

PLANNING COMMISSION

AGENDA

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

July 17, 2012
6:00 PM

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

1. CALL TO ORDER:

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

Invocation and Flag Salute: Commissioner Vasquez

2. APPROVAL OF MINUTES:

A. Minutes of the June 19, 2012 Meeting

3. PUBLIC COMMENTS:

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

PUBLIC HEARINGS

Meeting Procedure for Public Hearing Items:

1. Receive Staff Report Presentation
2. Commissioners Report Regarding Any Site Visit or Applicant Contact, 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

4. CONDITIONAL USE PERMIT NO. 12-004: NEW BEGINNINGS FAMILY CHURCH

APPLICANT: Eli Rodriguez
AGENT: Joe Rodriguez
LOCATION: 1075 North State Street
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 an 8,430 square-foot church located in an existing commercial/office center on the west side of State Street, north of Fruitvale Avenue and south of Esplanade Avenue, with consideration of an environmental exemption pursuant to CEQA Guidelines Section 15301.

Recommended Action:

1. **Adopt Planning Commission Resolution Bill No. 12-016, entitled:**

"A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 12-004 FOR THE OPERATION OF A 8,430 SQUARE FOOT CHURCH LOCATED ON THE WEST SIDE OF STATE STREET, NORTH OF FRUITVALE AVENUE AND SOUTH OF LYON AVENUE (APN 439-050-035)."

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

5. ZONING ORDINANCE AMENDMENT NO. 12-003: PAROLEE AND PROBATIONER HOUSING REGULATIONS

APPLICANT: City-initiated
LOCATION: City-wide
PLANNER: Deanna Elliano – (951) 765-2375

DESCRIPTION: A request for Planning Commission review and recommendation to the City Council regarding a Zoning Ordinance Amendment to modify Chapter 90, Article X, Division 1 of the Hemet Municipal Code, adding regulations on parolee-probationer homes, with related modifications to Sections 90-312, 90-382 and 90-892 of the land use matrices within Chapter 90, adding parolee-probationer homes as a listed commercial use. This ordinance is a

component of the Hemet ROCS (Restoring Our Community Strategy) Program for the City of Hemet.

Recommended Action:

1. Adopt Planning Commission Resolution Bill No. 12-0xx, entitled:

“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPTING ZONING ORDINANCE AMENDMENT NO. 12-003, AN ORDINANCE AMENDING CHAPTER 90, ARTICLE X, DIVISION 1 OF THE HEMET MUNICIPAL CODE ADDING REGULATIONS REGARDING PAROLEE-PROBATIONER HOMES AND AMENDING VARIOUS OTHER SECTIONS OF CHAPTER 90 RELATING TO THE MATRIX OF PERMITTED LAND USES FOR RESIDENTIAL AND COMMERCIAL ZONES WITHIN THE HEMET MUNICIPAL CODE”

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. **NORTH HEMET SPECIFIC PLAN (SP 11-001)** – Proposed commercial and residential specific plan for a 28.6 acre site located on the northwest corner of North State Street and Oakland Avenue. (APPLICANT: Riverside County Economic Development Agency)

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 June 26 and July 10, 2012 meetings
 - B. Cancellation of the August 7, 2012 Commission Meeting
 - C. Tentative City Council-Planning Commission workshop regarding the proposed Ramona Creek Specific Plan project – August 14, 2012
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. Report on Industrial Development Opportunities
 - B. Proposed Fence Ordinance – Part II
 - C. Temporary Sign Provisions – Part II
 - D. Zoning regulations regarding tobacco stores and smoke shops
- 12. ADJOURNMENT:** To the joint meeting of the City of Hemet Planning Commission and City Council tentatively scheduled for **August 14, 2012 at 3:00 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 #2A

PLANNING COMMISSION

MEETING MINUTES

DATE: June 19, 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 Perciful

2. APPROVAL OF MINUTES:

A. Minutes of the May 1, 2012 Meeting

It was **MOVED** by Vice Chairman Overmyer and **SECONDED** by Commissioner Moghadam to **APPROVE** the minutes of May 1, 2012, as presented.

The MOTION was carried by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

B. Minutes of the May 15, 2012 Meeting

It was **MOVED** by Vice Chairman Overmyer and **SECONDED** by Commissioner Perciful to **APPROVE** the minutes of May 15, 2012, with revision on page 2, line 25, changing the word "District" to "Designation."

The MOTION was carried by the following vote:

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

NOES: None

1 **ABSTAIN:** None

2 **ABSENT:** None

3
4 **3. INTRODUCTION OF ASSISTANT CITY ATTORNEY STEPHEN MCEWEN**

5
6 Community Development Director Deanna (CDD) Elliano introduced Assistant City
7 Attorney Stephen McEwen, who is replacing Assistant City Attorney Tom Jex as the
8 attorney representing the Planning Commission and attending the meetings.
9

10 The Commission welcomed Assistant City Attorney McEwen.

11
12 **4. PUBLIC COMMENTS:**

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14 There were no members of the public who wished to address the Commission
15 regarding items not on the agenda.
16

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18 **PUBLIC HEARINGS**

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

21
22 **APPLICANT:** 1950 West Florida LLC
23 **AGENT:** Mitchell Gardner – The G2 Company
24 **LOCATION:** 1986 West Florida Avenue
25 **PLANNER:** Carole L. Kendrick – (951) 765-2375
26

27 **DESCRIPTION:** A request for Planning Commission review and approval of a
28 minor Conditional Use Permit for the operation of a 7,600 square-foot fitness
29 center located in the existing Boardwalk commercial shopping center on the north
30 side of Florida Avenue, east of Gilmore Street and west of Lyon Avenue, with
31 consideration of an environmental exemption pursuant to CEQA Guidelines
32 Section 15301.
33

34 Assistant Planner Kendrick gave a detailed explanation and graphic illustration of the
35 proposed project.
36

37 Chairman Gifford asked if the parking allotment was adequate.
38

39 Both Assistant Planner Kendrick and CDD Elliano responded that they felt there was
40 adequate parking for staff and occupants of the club. It was noted that Condition No.
41 16 from the Airport Land Use Plan requires no more than one parking space per 30
42 square feet of building area.
43

44 Both Chairman Gifford and Vice Chairman Overmyer reported no contact with the
45 applicant.
46

47 Vice Chairman Overmyer inquired regarding parking adequacy if the health club were
48 to hold dances or events when other visitors would be present.
49

50 Commissioner Vasquez suggested that Condition No. 16 allowed for 250 occupants,
which he felt was high. He asked if an occupancy limit had been established.

1 Mr. Gardner responded that per the Building Code the maximum occupancy was 152,
2 which allows for one person per 50 square feet.

3
4 Chairman Gifford commented that he did not think that the code requirements related
5 to parking for this type of use were telling the whole story, so the City needed to be
6 clear about the parking situation.

7
8 CDD Elliano agreed that parking could be one of the things to examine as staff goes
9 through the zoning code updates. She also noted that the northerly parking field,
10 which is adjacent to this site, is usually vacant.

11
12 Chairman Gifford opened the public hearing and invited the applicant to come forward.

13
14 Mitchell Gardner (G2 Company, 490 Alabama Street, Suite 101, Redlands, CA 92373)
15 addressed the Commission as the representative for the project applicant, and
16 indicated that they were in agreement with all of the conditions of approval. He
17 advised that the fitness center's peak hours of operation are from 8:30 to 10:30 a.m.,
18 and 4:30 to 7:00 p.m. Regarding the parking situation, he noted that there are 58
19 spaces on half of the first side, in front of their building, and that they also had a
20 reciprocal parking agreement with Pep Boys. He stated that they would be amenable
21 to having their employees park behind the building, as would Pep Boys. He agreed
22 that the one to 500 is low on parking, but in a mixed-use center, they are finding that
23 it's actually beneficial to everyone that there is reduced parking because of the off-set
24 hours of a lot of the uses.

25
26 Chairman Gifford noted that his concern was with what would happen when the
27 vacancies are filled and the next phase of the buildings is completed. He also inquired
28 about the number of employees.

29
30 Mr. Gardner responded that the maximum number of employees they would have was
31 eight, and noted that there would be no large group activities other than exercise
32 classes, such as Zumba. The room designated for group activities is 1,500 square
33 feet, which comfortably allows for a group of 20 or 25. They also have 25 to 30 pieces
34 of cardio equipment, 50 pieces of free weights, and about 25 pieces of strength training
35 equipment. The busiest time is Monday, which tapers off as the weekend approaches.

36
37 Ryan Sheridan (7240 Tiger Eye Place, Rancho Cucamonga, California 91730),
38 addressed the Commission on behalf of the applicant and reiterated that Monday is
39 their busiest day, with a day by day decrease in attendance. Their use is very minimal
40 on the weekends.

41
42 Commissioner Moghadam inquired about the occupancy and adequate exits for the
43 number of occupants.

44
45 Mr. Gardner explained that the building's usable space allows for a maximum
46 occupancy of 83 people, with different provisions. He noted that the building
47 department had reviewed their plans, and that questions pertaining to the exits had not
48 been one of their plan check items.

49
50 Commissioner Moghadam reiterated that his main concern was traffic congestion upon
completion of the remaining phases.

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CDD Elliano explained that even though the code requirement for a gym is one parking space per 500 square feet of building space plus one space per employee, the actual physical spaces would be the same as one per 250 as required for a shopping center.

Chairman Gifford asked if there were businesses that would require more robust parking requirements that could go into the now-empty spaces.

Assistant Planner Kendrick explained that because shopping centers, under code, are one parking space per 250 square feet of building area, there usually ends up being a balance between food establishments and retail.

CDD Elliano clarified that there was reciprocal parking on the entire area, as well as a shared parking agreement with the Pep Boys center.

Commissioner Vasquez noted that there were no objections to the plan from neighbors.

Assistant Planner Kendrick verified that staff had not received any comments on this project from the public.

Vice Chairman Overmyer asked if there would be parking added for phase two that would be adequate, or if phase two would spill over into the parking for phase one.

Assistant Planner Kendrick responded that she assumed that some of the parking for phase two uses had been constructed as part of phase one, because there currently seems to be excess parking. However, since phase two is proposed as office use, parking would primarily be for employees with just a small amount of parking spaces in the rear of the project.

Chairman Gifford stated that he felt this was a good project and a good fit for Hemet. He then entertained a motion.

It was **MOVED** by Vice Chairman Overmyer and **SECONDED** by Commissioner Perciful to **ADOPT** Planning Resolution Bill No. 12-013, as presented.

The MOTION was carried by the following vote:

- AYES:** Chairman Gifford, Vice Chairman Overmyer, and Commissioners Perciful, Moghadam and Vasquez
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

(Adopted Planning Commission Resolution No. 12-012.)

WORK STUDY SESSION

6. UPDATE ON PLANNING APPLICATIONS AND WORK PROGRAMS

1) CDD Eliano presented a list of acronyms for use by the Commissioners and went through the following list of upcoming projects, which, she explained, will be presented to the Commission as soon as they are ready:

- A. A zone change (ZC) for the Prince of Peace church on Sanderson Avenue.
- B. A ZC for a skilled nursing facility on Devonshire Avenue.
- C. A Site Development Review (SDR) for homes to build out the rest of the Del Sol development on Mustang Way.
- D. A new application for a Conditional Use Permit (CUP) on State Street, representing a change from a portion of the County's Work Force Food Stamp building to a church.
- E. A Specific Plan Amendment (SPA) and SDR, that currently has a Specific Plan (SP) designation for city-owned property at Stetson Crossing.
- F. A CUP for an auto repair facility on Palm Avenue.
- G. A Development Agreement Amendment (DAA) for Tres Cerritos West, asking for an extension of time.

2) Some projects are in the preliminary application process, with staff working on preliminary plans with developers before they submit. They include the following:

- A. A Specific Plan and Environmental Impact Report (EIR) for Ramona Creek on Florida Avenue.
- B. A Specific Plan and EIR for MWD at Diamond Valley Lake.
- C. An existing SP for Pepper Tree on Cawston Avenue.
- D. A SP for McSweeny Farms, second phase.

3) Staff is working on the following city-initiated planning projects:

- A. Hemet ROCS ordinances, particularly zoning ordinances.
- B. Zoning Map Updates to bring conformity with the General Plan Update.
- C. Pre-zoning for areas outside the city.
- D. Housing Element for 2013.
- E. Preliminary work study on fence and sign ordinance updates.
- F. City-wide User Fee Study.
- G. New Fees from the Planning Department.
- H. Customer service evaluation and training.
- I. WRCOG - information toward the regional Climate Action Plan.
- J. Develop a plan for more consistent delivery of services and pre-development or pre-application processes for the building and planning departments, eliminating duplication of fees and plans.
- K. Containment of Shopping Carts.

4) Next Fiscal Year Forecast:

- 1 A. Development revenues down from the past.
- 2 B. More tenant improvements, facade upgrades, parking lot upgrades, and
- 3 residential improvements.
- 4 C. Second wave of foreclosures, particularly in neighborhoods where they
- 5 hadn't been before.
- 6 D. Home values are stabilizing.
- 7
- 8

9 **DEPARTMENT REPORTS**

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11 **7. CITY ATTORNEY REPORTS:**

12
13 No City Attorney report was presented.

14
15 **8. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**

- 16
17 A. Verbal Report on City Council actions from May 22nd and June 12th, 2012

18 meetings
19
20 CDD Elliano reported that the City Council had approved the Zone Change for the
21 Esplanade Commerce Center, the General Plan Amendments for land use and Housing
22 Element revisions, and the Zoning Ordinance Amendment for Boarding Houses and
23 Group Homes at the May 22nd City Council meeting.
24

25
26 At the June 12th meeting, a work study session was held regarding next year's budget.
27 The City is hoping for a stable budget, even though they are dealing with the loss of
28 Redevelopment funds, as well as two grants – one for police and one for fire – that were
29 not renewed. The city has \$12.5 million in reserves, and a number of fiscally
30 conservative policies were put in place to make sure that a minimum of 35 percent of
31 the total budget is maintained for reserves.

32
33 There were many other changes, but the bottom line, with all those changes impacting
34 the budget where revenues are fairly stagnant, resulted in an overall deficit in the
35 upcoming fiscal year of \$1.4 million.

36
37 CDD Elliano then delineated the cuts in the various departments under her oversight,
38 stating that they will be doing more with less, so some of the ordinance changes may
39 take longer to complete.

- 40
41 B. Cancellation of the July 3, 2012 Planning Commission Meeting

42
43 CDD Elliano recommended cancellation of the July 3rd Planning Commission meeting
44 due to the lack of items ready for review.

45
46 The Commission concurred.
47
48
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50

1 C. Shopping Cart Containment Compliance.

2
3 CDD Elliano noted that last year the City had adopted a new section of the code called
4 Shopping Cart Containment Plans which requires all retailers that have more than ten
5 shopping carts to fill out a Cart Containment Plan outlining how they're managing the
6 carts on site. The City also requires employee training, identification signs on the carts,
7 etc. There has been woefully little response from the retailers with plans; therefore, the
8 City is sending out another letter offering to eliminate the \$100 plan review fee if they
9 respond with a plan in a two-week time frame. The City's next move would be to issue
10 administrative citations for the failure to provide a containment plan.

11
12 Currently, aggressive weekly sweeps are being conducted by the City's public works
13 crews. The carts that they pick up are taken to the city yard, inventoried, and the
14 retailers are then notified and given three days to pick up their carts. If they fail to do
15 so, the city can charge \$50 for each occurrence, which means each notification. If they
16 fail to comply within 30 days, the carts are then disposed of. To date, the grand total for
17 one month is 354 carts picked up.

18
19 Commissioner Perciful suggested that, since taking the cart from the premises is a
20 crime, the police should start ticketing people who are walking down the street with a
21 cart, as the offender is clearly not the retailer, but the cart possessor. If a citation is
22 issued, there is a warrant, so it's a tool for law enforcement.

23
24 City Attorney McEwen noted that there are a rash of tickets issued in Alhambra for
25 shopping cart theft and their office is beginning to handle them. He offered to report on
26 Alhambra's experience at a future meeting.

27
28 **9. HEMET ROCS CITIZEN ADVISORY COMMITTEE REPORT**

29
30 Chairman Gifford reported on the May 24, 2012 meeting of the Hemet ROCS Citizens
31 Advisory Committee (CAC). One of the items discussed was the abandoned shopping
32 cart issue and the need for the police department to set a precedent that will put people
33 on notice that this is a misdemeanor violation and something the community will not
34 allow.

35
36 Also presented at the meeting was a report by the Hemet Community Action Network
37 for Drug-Free Communities, outlining what they are doing to promote a better standard
38 of living for children in homes where there is neglect and/or drug abuse. In tandem to
39 that, the Hemet Unified School District discussed health and substance abuse
40 education. There was also a lengthy discussion and presentation regarding the Crime-
41 Free Multi-Family Housing Program, which is really a hyper-community watch program
42 educating residents and landowners on how to interact with the police department to
43 identify constant nuisances or other illegal activities.

44
45 He also noted that the Hemet ROCS program has recommendations and procedures for
46 which community awareness is imperative, so it is necessary to put people on notice to
47 be responsible citizens, and to also let the responsible citizens know that we are doing
48 something to resolve the undesirable activities in the City.

49
50 Commissioner Vasquez asked if the Hemet ROCS program was going to recommend to
the City Council the need for more police.

