

PLANNING COMMISSION

AGENDA

REGULAR MEETING OF THE HEMET PLANNING COMMISSION

City Council Chambers

450 East Latham Avenue, Hemet CA 92543

April 17, 2012

6:00 PM

If you wish to make a statement regarding any item on the agenda, please complete a Speaker Card and hand it to the clerk. When the Chairman calls for comments from the public on the item you wish to address, step forward to the lectern and state your name and address. Only testimony given from the lectern will be heard by the Planning Commission and included in the record.

1. CALL TO ORDER:

Roll Call: Chairman John Gifford, and Commissioners Vince Overmyer, Michael Perciful and Nasser Moghadam

Invocation and Flag Salute: Chairman Gifford

2. INTRODUCTION OF NEW PLANNING COMMISSIONERS – Community Development Director Deanna Elliano

3. OATH OF OFFICE FOR COMMISSIONERS PERCIFUL AND MOGHADAM – administered by the minutes clerk

4. CERTIFICATE OF RECOGNITION FOR COMMISSIONER SHARON DUEBER – presented by Chairman John Gifford

5. APPROVAL OF MINUTES:

**A. Minutes for the Planning Commission Meeting of March 20, 2012
(Commissioners Perciful and Moghadam to abstain)**

□ CITY OF HEMET PLANNING COMMISSION MEETING □

APRIL 17, 2012

6. PUBLIC COMMENTS:

Anyone who wishes to address the Commission regarding items **not on the agenda** may do so at this time. Please line up at the lectern when the Chairman asks if there are any communications from the public. When you are recognized, please give your name and address. Please complete a Speaker Card and hand it to the Clerk so that we have an accurate recording of your name and address for the minutes.

PUBLIC HEARINGS

Meeting Procedure for Public Hearing Items:

1. Receive Staff Report Presentation
2. Commissioners Report Regarding Any Site Visit or Applicant Contact, and ask questions of staff
3. Open the Public Hearing and receive comments from the applicant and the public.
4. Close the Public Hearing
5. Planning Commission Discussion and Motion

7. EXTENSION OF TIME NO. 11-004 FOR SITE DEVELOPMENT NO. 09-003 (MARRIOTT)

APPLICANT: Hemet Hospitality Investments
AGENT: Navin Makan
LOCATION: East side of Myers Street, approximately 600 feet north of West Florida Avenue
PLANNER: Carole Kendrick, Assistant Planner

DESCRIPTION: A request for a two (2) year extension of time for an approved Site-Development Review application (SDR 09-003) to construct and operate an 80,000 square-foot, 105-unit, four-story Marriott Towneplace Suites hotel within the amended Florida Promenade Specific Plan, and generally located on the east side of Myers Street, approximately 600 feet north of West Florida Avenue

Recommended Action:

Adopt Planning Commission Resolution Bill No. 12-005, entitled:

"A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA APPROVING EXTENSION OF TIME NO. 11-004 FOR A TWO (2) YEAR EXTENSION OF TIME FOR SITE DEVELOPMENT REVIEW NO. 09-003 FOR AN 80,000 SQUARE FOOT, 105-UNIT, FOUR (4) STORY HOTEL LOCATED ON THE EAST SIDE OF MYERS STREET, APPROXIMATELY 600 FEET NORTH OF WEST FLORIDA AVENUE (APN: 448-140-016)."

WORK STUDY SESSION

Work Study items are not public hearings and do not require prior notice to the public, although notice may be given to interested persons depending upon the subject matter. The purpose of the Work Study session is to allow the Planning Commission to engage in an open, preliminary review and discussion of issues, ordinances, procedures, or projects prior to the formal public hearing process. The Planning Commission has the option to receive public comment, and may also provide direction to staff at the conclusion of the work study session.

8. HAND HELD SIGNS AND OTHER TEMPORARY SIGNAGE – presentation by CDD Elliano and Principal Planner Papp

DESCRIPTION: A Work Study session as requested by the Planning Commission to provide a review of existing policies and regulations regarding hand held signs, banners, and other forms of temporary signage in the City.

Recommended Action:

A request for Planning Commission review and comment, with possible direction to staff regarding proposed modifications to the zoning ordinance for temporary signage.

DEPARTMENT REPORTS

9. PREVIEW OF UPCOMING PROJECTS:

- A. Applicant initiated projects – Verbal presentation by Principal Planner Emery Papp
- B. City-initiated projects – Verbal presentation by CDD Deanna Elliano
- C. County of Riverside Hemet-Ryan Airport Master Plan - Verbal presentation by CDD Deanna Elliano

10. CITY ATTORNEY REPORTS: Verbal reports from Assistant City Attorney Tom Jex on items of interest to the Planning Commission.

- A. Discussion of New FPPC Gift Rules

11. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:

- A. Report on City Council actions from the March 27, 2012 and April 10, 2012 meetings
- B. Report on the State of the City Address

12. **HEMET ROCS CITIZEN ADVISORY COMMITTEE REPORT** – *Chairman John Gifford*

13. **PLANNING COMMISSIONER REPORTS:** *Commissioner reports on meetings attended or other matters of Planning interest*
 - A. Chairman Gifford
 - B. Commissioner Overmyer
 - C. Commissioner Perciful
 - D. Commissioner Moghadam

14. **FUTURE AGENDA ITEMS:** *Items to be scheduled for upcoming Planning Commission Meetings*
 - A. Report on Industrial Development Opportunities
 - B. Status of Shopping Cart Retrieval Plans and Compliance
 - C. Proposed Fence Ordinance – Part II

15. **ADJOURNMENT:** To the regular meeting of the City of Hemet Planning Commission scheduled for **May 1, 2012 at 6:00 p.m.** to be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue, Hemet, California 92543.

NOTICE TO THE PUBLIC:

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the Planning Department counter of City Hall located at 445 E. Florida Avenue during normal business hours. Agendas for Planning Commission meetings are posted at least 72 hours prior to the meeting. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meeting, please contact the Planning Department office at (951) 765-2375. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to insure accessibility to the meeting. (28 CFR 35.102-35.104 ADA Title II).

AGENDA #5A

PLANNING COMMISSION

MEETING MINUTES

DATE: March 20, 2012

CALLED TO ORDER: 6:00 P.M.

MEETING LOCATION: City Council Chambers
450 East Latham Avenue
Hemet, CA 92543

1. CALL TO ORDER:

PRESENT: Chairman John Gifford, Vice Chairman Sharon Deuber, and Commissioner David Rogers

ABSENT: Commissioner Vince Overmyer

Invocation and Flag Salute: Commissioner David Rogers

2. APPROVAL OF MINUTES

It was **MOVED** by Commissioner Rogers and **SECONDED** by Vice Chairman Deuber to **APPROVE** the minutes of February 21, 2012, as presented.

AYES: Chairman Gifford, Vice Chairman Deuber, and Commissioner Rogers

NOES: None

ABSTAIN: None

ABSENT: Commissioner Overmyer

3. CERTIFICATE OF RECOGNITION FOR COMMISSIONER DAVID ROGERS

Chairman Gifford commended departing Planning Commissioner David Rogers, and expressed gratitude for his short, but appreciated service to the Planning Commission. He stated that Commissioner Rogers had shown a tremendous amount of dedication and commitment during his tenure, and that his opinions were always well thought-out. He wished Commissioner Rogers well in his future endeavors, and then presented him with a Certificate of Appreciate that read as follows:

"Certificate of Appreciation is hereby presented to David Rogers for your outstanding commitment to the City as City of Hemet Planning Commissioner."

Commissioner Rogers thanked his fellow Commissioners, as well as the Planning Department staff, Mayor Pro Tem Jim Foreman who had nominated him for the

1 position and was present in the audience, and the citizens of Hemet, for allowing him to
2 serve as a Planning Commissioner.

3
4 **4. PUBLIC COMMENTS:**

5
6 There were no members of the public who wished to address the Commission.
7
8

9
10 **WORK STUDY ITEMS**

11 **5. CONDITIONAL USE PERMIT NO. 11-004 (Jasmine Gardens)**

12
13
14 **APPLICANT:** 1027 Wilshire Associates c/o Denley Investments

15 **AGENT:** Kenneth Bank – Denley Investments

16 **LOCATION:** South side of Johnston Avenue, east of Gilbert Street and west of
17 State Street

18 **PLANNER:** Carole Kendrick, Assistant Planner

19
20 **DESCRIPTION:** A work study session to update the Planning Commission
21 regarding proposed architectural revisions for Jasmine Gardens, a Conditional
22 Use Permit for the construction and operation of a 124-unit, three-story senior
23 apartment complex to be built in two phases, located on Johnston Avenue, east of
24 Gilbert Street and west of State Street.

25
26 Planner Kendrick gave a Power Point presentation concerning the revised architectural
27 plans and asked for questions from the Commission.

28
29 Chairman Gifford expressed his pleasure at the changes made to the architectural
30 plans, noting that the design now sets a tone that matches the flavor of the city, its
31 history and background.

32
33 Vice Chairman Deuber asked about staff's concerns regarding the color of the stucco.

34
35 Principal Planner Papp indicated that CDD Elliano was concerned about the stark
36 white color of the stucco.

37
38 Chairman Gifford felt that with trees and shrubbery, the starkness would be mitigated
39 and requested to see plans for the landscape. He also wondered if there had been
40 outreach to the neighborhood.

41
42 Planner Kendrick said they could ask the applicant to do an outreach to the neighbors.

43
44 Chairman Gifford opened the public hearing and invited the applicant to give his
45 presentation.

46
47 Mr. Greg Christman, with Denley Investments, who had joined the firm recently with
48 previous experience in Santa Barbara, felt that the Spanish feel promoted by the
49 architecture and design was appropriate for Hemet, in light of the City's Spanish
50 history. He indicated that a landscape plan had been submitted and that the view they
were presently seeing was pretty close to the original plan. He outlined the roofing
scheme, with parapet and mansard elements, and Spanish tile. He noted that the stark

1 white was true to the Santa Barbara style, but off white or tan would be fine. The
2 materials used would be "S" tiles by US Tile and the windows with white frames would
3 be made by Milgard. The finish will be Santa Barbara smooth finish, also called "*hump*
4 *and bump*." Some split face block in sandstone color will be used, and paving would
5 be a warm color with a light broom finish. All wood pieces, post columns and rafter
6 tails, will be dark stain.

7
8 Mr. Kenneth Bank, also of Denley Investments, responded to Chairman Gifford's
9 question concerning elevators, indicating there are now four planned elevators for each
10 two-story building of 124 units, or two elevators for 62 units per side. He also
11 commented on the breezeways and patios, noting the recent changes, and mentioned
12 that there were no changes to the common areas.

13
14 Mr. Bank reported that once they had 95% occupancy, they will start looking at
15 extending everything back to the south property line, possibly adding another 80 or so
16 units, bringing the total to a 200-unit complex.

17
18 When asked if there were additional staff concerns, Principal Planner Papp stated that
19 there were not at this time. Staff feels that the applicant has done an admirable job of
20 trying to resolve the issues of concern. Down the line there may be minor tweaks
21 which can be handled at the staff level.

22
23 Vice Chairman Deuber asked if it will be an apartment complex where the units will be
24 rented and inquired about the maintenance plan.

25
26 Mr. Bank stated that with a property this large, there will be an on-site maintenance
27 staff, including one or two people continuously, as well as an on-site manager and
28 assistant manager. The plan is to have professional, third-party management that is
29 experienced in managing affordable, low-income housing or tax-rated properties. After
30 more buildings are added, it may be more cost-effective to take that role on
31 themselves.

32
33 A discussion followed between Vice Chairman Deuber and Mr. Christman regarding
34 pavers, concrete and various color patterns, with Mr. Christman indicating that most of
35 the walkways and drive aisles would be warm white.

36
37 Chairman Gifford expressed his thought that the applicants were going in a good
38 direction, and that the remaining details could be worked out with staff prior to the CUP
39 coming to the Commission.

40
41 Mr. Bank said there were milestones they would like to meet, the first being CUP
42 approval, if possible, at the May 1st Planning Commission meeting, so that a tax
43 application due on July 11th could be met.

44
45 Chairman Gifford stated that the Planning Commission was on board to commend this
46 to staff to work out the details to come back with the CUP.

47
48 Principal Planner Papp indicated the timeline was possible if the consulting firm that is
49 preparing the initial study can have it prepared in time for a 30-day public review
50 period.

PUBLIC HEARINGS

6. EXTENSION OF TIME NO. 11-003 FOR SITE DEVELOPMENT REVIEW NO. 06-017 (Los Olivos)

APPLICANT: Eric Day and Arthur Crigler
LOCATION: East side of Cawston Avenue, approximately 700 feet south of Stetson Avenue (APN 460-242-037)
PLANNER: Soledad Carrisoza, Planning Technician

DESCRIPTION: A request for the Planning Commission to consider a two-year Extension of Time for Site Development Review Permit No. 06-017. This is the second and final request for an extension of time to construct and operate a 40-unit residential condominium project with associated site improvements on a 2.5 acre site located on the east side of Cawston Avenue approximately 700 feet south of Stetson Avenue.

Planning Technician Soledad Carrisoza presented the project, utilizing a powerpoint presentation.

Chairman Gifford asked the applicant what a realistic time frame might be for actually constructing and developing the project.

Eric Day, of Placentia, California, explained that he is very familiar with Hemet, having family here for over 30 years, and wanted to purchase property here, which he did in 2006, finding a builder to advance the project. When the economy crumbled, they had already gotten a tentative tract map, the SDR approved, and they were ready to build the condo units; however, their builder, to whom they had loaned money, filed for bankruptcy. He feels this will be a great project, and if the Extension of Time is approved he hopes to find a builder within the next two years. He feels that the units should be of condo design, but could be rented as apartments and later transitioned to condos, depending on the state of the economy.

Vice Chair Deuber commented that the Planning Commission has become cautious about three-story elevations and questioned the location of the three-story units.

Planning Technician Carrisoza advised that the three floors include just the entryway on the lower floor to make room for the garage. Also, there is plenty of visitor parking and tandem parking of an interesting design.

Vice Chair Deuber also asked City Attorney Jex if the extension of time would mean they could make changes in the plan later.

City Attorney Jex responded that the applicant has existing approvals of the tentative map and design permit so they could not redesign the project, just approve the extension of time. However, there are often changes in city fees or new building code provisions that have to be added. He said possible negotiations could provide some changes, but a full redesign of the project isn't in front of the Commission.

1 To Vice Chairman Deuber's comments regarding obstruction of view for surrounding
2 neighbors, Chairman Gifford responded that the project had been before the Planning
3 Commission twice and the City Council once, so neighbors had plenty of time to voice
4 their objections. He felt the Commission couldn't second-guess the three prior
5 decisions.
6

7 Mr. Day gave a short history of the process through prior Planning Commissions and
8 City Councils.
9

10 Vice Chairman Deuber requested that he be open to the changing market and consider
11 rethinking how many three-story elevations are necessary and/or maybe just centering
12 them. She also felt the necessity to climb multiple sets of stairs would limit the
13 occupancy to just young, healthy, athletic clients and would restrict senior housing.
14

15 Chairman Gifford opened the public hearing, and receiving no applications to speak,
16 closed the public hearing and asked for a motion.
17

18 It was **MOVED** by Vice Chairman Deuber and **SECONDED** by Commissioner Rogers
19 adopt *Planning Commission Resolution Bill No. 12-004*, **approving** Extension of Time
20 No. 11-003 for Site Development Review No. 06-017, as presented.
21

22 The MOTION was carried by the following vote:
23

24 **AYES:** Chairman Gifford, Vice Chairman Deuber, and Commissioner Rogers
25 **NOES:** None
26 **ABSTAIN:** None
27 **ABSENT:** Commissioner Overmyer
28

29 *(Adopted Planning Commission Resolution No. 12-004.)*
30
31

DISCUSSION ITEMS

7. GREENHOUSE GAS EMISSIONS & PROPOSED CLIMATE ACTION PLAN

A. Analyzing Greenhouse Gas Emissions under CEQA

39 Assistant City Attorney Tom Jex gave a verbal presentation and handed out a
40 document from the Institute for Local Government entitled "Evaluating Greenhouse
41 Gas Emissions as part of California's Environmental Review Process." He described
42 the document as one which zeros in on how agencies need to analyze greenhouse
43 gases as part of CEQA and part of reviewing each individual project, which is more in
44 tune with what the Commission does when projects come to it.
45

46 CEQA has now been amended to require an analysis of greenhouse gases for all
47 projects, necessitating that mitigation measures be imposed. Significant impacts
48 require that an Environmental Impact Report must be prepared. CEQA requires that
49 three steps must be taken: A) Calculate or estimate greenhouse gas emissions both
50 during construction and when construction is completed; B) Determine whether that
amount is significant; and C) Mitigation measures must be established to reduce the
emissions, and proof must be available that the mitigation measures work.

1 The mitigation can be part of a Climate Action Plan which is prepared by a city or
2 community. If the CAP is in place, the hard work has been done and the project can
3 comply with that. If there is no Climate Action Plan, then the mitigation must be fulfilled
4 on a project-by-project basis, either by project design or by incorporating very high
5 standards for energy use or water efficiency.
6

7 City Attorney Jex also mentioned that the document has some sections that helpfully
8 describe what CEQA is. He encouraged the Commission members to spend time
9 acquainting themselves with the document.
10

11 Commissioner Rogers inquired regarding what was the biggest contributor to
12 greenhouse gases, to which City Attorney Jex answered "cars." In order to reduce
13 greenhouse gas emissions, the vehicle miles travelled must be reduced, or projects
14 must be closely located to transit centers. Hemet does not yet have a Climate Action
15 Plan, but the establishment of one is in the action items to be done over the next few
16 years.
17

18 Vice Chairman Deuber inquired about offsite mitigation measures.
19

20 Chairman Gifford explained that projects can "buy into" a bank or other projects where
21 they can do more, such as a bank of areas that are not developed, or projects that are
22 LEEDS certified, which lowers the effect.
23

24 City Attorney Jex added that Hemet has a science center and there has been talk of
25 doing things with solar energy, which builds credits for a lot of things, including
26 greenhouse gas emissions, so that's something Hemet can use to bank into.
27

28 B. WRCOG Regional Climate Action Plan Project

29
30 Principal Planner Emery Papp explained that Hemet can either prepare its own Climate
31 Action Plan, or the City can work with WRCOG on a Regional Action Plan, which is the
32 direction staff feels is most beneficial.
33

34 WRCOG received a \$410,000 grant to begin the process, the purpose of which is to
35 reduce emissions regionally by coordinating local planning efforts. Some of the
36 benefits of joining WRCOG will be cost savings, study preparation, and information
37 sharing, as well as generalized lower emissions over the course of many years,
38 tangible cost savings related to energy savings and cost sharing, and compliance with
39 state law.
40

41 Other economic benefits would be increased eligibility of state and federal grant
42 funding, employment growth, public health benefits, and access to information
43 prepared for all the cities included in the study. Hemet would also be getting
44 greenhouse gas inventory from other jurisdictions. Hemet already has a jump start
45 because the General Plan consultant prepared a greenhouse gas inventory, which is
46 the first stage of this process, and which can be shared with WRCOG, thereby gearing
47 the funding for Hemet to the other two phases, which would be the greenhouse gas
48 initial start-up and the greenhouse gas initial strategy.
49
50

1
2 **DEPARTMENT REPORTS**
3

4 **8. CITY ATTORNEY REPORTS: (None)**
5

6 **9. COMMUNITY DEVELOPMENT DIRECTOR REPORTS: (Presented by Principal**
7 **Planner Emery Papp)**
8

9 **A. Report on City Council actions from the February 28, 2012 and March**
10 **13, 2012 meetings**
11

12 Principal Planner Papp reported that the City Council had approved the sex offender
13 residency restriction ordinance. The Specific Plan Amendment for the Tres Cerritos
14 East Project, after about two hours of public comment and Council discussion, was
15 adopted. The Community Development Block Grants were discussed, with City
16 Council approving most of the allocations, but excluding the allocation for fair housing
17 and for code enforcement, since they are part of the Hemet ROCS program, and for
18 engineering the public works sidewalks and corner ramp improvements. The Hemet
19 City Ground Water Basin Management Plan was also adopted.
20

21
22 At a special meeting of the City Council on March 6th, the Council discussed the
23 appointment of Joe Morris as Hemet's fire chief, which was approved at the March 13th
24 meeting, culminating in his oath of office and his acceptance speech.
25

26 The Council identified 17 members of the Hemet ROCS Citizens Advisory Committee,
27 and also recognized visitors from Hemet's Sister City, Kushimoto, Japan, as well as
28 West Valley High School's Navy Junior ROTC program. Also approved, after
29 opposition by Four Seasons Community members, was the emergency access
30 easement for Reinhardt Canyon to Four Seasons. Allocations for the Community
31 Development Block Grant were finalized, and nominations for Planning Commission
32 members were discussed.
33

34 **B. Housing Element Update**
35

36 HCD has given the City preliminary approval for the draft housing element, with a
37 couple of very minor changes requested. The City is in agreement with the changes,
38 which include the provision of more information regarding homeless facilities and
39 where they would be allowed, and an exact definition of an overlay zone as discussed
40 in the General Plan.
41

42 Hemet did not meet the RENA requirements in the current housing development, which
43 is from 2006 to 2014. There was not enough vacant land available to build the number
44 of affordable units needed to meet the RENA for that cycle. Therefore four parcels in
45 the city will be rezoned from high density to very high density residential. Staff is
46 hoping to move forward sometime in April with the zoning change for those four
47 parcels.
48

49 **C. Cancellation of April 3, 2012 Planning Commission meeting**
50

Due to a lack of items, the April 3, 2012 Planning Commission meeting is cancelled.

1 **10. PLANNING COMMISSIONER REPORTS:**

- 2
3 A. Chairman Gifford (None)
4 B. Vice Chairman Deuber expressed her appreciation of Commissioner Rogers'
5 time on the Commission and wished him well on his future endeavors.
6 C. Commissioner Overmyer (Absent)
7 D. Commissioner Rogers thanked staff and his fellow commissioners for their
8 cooperation during his tenure.
9

10 **11. FUTURE AGENDA ITEMS:**

11
12 A. Report on "Human Signs" and other temporary signage

13
14 Principal Planner Papp indicated that staff was considering revamping the City's entire
15 sign ordinance and would bring it back in chapters because it is so comprehensive.
16

17 B. Report on Industrial Development Opportunities

18
19 Staff will be providing a report on industrial development opportunities, because they
20 have been experiencing more developers and property owners coming in with
21 concepts for projects and doing due diligence on their properties.
22

23 C. Status of Shopping Cart Retrieval Plans and Compliance

24
25 Principal Planner Papp reported that staff will be coming back to the Commission with
26 a list of new retailers that have ten or more shopping carts. Staff is revamping the
27 application for the shopping cart retrieval plan and will be sending them out to retailers
28 in the near future, letting them know that once they receive the letter, they will have 30
29 days in which to return the application.
30

31 D. Proposed Fence Ordinance - Part II

32
33 Principal Planner Papp stated that this item would be discussed at the next Planning
34 Commission meeting.
35

36
37 **12. ADJOURNMENT:** It was unanimously agreed to adjourn the meeting at 7:57 p.m.
38 to the regular meeting of the City of Hemet Planning Commission scheduled for
39 **April 17, 2012 at 6:00 p.m.** to be held at the City of Hemet Council Chambers
40 located at 450 E. Latham Avenue, Hemet, California 92543.
41
42
43
44

45 _____
46 John Gifford, Chairman
47 Hemet Planning Commission

48 ATTEST:

49 _____
50 Nancie Shaw, Records Secretary
Hemet Planning Commission

AGENDA #7



Staff Report

TO: City of Hemet Planning Commission

FROM: Deanna Elliano, Community Development Director *DE*
Carole L. Kendrick, Assistant Planner *CK*

DATE: April 17, 2012

RE: **EXTENSION OF TIME NO. 11-004 FOR SITE DEVELOPMENT REVIEW NO. 09-003** - A request for a two (2) year extension of time for an approved Site Development Review application (SDR 09-003) to construct and operate an 80,000 square foot, 105-unit, four-story Marriott Towneplace Suites hotel within the amended Florida Promenade Specific Plan and generally located on the east side of Myers Street, approximately 600 feet north of West Florida Avenue.

