%.

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

As conditioned, the proposed architecture meets or exceeds the design standards for the Perris Valley Commerce Center Specific Plan Commercial land use designation, and the standards for development within the March Plaza. The 7-Eleven is oriented to Perris Blvd., with the fueling station in front, with a 55-foot setback from the property line. The fueling center will be screened from the arterial roadways by the March Plaza theme wall, which is 10 feet in height at the corner, stepping down to six feet on the wing portions. This monument wall will contain signage for the center and have raised planters.

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

The conceptual landscape plan exceeds the requirements of the PVCCSP and the Landscaping Ordinance by providing more than 10% landscaping of the onsite area. The proposed on-site landscaping area will be approximately 51,698 square feet (approximately 16% of the site), exceeding the minimum 10% landscape requirement of the PVCCSP. The landscape plan for the project site is designed with a combination of trees, shrubs, and groundcover in planters adjacent to the building and parking area, and along the perimeter of the project site, where a 15-foot wide landscape setback is provided adjacent to the offsite landscaping in the public right of way.

B. Additional Findings Required per PMC Section 19.65.040 to Grant a Conditional Use Permit for the Sale of Alcoholic Beverages

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

The proposed 7-Eleven will be located in an approved, undeveloped retail center at the northwest corner of Harley Knox and Perris Blvds., in an area devoted to industrial land uses that currently lack service and retail uses of many kinds. The Zoning Code exempts convenience stores in retail centers from all distance requirements. However, the approved 7-Eleven store is more than 1,000 feet away from any existing park, church, school, or residential land use.

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

Project access is provided by new driveway approaches into the March Plaza on Perris Blvd. and Harley Knox Blvd., which are both right-turn only due to the existing raised medians on both arterials. The City Engineer has required a physical barrier (raised curb) to be added to the outside left turn lane on Perris Blvd. at Harley Knox Blvd. to prevent vehicles turning right out of the retail center from attempting to reach the left turn lane by crossing three lanes of traffic. The project site has been designed to allow for onsite and turn-around circulation with minimum 26-foot drive way aisles. All drive aisles, entrances and exits will be clearly marked with directional arrows painted on pavement surface. A divided access is provided from Harley Knox Blvd., with a landscaped planter separating in and out traffic. All access lanes meet street width requirements pursuant to the Uniform Building and Fire Codes to ensure adequate emergency access throughout the project site.

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

7-Eleven stores have implemented an alcohol sales training program which is required for all cashiers and managers. The training program focuses on recognizing and preventing any sales of alcohol that may be detrimental to the public welfare (i.e., sale to minors and intoxicated persons) and other aspects of customer service, personnel management, facility maintenance and operations, and workplace safety. Also, all 7-Eleven Stores have an around-the-clock, closed circuit digital video recorder system, audio recording, and

high-resolution monitoring in clear view of store customers and at the back of the store. Alcohol will not be located near an exit area, thereby discouraging theft. In addition, Section 19.65.030.F of the Zoning Code, Alcoholic Beverage Sales Regulations, contains "Standards for Service Stations" and 7-Eleven has indicated their willingness to comply fully with these regulations.

7-Eleven has voluntarily agreed to the project Conditions of Approval which include the use of video surveillance equipment requested by the Perris Police Department. The Perris Police Department responded in writing on May 22, 2017 stating a one-year review of calls for service within the 12-square-mile area surrounding the project site indicated there was not an unusual or problematic use of police services, and calls related to alcohol were less than 2%.

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

The proposed project conforms to or exceeds all applicable provisions of this Code. As required, the applicant has requested the necessary Letter of Public Convenience and Necessity (PCN) for an ABC Type 20 License for Off-Site Consumption. See the Findings below regarding the PCN.