1
2 Chairman Gifford said he would guarantee that would be in the recommendations going
3 forward.
4

5 **10. PLANNING COMMISSIONER REPORTS:**
6

- 7 **A.** Chairman Gifford (None other than already given)
8 **B.** Vice Chairman Overmyer reported, as liaison for the Traffic Commission, that
9 the City has received a grant for five flashing traffic signals. The next meeting
10 will discuss where they can best be utilized.
11 **C.** Commissioner Moghadam commended the planning staff for the work they do
12 to assist the commissioners in understanding the projects on which they must
13 vote.
14 **D.** Commissioner Perciful noted that although prices for housing in the valley are
15 stabilizing, the cause of the stabilization is that there is a lack of supply, with
16 available housing being sold within a month and a half. He explained that there
17 are two causes for that: 1) there are not as many realtors as there were five
18 years ago, so not as many actively seeking listings; and 2) banks are holding
19 onto their inventory in an attempt to artificially inflate prices, resulting in a
20 supply problem.
21 **E.** Commissioner Vasquez (Nothing to report).
22

23 **11. FUTURE AGENDA ITEMS:**
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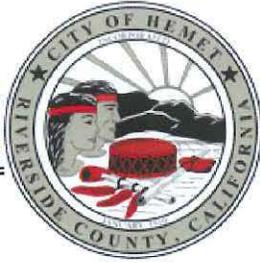
- 25 **A.** North Hemet Specific Plan Work Study
26 **B.** Report on Industrial Development Opportunities
27 **C.** Proposed Fence Ordinance - Part II
28 **D.** Temporary Sign Provisions - Part II
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- 30 **12. ADJOURNMENT:** It was unanimously agreed to adjourn the meeting at 7:39 p.m.
31 to the regular meeting of the City of Hemet Planning Commission scheduled for
32 **July 17, 2012 at 6:00 p.m.** to be held at the City of Hemet Council Chambers
33 located at 450 E. Latham Avenue, Hemet, California 92543.
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40 _____
41 John Gifford, Chairman
42 Hemet Planning Commission
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44 ATTEST:
45
46

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



Staff Report

TO: City of Hemet Planning Commission

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

DATE: July 17, 2012

RE: **CONDITIONAL USE PERMIT NO. 12-004 (NEW BEGINNINGS FAMILY CHURCH)** – A request for Planning Commission review and approval of a Conditional Use Permit for the operation of an 8,430 square foot church located in an existing commercial/office center on the west side of State Street, north of Fruitvale Avenue and south of Esplanade Avenue, with consideration of an environmental exemption pursuant to CEQA Guidelines Section 15301.

PROJECT APPLICANT INFORMATION

Applicant: Eli Rodriguez - Pastor
Agent: Joe Rodriguez
Project Location: 1075 North State Street
APN: 439-050-035

RECOMMENDED ACTION:

The Planning Division recommends that the Planning Commission:

1. **Adopt Planning Commission Resolution Bill No. 12-016** approving CUP 12-004 subject to the Conditions of Approval (Attachment No. 1), and;
2. Direct staff to file a Notice of Exemption with the County Clerk.

PROJECT DESCRIPTION:

The Applicant is requesting approval of a Conditional Use Permit for the operation of an 8,430 square foot church located within a portion of an existing building in a commercial/office center at 1027-1075 North State Street in the C-1 (Neighborhood Commercial) zone. The entire site consists of 3.36 acres containing two (2) buildings. The larger of the two (2) buildings is 28,600 square feet and is adjacent to the westerly

property line. The larger building includes three (3) tenant spaces. The Applicant is proposing to utilize the northern most tenant space. The southern tenant space is currently vacant and the central tenant space is occupied by Women Infants and Children (WIC) with hours of operation from 7:30 am – 6:00 pm, Monday through Friday.

The smaller of the two buildings is 8,100 square feet and is located adjacent to the southerly property boundary. The structure is currently occupied by Las Palmas Clinic with hours of operation from 9:00 am – 6:00 pm, Monday through Friday.

The site has two (2) access points from North State Street. The main entrance is located central to the site, with the secondary access located at the southern boundary of the project site.

The project proposes a tenant improvement that includes interior construction to accommodate the proposed use within the 28,600 square foot building. The proposed use will occupy 8,430 square feet of building area and will include a 1,805 square foot sanctuary, a 1,380 square foot children’s area, restrooms, storage, offices and main entry area. The breakdown of proposed uses are as follows:

USE	SQUARE FOOTAGE
Sanctuary	1,805
Pulpit	668
Copy Room	163
Storage	273
Library	134
Offices	856
Conference Rooms	148
Children’s Area	1,380
Lunch Area	404
Media Rooms	156
Restrooms	311
Halls, Misc.	2,132
TOTAL	8,430

No exterior changes are proposed with the exception of tenant signage, which will be submitted under a separate application at a later date. Attachment No. 1A provides the site plan and the interior floor layout for the church.

The tenant proposes church services with hours of operation on Sunday from 10:00am-2:00pm and on Wednesday from 7:00pm-9:00pm. Prayer and other meetings are proposed on Monday from 6:30pm-7:30pm, Friday from 6:30pm-8:30pm and Saturday from 7:00am-9:00am. The church does not currently employ any staff at this time and primarily functions with the assistance of 17 volunteers.

The New Beginnings Church is family and community based church that offers prayer services. Their mission statement states, *"Our mission is to build a New Testament local church and proclaim the good news about Jesus Christ to young and old, rich and poor, to every nationality and extend the kingdom of God by building people, families, and leaders."*

PROJECT SETTING

The entire center consists of 3.36 acres that are developed with existing curb, gutter and sidewalk. The project site is located on the west side of State Street, south of Fruitvale Avenue and north of Esplanade Avenue. The existing site includes a Women Infants and Children (WIC) center that operates from 7:30-6 pm, Monday through Friday and the Las Palmas Clinic that operates between 9-6 pm, Monday through Friday. Vacant land exists to the west and south, an industrial use to the east, 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	Medical and Social Services	C-1 (Neighborhood Commercial)	OP (Office Professional)
NORTH	Mobile Home Park	R-1-C (Single Family Residential)	LMDR (Low Medium Density Residential 5.1-8.0 du/ac)
SOUTH	Vacant	C-1 (Neighborhood Commercial)	I (Industrial)
EAST	Robertson's Ready Mix	M-2 (Heavy Manufacturing)	OP (Office Professional)
WEST	Vacant, undeveloped single family subdivision	R-1-6 (Single Family Residential)	LDR (Low Density Residential 2.1-5.0 du/ac))

ANALYSIS:

Development Review Committee (DRC) Recommendation

The Staff Development Review Committee (DRC) reviewed the project on May 31, 2012. The DRC provided written conditions that have been incorporated into the proposed conditions of approval. 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, and shown in the attached photos:

Section 90-892.F.1 of the Hemet Municipal Code requires approval of a Conditional Use Permit to operate a church in the C-1 (Neighborhood Commercial) zone.

Use. A church use at the proposed location is deemed suitable due to the varied hours of operation between the existing uses. The project has been conditioned to mitigate anticipated impacts related to noise, outdoor events and frequency of services. The use as proposed is compatible with the other office use and will not disrupt the commercial activity. The site is currently underutilized and has vacant tenant spaces available.

Site Plan/Site Design. The commercial center consists of two (2) commercial office buildings totaling 35,460 square feet. The site was designed with a central parking field that is partially surrounded by commercial structures.

Architecture. The existing building utilizes a block style architecture that includes clay tile roof elements, uniform windows, a wood trellis located on the eastern elevation, and slight variations in the roof line. The Applicant proposes no exterior enhancements to the building at this time.

Materials and Colors. Exterior finish treatments are comprised of block in neutral earth-tone colors. Exterior accents and trim include clay tile roofs, colored banding, a wood trellis and deep-set windows.

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 on-site light standards have been placed so that they do not interfere with the existing landscaping. Staff 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 State Street located centrally to the site to facilitate vehicular access. In addition, a secondary access point is located on the southern boundary of the property.

The commercial center currently provides 215 parking spaces. Commercial centers and offices require a minimum of one (1) parking space per 250 square feet of gross floor area. Based on the existing square footage of the site, 147 parking spaces are required to meet the Hemet Municipal Code requirements. The center is currently over parked by 68 parking spaces. The church use is required to provide parking spaces at a ratio of one (1) space for each four (4) fixed seats. The use is proposing 48 fixed seats that require 12 parking spaces for members of the congregation. A commercial or office use in the proposed tenant space would require 34 parking spaces. The existing parking on site is more than adequate to accommodate the proposed use.

Furthermore, staff had concerns regarding two (2) chain link enclosures located in the parking field. The property manager indicated that the enclosures had been erected several years ago to store and secure vehicles that were utilized by the County of Riverside in conjunction with their operations on the site. Staff has conditioned the Applicant to remove the enclosures in order to provide adequate Fire access and vehicular circulation on site.

PUBLIC COMMUNICATIONS RECEIVED

Property owners located within a 1,000 foot radius of the project site were notified of the public hearing on July 5, 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.

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 OP (Office Professional). 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 an 8,430 square foot church which is consistent with the purpose of the Neighborhood Commercial (C-1) zone in providing a use permitted subject to a Conditional Use Permit. The existing structure generally 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-1 Zone as demonstrated in the following table:

DEVELOPMENT STANDARDS	REQUIRED	PROVIDED
Front Setback	7 feet for each 12 feet of building height	217 Feet
Interior Side Setback	0 feet	20 Feet
Rear Setback	10 feet	7.6 Feet (existing)
Building Height	35 Feet Maximum	18 Feet

In conclusion, the proposed project generally 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 generally consistent with the Development Standards for the Neighborhood Commercial (C1) zone. The zoning allows churches, subject to a Conditional Use Permit. The project proposes a 8,430 square foot church within an existing commercial/office center. The existing building generally 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 Office Professional (OP). 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/office site and foster future uses that are consistent with the needs of the community.

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 generally meet all development standards of the C-1 zone which is intended to protect the public health, safety and welfare. The location of the proposed project generally 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 church complies with the intent and purpose of the C-1 zone as an area in which churches can be located subject to conditions that ensure compatibility with surrounding uses. The applicant has proposed a project that generally conforms to development standards provided by the zoning code.

Commercial Design Guidelines Consistency

The existing structures were constructed during the mid-1980's. The City of Hemet Commercial Design Guidelines were adopted by the City Council on August 12, 2003, well after the construction of the existing structures. The Applicant is not proposing any exterior modifications at this time and is not subject to the Commercial Design Guidelines. However, if any exterior modifications are proposed in the future, the alterations will need to comply with the Commercial Design Guidelines.

Transportation Uniform Mitigation Fee (TUMF)

Section 58-70.3(f) of the Hemet Municipal Code provides a limited number of exemptions from provisions of the TUMF Fee Ordinance. The project is exempt based on exemption (3) which states *"The rehabilitation and/or reconstruction of any habitable structure in use on or after January 1, 2000, provided that the same or fewer traffic trips are generated as*

a result thereof". The project as proposed includes interior rehabilitation of an existing structure, and the number of vehicular trips will be similar to the previous office uses.

Multi-Species Habitat Conservation Plan (MSHCP)

Pursuant to Chapter 31, Section 31-16 (2) of the Hemet Municipal Code, rehabilitation or remodeling of an existing residential unit, commercial or industrial building, and additions to an existing residential unit or commercial or industrial building are exempt. Therefore, the project is exempt from the MSHCP Mitigation Fee.

Airport Land Use Compatibility

The project is located on the west side of State Street, north of Fruitvale Avenue and south of Esplanade Avenue, is not within the Hemet Ryan Airport Influence area, and is outside the area that may be subject to Airport Land Use Commission review. Therefore, the project can be considered compatible with the Hemet/Ryan Airport Land Use Plan.

Although the project is not subject to ALUC review, a transmittal was provided for ALUC comment. The ALUC acknowledged that the project is located outside the boundaries of the Hemet-Ryan Airport Influence area and had no comments.

CEQA REVIEW

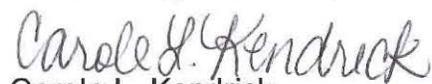
The project is exempt from provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 in that information contained in the project file and documents incorporated herein by reference demonstrate that: Conditional Use Permit No. 12-004 is consistent with the OP (Office Professional) 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. 12-004 has no value as habitat for endangered, rare or threatened species; there is no substantial evidence in the record that Conditional Use Permit No. 12-004 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.

REPORT SUMMARY

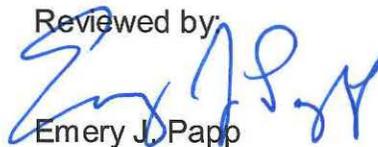
Conditional Use Permit No. 12-004 proposes the operation of an 8,430 square foot church located within an existing commercial/office center located on the west side of State Street, north of Fruitvale Avenue and south of Esplanade Avenue.

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, Commercial Design Guidelines and is compatible with the existing uses in the center and surrounding area. For these reasons, and as more fully discussed in the Staff Report and accompanying attachments, the Planning Division 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
Assistant Planner

Reviewed by:


Emery J. Papp
Principal Planner

CK/ns

ATTACHMENTS

- 1) Planning Commission Resolution Bill No. 12-016 approving CUP 12-004
Exhibit 1A - Development Plan
Exhibit 1B - Conditions of Approval
- 2) Aerial Map
- 3) Photographs of Site
- 4) Surrounding Zoning Map
- 5) Applicant's Statement of Operations & Letter dated June 19, 2012

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 12-004

**Attachment
No. 1
Resolution Bill No.
12-016**

**Planning Commission
July 17, 2012**



CITY OF HEMET
Hemet, California

RESOLUTION BILL NO. 12-016

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF HEMET, CALIFORNIA APPROVING
CONDITIONAL USE PERMIT NO. 12-004 FOR THE
OPERATION OF A 8,430 SQUARE FOOT CHURCH
LOCATED ON THE WEST SIDE OF STATE STREET,
NORTH OF FRUITVALE AVENUE AND SOUTH OF
ESPLANADE AVENUE (APN 439-050-035)

WHEREAS, an application for Conditional Use Permit No. 12-004 for the operation of a 8,430 square foot church located within an existing commercial/office center has been duly filed by:

Applicant: Eli Rodriguez
Agent: Joe Rodriguez
Project Location: 1075 North State Street
APN: 439-050-035; and,

WHEREAS, the Conditional Use Permit Application was submitted for consideration on May 16, 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. 12-004 to allow operation of the proposed use; and,

WHEREAS, on July 5, 2012, the City gave public notice by advertising in the Press Enterprise and by mailing to property owners within 1,000 feet, of the holding of a public hearing at which the project would be considered by the Planning Commission; and,

WHEREAS, on July 17, 2012, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Conditional Use Permit and at which the Planning Commission considered the Conditional Use Permit; and,

WHEREAS, the Community Development Director has reviewed the project's potential effects on the environment and has recommended that the project is

Planning Commission Resolution Bill No. 12-016
CONDITIONAL USE PERMIT NO. 12-004 – NEW BEGINNINGS

1 categorically exempt from the California Environmental Quality Act ("CEQA") under
2 CEQA Guidelines Section 15301 "Existing Facilities" and that the exceptions to the
3 categorical exemptions contained in CEQA Guidelines section 15300.2 are not
4 applicable to this project.

5
6 **NOW, THEREFORE,** the Planning Commission of the City of Hemet does
7 Resolve, Determine, Find and Order as follows:
8

9 **SECTION 1: ENVIRONMENTAL FINDINGS**

10
11 The Planning Commission, in light of the whole record before it, including but not limited
12 to, the City's Local CEQA Guidelines and Thresholds of Significance, the
13 recommendation of the Community Development Director as provided in the Staff
14 Report dated July 17, 2012 and documents incorporated therein by reference, and any
15 other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2)
16 within the record or provided at the public hearing of this matter, hereby finds and
17 determines as follows:
18

19 **1. CEQA:**

20
21 (a) The project is exempt from provisions of the California Environmental
22 Quality Act (CEQA) under CEQA Guidelines Section 15301 in that
23 information contained in the project file and documents incorporated
24 herein by reference demonstrate that: Conditional Use Permit No. 12-004
25 is consistent with the OP (Office Professional) General Plan designation
26 and all applicable General Plan policies as well as the applicable zoning
27 designation; the proposed project site is located within the boundaries of
28 the City of Hemet; Conditional Use Permit No. 12-004 has no value as
29 habitat for endangered, rare or threatened species; there is no substantial
30 evidence in the record that Conditional Use Permit No. 12-004 will result in
31 significant effects related to traffic, noise, air quality or water quality in that
32 the proposed design incorporates and otherwise is subject to air and water
33 quality resource agency design requirements to avoid any harmful effects;
34 and the site is or can be adequately served by all required utilities and
35 public services. As such, the project meets the criteria for application of a
36 Class 01 (Existing Facilities) Categorical Exemption under the CEQA
37 Guidelines. Additionally, none of the exceptions provided in CEQA
38 Guidelines Section 15300.2 apply to this project.
39

40 (b) None of the exceptions to the categorical exemptions contained in CEQA
41 Guidelines Section 15300.2 prevent CEQA Guidelines Section 15301 from
42 exempting the project for the following reasons:
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- (i) The project is not a Class 3, 4, 5, 6, or 11 project, and therefore is not subject to the exception pertaining to projects located in particularly sensitive environments.
- (ii) The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. No information has been presented that this project would have impacts that would contribute to a level of cumulative impacts that would be considered significant.
- (iii) There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment. No information is known or has been presented to indicate that there are unusual circumstances related to this project that would cause a significant effect.
- (iv) The project will not result in damage to scenic resources within a designated state scenic highway. The project is not located in proximity to such a highway.
- (v) The project site has not been listed as a hazardous waste and substance facility or site by the Department of Toxic Substances Control pursuant to California Government Code Section 659625.
- (vi) The project will not cause a substantial adverse change to the significance of a historical resource. There are no historical resources on the project site.

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

2. **Multi-Species Habitat Conservation Plan (MSHCP):** Pursuant to Chapter 31, Section 31-16 (2) of the Hemet Municipal Code, rehabilitation or remodeling of an existing residential unit, commercial or industrial building, and additions to an existing residential unit or commercial or industrial building are exempt from the MSHCP Mitigation Fee.

