

CITY OF PERRIS
DEPARTMENT SERVICES DEVELOPMENT
PLANNING DIVISION

CONDITIONS OF APPROVAL
(RESOLUTION NUMBER 3850)

Conditional Use Permit 06-0019

Planning Commission
November 15, 2006

PROJECT: Proposal to construct a 42,424 square foot commercial center with auto and truck fueling, convenience store, carwash, fast food and sit-down restaurants, multi-tenant retail and office buildings on a net 6.68 acre site on Ramona Expressway between Webster and Brennan Avenues with associated parking, landscaping and right of way improvements. The zoning is NC, Neighborhood Commercial (APN 302-260-055 through -058). Applicant: Marwan Alabbasi, Ramona Expressway, LLC.

General Requirements:

1. **Zoning Compliance.** The project shall conform to the Neighborhood Commercial (NC) Zone regulations.
2. ~~**No Truck Fueling Site.** Due to zoning noncompliance and noise impacts to the adjoining residential properties, the proposed truck/RV fueling station with 1,780 square foot canopy shall be eliminated from the proposed project. A Minor Modification case submittal is required for Planning Division review and approval of an alternate use.~~
2. **RV/Truck and Alternative Fueling Station.** In consideration of the potential impacts associated with the RV/Truck and Alternative Fueling Station, the following shall be required per City Council direction on 12-12-06:
 1. The RV/Truck and Alternative Fueling Station will be allowed with the provision that the applicant shall have the project acoustical engineer, Gordon Bricken & Associates, revise the noise study dated December 1, 2006 to examine the impacts of the proposed RV/Truck and Alternative Fueling Station on the residential properties to the north, submitting one copy to the Planning Division, and
 2. The noise study shall indicate the appropriate height of the masonry wall required to mitigate future noise impacts from truck and large RV traffic, and the City Council states this height shall be no less than 8 feet adjacent to the residences, and
 3. The formal landscape plan shall indicate appropriate landscaping along the future north sound wall, including large trees (24 to 36 inch box size), such as pinus elderica, to buffer visual impacts of the fueling station on the adjoining residences, and
 4. The applicant shall adhere to the recommendations of the acoustical engineer including, but not limited to, the height of the required sound wall and landscaping at the north boundary of the site.

3. **Approved Plans.** Development of the premises, building elevations, colors and materials shall conform substantially to the approved set of plans prepared by RamCam Engineering and Bonaldo Engineering dated 8-30-06 (pages 1, 2, 8-10, 1 of 1) and 10-16-06 (pages 3, 3.1, 4-7), respectively), or as amended by these conditions. Any deviation shall require the appropriate Planning Division review and approval.
4. **Subsequent Review.** No expansion of the site or the use shall occur without subsequent reviews and approvals from the Planning Division.
5. **Approval Period.** This approval shall be used within two (2) years of approval date; otherwise it shall become null and void and of no effect whatsoever. By use is meant the beginning of substantial construction contemplated by this approval within the two (2) year period which is thereafter diligently pursued to completion, or the beginning of substantial utilization contemplated by this approval.
6. **Fire Marshal.** The project shall adhere to all fire safety/emergency services requirements as mandated by the City Fire Marshal and any applicable city codes, ordinances, and the Uniform Fire Code.
7. **City Engineer.** The project shall adhere to all requirements of the City Engineer, including the Engineering Conditions dated May 1, 2006 incorporated herein. Prior to issuance of building permits, on-site grading and paving plans shall be submitted to the City Engineer for review and approval.
8. **Payment of State Fish and Game Fees.** Within three (3) days of Planning Commission approval, the applicant shall submit a check to the City, payable to Riverside County, in the amount of \$1,314.00 for payment of State Fish and Game fees and County documentary handling fee. In accordance with Section 711.4 of the State Fish and Game Code, no project shall be operative, vested, or final until the filing fees have been paid.
9. **Roof Mounted Equipment.** No roof mounted equipment shall visible from the public right-of-way.
10. **City Business License.** All tenants shall maintain compliance with all local and City ordinances, including but not limited to an annual fire inspection and maintenance of a City business license.
11. **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, concerning Conditional Use

