

PLANNING COMMISSION

AGENDA

REGULAR MEETING OF THE HEMET PLANNING COMMISSION
City Council Chambers
450 East Latham Avenue, Hemet CA 92543

January 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, Vice Chairman Sharon Deuber, and Commissioners Vince Overmyer and David Rogers

Invocation and Flag Salute: Vice Chairman Deuber

2. APPROVAL OF MINUTES:

- A. Minutes for the Planning Commission Meeting of November 15, 2011
- B. Minutes for the Planning Commission Meeting of December 6, 2011

3. 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
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

CITY OF HEMET PLANNING COMMISSION MEETING
JANUARY 17, 2012

4. **COMPREHENSIVE 2030 GENERAL PLAN UPDATE (GENERAL PLAN AMENDMENT NO. 11-002) AND FINAL ENVIRONMENTAL IMPACT REPORT (ENVIRONMENTAL ASSESSMENT NO. 11-002) FOR THE GENERAL PLAN UPDATE (SCH #2010061088)**

APPLICANT: City of Hemet
LOCATION: City-wide
PLANNER: Deanna Elliano, Community Development Director
DESCRIPTION: Planning Commission review and recommendation to the City Council regarding additional changes to the Draft General Plan document and Draft Land Use Plan as a result of the comments received from public agencies during the comment period; and Certification of the Final EIR, adoption of the Mitigation Monitoring and Reporting Program, and adoption of the Findings and Statement of Overriding Considerations for the City of Hemet 2030 General Plan.

Recommended Action:

1. *Recommend to the City Council, via minute order, **approval** of the additional changes outlined in the errata sheets for the Comprehensive 2030 General Plan Update (General Plan Amendment No. 11-002); and,*
2. **Adopt** *Planning Commission Resolution Bill No. 11-019, recommending that the City Council certify the Final Environmental Impact Report for the Hemet 2030 General Plan, entitled:*

"A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT (ENVIRONMENTAL ASSESSMENT NO. 11-002) (SCH #2010061088), ADOPT A MITIGATION MONITORING PROGRAM, ADOPT A STATEMENT OF FACTS AND FINDINGS, AND ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE ENVIRONMENTAL EFFECTS OF THE CITY OF HEMET GENERAL PLAN 2030 COMPREHENSIVE UPDATE."

5. ZONING ORDINANCE AMENDMENT 12-001 establishing Sex Offender Residency Restrictions in the City of Hemet

APPLICANT: City of Hemet
LOCATION: City-wide
PLANNER: Deanna Elliano, Community Development Director
DESCRIPTION: A city-initiated ordinance of the City of Hemet amending Chapter 90 (Zoning) of the Hemet Municipal Code to add a new Article X entitled "Special Housing Classifications" and adopting Division 3 which establishes Sex Offender Residency Restrictions. This ordinance is a component of the Hemet ROCS (Restoring Our Community Strategy) Program for the City of Hemet.

Recommended Action:

Adopt Planning Commission Resolution Bill No. 12-002, entitled:

"A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ADDING ARTICLE X ("SPECIAL HOUSING CLASSIFICATIONS") TO CHAPTER 90 (ZONING) TO THE HEMET MUNICIPAL CODE REGARDING RESIDENCY RESTRICTIONS FOR SEX OFFENDERS AS AN ELEMENT OF THE HEMET RESTORING OUR COMMUNITIES STRATEGY (HEMET ROCS) PROGRAM."

DEPARTMENT REPORTS

6. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:

- A. Report on City Council actions from the December 13, 2011 and January 10, 2012 meetings
- B. Report on WRCOG Planning Director's Meeting

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

8. PLANNING COMMISSIONER REPORTS: *Commissioner reports on meetings attended or other matters of Planning interest*

- A. Chairman Gifford
- B. Vice Chairman Deuber
- C. Co mmissioner Overmyer
- D. Co mmissioner Rogers

9. FUTURE AGENDA ITEMS: *Items to be scheduled for upcoming Planning Commission Meetings*

- A. Report on "Human Signs" and other temporary signage in the City
- B. Status report on foreclosure activity & housing market
- C. Report on Industrial Development Opportunities
- D. Status of Shopping Cart Retrieval Plans and Compliance
- E. Report on methods to reduce panhandling at commercial establishments

10. ADJOURNMENT: To the regular meeting of the City of Hemet Planning Commission scheduled for **February 7, 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 NO. 2.A.

PLANNING COMMISSION

MEETING MINUTES

DATE: November 15, 2011

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 Commissioners Vince Overmyer, David Rogers and Chauncey Thompson

ABSENT: None

Invocation and Flag Salute: Commissioner Chauncey Thompson

2. APPROVAL OF MINUTES:

A. Minutes for the Planning Commission Meeting of October 18, 2011

It was **MOVED** by Commissioner Rogers and **SECONDED** by Commissioner Overmyer to **APPROVE** the October 18, 2001 minutes as presented, except that the sentence on page 6, line 40 should read: "Vice Chairman Deuber also suggested that the comments should include indicating the history of the multi-million dollar horse ranches in that area, as well as buffalo."

The **MOTION** was carried by the following vote:

AYES: Chairman Gifford, Vice Chairman Deuber, and Commissioners Overmyer, Rogers and Thompson

NOES: None

ABSTAIN: None

ABSENT: None

3. PUBLIC COMMENTS: (None)

PUBLIC HEARINGS

4. GENERAL PLAN AMENDMENT (GPA) NO. 11-002 (CITY OF HEMET GENERAL PLAN 2030) – (Continued from the October 18, 2011 Meeting)

APPLICANT: City of Hemet

LOCATION: City-wide

PLANNER: Deanna Elliano / Nancy Gutierrez

DESCRIPTION: A request for Planning Commission review and recommendation to the City Council regarding the comprehensive update to the City of Hemet General Plan which establishes citywide land uses, policies and programs within ten general plan elements and replaces the city's existing general plan adopted in 1992. A Program Environmental Impact Report has been prepared for the project in compliance with the California Environmental Quality Act (SCH No. 2010061088).

Community Development Director (CDD) Elliano gave a staff presentation, accompanied by a PowerPoint presentation which listed a number of action items.

City Attorney Jex requested that Action Item No. 3 not be discussed until the end, as Commissioner Rogers owns property near Sanderson and West Court Way, and would therefore need to recuse himself when that item is discussed.

Chairman Gifford then opened the public hearing and invited the audience to participate by identifying themselves.

Miguel Vazquez, 2218 Arroyo Drive, Riverside, approached the lectern and introduced himself as a Healthy Communities Planner representing the County of Riverside Department of Health. He commended the city on including healthy policies in the general plan. He also asked that it include a policy that would facilitate, and make easier, the building of a relationship between the County of Riverside and the City of Hemet.

Gene Hikel, 8405 Singh Court, Hemet, approached the lectern as a representative of the Four Seasons Community Awareness Committee. He noted their support for the general plan and expressed appreciation for CDD Elliano's work and the readability of the plan. He felt one of the major issues that needed to be addressed was economic development and getting quality businesses and industry to Hemet to provide a job base for its residents. He also stressed the importance of all commissions and councils within the city to adhere to the plan and its goals when considering projects and proposals in the future.

Cash Hovivian, 35051 Tres Cerritos, Hemet, approached the lectern and stated that he was thrilled with the plan as carried forward. He asked if the Tres Cerritos off-ramp had been removed from the plan.

CDD Elliano responded that it was currently shown on the plan and that it would ultimately be RCTC's decision, but the Commission could make a recommendation to the Council that the off-ramp not be illustrated on our plan.

1 Mr. Hovivian also wanted further explanation about Page 2-20, and the Land Use
2 category of rural residential.

3
4 CDD Elliano explained that a number of areas are designated as rural residential
5 because there are many areas within the hillsides, like the Santa Rosa hills, that might
6 be of the 2.5 minimum acres or half-acre lot sizes. In Reinhart Canyon, though, five-
7 acre minimum lot sizes are specified in the canyon floor and ten acres is the minimum
8 for the hillsides in that area. A five-acre minimum is also designated for the ranches
9 that are located west of Warren Rd., between Devonshire and Esplanade Avenues.

10
11 Vice Chairman Deuber related that page 2-82 spells out the requirements with more
12 specificity.

13
14 Scott Garrett, 230 West Devonshire Avenue, Hemet requested clarification about the
15 northeast corner of Girard Street and Devonshire Avenue, to which CDD Elliano replied
16 that it was designated Medium Density Residential, 8 to 18 du/ac.

17
18 Chairman Gifford closed the public hearing and directed the Commission to address
19 Action Item No. 1, review and recommendation of the errata and changes to the Draft
20 General Plan text, noted in red.

21
22 Vice Chairman Deuber had a question concerning land uses discussed on page 2-82,
23 and CDD Elliano directed her to Figure 2.3, after page 2-36, explaining that the district
24 for West Hemet had shifted during the process, and now, as explained on page 2-42,
25 West Hemet is defined as the area south of Florida Avenue down to the lake, while
26 Northwest Hemet is defined as Four Seasons, Reinhart Canyon and the surrounding
27 ranches. Tres Cerritos includes the area from the other side of the Lake View
28 Mountains over to Sanderson Avenue. Page 2-42 has a description of each of the
29 districts.

30
31 Chairman Gifford stated that nothing had been changed, but just clarified.

32
33 Vice Chairman Deuber also brought up the Tres Cerritos off-ramp issue, with CDD
34 Elliano explaining that Caltrans and RCTC would be the ultimate decision-makers
35 regarding that issue. A former suggestion had been to exit at Devonshire Avenue, but
36 Florida and Devonshire Avenues are too close, and shifting it would delay RCTC's
37 environmental document because it wasn't addressed previously in the EIR. CDD
38 Elliano also stated that the city can come back and amend or address this one the
39 Highway 79 alignment and design is adopted.

40
41 Chairman Gifford suggested that if it's the Commission's pleasure, they could
42 recommend deletion of Tres Cerritos as an off-ramp or at least recommend that the
43 City Council pursue that, maybe put a different color or hatched lines on that off-ramp
44 with a footnote stating that this off-ramp is currently in RCTC's plan, but the City of
45 Hemet has requested that this off-ramp be removed.

46
47 Vice Chairman Deuber recommended removing the off-ramp from the general plan
48 document. Chairman Gifford suggested talking about it as a Commission, and if it was
49 a consensus, make a recommendation on how to do it.

50
Commissioner Overmyer noticed that it was not included in the Circulation Plan.

1 CDD Elliano explained that it was not on the Circulation Plan, but it was shown on the
2 land plan. She noted that it had been included in the project at the City of Hemet's
3 request, probably during the economic boom period. She stated further that Highway
4 79 was not the city's project, so they have no authority over its ultimate design, but can
5 make recommendations on the Draft EIR and at the public hearing.
6

7 Chairman Gifford invited the City Engineer to weigh in.
8

9 Mr. Biagioni stated he agreed that the off-ramp was not needed at that location, but he
10 thinks it should be shown on the plan because of it's inclusion in RCTC's design. It
11 would be like eliminating or changing the alignment of 79 because we don't like where
12 that goes or it crosses some street. He stated that for the sake of respecting what
13 RCTC is doing, the general plan should show their design with the proper note that
14 was mentioned about the city disagreeing with the location.
15

16 Chairman Gifford agreed with Mr. Biagioni, and added that since Highway 79 was a
17 plan that would not be implemented until some time in the future, showing the off-ramp
18 on the map gives the public tools to deal with when the debate continues in the future.
19

20 Commissioner Thompson felt the footnote and recommendation were appropriate
21 because they maintain an open discussion.
22

23 CDD Elliano added that leaving it on the plan provides proper notification to the public,
24 rather than giving them a false sense of security, since there is a whole other public
25 process and ultimately another decision body for the approval of the alignment. If left
26 on the map, the public knows when the time is right for them to register their concerns.
27

28 Vice Chairman Deuber asked for clarification that, in summary, it was currently not
29 showing on the circulation map, and that the consensus was, with the addition of the
30 footnote explanation, the Commission would be recommending that it be removed.
31

32 CDD Elliano explained that the off-ramp would not be removed.
33

34 Chairman Gifford reiterated his recommendation that the off-ramp remain on the map
35 with a change in color or markings to show that it was different, and a footnote that
36 states *"This is currently the RCTC Caltrans plan as of the date of this document;
37 however, the city of Hemet has requested that this off-ramp not be placed at that
38 location."*
39

40 There was consensus on the Commission to follow that recommendation.
41

42 Chairman Gifford asked if there were other comments concerning the errata text.
43

44 Commissioner Rogers asked if there had been changes made reflecting Mr. Vazquez's
45 suggestions in his e-mail.
46

47 CDD Elliano responded that the recommendation to partner with community groups,
48 the Riverside Public Health Department and the school district in a cooperative effort to
49 support healthy communities could be added in the next version.
50

1 Vice Chairman Deuber had a question about consistency within the various plans for
2 the Tres Cerritos East project dealing with high density residential and single-family
3 residential.
4

5 CDD Elliano explained that the general plan is just that – general. She directed Vice
6 Chairman Deuber to page 2-19, Table 2.2, which shows low density residential from
7 2.1 to 5.0 per acre, and explained that it was an averaging of the density that falls
8 within that bigger umbrella of low-density residential. Specific plans, as long as they're
9 underneath that overall ceiling, can sometimes have areas that are higher than the five
10 and lower than five as long as it averages out to be within that density umbrella in the
11 general plan.
12

13 Chairman Gifford reiterated that the general plan is as specific as practical, but leaving
14 some leverage for issues that arise. He requested that CDD Elliano brief them on the
15 question of land use at Kirby and Acacia Avenues.
16

17 CDD Elliano stated that the 43-acre parcel at Kirby and Acacia Avenues was shown on
18 the 1992 General Plan as industrial, and the Draft 2030 General Plan was showing it
19 as business park, which staff believes is a continuation of industrial, but with added
20 flexibility. The applicant is requesting that it be changed to include commercial and
21 residential, but staff is recommending denial of that request, and that it remain as
22 Business Park. The applicant's response and reasoning for the request is outlined in a
23 letter that the Commission now has. The property owner's concept would not be
24 consistent with either the existing zoning or the existing general plan on the property.
25 Also, staff does not believe it's realistic to get a big box retail tenant on an interior
26 parcel. The owners have the option of either making it all industrial or making it all
27 Commercial-Manufacturing, or a mix, because both are consistent with the Business
28 Park designation.
29

30 Both Commissioners Thompson and Overmyer conveyed their agreement with staff's
31 recommendation, as did Vice Chairman Deuber and Commissioner Rogers.
32

33 City Attorney Jex requested that the Commission vote on all items except Item No. 3.
34

35 It was **MOVED** by Commissioner Overmyer and **SECONDED** by Vice Chairman
36 Deuber to **ADOPT** Resolution Bill No. 11-017, recommending the adoption of the
37 Hemet General Plan Update 2030, (General Plan Amendment No. 11-002) with the
38 errata addendum presented today, with the exception of Item No. 3; and further, to add
39 a footnote regarding the Hwy 79 off-ramp at Tres Cerritos that reads, "***This is
40 currently the RCTC Caltrans plan as of the date of this document; however, the
41 city of Hemet has requested that this off-ramp not be placed at that location***";
42 and finally, to direct staff to incorporate the issues discussed regarding the errata in the
43 recommendation to the City Council.
44

45 The MOTION was carried by the following vote:
46

47 **AYES:** Chairman Gifford, Vice Chairman Deuber, and Commissioners Overmyer,
48 Rogers and Thompson.
49 **NOES:** None
50 **ABSTAIN:** None
ABSENT: None

1 Commissioner Rogers recused himself before discussion of Item No. 3 because of the
2 proximity of property he owns to this site.

3
4 Chairman Gifford gave an explanation of the recusal for the audience and invited
5 discussion of Item No. 3 – the land use issue on Sanderson Avenue and West Court
6 Way.

7
8 CDD Elliano explained that half the property was developed as four-plexes and the
9 other half was currently undeveloped with an existing final map. Staff felt that because
10 of the existing tentative map and the existing zoning on the property, the appropriate
11 designation would be Medium Density Residential (MDR) as opposed to Low Density
12 Residential (LDR).

13
14 Vice Chairman Deuber asked if the MDR direction would facilitate the Commission's
15 desire that the development would be condominiums with a Home Owner's Association
16 (HOA).

17
18 CDD Elliano responded that it would be consistent with the underlying zoning, which
19 allows 8 to 18 du/ac.

20
21 It was **MOVED** by Vice Chair Deuber and **SECONDED** by Commissioner Overmyer to
22 **ACCEPT** staff's proposal for a change from low density residential to medium density
23 residential for the West Court Way and Sanderson Avenue project.

24
25 The MOTION was carried by the following vote:

26
27 **AYES:** Chairman Gifford, Vice Chairman Deuber, and Commissioners Overmyer,
28 and Thompson.

29 **NOES:** None

30 **ABSTAIN:** Commissioner Rogers

31 **ABSENT:** None

32
33 *(Adopted Planning Commission Resolution Bill No. 11-017.)*

34 DEPARTMENT REPORTS

35 5. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:

36 A. Report on City Council actions from the October 25th, November 5th, and 37 November 8th meetings

38 CDD Elliano outlined the actions of interest to the Commission as follows:

39
40 **October 25th:** The downtown project review for Simon Chu's building facade
41 improvement was approved.

42
43 **November 5th:** This meeting was a goal study session, including a Hemet ROCS
44 overview, a review of the City Council's goals set last year (completion of the General
45 Plan Update; correction of structural changes in the budget; franchise agreement with
46 CR&R, as well as other labor and pension reforms); discussion about the joint meeting
47
48
49
50

1 with San Jacinto; establishment of a reserve policy, and discussion of the public safety
2 analysis with fire and police in terms of making structural changes and operational
3 improvements.
4

5 **November 8th:** The Tres Cerritos project, for which the Planning Commission had
6 recommended denial, was discussed at length, as the applicant had proposed a
7 revised project of 622 units, the majority of which were single-family residential except
8 for one townhome project. There was no final action by the Council and the earliest it
9 might be resubmitted would be the end of January or early February 2012.
10

11 An ordinance within the Hemet ROCS program was adopted by the City Council,
12 prohibiting sex offenders from being in public parks or within certain distances of
13 childcare centers. It will come back for a second reading of the ordinance.
14

15 **B. Planning Commission Meeting Schedule**

16

17 CDD Elliano recommended cancelling the December 20th and January 3rd meetings
18 because of holiday schedules, leaving the December 6th meeting on calendar.
19

20 **C. Status Report on Hemet ROCS Program**

21

22 CDD Elliano provided an informational hand-out prepared by staff and the city attorney
23 on the "Hemet Restoring Our Community Strategy (Hemet ROCS) program, outlining
24 13 ordinances falling into three primary categories: property standards, residency
25 requirements, and property owner responsibilities.
26

27 The property standards category includes a nuisance abatement ordinance,
28 administrative citation ordinance, abandoned and foreclosed property ordinance, and
29 property maintenance landscape standards ordinance. Some of these are being
30 reviewed by the City Prosecutor, the Police Department, Planning and Code
31 Enforcement, Housing staff, Building & Safety staff, and the City Attorney's staff, which
32 encompass the ROCS team. The first four ordinances, except for the landscape
33 standards ordinance, go to the City Council because they are amending sections of the
34 municipal code. The Planning Commission will only see the ordinances that amend
35 the zoning code.
36

37 Residency requirements include the sex offender residency restriction ordinance,
38 which is being widened to include additional requirements and prohibitions, expanding
39 to child center uses, such as library, museum, etc. The child safety zone ordinance
40 was adopted also, similar to the sex offender residency restriction ordinance.
41

42 The Barding House and Group Home Ordinance will come before the Planning
43 Commission. Staff is attempting to eliminate a concentration of group homes and
44 implementing tighter restrictions regarding sex offender residences, particularly in
45 single-family residential neighborhoods. They will also potentially be looking at motel
46 residency vouchers, as well as prostitution ordinances.
47

48 CDD Elliano explained that property owner responsibility ordinances particularly relate
49 to rental properties. The first – rental unit registration and inspection ordinance – sets
50 up a licensing and inspection process, which is a tool that provides a regular
opportunity to go in and make sure that rental properties are in compliance with

1 existing codes, and shifts more of the responsibility onto the property owner, rather
2 than just the tenant. It also outlines the landlord's responsibility for drug trafficking,
3 giving the city more leverage in forcing landlord attention and responsibility.
4

5 The Chronic Nuisance Community Safety ordinance does the same of focusing
6 landlord responsibility, particularly if tenants are repeat offenders who demand an
7 inordinate amount of police attention. Staff will also be doing outreach to the real
8 estate community and apartment owner community to be able to come up with
9 something that is fair, but addresses the problem. For those landlords that do take
10 good care of their property and screen their tenants and participate in the city's crime-
11 free multi-family housing programs, which will also be developed for single-family
12 rentals, there would be incentives offered. What staff is targeting are the chronic
13 situations and properties that have been left to decay, creating blight and crime.
14

15 The schedule for these initiatives is as follows:
16

17 – Phase 1 covers the sex offender location or child safety zone, the
18 landlord responsibility for drug trafficking, parolee housing and abandoned and
19 foreclosed homes, and is currently under preparation and review.
20

21 – Phase 2 will kick off in the spring or early summer.
22

23 – Phase 3 is data intensive and will begin towards the end of the year.
24

25 CDD Elliano commented that developing the ordinance is the relatively easy part. The
26 hard part is having a program in place with the limited amount of staff and resources
27 available. She noted that systems would be developed to target the worst areas first.
28

29 D. Riverside County Economic Outlook 30

31 CDD Elliano explained that because of the preparation of the General Plan, this item
32 will be continued to the December 6th meeting.
33
34

35 **6. CITY ATTORNEY REPORTS: (None)** 36 37

38 **7. PLANNING COMMISSIONER REPORTS:** 39

40 A. Chairman Gifford (None)
41

42 B. Vice Chairman Deuber – requested an update on the shopping cart progress,
43 especially relating to the noncompliance of smaller retailers.
44

45 C. Commissioner Overmyer – inquired regarding the appropriate method for
46 reducing panhandling at establishments in the city.
47

48 CDD Elliano and City Attorney Jex noted that anybody could register a complaint with
49 the Poice Department if they felt they were being harassed. If the panhandlers are in a
50 public area like a sidewalk, it was within their legal right to ask for a donation.

1 However, business establishments have to initiate a complaint if this is being done on
2 private property.

3
4 Commissioner Overmyer continued his report by discussing the the Traffic & Parking
5 Commission meeting, as he is the Planning Commission liaison, noting that there had
6 been 11 items on the last agenda, with the most intensive being the circulation element
7 of the general plan. He also commented on how favorably these commissions work
8 with the public in solving problems.

9
10 D. Commissioner Rogers – requested prayers for Councilman Foreman's son, who
11 was in an automobile accident. He also noted that he had talked with the city
12 attorney regarding Section 3 of the property owner's responsibility on the Hemet
13 ROCS program as he is a landowner.

14
15 E. Commissioner Thompson: (None)

16
17
18 **8. FUTURE AGENDA ITEMS:**

- 19
20 A. Report on "Human Signs" and other temporary signage in the city
21 B. Zoning Ordinance Amendment for Special Housing Classifications
22 C. Status report on foreclosure activity & housing market
23 D. Report on Industrial Development Opportunities
24 E. Report on Medical Marijuana Dispensaries

25
26 CDD Elliano indicated that this was an ongoing list of items which would be brought
27 before the Commission as time permits. She also indicated that they would be adding
28 the economic development forecast with as much local information as possible. She
29 advised that shopping cart priorities would be added to the list of future agenda items.

30
31
32 **9. ADJOURNMENT:** It was the consensus of the Commission to adjourn the meeting
33 at 8:03 p.m. to the regular meeting of the City of Hemet Planning Commission
34 scheduled for **December 6, 2011 at 6 p.m.** to be held at the City of Hemet Council
35 Chambers located at 450 E. Latham Avenue, Hemet, California 92543.

36
37
38
39
40
41 _____
42 John Gifford, Chairman
43 Hemet Planning Commission

44 ATTEST:

45
46
47
48 _____
49 Nancie Shaw, Records Secretary
50 Hemet Planning Commission

AGENDA NO. 2.B.

PLANNING COMMISSION

MEETING MINUTES

DATE: December 6, 2011

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 Gifford, Vice Chairman Deuber, and Commissioners Overmyer, Rogers and Thompson (late arrival)

ABSENT: None

Invocation and Flag Salute: Chairman Gifford

2. APPROVAL OF MINUTES: (None)

3. PUBLIC COMMENTS: (None)

PUBLIC HEARINGS

4. EXTENSION OF TIME NO. 11-002 FOR CONDITIONAL USE PERMIT NO. 09-003 (Medicity)

APPLICANT: John Petty, Latham Management

LOCATION: 2171 West Florida Avenue

PLANNER: Carole L. Kendrick, Assistant Planner

DESCRIPTION: A request for Planning Commission review and approval of an extension of time for the previously approved Conditional Use Permit No. 09-003, for the conversion of an existing 130,226 square-foot retail building into a medical facility totaling 145,582 square feet and the construction of a 49-bed hospital totaling 87,695 square feet located on a 13.45 acre site.

The staff report, including a Power Point presentation was given by Assistant Planner Carole Kendrick.

1 Chairman Gifford posed several questions relating to the length of the CUP extension
2 and advantages or disadvantages of a one-year extension as opposed to a two- or
3 three-year extension.

4
5 Planner Kendrick responded that because of the uncertainty of the project, the one-
6 year extension would allow the city to introduce new guidelines or code amendments
7 that might occur.

8
9 Chairman Gifford also asked about the maintenance of the property, to which CDD
10 Elliano responded that maintenance had not been addressed in the CUP, but was
11 rather a code enforcement issue. She indicated that progress had been made with the
12 case for this property.

13
14 Commissioner Rogers wanted to know the disadvantages to the property owner for a
15 one-year extension.

16
17 Planner Kendrick and CDD Elliano together explained that there are cost
18 disadvantages of \$1,610 a year, plus a two-month time frame to process the extension
19 and get it on the agenda. The reason for the one-year designation was that there
20 seemed to be an indication the owner was looking at some alternative uses.

21
22 Vice Chairman Deuber asked if the building was designed to be two stories or if the
23 outside elevation simply had a two story appearance.

24
25 CDD Elliano responded that it would be a two-story building both on the medical center
26 side and on the 49-bed hospital side.

27
28 Chairman Gifford opened the public hearing and invited the applicant's representative
29 to the lectern, noting that he had spoken to Mr. Petty earlier this evening, and
30 indicating that the commission was interested in the condition of the property and the
31 viability of the project.

32
33 John Petty (P.O. Box 4511, Hemet, CA 92546), approached the lectern as a
34 representative for the applicant. He addressed the maintenance of the property and
35 pledged an on-site, daily or every-other-day inspection and maintenance. He
36 explained that much of the paper and trash that seemed to be prevalent on the site
37 tended to blow from the west side of the shopping center, adding that the four to five
38 shopping carts which had been showing up every night would be handled by placing
39 them in a central location for pick-up by a service.

40
41 He also explained the control proposed for the "urban forest," instituted to separate the
42 shopping center from the Village project to the south of the property, noting 20 tons of
43 palm tree fronds and branches had been removed within the last three or four days.
44 He further committed to irrigation of the landscaping, noting that the existing plan calls
45 for trees in the parking lot, and the intent now was to put in all new parking lot trees,
46 saving the existing ones for use elsewhere, or selling them.

47
48 In response to a question concerning the extension fee, Mr. Petty explained that the
49 cost of putting up a hospital is about \$1 to \$3 million per bed, so the extension cost is
50 not the critical issue. They are planning a state-of-the-art medical center appearance.

1 He assured the Commission that they would be happy to comply with building code
2 issues or changes.

3
4 In answer to Chairman Gifford's question concerning the viability of Medicity, Mr. Petty
5 explained that the initial idea of the project was designed prior to the bankruptcy and
6 eventual sale of Hemet Hospital to PHH. The physicians of PHH did not know what
7 was going to happen with the Hospital, so they were envisioning Medicity as a reduced
8 operations acute care facility. With the sale and turnaround of Hemet Hospital, the
9 need for the new facility was in question. However, interest is now heightened in
10 turning Medicity into a heart hospital, as \$70 to \$80 million in heart care for Valley
11 residents is going to other facilities, such as St. Bernardine's in San Bernardino. Also,
12 a cancer center and dialysis center could be incorporated into the Medicity facility.
13

14 Vice Chairman Deuber questioned Mr. Petty regarding the statement in his letter to the
15 Commission which suggested that a large retail user would better complement this site.
16 She asked him to explain.
17

18 Mr. Petty answered, stating that they were just trying to cover all eventualities, should
19 the medical facility not be viable. He enumerated different options that had been
20 examined and rejected, but also stated that they were still looking at alternatives.
21

22 Vice Chairman Deuber also asked CDD Elliano if a retail facility were to be selected
23 rather than the medical center, how that would change anything regarding the CUP
24 extension.
25

26 CDD Elliano explained that the site was in a C-2 zone, and that retail was permitted by
27 right. However, another CUP cannot be achieved without going through the process
28 again.
29

30 Mr. Petty further explained that if a different use were selected, they would plan, for
31 their own protection, to initiate a new permit and application. The only retail use on
32 site, should the Medicity plan proceed, would be a medically-related retail use, such as
33 surgical supplies or a pharmacy.
34

35 Both Commissioners Rogers and Thompson showed enthusiasm for the architectural
36 renderings and stated willingness to extend the CUP for two or three years.
37

38 Chairman Gifford closed the public hearing and also indicated that since this facility
39 would bring high-end jobs to the city, that since the investors involved were long-time
40 residents of the Valley, and that since the city was in need of this type of facility, he
41 didn't feel a three-year extension would be unreasonable.
42

43 Vice Chairman Deuber inquired of CDD Elliano regarding whether any changes were
44 needed to the conditions of approval.
45

46 CDD Elliano indicated that only Condition No. 1 would need to be modified, changing
47 the date from October 20, 2012 to October 20, 2014.
48

49 It was **MOVED** by Commissioner Overmyer and **SECONDED** by Commissioner
50 Thompson to **ADOPT** Resolution Bill No. 11-018, modifying Condition No. 1 to a three-
year extension.

1 The MOTION was carried by the following vote:

2
3 **AYES:** Chairman Gifford, Vice Chairman Deuber, and Commissioners Overmyer,
4 Rogers and Thompson

5 **NOES:** None

6 **ABSTAIN:** None

7 **ABSENT:** None

8
9 *(Adopted Planning Commission Resolution No. 11-017.)*

10
11
12 **WORK STUDY ITEMS**
13

14
15 **5. WORK STUDY TO REVIEW AND DISCUSS PROPOSED REVISIONS TO THE**
16 **ZONING CODE REGARDING FENCES AND WALLS**

17
18 **APPLICANT:** City of Hemet
19 **LOCATION:** City-wide
20 **PLANNER:** Emery Papp, Principal Planner
21

22 A Power Point presentation was given to the Commission by Principal Planner Emery
23 Papp regarding proposed revisions to the zoning code concerning fences and walls.
24

25 CDD Elliano amplified the need for a new permitting process for fences as being a way
26 to avoid confusion, noting that this is not regarded as a revenue generator, but a way
27 to aid the residents in selecting the right materials and building to a standard.
28

29 Chairman Gifford stated his feeling that a permitting process was necessary, and that
30 the city needed some standards, but that the challenge would be getting the
31 information out to the residents. He also felt that certain parts of the city would require
32 differing appearances, such as more of a rustic feel in the downtown area, with
33 materials like wrought iron.
34

35 Vice Chair Deuber promoted the idea of consistency, especially in the revitalization of
36 downtown, and suggested that that the boundary mechanism, or fencing, should be
37 permitted to allow for that consistency in materials, height restrictions, etc. She further
38 suggested that when a property was sold, the new occupant should have 60 days to
39 change inappropriate fencing to approved fencing rather than grandfathering in old
40 fencing.
41

42 City Attorney Jex advised that you can have an approved amortization period for a
43 reasonable period of time for that new owner to recover the invested costs in the fence.
44

45 CDD Elliano explained further that there is no requirement to retrofit a home unless
46 there is illegal construction, and code changes needed to be adopted. Just the fact of
47 it transferring ownership does not constitute a reason to upgrade the property or the
48 City's ability to compel that.
49

50 Vice Chairman Deuber said if, for example, it's an FHA loan involved with the
purchase, such things as smoke alarms and bracing of the water heater must be
accomplished before close of escrow.

1 CDD Elliano explained that those were safety issues, and fencing does not fall under
2 that category.

3
4 Vice Chair countered that safety could be an issue in fencing if, for example, the gate
5 lock was inoperative or there were jagged edges in the fences that created a safety
6 hazard.

7
8 CDD Elliano stated that in those cases, code enforcement would address the issue.
9 Staff's concern is new development and new fencing in developed areas of the City, to
10 better regulate fencing and raise the quality and appearance.

11
12 Chairman Gifford suggested that staff bring back a model ordinance with more
13 specifics for them to examine.

14
15 CDD Elliano expressed her feeling that permitting was a necessity, and advised that
16 staff was working on guidelines, utilizing ideas from other cities which they would bring
17 back to the Commission.

18
19 Commissioner Overmyer cautioned that amortization could be difficult for some older
20 residents, and that particularly brick fencing needs permitting because of its
21 permanence. He also felt that owners planning to put in temporary fencing that is
22 easy to move would be less likely to come to the city for a permit than if they were
23 investing in a block wall.

24
25 There was discussion of the 42-inch maximum height requirement for front yards, the
26 necessity to limit color choices, fencing around pools (which is a building code
27 requirement), certain building materials, costly and low-cost, and hillside requirements.

28
29 Vice Chairman Deuber suggested that staff bring back their hit list of items they would
30 like to see for the Commission's review.

31
32
33 **6. SUMMARY REPORT ON THE ECONOMIC FORECAST FOR THE INLAND**
34 **EMPIRE**

35
36
37 A verbal presentation was provided by CDD Elliano regarding recently reported
38 economic trends and indicators for the City of Hemet.

39
40 Chairman Gifford thanked CDD Elliano and reflected on the statistic that service
41 stations are a major revenue contributor to the city in terms of taxes and sales. He
42 noted that this was indicative of the flight from the Valley by residents who are seeking
43 entertainment, shopping advantages, etc. He suggested that it was necessary to get
44 state of the art entertainment to the community, such as theater complexes,
45 restaurants, etc., which would mean millions of dollars that stay in the community
46 rather than being spent elsewhere.

DEPARTMENT REPORTS

7. COMMUNITY DEVELOPMENT DIRECTOR REPORTS

A. Update Report on Medical Marijuana Dispensaries

CDD Elliano gave a brief history of the medical marijuana dispensary activities in Hemet from 2009 to present, including the urgency ordinance adopted in April of 2009, which changed to a permanent ordinance in March of 2011, prohibiting medical marijuana dispensaries in the City. She noted, however, that in January of 2011, dispensaries had started sprouting again, with eight appearing in the City between January and November. As of this time, they have all been closed, and to staff's knowledge, there are no dispensaries operating in the City of Hemet today. She credited this to the team of code enforcement officers, police officers, and city attorney staff that had worked as a team to quickly identify, investigate, send cease and desist letters, acquire court injunctions, impose building code violations, and follow through on shutting such facilities down. She advised that all court decisions were in the city's favor, and noted that the city had spent less in this year getting rid of eight dispensaries and a commercial grow operation than most communities in surrounding areas have spent to get rid of one establishment.

CDD Elliano went on to advise that some of these dispensaries had morphed into mobile dispensaries, which are much harder to find and identify, and expressed hope that they would leave Hemet because of the city's harsh stance. However, she asked for the community's cooperation in keeping eyes and ears open, and notifying the city if any are seen.

CDD Elliano further noted that, in November of 2011, the State Appellate Court upheld communities' right to ban dispensaries, so the decision is currently on the side of the cities, which makes enforcement easier.

8. CITY ATTORNEY REPORTS: (None)

9. PLANNING COMMISSIONER REPORTS:

A. Chairman Gifford – (None)

B. Vice Chairman Deuber – reported on the sale of the Hemet Theater to a small non-profit public foundation, with the Diamond Valley Arts Council interested in being the operations arm. The goal would be concerts, music venues, jazz, and plays. There is an orchestra pit underneath the stage that was cemented over, so the goal is to open it, restore the theater, and get it listed on the Historic Registry.

Vice Chairman Deuber also mentioned the Downtown Farmers Market that included a Hometown Christmas for the month of December, which had done very well. She mentioned the residents of the city that care about helping in revitalizing the community.

1 C. Commissioner Overmyer – wished to go on record stating his thought that the
2 housing market in Hemet would come back significantly before 2016.

3
4 D. Commissioner Rogers – inquired regarding the landscaping requirements for the
5 Regal Theater. He noted that he'd been visiting the theater for approximately seven
6 years and that he had not seen any landscaping other than dirt.

7
8 CDD Elliano said they would look at the original plans and see what could be done.

9
10 Commissioner Rogers also asked for an update on the former Echo Hills golf course
11 that is being left to deteriorate, to which CDD Elliano responded that the city's goal was
12 to try to have that transferred to another entity that can reestablish the course, which
13 had been abandoned by the owners because of the cost of water to maintain it.

14
15 E. Commissioner Thompson thanked the staff, the City of Hemet, the citizens and
16 the Commission for allowing him to be part of the Planning Commission, but noted that
17 due to a job change he would be relocating to the Coachella Valley and therefore must
18 turn in his resignation as Planning Commissioner.

19
20
21 **10. CERTIFICATE OF APPRECIATION FOR COMMISSIONER CHAUNCEY**
22 **THOMPSON**

23
24 Chairman Gifford read the following certificate of appreciation for Commissioner
25 Thompson:

26
27 *"Certificate of Appreciation presented to Chauncey Thompson*
28 *for outstanding commitment to the community during your*
29 *service as the City of Hemet Planning Commissioner,*
30 *presented this 6th day of December, 2011."*
31

32
33 Chairman Gifford added that he had been very proud to have Commissioner
34 Thompson on the Commission and would recommend him in any capacity.

35
36
37 **11. Cancellation of the December 20, 2011 and the January 3, 2012 meetings of**
38 **the Planning Commission**

39
40 There was unanimous consensus to cancel the Planning Commission meetings of
41 December 20th and January 3rd.

42
43
44 **12. FUTURE AGENDA ITEMS:**

- 45
46 A. Report on "Human Signs" and other temporary signage
47 B. Zoning Ordinance Amendment for Special Housing Classifications
48 C. Status report on foreclosure activity and housing market
49 D. Report on Industrial Development Opportunities
50 E. Report on status of Shopping Cart Containment Plans
F. Final EIR and General Plan and Response Comments, Findings and
Overrides on January 17, 2012

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13. ADJOURNMENT: It was unanimously agreed to adjourn the meeting at 8:20 p.m. to the regular meeting of the City of Hemet Planning Commission scheduled for **January 17, 2012 at 6:00 p.m.** to be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue, Hemet, CA 92543

John Gifford, Chairman
Hemet Planning Commission

ATTEST:

Nancie Shaw, Records Secretary
Hemet Planning Commission

AGENDA NO. 4



Staff Report

TO: City of Hemet Planning Commission

FROM: Deanna Elliano, Community Development Director 

DATE: January 17, 2012

RE: **COMPREHENSIVE 2030 GENERAL PLAN UPDATE (GENERAL PLAN AMENDMENT NO. 11-002) AND FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (ENVIRONMENTAL ASSESSMENT NO. 11-002) FOR THE GENERAL PLAN UPDATE (SCH #2010061088)** – A request for Planning Commission review and recommendation to the City Council regarding additional changes to the Draft General Plan document and Draft Land Use Plan as a result of comments received from public agencies during the comment period; and, Certification of the Final EIR, adoption of the Mitigation Monitoring and Reporting Program, and adoption of the Findings and Statement of Overriding Considerations for the City of Hemet 2030 General Plan.

RECOMMENDED ACTION:

1. *That the Planning Commission recommend to the City Council, via minute order, approval of the additional changes outlined in the Draft General Plan Errata for the Comprehensive 2030 General Plan Update (General Plan Amendment No. 11-002); included herein as Attachments 2A (text) and 2B (figures);and,*
2. *That the Planning Commission adopt Resolution Bill No. 11-019, recommending that the City Council certify the Environmental Impact Report for the Hemet 2030 General Plan, entitled:*

“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (ENVIRONMENTAL ASSESSMENT NO. 11-002) (SCH #2010061088), ADOPT A MITIGATION MONITORING & REPORTING PROGRAM, ADOPT A STATEMENT OF FINDINGS AND FACT, AND ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE ENVIRONMENTAL EFFECTS OF THE CITY OF HEMET GENERAL PLAN 2030 COMPREHENSIVE UPDATE.”

OVERVIEW

The purpose of tonight's Planning Commission meeting is review additional modifications to the proposed General Plan text, and changes to the Land Use Plan (as well as other Figures), that arose subsequent to the Planning Commission meeting of November 15, 2011. In addition, the Final EIR, including the Responses to Comments, as well as the Mitigation Monitoring and Reporting Program and the Statement of Findings and Overriding Considerations, is now completed and will be presented for your review and

recommendation to the City Council. The City Council public hearing for Certification of the Final EIR and adoption of the General Plan Update 2030 is scheduled for January 24, 2012.

BACKGROUND

At the meeting of November 15, 2011, the Planning Commission adopted Resolution No. 11-002 recommending that the City Council approve the Hemet General Plan Update 2030 with errata and a footnote to Figures 2.1 (Land Use Plan) and 4.1 (Circulation Plan) regarding the Planning Commission's preference that a Highway 79 off-ramp not be placed at Tres Cerritos Avenue. The errata included changes recommended by residents and public agencies responding to the City's Notice of Availability of the Draft Environmental Impact Report (DEIR). On the day of the Planning Commission meeting, additional DEIR comment letters were received from four public agencies: Riverside County Transportation Commission (RCTC), Riverside County Department of Public Health, California Department of Toxic Substances Control, and Riverside County Airport Land Use Commission (ALUC). The comment letters were included in the Addendum to the Staff Report and distributed to Commissioners at the November 15th meeting, but staff did not have time to prepare any recommended changes to the General Plan for Planning Commission consideration at that time.

