

*For further information on an agenda item, please contact the City at  
101 North "D" Street, or call (951) 943-6100*

**AGENDA  
JOINT MEETING OF THE CITY COUNCIL, SUCCESSOR  
AGENCY TO THE REDEVELOPMENT AGENCY, PUBLIC  
FINANCE AUTHORITY, PUBLIC UTILITY AUTHORITY,  
HOUSING AUTHORITY, PERRIS JOINT POWERS  
AUTHORITY AND PERRIS COMMUNITY ECONOMIC  
DEVELOPMENT CORPORATION OF THE CITY OF PERRIS**

**Tuesday, February 9, 2016**

**6:30 P.M.**

**City Council Chambers  
(corner of San Jacinto and Perris Boulevard)  
101 North "D" Street  
Perris, California**

***CLOSED SESSION: 6:00 P.M.***

***ROLL CALL:***

Rogers, Yarbrough, Burke, Rabb, Busch

A. Conference with Legal Counsel - Potential Litigation - Government  
Code Section 54956.9 (d)(4) - 1 case

***1. CALL TO ORDER: 6:30 P.M.***

***2. ROLL CALL:***

Rogers, Yarbrough, Burke, Rabb, Busch

***3. INVOCATION:***

Pastor Ted Norton  
New Life Fellowship of Perris  
1041 Davis Rd.  
Perris, CA 92571

**4. PLEDGE OF ALLEGIANCE:**

Mayor Pro Tem Rogers will lead the Pledge of Allegiance.

**5. PRESENTATIONS/ANNOUNCEMENTS:**

*At this time, the City Council may recognize citizens and organizations that have made significant contributions to the community and it may accept awards on behalf of the City.*

- A. Proclamation presented to Riverside Community College recognizing the College District's anniversaries.
- B. Proclamation proclaiming National Teen Dating Violence and Awareness Month.
- C. Recognition of members of Girl Scout Troop 114 for planting two trees at Monument Ranch Park.

**6. APPROVAL OF MINUTES:**

- A. Approve the Minutes of the Regular Joint Meeting of the City Council, Successor Agency to the Redevelopment Agency, Public Finance Authority, Public Utility Authority, Housing Authority, Perris Community Economic Development Corporation and Perris Joint Powers Authority held January 26, 2016.

**7. CONSENT CALENDAR:**

*Consent Calendar items are normally enacted in one motion. The Mayor or City Council may remove a Consent Calendar item for separate action. Public comment is limited to three (3) minutes.*

- A. Approve the installation of traffic signal at the intersection of Ethanac and Murrieta Road.
- B. Adopt Resolution Number (next in order) regarding Green Valley West-Elm Deposit and Reimbursement Agreement to start process of potential community facilities district. (Project is located in Green Valley Specific Plan area).

The Proposed Resolution Number (next in order) is entitled:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS APPROVING AND ORDERING THE EXECUTION OF THAT CERTAIN DEPOSIT AND REIMBURSEMENT AGREEMENT WITH GREEN VALLEY RECOVERY ACQUISITION, LLC AND MAKING CERTAIN FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH**

- C. Adopt Second Reading of Ordinance Number 1323 approving Specific Plan Amendment 14-04-0001 to change the land use designation of approximately 16 acres from General Industrial to Light Industrial in the PVCC (Perris Valley Commerce Center) Specific Plan. (Applicant: Mike Naggar, Mike Naggar & Associates).

The Second Reading of Proposed Ordinance Number 1323 is entitled:

A SECOND READING OF ORDINANCE NUMBER 1323 OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA APPROVING SPECIFIC PLAN AMENDMENT 14-04-0001 TO THE PERRIS VALLEY COMMERCE CENTER (PVCC) SPECIFIC PLAN TO CHANGE THE LAND USE DESIGNATION OF APPROXIMATELY 16 ACRES FROM GENERAL INDUSTRIAL (GI) TO LIGHT INDUSTRIAL (LI) TO FACILITATE THE APPROVAL OF AN INDUSTRIAL DEVELOPMENT PROJECT LOCATED ON THE NORTH SIDE OF MARKHAM STREET BETWEEN PATTERSON AND WEBSTER AVENUES, AND MAKING FINDINGS IN SUPPORT THEREOF

- D. Adopt Second Reading of Ordinance Number 1324 approving Specific Plan Amendment 12-10-0006 to revise the land use designation of approximately 68.99 acres from Commercial (C) and Business Professional Office (BPO) to Light Industrial (LI) and to amend the circulation plan for Patterson Avenue. (Applicant: Mike Naggar, Mike Naggar & Associates).

The Second Reading of Proposed Ordinance Number 1324 is entitled:

A SECOND READING OF ORDINANCE NUMBER 1324 OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA APPROVING SPECIFIC PLAN AMENDMENT 12-10-0006 TO THE PERRIS VALLEY COMMERCE CENTER (PVCC) SPECIFIC PLAN TO REVISE THE LAND USE DESIGNATION OF APPROXIMATELY 68.99 ACRES FROM COMMERCIAL (C) AND BUSINESS PROFESSIONAL OFFICE (BPO) TO LIGHT INDUSTRIAL (LI) AND TO AMEND THE CIRCULATION PLAN TO REMOVE PATTERSON AVENUE CONNECTION TO RAMONA EXPRESSWAY TO FACILITATE THE APPROVAL OF AN INDUSTRIAL DEVELOPMENT PROJECT LOCATED NORTH OF RAMONA EXPRESSWAY BETWEEN THE I-215 FREEWAY AND WEBSTER AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF

- E. Adopt Resolution Number (next in order) approving Amendment to reallocate and appropriate unexpended Community Development Block Grant (CDBG) funds from the FY 2014-2015 and FY 2015-2016 Action Plan to the FY 2015-2016 Action Plan to provide additional funding to eligible improvement projects in the amount of \$220,560.42.

The Proposed Resolution Number (next in order) is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS APPROVING AN AMENDMENT TO THE FIVE YEAR CONSOLIDATED PLAN (2014-2019) AND FISCAL YEAR 2015-2016 ANNUAL ACTION PLAN BY REALLOCATING \$220,560.42 IN UNEXPENDED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FROM THE FISCAL YEAR 2014-2015 AND 2015-2016 ANNUAL ACTION PLAN TO THE FISCAL YEAR 2015-2016 ANNUAL ACTION PLAN

- F. Approve Second Addendum to the Professional Services Agreement with Willdan Financial Services for the formation , administration and annual reporting requirements of its Community Facilities Districts (CFD), Perris Financing Authority (PFA), Perris Joint Powers Authority (JPA), and Redevelopment Agency (RDA).

## 8. **PUBLIC HEARINGS:**

*The public is encouraged to express your views on any matter set for public hearing. It is our procedure to first receive the staff report, then to ask for public testimony, first from those in favor of the project followed by testimony from those in opposition to it, and if there is opposition, to allow those in favor, rebuttal testimony only as to the points brought up in opposition. To testify on the matter, you need to simply come forward to the speaker's podium at the appropriate time, give your name and address and make your statement. After a hearing is closed, you may not further speak on the matter unless requested to do so or are asked questions by the Mayor or a Member of the City Council. Public comment is limited to three (3) minutes.*

- A. Consideration to adopt Resolution Numbers (next in order) upholding the decision of the Planning Commission allowing an auction facility "Western Construction Auction" using modular structures as permanent buildings totaling 4,900 sq. ft., located at 2021 Goetz Road. (Applicant: Brian Moening, Western Construction Auctions).

The Proposed Resolution Numbers (next in order) are entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, UPHOLDING THE DECISION OF THE PLANNING COMMISSION, APPROVING DEVELOPMENT PLAN REVIEW CASE 14-03-0025, AS CONDITION, TO ALLOW AN AUCTION FACILITY USING MODULAR BUILDINGS, TOTALING 4,900

**SQUARE FEET, LOCATED AT 2021 GOETZ ROAD, AND MAKING FINDINGS IN SUPPORT THEREOF**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING AN APPEAL BY BRIAN MOENING OF THE PLANNING COMMISSION CONDITIONS OF APPROVAL FOR DEVELOPMENT PLAN REVIEW CASE 14-03-0025 TO ALLOW AN AUCTION FACILITY USING MODULAR BUILDINGS, TOTALING 4,900 SQUARE FOOT, LOCATED AT 2021 GOETZ ROAD, AND MAKING FINDINGS IN SUPPORT THEREOF**

Introduced by: Clara Miramontes, Director of Development Services

**PUBLIC COMMENT;**

**9. BUSINESS ITEMS: (not requiring a “Public Hearing”):  
NO BUSINESS ITEMS**

*Public comment will be called for each non-hearing item. Please keep comments brief so that everyone who wishes to speak has the opportunity to do so. After public comment is closed, you may not further speak on the matter unless the Mayor or City Council requests further clarification of your statement. Public Comment is limited to three (3) minutes.*

**10. PUBLIC COMMENT/CITIZEN PARTICIPATION:**

*This is the time when any member of the public may bring a matter to the attention of the Mayor and the City Council that is within the jurisdiction of the City Council. The Ralph M. Brown act limits the Mayor's, City Council's and staff's ability to respond to comments on non-agendized matters at the time such comments are made. Thus, your comments may be agendized for a future meeting or referred to staff. The City Council may discuss or ask questions for clarification, if desired, at this time. Public comment is limited to three (3) minutes.*

**11. COUNCIL COMMUNICATIONS:**

*(Committee Reports, Agenda Items, Meeting Requests and Review etc.)*

*This is an opportunity for the Mayor and City Councilmembers to report on their activities and the actions of the Committees upon which they sit, to bring a matter to the attention of the full Council and staff, and to request agenda items. Any matter that was considered during the public hearing portion is not appropriate for discussion in this section of the agenda. NO ACTION CAN BE TAKEN AT THIS TIME.*

**12. CITY MANAGER'S REPORT:**

**13. ADJOURNMENT:**

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Building Official (951) 443-1029. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

**CITY COUNCIL/  
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY/  
PERRIS PUBLIC FINANCE AUTHORITY/  
PERRIS PUBLIC UTILITIES AUTHORITY/HOUSING  
AUTHORITY/PERRIS JOINT POWERS AUTHORITY/PERRIS  
COMMUNITY ECONOMIC DEVELOPMENT CORPORATION  
AGENDA SUBMITTAL**

TO: The Honorable Mayor and Members of the City Council  
FROM: Nancy Salazar, City Clerk *NS*  
DATE: February 9, 2016  
SUBJECT: *Approval of Minutes*

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**BACKGROUND:** None.

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**FISCAL IMPACT:** None.

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- **RECOMMENDATION:** Motion to approve the Minutes of the Regular Joint Meeting held on January 26, 2016 of the City Council, Successor Agency to the Redevelopment Agency, Public Finance Authority, Public Utility Authority, Housing Authority, Perris Community Economic Development Corporation and Perris Joint Powers Authority.

Prepared by: Judy L. Haughney, CMC, Records Clerk *JLH*  
Approved by: Nancy Salazar, City Clerk

**Attachments:**

- Minutes of the Regular Joint Meeting held on January 26, 2016 of the City Council, Successor Agency to the Redevelopment Agency, Public Finance Authority, Public Utility Authority, Housing Authority, Perris Community Economic Development Corporation and Perris Joint Powers Authority

## ***CITY OF PERRIS***

### **MINUTES:**

**Date of Meeting: January 26, 2016**

**06:30 PM**

**Place of Meeting: City Council Chambers**

### **CLOSED SESSION**

**Mayor Busch called the Closed Session to order at 5:58 p.m.**

### **ROLL CALL**

**Councilmembers present: Rabb, Yarbrough, Burke, Busch**

**Councilmembers absent: Rogers**

**Staff members present: City Manager Belmudez, Deputy City Attorney Malawy,  
City Clerk Salazar**

- A. Conference with Real Property Negotiators – Government Code Section 54956.8 Property: APN #326-140-012 City Negotiator: Richard Belmudez, City Manager Negotiating Parties: Malalai Behnawa Under Negotiation: Price and terms of payment B Conference with Real Property Negotiators – Government Code Section 54956.8 Property: APN #326-071-002 APN #326-072-003 City Negotiator: Richard Belmudez, City Manager Negotiating Parties: Susan Balistocky Under Negotiation: Price and terms of payment
- C. Conference with Real Property Negotiators – Government Code Section 54956.8 Property: APN #326-062-017 APN #326-071-001 APN #326-072-005 City Negotiator: Richard Belmudez, City Manager Negotiating Parties: Chris Shepherd Under Negotiation: Price and terms of payment
- D. Conference with Real Property Negotiators – Government Code Section 54956.8 Property: APN #326-072-004 City Negotiator: Richard Belmudez, City Manager Negotiating Parties: Jaqueline Fenaroli Under Negotiation: Price and terms of payment

**The City Council adjourned to Closed Session at 5:59 p.m.**

1. **CALL TO ORDER: 6:30 P.M.**

**Mayor Busch called the Regular City Council meeting to order at 6:30 p.m.**



2. **ROLL CALL: Rabb, Rogers, Yarbrough, Burke, Busch**

Councilmembers present: Rabb, Yarbrough, Burke, Busch  
Councilmembers absent: Rogers

Staff Members Present: City Manager Belmudez, City Attorney Dunn, City Engineer Motlagh, Assistant City Manager Carr, Deputy City Manager Madkin, Police Captain Ford, Director of Development Services Miramontes, Capital Improvement Project Manager Morales, Information Technology Manager Cervantes, Administrative Services Manager Carlos, Assistant Finance Director Erwin, Public Information Officer Vargo and City Clerk Salazar.

3. **INVOCATION: Pastor Noland Turnage                      The Grove  
Community Church                      227 N. "D" Street                      Perris,  
CA 92570**

4. **PLEDGE OF ALLEGIANCE:**

**Councilmember Rabb led the Pledge of Allegiance.**

5. **PRESENTATIONS/ANNOUNCEMENTS:**

**Mayor Busch added Item C. to the Presentations**

A. **Introduction of Lt. Steve Mike, Riverside County Sheriff Department.**

B. **Presentation by Krystle Lisenby Joseph, Heart Walk Director from the American Heart Association, awarding the City of Perris as a "Gold Fit-Friendly Worksite."**

C. **Presentation by Katie Keyes regarding Fred T. Perris Day being held on Saturday January 30, 2016**

6. **APPROVAL OF MINUTES:**

A. **Approved the Minutes of the Joint Worksession of the City Council, Successor Agency to the Redevelopment Agency, Public Finance Authority, Public Utility Authority, Housing Authority, Perris Community Economic Development Corporation and Perris Joint Powers Authority held January 12, 2016 and the Regular Joint Meeting of the City Council, Successor Agency to the Redevelopment Agency, Public Finance Authority, Public Utility Authority, Housing**

Authority, Perris Community Economic  
Development Corporation and Perris Joint Powers  
Authority held January 12, 2016.

The Mayor called for a motion.

M/S/C: Moved by Tonya Burke, seconded by Mark Yarbrough to Approve the Minutes as presented.

AYES: David Starr Rabb, Mark Yarbrough,  
Tonya Burke, Daryl Busch

NOES:

ABSENT: Rita Rogers

ABSTAIN:

7. CONSENT CALENDAR:

**The Mayor called for Public Comment. The following person spoke regarding Item 7.B.:**

**Margaret Briggs**

- A. Approved the Recognized Obligation Payment Schedule.
- B. Approved the request for waiver of rental fees for the Perris Valley African American History Committee Black History Celebration event for the use of Foss Field Park and Mobile Stage. Event to be held on February 20, 2016 at Foss Field Park and City Council Chambers.
- C. Approved an Amendment to the Joint Powers Agreement of the Western Riverside Council of Governments (WRCOG) of which the City of Perris is a member, to allow Morongo Band of Mission Indians to join the WRCOG Governing Board.
- D. Approved the assumption of Southern California Edison Agreement from Howard Industrial Partners regarding the Powerline Undergrounding Project at 4120 Indian Avenue.
- E. Adopted Resolution Number 4959 regarding the Beverage Container Recycling City/County Payment Program.

Resolution Number 4959 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AUTHORIZING SUBMITTAL OF APPLICATION FOR

**CALRECYCLE PAYMENT PROGRAMS AND  
RELATED AUTHORIZATIONS**

- F. Approved a Professional Contract Services Agreement with Pacific Code Compliance for Community Development Block Grant Program Assistance.
- G. Approved extension of the Professional Services Contract with The AFB Group, Inc.
- H. Awarded Contract to Hirsch & Associates, Inc. for Design Services on the Patriot Park Concession Building project.

The Mayor called for a motion.

M/S/C: Moved by David Starr Rabb, seconded by Mark Yarbrough to Approve the Consent Calendar as presented.

AYES: David Starr Rabb, Mark Yarbrough, Tonya Burke, Daryl Busch

NOES:

ABSENT: Rita Rogers

ABSTAIN:

8. PUBLIC HEARINGS:

**There were no Public Hearing Items**

9. BUSINESS ITEMS:

A. Citywide Infrastructure Update.

**This item was presented by Assistant City Manager Carr and City Engineer Motlagh.**

**The Mayor called for Public Comment. The following person spoke at Public Comment:  
Joshua D. Naggar**

**The following Councilmember's spoke:**

**Burke  
Yarbrough  
Rabb  
Busch**

B. Made appointment to the Department of Community Action Committee.

**Mayor Busch introduced this item noting that it had been missed at the last meeting when the appointments were made. He then inquired if any Councilmember was willing to volunteer for this committee. Councilmember Burke volunteered as the delegate and Councilmember Yarbrough volunteered as the alternate.**

**The Mayor called for Public Comment. There was no Public Comment.**

The Mayor called for a motion.

M/S/C: Moved by Tonya Burke, seconded by David Starr Rabb to Approve the appointment of Councilmember Burke as the delegate and Councilmember Yarbrough as the alternate to the Department of Community Action Committee.

AYES: David Starr Rabb, Mark Yarbrough,  
Tonya Burke, Daryl Busch

NOES:

ABSENT: Rita Rogers

ABSTAIN:

10. PUBLIC COMMENT/CITIZEN PARTICIPATION:

**The following people spoke at Public Comment:**

Michelle Lewis

John Bacha

Joshua D. Naggar

Daryl Terrell

Sherry Cresick

Gabriel Franklin

11. COUNCIL COMMUNICATIONS:

**The following Councilmember's spoke:**

**Burke**

**Yarbrough**

**Rabb**

**Busch**

12. CITY MANAGER'S REPORT:

13. ADJOURNMENT:

**There being no further business the Mayor adjourned the Regular City Council meeting at 8:17 p.m.**

CITY COUNCIL  
AGENDA SUBMITTAL

**Meeting Date: February 9, 2016**

**SUBJECT:** All Way Stop Warrant Study – Ethanac Road & Murrieta Road

**REQUESTED ACTION:** Adopt the Report Prepared by RK Engineering

**CONTACT:** Habib Motlagh, <sup>ph</sup> City Engineer

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**BACKGROUND/DISCUSSION:** The attached report dated February 1, 2016 prepared by RK Engineering recommends installation of traffic signal at intersection of Ethanac & Murrieta Road. RK Engineering is also working on signal design and we expect construction to start 12 months from now subject to right of way and utility clearance.

Staff will work with City of Menifee to gauge their interest in this project.

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**BUDGET (or FISCAL) IMPACT:** The cost of the report is paid by Gas Tax.

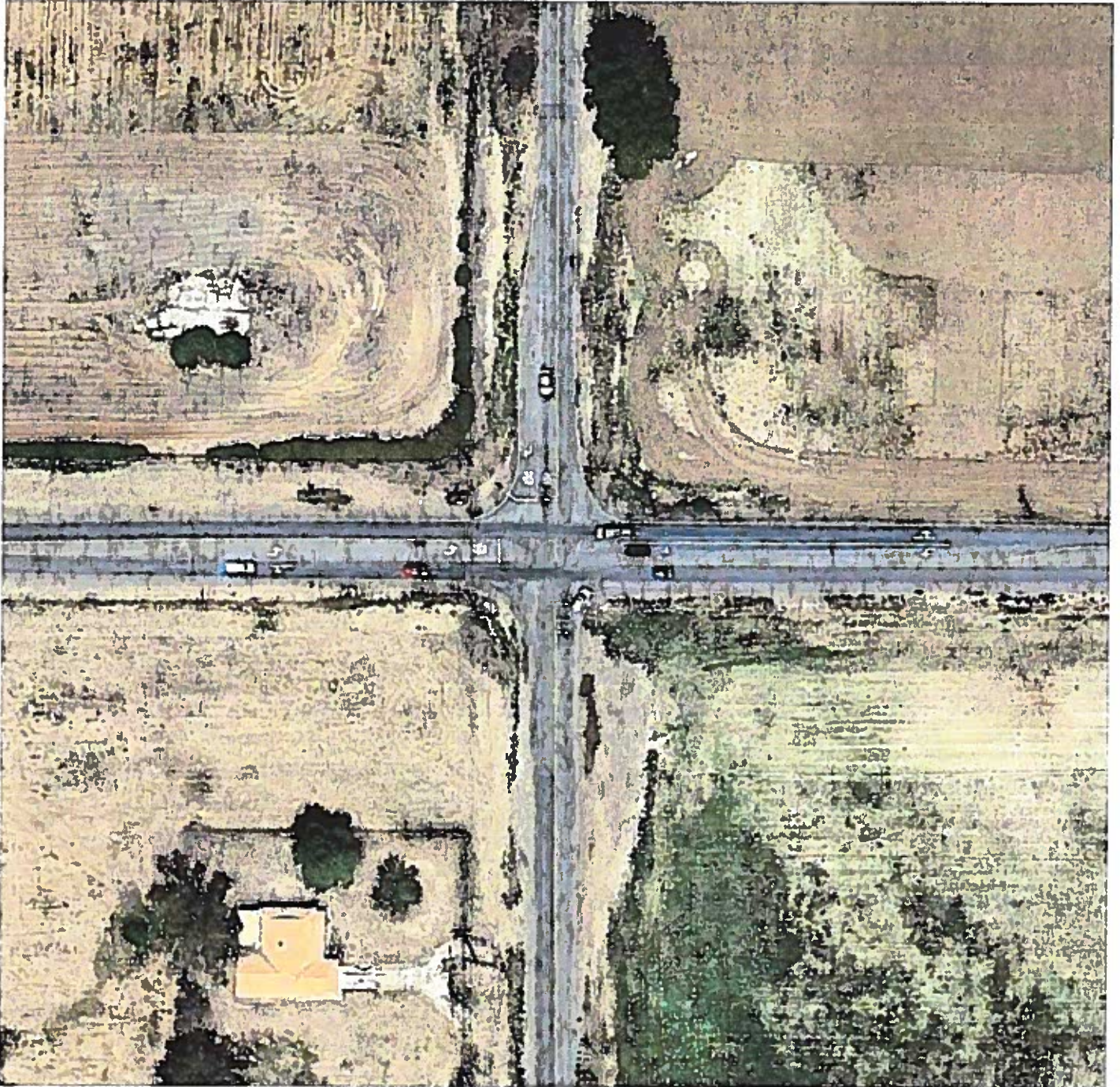
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Reviewed by:  
City Attorney  
Assistant City Manager *AC*

**Attachments:** Staff Report Dated October 27, 2015

**Consent:** Yes  
**Public Hearing:**  
**Business Item:**  
**Other:**

# ETHANAC ROAD AT MURRIETA ROAD TRAFFIC SIGNAL WARRANT STUDY City of Perris, California



February 1, 2016

Mr. Habib Motlagh  
CITY OF PERRIS  
24 S. D Street, Suite 100  
Perris, CA 92570

**Subject: Ethanac Road at Murrieta Road Traffic Signal Warrant Study,  
City of Perris**

Dear Mr. Motlagh

### **Introduction**

RK ENGINEERING GROUP, INC. (RK) is pleased to submit this review of Ethanac Road at Murrieta Road intersection in the City of Perris. The purpose of this review is to develop recommendations to further improve current and future operations at the intersection. The analysis will determine if the existing intersection meets the warrants for a traffic signal, based upon existing conditions, using the criteria stated in the California Manual on Uniform Traffic Control Devices (MUTCD). The analysis location map is shown in Exhibit A.

In this report, RK analyzes existing conditions at the intersection of Ethanac Road at Murrieta Road to determine if a traffic signal is warranted.

### **Existing Conditions**

The location of the intersection is shown in Exhibit A. The intersection of Ethanac Road and Murrieta Road is currently an all-way stop. The posted speed limit on Ethanac Road and Murrieta Road ranges from 45 miles per hour to 55 miles per hour.

All four legs of the study intersection are two-lane divided roadways, with double-yellow medians. Currently, there are no existing crosswalks at the intersection. Ethanac Road is classified as an Expressway in the City of Perris' General Plan. Murrieta Road is classified as a Secondary Arterial north of Ethanac Road, and is classified as a local street south of Ethanac Road. Appendix A provides the City of Perris General Plan Future Roadway Network and Typical Roadway Cross Sections.

Exhibit B illustrates the existing traffic control and travel lanes at the intersection.



## **Traffic Volume Data**

Existing traffic volumes at the study intersection are shown on Exhibit C. RK obtained average daily traffic (ADT) volumes for each of the approaches near the intersection. The traffic volume data shows counted vehicles entering and departing the intersection over a 24-hour period for each approach. These counts were taken on Tuesday, January 26, 2016 from midnight to midnight. The traffic volumes showed ADT for the following approaches:

- Murrieta Road north of Ethanac Road: 2,642 ADT
- Murrieta Road south of Ethanac Road: 6,877 ADT
- Ethanac Road east of Murrieta Road: 12,666 ADT
- Ethanac Road west of Murrieta Road: 10,449 ADT

Traffic count worksheets are included in Appendix B. A summary of the hourly traffic counts is included in Table 1.

## **Collision Data**

RK has analyzed collision data from the Statewide Integrated Traffic Records System (SWIRTS) for Ethanac Road at Murrieta Road, within 200 feet of the intersection. According to the collision data, there has been one (1) collision within a one-year period at the intersection of Ethanac Road at Murrieta Road. A copy of the collision data is included in Appendix C.

## **Traffic Signal Warrant Analysis**

The intersection of Ethanac Road and Murrieta Road has been evaluated for full traffic signal warrants using the Caltrans traffic signal warrants criteria.

<b>Warrant No.</b>	<b>Description</b>	<b>Results</b>
Warrant 1	Eight Hour Vehicular Volume	Warranted
Warrant 2	Four Hour Vehicular Volume	Warranted
Warrant 3	Peak Hour	Warranted
Warrant 4	Pedestrian Volume	Not Applicable
Warrant 5	School Crossing	Not Applicable
Warrant 6	Coordinated Signal System	Not Warranted
Warrant 7	Crash Warrant	Not Warranted
Warrant 8	Roadway Network	Warranted

Based upon the Caltrans criteria, a traffic signal is warranted at the intersection of Ethanac Road at Murrieta Road. The traffic signal warrants worksheets for all warrant conditions are included in Appendix D.

**Recommendations**

Based on the Caltrans Traffic Signal Warrant Worksheet, the intersection of Ethanac Road and Murrieta Road meets warrants for a traffic signal. RK has made the following recommendations:

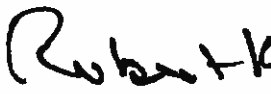
1. Install a traffic signal at the intersection of Ethanac Road at Murrieta Road. This intersection meets four (4) traffic signal warrants based on the Caltrans warrant analysis.
2. Once the traffic signal is installed, a Level of Service analysis can be completed at the intersection.

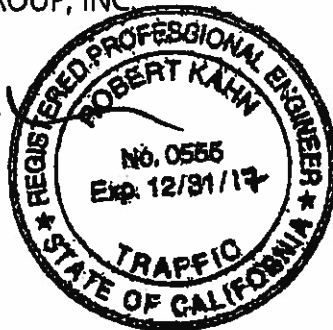
**Conclusions**

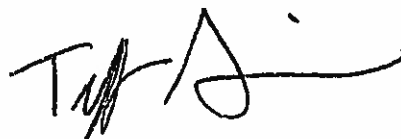
**The intersection of Ethanac Road at Murrieta meets four (4) warrants for a traffic signal, based upon the CA MUTCD standards. It is recommended that a traffic signal is installed at the intersection.**

RK Engineering Group, Inc. is pleased to provide this traffic signal warrant review for the intersection of Ethanac Road at Murrieta Road, in the City of Perris. If you have any questions regarding this analysis or need further review, please do not hesitate to call us at (949) 474-0809.

Sincerely,  
RK ENGINEERING GROUP, INC

  
Robert Kahn, P.E.  
Principal



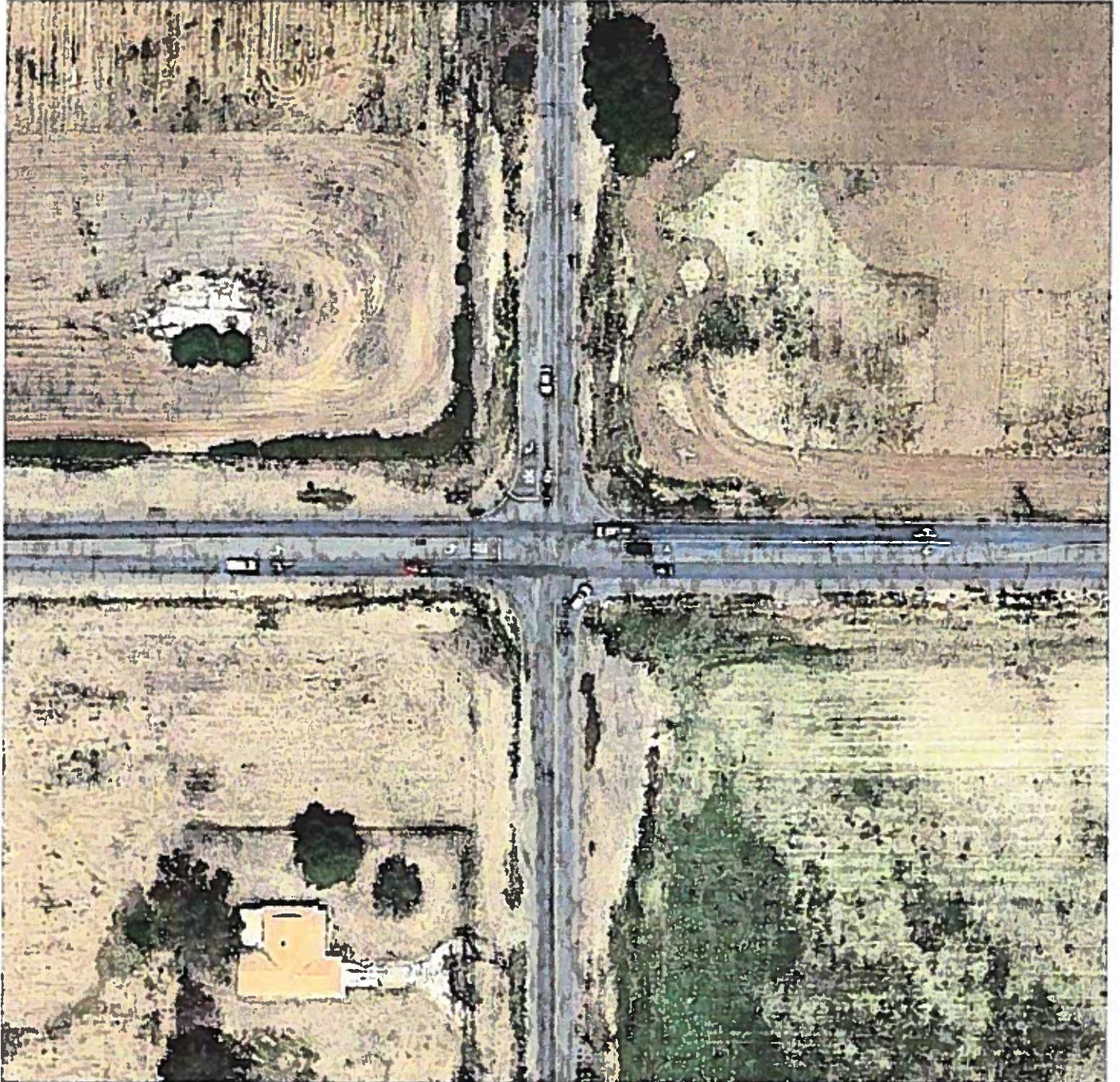
  
Tiffany Giordano, E.I.T.  
Engineer III

Attachments

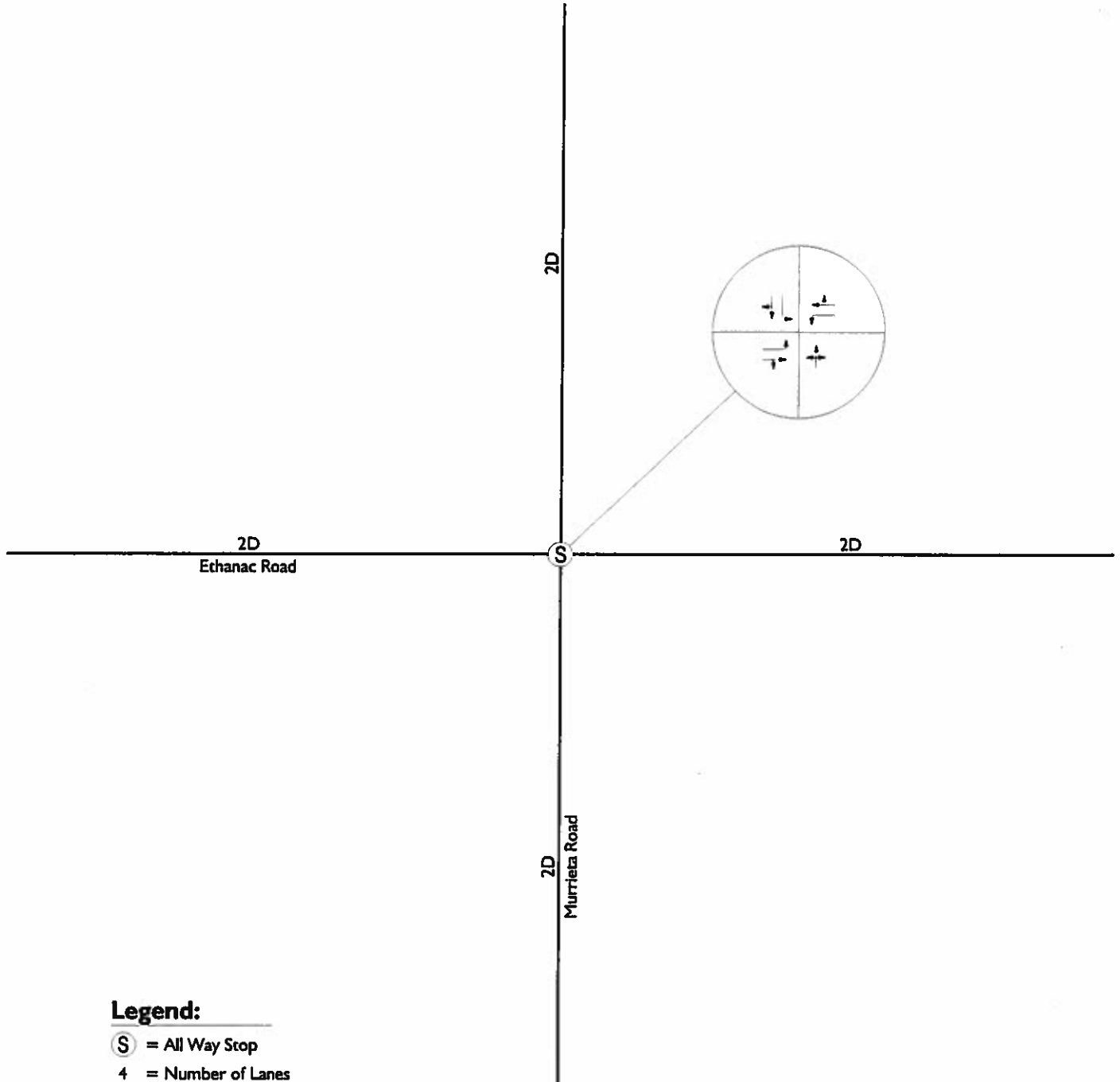
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# Exhibits

Exhibit A  
**Location Map**



# Exhibit B Existing Lane Geometry and Intersection Controls

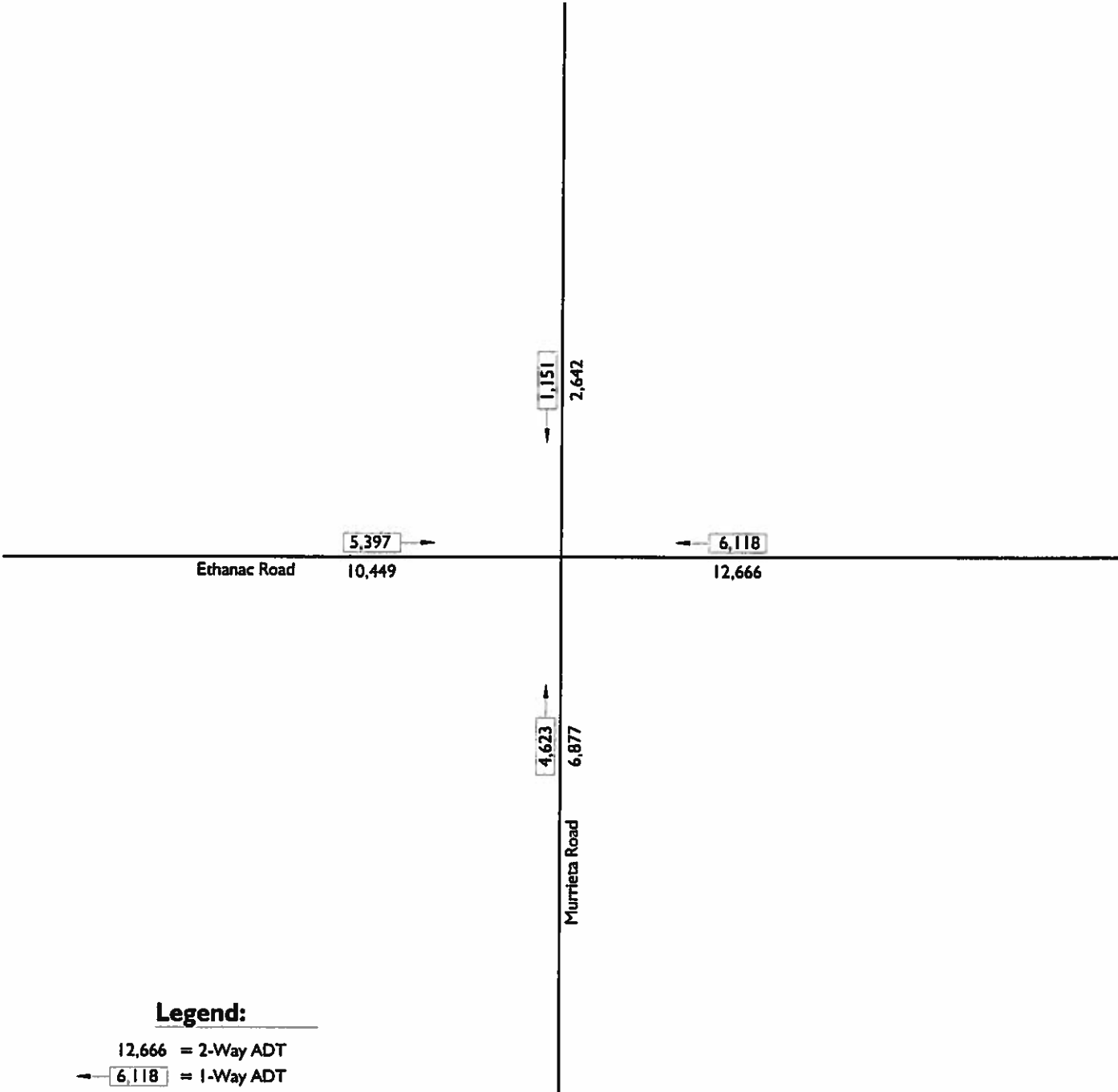


### Legend:

- Ⓢ = All Way Stop
- 4 = Number of Lanes
- D = Divided



# Exhibit C Existing Traffic Volumes



**\*CITY COUNCIL AGENDA SUBMITTAL**

**Meeting Date: February 9, 2016**

**SUBJECT:** Green Valley West-Elm Deposit and Reimbursement Agreement to start process of potential community facilities district. (Project is located in Green Valley Specific Plan area)

**REQUESTED ACTION:** Approve Attached Resolution approving Deposit and Reimbursement Agreement.

**CONTACT:** Jennifer Erwin, Assistant Finance Director

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**BACKGROUND/DISCUSSION:**

The City is in receipt of a Deposit and Reimbursement Agreement with respect to a development for Green Valley West-Elm, the developer/owner (**Green Valley Recovery Acquisition, LLC**) of property in the Green Valley Specific Plan (the "Developer"). The property owner is Green Valley Recovery Acquisition, LLC. The Developer intends to develop residential housing units on the property (or sell the property for such development). The purpose of the agreement is to enable the Developer to deposit funds with the City to be used for preliminary formation expenses in connection with the formation of a community facilities district for its project. By having the agreement in place, the City will avoid placing City funds at risk on a land development project. It is recommended that the City Council adopt the Resolution approving the agreement so that the deposit may be accounted for by the City. An \$85,000 deposit will be made by the Developer and this agreement between the City and the Developer would account for the expenditure of funds so deposited. In such connection, the City designates U.S. Bank National Association, as agent for the City, to hold and disburse the deposit pursuant to the Reimbursement Agreement.

Approval of this agreement does not legally require the City Council to move forward with the formation of a community facilities district or otherwise support land development activities of the party to this agreement. It does protect the City funds from risk in the event that these projects are commenced but do not move forward to completion and costs have been incurred.

We recommend adoption of the attached Resolution.

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**BUDGET (or FISCAL) IMPACT:**

There is no fiscal impact. Costs are to pay for costs advanced for forming CFD, including city administrative costs. These costs will come out of the deposit.