- Permit 06-0019. 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.
12. **Edison.** The applicant shall contact the Southern California Edison (SCE) area service planner (951-928-8323) to complete the required forms prior to commencement of construction.
 13. **Waste Disposal.** The developer shall use only the City-approved waste hauler for all construction and other waste disposal.
 14. **Graffiti.** The project shall comply with provisions of The Perris Municipal Code Chapter 7.06 regarding Landscape Maintenance, and Chapter 7.42 regarding Property Maintenance. The site shall be maintained in a graffiti-free state at all times. Graffiti located on site shall be removed within 48 hours.
 15. **Emergency Access.** Emergency access shall be provided and maintained for each parcel created. Every parcel shall retain adequate parking and drive aisles through the site connecting to the adjacent parcel.
 16. **Administrative Development Plan Review.** An Administrative Development Plan Review shall be required for the architectural review and parking analysis of the future drive-through and sit-down restaurants.
 17. **Preliminary Water Quality Management Plan.** The following are conditions of approval for PWQMP 06-0019:
 - a. The development shall be subject to all provisions of City of Perris Ordinance Number 1194, which establishes stormwater/urban runoff management and discharge controls to improve water quality and comply with federal regulations, and any subsequent amendments, revisions, or ordinances pertaining thereto.
 - b. The structural BMPs selected for this project have been approved in concept. The owner shall submit a final WQMP including plans and details providing the elevations, slopes, and other details for the proposed structural BMPs: bioretention/vegetative swale areas, Vortech units, trash enclosures. The Public Work Department shall review and approve the final WQMP text, plans and details.
 18. **Tentative Parcel Map 31677** shall be amended and approved by the City of Perris to reflect the new number and configuration of lots. To deviate from the established development criteria for lots in the Neighborhood Commercial (NC) Zone, the following shall be required:
 - a. **Reciprocal Access and Parking.** Recorded access easements shall be provided for circulation and parking between properties to facilitate ease of vehicular movement between properties.
 - b. **Sign Program.** A Sign Program shall be submitted and approved for the commercial

- development.
- c. **Property Owners Association and CC&Rs.** The developer shall require a Property Owners Association to be formed and Covenants, Conditions, and Restrictions (CC&Rs) shall be submitted to the Planning Division for approval by the City Attorney. Approved CC&Rs shall be recorded with the final map. The developer shall incorporate the following standard provisions into the CC&Rs:
 - i. The Property Owners Association (POA) shall be responsible for the maintenance of walkways, parking areas, storage areas, screening, drainage easements, drainage facilities, all onsite landscaping, streets, common areas, utility systems, and any other improvements not dedicated to public use. Property management contact information shall be provided to the Development Services Department.
 - ii. All marketing and sales literature, and leasing information for this development shall clearly state that no expansions to building structures are permitted without appropriate City approval.
 - iii. The Property Owners Association shall be responsible for replacing any special paving or textured/colored concrete that is removed to repair, replace or maintain any underground utilities located within private streets, driveways, or easement areas.
19. **March Air Reserve Base and March Joint Powers Authority.** The project is in the vicinity of Accident Potential Zone (APZ) 1, according to the March Joint Powers Authority. The proposed restaurants are outside of Accident Potential Zone 1 and Airport Influence Area 1. The March Air Reserve Base and the March Joint Powers Authority recommend the following conditions:
- a. Structures to be located in the northeast corner of the property should be limited to one story and not exceed 20% lot coverage.
 - b. Any structure built within this area should incorporate appropriate sound mitigation as determined by a qualified sound engineer/architect.
 - c. The project site is subject to single noise exposure levels (SNEL) greater than CNEL noise levels. Appropriate disclosure to lessees and potential owners should be made, and appropriate sound mitigation incorporated within the building design and through the use of ear plugs as necessary.
 - d. Accident Potential Zone 1 permits commercial uses, but prohibits uses that involve high densities or concentrations of people, or uses that utilize, store or manufacture flammable or dangerous chemicals, scientific instruments or plastic products.
 - e. The Air Installation Compatible Use Zone (AICUZ) Study recommends restaurants not be permitted in Accident Potential Zone 1.
 - f. An executed aviation easement shall be provided to the March Air Reserve Base and March Joint Powers Authority.
20. **Noise Attenuation.** The following requirements are based on the recommendations of the Acoustical Engineer to reduce noise impacts to the adjoining residential properties:

