

CITY OF PERRIS PLANNING COMMISSION

AGENDA

July 21, 2021

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

1. CALL TO ORDER:

2. ROLL CALL:

Commissioners:

Gomez, Lopez, Jimenez,

Vice-Chair Hammond, Chair Shively

3. INVOCATION:

4. PLEDGE OF ALLEGIANCE:

Commissioner Gomez

5. PRESENTATION:

6. CONSENT CALENDAR:

A. Planning Commission Minutes for July 07, 2021

7. PUBLIC HEARING:

A. Ordinance Amendment 21-05110 – An Ordinance Amendment to retitle and amend, in its entirety, Chapter 19.81 (Second Dwelling Units) of Title 19 of the Perris Municipal Code in order to update the City's accessory dwelling unit and junior accessory dwelling unit regulations so that such regulations are consistent with Government Code Sections 65852.2 and 65852.22 and in support of the Regional Housing Needs Assessment of the City. Applicant: City of Perris

REQUESTED ACTION: Adopt Resolution No. 21-15 recommending that the City Council find that Ordinance Amendment 21-05110 is Statutorily Exempt from CEQA pursuant to Public Resources Code Section 21080.17 and adopt Ordinance Number (Next in Order) retitling and amending, in its entirety, Chapter 19.81 (Second Dwelling Units) of Title 19 of the Perris Municipal Code, which retitles Chapter 19.81 to "Accessory Dwelling Units and Junior Accessory Dwelling Units" and updates the City's accessory dwelling unit and junior accessory dwelling unit regulations so that such regulations are consistent with Government Code Sections 65852.2 and 65852.22.

B. Conditional Use Permit (CUP) 20-05101 – A proposal to construct and operate an 8-island passenger car fueling station, a 6-island trailer truck fueling station, and a 7,250-square-foot convenience store with an attached 1,800-square-foot car wash located at the northeast corner of Perris Boulevard and Harley Knox Boulevard. (APN 302-100-009) **Applicant:** Michael Ramirez, Beyond Food Mart Inc.

REQUESTED ACTION: ADOPT Resolution No. 21-16 adopting Mitigated Negative Declaration No. 2359 and approving CUP 20-05101 to construct and operate a convenience store, fueling station with an automated car wash, based on the findings contained in the staff report and subject to the Conditions of Approval.

- 8. BUSINESS ITEM:
- 9. PUBLIC COMMENTS:

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

- 10. COMMISSION MEMBERS ANNOUNCEMENTS OR REPORTS:
- 11. DIRECTOR OF DEVELOPMENT SERVICES REPORTS AND/OR INFORMATION:
- 12. ADJOURNMENT

<u>COVID-19 REMOTE PUBLIC COMMENT/CITIZEN PARTICIPATION</u>

With the intent of adhering to the new community guidelines from the Center for Disease Control, the City of Perris will allow for remote public comment and participation at the upcoming Planning Commission meeting via Zoom. Public Comment is limited to three (3) minutes.

ZOOM MEETING INFORMATION

When: July 27, 2021, 06:00, PM Pacific Time (US and Canada)

Topic: Planning Commission Meeting

Join Zoom Meeting using the below link or call-in number: https://zoom.us/j/642558532

Meeting ID: 642 558 532

One tap mobile

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- +1 312 626 6799 US (Chicago)

During the Planning Commission meeting, if you wish to speak for public comment on any item, please select the raise hand icon next to your name. The moderator will grant you access to speak. Public Comment is limited to (3) three minutes.

Planning Commission Agenda

CITY OF PERRIS July 21, 2021

Item 6A

Planning Commission Minutes for July 07, 2021

CITY OF PERRIS

MINUTES:

Date of Meeting:

July 7, 2021

06:04 PM

Place of Meeting:

City Council Chambers

Commission Members Present: Commissioner Jimenez, Commissioner Gomez, Commissioner Lopez, Vice Chair Hammond, and Chair Shively.

- 1. <u>CALL TO ORDER:</u>
- 2. <u>ROLL CALL: Commissioners: Jimenez, Gomez, Lopez, Vice-Chair Hammond, Chair Shively</u>

Commission Members Present: Commissioner Jimenez, Commissioner Gomez, Commissioner Lopez, Vice Chair Hammond, and Chair Shively.

- 3. INVOCATION:
- 4. PLEDGE OF ALLEGIANCE: Commissioner Jimenez
- 5. PRESENTATION:
- 6. CONSENT CALENDAR:
 - A. <u>Planning Commission Minutes for June 16, 2021</u>

The Chair called for a motion.

M/S/C: Moved by Commissioner Jimenez, seconded by Vice Chair Hammond to Approve Planning Commission Minutes for June 16, 2021

AYES:

Commissioner Jimenez, Vice Chair Hammond, Chair Shively.

NOES:

ABSENT:

ABSTAIN:

Commissioner Gomez, Commissioner Lopez.

Assistant City Attorney Khuu, summarized the public hearing process and procedures for the incoming Commissioners.

7. PUBLIC HEARING:

A. Parks Master Plan - An update to the existing Parks and Recreation Master Plan focused on the growth of the Community Services Department, park services, parkland acquisition, park renovation, and identifying priorities for capital improvements.

A. Parks Master Plan - An update to the existing Parks and Recreation Master Plan focused on the growth of the Community Services Department, park services, parkland acquisition, park renovation, and identifying priorities for capital improvements.

REQUESTED ACTION: Continuance of this item to the Planning Commission public hearing on August 4, 2021.

Continuance to the August 4, 2021 Commission meeting requested.

The Chair called for a motion.

M/S/C: Moved by Vice Chair Hammond, seconded by Commissioner Jimenez to Continue the Parks Master Plan - An update to the existing Parks and Recreation Master Plan focused on the growth of the Community Services Department, park services, parkland acquisition, park renovation, and identifying priorities for capital improvements.

REQUESTED ACTION: Continuance of this item to the Planning Commission public hearing on August 4, 2021.

AYES:

Commissioner Jimenez, Commissioner Gomez, Commissioner Lopez,

Vice Chair Hammond, Chair Shively.

NOES: ABSENT:

ABSTAIN:

B. Ordinance Amendment 21-05110 – An Ordinance Amendment to comprehensively update Chapter 19.81 of the zoning code to regulate secondary dwelling units in compliance with State law and in support of the Regional Housing Needs Assessment of the City.

REQUESTED ACTION: Continuance of this item to the next Planning Commission public hearing on July 21, 2021.

Continuance to the July 21,2021 Commission meeting requested.

The Chair called for a motion.

M/S/C: Moved by Vice Chair Hammond, seconded by Commissioner Lopez to Continue Ordinance Amendment 21-05110 – An Ordinance Amendment to comprehensively update Chapter 19.81 of the zoning code to regulate secondary dwelling units in compliance with State law and in support of the Regional Housing Needs Assessment of the City.

REQUESTED ACTION: Continuance of this item to the next Planning Commission public hearing on July 21, 2021.

AYES:

Commissioner Jimenez, Commissioner Gomez, Commissioner Lopez,

Vice Chair Hammond, Chair Shively.

NOES:

ABSENT:

ABSTAIN:

C. <u>Development Plan Review (DPR) 20-00011 – A proposal to construct a 248,442 square foot speculative industrial building on approximately 11 acres located at the southwest corner of Rider Street and Redlands Avenue within the Light Industrial (LI) zone of the Perris Valley Commerce Center Specific Plan. REQUESTED ACTION: Adopt Resolution No. 21-08 adopting Mitigated Negative Declaration 2357 and approving</u>

<u>Development Plan Review 20-00011 to allow construction of a 248,442 sq. ft. industrial warehouse building on approximately 11.17 acres of land located at the southwest corner of Rider Street and Wilson Avenue, based on the findings and the Conditions of Approval.</u>

Commissioners Jimenez, Hammond, and Gomez, acknowledged that they visited the site prior to the meeting.

Associate Planner Garcia, presented the item to the Commission.

Associate Planner Garcia, clarified the revision to Engineering condition #16 regarding the median width on Rider St.

Chair Shively, clarified that the project is located along Rider St and Wilson Ave.

Commissioner Jimenez, requested clarification on the Engineering condition #16 and further information for the on-site circulation.

Deputy Engineer Pourkazemi, commented on the circulation for the project.

Planning Manager Phung, clarified that truck traffic cannot travel south on Wilson Ave.

Commissioner Jimenez, asked if there will be signalization at the intersections of Rider St and Redlands Ave and Rider St and Wilson Ave, and requested clarification on the ultimate right of way for Rider St.

Vice Chair Hammond, commented on the width of concrete required to support truck traffic, circulation at the southern entry driveway, revision to Condition #17 for a 1 year maintenance period, and the signalization of this intersection at Rider St and Wilson Ave.

Vice Chair Gomez, commented on the truck traffic on Rider St and asked about the truck route utilized for this project.

Planning Manager Phung, clarified the truck route for the project and the future development of Placentia Ave.

Chair Shively, asked if the proposed outdoor amenity area will have a trellis cover.

Applicant John Kelly for Core 5, presented to the Commission.

Commissioner Jimenez, asked the applicant if they can include vine trellises and additional trees on Rider St, and approves of the color palette.

Commissioner Gomez, commented on the façade and requested additional blue accent on the elevations.

Jason Biase for Laborers International Union of Northern America (LiUNA), presented to the Commission in support of the project.

Steven Piarchern from Golden State Environmental Justice Alliance, presented to the Commission objecting to the MND analysis.

Applicant John Kelly for Core 5, commented on the adequacy of the MND which was peer reviewed by the City's environmental consultant.

Commissioner Jimenez, requested for Staff to work with the applicant on adding additional landscaping and providing blue accent colors to further enhance the elevation.

Commissioner Gomez, noted that she appreciates that the applicant is willing to working with Staff to alter the color palette.

Vice Chair Hammond, commented that new building design should be congruent to that of the surrounding buildings and that access concerns are a priority for all new industrial projects.

Chair Shively, commented on the color palette and outdoor amenities, and requested if updated color palettes can be utilized for new projects moving forward.

Staff clarified that the motion also includes: language for the applicant to work with Staff for alterations to the color palette, adding more landscaping, revisions to Engineering condition #16, and revision to Condition #17 noting the 1 year landscape maintenance period.

The Chair called for a motion.

M/S/C: Moved by Vice Chair Hammond, seconded by Commissioner Jimenez to Approve Development Plan Review (DPR) 20-00011 — A proposal to construct a 248,442 square foot speculative industrial building on approximately 11 acres located at the southwest corner of Rider Street and Redlands Avenue within the Light Industrial (LI) zone of the Perris Valley Commerce Center Specific Plan.

REQUESTED ACTION: Adopt Resolution No. 21-08 adopting Mitigated Negative Declaration 2357 and approving Development Plan Review 20-00011 to allow construction of a 248,442 sq. ft. industrial warehouse building on approximately 11.17 acres of land located at the southwest corner of Rider Street and Wilson Avenue, based on the findings and the Conditions of Approval. Motion to also include: language for the applicant to work with Staff for alterations to the color palette, adding more landscaping, revisions to Engineering condition #16, and revision to Condition #17 noting the 1 year landscape maintenance period.

AYES:

Commissioner Jimenez, Commissioner Gomez, Vice Chair Hammond,

Chair Shively.

NOES:

Commissioner Lopez.

ABSENT:

ABSTAIN:

D. Major Modification 20-05166 of TPM 35877 and DPR 08-01-0007; amended Development Agreement 21-05053; Tentative Parcel Map 37998/TPM 21-05119; Conditional Use Permit 21-05133; and EIR Addendum 21-05054 (aka – IDI South Perris Industrial North) – A proposal by IDI Logistics Inc., to adjust the parcel sizes, and modify the overall building square footage (SF) of the South Perris Industrial North project's original approval in 2010 (i.e., DPR 08-01-0007 at 3,166,456 SF) and the Major Modification approval in 2020 (MM 19-05332 at 2,358,347 SF) consisting of three industrial buildings totaling 2,840,836 SF along with associated changes to the parking, landscaping, and driveway access on a 215.6-acre vacant site located at the northeast corner of Redlands Avenue and Ellis Avenue. REQUESTED ACTION:

Adopt Resolution No. 21-13 recommending that the City Council approve Major Modification 20-05166, Tentative Parcel Map 37998 (PLN21-05119); and Development Agreement Amendment #2 (21-05053) to reconfigure and adjust the parcel sizes of three industrial warehouse buildings, modify overall building square footage (SF); and determine the proposal is covered under EIR SCH. 2008071060 and to adopt Addendum #2 (PLN21-05054) to the Original EIR; and subject to the Conditions of Approval.

Commissioners Jimenez, Hammond, and Shively, acknowledged that they visited the site prior to the meeting.

Contract Planner Perring, presented the item to the Commission.

Commissioner Jimenez, asked to clarify the on-site circulation for building 3.

Chair Shively, commented if fire access is provided around the buildings.

Vice Chair Hammond, asked about the sizing for box trees along the streets, the on-site circulation, and the 24 hour graffiti removal condition.

Planning Manager Phung, clarified the graffiti removal standard timeframe is 48 hours.

Chair Shively, asked if any discussion occurred to connect Ellis Ave toward the freeway to the east.

Deputy Engineer Pourkazemi, commented that the sensitive habit in this area will unlikely allow for the construction of this connection.

Commissioner Jimenez, asked for further clarification on which elevations will be visible from the right of way and requested additional architectural changes for the northern elevation of building 3 fronting the freeway.

Applicant Lou Monville for IDI, presented to the Commission.

Applicant Steve Hollis for IDI, presented to the Commission.

Commissioner Jimenez, appreciates the upgraded tree size and the open space provided.

Vice Chair Hammond, appreciates the project and spoke on the development of Ellis Ave.

Applicant Steve Hollis, commented on the additional berming and landscaping around the perimeter of the site that will soften and screen the loading area.

Chair Shively, asked if each tenant building has its own designated parking spaces.

Applicant Steve Hollis, commented on each building having its own parking and guard shacks.

Chair Shively, asked if additional landscaping can be added to the site in the parking areas.

Applicant Steve Hollis, commented on adding additional landscaping diamonds/fingers within the parking areas.

Commissioner Gomez, appreciates that the applicant is willing to work with Staff and the Commission.

Vice Chair Hammond, appreciates the project and the willingness of the developer to work with Staff to meet all requirements and requests.

Chair Shively, approves of the architecture of the project and appreciates the changes made to the project from the prior meeting.

Staff clarified the motion to also include: revise Planning condition to note 48 hours for graffiti removal, increase landscaping within parking area where possible, enhance north elevation of building 3 facing the freeway, and 36" box street trees to replace 24" box street trees noted in the conditions.

The Chair called for a motion.

M/S/C: Moved by Vice Chair Hammond, seconded by Commissioner Jimenez to Approve Major Modification 20-05166 of TPM 35877 and DPR 08-01-0007; amended Development Agreement 21-05053; Tentative Parcel Map 37998/TPM 21-05119; Conditional Use Permit 21-05133; and EIR Addendum 21-05054 (aka – IDI South Perris Industrial North) – A proposal by IDI Logistics Inc., to adjust the parcel sizes, and modify the overall building square footage (SF) of the South Perris Industrial North project's original approval in 2010 (i.e., DPR 08-01-0007 at 3,166,456 SF) and the Major Modification approval in 2020 (MM 19-05332 at 2,358,347 SF) consisting of three industrial buildings totaling 2,840,836 SF along with associated changes to the parking, landscaping, and driveway access on a 215.6-acre vacant site located at the northeast corner of Redlands Avenue and Ellis Avenue.

REQUESTED ACTION: Adopt Resolution No. 21-13 recommending that the City Council approve Major Modification 20-05166, Tentative Parcel Map 37998 (PLN21-05119); and Development Agreement Amendment #2 (21-05053) to reconfigure and adjust the parcel sizes of three industrial warehouse buildings, modify overall building square footage (SF); and determine the proposal is covered under EIR SCH. 2008071060 and to adopt Addendum #2 (PLN21-05054) to the Original EIR; and subject to the Conditions of Approval. Motion to also include: revise Planning condition to note 48 hours for graffiti removal, increase landscaping within parking area where possible, enhance north elevation of building 3 facing the freeway, and 36" box street trees to replace 24" box street trees noted in the conditions.

AYES: Commissioner Jimenez, Commissioner Gomez, Vice Chair Hammond,

Chair Shively.

NOES: Commissioner Lopez.

ABSENT: ABSTAIN:

E. Development Plan Review (DPR) 19-00016 – A proposal to construct a 324,147 square foot speculative industrial building on approximately 16.25 acres within the Light Industrial (LI) zone of the Perris Valley Commerce Center Specific Plan.

REQUESTED ACTION: Adopt Resolution No. 21-12 adopting Mitigated Negative Declaration 2358 and approving Development Plan Review 19-00016 to allow construction of a 324,147 sq. ft. industrial warehouse building on approximately 16.25 acres of land located at the southeast corner of Rider Street and Redlands Avenue, based on the findings and the Conditions of Approval.

Commissioner Hammond, Jimenez, and Gomez, acknowledged that they visited the site prior to the meeting.

Associate Planner Garcia, presented the item to the Commission.

Assoicate Planner Garcia, clarified the revisions to Engineering condition #25 regarding the median width of Rider St and Redlands Ave.

Planning Manager Phung, commented on condition #36 to replace and relocate the basketball court amenity so a pedestrian does not have to cross the truck aisle.

Commissioner Jimenez, asked if it is possible to re-route the truck traffic to not utilize the Rider St driveway entrance.

Deputy Engineer Pourkazemi, commented on the truck circulation for the site and an option to add a right turn only lane for truck entry along Rider St.

Commissioner Jimenez, commented on landscaping and the required amenities for the size of the building.

Interim Director of Development Services Neal, commented on the scaling of amenities per the size of the building.

Commissioner Gomez, asked for further information regarding the air quality study for this project.

Vice Chair Hammond, requested clarification on circulation along the southern entry along Redlands Ave and if a median will be provided along Rider St.

