



CITY OF PERRIS PLANNING COMMISSION

AGENDA

October 05, 2022

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: Jimenez, Gomez, Lopez,
Chair Hammond, Vice-Chair Shively

3. INVOCATION:

4. PLEDGE OF ALLEGIANCE: Commissioner Jimenez

5. PRESENTATION:

6. CONSENT CALENDAR:

- A. Planning Commission Minutes for September 07, 2022
- B. Street Name Review 22-05266 – A proposal to name five (5) streets within Tentative Tract Map No, 36647 located at the northwest corner of Ramona Expressway and Evans Road. Applicant: Matt Matson, Pulte Homes.

REQUESTED ACTION: Approve Street Name Review 22-05266

7. PUBLIC HEARING:

- A. Specific Plan Amendment (SPA) 21-05125 – A proposed Specific Plan Amendment to update the Green Valley Specific Plan (GVSP) for consistency with the Perris Valley Airport Land Use Compatibility Plan (PV ALUCP) and compliance with Senate Bill 330. Applicant: Matthew Villalobos, Raintree Investment Corporation.

REQUESTED ACTION: Continuance of this item to the Planning Commission meeting on October 19, 2022.

- B.** Conditional Use Permit 22-05199 – A proposal to consider a Conditional Use Permit to allow the establishment of live music/entertainment at Nayarit Restaurant. The project site is located at 140 S. “D” Street, on the northwest corner of “D” Street and Second Street, in the Promenade Zone of the Downtown Specific Plan.

REQUESTED ACTION: ADOPT Resolution 22-21 approving CUP 22-05199 to allow live music/entertainment at Nayarit Restaurant, based on the findings 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, and 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

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.

ZOOM MEETING INFORMATION

When: October 05, 2022, 6:00 PM Pacific Time (US and Canada)

Topic: Planning Commission Meeting

In order to provide public comments via Zoom, participants will be required to register in advance at the following link:

Register in advance for this webinar:

https://us06web.zoom.us/webinar/register/WN_D9Xa51_nQu6u96G2vPh0NQ

After registering, you will receive a confirmation email containing information about joining the meeting. During the Planning Commission meeting, if you wish to speak, via Zoom, 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

October 05, 2022

Item

6A

***Planning Commission Minutes for
September 07, 2022***

CITY OF PERRIS

MINUTES:

Date of Meeting: September 7, 2022

06:00 PM

Place of Meeting: City Council Chambers

1. CALL TO ORDER:

2. ROLL CALL

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

City Staff Present: Development Services Department Director Phung, Planning Manager Brenes, City Attorney Khuu, City Engineer Kamran Saber sat for City Engineer Pourkazemi, Associate Planner A. Garcia, and L. Garcia.

3. INVOCATION:

4. PLEDGE OF ALLEGIANCE:
Commissioner Lopez led the Pledge of Allegiance.

5. PRESENTATION:
There were no presentations for this Item.

6. CONSENT CALENDAR:

A. APPROVAL OF MINUTES

Approved the Minutes for the regular meeting held on August 17, 2022, of the Planning Commission.

The Chair called for a motion.

M/S/C: Moved by Commissioner Jimenez, seconded by Commissioner Lopez to Approve

AYES: Commissioner Gomez, Commissioner Jimenez, Commissioner Lopez, Vice Chair Shively, Chair Hammond.

NOES:

ABSENT:

ABSTAIN:

City Attorney asked who moved and seconded the motion, **Chair Hammond** responded, Commissioner Jimenez and was seconded by Commissioner Lopez.

7. PUBLIC HEARING:

- A. **This Item was continued until September 21, 2022 - Specific Plan Amendment (SPA) 21-05125 – A proposed Specific Plan Amendment to update the Green Valley Specific Plan (GVSP) for consistency with the Perris Valley Airport Land Use Compatibility Plan (PV ALUCP) and compliance with Senate Bill 330. Applicant: Matthew Villalobos, Raintree Investment Corporation.**

Chair Hammond opened the Public Hearing.

There were no Public Comments.

The Chair called for a motion.

M/S/C: Moved by Vice Chair Shively, seconded by Commissioner Lopez
to Approve

AYES: Commissioner Gomez, Commissioner Jimenez, Commissioner Lopez,
Vice Chair Shively, Chair Hammond.

NOES:

ABSENT:

ABSTAIN:

- B. **Scoping Meeting for an Environmental Impact Report associated with Development Plan Review 22-00002 and Vesting Tentative Parcel Map No. 38446 – A proposal to develop 28.9 acres of a larger 37.05-acre site with two industrial warehouse buildings totaling 648,630 square feet located at the northeast corner of Goetz Road and Mapes Road (APNs: 330-100-025, 330-100-028 through 330-100-030), in the LI - Light Industrial Zone. Applicant: Derek Barbour, Richland Developers, Inc.**

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

Attorney Khuu requested a 3-minute recess due to technical difficulties.

Associate Planner Alfredo Garcia presented this Item.

Meaghan Truman, EPD Solutions, CEQA consultant for the project, presented the CEQA component of the project.

Chair Hammond asked if there were any questions on the Scoping Meeting.

The following Planning Commissioners spoke:

**Jimenez
Shively
Gomez
Chair Hammond**

Chair Hammond opened the Item for Public Comment.

Speakers on this item:

Pat and Melanie Conatser, Skydive Airport owners

David Garner

Chair Hammond closed the Item for Public Comment.

8. **BUSINESS ITEM:**
there were no presentations for this 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, and 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.

There were no Public Comments on this Item.

10. COMMISSION MEMBERS' ANNOUNCEMENTS OR REPORTS:

The following Planning Commissioners spoke:

**Lopez
Gomez
Jimenez
Chair Hammond**

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

Director Phung provided a Development Services report.

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.

Chair Hammond adjourned the regular Planning Commission Meeting

Planning Commission Agenda

CITY OF PERRIS

October 05, 2022

Item

6B

Street Name Review 22-05266



CITY OF PERRIS

PLANNING COMMISSION

AGENDA SUBMITTAL

MEETING DATE: October 5, 2022

SUBJECT: Street Name Review 22-05266 – A proposal to name five (5) streets within Tentative Tract Map No. 36647 located at the northwest corner of Ramona Expressway and Evans Road. Applicant: Matt Matson, Pulte Homes.

