



CITY OF PERRIS

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

135 N. "D" Street, Perris, CA 92570-2200
TEL: (951) 943-5003 FAX: (951) 943-8379

February 5, 2019

Alfonso Luera
31101 Montgomery Avenue
Nuevo, CA 92567

Subject: **Adult-Use Retailer Regulatory Permit 18-05353** - to operate an adult-use marijuana retailer establishment at 4605 Wade Avenue.

Dear Applicant,

The City of Perris Planning Division has approved the above referenced project on February 5, 2019 subject to the enclosed Conditions of Approval. Adult-Use Retailer Regulatory Permit 18-05353 is to operate an adult-use marijuana retailer establishment at 4605 Wade Avenue. Prior to operating, all Conditions of Approval attached to this letter shall be in compliance. Applicant shall sign the attached conditions of approval and return signed copy to the Planning Division prior to start of business. By signing and agreeing to the conditions of approval, the project applicant acknowledges the requirements of the City.

The decision regarding this approval or conditions of approval may be appealed to the Planning Commission by an applicant, a permit holder or interested party. The appellant must file a written appeal with the Perris City Clerk within ten calendar days of the decision. The written appeal shall specify the person making the appeal, the decision appealed from, shall state the reasons for the appeal, and shall include any evidence in support of the appeal which the applicant seeks to be considered by the Planning Commission.

If you have any questions or require additional information, please do not hesitate to contact me at (951) 943-5003, extension 279.

Sincerely,

Nathan Perez

Nathan Perez
Associate Planner

Attachment: HDL review
Conditions of Approval for adult-use retailer regulatory permit

Cc: Joshua Naggar - 443 S. D Street, Perris, CA 92570

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

CONDITIONS OF APPROVAL

Adult-Use Marijuana Retailer Regulatory Permit PLN18-05353

February 5, 2019

PROJECT: Adult-Use Retailer Regulatory Permit 18-05318 - to operate an adult-use marijuana retailer establishment at 4605 Wade Avenue. **Applicant:** Alfonso Luera

General Requirements:

1. **City Ordinances and Business License.** The subject business shall maintain compliance with Ordinance Nos.1330 and 1339 of the City of Perris, Chapter 5.54 "Medical Marijuana Dispensary Regulatory Program," Chapter 5.58 "Adult-Use Marijuana Retailer Regulatory Program," and Chapter 3.40 "Marijuana Tax" of the Perris Municipal Code, and all other local and City Ordinances, and State Law, including but not limited to an annual fire inspections and maintenance of a City business license.
2. **State of California Requirements:** The medical marijuana dispensary and adult use marijuana retailer shall be conducted in a secure, safe and business-like manner consistent with all applicable local and state laws, rules and regulations governing medical marijuana dispensaries, including without limitation the Compassionate Use Act as set forth in California Health & Safety Code Section 11362.5, the Medical Marijuana Regulation and Safety Act of 2015, and the Medical Marijuana Program Act as set forth in the California Health and Safety Code Sections 11362.7 et seq.
3. **Conformance to Approved Plans.** Development of the project site plan and floor plan shall conform substantially to the approved set of plans dated **February 5, 2019**. Any deviation shall require appropriate Planning Division review and approval. Prior to start of business, all improvements as shown on the approved site plan shall be completed.
4. **Term of Approval.** This approval shall be valid for a period of one (1) year from the date of permit approval/business license issuance. The holder of the medical marijuana dispensary permit may apply for the renewal of the permit no less than 60 days prior to the permit's expiration date.
5. **Minor Modification.** All conditions of **Medical Marijuana Dispensary (MMD) Permit PLN17-05171 and Minor Modification 18-05038** shall be adhered to and remain in effect with the approval of this permit.
6. **Operational Requirements:**
 - a. Prior to operations and business license issuance, all floor plan improvements as shown on the approved floor plan on file with this application shall be completed. All appropriate building permits and/or Tenant Improvement permits shall be obtained and finalized prior to Certificate of Occupancy and Business License Issuance.

