

PLANNING COMMISSION

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

June 18, 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 Greg Vasquez, and Commissioners, Michael Perciful, Vince Overmyer, and Rick Crimeni

Invocation and Flag Salute: Commissioner Overmyer

2. APPROVAL OF MINUTES:

A. Minutes for the Planning Commission Meeting of May 21, 2013

3. PUBLIC COMMENTS:

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

PUBLIC HEARING ITEMS

Meeting Procedure for Public Hearing Items:

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

4. CONDITIONAL USE PERMIT NO. 13-003 (MENLO RECYCLING)

APPLICANT: Dong Van and Nancy Nguyen Ngo
AGENT: Blaine A. Womer Civil Engineering
LOCATION: 275 East Menlo Avenue
PLANNER: Carole L. Kendrick, Assistant Planner (951) 765-2375

DESCRIPTION: A request for Planning Commission review and approval of a Conditional Use Permit allowing the construction and operation of an 11,050 square-foot recycling center located on the south side of Menlo Avenue, east of State Street and west of Buena Vista Street, with consideration of an environmental exemption pursuant to CEQA Guidelines Section 15332.

Recommended Action:

The Planning Division recommends that the Planning Commission:

- A) *Open the public hearing and take testimony from the Applicant and the public,*
- B) *Allow the Applicant to discuss possible solutions to the issues listed in the staff report, and if satisfactory to the Planning Commission:*
 - 1. *Adopt the attached Planning Commission Resolution Bill No. 13-012 (Attachment No. 1), APPROVING CUP 13-003 subject to the findings and conditions of approval, and;*
 - 2. *Direct staff to file a Notice of Exemption with the County Clerk.*

5. ZONING ORDINANCE AMENDMENT NO. 13-005 (BIG BOX RETAIL CONVERSION)

APPLICANT: City-initiated
LOCATION: City-wide
PLANNER: Emery J. Papp, Principal Planner

DESCRIPTION: A request for Planning Commission review and recommendation to the City Council regarding a Zoning Ordinance Amendment to modify Chapter 90, amending Article XXVI of the Hemet Municipal Code, adding regulations for the conversion of large retail commercial buildings to other uses, with related modifications to Section 90-892 Permitted Uses and Section 90-897, Special Development Requirements for commercial zones.

Recommended Action:

That the Planning Commission:

- 1. *Adopt Planning Commission Resolution Bill No.13-013 (Ordinance Bill No. 13-027) recommending APPROVAL to the City Council of Zoning Ordinance Amendment No. 13-005.*

DEPARTMENT REPORTS

6. **CITY ATTORNEY REPORTS:** *Verbal report from Assistant City Attorney Stephen McEwen on items of interest to the Planning Commission.*

7. **COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**
 - A. Summary report regarding proposed Comprehensive Plan for the West Hemet Vernal Pools area
 - B. Summary report regarding City Council Meeting of June 11, 2013
 - C. Cancellation of July 2, 2013 Planning Commission Meeting
 - D. McSweeny Park update

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

9. **FUTURE AGENDA ITEMS:**
 - A. Multi- Family Zoning Ordinance Compliance Updates for the Housing Element
 - B. General Plan Consistency Zoning Updates
 - C. General Plan Annual Report
 - D. Workstudy for Proposed 2014-2021 Housing Element Update

10. **ADJOURNMENT:** To the meeting of the City of Hemet Planning Commission scheduled for **July 16, 2013 at 6:00 P.M.** to be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue, Hemet, California 92543.

NOTICE TO THE PUBLIC:

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

PLANNING  COMMISSION

MEETING MINUTES

DATE: May 21, 2013

CALLED TO ORDER: 6:04 P.M.

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

1. CALL TO ORDER:

PRESENT: Chairman John Gifford, Vice Chairman Greg Vasquez, and Commissioners Michael Perciful, Vince Overmyer, and Rick Crimeni

ABSENT: None

Invocation and Flag Salute: Vice Chairman Vasquez

2. APPROVAL OF MINUTES:

There were no Minutes on the agenda for approval.

3. PUBLIC COMMENTS:

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

PUBLIC HEARING ITEMS

4. ZONING ORDINANCE AMENDMENT (ZOA) NO. 13-001 (HOUSING ELEMENT COMPLIANCE) CONTINUED PUBLIC HEARING FROM THE MAY 7, 2013 MEETING

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

DESCRIPTION: A request for Planning Commission review and recommendation regarding amendments to Hemet Municipal Code Chapter 90 (Zoning Ordinance)

1 to satisfy State housing element law and bring the zoning ordinance into
2 compliance with the General Plan Housing Element Programs in regard to
3 Emergency Shelters, Farmworker Housing, removing age restrictions in the Small
4 Lot Residential Zone, and renaming and adding applicability guidelines to the
5 Senior Housing Overlay Zone.
6

7 (PowerPoint presentation by Planner Nancy Gutierrez)
8

9 Chairman Gifford asked if the senior housing signage was just for new areas or
10 retroactive for existing as well.
11

12 Planner Gutierrez explained that it was for any housing development that has active
13 CC&R's which establish the community as senior housing.
14

15 CDD Elliano further explained that an issue was with the display of banners for senior
16 housing, when the senior housing requirements weren't actually being met. The
17 signage provides clarification.
18

19 City Attorney McEwen noted the federal law requirement which specifies that 80
20 percent of the units, whether occupied or not, be designated as senior.
21

22 Chairman Gifford inquired regarding the process of converting senior to non-senior
23 housing.
24

25 Planner Gutierrez outlined the steps as follows: 1) a permit request must be submitted
26 and approved by the Planning Commission; 2) a number of conditions must be met; 3)
27 the proposed use has to be in accord with the objectives of the chapter; 4) the new
28 uses have to be consistent with the General Plan; 5) the project has to comply with all
29 parking requirements of the Municipal Code; 6) the applicant has to pay all the required
30 fees; 7) the conversion must not be in conflict with the intent or requirements of any
31 financial institution; and 8) all required notices must be given and CEQA requirements
32 complied with.
33

34 Vice Chairman Vasquez asked if there was anything specific in the code regarding
35 signage verbiage or materials used.
36

37 Planner Gutierrez indicated the signage code has specifications on size, type of
38 materials, and zoning requirements where the senior housing project is located. The
39 City cannot require a developer to build a senior project. If a developer wants to build
40 one, the City can support and provide incentives for that, but cannot require them by
41 virtue of zoning a parcel solely for senior housing. The only thing the City can do is
42 offer incentives, such as density bonuses.
43

44 Commissioner Crimeni asked if all cities are required to have emergency shelters,
45 because he understands that Murrieta, Menifee and Temecula do not have them.
46

47 Planner Gutierrez explained that each city is required to allow an emergency shelter to
48 be permitted by right in at least one zone within the city.
49

50 CDD Elliano further reported that every city has to permit them by right, without a
conditional use permit, in at least one zone. Hemet is recognizing and grandfathering it

1 as a permitted use in the C-1 zone, and by CUP, in the C-M zone. She added that
2 Temecula and Murrieta's zoning codes actually allow them in more locations than what
3 we are suggesting with this ordinance.
4

