ORDINANCE NUMBER 1405

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING SPECIFIC PLAN AMENDMENT (SPA) 19-05282, A REQUEST TO AMEND THE PERRIS COMMERCE CENTER SPECIFIC PLAN TO REZONE THE TWO ACRE SITE FROM BUSINESS PARK OFFICE (BPO) TO COMMERCIAL (C) TO ALLOW THE SALE OF ALCOHOL (TYPE 20) FOR OFF-SITE CONSUMPTION AND TO FACILITATE CONSTRUCTION OF 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, AND MAKING THE FINDINGS IN SUPPORT THEREOF.

WHEREAS, the applicant, Larry Roberts, filed a Conditional Use Permit (CUP) 19-05281, Specific Plan Amendment (SPA) 19-05282, Variance (VAR) 20-05162 for a request to amend the Perris Commerce Center Specific Plan (PVCCSP) 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/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 (Project); and

WHEREAS, the City Council adopted a Zoning Ordinance establishing zoning designations and development standards for the City of Perris; and,

WHEREAS, proposed Project is considered a "project" as defined by the California Environmental Quality Act (CEQA);

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

WHEREAS, a duly noticed Planning Commission public hearing was held on June 16, 2021, at which time all interested persons were given full opportunity to be heard and to present evidence, and, after considering all oral and written testimony from members of the public and City staff, including, but not limited to, City staff presentations and staff reports, accompanying documents and exhibits, recommended approval of the proposed Project to the City Council; and

WHEREAS, the Conditional Use Permit (CUP) 19-05281, Specific Plan Amendment (SPA) 19-05282, and Variance (VAR) 20-05162 have been duly noticed; and

WHEREAS, on July 27, 2021, the City Council conducted a duly noticed public hearing on the proposed Project at which time all interested persons were given full opportunity to be heard and to present evidence, and the City Council considered all oral and written testimony and materials from members of the public and City staff, including, but not limited, to presentations and staff reports, accompanying documents and exhibits; and

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

WHEREAS, 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 specific plan amendments; and

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

NOW, THEREFORE, City Council of the City of Perris hereby ordains as follows:

Section 1. The above recitals are all true and correct and are incorporated herein as if set forth in full.

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 and in accordance with its Resolution Number 5840, 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 Specific Plan Amendment (SPA) 19-05282 to amend the Perris Commerce Center Specific Plan (PVCCSP) to rezone a two (2) acre site (APN:300-300-026) from Business Professional Office (BPO) to Commercial (C), the City Council finds that:

1. The Specific Plan Amendment (SPA) 19-05282 is consistent with the General Plan Land Use Map and applicable General Plan objectives, policies, and programs.

   The Specific Plan Amendment (SPA) 19-05282 is consistent with, and will contribute to achieving, the goals and objectives established by the City of Perris General Plan to: 1) to accommodate diversity in the local economy. The General Plan designation for the project site is *Perris Valley Commerce Center Specific Plan* (PVCC) with an underlying land use designation of Business Park Office (BPO). The proposed zone change to Commercial implements Policy III.A. of the City of Perris General Plan (2030) as discussed below.

   Policy III.A states, "The commerce and industry to provide jobs for residents at all economic levels to accommodate diversity in the local economy." The proposed Commercial operation/land uses are appropriate within the Perris Blvd Corridor which will provide commercial retail uses for the area of Perris lacking commercial. Also, the rezone allows for future commercial development of commercial base uses which would produce commercial retail-based jobs within the vicinity of the area. Implementation measure III.A.1., states to rezone properties are required to be consistent with surrounding zoned properties to accomplish Policy III.A.

2. The Specific Plan Amendment (SPA) 19-05282 provides adequate text and diagrams to adequately address the following issues in detail:

   a. The distribution, location, and extent of the uses of land, including open space, within the area covered by the Plan.