- b. **Hours of Operation:** Business hours shall be limited between the hours of 6:00 a.m. PST to 9:00 p.m. PST, 7 days of week.
 - c. All operations shall be in conformance with the submitted business plan, security plan, lighting plan, odor control plan, employees/operators listed on file with this permit. Any changes shall require written notification to the Planning Division for review and approval.
7. **Compliance Reviews and Financial Audits:**
- a. The City of Perris and/or its designee shall conduct quarterly (4) compliance reviews to review business practices, procedures and internal controls to ascertain the level of risk assessment.
 - b. The City of Perris and/or its designee shall conduct one (1) financial audit during the term of the permit to verify the accuracy of the gross receipts reported to the City and to ensure regulatory compliance with state and local laws. This audit shall verify the accuracy of the annual gross receipts reported by the Medical Marijuana Dispensary and adult-use marijuana retailer establishment to the City of Perris for purposes of calculating the amount of business tax due;
8. **Property Maintenance.** The project shall comply with provisions of Perris Municipal Code 7.06 regarding Landscape Maintenance, and Chapter 7.42 regarding Property Maintenance.
9. **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, **Adult-Use Retailer Regulatory Permit 18-05353.** 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.

Adult-Use Regulations:

10. **Security.** Adult-use retailers shall maintain the following security measures:
- a. Entrances to the dispensing area and any storage area shall be locked at all times, shall be only accessible by employees, and shall be under the control of only employees.
 - b. The interior premises of the adult-use retailer shall be equipped with and, at all times during which it is open to the public, shall remain illuminated with overhead lighting fixtures of sufficient intensity to illuminate every place to which members of the public or portions thereof are permitted access with

- an illumination of not less than two foot-candles as measured at the floor level.
- c. All marijuana present or kept at the adult-use retailer premises shall be securely stored against both unauthorized access and theft.
11. **Location and distance restrictions.** The adult-use retailer shall be located at and operated within the same location and premises for which the applicant's current and valid medical marijuana dispensary has been issued.
12. **Sale Restrictions.**
- a. Adult-use retailers shall not sell or dispense marijuana or marijuana products to individuals under the age of 21.
- b. Adult-use retailers shall not sell or dispense more than 28.5 grams of marijuana in any singular transaction.
13. **Records.** Adult-use retailers shall maintain records reflecting:
- a. The source (including name, location and contract information) of all marijuana dispensed, sold or stored by the adult-use retailer.
- b. The dates upon which all customers are sold marijuana and the amount sold.
- c. The delivery of marijuana, from the adult-use retailer by an employee, to a customer located outside of the adult-use retailer location, including but not limited to the identity of the recipient, the amount delivered, the date of the delivery, the address of the delivery, the name of the employee making the delivery, and a written receipt from the customer confirming the delivery.
- d. Proof of a valid and current permit issued by the city in accordance with this chapter. Every adult-use retailer shall display at all times during business hours the permit issued pursuant to the provisions of this chapter in a conspicuous place so that it may be readily seen by all persons entering the location of the adult-use retailer.
14. **Employees.**
- a. An adult-use retailer shall maintain results of live scans conducted annually by the adult-use retailer on all employees with the written results of such live scans being maintained at the location of the adult-use retailer.
- b. All owners and managers must have a current and valid identification card.
15. **Only marijuana products.** Consistent with this Chapter and State law, Adult-use retailers shall only dispense, offer to sell, or provide marijuana, marijuana products, and marijuana-related products. Marijuana-related products include, but are not limited to, pipes used for the consumption of marijuana, rolling papers for the consumption of marijuana, etc.
16. **No alcohol.** Adult-use retailers shall not hold or maintain a license from the State Department of Alcoholic Beverage Control to sell alcoholic beverages, or operate a business

that sells alcoholic beverages.