REQUESTED ACTION: Approve Street Name Review 22-05266

CONTACT: Kenneth Phung, Director of Development Services

BACKGROUND/DISCUSSION:

On September 29, 2020, the City Council approved Tentative Tract Map No. 36647 (TPM 16-05216) to subdivide 54.8 acres into 90 single-family lots with two lettered lots (A and B) and a 30.7-acre borrow site located at the northwest corner of Ramona Expressway and Evans Road. The applicant for the Street Name Review 22-05266 application is now proposing to name five streets within Tentative Tract Map 36647.

Planning Staff reviewed and determined that the proposed street names do not conflict with any existing street names within the City of Perris. Also, the proposed street names have been reviewed by the Riverside County Information Technology Department, GIS Division. County Staff determined that the recommended street names listed below are adequate and would not conflict with existing street names within the County of Riverside. The proposed street names are below:

Proposed Street Names for TM 36647	
Placeholder Street Names for Tentative Tract Maps	Proposed Street Names
A Street	Ballesteros Street
B Street	Royal County Court
C Street	Marbella Gate*
D Street	Bolt Street
E Street	Kingsley Court
F Street	Albatross Avenue*
G Street	De Vincenzo Avenue
H Street	Bandon Avenue*

* Existing street name continuation

Also, the applicant provided alternative street names (see Exhibit B) that were reviewed by Planning Staff and the Riverside County Information Technology GIS Division, which are adequate and would not conflict with existing street names within the City and County of Riverside.

The Planning Commission is designated as the responsible agency to approve street names by the Perris Municipal Code 19.63.020. The following findings are required to approve the street names request:

- The street names are pleasant sounding, appropriate, and easy to read.
- The street names are homogeneous to the proposed or existing street names in the surrounding area.
- The street names do not include numerical and alphabetical letter names, surnames of living persons, or frivolous, complicated or undesirable words.
- The street names do not have an unconventional spelling.
- The street names avoid unnecessary prefixes and suffixes.
- The street names are not a duplication of any existing street names within the City.

The proposed street names meet the criteria established by the City's Municipal Code. Staff recommends that the Planning Commission approve Street Name Application 22-05266 based on the findings contained in this submittal and accompanying exhibits.

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

Prepared by: Nathan G. Perez, Senior Planner
REVIEWED BY: Patricia Brenes, Planning Manager

Exhibits: A. Vicinity Map
B. Street Map Exhibit
C. Alternate Street Name List

Consent: X
Public Hearing:
Workshop:
Presentation:

EXHIBIT A
Vicinity Map

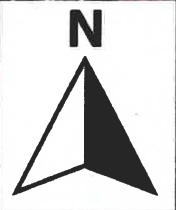
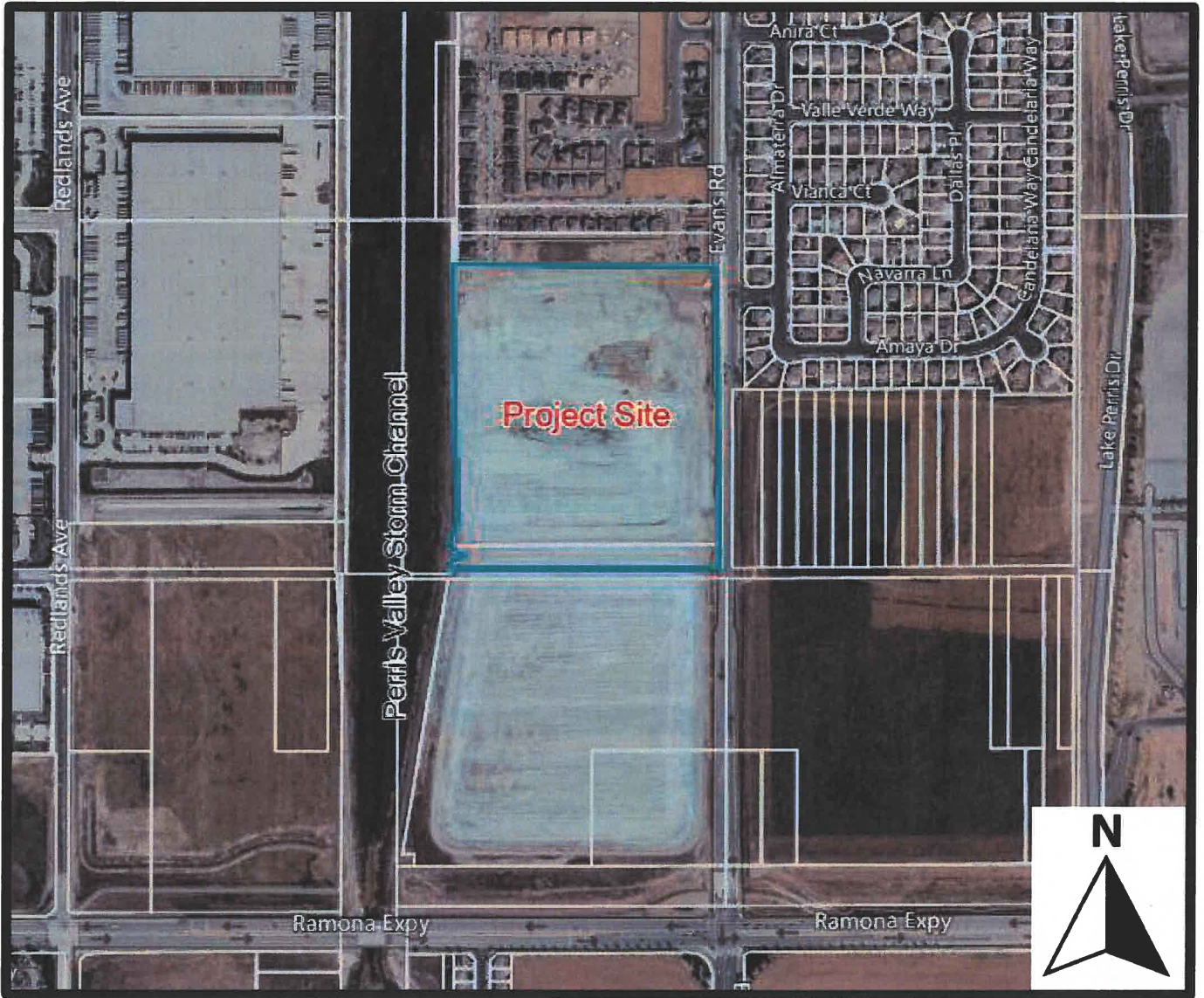
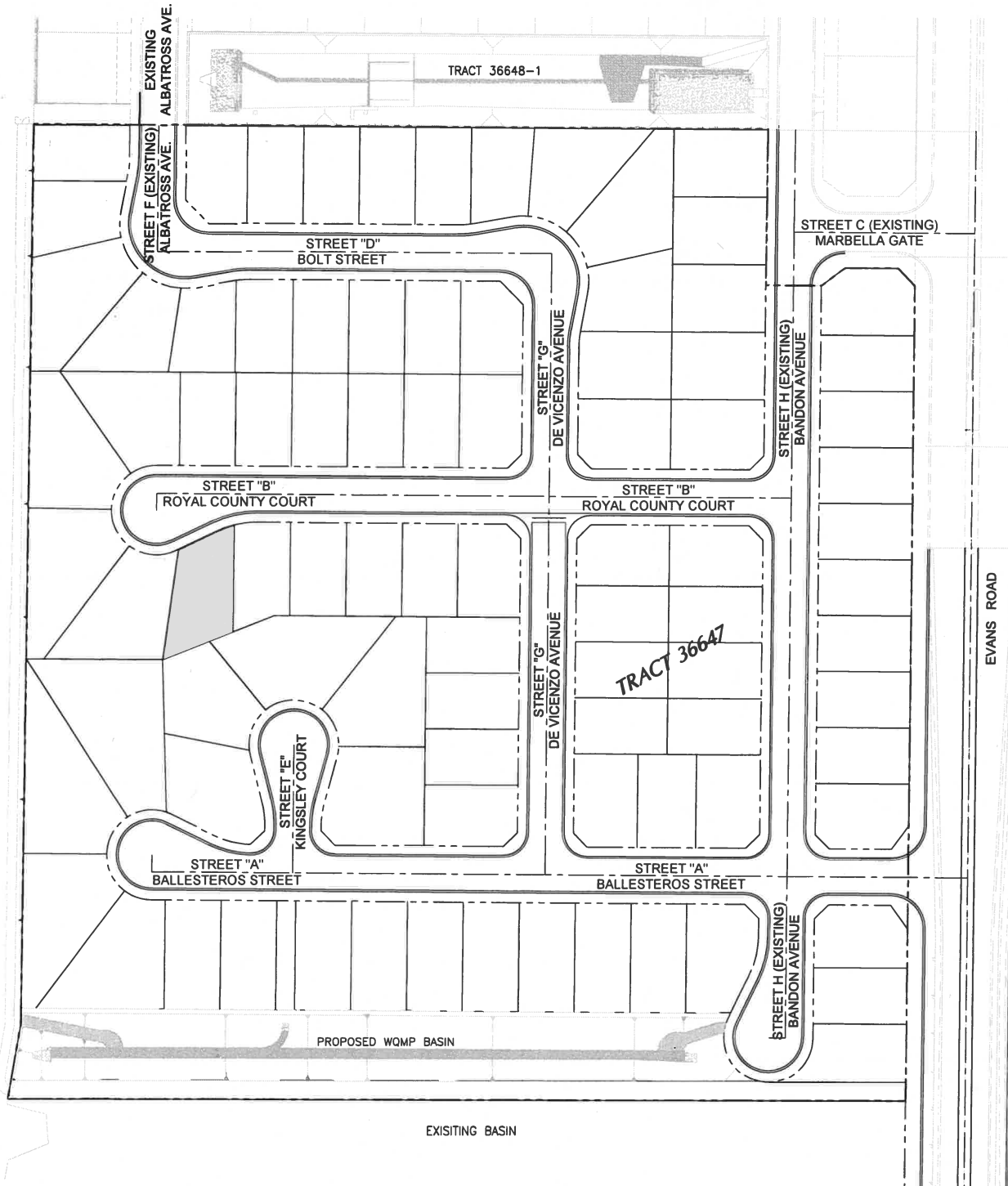


EXHIBIT B

Street Name Map Exhibit

STRATFORD RANCH WEST - TRACT NO. 36647 STREET NAME EXHIBIT



TR 36647

Street	Option 1	Option 2	Option 3	Option 4
Street A	Ballasteros Street	Daly Street	Braid Street	Cabot Cliffs Street
Street B	Royal County Court	Monte Rei Court	Victoria Court	Sanders Court
Existing Street C	Marbella Gate			
Street D	Bolt Street	Boros Street	Kuchar Street	
Street E	Kingsley Court	Shadow Creek Court	Rahm Court	
Existing Street F				
Street G	De Vicenzo Avenue	Ford Avenue	Fraser Avenue	Trevino Avenue
Existing Street H	Bandon Avenue			

LEGEND

- STREET CENTER LINE
- CURB LINE
- GUTTER LINE
- STREET RW LINE
- TRACT BOUNDARY

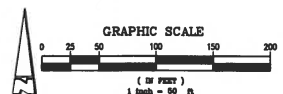


EXHIBIT C

Alternative Street Name List

TRACT 36647

Street	Option 1	Option 2	Option 3	Option 4
Street A	Ballasteros Street	Daly Street	Braid Street	Cabot Cliffs Street
Street "B"	Royal County Court	Monte Rei Court	Victoria Court	Sanders Court
Existing Street "C"	Marbella Gate			
Street "D"	Bolt Street	Boros Street	Kuchar Street	
Street "E"	Kingsley Court	Shadow Creek Court	Rahm Court	
Existing Street "F"	Albatross Avenue			
Street "G"	De Vincenzo Avenue	Ford Avenue	Fraser Avenue	Trevino Avenue
Existing Street "H"	Bandon Avenue			

Planning Commission Agenda

CITY OF PERRIS

October 05, 2022

Item

7A

***Specific Plan Amendment
(SPA) 21-05125***



CITY OF PERRIS

PLANNING COMMISSION

AGENDA SUBMITTAL

MEETING DATE: October 5, 2022

SUBJECT: Specific Plan Amendment (SPA) 21-05125 – A proposed Specific Plan Amendment to update the Green Valley Specific Plan (GVSP) for consistency with the Perris Valley Airport Land Use Compatibility Plan (PV ALUCP) and compliance with Senate Bill 330. Applicant: Matthew Villalobos, Raintree Investment Corporation.