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

3 Pursuant to Hemet Municipal Code Section 90-1537(c) and in light of the record before
4 it including the staff report dated July 17, 2012 and all evidence and testimony heard at
5 the public hearing of this item, the Planning Commission hereby finds as follows:
6

- 7 1. That the proposed location, use and operation of the conditional use is in accord
8 with the objectives of Chapter 90 of the Hemet Municipal Code, the purposes of
9 the zone in which the site is located, is consistent with the General Plan, and
10 complies with other relevant city regulations, policies and guidelines.
11

12 The project is subject to, and remains generally consistent with the Development
13 Standards for the Neighborhood Commercial (C1) zone. The zoning allows
14 churches, subject to a Conditional Use Permit. The project proposes an 8,430
15 square foot church within an existing commercial/office center. The existing
16 building generally complies with the minimum setbacks from property lines, the
17 height of the building is below the maximum height requirement of the Hemet
18 Municipal Code, and has a smaller 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 Office Professional (OP).
22 The proposed development is consistent with the General Plan Land Use policy
23 (LU-4.3) regarding Infill Development and Re-Use in that the project will occupy
24 an underutilized commercial/office site and foster future uses that are consistent
25 with the needs of the community.
26

- 27 2. That the proposed location of the conditional use and the conditions under which
28 it would be operated or maintained will not be detrimental to the public health,
29 safety or welfare, nor materially injurious to properties or improvements in the
30 vicinity.
31

32 The site has been designed to generally meet all development standards of the
33 C-1 zone which is intended to protect the public health, safety and welfare. The
34 location of the proposed project generally complies with development standards,
35 as discussed in the staff report and attachments that are provided to assure that
36 the project and other properties and improvements in the vicinity are compatible,
37 and that the proposed project is not detrimental to the surrounding community.
38

39 The location of the buildings will not conflict with on-site circulation since the
40 parking spaces and drive aisles meet the minimum standards. Based on the
41 above, the use will not have a significant impact on, nor be detrimental or
42 injurious to properties or improvements in the vicinity.
43

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

4
5 The proposed use of the project site as a church complies with the intent and
6 purpose of the C-1 zone as an area in which churches can be located subject to
7 conditions that ensure compatibility with surrounding uses. The applicant has
8 proposed a project that generally conforms to development standards provided
9 by the zoning code.

10
11
12 **SECTION 3: PLANNING COMMISSION ACTIONS**

13
14 The Planning Commission hereby takes the following actions:

15
16 1. **Approves Conditional Use Permit.** Conditional Use Permit No. 12-004 is
17 hereby approved as shown in Exhibit A which is attached hereto and
18 incorporated herein by reference, and subject to the Conditions of Approval in
19 Exhibit B which are attached hereto and incorporated herein by reference.

20
21 **PASSED, APPROVED, AND ADOPTED** this 17th day of July, 2012 by the
22 following vote:

23 AYES:

24 NOES:

25 ABSTAIN:

26 ABSENT:

27
28
29
30
31 _____
John Gifford, Chairman
Hemet Planning Commission

32 ATTEST:

33
34
35 _____
36 Nancie Shaw, Records Secretary
37 Hemet Planning Commission
38

**Exhibit
No. 1A
Development Plan**

**Planning Commission
July 17, 2012**

PROJECT DATA

APPLICANT

NEW BEGINNINGS CHURCH
 PASTOR ELI RODRIGUEZ
 777 S. SAN JACINTO AVE
 SAN JACINTO, CA 92583
 (951) 219-6467
 E-MAIL: ELROD@NBHCHURCHMAIL.COM

ZONING

EXISTING ZONING: C-1
 PROPOSED ZONING: C-1

OCCUPANCY

OCCUPANCY GROUP: A3
 CONSTRUCTION TYPE: III, I HOUR
 FIRE SPRINKLED

GENERAL PLAN

OF OFFICE PROFESSIONAL

ADA

THIS BUILDING MEETS CURRENT
 ADA REQUIREMENTS FOR
 HANDICAP ACCESSIBILITY.

PARKING PROVIDED

EXISTING
 215 TOTAL PARKING SPACES
 9 EXISTING HANDICAP ACCESSIBLE STALLS
 5 VAN ACCESSIBLE HANDICAP STALLS

*PATH OF TRAVEL FOR HANDICAP ACCESS
 DOES NOT EXCEED 3% SLOPE NOR HAVE A
 CROSS SLOPE MORE THAN 1/4" PER 12"

LOT COVERAGE AREAS

TOTAL GROSS LAND AREA	146,608 SQ. FEET	3.38 ACRES
BUILDINGS "A" & "B"	28,000 SQ. FEET	19%
BUILDING "C"	7,460 SQ. FEET	5%
TOTAL PARKING AREA	98,578 SQ. FEET	67%
TOTAL LANDSCAPE AREA	12,630 SQ. FEET	17%

EASEMENT OF RECORD

NONE

LIQUIFICATION / SPECIAL STUDIES ZONE

PROPERTY IS SUBJECT TO MODERATE
 LIQUIFICATION POTENTIAL
 PROPERTY IS NOT A SPECIAL STUDY ZONE

FAULT ZONE

SAN JACINTO FAULT ZONE

FAULTS

WITHIN A 1/2 MILE OF A FAULT
 SAN JACINTO FAULT
 SANTA MONICA FAULT

FLOOD CONTROL & W.C.D.

RIVERSIDE COUNTY FLOOD DISTRICT

UTILITY PURVEYORS

ELECTRICITY—EDISON
 GAS—THE GAS COMPANY
 TELEPHONE—VERIZON
 SEWER—EMWD
 WATER—EMWD
 CABLE—TIME WARNER

SPECIFIC PLAN

PROJECT IS NOT WITHIN A
 SPECIFIC PLAN

ELEVATION RANGE

156/158 FEET

BUILDING OCCUPANCY

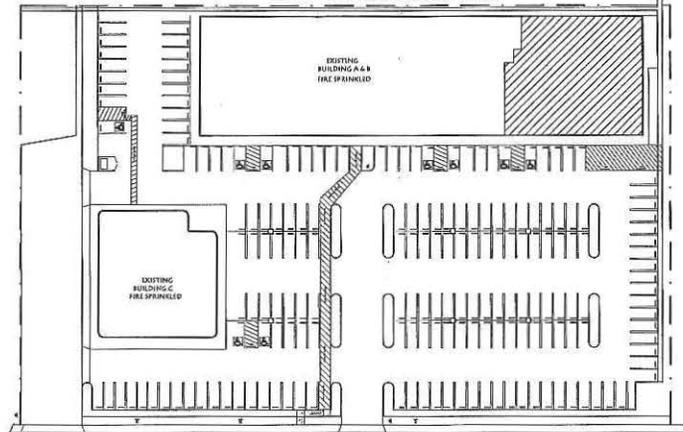
FUNCTION OF SPACE	OCCUPANT LOAD		NO. OF OCCUPANT
	FLOOR AREA	IN SQ. FT. PER OCCUPANT	
SANCTUARY	1805 SQ FT	+ 7	238
FULFILL	668 SQ FT	+ 15	45
COPY RM	163 SQ FT	+ 100	2
STORAGE	55 SQ FT	+ 300	1
RECEPTION/HIT	134 SQ FT	+ 100	1
LIBRARY	134 SQ FT	+ 100	1
RECORDS	134 SQ FT	+ 100	1
ADMINISTRATOR	134 SQ FT	+ 100	1
P. SECRETARY	134 SQ FT	+ 100	1
MEDIA	134 SQ FT	+ 100	2
CONFERENCE #1	74 SQ FT	+ 100	1
CONFERENCE #2	74 SQ FT	+ 100	1
W. PASTOR	127 SQ FT	+ 100	1
CHLD. PASTOR	127 SQ FT	+ 100	1
ASHIT PASTOR	100 SQ FT	+ 100	1
PASTOR	100 SQ FT	+ 100	1
ELEC./TEL	229 SQ FT	+ 300	1
LG. STORAGE	279 SQ FT	+ 300	1
LUNCH AREA	404 SQ FT	+ 200	2
CHILDREN AREA	1380 SQ FT	+ 35	39
TOTAL OCCUPANTS			362

IN THE INCORPORATED TERRITORY OF HEMET, STATE OF CALIFORNIA

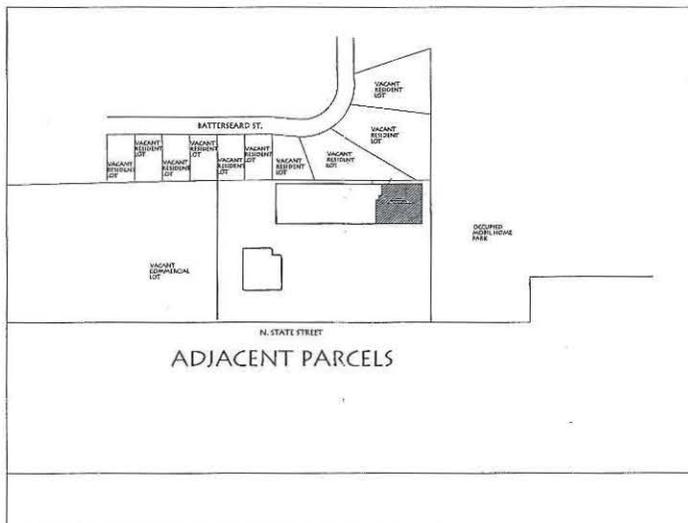
SITE PLAN

SCALE 1 INCH = 40'

EXHIBIT PREPARED MAY 2012 BY PLANS TO BUILD



N. STATE STREET



PROPOSED PROJECT DESCRIPTION

- FOR THE PURPOSE OF A CHURCH SANCTUARY AND SUNDAY SCHOOL WITH OFFICES
- WILL OCCUPY "AS IS" WILL NO TENANT IMPROVEMENT OTHER THAN TO IMPROVEMENT ADA IMPROVEMENT WILL EXPAND TOILET STALL TO CURRENT ADA REQUIREMENT IN CURRENT MEN'S AND WOMEN'S RESTROOMS
- LAND AREA IS EXISTING PAVING, PAVEMENT AND LANDSCAPING TO REMAIN
- ALL INTERIOR FINISHES TO REMAIN
- ALL INTERIOR AND EXTERIOR LIGHTING TO REMAIN
- ALL INTERIOR ELECTRICAL TO REMAIN
- ALL INTERIOR DOORS TO REMAIN
- ALL INTERIOR FLOOR COVERINGS TO REMAIN

ADDRESS

1075 STATE STREET
 HEMET, CA 92344

LEGAL DESCRIPTION

RECORDED BOOK/PAGE: 148 1195/97
 SUBDIVISION NAME: TR 12310
 LOT/PARCEL: 6
 TRACT NUMBER: 12310
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

TOWNSHIP/RANGE

T35S14N R10E

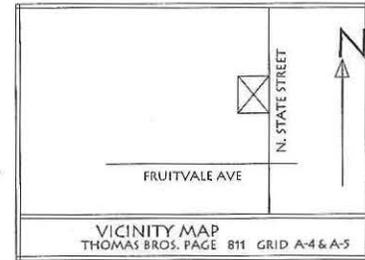
ASSESSOR'S PARCEL #

439-050-035

RECEIVED
 JUN 26 2012
 PLANNING
 CUP 12-004

SHEET INDEX

C-1	COVER SHEET
C-2	SOFT PLAN
A-1	FLOOR PLAN
A-2	ROOF PLAN
A-3	SECTION
A-4	SECTION
A-5	SECTION
A-6	SECTION
A-7	SECTION
A-8	SECTION
A-9	SECTION
A-10	SECTION



REVISIONS

Underground Service Alert
 Call: 811
 BEFORE YOU DIG

PLAN PREPARATION BY:
 PLANS TO BUILD, NET
 DRAFTING SERVICE
 1075 STATE STREET
 HEMET, CA 92344
 PHONE: (951) 232-7488
 FAX: (951) 664-8324
 E-MAIL: PLANSTOBUILD@PLANSERVICE.COM

DRAWN BY:

DATE:

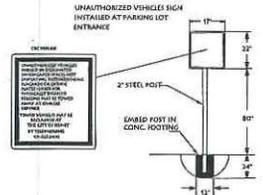
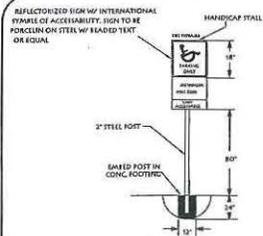
SEAL:

PROPOSED CHURCH OCCUPANCY FOR NEW BEGINNINGS CHURCH
 1075 N. STATE STREET
 HEMET, CA 92344
 APN: 89-050-035

DATE: 5-8-2012

COVER SHEET

SHEET C-1



IN THE INCORPORATED TERRITORY OF HEMET, STATE OF CALIFORNIA
SITE PLAN
 SCALE 1 INCH = 20'
 EXHIBIT PREPARED MAY 2012 BY PLANS TO BUILD



ADA PARKING SIGNAGE

SITE NOTES

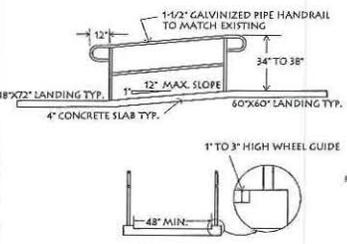
EXISTING CHAIN LINK ENCLOSURES ARE TO BE REMOVED

- SITE KEY NOTES**
- 1 EXISTING STREET LIGHT TO REMAIN
 - 2 (D) ADA HANDICAPPED VAN ACCESSIBLE PARKING STALL
 - 3 (D) TRASH ENCLOSURE
 - 4 (D) FIRE HYDRANT TO REMAIN
 - 5 NO MONUMENT SIGN AT THIS TIME
 - 6 EDGE OF STREET PAVEMENT
 - 7 (D) CONCRETE RIBBON DRAIN
 - 8 (D) CATCH DRAIN PIPE
 - 9 ADA "UNAUTHORIZED VEHICLES" SIGN
 - 10 LOCATION OF PROPOSED KNOX BOX
 - 11 LOCATION OF PROPOSED KNOX BOX
 - 12 LOCATION OF PROPOSED KNOX BOX

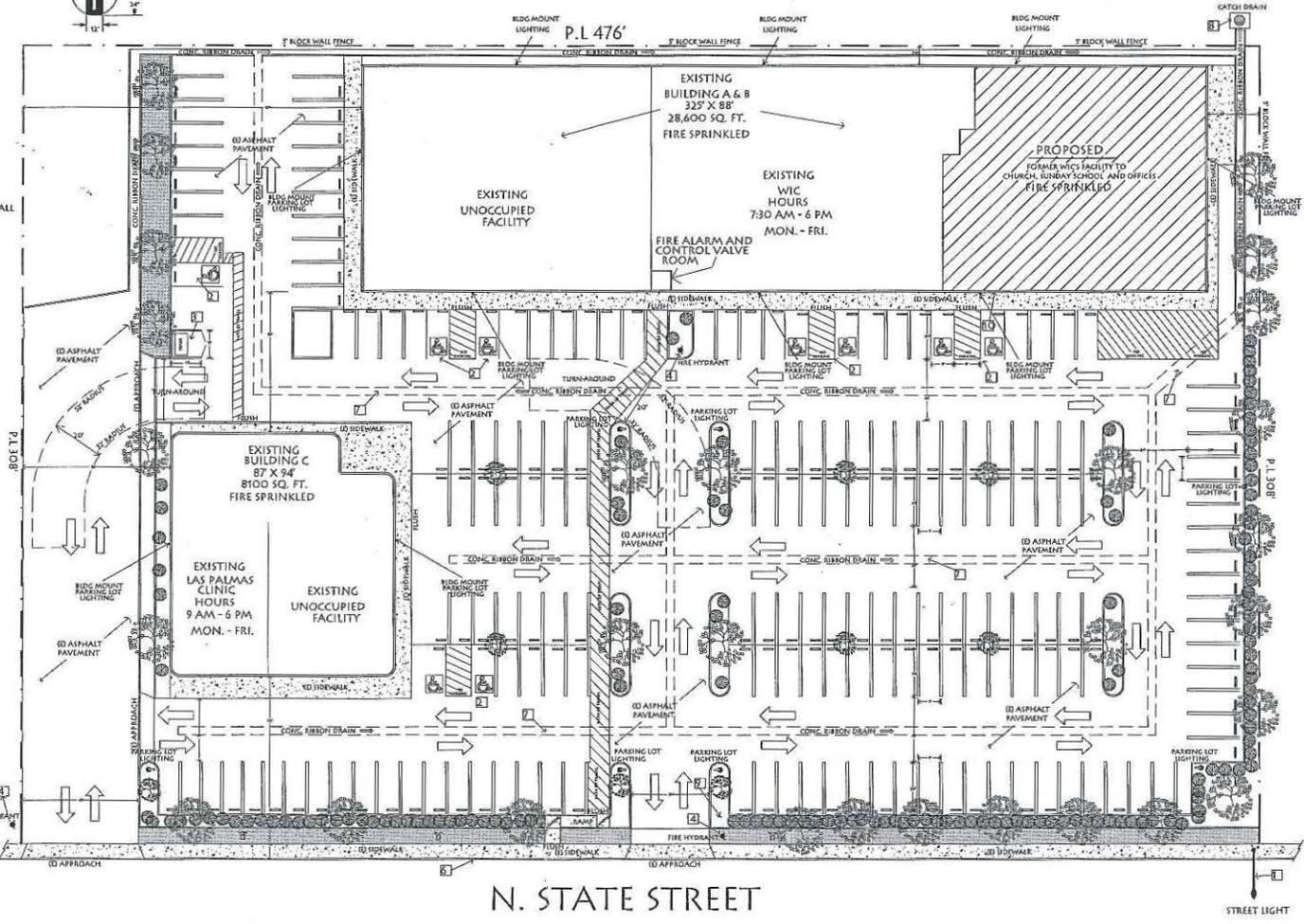
LANDSCAPE LEGEND

EXISTING GRASS GROUND COVER	
EXISTING MEDIUM SIZE TREE 8' TO 10' HIGH	
EXISTING LARGE TREE 12' TO 20' HIGH	
EXISTING THREE MED-TYPE SHRUBS	

NOTE: EXISTING IRRIGATION CONTROLLER NOT ACCESSIBLE AT TIME OF THIS DRAWING



EXAMPLES OF CONCRETE RAMP—
 EDGE PROTECTION AND HANDRAILS AND EXTENSIONS



5/9/09

REVISIONS

Underground Service Alert
 Call: TOLL FREE 811
 DIAL BEFORE YOU DIG

PLANS PREPARED BY:
 PLANS TO BUILD INC.
 1075 N. STATE STREET
 SUITE 100
 HEMET, CA 94303
 PHONE: (951) 939-9488
 FAX: (951) 939-9489
 E-MAIL: KMA@CONTRIBUTOR@PLANS.TOBUILD.COM

