

**RESOLUTION NUMBER 6153**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 21-05219 (TPM 38292), DEVELOPMENT PLAN REVIEW 21-00013, CONDITIONAL USE PERMIT 21-05216, TO FACILITATE THE CONSTRUCTION OF A 950,224-SQUARE-FOOT WAREHOUSE FACILITY AND A 37,215 SQUARE FOOT COMMERCIAL CENTER BASED UPON THE FINDINGS HEREIN AND SUBJECT TO CONDITIONS OF APPROVAL.**

**WHEREAS**, the project applicant, Daniel Sachs, of, Perris Land Co, LLC., proposes to construct a 950,224 square-foot refrigerated warehouse distribution facility and 37,215 square-foot commercial development;

**WHEREAS**, the applicant submitted: 1) Tentative Parcel Map 21-05219 (“TPM 38292”) to subdivide 49.17 acres into eight (8) parcels, ranging in size from 0.80 to approximately 42.22 acres; 2) Development Plan Review (“DPR”) 20-00013 for consideration of the site plan and building elevations; and 3) Conditional Use Permit (“CUP”) 21-05216 to permit a vehicle fuel station with a convenience store, car wash, four drive-throughs establishments within the proposed commercial development for the above-mentioned project (the “Project”); and

**WHEREAS**, the proposed TPM 38292, DPR 20-00013 and CUP 21-05216 are considered a “project” as defined by the California Environmental Quality Act (“CEQA”); and

**WHEREAS**, pursuant to CEQA and the State CEQA Guidelines (14 Cal. Code Regs. §15000 *et seq.*), the City is the lead agency for the Project, as it is the public agency with general governmental powers over the Project; and

**WHEREAS**, an Environmental Impact Report (“EIR”) (State Clearinghouse (SCH) No: 2022040023) was prepared for the Project, which includes, without limitation, TPM-38292, DPR 20-00013, Conditional Use Permit (CUP) 21-05216 and was made available for public review and comment for a forty-five (45) day period in accordance with CEQA from October 28, 2022 to December 12, 2022; and

**WHEREAS**, the Airport Land Use Commission (“ALUC”) conducted a hearing on December 15, 2022, to consider the Project’s consistency with the C1 Zone and determined that the Project is conditionally consistent with the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (“MARB/IPA ALUCP”); and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on February 15, 2023 regarding the EIR and 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 certification of the EIR and approval of the Project to the City Council; and

**WHEREAS**, on March 14, 2023, the City Council conducted a duly noticed public hearing regarding the EIR and 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**, before acting, 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, including all oral and written evidence presented to the City by members of the public and City staff during all Project meetings and hearings; and

**WHEREAS**, all other legal prerequisites to adopting this Resolution have occurred.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF PERRIS** does resolve as follows:

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

**Section 2.** Based upon the forgoing and all oral and written statements and reports presented by City staff and members of the public, including, but not limited to, all such ideas and information presented at its public hearing on March 14, 2023, the City Council finds:

1. An Environmental Impact Report (SCH 2022040023) has been completed in compliance with the California Environmental Quality Act (CEQA) Guidelines. The EIR concludes that all impacts have generally been reduced to less than significant or have been reduced to below the level of significance with the implementation of mitigation measures, except for impacts related to air quality, cumulative GHG emissions, and transportation have been identified as significant and unavoidable. The City Council has fully considered the EIR and has certified it concurrently with the approval of this Resolution including adoption of a Statement of Overriding Considerations. The City Council finds that the Project is consistent with, and has been fully assessed by the EIR, and that this Project is specifically anticipated in the EIR and is consistent with the purpose and intent of the EIR.
2. The City has complied with CEQA.
3. Determinations of the City Council reflect the independent judgment of the City.