C. Findings Required to Determine the Appropriateness of a Letter of Public Convenience and Necessity (PCN) for an ABC Type 20 License for Off-Site Consumption

Based upon the information contained within the staff report and accompanying attachments, the Planning Commission is recommended to find the proposal to be in the interest of Public Convenience or Necessity based on the findings below:

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

This request is for a Conditional Use Permit and PCN to allow for Type 20 off-sale of beer and wine from a 2,955 s.f. 7-Eleven convenience store and fueling station approved under CUP 16-05171 on March 15, 2017 by the Planning Commission. The 7-Eleven to be located at the northwest corner of Harley Knox and Perris Blvds is part of the approved and undeveloped March Plaza multi-use retail center. This location in the northernmost portion of Perris will provide a variety of goods to choose from in a mostly industrial warehouse area. 7-Eleven provides a convenient place for commuters, local employees and residents to buy a variety of goods that cater to a variety of needs. The wide selection of consumer goods include such items as medicines, fresh foods, hot foods, pre-packaged food items, beauty products, dairy products, meats, breads, coffee station and pastries, all within a pleasant atmosphere to relax in. Residents and employees within the immediate area will benefit from offerings of this kind. The 2,955 s.f. gas station/convenience store hours of operation will be 24 hours a day, 7 days a week, with alcohol sales limited to 6:00 am to 2:00 am per state restrictions.

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

7-Eleven provides a convenient place for commuters and local workers and residents to pick up a variety of goods. No more than 1.5% of store area is devoted exclusively for the sale of beer and wine. The sale of beer and wine is an ancillary use to the sale of general merchandise and groceries and no residential properties, schools, parks, or churches are near the project site. The sale of beer and wine along with the variety of standard 7-Eleven offerings will prove valuable to a clientele looking for a broader range of beverage choices, thereby providing a benefit to the community.

3. *The approval of the sale of beer and wine at the 7-Eleven will not result in an adverse impact on public health, safety, or welfare.*

The subject business is a grocery/retail store within minimal area allocated to beer and wine sales. This proposal was presented to the Perris Police Department for comment by Planning staff for their review and comment. Sgt. J.P Strang responded in writing on May 22, 2017 stating a one-year review of calls for service within the 12-square-mile area surrounding the site indicated there was not an unusual or problematic use of police services, and calls related to alcohol were less than 2%. The Perris Police Department requested a Condition of Approval requiring the applicant to install video surveillance and recording equipment to cover interior and exterior areas of the site, which Planning has included in the project Conditions. 7-Eleven agreed, and already does this as a standard business practice. In addition, a public hearing notice was mailed to various agencies and adjacent property owners within 300' feet of the subject site. To date, staff has not received any comments from the public.

Section 4. For the foregoing reasons the Commission hereby approves Conditional Use Permit 16-05074 and a Letter of Public Necessity or Convenience to allow the development of a 2,940 square foot 7-Eleven convenience store and fueling station with the sale of beer and wine; and 2) Variance 16-05142 to allow the sale of beer and wine from a second convenience store in the Perris Crossing center, based on the information and findings presented in the staff report.

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 21st day of June 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 17-09 was duly adopted by the Planning Commission of the City of Perris at a regular meeting of said Planning Commission on the 21st day of June 2017, and that it was so adopted by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Secretary, Planning Commission

Planning Commission Agenda

CITY OF PERRIS
06.21.17

Item

8A

Review City of Perris Planning Commission Bylaws

CITY OF PERRIS PLANNING COMMISSION



**BY LAWS
May 22, 2002**

CITY OF PERRIS PLANNING COMMISSION BYLAWS

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**CITY OF PERRIS
PLANNING COMMISSION BYLAWS**

**ARTICLE 1.
PURPOSE**

- 1.1 The Planning Commission of the City of Perris (“Planning Commission” or “Commission”) was established by Ordinance No. 1092 of the City Council.
- 1.2 It is the responsibility of the Planning Commission to advise the City Council on all matters affecting the development of the City and to perform such other related functions as may be authorized by the City Council. All actions of the Planning Commission shall be advisory only, except for those matters where final authority has been expressly assigned to the Planning Commission by ordinance of the City Council.
- 1.3 In order to effectively and efficiently perform its duties as assigned by the Municipal Code and the City Council, the Planning Commission desires to specify procedural rules to govern the conduct of its meetings and hearings.
- 1.4 The following procedural rules shall, consistent with the State and local laws, govern the conduct of all business before the Planning Commission of the City of Perris.