PROJECT APPLICANT INFORMATION

Owner/Applicant: Hemet Hospitality Investments
Agent: Navin Makan
Project Location: East side of Myers Street, approximately 600 feet north of West Florida Avenue.
APN Information: 448-140-016
Lot Area: 2.18 Acres

STAFF RECOMMENDATION

The Planning Department recommends that the Planning Commission:

1. Adopt the attached Planning Commission Resolution Bill No. 12-005 (Attachment No. 1), entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA APPROVING EXTENSION OF TIME NO. 11-004 FOR A TWO (2) YEAR EXTENSION OF TIME FOR SITE DEVELOPMENT REVIEW NO. 09-003 FOR AN 80,000 SQUARE FOOT, 105-UNIT, FOUR (4) STORY HOTEL LOCATED ON THE EAST SIDE OF MYERS STREET, APPROXIMATELY 600 FEET NORTH OF WEST FLORIDA AVENUE (APN: 448-140-016)

City of Hemet - Planning Department
Planning Commission Meeting of April 17, 2012

PROJECT DESCRIPTION AND BACKGROUND

The Applicant is requesting approval of **EXTENSION OF TIME NO. 11-004** to extend the time during which use in reliance can be established for **SITE DEVELOPMENT REVIEW 09-003**, which was approved on December 8, 2009 in conjunction with Specific Plan Amendment No. 09-001 and Tentative Parcel Map No. 36230. This is the first extension of time request and is for a period of two (2) years. The Applicant proposes no changes to the approved SDR as part of this extension of time request.

The Florida Promenade Specific Plan (SP No. 06-004) was adopted by the City Council under Ordinance No. 1789 on December 11, 2007. The plan involved a 19 acre commercial center where the Winco grocery store is located. The Florida Promenade Specific Plan was amended by SP No. 09-001 to add 2.18 acres to the existing 19 acre Specific Plan area, and add new development standards for Planning Area 2 including a provision for hotel uses by right.

The proposed hotel will be located northwest of the Winco grocery store. The hotel use is allowed by right in the Specific Plan subject to review and approval by the Planning Commission as a Site Development Review. The proposed hotel is consistent with Section 5 (Development Standards and Commercial Design Guidelines) of the Florida Promenade Specific Plan for Planning Area 2. The maximum development for Planning Area 2 allows up to 80,000 square feet of commercial space with heights up to 54 feet.

The approved project proposes 105 guest units with cooking facilities to accommodate extended stay patrons. The first level includes the lobby, welcome desk, general manager's office, breakfast room and buffet, conference room, guest laundry facilities, exercise room, pool and spa in addition to miscellaneous storage and guest rooms. The first level also accommodates two (2) double bedroom/bathroom units. The remaining levels accommodate four (4) double bedroom and bathroom units for a total of 14 two (2) bedroom units with two (2) bathrooms each. The fourth level does provide for a double unit with one bathroom. Each floor will have its own storage area and elevator lobby area. Laundry facilities are located on the first floor.

	1 Bedroom Units	2 Bedroom Units
1st Floor	11	2
2nd Floor	26	4
3rd Floor	27	4
4th Floor	25	5

Primary access to the project will be from Myers Street, with secondary access to the south through the Florida Promenade shopping center. The shopping center is also in the process of adding two (2) buildings, one that will accommodate a Family Dollar store. Parking spaces are located on the north and south sides of the building and along the north and south property lines. The proposed hotel is centrally located on the parcel that allows circulation around the entire

building.

The Hemet Municipal Code does not address extensions of time for Site Development Review applications; but the City's practice has been to include a two-year use in reliance period as a condition of approval. This is similar to the City's zoning ordinance and the California Subdivision Map act which provide two-year initial approval periods for conditional use permits and subdivisions. The extension request is before the Planning Commission since the use requires Planning Commission approval. Staff is recommending that a two-year extension until December 8, 2013, based on the Applicant's request (Attachment No. 5). If a two-year extension is granted for the Site Development Review, the project will be eligible for one (1) additional extension consisting of no more than one (1) year, under the existing Hemet Municipal Code.

CEQA REVIEW

The City Council approved a Mitigated Negative Declaration and Mitigation Measures by Resolution No. 4333 on December 8, 2009 for Specific Plan Amendment No. 09-001 and Site Development Review No. 09-003, and a Notice of Determination was filed in accordance with CEQA requirements on July 15, 2010. There has been no legal challenge brought against the project or the environmental determination. A Mitigated Negative Declaration and Mitigation Measures were approved for the underlying project, Specific Plan No. 09-001 and Site Development Review No. 09-003. The Planning Department believes that the previous Mitigated Negative Declaration and Mitigation Measures adequately address the current extension of time, and thus, a Notice of Exemption can be filed for this Extension of Time, pursuant to Section 15162 of the CEQA Guidelines.

POLICIES, REQUIREMENTS AND GUIDELINES REVIEW

The proposed project's Development Plans (Attachment No. 1A) were reviewed by the Design Review Committee (DRC) for consistency with the City's applicable policies, requirements and guidelines. Subsequently, the DRC has recommended that the project, subject to the recommended conditions of approval, be found consistent with the Zoning Ordinance and other development requirements and guidelines.

PUBLIC COMMUNICATIONS RECEIVED

The Planning Department has not received any letters of comment from the public. Any comments received prior to the time of the scheduled Planning Commission meeting will be provided at the time of the meeting.

REPORT SUMMARY

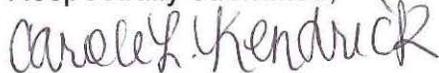
Extension of Time No. 11-004 for Site Development Review No. 09-003 pertains to a proposed extension of time during which use in reliance can be established to construct and operate an 80,000 square foot, 105-unit, four-story Marriott Towneplace Suites hotel within the amended Florida Promenade Specific Plan.

A Mitigated Negative Declaration (MND) and Mitigation Measures were adopted for the underlying project, Specific Plan Amendment No. 09-001 and Site Development Review No. 09-003. For the reasons stated above, the Planning Department believes that the MND adequately addresses the current extension of time, and thus, a Notice of Exemption can be filed for Extension of Time No. 11-004 for Site Development Review (SDR) No. 09-003.

The design proposed by Site Development Review (SDR) No. 09-003 continues to conform to and remains consistent with development standards provided for the Specific Plan, conditions of approval for Site Development Review No. 09-003, the Zoning Ordinance and the pertinent City Design Guidelines. For these reasons, and as more fully discussed in the Staff Report and attachments, the Planning Department recommends approval of a two (2) year extension of time.

The Planning Commission's actions are final unless appealed to the City Council within ten working days.

Respectfully submitted,



Carole L. Kendrick
Assistant Planner

Reviewed by:



Emery Papp
Principal Planner

CK

ATTACHMENTS

- 1) Planning Commission Resolution Bill No. 12-005
Exhibit 1A – 8½" x 11" Reduced Development Packet
Exhibit 1B - Conditions of Approval
- 2) Aerial Photograph
- 3) Adjacent Zoning Map
- 4) Neighborhood Context Worksheet
- 5) Applicant's Letter dated 3/19/2012

INCORPORATED HEREIN BY REFERENCE

City of Hemet General Plan

City of Hemet General Plan EIR

City of Hemet Zoning Ordinance

Project Site's Riverside County Integrated Plan Multi-Species Habitat Conservation Plan
Summary Report

Contents of City of Hemet Planning Department Project File(s) Extension of Time No. 11-004,
Site Development Review No. 09-004, Tentative Parcel Map No. 36230, Florida Promenade
Specific Plan No. 06-004 and Specific Plan Amendment No. 09-001

Attachment No. 1

Resolution Bill No. 12-005

Planning Commission
Meeting of
April 17, 2012



CITY OF HEMET
Hemet, California

PLANNING COMMISSION
RESOLUTION BILL NO. 12-005

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA APPROVING EXTENSION OF TIME NO. 11-004 FOR A TWO (2) YEAR EXTENSION OF TIME FOR SITE DEVELOPMENT REVIEW NO. 09-003 FOR AN 80,000 SQUARE FOOT, 105-UNIT, FOUR (4) STORY HOTEL LOCATED ON THE EAST SIDE OF MYERS STREET, APPROXIMATELY 600 FEET NORTH OF WEST FLORIDA AVENUE (APN: 448-140-016)

WHEREAS, the City Council approved an Mitigated Negative Declaration and Mitigation Measures by Resolution No. 4333 on December 8, 2009. The Community Development Director has evaluated the project to determine if any new environmental impacts would be created as a result of the proposed project in compliance with the California Environmental Quality Act (CEQA) guidelines and has determined that no additional environmental analysis is needed; and,

WHEREAS, SDR 09-009 was originally approved by the City Council on December 8, 2009; and

WHEREAS, pursuant to Section 90-1544 of the Hemet Municipal Code, the Planning Commission may grant extensions of time not exceeding a total of three years; and

WHEREAS, an application for a two (2) year extension of the period of time during which the use in reliance can be established for Site Development Review No.09-003, was duly filed by:

Owner/Applicant: Hemet Hospitality Investments
Agent: Navin Makan
Project Location: East side of Myers Street approximately 600 feet north of W. Florida Avenue
Lot Area: 2.18 acres
APN: 448-140-016

Planning Commission Resolution Bill No. 12-005
EXTENSION OF TIME NO. 11-004 FOR SITE DEVELOPMENT REVIEW NO. 09-003 –
MARRIOTT TOWNEPLACE SUITES HOTEL

1
2 **WHEREAS**, the Planning Commission is authorized to review and approve,
3 conditionally approve or deny Extension of Time No. 11-004 for Site Development
4 Review No. 09-003 pursuant to Hemet Municipal Code Section 90-1455 and the Florida
5 Promenade Specific Plan (SP 06-004) as amended by SPA 09-001; and
6

7 **WHEREAS**, the Applicant is requesting approval of a two-year Extension of Time
8 No. 11-004 for Site Development Review No. 09-003 for the site development plans for
9 105-unit, four story hotel and appurtenant landscaping and improvements in compliance
10 with Hemet Municipal Code Section 90-1455 and the Florida Promenade Specific Plan
11 (SP 06-004) as amended by SPA 09-001; and
12

13 **WHEREAS**, on April 5, 2012 the City gave public notice by mailing to property
14 owners within 1,000 feet, and by advertising in the Press Enterprise, of the holding of a
15 public meeting at which the project would be considered by the Planning Commission;
16 and
17

18 **WHEREAS**, on April 5, 2012 the City gave public notice by posting notice in
19 three locations of the holding of a public meeting at which the project would be
20 considered; and
21

22 **WHEREAS**, at this public hearing on April 17, 2012, the Planning Commission
23 considered, heard public comments on, and recommended that the City Council
24 approve Extension of Time No. 11-004 for Site Development Review No. 09-003; and
25

26 **WHEREAS**, the Planning Commission of the City of Hemet has considered oral
27 and written comments, pro and con, as presented by the Planning Department, the
28 applicant, and other interested parties at a public meeting held on April 17, 2012.
29

30 **NOW THEREFORE**, the Planning Commission of the City of Hemet, California,
31 does determine, find, and resolve as follows:
32

33 **SECTION 1: ENVIRONMENTAL FINDINGS**

34
35 The Planning Commission, in light of the whole record before it, including but not limited
36 to, the City's Local CEQA Guidelines and Thresholds of Significance, the
37 recommendation of the Community Development Director as provided in the Staff
38 Report dated April 17, 2012, and documents incorporated therein by reference, and any
39 other evidence (within the meaning of Public Resources Code Section 21080(e) and
40 Section 21082.2) within the record or provided at the public hearing of this matter,
41 hereby finds and determines as follows:
42

- 43 1. **CEQA:** The City Council approved a Mitigated Negative Declaration and
44 Mitigation Measures by Resolution No. 4333 on December 8, 2009 for Specific

Planning Commission Resolution Bill No. 12-005
EXTENSION OF TIME NO. 11-004 FOR SITE DEVELOPMENT REVIEW NO. 09-003 –
MARRIOTT TOWNEPLACE SUITES HOTEL

1 Plan Amendment No. 09-001 and Site Development Review No. 09-003, and a
2 Notice of Determination was filed in accordance with CEQA requirements on July
3 15, 2010. There has been no legal challenge brought against the project or the
4 environmental determination. A Mitigated Negative Declaration and Mitigation
5 Measures were adopted for the underlying project, Specific Plan No. 09-001 and
6 Site Development Review No. 09-003. The Planning Department believes that
7 the previously adopted Mitigated Negative Declaration and Mitigation Measures
8 adequately address the current Extension of Time application, and thus, a Notice
9 of Determination can be filed for the project pursuant to Section 15162 of the
10 CEQA Guidelines.

- 11
12 **2. Multiple Species Habitat Conservation Plan (MSHCP):** The project is found to
13 be consistent with the MSHCP. The project is located outside of any MSHCP
14 criteria area and mitigation is provided through payment of the MSHCP Mitigation
15 Fee.

16
17 **SECTION 2: SITE DEVELOPMENT REVIEW FINDINGS**

18
19 In light of the record before it, including the staff report dated April 17, 2012, and all
20 evidence and testimony heard at the public meeting of this item, the Planning
21 Commission hereby finds as follows:

- 22
23 A. The Florida Promenade Specific Plan (Table 5-1 "Permitted and Conditional
24 Commercial Land Use") as amended by SPA 09-001 requires that the Site
25 Development Review satisfy each of the findings under the Hemet Municipal
26 Code Section 90-1455. The Planning Commission hereby finds and determines
27 that each of these requirements is satisfied as follows:

- 28
29 1. The project continues to comply with all provisions of Article XLI (Site
30 Development Plan Review) of the Hemet Zoning Code.

31
32 The proposed commercial development remains consistent with Article
33 XLI in that the application is being reviewed and approved as required by
34 this section and the Florida Promenade Specific Plan as amended by SPA
35 09-001. Further, the proposed commercial development remains
36 consistent with the Commercial Design Guidelines as adopted on August
37 12, 2003 by City Council Resolution No. 3744, as discussed in the Staff
38 Report dated April 17, 2012.

- 39
40 2. The following are so arranged that traffic congestion is avoided and
41 pedestrian and vehicular safety and welfare are protected, so that there
42 will be no adverse effect on surrounding property:

- 43
44 a. Buildings, structures and improvements.

Planning Commission Resolution Bill No. 12-005
EXTENSION OF TIME NO. 11-004 FOR SITE DEVELOPMENT REVIEW NO. 09-003 –
MARRIOTT TOWNEPLACE SUITES HOTEL

1
2 The proposed hotel building and parking continue to comply with
3 required setbacks and development standards provided in the
4 Development Standard provision of the Zoning Ordinance and
5 Florida Promenade Specific Plan. There will be no adverse effect
6 on surrounding property or traffic congestion because the proposed
7 development continues to conform to the development style and
8 street pattern already existing in the area
9

10 b. Vehicular ingress and internal circulation.

11
12 The proposed project provides ingress and egress from Myers
13 Street and the drive aisle was designed to meet development
14 standards for two way traffic. Therefore, there will be no adverse
15 traffic and safety effect on surrounding area.
16

17 c. Setbacks.

18
19 The project has been designed to comply with required setbacks
20 provided in the Development Standards provision of the Florida
21 Promenade Specific Plan and the Uniform Building Code.
22 Therefore, there will be no adverse impact on surrounding property.
23

24 d. Height of buildings.

25
26 The maximum building height in the Florida Promenade Specific
27 Plan is 54 feet. The building as proposed will not exceed 54 feet.
28 Trash enclosures and walls will not exceed (6) feet in height, so
29 there will be no adverse impact on surrounding property.
30

31 e. Service areas.

32
33 The project site includes one (1) trash enclosure located at the
34 northeast corner of the property. Therefore, there will be no
35 reasonable expectation that there will be any adverse impact on the
36 surrounding area.
37

38 f. Walls.

39
40 The applicant is proposing a six foot wrought iron fence with
41 decorative pilasters on the north and east property lines. There is
42 an existing block wall on the southern property line that provides a
43 separation between building, parking area and the adjoining

Planning Commission Resolution Bill No. 12-005
EXTENSION OF TIME NO. 11-004 FOR SITE DEVELOPMENT REVIEW NO. 09-003 –
MARRIOTT TOWNEPLACE SUITES HOTEL

1 property. Therefore, there will not be any adverse impact on
2 surrounding property.

3
4 g. Landscaping.

5
6 The site is will be landscaped using a plant palette that allows
7 visibility for pedestrians and vehicles. Therefore, there will be no
8 adverse impact on surround property.

9
10 3. Underground Utilities.

11
12 All utilities will be underground in compliance with City standards and the
13 Conditions of Approval for SDR No. 09-003.

14
15 4. Proposed lighting is located so as to reflect the light away from adjoining
16 properties.

17
18 Proposed lighting is located as to reflect the light away from adjoining
19 properties and will continue to conform to City Standards as a condition of
20 approval.

21
22 5. Proposed signs will not, by size, location, color or lighting, interfere with
23 traffic or limit visibility.

24
25 Separate sign permits will be required for all signs. Prior to the installation
26 of any sign, review by the Planning Department is required to ensure there
27 is no interference with traffic or visibility. All signs shall be consistent with
28 the Florida Promenade Specific Plan.

29
30 6. All applicable public easements and rights-of-way have been dedicated or
31 offered for dedication.

32
33 All applicable public easements and rights-of-way have been dedicated
34 with the final parcel map in compliance with City standards.

35
36
37 **SECTION 3: PLANNING COMMISSION ACTION**

38
39 The Planning Commission hereby takes the following actions:

- 40
41 1. **Notice of Determination.** In compliance with Public Resources Code Section
42 21152 and CEQA Guidelines Section 15162, the Community Development
43 Director is directed to prepare a Notice of Determination concerning the findings

Planning Commission Resolution Bill No. 12-005
EXTENSION OF TIME NO. 11-004 FOR SITE DEVELOPMENT REVIEW NO. 09-003 –
MARRIOTT TOWNEPLACE SUITES HOTEL

1 made in Section No. 1 of this Resolution, and within five (5) working days of
2 project approval, file the Notice with the Riverside County Clerk for posting.
3

- 4 **2. Approval of Extension of Time No. 11-004 for Site Development Review No.**
5 **09-003.** Extension of Time No. 11-004 for Site Development Review No. 09-003
6 for the site development and architecture for a 105-unit, four story hotel is hereby
7 recommended for approval as shown on Exhibit A, attached hereto and
8 incorporated herein by reference, and subject to the Conditions of Approval
9 attached hereto and incorporated herein by reference as Exhibit B. Any
10 modification to the project shall be in compliance with the City of Hemet Zoning
11 Ordinance, and other applicable state and local ordinances.
12

13
14 **PASSED, APPROVED AND ADOPTED** this 17th day of April, 2012, by the
15 following vote:

16
17 AYES:
18 NOES:
19 ABSTAIN:
20 ABSENT:
21

22
23 _____
24 John Gifford, Chairman
25 Hemet Planning Commission

26 ATTEST:

27
28 _____
29 Nancie Shaw, Minutes Secretary
30 Hemet Planning Commission
31
32

Planning Commission Resolution Bill No. 12-005
EXTENSION OF TIME NO. 11-004 FOR SITE DEVELOPMENT REVIEW NO. 09-003 –
MARRIOTT TOWNEPLACE SUITES HOTEL

**Exhibit
No. 1A
Development Plan**

**Planning Commission
Meeting of
April 17, 2012**



Towneplace Suites

Hemet, CA.