5 Commissioner Crimeni asked about remodeling or changing a location.
6

7 Planner Gutierrez outlined the requirements for remodeling as those listed in the
8 particular zone. State law allows cities to govern for emergency shelters and cannot
9 require anything but the eight provisions that are required by state law. If they fail to
10 meet those requirements, alter the size of the building, terminate their use for six
11 months, violate their maximum capacity, then they have to meet the other provisions.
12 In regard to Valley Restart, it allows for five single men, women, and family rooms.
13

14 Chairman Gifford opened the public hearing.
15

16 Ms. Robin Lowe (no address given) asked for clarification about the rules for the
17 county and cities regarding senior housing and school fees.
18

19 City Attorney McEwen explained that two pieces of legislation had been reviewed –
20 one at the federal level that lowered the threshold for what constitutes a seniors-only
21 project. The rule now says that a development can be deemed "senior" if 80 percent of
22 the units are occupied by people over age 55.
23

24 CDD Elliano explained that in the conversion ordinance, it would require a payment of
25 school fees as well as any other fees previously omitted for a project to convert from
26 senior to non-senior housing. The ordinance is enforced by the Planning Division.
27 Such a conversion is a financial disincentive. She also clarified that federal law and
28 Title 25 addresses mobile home parks, which have specific exemptions as well as their
29 own laws, regulations and protections for senior housing.
30

31 Ms. Donna Banks (4451 East Florida, Hemet) asked if the city was restricted to just
32 one shelter.
33

34 CDD Elliano explained that there is only one shelter at a specific location that's allowed
35 to be grandfathered. Any other shelter would have to be in the Commercial-
36 Manufacturing zone and would require a CUP.
37

38 Ms. Banks asked if there was a way to require restrictions that would allow only
39 residents from Hemet/San Jacinto to utilize the shelter, and stop the overflow from
40 Temecula and other communities that don't provide shelters.
41

42 CDD Elliano reported that Temecula has stepped up their emergency shelter
43 requirements and allows them in far more zones than does Hemet. They are trying to
44 take care of their own homeless population.
45

46 Ms. Lowe asked if the city has plans or a process that would be published to give park
47 residents advance warning if a mobile home park was proposing to convert to non-
48 senior housing.
49

50 CDD Elliano advised that this would be governed by Title 25, with different rules for
conversion.

1
2 The public hearing was closed by Chairman Gifford, who thanked staff and the City
3 Attorney for providing a comprehensive presentation.
4

5 Commissioner Crimeni stated he was pleased that Hemet can keep their senior
6 housing and the shelter.
7

8 Commissioner Overmyer asked about the conversion issue, which would incur school
9 fees and other fees. He wondered if there were any other teeth the city could put in
10 place to make it more difficult to convert.
11

12 City Attorney McEwen explained that the city's ability is restricted under state and
13 federal laws. There are ways to offer incentives on the front end and ways to
14 disincentivize on the back end, which puts other financial consequences into place. He
15 is sure the bases are covered in the ordinance.
16

17 CDD Elliano noted that staff had examined it as best they could to find and add every
18 available means possible without violating state law.
19

20 It was **MOVED** by Commissioner Overmyer and **SECONDED** by Commissioner
21 Perciful to **ADOPT** Planning Commission Resolution Bill No. 13-011 recommending
22 **APPROVAL** to the City Council of Zoning Ordinance Amendment 13-001 (Ordinance
23 Bill No. 13-016).
24

25 The **MOTION** was carried by the following vote:
26

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

29 **NOES:** None

30 **ABSTAIN:** None

31 **ABSENT:** None
32

33 *(Adopted Planning Commission Resolution No. 13-006.)*
34
35

36 PUBLIC MEETING ITEMS

37 5. SITE DEVELOPMENT REVIEW NO. 13-003 (WOODSIDE HOMES AT 38 MCSWEENEY FARMS SPECIFIC PLAN)

39 **APPLICANT:** Woodside O56, LP

40 **LOCATION:** Southeast corner of State Street and South Village Loop

41 **PLANNER:** Carole Kendrick, Contract Planner
42

43 **DESCRIPTION:** A request for Planning Commission review and approval of a Site
44 Development Review application for the design of 40 single-family residential homes
45 within Tract No. 32717-3 (Glenwood) and consideration of a Notice of Determination
46 that the project is consistent with an Environmental Impact Report (EIR) that was
47 adopted for the underlying project, Specific Plan No 01-02. The proposed project is
48 located at the southeast corner of State Street and South Village Loop within
49 Planning Area 20 of the McSweeney Farms Specific Plan (SP No. 01-02).
50

1
2 (PowerPoint presentation by Planner Carole Kendrick.)
3

4 A number of questions were asked by Commissioners regarding the present situation,
5 amenities, and Home Owner Association (HOA) fees.
6

7 CDD Elliano and Planner Kendrick collectively outlined the existing Specific Plan, the
8 status of the master developer, and the recreational amenities still required to be
9 provided in Phase 1.
10

11 Commissioner Crimeni stated that he would like to have Condition No. 36 added,
12 requiring installation of smoke detectors and carbon monoxide detectors in compliance
13 with Building Code Section 315.
14

15 Trent Heiner (2906 Overboard Drive, Menifee), approached the lectern as the project
16 applicant. He expressed thanks to the Planning staff for their help and overview on the
17 40 unfinished lots. He indicated great interest in moving forward and noted that the
18 current product is selling well, with three more phases to complete before they run out
19 of lots. He advised the Commission that the HOA management company had been
20 notified about tonight's public hearing and that they are supportive of the project. They
21 are also appreciative of the pocket park in Planning Area 10, which was recently
22 completed.
23

24 Chairman Gifford asked if the design and approach to this Planning Area 20 was the
25 same as Planning Area 10.
26

27 Mr. Heiner responded that some of the conditions require compliance with the current
28 building code, so there are fire sprinklers and possibly carbon monoxide detectors, as
29 well, to which he has no objections.
30

31 Chairman Gifford closed the public hearing and stated his feeling that this project was
32 moving in the right direction with its provisions for amenities. He suggested that
33 volume is the solution to the situation there, and the more that can be developed and
34 successfully sold the easier it will be to put the other amenities in place. The products
35 seem consistent with what was originally approved, and he has no objections to the
36 project.
37

38 Commissioner Perciful stated that he was very encouraged by the project.
39

40 When asked by Commissioner Crimeni what the HOA dues provide for, staff indicated
41 that they paid for maintenance of the smaller parks, security, Wi-Fi and common area
42 maintenance.
43

44 It was **MOVED** by Commissioner Overmyer and **SECONDED** by Commissioner
45 Crimeni to **ADOPT** Planning Commission Resolution Bill No. 13-010 **APPROVING** Site
46 Development Review No. 13-003 with the changes to Condition No. 30, adding Lot
47 Nos. 5, 6, 10, 13, and 16, removing Lot No. 1, and revising Lot No. 31 to be a three-
48 foot setback instead of five-feet, and also adding Condition No. 36 to include CO₂
49 detectors.
50

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

2
3 **AYES:** Chairman Gifford, Vice Chairman Vasquez, and Commissioners Perciful,
4 Overmyer and Crimeni

5 **NOES:** None

6 **ABSTAIN:** None

7 **ABSENT:** None

8
9 *(Adopted Planning Commission Resolution No. 13-007.)*

10
11
12 **DEPARTMENT REPORTS**

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14 **6. CITY ATTORNEY REPORTS:** (No report given)

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16
17 **7. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**

18
19 **A. Summary report regarding City Council Meeting of May 14, 2013**

20
21
22 CDD Elliano reported that the only item of interest to the Planning Commission at the
23 May 14th City Council meeting was with regards to the Planning Commission's action in
24 denying Conditional Use Permit No. 12-007 for the Hemet Jewelry & Loan pawnshop.
25 The applicant appealed the Planning Commission's denial and the appeal hearing was
26 held before the Council on May 14th. There was considerable discussion, and the end
27 result was a continuation to the June 11th Council meeting. There seemed to be a split
28 on the Council. Some were in favor of putting a business in a vacant building, but
29 others were concerned about the gateway and impression of Florida Avenue. Staff will
30 present any additional information that is requested by the Council. No public
31 attendees opposed to the item were present.

