

PLANNING COMMISSION

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

February 19, 2013
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: Vice Chairman Overmyer

2. APPROVAL OF MINUTES:

A. Minutes of the January 15, 2013 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 HEARING ITEMS

Meeting Procedure for Public Hearing Items:

1. Receive Staff Report Presentation
2. Commissioners report 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. SPECIFIC PLAN NO. 11-001 (North Hemet Specific Plan) & DRAFT ENVIRONMENTAL IMPACT REPORT (SCH NO. 2011101031) – Continued from January 15, 2013

APPLICANT: Housing Authority of the County of Riverside
AGENT: John Aguilar, EDA Director of Housing
LOCATION: Northwest corner of North State Street and Oakland Avenue
PLANNER: Ron Running – (951) 765-2375

DESCRIPTION: A request for Planning Commission review and recommendation to the City Council regarding the establishment of the proposed North Hemet Specific Plan for a 28.6+ acre site and the proposed Draft Environmental Impact Report establishing a maximum of 525 multi-family residential units (100 units within mixed-use areas), 118,919 square-feet of retail commercial, and 16,335 square feet of office space.

Recommended Action:

That the Planning Commission:

1. Open the public hearing and take testimony regarding the proposed project and Draft EIR; and,
2. Provide any additional Planning Commission comment, or direction to staff and the applicant, regarding the Draft EIR and Draft North Hemet Specific Plan (SP 11-001); and,
3. Continue the Public Hearing to the **March 19, 2013 Planning Commission meeting** to allow additional time for the applicant to respond to the questions raised by the Planning Commission at the Dec. 4, 2012 public hearing.

5. CONDITIONAL USE PERMIT NO. 12-009 (BJ's Rentals)

APPLICANT: Brad Thomas
LOCATION: 450 North State Street
PLANNER: Carole Kendrick – (951) 765-2375

DESCRIPTION: A request for Planning Commission review and approval of a Conditional Use Permit for the operation of a rental equipment business on a 1.39 acre parcel located on the east side of State Street, south of Oakland Avenue and north of Devonshire Avenue in the C-2 (General Commercial) zone, and consideration of an Environmental Exemption pursuant to CEQA Guidelines Section 15301.

Recommended Action:

That the Planning Commission:

1. *Adopt Planning Commission Resolution Bill No. 13-001 approving Conditional User Permit No. 12-009.*

6. CONDITIONAL USE PERMIT NO. 12-007 (Hemet Jewelry and Loan)

APPLICANT: Hemet Jewelry & Loan – Eduardo Salas
AGENT: Rosie Salas
LOCATION: 2355 East Florida Avenue
PLANNER: Soledad Carrisoza – (951) 765-2375

DESCRIPTION: A request for Planning Commission review and approval of a Conditional Use Permit to operate a collateral loan business (pawnbroker/secondhand dealer) in an existing building located on the southeast corner of Florida Avenue and Yale Street in the C-2 (General Commercial) zone, and consideration of an Environmental Exemption pursuant to CEQA Guidelines Section 15301.

Recommended Action:

That the Planning Commission:

1. *Adopt Planning Commission Resolution Bill No. 13-003 approving Conditional User Permit No. 12-007.*

DEPARTMENT REPORTS

7. **CITY ATTORNEY REPORTS:** *Verbal report from Assistant City Attorney Stephen McEwen on items of interest to the Planning Commission.*
8. **COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**
 - A. Verbal Report on City Council actions from the February 12, 2013 meeting
 - B. Informational items from the WRCOG Planning Directors Meeting
9. **HEMET ROCS CITIZEN ADVISORY COMMITTEE REPORT** – *Chairman John Gifford (Continued to March 5th Planning Commission meeting for a report on the Feb. 28th CAC meeting)*
10. **PLANNING COMMISSIONER REPORTS:** *Commissioner reports on meetings attended or other matters of Planning interest*
 - A. Chairman Gifford
 - B. Vice Chair Overmyer
 - C. Commissioner Moghadam
 - D. Commissioner Perciful
 - E. Commissioner Vasquez

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

- A. North Hemet Specific Plan and Draft EIR
- B. Zoning Ordinance Amendment regarding Homemade Food Operators
- C. Public Workshop for the 2013 Housing Element Update
- D. Consistency Zoning Program – Phase 1 Ordinances
- E. CUP-12-010: Banquet Hall on Carmelita Ave.

12. ADJOURNMENT: To the meeting of the City of Hemet Planning Commission scheduled for **March 5, 2013 at 6:00 P.M.** to be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue, Hemet, California 92543.

NOTICE TO THE PUBLIC:

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

PLANNING  COMMISSION

MEETING MINUTES

DATE: January 15, 2013

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 Nasser Moghadam, Michael Perciful and Greg Vasquez

Invocation and Flag Salute: Commissioner Greg Vasquez

2. APPROVAL OF MINUTES:

A. Minutes of the December 4, 2012 Meeting

It was **MOVED** by Vice Chair Overmyer and **SECONDED** by Commissioner Perciful to **APPROVE** the minutes of December 4, 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

3. PUBLIC COMMENTS:

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

PUBLIC HEARING ITEMS

1
2
3
4 **4. SPECIFIC PLAN NO. 11-001 (North Hemet Specific Plan) & DRAFT**
5 **ENVIRONMENTAL IMPACT REPORT (SCH NO. 2111-103 – Continued from**
6 **December 4, 2012**

7 **APPLICANT:** Housing Authority of the County of Riverside
8 **AGENT:** John Aguilar, EDA Director of Housing
9 **LOCATION:** Northwest corner of North State Street and Oakland Avenue
10 **PLANNER:** Ron Running – (951) 765-2375

11
12
13 **DESCRIPTION:** A request for the Planning Commission review and
14 recommendation to the City Council regarding the establishment of the proposed
15 North Hemet Specific Plan for a 28.6± acre site and the proposed Draft
16 Environmental Impact Report establishing a maximum of 525 multi-family
17 residential units (100 units within mixed-use areas), 118,919 square feet of retail
18 commercial, and 16,335 square feet of office space.

19
20 The staff report was presented by Project Planner, Ron Running, who provided a
21 detailed PowerPoint presentation regarding the project.

22
23 Chairman Gifford requested clarification regarding the County's requirements for EDA
24 housing as it relates to very low and extremely low income levels.

25
26 Planner Running responded that the County's requirements simply stipulate that the
27 money must be used for low and moderate income housing, so there is no delineation
28 of the specific number of units per any income category.

29
30 Community Development Director, Deanna Elliano, explained that Staff is meeting with
31 the County to receive further definition, but that our current understanding is that for the
32 County to be able to use the bond capacity, it must all be applied to affordable housing.
33 Staff hopes to have further information by the Commission's next meeting.

34
35 Commissioner Perciful stated that in 2007 housing was at its peak, but currently about
36 70 percent of the housing in the Hemet valley is low-income affordable and nowhere
37 near the 2007 level.

38
39 Chairman Gifford asked if there is some formula that outlines the percentages of low
40 and moderate income housing to perhaps housing of a higher end value.

41
42 Planner Running responded that the County has indicated that everything they would
43 develop would have to be low- and moderate-range housing. Parcels that haven't
44 been acquired by the County and would be privately acquired would not have that
45 restriction. It is only mandated when the County is actually underwriting and expending
46 funds.

47
48 CDD Elliano reminded the Commission that most of the new housing seen in Hemet
49 today actually falls into the County's moderate-income level, just because the sales
50 prices for many of the newer homes are lower than other Southwest Riverside County
cities.

1
2 Commissioner Vasquez asked if the City was looking at the possibility of more than
3 one developer coming in to develop the property.
4

5 Planner Running explained that the original idea was to have one developer, but that
6 as it stands, they might have to divide the project so that one developer would be
7 responsible for the area north of Menlo Avenue, while another would be responsible for
8 the area to the south of Menlo. Also, originally the minimum project area was planned
9 for one acre, but recent discussions have included the possibility of raising that to two
10 or more acres, in an effort to make sure that future development is in larger
11 components.
12

13 In response to Commissioner Moghadam's question regarding the City's open space
14 plans, Planner Running stated that the City has been discussing the concept of
15 imposing a requirement that all of the properties participate in the provision of open
16 space, either by monetary contribution or in public space amenities. He also
17 mentioned that Planning Areas 1 and 5 of the Land Use Plan were originally
18 designated as possible high density residential, perhaps as senior, but since the
19 County Center didn't turn out to be a Senior Center but a Work Force Development
20 Center, it would not work as well for seniors.
21

22 Planner Running further advised that the County plan shows configuration for the
23 streets regarding parkways and landscaped medians, but the details of street furniture,
24 public amenities and an overall design theme have not been determined at this time.
25 The City wishes to have a thematic palette established prior to the first project's
26 approval in an effort to maintain internal consistency and appropriate design
27 relationship with the Stock Farm to the south.
28

29 The County is requesting continuance of this item to the Planning Commission meeting
30 of February 19, 2013.
31

32 Chairman Gifford opened the public hearing.
33

34 Russell Rumansoff, 530 St. John Place, Hemet, approached the lectern as a local
35 business owner and concerned citizen, and indicated his agreement with some of the
36 initial concerns expressed by the Commission. He suggested that the County needed
37 to be more straightforward in their dealings with the City of Hemet. He expressed his
38 feeling that the County was using Hemet as a dumping ground, and that the City
39 should be getting more answers from the County before moving forward and approving
40 the Specific Plan.
41

42 Commissioner Moghadam asked Mr. Rumansoff what he would ask the County to do.
43

44 Mr. Rumansoff referred to some of the affordable housing units that have been put in
45 places like La Costa, which have been of a high quality that anyone would like to live
46 in. He believes it is important to have control, which can be achieved if you can get
47 answers from the County, to be able to make those decisions. If this project turns out
48 to be of quality, locations such as the Stock Farm may follow suit with future
49 development.
50

1 Commissioner Moghadam noted that he would want this project, as any project, to be
2 successful, but stated that it seemed unproductive to sit on the land for another seven
3 years.

4
5 Mr. Rumansoff suggested that the Specific Plan was a good approach, but that the City
6 needs controls over what they are approving, as well as the tools to be able to say
7 what the intent of the Specific Plan originally was and what the City wants in that area.

8
9 Scott Garrett, 230 West Devonshire, Hemet, whose father owns the nearby Hemet
10 Stock Farm, stated that this was not a specific plan, but rather a zoning map. The
11 original intent of the Stock Farm project was to build a neo-traditional, old-fashioned
12 neighborhood that attracts people who want to live in a more urban setting. He felt that
13 the original intent was to lift the boat, but this plan sinks the boat. He indicated that the
14 community needs to get together and buy this property from the County rather than
15 making it a ghetto. He further expressed his feeling that it should be developed for a
16 home ownership market rather than a rental market.

17
18 Chairman Gifford agreed that this project and the Stock Farm must work in harmony.

19
20 Ann Tucker, 23701 West California Avenue, Hemet, gave her history with the area,
21 noting the dramatic changes that have occurred, specifically in the arena of public
22 safety. She pleaded with the Commissioners to be responsible and protect Hemet.

23
24 Robin Lowe (no address given) expressed anger over the present proposal, alluding to
25 the past history of Hemet and the unfulfilled plans by the County. She outlined the
26 history of planning for Hemet, referring to prior plans that dovetailed with the Stock
27 Farm to create a palette of the downtown and that the County's plan was supposed to
28 be for senior mixed use on the property. She felt strongly that this plan was
29 contradicting prior plans and also felt that City staff should not have to dig for answers
30 from the County.

31
32 Chairman Gifford acknowledged that there were no more speakers at this time, but
33 continued the public hearing to the February 19, 2013 Planning Commission meeting.
34 He asked for input from Commissioners regarding the public comments that had been
35 received thus far.

36
37 Vice Chairman Overmyer asked how obligated the City was to the County to do
38 something. Do we say no to the County and wait seven years until the market is
39 better?

40
41 Chairman Gifford asked if the County was driving the wagon in terms of getting the
42 specific plan, even though the City wants it on their terms?

43
44 CDD Elliano responded that the County is the applicant for the specific plan.

45
46 Chairman Gifford asked if it would be possible for the City to push and help design the
47 specific plan in a way it wants. The County needs to either sell the land to someone
48 who will develop it or follow the City's over-arching plans. This area and the Stock
49 Farm are the northern gateway into the community, and the City needs to get it right to
50 lift the whole community, or it will set the tone for the next 50 years. His inclination at

1 this point might be to say no to the plan as it is, and work with the County to get what
2 we want.

3
4 CDD Elliano explained that the City has ultimate land use control. The County owns
5 the majority of the property. The City has control for land use policies, zoning and
6 general plan decisions. The underlying zone is all commercial on this property. The
7 County owned the property and/or formed the redevelopment area before it was
8 annexed. The City and the County both wanted the purpose of this area to be the
9 removal of blight, and to explore the commercial viability of the site. Since then, it's
10 been a continuing process by the City to push for more commercial in that plan for the
11 State Street corridor. Market studies prepared for the project had indicated that there
12 is limited market demand for commercial at this location. This leaves a recognition that
13 some component of the Plan should be residential. The City's interest is to see it is
14 high quality and at the appropriate density. These factors are part of the commission's
15 purview in your recommendation to the City Council.

16
17 Because of the RDA dissolution, the County does not have a lot of funding to give us
18 the details we've been asking them for in the plan. A meeting is scheduled for next
19 week to try and determine the County's position on these various topics that the
20 Commission and Staff have brought up in terms of how far we can go in fashioning the
21 plan.

22
23 The other element needing consideration is that, based on the North Hemet Specific
24 Plan, the General Plan Update, and the Housing Element, this property is noted as
25 including a portion of units available to satisfy our housing requirements. So if the Plan
26 is not approved, there is a need to reallocate those units or find another place. But the
27 larger consideration is what the City wants to see for the property.

28
29 Chairman Gifford indicated that he would like to see what the Stock Farm Plan looks
30 like because they are next door, and he would like to see these properties work
31 together.

32
33 Vice Chairman Overmyer stated that he did not want to rush into anything just because
34 we want to do something with the land. He would prefer an empty palette, allowing the
35 market forces to dictate what would ultimately be the best use for the property.

36
37 Commissioner Moghadam expressed concern regarding the County's and developer's
38 interest and the City's need to be specific in what is wanted.

39
40 Chairman Gifford asked for a recommendation from the Commission to either take a
41 vote as to recommendations to send to City Council, or continue this to the next
42 Planning Commission meeting.

43
44 Commissioner Vasquez stated his feeling that the job of the Commission was to make
45 sure, regardless of the request, that it's the right one for the City, and that the
46 Commission must be a guide in what is in the best interest of the City. He would like to
47 see some development at this location, but since they represent the City, the
48 Commission should not be afraid to say no to a project. He suggested that they, as a
49 Commission, not hurry anything, but more importantly that they not bury their heads in
50 the sand.

1
2 It was **MOVED** by Commissioner Vasquez and **SECONDED** by Commissioner
3 Moghadam to **CONTINUE** Specific Plan No. 11-001 to the Planning Commission
4 meeting of February 19, 2013.

5
6 The **MOTION** was carried by the following vote:

7
8 **AYES:** Chairman Gifford, Vice Chairman Overmyer, and Commissioners
9 Perciful, Moghadam, and Vasquez
10 **NOES:** None
11 **ABSTAIN:** None
12 **ABSENT:** None
13

14 WORK STUDY ITEMS

15 16 17 **5. Introduction to the City of Hemet Consistency Zoning Program for the** 18 **General Plan 2030 Update – Report by Nancy Gutierrez, Project Planner**

19
20 Project Planner, Nancy Gutierrez, initiated her presentation with a detailed PowerPoint.

21
22 Chairman Gifford asked how Staff was intending to deal with zones that are in conflict
23 with current uses of property and whether grandfathering clauses would be
24 appropriate.

25
26 Planner Gutierrez indicated that these questions were part of the ongoing discussion;
27 however, Staff is trying to maintain consistency with existing uses. For some
28 undeveloped properties for which they have a different vision in the future, Staff may let
29 them remain inconsistent for now, as grandfathered, but there will be further discussion
30 as the Zoning Ordinance and map amendments come before the commission.
31

32 33 **6. Report on Industrial Development Land Opportunities within the City of** 34 **Hemet – Report by Community Development Director Deanna Elliano**

35
36 CDD Elliano advised the Commission that in the General Plan, within the city limits
37 there are a total of 1,122 acres designated for industrial / business land. In the
38 planning area outside the city limits but within our Sphere of Influence and to the west
39 particularly, another 824 acres of potential industrial land is available once it's been
40 annexed, zoned and part of the City.