Subsequently, additional DEIR comment letters were received shortly after the close of the comment period from Southern California Edison, Southern California Air Quality Management District (AQMD), Riverside County Flood Control District, and California Regional Water Quality Control Board (RWQCB). Although these comment letters from agencies primarily address the DEIR and not the General Plan, there were some concerns or corrections raised by the agencies that staff believed also warranted revisions in the General Plan text or figures. The majority of these revisions were presented as General Plan Errata to the City Council for review at the public hearing on the Draft General Plan and DEIR on December 13, 2011.

The Airport land Use Commission (ALUC) comment letter noted that State law requires the ALUC to make a determination of consistency with the Airport Land Use Compatibility Plan (ALUP) for Hemet-Ryan Airport prior to adoption of the General Plan 2030. Due to scheduling requirements, the first ALUC meeting for which the determination finding could be scheduled was January 12, 2012. Therefore, following the public hearing at the December 13th meeting, City Council consideration of the General Plan 2030 was continued to the January 24, 2012 meeting for final adoption of the General Plan and Final EIR.

Originally, staff had planned to return to the Commission at your meeting of January 17, 2012 to only provide a review and recommendation regarding the Final EIR and associated documents, before adoption by the Council on January 24, 2012. However, due to a number of General Plan text and map changes made in response to the letters received from the ALUC and the RWQCB, staff set a noticed public hearing for the Commission to also consider these last modifications to the General Plan and make a recommendation to the City Council.

SUPPLEMENTAL ERRATA TO THE GENERAL PLAN 2030 TEXT AND FIGURES

As noted above, subsequent to the Planning Commission meeting at which the General Plan 2030 was considered, several new comment letters were received. Based upon those comments, additional changes to the text and figures of General Plan 2030 are presented for Planning Commission review as shown in Attachments 2A and 2B, and will be discussed more fully at the meeting. The changes to the text (Attachment 2A) are grouped into two sections according to the agency's comments, as described below.

Airport Land Use Commission (ALUC)

The ALUC is primarily concerned with ensuring that the General Plan 2030 complies with the Airport Land Use Plan (ALUP) for the Hemet-Ryan Airport. Compliance is complicated by the fact that the current ALUP was completed in 1992, is out-of-date, and is in the process of being updated. Nonetheless, compliance is required by State law. Planning staff has been working with ALUC staff to establish policies and a land use plan that satisfies the ALUC while not overly hindering growth and development in Hemet. The proposed policies and land use plan, as outlined below, was presented to the ALUC on January 12, 2012 for a determination of compliance with the ALUP. The ALUC did render a determination of Consistency with the ALUP, which allows the General Plan 2030 to be considered for approval by the City Council on January 24, 2012.

Proposed text revisions to the General Plan 2030 to comply with the ALUP for Hemet-Ryan Airport (as shown in Attachment 2A) include:

1. Establishment of an Interim Airport Overlay for undeveloped properties in Areas I and II of the ALUP that allows for uses not currently permitted under the 1992 ALUP.
2. Expansion of Table 2.5 (ALUC Airport Land Use Compatibility Zones) covering permitted, discretionary, and incompatible uses in the various Airport Land Use Compatibility Zones.
3. Modifications to Policies LU-10.1, LU-10.3, and LU-10.4 clarifying the relationship and authority of the ALUC to the City, and defining the Interim Airport Overlay.
4. Addition of Policy LU-10.5 that limits High Density Residential (18-30 du/ac) development in the Transition Area to 20 du/ac while the 1992 ALUP remains in effect.
5. Modification to Policy PS-4.8 that any proposed use in the City that is 200 feet or higher will be reviewed by the AULC and the FAA; and to Policy PS-4.10 to coordinate with Riverside County to ensure the updated Airport Master Plan will not create negative noise, safety, or circulation system impacts in Hemet.
6. Modification to Implementation Program LU-P-35 establishing procedures for transmitting appropriate projects to the ALUC for review and indicating that within 180 days of adoption of the updated ALUP, the City will bring the General Plan into conformance.

Proposed map revisions to the General Plan 2030 to comply with the ALUP for Hemet-Ryan Airport are listed below and shown on Figure 2.6a (Airport Land Use Compatibility Zones) in Attachment 2B, but are also reflected on Figure 2.1 (Land Use Plan). Additionally, Figure 2.5 (West Hemet Plan) has been modified to show the Interim Airport Overlay Zone. Staff will explain these changes in greater detail at the meeting:

1. The Very High Density Residential (VHDR) parcels located on the north side of Acacia Avenue between Lyon Avenue and Kirby Street in the ALUP Transition Area are changed to High Density Residential (HDR).
2. The two sites containing existing church facilities in the area north of Stetson Avenue, south of Whittier Avenue, east of Sanderson Avenue, and west of Kirby Street in the ALUP Area II (High Risk) are changed from Low Density Residential to Quasi-Public (Q-P).
3. The Hillside Residential (0.0 – 0.5 du/ac) and Rural Residential (0.0 – 2.0 du/ac) parcels generally located west of the airport in ALUP Areas I (Extreme Risk) and II (High Risk) are restricted to 1 dwelling unit per 2.5 acres.

4. The area of PCD 79-83 within ALUP Area II (High Risk) that does not have an approved tentative tract map has been added to the Interim Airport Overlay Zone.
5. The two Medium Density Residential parcels located north of Poplar Street, east of Warren Road have been designated Mixed Use within the Interim Airport Overlay Zone.

Regional Water Quality Control Board (RWQCB)

The RWQCB recommended adding data, outlining regulations, and presenting strategies to protect water quality through storm drainage management. In response, staff modified Chapter 5 (Community Services and Infrastructure), Chapter 7 (Open Space and Conservation), and Chapter 12 (Implementation) of General Plan 2030 to incorporate the following:

- A discussion of the Riverside County Drainage Area Management Plan (DAMP).
- An explanation of the Riverside County municipal separate storm sewer system permit (MS4 permit) of which the City is a co-permittee, and the City's compliance approach.
- An outline of National Pollutant Discharge Elimination System (NPDES) permits and waste discharge requirements.
- A review of the Nutrient Total Maximum Daily Load (TMDL) plan that requires Hemet, as well as other municipalities located on the San Jacinto Watershed, to reduce the amount of nutrients in its stormwater, which drains into Canyon Lake and Lake Elsinore. Both lakes have been placed on the federal government's impaired waters list.
- A presentation of Low Impact Development (LID) planning principles to ensure that new development is designed in consideration of overall environmental conditions, including regional water quality.
- A list of Ahwahnee Water Principles for Resource Efficient Land Use, which are recommended by the RWQCB.
- The addition or modification of policies and implementation measures to protect water quality, improve coordination with other government agencies, increase efficiency, promote best management practices, and comply with all federal, state, and regional regulations.

FINAL ENVIRONMENTAL IMPACT REPORT (FEIR)

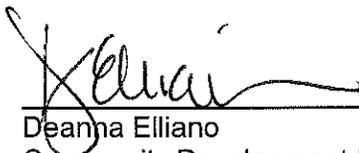
The Final Program Environmental Impact report is included as Attachment 1A to this report. The FEIR essentially includes all of the information in the original draft EIR in addition to updates to the text (in underline) that are as a result of the comment letters received. All of the comment letters on the DEIR and the City's Responses to the Comments are also included in the FEIR document as Chapter 7. As required by state law, the City has sent a copy of the FEIR and the Responses to Comments to each of the agencies and organization that provided comments, for a 10-day review period prior to certification of the FEIR by the City Council.

An associated component of the Final EIR is the Mitigation Monitoring and Reporting Program included as Attachment 1B to this staff report. This document outlines all of the mitigation measures required of the project, and the responsible department and timeframe in which they need to be implemented. Attachment 1C is the Findings of Fact and Statement of Overriding Considerations which is a document that is also required to be adopted by the City Council prior to approval of the General Plan and sets forth the results of the FEIR analysis, identifies those impacts that cannot be completely mitigated (i.e. significant and

unavoidable impacts), and considers each Project Alternative, and whether or not they meet the stated objectives of the project. Staff will provide an overview of the contents and conclusions of the FEIR and related documents in more detail at the meeting.

In conclusion, staff recommends that the Planning Commission review the proposed modifications to the General Plan text and figures and the Final EIR and associated documents, and adopt Resolution Bill No. 11-019 recommending Certification of the FEIR to the City Council and incorporation of the Supplemental Errata included as Attachments 2A and 2B to this staff report.

Prepared by



Deanna Elliano
Community Development Director

ATTACHMENTS:

1. **Planning Commission Resolution Bill No. 11-019** recommending to the City Council the Certification of the Final Program EIR, adoption of the Mitigation Monitoring and Reporting Program, and adoption of the Findings and Statement of Overriding Considerations for the City of Hemet General Plan Update 2030.
 - 1A. **Final Environmental Impact Report for the Hemet General Plan 2030 Update** (distributed to the Planning Commission and available on the City's website at www.cityofhemet.org)
 - 1B. Mitigation Monitoring and Reporting Program
 - 1C. Findings and Statement of Overriding Considerations
2. **Draft Hemet General Plan 2030** (distributed previously to the Planning Commission and available on the City's website at www.cityofhemet.org)
 - 2A. Supplemental Errata Pages for modifications to the General Plan 2030 Text
 - 2B. Supplemental Errata Pages for modifications to the General Plan 2030 Figures

**Attachment No.1
GPA 11-002 and EA 11-002**

**Planning Commission Resolution
Bill No. 11-019 recommending
Certification of the Final Program
EIR for the General Plan 2030**

Planning Commission Meeting
January 17, 2012



CITY OF HEMET
Hemet, California

RESOLUTION BILL NO. 11-019

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT (ENVIRONMENTAL ASSESSMENT NO. 11-002) (SCH #2010061088), ADOPT A MITIGATION MONITORING PROGRAM, ADOPT A STATEMENT OF FACTS AND FINDINGS, AND ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE ENVIRONMENTAL EFFECTS OF THE CITY OF HEMET GENERAL PLAN 2030 COMPREHENSIVE UPDATE.

WHEREAS, the City of Hemet initiated a comprehensive update of its General Plan, and a Program Environmental Impact Report (EIR) to assess the potential environmental impacts of the proposed City of Hemet General Plan 2030; and

WHEREAS, the proposed General Plan 2030 is considered a "project" as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. ("CEQA"); and,

WHEREAS, a Notice of Preparation for the Draft Program EIR was circulated to the public, responsible agencies, and other interested persons for their review and comment for a 30-day period commencing on June 28, 2010, and a noticed public scoping meeting was held on July 14, 2010; and

WHEREAS, the Draft Program EIR was prepared in accordance with the California Environmental Quality Act (CEQA), Public resources code Section 21000 et seq., and the CEQA Guidelines, 14 California Code of regulations Section 15000 et seq.; and,

WHEREAS, upon completion of the Draft Program EIR, the City provided a Notice of Completion to the State Clearinghouse on September 30, 2011 as required under CEQA Guidelines § 15085 and published a Notice of Availability on September 30, 2011 as required under CEQA Guidelines § 15087; and,

Planning Commission Resolution Bill No. 11-019
FINAL PROGRAM EIR FOR GENERAL PLAN UPDATE 2030 (EA 11-002)
GENERAL PLAN UPDATE 2030 (GPA 11-002)

1 **WHEREAS**, the Draft Program EIR was circulated to the public, responsible
2 agencies and other interested parties as required by CEQA Guidelines § 15087 for a
3 period of 45 days commencing on September 30, 2011 and closing on November 14,
4 2011 in accordance with CEQA Guidelines § 15105(a); and,

5 **WHEREAS**, at or before the close of the public comment period the City received
6 fifteen (15) comment letters regarding the Draft Program EIR; and,

7 **WHEREAS**, the Hemet Planning Commission conducted duly noticed public
8 hearings on October 18, 2011, November 15, 2011, and January 17, 2012, at which
9 time it received public testimony concerning the Draft General Plan 2030 and the
10 Program EIR; and

11 **WHEREAS**, having considered all public testimony and written and oral reports
12 and documents provided by staff, and all other documents comprising the Final
13 Program EIR, including the Draft EIR as amended and the Responses to Comments,
14 the related Mitigation Monitoring and Reporting Program, and the Findings and
15 Statement of Overriding Considerations,

16 **NOW THEREFORE**, the Planning Commission of the City of Hemet, does hereby
17 resolve, determine and order as follows:

18 SECTION 1. FINDINGS.

19 The Planning Commission, in light of the whole record before it, including but not limited
20 to, the EIR, all documents incorporated by reference therein, any comments received
21 and responses provided, the Mitigation Monitoring Program, the Statement of Facts and
22 Findings, the Statement of Overriding Considerations and other substantial evidence
23 (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the
24 record and/or provided at the public hearing, hereby finds and determines that:

- 25 1. **Preparation and Public Notice of EIR:** An Environmental Impact Report was
26 prepared and noticed for the City of Hemet General Plan 2030 Update in
27 accordance with Public Resources Code § 21080(d) and § 21082.2 and the EIR
28 was prepared and processed in accordance with the California Environmental
29 Quality Act (Public Resources Code § 21000 et seq.), the CEQA Guidelines (14
30 California Code of Regulations § 15000 et seq.), and the local CEQA Guidelines
31 and Thresholds of Significance adopted by the City of Hemet.
- 32 2. **Review Period:** The City has complied with CEQA Guidelines §§ 15087 and
33 15105 by making the Draft EIR available to the public for review for the required
34 period of time.
- 35 3. **Response to Comments:** The City has responded to all written comments
36 received during the public review period and included both comments and
37 responses as part of the EIR. In response to these comments, the City has

1 made minor revisions to the EIR. These revisions are identified in the responses
2 and do not constitute significant additional information and do not require
3 recirculation of the EIR.

4 4. **Avoidance / Reduction Significant Effects:** The EIR identifies potentially
5 significant effects on the environment that could result if the project were adopted
6 without changes or alterations in the project and imposition of mitigation
7 measures. Based thereon, the Planning Commission further finds that:

8 (a) Changes, alterations, and mitigation measures have been
9 incorporated into, or imposed as mitigation on the project.

10 (b) These changes, alterations, and mitigation measures will avoid the
11 significant environment effects identified in the EIR or lessen their
12 impact below the threshold of significance.

13 (c) These changes, alterations, and mitigation measures are fully
14 enforceable because they have either resulted in an actual change
15 to the project as proposed or they have been imposed as mitigation
16 measures, policies and implementation measures within the
17 General Plan 2030.

18 (d) The City has prepared a Mitigation Monitoring Program to track
19 compliance with these changes, alterations, and mitigation
20 measures.

21 5. **Environmental Findings and Statement of Overriding Considerations:**
22 Approval of the project will result in significant effects on the environment even
23 though most potentially significant effects identified in the EIR will be mitigated
24 through Goals, Policies, Implementation Measures, and mitigation measures,
25 pursuant to Section 15092 of the CEQA Guidelines. However, these significant
26 effects will be eliminated or substantially lessened where feasible, and the
27 remaining significant effects are found to be unavoidable under Section 15091
28 and acceptable due to overriding considerations under Section 15093. The City
29 has balanced the economic, legal, social, technological, and other benefits of the
30 project against the unavoidable environmental risks that may result, and finds
31 that the specific economic, legal, social, technological, and other benefits
32 outweigh the unavoidable adverse environmental effects.

33 6. **Independent Judgment:** The EIR reflects the independent judgment and
34 analysis of the City as Lead Agency under CEQA.

35 **SECTION 2. PLANNING COMMISSION ACTION.**

36 Based on the foregoing findings, and on substantial evidence in the whole of the record,
37 the Planning Commission hereby takes the following actions:

Planning Commission Resolution Bill No. 11-019
FINAL PROGRAM EIR FOR GENERAL PLAN UPDATE 2030 (EA 11-002)
GENERAL PLAN UPDATE 2030 (GPA 11-002)

- 1 | 1. **Certify Final Program EIR:** The Planning Commission recommends that the
2 | City Council approve and certify the Final Environmental Impact Report
3 | (Environmental Assessment No. 11-002) (SCH NO. 2010061088) for the City of
4 | Hemet General Plan 2030 Comprehensive Update (General Plan Amendment
5 | No. 11-002), attached as Exhibit 1A.
- 6 | 2. **Adopt MMP:** The Planning Commission recommends that the City Council
7 | approve and adopt the Mitigation Monitoring Program for the EIR attached as
8 | Exhibit 1B.
- 9 | 3. **Adopt Findings of Fact and Statement of Overriding Considerations:** The
10 | Planning Commission recommends that the City Council approve and adopt the
11 | Findings of Fact and Statement of Overriding Considerations for the EIR
12 | attached as Exhibit 1C.
- 13 | 4. **Notice of Determination:** The Planning Commission recommends that, in
14 | compliance with Public Resources Code § 21152 and CEQA Guidelines § 15094,
15 | the City Council direct the Community Development Director to prepare a Notice
16 | of Determination concerning certification of the Final EIR, and within five (5) days
17 | of project approval, file the Notice with the Riverside County Clerk for posting.
- 18 | 5. **Location:** The Planning Commission recommends that the Final Environmental
19 | Impact Report (Environmental Assessment No. 11-002) (SCH NO. 2010061088)
20 | and all documents incorporated therein and forming the record of decision
21 | therefore, be filed with the Hemet Planning Department at the Hemet City Hall,
22 | 445 E. Florida Avenue, Hemet, California, 92543 and be made available for
23 | public review upon request.

24 |
25 | **PASSED, APPROVED, AND ADOPTED** this 17th day of January 2012 by the
26 | following vote:

27 |
28 | AYES:
29 | NOES:
30 | ABSTAIN:
31 | ABSENT:
32 |
33 |

34 | _____
35 | John Gifford, Chairman
36 | Hemet Planning Commission

37 | ATTEST:
38 |
39 |

40 | _____
41 | Nancie Shaw, Records Secretary
Hemet Planning Commission

Planning Commission Resolution Bill No. 11-019
FINAL PROGRAM EIR FOR GENERAL PLAN UPDATE 2030 (EA 11-002)
GENERAL PLAN UPDATE 2030 (GPA 11-002)



CITY OF HEMET
Hemet, California

RESOLUTION BILL NO. 11-019

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT (ENVIRONMENTAL ASSESSMENT NO. 11-002) (SCH #2010061088), ADOPT A MITIGATION MONITORING PROGRAM, ADOPT A STATEMENT OF FACTS AND FINDINGS, AND ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE ENVIRONMENTAL EFFECTS OF THE CITY OF HEMET GENERAL PLAN 2030 COMPREHENSIVE UPDATE.

WHEREAS, the City of Hemet initiated a comprehensive update of its General Plan, and a Program Environmental Impact Report (EIR) to assess the potential environmental impacts of the proposed City of Hemet General Plan 2030; and

WHEREAS, the proposed General Plan 2030 is considered a "project" as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. ("CEQA"); and,

WHEREAS, a Notice of Preparation for the Draft Program EIR was circulated to the public, responsible agencies, and other interested persons for their review and comment for a 30-day period commencing on June 28, 2010, and a noticed public scoping meeting was held on July 14, 2010; and

WHEREAS, the Draft Program EIR was prepared in accordance with the California Environmental Quality Act (CEQA), Public resources code Section 21000 et seq., and the CEQA Guidelines, 14 California Code of regulations Section 15000 et seq.; and,

WHEREAS, upon completion of the Draft Program EIR, the City provided a Notice of Completion to the State Clearinghouse on September 30, 2011 as required under CEQA Guidelines § 15085 and published a Notice of Availability on September 30, 2011 as required under CEQA Guidelines § 15087; and,

Planning Commission Resolution Bill No. 11-019
FINAL PROGRAM EIR FOR GENERAL PLAN UPDATE 2030 (EA 11-002)
GENERAL PLAN UPDATE 2030 (GPA 11-002)

1 **WHEREAS**, the Draft Program EIR was circulated to the public, responsible
2 agencies and other interested parties as required by CEQA Guidelines § 15087 for a
3 period of 45 days commencing on September 30, 2011 and closing on November 14,
4 2011 in accordance with CEQA Guidelines § 15105(a); and,

5 **WHEREAS**, at or before the close of the public comment period the City received
6 fifteen (15) comment letters regarding the Draft Program EIR; and,

7 **WHEREAS**, the Hemet Planning Commission conducted duly noticed public
8 hearings on October 18, 2011, November 15, 2011, and January 17, 2012, at which
9 time it received public testimony concerning the Draft General Plan 2030 and the
10 Program EIR; and

11 **WHEREAS**, having considered all public testimony and written and oral reports
12 and documents provided by staff, and all other documents comprising the Final
13 Program EIR, including the Draft EIR as amended and the Responses to Comments,
14 the related Mitigation Monitoring and Reporting Program, and the Findings and
15 Statement of Overriding Considerations,

16 **NOW THEREFORE**, the Planning Commission of the City of Hemet, does hereby
17 resolve, determine and order as follows:

18 SECTION 1. FINDINGS.

19 The Planning Commission, in light of the whole record before it, including but not limited
20 to, the EIR, all documents incorporated by reference therein, any comments received
21 and responses provided, the Mitigation Monitoring Program, the Statement of Facts and
22 Findings, the Statement of Overriding Considerations and other substantial evidence
23 (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the
24 record and/or provided at the public hearing, hereby finds and determines that:

- 25 1. **Preparation and Public Notice of EIR:** An Environmental Impact Report was
26 prepared and noticed for the City of Hemet General Plan 2030 Update in
27 accordance with Public Resources Code § 21080(d) and § 21082.2 and the EIR
28 was prepared and processed in accordance with the California Environmental
29 Quality Act (Public Resources Code § 21000 et seq.), the CEQA Guidelines (14
30 California Code of Regulations § 15000 et seq.), and the local CEQA Guidelines
31 and Thresholds of Significance adopted by the City of Hemet.
- 32 2. **Review Period:** The City has complied with CEQA Guidelines §§ 15087 and
33 15105 by making the Draft EIR available to the public for review for the required
34 period of time.
- 35 3. **Response to Comments:** The City has responded to all written comments
36 received during the public review period and included both comments and
37 responses as part of the EIR. In response to these comments, the City has

Planning Commission Resolution Bill No. 11-019
FINAL PROGRAM EIR FOR GENERAL PLAN UPDATE 2030 (EA 11-002)
GENERAL PLAN UPDATE 2030 (GPA 11-002)

1 made minor revisions to the EIR. These revisions are identified in the responses
2 and do not constitute significant additional information and do not require
3 recirculation of the EIR.

4 **4. Avoidance / Reduction Significant Effects:** The EIR identifies potentially
5 significant effects on the environment that could result if the project were adopted
6 without changes or alterations in the project and imposition of mitigation
7 measures. Based thereon, the Planning Commission further finds that:

8 (a) Changes, alterations, and mitigation measures have been
9 incorporated into, or imposed as mitigation on the project.

10 (b) These changes, alterations, and mitigation measures will avoid the
11 significant environment effects identified in the EIR or lessen their
12 impact below the threshold of significance.

13 (c) These changes, alterations, and mitigation measures are fully
14 enforceable because they have either resulted in an actual change
15 to the project as proposed or they have been imposed as mitigation
16 measures, policies and implementation measures within the
17 General Plan 2030.

18 (d) The City has prepared a Mitigation Monitoring Program to track
19 compliance with these changes, alterations, and mitigation
20 measures.

21 **5. Environmental Findings and Statement of Overriding Considerations:**
22 Approval of the project will result in significant effects on the environment even
23 though most potentially significant effects identified in the EIR will be mitigated
24 through Goals, Policies, Implementation Measures, and mitigation measures,
25 pursuant to Section 15092 of the CEQA Guidelines. However, these significant
26 effects will be eliminated or substantially lessened where feasible, and the
27 remaining significant effects are found to be unavoidable under Section 15091
28 and acceptable due to overriding considerations under Section 15093. The City
29 has balanced the economic, legal, social, technological, and other benefits of the
30 project against the unavoidable environmental risks that may result, and finds
31 that the specific economic, legal, social, technological, and other benefits
32 outweigh the unavoidable adverse environmental effects.

33 **6. Independent Judgment:** The EIR reflects the independent judgment and
34 analysis of the City as Lead Agency under CEQA.

35 **SECTION 2. PLANNING COMMISSION ACTION.**

36 Based on the foregoing findings, and on substantial evidence in the whole of the record,
37 the Planning Commission hereby takes the following actions:

Planning Commission Resolution Bill No. 11-019
FINAL PROGRAM EIR FOR GENERAL PLAN UPDATE 2030 (EA 11-002)
GENERAL PLAN UPDATE 2030 (GPA 11-002)

1. **Certify Final Program EIR:** The Planning Commission recommends that the City Council approve and certify the Final Environmental Impact Report (Environmental Assessment No. 11-002) (SCH NO. 2010061088) for the City of Hemet General Plan 2030 Comprehensive Update (General Plan Amendment No. 11-002), attached as Exhibit 1A.
2. **Adopt MMP:** The Planning Commission recommends that the City Council approve and adopt the Mitigation Monitoring Program for the EIR attached as Exhibit 1B.
3. **Adopt Findings of Fact and Statement of Overriding Considerations:** The Planning Commission recommends that the City Council approve and adopt the Findings of Fact and Statement of Overriding Considerations for the EIR attached as Exhibit 1C.
4. **Notice of Determination:** The Planning Commission recommends that, in compliance with Public Resources Code § 21152 and CEQA Guidelines § 15094, the City Council direct the Community Development Director to prepare a Notice of Determination concerning certification of the Final EIR, and within five (5) days of project approval, file the Notice with the Riverside County Clerk for posting.
5. **Location:** The Planning Commission recommends that the Final Environmental Impact Report (Environmental Assessment No. 11-002) (SCH NO. 2010061088) and all documents incorporated therein and forming the record of decision therefore, be filed with the Hemet Planning Department at the Hemet City Hall, 445 E. Florida Avenue, Hemet, California, 92543 and be made available for public review upon request.

PASSED, APPROVED, AND ADOPTED this 17th day of January 2012 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

John Gifford, Chairman
Hemet Planning Commission

ATTEST:

Nancie Shaw, Records Secretary

**Planning Commission Resolution Bill No. 11-019
FINAL PROGRAM EIR FOR GENERAL PLAN UPDATE 2030 (EA 11-002)
GENERAL PLAN UPDATE 2030 (GPA 11-002)**

1 Hemet Planning Commission

**Planning Commission Resolution Bill No. 11-019
FINAL PROGRAM EIR FOR GENERAL PLAN UPDATE 2030 (EA 11-002)
GENERAL PLAN UPDATE 2030 (GPA 11-002)**

**Attachment No.1A
GPA 11-002 and EA 11-002**

**Final Program Environmental
Impact Report for the General Plan
2030**

*Distributed to the Planning Commission and
available on the City's website at
www.cityofhemet.org and at the Hemet planning
department and City Library*

**Planning Commission Meeting
January 17, 2012**

**Attachment No.1B
GPA 11-002 and EA 11-002**

**Mitigation Monitoring and
Reporting Program for the
General Plan Update 2030**

Planning Commission Meeting
January 17, 2012

APPENDIX G

Mitigation, Monitoring, and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. It provides for the monitoring of mitigation measures required of the City of Hemet General Plan Update (proposed project), as set forth in the Environmental Impact Report (EIR).

Section 21081.6 of the California Public Resources Code and Sections 15091(d) and 15097 of the State CEQA Guidelines require public agencies “to adopt a reporting or monitoring program for changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment.” An MMRP is required for the proposed project because the EIR identified potentially significant adverse impacts, and identified mitigation measures to reduce some of those impacts to a less-than-significant level.

This MMRP will be adopted by the City Council when it approves the project.

This MMRP will be kept on file at the City of Hemet Planning Department, 445 East Florida Avenue, Hemet, CA 92543.

PURPOSE

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed according to schedule and maintained in a satisfactory manner throughout implementation of the General Plan. The MMRP may be modified by the City in response to changing conditions or circumstances. A summary table (attached) has been prepared to assist the responsible parties in implementing the MMRP. The table identifies individual mitigation measures, and for each measure identifies monitoring/mitigation timing, responsible persons/agencies, monitoring procedures, and a record of implementation of the mitigation measures. The numbering of mitigation measures follows the sequence established in the EIR.

ROLES AND RESPONSIBILITIES

Unless otherwise specified herein, the City of Hemet is responsible for taking all actions necessary to implement the mitigation measures according to the provided specifications and demonstrating that each action has been successfully completed. The City, at its discretion, may delegate implementation responsibility or portions thereof to a licensed contractor.

CHANGES TO MITIGATION MEASURES

Any substantive change to the MMRP shall be documented in writing. Modifications to the mitigation measures may be made by the City subject to one of the following findings and documented by evidence included in the record:

1. The mitigation measure included in the EIR and the MMRP is no longer required because the significant environmental impact identified in the EIR has been found not to exist, or to occur at a level which makes the impact less than significant as a result of changes in the project, changes in conditions of the environment, or other factors.

OR

2. The modified or substitute mitigation measure to be included in the MMRP provides a level of environmental protection equal to or greater than that afforded by the mitigation measure included in the EIR and the MMRP.

AND

3. The modified or substitute mitigation measures do not have significant adverse effects on the environment in addition to or greater than those which were considered by the City Council in its decisions regarding the EIR and the proposed project.

AND

4. The modified or substitute mitigation measures are feasible, and the City, through measures included in the MMRP or other established City procedures, can assure their implementation.

Findings and related documentation supporting the findings involving modifications to mitigation measures shall be maintained in the project file with the MMRP and shall be made available to the public upon request.

SUMMARY TABLE

The table that follows should guide the City in its evaluation and documentation of implementation of mitigation measures. The columns identified in the table are described below:

- ▶ **Mitigation Measure** – provides the text of the mitigation measures identified in the EIR.
- ▶ **Timing/Schedule** – identifies the time frame in which the mitigation will take place.
- ▶ **Implementation Responsibility** – identifies the entity responsible for complying with mitigation measure requirements.
- ▶ **Implementation and Verification** –These fields are to be completed as the MMRP is implemented. The “Action” column describes the type of action taken to verify implementation. The “Date Completed” column is to be dated and initialed by City staff based on the documentation provided by qualified contractors, or through personal verification.

**City of Hemet General Plan Update
Mitigation Monitoring and Reporting Program
Summary Table**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
4.3 AIR QUALITY				
<p>Mitigation Measure 4.3-1a: Fugitive Dust Emissions.</p> <p>The City shall implement the following measures to reduce the amount of fugitive dust that is re-entrained into the atmosphere from parking lots and construction sites.</p> <ul style="list-style-type: none"> ▶ Require the following measures to be taken during the construction of all projects to reduce the amount of dust and other sources of PM10, in accordance with SCAQMD Rule 403: <ul style="list-style-type: none"> ○ Dust suppression at construction sites using vegetation, surfactants, and other chemical stabilizers ○ Wheel washers for construction equipment ○ Watering down of all construction areas ○ Limit speeds at construction sites to 15 miles per hour ○ Cover aggregate or similar material during transportation of material ○ Adopt incentives, regulations, and/or procedures to reduce paved road dust emissions through targeted street sweeping of roads subject to high traffic levels and silt loadings. 	<p>Ongoing – Imposed prior to grading as Conditions of Approval and construction specifications</p>	<p>Engineering and Public Works Departments</p>		
<p>Mitigation Measure 4.3-1b: Reduce Emissions from Construction.</p> <p>The City shall require each project applicant, as a condition of project approval, to implement the following measures to reduce emissions from construction:</p> <ul style="list-style-type: none"> ▶ Commercial electric power shall be provided to the project site in adequate capacity to avoid or minimize the use of portable gas-powered electric generators and equipment. ▶ Where feasible, equipment requiring the use of fossil fuels (e.g., diesel) shall be replaced or substituted with electrically driven equivalents (provided that they are not run via a portable generator set). ▶ To the extent feasible, alternative fuels and emission controls shall be used to further reduce exhaust emissions. ▶ On-site equipment shall not be left idling when not in use. ▶ The hours of operation of heavy-duty equipment and/or the amount of 	<p>Ongoing – imposed prior to construction as Conditions of Approval and construction specifications</p>	<p>Engineering and Building Departments</p>		

**City of Hemet General Plan Update
Mitigation Monitoring and Reporting Program
Summary Table**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
<p>equipment in use at any one time shall be limited.</p> <p>Staging areas for heavy-duty construction equipment shall be located as far as possible from sensitive receptors.</p> <p>Before construction contracts are issued, the project applicants shall perform a review of new technology, in consultation with SCAQMD, as it relates to heavy-duty equipment, to determine what (if any) advances in emissions reductions are available for use and are economically feasible. Construction contract and bid specifications shall require contractors to utilize the available and economically feasible technology on an established percentage of the equipment fleet. It is anticipated that in the near future, both NO_x and PM₁₀ control equipment will be available.</p> <p>Provide temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow.</p> <p>Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.</p> <p>Reroute construction trucks away from congested streets or sensitive receptor areas.</p> <p>Appoint a construction relations officer to act as a community liaison concerning on-site construction activity, including resolution of issues related to PM₁₀ generation.</p> <p>Improve traffic flow by signal synchronization, and ensure that all vehicles and equipment will be properly tuned and maintained according to manufactures' specifications.</p> <p>Use coatings and solvents with a VOC content lower than that required under AQMD Rule 1113.</p> <p>Construct or build with materials that do not require painting, or require the use of pre-painted construction materials where feasible.</p> <p>Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export). If the City determines that 2010 model year or newer diesel trucks cannot be obtained, the lead agency shall use trucks that meet EPA 2007 model year NO_x and PM emissions requirements.</p> <p>During project construction, all internal combustion engines or construction equipment operating on the project site shall meet EPA-Certified Tier 2</p>				

**City of Hemet General Plan Update
Mitigation Monitoring and Reporting Program
Summary Table**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
<p>emissions standards or higher. A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization for each applicable unit of equipment.</p> <p>▶ Encourage construction contractors to apply for AQMD "SOON" funds.</p> <p>Mitigation Measure 4.3-1c: Two-Stroke Engines. The City shall distribute public information regarding the polluting impacts of two-stroke engines and the common types of machinery with two-stroke engines.</p>	Ongoing	Building Department		
<p>Mitigation Measure 4.3-1d: Implement the Air Quality Management Plan. The City shall work with SCAQMD and SCAG to implement the AQMP and meet all federal and state air quality standards for pollutants. The City shall participate in any future amendments and updates to the AQMP. The City shall also implement, review, and interpret the proposed General Plan and future discretionary projects in a manner consistent with the AQMP to meet standards and reduce overall emissions from mobile and stationary sources.</p>	Ongoing – at the time of project review	Planning Department		
<p>Mitigation Measure 4.3-1e: Reduce Exposure of Sensitive Receptors. The City shall implement the following measures to minimize exposure of sensitive receptors and sites to health risks related to air pollution:</p> <p>▶ Encourage the applicants for sensitive land uses to incorporate design features (e.g., pollution prevention, pollution reduction, barriers, landscaping, ventilational systems, or other measures) in the planning process to minimize the potential impacts of air pollution on sensitive receptors.</p> <p>▶ Activities involving idling trucks shall be oriented as far away from and downwind of existing or proposed sensitive receptors as feasible.</p> <p>Strategies shall be incorporated to reduce the idling time of diesel engines through alternative technologies such as IdleAire, electrification of truck parking, and alternative energy sources for TRUs to allow diesel engines to be completely turned off.</p>	Ongoing – at the time of project review	Planning Department and Public Works Department		
<p>Mitigation Measure 4.3-4a: Local Significance Thresholds and Dispersion Modeling For new discretionary projects of 5 acres or less, the City shall require air quality analysis to use SCAQMD's Local Significance Threshold (LST) methodology to</p>	Ongoing – at the time of project review	Planning Department		

**City of Hemet General Plan Update
Mitigation Monitoring and Reporting Program
Summary Table**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
<p>evaluate air quality impacts. For discretionary projects that are larger than 5 acres, the City shall require dispersion modeling to identify localized air quality impacts, potential for impacts on nearby sensitive receptors, and binding mitigation to avoid or reduce potentially significant impacts.</p> <p>Mitigation Measure 4.3-4b: Avoid siting new sensitive receptors within buffers recommended by ARB.</p> <p>The City shall require disclosure of health risks for all other new sensitive uses proposed within distances recommended within the <i>Air Quality and Land Use Handbook</i> (ARB 2005). To the extent feasible, the City shall prohibit the placement of new schools, parks, day care centers, adult day care facilities, community centers, and libraries within buffers recommended within the <i>Air Quality and Land Use Handbook</i> (ARB 2005).</p>	Ongoing – at the time of project review	Planning Department		
4.7 GREENHOUSE GAS EMISSIONS				
<p>Mitigation Measure 4.7-1: Reduce Construction-based GHG Emissions</p> <p>To further reduce construction GHG emissions, projects consistent with the Draft General Plan seeking discretionary approval from the City shall implement all feasible measures for reducing construction GHG emissions recommended by the City and/or SCAQMD at the time individual portions of the site undergo construction.</p> <p>Prior to releasing bid requests to contractors for projects consistent with the Draft General Plan seeking discretionary approval from the City, the project applicant(s) shall obtain the most current list of GHG reduction measures recommended by the City and stipulate that these measures be implemented in the respective request for bid, as well as the subsequent construction contract. By requiring that the list of feasible measures be established prior to the selection of a primary contractor, this measure requires that the ability of a contractor to effectively implement the selected GHG reduction measures be inherent to the selection process.</p> <p>The City's recommended measures for reducing construction GHG emissions at the time of writing this EIR are listed below. This list will be updated as new technologies or methods become available. The project applicant(s) shall, at a minimum, be required to implement the following:</p> <ul style="list-style-type: none"> ▶ Improve fuel efficiency of construction equipment: <ul style="list-style-type: none"> • reduce unnecessary idling (modify work practices, install auxiliary power 	Ongoing – imposed as Conditions of Approval and construction specifications	Planning Department, Engineering Department, and Public Works Department		

**City of Hemet General Plan Update
Mitigation Monitoring and Reporting Program
Summary Table**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
<p>for driver comfort);</p> <ul style="list-style-type: none"> • perform equipment maintenance (inspections, detect failures early, corrections); • train equipment operators in proper use of equipment; • use the proper size of equipment for the job; and • use equipment with new technologies (repowered engines, electric drive trains). <p>▲ Use alternative fuels for electricity generators and welders at construction sites such as propane or solar, or use electrical power.</p> <p>▲ Use an ARB-approved low-carbon fuel, such as biodiesel or renewable diesel for construction equipment. Emissions of oxides of nitrogen [NO_x] from the use of low carbon fuel must be reviewed and increases mitigated. Additional information about low-carbon fuels is available from ARB's Low Carbon Fuel Standard Program (ARB 2010g).</p> <p>▲ Encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking for construction workers.</p> <p>▲ Reduce electricity use in the construction office by using compact fluorescent bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones.</p> <p>▲ Recycle or salvage nonhazardous construction and demolition debris (goal of at least 75% by weight).</p> <p>▲ Use locally sourced or recycled materials for construction materials (goal of at least 20% based on costs for building materials, and based on volume for roadway, parking lot, sidewalk, and curb materials).</p> <p>▲ Minimize the amount of concrete used for paved surfaces or use a low carbon concrete option.</p> <p>▲ Produce concrete on-site if determined to be less emissive than transporting ready mix.</p> <p>▲ Use EPA-certified SmartWay trucks for deliveries and equipment transport. Additional information about the SmartWay Transport Partnership Program is available from ARB's Heavy-Duty Vehicle Greenhouse Gas Measure (ARB 2010h) and EPA (EPA 2010f).</p>				

**City of Hemet General Plan Update
Mitigation Monitoring and Reporting Program
Summary Table**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
<p>▶ Develop a plan to efficiently use water for adequate dust control. This may include the use of nonpotable water from a local source.</p> <p>The project applicant(s) for any particular discretionary project may submit to the City a report that substantiates why specific measures are considered infeasible for construction of that particular discretionary project and/or at that point in time.</p> <p>Mitigation Measure 4.7-2: Early Actions to Reduce Land Use-based GHG Emissions</p> <p>Implementation Program OS-P-34 requires the City to develop and adopt a CAP. The CAP will contain GHG emission reduction policies and measures to achieve communitywide GHG reductions to 6.6 MT CO₂e/SP/yr by 2020 and 4.9 MT CO₂e/SP/yr by 2030. The City intends to design the CAP to function as a Plan for the Reduction of GHG Emissions, as defined in the State CEQA Guidelines (Section 15183.5).</p> <p>Until a CAP is adopted and before granting approvals for development projects that are: 1) subject to a Specific Plan, or 2) considered projects of statewide, regional, or areawide significance (as defined by the CEQA Guidelines) ("covered development projects"), the City shall take the steps set forth below:</p> <p>(a) City staff shall formulate proposed measures necessary for the project that demonstrate the ability to meet any applicable GHG reduction targets adopted by ARB or SCAQMD at the time of application. These measures may include but are not limited to the following:</p> <ol style="list-style-type: none"> (1) assess the project's VMT and formulate proposed measures that would reduce the project's VMT; (2) assess the transit needs of the project and identify the project's proposed fair share of the cost of meeting such needs; (3) assess the project's estimated energy consumption, and identify proposed measures to ensure that the project conserves energy and uses energy efficiently; (4) formulate proposed measures to ensure that City services and infrastructure are in place or will be in place prior to the issuance of new entitlements for the project or will be available at the time of development; and (5) formulate proposed measures to ensure that the project is configured to 	<p>Ongoing – at the time of project review</p>	<p>Planning Department and Engineering Department</p>		

**City of Hemet General Plan Update
Mitigation Monitoring and Reporting Program
Summary Table**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
<p>allow the entire development to be internally accessible by alternative modes of transportation.</p> <p>(b) In conjunction with the public hearing on the project, the City Council shall review and consider the studies and recommendations of City staff required by paragraph (a).</p> <p>(c) The City Council shall consider the feasibility of imposing conditions of approval, including mitigation measures pursuant to CEQA, based on the studies and recommendations of City staff prepared pursuant to paragraph (a) for each covered development project.</p> <p>(d) The City Council shall consider including in any development approvals, or development agreements, that the City grants or enters into during the time the City is developing the CAP, a requirement that all such approvals and development agreements shall be subject to ordinances and enactments adopted after the effective date of any approvals of such projects or corresponding development agreements, where such ordinances and enactments are directed by the CAP.</p> <p>(e) The City shall complete the process described in paragraphs (a) through (d) above (hereinafter, "Climate Impact Study Process") prior to the first discretionary approval for a covered development project.</p>				
4.11 NOISE				
<p>Mitigation Measure 4.11-5: Construction-Induced Vibration.</p> <p>Where necessary to reduce potentially significant impacts, the City shall implement or require implementation of the following construction measures through contract provisions and/or conditions of approval as appropriate:</p> <ul style="list-style-type: none"> ▶ Utilize alternative installation methods where possible (e.g., pile cushioning, jetting, pre-drilling, cast-in-place systems, resonance-free vibratory pile drivers) for pile driving required within a 50-foot radius of historic structures. Specifically, geo-pier style cast-in-place systems or equivalent shall be used where feasible as an alternative to pile driving to reduce the number and amplitude of impacts required for seating the pile. ▶ Record, in the form of a preconstruction survey, the preexisting condition of all buildings within a 50-foot radius and of historic buildings within the immediate vicinity of proposed construction activities. The preconstruction 	Ongoing – imposed as Conditions of Approval and construction specifications	Planning Department, Building Department, and Engineering Department		

**City of Hemet General Plan Update
Mitigation Monitoring and Reporting Program
Summary Table**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
<p>survey shall determine conditions that exist before construction begins for use in evaluating damage caused by construction activities. Fixtures and finishes within a 50-foot radius of construction activities susceptible to damage shall be documented (photographically and in writing) prior to construction. All damage shall be repaired back to its preexisting condition.</p> <ul style="list-style-type: none"> ▲ Conduct vibration monitoring prior to and during pile driving operations occurring within 100 feet of the historic structures. Every attempt shall be made to limit construction-generated vibration levels in accordance with Caltrans recommendations during pile driving and impact activities in the vicinity of the historic structures. ▲ Provide protective coverings or temporary shoring of on-site or adjacent historic features as necessary, in consultation with the City Building Department. 				