32
33 **8. HEMET ROCS CITIZEN ADVISORY COMMITTEE:** (None)

34
35
36 **9. PLANNING COMMISSIONER REPORTS:** (None)

37
38
39 **10. FUTURE AGENDA ITEMS:**

- 40
41
42 A. Multi-Family Zoning Ordinance Compliance Updates for the Housing
43 Element on June 4th
44 B. General Plan Consistency Zoning Updates
45 C. General Plan Annual Report
46 D. Workstudy for Proposed 2014-2021 Housing Element Update in July
47 E. Workstudy for Proposed Ramona Creek Specific Plan on June 4th
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11. ADJOURNMENT:

It was unanimously agreed to adjourn the meeting at 7:15 p.m. to the regular meeting of the City of Hemet Planning Commission scheduled for **June 4, 2013 at 6:00 p.m.** to be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue, Hemet, CA 92543.

John Gifford, Chairman
Hemet Planning Commission

ATTEST:

Nancie Shaw, Records Secretary
Hemet Planning Commission



Staff Report

TO: City of Hemet Planning Commission

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

DATE: June 18, 2013

RE: **CONDITIONAL USE PERMIT NO. 13-003 (MENLO RECYCLING)** A request for Planning Commission review and approval of a Conditional Use Permit allowing the construction and operation of a 11,050 square foot recycling center located on the south side of Menlo Avenue, east of State Street and west of Buena Vista Street, with consideration of an environmental exemption pursuant to CEQA Guidelines Section 15332.

PROJECT APPLICANT INFORMATION

Owner: Dong Van and Nancy Nguyen Ngo
Authorized Agent: Blaine A. Womer Civil Engineering
Project Location: 275 East Menlo Avenue
Lot Area: 1.78 Acre portion of 3.58 Acres

STAFF RECOMMENDATION

The Planning Division recommends that the Planning Commission:

- A) Open the public hearing and take testimony from the Applicant and the public,
- B) Allow the Applicant to discuss possible solutions to the issues listed in the staff report, and if satisfactory to the Planning Commission:
 - 1. Adopt the attached Planning Commission Resolution Bill No. 13-012 (Attachment No. 1), approving CUP 13-003 subject to the findings and conditions of approval, and;
 - 2. Direct staff to file a Notice of Exemption with the County Clerk.

City of Hemet - Planning Department
Planning Commission Meeting of June 18, 2013

PROJECT SUMMARY

The Applicant submitted a Conditional Use permit application requesting approval of **CONDITIONAL USE PERMIT NO. 13-003** for the construction and operation of a recycling collection facility within an 11,050 square foot building. Collected materials will be sorted and weighed within the building, additional outdoor storage of materials will be located in 10x25 foot storage containers to the south of the proposed building and enclosed by a solid wall and fence. The proposed project site is comprised of a 1.78 acre portion of a larger 3.58 acre parcel located at 275 East Menlo Avenue and is zoned Heavy Manufacturing (M-2) (APN 443-060-017).

BACKGROUND

The Applicant is currently operating at 445 East Menlo Avenue, which is approximately 300 feet to the east of the project site (see Attachment Nos. 4 and 6). The existing recycling collection facility is proposing to relocate their business due to the fact that their lease is due to expire at their existing location (see Attachment No. 4). The operation of the recycling facility provides a redemption center for paper, glass, plastic, aluminum and metal. The facility collects the recyclables which are then picked up by and transferred to a processing center. The processing center currently picks up the facility's recyclable items on a weekly basis. No processing of the recycled materials occurs on site, nor will it occur at the new facility. The Applicant is a State of California approved recycling redemption center and also operates facilities in Perris and Moreno Valley. The Hemet location has been in operation since 2008 and is current on their business license.

The Applicant purchased the property at 275 E. Menlo Avenue on May 18, 2010 with the intention to relocate his business in the future. The parcel is located approximately 300 feet to the west of the existing recycling operation. The proposed location will afford the Applicant a larger facility than the existing 8,000 square foot building that he occupies. In addition, the new facility is proposed to accommodate the recycling use rather than adjusting an existing building to meet the needs of the operator. The existing facility was originally entitled as a metal storage building for Phillips Gasket Company in 1982 under Miscellaneous Permit 05-82. The metal storage building was constructed in late 1982 and is on a 0.50 acre parcel.

ANALYSIS

The Manufacturing Zone (M-2) permits recycling facilities (resource collection centers) as a use by right; however the definition of a resource collection center is described as "an establishment on a site of less than 0.50 acres in size for the collection and storage of aluminum, glass, paper and reusable household goods". The existing operation is established on a 0.50 acre site, while the proposed use will utilize 1.78 acres of a 3.58 acre parcel. Therefore, a Conditional Use Permit is required as the site area exceeds the 0.50 acre limitations, even though it is still a

collection center, and not a processing center.

Site Plan/Site Design. The 3.58 acre site is currently vacant with existing curb and gutter. No sidewalks exist on the property. The site design proposes to utilize the northerly 1.78 acres of the property, adjacent to Menlo Avenue, as shown in the Site Plan in Exhibit 1A. The remaining acreage to the south (approximately 1.8 acres) has no development proposed at this time although the Applicant may develop another building in the future. The proposal includes an 11,050 square foot metal building, a 34,133 square foot parking area and 32,256 square feet of landscaping. The proposed structure is located in the northwest corner of the project site with parking located to the east and outdoor storage to the south. The site was designed with a parking field adjacent to the main structure and Menlo Avenue.

The remaining property to the south is proposed to remain vacant. The Applicant has indicated that he has no desire to increase the recycling use on the residual land, but in the future would like to construct an industrial building that can be rented to an appropriate tenant. Future development will require a Site Development Review permit at a minimum.

Architecture. The proposed building utilizes a metal style architecture that includes a metal roof, a metal canopy on the east elevation, uniform windows, and slight variations on the front elevation that break-up the building plane by one (1) foot intervals. The Applicant proposes exterior enhancements to the northern elevation of the building that include stucco canvas canopies (see Building Elevations in Exhibit 1A).

Materials and Colors. The proposed building consists of metal building and metal patio cover. The Applicant proposes to stucco the north elevation to enhance the view from Menlo Avenue. The proposed building will be painted using a variety of neutral colors that include a light beige color and brown that are consistent with the City of Hemet Commercial and Industrial Building Color Palette. Exterior accents include canvas canopies and building plane variation on the northern elevation. Condition No. 20 requires the incorporation of a compatible accent color for the elevations fronting Menlo Avenue to add more visual interest and appeal to the structure.