41
42 CDD Elliano went on to outline the various areas of a large graphic map, from Property
43 No. 1 through 19, explaining some of the challenges and constraints, such as fault
44 zones, water fire flow requirements, interplay between existing infrastructure and
45 available development and the cost to make it marketable, proximity to residential
46 and/or airport, Multiple Species Habitat Conservation Plan constraints, Sphere of
47 Influence Amendment and annexation for Property 19, and the Highway 79 extension.
48
49
50

1 **7. Overview of new State Planning Legislation effective January 1, 2013 and**
2 **AB 1616 – the "California Homemade Food Act" – Report by Principal**
3 **Planner Emery Papp**
4

5 Principal Planner Emery Papp explained that the AB 1616 legislation is being imposed
6 upon the cities and the County Public Health officials by the state of California. The
7 County Public Health Department has already adopted an ordinance and the County
8 Planning Department is sending their ordinance to the Board of Supervisors on the
9 29th of January. Although they must comply with the state legislation, they can
10 exercise local control through the zoning ordinances, which is what the Hemet
11 Planning Division is proposing with this ordinance.
12

13 The constraints that are possible locally are such things as the number of people that
14 can come to the home, size of signage, etc.
15

16 Commissioner Vasquez stated that Assemblyman Gatto introduced a terrible piece of
17 legislation in that there is no control over the things that can cause foodborne illnesses.
18 He hopes that whatever the City can do, will be very, very stringent and tight because
19 this is a hazard to the community.
20

21 Commissioner Moghadam inquired regarding the difference between Type A and Type
22 B.
23

24 Discussion ensued, and Principal Planner Papp explained that the basic difference is
25 that with Type A you're selling to an established clientele, while Type B can be sold to
26 a third party, a restaurant, or a business that sells food to others – wholesalers. There
27 is a difference in the amount of scrutiny granted to those operations by County Health.
28

29 Chairman Gifford asked if there is a limit as to the amounts that can be sold.
30

31 Principal Planner Papp outlined the limits established within the state law: this year,
32 total sales must not exceed \$35,000; the following year would be \$45,000; and after
33 that, a maximum of \$50,000 in annual sales would be allowed, but otherwise there is
34 no measure of volume, just dollar amount.
35

36 Chairman Gifford stated that he couldn't see any reason for this other than raising
37 revenue for permits.
38

39 Principal Planner Papp explained that the theory was to safeguard the buyer by
40 providing an opportunity to complain if you purchased an item made by this
41 independent vendor. Now they can follow up and find the source of the problem.
42

43 Commissioner Perciful suggested that it's all about the money. If you make something
44 at home and give it away, there is no regulation.
45

46 Commissioner Moghadam asked if there is any requirement for insurance for people
47 who are selling from their homes.
48
49
50

1 Principal Planner Papp responded that the California Department of Public Health's
2 website states that most homeowners' insurance will not cover them if they encounter a
3 problem.

4
5 CDD Elliano explained that there is very limited control. As far as cities are concerned,
6 it cannot be a discretionary permit. Some of the communities, including the County,
7 are allowing it by right alone, with no permit process. Hemet is proposing at least the
8 home occupation permit because we want to know where the sellers are to be able to
9 pass that information on to Environmental Health, so at least a health inspection is
10 occurring, and Environmental Health knows where the operators are.

11
12
13 **8. Request for Planning Commission direction regarding the establishment of**
14 **an acceptable color palette for residential structures – Report by Community**
15 **Development Director Elliano**
16

17 CDD Elliano advised the Commission that the issue of a residential color palette had
18 come through the city website as a complaint and concern, with a question regarding
19 what can be done to regulate residential exterior colors. She explained that unless a
20 home has CC&R stipulations, the City has no control over the exterior colors of
21 residences. What the City has in place right now is for commercial and industrial
22 buildings because some years ago, the council adopted a palette of acceptable exterior
23 colors and acceptable trim colors, which allows the City to correct noncompliant
24 buildings.
25

26 CDD Elliano asked the Commission if they had had any interest in perhaps applying
27 that practice to residential areas.
28

29 Chairman Gifford heartily approved the concept of perhaps taking the existing
30 commercial palette and expanding it to allow more choices, but protecting property
31 values by maintaining consistency.
32

33 Commissioner Moghadam asked if the city can legally impose these rules and make
34 them retroactive.
35

36 CDD Elliano and City Attorney Steve McEwen both affirmed that a color palette can be
37 determined, but that it could not be retroactive.
38

39 CDD Elliano explained that residential uses would have a different palette than
40 commercial/industrial, but that Staff can move forward and research possibilities, such
41 as no bright or extreme colors. It may just be language restricting homes that are
42 clearly a nuisance or incompatible with their surrounding neighborhood.
43
44

45 Commissioner Vasquez suggested that it was a duty as a Commission to regulate
46 something like this.
47

48 Commissioner Moghadam suggested that a percentage factor be included regarding
49 percentage of colors utilized. He also added a need for expanding the colors noted in
50 the commercial/industrial scheme.

1 Chairman Gifford asked if a motion or recommendation such as this required a public
2 hearing.

3
4 City Attorney McEwen said that they are making a suggestion and don't necessarily
5 need a motion.

6 CDD Elliano indicated that if there is consensus among the Commission, Staff would
7 present the matter to the City Council as a recommendation to initiate staff work on this
8 matter.

9
10 Chairman Gifford stated that he believed there was consensus among the
11 Commission, and the balance of the Commission concurred.

DEPARTMENT REPORTS

9. CITY ATTORNEY REPORTS:

12
13
14
15
16
17
18
19 City Attorney McEwen reported on a medical marijuana case in the City of Riverside for
20 which oral arguments will be presented to the Supreme Court. State law does not
21 expressly require cities to allow medical marijuana dispensaries. The question at hand
22 is whether or not state law implicitly prohibits local prohibitions on medical marijuana
23 dispensaries. Cities such as Hemet, like Riverside, have taken the position that they're
24 prohibited, whereas dispensaries have taken the counter position that they are
25 permitted by state law and cannot be prohibited.

26
27 City Attorney McEwen advised that he plans to watch the oral argument himself, as he
28 has been heavily involved, particularly on behalf of the League of California Cities. He
29 anticipates a ruling in between 60 and 90 days on the case.

30
31 Commissioner Vasquez asked City Attorney McEwen if he had a feeling as to how the
32 Supreme Court might rule.

33
34 City Attorney McEwen indicated that the discussion had gone back and forth. It's a
35 very poorly written state law, with enough deficiency that both sides are able to make
36 substantive arguments. He noted that the cities' argument was stronger, but indicated
37 that it would be a "wait-and-see" game at this point.

10. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:

- 38
39
40
41
42
43
44
45
46
47
48
49
50
A. Verbal Report on City Council actions from the December 11, 2012 and
January 8, 2013 meetings.

CDD Elliano advised the Commission that there was not much to report on the
December meeting other than welcoming the new Council members.

The January 8th meeting included a public safety technology update by Chief Brown.
There was also an item on Council committees and liaisons. The new Planning
Commission liaison is Council Member Wright, and the Hemet ROCS liaisons will be
Mayor Youssef and Council Member Milne.

1 The zoning ordinance amendment for alcoholic beverage sales went to Council for
2 public hearing and was well-received. There was a last-minute change by the City
3 Attorney's office at the request of the Mayor to clarify the operational standards
4 regarding such things as graffiti, signage, and loitering which would apply to existing
5 establishments so there would be a measurement by which to seek compliance.
6

7 **B. Participation in the League of California Cities Planning Commission**
8 **Academy in Pasadena, CA.**
9

10 CDD Elliano asked if any Commissioners had an interest in participating in the training
11 for Commissioners at the League of California Cities Planning Commission Academy in
12 Pasadena. The City has funds to send two Commissioners for a one-day session.
13

14
15 Chairman Gifford and Vice Chairman Overmyer expressed interest.
16

17 CDD Elliano advised the Commissioners to let the department know who would be
18 able to attend prior to February 6th, as that was the registration deadline.
19
20

21 **11. HEMET ROCS CITIZEN ADVISORY COMMITTEE REPORT:**
22

23 Chairman Gifford indicated that this report would be postponed until the next meeting,
24 as there was no Hemet ROCS meeting held in December.
25
26

27 **12. PLANNING COMMISSIONER REPORTS:**
28

- 29 **A.** Chairman Gifford – Nothing to report
30 **B.** Vice Chair Overmyer – Stated that he had visited the Harvard Brickyard
31 restaurant and was pleasantly surprised at the changes made to move in the
32 direction the City is promoting.
33 **C.** Commissioner Moghadam – Indicated that he wished to discuss the Airway
34 Place with CDD Elliano personally, but had nothing else to report.
35 **D.** Commissioner Perciful – Nothing to report
36 **E.** Commissioner Vasquez – Nothing to report
37
38
39

40 **13. FUTURE AGENDA ITEMS:**
41

- 42 **A.** Zoning Ordinance Amendment regarding Cottage Food Operations (AB
43 1515)
44 **B.** Zoning Ordinance Amendment regarding the Conversion of Big Box Retail
45 Buildings
46 **C.** Public Workshop for the 2013 Housing Element Update
47 **D.** Consistency Zoning Program – Phase 1
48
49
50

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

14. ADJOURNMENT: It was unanimously agreed to adjourn the meeting at 8:20 p.m. to the regular meeting of the City of Hemet Planning Commission scheduled for **February 5, 2013 at 6:00 p.m.** to be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue, Hemet, California 92543.

John Gifford, Chairman
Hemet Planning Commission

ATTEST:

Nancie Shaw, Records Secretary
Hemet Planning Commission

AGENDA # 4



Staff Report

TO: City of Hemet Planning Commission

FROM: Deanna Elliano, Community Development Director *DE*
Ronald Running, Project Planner

DATE: February 19, 2013

RE: **SPECIFIC PLAN NO. 11-001 & ENVIRONMENTAL IMPACT REPORT** - A request for Planning Commission review and recommendation to the City Council regarding the establishment of the proposed North Hemet Specific Plan for a 28.6 ± acre site and the proposed Draft Environmental Impact Report establishing a maximum of 525 multi-family residential units (100 units within mixed-use areas), 118,919 square feet of retail commercial and 16,335 square feet of office space.

PROJECT APPLICANT INFORMATION

Owner: Housing Authority of the County of Riverside
Authorized Agent: John Aguilar, Director of Housing
Project Location: Northwest corner of North State Street and Oakland Avenue
APN Information: 439-060-010 et. al.
Lot Area: 28.6± acres

STAFF RECOMMENDATION

The Planning Department recommends that the Planning Commission:

1. *Open the public hearing and take testimony regarding the proposed project and Draft EIR; and,*
2. *Provide any additional Planning Commission comment, or direction to staff and the applicant regarding the Draft EIR and Draft North Hemet Specific Plan (SP 11-001); and,*
3. *Continue the Public Hearing until the **March 19, 2013** Planning Commission to allow additional time for the applicant to respond to the questions raised by the Planning Commission at the December 4, 2012 public hearing.*

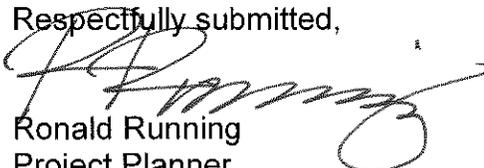
City of Hemet - Planning Department
Planning Commission Meeting of February 19, 2013

BACKGROUND

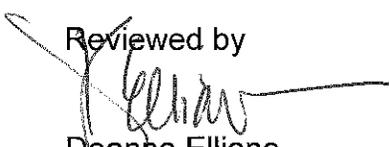
The Commission continued the public hearing for the North Hemet Specific Plan (SP 11-001) from its meeting on January 15, 2013. The Commission had previously asked representatives of the Housing Authority of the County of Riverside to provide more information on the future disposition of the acquired properties in the project area and how the affordability of the future residential units is determined. The Commission also wanted to know what the likely timing of the project would be.

The Commission also asked staff to review how the proposed development would fit in with the thematic plans for downtown Hemet and the nearby historic Hemet Stock Farm property. The applicant has requested additional time to provide the necessary materials for the Commission's review and has requested a further continuance to the meeting of March 19, 2013.

Respectfully submitted,


Ronald Running
Project Planner

Reviewed by


Deanna Elliano
Community Development Director

RR/ns



Staff Report

TO: City of Hemet Planning Commission

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

DATE: February 19, 2013

RE: **CONDITIONAL USE PERMIT NO. 12-009 (BJ'S RENTALS)** – A request for Planning Commission review and approval of a Conditional Use Permit for the operation of a rental equipment yard on a 1.39 acre parcel, located on east side of State Street, south of Oakland Avenue and north of Devonshire Avenue, with consideration of an Environmental Exemption pursuant to CEQA Guidelines Section 15301.

PROJECT APPLICANT INFORMATION

Owner/Applicant: Brad Thomas
Project Location: 450 North State Street
APN: 443-131-016

RECOMMENDED ACTION:

The Planning Division recommends that the Planning Commission:

1. **Adopt Planning Commission Resolution Bill No. 13-001** approving CUP 12-009 subject to the Conditions of Approval (Attachment No. 1), and;
2. Direct staff to file a Notice of Determination with the County Clerk.

BACKGROUND:

On November 1, 2013, the Applicant submitted an application for a Conditional Use Permit, requesting approval for an equipment rental yard. The site has previously been used for this purpose, but has sat idle for several years. Staff has been unable to determine the exact date of construction for the buildings that exist on site but has located building permits that date back to 1994. Building permits also confirm that the

site was previously used as Rebel Rents rental equipment yard from 1996 through 2005, and Rent Smart rental equipment yard from 2005 through 2008. The Applicant is proposing the same use that previously occupied the site for a period of 12 years. Due to length of time that the property was unoccupied, the previous use is now considered abandoned which has triggered the need for a Conditional Use Permit. The Hemet Municipal Code (Section 90-63) states that a nonconforming use will be deemed abandoned when discontinued for a continuous period of 180 calendar days or more, or changed to a conforming use. No permitted uses or business licenses have been issued to the property since 2008.

The subject property is in the General Commercial (C-2) zone which requires that a Conditional Use Permit be approved for an equipment rental yard. A Conditional Use Permit is an entitlement that provides special consideration of certain types of land uses in a particular zone. For such uses, certain safeguards and conditions may be required to protect the public health, safety, convenience and general welfare. The Planning Commission is the approving body for Conditional Use Permits and its action is final unless the decision is appealed to the City Council.

PROJECT DESCRIPTION:

The Applicant is requesting approval of a Conditional Use Permit for the operation of a rental equipment facility. The site has an existing 2,048 square foot building with an 848 square foot covered area and a detached 1,215 square foot metal building. In addition to the buildings, the site contains an existing 65' cell tower disguised as a flag pole and areas for propane and diesel tanks.

The entire site consists of 1.39 acres that has chain link fencing on the entire perimeter. The southerly 0.97 acres is developed with two (2) existing buildings, an existing cell tower, areas designated for propane and diesel distribution and is completely paved with asphalt and concrete. The northerly 0.42 acres is currently undeveloped and covered with gravel. No modifications or expansions are proposed to the buildings or site at this time; however the Applicant has indicated that they may pave a portion of the northerly area in the future.

The Applicant is looking to expand his business into the Inland Empire. BJ's Rentals has been in operation for more than 30 years and currently has 10 locations in the San Diego area. The proposed use will provide contractors and homeowners with a full service equipment company that offers the following equipment:

Air Compressors	Hand Tools	Sawing/Cutting
Automotive	Heating/Cooling/Drying	Scaffolding/Ladders
Bits/Breaker Steel	Hoses	Scissor Lifts
Boom Lifts	Lavina Diamond Tooling	Skidsteers
Carpentry Equipment	Lawn & Garden	Tractors
Compaction Equipment	Lighting	Trenchers
Concrete Grinding Equipment	Material Handling Equipment	Trucks
Concrete Tools	Painting/Remodel Equipment	Welding
Electric Drilling & Coring	Parts	
Electric Hammers	Plumbing	
Excavation Equipment	Pressure Washing	
Floor Care Equipment	Pumps	
Forklifts	Safety/Security	
Generators	Sales	

The proposed hours of operation are between 7am to 5pm, Monday through Saturday. The use will require 5 to 6 employees that assist customers with equipment pick-up on site or equipment delivery, in addition to other associated duties. Equipment will be serviced at the facility upon its return. Service will occur in the service and repair building and will be screened from public view.

PROJECT SETTING

The proposed Conditional Use Permit is on an existing 1.39 acre developed site with existing curb and sidewalk. Fronting State Street, the project site is located on the east side of State Street, south of Oakland Avenue and north of Devonshire Avenue. The project is surrounded by commercial uses to the north (B&W Pipe & Supply) and south (FM Lock & Safe), vacant land to the west (Hemet Stock Farm), and a vacant manufacturing building (commonly referred to as the potato shed) to the east.