      The proposed Specific Plan Amendment (SPA) 19-05282 's changes to the zoning from BPO (Business Park Office) to Commercial is appropriate since the proposal includes a commercial gas station/convenience store along the Perris Blvd main thoroughfare and Rider Street providing services for portions of Perris that lack commercial uses. In regard to open space, this is not applicable to industrial or business park, or commercial development as there is no designated park land in the PVCC Specific Plan. However, park fees have been adopted for developments within the PVCC SP which will be collected when development occurs to pay for renovation and expansion of parks

that may in directly contribute to population growth in the city and may necessitate additional park construction.

b. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the Plan and needed to support the land uses described in the Plan.

The PVCC Specific Plan and Specific Plan Amendment (SPA) 19-05282 contains an Infrastructure Plan for major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities. The Infrastructure Plan provides and identifies necessary improvements for development. Since the Commercial Zone is similar to Business Park Office the Infrastructure Plan is designed to accommodate the proposed land use change. The request to change the land use designations will have no impact on the need for infrastructure, nor will it impact existing facilities in ways not previously covered under the original PVCC Specific Plan.

c. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

The PVCC Specific Plan and Specific Plan Amendment (SPA) 19-05282 contains standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources. Also, the Commercial zoning standards are similar to the Business Park Office Standards in setbacks, and parking requirements. The development standards are fully described in the existing specific plan. No changes to the standards are requested.

d. A program of implementation measures including regulation, programs, public works projects, and financing measures necessary to carry out the provisions contained in paragraphs a, b, and c above.

Development of the proposed land use change will require implementation measures including regulation, programs, public works projects, and financing measures necessary to carry out the provisions contained in paragraphs a, b, and c above. The program of implementation is fully described in the existing PVCC Specific Plan. No changes to theprogram of implementation is requested.

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, the City Council hereby approves Specific Plan Amendment (SPA) 19-05282, which is attached hereto, for a request to amend the Perris Commerce Center Specific Plan (PVCCSP) 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/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, subject to the attached Conditions of Approval.

Section 5. The City Council declares that should any provision, section, paragraph, sentence, or word of this Ordinance 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 Ordinance shall remain in full force and effect.

Section 6. The Mayor shall sign this Ordinance and the City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty days after its final passage.

ADOPTED, SIGNED and ***APPROVED*** this 31st day of August 2021.

_____

Michael M. Vargas, Mayor

ATTEST:

_____

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 Ordinance Number (next in order) was duly and regularly introduced by the City Council of the City of Perris at a regular meeting held the 27th day of July 2021 and regularly adopted by the City Council of the City of Perris at a regular meeting held the 31st day of August, 2021 by the following called vote:

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

_____
City Clerk, Nancy Salazar

Attachment: Specific Plan Amendment (SPA) 19-05282 (Redlined Sections)

