

PLANNING COMMISSION

AGENDA

REGULAR MEETING OF THE HEMET PLANNING COMMISSION

City Council Chambers

450 East Latham Avenue, Hemet CA 92543

June 19, 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 Vince Overmyer, and Commissioners Nasser Moghadam, Michael Perciful, and Greg Vasquez

Invocation and Flag Salute: Commissioner Perciful

2. INTRODUCTION OF ASSISTANT CITY ATTORNEY STEVEN MCEWEN

3. APPROVAL OF MINUTES:

- A. Minutes of the May 1, 2012 Meeting
- B. Minutes of the May 15, 2012 Meeting

4. PUBLIC COMMENTS:

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

PUBLIC HEARINGS

Meeting Procedure for Public Hearing Items:

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

5. CONDITIONAL USE PERMIT NO. 12-003: FITNESS 19

APPLICANT: 1950 West Florida LLC
AGENT: Mitchell Gardner – The G2 Company
LOCATION: 1986 West Florida Avenue
PLANNER: Carole L. Kendrick – (951) 765-2375

DESCRIPTION: A request for Planning Commission review and approval of a minor Conditional Use Permit for the operation of a 7,600 square-foot fitness center located in the existing Boardwalk commercial shopping center on the north side of Florida Avenue, east of Gilmore Street and west of Lyon Avenue, with consideration of an environmental exemption pursuant to CEQA Guidelines Section 15301.

Recommended Action:

1. **Adopt Planning Commission Resolution Bill No. 12-013, entitled:**

“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 12-003 FOR THE OPERATION OF A 7,600 SQUARE FOOT FITNESS CENTER LOCATED ON THE NORTH SIDE OF FLORIDA AVENUE, EAST OF GILMORE STREET AND WEST OF LYON AVENUE (APN 448-440-028 and -030).”

2. **Direct staff to file a Notice of Exemption with the County Clerk.**

WORK STUDY SESSION

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

6. **UPDATE ON PLANNING APPLICATIONS AND WORK PROGRAMS** - Verbal report by Community Development Director Elliano

Recommended Action: Informational purposes only

DEPARTMENT REPORTS

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

8. **COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**
 - A. Verbal Report on City Council actions from the May 22 and June 12, 2012 meetings
 - B. Cancellation of the July 3, 2012 Commission Meeting
 - C. Update on Shopping Cart Containment Compliance

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

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

11. **FUTURE AGENDA ITEMS:** *Items to be scheduled for upcoming Planning Commission Meetings*
 - A. North Hemet Specific Plan Work Study
 - B. Report on Industrial Development Opportunities
 - C. Proposed Fence Ordinance – Part II
 - D. Temporary Sign Provisions – Part II

12. **ADJOURNMENT:** To the regular meeting of the City of Hemet Planning Commission scheduled for **July 17, 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 #3A

PLANNING COMMISSION

MEETING MINUTES

DATE: May 1, 2012

CALLED TO ORDER: 6:00 P.M.

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

1. CALL TO ORDER:

PRESENT: Chairman John Gifford, Vice Chairman Vince Overmyer, and Commissioners Nassar Moghadam, Michael Perciful, and Greg Vasquez

Invocation and Flag Salute: Commissioner Overmyer

2. INTRODUCTION OF NEW PLANNING COMMISSIONERS

Community Development Director (CDD) Deanna Elliano introduced Greg Vasquez, who was nominated for the Planning Commission by Hemet City Council Member Linda Krupa. Mr. Vasquez is a 13-year resident of Hemet, has a Master's degree in public administration from USC and is a graduate of the FBI National Academy. Having spent over 30 years in law enforcement and presently a businessman and owner of multiple McDonalds restaurants in town, he brings a wealth of experience that is potentially helpful to the Commission. He feels it is important that Hemet follows a path to achieve orderly and compatible development which would create livable neighborhoods, support economic development, and sustain a high quality of life for the Hemet community.

3. OATH OF OFFICE FOR COMMISSIONER VASQUEZ

Minutes Clerk Rebecca Allen administered the oath of office for Commissioner Vasquez.

4. NOMINATION AND ELECTION OF PLANNING COMMISSION CHAIR FOR 2012 – 2013

It was **MOVED** by Commissioner Overmyer and **SECONDED** by Commissioner Moghadam to **NOMINATE** current Chairman, John Gifford to serve as the Planning Commission Chairman for the 2012-2013 term of office.

1 The MOTION was carried by the following vote:
2

3 **AYES:** Commissioners Vince Overmyer, Michael Perciful, Nasser Moghadam
4 and Greg Vasquez

5 **NOES:** None

6 **ABSTAIN:** Commissioner Gifford

7 **ABSENT:** None
8

9 **5. NOMINATION AND ELECTION OF PLANNING COMMISSION VICECHAIR FOR**
10 **2012 – 2013**
11

12 It was **MOVED** by Commissioner Moghadam and **SECONDED** by Commissioner
13 Vasquez to **NOMINATE** Commissioner Vince Overmyer to serve as Commission Vice
14 Chairman for the 2012 – 2013 term of office.
15

16 The MOTION was carried by the following vote:
17

18 **AYES:** Chairman John Gifford, Commissioners Michael Perciful, Nasser
19 Moghadam and Greg Vasquez

20 **NOES:** None

21 **ABSTAIN:** Commissioner Vince Overmyer

22 **ABSENT:** None
23

24 **6. APPROVAL OF MINUTES**
25

26 There were no Minutes on the agenda for approval.
27

28 **7. PUBLIC COMMENTS**
29

30 There were no members of the public who wished to address the Commission
31 regarding items not on the agenda.
32
33
34

35 **PUBLIC HEARINGS**
36

37 **8. ZONE CHANGE NO. 12-001 (ESPLANADE COMMERCE CENTER)**
38

39 **APPLICANT:** Jose and Maria Cuevas

40 **LOCATION:** 463 W. Esplanade Avenue

41 **PLANNER:** Soledad Carrisoza, Planning Technician
42

43 **DESCRIPTION:** A request for Planning Commission review and recommendation
44 to the City Council regarding a zone change from M1 (Light-Manufacturing) to CM
45 (Commercial Manufacturing) on the northwest portion (approx. 1.62 acres) of a
46 parcel with an existing 16,200 square-foot commercial building, located on the
47 south side of Esplanade Avenue approximately 1.5 blocks (900 feet) west of State
48 Street.
49
50

The staff report was presented by Planning Technician Soledad Carrisoza, who provided a Power Point display and asked for comments from the Commission.

1 Chairman Gifford asked for information regarding types of tenants to be considered.
2
3 Planning Technician Carrisoza explained that the change of zone would allow more
4 types of businesses as tenants, noting that there was a long list of uses that would
5 become available with approval of the zone change, as noted in the attachment to the
6 staff report of the C-M zone.
7
8 Commissioner Overmyer referred to the land behind the existing buildings and inquired
9 about access into the property. He noted that the change would attract, retain and
10 expand businesses, but expressed concern about businesses that may do the
11 opposite, such as kennels or adult businesses, which might have a negative effect.
12
13 Planning Technician Carrisoza responded that such businesses would require a
14 conditional use permit and would be closely reviewed.
15
16 Commissioner Vasquez asked how many suites were currently vacant and available.
17
18 Planning Technician Carrisoza stated there were presently three existing tenants: a
19 health spa; the Bricks and Fig, which is retail; and All Fired Up, a ceramic and glazing
20 retail use. With 11 available suites, she noted that eight remained vacant.
21
22 Commissioner Vasquez wondered what type of prospective clients the owner was
23 hoping to attract.
24
25 Chairman Gifford opened the public hearing and asked the applicant or his
26 representative to approach the lectern.
27
28 Blaine Womer, Womer Engineering, representing the applicant, stated that they
29 concurred with the staff report. Since there were no engineering questions, Mr. Womer
30 introduced Grant Brubaker, the property management representative, to respond to
31 questions about tenants.
32
33 Grant Brubaker of Authority Real Estate advised the Commission that the property
34 owners were attempting to generate a family-themed, service type of business
35 environment. They have had interest from a taco shop fast food restaurant, an
36 insurance company, and a senior financial planning firm. They would also like a martial
37 arts studio, which would fit well with the family theme. He believes that their proximity
38 to the park would make adult-type businesses, liquor stores, etc., infeasible.
39
40 Mr. Brubaker further stated that he had been involved in the original project which built
41 the RV site, so he could offer that the original site plan had a circulation element which
42 included an extension of Tanner Street across the property. They are currently looking
43 to acquire more commercial uses for the front half of the property.
44
45 Chairman Gifford reiterated that his concern is not exclusively that the law prohibits
46 certain activities across from a park, but also that he doesn't want anything that's going
47 to impede the city. He felt that the owners agreed with that sentiment.
48
49 Commissioner Vasquez asked if this was a newly-acquired property.
50 Mr. Brubaker responded that it was recently acquired, explaining that it had been in
trust for a long time and finally the bank gained possession of it before a judicial

1 foreclosure. It was purchased by the current owner in October or November of last
2 year.

3
4 Chairman Gifford asked for clarification from staff as to the leeway the Commission
5 would have to monitor the types of businesses that would go into that location.

6
7 CDD Elliano asked them to refer to their Attachment A, and explained that in the CM
8 zone, the land uses denoted with a "P" are permitted by right. If it has an "A," an
9 administrative use permit requires a limited public hearing notice and approval by the
10 Planning Department. If it has a "C," it is a conditional use permit, which would come
11 back to the Planning Commission. The types of uses that are there currently on the
12 property fall into the general retail use. As long as they are not open past 9:00 p.m.,
13 they are permitted by right. Any intensification or objectionable use would require a
14 conditional use permit, or was not permitted.

15
16 She went on to explain that essentially, a CM zone is a crossover zone that allows a
17 mixture of clean, light industrial uses with some commercial uses. The CM zone is still
18 consistent with the industrial balance of the property, and also consistent with the
19 adjacent CM zone, which is why it would be a good fit for the existing structure as well
20 as the location.

21
22 Chairman Gifford closed the public hearing and asked for further comments from
23 Commissioners. He added that he felt comfortable that the change was in the best
24 interest of the city.