PP

DRAWN BY:

DATE

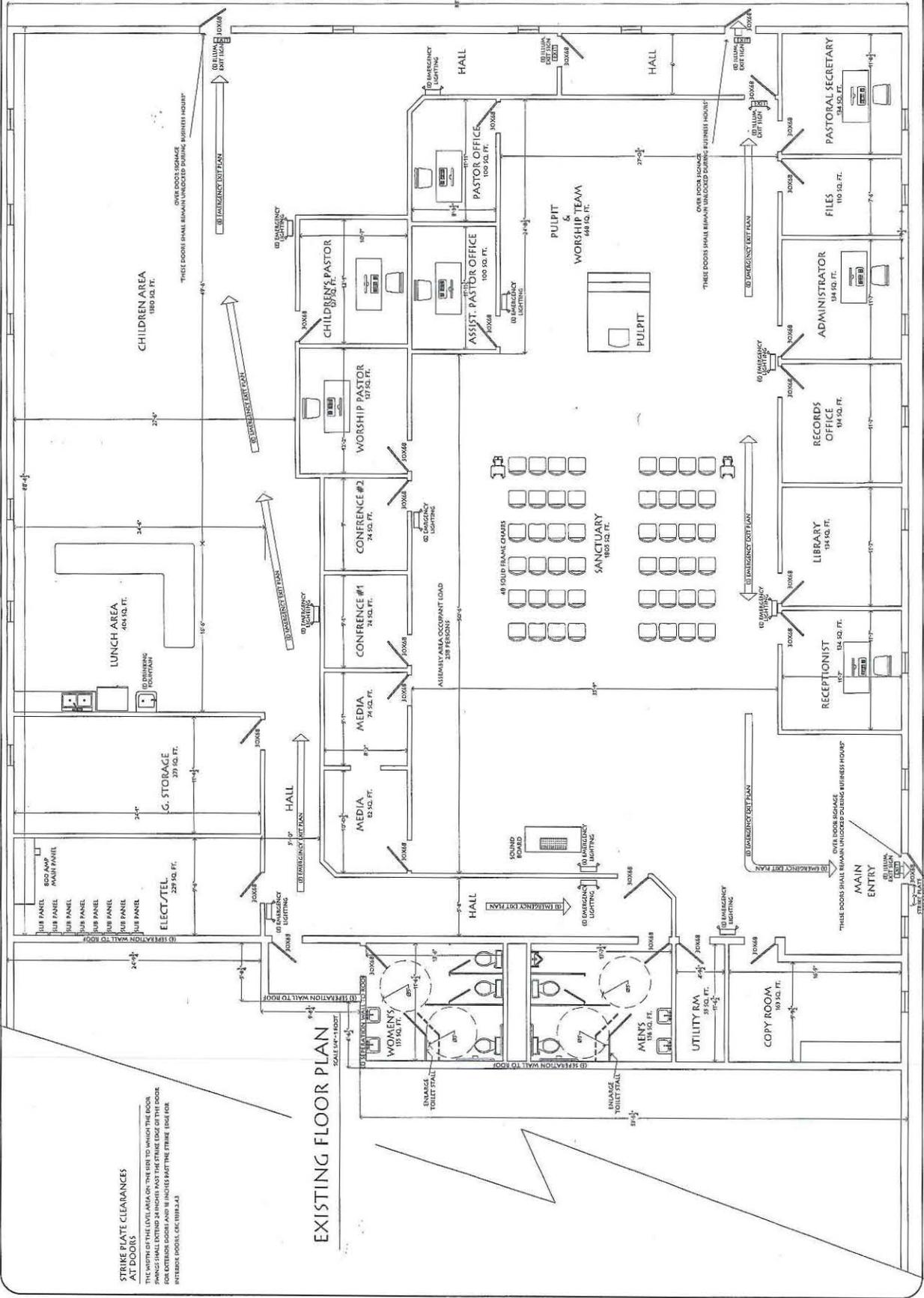
SEAL

PROPOSED
 CHURCH OCCUPANCY FOR
 NEW BEGINNINGS CHURCH
 1075 N. STATE STREET
 HEMET, CA 94303

DATE
 5-9-2012

PLOT PLAN

SHEET
 PP-1



EXISTING FLOOR PLAN

STRIKE PLATE CLEARANCES AT DOORS

THE DEPTH OF THE LEVEL AREA ON THE SITE TO WHICH THE DOOR STRIKES SHALL BE INDICATED ON THE STRIKE LABEL. INTERIOR DOORS, CEC 110112.3.3

PROPOSED
CHURCH OCCUPANCY
FOR
NEW BEGINNINGS CHURCH
1025 N. STATE STREET
HEMET, CA 92344
APN: 49-030-033

DATE
5-8-2013
ROOF PLAN
SHEET
A-2

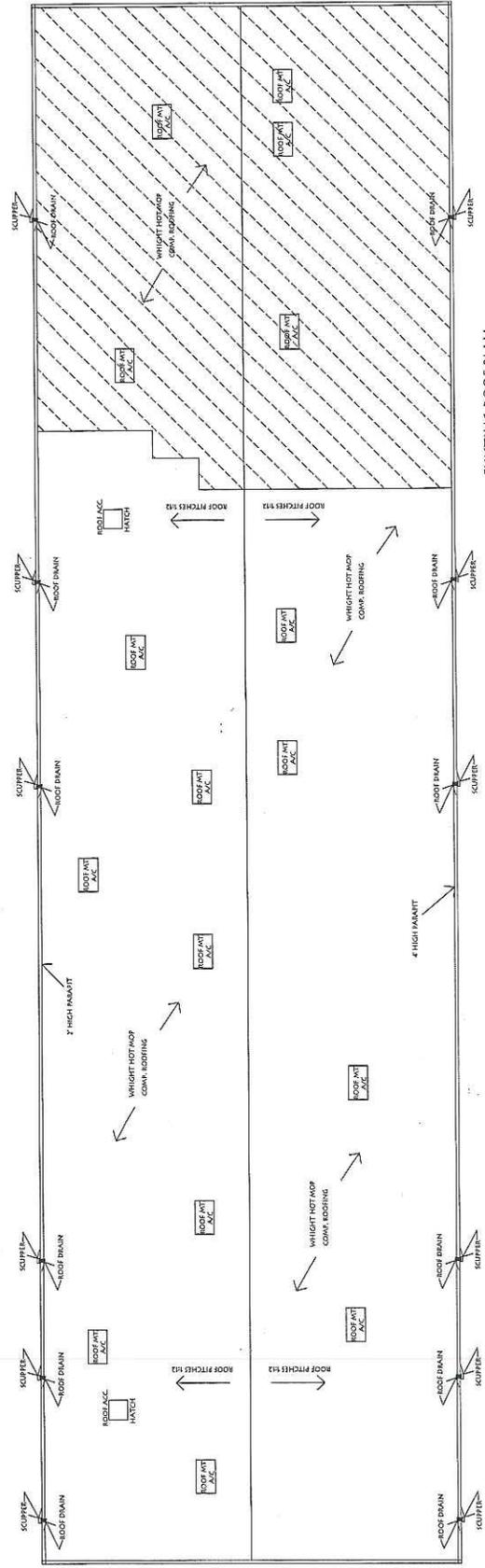
SCALE
DATE
DRAWN BY:

PLANS TO BUILD.NET
PLANNING SERVICE
3140 S. STATE STREET
HEMET, CA 92344
PHONE: 951-224-8888
FAX: 951-664-9124
EMAIL: KEMUSON@PLANS.TOBUILD.NET

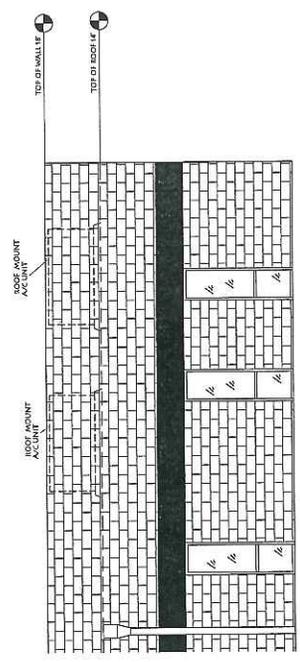
Underground Service Alert
Call: 811
YOU DIG
A map service at undergroundservice.com

ROOF NOTES

THE CURRENT ROOFING IS IN GOOD CONDITION AND
COMPLIES WITH INTENDED NEW USE OF BUILDING.



EXISTING ROOF PLAN
SCALE 1/4" = 1'-0"



EXISTING ROOF EQUIP. SCREENING
SCALE 1/4" = 1'-0"

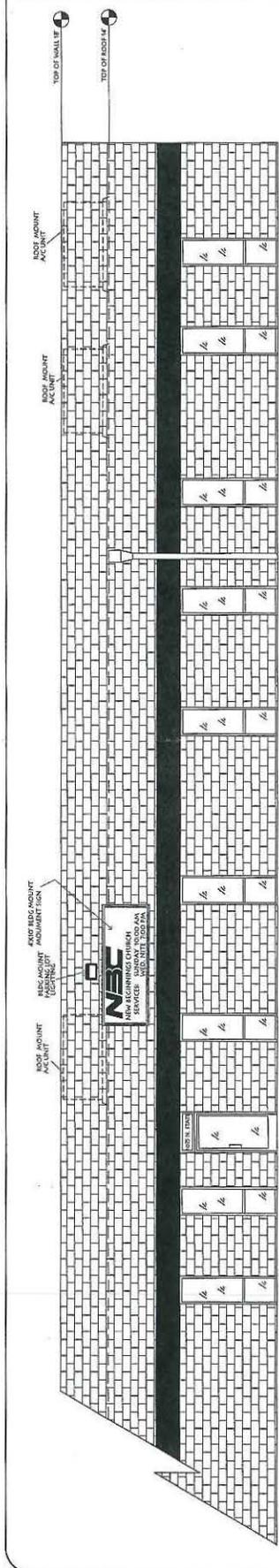
PROPOSED
CHURCH OCCUPANCY
FOR
NEW BEGINNINGS CHURCH
1075 N. 131ST STREET
HEMET, CA 92344
APN: 419-050-035

DATE
8-8-2012
ELEVATIONS

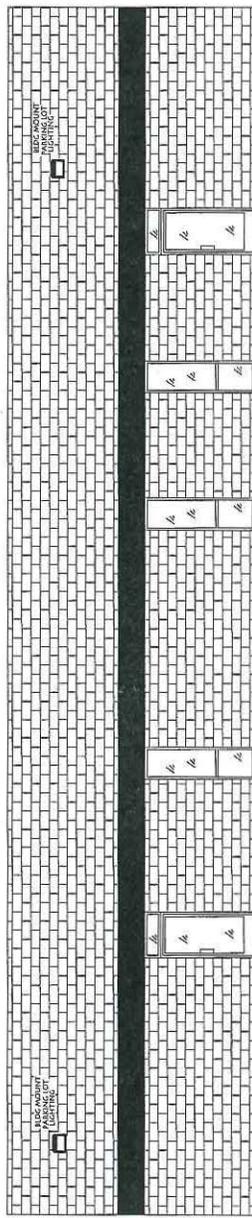
SHEET
A-3

PLAN PREPARATION BY:
PLANS TO BUILD.NET
DRAFTING SERVICE
GOREN KAMAL
1000 S. GARDEN
HEMET, CA 92344
PHONE: (951) 419-1244
FAX: (951) 419-1244
E-MAIL: KMAJ@CONTRACTORADVISOR.COM

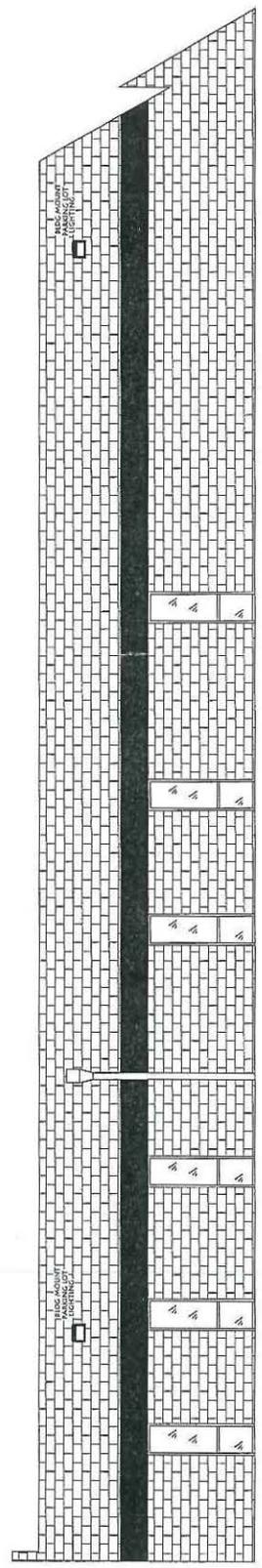
Underground Service Alert
Call: TOLL FREE
811
DIAL BEFORE
YOU DIG
A PUBLIC SERVICE BY UNDERGROUND SERVICE ALERT
DO NOT
REVISIONS



EAST ELEVATION SCALE 1/4" = 1'-0"



NORTH ELEVATION SCALE 1/4" = 1'-0"



WEST ELEVATION SCALE 1/4" = 1'-0"

KIRBY AVE

LYON AVE

PALM AVE

N. STATE STREET

SAN JACINTO STREET

HEWITT ST

ESPLANADE AVE

MENLO AVE

OAKLAND AVE

FLORIDA AVE

VALLEYVIEW
REGIONAL PARK

HEWITT
PROPERTY

SKALTYOUTH
PROPERTY PARK

ACACIA AUBOUFF
SCHOOL

HEWITT
VALLEY
HOSPITAL

RANCHO PARK

HAWLINGER PARK

PARK AVE

AREA MAP
NOT TO SCALE



PROPOSED
CHURCH OCCUPANCY
FOR
NEW BEGINNINGS CHURCH

1075 N. STATE STREET
HEWLET, CA. 92344
APN: 499-010-035

DRAWN BY
DATE
SEAL

PLAN PREPARATION BY:
PLANS TO BUILD.NET
DRAFTING SERVICE
PB
GEORGE KRAUS
REGISTERED ARCHITECT
AND LANDSCAPE ARCHITECT
PHONE: (951) 529-7481
FAX: (951) 654-1334
E-MAIL: KRAUSCONSTROADRUNNER.COM

Underground Service Alert
Call: TOLL FREE
811
DIAL BEFORE
YOU DIG
THE WINDING PATH BEYOND THE TREE
A PUBLIC SERVICE BY UNDERGROUND SERVICE ALERT

NO. OF SHEETS	1
NO. OF SHEETS USED	1
DATE	5/8/2012
REVISIONS	
BY	
DATE	

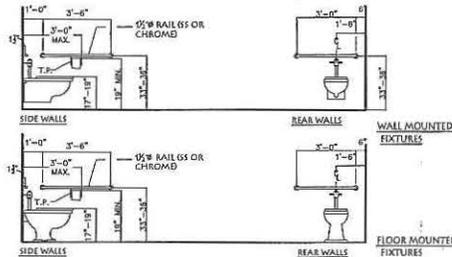
SHEET
A-4

DATE
5/8/2012
AREA MAP

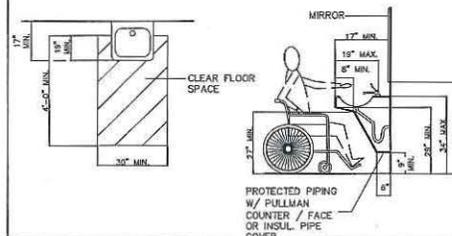


- NOTES:**
1. H.C. SIGNS PER ADA
 2. ALL LETTERS AND SYMBOLS SHALL BE RAISED 1/32"
 3. 12" DIAMETER CIRCLE 1/4" THICK WITH THE COLOR AND CONTRAST BEING DISTINCTLY DIFFERENT FROM THE COLOR OF THE DOOR
 4. INTERNATIONAL SIGN OF ACCESSIBILITY: WHITE FIGURE ON BLUE (15590 FEDERAL STANDARD 595A) BACKGROUND
 5. SIGN SHALL BE DISPLAYED AT 60° A.E.F., CENTERED ON THE DOOR, COLOR AND CONTRAST SHALL BE DISTINCTLY DIFFERENT FROM COLOR AND CONTRAST OF THE DOOR TYP. FOR MEN'S AND WOMEN'S SIGNS
 6. 12" EQUILATERAL TRIANGLE 1/4" THICK WITH THE VERTEX POINTING UPWARD AND THE COLOR AND CONTRAST BEING DISTINCTLY DIFFERENT FROM THE COLOR OF THE DOOR
 7. LETTERS AND NUMERALS ON SIGNS ARE RAISED 1/32"
 8. SANS SERIF UPPERCASE CHARACTERS TO BE ACCOMPANIED BY GRADE 2 BRAILLE
 9. BRAILLE DOTS ARE 1/10" ON CENTER IN EACH CELL WITH 2/10" SPACE BETWEEN CELLS
 10. BRAILLE DOTS ARE RAISED A MINIMUM OF 1/64" ABOVE THE BACKGROUND
 11. MOUNTING HEIGHT IS 60" FROM FINISH FLOOR TO THE CENTERLINE OF THE SIGN

RESTROOM IDENTIFICATION SIGNAGE SCALE N.T.S. (1)

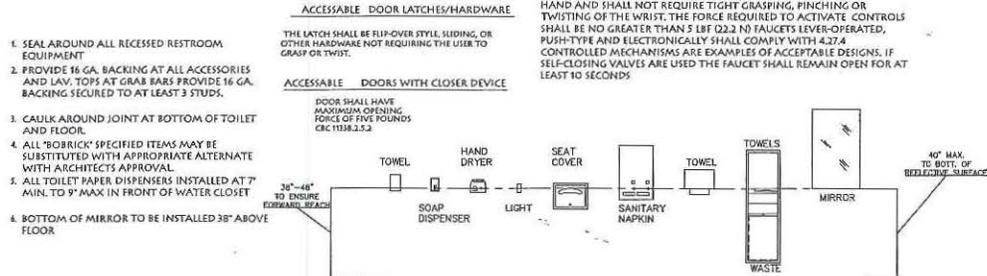


TOILET FIXTURES SCALE N.T.S. (2)

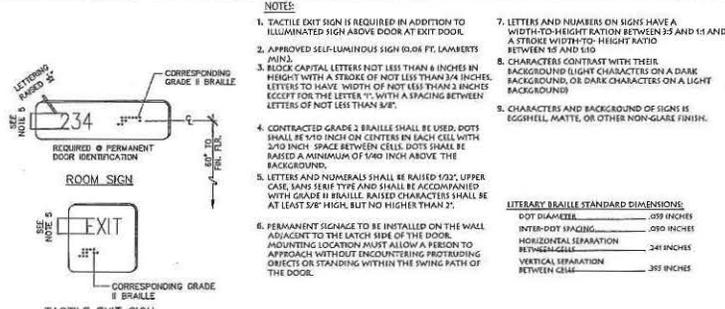


- NOTES:**
1. HOT WATER AND DRAIN PIPES UNDER THE LAVATORY SHALL BE INSULATED OR CONTIGURED TO PROTECT AGAINST CONTACT. THERE SHALL BE NO SHARP OR ABRASIVE SURFACES UNDER LAVATORY.
 2. FAUCETS SHALL BE LEVER OPERATED, PUSH TYPE, OR ELECTRICALLY CONTROLLED MECHANISMS. SELF-CLOSING VALVES SHALL REMAIN OPEN FOR AT LEAST 10 SECONDS.
 3. MIRRORS SHALL BE MOUNTED WITH THE BOTTOM EDGE OF THE REFLECTING SURFACE NO HIGHER THAN 40 INCHES ABOVE THE FINISH FLOOR.