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

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

	LAND USE	ZONING	GENERAL PLAN
PROJECT SITE	Vacant commercial building	C-2 (General Commercial)	MU (Mixed Use)
NORTH	BW Pipe and Supply	C-2 (General Commercial)	MU (Mixed Use)
SOUTH	FM Lock and Safe	C-2 (General Commercial)	MU (Mixed Use)
EAST	Vacant manufacturing building	M-2 (Heavy Manufacturing)	MU (Mixed Use)
WEST	Vacant	R-A (Residential Agriculture)	MU (Mixed Use)

ANALYSIS:

Development Review Committee (DRC) Recommendation

The Development Review Committee (DRC) reviewed the project on November 29, 2012 and a resubmittal was reviewed on December 20, 2012. The main concerns raised at the DRC included aesthetics, ultimate right-of-way dedication on State Street, screening and landscaping. The DRC provided written conditions that have been incorporated into the proposed conditions of approval. The recommended conditions of approval were reviewed with the Applicant as part of the DRC process, and the Applicant has voiced general agreement with the recommended conditions. Conditional Use Permit conditions are included as Attachment No. 1 – Exhibit 1B.

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

Site Plan/Site Design. The existing commercial site consists of two (2) commercial buildings totaling 3,263 square feet, an 848 square foot covered area and a 65' cell tower disguised as a flagpole. The site was designed with a parking field adjacent to the main structure and State Street.

Architecture. The existing main building utilizes a block style architecture that includes a flat roof with a slight parapet and shade extension on the south elevation, uniform windows, and slight variations in the roof line. The Applicant proposes exterior enhancements to the west elevation of the building that include stucco, a decorative cornice and wrought iron lattice work to break up the building plane.

The existing service building consists of corrugated metal construction and a slightly sloping metal roof. The Applicant proposes no exterior enhancements to the service building at this time.

Materials and Colors. Exterior finish treatments are comprised of existing block and stucco. The Applicant proposes to stucco the west elevation to enhance the view from State Street. The main building will be painted to match the Applicant's logo colors that include a light beige color and dark blue trim that are consistent with the City of Hemet Commercial and Industrial Building Color Palette. Exterior accents include a decorative cornice and lattice work on the west elevation.

Landscaping. The existing landscaping on site is limited to the State Street frontage outside of the existing chain link fencing. In an effort to increase landscaping on the site without the need for costly asphalt removal, the Applicant has agreed to provide a landscape island between the two southerly driveways, and landscaping on the northerly property boundary that extends 130 feet from the westerly chain link fence. In addition to new landscaping, the Applicant will be supplementing the existing landscaping.

The new landscaping will include six (6) Bottle Palm trees that range in height from four (4) to six (6) feet in height and approximately 60 Indian Hawthorne shrubs. The majority of the shrubs will be used to supplement the existing landscaping on State Street. New irrigation will be provided for the new landscape island on State Street and the landscape row along the north property line.

Drainage. The project will not require any grading at this time and the proposed use will not impact the existing drainage. However, the Applicant has been advised that a Water Quality Management Plan will be required at the time he proposes to pave the northerly gravel area in excess of 5,000 square feet.

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. The hours of operation are 7am to 5pm and do not necessitate additional lighting for evening hours. Security lighting currently exists around the perimeter of the main building and the rear of the metal service building.

Circulation and Parking. The proposed use will utilize the previous parking design with newly painted stalls. The site currently has four existing drive entries; the two 25-foot wide primary ingress/egress points off of State Street, (located south of the building) facilitate vehicular access. The northerly drive is 21 feet wide and is proposed for private use only. The remaining drive is located adjacent to the north side of the existing rental building and does not have gated access. Staff conditioned that this approach be abandoned and replaced with curb and sidewalk per City Standard Commercial Type "B" curb (Condition No. 36). Emergency response access is also provided at all gates via Knox Box or other City of Hemet Fire Department approved equivalent.

The Engineering Department has also conditioned the project to provide an additional eleven (11) feet of right-of-way dedication to accommodate the ultimate right-of-way for State Street (Condition No. 33).

Building material yards, lumberyards and other similar uses which handle primarily bulky merchandise in conjunction with an outdoor yard are required to provide a minimum of one (1) parking space for each 500 square feet of gross floor area, plus one (1) space for each 800 square feet of outdoor sales, display or service area. The project includes a total of 9 parking spaces, which exceeds the minimum 7 required spaces. The Applicant is proposing a minimum of three (3) access points that provides circulation around the structures. The circulation meets the minimum requirements for the Fire Department and provides adequate site circulation.

Screening. Hemet Municipal Code Section 90-895(g)(4) requires that all outdoor storage be screened by a six (6) foot high wall, fence or slatted chain link fence and shall meet the requirements of Section 90-895. The site is surrounded by existing chain link fencing. Staff has made several recommendations to the Applicant regarding screening options for the site that included block walls, sports netting, slats, and relocation of the westerly fence south of the main building. One of the obstacles regarding replacing the fencing is the ultimate right-of-way (ROW) for State Street that is 44 feet from centerline. The ultimate ROW will be one (1) foot from the existing main building. Staff is concerned with requesting the Applicant provide new fencing that would likely need to be relocated when State Street is built to the ultimate ROW. The Applicant also indicated that relocating the fence outside of the proposed parking area would impact his operations. Therefore, project has been conditioned to add screening material to the fence, subject to the satisfaction of the Community Development Director (See Condition of Approval 14).

PUBLIC COMMUNICATIONS RECEIVED

Property owners located within a 300 foot radius of the project site and interested parties were notified of the public hearing on February 7, 2013 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 MU (Mixed Use). The existing General Commercial (C-2) zone is consistent with the Mixed Use land use designation. 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.

Zoning Consistency

The project proposes a rental equipment yard which is consistent with the purpose of the General Commercial (C-2) zone in providing a use subject to a Conditional Use Permit. The existing structures comply with the setback requirements from all current property lines for the proposed use. Furthermore, the existing building has a maximum height of 14 feet which is well below the maximum height of 35 feet. Future widening of State Street to its ultimate configuration will result in a one (1) foot building setback for the main building.

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

DEVELOPMENT STANDARDS	REQUIRED	PROVIDED
Front Setback	7 feet for each 12 feet of building height	12 Feet
Interior Side Setback	0 feet	80± Feet
Rear Setback	0 feet	42 Feet
Building Height	35 Feet Maximum	14 Feet
Parking	7 spaces (1 space for each 500 sq. ft. of floor area, plus 1 space for each 800 sq. ft. of outdoor sales, display or service area)	9 spaces

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

The proposed project also complies with Zoning Code requirements relating to Conditional Use Permits. Findings can be made as follows:

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

The project is subject to, and remains consistent with the Development Standards for the General Commercial (C-2) zone. The zoning allows equipment rental, subject to a Conditional Use Permit. The project proposes to utilize a 1.39 acre parcel with an existing 2,048 square foot office as an equipment rental yard. The existing building complies with the minimum setbacks from property lines, the height of the building is below the maximum height requirement of the Hemet Municipal Code, and the lot coverage is less than the maximum 40% 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 Mixed Use (MU) and

the General Commercial (C-2) zone is consistent with the Mixed Use land use designation. 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.

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

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

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

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

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 use remains consistent with the previous uses on the property.

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 MSHCP. Therefore, the project is exempt from the MSHCP Mitigation Fee.

Airport Land Use Compatibility

The project is located on the east side of State Street, south of Oakland Avenue and north of Devonshire 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.

CEQA REVIEW

The project is exempt from CEQA under CEQA Guidelines Section 15301 for the proposed interior tenant improvement. The proposed tenant improvements are exempt pursuant to Section 15301 because: the tenant improvements are consistent with the MU (Mixed Use) General Plan designation and all applicable General Plan policies and the applicable C-2 zoning designation; the proposed project is located within the boundaries of the City of Hemet; and involves interior improvements that will not result in additional square footage; there is no substantial evidence in the record that the proposed project will result in significant effects related to traffic, noise, air quality or water quality; and the site is or can be adequately served by all required utilities and public services, and as such, the proposed building meets the criteria for application of a Class 1 (Existing Facilities) Categorical Exemption under the CEQA Guidelines.

REPORT SUMMARY

Conditional Use Permit No. 12-009 proposes the operation of a rental equipment yard located on a 1.39 acre site located on the east side of State Street, south of Oakland Avenue and north of Devonshire Avenue.

Staff believes that the use proposed by the project adequately conforms to and is consistent with development standards and guidelines provided by the Zoning Ordinance and is an appropriate use of the existing site. For these reasons, and as more fully discussed in the Staff Report and accompanying attachments, the Planning Department recommends approval of the project. The Planning Commission's actions are final unless appealed to the City Council within ten working days.

Respectfully submitted,

Carole L. Kendrick

Carole L. Kendrick
Assistant Planner

Reviewed by:

Emery J. Papp

Emery J. Papp
Principal Planner

CK

ATTACHMENTS

- 1) Planning Commission Resolution Bill No. 13-001 approving CUP 12-009
Exhibit 1A - Development Plan
Exhibit 1B - Conditions of Approval
- 2) Photographs of Site
- 3) Surrounding Zoning Map
- 4) Surrounding Area Map

INCORPORATED HEREIN BY REFERENCE

City of Hemet General Plan
City of Hemet General Plan EIR
City of Hemet Zoning Ordinance
City Of Hemet Commercial Design Guidelines
Project Site's Riverside County Integrated Plan Multi-Species Habitat Conservation Plan
Summary Report
Contents of City of Hemet Planning Department Project File CUP 12-009

Attachment No. 1

Resolution Bill No.
13-001

Planning Commission
February 19, 2013



CITY OF HEMET
Hemet, California

RESOLUTION BILL NO. 13-001

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 12-009 FOR THE OPERATION OF A RENTAL EQUIPMENT BUSINESS ON A 1.39 ACRE PARCEL LOCATED AT 450 NORTH STATE STREET (APN 443-131-016).

WHEREAS, an application for Conditional Use Permit No. 12-009 for the operation of a rental equipment business has been duly filed by:

Applicant: Brad Thomas
Project Location: 450 North State Street
APN: 443-131-016

WHEREAS, A Conditional Use Permit Application was submitted for consideration on November 1, 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. 12-009 to allow operation of the proposed use; and

WHEREAS, on February 7, 2013, the City gave public notice by advertising in the Press Enterprise and by mailing to property owners within 300 feet, of the holding of a public hearing at which the project would be considered by the Planning Commission; and

WHEREAS, on February 19, 2013, 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 categorically exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15301 "Existing Facilities" and that the exceptions to the

Planning Commission Resolution Bill No. 13-001
CONDITIONAL USE PERMIT NO. 12-009 – BJ's RENTALS

1 categorical exemptions contained in CEQA Guidelines section 15300.2 are not
2 applicable to this project.

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

6
7 **SECTION 1: ENVIRONMENTAL FINDINGS**

8
9 The Planning Commission, in light of the whole record before it, including but not limited
10 to, the City's Local CEQA Guidelines and Thresholds of Significance, the
11 recommendation of the Community Development Director as provided in the Staff
12 Report dated February 19, 2013 and documents incorporated therein by reference, and
13 any other evidence (within the meaning of Public Resources Code §21080(e) and
14 §21082.2) within the record or provided at the public hearing of this matter, hereby finds
15 and determines as follows:

16
17 **1. CEQA:**

18
19 (a) The project is exempt from provisions of the California Environmental
20 Quality Act (CEQA) under CEQA Guidelines Section 15301 in that
21 information contained in the project file and documents incorporated
22 herein by reference demonstrates that: Conditional Use Permit No. 12-009
23 is consistent with the MU (Mixed Use) General Plan designation and all
24 applicable General Plan policies as well as the applicable zoning
25 designation; the proposed project site is located within the boundaries of
26 the City of Hemet; Conditional Use Permit No. 12-009 has no value as
27 habitat for endangered, rare or threatened species; there is no substantial
28 evidence in the record that Conditional Use Permit No. 12-009 will result in
29 significant effects related to traffic, noise, air quality or water quality in that
30 the proposed design incorporates and otherwise is subject to air and water
31 quality resource agency design requirements to avoid any harmful effects;
32 and the site is or can be adequately served by all required utilities and
33 public services. As such, the project meets the criteria for application of a
34 Class 01 (Existing Facilities) Categorical Exemption under the CEQA
35 Guidelines. Additionally, none of the exceptions provided in CEQA
36 Guidelines Section 15300.2 apply to this project.

37
38 (b) None of the exceptions to the categorical exemptions contained in CEQA
39 Guidelines Section 15300.2 prevent CEQA Guidelines Section 15301 from
40 exempting the project for the following reasons:

41
42 (i) The project is not a Class 3, 4, 5, 6, or 11 project, and therefore is
43 not subject to the exception pertaining to projects located in
44 particularly sensitive environments.
45

- (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):** The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and is exempt from payment of the MSHCP fee pursuant to Chapter 31, Section 31-16 (2) of the Hemet Municipal Code.

SECTION 2: REQUIRED CONDITIONAL USE PERMIT FINDINGS

Pursuant to Hemet Municipal Code Section 90-1537(c) and in light of the record before it including the staff report dated February 19, 2013 and all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds 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

1 the zone in which the site is located, is consistent with the General Plan and
2 complies with other relevant city regulations, policies and guidelines.
3

4 The project is subject to, and remains consistent with the Development
5 Standards for the General Commercial (C-2) zone. The zoning allows equipment
6 rental, subject to a Conditional Use Permit. The project proposes to utilize a 1.39
7 acre parcel with an existing 2,048 square foot office as an equipment rental yard.
8 The existing building complies with the minimum setbacks from property lines,
9 the height of the building is below the maximum height requirement of the Hemet
10 Municipal Code, and the lot coverage is less than the 40% maximum allowed.
11

12 The proposed project is in conformance with the General Plan for the City of
13 Hemet. The land use designation for the project site is Mixed Use (MU). The
14 proposed development is consistent with the General Plan Land Use policy (LU-
15 4.3) regarding Infill Development and Re-Use in that the project will occupy an
16 underutilized commercial site and foster future uses that are consistent with the
17 needs of the community.
18

- 19 2. That the proposed location of the conditional use and the conditions under which
20 it would be operated or maintained will not be detrimental to the public health,
21 safety or welfare, nor materially injurious to properties or improvements in the
22 vicinity.
23

24 The site has been conditioned to meet all development standards of the C-2
25 zone district which is intended to protect the public health, safety and welfare.
26 The location of the proposed project complies with development standards, as
27 discussed in the staff report and attachments that are provided to assure that the
28 project and other properties and improvements in the vicinity are compatible, and
29 that the proposed project is not detrimental to the surrounding community.
30

31 The location of the buildings will not conflict with on-site circulation since the
32 parking spaces and drive aisles meet the minimum standards. Based on the
33 above, the use will not have a significant impact on, nor be detrimental or
34 injurious to properties or improvements in the vicinity.
35

- 36 3. That the proposed conditional use will comply with each of the applicable
37 provisions of Chapter 90 of the Hemet Municipal Code and with other relevant
38 city regulations, policies, and guidelines.
39

40 The proposed use of the project site as an equipment rental facility complies with
41 the intent and purpose of the C-2 zone as an area in which equipment rental
42 uses can be located subject to conditions that ensure compatibility with
43 surrounding uses. The applicant has proposed a project that conforms to
44 development standards provided by the zoning code.
45

Planning Commission Resolution Bill No. 13-001
CONDITIONAL USE PERMIT NO. 12-009 – BJ's RENTALS

1
2 **SECTION 3: PLANNING COMMISSION ACTIONS**
3

4 The Planning Commission hereby takes the following actions:
5

- 6 1. **Approves Conditional Use Permit.** Conditional Use Permit No. 12-009 is
7 hereby approved as shown in Exhibit 1A which is attached hereto and
8 incorporated herein by reference, and subject to the Conditions of Approval in
9 Exhibit 1B which are attached hereto and incorporated herein by reference.
10

11 **PASSED, APPROVED, AND ADOPTED** this 19th day of February, 2013 by the
12 following vote:

13 AYES:

14 NOES:

15 ABSTAIN:

16 ABSENT:
17
18
19

20 _____
21 John Gifford, Chairman
22 Hemet Planning Commission

23 ATTEST:
24
25

26 _____
27 Nancie Shaw, Records Secretary
28 Hemet Planning Commission

Exhibit No. 1A

Development Plan

Planning Commission
February 19, 2013

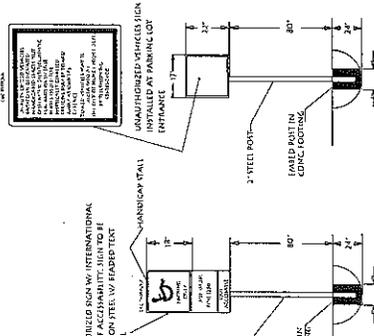
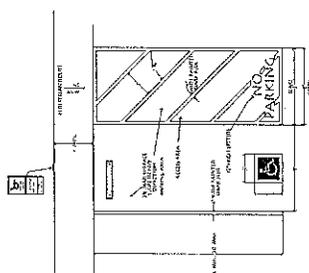
IN THE INCORPORATED TERRITORY OF HEMET, STATE OF CALIFORNIA

PLOT PLAN
 CONDITIONAL USE PERMIT NO. 12-009
 EXHIBIT PREPARED SEPT. 2012 BY PLANS TO BUILD
 SCALE 1/4" = 1'-0"