25
26 Commissioner Overmyer felt that potentially objectionable businesses would require a
27 CUP, so he felt comfortable with recommending approval of the change.

28
29 It was **MOVED** by Commissioner Perciful and **SECONDED** by Commissioner
30 Overmyer to adopt *Planning Commission Resolution No. 12-006*, **RECOMMENDING**
31 **APPROVAL** to the City Council of Zone Change No. 12-001.

32
33 The MOTION was carried by the following vote:

34
35 **AYES:** Chairman Gifford, Vice Chairman Overmyer, and Commissioners
36 Moghadam, Perciful, and Vasquez

37 **NOES:** None

38 **ABSTAIN:** None

39 **ABSENT:** None

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41 *(Adopted Planning Commission Resolution No. 12-006)*
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9. GENERAL PLAN AMENDMENTS: Cycle 2 of General Plan Amendments for 2012

A. GENERAL PLAN AMENDMENT NO. 12-002 (AMENDMENT TO THE ADOPTED 2008-2014 HOUSING ELEMENT)

APPLICANT: City of Hemet
LOCATION: City-wide
PLANNER: Nancy Gutierrez, Contract Planner

DESCRIPTION: A request for Planning Commission review and recommendation to the City Council regarding amendments to the adopted 2008-2014 Housing Element to comply with California Housing and Community Development Department conditional certification requirements.

B. GENERAL PLAN AMENDMENT NO. 12-001 (GENERAL PLAN LAND USE MAP REVISIONS)

APPLICANT: City of Hemet
LOCATION: City-wide
PLANNER: Nancy Gutierrez, Contract Planner

DESCRIPTION: A request for Planning Commission review and recommendation to the City Council regarding 2012 Cycle 2 revisions to the General Plan Land Use Map to change land use designation of the following five sites:

Site 1: Amend the designation on approx. 15 acres located on the south side of Stetson Avenue between Palm and Lyon Aves. from High Density Residential to Very High Density Residential.

Site 2: Amend the designation on approx. 5 acres located on the north side of Acacia Ave, approximately 300 feet east of Yale Ave. from Community Commercial and High Density Residential to Very High Density Residential.

Site 3: Amend the designation on approx. 9 acres located on the southeast corner of State St. and Johnston Ave. from High Density Residential to Very High Density Residential.

Site 4: Amend the designation on approx. 4 acres located on the southwest corner of Johnston and Buena Vista Aves. from High Density Residential to Office Professional/Medical.

Site 5: Amend the designation on approximately 1.6 acres located on the north side of Devonshire Ave, approximately 100 feet east of San Jacinto Ave. from Low Density Residential to Office Professional/Medical.

The staff reports were presented by Contract Planner Nancy Gutierrez, who provided a Power Point display regarding the projects.

1 Chairman Gifford explained to the Commission the workings of SCAG, how Hemet got
2 the number of low-income housing unit requirements that were delivered, and how the
3 planning staff and CDD Elliano were able to change the numbers from over 6,000 units
4 to 600 units of low-income housing requirements. He requested questions from the
5 Commissioners.
6

7 Commissioner Moghadam wanted to know the difference in height limits between high
8 density and very high density housing.
9

10 Contract Planner Gutierrez explained that height limits are established by zone, and the
11 very high density housing created with this General Plan does not yet have a zoning
12 category, which would thus be one of the things that will be addressed in the
13 consistency zone work yet to be done.
14

15 Commissioner Overmyer questioned the procedure for siting high density housing,
16 wanting to know how an applicant would receive permitting.
17

18 Contract Planner Gutierrez responded that high density uses can be put in a high
19 density zone, with the only requirement being the zoning of the land, site design, and
20 architecture.
21

22 Commissioner Overmyer inquired regarding the very high density traffic with the limited
23 access for Site 2 on Yale Street.
24

25 Contract Planner Gutierrez stated the project would have to meet certain site
26 development standards, and that the applicant would have to purchase some adjoining
27 property to open up access.
28

29 CDD Elliano suggested that it would be best if the two property owners worked together
30 to create two points of access because fire and police would require such to serve that
31 property.
32

33 Commissioner Vasquez commended the staff on their efforts to meet the RHNA
34 standards and their selection of sites that provide public transportation and amenities
35 for the low income and very low income residents.
36

37 Chairman Gifford asked if the request to change the density adjacent to the Yale Street
38 site was to be considered today.
39

40 CDD Elliano responded that the request had just been received today, so staff's
41 recommendation is that it not be included at this time, since there has not been an
42 adequate assessment of the request. The owner could pursue a general plan
43 amendment application at a later date when they have a project.
44

45 Chairman Gifford asked if there were any public comments, and seeing none, asked for
46 further comments from Commissioners. He expressed his agreement with
47 Commissioner Vasquez' statement regarding staff's efforts, and stated that he would
48 have no problem recommending the proposal for Council approval.
49

50 Commissioner Overmyer agreed that the proposal would benefit property values.

1 CDD Elliano explained that even though there are five sites in Item B, the Commission
2 was free to make a recommendation that combines the five sites with their adoption of
3 Planning Commission Resolution Bill No. 12-011. If they wish to omit any sites from
4 their recommendation, however, a site-by-site recommendation would be appropriate.
5

6 It was **MOVED** by Vice Chairman Overmyer and **SECONDED** by Commissioner
7 Perciful to adopt *Planning Commission Resolution Bill No. 12-012*, **RECOMMENDING**
8 **APPROVAL** to the City Council of General Plan Amendment No. 12-002.
9

10 The MOTION was carried by the following vote:
11

12 **AYES:** Chairman Gifford, Vice Chairman Overmyer, and Commissioners
13 Moghadam, Perciful, and Vasquez

14 **NOES:** None

15 **ABSTAIN:** None

16 **ABSENT:** None
17

18 ***(Adopted Planning Commission Resolution No.12-007)***
19

20 It was **MOVED** by Vice Chairman Overmyer and **SECONDED** by Commissioner
21 Vasquez to adopt *Planning Commission Resolution Bill No. 12-011*, **RECOMMENDING**
22 **APPROVAL** to the City Council of General Plan Amendment No. 12-001, including
23 Sites 1 through 5.
24

25 The MOTION was carried by the following vote:
26

27 **AYES:** Chairman Gifford, Vice Chairman Overmyer, and Commissioners
28 Moghadam, Perciful, and Vasquez

29 **NOES:** None

30 **ABSTAIN:** None

31 **ABSENT:** None
32

33 ***(Adopted Planning Commission Resolution No.12-008)***
34

35 **10. ZONING ORDINANCE AMENDMENT NO. 12-002 (BOARDING HOUSES,**
36 **GROUP HOMES AND REASONABLE ACCOMMODATION PROCEDURES)**
37

38 **APPLICANT:** City of Hemet

39 **LOCATION:** City-wide

40 **PLANNER:** Deanna Elliano, Community Development Director
41

42 **DESCRIPTION:** A request for Planning Commission review and recommendation
43 to the City Council regarding a city-initiated ordinance amending Chapter 90
44 (Zoning) of the Hemet Municipal Code by repealing and readopting zoning and
45 development regulations for Boarding Houses and Group Homes and adopting new
46 reasonable accommodation procedures. This ordinance is a component of the
47 Hemet ROCS (Restoring our Community Strategy) Program for the City of Hemet
48 (Ordinance Bill No. 12-034.)
49
50

The staff report was presented by CDD Elliano, who provided a Power Point display regarding the project.

1
2 Chairman Gifford commented that he did not see many changes for the small group
3 home permit regarding some of the uses, noting that an administrative use permit was
4 added to one category. He asked of items requiring conditional use permits would be
5 reviewed by the Planning Commission?

6 CDD Elliano responded that they would.

7
8 Chairman Gifford then asked what the Commission's discretion was in either approving
9 or disapproving a Conditional Use Permit for these types of uses.

10
11 City Attorney Jex responded that an application for a Conditional Use Permit has to
12 meet the standard of the normal findings for any Conditional Use Permit, and this
13 ordinance has another layer of additional findings that has to be made for group
14 homes. If facts support that a finding can't be made, the Commission can deny the
15 permit.

16
17 Chairman Gifford then asked how the addition of the small group home permit
18 benefited the City.

19
20 CDD Elliano explained that the city needed to fix the process for these types of facilities
21 or it would continue to have challenges from the state and federal government in terms
22 of fair housing. By adding a number of application requirements and operational
23 standards, the city has a means of identifying who is operating such facilities, what
24 population they're serving, and where they are located, thereby allowing the city to
25 monitor them on the basis of operational standards. If the standards are not met, the
26 permit can be revoked. If an unpermitted facility is discovered, they can be mandated to
27 cease operations until they are approved through the process, and if they refuse, the
28 city can impose administrative citations.

29
30 Chairman Gifford asked what the downside would be to not adopting the change.

31
32 CDD Elliano responded that it would leave the city more vulnerable to legal challenges
33 than if it were adopted. She explained that the proposed ordinance has more
34 safeguards and requirements than the existing one.

35
36 Commissioner Vasquez asked if there were any sober living facilities in Hemet.

37
38 CDD Elliano responded that there were approximately three state-licensed facilities, as
39 well as two others that had been permitted through the old process. She added that no
40 complaints or difficulties had been associated with any of the existing facilities.

41
42 Commissioner Vasquez asked if the facilities that had been permitted under the old
43 process would need to reapply and comply with the new ordinance requirements.

44
45 CDD Elliano explained that if they had been permitted previously, they would be
46 grandfathered in. However, if a facility was discovered operating without having ever
47 been permitted, it would have to cease operations and apply with the new regulations.

48
49
50 Chairman Gifford opened the public hearing.