Landscaping. The Applicant is proposing significant landscaping around the site that provides a decorative buffer from Menlo Avenue and the surrounding properties. The landscaping includes Southern Magnolia, Camphor and Raywood Ash Trees. The Raywood Ash will serve as street trees on Menlo Avenue. The Camphor trees will provide shade in the parking area and the Magnolia trees and Rockrose shrubs are located along the edge of the project site. A majority of the site will utilize decomposed granite as ground cover, which consistent with the City of Hemet Water Efficient Design Guidelines. The detention basins will be landscaped with a hydroseed mix. The Menlo Avenue detention basin includes additional landscaping to increase the project aesthetics on Menlo Avenue. Condition No. 32 requires that shrub plantings on the western portion of the front landscaping be modified, with final selection by the Community Development Director.

Drainage. The project is proposing two (2) water detention facilities that abut the north and west sides of the building to satisfy water quality and drainage requirements for the site. The detention facilities will be landscaped to treat pollutants of concern from the site, as well as mitigating increased runoff from a 24 hour storm event.

Lighting. The proposed lighting is internal to the project and does not exceed more than one foot-candle outside of the project boundary. The on-site light standards will be placed so that they do not interfere with the proposed landscaping. The hours of operation are 8am to 5pm and do not necessitate additional lighting for evening hours, with the exception of security lighting. Condition No. 50 requires the project to install street lights in accordance with City standards.

Circulation and Parking. The proposed use will utilize a single gated entry on Menlo Avenue. The on-site parking design places the majority of parking adjacent to the proposed building. The existing operation at 445 East Menlo Avenue does not provide adequate customer parking, which required that the customer drive through the existing structure to drop off and sort their recycled goods inside the building. The proposed design increased the available parking and will involve employees removing the recycled items from customer's vehicles into a designated wheeled container and transfer them into the structure for sorting and weighing. The proposed drive is 30 feet wide and is proposed to have a rolling gate. The gated drive will be open during business hours but does provide 47' of vehicle stacking. Emergency response access is also provided at the gate via Knox Box or other City of Hemet Fire Department approved equivalent. The circulation meets the minimum requirements for the Fire Department and provides adequate site circulation.

Manufacturing or industrial establishments, including offices and other incidental operations on the same site are required to provide a minimum of one (1) parking space for each 500 square feet of gross floor area. The project includes a total of 23 parking spaces, which exceeds the minimum 22 required spaces.

Screening. Hemet Municipal Code Section 90-1045(c)(4) requires that all outdoor storage be screened by a six (6) foot high wall, fence or slatted chain link fence and shall meet the requirements of Section 90-895. The entire development area for the proposed recycling facility will be enclosed with a six (6) foot high block wall on the northern, eastern and western sides. The southern edge of the project will be enclosed with six (6) foot high chain link fencing with slats. The project is conditioned to install a block wall on the east and west sides of the project in addition to 10 foot block wall returns (see Condition of Approval 16). The project has also been conditioned to add screening material to the fence, subject to the satisfaction of the Community Development Director (see Condition of Approval 17).

PROJECT SETTING AND SURROUNDING USES

The site is currently undeveloped with the existing curb and gutter. The location for the proposed project is on the northerly two thirds of the property. Light industrial uses are located to the north

and east of the proposed site, that include a Verizon facility, FDC Construction, Total Auto Body and Frame, the old Potato Shed and Genesis Construction. The Department of Social Services and vacant land are located to the west of the site. Valley Restart and Rancho Vet Tack and Supply are located to the north (see Attachment No. 6). The project is located north of the proposed Metrolink station that is shown between Devonshire and Oakland Avenues on the Greater Downtown District Plan (Figure 2.4) of the Land Use Element of the General Plan. An aerial map and photographs of the site are provided in Attachment Nos. 4 and 5 to this report.

The topography of the site and surrounding area is relatively flat and vacant (please refer to the Adjacent Zoning Map – Attachment 2, and Aerial Map – Attachment 4). The project site is accessed from Menlo Avenue. The site is located on the south side of Menlo Avenue, east of State Street and west of Buena Vista Street on APN 443-060-017. The site is zoned M-2 (Heavy Manufacturing), and is surrounded by developed industrial or commercial land.

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

	LAND USE	ZONING	GENERAL PLAN
PROJECT SITE	Vacant Land	M-2 (Heavy Manufacturing)	MU (Mixed Use)
NORTH	Emergency Shelter (Valley Restart)	C-1 (Neighborhood Commercial)	OP (Office Professional)
EAST	Verizon Communications	M-1 (Light Manufacturing)	MU (Mixed Use)
SOUTH	Contractor's Storage Yard (Genesis Construction)	M-2 (Heavy Manufacturing)	MU (Mixed Use)
WEST	Office (County of Riverside Dept. of Social Services)	C-2 (General Commercial)	MU (Mixed Use)

The project setting is illustrated and described in more detail by the attached items:

- Zoning Map (Attachment No. 2)
- Land Use Designation Map(Attachment No. 3)
- Aerial Map (Attachment No. 4)
- Photographs of Site (Attachment No. 5)
- Photographs of Existing Site and Surrounding Buildings (Attachment No. 6)

ISSUES

Staff has expressed concerns to the Applicant and their representatives regarding various operational issues that could arise in association with the proposed use. In addition, staff has been concerned with the overall appearance of the existing facility and grounds. The Applicant has indicated that the design and layout of the new facility will alleviate many of these concerns, and that the business will be operated in accordance with all State regulations and City conditions. The Conditional Use Permit (CUP) process provides city staff and the Planning Commission with opportunity to address many potential issues with appropriate conditions. If these operational conditions are not adhered to, or the property is not maintained in accordance with the approved plan, the CUP can be revoked by the Planning Commission, subject to a future notice and a public hearing. The issues identified by staff are outlined below. Staff has recommended conditions of approval to try and address these issues, as noted in the report. The Applicant may also be able to provide additional information or assurances at the public hearing for the Commission's consideration. The Commission may further modify or add conditions if warranted to address development or operational concerns.

Bin Retrieval. The existing location of the business is on a 0.50 acre site and does not provide adequate circulation for bin retrieval by the processing company. The operator currently places bins in front of the property once a week for collection by the processing center. The proposed location will utilize 1.78 acres and has been designed to provide adequate circulation for the trucks to remove and replace recycling bins on site. Staff considers that this issued is resolved through the design of the project.

Cleanliness of the Site. During several site visits to the existing facility staff noted miscellaneous refuse and rubbish in the parking area and around the site. The proposed facility is located within a gated area and will preclude customers from driving through the building. The operation will include an employee collecting recycled items from the customer in the parking area, which will provide more employees presence in the areas that tend to be prone to dumping of smaller refuse items. In addition the project has been conditioned to maintain the site in clean manner, free of trash and debris (see Condition No. 14). Staff considers that this issue has been resolved through site design and conditions of approval.

Shopping Carts. The existing operation at 445 East Menlo has had a constant problem with shopping carts begin left on site or at neighboring properties. The operator has indicated to staff that refused to serve customers that utilize shopping carts to transport their recycled goods (see Condition No. 15). Staff has conditioned to project to continue the practice of refusing to serve customers using shopping carts and to post signs in customer areas that inform that public that is illegal to remove shopping carts from the retailer (see Condition No. 22).