Deputy Engineer Pourkazemi, clarified the truck traffic circulation for the site.

Vice Chair Hammond, asked if there is a future plan to include Placentia Ave as a truck route once it is fully developed.

Chair Shively, asked about the signalization along Rider St and if the entry along Rider St is for truck traffic only.

Chair Shively, commented that no fire/crash gates are provided within the on-site circulation near the driveways along Rider St and Redlands Ave separating the passenger vehicles from the trucks.

Commissioner Jimenez, commented on the need for fire/crash gates to separate passenger vehicle and truck traffic.

Applicant Mike Goodwin for First Industrial, presented to the Commission.

Commissioner Jimenez, asked the applicant if they would be willing to work with Staff to ensure that passenger vehicles do not mingle with truck traffic within the site and if additional landscaping can potentially be added.

Commissioner Gomez, commented on additional landscaping and requested further clarification on the air quality study for the project.

Eliza Gonzabez from Webb and Associates, provided clarification on the noise and air quality studies prepared for the project.

Commissioner Gomez, asked if these studies took into the account the proximity to existing residential uses in the area.

City CEQA' consultant Michael Brown, explained how the studies address the residential uses in the area.

Chair Shively, asked if the truck route time within the study took into account the idle time for truck traffic and if the traffic analysis took into account the hours of operation for the project.

City CEQA Consultant Michael Brown, explained the method for evaluating truck idling and hours of operation.

Steven Piarchern from Golden State Environmental Justice Alliance, presented to the Commission objecting to the MND prepared for the project.

Ralph Valedar for LiUNA, presented to the Commission in support for the project.

Commissioner Jimenez, appreciates that the applicant is willing to work with Staff to address the parking and landscape concerns and commented on the CEQA concerns brought up by the public.

Interim Director of Development of Services Neal, commented that the project was evaluated as part of the PVCC Specific Plan program EIR and cumulative projects were considered.

Commissioner Gomez, commented on the impact for these projects on the community and that the Commission has to abide by the City Code when reviewing these projects.

Vice Chair Hammond, commented on the processes of drafting and reviewing an EIR, the March Air Reserve Base compatibility plan restricting the allowable uses within many industrial zones within the City, and transportation and air quality issues being a regional issue.

Chair Shively, commented on utilizing another color palette, adding additional landscaping, and limiting the passenger and truck traffic from sharing the same driveway entries.

Commissioner Jimenez, asked the Commission if Staff should utilize some congruency between adjacent buildings for future projects while still allowing them to have unique characteristics.

Staff clarified the motion to also include: revision to Engineering condition #25, adding language to note the applicant shall work with Staff on adding more landscaping where possible, enhancing the color palette, creating separation between passenger and truck access along the truck entry driveways on Rider St and Redlands Ave, and adding a condition to create a right turn lane on Rider St for trucks.

The Chair called for a motion.

M/S/C: Moved by Commissioner Jimenez, seconded by Vice Chair Hammond to Approve Development Plan Review (DPR) 19-00016 – A proposal to construct a 324,147 square foot speculative industrial building on approximately 16.25 acres within the Light Industrial (LI) zone of the Perris Valley Commerce Center Specific Plan.

REQUESTED ACTION: Adopt Resolution No. 21-12 adopting Mitigated Negative Declaration 2358 and approving Development Plan Review 19-00016 to allow construction of a 324,147 sq. ft. industrial warehouse building on approximately 16.25 acres of land located at the southeast corner of Rider Street and Redlands Avenue, based on the findings and the Conditions of Approval. Motion to also include: revision to Engineering condition #25, adding language to note the applicant shall work with Staff on adding more landscaping where possible, enhancing the color palette, creating separation between passenger and truck access along the truck entry driveways on Rider St and Redlands Ave, and adding a condition to create a right turn lane on Rider St for trucks.

AYES: Commissioner Jimenez, Commissioner Gomez, Commissioner Lopez,

Vice Chair Hammond, Chair Shively.

NOES:

ABSENT:

ABSTAIN:

8. <u>BUSINESS ITEM:</u>

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

10. COMMISSION MEMBERS ANNOUNCEMENTS OR REPORTS:

Commissioner Jimenez, asked to research if other communities require amenities on industrial projects based upon building size and if air conditioning is required within the warehouse area.

Commissioner Lopez, thanked everyone for the warm welcome and that he looks forward to reviewing future projects.

Commissioner Gomez, appreciates the opportunity to serve and is looking forward to helping the community.

Vice Chair Hammond, thanked the new Commission members and appreciates all the changes Staff has implemented into new projects.

Chair Shively, welcomed the new Commissioners and commented that the goal of being a Commissioner is to vocalize any concerns that may potentially affect the community.

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

Planning Manager Phung, commented that Staff has been in discussion with the Public Works Department for a presentation on parkway landscape maintenance, upcoming Covid memorial event at the City Hall campus, City Hall fully reopening, welcomed the new Commissioners, and noted that the next Planning Commission meeting is on July 21st.

Interim Director of Development of Services Neal, commented on the status of the parkway request, the first mural being completed in the downtown area, and thanked contract planner Cathy Perring for working with Staff and congratulated her on her recent retirement.

12. ADJOURNMENT COVID-19 REMOTE PUBLIC COMMENT/CITIZEN PARTICIPATION
With the intent of adhering to the new community guidelines from the Center for Disease
Control, the City of Perris will allow for remote public comment and participation at the
upcoming Planning Commission meeting via Zoom. Public Comment is limited to three (3)
minutes.

Planning Commission Agenda

CITY OF PERRIS July 21, 2021

Item 7A

Ordinance Amendment 21-05110



CITY OF PERRIS

PLANNING COMMISSION AGENDA SUBMITTAL

MEETING DATE:

July 21, 2021

SUBJECT:

Ordinance Amendment 21-05110 – An Ordinance Amendment to retitle and amend, in its entirety, Chapter 19.81 (Second Dwelling Units) of Title 19 of the Perris Municipal Code in order to update the City's accessory dwelling unit and junior accessory dwelling unit regulations so that such regulations are consistent with Government Code Sections 65852.2 and 65852.22.

Applicant: City of Perris

REQUESTED ACTION:

Adopt Resolution No. (next in order) recommending that the City Council find that Ordinance Amendment No. 21-05110 is Statutorily Exempt from CEQA pursuant to Public Resources Code Section 21080.17 and adopt Ordinance No. (Next in Order) retitling and amending, in its entirety, Chapter 19.81 (Second Dwelling Units) of Title 19 of the Perris Municipal Code, which retitles Chapter 19.81 to "Accessory Dwelling Units and Junior Accessory Dwelling Units" and updates the City's accessory dwelling unit and junior accessory dwelling unit regulations so that such regulations are consistent with Government Code Sections 65852.2 and 65852.22.

CONTACT:

Candida Neal, Interim Director Development Services Department

PROJECT DESCRIPTION AND BACKGROUND:

On January 1, 2020, changes to Government Code Sections 65852.2 and 65852.22 went into effect. These changes modified the permitting and regulation of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) and made null and void any ordinance that was not in revised statutes. As a result, for the past eighteen months the City has been relying on the State legislation to regulate ADUs and JADUs.

To comply with the new state mandates, Ordinance Amendment 21-05110 will retitle and amend, in its entirety, Chapter 19.81 (Second Dwelling Units) of Title 19 of the Perris Municipal Code (PMC). Chapter 19.81 will be retitled to "Accessory Dwelling Units and Junior Accessory Dwelling Units." Further, Chapter 19.81 will be amended in its entirety to be consistent with State law. The proposed Ordinance Amendment 21-05110 will allow ADUs in any area zoned for single family residential uses and allow ADUs to be constructed in existing multi-family projects.

ANALYSIS:

Types of ADUS

State Accessory Dwelling Unit statutes define six types of units and establish location requirements, development standards and parking regulations based on the following:

- Junior Accessory Dwelling Units or JADUs are not permitted by the current zoning code, JADUs are smaller than ADUs and contained entirely within an existing or proposed single family dwelling. Unlike ADUs which must have their own bathroom facilities, a JADU may share a bathroom with the primary dwelling unit. JADUs can be constructed on single family sites that have either an Attached ADU or a Detached ADU. They are not permitted on single family sites with a Converted Unit or on a multi family site.
- Single Family ADUs are allowed on any site with an existing or proposed single family dwelling. They can be one of three types:
 - o Attached Single Family ADUs share a wall or a portion of a wall with the Primary Dwelling or an existing accessory structure; or
 - Detached Single Family ADUs are located in structures separate from the Primary Dwelling; or
 - o Converted Single Family ADUs are located within the existing Primary Dwelling. New construction in Converted ADUs is limited to 150 square feet. The new area can only be used for entrances.
- Multi-Family ADUs are allowed on properties with multi-family homes or mixed use development and can be either Detached Multi-Family Units or Converted Multi-Family Family ADUs. Converted units must be constructed within nonresidential areas of the building such as attics, utility rooms or basements.

State Government Code Requirements

The amendments to Government Code Sections 65852.2 and 65852.22 encourage development of additional housing by reducing and eliminating restrictions on ADUs and JADUs. Cities can only modify these conditions to make them less restrictive. For example, a City could reduce the number of parking spaces required for an Single Family Attached ADU to zero, but could not increase the standard to 2 spaces. These regulations are incorporated into Ordinance Amendment21-05110 and discussed below.

- Ministerial Review Process. State law requires cities to review all ADU and JADU applications through administrative process. Time limits ensure that the ADU or JADU is approved or denied within 60 days of submitting a complete application.
- Location. Cities must allow ADUs and JADUs in any single-family residential, multifamily or mixed-use zoning district that allows residential uses by right or with a conditional use permit. Minimum lot size requirements are prohibited.

- **Development Standards of the Underlying Zoning.** Cities are allowed to enforce the development standards of the underlying zoning such as setback requirements, height restrictions and lot coverage as long as enforcement of those standards does not prevent construction of an ADU that meets the following standards:
 - o Floor area of 800 square feet or less,
 - o Above-grade height of 16 feet or less, and
 - o Rear and side yard setbacks no less than 4 feet.

• Maximum Number of Dwellings on Site.

- o Single Family Sites an Attached ADU or a Detached ADU can also construct a JADU for a total of three dwelling units on the site.
- Single Family Sites a Converted ADU cannot construct a JADU and will be limited to two dwelling units on the site.
- Multi-Family Projects can have 2 Detached Units. Maximum number of Converted ADUs on a multi-family site is 25% of the total units. Duplexes and triplexes are allowed to construct one Converted ADU.

• Maximum Unit Size.

- o JADUs 500 square feet.
- Single-Family Attached ADU No more than 50% of the floor area in the Primary Dwelling Unit and 850 square feet for studio and one-bedroom units and 1,000 square feet for two-bedroom units.
- Single-Family Detached and Converted ADU, Multi-family Attached and Detached ADU – 850 square feet for studio and one-bedroom units and 1,000 square feet for two-bedroom units.
- **Setbacks.** Front yard setbacks are regulated by the underlying zoning. Rear and side yards shall be either four feet or meet the standards set by the underlying zoning whichever is less.

• Parking Space Requirements

- o JADUs None.
- o Single-Family Attached ADU and Detached One.
- o Single-Family Converted ADU None.
- o Multi-family Detached ADU- One.
- o Multi-family Detached ADU- None.

Parking Design Standards

- o Tandem parking is permitted
- Parking within required rear or side yard setbacks is permitted unless the City can demonstrate that the design or location would create dangerous life or fire safety conditions.
- Parking Exemptions. Parking spaces must be located and designed in compliance with the City's parking standards except as modified by the following:
 - Within ½ mile walking distance of public transit.

- o Part of an architecturally and historically significant historic district.
- Where on-street parking permits are required but not offered to the occupant of the ADU
- When there is a carshare vehicle located within one block of the ADU.
- Parking Waivers. ADUs are not required to provide parking when the residence meets one of the following criteria:
 - o Is located within ½ mile walking distance of public transit.
 - o Is part of an architecturally and historically significant historic district.
 - o Is located in an area where on-street parking permits are required but not offered to the occupant of the ADU.
 - o When there is a carshare vehicle located within one block of the ADU.
- Operational Standards. Units permitted under this ordinance shall comply with the following operational standards:
 - o The ADU or JADU may not be sold or otherwise conveyed separately from the lot and the Primary Dwelling.
 - o The ADU or JADU shall not be rented for periods of thirty days or less.

Local Code Requirements

Cities can establish local development and operational standards that do not unreasonably restrict the development of ADUS. The following standards are included in Ordinance Amendment21-05110.

- Exterior Entrance. All ADUs and JADUs shall have a separate exterior entrance.
- Architectural Design. ADUs and JADUs shall be designed to be compatible with the architectural style and materials used in the Primary Dwelling.
- **Building Height.** New construction ADUs shall have a building height not to exceed 16 feet above grade. An additional 4 feet may be permitted through the Minor Adjustment approval if it can be demonstrated that the additional height will not impact the privacy of the adjacent neighbors.
- Architecture for Garage Conversions. When garages are converted to ADUS, the garage door for vehicles shall be removed and replaced with a wall that matches the Primary Dwelling.
- Minimum Area for ADUs and JADUs. State Law requires that local regulations not be large enough to allow an efficiency unit as defined by the California Building Code (CBC). In the most recent CBC update, efficiency units were eliminated. However, the CBC requires that any living space have 220 square feet plus 100 square feet per occupant. Consistent with these requirements, staff proposed a 320 square foot minimum area requirement.
- **Bathrooms.** All ADUs shall have a bathroom with a sink, toilet and shower or bath tub. 01006.0005/729017.1

JADUs may share a bathroom with the Primary Dwelling.

- **Kitchens.** All ADUs shall have a kitchen with a sink, refrigerator, cooking appliance and food preparation area. JADUs shall have a sink and an area for food storage and preparation and small cooking appliance such as a hot plate.
- **Fire Sprinklers.** Fire sprinklers are required in ADUS when the Primary Dwelling has a sprinkler system for fire prevention.
- **Deed Restriction.** A deed restriction recording the approved size and attributes of the accessory dwelling or dwellings and describing the restrictions on short-term rentals and prohibitions on the sale or conveyance of the ADU separate from the Primary Dwelling or lot.

ENVIRONMENTAL CONSIDERATIONS AND CEQA PROCESS

Adoption of an Accessory Dwelling Unit Ordinance in compliance with Government Code Sections 65852.2 and 65852.22 is statutorily exempt from CEQA pursuant to Public Resources Code Section 21080.17, which states that the statute (CEQA) does not apply to the adoption of an ordinance by a city or county to implement the provisions of Government Code Sections 65852.2 and 65852.22.

RECOMMENDATION:

Staff recommends the Planning Commission adopt Resolution No. (next in order) recommending to the City Council find that Ordinance Amendment No. 21-05110 is Statutorily Exemption from CEQA.

BUDGET (or FISCAL) IMPACT: Costs for staff preparation of this item are included in the General Fund Budget.

Prepared by: Kenneth Phung, Planning Manager and

Candida Neal, Interim Development Services Director

REVIEWED BY: Candida Neal, Interim Development Services Director

Exhibits: Resolution Recommending City Council find that Ordinance Exhibit A -

Amendment No. 21-05110 is Statutorily Exemption from CEQA and adopt

Ordinance No. (Next in order)

Exhibit B – City Council Ordinance No. (Next in Order) which adopts Ordinance Amendment 21-05110, which is Attachment A to the Resolution

Exhibit C – Exhibit 1 to the Ordinance.

EXHIBIT A

Resolution Recommending City Council find that Ordinance Amendment No. 21-05110 is Statutorily Exemption from CEQA and adopt Ordinance No. (Next in order)

RESOLUTION NUMBER 21-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PERRIS. COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ORDINANCE AMENDMENT 21-05110 TO RETITLE AND AMEND, IN ITS ENTIRETY, CHAPTER 19.81 (SECOND DWELLING UNITS) OF TITLE 19 OF THE PERRIS MUNICIPAL CODE, IN ORDER TO UPDATE THE CITY'S ACCESSORY DWELLING UNIT AND JUNIOR ACCESSORY DWELLING UNIT REGULATIONS SO THAT SUCH REGULATIONS ARE **CONSISTENT** GOVERNMENT CODE SECTIONS 65852.2 AND 65852.22 AND FIND THAT THE PROPOSED ORDINANCE IS STATUTORILY EXEMPT FROM CEQA PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.17; AND MAKING FINDINGS RELATED THERETO.

WHEREAS, the City of Perris supports and will assist the development of accessory dwelling units and junior accessory dwelling units by amending Chapter 19.81, Second Dwelling Units, to comply with Government Code Sections 65852.2 and 65852.22; and

WHEREAS, Ordinance Amendment 21-05110 and its attachments, as attached in Exhibit C, (collectively hereafter referred to as "Ordinance Amendment 21-05110") will retitle and amend, in its entirety, Chapter 19.81 (Second Dwelling Units) of Title 19 of the Perris Municipal Code, relating to Second Dwelling Units in order to update the City's accessory dwelling unit and junior accessory dwelling unit regulations to be consistent with Government Code Sections 65852.2 and 65852.22; and

WHEREAS, on July 21, 2020, the Planning Commission conducted a legally noticed public hearing for Ordinance Amendment 21-05110 with the proposed changes shown in Exhibit C; and

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

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

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

Section 2. The Planning Commission has reviewed and considered the proposed Ordinance Amendment 21-05110. The Planning Commission further finds and determines that the City has complied with the California Environmental Quality Act and Ordinance Amendment 21-05110 is Statutorily Exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 which states that CEQA does not apply to the adoption of an ordinance by a city or count to implement to

provisions of Government Code Sections 65852.2. and 65852.22. This Ordinance is being adopted to implement provisions of Government Code Sections 65852.2. and 65852.22. This determination reflects the independent judgment of the Planning Commission.