**Attachment No.1C
GPA 11-002 and EA 11-002**

**Findings and Statement of
Overriding Considerations for the
General Plan Update 2030**

**Planning Commission Meeting
January 17, 2012**



CITY OF HEMET GENERAL PLAN 2030
FINDINGS OF FACT AND STATEMENT
OF OVERRIDING CONSIDERATIONS

FINAL PROGRAM EIR
STATE CLEARINGHOUSE #2010061088

PUBLIC REVIEW DRAFT
JANUARY 12, 2011

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INTRODUCTION



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1 INTRODUCTION

1.1 INTRODUCTION

The City of Hemet has prepared the Hemet General Plan (the Project) and has evaluated the environmental impacts of implementation of the Project by preparing a Program Environmental Impact Report (EIR) (State Clearinghouse Number 2010061088). The Program EIR was prepared in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Administrative Code Section 15000 et seq., as amended). The findings discussed in this document are made relative to the conclusions of the Program EIR.

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The three possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects as identified in the environmental impact report.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been, or can and should be, adopted by that other agency.
- (3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(Public Resources Code Section 21081, subd (a); see also CEQA Guidelines Sections 15091, subd. (a).)

Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” CEQA Guidelines section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors (Goleta II)* (1990) 52 Cal.3d 553, 565).

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 (*City of Del Mar*)). “[F]easibility” under CEQA encompasses “desirability” to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 (*Sequoyah Hills*)).

For the purposes of these Findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Assn v. City Council*, 83 Cal.App.3d 515, 519-527, 147 Cal.Rptr. 842 (1978), in which the Court of Appeals held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question (e.g., the “loss of biological resources”) less than significant.

Although CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] *or* substantially lessen[ed],” these Findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less than significant level, or has simply been substantially lessened but remains significant.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s benefits rendered acceptable its unavoidable adverse environmental effects. (California. Code Regs. tit. 14 § 15093, 15043(b); see also Pub. Res. Code § 21081(b).)

Because the Program EIR identified significant effects that may occur as a result of the Project, and in accordance with the provisions of the Guidelines presented above, the City of Hemet hereby adopts these findings set forth in this document as part of the approval of the Hemet General Plan. These findings constitute the City’s best efforts to set forth the evidentiary and policy bases for its decision to approve the General Plan in a manner consistent with the requirements of CEQA. These findings, in other words, are not solely informational, but rather constitute a binding set of obligations that come into effect with the City’s approval of the project.

The findings and determinations contained herein are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Hemet General Plan and the Program EIR. The findings and determinations constitute the independent findings and determinations by this City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Although the findings below identify specific sections within the Program EIR in support of various conclusions reached below, the City Council incorporates by reference and adopts as its own, the reasoning and analysis set forth in the Program EIR and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. This is especially true with respect to the Council’s approval of all mitigation measures recommended in the Program

EIR, and the reasoning set forth in responses to comments in the Program EIR. The City Council further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by this City Council with respect to any particular subject matter of the Hemet General Plan must be deemed made if it appears in any portion of these findings or findings elsewhere in the record. The Program EIR, comments and responses to comments and all appendices are hereby fully incorporated herein by this reference.

1.2 ORGANIZATION OF CEQA FINDINGS OF FACT

The content and format of this CEQA Findings of Fact is designed to meet the latest CEQA statutes and Guidelines. The Findings of Fact is organized into the following sections:

Chapter 1, Introduction outlines the organization of this document and identifies the location and custodian of the record of proceedings.

Chapter 2, Project Description describes the location, overview, objectives, and the required permits and approvals for the Proposed Project.

Chapter 3, CEQA Review and Public Participation describes the steps the City has undertaken to comply with the CEQA Guidelines as they relate to public input, review, and participation during the preparation of the Draft and Final EIRs.

Chapter 4, Less Than Significant Environmental Effects without Mitigation provides a summary of impacts determined to be below the threshold of significance without the incorporation of mitigation measures.

Chapter 5, Less Than Significant Environmental Effects with Mitigation provides a summary of potentially significant environmental effects for which implementation of identified feasible mitigation measures would avoid or substantially reduce the environmental effects to less than significant levels.

Chapter 6, Significant Environmental Effects provides a summary of potentially significant environmental effects for which no feasible mitigation measures are identified or for which implementation of identified feasible mitigation measures would not avoid or substantially reduce the environmental effects to less than significant levels.

Chapter 7, Findings Regarding Project Alternatives provides a summary of the alternatives considered for the Proposed Project.

Chapter 8, Statement of Overriding Considerations provides a summary of all of the project's significant unavoidable adverse impacts. In addition, this section identifies the project's substantial benefits that outweigh and override the project's significant unavoidable impacts, such that the impacts are considered acceptable.

Chapter 9, Findings on Mitigation Monitoring and Reporting Program provides a brief discussion of the project's compliance with the CEQA Guidelines regarding the adoption of a program for reporting and monitoring.

Chapter 10, Findings Regarding Changes to the Draft EIR and Recirculation provides a summary of the changes to the Draft EIR in response to public comments received and findings that changes to the Draft EIR does not require recirculation of the Draft EIR for public review.

1.3 RECORD OF PROCEEDINGS

The documents and other materials that constitute the record of proceedings upon which City project approval is based are located at 445 East Florida Avenue in Hemet, and are also available at the Hemet Public Library at 300 East Latham Avenue in Hemet. The Hemet Planning Department is the custodian of such documents and other materials that constitute the record of proceedings. The record of proceedings is provided in compliance with Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

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2 PROJECT DESCRIPTION

2.1 ENVIRONMENTAL SETTING

Hemet is located in western Riverside County, approximately 35 miles southeast of Riverside. State Route (SR) 74 traverses the City in an east-west direction along Florida Avenue, and connects with Interstate 215 (I-215) to the west. SR 79 connects the City with San Jacinto to the north, and Temecula and Interstate 15 (I-15) to the south.

Hemet is bordered by the City of San Jacinto on the north, but is otherwise surrounded by unincorporated areas of Riverside County. The Hemet-Ryan Airport is located in the city. A former Burlington Northern & Santa Fe (BNSF) railroad line travels through the city. Exhibit 3-1 in the FEIR illustrates the regional location of the City of Hemet.

The planning area includes approximately 28.3 square miles within Hemet's corporate limits, an additional 34.2 square miles in Hemet's Sphere of Influence (SOI), and approximately 32.4 square miles located beyond the SOI. Exhibit 3-2 in the FEIR identifies the planning area.

2.2 PROJECT CHARACTERISTICS

The proposed project analyzed in the Program EIR is the adoption and implementation of the Hemet General Plan.

The Draft General Plan consists of ten elements, or chapters, that together meet State requirements for a general plan. The Draft General Plan represents the City's policy for determining the appropriate physical development and character of Hemet, and establishes an overall future development capacity. The environmental impact analysis in the Program EIR is defined primarily by the change between existing conditions and those associated with future land uses pursuant to the Draft General Plan post-2030, as well as at theoretical build out.

2.2.1 GENERAL PLAN ELEMENTS

2.2.1.1 LAND USE ELEMENT

The Land Use Element describes the economic, social, physical, and cultural aspects of the planning area. The element describes the future location, type, intensity, and design of land uses, and establishes the desired mix and relationship between land uses. The Land Use Element includes proposed land use designations and a Land Use Diagram that depicts the types, locations, and intensities of current and future land uses within the planning area. The Land Use Element also includes strategies to increase economic growth, retain and expand Hemet's businesses, attract new businesses that benefit Hemet, and strategies for redevelopment and revitalization.

Each General Plan land use designation generally describes the intended land uses and establishes a permitted range of density or intensity of development. Corresponding zone districts will specify the permitted uses for each category as well as applicable development standards. The maximum allowable density or intensity on any individual parcel may be affected by such factors as the physical characteristics of a parcel, access and infrastructure issues, and compatibility. Dwelling unit per acre (du/acre) densities are established for residential

designations, and floor-area ratio (FAR) maximums are identified for commercial, industrial, and public designations. For mixed-use designations, both densities (du/acre) and intensities (FAR) are established. In cases where a range is established, the minimum value represents the least intense land use permitted within the area, while the maximum value represents the most intense land use permitted.

The Draft General Plan identifies six Mixed-Use Areas (Florida Avenue, West Hemet, Hemet Gateway, Page Ranch, Diamond Valley Lake, and Downtown). Targets for residential and non-residential development are established for each mixed-use area, along with particular planning goals and objectives for each area.

The Draft General Plan identifies districts as a way to create neighborhood identity and foster a small town feeling. Special policies and procedures are identified for some districts to meet particular needs in focused area plans for Downtown Hemet, the Florida-Acacia-Devonshire District, the Diamond Valley Lake District, Hemet-Ryan Airport, and the West Hemet District. The Diamond Valley Lake District generally includes lands owned by the Metropolitan Water District of Southern California. The EIR evaluates the effects of the buildout of existing plans for this district; however, changes to the Specific Plans affecting development of the Diamond Valley Lake District would be consistent with the Draft General Plan, provided that the changes would not result in impacts greater than those identified in this EIR.

Table 2-1 provides the anticipated Draft General Plan buildout capacity for the existing City, the SOI, and the remainder of the planning area, and compares this capacity to existing conditions. Expected buildout of land uses by 2030 pursuant to the Draft General Plan could result in an increase of 22,615 dwelling units and approximately 47,888,000 square feet of nonresidential building floor area over existing conditions. Based on a population of 2.7 persons per household, an increase of approximately 72,466 persons in Hemet could occur by 2030. These numbers are approximate and represent an estimate of the high end of the range of new development expected under the General Plan.

Community Design Element

The Community Design Element is an optional element that provides a comprehensive design framework for the City. The element focuses on preserving views and hillside development, public design components (such as streetscapes), citywide signage (such as gateway monument signs and wayfinding signs), as well as development goals and policies, architectural guidelines, and compatibility requirements.

Circulation Element

The Circulation Element addresses roadway circulation, public transportation, and bicycle and pedestrian transportation. The element discusses existing routes and specific future roadway projects.

Circulation Element goals and policies emphasize the need to provide a circulation system capable of serving current and future local and regional traffic. The estimated planning horizon for Hemet's roadway system is 2030. The Draft General Plan includes a Circulation Master Plan (Exhibit 3-4) depicting how the roadway system will accommodate anticipated traffic volumes post-2030. This plan was developed in close coordination with land use policies to ensure that traffic generated by new development will not compromise the City's goal to ensure that intersections and roadway segments operate efficiently. In the past, the City has made exceptions to Level of Service (LOS) standards associated with traffic volumes at the intersection of Florida and Sanderson Avenues.

**Table 2-1
Draft 2030 Land Use**

General Plan Designation	General Plan Designation	Acres				Dwelling Units				Non-Residential Square Feet (1,000s)				Population			
		City	Planning Area	SOI	Total	City	Planning Area	SOI	Total	City	Planning Area	SOI	Total	City	Planning Area	SOI	Total
Residential		8,211	6,795	11,885	26,891	44,814	3,544	18,083	66,441	0	0	0	0	106,884	8,417	43,122	158,422
Rural Residential	RR	547	418	888	1,853	595	418	888	1,901	0	0	0	0	1,413	992	2,109	4,515
Rural Residential	RR-2.5	72	718	20	809	215	403	8	626	0	0	0	0	511	957	19	1,486
Rural Residential	RR-5ac	0	687	700	1,388	0	137	140	278	0	0	0	0	0	327	333	659
Hillside Residential	HR	194	2,396	5,673	8,264	39	645	1,135	1,819	0	0	0	0	92	1,533	2,695	4,320
Hillside Residential	HR-10	88	1,624	453	2,165	9	162	45	216	0	0	0	0	21	386	107	514
Low Density Residential	LDR	5,666	526	4,011	10,202	20,593	1,778	14,037	36,408	0	0	0	0	48,878	4,223	33,222	86,323
Low Medium Density Residential	LMDR	810	410	19	1,239	6,498	0	124	6,622	0	0	0	0	15,407	0	294	15,701
Medium Density Residential	MDR	429	16	122	567	6,138	0	1,706	7,845	0	0	0	0	14,293	0	4,343	18,636
High Density Residential	HDR	263	0	0	263	5,775	0	0	5,775	0	0	0	0	14,166	0	0	14,166
Very High Density Residential	VHDR	141	0	0	141	4,952	0	0	4,952	0	0	0	0	12,102	0	0	12,102
Commercial/Office		1,145	162	173	1,480	0	0	0	0	12,940	3,511	138	16,589	0	0	0	0
Neighborhood Commercial	NC	134	21	0	155	0	0	0	0	1,459	231	0	1,689	0	0	0	0
Community Commercial	CC	794	141	173	1,108	0	0	0	0	8,650	3,280	138	12,068	0	0	0	0
Regional Commercial	RC	65	0	0	65	0	0	0	0	851	0	0	851	0	0	0	0
Office Professional/Medical	OP	152	0	0	152	0	0	0	0	1,981	0	0	1,981	0	0	0	0
Mixed Use		725	362	279	1,366	2,184	904	735	3,823	5,586	4,770	1,610	11,966	5,186	2,147	1,746	9,080
MU-1	Mixed Use 1	430	0	130	561	516	0	156	673	2,610	0	790	3,400	1,226	1	370	1,598
MU-2	Mixed Use 2	0	241	0	241	0	578	0	578	0	3,270	0	3,270	0	1,372	0	1,372
MU-3	Mixed Use 3	0	121	0	121	0	326	0	326	0	1,500	0	1,500	0	773	0	773
MU-4	Mixed Use 4	0	0	149	149	0	0	579	579	0	0	820	820	0	0	1,376	1,376
MU-5	Mixed Use 5	108	0	0	108	172	0	0	172	980	0	0	980	410	0	0	410
MU-D	Mixed Use Downtown	187	0	0	187	1,495	0	0	1,495	1,996	0	0	1,996	3,551	0	0	3,551
Industrial		1,122	774	50	1,945	0	0	0	0	14,558	10,112	813	25,484	0	0	0	0
Airport	ARPT	297	0	0	297	0	0	0	0	1,942	0	0	1,942	0	0	0	0
Business Park	BP	402	774	13	1,188	0	0	0	0	5,250	10,111	166	15,527	0	0	0	0
Industrial	I	423	0	37	460	0	0	0	0	7,366	0	647	8,014	0	0	0	0
Public Facilities and Open Space		4,214	5,667	4,999	14,881	0	1	146	146	787	3,783	1,061	5,631	0	2	346	348
Quasi-Public/Cultural	QP/C	919	725	0	1,643	0	0	0	0	0	0	0	0	0	0	0	0
Public Facilities	PF	22	176	54	252	0	0	0	0	363	3,444	1,061	4,868	0	0	0	0
Parks/Recreation	P	1,123	5	124	1,252	0	0	0	0	258	338	0	597	0	0	0	0
Open Space	OS	1,899	4,692	1,816	8,407	0	0	0	0	0	0	0	0	0	0	0	0
Agricultural	A	0	15	2,912	2,927	0	1	146	146	0	0	0	0	0	2	346	348
School	SCH	252	55	93	400	0	0	0	0	166	0	0	166	0	0	0	0
Right-of-Way/Lake		2,696	6,794	6,301	15,791	0	0	0	0	0	0	0	0	0	0	0	0
Diamond Valley Lake	DVL	557	3,538	1,072	5,167	0	0	0	0	0	0	0	0	0	0	0	0
Right-of-Way	ROW	2,139	3,255	5,229	10,624	0	0	0	0	0	0	0	0	0	0	0	0
2030 Estimated Totals		18,113	20,553	23,688	62,354	46,998	4,449	18,964	70,410	33,871	22,175	3,623	59,669	112,070	10,565	45,214	167,850
Existing (2006) Totals						<i>32,682</i>	<i>15,113</i>	<i>18,964</i>	<i>47,795</i>	<i>10,179</i>	<i>1,602</i>	<i>11,781</i>	<i>65,223</i>	<i>30,161</i>	<i>45,214</i>	<i>95,384</i>	
Change, 2006-2030						<i>14,316</i>	<i>8,299</i>	<i>0</i>	<i>22,615</i>	<i>23,692</i>	<i>24,196</i>	<i>47,888</i>	<i>46,847</i>	<i>25,618</i>	<i>0</i>	<i>72,466</i>	

Note: These numbers are approximate and represent an estimate of the high end of the range of new development expected under the General Plan.

These historical exceptions will continue for intersection operations at Florida and Sanderson Avenues and Devonshire and Sanderson Avenues. The Circulation Master Plan identifies both existing and proposed new parts of the City's roadway circulation system. The primary enhancement is the proposed realignment of portions of SR 79 as an expressway through west Hemet. SR 79 currently runs east-west along Florida Avenue concurrent with SR 74 from the west end of the City to San Jacinto Street, where SR 79 turns north. Appendix F contains a description of proposed roadway network changes in Table 3-1 on page 32 of the appendix. Although most of Hemet is already developed, most remaining developable land is located in the western part of the City. New development in west Hemet will require construction of new roads to provide circulation for future residents and businesses. Land Use Element policies enabling reuse and redevelopment within established portions of the City, particularly within key roadway corridors, may also necessitate roadway widening and intersection enhancements.

In addition to roadways, the Circulation Element addresses public transportation improvements (including the proposed Metrolink extension to Hemet, expansion of bike paths and pedestrian infrastructure, and provisions for neighborhood electric vehicle (NEV) travel in the planning area.

Community Services and Infrastructure Element

The Community Services and Infrastructure Element is an optional element permitted under State law. It describes the City's infrastructure standards and needs, ranging from water, wastewater, storm drainage, and waste collection to health care, libraries, education, and community and senior services.

Public Safety Element

The Public Safety Element meets the requirements of State-mandated safety and noise elements. It addresses a variety of hazards and public safety issues which could affect the planning area, including:

- ▶ geologic hazards (including seismic hazards, earthquake planning and mitigation, and slope and soil hazards);
- ▶ flood hazards;
- ▶ transportation hazards (including traffic, railroad, and airport safety);
- ▶ fire protection and emergency services (including wildfire hazards and hazardous materials);
- ▶ law enforcement;
- ▶ critical facilities and emergency preparedness; and
- ▶ noise.

Open Space and Conservation Element

The Open Space and Conservation Element meets the requirements for State-mandated open space and conservation elements. It addresses a variety of natural resource issues in Hemet. The element also addresses management of water resources, energy conservation, air quality, and greenhouse gas emissions reductions.

Recreation and Trails Element

The Recreation and Trails Element is an optional element under state law and focuses on providing a framework for parks recreational facilities, and trail systems, including Diamond Valley Lake.

Historic Resources Element

The Historic Resources Element is an optional element focusing on three primary areas; historic resources and historical structures, paleontological resources, and archeological resources. The planning area has rich and varied historic, archeological, and paleontological resources and is home of the Western Science Center, where “Max”, the largest mastodon ever found, is located. Numerous cultural sites of the Soboba Band of Luiseño Indians are located throughout the Hemet/San Jacinto Valley, and preservation of these important areas is a major focus of the element.

Art and Culture Element

The Arts and Culture Element is an optional element under state law and focuses on providing a framework for museums and cultural centers such as the Ramona Bowl and Western Science Center, and integration of art into the built environment through an art in public places program.

Housing Element

The 2006-2014 Housing Element describes the City’s plan to meet its fair share of demand for housing at all income levels, as well as accommodating special needs groups. The Housing Element includes a profile of community data, an analysis of constraints on the production of housing, and an evaluation of the City’s past performance in implementing housing programs. The Housing Element also includes goals, policies, and programs describing the City’s actions related to housing.

2.3 PROJECT OBJECTIVES

The project objectives, based upon the premises established within the community vision, are expressed below:

- ▶ Objective 1: Update the General Plan to accommodate population and employment through 2030 in a manner reflecting changing demographic shifts.
- ▶ Objective 2: Plan for a larger area which can accommodate new economic development and job-creating industries focused in walkable, mixed-use areas, as well as offering increased housing opportunities to meet diverse economic needs.
- ▶ Objective 3: Amend policies and the Land Use Map to reflect actual land use patterns, including preservation of existing single-family neighborhoods outside the downtown core and mixed-use areas.
- ▶ Objective 4: Provide expanded recreational opportunities, especially around Diamond Valley Lake.
- ▶ Objective 5: Provide for a balanced land use mix within the city and planning area that supports industrial and professional jobs.

- ▶ Objective 6: Accommodate growth that ensures long-term economic viability and promotes a high quality of life for residents.
- ▶ Objective 7: Reflect “state-of-the-art” planning practices that provide for reuse of existing areas, encourage infill development, enhance pedestrian activities, and conserve valuable water, air, and energy resources.
- ▶ Objective 8: Develop strategic measures to facilitate renovation of older areas of the City, including enhancement of established neighborhoods;
- ▶ Objective 9: Integrate new growth into the overall city fabric that complements, rather than competes with, existing land uses;
- ▶ Objective 10: Provide a multi-modal circulation system which effectively moves people throughout Hemet with minimal disruption to existing businesses and neighborhoods;
- ▶ Objective 11: Plan land uses to leverage outside transportation investments in Metrolink and SR 79 expansion; and
- ▶ Objective 12: Provide a legally adequate General Plan that complies with State law.

2.4 DISCRETIONARY ACTIONS

For the purposes of CEQA, the project is the City’s discretionary approval of the Hemet General Plan. The City would review subsequent implementation projects for consistency with the Program EIR and prepare appropriate environmental documentation pursuant to CEQA provisions for Program EIRs and subsequent projects. Subsequent discretionary actions under the Hemet General Plan Program EIR may include the following implementation activities:

- ▶ Amendments to the Zoning Ordinance to achieve consistency with General Plan (e.g., adoption of new zoning districts for mixed-use development);
- ▶ Approval of a Climate Action Plan to implement General Plan goals and policies related to greenhouse gas emissions;
- ▶ Annexation of lands within the SOI and planning area and SOI Amendments;
- ▶ Approval of Specific Plans (would require additional CEQA review);
- ▶ Approval of development plans, including tentative maps, variances, conditional use permits, and other land use permits (would require additional CEQA review);
- ▶ Approval of development agreements (would require additional CEQA review);
- ▶ Approval of facility and service master plans and financing plans;
- ▶ Approval and funding of public improvements projects;

- ▶ Approval of resource management plans;
- ▶ Issuance of municipal bonds;
- ▶ Issuance of permits and other approvals necessary for implementation of the General Plan;
- ▶ Acquisition of property by purchase; and
- ▶ Issuance of permits and other approvals necessary for public and private development projects.

3 CEQA REVIEW AND PUBLIC PARTICIPATION

For purposes of CEQA and these Findings, the Record of Proceedings for the Project consists of the following documents, at a minimum.

Notice of Preparation. In compliance with Public Resources Code section 21092, the City published a Notice of Preparation (NOP), which was sent to responsible agencies and interested individuals for a 30-day review period from June 28, 2010 to July 27, 2010. The NOP, identifying the scope of environmental issues, was distributed to organizations, interested parties, and state, federal, and local agencies. The NOP and the responses to the NOP from agencies and individuals are included in Appendix A to the Draft EIR. A total of 13 comment letters were received. Information requested and input provided during the 30-day NOP comment period regarding the scope of the EIR are included in the EIR.

Public Scoping Meeting. A Public Scoping Meeting was held on July 14, 2010 at the City Council Chambers to give the public the opportunity to provide comments as related to the Hemet General Plan and the issues the public would like addressed in the EIR.

Draft EIR. The Draft EIR was distributed for public review on September 30, 2011, for the 45-day review period with the comment period expiring on November 14, 2011. Fourteen comment letters were received at the close of the public comment period, and an additional comment letter was received 6 days after the close of the comment period. The specific and general responses to comments are in the Final EIR, Chapter 7.0. Responses to public agency comments were distributed to those public agencies on January 12, 2012.

A Notice of Availability (NOA) was distributed to over 40 interested parties which informed them of where they could view the document and how to comment. The Draft EIR document was available to the public at the Planning Department and the Hemet Public Library. A copy of the document was also posted online at www.cityofhemet.org. Notices were filed with the County Clerk on September 30, 2011.

Notice of Completion. A Notice of Completion was sent with the Draft EIR to the Governor's Office of Planning and Research State Clearinghouse on September 30, 2011 and notice was provided in newspapers of general and/or regional circulation.

Final EIR. The Final EIR was distributed on January 12, 2012. The Final Program EIR has been prepared by the City in accordance with CEQA, as amended, and State Guidelines for the implementation of CEQA. The Final EIR is a Program EIR prepared in accordance with CEQA Guidelines Section 15168(a). The City has relied on Section 15084(d)(2) of the CEQA Guidelines, which allows contracting with another entity, public or private, to prepare the Draft EIR. The City has reviewed drafts of all portions of the Program EIR and subjected them to its own review and analysis. The Draft EIR which was released for public review reflected the independent judgment of the City.

Certification. On January 24, 2012, the City Council will hold a public hearing on the City of Hemet General Plan Program EIR and certify the Final Program EIR.

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4 LESS THAN SIGNIFICANT ENVIRONMENTAL EFFECTS WITHOUT MITIGATION

Effects of the project found to be less than significant in the Program EIR, and which require no mitigation, are identified in the discussion below. The impact area and the appropriate section number follow the impact titling and follow the numbering conventions used in the FEIR. The City has reviewed the record and agrees with the conclusion that the following environmental issues would not be significantly affected by the project, and therefore no additional findings are needed.

These findings do not repeat the full discussions of environmental impacts contained in the Program EIR. The Council ratifies, adopts and incorporates the analysis, explanation, findings, responses to comments and conclusions of the Program EIR. The Council adopts the reasoning of the Program EIR, of City staff reports, and presentations regarding the Project.

4.1 AESTHETICS

The Final EIR discussed the effects related to aesthetics in Section 4.1.

Impact 4.1-1: Adverse Impacts on a Scenic Vista

Implementation of the Draft General Plan would result in new urban development that would permanently alter and block some views of scenic vistas within the planning area, including views of the San Gabriel Mountains, San Jacinto Mountains, and San Bernardino National Forest and Mountains, as well as views of hillsides and other topographic features. As a result of implementing General Plan policies and programs that reduce the loss of views, this impact would be less than significant. No mitigation is required.

Impact 4.1-2: Degrade Existing Visual Character

Implementation of the Draft General Plan would result in new urban development that would substantially alter the current visual character present within and surrounding the planning area. As a result of implementing General Plan policies and programs, this impact would be less than significant. No mitigation is required.

4.1.1 FINDINGS

Based on the EIR analysis and the whole of the record, the City finds that the proposed project would result in less-than-significant aesthetics impacts, relating to scenic vistas, scenic resources, and visual character.

4.2 AGRICULTURAL RESOURCES

The Final EIR discussed the effects related to agricultural resources in Section 4.2.

Impact 4.2-2: Conflict with Existing Agricultural Zoning or Williamson Act Contracts

The City includes 1,837 acres of land zoned for agricultural use. There are 2,189 acres of land under Williamson Act contracts in the planning area. Implementation of the Draft General Plan would result in the designation of

1,778 acres of agricultural land for other uses, and the designation of 564 acres of Williamson Act contract land to non agricultural uses. However, the Draft General Plan includes policies and programs that express the City's intent to conserve agricultural lands within the planning area by supporting the use of tools like conservation easements to protect agricultural uses. Furthermore, lands under Williamson Act contracts in the planning area are all located beyond the current City limits. The City pre-zones land prior to annexation, and would not pre-zone or annex land in a manner inconsistent with an active Williamson Act contract. With implementation of policies and programs of the Draft General Plan, this impact would be less than significant. No mitigation is required.

4.2.1 FINDINGS

Based on the EIR analysis and the whole of the record, the City finds that the proposed project would result in less-than-significant agricultural resource impacts relating to conflict with existing agricultural zoning or Williamson Act contracts.

4.3 AIR QUALITY

The Final EIR discussed the effects related to air quality in Section 4.3.

Impact 4.3-5: Exposure to Odors

Implementation of the Draft General Plan would potentially expose sensitive receptors to odors. However, because odors would either result from agricultural activities where disclosure of potential odors is required, or would be temporary and disperse rapidly with distance from the source, odors would not result in frequent exposure of sensitive receptors to objectionable odors. Therefore, this impact would be less than significant. No mitigation is required.

4.3.1 FINDINGS

Based on the Final EIR analysis and the whole of the record, the City finds that the proposed project would result in less than significant air quality impacts relating to objectionable odors.

4.4 BIOLOGICAL RESOURCES

The Final EIR discussed the effects related to biological resources in Section 4.4.

Impact 4.4-1: Impacts to Special-Status Plant Species

Adoption and implementation of the Draft General Plan could result in the loss or degradation of existing populations or suitable habitat of special-status plant and wildlife species. However, implementation of Draft General Plan policies and programs would require identification, preservation, and avoidance of these resources, which would result in a less-than-significant impact. No mitigation is required.

Impact 4.4-2: Impacts to Riparian Habitat or Sensitive Natural Communities

Adoption and implementation of the Draft General Plan could result in the loss or degradation of riparian habitat or other sensitive natural communities considered sensitive habitats under the California Environmental Quality

Act (CEQA). However, implementation of Draft General Plan policies and programs would require the preservation of sensitive communities such as vernal pools and wetlands, which would result in a less-than-significant impact. No mitigation is required.

Impact 4.4-3: Impacts to Federally-Protected Wetlands

Adoption and implementation of the Draft General Plan could result in the loss or degradation of federally-protected wetlands or vernal pools. However, implementation of Draft General Plan policies and programs would require the preservation of sensitive communities such as vernal pools and wetlands, which would result in a less-than-significant impact. No mitigation is required.

Impact 4.4-4: Impacts to Movement of Wildlife

Adoption and implementation of the Draft General Plan could impede wildlife movement within the planning area. However, compliance with the MSHCP and implementation of Draft General Plan policies and programs would require the establishment of wildlife movement corridors and open space connections. The impact on wildlife movement would be less than significant. No mitigation is required.

Impact 4.4-5: Conflicts with Local Policies or Ordinances

Implementation of the Draft General Plan would require the City to coordinate with Riverside County and other agencies to implement applicable plans for the protection of biological resources. In addition, implementation of the Draft General Plan would require that the City adopt a Tree Replacement Ordinance to protect important trees within the city. There would be a less-than-significant impact. No mitigation is required.

Impact 4.4-6: Conflicts with West Riverside County Multi-species Habitat Conservation Plan (MSHCP) or Stephens' Kangaroo Rat Habitat Conservation Plan (SKR HCP)

Both the MSHCP and SKR HCP identify conservation areas within the planning area. Implementation of the Draft General Plan could result in development pressure on or around these conservation areas, but compliance with Draft General Plan policies and programs would reduce impacts by requiring continued consistency with the MSHCP and SKR HCP. This impact would be less than significant. No mitigation is required.

4.4.1 FINDINGS

Based on the Final EIR analysis and the whole of the record, the City finds that the proposed project would result in less than significant biological resource impacts relating to sensitive species; riparian or habitat or other sensitive species; wetlands; movement of wildlife species; conflict with any local policies or ordinances protecting biological resources; and conflict with habitat conservation plans/natural community conservation plans.

4.5 CULTURAL RESOURCES

The Final EIR discussed the effects related to cultural resources in Section 4.5.

Impact 4.5-1: Destruction of or Damage to Historical Resources

Numerous significant or potentially significant cultural resources have been identified in the planning area. These include historic structures recognized at the State and local level. However, Draft General Plan programs would ensure that potential historic features are assessed for their significance in advance of future development. Impacts to these resources that could affect potential historic significance could then be mitigated. Implementation of these programs would reduce this impact to a less-than-significant level. No mitigation is required.

Impact 4.5-2: Destruction of or Damage to Archaeological Resources

Development associated with proposed land uses could affect buried archaeological resources. However, Draft General Plan policies and programs would ensure that the discovery of archaeological resources is considered during future development. Policies and programs require consultation with appropriate Indian tribes during the site review process, monitoring of major earth-moving activities in previously undisturbed areas or in areas with known archaeological resources and providing an inventory of known archaeological sites that can be reviewed prior to site excavation. With implementation of these policies and programs, this impact would be less than significant. No mitigation is required.

Impact 4.5-3: Discovery of Human Remains

Hemet and the surrounding area are known to have been heavily used by Native American groups; in addition, the project area was settled by Spanish immigrants in the late-18th century. While some burial grounds (generally from the historic era) are known, it is possible that ground disturbing activities in the planning area could encounter prehistoric or historic human remains. However, the Draft General Plan includes a consultation process that would reduce impacts to the discovery of human remains by describing the necessary actions to be taken should human remains be discovered during project construction, and also requires a certified archaeologist to monitor major earth-moving activities in previously undisturbed areas or in areas with known archaeological resources. This impact is considered less than significant. No mitigation is required.

4.5.1 FINDINGS

Based on the Final EIR analysis and the whole of the record, the City finds that the proposed project would result in less than significant cultural resource impacts relating to historical resources, and archaeological resources, and human remains.

4.6 GEOLOGY, SOILS, AND MINERAL RESOURCES

The Final EIR discussed the effects related to geology, soils, and mineral resources in Section 4.6.

Impact 4.6-1: Fault Rupture

Adoption and implementation of the Draft General Plan would result in future land uses in areas potentially subject to surface rupture during future earthquake events. However, implementation of Draft General Plan policies and programs requires compliance with existing state and local regulations, which would result in a less-than-significant impact. No mitigation is required.

Impact 4.6-2: Exposure to Seismic Ground Shaking

Adoption and implementation of the Draft General Plan would result in future land uses in areas prone to strong seismic ground shaking. However, implementation of Draft General Plan policies and programs require compliance with existing state and local regulations and require structural assessments and mitigation to reduce the potential for substantial adverse effects due to exposure to seismic ground shaking. This impact would be less than significant. No mitigation is required.

Impact 4.6-3: Soil Liquefaction and Ground Failure

Adoption and implementation of the Draft General Plan would result in future land uses in areas prone to soil liquefaction and ground failure. However, implementation of Draft General Plan policies and programs require compliance with existing state and local regulations, which would reduce the potential for substantial adverse effects due to exposure to soil liquefaction. This impact would be less than significant. No mitigation is required.

Impact 4.6-4: Earthquake-induced Landslides

Adoption and implementation of the Draft General Plan would result in future land uses in areas susceptible to earthquake-induced landslides. However, implementation of Draft General Plan policies and programs require compliance with existing state and local regulations, which would reduce the potential for substantial adverse effects due to exposure to earthquake-induced landslides. This impact would be less than significant. No mitigation is required.

Impact 4.6-5: Erosion Hazards

Adoption and implementation of the Draft General Plan would result in future land uses in areas susceptible to erosion. However, implementation of the Draft General Plan policies and programs and require compliance with existing state and local regulations, which would reduce the potential for substantial adverse effects due to erosion or soil loss. This impact would be less than significant. No mitigation is required.

Impact 4.6-6: Soil Hazards

Adoption and implementation of the Draft General Plan would result in future land uses in areas susceptible to soil hazards, including landsliding, debris flows, expansive soils, and collapsible soils. However, implementation of Draft General Plan policies and programs require compliance with existing state and local regulations which would reduce the potential for substantial adverse effects due to exposure to soil hazards. This impact would be less than significant. No mitigation is required.

Impact 4.6-7: Septic Suitability of Soils

Adoption and implementation of the Draft General Plan would generally result in the installation of public sewer collection systems. Where new individual septic systems are proposed, existing regulatory requirements for septic permits could not be met in areas with soil not suitable for septic systems. Therefore, no septic system could be installed in an area with unsuitable soils. This impact would be less than significant. No mitigation is required.

Impact 4.6-8: Mineral Resources

Adoption and implementation of the Draft General Plan could result in land use changes that would affect the availability of mineral resources. However, implementation of Draft General Plan policies and programs require compliance with existing regulations and protection of mineral resources for future use. These regulations, policies, and programs would reduce the potential for substantial adverse effects related to loss of mineral resources. This impact would be less than significant. No mitigation is required.

Impact 4.6-9: Paleontological Resources

Ground disturbance associated with future land uses consistent with the Draft General Plan could result in the discovery of paleontological resources. However, implementation of Draft General Plan policies and programs would reduce the potential for substantial adverse effects related to loss these resources. This impact would be less than significant. No mitigation is required.

4.6.1 FINDINGS

Based on the Final EIR analysis and the whole of the record, the City finds that the proposed project would result in less than significant geology, soils and mineral resource impacts relating to fault rupture, ground shaking, liquefaction and ground failure, earthquake-induced landslides, soil erosion or loss of topsoil, soil hazards, septic suitability of soils, mineral resources, and paleontological resources.

4.7 HAZARDS AND HAZARDOUS MATERIALS

The Final EIR discussed the effects related to hazards and hazardous materials in Section 4.8.

Impact 4.8-1: Routine Transport, Use, or Disposal of Hazardous Materials

Adoption and implementation of the Draft General Plan would result in an increase in the routine transport, use, and/or disposal of hazardous materials, which could result in exposure of such materials to the public through either routine use or accidental release. Compliance with and enforcement of existing regulations, supported by implementation of Draft General Plan policies and programs, would result in a less-than-significant impact. No mitigation is required.

Impact 4.8-2: Emission or Handling of Hazardous or Acutely Hazardous Materials, Substances, or Waste within One-Quarter Mile of an Existing or Proposed School

Adoption and implementation of the Draft General Plan could result in development of uses that would emit or handle hazardous waste in proximity to new or existing school. Compliance with existing regulations would result in a less-than-significant impact related to emission or the handling of hazardous materials near schools. No mitigation is required.

Impact 4.8-3: Public Health Hazards from Development on a Known Hazardous Materials Site Compiled Pursuant to Government Code Section 65962.5

Several sites within the planning area are identified on the Cortese List as known hazardous materials sites. Adoption and implementation of the Draft General Plan could expose construction workers to hazardous materials from these sites, and hazardous materials could create an environmental or health hazard if left in place. However, compliance with existing regulations supported by implementation of Draft General Plan policies and programs would result in a less-than-significant impact. No mitigation is required.

Impact 4.8-4: Safety Hazard for People Working or Residing within Two Miles of an Airport

Adoption and implementation of the Draft General Plan would result in an increase in people working or residing within two miles of the Hemet-Ryan Airport, which could result in a safety hazard. Implementation of Draft General Plan policies and programs and existing regulations would result in a less than significant impact. No mitigation is required.

Impact 4.8-5: Interference with an Adopted Emergency-Response Plan

Adoption and implementation of the Draft General Plan would create additional traffic and future land uses requiring evacuation in case of an emergency. Implementation of Draft General Plan policies and programs would ensure conformance with countywide emergency-response programs and continued cooperation with emergency-response service providers. This impact would be less than significant. No mitigation is required.

Impact 4.8-6: Expose People or Structures to a Significant Risk of Loss, Injury or Death involving Wildland Fires

Adoption and implementation of the Draft General Plan would increase population located in proximity to wildlands and VHFHSZs, which would increase the risk from potential wildland fires. Implementation of Draft General Plan policies and programs would reduce the potential for exposure of people or structures to wildland fires by requiring adequate access for emergency vehicles, fees to support fire protection services, brush clearing and fire prevention programs in open space lands, and updated fire protection requirements for structures in VHFHSZs. This impact would be less than significant. No mitigation is required.

4.7.1 FINDINGS

Based on the Final EIR analysis and the whole of the record, the City finds that the proposed project would result in less than significant hazards and hazardous materials impacts relating to routine use, transportation, disposal, and release of hazardous materials; interference with an adopted emergency plan; development of a known hazardous materials site; wildland fire hazards; safety hazards related to airports; and hazardous materials within 0.25 mile of schools.

4.8 HYDROLOGY AND WATER QUALITY

The Final EIR discussed the effects related to hydrology and water quality in Section 4.9.

Impact 4.9-1: Degrade Water Quality

Adoption and implementation of the Draft General Plan would result in future land uses that would create additional discharges of pollutants to receiving water bodies from nonpoint sources. Such pollutants would result in adverse changes to the water quality of local water bodies. However, with adoption and implementation of Draft General Plan policies and programs and enforcement of current land use, stormwater, grading, and erosion control regulations, this impact would be less than significant. No mitigation is required.