Copper and Metal Theft. Copper and metal thefts are a growing problem in the State of California and many of these items show in at recycling facilities. In an effort to combat metal theft, a series of bills have been passed to assist in reducing metal that. A list and brief summary

of the adopted legislation is listed below:

- AB844
 - Requires recyclers to hold payments of \$100 (for cans and non-ferrous metals) for three (3) days
 - Check photo ID
 - Take a thumbprint of anyone selling scrap metals
 - Anyone convicted of metal theft to pay restitution for the materials stolen
- AB691
 - Requires recyclers to take thumbprints of individuals selling copper, aluminum and stainless steel.
 - Sellers must show ID and proof of current address
- SB1895
 - Discourages the theft of fire hydrant fittings and Fire Department connections by creating a fine not to exceed \$3,000 for any person who knowingly receives any part of a fire hydrant, including bronze or brass fittings and parts.
- SB477
 - Assists local law enforcement officials in investigation of stolen metal and apprehending thieves by requiring scrap metal dealer and recyclers to report that materials are being scraped at their facilities and by whom on a daily basis.

Proposed Assembly Bill 841(Torres) is seeking to prohibit cash payments for scrap cooper. The consensus is that the 2008 laws listed above have not curbed the problem as many thieves use fake identification to recycle stolen items. The proposed bill would require that a check be mailed to the customer to provide a paper trail and further thwart metal theft. The bill is currently waiting to be heard before the Senate.

The Police Department has provided staff with the calls for service at the existing recycling facility. In the last 12 months, the Police Department has been contacted three (3) times regarding individuals attempting to recycle stolen items. This indicates that the operator is reviewing items and informing the Police Department.

Staff still has concerns regarding these items and would ask that the Applicant provide additional solutions to these problems at the public hearing, including the potential to voluntarily comply with the provisions of AB841.

ZONING CONSISTENCY

The project proposes the construction and operation of an 11,050 square foot recycling collection center, which is consistent with the allowed uses in the Heavy Manufacturing (M-2) zone in providing a conditionally permitted recycling collection facility. The structure complies with the setback requirements from all property lines for the proposed use, is below the maximum height,

and has a smaller percentage of lot coverage than allowed.

Based on the project application, the information provided in the following table summarizes how this project meets and exceeds the minimum development standards of the M-2 zone.

DEVELOPMENT STANDARDS	REQUIRED M-2 ZONE	PROVIDED
Front Setback	15 Feet	22 Feet
Rear Setback	10 Feet	150+ Feet
Side Setback	0 Feet	22 Feet
Building Height	60 Feet	18 Feet 4 Inches
Parking	22 spaces (1 space per 500 sq. ft. of gross floor area)	23 spaces

GENERAL PLAN CONSISTENCY

The General Plan land use designation for the project site is MU (Mixed Use). The project is also located within the State Street Mixed Use District of the Greater Downtown District Plan, which recognizes that this is an area in land use transition from heavy industrial next to the railroad track to an upgraded commercial and business corridor along State Street, and hopefully a Metrolink Station at the some point in the future located south of Oakland Avenue. The plan promotes residential, mixed-use, neighborhood serving commercial, office, retail, and light manufacturing uses. This transition area includes the Hemet Stock Farm and the North Hemet Specific Plan further to the south and west, on the other side of State Street. No applications have been submitted for the Hemet Stock Farm, however it is anticipated to provide a significant amount of residential. Also, the North Hemet Specific Plan, which is still being proposed by the County of Riverside includes considerable residential as well.

The proposed project currently serves both commercial and residential customers. Residential customers make up the majority of the existing recycling business. The proposed project site is located on the edge of the existing heavy manufacturing zone and uses and will provide a decorative wall and screening from adjacent uses that might be developed in the future.

The proposed development is also consistent with the following General Plan policy:

- **CSI-6.2 Recycling** Achieve maximum diversion of materials from disposal through the reduction, reuse, and recycling of wastes to the highest and best use.

The proposed use facilitates the community's ability to divert materials from landfills by offering recycling of glass, plastic, aluminum, paper and metal.

TRANSPORTATION UNIFORM MITIGATION FEE (TUMF)

At the time of building permit issuance, the proposed project is subject to payment of the required fees relative to the Western Riverside County Transportation Uniform Mitigation Fee Program (TUMF) pursuant to Chapter 58, Article III, Section 58-70.2 (f)(4) of the Hemet Municipal Code.

MULTI-SPECIES HABITAT CONSERVATION PLAN (MSHCP)

Pursuant to Chapter 31, of the Hemet Municipal Code, development of vacant land within the project area is subject to the provisions of the MSHCP Fee Ordinance and will be required MSCHP fees.

AIRPORT LAND USE COMPATIBILITY

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

DEVELOPMENT REVIEW COMMITTEE (DRC) RECOMMENDATION

On April 11, 2013 and May 23, 2013, the project was reviewed for design by the DRC. Staff from the various City departments provided written conditions that have been incorporated into the proposed conditions of approval (Exhibit 1B).

CEQA REVIEW

The project is exempt from CEQA under CEQA Guidelines Section 15332 in that the staff report submitted by the Planning Department and other findings made in the attached Resolution demonstrate that the project meets the criteria for application of a Class 32 (In-fill Development) Categorical Exemption under the CEQA Guidelines for the following reasons:

- Conditional Use Permit No. 13-004 is consistent with the land use designation and all applicable General Plan policies as well as with the applicable zoning designation of M-2

(Heavy Manufacturing).

- The proposed development occurs within City limits on a project site of no more than 5 acres substantially surrounded by vacant property and commercial uses. The project site comprises of a 3.58 acre lot (APN: 443-060-017).
- The project site has no value as habitat for endangered, rare or threatened species. Based on the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) database, the site is not a part of an identified cell. The entire project site is developed. Therefore, no sensitive species or other protected biological resources were observed or are likely to be present.
- Approval of the project would not result in any significant effects relative to traffic, noise, air quality or water quality. There is no indication that the project would materially affect traffic, noise, air quality or water quality, or result in any significant effects.
- Finally, the site can be adequately served by all required utilities and public services. All utilities and services are present at the streets fronting the site. Public Services, including public safety, currently exist and are adequate for the proposed project.

PUBLIC COMMUNICATIONS RECEIVED

At the time of report preparation, the Planning Department has received four (4) telephone calls from the public. Two callers indicated their opposition to the project. The first caller did not identify himself but was concerned that the City has a proliferation of recycling centers and that the proposed use is a crime magnet. The second caller, Ms. Liping Shi, the property owner to the west is concerned that the use is unclean and will impact the value of her property. Ms. Shi also provided staff with an email of her concerns that is included in the staff report as Attachment No. 8.

A preliminary search shows that the City of Hemet currently has four (4) recycling facilities operating within its boundaries. Furthermore, the Police Department received a total of 14 calls for service at the existing business. A majority of the calls were related to alarms, with three (3) of calls reporting customers attempting to recycle stolen items.

The remaining calls spoke in favor of the proposed project. Mr. Fred Dowalter of FDC Construction called staff to indicate that he was in favor of the project and currently operates his business to the immediate east of the existing facility. Mr. Dowalter stated that the Applicant is a good operator and strives to run a clean business. Mr. Dowalter also indicated that the existing site is not adequate for the use.