Section 3. Based upon the forgoing, all oral and written presentations made by members of the public and City staff, including, but not limited to, the agenda report and its attachments/exhibits, at the public hearing on July 7, 2021, this Planning Commission finds, in regards to the proposed Ordinance Amendment 21-05110, which retitles and amends, in its entirety, Chapter 19.81 of Title 19 of the Perris Municipal Code, as follows:

Ordinance Amendment 21-05110:

- A. The proposed Ordinance Amendment 21-05110 will not result in a significant adverse effect on the environment. The California Environmental Quality Act (CEQA) states that the project is Statutorily Exempt pursuant to Public Resources Code Section 21080.17 which states that CEQA does not apply to the adoption of an ordinance by a city or count to implement to provisions of Government Code Sections 65852.2. and 65852.22. This Ordinance Amendment 21-05110 is being adopted to implement provisions of Government Code Sections 65852.2. and 65852.22.
- B. The proposed Ordinance Amendment 21-05110 will not conflict with the goals, policies, and implementation measures set forth in the General Plan and Zoning Ordinance because the purpose of the Ordinance Amendment is to support and promote affordable housing by encouraging the development of Accessory Dwelling Units and Junior Accessory Dwelling Units. The Zoning Code simplifies the requirements for constructing Accessory Dwelling Units and Junior Accessory Dwelling Units so that they will be compatible with the existing neighborhood.
- C. The proposed Ordinance Amendment 21-05110 will not have a negative effect on public health, safety, or the general welfare of the community because the Accessory Dwelling Units and Junior Accessory Dwelling Units Ordinance in its entirety, simplifies the process for permitting these units and promotes development of affordable housing that enhance the built environment and support further the city goals for providing affordable housing that is compatible with the surrounding neighborhoods.

Section 4. Based upon the forgoing, all oral and written presentations made by members of the public and City staff, including, but not limited to, the agenda report and its attachments/exhibits, at the public hearing on July 7, 2021, the Planning Commission hereby recommends that the City Council find that Ordinance Amendment 21-05110 is Statutorily Exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and adopt Ordinance Amendment 21-05110, which is attached hereto as Exhibit C and which retitles and amends, in its entirety, Chapter 19.81 of Title 19 of the Perris Municipal Code.

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

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

ADOPTED, SIGNED, and APPROVED this 21st day of July 2021.

	CHAIRPERSON, PLANNING COMMISSION
Attest:	
Secretary, Planning Commission	
STATE OF CALIFORNIA) COUNTY OF RIVERSIDE) § CITY OF PERRIS)	
	of the Planning Commission of the City of Perris, do tion Number 21-15 was duly adopted by the Planning of July 2021, by the following vote:
AYES: NOES: ABSTAIN: ABSENT:	
	Designee Secretary of the Planning Commission

Exhibit C: Proposed Ordinance adopting retitling and amendments to Chapter 19.81 of Title 19 of the Perris Municipal Code, relating to Accessory Dwelling Units and Junior Accessory Dwelling Units

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

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

ADOPTED, SIGNED, and APPROVED this 21st day of July 2021.

	CHAIRPERSON, PLANNING COMMISSION
Attest:	
Secretary, Planning Commission	
STATE OF CALIFORNIA) COUNTY OF RIVERSIDE) § CITY OF PERRIS)	
	of the Planning Commission of the City of Perris, do tion Number 21-15 was duly adopted by the Planning of July 2021, by the following vote:
AYES: NOES: ABSTAIN: ABSENT:	
	Designee Secretary of the Planning Commission

Exhibit C: Proposed Chapter 19.81 of Title 19 of the Perris Municipal Code, relating to Accessory Dwelling Units and Junior Accessory Dwelling Units

Exhibit B

City Council Ordinance No. (Next in Order) which adopts Ordinance Amendment 21-05110

ORDINANCE NUMBER (Next in order)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COUNTY OF STATE PERRIS. RIVERSIDE, CALIFORNIA, RETITLING AND AMENDING, IN ITS ENTIRETY, CHAPTER 19.81 (SECOND DWELLING UNITS) OF TITLE 19 OF THE PERRIS MUNICIPAL CODE IN ORDER TO UPDATE THE CITY'S ACCESSORY DWELLING UNIT AND JUNIOR DWELLING UNIT REGULATIONS SO THAT SUCH REGULATIONS ARE CONSISTENT WITH GOVERNMENT CODE SECTIONS 65852.2 AND 65852.22; TO FINDING THAT THIS ORDINANCE IS STATUTORILY EXEMPT FROM CEQA PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.17; AND MAKING FINDINGS RELATED THERETO.

WHEREAS, the City of Perris supports and will assist the development of accessory dwelling units and junior accessory dwelling units by amending Chapter 19.81, Second Dwelling Units, to comply with Government Code Sections 65852.2 and 65852.22; and

WHEREAS, this Ordinance (Ordinance Amendment 21-05110) and its Exhibit C (collectively referred to as the "Ordinance") will retitle and amend, in its entirety, Chapter 19.81 (Second Dwelling Units) of Title 19 of the Perris Municipal Code in order to update the City's accessory dwelling unit and junior accessory dwelling unit regulations to be consistent with Government Code Sections 65852.2 and 65852.22; and

WHEREAS, on July 21, 2021, the Planning Commission conducted a legally noticed public hearing for this Ordinance, which is attached hereto, and recommended approval of this Ordinance to City Council after considering all oral and written testimony from members of the public and City staff, including, but not limited to, all staff reports and exhibits and accompanying documents; and

WHEREAS, on ______, 2021, the City Council conducted a legally noticed public hearing for this Ordinance, and has considered all oral and written testimony from members of the public and City staff, including, but not limited to, all staff reports and exhibits and accompanying documents; and

WHEREAS, all legal prerequisites for 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 by this reference.

Section 2. The City Council has reviewed and considered this Ordinance. The City Council further finds and determines that the City has complied with the California Environmental Quality Act and this Ordinance is Statutorily Exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 which states that CEQA does not apply to the adoption of an ordinance by a city or county to implement to provisions of Government Code Sections 65852.2. and 65852.22. This Ordinance is being adopted to implement provisions of Government Code Sections 65852.2. and 65852.2. This determination reflects the independent judgment of the City Council.

Section 3. Based upon the forgoing, all oral and written presentations made by members of the public and City staff, including, but not limited to, the agenda report and its attachments/exhibits, at the public hearing on ______, the City Council finds, regarding this Ordinance, as follows:

Ordinance Amendment 21-05110:

- A. This Ordinance will not result in a significant adverse effect on the environment. The California Environmental Quality Act (CEQA) state that the project is Statutorily Exempt pursuant to Public Resources Code Section 21080.17 which states that CEQA does not apply to the adoption of an ordinance by a city or count to implement to provisions of Government Code Sections 65852.2. and 65852.22. This Ordinance is being adopted to implement provisions of Government Code Sections 65852.2. and 65852.22.
- B. This Ordinance will not conflict with the goals, policies, and implementation measures set forth in the General Plan and Zoning Ordinance because the purpose of the Ordinance is to support and promote affordable housing by encouraging the development of Accessory Dwelling Units and Junior Accessory Dwelling Units. The Zoning Code simplifies the requirements for constructing Accessory Dwelling Units and Junior Accessory Dwelling Units so that they will be compatible with the existing neighborhood.
- C. This Ordinance will not have a negative effect on public health, safety, or the general welfare of the community because the Accessory Dwelling Units and Junior Accessory Dwelling Units Ordinance in its entirety, simplifies the process for permitting these units and promotes development of affordable housing that enhance the built environment and support further the city goals for providing affordable housing that is compatible with the surrounding neighborhoods.

Section 4. Based upon the forgoing, all oral and written presentations made by members of the public and City staff, including, but not limited to, the agenda report and its attachments/exhibits, at the public hearing on ______, the City Council hereby approves this Ordinance (Ordinance Amendment 21-05110), which retitles and amends, in its entirety, Chapter 19.81 of Title 19 of the Perris Municipal Code as provided in Exhibit C of this Ordinance.

Section 5. Chapter 19.81 of Title 19 of the Perris Municipal Code is retitled and amended in its entirety as provided in Exhibit C of this Ordinance.		
paragraph, sentence, or word of competent jurisdiction, or by re	e City Council declares that should any provision, section, this Ordinance be rendered or declared invalid by any court of ason of any preemptive legislation, the remaining provisions, d words of this Resolution shall remain in full force and effect.	
the passage and adoption of this	ayor shall sign this Ordinance and the City Clerk shall certify to Ordinance, and shall cause the same to be published and posted in this regard, and this Ordinance shall take effect thirty days	
ADOPTED, SIGN	ED and APPROVED this, 2021.	
ATTEST:	Mayor, Michael J. Vargas	
City Clerk, Nancy Salazar		
STATE OF CALIFORNIA) COUNTY OF RIVERSIDE) § CITY OF PERRIS)		
CERTIFY that the foregoing Or	C OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY dinance Number was duly and regularly adopted by the at a regular meeting held the day of, 2021, by the	
AYES: NOES: ABSENT: ABSTAIN:		
	City Clerk, Nancy Salazar	

Exhibit C: Proposed Chapter 19.81 of Title 19 of the Peris Muincipal Code

EXHIBIT C

Proposed Chapter 19.81 of Title 19 of the Perris Municipal Code, relating to Accessory Dwelling Units and Junior Accessory Dwelling Units

CHAPTER 19.81 – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

Sec. 19.81.010 - Purpose

The purpose of this section is to establish regulations and procedures for reviewing permitting Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) consistent with California Government Code Section 65852.2 and 6852.22, or any successor statute.

Sec. 19.81.020 - Definitions

Α

Accessory Dwelling Unit (ADU) – is a dwelling unit that is either attached to, detached from, or contained within the principal dwelling unit located or proposed on a site zoned for residential use.

Accessory Structure – is a structure that is located on the same lot as the primary dwelling. An accessory structure may be either attached or detached from the primary dwelling and must have a use that is incidental to the main use. Examples of residential accessory uses include, but are not limited to, storage sheds, garages, studios.

Attached ADU – an accessory dwelling unit created by new construction that is attached to the primary dwelling unit by a shared wall, floor, or ceiling. Attached ADUs cannot be constructed in a multi-family project.

В

By-right – Zoning allows development to proceed without the need for a discretionary permit including but not limited to a conditional use permit, variance, or zoning amendment.

C

Car Share Vehicle – Car sharing organizations offer members use of cars on a short-term basis.

Converted ADU – an accessory dwelling unit created by the conversion of existing floor area within either the primary dwelling unit or an accessory structure or by total replacement of an existing accessory structure with an ADU.

D

Detached ADU – an accessory dwelling unit located on the same parcel and is created by new construction that is detached, or separate from, the primary dwelling unit. Detached ADUs may be constructed on single-family parcels or multi-family properties.

Ε

Efficiency Kitchen – For purposes of establishing a JADU, an efficiency kitchen shall be defined as area that shall include a sink, food preparation counter and food storage area. A plug-in food preparation, such as a microwave or hot plate, may also be provided.

Existing Building Envelope – The existing walls and roofs of a dwelling that separate interior space for exterior space. A space enclosed by at least two walls and a roof is within the existing building envelope.

J

Junior Accessory Dwelling Unit (JADU) – a dwelling unit accessory to and entirely contained within an existing or proposed single family dwelling. A JADU may have a bathroom or may share a bathroom with the Primary Dwelling Unit.

K

Kitchen – An area that includes a cooking appliance, sink, refrigerator and food preparation and storage area.

M

Minor Adjustment – Defined in Perris Municipal Code Section 19.54.020 (9), a minor adjustment to specific development standards may be approved by the Development Services Director.

Multi-family Dwelling - An existing building that contains more than one dwelling unit and is located within a zoning district that allows multi-family dwellings.

Р

Primary Dwelling Unit – may be any of the following an existing single-family dwelling, a proposed single-family dwelling, or an existing multi-family structure.

Proposed Dwelling – a dwelling that has applied for a permit and that meets the requirements for permitting.

Public Transit – a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes and are available to the public.

Т

Tandem parking – When two or more vehicles are parked lined up one behind the other.

U

Underlying Zoning – The zoning district in which a parcel is located on the City of Perris Zoning Map or within a Specific Plan.

Sec. 19.81.030 - Applicability

Any construction, establishment, alteration, enlargement, or modification of an ADU or a JADU shall comply with the requirements of this chapter and the City's building and fire codes. An ADU or JADU shall be deemed:

- (a) Consistent with the General Plan designation and zoning for the parcel on which the ADU or JADU is located.
- (b) Within the allowable density for the parcel on which the ADU or JADU is located.

Sec. 19.81.040 – Review Authority

- (a) Building Permit Approval Compliance with Underlying Zoning. ADUs and JADUs that meet the applicable Development Standards described in this chapter and the requirements of the underlying zoning shall be approved by Building Permit review.
- (b) Minor Adjustment Approval. An ADU that exceed the maximum height standards may be permitted subject to approval of a Minor Adjustment if the proposed unit meets the standards outlined in PMC Section 19.54.020 and it can be demonstrated that the proposed ADU is designed so that it does not negatively impact the neighboring properties.
- (c) *Ministerial Review*. A permit application for an ADU or a Junior ADU shall be considered and approved ministerially without discretionary review or a hearing.
- (d) Timelines. The City shall act on an application to create an ADU or Junior ADU within 60 days from the date the City receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an ADU unit or a Junior ADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the ADU or the Junior ADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the ADU or Junior ADU shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the City has not acted upon the completed application within 60 days, the application shall be deemed approved.

Sec. 19.81.050 - Location

- (a) ADUs and Junior ADUs are permitted on sites that have a proposed or existing primary dwelling unit and with underlying zoning that allow single-family homes by-right or conditional use.
- (b) ADUs are permitted on sites that have a proposed or existing multi-family residences and with underlying zoning districts allow multi-family homes by-right.
- (c) Junior ADUs are not permitted on sites where a portion of the Primary Dwelling has been converted to an ADU.
- (d) Junior ADUs are not permitted on sites with multi-family projects.

Sec. 19.81.060 – Development Standards for All ADUs.

Except as modified by this Chapter all ADUs shall conform to the requirements of the underlying residential zoning district and the zoning code in addition to the standards listed below. JADUs shall also be subject to these standards.

- (a) *Minimum Lot Area*. Shall be determined by the underlying zoning as long as it does not prohibit construction of an ADU or JADU as described in Section 19I.81.060 (h) of this Chapter.
- (b) Building Height. Shall not exceed 16 feet unless the proposed ADU is within the existing building envelope or permitted by Minor Adjustment approval.
- (c) Minimum Unit Size. Must have a minimum of 320 square feet floor area.
- (d) Setbacks.
 - a. Front yard. Determined by underlying zone.
 - b. Side and Rear yards. Minimum four feet or underlying zone whichever is less.
 - c. When a property is adjacent to an alley, the side or rear yard setback may be reduced with a Minor Adjustment approval.
- (e) Architectural Design. The architectural design of the ADU shall be compatible with the architectural style and materials used in the Primary Dwelling.
- (f) Exterior Entrance. All units must have an entrance separate from the primary dwelling entrance.
- (g) *Garage Doors*. When garages are converted to ADUs or Junior ADUs the garage door for vehicles must be replaced with a wall that matches the existing architecture.
- (h) Bathroom. A separate bathroom is required.
- (i) Kitchen. A kitchen area is required.
- (j) Fire Sprinklers. Fire sprinklers are required when the Primary Dwelling Unit has fire sprinklers.
- (k) Underlying Zoning Standards. Lot coverage, distance requirements between structures and other standards established by the underlying zoning may be applied so long as the application of the requirements do not prohibit construction of an ADU with a floor area that is eight hundred (800) square feet or less, or a peak height above grade that is no more than sixteen (16) feet, or with side and rear yard setbacks that are no less than four (4) feet.
- (I) No passageway shall be required between the primary dwelling and the ADU or JADU.

Sec. 19.81.070 – Specific Development Standards for Single-Family – Attached ADUs

In addition to the Development Standards outlined in Section 19.81.060, Attached ADUs shall comply with the following standards.

- (a) Zoning. ADUs are allowed in any zoning that permits a single-family residence by-right.
- (b) Maximum Number of Units on a Site. No more than 1 Primary Dwelling Unit,1 Attached ADU are permitted.
- (c) Maximum Unit Size. The attached ADU shall have an area no more than 50% of the floor area in the primary dwelling.
 - a. Studios and 1-bedroom units 850 square feet.
 - b. More than 1-bedroom units 1,000 square feet.
- (d) *Parking Requirements*. Except as provided in Section 19.81.120, one parking space shall be required.

In addition to the Development Standards outlined in Section 19.81.060, Detached ADUs shall comply with the following standards.

- (a) Zoning. ADUs are allowed in any zoning that permits a single-family residence by-right.
- (b) Maximum Number of Units on a Site. No more than 1 Primary Dwelling Unit, 1 Detached ADU and 1 JADU are permitted.
- (c) Maximum Unit Size.
 - a. Studios and 1-bedroom units 850 square feet.
 - b. More than 1-bedroom units 1,000 square feet.
- (d) *Parking Requirements*. Except as provided in Section 19.81.120, one parking space shall be required.

Sec. 19.81.090 - Specific Development Standards for Single-Family - Converted ADUs

In addition to the Development Standards outlined in Section 19.81.060, Converted ADUs shall comply with the following standards.

- (a) Zoning. ADUs and JADUs are allowed in any zoning that permits a single-family residence by-right.
- (b) Maximum Number of Units on a Site. No more than 1 Primary Dwelling Unit and 1 Converted ADU. No JADUs are permitted.
- (c) Maximum Unit Size. The attached ADU shall have an area no more than 50% of the floor area in the primary dwelling.
 - a. Studios and 1-bedroom units 850 square feet.
 - b. More than 1-bedroom units 1,000 square feet.
- (d) *Building Envelope*. The Converted ADU must be constructed within the existing floor area of the Primary Dwelling.
- (e) Additional Floor Area. Building envelope may be increased by up to 150 square feet to accommodate a new entrance to the Converted ADU.
- (f) Parking Requirements
 - a. Primary Dwelling. When a garage is converted to an ADU, the parking for the Primary Dwelling does not have to be replaced.
 - b. ADU. None.