17. **No lounge or cafe.** Adult-use retailers shall not operate as a lounge, cafe or restaurant serving food or drinks for consumption on-site. There shall be no seating area, tables, couches, or chairs for the gathering or congregating of individuals.
18. **Site Management.**
 - a. The adult-use retail permit holder shall take all reasonable steps to discourage and correct conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours if related to the operation of the adult-use retailer.
 - b. Reasonable steps shall include immediately calling the police upon observation of the activity, and requesting that those engaging in activities that constitute a nuisance or are otherwise illegal to cease those activities, unless personal safety would be threatened in making the request.
 - c. Nuisance includes but is not limited to disturbances of peace, open public consumption of marijuana, alcohol or controlled substances, excessive pedestrian or vehicular traffic, including the formation of any pedestrian lines outside the building, illegal drug activity, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct or police detentions and arrests.
 - d. The adult-use permit holder shall make available to customers who are dispensed, sold, or provided with marijuana or marijuana products a list of the rules and regulations governing marijuana use and consumption within the city.
19. **Delivery of marijuana.**
 - a. All employees who provide delivery of marijuana from an adult-use retailer to a customer located outside the adult-use retailer location must have a valid identification card at all times with the employee while the delivery is being made.
 - b. All deliveries must be recorded by the adult-use retailer and maintained in the regular records of the adult-use retailer. These records shall include but not be limited to the identity of the recipient, the amount delivered, the date of the delivery, the address of the delivery, and the name of the employee making the delivery.
 - c. Upon receipt of a delivery outside of the location of the adult-use retailer, a customer must sign for the delivery on a written identifiable receipt to be kept in the regular records of the adult-use retailer.
 - d. All deliveries must leave the adult-use retailer in sealed containers whose seals will not be broken until receipt of the delivery by the customer.

Suspension and Revocation:

- 20. The Director is authorized to suspend and/or revoke a medical marijuana dispensary permit and or adult-use marijuana retailer permit issued pursuant to this chapter upon the determination through written findings of a failure to comply with any provision of this chapter, any condition of approval, or any agreement or covenant as required pursuant to this chapter.

- 21. The Director may suspend or revoke a medical and adult marijuana dispensary permit if any of the following occur:
 - a. The Director determines that the medical marijuana dispensary or adult-use marijuana retailer has failed to comply with any aspect of this chapter, any condition or approval, or any agreement or covenant as required pursuant to this chapter; or
 - b. Operations cease for more than 180 calendar days (including during any change of ownership, if applicable); or
 - c. Ownership is changed without securing a new medical marijuana dispensary permit or adult-use marijuana retailer regulatory permit; or
 - d. The medical marijuana dispensary and or adult-use marijuana retailer fails to maintain required security camera recordings; or
 - e. The medical marijuana dispensary and adult-use retailer fails to allow inspection of the security recordings, the activity logs, the records, or of the premise by authorized City officials.

Applicant/Operator Signature: _____ **Date:** _____
 Alfonso Luera

I hereby certify that I have reviewed the contents of Conditions of Approval for Adult-Use Marijuana Retailer Regulatory Permit PLN18-05353 and acknowledge, understand, and agree to be bound by its terms and conditions.



CITY OF PERRIS

HABIB MOTLAGH, CITY ENGINEER

CONDITIONS OF APPROVAL

P8-625

November 9, 2018

Minor Modification 18-05038, Medical Marijuana Dispensary 17-05171

4605 Wade Avenue

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

1. The project's grading shall be in a manner to perpetuate existing drainage patterns, any deviation from this, concentration or increase in runoff must have approval of adjacent property owners. Drainage easements shall be obtained from effected property owners or if within this site, shall be shown on the final map. The applicant shall accept the offsite runoff and convey to acceptable outlet.
2. The incremental increase in runoff between developed and undeveloped state (100-year) and the nuisance runoff shall be retained within onsite private detention basin and drainage to adequate outlet as approved by City and pursuant to Riverside County Flood Control standards.
3. Onsite landscape area(s) shall be designed in a manner to collect the onsite nuisance runoff.
4. Prior to issuance of any permit, the developer shall sign the consent and waiver forms to join the lighting and landscape districts. The developer shall maintain all on and offsite landscaping.