ACKNOWLEDGEMENTS

Perris Valley Commerce Center Specific Plan
Amendment No. 9

City of Perris

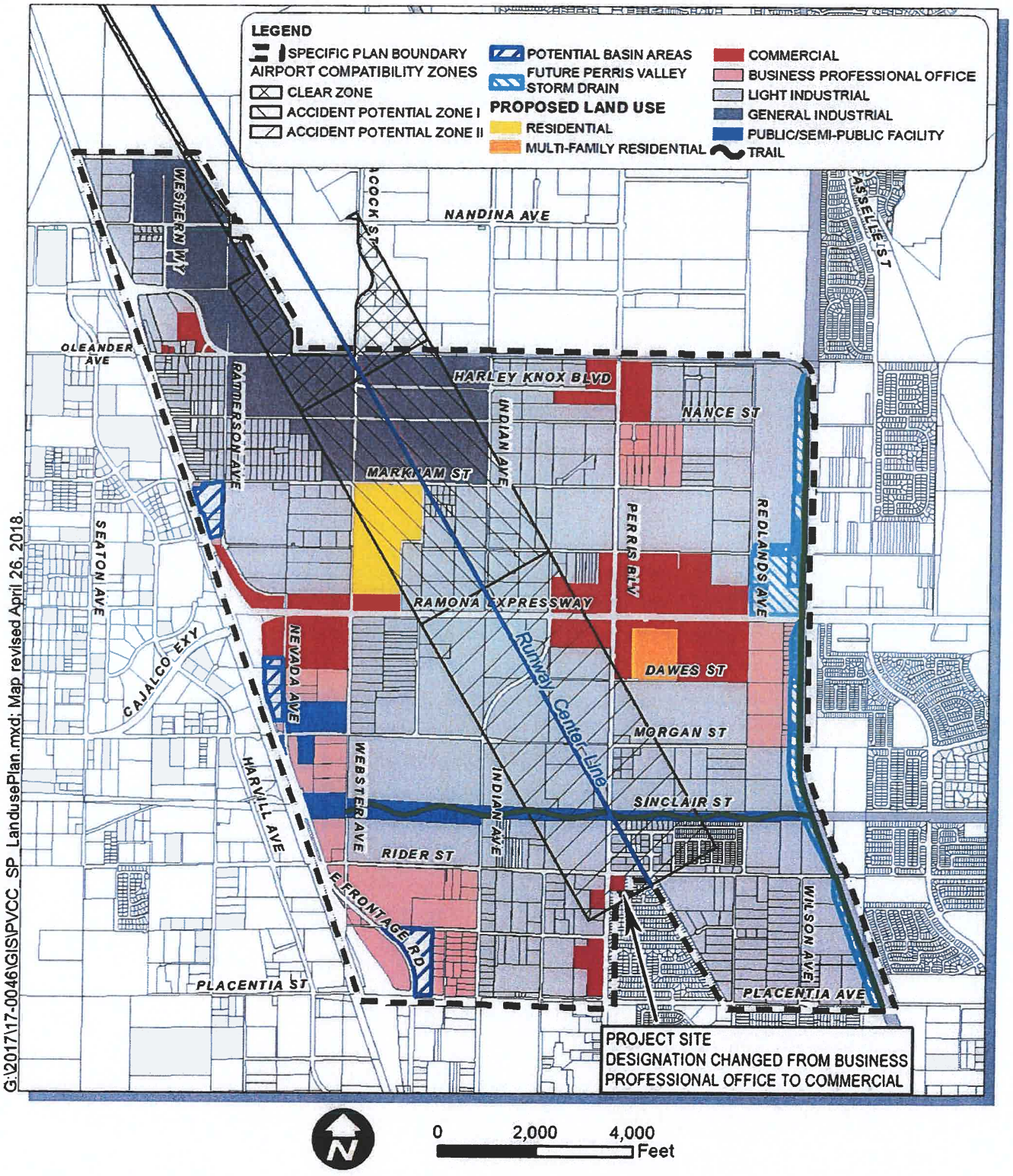
Prepared by:
TAIT & Associates, Inc.
701 N. Parkcenter Drive,
Santa Ana, CA 92705

Approved: January 10, 2012, Ordinance No. 1284
Amendment No. 1 Approved: September 25, 2012, Ordinance No. 1288
Amendment No. 2 Approved: November 27, 2012, Resolution No. 4538
Amendment No. 3 Approved: February 9, 2016, Ordinance No. 1324
Amendment No. 4 Approved: February 9, 2016, Ordinance No. 1323
Amendment No. 5 Approved: September 13,2016, Ordinance No. 1331
Amendment No. 6 Approved: February 14, 2017, Ordinance No. 1337
Amendment No. 7 Approved: June 13, 2017, Ordinance No. 1346
Amendment No. 8 Approved: April 10, 2018, Ordinance No. 1361
Amendment No. 9 Approved:

Document Updates

Amendment No.	Case No.	Details of Amendment	Approval Date
5	16-0525	The purpose of Amendment No. 5 is to modify section 12, the Airport Overlay Zone to update the 2014 March Air Reserve Base/Inland Port Airport Compatibility Plan.	09-13-2016 Ordinance #1331
6	14-04-0001	The purpose of Amendment No. 6 is to modify Figure 2.0-1, Specific Plan Land Use Designation, Figure 4.0-16, Residential Buffer, and Table 2.0-1, Land Use Comparison to reflect a change in land use designation from Commercial-Retail (C) to Light Industrial (LI), for the properties bound by Interstate 215 to the east, Harley Knox Boulevard to the south and west, and W. Oleander Avenue to the north consisting of approximately 23.66 acres.	02/14/2017 Ordinance #1337
7	16-05077	The purpose of Amendment No. 7 is to modify Figure 2.0-1, Specific Plan Land Use Designation, Figure 4.0-16, Residential Buffer, and Table 2.0-1, Land Use Comparison to reflect a change in land use designation of 7.48 acres from Commercial-Retail (C) to Light Industrial (LI).	6/13/2017 Ordinance # 1346
8	17-05242	The purpose of Amendment No. 8 is to modify Figure 2.0-1, Specific Plan Land Use Designation, Figure 4.0-16, Residential Buffer, and Table 2.0-1, Land Use Comparison to reflect a change in land use designation of 16.22 acres from Business Professional Office (BPO) to Light Industrial (LI), for four parcels located at the southwest corner of Markham Avenue and Webster Avenue.	4/10/2018 Ordinance #1361
9		The purpose of Amendment No. 9 is to modify Figure 2.0-1, Specific Plan Land Use Designation, Figure 4.0-16, Residential Buffer, and Table 2.0-1, Land Use Comparison to reflect a change in land use designation from Business Professional Office (BPO) to Commercial-Retail (C), for the property at the southeast corner of Perris Boulevard and Rider Street.	

Figure 2.0-1, Specific Plan Land Use Designation



new residential development, schools or churches. It should be noted that there is some existing residential development in this area.

Accident Potential Zone II (APZ-II): This zone prohibits many uses that involve hazardous materials (such as gas stations), and those uses that have higher densities of people per acre. Non-residential development will be limited to those uses that have not more than 50 persons per acre at any time, including hotels and motels. This zone prohibits new residential development, schools or churches.

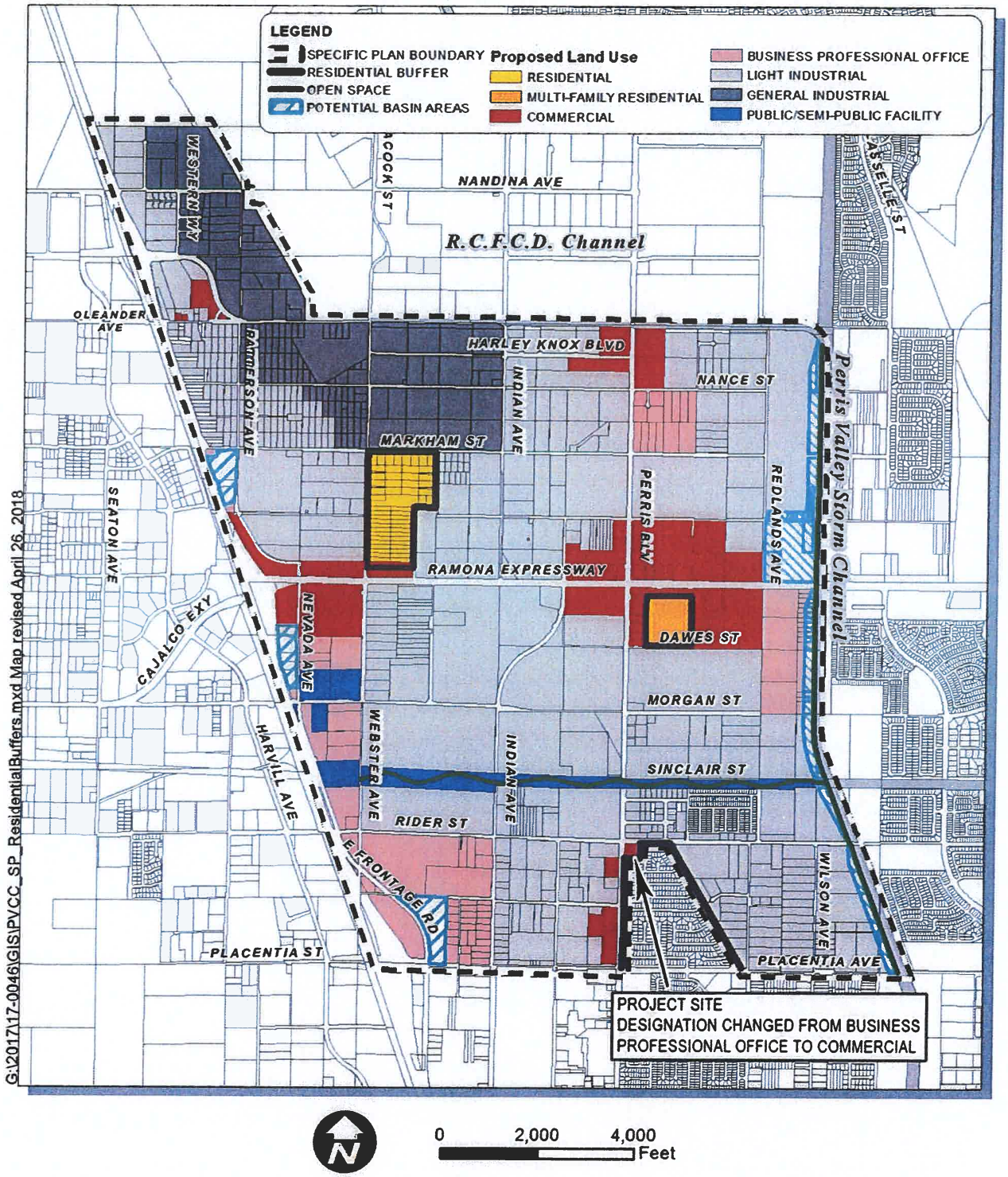
2.2 Summary of Perris Valley Commerce Center Land Use Comparison