**ARTICLE 2.
MEMBERS, SELECTION OF OFFICERS AND RESPONSIBILITIES**

- 2.1 The Planning Commission consists of five regular members appointed by a majority vote of the City Council. The term of each Commissioner shall be for four (4) years, except for the initial terms designated by Ordinance of the City Council.
- 2.2 The Chairperson and the Vice-Chairperson shall be elected by a majority of the Planning Commission annually, at the first meeting in July, to serve at the pleasure of the Commission.
- 2.3 In the absence of both the Chairperson and Vice-Chairperson, the members present at such meeting shall elect a Vice-Chairperson who shall serve only for the duration of the meeting in which he or she is appointed and shall have all powers of the Chairperson for that particular meeting.
- 2.4 The Chairperson shall preside at all meetings and hearings of the Planning Commission and shall have the duties normally conferred on such an officer. Consistent with these Rules, the Chairperson shall have the privilege of discussing all matters before the Planning Commission and to vote thereon.

- 2.5 The Vice-Chairperson shall act for the Chairperson in his or her absence. The Vice-Chairperson shall automatically succeed the Chairperson in the event the Chairperson vacates his or her office prior to the expiration of his or her term.
- 2.6 The Community Development Director shall be responsible for keeping minutes of the Planning Commission proceedings and transactions, preparing the agenda of regular and special meetings, arranging proper and legal notice of the hearings, attending to correspondence, and performing such other duties for the Planning Commission as are normally carried by a secretary to a legislative body. Where these Rules refer to duties of the Director, the Director may delegate such duties, as he or she deems appropriate.

**ARTICLE 3.
COMMISSION ACCESS TO STAFF**

- 3.1 Commission or Commissioner requests for assistance or research by staff, other than simple requests for information or clarification, shall require the consent and approval of the Director. All such requests shall be made through the Director.

**ARTICLE 4.
QUORUM**

- 4.1 A simple majority of members of the Commission, currently in office, shall constitute a quorum to conduct business. Except as otherwise required by law, the vote of a simple majority of a quorum of the Commission shall determine the act or decision.
- 4.2 In the event of the lack of a quorum at a meeting, the Chairperson or Vice-Chairperson, in that order, shall adjourn the meeting to another time, place, and date. Such order of adjournment shall serve as sufficient notice thereof to all members whether present at such meeting or not. With respect to members not present, it shall be the duty of the Director to employ such reasonable means as may be necessary to notify the absent members. The Director may adjourn a meeting where no commissioners are present, provided that if the meeting is adjourned to a time other than the next regular meeting, notice of the meeting shall be given as if the meeting were a special meeting.

**ARTICLE 5.
MEETINGS**

- 5.1 Public Meetings. All meetings shall be held in full compliance with the provisions of state law, including the Ralph M. Brown Act, ordinances of the City and these Rules.
- 5.2 Regular Meetings. Regular Meetings of the Planning Commission shall be held on the first and third Wednesday of each month. If the regular meeting date falls on a City holiday, then the meeting may be rescheduled by the Planning Commission.

- 5.2.1 All regular meetings of the Planning commission will be called to order at 6:30 p.m., unless properly noticed otherwise, canceled, or rescheduled.
- 5.2.2 The Commission shall endeavor to adjourn its meetings not later than 10:00 p.m. If necessary, business not completed by 10 p.m. will be continued to the next regular or special meeting as determined by the Planning Commission.
- 5.3 Meeting Breaks. The Chairperson shall recess the meetings as necessary to grant relief to the Commissioners, staff and audience.
- 5.4 Emergency or Special Meetings. An Emergency or Special Meeting may be called at any time by the Chairperson or a majority of the Planning Commission, on its own motion or at the direction the City Council. The call, notice and conduct of such emergency or special meeting shall comply with the Ralph M. Brown Act, Government Code Section 54950, et seq.
- 5.5 Study Sessions. The Planning Commission may hold study sessions as part of a regular, adjourned or special meeting. No action may be taken by the Commission at such a study session. When a matter is set for a study session, public testimony may be barred or limited to particular persons at the discretion of the Chairperson, with the concurrence of a simple majority of the Commission.
- 5.5.1 If necessary, a study session may be conducted with less than a quorum of the Commission present.
- 5.6 Open and Closed Sessions. All meetings of the Planning Commission shall be open and public. All persons are welcome to attend. The Planning Commission may, upon the advice of the City Attorney and pursuant to the Ralph M. Brown Act, Government Code Section 54950 *et seq.*; hold a closed session during a regular or special meeting.

ARTICLE 6.