REQUESTED ACTION: Continuance of this item to the Planning Commission meeting on October 19, 2022.

CONTACT: Kenneth Phung, Director of Development Services

BACKGROUND/DISCUSSION:

The applicant is requesting further continuance of this item to the next scheduled Planning Commission meeting on October 19, 2022, to allow additional time to work with City Staff on technical matters related to the Green Valley Specific Plan (GVSP) amendment.

BUDGET (or FISCAL) IMPACT: The cost for processing this application is paid by the applicant.

Prepared by: Nathan Perez, Senior Planner
Reviewed by: Patricia Brenes, Planning Manager

Exhibit: A. Applicant's Continuance Request

Consent:
Public Hearing: X
Business Item:
Presentation:
Other:

Exhibit A
Applicant's Continuance Request

From: Nick Johnson <nick@jacair.com>

Sent: Tuesday, September 27, 2022 8:51 AM

To: Kenneth Phung <Kphung@cityofperris.org>

Cc: Patrick Parker <pparker@raintree.us.com>; Matthew Villalobos <mwillalobos@raintree.us.com>; Nathan Perez <NPerez@cityofperris.org>; Patricia Brenes <pbrenes@CityofPerris.org>

Subject: RE: GV Continuance Letter Draft

Kenneth,

Good morning. We are making progress on the Green Valley Specific Plan Amendment but have not yet reached alignment on changes to the plan that various City comments and conditions would cause for the SPA2 and the completed Phase 2 EIR Addendum. While we work to resolve these matters, we suggest you ask for a two-week continuance to October 19, 2022 public hearing agenda of the Planning Commission.

Respectfully,

Nick

[Nick Johnson](#)
Phone | 818.606.3560
nick@jacair.com
jacair.com

Planning Commission Agenda

CITY OF PERRIS

October 05, 2022

Item

7B

Conditional Use Permit

22-05199



CITY OF PERRIS

PLANNING COMMISSION

AGENDA SUBMITTAL

MEETING DATE: October 5, 2022

SUBJECT: Conditional Use Permit 22-05199 - A proposal to consider a Conditional Use Permit to allow live music/entertainment at the Nayarit Restaurant located at 140 South "D" Street in the Promenade Zone of the Downtown Specific Plan (DTSP). Applicant: Karla Torres

REQUESTED ACTION: ADOPT Resolution 22-21 approving Conditional Use Permit 22-05199 to allow live music/entertainment at the Nayarit Restaurant, based on the findings in the staff report and subject to conditions of approval.

CONTACT: Kenneth Phung, Director of Development Services

PROJECT BACKGROUND:

Existing Conditions and Setting:

Nayarit Restaurant was built in the 1950s on a 0.19-acre parcel located at the northwest corner of "D" Street and Second Street. It is served by six parking spaces on the south side of the restaurant building. On-street parking in the immediate surrounding area has historically been used by the restaurant patrons. The restaurant building is surrounded by the Perris Downtown Metrolink Station to the west, vehicle repair facility to the south, surface parking lot to the east, and a barber shop, vacant land, and Perris Station Apartments to the north (Exhibit B).

Business Operation:

The applicant acquired Nayarit Restaurant on January 4, 2020. Nayarit Restaurant is an eating establishment that offers a variety of Mexican home-style seafood dishes and beer and wine for on-site consumption. Outdoor seating is provided in patio areas along the north and east (front) sides of the restaurant building. Hours of operation are Monday through Thursday from 8:00 a.m. to 8:00 p.m. and Friday through Sunday from 7:00 a.m. to 12:00 a.m. A total of 15 employees work at the restaurant, 5 of them work the morning shift and 10 of them work the afternoon shift (Exhibit E).

Code Violations/Calls for Service:

The applicant indicated that in order to survive during the COVID 19 pandemic, she added outdoor live music/entertainment, consisting of music played on outdoor speakers, DJ, and live bands, on the side patio located on the north side of the restaurant building. Due to the loud noise from the amplified music playing outdoors, Staff has received multiple complaints. Records obtained from Code Enforcement show that live music/entertainment ceased on August 26, 2022. Following is a summary of the violations/citations and calls for service obtained from Code Enforcement and the Riverside County Sheriff's Department (Exhibits G):

Staff Report

Code Enforcement

- o 11/25/2020: Noise Complaint
- o 4/12/2022: Zoning Compliance
- o 8/17/2022: Loud Music
- o 8/26/2022: Noise Complaint

Sheriff's Department

- o 2021: Disturbing the Peace (7 Calls for Service)
- o 2022: Disturbing the Peace (6 Calls for Service)
- o 2022: Noise Complaint (2 Calls for Service)

Staff met with the applicant on May 9, 2022, and advised her of the Planning process to consider allowing live music/entertainment at the restaurant. The applicant agreed to comply with the process and to cease the outdoor use, but reports from the Sheriff's Department indicate outdoor entertainment continued to occur after the meeting with Staff.

PROJECT DESCRIPTION:

The applicant is requesting approval of a Conditional Use Permit to allow the establishment for indoor live entertainment at Nayarit Restaurant. The applicant is proposing live music/entertainment, consisting of Disc Jockey (DJ) and live bands, on Saturdays and Sundays from 4:00 p.m. to 10:00 p.m. A total of 25 employees will work during the live entertainment events. Project plans do not show a dance floor or a stage for live entertainment proposed inside the restaurant and no building or site modifications are proposed as part of this project (Exhibits D and E).