Hemet Hospitality Investments, LLC



PROJECT DATA TABLE:
 APN: 449-149-016
 ADDRESS: EAST SIDE OF MEYERS STREET, NORTH OF FLORIDA AND SOUTH OF DEVONSHIRE
 LEGAL DESCRIPTION: REMAINDER OF PARCEL NUMBER ONE OF PARCEL MAP 5038
 ZONING: O-2
 GENERAL PLAN DESIGNATION: SPECIFIC PLAN
 EXISTING LAND USE: ABANDONED AGRICULTURAL
 PROPOSED LAND USE: EXTENDED STAY HOTEL WITH KITCHENETTE IN EVERY UNIT
 TOTAL GROSS LAND AREA: 94,800 SF (2.18 ACRES)
 TOTAL NET LAND AREA: 94,800 SF (2.18 ACRES)
 TOTAL APPROXIMATE BUILDING FLOOR AREA: 48,000 SF
 FLOOR AREA RATIO: 94,800 / 48,000 = 1.98
 LOT COVERAGE:
 BUILDING FOOTPRINT: APPROXIMATELY 18,000 / 94,800 = 19%
 PARKING AREA APPROXIMATELY 40,000 / 94,800 = 42%
 LANDSCAPE AREA APPROXIMATELY 2,800 / 94,800 = 3%
 PARKING:
 RATIO: 1:1 PROVIDED, 1:1 PROVIDED
 SIZE OF STALLS: 8' X 18' REQUIRED, 8' X 18' PROVIDED
 TOTAL NUMBER OF STALLS: 118 PROVIDED, 118 PROVIDED
 NUMBER OF DISABLED STALLS: 9 PROVIDED, 9 PROVIDED
 UNIT COUNT: 108
 NUMBER OF STORIES: 4
 MAXIMUM HEIGHT OF BUILDING: 54 FEET
 OCCUPANCY CLASSIFICATION: R-1
 TYPE OF CONSTRUCTION: VA
 FIRE SPRINKLERS: FULLY SPRINKLERED



Meyer's Street, Hemet, CA
 by

Hemet Hospitality Investments, LLC
 1260 Alabama Street, Redlands, CA 92374

City of Hemet - Planning
 RECEIVED
 DEC 08 2011

PROJECT NO. (S)
 EDR 11-001-B
 SDR 07-003



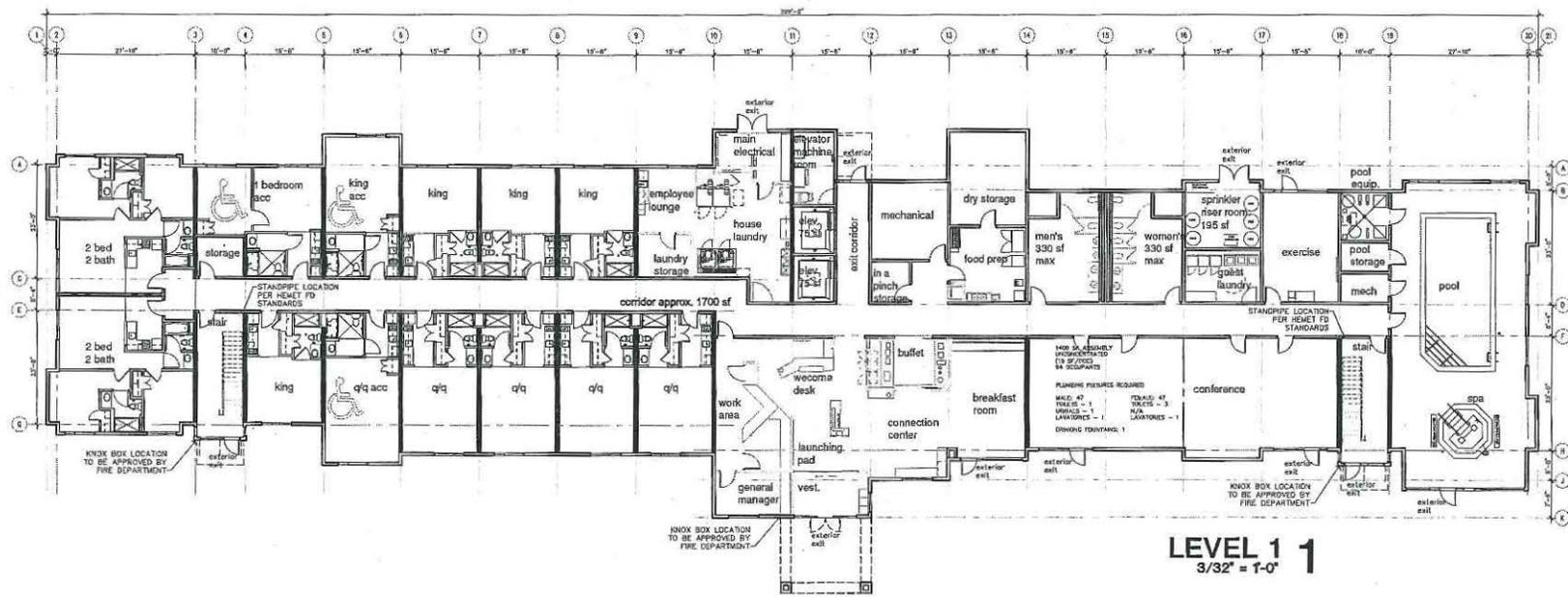
PREPARATION DATE: November 15, 2009

REVIN

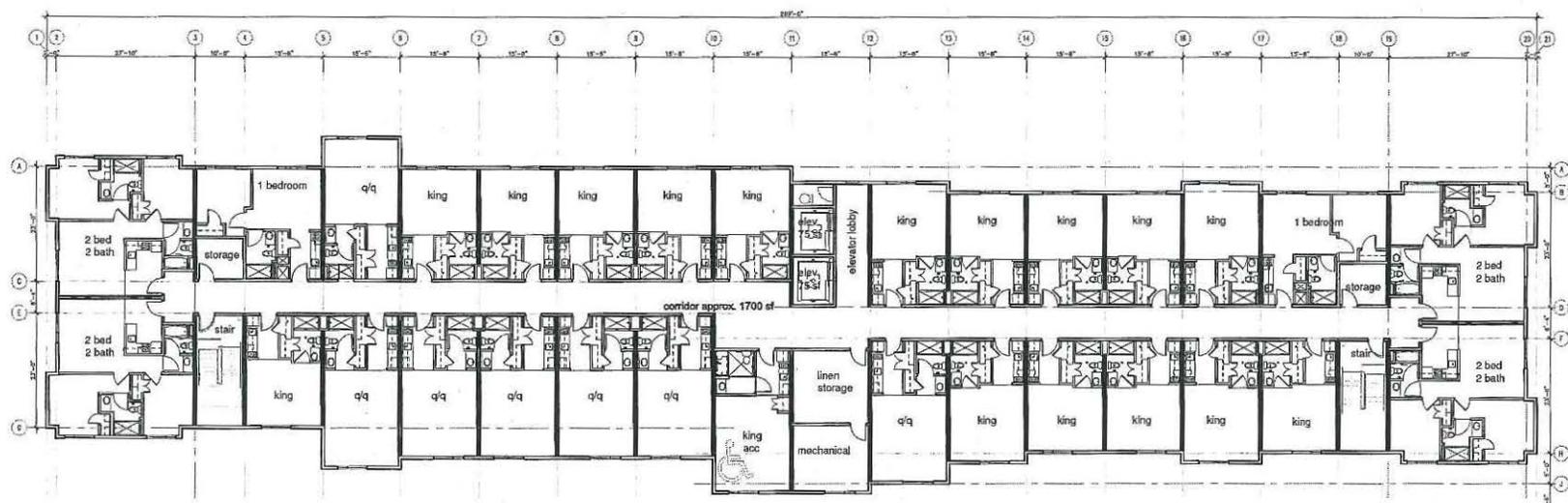
03A-COVER SHEET.DWG

DRAWN BY: KEVIN

FILENAME: 0824-LEVELS 1 & 2.DWG



LEVEL 1 1
3/32" = 1'-0"



LEVEL 2 2
3/32" = 1'-0"

TOWNPLACE SUITES, LLC
 PROJECT NO. 0824
 SHEET NO. 1
 DATE: 11/10/09
 ARCHITECT: HEMET HOSPITALITY INVESTMENTS, LLC
 1280 ALABAMA STREET, REDLANDS, CA 92374

ALL DRAWINGS AND
 WRITTEN MATERIAL
 APPEARING HEREIN
 CONSTITUTE ORIGINAL
 AND UNPUBLISHED WORK
 OF THE ARCHITECT AND
 MAY NOT BE REPRODUCED,
 USED OR DISCLOSED
 WITHOUT WRITTEN
 CONSENT OF ARCHITECT.

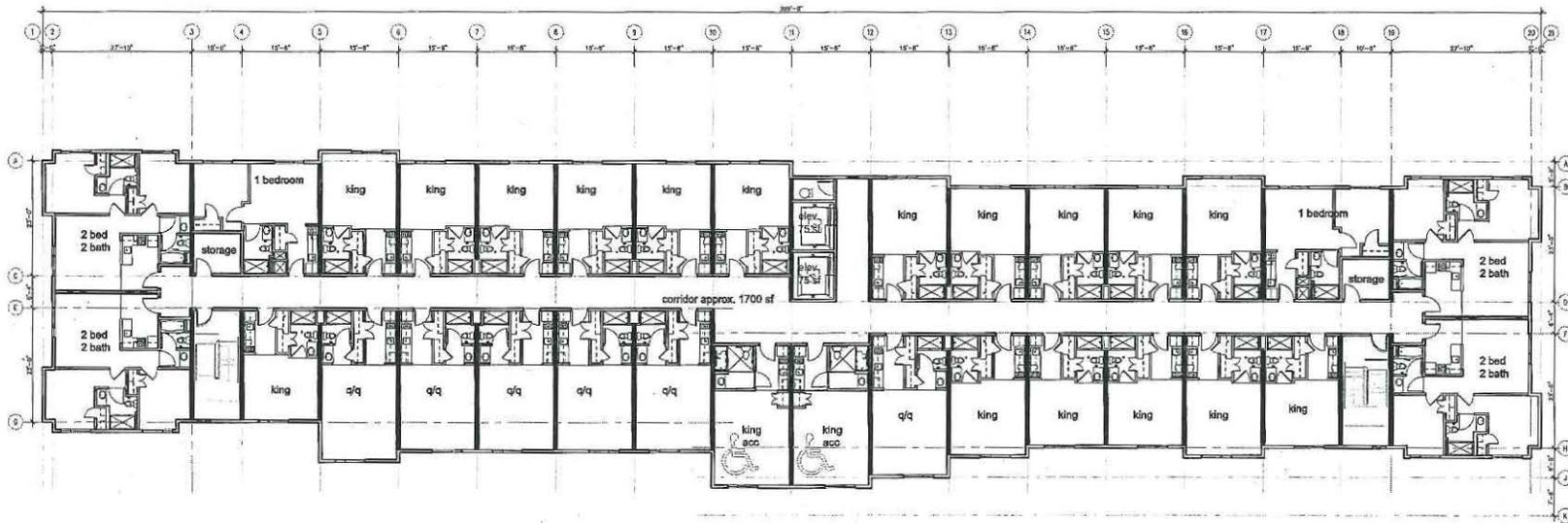
Townplace Suites
 Meyer's Street, Hemet, CA
Hemet Hospitality Investments, LLC
 1280 Alabama Street, Redlands, CA 92374

Townplace
 LEVELS 1 & 2
 DATE LAST EDITED:
 November 10, 2009

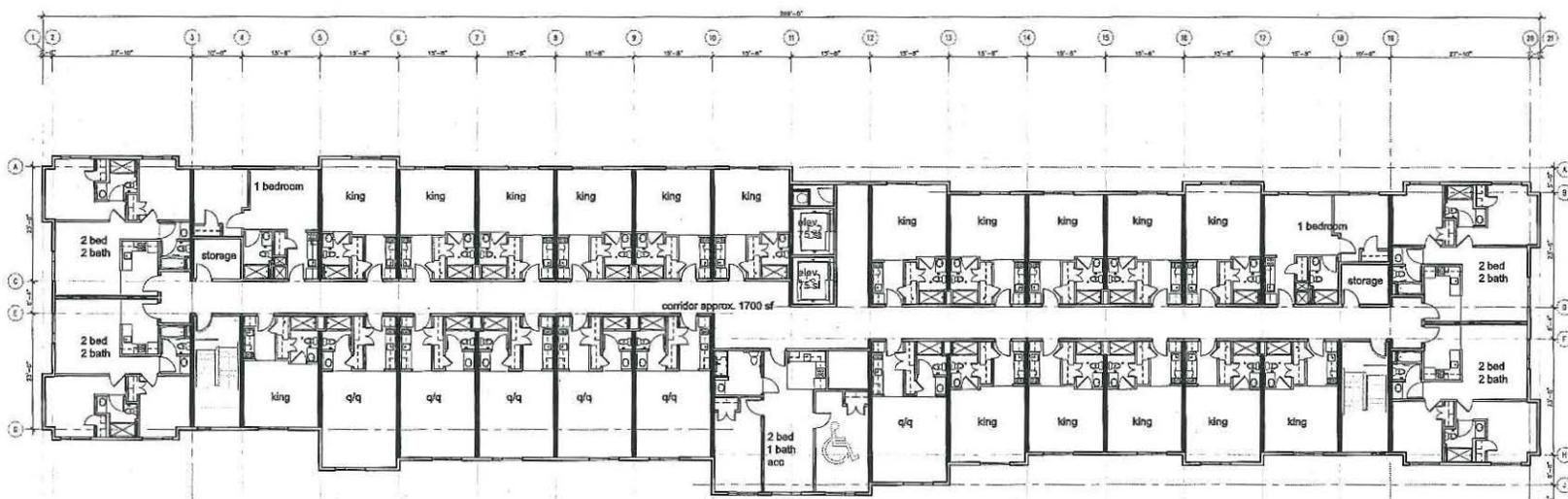
SHEET NO.
A-2
 OF SHEETS IN SERIES

DRAWN BY: KEVIN

FILENAME: 05A31LEVELS 3 & 4.rvt



LEVEL 3 1
3/32" = 1'-0"



LEVEL 4 2
3/32" = 1'-0"

TOWNPLACE SUITES ARCHITECTS, LLC
 1580 ALABAMA STREET, REDLANDS, CA 92374
 TEL: (951) 544-1000
 FAX: (951) 544-1000
 WWW: TOWNPLACE-SUITES.COM

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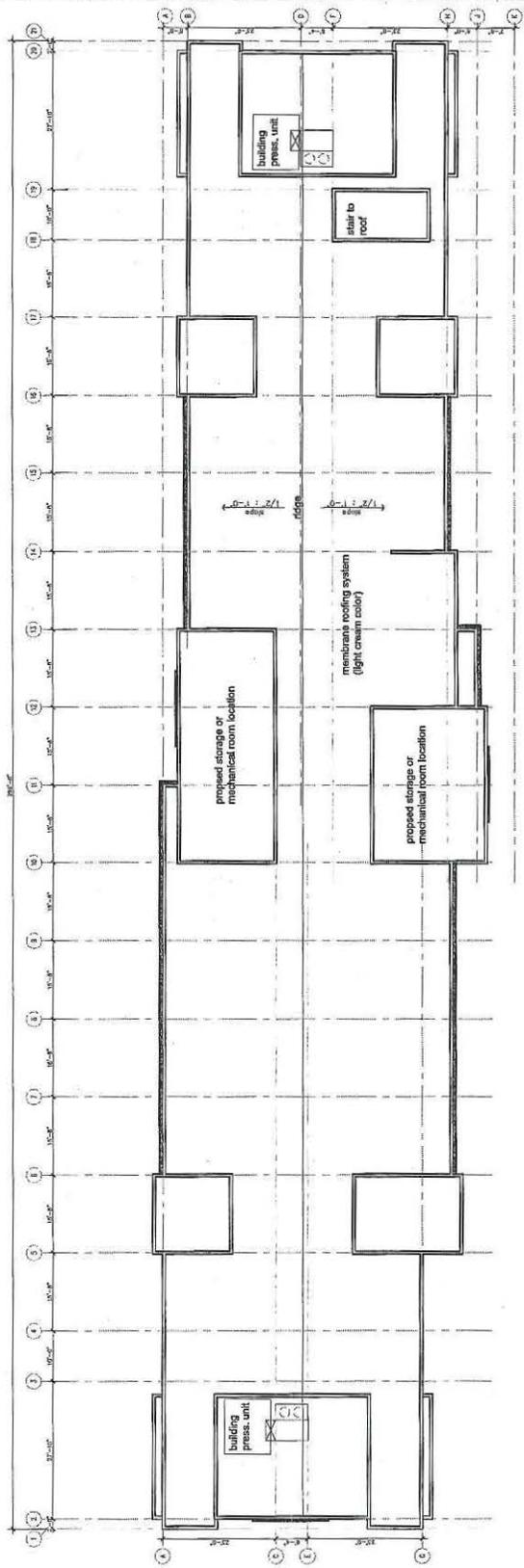
Townplace Suites
 Meyers Street, Hemet, CA
 Hemet Hospitality Investments, LLC
 1580 Alabama Street, Redlands, CA 92374

Townplace
 LEVELS 3 & 4
 DATE LAST EDITED:
 November 10, 2009

SHEET NO.
A-3
 OF 9 SHEETS IN SERIES

ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
THIS DOCUMENT IS THE PROPERTY OF WITTE ARCHITECTS, P.C. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN CONSENT OF ARCHITECT.

BASE PLAN NOTES
FOR PARAPET WALL HEIGHTS, REFER TO ELEVATION DRAWINGS.
ROOF TOP EQUIPMENT SHALL NOT BE VISIBLE ABOVE PARAPET WALLS WHEN VIEWED FROM GRADE LEVEL ON ADJACENT PUBLIC WAY.
ROOF TOP EQUIPMENT TO INCLUDE MECHANICAL COMPRESSOR EXHAUST FANS OR CURTAIN PENETRATION SHALL HAVE SCREENS TO BE LOCATEDLY SCREENS.



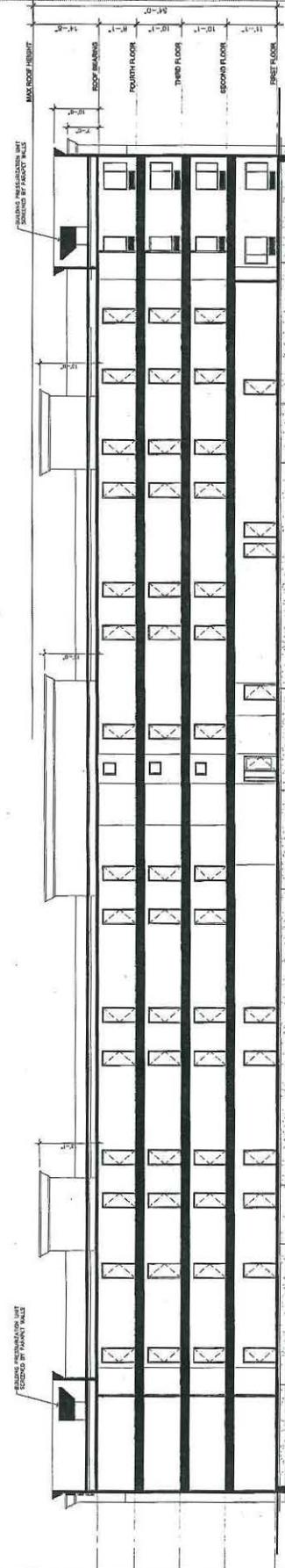
ROOF PLAN ?

FOR THE ARCHITECTS, L.P.
 ARCHITECTS
 1200 ALABAMA STREET, FIDELANDS, CA 92374
 TEL: (951) 941-1111
 FAX: (951) 941-1112
 WWW.ARTISTSARCHITECTS.COM

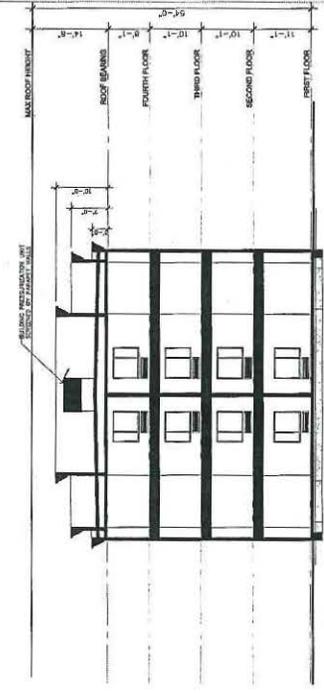
ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND REGULATIONS. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND REGULATIONS. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND REGULATIONS.

Townplace Suites
 Meyer's Street, Hemet, CA
 Hemet Hospitality Investments, LLC
 1260 Alabama Street, Redlands, CA 92374

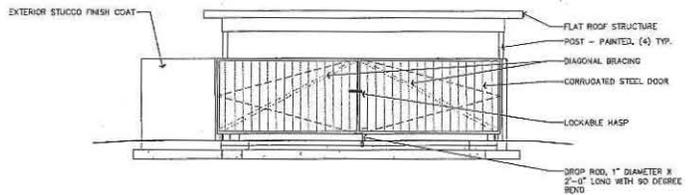
Townplace
 SECTIONS
 DATE: LAST EDITED
 November 10, 2009
 SHEET NO.
A-6
 OF SHEETS IN SERIES



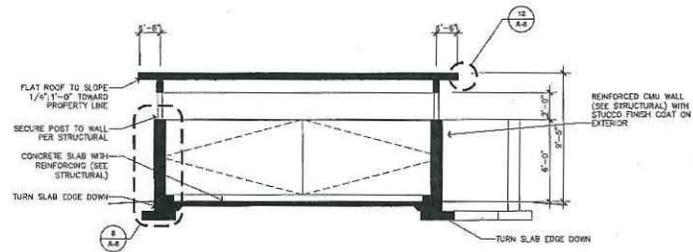
PERPENDICULAR SECTION 1
 $3/32" = 1'-0"$



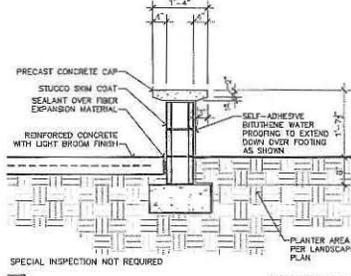
PERPENDICULAR SECTION 2
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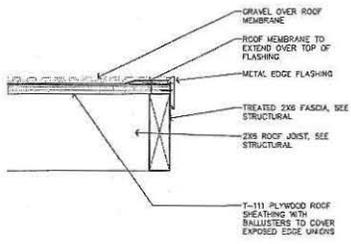
9 TRASH ENCLOSURE FRONT ELEVATION
1/4" = 1'-0"



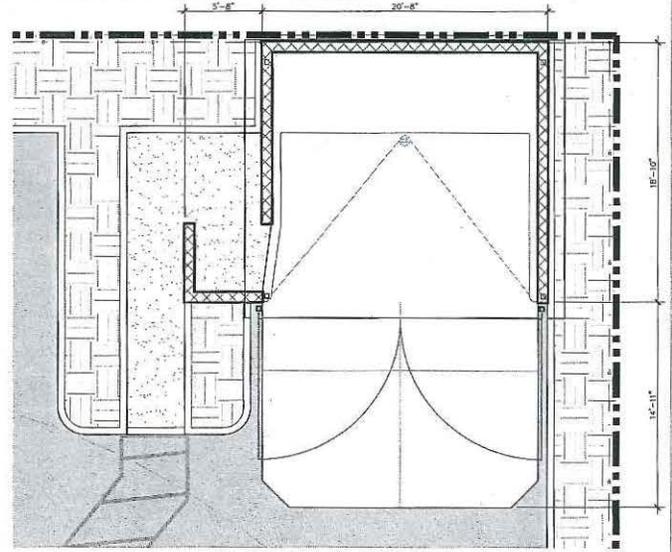
10 TRASH ENCLOSURE SECTION
1/4" = 1'-0"



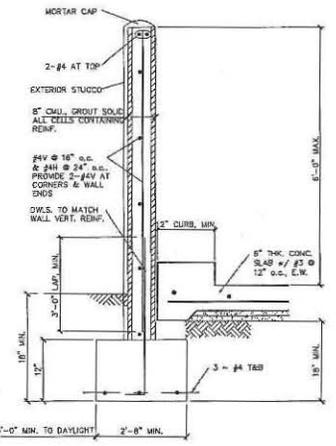
11 SEAT WALL
3/4" = 1'-0"



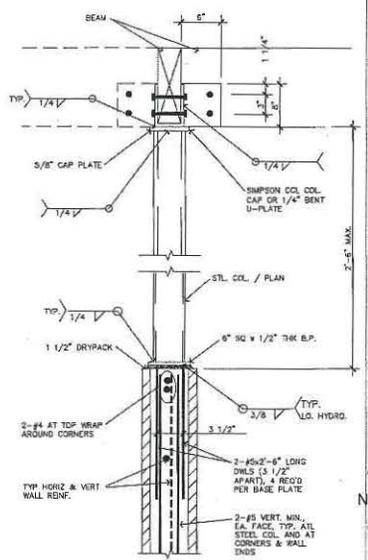
12 FASCIA AT TRASH ENCLOSURE ROOF
3\"/>



2 TRASH ENCLOSURE PLAN
1/4" = 1'-0"



8 CONCRETE WALL AT TRASH ENCLOSURE
3/4" = 1'-0"



4 STEEL COLUMN ON MASONRY WALL
1 1/2" = 1'-0"

RESERVE UTILITIES ARCHITECTS, P.C.
10000 WILSON BLVD SUITE 110
DUBLIN, CA 94568
(916) 231-1100
www.reserve.com