**Reviewed by:**

**City Attorney** \_\_\_\_\_  
**Finance Director** *Re*

**Attachments: Resolution Approving Deposit and Reimbursement Agreement**

**Consent: Yes**  
**Public Hearing:**  
**Business Item:**  
**Other:**



**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS APPROVING AND ORDERING THE EXECUTION OF THAT CERTAIN DEPOSIT AND REIMBURSEMENT AGREEMENT WITH GREEN VALLEY RECOVERY ACQUISITION, LLC AND MAKING CERTAIN FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH**

**WHEREAS**, there has been filed with the City Clerk that certain Deposit and Reimbursement Agreement (the "Deposit and Reimbursement Agreement"), by and among the CITY OF PERRIS (the "City") and Green Valley Recovery Acquisition, LLC ("the Owner") the owner of the real property (the "Property") described on Exhibit "A" hereto and by this reference incorporated herein; and

**WHEREAS**, the Deposit and Reimbursement Agreement, the form of which is on file with the City Clerk and by this reference incorporated herein, provides for the deposit with City of certain funds to cover City expenses in connection with the formation of a community facilities district comprising said Property, and providing the means by which such deposit may be reimbursed to the Developer, such reimbursement to come from the proceeds from the sale of special tax bonds to be issued pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Mello-Roos Act"); and

**WHEREAS**, the City Council finds that the approval and execution of the Deposit and Reimbursement Agreement as in the best interest of the City and provides the means by which such property development may occur without putting general funds of the City at risk; and

**WHEREAS**, City Council desires that U.S. Bank National Association ("U.S. Bank") hold and disburse such funds as agent for the City pursuant to the Deposit and Reimbursement Agreement;

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Perris, California, as follows:

**Section 1.** That the recitals set forth hereinabove are true and correct in all respects.

**Section 2.** That the Deposit and Reimbursement Agreement in the form on file with the City Clerk or attached hereto are hereby approved.

**Section 3.** That the Mayor, City Manager or Assistant City Manager of the City is hereby authorized and directed to execute the Deposit and Reimbursement Agreement for and on behalf of the City.

**Section 4.** That U.S. Bank is hereby designated as agent for the City and shall hold and disburse the funds pursuant to the Deposit and Reimbursement Agreement.

**Section 5.** That the Mayor, City Manager or the Assistant City Manager of the City of Perris is hereby instructed to receive the cash deposit heretofore made by the Owner and deposit the same in a designated account at U.S. Bank to be used to pay the formation costs of the community facilities district and the proper costs related thereto. Upon receipt of bond proceeds, such funds advanced by the Owner shall be reimbursed to the Developer from bond proceeds pursuant to the Deposit and Reimbursement Agreement.

**ADOPTED, SIGNED and APPROVED** this \_\_\_\_ day of \_\_\_\_\_.

---

Mayor, Daryl R. Busch

ATTEST:

---

City Clerk

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

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number \_\_\_\_\_ was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held on the \_\_\_ day of \_\_\_\_\_, 2016, and that it was so adopted by the following vote:

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

By: \_\_\_\_\_  
City Clerk

**EXHIBIT A**

The Property is described as follows:

**EXHIBIT B**

**Form of Fee Deposit Agreement**

## **DEPOSIT AND REIMBURSEMENT AGREEMENT**

**THIS DEPOSIT AND REIMBURSEMENT AGREEMENT** (this "Deposit Agreement"), dated \_\_\_\_\_, 2016, is by and between the City of Perris, California (the "City") and Green Valley Recovery Acquisition, LLC (the "Owner").

### **RECITALS**

**WHEREAS**, the City will upon request of the Owner, in its discretion determine to initiate proceedings to create a community facilities district (the "Community Facilities District") under the Mello-Roos Community Facilities Act of 1982 (the "Act"); and

**WHEREAS**, Owner is the owner of the real property within the proposed Community Facilities District to be located on a portion of land comprising located in the Green Valley Specific Plan area (known as Tract No. \_\_\_\_); and

**WHEREAS**, in accordance with City's policy regarding use of the Act, the Owner is required to compensate the City for all costs incurred in the formation of the Community Facilities District and issuance of bonds for the Community Facilities District; and

**WHEREAS**, Section 53314.9 of the Act provides that, at any time either before or after the formation of a community facilities district, the legislative body may accept advances of funds from any source, including, but not limited to, private persons or private entities and may provide, by resolution, for the use of those funds for any authorized purpose, including, but not limited to, paying any cost incurred by the local agency in creating a community facilities district (including the issuance of bonds thereby); and

**WHEREAS**, Section 53314.9 of the Act further provides that the legislative body may enter into an agreement, by resolution, with the person or entity advancing the funds, to repay all or a portion of the funds advanced, as determined by the legislative body, with or without interest under all of the following conditions: (a) the proposal to repay the funds is included in both the resolution of intention to establish a community facilities district adopted pursuant to Section 53321 of the Act and in the resolution of formation to establish the community facilities district pursuant to Section 53325.1 of the Act (including the issuance of bonds thereby), (b) any proposed special tax is approved by the qualified electors of the community facilities district pursuant to the Act, and (c) any agreement shall specify that if the qualified electors of the community facilities district do not approve the proposed special tax, the local agency shall return any funds which have not been committed for any authorized purpose by the time of the election to the person or entity advancing the funds; and

**WHEREAS**, the City and the Owner desire to enter into this Deposit Agreement in accordance with Section 53314.9 of the Act in order to provide for the advancement of funds by the Owner to be used to pay costs incurred in connection with the formation of the Community Facilities District and issuance of special tax bonds for the Community Facilities District (the "Bonds"), and to provide for the reimbursement to the Owner of such funds advanced, without interest, from the

proceeds of any Bonds; **NOW, THEREFORE**, for and in consideration of the mutual promises and covenants herein contained, the parties hereto agree as follows:

**Section 1. The Deposit and Application Thereof.**

(a) The Owner has deposited herewith the amount of \$85,000 (the "Initial Deposit"). The City, by its execution hereof, acknowledges receipt of, and accepts, the Initial Deposit.

(b) Reserved.

(c) City hereby agrees and Owner hereby acknowledges that US Bank National Association ("US Bank") shall hold the Initial Deposit and any subsequent deposits pursuant to (d) hereof as agent for the City. City shall, concurrently with the execution hereof, deposit the Initial Deposit in Account Number \_\_\_\_\_ ("Deposit Account") at US Bank, 633 W. Fifth Street, 24th Floor Los Angeles, CA 90071. Upon its receipt of the Initial Deposit, US Bank shall be entitled to deduct therefrom its fee in the amount of \$\_\_\_\_\_ for holding and disbursing the Initial Deposit and any subsequent deposits pursuant to the terms of the Deposit Agreement. Upon receipt thereof, US Bank shall deposit the Initial Deposit and any subsequent deposit in the Deposit Account.

(d) The Initial Deposit, together with the such additional amounts as may be requested by City and any subsequent deposit required to be made by the Owner pursuant to the terms hereof up to a maximum of \$100,000 (collectively, the "Deposits"), are to be used to pay for any costs incurred for any authorized purpose in connection with the formation of the Community Facilities District and the issuance of the Bonds (other than costs, fees and expenses to be paid out of the proceeds of the Bonds), including, without limitation, (i) the fees and expenses of any consultants to the City employed in connection with the formation of the Community Facilities District and the issuance of the Bonds, including an engineer, special tax consultant, financial advisor, bond counsel and any other consultant deemed necessary or advisable by the City, (ii) the costs of appraisals, market absorption and feasibility studies and other reports deemed necessary or advisable by the City in connection with the formation of the Community Facilities District and issuance of the Bonds, (iii) the costs of publication of notices, preparation and mailing of ballots and other costs related to any hearing, election or other action or proceeding undertaken in connection with the formation of the Community Facilities District and issuance of the Bonds, (iv) reasonable charges for City staff time incurred in connection with the formation of the Community Facilities District and the issuance of the Bonds by the Community Facilities District, including a reasonable allocation of City overhead expense related thereto, and (v) any and all other actual costs and expenses incurred by the City in connection with the formation of the Community Facilities District and the issuance of the Bonds so long as such costs are directly related to the documents and work required for financing the facilities, formation of the District and issuance of the Bonds (collectively, the "Initial Costs"). The City may as provided in subsection (f) hereof draw upon the Deposits from time to time to pay the Initial Costs. US Bank shall have no duty or responsibility to confirm that amounts withdrawn at the direction of the City have been or will be spent on Initial Costs. Any increase of the deposit over \$100,000 shall require the Owner's written consent, which consent shall be memorialized in an amendment to this Deposit Agreement.

(e) If, at any time, the unexpended and unencumbered balance of the Deposits (then currently in the Deposit Account) is less than \$5,000, the City may request, in writing, that the

Owner make an additional deposit in an amount estimated by the City to be sufficient, together with any such unexpended and unencumbered balance, to pay for all Initial Costs; provided, however, that such additional deposits shall not in the aggregate exceed \$100,000 without the prior written consent of Owner, which consent shall be memorialized in an amendment to this Deposit Agreement. The Owner shall make such additional deposit with the City within two weeks of the receipt by the Owner of the City's written request therefor. If the Owner fails to make any such additional deposit within such two week period, the City may cease all work related to the issuance of the Bonds.

(f) The Deposits shall be kept separately at US Bank and shall be invested in US Bank 100% Treasury Money Market Fund and the City shall at all times maintain records as to the expenditure of the Deposits.

(g) The City shall draw upon the Deposits to pay the Initial Costs by presentation of a disbursement request (the "Request") to US Bank in the form attached hereto as Exhibit A and by this reference incorporated herein. The City shall cause US Bank to pay such Initial Costs pursuant to the Request.

(h) The City shall provide the Owner with a written summary of expenditures made from the Deposits upon request of Owner, and the unexpended balance thereof, within ten business days of receipt of the City of a written request therefor submitted by the Owner. The cost of providing any such summary shall be charged to the Deposits.

## **Section 2. Return of Deposits; Reimbursement.**

(a) As provided in Section 53314.9 of the Act and this Agreement, the approval by the qualified electors of the Community Facilities District of the proposed special tax to be levied therein and the issuance of bonds secured thereby is a condition to the repayment to the Owner of the funds advanced by the Owner pursuant hereto. Therefore, if the qualified electors of the Community Facilities District do not approve the proposed special tax to be levied thereon, the City shall have no obligation to repay the Owner any portion of the Deposits expended or encumbered to pay Initial Costs. In accordance with Section 53314.9 of the Act, if the qualified electors of the Community Facilities District do not approve the proposed special tax to be levied therein, the City shall cause US Bank to return to the Owner any portion of the Deposits which have not been expended or encumbered to pay Initial Costs by the time of the election on said proposed special tax.

(b) If proceedings for the issuance of the Bonds are terminated, the City shall, within ten business days after official action by the City or the Community Facilities District to terminate said proceedings, cause US Bank to return the then unexpended and unencumbered portion of the Deposits to the Owner.

(c) If the Bonds are issued by the Community Facilities District, the City shall reimburse the Owner, without interest, for the portion of the Deposits that has been expended or encumbered, said reimbursement to be made within ten business days after the issuance of such Bonds, solely from the proceeds of such Bonds and only to the extent otherwise permitted under the Act. The City shall, within ten business days after the issuance of such Bonds, return the then unexpended and unencumbered portion of the Deposits to the Owner, from the Deposit Account.



**Section 3. Abandonment of Proceedings.** The Owner acknowledges and agrees that the issuance of the Bonds shall be in the sole discretion of the Community Facilities District. No provision of this Deposit Agreement shall be construed as an agreement, promise or warranty of the City to issue the Bonds.

**Section 4. Deposit Agreement Not Debt or Liability of City.** As provided in Section 53314.9(b) of the Act, this Deposit Agreement does not constitute a debt or liability of the City, but shall constitute a debt and liability of the Community Facilities District upon its formation. The City shall not be obligated to advance any of its own funds to pay Initial Costs or any other costs incurred in connection with the issuance of the Bonds. No member of the City Council of the City and no officer, employee or agent of the City shall to any extent be personally liable hereunder.

**Section 5. Notices.** Any notices, requests, demands, documents, approvals or disapprovals given or sent under this Deposit Agreement from one Party to another (collectively, "Notices") may be personally delivered, transmitted by facsimile (FAX) transmission, or deposit with the United States Postal Service for mailing, postage prepaid, to the address of the other Party as stated in this Section. Notices shall be sent as follows:

If to City:

City of Perris  
Attn: City Manager  
101 N. "D" Street  
Perris, California 92570  
Telephone: (951) 943-6100  
Fax No. (951) 943-4246

If to Owner:

Green Valley Recovery Acquisition, LLC  
Jon Shumaker  
Green Valley Recovery Acquisition, LLC  
1251 Avenue of the Americas  
New York , New York 10020

With a copy to:

Patrick Parker  
Raintree Investment Corporation  
5796 Armada Drive, Suite 375  
Carlsbad, CA 92008

If to US Bank National Association:

633 W. Fifth Street, 24th Floor  
Los Angeles, CA 90071

[phone, fax]

Each such notice, statement, demand, consent, approval, authorization, offer, designation, request or other communication hereunder shall be deemed delivered to the party to whom it is addressed (a) if personally served or delivered, upon delivery, (b) if given by electronic communication, whether by email, telex, telegram or telecopier upon the sender's receipt of an appropriate answerback or other written acknowledgement, (c) if given by registered or certified mail, return receipt requested, deposited with the United States mail postage prepaid, 72 hours after such notice is deposited with the United States mail, (d) if given by overnight courier, with courier charges prepaid, 24 hours after delivery to said overnight courier, or (e) if given by any other means, upon delivery at the address specified in this Section.

**Section 6. California Law.** This Deposit Agreement shall be governed and construed in accordance with the laws of the State of California. The Parties shall be entitled to seek any remedy available at law and in equity. All legal actions must be instituted in the Superior Court of the County of Riverside, State of California, in an appropriate municipal court in Riverside County, or in the United States District Court for the Central District of California.

**Section 7. Successors and Assigns.** This Deposit Agreement shall be binding upon and insure to the benefit of the successors and assigns of the parties hereto.

**Section 8. Counterparts.** This Deposit Agreement may be executed in counterparts, each of which shall be deemed an original and all of which shall constitute but one and the same instrument.

**Section 9. Other Agreements.** The obligations of the Owner hereunder shall be that of a party hereto. Nothing herein shall be construed as affecting the City's or Owner's rights, or duties to perform their respective obligations, under other agreements, use regulations or subdivision requirements relating to the development. This Deposit Agreement shall not confer any additional rights, or waive any rights given, by either party hereto under any development or other agreement to which they are a party.

**Section 10. Titles and Captions.** Titles and captions are for convenience of reference only and do not define, describe or limit the scope or the intent of this Deposit Agreement or of any of its terms. References to section numbers are to sections in this Deposit Agreement, unless expressly stated otherwise.

**Section 11. Interpretation.** As used in this Deposit Agreement, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others where and when the context so dictates. The word "including" shall be construed as if followed by the words "without limitation." This Deposit Agreement shall be interpreted as though prepared jointly by both Parties.

**Section 12. No Waiver.** A waiver by either Party of a breach of any of the covenants, conditions or agreements under this Deposit Agreement to be performed by the other Party shall not be construed as a waiver of any succeeding breach of the same or other covenants, agreements, restrictions or conditions of this Deposit Agreement.

**Section 13. Modifications.** Any alteration, change or modification of or to this Deposit Agreement, in order to become effective, shall be made in writing and in each instance signed on behalf of each Party.

**Section 14. Severability.** If any term, provision, condition or covenant of this Deposit Agreement or its application to any party or circumstances shall be held, to any extent, invalid or unenforceable, the remainder of this Deposit Agreement, or the application of the term, provision, condition or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected, and shall be valid and enforceable to the fullest extent permitted by law.

**Section 15. Computation of Time.** The time in which any act is to be done under this Deposit Agreement is computed by excluding the first day (such as the day escrow opens), and including the last day, unless the last day is a holiday or Saturday or Sunday, and then that day is also excluded. The term "holiday" shall mean all holidays as specified in Section 6700 and 6701 of the California Government Code. If any act is to be done by a particular time during a day, that time shall be Pacific Time Zone time.

**Section 16. Legal Advice.** Each Party represents and warrants to the other the following: they have carefully read this Deposit Agreement, and in signing this Deposit Agreement, they do so with full knowledge of any right which they may have; they have received independent legal advice from their respective legal counsel as to the matters set forth in this Deposit Agreement, or have knowingly chosen not to consult legal counsel as to the matters set forth in this Deposit Agreement; and, they have freely signed this Deposit Agreement without any reliance upon any agreement, promise, statement or representation by or on behalf of the other Party, or their respective agents, employees, or attorneys, except as specifically set forth in this Deposit Agreement, and without duress or coercion, whether economic or otherwise.

**Section 17. Cooperation.** Each Party agrees to cooperate with the other in this transaction and, in that regard, to sign any and all documents which may be reasonably necessary, helpful, or appropriate to carry out the purposes and intent of this Deposit Agreement including, but not limited to, releases or additional agreements.

**Section 18. Conflicts of Interest.** No member, official or employee of City shall have any personal interest, direct or indirect, in this Deposit Agreement, nor shall any such member, official or employee participate in any decision relating to the Deposit Agreement which affects his personal interests or the interests of any corporation, partnership or association in which he is directly or indirectly interested.

[Signatures on following page]

**IN WITNESS WHEREOF**, the Parties have executed this Deposit Agreement as of the respective dates set forth below.

**“CITY”**

**CITY OF PERRIS**, a municipal corporation

By: \_\_\_\_\_  
City Manager

**ATTEST:**

**CITY CLERK**

By: \_\_\_\_\_  
Nancy Salazar, City Clerk

**“OWNER”**

**Green Valley Recovery Acquisition, LLC**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Accepted By

US BANK, NATIONAL ASSOCIATION

By: \_\_\_\_\_  
Authorized Officer

## **EXHIBIT A**

### **Community Facilities District**

#### **WRITTEN REQUEST NO. 1 FOR DISBURSEMENTS PURSUANT TO THE DEPOSIT AND REIMBURSEMENT AGREEMENT**

The undersigned hereby states and certifies:

(i) That he is the duly qualified City Manager/Finance Director of the City of Perris, a municipal corporation duly organized and existing under the laws of the State of California (the "City") and as such, is familiar with the facts herein certified and is authorized and qualified to execute and deliver this certificate;

(ii) That he is authorized pursuant to the Deposit and Reimbursement Agreement, dated as of \_\_\_\_\_, 2016 (the "Agreement"), by and between the City of Perris and Green Valley Recovery Acquisition, LLC relating to the formation of a community facilities district into the City of Perris (the "CFD");

(iii) That pursuant to Section 1 (e) of the Agreement, US Bank National Association is hereby directed to disburse this date from Account No. \_\_\_\_\_ (the "Account") to the payees, designated on Exhibit A attached hereto and by this reference incorporated herein, the respective sums set forth opposite such payees, in payment of certain expenses related to the CFD;

(iv) That each obligation shown on Exhibit A has been properly incurred and is a proper charge against the Account;

(v) That no item to be paid pursuant to this Written Request has been previously paid or reimbursed from the Account; and

(vi) That capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in the Agreement.

Dated: \_\_\_\_\_

CITY OF PERRIS

\_\_\_\_\_  
City Manager

[Written Request for Disbursements from  
Deposit and Reimbursement Agreement]

**EXHIBIT A**

<b>Payee</b>	<b>Purpose</b>	<b>Amount</b>
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**CITY COUNCIL  
AGENDA SUBMITTAL**

**Meeting Date: February 9, 2016**

**SUBJECT:**                   **Second Reading of Ordinance No. 1323** approving Specific Plan Amendment 14-04-0001 to change the land use designation of approximately 16 acres from General Industrial to Light Industrial in the PVCC (Perris Valley Commerce Center) Specific Plan. **Applicant:** Mike Naggar, Mike Naggar & Associates

**REQUESTED ACTION:** **ADOPT Ordinance No. 1323 approving Specific Plan Amendment 14-04-0001**, based on the findings and information contained in this submittal.

**CONTACT:**                   Clara Miramontes, Director of Development Services 

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**BACKGROUND/DISCUSSION:**

On January 12, 2016, the City Council approved (3-2) Environmental Impact Report 14-01-0017 (SCH NO. 2014051034), Development Plan Review (DPR) 14-01-0015, Tentative Parcel Map 36678 (TPM) 14-01-0016, Specific Plan Amendment 14-04-0001 and Street Vacation (SV) 14-04-0002 to enable construction two warehouse buildings in two phases, totaling 1,037,811 square feet on 48.38 acres of land located on the north side of Markham Street between Patterson and Webster Avenues. As well, the City Council introduced the first reading of the Specific Plan Amendment to change the land use designation of approximately 16 acres from General Industrial to Light Industrial to facilitate the development. Upon adoption, the Ordinance to change the landuse map will become enacted thirty days thereafter (March 10, 2016).

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**BUDGET (or FISCAL) IMPACT:** Cost for staff preparation of this item is covered by the applicant.

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**Prepared by:**                   Kenneth Phung, Project Planner

**City Attorney:**               N/A  
**Assistant City Manager:** Ron Carr 

**Consent:**                       February 9, 2016

**Attachments:**               1. C.C. Ordinance including landuse exhibit  
  2. City Council Submittal dated January 12, 2016

**ORDINANCE NUMBER 1323**

**A SECOND READING OF ORDINANCE NUMBER 1323 OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA APPROVING SPECIFIC PLAN AMENDMENT 14-04-0001 TO THE PERRIS VALLEY COMMERCE CENTER (PVCC) SPECIFIC PLAN TO CHANGE THE LANDUSE DESIGNATION OF APPROXIMATELY 16 ACRES FROM GENERAL INDUSTRIAL (GI) TO LIGHT INDUSTRIAL (LI) TO FACILITATE THE APPROVAL OF AN INDUSTRIAL DEVELOPMENT PROJECT LOCATED ON THE NORTH SIDE OF MARKHAM STREET BETWEEN PATTERSON AND WEBSTER AVENUES, AND MAKING FINDINGS IN SUPPORT THEREOF.**

**WHEREAS**, a Specific Plan Amendment application was submitted to enable an industrial development known as the Optimus Logistics Center 2 project by changing the land use designation of approximately 16 acres from General Industrial (GI) to Light Industrial (LI); and

**WHEREAS**, the proposed Specific Plan Amendment (“SPA”) is consistent with the goals, policies, and implementation measures set forth in the General Plan; and

**WHEREAS**, by Resolution Number 4955, the City Council certified the Environmental Impact Report (EIR 14-01-0017/*State Clearinghouse #2014051034*) for the SPA; and

**WHEREAS**, on November 18, 2015, the Planning Commission conducted a duly noticed public hearing on the SPA and at the meeting recommended approval of the SPA after considering public testimony and materials in the staff report and accompanying documents; and

**WHEREAS**, on January 12, 2016, the City Council conducted a duly noticed public hearing on the project, at which time all interested persons were given full opportunity to be heard to present evidence; and

**WHEREAS**, prior to taking action, the City Council has heard, been presented with, and/or reviewed all of the information and data which constitutes the administrative record for the above-mentioned approvals, including all oral and written evidence presented to the City during all project meetings and hearings; and

**WHEREAS**, all other legal prerequisites to the adoption of this Ordinance have occurred.

**NOW, THEREFORE**, City Council of the City of Perris hereby ordains as follows:

**Section 1.** The above recitals are all true and correct and are incorporated herein as if set forth in full.

**Section 2.** City Council Resolution No. 4955 found that all the requirements of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and the City's Local CEQA Guidelines have been satisfied in the EIR, which is sufficiently detailed so that all of the significant environmental effects of the Project have been adequately evaluated, and certified the EIR.

**Section 4.** The City Council further finds, based upon the information contained within the staff report and accompanying attachments, as well as all oral and written testimony made at the public hearing, with respect to the Optimus Logistics Center 2, the following regarding Specific Plan Amendment 14-04-0001:

(a) The proposed Specific Plan Amendment will not result in a significant adverse effect on the environment and will not affect public health, safety, and welfare.

(b) The Specific Plan Amendment is consistent with and will contribute to achieving the goals and objectives established by the General Plan and Perris Valley Commerce Center Specific Plan to provide a diversity of commercial and industrial development that create jobs that will benefit the residents of Perris.

(c) The Specific Plan Amendment seeks to change the land use designation of approximately 16 acres from "General Industrial" to "Light Industrial" for Parcel 1 of the project so that it can be completely zoned Light Industrial. Because two-thirds (2/3) of Parcel 1 is already zoned Light Industrial and only one-third (1/3) is General Industrial, changing the Parcel to completely Light Industrial is minor, as they permit similar land uses and will allow continuity with surrounding land uses to the west, north and south of the site which is zoned LI.

**Section 4.** The City Council hereby adopts the second reading of Ordinance Number 1323 to approve Specific Plan Amendment 14-04-0001 to change approximately 16 acres from General Industrial (GI) to Light Industrial (LI) to enable the Optimus Logistics Center 2 project.

**Section 5.** The City Council declares that should any provision, section, paragraph, sentence, or word of this Ordinance 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 Ordinance shall remain in full force and effect.

**Section 6.** The Mayor shall sign this Ordinance and the City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty days after its final passage.

**ADOPTED, SIGNED and APPROVED this 9<sup>th</sup> day of February, 2016.**

\_\_\_\_\_  
Mayor, Daryl R. Busch

ATTEST:

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

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

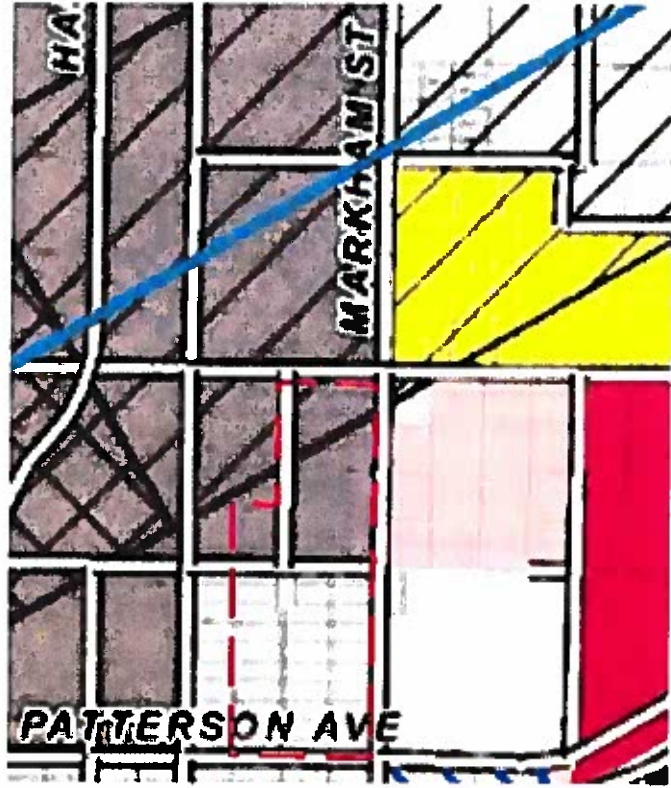
I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number 1323 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 9<sup>th</sup> day of February 2016, by the following called vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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

**Attachment: SPA Landuse Amendment**

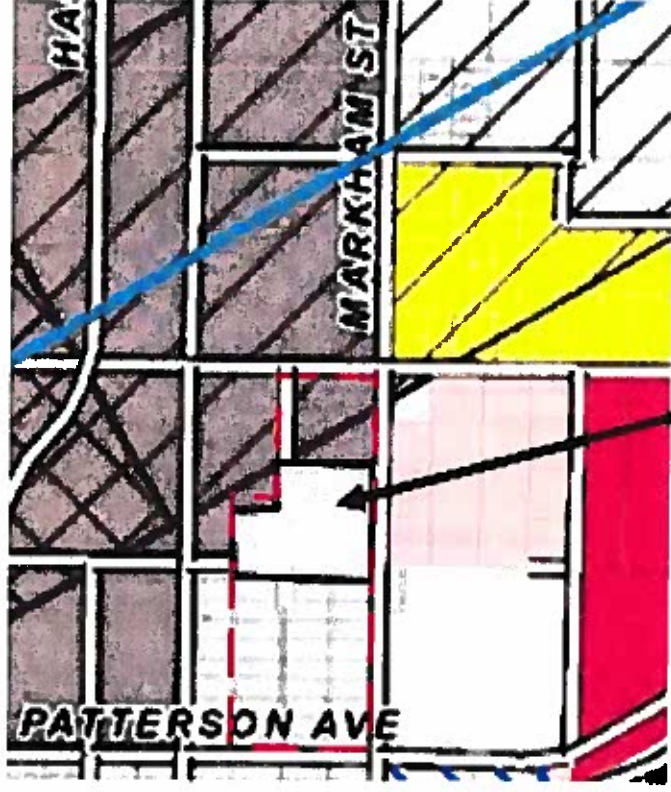
**Existing Land Use**



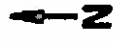
**LEGEND:**

-  Business/Office
-  Residential
-  Detention Basin
-  Commercial
-  Light Industrial
-  General Industrial

**Proposed Land Use**



Approximately 16 acres modified from General Industrial to Light Industrial



**CITY COUNCIL  
AGENDA SUBMITTAL**

**Meeting Date: January 12, 2016**

**SUBJECT:** **Environmental Impact Report 14-01-0017 (SCH NO. 2014051034), Development Plan Review (DPR) 14-01-0015, Tentative Parcel Map 36678 (TPM) 14-01-0016, Specific Plan Amendment 14-04-0001 and Street Vacation (SV) 14-04-0002** – Proposal to construct a high-cube warehouse development consisting of two buildings totaling 1,037,811 square feet on 48.38 acres of land located on the north side of Markham Street between Patterson and Webster Avenues. The request will require the following: a Specific Plan Amendment to change the land use designation of approximately 16 acres from General Industrial to Light Industrial, a Tentative Parcel to consolidate 55 lots into two parcels, a Street Vacation to abandon unimproved streets within the site and Development Plan Review for the site plan review and building elevations. **Applicant:** Mike Naggar, Mike Naggar & Associates

**REQUESTED ACTION:** **ADOPT Resolution No. (next in order)** to certify the Environmental Impact Report based on the findings in the Statement of Facts and Findings and Statement of Overriding Considerations regarding significant environmental impacts resulting from the Project.

**ADOPT Resolution No. (next in order)** to approve the Development Plan Review (DPR) 14-01-0015, Tentative Parcel Map 36678 (TPM) 14-01-0016 and Street Vacation (SV) 14-04-0002, subject to Conditions of Approval.

**Introduce First Reading of Ordinance No. (next in order)** approving Specific Plan Amendment to change the land use designation of approximately 16 acres from General Industrial to Light Industrial, subject to the information contained in the staff report and making findings in support thereof.

**CONTACT:** Clara Miramontes, Director of Development Services

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**BACKGROUND/DISCUSSION:**

On November 18, 2015, the Planning Commission voted unanimously to approve the "Optimus Logistics Center 2" project to construct a high-cube warehouse development consisting of two buildings totaling 1,037,811 square feet on 48.38 acres of land located on the north side of Markham Street between Patterson and Webster Avenues. The project consists of several applications: The EIR is to assess the environmental impacts associated with the project. The Specific Plan Amendment is to change the land use designation of approximately 16 acres from General Industrial to Light Industrial. The Tentative Parcel Map is to consolidate 55 lots into two parcels. The Street Vacation is to abandon unimproved streets within the site. The Development Plan Review is for the site plan review and building elevations.

The proposed two warehouse buildings will sit adjacent to each other on separate lots, but will have separate access and circulation within each lot. The larger industrial building totaling 912,338 square feet fronts Patterson Avenue, Markham Street, and Washington Street. There will be two access points on Patterson Avenue and one access point on Markham Street. The smaller industrial building totaling 125,473 square feet fronts Markham Street, Webster Avenue, and Washington Street. There will be two access points on Markham Street and two on Washington Street. The easterly access point on Markham Street will be limited to right-in and right-out as it is too close to the intersection of Webster Avenue.

A comment letter was received by Johnson & Sedlack, Attorney at Law, just hours before the Planning Commission meeting on November 18, 2015. Due to the late reception of the letter, no formal written response was made at the meeting. However, the City's third party consultant was able to conduct a cursory review of the letter and determined that the comments did not identify any substantial new information requiring recirculation of the EIR or additional environmental review under State CEQA Guidelines. A response letter has been prepared by the applicant's environmental consultant to officially respond to the letter, which supports the conclusion made at the Planning Commission meeting. The response letter is included in this report package as Attachment 6.

As such, per the Planning Commission's recommendation, staff is recommending that the City Council certify the EIR, adopt the Statement of Overriding Consideration, and approve this project, as proposed by the applicant, including the attached conditions of approval and Mitigation Monitoring and Reporting Plan. The Planning Commission made the following amendments to the Planning conditions of approval: 1) deletion of condition No. 24 as it is already referenced in Condition No. 15; 2) deletion of Condition No. 40 as it is already noted in Condition No.39; and 3) deletion of Condition No. 42.g as it is already addressed in Engineering Condition No. 31. The Planning Commission also amended Engineering Condition No. 31 to reference the correct date of the Traffic Study report. These changes do not affect the contents of the EIR and do not require significant changes to the overall project.

An Environmental Impact Report was prepared and available for public review and comment during the state-mandated 45-day public review period from July 29, 2015 through September 11, 2015. Responses to comments were sent to the agencies and organizations that provided comments. None of the comments resulted in the recirculation of the EIR. The EIR identified operational air quality impact, cumulative air quality impact and cumulative traffic impacts related to intersection, roadway segment capacity, freeway mainline segments and freeway merger/diverge for which mitigation measures are not available to reduce the impacts to below levels of significance. For these potentially significant, non-mitigatable environmental impacts, the City Council will need to adopt a Statement of Overriding Considerations prior to approving the proposed project. Detailed project information is provided in the attached staff report and conditions of approval.

**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:** Kenneth Phung, Project Planner

**City Attorney:** N/A  
**Assistant City Manager:** Ron Carr

**Public Hearing:** January 12, 2016

**Attachments:**

<b>Attachment 1</b>	City Council Resolution Certifying the EIR ( <i>Mitigation Monitoring &amp; Reporting Program and Statement of Facts and Findings and Statement of Overriding Consideration see Attachment 4</i> )
<b>Attachment 2</b>	City Council Resolution Approving the DPR, TPMs and Street Vacation ( <i>includes Planning, Engineering &amp; Public Works Conditions of Approval</i> )
<b>Attachment 3</b>	City Council Ordinance for SPA ( <i>SPA Landuse Amendment &amp; SPA Circulation Amendment Exhibits</i> )
<b>Attachment 4</b>	Mitigation Monitoring & Reporting Program and Statement of Facts and Findings and Statement of Overriding Consideration
<b>Attachment 5</b>	Johnson & Sedlack letter dated November 18, 2015
<b>Attachment 6</b>	Response Letter to Johnson & Sedlack
<b>Attachment 7</b>	Planning Commission Staff Report Package dated November 18, 2015

EIR available to review @ <http://www.cityofperris.org/departments/development/planning.html>

**CITY COUNCIL  
AGENDA SUBMITTAL**

**Meeting Date: February 9, 2016**

**SUBJECT:**                   **Second Reading of Ordinance No. 1324** approving Specific Plan Amendment 12-10-0006 to revise the land use designation of approximately 68.99 acres from Commercial (C) and Business Professional Office (BPO) to Light Industrial (LI) and to amend the circulation plan for Patterson Avenue. **Applicant:** Mike Naggar, Mike Naggar & Associates

**REQUESTED ACTION:** **ADOPT Ordinance No. 1324 approving Specific Plan Amendment 12-10-0006**, based on the findings and information contained in this submittal.

**CONTACT:**                   Clara Miramontes, Director of Development Services 

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**BACKGROUND/DISCUSSION:**

On January 12, 2016, the City Council approved (3-2) Environmental Impact Report/SCH# 2012111003, Development Plan Review 12-10-0005, Specific Plan Amendment 12-10-0006, Street Vacation 13-05-0018, Tentative Parcel Map 13-05-0017 (TPM 36512) and Tentative Parcel Map 13-05-0016 (TPM 36582) to enable construction of two warehouse buildings, totaling 1,455,781 square feet, located north of Ramona Expressway between the I-215 Freeway and Ramona Expressway. As well, the City Council introduced the first reading of the Specific Plan Amendment to amend the land use designation of approximately 68.99 acres from Commercial (C) and Business Professional Office (BPO) to Light Industrial (LI) and to amend the circulation plan for Patterson Avenue by eliminating improved Patterson Avenue from unimproved Perry Street to Ramona Expressway to facilitate the development. Upon adoption, the Ordinance to change the landuse map and amend the circulation plan will become enacted thirty days thereafter (March 10, 2016).

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**BUDGET (or FISCAL) IMPACT:** Cost for staff preparation of this item is covered by the applicant.

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**Prepared by:**                   Kenneth Phung, Project Planner

**City Attorney:**               N/A  
**Assistant City Manager:** Ron Carr 

**Consent:**                       February 9, 2016

**Attachments:**               1. C.C. Ordinance including landuse and circulation exhibits  
  2. City Council Submittal dated January 12, 2016



**ORDINANCE NUMBER 1324**

**A SECOND READING OF ORDINANCE NUMBER 1324 OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA APPROVING SPECIFIC PLAN AMENDMENT 12-10-0006 TO THE PERRIS VALLEY COMMERCE CENTER (PVCC) SPECIFIC PLAN TO REVISE THE LANDUSE DESIGNATION OF APPROXIMATELY 68.99 ACRES FROM COMMERCIAL (C) AND BUSINESS PROFESSIONAL OFFICE (BPO) TO LIGHT INDUSTRIAL (LI) AND TO AMEND THE CIRCULATION PLAN TO REMOVE PATTERSON AVENUE CONNECTION TO RAMONA EXPRESSWAY TO FACILITATE THE APPROVAL OF AN INDUSTRIAL DEVELOPMENT PROJECT LOCATED NORTH OF RAMONA EXPRESSWAY BETWEEN THE I-215 FREEWAY AND WEBSTER AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF.**

**WHEREAS**, a Specific Plan Amendment application was submitted to enable an industrial development known as the Optimus Logistics Center I project consisting of the following: 1) Amending the land use designation of 49.14 acres from Commercial (C) to Light Industrial (LI) and another 19.85 acres from Business Professional Office (BPO) to Light Industrial (LI); 2) Eliminating improved Patterson Avenue from unimproved Perry Street to Ramona Expressway from the Circulation Plan of the Specific Plan; and 3) Eliminating unimproved Perry Street within the project site from the Circulation Plan of the Perris Valley Commerce Center (PVCC) Specific Plan.

**WHEREAS**, the proposed Specific Plan Amendment (“SPA”) is consistent with the goals, policies, and implementation measures set forth in the General Plan; and

**WHEREAS**, by Resolution Number 4957, the City Council certified the Environmental Impact Report (EIR/*State Clearinghouse #2012111003*) for the SPA; and

**WHEREAS**, on May 6, 2015, the Planning Commission conducted a duly noticed public hearing on the SPA and at the meeting recommended approval of the SPA after considering public testimony and materials in the staff report and accompanying documents; and

**WHEREAS**, on June 9, 2015, the City Council conducted a duly noticed public hearing on the project and after the hearing was closed, voted 4-0 to continue the project after considering public testimony and materials in the staff report and accompanying documents; and

**WHEREAS**, at the time of the hearing on June 9, 2015, one position on the City Council was vacant. A new Councilmember was elected to fill that vacancy and was sworn into office on December 8, 2015. The new Councilmember has reviewed all of the written materials, public testimony, and discussion from the hearing on June 9, 2015; and

**WHEREAS**, on January 12, 2016, the City Council conducted a duly noticed public hearing on the project, at which time all interested persons were given full opportunity to be heard to present evidence; and

**WHEREAS**, prior to taking action, the City Council has heard, been presented with, and/or reviewed all of the information and data which constitutes the administrative record for the above-mentioned approvals, including all oral and written evidence presented to the City during all project meetings and hearings; and

**WHEREAS**, all other legal prerequisites to the adoption of this Ordinance have occurred.

**NOW, THEREFORE**, City Council of the City of Perris hereby ordains as follows:

**Section 1.** The above recitals are all true and correct and are incorporated herein as if set forth in full.

**Section 2.** City Council Resolution No. 4957 found that all the requirements of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and the City's Local CEQA Guidelines have been satisfied in the EIR, which is sufficiently detailed so that all of the significant environmental effects of the Project have been adequately evaluated, and certified the EIR.

**Section 4.** The City Council further finds, based upon the information contained within the staff report and accompanying attachments, as well as all oral and written testimony made at the public hearing, with respect to the Optimus Logistics Center I, the following regarding Specific Plan Amendment 12-10-0006:

(a) The proposed Specific Plan Amendment will not result in a significant adverse effect on the environment and will not affect public health, safety, and welfare as the loss of Patterson Avenue connection to Ramona Expressway will be insignificant due to the relatively low volume of existing traffic volumes with alternative roadways to travel north and south along Webster Avenue and Indian Avenue.

(b) The Specific Plan Amendment is consistent with and will contribute to achieving the goals and objectives established by the General Plan and Perris Valley Commerce Center Specific Plan to provide a diversity of commercial and industrial development that create jobs that will benefit the residents of Perris.

(c) The Specific Plan Amendment provides a logical extension of an existing landuse pattern as the approximately 68.99 acres change from Commercial (C) and Business Professional Office (BPO) to Light Industrial (LI) is consistent with the adjacent Light Industrial landuse to the north of the property. Also, the building architecture has a business park feel to mimic what could be developed in a C or BPO zone to further provide a land use transition for the residential properties on the east of Webster Avenue. In addition, no truck access will be permitted along Webster Avenue to mitigate noise and traffic impacts associated with a warehouse development.

**Section 4.** The City Council hereby adopts the second reading of Ordinance Number 1324 to approve Specific Plan Amendment 12-10-0006 to 1) amending the land use designation of 49.14 acres from Commercial to Light Industrial and another 19.85 acres from Business Professional Office to Light Industrial; 2) eliminating improved Patterson Avenue from unimproved Perry Street to Ramona Expressway from the Circulation Plan of the Specific Plan; and 3) eliminating unimproved Perry Street within the project site from the Circulation Plan of the Perris Valley Commerce Center (PVCC) Specific Plan.

**Section 5.** The City Council declares that should any provision, section, paragraph, sentence, or word of this Ordinance 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 Ordinance shall remain in full force and effect.

**Section 6.** The Mayor shall sign this Ordinance and the City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty days after its final passage.