The applicant has indicated that as part of the security plan, surveillance cameras have been installed throughout the restaurant to monitor activities 24 hours a day, seven days a week. There will be two security personnel on site during the live performances. The applicant also proposes to establish security procedures, policies, and training to all employees on security protocols (Exhibit E).

PROJECT ANALYSIS

	Consistent	Inconsistent
<p>Consistency with the General Plan</p> <p>The proposal to provide indoor live music/entertainment in conjunction with a bonafide restaurant will allow a mix of uses in the Downtown; and therefore, will be consistent with the intent of Policy III. A of the General Plan, which states:</p> <ul style="list-style-type: none"> - <u>Policy III.A:</u> Accommodate diversity in the local economy. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Consistency with the Downtown Specific Plan</p> <p>The project site is in the Promenade Zone of the Downtown Specific Plan, which is the heart of Perris and the center of culture and</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Staff Report

	Consistent	Inconsistent
<p>commerce for the Downtown area. Permitted uses include retail, restaurants, and entertainment uses (Exhibit C). Entertainment uses are permitted subject to the granting of a Conditional Use Permit (CUP).</p> <p>The proposed live music/entertainment use is supported by Staff, as it will contribute to the variety of vibrant uses consistent with the intent of the Downtown Promenade Zone. Additional parking is not required with the proposed entertainment use because the restaurant was legally permitted with 6 parking spaces when originally built. However, if parking is needed, patrons may utilize on-street parking available throughout the Downtown area.</p> <p>In summary, the proposed indoor live music/entertainment use can be supported, subject to compliance with the recommended conditions of approval.</p>		
<p>Consistency with Noise Control (Chapter 7.34 of Title 7 of the Perris Municipal Code)</p> <p>Provisions in the Noise Control, Chapter 7.34 of the Perris Municipal Code, allow maximum noise levels of 80 dBA between 7:01 a.m. to 10:00 p.m. and 60 dBA for hours between 10:01 p.m. to 7:00 a.m.</p> <p>The proposed live music/entertainment, consisting of Disc Jockey (DJ) or live band, is proposed inside the existing restaurant building. Live music/entertainment will occur on Saturdays and Sundays from 4:00 p.m. to 10:00 p.m. To ensure compliance with provisions of the Noise Control, conditions of approval are recommended requiring all doors and windows to always remain closed while live music/entertainment is occurring; live entertainment use must comply with the noise thresholds in the Noise Control; and lastly, given the number of calls for service, if three verified complaints are received by Staff or the Riverside County Sheriff's Department within a calendar year, the Conditional Use Permit will be revoked.</p> <p>With the recommended conditions of approval, noise levels will be reduced; therefore, staff supports the proposed indoor live music/entertainment.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

NEIGHBORHOOD COMPATIBILITY

The proposal is consistent with the intent of the Downtown Promenade Zone, which promotes a variety of vibrant uses. However, noise disturbances have been of concern given the proximity of the subject site to the Perris Station Apartments, approximately 295 feet to the north.

Staff Report

Staff contacted the Riverside County Sheriff's Department regarding this project. In response, the Sheriff's Department provided a memorandum, dated August 10, 2022, indicating the concerns with the numerous calls for service due to amplified music played outdoors, but that live music/entertainment can be supported at Nayarit Restaurant if all amplified, live music/entertainment is conducted indoors (Exhibit F). As such, a condition of approval is recommended requiring all amplified music, and live music/entertainment to be conducted indoors.

With the recommended conditions of approval, the proposed live music/entertainment use in conjunction with the existing Nayarit Restaurant will contribute to the livelihood of the Perris Downtown and will not be detrimental to the neighborhood.

PUBLIC/AGENCY COMMENTS

A public hearing notice was mailed to affected public agencies, property owners, residents, and commercial tenants within 300 feet of the proposed site. In addition, a hand-delivered notice package was provided to the management office of the Perris Station Apartment for distribution to its residents. As of the writing of this report, no comments have been received by Staff.

ENVIRONMENTAL DETERMINATION

Planning Division Staff determined that this project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301 (Existing Facilities), of the CEQA Guidelines, as the project will not have any significant effects on the environment.

RECOMMENDATION:

ADOPT Resolution No. 22-21 finding the project to be Categorically Exempt from CEQA, pursuant to Section 15301 (Existing Facilities); and APPROVE Conditional Use Permit 22-05199 to allow indoor live music/entertainment at Nayarit Restaurant, based on the findings outlined in the Resolution and subject to the recommended conditions of approval.

BUDGET (or FISCAL) IMPACT: All costs related to this project are borne by the Applicant.

Prepared by: Alfredo Garcia, Project Planner
Reviewed by: Patricia Brenes, Planning Manager

EXHIBITS:

- A. Resolution No.22-21 adopting the Planning Conditions of Approval
- B. Vicinity and Aerial Map
- C. Downtown Specific Plan Map
- D. Project Plans (Site Plan and Floor Plan)
- E. Applicant Prepared Project Description
- F. Riverside County Sheriff's Department Memorandum
- G. Calls for Service Police Report

Consent:
Public Hearing: X
Business Item:
Presentation:
Other:

EXHIBIT A
RESOLUTION 22-21 AND PLANNING COA

RESOLUTION NUMBER 22-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, FINDING THE PROPOSED PROJECT CATEGORICALLY EXEMPT FROM CEQA UNDER SECTION 15301, CLASS 1 EXISTING FACILITIES AND APPROVING CONDITIONAL USE PERMIT 22-05199 TO PROPOSE A 150 SQUARE FOOT INDOOR AREA FOR LIVE ENTERTAINMENT FOR THE NAYARIT MEXICAN RESTAURANT LOCATED WITHIN THE DOWNTOWN PROMENADE ZONE OF THE DOWNTOWN SPECIFIC PLAN AT 140 S. D. STREET (APN: 313-081-007), AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, the applicant filed Conditional Use Permit 22-05199, - A proposal to consider a Conditional Use Permit to allow the establishment of indoor live entertainment at Nayarit Restaurant. The project site is located at 140 South “D” Street, on the northwest corner of “D” Street and Second Street, in the Promenade Zone of the Perris Downtown Specific Plan (PDSP); and

WHEREAS, the proposed use is in accordance with the objectives of the Downtown Promenade zone of the downtown specific plan; and

WHEREAS, the proposed use is consistent with the City’s General Plan and conforms to all zoning standards and other relevant ordinances and resolutions of the City; and

WHEREAS, on October 5, 2022, the Planning Commission conducted a legally noticed public hearing on Conditional Use Permit 22-05199, and considered public testimony and materials in the staff reports and accompanying document and exhibit; and, at which time all interested persons were given full opportunity to be heard and to present evidence; and

WHEREAS, the City has complied with the California Environmental Quality Act; and

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

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

Section 2. The Planning Commission has determined that the project is categorically exempt from review under the California Environmental Quality Act (CEQA) under Section 15301, Class 1 Existing Facilities.