Mr. Louis Gutierrez at 736 North State Street stated that he was in favor of the project as it is a

green business. Mr. Gutierrez also indicated that many recycling facilities utilize existing buildings that are not designed with the use in mind and he feels that a new building designed for recycling will provide an efficient operation.

Any comments received prior to the time of the scheduled Planning Commission meeting will be provided to the Commission at the time of the public hearing.

Property owners located within 1,000-foot radius of the project site were notified of the public hearing on June 6, 2013 with a 10-day hearing notice in addition to a public notice in the Press Enterprise.

REPORT SUMMARY

Conditional Use Permit No. 13-003 is for the construction and operation of an 11,050 square foot recycling center project within the M-2 (Heavy Manufacturing) zone. The project is for the design, construction, and operation of a recycling facility located on the south side of Menlo Avenue, east of State Street and west of Buena Vista Street.

For the reasons stated above, the Planning Department believes that the project can be found exempt from the California Environmental Quality Act as an in-fill project pursuant to Section 15332 of the CEQA guidelines, and that a Notice of Exemption can be filed for Conditional Use Permit No. 13-003. The Planning Department recommends approval of the project pursuant to the attached conditions of approval, and any additional conditions as may be added by the Planning Commission. The Planning Commission's actions are final unless appealed to the City Council within ten working days.

Respectfully submitted,



Carole L. Kendrick
Assistant Planner

Reviewed By:



Emery J. Papp
Principal Planner

ATTACHMENTS

- 1) Planning Commission Resolution No. 13-012
Exhibit 1A - Development Plan
Exhibit 1B - Conditions of Approval
- 2) Zoning Map
- 3) Land Use Designation Map
- 4) Aerial Map

- 5) Photographs of Proposed Site
- 6) Photographs of Existing Site and Surrounding Buildings
- 7) Statement of Operations
- 8) Email from Liping Shi dated June 11, 2013

INCORPORATED HEREIN BY REFERENCE

City of Hemet General Plan
City of Hemet General Plan EIR
City of Hemet Zoning Ordinance
City of Hemet Subdivision Ordinance
Contents of City of Hemet Planning Department Project File CUP 13-003 and MP 05-82

Attachment

No. 1

Resolution No. 13-012

Planning Commission

Meeting of

June 18, 2013



CITY OF HEMET
Hemet, California

RESOLUTION BILL NO. 13-012

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 13-003 FOR THE OPERATION OF A 11,050 SQUARE FOOT RECYCLING COLLECTION FACILITY LOCATED AT 275 EAST MENLO AVENUE (APN 443-060-017)

WHEREAS, an application for Conditional Use Permit No. 13-003 for the construction and operation of a 11,050 square foot recycling collection facility has been duly filed by:

Owner: Dong Van and Nancy Nguyen Ngo
Agent: Blaine Womer – Blaine A. Womer Civil Engineering
Project Location: 275 East Menlo Avenue
APN: 443-060-017; and,

WHEREAS, the Conditional Use Permit Application was submitted for consideration on March 21, 2013; and,

WHEREAS, the Planning Commission has the authority per section 90-1531 *et seq.* of the Hemet Municipal Code to take action on Conditional Use Permit No. 13-003 to allow construction and operation of the proposed use; and,

WHEREAS, on June 6, 2013, the City gave public notice by advertising in the Press Enterprise and by mailing to property owners within 1,000 feet, of the holding of a public hearing at which the project would be considered by the Planning Commission; and,

WHEREAS, on June 18, 2013, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Conditional Use Permit and at which the Planning Commission considered the Conditional Use Permit; and,

WHEREAS, the Community Development Director has reviewed the project's potential effects on the environment and has recommended that the project is categorically exempt from the California Environmental Quality Act ("CEQA") under

Planning Commission Resolution Bill No. 13-012
CONDITIONAL USE PERMIT NO. 13-003 – MENLO RECYCLING

1 CEQA Guidelines Section 15332 "In-fill Development" and that the exceptions to the
2 categorical exemptions contained in CEQA Guidelines section 15300.2 are not
3 applicable to this project.
4

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

8 **SECTION 1: ENVIRONMENTAL FINDINGS**
9

10 The Planning Commission, in light of the whole record before it, including but not limited
11 to, the City's Local CEQA Guidelines and Thresholds of Significance, the
12 recommendation of the Community Development Director as provided in the Staff
13 Report dated June 18, 2013 and documents incorporated therein by reference, and any
14 other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2)
15 within the record or provided at the public hearing of this matter, hereby finds and
16 determines as follows:
17

18 1. **CEQA:**
19

20 (a) The project is exempt from provisions of the California Environmental
21 Quality Act (CEQA) under CEQA Guidelines Section 15332 in that
22 information contained in the project file and documents incorporated
23 herein by reference demonstrate that: Conditional Use Permit No. 13-003
24 is consistent with the MU (Mixed Use) General Plan designation and all
25 applicable General Plan policies as well as the applicable zoning
26 designation; the proposed project site is located within the boundaries of
27 the City of Hemet; Conditional Use Permit No. 13-003 has no value as
28 habitat for endangered, rare or threatened species; there is no substantial
29 evidence in the record that Conditional Use Permit No. 13-003 will result in
30 significant effects related to traffic, noise, air quality or water quality in that
31 the proposed design incorporates and otherwise is subject to air and water
32 quality resource agency design requirements to avoid any harmful effects;
33 and the site is or can be adequately served by all required utilities and
34 public services. As such, the project meets the criteria for application of a
35 Class 32 (In-fill Development) Categorical Exemption under the CEQA
36 Guidelines. Additionally, none of the exceptions provided in CEQA
37 Guidelines Section 15300.2 apply to this project.
38

39 (b) None of the exceptions to the categorical exemptions contained in CEQA
40 Guidelines Section 15300.2 prevent CEQA Guidelines Section 15332 from
41 exempting the project for the following reasons:
42

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

Planning Commission Resolution Bill No. 13-012
CONDITIONAL USE PERMIT NO. 13-003 – MENLO RECYCLING

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- (ii) The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. No information has been presented that this project would have impacts that would contribute to a level of cumulative impacts that would be considered significant.
 - (iii) There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment. No information is known or has been presented to indicate that there are unusual circumstances related to this project that would cause a significant effect.
 - (iv) The project will not result in damage to scenic resources within a designated state scenic highway. The project is not located in proximity to such a highway.
 - (v) The project site has not been listed as a hazardous waste and substance facility or site by the Department of Toxic Substances Control pursuant to California Government Code Section 659625.
 - (vi) The project will not cause a substantial adverse change to the significance of a historical resource. There are no historical resources on the project site.

26 The Community Development Director has reviewed the project's potential
27 effects on the environment and has recommended that the project is
28 categorically exempt from the California Environmental Quality Act ("CEQA")
29 under CEQA Guidelines Section 15332 "In-fill Development", and that the
30 exceptions to the categorical exemptions contained in CEQA Guidelines section
31 15300.2 are not applicable to this project.