1 Linda Krupa, 315 South Juanita Street, Hemet, asked if there was a noticing process
2 for neighbors when a new facility applied for a permit, and if so, what the distance
3 requirements were.
4

5 CDD Elliano replied that with the requirement of an administrative use permit, the
6 notification radius would be 300-feet, and with a conditional use permit, the radius
7 would be 500 to 1,000 feet depending on the size of the parcel. Under state law, if a
8 facility is licensed, there is no notification given. And under the city's small group home
9 permit, there is no notification given.
10

11 Ms. Krupa asked if the city tended to be under more scrutiny from HUD because it
12 accepts CDBG funding.
13

14 CDD Elliano responded that HUD does regular audits, regardless of funding. She
15 explained that even if the city were not a CDBG city, which benefits Hemet by almost
16 \$800,000 per year, it would still be under scrutiny by the state in terms of the zoning
17 and housing element requirements that the state mandates.
18

19 Chairman Gifford closed the public hearing and asked for further comments from the
20 Commission.
21

22 Commissioner Overmyer indicated his support of the project.
23

24 Chairman Gifford indicated that although not much was changed in the ordinance, it
25 had been cleaned up and given more leverage.
26

27 Commissioner Vasquez commented that as the state prisons were releasing more of
28 their inmates to the counties, the counties were in turn releasing them to the cities, and
29 it was his opinion that Hemet had gotten more than its fair share. Many of these people
30 are disabled, due to their alcohol or drug addictions, so it is important to know where
31 and how they are being taken care of.
32

33 Commissioner Perciful stated he had noticed that quite a few group homes had been
34 foreclosed and resold. If the homes don't apply for a permit, he asked how the city
35 would know they existed unless the police or fire departments were called out on an
36 issue.
37

38 CDD Elliano explained that this was an ongoing challenge, but with outreach like
39 Hemet ROCS, hopefully the increased community awareness would inspire notification
40 to the City from neighboring residents, since alternatively, unless there is nuisance
41 behavior happening, city personnel wouldn't necessarily know just from driving by.
42

43 Chairman Gifford agreed and noted that although 999 out of 1,000 would voluntarily
44 comply, there will always be that one that the city must convince to comply.
45

46 It was **MOVED** by Commissioner Moghadam and **SECONDED** by Vice Chairman
47 Overmyer to adopt *Planning Commission Resolution Bill No. 12-002*
48 **RECOMMENDING APPROVAL** to the City Council of Zoning Ordinance Amendment
49 No. 12-002.
50

1 The MOTION was carried by the following vote:
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3 **AYES:** Chairman Gifford, Vice Chairman Overmyer, and Commissioners
4 Moghadam, Perciful, and Vasquez

5 **NOES:** None

6 **ABSTAIN:** None

7 **ABSENT:** None
8

9 *(Adopted Planning Commission Resolution No.12-009)*
10

11 **DEPARTMENT REPORTS**

12
13 **11. CITY ATTORNEY REPORTS:** (None)
14

15 **12. COMMUNITY DEVELOPMENT DIRECTOR REPORTS**

16
17 **A.** Report on City Council actions from the April 24, 2012 meeting.
18

19 CDD Elliano reported that there had been a recommendation for the newest
20 Commissioner, Greg Vasquez, and there were also recommendations on the agenda
21 regarding personnel changes in terms of titles and responsibilities of existing
22 employees, but no changes in terms of compensations.
23

24 The Community Development Department was allocated funding for the equivalent of
25 two existing code enforcement officers under the CDBG program. Also, the city's fiscal
26 stability was discussed, and one of the directives for the City Council for this year was
27 to have a financial policy and general fund reserve balance determined. Therefore,
28 there was an ordinance and policy established setting forth very set and stringent
29 requirements for fiscal stability, a balanced budget, and a reserve to be set aside.
30

31 **13. HEMET ROCS CITIZEN ADVISORY COMMITTEE REPORT**

32 Chairman Gifford reported that April 23rd represented the first working meeting for the
33 Hemet ROCS Citizens Advisory Committee (CAC). The committee reviewed the
34 ordinances discussed by the Planning Commission tonight, but mainly spent time on
35 two ordinances that would be reviewed by the City Council.
36
37

38 The first of those ordinances had to do with drug and gang related nuisances, which
39 would give the police department the opportunity to deal with issues of the community
40 that are gang/drug related and define what a gang-related nuisance would be.
41

42 The second was the abatement of chronic nuisances, such as loud parties, inadequate
43 property maintenance, or blight within the community.
44

45 There was a lot of input from various parts of the community that are represented within
46 the committee by 17 members and two Council liaisons, plus a separate group that the
47 Committee coordinates with, like the City of San Jacinto. They also adopted a Hemet
48 ROCS logo.
49
50

1 **14. PLANNING COMMISSIONER REPORTS**

- 2
3 A. Chairman Gifford (None)
4 B. Vice Chair Overmyer (None)
5 C. Commissioner Moghadam (None)
6 D. Commissioner Perciful
7

8 Commissioner Perciful reported that he had been at a training session regarding
9 housing, and noted that one of the larger lenders was putting forth the effort to
10 streamline their process, in an effort to keep homeowners in their houses longer,
11 especially when they're trying to do short sales.
12

- 13 E. Commissioner Vasquez
14

15 Commissioner Vasquez stated that he was very encouraged that the Hemet ROCS
16 program was working on nuisance recommendations.
17

18 **15. FUTURE AGENDA ITEMS**

- 19 A. Jasmine Gardens CUP
20

21
22 CDD Elliano reported that this item, which had also been reviewed by the Commission
23 on a prior agenda as a work study session, would be on the next agenda. She advised
24 that the developer had held a community outreach meeting that was attended by a
25 number of people with positive results.
26

- 27 B. Report on Industrial Development Opportunities
28 C. Status of Shopping Cart Retrieval Plans and Compliance
29 D. Proposed Fence Ordinance Part II
30 E. Temporary Sign Provisions Part II
31

32 **16. ADJOURNMENT:** It was the consensus of the Planning Commission that the
33 meeting be adjourned at 8:01 p.m. to the regular meeting of the City of Hemet
34 Planning Commission scheduled for **Tuesday, May 15, 2012 at 6:00 p.m.** to be
35 held at the City of Hemet Council Chambers located at 450 East Latham Avenue,
36 Hemet, CA 92543.
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42 _____
43 John Gifford, Chairman
44 Hemet Planning Commission

45 ATTEST:

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

AGENDA #3B

PLANNING COMMISSION

MEETING MINUTES

DATE: May 15, 2012

CALLED TO ORDER: 6:00 P.M.

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

1. CALL TO ORDER:

PRESENT: Chairman John Gifford, Vice Chairman Vince Overmyer, and Commissioners Michael Perciful, Nasser Moghadam, and Greg Vasquez

ABSENT: None

Invocation and Flag Salute: Commissioner Nasser Moghadam

2. APPROVAL OF MINUTES:

A. Minutes of the April 17, 2012 Meeting

It was **MOVED** by Vice Chairman Overmyer and **SECONDED** by Commissioner Moghadam to **APPROVE** the minutes of April 17, 2012, with a correction of the word "Promendate" on Page 2, Line 48, to "Promenade."

AYES: Chairman John Gifford, Vice Chair Vince Overmyer, Commissioners Michael Perciful, Nasser Moghadam

NOES: None

ABSTAIN: Commissioner Greg Vasquez

ABSENT: None

3. PUBLIC COMMENTS:

There were no members of the public who wished to address the Commission regarding items not on the agenda.

PUBLIC HEARINGS

4. CONDITIONAL USE PERMIT NO. 11-004: JASMINE GARDENS SENIOR APARTMENTS

APPLICANT: 1027 Wilshire Associates, LLC
AGENT : Kenneth Bank - Denley Investments
LOCATION: South side of Johnston Avenue, east of Gilbert Street and west of State Street
PLANNER: Carole L. Kendrick, Assistant Planner

DESCRIPTION: A request for Planning Commission review and approval of a Conditional Use Permit for the construction and operation of a 124-unit, three-story senior apartment complex built in two phases, located on Johnston Avenue, east of Gilbert Street and west of State Street, including consideration of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

The staff report was presented by Assistant Planner Carole Kendrick, who displayed a Power Point presentation, and announced that the property owner, applicant, agents, architect and consultant who prepared the initial study were present to answer questions.

Commissioner Vasquez inquired about the Very High Density District, which calls for 30.1 - 45 units per acre in the General Plan, and how that relates to the R-3 zone on the property.

Assistant Planner Kendrick and Community Development Director (CDD) Deanna Elliano explained the zoning requirements and the need for consistency zoning in the updated General Plan. This is five acres of an 11-acre site, which the developers are planning to build out in the future, and the entire 11 acres is designated in the General Plan as City of Hemet Very High Density.

Commissioner Vasquez asked if a lower density was permitted under the Conditional Use Permit, even though it has a General Plan designation of very high density.

CDD Elliano explained that this particular site was not counted as very high density residential in terms of meeting the Regional Housing Needs Assessment (RHNA). It will be included in the overall RHNA numbers, but it doesn't have to count toward the very high density residential. She explained that there will be a couple of inconsistencies during the transition period, which will sometimes require a slight correction to the General Plan, while other times the correction is made to the zoning. Overall, the project is still consistent with the General Plan as the density is not exceeded.

Assistant Planner Kendrick also mentioned that this project was submitted prior to the General Plan being adopted, and under the previous plan it was designated as high density residential.

Vice Chairman Overmyer asked for an explanation regarding the archaeological review.

1 CDD Elliano explained that the Soboba Tribe of Luiseno Indians commented on the
2 Draft Mitigated Negative Declaration and wanted to have a disposition agreement that
3 would provide monitoring of the site at the time of grading, and allow them to claim any
4 human remains or artifacts attributed to the tribe. Even without the agreement, state
5 law mandates that if the grading contractor discovers something of this nature, grading
6 ceases immediately to determine whether or not there are any human artifacts.
7

8 Commissioner Vasquez wanted to know the definition of "senior" housing, to which
9 Assistant City Attorney Jex responded that communities designated for age 55+ were
10 considered to be senior housing, as determined by state law.
11

12 Chairman Gifford requested a synopsis regarding a change of language in the
13 conditions regarding senior property.
14

15 City Attorney Jex replied that they inserted language requiring that this project remain a
16 senior-restricted project. Often in city history senior projects have converted to
17 non-senior status, which is fine, but the requirements for senior-restricted housing are
18 different, usually requiring less parking and producing less traffic and other intense
19 environmental concerns than non-senior housing. The city has adopted an ordinance
20 that requires a review and additional environmental analysis for the increase of people
21 that conversion may cause.
22

23 Chairman Gifford also inquired regarding the imposed public works conditions.
24

25 Assistant Planner Kendrick explained that the applicant had concerns regarding sewer
26 and water conditions, as well as the removal and replacement of the pavement fronting
27 Johnston Avenue. She advised that someone from public works was present and could
28 speak to the issues. She also answered a question from Commissioner Vasquez
29 regarding lot line adjustments, noting that the applicant had submitted the adjustment
30 requesting a change from a north-south to an east-west lot line.
31

32 Chairman Gifford opened the public hearing and invited the applicant to come forward.
33

34 Kenneth Bank, Denley Investment and Management Company, 1710 North McCadden
35 Place, Los Angeles, California 90028, approached the lectern to respond to Chairman
36 Gifford's concerns regarding public works Condition No. 64.
37

38 Mr. Banks stated that after reviewing Condition No. 64 with public works and
39 investigating the condition of Johnston Avenue fronting the project, they had agreed to
40 do a coring test to make sure there was enough asphalt and base to support the traffic
41 demands.
42

43 City Engineer Biagioni added that they would run some tests and possibly modify that
44 condition depending on the results of the testing. At this point, the City does not know
45 what shape the street will be in after construction.
46

47 CDD Elliano recommended the following language: *"Prior to issuance of the Certificate*
48 *of Occupancy, the developer shall test core samples of the pavement to determine the*
49 *structural condition of the pavement and, if necessary, would be required to . . ."* and
50 then continue with the recommended wording.