Sec. 19.81.100 - Specific Development Standards for JADUs

In addition to the Development Standards outlined in Section 19.81.060, JADUs shall comply with the following standards.

- (a) Zoning. JADUs are allowed in any zoning that permits a single-family residence by-right.
- (b) Maximum Number of JADUs on a site. One.
- (c) Maximum Unit Size. The maximum floor area of a JADU shall not exceed 500 square feet.
- (d) *Building Envelope*. The JADU must be constructed within the existing building envelope of the Primary Dwelling.
- (e) Additional Floor Area. Building envelope may be increased by up to 150 square feet to accommodate a new entrance to the JADU.
- (f) Exterior Entrance. JADU must have an entrance separate from the Primary Dwelling entrance.
- (g) Parking Requirements. None.

Sec. 19.81.110 – Specific Development Standards for ADUs in Multi-Family Sites

In addition to the Development Standards outlined in Section 19.81.060, Multi-family ADUs shall comply with the following standards.

- (a) Zoning. ADUs are allowed on residential and mixed use zoned properties with existing or proposed multi-family dwellings.
- (b) Maximum Number of Units.
 - a. Converted Units At least one and no more than 25% of the existing number of units.
 - b. *Detached Units* Two.
- (c) Location.
 - a. Site must have an existing or proposed multi-family structure and
 - b. ADUs must be located withing portions of the structure that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, and garages.
- (d) *Multi-Family Sites*. The number of new multi-family units permitted in a multi-family project shall not exceed 25% of the existing multi-family units and shall be calculated in the following manner:
 - a. Previously approved ADUs shall not count towards the existing multi-family dwellings.
 - b. Fractions shall be rounded down to the next lower number of dwelling units, except that at least one ADU shall be permitted; and
 - c. Multi-family projects approved and built as a single complex shall be considered one lot, regardless of the number of parcels or buildings.
- (e) Maximum Unit Size.
 - a. Studios and 1-bedroom units 850 square feet.
 - b. More than 1-bedroom units 1,000 square feet.
- (f) Type of ADUs.
 - a. Permitted. Converted or Detached ADUs
 - b. Prohibited. Attached ADUs and JADUs
- (g) Parking Requirements. Except as provided in Section 19.81.120, the parking requirements shall be as follows:
 - a. Converted Units None.
 - b. Detached Units One per ADU.

Sec. 19.81.120 - Parking Standards

- (a) *Parking Requirements*. Parking shall comply with Section 19.69.020, except as modified by the requirements of this Chapter.
 - a. Unless the requirement is exempted or waived by other provisions of this Chapter, each ADU shall have one designated off-street parking space.
 - b. Tandem parking and parking within the rear and side yard setbacks are permitted unless findings can be made by City staff demonstrating that the design or location would create dangerous life or fire safety conditions.
 - c. When a garage or carport is demolished or converted to an ADU, replacement parking is not required.

- (b) Parking Not Required. ADUs do not need to provide parking when one of the following standards is met.
 - a. The property is within ½ mile walking distance of public transit, or
 - b. The ADU is within an architecturally and historically significant historic district.
 - c. The ADU is part of the proposed or existing primary residence or an accessory structure.
 - d. When on-street parking permits are required but not offered to the occupant of the ADU.
 - e. When there is a carshare vehicle located within one block of the ADU.

Sec. 19.81.130 – Operational Requirements for All ADUs and JADUs.

- (a) No Separate Conveyance.
 - a. Single-Family ADUs and JADUs. An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling.
 - b. Multi-Family ADUs. An ADU may be rented, but no ADU may be sold or otherwise conveyed separately from the lot and the other dwellings.
- (b) Short-Term Lodging. An ADU or JADU permitted by this Chapter shall not be rented for periods of thirty (30) days or less.
- (c) Deed Restriction and Recordation.

Prior to issuance of a building and/or grading permit for an ADU, the property owner shall record a deed restriction with the County Recorder's Office, the form and content of which is satisfactory to the City Attorney. This deed restriction shall remain in effect so long as the ADU and/or junior accessory unit remains on the lot. The deed restriction document shall notify future owners of the following:

- a. Prohibition on the separate conveyance of the property,
- b. Approved size and attributes of the units or units and
- c. Restrictions on short-term rentals.

Planning Commission Agenda

CITY OF PERRIS July 21, 2021

Item 7B

Conditional Use Permit (CUP) 20-05101



CITY OF PERRIS

PLANNING COMMISSION AGENDA SUBMITTAL

MEETING DATE: July 21, 2021

SUBJECT: Conditional Use Permit (CUP) 20-05101 – A proposal to construct

and operate an 8-island passenger car fueling station, a 6-island trailer truck fueling station, and a 7,250-square-foot convenience store with an attached 1,800-square-foot car wash located at the northeast corner of Perris Boulevard and Harley Knox Boulevard.

(APN 302-100-009)

Applicant: Michael Ramirez, Beyond Food Mart Inc.

REQUESTED ACTION: ADOPT Resolution No. 21-16 adopting Mitigated Negative

Declaration No. 2359 and approving CUP 20-05101 to construct and operate a convenience store, fueling station with an automated car wash, based on the findings contained in the staff report and subject

to the Conditions of Approval.

CONTACT: Candida Neal, Interim Development Services Director

PROJECT DESCRIPTION AND BACKGROUND:

Beyond Food Mart, Inc. (Applicant) is requesting the approval of a Conditional Use Permit (CUP) to construct and operate an 8-island passenger car fueling station, a 6-island trailer truck fueling station, and a 7,250-square-foot convenience store with an attached 1,800-square-foot car wash. The Project is on a 4.56-acre vacant site located at the northeast corner of Harley Knox Boulevard and Perris Boulevard within the Commercial zone of the PVCC Specific Plan. Access to the site would be provided by a 45-foot driveway along Harley Knox Blvd. and a 45-foot driveway along Perris Blvd.

The passenger car fueling station would be composed of 8 fueling islands to include 16 fueling dispensers and a truck fueling station with 7-vehicle fueling dispensers. The passenger car fueling islands would be located under a 4,290-square-foot canopy within the western portion of the site. The truck fueling islands would be located under a 2,520-square-foot canopy within the eastern portion of the site. The convenience store with an automatic drive-thru car wash is oriented parallel to Harley Knox Blvd. and on the west side of the site.

The Project would include landscaping and a total of 29 passenger car parking spaces, including three handicap accessible spaces, five trailer truck parking spaces, and one designated

loading/unloading space. The service station and convenience store are anticipated to operate 24-hours per day, seven (7) days a week. The Proposed Project is expected to support 12 full-time employees.

ANALYSIS:

Zoning and Specific Plan Consistency

The existing site is vacant and located within the Perris Valley Commerce Center Specific Plan (PVCCSP). The Zoning is Commercial. The proposed Project is consistent with this designation. This land use designation is intended for commercial development that supports a wide range of retail, professional office, and service-oriented business uses. The Project consists of retail uses for fuel and convenient goods as well as carwash services, which is consistent with the zone. Information about adjacent properties is as follows:

The site is surrounded by the following zoning and land uses as outlined in the table below:

Surrounding Zoning:

North: Commercial (C)

South: Commercial (C) East: Light Industrial (LI)

West: Commercial (C)

Surrounding Land Uses:

North: Commercial nursery

South: Vacant East: Vacant

West: 7-11 Gas station (March Plaza)

Perris Valley Commerce Center Specific Plan Development Standards

The proposed project lot coverage, floor area ratio (FAR), structure height, and setbacks comply with the Commercial (C) zoning standards of the Perris Valley Commerce Center Specific Plan. See the table below for development standards compliance.

Table 2. PVCC SP Commercial Development Standards					
Development Standard	Required	Provided	Complies?		
Lot Coverage	50 % max	10.6%	Yes		
Floor Area Ratio (FAR)	50% max	10.6% Ye			
Structure Height	45 feet max	29 feet (Convenience Store) 19 feet Fuel Canopies	Yes		
Front Setback (Perris Blvd)	15 feet min (Arterials)	64 feet (Fueling Canopy) Yes			
Interior Side Setback	0 feet	40 feet (Automated Carwash) Yes			
Side Setbacks (Harley Knox Blvd.)	15 feet min (Arterials)	41 feet (Auto Fueling Yes Canopy)			
Rear Setback	10 feet min	163 feet (Truck Fueling Canopy)	Yes		

Overall, the Project complies with Commercial (C) development standards for setbacks, structure height, lot coverage, and floor area ratio (FAR).

Parking, Access & Circulation

The Parking and Loading Standards of the Perris Zoning Code (Section 19.69) require that all commercial developments provide off-street parking. The proposed convenience store/gas station requires one (1) parking space for every 250 square feet of commercial area, plus adequate stacking to accommodate six (6) vehicles. The site plan indicates thirty-seven (29) parking stalls, including two disabled-access stalls. The required parking calculation is provided in the table below.

Table 3. Parking Requirement					
Use	Square footage of use	City Ratio	Spaces Required		
Convenience	7,250 sq. ft.	1 space for 250 sq. ft.	29 spaces		
Store/Gas Station					
(General Retail)					
Total Parking Spaces Required			29 spaces		
Total Parking Spaces Provided			32 spaces		

Per the table above, the Project complies with the zoning code requirement for off-street parking and drive-thru carwash stacking.

Site accesses to the Project site would be provided via one driveway at Perris Boulevard and one driveway at Harley Knox Boulevard. Both are limited to right-in and right-out due to raised medians on both streets. Both entries to the site will provide decorative pavement. The interior circulation is designed to minimize interaction between the auto-fueling/convenience store operation and the truck's fueling station. The truck fueling pumps will be located towards the east (rear) portion of the property, and the automobile vehicles fueling pumps will be located towards the west, along Perris Blvd.

Landscaping

The applicant has submitted a conceptual landscape plan that conforms to the requirements of the Landscaping Ordinance. The proposed on-site landscaping area totals approximately 13,120 sq. ft. or approximately 12.5% of the site, which exceeds the minimum 10% landscape requirement of the code. Landscaping has been provided throughout the parking areas, adjacent to the buildings, and trash enclosure area. All parking rows are framed by end planters, and most landscape areas function as bio-swales.

Fencing and Lighting

The project site will have an 8-foot-tall decorative block wall along the northerly property line, and an 8-foot-tall tubular steel fence with pilasters at every 20 feet are proposed on the east property line.

All exterior lighting will provide one (1) foot-candle of illumination for pedestrian safety and security along all parking lot and pedestrian areas. All exterior lighting shall provide cut-off fixtures and will be downward facing away from the residential neighborhood to the east and south per City standards.

Building Elevations/Architecture

The proposed architecture utilizes different colors, textures, and materials to distinguish the unique building massing. The design elements of the building utilize a combination of varying roofline angles and heights that vary from 14.5 feet to 29 feet, steel canopy awnings, frosted glass building elements, and glass storefront components. Finishes on the exterior of the building include cement board siding, perforated aluminum metal panels, stucco, and metal coping. Colors on the façades range from Espresso to Smokehouse Gray, to White, which creates a modern yet warm palette. The trash enclosure has a metal canopy with cement block walls painted to match the building. The fuel canopy is supported by columns with the first 6'-8" covered in perforated metal panels painted in White. Above the lower portion of the columns is a back-lit, cone-shaped metal frame covered with acrylic. The canopy is aluminum sheet metal with a textured finish (MOZ Design: Kelp), with a LED light banding. Four parking stalls include vacuums and are covered with a perforated metal trellis.

ENVIRONMENTAL CONSIDERATIONS AND CEQA PROCESS

CEQA Compliance Process and Determination

The potential environmental impacts associated with the Project were evaluated in Draft Initial Study Mitigated Negative Declaration No. 2359 (IS/MND) that was circulated to public agencies, property owners within 300 feet of the site and was posted on the City's website for a 20-day public review period from June 30, 2021, to July 19, 2021. No comments from any adjacent property owners or public agencies have been received.

It has been determined that all potential effects of the proposed Project will be reduced to less than significant levels with the implementation of mitigation measures.

AIRPORT LAND USE COMMISSION

California Public Utilities Code (CPUC Section 21676) requires that all jurisdictions (County or City) refer all Specific Plan Amendments within an Airport Land Use Compatibility Plan (ALUCP) for ALUC review. The proposed Project is located 1.5 miles southeast of the March Air Reserve Base and within the March Air Reserve Base/Inland Port Airport Influence Area (March AIA) Zone D (Flight Corridor Buffer). On June 30, 2020, the Riverside County Airport Land Use Commission (ALUC) considered and determined that the Project as "Consistent" with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (MARB ALUCP).

RECOMMENDATION:

ADOPT Resolution No. 21-16 adopting Mitigated Negative Declaration No. 2359 and approving Conditional Use Permit 20-05101 to construct and operate a convenience store, fueling station with an automated car wash, based on the findings contained in the staff report and subject to the Conditions of Approval.

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

Prepared by:

Alfredo Garcia, Associate Planner

REVIEWED BY:

Kenneth Phung, Planning Manager

EXHIBITS:

Exhibit A – A Resolution 21-16 with Conditions of Approval (Planning, Engineering,

Public Works, and Building)

Exhibit B - Aerial

Exhibit C – PVCC Specific Plan Land use

Exhibit D – Plans

Exhibit E – Initial Study/MND and Associated Studies (due to the size of the files the

documents are located at the following webpage link):

 $\underline{https://www.cityofperris.org/departments/development-}\\$

services/planning/environmental-documents-for-public-review/-folder-277

EXHIBIT A

Reso 21-16 with Conditions of Approval (Planning, Engineering, Public Works and Building)

RESOLUTION NUMBER NO. 20-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA ADOPTING MITIGATED NEGATIVE DECLARATION NUMBER 2359 AND APPROVING CONDITIONAL USE PERMIT 20-05101 TO CONSTRUCT A 7,250 SQ. FT. CONVENIENCE STORE, WITH ATTACHED 1,800 SQ. FT. CAR WASH (TUNNEL), 16 FUELING PUMPS UNDER A 4,290 SQ. FT. CANOPY, 12 FUELING PUMPS UNDER A 2,520 SQ. FT. CANOPY FOR SEMITRUCKS AND TWO UNDERGROUND FUEL STORAGE TANKS ALONG WITH REQUIRED IMPROVEMENTS ON A 4.56-ACRE SITE AT NORTHEAST CORNER OF PERRIS BLVD. AND HARLEY KNOX BLVD., SUBJECT TO CONDITIONS OF APPROVAL AND THE FINDINGS NOTED HEREIN.

- WHEREAS, the applicant Mr. Michael Ramirez with Beyond Market, proposes to construct a 7,250 sq. ft. convenience store, with attached 1,800 sq. ft. car wash (tunnel), 16 fueling pumps under a 4,290 sq. ft. canopy, 12 fueling pumps under a 2,520 sq. ft. canopy for semi-trucks and two underground fuel storage tanks along with required improvements on a 4.56-acre site at the northeast corner of Perris Blvd. and Harley Knox Blvd.; and
- **WHEREAS**, a Conditional Use Permit application (CUP 20-05101) was submitted for consideration of architectural design and site layout and operations; and
- **WHEREAS**, proposed Conditional Use Permit 20-05101 is considered a "Project" as defined by the California Environmental Quality Act ("CEQA"); and
- WHEREAS, an Initial Study and Mitigated Negative Declaration #2359 was prepared for the above-mentioned application and petition, which includes Conditional Use Permit, ("the Project") and was publicly reviewed for a twenty (20) day period in accordance with CEQA, from June 30, 2021, to July 19, 2021; and
- WHEREAS, On June 30, 2021, the Riverside County Airport Land Use Commission (ALUC) considered and determined that the Project as "Consistent" with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (MARB ALUCP).; and
- WHEREAS, staff determined the project is consistent with the 2014 March Air Reserve Base/Inland Port Airport Lands Use Compatibility Plan (MARB ALUCP), and therefore does not require ALUC (Airport Land Use Commission) review; and
- **WHEREAS**, a duly noticed public hearing was held on July 21, 2021, at which time all interested persons were given full opportunity to be heard and to present evidence; and
 - WHEREAS, Chapter 19.54 of the City of Perris Municipal Code (Zoning Code, Authority and Review Procedures) authorizes the City to approve, conditionally approve, or deny requests for a Conditional Use Permit; and

WHEREAS, prior to taking action, the Planning Commission 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 Resolution have occurred.

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

- **Section 1.** The above recitals are all true and correct.
- Section 2. The Planning Commission hereby determines pursuant to Section 15070 of the CEQA Guidelines that based upon on the Initial Study, staff report, supporting exhibits, and all written and oral testimony presented at the public hearing, prepared for the project in accordance with City of Perris guidelines for implementing the CEQA, all potential significant effects on the environment can be reduced to a less than significant level through mitigation measures, the design of the development, the zoning code, and standard requirements of the City, therefore a Mitigated Negative Declaration (MND) 2359 has been prepared. No significant environmental effects would occur and there is no substantial evidence, in light of the whole record, that the project as revised may have a significant effect on the environment, and a Mitigated Negative Declaration (MND) 2359 has been prepared. The City has complied with the California Environmental Quality Act (CEQA) and determinations of the Planning Commission reflect the independent judgment of the City.
 - A. No significant environmental effects would occur and there is no substantial evidence, in light of the whole record, that the project as revised may have a significant effect on the environment, and a Mitigated Negative Declaration (2359) has been prepared.
 - B. The City has complied with the California Environmental Quality Act (CEQA).
 - C. Determinations of the Planning Commission reflect the independent judgment of the City.
- **Section 3.** The Planning Commission further finds, based upon the staff report, supporting exhibits, and all written and oral testimony presented at the public hearing, with respect to the Project, the following regarding Conditional Use Permit 20-05101:
 - 1. The location, size, design, density, and intensity of the proposed development and improvements are consistent with the City's General Plan, the Perris Valley Commerce Center Specific Plan, the purposes and provisions of the P.M.C., the purposes of the Zone in which the site is located, and the development policies and standards of the City.