Generally, the City of Perris General Plan Land Use designations correspond with the Perris Valley Commerce Center Specific Plan land use designations with the following exceptions. The Community Commercial (CC) and Neighborhood Commercial (NC) have been combined into one designation – Commercial (C). Business Park (BP) and Professional Office (PO) have been combined to form one designation – Business/Professional Office (BPO). Public/Semi-Public/Utilities (P) and Park, Recreational, and Natural Open Space (OS) have been combined to Public (P). Table 2.0-1 as shown below, provides a comparison of the land use between the City of Perris existing General Plan designations and the Perris Valley Commerce Center Specific Plan designations.

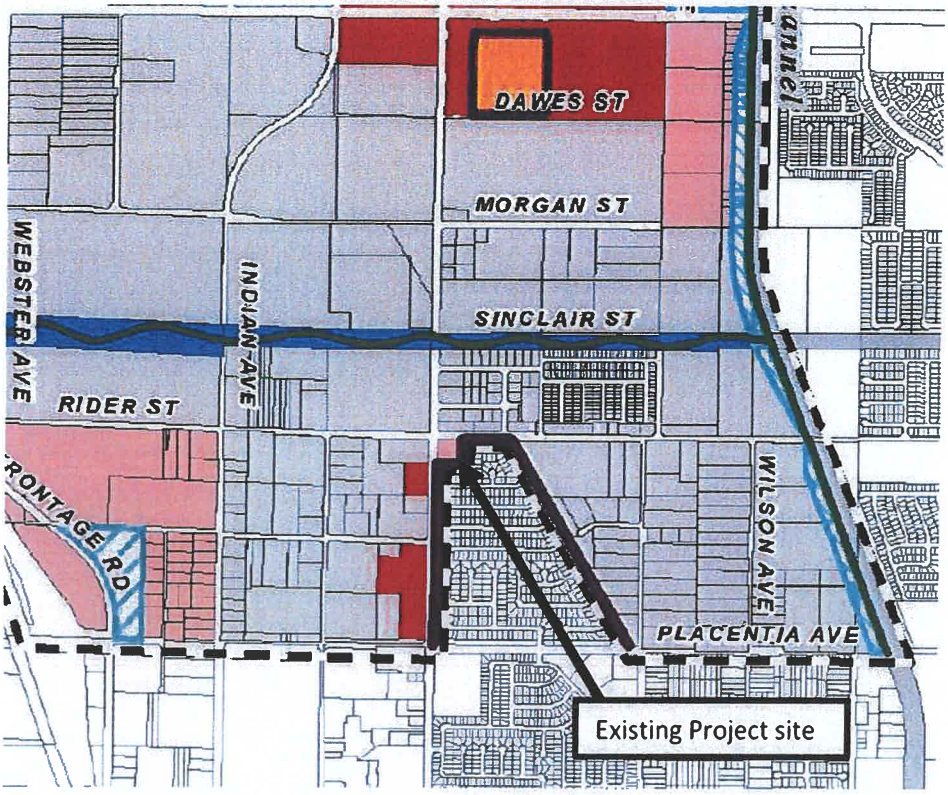
Table 2.0-1, Land Use Comparison

General Plan Land Use	Existing Acres Prior to PVCC SP	Acres Adopted by 2012 PVCCSP	Proposed Acres (SPA1-SPA9)
