PLANNING COMMISSION

AGENDA

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

May 7, 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, Rick Crimeni, Michael Perciful, and Greg Vasquez

Invocation and Flag Salute: Chairman Gifford

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

3. OATH OF OFFICE FOR COMMISSIONER RICK CRIMENI – *Administered by the Minutes Clerk*

4. NOMINATION AND ELECTION OF PLANNING COMMISSION CHAIR FOR 2013-14 – *Community Development Director Elliano*

5. NOMINATION AND ELECTION OF PLANNING COMMISSION VICE-CHAIR FOR 2013-14 – *Community Development Director Elliano*

**** Brief Recess for Reorganization of Commission Members (if needed) ****

6. APPROVAL OF MINUTES:

A. Minutes for the Planning Commission Meeting of March 19, 2013
B. Minutes for the Planning Commission Meeting of April 2, 2013

7. 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 MEETING ITEMS

Public Meeting items do not require a public hearing, however the Chairman may allow public comment on these items if so desired by the Commission.

8. SITE DEVELOPMENT REVIEW NO. 13-001 (BROOKS ACCESSORY STRUCTURE)

APPLICANT: Shelby Brooks
LOCATION: 360 Juel Street
PLANNER: Soledad Carrisoza, Planning Technician

DESCRIPTION: A request for Planning Commission review and approval of a site development review application for the construction of a 1,046 square foot steel accessory structure located at 360 Juel Lane.

Recommended Action:

The Planning Department recommends that the Planning Commission:

1. *Adopt Planning Commission Resolution Bill No. 13-009 (Attachment No. 1) APPROVING SDR 13-001 subject to the findings and conditions of approval.*

PUBLIC HEARING ITEMS

Meeting Procedure for Public Hearing Items:

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

9. ZONING ORDINANCE AMENDMENT NO. 13-001 (HOUSING ELEMENT COMPLIANCE)

APPLICANT: City Initiated
LOCATION: Citywide
PLANNER: Nancy Gutierrez, Contract Planner

DESCRIPTION: A request for Planning Commission review and recommendation regarding amendments to Hemet Municipal Code Chapter 90 (Zoning Ordinance) to satisfy State housing element law and bring the zoning ordinance into compliance with the General Plan Housing Element Programs in regard to Emergency Shelters, Farmworker Housing, and removing age restrictions in the Small Lot Residential Zone.

Recommended Action:

That the Planning Commission:

1. *Adopt Planning Commission Resolution Bill No.13-011 recommending APPROVAL of Zoning Ordinance Amendment No. 13-001 (Ordinance Bill No. 13-016) to the City Council.*

DEPARTMENT REPORTS

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

11. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:

A. Report on City Council actions from the April 9 and April 23, 2013 City Council meetings
B. SCAG Local Profiles Report for the City of Hemet
C. Verbal report regarding Hwy 79 Realignment Project and Project Design Team Meetings

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

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

A. Chairman Gifford
B. Vice Chairman Overmyer
C. Commissioner Perciful
D. Commissioner Vasquez
E. Commissioner Crimeni

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

A. General Plan Consistency Zoning Updates
B. General Plan Annual Report
C. CUP-12-002 Tractor Supply, Inc.
D. SDR for Woodside Homes (McSweeny Farms SP)
E. Workstudy for Proposed 2014-2021 Housing Element Update
F. Workstudy for Proposed Ramona Creek Specific Plan

15. ADJOURNMENT: To the regular meeting of the City of Hemet Planning Commission scheduled for ***May 21, 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 I the meeting, please contact the Planning Department office at (951) 765-2375. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to insure accessibility to the meeting. (28 CFR 35.102-35.104 ADA Title II).

AGENDA #6A

PLANNING COMMISSION

MEETING MINUTES

DATE: March 19, 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

ABSENT: None

Invocation and Flag Salute: Chairman John Gifford

2. APPROVAL OF MINUTES: (None)

3. PUBLIC COMMENTS: (None)

PUBLIC HEARING ITEMS

4. ZONING ORDINANCE AMENDMENT NO. 13-003 (Homemade Food Operator Regulations) – *Continued from March 5, 2013*

APPLICANT: City of Hemet
LOCATION: City-wide
PLANNER: Emery Papp, Principal Planer – (951) 765-2375

DESCRIPTION: A request for Planning Commission review and recommendations to the City Council regarding a Zoning Ordinance Amendment to modify Chapter 90, amending Article III, Special Uses and Conditions, of the Hemet Municipal Code, adding Section 90-100 regulating Cottage Food Operators pursuant to Assembly Bill 1616, with consideration of an environmental exemption pursuant to CEQA Guidelines Section 15061.

The staff report was presented by Principal Planner Emery Papp.

Chairman Gifford asked if there were any questions of staff.

Commissioner Vasquez inquired regarding whether the City was intending to notify permittees of the expiration dates of their permits and what signage would be allowed.

Planner Papp explained that the City does not normally notify an applicant of expiration dates of entitlements. Regarding signage, single-family homes are allowed up to a two-foot by two-foot placard sign if they choose to have one.

Commissioner Moghadam asked if there were any further limitations on signage, like color, neon lights, etc.

Planner Papp replied that the present ordinance does not have such limitations, but staff is proposing a revision of the sign ordinance in the near future.

Community Development Director Deanna Elliano further stated that even in the current ordinance illuminated signs at residences are not allowed. While there is currently no sign color regulation, there will be in the revised ordinance. The city can require an amortization period during which those signs that are not in compliance with the new ordinance can come into compliance.

Commissioner Vasquez complimented staff on their incorporation of the Commission's concerns into the ordinance.

Chairman Gifford opened the public hearing.

Since there were no members of the public who wished to speak, he closed the public hearing and acknowledged that staff had gone above and beyond what was needed to make this ordinance clear, meeting the intent of the law and providing protection for the City.

It was **MOVED** by Commissioner Vasquez and **SECONDED** by Vice Chairman Overmyer to **ADOPT** *Planning Commission Resolution Bill No. 13-004* recommending approval to the City Council of Zoning Ordinance Amendment No. 13-003.

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

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

(Adopted Planning Commission Resolution No. 13-002)

5. <u>MUNICIPAL CODE AMENDMENT NO. 13-002 (Automatic Extensions of Time)</u>

APPLICANT: City of Hemet
LOCATION: City-wide
PLANNER: Deanna Elliano, Community Development Director – (951) 765-2375

DESCRIPTION: A request for Planning Commission review and recommendation to the City Council regarding a city-initiated Municipal Code Amendment to extend the

life of existing Conditional Use Permits and Site Development Review approvals set to expire between April 15, 2013 and December 31, 2013.

The staff report was presented by CDD Elliano, who outlined the need for automatic time extensions for certain projects that would otherwise expire between April 1, 2013 and April 15, 2014. She indicated that this was a procedure that had been previously followed by the State of California and also the City in 2009 as a result of the economic downturn, and was being requested by several developers. There are presently 12 projects that will be potentially burdened if this extension is not granted. All of the projects are consistent with the new General Plan and the current zoning and development standards. Staff's recommendation is to send this forward to the City Council to have an ordinance adopted that would grant a limited two-year extension allowing these applicants an additional opportunity to move their projects forward without having to re-submit.

Chairman Gifford inquired regarding how many of the 12 project applicants actually intend to continue their progress towards completion.

CDD Elliano responded that staff was aware of two projects that would probably not be moving forward, but noted that there was no way to construct the ordinance to include some projects but not others.

Assistant Planner Carole Kendrick advised the Commission that in the past year approximately one-half of the 12 outstanding project applicants have indicated that they are close to moving forward. A few are able to apply for an extension of time, but most have already extended their projects the maximum amount of times that is allowed by the City's ordinance. She noted that an applicant can apply for an extension of time from one to three years, and a conditional use permit can be extended for a maximum of five years.

Commissioner Vasquez stated that he was caught between his desire to see Hemet advance with development, and the frustration that he feels when he sees some of the approved developments, such as the former Wal-Mart site, that are not moving forward and using the economy as their reason for their lag.

Chairman Gifford concurred with Commissioner Vasquez, but asked to hear from the public.

Don Bender (Commercial Real Estate and Development – 3110 East Florida Avenue, Hemet) addressed the Commission, indicating that his firm represents a partnership with an approved senior housing project on Sanderson Avenue that has exhausted all of its extensions. Their delays have been associated with financing, but they now have a major developer that's in the process of completing a feasibility study. If they are determined to go forward, they would process their construction plans within the next three to four months.

When asked by Vice Chairman Overmyer what the future plans for the project were if this automatic extension were not granted, Mr. Bender responded that the partnership would probably abandon the project and request a re-zoning of the property to commercial, as it is difficult to obtain financing for senior affordable housing.

Don McCoy (9 North Katella, Laguna Beach) addressed the Commission, providing a background on the piece of property that he is affiliated with, which fronts on Warren Road in the Auto Mall area, and was approved as a multiple-use project. He advised that they have already gone through the allowed five years of extensions, and hopes they can continue their original commercial concept.

Commissioner Vasquez inquired regarding what had been done to market the property, to which Mr. McCoy responded that they had listed it with a realtor for the first couple of years, but then took it off the market. They plan to re-list it and have had conversations with the Gosch and Chrysler dealerships about possible expansions of their facilities.

Chairman Gifford closed the public hearing.

Commissioner Vasquez indicated his understanding of the City's intent in wanting to extend these and other projects, but stated that he did not think a blanket extension would be helpful. He thought it would better serve the City to have the permittees come to the Commission and bring them up to date on their future plans.

Chairman Gifford asked if the Commission had the prerogative to grant an additional extension.

CDD Elliano explained that the Commission did not have that prerogative because of the restrictions imposed by the existing zoning codes. However, if they would prefer a different approach, in terms of a modification to the ordinance to allow a greater amount of time for future extensions, they could recommend an alternative to the ordinance.

Commissioner Vasquez reiterated the concern he had expressed earlier, stating that by continuing to grant extensions the City might be inhibiting others from taking over the projects and completing them.

Commissioner Moghadam felt that the properties, even if sold to another developer, would be more valuable if the entitlements were in place, because the buyer would not then have to go through the lengthy and expensive Planning process. He does not, however, feel that it would be a good idea to grant them continuous extensions.

Commissioner Vasquez stated that he was not in favor of extending CUP's if there were a possibility that others may be able to develop the properties in question. He feels that the economy is turning around and shared his own experience in tearing down an existing restaurant and replacing it with a new one.

CDD Elliano outlined the two issues that she thought the Commission was expressing: 1) a desire to see each project come forward on its own merits, as opposed to the blanket extension of time; and 2) an acknowledgement that entitlement raises the value of property for sale and development.

Vice Chairman Overmyer suggested approval of the blanket extension for the 12 properties because he felt it was the best way to help bring these properties to fruition. He continually hears from developers that cities and counties are a hindrance to building. Hemet is trying to facilitate building through this effort, and allowing an additional two years is not excessive.

Commissioner Vasquez responded that although two years was not a long time, many of these projects have already had up to five years to build their project, and were now asking for two more. At what point does it stop? He felt that it was only fair to allow another developer to come in and grab the project if the current developer could not move forward.

Vice Chairman Overmyer inquired regarding what approach the City could take that would facilitate a business to come in and start paying taxes and revenue.

Commissioner Vasquez referred to General Plan Land Use Policy 4.3 regarding Infill Development, which is to *"Actively promote the adaptive re-use and infill of economically underutilized, obsolete, and dilapidated commercial and industrial sites, and foster rehabilitation consistent with surrounding uses and the needs of the community."* He stated that he did not see how granting automatic time extensions would be actively pursuing this goal, and expressed opposition to giving people more time to do what they have done in the past – adding on to those years. He did not feel this would be in the spirit of the General Plan.

Commissioner Perciful suggested that one thing the City must do is make it easier for businesses to come in, rather than making it more difficult. The 12 property owners need to take a realistic look at where they are financially, and if they can't proceed, actively market their property using the premise of an extension of time as a tool to sell the property to someone in a better financial position to move forward. These are tough economic times, but money is out there and the developers just need to look for it.

Commissioner Vasquez questioned what would happen if another developer that is just outside this time period came forward to ask for an extension. How would that request be treated by the City?

CDD Elliano stated that in her opinion it was a balancing act, and one way to handle this would be to put the expiration of time limitations in the Code in abeyance for a period of time. However, after discussion with the City Manager and the City Attorney's office, the thought was that it would be easier to simply grant the two-year extension. Staff felt this was a less expensive solution, requiring less money and time for the developer, as well as less staff time. The Commission could also make the decision not to recommend this ordinance to the Council and continue with the current rules.

Commissioner Perciful asked if was possible to include language that required the developer holding the entitlement to come forward and request the extension, and that if it was not requested to consider it expired on its present expiration date.
City Attorney McEwen advised that there may not be enough time for some of them to submit that request.

Chairman Gifford asked if the City Council could extend a CUP.

CDD Elliano explained th at the responsibility of extensions of time rests with the Planning Commission. What the City Council can do is expand the limitation.

After further discussion amongst the Commissioners, the City Attorney, and the Community Development Director, the following motion was proposed:

It was **MOVED** by Chairman Gifford and **SECONDED** by Vice Chairman Overmyer to recommend to the City Council adoption of an alternative ordinance that would allow applicants with projects expiring between April 15, 2013 and April 15, 2014 to apply for an additional extension of time, subject to approval by the Planning Commission for up to two additional years, regardless of the number of previous time extensions.

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

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

DEPARTMENT REPORTS

6. CITY ATTORNEY REPORTS: (None)

7. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:

A. Summary report regarding City Council Meeting of March 12, 2013

CDD Elliano provided an update to the Commission regarding the March 12, 2013 City Council meeting, advising that staff was in the process of preparing comment letters to the Riverside County Transportation Commission (RCTC) regarding the Environmental Impact Report (EIR) for the Highway 79 Realignment Project, specifically Alternative 2-B which is the City's preferred alignment. The City's response is time-consuming for staff because the state and federal combined policies affect some of the City's streets, railways, bridges and interchanges. CalTrans will take the rest of this year to respond to all the comments regarding any changes required in the EIR, and will then go back to RCTC with a recommendation for a preferred alternative sometime in 2014. At the present time, there is no funding available for construction. However, it is on the five-year Regional Transportation Plan as a Measure "A" facility, so the City will be encouraging them to move it up the list, but environmental clearance is required before that can happen. Getting through this project is a huge milestone in terms of actually getting the construction funding to move forward.

Also on the agenda was a recommendation by Mayor Youssef to reappoint Chairman John Gifford to the Planning Commission, which was approved. The two remaining appointments should be on the March 26, 2013 City Council agenda. Seating of the new and/or reappointed commissioners will take place at the April 2, 2013 meeting.

Finally, the City Council voted for approval of funding for the preparation of marketing materials for the City, including two Council members and Economic Development staff to attend the International Conference of Shopping Centers (ICSC) in Las Vegas in May.

B. Planning Division Updates

CDD Elliano distributed a copy of a magazine article called *"The Planning Commission"* which outlines procedures for running Planning Commission meetings. She complimented the Commission on how well they conducted their meetings, and their consistency with the process recommended in the article.

8. PLANNING COMMISSIONER REPORTS:

A. Chairman Gifford (Nothing to report)

B. Vice Chair Overmyer – inquired regarding what enticements might be available to businesses coming into the City, such tax credit incentives.

CDD Elliano advised that dissolution of the Redevelopment Agency has made the concept of incentives more difficult. However, many cities are trying to streamline processes, and this year cities will be in flux until they see whether the State is going to be able to authorize additional tools or sources of funding that cities can then offer. At this point in time, anything that the City offers as inducement to businesses would have to come from the General Fund.

C. Commissioner Moghadam – wished everyone a happy first day of spring.

D. Commissioner Perciful (Nothing to report.)

E. Commissioner Vasquez (Nothing to report.)

9. ADJOURNMENT:

It was unanimously agreed to adjourn the meeting at 7:53 p.m. to the regular meeting of the City of Hemet Planning Commission scheduled for **April 2, 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 #6B

PLANNING COMMISSION

MEETING MINUTES

DATE: April 2, 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 Michael Perciful and Greg Vasquez

ABSENT: Newly-Appointed Commissioner Rick Crimeni absent with prior notice

Invocation and Flag Salute: Commissioner Vasquez

2. CERTIFICATE OF RECOGNITION FOR COMMISSIONER NASSER MOGHADAM – *Presented by Chairman Gifford*

Chairman Gifford expressed his appreciation for the contributions of Commissioner Moghadam, especially as an architect, to the understanding of the Commission on issues dealing with design, and presented him with a Certificate of Appreciation from the City and the Planning Commission

Nasser Moghadam thanked his fellow commissioners and the City staff for making his year with the Planning Commission a privilege and for showing their care for the City of Hemet.

3. APPROVAL OF MINUTES:

A. Minutes for the Planning Commission Meeting of March 5, 2013

It was **MOVED** by Vice Chairman Overmyer and **SECONDED** by Commissioner Vasquez to **APPROVE** the March 5th, 2013 Meeting Minutes, as presented.

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

AYES: Chairman Gifford, Vice Chairman Overmyer, and Commissioner Greg Vasquez
NOES: None
ABSTAIN: Commissioner Perciful due to his absence at the March 5, 2013 meeting
ABSENT: Commissioner Crimeni

4. PUBLIC COMMENTS:

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

PUBLIC HEARING ITEMS

5. CONDITIONAL USE PERMIT NO. 12-007 (HEMET JEWELRY & LOAN)

APPLICANT: Hemet Jewelry and Loan – Eduardo Salas
LOCATION: 2355 E. Florida Avenue
PLANNER: Emery Papp

DESCRIPTION: Consideration of Resolution Bill No. 13-007 affirming the Planning Commission's denial of a Conditional Use Permit for the operation of a collateral loan business (secondhand store/pawn shop) located at 2355 E. Florida Avenue.

The staff report was presented by Community Development Director (CDD) Deanna Elliano who asked for a formal action by the Commission to adopt the proposed findings for denial.

Chairman Gifford opened the public hearing and then closed it, seeing no public participants. He asked for further comments from the Commission, and hearing none, asked for a motion.

It was **MOVED** by Commissioner Vasquez and **SECONDED** by Commissioner Perciful to adopt Planning Commission Resolution Bill 13-007, **DENYING** Conditional Use Permit No. 12-007.

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

AYES: Chairman Gifford, Vice Chairman Overmyer, and Commissioners Perciful and Vasquez
NOES: None
ABSTAIN: None
ABSENT: Commissioner Crimeni

(Adopted Planning Commission Resolution No. 13-003.)