SITE KEY NOTES

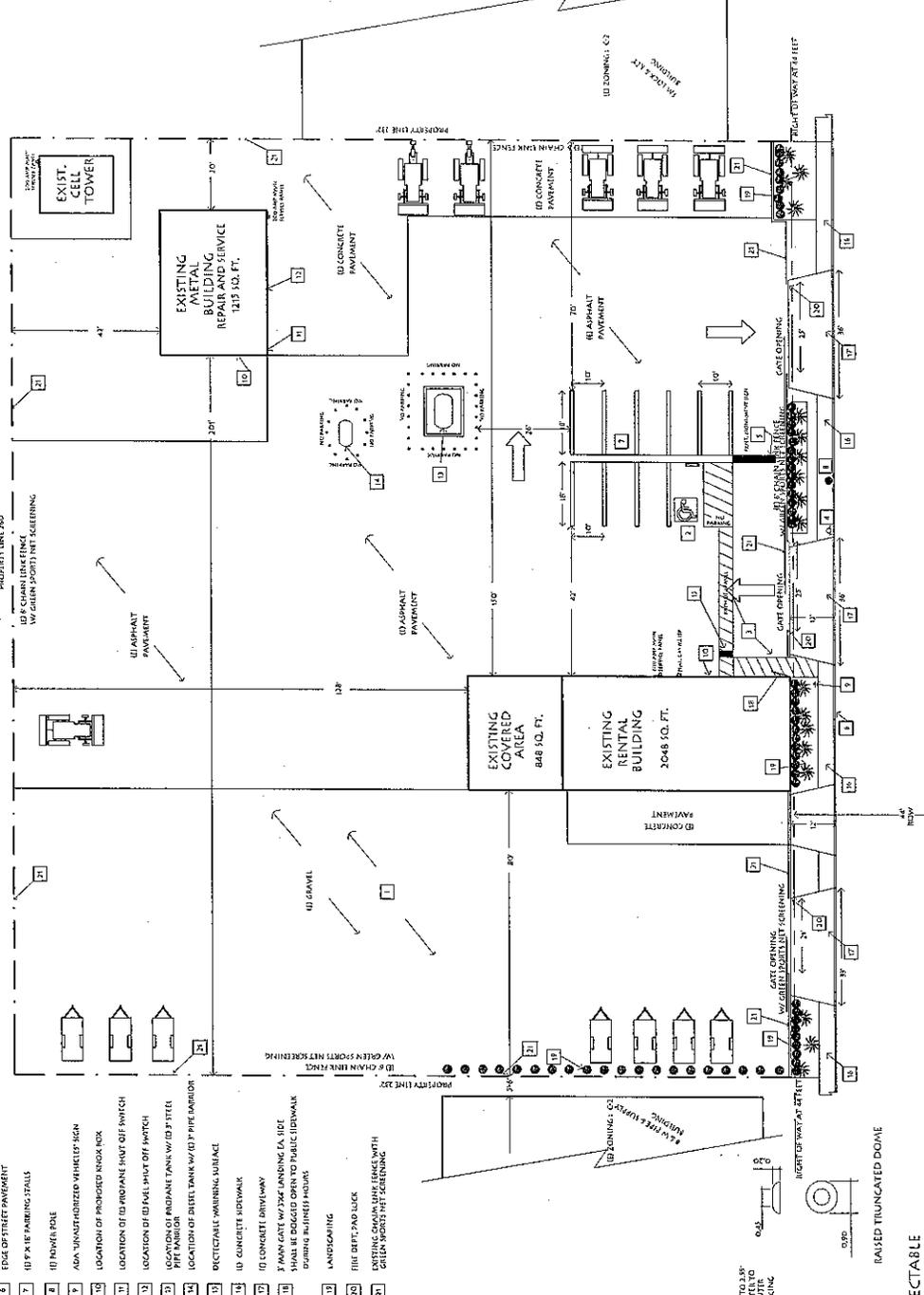
1. NON-AUTHORIZED EQUIPMENT PARKING AREA
2. GRASSY SURFACE
3. ADA COMPLIANT VEHICLE PARKING STALL
4. MIN. 4' WIDE PATH OF TRAVEL W/ 1/8" RISE TO 1/4" SLOPE
5. MIN. 18" HIGH TO 1/4" SLOPE TO 1/8" PER 1"
6. TO BE HYDRANT TO REMAIN
7. EXISTING NON-WHITE SIGN TO REMAIN
8. COLORS SHALL BE A COMBINATION OF RED-WHITE AND BLUE
9. EDGE OF STREET PAVEMENT
10. 18" X 18" PAVEMENT STALLS
11. 1/2" THICK POLE
12. ADA UNAUTHORIZED VEHICLE SIGN
13. LOCATION OF PROPOSED KNOCK BOX
14. LOCATION OF TO PROTECT SHUT OFF SWITCH
15. LOCATION OF TO SHUT OFF SWITCH
16. LOCATION OF FUEL TANK W/ 1/2" STEEL PIPE MANHOLE
17. LOCATION OF DIESEL TANK W/ 1/2" STEEL PIPE MANHOLE
18. DETECTABLE WARNING SURFACE
19. 18" CONCRETE SIDEWALK
20. 18" CONCRETE DRIVEWAY
21. 18" X 18" CONCRETE DRIVEWAY (1/8" SLOPE) SHALL BE COATED TO PUBLIC SIDEWALK DURING BUSINESS HOURS
22. LANDSCAPING
23. FIRE EXTING. AND SMOKE
24. EXISTING CHAIN LINK FENCE WITH CHAIN LINK TO BE REMOVED

PARKING DIMENSIONS



LANDSCAPE LEGEND	
	BOTTLE PALM TREE
	4' TO 6' SHRUB
	18' TO 24' HIGH TREE
	1' TO 3' HIGH TREE

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



N. STATE STREET

PROPOSED TENANT IMPROVEMENT FOR B.J'S RENTALS 450 N. STATE STREET HEMET, CA 92343 APN: 43-13-015

PLANS TO BUILD, INC. 1111 W. MAIN STREET SUITE 100 HEMET, CA 92343 PHONE: (951) 924-7888 FAX: (951) 924-7888 E-MAIL: KHALID@PLANS-TO-BUILD.COM

UNDERGROUND SERVICES ALERT: A SERVICE ALERT FOR UNDERGROUND SERVICES IS LOCATED AT THE BOTTOM OF THIS SHEET. YOU DIG AT YOUR OWN RISK.

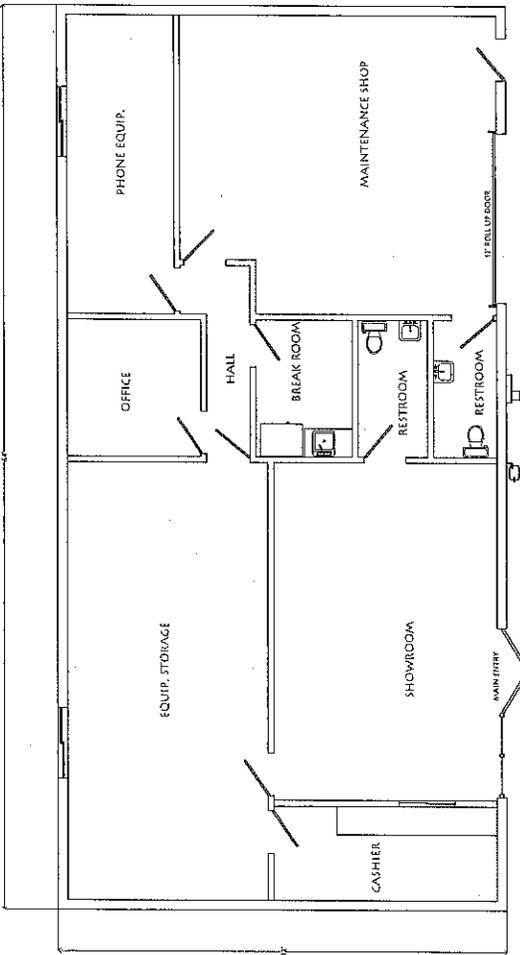
811 DIAL BEFORE YOU DIG

REVISIONS: DATE: SEAL: DRAWN BY:

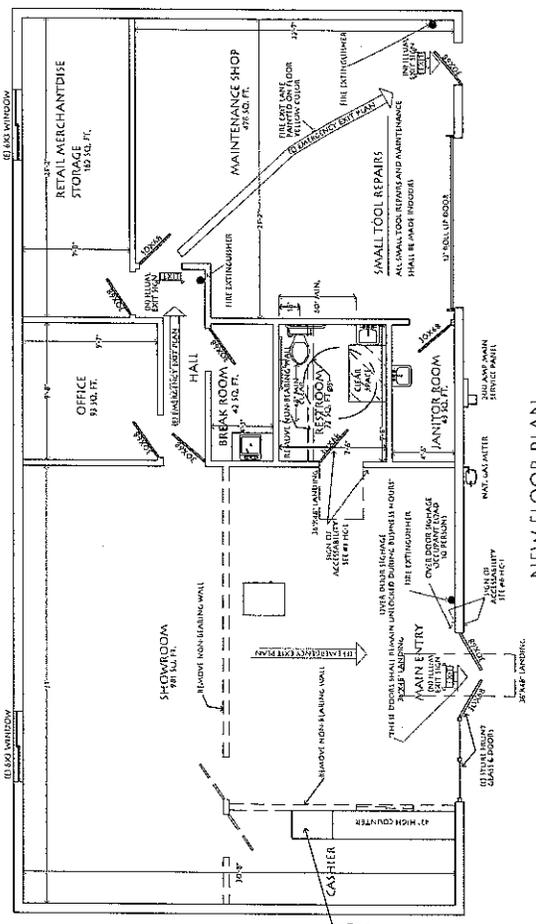
SHEET PP-1

PAGE PLAN

DATE: 9-21-2012



EXISTING FLOOR PLAN



NEW FLOOR PLAN

INTERIOR FLOURESCENT LIGHTING

ALL INTERIOR FLOURESCENT LIGHTING SHALL BE INSTALLED WITH NO RELEVANT ADDITIONAL LIGHTING

MEANS OF EGRESS AT MULTIPLE DOORS

THE MEANS OF EGRESS SHALL NOT BE LESS THAN 30 INCHES PER OCCUPANT. MULTIPLE MEANS OF EGRESS SHALL BE USED WHEN THE AVAILABLE CAPACITY OF THE MEANS OF EGRESS SHALL NOT EXCEED THE AVAILABLE CAPACITY OF THE MEANS OF EGRESS OF THE REQUIRED CAPACITY APPROXIMATELY 50-70 INCHES. (AVAILABLE LIGHTS PER INCH)

STRIKE PLATE CLEARANCES AT DOORS

THE WIDTH OF THE STRIKE PLATE ON THE SIDE TO WHICH THE DOOR WINGS SHALL EXCEED 2 INCHES MEAS THE STRIKE SIDE OF THE DOOR AND THE WIDTH OF THE STRIKE PLATE ON THE INTERIOR DOOR SIDE SHALL BE 2 INCHES

DOORS WITH AUTO CLOSERS OPERATING PRESSURE

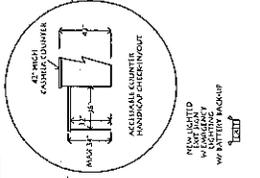
DOORS WITH AUTO CLOSERS SHALL BE OPERATED AT 15 PSI PRESSURE

DOORS LATCHES HARDWARE

THE DOORS SHALL BE HARDWARE WITH LATCHING AS OTHER HARDWARE NOT REQUIRING THE USER TO EXERT FORCE TO OPERATE THE DOOR SHALL BE USED ON ALL DOORS EXCEPT THE MAIN ENTRY

LANDING AT DOORS

DOORS SHALL HAVE A MINIMUM CLEARANCE OF 66 INCHES ON EACH SIDE OF DOOR



MINIMUM CLEARANCE SHALL BE MAINTAINED AT ALL TIMES AND SHALL BE MAINTAINED AT ALL TIMES

PROPOSED TENANT IMPROVEMENTS FOR BJS RENTALS
 4520 N. 19TH AVENUE
 HEAVY TRUCK CENTER
 DENVER, CO 80249
 APPROVED BY: [Signature]

DATE: 02-12-2012
 METAL BUILDING

SHEET A-4

PLAN PREPARATION BY: PLANS TO BUILD.NET
 DRAFTING SERVICE: PB
 PHONE: 810.524.7419
 MOBILE: 303.425.1314
 EMAIL: REALIGN@PLANS2BUILD.COM

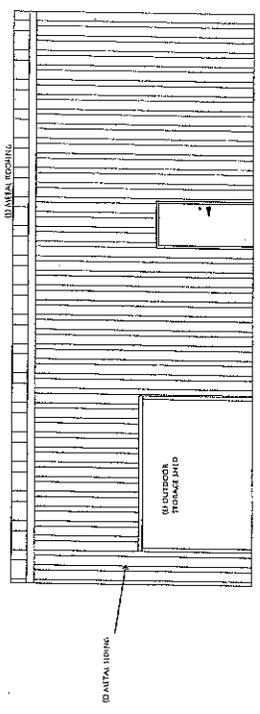
UNDERGROUND SERVICE ALERT
 811
 DIAL BEFORE YOU DIG

REVISIONS:

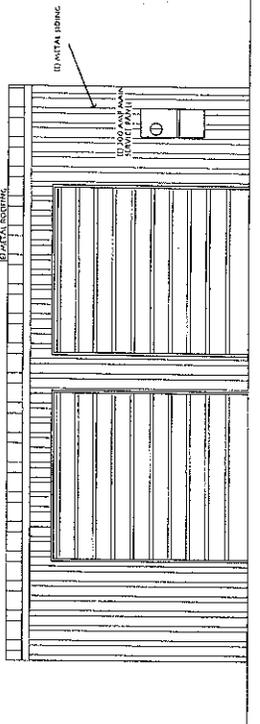
DATE: 02-12-2012

BY: [Signature]

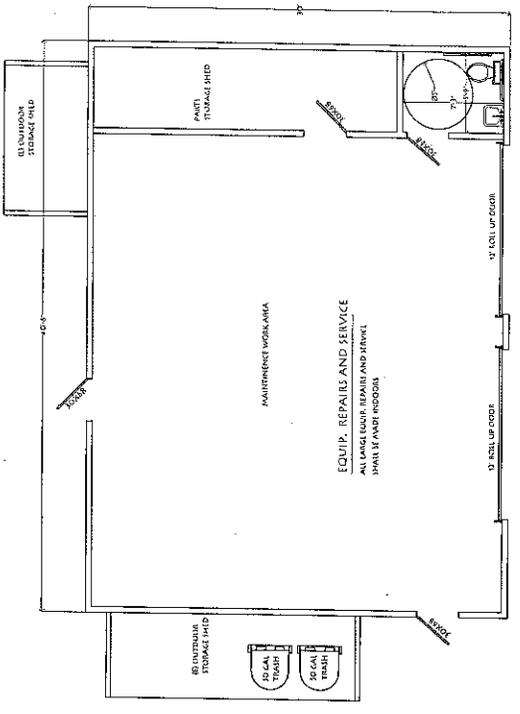
SCALE: 1/8" = 1'-0"



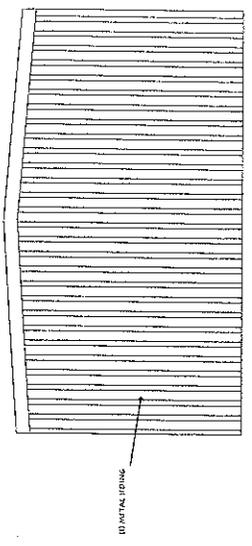
EAST ELEVATION
 SCALE: 1/8" = 1'-0"



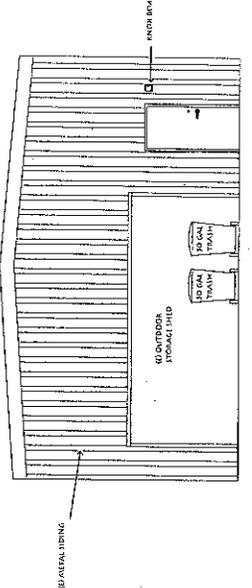
WEST ELEVATION
 SCALE: 1/8" = 1'-0"



EXISTING METAL BUILDING FLOOR PLAN
 SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"



NORTH ELEVATION
 SCALE: 1/8" = 1'-0"

Exhibit No. 1B

Conditions of Approval

Planning Commission
February 19, 2013



CITY OF HEMET

PROPOSED DRAFT CONDITIONS OF APPROVAL

PLANNING COMMISSION DATE: FEBRUARY 19, 2013

PROJECT NO.: CONDITIONAL USE PERMIT NO. 12-009
APPLICANT: Brad Thomas
LOCATION: 450 North State Street
OCCUPANCY: This project has been reviewed as an "F-1" **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. 12-009** shall become null and void on **February 19, 2015** (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. 12-009** shall become effective on **March 1, 2013** unless appealed to the City Council by **February 28, 2013** (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. 12-009 – BJ's RENTALS

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 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.