***ADOPTED, SIGNED and APPROVED this 9<sup>th</sup> day of February, 2016.***

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Mayor, Daryl R. Busch

ATTEST:

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City Clerk, Nancy Salazar

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

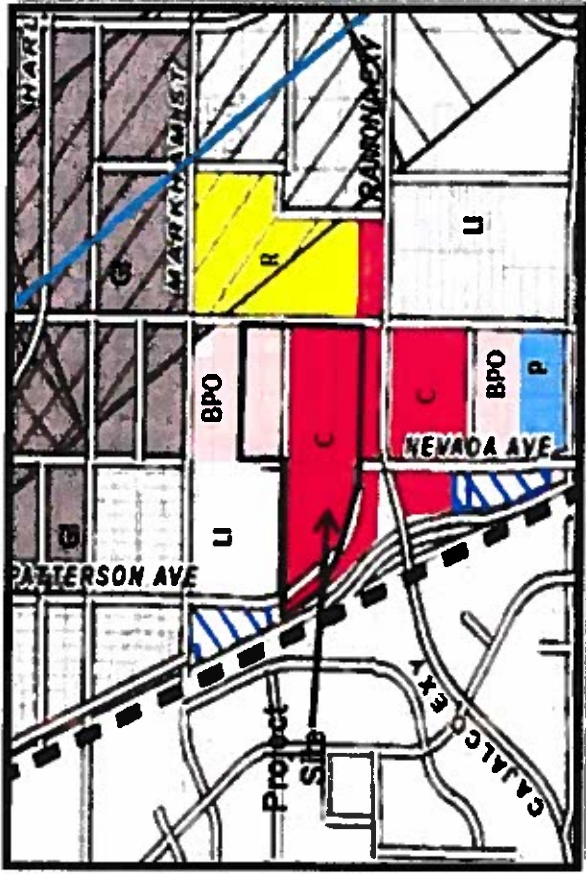
I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number 1324 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 9<sup>th</sup> day of February 2016, by the following called vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

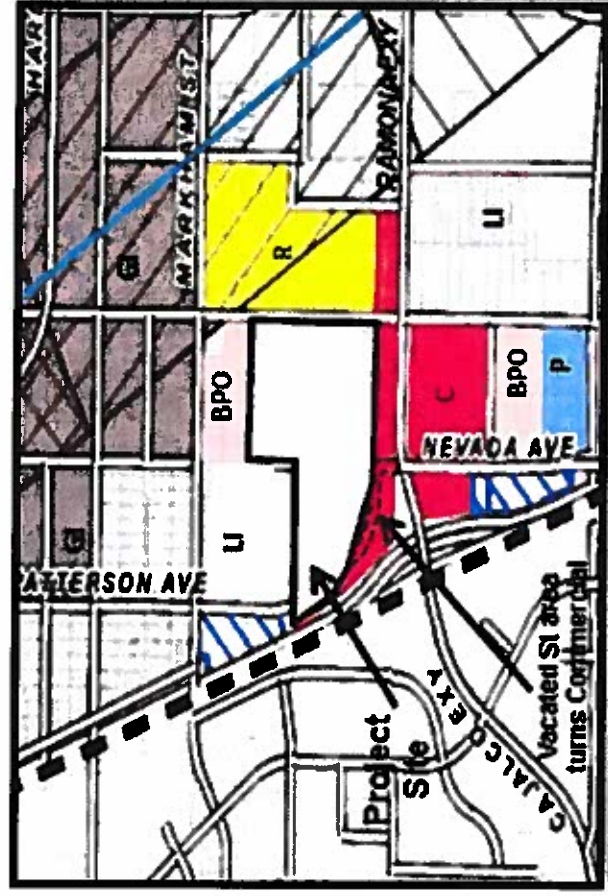
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City Clerk, Nancy Salazar

**Attachments:** SPA Landuse Amendment  
SPA Circulation Amendment

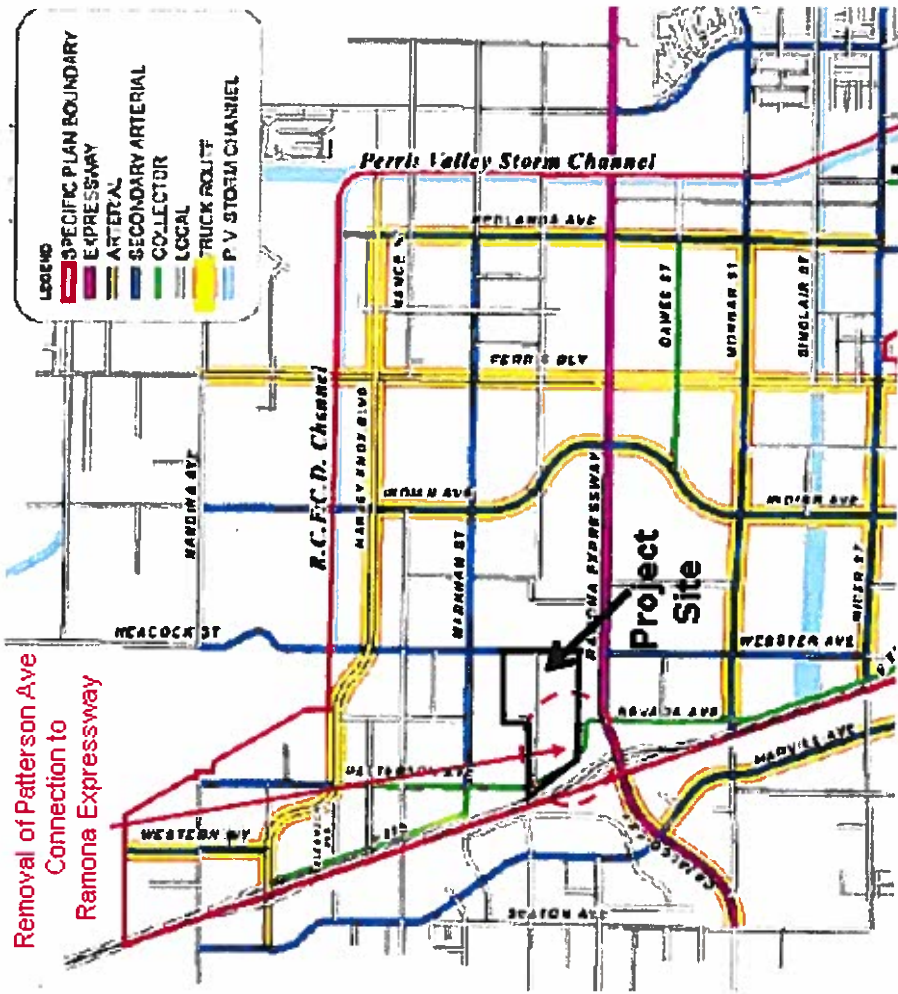


**Existing Landuse**

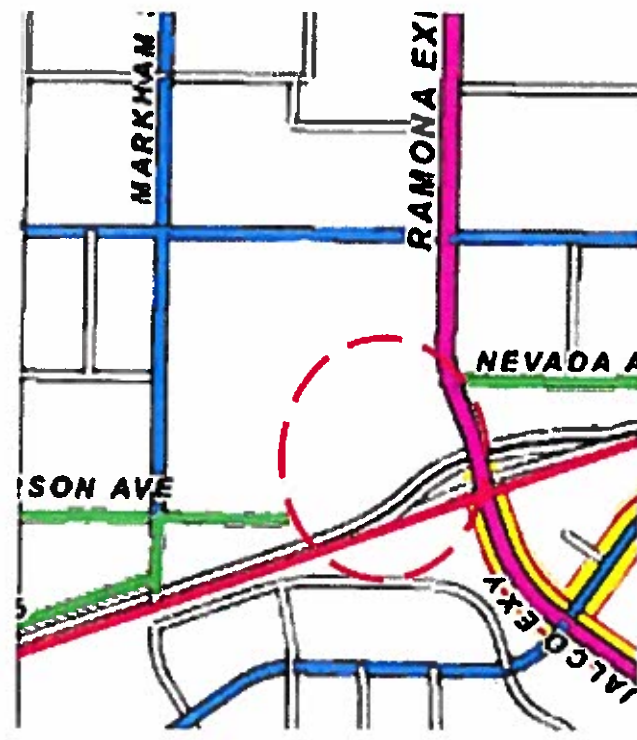


**Proposed Landuse**

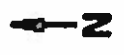




Removal of Patterson Ave  
Connection to  
Ramona Expressway



Close-up of Circulation Access Removal



**ATTACHMENT 1 – Optimus Logistics Center I**

**SPA Circulation Amendment**

**CITY COUNCIL  
AGENDA SUBMITTAL**

**Meeting Date: January 12, 2016**

**SUBJECT:** **Environmental Impact Report (SCH# 2012111003), Development Plan Review 12-10-0005, Specific Plan Amendment 12-10-0006, Street Vacation 13-05-0018, Tentative Parcel Map 13-05-0017 (TPM 36512) and Tentative Parcel Map 13-05-0016 (TPM 36582) – Environmental Impact Report, Development Plan Review, Specific Plan Amendment, Street Vacation and two Tentative Parcel Maps for a proposed industrial development “Optimus Logistics Center I” to construct two warehouse buildings, totaling 1,455,781 square feet, located north of Ramona Expressway between the I-215 Freeway and Ramona Expressway. The Specific Plan Amendment is to amend the land use designation of approximately 68.99 acres from Commercial (C) and Business Professional Office (BPO) to Light Industrial (LI) and to amend the circulation plan for Patterson Avenue. Applicant: Mike Naggar, Mike Naggar & Associates (*Continued from June 9, 2015*)**

**REQUESTED ACTION:** **ADOPT Resolution No. (next in order) to certify the Environmental Impact Report based on the findings in the Statement of Facts and Findings and Statement of Overriding Considerations regarding significant environmental impacts resulting from the Project.**

**ADOPT Resolution No. (next in order) to approve the Development Plan Review 12-10-0005, Street Vacation 13-05-0018 and two Tentative Parcel Maps TPM 36512 (13-05-0017) and TPM 36582 (13-05-0016), subject to Conditions of Approval.**

**Introduce First Reading of Ordinance No. (next in order) approving Specific Plan Amendment 12-10-0006 to revise the land use designation of approximately 68.99 acres from Commercial (C) and Business Professional Office (BPO) to Light Industrial (LI) and to amend the circulation plan for Patterson Avenue, subject to the information contained in the staff report and making findings in support thereof.**

**CONTACT:** Clara Miramontes, Director of Development Services

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**BACKGROUND/DISCUSSION:**

On June 9, 2015, the City Council voted 4-0 (*1 seat vacant*) to continue the “Optimus Logistics Center I” (aka OLC 1) project off-calendar after an initial motion to approve the project failed by a 2-2 vote. The project is back for City Council consideration at the request of the applicant and has been re-noticed. On May 6, 2015, the Planning Commission voted 4-2 recommending to the City Council approval of an industrial development “Optimus Logistics Center I” proposing to construct two industrial buildings, totaling 1,455,781 square feet. Staff’s recommendation at the Planning Commission meeting was to adopt an alternate site layout (Alternative 2), which would eliminate one building and retain additional commercial zoning adjacent to the I-215 FWY/Patterson Avenue. The City Engineer had also recommended Alternative 2 so that Patterson Avenue would not be terminated at the project entry in order to retain a frontage road from Harley Knox Avenue to Ramona Expressway.

The project involves several applications, including an Environmental Impact Report (EIR), Development Plan Review (DPR), Specific Plan Amendment (SPA), Street Vacation (SV) and two Tentative Parcel Maps. The EIR is to assess environmental impacts associated with the project. The Specific Plan Amendments are to amend the land use designation of approximately 68.99 acres from Commercial (C) and Business Professional Office (BPO) to Light Industrial (LI) and to amend the circulation plan to remove the Patterson Avenue connection to Ramona Expressway. A detailed discussion of the project is provided in the June 6, 2015 City Council Submittal Report and the May 6, 2015 Planning Commission Package Report.

**ATTACHMENT 2**

The EIR was made available for public review during a 45-day public review period from November 26, 2014 through January 12, 2015. Responses to comments were sent to all of the commenting agencies. None of the comments resulted in the recirculation of the EIR. A letter expressing environmental concerns was received on June 8, 2015 from Johnson and Sedlack. The letter was distributed and addressed at the June 9, 2015 City Council meeting. No new impacts or recirculation of the EIR resulted from the letter. The EIR identified air quality, greenhouse gas emissions and traffic impacts for which mitigation measures are not available to reduce the impacts to below levels of significance. For these potentially significant, non-mitigatable environmental impacts, the City Council will need to adopt a Statement of Overriding Considerations prior to approving the proposed project.

Per the Planning Commission's recommendation, the City Council is being asked to certify the EIR, adopt the Statement of Overriding Consideration, and approve this project, as proposed by the applicant, including the attached conditions of approval and Mitigation Monitoring and Reporting Plan.

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

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**Prepared by:** Kenneth Phung, Project Planner

**City Attorney:** N/A  
**Assistant City Manager:** Ron Carr

**Public Hearing:** January 12, 2016

**Attachments:**

<b>Attachment 1</b>	Applicant proposed Site Plans and Elevations & Alternative 2 Site Plan
<b>Attachment 2</b>	City Council Resolution Certifying the EIR ( <i>Mitigation Monitoring &amp; Reporting Program and Statement of Facts and Findings and Statement of Overriding Consideration see Attachment 5</i> )
<b>Attachment 3</b>	City Council Resolution Approving the DPR, TPMs and Street Vacation (includes <i>Planning, Engineering &amp; Public Works Conditions of Approval</i> )
<b>Attachment 4</b>	City Council Ordinance for SPA ( <i>SPA Landuse Amendment &amp; SPA Circulation Amendment Exhibits</i> )
<b>Attachment 5</b>	Mitigation Monitoring & Reporting Program and Statement of Facts and Findings and Statement of Overriding Consideration
<b>Attachment 6</b>	City Council Staff Report Package dated June 6, 2015
<b>Attachment 7</b>	Planning Commission Staff Report Package dated May 6, 2015
<b>Attachment 8</b>	Letter from Johnson and Sedlack dated June 8, 2015

**EIR available to review @**  
<http://www.cityofperris.org/departments/development/planning.html>




**CITY COUNCIL/REDEVELOPMENT AGENCY  
AGENDA SUBMITTAL  
February 9, 2016**

**SUBJECT:** Amendment to reallocate and appropriate unexpended Community Development Block Grant (CDBG) funds from the FY 2014-2015 and FY 2015-2016 Action Plan to the FY 2015-2016 Action Plan to provide additional funding to eligible Improvement projects in the amount of \$220,560.42.

**REQUESTED ACTION:**

That the City Council approve the proposed Amendment to the 2014-2019 (Five-Year) Consolidated Plan and the FY 2015-2016 Action Plan, and after discussing any changes:

1. Adopt the attached Resolution No. XXX approving the Amendment to the 2014-2019 Five-Year Consolidated Plan and the FY 2015-2016 Annual Action Plan to reallocate and appropriate unexpended CDBG funds from the 2014-2015 Action Plan & 2015-2016 Action Plan to existing, eligible Improvement projects, with \$35,000 reallocated to the Patriot Park Improvement Project and \$85,560.42 reallocated to the Senior Center Improvements Phase II from the FY 2014-2015 unexpended funds, and \$100,000 appropriated to the Senior Home Repair Program from FY 2015-2016 unexpended funds as outlined below.

**CONTACT:** Darren Madkin, Deputy City Manager 

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**BACKGROUND/DISCUSSION:**

The City of Perris currently receives Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD). The primary purpose of CDBG funds is to benefit persons who earn less than 80% of the area median income (AMI) or reside in an eligible area. For a family of four in Perris, the AMI limit for FY 2015-2016 is \$49,700.00 annually. Eligible low-to-moderate income areas are based on 2010 Census data. Eligible activities include, but are not limited to, public service and housing activities, infrastructure improvements, park improvements, and code enforcement activities.

As part of the process to receive entitlement funds, the City is required to have a Consolidated Plan and an Annual Action Plan. The purpose of the Consolidated Plan is to identify community development and housing needs and outline goals and objectives to meet those needs. The Annual Action Plan is the yearly document that details what activities the City will undertake and the amount of funding to be expended on the activities during the current CDBG fiscal year. The City Council adopted its second Five-Year Consolidated Plan (2014-2019) on May 6, 2014 along with the first corresponding Annual Action Plan (FY 2014-2015).

The City's Adopted Citizen Participation Plan, which is a component of the Five Year Consolidated Plan, requires a Substantial Amendment to the Consolidated Plan if CDBG Funds budgeted in the Annual Action Plan will be moved from an existing eligible activity to another eligible activity in an amount greater than 50% of the existing activity's allocation and if the proposed project does not currently exist in the approved Action Plan. The proposed reallocations to the Patriot Park Improvement Project, Senior Center Renovations Phase II and Senior Home Repair Program will not result in an amount greater than 50% of the existing allocation for the project.

The reallocation of funds from FY 2014-2015 to FY 2015-2016 is based on actual expenditures during FY 2014-2015, which left a balance of unexpended funds. The appropriation of funds from the FY 2015-2016 Lead Based Paint Program to another FY 2015-2016 eligible project is based on actual expenditures. These unexpended funds need to be reallocated to the FY 2015-2016 Annual Action Plan budget to provide additional funding for other eligible projects and appropriated in the City's FY 2015-2016 Operating Budget for projects as noted below.

### **CDBG Funds Available to Reallocate**

Staff has identified a total of \$120,560.42 in unexpended funds from FY 2014-2015 and \$100,000 from FY 2015-2016, which may be carried forward to FY 2015-2016 for CDBG-eligible projects. These unexpended funds are made available from the following:

- \$220,560.42 in unexpended funding from Public Service Programs and Non Public Service Projects; and

Project Name	Original Funded Amt	Balance Remaining	Funds reallocated to
FY 2014-2015 CDBG Planning/Administration	\$172,377	\$55,640.44	Senior Center Renovations Phase II
FY 2014-2015 Path of Life Ministries Homeless Outreach	\$30,000	\$117.35	Senior Center Renovations Phase II
FY 2014-2015 Fair Housing Council of Riverside County	\$26,000	\$4.36	Senior Center Renovations Phase II
FY 2014-2015 Perris Valley Youth Association Sports	\$36,000	\$220	Senior Center Renovations Phase II
FY 2014-2015 Neighborhood Housing Services of the Inland Empire	\$7,283	\$1,608.19	Senior Center Renovations Phase II
FY 2014-2015 Riverside Regional Park Open-Space District	\$30,000	\$24,504.01	Senior Center Renovations Phase II
FY 2014-2015 Paragon Skate Park Improvements	\$96,000	\$38,466.07	\$3,466.07 to Senior Center Renovations Phase II \$35,000 to Patriot Park Improvements
FY 2015-2016 Lead Based Paint Program	\$150,000	\$100,000	Senior Home Repair Program

There was no Program Income generated by CDBG activities in FY 2014-2015, and as such there are no Program Income Funds available for reallocation at this time.

The unexpended funds from the FY 2014-2015 Action Plan and from FY 2015-2016 Lead Based Paint Program can be carried over to the FY 2015-2016 Annual Action Plan and be reallocated for use in *non*-Public Service Programs/Projects and *non*-Planning & Administration Programs (funds cannot be reallocated to Public Service and Planning & Administration activities due to a federal statutory cap of 15% for public services programs and a 20% cap for Planning & Administration programs). Both of these categories have been programmed for the maximum allocation for FY 2015-2016.

As all of these funds were originally allocated for both Public Service Projects and Non-public Service CIP Projects, staff proposes reallocating/appropriating available funds to other eligible Non-Public Service Projects needing additional funding. HUD stipulates that Programs/Projects that are considered for reallocation meet the following criteria:

1. Be both eligible under the CDBG regulations and meet the Low/Mod area or Low/Mod clientele national objectives;
2. Be a non-public service project (i.e., “bricks and mortar” projects), and non-Planning & Administration Program; and
3. Because the City has an obligation to spend Federal funds in a timely manner, Programs/projects must be ready to move forward and be completed, with established environmental clearance.

The Housing Rehabilitation Project, Neighborhood Facilities Project and Park Improvement Project recommended for reallocation/appropriation meets all of these criteria.

#### **CDBG Funds Proposed Reallocations:**

A request for additional CDBG funding was received from the following:

- Senior Home Repair Program (Housing Authority)
- Senior Center Renovation Project Phase II (Community Services)
- Patriot Park Improvements (Community Services)

Staff proposes funding the following Project above in the following amounts.

- Appropriate \$100,000 to the Senior Home Repair Program
- Reallocate \$85,560.42 to the Senior Center Renovations Phase II
- Reallocate \$35,000 to the Patriot Park Improvements

**BUDGET (or FISCAL) IMPACT:** The result of this reallocation of \$220,560.42 in unexpended CDBG funds from the FY 2014-2015 Annual Action Plan and FY 2015-2016 Annual Action Plan, to the FY 2015-2016 Annual Action Plan. This action will increase the FY 2015-2016 Annual Action Plan Budget by \$120,560.42, as the \$100,000 funds from the Lead Based Paint Program was currently part of the FY 2015-2016 Annual Action Plan budget. This action will also increase the FY 2015-2016 Community Services budget by \$120,560.42 in additional CDBG funding for the FY 2015-2016 projects identified herein.

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Prepared by: Sara Cortés de Pavón, Grants Manager *SP*

Reviewed by: Ron Carr, Assistant City Manager *RC*

Consent: XX

**Attachment #1**

**RESOLUTION NO. 2014-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS  
APPROVING AN AMENDMENT TO THE FIVE YEAR CONSOLIDATED PLAN  
(2014-2019) AND FISCAL YEAR 2015-2016 ANNUAL ACTION PLAN BY  
REALLOCATING \$220,560.42 IN UNEXPENDED COMMUNITY  
DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FROM THE FISCAL YEAR  
2014-2015 & 2015-2016 ANNUAL ACTION PLAN TO THE FISCAL YEAR 2015-  
2016 ANNUAL ACTION PLAN**

**WHEREAS**, the City Council must approve amendments to the City's Five-Year (2014-2019) Consolidated Plan and Annual Action Plan, including the reallocation of unexpended CDBG funds; and

**WHEREAS**, the City Council must find that under the Federal guidelines established by the U.S. Department of Housing and Urban Development, that the reallocation of unexpended funds will meet federal reallocation criteria including: reallocating the unexpended funds to eligible uses that meet the low/mod area or low/mod clientele national CDBG Objectives; and ensuring that funds will be reallocated to non-public service and non-planning & administration programs; and ensuring that projects receiving reallocations are ready to move forward and be completed, with environmental clearance; and

**WHEREAS**, a combined 30-day notice of a public hearing and notice of public comment is not required as according to the City's Adopted Citizen Participation Plan requires it if a Substantial Amendment to the Consolidated Plan if CDBG Funds budgeted in the Annual Action Plan will be moved from an existing eligible activity to another eligible activity in an amount greater than 50% of the existing activity's allocation and if the proposed project does not currently exist in the approved Action Plan. The proposed reallocations to the Senior Home Repair Program, Patriot Park Improvement Program and Senior Center Renovations Phase II will not result in an amount greater than 50% of the existing allocation for the project.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Perris, California as follows:

**SECTION 1.** That City Council was not required to conduct a noticed public hearing to receive public comment on the proposed amendments to the City's Consolidated Plan and FY 2015-2016 Annual Action Plan to reallocate \$120,560.42 in FY 2014-2015 CDBG funds & appropriate \$100,000 in FY 2015-2016 CDBG funds to FY 2015-2016 as outlined below:

**CDBG Funds:**

- Appropriate \$100,000 to the Senior Home Repair Program from FY 2015-2016
- Reallocate \$85,560.42 to the Senior Center Renovations Phase II from FY 2014-2015
- Reallocate \$35,000 to the Patriot Park Improvements from FY 2014-2015

**SECTION 2.** That, upon finding under the Federal guidelines established by the U.S. Department of Housing and Urban Development, the proposed changes are eligible uses of CDBG funds and will serve low- to moderate- income persons.

**SECTION 3.** That the City Council hereby approves the Amendment to the City's Consolidated Plan (2014-2019) and FY 2015-2016 Annual Action Plan, per Attachment 1 (Proposed Reallocations) to reflect the changes made as outlined.

**SECTION 4.** The City Clerk shall attest to the passage of this resolution and it shall thereupon be in full force and effect.

**PASSED, APPROVED, AND ADOPTED ON February 9, 2015, BY THE FOLLOWING VOTE:**

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MAYOR, DARYL R. BUSCH

ATTEST:

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City Clerk, Nancy Salazar

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

I, Nancy Salazar, City Clerk of the City of Perris, do hereby certify that the foregoing Resolution Number 15-\_\_\_\_\_ was duly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 9<sup>th</sup> day of February, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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City Clerk, Nancy Salazar

ATTACHMENT 1

Proposed Reallocations for FY 2015-2016 Annual Action Plan


Project	Community Facilities/CIP	New	FY 2015-2016 Current Budget	Proposed reallocation amount from FY2014-2015	Proposed appropriation amount from FY 2015-2016	Total Project Budget
Seniootr Home Repair Program	Yes	No	\$55,337.59	\$0.00	\$100,000.00	\$55,337.59
Senior Center Renovations Phase II	Yes	No	\$163,961.00	\$85,560.42	\$0.00	\$249,521.42
Patriot Park Improvements	Yes	No	\$451,410.55	\$35,000.00	\$0.00	\$486,410.55
<b>TOTAL CURRENT/PROPOSED</b>			<b>\$ 670,709.14</b>	<b>\$ 120,560.42</b>		<b>\$ 791,269.56</b>
<b>Total Amount Recommended For Allocation/Reallocation</b>			<b>\$ 220,560.42</b>			

CITY COUNCIL  
AGENDA SUBMITTAL

**Meeting Date: February 9, 2016**

**SUBJECT:** Special District Services provided for Perris Community Facilities Districts, Perris Financing Authority Administration, Joint Powers Authority Administration, and RDA

**REQUESTED ACTION:** Approve and Authorize the Assistant City Manager to sign the Second Addendum to the Agreement for Professional Services from Willdan Financial Services

**CONTACT:** Jennifer Erwin, Assistant Director of Finance 

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**BACKGROUND/DISCUSSION:**

The City of Perris currently contracts professional services for the formation, administration, and annual reporting requirements of its Community Facilities Districts (CFD), Perris Financing Authority (PFA), Perris Joint Powers Authority (JPA), and Redevelopment Agency (RDA) with an independent consultant, Willdan Financial Services. City staff took action in FY10-11 to consolidate these services to streamline the formation, administration, and annual reporting requirements process. It is in the best interest of the City to keep continuity with the same consultant firm to ensure proper reporting and compliance in addition to reducing the economies of scale in terms of familiarity with the City.

The term of the previous agreement with Willdan Financial Services will end on February 25, 2016. This contract addendum, presented for the City Council's consideration, represents a 1-year continuance of services provided to the City. There is no increase in the contract cost at this time and the level of service provided by Willdan will remain intact as previously approved by the City Council.

Staff recommends that the City Council authorize the first addendum to the agreement attached.

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**BUDGET (or FISCAL) IMPACT:** No change in cost for the professional services Willdan provides. Willdan's services are paid for by each Special District and developer deposits.

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Reviewed by: 

Assistant City Manager 

Ron Carr

**Attachments:**

1. Second Addendum to the Agreement for Professional Services
2. Agreement for Professional Services-Approved by City Council 2/26/13

**Consent:** February 9, 2016



# Attachment 1

January 12, 2016

Ms. Jennifer Erwin, CPA  
Assistant Director of Finance  
City of Perris  
101 North D Street  
Perris, California 92570

**Re: *Second Addendum to City of Perris Agreement to Provide Community Facilities District and Perris Financing Authority Administration Services***

Dear Ms. Erwin:

Per your request, attached is the second addendum to the original Contract Services Agreement for Professional Services to provide Community Facilities District and Perris Financing Authority Administration Services, dated February 26, 2013. The purpose of the following is to initiate the second of three one-year renewals.

If acceptable, please sign and date both originals, returning one (1) in the envelope that has been provided for your convenience.

We look forward to continuing to serve the City of Perris and working with you and your staff. If you have any questions, please feel free to contact me directly at (951) 587-3564 or via email to [dlouie@willdan.com](mailto:dlouie@willdan.com).

Sincerely,

WILLDAN FINANCIAL SERVICES



Daniel Louie  
Project Manager

# SECOND ADDENDUM TO AGREEMENT

The agreement between the City of Perris and Willdan Financial Services, dated February 26, 2013, (hereinafter, the "Agreement") is amended as follows:


- A. Section 5 entitled "TERM" is amended to initiate the first of three one-year renewals, extending the expiration date to February 25, 2017.

All other terms, fees and conditions contained in the Agreement shall remain in full force and effect. Executed on January \_\_, 2016.

**CITY OF PERRIS**

**WILLDAN FINANCIAL SERVICES**

By: \_\_\_\_\_  
Ron Carr, Assistant City Manager

By:   
Gladys Medina, Group Manager-VP

## Attachment 2

**CITY OF PERRIS**  
**CONTRACT SERVICES AGREEMENT FOR**  
**PROFESSIONAL SERVICES**

This Contract Services Agreement ("Agreement") is made and entered into this 16<sup>th</sup> day of February, 2013, by and between the City of Perris, a municipal corporation ("City"), and Willdan Financial Services, a California corporation ("Consultant").

NOW, THEREFORE, the parties hereto agree as follows:

**1.0 SERVICES OF CONSULTANT**

1.1 Scope of Services. In compliance with all of the terms and conditions of this Agreement, Consultant shall perform the work or services set forth in the "Scope of Services" attached hereto as *Exhibit "A"* and incorporated herein by reference. Consultant warrants that all work or services set forth in the Scope of Services will be performed in a competent, professional, and satisfactory manner. If authorized, Consultant shall furnish additional services and to the extent that the additional services have been identified in this Agreement, they are itemized in "Exhibit A" and will be paid for by the City, as indicated in Section 2.0 hereof. As further additional services are requested by City, this Agreement may be modified and subject to mutual consent by execution of an addendum by authorized representatives of both parties, setting forth the additional scope of services to be performed, the performance time schedule and the compensation for such services.

1.2 Compliance With Law. All work and services rendered hereunder shall be provided in accordance with all ordinances, resolutions, statutes, rules and regulations of the City and any federal, state, or local governmental agency of competent jurisdiction.

1.3 Licenses, Permits, Fees, and Assessments. Consultant shall obtain, at its sole cost and expense, such licenses, permits, and approvals as may be required by law for the performance of the services required by this Agreement.

**2.0 COMPENSATION**

2.1 Contract Sum. For the services rendered pursuant to this Agreement, Consultant shall be compensated in accordance with the "Schedule of Compensation" attached hereto as *Exhibit "B"* and incorporated herein by this reference.

2.2 Method of Payment. Provided that Consultant is not in default under the terms of this Agreement, Consultant shall be paid monthly. Consultant may submit monthly statements, and it is intended that City will make payments to Consultant within thirty (30) days of invoice. All invoices not paid within thirty (30) days shall bear interest at the rate of one and one-half percent per month or the then-legal rate allowed.

### 3.0 COORDINATION OF WORK

3.1 Representative of Consultant. Mark J. Risco is hereby designated as being the representative of Consultant authorized to act on its behalf with respect to the work or services specified herein and make all decisions in connection therewith.

3.2 Contract Officer. The City's City Manager is hereby designated as being the representative the City authorized to act in its behalf with respect to the work and services specified herein and make all decisions in connection therewith ("Contract Officer"). The City may designate another Contract Officer by providing written notice to Consultant.

3.3 Prohibition Against Subcontracting or Assignment. Consultant shall not contract with any entity to perform in whole or in part the work or services required hereunder without the express written approval of the City. Neither this Agreement nor any interest herein may be assigned or transferred, voluntarily or by operation of law, without the prior written approval of City. Any such prohibited assignment or transfer shall be void.

3.4 Independent Contractor. Neither the City nor any of its employees shall have any control over the manner, mode, or means by which Consultant, its agents, or employees, perform the services required herein, except as otherwise set forth on *Exhibit "A."* Consultant shall perform all services required herein as an independent contractor of City and shall remain under only such obligations as are consistent with that role. Consultant shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of City.

### 4.0 INSURANCE AND INDEMNIFICATION

4.1 Insurance. Consultant shall procure and maintain, at its sole cost and expense, in a form and content satisfactory to City, during the entire term of this Agreement including any extension thereof, the following policies of insurance:

Commercial General Liability Insurance. A policy of commercial general liability insurance using Insurance Services Office "Commercial General Liability" policy form CG 00 01, with an edition date prior to 2004, or the exact equivalent. Coverage for an additional insured shall not be limited to its vicarious liability. Defense costs must be paid in addition to limits. Limits shall be no less than \$1,000,00.00 per occurrence for all covered losses and no less than \$2,000,000.00 general aggregate.

Workers' Compensation Insurance. A policy of workers' compensation insurance on a state-approved policy form providing statutory benefits as required by law with employer's liability limits no less than \$1,000,000 per accident for all covered losses.

Automotive Insurance. A policy of comprehensive automobile liability insurance written on a per occurrence basis in an amount not less than \$1,000,000.00 per accident, combined single limit. Said policy shall include coverage for owned, non owned, leased, and hired cars.

**Professional Liability or Error and Omissions Insurance.** A policy of professional liability insurance in an amount not less than \$1,000,000.00 per claim with respect to loss arising from the actions of Consultant performing professional services hereunder on behalf of the City.

All of the above policies of insurance shall be primary insurance. The general liability policy shall name the City, its officers, employees and agents ("City Parties") as additional insureds and shall waive all rights of subrogation and contribution it may have against the City and the City's Parties and their respective insurers. All of said policies of insurance shall provide that said insurance may be not cancelled without providing ten (10) days prior written notice by registered mail to the City. In the event any of said policies of insurance are cancelled or amended, Consultant shall, prior to the cancellation or amendment date, submit new evidence of insurance in conformance with this Section 4.1 to the Contract Officer. No work or services under this Agreement shall commence until Consultant has provided City with Certificates of Insurance or appropriate insurance binders evidencing the above insurance coverages and said Certificates of Insurance or binders are approved by City.

Consultant agrees that the provisions of this Section 4.1 shall not be construed as limiting in any way the extent to which Consultant may be held responsible for the payment of damages to any persons or property resulting from Consultant's activities or the activities of any person or persons for which Consultant is otherwise responsible.

The insurance required by this Agreement shall be satisfactory only if issued by companies qualified to do business in California, rated "A" or better in the most recent edition of Best Rating Guide, The Key Rating Guide or in the Federal Register, and only if they are of a financial category Class VII or better, unless such requirements are waived by the Risk Manager of the City due to unique circumstances.

In the event that the Consultant is authorized to subcontract any portion of the work or services provided pursuant to this Agreement, the contract between the Consultant and such subcontractor shall require the subcontractor to maintain the same policies of insurance that the Consultant is required to maintain pursuant to this Section 4.1.

#### **4.2 Indemnification.**

(a) **Indemnity for Professional Liability.** When the law establishes a professional standard of care for Consultant's services, to the fullest extent permitted by law, Consultant shall indemnify, defend, and hold harmless City and the City's Parties from and against any and all losses; liabilities; damages; costs; and expenses, including attorneys' fees and costs to the extent same are caused in whole or in part by any negligent or wrongful act, error or omission of Consultant, its officers, agents, employees of subcontractors (or any entity or individual for which Consultant shall bear legal liability) in the performance of professional services under this Agreement.

**Indemnity for Other Than Professional Liability.** Other than in the performance of professional services and to the full extent permitted by law, Consultant shall indemnify, defend, and hold harmless City and City's Parties from and against any liability

(including liability for claims, suits, actions, losses, expenses, or costs of any kind, whether actual, alleged or threatened, including attorneys' fees and costs, court costs, defense costs and expert witness fees), where the same arise out of, are a consequence of, or are in any way attributable to, in whole or in part, the negligence or other wrongful conduct in the performance of this Agreement by Consultant or by any individual or entity for which Consultant is legally liable, including, but not limited to, officers, agents, employees or subcontractors of Consultant.

## 5. TERM

5.1 **Term.** Unless earlier terminated in accordance with Section 5.2 below, this Agreement shall continue in full force and effect for two (2) years, subject to three (3) additional renewals, one (1) year at a time. Annual renewals shall be automatic, unless either party elects not to renew by providing written notice pursuant to Section 5.2.

5.2 **Termination Prior to Expiration of Term.** Either party may terminate this Agreement at any time, with or without cause, upon thirty (30) days' written notice to the other party. Upon receipt of the notice of termination, the Consultant shall immediately cease all work or services hereunder except as may be specifically approved by the Contract Officer. In the event of termination by the City, Consultant shall be entitled to compensation for all services rendered prior to the effectiveness of the notice of termination and for such additional services specifically authorized by the Contract Officer and City shall be entitled to reimbursement for any compensation paid in excess of the services rendered.

## 6. MISCELLANEOUS

**Covenant Against Discrimination.** Consultant covenants that, by and for itself, its heirs, executors, assigns, and all persons claiming under or through it, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin, or ancestry in the performance of this Agreement. Consultant shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, creed, religion, sex, marital status, national origin, or ancestry.

**Non-liability of City Officers and Employees.** No officer or employee of the City shall be personally liable to the Consultant, or any successor in interest, in the event of any default or breach by the City or for any amount, which may become due to the Consultant or to its successor, or for breach of any obligation of the terms of this Agreement.

**Conflict of Interest.** No officer or employee of the City shall have any financial interest in this Agreement, nor shall any such officer or employee participate in any decision relating to the Agreement, which affects his financial interest or the financial interest of any corporation, partnership, or association in which he is, directly or indirectly, interested, in violation of any state statute or regulation. The Consultant warrants that it has not paid or given and will not pay or give any third party any money or other consideration for obtaining this Agreement. When requested by the Contract Officer, prior to the City's execution of this Agreement, Consultant shall provide the City with an executed statement of economic interest.



**Notice.** Any notice or other communication either party desires or is required to give to the other party or any other person shall be in writing and either served personally or sent by prepaid, first-class mail, in the case of the City, to the City Manager and to the attention of the Contract Officer, City of Perris, 101 North "D" Street, Perris, California 92570, and in the case of the Consultant, to the person at the address designated on the execution page of this Agreement.

**Interpretation.** The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of this Agreement or any other rule of construction, which might otherwise apply.

**Integration: Amendment.** It is understood that there are no oral agreements between the parties hereto affecting this Agreement and that this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements, and understandings, if any, between the parties, and none shall be used to interpret this Agreement. This Agreement may be amended at any time by a writing signed by both parties.

**Severability.** In the event that part of this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining portions of this Agreement, which are hereby declared as severable and shall be interpreted to carry out the intent of the parties hereunder, unless the invalid provision is so material that its invalidity deprives either party of the basic benefit of their bargain or renders this Agreement meaningless.

**Waiver.** No delay or omission in the exercise of any right or remedy by a non-defaulting party on any default shall impair such right or remedy or be construed as a waiver. A party's consent to or approval of any act by the other party requiring the party's consent or approval shall not be deemed to waive or render unnecessary the other party's consent to or approval of any subsequent act. Any waiver by either party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

**Attorneys' Fees.** If either party to this Agreement is required to initiate, defend or made a party to any action or proceeding in any way connected with this Agreement, the prevailing party in such action or proceeding, in addition to any other relief which may be granted, shall be entitled to reasonable attorneys' fees, whether or not the matter proceeds to judgment.

**Corporate Authority.** The persons executing this Agreement on behalf of the parties hereto warrant that (i) Such party is duly organized and existing, (ii) They are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) By so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv) The entering into this Agreement does not violate any provision of any other Agreement to which said party is bound.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the parties have executed and entered into this Agreement as of the date first written above.

ATTEST:

By: Judy L. Haughney  
Judy L. Haughney, City Clerk

“CITY”  
CITY OF PERRIS

By: Richard Belmudez  
Richard Belmudez, City Manager

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

Eric L. Dunn  
Eric L. Dunn, City Attorney

“CONSULTANT”  
WILLDAN FINANCIAL SERVICES, a Corporation

By: Mark J. Risco  
Signature  
Mark J. Risco, President and CEO  
Print Name and Title

By: Roy Gill  
Signature  
Roy Gill, Corporate Secretary  
Print Name and Title

(Corporations require two signatures; one from each of the following: A. Chairman of Board, President, any Vice President; AND B. Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, or Chief Financial Officer.)

[END OF SIGNATURES]

## EXHIBIT "A"

### SCOPE OF SERVICES

#### **SCOPE OF SERVICES**

"Exhibit A" contains scopes of work for each of the following services:

- CFD administration and land-based continuing disclosure services,
- Delinquency management services,
- Internet / Website access to data,
- CFD formation services,
- Periodic special tax consulting services,
- Arbitrage rebate compliance, and
- Nonland-based continuing disclosure services.

#### **CFD Administration and Land-based Continuing Disclosure Services**

All costs associated with CFD annual administration are fully recoverable, either through the special tax levy or payment by requestor for special services.

Willdan will:

1. Maintain and periodically update an electronic database containing parcel basis data and annual special tax levy amounts by Assessor's Parcel Number. This includes researching final tract and/or parcel map recordation information, gathering building permits, along with the appropriate building and parcel information, and certificate of compliance information for properties located within the boundaries of the CFDs.
2. Annually calculate and apportion the special taxes, as specified in the Rate and Method of Apportionment of Special Tax (RMA). This includes the assignment of special tax classes per each of the RMAs, and the setting of annual special tax rates that are necessary to satisfy the Special Tax Requirement.
3. Prepare, if necessary, an annual resolution that establishes the budget for the fiscal year and application of the special tax to be submitted to the County, including the Special Tax Summary for the fiscal year.
4. Provide special tax levies for each parcel by Assessor's Parcel Number to the County Auditor/Controller's Office in the media, format, and configuration required by the County for placement on the annual property tax roll.
5. Research parcel exceptions provided by the County and, if possible, resubmit installment amounts that are unapplied by the County Auditor/Controller's Office. Willdan will manually invoice special tax installments that cannot be collected on the County property tax roll on behalf of the City.
6. Provide a toll-free number to field inquiries from City staff, property owners, and other interested parties regarding special tax installments and related information.
7. Provide the City, for the term of the contract, 24/7 Internet access to the established and maintained electronic databases; and annually update (as necessary) to provide information to taxpayers.