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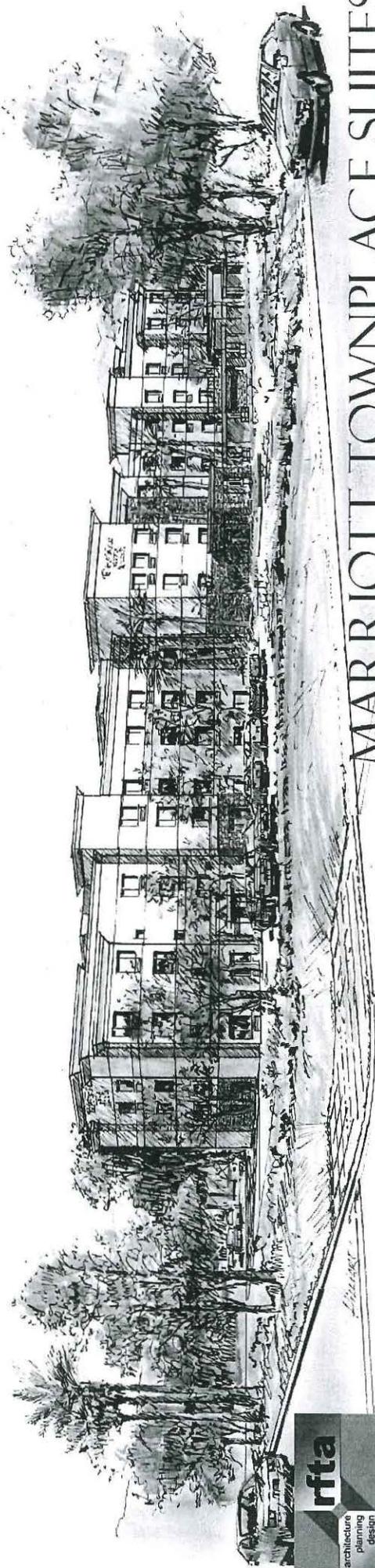
Townplace Suites
Meyer's Street, Hemet, CA
Hemet Hospitality Investments, LLC
1260 Alabama Street, Redlands, CA 92374

Townplace
WALLS & FENCES
DATE LAST EDITED:
November 10, 2009

SHEET NO.
A-8
OF SHEETS IN SERIES

DESIGN BY: HEMET

RELEASE: 05/14/2010 10:56:00 AM



MARRIOTT TOWNPLACE SUITES

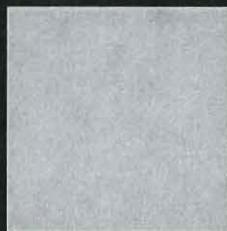
HEMET, CALIFORNIA
HEMET HOSPITALITY INVESTMENTS, LLC



Stucco Base
Dunn-Edwards DE6090
"Western Red"



Stucco Upper
Dunn-Edwards DEC744
"Celtic Linen"



Trim & Accent
Dunn-Edwards DEC770
"Drifting"



Wrought Iron Fence
Dunn-Edwards DEC756
"Weathered Brown"



Windows/PTAC
Kawneer
"Medium Bronze"



Coronado Stone
Quick Stack
"Carmel Mountain"



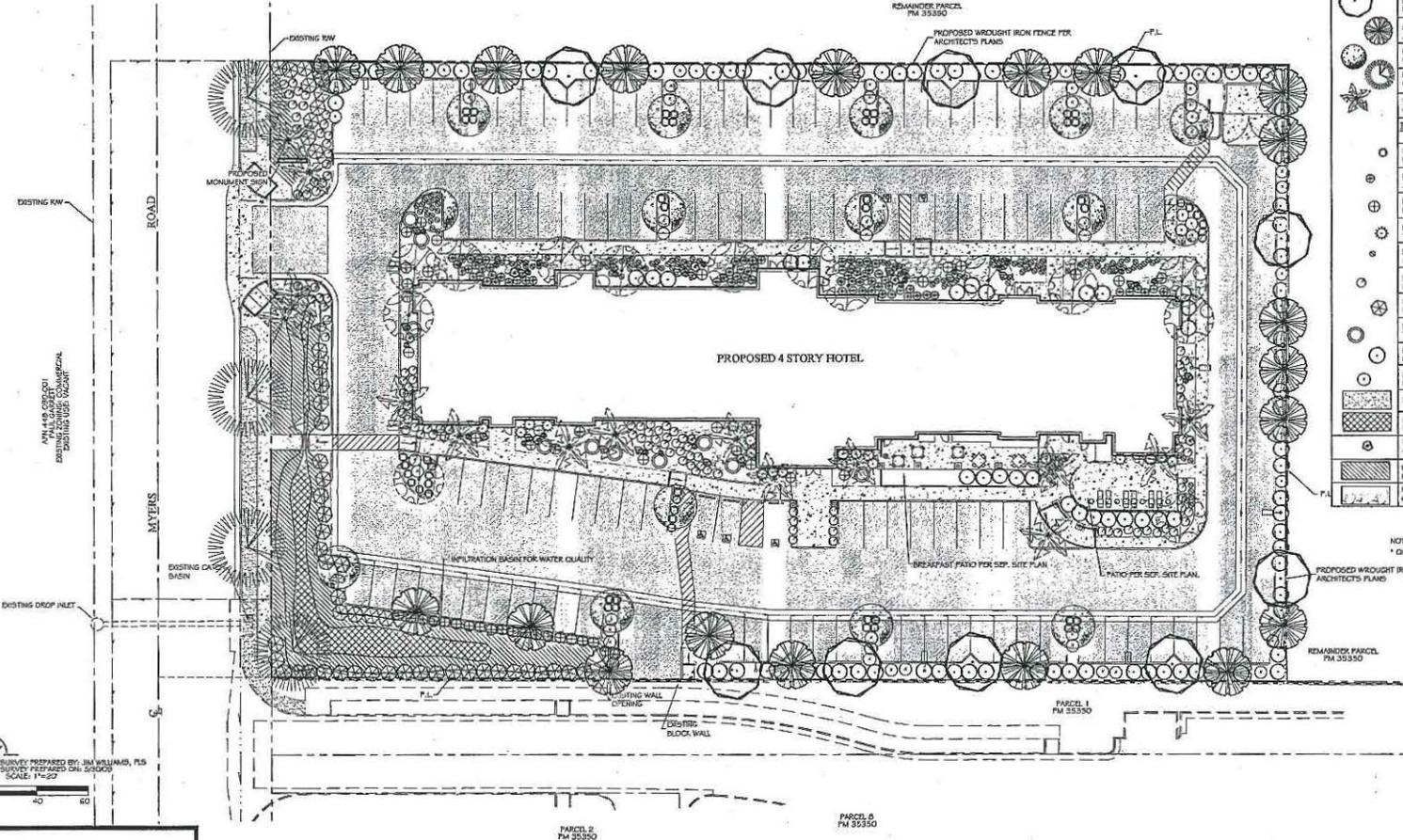
Block Wall
Orco Block
"Nu-Fad Split Face"

CONCEPTUAL LANDSCAPE PLAN
 PORTION OF APN 448-140-016
 CITY OF HEMET
 SEPTEMBER 2009

PLANT LEGEND:

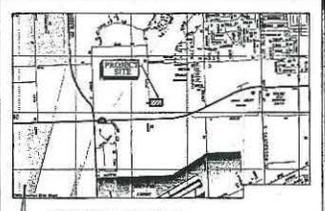
PROPOSED TREES:	QUANTITY	SIZE
ACACIA STENOPTERYLIA SPYROSTREMS ACACIA	14	15 GAL
BRACHYCHTON POPULAEUS SCOTLE TREE	10	15 GAL
SCOLERA PARVIFLORA AUSTRALIAN WILLOW	20	15 GAL
LACONOSTOMA INDICA GRATE MYRTLE	15	15 GAL
TOLEIPEUTERA PANICULATA GOLDENRAIN TREE	4	24" BOX
WASHINGTONIA FILIFERA CALIFORNIA FAN PALM	15	10-1298TH
PROPOSED SHRUBS / GROUNDCOVER:		
BREZZOIA HARRISONIANA HARRISON BARBERRY	51	1 GAL
HAKONECHLOA JAPONICA JAPANESE FOREST GRASS	72	1 GAL
HESPERALOE PARVIFLORA RED TUCCA	47	5 GAL
LEUCOPHYLLUM FRUTESCENS TEXAS RANGER	20	5 GAL
LIRIOPE MUSCARI BIG BLUE LILY TURT	141	1 GAL
MULHEBERGIA CAPILLARIS PINK MILLY	32	1 GAL
MULHEBERGIA RUBENS DEER GRASS	55	1 GAL
MYOPORUM PARVIFOLIUM TROLLING MYOPORUM	10	1 GAL
HANDMA DOMESTICA HEAVELY BAMBOO	106	5 GAL
RHAPLOPEPS INDICA INDIAN HAWTHORN	46	1 GAL
SOIL	1,005 SF	
FESTUCA RUBRA RED FESCUE	1,005 SF	FLATS
NATIVE SOLIDERS APPROXIMATE SIZE AS SHOWN	46	
MYOPORUM PARVIFOLIUM N.C.N.	2,863 SF	FLATS
NATIVE RIVER BUCK 6" 1" DIAMETER	4,132 SF	

NOTE: ALL SHRUB AND GROUNDCOVER AREAS TO RECEIVE 2" OF MULCH.
 * QUANTITIES ARE PRELIMINARY AND PROVIDED FOR PLANNING PURPOSES ONLY.



AVI & ASSOCIATES
 1745 S. GARDEN ST.
 DENVER, CO 80202

SURVEY PREPARED BY: TIM WILLIAMS, PLS
 SURVEY FOR PARCEL 1 AND 2
 SCALE: 1"=20'



THOMAS BIRD, GLUIDE PAGE RM, D-1
 Map © Reed McNally & Company P.L.L.C. 05-5-09
 VICINITY MAP

PARCEL MAP 35350
 COMMERCIAL
 (UNDER CONSTRUCTION)

BENCHMARK
 15-10-2, 21ST MARCH 1982.
 BEING AN ALUMINUM DISK SET FLUSH IN AC 3/4
 CONCRETE CURB/ISL, LOCATED AT THE SOUTHWEST
 CORNER OF SANDERSON AVENUE AND MENDI
 AVENUE, 1.1' NORTH OF A 2.5" HIGH CONCRETE
 BLOCK WALL AT THE BEGINNING OF THE CORNER CUT
 BACK OF MENDI AVENUE, 82.8' WEST OF
 PP#157631.4E, 84.3' NORTHEAST OF PP#31761.27E,
 50.2' EAST ON SANDERSON AVENUE, 45.3' SOUTH OF
 MENDI AVENUE.

PREPARED FOR:
**HEMET HOSPITALITY
 INVESTMENT, LLC**
 1260 ALABAMA STREET
 REDLANDS, CA 92374
 PH: (909) 957-2294
 F: (909) 735-2922

CONCEPTUAL LANDSCAPE PLAN
 PORTION OF APN 448-140-016
 CITY OF HEMET

• land planning
 • civil engineering
 • landscape architecture

Phone: 909.742.7777
 Fax: 909.742.7778
 Website: www.dtschler.com

Dtschler engineering & associates, inc.
 1401 1/2 Street Suite 105, San Diego, CA 92107

**Exhibit
No. 1B
Conditions of Approval**

**Planning Commission
Meeting of
April 17, 2012**



**CITY OF HEMET
DRAFT CONDITIONS OF APPROVAL**

**PLANNING COMMISSION DATE
FOR EXTENSION OF TIME NO. 11-004: APRIL 17, 2012**

**ORIGINAL CITY COUNCIL DATE
FOR SITE DEVELOPMENT NO. 09-003: DECEMBER 8, 2008**

PROJECT NO.: **Extension of Time No. 11-004 for Site Development Review No. 09-003**
APPLICANT: Hemet Hospitality Investments
LOCATION: 600 feet north of Florida Avenue on the east side of Myers Street
DESCRIPTION: Extension of Time for the construction and operation of a four (4) story, 105-unit hotel.
OCCUPANCY: This project has been reviewed as an R-1; any other use will require further review.

Note: Any conditions revised at a hearing will be noted by ~~strikeout~~ (for deletions) and/or underline (for additions), and any newly added conditions will be added at the end of all conditions regardless of the Department originating the condition.

STANDARD CONDITIONS

The following conditions of approval were approved by the City Council as standard conditions of approval for all projects. Questions regarding compliance with these conditions should be directed to the Planning Department at (951) 765-2375.

General Requirements

1. Pursuant to **Extension of Time No. 11-004, Site Development Review No. 09-003** shall become null and void on December 8, 2013 from the date of approval, unless use in reliance on the approved Site Development Review is established prior to the expiration date. No formal notice of expiration will be given by the City.
2. Approval of **Site Development Review No. 09-003** shall become effective on **December 8, 2009**. Approval of **Extension of Time No. 11-004** for Site Development Review 09-003 shall become effective on March 31, 2012 unless appealed to the City Council by **April 27, 2012** (10 calendar days after action by

City of Hemet – Draft Conditions of Approval
Extension of Time No. 11-004 for Site Development Review No. 09-003 – Marriott

the Planning Commission. The appeal shall be in writing and shall be accompanied by the required fee.

3. The conditions of approval for this project shall supersede all conflicting notations, specifications, dimensions, typical sections, and the like, which may be shown on the tentative project plans.
4. The project site shall be developed in accordance with the approved plan(s) and the conditions contained herein.
5. This project shall comply with all sections of the Zoning and Subdivision Ordinances and all other applicable Local regulations in effect at the time of the building permit application, including the I.C.B.O. California Building Code, California Fire Code, and City and State Handicapped Accessibility Requirements (California Code of Regulations, Title 24).
6. Prior to or concurrent with the submittal of building plans for plan check review on this Project, the conditions of approval contained herein shall be photocopied onto the first sheet of the building plans. A copy of the building plans shall be submitted to the Planning Department prior to the issuance of building permits to verify compliance with the conditions of approval and the approved plans.
7. Prior to the issuance of building permits, the applicant shall be subject to all applicable development fees at the rate in effect at the time of building permit application. Such fees may include, but not be limited to: Park Fees, School Fees, Master Plan Storm Drainage Fees, Permit and Plan Checking Fees, Water and Sewer Service Fees, Capital Facility Fees, and Transportation Uniform Mitigation Fees (TUMF).
8. Construction activity shall meet the requirements of Hemet Municipal Code Chapter 30, Article II.
9. Prior to any grading or drainage activity, a grading and/or drainage plan shall be prepared and submitted to the City Engineer and Planning Department for review and approval. No grading or drainage work shall occur without a grading permit and/or the permission of the City Engineer.
10. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside,

void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

11. The applicant shall be required to remove, replace and/or repair any existing appurtenances damaged or broken during construction. Replacement and repairs shall be in accordance with the City of Hemet Standard Specifications for Public Works Construction.

PLANNING CONDITIONS

The following conditions of approval are project specific and were recommended by the Planning Department. Questions regarding project compliance with these conditions should be directed to the City of Hemet Planning Department at (951) 765-2375.

Planning Requirements

12. A maximum of 105 hotel guest rooms are approved by this permit.
13. Elevations of all buildings and structures submitted for building plan check shall be in substantial conformance with the elevations shown on the approved plans.
14. Floor plans shall be in substantial conformance with the floor plans shown on the approved plans.

Landscaping

15. This project shall comply with the landscape design requirements outlined in the City's Commercial Design Guidelines in effect at the time of building plan check.
16. This project shall be subject to all the requirements listed in the Water Efficiency Landscaping Ordinance (currently Ordinance No. 1784, adopted by City Council on July 23, 2007), and/or the Specific Plan landscaping standards.

17. Prior to the issuance of a Certificate of Occupancy or finalization of the Building Permit, landscaped areas shall have an automatic irrigation system, with automatic timers, installed and operational, unless cash or a bond is posted to guarantee completion.
18. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash, disease, vermin, and debris, during the term of this Project.

ENVIRONMENTAL

Mitigation Measures

19. **AIR-1.** The project developer shall require by contract specifications that construction operations incorporate fugitive dust control measures, as identified in SCAQMD Rule 403. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit. These measures include (but shall not be limited to) the following:
 - Revegetate disturbed areas as quickly as possible.
 - Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
 - Sweep all streets once per day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water).
 - Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash trucks and any equipment leaving the site.
 - Pave, water, or chemically stabilize all on-site roads as soon as feasible.
 - Minimize at all times the area disturbed by clearing, grading, earthmoving, or excavation operations.
 - Apply non-toxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).
 - Water active sites at least twice daily. Locations where grading is to occur will be thoroughly watered prior to earthmoving.
 - Cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least two feet of freeboard (vertical space between the top of the load and top of the trailer) in accordance with the requirements of California Vehicle Code (CVC) Section 23114.
 - Pave construction access roads at least 100 feet onto the site from the main road.
 - Reduce traffic speeds on all unpaved roads to 15 mph or less.
20. **BIO-1.** No more than 30 days prior to ground-disturbing activities associated with the project, a qualified biologist shall conduct a pre-construction presence/absence survey for burrowing owls. If burrowing owls are detected during pre-construction surveys, the owls shall be relocated from the property following accepted protocols. If active burrows are found during the breeding season,

grading activities shall be postponed in that area until a qualified biologist has determined that the nest is no longer actively being used to rear young. Grading and associated activities shall commence only at such time that the biologist has determined that the burrows are no longer active. If active burrows are found outside the breeding season, relocation of the owls shall be conducted by a qualified biologist in accordance with requirements outlined in the western Riverside County MSHCP and approved by the appropriate agencies.

21. **BIO-2.** If site-clearing and grading activities occur within the avian nesting period (February 1–August 31), a certified biologist shall conduct a nesting bird survey prior to any ground-disturbing activities. The nesting survey shall take place over three consecutive days one week prior to the start of ground-disturbing activity. Ground disturbance shall not be permitted within a pre-determined buffer dependent upon nesting bird species requirement. All site-clearing and grading shall conform to applicable provisions of the Migratory Bird Treaty Act.
22. **BIO-3.** Prior to the issuance of any permits for the proposed project, the project applicant shall provide evidence to the City that the per-acre MSHCP fee of \$6,597.00 has been paid. The payment of said fee shall be in accordance with Chapter 31 of the City's Municipal Code (Multiple Species Habitat Conservation Plan Mitigation Fee).
23. **BIO-4.** Prior to the commencement of project grading, the project applicant shall submit evidence to the City that all permit requirements mandated by the U.S. Army Corps of Engineers, the California Department of Fish and Game, and/or the Regional Water Quality Control Board, Santa Ana Region, have been satisfied.
24. **BIO-5.** If vegetation is to be removed during the nesting season (February 1 through August 31), a qualified biologist shall conduct a nesting bird survey of potentially suitable nesting vegetation no more than three days prior to vegetation removal. If active nests are identified during nesting bird surveys, then the nesting vegetation shall be avoided until the nesting event has completed and the juveniles can survive independently from the nest. The biologist shall flag the nesting vegetation and shall establish an adequate buffer around the nesting vegetation. Clearing/grading shall not occur within the buffer zone until the nesting event has completed.
25. **CUL-1.** Prior to the commencement of ground-disturbing activities, the project applicant shall provide evidence to the City that a qualified (as determined by the City) archaeologist and/or paleontologist has been retained to monitor ground-disturbing activities. The qualified archaeologist and/or paleontologist shall be on site during any ground-disturbing activities. In the event any archaeological, historical, or paleontological resource is uncovered during the course of the project, ground-disturbing activities in the vicinity of the find shall be redirected until the nature and extent of the find can be evaluated by a qualified monitor.

Any such resource uncovered during the course of project-related grading or construction shall be recorded and/or removed per applicable City and/or State regulations.

26. **CUL-2.** Prior to the commencement of ground-disturbing activities, the project applicant shall provide evidence to the City that a qualified (as determined by the City) archaeologist and/or paleontologist has been retained to monitor ground-disturbing activities. The qualified archaeologist and/or paleontologist shall be on site during any ground-disturbing activities. In the event any archaeological, historical, or paleontological resource is uncovered during the course of the project, ground-disturbing activities in the vicinity of the find shall be redirected until the nature and extent of the find can be evaluated by a qualified monitor. Any such resource uncovered during the course of project-related grading or construction shall be recorded and/or removed per applicable City and/or State regulations.
27. **GEO-2.** The design and construction of all structures and facilities within the project limits shall be in accordance with the applicable recommendations cited in the geotechnical investigation prepared for the proposed project. Prior to the issuance of grading and building permits, the City shall require the following:
- Footings
- Remove a minimum of 2 feet of expansive soils and replace the soils with non-expansive sandy soils; or
 - Use reinforced footings capable to withstand soil expansion; or
 - Subsequent to grading perform lime treatment procedure.
- Slab-on-Grade
- Remove a minimum of 2 feet of expansive soils and replace the soils with non-expansive sandy soils; or
 - Use thicker concrete slabs as determined by engineer, with moisture barrier; or
 - Post-tensioned slabs with moisture barrier.
- Garage Slab, Driveway, Sidewalk, Curb, and Gutter
- Remove a minimum of 2 feet of expansive soils and replace them with non-expansive soils; or
 - Subsequent to grading perform lime treatment procedure.
28. **HAZ-1.** Prior to the issuance of building permits, the landowner shall record Avigation Easements covering the entire proposed for development to the County of Riverside as owner-operator of Hemet-Ryan Airport.
29. **HAZ-2.** All structures at this location with an elevation above 1,545 feet mean sea level at the top of structures shall require FAA aeronautical review through the Form 7460-1 FAA notice process.

30. **HAZ-3.** Any outdoor lighting installed shall be hooded and shielded to prevent either the spillage of lumens or reflection into the sky. All lighting plans should be reviewed and approved by the airport manager to approval.
31. **HAZ-4.** The attached notice shall be given to all prospective buyers and tenants.
32. **HAZ-5.** The following uses shall be prohibited:
 - a. Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - c. Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
33. **NOS-1.** A means of mechanical ventilation and standard dual-glazed windows and doors with a STC rating 26 or higher for all locations within the project shall be required.
34. **NOS-2.** During all project site excavation and grading on site, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise-sensitive receptors nearest the project site.
35. **NOS-3.** The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction.
36. **NOS-4.** The construction contractor shall limit all construction-related activities between the hours of 6:00 a.m. and 6:00 p.m. during the months of June through September and between the hours of 7:00 a.m. and 6:00 p.m. during the months

of October through May. Saturday construction shall be permitted between the hours of 7:00 a.m. and 6:00 p.m. Sunday construction shall be prohibited.

37. **NOS-5.** The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.
38. **TRA-1.** Prior to issuance of occupancy, the following improvements shall be constructed by project proponent at the Myers Street/project driveway intersection:
 - Northbound approach on Myers Street:
 - Construct a shared through/left-turn lane (U-turn access); and
 - Construct a shared through/right-turn lane.
 - Southbound approach on Myers street:
 - Construct a through lane; and
 - Construct a shared through/left-turn lane
 - Westbound approach on the project driveway:
 - Install a stop sign; and
 - Construct a shared left-turn/right-turn lane.

BUILDING CONDITIONS

The following conditions of approval are project specific and were recommended by the Building Department. Questions regarding compliance with these conditions should be directed to the City of Hemet Building Department at (951) 765-2475.