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. 12-009, all conditions of approval contained herein shall be completed to the satisfaction of the Planning Department.
12. The proposed use shall not operate prior to 7:00 am or after 8:00 pm.
13. 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. 12-009, shall require submittal and approval of an application for the modification of the Conditional Use Permit.
14. Prior to the issuance of a Certificate of Occupancy, the Applicant shall screen the outdoor storage to the satisfaction of the Community Development Director.
15. Motorized equipment shall not be parked on any impervious surface such as gravel or dirt areas.
16. The driveway located adjacent to the north side of the building shall not be used for future vehicle access and abandoned at the time that State Street is improved to the ultimate right-of-way.
17. The northernmost driveway shall be used for the private use of the commercial operator only.
18. Prior to the issuance of a building permit, the west elevation shall include a decorative cornice and wrought iron lattice to the satisfaction of the Planning Division.

Signage:

19. 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.

Landscaping

20. All existing and proposed landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash, disease, vermin, and debris, during the term of this Project.
21. Landscape plans shall be submitted in conjunction with Building Plan check and this project shall be subject to all the requirements listed in the Water Efficiency Landscaping Ordinance (currently Ordinance No. 1827, adopted by City Council on April 13, 2010).
22. Prior to the issuance of a Certificate of Occupancy or finalization of the Building Permit, all new landscaping shall be installed. New landscaping includes the landscape island located between the southerly driveways and new shrubs installed along the first 130 feet of the northerly property line.
23. Prior to the issuance of a Certificate of Occupancy or finalization of the Building Permit, landscaped areas shall have an automatic irrigation system, with automatic timers, installed and operational, unless cash or a bond is posted to guarantee completion.
24. Prior to the issuance of a Building Permit, the Applicant/Owner shall contract with the City of Hemet Franchise Waste Hauler (CR&R) for the removal and disposal of waste and recyclable materials, and ongoing trash service.

BUILDING DEPARTMENT CONDITIONS

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

Building Code Requirements

25. Prior to the final Certificate of Occupancy or finalization of building permits, the electrical, plumbing and mechanical systems shall be upgraded in accordance with applicable adopted codes, if required as part of the tenant improvement.
26. Prior to the final Certificate of Occupancy or finalization of building permits, 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 issuance of a Certificate of Occupancy, the building address shall be clearly shown on the south and west elevation of the building, and the parcel sign.

Handicap Requirements

28. This project is subject to State Handicapped Accessibility Requirements. (California Code of Regulations, Title 24)
29. Prior to the final Certificate of Occupancy or finalization of building permits, handicapped restrooms shall be provided or installed in accordance with California Code of Regulations, Title 24/California Building Code, Section 1115(b).
30. Prior to the final Certificate of Occupancy or finalization of building permits, handicapped parking and signage shall be provided or installed in compliance with applicable state and city codes, if off-street parking is provided.
31. Prior to the final Certificate of Occupancy or finalization of building permits, all entrances and exits shall be handicapped accessible per California Code of Regulations, Title 24.
32. Prior to the final Certificate of Occupancy or finalization of building permits, 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.

Streets

33. Provide for City acceptance, an executed Dedication/Easement and plat map for an additional eleven feet (11') of right-of-way Dedication/Easement to make a total of forty four feet of half width right-of-way, from centerline on State Street. Along with the Dedication/Easement, the owner will include an agreement to remove any facilities or structures at the owner's expense that encroach into the new 11' Dedication/Easement, at the direction of the City Engineer.

Parking

34. 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.

City of Hemet - Conditions of Approval
CONDITIONAL USE PERMIT NO. 12-009 – BJ's RENTALS

35. A concrete ribbon gutter, in compliance with City of Hemet Standard D-309, D-317, and D-318, shall be installed along flow line in parking lot.
36. Prior to the issuance of a certificate of occupancy, the applicant shall close any unused drive approach fronting the project site with standard concrete curb, gutter and sidewalk, and shall repair any damaged curb, gutter and sidewalk along the subject frontage prior to issuance of a Certificate of Occupancy.

Drainage

37. Effective February 14, 2011, all construction projects on one acre or more, in the San Jacinto Watershed, shall apply for coverage under the State General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (General Permit) Order No. 2010-0014-DWQ.
38. Prior to issuance of a Grading/On-site Parking Lot Plan Permit, if any thresholds are exceeded as shown per Table 1.1 of the WQMP Guidance Document for the Santa Ana Region of Riverside County dated October 22, 2012, the applicant shall submit to the City for review and approval, a project-specific Water Quality Management Plan (WQMP). This plan shall address Site Design BMPs, incorporate the applicable Source Control BMPs, incorporate Treatment Control BMPs, describe the long-term operation and maintenance requirements for BMPs needing long-term maintenance, and describe the mechanism for funding the long-term operation and maintenance of the BMPs.

If a WQMP is triggered by Table 1.1, the following conditions will also be required.

38a. Prior to issuance of a Grading/On-site Parking Lot Plan Permit, the applicant shall provide the City Engineer with proof of filing a Notice of Intent with the State Water Resources Control Board in Sacramento, obtain a WDID number from the Board, and have an approved WQMP from the City.

38b. Prior to issuance of a Grading/On-site Parking Lot Plan Permit, the property owner shall record a "Covenant and Agreement" with the County Recorder, or other instrument acceptable to the City, to inform future property owners of the requirement to implement the approved project-specific WQMP

38c. Prior to issuance of a Certificate of Occupancy, a Registered Civil Engineer shall submit to the City Engineer a written certification that all the components of the approved WQMP have been satisfactory installed and constructed. Certification shall be to grade, elevations, plantings, materials, and other elements included in the approved WQMP.

FIRE DEPARTMENT CONDITIONS

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

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

Agency Approvals

39. 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

40. 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".
41. 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 (F-1).
42. 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.
43. 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.
44. Storage and handling of flammable and combustible liquids shall be in accordance with the 2010 California Fire Code, Chapter 34 and NFPA 30 (2003), Flammable and Combustible Liquids Code.
45. Motor fuel dispensing operations and/or facilities and repair garages shall be in accordance with 2010 CFC, Chapter 22.

Hydrants and Fire Protection Systems

46. 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.
47. 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.
48. 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.
49. 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.
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. Install Knox key boxes and/or Knox locks for Fire and/or Police Department access in accordance with 2010 CFC Section 506 and the Hemet Municipal Code.
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. An annual permit and a "Hazardous Materials Management Plan" (HMMP) will be required pursuant to 2010 CFC Section 2701. This facility shall be subject to the standards of NFPA 704 or some other means of identifying hazardous materials for emergency responders as approved by the Fire Marshall.
59. 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.
60. 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.
61. Fire safety during construction and demolition shall comply with 2007 CFC Chapter 14.
62. Access during construction: Access for fire fighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'-6. Fire department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs. Access shall be provided to within 150 feet of combustible construction pursuant to 2010 CFC Chapter 14.

City of Hemet - Conditions of Approval
CONDITIONAL USE PERMIT NO. 12-009 – BJ's RENTALS

63. 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 not provided conditions of approval at this time.

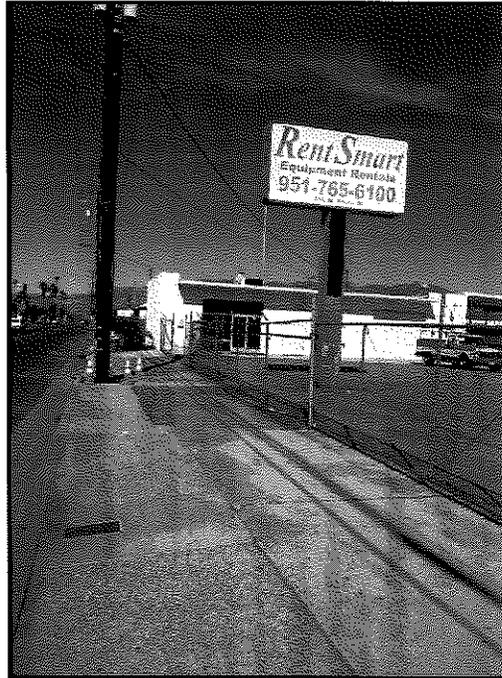
END

Attachment No. 2

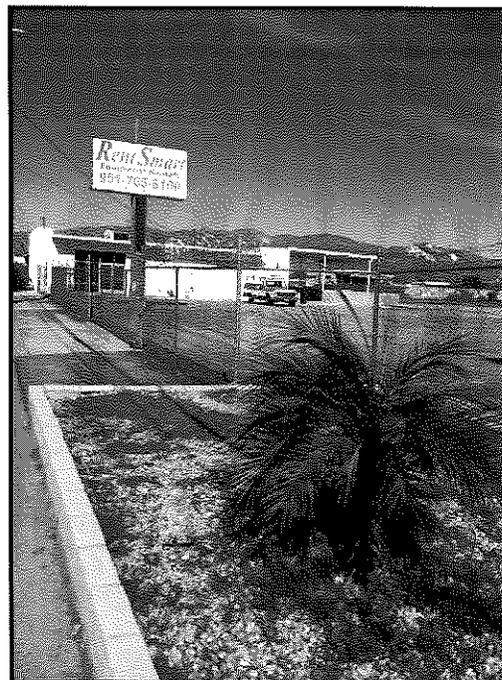
Photographs of Site

Planning Commission
February 19, 2013

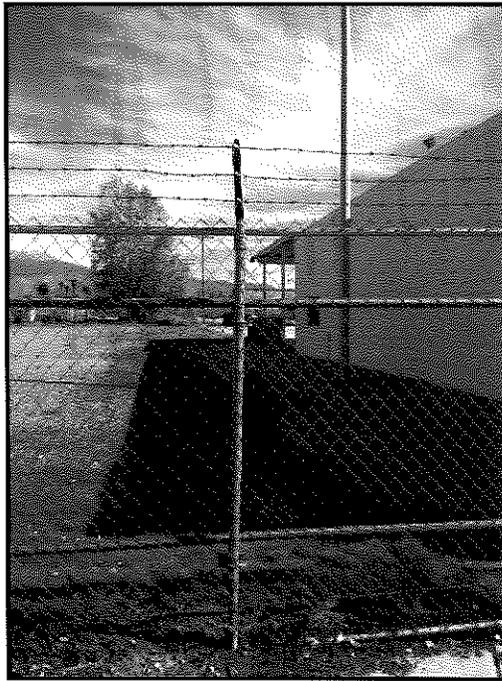
Conditional Use Permit No. 12-009 Site Photographs



Looking north along State Street



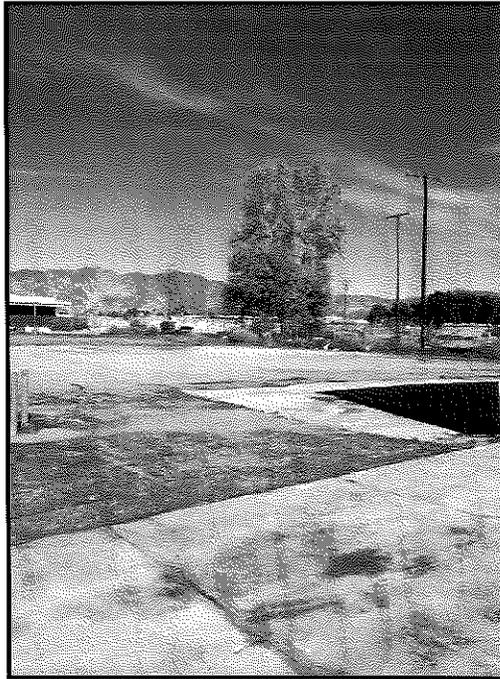
Looking north along State Street



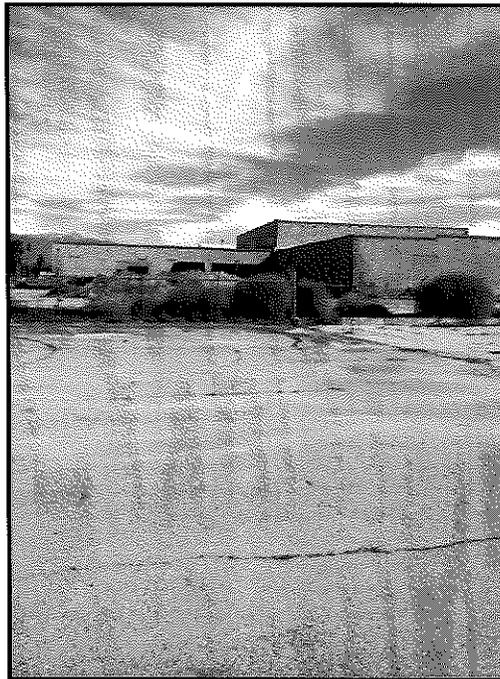
Looking east along the northern elevation of the main building



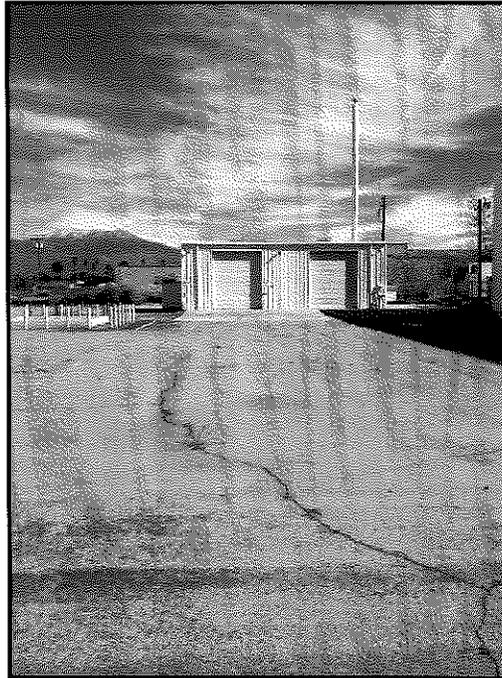
Looking west from the eastern edge of the property



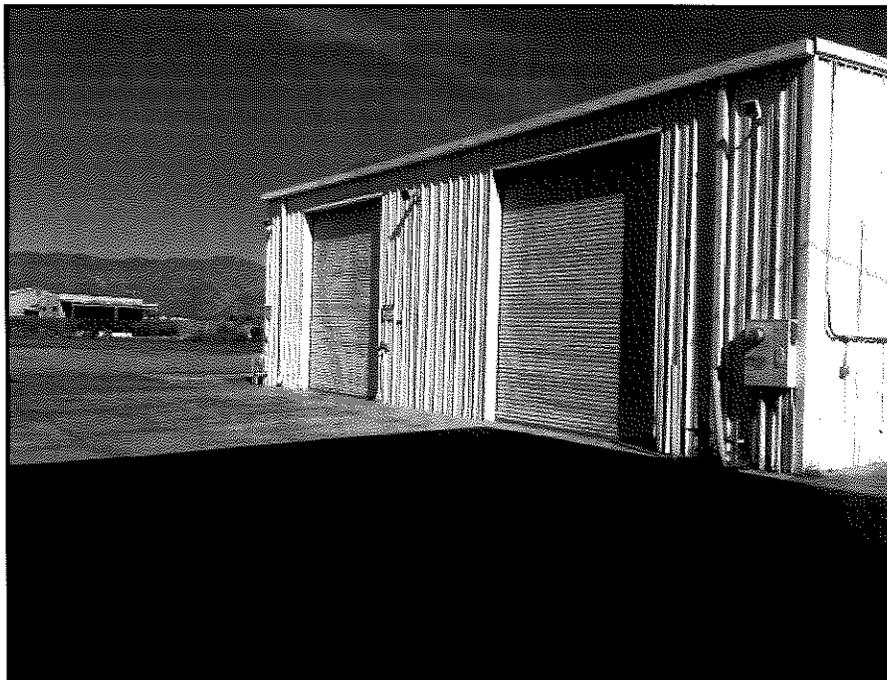
Looking northeast toward the eastern property line



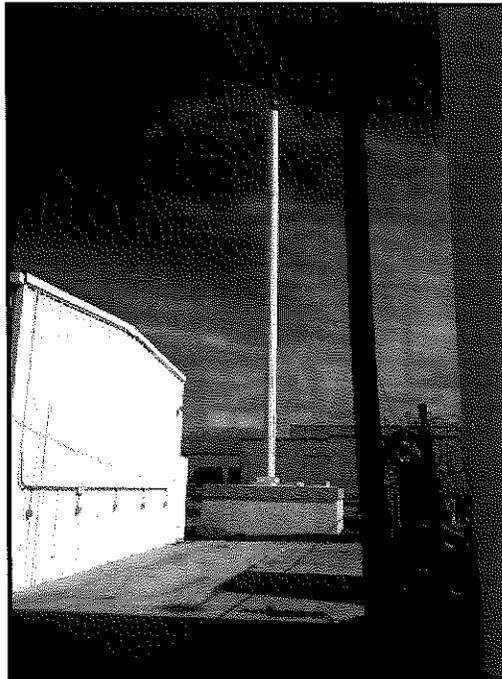
Looking east toward the eastern property line



Looking east at the service/repair building



Looking northeast at the front elevation of the service/repair building



Looking east along the southern property line and the existing disguised cell site.