- a. The rooftop mechanical equipment shall have a sound rating no higher than 9.0 Bels, or if it can be demonstrated that the equipment combination does not yield a net condition in combination with other sources of noise that exceeds the City's requirements. The acoustical engineer of record shall assess the equipment proposed.
 - b. The rooftop parapet or equivalent shielding shall be a minimum four (4) feet high relative to the roof on the north side.
 - c. A minimum 12 foot high wall shall be constructed on the north property line the full length of the truck fueling driveway, if the truck fueling location is permitted.
 - d. A minimum six (6) foot high wall shall be constructed along the north property line in all areas, unless the truck fueling location is permitted.
 - e. The speakerboards for the fast food restaurant shall not exceed 61 dBA at 35 feet, or the equivalent.
 - f. The acoustical engineer shall certify the final plans.
 - g. Construction techniques and recommendations in this report shall be incorporated into the project design to reduce interior noise to 45 dBA (CNEL).
21. **Paleontology Requirements.** Due to the high paleontological sensitivity of the site and the recommendations of the applicant's paleontological consultant, the following mitigation measures are required:
- a. All project-related ground disturbances that could potentially impact the Quaternary older alluvial deposits will be monitored by a qualified paleontological monitor on a full-time basis.
 - b. A Qualified Paleontologist will be retained to supervise monitoring of construction excavations and to produce a Paleontological Monitoring and Mitigation Plan for the proposed project. Paleontological resource monitoring will include inspection of exposed rock units during active excavations within sensitive geological sediments. The Monitor will have authority to temporarily divert grading away from exposed fossils in order to professionally and efficiently recover the fossil specimens and collect associated data. The Qualified Paleontologist will prepare monthly progress reports to be filed with the client and the lead agency.
 - c. At each fossil locality, field data forms will be used to record pertinent geologic data, stratigraphic sections will be measured, and appropriate sediment samples will be collected and submitted for analysis.
 - d. Recovered fossils will be prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and repositied in a designated paleontological curation facility. The most likely repository is the LACM or the San Bernardino County Museum.
 - e. The Qualified Paleontologist will prepare a final monitoring and mitigation report to be filed with the client, the lead agency, and the repository.

Prior to the Issuance of Grading Permits:

22. The developer shall submit onsite parking, paving, and drainage plans for review and approval by the City Engineer.

23. Precise grading plans shall be submitted to the Building Official for review and approval.
24. The applicant shall submit public improvement plans for roadways, street lighting, water, sewer, and fire hydrant plans for review by the City Engineer.

Prior to the Issuance of Building Permits:

25. **Tentative Parcel Map 31677.** The underlying Tentative Parcel Map 31677 shall be amended, and submitted for tentative and final map approval.
26. **Disclosure Statement.** The developer shall record a disclosure for each building and provide a disclosure to the purchaser of each building and the lessee of each unit to inform that the project is located within the March Air Reserve Base Airport Influence Areas 1(northeast corner) and 2. The developer shall provide an acknowledgement of the disclosure by each purchaser to the City, and the disclosure shall be included on Amended Final Map 31677 prior to recordation.
27. **Building Plans.** All Conditions of Approval shall be copied onto the approved building plans.
28. **Assessment and Community Facilities Districts.** The project shall be annexed into any assessment, community facilities, or similar district that provides funding for maintenance, services, or public improvements that benefit the project. The costs and benefits shall be described in the applicable district and annexation documents. The developer shall complete all actions required to complete such annexation prior to issuance of a Certificate of Occupancy. This condition shall apply only to districts existing at the time the project is approved (or all requirements have been met for a certificate of occupancy, as applicable). Such districts may include but are not limited to the following:
 - a. Landscape Maintenance District No. 1;
 - b. Flood Control Maintenance District No. 1;
 - c. Maintenance District No. 84-1;
 - d. North Perris Public Safety Community Facilities District;
 - e. Ramona Mobility Group District
29. **Fees.** The following fees shall be paid as appropriate to the project:
 - a. Stephen's Kangaroo Rat Mitigation Fee;
 - b. Current Development Impact Fees;
 - c. Current Transportation Uniform Mitigation Fees (TUMF);
 - d. Current Multiple-Species Habitat Conservation Plan fees (MSHCP);
 - e. Statutory school fees as applicable to all appropriate school districts;
 - f. Any outstanding development processing fees
 - g. Any and all liens (if any) owed to the City of Perris

Landscaping:

30. **Landscaping and Irrigation Plans.** Three (3) copies of Construction Landscaping and Irrigation Plans shall be submitted to the Planning Division for approval and shall be accompanied by the appropriate filing fee. The landscape and irrigation plan shall be prepared by a registered landscape architect. The location, number, genus, species, and container size of the plants shall be shown. Landscape and irrigation plans shall be consistent with Section 19.70 of the Perris Municipal Code. The formal landscaping plans shall conform to the conceptual landscape plan, except as modified below. The landscaping (including hardscape) and irrigation plans shall include:
- a. Streetscape landscaping for Webster Avenue, Brennan Avenue and Ramona Expressway, including the bioswale and drainage channel landscaping between the Ramona Expressway and the public sidewalk.
 - b. Minimum 24-inch box sized street trees are required at a maximum of 30 feet on center along all street frontages of the project.
 - c. Mature trees with a minimum box size of 24" at the east portion of the sound wall) to 36" at the west portion of sound wall adjacent to fueling station and carwash shall be provided on the north property boundary. (City Council 12-12-06)
 - d. All right of way and on-site landscaping surrounding the perimeter of the site shall be installed with the first phase.
 - e. On-site landscaping shall be provided along both sides of the main drive aisle from Ramona Expressway to the office site, and landscaping shall be provided in all parking areas serving the office site, including the north side of the drive-through restaurant. All landscaping for the drive-through restaurant shall be provided except for the east side.
 - f. All required parking area landscaping for buildings in the first phase shall be completed.
 - g. Decorative paving is required in the following areas:
 - i. The courtyard of the retail building
 - ii. The southeast corner (entrance) of Restaurant A
 - iii. The southwest corner (entrance) of Restaurant B
 - iv. The entrance and pedestrian walkways of the convenience store
 - v. North of the center drive aisle entrance from Ramona Expressway
 - vi. The driveway entry from Webster Avenue
 - vii. The driveway entry from Brennan Avenue
 - h. The decorative surface pavement shall be indicated on the landscape plans.
 - i. A fountain with seating area shall be provided in the courtyard of the retail building.
 - j. Water quality pollution control devices (natural and artificial BMP's) shall be properly maintained.
 - k. Bioswales shall be irrigated as part of the required landscaping.