The proposed development is consistent with the General Plan and PVCCSP zoning Commercial (C) designation on the site, and with the existing land uses in the area This zone permits retail uses and conditionally permits service stations. The carwash is an ancillary use and is permitted within the zone. As conditioned, the project meets or exceeds the objectives of the Commercial land use designation and the standards for development.

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

The existing site is vacant and located within the Perris Valley Commerce Center Specific Plan (PVCCSP). The General Plan designation and Zoning are Commercial. The proposed project is consistent with this designation. This land use designation is intended for commercial development that supports a wide range of retail, professional office and service-oriented business uses. The project consist of retail uses for fuel and convenient goods as well as carwash services, which is consistent with the zone.

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

As conditioned, the proposed Beyond Food Mart development will not be detrimental to the public health, safety or welfare, or injurious to property and improvements in the vicinity or to the general welfare of the City. The closest facilities of a similar type will be located across the street along Perris Blvd. A traffic signal currently exists at the intersection of Perris Blvd. and Harley Knox Blvd. to help provide safe access /exit to the site as stated in the Conditions of Approval to ensure safe traffic conditions. The traffic study for the project concluded that all the study area intersections are anticipated to operate at acceptable levels of service after the Project is operating, and Project traffic is not anticipated to result in queuing issues along Perris Blvd. and/or Harley Knox Blvd.

The gasoline station portion of the Project will dispense, store, and handle gasoline, diesel, diesel exhaust fluids, biodiesel fuels, and oil during the course of daily operations. These types of hazardous materials are subject to regulation by the Department of Environmental Health of the Riverside County Community Health Agency and to other local, state, and federal regulations and guidelines that ensure proper/safe transport, storage, and use of hazardous materials, generation of hazardous waste, and treatment of any potentially hazardous materials and/or waste incidents. With mandatory regulatory compliance with federal, State, and local laws (as described above), potential hazardous materials impacts associated with long-term operation of the Project would be less than significant and mitigation is not required.

The Project site is located approximately 1.5 miles southeast of the March Air Reserve Base/Inland Port Airport and is subject to its Airport Land Use Compatibility Plan

(ALUCP). The Project site is within Zone D (Flight Corridor Buffer), within which commercial uses of this type are not prohibited or discouraged due to safety or noise risks.

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

The proposed architecture meets PVCCSP design standards for Commercial development and thereby protects the character of the overall development of the PVCCSP commercial zones. Beyond Food Mart proposes an architecturally enhanced building with varying roofline angles and heights, steel canopy awnings, frosted glass building elements, and glass storefront components. Finishes on the exterior of the building include vintage wood cement board siding, perforated aluminum metal panels, stucco, and metal coping. Colors on the façades range from Espresso to Smokehouse Gray to White, which creates a modern yet warm palette.

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

The proposed Project meets or exceeds the on-site and off-site landscape standards for the Commercial (C) zoning district as outlined in the PVCCSP, by providing a mix of specimen native and drought-tolerant trees, shrubs, ground cover, and annual color throughout the site to ensure visual relief and effectively frame, soften and embellish access points, building entries, parking areas, and trash enclosures.

Section 4. Based upon the foregoing and all oral and written statements and reports presented by City staff and members of the public, including but not limited to, such statements and reports presented at its public hearing on July 21, 2021, the Planning Commission hereby approves the Project (Conditional Use Permit 20-05101) to construct a 7,250 sq. ft. convenience store, with attached 1,800 sq. ft. car wash (tunnel), 16 fueling pumps under a 4,290 sq. ft. canopy, 12 fueling pumps under a 2,520 sq. ft. canopy for semi-trucks and two underground fuel storage tanks along with required improvements on a 4.56-acre site at the northeast corner of Perris Blvd. and Harley Knox Blvd; and determines that the Project is covered under MND 2359, as adopted; subject to the Planning Division, Building, Fire, Public Works and Engineering Departments' Conditions of Approval (COA) attached hereto as Exhibit A, and incorporated herein by this reference.

Section 5. The Planning Commission adopts Mitigated Negative Declaration 2359 and mitigation measures.

Section 6. The Planning Commission hereby approves Conditional Use Permit 20-05101 for the Project, based on the information and findings presented in the staff report and supporting exhibits, as well as all written and oral testimony presented at the public hearing, and subject to the Conditions of Approval attached to this Resolution.

Section 7. The Planning Commission declares that should include 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 8. The Chairperson shall sign, and the Secretary shall certify to the passage and adoption of this Resolution.

ADOPTED, SIGNED and APPROVED this 21st day of July 2021.

ISSION OF THE CITY OF mber 20-16 was duly adopted ar meeting of said Planning by the following vote:

Attachments: Conditions of Approval (Planning, Engineering, Public Works, Building and the Mitigation Monitoring and Reporting Program)

CITY OF PERRIS DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION

CONDITIONS OF APPROVAL

Conditional Use Permit No. 20-05101

Approved July 21, 2021

PROJECT: Proposal to develop a 7,250 sq. ft. convenience store, with attached 1,800 sq. ft. car wash (tunnel), 16 fueling pumps under a 4,290 sq. ft. canopy, 12 fueling pumps under a 2,520 sq. ft. canopy and two underground fuel storage tanks along with required improvements on a 4.56-acre site on the southeast corner of Perris Blvd. and Harley Knox Blvd. **Applicant:** Beyond Market Inc , Mr. Michael Ramirez

General Requirements:

- 1. **Mitigation Monitoring Program.** The project shall fully comply with all provisions of the adopted Mitigation Monitoring and Reporting Program (MMRP) for Mitigated Negative Declaration 2359 (MND 2359). The MMRP Checklist is attached to reduce potential traffic, biological resources, cultural, geology/soils, and hydrology impacts, and shall be implemented in accordance with the timeline, reporting and monitoring intervals listed.
- 2. **Development Standards.** The project shall conform to all requirements of the City of Perris Municipal Code Title 19.
- 3. **Future Obligation of Buyers and Lessees.** All future buyers and lessees shall be informed of their obligation to comply with these Conditions of Approval. The applicant shall provide a copy of these conditions and inform the buyer or lessee of their obligation to maintain compliance with all local and City ordinances.
- 4. **City Ordinances and Business License.** The subject business shall maintain compliance with all local and City Ordinances, including but not limited to an annual fire inspection and maintenance of a City business license.
- 5. **Conformance to Approved Plans.** Development of the project site, building elevations, and conceptual landscaping shall conform substantially to the approved set of plans presented at the July 21, 2021, Planning Commission meeting, or as amended by these conditions. Any deviation shall require appropriate Planning Division review and approval.
- 6. **Term of Approval.** This approval shall be used within three (3) years of approval date; otherwise it becomes null and void. By use is meant the beginning of substantial construction pursuant to this approval within the three (3) year period which is thereafter diligently pursued to completion, or the beginning of substantial utilization contemplated by this approval. A maximum of three (3) one-year time extensions shall be permitted.
- 7. **Expansion of Use.** No expansion of the site or the use shall occur without subsequent reviews and approvals from the Planning Division.

- 8. **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.
- 9. **City Engineer's Conditions.** The project shall comply with all requirements of the City Engineer's Conditions of Approval dated July 16, 2021.
- 10. **Fire Department Conditions.** The project shall comply with all Conditions of Approval by the Fire Department dated July 8, 2020, consisting of the following requirements.
 - a. Prior to the to the issuance of a grading permits, evidence of sufficient fire flow of 1500 GPM for 2 hours shall be provided to the City of Perris. The City of Perris Building and Fire Marshal Water Available/Fire Flow Form shall be utilized.
 - b. Prior to the to the issuance of a grading permits a fire department access plan shall be submitted to the City of Perris for review and approval. The fire department access plan shall comply with the requirements specified by the City of Perris Guideline for Fire Department Access & Water Requirements for Commercial & Residential Development, and the California Fire Code, Chapter 5.
 - c. A fire department access road complying with the CFC, Chapter 5 and the approved fire department access plans shall be installed prior to building construction.
 - d. All required fire hydrants shall be installed and operational prior to building construction. All fire hydrants shall remain operational during construction.
 - e. All required fire hydrants shall be readily visible and immediately accessible. A clear space of not less than 3-feet shall be maintained at all times.
 - f. Prior to construction a temporary address sign shall be posted and clearly visible from the street.
 - g. The permanent building address shall be provided and either internally or externally lighted during hours of darkness. The address shall be clearly visible from the street fronting the property and comply with California Fire Code Section 505.1 for size and color.
 - h. City of Perris approval shall be obtained prior to the storage and/or use of hazardous materials as defined by the California Fire Code.

- i. The building shall be provided with an automatic fire sprinkler system in accordance with NFPA 13. Construction plans shall be submitted for review and approval to the City of Perris prior to installation.
- j. Prior to building final, the building shall be provided with a Knox Lock key box located no more than seven feet above the finished surfaced and near the main entrance door.
- 11. **Public Works Conditions**: The project shall comply with all Conditions of Approval by the Public Works Department dated May 24, 2021.
- 12. **Building Conditions:** The project shall comply with all Conditions of Approval by the Building Department dated June 9, 2020.
- 13. **Southern California Edison.** 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.
- 14. **Exterior Downspouts.** Exterior downspouts are not permitted on the elevations of any building where exposed to public view. Interior downspouts are required.
- 15. **Screening of Roof-Mounted Equipment.** Parapet walls shall prevent public views of roof-mounted equipment.
- 16. **Utilities.** All utility facilities attached to buildings, including meters and utility boxes, shall be enclosed within cabinets, as appropriate, and/or painted to match the building to which they are affixed.
- 17. **Waste Hauling.** The developer shall use only the City-approved waste hauler for all construction and other waste disposal.
- 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. **Property Maintenance.** The project shall comply with provisions of Perris Municipal Code 7.06 regarding Landscape Maintenance and Chapter 7.42 regarding Property Maintenance. In addition, the project shall comply with the one-year landscape maintenance schedule identified in Public Works Department Condition of Approval No. 5, dated May 24, 2021.
- 20. **Indemnification.** The developer/applicant shall indemnify, protect, defend, and hold harmless, the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City, or any agency or instrumentality thereof, or any of its officers, employees and agents, to attack, set aside, void, annul, or seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voters of the City, concerning CUP 18-05248. 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.

- 21. **Construction Practices.** To reduce potential 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. 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 hookups at construction sites are not practical or prohibitively expensive.

Project-Specific Requirements:

- 22. **Access.** Harley Knox Blvd. driveway shall be limited to right-in, right-out only and be signed appropriately and Perris Blvd. driveway shall be limited to right-in, right-out only and be signed appropriately.
- 23. **Signs.** The project does not include signage. All signage shall be reviewed and approved by the Planning Division by a sign application prior to the issuance of signage permits.
- 24. **State, County and City Ordinances**. All tenants shall maintain in compliance with all State, County and City ordinances, including but not limited to an annual fire inspection and maintenance of a City business license.
- 25. County, State and Federal Regulations. All tenants shall comply with regulations related to hazards and hazardous materials associated with fuel dispensing, storage and disposal.

Prior to Grading Permit Issuance:

26. Water Quality Management Plan (WQMP). The applicant shall submit a final WQMP substantially in conformance with the approved Preliminary WQMP including, but not limited to, plans and details providing the elevations, slopes, and other details for the proposed structural source control BMPs, and vegetative swales. The Public Works Department shall review and approve the final WQMP plans and details.

27. **Planning Clearance.** The applicant shall first obtain clearance from the Planning Division verifying that all pertinent conditions of approval have been met.

Prior to Building Permit Issuance:

- 28. **Site Lighting Plan.** The site lighting plan shall conform to the requirements of the City's adopted Mount Palomar Ordinance and be submitted to the Planning Division for final review and approval. Full cutoff fixtures shall be used to prevent light and glare above the horizontal plan of the bottom of the lighting fixture. A minimum of one (1) footcandle of light shall be provided in parking and pedestrian areas.
- 29. **Trash Enclosures.** A covered trash enclosure constructed to City standards is required. The trash enclosure shall be easily accessible to the tenant and be screened by landscaping from the public view. The split-face blocked wall trash enclosure shall have an overhead trellis treatment. Elevations shall be included on final landscape plans for review and approval by the Planning Division.
- 30. Landscaping Plans. Prior 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 landscape and irrigation plan 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 landscaping shall be consistent with the conceptual landscape plan
 - a. **BMPs for Water Quality.** All BMPs (vegetated swales, detention basins, etc.) shall be indicated on the landscape plans with appropriate planting and irrigation, including the detention basin.
 - b. Landscape Inspections. The project applicant shall inform the on-site project manager and the landscape contractor of their responsibility to call for final landscape inspection after all the landscaping and irrigation has been installed and is completely operational. Before calling for a final inspection, a "Certificate of Compliance" form shall completed and signed by the designer/auditor responsible for the project, and submitted to the project planner for approval.
- 31. **Fees.** Prior to the issuance of building permits, the developer shall pay the following fees:
 - a. Stephen's Kangaroo Rat Mitigation Fees of \$500.00 per acre
 - b. Development Impact Fees
 - c. Multiple Species Habitat Conservation Plan fees
 - d. Statutory school fees in effect to all appropriate school districts
 - f. TUMF fees
 - g. District drainage fees
 - h. All fees identified on Conditions of Approval from other departments

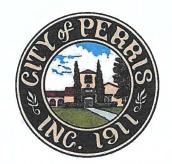
Prior to Issuance of Occupancy Permits:

32. 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. See Public Works/Engineering Conditions of Approval.

Operational Requirements:

- 33. **Alcohol.** No alcohol will be sold at this location.
- 34. **Final Inspection.** The applicant shall obtain occupancy clearance from the Planning Division by scheduling a final Planning inspection after final sign-offs from the Building Division and Engineering Department. Planning Staff shall verify that all pertinent conditions of approval have been met. The applicant shall have all required paving, parking, walls, site lighting, landscaping and automatic irrigation installed and in good condition.

End of Conditions



CITY OF PERRIS

STUART E. MCKIBBIN, CONTRACT CITY ENGINEER

CONDITIONS OF APPROVAL

P8-1426
July 16, 2021
CUP 20-05101 – Service Station
NEC Harley Knox Blvd. & Perris Blvd.
APN 302-100-032
Por Par 4 – Blk 1 – PM 014/668

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

In the event of a conflict between any conditions stated below, those imposed by Planning Department and others, and requirements identified in the approved Traffic Impact Analysis, the most stringent in the opinion of the City shall prevail.

General Conditions:

1. The project grading shall be in a manner to perpetuate existing natural drainage patterns. Any deviation from this, concentration or increase in runoff must have approval of adjacent property owners and City Engineer. The developer/property owner shall accept the offsite runoff and convey to acceptable outlet.

- 2. Prior to commencement of any construction or installation of fencing in public right-of-way, an encroachment permit shall be obtained from the City Engineer's office.
- 3. Truck Access to the site shall be limited to Harley Knox Boulevard only; truck access to the site from Perris Boulevard shall be prohibited.

Prior to Issuance of Grading Permit:

- 4. The developer/property owner shall sign the consent and waiver form to join the City's Lighting and Landscape Districts, including the raised landscaped medians, and City's Flood Control District as appropriate. The proposed streetlights, traffic signals and the raised landscaped medians shall be maintained by the City and cost paid by the developer/property owner through the said annexations.
- 5. The treated onsite runoff shall be collected and conveyed via underground drainage facilities connecting to Perris Valley Master Drainage Plan (PVMDP) storm drain system.
- 6. Any connection to storm drain system will require an encroachment permit from Riverside County Flood Control and Water Conservation District (RCFCD).
- 7. A designated 14 foot wide right turn/deceleration lane shall be provided on westbound Harley Knox Boulevard from east of the driveway to the driveway. The length of the said lane shall be determined by a Traffic Engineer per Caltrans standards, as approved by the City Engineer. The right turn/deceleration lane shall be concrete (PCC) paved to withstand truck traffic as directed by the City Engineer.
- 8. A designated 14 foot wide right turn/deceleration lane shall be provided on northbound Perris Boulevard from south of the driveway to the driveway. The length of the said lane shall be determined by a Traffic Engineer, per Caltrans standards, as approved by the City Engineer. The right turn/deceleration lane shall be concrete (PCC) paved to withstand truck traffic as directed by the City Engineer.
- 9. Harley Knox Boulevard is classified as an Arterial (128'/94') per the General Plan. Adequate right-of-way shall be dedicated to accommodate the full required half width right-of-way, the 14 foot wide PCC paved designated right-turn/deceleration lane and the 17 foot wide parkway. The length of the said lane shall be determined by a Traffic Engineer, per Caltrans standards, as approved by the City Engineer.
- 10.Perris Boulevard is classified as an Arterial (128'/94') per the General Plan. Adequate right-of-way shall be dedicated to accommodate the

full required half width right-of-way, the 14 foot wide PCC paved designated right-turn/deceleration lane and the 17 foot wide parkway. The length of the said lane shall be determined by a Traffic Engineer, per Caltrans standards, as approved by the City Engineer.

- 11. Property line corner cutbacks shall be dedicated per County of Riverside Standard No. 805.
- 12.All easements and/or rights-of-way shall be offered for dedication to the public or other appropriate agencies in perpetuity and shall continue in force until the City or the appropriate agency accepts or abandons such offers. All dedications shall be free from all encumbrances as approved by the City Engineer.
- 13.To accommodate the public improvements and the designated right-turn/deceleration lanes, the developer/property owner shall make a good faith effort to acquire required offsite property interests, and if the developer/property owner should fail to do so, the developer/property owner shall enter into an agreement with the City to complete the improvements. The agreement shall provide for payment by the developer/property owner for all costs incurred by the City to acquire the offsite property interests required in connection with the development. Security of these costs shall be in the form of a cash deposit in the amount given in an appraisal report obtained by the developer/property owner (at developer/property owner cost). The appraiser shall be approved by the City prior to commencement of the appraisal.
- 14. Trucks ingress and egress shall be at the driveway on Harley Knox Boulevard only and restricted to right-in/right-out only.
- 15. The driveway on Perris Boulevard shall only accommodate auto access and shall be restricted to right-in/right-out only. The driveway on Harley Knox Boulevard may also accommodate auto access and shall be restricted to right-in/right-out only.
- 16. The driveways shall be per County of Riverside Standard No. 207A.
- 17. The developer/property owner shall submit the following to the City Engineer and RCFCD as applicable, for review and approval:
 - a. Onsite Grading Plans and Erosion Control Plans Plans shall show the approved WDID No.
 - b. Street Improvement Plans
 - c. Storm Drain Improvement Plans
 - d. Traffic Signal Plans
 - e. Signing and Striping Plans
 - f. Final Drainage Plans, Hydrology and Hydraulic Report
 - g. Final WQMP (for reference)

h. Street Light Plans prepared by a registered Electrical Engineer per City of Perris Safety Lighting Standards

The design shall be in compliance with EMWD, RCFCD, Riverside County Transportation Department, Caltrans, City of Perris and ADA most recent standards, criteria and requirements and in effect at the time of construction and shall be coordinated with the approved plans of the adjacent developments.