DEPARTMENT OF ENGINEERING
24 SOUTH "D" STREET, SUITE 100, PERRIS, CA 92570
TEL.: (951) 943-6504 - FAX: (951) 943-8416

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5. This project is located within EMWD's water and sewer service area. The applicant shall install water and sewer facilities as required by EMWD and Fire Department.
6. The applicant shall submit to City Engineer the following for his review:
 - a. Onsite Grading Plan and Erosion Control Plans
 - b. Water and Sewer Plans

The project's design shall be in compliance with EMWD and Riverside County Standards and coordinated with approved plans for adjacent developments.

7. All pads shall be graded to be a minimum of 1' above 100-year calculated water surface or adjacent finished grade.
8. Nance Street along the property frontage shall be improved with concrete curb and gutter located 20 feet south of centerline within 30 feet half width dedicated right-of-way and minimum of 32 feet of new pavement per County of Riverside Standard No. 105 Section "C" (60'/40').
9. Wade Avenue along the property frontage shall be improved with concrete and gutter located 22 feet east of centerline within 33 feet half width dedicated right-of-way and minimum of 34' of new pavement per County of Riverside Standard No. 104 Section "A" (66'/44').
10. 6' concrete sidewalk and driveways shall be installed pursuant to Riverside County and ADA standards. All driveway approaches shall be constructed per Riverside County standards for Commercial Driveway (Std. 207A) and comply with the ADA requirements.
11. A streetlight shall be installed along perimeter street adjacent to this site as approved by City Engineer per City of Perris standards. Street lights shall be prepared by Electrical Engineer and shall be LS3, LED.
12. Pavement transition shall be provided per Caltrans standards.

Habib Motlagh
Habib Motlagh
City Engineer



Dennis Grubb and Associates, LLC

Assisting Cities Build Safe Communities

Fire Department Development Review Comments

October 23, 2018

City of Perris
Attn: Nathan Perez
135 N. D Street
Perris, CA 92570-2200

Subject: Development Review for MM5038, 4605 Wade Ave

As requested a review of the subject property was completed. Please apply the following conditions;

1. Prior to the to the issuance of a building 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.
2. 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.
3. All required fire hydrants shall be installed and operational prior to building construction.
4. All fire hydrants shall remain operational during construction.
5. 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.
6. 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.

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7. All buildings shall be provided with fire alarm systems including smoke detectors throughout. Construction plans shall be submitted to the city for review and approval to the City of Perris prior to installation.
8. 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.
9. Prior to the issuance of building permits a City of Perris Chemical Classification Disclosure shall be submitted for review and approval. All hazardous materials as defined by the fire code that will either be stored or used at the facility shall be disclosed. The disclosure package can be obtained at <http://www.cityofperris.org/city-hall/forms/fire-forms/ChemicalClassificationPackage01-17.pdf>
10. Prior to the use of any flammable gas for extraction processing plans shall be submitted to the city for review and approval for the required flammable gas detection system. Insure that the flammable gas detection system shall be listed or approved and shall be calibrated to the types of fuels or gases used for the extraction process. The gas detection system shall be designed to activate when the level of flammable gas exceeds 25 percent of the lower flammable limit (LFL).
13. Prior any extraction processing a Technical Report by a California Licensed Fire Protection Engineer (FPE) or by a Registered Design Professional (RDP) shall be provided to the city for review and approval. The report shall cover all aspects of the oil extraction process and the equipment use. The technical report shall contain at a minimum, but not limited to, all of the following:
 - Manufacturer information (name, company, phone/email contacts).
 - Preparer of record on technical report.
 - Date of review and report revision history.
 - Signature page shall include all of the following, Author, Date, Seal and Signature of the Engineer
 - Model number of the item evaluated. If the equipment is provided with a serial number, the serial number shall be included for verification at time of site inspection.
 - Methodology of the design or peer review process used to determine minimum safety requirements. Methodology shall consider the basis of design, and shall include a code analysis and code path to demonstrate the reason as to why specific code or standards are applicable or not.
 - Equipment description. A list of every component and sub-assembly (fittings, hose, quick disconnects, gauges, site glass, gaskets, valves, pumps, vessels, containers, switches, etc.) of the system or equipment, indicating the manufacturer, model number, material, and solvent compatibility. Include manufacturers' data sheets.
 - A general flow schematic or general process flow diagram of the process. Post-processing or winterization shall be included in this diagram. All primary components of the process equipment shall be identified and match the equipment list above. Operating temperatures, pressures, and solvent state of matter shall be identified in each primary step or component. A piping and instrumentation diagram (P&ID).