6. CONDITIONAL USE PERMIT NO. 13-001 (AT&T @ BEREAN CHURCH)

APPLICANT: Mitchell Bryant – Coastal Business Group for AT&T Mobility
LOCATION: 375 North Sanderson Avenue
PLANNER: Carole L. Kendrick – (951)765-2375

DESCRIPTION: A request for Planning Commission review and approval of a Conditional Use Permit allowing the construction and operation of a major ground mounted telecommunication facility and associated equipment consisting of a 65' pole camouflaged as a monopine located on the west side of Sanderson Avenue,

north of Devonshire Avenue and south of Menlo Avenue, with consideration of an environmental exemption pursuant to CEQA Guidelines Section 15332.

The staff report was presented by Assistant Planner Carole Kendrick who also gave a detailed PowerPoint presentation.

Vice Chairman Overmyer asked Planner Kendrick if the location of the monopine was such that additional development of the church site could be accomplished.

Assistant Planner Kendrick assured him that the applicant worked with the church to find a location that would work for both of them if they developed in the future.

Vice Chairman Overmyer also asked if the telecommunication facility 2,500 feet away at the Prince of Peace was an AT&T facility.

Assistant Planner Kendrick advised that the adjacent facility was not an AT&T facility, but noted that it did include several other carriers.

Commissioner Vasquez asked who usually requests these leases – the applicant or the property owner.

Planner Kendrick indicated that it could be either. Some carriers have offers on their websites for potential cell site hosts to contact them. There are other carriers who look at desirable properties and then contact the property owners.

Commission Vasquez asked about the situation in this case and what makes this a major telecommunications facility.

Assistant Planner Kendrick indicated her understanding that AT&T had contacted the property owner directly. The original proposal had several concerns, so staff recommended that they contact property owners that fell within the requirements of the wireless code. As part of the alternative site analysis, there were five alternative sites that were analyzed, and this was the preferred choice. Usually major sites are defined as ground-mounted facilities, and minor sites are roof-mounted.

CDD Elliano further stated that the terminology is in the definitions of the wireless telecommunications code. The major facilities are the ground towers which require Commission approval, and the minor are those that can be approved by an administrative use permit, more of a staff level approval, and can be mounted on a building or some other existing structure or co-located on an existing facility.

Commission Vasquez asked if this site would radiate any kind of emission, regardless of whether they are major or minor.

CDD Elliano advised that the FCC has looked at various cases, and has ruled that they do not discharge significant or harmful emissions.

Chairman Gifford further explained that they had been thoroughly educated on this topic a couple of years ago when several sites were being explored, and it was a federal determination that they do, in fact, emit electromagnetic radiation because that's how wireless telephones work. Some have microwave transmitters, which the

FCC has determined are not harmful, do not cause any harmful type of condition, and, therefore, are not to be considered in a decision regarding whether or not to approve a site.

Chairman Gifford went on to outline the city's guideline requiring 200 feet from residential uses primarily because of the public perception of the possibility of problems and nuisance lawsuits. There are also some aesthetic reasons for that. Usually the applicants will be asked to do research and see what is the best location, both technologically and aesthetically, with consideration for future development in the area.

CDD Elliano also added that the companies are restricted by the search ring established by their telecommunications engineers, which causes them to be somewhat geographically limited. They are also limited by the interest of the property owner, and the city cannot compel unwilling property owners to consent to a cell tower location if they are unwilling to do so.

The church is a willing property owner who will get paid for the lease and it becomes a win-win scenario because there is a steady income stream for the operation of the church. Only if a tower is located on city property does the city receive compensation.

Commissioner Perciful suggested that having a tower at the City Corp Yard might be beneficial.

Assistant Planner Kendrick gave further background regarding the present application, adding that although the height of existing trees at this location were lower than the 100-foot tower, they were similar in type and blended into the background.

Commissioner Vasquez asked several more questions about numbers, height and aesthetics, with Assistant Planner Kendrick responding that there are about 20 cell towers in the City, with some higher than this proposed tower, and most citizens don't notice them unless they're told about them.

City Attorney McEwen interpreted the Municipal Code Section 90-1621(b) as requiring that a major facility should not be located – taking a straight line from the facility to the residential property – within 200 feet of any property containing a residential structure.

Commissioner Vasquez asked if there was a difference between property with a residential structure and vacant property that might be used for residential construction in the future.

City Attorney McEwen clarified that the Code treats them differently.

Chairman Gifford explained that the code requires 200 feet from the property line on which a residential unit is constructed. This had been considered by the Commission and the City Council previously and was upheld by the court in a lawsuit.

Assistant Planner Kendrick explained that if there is vacant residential land and the cell facility is installed, future residents are aware of the facility's presence when they purchase the property.

CDD Elliano added that the property owners of surrounding residentially-zoned land have been notified, and staff will look at the site design to try and minimize impacts so there is enough separation for a future use, even though the code doesn't require that we consider that.

Commissioner Perciful inquired about the plans for surrounding land.

Assistant Planner Kendrick and CDD Elliano pointed out the Villa Madrid townhomes and a senior housing project to the west. They noted that some project applicants feel that there will be better cell phone reception closer to the towers and use that as a beneficial advantage.

Commissioner Vasquez wanted to know about the technology, whether it was the most advanced available, and how it relates to the General Plan's proposals to utilize co-location and/or stealth wireless communication and the provision of new technology to minimize cell towers. He also wanted to know more about two other proposed antennas which are closer to the ground.

Assistant Planner Kendrick noted that the two other antennas represent the GPS systems. They are very small, eight to ten inches, and are mounted on the shelter.

Chairman Gifford opened the public hearing and invited Mitchell Bryant to the lectern.

Mitchell Bryant of Coastal Business Group for AT&T Mobility (no address given) first commended Assistant Planner Kendrick for her accessibility and promptness in handling matters. He felt she had answered most of the questions already asked "almost to a T."

Chairman Gifford reiterated Commissioner Vasquez's question regarding technology and wondered if there was other technology that could be applied to lessen the footprint of the cell tower.

Mr. Bryant replied that while the LTE technology being utilized is the best currently available, the footprint of the tower could not be reduced. He noted that the cell tower technology and the development of the overall structure are slightly behind the fast-paced advances in cell phone technology, and added that they are constantly trying to modify the sites to keep up with technology. There is some new development overseas of something called *"the cube"*, which is a small distributed antenna. While they do have this technology in the U.S. it is presently only utilized in large stadiums, and is not available at this time for a cityscape. The towers are actually not getting smaller, but not as many of them are needed because the LTE technology is more efficient since it's able to propel the propagation of frequencies inside buildings, therefore minimizing the dropping of calls inside buildings and vehicles.

Chairman Gifford asked if height is based on standardization or on the need and application.

Mr. Bryant indicated that the height of a tower was typically the engineers' determination, not necessarily based on standardization, but more on the vertical separation of other carriers if there is co-location, so height is very important.

Commissioner Vasquez asked if other sites were considered.

Mr. Bryant compared the positioning of towers to engineering a sprinkler system. It is an art of engineering project, but it's also an availability issue. Churches are opportunistic in that the cell facility brings income to the church. And this location also happens to fulfill the engineering requirements of AT&T.

Commissioner Vasquez also wanted to know about the emission of radiation, even if it was deemed to be minor.

Mr. Bryant explained that all cell towers emit some sort of radiation, but at a frequency similar to a baby monitor, or a cell phone itself. The height of the tower benefits the public in that it shoots the emissions out into the horizon, and the further away you are from the frequency, the less powerful it is. The public would get more radiation from a ten-foot tower if people were walking by.

There being no other questions from the Commission or the public, Chairman Gifford closed the public hearing. He expressed his feeling that once a tower is in, it becomes somewhat invisible to the public unless it is infringing on someone's property rights. He felt this site was one of the better locations he has seen, particularly because existing pine trees do have a good camouflage effect, and the residential areas are not within such proximity that the code considers them problematic. As far as denying cell towers because they are not liked, he stated that the City does not have that prerogative since it's a federal issue.

Commissioner Vasquez asked if there had been more outpouring from the community on prior presentations of sites, to which Chairman Gifford responded that if a tower is proposed to be sited next to a residential area there may be more contention, but in this case, there isn't anybody except for the church that's right next door.

CDD Elliano posited that the lack of objections was due to: 1) Assistant Planner Kendrick's care in working with the applicant to make sure that the location was aesthetically acceptable; 2) the fact that the use of monopines and monopalms helps to camouflage the sites; and 3) the general understanding and desire within the community that cell phone reception is of paramount importance.

Chairman Gifford requested a motion on the issue.

It was **MOVED** by Vice Chairman Overmyer and **SECONDED** by Commissioner Perciful to adopt *Planning Commission Resolution Bill No. 13-006*, **APPROVING** Conditional Use Permit No. 13-001, as presented.

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

AYES:	Chairman Gifford, Vice Chairman Overmyer, and Commissioners Perciful and Vasquez
NOES:	None
ABSTAIN:	None
ABSENT:	Commissioner Crimeni

(Adopted Planning Commission Resolution No. 13-004.)

DEPARTMENT REPORTS

7. CITY ATTORNEY REPORT

Assistant City Attorney Stephen McEwen reported on a Superior Court case involving the City of San Jose, examining the issue of whether privately-owned electronic devices (delivering text messages, e-mails, voice messages) rendered from non-city issued equipment falls under the Public Records Act. The Superior Court decision was that those records maintained by the Council Members and the Mayor on their private electronic devices *do* fall within the Act, with some fairly decent written analysis. The City Attorney's office will keep monitoring the decision, watching to see if it goes up to the Court of Appeals. It is an issue that hasn't been previously addressed in court decisions.

He added that just because one is a Commissioner or Councilman doesn't mean one's entire life is open, but if one is conducting public business with personal devices, there should be an awareness of that decision and the potential impact it might have on that form of communication. This was not considered a Brown Act violation. The identity of a public record does not depend on where it's being stored. The concern noted by the court is that cities, counties, and other public agencies tend to think they can get around the Public Records Act by simply storing messages on private devices, thereby precluding the public from having access them. The Public Records Act is very broad and favors disclosure. There is a broad interpretation of what a public record is and a very narrow interpretation of exemptions. A verbal conversation that contains the same information but is not written or transmitted is not a record.

After responding to several questions by Commissioners, Assistant City Attorney McEwen said he would keep them abreast on the developments in this case so they are aware of the implications for handling public records.

8. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:

A. Summary report regarding City Council Meeting of March 26, 2013

CDD Elliano reported that at the March 26, 2013 City Council meeting, Council Member Bonnie Wright had appointed Rick Crimeni to the Planning Commission, and Mayor Pro Tem Larry Smith had reappointed Commissioner Vince Overmyer. She clarified that Commissioner Gifford was reappointed at an earlier meeting.

The Council adopted the Hemet ROCS ordinance regarding loud and unruly gatherings. There was a follow-up discussion regarding the possibility of contracting with Cal Fire, but no decision was rendered other than continuation of the meet-and-confer process with Hemet City Firefighters

B. Election of Planning Commission Chair and Vice Chairman scheduled for the May 7, 2013 Meeting

CDD Elliano clarified that the election for Chairman and Vice Chairman would commence at the May 7, 2013 meeting.

She suggested, and the Commission concurred that the April 16, 2013 meeting be canceled due to the lack of agenda items ready to move forward.

9. HEMET ROCS CITIZEN ADVISORY COMMITTEE REPORT

Chairman Gifford reported that at the last CAC meeting on March 28, 2013, CDD Elliano had reviewed some of the actions that would be moving forward with the Planning Commission and staff, in concert with ROCS and the City's agenda. He felt the Planning Commission would benefit by hearing these reports as a regular part of Commission meetings to help keep up on the progress of Code Enforcement.

CDD Elliano reported on the Alcoholic Beverage Ordinance, noting that Code officers had visited each liquor store, as well as convenience stores and markets, to speak with the managers and provide them with a packet including the new regulations imposed by the ordinance, in an effort to educate them in advance of a follow-up inspection that would take place within the subsequent 2 weeks. One of the items of concern was the new Code's restriction for liquor advertisement to 25 percent of the inside window space with no outside advertisement being permitted. Surprisingly, the reception of these restrictions was positive, with many businesses believing that the Hemet ROCS program was beneficial, as long as it was fair and equitable.

Another area, in which the City Attorney's office has been working with staff, is regarding the substandard dwelling units, including apartments and motels. To date, staff has inspected over 900 units since actively commencing the task force in December.

The ROCS ordinance related to abandoned, vacant and foreclosed properties is moving forward. To date, a city-wide inventory of these properties is being compiled into a database for the City. Penalties will be imposed on the responsible property owners rather than the property management companies. The goal is to tighten up the rules so that the boarded-up properties cannot be in place for more than 180 days. Hopefully this ordinance will help turn these properties around and make them viable in the community again. Surprisingly, the majority of such structures are not bank-owned, but privately owned.

Chairman Gifford noted that this is a mechanism to put property owners on notice that something has to be done with these properties. It also gives the City the authority to follow through and make something happen. We can't change the economy, but we can require these property owners to maintain their properties in a presentable manner.

Chairman Gifford also noted that Police Chief Brown had given a presentation regarding changes in the police department relative to staffing, infrastructure and technology. Chief Brown is running the office efficiently, and commendably utilizing outside help and resources.

10. PLANNING COMMISSIONER REPORTS:

A. Chairman Gifford (Nothing more to report)
B. Vice Chair Overmyer (Nothing to report)

C. Commissioner Crimeni (Absent)
D. Commissioner Perciful (Nothing to report)
E. Commissioner Vasquez (Nothing to report)

11. FUTURE AGENDA ITEMS:

A. Zoning Ordinance Compliance Updates for the Housing Element

CDD Elliano reported that there is a group of ordinances under the Housing Element scheduled for the May 7th meeting. These are state mandates, and the next update is due in October 2013. Hemet wants to comply and have everything set because the new RHNA numbers are 640 as opposed to the former 12,000. This will be the primary focus of the May 7th meeting. A work study will also be held at a future meeting prior to the Housing Element coming back for a final recommendation during the summer.

B. General Plan Consistency Zoning Updates
C. General Plan Annual Report
D. CUP 12-002 – Tractor Supply, Inc.
E. SDR for Woodside Homes (McSweeny Farms SP)
F. Workstudy for Proposed 2014-2021 Housing Element Update
G. Workstudy for Proposed Ramona Creek Specific Plan

12. ADJOURNMENT: It was unanimously agreed to adjourn the meeting at 7:33 p.m. to the regular meeting of the City of Hemet Planning Commission scheduled for **May 7, 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 #8

Staff Report

TO: City of Hemet Planning Commission

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

DATE: May 7, 2013

RE: **SITE DEVELOPMENT REVIEW NO. 13-001 (BROOKS ACCESSORY STRUCTURE)** - A request for Planning Commission review and approval of a Site Development Review application for the construction of a 1,046 square-foot steel accessory structure located at 360 Juel Lane in the A-1-C-1 (Light Agricultural) zone.

PROJECT APPLICANT INFORMATION

Owner:	Donald and Shelby Brooks
Project Location:	360 Juel Lane
APN Information:	551-190-057
Lot Area:	43,124 sf (0.99 ac)

STAFF RECOMMENDATION

The Planning Department recommends that the Planning Commission:

1. Adopt Planning Commission Resolution Bill No. 13-009 (Attachment No. 1) approving SDR 13-001 subject to the findings and conditions of approval.

PROJECT DESCRIPTION

On February 5, 2013, the Brooks' submitted Site Development Review Application No. 13-001 to erect an accessory structure at their single-family residence located at 360 Juel Lane in the City of Hemet. The subject property is located within the Light Agricultural (A-1-C-1) zone as shown in Attachment No. 2.

The proposed structure is a pre-fabricated, unassembled kit consisting of steel support posts and unfinished "galvalume" sheet metal panels, is approximately 1,046 square feet, measures 22'11" deep by 45'3" wide, and is approximately 20 feet high. The accessory structure kit comes with an arched metal roof and two sides, and both ends are open. The Applicant intends to close off the ends by installing a 12' wide by 14' high roll up door on the north elevation, and French doors with

two 36" x 48" windows on either side of the doors on the south elevation of the building. The Applicant proposes a metal siding finish on both ends, surrounding the doors and windows (See Attachment No. 1, Exhibit 1A).

The proposed accessory structure will be placed directly behind (east of) the existing garage and have a concrete foundation and floor as shown in Attachment No. 1, Exhibit 1A. Vehicle access is from the north side of the building via an existing drive approach and concrete driveway. The French doors on the south side will serve as a walk-in entry from the residence. The Applicant has stated the primary use of the structure is for vehicle storage and a personal workshop. It will not be used for commercial or manufacturing purposes.

BACKGROUND

In 2002, the City Council adopted Zoning Ordinance Amendment 02-15, which revised the development standards for accessory structures. The following excerpt from the Hemet Municipal Code, Section 90-185(e), pertains to accessory structures in Agricultural zones:

> *(1) Accessory structures shall meet the required setbacks of the zone in which they are located. Except that, accessory structures less than 120 square-feet in area and less than eight (8) feet in height which are not permanently affixed to the ground may be located as close as 3-feet to interior side or rear property lines. In no instance shall any accessory structure be placed closer to the front property line than the principal structure.*
>
> *(2) In all agricultural zones, accessory structures may be constructed in excess of fifty percent (50%) of the principal structure, may exceed the height of the principal structure, and need not be architecturally compatible with the principal structure. Except that, on property designated other than Agriculture by the General Plan Land Use Map, Planning Commission review is required.*
>
> *(3) Where Planning Commission review is required, the Planning Commission shall review the project and shall either approve it as submitted, approve it subject to conditions, or deny it based on the following criteria. The accessory structure: a) is otherwise consistent with the regulations of the zone in which it is located; b) is not detrimental to the public health, safety and welfare particularly that of adjacent properties; and c) does not detract from the residential character of the surrounding neighborhood.*
>
> *(4) All accessory structures shall be screened to the maximum intent possible with landscaping, fencing, or combination thereof, so as to minimize visual impacts from adjacent rights-of-way and from adjoining properties.*

Due to the size being larger than 50% of the primary structure on site (e.g. +/- 56%), and the General Plan Land Use designation (Rural Residential) for the property on which the proposed accessory structure will be erected, this project requires review and approval by the Planning

Commission. However, the Applicant was not aware of this requirement at the time of submittal for a building permit and had already purchased the custom accessory structure. The Applicant was informed Planning Commission review and approval would be required prior to the issuance of a building permit.

PROJECT SETTING

The subject property is located east of Soboba Street and north of Lincoln Avenue. The site and the surrounding area is zoned Light Agricultural. The General Plan Land Use map indentifies this property as Rural Residential. The project setting is illustrated and described in more detail by the attached items:

- Adjacent Zoning Map (Attachment No. 2)
- Aerial Map (Attachment No. 3)
- Photo's of Site (Attachment No. 4)

The following table indicates land uses immediately surrounding the project site.