39. Smoke detectors shall be installed in accordance with California Building Code Section 1210.12.
40. As part of the plans for plan check, a detailed structural analysis, in compliance with Chapter 16 of the California Building Code for the building's intended use shall be provided.
41. The electrical, plumbing and mechanical systems shall be installed in accordance with applicable adopted codes.
42. Provide code analysis for type of construction and increases proposed.
43. Provide an emergency egress plan.
44. Current applicable codes are 2007 California Building Codes.
45. Provide two (2) perpendicular section drawings with intermediate elements shown.

Handicap Requirements

46. This project is subject to State Handicapped Accessibility Requirements. (California Code of Regulations, Title 24)
47. Handicapped restrooms shall be installed in accordance with California Code of Regulations, Title 24/California Building Code, Section 1115(b).
48. Handicapped parking and signage shall be installed in compliance with applicable state and city codes, if off-street parking is provided.
49. All entrances and exits shall be handicapped accessible per California Code of Regulations, Title 24.
50. A handicapped accessible pedestrian access to the site shall be provided.
51. Specify number of accessible units and show on floor plans.
52. Indicate number of visually impaired units and show on floor plan.
53. Indicate number of hearing impaired units and show on floor plans.

Agency Approvals

54. Prior to the issuance of a building permit, Riverside County Environmental Health Department approval shall be obtained.
55. Prior to the issuance of a building permit, Eastern Municipal Water District approval shall be obtained.

General

56. Utilities shall be underground.

ENGINEERING CONDITIONS

The following conditions of approval are project specific and were recommended by the Engineering Division. Questions regarding compliance with these conditions should be directed to the City of Hemet Engineering Division at (951) 765-2360.

Please contact the PUBLIC WORKS-ENGINEERING DEPARTMENT for compliance with the following conditions:

General

57. The applicant shall coordinate with affected utility companies and obtain any permits as necessary for the development of this project.
58. Easement(s) of record not shown on the site plan shall be relinquished or relocated. Lots affected by proposed easements or easements of record, which cannot be relinquished or relocated, shall be redesigned.
59. Where survey monuments exist, such monuments shall be protected or shall be referenced and reset, pursuant to Business and Professions Code, Sections 8700 to 8805 (Land Surveyors Act).
60. Prior to any lane closure or detour, the Applicant shall submit a Construction Traffic Management Plan, for review and approval by the City Engineer. The plan shall include, but not limited to, signing, truck routes, and dirt hauling hours.

STREETS

Myers Street

61. Install type "A" curb and gutter on an alignment 32-feet from the centerline of Myers Street, in accordance with the City of Hemet Standard Specifications for Public Works Construction, Standard C-200.
62. Install a raised median with type "D" curb, in accordance with the City of Hemet Standard Specifications for Public Works Construction, Standard C-203.
63. Install street paving from the new gutter lip to 12-feet West of the centerline, in accordance with the City of Hemet Standard Specifications for Public Works Construction.
64. Street structural sections shall be designed for a Traffic Index (TI) of 7.5. Preliminary soils investigations shall be used to determine the R-value to calculate the pavement structural section, based on the established TI. The final pavement section shall be approved by the City Engineer.
65. Install commercial driveway approach in accordance with the City of Hemet Standard Specifications for Public Works Construction, Standard C-210A. Driveway widths and locations shall be approved by the City Engineer.
66. Install sidewalk and handicap ramp(s) in accordance with the City of Hemet Standard Specifications for Public Works Construction, and Uniform Building Code Title 24.

67. All existing and proposed aerial utility lines shall be relocated and installed underground, in accordance with the City of Hemet Ordinance Bill 05-100, amending Section 82-172 of the Municipal Code.
68. Install public street lights in accordance with the City of Hemet Standard Specifications for Public Works Construction, Standards G-805, G-808, G-808A, and G-808B. The plans shall be designed by a registered electrical engineer.
69. Install street trees (40-feet on-center) in accordance with the City of Hemet Approved Street Tree List. Install automatic irrigations system to trees.
70. Digitized drawing files of all improvement plans, in a City's compatible CAD system, shall be submitted along with original mylar plans.
71. Existing City roads, which will require reconstruction, shall remain open for traffic at all times, with adequate detours, to the satisfaction of the City Engineer.

PARKING

72. Prior to issuance of a Grading Permit or building permit, whichever occurs first, proof of the right to ingress and egress shall be obtained from adjacent property owner and provided to the City Engineer.
73. Prior to issuance of a Certificate of Occupancy or the finalization of building permit, install trash enclosure(s) in accordance with the City of Hemet Standard Specifications for Public Works Construction, Standards R-500 Series. The location(s) shall be approved by the City of Hemet Refuse Supervisor.
74. The parking lot shall be designed in accordance with the City of Hemet Parking Lot Design Criteria contained in the City of Hemet Standard Specification for Public Works Construction, Standards P-400 and 401, Uniform Building Code Title 24, and in accordance with Chapter 90, Article XL of the Hemet Municipal Code. The plans shall include the location of parking lot lighting, lighting standard specifications and required parking lot landscaping.
75. Prior to issuance of a Certificate of Occupancy, the parking lot paving shall be slurry coated, if necessary as determined by the City Engineer.

DRAINAGE

76. Prior to issuance of the Building Permit, the Applicant shall pay the Master Storm Drain Plan fee, at the currently adopted rate.
77. The incremental increase in runoff between the developed and undeveloped property for the 100-year/3-hour storm must be retained on site.

78. The Flood Insurance Rate Map shows this project to be in Zone X; (areas subject to 100-year flooding with average depths less than one foot). All building foundation pads within the development shall be elevated in accordance with City of Hemet Ordinance No. 754.
79. Prior to issuance of a Grading Permit, the Applicant shall submit to the City Engineer for review and approval, hydrology and hydraulic calculations within and immediately adjacent to the project site. Improvements proposed by the Applicant shall be taken into account when analyzing impacts to upstream, adjacent and downstream properties.
80. Adequate provisions shall be made to intercept and conduct the drainage flows within and from the site in a manner which will not adversely affect adjacent or downstream properties.
81. Construction of the detention basin shall include, but not limited to, the following improvements: perimeter fencing (decorative block and/or wrought iron fence, as determined by the Planning Department), access ramp, outlet structure and discharge pump. The use of an underground detention system is preferred. Such system shall include appropriate filters at the inlet(s), and a discharge pump.
82. Effective January 1, 2006, all construction projects on one acre or more, in the San Jacinto Watershed, shall apply for coverage under the State General Permit for Storm Water Discharges Associated with Construction Activity (General Permit) Order No. 99-08-DWQ.
83. Prior to issuance of a Grading Permit, the applicant shall submit to the City for review and approval, a project-specific Water Quality Management Plan (WQMP). This plan shall address Site Design BMPs, incorporate the applicable Source Control BMPs, incorporate Treatment Control BMPs, describe the long-term operation and maintenance requirements for BMPs needing long-term maintenance, and describe the mechanism for funding the long-term operation and maintenance of the BMPs.
84. Prior to issuance of a Grading Permit, the applicant shall provide the City Engineer with proof of filing a Notice of Intent with the State Water Resources Control Board in Sacramento, obtain a WDID number from the Board, and have an approved WQMP from the City.
85. Prior to issuance of a Building Permit, the property owner shall record a "Covenant and Agreement" with the County Recorder, or other instrument acceptable to the City, to inform future property owners of the requirement to implement the approved project-specific WQMP

86. Prior to issuance of a Certificate of Occupancy, a Registered Civil Engineer shall submit to the City Engineer a written certification that all the components of the approved WQMP have been satisfactory installed and constructed. Certification shall be to grade, elevations, plantings, materials, and other elements included in the approved WQMP.
87. Any required underground storm drain lines and appurtenances, within the public right-of-way, shall be installed in accordance with the City of Hemet Standard Specifications for Public Works Construction.
88. Drainage easement(s), as required by the City Engineer, shall be shown on the improvement plans or grading plans. Easement(s) shall be recorded by deed.

WATER

89. Domestic water service will be provided by EMWD.

SEWER

90. Domestic sewer service will be provided by EMWD.

LANDSCAPING

91. Prior to issuance of a Grading Permit, a landscape plan for improvements within the public right-of-way, shall be submitted to Engineering for review and approval. Plans shall be prepared in 24" x 36" format with City's standard title block.
92. Prior to the approval of the Parcel Map, a Lighting and Landscaping Maintenance District (LLMD) shall be established or joined.
93. Prior to final acceptance of the public improvements, submit landscape "as-built" in public areas, and RP principle backflow prevention certification(s) for all water service.

FIRE PREVENTION CONDITIONS

The following conditions of approval are project specific and were recommended by the Fire Department. Questions regarding compliance with these conditions should be directed to the City of Hemet Fire Department, FIRE PREVENTION DIVISION at (951) 765-2450.

Unless specifically stated herein, these conditions shall not be construed to permit or allow deviation from any Federal or State laws nor any of the local codes and ordinances adopted by this jurisdiction. Please contact the Hemet Fire Department,

Fire Prevention Division for any questions regarding compliance with the applicable codes or following conditions:

Agency Approvals

94. Prior to the issuance of a building permit written proof shall be provided from the water purveyor that sufficient capacity is available for fire protection. The minimum required fire flow for this project is **4750** GPM @ 20psi residual pressure for a duration of 4 hours, per 2010 CFC Appendix B. Fire flow and flow duration for buildings without automatic fire protection and having an area in excess of 3,600 square feet shall not be less than specified in Table B105.1.
95. Facilities and equipment used for the storage and handling of flammable or combustible liquids and other hazardous materials (which meet or exceed reportable quantities) as defined by Federal, State and Local Laws shall be approved by the County of Riverside Environmental Health.
96. A Fire Protection Plan (FPP) shall be submitted by the applicant, with approval by the Fire Chief, for all new development within the Urban-Wildland Interface (UWI) areas. The FPP shall include mitigation measures consistent with the unique problems resulting from the location, topography, geology, flammable vegetation, and climate of the proposed site. The FPP shall address water supply, access, building ignition and fire resistance, fire protection systems and equipment, defensible space and vegetation management. The FPP shall be consistent with the Interface Code, Municipal Code or other nationally recognized standards. 2010 CFC Chapter 49.

General

97. The final Conditions of Approval for this project shall be included in any site plan or construction plans submitted for permit issuance. Plans will not be approved without reference to these "conditions".
98. This project is subject to review and approval in accordance with the California Code of Regulations, Title 19 for Fire and Life Safety. This project may be subject to an annual inspection and permit from the Hemet Fire Department for this type of occupancy (use).
99. Provision for the storage or handling of hazardous materials, as defined by Federal, State, and Local Law, shall be in accordance with CFC, Chapter 27.
100. Storage and handling of flammable and combustible liquids shall be in accordance with the 2010 California Fire Code, Chapter 34 and NFPA 30 (2008), Flammable and Combustible Liquids Code.
101. Motor fuel dispensing operations and/or facilities and repair garages shall be in accordance with 2010 CFC, Chapter 22.

Hydrants and Fire Protection Systems

102. An approved water supply capable of supplying the required fire flow for fire protection shall be provided on site when any portion of the building or facility is in excess of 400 feet from an approved water supply on a public street. 2010 CFC Section 507. The location of on-site hydrants and mains shall be approved by the Fire Marshall prior to permit issuance.
103. Prior to combustible construction commencing, install and/or upgrade, as required by the 2010 CFC, street (off-site) fire hydrants pursuant to the City of Hemet Standard Specifications for Public Works Construction. Distance between fire hydrants shall not exceed 300 feet without approval from the Fire Marshal. Fire hydrants shall be located within 150 feet of Fire Department Connections (FDC) for Standpipes and Automatic fire sprinklers.
104. Prior to combustible construction install, as required by the City of Hemet Fire Marshal, on-site fire hydrants pursuant to the City of Hemet Standard Specifications for Public Works Construction. Travel distance along the fire access route shall not exceed 300 ft. between hydrants without approval from the Fire Marshal.
105. In accordance with the 2010 CFC Section 507, the water system (mains and hydrants) shall be tested and accepted by the Fire Marshal prior to the commencement of combustible construction. Hydrant markers (Blue Dots) shall be installed pursuant to the City of Hemet Standard Specifications for Public Works.
106. In accordance with the 2010 CFC Section 903, as amended and Article II, Chapter 14 of the Hemet Municipal Code, automatic fire sprinklers shall be installed throughout all buildings 3,500 square feet or larger pursuant to NFPA Standards. Systems with 20 heads or more shall be monitored by a UL listed central station alarm system meeting NFPA 72 and City of Hemet requirements.
107. In accordance with the 2010 CFC Section 903, an automatic fire sprinkler system is required throughout all buildings with this occupancy type based on the use(s) proposed. Systems with 20 heads or more shall be monitored by a UL listed central station alarm system meeting NFPA 72 and City of Hemet requirements.
108. In accordance with CFC Section 905, Wet/Dry class I combination standpipe(s) shall be installed pursuant to NFPA 14 Standards.
109. In accordance with CFC Section 905, Hose and cabinets shall be installed to NFPA 14 Standards.

110. In accordance with CFC Section 905, Location of Class I standpipe hose connection shall be installed with this section and NFPA 14 standards.
111. In accordance with the CFC Section 904 and CCR Title 19, alternative automatic fire extinguishing systems shall be installed and maintained pursuant to NFPA standards. Prior to installation (or modification) of a fire protection system, complete plans shall be submitted to the City of Hemet Fire Marshal for review and approval.
112. Portable fire extinguishers shall be installed and maintained in accordance with 2010 CFC section 906 and Chapter 3, Title 19 CCR. The type and spacing shall be approved by the City of Hemet Fire Marshal prior to installation.
113. Commercial cooking equipment that produces grease laden vapors shall be provided with a Type I hood, in accordance with the California Mechanical Code, and an automatic fire extinguishing system complying with U.L. 300 pursuant to 2010 CFC Section 904.11.
114. An approved manual, automatic or (manual and automatic) fire alarm/monitoring system shall be installed and tested prior to final inspection in accordance with the 2011 CFC Section 907 and pursuant to NFPA standards. Automatic fire sprinkler systems with 20 heads or more shall be monitored by a UL listed central station meeting the standards of NFPA 72 and City of Hemet requirements.
115. All check valves, post indicator valves, fire department controls, and connections shall be located as required and approved by the Fire Marshal of the City of Hemet. If multiple buildings, each building shall have separate (approved) control valves. A separate permit will be required for all underground piping for fire protection systems.

Fire Department Access

116. Prior to delivery of combustible materials on site, provide and maintain a surfaced all weather access roadway 20-feet wide with a 13-foot 6-inch vertical clearance designed to support the imposed loads of fire apparatus in accordance with the 2010 CFC Section 503.1 (dirt or native soil does not meet the minimum standard). Minimum turning radius for fire apparatus is 52 feet (outside) and 32 feet (inside). Fire access is required to within 150 ft of all portions of every building unless otherwise approved by the Fire Marshal.
117. In accordance with the 2010 CFC Section 503.2.5, approved turnarounds are required on any access road in excess of 150 feet in length, per City of Hemet Fire Department Standards.

118. Fire Department access roads shall have an unobstructed minimum width of 26 feet where fire hydrants are located along the access roadway or as otherwise determined by the Fire Marshal in accordance with 2010 CFC Section 503.2.2.
119. On flag lots or other constrained areas where fire access does not meet approved standards or is otherwise restricted, automatic fire protection may be required. An automatic fire protection system shall be approved by the City of Hemet Fire Department and installed pursuant to NFPA Standards.
120. Provide secondary access/egress per 2010 CFC Section 503.1.2 as required by the Fire Department. No portion of any public or private street used for fire access shall exceed 10% grade without approval from the Fire Marshal. All cul-de-sacs shall conform to City Standards for length, width and turnaround radius.
121. Prior to the issuance of a Certificate of Occupancy, "No Parking - Fire Lane" signs, red curbing, street signs and other required markings shall be provided to the specifications of the City of Hemet Fire Marshal in accordance with the 2010 CFC Section 503.3 and California Vehicle Code Section 22500.1.
122. Prior to final inspection, addresses shall be provided on all new and existing buildings in accordance with the 2010 CFC Section 505.
123. In accordance with the 2010 CFC Section 503, security gates if installed, shall be installed with approved automatic devices and/or key switches to allow Fire and Police Department access and egress pursuant to the City of Hemet Municipal Code and Fire Department Standards.
124. In accordance with the 2010 CFC Section 505 and Chapter 14, Article II, Section 10.301 of the Hemet Municipal Code, illuminated project directories shall be installed at all entrances pursuant to the City of Hemet Fire Department Standards.
125. Install Knox key boxes and/or Opticom switches for Fire and/or Police Department access in accordance with 2010 CFC Section 506 and the Hemet Municipal Code.
126. Modify driveway and on-site circulation in order to provide additional access for fire apparatus pursuant to 2010 CFC Section 503 (contact the Fire Marshal for specifics). Minimum turning radius for fire apparatus is 52 feet (outside) and 32 feet (inside). Fire access turn-around areas must be clear from obstructions including outside storage, trash enclosures and parked vehicles.
127. A fence enclosure, if installed, shall lead to a safe dispersal area 50-feet from buildings or shall have gates which comply with 2010 CFC Section 1008 which lead to a public way.

Miscellaneous

128. Interior finish, decorative materials and furnishings shall be in accordance in 2010 CFC Chapter 8. Classification and acceptance criteria of interior finishes shall comply with NFPA standards. Interior wall and ceiling finish shall not have a flame spread index greater than that specified in CFC Table 803.3.
129. An annual permit and a "Hazardous Materials Management Plan" (HMMP) will be required pursuant to 2010 CFC Section 2701. This facility shall be subject to the standards of NFPA 704 or some other means of identifying hazardous materials for emergency responders as approved by the Fire Marshal.
130. Prior to the issuance of a Certificate of Occupancy, an electronic version of the final tract map or site plan shall be submitted for fire suppression use. The scale shall be such that the site plan shall be clearly legible, showing all streets, the building footprints and addresses, fire hydrant locations, Knox box locations (if applicable), and access driveways. The format shall be compatible with the latest version of "AutoCAD" or equivalent.
131. No change in use or occupancy shall be made to any existing building or structure unless the means of egress system is made to comply with the requirements for the new use or occupancy in accordance with 2010 CFC Chapter 10.
132. Fire safety during construction and demolition shall comply with 2010 CFC Chapter 14.
133. Due to environmental issues and the inability to provide adequate fuel modification zones for fire protection, all construction adjacent to wildland interface areas shall be ignition-resistant or fire rated construction in accordance with 2010 CFC Chapter 49 and be fully protected by an automatic fire sprinkler system pursuant to NFPA standards.
134. Access during construction: Access for fire fighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'-6". Fire department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs. Access shall be provided to within 150 feet of combustible construction pursuant to 2010 CFC Chapter 14.
135. Trash containers with an individual capacity of 1.5 cubic yards or greater shall not be stored in buildings or within 5 feet of combustible walls, openings, eaves, etc. unless protected by an approved means (automatic fire sprinkler system and/or an approved 4-hour fire separation).

136. All provisions in 2010 CFC Section D105 shall apply for Aerial Fire Apparatus Roads.

POLICE DEPARTMENT CONDITIONS

The following conditions of approval are project specific and were recommended by the Police Department. Questions regarding compliance with these conditions should be directed to the City of Hemet Police Department at (951) 765-2400.

137. A color video camera system shall be installed which, at a minimum, records the front elevation of the business to digital or other media with retention of the video data for not less than 14 days. Camera shall be configured in such a way as to be able to identify persons at the entrance during daylight hours, and shall be recording whenever the business is open to the public. Access to recorded video shall be restricted to only authorized personnel, as designated by the applicant. Any recorded video shall be retrievable within 48 hours of a request, as needed for criminal investigations or other official purposes.
138. A security plan shall be submitted to the Police and Planning Dept. for review and approval prior to the operation of the facility that shall include security, lighting and signage.