Impact 4.9-2: Stormwater Drainage Systems and Patterns

Adoption and implementation of the Draft General Plan would increase the amount of impervious surface within the planning area, thereby increasing the total volume and peak discharge rate of stormwater runoff. This could alter local drainage patterns, increasing watershed flow rates above the natural background level (i.e., peak flow rates). Increased peak flow rates may exceed drainage system capacities, exacerbate erosion in overland flow and drainage swales and creeks, and result in downstream sedimentation. Sedimentation, in turn, could increase the rate of deposition in natural receiving waters and reduce conveyance capacities, resulting in an increased risk of flooding. Erosion of upstream areas and related downstream sedimentation typically leads to adverse changes to water quality and hydrology. However, adoption and implementation of Draft General Plan policies and programs and enforcement of current grading, erosion, and flood control regulations would result in a less-than-significant impact. No mitigation is required.

Impact 4.9-3: Groundwater Recharge or Depletion of Groundwater Supplies

Adoption and implementation of the Draft General Plan would result in additional impervious surfaces and corresponding loss of groundwater recharge areas. Resulting reductions in groundwater recharge in the groundwater basins underlying the planning area could affect groundwater levels and the yield of hydrologically connected wells. The Draft General Plan includes policies and programs that would preserve and protect adequate aquifer recharge areas, require adoption of a multi-agency Groundwater Management Plan, require projects to minimize stormwater runoff and provide onsite opportunities for groundwater recharge, and reduce drinking water demand. With implementation of Draft General Plan policies and programs, this impact would be less than significant. No mitigation is required.

Impact 4.9-4: Flood, Dam Inundation, and Seiche Hazards

Adoption and implementation of the Draft General Plan could place residential or commercial structures in areas subject to flood hazards, including floodplains, areas subject to dam inundation, and areas potentially affected by seiche, thereby exposing people and structures to hazards. However, implementation of Draft General Plan policies and programs and enforcement of existing flood control regulations would reduce this impact to a less-than-significant level. No mitigation is required.

4.8.1 FINDINGS

Based on the Final EIR analysis and the whole of the record, the City finds that the proposed project would result in less than significant hydrology and water quality impacts relating to violation of water quality standards; groundwater resources; surface hydrology and drainage; and flooding, seiche, and dam inundation.

4.9 LAND USE, POPULATION, AND HOUSING

The Final EIR discussed the effects related to land use, population, and housing in Section 4.10.

Impact 4.10-1: Divide an Established Community

Adoption and implementation of the Draft General Plan would result in future land uses, roadways, and infrastructure; however new development and redevelopment within the planning area would not physically divide an established community. This impact would be less than significant. No mitigation is required.

Impact 4.10-2: Conflicts with Land Use Plans, Policies, or Regulations

Adoption and implementation of the Draft General Plan would be consistent with local and regional land use plans, policies, and regulations and no conflicts with land use plans, policies, or regulations would occur due to future development pursuant to the Draft General Plan. This impact would be less than significant. No mitigation is required.

Impact 4.10-3: Displace Existing People or Housing

Adoption and implementation of the Draft General Plan would result in new land uses, roadways, and infrastructure; however new development and redevelopment within the planning area would not physically divide an established community. This impact would be less than significant. No mitigation is required.

4.9.1 FINDINGS

Based on the Final EIR analysis and the whole of the record, the City finds that the proposed project would result in less than significant land use, population, and housing impacts relating to division of an established community; conflict with plans, policies, and programs; and displacement of existing people or housing.

4.10 NOISE

The Final EIR discussed the effects related to noise in Section 4.11.

Impact 4.11-1: Expose Noise Sensitive Receptors to Construction Noise Levels

Short-term construction source noise levels could exceed City standards at nearby noise-sensitive receptors. In addition, if construction were to occur during noise-sensitive hours, construction noise could also result in annoyance and/or sleep disruption to occupants of existing and proposed noise-sensitive land uses and create a substantial temporary increase in ambient noise levels affecting sensitive receptors. However, implementation of the Hemet Municipal Code and Draft General Plan policies would exempt construction noise during working hours, protect noise sensitive uses, and require evaluation and mitigation of noise conflicts as a condition of future project approvals. This impact would be less than significant. No mitigation is required.

Impact 4.11-3: Expose Noise Sensitive Receptors to Stationary and Area-Source Noise Levels

Future land uses consistent with the Draft General Plan would result in the siting of new noise sources near sensitive receptors, and would likely increase the number of noise-sensitive receptors in the planning area. However, implementation of the Hemet Municipal Code and Draft General Plan policies and programs would require design features in new construction to reduce noise levels. As a result, this impact would be less than significant. No mitigation is required.

Impact 4.11-4: Aircraft Noise

Construction of new residential land uses or other sensitive receptors within airport overflight areas and noise contours could result in increased exposure to aircraft noise compared to existing conditions. However, implementation of the Draft General Plan would not expose new or existing noise sensitive land uses to elevated aircraft noise levels. This impact is less than significant. No mitigation is required.

4.10.1 FINDINGS

Based on the Final EIR analysis and the whole of the record, the City finds that the proposed project would result in less than significant noise impacts relating to construction noise; stationary and area-source noise levels; and aircraft noise.

4.11 PUBLIC SERVICES AND FACILITIES

The Final EIR discussed the effects related to public services and facilities in Section 4.12.

Impact 4.12-1: Demand for Additional Fire Protection Facilities

Implementation of the Draft General Plan would result in an increase in population in the planning area and would increase demand for fire protection services, which would result in the need for additional and/or expanded fire protection facilities. However, implementation of Draft General Plan policies and programs would ensure that new fire services facilities are funded and constructed to serve new development. Therefore, this impact would be less than significant. No mitigation is required.

Impact 4.12-2: Demand for Additional Police Protection Facilities

Implementation of the Draft General Plan would result in an increase in population in the planning area and would increase demand for police protection services, which would result in the need for additional and/or expanded police protection facilities. However, implementation of Draft General Plan policies and programs would ensure that police facilities and services would be funded and constructed as-needed to serve new development. This impact would be less than significant. No mitigation is required.

Impact 4.12-3: Demand for Additional School Facilities

Implementation of the Draft General Plan would result in an increase in population and the number of school-aged children in the planning area, which would result in the need for additional and/or expanded school facilities.

However, payment of school impact fees would offset the cost of constructing new schools. This impact would be less than significant. No mitigation is required.

Impact 4.12-4: Demand for Additional Park Facilities

Implementation of the Draft General Plan would result in an increase in population in the planning area, which would increase demand for parks and recreation services, resulting in the need for additional and/or expanded parks and recreation facilities. However, Draft General Plan policies and programs would require construction of new facilities, collection of in-lieu fees to fund new parkland construction, and ongoing parkland maintenance to prevent deterioration. Therefore, this impact would be less than significant. No mitigation is required.

Impact 4.12-5: Demand for Library Facilities

Implementation of the Draft General Plan would result in an increase in population in the planning area, and would increase demand for library services, potentially resulting in the need for new or expanded library facilities. However, implementation of Draft General Plan policies would offset the need for additional library services that would be triggered by new growth by requiring new development to pay for its share of new library demand. This impact would be less than significant. No mitigation is required.

4.11.1 FINDINGS

Based on the Final EIR analysis and the whole of the record, the City finds that the proposed project would result in less than significant public services and facilities impacts relating to fire protection facilities; police facilities; school facilities; parks and recreation facilities; and library facilities.

4.12 TRAFFIC AND TRANSPORTATION

The Final EIR discussed the effects related to traffic and transportation in Section 4.13.

Impact 4.13-2: Air Traffic Patterns

Implementation of the Draft General Plan would not affect air traffic patterns, and compliance with existing airport land use regulations would result in a less-than-significant impact. No mitigation is required.

Impact 4.13-3: Design Hazards

Implementation of the Draft General Plan would include construction of new roadways consistent with the City's existing safety standards. This impact would be less than significant. No mitigation is required.

Impact 4.13-4: Emergency Access

Future land uses consistent with the Draft General Plan would result in additional congestion at intersections throughout the planning area, which may affect emergency access. However, implementation of Draft General Plan policies and programs and existing city plans and programs (including the Community Emergency Response Team and Emergency Operation Plan) would require regular evaluation and modification of the City's procedures

to meet changing conditions, including emergency access. This impact would be less than significant. No mitigation is required.

Impact 4.13-5: Non-Motorized Transportation and Transit

Implementation of the Draft General Plan would increase the use of alternative transportation modes, including pedestrian, bicycle, transit, and neighborhood electric vehicle (NEV) trips and provide for additional non-motorized transportation and transit facilities. This impact would be less than significant. No mitigation is required.

Impact 4.13-6: Rail Hazards

Future land uses consistent with the Draft General Plan would increase the volumes of both vehicular and pedestrian traffic crossing the BNSF rail right-of-way. However, implementation of Draft General Plan policies and programs and compliance with existing regulations would result in a less-than-significant impact. No mitigation is required.

4.12.1 FINDINGS

Based on the Final EIR analysis and the whole of the record, the City finds that the proposed project would result in less than significant traffic and transportation impacts relating to air traffic hazards; design hazards; emergency access; non-motorized transportation and transit; and rail hazards.

4.13 UTILITIES AND ENERGY EFFICIENCY

The Final EIR discussed the effects related to utilities and energy efficiency in Section 4.14.

Impact 4.14-1: New or Expanded Wastewater Treatment and Conveyance Facilities

Future land uses consistent with the Draft General Plan would increase demand for wastewater collection, conveyance, and treatment facilities. However, the Draft General Plan would prevent development from moving forward in the absence of adequate wastewater collection and treatment capacity. This impact would be less than significant. No mitigation is required.

Impact 4.14-2: New Water Facilities

Implementation of the Draft General Plan would result in population growth that would increase potable water demand, requiring construction of new water supply and distribution facilities. Construction of these facilities could potentially result in adverse impacts on the physical environment. However, Draft General Plan policies and programs are designed to reduce impacts associated with construction of new water facilities, which would occur within the development footprint envisioned within the Draft General Plan. The Draft General Plan includes policies and programs to prevent development from moving forward in the absence of adequate water supply and distribution capacity. This impact would be less than significant. No mitigation is required.

Impact 4.14-3: Require the Construction of New or Expanded Stormwater Drainage Facilities

The City would need to provide new and expanded stormwater drainage facilities to accommodate future land uses consistent with the Draft General Plan. Construction of such facilities could result in significant adverse environmental effects. However, Draft General Plan policies and programs would minimize the physical environmental impacts that could result from construction of stormwater drainage improvements, which would occur within the development footprint envisioned within the Draft General Plan. The Draft General Plan includes policies and programs to prevent development from moving forward in the absence of adequate stormwater drainage capacity. This impact would be less than significant. No mitigation is required.

Impact 4.14-5: Increased Demand for Landfill Capacity to Accommodate Solid Waste Disposal Needs and Compliance with Solid Waste Regulations

Implementation of the Draft General Plan would allow for future land uses which would result in an increase in the amount of solid waste sent to landfills. However, compliance with Draft General Plan policies and programs would require the City to maximize the diversion of solid waste materials that can be reused or recycled (minimizing the amount of waste sent to landfills) and to update its waste handling strategy to address issues of landfill capacity. This impact would be less than significant. No mitigation is required.

Impact 4.14-6: Increased Demand for Other Utility Services

Implementation of the Draft General Plan would increase local demand for electricity, natural gas, and telecommunication services. The extension of these utilities to currently unserved portions of the planning area could result in the need for new or expanded facilities. Construction of new or expanded facilities could result in adverse impacts on the physical environment. However, required improvements would occur within existing rights-of-way and already disturbed areas within the development footprint envisioned within the Draft General Plan. This impact would be less than significant. No mitigation is required.

Impact 4.14-7: Increase Demand for and Consumption of Energy

Future land uses consistent with the Draft General Plan would increase the demand and consumption of energy. However, Draft General Plan policies and programs would promote efficient use of energy. This impact would be less than significant. No mitigation is required.

4.13.1 FINDINGS

Based on the Final EIR analysis and the whole of the record, the City finds that the proposed project would result in less than significant utilities and energy efficiency impacts relating to wastewater treatment and conveyance; water facilities; stormwater drainage facilities; landfill capacity and compliance with solid waste regulations; increased demand for other utility services; and increased consumption of energy.

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5 LESS THAN SIGNIFICANT ENVIRONMENTAL EFFECTS WITH MITIGATION

The Final EIR determined that the proposed project has potentially significant environmental effects in the areas discussed in the following paragraphs. The Final EIR identified feasible mitigation measures to avoid or substantially reduce the environmental effects in these areas to a level less than significant. Based on the information and analysis set forth in the Final EIR, the project would not have any significant environmental effects in these areas as long as all identified feasible mitigation measures are incorporated into the proposed project. The Council again ratifies, adopts and incorporates the full analysis, explanation, findings, responses to comments and conclusions of the Final EIR.

5.1 NOISE

5.1.1 EFFECTS AND MITIGATION MEASURES

The Final EIR discussed the effects and mitigation measures related to Noise in Section 4.11.

Impact 4.11-5: Vibration Levels

Based on the information and analysis set forth in the Final EIR and the record of proceedings, the project's effects could result in significant impacts related to vibration. Short-term project-generated construction source vibration levels could exceed Caltrans' recommended standard of 0.2 in/sec peak particle velocity (PPV) with respect to the prevention of structural damage for normal buildings and the FTA maximum acceptable vibration standard of 80 vibration decibels (VdB) with respect to human response for residential uses (i.e., annoyance) at vibration-sensitive land uses.

Based on the information and analysis set forth in the Final EIR and the record of proceedings, the following mitigation measure is feasible and will reduce potentially significant impacts related to vibration to less than significant levels, thereby avoiding any significant effects:

Mitigation Measure 4.11-5: Construction-Induced Vibration

Where necessary to reduce potentially significant impacts, the City shall implement or require implementation of the following construction measures through contract provisions and/or conditions of approval as appropriate:

- ▶ Utilize alternative installation methods where possible (e.g., pile cushioning, jetting, pre-drilling, cast-in-place systems, resonance-free vibratory pile drivers) for pile driving required within a 50-foot radius of historic structures. Specifically, geo-pier style cast-in-place systems or equivalent shall be used where feasible as an alternative to pile driving to reduce the number and amplitude of impacts required for seating the pile.
- ▶ Record, in the form of a preconstruction survey, the preexisting condition of all buildings within a 50-foot radius and of historic buildings within the immediate vicinity of proposed construction activities. The preconstruction survey shall determine conditions that exist before construction begins for use in evaluating damage caused by construction activities. Fixtures and finishes within a 50-foot radius of construction

activities susceptible to damage shall be documented (photographically and in writing) prior to construction. All damage shall be repaired back to its preexisting condition.

- ▶ Conduct vibration monitoring prior to and during pile driving operations occurring within 100 feet of the historic structures. Every attempt shall be made to limit construction-generated vibration levels in accordance with Caltrans recommendations during pile driving and impact activities in the vicinity of the historic structures.
- ▶ Provide protective coverings or temporary shoring of on-site or adjacent historic features as necessary, in consultation with the City Building Department.

5.1.2 FINDINGS

The City Council finds that Mitigation Measure 4.11-5 is hereby incorporated into the project and avoids or substantially lessens the significant vibration effect to a less than significant level as identified in the environmental impact report.

6 SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL IMPACTS

The Final EIR determined that the proposed project would result in potentially significant environmental effects related to the issue areas of air quality, traffic, global climate change and public services and utilities. The Final EIR identified feasible mitigation measures for many of the issue areas that may reduce these impacts; however, even with implementation of mitigation measures, impacts would remain significant and unavoidable for the following:

- ▶ Agricultural Resources - conversion of Farmland
- ▶ Air Quality – compliance with South Coast Air Quality Management District Air Quality Management Plan; violation of air quality standards – short-term (construction related emissions); violation of air quality standards – long-term impacts (operational emissions); impacts of air pollutants on sensitive receptors; Cumulatively considerable increase in criteria air pollutants
- ▶ Greenhouse Gas (GHG) Emissions – construction related emissions; operations related emissions
- ▶ Noise – transportation noise effects on sensitive receptors
- ▶ Transportation and Traffic – intersection level of service
- ▶ Utilities and Energy Efficiency – water supply

The Council again ratifies, adopts and incorporates the full analysis, explanation, findings, responses to comments and conclusions of the Final EIR.

6.1 AGRICULTURAL RESOURCES

6.1.1 EFFECTS AND MITIGATION MEASURES

The Final EIR discussed the effects and mitigation measures related to Agricultural Resources in Section 4.2.

Impact 4.2-1: Loss of Farmland

Based on the information and analysis set forth in the Final EIR and the record of proceedings, the project's effects on conversion of Farmland to non-agricultural use are significant and unavoidable at the project and cumulative level.

Expansion of non-agricultural development will introduce potential land use conflicts in existing agricultural areas, and could result in the conversion of Farmland to non-agricultural uses. The Draft General Plan includes policies and programs that express the City's intent to conserve agricultural lands within the planning area by supporting the use of tools like conservation easements to protect agricultural uses (OS-3.1, OS-3.2, OS-3.3, OS-3.4, OS-P-12, OS-P-13). Furthermore, program LU-P-48 requires the City to develop an agricultural buffer ordinance. However, even with implementation of these policies and programs, 2,166 acres of Farmland could potentially convert to non-agricultural uses through implementation of the Draft General Plan, resulting in a significant impact.

Any actions taken by the City, including implementation of Draft General Plan policies and programs and mitigation measures proposed in this EIR could reduce, but not completely eliminate, the conversion of Farmland associated with urban development and other conflicts between agricultural and urban uses which might indirectly result in conversion of agricultural lands. The policies and programs contained within the Draft General Plan would not prevent these conflicts, and additional conversion or hastening of planned conversion might still occur. The Draft General Plan would have a significant and unavoidable impact related to the conversion of Farmland over the 20-year General Plan timeline (Impact 4.2-1).

The City considered an alternative (Alternative 2) that would reduce the impact related to conversion of Farmland; however, this alternative was found to be infeasible because it would not meet the project objectives (see Section 7.2). Based on the information and analysis set forth in the Final EIR and the record of proceedings, no feasible mitigation measures beyond the policies contained within the General Plan are available to further reduce the project's effects on conversion of Farmland to non-agricultural use.

6.1.2 FINDINGS

The City Council finds that no feasible mitigation measures beyond the policies and programs which are already a part of the project are available to lessen or avoid the significant effects identified for these agricultural resources issue areas in the environmental impact report. Therefore, conversion of Farmland to non-agricultural use is a significant and unavoidable impact at both the project and cumulative level. As set forth in the Statement of Overriding Considerations, these agricultural resource effects are acceptable in light of the project's benefits.

6.2 AIR QUALITY

6.2.1 EFFECTS AND MITIGATION MEASURES

The Final EIR discussed the effects and mitigation measures related to Air Quality in Section 4.3.

Impact 4.3-1: Compliance with SCAQMD Air Quality Management Plan

Based on the information and analysis set forth in the Final EIR and the record of proceedings, the project's effects on conflicts with the SCAQMD Air Quality Management Plan are significant and unavoidable at the project and cumulative level.

SCAQMD's thresholds for criteria air pollutants and precursors for which the region is in nonattainment are designed to be applied to projects, rather than program activities. The proposed General Plan would increase population (and thus VMT). Additionally, the proposed General Plan would result in emissions in excess of project-level thresholds for criteria air pollutants and precursors for which the region is in nonattainment. This would conflict with SCAQMD air quality planning efforts. This is a significant impact.

Based on the information and analysis set forth in the Final EIR and the record of proceedings, the following mitigation measures are feasible and will reduce the project's effects on conflicts with the SCAQMD Air Quality Management Plan:

Mitigation Measure 4.3-1a: Fugitive Dust Emissions

The City shall implement the following measures to reduce the amount of fugitive dust that is re-entrained into the atmosphere from parking lots and construction sites.

- ▶ Require the following measures to be taken during the construction of all projects to reduce the amount of dust and other sources of PM10, in accordance with SCAQMD Rule 403:
- ▶ Dust suppression at construction sites using vegetation, surfactants, and other chemical stabilizers
- ▶ Wheel washers for construction equipment
- ▶ Watering down of all construction areas
- ▶ Limit speeds at construction sites to 15 miles per hour
- ▶ Cover aggregate or similar material during transportation of material
- ▶ Adopt incentives, regulations, and/or procedures to reduce paved road dust emissions through targeted street sweeping of roads subject to high traffic levels and silt loadings.

Mitigation Measure 4.3-1b: Reduce Emissions from Construction

The City shall require each project applicant, as a condition of project approval, to implement the following measures to reduce construction emissions:

- ▶ Commercial electric power shall be provided to the project site in adequate capacity to avoid or minimize the use of portable gas-powered electric generators and equipment.
- ▶ Where feasible, equipment requiring the use of fossil fuels (e.g., diesel) shall be replaced or substituted with electrically driven equivalents (provided that they are not run via a portable generator set).
- ▶ To the extent feasible, alternative fuels and emission controls shall be used to further reduce exhaust emissions.
- ▶ On-site equipment shall not be left idling when not in use.
- ▶ The hours of operation of heavy-duty equipment and/or the amount of equipment in use at any one time shall be limited.
- ▶ Staging areas for heavy-duty construction equipment shall be located as far as possible from sensitive receptors.
- ▶ Before construction contracts are issued, the project applicants shall perform a review of new technology, in consultation with SCAQMD, as it relates to heavy-duty equipment, to determine what (if any) advances in emissions reductions are available for use and are economically feasible. Construction contract and bid specifications shall require contractors to utilize the available and

economically feasible technology on an established percentage of the equipment fleet. It is anticipated that in the near future, both NOX and PM10 control equipment will be available.

- ▶ Provide temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow.
- ▶ Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
- ▶ Reroute construction trucks away from congested streets or sensitive receptor areas.
- ▶ Appoint a construction relations officer to act as a community liaison concerning on-site construction activity, including resolution of issues related to PM₁₀ generation.
- ▶ Improve traffic flow by signal synchronization, and ensure that all vehicles and equipment will be properly tuned and maintained according to manufactures' specifications.
- ▶ Use coatings and solvents with a VOC content lower than that required under AQMD Rule 1113.
- ▶ Construct or build with materials that do not require painting, or require the use of pre-painted construction materials where feasible.
- ▶ Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export). If the City determines that 2010 model year or newer diesel trucks cannot be obtained, the lead agency shall use trucks that meet EPA 2007 model year NO_x and PM emissions requirements.
- ▶ During project construction, all internal combustion engines or construction equipment operating on the project site shall meet EPA-Certified Tier 2 emissions standards or higher. A copy of each units certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization for each applicable unit of equipment.
- ▶ Encourage construction contractors to apply for AQMD "SOON" funds.

Mitigation Measure 4.3-1c: Two-Stroke Engines

The City shall distribute public information regarding the polluting impacts of two-stroke engines and the common types of machinery with two-stroke engines.

Mitigation Measure 4.3-1d: Implement the Air Quality Management Plan

The City shall work with SCAQMD and SCAG to implement the AQMP and meet all federal and state air quality standards for pollutants. The City shall participate in any future amendments and updates to the AQMP. The City shall also implement, review, and interpret the proposed General Plan and future discretionary projects in a manner consistent with the AQMP to meet standards and reduce overall emissions from mobile and stationary sources.

Mitigation Measure 4.3-1e: Reduce Exposure of Sensitive Receptors

The City shall implement the following measures to minimize exposure of sensitive receptors and sites to health risks related to air pollution:

- ▶ Encourage the applicants for sensitive land uses to incorporate design features (e.g., pollution prevention, pollution reduction, barriers, landscaping, ventilation systems, or other measures) in the planning process to minimize the potential impacts of air pollution on sensitive receptors.
- ▶ Activities involving idling trucks shall be oriented as far away from and downwind of existing or proposed sensitive receptors as feasible.

Strategies shall be incorporated to reduce the idling time of diesel engines through alternative technologies such as IdleAire, electrification of truck parking, and alternative energy sources for TRUs to allow diesel engines to be completely turned off.

Implementation of Mitigation Measures 4.3-1a, 4.3-1b, 4.3-1c, 4.3-1d, and 4.3-1e would substantially lessen impacts related to air quality. However, the project area lies in a nonattainment air basin and growth associated with Draft General Plan implementation will continue to contribute pollutant emissions in that nonattainment context. Emissions of criteria air pollutants and precursors would still exceed significance thresholds; for this reason, and because of the nonattainment status of the Basin, such emissions could conflict with the AQMP. Therefore, implementation of the General Plan would not reduce project and cumulative level air quality effects to a less than significant level even with the incorporation of these mitigation measures.

Impact 4.3-2: Violation of an Air Quality Standard – Short Term

Based on the information and analysis set forth in the Final EIR and the record of proceedings, the project's short-term (construction-related) air quality impacts are significant and unavoidable at the project and cumulative level.

Because the Draft General Plan identifies future land uses rather than providing for specific development proposals, construction-related emissions that may occur at any one time in the planning area are speculative and cannot be accurately determined. Assuming relatively robust economic conditions over the next 20 to 25 years, construction activity would occur throughout the planning area, but the rate of development cannot be anticipated. Construction-related emissions could lead to violation of an applicable air quality standard or contribute substantially to an existing or projected air quality violation. Construction-related activities associated with implementation of the proposed General Plan would result in emissions of criteria air pollutants and precursors from site preparation (e.g., demolition, excavation, grading, and clearing); exhaust from off-road equipment, material delivery trucks, and worker commute vehicles; vehicle travel on roads; and other miscellaneous activities (e.g., building construction, asphalt paving, application of architectural coatings, and trenching for utility installation). This is a significant impact.

Based on the information and analysis set forth in the Final EIR and the record of proceedings, Mitigation Measures 4.3-1a and 4.3-1b (described above under Impact 4.3-1) are feasible and will reduce the project's short-term (construction-related) impacts. Although the City will apply SCAQMD's significance thresholds to individual projects as they are brought forward, construction-related emissions of criteria air pollutants and

precursors could still exceed significance thresholds for individual projects. For this reason, implementation of the General Plan would not reduce project and cumulative level short-term air quality effects to a less than significant level even with the incorporation of these mitigation measures.

Impact 4.3-3: Violation of an Air Quality Standard –Long Term

Based on the information and analysis set forth in the Final EIR and the record of proceedings, the project's long-term (operation-related) air quality impacts are significant and unavoidable at the project and cumulative level.

Regional area- and mobile-source emissions of criteria air pollutants and ozone precursors were modeled using CalEEMod, which is designed to estimate emissions for land use development projects. Although the City will apply SCAQMD's significance thresholds to individual projects as they are brought forward, based on the modeling conducted, operational activities of future specific projects allowed pursuant to the General Plan could result in emissions of ROG, NOX, CO, PM10, and PM2.5 that exceed SCAQMD's applicable thresholds. Thus, operational emissions of these pollutants could violate or contribute substantially to an existing or projected air quality violation. This is a significant impact.

Based on the information and analysis set forth in the Final EIR and the record of proceedings, Mitigation Measures 4.3-1c, 4.3-1d, and 4.3-1e are feasible and will reduce the project's long-term (operation-related) air quality impacts. However, the project area lies in a nonattainment air basin and growth associated with Draft General Plan implementation will continue to contribute pollutant emissions in that nonattainment context. Operational emissions pursuant to implementation of the proposed General could violate or contribute substantially to an existing or projected air quality violation or lead to a cumulatively considerable net increase in nonattainment pollutants. Therefore, implementation of the General Plan would not reduce project and cumulative level air quality effects to a less than significant level even with the incorporation of these mitigation measures.

Impact 4.3-4: Impacts on Sensitive Receptors

Based on the information and analysis set forth in the Final EIR and the record of proceedings, the project's effects related to the exposure of sensitive receptors to pollutants are significant and unavoidable at the project and cumulative level.

Implementation of the Draft General Plan could potentially expose existing sensitive receptors along SR-79 to criteria air pollutants, toxic air contaminants, and carbon monoxide. A variety of Draft General Plan policies are intended to improve air quality and reduce air emissions. Impacts to sensitive receptors are largely related to the future location of the SR 79 expressway in West Hemet; although the City would apply all necessary measures to reduce risks to new sensitive receptors near SR 79, existing sensitive receptors along the SR 79 alignment could still be affected, and this impact is considered significant.

Based on the information and analysis set forth in the Final EIR and the record of proceedings, the following mitigation measures are feasible and will reduce the project's effects related to exposure of sensitive receptors to air pollutants:

Mitigation Measure 4.3-4a: Local Significance Thresholds and Dispersion Modeling

For new discretionary projects of 5 acres or less, The City shall require air quality analysis to use SCAQMD's Local Significance Threshold (LST) methodology to evaluate air quality impacts. For discretionary projects that are larger than 5 acres, the City shall require dispersion modeling to identify localized air quality impacts, potential for impacts on nearby sensitive receptors, and binding mitigation to avoid or reduce potentially significant impacts.

Mitigation Measure 4.3-4b: Avoid Siting New Sensitive Receptors within buffers recommended by ARB

The City shall require disclosure of health risks for all other new sensitive uses proposed within distances recommended by the Air Quality and Land Use Handbook (ARB 2005). To the extent feasible, the City shall prohibit the placement of new schools, parks, day care centers, adult day care facilities, community centers, and libraries within buffers recommended by the Air Quality and Land Use Handbook (ARB 2005).

Implementation of Mitigation 4.3-4a, and 4.3-4b would substantially lessen impacts related to air quality. However, the project area lies in a nonattainment air basin and growth associated with Draft General Plan implementation will continue to contribute pollutant emissions in that nonattainment context, and increased air pollution in the vicinity of the SR 79 freeway could expose sensitive receptors to substantial pollutant concentrations. Therefore, implementation of the General Plan would not reduce project and cumulative level air quality effects to a less than significant level even with the incorporation of these mitigation measures.

6.2.2 FINDINGS

The City Council finds that Mitigation Measures 4.3-1a (including additional measures proposed by SCAQMD), 4.3-1b, 4.3-1c, 4.3-1d, and 4.3-1e, 4.3-4a, and 4.3-4b are hereby incorporated into the project. As described in the FEIR in "Conclusion" sections on pages 4.3-19, 4.3-20, and 4.3-24, these mitigation measures will substantially lessen but not avoid the significant effects identified for these air quality issue areas in the environmental impact report.

Mitigation Measures 4.3-1a, 4.3-1b, 4.3-1c, 4.3-1d, and 4.3-1e, 4.3-4a, and 4.3-4b will not avoid the project's significant air quality impacts (Impacts 4.3-1, 4.3-2, 4.3-3, and 4.3-4). The City is located in an existing nonattainment region (South Coast Air Basin) and development pursuant to the General Plan would continue to contribute to the larger regional air quality issue. Being that air quality is a regional issue, attainment would only be achieved through the implementation of a long-range air quality management plan at the regional level. While Mitigation Measures 4.3-1a, 4.3-1b, 4.3-1c, 4.3-1d, and 4.3-1e, 4.3-4a, and 4.3-4b will help to reduce the air quality impacts associated with implementation of the General Plan, they would not reduce impacts to a level less than significant. Therefore, conflicts with the SCAQMD Air Quality Management Plan (Impact 4.3-1), short-term (construction-related) impacts (Impact 4.3-2), long-term (operation-related) impacts (Impact 4.3-3), and exposure of sensitive receptors to air pollutants (Impact 4.3-4) are significant and unavoidable at both the project and cumulative level. As set forth in the Statement of Overriding Considerations, these air quality effects are acceptable in light of the project's benefits.

6.3 GREENHOUSE GAS EMISSIONS

6.3.1 EFFECTS AND MITIGATION MEASURES

The Final EIR discussed the effects and mitigation measures related to GHG emissions in Section 4.7.

Impact 4.7-1: Generation of Construction-Related Greenhouse Gas Emissions

Based on the information and analysis set forth in the Final EIR and the record of proceedings, the project's GHG emission effects from construction are significant and unavoidable at the project and cumulative level.

Neither ARB nor SCAQMD provide guidance or a method to evaluate construction GHG emissions. Nonetheless, due to the intensity and duration of construction of future land uses consistent with the Draft General Plan, new construction would make an incremental, cumulatively considerable contribution to GHG emissions. Construction would be temporary, but resulting GHGs would persist in the atmosphere. Although new regulations, including the City's Climate Action Plan (CAP), are expected to implement AB 32, and although existing regulations will help reduce construction emissions throughout the state, GHG emissions associated with construction of future land uses consistent with the Draft General Plan would result in a cumulatively considerable incremental contribution to this significant cumulative impact. Therefore, this impact would be considered significant.

Based on the information and analysis set forth in the Final EIR and the record of proceedings, the following mitigation measures are feasible and will reduce the project's effects on construction-related GHG emissions:

Mitigation Measure 4.7-1: Reduce Construction-based GHG Emissions

To further reduce construction GHG emissions, projects consistent with the Draft General Plan seeking discretionary approval from the City shall implement all feasible measures for reducing construction GHG emissions recommended by the City and/or SCAQMD at the time individual portions of the site undergo construction.

At the time of project review for discretionary approval from the City, the City shall require the applicant(s) to implement the most current list of GHG reduction measures recommended by the City as conditions of approval. The list of feasible measures must be established prior to the selection of a primary contractor, to require that the ability of a contractor to effectively implement the selected GHG reduction measures be inherent to the selection process.

The City's recommended measures for reducing construction GHG emissions at the time of writing this EIR are listed below. This list will be updated as new technologies or methods become available. The project applicant(s) shall, at a minimum, be required to implement the following:

- ▶ Improve fuel efficiency of construction equipment:
 - reduce unnecessary idling (modify work practices, install auxiliary power for driver comfort);
 - perform equipment maintenance (inspections, detect failures early, corrections);

- train equipment operators in proper use of equipment;
 - use the proper size of equipment for the job; and
 - use equipment with new technologies (repowered engines, electric drive trains).
- ▶ Use alternative fuels for electricity generators and welders at construction sites such as propane or solar, or use electrical power.
 - ▶ Use an ARB-approved low-carbon fuel, such as biodiesel or renewable diesel for construction equipment. Emissions of oxides of nitrogen [NOX] from the use of low carbon fuel must be reviewed and increases mitigated. Additional information about low-carbon fuels is available from ARB's Low Carbon Fuel Standard Program (ARB 2010g).
 - ▶ Encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking for construction workers.
 - ▶ Reduce electricity use in the construction office by using compact fluorescent bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones.
 - ▶ Recycle or salvage nonhazardous construction and demolition debris (goal of at least 75% by weight).
 - ▶ Use locally sourced or recycled materials for construction materials (goal of at least 20% based on costs for building materials, and based on volume for roadway, parking lot, sidewalk, and curb materials).
 - ▶ Minimize the amount of concrete used for paved surfaces or use a low carbon concrete option.
 - ▶ Produce concrete on-site if determined to be less emissive than transporting ready mix.
 - ▶ Use EPA-certified SmartWay trucks for deliveries and equipment transport. Additional information about the SmartWay Transport Partnership Program is available from ARB's Heavy-Duty Vehicle Greenhouse Gas Measure (ARB 2010h) and EPA (EPA 2010f).
 - ▶ Develop a plan to efficiently use water for adequate dust control. This may include the use of nonpotable water from a local source.

The project applicant(s) for any particular discretionary project may submit to the City a report that substantiates why specific measures are considered infeasible for construction of that particular discretionary project and/or at that point in time.

Mitigation Measure 4.7-1 will help to reduce construction-related GHG emissions impacts of the Draft General Plan but not to a less than significant level. Therefore, GHG emissions impacts are significant and unavoidable at both the project and cumulative level.

Impact 4.7-2: Increases in Greenhouse Gas Emissions from New Development

Based on the information and analysis set forth in the Final EIR and the record of proceedings, the project's GHG emission effects from operation of new development are significant and unavoidable at the project and cumulative level.

Future land uses consistent with the Draft General Plan would allow for up to 21,152 net new dwelling units and up to 47,871 million net new non-residential square feet within the planning area. These uses would result in increased generation of GHGs, which would contribute considerably to cumulative GHG emissions, would exceed plan-level significance thresholds currently being considered by SCAQMD, and may conflict with the ARB Climate Change Scoping Plan. The Draft General Plan also requires preparation of a CAP, which will identify GHG emission reduction and adaptation strategies, including quantified GHG reduction measures. The CAP will establish a comprehensive, communitywide GHG emissions reduction strategy for Hemet. The City intends for the CAP to be a Plan for the Reduction of GHG Emissions, as defined in Section 15183.5 of the State CEQA Guidelines. However, uncertainty exists whether, when, and to what degree the emission reduction measures proposed in the Draft General Plan and future CAP would be implemented, and if the City would be able to achieve AB 32 goals by implementing them. Adherence to state regulations, Draft General Plan policies and programs and future preparation of a CAP would reduce both communitywide emissions and net new emissions resulting from the Draft General Plan. However, due to uncertainty regarding the degree of Draft General Plan and future CAP implementation, this impact is considered significant.

Based on the information and analysis set forth in the Final EIR and the record of proceedings, the following mitigation measure is feasible and will reduce the project's effects on and operation-related GHG emissions:

Mitigation Measure 4.7-2: Early Actions to Reduce Land Use-based GHG Emissions

Implementation Program OS-P-34 and OS-P-35 require the City to develop and adopt a CAP. The CAP will contain GHG emission reduction policies and measures to achieve communitywide GHG reductions to 6.6 MT CO₂e/SP/yr by 2020 and 4.9 MT CO₂e/SP/yr by 2030. The City intends to design the CAP to function as a Plan for the Reduction of GHG Emissions, as defined in the State CEQA Guidelines (Section 15183.5).

Until a CAP is adopted and before granting approvals for development projects that are: 1) subject to a Specific Plan, or 2) considered projects of statewide, regional, or areawide significance (as defined by the CEQA Guidelines) ("covered development projects"), the City shall take the steps set forth below:

- (a) City staff shall: formulate proposed measures necessary for the project that demonstrate the ability to meet any applicable GHG reduction targets adopted by ARB or SCAQMD at the time of application. These measures may include but are not limited to the following:
 - (1) assess the project's VMT and formulate proposed measures that would reduce the project's VMT;
 - (2) assess the transit needs of the project and identify the project's proposed fair share of the cost of meeting such needs;

- (3) assess the project's estimated energy consumption, and identify proposed measures to ensure that the project conserves energy and uses energy efficiently;
 - (4) formulate proposed measures to ensure that City services and infrastructure are in place or will be in place prior to the issuance of new entitlements for the project or will be available at the time of development; and
 - (5) formulate proposed measures to ensure that the project is configured to allow the entire development to be internally accessible by alternative modes of transportation.
- (b) In conjunction with the public hearing on the project, the City Council shall review and consider the studies and recommendations of City staff required by paragraph (a).
 - (c) The City Council shall consider the feasibility of imposing conditions of approval, including mitigation measures pursuant to CEQA, based on the studies and recommendations of City staff prepared pursuant to paragraph (a) for each covered development project.
 - (d) The City Council shall consider including in any development approvals, or development agreements, that the City grants or enters into during the time the City is developing the CAP, a requirement that all such approvals and development agreements shall be subject to ordinances and enactments adopted after the effective date of any approvals of such projects or corresponding development agreements, where such ordinances and enactments are directed by the CAP.
 - (e) The City shall complete the process described in paragraphs (a) through (d) above (hereinafter, "Climate Impact Study Process") prior to the first discretionary approval for a covered development project.

Mitigation Measure 4.7-2 will help to reduce GHG emissions impacts pursuant to implementation of the Draft General Plan but not to a less than significant level. The Draft General Plan includes policies and programs that when implemented, will reduce and serve to mitigate the cumulatively significant impact resulting from implementation of the Draft General Plan. In particular, Implementation Program OS-P-34 requires the City to develop and adopt a CAP. The CAP will contain GHG emission reduction policies and measures to achieve communitywide GHG reductions to 6.6 MT CO₂e/SP/yr by 2020 and 4.9 MT CO₂e/SP/yr by 2030. The City intends to design the CAP to function as a Plan for the Reduction of GHG Emissions, as defined in the State CEQA Guidelines (Section 15183.5).

No additional feasible mitigation measures beyond Mitigation Measure 4.7-2 and those proposed in the Draft General Plan are available to reduce GHG emissions. Therefore, GHG emissions impacts are significant and unavoidable at both the project and cumulative level.

6.3.2 FINDINGS

The City Council finds that Mitigation Measures 4.7-1 and 4.7-2 are hereby incorporated into the project. As described in Section 4.7.3 of the FEIR, these mitigation measures will substantially lessen but not avoid the

significant effects identified in the environmental impact report for Impacts 4.7-1 and 4.7-2. Mitigation Measures 4.7-1 and 4.7-2 will not avoid the project's significant GHG emissions impacts, and these impacts would remain significant and unavoidable. As set forth in the Statement of Overriding Considerations, construction and operational GHG emissions impacts (Impacts 4.7-1 and 4.7-2) are acceptable in light of the project's benefits.

6.4 NOISE

6.4.1 EFFECTS AND MITIGATION MEASURES

The Final EIR discussed the effects and mitigation measures related to Noise in Section 4.11.

Impact 4.11-2: Transportation Noise Levels

Based on the information and analysis set forth in the Final EIR and the record of proceedings, the project's effects related to exposure to traffic noise would be significant and unavoidable at the project and cumulative level.

Long-term traffic noise levels would exceed standards and create a substantial permanent increase in ambient noise levels at existing and proposed noise-sensitive receptors. Future land uses consistent with the Draft General Plan would create new vehicle trips that would increase existing noise levels substantially (+3 dBA) above ambient noise levels affecting sensitive receptors. This impact would be significant.