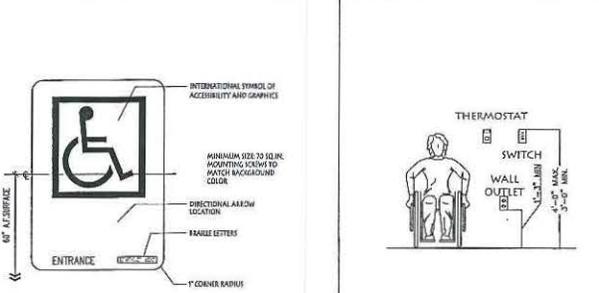
LAVATORY SCALE N.T.S. (3)



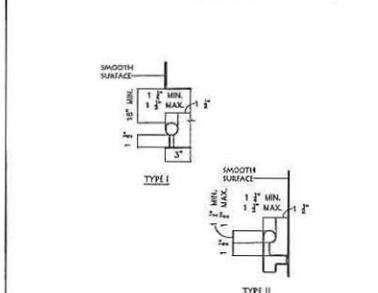
WASHROOM ACCESSORIES SCALE N.T.S. (4)



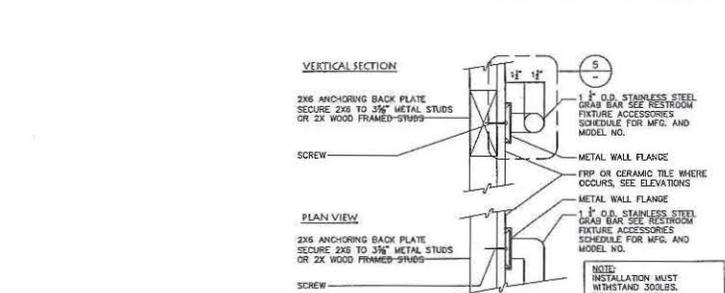
DOOR IDENTIFICATION SIGNAGE SCALE N.T.S. (5)



ENTRY & DIRECT'L SIGNS SCALE N.T.S. (6)



HANDGRIP SCALE N.T.S. (8)



GRAB BAR - PLAN/SECTION SCALE N.T.S. (9)

Underground Service Alert
Call: TOLL FREE 811
DIAL BEFORE YOU DIG
A PLAN REVIEW IS REQUIRED FOR ALL NEW SERVICE

PLAN PREPARATION BY:
PB
DRAFTING SERVICE
1077 N. STATE STREET
HENNEY, CA 95044
PHONE: (971) 212-7488
FAX: (971) 212-7488
WWW.KAUFMANCONTRACTORS.COM

REVISIONS

DATE: 5-8-2012

ADA DETAILS

SHEET HC-1

PROPOSED CHURCH OCCUPANCY CHURCH OCCUPANCY NEW BEGINNINGS CHURCH
HENNEY, CA 95044
PH: 971-212-7488

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

**Planning Commission
July 17, 2012**



CITY OF HEMET
PROPOSED
CONDITIONS OF APPROVAL

PLANNING COMMISSION DATE: JULY 17, 2012

PROJECT NO.: **CONDITIONAL USE PERMIT NO. 12-004**
APPLICANT: Eli Rodriguez
AGENT: Joe Rodriguez
LOCATION: 1075 North State Street
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. 12-004** shall become null and void on **July 17, 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. 12-004** shall become effective on **July 28, 2012** unless appealed to the City Council by **July 27, 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. 12-004 – NEW BEGININNGS

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

Site Development:

11. 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. 12-004, all conditions of approval contained herein shall be completed to the satisfaction of the Planning Department.
12. On-site activities authorized by this Conditional Use Permit are limited to religious uses incidental to a neighborhood or local church, including the conduct of religious services, religious education and youth programs, and other religiously-related activity, including, but not limited to, pastoral counseling by ordained clergy, prayer meetings, and receptions associated with religious services.
13. The project shall be limited to no more than two (2) religious services, not including Sunday school or counseling, on Sunday's and no more than two (2) religious activities per day. A modification may be granted with an approved Minor Conditional Use Permit.
14. The hours of operation for the approved use shall be between 7:00 am to 9:00 pm.
15. Outdoor facilities for storage or storage containers of any kind are not permitted.
16. All facility doors shall be kept closed during activities that have increased sound levels.
17. Noise from the property shall be minimized to a level of no more than 65 dba at the property line in compliance with the Hemet General Plan Public Safety Land Use Compatibility Standards for Exterior and Interior Noise, which requires activities to comply with the maximum noise level standards at the property line

of adjacent uses. No permanent outdoor public address or paging systems shall be permitted at any time.

18. The choir and music related activities that occur in the building should be conducted so that activities comply with noise levels established by the General Plan to minimize noise impacts adjacent residential, not to exceed 65 dba at the property line.
19. No outdoor activities are permitted within the parking area without an approved Temporary Use Permit (TUP).
20. 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. 12-004, shall require submittal and approval of an application for the modification of the Conditional Use Permit.
21. Prior to the issuance of a Certificate of Occupancy, all existing damaged wheel stops shall be replaced.
22. Prior to the issuance of a Certificate of Occupancy, all the chain link fencing in the parking area shall be removed.
23. 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.
24. The Applicant shall upgrade the landscaping on the north side of the parking lot with shrubs and mulch, subject to approval by the Planning Division.

BUILDING DEPARTMENT CONDITIONS

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

Building Code Requirements

25. Prior to the Certificate of Occupancy, the electrical, plumbing and mechanical systems shall be upgraded in accordance with applicable adopted codes.
26. Prior to the Certificate of Occupancy, existing building(s) shall be brought into conformance with current building and zoning regulations for the intended new use of the building(s).
27. Prior to the Certificate of Occupancy, roofing shall be of an approved Class Material and in satisfactory condition.

Handicap Requirements

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

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.

33. Prior to issuance of an On-site Permit or building permit, whichever occurs first, Engineered Plans will be required if there is any modification to the parking lot to accommodate ADA standards. The parking lot shall be designed in accordance with the City of Hemet Parking Lot Design Criteria contained in the City of Hemet Standard Specification for Public Works Construction, Standards P-400 and 401, Uniform Building Code Title 24, and in accordance with Chapter 90, Article XL of the Hemet Municipal Code. The plans shall include the location of parking lot lighting, lighting standard specifications and required parking lot landscaping.

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:

City of Hemet - Conditions of Approval
CONDITIONAL USE PERMIT NO. 12-004 – NEW BEGININNGS

Agency Approvals

34. 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 2500 GPM @ 20psi residual pressure for a duration of 2 hours, per 2010 CFC Appendix B. Fire flow and flow duration for buildings without automatic fire protection and having an area in excess of 3,600 square feet shall not be less than specified in Table B105.1.
35. 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

36. 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".
37. 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).
38. 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.
39. 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.
40. Storage and handling of flammable and combustible liquids shall be in accordance with the 2010 California Fire Code, Chapter 34 and NFPA 30 (2008), Flammable and Combustible Liquids Code.

Hydrants and Fire Protection Systems

41. An approved water supply capable of supplying the required fire flow for fire protection shall be provided on site when any portion of the building or facility is in excess of 400 feet from an approved water supply on a public street. 2010 CFC Section 507. The location of on-site hydrants and mains shall be approved by the Fire Marshall prior to permit issuance.
42. Prior to combustible construction commencing, install and/or upgrade, as required by the 2010 CFC, street (off-site) fire hydrants pursuant to the City of Hemet Standard Specifications for Public Works Construction. Distance between fire hydrants shall not exceed 300 feet without approval from the Fire Marshal.

Fire hydrants shall be located within 150 feet of Fire Department Connections (FDC) for Standpipes and Automatic fire sprinklers.

43. Prior to combustible construction install, as required by the City of Hemet Fire Marshal, on-site fire hydrants pursuant to the City of Hemet Standard Specifications for Public Works Construction. Travel distance along the fire access route shall not exceed 300 ft. between hydrants without approval from the Fire Marshal. CFC Section 507
44. In accordance with the 2010 CFC Section 507, the water system (mains and hydrants) shall be tested and accepted by the Fire Marshal prior to the commencement of combustible construction. Hydrant markers (Blue Dots) shall be installed pursuant to the City of Hemet Standard Specifications for Public Works.
45. 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.
46. 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.
47. 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.
48. 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.
49. 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.
50. All check valves, post indicator valves, fire department controls, and connections shall be located as required and approved by the Fire Marshal of the City of Hemet. If multiple buildings, each building shall have separate (approved) control valves. A separate permit will be required for all underground piping for fire protection systems.

Fire Department Access

51. Prior to delivery of combustible materials on site, provide and maintain a surfaced all weather access roadway 20-feet wide with a 13-foot 6-inch vertical clearance designed to support the imposed loads of fire apparatus in accordance with the 2010 CFC Section 503.1 (dirt or native soil does not meet the minimum standard). Minimum turning radius for fire apparatus is 52 feet (outside) and 32 feet (inside). Fire access is required to within 150 ft of all portions of every building unless otherwise approved by the Fire Marshal.
52. Prior to the issuance of a Certificate of Occupancy, "No Parking - Fire Lane" signs, red curbing, street signs and other required markings shall be provided to the specifications of the City of Hemet Fire Marshal in accordance with the 2010 CFC Section 503.3 and California Vehicle Code Section 22500.1.
53. Prior to final inspection, addresses shall be provided on all new and existing buildings in accordance with the 2010 CFC Section 505.
54. In accordance with the 2010 CFC Section 503, security gates if installed, shall be installed with approved automatic devices and/or key switches to allow Fire and Police Department access and egress pursuant to the City of Hemet Municipal Code and Fire Department Standards.
55. Modify driveway and on-site circulation in order to provide additional access for fire apparatus pursuant to 2010 CFC Section 503 (contact the Fire Marshal for specifics). Minimum turning radius for fire apparatus is 52 feet (outside) and 32 feet (inside). Fire access turn-around areas must be clear from obstructions including outside storage, trash enclosures and parked vehicles.
56. A fence enclosure, if installed, shall lead to a safe dispersal area 50-feet from buildings or shall have gates which comply with 2010 CFC Section 1008 which lead to a public way.

Miscellaneous

57. 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.
58. 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.

59. 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.
60. Trash containers with an individual capacity of 1.5 cubic yards or greater shall not be stored in buildings or within 5 feet of combustible walls, openings, eaves, etc. unless protected by an approved means (automatic fire sprinkler system and/or an approved 4-hour fire separation).

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.

The Police Department has no conditions.

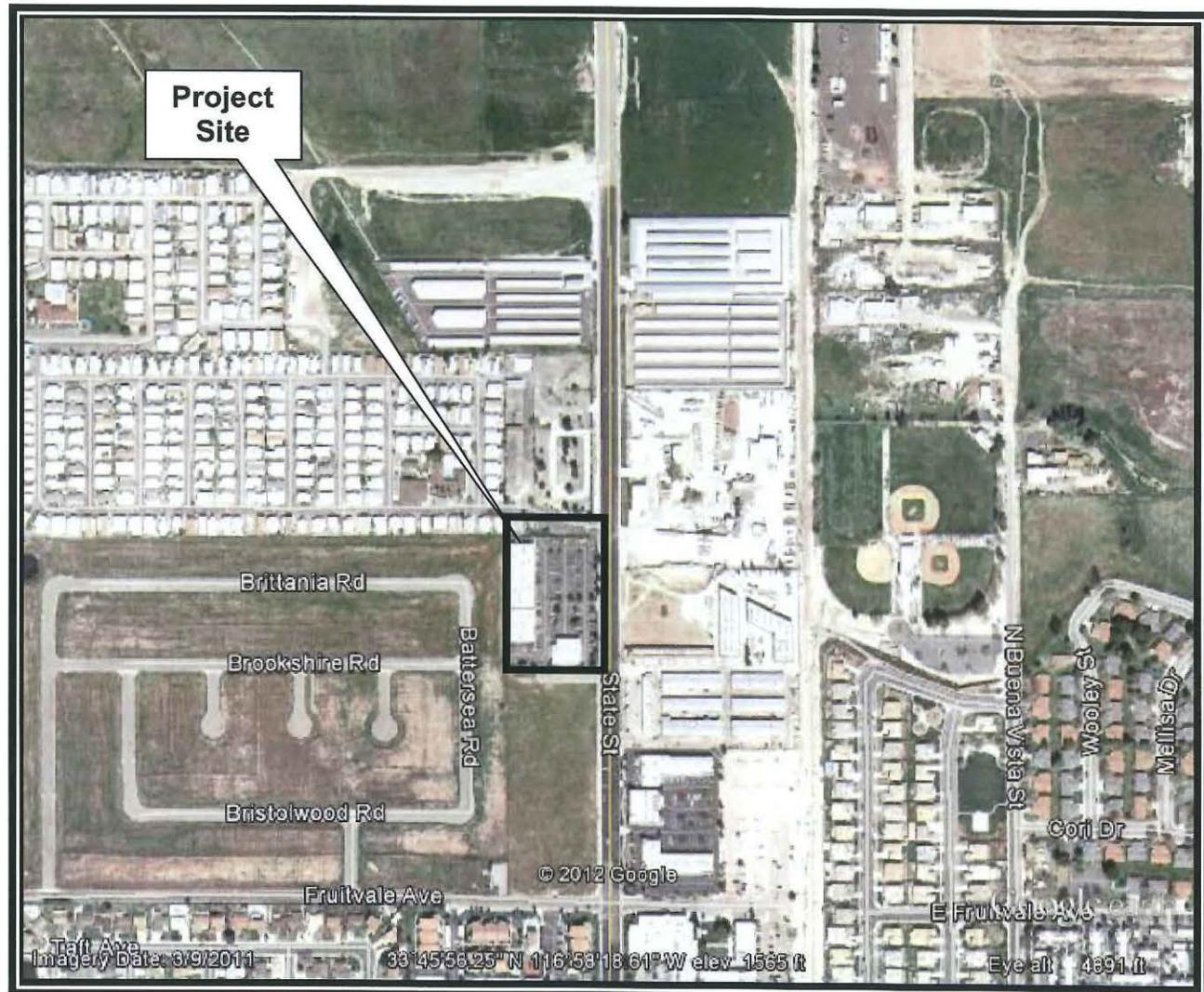
END

Attachment No. 2

Aerial Map

Planning Commission
July 17, 2012

CONDITIONAL USE PERMIT NO. 12-004 AERIAL MAP



Attachment No. 3

Photographs of Site

Planning Commission
July 17, 2012

Conditional Use Permit No. 12-004 Site Photographs



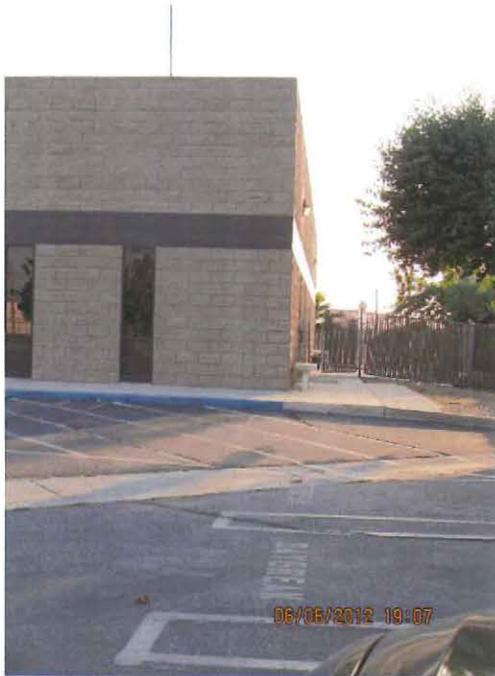
Looking at northeast corner of parking lot