ADDITIONAL CONDITIONS

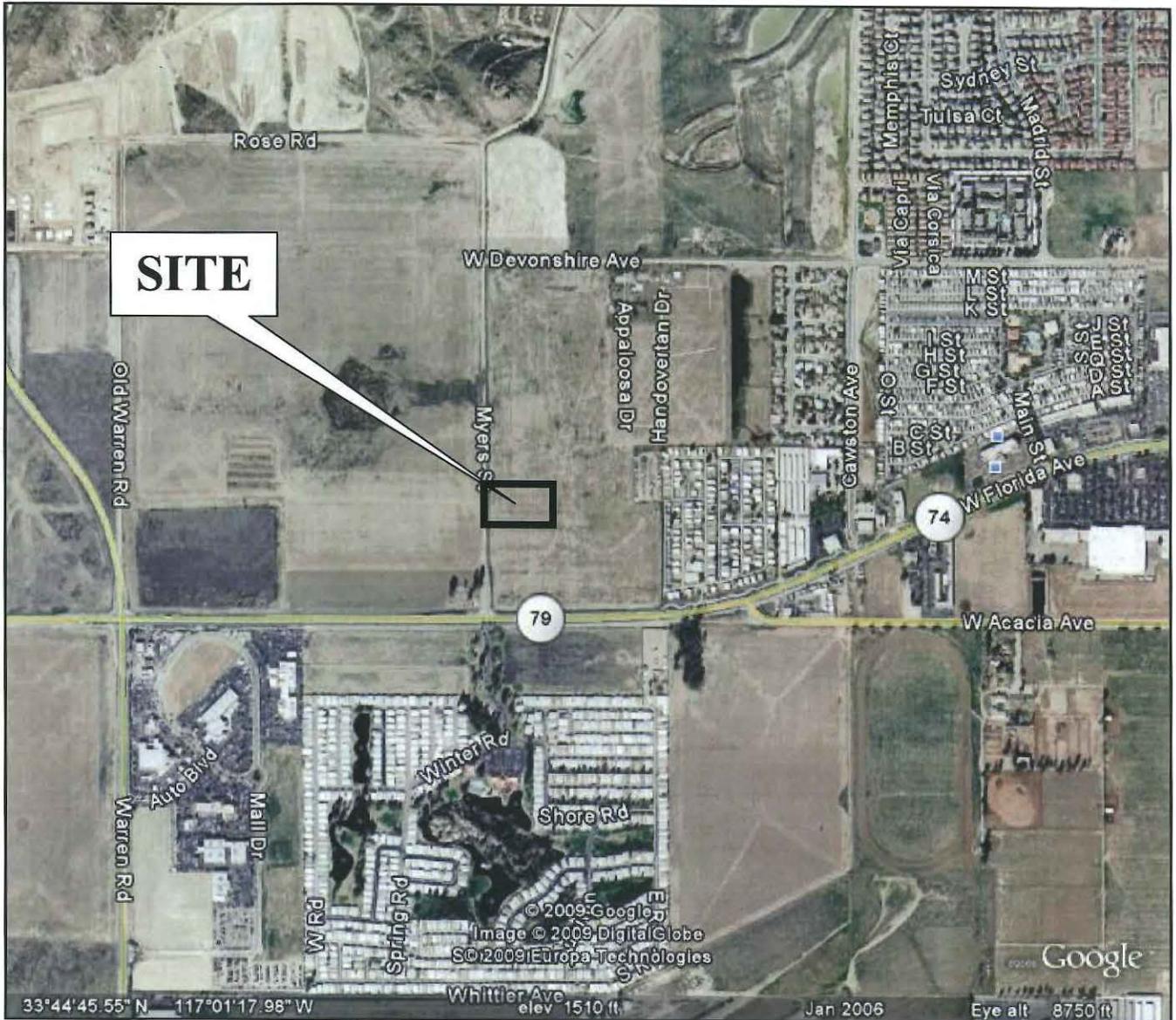
139. Applicant shall develop the proposed hotel as a Silver L.E.E.D. facility. ***(Added at the November 17, 2009 Planning Commission meeting)***
140. Prior to the issuance of a mass grading permit the applicant shall provide to the Planning Director proof of a signed Treatment and Dispositions agreement between the developer and the Soboba Band of Luiseno Indians. As part of said agreement, the applicant agrees to give at least 24 hours notice to the Soboba Tribe of any grading activities. ***(Added at the November 17, 2009 Planning Commission meeting)***

END

**Attachment
No. 2
Aerial Photograph**

**Planning Commission
Meeting of
April 17, 2012**

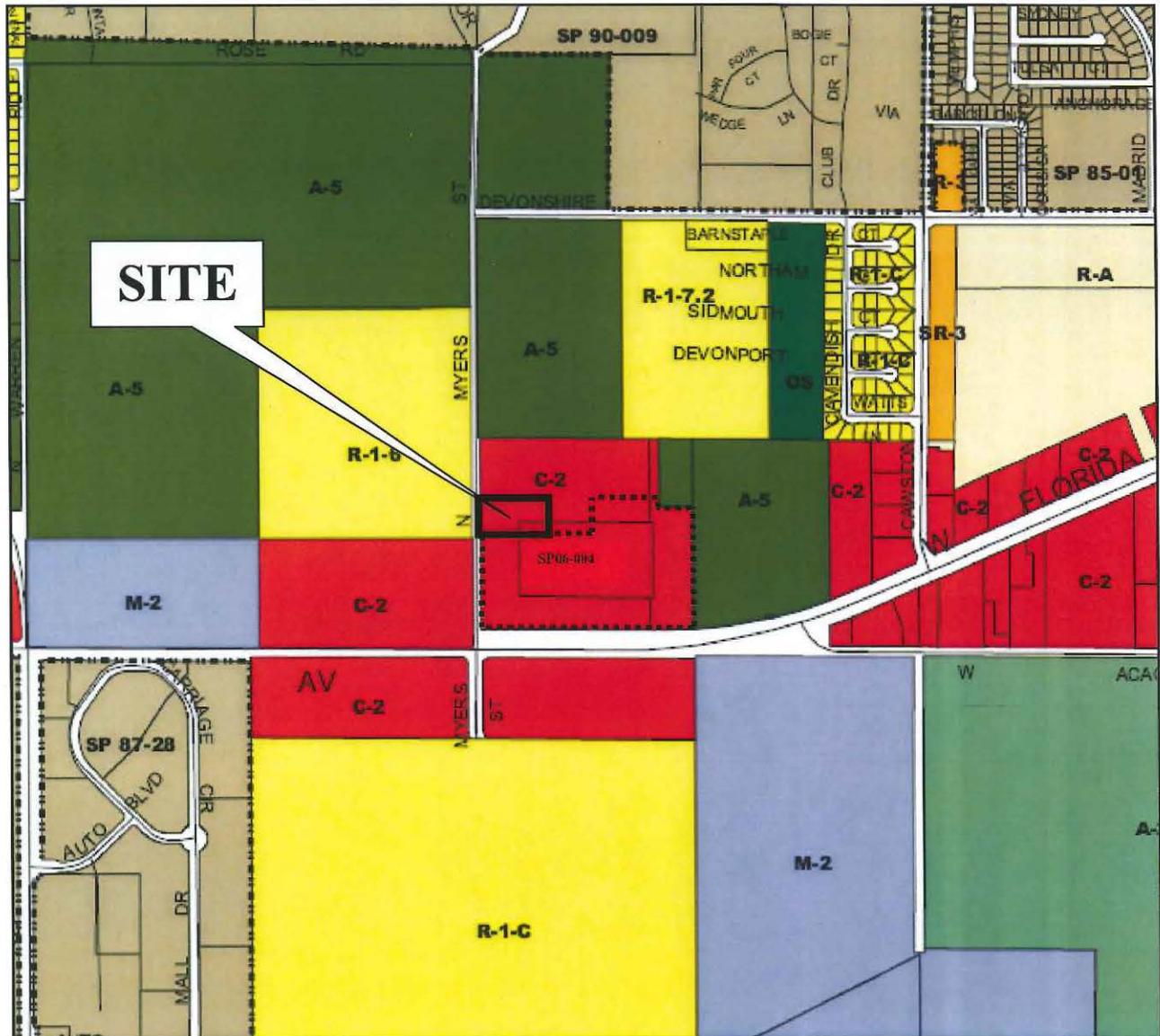
EXTENSION OF TIME NO. 11-004 FOR SITE DEVELOPMENT REVIEW NO. 09-003 SURROUNDING AREA MAP



**Attachment
No. 3
Adjacent Zoning**

**Planning Commission
Meeting of
April 17, 2012**

EXTENSION OF TIME NO. 11-004 FOR SITE DEVELOPMENT REVIEW NO. 09-003 ZONING MAP



Attachment No. 4

Neighborhood Context
Worksheet

Planning Commission
Meeting of
April 17, 2012

City of Hemet Planning Department Neighborhood Context Review Worksheet

Project Information

Project Name: Marriott Towneplace Suites

Case #: Extension of Time No. 11-004 for Site Development Review No. 09-003

Location: East side of Myers Street, 600 feet north of Florida Avenue

Lot Characteristics

Average Building Height: Vacant Ag. Land Average Setback: Vacant Ag. Land

Lot: 2.18 Acres Lot Width and Depth: 246 Feet by 391 Feet

Neighborhood Characteristics

Age of Buildings: Vacant and new commercial construction Style of Buildings:
Contemporary Commercial

Neighborhood Type (e.g. rural, urban, suburban): Suburban and new commercial construct

Sidewalk Type (e.g. monolithic or parkway): Newly constructed meandering parkway in
existing Florida Promenade Specific Plan

Street width: Myers Street – 44 feet from centerline

Curb Type: Standard

Mature trees on site: No mature trees on site

Street trees: No street trees on site

Other (describe distinguishing characteristics such as condition of neighborhood):

The project site is currently vacant, with vacant property located to the north and west. To the east is an existing RV Park. To the south is the Winco supermarket in the Florida Promenade commercial shopping center.

Other Info:

Distance to nearest park: 2.0 mile (Gibbel Park)

Distance to nearest school: 1.5 mile (Cawston Elementary School)

Staff Info:

Planner: C. Kendrick

Date of Neighborhood Visit: April 2012

Attachment No. 5

Applicant's Letter dated
3/19/2012

Planning Commission
Meeting of
April 17, 2012

Hemet Hospitality Investments, LLC
1260 Alabama Street
Redlands, CA 92374

City of Hemet
Planning Department
445 E. Florida Avenue
Hemet, CA 92543

03/19/2012

Dear Carole,

Due to lack in the economy situation & loan situations Hemet Hospitality Investments, LLC would like to request an extension time of 2 years.

Sincerely,



Navin Makan
Managing Member
Hemet Hospitality Investments, LLC

RECEIVED
MAR 22 2012
PLANNING

AGENDA #8



Staff Report

TO: Honorable Chairman and Planning Commissioners
FROM: Deanna Elliano, Community Development Director *DEE*
DATE: April 17, 2012
RE: **WORK STUDY SESSION REGARDING HAND HELD SIGNS AND OTHER TEMPORARY SIGNAGE**

BACKGROUND:

The Planning Commission has recently expressed concerns about the amount of hand-held commercial signs displayed along the City's primary street corridors, particularly Florida Avenue, and requested that staff present a work study on this issue. In addition, at a recent Citizens Advisory Committee meeting for Hemet ROCS, the proliferation of hand-held signs along Florida Avenue was mentioned as presenting a negative image for the City's primary thoroughfare and questioned whether enforcement should be restored.

Pursuant to Section 90-1280 (4) of the City's sign code (See Attachment 1), hand-held signs with commercial messages are prohibited, except under very limited circumstances. However, the City Council had previously directed staff at their meeting of February 10, 2009 to temporarily suspend the enforcement of this section of the code in an effort to aid businesses that were struggling in the down economy. At the time, other cities such as Murrieta, had also elected to not enforce restrictions on temporary signage, (including banners), within their city. Temporary signs are generally defined as signs constructed of cloth, canvas, light fabric, cardboard or other light materials that are intended to be displayed for a limited period of time, and usually to advertise a special sale, promotion, or event.

In accordance with the Planning Commission's request, staff will present an overview of the City's sign regulations regarding hand-held signs for your review and discussion at the Work Study. In addition, staff will provide examples of other forms of temporary signage currently permitted within the City and suggestions for potential modifications to the sign code to better address this type of signage and provide more clarity to the regulations.

Recommended Action:

That the Planning Commission provide comments and possible direction to staff regarding the regulation of hand-held and other temporary signs within the City.

Respectfully submitted,

for *Deanna Elliano*
Deanna Elliano
Community Development Director

Attachments:

1. Article 36 of the Hemet Municipal Code regarding Signs (Sections 90-1241 thru 90-1284)

Attachment 1

Article 36 of the HMC
Regarding Signs
(Sections 90-1241 thru 90-1284)

Hemet, California, Code of Ordinances >> - CODE >> Chapter 90 - ZONING >> ARTICLE XXXVI. - SIGNS GENERALLY >>

ARTICLE XXXVI. - SIGNS GENERALLY 1111

- Sec. 90-1241. - Purpose of article.
- Sec. 90-1242. - Definitions.
- Sec. 90-1243. - Applicability.
- Sec. 90-1244. - General provisions.
- Sec. 90-1245. - Signs not requiring a sign permit.
- Sec. 90-1246. - Administration.
- Sec. 90-1247. - General location, height and area standards.
- Sec. 90-1248. - Design, material, construction and maintenance standards.
- Sec. 90-1249. - Signs permitted in all or multiple zones.
- Sec. 90-1250. - Signs generally permitted in residential zones.
- Sec. 90-1251. - Signs permitted in commercial zones.
- Secs. 90-1252—90-1254. - Reserved.
- Sec. 90-1255. - Signs permitted in church and institutional zones (S-1, I).
- Secs. 90-1256—90-1260. - Reserved.
- Sec. 90-1261. - Signs permitted in parking zones.
- Secs. 90-1262—90-1270. - Reserved.
- Sec. 90-1271. - Signs permitted in manufacturing zones (M-1 and M-2).
- Sec. 90-1272. - Signs for shopping centers and big box uses.
- Sec. 90-1273. - Signs for outdoor sales.
- Sec. 90-1274. - Future development signs.
- Secs. 90-1275—90-1279. - Reserved.
- Sec. 90-1280. - Prohibited signs.
- Sec. 90-1281. - Legal nonconforming signs.
- Sec. 90-1282. - Removal of signs.
- Sec. 90-1283. - Violation of article; penalty.
- Sec. 90-1284. - Appeals.
- Secs. 90-1285—90-1310. - Reserved.

Sec. 90-1241. - Purpose of article.

The purposes and intent of these sign regulations include to:

- (1) Regulate signs located on private property within the city and on property owned by public agencies other than the city and over which the city has zoning and land use regulatory power.
- (2) Implement the city's community design and safety standards as set forth in the city's general plan, specific plans, special districts, design guidelines and municipal code.
- (3) Maintain and enhance the city's appearance by regulating the design, character, location, number, type, quality of materials, size, illumination and maintenance of signs.

- (4) Serve the city's interests in maintaining and enhancing its visual appeal for residents, tourists and other visitors, by preventing the degradation of visual quality which can result from excessive and poorly designed, located or maintained signage.
- (5) Generally limit commercial signage to on-site locations in order to protect the aesthetic environment from the visual clutter associated with the unrestricted proliferation of signs, while providing channels of communication to the public.
- (6) Limit the size and number of signs to levels that reasonably allow for the identification of a residential, public or commercial location and the nature of any such commercial business.
- (7) Encourage signs that are appropriate to the zoning district in which they are located and consistent with the permitted uses of the subject property.
- (8) Establish sign sizes in relationship to the scale of the parcel and building on which the sign is to be placed or to which it pertains.
- (9) Minimize the possible adverse effects of signs on nearby public and private property, including streets, roads and highways.
- (10) Protect the investments in property and lifestyle quality made by persons who choose to live, work or do business in the city.
- (11) Protect and improve pedestrian and vehicular traffic safety by balancing the need for signs that facilitate the safe and smooth flow of traffic (e.g., directional signs and on-site signs) without an excess of signage which may distract drivers or overload their capacity to quickly receive information.
- (12) Reduce hazardous situations, confusion and visual clutter caused by the proliferation, placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian and vehicular traffic.
- (13) Regulate signs in a manner so as to not to physically interfere with or obstruct the vision of pedestrian or vehicular traffic.
- (14) Avoid unnecessary and time consuming approval requirements for certain minor or temporary signs that do not require review for compliance with the city's building and electrical codes while limiting the size and number of such signs so as to minimize visual clutter.
- (15) Respect and protect the right of free speech by sign display, while reasonably regulating the structural, locational and other noncommunicative aspects of signs, generally for the public health, safety, welfare and specifically to serve the public interests in community aesthetics and traffic and pedestrian safety.
- (16) Enable the fair, consistent and efficient enforcement of the sign regulations of the city.
- (17) Regulate signs in a constitutional manner, which is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs. All administrative interpretations and discretion is to be exercised in light of this policy and consistent with the purposes and intent stated in this section.

(Ord. No. 1751, § 3, 12-20-05)

Sec. 90-1242. - Definitions.

The following words, terms and phrases, when used in this article, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means any sign which no longer advertises an approved use or activity being undertaken or existing upon the lot, parcel of land or premises on which the sign is located.

Banner sign means any sign printed or displayed upon cloth or other flexible material, with or without a frame.

Bulletin board sign means a sign that is characterized by changeable copy, letters symbols, or numerals used to announce a coming event attraction or used to convey a specific message related to the structure or use of the property on which the bulletin board is located.

Campaign sign means a sign that is designed to influence the passage or defeat of any measure on a ballot or to influence voters with respect to the nomination, election, defeat, or removal of a candidate from public office at any national, state, or local election.

Canopy means a fixed shelter of any material and of any length projecting from a building or structure and supported by columns or posts from the ground, or a freestanding shelter supported by columns and posts from the ground.

Canopy sign means a sign painted on or attached to the vertical or underneath side of, or erected on the roof surface of, a canopy.

Commercial message means any wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a commercial or industrial business, product, good, service or other commercial or industrial activity.

Commercial sign means any sign that is intended to attract attention to a commercial or industrial business, occupancy, product, good, service, or other commercial or industrial activity for a commercial or industrial purpose.

Construction sign means any sign or nameplate which relates only to individuals, businesses or firms directly connected with construction or development of a building, property or premises upon which such signs or nameplates are located.

Department means the planning department of the city.

Director means the director of the planning department or the director's designee.

Directional sign means a sign used to direct and control pedestrian or vehicular traffic and located on the same lot, parcel or premises as the use which it is intended to serve.

Double-faced sign means a sign that has two display surfaces, which are backed against each other or against the same supporting structure in such a manner that each display surface is designed to be viewed from a different direction.

Drive-in or drive-through restaurant means any building or structure in which food or drink are catered or served to the occupant of a vehicle where such occupant is not required to leave the vehicle for a rendered service or where the primary business activity consists of carryout food orders.

Erect means to build, construct, attach, place, suspend or affix to or upon any surface.

Freestanding sign means a sign standing directly upon the ground or having one or more supports standing directly upon the ground, and detached from any building or structure.

Frontage: Building frontage means the linear distance of a building utilized for one or more purposes, facing a street, mall, driveway or parking lot. Lot frontage means the linear distance of a site or separate portion of a site utilized for one or more purposes facing a street, mall, driveway or parking lot on property used in conjunction with that of the applicant.

Fuel pricing sign means a sign indicating the brand or trade name, method of sale, grade designation and price per gallon of gasoline or other motor vehicle fuel offered for sale on the premises, and such other information regarding fuel and service as may be required by law.

Future development sign means a sign indicating the future location of a building or use and the developer of such building or use.

General outdoor advertising sign means a sign that directs attention to a business, profession, product, commodity or service that is not the primary business, profession, commodity, product or service sold, manufactured, conducted or offered on the site on which the sign is located (i.e., a billboard). These signs do not include off-site real estate signs.

Gross mural area means the entire area of a mural painted or applied to a building or wall surface.

Hand-held sign means a sign that is held by or otherwise mounted on a person. For the purposes of this article, hand-held sign does not include a noncommercial sign.

Identification sign means any sign which is used to identify or advertise the occupant of a building, lot, premises or parcel or the merchandise or activity available at the building, lot, premises or parcel where the sign is located.

Illegal sign means: (a) Any sign originally erected or installed without first complying with all structural, locational, design, building, and electrical regulations in effect at the time of its construction or installation; (b) Any abandoned sign; (c) Any unsafe sign; (d) Any legal nonconforming sign that has not been removed following the expiration of any applicable amortization period provided in this code; and (e) Any sign that is in violation of the provisions of this article.

Incidental sign means a sign indicating credit cards accepted, trade affiliations, no solicitation, no trespassing and similar property-related matters.

Inflatable sign means a sign that is inflated by air or other gaseous matter.

Legal nonconforming sign means a sign that was originally erected or installed in compliance with all structural, locational, design, building, and electrical regulations at the time of its erection or installation, but which no longer conforms to the provisions of this article.

Lighted sign means a sign which is illuminated either directly or indirectly by artificial light.

Marquee means a permanent cantilevered roof structure attached to and solely supported by a building wall, and which projects over a public right-of-way.

Marquee sign means a sign painted on or attached to the vertical or underneath side of, or erected on the roof surface of, a marquee.

Master sign program means a plan showing the location, dimensions, area, color, lighting and materials of all signs located on a single parcel or parcels, either under the same ownership or under the same planned development permit.

Minor identification sign means an identification sign that does not exceed four square feet in area and the copy does not exceed four inches in height.

Mobile sign means the use of a moving trailer, automobile, truck, or any other vehicle to display commercial or noncommercial messages primarily for advertising purposes unrelated to the principal use of such vehicle.

Monument sign means a low-profile sign which is mounted on the ground or on a low supporting base upon the ground and has no vertical supports or members which raise the sign display area above the ground such that the sign display area is visibly detached from the ground or the supporting base more than eight inches at any point.

Moving or flashing sign means any sign or other advertising medium that moves, flashes or blinks in an on and off manner, or gives the illusion of movement in any form, or that rotates, oscillates, shimmers or glitters, or gives the appearance thereof.

Mural means a pictorial illustration or graphic presentation painted on or applied to a building or wall. Colors will not be limited by subsection 90-1248(a).

Noncommercial message means any wording, logo or other representations that does not directly or indirectly, name, advertise or calls attention to a commercial or industrial business, product, good, service or other commercial or industrial activity.

Noncommercial sign means a sign that does not name, advertise or call attention to a commercial or industrial business, commodity, product, good, service or other commercial or industrial activity for a commercial or industrial purpose.

Off-site sign means a commercial sign not located on the site of the business or entity indicated or advertised by the sign, or a commercial sign advertising a commodity, good, product, service or other commercial or industrial activity which originates on a site other than where the sign is maintained. For the purposes of this article, all signs with noncommercial messages are deemed to be "on-site," regardless of location.

On-site sign means any sign which directs attention to occupancy, business, commodity, good, product, service or other activity conducted, sold or offered upon the site where the sign is maintained. For the purposes of this article, all noncommercial messages are deemed to be "on-site," regardless of location.

Portable sign means a freestanding sign that is not permanently affixed, anchored or secured to either the ground or a structure on the premises it is intended to occupy, but does not include hand-held signs. For the purposes of this article, a portable sign does not include a noncommercial sign.

Projecting sign means any sign projecting more than 12 inches from the face of a building, structure, canopy or marquee.

Real estate sign means a sign announcing that the building, premises, parcel or portion thereof upon which the sign is located is for sale, lease or rent.

Roof sign means any sign supported by or attached to or projecting through the roof of a building or structure and projecting above the eave line or parapet wall of the building or structure.

Security warning sign means a sign used to announce a neighborhood watch security system.

Sign means any structure, device, letter, figure, character, poster, picture, trademark or reading matter which is used or designed to announce, declare, demonstrate, display or otherwise identify, advertise or attract the attention of the public. However, a sign does not include the following:

- (1) Official notices authorized by a court, public body or public officer.
- (2) Traffic, directional, warning or information signs authorized by federal, state or municipal authority.
- (3) The official flag, emblem or insignia of a government, public school or religious group or agency.
- (4) Memorial plaques or tablets, or cornerstones indicating the name of a building and the date of construction, when cut or carved into any masonry surface or when made of bronze or other incombustible material and made an integral part of the building or structure.
- (5) Signs within a building, except window signs.
- (6) Signs on public school property.
- (7) Signs on street legal vehicles, license plates, license plate frames, registration insignia, including noncommercial messages, messages relating to the business or service of which the vehicle is an instrument or tool (not including general advertising that is unrelated to the principal use of such vehicle for such business or service) provided the vehicle is being used as an instrument or tool of the business and service and not primarily for advertising, and messages relating to the proposed sale, lease or exchange of a vehicle.

Sign face means that portion of a sign intended to be viewed from one direction at a time.

Subdivision sign means a sign erected and maintained within the boundaries of a recorded subdivision and indicating the name of the subdivision, the name of the contractor or subdivider, and the name of the owner or agent, and giving information regarding directions, prices or terms.

Temporary offsite real estate development sign means a sign advertising and directing the public to a subdivision or other real estate development project on premises other than those upon which the sign is located.

Temporary sign means any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, wood or other light materials, with or without frames, intended to be displayed for a limited period of time.

Time and temperature device means that portion of any sign, exclusive of any advertisement copy or advertising media, which may on a periodic basis change its character and appearance to provide information as to time of day or condition of the weather measured in degrees.

Unsafe sign means a sign posing an immediate peril or reasonably foreseeable threat of injury or damage to persons or property on account of the condition of the sign structure, its location, or its mounting mechanism.

Wall sign means any sign painted or otherwise marked on or attached parallel to the face of an exterior wall or on any exterior surface of any structure or building.

Window sign, permanent means a sign attached to or painted on a window designating the name or identifying the type of business conducted on the premises.

Window sign, temporary means a sign attached to or placed on or within three feet of the interior of a window. Temporary window signs do not include signs utilized as part of a window display of merchandise when such signs are incorporated within the display.

(Ord. No. 1751, § 3, 12-20-05)

Cross reference— Definitions and rules of construction generally, § 1-2; definitions pertaining to zoning, § 90-17.

Sec. 90-1243. - Applicability.

This article regulates signs located on private property within all zoning districts of the city and on property owned by public agencies other than the city and over which the city has zoning and land use regulatory power. This article also applies to signs within public rights-of-way and other public property. Except where otherwise expressly provided in this article, all signs located in such areas of the city must be erected and maintained in conformity with this article.

(Ord. No. 1751, § 3, 12-20-05)

Sec. 90-1244. - General provisions.