1 Mr. Bank expressed concern that Condition Nos. 67 and 68 were in conflict. He
2 suggested deleting No. 67 entirely and, based on the discussion with public works,
3 agreed to replace any sidewalk that gets damaged during construction, with inspection
4 by the City Engineer.
5

6 CDD Elliano supplied the language: *"Remove and replace sidewalk and curb and gutter
7 if damaged during construction as determined by the City Engineer."*
8

9 Mr. Bank suggested that Condition Nos. 99 and 101 were also in conflict. Condition No.
10 101 states that "any existing public concrete sewer lines will be replaced," but the
11 developer, in looking at the exhibit from public works, noted that there are no concrete
12 sewer lines, but rather a clay aggregate; therefore, they were requesting deletion of
13 Condition No. 101.
14

15 City Engineer Biagioni stated that the City retains that condition in case there is any
16 uncertainty regarding what type of sewer lines are present.
17

18 Chairman Gifford felt this was an "if" question, and that it simply provided a position that
19 the city could fall back on in the event that concrete pipes were discovered.
20

21 Commissioner Moghadam asked if the sewer was adequate for future expansion on
22 this site and at the street.
23

24 Mr. Bank indicated that when the developer gets to the construction documents, their
25 engineers would be discussing that with the city engineers to make sure there was
26 enough capacity to handle flow. Prior to issuance, those items will be agreed to by the
27 City Engineer and the developer.
28

29 Chairman Gifford indicated that it was part of the CEQA process.
30

31 Mr. Bank advised that they did not want to be subject to the upgrade of the sewer
32 system for the surrounding developments, stating that he did not wish to rebuild a
33 sewer system for 5,000 residents as this project could not afford that expense. He
34 explained that funding for this project would come largely from federal low-income
35 housing tax credits, and that it would remain a senior project because rents would be
36 tied to tax credits and an age restriction of 62 years.
37

38 Commissioner Vasquez asked if there were alternative financing for the project in the
39 event that the anticipated financing fell through.
40

41 Mr. Banks explained that tax credits are given on a competitive basis for the tax
42 application committee, twice per year. He noted that it was their intention to apply at
43 the next round in July 2012, and that if they were not successful they would reapply in
44 Spring of 2013. They are at an advantage since there is currently little competition due
45 to the economy. They will not be securing construction financing, but rather will
46 complete the construction with their own funds.
47

48 Greg Christman, project architect for Denley Investments, Los Angeles, delivered a
49 prepared presentation.
50

1 Commissioner Moghadam inquired about screening for the patios that face the
2 bedrooms of other units, and guardrails, citing concerns for privacy and safety. He also
3 suggested soundproofing for the 16 air conditioning units above the third floor. He
4 inquired regarding whether the roof was designed for the load of eventual solar, and
5 asked if the third floor would be reinforced with concrete since there are residences on
6 top of it. All in all, he felt they had done a fantastic job and stated that he would be
7 comfortable renting a unit there himself. He urged them to start the second phase as
8 soon as possible.

9
10 Chairman Gifford asked if there were plans for a shuffle board area.

11
12 Mr. Christman indicated that the design included a court area that could accommodate
13 shuffle board as well as other recreational endeavors.

14
15 Vice Chairman Overmyer commended the developer on the building finish, the roof
16 line, and the addition of solar, stating that what they had done with the building was
17 remarkable. He asked for clarification regarding the rental pricing for one and two
18 bedroom units.

19
20 Mr. Bank responded that at least 10 percent of the building, in order to be competitive
21 for tax credits, must target individuals that earn 30 percent or less of median income.
22 However, there is typically an annual rent increase. The balance of the building will
23 average 40 to 45 percent of median income. They are planning to use Inland local
24 business in the construction of the project.

25
26 Vice Chairman Overmyer inquired regarding LEED certification.

27
28 Mr. Bank indicated that it was his belief that they would qualify for LEED neighborhood
29 and silver certification, but their task bar was to have the project qualify for Enterprise
30 Communities Green, which is basically equivalent to LEED certification. He noted that
31 the roof was designed for solar, but actual installation would depend on rebate money
32 available.

33
34 CDD Elliano mentioned the WCROG low-interest energy program entitled HERO for
35 commercial and these types of residential uses, as well as homeowners.

36
37 Commissioner Moghadam indicated that if solar were to be utilized on the roof, they
38 would need to add more structure to the roof top.

39
40 Mr. Bank replied that because there are tax credits for solar, it has a benefit to an
41 investor. The problem is that with restricted rents, it is very difficult to carry debt, so it
42 becomes a balancing act. Therefore, at this point they are just looking at including
43 solar power for the common areas in order to reduce that load and the footprint of
44 power usage.

45
46 Commissioner Vasquez asked about management of the complex.

47
48 Mr. Bank responded that there would be an onsite manager and assistant manager, as
49 well as maintenance personnel contracted through a third-party professional
50 management company.

1 Vice Chairman Overmyer inquired about an anti-graffiti condition.

2
3 CDD Elliano responded that the department would be willing to work with them on that
4 issue. She also inquired about the phasing of the project and the drainage swale, as
5 well as the improvements along Johnston Avenue, the curbing, gutter and any
6 landscaping. She asked if they planned to grade the entire five acres at once, with the
7 graded pad left ready for phase two, or if there would be a completely undisturbed
8 portion left for grading when phase two begins.

9
10 Mr. Bank noted that they had not finalized the mechanics of construction yet, as they
11 are first concentrating on the entitlement and financing. However, the first phase will
12 include the three buildings on the eastern end, inclusive of the pool, court and
13 community center and the drive access in the front. He was uncertain about the
14 retention basin, but advised that it would be adequate to handle the storm water
15 draining off the site. They will not grade phase two but will use that area for staging.
16 Once phase one is completed, they will level out phase two and, when ready to begin
17 construction, will grade the area again.

18
19 Commissioner Vasquez requested information on the remaining five acres.

20
21 Mr. Bank said that once phase one was complete and occupied they would develop
22 phase two, and once that is complete and they are comfortable with the build, they
23 would move south and increase the size of both phases one and two, duplicating what
24 is on the north side by continuing the open space in the middle all the way down and
25 having another series of buildings.

26
27 Commissioner Perciful wanted assurance that the drainage would be adequate to
28 handle all the storm water.

29
30 Mr. Bank said the drainage was a type of swale, and that they would be adding some
31 walking trails so that when it's dry, it can be utilized. As it extends towards Gilbert
32 Street, they are dedicating an easement, which will create an amenity for the project.

33
34 Commissioner Moghadam noted that bridges have been added to assist in case of
35 emergency and to communicate between the three buildings.

36
37 Chairman Gifford closed the public hearing, commenting that this was the kind of
38 project he liked to see in Hemet, particularly because of the senior demographic. He
39 asked that CDD Elliano read the language of Condition Nos. 64 and 68, as modified.

40
41 CDD Elliano read into the record as follows:

42
43 **Condition No. 64:** *“Prior to issuance of a Certificate of Occupancy, the*
44 *developer shall test core samples of the pavement and*
45 *determine the structural condition of the pavement, and if*
46 *necessary as determined by the City Engineer, may be*
47 *required to remove and replace the existing street*
48 *pavement fronting the project on Johnson Avenue to the*
49 *center line in accordance with the City of Hemet standards*
50 *and specifications.”* The rest of the language will stay the same.

1 acquainted with many of the Commissioners, and it had been an honor and a privilege
2 to serve the Commission.
3

4 Chairman Gifford expressed appreciation for Attorney Jex's outstanding service, his
5 guidance and instruction, and his sense of humor.
6
7

8
9 **6. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**

10 **A. Verbal Report on City Council actions from the May 8, 2012 meeting.**

11
12 CDD Elliano reported on a work study session concerning Eastern Municipal Water
13 District's proposal to do a test project on an 80-acre pond or depression that exists near
14 Diamond Valley Lake on the east side of the dam, to test the permeability and its
15 impact on the ground water below. If it meets their requirements, then they may move
16 forward with having a permanent recycled water lake and a distribution pipeline,
17 allowing irrigation of golf courses, parks, and other city landscaping. EMWD will be
18 leasing the property from Metropolitan Water District. She explained that because of
19 the city's interest in recreation, City Attorney Vail had drafted a Memorandum of
20 Understanding to ensure that the effort would not prohibit or preclude the ability to
21 someday include recreation. Entitlements would be needed for them to have anything
22 permanent there, and the city would continue to push for recreational opportunities, as
23 there are some recycled lakes that do include such.
24

25
26 Other items on the agenda were two ordinances that had also been reviewed by the
27 Hemet ROCS committee regulating drug and gang nuisance activities on residential
28 properties and the abatement of chronic nuisances, holding property owners more
29 accountable for their rental properties.
30

31 It was also noted that Attorney Jex and CDD Elliano had attended the inauguration of
32 the Armed Forces banners at Gibbel Park, and that installation of the banners along
33 Florida Avenue should now be in process.
34

35 **B. Verbal Report on Western Riverside Council of Governments (WRCOG)
36 Planning Directors Technical Advisory Committee Meeting**
37

38 CDD Elliano advised that every other month, Planning Directors attend a meeting
39 called the WRCOG Technical Advisory Committee. She explained that Hemet is a
40 member of the Southern California Association of Governments, which also includes
41 the counties of Ventura, Los Angeles, Orange and Riverside, but noted that several
42 decades ago the Inland Empire had formed WRCOG (Western Regional Council of
43 Governments) due to the fact that the issues here tend to be quite different than those
44 of the coastal counties.
45

46 CDD Elliano described several items that were discussed at the WRCOG meeting,
47 including a strategic plan which includes economic development, education, health
48 care, transportation, energy, environment, water, and waste water legislation; and a
49 climate action plan dealing with greenhouse gas emissions, that has interns from UCR
50 and Cal Poly working with staff on data collection regarding energy use. She noted this
would benefit Hemet, as it allows the City to utilize funding of a larger organization and
tailor it for their use.

