

**RESOLUTION NUMBER 5840**

***A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ADOPTING MITIGATED NEGATIVE DECLARATION (MND) 2356, AND APPROVING CONDITIONAL USE PERMIT (CUP) 19-05271 AND VARIANCE (VAR) 20-05162 SUBJECT TO THE ADOPTION OF SPECIFIC PLAN AMENDMENT (SPA) 19-05282 TO ALLOW THE SALE OF ALCOHOL (TYPE 20) FOR OFF-SITE CONSUMPTION AND TO CONSTRUCT A 3,227 SQUARE FOOT CONVENIENCE STORE/GAS STATION, A 2,720 SQUARE FOOT FUELING CANOPY, AND A STAND-ALONE 991 SQUARE FOOT CARWASH LOCATED AT THE SOUTHEAST CORNER OF PERRIS BLVD AND RIDER STREET SUBJECT TO CONDITIONS OF APPROVAL AND THE FINDINGS NOTED HEREIN.***

***WHEREAS***, the applicant, Larry Roberts, filed CUP 19-05281, SPA 19-05282, and VAR 20-05162 for a request to amend the Perris Commerce Center Specific Plan (PVCC SP) to rezone a two (2) acre site (APN:300-300-026) from Business Professional Office (BPO) to Commercial (C) to allow the sale of alcohol (Type 20 ABC) for off-site consumption, and to facilitate construction of a 3,227 sq. ft. 7-Eleven convenience store, a 2,720 sq. ft. fueling canopy, and a stand-alone 991 sq. ft. automatic drive-thru carwash located at the southeast corner of Perris Blvd and Rider Street; and

***WHEREAS***, the applicant applied for a VAR application to reduce the minimum distance for service stations that sell alcohol for off-site consumption from a church; and

***WHEREAS***, the CUP 19-05281, SPA 19-05282, and VAR 20-05162 have been duly noticed; and

***WHEREAS***, the proposed Conditional Use Permit (CUP) 19-05281, Specific Plan Amendment (SPA) 19-05282, Variance (VAR) 20-05162 (collectively, the "Project") are considered a "project" as defined by the California Environmental Quality Act ("CEQA"); and

***WHEREAS***, On September 17, 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).; and

***WHEREAS***, between May 5, 2021 and June 3, 2021, the Initial Study/MND 2356 for the Project was made available for public review and comment during a state-mandated 30-day public review period (SCH # 2021050082); and

***WHEREAS***, a Planning Commission public hearing was held on June 16, 2021, regarding the Initial Study/MND 2356 (SCH # 2021050082) and the Project at which time all interested persons were given full opportunity to be heard and to present evidence for the Planning Commission's consideration, and, at the conclusion of the public hearing and after consideration thereof, the Planning Commission recommended approval of IS/MND 2356 (SCH #2021050082) and Project to the City Council; 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 Specific Plan Amendment, Conditional Use Permits and Variances; and

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

**WHEREAS**, on July 27, 2021, the City Council conducted a duly noticed public hearing regarding the Initial Study/MND 2356 (SCH # 2021050082) and the Project, at which time all interested persons were given full opportunity to be heard and to present evidence for the City Council's consideration (including all oral and written testimony from members of the public and City staff, including, but not limited to, the City staff reports and accompanying documents and exhibits); and

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

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

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

**Section 2.** The City Council hereby determines pursuant to Section 15070 of the CEQA Guidelines that based upon on the forgoing, the Initial Study, staff report, supporting exhibits, prepared for the Project in accordance with City of Perris guidelines for implementing the CEQA, and all written and oral testimony presented at the public hearing, 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 City's Zoning Code, and standard requirements of the City, therefore an initial study/Mitigated Negative Declaration (MND) 2356 (SCH # 2021050082) has been prepared. The Initial Study was undertaken for the purpose of determining whether the Project may have a significant effect on the environment. From all potential impacts evaluated, impacts in the area of biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and noise were identified, but will be reduced to less than significant levels with implementation of the mitigation measures identified in the Initial Study. The City did not identify any significant, unavoidable impacts that require further analysis in an Environmental Impact Report. 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) 2356 (SCH # 2021050082) has been prepared. The City has complied with the California Environmental Quality Act (CEQA) and determinations of the City Council reflect the independent judgment of the City. The City Council, therefore, adopts MND 2356.