Exterior noise levels at 100 feet from roadway centerlines could be above 65 db, which is identified as an acceptable exterior level for some sensitive receptors. Although implementation of Draft General Plan policies and programs would reduce traffic noise impacts on new development, because design features (e.g., insulation; windows and doors; exterior berms, landscaping, and sound barriers) would be required, exterior noise levels would still increase more than the standards in Table 4.11-9, and exterior noise levels at 100 feet from roadway centerlines could still be above 65 db. The increases in noise levels would also affect existing development that is located adjacent to larger roadways. Although the City would require implementation of barriers and other noise controls in new development, existing sensitive receptors could be exposed to excessive roadway noise. Although implementation of Draft General Plan policies and programs would reduce the impact of transportation noise on sensitive receptors these effects could still occur, especially for existing development. The Draft General Plan would have a significant and unavoidable impact related to traffic noise exposure.

Based on the information and analysis set forth in the Final EIR and the record of proceedings, no feasible mitigation measures are available to reduce the project's effects related to exposure of existing sensitive receptors to traffic noise.

6.4.2 FINDINGS

The City Council finds that no feasible mitigation measures beyond the policies and programs which are already a part of the project are available to lessen or avoid the significant effects identified for transportation noise impacts (Impact 4.11-2) in the environmental impact report. Therefore, exposure of sensitive receptors to traffic noise is a significant and unavoidable impact at both the project and cumulative level. As set forth in the Statement of Overriding Considerations, these noise effects are acceptable in light of the project's benefits.

6.5 TRAFFIC AND TRANSPORTATION

6.5.1 EFFECTS AND MITIGATION MEASURES

The Final EIR discussed the effects and mitigation measures related to traffic and transportation in Section 4.13.

Impact 4.13-1: Peak Hour Intersection Level of Service

Based on the information and analysis set forth in the Final EIR and the record of proceedings, the project's effects on peak-hour intersection level of service are significant and unavoidable at the project and cumulative level.

Implementation of the Draft General Plan would result in two intersections (Sanderson Avenue at Devonshire and Florida Avenues) operating at unacceptable LOS E or LOS F in 2030. As early as 1992, when the EIR for the last comprehensive General Plan update was prepared, the City recognized that certain segments and intersections would exceed LOS "D" ---- the voter approved LOS standard under Measure C. These segments include portions of Florida Avenue, Stetson Avenue, and Sanderson Avenue. Consequently, the City Council approved a Statement of Overriding Considerations for circulation for the 1992 EIR. Measure C incorporated these problematic roads in the measure language with the result that while most intersections within the City need to comply with the "D" level of service, portions of Florida, Sanderson and Stetson do not need to comply. The traffic study prepared for the Draft General Plan shows LOS of E and F at the same areas along Florida Avenue and Sanderson Avenue (but an improvement to acceptable service levels for Stetson Avenue). Specifically, the Florida/Sanderson intersection and the Sanderson/Devonshire intersection would both exceed a "D" LOS at buildout of the Draft General Plan. Widening to address this LOS deficiency could only occur if businesses along Florida Avenue were acquired through eminent domain and demolished to allow roadway construction. In developing the Draft General Plan, which actually reduces traffic impacts compared to the 1992 General Plan, the City continues to accept LOS higher than level "D" for Florida and Sanderson for the same reasons as those considered in 1992 and especially for the fact that the City believes that the costs of eminent domain and demolition of existing business exceeds the benefits of slightly better capacity.

There is no feasible mitigation for these intersection LOS impacts within the existing right-of-way, and taking additional right-of-way for vehicular traffic would be infeasible because it would require the demolition of existing businesses, harming the City's employment base. This impact would remain significant and unavoidable.

6.5.2 FINDINGS

The City Council finds that no feasible mitigation measures beyond the policies, programs, and improvements which are already a part of the project are available to lessen or avoid the significant effects identified for these intersection LOS impacts (Impact 4.13-1) in the environmental impact report. Therefore, peak hour intersection LOS at two intersections (Sanderson Avenue at Devonshire and Florida Avenues) is a significant and unavoidable impact at both the project and cumulative level. As set forth in the Statement of Overriding Considerations, these traffic effects are acceptable in light of the project's benefits.

6.6 UTILITIES AND ENERGY EFFICIENCY

6.6.1 EFFECTS AND MITIGATION MEASURES

The Final EIR discussed the effects and mitigation measures related to utilities and energy efficiency in Section 4.14.

Impact 4.14-4: Sufficient Available Water Supply

Based on the information and analysis set forth in the Final EIR and the record of proceedings, the project's water supply effects are significant and unavoidable at the project and cumulative level.

Although all three of the water suppliers to the Planning Area (Eastern Municipal Water District [EMWD], Lake Hemet Municipal Water District [LHMWD], and the City of Hemet) have identified adequate water supplies to meet demand that would be created by future land uses consistent with the Draft General Plan, the long term availability of these supplies is uncertain. Although all three agencies indicate adequate water supplies based on their Urban Water Management Plans (UWMPs), EMWD and LHMWD rely on water from the Metropolitan Water District of Southern California (Metropolitan) for a portion of their supply. Potential climate change effects, variable hydrology, environmental impacts in the Bay-Delta, and other factors underlie uncertainty regarding Metropolitan's water supply. Metropolitan is taking actions (including conservation programs, increasing local storage and groundwater storage, and water transfers) to ensure an adequate supply, and the successful implementation of these long-range actions would reduce the uncertainty surrounding Metropolitan's supply.

Future groundwater pumping activities in the San Jacinto Groundwater Basin may also be constrained compared to assumptions made within the water agencies' 2005 UWMPs. The Groundwater Management Plan has a goal to increase public water supply from the basin by 15,000 AFY, and identifies management actions and physical improvements to reach that goal. The City is taking actions which would help to sustain a groundwater yield that meets increased water needs in the San Jacinto Valley, including infrastructure improvements, groundwater recharge, water conservation, and increased use of graywater. However, in the short- and medium-term, implementation of the Hemet/San Jacinto Water Management Plan could potentially require reductions of up to 10% per year, with a total reduction that could reach 35% of the base production rights for each provider serving the planning area.

Actions described in the Draft General Plan, Metropolitan's IRP, and the Hemet/San Jacinto Water Management Plan present a range of activities being undertaken by multiple agencies to ensure reliable water supplies that meet the future needs of the planning area. Furthermore, Policy CSI-2.2 and Program CSI-P.2 would preclude the approval of development in the future which could not be supplied with an adequate amount of water.

Although implementation of Draft General Plan policies would result in water conservation and the requirement for new developments to provide proof of adequate water supply, and the City is taking action to improve groundwater recharge and supply, uncertainty surrounding future water supply to the planning area and southern California as a whole results in a significant water supply impact, and no additional mitigation measures beyond these actions would be feasible for implementation by a single jurisdiction. Thus, the impact related to adequate water supply is considered significant and unavoidable at both a project and cumulative level.

6.6.2 FINDINGS

The City Council finds that no feasible mitigation measures beyond the policies, programs, and improvements which are already a part of the project are available to lessen or avoid the significant effects identified for water supply (Impact 4.14-4) in the environmental impact report. Uncertainty exists in long-term water supply to southern California and project and cumulative impacts would remain significant and unavoidable. As set forth in the Statement of Overriding Considerations, these water supply effects are acceptable in light of the project's benefits.

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7 FINDINGS REGARDING PROJECT ALTERNATIVES

Chapter 5, Project Alternatives, of the Final EIR discussed several alternatives to the proposed project in order to present a reasonable range of options. The alternatives evaluated included:

- ▶ Alternative 1: No Project/Existing General Plan
- ▶ Alternative 2: Reduced Mixed-Use Intensity
- ▶ Alternative 3: Reduced Intensity Throughout the Planning Area.

To facilitate this comparison, the objectives of the project contained in Section 3.5 of the EIR are re-stated here:

- ▶ Objective 1: Update the General Plan to accommodate population and employment through 2030 in a manner reflecting changing demographic shifts.
- ▶ Objective 2: Plan for a larger area which can accommodate new economic development and job-creating industries focused in walkable, mixed-use areas, as well as offering increased housing opportunities to meet diverse economic needs.
- ▶ Objective 3: Amend policies and the Land Use Map to reflect actual land use patterns, including preservation of existing single-family neighborhoods outside the downtown core and mixed-use areas.
- ▶ Objective 4: Provide expanded recreational opportunities, especially around Diamond Valley Lake.
- ▶ Objective 5: Provide for a balanced land use mix within the city and planning area that supports industrial and professional jobs.
- ▶ Objective 6: Accommodate growth that ensures long-term economic viability and promotes a high quality of life for residents.
- ▶ Objective 7: Reflect “state-of-the-art” planning practices that provide for reuse of existing areas, encourage infill development, enhance pedestrian activities, and conserve valuable water, air, and energy resources.
- ▶ Objective 8: Develop strategic measures to facilitate renovation of older areas of the City, including enhancement of established neighborhoods;
- ▶ Objective 9: Integrate new growth into the overall city fabric that complements, rather than competes with, existing land uses;
- ▶ Objective 10: Provide a multi-modal circulation system which effectively moves people throughout Hemet with minimal disruption to existing businesses and neighborhoods;
- ▶ Objective 11: Plan land uses to leverage outside transportation investments in Metrolink and SR 79 expansion; and

- ▶ Objective 12: Provide a legally adequate General Plan that complies with State law.

The Council again ratifies, adopts and incorporates the full analysis, explanation, findings, responses to comments and conclusions of the Final EIR.

7.1 ALTERNATIVE 1: NO PROJECT/EXISTING GENERAL PLAN ALTERNATIVE

The Final EIR discusses Alternative 1 in Section 5.2.2, and compares this alternative with the project in Section 5.3.

Alternative 1 assumes that the proposed General Plan would not be adopted and implemented. Instead, the planning area would be developed according to the existing (1992) General Plan land use diagram (Exhibit 5-1) and policies. The development capacity estimated within the 1992 General Plan would provide for a population of 307,026 in a smaller geographic area than is proposed in the Draft General Plan.

7.1.1 ENVIRONMENTAL EFFECTS

Alternative 1 would result in 26,573 more residential units than the Draft General Plan. There would be 2.56 million less nonresidential square feet under Alternative 1 than envisioned in the Draft General Plan. Alternative 1 also addresses a smaller planning area than the Draft General Plan. The overall acreage designated for developed uses (i.e., the acreage occupied by residential, commercial, industrial, office, and public land uses) would be 3,742 acres less than with implementation of the Draft General Plan.

This alternative would result in greater environmental impacts to the Draft General Plan in the areas of aesthetics; air quality; cultural resources; geology, soils, and mineral and paleontological resources; greenhouse gas emissions; hydrology and water quality; land use, population, and housing; noise; public services and facilities; traffic and transportation; and utilities and energy efficiency. This alternative would result in similar environmental impacts to biological resources. This alternative would result in lesser impacts for agricultural resources and hazards and hazardous materials.

Therefore, Alternative 1 is not environmentally superior to the proposed project.

7.1.2 FINDINGS

Alternative 1 is infeasible as it would not meet the updated goals and policies clearly expressed by the City of Hemet and set forth in the Draft General Plan such as creating mixed-use environments in new growth areas. The City is committed to providing the community with a current, long-range planning document that is reflective of the changing conditions and new state requirements (i.e., AB 32 and SB 375), as well as consistent with current planning trends, as proposed in the Draft General Plan (Objective 7). The existing General Plan does not address current planning trends or new state requirements. In addition, the existing General Plan would not meet most of the Objectives identified for the project. Alternative 1 is designed to address Hemet's needs as a retirement community, and as such does not accommodate new population and employment in light of Hemet's changing demographic profile (Objective 1). This alternative would not accommodate economic development in walkable, mixed-use areas (Objective 2) or support industrial and professional jobs (Objective 5). The Alternative 1 Land

Use Map does not reflect actual land use patterns, and could result in changes to single-family neighborhoods, contrary to Objective 3. This alternative would not provide expanded recreational opportunities (Objective 4). Finally, Alternative 1 does not plan land uses to leverage outside transportation investments in Metrolink and SR 79 expansion (Objective 11).

Because of these factors, the existing General Plan would not adequately address the economic, environmental, and social needs of the community. Therefore, this alternative is considered an infeasible alternative.

The City Council rejects Alternative 1.

7.2 ALTERNATIVE 2: REDUCED MIXED-USE INTENSITY

The Final EIR discusses Alternative 2 in Section 5.2.2, and compares it with the project, in Section 5.3.

This alternative is intended to reduce significant water supply, GHG emissions, air quality, transportation and traffic, and agricultural resource impacts of the Draft General Plan. Compared to the Draft General Plan, this alternative would reduce the intensity of development in currently undeveloped portions of the planning area, including West Hemet. This alternative would also include construction of additional approach lanes at the intersections of Sanderson Avenue with Florida and Devonshire Avenues beyond the configuration proposed by the Draft General Plan. An additional approach lane in each of the four approach directions would be added at each intersection.

In this alternative, proposed Mixed-Use Areas 1, 2, 3 and 5 in the Land Use Element would be reduced to 60% of proposed development capacity (including both dwelling units and non-residential square feet). Mixed-Use Area 4 (the Page Ranch area) would be removed, and would instead be designated for Agricultural use to conserve Important Farmland in this area. Table 5-2 in the FEIR provides estimated dwelling units, non-residential square feet, and population that would occur with implementation of Alternative 2.

Alternative 2 would result in 1,877 fewer residential units and 4,458 fewer people than the Draft General Plan. There would also be 5.28 million less nonresidential square feet under Alternative 2 than envisioned in the Draft General Plan. Although Alternative 2 would have potentially lesser environmental effects than the proposed project under some issue areas, reducing intensity in Mixed-Use Areas would impede the City's efforts to provide residents and workers with a variety of transportation options, including transit and pedestrian travel. Higher density and intensity development is also generally more energy efficient than lower density and intensity development.

7.2.1 ENVIRONMENTAL EFFECTS

This alternative would result in lesser environmental impacts to the Draft General Plan in the areas of aesthetics; agricultural resources; air quality; cultural resources; geology, soils, and mineral and paleontological resources; greenhouse gas emissions; hydrology and water quality; hazards and hazardous materials, noise; public services and facilities; traffic and transportation; and utilities and energy efficiency. This alternative would result in similar environmental impacts to biological resources and land use, population, and housing. Therefore, Alternative 2 is environmentally superior to the proposed project.

7.2.2 FINDINGS

Because Alternative 2 would restrict the amount of additional development in the mixed-use districts which are intended to be the focus of employment development, this alternative would not achieve key project objectives. With lower density in the mixed-use focus areas, these areas would not be conducive to transit or pedestrian travel, and this alternative would not meet Objective 2, which requires accommodating economic development and job-generating uses in walkable areas. Because the mixed-use focus areas disproportionately accommodate the job-generating uses that the City seeks to balance its current abundance of residential housing, this alternative would not meet Objective 5, which requires providing a balanced land-use mix. Because this alternative would reduce the densities and intensities in areas along the proposed SR 79 expansion and near proposed Metrolink stations, this alternative would not plan land uses to leverage outside transportation investments in Metrolink and SR 79 expansion as required by Objective 11.

Alternative 2 is infeasible as it would not meet the City's goals of improving the overall economic conditions and economic future of the community. This alternative would apply lower intensities in the mixed-use focus areas that are the primary location for job-generating uses in the planning area. Reducing intensities to 60% of those in the proposed project would effectively remove about 40% of the potential square footage for job generating uses in the plan and prevent the City from meeting its objective of a balanced land use mix. Therefore, Alternative 2 would not meet the economic, environmental, and social needs of the community to the degree of the land use diagram proposed in the Draft General Plan, and Alternative 2 is considered an infeasible alternative because it does not achieve the project objectives.

The City Council rejects Alternative 2.

7.3 ALTERNATIVE 3: REDUCED INTENSITY THROUGHOUT THE PLANNING AREA

The Final EIR discusses Alternative 2 in Section 5.2.2, and compares it with the project, in Section 5.3.

This alternative is intended to reduce significant water supply, GHG emissions, and air quality impacts of the Draft General Plan. Compared to the Draft General Plan, this alternative would reduce the intensity of development in currently undeveloped portions of the planning area, including West Hemet.

In this alternative, all land use designations providing for residential units or non-residential uses would provide for 15% less density or intensity compared to the Draft General Plan. Alternative 3 would result in 10,561 fewer residential units and 25,178 fewer people than the Draft General Plan. There would also be 8.95 million less nonresidential square feet under Alternative 3 than envisioned in the Draft General Plan.

7.3.1 ENVIRONMENTAL EFFECTS

This alternative would result in lesser environmental impacts to the Draft General Plan in the areas of air quality; greenhouse gas emissions; hazards and hazardous materials; noise; public services and facilities; traffic and transportation; and utilities and energy efficiency. This alternative would result in similar environmental impacts to aesthetics; agricultural resources; biological resources; cultural resources; geology, soils, and mineral and

paleontological resources; hydrology and water quality; and land use, population, and housing. Therefore, Alternative 3 is environmentally superior to the proposed project.

7.3.2 FINDINGS

Alternative 3 would restrict the density and intensity of additional development throughout the planning area, including in the mixed-use districts which are intended to be the focus of employment development. With lower density in the mixed-use focus areas, these areas would not be conducive to transit or pedestrian travel, and this alternative would not meet Objective 2, which requires accommodating economic development and job-generating uses in walkable areas. Because the City currently has an abundance of residential housing compared to job-generating uses and this alternative would reduce the intensity of future job-generating uses, this alternative would not meet Objective 5, which requires providing a balanced land-use mix. With the lower densities and intensities proposed in this alternative, it would not accommodate growth to ensure the long-term economic viability of Hemet as required by Objective 6. The reduced densities and intensities permitted by this alternative could not support transit or pedestrian travel, and would require automobile use for most or all trips. Therefore, this alternative would not provide densities supportive of a multi-modal circulation system which effectively moves people throughout Hemet, as required by Objective 10. Furthermore, by reducing densities and intensities in the mixed-use focus areas proposed at future Metrolink stations, this alternative would fail to leverage outside transportation investments in Metrolink expansion as required by Objective 11.

Alternative 3 is infeasible as it would not meet the City's goals of improving the overall economic conditions and economic future of the community. This alternative would apply lower intensities in the mixed-use focus areas that are the primary location for job-generating uses in the planning area, and the city has an existing abundance of residential land uses compared to job-generating uses. Reducing intensities to 75% of those in the proposed project would effectively remove about 25% of the potential square footage for job generating uses in the plan and prevent the City from meeting its objective of a balanced land use mix. Alternative 3 would not accommodate an adequate amount of job-generating land uses in mixed-use focus areas, or accommodate the City's expected growth. Therefore, Alternative 3 would not meet the economic, environmental, and social needs of the community to the degree of the land use diagram proposed in the Draft General Plan, and Alternative 3 is considered an infeasible alternative because it does not achieve the project objectives.

The City Council rejects Alternative 3.

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8 STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council has considered all potentially feasible mitigation measures to substantially lessen or avoid the Project's significant and unavoidable impacts. Where feasible, mitigation measures have been adopted as part of the Project. The imposition of these measures will reduce the identified impacts, but not to a less-than-significant level. The Council finds that it is not feasible to fully mitigate these Project impacts.

After review of the entire administrative record, including, but not limited to, the Program EIR, the staff reports, and the oral and written testimony and evidence presented at public hearings, the City Council finds that specific economic, legal, social, technological and other anticipated benefits of the Project outweigh the significant and unavoidable impacts, and therefore justify the approval of the Project notwithstanding the identified significant and unavoidable impacts.

The State CEQA Guidelines provide that:

“CEQA requires the decision-maker to balance the benefits of a proposed project against its unavoidable adverse risks in determining whether to approve a project. If the benefits of the proposed project outweigh the unavoidable adverse environmental effects, the adverse impacts may be considered acceptable. Where the decision of the public agency allows the occurrence of significant effects which are identified in the Final Environmental Impact Report (EIR) but are not at least substantially mitigated, the agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. This statement may be necessary if the agency also makes the finding under Section 15091 (a)(2) or (a)(3). If an agency makes a statement of overriding considerations, that statement should be included in the record of the project approval and should be mentioned in the Notice of Determination.” (Section 15093 of the State CEQA Guidelines)

Pursuant to these Guidelines, and to the extent that any impacts from adoption of the Draft General Plan (the project) are significant and have not been mitigated to a level of insignificance, the City of Hemet adopts and makes the following Statement of Overriding Considerations regarding the potential unavoidable significant environmental impacts of the project and the anticipated economic, social, and other benefits or considerations of the project.

All of the project's significant adverse impacts can be mitigated to a level of insignificance through implementation of feasible mitigation measures identified in the Final EIR, except for the following significant adverse impacts:

- ▶ Agricultural Resources – conversion of Farmland to non-agricultural use, including cumulative effects
- ▶ Air Quality – compliance with South Coast Air Quality Management District Air Quality Management Plan; violation of project-level air quality standards – short-term (construction related emissions); violation of air quality standards – long-term impacts (operational emissions); exposure of sensitive receptors, and cumulatively considerable increase in criteria air pollutants

- ▶ Greenhouse Gas Emissions – cumulatively considerable increase in construction and operation related GHG emissions
- ▶ Noise – potential transportation noise impacts on existing sensitive receptors, including cumulative effects
- ▶ Transportation and Traffic – intersection level of service, including cumulative effects
- ▶ Utilities and Energy Efficiency – water supply, including cumulative effects

These significant adverse impacts would remain even after implementation of all feasible mitigation measures identified in the Final EIR. Thus, these significant adverse impacts are unavoidable.

The City has balanced the project's benefits against the project's significant and unavoidable impacts on air quality, greenhouse gas emissions, noise, transportation and traffic, and water supply. The City finds that the project's benefits outweigh the project's significant unavoidable impacts, and the impacts are therefore considered acceptable in light of the project's benefits. . The City Council finds that each of the overriding considerations expressed as benefits constitutes a separate and independent ground for such a finding. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council will stand by its determination that each individual reason is sufficient by itself. The substantial evidence supporting the various benefits can be found in the findings within this document and in the documents found in the record of proceedings regarding this Project.

1. The Draft General Plan, as proposed, would provide a long-range planning document for the City, fulfilling the State laws related to General Plans, including setting a framework for compliance with the requirements set forth in AB 32 and SB 375. The Draft General Plan would also comprehensively address changed conditions in the City that have occurred over the past two decades, and would implement smart growth principles, concepts of sustainable development and resource management, and environmental protection.
2. Pursuant to State law, the Draft General Plan identifies current and future housing needs and sets forth an integrated set of goals, policies, and programs (in Chapter 11, the Housing Element) to assist in the preservation, improvement, and development of housing to meet the needs of all income segments of the community. For example, Program H-3b calls for the City to maintain an inventory of available sites for construction of housing, including infill sites.
3. Through the land use policy map and related policies and programs in Chapter 2, the Land Use Element, the Draft General Plan would promote economic development and a broad range of employment opportunities in Hemet by increasing opportunities for the development of commercial, office, and retail, primarily in mixed-use areas. Section 2.6 of the Land Use Element identifies six mixed-use areas for future growth, and identifies a process for those mixed-use areas to develop while maintaining a balance of land uses, integrating with surrounding land uses, and complying with requirements of the Western Riverside Multiple-Species Habitat Conservation Plan. For example, the West Hemet Mixed-Use Area identifies retail/commercial and office uses on 75% of the available acreage, and policy LU-9.6 focuses the majority of the land area within West Hemet to accommodate employment based uses including business parks, office, clean industrial and high tech, light manufacturing, medical, regional and community commercial, hospitality, education and professional schools, and other employment-generating uses to build a stronger, healthier City economy..

4. The Draft General Plan would encourage sustained economic growth recognizing the importance of economic generators, job generators and a balance between jobs and housing, as described in Chapter 2, the Land Use Element. Section 2.11.1 outlines four key economic development strategies (focused efforts, realignment of SR-79 and Metrolink expansion, retention and expansion of the employment base, and attracting new businesses that benefit Hemet) which are woven into policies and programs throughout the plan to achieve an economically successful community. As an example, Goal LU-11 and related policies call for the City to build a strong and diversified economic base, and policies LU-9.4 and LU-9.5 express the City's support for SR-79 realignment and the development of a Metrolink station in West Hemet, respectively.
5. The Draft General Plan would promote a high quality of life for the community by ensuring that future development is provided with adequate public facilities and services when that development occurs, as described in Chapter 5, Community Services and Infrastructure Element. For example, Policy CSI-1.2 ensures that new development and redevelopment provides infrastructure for water, sewer, and stormwater that adequately serves the proposed uses and that has been coordinated with affected infrastructure providers.
6. The circulation system of the Draft General Plan strategically links land use and transportation to make efficient use of the existing system and leverage future transportation improvements, including Metrolink rail expansion. The Draft General Plan includes an increased focus on the pedestrian, transit, and bicycling environment in the City of Hemet. For example, Policy C-4.5 would require new development to include opportunities for alternative transportation, such as bicycle paths, pedestrian connections, bicycle storage, and other facilities such as NEV paths, and charging stations.
7. Through its conservation policies and programs in Chapter 2, the Land Use Element, and Chapter 5, the Community Services and Infrastructure Element, the Draft General Plan would help promote energy efficiency, the conservation of water resources, and encourage the reduction of waste through recycling. For example, policy LU-2.12 requires connections and use of recycled water facilities where possible to irrigate public landscapes and create water elements that will add to community value.

Accordingly, the City Council adopts the Statement of Overriding Considerations, recognizing that significant unavoidable impacts will result from implementation of the Project. Having (i) adopted all feasible mitigation measures, as discussed in the Program Environmental Impact Report; (ii) rejected alternatives to the Project, as discussed in the Program Environmental Impact Report; and (iii) recognized the significant unavoidable impacts of the Project, the City Council hereby finds that each of the separate benefits of the proposed Project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants approval of the Project and outweighs and overrides its significant unavoidable impacts, and thereby justifies the approval of the Project.

9 FINDINGS ON MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to Section 15091 (a)(1) of the CEQA Guidelines, the City finds that implementation of the mitigation measures and project design standards identified as an appendix to the Final EIR would substantially lessen the significant environmental effects resulting from the proposed project. These mitigation measures and design features have been required in, or incorporated into the proposed project. In accordance with Section 15091 (d), and Section 15097 of the CEQA Guidelines, which require a public agency to adopt a program for reporting or monitoring required changes or conditions of approval to substantially lessen significant environmental effects, the Mitigation Monitoring and Reporting Program provided as an appendix to the Final EIR is hereby adopted as the mitigation monitoring and reporting program for this proposed project.

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10 FINDINGS ON CHANGES TO THE DRAFT EIR AND RECIRCULATION

10.1 CHANGES TO THE DRAFT EIR

In response to comments from the public and other public agencies, the project has incorporated changes subsequent to publication of the Draft EIR. All of the changes to the Draft EIR are described in Chapter 7 of the Final EIR.

10.2 FINDINGS REGARDING FINAL EIR

Pursuant to CEQA, on the basis of the review and consideration of the Final EIR, the City finds:

1. Factual corrections and minor changes have been set forth as clarifications and modifications to the Draft EIR;
2. The factual corrections and minor changes to the Draft EIR are not substantial changes in the Draft EIR that would deprive the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the Proposed Project, a feasible way to mitigate or avoid such an effect, or a feasible project alternative;
3. The factual corrections and minor changes to the Draft EIR will not result in new significant environmental effects or substantially increase the severity of the previously identified significant effects disclosed in the Draft EIR;
4. The factual corrections and minor changes in the Draft EIR will not involve mitigation measures or alternatives which are considerably different from those analyzed in the Draft EIR that would substantially reduce one or more significant effect on the environment; and
5. The factual corrections and minor changes to the Draft EIR do not render the Draft EIR so fundamentally inadequate and conclusory in nature that meaningful public review and comment would be precluded.

Thus, none of the conditions set forth in CEQA requiring recirculation of a Draft EIR have been met. Incorporation of the factual corrections and minor changes to the Draft EIR into the Final EIR does not require the Final EIR to be circulated for public comment.

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**Attachment No. 2
GPA 11-002**

Draft Hemet General Plan 2030

Distributed previously to the Planning Commission and available on the City's website at www.cityofhemet.org and at the Hemet Planning Department and City Library

**Planning Commission Meeting
January 17, 2012**

**Attachment No.2A
GPA 11-002**

**Supplemental Errata Pages for
modifications to the General Plan
2030 Text**

Planning Commission Meeting
January 17, 2012

**General Plan Text Changes
As a Result of the Airport Land
Use Commission Comments**

Planning Commission Meeting
January 17, 2012



Hemet Municipal Code and Zoning The Hemet Municipal Code establishes detailed zoning districts and regulations based on the General Plan. The municipal code includes all of the City’s zoning ordinance provisions and has been supplemented over time to include other related procedures such as subdivision regulations, environmental review procedures, and a sign code. Municipal code regulations and maps must be consistent with the land uses, policies, and implementation programs of the General Plan. The municipal code will be updated to reflect the land use and development policies contained in this element.

Hemet Redevelopment Plans Redevelopment is a process created to assist local governments in eliminating blight and revitalizing designated “project areas”. A portion of redevelopment funds (20 percent) must also be used to promote affordable housing opportunities within the community. Hemet has five redevelopment project areas:

- ❖ Downtown
- ❖ Combined Commercial
- ❖ Farmer’s Fair
- ❖ Hemet
- ❖ Weston Park

Generally, the redevelopment project areas focus on the central built areas of the City including the historic downtown area and along Florida Avenue. When established, the project areas encompassed sections of the community with conditions such as abandoned buildings, substandard housing, empty parcels, and vandalism that may impede the City’s development. The Hemet Redevelopment Agency has prepared an implementation plan for the redevelopment areas which is updated every 5 years. Redevelopment plans are one of the tools the City uses to implement Land Use Element policies.

Hemet-Ryan Airport Land Use Plan and Airport Master Plan—State law requires that General Plans be consistent with land use compatibility plans approved by Airport Land Use Commissions (ALUC). The Riverside ALUC approved the Hemet-Ryan Airport Comprehensive Airport Land Use Plan (ALUP) in 1992 and a minor amendment in 2009. Detailed information on how land uses are integrated with airport planning is provided later in this element under Section 2.10, “Hemet-Ryan Airport.” Riverside County owns and operates the Hemet-Ryan Airport, and the Economic Development Agency has recently prepared an updated master plan that evaluates the potential for future expansion at the airport, but does not propose any runway extensions during the Master Plan period of 2011-2031.

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The updated Master Plan is anticipated to be adopted by the County of Riverside in 2012.

State Global Warming/Greenhouse Gas Legislation: AB 32 and SB 375 Assembly Bill (AB) 32—The Global Warming Solutions Act of 2006 establishes greenhouse gas reduction goals to reduce greenhouse gas emissions equal to 1990 levels. This requires cutting approximately 30 percent from business-as-usual emissions levels projected for 2020, or about 15 percent from today's levels. On a per-capita basis, that means reducing annual emissions of 14 tons of carbon dioxide per person down to about 10 tons per person by 2020. The primary agency responsible for implementing AB 32 is the California Air Resources Board, which is establishing a greenhouse gas scoping plan and statewide standards. The intent of AB 32 was to establish a general goal toward reducing greenhouse gas emissions on a statewide basis. Specifics on how that is to be achieved are outlined in companion SB 375.

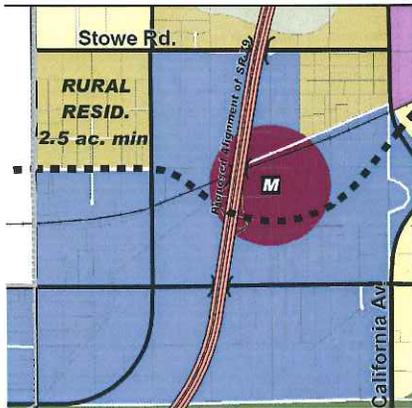
Senate Bill (SB) 375—SB 375 focuses on greenhouse gas reductions through both mobile and stationary sources, with mobile source reductions being addressed through changes to land use planning strategies such as mixed use, densification of housing, and adherence to smart planning principals. These land use planning strategies are to be embodied in Sustainable Community Strategy (SCS) plans to be developed by council of governments such as SCAG. While SCAG has yet to develop the region's SCS plan, the City of Hemet has strived to integrate as many of the SB 375 components in the development of this General Plan as possible. For example, the City has identified over six mixed-use locations within the City and Planning Area, in addition to embodying pedestrian and alternative transportation strategies throughout the General Plan.

California Environmental Quality Act The California Environmental Quality Act (CEQA) was adopted by the State legislature in response to a public mandate for more thorough environmental analysis of projects that might affect the environment. Provisions of the law and environmental review procedures are described in the CEQA Statutes and State CEQA Guidelines. Implementation of CEQA ensures that during the decision making stage of development, City officials and the general public will be able to assess the environmental impacts associated with private and public development projects.

Riverside County Local Agency Formation Commission Provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 will be applied by the Riverside County Local Agency Formation Commission (LAFCO) in making decisions regarding future City annexations of land within the Hemet sphere of influence



- ❖ **Specific Plan Requirement** Any mixed-use project within MU-1 shall be submitted through a specific plan or Planned Community Development. The Garrett Ranch property (approximately 200 acres on the northeast corner of Florida Avenue and Warren Road) shall be considered through a specific plan.
- ❖ **Single Use Project Proposals** Single use projects may be submitted through standard zoning ordinance procedures but shall demonstrate consistency with the intent of the MU-1 concept and how the project will integrate with adjoining properties.
- ❖ **MSHCP Compliance** Over one-half of MU-1 is within Cell Group “D” of the MSHCP criteria area. And approximately 70–80 percent of that area must be conserved for permanent open space purposes unless a criteria refinement is approved. Any development within a criteria area will first have to comply with the habitat acquisition negotiation process (HANS) prior to any development submittal to the City.
- ❖ **Drainage and Infrastructure** Development in MU-1 is constrained by drainage issues and the future realignment of Highway 79. Special consideration will need to be given not only to protecting development from seasonal flooding, but also to ensuring that the hydraulic connectivity to the vernal pool complex is maintained. Additionally, development within MU-1 must address off-site infrastructure as well as on-site infrastructure needs and how the development will be served by with an overall infrastructure plan.



2.6.5 WEST HEMET MIXED-USE AREA #2

Overview

Mixed-Use Area #2 (MU-2) will serve as the region’s primary destination for Research and Development, low intensity industrial, retail and office uses. Of equal importance, the mixed-use area will serve as the support hub for the surrounding business park area. Residential, while permitted, plays a minor role in the overall land use strategy for this area.

It is anticipated that the area will develop over time and will probably follow business park development in the surrounding area. To maintain viability over time, a strong emphasis on architectural



controls and a well-planned public infrastructure system will be implemented in the early stages of development. Additionally, MU-2 is the most fluid of the six mixed-use areas in that there is no clear-cut geographically defined boundary. The intent is to promote mixed use in within the business park area but permit flexibility as to where it may occur. In fact, mixed use could occur on two or more sites throughout the business park area as long as overall land uses are consistent with the considerations discussed below. In addition, the mixed use area should be designed in concert with a future Metrolink Station or transit village serving the west end.

Anticipated Land Use Summary

1. Retail/commercial: 30 percent of the land area.
2. Commercial Office: 45 percent of land area.
3. Residential: 20 percent of land area.
4. Open Space: 5 percent of land area, which includes public plazas, trails, and paseos, but excludes private open space.

Development Considerations:

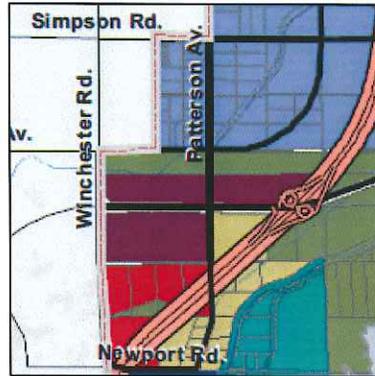
- ❖ **Specific Plan Requirement** Any mixed-use proposal shall be submitted through a specific plan or Planned Community Development.
- ❖ **Drainage and Infrastructure** Parts of MU-2 are located in the 100-year and 500-year flood plain. Development within MU-2 must address off-site infrastructure as well as on-site infrastructure needs and how the development will interface with an overall infrastructure plan.

❖ **Proximity to Hemet-Ryan Airport** The MU-2 area as conceptually shown on the Land Use Plan is currently within the Airport Influence Area for the Hemet-Ryan Airport (see Figure 2.6a). The existing Airport land Use Plan (ALUP) adopted in 1992 for Hemet-Ryan is proposed to be updated based on the new Airport Master Plan adopted by the County of Riverside. Until the new Airport Land Use Plan is adopted by the Airport Land Use Commission, an Interim Airport Overlay has been established for the MU-2 area as well as other similar undeveloped properties in Areas I and II of the Airport Land Use Plan (per Figure 2.6a) that may be incompatible with the 1992 ALUP. For example, at present, the 1992 ALUP restricts residential development in this area to one du/2.5 acres. Land Use Element Policy LU-10-4 addresses uses allowed in the Interim Airport Overlay. At such time as the new Airport Land Use Plan is adopted, the City will update the General Plan for consistency and remove the Interim Airport Overlay.

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- ❖ **Area-wide Planning Required** Ideally, MU-2 and the adjoining business park area would be analyzed and developed under an area-wide plan or community plan. However, the City recognizes that developing the plan may be cost prohibitive in the short term. Until such a plan is developed any project proposal will need to address how the project can provide and integrate with future infrastructure needs and address streetscape design and overall design framework for the area.
- ❖ **Transit Village** A future Metrolink station is proposed within MU-2, which will provide for regional mobility both to and from the West Hemet business park area. The City anticipates that a transit village will be developed adjacent to the future station and will work with property owners in the development of transit-oriented design concepts and an appropriate mix of retail/office/residential uses within one-quarter to one-half mile of the Metrolink or transit stop.



2.6.6 HEMET GATEWAY MIXED-USE AREA #3

Overview

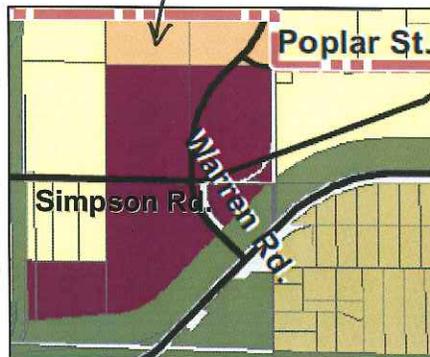
Mixed-Use Area #3 (MU-3) serves as the “Gateway” to the City along Domenigoni Parkway as well as a major regional center. It is anticipated that the site will be owned in total by the Soboba Band of Luiseño Indians and will develop into a retail, office, and residential project.

Anticipated Land Use Summary

1. Retail/commercial/office: 80 percent of the land area.
2. Residential: 15 percent of land area.
3. Open Space: 5 percent of land area, which includes public plazas, trails, and paseos, but excludes private open space.

Development Considerations:

- ❖ **Specific Plan Requirement** MU-3 will be under single ownership (at least initially); therefore, the entire area shall be developed under one specific plan.
- ❖ **Aesthetics** As a gateway project, it will be critical to establish a cohesive and architecturally integrated theme. The City of Hemet will work with the property owner on developing this theme and promote a gateway land use concept will be beneficial both to the property owner and the City of Hemet.



Map to be changed from MDR to mixed use



2.6.7 WARREN AVENUE MIXED-USE AREA #4

Overview

Mixed-Use Area #4 (MU-4) is a mixed-use area intended to serve Hemet and surrounding county residents and create a retail/business park node at Warren Avenue and the Domenigoni Corridor. The area will focus on providing retail and commercial services such as grocery stores, specialty shops, medical and dental offices. The area would also be suitable for clean technology and light industrial uses as a component of the overall plan, particularly the Metropolitan Water District owned parcels adjacent to Salt Creek and Domenigoni Parkway. Residential development is also contemplated as an integral part of MU-4.

Anticipated Land Use Summary

1. Retail/commercial: 25 percent of the land area.
2. Commercial office/medical/light industrial: 40 percent of land area
3. Residential: 30 percent of land area.
4. Open Space: 5 percent of land area, which includes public plazas, trails, and paseos, but excludes private open space.

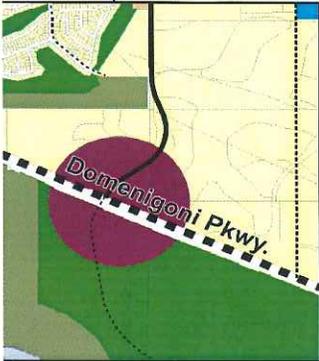
DEVELOPMENT CONSIDERATIONS:

- ❖ **Specific Plan Requirement** The Mixed Use Area #4 is fortunate to only have a couple of land owners for a relatively large area. This makes it ideal for implementation through a Specific Plan or Planned Community Development process.
- ❖ **Residential Development** Generally, a higher residential density is proposed for MU-4 as opposed to surrounding development. However, residential development shall be varied in design and density and shall avoid a preponderance of any one product type. All residential development shall be integrated through an internal pedestrian system and shall show a strong connectivity to adjoining uses both on and off site.
- ❖ **Proximity to Hemet-Ryan Airport** Portions of the MU-4 area are within the Airport Influence Area for the Hemet-Ryan Airport (see Figure 2.6a). The existing Airport land Use Plan (ALUP) adopted in 1992 for Hemet-Ryan is proposed to be updated based on the new Airport Master Plan adopted by the County of Riverside. Until the new Airport Land Use Plan is adopted by the Airport Land Use Commission, an Interim Airport Overlay has been established for portions of the MU-4 area as well as other similar undeveloped properties in Areas I and II of the Airport Land Use Plan (per Figure 2.6a) that may be incompatible with the

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1992 ALUP. For example, at present, the 1992 ALUP restricts much of the residential development located north of Simpson Road to one du/2.5 acres. Land Use Element Policy LU-10-4 addresses uses allowed in the Interim Airport Overlay. At such time as the new Airport Land Use Plan is adopted, the City will update the General Plan for consistency and remove the Interim Airport Overlay.



2.6.8 DIAMOND VALLEY LAKE MIXED-USE AREA #5

Overview

Mixed Use Area #5 is intended to provide a synergistic blend of retail, restaurant, office, educational and related uses as part of the larger Diamond Valley Lake East planning area to the south and includes a portion of the McSweeney Ranch specific plan area to the north. It is anticipated that that area will serve as a complement to the existing museums, Diamond

Valley Lake Visitor Center and the Western Science Center, which curates Metropolitan Water Districts (MWD) paleontological and archeological artifacts from the construction of Diamond Valley Lake, Valley Wide Recreation & Park District's regional aquatic center and ball fields, the Western Center Academy – a charter middle school, and finally the Diamond Valley Lake marina, allowing public access to Diamond Valley Lake for boating, fishing, hiking, and biking.