8. Monitor delinquencies each February and May, and submit periodic delinquency reports to the City. (The Delinquency Management scope of services listed immediately following this section entails how we will assist the City in adhering to their foreclosure covenants.)
9. Monitor compliance with the fiscal agent / trust agreement.
10. Collect and review development information on an annual basis until the project's build out is complete. As needed, calculate the Special Tax Buydown; and issue Certificates of Satisfaction of Special Tax Buydown and Letters of Compliance (as defined in the RMAs).
11. Prepare an Annual Special Tax Report. This report will include:
  - The identification of CFD administrative cost items eligible for recovery by the City;
  - The review of fund balances to identify any surplus funds;
  - The requirements for debt service;
  - The delinquency summaries; and
  - A cover letter to the report providing related recommendations or issues, if any. The cover letter is not intended to be a component of the report.
12. Provide an annual report to the California Debt and Investment Advisory Commission (CDIAC) by October 30 if required by the California Government Code, Sections 53359.5(b), 6599.1(b), and 6599.1(c) (as amended).
13. Prepare "Notice of Special Tax" as required by the California Government Code, Sections 53340.2(b) and 53341.5, as amended. The fee for this service is \$15 per notice and is to be paid by the requestor.
14. Assist the City in the filing of a report with its governing body each year to comply with legislation that enforces additional reporting requirements. This annual filing shall meet with regulations imposed by the California Government Code, Section 50075.3 (a) & (b) and/or Section 53411 (a) & (b), as amended (Senate Bill 165).
15. Prepare an annual report (if requested by CFD property owner), as required by the California Government Code, Section 53343.1, as amended. The City may charge the requesting party a fee for the actual cost of preparing the report. The fee for this service is to be paid by the requestor.
16. Be available to attend public/City staff meetings to present and discuss various financing related issues and, as necessary, to perform related tasks.
17. Calculate written prepayment quotes for individual special tax liens, as described in the Rate and Method of Apportionment of Special Tax or by resolution. For parcels prepaying the special tax, Willdan will coordinate the removal of the lien. The fee for this service is \$250 per calculation and is to be paid by the requestor.
18. Perform required bond call spreads, and coordinate the early redemption of outstanding bonds. Additional efforts needed to complete bond calls, such as cash flow certificates, special analyses and/or atypical spread calculations, shall be charged hourly using our then current hourly rates (see "Additional Services" section). However, Willdan will not begin any additional work without prior approval from City staff.

19. Review pertinent documents relating to the debt issue, collect third-party data and other information required to be included in the Annual Financial Information Statement, create a draft of the Annual Financial Information Statement for review by the City, finalize and disseminate (through the central post office) the disclosure reports to all major repositories/depositories and to any other party directed by the City, and post the land-based disclosure reports on the Willdan's Website at [willdan.com/financial/cd.html](http://willdan.com/financial/cd.html). Upon request or if deemed necessary, Willdan will prepare the Notices of Significant Events covering events enumerated in Rule 15c2 12(b) for review by the City.
20. Perform other CFD administrative tasks, as assigned by City Staff.

### **Client Responsibilities for District Administration**

Willdan will rely on obtaining the following information from the City of Perris:

- Information regarding collections, taxes, funds, and payments and/or prepayments received by the City. Although Willdan will annually research information regarding issuance of building permits and/or certificates of occupancy, it may still be necessary to obtain additional assistance from the City.
- The budget summary to be incorporated into the annual resolution or district report establishing the budget.
- The City's Adopted Budget and Audited Financial Statements.
- Current balances on funds held at the City.

### **Delinquency Management Services**

Willdan would obtain and download County delinquency data into MuniMagic. The City would then be provided with a comprehensive record after both the December 10 and April 10 installments. Other services include:

1. Sending reminder letters to property owners, with results regularly reported to the City staff.
2. Reviewing the status of delinquencies with City staff, as covenant dates occur.
3. Working with the City's foreclosure attorney to complete the foreclosure process (if deemed necessary).

### **Internet / Website Access to Data**

Willdan will provide the following services upon the return of a valid MuniMagic™ licensing agreement:

1. Provide the City, for the term of the contract, 24/7 Internet access to the established and maintained electronic databases.
2. Provide an access password to the City of Perris specific Web pages.
3. Provide (as required) a user guide and additional phone support for efficient data access.

## **CFD Formation Services**

In order to undertake the formation of bonded Community Facilities Districts (CFD) for the City of Perris, Willdan's special district formations team will perform the below tasks. We understand that each formation project is unique; therefore, our scope of services will be adapted to fit the characteristics and participants of each. We also recognize the importance of working as part of the City's established financing team. In fact, for many of our projects, our CFD formation experts have worked with financing teams. As the work progresses, our approach is focused on keeping the interests of the City and property owners at the forefront of any project.

### **Task 1: Notice to Proceed, to Resolution of Intention**

#### **A. Project Kick-off Meeting**

Schedule an "All Hands" Kick-off Meeting with City staff and financing team. The primary objectives of this meeting is to understand the specific goals of a particular project, to identify key personnel involved in the project, and to establish effective lines of communication.

This meeting will likely include specific discussions of the City's funding goals and priorities, identification of the improvements, political considerations, overall project timeline, budget information, and access availability to pertinent documentation.

#### **B. Background Research**

Update research information related to the development, including site plan and proposed uses.

As necessary, work with the City, developers, and consultants to determine public improvements (or services, if appropriate) for inclusion in the CFD. Prepare a narrative description for the Community Facilities District Public Report; and a Map of Improvements to allow ease in presentation to the City Council, as well as an easily identifiable source for the financing team. As necessary, Improvement Areas may be established and different methodologies developed to address varying levels of improvement benefits, as well as accommodate different development and bonding timelines. Careful discussion with both the City and the City's financial advisor will be critical during this stage of the project.

Willdan will research property ownership, and identify all property taxes and overlapping debt on the subject properties, including special assessments, taxes, and charges. Willdan will also prepare a cost estimate of the improvement items, incidentals, and issuance costs related to the CFD. To insure that appropriate costs have been included correctly, bond issuance costs will be discussed with the financing team (e.g., capitalized interest, Official Statement printing, reserve fund level, any required bond security, and the costs for various professionals involved in financing).

#### **C. Preliminary Tax Spread Analysis**

A preliminary pro forma of the CFDs' revenues and expenses will be presented to the financing team for evaluation and discussion. The maximum proposed special taxes will be designed to generate sufficient revenue to meet CFD objectives, protect bonds, and to fairly tax expected CFD properties.

Based on the gathered information, Willdan will begin to prepare a preliminary special tax analysis. As appropriate, this analysis will include value to lien calculations, overlapping tax analysis, and maximum special tax coverage computations. As required, the analysis will also incorporate multiple Improvement Areas.

As necessary, we will prepare calculations from our database, including:

1. Special tax runs identifying the maximum special tax coverage that can be expected in comparing the maximum special tax rates, to the amount estimated to be necessary to repay the bonds, including scenarios identifying the impact of an escalating special tax (in conjunction with escalating debt service).
2. Value-to-lien computations for each parcel; each property owner; and (if necessary) differentiating between developed and undeveloped property, while using the appraiser's data.
3. An overlapping debt table indicating property value, as compared to the new district debt; plus other Assessment or Community Facilities Districts' outstanding parcel debt.
4. Effective tax rate schedules showing the projected tax rate for parcels resulting from the new/prior debts. If requested, and as required, Willdan will prepare multiple spreads that are based on different assumptions.

Willdan will develop special tax categories for property types within the CFD. Special considerations will also be identified for financing team discussion, such as repayment provisions.

Willdan will develop the special tax structure for the RMA based on the boundaries of the CFD, Improvement Areas, and/or zones; improvements to be funded; proposed development; and effective tax rate limitations. An analysis will be required to determine an equitable spread of the overall burden, while taking into account the nature of the public facilities to be constructed and the area served. To ensure considerations have been addressed, the method will be discussed with the financing team, and then included in both the Resolution of Intention and the Community Facilities District Public Report.

The method will consider the practical implications of annual administration; the developer's acceptance of the methodology; possible exemptions; and the effect, both financial and political, on the secondary property owner.

#### **D. Rate and Method of Apportionment of Special Tax**

Prepare a Rate and Method of Apportionment (RMA) of Special Tax for the Resolution of Intention. In order to equitably apportion the facilities cost on properties within the CFD and to increase issued bonds' security, establishing Improvement Areas and/or tax zones may be the preferred utilized approach. Considering possible phased approaches to construction and, therefore, bonding, this approach may be necessary to allow for the generation of sufficient project value as development progresses. Establishing Improvement Areas provides flexibility for the City in the following ways:

1. Provides the ability to group together similar developments in terms of schedule and product type. In so doing, the special tax structure will be more equitable and reasonable to the individual property owners and will relate to likely financing schedule and needs.
2. Structures the special tax to accommodate the potential phasing of multiple bond issuances, brought about by development schedules. This will provide the City with the ability to bond against development phases (Improvement Areas) that are ready to pull building permits without impacting, or having to wait on, the rest of the proposed development.
3. Provides the City with the ability to monitor the current real estate market and re evaluate each established Improvement Area (in that context) prior to the issuance of any additional bonds series. One phase of the development may not have the appropriate value to lien ratio or taxing capacity to issue or maximize bonds.

Typically, we propose that special taxes not only be levied for debt service, but also to finance the acquisition and construction of authorized future facilities. This will provide the City with the ability to levy the full special tax amount on property, regardless whether bonds have been issued or not. Based on comments received, a description of various alternatives for structuring the special tax will be provided to the City and financing team, and then incorporated into the RMA.

## **Task 2: Resolution of Intention, to Public Hearing**

### **A. Prepare and Record Boundary Map**

Willdan will prepare and record the boundary map with the appropriate local official and the County Recorder's Office. The boundary map for the proposed district will meet the requirements of the Community Facilities Act, City policies, and CFD procedures.

### **B. Community Facilities District Report**

Willdan will prepare a preliminary CFD Report that includes a description of public improvements to be constructed, cost estimates, incidental expenses, the RMA, and necessary information to meet Mello Roos Community Facilities Act requirements. The report will be submitted to the financing team for review and comment. As requested, Willdan will present the CFD Report to City Council and field questions received at the Intent Meeting and/or public hearing.

The CFD Report will include the following components:

- A description of the proposed public facilities to be funded;
- Costs and estimated construction dates of the proposed facilities;
- Estimates of bond issuance and other incidental costs;
- Projected bonded indebtedness, and the anticipated issuance dates; and
- A projection and explanation of the annual special tax rates (by classification) for each year that bonds are outstanding or services funded.

### **C. Registered Voters**

Contact the County Registrar of Voters to verify property ownership, and the number of registered voters within the CFD boundaries. If there are more than 12 registered voters within the boundaries, current legislation requires a registered voter election.

Willdan will assist in tallying the votes, and coordinate the recordation of the Notice of Special Tax Lien after successful formation of the CFD.

### **D. Document Review and Preparation**

Willdan will review resolutions, petitions, consent and waiver documents, and the notices and ballots; and, as Special Tax Consultant, provide our professional expertise.

## **Task 3: Bond Issuance Support**

We will work with the City, financial advisor, bond counsel, and investment bank to create and review financing documents. Typically, as the Community Facilities District Public Report is being finalized to include the best available project costs, the financing team begins preparing the Preliminary Official Statement (POS). The Willdan team will provide necessary expertise related to the development of the POS and OS (Official Statement) for the issuance of CFD bonds.



## **Client Responsibilities for District Formation**

Willdan will rely on obtaining the following information from the City:

- Guidance regarding policies and procedures for formation of CFDs, and objectives and goals concerning each district's use.
- Copies of the existing CFD Goals and Policies and other related documentation (as necessary).
- Information and data, including (as available) detailed cost estimates for the facilities and/or services to be financed by the CFDs.
- Information from the financing team regarding possible financing structure to be implemented in conjunction with the district formation.
- Property owner information on an "as-needed" basis.

## **Legal Opinions**

In preparing the resolutions and the notices and ballots, Willdan will provide our professional expertise. As we do not practice law, we ask that your attorney, or other designated counsel, prepare/review the documents. We will, however, assist your attorney/counsel in identifying pertinent legal issues and will defer to the City's legal counsel on matters related to the City's charter authority in these proceedings.

## **Periodic Special Tax Consulting Services**

We recognize the fact that CFD special tax consulting is not often confined to a strict timeline or set of formation tasks; particularly, in the current economy and in an environment as dynamic as that of the City of Perris. Economic conditions change, as do developer, property owner, and/or City expectations. These types of circumstances often lead to continual monitoring of CFDs; required adjustments and verifications of special tax revenue streams, after initial formation is completed; prior and after bond issuance; and, sometimes, prior to the special tax levy. This is an area where the integration of CFD formation and administration services yields invaluable efficiency and quality for the City. It is crucial that CFD formation and administration be highly coordinated on an ongoing basis. In this manner, required adjustments or changes are carried out with consistency and nothing is lost in transition. On an as needed basis, the Willdan special tax consulting team can provide additional services to the City of Perris, while working with City Staff and in close coordination with the members of the City's financing team. Periodic services provided to the City may include the following:

- Verify bond refunding and associated special tax revenue. If the refunding or restructuring of existing bonds is being considered, it may be necessary to model special taxes for the affected district, as based upon then existing levels of development; thus ensuring that adequate special tax revenues will be collected to support the new bonds.
- CFD annexations and projections of special tax revenue. As new property develops, it will most likely require annexation into an existing services district. We will perform the necessary analysis, present results, and assist with the preparation of the necessary documents for the completion of this annexation.
- Review development information for CFDs as build out progresses, bond issuance moves forward, or as special taxes are levied. Depending upon certain factors, it may be necessary to evaluate and/or restructure the special tax methodology; require developers to pay down or prepay taxes entirely for certain areas; and, in any case, remodel special tax revenue streams for presentation and discussion among the financing team. As necessary, Certificates of Satisfaction or Letters of Compliance can be prepared for any changes.

- Recalculate or restructure special tax rates should development parameters change (e.g., development schedule, product pricing, absorption, or product mix). If a developer requests a significant change in their proposed development plan in response to market or economic changes, it may be necessary to re evaluate many base assumptions used in the original special tax analysis for district formation. Following discussion with the financing team, Willdan will complete and present this analysis, and make any necessary adjustments.
- Model the CFD special tax revenues from any proposed changes in outstanding debt or district property use. This would also involve the creation of an updated special tax analysis that is similar to that which was completed during the original district formation.
- Identify effects of different "trigger" points for the special tax levy, and provide necessary coverage for the security of outstanding bonds. If the City were considering a change in the tax levy timing on specific property types (earlier in the development process), this analysis would be necessary.
- Outline the effects of special tax rate changes (owing to any number of factors) through the development of a special tax pro forma, and provide this information to the City and finance team for discussion.
- Prepare (if a district is to be officially restructured) an amended RMA, and assist with procedural steps when special tax rates are finalized.
- Provide acquisition auditing and documentation for improvements being acquired by the City from a developer.
- Attend the financing team or City Council meetings to discuss CFD related issues.

When a project fitting these descriptions is identified, Willdan will prepare a specific scope of work and fee tailored to the project. For the purposes of brevity, representative detailed scopes of work for each have not been provided. The bulleted items above are based upon our experience working with other cities in the ongoing administration and consulting for their CFDs.

### Arbitrage Rebate Compliance Services

The following three (3) phases will be performed to address the City's long-term tax-exempt financings that are subject to arbitrage rebate compliance:

#### Phase One — Setup

1. Willdan will assign an analyst to manage the arbitrage rebate consulting activities.
2. The analyst will review tax-exempt financings that are subject to federal compliance regulations, and discuss the work plan.
3. The analyst will review pertinent documents related to the debt to confirm that financing is subject to arbitrage rebate requirements; and identify relevant exceptions, elections, and yield restrictions.
4. The subject bond issues will be loaded into Willdan's proprietary tracking system with their respective target calculation dates.
5. Bond documents and cash flow information required for the reports will be collected.

## **Phase Two — Report Preparation**

Pursuant to Section 148(f) of the Internal Revenue Code, the analyst shall perform the following activities to determine the cumulative arbitrage liability:

1. Calculate the bond yield, and identify all gross proceeds and transferred proceeds (advance refunding issues) allocated to the issue.
2. Compare allowable arbitrage earnings, to actual earnings, to determine cumulative arbitrage liability.
3. Review and consider application of alternative regulatory provisions that may improve the arbitrage liability.
4. Verify that two (2) senior analysts will review the calculation and summary findings.
5. Engage, upon request and at additional fee, the services of a tax counsel, whereby an independent legal opinion shall be rendered.
6. A comprehensive rebate report will be produced and will include the following:
  - Computation summary;
  - Summary analysis of all relevant dates and assumptions;
  - Sources and uses of funds;
  - Arbitrage yield and yield restriction requirements;
  - Rebate liability by fund and aggregate liability for the issue;
  - Arbitrage/investment yield comparison graph;
  - Rebate calculations (by fund);
  - Outstanding investments summary; and
  - Preparation of IRS Form 8038 T, with filing instructions.

## **Phase Three — Ongoing Additional Support**

Willdan's support does not end with report production. Willdan analysts shall be available throughout the agreement period for the following activities:

1. Review current policies and procedures for tracking expenditure and investment earnings allocations. If these systems do not provide sufficient detail to adequately calculate and monitor rebate liability, Willdan will make recommendations to assist in complying with all applicable federal regulations.
2. Review current policy regarding records retention and, if requested, provide assistance and consultation.
3. Keep abreast of enforcement actions and code / regulation changes that may affect arbitrage compliance requirements. Retroactive changes requiring recalculation of a previously submitted arbitrage report shall be performed at our hourly rates (see "Additional Services" section of the Cost Proposal).
4. Assist staff in the event of a rebate calculation audit.
5. Consult with the City, upon request, regarding the structuring of new bond issues and other matters that will affect any eventual arbitrage liability.

## **Client Responsibilities for Arbitrage Rebate**

The analyst will need the following documents and financial information:

- Official Statement;
- Tax certificate (arbitrage certificate, non-arbitrage certificate);
- IRS Form 8038-G (governmental) or Form 8038 (private activity);
- Escrow verification (refunding issues only);
- Cash / asset and investment activity statements (or internal records of expenditure and earnings activity); and
- Current balances on funds held by the City of Perris.

## **Nonland-based Continuing Disclosure Services**

Willdan will provide assistance and advice on ongoing disclosure matters. With regard to the City of Perris' outstanding debt financings, Willdan will provide guidance and direction to the City in preparing disclosure reports. Willdan will help the City provide required financial and operating data requested by investors and which would, otherwise, be considered material in keeping securities holders informed of the investment quality of the debt issue. Willdan will also assist the City in responding to questions from investors and from other market participants.

In addition, with respect to new debt issues, Willdan will assist the City in developing reporting requirements for disclosure documents to meet relevant compliance requirements, as well as to meet marketplace information demands.

## **Annual Financial Information Statement Preparation**

In connection with the preparation of the Annual Financial Information Statement, Willdan will, through City's direction, provide one or all of the following services:

1. Review pertinent documents relating to the debt issue, including the Official Statement, financial statements, and annual reports.
2. Collect directly from Trustees, fiscal agents, state, County agencies, or others any third-party data or other required information (as applicable) for inclusion within the Annual Financial Information Statement.
3. Analyze the information for accuracy, materiality, and appropriateness.
4. Provide advice and direction on inclusion and presentation of the information in the Annual Financial Information Statement.
5. Create a draft of the Annual Financial Information Statement for review by the City.
6. Discuss any relevant issues with the City regarding the report, and address questions the City may have regarding disclosure matters.
7. Finalize and disseminate the Annual Financial Information Statement, including, as necessary, arranging for electronic and paper reproduction and distribution.

## **Significant Event Notices**

Upon notification by the City and/or if Willdan becomes aware, and if deemed to be material, Willdan will prepare Notices of Significant Events covering events enumerated in Rule 15c2 12(b) for the City's review.

## **Dissemination**

Willdan will disseminate the disclosure reports to the new "EMMA" system established by the Municipal Securities Rulemaking Board (MSRB); to the State Information Depository (SID); and to any other party, as directed by the City. Willdan will also assist the City when requests for information are received, and respond to questions from investors and other market participants. The disclosure reports will also be placed on Willdan's Website for easy access by City staff and investors.

The City of Perris acknowledges that Willdan shall be relying upon the accuracy and validity of the information provided by the City, and agrees that Willdan shall not be liable for any inaccuracies contained therein.

EXHIBIT "B"

SCHEDULE OF COMPENSATION

**FEES FOR SERVICES**

**CFD Administration and Land-based Continuing Disclosure Services**

Willdan will provide special district administration services as described by our scope of services. The number of parcels and districts shown in the following fee table is the basis of this proposal.

District	Parcel Count	Annual Fee <sup>(1)</sup>
CFD 88-1 (Triple Crown Ranch)	710	\$ 2,900
CFD 88-3	748	2,900
CFD 90-1	238	2,900
CFD 90-2 (Green Valley)	60	2,900
CFD 91-1	30	2,900
CFD 93-1	619	2,900
CFD 93-2	67	2,900
CFD 2001-1 (May Farms) IA No. 1	85	2,900
CFD 2001-1 (May Farms) IA No. 2	239	2,900
CFD 2001-1 (May Farms) IA No. 3	499	2,900
CFD 2001-1 (May Farms) IA No. 4	402	2,900
CFD 2001-1 (May Farms) IA No. 5	201	2,900
CFD 2001-1 (May Farms) IA No. 6	279	2,900
CFD 2001-1 (May Farms) IA No. 7	340	2,900
CFD 2001-2, (Villages of Avalon)	1,387	2,900
CFD 2001-3 (N. Perris Public Safety CFD)	334	2,900
CFD 2002-1 (Willowbrook)	113	2,900
CFD 2003-1 (Chaparral Ridge)	103	2,900
CFD 2004-1 (Amber Oaks)	205	2,900
CFD 2004-2 (Corman Leigh Communities)	292	2,900
CFD 2004-3 (Monument Ranch) IA No. 1	228	2,900

District	Parcel Count	Annual Fee <sup>(1)</sup>
CFD 2004-3 (Monument Ranch) IA No. 2	96	\$ 2,900
CFD 2004-5 (Amber Oaks II)	170	2,900
CFD 2005-1 (Perris Valley Vistas) IA No. 3	75	2,900
CFD 2005-1 (Perris Valley Vistas) IA No. 4	383	2,900
CFD 2005-2 (Harmony Grove)	375	2,900
CFD 2005-4 (Stratford Ranch)	112	2,900
CFD 2006-1 (Meritage Homes)	133	2,900
CFD 2006-2 (Monument Park Estates II)	349	2,900
CFD 2006-3 (Alder)	83	2,900
CFD 2007-2 (Pacific Heritage)	505	2,900
CFD 1-S (South Perris Public Safety CFD)	710	2,900
<b>Total</b>	<b>10,170</b>	<b>\$ 92,800</b>
CFD Payoff Quotes <sup>(2)</sup>		\$ 250
New Districts (Flat Fee)		2,900
Land-based Continuing Disclosure Services (Per Debt Issue)		750

<sup>(1)</sup> Owing to savings resulting from Willdan's long time familiarity with the City, the annual fees have been reduced.

<sup>(2)</sup> Fees are paid directly to Willdan by the requestor.

### Delinquency Management Services

As the service is rendered, the following per parcel / per district fees are invoiced to the City:

Services	Fees
Fees Ultimately Reimbursed to Agency by Property Owner:	
Delinquency Reminder Letter	\$ 10
Delinquency Demand Letter	35
Foreclosure Letter	53
Effect Removal from Tax Roll and Record Subsequent Notice of Satisfaction <sup>(1)</sup>	102
Payment Plan	200
Subsequent Foreclosure Services	150

Services	Fees
Fees Paid Directly to Willdan by Requestor:	
Delinquency Demand Payoff <sup>(2)</sup>	\$ 50
Zero Demand <sup>(2)</sup>	50

**Please Note:** The delinquent property owner(s) will, ultimately, reimburse all payments made by the City to Willdan for Delinquency Monitoring and judicial foreclosure services.

<sup>(1)</sup> This fee complies with Section 8833 of the California Streets and Highways Code and/or Section 53356.2 of the California Government Code, which requires recording of a Notice of Intent to Remove Delinquent Special Assessments and/or Special Taxes from the County tax roll. It DOES NOT include the County tax roll removal charge, or similar fee, if any.

<sup>(2)</sup> This fee is waived for the property owner (except for escrow purposes) or for the City of Perris.

### Internet / Website Access to Data

Selection	Service	Fee
Read-only Internet Access to Data	<b>Setup Fee</b> Includes setup of electronic database and access to Web pages for the first year of maintenance for two users.	Waived
	<b>Annual Maintenance Fee</b> For year two and subsequent years.	Waived

### CFD Formation Services

Task	Service Description	Fee Range
1	Notice to Proceed, to Resolution of Intention	\$ 9,500 – 17,000
2	Resolution of Intention, to Public Hearing	6,000 – 12,000
3	Bond Issuance	2,500 – 7,500
	Periodic Special Tax Consulting (hourly rates; if requested, specific estimate can be provided)	2,500 – 5,000
	Future Annexations (Per Annexation)	3,500 – 5,500

**Please Note:** the following conditions apply for the aforesaid fees related to CFD Formation services:

- Are not contingent upon the CFD formation outcome.
- Include all direct expenses associated with this project.



- A specific not-to-exceed fee will be provided when an actual CFD formation project and number of proposed developments to be included have been identified.
- Telephone conference calls are not considered meetings and are, therefore, not limited by our proposal.

### Arbitrage Rebate Compliance Services

Issue Date	Original Principal	Issue Name	Next Report Date	Next Fee
Initial Contract Period				
10/16/2003	\$12,380,000	CFD No. 2001-1 (May Farms)	09/01/2013	\$2,000
05/13/2004	2,375,000	CFD No. 2004-1, 2004 Series A	09/01/2013	2,000
05/13/2004	4,890,000	CFD No. 2004-2, 2004 Series B	09/01/2013	2,000
10/26/1988	11,150,000	CFD No. 88-2 (McCanna Ranch) 1988 A	10/26/2013	2,000
02/19/2009	4,055,000	Tax Allocation Revenue Bonds, 2009 Series A	02/19/2014	2,000
03/26/2009	7,605,000	Tax Allocation Revenue Bonds, 2009 Series B	03/26/2014	2,000
07/02/2009	5,490,000	Tax Allocation Revenue Bonds (Central North Project Loan) 2009 Series C	07/02/2014	2,000
07/29/2004	8,955,000	2004 Local Agency Revenue Bonds, Series A	07/29/2014	2,000
03/23/1995	6,795,000	Perris PFA Local Agency Revenue Bonds, 1995 Series D, CFD 93-2 (Perris Plaza)	09/01/2014	2,000
12/09/2004	1,810,000	CFD No. 2004-5 (Amber Oaks II) Special Tax Revenue Bonds 2004 Series A	09/01/2014	2,000
06/09/2005	8,430,000	CFD No. 2004-3 (Monument Ranch), 2005 Series A	09/01/2014	2,000
08/11/2005	5,210,000	CFD No. 2001-2 (Villages of Avalon), 2005 Series B	09/01/2014	2,000
04/22/2010	7,180,000	TARB (Housing Loan), 2010 Series A	10/01/2014	2,000
First Optional Renewal				
04/19/1991	\$ 8,010,000	CFD No. 91-1	09/01/2015	\$2,000
09/29/2005	16,475,00	CFD No. 2001-1 (May Farms), 2005 Series A	09/01/2015	2,000
11/17/2005	14,740,000	CFD No. 2005-2 (Harmony Grove), 2005 Series A	09/01/2015	2,000
04/22/1991	31,320,000	CFD No. 90-2, 1991 Special Tax Bonds	10/01/2015	2,000
06/28/2001	10,745,000	TAB 2001 Series A (PFA)	10/01/2015	2,000
06/28/2001	1,280,000	TAB 2001 Series B (PFA)	10/01/2015	2,000
05/09/2006	31,005,000	2006 Tax Allocation Revenue Bonds	10/01/2015	2,000

Issue Date	Original Principal	Issue Name	Next Report Date	Next Fee
<b>Second Optional Renewal</b>				
03/28/2002	\$ 8,020,000	CFD No. 93-1, 2002 Series A	08/15/2016	\$2,000
03/07/2002	16,890,000	CFD No. 2001-2, Villages of Avalon of the City of Perris, Special Tax Revenue Bonds, 2002 Series A	09/01/2016	2,000
03/27/2007	3,385,000	CFD No. 2005-1 (Perris Valley Vistas), 2007 Series A	09/01/2016	2,000
11/30/2006	9,680,000	CFD No. 2001-1 (May Farms), 2006 Series A	09/01/2016	2,000
08/27/2002	6,740,000	TARB, 2002 Series B & C	10/01/2016	2,000
<b>Third Optional Renewal</b>				
02/06/2003	\$ 5,860,000	CFD 2002-1 (Willowbrook), Special Tax Bonds, 2003 Series A	09/01/2017	\$2,000
07/24/2003	3,060,000	CFD 2003-1 (Chaparral Ridge), Special Tax Revenue Bonds, 2003 Series A	09/01/2017	2,000
11/13/2007	14,630,000	Revenue Bonds (May Farms) 2007 Series D	09/01/2017	2,000
03/26/2008	5,640,000	CFD 2005-4, 2008 Series A	09/01/2017	2,000
05/28/2008	4,375,000	Local Agency Revenue Bonds, 2008 Series B	09/01/2017	2,000
12/19/2007	2,775,000	Local Agency Revenue Bonds (CFD 2006-1) 2007 Series C	09/01/2017	2,000
09/06/2007	13,760,000	Revenue Refunding Bonds Series A & B	09/06/2017	2,000

### Additional Fees

Description of Additional Fees Additional Fees May or May Not Apply)	Fees
Commingled Funds Analysis	\$250 Per Bond Year
Variable Rate Yield Period Optimization	\$500
Preparation of IRS Form 8038T (Payment)	No Charge
Request for Refund of Overpayment	No Charge
IRS Audit Assistance	Hourly Rates
<b>New Bond Issues</b>	
First-year Calculation	\$ 1,750
Fifth-year Calculation	2,000

## Nonland-based Continuing Disclosure Services

Item	Fee
Annual Continuing Disclosure Report	\$ 1,000
Annual CDIAC Report Fee	300
Setup Fee	Waived *

- \* To provide assistance to the City during these difficult economic times, the setup fee has been waived.

## Reimbursable Expenses

Willdan will be reimbursed for out-of-pocket expenses, not-to-exceed \$500 annually. Examples of reimbursable expenses include, but are not limited to:

- Postage,
- Travel expenses,
- Mileage (55.5¢ per mile),
- Maps,
- Electronic data furnished from the county and/or other applicable resources,
- Construction cost periodicals, and
- Copying (currently 6¢ per copy).

Any additional expense for reports or from outside services will be billed to the City, or other parties regarding services not listed in the Exhibit A will be at our then current hourly rates (see "Hourly Rates" section). In the event that a third party requests any documents, Willdan may, in accordance with Willdan's applicable rate schedule, charge such third party for providing said documents.

The fees for preparation of disclosure reports assumes that the City of Perris will provide, if requested and as necessary, information that may be reasonably accessible to the City in an electronic format (as appropriate). Other than those specified in the scope of services, Willdan reserves the right to charge fees directly to parties requesting copies of disclosure reports.

## Hourly Rates

Additional authorized services will be billed at Willdan's then-current hourly consulting rates. Our current hourly rates are presented below.

Title	Hourly Rate
Group Manager	\$ 210
Principal Engineer / Principal Consultant	200
Senior Project Manager	165
Project Manager	145
Senior Project Analyst	130
Senior Analyst	120
Analyst	100
Analyst Assistant	75
Property Owner Services Representative	55
Support Staff	50

Exhibit "B"  
Page 6

CITY COUNCIL  
AGENDA SUBMITTAL

Meeting Date: February 9, 2016

**SUBJECT:** **Appeal of Planning Development Plan Review Case DPR 14-03-0025** to allow an auction facility "Western Construction Auction" using modular structures as permanent buildings, totaling 4,900 sq.ft., located at 2021 Goetz Road. Applicant is appealing condition no. 3 related to requirements for obtaining permits and completion of site improvements. **Applicant:** Brian Moening, Western Construction Auctions.

**REQUESTED ACTION:** **Uphold** the decision of the Planning Commission approving Development Plan Review Case DPR 14-03-0025, as conditioned, and **Denying** the applicant's appeal, based on the findings in this report.

**CONTACT:** Clara Miramontes, Director of Development Services 

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**BACKGROUND/DISCUSSION:**

On November 4, 2015, the Planning Commission unanimously approved Development Plan Review (DPR) 14-03-0025 to allow an auction facility "Western Construction Auction (WCA)" using modular structures as permanent buildings, totaling 4,900 square feet. The applicant is appealing condition no. 3 to allow a 3-year phasing plan to obtain permits and complete all improvements instead of the Planning Commission approved 18-month plan. The request is to change condition no. 3 to allow the applicant to obtain permits within one year of entitlement approval, complete on-site improvements within two years of entitlement approval, and complete off-site improvements within 3 years of entitlement approval. Staff's original recommendation was to require one year for completing improvements. At the meeting, the Planning Commission revised condition no. 3 to allow the applicant an additional six months to complete all improvements from entitlement approval, totaling 18 months. The applicant's appeal letter is attached.

This business has been in operation since 2008 operating with minimal and deferred improvements under a temporary use permit. The applicant was originally approved for a 1,250 s.f. building, including parking, landscaping and street improvements. Due to financial hardship during the economic downturn in 2008, the business was granted a temporary use permit allowing them to operate with modular buildings and on-site and off-site improvements were deferred. To date, the applicant has installed a screen wall and landscaping along the front of the property but has not completed necessary parking lot and street improvements. The applicant has now decided that the original plans are no longer feasible and is proposing to permanently keep modular structures and is requesting a 3-year phasing plan to obtain permits and complete on-site and street improvements. Given that the business has been operating since 2008, the Planning Commission allowed for a more streamlined time frame (18 months) for obtaining permits and completion of all improvements.

Staff is recommending that the City Council uphold the Planning Commission's approval, as conditioned. This requires that the applicant obtain permits for all the modular structures within six (6) months of entitlement approval, and complete all on-site and off-site improvements within 18 months from entitlement approval. A public hearing notice was mailed to adjacent property owners within 300 feet of the subject site. As of the writing of this report, staff has not received any comments from the public.

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**BUDGET (or FISCAL) IMPACT:**

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

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Prepared by: Kenneth Phung, Project Planner

City Attorney: N/A  
Assistant City Manager: Ron Carr *RC*

**Public Hearing: February 9, 2016**

**Attachments:**

1. Resolution Upholding Planning Commission Approval, As Conditioned
2. Resolution Approving Appeal, if Applicant's Appeal Approved
3. Proposed Site Plan and Pictures of Modular Buildings
4. Original Proposed Site Plan, Concept Landscaping and Elevations
5. Staff Report Package distributed at the November 4, 2015 PC meeting
6. Letter of Appeal from the Applicant - November 12, 2015
7. Minutes of Planning Commission Meeting November 4, 2015

**RESOLUTION NUMBER NO. NEXT IN ORDER**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, UPHOLDING THE DECISION OF THE PLANNING CONDITION, APPROVING DEVELOPMENT PLAN REVIEW 14-03-0025, AS CONDITIONED, TO ALLOW AN AUCTION FACILITY USING MODULAR BUILDINGS, TOTALING 4,900 S.F., LOCATED AT 2021 GOETZ ROAD, AND MAKING FINDINGS IN SUPPORT THEREOF.**

**WHEREAS**, on March 31, 2014 the applicant Brian Moening of Western Construction Auctions filed a Development Plan Review application to request approval of an auction facility located at 2021 Goetz Road; and

**WHEREAS**, the proposed location of the use is in accordance with the objectives of the Zoning Ordinance and the purpose of the Light Industrial zone of the Perris General Plan; 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**, the proposed project has been duly noticed; and

**WHEREAS**, a public hearing was held on September 16, 2015, at which time all interested persons were given full opportunity to be heard and to present evidence; and

**WHEREAS**, on September 16, 2015, the Planning Commission continued the project at the request of the applicant to the November 4, 2015 public hearing; and

**WHEREAS**, a public hearing was held on November 4, 2015, at which time all interested persons were given full opportunity to be heard and to present evidence; and the project was approved by the Planning Commission by 5-0-1 vote, with conditions; and

**WHEREAS**, the applicant filed an appeal of condition No. 3 of Development Plan Review 14-03-0025 related to "Building Permits for Modular Buildings and Completion of Parking Lot, Landscaping and Street Improvements"; and

**WHEREAS**, a public hearing was held on February 9, 2016, at which time all interested persons were given full opportunity to be heard and to present evidence; and the decision of the Planning Commission was upheld by the City Council, denying the appeal by Brian Moening for Development Plan Review 14-03-0025 related to the Conditions of Approval.

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

***Section 1.*** The above recitals are all true and correct.

***Section 2.*** The City Council hereby determines that the project is Categorical Exempt from the California Environmental Quality Act (CEQA) guidelines pursuant to Article 19 Section 15301 for a proposed project out of an existing facility that has been in operation since November 2008 under temporary use permits with a previously approved Development Plan Review application as a framework for interim operation. An Initial Study and Negative Declaration (ND 2273) was prepared for the original Development Review (DPR 08-04-0004) which determined that no significant environmental effects would be caused by the project.

***Section 3.*** Based on the information contained in the staff report and supporting exhibits and plans for the Development Plan Review, the City Council hereby finds:

- a) The location, size, design, density and intensity of the proposed development and improvements would be inconsistent with the City's General Plan, the purposes and provisions of this Title, the purposes of the zone in which the site is located, as the project would not be build-out within 18 months of entitlement approval.
- b) The subject site is not physically suitable for the type of development proposed since the project would not be build-out within 18 months of entitlement approval.
- c) The proposed development and the conditions under which it would be operated or maintained would be incompatible with the vision set forth in the General Plan or materially injurious to properties or improvements in the vicinity as the project would not be build-out within 18 months of entitlement approval.
- d) The proposed modular buildings and improvements to the site would not be considered appropriate for an auction facility as the project would not be build-out within 18 months of entitlement approval.
- e) The landscaping plan would not ensure visual relief and provides an attractive environment for the public's enjoyment as the project would not be build-out within 18 months of entitlement approval.
- f) The safeguards necessary to protect the public health, safety and general welfare would not be provided as the project would not be build-out within 18 months of entitlement approval.

***Section 4.*** For the foregoing reasons the Council hereby upholds the decision of the Planning Commission, approving Development Plan Review 14-03-0025, as conditioned.

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

**Section 6.** The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Resolution.

**ADOPTED, SIGNED, and APPROVED** this 9<sup>th</sup> day of February 2016.

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Daryl R. Busch, Mayor

ATTEST:

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Nancy Salazar, City Clerk

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

I, Nancy Salazar, City Clerk of the City of Perris do hereby certify that the foregoing Resolution No. \_\_\_\_\_ was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 9<sup>th</sup> day of February 2016, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Nancy Salazar, City Clerk



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

**PLANNING COMMISSION RECOMMENDED  
CONDITIONS OF APPROVAL**

**DPR 14-03-0025**

**City Council Meeting – February 9, 2016**

**PROJECT:** Proposal to allow an auction facility using modular structures as permanent buildings totaling 4,900 square-feet located at 2021 Goetz Road. The business has been in operation since late 2008 under temporary use permits with a previously approved Development Plan Review application (i.e. DPR 08-04-0012) as a framework for interim operation. **Applicant:** Brian Moening, Western Construction Auctions.

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**General Requirements:**

1. **Development Standards.** The project shall conform to all requirements of the City of Perris Municipal Code Title 19, including provisions of the Light Industrial (LI) Zone.
2. **Term of Approval.** In accordance with P.M.C. Section 19.50.080, Expiration and Extension of Time, this approval shall expire three (3) years from the date of Planning Commission approval. Within three years, the applicant shall demonstrate the beginning of substantial construction as contemplated by this approval, which shall thereafter be diligently pursued to completion, or substantial utilization. A maximum of three (3) one-year extensions may be requested. A written request for extension shall be submitted to the Planning Division at least ten (10) days prior to the initial (and any subsequent extension) expiration of the Development Plan Review.
3. **Building Permits for Modular Buildings and Completion of Parking lot, Landscaping and Street Improvements.** The applicant shall obtain permits for all the modular structures within six (6) months of entitlement approval. All parking lot, landscaping and street improvements and finalized permits shall be completed within ~~one (1) year~~ **18 months** form entitlement approval.
4. **Building Official/Fire Marshal.** The proposed project shall adhere to all requirements of the Building Official/Fire Marshal. Fire hydrants shall be located on the project site pursuant to the Building Official. The applicant shall submit a fire access and fire underground plan prior to construction drawings. Water, gas, sewer, electrical transformers, power vaults and separate fire/water supply lines (if applicable) must be shown on the final set of construction plans pursuant to the requirements of the Building Official. All Conditions of Approval shall be included on building plans. See City of Perris website, Office of the Fire Marshal, for examples and relevant information for access and underground plan available at: <http://www.cityofperris.org>.
5. **Engineering Conditions.** The project shall comply with all requirements of the City

Engineer as indicated in the Conditions of Approval dated **September 17, 2008**.

6. **Public Works Conditions.** The project shall comply with all requirements of the CIP Manager as indicated in the Conditions of Approval dated **April 16, 2014**.
7. **City Ordinances.** The applicant 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.
8. **SCE.** The applicant shall contact the Southern California Edison (SCE) area service planner (951 928-8323) to complete the required forms prior to commencement of construction.
9. **Screening of Roof-Mounted Equipment.** Parapet walls shall prevent public views of roof-mounted equipment.
10. **Waste Hauling.** The developer shall use only the City-approved waste hauler for all construction and other waste disposal.
11. **Notice of Determination Filing.** Within three (3) days of Planning Commission approval, the applicant shall submit a check to the City, payable to Riverside County Clerk, in the amount of \$50 for payment of State Fish and Game fees and County documentary handling fee. In accordance with Section 711.4 of the State Fish and Game Code, no project shall be operative, vested, or final until the filing fees have been paid.
12. **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 Development Plan Review 14-03-0025. 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.
13. **Sanitary Sewer System.** Subject to the approval of the Building Official, the project may provide a subsurface septic system on a temporary basis until the public sewer is constructed within connection distance. The Building Official requires the project to provide the stub-out for future connection. Within six (6) months of availability, the project is required to obtain building permits to demolish the septic system and connect to the sewer system.
14. **Preliminary Water Quality Management Plan (PWQMP).** A Preliminary WQMP was prepared for the proposed project site. All PWQMPs were determined to be in substantial compliance, in concept, with the Riverside County WQMP Manual requirements. Additional Engineering Department review is required to determine if the proposed

retention basin is adequately sized to meet the minimum 100 year storm event volumes. The following two conditions apply:

- a. The development shall be subject to all provisions of City of Perris Ordinance Number 1194, which establishes stormwater/urban runoff management and discharge controls to improve water quality and comply with federal regulations, and any subsequent amendments, revisions, or ordinances pertaining thereto.
- b. The structural BMPs selected for this project have been approved in concept. The owner shall submit a Final WQMP including plans and details providing the elevations, slopes, and other details for the proposed structural BMPs including the Retention Basin. The Public Work Department shall review and approve the Final WQMP text, plans and details.