PARLIAMENTARY PROCEDURE

- 6.1 Robert's Rules of Order shall govern in the conduct of Commission meetings in all cases to which they are applicable and in which they are not inconsistent with these Rules or any other applicable statutes, ordinances, resolutions or regulations of the City.
- 6.2 These Rules may be amended at any regular or special meeting of the Commission by an affirmative simple majority vote of a Commission quorum.
- 6.3 The Planning Commission may suspend any of these Rules for the duration of the meeting or for a particular item only by an affirmative simple majority vote of a Commission quorum.

- 6.4 These Rules are intended only to govern the conduct of Commission meetings and hearings. No action taken by the Commission shall be invalidated by a violation of a procedural rule as long as such action otherwise complies with all substantive requirements for the relevant Commission action, such as notice, hearing, Brown Act, and quorum requirements.

ARTICLE 7. AGENDA

- 7.1 A written agenda shall be prepared for each meeting of the Planning Commission.
- 7.2 The agenda must contain a brief general description of each item of business to be discussed at the meeting.
- 7.3 The agenda shall be posted as required by law and made available at the office of the Director.
- 7.4 The Planning Commission may not take action on any item not appearing on the posted agenda unless an exception is made as permitted under applicable law.
- 7.5 The Chairperson, in his/her discretion, and with the consent of the Planning Commission, may rearrange the order of the presentation of any items appearing on the agenda. No person should rely upon the order in which public hearing items appear on the posted agenda.
- 7.6 Any public hearing on any agenda item may commence upon the opening of the meeting.
- 7.7 Staff Reports. Staff reports shall be prepared with recommendations and the basis for those recommendations. To the extent possible, alternate positions and their justifications should be included as well. Staff reports are included in the hearing record. Reports shall be in writing and shall be provided to the project applicant.
- 7.8 Agenda Packets. Staff shall endeavor to provide the entire agenda packet to each member of the Planning Commission no later than five (5) days prior to the regularly scheduled meeting.

ARTICLE 8. ORDER OF BUSINESS

- 8.1 Agenda items. Agenda for regular meetings shall be organized in substantially the following order:
- a. Invocation
 - b. Pledge of Allegiance
 - c. Call to Order
 - d. Roll Call
 - e. Approval of the Minutes

- f. Chairperson Addresses Audience (Outlines Meeting Procedure)
- g. Consent Calendar
- h. Public Hearings
 - 1. Continued Public Hearings
 - 2. New Public Hearings
- i. Public Comments
- j. Matters from the Director
 - 1. Update on City Council actions
 - 2. Preview of future agendas
 - 3. Other
- k. Matters from the Planning Commission
- l. Adjourn

**ARTICLE 9.
HEARINGS**

- 9.1 In order to expedite the hearings on any petition, application, or appeal, the Director at the time of filing of the petition, application, or appeal, shall cause notice thereof to be given as required by the applicable law. Unless otherwise noticed, all hearings shall be set for 6:00 p.m.

- 9.2 Unless the Chairperson in his or her discretion should direct otherwise, the order for presentation during a public hearing should be as follows:
 - a. Public hearing is opened.
 - b. Presentation of Planning Department staff report, including any environmental analysis, with recommendations for Planning Commission action.
 - c. Questions of staff by members of the Planning Commission.
 - d. Presentations from the applicant or appellant.
 - e. Presentations of persons in favor of and in opposition to the requested action.
 - f. Rebuttal comments by the applicant or appellant.
 - g. Closing remarks by staff.
 - h. Public hearing is closed. The Chairperson may declare the public hearings closed when members of the Planning Commission indicate they have heard all pertinent testimony. After the public hearing is closed, no additional testimony may be given unless the hearing is reopened.
 - i. Planning commission discussion.
 - j. Chairperson may entertain a motion on the item. A proper motion is presented.
 - k. Motion is to be seconded or shall fail for lack of second prior to Commission debate.
 - l. Commission debate on the motion, if seconded.
 - m. Once the debate is concluded, Commission votes.

- 9.3 If necessary to permit additional testimony and evidence, public hearings may be re-opened during Commission deliberation at the meeting in which the public hearing was held. Such re-opening requires majority consent of the Commission.

9.4 Evidence, Time Limits, Numbers of Speakers.

9.4.1 Formal Rules of Evidence. Formal Rules of Evidence shall not apply to any hearing or matter before the Commission. Any oral or written testimony may be considered. The Chairperson may exclude irrelevant or redundant testimony and may make such other rulings as may be necessary for the orderly conduct of the proceedings while ensuring basic fairness and full consideration of the issues involved.