- 32
33 2. **Multi-Species Habitat Conservation Plan (MSHCP):** The project is found to
34 be consistent with the MSHCP. The project is located outside of any MSHCP
35 criteria area and mitigation is provided through payment of the MSHCP Mitigation
36 Fee.
37
38

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

2
3 Pursuant to Hemet Municipal Code Section 90-1537(c) and in light of the record before
4 it including the staff report dated June 18, 2013 and all evidence and testimony heard at
5 the public hearing of this item, the Planning Commission hereby finds as follows:
6

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

11
12 The project is subject to and consistent with the Development Standards for the
13 Heavy Manufacturing (M-2) zone. The zoning allows recycling collection facilities
14 over 0.50 acres, subject to a Conditional Use Permit. The project proposes an
15 11,050 square foot recycling collection facility on a 1.78 portion of a 3.58 acre
16 parcel. The proposed building complies with the minimum setbacks from
17 property lines, the height of the building is below the maximum height
18 requirement of the Hemet Municipal Code, and has a smaller coverage than
19 allowed.
20

21 The proposed project is in conformance with the General Plan for the City of
22 Hemet. The land use designation for the project site is Mixed Use (MU) within
23 the transitional land use area of the Greater Downtown District. The proposed
24 development is consistent with the General Plan Land Use policy (CSI-6.2)
25 regarding recycling, in that the project will facilitate the community's ability to
26 divert material from landfills by offering recycling of glass, plastic, aluminum,
27 paper and metal.
28

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

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

41 The location of the building will not conflict with on-site circulation since the
42 parking spaces and drive aisles meet the minimum standards. Based on the
43 above, the use will not have a significant impact on, nor be detrimental or
44 injurious to properties or improvements in the vicinity.
45

1 3. That the proposed conditional use will comply with each of the applicable
2 provisions of Chapter 90 of the Hemet Municipal Code and with other relevant
3 city regulations, policies, and guidelines.
4

5 The proposed use of the project site as a recycling collection center complies
6 with the intent and purpose of the M-2 zone as an area in which recycling
7 collection facilities can be located subject to conditions that ensure compatibility
8 with surrounding uses. The applicant has proposed a project that conforms to
9 development standards provided by the zoning code.
10

11
12 **SECTION 3: PLANNING COMMISSION ACTIONS**
13

14 The Planning Commission hereby takes the following actions:
15

- 16 1. **Approves Conditional Use Permit.** Conditional Use Permit No. 13-003 is
17 hereby approved as shown in Exhibit A which is attached hereto and
18 incorporated herein by reference, and subject to the Conditions of Approval in
19 Exhibit B which are attached hereto and incorporated herein by reference.
20

21 **PASSED, APPROVED, AND ADOPTED** this 18th day of June, 2013 by the
22 following vote:

- 23 AYES:
24 NOES:
25 ABSTAIN:
26 ABSENT:
27
28
29

30 _____
31 John Gifford, Chairman
32 Hemet Planning Commission

33 ATTEST:

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

**Exhibit
No. 1A
Development Plan**

**Planning Commission
Meeting of
June 18, 2013**

City of Hemet - Planning
RECEIVED

JUN 11 2013

PROJECT NO.(S)

CUPI3-003



NORTH

GRAPHIC SCALE



1" = 20'

ZONE C-2
APN 443-060-011
VACANT
PARCEL 3, PM 54 / 98-99

ZONE C-2
APN 443-060-022
EXISTING SOCIAL SERVICES CENTER
POR. PARCELS 1 & 2, PM 54 / 98-99

CITY OF HEMET
MENLO RECYCLING CENTER



OWNER: NCO
NANCY NOBLEN AND
DAVID NOBLEN
HEMET, CA 92343
(951) 788-8520

ASSESSORS' PARCEL NUMBER:
443-060-017

SITE ADDRESS:
201 EAST MAINS
HEMET, CA 92343

LEGAL DESCRIPTION:
PARCEL 8 AS SHOWN BY PARCEL MAP 8216 ON
FILE IN BOOK 54, PAGES 38 AND 39 OF PARCEL
MAP 8216 OF MENLO COUNTY, CALIFORNIA.

ZONING DESIGNATION:
M-2

GENERAL PLAN DESIGNATION:
SHEED USE
VACANT

EXISTING LAND USE:
VACANT

PROPOSED LAND USE:
RECYCLING AND STORAGE FACILITY

TOTAL GROSS LAND AREA:
1.89 ACRES (82,496 SQ. FT.)

TOTAL NET LAND AREA:
3.34 ACRES (145,667 SQ. FT.)

TOTAL NET AREA PROPOSED FOR DEVELOPMENT:
1.78 AC (77,418 SQ. FT.)