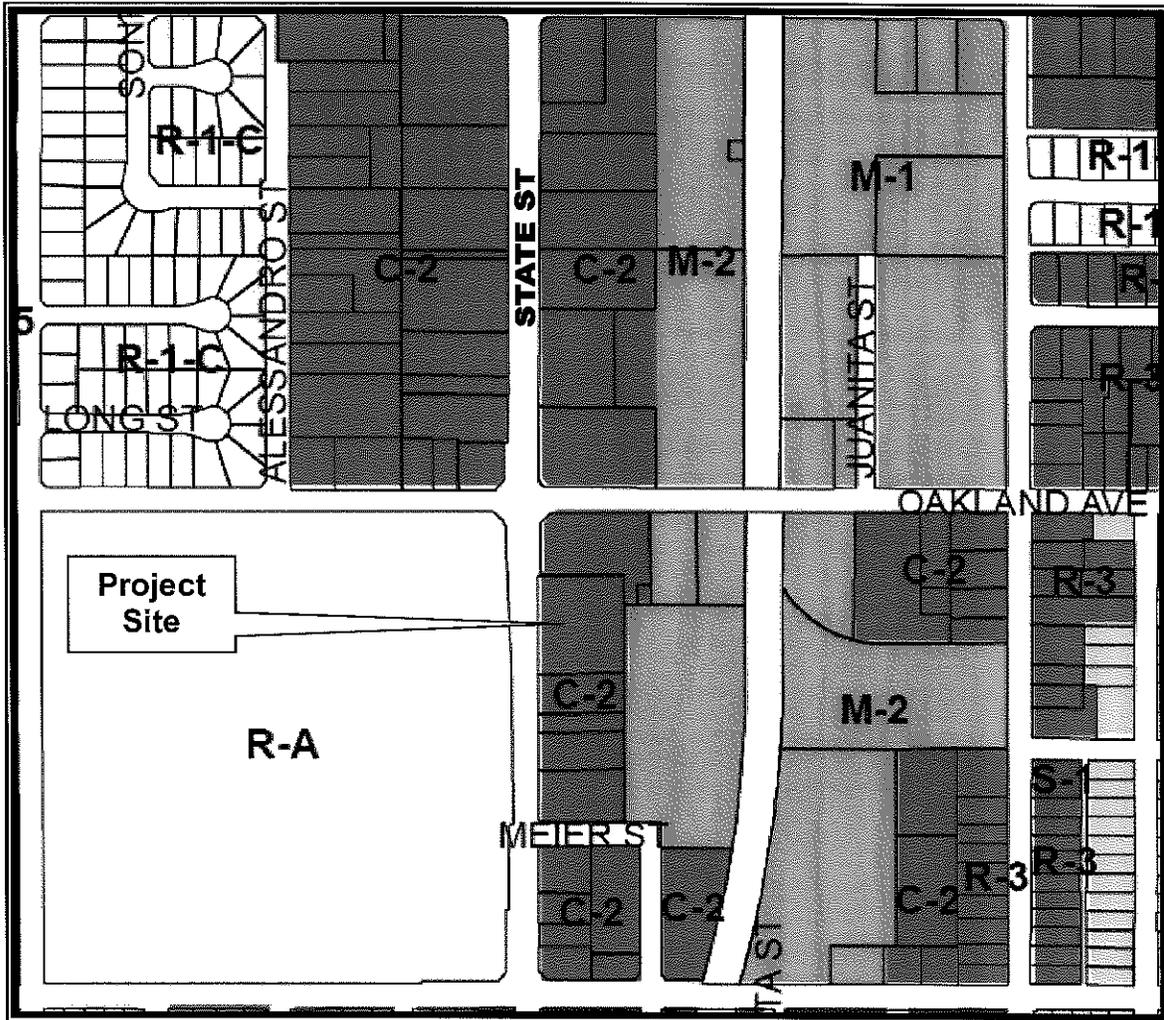
The existing areas for propane and diesel tanks.

Attachment No. 3

Surrounding Zoning Map

Planning Commission
February 19, 2013

CONDITIONAL USE PERMIT NO. 12-009 ZONING MAP

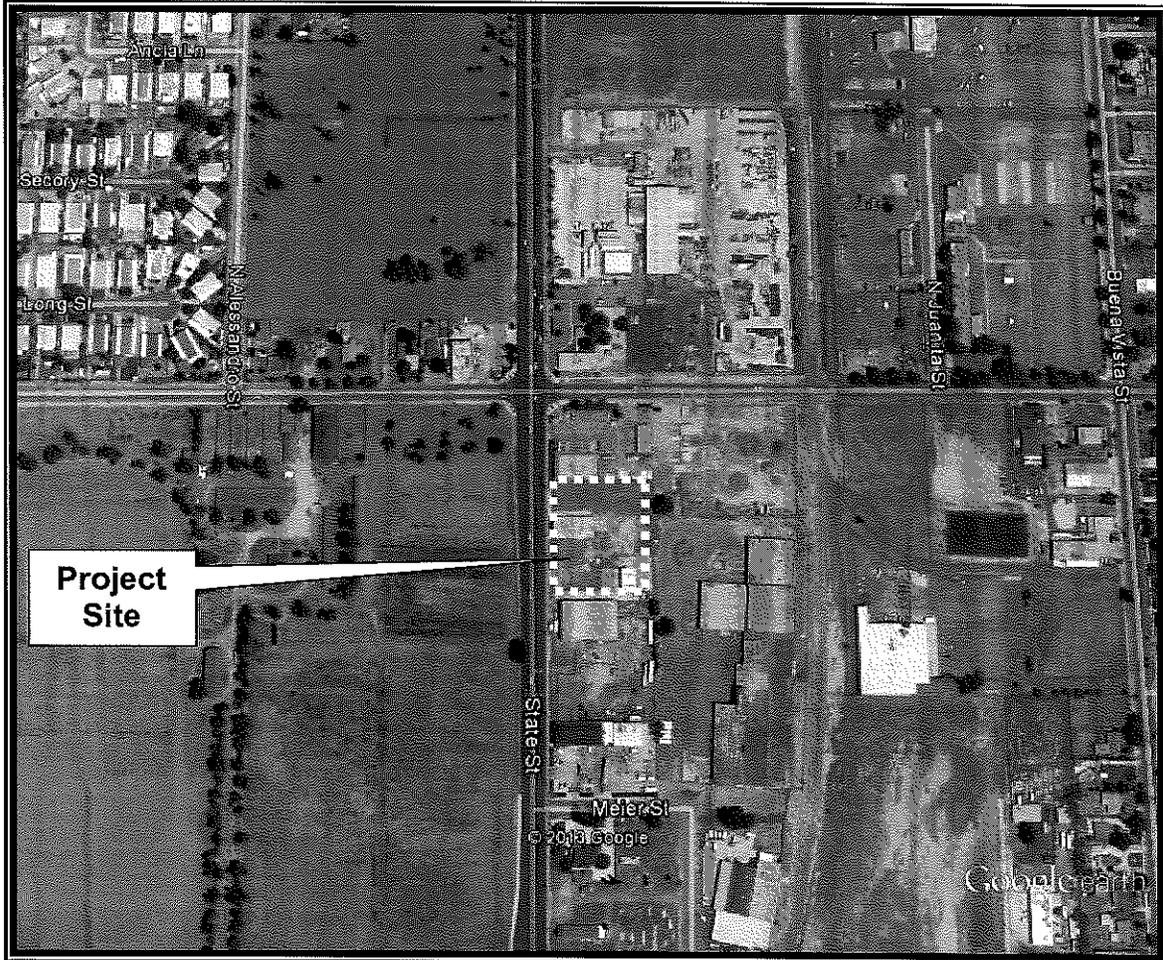


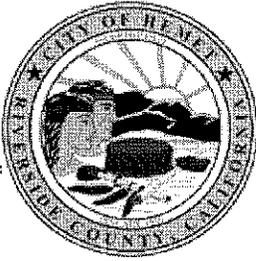
Attachment No. 4

Surrounding Area Map

Planning Commission
February 19, 2013

CONDITIONAL USE PERMIT NO. 12-009 AERIAL MAP





Staff Report

TO: City of Hemet Planning Commission

FROM: Deanna Elliano, Community Development Director 
Soledad Carrisoza, Planning Technician 

DATE: February 19, 2013

RE: **CONDITIONAL USE PERMIT NO. 12-007 (HEMET JEWELRY & LOAN)** –
A request for Planning Commission review of a Conditional Use Permit for the operation of a collateral loan business (secondhand store/pawn shop) located at 2355 E. Florida Avenue, with consideration of an Environmental Exemption pursuant to CEQA Guidelines Section 15301.

PROJECT APPLICANT INFORMATION

Applicant: Hemet Jewelry and Loan - Eduardo Salas
Agent: Rosa Salas
Project Location: 2355 E. Florida Avenue
APN: 445-290-022

RECOMMENDED ACTION:

The Planning Staff recommends that the Planning Commission:

1. **Adopt Planning Commission Resolution Bill No. 13-003** approving CUP 12-007 subject to the Conditions of Approval (Attachment No. 1), and;
2. Direct staff to file a Notice of Exemption with the County Clerk.

BACKGROUND:

On September 18, 2012, the Applicant submitted an application for a Conditional Use Permit, requesting approval for a collateral loan (pawn shop) business located at 2355 East Florida Avenue in the General Commercial (C-2) Zone. The proposed tenant space is about 6,000 square feet, has been unoccupied for several years, and last operated as a bank. The City of Hemet Zoning Code, and the Land Use Matrix for commercial uses does not specifically address collateral loan or pawn shop operations but a Planning Director Determination made in 2007 requires approval of a Conditional Use Permit for pawn shops in the C-2 zone to ensure that the Planning Commission and City staff has an opportunity to review and condition the project. A Conditional Use Permit is an

entitlement that provides special consideration of certain types of land uses in a particular zone. For such uses, certain safeguards and conditions may be required to protect the public health, safety, convenience and general welfare. The Planning Commission is the approving body for Conditional Use Permits and its action is final unless the decision is appealed to the City Council.

Initially, staff had concerns about the prospect of a pawn shop operating at this prominent location on Florida Avenue. Pawn shops have the potential of attracting nuisance activity and behaviors that are unwanted in the community. However, through the Development Review Committee process, the Police Department was able to run background reports on the other operations of the Applicant and determined that he operates responsibly in the Cities of Moreno Valley and Yucaipa, has been very cooperative with local law enforcement, and has had few incidents or calls for service. Provided the Applicant agrees to the attached conditions of approval, the Police Department has no additional concerns regarding the proposed use. However, in addition to the proposed pawn shop, the Applicant has expressed a desire to sell new firearms from this location in the future. The Planning Division and the Hemet Police Department do not support the sale of firearms from this business and have included as a condition of approval that no firearms or ammunition are to be sold.

If approved, the proposed pawn business will operate as Hemet Jewelry and Loan. Hemet Jewelry and Loan proposes to purchase, take in trade, and take in pawn, except for consignment items such as jewelry, electronics, musical instruments, tools and most "tangible property" of value. In order to operate a collateral loan business a secondhand dealer license issued by the State of California Department of Justice is required and will be processed and approved by the City of Hemet Police Department.

EXISTING OPERATIONS AT OTHER LOCATIONS:

Presently the business owner operates two Jewelry and Loan stores, one in Moreno Valley and one in Yucaipa. In order to operate a collateral loan business or pawn shop a business owner is required to obtain a secondhand dealer license from the State of California. The City of Hemet Police Department reviews and approves secondhand dealer licenses and ensures that all provisions of Local, State and Federal law are implemented and monitored.

Items brought in to the shop by a customer either to be purchased by the shop or for a loan (pawn) are identified with a written description and a photo of the item and, if applicable a serial number is issued to the item. A contract is made with the customer explaining fees and payment due dates. The customer signs this contract and is given a copy. The Police Department is also given a copy of this information on a daily basis. The applicant has stated that in addition to the above a photo is taken of the customer as well as driver's license or other identification information.

With this process in place, stolen items reported to the Police department can be compared to items brought into the pawn shop. If it is determined there is a match, the Police Department has a description and contact information of the probable thief. If a customer refuses to have a photo taken or provide identification information, the business owner will not make a transaction with this individual.

The Applicant has stated he presently takes precautionary and security measures at his present store locations. Security cameras are in place to record all counter and display area activity. The business owner states he keeps the video recordings for several years. All jewelry and small items such as cameras, small electronics, etc. are removed from the display cases and placed in a locked area out of public view at the end of each day. The business owner also employs security personnel to be on site at both stores and has installed roll-up door doors located on the interior of the building covering the front windows and doors during the times the store is closed for business.

The applicant has stated he has never been robbed and feels having security personnel on site as well as surveillance equipment has helped in this regard.

City of Hemet Police staff obtained the following information regarding the applicant, Eduardo Salas in relation to the stores he operates in Yucaipa and Moreno Valley... "the investigations Sgt. in Yucaipa whose division handles the pawns said the store is relatively new (approximately a year old) and has not had any negative experience with them or concerns/complaints about them"... "a deputy for Moreno Valley PD spoke very highly of Valley Jewelry and Mr. Salas. He said he is cooperative with law enforcement and is pro-active in contacting them if he suspects stolen property or comes across property they have asked him to watch out for. He has interacted with Mr. Salas for at least 5 years while working robbery/burglary details and had nothing but positive things to say about the way he conducts his business and the interaction the agency has had working with him."

In preparation of this staff report, Planning staff contacted the Hemet Police Department to determine if there were any concerns with the proposed use. Staff was informed that the Police Department had no additional concerns beyond those expressed in the Conditions of Approval.

PROJECT SETTING

The project site is located at 2355 E. Florida Avenue in an in-line shopping center. The entire shopping center is approximately 7.5 acres. Most of the tenant spaces in the center are occupied with the exception of the two large buildings facing westward and one small space facing north. Some of the present tenants include several restaurants, a

craft store, a discount grocery store, a discount clothing store and a gas station with convenience store on the corner of the center among others.

City records indicate the project site was part of an annexation approved by the City Council in 1971. Records do not indicate the year the project building nor the center in which it is located in were constructed. The building is located within an L shaped, in-line shopping center with parking and landscaping within the center facing Florida Avenue and Yale Street. The shopping center is on the south east corner of Florida Avenue and Yale Street with a gas station/convenience store located on the corner. The subject building is located at the east end of the inline shops and adjacent Florida Avenue with the main entrance facing west toward Yale Street. This building was last occupied by a bank and has remained vacant for several years. Major tenants in the center include Jo-Ann's Fabric and Crafts, Sav-A-Lot, Family Dollar, Papa John's Pizza, and several in-line specialty retail stores and small restaurants.

The subject building sets on its own parcel within the center. This parcel is approximately 15,682 square feet, and the building is 6,000 square feet. Within the property lines there are: six parking stalls including one disabled space, the building front with side walk and planters and a court yard at the rear of the building. The building has been vacant for several years and previously operated as a bank. Although the building has been vacant for several years the present owner has maintained the building in good repair and appearance. The sale of the property to the proposed business owner is contingent upon the approval of a Conditional Use Permit.

The Applicant proposes to reconfigure the interior of the building with new non-bearing partition walls that will create a showroom display space of approximately 1,922 square feet. The main entrance opening into the showroom will be centered between the new partition walls. The majority of the rest of the existing interior will remain in its present configuration, with some modifications needed for ADA accessibility to two restrooms. Exhibit No. 1B provides the site plan and the interior floor plan layout.

The project setting can also be seen in the following materials attached to this staff report:

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

The surrounding property Land Uses, Zoning, and General Plan designations are found in the following Table:

	LAND USE	ZONING	GENERAL PLAN
PROJECT SITE	Shopping Center	C-1 (Neighborhood Commercial) and C-2 (General Commercial)	CC (Community Commercial)
NORTH	Individual Shops and Small Shopping Center	C-2 (General Commercial)	CC (Community Commercial)
SOUTH	Apartments Units and A Church	SR3 (Senior Apartments) and S-1 (Church)	CC (Community Commercial)
EAST	Commercial Buildings	C-2 (General Commercial)	CC (Community Commercial)
WEST	Shopping Center	C-1 (Neighborhood Commercial)	CC (Community Commercial)

PROJECT DESCRIPTION:

The Applicant is requesting approval of a Conditional Use Permit for the operation of a collateral loan business (pawnbroker, secondhand dealer). In addition to the pawn business, the business owner casts and sells custom gold jewelry and plans to sell new firearms in the future. Planning Division staff and the Hemet Police Department do not support the sale of firearms from this location and have added Condition No. 27 prohibiting the sale of firearms and ammunition. The proposed hours of operation are Monday through Sunday 9 a.m. to 9 p.m. with 8 to 10 employees.