1
2 CDD Elliano advised that Air Quality Management Districts were on their 10th
3 management plan, for which a draft is due this summer that must be approved by the
4 federal government in December of 2012. These issues involve several sources or
5 types of emissions, including: Stationary (power plants, cleaners, etc.); transportation
6 (cars, rail, air, diesel); and private emissions (BBQs, lawn mowers, etc.).
7

8 C. Update on Hemet-Ryan Airport Land Use Sub-Committee Meeting 9

10 CDD Elliano reported on the complexities of the airport runway expansion, noting that
11 Hemet's need for involvement was two-fold: 1) to comment on Cal Fire, making sure
12 Hemet is still a Cal Fire base; and 2) to allow for more jet traffic, particularly since
13 southwest of that area is where the General Plan wishes to establish a business park
14 with high tech industry corporations. She explained that the proposal was to expand
15 the runway by 1,000 feet, from 4,300 feet long to 5,300 feet long, extending 500 feet to
16 the west, working with habitat conservation agencies, and another 500 feet to the east
17 based on the contours of noise and safety, with the real concern being noise.
18

19 Commissioner Moghadam asked how much influence the City of Hemet has on the
20 Airport Land Use Commission.
21

22 CDD Elliano explained that Hemet-Ryan is more of a recreational airport and a Cal Fire
23 base. The ALUC is supportive of expansion to handle more traffic, but it is primarily a
24 cost issue, as funding is dependent upon the volume of traffic. The ALUC is an
25 independent body, but the City Council can vote to overrule their determinations.
26

27 Commissioner Vasquez asked what Supervisor Stone's position was on the airport.
28

29 CDD Elliano responded that he was supportive of it, but that there was the issue of
30 funding.
31

32 D. Cancellation of the June 5, 2012 Commission Meeting 33

34 CDD Elliano advised that, since there were no projects ready for the June 5th meeting,
35 the next Planning Commission meeting would be held on June 19th, 2012.
36
37

38 **7. HEMET ROCS CITIZEN ADVISORY COMMITTEE REPORT:** 39

40
41 Chairman Gifford reported that there had been no meeting since the last report to the
42 Planning Commission, so there was nothing new to report.
43
44

45 **8. PLANNING COMMISSIONER REPORTS:** 46

- 47 A. Chairman Gifford (None)
- 48 B. Vice Chair Overmyer (None)
- 49 C. Commissioner Moghadam
50

Commissioner Moghadam mentioned that there were many businesses along Florida
Avenue that did not have nighttime exterior lighting. He suggested that the lack of

1 lighting caused these areas to appear as if they were a dangerous or hazardous part of
2 town to drive through. He also commended the Fire Department for successfully
3 extinguishing a brush fire that was within 150 feet of his house.
4

- 5 D. Commissioner Perciful (None)
- 6 E. Commissioner Vasquez (None)
- 7
- 8

9 **9. FUTURE AGENDA ITEMS:**

- 10 A. North Hemet Specific Plan Work Study
- 11 B. Report on Industrial Development Opportunities
- 12 C. Status of Shopping Cart Retrieval Plans and Compliance
- 13 D. Proposed Fence Ordinance - Part II
- 14 E. Temporary Sign Provisions - Part II
- 15
- 16
- 17

18 **10. ADJOURNMENT:** It was the consensus of the Planning Commission that the
19 meeting be adjourned at 8:18 p.m. to the regular meeting of the City of Hemet
20 Planning Commission scheduled for **Tuesday, June 19, 2012 at 6:00 p.m.** to be
21 held at the City of Hemet Council Chambers located at 450 East Latham Avenue,
22 Hemet, CA 92543.
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31 _____
32 John Gifford, Chairman
33 Hemet Planning Commission
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37 ATTEST:

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41 _____
42 Nancie Shaw, Records Secretary
43 Hemet Planning Commission
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Staff Report

TO: City of Hemet Planning Commission

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

DATE: June 19, 2012

RE: **CONDITIONAL USE PERMIT NO. 12-003 (FITNESS 19)** – A request for Planning Commission review and approval of a minor Conditional Use Permit for the operation of a 7,600 square foot fitness center located in the Boardwalk commercial shopping center on the north side of Florida Avenue, east of Gilmore Street and west of Lyon Avenue, with consideration of an environmental exemption pursuant to CEQA Guidelines Section 15301.

PROJECT APPLICANT INFORMATION

Applicant: 1950 West Florida, LLC
Agent: Mitchell Gardner – The G2 Company
Project Location: 1986 West Florida Avenue
APN: 448-440-028 and -030

RECOMMENDED ACTION:

The Planning Division recommends that the Planning Commission:

1. **Adopt Planning Commission Resolution Bill No. 12-013** approving CUP 12-003 subject to the Conditions of Approval (Attachment No. 1), and;
2. Direct staff to file a Notice of Exemption with the County Clerk.

BACKGROUND:

Conditional Use Permit No. 06-004 permitting the construction and operation of the Boardwalk commercial shopping center was approved by the Planning Commission by Planning Commission Resolution No. 06-043 on November 7, 2006. The original

Conditional Use Permit included four (4) multi-tenant retail buildings, two (2) major retailers, and two (2) restaurant pads totaling 94,500 square feet.

The initial construction of the shopping center began with Mimi's Restaurant, which was completed in June of 2007. The construction continued with the completion of two (2) of the multi-tenant buildings in November of 2007. The two multi-tenant buildings are currently vacant. The most recent construction concluded in December of 2008 with the opening of Red Robin.

The major pads and two (2) of the retail buildings are under phase 2 of the original entitlement and have not been constructed at this time. Photos of the site and vicinity are shown in Attachments No. 2 and 3.

PROJECT DESCRIPTION:

The Applicant is requesting approval of a Conditional Use Permit for the operation of a 7,600 square foot fitness center located within an existing building in the Boardwalk commercial shopping center at 1986 West Florida Avenue in the C-2 (General Commercial) zone.

The project proposes a tenant improvement that includes interior construction to accommodate the proposed use. The existing 7,600 square foot building shell will include a 4,770 square foot main gym area, a 1,500 square foot group exercise room, restrooms, changing rooms, and an office and reception area. No exterior changes are proposed with the exception of tenant signage, which will be submitted at a later date. Attachment No. 1A provides the site plan and the interior floor layout for the health club.

The tenant proposes a variety of weight training, cardio exercise and group training. The proposed hours of operation are Monday – Friday 5am-10pm and Saturday - Sunday 7am-8pm. Each shift will include 3-5 employees for an overall total of 15 employees.

PROJECT SETTING

The entire center consists of 8.4 acres that are partially developed with existing curb, gutter and sidewalk. The project site is located on the north side of Florida Avenue, east of Gilmore Street and west of Lyon Avenue. Commercial uses exist to the west, east and south and a single-family mobile home park is located to the north.

The project setting can also be seen in the following materials attached to this Project Analysis:

- Aerial Map (Attachment No. 2)
- Photographs of Site (Attachment No. 3)
- Surrounding Zoning Map (Attachment No. 4)

	LAND USE	ZONING	GENERAL PLAN
PROJECT SITE	Boardwalk Commercial Shopping Center	C-2 (General Commercial)	CC (Community Commercial)
NORTH	Mobile Home Park	R-A (Residential - Agricultural)	VHDR (Very High Density Residential 30.1-45 Dwelling Units per Acre)
SOUTH	Commercial Shopping Center including Fallas and DD's Discounts	C-1 (Neighborhood Commercial)	CC (Community Commercial)
EAST	Allen Tire Shop	C-1 (Neighborhood Commercial) and C-2 (General Commercial)	CC (Community Commercial)
WEST	Pep Boys and Burger King	C-2 (General Commercial)	CC (Community Commercial)

ANALYSIS:

Development Review Committee (DRC) Recommendation

The Staff Development Review Committee (DRC) reviewed the project on May 17, 2012. The only concern raised by the DRC included the completion of the slab located on the west side of the southerly trash enclosure (see Condition No. 25). The DRC provided written conditions that have been incorporated into the proposed conditions of approval. The recommended conditions of approval were reviewed with the Applicant as part of the DRC process, and the Applicant has voiced agreement with the recommended conditions. Conditional Use Permit conditions are included as Attachment No. 1 – Exhibit 1B.

The following sections describe the various site elements which are illustrated in Attachment 1A, the Development Plan:

Site Plan/Site Design. The Boardwalk commercial shopping center consists of eight (8) retail commercial buildings totaling 94,500 square feet. The site was designed with a central parking field that is surrounded by retail structures. The first phase of construction was completed in 2008 that consists of two (2) restaurant pads fronting Florida Avenue and two (2) retail shop buildings located to the north of the restaurant pads. The second phase will include the completion of the shopping center with the construction of Shops 3 and 4 and Majors A and B. The proposed fitness center is to be located in Shop 1.

Architecture. The existing design utilizes a contemporary style architecture that includes clay tile roof elements, smooth stucco finishes, arched windows and entry ways, and exposed beams. The varied roofline achieves a sense of a lower building height and reduced massing along Florida Avenue. The existing construction complies with the Commercial Design Guidelines.

Materials and Colors. Exterior finish treatments are comprised of a mixture of smooth finish cement plaster and neutral earth-tone colors. Exterior accents and trim include ceramic tile accents, clay tile roofs, stone veneers, exposed wood rafter tails, and steel trellis.