Prior to Issuance of Building Permit:

- 18. The project site is located within the limits of Perris Valley Area Drainage Plan (ADP) for which drainage fees have been adopted by City. Drainage fees shall be paid as set forth under the provisions of the "Rules and Regulations of Administration of Area Drainage Plan". Acreage for the project site's impervious area shall be provided.
- 19. Water and Sewer Improvement Plans, per Fire Department and Eastern Municipal Water District (EMWD) standards, shall be submitted to the City Engineer for approval.
- 20. Fire Department and EMWD approvals of the Water Improvement Plans are required prior to City Engineer's approval.
- 21. Paved access shall be provided to the proposed building per the Precise Grading Plan.
- 22. The developer/property owner shall submit a compaction certification from the Soils Engineer in compliance with the approved geotechnical/soils report.

Prior to Issuance of Certificate of Occupancy:

23.Harley Knox Boulevard (Arterial – 128'/94') along the property frontage within the dedicated right-of-way shall be improved to provide for adequate pavement and the 14 foot wide PCC paved designated right turn/deceleration lane on the north side of the raised landscaped median (using a TI of 10.0 and PG 70-10), 8-inch curb and gutter, street lights subject to the result of a photometric study prepared by a registered Electrical Engineer, a Class I shareduse path per Active Transportation Plan, City of Perris, County of Riverside and Caltrans standards.

If the existing pavement is in good condition, the developer/property owner may use grind and overlay technique as determined by the City Engineer.

24.Perris Boulevard (Arterial - 128'/94') along the property frontage within the dedicated right-of-way shall be improved to provide for adequate pavement and the 14 foot wide PCC paved designated right-

turn/deceleration lane on the east side of the raised landscaped median (using a TI of 10.0 and PG 70-10), 8-inch curb and gutter, 6 foot wide sidewalk, street lights subject to the result of a photometric study prepared by a registered Electrical Engineer, a Class IIB bicycle lane per Active Transportation Plan, City of Perris, County of Riverside and Caltrans standards.

If the existing pavement is in good condition, the development/property owner may use grind and overlay technique as determined by the City Engineer.

25. Associated existing signing and striping shall be refreshed and any appurtenances damaged or broken during the development of this project shall be repaired or removed and replaced by the developer/property owner to the satisfaction of the City Engineer. Any survey monuments damaged or destroyed shall be reset by qualified professional pursuant to the California Business and Professional Code 8771.

POL

Stuart E. McKibbin Contract City Engineer



CITY OF PERRIS

PUBLIC WORKS DEPARTMENT

Engineering Administration

NPDES

Special Districts (Lighting, Landscape, Flood Control)

MEMORANDUM

Date:

May 24, 2021

To:

Alfredo Garcia, Associate Planner

From:

Michael Morales, CIP Manager

By:

Chris Baldino, Landscape Inspector \mathscr{CB}

Subject: CUP 20-05101 – Conditions of Approval

Proposal to construct a 7,250 S.F. convenience store with 8 pump fueling station, and 1,800 S. F. carwash within the planned March Plaza Commercial Center, at the northeast corner of Harley Knox Boulevard and Perris Boulevard, within the Perris

Valley Commerce Center (PVCC) Specific Plan

- 1. **Dedication and Landscape Maintenance Easement.** Offer of Dedication and Landscape Maintenance Easement for City landscape maintenance district shall be provided as follows:
 - Harley Knox Boulevard—Provide offer of dedication as needed to provide for full half width Street, curb gutter, sidewalk and off-site landscaping requirements, per City General Plan, including minimum 17' public parkway from back of curb.
 - Perris Boulevard- Provide offer of dedication as needed to provide for full half width Street, curb gutter, sidewalk and off-site landscaping requirements, per City General Plan, including minimum 17' public parkway from back of curb.
 - N/E Corner of Intersection of Harley Knox Blvd. and Perris Blvd. Per Section 4.2.9.2 of the PVCCSP developments within "Major Roadway Visual Zone," and Per Section 6.2.2 and 5.0-4 developments located at Community Entries must provide a visually enhanced corner cut-back area and "Entry Monumentation for the Perris Valley Commerce Center." See Section 5.2.1 for roadway standards and guidelines for arterials. See Section 6.0-12 for Gateway Entry Monument and Figure 6.0-13 for design guidelines. The developer shall provide a visually enhanced landscape design within a corner cut back area and Gateway Entry Monument and provide an offer of dedication to the City of Perris within the visually enhanced corner cut-back area. The enhanced corner cut-back shall comply with Figure 5.0-5b and be contained within a minimum 30' area from back of curb.
- 2. Landscape Maintenance Easement and Landscape Easement Agreement. The developer shall provide, for review and approval, an Offer of Dedication and certificate of acceptance, complete with legal plat map and legal description to the City of Perris. In addition, if required by the City of Perris, the Developer shall provide a landscape easement and Landscape easement agreement, acceptable to the City of Perris. The City shall record the same with the Riverside County Recorder's Office, and the recorded instrument shall be returned to the City Clerk of the City of Perris for filing.

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- 3. Landscaping Plans. Three (3) copies of Construction Landscaping and Irrigation Plans for the off-site landscaping, including any medians or other landscape areas along the dedications shall be submitted to the Planning Department for approval and shall be accompanied by the appropriate filing fee. The landscape and irrigation plan shall be prepared by a registered landscape architect and conform to the requirements of Chapter 19.70 of the Municipal Code. The location, number, genus, species, and container size of the plants shall be shown. This landscape plan shall be titled "LMD Off-site Landscape Plan CUP 20-05101" and shall be mutually exclusive of any private property, on-site landscaping. Elements of the Landscape Plan shall include but not be limited to:
 - a. Landscape Limits Limits of right-of-way areas or easement areas, defined by concrete mow curb, fully dimensioned, that are to be annexed into the Landscape Maintenance District. A planting palette and hardscape plan intended to meet the design intent of the Landscape Guidelines in effect for the area; or if no such guidelines exist the design intent of neighboring development, as determined by the Engineering Administration and Special Districts Division, including:
 - Harley Knox
 — Primary Tree: Platanus Acerifolia London plane Tree; Secondary (accent tree):
 Lagerstromia Indica Indian Tribe Varieties. Use drought resistant shrubs and ground cover intended to
 complement the existing parkways to the west along Harley Knox Blvd. including but not limited to the
 following Kangaroo Paw, Nolia Grasses, Agave, Lantana yellow/purple, Red Yucca, Red Hot Poker
 and hardscape such as creek bed, round stone and decomposed gravel.
 - Perris Blvd. Primary Tree: Magnolia Grandiflora 'Samuel Sommers, Secondary (accent tree)
 Lagerstromia Indica Indian Tribe Varieties. Use drought resistant shrubs and ground cover intended to
 complement the existing parkways and median along Perris Blvd., including but not limited to the
 following Kangaroo Paw, Nolia Grasses, Agave, Lantana yellow/purple, Red Yucca, Red Hot Poker
 and hardscape such as rock creek bed, round stone and decomposed granite.
 - N/W corner of Intersection of Harley Knox and Perris Boulevard. Visual enhancement may include
 a two-tier masonry planter with stucco fascia in crescent shape to scale of setback, proposed by
 applicant, and Entry Monument Design, shown in Figure 6.0-12 constructed to the Specifications and
 Construction Details found in the City of Perris applicant may provide a complementary on-site
 monument sign design, which shall incorporate the elements of the City of Perris entry monuments.
 Should the applicant choose an on-site entry monument in lieu of off-site entry monument, on site
 monument maintenance shall be the responsibility of the owner.
 - Harley Knox Median The Developer shall be required to provide and install irrigation and planting
 within the existing median on Harley Knox. Trees Lagerstromia Indicia water-melon Red, Brachychiton
 Populneus, Prunus Ireiana staggered in groups of three. Use of drought resistant shrubs and ground
 cover intended to complement the existing landscape east of Perris Blvd. along Harley Knox Blvd.
 including but not limited to the following Lantana Sellowiana, Tulbaghia Violancea, Festoca Alavca,
 Rhaphiolepis indica 'Ballerina'.
 - b. Irrigation –A list of irrigation system components intended to meet the performance, durability, water efficiency, and anti-theft requirements for Special District landscape areas as determined by the Engineering Administration and Special Districts Division. Components shall include, but not be limited to Salco emitters on flexible PVC risers, Sentry Guard Cable Guard and Union Guard, and backflow Wilkens Model 375 (or equal), flow sensor Cretive Sensor Technology FS1-T15-001 or Data Industrial or equal.

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Controller shall include an ET based controller with weather station that is centrally controlled capable and wi-fi ready (Weather Trak ET Pro3 Smart Controller with rain sensor) or equal. At the discretion of the Engineering Administration and Special District Division public landscape areas utilizing no more than 6 valves/stations, programmed to irrigate consecutively, and none simultaneously, may propose the use of an alternative ET based controller with weather station that is centrally controlled capable and wi-fi ready, such as the Weathermatic system or equal. Proposed system shall be complete with wireless weather station, aircard with flow, one year bundle service, blade antenna and flower sensor.

- c. Benefit Zone Quantities 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.
- d. Meters Each District is required to be metered separately. All electrical and water meters shall be located in locations that are easily accessible to maintenance staff while not visually obtrusive in the street scene and away from street intersections. Show location of separate water and electrical utility meters intended to serve maintenance district areas exclusively. 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 district, on respective plans. Coordinate location of meters on landscape and civil engineering plan.
- e. Controllers The off-site irrigation controllers 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 at least three sides with (5) gallon plant material. The fourth side shall be open to the back of the landscape area in order to allow the backflow cage to be opened without interference with plant materials. Backflow cages shall meet the required City of Perris Engineering Standards in effect at the time of approval.
- f. Recycled Water If applicable. The project landscape architect shall coordinate with EMWD to verify if the site will be served with recycled water and design all irrigation and landscape plans to meet the requirements of EMWD and provide additional irrigation components as needed.
- g. EMWD Landscape Plan Approval The project landscape architect shall submit a copy of all irrigation plans and specifications to EMWD for approval. The project landscape architect must confirm with EMWD that the plans have been approved by EMWD and submit written proof of approval by EMWD prior to the City approving the final Landscape Plans. Until the final landscape plan has been approved by the City of Perris, the maintenance areas depicted cannot be accepted by the City for maintenance. The developer shall coordinate the both reviews to ensure acceptability of plans by both EMWD and the City of Perris, prior to approval by either agency.
- h. Landscape Weed Barrier Weed cloth with a minimum expected life of 10-years shall be required under all gravel, rock, or mortared cobble areas.
- i. Wire Mesh and Gravel At Pull Boxes- Provide wire mesh and gravel layer within valve boxes to prevent

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rodent intrusion.

- j. Concrete Maintenance Band at Medians and Mortar Cobbled Turn Lane Provide 12" wide concrete maintenance band (safety edge) around entire median. At the turn pocket mortared cobbled creek bed, round stone sized 6" and 12".
- k. Community Walls new perimeter walls shall be treated with Vitrocm anti-graffiti coating (or equal).
- 4. **Landscape Inspections.** The project applicant shall inform the on-site project manager and the landscape contractor of their responsibility to call for only "OFF-SITE" landscape and irrigation inspections at the appropriate stages of construction. Inspections shall be scheduled at least two-working days (Monday through Friday) prior to actual inspection. Contact Public Works-Engineering Administration/Special Districts at (951) 956-2120 to schedule inspections.
 - Inspection #1 Trenches open, irrigation installed, and system pressurized to 150 PSI for four hours.
 - Inspection #2 Soil prepared, and plant materials positioned and ready to plant.
 - Inspection #3 Landscaping installed, irrigation system fully operational, and request for "Start of 1 year Maintenance Period" submitted, with all required turn-over submittal items provided to Public-Works Engineering Administration/Special Districts.
 - Turn-Over Inspection— On or about the one year anniversary of Inspection #3, Developer shall call for an inspection to allow the City to review and identify any potential irrigation system defects, dead plants, weed, debris or graffiti; stressed, diseased, or dead trees; mulch condition, hardscape or other concerns with the landscape installation; or to accept final turn over of the landscape installation. At his sole expense, the Developer shall be responsible for rectifying system and installation deficiencies, and the one-year maintenance period shall be extended by the City until all deficiencies are cured to the satisfaction of the City. If in the opinion of the City's Landscape Inspector the landscape installation is in substantial compliance with the approved landscaping plans, the irrigation and communication system is functioning as intended, and the landscape installation is found to be acceptable to the City, then the Inspector shall recommend to the City's Special District Coordinator to accept turn-over of water and electrical accounts, wi-fi communication contracts and the entire landscape installation.
- 5. One Year Maintenance and Plant Establishment Period-The applicant will be required to provide a minimum of a one (1) year maintenance and plant establishment period, paid at the sole expense of applicant. This one-year maintenance period commences upon the successful completion of Inspection #3 discussed above, and final approval by the City. During this one-year period the applicant shall be required to maintain all landscape areas free of weeds, debris, trash, and graffiti; and keep all plants, trees and shrubs in a viable growth condition. Prior to the start of the one-year maintenance period, the Developer shall submit a weekly Landscape Maintenance Schedule for the review and approval by the City's Special Districts Division. City shall perform periodic site inspections during the one-year maintenance period. The purpose of these periodic inspections is to identify any and all items needing correction prior to acceptance by the City at the conclusion of the one-year maintenance period. Said items needing correction may include but are not limited to: replacement of dead or diseased plant materials, weeding, replenishment of mulches, repair of damaged or non-functioning irrigation components, test of irrigation controller communications, etc. During this period, the City shall begin the annual assessment of the benefit zone in preparation for the landscape installation turn-over to City maintenance staff.
- 6. Street/Off-Site Improvements. The applicant shall submit street improvement plans, accompanied by the

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appropriate filing fee to the City Engineering Department. Details of treatments of site improvements, including Bus Stops at Mass Transit Routes, Decorative Traffic Signal Signage, and lighting shall meet both the City Engineer's Design Guidelines, and the additional requirements of the Engineering and Special Districts Division. Components shall include, but not be limited to:

- **a. Traffic Signal Signage**-If traffic signals are required, decorative signal signage shall meet the type, style, color and durability requirements of the City Engineer's Office.
- **b. Bus Stops-** If a Bus Stop along a mass transit route is required, a covered shelter and trash receptacle shall be required, and the stop furnishings shall meet the type, style, color and durability requirements of the City Engineer's Office.
- c. Street Lighting-If street lighting is required, lighting shall meet the type, style, color and durability requirements, necessary for energy efficiency goals, maintenance and longevity of improvements of the City Engineer's Office. As determined by the City, new streetlights may be required to be deeded to City of Perris, and not SCE. Street lights deeded to City of Perris shall be constructed per LS-3 account billing standard, which shall include an individually metered pedestal for streetlights.
- d. Acceptance By Public Works/Special Districts- Lighting District facilities required by the City Engineer's Office shall be installed and fully operational, and approved by final inspection by the City Engineer's Office, and the City's Consulting Traffic Signal Inspection Team (Riverside County TLMA) at (951) 955-6815. Prior to acceptance for maintenance of "Off-site" traffic signal and lighting facilities by the Public Works-Engineering and Administration Division/Special Districts, the developer shall contact the Public Works Special Districts Division at (951) 956-2120 to schedule the delivery of all required turn-over submittal items. Prior to acceptance into Lighting District 84-1, coordinate turn-over information pertaining to Street Lights, and Traffic Signal Electrical/SCE Service Meters with Shepherd and Staats, the City's Special Districts Consulting Firm at (760) 639-0124. (i.e. Provide electrical meter number, photo of pedestal, and coordinate "request for transfer of billing information" with SCE and City for all new service meters). Developer shall pay 18-month energy charges to the City of Perris for all off-site street lighting. Call Roxanne E. Shepherd Shepherd & Staats, Inc. for amount due, and to obtain receipt for payment. Obtain and provide a clearance form from Riverside County TLMA indicating completion of all punch list items from traffic signal construction. Submit one large format photo-copy of Traffic Signal as-built plans and timing sheets.
- 7. Water Quality Management Plans. The applicant shall submit a Preliminary and Final WQMP, accompanied by the appropriate filing fee to the Planning Department and City Engineering Department, respectively. Details for treatment control facilities shall meet both the Riverside County WQMP Design Guidelines, and the additional requirements of the Engineering and Special Districts Division intended to reduce long term maintenance costs and longevity of improvements. Components shall include, but not be limited to:
 - Storm Drain Screens-If off-site catch basins are required by the City Engineer's Office, connector pipe screens shall be included in new catch basins to reduce sediment and trash loading within storm pipe. Connector pipe screens shall the type, style, and durability requirements of the Public Work's Engineering Administration and Special Districts Division.
 - WQMP Inspections- The project applicant shall inform the on-site project manager and the water
 quality/utilities contractor of their responsibility to call for both "ON-SITE" and OFF-SITE" WQMP
 Inspections at the appropriate stages of construction. Contact CGRM at (909) 455-8520 to schedule
 inspections.
 - Acceptance By Public Works/Special Districts-Both on-site and off-site flood control/water quality
 facilities required for the project, as depicted in the Final WQMP, shall be installed and fully operational,

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and approved by final inspection by the City's WQMP Consultant, CGRM. The Developer shall obtain a final Clearance Letter from CGRM indicating compliance with all applicable Conditions of Approval for the approved WQMP. The developer shall deliver the same to the Public Works-Engineering and Administration Division/Special Districts. In addition, prior to acceptance by the City, the developer shall submit a Covenant and Agreement describing on-going maintenance responsibilities for on-site facilities per the approved WQMP, to the Public Works Engineering Administration and Special Districts Division. The Public Works Engineering Administration and Special Districts Division will review and approve the Covenant and Agreement. The City shall record the same with the Riverside County Recorder's Office, and the recorded instrument shall be returned to the City Clerk of the City of Perris for filing.