It is envisioned that this area will become the City's Southern Gateway as well as the regional hub for recreation, education, and renewable energy research and development technologies set in a sustainable campus environment and would include providing services such as specialty retail, restaurants, and hotels. It is also envisioned that alternative energy facilities and technologies may be included in this area to exemplify the commitment to sustainability and renewable energy.

Anticipated Land Use Summary

1. Retail/commercial: 30 percent of the land area.
2. Commercial office/sustainable campus business park/research and development/educational facilities: 50 percent of land area
3. Open Space: 20 percent of land area, which includes public plazas, trails, paseos, drainage channel parkland etc. but excludes private open space.



DEVELOPMENT CONSIDERATIONS:

- ❖ **Specific Plans Encouraged/Required** Generally, due to the small parcels involved in downtown, requiring a specific plan would be cost prohibitive. However, for larger projects (over 25 acres) specific plans will be required.
- ❖ **Compatibility** Integration with existing uses and enhancing the historic context in the downtown is a key consideration in this area.
- ❖ **Transit Oriented Design** A future Metrolink station and transit center is proposed in MU-6, which will provide for regional mobility both to and from the downtown area. The City anticipates that a transit village will be developed adjacent to the future station and will work with property owners in the development of transit-oriented design concepts and an appropriate mix of retail/office/residential uses within one-quarter to one-half mile of the Metrolink or transit stop.
- ❖ **Gateways and streetscapes:** Developing entry gateways, community signage and consistent landscaped streetscapes for North State Street and the Downtown area is an important element to establishing an identity for this area.

2.7 SPECIFIC PLAN AREAS

Many areas within the City and Planning Area are subject to the plans, policies and implementation measures of currently adopted or anticipated future specific plans. These areas are shown in Figure 2.2. The purpose of specific plans is to provide comprehensive planning of large areas consistent with the General Plan. Specific plans must be prepared in accordance with the requirements of Section 65451 of the California Government Code and the City's Development Code, which contains some additional requirements tailored to meet local needs and conditions. Designated areas will require detailed plans indicating land uses, circulation, major infrastructure and facilities, open space and parks, and appropriate implementation measures. All specific plans will be evaluated for consistency with the goals, policies, plans and programs of the General Plan. Additionally, Specific Plans must be consistent with the adopted Airport Land Use Compatibility Plan and reviewed by the Airport Land Use Commission, unless approved by the City through an overrule process.

APPROVED SPECIFIC PLAN AREAS

As shown in Table 2.4 and Figure 2.2, a total of 19 specific plans have been approved within the Planning Area as of January 2011. Specific plan



address this issue through varying the land use designations for the various districts as well as identifying special areas that require additional attention in terms of policies and procedures.

Variety Versus Consistency While districts may share common characteristics such as age of buildings or similar massing and scale of structures, they also demonstrate variety. Single family neighborhoods can be adjacent to multi-family projects all which are served by local neighborhood stores. In fact, variety typically strengthens the attractiveness of a district as daily needs for living are met, such as the ability to have schools and parks nearby. This General Plan attempts to promote the positive aspects of variety through land use while respecting the character and scale of neighborhoods and districts through the Community Design Element. Utilization of both elements is critical for the successful development and protection of districts.

Accommodating Infill Development Several of the neighborhoods within the districts have pockets of vacant land suitable for infill development. The concept for these areas is to allow infill development that is in keeping with the general land use character of the surrounding area, but enhances the neighborhood through appropriate design, intensity and provision of needed infrastructure.

2.8.2 HEMET'S DISTRICTS

Northwest Hemet District

This large rural area is comprised of large-lot equestrian residential uses, vacant land, hillside and the Heartland/Four Season golf community. Reinhardt Canyon lies between two steep hillside areas: the Lakeview and Gunn Mountains. The Maze Stone County Park, which is located in the canyon, contains Indian petroglyphs for public viewing. Primary constraints for the district include factors such as a high fire danger, distance from public services such as police and fire, limited access, and lack of existing and planned sewer lines. Portions of the District are also within Area III of the 1992 Hemet-Ryan Airport Influence Area (see Section 2.10 for additional information regarding land use constraints related to the Airport).

Future development in the area allowed by the General Plan will preserve the existing rural life style by limiting development to single family residential on large 5-acre and 10-acre lots in the hillside areas. South of Devonshire Avenue, the land use concept changes to promote mixed use adjacent to SR 79 and north of Florida Avenue. Devonshire Avenue is a critical edge road serving to buffer the more rural areas to the north with the higher intensity uses to the south. Construction of the future SR 79 on the eastern boundary of the district will require adequate buffering of adjacent sensitive receptor uses.



Tres Cerritos District

This unique area of the City contains the Tres Cerritos Hills, a significant land form. The area also includes the important Warren Road/Esplanade Avenue gateway which will be adjacent to the future SR 79 alignment. The area has several large scale residential developments along with Cawston Elementary, Rancho Viejo Middle School, and Tahquitz High School facilities. City services to the area, along with planned water and sewer lines, will be available to serve future residents. The primary issues that will affect future development will be the fact that the undeveloped portions of the district are outside of the City's existing master storm drain plan and which future development will have to address. Additionally, the westernmost portions of the district contain some vernal pools and endemic plant species that are protected under the MSHCP. Portions of this District are subject to the Hemet -Ryan Airport Influence Area (see Section 2.10 for additional information regarding constraints related to the Airport).

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Anticipated future development includes residential infill in large master planned communities, a large 20-acre park serving as a community focal point, and the Garrett Ranch and Florida Promenade properties which the City anticipates will develop as a regional mixed-use project providing retail, residential, and employment opportunities.

East Florida Corridor District

Running from San Jacinto Street east to Bautista Creek is the East Florida Corridor. While this corridor is similar to the West Florida Corridor in terms of a commercial orientation, the commercial is of a smaller scale and interspersed with residential development both along Florida and along the rear property lines. The primary land use focus for this area is to promote commercial and office uses that serve the east Hemet area and which is compatible with the adjacent residential uses. These commercial uses can either be new uses on infill properties or adoptive reuse of existing buildings.

Airport Business District

The environs immediately surrounding the Hemet-Ryan Airport form an industrial center. North of the airport toward Florida Avenue, the uses begin to transition to commercial and limited residential. The primary influence on this district is the Airport Land Use Plan which promotes light industrial and support commercial land uses, as well as the existence of the MSHCP criteria cells. Refer to Section 2.10 regarding land use restrictions under the Airport Land Use Plan for properties within this District.



Page Ranch District

Page Ranch is a large specific plan area developed north of Salt Creek and Domenigoni Parkway and generally west of Sanderson Avenue and south of Stetson Avenue. The area is largely flat with single family residential communities built from the late 1980s to present with the development of the Del Webb Active Adult community and also includes a future mixed-use node. The area is the location of West Hemet High School and the 60-acre Brubaker Park facility. Portions of the Page Ranch District are located in Area II, III, and the Transition Area of the 1992 Hemet-Ryan Airport Land Use Plan. Although most of these areas within the City are already developed, the westerly portion of the District is currently undeveloped, and has been included within the Interim Airport Overlay while the 1992 ALUP is being updated by the Airport Land Use Commission. Refer to Section 2.10 and Land Use Policy LU-10-4 for additional information regarding land use constraints related to the Airport.

- ❖ South Warren Road Area MWD owns approximately 175 acres of property north of Domenigoni Parkway on both sides of Warren Road for facilities related to Salt Creek Channel and Domenigoni Parkway, which was required as partial mitigation for construction of Diamond Valley Lake. However, not all land was required for mitigation purposes enabling use of the property for other purposes. The City of Hemet has identified the South Warren Road area for mixed use (see Mixed Use Area #4). An alternative land use plan would allow for a sustainable campus complex with clean technology businesses and research and design uses.

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North Hemet District

This district is located immediately northwest of the downtown area. The area is comprised of agriculturally zoned (low density) lots with some conventionally zoned residential and mobile home development in the southern area of the neighborhood. The agriculturally zoned areas have large ranch style homes with horsekeeping in many of the areas. Portions of the District are located within Area III of the Hemet-Ryan Airport Influence Area, but are generally developed already. Future development will be infill development with concerns of compatibility with existing surrounding neighborhoods. Esplanade Avenue forms the northern boundary of the City with the City of San Jacinto. A major City gateway will be developed at the intersection of Sanderson Avenue and Esplanade Avenue. Two issues confronting the area are as follows:

- ❖ **Conversion of Senior Facilities to Family** There are several age restricted communities within the district. Over the past several years however, there has been increased pressure to convert some of these communities to nonage restricted. The City's response to



this issue is require property owners seeking conversion to apply for a conversion permit from the Planning Commission. If conversion cannot be prevented, the process insures that impacts associated with conversion (e.g. impacts to traffic and schools due to an increase in school aged children) are addressed.

- ❖ **Pockets of blight** While a majority of the district is well maintained, blight has become a problem in certain areas or pockets, especially the southeastern edge of the district. The City encourages that these areas undergo improvements such as the introduction of new facilities such as the Sahara and Oasis Senior Villas, a joint project between the City of Hemet, the State of California, and Housing and Urban Development (HUD).

Hemet South District

This vibrant senior-oriented area of the City is anchored by the Seven Hills Golf Course community on the south and the large Sierra Dawn South Mobile Home and Terra Linda communities in the central portion. The area is largely built out with the exception of a large vacant portion south of Stetson Avenue. The neighborhood has a few scattered multi-family complexes located near the Stetson and State Street intersection. Future concerns of the area will be neighborhood preservation, in particular with respect to senior neighborhoods. New development will focus along Stetson Avenue between State Street and Lyon Avenue and will provide retail and multi-family residential housing opportunities. Portions of the Hemet South District are located in Area II, III, and the Transition Area of the 1992 Hemet-Ryan Airport Land Use Plan. Although most of these areas are already developed, the portion of the District along Stetson Avenue has opportunities for infill development. Refer to Section 2.10 and the Land Use Policies for additional information regarding land use constraints related to the Airport.

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Park Hill District

This northeast neighborhood area of the City encompasses a variety of residential land use densities from multi-family, duplex and single family and large estate lots as the district transitions west to east. The area is framed by Park Hill which provides a back drop for the area and boundary with the City of San Jacinto. A majority of Park Hill is outside of the corporate boundary of Hemet. The viewshed of the hill is to be preserved as much as possible through ridgeline preservation and large lot development.

Southeast Hemet District

This established residential area is characterized by low density single family and rural development that transitions from the East Florida Avenue corridor to the Santa Rosa hills. Most of the area is presently in the County of Riverside with a roadway network that has retained



decades. As a result, Florida Avenue fails to communicate a unified, clear, and distinct community identity to visitors. In addition, while historically Florida Avenue was attractively lined with Palm trees, these have been removed over the years and no consistent street tree theme is present.

Florida Avenue is also a state highway (SR 74), and an important regional transportation corridor connecting Hemet to other communities in southern California and beyond. The road is designed to carry high levels of through traffic, as well as to provide access to shopping and facilities of regional importance. Hemet residents need viable alternatives for east-west travel through the Planning Area beyond Florida Avenue. Acacia Avenue and Devonshire Avenue can provide alternative through routes, while Florida Avenue can continue



to serve as the principal access route for Hemet businesses.

Land Use Considerations

Florida Avenue will continue to provide retail and office uses in the foreseeable future with industrial and service providers focusing along Acacia Avenue. An area of change however, will be the gradual transitioning of smaller mobile home parks within the corridor to higher intensity residential uses such as condominiums and apartments. The City encourages this transition and has included an implementation program to change the zoning code to address the appropriate transition of mobile home parks within the Florida-Acacia-Devonshire Corridor. Florida Avenue also has a number of large parcels or existing “big box” stores than continue to be sites for regional retail or entertainment uses and need to be developed or retained for their “highest and best use”.

Portions of the West Florida Corridor District are located within Area III and the Transition Area of the Hemet-Ryan Airport Land Use Plan, as shown in Figure 2.6a and discussed in more detail in Section 2.10. Land Use Policies 10-1 through 10-5 further address potential land use constraints related to the Airport.



2.9.4 WEST HEMET DISTRICT

The West Hemet area is located at the west end of the planning area, north of Diamond Valley Lake, west of the Hemet-Ryan Airport and south of Florida Avenue as shown in Figures 2.3 and 2.5. Today, the West Hemet area can be generally characterized as sparsely populated and rural. The size of West Hemet along with the relocation of SR 79 offers the City the opportunity to comprehensively plan a new community within the San Jacinto Valley that will complement present development in the City; meet the retail, office and manufacturing needs of the community; add new jobs and contribute to the City's economic foundation. Although much of West Hemet is currently under the County's jurisdiction, planning for the future of this area can encourage development that reflects the City's vision for the future and promotes logical and orderly development. By taking a proactive planning approach, Hemet is positioning itself, and West Hemet in particular, to be a vibrant area featuring attractive new residential communities, mixed-use activity centers, and unparalleled retail and employment opportunities.

Development Context

There are several major factors that influence the future development of West Hemet and the surrounding areas as noted below:

- ❖ **SR 79 Highway Realignment** RCTC and Caltrans are in the process of planning and designing the realignment of SR 79 between Gilman Springs Road and Domenigoni Parkway. The SR 79 realignment will provide a more direct north-south route for through traffic, improve mobility on local streets and expedite the movement of goods and people within the San Jacinto Valley. The Burlington Northern and Santa Fe (formerly Atchison, Topeka and Santa Fe) railroad that traverses West Hemet also serves to guide land uses and is an important link to the City and region. This rail line is anticipated to support the addition of Metrolink service to West Hemet in the future as well as further east to the City's Downtown.

- ❖ **Hemet-Ryan Airport** The Hemet-Ryan Airport safety zones and a proposed runway extension also influenced the creation of the West Hemet land use plan. The airport can also present an opportunity to integrate the surrounding area as a business district. Safety zones surrounding airports are established by the Riverside County Airport Land Use Commission based upon regulations and guidelines of the California Department of Transportation (Caltrans), Division of Aeronautics and the Federal Aviation Administration (FAA), to limit land uses and the size of new construction near airports. The safety zones considered in the creation of the existing 1992 Airport Land Use Plan (ALUP) are based on a proposed runway extension at the airport. However,

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the County is currently in the process of updating the Airport Master Plan, which does not anticipate an expansion of the existing runways for the foreseeable future. The Airport land Use commission is also commencing the process of updating the 1992 ALUP. At present, much of the West Hemet District is within Areas I and II of the ALUP, and as such certain land uses are limited, as shown in Table 2.5 of this Element. Until the new Airport Land Use Plan is adopted by the Airport Land Use Commission, an Interim Airport Overlay has been established for portions of the West Hemet District as well as other similar undeveloped properties in Areas I and II of the Airport Land Use Plan (per Figure 2.6a) that may be incompatible with the 1992 ALUP. For example, at present, the 1992 ALUP restricts residential development in Areas I and II to one du/2.5 acres. Land Use Element Policy LU-10-4 addresses uses allowed in the Interim Airport Overlay. At such time as the new Airport Land Use Plan is adopted, the City will update the General Plan for consistency and remove the Interim Airport Overlay.

❖ **Multi-Species Habitat Conservation Plan** Development in West Hemet is also constrained by the Western Riverside County MSHCP. The MSHCP is a comprehensive, multi-jurisdictional effort that includes the County and fourteen cities. Rather than providing habitat mitigation for endangered species on a case-by-case basis, the MSHCP focuses on the conservation of 146 species throughout western Riverside County. The MSHCP consists of a reserve system of approximately 500,000 acres; of which approximately 347,000 acres are currently within public ownership, and 153,000 acres are currently in private ownership. The reserve system is broken down into criteria cells, 160-acre areas with specifically designated conservation criteria. In the Hemet Planning Area, the habitat reserve system consists primarily of vernal pool communities, which provide habitat for the federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*); federally endangered San Diego fairy shrimp (*Branchinecta sandiegonensis*); and the federally endangered Riverside fairy shrimp (*Streptocephalus woottoni*). Vernal pools are seasonally flooded depressions with an impermeable layer that allows the pools to retain water much longer than the surrounding lands. Vernal pools often fill and empty several times during the rainy season.

Part of the habitat reserve system lies within portions of West Hemet (see Figure 2.1) and any future development within a reserve must be consistent with the conservation requirements of the MSHCP. Development proposals outside of criteria cells will also be evaluated for MSHCP consistency as the MSHCP contains requirements that are applicable to proposed projects whether or

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Tres Cerritos Road, Florida, and Stetson Avenues and Domenigoni Parkway. The Florida Avenue and Stetson Avenue interchanges will provide access to proposed mixed-use and business park activity centers in these areas. Florida Avenue and future extensions of Stetson Avenue, Simpson Road, and Domenigoni Parkway form the major east-west roadways that provide access between the City center, West Hemet and areas to the west. Regional access will be improved through a proposed Metrolink station near the Stetson Avenue intersection with the existing railroad alignment. These locations will benefit from increased activity from future mixed-use, business park, and manufacturing/logistics uses and from the extension of the main runway at Hemet-Ryan Airport.

2.10 HEMET-RYAN AIRPORT

Noise and safety factors resulting from airport operations and overflight patterns at the Hemet-Ryan Airport affects much of the western portion of the City. Due to the strategic role the airport plays in determining land uses, the Land Use Element provides an overview of the Hemet-Ryan Airport and a discussion of land use policies associated with its continued operation.



Hemet-Ryan Airport is an important development constraint and asset located in the western portion of the Planning Area

The Hemet-Ryan Airport was founded in 1940, shortly before World War II, as a federal pilot training center run by the Ryan School of Aeronautics. After the war, the County assumed management of the 318-acre facility. Today, the County-owned, public use airport covers 440 acres and is managed by the Riverside County Economic Development Agency. The Airport primarily serves the Cities of Hemet and San Jacinto, but also offers easy access to the various mountain resorts around Hemet.

As a general aviation facility, Hemet-Ryan Airport provides a base of operations for local pilots while also supporting a variety of recreational, medical, fire suppression and business uses. Between 2011 and 2031 aircraft activity at the airport is expected to increase by 25 percent from the existing 69,500 annual flight activity to approximately 87,150 operations annually.

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Additional discussion, goals, and policies regarding the Hemet-Ryan Airport are contained in the Circulation and Public Safety Elements of the General Plan.

The primary runway is 4,315 feet long and 100 feet wide and can accommodate an 80,000-pound, single wheel aircraft. The 2004 Airport Master Plan recommends a future runway length of 5,300 feet. The existing Master Plan recommends a southwesterly extension which would require the relocation of both Warren Road and Stetson Avenue. The County of Riverside is currently in the process of updating the Master Plan for the airport, (expected to be adopted in 2012) including the future runway configuration. Although various runway extension alternatives are discussed in the proposed 2011 Draft Airport Master Plan, the Plan does not propose a runway extension at



this time or for the foreseeable future, due to environmental, infrastructure and funding constraints.

Fire and police protection for the airport is provided by the City of Hemet, with additional fire protection assistance from the California Department of Forestry and Fire Protection (CAL FIRE). Since 1957, CAL FIRE has based its regional air attack base at Hemet-Ryan Airport. CAL FIRE had been preparing to move its regional air attack base from Hemet-Ryan Airport to March Air Reserve Base in Moreno Valley, but in early 2006 decided to remain at Hemet-Ryan with the understanding that improvements will continue to be made at the airport to accommodate larger aircraft. To be consistent with the existing 2004 Airport Master Plan and ensure the future viability of Hemet-Ryan Airport, the Land Use Map (Figure 2.1) currently assumes future runway expansion and the potential realignment of Warren Road, Stetson Avenue, and Cawston Avenue to accommodate the expansion. However, as noted above, the new Draft Master Plan does not propose any runway expansion. The decision to include this runway is directly related to CAL FIRE’s needs and a previously anticipated increase in airport activity due to future development at the airport and in the area. While the City supports the retention of CAL FIRE at Hemet-Ryan Airport, the need for a longer runway raised two issues which are:

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❖ **Effect on Cawston Road Alignment** The extension of Cawston Avenue along the easterly edge of the airport is a key circulation component for the City. If the runway is lengthened to the west, then the ability to extend Cawston Avenue is maintained. However, any lengthening of the runway to the east could impede the City’s ability to extend Cawston Avenue, thereby adversely affecting citywide traffic circulation patterns, including Fire response from Station 4, located on Cawston Ave.

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❖ **Effect on existing residents** The City has historically favored any expansion of the airport to the west of existing configurations. The City’s primary intent is to protect existing residents located easterly of the airport from adverse impacts, such as noise, that could occur if the runway is lengthened to the east.

These two issues, along with other potential issues associated with expansion, require that the City work closely with the County on any future master plans for the airport. The City recognizes that the airport can and should have a critical and positive role for the City and supports Hemet Ryan Airport’s ongoing activities and desires to ensure that ongoing operations and expansion plans benefit all interested parties without adversely affecting critical transportation needs.



2.10.1 COMPREHENSIVE AIRPORT LAND USE PLAN

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The variety of air services and separate flight paths in southern California require regional coordination in order to prevent confusion in flight patterns and to maintain safety. Potential damage to aircraft may also result in loss of life and property within flight paths. Aircraft noise may also affect residents and businesses located close to the flight path. To avoid such outcomes, the Federal Aviation Administration (FAA) has established land use restrictions for areas surrounding airports and flight paths. To comply with FAA regulations, the 1992 *Hemet-Ryan Airport Comprehensive Airport Land Use Plan* was prepared by the Hemet-Ryan Sub-Committee, comprised of members from various departments and commissions within the City of Hemet and the County of Riverside. The land use plan responds to concerns about residential encroachment toward the airport.

Land use policies in the 1992 ALUP are structured around four distinct land use compatibility areas within and surrounding the airport determined using the following land use compatibility criteria: intensity of use, residential versus non residential function, and sensitive uses that require special protection from aircraft related hazards. The ALUP is also based upon the Airport Master Plan and the runway configurations and level of operations. Subsequently, in 2002 the California Airport Land Use Handbook was adopted by the California Department of Transportation Division of Aeronautics and contains updated recommendations and practices that are not always consistent with the ALUP. The ALUC recognizes that the Hemet-Ryan ALUP is outdated and is in the process of updating it with an anticipated completion in 2013, following the expected adoption of the updated Airport Master Plan in 2012.

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Figure 2.6a shows the airport land use compatibility areas for Hemet-Ryan Airport, based upon the four land use compatibility zones set forth in the 1992 ALUP and overlaid on the General Plan Land Use Map. The four zones comprise the Airport Influence Area. Figure 2.6b illustrates the Airport Safety Zones and permitted uses based upon the 2002 Cal-Trans Division of Aeronautics Handbook. However, the ALUP takes precedent and is the Plan by which the Riverside County Airport Land Use Commission makes its findings and recommendations regarding land use consistency. The majority of the land within the Airport Influence Area shown in Figure 2.6a is already developed or entitled, and therefore not subject to the land use restrictions. However, there are several undeveloped parcels located to the west and south of the airport that are under the ALUP, as well as certain infill parcels located to the north and east of the airport.

Airport land use compatibility zones shown in Table 2.5 indicate that land in the highest risk area (Area 1: Extreme Risk) is limited to agricultural or open space development, and commercial, industrial



and rural residential with discretionary review. As the risk associated with each area decreases, developments of varying types, heights, and activity levels are permitted. For example, Area III: Moderate Risk, places no limit on residential densities but requires discretionary review for high intensity uses and places of assembly.

Deleted: Figure 2.6 shows the airport land use compatibility areas for Hemet-Ryan Airport. The General Plan designates most of the land within Areas I, II, and III and the Transitional Area as either Business Park or Industrial.

Table 2.5

1992 ALUC Airport Land Use Compatibility Zones

Risk	Area II: High Risk	Transition Area	Area III: Moderate Risk
High Risk	Permitted uses: industrial, agriculture, residential (> 2.5 acres/dwelling)	Permitted uses: commercial, industrial, manufacturing, and agriculture, residential single family	Permitted uses: wide range of uses
Medium Risk	ALUC Discretionary review uses: commercial	ALUC Discretionary review uses: schools or institutional uses, hazardous materials facilities and "places of assembly", multi-family residential up to 20 du/ac	ALUC Discretionary review uses: Structures over 35 feet or two stories, whichever is greater, Schools or Institutional uses, Hazardous materials facilities and Places of assembly
Low Risk	Incompatible Uses: Hazardous materials Critical facilities Places of Assembly Institutional uses or schools Residential Uses on lots less than 2.5 ac/du	Incompatible Uses: Residential density over 20 du/ac. Structures over 35 feet or two stories, whichever is less	

See next page for full table 2.5 with corrections made.

Hemet Airport Comprehensive Airport Land Use Plan.

New development projects that are located within the compatibility zones will undergo various levels of City discretionary review, depending upon the proposal. At a minimum, a Site Development Review will be required to be approved by either the Community Development Director or Planning Commission, and will include review of compatibility with the standards of the Comprehensive Airport Land Use Plan and the California Airport Land Use Planning Handbook. Any legislative proposals (General Plan Amendments, Specific Plans, Ordinances, etc.) will be also forwarded to the County Airport Land Use Commission for review, as will any uses listed as ALUC Discretionary Review or Incompatible Uses in Table 2.5., per the 1992 ALUP. In addition to compliance with the Comprehensive Airport Land Use Plan and California Airport Land Use Planning Handbook, projects may need to prepare an Airport Compatibility Study and CEQA review for discretionary uses, and comply with the

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ALUP, as well as certain infill parcels located to the north and east of the airport.

Airport land use compatibility zones shown in Table 2.5 indicate that land in the highest risk area (Area 1: Extreme Risk) is limited to agricultural or open space development, and commercial, industrial and rural residential with discretionary review. As the risk associated with each area decreases, developments of varying types, heights, and activity levels are permitted. For example, Area III: Moderate Risk, places no limit on residential densities but requires discretionary review for high intensity uses and places of assembly.

Area I: Extreme Risk	Area II: High Risk	Transition Area	Area III: Moderate Risk
Permitted uses: agriculture and open space	Permitted uses: industrial, agriculture, residential (> 2.5 acres/dwelling)	Permitted uses: commercial, industrial, manufacturing, and agriculture, residential single family	Permitted uses: wide range of uses
ALUC Discretionary review uses: commercial, industrial, residential on lots of 2.5 ac/du or larger	ALUC Discretionary review uses: commercial	ALUC Discretionary review uses: schools or institutional uses, hazardous materials facilities and “places of assembly”, multi-family residential up to 20 du/ac	ALUC Discretionary review uses: Structures over 35 feet or two stories, whichever is greater, Schools or Institutional uses, Hazardous materials facilities and Places of assembly
Incompatible Uses: Residential Uses within one mile from runway threshold Hazardous materials Critical facilities Places of Assembly Institutional uses or schools	Incompatible Uses: Hazardous materials Critical facilities Places of Assembly Institutional uses or schools Residential Uses on lots less than 2.5 ac/du	Incompatible Uses: Residential density over 20 du/ac. Structures over 35 feet or two stories, whichever is less	

Source: 1992 Hemet-Ryan Airport Comprehensive Airport Land Use Plan.

New development projects that are located within the compatibility zones will undergo various levels of City discretionary review, depending upon the proposal. At a minimum, a Site Development Review will be required to be approved by either the Community Development Director or Planning Commission, and will include review of compatibility with the standards of the Comprehensive Airport Land Use Plan and the California Airport Land Use Planning Handbook. Any legislative proposals (General Plan Amendments, Specific Plans, Ordinances, etc.) will be also forwarded to the County Airport Land Use Commission for review, as will any uses listed as ALUC Discretionary Review or Incompatible Uses in Table 2.5., per the 1992 ALUP. In addition to compliance with the Comprehensive Airport Land Use Plan and California Airport Land Use Planning Handbook, projects may need to prepare an Airport Compatibility Study and CEQA review for



General Plan policies regarding the airport as contained in the Land Use, Circulation, and Public Safety elements of this General Plan.

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State law requires that General Plans be consistent with land use compatibility plans established by airport land use commissions. At the time of writing for this General Plan, the Riverside County Airport Land Use Commission had not established updated compatibility zones for Hemet-Ryan Airport consistent with the proposed Airport Master Plan. The City will work with the County as it updates its airport master plan and coordinate with the ALUC to integrate the City's goals for land uses and infrastructure surrounding the airport in balance with the ALUC's goals of ongoing, safe, and efficient operation of the airport as the update process for the ALUP progresses. Until a new Airport Master Plan and ALUP are adopted, the City will use the 1992 ALUP and corresponding safety zones to guide future development in and around the airport. In addition, at the request of the ALUC, the City has included an Interim Airport Overlay Zone on Figure 2.6a which identifies those properties with General Plan land uses that may be inconsistent with the existing or updated ALUP, and require additional development considerations while the 1992 ALUP is being updated. The Interim Airport Overlay, in conjunction with Table 2.5 and Land Use Policies LU-10.1 through LU-10.5, and Implementation Program LUP-35, all work in concert to achieve consistency between the 1992 ALUP and the City of Hemet's 2030 General Plan. Additional policies related to the airport are also included in the Public Safety Element and include Policies PS-4.1 through PS-4.10. Once the new Airport Master Plan and the updated ALUP are adopted, the City will amend the General Plan as needed and repeal the Interim Airport Overlay designation.

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The General Plan requires that an analysis of the projects consistency with the ALUP, the latest California Airport Land Use Planning Handbook, and relevant General Plan policies pertaining to airport safety be provided to the approving body to ensure consistency with adopted airport goals and policies. In addition, the City's Municipal Code Article VI, Section 70-163 can require subdivision developers to submit an airport land use compatibility study as a requirement of an application for vesting tentative maps, and policy LU-10.2 authorizes the City to require the preparation of an airport land use compatibility study when warranted for legislative or discretionary projects within the Airport Influence Area.

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In summary, the City will work with the Riverside County ALUC to update the airport safety zones, and protect the airport from encroaching non-compatible uses. In addition to this element, the Circulation Element and the Public Safety Element contain pertinent discussions and policies pertaining to the Hemet-Ryan Airport.

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HEMET-RYAN AIRPORT

**GOAL
LU-10**

Ensure that Hemet-Ryan Airport meets the transportation and public safety needs of the community and the region while maintaining compatibility with surrounding land uses.

POLICIES

LU-10.1

Airport Influence Area Ensure that legislative land use decisions within the airport influence area are consistent with the Airport Land Use Plan (ALUP) and General Plan policies. All legislative land use proposals and Discretionary Uses and Incompatible Uses per Table 2.5 that are located within the Airport Influence Area shall be reviewed by the Riverside County Airport Land Use Commission for consistency with the adopted ALUP. All non-legislative land use proposals that are subject to CEQA review by the City of Hemet and located within the Airport Influence Area shall be transmitted to the ALUC staff for review and comment.

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LU-10.2

Airport Land Use Compatibility As part of the development review process, ensure appropriate land use compatibility within airport safety zones by utilizing the *Hemet-Ryan Airport Comprehensive Airport Land Use Plan* and the latest *Department of Aeronautics Handbook* developed by the State of California, and require an Airport Compatibility Study as warranted for projects within the Airport Influence zones.

LU-10.3

Cooperation with Other Agencies Work closely with the County of Riverside on the proposed Hemet-Ryan Airport Master Plan and the Airport Land Use Commission regarding proposed updates to the Hemet-Ryan Airport Comprehensive Land Use Plan to facilitate workable, cooperative plans that area consistent with the City of Hemet's General Plan goals and policies and provide a safe and functioning general purpose airport to serve the community and the surrounding areas.

LU-10.4

Interim Airport Overlay To insure land use consistency for an interim time period while the 1992 Airport Land Use Plan is being updated, require consistency review by the City and the ALUC for all proposed legislative actions and discretionary development projects that are located within the

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Interim Airport Overlay designation as shown on Figure 2.6A while the Hemet Ryan Airport Land Use Plan is being updated. Any proposed land uses identified as Incompatible Uses shall also be reviewed by the ALUC. While the 1992 Airport Land Use Plan remains in effect, the following land uses are restricted within the Interim Airport Overlay:

1. Residential densities exceeding one du/2.5 acres (property in the previously approved PCD-79-83, Page Ranch, shall be reviewed to encourage a reduction in density and design orientation that provides the least risk)
2. Critical facilities in Area I
3. Hazardous Material Facilities
4. Institutional Uses and Schools
5. Places of Assembly

LU-10-5 Residential Density Limitations While the 1992 Airport Land Use Plan remains in effect, new Multifamily residential located in the Transition Area and designated as High Density Residential (18-30 du/ac) shall be limited to a maximum of 20 du/ac unless otherwise found consistent by the ALUC.

ECONOMIC DEVELOPMENT

GOAL LU-11	Promote a strong and diversified economic base and retain and attract new investment, businesses, industries and employment opportunities to the City.
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POLICIES

- LU-11.1 Attract New Businesses** Support existing businesses and seek to attract new business and industries which strengthen and diversify Hemet’s tax revenue base, improve wage and salary levels, increase the variety of job opportunities, and employ the resident labor force.
- LU-11.2 Job Growth Industries** Facilitate job growth and business attraction and retention in areas such as green technology, tourism, airport related industry, health care, leisure and hospitality, manufacturing, and related industries, retirement facilities and services, and by promoting the establishment of higher education and technical schools in the City.



accommodate the future Metrolink line connecting Hemet with the Cities of Perris, Riverside, and Los Angeles. Bike paths will be added to the network already in place and the existing street system can either be directly used or retrofitted to use neighborhood electric vehicles (NEVs).

4.2.5 TRAFFIC CONGESTION MANAGEMENT STRATEGIES

For most arterials, Hemet's circulation network experiences an acceptable level of traffic flow. However, Florida Ave. experiences congestion at key intersections such as at Sanderson Avenue, State Street and San Jacinto Street. Adding to the traffic delays are the number of signalized intersections along Florida Avenue. Enhanced intersection geometrics such as adding turn lanes, and upgraded and synchronized signal phasing will improve overall traffic flow. The City will need to implement new technologies and employ creative solutions to ensure that the roadway system is efficient, safe, and improves mobility for all users including vehicles, transit, pedestrians, and bicyclists.

4.2.6 CAL-TRANS CONTROLLED STATE HIGHWAYS

The California Department of Transportation, or Cal-Trans, has jurisdiction over the two state highways that transect Hemet: Hwy 74 (Florida Avenue) and Hwy 79 (various roadways). The future realignment of Hwy 79 will essentially mitigate the current circulation issues associated with this roadway. However, there are no plans to realign Hwy 74 to another route and as such, any modifications to the right of way for this roadway, including driveway access, signals, medians, and signage needs to be approved by Cal-Trans. Some cities within the region have taken over the maintenance responsibility – and thus gained local control- for portions of state highways. This has allowed greater flexibility and a less time-consuming process in implementing right of way improvements. The City of Hemet may also consider discussing with Cal-trans the opportunities for taking over jurisdiction of portions of Hwy 74.

4.2.7 HEMET-RYAN AIRPORT

The Hemet-Ryan Airport has provided aviation services for over half a century. As aviation needs change, however, so will the need for improvements to Hemet-Ryan Airport. The existing Hemet-Ryan Airport Master Plan adopted in 2004 is currently being updated and a proposed new plan is anticipated to be adopted by the County of Riverside in 2012. At present, the new Master Plan does not propose an expansion to the airport runways, although alternatives for expansion to either the east, west, or both are presented. As is the case in many cities where expansion of airports is contemplated, the obligation to protect residents from airport expansion issues, such as noise, must be factored into the discussion. The City of Hemet has

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In addition to trucking opportunities through the City, BNSF Railway also provides on-demand freight service along the railroad corridor from Riverside, although demand has not been high. Industrial areas in the southwestern portion of the City and along the North State Street are close to the railroad tracks, as is the Hemet-Ryan Airport. Opportunities may exist for connecting future industrial areas in the southwestern portion of the planning area to be served by the railroad tracks.

4.9 AIR TRANSPORTATION

The Hemet-Ryan Airport is located in the southwest portion of the city and operates as a general aviation airport serving Hemet and the surrounding area. It consists of one main runway that is currently designated as 5-23, running approximately west-southwest to east-northeast. This runway is 100 feet wide and 4,315 feet in useable length (4,815 feet in total length) and has non-instrument approaches. A second, parallel runway has served as a sail plane runway, but is no longer in use for this purpose. No control tower is on-site. The 2004 master plan for the airport concluded that an ultimate runway length of 5,300 feet would satisfy needs, although the opportunities for lengthening the runway configuration are constrained by the current limits of the airport and development on the north, east, and south. Opportunities for expansion to the west exist, but are also constrained because of biological habitat and endangered fauna. Currently, all runway protection zones are contained within the airport. Airport features are shown on Figure 4.7. The County of Riverside is currently in the process of updating the Airport Master Plan and anticipates adoption in 2012. The Draft Airport Master Plan (dated September, 2011), indicates that the airport is not proposing an expansion of the runway at this time due to environmental and infrastructure constraints, and the anticipated future demand for aircraft operations at the facility. The updated Draft Master Plan projects a modest increase in airport operations over the next 20-year period (2011-2031) and the continuation of the airport as a general aviation facility.

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The Hemet-Ryan Airport serves users of smaller general aviation aircraft and the California Department of Forestry and Fire Protection's fire fighting aircraft. The airport can also provide air freight service, although that service is limited to smaller aircraft because of the airport's shorter runway length and non-instrument approaches. Air freight can be expected to be limited to smaller, high value or time-critical goods and will play a relatively small role in the movement of freight and goods. The airport is owned and operated by Riverside County.

The airport's primary landside area, or the area not devoted to runways, taxiways, and hangar areas, is in the southern portion of the airport, adjacent to industrial land uses. This area is used by persons or



companies providing services and support to aviation, such as fuel suppliers, mechanics, and air freight shippers, and is connected to the City and regional road network by local streets north of the intersection of Stetson and Cawston Avenues. This [Circulation Element](#) assumes that Stetson Avenue will be widened and relocated to provide a major road entry into the City. This would serve to improve road access to the airport. Other general aviation airports nearby include airports in the French Valley area near Temecula, Perris, Riverside, and San Bernardino. Scheduled passenger service is provided regionally by airports including those in Palm Springs, San Diego, Ontario, Orange County, and Los Angeles County.

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Additional discussion, goals and policies regarding the airport and the surrounding area is discussed in the Land Use Element (Chapter 2) and the Public Safety Element (Chapter 6). The Land Use Element discusses issues and opportunities relating to the airport and the compatibility of the likely flight paths with existing and potential land usage around the airport. The Public Safety Element addresses the noise and potential safety hazards associated with flight operations at the airport. [Both Elements include Goals and Policies related to the Airport, and Chapter 12 includes Implementation Programs concerning the airport and environs.](#)

4.10 IMPLEMENTATION STRATEGIES

Implementation of the Circulation Element and its programs involves several city departments including Engineering, Public Works and Planning. Specific implementation programs are provided in Chapter 12. To ensure that the concepts and technical information provided in the Circulation Element is adhered to over the buildout period, the following strategies are recommended:

- ❖ **Evaluate Interim Circulation Conditions** While new development typically pays for circulation improvements, a lag time frequently exists between development activity and construction of supporting roads. This is especially true for off-site circulation improvements in the City of Hemet where a landowner or developer does not control the right-of-way necessary for improvements. This issue is compounded by the circulation network's reliance, to a large degree, on several large projects such as the SR 79 realignment project and Metrolink to provide regional capacity. The City of Hemet will need to continually monitor ongoing transportation activities and minimize potential impacts associated with interim development conditions.
- ❖ **Prioritize Ongoing Coordination with Transportation Agencies** Hemet will need to continue an active presence on regional agency boards such as RCTC, WRCOG, and the Riverside Transit Agency (RTA) to ensure that the City's needs



Given the topographic complexity of the Hemet/San Jacinto Valley, these contours are not absolute lines of demarcation, but should be considered conservative estimates of noise exposure, to be supplemented by detailed and project-specific study as needed. Appendix E contains noise contour data tables.

The noise level measurements were collected at 18 locations throughout Hemet, including 15 short-term measurements, and three long-term measurements. Vehicle axle counts were conducted at three locations. Criteria for site selection included geographical distribution, land uses likely to include noisy activities, and proximity to transportation facilities and sensitive receptors (such as schools and hospitals). The primary purpose of noise monitoring was to establish a noise profile for the community that could be used to determine areas of concern.

6.10.3 NOISE SOURCES

Traffic and Roadways

Traffic noise is a major contributor to the noise environment in the community. Major roadways, including Florida Avenue, State Street, Stetson Avenue, Sanderson Avenue, Warren Road, Devonshire Avenue, and San Jacinto Street, carry high volumes of traffic at relatively high speeds, generating noise that affects surrounding neighborhoods. Those streets that carry a higher proportion of truck traffic also have higher levels of noise and vibration.

As development continues to occur in Hemet, increased traffic volumes on an expanded roadway network will extend and expand the noise contours, as shown in Figure 6.7, "Future Noise Contours." Construction of the State Route (SR) 79 freeway will introduce a new noise source in the western part of the planning area, but the final configuration of this roadway has not been determined, and the noise contours could vary depending on the profile of the road, the travel speeds, and the type of site improvements that are made. General Plan policies and programs consider a changing noise environment and address potential future land use incompatibilities in areas adjacent to major roadways.

Hemet-Ryan Airport

Hemet-Ryan Airport is used primarily by private single- and twin-engine aircraft, turboprops, business jets, helicopters, sailplanes and tow planes. A California Department of Forestry and Firefighting's fire attack base is also located at the airport. A total of 70,000 aircraft were estimated to be operated during 2011, including sailplane operations, and could increase to

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PUBLIC SAFETY ELEMENT

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designed streets, sidewalks, crosswalks, traffic control devices, and school routes throughout the City.

PS-3.2 **Traffic Safety** Minimize the potential for accidents involving railways, automobiles, pedestrians, and bicyclists by implementing roadway improvements identified in the Circulation Element, working closely with the Hemet Police Department, and encouraging proactive programs aimed at improving drivers' behavior.