Lighting. The site has existing lighting that is internal to the project and does not exceed more than one foot-candle outside of the project boundary. The placement of the light standards have been placed so that they do not interfere with the existing landscaping. Staff has reviewed the original photometric plan submitted with Conditional Use Permit No. 06-004 and has determined that adequate lighting has been provided on site for pedestrians to safely navigate in the evening hours.

Circulation and Parking. The project was designed and constructed with a 30-foot wide primary ingress/egress point off of Florida Avenue located central to the site to facilitate vehicular access. The primary drive aisle provides approximately 98 feet of stacking distance between the property line and the parking field, capable of accommodating up to eight (8) cars. This distance is deemed sufficient to prevent vehicles from potentially backing up onto Florida Avenue. In addition, a secondary access point is located on Latham Avenue.

The shopping center currently provides 443 parking spaces. Commercial shopping centers require a minimum of one (1) parking space per 250 square feet of gross floor area. The health club use is required to provide parking spaces at a ratio of one (1) per 500 square feet of gross floor area, plus one (1) parking space per employee. The use as proposed is required to provide 15 parking spaces for customers and 15 parking spaces for employees. The existing parking on site is more than adequate to accommodate the proposed use.

PUBLIC COMMUNICATIONS RECEIVED

Property owners located within a 300 foot radius of the project site were notified of the public hearing on May 31, 2012 with a 10-day hearing notice in addition to a public notice in the Press Enterprise.

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

Staff did receive four (4) agency letters from the following agencies: The Riverside County Flood Control and Water Conservation District, the Department of Transportation, the Soboba Band of Luiseno Indians and the Airport Land Use Commission (ALUC). All the responding agencies had no comment, with the exception of the Airport Land Use Commission. The ALUC comments are discussed further in the Airport Land Use Compatibility section of this staff report.

CONSISTENCY WITH ADOPTED GOALS, PLANS, AND PROGRAMS:

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

General Plan Consistency

The proposed project is in conformance with the General Plan for the City of Hemet. The land use designation for the project site is CC (Community Commercial). The proposed development is consistent with the General Plan Land Use policy (LU-4.3) regarding Infill Development and Re-Use in that the project will occupy an underutilized commercial site and foster future uses that are consistent with the needs of the community. In addition, the project meets the intent of Economic Development Goal LU-13.7 by occupying a vacant, underutilized commercial building.

Zoning Consistency

The project proposes a 7,600 square foot fitness center which is consistent with the purpose of the General Commercial (C-2) zone in providing a use subject to a Conditional Use Permit. The existing structure complies with the setback requirements from all property lines for the proposed use is below the maximum height.

The project meets the development standards of the C-2 Zone as demonstrated in the following table:

DEVELOPMENT STANDARDS	REQUIRED	PROVIDED
Front Setback	7 feet for each 12 feet of building height	180 Feet
Interior Side Setback	0 feet	11 Feet
Rear Setback	10 feet	280 Feet
Building Height	35 Feet Maximum	28 Feet

In conclusion, the proposed project complies with City of Hemet Zoning Code requirements for commercial developments relating to setbacks, building height, parking, lighting and landscaping.

The proposed project also complies with Zoning Code requirements relating to conditional use permits. Findings can be made as follows:

1. *That the proposed location, use and operation of the conditional use is in accord with the objectives of Chapter 90 of the Hemet Municipal Code, the purposes of the zone in which the site is located, is consistent with the General Plan and complies with other relevant city regulations, policies and guidelines.*

The project is subject to, and remains consistent with the Development Standards for the General Commercial (C2) zone. The zoning allows health clubs, subject to a Conditional Use Permit, however, since the project is filling a space in an existing retail center, staff determined that a minor Conditional Use Permit was applicable. The project proposes a 7,600 square foot fitness center within an existing shopping center. The existing building complies with the minimum setbacks from property lines, the height of the building is below the maximum height requirement of the

Hemet Municipal Code, and has a smaller coverage than allowed.

The proposed project is in conformance with the General Plan for the City of Hemet. The land use designation for the project site is Community Commercial (CC). The proposed development is consistent with the General Plan Land Use policy (LU-4.3) regarding Infill Development and Re-Use in that the project will occupy an underutilized commercial site and foster future uses that are consistent with the needs of the community.

Finally, the proposed project is consistent with the Commercial Design Guidelines in that the existing shopping center has contemporary style architecture with multiple planes, varied rooflines and heights, and cornices. The buildings include multi-tonal stucco with stone veneer and rounded clay tile and flat roofs.

2. *That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity.*

The site has been designed to meet all development standards of the C-2 zone district which is intended to protect the public health, safety and welfare. The location of the proposed project complies with development standards, as discussed in the staff report and attachments that are provided to assure that the project and other properties and improvements in the vicinity are compatible, and that the proposed project is not detrimental to the surrounding community.

The location of the buildings will not conflict with on-site circulation since the parking spaces and drive aisles meet the minimum standards. Based on the above, the use will not have a significant impact on, nor be detrimental or injurious to properties or improvements in the vicinity.

3. *That the proposed conditional use will comply with each of the applicable provisions of Chapter 90 of the Hemet Municipal Code and with other relevant city regulations, policies, and guidelines.*

The proposed use of the project site as a health club/gym facility complies with the intent and purpose of the C-2 zone as an area in which health clubs can be located subject to conditions that ensure compatibility with surrounding uses. The applicant has proposed a project that conforms to development standards provided by the zoning code.

Commercial Design Guidelines Consistency

This project complies with the Commercial Design Guidelines in that the existing project provides requisite site planning and architectural elements. Site planning design elements provided include grading that directs runoff away from buildings and into drainage facilities and clearly delineated pedestrian walkways. Architectural design elements provided include focal points, architectural treatments on all elevations; and durable building materials. The variety of materials and forms of the proposed facility also meet the requirements of the guidelines in providing architecture that is not monotonous with a generous play of light and shadow on the building façade.

Furthermore, the proposed commercial development conforms to the development standards for the C-2 (General Commercial) Zone relative to setbacks, building height, walls and landscaping.

Transportation Uniform Mitigation Fee (TUMF)

The existing building was subject to the payment of Western Riverside County Transportation Uniform Mitigation Fee Program (TUMF) pursuant to Chapter 58, Article III, Section 58-70.2(4) of the Hemet Municipal Code. TUMF fees were collected at the issuance of building permits and subject to the rate in effect at the time of issuance.

Multi-Species Habitat Conservation Plan (MSHCP)

The project can be found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area or endemic study area, and general mitigation is provided through payment of the MSHCP Mitigation Fee. MSHCP fees were collected at the issuance of building permits when the building was constructed.

Airport Land Use Compatibility

The project is located east of Gilmore Street and north of Florida Avenue, and is located within the Hemet Ryan Airport Influence Area III. The Airport Land Use Commission (ALUC) is authorized to review legislative projects that include General Plan Amendments, Specific Plans, Specific Plan Amendments and Zone Changes. However, Conditional Use Permits are quasi-judicial and are not subject to Airport Land Use Commission review. Therefore, the project is considered compatible with the Airport Land Use Plan.

Although the project is not subject to ALUC review, a transmittal was provided for ALUC comment. The ALUC has requested that the project be conditioned to limit the occupancy to no more than one person per 30 square feet, in addition to their standard conditions of approval. These are included as Conditions No. 16-17.

CEQA REVIEW

The project is exempt from provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 in that information contained in the project file and documents incorporated herein by reference demonstrates that: Conditional Use Permit No. 12-003 is consistent with the CC (Community Commercial) General Plan designation and all applicable General Plan policies as well as the applicable zoning designation; the proposed project site is located within the boundaries of the City of Hemet; Conditional Use Permit No. 12-003 has no value as habitat for endangered, rare or threatened species; there is no substantial evidence in the record that Conditional Use Permit No. 12-003 will result in significant effects related to traffic, noise, air quality or water quality in that the proposed design incorporates and otherwise is subject to air and water quality resource agency design requirements to avoid any harmful effects; and the site is or can be adequately served by all required utilities and public services. As such, the project meets the criteria for application of a Class 01 (Existing Facilities) Categorical Exemption under the CEQA Guidelines. Additionally, none of the exceptions provided in CEQA Guidelines Section 15300.2 apply to this project.

Furthermore, staff has determined that the proposed project is consistent with a previously adopted Mitigated Negative Declaration (MND) and Mitigation Monitoring Program (MMP) for Conditional Use Permit No. 06-004. The MND and MMP were adopted by the Planning Commission on November 7, 2006 when it approved Resolution No. 06-043 and a Notice of Determination was filed in accordance with CEQA requirements on December 1, 2006. There has been no legal challenge brought against the project or the environmental determination.

REPORT SUMMARY

Conditional Use Permit No. 12-003 proposes the operation of a 7,600 square foot fitness center located within an existing commercial shopping located on the north side of Florida Avenue, east of Gilmore Street and west of Lyon Avenue.

Staff believes that the design proposed by the project adequately conforms to and is consistent with development standards and guidelines provided by the Zoning Ordinance and the Commercial Design Guidelines. For these reasons, and as more fully discussed in the Staff Report and accompanying attachments, the Planning Department

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

Respectfully submitted,

Carole L. Kendrick

Carole L. Kendrick
Assistant Planner

Reviewed by:

Emery J. Papp

Emery J. Papp
Principal Planner

CK

ATTACHMENTS

- 1) Planning Commission Resolution Bill No. 12-013 approving CUP 12-003
Exhibit 1A - Development Plan
Exhibit 1B - Conditions of Approval
- 2) Aerial Map
- 3) Photographs of Site
- 4) Surrounding Zoning Map

INCORPORATED HEREIN BY REFERENCE

City of Hemet General Plan
City of Hemet General Plan EIR
City of Hemet Zoning Ordinance
City Of Hemet Commercial Design Guidelines
Project Site's Riverside County Integrated Plan Multi-Species Habitat Conservation Plan
Summary Report
Contents of City of Hemet Planning Department Project File CUP 06-004 and CUP 12-003
Contents of City of Hemet Building Department Permit File B0702-100

**Attachment
No. 1
Environmental
Resolution Bill No.
12-013**

**Planning Commission
June 19, 2012**



CITY OF HEMET
Hemet, California

RESOLUTION BILL NO. 12-013

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 12-003 FOR THE OPERATION OF A 7,600 SQUARE FOOT FITNESS CENTER LOCATED ON THE NORTH SIDE OF FLORIDA AVENUE, EAST OF GILMORE STREET AND WEST OF LYON AVENUE (APN 448-440-028 and -030).