	LAND USE	ZONING	GENERAL PLAN
PROJECT SITE	Single Family Residence	A-1-C-1 (Light agricultural zone)	RR (Rural Residential)
NORTH	Single Family Residence and Bautista Elementary School	A-1-C-1 (Light agricultural zone)	RR (Rural Residential) And School Zone
EAST	Bautista Elementary School	A-1-C-1 (Light agricultural zone)	RR (Rural Residential)
SOUTH	Single Family Residence	A-1-C-1 (Light agricultural zone)	RR (Rural Residential)
WEST	Single Family Residence	A-1-C-1 (Light agricultural zone)	RR (Rural Residential)

This area was developed while under Riverside County's jurisdiction. City records indicate this area was part of Annexation 90-131 which was approved by the City Council on January 22, 1991

ANALYSIS

The Hemet Municipal Code allows accessory structures in Agricultural zones and does not require consistent use of materials or colors for such structures when located within Agricultural zones. However, staff has recommended Condition of Approval No. 15, requiring consistent use

of colors due to the Rural Residential General Plan designation and residential "feel" of the area.

The Hemet Municipal Code allows accessory structures to be larger than 50% of the principal structure in Agricultural zones, but when zoning and General Plan land use are not both Agricultural, Planning Commission review and approval is required when exceeding the 50% size threshold. The proposed accessory structure is 1,046 square feet, the principal structure is 1,857 square feet, with the proposed accessory structure being approximately 56% of the size of the primary structure. Additionally, the property is zoned Light Agricultural (A-1-C-1) and the General Plan Land Use is designated Rural Residential (RR), necessitating Planning Commission review and approval.

The following table indicates the minimum development standards for the A-1-C-1 zone:

DEVELOPMENT STANDARD IN AGRICULTURAL ZONES	REQUIRED	PROPOSED
Front Setback Minimum	20 feet	20 feet
Side Setback Minimum **Street Side Setback**	5 feet 10 feet	17 feet N/A
Rear Setback Minimum	10 feet	160 feet
Building Height	40 feet (max)	20'
Lot Coverage	None	.081

On March 7, 2013, the project was reviewed by the Design Review Committee (DRC). Staff from the various City departments reviewed the plans for the accessory structure and no significant issues were identified. The Fire Department mentioned that a portion of an existing patio cover may need to be removed from the principal structure to maintain a five foot minimum building separation requirement. Planning staff indicated that the accessory structure would make a better "fit" in the neighborhood if it were painted to match the colors of the existing home. The Applicant would prefer not to paint the building but is agreeable to painting the ends if required. The metal panels of the accessory building are treated with an anti-corrosion coating and paints may not adhere well. The Applicant stated that painting the roof and sides requires additional expense and maintenance. Staff has recommended condition of approval no. 15 to address this issue.

The proposed project meets all development standards and other site development requirements

for construction of the accessory structure. Staff feels the proposed accessory structure meets the criteria for accessory structures in the Agricultural zone, based on the following:

Hemet Municipal Code Section 90-185 (e) (4) states; *"All accessory structures shall be screened to the maximum intent possible with landscaping, fencing, or combination thereof, so as to minimize visual impacts from adjacent right-of-way and from adjoining properties."*

The accessory structure will be placed directly behind and east of an existing attached garage, thus the principle structure will serve as a screen from the street and views looking north easterly. The accessory structure is seven feet taller than the house at its' highest point, and the high point is more than 25 feet back from the garage. A photo simulation street view of the front of the home is included as Attachment No. 5. The perimeter fencing is made of chain link, but large mature trees planted adjacent to the fence line on the neighboring Bautista Creek Elementary School will adequately screen the accessory structure from views looking south westerly.

FINDINGS

Hemet Municipal Code Section 90-185(e)(3) states; *"Where planning commission review is required, the planning commission shall review the project and shall either approve it as submitted, approve it subject to conditions, or deny it based on the following criteria.*

Staff proposes that the Planning Commission make the following findings, as contained in the attached Resolution Bill No. 13-009 (Attachment No. 1). The accessory structure:

a) *Is otherwise consistent with the regulations of the zone in which it is located.*

The accessory structure is consistent with the regulations of the Agricultural zone in that; accessory structures are permitted in this zone and is in compliance with the setbacks and the height requirements.

b) *Is not detrimental to the public health, safety and welfare particularly that of adjacent properties.*

The structure, if approved by the Planning Commission, shall be submitted for plan check, building permits, and inspections by the Building Department. Construction of this accessory structure shall meet the 2010 Building and Fire Codes. The Applicant has stated the intended use of the structure is for personal use only and will not be used for commercial or manufacturing purposes, pursuant to the Conditions of Approval.

c) *Does not detract from the residential character of the surrounding neighborhood.*

Accessory buildings can be seen throughout the surrounding areas and are common place in Agricultural zones. Additionally, and in compliance with Section 90-185(e)(4) of the Hemet

Municipal Code, there are trees and bushes lining the perimeter of the property on all sides that also serve to screen the accessory structure from surrounding properties.

GENERAL PLAN AND ZONING CONSISTENCY

The current zoning for this property is Agricultural. The General Plan land use designation for the project site is RR (Rural Residential). "The Rural Residential designation is intended to reserve areas for the pursuit and protection of rural and equestrian lifestyles and the character of existing rural communities. Representative form of development is single-family homes on lots from one-half acre to 10 acres and larger."

The City of Hemet Zoning ordinance allows for accessory structures in the Agricultural zone. The ordinance allows for accessory structures larger than 50% of the principal structure if approved by the Planning Commission. Planning staff feels that the existing site, with the addition of the accessory structure, meets the intent of the Rural Residential land use designation and the light agricultural zoning designation for the property in question, subject to the attached conditions of approval.

CEQA REVIEW

This project is exempt from review under the California Environmental Quality Act as it falls in a class of projects which have been determined not to have a significant effect on the environment. Section 15303 - Class 3 consists of construction and location of limited numbers of new, small facilities or structures including; (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

PUBLIC COMMUNICATIONS RECEIVED

Site Development Review applications do not require a public notice or advertisement in the newspaper for Planning Commission review. However, as a courtesy, a notice of the public hearing was mailed to the surrounding property owner's within a 300' radius of the project site on April 25, 2013. At the time this report was prepared, no comments had been received from the public.

REPORT SUMMARY

Site Development Review No. 13-001 pertains to the construction of a steel accessory structure larger than 50% of the principal structure in the Light Agricultural zone. The proposed structure is larger than 50% of the primary structure, the General Plan designation is other than Agricultural and, therefore, Planning Commission approval is required.

The proposed steel building meets the setbacks and height requirements and all other development standards for accessory structures in the Agricultural zone. Additionally, Planning

staff observed that many properties in the surrounding area have accessory structures and approval of this structure will not detract from the neighborhood. The accessory structure will be located directly behind an existing attached garage which reduces its visibility from the street. The property is surrounded by trees and bushes thus screening the structure from all adjoining properties.

For these reasons, and the findings as more fully discussed in the Staff Report and accompanying attachments, the Community Development 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,

Soledad Carrisoza
Planning Technician

Reviewed By:

Emery J. Papp
Principal Planner

SC

ATTACHMENTS

1) Planning Commission Resolution Bill No. 13-009 for Site Development Review No. 13-001
   - Exhibit 1A - Development Plan
   - Exhibit 1B - Conditions of Approval
2) Adjacent Zoning Map
3) Aerial Map
4) Photos of Juel Lane
5) Photo simulation, street view of 360 Juel Lane

INCORPORATED HEREIN BY REFERENCE
City of Hemet 2030 General Plan
City of Hemet Zoning Ordinance

Attachment No. 1

Resolution Bill No.13-009

Planning Commission
Public Meeting of
May 7, 2013

CITY OF HEMET
Hemet, California

PLANNING COMMISSION
RESOLUTION BILL NO. 13-009

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA APPROVING SITE DEVELOPMENT REVIEW NO. 13-001 FOR CONSTRUCTION OF A 1,046 SQUARE FOOT STEEL ACCESSORY STRUCTURE LOCATED AT 360 JUEL LANE (APN: 551-190-057)

WHEREAS, an application for Site Development Review No. 13-001, was duly filed by:

Owner:	Donald and Shelby Brooks
Project Location:	360 Juel Lane
Lot Area:	0.99 acres
APN:	551-190-057

WHEREAS, the Planning Commission is authorized to review and recommend approval, conditional approval, or denial of Site Development Review No. 13-001 pursuant to Hemet Municipal Code Section 90-185 (e); and

WHEREAS, the Applicant is requesting approval of Site Development Review No. 13-001 to construct a 1,046 square foot steel accessory structure in compliance with Hemet Municipal Code Section 90-185(e); and

WHEREAS, at the Planning Commission meeting on May 7, 2013, the Planning Commission considered, heard public comments on Site Development Review No. 13-001; and

WHEREAS, on April 25, 2013 the City gave notice to the neighbors within a 300' radius of the project location of a public meeting at which the project would be considered; and

WHEREAS, the Planning Commission of the City of Hemet has considered oral and written comments, pro and con, as presented by the Planning Department, the Applicant, and other interested parties at a public meeting held on May 7, 2013.

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

SECTION 1: ENVIRONMENTAL FINDINGS

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

1. **CEQA:** 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. Section 15303 - Class 3 consists of construction and location of limited numbers of new, small facilities or structures including; (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

2. **Multiple 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 mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 2: SITE DEVELOPMENT REVIEW FINDINGS

In light of the record before it, including the staff report dated May 7, 2013, and all evidence and testimony heard at the public meeting of this item, the Planning Commission hereby finds as follows:

A. The project complies with all provisions of Article XLI 90-185, Chapter 90 and other relevant city regulations, polices and guidelines. The Planning Commission hereby finds and determines that each of these requirements is satisfied as follows:

The accessory structure:

1) Is otherwise consistent with the regulations of the zone in which it is located.

The accessory structure is consistent with the regulations of the Agricultural zone in that; accessory structures are permitted in this zone and is in compliance with the setbacks and the height requirements.

2) Is not detrimental to the public health, safety and welfare particularly that of adjacent properties.

The structure, if approved by the Planning Commission, shall be submitted for plan check, building permits, and inspections by the Building Department. Construction of this accessory structure shall meet the 2010 Building and Fire Codes. The Applicant has stated the intended use of the structure is for personal use only and will not be used for commercial or manufacturing purposes, pursuant to the Conditions of Approval.

3) Does not detract from the residential character of the surrounding neighborhood.

Accessory buildings can be seen throughout the surrounding areas and are common place in Agricultural zones. Additionally, and in compliance with Section 90-185(e)(4) of the Hemet Municipal Code, there are trees and bushes lining the perimeter of the property on all sides that also serve to screen the accessory structure from surrounding properties.

SECTION 3: PLANNING COMMISSION DETERMINATION:

The Planning Commission hereby determines:

1. **NOTICE OF EXEMPTION.** In compliance with Public Resources Code §21152 and CEQA Guidelines §15075, the Community Development Director shall prepare a Notice of Exemption concerning the findings made in Section 2 of this Resolution, and within five (5) working days of project approval, file a Notice with the Riverside County Clerk for posting.

2. **Approval of Site Development Review No. 13-001.** Site Development Review No. 13-001 for the construction of a steel accessory structure in the Light Agricultural zone. The proposed accessory structure is approximately 1,046 square foot shall be located on agricultural property with an existing principal structure along with the attached garage totaling 2,341 square feet is hereby recommended for approval as shown on Exhibit 1A, attached hereto and incorporated herein by reference, and subject to the Conditions of Approval attached hereto and incorporated herein by reference as Exhibit 1B. Any modification to the project shall be in compliance with the City of Hemet Zoning Ordinance, and other applicable state and local ordinances.

PASSED, APPROVED AND ADOPTED this 7th day of May, 2013, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

John Gifford, Chairman
Hemet Planning Commission

ATTEST:

Nancie Shaw, Minutes Secretary
Hemet Planning Commission

Exhibit No. 1A

Development Plan

Planning Commission
Public Meeting of
May 7, 2013

DATE	OLD NO.	NEW NO.
8/83	18	68, 69
5-84	20, 69	70
5-87	70	71, 72
"	68, 72	73
3/94	47	74-75
3/95	7	76, 77

DATE	OLD NO.	NEW NO.
7/76	0.34	41, 42
7/76	37	43-46
10/76	40	47, 48
"	39	49, 50
"	49, 49	51, 52
"	50, 38	53-56
10/77	52	53-56
11/77	51	57-60
6-79	28	61, 62
11-79	11	63, 64
"	12	65-66
"	65-63	67
63, 66, 67	PC 32	

DATE	OLD No.	NEW No.
1-25-72	190-008	190-015
3-28-72	190-015	190-016
10-24-72	190-012	190-017
2/73	013	190-018
6/73	19, 21	23, 24
6/74	1	25-28
7/24	25, 26	29, 30
1/76	2	31-32

13-21

1" = 200'

POR. E1/2 SEC. 7, T.5S, R.1E

(13)

CHARLTON (ALAMEDA) AVENUE

1389.48

PAR. 1 (29) 0.64 Ac.

PAR. 2 (30) 0.81 Ac.

PAR. 3 (27) 0.90 Ac.Nt.

PAR. 4 (61) 0.90 AC (62) 0.90AC

LOT 2

PM 13/39

(33) 0.81 AC.±

(35) 0.81AC.±

(42) 1.00AC.±

(41) 2.00AC.±

(3) EX 9.06Ac.

(4) EX

1616 4/23/43

LAKE

SOBOBA

(16)

(17)

(18)

(20)

PM 22/57 251.50'

(44) 0.82 Ac ±

(43) Par 1 0.82 Ac.±

(46) 0.82 Ac.±

(45) 1.15 Ac.±

228.49'

PM 35/87 Par. 1 (53) 0.96 AC.Nt. 0.99 ±AC

Par. 2 (54) 0.88 AC.Nt. 0.99 ±AC.

Par. 3 (55) 0.91 AC.Nt. 0.99 ±AC.

Par. 4 (56) 0.76 AC.Nt. 0.84 ±AC. PM35/87

LOT D LOT C LOT B LOT A

Par. 1 (57) 0.96 AC.Nt. 0.99 ±AC

Par. 2 (58) 0.99±AC. 0.88 AC. Nt.

Par. 3 (59) 0.91 AC.Nt. 0.99 ±AC.

Par. 4 (60) 0.76 AC.Nt. 0.84 ±AC.

PM 34/93

Por. Par 4 (75) EX. 0.86 Ac

(77) EX. 1.17 Ac ±

Por Lot 4 (76) 3.13 Ac.±

Por Par 4 (74) 2.33 Ac±

221.45' PM22/57 336.25

304.62'

PM 22/57 LINCOLN AVENUE N89° 58' 01" E 1395.58'

(9) 4.15Ac.

(10) 8.45Ac.

1

3942 1/59

PM 8/29

Par. 4 2 (24) 2.27 Ac

Par 3 (23) 0.42 Ac

Par 2 (71) 0.46 Ac

Par 1 (73) 1.95 Ac

268.83

403/372 Dds. 12 10/26/14

1745 10/45

18 8/24/11 336/320 Dds.