9.4.2 Burden of Proof. The burden of proof of all legal prerequisites to the granting of the relief or action sought shall be upon the party requesting such relief or action.

9.4.3 Name and Address. Any person desiring to speak must first be recognized by the Chairperson. All comments must be made clearly and audibly. All speakers must first state their full names and addresses and the names and addresses of any person in whose behalf they are appearing.

9.4.4 Time Limits. Applicants and appellants shall be given sufficient time, in the reasonable judgment of the Chairperson, to present their concerns. All other speakers normally will be limited to a three (3) minute presentation.

9.4.5 Number of Speakers. The Chairperson, with the concurrence of a Planning Commission majority, may limit the number of speakers or amount of testimony time upon a particular issue in order to avoid repetitious and cumulative comments, and to hear those interested in testifying. Except when necessary for immediate clarification of a particular point, no person shall be allowed to speak a second time until all others wishing to speak have had an opportunity to do so, and then only at the discretion of the Chairperson and the concurrence of the commission.

9.5 Questions Through the Chair. Any person other than a commission member desiring to direct a question to a speaker or staff member shall submit the question to the Chairperson, who shall determine whether the question is relevant to the subject of the hearing and whether or not it should be answered by the speaker of the hearing and whether or not it should be answered by the speaker or staff member.

9.6 Unruly or Disruptive Member of Audience. The Chairperson has the responsibility to maintain a lawful, controlled, orderly, respectful, and dignified meeting. To assure these conditions, the Chairperson may take whatever lawful actions he or she deems necessary up to and including adjournment of the meeting.

9.7 Evidence received outside a Hearing. The Commission does not encourage the receipt of information or evidence on a particular pending matter outside of hearings. If a member of the Commission talks with an applicant or visits a site independently, or receives any other information pertinent to a pending matter, he or she shall disclose the contact and information or evidence received during the hearing on the matter. The applicant or

appellant shall have the opportunity to supplement or rebut the information or evidence so disclosed, and failure to do so shall be deemed a waiver of any objection regarding the information or evidence.

9.7.1 The Commission is not encouraged to visit locations or talk with individuals outside of the Planning Commission meeting to assure that everyone hears and receives the same information from the same source at the same time.

9.7.2 It is recommended that members of the Commission perform no more than a “Field Check” (i.e., drive-by without getting out the car or talking with anyone). This action should also be reported when the item comes before the Commission.

9.8 Appearance of a Commissioner before the Planning Commission. After a Commissioner has disqualified him or herself as a result of a potential conflict of interest, he or she may appear before the Commission during hearing on the matter and present testimony regarding the matter, provided it is done with the advice of the City Attorney’s office.

9.9 Motions.

9.9.1 Motion-Second. Action upon an order, resolution, ordinance, or any other action of the Planning Commission may be proposed by any member by a motion. The Chairperson may make a motion only after all other members of the Planning Commission present have had an opportunity to make a motion on the question. Before a motion can be considered or debated it must be seconded; at which time it shall be on the floor and must be considered. If not seconded, the motion is lost for lack of a second and shall be so declared by the Chairperson. The Chairperson may second a motion.

9.9.2 Amendment of Motion or Substitute Motion. A motion on the floor may be amended or a substitute motion offered at any time before adoption or rejection of the main motion. When a motion to amend or substitute motion is made and seconded, the Planning Commission will debate and take action on the amendment or substitute before acting on the main motion. If the amendment or substitute is not adopted, the main motion will be considered. If the amendment is adopted, the main motion, as amended, will then be considered. If the substitute is adopted, no further action is necessary.

9.9.3 Withdrawal of Motion or Second. A motion may be withdrawn by the maker at any time before adoption or rejection. A second to a motion may be withdrawn by the seconding member at any time before adoption or rejection of the motion. The motion will then be lost for lack of a second and so declared by the Chairperson unless seconded by another person.

9.9.4 Tabling a Motion. Tabling a motion is not a procedure utilized by the Planning Commission. Motions should be voted upon or continued to a date certain.