Looking east at the existing parking area



Looking southwest at the front elevation



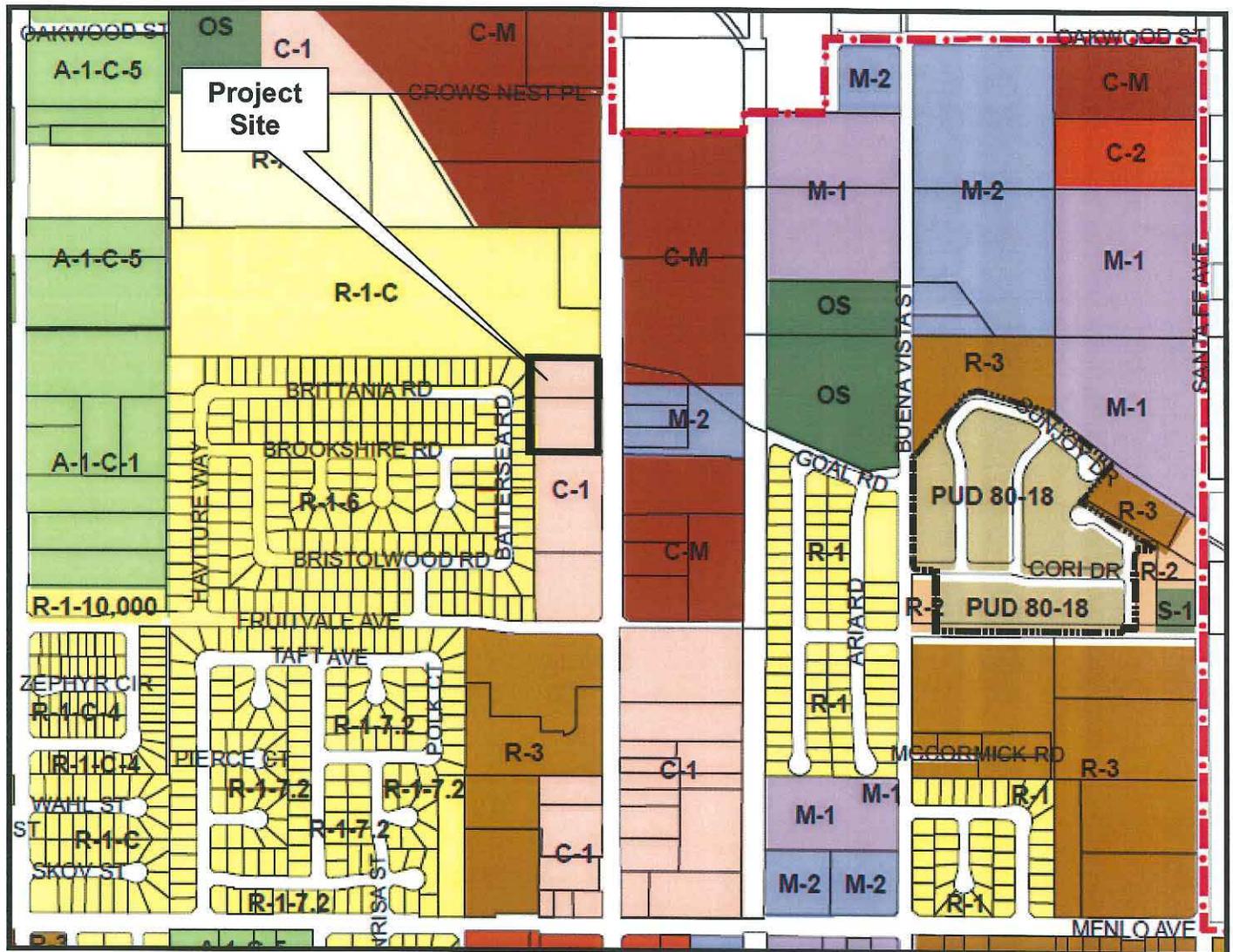
Looking west at the northern elevation

Attachment No. 4

Surrounding Zoning Map

Planning Commission
July 17, 2012

CONDITIONAL USE PERMIT NO. 12-004 ZONING MAP



Attachment No. 5

Statement of Operations and
Letter dated June 19, 2012

Planning Commission
July 17, 2012

Explain how and when deliveries will be made to each proposed business: NONE

Will any business on site have a liquor license, if so which one(s): NONE

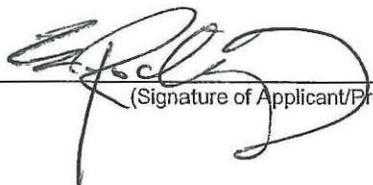
Explain how lighting on the site will be designed to minimize its impact on any surrounding residences and how other elements of the project have been designed to ensure compatibility with the surrounding uses: There is existing lighting on the building only.

If a drive-through is part of the project, describe where it is located, the reason for its location and how it will be screened: NONE

Explain how the proposed location is in accord with the purpose of the zone in which it is located:

Explain how the location of the use and its operation will not be detrimental to the public health, safety and welfare, or materially injurious to properties or improvements in the vicinity: All services will be held within the interior walls of the building

I, the undersigned, hereby certify that all of the foregoing information is accurate and correct to the best of my knowledge.


(Signature of Applicant/Property Owner)

6/19/2012

Rodriguez, Eli
New Beginnings Church
777 S. San Jacinto,
San Jacinto, CA 92583

Carole L. Kendrick
City of Hemet
445 E. Florida Ave.
Hemet, CA 92543

Dear Carole,

In response to the questions you asked in the email that was sent to me on 6/13/12 and in response to the letter received on 6/14/12 section titled, "Other Comments Not Related to Completeness", are the following responses.

We are a 501(c)(3) not for profit organization. New Beginnings Church is geared to serve our community, and it's families. Our desire is to bring restoration, healing and hope to those in need, via prayer and encouragement.

- Our service hours are: Sunday 10:00AM – 2:00PM; Wednesday 7:00PM – 9:00PM
 - Prayer / Other Meetings: Monday 6:30PM-7:30PM; Friday 6:30PM-8:30PM; and Saturday 7:00AM – 9:00AM.
- New Beginnings runs on volunteered help all throughout the organization and counts on approximately 17 faithful volunteers.
- This facility will serve our needs because of the layout and offices that it currently has. It is our desire to avoid any construction or unnecessary remodeling.
 - The children's area will serve as a multi-purpose room, for children on Sunday and for youth on a Friday.
 - We intend to use every office space available now or in the future as identified on plans.

By providing this information we believe we have covered all you questions. However, if there is something that has been missed or if you need additional information, I may be reached at 951-219-6467.

Regards,



Rodriguez, Eli
Lead Pastor
New Beginnings Church



AGENDA #5

Staff Report

TO: Honorable Chairman and Members of the Planning Commission
FROM: Deanna Elliano, Community Development Director 
DATE: July 17, 2012
RE: **ZONING ORDINANCE AMENDMENT (ZOA) NO. 12003 (Parolee and Probationer Housing Regulations)**

APPLICANT: City of Hemet
LOCATION: City-wide
PLANNER: Deanna Elliano, Community Development Director
DESCRIPTION: A request for Planning Commission review and recommendation to the City Council regarding a Zoning Ordinance Amendment to modify Chapter 90, Article X, Division 1 of the Hemet Municipal Code, adding regulations on parolee-probationer homes, with related modifications to Sections 90-312, 90-382 and 90-892 of the land use matrices within Chapter 90, adding parolee-probationer homes as a listed commercial use. This ordinance is a component of the Hemet ROCS (Restoring Our Community Strategy) Program for the City of Hemet.

STAFF RECOMMENDATION:

- 1. That the Planning Commission Adopt Planning Commission Resolution Bill No.12-017, recommending APPROVAL of Zoning Ordinance Amendment No. 12-003 (Ordinance Bill No. 12-061) to the City Council; and***
- 2. Direct staff to file a Notice of Exemption with the County Clerk in compliance with the California Environmental Quality Act.***

BACKGROUND:

The proposed ordinance serves to define and regulate the location, operational standards, and approval process for a particular type of housing referred to as a "Parolee-Probationer Homes". These homes are essentially boarding houses or facilities where individual rooms are rented out to two or more unrelated persons convicted of a federal or state felony and who are under the jurisdiction of a federal, state, or county parole, probation, or corrections officer. The need to regulate the location of these homes within the community is particularly relevant with the recent passage by the California legislature of AB 109 – the Public Safety Realignment Act. In response to the State's budget crisis, AB 109 transfers the responsibility of supervising certain lower level inmates and parolees from the State Department of Corrections to counties. Currently, the City of Hemet's zoning ordinance does not specifically address Parolee-Probationer housing. The proposed ordinance is one of a collection of new ordinances and programs created as part of the Hemet ROCS - Restoring Our Community Strategy effort.

PROPOSED ORDINANCE DESCRIPTION:

The proposed Ordinance is a further revision to Article X, Division 1 of the City of Hemet Zoning Code regarding Boarding Houses and Group Homes, which was recently adopted by the City Council on June

26, 2012. The proposed text of the ordinance is included as Attachment No. 1A to this staff report. Attachment No. 2 is a red-lined text of the entire Article X, Division 1, so that the Planning Commission and the public can view the proposed ordinance amendment in the context of the entire code section.

The proposed ordinance accomplishes the following:

1. Sets forth definitions of a "Parolee-Probationer" and a "Parolee-Probationer Home"
2. Prohibits the location of Parolee-Probationer Homes within any Single-Family or Multi-Family residential zone.
3. Requires a Conditional Use Permit (CUP) for any Parolee-Probationer Home within the commercial R-P and O-P zones to be considered by the Planning Commission.
4. Sets forth specific Findings required for the granting of a CUP for a Parolee-Probationer Home, as outlined in Section 90-279.
5. Sets forth specific operational standards and requirements for Parolee-Probationer Homes as outlined in Section 90-280, including a requirement that such homes shall not be located within 1,000 feet of any other Group Home, Boarding House, Parolee-Probationer Home, child care center, school, park, commercial establishment with a children's playground, or any place where classes or group activities for children are regularly held.
6. Specifies that there are no "grand-fathering" provisions for Parolee-Probationer Homes per Section 90-281.
7. Authorizes the City to revoke or suspend any permit for a Parolee-Probationer home if it is found in violation of the operational standards or any other provisions of the ordinance.

Staff recommends the adoption of the proposed ordinance to further insure the safety and quality of life for Hemet's citizens, and to better respond to some of the anticipated challenges presented by the shift in supervision responsibility to the County for parolees and probationers. Implementation of the ordinance will require close cooperation between the Hemet Police Department, the County Sheriff, the District Attorney's Office, and the County Probation Department in identifying the release of parolees into the community. Enforcement of the CUP process and the operational standards for any Parolee-Probationer Homes will be the responsibility of the Planning and Code Enforcement Divisions, in conjunction with Hemet Police.

COORDINATION AND PUBLIC REVIEW:

On July 5, 2012, the City published a notice in the Press Enterprise of the holding of a public hearing before the Planning Commission at which the amendment to the City's zoning ordinance would be considered. The text of the proposed ordinance was developed by the City Attorney's office, in conjunction with input from the Community Development Director and the Police Chief. An overview of the draft ordinance and copies of the text were also provided to the City's Citizen Advisory Committee for Hemet ROCS at their meeting of June 28, 2012. The Committee expressed support for the proposed ordinance. To date, staff has not received any other public comments on the draft ordinance.

CONSISTENCY WITH ADOPTED GOALS, PLANS, AND PROGRAMS:

The proposed ordinance is in conformance with the adopted 2030 General Plan for the City, in that adopting development regulations for Parolee-Probationer Homes does not conflict with any allowable uses in the land use element and does not conflict with any policies or programs in any other element of the general plan. This Ordinance is in conformance with a fundamental objective of the City's Housing

Element to provide opportunities for safe and decent housing of all individuals while preserving the quality and character of residential and commercial neighborhoods.

CEQA REVIEW AND COMPLIANCE:

The City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The addition of this section to Chapter 90 only relates to regulations for Parolee-Probationer Homes. It does not relate to any physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment, and therefore the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Prepared by:



Deanna Elliano
Community Development Director

DE/ns

ATTACHMENTS:

1. Planning Commission Resolution Bill No. 12-017
Exhibit 1A – Proposed City Council Ordinance Bill No. 12-061
2. Red-line text of Hemet Municipal Code Chapter 90, Article X, Division 1, incorporating the added text of ZOA12-003

Attachment 1

Planning Commission
Resolution Bill No. 12-017



CITY OF HEMET
Hemet, California

PLANNING COMMISSION
RESOLUTION BILL NO. 12-017

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPTING ZONING ORDINANCE AMENDMENT NO. 12-003, AN ORDINANCE AMENDING CHAPTER 90, ARTICLE X, DIVISION 1 OF THE HEMET MUNICIPAL CODE ADDING REGULATIONS REGARDING PAROLEE-PROBATIONER HOMES AND AMENDING VARIOUS OTHER SECTIONS OF CHAPTER 90 RELATING TO THE MATRIX OF PERMITTED LAND USES FOR RESIDENTIAL AND COMMERCIAL ZONES WITHIN THE HEMET MUNICIPAL CODE

WHEREAS, pursuant to Government Code sections 65854 and 65855, the Planning Commission has the authority to review and make recommendations to the City Council regarding amendments to the City's zoning ordinances; and

WHEREAS, on July 5, 2012, the City gave public notice by publishing notice in the Press Enterprise of the holding of a public hearing at which the amendment to the City's zoning ordinances would be considered; and

WHEREAS, on July 17, 2012 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the proposed amendment to the City's zoning ordinance and at which time the Planning Commission considered the proposed amendment to the City's zoning ordinance; and

WHEREAS, the City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect of the environment; and

Planning Commission Resolution Bill No. 12-017
ZONING ORDINANCE AMENDMENT NO. 12-003
PAROLEE-PROBATIONER HOMES

1 **WHEREAS**, attached as Exhibit "A" is the proposed Ordinance.

2
3 **NOW, THEREFORE**, the Planning Commission of the City of Hemet does
4 Resolve, Determine, Find and Order as follows:

5
6 **SECTION 1: ENVIRONMENTAL FINDINGS**

7
8 The Planning Commission, in light of the whole record before it, including but not limited
9 to, the City's Local CEQA Guidelines and Thresholds of Significance, the direction of
10 the Planning Commission at its meeting on July 17, 2012 and documents incorporated
11 therein by reference, and any other evidence (within the meaning of Public Resources
12 Code Sections 21080(e) and 21082.2) within the record or provided at the public
13 hearing of this matter, hereby finds and determines as follows:

14 1. **CEQA**: The City has analyzed this proposed project and has determined that it is
15 exempt from the California Environmental Quality Act ("CEQA") under section
16 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects
17 that have the potential for causing a significant effect on the environment. Where as
18 here, it can be seen with certainty that there is no possibility that the activity in question
19 may have a significant effect on the environment, the activity is not subject to CEQA.
20 The addition of this section to Chapter 90 only relates to regulations for Parolee-
21 Probationer Homes. It does not relate to any physical project and will not result in any
22 physical change to the environment. Therefore, it can be seen with certainty that there
23 is no possibility that this Ordinance may have a significant adverse effect on the
24 environment, and therefore the adoption of this Ordinance is exempt from CEQA
25 pursuant to Section 15061(b)(3) of the CEQA Guidelines.

26
27 **SECTION 2: ZONING ORDINANCE AMENDMENT FINDINGS**

28 Pursuant to Hemet Municipal Code Section 90-41.5(a), the Planning Commission
29 makes the following findings with respect to this zoning ordinance amendment:

30 1. *The zoning ordinance amendment is in conformance with the latest adopted general*
31 *plan for the City.*

32 The zoning ordinance is in conformance with the latest adopted general plan for the
33 City in that adopting development regulations and provisions for Parolee-Probationer
34 Homes does not conflict with any allowable uses in the land use element and does
35 not conflict with any policies or programs in any other element of the general plan.
36 This Ordinance is in conformance with a fundamental objective of the City's general
37 plan and residential zoning program to provide opportunities for safe and decent
38 housing of all income levels while preserving the quality and character of residential
39 neighborhoods.

40

Planning Commission Resolution Bill No. 12-017
ZONING ORDINANCE AMENDMENT NO. 12-003
PAROLEE-PROBATIONER HOMES

1 2. *The zoning ordinance amendment will protect the public health, safety and welfare.*

2 The Zoning Ordinance Amendment protects the public health, safety and welfare by
3 recognizing the right of individuals to have access to appropriate housing while
4 maintaining the City's legitimate interest in local land use regulation and public
5 safety. This Zoning Ordinance maintains zoning requirements by preserving the
6 quality and character of residential neighborhoods and the potential safety of its
7 residents in such a manner to avoid clustering and over concentration of Parolee-
8 Probationer Homes.

9
10 **SECTION 3: PLANNING COMMISSION ACTIONS**

11
12 The Planning Commission hereby takes the following actions:

- 13 1. The Planning Commission approves Resolution Bill No. 12-017 recommending
14 that the City Council adopt the proposed Ordinance which is attached hereto and
15 incorporated herein by reference as Exhibit "A."
16

17
18 **PASSED, APPROVED AND ADOPTED** this 17th day of July, 2012, by the
19 following vote:

20
21 **AYES:**

22 **NOES:**

23 **ABSTAIN:**

24 **ABSENT:**
25
26
27
28

29 _____
30 John Gifford, Chairman
31 Hemet Planning Commission

32 **ATTEST:**
33
34

35 _____
36 Nancie Shaw, Records Secretary
Hemet Planning Commission

**Planning Commission Resolution Bill No. 12-017
ZONING ORDINANCE AMENDMENT NO. 12-003
PAROLEE-PROBATIONER HOMES**

Exhibit 1A

**Proposed City Council
Ordinance Bill No. 12-061**



**CITY OF HEMET
Hemet, California
ORDINANCE BILL NO. 12-061**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, ADOPTING REGULATIONS ON PAROLEE AND PROBATIONER HOUSING, AN ELEMENT OF THE HEMET RESTORING OUR COMMUNITY STRATEGY (HEMET ROCS) PROGRAM.