GOAL PS-4	Protect lives and property from the potential dangers associated with the use of Hemet-Ryan Airport while recognizing and maintaining its function as a part of Hemet's transportation system.
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POLICIES

PS-4.1 **Land Use Compatibility** Minimize the risk of potential hazards associated with aircraft operations at the Hemet-Ryan Airport through the implementation of the *Hemet-Ryan Airport Land Use Compatibility Plan*, and review of legislative land use changes and ordinances located within the Airport Influence Area by the Airport land Use Commission (ALUC).

PS-4.2 **Airport Safety Zones** Consult with Riverside County to maintain adequate open space or compatible development adjoining the Hemet-Ryan Airport as required for safety as identified in the updated and adopted *Hemet-Ryan Airport Land Use Compatibility Plan* and the *Hemet-Ryan Airport Master Plan*.

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PS-4.3 **Accommodate Regional Needs** Support efforts of Hemet-Ryan Airport to accommodate the present and future needs of the California Department of Forestry and Fire Protection's regional air-attack base provided that the safety of surrounding residents and businesses is maintained, and ongoing traffic circulation is not impacted.

PS-4.4 **Project Compatibility Review** As part of the City's development review process, applications for the development of land located within the Hemet-Ryan Airport's areas of potential risk shall be reviewed for compatibility with both the City of Hemet's General Plan and the *Hemet-Ryan Airport Land Use Compatibility Plan*, and the California Department of

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Aeronautics Handbook as may be amended from time to time.

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- PS-4.5 Project Suitability Review** Each development application shall be reviewed in light of the best and most current evidence regarding airport use, noise, potential risks, and safety practices, to ensure that each development is suitable for its proposed location.
- PS-4.6 Project Noise Mitigation** Each development application shall be required to demonstrate that the project will utilize construction technologies that are designed to reduce interior noise in airport adjacent uses.
- PS-4.7 Avigation Easements** Avigation easements shall be required for all land uses in Safety Areas I, II, and III as part of the development review process. As appropriate, based on location, avigation easements may be required in other areas of the City or Planning Area.
- PS-4.8 Project Operating Compatibility** Development applications shall be required to demonstrate that the project is compatible with the following airport land use restrictions:
- a. Any use that would direct a steady light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at the Hemet-Ryan Airport, other than a navigational signal light or visual approach slope indicator approved by the Federal Aviation Administration, shall be prohibited.
 - b. Any use that would cause sunlight to be reflected toward an aircraft engaged in initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at the Hemet-Ryan Airport shall be prohibited.
 - c. Any use that would generate smoke or vapor, that could attract large concentrations of birds, or that may otherwise affect safe air navigation within the area shall be prohibited.



d. Any use that would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation shall be prohibited.

e. Any proposed use within the City that is 200 feet or more in height shall be reviewed by the Airport Land Use Commission and the FAA in regard to airport safety and operational considerations.

PS-4.9 Aviation Wildlife Hazards Projects that would create a potential to attract hazardous wildlife to, or in the vicinity of, the Hemet-Ryan Airport shall be reviewed for consistency with the standards, practices, and suggestions recommended by the U.S. Department of Transportation, Federal Aviation Administration.

PS-4.10 Airport Expansion Consult with Riverside County to insure that any updates to the Airport Master Plan, including proposed expansion of the airport land uses or the runways, will not create noise and safety impacts to surrounding land uses or disrupt the existing and planned circulation system surrounding the airport.

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GOAL PS-5 Protect lives and property from dangers associated with the storage, use, and transport of hazardous materials.

POLICIES

PS-5.1 Enforce Regulations Implement and enforce regulations from federal and state authorities on the use, storage, disposal, and transportation of hazardous materials.

PS-5.2 Maintain Response Programs Maintain effective programs for responding to hazardous material emergencies.

PS-5.3 Interagency Cooperation Continue to cooperate with state, county, and other local agencies in the coordination of hazardous material control, cleanup, disposal, and emergency response policies and operations.



IMPLEMENTATION PROGRAMS

Program Number	Program Description	Responsible Department or Division	Program Category
LU-P-34	<p>Senior Housing Conversion Ordinance. The City shall continue to enforce the Senior Housing Conversion Ordinance that requires conversion from age-restricted housing to non-age-restricted housing to undergo a public review process and pay their full fair share of impact fees for infrastructure and public services in addition to the requirement that all applicable development standards such as parking be met.</p>	<p>Planning; Code Enforcement; Housing</p>	<p>Project Review</p>
LU-P-35	<p>Airport Land Use Plan Compatibility. All new development proposals located within the boundaries of the Airport Influence Zones shall undergo review to determine consistency with the Airport Land Use Plan and the Department of Aeronautics Handbook. Legislative <u>land use proposals</u> (such as <u>General Plan Amendments, Specific Plans and Amendments, Development Agreements, Zone Changes, Zoning Ordinance Amendments, etc.</u>) will be forwarded to the Riverside County Airport Land Use Commission for review. Non-legislative proposals will require a Site Development Review to be approved by the Community Development Director, and may also be subject to <u>Discretionary review by the ALUC per Table 2.5 of the Land Use Element.</u> Uses subject to discretionary review will be required to prepare an Airport Compatibility Study to determine consistency and safety considerations.</p> <p><u>The Community Development Department shall prepare a project review checklist to determine ALUC consistency review and the required process at the time of the DRC (Development Review Committee) Meeting and present the findings to the applicant to insure early coordination with ALUC staff. All projects subject to CEQA review and located within the Airport Influence Area shall be transmitted to ALUC staff for review and comment.</u></p> <p><u>During the timeframe that the 1992 ALUP is being updated, the Interim Airport Overlay shown in Figure 2.6A and related Land Use and Public Safety Element policies shall be in effect. Once the new ALUP is adopted by the ALUC, the City shall amend the General Plan within 180 days to bring it into conformity with the newly adopted ALUP.</u></p>	<p>Planning</p>	<p>Project Review <u>Agency Coordination</u></p>
CHAPTER 2 LAND USE (continued)			
LU-P-36	<p>Hemet ROCS. The City shall prepare ordinances and implementation programs to achieve the Hemet "Restoring Our Community Strategy" Program to address the issues associated with vacant and absentee landowner properties, including property maintenance issues, blight, and crime. Coordinate inspection programs to address public safety as well as property maintenance standards.</p>	<p>Planning Housing Public Safety Building RDA</p>	<p>NPPOS</p>

NPPOS-NEW PROGRAM, PLAN, ORDINANCE OR STANDARD



IMPLEMENTATION PROGRAMS

Program Number	Program Description	Responsible Department or Division	Program Category
PS-P-11	<p>Floodway Modification. If substantial modification to a floodway is proposed, design it to reduce adverse environmental effects to the maximum extent feasible, considering the following factors:</p> <ul style="list-style-type: none"> ❖ stream scour, ❖ erosion protection and sedimentation, ❖ wildlife habitat and linkages, ❖ groundwater recharge capability, ❖ adjacent property, and ❖ natural design (examples include soft riparian bottoms and gentle bank slopes, wide and shallow floodways, minimization of visible use of concrete, and landscaping with native plants to the maximum extent possible). 	Engineering; Public Works	Project Review
CHAPTER 6 PUBLIC SAFETY (continued)			
PS-P-12	<p>Floodway Setbacks. Based on site-specific study, all development shall be set back from the floodway boundary a distance adequate to address the following issues:</p> <ul style="list-style-type: none"> ❖ public safety, ❖ erosion, ❖ riparian or wetland buffer, ❖ wildlife movement corridor or linkage, and ❖ slopes. <p>Consider designating floodway setbacks for greenways, trails, and recreation opportunities on a case-by-case basis.</p>	Engineering; Public Works	Project Review
PS-P-13	<p>Airport Safety and Land Use Restrictions. Evaluate land use restrictions outlined in the most recent adopted <i>Hemet-Ryan Airport Land Use Compatibility Plan, California Airport Land Use Planning Handbook</i>, and Federal Aviation Administration notice responses for applicability to development projects, and evaluate the appropriateness of subject discretionary development projects. Require the preparation of Airport Compatibility studies as needed for new development proposed to be located within the airport influence areas. (refer to LU-P-35 for additional Airport Implementation requirements)</p>	Planning	Project Review

**General Plan Text Changes
As a Result of the Regional Water
Quality Control Board (RWQCB)
Comments**

Planning Commission Meeting
January 17, 2012



COMMUNITY SERVICES AND INFRASTRUCTURE

The Santa Ana RWQCB oversees the Salt Creek and San Jacinto River drainage systems. Both systems drain westerly through Canyon Lake into Lake Elsinore and eventually through the Santa Ana River to the Pacific Ocean via Temescal Canyon Creek. The San Diego RWQCB oversees the Santa Margarita River drainage system that flows southwesterly through the Temecula area and Camp Pendleton toward the Pacific Ocean.

Salt Creek Drainage System The majority of the stormwater collected in the City of Hemet drains southerly and is ultimately discharged into Salt Creek, which is located in the southwest part of the City. Salt Creek is the primary drainage course for the City. It is an earthen channel of approximately 660 feet wide that carries approximately 11,000 cubic feet of water per second. South of Stetson Avenue, water flows along a drainage course referred to as Pepper Creek, from east to west at the base of the Santa Rosa Hills, and curves southwesterly near State Street to join Salt Creek. Salt Creek begins by flowing northwesterly from the canyon following Sage Road, south of South State Street, draining the surrounding hills, including Avery Canyon east of Gibbel Road.

San Jacinto River Drainage System A small portion of the City drains northeasterly into the San Jacinto River. The San Jacinto River drainage system is located in the eastern portion of the Planning Area and flows from southeast to northwest in that area. Along the City's easterly edge, stormwater flows into the Bautista Creek drainage system. Bautista Creek joins with the San Jacinto River immediately north of Mountain Avenue.

Santa Margarita Drainage System The Santa Margarita River drainage system is located in the southerly area of the City and Planning Area around Diamond Valley Lake.

Basic procedures for the management of all non-point source (NPS) pollutants associated with land development, including agricultural conversion, are currently in place through the City's implementation of the Riverside County Drainage Area Management Plan-Santa Ana and Santa Margarita Regions-April 2007 (DAMP), as required by the 2005 Riverside County municipal separate storm sewer system (MS4) permit. The DAMP includes requirements related to the planning and permitting of development projects, including projects that convert agricultural lands to residential and commercial uses, to ensure that pollutant loads from these projects have been reduced to the Maximum Extent Practicable (MEP). In addition, the City is preparing to implement provisions of the 2010 MS4 Permit for the Santa Ana Region, which will implement many new requirements related to land development, including the implementation of Low Impact

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Development principles through project-specific Water Quality Management Plans.

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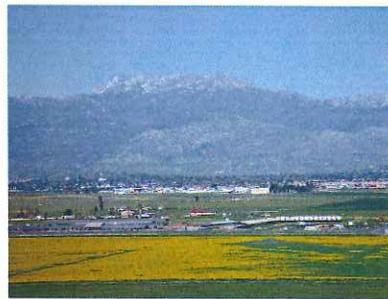
Drainage Considerations

Drainage Infrastructure The City is responsible for providing stormwater drainage infrastructure within Hemet. Maintenance of larger drainage facilities is either handled through a Community Facilities Maintenance District established by the City or through the Riverside County FCWCD. All non-master planned facilities smaller than 36 inches in diameter are maintained by the City of Hemet. Of the major stormwater drainage facilities in the City, Hemet Channel and Stetson Channel are owned and maintained by the Riverside County FCWCD; the City owns and maintains Salt Creek.

A master flood control and drainage plan was prepared for Hemet in 1984. The plan identified drainage issues and necessary infrastructure improvements to provide flood protection for both existing and future development in the City. Historically, curbs and gutters of streets were used as the primary flood control devices in Hemet; however, since most of the City is extremely flat, this method resulted in flooding in some areas of the City. Subsequently, developments relied on a system of large, single-use detention basins and concrete channels that effectively channeled stormwater, but failed to allow rainwater to soak into the ground, which is necessary in the Hemet area to help recharge the groundwater basins. Current infrastructure strategies and BMPs reflect an increased reliance on “soft” infrastructure such as naturalized streambeds or vegetated drainage swales along streets that allow runoff to be filtered by the vegetation and slowed, alleviating some of the runoff problems associated with development and helping to recharge the aquifer.

The City’s 1984 master flood control and drainage plan needs to be updated to reflect the current built environment and to incorporate recently completed drainage systems. The plan would also include drainage solutions for West Hemet, including the hydration of the vernal pools.

Vernal Pools A drainage issue in the West Hemet area is preserving the hydrology of the vernal pools as surrounding areas develop. Vernal pools are phenomena that contain protected flora and fauna that occur only in limited locations. These pools are seasonal and contain particular soil, plant, and fauna species, and are classified as protected habitat and species by federal and state regulations. Vernal pools require natural, rainy-season sheet flow to remain healthy biological habitats. However, water that drains onto vernal pool areas from streets and landscaping, especially during dryer seasons, damages those habitats. The issue is how to maintain natural



Alkali Playa/Vernal Pool Area along the San Diego Aqueduct, West of Hemet Ryan Airport



sheet flow during the rainy season while also accommodating development drainage that occurs year-round and that does not affect the natural seasonal drainage required by vernal pools. Areas approximately south of Menlo Avenue and west of the San Diego canal drain toward this vernal pool area. Within this area, there is also the issue of how to conduct drainage southerly across Florida Avenue, which acts as a barrier to standard flows. An updated drainage master plan or comprehensive drainage strategy is necessary to address these conditions and accommodate new development in the area.

The City will notify and consult with staff of the Regional Board, the Army Corps, the California Department of fish and Game, the U.S. Fish and Wildlife Service, and Western Riverside County Regional Conservation Authority when a proposed land development project may impact vernal pools. Impacts to vernal pools and mitigation plans shall also be assessed through the CEQA process at the time of project review and approval.

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On-Site Drainage & Low Impact Development Strategies

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New development adds impervious surfaces, such as roads, parking lots, rooftops and irrigated landscaped areas that affect the drainage basins. To minimize this impact, the City is encouraging the incorporation of Low Impact Development (LID) strategies to manage stormwater runoff. LID emphasizes conservation and use of on-site natural features to control stormwater close to the source.

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Low Impact Development (LID) is a stormwater management approach with a basic principle that is modeled after nature: manage rainfall at the source using uniformly distributed decentralized micro-scale controls. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source. Instead of conveying and managing/treating storm water in large, costly end-of-pipe facilities located at the bottom of drainage areas, LID addresses storm water through small, cost-effective landscape features located at the lot level.

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The 2010 Riverside County MS4 permit requires the Co-permittees to incorporate LID site design principals in the revised WQMP. The design goal is to maintain or replicate the pre-development hydrologic regime through the use of design techniques that create a functionally equivalent post-development hydrologic regime through site preservation techniques and the use of integrated and distributed infiltration, retention, detention, evapotranspiration, filtration and treatment system. The revised WQMP incorporating LID principles was submitted to the Regional Board for approval on July 29, 2011.

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The City is in the process of revising, where feasible, its ordinances, codes, building and landscape design standards to promote green infrastructure/LID techniques as required by the 2010 Riverside County MS4 permit, and has included these efforts as an implementation program in Chapter 12.

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The concept of Low Impact Development (LID) was created to ensure new development is designed in consideration of overall environmental conditions, including regional water quality. LID incorporates into land use planning “green infrastructure” concepts such as zero runoff, rainfall harvesting, groundwater recharge, biofiltration, native landscapes, green streets, and other measures that promote water quality protection in new development. The goal of LID is to protect a community’s natural, pre-development water flow in order to minimize ecological impacts of urbanization. Basic planning principles include the following:

1. **Stormwater Management.** In LID, stormwater is managed as a natural system by creating permeable surfaces to infiltrate runoff into the underlying soil and reduce the amount of runoff from impervious surfaces. Design measures to manage stormwater at the source include bio-retention areas such as raingardens, bioswales, constructed wetlands, and vegetated swales.
2. **Urban Runoff Reduction.** Urban runoff during dry weather is largely the result of too much water for landscape irrigation, and washing of driveways and sidewalks. This runoff mixes with fertilizer, pesticides, pollutants on roadways, and other contaminants to create some of the most polluted water entering creeks and rivers. LID measures include irrigation control and the use of native and compatible plant species that require less water.
3. **Site Design and Circulation.** Minimizing the amount of asphalt and other impervious road and parking surfaces in site design and circulation decreases the amount of runoff and pollutants, while reducing both infrastructure and maintenance costs. Modifications to conventional design to reduce impervious surface area includes reduced street widths, reduced parking, use of porous materials in driveways and parking areas, and the use of traffic calming measures that include stormwater capture components. Well-planned development that maximizes pedestrian circulation, incorporates green belts, conserves open space, and protects natural features will also protect water quality.

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❖ Policies have been included in the General Plan that use the principles of LID, encourage a comprehensive, community-wide system for protecting water quality standards, comply with the City's NPDES permit, and promote the Ahwahnee Water Principles for Resource Efficient Land Use (refer to the text box in this section), which are intended to reverse the trend of increasingly paved and constructed areas that alter the rate and volumes of surface water runoff and groundwater recharge.

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Based on these principles, the City encourages the use of new technology and BMPs to address key design issues, including incorporating retention basins into landscape designs as an attractive on-site amenity as well as a stormwater management mechanism and incorporating drainage systems that recognize that the City is too flat for underground drains that rely on the proper degree of slope or fail to reach the larger storm drainage channels.

Deleted: LID includes the following basic principles:¶
<#> Integrate stormwater management early in site planning activities. ¶
<#> Use natural hydrologic functions as the integrating framework. ¶
<#> Focus on prevention rather than mitigation. ¶
<#> Emphasize simple, nonstructural, low-tech, and low-cost methods. ¶
<#> Manage as close to the source as possible. ¶
<#> Distribute small-scale practices throughout the landscape. ¶
<#> Rely on natural features and processes. ¶
Create a multifunctional landscape.

Stormwater Quality Control

To protect the nation's watersheds, streambeds, groundwater aquifers, lakes, and oceans from contaminants washed into the storm drains, numerous federal, state, and local laws and regulations have been enacted. Under the auspices of the Santa Ana RWQCB, the City participates in the Basin Plan, a water quality management plan and the NPDES permit program of Riverside County in partnership with all cities in the Santa Ana Basin of Riverside County and the Riverside County FCWCD. In compliance with this NPDES permit, the City has implemented the WQMP program to ensure that the land use approval and permitting process minimizes the impact of urban runoff from new development and significant redevelopment projects.

The City of Hemet is a Co-Permittee in, and is required to comply with, the Riverside County municipal separate storm sewer system (MS4) permit (Waste Discharge Requirements for Riverside County - Order No. 2010-0033, NPDES No. CAS618033) adopted by the Regional Board on January 29, 2010. In conformance with this MS4 permit, and the Water Quality Management Plan (WQMP) it requires, applicable new development and significant re-development projects must consider and implement structural and non-structural Best Management Practices (BMPs) to retain and treat pollutants of concern (in dry-weather runoff and first-flush stormwater runoff) consistent with the MEP standard, and minimize hydrologic conditions of concern (HCOCs), both during and post-construction.

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NPDES Permits and Waste Discharge Requirements

Per the requirements of the 2010 Riverside County MS4 permit, the City is obligated to advise the development, construction, and business communities of the need to comply with the following general waste discharge requirement permits:

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◆ Construction General Permit

Dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ). Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.

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The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must list Best Management Practices (BMPs) the discharger will use to protect storm water runoff and the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment.

◆ General Industrial Permit

The Industrial Storm Water General Permit Order 97-03-DWQ (General Industrial Permit) is an NPDES permit that regulates discharges associated with 10 broad categories of industrial activities. The General Industrial Permit requires the implementation of management measures that will achieve the performance standard of best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT). The General Industrial Permit also requires the development of a Storm Water Pollution Prevention Plan (SWPPP) and a monitoring plan. Through the SWPPP, sources of pollutants are to be identified and the means to manage the sources to reduce storm water pollution are described.

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◆ General DeMinimus Permit

Order No. R8-2009-0003, General Waste Discharge Requirements for Dischargers to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality (General De Minimus Permit) regulates de minimus discharge projects within the Santa Ana Region. Wastewater discharges regulated under this Order include the following discharges:
Construction dewatering wastes; wastes associated with well installation, development, test pumping and purging; aquifer testing wastes; dewatering wastes from subterranean seepage, except for

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discharges from utility vaults; discharges resulting from hydrostatic testing of vessels, pipelines, tanks, etc.; discharges resulting from the maintenance of potable water supply pipelines, tanks, reservoirs, etc.; discharges resulting from the disinfection of potable water supply pipelines, tanks, reservoirs, etc.; discharges from potable water supply systems resulting from initial system startup, routine startup, sampling of influent flow, system failures, pressure releases, etc.; discharges from fire hydrant testing or flushing; air conditioning condensate; swimming pool discharge; discharges resulting from diverted stream flows; decanted filter backwash wastewater and/or sludge dewatering filtrate water from water treatment facilities; and other similar types of wastes as determined by the Regional Water Board Executive Officer, which pose a de minimus threat to water quality yet must be regulated under waste discharge requirements. The General De Minimus Permit prohibits discharge of pollutants, establishes effluent limitations for various constituents, and requires monitoring and reporting.

Clean Water Act Section 303(d) Impaired Waters

Pursuant to Section 303(d) of the Clean Water Act, Regional Water Quality Control Boards must identify and list impaired water bodies. These are water bodies where the limits or levels of water quality constituents or characteristics are being violated and it is presumed designated Beneficial Uses (uses of water necessary for the survival of man, plants and wildlife) are not met.

Federal regulations require that a Total Maximum Daily Load (TMDL) be established for each 303(d) listed water body for each pollutant causing impairment. A TMDL is the maximum load of a pollutant(s) that can be discharged from point and nonpoint sources without exceeding water quality standards in the water body. Each state is required every two years to review its existing 303(d) List, make changes as necessary, and submit its 303(d) List and TMDL priorities to the U.S. EPA.

On December 20, 2004, the Santa Ana Region Water Quality Control Board amended the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) to incorporate the Lake Elsinore and Canyon Lake Nutrient TMDLs. These TMDLs include urban waste load allocations and specify numeric targets and response numeric targets to reduce nitrogen and phosphorus in Urban Runoff.

The City is one of several municipalities located on the San Jacinto Watershed that drains through Canyon Lake to Lake Elsinore. Both lakes have been placed by the Santa Ana RWQCB on the EPA's Clean Water Act §303(d) list of impaired waters due to excessive nutrients (nitrogen and phosphorous) in the water. To remedy the problem, the RWQCB adopted a 15-year plan that incorporates Nutrient Total

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Maximum Daily Loads (TMDL) for Lake Elsinore and Canyon Lake and requires stakeholders in the watershed to complete numerous studies, reports, and plans to implement the TMDL. In July 2006 the City and other stakeholders formed the Lake Elsinore Canyon Lake TMDL Task Force to ensure that implementation tasks and compliance dates are met. Final compliance with the wasteload and load allocations must be achieved by December 31, 2020. General Plan Policy CSI-4.3 has been included in the General Plan supporting cooperative efforts to address TMDL requirements and improve water quality in the San Jacinto River Watershed.

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5.3.4 NATURAL GAS AND ELECTRICITY

Electricity and natural gas are provided by utilities that operate independently of the City. Any developer of a new development must acquire verification from the utility providers that the provider can accommodate the additional demand for service. The City is committed to working with the utility companies serving the community to ensure that, in addition to the adequate provision of services, advances in energy conservation and “green” technologies are incorporated into development standards and infrastructure improvements.

The two primary utilities and their environmental efforts are summarized below and further discussed in the Open Space and Conservation Element.

Natural Gas

Southern California Gas Company (SoCalGas), a division of Sempra Energy, supplies natural gas to both businesses and residences in Hemet. The City does not have any natural gas storage facilities. Natural gas is provided through a network of gas transmission pipelines and distributed through existing mains, which can be extended to serve new projects.

SoCalGas is investing in research, development, and demonstration of new and emerging clean, energy-efficient technologies with the goal of bringing these technologies to residential, commercial, and industrial markets to help people reduce their energy use. As the nation’s largest natural gas provider, SoCalGas has earned a number of honors for environmental stewardship, including the 2010 Excellence in ENERGY STAR® Promotion Award from the U.S. Environmental Protection Agency for outstanding contributions to energy efficiency and environmental education.

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 The concept of Low Impact Development (LID) was created to ensure new development is designed in consideration of overall environmental conditions, including regional water quality. LID incorporates into land use planning “green infrastructure” concepts such as zero runoff, rainfall harvesting, groundwater recharge, biofiltration, native landscapes, green streets, and other measures that promote water quality protection in new development. The goal of LID is to protect a community’s natural, pre-development water flow in order to minimize ecological impacts of urbanization. According to information from the Low Impact Development Center, basic planning principles include the following:¶
 <#> **Stormwater Management.** In LID, stormwater is managed as a natural system by creating permeable surfaces to infiltrate runoff into the underlying soil and reduce the amount of runoff from impervious surfaces. Design measures to manage stormwater at the source include trenches, drainfields, dry wells, and bio-retention areas such as raingardens, bioswales, constructed wetlands, and vegetated swales.¶
 <#> **Urban Runoff Reduction.** Urban runoff during dry weather is largely the result of too much water for landscape irrigation, and washing of driveways and sidewalks. This runoff mixes with fertilizer, pesticides, pollutants on roadways, and other contaminants to create some of the most polluted water entering creeks and rivers. LID measures include irrigation control and the use of native and compatible plant species that require less water.¶
 <#> **Site Design and Circulation.** Minimizing the amount of asphalt and other impervious road and parking surfaces in site design and circulation decreases the amount of runoff and pollutants, while reducing both infrastructure and maintenance costs. Modifications to conventional design to reduce impervious surface area includes reduced street widths, reduced parking, use of porous materials in driveways and parking areas, and the use of traffic calming measures that include stormwater capture components. Well-planned development that maximizes pedestrian circulation, incorporates green belts, conserves open space, and protects natural features will also protect water quality.¶
 Policies have been included in the General Plan that use the principles of LID, encourage a comprehensive, community-wide system for protecting water quality standards, comply with the City’s NPDES permit, and promote the Ahwahnee Water Principles for Resource Efficient Land Use (refer to page 5-XXX), which are intended to reverse the trend of increasingly paved and constructed areas that alter the rate and volumes of surface water runoff and groundwater recharge

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**Ahwahnee Water Principles
For Resource Efficient Land Use**

1. Community design should be compact, walkable, and transit-oriented so that automobile-generated run-off pollutants are minimized and the open lands that absorb water are preserved to the maximum extent possible.
2. Natural resources such as wetlands, flood plains, recharge zones, riparian areas, open space, and native habitats should be identified, preserved and restored as valued assets for flood protection, water quality improvement, groundwater recharge, habitat, and overall long-term water resources sustainability.
3. Water holding areas such as creek beds, recessed athletic fields, ponds, cisterns, and other features that serve to recharge groundwater, reduce runoff, improve water quality and decrease flooding should be incorporated into the urban landscape.
4. All aspects of landscaping from the selection of plants to soil preparation and the installation of irrigation systems should be designed to reduce water demand, retain runoff, decrease flooding, and recharge groundwater.
5. Permeable surfaces should be used for hardscape. Impervious surfaces such as driveways, streets, and parking lots should be minimized so that land is available to absorb storm water, reduce polluted urban runoff, recharge groundwater, and reduce flooding.
6. Dual plumbing that allows grey water from showers, sinks and washers to be reused for landscape irrigation should be included in the infrastructure of new development.
7. Community design should maximize the use of recycled water for appropriate applications including outdoor irrigation, toilet flushing, and commercial and industrial processes. Purple pipe should be installed in all new construction and remodeled buildings in anticipation of the future availability of recycled water.
8. Urban water conservation technologies such as low-flow toilets, efficient clothes washers, and more efficient water-using industrial equipment should be incorporated in all new construction and retrofitted in remodeled buildings.
9. Groundwater treatment and brackish water desalination should be pursued when necessary to maximized locally available, drought-proof water supplies.

Source: California Regional Water Quality Control Board. The Water Principles were created by the Local Government Commission Center for Livable Communities in Sacramento California to complement the Ahwahnee Principles for Resource-Efficient Communities



tertiary water trunk line, as shown on any water district's master plan, as feasible. The facilities shall meet performance standards established by the supplier of reclaimed water to the site.

- CSI-2.7 **Ground Water Recharge** Ensure that adequate aquifer water recharge areas are preserved and protected through a comprehensive water management strategy.
- CSI-2.8 **Best Management Practice Features/Equipment** Require installation of best management practice features for water for all new development and for applicable rehabilitation.
- CSI-2.9 **Location of Water Lines** As part of discretionary project approvals and building permit reviews, require that all future water lines be located within street or alley rights-of-way.

GOAL
CSI-3 Ensure the provision of a wastewater collection, treatment, and disposal system capable of meeting the daily and peak demands of Hemet residents and businesses in an efficient and environmentally sound manner.

POLICIES

- CSI-3.1 **Performance Standards** New development shall install sufficient sewer facilities needed to meet performance standards established by the site's wastewater collection agency.
- CSI-3.2 **Location of Sewer and Gray Water Lines** Require that all future sewer and gray water lines be located within street or alley rights-of-way.
- CSI-3.3 **Industrial Discharge** Work with the water districts to encourage the provision of brine disposal pipelines and any other new technologies that benefit the expansion of the City's industrial job base.

CSI-3.4 Sanitary Sewers Promote the extension of sanitary sewers to serve all new and existing land uses and densities, as feasible, to protect groundwater quality. Require new development, and existing development where feasible, to connect to the sanitary sewer system. Exceptions may be considered for properties with a minimum lot size of ½ acre and that are located more than 660 feet from a sewer line.



COMMUNITY SERVICES AND INFRASTRUCTURE

GOAL
CSI-4 Maintain adequate stormwater management and drainage systems to help protect against flood hazards, recharge the aquifer, and preserve groundwater quality.

POLICIES

CSI-4.1 **Sufficient Service** Ensure sufficient levels of stormwater drainage are provided to protect the community from flood hazards and to minimize the discharge of materials into the storm drain system that are toxic or that would obstruct flows.

CSI-4.2 **100-Year Storm Flows** Provide public storm drainage facilities to adequately accommodate expected 100-year flood flows. Ensure that roadways remain passable for at least one lane in each direction. Coordinate with the Riverside County Flood Control District regarding the preference and requirements for District maintenance of regional and master planned drainage facilities.

CSI-4.3 **Pollutant Discharge** Prevent pollutant discharge into storm drain systems and natural drainages and aquifers by cooperating in regional programs with stakeholders and the Regional Water Quality Control Board to implement the National Pollutant Discharge Elimination System program, Storm Water Pollution Prevention Plans, Water Quality Master Plans, and comply with the requirements of the Lake Elsinore Canyon Lake TMDL to reduce nitrogen and phosphorous in the San Jacinto River Watershed, and provide education on best management practices for the public and the development community.

CSI-4.4: **Groundwater Recharge** Require development projects to minimize stormwater runoff and provide on-site opportunities for groundwater recharge that are integrated into the project design and amenities, and utilizing Low Impact Development techniques.

CSI-4.5 **Drainage System Mitigation** In accordance with the City's performance standards for drainage facilities mandated by Measure C, require any significant impacts on local and regional storm drain systems associated with proposed development or redevelopment to be mitigated including the preparation of downstream drainage mitigation plans when appropriate to the scale and location of the project.

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CSI-4.6 Aesthetic Design Require use of landscaped swales and detention areas that provide percolation to the greatest extent possible using best management practices in order to promote sensitive and aesthetic design solutions for retaining on-site the incremental increases in runoff from a development site.

CSI-4.7 Bioswales Discourage lined channels and encourage “soft bottom” channels that provide slower water runoff, first-flush capabilities, groundwater recharge potential, and streambed vegetation.

CSI-4.8 Street Storm Drains Require that the design and upgrade of street storm drains be based on the relative risk to public health and safety, the potential for hindrance of emergency access and egress from excessive flood depth, the threat of contamination of the storm drain system with sewage effluent, in the most environmentally-sensitive manner that is feasible.

CSI-4.9 Master Flood Control and Drainage Plan. Provide comprehensive and ongoing updates to the City’s Master Flood Control and Drainage Plan, or create sub-area Drainage Plans to reflect current land use patterns, best management practices, and environmental constraints.

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CSI-4.10 Low Impact Development Limit disruption of natural hydrology by reducing impervious cover, increasing on-site infiltration, and managing stormwater runoff at the source. Use the following principles in development design:

1. On undeveloped sites proposed for development, promote on-site stormwater infiltration through design techniques such as pervious paving, draining runoff into bioswales or properly designed landscaped areas, preservation of natural soils and vegetation, and limiting impervious surfaces;
2. On previously developed sites proposed for major alteration, provide stormwater management improvements to restore natural infiltration to the extent practicable;
3. Provide flexibility for design standards on impervious surfaces when it can be shown that such reductions will not have a negative impact and will provide the benefits of stormwater



retention, groundwater infiltration, reduction of heat islands, enhancement of habitat and biodiversity, and other environmental benefits.

- 4. Encourage and promote the use of new materials, Best Management Practices, and technology for improved stormwater management, such as pervious paving, green roofs, rain gardens, and vegetated swales.
- 5. Integrate detention and retention basins into the landscape design of development sites using methods such as a network of small ephemeral swales treated with attractive planting.
- 6. Discourage the use of mounded turf and lawn areas that drain onto adjacent sidewalks and parking lots; replace these areas with landscape designs that retain runoff and allow infiltration.

CSI-4.11 Ahwahnee Water Principles Incorporate the Ahwahnee Water Principles for Resource Efficient Land Use into development design, as appropriate, to reduce costs and improve the reliability and quality of the City's water resources.

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GOAL CSI-5	Facilitate the provision and maintenance of adequate systems to provide and conserve natural gas, electricity, and telecommunications systems.
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POLICIES

- CSI-5.1 **Telecommunication Facilities** Facilitate provision and enhancement of telecommunications services throughout the Planning Area while promoting collocated and/or "stealthed" wireless communications antenna facilities and the provision of new technology to minimize cell towers.
- CSI-5.2 **Utility Facilities** Promote the availability of reliable and reasonably priced utilities necessary for businesses and residences to prosper.
- CSI-5.3 **Energy Services** Ensure the provision of reliable, quality energy services and promote energy conservation throughout the City.
- CSI-5.4 **Solar Energy** Encourage new buildings to maximize solar access to promote passive solar energy use,



- OS-1.5** **Restriction of Use** As needed to protect resources, limit recreational use in open space areas where sensitive biological resources exist.
- OS-1.6** **Habitat Conservation Plans** Coordinate with Riverside County and other relevant agencies to implement the *Western Riverside County Multiple-Species Habitat Conservation Plan*, the *Habitat Conservation Plan for the Stephens' Kangaroo Rat in Western Riverside County*, and any other applicable habitat plan.
- OS-1.7** **Wildlife Movement Corridor** Continue efforts to establish a wildlife movement corridor in areas such as the San Jacinto River corridor, Santa Rosa Hills, Lakeview Mountains, and the open space areas surrounding Diamond Valley Lake. As applicable, new development in these areas shall incorporate such corridors. To minimize impediments to riparian wildlife movement, new roadways over ravines, arroyos, and drainages shall maintain wildlife corridors by incorporating bridges or culverts, where practical.
- OS-1.8** **Local Resource Preservation** Maintain and enhance the natural resources of the Santa Rosa Hills, Tres Cerritos Hills, Salt Creek, Bautista Canyon, San Jacinto River/Bautista Creek, Reinhardt Canyon, Lakeview Mountains, Diamond Valley Lake, and all other waterways, ecosystems, and critical vegetation to ensure the long-term viability of habitat, wildlife, and wildlife movement corridors.
- OS-1.9** **Partnerships** Support efforts of local, state, and federal agencies and private conservation organizations to preserve, protect, and enhance identified open spaces and natural resources.

GOAL OS-2 Conserve open space areas and hillsides to provide for a balance of recreation, scenic enjoyment, development, and protection of natural resources and features.

POLICIES

- OS-2.1** **Development Design** Encourage the use of clustered development and other site planning techniques to maximize the preservation of permanent open spaces.
- OS-2.2** **Resource Conservation** Conserve view corridors and ridgelines, the San Jacinto River and Mountains, slopes, significant rock outcroppings, historic and landmark trees, and other important landforms and historic landscape features through the development review process.



IMPLEMENTATION PROGRAMS

Program Number	Program Description	Responsible Department or Division	Program Category
CSIP-4	<p>Project Review for Storm Drainage. Require project applicants to decrease stormwater runoff and increase groundwater recharge by reducing pavement in development areas and using design practices such as permeable parking bays and parking lots with bermed storage areas for rainwater detention, or using other best management practices, as appropriate. <u>Downstream drainage studies, and improvements or easements may also be required as appropriate to the scale and location of development projects, and shall be in accordance with Drainage Master Plans or Sub-Area Plans.</u> Funding mechanisms and maintenance entities shall be determined at the time of project review for the long term maintenance of the drainage facilities. To the extent practicable, facilities shall be designed in accordance with Riverside County Flood Control standards for dedication to the District.</p> <p>Update codes, standards and design review to promote the incorporation of <u>Low Impact Development techniques, green infrastructure and technology, and Best Practices in compliance with the 2010 Riverside County MS-4 Permit.</u></p>	Engineering	Project Review
CHAPTER 5 COMMUNITY SERVICES AND INFRASTRUCTURE (continued)			
CSIP-5	<p>Master Flood Control and Drainage Plan. Update the City's master flood control and drainage plan, or create sub-area drainage plans to identify drainage infrastructure needs and design standards. Prioritize drainage solutions and sub-area plans for the Tres Cerritos, Northwest Hemet, and West Hemet Districts. <u>As part of these master plans, identify storm drains and facilities that need to be upgraded, establish a consistent maintenance schedule for storm drains, and coordinate with Riverside County Flood Control District on design standards and maintenance agreements.</u> The plan should incorporate an assessment of drainage facilities and identify 5-year facility needs and best management practices. The plan should also incorporate features to both accommodate development and support vernal pool areas in the west Hemet area. Include a watershed-based stormwater management plan for open drainage ways that will serve multiple purposes including flood protection, water quality, groundwater recharge, habitat hydration, public green spaces and trails, and water basin design amenities.</p>	Engineering	Update Plans & Standards
CSIP-6	<p>Capital Improvement Program. Establish a formal 5-year capital improvement program for City storm drains, water and sewer lines, streets, parks, and other infrastructure improvements <u>that defines benefit areas, establishes capital improvement zones, and/or creates a master drainage plan development fee.</u> Provide annual updates in concert with the budget process. Prioritize infrastructure projects and funding resources to address the City's most critical economic and improvement needs, and link capital improvements with General Plan goals and policies.</p>	Public Works; Engineering Finance	NPPOS

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NPPOS=NEW PROGRAM, PLAN, ORDINANCE OR STANDARD



IMPLEMENTATION PROGRAMS

Program Number	Program Description	Responsible Department or Division	Program Category
CHAPTER 7 OPEN SPACE AND CONSERVATION (continued)			
OS-P-11	Riverside County Hillside Development. Coordinate with Riverside County on hillside preservation policies and project review.	Planning	Project Review
OS-P-12	Resource Conservation Easements. Evaluate scenic or resource conservation easements or Williamson Act agreements as suitable means for protecting open space or prime farmland located adjacent to residential areas and where the property does not qualify for inclusion in an agriculture preserve program.	Planning	Project Review
OS-P-13	Agricultural Land Conservation Programs. In cooperation with individual farmers, farming organizations, and farmland conservation organizations, the City shall support Riverside County's efforts to improve the viability of farms and ranches and thereby ensure the long-term conservation of viable agricultural operations within Bautista Canyon.	Planning	Agency Coordination
OS-P-14	Coordination with Non-Governmental Organizations. Encourage landowners to participate in programs that reduce soil erosion, improve soil quality, and address issues that relate to pest management. To this end, Hemet shall work with Riverside County to promote coordination between the Natural Resources Conservation Service, Resource Conservation Districts, UC Cooperative Extension, and other agencies and organizations, as needed.	Planning	Agency Coordination
OS-P-15	Mineral Resources and Williamson Act. Accept California Land Conservation (Williamson Act) contracts, subject to the use and acreage limitations established by Riverside County, on land identified by the state as containing significant mineral deposits.	Planning	Agency Coordination
OS-P-16	Conservation Planning and Agency Coordination. Continue to participate and represent the City of Hemet in multi-species habitat conservation planning, watershed management planning, and water resource management planning efforts. <u>Notify and consult with staff of the RWOCB, Army Corps of Engineers, California Department of Fish and Game, U.S. Fish and Wildlife Service, and WRC-RCA when a proposed land development project may impact vernal pools or streambeds. Impacts to vernal pools and mitigation plans shall also be reported through the CEQA process.</u>	Planning; Engineering	Agency Coordination
OS-P-17	MSHCP Compliance. Development in the City shall be required to comply with the applicable terms of the MSHCP including, but not limited to, the payment of mitigation fees, narrow endemic surveys, riparian/riverine policy, and other applicable surveys. Anyone applying for a discretionary permit for property located in an MSHCP-designated Criteria Area/Criteria Cell(s) shall submit a Habitat Evaluation and Acquisition Negotiation Strategy (HANS) Application to the City for transmittal to the Riverside Conservation Agency (RCA).	Planning	Project Review

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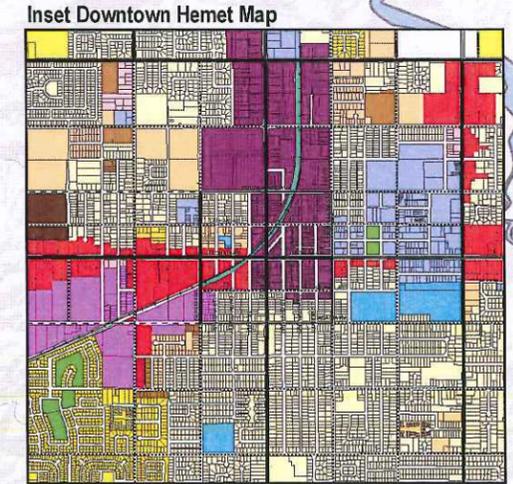
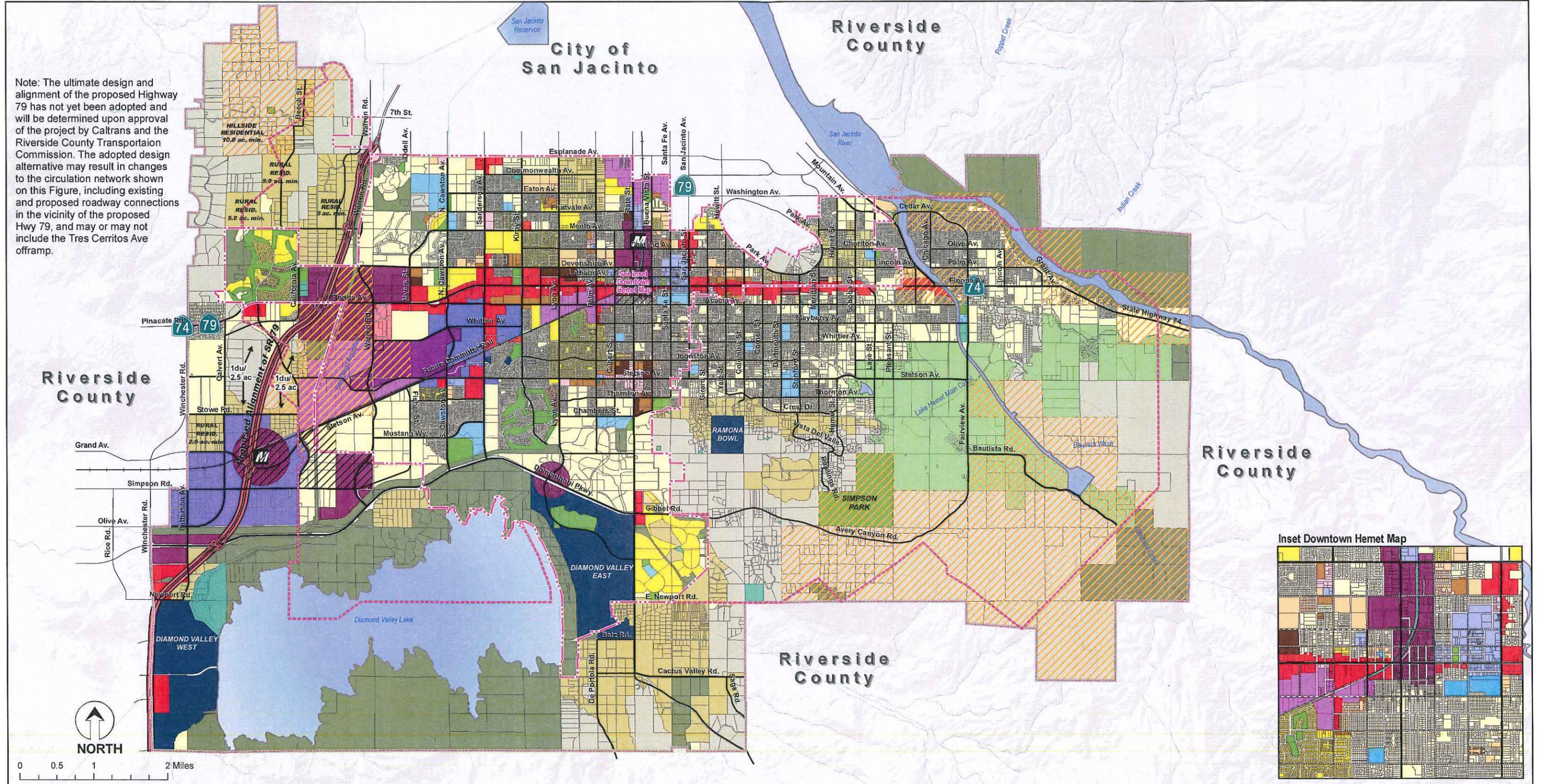
Comment [DWS1]: Deanna will add as a program.