PM 8/29 610' PM 8/29

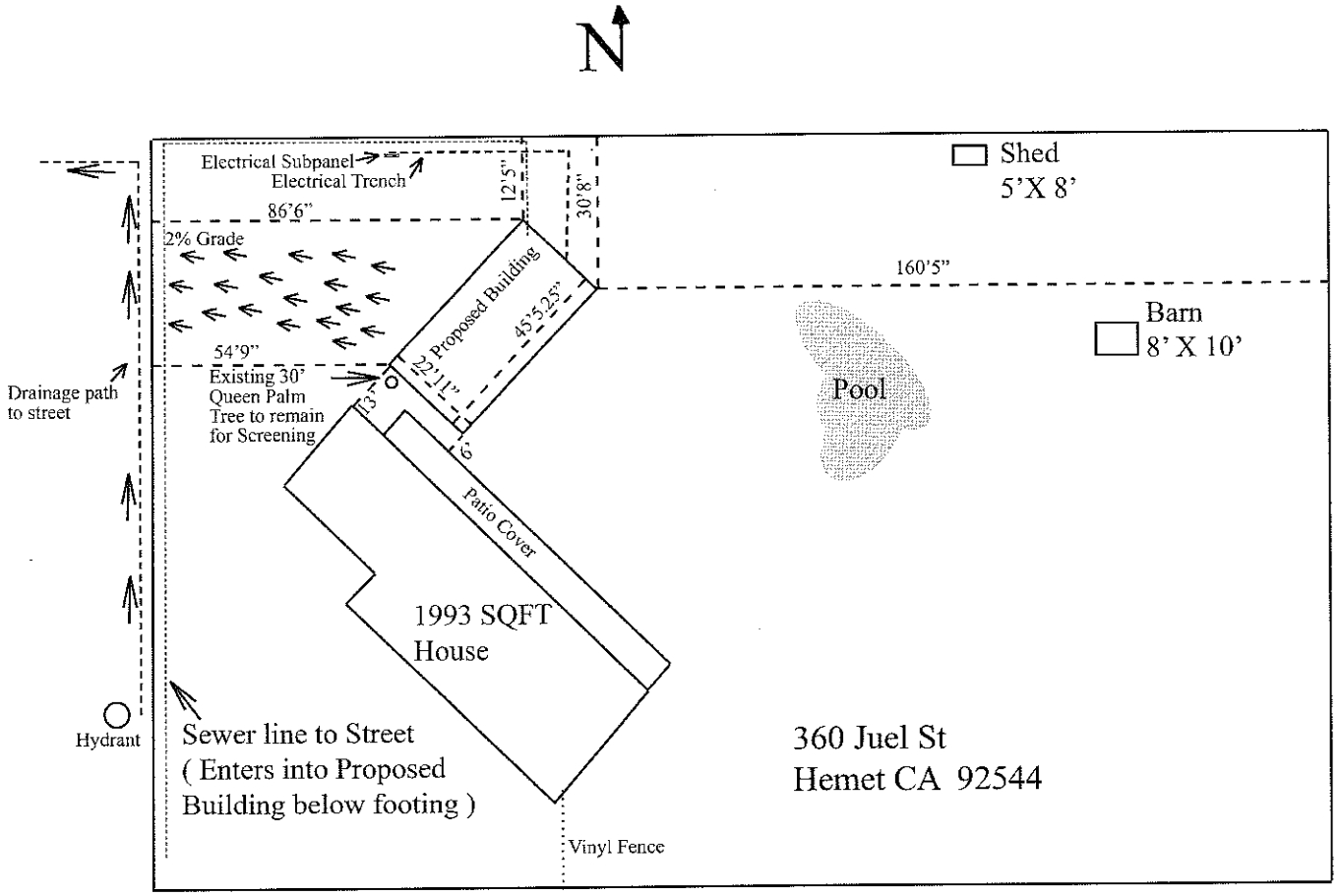
126

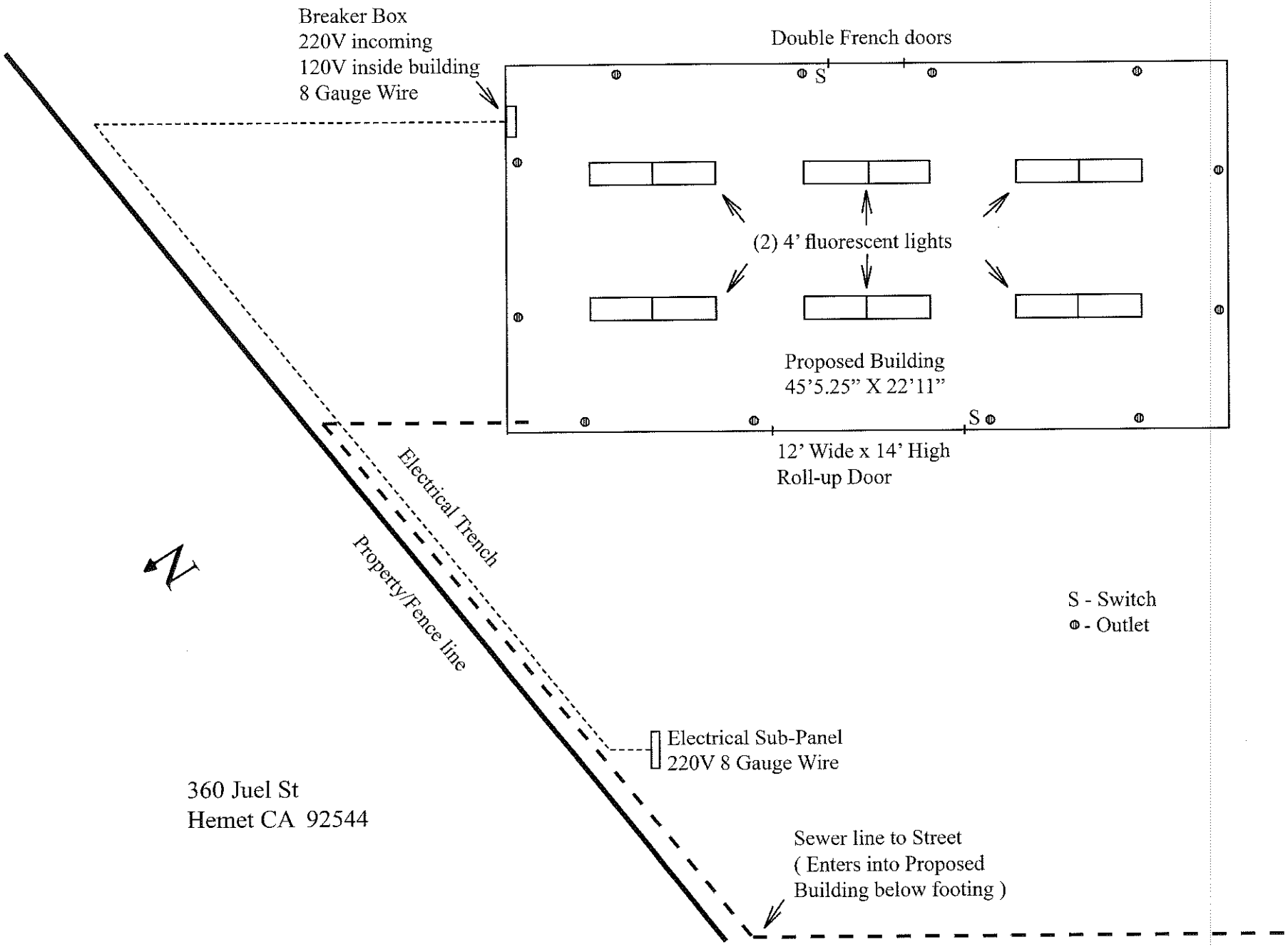
P.M. 35/86-87 Parcel Map 8827

PM. 13/39 Parcel Map 5820

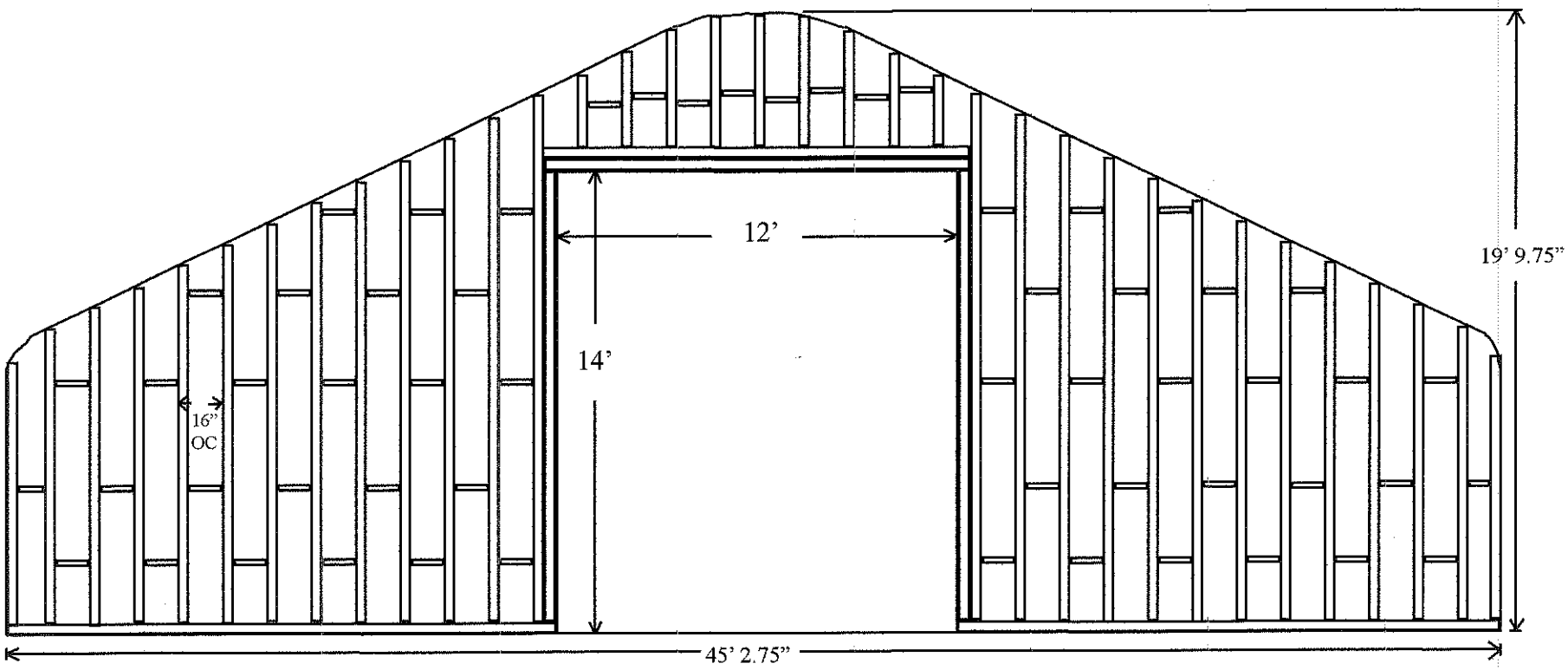
P.M. 34/93-94 Parcel Map 8826

P.M. 8/29 Parcel Map No. 4712


N
Electrical Subpanel
Electrical Trench
86'6"
12'5"
30'8"
Shed
5'X 8'
2% Grade
Proposed Building
45'5.25"
160'5"
Barn
8' X 10'
54'9"
Existing 30'
Queen Palm
Tree to remain
for Screening
22'11"
Pool
Drainage path
to street
3'
6'
Patio Cover
1993 SQFT
House
Hydrant
Sewer line to Street
(Enters into Proposed
Building below footing)
360 Juel St
Hemet CA 92544
Vinyl Fence

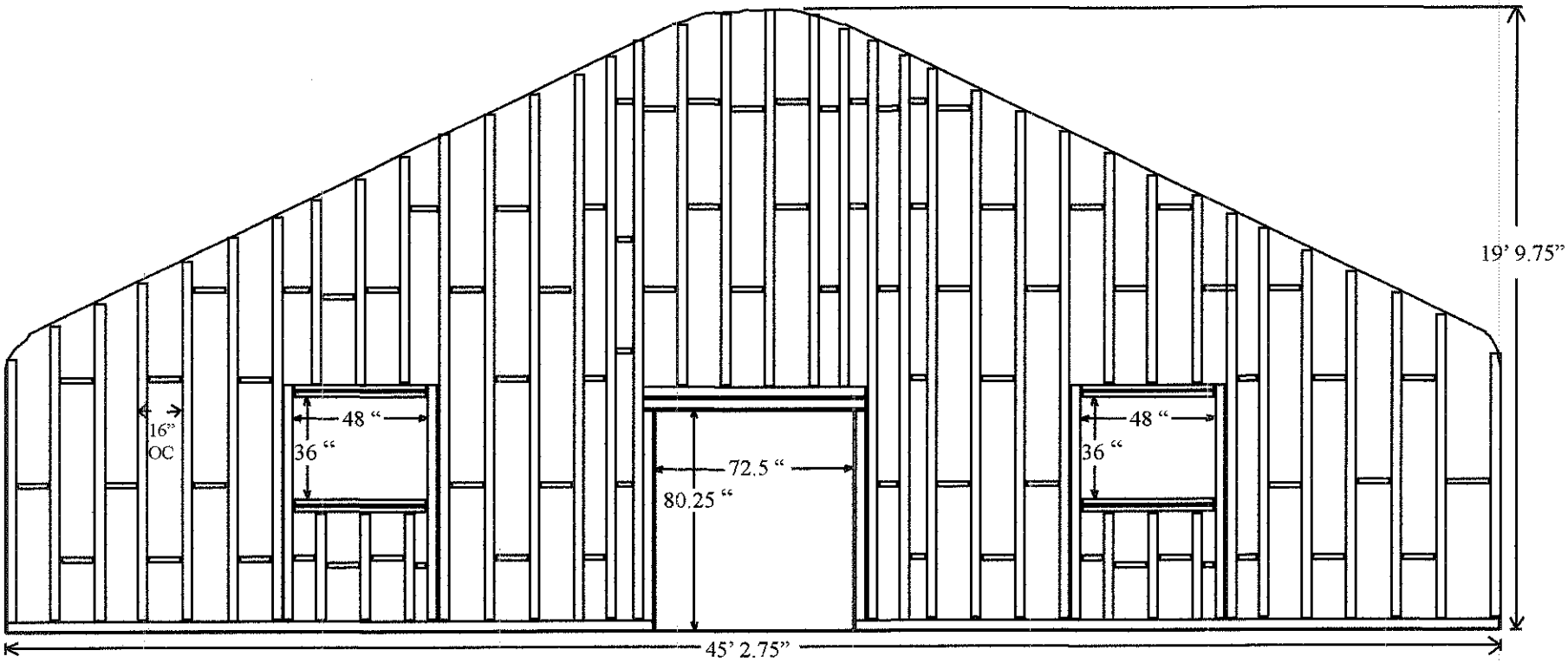

Breaker Box
220V incoming
120V inside building
8 Gauge Wire
Double French doors
S
(2) 4' fluorescent lights
Proposed Building
45'5.25" X 22'11"
S
12' Wide x 14' High
Roll-up Door
Electrical Trench
Property/Fence line
N
S - Switch
- Outlet
Electrical Sub-Panel
220V 8 Gauge Wire
360 Juel St
Hemet CA 92544
Sewer line to Street
(Enters into Proposed
Building below footing)

View of the building
from the West Side.

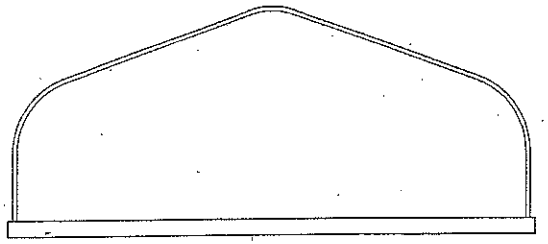


360 Juel St
Hemet, CA 92544

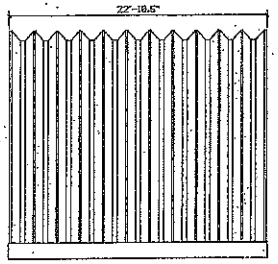
View of the building from the East Side (Back Yard).



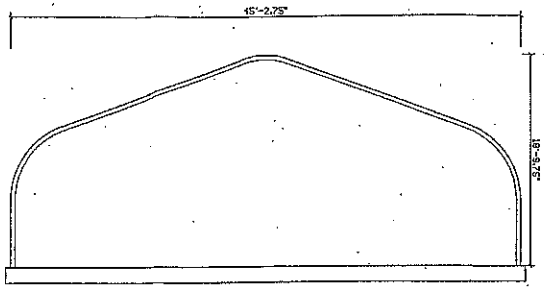
360 Juel St
Hemet, CA 92544



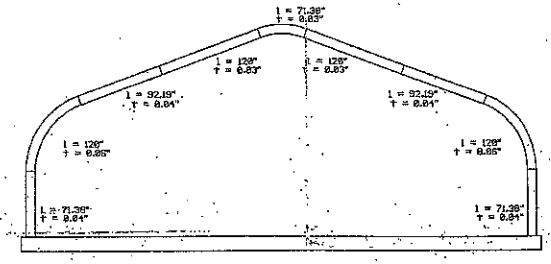
REAR ELEVATION



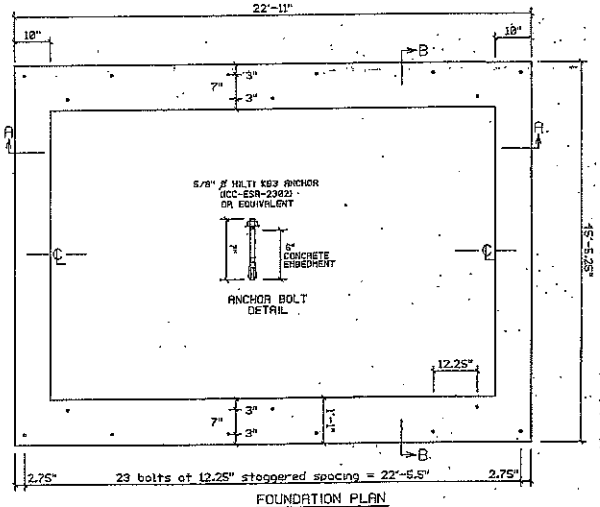
SIDE ELEVATION



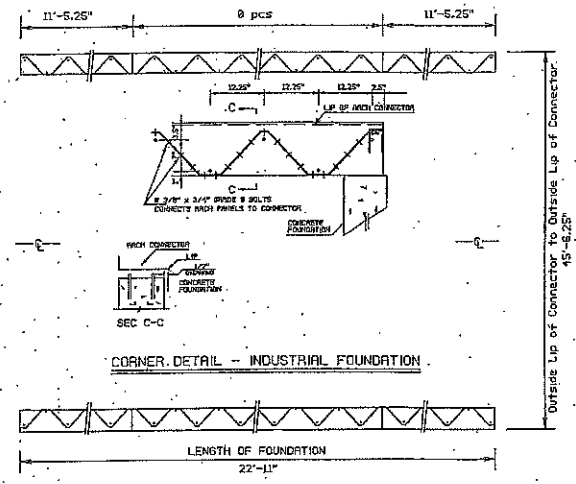
FRONT ELEVATION



ARCH PROFILE

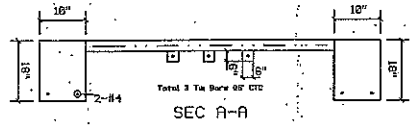


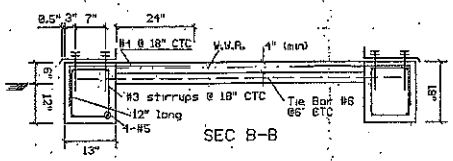
FOUNDATION PLAN



CORNER DETAIL - INDUSTRIAL FOUNDATION

INDUSTRIAL BASE CONNECTOR LAYOUT





Minimum Concrete Cover:
(a) Concrete Cast against earth: 3"
(b) Concrete exposed to earth or weather:
No. 6 through No. 18 bars: 2"
No. 5 bar and smaller: 1.5"
(c) Concrete not exposed to earth or weather: 0.75"

GENERAL NOTES

1. ALL MATERIAL AND WORKMANSHIP SHALL CONFORM WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE INTERNATIONAL BUILDING CODE 2009 AND CBC-10. DESIGN ACCORDING TO AISI S100-07, NORTH AMERICAN SPECIFICATION FOR THE DESIGN OF COLD-FORMED STEEL STRUCTURAL MEMBERS, AND WITH ANSI/ASCE 7-05.
2. NO LOADS OTHER THAN THOSE GIVEN UNDER "DESIGN DATA" BELOW SHALL BE IMPOSED ON THE "STRUCTURE"
3. SPECIFIC NOTES AND DETAILS SHOWN ON THE DRAWINGS SHALL TAKE PRECEDENCE OVER THE BUILDING MANUAL SUPPLIED.
4. THE BUILDING, INCLUDING THE FOUNDATION, MUST BE CONSTRUCTED IN STRICT ACCORDANCE WITH THE DRAWING AND ERECTION INSTRUCTIONS. ANY DEVIATION, UNLESS APPROVED BY US IN WRITING, SHALL NULLIFY OUR CERTIFICATE AND SEAL AND SHALL BE THE SOLE RESPONSIBILITY OF THE ERECTOR.
5. A PROFESSIONAL ENGINEER SHOULD BE RETAINED WHERE SITE INSPECTIONS ARE WARRANTED.
6. NO ARCH PANEL MAY BE CUT OR MODIFIED UNLESS IT IS TO ACCOMMODATE AN ACCESSORY PROVIDED BY THE MANUFACTURER IN ACCORDANCE WITH ITS INSTRUCTIONS AND/OR THIS DRAWING.

FOUNDATION NOTES

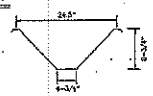
NOTES THE FOUNDATION ON THE DRAWING SPECIFIES THE MINIMUM REQUIREMENTS. LOCAL BUILDING CODE AND SITE CONDITIONS MAY REQUIRE A STRONGER FOUNDATION, WHICH MUST BE DESIGNED BY A LOCAL ENGINEER.