WHEREAS, the City's Police Department and Code Enforcement Division have observed and reported that parolees frequently live in Boarding House or Group Home environments within the City, and the California Department of Corrections has reported that approximately 70 percent of persons on parole will be returned to prison each year because they have either been convicted of new crimes or have violated the conditions of their parole and that residences housing two or more parolees may pose a danger to the safety of the community and adjacent residents; and,

WHEREAS, the City Council adopted Ordinance No. 1852 on June 26, 2012, which comprehensively updated the City's Boarding House and Group Home regulations; and,

WHEREAS, this Ordinance amends certain provisions in Ordinance No. 1852 to include regulations for parolee-probationer homes; and,

WHEREAS, the City has the authority under its land use and zoning powers to regulate parolee-probationer homes; and,

WHEREAS, parolees and probationers are not a class of persons protected by state and federal fair housing laws, including the federal Fair Housing Act and the California Fair Employment and Housing Act; and,

**ORDINANCE BILL NO. 12-061
ZONING ORDINANCE AMENDMENT NO. 12-003
PAROLEE AND PROBATIONER HOUSING REGULATIONS**

1 **SECTION 5: EFFECTIVE DATE.**

2 This Ordinance shall take effect thirty (30) days from its passage by the City
3 Council of the City of Hemet.

4 **SECTION 6: PUBLICATION.**

5 The City Clerk is authorized and directed to cause this Ordinance to be published
6 within fifteen (15) days after its passage in a newspaper of general circulation and
7 circulated within the City in accordance with Government Code Section 36933(a) or, to
8 cause this Ordinance to be published in the manner required by law using the
9 alternative summary and pasting procedure authorized under Government Code
10 Section 39633(c).

11
12 **INTRODUCED** at the regular meeting of Hemet City Council on _____ 2012.

13 **APPROVED AND ADOPTED** this ___ day of _____ 2012.

14

15

Robert Youssef, Mayor

16

17 **ATTEST:**

APPROVED AS TO FORM:

18

19 _____
Sarah McComas, City Clerk

Eric S. Vail, City Attorney

20

21

22

23

24

25

26

27

28

**ORDINANCE BILL NO. 12-061
ZONING ORDINANCE AMENDMENT NO. 12-003
PAROLEE AND PROBATIONER HOUSING REGULATIONS**

1 State of California)
2 County of Riverside)
3 City of Hemet)

4 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the
5 foregoing Ordinance was introduced and first read on the ___ day of _____ 2012,
6 and had its second reading at the regular meeting of the Hemet City Council on the ___
7 day of _____, 2012, and was passed by the following vote:

- 8 **AYES:**
- 9 **NOES:**
- 10 **ABSTAIN:**
- 11 **ABSENT:**

12
13 _____
14 Sarah McComas, City Clerk

15
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ORDINANCE BILL NO. 12-061
ZONING ORDINANCE AMENDMENT NO. 12-003
PAROLEE AND PROBATIONER HOUSING REGULATIONS

EXHIBIT "A"

Additions are underlined, and deletions are ~~struck out~~.

1. Amendment of Sec. 90-271.

Sec. 90-271 is amended to add the following sentence to the end of the section:

"Finally this Article X serves to protect all residents from the negative impacts of multiple parolees housed in individual dwellings."

2. Amendment of Sec. 90-272.

Sec. 90-272 is amended to add the following definitions, which shall be inserted to maintain the alphabetical order of the terms defined in that section:

"(g) "Parolee-Probationer" means (i) any individual who has been convicted of a federal crime, sentenced to a United States prison, and received conditional or revocable release into the community under the supervision of a federal parole officer; (ii) any individual who has served a term of imprisonment in a State prison and who is serving a period of supervised community custody, as defined in Penal Code Section 3000, and is under the jurisdiction of the California Department of Corrections, Parole and Community Services Division; (iii) an adult or juvenile sentenced to a term in the California Youth Authority and who has received conditional and revocable release into the community under the supervision of a Youth Authority Parole Officer; (iv) any individual who has been convicted of a felony, sentenced to any correctional facility, including County correctional facilities, and is under the jurisdiction of any federal, state, or County parole or probation officer; or (v) any person released to postrelease community supervision under the "Postrelease Community Supervision Act of 2011" (Penal Code Section 3450 et seq.). For purposes

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of this paragraph "felony" means a felony as defined in any California or United States statute.

(h) "Parolee-Probationer Home" means any Boarding House, whether owned or operated by an individual or a for-profit or non-profit entity, which houses two or more Parolee-Probatoners unrelated by blood, marriage, or legal adoption, in exchange for monetary or non-monetary consideration given and/or paid by the Parolee-Probationer and/or any public or private entity or person on behalf of the Parolee-Probationer."

3. Amendment of Sec. 90-273.

Sec. 90-273 is amended to read as follows:

"Sec. 90-273 Applicability.

The provisions of this Division shall apply to all Boarding Houses, Parolee-Probationer Homes and Group Homes (except Small Licensed Residential Care Facilities), and to all persons who own, manage, or operate them."

4. Amendment of Sec. 90-274.

Sec. 90-274 is amended to add a new subsection (e), which shall read as follows:

"(e) Parolee-Probationer Homes are prohibited in or adjacent to all Single-Family Residential Zones and in all Multiple-Family Residential Zones. Subject to a Conditional Use Permit, Parolee-Probationer Homes are permitted in the R-P and O-P commercial zones."

5. Amendment of Sec. 90-278.

Sec. 90-278, subsection (b) is amended to read as follows:

"(b) In the case of Boarding Houses and Parolee-Probationer Homes, the Director shall ascertain whether or not all persons who will have an ownership or leasehold interest in, or will be an Operator of, a Boarding House or Parolee-Probationer Home have been convicted of a felony or

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any crime involving moral turpitude. The City shall cause fingerprints to be taken of the applicant, owner, and Operator of such dwelling or facility.”

6. Amendment of Sec. 90-279.

Subsections (a), (b), (c), (d), (e) and (g) of Sec. 90-279 are amended to read as follows:

“(a) The Boarding House, ~~or~~ Group Home or Parolee-Probationer Home includes sufficient on-site parking and traffic and transportation impacts have been mitigated to a level of insignificance.

(b) The Boarding House, ~~or~~ Group Home or Parolee-Probationer Home conforms to all applicable development standards.

(c) The property upon and structure(s) within which a Boarding House, ~~or~~ Group Home or Parolee-Probationer Home will be located is physically suited to accommodate the use.

(d) The Boarding House, ~~or~~ Group Home or Parolee-Probationer Home will be compatible with the character of the surrounding neighborhood, and the addition or continued maintenance of the use will not contribute to changing the residential character of the neighborhood, such as creating an overconcentration of Boarding Houses, ~~or~~ Group Home or Parolee-Probationer Home in the vicinity of the proposed use. In making this finding or sustaining this finding, the decision making body shall consider as appropriate the following factors:

- (1) The proximity of the Boarding House, ~~or~~ Group Home or Parolee-Probationer Home to schools, parks, other similar and related uses, including Small Licensed Residential Care Facilities, places where alcoholic beverages are sold or distributed to the public and any other uses which could be affected by, or affect the

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operation of, the use or the health, safety and welfare of the residents.

(2) The existence of substandard physical characteristics of the area in which the Boarding House, ~~or~~ Group Home or Parolee-Probationer Home is to be located such as lot widths, setbacks, narrow streets, limited available parking, nonconforming housing types, physical or economic conditions of blight, and other substandard characteristics which are pervasive in certain areas of the City.

(3) Whether, in light of the factors applied in subsections (d)(1) and (d)(2) of this section, it would be appropriate to apply the American Planning Association standard of permitting one Boarding House, ~~or~~ Group Home or Parolee-Probationer Home per block. For purposes of this paragraph, "block" means an area of land that is bounded on all sides by streets or by streets and a cul-de-sac or by any other form of termination of the street (i.e. dead-end not a cul-de-sac). In applying this factor, the decision making body shall take into consideration circumstances where, because of unusually long block or short block, application of the separation standard in Section 90-279(i) would result in less than one use per block or more than two uses per block.

(e) For Boarding Houses, ~~and~~ Group Homes or Parolee-Probationer Homes in or adjacent to residential zones:

(1) The operation of buses, vans, and other similar passenger carrying vehicles, to transport residents to and from off-site activities does not generate vehicular traffic substantially greater

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than that normally generated by residential activities in the surrounding areas.

(2) Arrangement for the delivery of goods are made within the hours that are compatible with and will not adversely affect the peace and quiet of neighboring properties.

(3) Arrangement for commercial trash collection in excess of usual residential collection are made within hours that are compatible with and will not adversely affect the peace and quite of neighboring properties.”

“(g) That none of the persons who will have an ownership or leasehold interest in, or will be Operators of, a Boarding House or Parolee-Probationer Home, have been convicted of a felony or any crime involving moral turpitude.”

7. Amendment of Sec. 90-280.

The first sentence of Sec. 90-280 is amended to read as follows:

“The following standards shall apply to Boarding Houses, and Group Homes, and Parolee-Probationer Homes requiring an Administrative or Conditional Use Permit or a Small Group Home Permit.”

Subsection (i) of Sec. 90-280 is amended to read as follows:

“(i) Group Homes shall not be located within 300 feet, measured from the property lines, of any other Group Home, or Small Licensed Residential Care Facility or Parolee-Probationer Home. All other types of Boarding Houses, including but not limited to Parolee-Probationer Homes, shall not be located within 1000 feet, measured from the property lines, of any other Boarding House,

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Group Home, Small Licensed Residential Care Facility, or Parolee-Probationer Home. Parolee-Probationer Homes shall not be located within 1000 feet, measured from the property lines, of any child day care center, public or private elementary or secondary school, park, public library, public swimming pool, a commercial establishment with an on-site children's playground, or any place where classes or group activities for children are regularly held."

8. Amendment of Sec. 90-281.

Sec. 90-281 is amended to read as follows:

"(a) *Group Homes.*

(1) Any Small Group Home, other than a Parolee-Probationer Home, operating in a Single-Family Residential Zone as of the date of the adoption of Hemet Ordinance 1798 (May 27, 2008) may remain in operation provided that an Administrative Use Permit was obtained by May 27, 2009 and such home was in compliance with the standards set forth in Ordinance 1798 applicable at the time the permit was obtained.

(2) Any Small Group Home or Large Group Home, other than a Parolee-Probationer Home, operating in the R-2 or R-3 Multiple-Family Residential Zones or in the R-P or O-P commercial zones as of the date of the adoption of Ordinance 1798 (May 27, 2008) may remain in operation provided that a Conditional Use Permit was obtained by May 27, 2009 and such home was in compliance with the standards set forth in Ordinance 1798 applicable at the time the permit was obtained, or that such use applies for an

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obtains the applicable permit provided for under this Division within 180 days of the effective date of Ordinance _____.

(b) *Boarding Houses.* Any Boarding House, other than a Parolee-Probationer Home, operating in the R-2 or R-3 Multiple-Family Residential Zones or the R-P or O-P commercial zones as of the date of adoption of Ordinance 1798 (May 27, 2008) may remain in operation provided that a Conditional Use Permit was obtained by May 27, 2009 and such home was in compliance with the standards set forth in Ordinance 1798 applicable at the time the permit was obtained.”

9. Amendment of Sec. 90-282.

The first sentence of Sec. 90-282 is amended to read as follows:

“The Director may suspend or revoke a permit upon a determination that the Boarding House, ~~or Group Home,~~ or Parolee-Probationer Home that is the subject of the permit violated any provisions of this Division or any condition of the permit.”

**ORDINANCE BILL NO. 12-061
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PAROLEE AND PROBATIONER HOUSING REGULATIONS**

EXHIBIT "B"

1. Amendment of Sec. 90-312.

Sec. 90-312(C) is amended to read as follows:

SINGLE-FAMILY RESIDENTIAL LAND USE MATRIX

X= Not Permitted Use P=Permitted Use C=Conditionally Permitted Use (CUP) A=Administrative Use (AUP)

ZONE		R-A	R-1-D	R-1-H	R-1-6	R-1-7.2	R-1-10	R-1-20	R-1-40
C.	Commercial Uses								
1.	Boarding House	X	X	X	X	X	X	X	X
2.	Convalescent hospital	C	X	X	X	X	X	X	X
3.	Environmental cleanup and treatment systems (subject to a temporary use permit see section 90-73)	P	P	P	P	P	P	P	P
4.	Home for the aged	C	C	X	X	X	X	X	X
5.	Home or center for mentally, emotionally or physically handicapped persons	C	X	X	C	C	C	C	C
6.	Nursing home	C	X	X	X	X	X	X	X
7.	<u>Parolee-Probationer Homes</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
8.	Recycling facility - nonpermanent (subject to a temporary use permit see section 90-73)	P	X	X	P	P	P	P	P

**ORDINANCE BILL NO. 12-061
ZONING ORDINANCE AMENDMENT NO. 12-003
PAROLEE AND PROBATIONER HOUSING REGULATIONS**

2. Amendment of Sec. 90-382.

Sec. 90-382(C) is amended to read as follows:

MULTIPLE-FAMILY RESIDENTIAL LAND USE MATRIX		
<i>X=Not Permitted Use P=Permitted Use C=Conditionally Permitted Use (CUP) A=Administrative Use (AUP)</i>		
ZONE	R-2	R-3

C.	Commercial Uses		
1.	Boarding House	X	C
2.	Convalescent hospital	C	C
3.	Environmental cleanup and treatment systems (subject to a temporary use permit see section 90-73)	P	P
4.	Home for the aged	C	C
5.	Home or center for mentally, emotionally or physically handicapped persons	C	C
6.	Hotel or motel	X	C
7.	Parking lot	X	C
8.	Nursing home	C	C
9.	Rest home	C	C
10.	Recycling facility – nonpermanent (subject to a temporary use permit see section 90-73)	P	P
11.	Sanitarium	C	C
12.	<u>Parolee-Probationer Homes</u>	<u>X</u>	<u>X</u>
13.	Plant nurseries, wholesale and/or retail (signing and parking shall comply with articles XXVI and XL. Growing shall be incidental to the retail/wholesale use. Container growing may be permitted but shall not exceed 49 percent of the area devoted to plant display. No field growing is allowed.)	C	C

**ORDINANCE BILL NO. 12-061
ZONING ORDINANCE AMENDMENT NO. 12-003
PAROLEE AND PROBATIONER HOUSING REGULATIONS**

3. Amendment of Sec. 90-892.

Sec. 90-892(C) is amended to insert the following at line 32, with subsequent lines being renumbered accordingly :

COMMERCIAL LAND USE MATRIX								
P=Permitted Use		A=Administrative Use (AUP)			C=Conditionally Permitted Use (CUP)			
ZONE		R-P	O-P	C-1	C-2	C-M	D-1	D-2
C.	Commercial Uses							
32.	<u>Parolee-Probationer home</u>	<u>C</u>	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

**ORDINANCE BILL NO. 12-061
ZONING ORDINANCE AMENDMENT NO. 12-003
PAROLEE AND PROBATIONER HOUSING REGULATIONS**

Attachment 2

Red-Line Text of
Hemet Municipal Code
Chapter 90, Article X, Division 1,
incorporating the added text of ZOA 12-003

ARTICLE X. SPECIAL HOUSING CLASSIFICATIONS

DIVISION 1. Boarding Houses and Group Homes

- 90-271 Purpose
- 90-272 Definitions
- 90-273 Applicability
- 90-274 Permitted Locations
- 90-275 Reasonable Accommodations
- 90-276 Application for a Small Group Home Permit
- 90-277 Application for an Administrative Use Permit
- 90-278 Application for a Conditional Use Permit
- 90-279 Findings for Use Permits
- 90-280 Standards
- 90-281 Nonconforming Uses
- 90-282 Compliance
- 90-283 Authority to Inspect
- 90-284-290 Reserved

DIVISION 1. Boarding Houses and Group Homes

Sec. 90-271. Purpose.

This Article X, as part of the City's overall zoning regulations and in the exercise of its police powers to protect the public health safety and welfare, seeks to preserve the quality and character of the community's single-family and multi-family neighborhoods by limiting, and where appropriate prohibiting, the operation of housing that is commercial or institutional in nature, such as Boarding Houses and other Group Homes, to zones within the City that are best suited to accommodate impacts and needs of those housing types. In adopting this Article X, the City is mindful that the Fair Housing Laws provide Individuals With A Disability the right to an equal opportunity to use and enjoy housing, and that the City may need to provide reasonable accommodation in the City's zoning ordinances and policies where necessary to afford Disabled persons such equal opportunity. The City recognizes that Group Homes providing care and services to six or fewer Disabled persons that are required to be and are licensed by the State of California must be allowed to operate in single-family zones as a matter of right and therefore, such uses are excepted from this Article X as provided herein. The City recognizes that the Fair Housing Laws do not prohibit the City from regulating the location of Large Group Homes (those providing residency to seven or more disabled individuals whether required to be licensed or not) and Small Group Homes (those providing residency to six or fewer disabled individuals that are not required to be licensed by the state) but that the City must make a reasonable accommodation upon request to the residents of such Group Homes where such request does not cause an undue financial or administrative burden on the City or result in a fundamental alteration in the nature of the City's zoning regulations. This Article X establishes regulations to avoid clustering and over concentration of such uses subject to the City's reasonable accommodation provisions. Finally this Article X serves to

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protect all residents from the negative impacts of multiple parolees housed in individual dwellings.

Sec. 90-272. Definitions.