**Section 3.** Based upon the foregoing, information and findings presented in the staff report and supporting exhibits, and all written and oral testimony presented at the public hearing on July 27, 2021, with respect to Conditional Use Permit 19-05281, the City Council finds that:

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

Upon approval of the Specific Plan Amendment changing the designation from Business Park Office (BPO) to Commercial (C), the Project will be in a Commercial zone which allows off-sale alcohol, fueling stations, and a car wash with a Conditional Use Permit. The location, size, design, density and intensity of the proposed development and improvements are consistent with the City's General Plan, the purposes and provisions of Title 19 of the City's Municipal Code, the purposes of the zone in which the site is located, and the development policies and standards of the City. The Commercial zone is intended for the proposed uses.

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 Project is amending the Perris Valley Commerce Specific Plan designation to Commercial. Off-sale alcohol, fueling stations, and a car wash are permitted subject to the approval of a Conditional Use Permit per the underlying Commercial zone. The Project has also applied for a variance due to its proximity to sensitive uses. With approval of the Specific Plan Amendment and Variance, the Project will comply with all applicable requirements. The proposed Project is consistent with Policy III.A of the General Plan to "accommodate diversity in the local economy." The project will allow new commercial shopping and employment opportunities within the City and enhance diversity in the local economy. Therefore, proposed Project does not conflict with the General Plan land use designation and aligns with the Elements of the General Plan.

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.

The Project is located at the southeast corner of Perris Boulevard and Rider Street. The Project Site is appropriately designated for convenience store development, it is compatible with neighborhood character, and the improvements will conform to all requirements of the City Police and Fire Departments. The proposed off-sale beer and wine (Type 20 ABC) for the convenience store is permitted subject to the review and approval of a Conditional Use Permit and Department of Alcoholic Beverage Control (ABC) regulations. Off-sale beer and wine are typical for that of a convenience store operation and is intended to provide a one-stop shop for customer's convenience. The gas station and convenience store will operate 24-hours, but coolers containing beer and wine will be locked and not sold during the hours restricted by ABC (from 2AM to 6AM). The proposed

convenience store operation with the added fuel service station will maximize economic potential of the existing vacant site that is underutilized. The convenience store will be operated according to 7-Eleven guidelines and standards that have proven effective at securing the public safety, health, and welfare; thus, the operation will not harm other properties or improvements in the area.

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

Standard 7-Eleven architecture has been implemented in thousands of locations across Southern California with two (2) other locations in the City of Perris. The architecture conforms to all City standards and has been reviewed by City Staff for conformance to said standards and compatibility with the character of the community. The architecture is harmonious with the neighborhood character and meets all pertinent community standards. The Project site is adjacent to commercial uses to the north, west, and northeast. Immediately south and southeast of the site are residential uses. The Project is set back 25' from the adjacent residential homes, the homes face away from the Project site, and the homes will be buffered by an 8' tall privacy wall. The Project is compatible with the surrounding land uses and will be a welcome and convenience addition to the neighborhood. Overall, the elevations include the following architectural features, which define the building's base, body, and cap which is consistent with the architectural standards envisioned for the PVCCSP.

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

The City's landscape standards ensure the Project will visually buffer the surrounding land uses while providing an attractive environment for business patrons as well as those living in the community who would see this Project daily. The Project exceeds City landscape standards and provides landscape plantings covering 27.1% of the lot, and as a result, it provides sufficient landscape plantings and space to make an attractive environment the public will enjoy.

**Section 4.** Based upon the foregoing, information and findings presented in the staff report and supporting exhibits, and all written and oral testimony presented at the public hearing on July 27, 2021, with respect to the additional findings required per PMC Section 19.65.040 to grant a Conditional Use Permit 19-05281 for the sale of alcoholic beverages (Type 20 – Beer and Wine) for off-site consumption, the City Council finds that:

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

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

Paragon Park is approximately 2,600 feet away located at the southwest corner of Redlands Avenue and Placentia Avenue. Walking or driving to this park requires nearly a mile travel, making it unlikely that patrons buying alcohol will congregate there. Val Verde Elementary school is approximately 4,000 feet away located at the northwest corner of Indian Avenue and West Water Avenue. Walking or driving to this school requires two turns and travel greater than one mile. The New Creation Church is approximately 250 feet northeast of the subject site. The Church is in the middle interior of a business park facing away from the subject site.

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

The traffic increases associated with the use will not result in potential hazards to existing pedestrian and/or vehicular traffic. The traffic associated with the alcohol sales represents a portion of the overall traffic for the proposed Project. Conformance with City standards will ensure that the proposed Project will not result in hazards to the existing pedestrian or vehicular traffic.