WHEREAS, an application for Conditional Use Permit No. 12-003 for the operation of a 7,600 square foot fitness center located within the Boardwalk commercial shopping center has been duly filed by:

Applicant: 1950 West Florida LLC
Agent: Mitchell Gardner – The G2 Company
Project Location: North side of Florida Avenue, east of Gilmore Street and west of Lyon Avenue
APN: 448-440-028 and -030

WHEREAS, A Conditional Use Permit Application was submitted for consideration on May 7, 2012, and

WHEREAS, the Planning Commission has the authority per section 90-1531 *et seq.* of the Hemet Municipal Code to take action on Conditional Use Permit No. 12-003 to allow operation of the proposed use; and

WHEREAS, on June 7, 2012, the City gave public notice by advertising in the Press Enterprise and by mailing to property owners within 300 feet, of the holding of a public hearing at which the project would be considered by the Planning Commission; and

WHEREAS, on June 19, 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 Conditional Use Permit and at which the Planning Commission considered the Conditional Use Permit; and

Planning Commission Resolution Bill No. 12-013
CONDITIONAL USE PERMIT NO. 12-003 – FITNESS 19

1 **WHEREAS**, the Community Development Director has reviewed the project's
2 potential effects on the environment and has recommended that the project is
3 categorically exempt from the California Environmental Quality Act ("CEQA") under
4 CEQA Guidelines Section 15301 "Existing Facilities" and that the exceptions to the
5 categorical exemptions contained in CEQA Guidelines section 15300.2 are not
6 applicable to this project.

7
8 **NOW, THEREFORE**, the Planning Commission of the City of Hemet does
9 Resolve, Determine, Find and Order as follows:

10
11 **SECTION 1: ENVIRONMENTAL FINDINGS**

12
13 The Planning Commission, in light of the whole record before it, including but not limited
14 to, the City's Local CEQA Guidelines and Thresholds of Significance, the
15 recommendation of the Community Development Director as provided in the Staff
16 Report dated June 19, 2012 and documents incorporated therein by reference, and any
17 other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2)
18 within the record or provided at the public hearing of this matter, hereby finds and
19 determines as follows:

20
21 1. **CEQA:**

22
23 (a) The project is exempt from provisions of the California Environmental
24 Quality Act (CEQA) under CEQA Guidelines Section 15301 in that
25 information contained in the project file and documents incorporated
26 herein by reference demonstrates that: Conditional Use Permit No. 12-003
27 is consistent with the CC (Community Commercial) General Plan
28 designation and all applicable General Plan policies as well as the
29 applicable zoning designation; the proposed project site is located within
30 the boundaries of the City of Hemet; Conditional Use Permit No. 12-003
31 has no value as habitat for endangered, rare or threatened species; there
32 is no substantial evidence in the record that Conditional Use Permit No.
33 12-003 will result in significant effects related to traffic, noise, air quality or
34 water quality in that the proposed design incorporates and otherwise is
35 subject to air and water quality resource agency design requirements to
36 avoid any harmful effects; and the site is or can be adequately served by
37 all required utilities and public services. As such, the project meets the
38 criteria for application of a Class 01 (Existing Facilities) Categorical
39 Exemption under the CEQA Guidelines. Additionally, none of the
40 exceptions provided in CEQA Guidelines Section 15300.2 apply to this
41 project.

42
43 (b) None of the exceptions to the categorical exemptions contained in CEQA
44 Guidelines Section 15300.2 prevent CEQA Guidelines Section 15301 from
45 exempting the project for the following reasons:

Planning Commission Resolution Bill No. 12-013
CONDITIONAL USE PERMIT NO. 12-003 – FITNESS 19

- 1
2 (i) The project is not a Class 3, 4, 5, 6, or 11 project, and therefore is
3 not subject to the exception pertaining to projects located in
4 particularly sensitive environments.
5
6 (ii) The nature of the project is such that significant cumulative impacts
7 will not occur from successive projects of this type occurring in the
8 same location over time. No information has been presented that
9 this project would have impacts that would contribute to a level of
10 cumulative impacts that would be considered significant.
11
12 (iii) There is no reasonable possibility that unusual circumstances will
13 cause the project to have a significant effect on the environment.
14 No information is known or has been presented to indicate that
15 there are unusual circumstances related to this project that would
16 cause a significant effect.
17
18 (iv) The project will not result in damage to scenic resources within a
19 designated state scenic highway. The project is not located in
20 proximity to such a highway.
21
22 (v) The project site has not been listed as a hazardous waste and
23 substance facility or site by the Department of Toxic Substances
24 Control pursuant to California Government Code Section 659625.
25
26 (vi) The project will not cause a substantial adverse change to the
27 significance of a historical resource. There are no historical
28 resources on the project site.
29

30 The Community Development Director has reviewed the project's potential
31 effects on the environment and has recommended that the project is
32 categorically exempt from the California Environmental Quality Act ("CEQA")
33 under CEQA Guidelines Section 15301 "Existing Facilities", and that the
34 exceptions to the categorical exemptions contained in CEQA Guidelines section
35 15300.2 are not applicable to this project.
36

- 37 2. **Multi-Species Habitat Conservation Plan (MSHCP):** The project is found to be
38 consistent with the MSHCP. The project is located outside of any MSHCP
39 criteria area and mitigation is provided through payment of the MSHCP Mitigation
40 Fee.
41

42 **SECTION 2: REQUIRED CONDITIONAL USE PERMIT FINDINGS**

43

1 Pursuant to Hemet Municipal Code Section 90-1537(c) and in light of the record before
2 it including the staff report dated June 19, 2012 and all evidence and testimony heard at
3 the public hearing of this item, the Planning Commission hereby finds as follows:
4

- 5 1. That the proposed location, use and operation of the conditional use is in accord
6 with the objectives of Chapter 90 of the Hemet Municipal Code, the purposes of
7 the zone in which the site is located, is consistent with the General Plan and
8 complies with other relevant city regulations, policies and guidelines.
9

10 The project is subject to, and remains consistent with the Development
11 Standards for the General Commercial (C2) zone. The zoning allows health
12 clubs, subject to a Conditional Use Permit, however, since the project is filling a
13 space in an existing retail center, staff determined that a minor Conditional Use
14 Permit was applicable. The project proposes a 7,600 square foot fitness center
15 within an existing shopping center. The existing building complies with the
16 minimum setbacks from property lines, the height of the building is below the
17 maximum height requirement of the Hemet Municipal Code, and has a smaller
18 coverage than allowed.
19

20 The proposed project is in conformance with the General Plan for the City of
21 Hemet. The land use designation for the project site is Community Commercial
22 (CC). The proposed development is consistent with the General Plan Land Use
23 policy (LU-4.3) regarding Infill Development and Re-Use in that the project will
24 occupy an underutilized commercial site and foster future uses that are
25 consistent with the needs of the community.
26

27 Finally, the proposed project is consistent with the Commercial Design
28 Guidelines in that the existing shopping center has contemporary style
29 architecture with multiple planes, varied rooflines and heights, and cornices. The
30 buildings include multi-tonal stucco with stone veneer and rounded clay tile and
31 flat roofs.
32

- 33 2. That the proposed location of the conditional use and the conditions under which
34 it would be operated or maintained will not be detrimental to the public health,
35 safety or welfare, nor materially injurious to properties or improvements in the
36 vicinity.
37

38 The site has been designed to meet all development standards of the C-2 zone
39 district which is intended to protect the public health, safety and welfare. The
40 location of the proposed project complies with development standards, as
41 discussed in the staff report and attachments that are provided to assure that the
42 project and other properties and improvements in the vicinity are compatible, and
43 that the proposed project is not detrimental to the surrounding community.
44

1 The location of the buildings will not conflict with on-site circulation since the
2 parking spaces and drive aisles meet the minimum standards. Based on the
3 above, the use will not have a significant impact on, nor be detrimental or
4 injurious to properties or improvements in the vicinity.
5

- 6 3. That the proposed conditional use will comply with each of the applicable
7 provisions of Chapter 90 of the Hemet Municipal Code and with other relevant
8 city regulations, policies, and guidelines.
9

10 The proposed use of the project site as a health club/gym facility complies with
11 the intent and purpose of the C-2 zone as an area in which health clubs can be
12 located subject to conditions that ensure compatibility with surrounding uses.
13 The applicant has proposed a project that conforms to development standards
14 provided by the zoning code.
15

16 **SECTION 3: PLANNING COMMISSION ACTIONS**

17 The Planning Commission hereby takes the following actions:
18

- 19 1. **Approves Conditional Use Permit.** Conditional Use Permit No. 12-003 is
20 hereby approved as shown in Exhibit 1A which is attached hereto and
21 incorporated herein by reference, and subject to the Conditions of Approval in
22 Exhibit 1B which are attached hereto and incorporated herein by reference.
23
24

25 **PASSED, APPROVED, AND ADOPTED** this 19th day of June, 2012 by the
26 following vote:
27

28 AYES:

29 NOES:

30 ABSTAIN:

31 ABSENT:
32
33
34

35 _____
36 John Gifford, Chairman
37 Hemet Planning Commission

38 ATTEST:
39
40

41 _____
42 Nancie Shaw, Records Secretary
43 Hemet Planning Commission

Planning Commission Resolution Bill No. 12-013
CONDITIONAL USE PERMIT NO. 12-003 – FITNESS 19

**Exhibit
No. 1A
Development Plan**

**Planning Commission
June 19, 2012**

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

**Planning Commission
June 19, 2012**



CITY OF HEMET
PROPOSED
CONDITIONS OF APPROVAL

PLANNING COMMISSION DATE: JUNE 19, 2012

PROJECT NO.: **CONDITIONAL USE PERMIT NO. 12-003**
APPLICANT: 1950 West Florida, LLC
AGENT: Mitchell Gardner – The G2 Company
LOCATION: 1986 West Florida Avenue
OCCUPANCY: This project has been reviewed as an “A-3” **Occupancy**; any other use will require further review.