**Attachment No.2B
GPA 11-002**

**Supplemental Errata Pages for
modifications to the General Plan
2030 Figures**

Planning Commission Meeting
January 17, 2012

Note: The ultimate design and alignment of the proposed Highway 79 has not yet been adopted and will be determined upon approval of the project by Caltrans and the Riverside County Transportation Commission. The adopted design alternative may result in changes to the circulation network shown on this Figure, including existing and proposed roadway connections in the vicinity of the proposed Hwy 79, and may or may not include the Tres Cerritos Ave offramp.



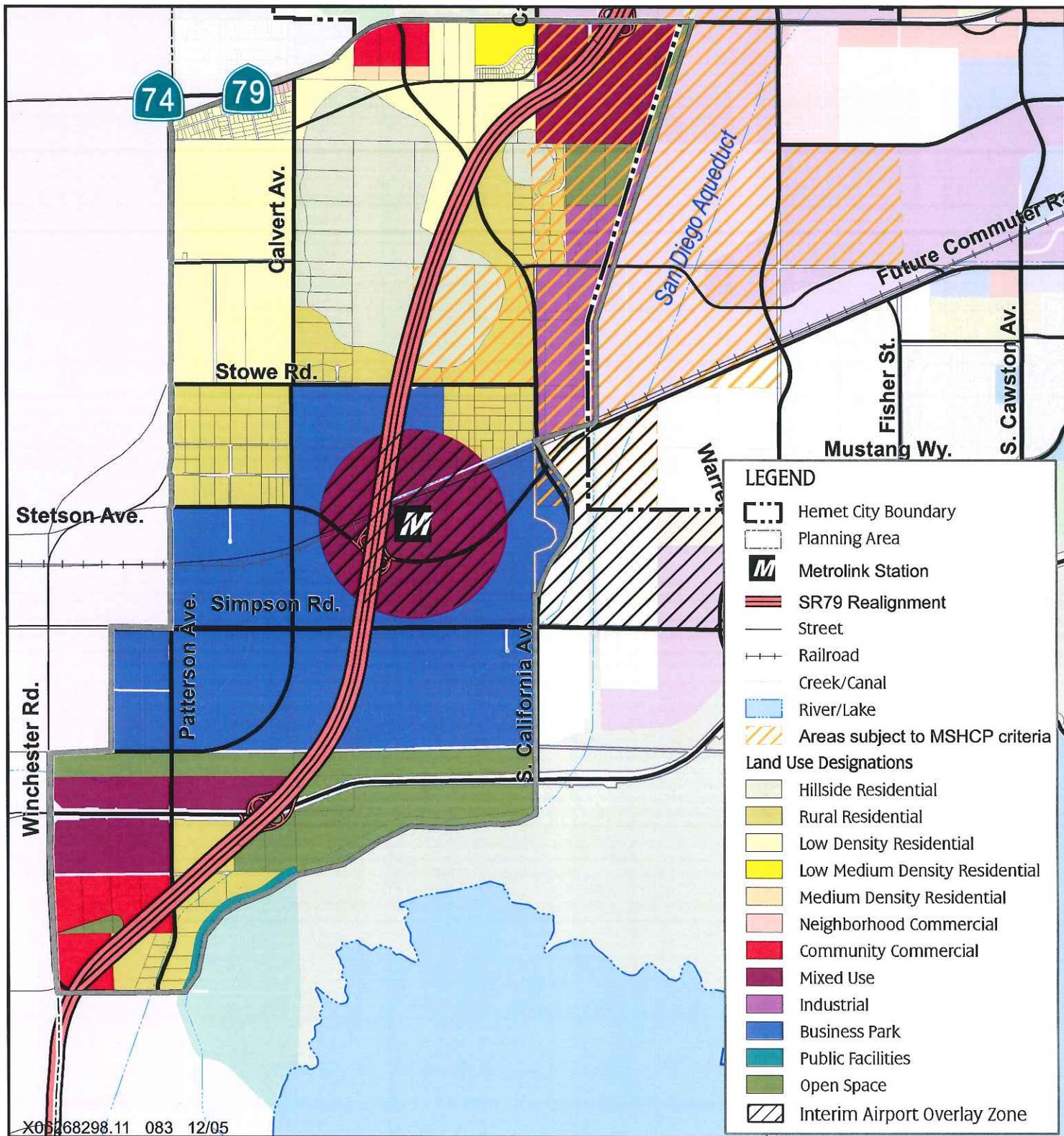
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SOURCES: Census Tiger Line Data 2005
Urban Crossroads 2011

LEGEND		Land Use Designations		Environmental Management Area	
	Hemet City Boundary		Rural Residential (0.0 - 2.0 du/ac)		Neighborhood Commercial (FAR 0.35)
	Planning Area		Hillside Residential (0.0 - 0.5 du/ac)		Community Commercial (FAR 0.40)
	Sphere of Influence		Low Density Residential (2.1 - 5.0 du/ac)		Regional Commercial (FAR 0.50)
	River/Lake		Low Medium Density Residential (5.1 - 8.0 du/ac)		Mixed Use (Varies)
	Creek/Canal		Medium Density Residential (8.1 - 18.0 du/ac)		Airport
	Railroad Metrolink (General Location)		High Density Residential (18.1 - 30.0 du/ac)		Office Professional (FAR 2.0)
			Very High Density Residential (30.1 - 45.0 du/ac)		Business Park (FAR 0.60)
					Industrial (FAR 0.45)
					Quasi-Public/Cultural
					Public Facilities
					School
					Park/Recreation
					Open Space
					Agriculture
					Areas subject to MSHCP criteria
					Interim Airport Overlay Zone



Figure 2.1
LAND USE PLAN
Hemet General Plan



Sources:
 Census Tiger Line Data 2005
 ESRI 2010

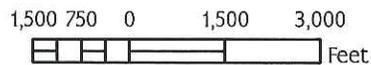
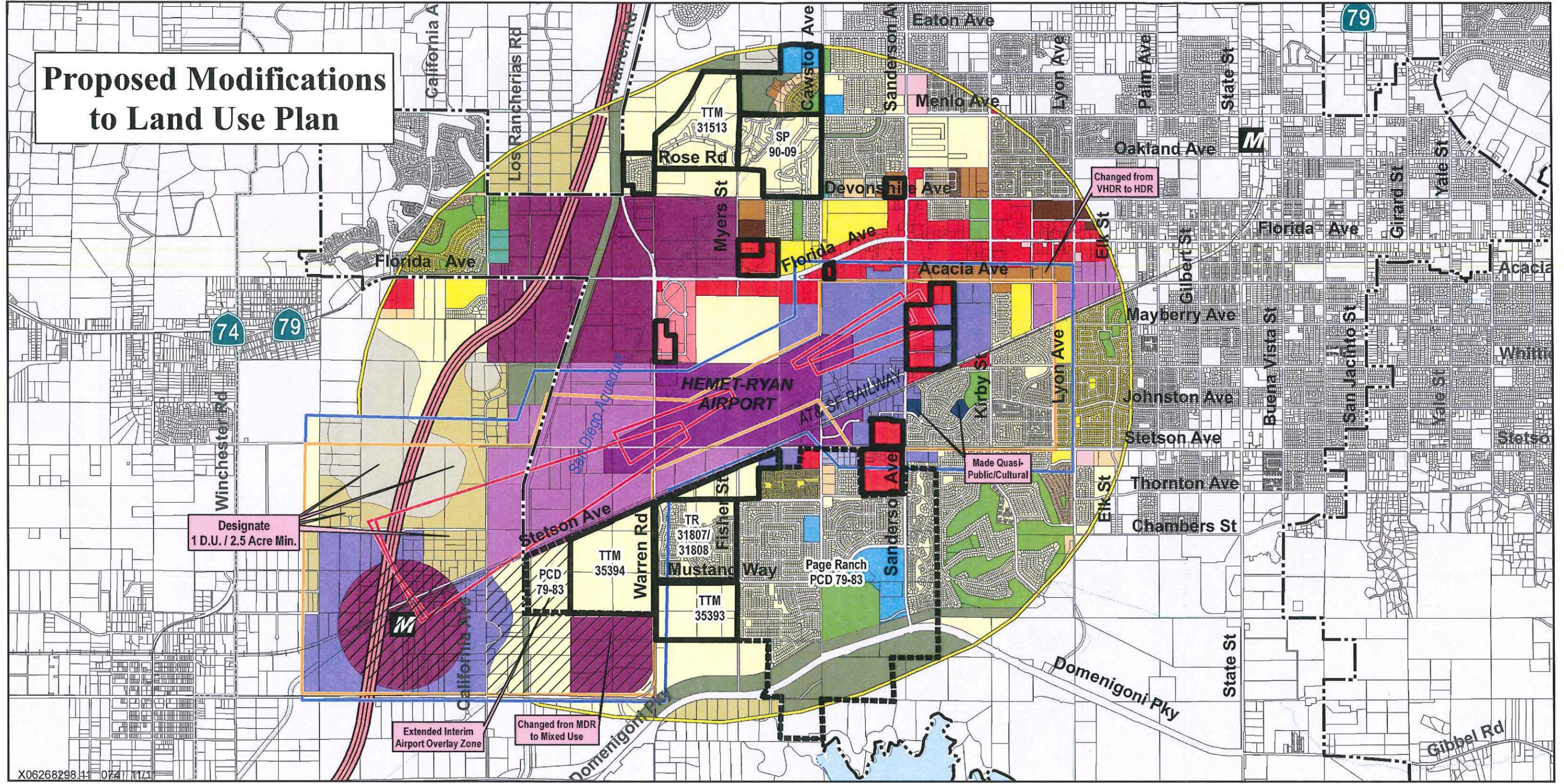


Figure 2.5
WEST HEMET PLAN

Proposed Modifications to Land Use Plan



LEGEND

- Airport Land Use Compatibility Zones**
- Area I (Extreme Risk)
 - Area II (High Risk)
 - Transition Area
 - Area III (Moderate Risk)
 - Interim Airport Overlay Zone

- Hemet City Boundary**
- Metrolink Station
 - Street
 - Railroad
 - Creek/Canal
 - SR79 Realignment

- General Plan Land Use Designations**
- Hillside Residential
 - Rural Residential
 - Low Density Residential
 - Low Medium Density Residential
 - Medium Density Residential
 - High Density Residential

- Very High Density Residential
- Regional Commercial
- Neighborhood Commercial
- Community Commercial
- Mixed Use
- Office Professional
- Industrial

- Business Park
- Airport
- Quasi-Public/Cultural
- Public Facilities
- School
- Park
- Open Space



Sources:
 Census Tiger Line Data 2005
 Hemet Ryan Airport Comprehensive
 Airport Land Use Plan 1992
 ESRI 2010

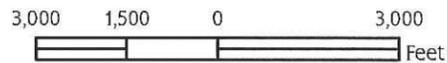
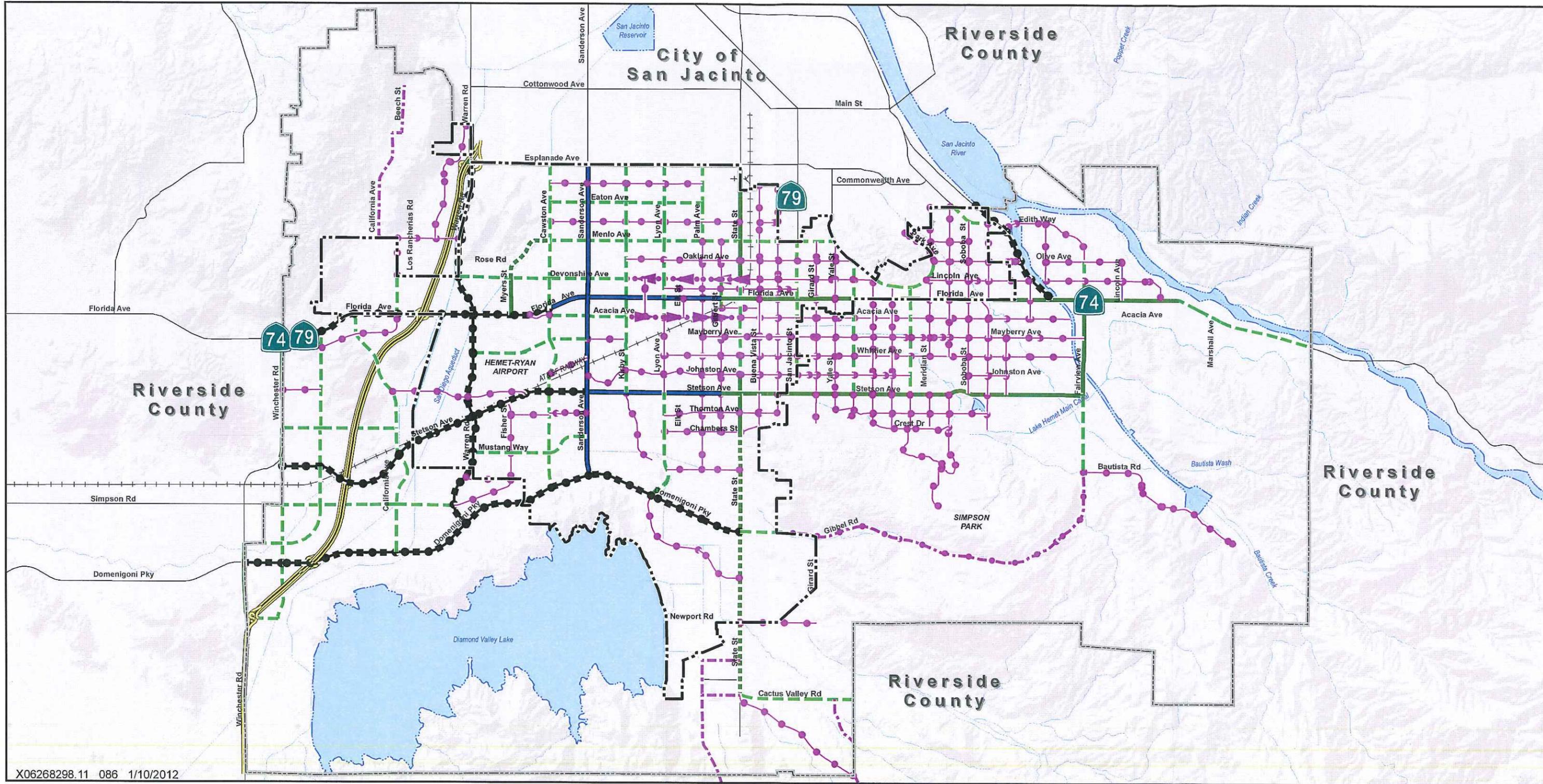


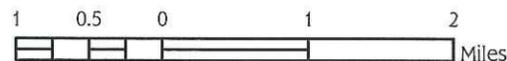
Figure 2.6 a
**AIRPORT LAND USE
 COMPATIBILITY ZONES**
 Hemet General Plan



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Sources:
 Census Tiger Line Data 2005
 Urban Crossroads 2011
 ESRI 2010



LEGEND

Circulation System

- Expressway 6D
- Arterial 6D
- Major 4D-6D
- Divided Secondary-A 4D
- Divided Secondary-B 4D

- Secondary 4U
- Express Collector 3U
- Collector 2U
- Rural-A 2U
- Rural-B 2U
- Ramp

- Hemet City Boundary
- Planning Area
- River/Lake
- Creek/Canal
- Street
- Railroad

Note: The ultimate design and alignment of the proposed Hwy 79 has not yet been adopted and will be determined upon approval of the project by Caltrans and the Riverside County Transportation Commission. The adopted design alternative may result in changes to the circulation network shown on this Figure, including existing and proposed roadway connections in the vicinity of the proposed Hwy 79, and may or may not include the Tres Cerritos Ave offramp.

Figure 4.1
ROADWAY CIRCULATION
MASTER PLAN
 Hemet General Plan



AGENDA NO. 5

Staff Report

TO: Honorable Chairman and Members of the Planning Commission

FROM: Deanna Elliano, Community Development Director 
Thomas D. Jex, Assistant City Attorney

DATE: January 17, 2012

RE: **ZONING ORDINANCE AMENDMENT 12-001 establishing Sex Offender Residency Restrictions in the City of Hemet**
Location: City-wide
Planner: Deanna Elliano, Community Development Director
Description: A city-initiated ordinance of the City of Hemet amending Chapter 90 (Zoning) of the Hemet Municipal Code to add a new Article X entitled "Special Housing Classifications" and adopting Division 3 which establishes Sex Offender Residency Restrictions. This ordinance is a component of the Hemet ROCS (Restoring Our Community Strategy) Program for the City of Hemet.

STAFF RECOMMENDATION

The Planning Department recommends that the Planning Commission:

- 1. Adopt Planning Commission Resolution Bill No. 12-002, APPROVING Zoning Ordinance Amendment No. 12-001, and entitled as follows:**

"A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING CHAPTER 90 (ZONING) OF THE HEMET MUNICIPAL CODE TO ADD A NEW ARTICLE X ENTITLED "SPECIAL HOUSING CLASSIFICATIONS" AND ADOPTING DIVISION 3 WHICH ESTABLISHES SEX OFFENDER RESIDENCY RESTRICTIONS IN THE CITY."

BACKGROUND

In 2006, the voters of the State of California passed Proposition 83, commonly referred to as "Jessica's Law", which provides certain restrictions on where convicted sex offenders can reside in order to better protect the safety and welfare of children in the community. The proposition enacted Penal Code Section 3003.5(b) which prohibits any registered sex offender from residing within 2,000 feet of any public or private school, or any park where children regularly gather. In addition, Penal Code Section 3003.5(a) prohibits a registered sex offender from living with another sex offender while on parole unless the two are related or are living in a state-licensed residential care facilities with six (6) or fewer residents. Subsection (c) of Penal Code Section

3003.5, authorizes municipalities to enact local ordinances that further restrict the residency of any registered sex offender, and several cities and counties in California have adopted additional restrictions. However, case law has established limits on how far a municipality may go in restricting sex offender residency. Ordinances restricting sex offender residency cannot be applied to sex offenders who have already been released on parole or probation at the time the ordinance takes effect. The ordinance can only apply to sex offenders who have not yet been released from custody. But if a sex offender who has already been released from custody is convicted of a new crime (whether a sex crime or not) the Ordinance can then be applied to that sex offender. In addition, a local ordinance cannot be so restrictive as to effectively banish all sex offenders from residing within the municipality.

The Hemet City Council has directed staff and the City Attorney to prepare the attached ordinance imposing additional residency restrictions on sex offenders as a component of the Hemet ROCS (Restoring Our Community Strategy) program.

PROPOSED ORDINANCE DESCRIPTION:

In addition to the existing California Penal Code Section 3003.5 requirements that a registered sex offender is prohibited from residing within 2,000 feet of any school (K-12) or park, the proposed ordinance also restricts sex offenders from living within 2,000 feet of a licensed child care center, the Hemet Public Library, the James Simpson Memorial Center, the Fingerprints Museum or the Police Activities League (P.A.L.) Club, as these are places where children routinely gather in the City of Hemet. Places of residence under the ordinance include single and multi-family dwellings, mobile homes, motels and hotels.

The ordinance also prohibits sex offenders from congregating together in dwellings, motels, hotels or mobile home parks, unless they are related by blood, marriage or adoption. However, pursuant to State law, while a sex offender is on parole they may reside in a State-licensed residential care facility with six or fewer residents, even if the residence is already occupied by a sex offender.

In addition to the requirements imposed upon sex offenders, the ordinance also prohibits a property owner or agent ("Responsible Party") from knowingly renting a dwelling or room to more than one sex offender in accordance with the provisions of this ordinance.

The proposed ordinance is based upon similar ordinances adopted in Riverside County and other California cities. As part of the preparation and analysis of the proposed ordinance, City staff prepared a GIS-based map to identify the locations of all park, school and child care sites identified in the ordinance, and assigned the 2,000 separation requirements to determine if an adequate amount of housing sites were still available for sex offenders to locate, in accordance with state requirements. The analysis determined that a sufficient number of dwellings, motels and hotels were unrestricted and could provide housing opportunities. The map is not included in

this staff report as the information regarding the location of State-licensed residential child care facilities is considered proprietary and not available for public review or publication. The map will be required to be updated on a regular basis to insure accurate implementation of the ordinance.

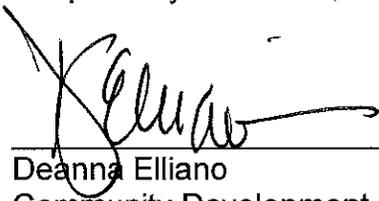
It is the opinion of staff and the City Attorney that the proposed ordinance provides additional protections for the community's youth from sexual predators, and is as restrictive as currently allowed under state law.

IMPLEMENTATION AND ENFORCEMENT:

As noted in the discussion above, the proposed ordinance will only apply to those sex offenders who were released after the effective date of this ordinance, pursuant to state law. However, if a previously released sex offender is convicted of another crime – whether or not it is a sex crime – then the ordinance would then apply to that individual. In addition, even if the proposed ordinance was not applicable to an individual, if the sex offender was released after 2006, the Jessica's Law distance restrictions from parks and schools would still apply.

The Hemet Police Department is the primary implementation and enforcement entity for this ordinance. Much of the enforcement will be accomplished proactively, as sex offenders are required to register their address with the Police Department. The Police will then be able to determine if the address provided is in compliance with the adopted residency restrictions. The ordinance can also be enforced as a result of a complaint or other notification that a sex offender or property owner may be in violation of the ordinance. Persons who violate the ordinance are guilty of a misdemeanor and subject to criminal prosecution and fines.

Respectfully submitted;



Deanna Elliano
Community Development Director

ATTACHMENTS:

1. Planning Commission Resolution Bill No. 12-002
Exhibit A – Proposed City Council Ordinance Bill No. 12-005

Attachment 1

Planning Commission
Resolution Bill No. 12-002



CITY OF HEMET
Hemet, California

RESOLUTION BILL NO. 12-002

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ADDING ARTCILE X ("SPECIAL HOUSING CLASIFICATIONS") TO CHAPTER 90 (ZONING) TO THE HEMET MUNICIPAL CODE REGARDING RESIDENCY RESTRICTIONS FOR SEX OFFENDERS AS AN ELEMENT OF THE HEMET RESTORING OUR COMMUNITIES STRATEGY (HEMET ROCS) PROGRAM

WHEREAS, pursuant to Government Code sections 65854 and 65855, the Planning Commission has the authority to review and make recommendations to the City Council regarding amendments to the City's zoning ordinances; and

WHEREAS, on January 7, 2012, the City gave public notice by publishing notice in the Press Enterprise of the holding of a public hearing at which the amendment to the City's zoning ordinances would be considered; and

WHEREAS, on January 17, 2012 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the proposed amendment to the City's zoning ordinance and at which time the Planning Commission considered the proposed amendment to the City's zoning ordinance; and

WHEREAS, the City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect of the environment; and

WHEREAS, attached as Exhibit "A" is the proposed Ordinance.

Planning Commission Resolution Bill No. 12-002
ZONING ORDINANCE NO. 12-001
SPECIAL HOUSING CLASSIFICATIONS

1 **NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF HEMET**
2 **DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:**

3 **SECTION 1. ENVIRONMENTAL FINDINGS.**

4 The Planning Commission, in light of the whole record before it, including but not limited
5 to, the City's Local CEQA Guidelines and Thresholds of Significance, the
6 recommendation of the Community Development Director as provided in the Staff
7 Report dated January 17, 2012 and documents incorporated therein by reference, and
8 any other evidence (within the meaning of Public Resources Code § 21080(e) and §
9 21082.2) within the record or provided at the public hearing of this matter, hereby finds
10 and determines as follows:

11 1. CEQA: The City has analyzed this proposed project and has determined
12 that it is exempt from the California Environmental Quality Act ("CEQA") under section
13 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects
14 that have the potential for causing a significant effect on the environment. Where, as
15 here, it can be seen with certainty that there is no possibility that the activity in question
16 may have a significant effect on the environment, the activity is not subject to CEQA.
17 The addition of this section to Chapter 90 only relates to residency restrictions for sex
18 offenders. It does not relate to any physical project and will not result in any physical
19 change to the environment. Therefore, it can be seen with certainty that there is no
20 possibility that this Ordinance may have a significant adverse effect on the environment,
21 and therefore the adoption of this Ordinance is exempt from CEQA pursuant to Section
22 15061(b)(3) of the CEQA Guidelines.

23 **SECTION 2. ZONING ORDINANCE AMENDMENT FINDINGS**

24 According to Hemet Municipal Code section 90-41.5(a), the Planning
25 Commission makes the following findings with respect to this zoning ordinance
26 amendment:

- 27 1. *The zoning ordinance amendment is in conformance with the latest*
28 *adopted general plan for the City.*

29 The zoning ordinance is in conformance with the latest adopted general plan for
30 the City in that placing restrictions on sex offender residency does not conflict
31 with any allowable uses in the land use element and does not conflict with any
32 policies or programs in any other element of the general plan. The City is
33 authorized to adopt this zoning ordinance by Penal Code Section 3003.5(c).

- 34 2. *The zoning ordinance amendment will protect the public health, safety and*
35 *welfare.*

36 The zoning ordinance will protect the public health, safety and welfare in that sex
37 offender residency restrictions will help protect the City from sex offenders who

Planning Commission Resolution Bill No. 12-002
ZONING ORDINANCE NO. 12-001
SPECIAL HOUSING CLASSIFICATIONS

1 have a dramatically higher recidivism rate for their crimes than any other type of
2 violent felon. This ordinance will protect the health, safety and welfare by limiting
3 the ability of sex offenders to reside in clusters. Further, the zoning ordinance
4 prohibits sex offenders from residing too closely to locations where children are
5 frequently present and therefore will assist in keeping sex offenders away from
6 the most vulnerable members of society.

7 **SECTION 3. PLANNING COMMISSION RECOMMENDATIONS.**

8 The Planning Commission hereby takes the following action:

- 9 1. The Planning Commission approves Resolution Bill No. 12-002 recommending
10 that the City Council adopt the proposed Ordinance which is attached hereto and
11 incorporated herein by reference as Exhibit "A."

12 **PASSED, APPROVED, AND ADOPTED** this 17th day of January, 2012 by the
13 following vote:

14 AYES:

15 NOES:

16 ABSTAIN:

17 ABSENT:

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John Gifford, Chairman
Hemet Planning Commission

ATTEST:

Nancie Shaw, Records Secretary
Hemet Planning Commission

Planning Commission Resolution Bill No. 12-002
ZONING ORDINANCE NO. 12-001
SPECIAL HOUSING CLASSIFICATIONS

Exhibit A

Proposed
City Council
Ordinance Bill No. 12-005



**CITY OF HEMET
Hemet, California**

ORDINANCE BILL NO. 12-005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA ADDING ARTICLE X ("SPECIAL HOUSING CLASIFICATIONS") TO CHAPTER 90 OF THE HEMET MUNICIPAL CODE AND ADOPTING RESIDENCY RESTRICTIONS FOR SEX OFFENDERS, AN ELEMENT OF THE HEMET RESTORING OUR COMMUNITIES STRATEGY (HEMET ROCS) PROGRAM.

WHEREAS, on November 7, 2006, the voters of the State of California overwhelmingly approved Proposition 83, the Sexual Predator Punishment and Control Act, commonly referred to as Jessica's Law, so as to better protect Californians, and, in particular, the children of this State from sex offenders; and

WHEREAS, Proposition 83 enacted subsection (b) of the Penal Code Section 3003.5 which prohibits any registered sex offender from residing within 2,000 feet of any public or private school, or any park where children regularly gather; and

WHEREAS, subsection (a) of Penal Code Section 3003.5 prohibits any person who is released on parole for a crime for which he or she must register as a sex offender from living in a single-family dwelling with another sex offender during his or her parole, unless those individuals are related; and

WHEREAS, subsection (c) of Penal Code Section 3003.5, authorizes municipal jurisdictions to enact local ordinances that further restrict the residency of any registered sex offender; and

**CITY OF HEMET ORDINANCE BILL NO. 12-005
ZONING ORDINANCE AMENDMENT NO. 12-001
SPECIAL HOUSING CLASSIFICATIONS**

1 **WHEREAS**, Riverside County and cities surrounding Hemet have enacted
2 ordinances restricting the residency of sex offenders, which may result in Hemet
3 becoming a refuge for sex offenders; and

4 **WHEREAS**, sex offenders have a dramatically higher recidivism rate for their
5 crimes than any other type of violent felon. According to a 1998 report by the U.S.
6 Department of Justice, sex offenders are the least likely to be cured and the most likely
7 to reoffend, and they prey on the most innocent members of our society. More than
8 two-thirds of the victims of rape and sexual assault are under the age of 18; and,

9 **WHEREAS**, the City is concerned with recent occurrences, within the City and
10 elsewhere in California, where multiple registered sex offenders have been residing in
11 clusters; and

12 **WHEREAS**, the City further finds that California State licensed day care facilities
13 are necessarily included as places where children frequently gather; and

14 **WHEREAS**, Article XI, Section 7 of the California Constitution authorizes the City
15 to enact and enforce ordinances that regulate conditions which may be public nuisances
16 or health hazards, or that promote social, economic or aesthetic considerations; and

17 **WHEREAS**, California Government Code section 38773.5 authorizes cities to
18 pass ordinances that provide for the recovery of attorneys' fees in any action,
19 administrative proceeding, or special proceeding to abate a nuisance.

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CITY OF HEMET ORDINANCE BILL NO. 12-005
ZONING ORDINANCE AMENDMENT NO. 12-001
SPECIAL HOUSING CLASSIFICATIONS

1 alternative summary and pasting procedure authorized under Government Code
2 Section 39633(c).

3 **INTRODUCED** at the regular meeting of Hemet City Council on _____ 2012.

4
5 **APPROVED AND ADOPTED** this ____ day of _____ 2012.

6
7 _____
8 **Robert Youssef, Mayor**

9 **ATTEST:**

APPROVED AS TO FORM:

10 _____
11 **Sarah McComas, City Clerk**

_____ **Eric S. Vail, City Attorney**

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**CITY OF HEMET ORDINANCE BILL NO. 12-005
ZONING ORDINANCE AMENDMENT NO. 12-001
SPECIAL HOUSING CLASSIFICATIONS**

1 State of California)
2 County of Riverside)
3 City of Hemet)

4 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the
5 foregoing Ordinance was introduced and first read on the ___ day of _____ 2012,
6 and had its second reading at the regular meeting of the Hemet City Council on the ___
7 day of _____, 2012, and was passed by the following vote:

8 **AYES:**

9 **NOES:**

10 **ABSTAIN:**

11 **ABSENT:**

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Sarah McComas, City Clerk

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**CITY OF HEMET ORDINANCE BILL NO. 12-005
ZONING ORDINANCE AMENDMENT NO. 12-001
SPECIAL HOUSING CLASSIFICATIONS**

- 5 -

EXHIBIT "A"

ARTICLE X. SPECIAL HOUSING CLASSIFICATIONS

DIVISION 1. Reserved

90-271 - 290 Reserved

DIVISION 2. Reserved

90-291 - 310 Reserved

DIVISION 3. Sex Offender Residency Restrictions

90-311 Definitions

90-312 Sex Offender Residency Restrictions

90-313 Responsible Party Rental Restrictions

90-314 Exception

90-315 Offenses Constituting Nuisances

90-316 Nuisances; Recovery of Abatement Expenses

90-317 Penalties

90-318 Criminal Penalties Do Not Satisfy Administrative Or Civil Actions

90-319 Application of This Division

DIVISION 3. SEX OFFENDER RESIDENCY RESTRICTIONS

SECTION 90-311. Definitions

To the extent terms defined in Section 90-4 of this Code are used in this Division, those terms shall be defined as stated in Section 90-4. For the purpose of this Division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

a. "Child" or "Children" shall mean any person(s) under the age of eighteen (18) years of age.

b. "Child Care Center" shall mean any State of California, Department of Social Services licensed facility that provides non-medical care to children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four (24) hour basis, including but not limited to a family day care home, infant center, preschool, extended-day care facility, or school-age child care center.

c. "Dwelling" means a building, or portion thereof, designed or occupied for residential purposes, including but not limited to single-family homes, duplex buildings, apartment buildings, condominium buildings, and mobile homes, but not including a hotel or motel.

d. "Owner's Authorized Agent" shall mean any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust or the manager, lessee, agent, servant, office or employee authorized to act for the owner of a property.

e. "Park" shall include those areas, whether publicly or privately owned, in which the public may engage in recreational, cultural, or community service activities, including, but not limited to, playgrounds, athletic fields and grounds, swimming pools, and dog parks, where children regularly gather.

f. "Property Owner" as applied to buildings and land shall mean the owner of record of any parcel of real property as designated on the county assessor's tax roll, or a holder of a subsequently recorded deed to the property, and shall include any part owner, joint owner, tenant, tenant in common, or joint tenant, of the whole or part of such a building or land.

g. "Reside" means to occupy for any period of time pursuant to a legal right obtained as of a certain date.

h. "Responsible Party" shall mean the property owner and/or the owner's authorized agent.

i. "School" shall mean any public or private school with one or more grades kindergarten through 12.

j. "Sex Offender" means any person for whom registration is required pursuant to Section 290 of the California Penal Code.

k. "State-Licensed Residential Care Facility" means a facility in which six or fewer individuals with a disability or children reside that provides onsite care, treatment or other services to its residents and that is required to be and is licensed by the State of California. State- licensed residential care facilities include without limitation the following, provided the

number of residents does not exceed six: intermediate care facilities for the developmentally disabled (Health & Safety Code § 1267.8(c)); congregate living health facilities (Health & Safety Code §§ 1267.8(c), 1267.16(a)); residential community care facilities, including foster family homes, small family homes, social rehabilitation facilities, community treatment facilities, and transitional shelter care facilities (Health & Safety Code §§ 1502, 1566.3); residential care facilities for persons with chronic life-threatening illnesses (Health & Safety Code § 1568.0831); residential care facilities for the elderly (Health & Safety Code § 1569.85); pediatric day health and respite care facilities (Health & Safety Code § 1761.4).

SECTION 90-312. Sex Offender Residency Restrictions.

a. As provided for in Penal Code Section 3003.5(b), as it may be amended from time to time, a sex offender shall not reside within two thousand (2,000) feet of any school or park .

b. A sex offender shall not reside in a dwelling, hotel or motel within two thousand (2,000) feet of the closest property line of a lot containing a child care center, the James Simpson Memorial Center, the Hemet Public Library, the Hemet Police Activities League (P.A.L.) Club, or the Fingerprints Youth Museum. A lot shall be considered to be within two thousand (2,000) feet of a child care center if its property line closest to a child care center falls within two thousand (2,000) linear feet of the property line of the child care center. In the case of a hotel or motel, the two thousand (2,000) feet shall be measured using the closest property line of the hotel or motel, and not the room in which the sex offender resides. In the case of a mobile home park, the two thousand (2,000) feet shall be measured using the property line of the mobile home park nearest to the space or unit in which the sex offender resides.

c. A sex offender shall not reside in a dwelling already occupied by another sex offender, unless those sex offenders are legally related by blood, marriage or adoption.

d. A sex offender shall not reside in a dwelling located within a mobile home park if any other dwelling located within the same mobile home park is already occupied by a sex offender.

e. A sex offender shall not reside in a guest room of a hotel or motel if that guest room is already occupied by a sex offender, unless those sex offenders are legally related by blood, marriage or adoption.

f. A sex offender shall not reside in a guest room of a hotel or motel if another guest room in the hotel or motel is already occupied by a sex offender.

Section 90-313. Responsible Party Rental Restrictions.

a. A responsible party shall not knowingly rent a dwelling to, or allow occupancy of a dwelling by, more than one (1) sex offender at the same time, unless those persons are legally related by blood, marriage or adoption.

b. A responsible party shall not knowingly rent a guest room in a hotel or motel to, or allow occupancy of a guest room in a hotel or motel by, more than one (1) sex offender at the same time, unless those persons are legally related by blood, marriage, or adoption.

c. A responsible party shall not knowingly rent more than one (1) guest room in a hotel or motel to, or allow occupancy of more than one (1) guest room in a hotel or motel by, sex offenders at the same time.

d. A responsible party shall knowingly rent more than one (1) mobile home in a mobile home park to, or allow occupancy of more than one (1) mobile home in a mobile home park by, sex offenders at the same time.

SECTION 90-314. Exception.

Notwithstanding Sections 90-312 and 90-313, and as required by Penal Code Section 3003.5(a), a sex offender on parole may, during the period of parole, reside in a state-licensed residential care facility with six or fewer residents even if the facility is already occupied by a sex offender.

SECTION 90-315. Offenses Constituting Nuisances.

Any dwelling, hotel, motel, or mobile home park operated or maintained in a manner inconsistent with the occupancy requirements of this Division or the restrictions of Penal Code section 3003.5 is declared to be unlawful and is defined as and declared to be public nuisances per se that are injurious to the public health, safety, and welfare.

SECTION 90-316. Nuisances; Recovery of Abatement Expenses.

In any action or proceeding to enforce the provisions of this Division, the prevailing party will be entitled to recovery of all costs, attorney's fees and expenses, to the extent provided for in Section 1-8 of this code.

SECTION 90-317. Penalties.

Every person who violates any provision of this Division shall be guilty of a misdemeanor and shall be subject to the penalties as set forth in Section 1-8. Each day that such violation exists shall be deemed a new and separate offense.

SECTION 90-318. Criminal Penalties Do Not Satisfy Administrative Or Civil Actions.

Neither the arrest, prosecution, conviction, imprisonment, or payment of any fine for the violation of this Division shall satisfy or diminish the authority of the City to institute administrative or civil actions seeking enforcement of any or all of the provisions of this Division.

SECTION 90-319. Application of This Division.

Notwithstanding anything to the contrary contained herein, this Division shall only apply to:

- a. Sex offenders who were released from custody for any criminal offense on or after the effective date of this Division.
- b. Responsible parties who rent to, or allow occupancy by, sex offenders subject to this Division on or after the effective date of this Division.
- c. Nothing in this Division is intended to limit the obligations of a sex offender to comply with the requirements of state law, including but not limited to Penal Code Section 3003.5.