- 9.9.5 Discussion, Closure and Question. After a motion has been seconded, any member, including the Chairperson, may discuss or comment on the subject motion. The Chairperson shall recognize any and all members of the Planning Commission who desire to speak, beginning with the motion's maker, and will protect each speaker from disturbance or interference. When no member wishes to discuss or comment further, the Chairperson will call for a vote on the motion. Any member of the Planning Commission may at any time move to close the debate.
- 9.9.6 Motions for Reconsideration. Motions for reconsideration of a matter may be made by any member who voted with the prevailing majority on the matter to be considered. Any member of the Planning Commission may second a motion to reconsider. Motions to reconsider shall be made at the same meeting as the original motion. If the matter to be reconsidered required a public hearing, the public hearing will be reopened pursuant to these Rules and Procedures before additional evidence is received.
- 9.10 Decision-making.
- 9.10.1 Voting. Approval of any motion before the Planning Commission shall require the affirmative vote of a majority of the members present, unless otherwise specified by law.
- 9.10.2 Tie-Votes. Any tie-vote shall constitute a denial of the motion and may be reconsidered by a motion offered by any member who voted on the matter. If there is no subsequent affirmative vote, the result is denial. If the matter involves an appeal and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-maker from which the appeal was taken.
- 9.10.3 Abstentions. Except when a conflict exists and abstention is required by state law, every member of the Commission who is present, when a roll call is called, shall vote for or against the question, unless excused by a majority of the Commission members present prior to the calling of the roll on such question.
- 9.10.4 Roll Call. Voting upon a motion may, at the discretion of the Chairperson, and shall, upon the request of any member, be by roll call. When voting is not by roll call, the Chairperson may, in the absence of objection by any member of the Planning Commission, declare an item to be unanimously approved.
- 9.10.5 Motions Include Staff Recommendations. A motion to adopt or approve staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified, be deemed to include adoption of all proposed findings and execution of all additions recommended in both the written staff report on file on the matter and any oral staff report presented during the hearing.

- 9.10.6 Absentees. A Planning Commission member who is absent from any portion of a hearing conducted by the Planning Commission may vote on the matter at the time it is acted upon provided that he or she has either reviewed the approved minutes of the hearing or listened to the tape recording of the entire portion of the hearing from which he or she was absent, provided that a tape recording exists, and if he or she has examined the staff Report and evidence presented during the portion of the hearing from which he or she was absent. In such a case, the Commissioner shall state for the record that he or she is familiar with the record and with the evidence presented at the hearing.
- 9.11 Findings. On any matter for which state law or city ordinance requires the preparation of written findings, the staff report submitted on the matter will contain findings proposed for adoption by the Planning Commission. Any motion directly or implied rejecting the proposed findings should include a statement of alternative or modified findings or direction that the matter under consideration be continued for a reasonable period of time in order for staff to prepare a new set of proposed findings consistent with the evidence which has been presented and the decision which is anticipated.
- 9.12 Consent Items. Items that require little or no discussion by the Planning Commission may be considered as consent items. The Planning Commission will act on these items in one motion at the beginning of the meeting. Approval by the Planning Commission of consent items means that the staff recommendation was approved along with the findings and conditions set forth in the staff report. Any member of the Planning Commission, the applicant, or members of the public may request that consent items be considered in their regular order on the agenda. Removal of an item from the consent calendar is subject to approval by a majority of the Commission members present.
- 9.13 Continuances. Upon a showing of good cause and by request of the applicant, a member of the public, or member of the Planning Commission, the Chairperson, at the time set for a hearing on a particular item, may order the hearing to be continued to a specified date and time. Upon the request of any member of the Planning Commission, continuance decisions shall be made by a motion and roll call vote of all members present.
- 9.14 Construction. These procedural rules shall be construed and applied so as to ensure a full and fair hearing of relevant evidence which is offered on a land use matter and to facilitate an orderly analysis of evidence and issues by the Planning Commission.

ARTICLE 10.

COMMISSION AUTHORITY

- 10.1 Failure of the Commission to follow the procedures established by this Resolution shall not invalidate or otherwise affect any action of the Commission.
- 10.2 These rules and procedures in no way modify, amend, or suspend the Commission's or individual Commissioner's obligations pursuant to the Political Reform Act, Open Meeting

Law or other applicable statute of statewide concern. These rules and procedures shall be construed to remain consistent with such statutes, as they may be amended from time to time.

Sec. 2 The Director shall transmit a copy of this resolution to the City Clerk and to each member of the Planning Commission.