**Operational Requirements:**

15. **Dust Control.** Unpaved ground surfaces shall be compacted base material or another material approved by the Building Official, for which water trucks shall be utilized as-needed to control fugitive dust.
16. **Trash Enclosures.** The trash enclosure shall be fully screened from public view and include an overhead trellis treatment and landscaping. The trash enclosure shall be approved by the Planning Division and be in conformance with City Standards. The location and elevations of trash enclosures shall be included with the landscape plans.
17. **Signage.** The proposed project does not include signage. All signs shall be reviewed and approved by the Planning Division prior to the issuance of building permits.
18. **Graffiti** located on site shall be removed within 48 hours. The site shall be maintained in a graffiti-free state at all times.
19. **Equipment.** All equipment that is greater than 21 feet in height shall be located on the front half of the property, to alleviate the potential hazards to the neighboring property.
20. **Construction Practices.** To reduce potential noise and air quality nuisances, the following items shall be listed as "General Notes" on the construction drawings:
  - a. Construction activity and equipment maintenance is limited to the hours between 7:00 a.m. and 7:00 p.m. Per Zoning Ordinance, Noise Control, Section 7.34.060, it is unlawful for any persons between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on a legal holiday, or on Sundays to erect, construct, demolish, excavate, alter or repair any building or structure in a manner as to create disturbing excessive or offensive noise. Construction activity shall not exceed 80 dBA in residential zones in the City.
  - b. Stationary construction equipment that generates noise in excess of 65 dBA at the project boundaries must be shielded and located at least 100 feet from occupied residences. The equipment area with appropriate acoustic shielding shall be

designated on building and grading plans. Equipment and shielding shall remain in the designated location throughout construction activities.

- c. Construction routes are limited to City of Perris designated truck routes.
- d. Water trucks or sprinkler systems shall be used during clearing, grading, earth moving, excavation, transportation of cut or fill materials and construction phases to prevent dust from leaving the site and to create a crust after each day's activities cease. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
- e. A person or persons shall be designated to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. The name and telephone number of such persons shall be provided to the City.
- f. Project applicants shall provide construction site electrical hook ups for electric hand tools such as saws, drills, and compressors, to eliminate the need for diesel powered electric generators or provide evidence that electrical hook ups at construction sites are not practical or prohibitively expensive.

**Prior to Issuance of Grading Permit:**

21. **Final Water Quality Management Plan (FWQMP).** Final Water Quality Management Plan (FWQMP). To mitigate impacts related to pollutant loading to receiving waters and/or increased erosion/siltation resulting from the long-term operation of the project, the applicant shall develop, receive approval from the City, and implement a FWQMP. The FWQMP shall contain measures that will effectively treat all pollutants of concern and hydrologic conditions of concern, consistent with the Preliminary WQMP and developed in compliance with the MS4 permit. The FWQMP shall specifically identify pollution prevention, source control, treatment control measures, and other Best Management Practices (BMPs) that shall be used on site to control predictable pollutant runoff to reduce impacts to water quality to the maximum extent practicable. The FWQMP shall substantially comply with site design, source control and treatment control BMPs proposed in the approved Preliminary Water Quality Management Plan (PWQMP).

**Prior to Issuance of Building Permits:**

22. **Building Plans.** All Conditions of Approval and shall be copied onto the approved building plans.
23. **Fees.** The developer shall pay the following fees:
  - a. Stephen's Kangaroo Rat Mitigation Fees of \$500.00 per acre;
  - b. City Development Impact Fees in effect at the time of development;
  - c. Multi-Species Habitat Conservation Plan fees in effect at that time;

- d. Statutory school fees in effect at issuance of building permits to all appropriate school districts;
  - e. Pay any outstanding liens and development processing fees owed to the City;
  - f. Transportation Uniform Mitigation Fees (TUMF) in effect at the time of development.
24. **Landscaping Plans.** Prior to issuance of building permits, three (3) copies of Construction Landscaping and Irrigation Plans shall be submitted to the Planning Division for approval accompanied by the appropriate filing fee. The plans shall be prepared by a California-registered landscape architect and conform to the requirements of Chapter 19.70 of the Municipal Code. The location, number, genus, species, and container size of the plants shall be shown. The following treatments, consistent with the conceptual landscape plan or as conditioned herein, are required:
- a. **Project Boundary.** Mature trees (24" to 36" box) shall be planted along the project boundary.
  - b. **Water Quality Basins and Large Swales.** Tiered landscaping with mature trees (24" to 36" box) shall be planted in these areas, including berms.
  - c. **Accent Landscaping.** Large trees (24" to 36" box) shall be included in the landscape design at all driveway entrances to the project site
  - d. **Parking Areas.** A minimum of 30 percent of trees shall be 36 inch box or larger. Also, a minimum of one 24-inch box tree per 6 parking stalls shall be provided.
  - e. **Street Trees.** All street trees within the public right of way on Goetz Road shall be 24-inch box size or larger, and planted a maximum of 30 feet on center within the parkway.
  - f. **Enhanced Pavement.** Decorative pavement treatments (accent colors, textures, and patterns) should be used for the driveway entrance.
  - g. **BMPs for Water Quality.** All BMPs (vegetated swales, detention basins, etc.) shall be indicated on the landscape plans with appropriate planting and irrigation.
  - h. **Water Conservation.** Rain sensing override devices and soil moisture sensors shall be required on all irrigation systems. Landscaping shall comply with Zoning Code Chapter 19.70 ([www.cityofperris.org](http://www.cityofperris.org)) for mandated water conservation.
  - i. **Maintenance.** Required landscaping shall be maintained in a viable growth condition.
  - j. **Landscape Inspections.** The project applicant shall inform the on-site project manager and the landscape contractor of their responsibility to call for final landscape inspection after installation of all landscaping and irrigation system is completely operational. Before calling for a final inspection, the City's "Certificate of Compliance" form shall be completed and signed by the designer/auditor responsible for the project, and submitted to the project planner. The project planner shall sign off the "Certificate of Compliance" to signify code compliance and acceptance.
25. **Walls and Fences.** The storage area of the site shall be properly screened from adjoining uses and public view. The plans and details for all walls and fences shall be reviewed and approved by the Planning Division. The plans may be included in the landscape plan

check submittal package. The following shall apply:

- a. The front decorative screen wall shall wrap a minimum of 120 feet alongside property lines before changing to chain link with landscaping.
- b. Gates shall be constructed of tubular steel in a color complementary to the building.
- c. Knox boxes are required for all gates, to be approved by the Fire Marshal and issued by the Building Division.

26. **Site Lighting Plan.** A site lighting plan shall be approved that complies with the City's Outdoor Lighting Regulations and Mount Palomar Observatory's Dark Sky Ordinance. The lighting plan shall include photometrics, fixture details and light standard elevations. High efficiency fixtures with full-cut off shields shall be used to prevent light and glare above the horizontal plane of the bottom of the lighting fixture and will not conflict with runway or other site lighting at Perris Valley Airport. At least one foot-candle of light shall be provided in all designated office parking area and pedestrian areas for safety and security.

**Prior to Issuance of Occupancy Permits:**

27. **Disclosures.** The following disclosures shall be recorded on the property, posted in the office reception area, and provided to any potential purchaser and/or lessee of the property:
- a. **Notice of Airport in Vicinity.** The notice to be recorded on title and provided to all potential purchasers and tenants:

**NOTICE OF AIRPORT IN VICINITY**

This property is located in the immediate vicinity of the Perris Valley Airport. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. *Business & Profession Code 11010 12(A)*

- b. **Dam Inundation Area.** The applicant shall record a disclosure on the property and provide a disclosure to any potential purchaser and/or lessee of the property that the project is within a dam inundation area and is subject to flooding in the event of a dam failure. An acknowledgement of this disclosure shall be provided to the City.
28. **Planning Clearance.** The applicant shall first obtain clearance from the Planning Division verifying that all pertinent conditions of approval have been met.
29. **Assessment and Community Facilities Districts.** The project shall be annexed into any assessment, community facilities, or similar district that provides funding for

maintenance, services, or public improvements that benefit the project. The costs and benefits shall be described in the applicable district and annexation documents. The developer shall complete all actions required to complete such annexation prior to issuance of a Certificate of Occupancy. This condition shall apply only to districts existing at the time the project is approved (or all requirements have been met for a certificate of occupancy, as applicable). Such districts may include but are not limited to the following:

- a. Landscape Maintenance District No. 1;
- b. Flood Control Maintenance District No. 1;
- c. Maintenance District No. 84-1;

30. **Park Lot Paving/Striping and Landscaping.** The designated auction event parking areas shall be striped/paved and all front landscaping shall be installed.
31. **Engineering Conditions of Approval.** All Engineering conditions of approval shall be completed and installed.
32. **Avigation Easement.** The applicant shall grant to the City of Perris and to the Perris Valley Airport an avigation easement in the form and manner approved by the City Attorney and shall cause such easement to be duly recorded in the office of the County Recorder.
33. **Planning Inspection.** The applicant shall have complied with all pertinent Conditions of Approval and have all required parking, lighting, landscaping and automatic irrigation installed and in good condition. The irrigation and landscaping shall conform to the approved landscaping and irrigation plans.



# CITY OF PERRIS

HABIB MOTLAGH, CITY ENGINEER

## CONDITIONS OF APPROVAL

P8-625

August 12, 2008, *Revised Planning Commission September 17, 2008*

DPR 14-03-0025

With respect to the Conditions of Approval for the above referenced Development Plan Review, the City of Perris requires that the land divider 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 development 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. All questions regarding the true meaning of the conditions shall be referred to the City Engineer's office.

1. This site is located within the limits of the San Jacinto River Area Drainage Plan for which drainage fees have been adopted by the City. Prevailing applicable drainage fees shall be paid to the City prior to grading permit.
2. Development of this property shall be coordinated with the development of adjacent properties to ensure that watercourses remain unobstructed and storm waters are not diverted from one watershed to another. This may require the construction of permanent and/or temporary drainage facilities or offsite construction and grading as determined by City.
3. The property's grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area. No ponding or concentration of water to upstream and downstream properties shall be permitted.
4. All drainage facilities shall be designed to convey the 100-year storm runoff.

**DEPARTMENT OF ENGINEERING**

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



5. A detailed hydrology report and hydraulic calculation shall be submitted to the City for review and approval. The report shall address the offsite flow, accumulative onsite runoff and the impact to adjacent downstream properties.
6. All grading and drainage improvements shall comply with NPDES, WQMP, and Best Management Practices.
7. Onsite basin shall be provided to maintain the incremental increase between developed and undeveloped stages during 100-year storm event pursuant to Riverside County Flood Control Standards.

The basins are private and shall be designed and built to comply with Water Quality Standards and as determined by the City Engineer.

8. Onsite landscape area (first flush basins) shall be designed in a manner to collect the onsite nuisance runoff.
9. Lot access shall be restricted to one along Goetz Road. The driveway approach shall be constructed per Riverside County Standards for commercial driveway (Std. 207A) and comply with the ADA requirements.

Driveway access shall be restricted to right in and out at the time that Goetz Road is ultimately developed as recommended per traffic report prepared by Urban Crossroads dated August 5, 2008.

10. Sufficient right-of-way along Goetz Road along east side shall be dedicated to provide for 64', half-width dedicated right-of-way. Goetz Road from north property boundary to south boundary shall be improved to provide for minimum of 45' new paving and curb and gutter located 47' on east side of centerline and a minimum of 15' new paving on the west. Additional transition to the north and south side shall be provided as determined by the City Engineer.

A cash deposit as determined by the City Engineer for future construction of 7' wide landscaped median (**project frontage**) shall be posted prior to issuance of grading permit.

11. All pads shall be graded to be a minimum of 1' above the 100-year calculated water surface elevation or adjacent finished grade.
12. 6' wide concrete sidewalk and handicap ramps shall be installed along Goetz road per ADA Standards along project frontage.
13. Prior to issuance of grading permit, the Developer shall obtain NPDES, WQMP permit and prepare SWPPP. Erosion control plans shall be prepared and submitted to the City as part of the grading plans.

14. Streetlights shall be installed along Goetz Road as approved by City Engineer per Riverside County and Southern California Edison Standards.
15. The proposed development is in the service area of Eastern Municipal Water District. The applicant shall provide water and sewer facilities to this development and comply with EMWD, Fire Department, and Health Department requirements. Construction of offsite sewer facilities to serve this and adjacent projects is a priority of City Council. This developer will be required to join City and others to insure construction of said facilities and pay its fair share as determined by the City. In the event the sewer is not in place, the applicant may utilize septic system as approved by Building Department and Health Official and to install onsite gravity sewer and pay the City for the construction and connection fees to proposed sewer line along Goetz Road.
16. Prior to issuance of any permit, the developer shall sign the consent and waiver forms to join the lighting district. The developer shall maintain the onsite and offsite landscaping and pay the 18-month advanced energy charges for streetlights. All onsite storm drain facilities including basins, catch basins, detention field, and pipes shall be maintained by owners.
17. Existing power poles fronting and within the project site (65kv or less), if any, shall be removed and all cables undergrounded. All other utility poles, if any, shall be removed and utilities undergrounded.
18. On and offsite street, drainage, water, sewer, striping, signing, streetlight, grading plans and erosion control along with hydrology and hydraulic reports shall be submitted to City Engineer's office for review and approval.

Habib Motlagh  
Habib Motlagh  
City Engineer



# CITY OF PERRIS

## PUBLIC WORKS DEPARTMENT

Engineering Administration

NPDES

Special Districts (Lighting, Landscape, Flood Control)

# MEMORANDUM

**Date:** April 16, 2014

**To:** Kenneth Phung

**From:** Michael Morales, CIP Manager 

**Subject:** DPR 14-03-0025-SRC Comments

Proposal to allow an auction operation with permanent modular buildings, currently operating under a temporary use permit. Location is 2021 Goetz Road

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The application for the proposed submittal noted above has been deemed incomplete. Prior to further review, please inform the applicant to submit the following additional materials:

1. A conceptual plan has not been submitted. Applicant shall submit a separate Conceptual Landscape Plan for review and approval at this time for any perimeter hardscape and landscape, parkways, and street medians located within the City right-of-way. This Conceptual landscape plan shall be titled "LMD Conceptual Off-site Landscape Plan DPR 14-03-0025," and shall be mutually exclusive of any private property, on-site landscaping. Elements of this Conceptual Landscape Plan shall include but not be limited to:
  - Limits of right-of-way areas, defined by concrete mow curb, fully dimensioned, that are to be annexed into the Landscape Maintenance District
  - Limits of landscape easement areas, defined by concrete mow curb fully dimensioned, that are to be annexed into the Landscape Maintenance District
  - Location of separate water and electrical utility meters intended to serve landscape maintenance district areas exclusively
  - A planting palette and hardscape plan intended to meet the design intent of the Specific Plan or Landscape Guidelines in effect for the area; or if no such guidelines exist the design intent of neighboring development, as determined by the Engineering Administration and Special Districts Division. The recommended street tree along Goetz Road is "Southern Live Oak Quercus Virginiana Heritage." The Planting palette should incorporate plants that have a proven success record in Perris, including, but not limited to: 1) Society Garlic, 2) Dietes Vegeta, 3) Pittosporum Tobira Wheelers Dwarf, and 4) Agapanthus. The following ground cover does well in Perris: 1) Myoporum Pacificum.
  - A list of irrigation system components intended to meet the performance, durability, water efficiency, and anti-theft requirements for Special District landscape areas as determined by the Engineering Administration and Special Districts Division. Components shall include, but not be limited to Salco or GPH flexible PVC risers, a wi-fi central control irrigation controller (Calsense or equal), and Sentry Guard Cable Guard and Union Guard and Wilkins 375 Backflow device or equal.
  - Include a Benefit Zone quantities table (i.e. SF of planting areas, turf, number of trees, SF. of hardscape, etc.) in the lower right hand corner of the cover sheet for off-site landscape areas, indicating the amount of landscaping the district will be required to maintain

- The landscape architect is to coordinate with EMWD to verify if the site will be served with recycled water. Indicate type of water on Conceptual Landscape Plan, and provide additional irrigation components as needed.
  - Install all valves in concrete valve boxes in planter areas.
  - Install wire mesh at bottom of valve boxes.
2. Each District is required to be metered separately. Show locations of water and electrical meter for landscape district. Show location of water and electrical meter for flood control district. Show location of electrical meter for Traffic signal and street lighting, on respective plans. Coordinate location of meters on conceptual landscape and civil engineering plan. Electrical meter pedestals are to be located in locations that are easily accessible to maintenance staff while not visually obtrusive in the street scene, and away from street intersections.
  3. The off-site irrigation controller, electrical meter, and water meter are to be located within the right of way (preferably within the off-site landscape area). All point of connection equipment including irrigation controller pedestals, electrical meter pedestals, and backflow preventers are to be located in locations that are easily accessible to maintenance staff while not visually obtrusive in the street scene, and away from street intersections. Backflow preventers are to be screened on all sides with (5) gallon plant material.
  4. Applicant shall submit a Preliminary WQMP Plan, prior to approval detailing the on-site and off-site Flood Control Facilities, LID and Treatment Control Best Management Practices. The PWQMP shall include
    - Limits of right-of-way areas, defined by concrete mow curb, fully dimensioned, that are to be annexed into the Flood Control or Landscape Maintenance District
    - Location of separate water and electrical utility meters intended to serve flood control landscape maintenance district areas exclusively
    - A planting palette and hardscape plan for access ramps and other hardscape improvements intended to meet the guidelines of water quality and maintenance concerns as determined by the Engineering Administration and Special Districts Division
    - Conceptual details for treatment control facilities that meet the Riverside County WQMP Design Guidelines shall be included. These guidelines, as well as guidelines for flood control facilities may be supplemented by additional requirements by the Special Districts Department to reduce long term maintenance costs and longevity of improvements. At a minimum concrete check dams shall be used for multi-stage detention basin and infiltration basin facilities separating forebay from second stage treatment area. Concrete v-ditch shall be used for nuisance flows connecting inlet to outlet structures. Connector pipe screens shall be included in catch basin to reduce sediment and trash loading within storm pipe.
  5. Prior to final map approval Applicant shall submit final civil engineering and traffic signal Plans to City Engineer for review. Plans shall incorporate Special District design criteria including LED Safety Lighting, back-up battery systems, traffic detection camera system, and cabinet lighting complete with decorative street name signage.

6. **Assessment Districts.** Prior to final map recordation, the developer shall annex into the following maintenance and assessment district, posting an adequate maintenance performance bond to be retained by the City as required by the City Engineer:
  - a. Flood Control Maintenance District
  - b. Landscape Maintenance District
  - c. Lighting District 84-1

Prior to Permit issuance developer shall deposit \$5,250 per district, \$15,750 total due. Payment is to be made to the City of Perris, and the check delivered to the City Engineer's Office.

1. Document, for each district, indicating intent and understanding of annexation, to be notarized by property owner(s)
  - Consent and Waiver for Maintenance District No. 84-1
  - Consent and Waiver for Landscape Maintenance District No. 1
  - Petition for Flood Control Maintenance District No. 1

Original notarized document(s) to be sent to:

Roxanne Shepherd  
Shepherd & Staats Incorporated  
2370 Edgehill Road  
Vista, CA 92084  
(760) 639-0124

Upon receipt of deposit and Consent and Waiver Forms, the developer shall work with City to meet the following milestones for annexations as follows:

1. City prepares the Engineer's Reports which includes a description of the improvements to be maintained, an annual cost estimate and annual assessment amounts.
2. Reports are reviewed and approved by the property owner. The assessment ballots will be based on these Reports.
3. The Reports and corresponding resolutions are placed, for approval, on the City Council Meeting Agenda. City Council action will include ordering the assessment ballots and setting a Public Hearing for no sooner than 45 days. Property owner attendance at this City Council Meeting is not required.
4. The assessment ballots are sent to the property owner and are opened by the City Clerk at the close of the Public Hearing. With a "YES" vote by the property owner the City Council can move forward with the Resolution that Confirms the Annexation. Property owner attendance at this Public Hearing is not required.
5. Confirmation by the City Council completes the annexation process and the condition of approval has been met.
7. Additional comments may follow based on submittal of additional materials noted above

**RESOLUTION NUMBER NO. (NEXT IN ORDER)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING AN APPEAL BY BRIAN MOENING OF THE PLANNING COMMISSION CONDITIONS OF APPROVAL FOR DEVELOPMENT PLAN REVIEW CASE 14-03-0025 TO ALLOW AN AUCTION FACILITY USING MODULAR BUILDINGS, TOTALING 4,900 S.F., LOCATED AT 2021 GOETZ ROAD, AND MAKING FINDINGS IN SUPPORT THEREOF.**

**WHEREAS**, on March 31, 2014 the applicant Brian Moening of Western Construction Auctions filed a Development Plan Review application to request approval of an auction facility located at 2021 Goetz Road; and

**WHEREAS**, the proposed location of the use is in accordance with the objectives of the Zoning Ordinance and the purpose of the Light Industrial zone of the Perris General Plan; 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**, the proposed project has been duly noticed; and

**WHEREAS**, a public hearing was held on September 16, 2015, at which time all interested persons were given full opportunity to be heard and to present evidence; and

**WHEREAS**, on September 16, 2015, the Planning Commission continued the project at the request of the applicant to the November 4, 2015 public hearing; and

**WHEREAS**, a public hearing was held on November 4, 2015, at which time all interested persons were given full opportunity to be heard and to present evidence; and the project was approved by the Planning Commission by 5-0-1 vote, with conditions; and

**WHEREAS**, the applicant filed an appeal of condition no. 3 of Development Review Case 14-03-0025 related to "Building Permits for Modular Buildings and Completion of Parking Lot, Landscaping and Street Improvements; and

**WHEREAS**, a public hearing was held by the City Council on February 9, 2016, 2015, at which time all interested persons were given full opportunity to be heard and to present evidence; and approving the applicant's appeal of condition no. 3, to allow the applicant to obtain permits within one year of entitlement approval, complete on-site improvements within two years of entitlement approval, and complete off-site improvements within 3 years of entitlement approval;

***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 City Council hereby determines that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines pursuant to Article 19 Section 15301 for a proposed project out of an existing facility that has been in operation since November 2008 under temporary use permits with a previously approved Development Plan Review application as a framework for interim operation. An Initial Study and Negative Declaration (ND 2273) was prepared for the original Development Review (DPR 08-04-0004) which determined that no significant environmental effects would be caused by the project.

***Section 3.*** Based on the information contained in the staff report and supporting exhibits and plans for the Development Plan Review, the City Council hereby finds:

- a) The location, size, design, density and intensity of the proposed development and improvements are consistent with the City's General Plan, the purposes and provisions of this Title, the purposes of the zone in which the site is located, and the development policies and standards of the City.
- b) The subject site is physically suitable, including but not limited to parcel size, shape, access, and availability of utilities and services, for the type of development proposed.
- c) The proposed development and the conditions under which it would be operated or maintained is compatible with the vision set forth in the General Plan for all new future developments, and will therefore not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- d) The proposed modular buildings and improvements to the site are considered appropriate for an auction facility that will protect the character of adjacent development which is currently undeveloped land to the west and north, non-conforming residential use to the south and the Perris Valley Airport runway to the east.
- e) The landscaping plan ensures visual relief and provides an attractive environment for the public's enjoyment.
- f) The safeguards necessary to protect the public health, safety and general welfare have been required for the proposed project.

***Section 4.*** For the foregoing reasons the City Council hereby approves appeal of Planning Condition No. 3 for Development Plan Review 14-03-0025, to allow "Western Construction Auction" located at 2021 Goetz Road to pay all necessary permits within 1 year of

entitlement approval and build out of the project within 3 years, based on the information and findings presented in the staff report and the attached Conditions of Approval.

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

Section 6. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Resolution.

**ADOPTED, SIGNED, and APPROVED** this 9<sup>th</sup> day of February 2016.

---

Daryl R. Busch, Mayor

ATTEST:

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Nancy Salazar, City Clerk

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

I, Nancy Salazar, City Clerk of the City of Perris do hereby certify that the foregoing Resolution No. \_\_\_\_\_ was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 9<sup>th</sup> day of February 2016, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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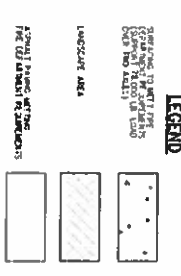
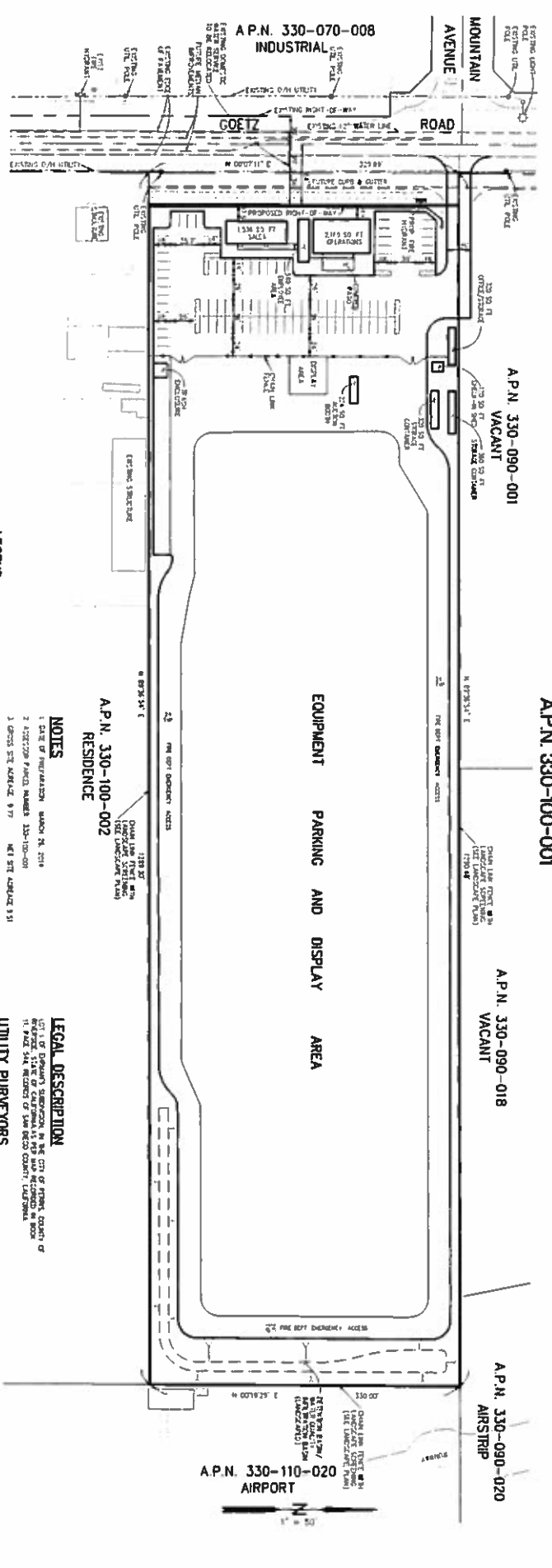
Nancy Salazar, City Clerk





# DEVELOPMENT PLAN REVIEW

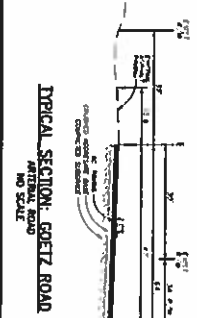
**SITE PLAN**  
**WESTERN CONSTRUCTION AUCTIONS INC.**  
**2021 GOETZ ROAD, PERRIS, CALIFORNIA**  
**A.P.N. 330-100-001**



- NOTES**
1. DATE OF PREPARATION: MARCH 24, 2018
  2. ADOPTED PLAN: MARCH 23, 2018-01
  3. GROSS SITE AREA: 9.77 ACRES (424,816 SQ. FT.)
  4. EXISTING LAND USE: VACANT
  5. PROPOSED LAND USE: (CONFORM) RESIDENTIAL
  6. EXISTING ZONING DESIGNATION: L-1 (RESIDENTIAL)
  7. PROPOSED ZONING DESIGNATION: L-1 (RESIDENTIAL)
  8. FLOOD HAZARD ZONE: A (100-YEAR FLOOD)
  9. PUBLIC UTILITIES: (INCLUDING 2 VACUUM SANITATION)
  10. SPECIAL PERMITS: (CONFORM) SPECIAL PERMIT
  11. ADDITIONAL PERMITS: (CONFORM) PERMITS SHALL BE SUBMITTED TO THE CITY ENGINEER/PLANNING DEPARTMENT
  12. AREA LIMITED TO THE CITY ENGINEER/PLANNING DEPARTMENT ACCESS TO BE WITHIN THE CITY ENGINEER/PLANNING DEPARTMENT ACCESS

**LAND USE AREA SUMMARY**

USE	ACRES	PERCENT	PROPORTION
LANDSCAPE AREA	0.13	1.33	1.33
ASPHALT DRIVE WITH THE FINE GRAINABLE RESURFACING	0.13	1.33	1.33
LANDSCAPE AREA	0.13	1.33	1.33
LANDSCAPE AREA	0.13	1.33	1.33
LANDSCAPE AREA	0.13	1.33	1.33
LANDSCAPE AREA	0.13	1.33	1.33
LANDSCAPE AREA	0.13	1.33	1.33
LANDSCAPE AREA	0.13	1.33	1.33
LANDSCAPE AREA	0.13	1.33	1.33
LANDSCAPE AREA	0.13	1.33	1.33



**LEGAL DESCRIPTION**

LOT 10, TRACT 10, COUNTY OF SAN BERNARDINO, CALIFORNIA, AS SHOWN ON THE MAP OF THE STATE OF CALIFORNIA, AS HAS BEEN RECORDED IN BOOK 11, PAGE 344, RECORD OF SAN BERNARDINO COUNTY, CALIFORNIA.

**UTILITY PURVEYORS**

WATER: REGIONAL WATER AGENCY DISTRICT 911-824-3717  
 SEWER: SOUTHERN CALIFORNIA GAS COMPANY 800-451-2300  
 ELECTRIC: SOUTHERN CALIFORNIA GAS COMPANY 800-451-2300  
 TELEPHONE: VERIZON 800-441-5500  
 CABLE: PERRIS CABLE TV DISTRICT 951-457-3118  
 CITY: PERRIS 951-841-1000  
 GAS: PERRIS GAS SERVICES 951-841-1991

**PREPARED BY**  
 Meddler Engineering Inc.  
 28410 Midway Lane  
 Perris, CA 92571  
 951-841-1991

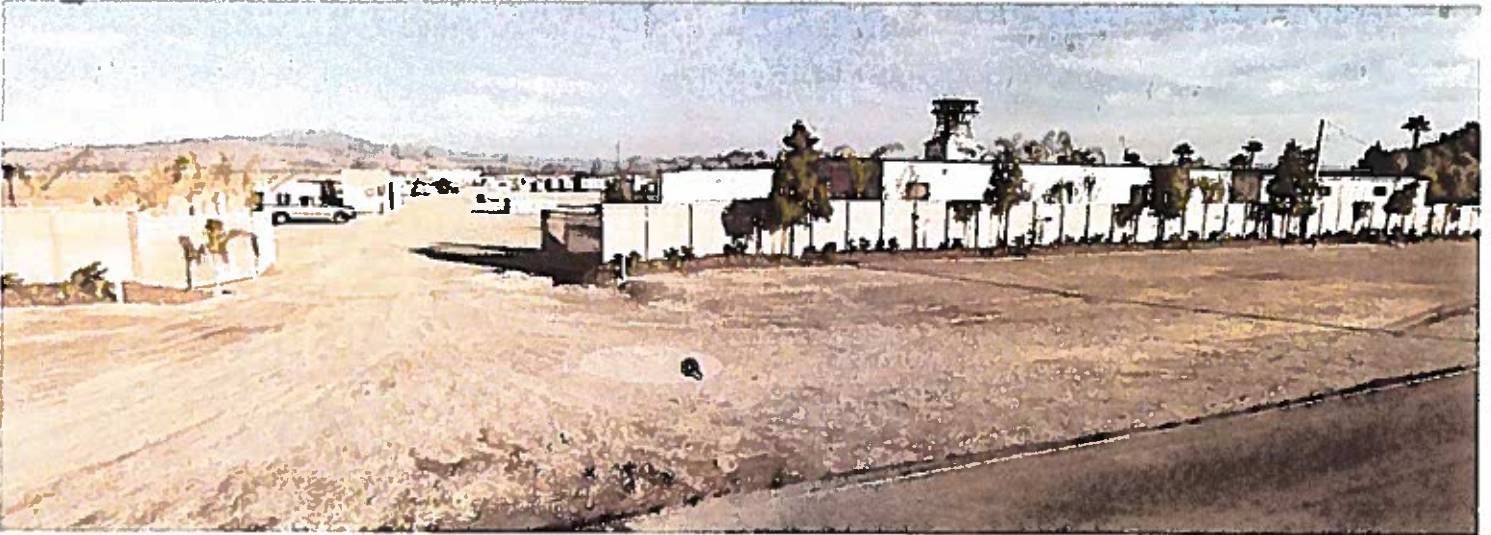
**OWNER/APPLICANT**  
 WESTERN CONSTRUCTION AUCTIONS INC.  
 2021 GOETZ ROAD  
 PERRIS, CALIFORNIA 92571  
 951-841-1991