For the purposes of this Article X, the following definitions shall apply:

- (a) "Boarding House" is defined as provided in Section 90-4 of this Code.
- (b) "Disabled" or "Individual With A Disability" means an individual with a qualifying disability under the Fair Housing Laws. Generally, any person with any mental or physical impairment, disorder or condition, which substantially limits one or more major life activities, including physical, mental and social activities and working. "Disabled" or "Individual With A Disability" does not include impairments, disorders or conditions resulting from the current, illegal use of or addiction to a controlled substance, sexual behavior disorders, compulsive gambling, kleptomania, or pyromania.
- (c) "Fair Housing Laws" means the federal Fair Housing Act (42 U.S.C. § 3601 *et seq.*), the California Community Care Facilities Act (Health & Safety Code § 1500 *et seq.*), the California Fair Housing and Employment Act (Gov't Code § 12900 *et seq.*), and Civil Code § 54, together with published judicial decisions interpreting those laws.
- (d) "Group Home" means any Boarding House that provides temporary, interim, or permanent housing to individuals where every person residing in the dwelling is an Individual With A Disability, and the individuals are not living as a Single Housekeeping Unit.
 - (1) "Large Group Home" means a Group Home in which seven or more individuals reside, whether the Group Home is required to be and is licensed by the State of California, or is not required to be licensed by the State of California. Large Group Homes do not include Small Licensed Residential Care Facilities.
 - (2) "Small Group Home" means a Group Home in which six or fewer individuals reside and which is not required to be licensed by the State of California. Small Group Homes do not include Small Licensed Residential Care Facilities.
- (e) "Multiple-Family Residential Zones" means those zones intended for multiple-family residential units as described in Section 90-381 and similar sections in Chapter 90.
- (f) "Operator" means any entity(ies) or person(s) who owns, manages, or operates a Group Home or Boarding House.
- (g) "Parolee-Probationer" means (i) any individual who has been convicted of a

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federal crime, sentenced to a United States prison, and received conditional or revocable release into the community under the supervision of a federal parole officer; (ii) any individual who has served a term of imprisonment in a State prison and who is serving a period of supervised community custody, as defined in Penal Code Section 3000, and is under the jurisdiction of the California Department of Corrections, Parole and Community Services Division; (iii) an adult or juvenile sentenced to a term in the California Youth Authority and who has received conditional and revocable release into the community under the supervision of a Youth Authority Parole Officer; (iv) any individual who has been convicted of a felony, sentenced to any correctional facility, including County correctional facilities, and is under the jurisdiction of any federal, state, or County parole or probation officer; or (v) any person released to postrelease community supervision under the "Postrelease Community Supervision Act of 2011" (Penal Code Section 3450 et seq.). For purposes of this paragraph "felony" means a felony as defined in any California or United States statute.

(h) "Parolee-Probationer Home" means any Boarding House, whether owned or operated by an individual or a for-profit or non-profit entity, which houses two or more Parolee-Probationers unrelated by blood, marriage, or legal adoption, in exchange for monetary or non-monetary consideration given and/or paid by the Parolee-Probationer and/or any public or private entity or person on behalf of the Parolee-Probationer.

(i) "Single-Family Residential Zones" means those zones intended for single-family residential units as described in Section 90-311 and similar sections in Chapter 90.

(j) "Single Housekeeping Unit" means an interactive group of persons jointly residing in a single dwelling unit exercising joint responsibility for and use of the dwelling's common areas, jointly sharing household expenses, jointly sharing household activities and responsibilities such as meals, chores, and household maintenance. A Boarding House shall not be considered a Single Housekeeping Unit. If a dwelling is leased or rented under a single written or oral lease or rental agreement, the makeup of the group of persons occupying the unit must be determined by the residents of the dwelling, not the landlord or property manager, to be a Single Housekeeping Unit.

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(k) "Small Licensed Residential Care Facility" means a Group Home in which six or fewer Individuals With A Disability or children reside that provides onsite care, treatment or other services to its residents and that is required to be and is licensed by the State of California. Small Licensed Residential Care Facilities are exempt from the provisions of this Division and shall be treated for purposes of applying the requirements of Chapter 90 as a residential use of property occupied by a Single Housekeeping Unit. Small Licensed Residential Care Facilities include without limitation the following, provided the number of residents does not exceed six: Intermediate care facilities for the developmentally disabled (Health & Safety Code § 1267.8(c)); Congregate living

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health facilities (Health & Safety Code §§ 1267.8(c), 1267.16(a)); Residential community care facilities, including foster family homes, Small family homes, social rehabilitation facilities, community treatment facilities, and transitional shelter care facilities (Health & Safety Code §§ 1502, 1566.3); Residential care facilities for persons with chronic life-threatening illnesses (Health & Safety Code § 1568.0831); Residential care facilities for the elderly (Health & Safety Code § 1569.85); Pediatric day health and respite care facilities (Health & Safety Code § 1761.4).

Sec. 90-273 Applicability.

The provisions of this Division shall apply to all Boarding Houses, Parolee-Probationer Homes and Group Homes (except Small Licensed Residential Care Facilities), and to all persons who own, manage, or operate them.

Sec. 90-274 Permitted Locations.

- (a) Boarding Houses are prohibited in all Single-Family Residential Zones. Subject to a Conditional Use Permit, Boarding Houses are permitted in R-2 and R-3 Multiple-Family Residential Zones and R-P and O-P commercial zones.
- (b) Large Group Homes are prohibited in all Single-Family Residential Zones. Subject to an Administrative Use Permit, Large Group Homes of ten or fewer residents are permitted in the Multiple-Family Residential Zones. Subject to a Conditional Use Permit, Large Group Homes of ten or fewer residents are permitted in the R-P and O-P commercial zones. Subject to a Conditional Use Permit, Large Group Homes of eleven or more residents are permitted in the Multiple-Family Residential Zones and in the R-P and O-P commercial zones.
- (c) Small Group Homes are permitted in Single-Family Residential Zones and R-2 and R-3 Multiple Family Residential Zones, subject to the issuance of a Small Group Home Permit as provided in this Division. Small Group Homes are permitted in the R-P commercial zones, subject to the issuance of an Administrative Use Permit. Small Group Homes are permitted in the O-P commercial zone, subject to the issuance of a Conditional Use Permit.
- (d) Small Licensed Residential Care Facilities are permitted in all Single-Family Residential Zones, R-2 and R-3 Multiple Family Residential Zones, and the R-P commercial zone. Small Licensed Residential Care Facilities are prohibited in the O-P commercial zone.
- (e) Parolee-Probationer Homes are prohibited in or adjacent to all Single-Family Residential Zones and in all Multiple-Family Residential Zones. Subject to a Conditional Use Permit, Parolee-Probationer Homes are permitted in the R-P and O-P commercial zones.

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Sec. 90-275 Reasonable Accommodation.

Any Individual With A Disability, or their representative, or a developer or provider of housing for Individuals With A Disability may seek a reasonable accommodation from the provisions of Chapter 90 under Division II of this Article.

Sec. 90-276 Application for a Small Group Home Permit.

- (a) Any person or entity seeking to establish a Small Group Home in a Single-Family Residential or Multiple Family Residential (R-2 or R-3) Zone shall first apply to the Director for a Small Group Home Permit. The application for a Small Group Home Permit shall include the following information:
- (1) client profile (the subgroup of the population the facility is intended to serve such as single men, families, elderly, minor children, developmentally disabled, etc.);
 - (2) the maximum number of occupants and the facility's hours of operation;
 - (3) the term of client stay;
 - (4) the support services to be provided on-site and projected staffing levels;
 - (5) the ownership, permit and license history of the applicant, owner, and Operator, if applicable, in previously owning or operating such a dwelling, including the name and addresses of similar homes in the State of California owned or operated within the past five (5) years;
 - (6) a certification under penalty of perjury that none of the identified homes have been found by state or local authorities to be operating in violation of state or local law; and
 - (7) an Operations and Management plan, as provided in the Uniform Building Code, and house rules (as defined in Section 90-280) of this Code.
 - (8) information demonstrating that the premises are in compliance with, or will prior to occupancy be brought into compliance with, the standards set forth in Section 90-280 of this Division.
 - (9) the applicant must secure the inspection and report of the Fire Marshall and Building Official showing that the premises to be used are suitable under applicable uniform building and related codes to safely house the number of persons identified for residency in the dwelling. The Building Official shall determine the applicable use and occupancy classification for the premises for the purposes of the application of the uniform building and related codes.
 - (10) the names of all persons and entities with an ownership or leasehold

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interest in the use or home, or who will be an Operator of the use or home, shall be disclosed in writing to the City, and such persons and entities shall not have a demonstrated pattern or practice of operating similar uses or homes in or out of the City in violation of state or local law.

- (11) the use or home shall provide certification, if available, from a governmental agency or qualified nonprofit organization and such certification is a generally accepted practice or standard among the owners, operators, profession, or industry related to the use or home.
- (b) The Director shall grant the permit within thirty days after determining that the application for a Small Group Home Permit is complete. The Director shall not deny an application for a Small Group Home Permit unless the Director determines that the application is incomplete or, after reasonable investigation, the Director determines that the applicant has provided information that is materially false, misleading or inaccurate or has made material misstatements on the application.

Sec. 90-277 Application for an Administrative Use Permit.

An application for an Administrative Use Permit shall be filed and processed with the City as provided in Section 90-43 *et seq.*, of this Chapter. The following additional requirements shall apply to an Administrative Use Permit under this Division:

- (a) In addition to the application requirements in Section 90-43 *et seq.*, the application shall also include the application requirements noted in Section 90-276(a)(1) through (11).
- (b) The Director shall grant or deny the permit within ninety days after determining the application for an Administrative Use Permit is complete.

Sec. 90-278 Application for a Conditional Use Permit.

An application for a Conditional Use Permit shall be filed and processed with the City as provided in Section 90-42 *et seq.*, of this Chapter. The following additional requirements shall apply to a Conditional Use Permit under this Division:

- (a) In addition to the application requirements in Section 90-42 *et seq.*, the application shall also include the application requirements noted in Section 90-276(a)(1) through (11).
- (b) In the case of Boarding Houses and Parolee-Probationer Homes, the Director shall ascertain whether or not all persons who will have an ownership or leasehold interest in, or will be an Operator of, a Boarding House or Parolee-Probationer Home have been convicted of a felony or any crime involving moral turpitude. The City shall cause fingerprints to be taken of the applicant, owner, and Operator of such dwelling or facility.

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Sec. 90-279 Findings for Conditional Use Permits and Administrative Use Permits.

In addition to the findings applicable to Conditional Use Permits under Section 90-42 *et seq.*, and to Administrative Use Permits under Section 90-43 *et seq.*, the decision making body shall make the following supplemental findings before approving or conditionally approving a Conditional Use Permit or Administrative Use Permit granted under this Division:

- (a) The Boarding House, ~~Group Home~~ or Parolee-Probationer Home includes sufficient on-site parking and traffic and transportation impacts have been mitigated to a level of insignificance. Deleted: or
- (b) The Boarding House, ~~Group Home~~ or Parolee-Probationer Home conforms to all applicable development standards. Deleted: or
- (c) The property upon and structure(s) within which a Boarding House, ~~Group Home~~ or Parolee-Probationer Home will be located is physically suited to accommodate the use. Deleted: or
- (d) The Boarding House, ~~Group Home~~ or Parolee-Probationer Home will be compatible with the character of the surrounding neighborhood, and the addition or continued maintenance of the use will not contribute to changing the residential character of the neighborhood, such as creating an overconcentration of Boarding Houses, ~~Group Homes~~ or Parolee-Probationer Homes in the vicinity of the proposed use. In making this finding or sustaining this finding, the decision making body shall consider as appropriate the following factors:
 - (1) The proximity of the Boarding House, ~~Group Home~~ or Parolee-Probationer Home to schools, parks, other similar and related uses, including Small Licensed Residential Care Facilities, places where alcoholic beverages are sold or distributed to the public and any other uses which could be affected by, or affect the operation of, the use or the health, safety and welfare of the residents. Deleted: or
 - (2) The existence of substandard physical characteristics of the area in which the Boarding House, ~~Group Home~~ or Parolee-Probationer Home is to be located such as lot widths, setbacks, narrow streets, limited available parking, nonconforming housing types, physical or economic conditions of blight, and other substandard characteristics which are pervasive in certain areas of the City. Deleted: or
 - (3) Whether, in light of the factors applied in subsections (d)(1) and (d)(2) of this section, it would be appropriate to apply the American Planning Association standard of permitting one Boarding House, ~~Group Home~~ or Parolee-Probationer Home per block. For purposes of this paragraph, "block" means an area of land that is bounded on all sides by streets or by streets and a cul-de-sac or by any other form of termination of the street Deleted: or
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(i.e. dead-end not a cul-de-sac). In applying this factor, the decision making body shall take into consideration circumstances where, because of unusually long block or short block, application of the separation standard in Section 90-280(i) would result in less than one use per block or more than two uses per block.

(e) The Boarding House, Group Home, or Parolee-Probationer Home will comply with the following requirements;

- (1) The operation of buses, vans, and other similar passenger carrying vehicles, to transport residents to and from off-site activities does not generate vehicular traffic substantially greater than that normally generated by residential activities in the surrounding areas.
- (2) Arrangement for the delivery of goods are made within the hours that are compatible with and will not adversely affect the peace and quiet of neighboring properties.
- (3) Arrangement for commercial trash collection in excess of usual residential collection are made within hours that are compatible with and will not adversely affect the peace and quite of neighboring properties.

(f) That none of the homes identified by the applicant in its application have been found by state or local authorities to be operating in substantial or persistent violation of state or local law.

(g) That none of the persons who will have an ownership or leasehold interest in, or will be Operators of, a Boarding House or Parolee-Probationer Home have been convicted of a felony or any crime involving moral turpitude.

90-280 Standards.

The following standards shall apply to Boarding Houses, Group Homes and Parolee-Probationer Homes requiring an Administrative or Conditional Use Permit or a Small Group Home Permit. Violation of any of these standards shall constitute grounds for revoking the permit.

(a) The property shall be used, maintained, occupied, and/or operated in conformity with a Operation and Management Plan approved by the Director and filed with the City. The plan shall ensure compliance with applicable state and local laws, ordinances, and regulations.

(b) The property shall be used, maintained, occupied and/or operated in such a manner as to not permit public nuisances under Article II of Chapter 30 of this Code, public offenses under Articles I, III and IV of Chapter 46 of this Code, illegal parking under Article IV of Chapter 78 of this Code, and violations of state and federal laws regarding disturbance of the peace, illegal drug activity, public drunkenness, public consumption of alcohol, harassment of passers-by,

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gambling, solicitation, public urination, theft, assault, battery, vandalism, littering, loitering, solicitation, and lewd conduct.

- (c) The use shall not have any substantial adverse impacts on adjoining properties or land uses and shall be compatible with the character of the surrounding neighborhood.
- (d) The property shall comply with all setback, landscaping and other development standards of the underlying zone.
- (e) Both indoor and outdoor common areas shall be provided on site.
- (f) No care, treatment or other services shall be provided on the property that would require licensure by the State of California. Large Group Homes holding a current and valid license from the State of California are exempt from this standard.
- (g) There shall be no more than two residents per bedroom (except that three minor children may share a single bedroom), unless the decision making body approved a higher occupancy limit in issuing the permit. The decision making body shall not approve a higher occupancy limit unless it finds, based on substantial evidence in the record, that such limit is appropriate given the characteristics of the dwelling, the availability of parking, and the measures taken to adequately protect the public health, safety, peace, comfort, and welfare (including but not limited to the reasonable sanitary needs of residents).
- (h) The use or home shall maintain certification, if available, from a governmental agency or qualified nonprofit organization and such certification is a generally accepted practice or standard among the owners, operators, profession, or industry related to the use or home.
- (i) Group Homes shall not be located within 300 feet, measured from the property lines, of any other Group Home, Small Licensed Residential Care Facility or Parolee-Probationer Home. All other types of Boarding Houses, including but not limited to Parolee-Probationer Homes, shall not be located within 1000 feet, measured from the property lines, of any other Boarding House, Group Home, Small Licensed Residential Care Facility, or Parolee-Probationer Home. Parolee-Probationer Homes shall not be located within 1000 feet, measured from the property lines, of any child care center, school, or park, as such uses are defined in Section 90-311, a commercial establishment with an on-site children's playground, or any place where classes or group activities for children are regularly held.
- (j) All Group Homes shall (1) maintain and enforce house rules that, at a minimum, shall provide for the protection of occupant safety and require occupants to register weekly schedules with the onsite house manager; and (2) provide for an onsite house manager who shall be responsible for, at a minimum, enforcement of the house rules and supervision of occupant schedules.

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90-281 Nonconforming Uses

(a) *Group Homes.*

- (1) Any Small Group Home, other than a Parolee-Probationer Home, operating in a Single-Family Residential Zone as of the date of the adoption of Hemet Ordinance 1798 (May 27, 2008) may remain in operation provided that a valid use permit, or such other valid permit as was required at the time, was obtained and such facility was in compliance with the applicable standards set forth in Chapter 14 "Buildings and Building Regulations" and Chapter 90 "Zoning" of this code, at the time the permit was obtained.
- (2) Any Small Group Home or Large Group Home, other than a Parolee-Probationer Home, operating in the R-2 or R-3 Multiple-Family Residential Zones or in the R-P or O-P commercial zones as of the date of the adoption of Ordinance 1798 (May 27, 2008) may remain in operation provided that a valid use permit, or such other valid permit as was required at the time, was obtained and such facility was in compliance with the applicable standards set forth in Chapter 14 "Buildings and Building Regulations" and Chapter 90 "Zoning" of this code, at the time the permit was obtained.

- (b) *Boarding Houses.* Any Boarding House, other than a Parolee-Probationer Home operating in the R-2 or R-3 Multiple-Family Residential Zones or the R-P or O-P commercial zones as of the date of adoption of Ordinance 1798 (May 27, 2008) may remain in operation provided that a valid use permit, or such other valid permit as was required at the time, was obtained and such facility was in compliance with the applicable standards set forth in Chapter 14 "Buildings and Building Regulations" and Chapter 90 "Zoning" of this code, at the time the permit was obtained.

Sec. 90-282 Compliance.

The granting authority may suspend or revoke a permit upon a determination that the Boarding House, Group Home or Parolee-Probationer Home that is the subject of the permit violated any provisions of this Division or any condition of the permit. Prior to such suspension or revocation, the granting authority shall set and conduct a hearing wherein the permit holder shall have the opportunity to be heard and present evidence in his/her defense. After such hearing the granting authority shall notify the permit holder in writing as to the outcome of the hearing. In the event that the permit is suspended or revoked, the permit holder may appeal to the City Council but must do so within 10 days of the date of the notification. The City Council shall hear the appeal within 10 days after the date of receipt of the notice of appeal.

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Sec. 90-283 Authority to Inspect.

Any City official or authorized representative charged with enforcement

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responsibilities under this municipal code, state law or other government authority may enter and inspect the premises or perform any duty imposed by the municipal code or by state law, provided the owner, managers, Operators, or lawful occupant(s) has consented to the inspection. The refusal by an owner, manager, Operator, or occupant to permit such entry and inspection may be considered in any proceeding to suspend or revoke the permit.

90-284-290 Reserved.

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