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

The establishment will not constitute an enforcement problem to the Riverside County Sheriff's Department. The proposed Project will conform to all requirements of the City Codes and Public Safety regarding alcohol sales. The sale of alcohol is not the primary focus of the convenience store and only takes up a small portion of the floor space.

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

Upon approval of the Specific Plan Amendment changing the designation from Business Park Office to Commercial, the Project will be in a Commercial zone which allows off-sale alcohol, fueling stations, and a car wash with a Conditional Use Permit. The location, size, design, density and intensity of the proposed development and improvements are consistent with the purposes and provisions of Title 19 of the City's Municipal Code, the City's General Plan, the zone in which the site is located, and the development policies and standards of the City. The proposed Project has been designed to conform to all zoning requirements.

**Section 5.** Based upon the foregoing, information and findings presented in the staff report and supporting exhibits, and all written and oral testimony presented at the public hearing on July 27, 2021, with respect to Variance 20-05162 to reduce the Zoning Code requirement for service stations that sell alcohol for off-site consumption within a 1000-foot radius of a church, the City Council finds that:

1. There are unique physical circumstances applicable to the subject land, including size, shape, topography, location and surroundings.

The Project site is approximately 250 feet in a straight line from the New Creation Church located at 57 Business Park Dr, Perris, CA 92571; however, the Church is in the middle of a business park facing away from the subject site, so driving distance is significantly greater. There are no schools, parks or other churches within 1,000 feet. The Project is more than 2,640 feet from the nearest mini-mart or service station selling alcoholic beverages. The proximity to this one sensitive use creates the need for the variance. The application provides a letter of support from the Church as part of the application.

2. The strict application of zoning standards deprives the property of the right to use the land in a manner enjoyed by other conforming property in the vicinity under identical zoning standards.

The strict application of the zoning standard would prohibit the use at this location. There are numerous examples in Perris where convenience stores with off-sale alcohol are located within 1000 feet of a sensitive use. For example, one mile north of the Project site at the intersection of the Ramona Expressway and Perris Boulevard, three convenience stores are located within 1,000 feet of the Sanctuary Church located at 3865 N Perris Blvd, Perris, CA 92571. Also, two miles south of the Project site is a Chevron located at 33 W Nuevo Rd, Perris, CA 92571, which is directly across the street from Perris High School. The strict application of zoning standards would deprive this property of rights enjoyed by other similar properties in the area.

3. The granting of the variance and any appropriate conditions of approval shall not constitute a grant of special privileges which other conforming property properties in the vicinity do not enjoy under identical zoning standards.

The variance is not a special privilege and similar variances have been granted at other locations in Perris. One mile north of the subject site at the intersection of Ramona Expressway and N. Perris Boulevard, three convenience stores, AM/PM, Shell, and Circle K are all located within a short distance of the Islamic Center and the Sanctuary Church. Also, the proposed sale of alcohol for off-site consumption is subject to more stringent conditions of approval that far exceed P.M.C. 19.65 (Alcohol Beverage Sale Regulations) regulations. Therefore, the granting of a variance does not constitute a special grant or special privileges.

4. The granting of the variance will not adversely affect the objectives, policies, and programs contained in the City's General Plan.  
The granting of the variance will not affect any objectives, policies, and programs contained in the City's General Plan.

**Section 6.** Based upon the foregoing, information and findings presented in the staff report and supporting exhibits, and all written and oral testimony presented at the public hearing on July 27, 2021, the City Council hereby approves Conditional Use Permit (CUP) 19-05281, and Variance (VAR) 20-05162 for a to allow the sale of alcohol (Type 20 ABC) for off-site consumption, and to facilitate

construction of a 3,227 sq. ft. 7-Eleven convenience store/gas station, a 2,720 sq. ft. fueling canopy, and a stand-alone 991 sq. ft. automatic drive-thru carwash located at the southeast corner of Perris Blvd and Rider Street, based on the information and findings presented in the staff report and subject to the attached Conditions of Approval.

**Section 7.** The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words of this Resolution shall remain in full force and effect.

**Section 8.** The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption of this Resolution.

**ADOPTED, SIGNED, and APPROVED** this 27<sup>th</sup> day of July, 2021.

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Michael M. Vargas, Mayor

ATTEST:

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City Clerk, Nancy Salazar

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

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 5840 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 27<sup>th</sup> day of July 2021 by the following called vote:

AYES: CORONA, ROGERS, NAVA, VARGAS  
NOES: RABB  
ABSTAIN: NONE  
ABSENT: NONE

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City Clerk, Nancy Salazar