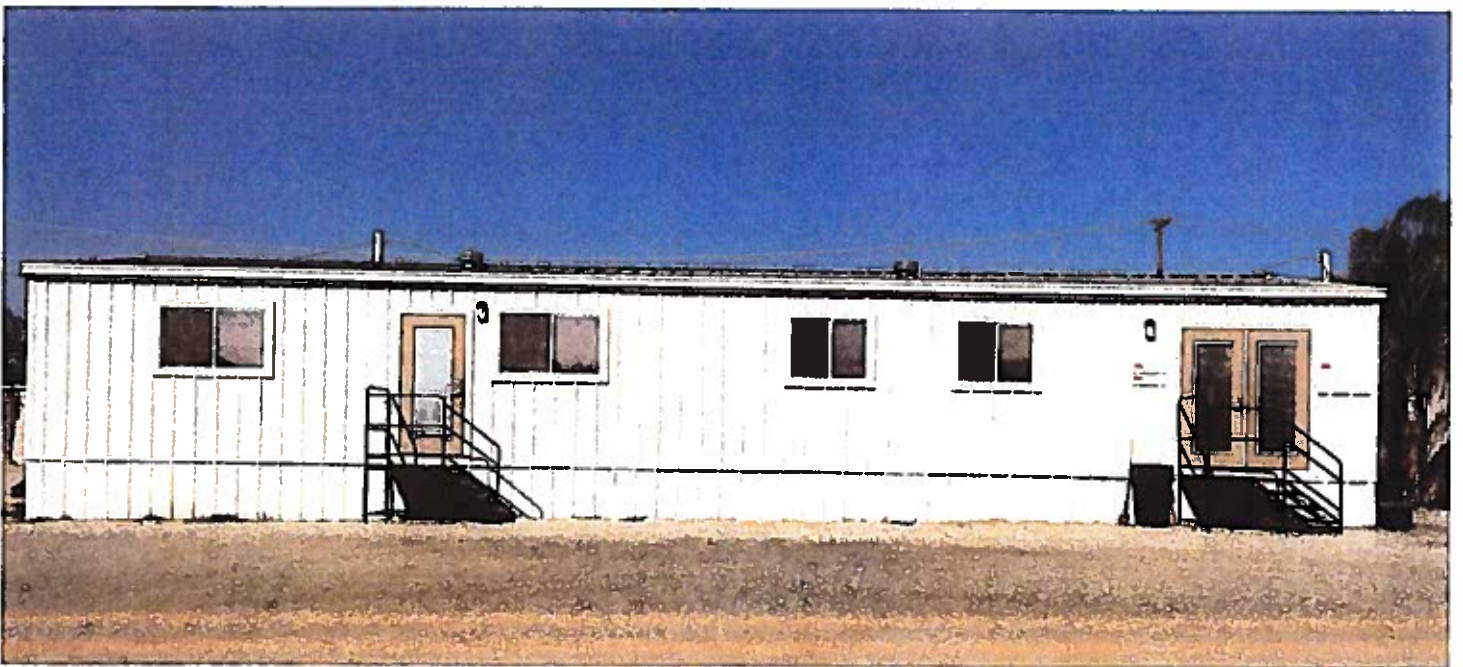
**REVISIONS**

NO.	DATE	DESCRIPTION

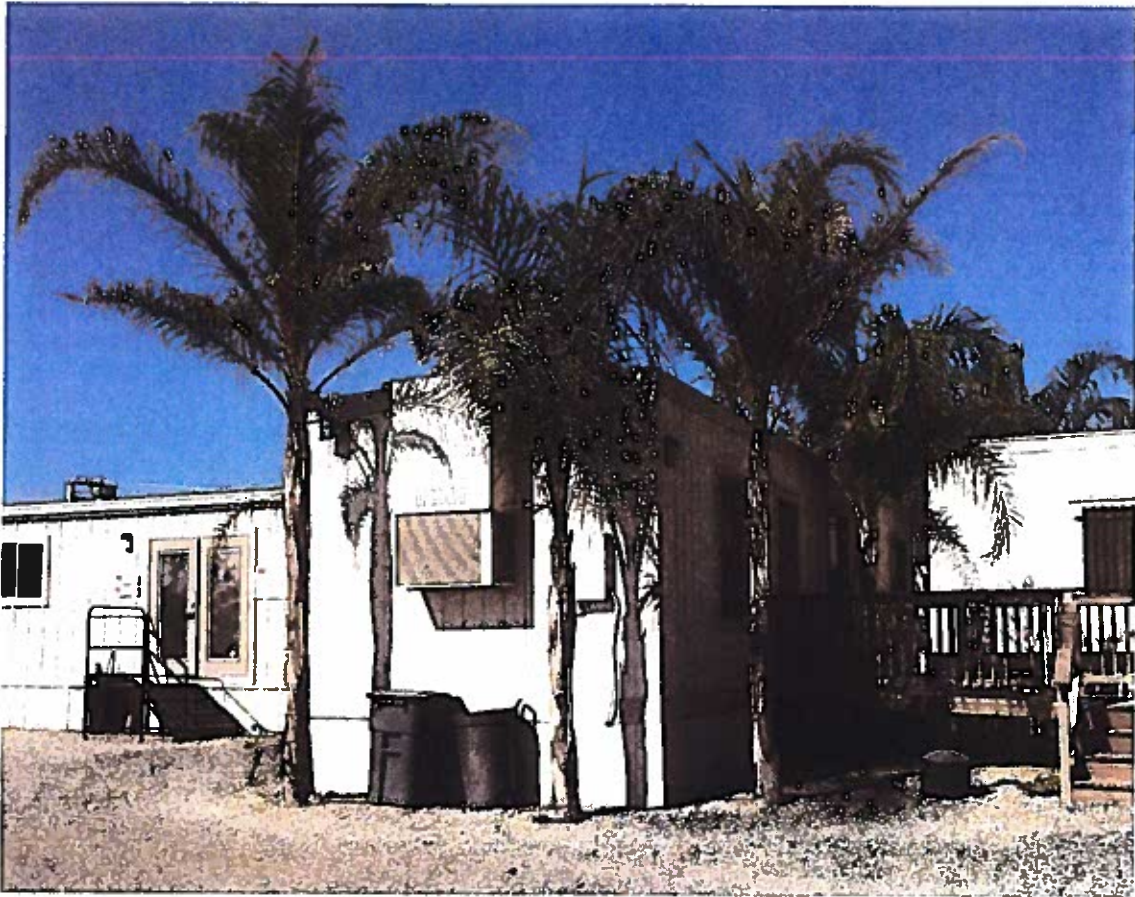
# WCA PICTURES



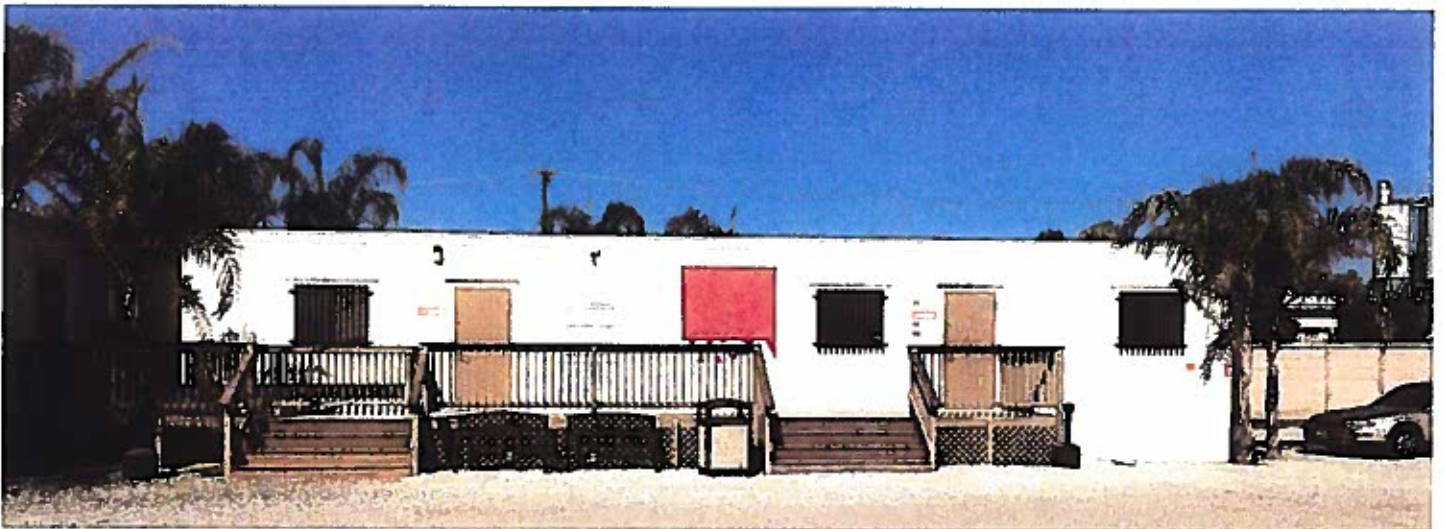
**Goetz Road (Street View)**



**1,536 sf sales trailer**

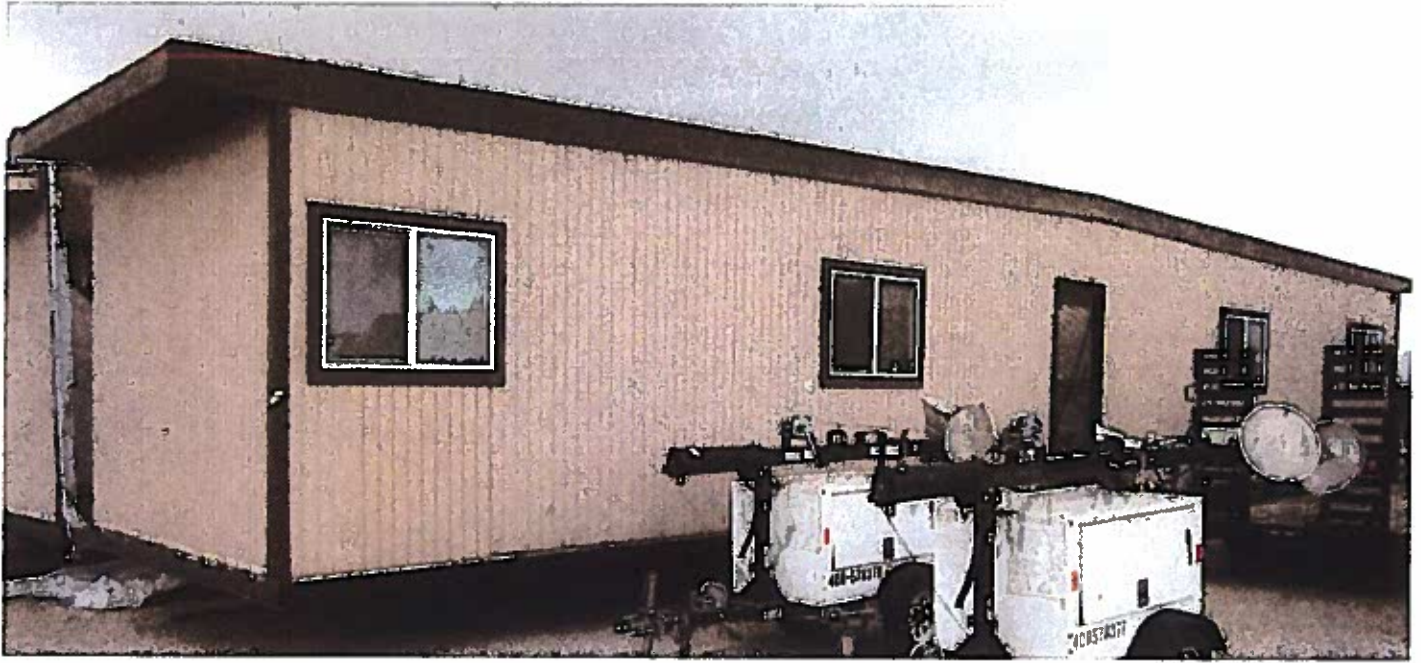


**540 sf employee break trailer**

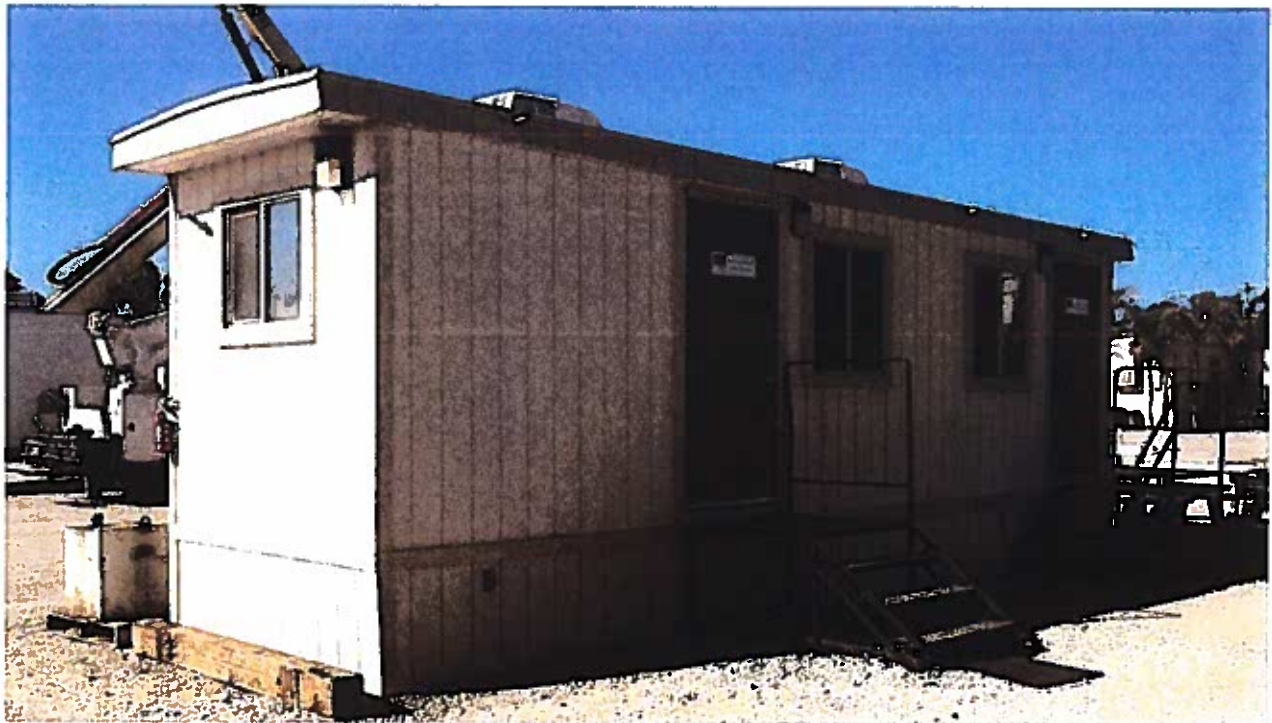


**Existing 1,536 sf operations trailer**

**(To be replaced with 2,160 sf trailer: see below)**



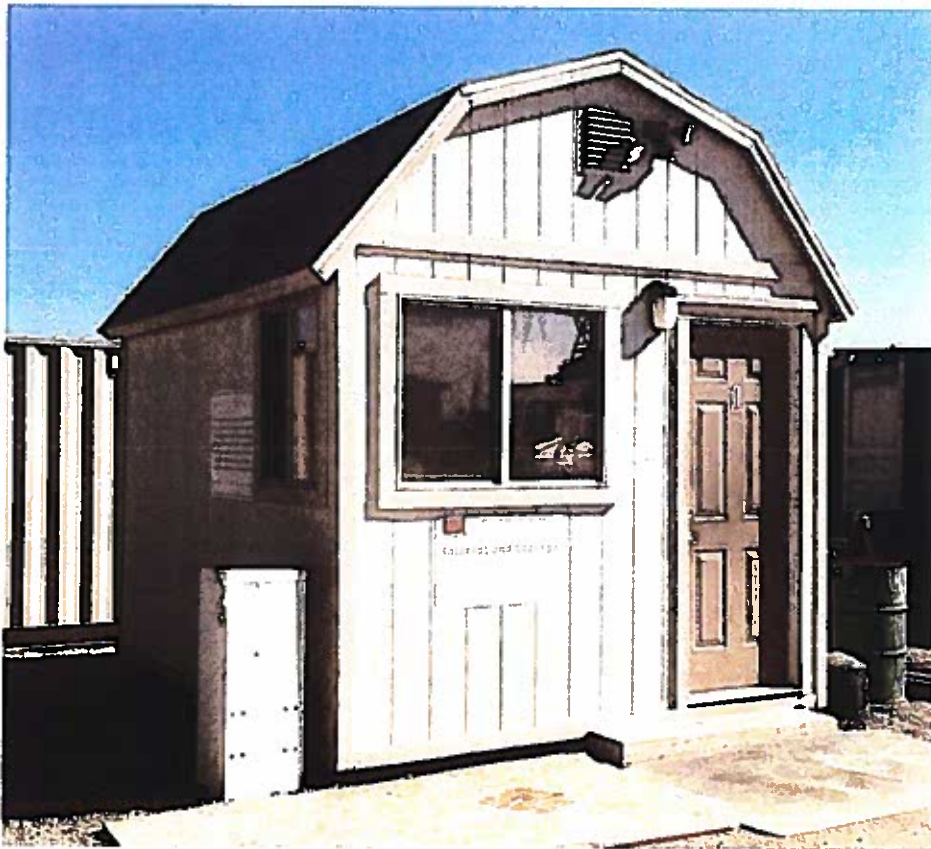
**2,160 sf operations trailer**



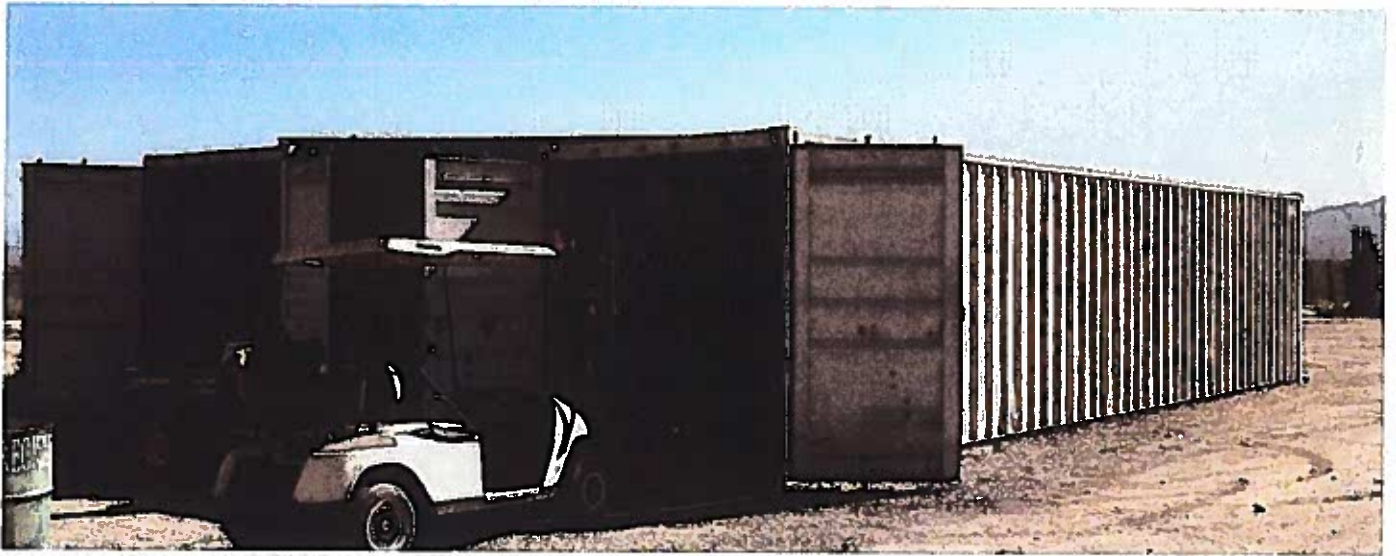
**224 sf auction booth**



**320 sf office/storage container**



**120 sf check-in shed**



**360 sf & 320 sf storage containers**









**PLANNING COMMISSION  
AGENDA SUBMITTAL**

**Meeting Date: November 4, 2015**

**SUBJECT:**                   **Development Plan Review 14-03-0025 – Proposal to permanently establish an auction facility on 9.8-acres “WCA”, located at 2021 Goetz Road. The business has been in operation since 2008 under a Temporary Use Permit in connection with a previously approved Development Plan Review (DPR 08-04-0012). Applicant: Brian Moening, Western Construction Auctions.**

**REQUESTED ACTION:**   **Adopt Resolution No. 15-17 approving Development Plan Review 14-03-0025, based on the findings contained in the staff report and subject to the Conditions of Approval.**

**CONTACT:**                   **Clara Miramontes, Director of Development Services**



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**BACKGROUND/DISCUSSION:**

The Planning Commission continued the above reference project at the regularly scheduled Planning Commission meeting of September 16, 2015 at the request of the applicant. The project was continued so the applicant could have additional time to evaluate the financial obligation of the conditions of approval. No presentation or discussion of the project was made at the hearing. The previously prepared staff report package are provided again for the Commission's review except for the full size plans.

The request is to permanently allow an existing auction facility that has been in operation since 2008 under a Temporary Use Permit. A Development Plan Review was approved for this site in 2008 for a permanent 1,250 square foot building, including parking and street improvements, for an auction facility. However, due to financial hardship during the economic downturn at that time, the business was granted a temporary use permit to allow them to operate with temporary modular buildings and all street and parking lot improvements were deferred. Since then, the applicant has done some improvements such as installing screening and landscaping along the frontage. The applicant has now decided that the original plans previously approved are no longer feasible and is proposing to permanently retain the existing modular structures, with the exception of one that is proposed to be replaced with a larger modular building. Therefore, this request will replace all previous approvals and all necessary right-of-way improvements, parking lot paving and permits shall be required under this application.

The modular structures consist of a 1,536 square-foot sales trailer, 540 square-foot breakroom trailer, 2,160 square-foot operations trailer, 224 square-foot auctioneer booth, 320 square-foot temporary office/storage structure and 120 square-foot check-in booth. Also, two metal containers (320 sq. ft. and 360 sq. ft.) are proposed for storage of auction items sensitive to the open elements. The outdoor storage area is approximately 251,990 square feet and is located to the rear of the site. There is a 24-foot wide fire access lane provided around the storage area and throughout the site. The fire lane will be made of compacted gravel material to support emergency vehicles. Water quality basins are located to the rear of the site along the easterly and southeasterly property lines.

Staff recommends approval of this request, provided all permits and improvements are commenced right away. Staff is now conditioning that the applicant obtain permits for all the modular structures within six (6) months of entitlement approval and all street improvements and construction be completed within one (1) year from

entitlement approval. This includes, finalizing permits, paving parking lot and installation of all landscaping, curb, and street improvements. The applicant on the other hand is requesting three years to complete all the improvements. Their desire is to pay for all the improvements in full through the profit generated from the operation, instead of taking a loan for the construction. The timing for which when permits would be obtained and when construction would start is still being evaluated. The applicant plans to outline their three year plan for built-out to the Planning Commission by the hearing date.

A public hearing notice was mailed to public agencies and adjacent property owners within 300 feet of the subject site. Staff has not received any comments from the public notice. The project is determined to be categorically exempt pursuant to Article 19 Section 15301 of CEQA. Detailed project information is provided in the attached staff report and conditions of approval.

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

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**PREPARED BY:** Kenneth Phung, Project Planner  
**REVIEWED BY:** Clara Miramontes, Director of Development Services

**Public Hearing:** November 4, 2015

**CITY OF PERRIS  
DEVELOPMENT DEPARTMENT  
PLANNING DIVISION**

**STAFF REPORT**

**CASE NUMBERS:** Development Plan Review 14-03-0025

**Date:** November 4, 2015

**Project Planner:** Kenneth Phung, Project Planner

**Project Description:** Proposal to allow an auction facility using modular structures as permanent buildings totaling 4,900 square feet. The business has been in operation since late 2008 under temporary use permits with a previously approved Development Plan Review application (i.e. DPR 08-04-0012) as a framework for interim operation.

**Location:** 2021 Goetz Road

**Assessor's Parcel Number:** 330-100-001 (9.77 acres)

**Applicant/Owner:  
Address:** Brian Moening  
2021 Goetz Road  
Perris, CA 92570

**Environmental Determination:** Categorically exempt pursuant to Article 19 Section 15301 of CEQA for a proposed operation out of an existing facility.

**Related Cases:** DPR 08-04-0012, MA 08-08-0016, TUP 08-10-0003, TUP 08-10-0004, FENCING 11-05-0007, MM 11-07-0009, LDSCP 11-08-0011, MM 13-08-0004

***EXISTING ZONING AND LAND USE:***

**Existing Zoning:** Light Industrial

**Surrounding Zoning:**

<b><i>Direction</i></b>	<b><i>Zoning</i></b>
North	Light Industrial
South	Light Industrial
East	Public Facility
West	General Industrial

Existing Land Use: Auction Facility

Surrounding Land Uses:

<i>Direction</i>	<i>Land Use</i>
North	Vacant Industrial Land
South	Residential
East	Perris Valley Airport
West	Industrial Use

**PROJECT DESCRIPTION:**

The WCA proposal is a request to allow an auction facility using modular structures as permanent buildings totaling 4,900 square feet. The proposed project consists of a 1,536 square-foot sales trailer, 540 square-foot breakroom trailer, 2,160 square-foot operations trailer, 224 square-foot auctioneer booth, 320 square-foot temporary office/storage structure and 120 square-foot check-in booth. Also, two metal containers (320 sq. ft. and 360 sq. ft.) are proposed for storage of auction items sensitive to the open elements. The outdoor storage area is approximately 251,990 square feet and is located to the rear of the site. There is a 24-foot wide fire access lane provided around the storage area and throughout the site. The fire lane will be made of compacted gravel material to support emergency vehicles. Water quality basins are located to the rear of the site along the easterly and southeasterly property lines.

**PROJECT BACKGROUND:**

This request is to permanently allow an existing auction facility that has been in operation since 2008 under a Temporary Use Permit. A Development Plan Review was approved for this site in 2008 for a permanent 1,250 square foot building, including parking and street improvements, for an auction facility. However, due to financial hardship during the economic downturn at that time, the business was granted a temporary use permit to allow them to operate with temporary modular buildings and all street and parking lot improvements were deferred. Since then, the applicant has done some improvements such as installing screening and landscaping along the frontage. The applicant has now decided that the original plans previously approved are no longer feasible and is proposing to permanently retain the existing modular structures, with the exception of one that is proposed to be replaced with a larger modular building. Therefore, this request will replace all previous approvals and all necessary right-of-way improvements, parking lot paving and permits shall be required under this application. Applicant shall obtain permits for all buildings within 6 months from the date of approval and all landscaping, street and parking lot improvements shall be completed and installed within one year.

**ANAYLYSIS:**

***General Plan and Zoning Consistency***

The project site is located within Planning Area 8 as identified in the City General Plan (2030) Land Use Element. The Perris Valley Airport anchors this Planning Area and is surrounded by industrial land use designations. Ellis Avenue and Interstate 215 border the Planning Area at the north, to the south and east is the San Jacinto River, and Ash Street is to the west. The proposed project will extend the expiration date of a previously approved auction facility allowed in the Light Industrial (LI) zone and install infrastructure improvements to service the site, and increase tax revenue consistent with the goal of the General Industrial zone. Therefore, the proposed project would be compatible with land use goals set forth in Planning Area 8.

***Site Planning and Architectural Design***

The site is a rectangular lot that fronts Goetz Road. Access to the site is on Goetz Road, which will align with Mountain Avenue across the street. To align with this street, the applicant will coordinate with the owner of the adjacent vacant lot to provide shared access. The buildings proposed for the site are modular buildings on non-permanent foundation consisting of a 1,536 square-foot sales trailer, 540 square-foot breakroom trailer, 2,160 square-foot operations trailer, 224 square-foot auctioneer booth, 320 square-foot temporary office/storage structure and 120 square-foot check-in booth. These buildings are towards the front of the site while the approximately 251,990 square-foot storage area and auction areas are located to the rear of the site. There is a minimum 24-foot-wide fire access lane provided around the storage area and throughout the site. The fire lane will be made out of compacted gravel material to support emergency vehicles. Water quality basins are located to the rear of the site along the easterly and southeasterly property lines.

***Development Standards***

The project site is subject to the Light Industrial (LI) development standards of the Zoning Code. The proposed project complies with all development standards of the Zoning Code for the Light Industrial designation. See table below for development standards compliance.

<b><i>Development Standards (LI)</i></b>			
<b><i>Development Standard</i></b>	<b><i>Required/Max</i></b>	<b><i>Provided</i></b>	<b><i>Complies</i></b>
<b>Lot Coverage</b>	50 % max	1%	Yes
<b>Floor Area Ratio</b>	0.75 FAR	1%	Yes
<b>Structure Height</b>	50 feet max	20 feet	Yes
<b>Front Setback (Arterial)</b>	15 feet min	15.5 feet	Yes
<b>Side Setback (adjoining non-residential)</b>	None	N/A	Yes
<b>Side Setback (adjoining residential)</b>	20 feet min	75 feet	
<b>Rear Setback</b>	None	N/A	Yes

The minimum required setback for Goetz Road (Arterial) is 15 feet. The proposed site plan depicts a minimum 15.5-foot setback from the property line to the closest modular building. No rear and side yard setbacks are required if the building adjoins a non-residential use. The site does not along the west, east and north property lines. There is a non-conforming residential use along the south property line, which requires a minimum 20-foot side yard setback for occupied buildings. A minimum 75 feet setback is provided. Therefore, the project meets all setback requirements.

**Fence and Screening**

A decorative solid block wall with cap has been installed along the site frontage with a view-obscuring wrought gate fence at the project entrance as a requirement of Minor Modification 11-07-0009 approval by the Planning Commission on October 19, 2011. The wall continues 120 feet along the north side property lines and 80 feet along the south side property lines.

**Parking Standards**

The project proposes 16 parking spaces for office operation and 66 parking spaces for auction operation totaling 87 parking spaces, which exceed the City's requirement as shown in the table below:

<b>Parking Table</b>			
<b>Building Sq. Ft.</b>	<b>Parking Ratio Required.</b>	<b>Parking Required</b>	<b>Parking Provided</b>
4,900 sq. ft.	1/300	16	16
251,990 sq. ft. outdoor equipment area	1 space for every 2,000 square feet of outdoor sales/display area for first 10,000 sq. ft.	5	5
	1 space for every 5,000 sq. ft. over 10K sq. ft.	48	66
<b>Total</b>		<b>69</b>	<b>87</b>

The required handicap parking spaces are four (4) spaces for total parking spaces between 76 to 100 parking spaces. The parking lot layout has a total of 4 handicap spaces, which complies with the 4 handicap spaces required per the code. Thus, the project is in compliance with handicap parking requirements.



### ***Landscaping***

The Code requires landscaping to be provided at a minimum rate of 10% for the entire site. The conceptual landscape plan shows that a total of 53,348 square feet of landscaping will be provided or 12.5 % of the site. Landscaping is proposed around the perimeter buildings. Larger landscaped areas are provided along Goetz Road, which is a highly visible street. Shade trees will be provided for office parking spaces at the rate of one tree for every six vehicles, and water quality basins will be fully landscaped to blend with the overall landscape design. Multi-level landscape materials from large trees to ground covers will be utilized to provide an interesting and rich streetscape. Particular emphasis will be placed on enhanced landscaping at all project entries.

### ***Access and Circulation***

As discussed earlier, access to the site is on Goetz Road that will align with Mountain Avenue. The project entrance and parking lot area for the office buildings will be paved. The remainder of the site and event day auction parking is compacted gravel in compliance with Building and Fire Department for safe access for fire protection purposes. A 24- foot-wide fire access lane will be provided around the storage area and throughout the site. The fire lane will be made out of compacted gravel material to support emergency vehicles. Staff is conditioning that the applicant obtain permits for all the modular structures within six (6) months of entitlement approval and all street improvements and construction shall be completed within one (1) year from entitlement approval.

### ***Public/Agency Comments***

A public hearing notice was mailed to public agencies and adjacent property owners within 300 feet of the subject site. To date, staff has not received any written comments. In addition, the Police Department has no objection to this proposal.

### **ENVIRONMENTAL CONSIDERATIONS:**

The project is determined to be categorically exempt pursuant to Article 19 Section 15301 of CEQA for a proposed operation out of an existing facility that has been in operation since November 2008 under temporary use permits with a previously approved Development Plan Review application as a framework for interim operation. An Initial Study and Negative Declaration (ND 2273) was prepared for the original Development Review (DPR 08-04-0004) which determined that no significant environmental effects would be caused by the project.

### **RECOMMENDATION:**

Staff recommends that the Planning Commission:

**Adopt Resolution No. 15-17 approving Development Plan Review 14-03-0025 based on the findings and information contained in the discussion, and the attached exhibits, subject to the**

**Conditions of Approval.**

***EXHIBITS:***

- Exhibit A - Conditions of Approval (Planning, Engineering and Public Works)**
- Exhibit B -**
- Exhibit C - Aerial Map**
- Exhibit D - General Plan/Zoning Map**
- Exhibit E - Proposed Site Plan, Concept Landscaping and Pictures of Modular Buildings**
- Exhibit F - Original Proposed Site Plan, Concept Landscaping and Elevations**
- Exhibit G - Resolution 15-17**

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

**CONDITIONS OF APPROVAL**

**DPR 14-03-0025**

**Planning Commission November 4, 2015**

**PROJECT:** Proposal to allow an auction facility using modular structures as permanent buildings totaling 4,900 square-feet located at 2021 Goetz Road. The business has been in operation since late 2008 under temporary use permits with a previously approved Development Plan Review application (i.e. DPR 08-04-0012) as a framework for interim operation. **Applicant:** Brian Moening, Western Construction Auctions.

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**General Requirements:**

1. **Development Standards.** The project shall conform to all requirements of the City of Perris Municipal Code Title 19, including provisions of the Light Industrial (LI) Zone.
2. **Term of Approval.** In accordance with P.M.C. Section 19.50.080, Expiration and Extension of Time, this approval shall expire three (3) years from the date of Planning Commission approval. Within three years, the applicant shall demonstrate the beginning of substantial construction as contemplated by this approval, which shall thereafter be diligently pursued to completion, or substantial utilization. A maximum of three (3) one-year extensions may be requested. A written request for extension shall be submitted to the Planning Division at least ten (10) days prior to the initial (and any subsequent extension) expiration of the Development Plan Review.
3. **Building Permits for Modular Buildings and Completion of Parking lot, Landscaping and Street Improvements.** The applicant shall obtain permits for all the modular structures within six (6) months of entitlement approval. All parking lot, landscaping and street improvements and finalized permits shall be completed within one (1) year from entitlement approval.
4. **Building Official/Fire Marshal.** The proposed project shall adhere to all requirements of the Building Official/Fire Marshal. Fire hydrants shall be located on the project site pursuant to the Building Official. The applicant shall submit a fire access and fire underground plan prior to construction drawings. Water, gas, sewer, electrical transformers, power vaults and separate fire/water supply lines (if applicable) must be shown on the final set of construction plans pursuant to the requirements of the Building Official. All Conditions of Approval shall be included on building plans. See City of Perris website, Office of the Fire Marshal, for examples and relevant information for access and underground plan available at: <http://www.cityofperris.org>.
5. **Engineering Conditions.** The project shall comply with all requirements of the City Engineer as indicated in the Conditions of Approval dated September 17, 2008.

**EXHIBIT A**

6. **Public Works Conditions.** The project shall comply with all requirements of the CIP Manager as indicated in the Conditions of Approval dated April 16, 2014.
7. **City Ordinances.** The applicant 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.
8. **SCE.** The applicant shall contact the Southern California Edison (SCE) area service planner (951 928-8323) to complete the required forms prior to commencement of construction.
9. **Screening of Roof-Mounted Equipment.** Parapet walls shall prevent public views of roof-mounted equipment.
10. **Waste Hauling.** The developer shall use only the City-approved waste hauler for all construction and other waste disposal.
11. **Notice of Determination Filing.** Within three (3) days of Planning Commission approval, the applicant shall submit a check to the City, payable to Riverside County Clerk, in the amount of \$50 for payment of State Fish and Game fees and County documentary handling fee. In accordance with Section 711.4 of the State Fish and Game Code, no project shall be operative, vested, or final until the filing fees have been paid.
12. **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 Development Plan Review 14-03-0025. 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.
13. **Sanitary Sewer System.** Subject to the approval of the Building Official, the project may provide a subsurface septic system on a temporary basis until the public sewer is constructed within connection distance. The Building Official requires the project to provide the stub-out for future connection. Within six (6) months of availability, the project is required to obtain building permits to demolish the septic system and connect to the sewer system.
14. **Preliminary Water Quality Management Plan (PWQMP).** A Preliminary WQMP was prepared for the proposed project site. All PWQMPs were determined to be in substantial compliance, in concept, with the Riverside County WQMP Manual requirements. Additional Engineering Department review is required to determine if the proposed retention basin is adequately sized to meet the minimum 100 year storm event volumes. The following two conditions apply:

- a. The development shall be subject to all provisions of City of Perris Ordinance Number 1194, which establishes stormwater/urban runoff management and discharge controls to improve water quality and comply with federal regulations, and any subsequent amendments, revisions, or ordinances pertaining thereto.
- b. The structural BMPs selected for this project have been approved in concept. The owner shall submit a Final WQMP including plans and details providing the elevations, slopes, and other details for the proposed structural BMPs including the Retention Basin. The Public Work Department shall review and approve the Final WQMP text, plans and details.

**Operational Requirements:**

15. **Dust Control.** Unpaved ground surfaces shall be compacted base material or another material approved by the Building Official, for which water trucks shall be utilized as-needed to control fugitive dust.
16. **Trash Enclosures.** The trash enclosure shall be fully screened from public view and include an overhead trellis treatment and landscaping. The trash enclosure shall be approved by the Planning Division and be in conformance with City Standards. The location and elevations of trash enclosures shall be included with the landscape plans.
17. **Signage.** The proposed project does not include signage. All signs shall be reviewed and approved by the Planning Division prior to the issuance of building permits.
18. **Graffiti** located on site shall be removed within 48 hours. The site shall be maintained in a graffiti-free state at all times.
19. **Equipment.** All equipment that is greater than 21 feet in height shall be located on the front half of the property, to alleviate the potential hazards to the neighboring property.
20. **Construction Practices.** To reduce potential noise and air quality nuisances, the following items shall be listed as "General Notes" on the construction drawings:
  - a. Construction activity and equipment maintenance is limited to the hours between 7:00 a.m. and 7:00 p.m. Per Zoning Ordinance, Noise Control, Section 7.34.060, it is unlawful for any persons between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on a legal holiday, or on Sundays to erect, construct, demolish, excavate, alter or repair any building or structure in a manner as to create disturbing excessive or offensive noise. Construction activity shall not exceed 80 dBA in residential zones in the City.
  - b. Stationary construction equipment that generates noise in excess of 65 dBA at the project boundaries must be shielded and located at least 100 feet from occupied residences. The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. Equipment and shielding shall remain in the designated location throughout construction activities.

- c. Construction routes are limited to City of Perris designated truck routes.
- d. Water trucks or sprinkler systems shall be used during clearing, grading, earth moving, excavation, transportation of cut or fill materials and construction phases to prevent dust from leaving the site and to create a crust after each day's activities cease. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
- e. A person or persons shall be designated to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. The name and telephone number of such persons shall be provided to the City.
- f. Project applicants shall provide construction site electrical hook ups for electric hand tools such as saws, drills, and compressors, to eliminate the need for diesel powered electric generators or provide evidence that electrical hook ups at construction sites are not practical or prohibitively expensive.

**Prior to Issuance of Grading Permit:**

- 21. **Final Water Quality Management Plan (FWQMP).** Final Water Quality Management Plan (FWQMP). To mitigate impacts related to pollutant loading to receiving waters and/or increased erosion/siltation resulting from the long-term operation of the project, the applicant shall develop, receive approval from the City, and implement a FWQMP. The FWQMP shall contain measures that will effectively treat all pollutants of concern and hydrologic conditions of concern, consistent with the Preliminary WQMP and developed in compliance with the MS4 permit. The FWQMP shall specifically identify pollution prevention, source control, treatment control measures, and other Best Management Practices (BMPs) that shall be used on site to control predictable pollutant runoff to reduce impacts to water quality to the maximum extent practicable. The FWQMP shall substantially comply with site design, source control and treatment control BMPs proposed in the approved Preliminary Water Quality Management Plan (PWQMP).

**Prior to Issuance of Building Permits:**

- 22. **Building Plans.** All Conditions of Approval and shall be copied onto the approved building plans.
- 23. **Fees.** The developer shall pay the following fees:
  - a. Stephen's Kangaroo Rat Mitigation Fees of \$500.00 per acre;
  - b. City Development Impact Fees in effect at the time of development;
  - c. Multi-Species Habitat Conservation Plan fees in effect at that time;
  - d. Statutory school fees in effect at issuance of building permits to all appropriate school districts;

- e. Pay any outstanding liens and development processing fees owed to the City;
- f. Transportation Uniform Mitigation Fees (TUMF) in effect at the time of development.

**24. Landscaping Plans.** Prior to issuance of building permits, three (3) copies of Construction Landscaping and Irrigation Plans shall be submitted to the Planning Division for approval accompanied by the appropriate filing fee. The plans shall be prepared by a California-registered landscape architect and conform to the requirements of Chapter 19.70 of the Municipal Code. The location, number, genus, species, and container size of the plants shall be shown. The following treatments, consistent with the conceptual landscape plan or as conditioned herein, are required:

- a. **Project Boundary.** Mature trees (24" to 36" box) shall be planted along the project boundary.
- b. **Water Quality Basins and Large Swales.** Tiered landscaping with mature trees (24" to 36" box) shall be planted in these areas, including berms.
- c. **Accent Landscaping.** Large trees (24" to 36" box) shall be included in the landscape design at all driveway entrances to the project site
- d. **Parking Areas.** A minimum of 30 percent of trees shall be 36 inch box or larger. Also, a minimum of one 24-inch box tree per 6 parking stalls shall be provided.
- e. **Street Trees.** All street trees within the public right of way on Goetz Road shall be 24-inch box size or larger, and planted a maximum of 30 feet on center within the parkway.
- f. **Enhanced Pavement.** Decorative pavement treatments (accent colors, textures, and patterns) should be used for the driveway entrance.
- g. **BMPs for Water Quality.** All BMPs (vegetated swales, detention basins, etc.) shall be indicated on the landscape plans with appropriate planting and irrigation.
- h. **Water Conservation.** Rain sensing override devices and soil moisture sensors shall be required on all irrigation systems. Landscaping shall comply with Zoning Code Chapter 19.70 ([www.cityofperris.org](http://www.cityofperris.org)) for mandated water conservation.
- i. **Maintenance.** Required landscaping shall be maintained in a viable growth condition.
- j. **Landscape Inspections.** The project applicant shall inform the on-site project manager and the landscape contractor of their responsibility to call for final landscape inspection after installation of all landscaping and irrigation system is completely operational. Before calling for a final inspection, the City's "Certificate of Compliance" form shall be completed and signed by the designer/auditor responsible for the project, and submitted to the project planner. The project planner shall sign off the "Certificate of Compliance" to signify code compliance and acceptance.

**25. Walls and Fences.** The storage area of the site shall be properly screened from adjoining uses and public view. The plans and details for all walls and fences shall be reviewed and approved by the Planning Division. The plans may be included in the landscape plan check submittal package. The following shall apply:

- a. The front decorative screen wall shall wrap a minimum of 120 feet alongside property lines before changing to chain link with landscaping.
  - b. Gates shall be constructed of tubular steel in a color complementary to the building.
  - c. Knox boxes are required for all gates, to be approved by the Fire Marshal and issued by the Building Division.
26. **Site Lighting Plan.** A site lighting plan shall be approved that complies with the City's Outdoor Lighting Regulations and Mount Palomar Observatory's Dark Sky Ordinance. The lighting plan shall include photometrics, fixture details and light standard elevations. High efficiency fixtures with full-cut off shields shall be used to prevent light and glare above the horizontal plane of the bottom of the lighting fixture and will not conflict with runway or other site lighting at Perris Valley Airport. At least one foot-candle of light shall be provided in all designated office parking area and pedestrian areas for safety and security.

**Prior to Issuance of Occupancy Permits:**

27. **Disclosures.** The following disclosures shall be recorded on the property, posted in the office reception area, and provided to any potential purchaser and/or lessee of the property:
- a. **Notice of Airport in Vicinity.** The notice to be recorded on title and provided to all potential purchasers and tenants:  
**NOTICE OF AIRPORT IN VICINITY**  

This property is located in the immediate vicinity of the Perris Valley Airport. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. *Business & Profession Code 11010 12(A)*
  - b. **Dam Inundation Area.** The applicant shall record a disclosure on the property and provide a disclosure to any potential purchaser and/or lessee of the property that the project is within a dam inundation area and is subject to flooding in the event of a dam failure. An acknowledgement of this disclosure shall be provided to the City.

28. **Planning Clearance.** The applicant shall first obtain clearance from the Planning Division verifying that all pertinent conditions of approval have been met.
29. **Assessment and Community Facilities Districts.** The project shall be annexed into any assessment, community facilities, or similar district that provides funding for maintenance, services, or public improvements that benefit the project. The costs and benefits shall be described in the applicable district and annexation documents. The



developer shall complete all actions required to complete such annexation prior to issuance of a Certificate of Occupancy. This condition shall apply only to districts existing at the time the project is approved (or all requirements have been met for a certificate of occupancy, as applicable). Such districts may include but are not limited to the following:

- a. Landscape Maintenance District No. 1;
- b. Flood Control Maintenance District No. 1;
- c. Maintenance District No. 84-1;

- 30. **Park Lot Paving/Striping and Landscaping.** The designated auction event parking areas shall be striped/paved and all front landscaping shall be installed.
- 31. **Engineering Conditions of Approval.** All Engineering conditions of approval shall be completed and installed.
- 32. **Avigation Easement.** The applicant shall grant to the City of Perris and to the Perris Valley Airport an avigation easement in the form and manner approved by the City Attorney and shall cause such easement to be duly recorded in the office of the County Recorder.
- 33. **Planning Inspection.** The applicant shall have complied with all pertinent Conditions of Approval and have all required parking, lighting, landscaping and automatic irrigation installed and in good condition. The irrigation and landscaping shall conform to the approved landscaping and irrigation plans.



# CITY OF PERRIS

HABIB MOTLAGH, CITY ENGINEER

## CONDITIONS OF APPROVAL

P8-625

August 12, 2008, *Revised Planning Commission September 17, 2008*

DPR 14-03-0025

With respect to the Conditions of Approval for the above referenced Development Plan Review, the City of Perris requires that the land divider 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 development 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. All questions regarding the true meaning of the conditions shall be referred to the City Engineer's office.

1. This site is located within the limits of the San Jacinto River Area Drainage Plan for which drainage fees have been adopted by the City. Prevailing applicable drainage fees shall be paid to the City prior to grading permit.
2. Development of this property shall be coordinated with the development of adjacent properties to ensure that watercourses remain unobstructed and storm waters are not diverted from one watershed to another. This may require the construction of permanent and/or temporary drainage facilities or offsite construction and grading as determined by City.
3. The property's grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area. No ponding or concentration of water to upstream and downstream properties shall be permitted.
4. All drainage facilities shall be designed to convey the 100-year storm runoff.

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

**EXHIBIT A**

5. A detailed hydrology report and hydraulic calculation shall be submitted to the City for review and approval. The report shall address the offsite flow, accumulative onsite runoff and the impact to adjacent downstream properties.
6. All grading and drainage improvements shall comply with NPDES, WQMP, and Best Management Practices.
7. Onsite basin shall be provided to maintain the incremental increase between developed and undeveloped stages during 100-year storm event pursuant to Riverside County Flood Control Standards.

The basins are private and shall be designed and built to comply with Water Quality Standards and as determined by the City Engineer.

8. Onsite landscape area (first flush basins) shall be designed in a manner to collect the onsite nuisance runoff.
9. Lot access shall be restricted to one along Goetz Road. The driveway approach shall be constructed per Riverside County Standards for commercial driveway (Std. 207A) and comply with the ADA requirements.

Driveway access shall be restricted to right in and out at the time that Goetz Road is ultimately developed as recommended per traffic report prepared by Urban Crossroads dated August 5, 2008.

10. Sufficient right-of-way along Goetz Road along east side shall be dedicated to provide for 64', half-width dedicated right-of-way. Goetz Road from north property boundary to south boundary shall be improved to provide for minimum of 45' new paving and curb and gutter located 47' on east side of centerline and a minimum of 15' new paving on the west. Additional transition to the north and south side shall be provided as determined by the City Engineer.

A cash deposit as determined by the City Engineer for future construction of 7' wide landscaped median (*project frontage*) shall be posted prior to issuance of grading permit.

11. All pads shall be graded to be a minimum of 1' above the 100-year calculated water surface elevation or adjacent finished grade.
12. 6' wide concrete sidewalk and handicap ramps shall be installed along Goetz road per ADA Standards along project frontage.
13. Prior to issuance of grading permit, the Developer shall obtain NPDES, WQMP permit and prepare SWPPP. Erosion control plans shall be prepared and submitted to the City as part of the grading plans.

14. Streetlights shall be installed along Goetz Road as approved by City Engineer per Riverside County and Southern California Edison Standards.
15. The proposed development is in the service area of Eastern Municipal Water District. The applicant shall provide water and sewer facilities to this development and comply with EMWD, Fire Department, and Health Department requirements. Construction of offsite sewer facilities to serve this and adjacent projects is a priority of City Council. This developer will be required to join City and others to insure construction of said facilities and pay its fair share as determined by the City. In the event the sewer is not in place, the applicant may utilize septic system as approved by Building Department and Health Official and to install onsite gravity sewer and pay the City for the construction and connection fees to proposed sewer line along Goetz Road.
16. Prior to issuance of any permit, the developer shall sign the consent and waiver forms to join the lighting district. The developer shall maintain the onsite and offsite landscaping and pay the 18-month advanced energy charges for streetlights. All onsite storm drain facilities including basins, catch basins, detention field, and pipes shall be maintained by owners.
17. Existing power poles fronting and within the project site (65kv or less), if any, shall be removed and all cables undergrounded. All other utility poles, if any, shall be removed and utilities undergrounded.
18. On and offsite street, drainage, water, sewer, striping, signing, streetlight, grading plans and erosion control along with hydrology and hydraulic reports shall be submitted to City Engineer's office for review and approval.