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

STANDARD CONDITIONS

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

General Requirements:

1. **CONDITIONAL USE PERMIT NO. 12-003** shall become null and void on **June 19, 2014** (two calendar years from the date of approval), unless use in reliance on the approved Conditional Use Permit is established prior to the expiration date. A time extension may be granted by the Planning Commission in accordance with Hemet Municipal Code, provided a written request for a time extension is submitted the Planning Department prior to the expiration date. No formal notice of expiration will be given by the City.
2. Approval of **CONDITIONAL USE PERMIT NO. 12-003** shall become effective on **June 29, 2012** unless appealed to the City Council by **June 28, 2012** (10 calendar days after action by the Planning Commission). The appeal shall be in writing and shall be accompanied by the required fee.
3. The conditions of approval of this project shall supersede all conflicting notations, specifications, dimensions, typical sections, and the like, which may be shown on the project development plans.
4. This project site shall be developed in accordance with the approved plan(s) and the conditions contained herein.

City of Hemet - Conditions of Approval
CONDITIONAL USE PERMIT NO. 12-003 – FITNESS 19

5. This project shall comply with all sections of the Zoning Ordinance, Subdivision Ordinance and all other applicable Local, State and Federal laws and regulations in effect at the time of the building permit application and/or time of recordation, including the California Building Code, California Fire Code, and City and State Handicapped Accessibility Requirements (California Code of Regulations, Title 24).
6. Prior to the issuance of building permits, the applicant shall be subject to all applicable development fees at the rate in effect at the time of building permit application for the tenant improvement.
7. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in defense of the Action. (*City Council Resolution No. 3693, 12-17-02*)
8. Construction activity shall meet the requirements of the Hemet Municipal Code Chapter 30, Article II.
9. Parking lot lighting and public common area lighting shall be low pressure sodium and shall be shielded or designed to direct the lighting downward. All lighting shall be adjusted so that all lighting is contained within the boundaries of the site.

Mechanical Equipment:

10. All electrical and mechanical equipment, including but not limited to, air-conditioning units, electrical boxes, transformers, backflow preventers, and roof-mounted equipment shall be visually screened from public view. Screening shall be in accordance with city standards, to the satisfaction of the Planning Department and in compliance with the Building Code.

PLANNING DEPARTMENT CONDITIONS

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

General

11. The original approval Conditional Use Permit No. 06-004 and underlying conditions of approval remain in effect. If there is any conflict between the underlying conditions of approval and the conditions of approval for Conditional Use Permit No. 12-003, the conditions of approval for Conditional Use Permit No. 12-003 shall prevail.

Site Development:

12. Prior to the issuance of a Certificate of Occupancy for the project site or business activity being commenced thereon, pursuant to Conditional Use Permit No. 12-003, all conditions of approval contained herein shall be completed to the satisfaction of the Planning Department.
13. The proposed use shall not operate prior to 7:00 am or after 10:00 pm.
14. Any uses not specifically permitted as part of, or not determined to be in substantial conformance by the Community Development Director, to this Conditional Use Permit No. 12-003 or Conditional Use Permit No. 06-004, shall require submittal and approval of an application for the modification of the Conditional Use Permit.

Signage:

15. Signage is not approved as part of this Project. Signage, in accordance with the Zoning Ordinance, may be approved at a later time under a separate permit.

Airport Land Use:

16. The occupancy shall be limited to no more than one person per 30 square feet of retail area.

17. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.

BUILDING DEPARTMENT CONDITIONS

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

Building Code Requirements

18. The electrical, plumbing and mechanical systems shall be upgraded in accordance with applicable adopted codes, if required as part of the tenant improvement.

Handicap Requirements

19. This project is subject to State Handicapped Accessibility Requirements. (California Code of Regulations, Title 24)
20. Handicapped restrooms shall be provided or installed in accordance with California Code of Regulations, Title 24/California Building Code, Section 1115(b).
21. Handicapped parking and signage shall be provided or installed in compliance with applicable state and city codes, if off-street parking is provided.
22. All entrances and exists shall be handicapped accessible per California Code of Regulations, Title 24.
23. A handicapped accessible pedestrian access to the site shall be provided.

Agency Approvals

24. Prior to the issuance of a building permit, Eastern Municipal Water District approval shall be obtained.

ENGINEERING DEPARTMENT

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

Parking

25. Prior to issuance of a Certificate of Occupancy or the finalization of building permit, complete the trash enclosure by providing a concrete slab from the enclosure to the parking lot to the satisfaction of the City Engineer in accordance with the City of Hemet Standard Specifications for Public Works Construction, Standards R-500 series.

FIRE DEPARTMENT CONDITIONS

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

Unless specifically stated herein, these conditions shall not be construed to permit or allow deviation from any Federal or State laws nor any of the local codes and ordinances adopted by this jurisdiction. Please contact the Hemet Fire Department, Fire Prevention Division for any questions regarding compliance with the applicable codes or following conditions:

Agency Approvals

26. Prior to the issuance of a building permit written proof shall be provided from the water purveyor that sufficient capacity is available for fire protection. The minimum required fire flow for this project is 1750 GPM @ 20psi residual pressure for a duration of 2 hours, per 2010CFC Appendix B. Fire flow and flow duration for buildings without automatic fire protection and having an area in excess of 3,600 square feet shall not be less than specified in Table B105.1.
27. Facilities and equipment used for the storage and handling of flammable or combustible liquids and other hazardous materials (which meet or exceed reportable quantities) as defined by Federal, State and Local Laws shall be approved by the County of Riverside Environmental Health.

General

28. The final Conditions of Approval for this project shall be included in any site plan or construction plans submitted for permit issuance. Plans will not be approved without reference to these "conditions".
29. This project is subject to review and approval in accordance with the California Code of Regulations, Title 19 for Fire and Life Safety. This project may be subject to an annual inspection and permit from the Hemet Fire Department for this type of occupancy (use).
30. Storage of combustible materials shall be in accordance with the 2010 California Fire code, High-Piled storage shall be in accordance with CFC, Chapter 23.

31. Provision for the storage or handling of hazardous materials, as defined by Federal, State, and Local Law, shall be in accordance with CFC, Chapter 27.
32. Storage and handling of flammable and combustible liquids shall be in accordance with the 2010 California Fire Code, Chapter 34 and NFPA 30 (2003), Flammable and Combustible Liquids Code.

Hydrants and Fire Protection Systems

33. In accordance with the 2010 CFC Section 903, as amended and Article II, Chapter 14 of the Hemet Municipal Code, automatic fire sprinklers shall be installed throughout all buildings 3,500 square feet or larger pursuant to NFPA Standards. Systems with 20 heads or more shall be monitored by a UL listed central station alarm system meeting NFPA 72 and City of Hemet requirements.
34. In accordance with the 2010 CFC Section 903, an automatic fire sprinkler system is required throughout all buildings with this occupancy type based on the use(s) proposed. Systems with 20 heads or more shall be monitored by a UL listed central station alarm system meeting NFPA 72 and City of Hemet requirements.
35. In accordance with the CFC Section 904 and CCR Title 19, alternative automatic fire extinguishing systems shall be installed and maintained pursuant to NFPA standards. Prior to installation (or modification) of a fire protection system, complete plans shall be submitted to the City of Hemet Fire Marshal for review and approval.
36. Portable fire extinguishers shall be installed and maintained in accordance with 2010 CFC section 906 and Chapter 3, Title 19 CCR. The type and spacing shall be approved by the City of Hemet Fire Marshal prior to installation.
37. An approved manual, automatic or (manual and automatic) fire alarm/monitoring system shall be installed and tested prior to final inspection in accordance with the 2010 CFC Section 907 and pursuant to NFPA standards. Automatic fire sprinkler systems with 20 heads or more shall be monitored by a UL listed central station meeting the standards of NFPA 72 and City of Hemet requirements.
38. All check valves, post indicator valves, fire department controls, and connections shall be located as required and approved by the Fire Marshal of the City of Hemet. If multiple buildings, each building shall have separate (approved) control valves. A separate permit will be required for all underground piping for fire protection systems.

Miscellaneous

39. Interior finish, decorative materials and furnishings shall be in accordance in 2010 CFC Chapter 8. Classification and acceptance criteria of interior finishes

shall comply with NFPA standards. Interior wall and ceiling finish shall not have a flame spread index greater than that specified in CFC Table 803.3.

40. Prior to the issuance of a Certificate of Occupancy, an electronic version of the final tract map or site plan shall be submitted for fire suppression use. The scale shall be such that the site plan shall be clearly legible, showing all streets, the building footprints and addresses, fire hydrant locations, Knox box locations (if applicable), and access driveways. The format shall be compatible with the latest version of "AutoCAD" or equivalent.
41. No change in use or occupancy shall be made to any existing building or structure unless the means of egress system is made to comply with the requirements for the new use or occupancy in accordance with 2010 CFC Chapter 10.
42. Fire safety during construction and demolition shall comply with 2007 CFC Chapter 14.

POLICE DEPARTMENT CONDITIONS

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

43. Confirmation that a Knox Box exists and is located on the north side of the building for emergency access to the building interior for a Police related emergency.
44. It is suggested that a video surveillance system be installed on or near the building which would provide coverage to the entire building (360 degrees) and have a minimum video retention of 30 days.
45. It is suggested this building be equipped with a burglary alarm system and that proper alarm permits with emergency contacts are available to the Police Department/Alarm Company.

END

Attachment No. 2

Aerial Map

Planning Commission
June 19, 2012

CONDITIONAL USE PERMIT NO. 12-003 AERIAL MAP



Attachment No. 3

Photographs of Site

Planning Commission
June 19, 2012

Conditional Use Permit No. 12-003 Site Photographs



Looking southwest at the front elevation



Looking west at the front elevation



Looking west at the front elevation



Looking southeast and the northern elevation



Looking southeast at the rear elevation



Looking east at the trash enclosure

Attachment No. 4

Surrounding Zoning Map

Planning Commission
June 19, 2012

CONDITIONAL USE PERMIT NO. 12-003 ZONING MAP