- (a) *Sign permit required.* Except as otherwise expressly provided in this article, it is unlawful for any person to place, erect, structurally or electrically alter, change any commercial message, move or display any temporary or permanent sign without first obtaining a sign permit from the department in accordance with the provisions of this article. No sign permit is required for cleaning or other normal maintenance of a properly approved sign, unless a structural or electrical change is made.
- (b) *Owner's consent required.* The consent of the property owner or person in control or possession of the property is required before any sign may be erected on any private property within the city.
- (c) *Noncommercial signs.* Noncommercial signs are allowed wherever commercial signage is permitted on a site or building and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this article. A permit is required for a permanent noncommercial sign only when a permanent commercial sign has not been previously approved. For purposes of this article, all noncommercial messages are deemed to be "on-site," regardless of location.

- (d) *Substitution of noncommercial messages.* Subject to the consent of the property owner or person in control or possession of the property, a noncommercial message of any type may be substituted for all or part of the commercial or noncommercial message on any sign allowed under this article. No special or additional approval is required to substitute a noncommercial message for any other message on a permitted sign, provided the sign structure is already approved or exempt from the sign permit requirement and no structural or electrical change is made. When a noncommercial message is substituted for any other message, however, the sign is still subject to the same design, locational and structural regulations (e.g., color, materials, size, height, illumination, maintenance, duration of display, etc.), as well as all building and electrical code requirements that would apply if the sign were used to display a commercial message. In the event of any perceived or actual conflict between the general provisions of this subsection and any other specific provisions in this article, the provisions of this subsection will prevail.
- (e) *Substitution of commercial messages.* The substitution of one commercial message for another commercial message is not automatically allowed nor is the free substitution of a commercial message in a place where only a noncommercial message is allowed. In addition, no off-site commercial messages may be substituted for on-site commercial messages.
- (f) *Legal nature of sign rights and duties.* All rights, duties and responsibilities related to permanent signs attach to the land on which the sign is erected or displayed and run with the land or personal property. The city may demand compliance with this article and with the terms of any sign permit from the permit holder, the owner of the sign, the property owner or person in control or possession of the property, or the person erecting the sign.

(Ord. No. 1751, § 3, 12-20-05)

Sec. 90-1245. - Signs not requiring a sign permit.

The following signs do not require a sign permit under section 90-1246, nor will the area of such signs be included in the maximum area of signs permitted; provided, however, that each such sign must comply with all applicable requirements of this article. The intent of this section is to avoid unnecessary or time-consuming review procedures where certain permitted signs are minor or temporary or the erection of such sign does not require review for compliance with the city's building or electrical codes.

- (1) Campaign signs.
- (2) Construction signs.
- (3) Hand-held noncommercial signs.
- (4) Incidental signs, provided that the maximum sign area for all such signs does not exceed two square feet per use or occupancy on a parcel.
- (5) Minor identification signs.
- (6) Real estate signs.
- (7) Temporary freestanding noncommercial signs permitted by subsection 90-1250 (c).
- (8) Window signs.

(Ord. No. 1751, § 3, 12-20-05)

Sec. 90-1246. - Administration.

- (a) *Purpose.* The purpose of a sign permit is to help ensure compliance with the provisions of this article, in particular, the provisions regulating the design, illumination, location, materials, number, size and type of sign.
- (b) *Sign permit application process.*
- (1) Where specifically required by this article, an application for a sign permit must be made in writing on the form provided by the department and accompanied by any required materials, plans and exhibits and the required fee or bond established by city council resolution.
 - (2) The director will initially determine whether the application contains all the information and items required by the provisions of this article and may be deemed complete.
 - (3) All notices required by this article are deemed given upon the date any such notice is either deposited in the United States mail or the date upon which personal service of such notice is provided.
 - (4) No sign permit application will be accepted if:
 - a. The applicant has installed any sign on the site of the proposed sign in violation of the provisions of this article and, at the time of submission of the application, each such illegal sign has not been legalized, removed or included in the application.
 - b. There is any other existing code violation located on the site of the proposed sign(s) (other than an illegal sign that is not owned or controlled by the applicant and is located at a different business location on the site from that for which the approval is sought) that has not been cured at the time of the application.
 - c. The sign permit application is substantially the same as an application previously denied, unless: (i) 12 months have elapsed since the date of the last application, or (ii) new evidence or proof of changed conditions is furnished in the new application.
 - d. The applicant has not submitted for processing or obtained any applicable use permit or approval.
- (c) *Standard sign permit review process.*
- (1) After receiving a complete sign permit application, the director will cause the application to be reviewed and render a written decision to approve or deny the application within ten business days.
 - (2) Determinations on sign permit applications are to be guided by the standards and criteria set forth in this article. An application will be approved whenever the proposed sign conforms to all design, size, height and other standards for signs subject to a permit requirement, as such requirements are set forth in this article.
 - (3) An application may be granted either in whole or in part when more than one sign or location is proposed by an applicant. When an application is denied in whole or in part, the determination must be in writing and must specify the grounds for such denial.
- (d) *Sign permit review: master sign programs, special sign programs, modifications, and variances.*
- (1) *Sign programs for planned developments.* Large scale development projects permitted under the planned community development (PCD), planned

development overlay district (PUD) and specific plan (SP) zones may have uniform sign programs developed and approved which carry out the intent of such detailed plans. Uniform sign programs approved pursuant to this subsection will take precedence over other standards outlined in this article. Provisions for the review and approval of each uniform sign program will be the same as the provisions outlined in the planned development each uniform sign program is intended to support.

- (2) *Special sign program for contiguous uses.* Notwithstanding any other provisions of this article, a group of three or more contiguous commercial uses occupying a site of less than five acres, or a group of three or more uses having common frontage upon a public street, mall or parking lot, may be permitted signage as specifically permitted in this subsection.
 - a. Where appropriate, applicants may submit detailed drawings to the department indicating an overall integral sign theme that may not specifically comply with all sections of this article regulating colors, height, locations and total allowable area. All sign programs developed under this concept will be required to receive approval of the director. All proposed revisions or alterations to a previously approved sign program will be resubmitted to the department and will be required to receive approval of the director before issuance of any permits.
 - b. Where the director deems appropriate under the provisions of this section, the director may allow modifications and variations of this article where such modifications and variations are within the intent and purpose of this article and lend themselves toward a more creative and harmonious signage program.
 - c. Signs or sign programs approved under this section will not be construed as a basis for the granting of variances to provisions of this article, nor for granting special privileges which are denied other applicants under this article.
 - d. No freestanding sign approved under this section may exceed 100 square feet in area per face.
- (3) *Modifications.* The director may grant minor modifications from the permitted sign area, height or setback requirements of this article provided that no such modification exceeds ten percent of the applicable requirement. Before granting any such minor modification, the director must make the following findings:
 - a. The sign will not interfere with pedestrian or vehicular safety.
 - b. The sign will not be located so as to have a significant negative impact on the visibility or aesthetic appearance of any adjacent property.
 - c. The sign will generally be compatible with other on-site signs, the structure or development it identifies, and surrounding development.
- (4) *Variances.* The planning commission may grant variances from the provisions of this article for the erection and maintenance of signs when difficulties, unnecessary hardship or results inconsistent with the general purpose of this article would otherwise occur and would deprive the owner of rights enjoyed by others. The application and review process for a sign variance will follow the applicable procedures set forth in Article XLV of Chapter 90 of this Code.

(e)

Permit fee; bond. Prior to the issuance of a sign permit, the department must collect the fee of cash bond, if any, in accordance with the schedule approved by city council resolution.

- (f) *Time limit.* Signs authorized by a permit issued pursuant to this article must be erected within one year of the issuance of the permit, otherwise the approval will be null and void
- (g) *Revocation of a sign permit or other approval.* Subject to section 90-1284, the director may revoke any permit or approval upon refusal of the permit [permittee] or approval holder to comply with the provisions of this article after written notice of noncompliance and at least 15 days opportunity to cure.

(Ord. No. 1751, § 3, 12-20-05)

Sec. 90-1247. - General location, height and area standards.

- (a) *Location standards.*
 - (1) Except as specifically provided in this article, no sign may be located upon or project over a public right-of-way.
 - (2) Except as specifically provided in this article, no sign may extend above the eave line or parapet or the lowest point on the sloping roof of the building on which it is located. Roof signs may not extend above the highest point on the building on which it is erected. No wall sign may extend beyond or project above the vertical or horizontal line of any exterior wall or portion of the structure upon which such sign is affixed.
 - (3) Signs must be designed and located so as not to interfere with the unobstructed clear view of the public right-of-way and nearby traffic regulatory signs or any pedestrian, bicyclist or motor vehicle driver.
 - (4) All signs authorized under this article must be placed on the side of the property facing on a public or private right-of-way, and may not be placed in such a manner that it is observable only over private property not used in conjunction with the property of the applicant.
 - (5) No sign may be erected in such a manner that any portion of its surface or supports is within six feet horizontally or 12 feet vertically of overhead electric conductors which are energized in excess of 750 volts.
 - (6) No sign over 42 inches in height may be erected at the intersection of any street or within the segment created by drawing an imaginary line between points 30 feet back from where the curb lines of the intersection quadrant intersect.
- (b) *Sign height.* Sign height will be measured using the greatest vertical measurement from grade level along the base of the sign structure to the highest point of the sign. Sign height will be measured from the elevation of the top of the curb fronting such sign when within ten feet of a street property line. When a sign is set back from a property line more than ten feet, sign height will be measured from the elevation of the ground level surrounding the base of the sign.
- (c) *Sign area.* The area of any sign as regulated by this article will be measured by computing the area within a maximum of eight straight lines enclosing the entire perimeter of a sign, including all text, emblems, arrows, ornaments or other sign media. Where the letters or characters of a sign are painted, mounted or otherwise attached to a panel which is of a color or material which contrasts with the color or material of the building upon which such panel is painted or mounted, the sign area will be the area of

such panel. Where individual letters or characters are painted, mounted or otherwise attached directly to a wall or structure, the area of the sign will be measured by means of straight lines drawn around the perimeter of such letters or characters.

(Ord. No. 1751, § 3, 12-20-05)

Sec. 90-1248. - Design, material, construction and maintenance standards.

Each permanent sign that requires a sign permit must comply with the following standards:

- (1) *Materials and colors.* All permanent signs must be constructed of durable materials that are compatible in appearance to the building supporting or identified by the sign. Sign colors and materials should be selected to be compatible with the existing building designs and should contribute to legibility and design integrity. No sign may contain more than five colors. Tints and shades of a color will be considered as one color. Black and white will be considered as colors.
- (2) *Relationship to buildings.* Each permanent sign located upon a site with more than one main building, such as a commercial, office or industrial complex must be designed to incorporate the materials common or similar to all buildings.
- (3) *Relationship to other signs.* Where there is more than one sign on a site or building, all permanent signs must have designs that similarly treat or incorporate the following design elements:
 - a. Type of construction materials;
 - b. Sign/letter color and style of copy;
 - c. Method used for supporting sign (e.g., wall or ground base);
 - d. Sign cabinet or other configuration of sign area;
 - e. Illumination; and
 - f. Location.
- (4) *Sign illumination.* Illumination from or upon any sign must be shaded, shielded, directed or reduced so as to minimize light spillage onto the public right-of-way or adjacent properties, and in no event may illumination be permitted to cause such excessive glare as to constitute a potential hazard to traffic safety. Externally illuminated signs must be lighted by screened or hidden light sources. All signs erected after January 9, 1987, must be installed with a time clock that is set to turn off all sign illumination, internal or external, between 11:00 p.m. and sunrise, except during such hours that the premises are open for business beyond such time limit.
- (5) *Construction.* Every sign, and all parts, portions and materials thereof, must be manufactured, assembled and erected in compliance with all applicable state, federal and city regulations including the city's building code and electrical code. Under no circumstances may a permanent sign have an exposed back.
- (6) *Maintenance.* Every sign and all parts, portions and materials must be maintained in good repair. The display surface of all signs must be kept clean, neatly painted, and free from rust, cracking, peeling, corrosion or other states of disrepair. This maintenance obligation includes the replacement of malfunctioning or burned-out lamps, replacement of broken faces, repainting of

rust, chipped or peeling structures or faces within 15 days following written notification by the city.

- (7) *Removal of signs and restoration of building or property.* When there is a change or discontinuance of a business or occupancy such that a sign no longer properly identifies a place of business or occupancy, the sign must be removed or the name of the prior business or occupant either removed, or the sign face covered in a manner that blends with the building or supporting structure within 60 days of the change or discontinuance of a business or occupancy. Within 30 days of the removal of a sign from a building or from the grounds of the premises if a freestanding sign, the building or the grounds of the premises must be repaired and restored to remove any visible damage or blemish left by the removal of the sign.

(Ord. No. 1751, § 3, 12-20-05)

Sec. 90-1249. - Signs permitted in all or multiple zones.

The following signs are permitted in all zones subject to the applicable regulations:

- (1) *Campaign signs.*
- a. *Number.* Each parcel may have one temporary freestanding campaign sign for each political candidate or issue on each street frontage.
 - b. *Area.* In agricultural, commercial, and industrial zones, no campaign sign may exceed 32 square feet in area per face. A campaign sign may be double-faced if it is placed perpendicular to the right-of-way. In residential areas, no campaign sign may exceed six square feet in total area per face and may be double-faced.
 - c. *Height.* No freestanding campaign sign may exceed four feet in height.
 - d. *Location.* Campaign signs may be placed in the front, side or rear yard of any parcel that fronts, sides or rears on a public street. No campaign sign may encroach into the public right-of-way.
 - e. *Time limit.* All campaign signs must be removed within seven days following the election for which they are intended.
 - f. *Lighting.* Campaign signs may not be illuminated.
- (2) *Construction signs.*
- a. *Number.* Any parcel with construction activity is permitted one construction sign.
 - b. *Area.* A construction sign may not exceed 32 square feet in area per face.
 - c. *Height.* A freestanding construction sign may not exceed eight feet in height.
 - d. *Location.* Construction signs must be parallel to a public right-of-way but may not encroach into the right-of-way.
 - e. *Time limit.* A construction sign may not be erected until the issuance of any applicable building or grading permit. The sign must be removed upon completion of the construction activity and before issuance of a certificate of occupancy, if applicable, and in no event later than the expiration of the applicable building permit.
 - f. *Lighting.* Construction signs may not be illuminated.
- (3)

Directional signs. Directional signs may be authorized and approved by the director when the director finds such signs are necessary in parking areas. Except as otherwise provided in this article, no directional sign may exceed four square feet in area or four feet in height.

(4) *Murals.*

- a. *Number.* A mural is permitted on each building frontage, except in residential zones where murals are not permitted. All existing signs on the frontage proposed for a mural must be removed prior to the commencement of a mural. The mural will take the place of all other signage on the same building frontage as a mural, except window and canopy signs in accordance with this article.
- b. *Area and height.* The mural may not extend beyond or project above the vertical or horizontal line of any wall or structure upon which the mural is painted or affixed. Any lettering, text, numerals or other similar identifications will be limited to a maximum of six percent of the gross mural area, or 100 square feet maximum, whichever is less, and must be within an area that can be enclosed by eight straight lines drawn around the perimeter of such lettering, text, numerals or other similar identification. The lettering, text, numerals or other similar identification must be painted on the surface or must be raised letters applied to the surface.
- c. *Location.* Where the building face upon which a mural is proposed adjoins a building wall on an adjacent property, the bottom of the mural must be placed a minimum of one foot above the vertical line where the two walls meet. No portion of the mural may project more than six inches from the surface upon which the mural is painted or affixed are [where] prohibited.
- d. *Lighting.* No internal illumination is permitted.
- e. *Additional application requirements.* In addition to the procedures outlined in section 90-1246, the applicant for a mural permit must also provide the following:
 1. An affidavit signed by the property owner, and notarized, giving the applicant permission to place the mural on the building.
 2. An agreement between the property owner and the city in a form reasonably acceptable to the city attorney whereby the property owner agrees to: (1) Restore chipping, fading, peeling, vandalism or other similar defects to mural quality within seven days of written notice from the city to correct such conditions, and (2) To comply with the requirements of subsection 90-1248(g). No certificate of occupancy may be issued to a new tenant until the mural has been removed or a new permit for a mural has been issued.

(5) *Real estate signs.*

- a. Parcels less than one acre in area are subject to the following regulations:
 1. *Number and area.* On each public street frontage, one wall-mounted or freestanding real estate sign is permitted, provided the sign does not exceed four square feet in area for each sign face. On a parcel zoned for a senior community, an additional two square feet of sign area is permitted indicating that the property is a "Senior Community 55+."

2. *Height.* Freestanding real estate signs may not exceed six feet in height.
 3. *Location.* Freestanding real estate signs may be placed in front yard setback areas, provided such signs are not located within the corner cutback and not overlaying into the public right-of-way. For purposes of this section, "corner cutback" shall be defined by a line on a horizontal plane connecting two points along the front and street side property lines and forming a triangle. These points shall be measured 30 feet back from the intersection of the prolongation of the front and street side property lines. On lots where the driveway is adjacent to the rear yard of a neighboring lot, the "corner cutback" area shall be free and clear of visual obstructions in excess of 42 inches in height. The cutback lines shall be determined by measuring from the projection of the coterminous front and rear property line ten feet along the inside edge of the sidewalk and ten feet back from the street connecting the two points forming a 45-degree triangle.
 4. *Time limit.* All real estate signs must be removed within 15 days after the applicable property has been rented, leased or sold.
 5. *Lighting.* Real estate signs may not be illuminated.
- b. Parcels greater than one acre in area or which are located in a commercial or industrial zone are subject to the following regulations:
1. *Number and area.* On each public street frontage, one wall-mounted or freestanding real estate sign is permitted, provided the sign does not exceed 32 square feet in area for each sign face. On a parcel zoned for a senior community, an additional four square feet of sign area is permitted indicating that the property is a "Senior Community 55+."
 2. *Height.* Freestanding real estate signs may not exceed six feet in height.
 3. *Location.* Freestanding real estate signs may be placed in front yard setback areas, provided such signs are not located within the corner cutback and not overlaying into the public right-of-way. For purposes of this section, "corner cutback" shall be defined by a line on a horizontal plane connecting two points along the front and street side property lines and forming a triangle. These points shall be measured 30 feet back from the intersection of the prolongation of the front and street side property lines. On lots where the driveway is adjacent to the rear yard of a neighboring lot, the "corner cutback" area shall be free and clear of visual obstructions in excess of 42 inches in height. The cutback lines shall be determined by measuring from the projection of the coterminous front and rear property line ten feet along the inside edge of the sidewalk and ten feet back from the street connecting the two points forming a 45-degree triangle.
 4. *Time limit.* All real estate signs must be removed within 15 days after the applicable property has been rented, leased or sold.
 5. *Lighting.* Real estate signs may not be illuminated.

- (6) *Subdivision signs.*
- a. *[Number.]* An applicant may request up to three subdivision signs for any one subdivision project.
 - b. *Area.* Subdivision signs may not exceed 40 square feet in area per face.
 - c. *Height and location.* The location of each subdivision sign will be determined by the director. Subdivision signs may not extend above the height of any wall or fence to which it may be attached. If freestanding, such signs may not exceed six feet in height.
 - d. *Security.* A bond or similar security in an amount and form satisfactory to the city is required to be posted to guarantee removal of any approved subdivision signs.
 - e. *Time limits.* A subdivision sign must be removed no later than 18 months following recordation of the final subdivision map, provided that this time limit may be extended for up to six additional months by the director upon written request.
 - f. *Lighting.* Subdivision signs may not be illuminated.
- (7) *Window signs.* Temporary window signs may not exceed 50 percent of any single window or the total window area provided on the frontage on which the sign is displayed.
- (8) *Automobile service stations and drive-in restaurants.* For automobile service station uses and drive-in restaurants in all zones, the following regulations apply:
- a. One freestanding lighted or unlighted, double-faced, identification sign not exceeding 50 square feet in area per face is permitted. Such sign may not exceed 25 feet in height.
 - b. Two lighted or unlighted, single-faced identification canopy or wall signs not exceeding 50 square feet in combined area are permitted.
 - c. The following additional signs are also permitted for automobile service station uses:
 1. One fuel pricing sign not to exceed 20 square feet per sign face, which may be part of a monument or freestanding sign.
 2. Three unlighted signs not exceeding four square feet in combined area, which indicate credit cards honored and trading stamps available on the premises.

(Ord. No. 1751, § 3, 12-20-05)

Sec. 90-1250. - Signs generally permitted in residential zones.

- (a) *Signs based on usage.* In addition to any other applicable signage allowed under this article, in the R-A, R-1, R-2, R-3 and R-P zones on property subject to the designated uses, the following signs are permitted:
- (1) *Residential-agricultural.* On property in agricultural use, one unlighted, double-faced sign not more than 16 square feet in area and not in excess of six feet in height may be permitted on each parcel.
 - (2) *Dwellings.* On all property utilized for residential purposes, one nameplate not exceeding two square feet in area may be permitted for each single-family dwelling unit, indicating the name of the occupant.
 - (3)

Multiple-family dwellings. On property used for multiple-family dwellings, clubs and lodges, one or more wall or freestanding identification signs, lighted or unlighted, single- or double-faced, all of which total not more than 32 square feet in area for each separate street frontage. A freestanding identification sign may not exceed six feet in height.