Business Park/Professional Office (BPO) Professional Office (PO) Business Park (BP)	317	343	~~307~~ 305
Commercial (C) Community Commercial (CC) Neighborhood Commercial (NC)	462	349	~~269~~ 271
General Industrial (GI)	423	408	392
Light Industrial (LI)	1,620	1,866	1,998
Multi-Family Residential Residential (Multi-Family) (MFR-14)	22	22	22
Public (P) Public/Semi-Public/Utilities Park, Recreational and Natural Open Space (OS)	120	194	194
Residential (R) Residential (Single-Family) (R-6,000)	59	0	0
Residential (R) Residential (Single-Family) (R-20,000)	~~63~~	60	60
Specific Plan (SP)	190	0	0
Other (ROW, Basin, etc.)	307	341	341
Total Acres	**3,583**	**3,583**	**3,583**

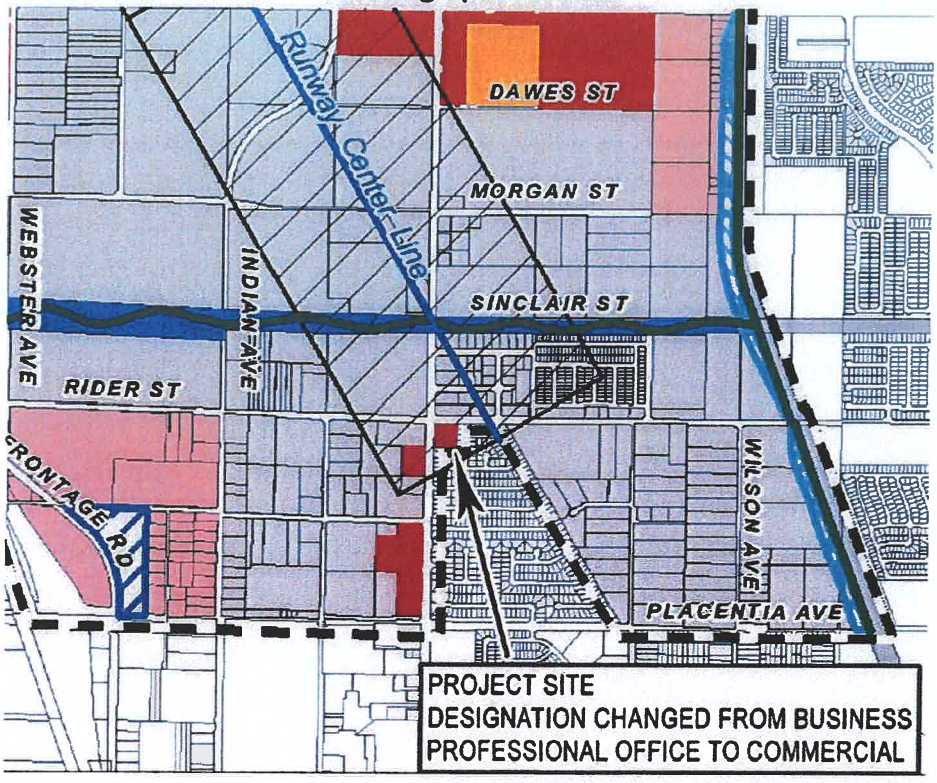
Figure 4.0-16, Residential Buffer



LAND USE MAP COMPARISON



Existing Specific Plan



Proposed Specific Plan