1. THE FOUNDATION SHALL BE POURED ON NATURAL UNDISTURBED SOIL CAPABLE OF SAFELY SUSTAINING 1500 psf. THIS SHALL BE DESIGNED TO FULLY RESIST ALL ROTATION AT THE BASE OF THE ARCH.
2. SLAB ON GRADE SHALL BE PLACED ON WELL COMPACTED SOIL CAPABLE OF SUSTAINING 1000 psf WITHOUT APPRECIABLE SETTLEMENT.

DESIGN DATA (MATERIALS)

1. CONCRETE F'c = 2500 PSI @ 28 DAYS, ACI
2. REINFORCING STEEL GRADE 40, Fy = 40 KSI, ASTM A615
3. W.W.R. Fy = 65 KSI, ASTM A185.
4. W.W.R. 6 x 6 - W1.4 x W1.4

ARCH DATA



BOLTS SAE GRADE 2 OR ASTM A307
ARCH STEEL THICKNESS - SEE ARCH PROFILE

GALVALUME SHEET STEEL
STRUCTURAL QUALITY ASTM SPECIFICATION A792-88a
55% ALUMINUM-ZINC ALLOY HOT DIP COATING
ASTM A792 GRADE 50A
50 KSI MINIMUM YIELD
65 KSI MINIMUM TENSILE
HSS SECTIONS SHALL CONFORM TO:
ASTM A500 GRADE B (Fy = 46 ksi)
V SECTIONS SHALL CONFORM TO:
ASTM A572 GRADE 50 (Fy = 50 ksi)
OTHER SECTIONS SHALL CONFORM TO:
ASTM A36 (Fy = 36 ksi)

ARCH DESIGN DATA IN ACCORDANCE WITH ANSI/ASCE 7-05:
ROOF LIVE LOAD (PSF) = 20
Pg: GROUND SNOW LOAD (PSF) = 0
Ce: EXPOSURE FACTOR = 1.0
Ct: THERMAL FACTOR = 1.0
IMPORTANCE FACTOR (SNOW) = 0.8
CATEGORY I/AGRICULTURAL BUILDING
Pnet: COMPONENT WIND PRESSURE (PSF) = +/- 15
V : BASIC WIND SPEED (MPH) = 90
Kzt: VELOCITY PRESSURE EXPOSURE = 0.85
IMPORTANCE FACTOR (WIND) = 0.87
WIND EXPOSURE CATEGORY = C
SEISMIC DESIGN CATEGORY "D2"

LEGAL NOTE

This drawing is the property of Future Steel Buildings Intl. Corp. Any duplicates of this drawing in whole or in part is strictly forbidden. Anyone doing so will be prosecuted under the full extent of the law.

REVISIONS

REGISTERED PROFESSIONAL ENGINEER
PING GUO
Exp. 6/30/13
CIVIL
STATE OF CALIFORNIA

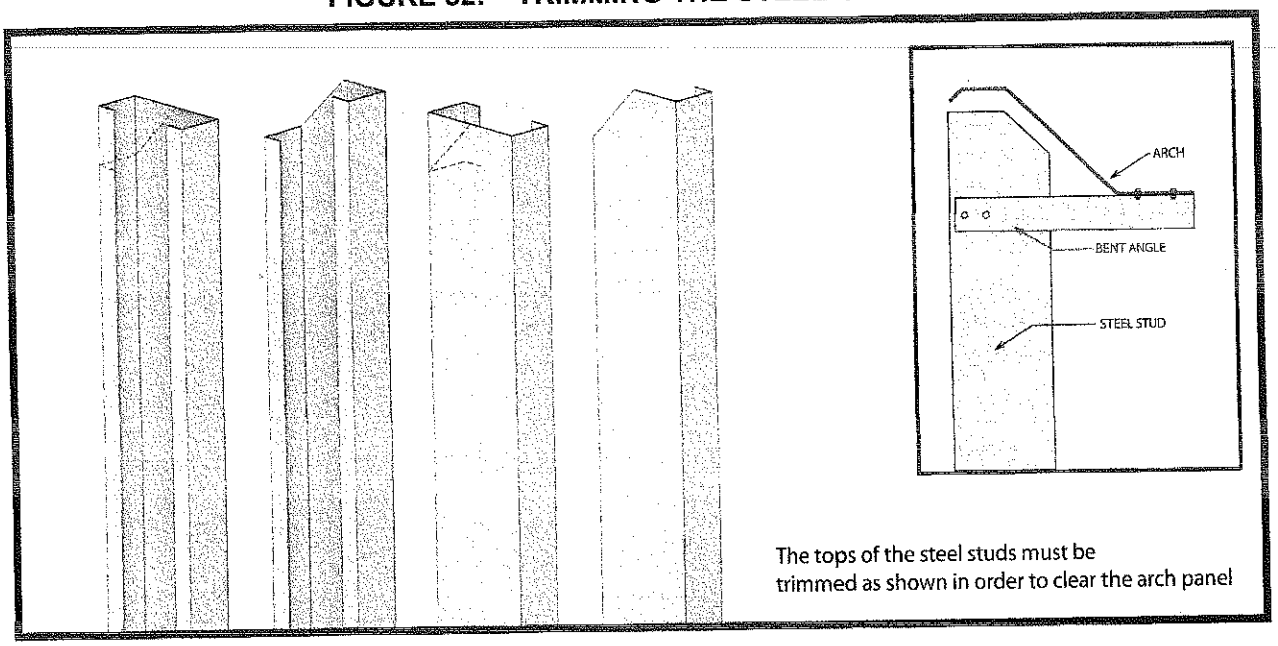
AUG 02 2012

Future Steel Buildings Intl. Corp.
73 Ward Rd, Brockton, Ontario, Canada, L6S 5N9, Phone (613) 797-6565

DR.B.	APPROVED BY:	
AUG 02, 2012		
DATE:	CHECKED BY:	
PROJECT: DONALD AND SHELBY BROOKS KEMET, CA		
XR45-18	12-1177	
MODEL	DWG.	

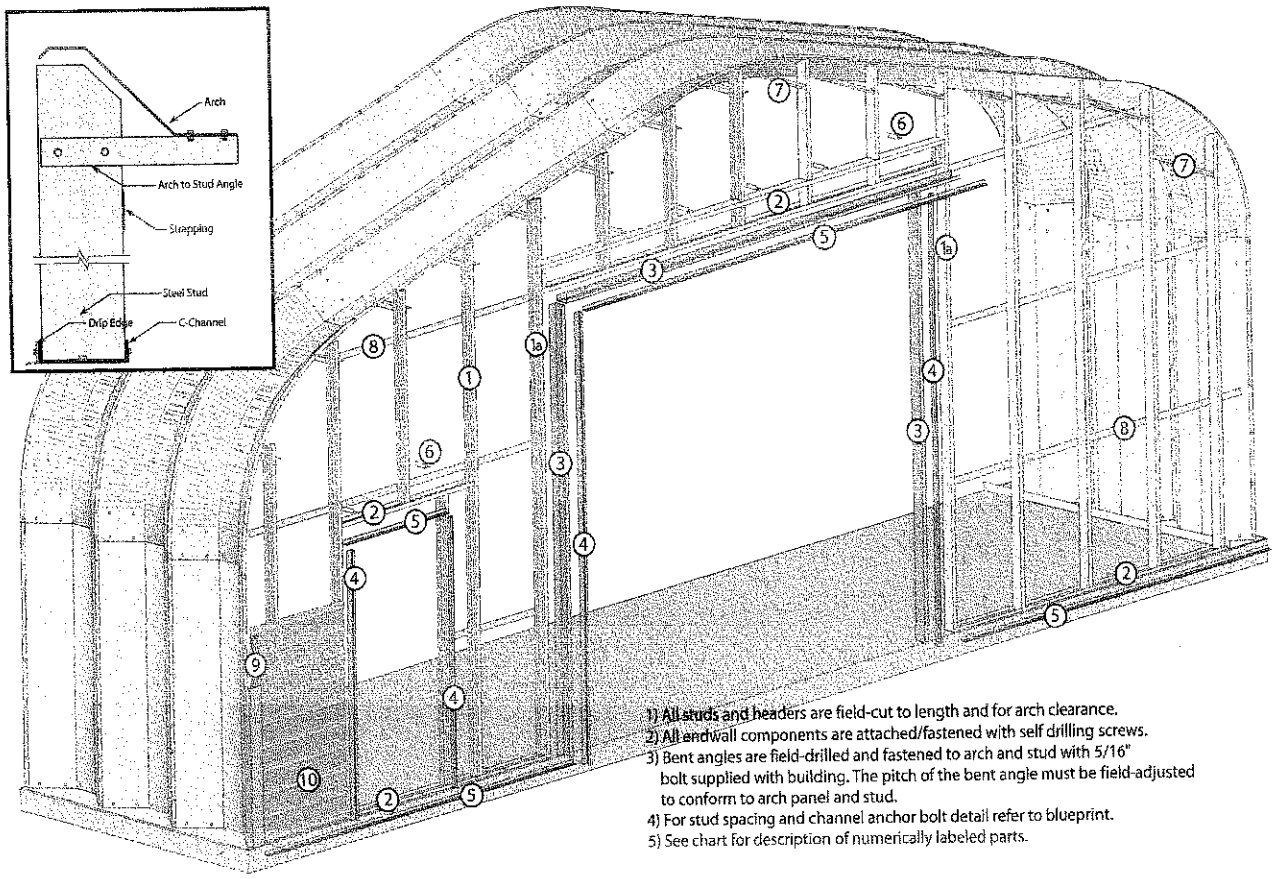
Place your steel studs as detailed on our blueprint. You will need to trim the tops of the steel studs to fit. Studs and braces are installed using self-drilling screws.

FIGURE 52: TRIMMING THE STEEL STUDS



Install studs and braces as detailed in our blueprint. Also brace the stud frame back to the arches. The pitch of the bent angle must be field-adjusted to conform to the arch panel and stud. For stud and channel anchor bolt detail, refer to our blueprint.

FIGURE 53: FRAMING THE CLADDED END WALL

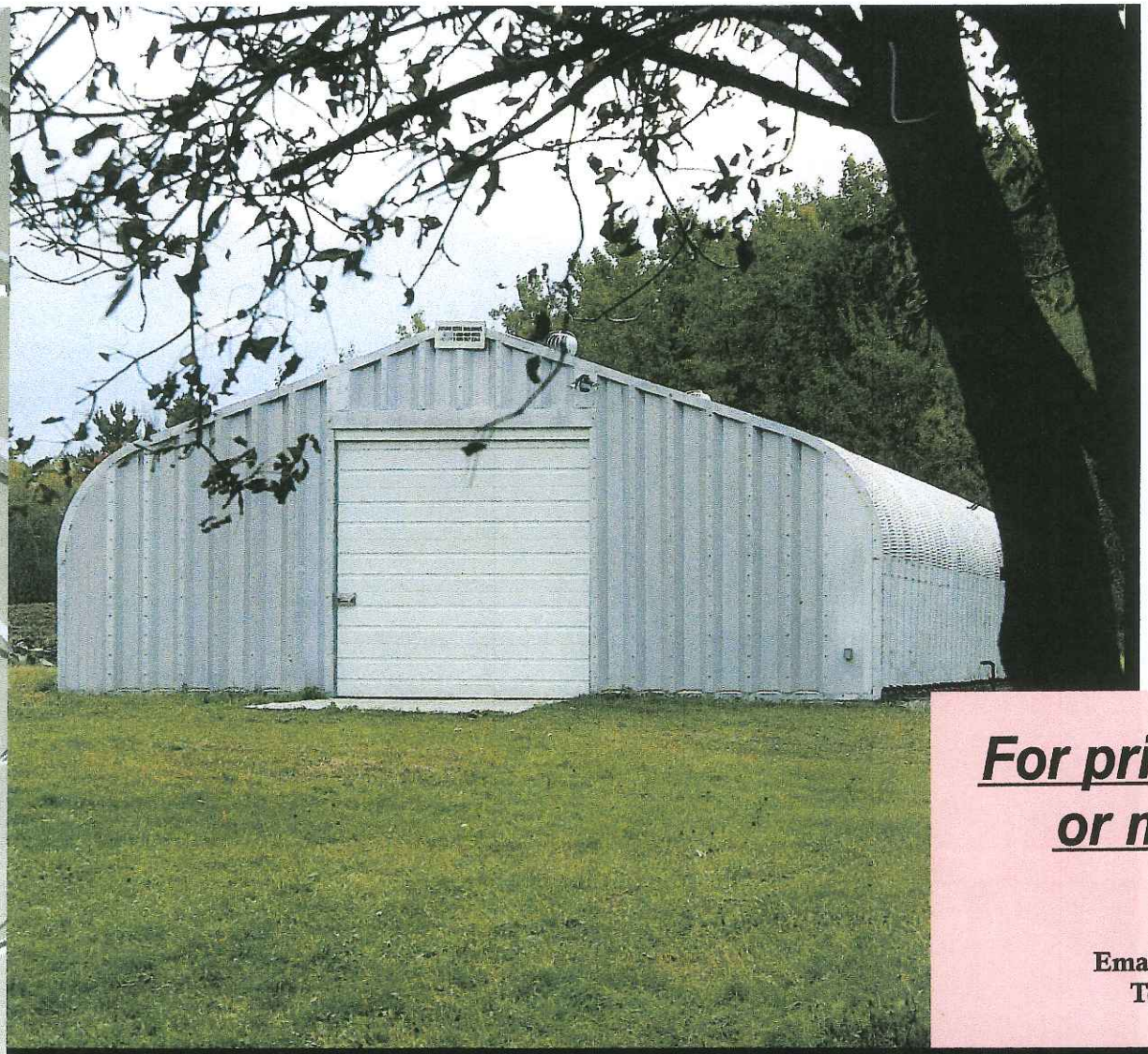


Install framing for overhead doors. Larger and thicker studs are typically specified on either side of the overhead door frame. Install flashing angles along head beam to accommodate flashing, which is attached subsequently.

Customize Your End Walls

Depending on your needs, you can construct your end-walls using steel or wood construction, framing in windows and doors as necessary. Then using conventional insulation methods you can quickly and easily insulate your walls for heating and cooling efficiency. Finally, you can complete your end-walls with vinyl or aluminum siding or any finished look to suit your taste.

Easy 4 step Assembly



The steel building with the 30-year perforation warranty

Full technical engineering support from start to finish

For pricing or more info:

David Levine
Building Consultant
Email dlevine@futurebuildings.com
Toll Free 1-800-668-5111 Ext 262
Toll Free Fax 1-877-474-4445

FUTURE STEEL BUILDINGS

Do-It-Yourself Steel Buildings

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Exhibit No. 1B

Conditions of Approval

Planning Commission
Public Meeting of
May 7, 2013

CITY OF HEMET

PROPOSED
CONDITIONS OF APPROVAL

PLANNING COMMISSION DATE: MAY 7, 2013

PROJECT NO.: **Site Development Review No. 13-001**
APPLICANT: Shelby Brooks
LOCATION: 360 Juel Lane
DESCRIPTION: The construction of a 1,046 square foot steel accessory structure on a lot with an existing single story residence and attached garage totaling 2,341 square foot on approximately 0.99 acre located in the Agricultural zone.
OCCUPANCY: This project has been reviewed as a **U 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. Site Development Review No. 13-001 shall become null and void on **May 7, 2015** (two calendar years from the date of approval), unless building permits have been issued for the project. A time extension may be granted by the Community Development Director 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 Site Development Review No. 13-001 shall become effective on **May 18, 2013** unless appealed to the City Council by **May 17, 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 tentative project plans.

4. This project site shall be developed in accordance with the approved plan(s) and the conditions contained herein.

5. This project shall comply with all sections of the 2010 California Building Code, California Fire Code, and City and State Handicapped Accessibility Requirements (California Code of Regulations, Title 24) in effect at that time of the building permit application.

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.

7. Construction activity shall meet the requirements of Hemet Municipal Code Chapter 30, Article II.

PLANNING DEPARTMENT CONDITIONS

8. This project shall be consistent with the City's Agricultural Zone Development Standards. After **approval** of the project, the Community Development Director shall have the authority to approve minor adjustments to the design of the building.

9. The accessory structure shall be constructed in the size, and location as indicated in the submitted plans.

12. The proposed accessory structure shall not be used for manufacturing or commercial purposes.

14. Proposed exterior lighting shall be directed away from adjoining properties.

15. The exterior of the accessory structure shall be painted to match correspondingly to the principal structure.

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.

Please contact the Building Division for compliance with the following conditions:

Building Code Requirements

16. Plan check and permits shall be obtained from the Building Department prior to construction.

17. As part of the plans for plan check, a detailed structural analysis, in compliance with Chapter 16 of the California Building Code for the building's intended use shall be provided.