- 8. **Flood Control District #1 Maintenance Acceptance.** Flood Control District facilities required by the City Engineer's Office shall be installed and fully operational, and approved by final inspection by the City Engineer's Office. Prior to acceptance for maintenance of "Off-site" flood control facilities by the Public Works-Engineering and Administration Division/Special Districts the developer shall contact the Public Works Special Districts Division at (951) 956-2120 to schedule the delivery of all required turn-over submittal items including as-built storm drain plans in electronic PDF format, one large format photo-copy of as-built plans, storm drain video report in electronic format, and hardcopy of video report with industry standard notations and still photos made during video runs (i.e. facilities sizes, off-sets or damage, facility type, dirt and debris, etc.). The flood control facilities shall be turned over in a condition acceptable to the City, and the developer shall make all necessary repairs and perform initial maintenance to the satisfaction of the City.
- 9. **Assessment Districts.** 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. Payment shall be accompanied by the appropriate document for each district indicating intent and understanding of annexation, to be notarized by property owner(s):
 - Consent and Waiver for Maintenance District No. 84-1 New street lighting proposed by the project.
 - Consent and Waiver for Landscape Maintenance District No. 1 New off-site parkway & medians landscape proposed by this development at Harley Knox, and Perris Boulevard.
 - Petition for Flood Control Maintenance District No. 1 -For Off-site Flood Control Facilities proposed by the project.
 - Original notarized document(s) to be sent to: Roxanne Shepherd Shepherd & Staats Incorporated 2370 Edgehill Road Vista, CA 92084
 - **a.** Prior to final map recordation or final certificate of occupancy the developer shall annex into the aforementioned districts, posting an adequate maintenance performance bond to be retained by the City as required by the City Engineer. Upon receipt of deposit and Consent and Waiver Forms, the developer shall work with City to meet all required milestones for annexations.
 - i. City prepares the Engineer's Reports which includes a description of the improvements to be

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maintained, an annual cost estimate and annual assessment amounts.

- ii. Reports are reviewed and approved by the property owner. The assessment ballots will be based on these Reports.
- iii. The Reports and corresponding resolutions are placed, for approval, on the City Council Meeting Agenda. City Council action will include ordering the assessment ballots and setting a Public Hearing for no sooner than 45 days. Property owner attendance at this City Council Meeting is not required.
- iv. The assessment ballots are sent to the property owner and are opened by the City Clerk at the close of the Public Hearing. With a "YES" vote by the property owner the City Council can move forward with the Resolution that Confirms the Annexation. Property owner attendance at this Public Hearing is not required.
- v. Confirmation by the City Council completes the annexation process and the condition of approval has been met.

SRC COMMENTS *** BUILDING & SAFETY ***

Planning Case File No(s): CONDITIONAL USE PERMIT #20-05101

Case Planner: Alfredo Garcia (951) 943-5003, EXT 287

Applicant: Tom Lau

Location: North East Corner of Harley Know and Perris Blvd.

A proposal to establish an 8 Pump gas station and convenience store with a

carwash

Project:

Cases:

Associated

CUP #20-05101

APN: 302-100-009

Reviewed By: David

David J. Martinez, CBO

Date: 6-9-2020

SPECIFIC COMMENTS

1. None

GENERAL CONDITIONS

- 1. Shall comply with the latest adopted State of California 2019 editions of the following codes as applicable:
 - A. 2019 California Building Code
 - B. 2019 California Electrical Code
 - C. 2019 California Mechanical Code
 - D. 2019 California Energy Code
 - E. 2019 California Fire Code
 - F. 2019 California Green Building Standards Code
 - G. Proposed Project will have to comply with the Title 24 Access Regulations
- 2. All signs if any shall be Underwriters Laboratories, or equal, approved.

PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT

- 1. The following items shall be completed and/or submitted as applicable prior to the issuance of building permits for this proposed project.
- 2. Precise grading plans shall be submitted and approved
- 3. Rough grading shall be completed
- 4. Compaction must be certified
- 5. The Pad elevations must be certified
- 6. The rough and finish grade must be inspected and signed off
- A. The interior and exterior ADA path of travel will have to be designed and drawn on the proposed plans once submitted for plan review.
- B. The proposed structure will have to comply with the NEW Electric Vehicle Charging Station Requirements.
- C. Health Department Approval will be required prior to the issuance of any building permits.

FIRE CONDITIONS

1. Fire Conditions will be provided by Dennis Grubb and Associates

EXHIBIT B Aerial Map

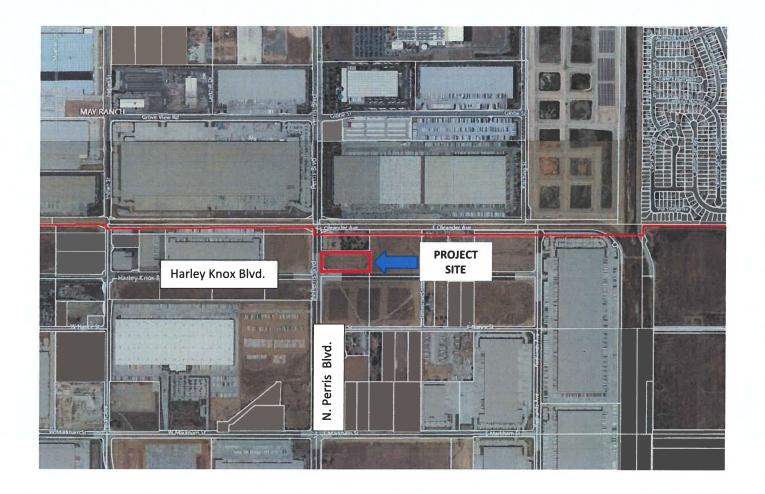


EXHIBIT C PVCC Specific Plan Land Use

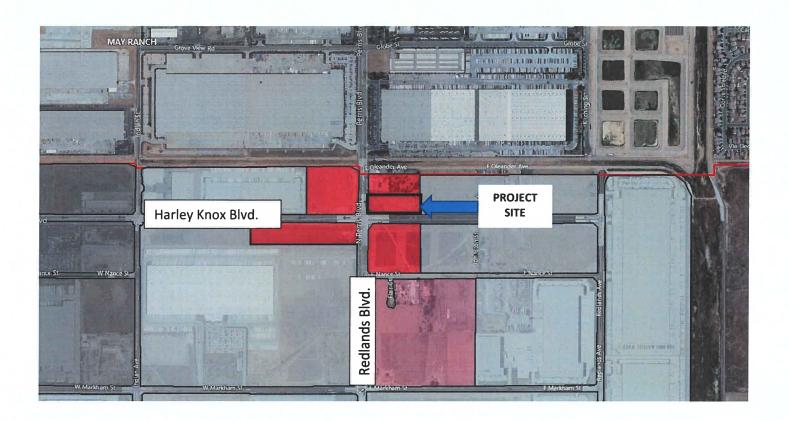
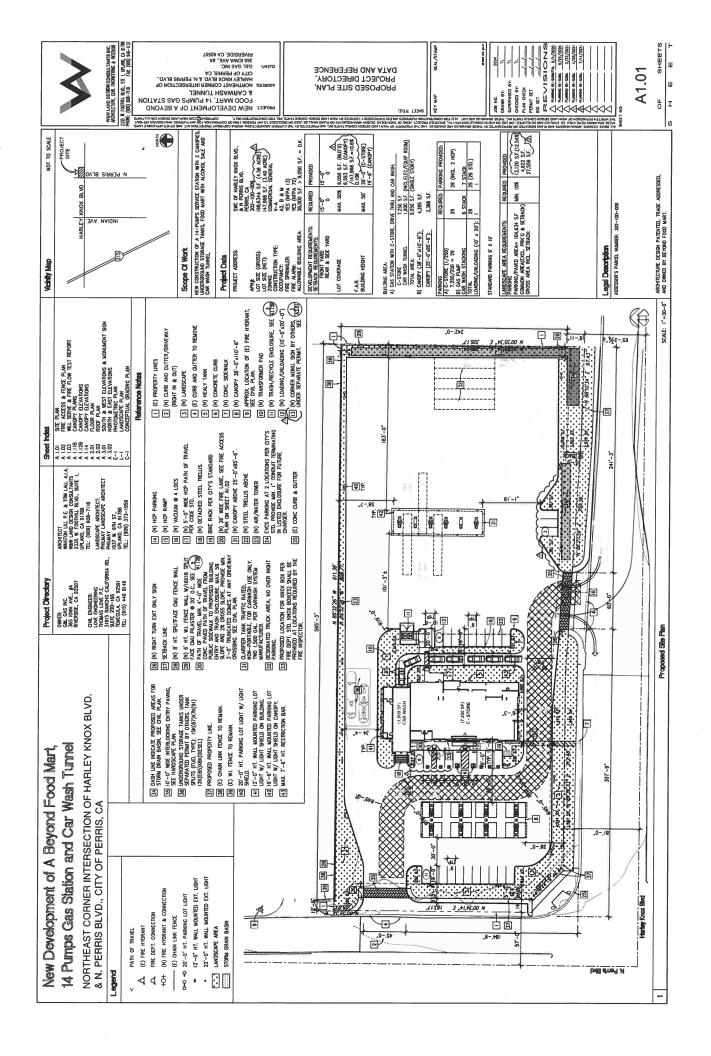
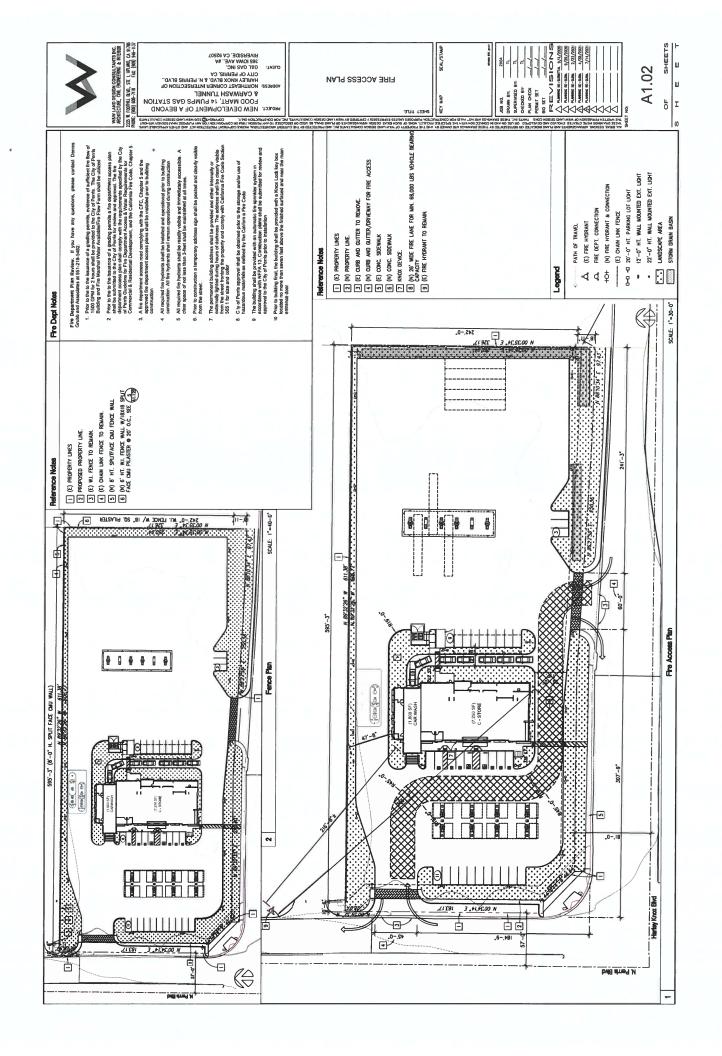


EXHIBIT D Development Plans





emwd Minimum Prystain Criteria, SOPS and MHD, MDD, and MHD Existing system (With improvements)⁶⁷ Pressure (pol) Exhatng system (With No Impreve ments) Į E Prepared by Ang & 2000 Aralistée fem Aunaing Capacity Aralistée fem Fundere Capacity, w/ Electrosi Costage Available Storage Capacity; EPS, MDD, Pumps On (3) FFD + MDD O P O O Minimum Critoria, Vetocitera in Diselbera Cqual to or less than 3 tps: "tor MOD Cqual to or less than 10 fps: "for PHO Equal to or less than 13 fps: "Lor FF + MDD EPS, MDD, Pumps On (8) EPS, MDD, Pumps On (8) EPS, ADD, Pumps On (8) File WS 2000-000 FF Report star FORM MSD-066 (Luky 25, 2016) Date Prened

emwd Thank you for your cooperation in serving our mutual customers. If you have any oplease call me at (951) 928-3777, extension 4420. Subject: SAN 53 - Will Serve - APN: 302-100-009 - Beyond Foods Mart, Inc EMWD's ability to serve is subject to limiting conditions, such as regulaton issues, or conditions beyond EMWD's control Expiration - one year from date of issue

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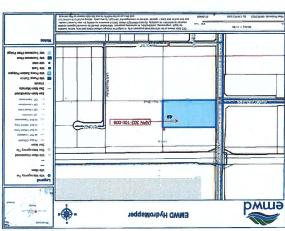
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2335 R FRONML R.NO. SE I, USAMO, CA 9738
FAME. (90) 508-718 FAX. (90) 940-117

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2270 Trumble Road + P. D. Bus 8300 + Parts, CA 95379-8300 T 953 928.8777 + 9.951,428,4377 www.armsdamy