Section 3. Based on the information contained in the staff report and supporting exhibits and all oral and written presentations and testimony made by City staff and members of the public, the Planning Commission hereby finds the following:

1. The proposed indoor live music/entertainment is in accord with the objectives of this Title and the purposes of the zone in which the site is located.

The proposed indoor live music/entertainment is in accordance with the objectives of the Conditional Use Permit provisions of the City's Zoning Code, Section 19.61, in that the proposed indoor live music/entertainment is desirable for the community and an appropriate use that requires specific conditions and constraints to ensure compatibility with surrounding uses and protect the aesthetics and public, health and welfare of the community.

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

The proposed indoor live music/entertainment is consistent with the City's General Plan, meets the intent of the Downtown Promenade Zone and conforms to applicable provisions of the City's Zoning regulations in that appropriate conditions of approval have been developed to ensure that the use operates according to City policies and regulations to protect the public health and welfare.

3. The proposed indoor live music/entertainment and the conditions of approval 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.

The proposed indoor live music/entertainment and the conditions under which it will operate and be maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, as the project meets relevant zoning regulation requirements and is conditioned so that it operates in a manner that will protect the public health, safety, and welfare of the community.

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

The proposed use will be conducted entirely inside an existing 1,699-square-foot building to meet the objectives of the Downtown Promenade Zone to ensure compatibility with the existing surrounding environment.

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

The proposed use will operate entirely inside an existing 1,699 square foot building, which is fully developed and operational and designed to meet the objectives of the Downtown Promenade zone and City landscaping regulations, ensuring

compatibility with the surrounding environment and ensure it provides an attractive environment for the public's enjoyment.

Section 4. Based on the information contained in the staff report and supporting exhibits and all oral and written presentations and testimony made by City staff and members of the public, the Planning Commission finds the project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Article 19 of the California Environmental Quality Act (CEQA) under Section 15301, Class 1 Existing Facilities, and approves Conditional Use Permit 22-05199 requests the approval of a 150-square-foot indoor area for live entertainment. The project site is located in the DTSP with a Downtown Promenade zone designation at 140 S. D Street based on the information and findings presented in the staff report and subject to the attached Conditions of Approval (Exhibit A).

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

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

ADOPTED, SIGNED, and APPROVED this 5th day of October 2022.

CHAIRPERSON, PLANNING COMMISSION

ATTEST:

Secretary, Planning Commission

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

I, Kenneth Phung, SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Resolution Number 22-21 was duly adopted by the Planning Commission of the City of Perris at a regular meeting of said Planning Commission on this 5th day of October 2022 and that the following vote so adopted it:

AYES:
NOES:
ABSTAIN:
ABSENT:

Secretary, Planning Commission

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

PLANNING COMMISSION CONDITIONS OF APPROVAL

CUP 22-05199

October 5, 2022

Conditional Use Permit 22-05199 - A proposal to consider a Conditional Use Permit to allow indoor live music/entertainment at Nayarit Restaurant. The project site is located at 140 South "D" Street, on the northwest corner of "D" Street and Second Street, in the Promenade Zone of the Perris Downtown Specific Plan (PDSP). **Applicant:** Karla Torres

General Requirements:

1. **Conformance to Approved Plans.** The proposed use will operate in accordance with the October 5, 2022 Planning Commission meeting approval, or as amended by these conditions. Any deviation shall require appropriate Planning Division review and approval.
2. **Conditional Use Permit Approval.** The Conditional Use Permit approval shall be null and void unless substantial construction of the project or commencement of the land use contemplated by this approval is begun within three (3) years of the approval date. The applicant may apply for a maximum of three (3) one-year extensions. A written request for an extension of time shall be submitted to the Planning Division at least thirty (30) days prior to the expiration of the Conditional Use Permit.
3. **Conditional Use Permit Approval.** This conditional use permit shall be terminated if the operation is no longer maintained as a "Bonafide Public Eating Place. Such termination shall be effective no later than ten (10) days following such change in operation, unless an application for revision of this permit has been submitted to the City Planning Division for review and approval.
4. **Conditional Use Permit Approval.** Failure to comply with these conditions and/or with the Perris Municipal Code provisions may be cause for revocation. A public hearing to consider the revocation of a Conditional Use Permit may be conducted by the Planning Commission at its own initiation or at the direction of the City Council in accordance with the provisions of Section 19.61.060 of Municipal Code.
5. **Conditional Use Permit Approval.** This Conditional Use Permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
6. **Conditional Use Permit Approval:** This Conditional Use Permit shall be grounds for revocation proceedings if the Riverside Sheriff's Department or City Staff receive three sustained, verified complaints within a calendar year regarding disturbances caused by patrons at Nayarit Restaurant or the restaurant staff.