18. The electrical, plumbing and mechanical systems shall be installed in accordance with applicable adopted codes.

19. Indicate distance between proposed structures and existing patio shown on submittal.

20. Floor Plan and Elevation drawings shall show size and type of openings.

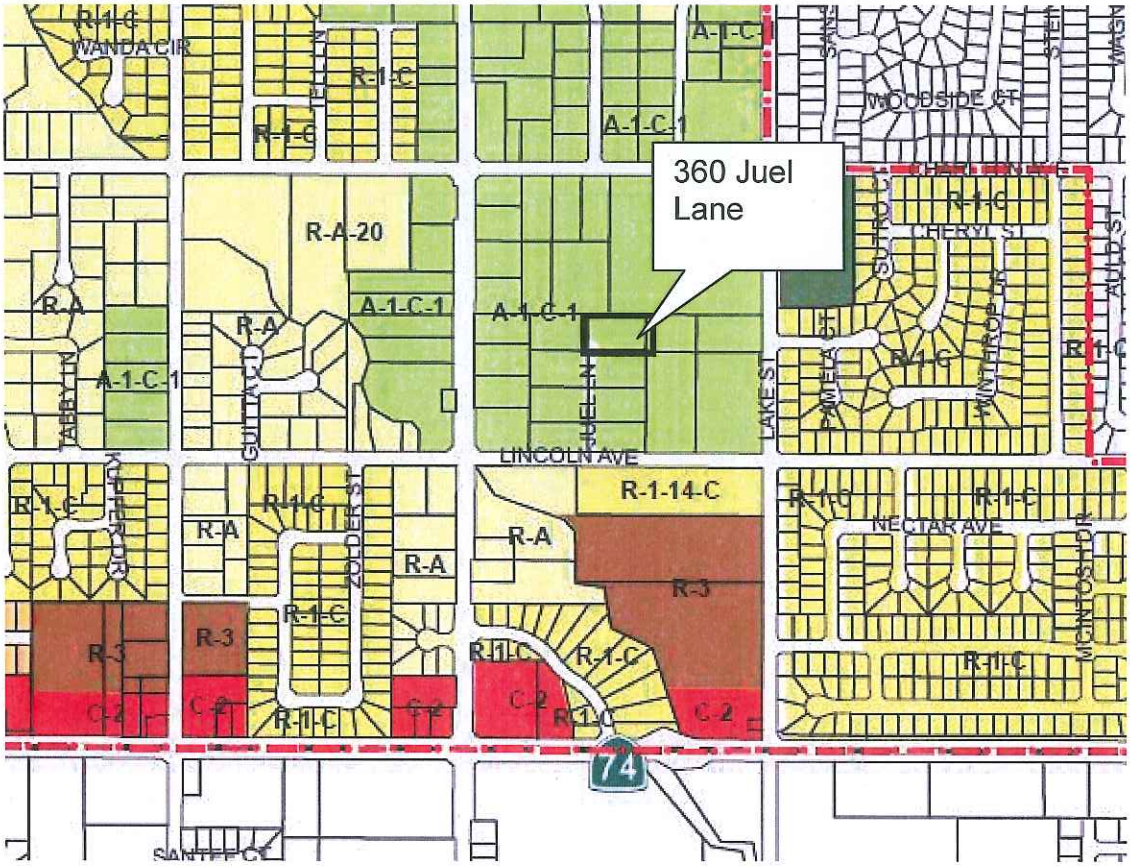
END

Attachment No. 2

Adjacent Zoning Map

Planning Commission
Public Meeting of
May 7, 2013

ADJACENT ZONING MAP
SDR 13-001

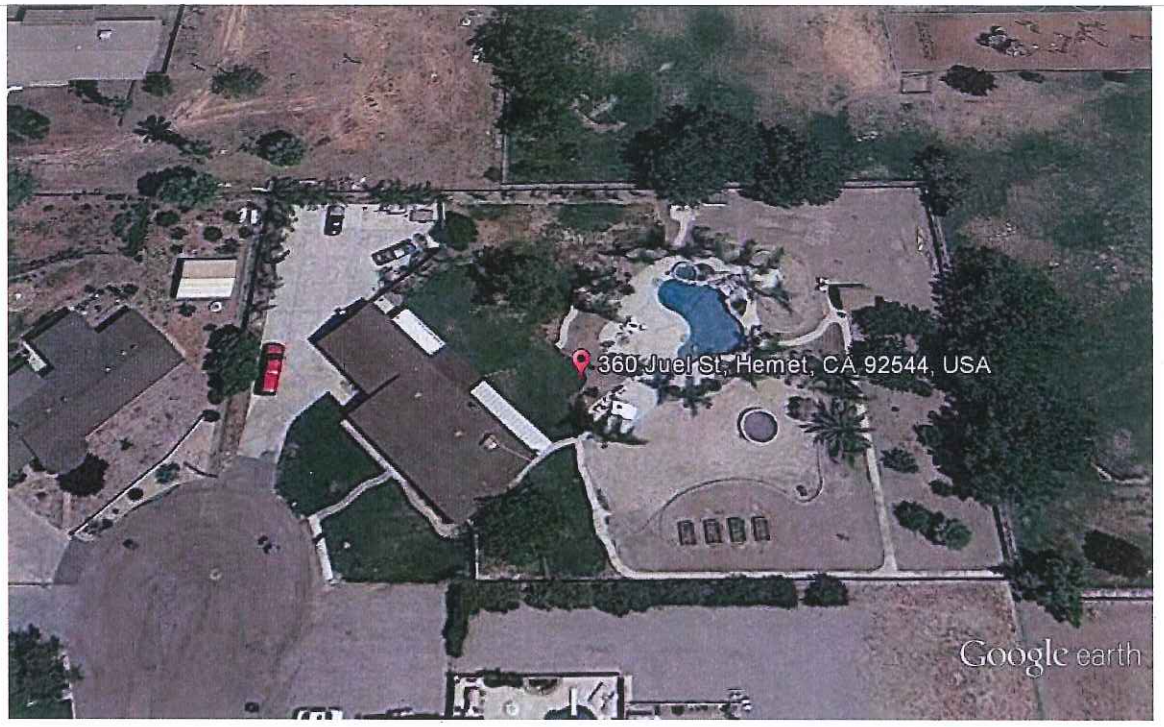


Attachment No. 3

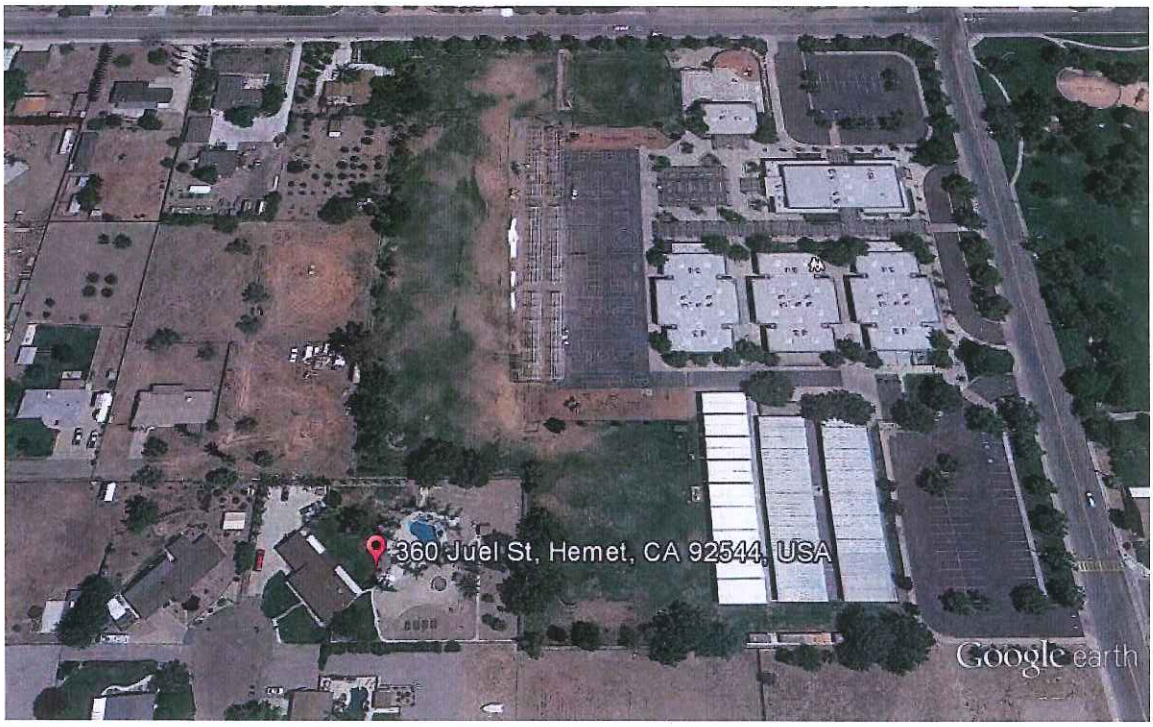
Aerial View

Planning Commission
Public Meeting of
May 7, 2013

Aerial View - SDR 13-001



360 Juel Street



Bautista Creek Elementary School

Approximate location of proposed accessory structure.
360 Juel St, Hemet, CA 92544, USA
Google earth

Attachment No. 4

Photos of 360 Juel Lane And neighbors with Accessory Structures

Planning Commission
Public Meeting of
May 7, 2013

360 Juel Lane

340 Juel Lane

345 Juel Lane

Attachment No. 5

Photo simulation – Street View of 360 Juel Lane

Planning Commission Public Meeting of May 7, 2013

Proposed Building
Photoshoped into
Picture
03.07.2013

AGENDA #9

Staff Report

TO: Honorable Chairman and Members of the Planning Commission

FROM: Deanna Elliano, Community Development Director
Nancy Gutierrez, Contract Planner

DATE: May 7, 2013

RE: **ZONING ORDINANCE AMENDMENT (ZOA) NO. 13-001 (Housing Element Compliance)**

APPLICANT: City of Hemet

LOCATION: Citywide

PLANNER: Nancy Gutierrez, Contract Planner

DESCRIPTION: Request for Planning Commission review and recommendation regarding amendments to Hemet Municipal Code Chapter 90 (Zoning Ordinance) to satisfy State housing element law and bring the zoning ordinance into compliance with the General Plan Housing Element Programs in regard to Emergency Shelters, Farmworker Housing, and removing age restrictions in the Small Lot Residential Zone.

RECOMMENDATION

That the Planning Commission Adopt Planning Commission Resolution Bill No.13-011 recommending APPROVAL of Zoning Ordinance Amendment No. 13-001 (Ordinance Bill No. 13-016) to the City Council.

BACKGROUND

State Housing Element law (Government Code Section 65580, et al) requires local jurisdictions to prepare a housing element as a component of its General Plan, and to update it in accordance with a scheduled "cycle" established by the California Department of Housing and Community Development (HCD) for each geographic region in the State. Unlike other elements of the General Plan, the housing element must be reviewed and certified by HCD in order to meet state law requirements and to insure the City's Housing Element and General Plan remain "in compliance". The City of Hemet received HCD certification of its Cycle 4 (2008-2013) housing element on June 28, 2012, and is currently working on its Cycle 5 (2013-2021) housing element, which is due to the State in October, 2013.

As a condition of Cycle 4 housing element certification from HCD, the City is required to make certain amendments to its zoning code regarding the provision of housing types and sites, as set forth in the adopted housing element programs of the General Plan (see Attachment No. 2). These amendments must be completed prior to submission of the proposed Cycle 5 housing element to HCD for initial review. The purpose of ZOA 13-001 is to address three of the required amendments to Hemet Municipal Code (HMC) Chapter 90 (Zoning Ordinance). The final amendment, creating a new R-4 Zone, will be presented to the Planning Commission at an upcoming meeting.

A Planning Commission workshop on Hemet's proposed 2013-2021 Housing Element (Cycle 5) is being planned for the near future. The workshop will include a report on the City's current housing profile, a review of the performance objectives of the 2008-2013 housing element, an evaluation of housing element goals and policies with particular emphasis on responding to challenges created by the dissolution of redevelopment in California and the constrained budgetary environment, and an opportunity to guide development of the Cycle 5 element's implementation programs.

DESCRIPTION OF PROPOSED ORDINANCE AMENDMENTS

The 2008-2013 Hemet Housing Element is included in the General Plan as Chapter 11. The Element includes five broad goals with supportive policies and implementation programs. The amendments proposed by ZOA13-001 address specific implementation programs and the actions to which the City has committed to complete as outlined below. The excerpted Implementation Programs from the adopted Housing Element that pertain to the proposed ordinance are provided in Attachment No. 2.

Emergency Shelters

California Government Code Section 65583 (4)(A) requires that emergency shelters be permitted by-right in at least one zone; additional zones may be identified where emergency shelters may be permitted with a conditional use permit. The existing Valley Restart Shelter serves as an emergency shelter and is located in the C-1 zone, as shown in Attachment No. 3. The proposed ordinance (see Exhibits A-1 and A-2) recognizes this existing shelter as being permitted by-right in the C-1 zone at the specific location at 200 E. Menlo Avenue, thus fulfilling this particular requirement under state law. Any additional shelters would be permitted only by conditional use permit in the C-M (Commercial Manufacturing) zone and subject to the requirements of Division 4 to Article X (Special Housing Classifications), which is a proposed new section establishing applicability and supplemental development standards for emergency shelters in accordance with State law. The proposed development and operational standards for any new Emergency Shelter are included in the zoning code amendment as shown in Exhibit A-1. Valley Restart Shelter would not be required to comply with the new development standards unless the use or the building is significantly altered or expanded, or the use is terminated for a continuous six month period. The locations of the C-M zone are shown in Attachment No. 4.

The proposed standards (Exhibit A1) are typical of those established for emergency shelters throughout the State. Staff reviewed ordinance provisions of at least a dozen other jurisdictions to confirm that Hemet's proposal meets the industry standard, ensures the health and safety of residents within the facility and in adjacent neighborhoods, and demonstrates compliance with Government Code Section 65583 (4)(A). The standards cover the eight areas permitted by State law: maximum number of beds, off-street parking requirements, client intake areas, on-site management requirements, proximity to other emergency shelters, length of stay, lighting, and security provisions as well as salient standards from other sections of the zoning code such as signage and refuse collection.

As shown in Attachment No. 2, Program H-1b (Emergency Shelters and Homeless Facilities) is an implementation measure of Housing Element Goal H-1, "*Provide for the attainment of quality housing within a satisfying living environment for households of all socio-economic, age, and ethnic types in Hemet.*" The program states that the City will establish an overlay zone in the area generally bounded by Esplanade Avenue to the north, Menlo Avenue to the south, Buena Vista Street to the east, and State Street to the west. This area was chosen to accommodate the site of the existing Valley Restart Shelter on Menlo Avenue. However, subsequent to adoption of the Housing Element, staff realized

that establishment of an overlay zone is not the best way to address the requirements of State law, and could cause undue concerns for properties within the overlay that additional shelters in the vicinity could be established by right. Therefore, staff is recommending the approach explained above and outlined in Exhibits A-1 and A-2 of the proposed ordinance. The C-M zone was selected as the secondary zone allowing emergency shelters by CUP because of the relatively limited application of this zone, and its existence in proximity to transportation opportunities and services. Staff has verified with the City Attorney and the City's Housing Element consultant that the proposed ordinance meets the requirements of state law and is consistent with the practical intent outlined in the Housing Element Program H-1b of the General Plan.

Removing Constraints to the Development of Housing

As shown in Attachment No. 2, Program H-3f (Remove Constraints to the Development of Housing) is an implementation measure of Housing Element Goal H-3, "*Assure adequate provision of sites for housing.*" The program implements additional state law requirements regarding the provision of required housing types, and states that the City will amend its zoning code to remove specified constraints identified by HCD as outlined below:

- *Include a reference to California Health and Safety Code Section 17021.6, which specifies that farmworker housing of up to 36 beds or 12 family units is included in the definition of agricultural use and may not be restricted by conditional use permit requirements or other zoning clearance.* To meet this requirement, staff proposes amending the Agricultural Zones Permitted Uses table to permit farmworker housing as a component of an agricultural use by-right in the A (Agriculture), A-1-C (Light Agriculture), and A-2-C (Heavy Agriculture) zones as shown in Exhibit A3. The City has very little active agricultural land remaining within its jurisdictional boundaries. This is a nominal change that will have very little, if any, impact on residential land use patterns, and fulfills the state law requirement.
- *Remove the age restrictions in the SLR (Small Lot Residential) and SR-3 (Senior Multiple Family Housing) zone districts.* State and federal laws prohibit local agencies from zoning or restricting housing on the basis of age, including senior-only housing. A developer or homeowners group can propose senior-only housing and restrict its use through CC&Rs, but the City cannot make it a requirement under the zoning. The City previously amended Chapter 90 (Zoning) to eliminate the SR-3 zone article and is in the process of re-zoning all SR-3 parcels to R-3 (Multiple Family Residential.) However, staff does not recommend eliminating the SLR zone. The development standards are unique to the zone and there are several healthy housing tracts in the City developed under the SLR standards, and that are currently for reserved for seniors by their CC&Rs. It would be difficult to find an appropriate replacement controlling zone. Additionally, the zone provides a nice development alternative with rear facing garages and neighborhood "walkability." Therefore, as shown in Exhibit A4, staff recommends removing all age-restriction requirements while maintaining the option of a project proponent designating a project as senior citizen restricted.
- *Single Room Occupancy (SRO) units are not permitted by right in any of the City's zones. Boarding houses are permitted in the R-P and O-P zones with a conditional use permit. The City will establish development standards for these facilities, and remove the use permit requirements form the appropriate zones.* On June 12, 2012 the City amended the zoning code to establish development standards and remove permit requirements in specified zones for boarding housing, large group homes, group homes, and small licensed care facilities. This action has met the City's need and state law requirements for "transitional housing"

opportunities. Additionally, Hemet is a semi-rural community. There is no market for SRO units in the City, which is a very urban housing concept designed for high-rent areas, such as the beach communities. As a result, there is no need to amend the code to accommodate this housing type.

ANALYSIS

The main purpose of the proposed zone text amendments is to comply with State housing element law. The ramifications of not complying with the statutory requirements and deadlines can be onerous. The City would fall out of the 8-year cycle for preparation of its housing element and would be required to submit an updated document every four years, which is time consuming and expensive. Additionally, the City's Cycle 4 Regional Housing Needs Allocation (RHNA) of affordable housing units would be added to the Cycle 5 allocation instead of being considered met. The Cycle 4 RHNA allocation is substantially higher than the Cycle 5 allocation and it would not be in the City's best interest to carry it over, given the amount of affordable housing units already existing in the City. However, the most serious implications of not complying with the housing element requirements can result in the State invalidating the General Plan, deeming the City ineligible for most State and federal grants regardless of funding source or proposed use, and potentially suspending the City's ability to render local land use decisions and issue building permits. Ultimately, if the state determined that the City willfully did not comply with the housing element law, the state could mandate approval of affordable housing projects, as opposed to local control of land use decisions.

Pursuant to Hemet Municipal Code Section 90-41.5(a), the proposed amendments establish conformance with the latest adopted general plan for the City by satisfying requirements outlined in General Plan Chapter 11 (Housing Element) related to emergency shelters, farmworker housing, and age restricted zoning pursuant to the provisions of State housing element law. Additionally, the amendments protect the public health, safety and welfare of residents and the community by designating appropriate zoning districts for emergency shelters and farmworker housing, instituting supplemental development guidelines that establish the framework for a clean, safe, and well-managed emergency shelter facility, and eliminate required age restrictions in the SLR zone that violate State law.

NOTICING AND PUBLIC REVIEW

On April 25, 2013, the City published a notice in the Press Enterprise of the holding of a public hearing before the Planning Commission at which the amendment to the City's zoning ordinances would be considered. A copy of the ordinance was also sent to Valley Restart Shelter. To date, staff has not received any public comments on the draft ordinance.

CEQA REVIEW AND COMPLIANCE

This Ordinance is exempt from the California Environmental Quality Act ("CEQA") under CEQA Guideline 15061(b)(3) because CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The addition of these sections to Chapter 90 only relates to regulations for various housing types in Hemet. It does not relate to any physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment and, therefore, the

adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Prepared by:

Nancy Gutierrez
Contract Planner

Reviewed by:

Deanna Elliano
Community Development Director

ATTACHMENTS;

1. Planning Commission Resolution Bill No. 13-011

   Exhibit A – Proposed City Council Ordinance Bill No. 13-016

   Exhibit A1 Proposed addition of Division 4 to Article X (Special Housing Classifications) to establish applicability and supplemental development standards for emergency shelters.