**Habib Motlagh**  
Habib Motlagh  
City Engineer



# CITY OF PERRIS

## PUBLIC WORKS DEPARTMENT

Engineering Administration

• NPDES •

Special Districts (Lighting, Landscape, Flood Control)

# MEMORANDUM

**Date:** April 16, 2014

**To:** Kenneth Phung

**From:** Michael Morales, CIP Manager 

**Subject:** DPR 14-03-0025-SRC Comments

Proposal to allow an auction operation with permanent modular buildings, currently operating under a temporary use permit. Location is 2021 Goetz Road

---

The application for the proposed submittal noted above has been deemed incomplete. Prior to further review, please inform the applicant to submit the following additional materials:

1. A conceptual plan has not been submitted. Applicant shall submit a separate Conceptual Landscape Plan for review and approval at this time for any perimeter hardscape and landscape, parkways, and street medians located within the City right-of-way. This Conceptual landscape plan shall be titled "LMD Conceptual Off-site Landscape Plan DPR 14-03-0025," and shall be mutually exclusive of any private property, on-site landscaping. Elements of this Conceptual Landscape Plan shall include but not be limited to:
  - Limits of right-of-way areas, defined by concrete mow curb, fully dimensioned, that are to be annexed into the Landscape Maintenance District
  - Limits of landscape easement areas, defined by concrete mow curb fully dimensioned, that are to be annexed into the Landscape Maintenance District
  - Location of separate water and electrical utility meters intended to serve landscape maintenance district areas exclusively
  - A planting palette and hardscape plan intended to meet the design intent of the Specific Plan or Landscape Guidelines in effect for the area; or if no such guidelines exist the design intent of neighboring development, as determined by the Engineering Administration and Special Districts Division. The recommended street tree along Goetz Road is "Southern Live Oak Quercus Virginiana Heritage." The Planting palette should incorporate plants that have a proven success record in Perris, including, but not limited to: 1) Society Garlic, 2) Diets Vegeta, 3) Pittosporum Tobira Wheelers Dwarf, and 4) Agapanthus. The following ground cover does well in Perris: 1) Myoporum Pacificum.
  - A list of irrigation system components intended to meet the performance, durability, water efficiency, and anti-theft requirements for Special District landscape areas as determined by the Engineering Administration and Special Districts Division. Components shall include, but not be limited to Salco or GPH flexible PVC risers, a wi-fi central control irrigation controller (Calsense or equal), and Sentry Guard Cable Guard and Union Guard and Wilkins 375 Backflow device or equal.
- Include a Benefit Zone quantities table (i.e. SF of planting areas, turf, number of trees, SF. of hardscape, etc.) in the lower right hand corner of the cover sheet for off-site landscape areas, indicating the amount of landscaping the district will be required to maintain

**EXHIBIT A**

- The landscape architect is to coordinate with EMWD to verify if the site will be served with recycled water. Indicate type of water on Conceptual Landscape Plan, and provide additional irrigation components as needed.
  - Install all valves in concrete valve boxes in planter areas.
  - Install wire mesh at bottom of valve boxes.
2. Each District is required to be metered separately. Show locations of water and electrical meter for landscape district. Show location of water and electrical meter for flood control district. Show location of electrical meter for Traffic signal and street lighting, on respective plans. Coordinate location of meters on conceptual landscape and civil engineering plan. Electrical meter pedestals are to be located in locations that are easily accessible to maintenance staff while not visually obtrusive in the street scene, and away from street intersections.
  3. The off-site irrigation controller, electrical meter, and water meter are to be located within the right of way (preferably within the off-site landscape area). All point of connection equipment including irrigation controller pedestals, electrical meter pedestals, and backflow preventers are to be located in locations that are easily accessible to maintenance staff while not visually obtrusive in the street scene, and away from street intersections. Backflow preventers are to be screened on all sides with (5) gallon plant material.
  4. Applicant shall submit a Preliminary WQMP Plan, prior to approval detailing the on-site and off-site Flood Control Facilities, LID and Treatment Control Best Management Practices. The PWQMP shall include
    - Limits of right-of-way areas, defined by concrete mow curb, fully dimensioned, that are to be annexed into the Flood Control or Landscape Maintenance District
    - Location of separate water and electrical utility meters intended to serve flood control landscape maintenance district areas exclusively
    - A planting palette and hardscape plan for access ramps and other hardscape improvements intended to meet the guidelines of water quality and maintenance concerns as determined by the Engineering Administration and Special Districts Division
    - Conceptual details for treatment control facilities that meet the Riverside County WQMP Design Guidelines shall be included. These guidelines, as well as guidelines for flood control facilities may be supplemented by additional requirements by the Special Districts Department to reduce long term maintenance costs and longevity of improvements. At a minimum concrete check dams shall be used for multi-stage detention basin and infiltration basin facilities separating forebay from second stage treatment area. Concrete v-ditch shall be used for nuisance flows connecting inlet to outlet structures. Connector pipe screens shall be included in catch basin to reduce sediment and trash loading within storm pipe.
  5. Prior to final map approval Applicant shall submit final civil engineering and traffic signal Plans to City Engineer for review. Plans shall incorporate Special District design criteria including LED Safety Lighting, back-up battery systems, traffic detection camera system, and cabinet lighting complete with decorative street name signage.

6. **Assessment Districts.** Prior to final map recordation, the developer shall annex into the following maintenance and assessment district, posting an adequate maintenance performance bond to be retained by the City as required by the City Engineer:
  - a. Flood Control Maintenance District
  - b. Landscape Maintenance District
  - c. Lighting District 84-1

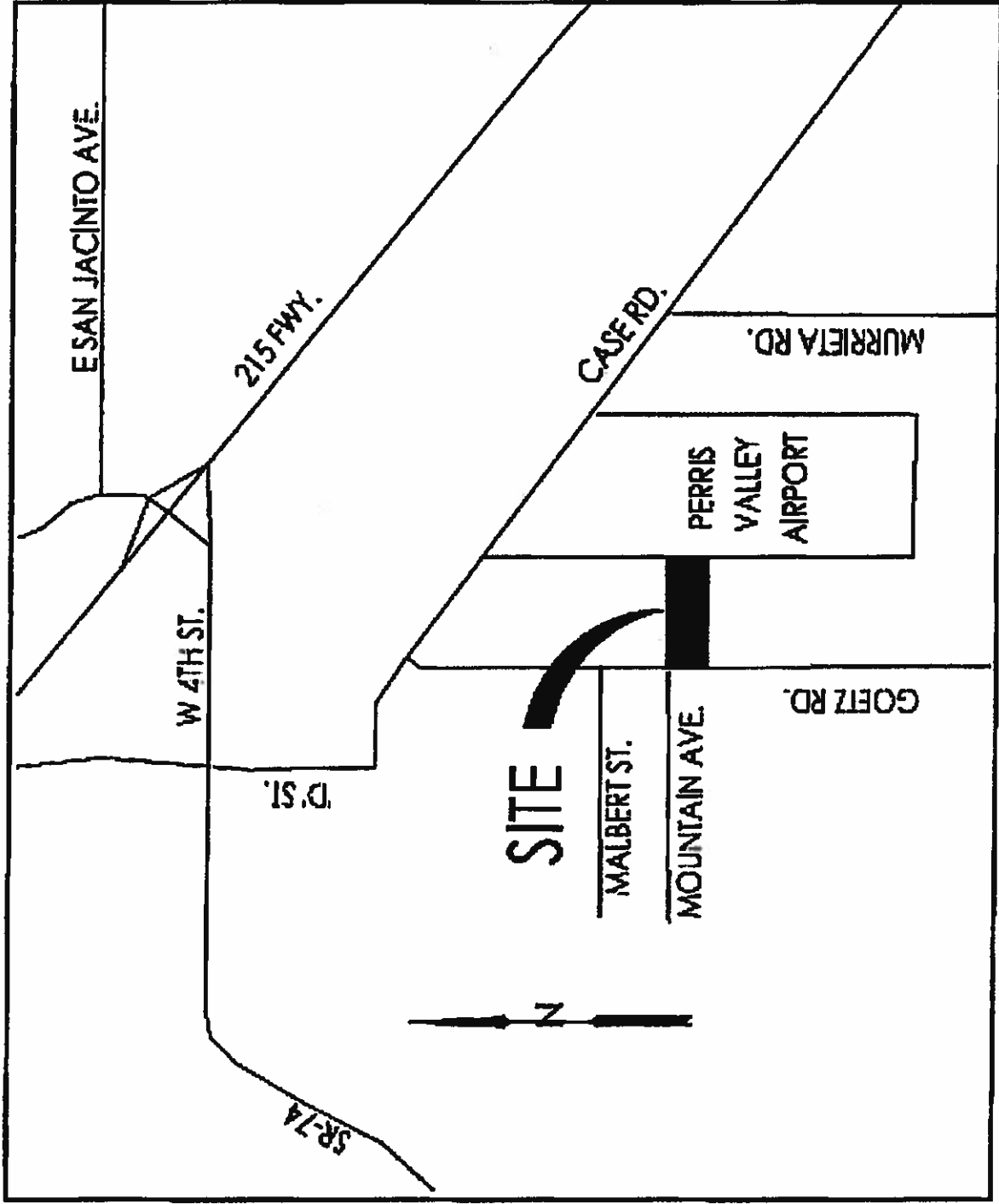
Prior to Permit issuance developer shall deposit \$5,250 per district, \$15,750 total due. Payment is to be made to the City of Perris, and the check delivered to the City Engineer's Office.

1. Document, for each district, indicating intent and understanding of annexation, to be notarized by property owner(s)
  - Consent and Waiver for Maintenance District No. 84-1
  - Consent and Waiver for Landscape Maintenance District No. 1
  - Petition for Flood Control Maintenance District No. 1

Original notarized document(s) to be sent to:  
Roxanne Shepherd  
Shepherd & Staats Incorporated  
2370 Edgehill Road  
Vista, CA 92084  
(760) 639-0124

Upon receipt of deposit and Consent and Waiver Forms, the developer shall work with City to meet the following milestones for annexations as follows:

1. City prepares the Engineer's Reports which includes a description of the improvements to be maintained, an annual cost estimate and annual assessment amounts.
2. Reports are reviewed and approved by the property owner. The assessment ballots will be based on these Reports.
3. The Reports and corresponding resolutions are placed, for approval, on the City Council Meeting Agenda. City Council action will include ordering the assessment ballots and setting a Public Hearing for no sooner than 45 days. Property owner attendance at this City Council Meeting is not required.
4. The assessment ballots are sent to the property owner and are opened by the City Clerk at the close of the Public Hearing. With a "YES" vote by the property owner the City Council can move forward with the Resolution that Confirms the Annexation. Property owner attendance at this Public Hearing is not required.
5. Confirmation by the City Council completes the annexation process and the condition of approval has been met.
7. Additional comments may follow based on submittal of additional materials noted above



**EXHIBIT B – WCA**

**Vicinity Map**



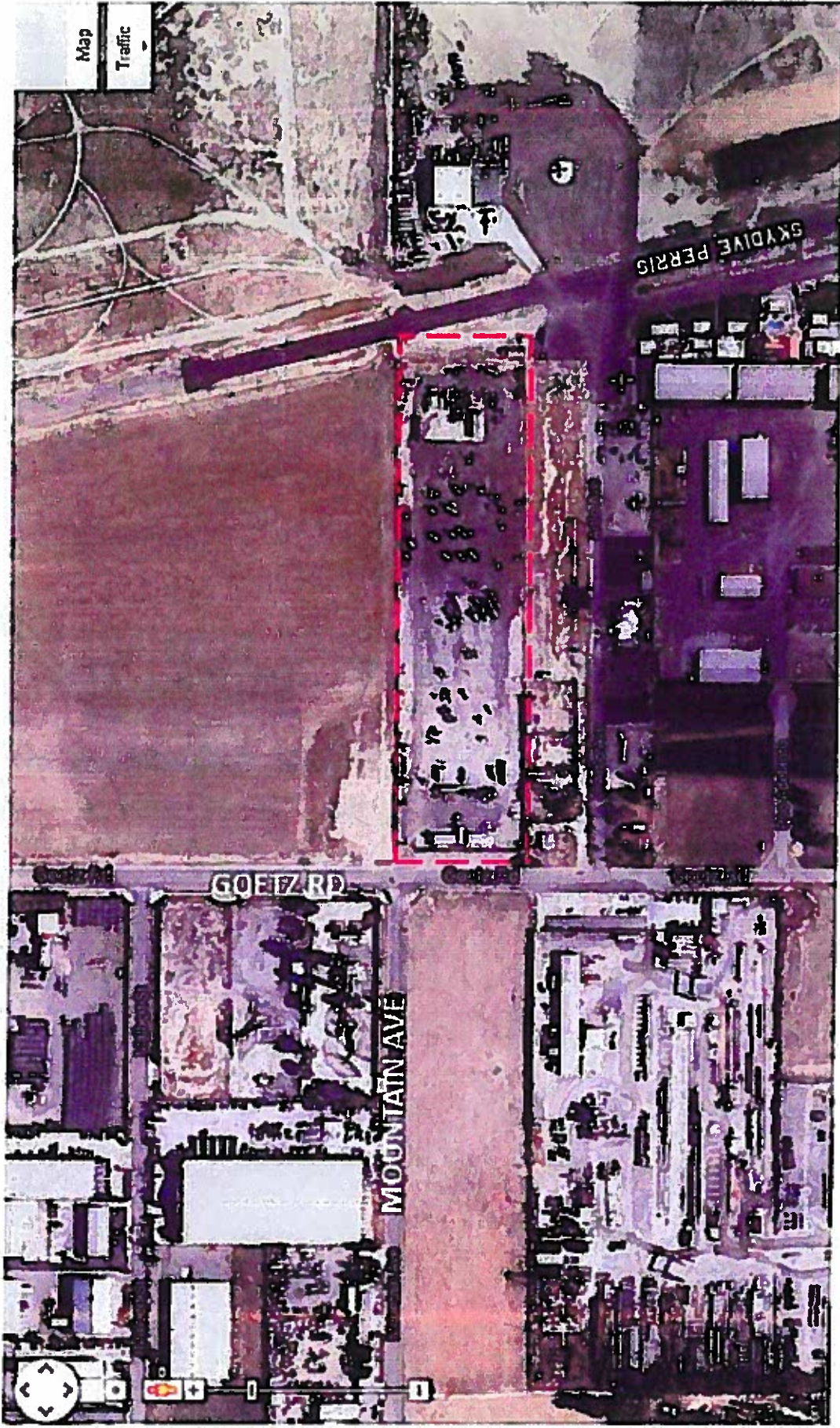
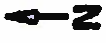
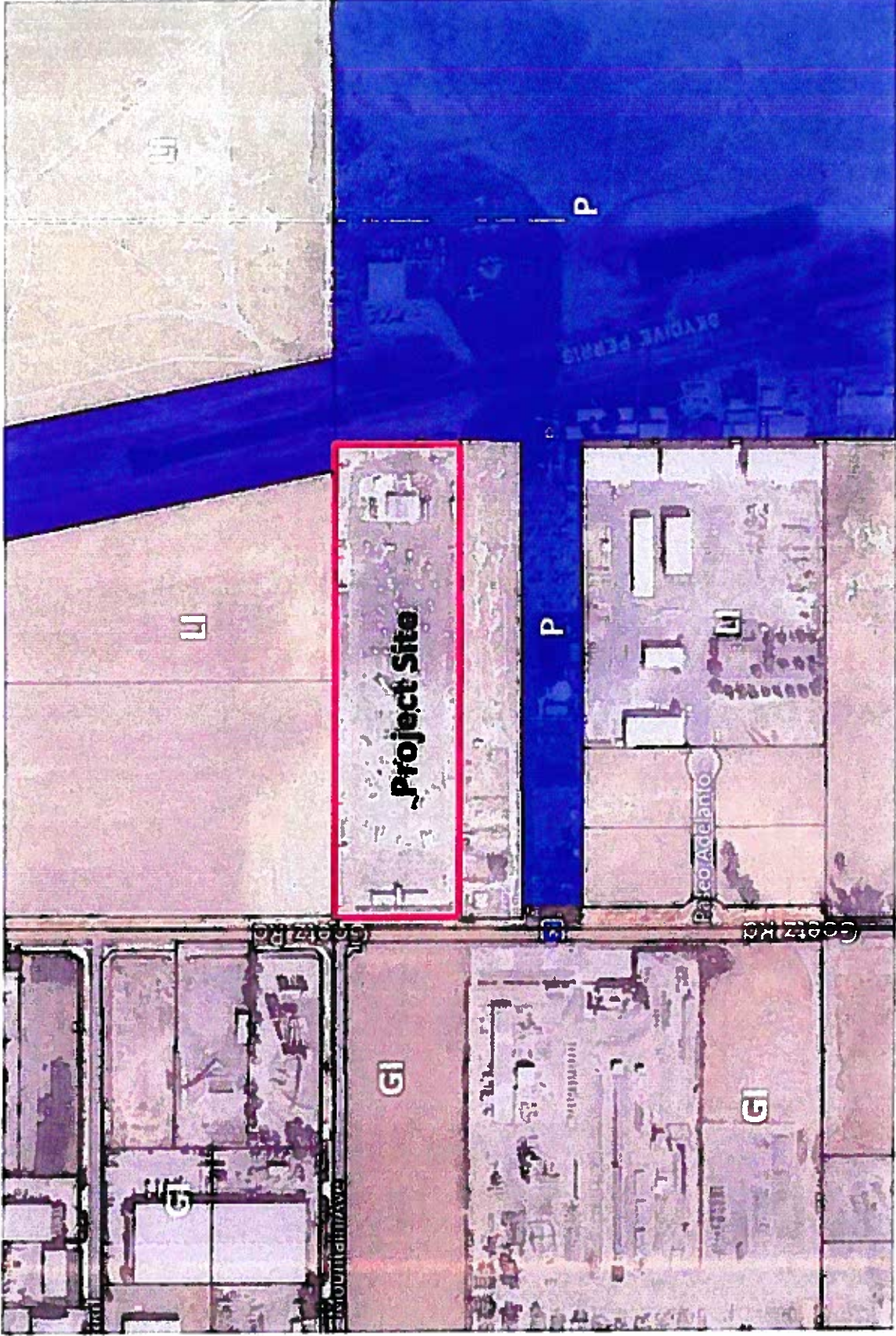


EXHIBIT C -- WCA



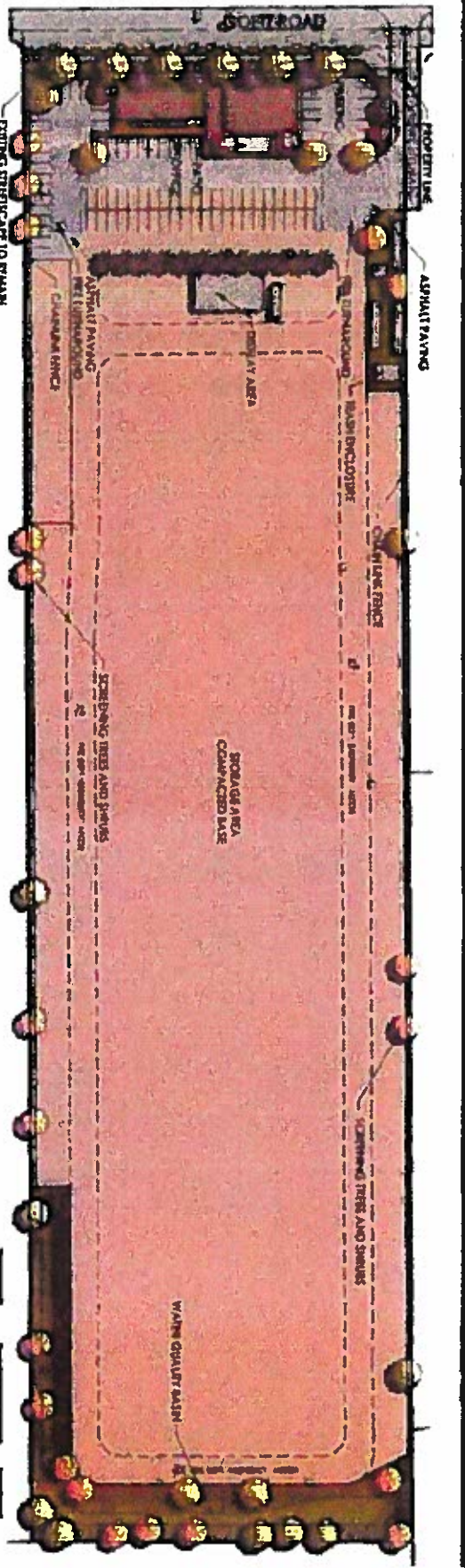
Aerial Map



**EXHIBIT D – WCA**

**General Plan / Zoning Map**





**EXHIBIT E**

**PLANT PALETTE LEGEND**

Symbol	Plant Name	Quantity	Notes
[Symbol]	Plant Name	100	Plant Name
[Symbol]	Plant Name	200	Plant Name
[Symbol]	Plant Name	300	Plant Name
[Symbol]	Plant Name	400	Plant Name
[Symbol]	Plant Name	500	Plant Name
[Symbol]	Plant Name	600	Plant Name
[Symbol]	Plant Name	700	Plant Name
[Symbol]	Plant Name	800	Plant Name
[Symbol]	Plant Name	900	Plant Name
[Symbol]	Plant Name	1000	Plant Name

Symbol	Plant Name	Quantity	Notes
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[Symbol]	Plant Name	200	Plant Name
[Symbol]	Plant Name	300	Plant Name
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[Symbol]	Plant Name	800	Plant Name
[Symbol]	Plant Name	900	Plant Name
[Symbol]	Plant Name	1000	Plant Name

LANDSCAPE MASTER PLAN FOR:  
**WESTERN CONSTRUCTION AUCTIONS FACILITY**  
 WESTERN CONSTRUCTION AUCTIONS INC.

LANDSCAPE MASTER PLAN

CITY OF PERIS

SHEET 1 OF 1

**UTILITY INFORMATION**

UTILITY INFORMATION: THE DESIGNER HAS CONDUCTED VISUAL SURVEYS AND HAS REVIEWED RECORD DRAWINGS AND FIELD NOTES TO IDENTIFY EXISTING UTILITIES. THE DESIGNER HAS IDENTIFIED THE FOLLOWING UTILITIES:

- 1. WATER MAINS
- 2. SEWER MAINS
- 3. GAS MAINS
- 4. TELEPHONE CABLES
- 5. FIBER OPTIC CABLES
- 6. POWER LINES

**LEGAL DESCRIPTION**

LEGAL DESCRIPTION: THE SITE IS DESCRIBED AS FOLLOWS:

**PREPARED BY**

PREPARED BY: WESTERN CONSTRUCTION AUCTIONS INC. LANDSCAPE ARCHITECTS

**OWNER/APPLICANT**

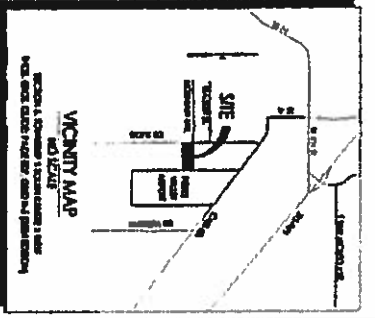
OWNER/APPLICANT: WESTERN CONSTRUCTION AUCTIONS INC.

**DATE**

DATE: 01/15/2024

**SCALE**

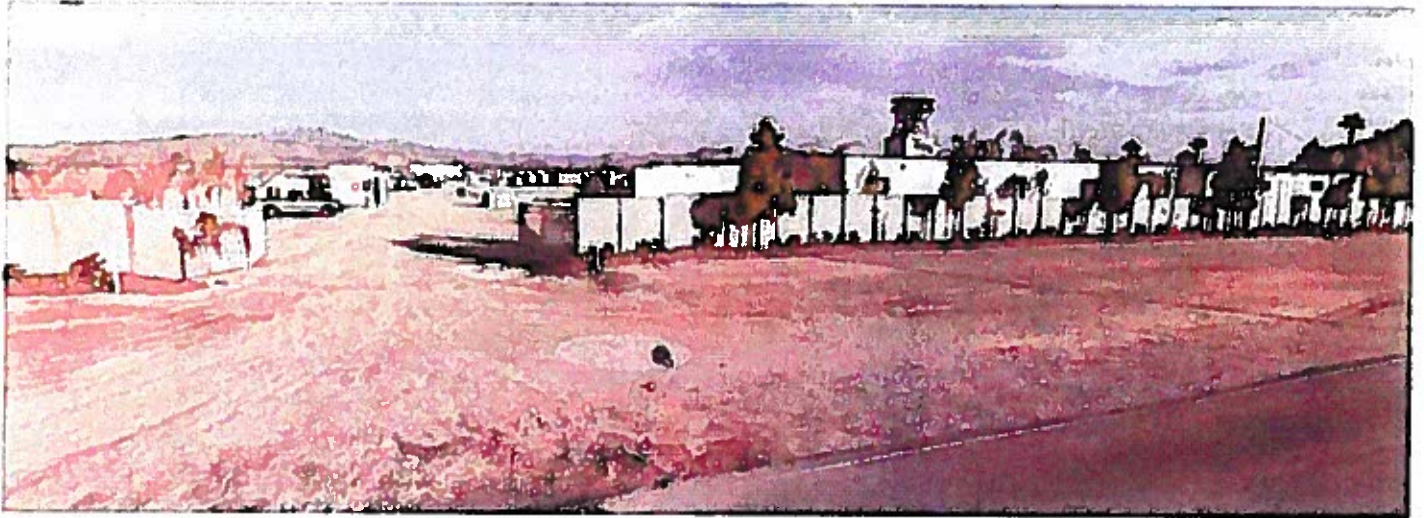
SCALE: AS SHOWN



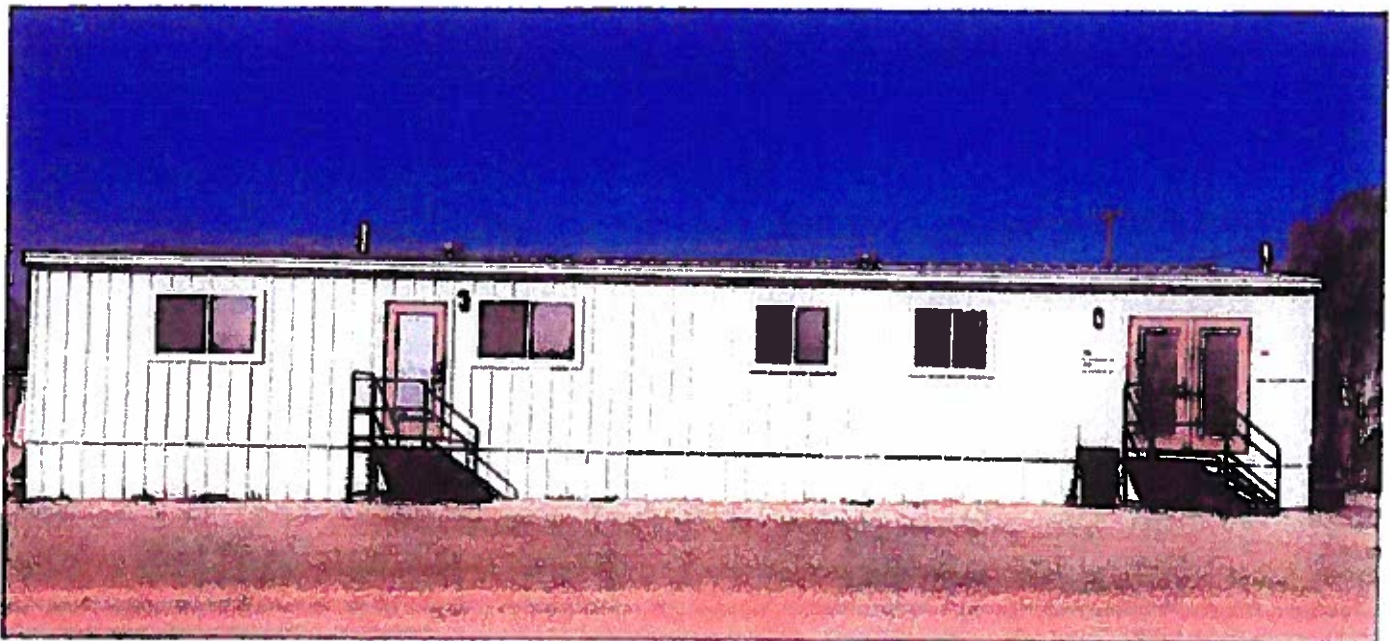
**NOTES**

1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF PERIS PLANTING SPECIFICATIONS.
2. THE DESIGNER HAS CONDUCTED VISUAL SURVEYS AND HAS REVIEWED RECORD DRAWINGS AND FIELD NOTES TO IDENTIFY EXISTING UTILITIES.
3. THE DESIGNER HAS IDENTIFIED THE FOLLOWING UTILITIES: WATER MAINS, SEWER MAINS, GAS MAINS, TELEPHONE CABLES, FIBER OPTIC CABLES, POWER LINES.
4. ALL UTILITIES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PROCESS.
5. THE DESIGNER HAS IDENTIFIED THE FOLLOWING UTILITIES: WATER MAINS, SEWER MAINS, GAS MAINS, TELEPHONE CABLES, FIBER OPTIC CABLES, POWER LINES.
6. ALL UTILITIES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PROCESS.