Operational Conditions:

7. **Restaurant.** Food service shall be available during all hours of operation.
8. **Live Music/Entertainment Hours of Operation.** Hours of operation for live entertainment activities are limited to Saturday and Sunday from 4:00 p.m. to 10:00 p.m.
9. **Regular Hours of Operation.** Hours of operation for the restaurant include: Monday through Thursday from 8:00 AM to 8:00 PM, and Friday through Sunday from 7:00 am to 12:00 am.
10. **Noise.** All activities in Nayarit Restaurant and related live music/entertainment use shall be in compliance with established noise standards pursuant to Chapter 7.34 – Noise Control of the Perris Municipal Code, which requires that noise levels shall not exceed 80 dBA for hours between 7:01 a.m. to 10:00 p.m. and 60 dBA for hours between 10:01 p.m. to 7:00 a.m.
11. **Noise.** All doors and windows shall be closed during live music/entertainment events on Saturday and Sunday.
12. **Noise.** There shall be no external speakers for any audio amplification system.
13. **Security.** A licensed security company shall provide two security personnel during live entertainment activities to provide security inside and outside the restaurant. Surveillance cameras shall be installed throughout the restaurant to monitor activities 24 hours a day, with recordings available for the sheriff's and city review as needed.
14. **Police.** Amplified music and all live music/entertainmen shall only be conducted indoors and adhere to the provisions of Chapter 7.34 - Noise Control of the Perris Municipal Code.
15. **City Business License.** All event vendors shall be required to obtain an approved business license(s) from the City of Perriss Business License Division.
16. **Graffiti.** Graffiti located on-site shall be removed within 48 hours. The site shall be maintained in a graffiti-free state at all times.
17. **Property Maintenance.** The project shall comply with provisions of Perris Municipal Code 7.06 regarding Landscape Maintenance, and Chapter 7.42 regarding Property Maintenance.
18. **Building & Safety Division.** The proposed use shall adhere to all requirements of the City's Building & Safety Division requirements.
19. **ADA Compliance.** The project shall conform with all disabled access requirements in accordance with the State of California, Title 24, and Federal Americans with Disabilities Act (ADA).
20. **Fire Code Compliance.** The project shall meet all Fire Code requirements.

21. **Indemnification/ Hold Harmless.** The developer/applicant shall indemnify, protect, defend, and hold harmless, the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City, or any agency or instrumentality thereof, or any of its officers, employees and agents, to attack, set aside, void, annul, or seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voters of the City, concerning Conditional Use Permit 22-05199. 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.

EXHIBIT B
VICINITY AND AERIAL MAP



EXHIBIT C
DOWNTOWN SPECIFIC PLAN MAP

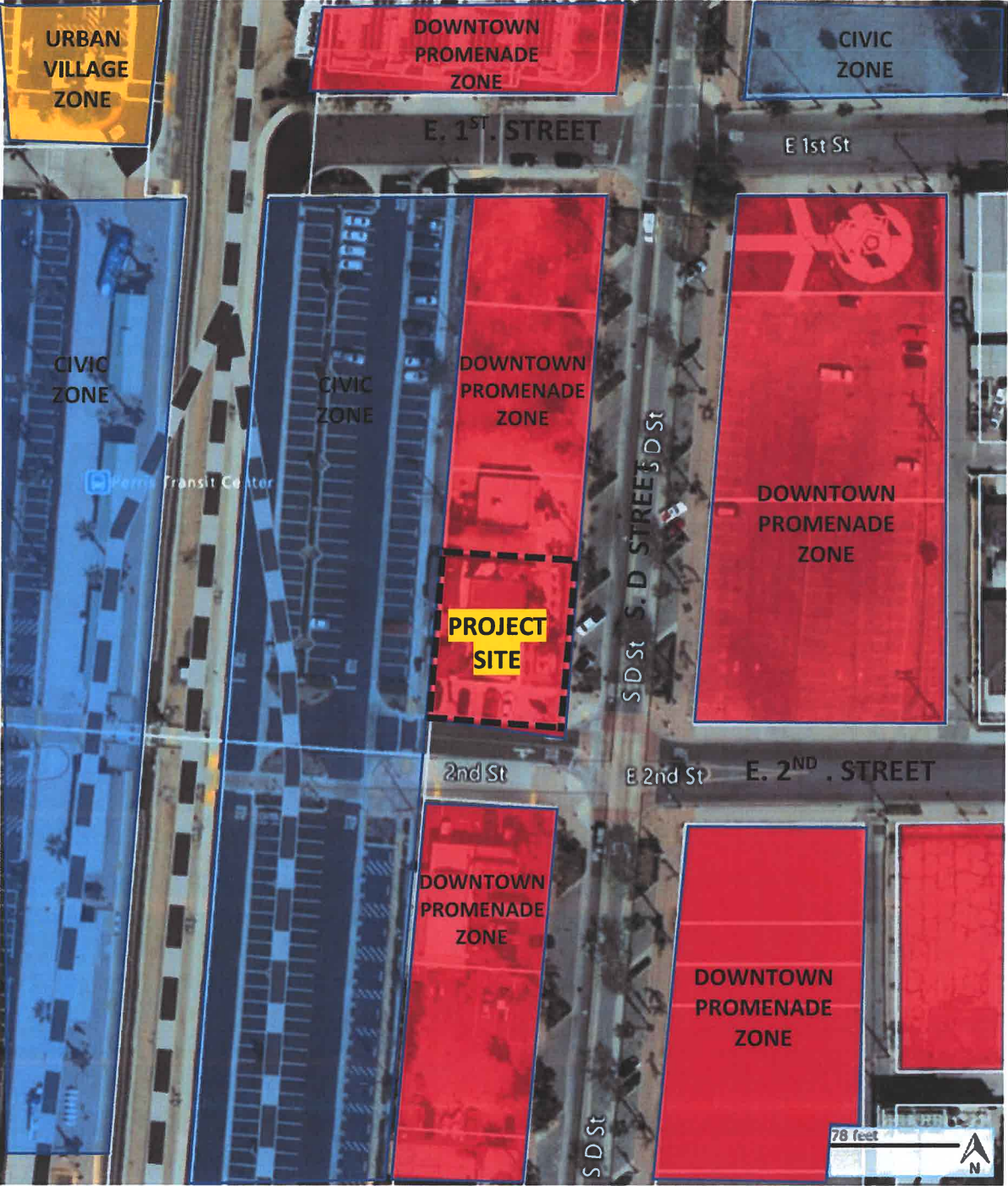


EXHIBIT D
PROJECT PLANS

EXHIBIT E
APPLICANTS PREPARED PROJECT
DESCRIPTION

City of Perris
Development Services Department
Planning Division
135 N. D St Perris CA 92570

Nayarit Restaurant
Review and Land Use Approval

July 7, 2022

To whom it may concern,

We currently own the “Nayarit Restaurant” located at 140 S. D St, Perris, CA 92570 in which we serve a large variety of Mexican home style and seafood dishes. We also offer quite a selection of beverages. Our hours of operation are Monday through Thursday from 8:00am-8:00pm and Friday through Sunday from 7:00am-12:00am next day. During the week, we have about 15 employees working. We are open for full service and seat our guests indoors and outdoors. We currently also have a grade “A” from the County of Riverside Department of Environmental Health.