**Section 3.** Based upon the preceding, the Environmental Impact Report (SCH 2022040023), and all oral and written communication submitted by members of the public and City staff to the City Council on March 14, 2023, public hearing (including, but not limited to, all staff reports and supporting exhibits), the City Council further finds the following:

**Tentative Parcel Map 21-05219 (TPM 38292)**

1. *The proposed map is consistent with the applicable General and Specific Plans.*

The Project proposes a Tentative Map to subdivide the 6.95 acres of commercial land into seven (7) parcels ranging in approximate size from .80 to 1.67 acres. The remaining 42.22-acre parcel is for the industrial warehouse and commercial site. The map is consistent with the minimum lot size requirement of 15,000 square feet in the Light Industrial (LI) and minimum one-acre lot size for Commercial (C) Zones to facilitate the construction and operation of construction of a 950,224-square foot-warehouse facility and a 37,215 square-foot commercial center. The Project site is also located in the area designated as Planning Area 3: Agricultural Conversion Area of the City of Perris General Plan, which notes that the largest land use category within this Planning Area is Commercial and Light Industrial and that due to the area's proximity to Interstate I-215, the cargo airport, other industrial and commercial land uses, and an existing rail line along the western edge, future development should be planned to expand industrial and commercial opportunities.

2. *The site is physically suitable for the type and density of the proposed development.*

As noted above, the Project proposes a vested tentative parcel map to subdivide the 6.95 commercial into seven (7) parcels ranging in approximate size from .80 to 1.67 acres, and the remaining 42.22-acre parcel is for the industrial warehouse and commercial site. The Project has been designed to be consistent with all applicable Code requirements for industrial projects in the LI and C Zone of the PVCCSP, including lot coverage, floor area ratio, height, setbacks, landscaping, and parking noted in the staff report.

3. *The map's design or the type of improvements will not cause substantial environmental damage or unavoidably injure fish, wildlife, or their habitat.*

The potential environmental impacts associated with the Project were evaluated in Environmental Impact Report (SCH 2022040023). It has been determined that all possible effects of the Project on biological resources will be reduced to less than significant levels.

4. *The map's design or the type of improvements will not cause serious public health problems.*

The EIR prepared for the Project concludes that all impacts have generally been reduced to less than significant or have been reduced to below the level of significance with the implementation of mitigation measures, except for impacts related to air quality, cumulative GHG emissions, and transportation have been identified as significant and unavoidable. A written response to AQMD comments was provided ten days before the Planning Commission meeting, explaining that comments related to the PVCC-SP Final EIR. Additionally, because the PVCC-SP Final EIR was prepared at a programmatic level, a mitigation measure requires individual projects to prepare a Health Risk Assessment (HRA) to identify project-specific impacts resulting from the use of diesel trucks. The HRA was prepared for this project and is included in Appendix C2 of the Draft EIR. It concluded that the Project will not cause a significant human

health or cancer risk to adjacent workers or sensitive receptors. Therefore, including the Statement of Overriding Considerations in the FEIR that all impacts have been reduced to below the level of significance with the implementation of the mitigation measure, and adoption

### **Conditional Use Permit 21-05216**

1. *The proposed location of the conditional use is in accord with the objectives of Title 19 of the Perris Municipal Code and the purposes of the zone in which the site is located.*

The project complies with the proposed (LI) Light Industrial Zone proposed under the Specific Plan Amendment to rezone 42.22 from Business Park Office (BPO) and Commercial (C ) Zones to Light Industrial (LI) Zone. As conditioned, the Project meets or exceeds the standards of the proposed zones. Overall, the proposal is in consistent with the allowed commercial and industrial uses.

2. *The proposed Project 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 Project conforms to the goals of the General Plan, PVCCSP, and Zoning Code by complying with the developments standards of the proposed LI and C Zones, providing superior sign design/architecture, and allowing for future landscaping.

3. *The proposed location of the CUP 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 Project 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 Project is subject to the City's PVCCSP and Zoning Code development standards for commercial and industrial uses and will also comply with fire accessibility requirements.