# WCA PICTURES

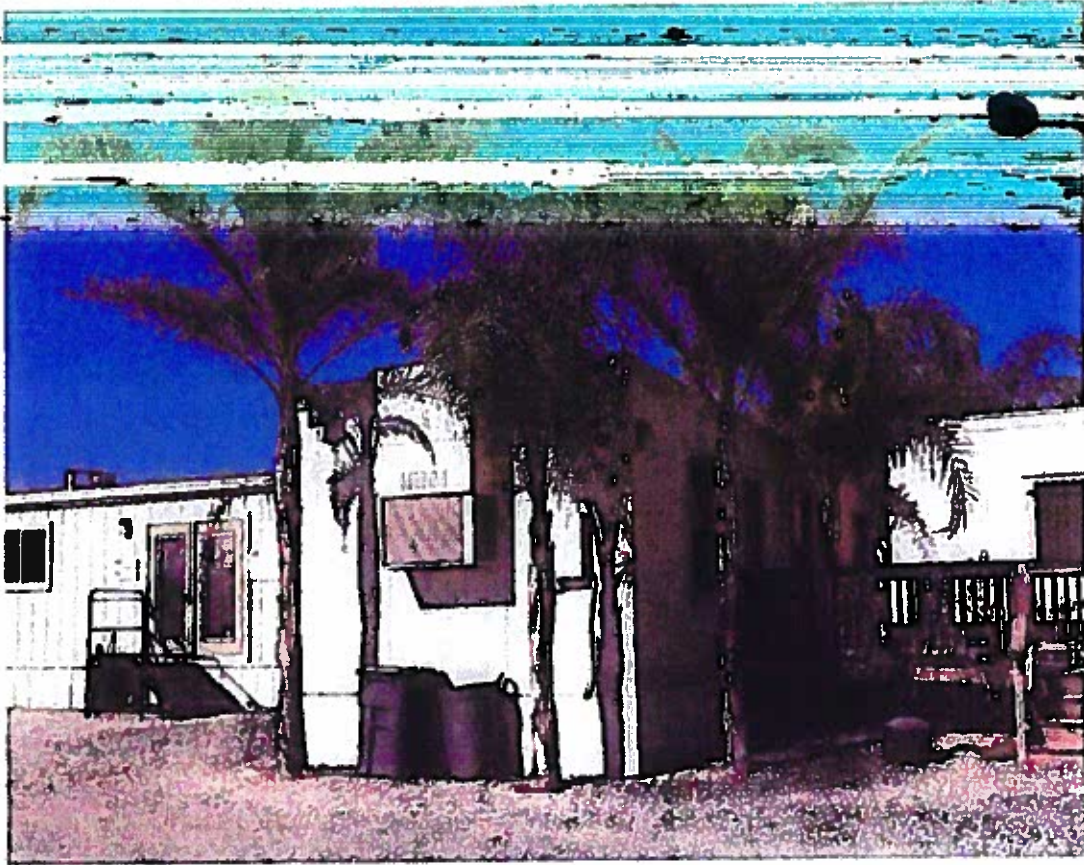


**Goetz Road (Street View)**

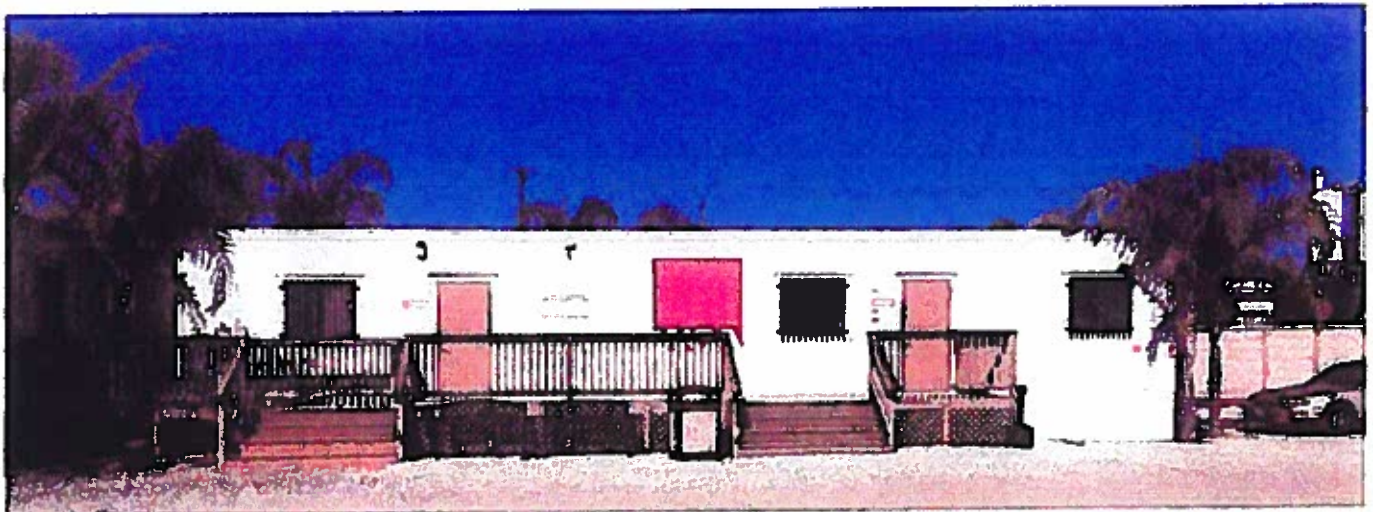


**1,536 sf sales trailer**

**EXHIBIT E**

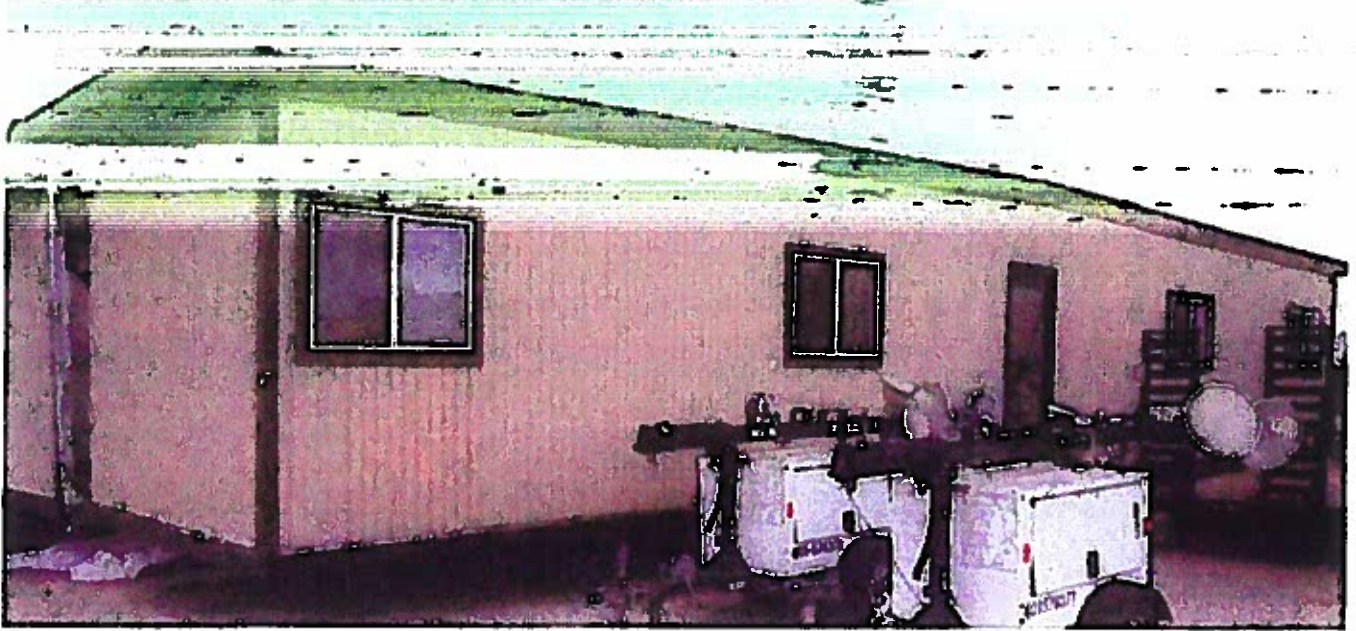


**540 sf employee break trailer**

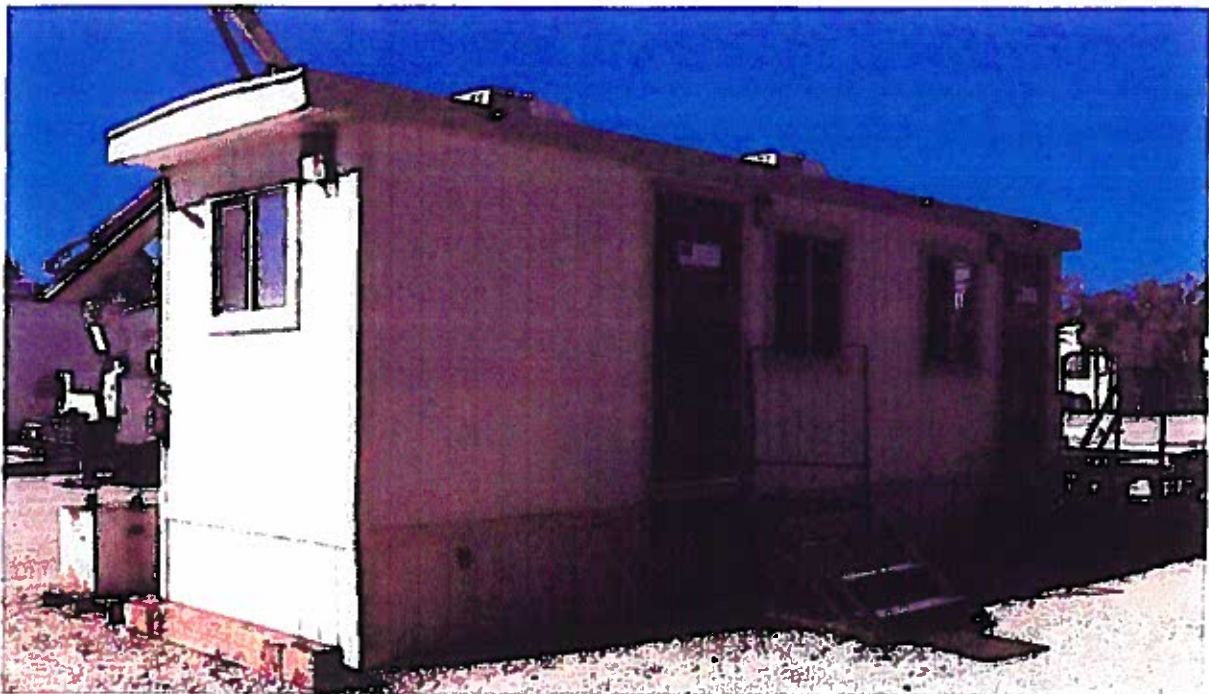


**Existing 1,536 sf operations trailer**

**(To be replaced with 2,160 sf trailer: see below)**



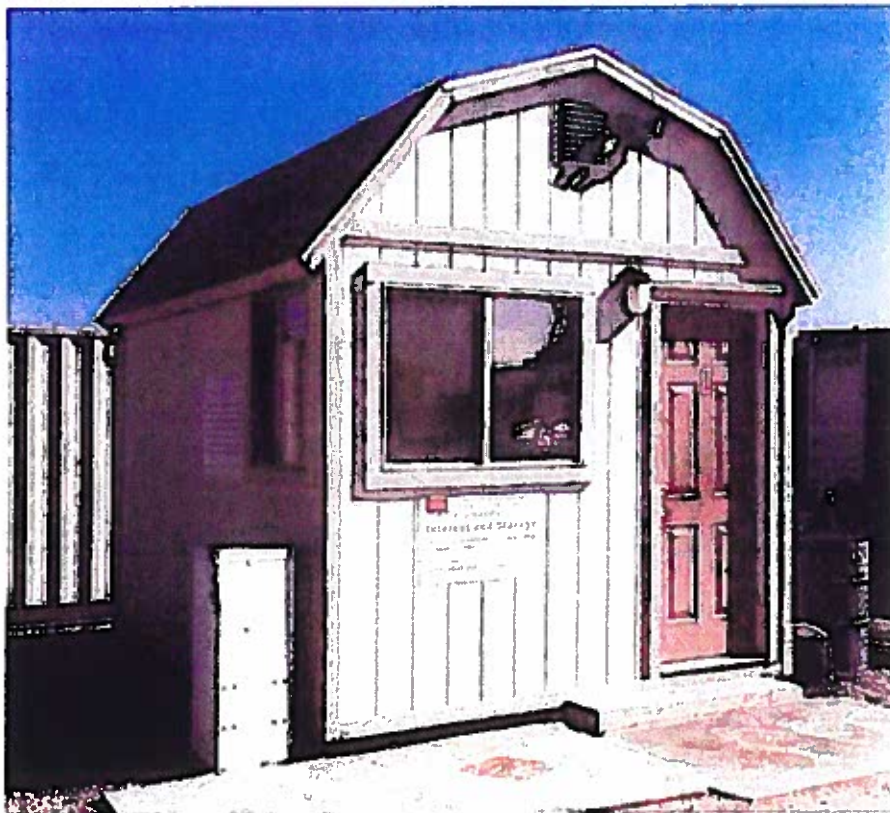
**2,160 sf operations trailer**



**224 sf auction booth**

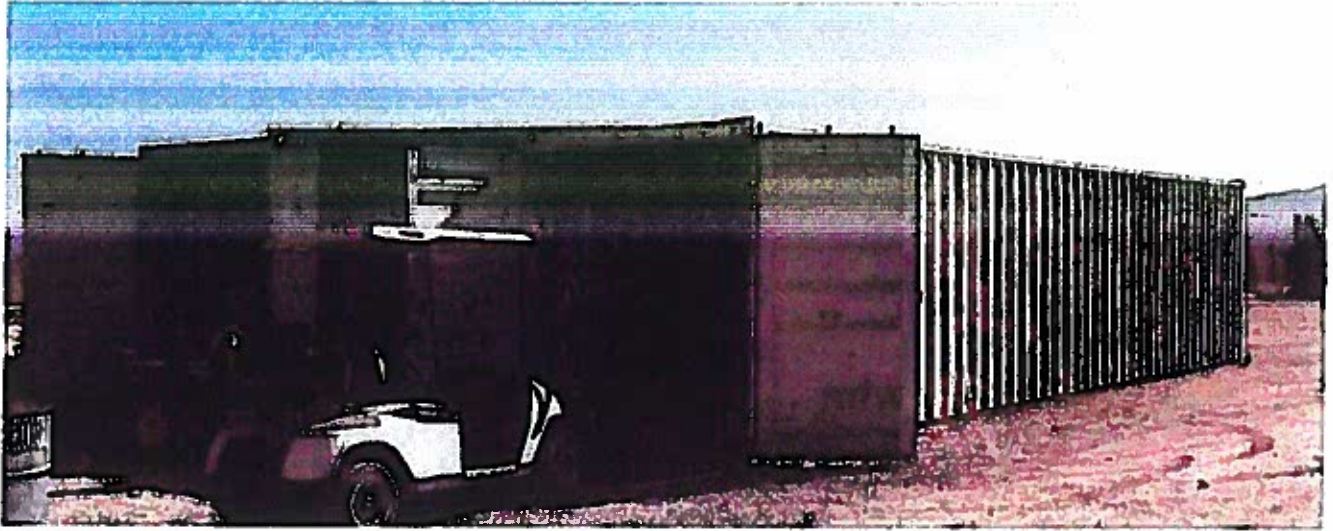


**320 sf office/storage container**



**120 sf check-in shed**

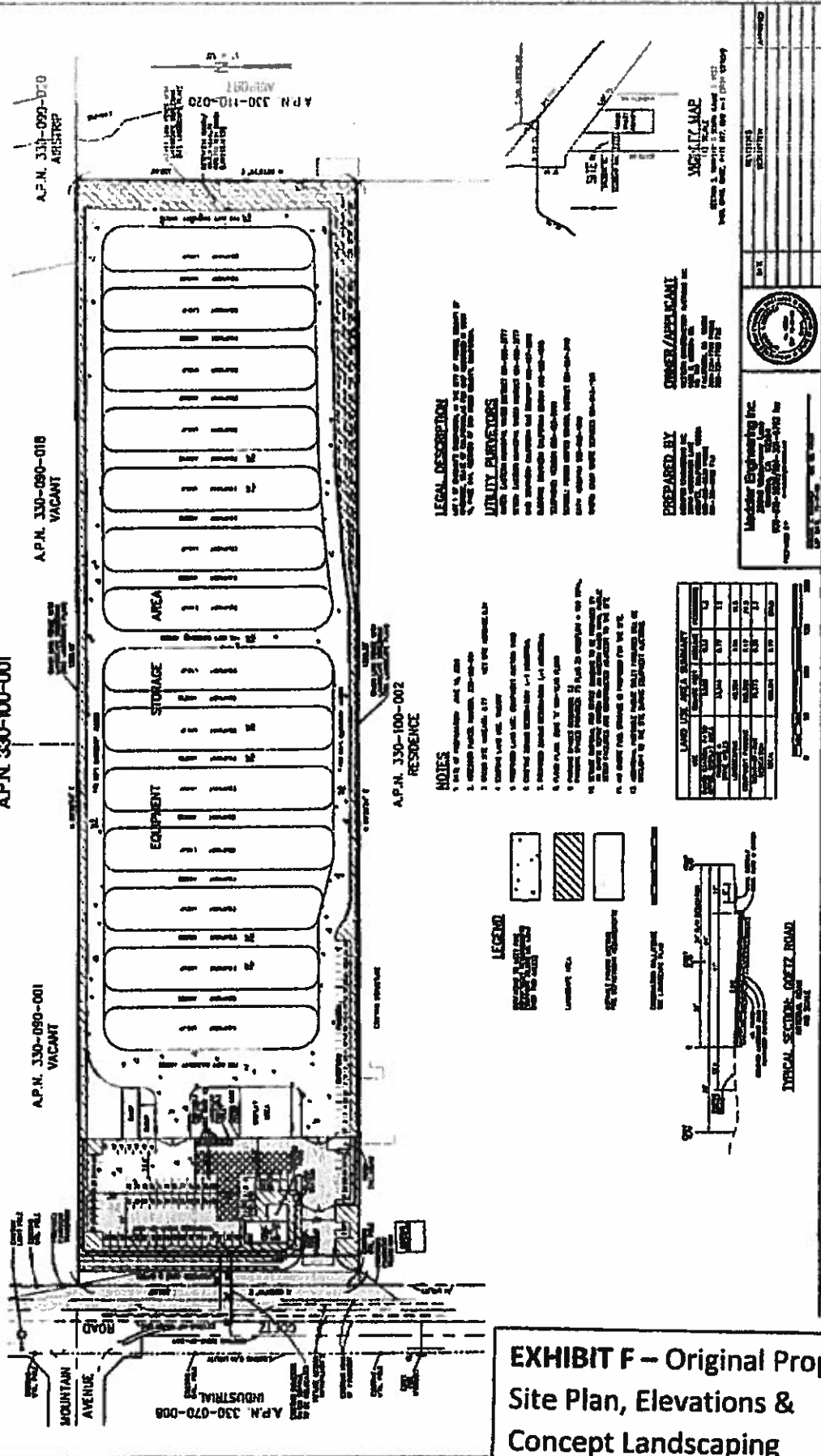




**360 sf & 320 sf storage containers**

# DEVELOPMENT PLAN REVIEW SITE PLAN

WESTERN CONSTRUCTION AUCTIONS INC.  
2021 GOETZ ROAD, FERRIS, CALIFORNIA  
A.P.N. 330-100-001



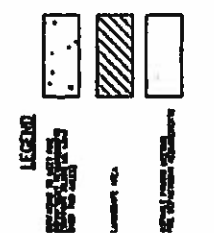
**LEGAL DESCRIPTION**  
 LOT 10, TRACT 1, COMMERCIAL SUBDIVISION, AS SHOWN ON MAP 100-100-001, COUNTY OF ALameda, STATE OF CALIFORNIA, BEING THE SAME AS SHOWN ON MAP 100-100-001, COUNTY OF ALameda, STATE OF CALIFORNIA.

**UTILITY EASEMENTS**  
 WITH EASEMENTS, RIGHTS OF WAY, AND RIGHTS OF ACCESS TO THE PUBLIC UTILITY SYSTEMS, AS SHOWN ON MAP 100-100-001, COUNTY OF ALameda, STATE OF CALIFORNIA.

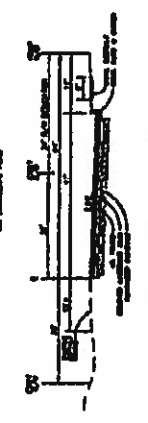
**PREPARED BY**  
 MODER ENGINEERING INC.  
 100-100-001, 100-100-010, 100-100-010, 100-100-002, 100-100-008

**CORNER/ADJACENT**  
 100-100-001, 100-100-010, 100-100-010, 100-100-002, 100-100-008

- NOTES**
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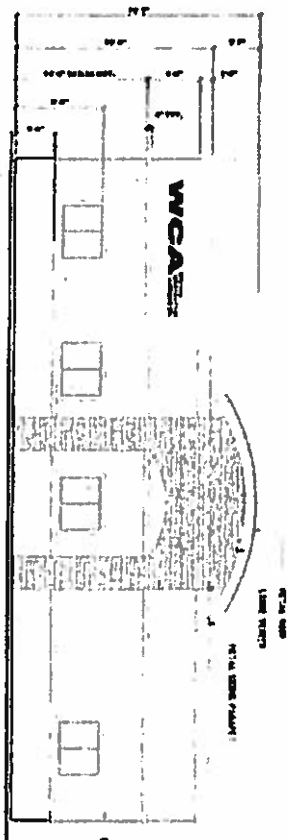
LAND USE	AREA (SQ. FT.)	PERCENTAGE
RESIDENTIAL	100,000	100%
LANDSCAPE	10,000	10%
UTILITY EASEMENT	10,000	10%
RIGHT OF WAY	10,000	10%
ADJACENT PROPERTY	10,000	10%
ADJACENT ROAD	10,000	10%



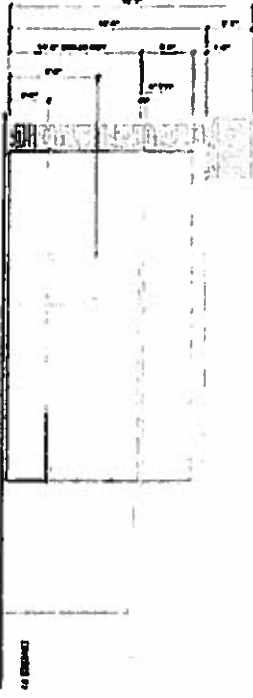
**EXHIBIT F – Original Proposed Site Plan, Elevations & Concept Landscaping**



**EXHIBIT F – Original Proposed  
Site Plan, Elevations &  
Concept Landscaping**

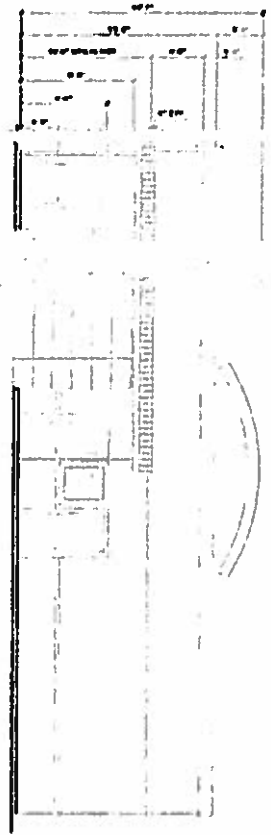


**WEST ELEVATION**  
SCALE 1/8"=1'-0"

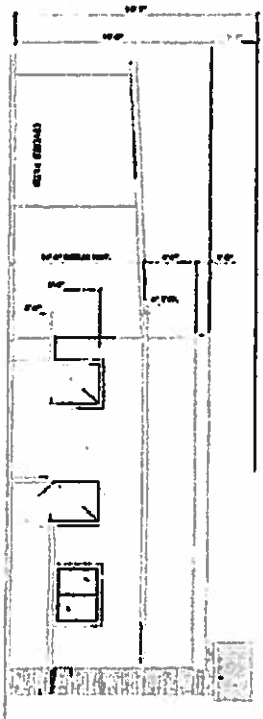


**SOUTH ELEVATION**  
SCALE 1/8"=1'-0"

  
 SQ. FT. OF AREA = 10'-6"  
 2" DEEP LEXAN LETTERS  
 NOT TO SCALE



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

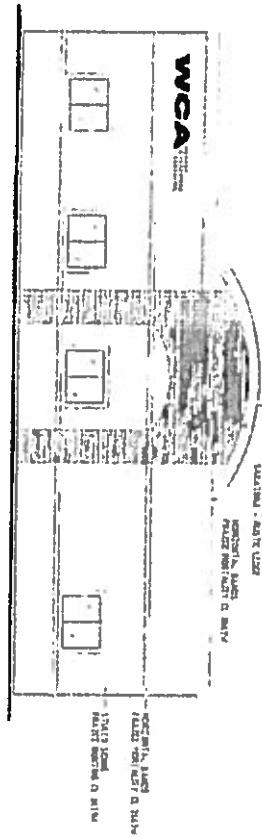


**NORTH ELEVATION**  
SCALE 1/8"=1'-0"

**EXHIBIT F – Original Proposed Site Plan, Elevations & Concept Landscaping**

**WCA**  
**2021 GOETZ ROAD**  
**PERRIS, CA**

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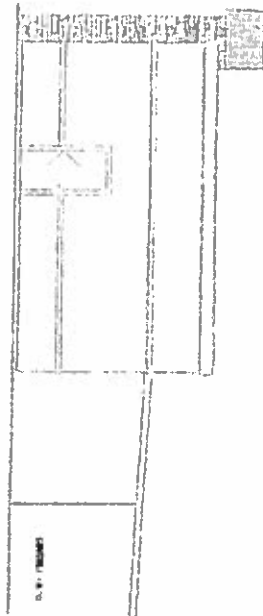
**WEST ELEVATION**

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



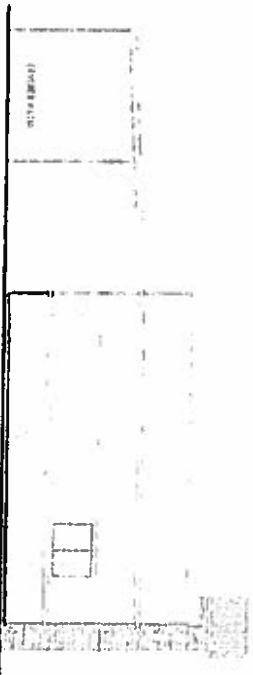
**EAST ELEVATION**

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



**SOUTH ELEVATION**

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



**NORTH ELEVATION**

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

**EXHIBIT F – Original Proposed  
Site Plan, Elevations &  
Concept Landscaping**

**WCA  
2021 GOETZ ROAD  
PERRIS, CA**

1	DATE	DESCRIPTION
2	DATE	DESCRIPTION
3	DATE	DESCRIPTION
4	DATE	DESCRIPTION
5	DATE	DESCRIPTION
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**RESOLUTION NUMBER 15-17**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING DEVELOPMENT PLAN REVIEW 14-03-0025 TO ALLOW AN AUCTION FACILITY USING MODULAR STRUCTURES AS PERMANENT BUILDINGS TOTATLING 4,900 SQUARE FEET LOCATED AT 2021 GOETZ ROAD AND MAKING FINDINGS IN SUPPORT THEREOF.**

**WHEREAS**, on March 31, 2014 the applicant Brian Moening of Western Construction Auctions filed a Development Plan Review application to request approval of an auction facility located at 2021 Goetz Road; and

**WHEREAS**, the proposed location of the use is in accordance with the objectives of the Zoning Ordinance and the purpose of the Light Industrial zone of the Perris General Plan; and

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

**WHEREAS**, the proposed project has been duly noticed; and

**WHEREAS**, a public hearing was held on September 16, 2015, at which time all interested persons were given full opportunity to be heard and to present evidence; and

**WHEREAS**, on September 16, 2015, the Planning Commission continued the project at the request of the applicant to the November 4, 2015 public hearing; and

**WHEREAS**, a public hearing was held on November 4, 2015, 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 a proposed project out of an existing facility that has been in operation since November 2008 under temporary use permits with a previously approved Development Plan Review application as a framework for interim operation. An Initial Study and Negative Declaration (ND 2273) was prepared for the original Development Review (DPR 08-04-0004) which determined that no significant environmental effects would be caused by the project.

**EXHIBIT G**

**Section 3.** Based on the information contained in the staff report and supporting conditions and plans for the Development Plan Review, the Planning Commission hereby finds:

- a) The location, size, ~~shape~~, density and intensity of the proposed development and improvements are consistent with the City's General Plan, the purposes and provisions of this Title, the purposes of the zone in which the site is located, and the development policies and standards of the City.
- b) The subject site is physically suitable, including but not limited to parcel size, shape, access, and availability of utilities and services, for the type of development proposed.
- c) The proposed development and the conditions under which it would be operated or maintained is compatible with the vision set forth in the General Plan for all new future developments, and will therefore not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- d) The proposed modular buildings and improvements to the site are considered appropriate for an auction facility that will protect the character of adjacent development which is currently undeveloped land to the west and north, non-conforming residential use to the south and the Perris Valley Airport runway to the east.
- e) The landscaping plan ensures visual relief and provides an attractive environment for the public's enjoyment.
- f) The safeguards necessary to protect the public health, safety and general welfare have been required for the proposed project.

**Section 4.** For the foregoing reasons the Commission hereby approves Development Plan Review 14-03-0025 to allow an auction facility using modular structures as permanent buildings totaling 4,900 square-feet located at 2021 Goetz Road, based on the information and findings presented in the staff report and the attached Conditions of Approval.

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

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



**ADOPTED, SIGNED, and APPROVED** this 4<sup>th</sup> day of November 2015.

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**CHAIRPERSON, PLANNING COMMISSION**

**ATTEST:**

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**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 15-17 was duly adopted by the Planning Commission of the City of Perris at a regular meeting of said Planning Commission on the 4<sup>th</sup> day of November 2015, and that it was so adopted by the following vote:**

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

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**Secretary, Planning Commission**



November 12, 2015

Mayor Daryl Busch  
Mayor Pro Tem Tonya Burke  
Council Member Rita Rogers  
Council Member David Starr Rabb  
Council Member Mark Yarbrough

Dear Council Members:

WCA is a small heavy construction equipment auction company located at 2021 Goetz Road, Perris, California. We began our relationship with the City back in 2007 when the economy was good and our gross revenues were over \$20,000,000. We moved to this location in October of 2008. That year our gross revenues approached \$25,000,000 and the future looked bright. We had gone through the DPR process and were poised to build the required improvements when the bottom fell out of our business.

As you know, the economy went into a major recession in 2007. In the auction business, a recession is not necessarily a bad thing, as long as it is not an extended downturn. In 2008 our clients began selling off assets, both in an attempt to ride out the economic turmoil and to satisfy the new CARB laws that were coming on line. Business was good ... for awhile. As the recession continued and the CARB deadlines passed, used construction equipment available for sale in this state quickly dried up, and the value of any remaining inventory plummeted. By 2012, our gross revenues were cut in half. They have finally leveled off at about 40% of 2008 numbers over the last two years.

The obvious questions we get at this point in our story is: The recovery seems to have started 1-1/2 to 2 years ago with most contractors going back to work. Why have we not seen similar results? The answer is simple. Just as our industry lagged the recession going in, we also lag the recovery, especially when it was an extended downturn. As the construction industry went back to work in 2013/2014, the remaining inventory of used equipment also went back to work, further limiting the availability of used equipment for sale. It generally takes about three years of strong recovery before the construction industry begins investing in new equipment, thereby freeing up their used equipment for sale.

In order to survive this 60% cut in revenues, like most businesses, we had to get creative to cut costs. This included consolidating our corporate offices from Fallbrook to our Perris location, renegotiating the terms of our property purchase which has left us with a substantial balloon payment in the second quarter of next year, cutting salaries, and negotiating with the City to allow us to continue operating our business via temporary permits, etc. Unfortunately, achieving a similar 60% cut in costs was not feasible, leaving us with very thin profit margins. Over the last two years, our net

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11/12/15

<b>ATTACHMENT 6</b>
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income has been \$50,000 and \$100,000 respectively. We do expect our net income this year will be slightly higher.

As mentioned above, one of our strategies to stay afloat during this difficult time has been to work with the City, specifically the Planning Department to allow us to continue operating our business. To this end, we paid our fees, obtained the temporary permits requested of us, and constructed a wall / installed landscaping along the Goetz Road frontage to improve the aesthetics of the project. Last year, our time allowed under the original DPR expired. Per the Planning Departments request, we again paid our fees and went back through a second DPR process.

This second DPR process has resulted in agreement on all Conditions of Approval except one. Staff recommended that "the applicant shall obtain permits for all modular structures within six (6) months of entitlement approval. All parking lot, landscaping and street improvements and finalized permits shall be completed within 12 months from entitlement approval." On November 4, 2015 we went in front of the Planning Commission and presented our case to extend the deadlines to 12 months for building permits and 36 months for final construction. The Planning Commission agreed on 6 and 18 months respectively.

This brings us to the purpose of our letter to you today. As stated above, WCA is a small business that is just now beginning to feel some relief from the devastating economic realities of the last 7 years. We have worked in good faith with the City over this time period to address the immediate concerns of the City and still keep our doors open. We fully understand that the City has gone above and beyond what they would require from most other businesses by allowing us to operate on temporary permits for all this time. We also know that coming up with the anticipated development fees and engineering costs of more than \$200,000 within the next six months and the remaining construction costs, estimated at over \$400,000, twelve months after that is just not possible for us at this time. We have been in this thing together for 7 years now. Some have argued that that is more than enough time. We argue that after seven years battling this thing together we are finally seeing light at the end of the tunnel and just need a little more time to make this happen. It would be a shame to give up now.

WCA therefore, is formally appealing the Planning Commission's November 4, 2015 decision regarding General Requirement #3 of the Planning Divisions Conditions of Approval for DPR 14-03-0025 which states "the applicant shall obtain permits for all modular structures within six (6) months of entitlement approval. All parking lot, landscaping and street improvements and finalized permits shall be completed within 18 months from entitlement approval." WCA is requesting an additional 6 months for building permits/development fees, and an additional 18 months for construction. Attached is a proposed phasing plan showing how we propose to develop the project within the time frames requested. We are open to revising the plan details to accommodate priorities of the City.



Whatever your decision, we would like to thank the City Council and the Planning Commission for taking the time to listen to us and to consider our case. We would also like to thank the Planning Department staff, especially Clara Miramontes and Kenneth Phung for all their hard work. They have both been instrumental in helping us navigate this difficult process. They bring a professionalism and common sense approach that represents the City well.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert LaMarsh', with a long horizontal flourish extending to the right.

Robert LaMarsh  
President



### Phasing Plan

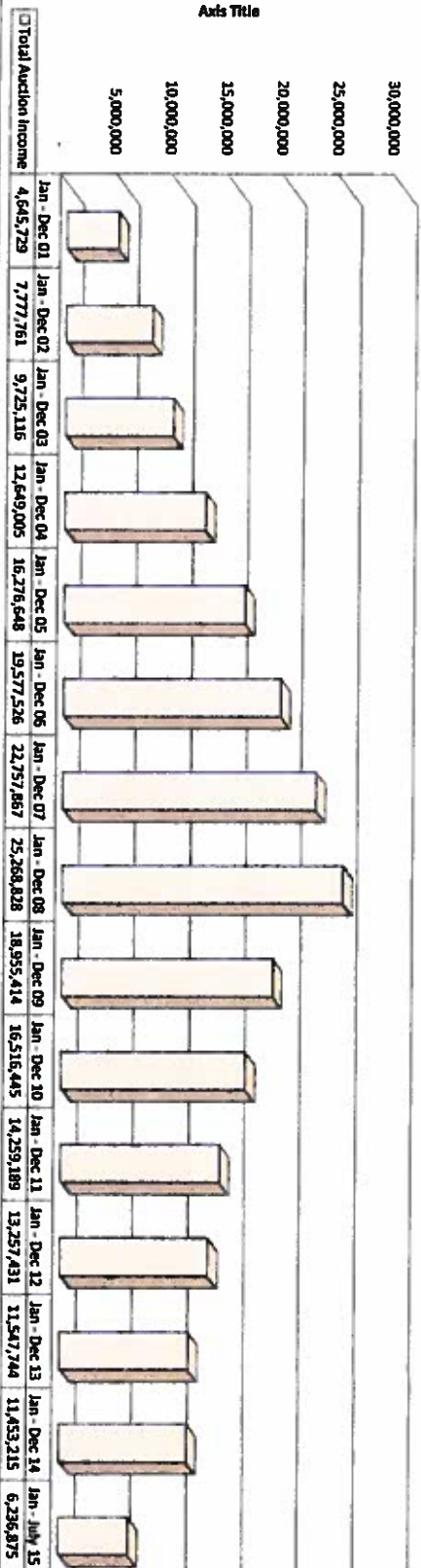
	Design	Agency Fees	Construction	Time Line		
Phase 1	Exchange Modular		\$10,000	To be completed within first year of plan		
	Engineering plans/Construction Drawings	\$30,000				
	Development fees	\$215,000				
Phase 1 Subtotals:			\$30,000	\$215,000	\$10,000	
Phase 1 Totals:			\$255,000			

Phase 2	Construct on-site improvements (sans landscaping)		\$152,000	To be completed in year 2 of this plan		
Phase 2 Subtotals:			\$0	\$0	\$152,000	
Phase 2 Totals:			\$152,000			

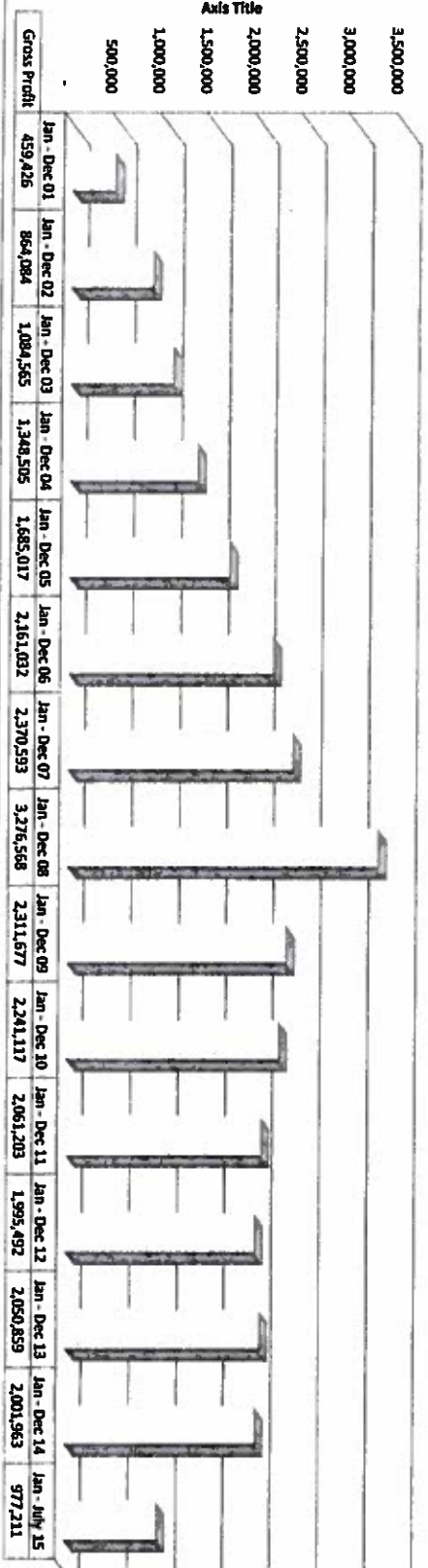
Phase 3	Install Landscaping		\$50,000	To be completed in year 3 of this plan		
	Construct off-site improvements		\$160,000			
Phase 3 Subtotals:			\$0	\$0	\$210,000	
Phase 3 Totals:			\$210,000			

Totals:	\$30,000	\$215,000	\$372,000
	\$617,000		

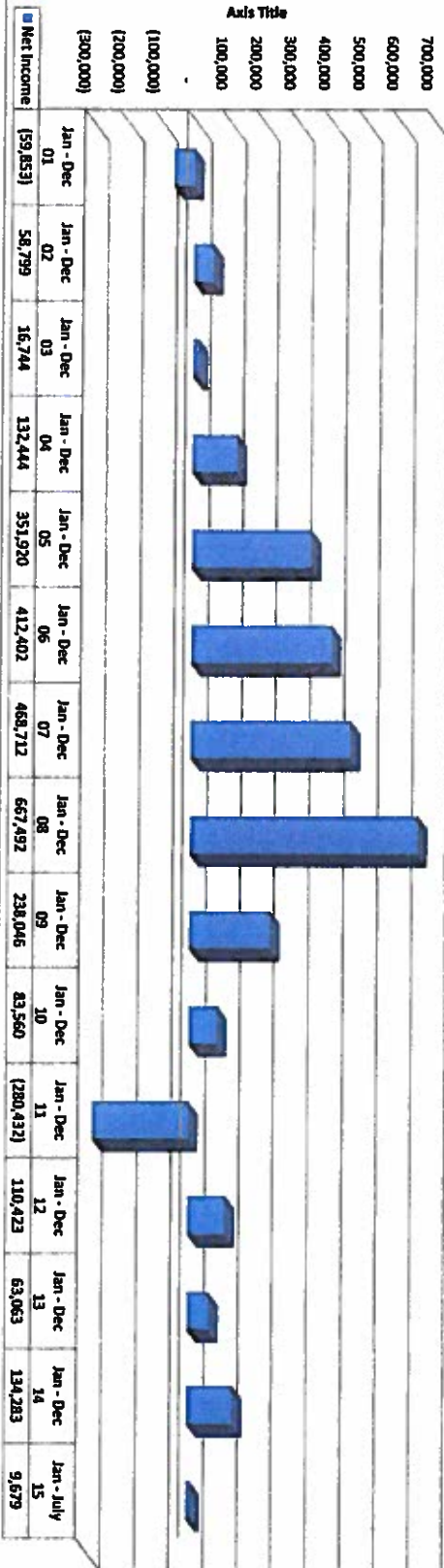
### Total Auction Income



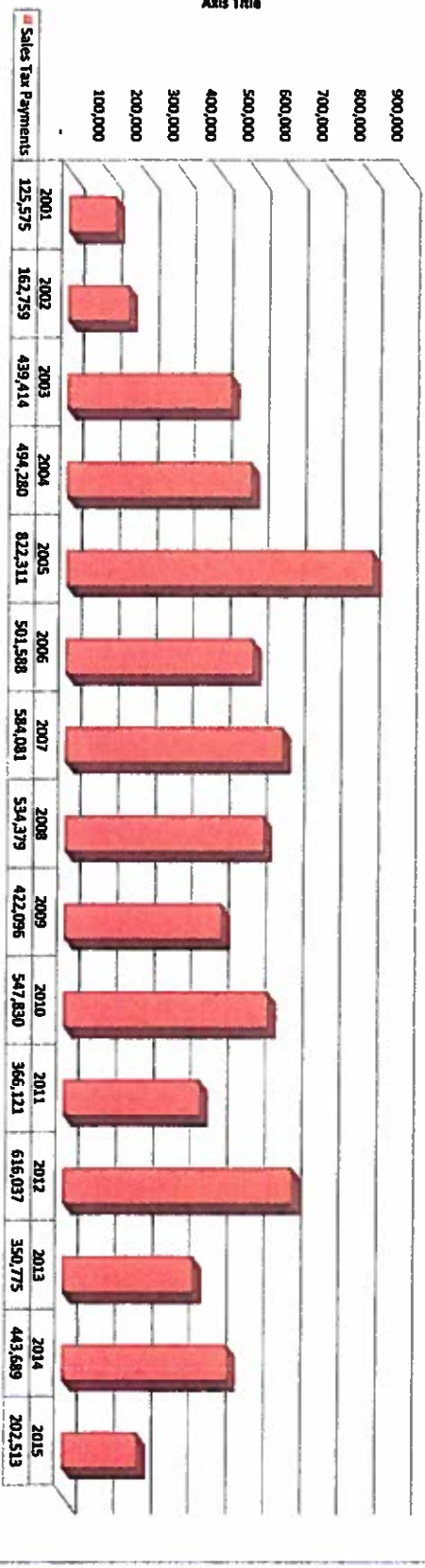
### Gross Profit



### Net Income



### Sales Tax Payments



# ***CITY OF PERRIS***

## **MINUTES:**

**Date of Meeting: November 4, 2015**

**06:00 PM**

**Place of Meeting: City Council Chambers**

**1. CALL TO ORDER:**

The Planning Commission was call to order at 6:02 pm.

**2. ROLL CALL: Commissioners: Stuart, Marin, Shively, Hammond, Vice Chair Balderrama, Chairman McCarron**

**Commission Members Present: Commissioner Marin, Commissioner Shively, Chairman McCarron, Vice Chair Balderrama, and Commissioner Hammond.**

**Staff Members Present: Project Planner Phung, Associate Planner Lundfelt, City Engineer Motlagh, Development Services Director Miramontes, and City Attorney Dunn.**

**3. INVOCATION:**

**4. PLEDGE OF ALLEGIANCE: Chairman McCarron**

**5. PRESENTATION:**

**6. CONSENT CALENDAR:**

**A. Planning Commission Minutes for September 16, 2015 (Continued from October 14, 2015)**

**B. Planning Commission Minutes for October 14, 2015**

**The Chair called for a motion.**

**M/S/C: Moved by Vice Chair Balderrama, seconded by Commissioner Marin to Approve Planning Commission minutes for September 16, 2015 and October 14, 2015**

**AYES: Commissioner Marin, Commissioner Shively, Chairman McCarron, Vice Chair Balderrama, Commissioner Hammond.**



NOES:

ABSENT: Commissioner Stuart.

ABSTAIN:

7. PUBLIC HEARING:

- A. Development Plan Review 14-03-0025 - Proposal to permanently establish an auction facility on 9.8-acres "WCA", located at 2021 Goetz Road. The business has been in operation since 2008 under a Temporary Use Permit in connection with a previously approved Development Plan Review (DPR 08-04-0012). Applicant: Brian Moening, Western Construction Auctions. (Continued from September 16, 2015)

Commissioner Marin had ex-parte communications with the applicants.

The applicant distributed their explanation for a phasing plan to the Commission.

Project Planner Kenneth Phung presented the item. In his presentation staff recommends that the applicant obtain permits of all modular building within six months and that all required site improvements to be finalized within one year of the approval. He concluded his presentation recommending that the Planning Commission adopt Resolution No. 15-17 approving Development Plan Review 14-03-0025, based on the findings contained in the staff report and subject to the Conditions of Approval.

Robert LaMarsh, President of Western Construction Auctions (WCA), made a presentation to the Commission. He explained why the company would like to do the improvements on a three year time frame.

City Engineer Habib Motlagh recommended that timeline could be extended to 18 months to complete all right-of-way improvements.

The Chair called for a motion.

M/S/C: Moved by Vice Chair Balderrama, seconded by Commissioner Marin to Adopt Resolution No. 15-17 approving Development Plan Review 14-03-0025, based on the findings contained in the staff report and subject to the Conditions of Approval amending Planning Condition 3 to read: "Building Permits for Modular Buildings and Completion of Parking lot, Landscaping and Street Improvements: The applicant shall obtain permits for all the modular structures within six (6) months of entitlement approval. All parking lot, landscaping and street improvements and finalized permits shall be completed within eighteen (18) months from entitlement approval."

AYES: Commissioner Marin, Commissioner Shively, Chairman McCarron, Vice Chair Balderrama, Commissioner Hammond.

NOES:

**ABSENT:** Commissioner Stuart.

**ABSTAIN:**

- B. To Proceed with Abatement by Demolition by the City of Perris of a Public Nuisance in the City of Perris, Located at westerly of B Street and Southerly of West Eleventh Street APNS: 313-230-036; 313-230-037; 313-230-038; 313-230-039; 313-230-040; 313-230-041; and 313-230-048- This request is to remedy all violations related to PMC 16.12.020 (H). (Continued from October 14, 2015)**

Associate Planner Ilene Lundfelt presented the item. She concluded the item recommending the Planning Commission adopt Resolution 15-14 making the findings that there is a public nuisance and ordering the property owners to abate said public nuisance and approve deadlines contained in the resolution.

James Figueroa, Alpha Management Development Group LLC, was present at the meeting and discussed the construction plans to the Commission.

Vice-Chair Balderrama asked the property owners if the structures that they intend to demolish if they will be completed by the end of November.

Luis Marquez, Lone Star Construction and Electrical Construction, responded that they would be able to demolished the structures in 30 days.

Chairman McCarron asked if there were any comments from public.

Douglas Corona, Perris Resident, commented that the he feels the homes are a public nuisance and that it would be best to demolish all of the structures.

Jeff Andelin, Perris Resident, stated that he feels that it would be best if all of the structures were demolished.

David Star Rabb, Perris Resident, commented that the Planning Commission should go forward with abatement. He stated that all demolition of structures should be done in 30 days and that construction should be completed in 4 months.

Luis Marquez Jr., Construction Foreman for Faith Circle, he commented that they hired a security person for the property to secure the property after hours, and they are ready to start construction pending the outcome of this hearing.

The Chair called for a motion.

**M/S/C: Moved by Vice Chair Balderrama, seconded by Commissioner Marin to Adopt Resolution No. 15-14, making findings and determination of a public nuisance, hereby authorizing the City to immediately commence remedy of such nuisance; with the following amendments on Section 3:**

A. December 4, 2015: 1) Demonstrate construction progress for lots 1, 2, and 13; 2) Complete demolition of lots 3, 4, and 5; 3) Clear all lots of debris and weeds; and 4) Thereafter, maintain the site in a clear and clean condition; and

B. Feb 20, 2016: Complete building construction and obtain final building permits for lots 1, 2, and 13. The Development Services Director may authorize an additional 30 days to complete construction and final building permits due to unforeseen construction delays; and

C. Effective immediately, on-site security shall be provided during the hours of no construction activity on the property.

AYES: Commissioner Marin, Commissioner Shively, Vice Chair Balderrama, Commissioner Hammond.

NOES: Chairman McCarron.

ABSENT: Commissioner Stuart.

ABSTAIN:

- C. Conditional Use Permit 15-05112 & Parcel Map 37019 (15-05165) - Request to subdivide 2.18 acres into two lots to allow construction of a new 4,660 sq. ft. automated car wash facility on its own parcel totaling 1.08 acres located on the east side of Perris Boulevard and approximately 100-feet south of Hart Lane. Applicant: Zach Lauterbach, Evergreen Development.

Project Planner Phung presented the item. He concluded his presentation recommending the Commission adopt Resolution No. 15-19 approving Conditional Use Permit 15-05112 & Parcel Map 37019 (15-05165) to construct an automated car wash facility, based on the findings contained in the staff report and subject to the Conditions of Approval.

Zach Lauterbach, Evergreen Development, was present to answer any questions.

Tom Utman, Fast Five Express Owner, gave a general overview about Fast Five Express.

Chairman McCarron asked if there were any public comments.

Alicia Barry, Perris Resident, commented that they wanted to make sure that there will be a block wall installed on the rear of the site.

The Chair called for a motion.

M/S/C: Moved by Commissioner Hammond, seconded by Commissioner Shively to Adopt Resolution No. 15-19 approving Conditional Use Permit 15-05112 & Parcel Map 37019 (15-05165) to construct an automated car wash facility, based on the findings contained in the staff report and subject to the Conditions of Approval with the following amendments to the

conditions:

1. To remove Planning Condition 25 b;
2. For Planning Condition 29 c to read North/South Perris Community Facilities Assessment District;
3. To add Planning Condition 36 to read Hours of Operation. The hours of operation are limited to 7 am to 8 pm during daylight hours and 7 am to 7 pm during winter hours;
4. Engineering Condition 4 to read: The incremental increase in runoff between developed and undeveloped stage (100-year) and the nuisance runoff shall be retained within onsite private detention basins; and
5. Engineering Condition 12 to read: All grading and drainage improvements shall comply with NPDES

and Best Management Practices. Erosion control plans shall be prepared and submitted to Water Quality Board and the City as part of the grading plans

AYES: Commissioner Marin, Commissioner Shively, Chairman McCarron, Vice Chair Balderrama, Commissioner Hammond.

NOES:

ABSENT: Commissioner Stuart.

ABSTAIN:

- D. TTM 36648 (14-02-0002) ZC 14-02-0004, GPA 14-02-0003 - A proposal to subdivide 65.80 gross acres into 270 single family lots and six (6) lettered lots (A, B, C, D and E). A General Plan Amendment to amend the Tentative Tract Map project area from SP (Specific Plan) to R-6,000 and amend the future detention basin area from SP (Specific Plan) to P (Public) from the City of Perris General Plan land use element, and eliminate a section of Harley Knox (from Perris Storm Channel to Evans Rd) from the General Plan Circulation Element. Zone Change to re-zone the Tentative Tract Map project area from R-10,000 to R-6,000 and future detention basin area from R-10,000/CN (Commercial Neighborhood) to P (Public). The Tentative Tract Map is located west along Evans Road, east of the Perris Valley Storm Channel, North of Ramona Expressway and South of Moreno Valley City Limits, and the detention basin rezone is located at the northwest corner of Ramona Expressway and Evans Road. Applicant: John Abel, Stratford Ranch Investors, LLC. (Request to Continue Off-Calendar). 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.

The Chair called for a motion.

M/S/C: Moved by Commissioner Hammond, seconded by Commissioner Shively to Continue the item off-calendar

**AYES:** Commissioner Marin, Commissioner Shively, Chairman McCarron, Vice Chair Balderrama, Commissioner Hammond.

**NOES:**

**ABSENT:** Commissioner Stuart.

**ABSTAIN:**

8. **BUSINESS/WORKSHOP:**

9. **PUBLIC COMMENTS: There were no public comments.**

10. **COMMISSION MEMBERS ANNOUNCEMENTS OR REPORTS:**

Commissioner Hammond announced the City of Perris Veteran's Day Parade will be held on November 7, 2015.

Chairman McCarron talked about The Boys and Girls Club Halloween 5k Run/Walk on October 31, 2015.

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

The next Planning Commission meeting will be on November 18, 2015.

12. **ADJOURNMENT**

The Chair called for a motion.

**M/S/C:** Moved by Vice Chair Balderrama, seconded by Chairman McCarron to Adjourn the Planning Commission meeting for November 4, 2015 at 9:08 pm

**AYES:** Commissioner Marin, Commissioner Shively, Chairman McCarron, Vice Chair Balderrama, Commissioner Hammond.

**NOES:**

**ABSENT:** Commissioner Stuart.

**ABSTAIN:**

Respectfully submitted,

X \_\_\_\_\_

Clara Miramontes

Development Services Director