We are requesting a conditional use permit to have live music entertainment indoors at our restaurant located at 140 S. D St, Perris, CA 92570. The live entertainment will take place on Saturdays and Sundays during the hours of 4:00pm until 10:00pm. There will be a total of 10 band members, which will make the total of employees working at the restaurant be at 25. There will not be a stage for the performers nor a dance floor. We do have surveillance cameras installed throughout the restaurant monitoring 24/7. There will also be two security personnel on site during the live performances to enforce the rules and regulations and to ensure the safety of our customers and performers.

We hope the information above will suffice in regard to your approval.

Thank you,

Karla Torres

EXHIBIT F

**RIVERSIDE COUNTY SHERIFFS
DEPARTMENT MEMORANDUM**



Riverside County Sheriff's Department
Chad Bianco, Sheriff-Coroner

Perris Station

137 North Perris Boulevard • Perris • California • 92570
www.riversidesheriff.org

August 10, 2022

Re: Nayarit Restaurant Conditional Use Permit

To the City of Perris Planning Commission,

The Perris Sheriff's Station was recently made aware that Nayarit Restaurant applied for a conditional permit for outdoor music. In the last five months the Perris Sheriff's Station has received numerous noise complaints at the Nayarit Restaurant for their outdoor music and they have been cited for not adhering to the city noise ordinance.

The Perris Sheriff's Station could support Nayarit Restaurant receiving a conditional permit if the live bands and all forms of amplified music are not played outside and they adhere to the city noise ordinance. As the Chief of Police for the city of Perris I am reluctant to even offer this condition. Nayarit Restaurant management has demonstrated they lack the desire to adhere to the city ordinance as evidenced by their repeated public complaints and noise citations.

Sincerely,

CHAD BIANCO, SHERIFF

A handwritten signature in black ink, appearing to read "Matt Sims", is written over the typed name "CHAD BIANCO, SHERIFF".

Matt Sims, Captain
Perris Station

CB:MS

EXHIBIT G
CALLS FOR SERVICE POLICE REPORT

Nayarit Restaurant (140 D St, Perris CA)

Calls for Service		
Date and Time	Natural of the Call	Report Written
08/10/2020 – 23:08:12	AOD - Assist Other Department	No
10/02/2020 - 21:52:56	VC23152(a) - Driving under the influences	No
10/11/2020 – 23:05:56	PC602 - Trespassing	No
10/26/2020 – 00:47:42	HS11550(a) - Under Influence of a Controlled Substance	Yes
11/11/2020 – 15:28:13	PC242 - Battery	Yes
11/15/2020 – 02:44:39	CIVIL	No
12/12/2020 – 13:00:47	LPROPE – Lost Property	Yes
02/15/2021 – 00:00:37	Weapon	No
03/21/2021 – 19:38:04	PC647(f) - Public Intoxication	No
03/27/2021 – 00:17:12	PC647(f) - Public Intoxication	No
04/23/2021 – 07:47:56	PC459 – Burglary	Yes
04/23/2021 – 11:25:56	FU – Follow-up	No
04/24/2021 – 01:14:01	PC647(f) – Public Intoxication	Yes
06/07/2021 – 18:10:29	PC242 – Battery	Yes
06/20/2021 – 02:52:09	PC242 – Battery	No
06/20/2021 – 02:52:11	PC415 – Disturbing the Peace	No
06/26/2021 – 10:19:05	PC415 – Disturbing the Peace	No
06/27/2021 – 17:44:04	911M - Call from a Mobile Device	No
07/31/2021 – 01:43:48	PC647(f) – Public Intoxication	No
08/01/2021 – 21:02:14	VC23152(a) – Driving under the influences	Yes
08/13/2021 – 19:17:29	PC242 – Battery	No
09/16/2021 – 16:08:55	PC415 – Disturbing the Peace	No
10/21/2021 – 23:55:27	PC415 – Disturbing the Peace	No
10/24/2021 – 23:48:19	VC23152(a) – Driving under the influences	No
10/29/2021 – 08:32:54	PC245(A1) – Assault with Deadly Weapon other than a Firearm	Yes
11/06/2021 – 02:11:16	PC415 – Disturbing the Peace	No
11/20/2021 – 01:21:41	PC242 – Battery	No
11/28/2021 – 19:36:43	PC415 – Disturbing the Peace	No
12/03/2021 – 22:55:30	PC273.5 – Spousal Abuse	Yes
12/26/2021 – 20:58:03	PC415 – Disturbing the Peace	No
01/01/2022 – 06:51:09	911M – Call from a Mobile Device	No
01/09/2022 – 22:43:19	PC647(f) – Public Intoxication	No
01/10/2022 - 01:48:09	Health and Safety Check	No
01/14/2022 - 16:46:13	SVEHI – Suspicious Vehicle	No
01/27/2022 – 18:34:55	PC415 – Disturbing the Peace	No
02/28/2022 – 00:47:58	PC415 – Disturbing the Peace	No
03/04/2022 – 21:31:00	PC415 – Disturbing the Peace	No
03/11/2022 – 22:06:58	PC415 – Disturbing the Peace	No
03/19/2022 – 01:05:04	PC415 – Disturbing the Peace	No
03/20/2022 – 23:40:14	PC415 – Disturbing the Peace	No
03/25/2022 – 17:22:47	AOD – Assist Other Department	No

05/01/2022 6:27 PM	Noise Complaint reference band	
06/26/2022 10:03 PM	Fight amongst patrons in restaurant, all parties under the influence of alcohol	
07/01/2022 6:47 PM	Fight inside of restaurant, subject pulled pocketknife out threatened other patron, employees stopped subjects	
07/29/2022 10:31 AM	Subject passed out in restroom	
08/07/2022	Establishment Cited per City of Perris Noise Ordinance	