31. **Landscape Inspections.** The project applicant shall inform the project manager and the landscape contractor of their responsibility to call for landscape inspections. A minimum of three (3) landscape inspections are required in the following order and at the following stages of landscape installation:
- a. At installation of irrigation equipment, when the trenches are still open;
 - b. After soil preparation, when plant materials are positioned and ready to plant; and
 - c. At final inspection, when all plant materials are installed and the irrigation system is fully operational.
32. **Additional Required Plans.** The following additional plans shall be reviewed and approved by the appropriate City departments:
- a. **Trash Enclosures.** Each project site shall provide a covered trash enclosure constructed to the City standard under permit. The trash enclosure shall be easily accessible to all units, and be screened by landscaping from the public view. The trash enclosure shall be treated with an overhead trellis treatment, and elevations shall be included on final landscape and fencing plans for review and approval by the Planning Division.
 - b. **Sound Wall.** Elevation details, including colors and materials, shall be submitted to the Planning and Building Division for review and approval of the required wall at the north property line.
 - c. **Lighting Plan.** The applicant shall submit a lighting plan with photometrics, fixture details and pole elevations to the Planning and Building Divisions for review and approval. Full cutoff fixtures shall be used to prevent light and glare above the horizontal plane of the bottom of the lighting fixture. A minimum of one (1) foot-candle of light shall be provided in parking and pedestrian areas. The walkway between the rear of the building and the retaining wall shall be well-lit by break-resistant lamps.
 - d. **Water Quality Management Plan.** The final Water Quality Management Plan shall be submitted to the Public Works Department for review and approval.

Prior to the Issuance of Occupancy Permits:

33. **Final Planning Inspection.** The applicant shall obtain occupancy clearance from the Planning Division by scheduling a final Planning inspection after final sign-offs from the Building Division and Engineering Department. Planning Staff shall verify that all pertinent conditions of approval have been met. The applicant shall have all required paving, parking, walls, site lighting, landscaping and automatic irrigation installed and in good condition.
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APPROVAL DATE

PROJECT PLANNER



CITY OF PERRIS

DEPARTMENT OF ENGINEERING
170 WILKERSON AVE., SUITE A, PERRIS, CA 92570-2200
TEL.: (951) 943-6504 - FAX: (951) 943-8416

HABIB MOTLAGH, CITY ENGINEER

CONDITIONS OF APPROVAL

P8-705 & P8-959

May 1, 2006, *Revised Council Meeting December 12, 2006*

CUP 06-0019 (PM 31677)

With respect to the Conditions of Approval for the above referenced project, the City of Perris requires that the land divider provide the following street improvements and/or road dedication 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 intending to be complimentary and to describe the conditions for a complete design of the improvements. All questions regarding the true meaning of the Conditions shall be referred to the City Engineer's office.

- This project shall comply with all on and offsite engineering conditions of approval dated January 31, 2005, Revised February 16, 2005 and as amended herein.
- No phasing of offsite improvements shall be considered.
- Access to Ramona Expressway shall be limited to one right-in and out as shown on the site plan.
- Construction of open channel and landscape drainage facilities along Ramona Expressway including 4' wide concrete cross gutter at the bottom of channel for Nuisance flow in addition to construction of 10-year box culvert under new driveway and Brennan Road and extension of graded channel beyond Brennan Road to provide for positive drainage shall be implemented prior to issuance of any occupancy permit.

- Construction of all driveways shall be pursuant to Riverside County Standard 207A.
- *Minimum 8' wall and heavy landscaping shall be installed along the northerly part of the project adjacent to existing residents lot as approved by City Engineer and supported by the acoustical report.*

Habib Motlagh
Habib Motlagh
City Engineer