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

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's character and meets all pertinent community standards. The Project site is compatible with the surrounding uses. The applicant has been working with the Val Verde High School and Academy to ensure truck traffic is not in conflict with the vehicles entering and exiting the school site. The Project proposes a block wall on the southerly line shared with the school to further mitigate any impacts and will resolve drainage issues on the school site. Overall, the elevations include the following architectural

features, which define the building's base, body, and cap, which are consistent with the architectural standards of the City. Additionally, staff received letters in support of the project including the Val Verde High School and Academy, Val Verde School District, Alabbasi Construction, Allen Lynch from the Lynch Group, Inc., Perris Valley Chamber of Commerce, and letters from Perris residents.

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 12.83% of the lot, and as a result, it provides sufficient landscape plantings and space to make an attractive environment the public will enjoy.

### **Development Plan Review 21-00013**

1. *The location, size, design, density, and intensity of the proposed development and improvements are consistent with the City's General Plan, any applicable Specific Plans, the purposes and provisions of this Title, the purposes of the zone in which the site is located, and the development policies and standards of the City.*

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 Zones in which the site is located, and the development policies and standards of the City.

2. *The subject site is physically suitable, including but not limited to parcel size, shape, access, and availability of utilities and services, for the type of development proposed.*

The commercial and industrial components of the project are in accordance with the standards of the underlying zone. Adequate access, utilities, and services are provided on site. The commercial buildings are desirable for the community and ensure compatibility with surrounding uses. The proposed project will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

3. *The proposed development and the conditions under which it would be operated or maintained are compatible with abutting properties. They will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.*

The proposed project will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. A traffic signal will be installed at the project entry on Ramona Expressway to provide safe

access to the site. 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.

The project proposes an architecturally enhanced industrial building and a commercial center concept with varying roofline angles and heights, steel canopy awnings, frosted glass building elements, and glass storefront components. Colors on the façades range from brown and grey and white hues meets the development standards of the PVCCSP Commercial Zone and the Light Industrial Zone. The landscaping plan ensures visual relief and an attractive environment for the public's enjoyment.

In addition, the following community benefits will be provided as part of this project: 1) A "Welcome to Perris" monument sign proposed on the Ramona Expressway median; 2) Contribution of \$776,634 for the Perris Downtown Skill Training & Job Placement Center; 3) Contribution of \$200,000 to the Val Verde High School's Career and Technical Education (CTE) Program; 4) Contribution of \$27,000 to the Val Verde Academy to fund the garden modernization project; and 5) at least one retail business is required to be in operation and open to the public prior to releasing occupancy for the industrial building. Other physical benefits outlined in the Development Agreement include a \$1.9 million regional storm drain improvement that starts from the westerly boundary of the site at Nevada Avenue and connects to the existing Master Plan Drainage Facility (Line E) at the northeast corner of Ramona Expressway and Webster Avenue.

**Section 4.** Based upon the preceding, the Environmental Impact Report (SCH: 2022040023), and all oral and written communication submitted by members of the public and City staff to the City Council on March 14, 2023, public hearing (including, but not limited to, all staff reports and supporting exhibits), the City Council approved Tentative Parcel Map (TPM 38386), Development Plan Review (DPR 20-00013), and Conditional Use Permit (21-05216), subject to the Mitigation Monitoring and Reporting Program and Conditions of Approval attached to this Resolution, with modification to Condition of Approval #37 as follows:

To promote the City's tree planting initiative currently underway to make Perris GREEN providing positive benefits to the local environment from air quality to shading, the developer will plant one tree per ~~5,000~~ **2,500** sq. ft. of building size to include irrigation lines and controllers at an off-site location to be determined by the City (i.e., City right-of-way, parks, etc.) to provide funding equivalent to such cost the discretion of the City prior to issuance of the building permit.

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

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

**ADOPTED, SIGNED, and APPROVED** this 14<sup>th</sup> day of March 2023

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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 6153 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held on the 14<sup>th</sup> day of March 2023, by the following called a vote:

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

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City Clerk, Nancy Salazar

**Attachments:**        Conditions of Approval (Planning, Engineering, Public Works, Community Services, Fire, Building and Safety)