   Exhibit A2: Proposed amendment to Section 90-892 (Permitted Uses) of Article XXVI (Commercial Zones) to permit existing emergency shelters by-right in the C-1 (Neighborhood Commercial) zone and new emergency shelters by conditional use permit in the C-M (Commercial-Manufacturing) zone.

   Exhibit A3: Proposed amendment to Section 90-192 (Permitted Uses) of Article VII (Agricultural Zones) to permit farmworker housing as a component of an agricultural use by-right in the A (Agriculture), A-1-C (Light Agriculture), and A-2-C (Heavy Agriculture) zones

   Exhibit A4: Proposed amendment to Article XVI the Small Lot Residential Zone, Section 90-501 (Purpose) and Section 90-513 (Covenants and Conditions) to remove the restriction of senior-only housing from this zone.

2. Excerpts of Implementation Programs from the City's adopted 2008-2013 Housing Element
3. Zoning Map Exhibit showing the location and zoning for the existing Valley Restart Emergency Shelter
4. Zoning Map Exhibit showing the locations of the C-M (Commercial Manufacturing) Zones.

Attachment No. 1

Planning Commission
Resolution Bill No. 13-011

CITY OF HEMET
Hemet, California

PLANNING COMMISSION
RESOLUTION BILL NO. 13-011

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ZONING ORDINANCE BILL NO. 13-001 AMENDING PORTIONS OF HEMET MUNICIPAL CODE CHAPTER 90 (ZONING ORDINANCE) TO DESIGNATE ZONING FOR EMERGENCY SHELTERS AND FARMWORKER HOUSING, TO ESTABLISH SUPPLEMENTAL DEVELOPMENT STANDARDS FOR EMERGENCY SHELTERS, AND TO REMOVE AGE RESTRICTIONS IN THE SMALL LOT RESIDENTIAL ZONE PURSUANT TO THE REQUIREMENTS OF STATE LAW.

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

WHEREAS, on April 25, 2013, the City gave public notice by publishing notice in the Press Enterprise of the holding of a public hearing at which the amendment to the City's zoning ordinance would be considered; and

WHEREAS, on May 7, 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 proposed amendment to the City's zoning ordinance (ZOA13-001) and at which time the Planning Commission considered the proposed amendment to the City's zoning ordinance; and

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

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

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

SECTION 1: ENVIRONMENTAL FINDINGS

The Planning Commission, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines and Thresholds of Significance, the direction of the Planning Commission at its meeting on May 7, 2013 (within the meaning of Public Resources Code Sections 21080(e) and 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. **CEQA:** The City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The amendments to Chapter 90 referenced herein bring the zoning ordinance into compliance with the General Plan. The proposed text changes do not relate to any physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment, and therefore the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 2: ZONING ORDINANCE AMENDMENT FINDINGS

Pursuant to Hemet Municipal Code Section 90-41.5(a), the Planning Commission makes the following findings with respect to zoning ordinance amendment ZOA-13-001:

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

   The proposed zoning ordinance amendment establishes conformance with the latest adopted general plan for the City by satisfying requirements outlined in General Plan Chapter 11 (Housing Element) related to emergency shelters, farmworker housing, and age restricted zoning pursuant to the provisions of State housing element law.

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

   The proposed zoning ordinance amendment protects the public health, safety and welfare of residents and the community by designating appropriate zoning districts for emergency shelters and farmworker housing, instituting supplemental development guidelines that establish the framework for a clean, safe, and well-managed emergency shelter facility, and eliminating required age restrictions in the Small Lot Residential (SLR) zone that violate State law.

SECTION 3: PLANNING COMMISSION ACTIONS

The Planning Commission hereby takes the following actions:

1. The Planning Commission approves Resolution Bill No. 13-011 recommending that the City Council adopt the proposed Ordinance which is attached hereto and incorporated herein by reference as Exhibit "A."

PASSED, APPROVED AND ADOPTED this 7th day of May 2013, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

John Gifford, Chairman
Hemet Planning Commission

ATTEST:

Nancie Shaw, Records Secretary
Hemet Planning Commission

Exhibit A

Proposed City Council
Ordinance Bill No. 13-016

CITY OF HEMET
Hemet, California
ORDINANCE BILL. NO 13-016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA AMENDING PORTIONS OF HEMET MUNICIPAL CODE CHAPTER 90 (ZONING) TO DESIGNATE ZONING FOR EMERGENCY SHELTERS AND FARMWORKER HOUSING, TO ESTABLISH SUPPLEMENTAL DEVELOPMENT STANDARDS FOR EMERGENCY SHELTERS, AND TO REMOVE AGE RESTRICTIONS IN THE SMALL LOT RESIDENTIAL ZONE PURSUANT TO THE REQUIREMENTS OF STATE LAW.

WHEREAS, the State legislature has declared that the lack of housing, including providing for a variety of housing types for all income levels and special needs groups, is a critical problem that threatens the economic, environmental, and social quality of life in California; and

WHEREAS, Government Code Section 65583 requires that a city's housing element address governmental constraints to the development of housing, including providing for a variety of housing types for all income and age levels, and that jurisdictions facilitate the permitting of emergency shelters; and

WHEREAS, to achieve compliance with State housing element law and to obtain the State Department of Housing and Community Development certification for the City's 2014-2021 Housing Element, it is necessary to amend Chapter 90 of the Hemet Municipal Code to designate zoning for emergency shelters and farmworker housing; establish supplemental development standards for emergency shelters; and remove age restrictions in the small lot residential zone; and

WHEREAS, approval of these zoning ordinance amendments will not detrimentally affect the health, safety, or welfare of residents of the City of Hemet; and

WHEREAS, on May 7, 2013, the Planning Commission was presented with a draft of this Ordinance Bill No. 13-016 and, after conducting a duly noticed public hearing and after due consideration of the testimony, voted to adopt Planning Commission Resolution No. 13- ___ , recommending that the City Council approve Ordinance Bill No. 13-016; and

WHEREAS, on _____, 2013, the City Council considered the Ordinance, the Planning Commission's findings, and the record of information regarding ZOA 13-001 at a duly noticed public hearing, at which time interested persons had an opportunity to provide testimony on this matter.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HEMET HEREBY ORDAIN AS FOLLOWS:

SECTION 1: ADDITION OF DIVISION 4 TO ARTICLE X.

Article X of the Hemet Municipal Code is amended as shown in Exhibit "A1" hereto.

SECTION 2: AMENDMENT OF SECTION 90-892.

Section 90-892 of the Hemet Municipal Code is amended as shown in Exhibit "A2" hereto.

SECTION 3: AMENDMENT OF SECTION 90-182.

Section 90-182 of the Hemet Municipal Code is amended as shown in Exhibit "A3" hereto.

SECTION 4: AMENDMENT OF SECTIONS 90-501 AND 90-513.

Sections 90-501 and 90-513 of the Hemet Municipal Code are amended as shown in Exhibit "A4" hereto.

SECTION 6: CEQA FINDINGS.

This Ordinance is exempt from the California Environmental Quality Act ("CEQA") under CEQA Guideline 15061(b)(3) because CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The addition of these sections to Chapter 90 only relates to regulations for various housing types in Hemet. It does not relate to any physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment and, therefore, the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

INTRODUCED at the regular meeting of Hemet City Council on _____ 2013.

APPROVED AND ADOPTED this ___ day of _____ 2013.

_____

Robert Youssef, Mayor

ATTEST:

_____

Sarah McComas, City Clerk

APPROVED AS TO FORM:

_____

Eric S. Vail, City Attorney

State of California)
County of Riverside)
City of Hemet)

I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing Ordinance was introduced and first read on the ___ day of _____ 2013, and had its second reading at the regular meeting of the Hemet City Council on the ___ day of _____, 2013, and was passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____

Sarah McComas, City Clerk

Exhibit A1

Ordinance Bill No. 13-016
Exhibit A1

ARTICLE X SPECIAL HOUSING CLASSIFICATIONS; DIVISION 4. – EMERGENCY SHELTERS

Sec. 90-301. - Purpose.

Sec. 90-302. – Definition.

Sec. 90-303. – Applicability

Sec. 90-304. – Development and management standards

Sec. 90-305. – Conditions of Denial

Sec. 90-306-310. – Reserved

Sec. 90-301. - Purpose.

To establish supplemental development standards for emergency shelters that:

(a) Ensure that adequate sites to accommodate Emergency Shelters are available.

(b) Provide regulations for the development, maintenance, and operation of Emergency Shelters.

(c) Meet the requirements of Section 65583(a)(4) of the California Government Code.

(d) Contribute to the provision of a variety of housing types in compliance with State law and the General Plan Housing Element.

Sec. 90-302. – Emergency Shelter Defined

"Emergency Shelter" shall have the meaning ascribed to it in Government Code Section 65582(d) and Health and Safety Code Section 50801(e), as such sections may be amended from time to time, and which presently define "Emergency Shelter" to mean housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Sec. 90-303. – Applicability

To accommodate the City's Emergency Shelter needs:

(a) Emergency Shelters shall be permitted in the Commercial-Manufacturing (CM) Zone subject to issuance of a Conditional Use Permit pursuant to HMC section 90-42 and the development and management standards in Section 90-304.

(b) As of the effective date of this Division, the Emergency Shelter existing in the C-1 zone at 200 E. Menlo Avenue, known as Valley Restart and operated by Valley Restart Shelter, Inc., accommodates the City's need for emergency shelter pursuant to Government Code Section 65583(a)(4)(C) and 65583(a)(7). This Emergency Shelter is permitted by right and is not required to comply with the Development Standards of this Division unless:

(i) the use or building is significantly altered or expanded, as determined by

the Community Development Director; or

(ii) the use is terminated for a continuous 6 month period.

If either of the forgoing events occur, the existing Emergency Shelter may continue or recommence the use of the same property as an Emergency Shelter by right, but shall be subject to the development and management standards in Section 90-304.

(c) Emergency shelters shall be subject only to the development and management standards of the underlying zone and the provisions of this article. In the event of an inconsistency, the standards of this article shall prevail.

Sec. 90-304. - Development and management standards

In accordance with the authority granted in Section 65583(a)(4)(C) of the California Government Code, all Emergency Shelters shall comply with the following development and management standards:

(a) *On-site management.* The Emergency Shelter provider shall prepare and file a management plan with the Community Development Department that includes clear operational rules and standards including, but not limited to staff training, security, screening of clients, mechanisms to address loitering, management of outdoor areas, and opportunities for training, counseling, and treatment programs for residents.

(b) *Maximum Number of Beds.* The Emergency Shelter shall limit the number of beds available nightly to thirty, unless a greater number of beds is allowed as a condition of approval to the use's Conditional Use Permit.

(c) *Parking.* The Emergency Shelter shall have not less than one space for every four beds available in the Emergency Shelter, plus one space for each staff person.

(d) *Client Intake Area.* The client intake area shall be not less than 500 square feet in total floor area.

(e) *Outdoor activity.* For purposes of noise abatement and neighborhood compatibility, outdoor activities on site are limited to the hours of 9:00 am to 9:00 pm.

(f) *Length of stay.* An Emergency Shelter client may not stay at the facility for more than 180 consecutive days.

(g) *Location.*

(i.) The shelter shall be located at least 1,000 feet, as measured from property line to property line, from another Emergency Shelter.

(ii.) The Emergency Shelter must be located within one half (½) mile of a bus stop or transit station.

(h) *Lighting.* Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public right-of-ways, and of an intensity that is compatible with the neighborhood.

(i) *Security.* Parking and outdoor facilities shall be designed to provide security for residents, visitors, and employees. On-site supervisorial personnel shall be provided at a minimum ratio of one staff person for every 15 beds during operational hours.

(j) *Refuse collection.* Refuse collection areas shall conform to the requirements for multiple-family housing in section 90-457.

(k) *Signage.* Signage identifying the name and address of the facility is required pursuant to sign standards for institutional uses in section 90-1255.

(l) *Business license.* A city business license is required to operate an Emergency Shelter pursuant to Chapter 18 of the Hemet Municipal Code.

(m) *Bathroom and laundry facilities.* The Emergency Shelter shall provide sufficient bathroom and laundry facilities pursuant to Chapter 14 of the Hemet Municipal Code.

(n) *Accessibility.* The shelter must meet Americans with Disabilities Act (ADA) accessibility and adaptability requirements.

Sec. 90-305. – Findings for Denial

The City shall not disapprove an Emergency Shelter, or condition approval in a manner that renders the project infeasible for development for an Emergency Shelter, including through the use of design review standards, unless the City makes one or more of the following findings in writing, based upon substantial evidence in the record, as required by Government Code Section 65589.5(d):

(a) The City has adopted a housing element pursuant to this Article 10.6 of Title 7, Division 1, Chapter 3 of the Government Code and:

(1) The housing element has been revised in accordance with Government Code Section 65588;

(2) The housing element is in substantial compliance with Article 10.6 of Title 7, Division 1, Chapter 3 of the Government Code; and

(3) The City has met or exceeded the need for emergency shelter, as identified pursuant to Government Code Section 65583(a)(7).

Any disapproval or conditional approval shall not be based on any of the reasons prohibited by Government Code Section 65008. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

(b) The Emergency Shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development of the Emergency Shelter financially infeasible. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

(c) The denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development of the emergency shelter financially infeasible.

(d) The Emergency Shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(e) The Emergency Shelter is inconsistent with both the City's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the City has adopted a revised housing element in accordance with Government Code Section 65588 that is in substantial compliance with Article 10.6 of Title 7, Division 1, Chapter 3 of the Government Code..

Sec. 90-306 - 310. - Reserved.

Exhibit A2

Ordinance Bill No. 13-016
Exhibit A2

Notes:

1. *Only the section proposed for amendment is shown below. No other sections in Article XXVI are affected by Ordinance Bill No. 13-016.*
2. *The proposed additions to the section are shown in underlined red text.*

ARTICLE XXV1 COMMERCIAL ZONES

Sec. 90-892. – Permitted uses.

In the R-P, O-P, C-1, C-2 and C-M zones permitted and conditionally permitted uses shall be as listed within the "Land Use Matrix." Whenever a business is conducted, a city business license is required pursuant to chapter 18.

COMMERCIAL LAND USE MATRIX

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

		R-P	O-P	C-1	C-2	C-M
B.	**Residential Uses**					
1.	Bed and breakfast	A	A	A	A	X
2.	Day care facility serving more than six clients	P	P	P	P	P
3.	Group homes and small licensed residential care facilities (see section 90-261 et seq)					
	a. Small licensed residential care facility	P	X	X	X	X
	b. Large group home (10 or fewer residents	C	C	X	X	X
	c. Large group home (11 or more residents)	C	C	X	X	X
	d. Small group home	A	C	X	X	X
4.	Emergency shelter subject to the requirements of Article X, Division 4. Existing Shelter in C-1 zone pursuant to HMC Section 90-303(b)	X	X	P[1]	X	CUP
~~4~~5.	Home occupation in an existing single family home subject to the requirements of section 90-72	P	P	P	P	P
~~5~~6.	Household pets in an existing single-family home including, but not limited to dogs, pot belly pigs, and cats when on the site of an existing residential unit subject to the requirements of section 90-77.	P	P	P	P	P
~~6.~~7	Mixed use, an integrated of residential and nonresidential uses on a single site	X	X	C	C	X
~~7~~8.	Mobile home park, recreational vehicle park, or travel trailer park	X	X	X	X	C
~~8~~9.	Multiple-family residence subject to the requirements of the R-3 zone development standards	C	X	X	X	X
~~9~~10.	Rented room, a maximum of one room, within an existing single-family dwelling	P	P	P	P	P
~~10~~11.	Single-family residence (existing only) including manufactured housing, prefabricated housing, and mobile homes built after 1986 when installed on permanent foundations and subject to the requirements of subsection 90-315(a)	P	P	P	P	P

Exhibit A3

Ordinance Bill No. 13-016
Exhibit A3

Notes:

1. *Only the section proposed for amendment is shown below. No other sections in Article VII are affected by Ordinance Bill No. 13-016.*
2. *The proposed addition to the section is shown in underlined red text.*

ARTICLE VII AGRICULTURAL ZONES

Sec. 90-182. – Permitted uses.

In A zones permitted and conditionally permitted uses shall be as listed within the "Land Use Matrix." Whenever a business is conducted, even if it is a home occupation, a city business license is required pursuant to chapter 18.

AGRICULTURAL LAND USE MATRIX P= Permitted Use C=Conditionally Permitted Use				
		A	A-1-C	A-2-C
B.	**Residential Uses**			
1.	Bed and breakfast	C	C	C
2.	Family care home (state licensed) for mentally disordered, handicapped, dependent or neglected children, serving up to a maximum of six persons	P	P	P
3.	Family day care facility up to a maximum of 12 clients	P	P	P
4.	Farmworker housing of up to 36 beds or 12 family units as a component of an agricultural use pursuant to Health and Safety Code Sections 17021.6 and 50199.7.	P	P	P
~~4.~~ 5.	Guest house on the same site as an existing single-family home	P	P	P
~~5.~~ 6.	Home occupations subject to the requirements of section 90-72	P	P	P
~~6.~~ 7.	Household pets including, but not limited to dogs, pot belly pigs, and cats (see section 90-77.	P	P	P
~~7.~~ 8.	Mobile homes as a caretaker residence	P	P	P
~~8.~~ 9.	Recreational vehicle park	C	C	C
~~9.~~ 10.	Rented room (one) within an existing single-family dwelling	P	P	P
~~10.~~ 11.	Residential care facility (state licensed) for the elderly serving up to a maximum of six persons	P	P	P
~~11.~~ 12.	Single-family residence dwelling unit including manufactured housing, prefabricated housing, and mobile homes built after 1986 when installed on permanent foundations and subject to the requirements of subsection 90-315(a)	P	P	P
~~12.~~ 13.	Travel trailer park.	C	C	C

Exhibit A4

Ordinance Bill No. 13-016
Exhibit A4

Notes:

1. *Only the sections proposed for amendment are shown below. No other sections in Article XVI are affected by Ordinance Bill No. 13-016.*
2. *The proposed additions to the article are shown in underlined red text and the proposed deletions are shown in ~~red strikethrough~~.*

ARTICLE XVI. - SLR SMALL LOT RESIDENTIAL ZONE

Sec. 90-501. - Purpose.

The purpose of the SLR zone is to provide for the development of small lot single-family residential subdivisions ~~for senior citizens~~ in a planned neighborhood setting.