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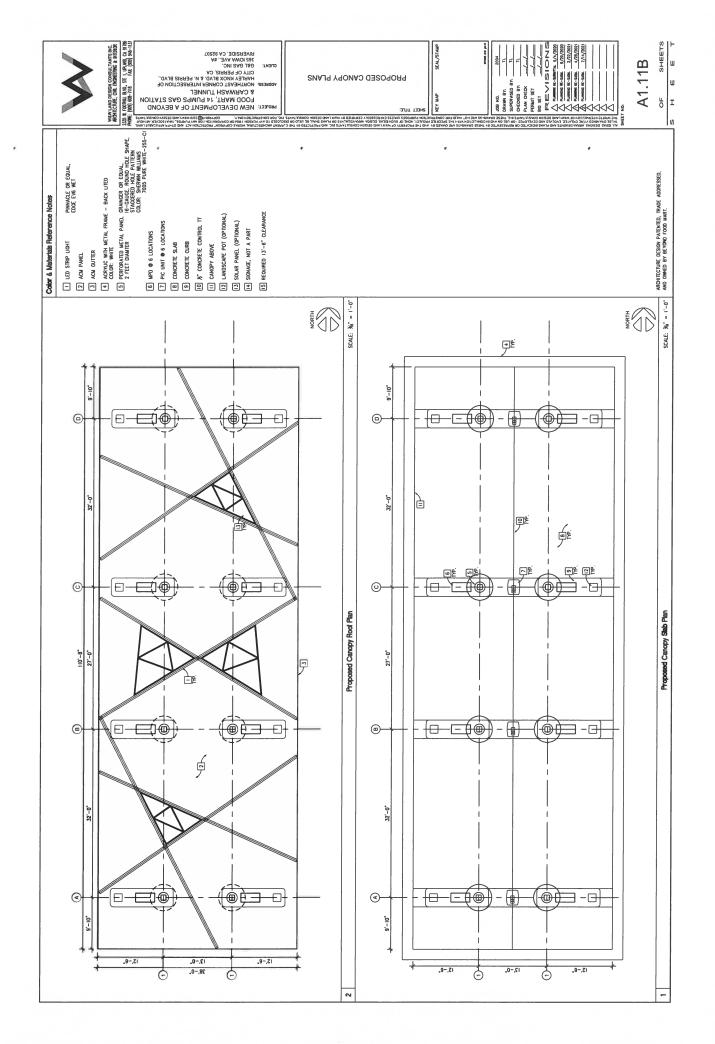
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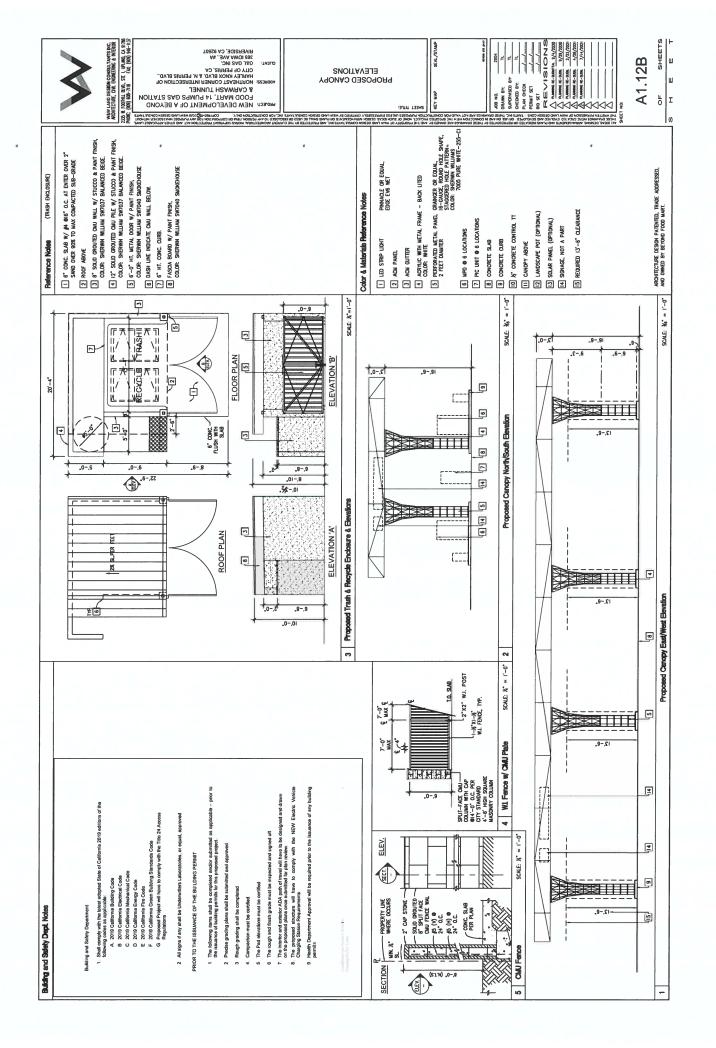
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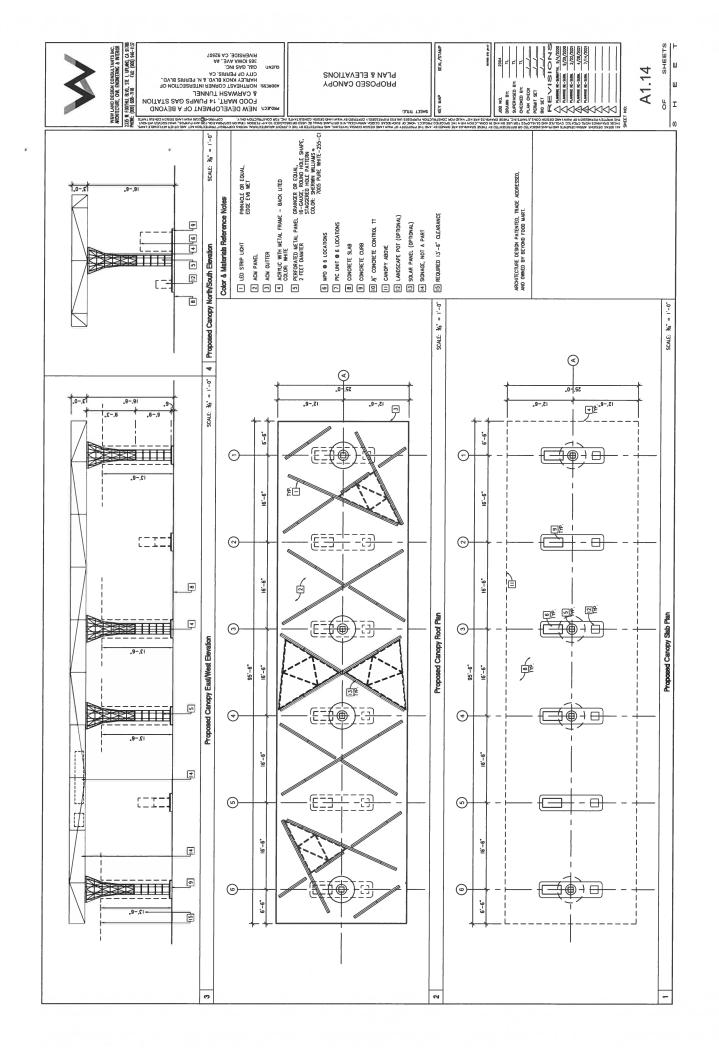
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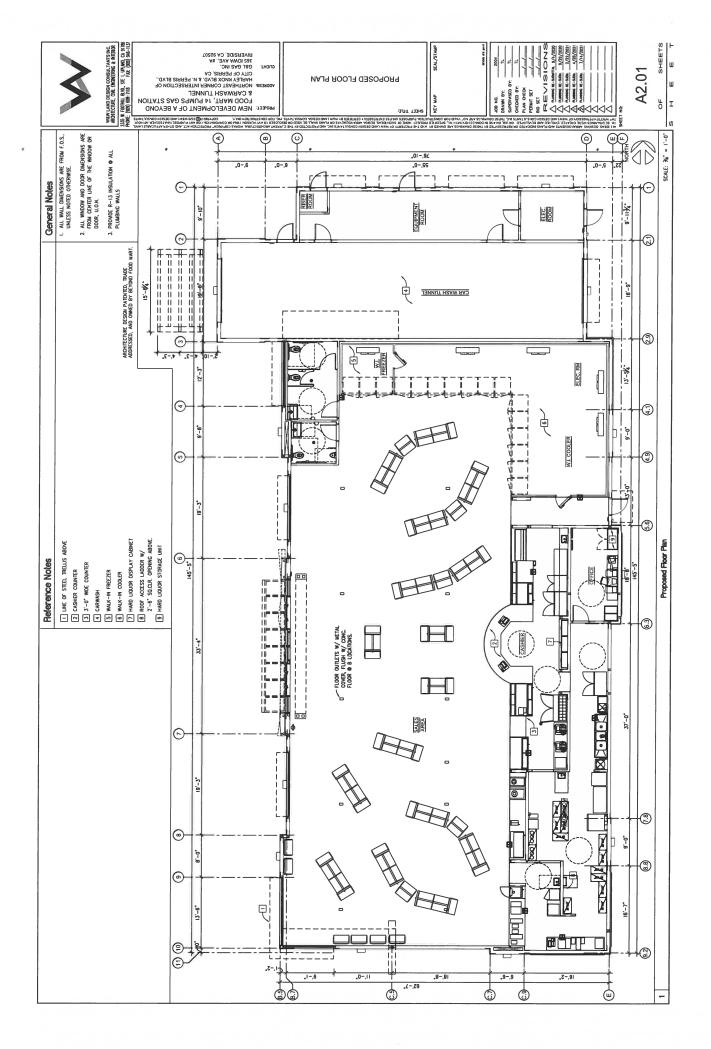
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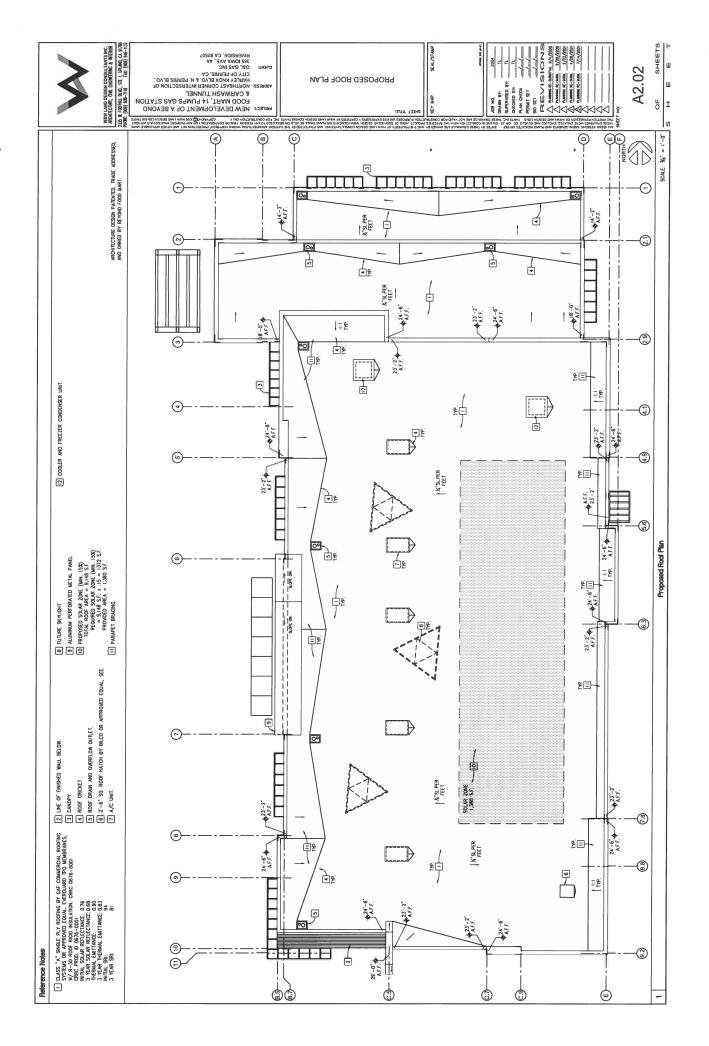
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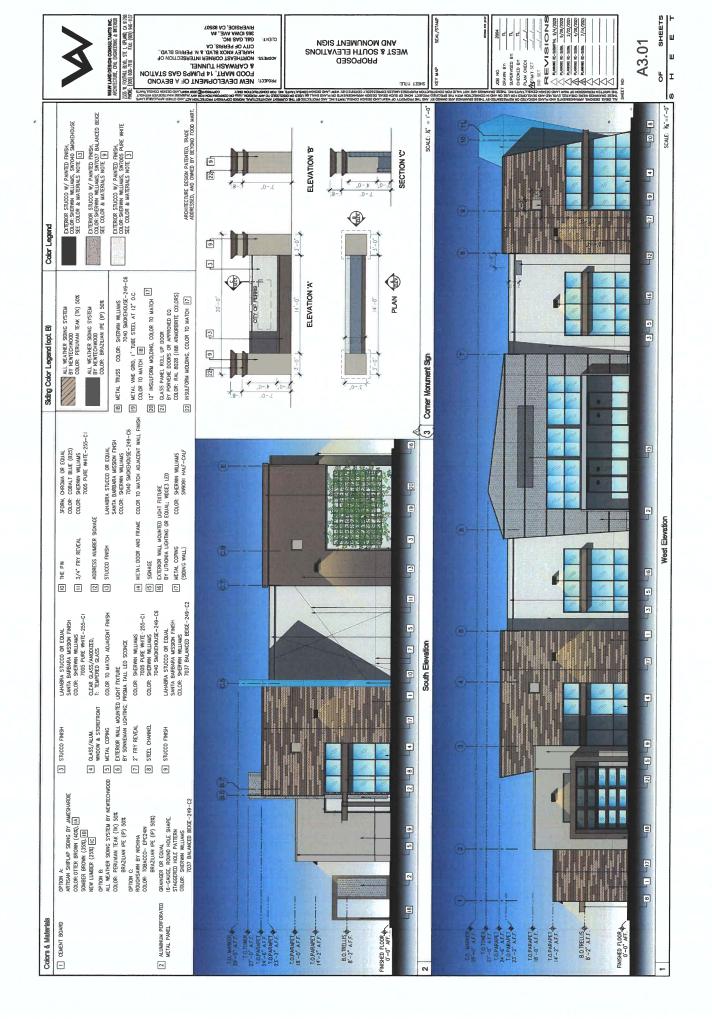


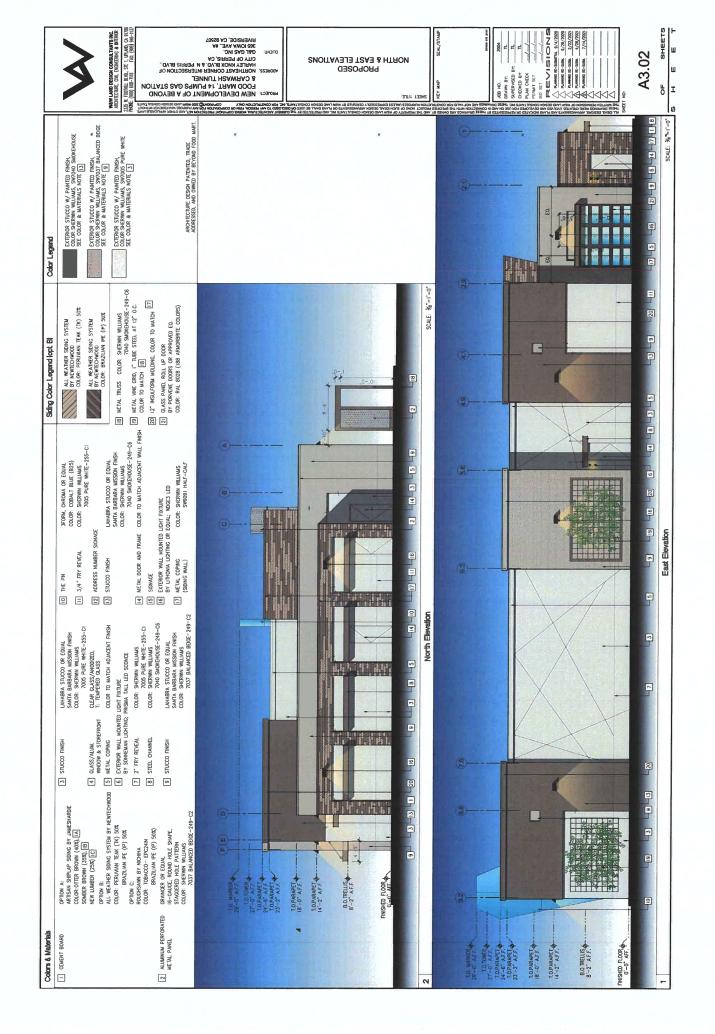


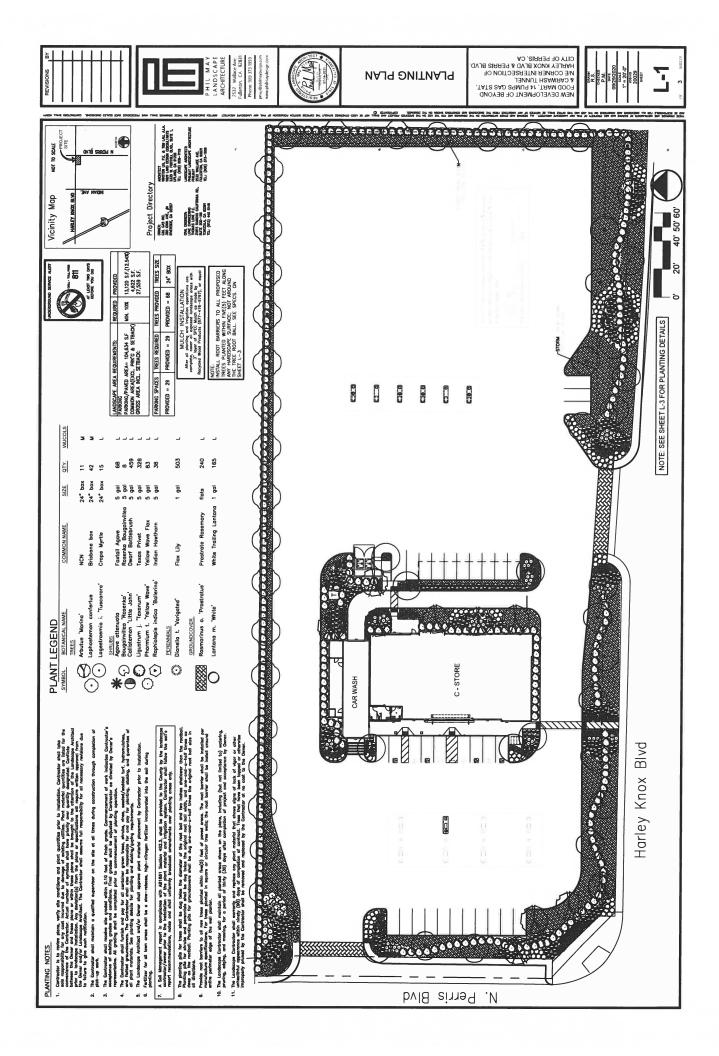












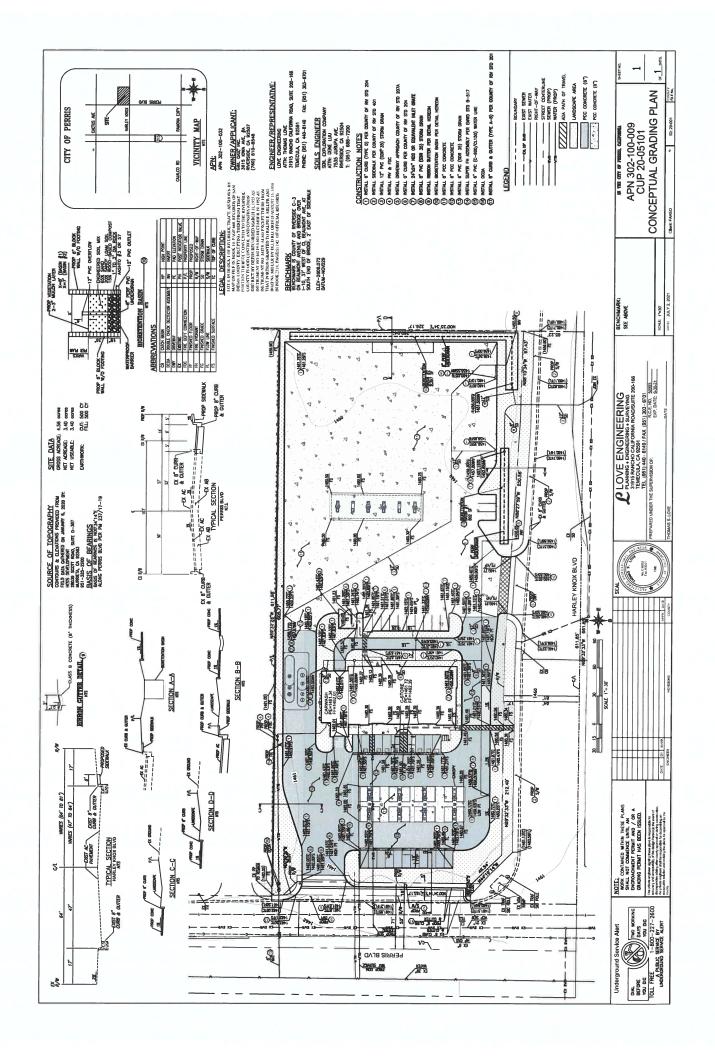


EXHIBIT E

Initial Study / Mitigated Negative Declaration 2359

(due to the size of the files, the documents are located at the following webpage link):

 $\frac{https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-277$