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- Record of any pressure vessels, and spec sheets. Indicate if pipe is used for fabricated components.
- Structural analysis for the frame system supporting the equipment.
- Process safety analysis of the extraction system, from the introduction of raw product to the end of the extraction process.
- Comprehensive process hazard analysis (PHA) considering failure modes and points of failure throughout the process. The process hazard analysis shall include a review of emergency procedure information provided by the manufacturer of the equipment or process, assembly instructions, operation and maintenance manuals provided by the manufacturer.
- Identify the location of all Class I & II, Division 1 & 2, zones, and a review of all electrical components verifying they are listed for the hazardous environment in which they are located.
- List of references used in the analysis. CFC 3804.3.1

NOTE: Prior to contracting with the FPE or RDP obtain the City of Perris Fire Marshal Office approval for the proposed firm/individual. Resumes and or other supporting documentation shall be provided that demonstrates that they are experts in the oil extraction process and equipment and the associated hazard. Exception: Pressure Safety Inspectors LLC (Chris Witherell) is a pre-approved RDP.

14. Prior to the operation of any extraction processing a site inspection shall be performed by Technical Report California Licensed Fire Protection Engineer (FPE) or by a Registered Design Professional (RDP) who prepared the Technical Report once the extraction equipment is installed. Once the inspection is completed the FPE/RDP shall prepare a report on their findings. The report shall include the serial number of the equipment used in the process and shall confirm the equipment installed is the same model and type of equipment identified in the technical report. The Finding Report shall be provided to the Perris Fire Marshal Office for review and approval prior to fire department final inspection.

Respectfully,

Dennis Grubb, CFPE

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CITY 000517

SRC TRANSMITTAL

APP 3

ADMINISTRATIVE DEVELOPMENT

REVIEW APR 17-05171

BUILDING COMMENTS

-
1. Must Comply with the Latest Adopted Version of the California Fire Code 2016 Edition
 2. Must Have Proper Fire Access to the Building facility and around the facility.
 3. A PROPER ALL WEATHER ROAD WILL BE REQUIRED FOR Fire Department access to the facility.
 4. The new proposed use will have to comply with the 2016 California Building Code Access regulations for the parking areas, access ramps, this will include the proper placement of the required signs for access and parking.
 5. The parking lot will have to be paved and re-stripped.
 6. Handicapped parking will have to be provided for the site.
 7. The Building MIGHT have to have commercial fire sprinklers installed depending on the existing fire flow for the proposed facility.
 8. The location of any existing fire hydrant will have to be identified on the plans and the size of the existing hydrant will also have to be identified.
 9. The distance to the proposed structure from the fire hydrant will have to be provided.
 10. Proper fire flow will also have to be provide for the proposed commercial use. Proof of the required fire flow will have to be provided.
 11. Any proposed addition and remodel to the exterior of the modular, will have to comply with the latest adopted version of the 2016 California Electrical Code, Mechanical Code, Plumbing Code, Building Code, and Energy Codes.
 12. Any interior remodels or additions will have to be reviewed, approved and inspected through HCD.

Brian Muhu

David J. Martinez/Interim Building & Fire Official

Date: 11-27-17