The proposed business will operate as Hemet Jewelry and Loan. Hemet Jewelry and Loan proposes to purchase, take in trade, take in pawn, and accept for consignment items such as jewelry, electronics, musical instruments, tools and most “tangible property” of value. In order to operate a collateral loan business a secondhand dealer license issued by the State of California Department of Justice is required.

The Applicant has stated precautionary and security measures shall be taken to avoid theft. Security cameras shall be in place to record all counter and display area activity. Planning staff and the Police Department recommend as a condition of approval that exterior entrances to the building and other exterior areas where people may congregate are also monitored with security cameras.

As with current business practices at the Applicant's other locations, all jewelry items shall be removed from display cases and placed in a large vault located out of public view at the end of each day. This building is equipped with a large vault as this building operated as a bank in the past. The business owner also proposes to employ security personnel to be on site and also proposes installing roll-up doors located in the interior of the building covering the building front windows and doors during the times the store is closed for business.

Before opening for business the owner proposes the completion of interior, tenant improvements to include non-bearing walls and counter areas, and intends to upgrade the landscaping at the rear of the building by performing trimming, removal and replacement of dead shrubs and other plant materials, refurbishing the existing irrigation system, and making this a desirable employee break area.

ANALYSIS:

Proposed Use of the Site: In 2007, the Planning Director made a determination that absent any development, operational, or locational standards in the Hemet Municipal Code, pawn shops may be conditionally permitted on a case by case basis. This determination was made to prevent a proliferation of such uses which have the potential to attract unwanted activity and behaviors. A review of the proposed operations, set-up and display of in-store items, businesses practices of the owner, and his track record at two other existing locations, Planning staff and the Police Department feel that this use at this location, subject to the attached conditions of approval, would be appropriate. There are currently three pawn shops located within the City limits in the Downtown area. None of them are located in the east end of the Florida Avenue corridor. There are, however, existing pawn shops in East Hemet which are under the jurisdiction of Riverside County. The closest such location is within the State Brothers Shopping Center at the south east corner of Florida Avenue and Stanford Street.

The existing center in which the proposed use will be located is a fully developed commercial shopping center with ample parking, sufficient lighting, and meets the requirements for emergency vehicle access and other vehicular and pedestrian circulation, and landscaping. A more in-depth analysis regarding the existing conditions of the center is discussed in the sections below.

Site Plan/Site Design: The businesses facing north toward Florida Avenue include two restaurants, a takeout pizza store, an art gallery, cleaners, a health food store, a health drink shop, an insurance office and a needle craft store, with one vacant tenant space. Further east within the site there are three larger buildings occupied by Family Dollar; a discount clothing store, Save-A-Lot; a discount grocery store and JoAnn's; a craft store.

There are two vacant buildings facing west toward Yale Street at the east end of the center. The one adjacent to Florida Avenue is the subject building which is 6,000 square

feet and the adjacent building further south is approximately 17,000 square feet and has been vacant for approximately one-year. This building was last used as the Comfort Zone Furniture Store. A gas station/convenience store is located in this center at the southeast corner of the site at the intersection of Florida Avenue and Yale Street.

There are a total of three ingress/egress points to/from to the center; one on Yale Street and two on Florida Avenue. The center appears to have sufficient parking as indicated by the available parking stalls during business operating hours on weekdays and weekends. Staff was not provided with parking calculations for the entire center but does not view parking as an issue to concern. The existing landscape appears to be well maintained although there are less landscape islands than required by today's development standards.

Architecture: The project building has a contemporary style of architecture. The building is made of block and is basically box shaped with five, building height column articulations at the front elevation and trellis work supported by three shorter columns with planters as an entry feature. The remaining buildings in the center vary in height but all have split face block exteriors and mansard roofs. The Applicant is not proposing any exterior enhancements at this time.

Materials and Colors: The majority of the buildings in the center have split face, medium brown block exteriors with red tile mansard roofs. The project building is made of split face medium brown block with wide fascia trim at the roof line in medium brown. Block column articulations enhance some of the building frontages where others only have glass windows and doors with anodized aluminum frames.

Circulation and Parking: All the drive aisles in the center are two way and meet aisle width requirements. There are three points of ingress and egress on the site, one on Yale Street and two on Florida Avenue, not including the gas station/convenience store. A perimeter road provides access for emergency vehicle access, and to accommodate deliveries and waste disposal. The parking stalls are angled and the only buildings having frontage parking are the buildings facing Yale Street. There are no wheel stops in the center.

Lighting: The parking lot of the center is equipped with lighting that meets the County of Riverside requirements for lighting at the time it was developed. There have been no significant modifications to the center after annexing to the City which would have triggered the requirement for enhanced lighting. The proposed use, however, will be required to upgrade lighting for its own parcel (Conditions of Approval No. 9 and No. 12).

Landscaping: On-site landscape is limited to five-foot wide planters at the project perimeter and landscape islands at the ends of each row of parking stalls. The existing landscape appears to be thriving and well maintained. There doesn't appear to be any bare areas that would require additional vegetation. The subject property has a court

yard in the rear of the building with planters, trellis work, walk ways, shade trees and benches. During a visit by Planning staff, it was noted that basic cleaning, pruning and landscaping maintenance are all that will be required to make this area functional (See Attachment No. 3 – Photographs of Site).

Development Review Committee (DRC) Recommendation

The Development Review Committee (DRC) reviewed the project on December 13, 2012. There were no comments by any of the departments although the Building and Safety Department as well as the Fire department staff had spoken to the applicant prior to the DRC meeting regarding code requirements. During DRC Planning staff obtained operational information from the business owner.

CONSISTENCY WITH ADOPTED GOALS AND POLICIES:

The City of Hemet Zoning Ordinance, Section 90-892 (C) 38 allows for: retail sales shop including, but not limited to, books, hobby, coins...jewelry, firearms, sporting goods, etc. Open from 7:00 a.m. to 9:00 p.m. in the C-2 zone is a permitted use. Open outside the hours of 7:00 a.m. to 9:00 p.m. requires the approval of an Administrative Use Permit.

The Applicant is proposing the operating hours of 9 a.m. to 9 p.m., Monday thru Sunday. The Applicants' operation includes retail items including newly crafted jewelry. The operations relating to pawn brokering and secondhand licenses is not listed in the HMC Land Use Matrix, however, there is a Planning Director Determination allowing pawn shops with approval of Conditional Use Permit.

General Plan Consistency

This proposed use is located in the General Commercial (C-2) designation. This designation provides for general retail, markets, commercial services, restaurants, lodging, commercial recreation, professional offices and financial institutions. General Commercial areas are typically located near residential, office or industrial activity centers and major arterial corridors, and are designated to serve the needs of the community at-large.

Hemet Jewelry and Loan proposes a general retail use offering a convenient and safe environment to its customers who rely on this type of use to obtain collateral loans. The Applicant has stated he has completed a market study which indicates this type of use serves the needs of the local residents at the east side of Hemet. Planning staff has verified through Business License that there are currently three licensed collateral loan businesses in the City, all within the Downtown area, and there are nine additional secondhand stores, which are not permitted to loan money.

Conditional Use Permit

The proposed project complies with City of Hemet Zoning Code requirements for commercial developments relating to setbacks, building height, parking, lighting and landscaping. Pursuant to a Planning Director Determination, the proposed use may be permitted subject to approval of a Conditional Use Permit.

Article II. Administrative Regulations, Section 90-42. Conditional Use Permits.

(a) Purpose. Certain types of land uses require special consideration in a particular zone or in the city as a whole, and possess unique or special characteristics which make automatic inclusion as permitted uses either impractical or undesirable. For such uses, certain safeguards and conditions may be required to protect the public health, safety, convenience and general welfare and to assure compatibility with adjacent uses.

Attached to this staff report are the proposed Conditions of Approval designed to require security measures for the protection of the employees and to the public and also to discourage theft. See Exhibit 1B.

Section 90-42.5. Findings required. Upon approval of a Conditional Use Permit the following findings shall be made by the approving authority:

Findings:

1. *That the proposed location of the conditional use is in accord with the objectives of this chapter and the purposes of the zone in which the site is located; and,*

The HMC Zoning Ordinance allows retail sales in the C-2 zone between the hours of 7 a.m. and 9 p.m. as a permitted use. The business owner is proposing operating hours of 9 a.m. to 9 p.m., Monday through Sunday. The items available for sale are items that can be purchased at any retail shop. Retail items shall include: jewelry, watches, electronics, musical instruments, electric tools, etc.

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, or materially injurious to properties or improvements in the vicinity; and*

The business owner is proposing security measures to ensure the safety of his employees and customers. Surveillance cameras and video equipment is proposed throughout the exterior and interior of the building. Security personnel will also be present during operating hours. The owner had also stated large sums of money will not be kept on the premises.

The building has been maintained very well by the present owner with the exception of the court yard in the rear of the building. The new owner is proposing clean up and repair of that area.

3. *That the use and operation is consistent with the general plan.*

The proposed use is in conformance with the following: 2030 General Plan - Goals and Policies under the Land Use Element:

Citywide Land Use Goal LU-4.3 – Infill Development and Re-Use.
Actively promote the adaptive re-use and infill of economically underutilized, obsolete, and dilapidated commercial and industrial sites.

PUBLIC COMMUNICATIONS RECEIVED

Property owners located within a 500 foot radius of the project site were notified of the public hearing on February 19, 2013 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 or comments 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.

CEQA REVIEW.

Section 15300 - Categorical Exemption. This project is exempt from CEQA review as it falls in a class of projects which have been determined not to have a significant effect on the environment. This project is an Existing Facility. Section 15301 - Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion to use beyond that existing at the time of the lead agency's determination.

REPORT SUMMARY

Planning Staff is recommending approval of CUP 12-007 for the operation of a collateral loan service and jewelry store. General retail and jewelry retail is permitted by right in the C-2 zone. Collateral loan services (pawn shops) are not listed in the land use matrix, however, based on a Planning Director Determination made in 2007; such services may be permitted with approval of a Conditional Use Permit. For the safety of his employees and the public, the Applicant is proposing surveillance cameras throughout the interior and on-site security personnel.

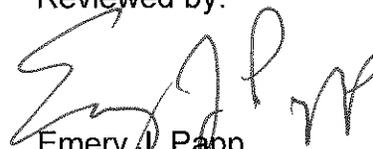
Through the Development Review Committee process, the City of Hemet Police Department has conducted an informal reference check on the Applicant for the proposed Conditional Use and has determined that the Applicant runs two successful businesses with few incidents or other calls for service. In addition, when incidents have been reported, the Applicant has been very cooperative with law enforcement agencies. The Police Department has informed Planning staff that subject to the attached conditions of approval, the Police Department has no additional concerns and does not oppose the proposed use.

Additionally, prior to conducting business, the Applicant is required to obtain pawnbroker/secondhand licenses from the Department of Justice who regulates has strict record keeping requirements, and these must be approved by, and enforced by the City of Hemet Police Department. The Applicant who operates two collateral loan services in the Inland Empire upholds such requirements and is in good standing with the local authorities and the Department of Justice.

Respectfully submitted,


Soledad Carrisoza
Planning Technician

Reviewed by:


Emery J. Papp
Principal Planner

SC/ns

ATTACHMENTS

- 1) PC Resolution Bill No. 13-003 approving CUP 12-007
Exhibit 1A – Conditions of Approval
Exhibit 1B – Site Plan and Interior Floor Layout
- 2) Aerial View and Street View
- 3) Photographs of Site
- 4) Surrounding Zoning Map
- 5) Statement from Applicant

INCORPORATED HEREIN BY REFERENCE

City of Hemet General Plan
City of Hemet Zoning Ordinance
Contents of City of Hemet Planning Department Project File CUP12-007

Attachment No. 1

Resolution 13-003

Planning Commission
Hearing
February 19, 2013



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

CITY OF HEMET
Hemet, California
RESOLUTION BILL NO. 13-003

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF HEMET, CALIFORNIA APPROVING
CONDITIONAL USE PERMIT NO. 12-007 FOR THE
OPERATION OF A COLLATERAL LOAN BUSINESS
(PAWNSHOP) LOCATED AT 2355 E. FLORIDA AVENUE
(APN 445-290-022).**

WHEREAS, an application for Conditional Use Permit No. 12-007 (Hemet Jewelry & Loan) for the operation of a collateral loan business (pawn shop) has been duly filed by:

Owner: Hemet Jewelry & Loan – Eduardo Salas
Applicant: Eduardo Salas
Project Location: 2355 E. Florida Avenue
APN: 445-290-022

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. 12-007 to approve the operation of a collateral loan business (pawn shop); and

WHEREAS, on February 7, 2013, the City gave public notice by advertising in the Press Enterprise and by mailing to property owners within 500 feet, of the holding of a public hearing at which the project would be considered by the Planning Commission; and

WHEREAS, on February 19, 2013, 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, Under California Environmental Quality Act (CEQA) Guidelines Section 15301 this project is exempt from CEQA review because it is an existing facility.

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

Planning Commission Resolution Bill No. 13-003
CONDITIONAL USE PERMIT NO. 12-007 – Hemet Jewelry and Loan

1
2 **SECTION 1: ENVIRONMENTAL FINDINGS**
3

4 The Planning Commission, in light of the whole record before it, including but not limited
5 to, the City's Local CEQA Guidelines and Thresholds of Significance, the
6 recommendation of the Planning Director as provided in the Staff Report dated
7 February 19, 2013 and documents incorporated therein by reference, and any other
8 evidence (within the meaning of Public Resources Code §21080(e) and §21082.2)
9 within the record or provided at the public hearing of this matter, hereby finds and
10 determines as follows:
11

- 12 1. **CEQA.** Pursuant to California Environmental Quality Act (CEQA) Guidelines
13 Section 15300 Categorical Exemption. This project is exempt from CEQA review
14 as it falls in a class of projects which have been determined not to have a
15 significant effect on the environment. This project is an Existing Facility. Section
16 15301 Class 1 consists of the operation, repair, maintenance, permitting, leasing,
17 licensing, or minor alteration of existing public or private structures, facilities,
18 mechanical equipment, or topographical features, involving negligible or no
19 expansion to use beyond that existing at the time of the lead agency's
20 determination.
21
- 22 2. **Multi-Species Habitat Conservation Plan (MSHCP).** The project is found to be
23 consistent with the MSHCP. The project is located outside of any MSHCP
24 criteria area and mitigation is provided through payment of the MSHCP Mitigation
25 Fee.
26
27

28 **SECTION 2: CONDITIONAL USE PERMIT FINDINGS**
29

30 The Planning Commission, in light of the whole record before it, including but not limited
31 to, all documents and other evidence incorporated herein by reference, and any other
32 evidence within the record or provided at the public hearing of this matter (as described
33 by Government Code § 65009), hereby finds and determines as follows:
34

35 **Findings for Approval**
36

- 37 1. **That the proposed location of the conditional use is in accord with the**
38 **objectives of this chapter and the purposes of the zone in which the site is**
39 **located;**
40

41 The HMC Zoning Ordinance allows retail sales in the C-2 zone between the
42 hours of 7 a.m. and 9 p.m. as a permitted use. The business owner is proposing
43 operating hours of 9 a.m. to 9 p.m., Monday through Sunday. The items
44 available for sale are items that can be purchased at any retail shop. Retail

1 items shall include: jewelry, watches, electronics, musical instruments, electric
2 tools, etc.
3
4

- 5 **2. That the proposed location of the conditional use and the conditions under**
6 **which it would be operated or maintained will not be detrimental to the**
7 **public health, safety or welfare, or materially injurious to properties or**
8 **improvements in the vicinity;**
9

10 The business owner is proposing security measures to ensure the safety of his
11 employees and customers. Surveillance cameras and video equipment is
12 proposed throughout the exterior and interior of the building. Security personnel
13 is also proposed to be present during operating hours. The owner had also
14 stated large sums of money will not be kept on the premises.
15

16 The building has been maintained very well by the present owner with some
17 minor clean up required in the rear of the building. The new owner is proposing
18 clean up and repair of that area.
19

- 20 **3. That the use and operation is consistent with the general plan.**
21

22 The proposed use is in conformance with the following: 2030 General Plan -
23 Goals and Policies under the Land Use Element:
24

25 ***Citywide Land Use Goal LU-4.3 – Infill Development and Re-Use. Actively***
26 ***promote the adaptive re-use and infill of economically underutilized, obsolete,***
27 ***and dilapidated commercial and industrial sites.***
28
29

30 **SECTION 3: PLANNING COMMISSION ACTIONS**
31

32
33 The Planning Commission hereby takes the following actions:
34
35

- 36 1. **CEQA.** Pursuant to California Environmental Quality Act (CEQA) Guidelines
37 Section 15301 Existing Facilities. Under Categorical Exemption, Existing
38 Facilities are exempt from CEQA review.
39
40

41 **PASSED, APPROVED AND ADOPTED** this 19th day of February, 2013, by the
42 following vote:
43
44

1
2 AYES:
3 NOES:
4 ABSTAIN:
5 ABSENT:

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

John Gifford, Chairman
Hemet Planning Commission

ATTEST:

Nancie Shaw, Minutes Secretary
Hemet Planning Commission

Exhibit No. 1A

Conditions of
Approval
CUP No. 12-007

Planning Commission
Hearing
February 19, 2013



CITY OF HEMET

PROPOSED CONDITIONS OF APPROVAL

PLANNING COMMISSION HEARING DATE: FEBRUARY 19, 2013

PROJECT NO.: CONDITIONAL USE PERMIT NO. 12-007
APPLICANT: Hemet Jewelry & Loan – Eduardo Salas
AGENT: Rosie Salas
LOCATION: 2355 E. Florida Avenue
OCCUPANCY: This project has been reviewed as an "M" **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. 12-007** shall become null and void on **February 19, 2015** (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. 12-007** shall become effective on **March 02, 2013** unless appealed to the Planning Commission by **March 01, 2013** (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
CONDITIONS USE PERMIT NO. 12-007 – HEMET JEWELRY & LOAN

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.