(Ord. No. 1238; Code 1984, § 21900)

Sec. 90-513. - Declaration of covenants, conditions and restrictions.

(a) A declaration of covenants, conditions and restrictions (CC&R's) shall be prepared by the developer of all SLR projects. The covenants, conditions and restrictions shall be signed and acknowledged by all parties having any record title interest in the property to be developed. The covenants, conditions and restrictions shall be submitted to the city attorney for review and approval, and then shall be recorded prior to the issuance of building permits.

(b) The covenants, conditions and restrictions ~~shall~~ may restrict occupancy to ~~adults over the age of 55~~ senior citizens in accordance with California Civil Code Section 51.3.

(c) Covenants, conditions and restrictions for private alleys shall provide for the effective management, use, repair and maintenance of the alleys.

(d) Covenants, conditions and restrictions for side yard easements shall:

(1) Prohibit the construction of any structures.

(2) Define the owner's right to pass to perform normal structure maintenance.

(3) Define the adjacent property owner's right to use the easement.

(4) Be in effect for the economic life of the project.

(Ord. No. 1238; Code 1984, § 21912)

Secs. 90-514—90-540. - Reserved.

Attachment No. 2

Excerpts of
Implementation Programs
From 2008 – 2013
Housing Element

Objective:	Continue to support the Fair Housing Council of Riverside County and provide referral services. Advertise fair housing and housing discrimination services in City and public buildings.
Responsible Agency:	Housing Authority, RDA, Economic Development Department
Timeframe:	Current and ongoing
Funding:	RDA housing set-aside funds, CDBG funds
Program H-1b:	**Emergency Shelters and Homeless Facilities**
Program Description:	Per State law, the City will update the Zoning Code to allow emergency and homeless shelters in an overlay zone, unless an agreement is signed with the County of Riverside for provision of regional facilities. This overlay zone will be used in conjunction with underlying zones to allow emergency and homeless shelters without a conditional use permit. This zone will have adequate sites to accommodate emergency and homeless shelters to serve Hemet needs. The review process for emergency and homeless shelters will ensure adequate access to utilities and other public services, as well as appropriate site design for the proposed location and public safety. Approval of emergency and homeless shelters will relate to compatibility with the surrounding neighborhood, public safety, and management operations – aspects of the land use, not the clientele. Pursuant to Government Code 65583, emergency and homeless shelters will be allowed in the overlay zone without other discretionary actions.
Objective:	Amend the Zoning Code by Spring 2013 to specify emergency and homeless shelters as separate uses, and permit these uses in an overlay zone without other discretionary actions. Rezone sites as necessary to ensure that adequate sites to accommodate emergency and homeless shelters are available. This area will generally be bounded by Esplanade Ave to the north, Menlo Ave to the south, Buena Vista St to the east, and State St to the west.
Responsible Agency:	Planning Department
Timeframe:	Amend zoning code by Spring 2013

Funding:	Department budget, Development Impact Fees, state and federal infrastructure grants
Program H-3e:	**Encourage the Use of Density Bonuses**
Program Description:	To provide greater affordability in new housing development, the City shall encourage the use of density bonuses in accordance with the State Density Bonus Law. The City will also encourage a mix of housing types be developed to address special needs groups in Hemet. The City will continue to distribute a brochure to inform developers of density bonus advantages and work closely with builders to ensure a mixture of housing.
Objective:	Encourage use of density bonuses for affordable housing to produce 5 additional units annually between 2006 and 2014.
Responsible Agency:	Planning Department, Housing Division
Timeframe:	Current and ongoing
Funding:	Department budget, RDA LMIHF
Program H-3f:	**Remove Constraints to the Development of Housing**
Program Description:	The City will amend its building code, zoning code and development standards to remove constraints on the production of affordable housing in Hemet by December 2013. Specific changes will include: ❖ Modification of the zoning district regulations to remove conditional use permit requirements for apartments in multifamily zones. ❖ Establishment of permit procedures for multifamily residential zones that will encourage multifamily residential development, streamline processing, and promote certainty for applicants. ❖ The zoning code will be updated to include residential care facilities serving more than six persons in one or more zones, and describe the development standards or approval requirements for these uses. ❖ Single Room Occupancy (SRO) units are not

permitted by right in any of the City's zones. Boarding houses are permitted in the R-P and O-P zones with a conditional use permit. The City will establish development standards for these facilities, and remove the use permit requirement from the appropriate zones.

- Update the zoning code to consider transitional and supportive housing as residential uses that are only subject to those requirements that apply to other residential uses of the same type in the same zone. Transitional and supportive housing means housing and housing programs developed pursuant to Sections 50675-50675.14 of the Health and Safety Code.

- Update the zoning code to include reference to Health and Safety Code Section 17021.5, which specifies that employee housing of 6 or fewer employees is treated as a single-family residence and is only subject to those requirements that apply to other residential uses of the same type in the same zone.

- Update the zoning code to include reference to Health and Safety Code Section 17021.6, which specifies that farmworker housing of up to 36 beds or 12 family units is included in the definition of agricultural use and may not be restricted by conditional use permit requirements or other zoning clearance.

- Update the zoning code to remove the age restrictions on the SLR and SR-3 zone district.

- Update the zoning code to establish minimum densities for each residential zone district consistent with those used in Appendix C.

Where standard conditions or development standards are developed for specific housing types, these might include adequate access to utilities and other public services and appropriate site design for the proposed location and maintenance of public safety. Approval criteria will relate to compatibility with the surrounding neighborhood, public safety, and management operations – aspects of the land use, and not the clientele. The City will ensure that conditions placed on these facilities would not be different from conditions placed on similar uses in the same zones and therefore would not unduly constrain the development of such facilities.

The City will update its building code to reference the current building standards in Title 24.

Objective:	Ensure that the zoning code and development standards do not constrain production of housing, especially affordable housing and housing for special-needs residents.
Responsible Agency:	Planning Department
Timeframe:	Amend the zoning code by Spring 2013
Funding:	Department budget, RDA LMIHF

GOAL H-4 — Preserve existing neighborhoods and rehabilitate the existing housing stock.

POLICIES

H-4.1: Encourage the maintenance and repair of existing owner occupied and rented housing to prevent deterioration within the City.

H-4.2: Encourage the rehabilitation of substandard and deteriorated housing and provide incentives for such rehabilitation.

H-4.3: Promote the removal and replacement of substandard units which cannot be rehabilitated.

H-4.4: Provide and maintain an adequate level of community facilities and municipal services in all community areas.

H-4.5: Improve and upgrade community facilities and services where necessary and feasible.

IMPLEMENTATION

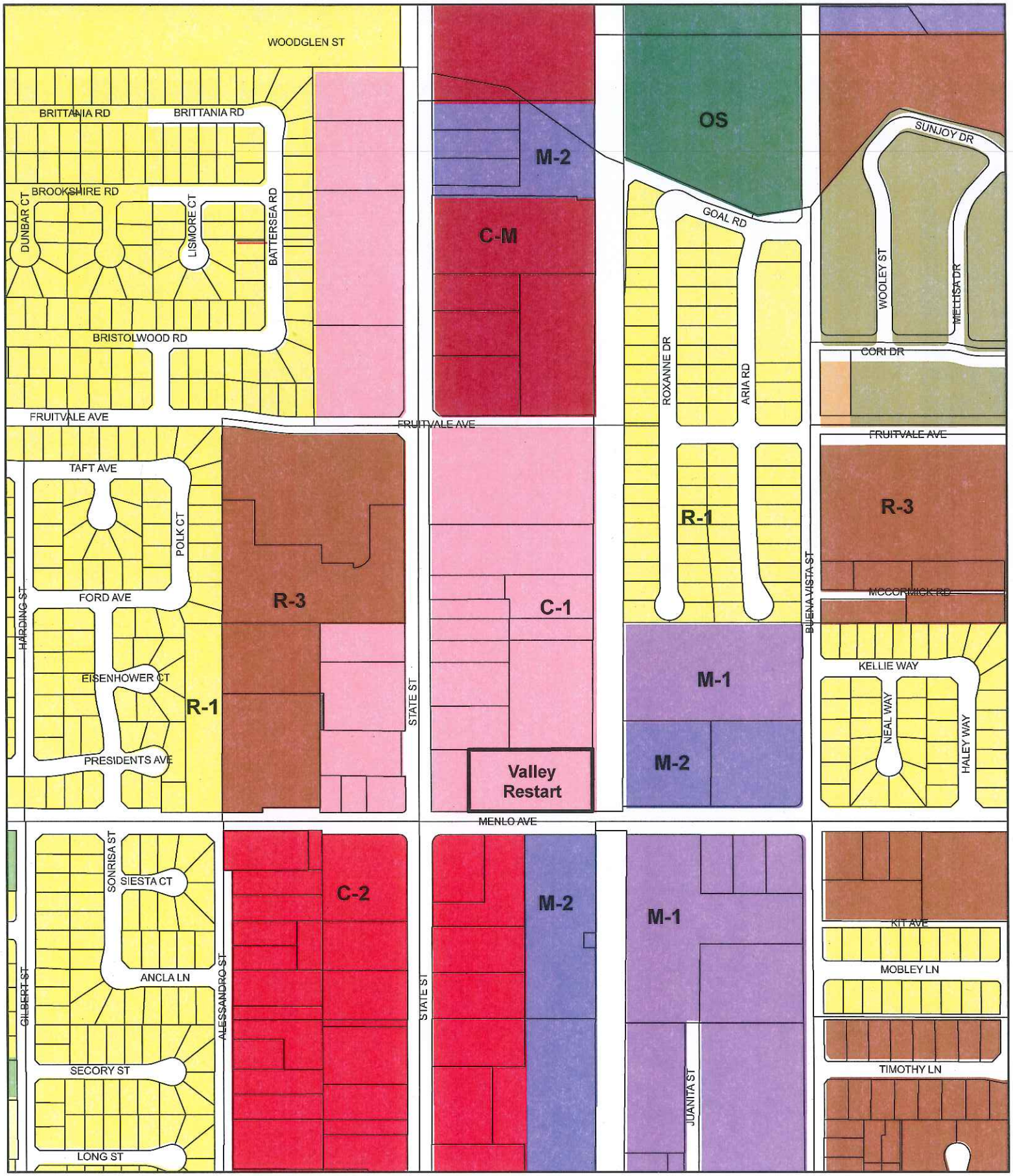
Program H-4a: **Provide Rehabilitation Loans and Senior Repair Grants**

Program Description: The City will continue to provide grants and loans to assist in housing rehabilitation and home repairs. The City will implement these programs according to guidelines that are reviewed and amended periodically to assure effective implementation. Forms of assistance will include:

- Loans to low-income homeowners for housing rehabilitation.
- Home repair grants for very low-income elderly homeowners (including mobile home owners).

Attachment No. 3

Zoning Map Exhibit
Showing Location/Zoning
For Existing
Valley Restart
Emergency Shelter

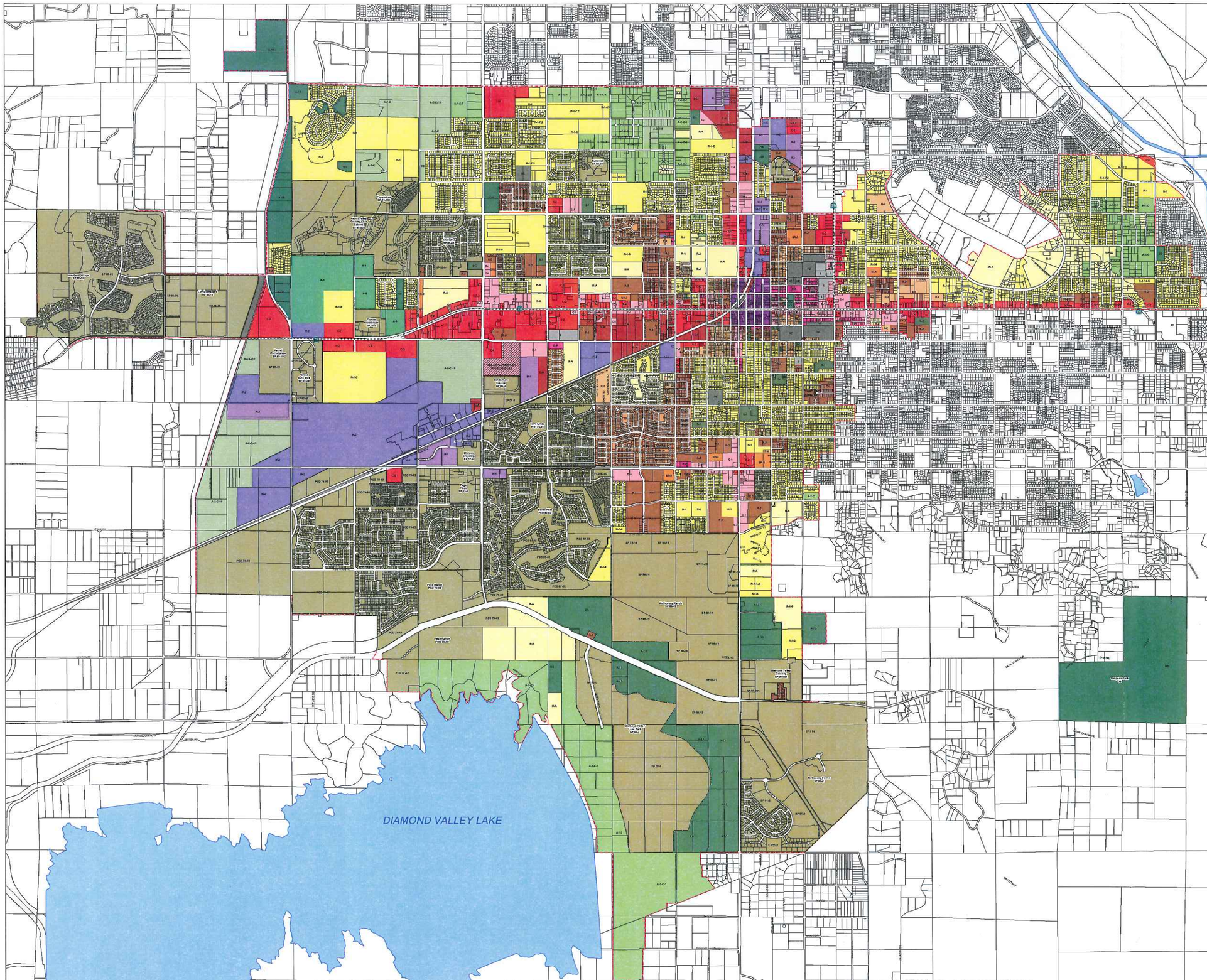


ZOA13-001 Housing Element Compliance

Planning Commission Meeting - May 7, 2013

Attachment No. 4

Zoning Map Exhibit
Showing Locations
Of the C-M
(Commercial-Manufacturing)
Zones



HEMET

OFFICIAL ZONING MAP CITY OF HEMET

- A-1 = LIGHT AGRICULTURAL (1 ACRE MIN.)
- A-2 = HEAVY AGRICULTURAL (2 ACRE MIN.)
- A-5 = HEAVY AGRICULTURAL (5 ACRE MIN.)
- A-10 = HEAVY AGRICULTURAL (10 ACRE MIN.)
- R-A = RESIDENTIAL AGRICULTURAL
- R-1 = SINGLE FAMILY RESIDENTIAL
- R-2= TWO FAMILY RESIDENTIAL
- TR-20 = INDEPENDENT MOBILE HOME SUBDIVISION
- SR-3 = SENIOR APARTMENT
- SLR = SMALL LOT RESIDENTIAL
- R-3 = MULTIPLE FAMILY RESIDENTIAL
- R-P = RESIDENTIAL PROFESSIONAL
- D-1 = DOWNTOWN
- D-2= DOWNTOWN
- C-1 = NEIGHBORHOOD COMMERICIAL
- C-2 = GENERAL COMMERCIAL
- C-M = COMMERCIAL MANUFACTURING
- M-1 = LIMITED NANUFACTURING
- M-2 = HEAVY MANUFACTURING
- NZ = NO ZONE
- OS = OPEN SPACE
- PCD = PLANNED COMMUNITY DEVELOPMENT
- PUD = PLANNED UNIT DEVELOPMENT OVERLAY
- SP = SPECIFIC PLAN
- S-1 = CHURCH
- I = INSTITUTIONAL
- Specific Plan Boundary
- City Boundary
- Highways
- Waterbodies
- Parcels

Number	Name	Approval Date
PCD 79-01	Tom Landa	1/8/80
PCD 79-03	Page Ranch Community Plan	1980
PCD 80-002	Seven Hills	4/22/80
SP 84-001	Sagewin Village	6/11/85
SP 85-001	Art Hoffer	1/21/87
SP 87-29	Hemet Auto Mall	5/24/88
SP 88-01	Heartland Village	4/12/88
SP 88-13	City Sponsored	4/26/88
SP 88-19	McSweeny Ranch	6/28/91
SP 89-19	Hemet Marketplace	1/9/90
SP 95-009	Hemet Valley Country Club Estates	11/12/01
SP 96-001	Diamond Valley Gateway	8/14/97
SP 00-001	Page Plaza	8/1/01
SP 01-002	Mc Sweeny Farms	11/28/03
SP 01-003	Paperclress	8/26/03
SP 03-001	Diamond Valley Lake Park	10/23/03
SP 05-003	Sanderson Square	8/23/07
SP 06-004	Florida Promenade	11/27/07
SP 07-004	Seniors Crossing	6/30/09

In compliance with Chapter 90, Article 1, Section 90-6 of the Hemet Municipal Code, this map represents the official Zoning, together with all amendments, of all other properties within the corporate boundaries of the City of Hemet, California and in the surrounding lands without the planning are adopted as part of the General Plan for the City of Hemet.

I, Sarah McComas, City Clerk of the City of Hemet, California hereby certify that this is the Official Zoning Map for the City of Hemet, California.

/S/	/S/
Deanna Ellisno Community Development Director	Sarah McComas City Clerk

0 500 1,000 2,000 3,000 4,000 Feet

1 inch = 1,000 feet

N

Every reasonable effort has been made to assure the information provided on the GIS maps and data is correct, accurate and complete. However, the GIS database and the maps themselves are subject to constant change and the accuracy and completeness cannot be and is not guaranteed.

The data presented on these pages is not legally binding in the City of Hemet or any of its departments. These maps and the associated data are REPRESENTATIONS ONLY and may contain errors in the data area. Therefore, the information presented is for informational purposes only and should not be construed to be legally binding. The City of Hemet shall not be liable for any loss, damages or claims that arise out of the user's access to, or use of the maps, documents and data provided.

Author: Timothy Dickson
Source: County of Riverside, City of Hemet

August 18, 2010
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