- (4) *Offices.* On property used for office purposes, one or more wall or freestanding identification signs may be permitted on each separate frontage. The signs may be lighted or unlighted, single- or double-faced, and all of which may not total more than one square foot in display area for each one linear foot of building frontage, or 100 feet, whichever is less. Freestanding signs may not exceed eight feet in height.
- (b) *Neighborhood/community identification signs.* Identification signs are permitted at the entrance to each neighborhood subject to the following regulations:
- (1) *Number.* A freestanding or wall identification sign is permitted at each major street entrance to a designated neighborhood/community.
 - (2) *Area.* A sign may not exceed 20 square feet per sign face.
 - (3) *Height.* A freestanding sign may not exceed six feet in height.
 - (4) *Lighting.* A sign may be illuminated.
 - (5) *Special approval.* Specially designed neighborhood/community identification signs will be subject to planning commission approval.
- (c) *Residential subdivision signs.*
- (1) *Banners and pennants.* In all subdivisions where an approved model home marketing complex is located, banners and pennants may be erected with or without advertisement to designate an open house or a sales office. The banners or pennants must be removed when the last phase of a subdivision is sold or until the sales office is closed or removed, whichever comes first. A cash deposit of \$200.00 with the city will be required to ensure the removal of any banners and pennants.
 - (2) *Advertising flags.* A new subdivision may be permitted flags as part of its sign program subject to the following regulations:
 - a. *Number.* No more than six flagpoles are permitted, and only two flags are permitted on a pole. The applicant must also obtain a building permit for the erection of each flagpole.
 - b. *Height.* The maximum height of a flagpole is 25 feet.
 - c. *Location.* Flagpoles may be located at subdivision entry areas, model home marketing complexes, or at the subdivision sales office. Flagpoles may also be permitted along the perimeter of the subdivision beyond the entry statement. The flagpoles which are placed along the perimeter of the subdivision must be removed when the nearest house is occupied. All flagpoles on the perimeter of a subdivision must be spaced a minimum of 100 feet apart. Flagpoles placed along the perimeter must also have a 20-foot setback from any adjacent residentially-used property.
 - d. *Time limitation.* Flagpoles must be removed when the last phase of a subdivision is sold, or until the sales office is closed or removed, whichever comes first. A \$200.00 cash deposit for each flagpole, up to a maximum of \$600.00, must be deposited with the city to ensure the

- removal of the flagpoles. The developer may apply for an extension of up to six months subject to the approval of the director.
- e. *Maintenance.* Flags must be inspected periodically by the developer and replaced when torn, tattered, or faded, or is otherwise no longer in attractive condition.
- (3) *[Alternative sign program.]* An alternative sign program may be proposed by the applicant, subject to approval of the planning commission.
- (d) *Security warning signs.*
- (1) *Number.* A security warning sign is permitted at each major street entrance to a neighborhood.
 - (2) *Area.* A security warning sign may not exceed seven square feet in area and must be single-faced.
 - (3) *Height.* A freestanding security warning sign may not exceed six feet in height.
 - (4) *Location.* A security warning sign may be located in a public right-of-way subject to the issuance of an encroachment permit.
- (e) *Temporary freestanding noncommercial signs.*
- (1) *Number.* Each parcel is permitted two temporary freestanding noncommercial signs at all times. Such signs are in addition to all other signage allowed in this article.
 - (2) *Area.* A temporary freestanding noncommercial sign may not exceed six square feet in area.
 - (3) *Height.* A temporary freestanding noncommercial sign may not exceed four feet in height.
 - (4) *Location.* Temporary freestanding noncommercial signs may be placed in the front yard or side yard of any property, provided that the signs do not encroach into any public right-of-way.
 - (5) *Lighting.* Temporary freestanding noncommercial signs may not be illuminated.
- (f) *Advertising flags at rental properties.* Flags used for advertising purposes are permitted at multiple-family rental complexes of 20 units or more subject to the following regulations.
- (1) *Number.* For the first 100 feet of lot frontage, two flagpoles are permitted and one additional flagpole is permitted for each additional 50 feet of lot frontage. No more than two flags are permitted on a flagpole.
 - (2) *Area.* A flag may not exceed six square feet in area.
 - (3) *Height.* Flagpoles may not exceed 25 feet in height.
 - (4) *Time limitation.* The maximum time period for flagpoles to display a flag with a commercial message is one year. The owner may apply for an extension of up to six months subject to the director's approval.
 - (5) *Deposit.* A \$200.00 deposit for each flagpole, up to a maximum of \$600.00, will be collected at the issuance of the building permit to ensure the timely removal of flags with commercial messages.

(Ord. No. 1751, § 3, 12-20-05)

Sec. 90-1251. - Signs permitted in commercial zones.

In addition to any other applicable signage allowed under this article, the following signage is permitted in commercial zones.

- (1) *Permitted sign area.* Each business in a commercial zone is permitted two square feet in sign area for each one linear foot of building frontage up to a maximum of 200 square feet in sign area. For the purposes of this section, only one face of a double-faced sign will be counted in determining total sign area.
- (2) *Primary sign types.* Subject to any additional regulations set forth in this section or article, the permitted sign area set forth in subsection (1) must be used in conjunction with one or more of the following sign types in all commercial zones: bulletin board signs, freestanding signs, monument signs, projecting signs or wall signs. For the purposes of this section, freestanding or monument signs are not permitted on lot frontages less than 60 feet in width.
- (3) *Special regulations.*
 - a. *Freestanding signs.* Freestanding signs may not exceed 25 feet in height or the height of the building to which the sign pertains, whichever is less.
 - b. *Marquee and under-canopy signs.* One marquee or under-canopy sign per business is allowed. The sign may not exceed one foot in height, and the lowest point of such sign may not be not less than eight feet above the public sidewalk. The sign may be double-faced, may not project beyond the outer edge or above the canopy or marquee, and must be stationary. All fluorescent lighting devices must be protected by shatterproof material. The size of a marquee sign will not be included in computing the total allowable sign area for the premises.
 - c. *Minor identification signs.* One minor identification wall or window sign is permitted in addition to any other signage permitted under this section.
 - d. *Monument signs.* One monument sign is permitted for each separate commercial frontage, which may be placed only in lieu of a freestanding sign on the same parcel. Monument signs may be placed in setback areas subject to the restrictions of subsection 90-16(f), pertaining to corner and driveway visibility, and may not exceed eight feet in height. The maximum sign area is 64 square feet.
 - e. *Permanent window signs.* Permanent window signs may not exceed 20 percent of the window area or a maximum of 25 square feet in total area. The restrictions contained in this subsection do not apply to temporary window signs.
 - f. *Projecting signs.*
 1. *Number.* Any single business or tenant with frontage on a public right-of-way is permitted one projecting sign along that public street. The projecting sign may exist instead of, but not in addition to, a freestanding sign, wall sign or roof sign.
 2. *Area.* A projecting sign may not exceed four square feet in area.
 3. *Location.* The projection over public property is limited to three inches for each linear foot of building frontage, measured from the nearest face of the building. No projecting sign may extend more than six feet from the face of the building and must be at least two feet back from the curblineline. Subject to the same maximum limits, projecting signs on corner properties are otherwise permitted a 20 percent increase in projection.
 4. *Height.* Projecting signs must have a minimum clearance of ten feet between the bottom of the sign and the ground. Signs may not

extend above the vertical height of any exterior wall, fascia or roof, or any portion of the structure upon which the sign is attached.

5. A projecting sign four square feet in area or less will not be included in computing total allowable sign area for the premises.
 6. An encroachment permit will also be required for any projecting sign that projects above a public right-of-way.
- (4) *Temporary special event signs.*
- a. The director may issue a permit for a temporary sign, subject to such conditions as the director may prescribe, for the advertising of special events and sales. This may include the use of banners, streamers, pennants and balloons.
 - b. A temporary special event sign permit may not exceed 30 continuous days.
 - c. A temporary special event sign may not be installed within 14 days from the expiration date of any previously approved temporary sign permit.
 - d. A separate permit fee must be paid for each type of portable advertising sign, except for banners which require the payment of a separate fee for each separate banner.
 - e. Balloons. Balloons larger than three square feet will be classified as "large balloons," and must meet the following requirements in order to be granted a temporary special event sign permit:
 1. *Zones.* Large balloons are permitted in the C-1, C-2, and C-M zones only.
 2. *Number.* Only one large balloon is permitted at any one time on a site.
 3. *Height.* Any large balloon must be maintained so that its highest point is no more than 20 feet above the roof line of the applicable premises. The maximum height of the balloon may not exceed 55 feet. When the premises lies within the Hemet-Ryan Airport Areas of Risk I, the balloon height may not exceed 35 feet. All large balloons must be maintained at least 20 feet below any overhead utility line.
 4. *Separation.* No new permit will be granted for a large balloon within 1,000 feet or three blocks, whichever is greater, from any other large balloon.
 5. *Time limitation.* A temporary special event sign permit may be issued for a large balloon for not more than 15 days in any 90-day period.
- (5) *Time and temperature devices.* Time and temperature devices will not be considered as part of the sign area under subsection (1) above unless there is a commercial message. No time and temperature device may exceed 24 square feet in area per face.

(Ord. No. 1751, § 3, 12-20-05)

Secs. 90-1252—90-1254. - Reserved.

Sec. 90-1255. - Signs permitted in church and institutional zones (S-1, I).

In addition to any other applicable signage allowed under this article, the following signage is permitted in church and institutional zones (S-1, I) or for a church or institutional use located in a residential zone.

- (1) *Permitted sign area.* Each church or institutional use is permitted on each separate frontage, one and one-half square feet of area for each one linear foot of frontage up to a maximum of 100 square feet in area. For the purposes of this section, only one face of a double-faced sign will be counted in determining total sign area.
- (2) *Primary sign types.* Subject to any additional regulations set forth in this section or article, the permitted sign area set forth in subsection (a) must be used in conjunction with one or more of the following sign types: bulletin board signs, freestanding signs, monument signs or wall signs. For the purposes of this section, freestanding or monument signs are not permitted on lot frontages less than 60 feet in width.
 - a. *Height.* The maximum height of any freestanding sign is 25 feet, or the height of the building to which the sign pertains, whichever is less.
 - b. *Lighting.* Only wall or monument signs may be illuminated.

(Ord. No. 1751, § 3. 12-20-05)

Secs. 90-1256—90-1260. - Reserved.

Sec. 90-1261. - Signs permitted in parking zones.

- (a) Where rates are charged in P zones, the following signs are permitted for parking lots and parking structures:
 - (1) *Number.* Pay parking lots and structures are permitted one freestanding or wall identification sign identifying the lot or operator and referring to the availability and charges for parking spaces on the parking lot or in the parking structure.
 - (2) *Area.* For each three linear feet of frontage on a public street there is permitted one square foot in sign area per sign face.
 - (3) *Height.* The sign may not exceed 15 feet in height.
 - (4) *Lighting.* The sign may be lighted only during the hours that the parking lot or parking structure is open for business.
 - (5) *Directional signs.* The director may also approve such number of lighted or unlighted, single- or double-faced directional signs as may be necessary for safe pedestrian and vehicular movement. The directional signs may not exceed six square feet in area per sign face and 15 feet in height.
- (b) Where rates are not charged in P zones, the following signs are permitted for parking lots and parking structures:
 - (1) *Number.* Free parking lots or structures are permitted one freestanding identification sign on each side of the premises fronting on a public street.
 - (2) *Area.* The sign may not exceed four square feet in area per sign face.
 - (3) *Height.* The sign may not exceed six feet in height.
 - (4) *Lighting.* The sign may be illuminated.
 - (5) *Directional signs.* The director may also approve such number of lighted or unlighted, single- or double-faced directional signs as may be necessary for safe

pedestrian and vehicular movement. The directional signs may not exceed four square feet in area per sign face or six feet in height.

(Ord. No. 1751, § 3, 12-20-05)

Secs. 90-1262—90-1270. - Reserved.

Sec. 90-1271. - Signs permitted in manufacturing zones (M-1 and M-2).

In addition to any other applicable signage allowed under this article, the following signage is permitted in manufacturing zones M-1 and M-2.

- (1) *Permitted sign area.* Each business is permitted on each separate street, mall or parking lot commercial frontage, one and one-half square feet of area for each one linear foot of frontage up to a maximum of 100 square feet in area. For the purposes of this section, only one face of a double-faced sign will be counted in determining total sign area.
- (2) *Primary sign types.* Subject to any additional regulations set forth in this section or article, the permitted sign area set forth in subsection (1) above must be used in conjunction with one or more of the following sign types: bulletin board signs, freestanding signs, monument signs or wall signs. For the purposes of this section, freestanding or monument signs are not permitted on lot frontages less than 60 feet in width.
 - a. *Height.* The maximum height of any freestanding sign is 25 feet, or the height of the building to which the sign pertains, whichever is less.
 - b. *Lighting.* Only wall or monument signs may be illuminated.

(Ord. No. 1751, § 3, 12-20-05)

Sec. 90-1272. - Signs for shopping centers and big box uses.

The following on-site signs for primary identification are permitted in shopping centers and for big box uses and supersede the regulations under sections 90-1251 and 90-1271.

- (1) *Number.* One lighted or unlighted double-faced, freestanding sign is permitted for each separate street frontage as shown in the following table:

Shopping Center/Big Box Uses (Gross Floor Area)	Maximum Sign Area (in square feet)	Maximum Height (in feet)
Less than 30,000	Per requirements of <u>section 90-1251</u>	25
30,000 to 69,900	150	30
70,000 to 140,999	250	40
150,000 or more	300	45

- (2) *Additional signage for shopping centers.* Each building frontage, whether in-line or freestanding, is permitted a wall sign or signs totaling not more than two square feet of area for each one linear foot of building frontage up to a maximum of 200 square feet.
- (3) *Additional signage for big box uses.* Big box uses may be permitted a wall sign or signs totaling not more than 1.4 square feet of display area for each one linear foot of building frontage.

(Ord. No. 1751, § 3, 12-20-05)

Sec. 90-1273. - Signs for outdoor sales.

Only the following on-site signs for primary identification are permitted for plant nurseries, mobile home sales and similar outdoor sales uses not involving showrooms or large offices:

- (1) General types. Each business is permitted one wall, roof or projecting sign on each separate commercial frontage.
- (2) Area. The permitted sign area for each sign is two square feet for each one linear foot of lot frontage up to a maximum of 200 square feet.
- (3) One freestanding, lighted or unlighted, double-faced identification sign may be included in the sign area under subsection (2). The maximum height of any such sign is 16 feet, except as specifically approved by conditional use permit where it can be demonstrated that the 16-foot height limitation precludes the effectiveness of the sign's purpose for identification.
- (4) One low-silhouette monument sign per separate commercial frontage may be included in the sign area under subsection (2), which sign may be placed only in lieu of a freestanding sign on the same site. Monument signs may be placed in setback areas subject to the restrictions of subsection 90-16(f), pertaining to corner and driveway visibility, provided that the height does not exceed eight feet and the sign area does not exceed 64 square feet.

(Ord. No. 1751, § 3, 12-20-05)

Sec. 90-1274. - Future development signs.

Future development signs for an approved shopping center or industrial park are permitted as follows:

- (1) One lighted or unlighted, double-faced, freestanding sign is permitted for each separate street frontage as shown in the following table:

SIGNS PERMITTED ON VACANT PARCELS

Acreage of Property (acres)	Size of Sign (square feet)	Maximum Height of Sign (feet)
0-5	64	12
5-10	96	12
10-20	128	14
20 or more	160	16

- (2) All future development signs must be removed from the property 18 months after approval of the sign by the city, or on the issuance of an occupancy permit for a structure within the shopping center or industrial park, whichever comes first.
- (3) All future development signs must be placed a minimum of 25 feet from the property line.

(Ord. No. 1751, § 3, 12-20-05)

Secs. 90-1275—90-1279. - Reserved.**Sec. 90-1280. - Prohibited signs.**

The following signs are prohibited in all zones:

- (1) Banner signs, bunting, streamers, pennants and flags, except as specifically permitted in subsections 90-1250(c) and (f) or those flags excluded as "signs" under section 90-1242
- (2) Devices projecting or otherwise reproducing the image of a sign or message on any surface or object.
- (3) General outdoor advertising signs, except legal nonconforming signs as permitted in subsection 90-1281(c).
- (4) Hand-held commercial signs, except as permitted under subsections 90-1250(c) (3) and 90-1251(4).
- (5) Inflatable signs, except balloons as permitted under subsection 90-1251(4).
- (6) Mobile signs.
- (7) Moving and flashing signs.
- (8) Off-site signs.
- (9) Portable commercial signs.
- (10) Roof signs.
- (11) Signs located in such a manner to constitute a potential traffic hazard or obstruct the view of any authorized traffic sign or signal device, or designed to resemble or conflict with any authorized traffic control sign.
- (12) Signs emitting audible sounds, odors or particulate matter.

(Ord. No. 1751, § 3. 12-20-05)

Sec. 90-1281. - Legal nonconforming signs.

- (a) *Generally.* In order to limit the number and extent of legal nonconforming signs created by the adoption of this article, it is the intent to permit nonconformities to continue until they are removed, but not to encourage their survival. Therefore, a sign existing before the effective date of the original ordinance codified in this article (August 28, 1984), or existing on the date of any amendment to this article or a zone change or annexation to the city, may be used in accordance with other provisions of this article, provided that no such legal nonconforming sign may be enlarged, expanded, extended, altered, moved, reestablished after abandonment, or restored after destruction, except that the text or sign face of a legal nonconforming sign may be changed as long as there is no change in area or sign structure.
- (b) *Special circumstances.* In accordance with California Business and Profession Code § 5499, no legal nonconforming sign will be required to be removed on the sole basis of its height or size if special topographic circumstances would result in a material impairment of visibility of the sign or the owner's or user's ability to adequately and effectively continue to communicate to the public through the use of the sign. The owner or user may maintain the sign at the premises and at a location necessary for continued public visibility at the height or size at which the sign was previously lawfully erected pursuant to all applicable codes, regulations and permits. Any such sign will be deemed to be in conformance with this article.
- (c) *Legal nonconforming general outdoor advertising signs.* Existing legal nonconforming general outdoor advertising signs may be relocated when the following requirements are met:
 - (1) Proof that the existing sign was legally erected.
 - (2)

A conditional use permit has been approved in accordance with sections 90-42 through 90-42.11 of this Code. Prior to approval of the conditional use permit, an additional finding must be made by the approving authority that the removal and relocation of the general outdoor advertising sign fulfills a public purpose. In furtherance of that requirement, the conditional use permit must include a requirement that the sign be made available for use by the city for civic advertising purposes, at no charge, for up to a maximum of 30 calendar days per year, on such terms as may be set forth in the conditional use permit.

- (3) The existing sign must be removed prior to erecting a new sign.
- (4) If the existing sign was double-faced, then its replacement may be double-faced. However, in no case may the sign area exceed 300 square feet per face. The maximum height of the sign may not exceed 25 feet. In addition, existing single-faced signs currently located within the D-1 and D-2 (Downtown) zone districts may be relocated outside of the D-1 and D-2 zone districts with a double-faced sign.
- (5) The relocated sign may not be illuminated unless the original sign was illuminated.
- (6) If the sign is illuminated, the illumination must be turned off no later than 10:00 p.m.
- (7) There may be no moving parts or electrification of the sign.

(Ord. No. 1751, § 3. 12-20-05)

Sec. 90-1282. - Removal of signs.

- (a) *Unsafe signs.* Any unsafe sign may be removed by the city without prior notice. Alternatively, the director may issue a notice of violation and give the permit holder, property owner or person in possession and control of the property up to 15 days to cure the violation.
- (b) *Illegal signs.*
 - (1) *Permanent.* Any illegal permanent sign must be removed or brought into conformity by the permit holder, property owner, or person in possession and control of the property following written notice from the director. Such notice must specify the nature of the violation, order the cessation thereof and require either the removal of the sign or the execution of remedial work in the time and in the manner specified by the notice. The time for removal or repair may not be less than 15 days from the date of mailing the notice.
 - (2) *Temporary.* Any temporary sign posted or otherwise affixed in violation of this article may be removed by the city. The city employee or agent removing the sign will immediately attempt to notify the owner of the sign, if such owner can be ascertained.
- (c) *Abatement of signs.* All signs erected or maintained in violation of the provisions of this article are hereby declared to be a public nuisance, and may be removed at the direction of the city manager whenever the permit holder, property owner, or person in possession or control of the property fails to comply with an order of the director requiring compliance with this article. The city may abate any such sign in the manner set forth in Article II of Chapter 30 of this Code.
- (d) *Retrieval of removed signs.* Any person desiring to retrieve a sign removed by the city may do so upon the payment of an administrative fine for each sign. The amount of

such fine will be set by resolution of the city council. In lieu of paying such administrative fine, a person may retrieve a sign upon signing a promise to appear citation issued to such person. If a person wishes to contest the fact that a sign was placed in violation of this article prior to paying the fine or signing the citation, the person has the right to an administrative hearing before the director. If the director finds that the sign was lawfully posted, the director will cause the return of the sign without an administrative penalty or the issuance of a citation.

(e) *Disposal of removed signs.*

- (1) *Permanent.* No permanent sign that has been removed and stored by the city may be released until the administrative fine and any other penalties have been paid. If a sign remains unclaimed for a period of 30 days after notice of removal is sent to the permit holder, property owner, or person in possession and control of the property, it will be deemed to be unclaimed personal property and may be disposed of in accordance with the law.
- (2) *Temporary.* Any temporary sign removed by the city may be considered abandoned if it is not retrieved within 15 days after the date of such removal and may be disposed of by the city without liability therefor to any person.

(Ord. No. 1751, § 3, 12-20-05)

Sec. 90-1283. - Violation of article; penalty.

Any person, whether a principal, agent, employee or other person, violating or causing the violation of any of the provisions of this article will be guilty of an infraction, and upon conviction thereof may be punished by:

- (1) A fine not exceeding \$50.00 for a first violation.
- (2) A fine not exceeding \$100.00 for a second violation.
- (3) A fine not exceeding \$250.00 for each additional violation within one year.

Such person will be deemed guilty of a separate offense for each and every day during any portion of which any violation of this article is committed or continued by such person, and will be punished as provided in this section.

(Ord. No. 1751, § 3, 12-20-05)

Sec. 90-1284. - Appeals.

Any person aggrieved by a decision of the director made pursuant to the provisions of this article has the right to appeal such decision to the design review board as follows:

- (1) *Appeal of director's decision.* Any decision made pursuant to the provisions of this article by the director will become final upon the expiration of 30 days from the date such decision is served on the applicant, unless an appeal to the design review board is filed prior to the expiration of such period of time. If such appeal is timely filed, all action will be stayed until the appeal is finally decided.
- (2) *Procedure.* Any appeal brought pursuant to this section will be submitted on an application form to be provided by the department, and must be filed with the department. All portions of the application must be substantially completed. Each application on appeal must be verified. If the application form is not sufficiently completed, the department will return such application to the applicant, indicating the portions requiring additional completion. If the application is not returned to

the department within ten days of the time mailed, the appeal will be deemed waived. The director will initiate an investigation of each of the points covered in the application, and will prepare recommendations for consideration by the design review board. An appeal hearing must be set before the board within 30 days of receipt of the appeal unless the applicant agrees to a continuance. The applicant must be notified of the hearing date not less than ten days before such hearing date.

- (3) *Hearing by design review board.* The design review board will hear the testimony of the applicant, the recommendation of the secretary, and other testimony deemed relevant. The decision of the design review board must be rendered and provided to the applicant not more than 15 days from the date of the conclusion of the hearing.
- (4) *Appeal to city council.* The decision of the design review board will become final upon the expiration of 15 days from the date of mailing to the applicant, unless an appeal to the city council is filed prior to the expiration of such period of time. If such appeal is timely filed, all action will be stayed until the appeal is finally decided. Upon receipt of the appeal, the city clerk will set the appeal for public hearing before the city council within 30 days unless the applicant agrees to a continuance. The city clerk will notify the applicant of the date of the hearing not less than ten days before such hearing date. The city council will review all decisions made in the case and hear other testimony deemed relevant. The decision of the city council must be in the form of a resolution and will be final.
- (5) *Judicial review.* Any person dissatisfied with the final action taken by the city council may seek prompt judicial review of such decision pursuant to California Code of Civil Procedure § 1094.8.

(Ord. No. 1751, § 3, 12-20-05)

Secs. 90-1285—90-1310. - Reserved.

FOOTNOTE(S):

⁽¹¹⁾ *Editor's note—* Section 2 of Ord. No. 1751, adopted Dec. 12, 2005, repealed art. XXXVI, in its entirety and section 3 of said ordinance enacted similar provisions to read as herein set out. Former art. XXXVI derived from Ord. Nos. 844 and 865; §§ 24200—24245 of the 1985 Code; and additional amendatory legislation, the history of which can be found in the Code Comparative Table located at the back of this volume. (Back)

⁽¹¹⁾ *Cross reference—* Buildings and building regulations, ch. 14; Uniform Sign Code, § 14-121 et seq.; streets and sidewalks, ch. 66. (Back)