Site Development and Operation:

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. 12-007, all conditions of approval contained herein shall be completed to the satisfaction of the Planning Department.
12. The Applicant shall maintain and/or upgrade all parking lot lighting, walkway lighting, and security lighting pursuant to Riverside County Ordinance No. 655, Regulating Light Pollution, to the satisfaction of the Community Development Director.
13. Prior to the issuance of a Certificate of Occupancy, the Applicant/Owner shall install security and surveillance equipment to the satisfaction of the Police Department.
14. The hours of operation for the approved use shall be between 9:00 am to 9:00 pm., Monday thru Sunday.
15. There shall be a security guard on site during all operating hours.
16. Keep video for a year and make recordings available to police as requested.
17. Hemet Jewelry and Loan shall comply with all Local, State and Federal rules and regulations as required to obtain and maintain a Secondhand/Pawn brokers' license.
18. Prior to the issuance of a Building Permit, the Applicant/Owner shall coordinate and contract with the City's franchise waste hauler for the removal and disposal of refuse and recyclable materials, and permanent trash service.

City of Hemet - Conditions of Approval
CONDITIONS USE PERMIT NO. 12-007 – HEMET JEWELRY & LOAN

19. There shall be no outdoor display of inventory, nor any outdoor activities without an approved Temporary Use Permit (TUP).
20. Outdoor facilities for storage or storage containers of any kind are not permitted.
21. 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. 12-007, shall require submittal and approval of an application for the modification of the Conditional Use Permit.
22. Signage is not approved as part of this Project. Signage, in accordance with the Zoning Ordinance Section 90-1251.
23. The Applicant shall maintain the landscaping and irrigation, subject to approval by the Planning Division.
24. The storefront, parking areas, landscape areas, and loading dock area shall be kept free of litter, trash, refuse and debris at all times.
25. Prior to the issuance of a Certificate of Occupancy, the Applicant/Owner shall install "No Loitering" signs at all entrances to the building and other outdoors areas where people congregate.
26. The Applicant/Owner shall remove, or cause to be removed, graffiti occurring on the subject property within 48 hours.
27. There shall be no sale of firearms or ammunition at this location under this approval.
28. Video surveillance and monitoring shall include exterior door entry areas and other common areas where people may congregate.

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

29. Prior to the Certificate of Occupancy, the electrical, plumbing and mechanical systems shall be upgraded in accordance with applicable adopted codes.
30. 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).

City of Hemet - Conditions of Approval
CONDITIONS USE PERMIT NO. 12-007 – HEMET JEWELRY & LOAN

31. Prior to the Certificate of Occupancy, roofing shall be of an approved Class Material and in satisfactory condition.

Handicap Requirements

32. This project is subject to State Handicapped Accessibility Requirements. (California Code of Regulations, Title 24)
33. Handicapped restrooms shall be provided or installed in accordance with California Code of Regulations, Title 24/California Building Code, and Section 1115(b).
34. Handicapped parking and signage shall be provided or installed in compliance with applicable state and city codes, if off-street parking is provided.
35. All entrances and exists shall be handicapped accessible per California Code of Regulations, Title 24.
36. 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.

37. 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

City of Hemet - Conditions of Approval
CONDITIONS USE PERMIT NO. 12-007 – HEMET JEWELRY & LOAN

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

Agency Approvals

38. 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.

General

39. The 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".
40. 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).
41. 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.
42. 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.
43. 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

44. 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.
45. 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.

46. 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
47. 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.
48. 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.
49. 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.
50. 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.
51. 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.
52. 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.
53. 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

City of Hemet - Conditions of Approval
CONDITIONS USE PERMIT NO. 12-007 – HEMET JEWELRY & LOAN

54. 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.
55. Prior to final inspection, addresses shall be provided on all new and existing buildings in accordance with the 2010 CFC Section 505.
56. 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.
57. 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.
58. 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

59. 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.
60. 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.
61. 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.
62. 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

Exhibit No. 1B

Site Plan and Floor
Plan

CUP No. 12-007

Planning Commission
Hearing

February 19, 2013

Attachment No. 2

Aerial and Street
View

CUP No. 12-007

Planning Commission
Hearing

February 19, 2013

CONDITIONAL USE PERMIT NO. 12-007

AERIAL and STREET



Attachment No. 3

Photographs of Site
CUP No. 12-007

Planning Commission
Hearing
February 19, 2013

Proposed Hemet Jewelry and Loan

2355 E. Florida Avenue - West Elevation (Front)



East Elevation (Rear of Building)



North Elevation (Side facing Florida Avenue)



Adjacent Building



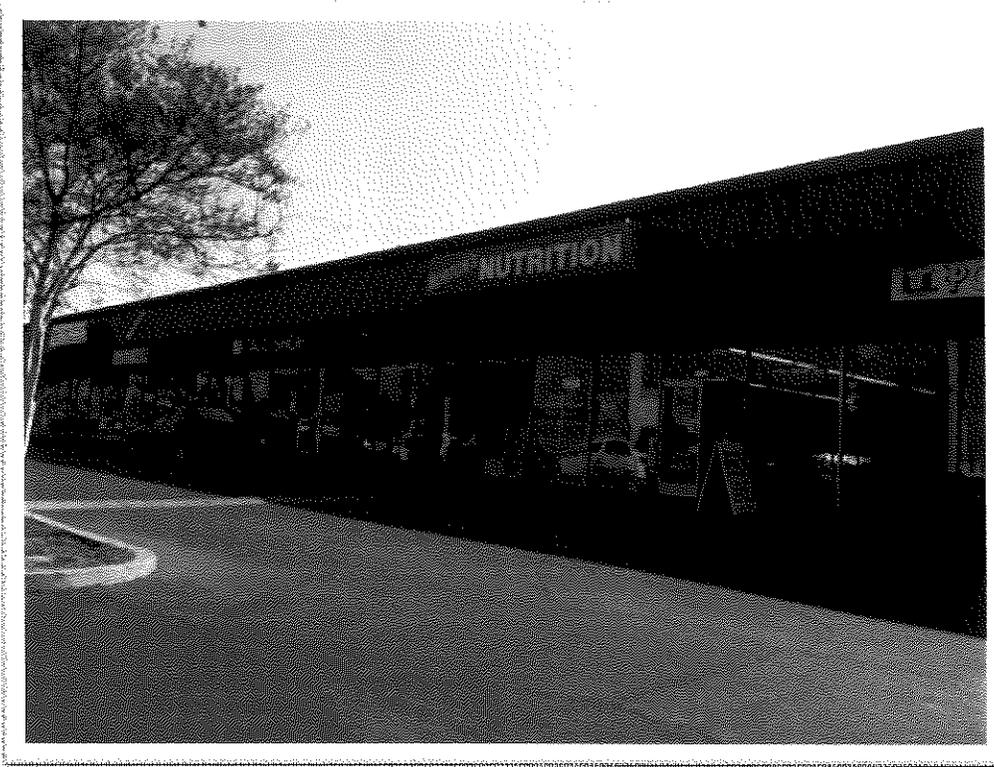
Anchor Tenants

Facing Florida (North)



Supporting Shops

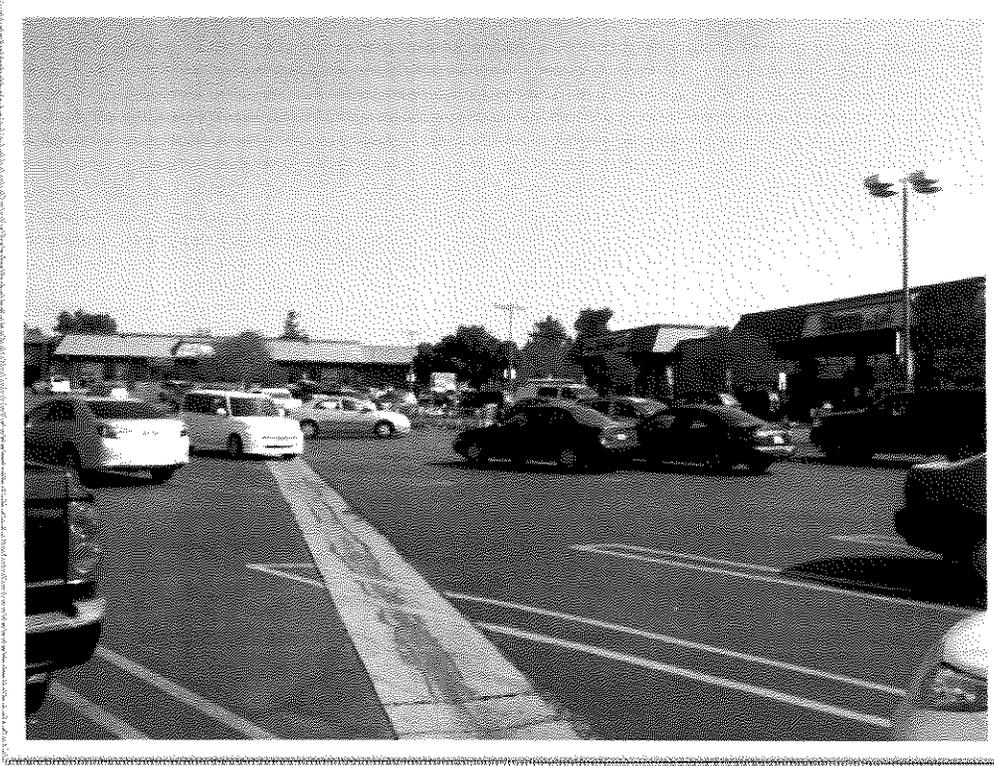
Facing Florida



Gas Station/Convenience Store – South East Corner of Florida Avenue and Yale Street



Parking lot and Landscaping



Both views toward East



Adjacent Businesses



North side of Florida Avenue
(Left) Shopping Center
(Below) Medical Group



(Left) East of Site
(Below) North side of Florida Avenue

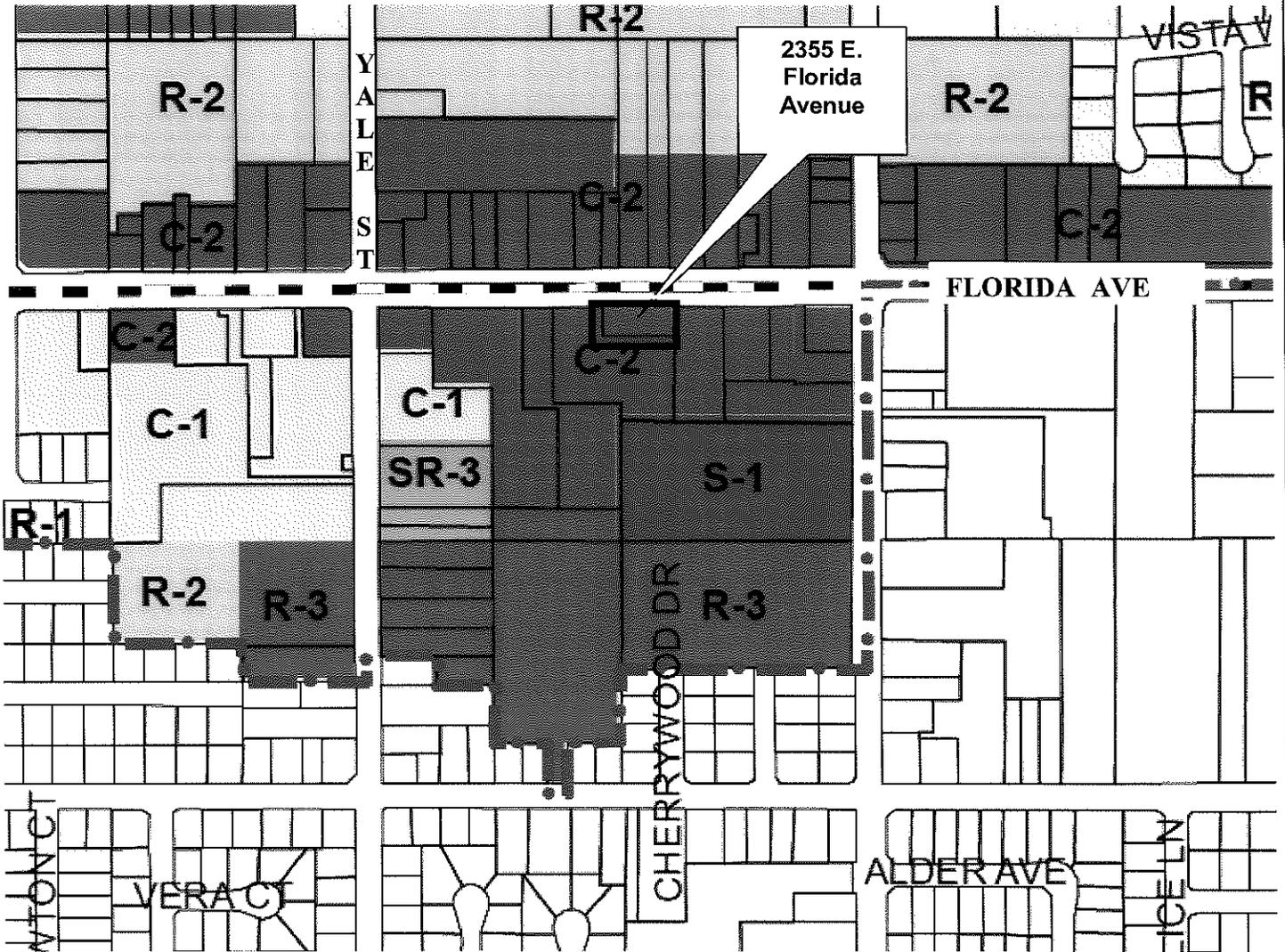


Attachment No. 4

Surrounding Zoning
Map
CUP No. 12-007

Planning Commission
Hearing
February 19, 2013

CONDITIONAL USE PERMIT NO. 12-007 SURROUNDING ZONING MAP



Attachment No. 5

Letter from Applicant
CUP No. 12-007

Planning Commission
Hearing
February 19, 2013

Valley Jewelry and Loan
244525 Alessandro Avenue
Moreno Valley, Ca. 92553
Store (951) 247-6304
Cellular (909) 709-0095

January 30, 2013

Ms. Soledad Carrisoza
City of Hemet, Planning Department
445 East Florida Avenue
Hemet, Ca. 92543

RE: Planning Commission meeting regarding Hewmet Jewelry and Loan

Hello Ms. Carrisoza

We here at Valley Jewelry and Loan pride ourselves on taking a proactive role in our business community. Our business philosophy is to comply with all existing laws and work hand in hand with our local police department. We maintain a very strict, in store, cash level between two thousand (\$2000) to twenty-five hundred (\$2500) dollars on daily basis. If additional funds are required, our manager withdraws from the business bank account. Through our relentless effort to stride for success, our sales for Moreno Valley store were \$478,460 for the year 2012. Our performance was higher than our projected sales goal for that year.

We intend on hiring eight to ten local resident employees for the Hemet store in hopes of promoting economic growth and support to the community of the city of Hemet.

It is our policy when buying gold coins after any purchase to comply with thirty day mandatory hold and hand deliver the necessary paperwork to the local police department. Again, we take great pride in our working relationship with local law enforcement.

At Valley jewelry and loan we follow strict guidelines that were set forth by the Federal Firearm Licensing Regulator and all applicable state and federal laws. By store policy, we plan on only selling new firearms and do not sell ammunition.

It would be a pleasure to clarify any questions or concerns to help the planning commission in understanding policies of our business. |As a law enforcement student to the San Bernardino sheriffs academy, I am well aware of the strict guidelines needed to run a safe and productive environment. Please feel free to contact me directly on my cellular phone at any time (909) 709-0095.

Thank you in advance for all your help with this application

Sincerely,

Eduardo Salas, Owner