FLOOR AREA RATIO:
0.11 X

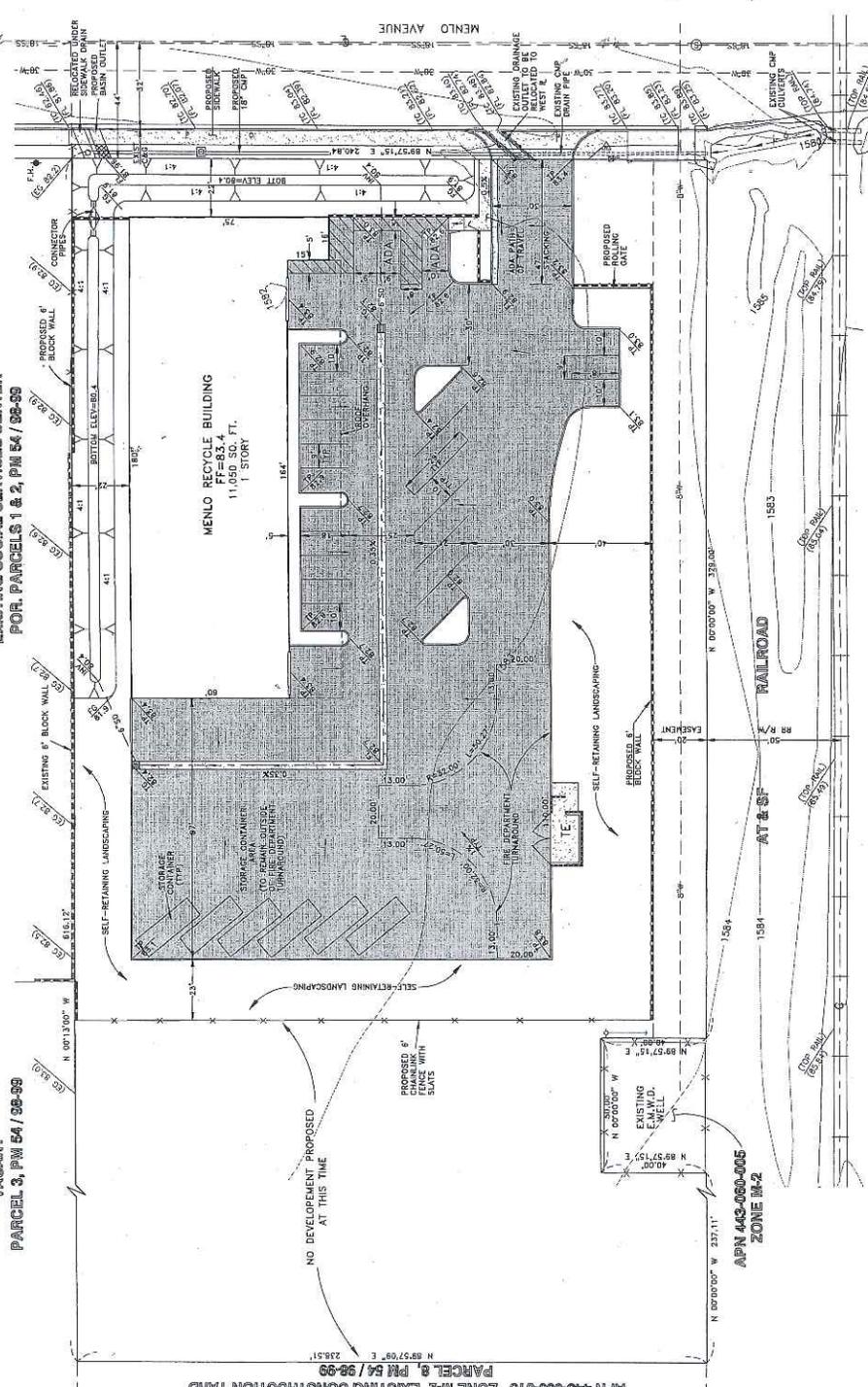
BUILDING HEIGHT:
20 FEET

OCCUPANCY CLASSIFICATION:
S-2

TYPE OF CONSTRUCTION:
II B SPRINKLED

LOT COVERAGE:
BUILDING 14
LANDSCAPING 42

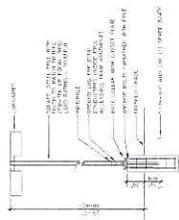
PARKING:
REQUIRED 23 (1 SPACE / 300 SF FLOOR AREA)
PROVIDED 23
ADA ACCESS SPACE PROVIDED 2
ADA ACCESS SPACE PROVIDED 2



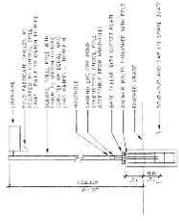
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NO.	DATE	BY						
<p>Underground Service Alert Call: TOLL FREE 811</p> <p>TWO WORKING DAYS BEFORE YOU DIG</p>	<p>APPROVED BY:</p> <p>BLAINE A. WONGER CITY ENGINEER DATE: OCTOBER, 2012</p>							
<p>APN 443-060-016 ZONE M-2 EXISTING CONSTRUCTION YARD PARCEL 8, PM 54 / 98-99</p>	<p>APPROVED BY:</p> <p>BLAINE A. WONGER CITY ENGINEER DATE: OCTOBER, 2012</p>							
<p>APN 443-060-005 ZONE M-2 PARCEL 3, PM 54 / 98-99</p>	<p>APPROVED BY:</p> <p>JORGE BACON, CITY ENGINEER ROSE NO. 3357 DATE: OCTOBER, 2012</p>							
<p>APN 443-060-022 EXISTING SOCIAL SERVICES CENTER POR. PARCELS 1 & 2, PM 54 / 98-99</p>	<p>APPROVED BY:</p> <p>JORGE BACON, CITY ENGINEER ROSE NO. 3357 DATE: OCTOBER, 2012</p>							
<p>City of Hemet Public Works Department Engineering Division</p>	<p>City of Hemet Menlo Recycling Center Site / Conceptual Drainage Plan Staff Review</p>							

SITE NOTES:

- 1) PROPOSED 8' x 18' PARKING STALL, TYP.
- 2) PROPOSED 6' x 18' PARKING STALL, TYP.
- 3) PROPOSED 6' x 12' PARKING STALL, TYP.
- 4) BUSHING - MONUMENT WALL
- 5) PROPOSED 6' x 7' UT. PAVEMENT, 4" MIN. 2" CO'S, 2" SUBCG
- 6) 8' x 10' UT. PER CIVIL DRAWINGS
- 7) 6' x 10' UT. PER CIVIL DRAWINGS
- 8) 6' x 10' UT. PER CIVIL DRAWINGS
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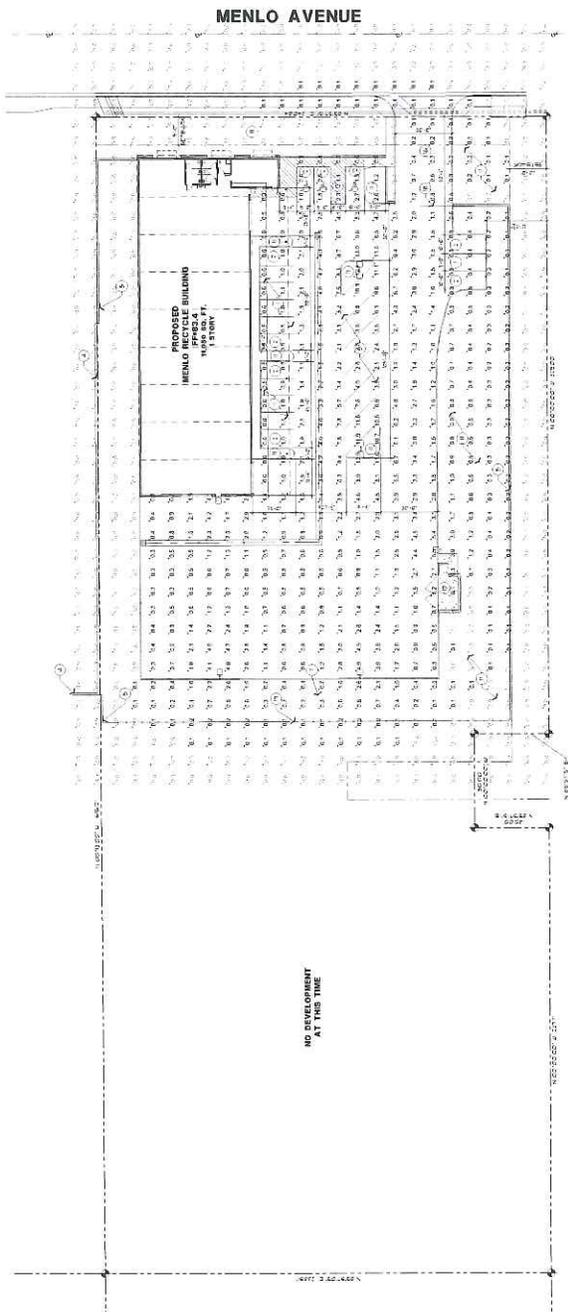


SAT POLE FIXTURE DETAIL
1/11



SIP POLE FIXTURE DETAIL
1/11

NO.	DATE	DESCRIPTION	BY	CHKD.
1	10/02/12	ISSUED FOR PERMITS	JLJ	JLJ
2	10/02/12	REVISED PER COMMENTS	JLJ	JLJ
3	10/02/12	REVISED PER COMMENTS	JLJ	JLJ
4	10/02/12	REVISED PER COMMENTS	JLJ	JLJ
5	10/02/12	REVISED PER COMMENTS	JLJ	JLJ
6	10/02/12	REVISED PER COMMENTS	JLJ	JLJ
7	10/02/12	REVISED PER COMMENTS	JLJ	JLJ
8	10/02/12	REVISED PER COMMENTS	JLJ	JLJ
9	10/02/12	REVISED PER COMMENTS	JLJ	JLJ
10	10/02/12	REVISED PER COMMENTS	JLJ	JLJ



NO DEVELOPMENT AT THIS TIME

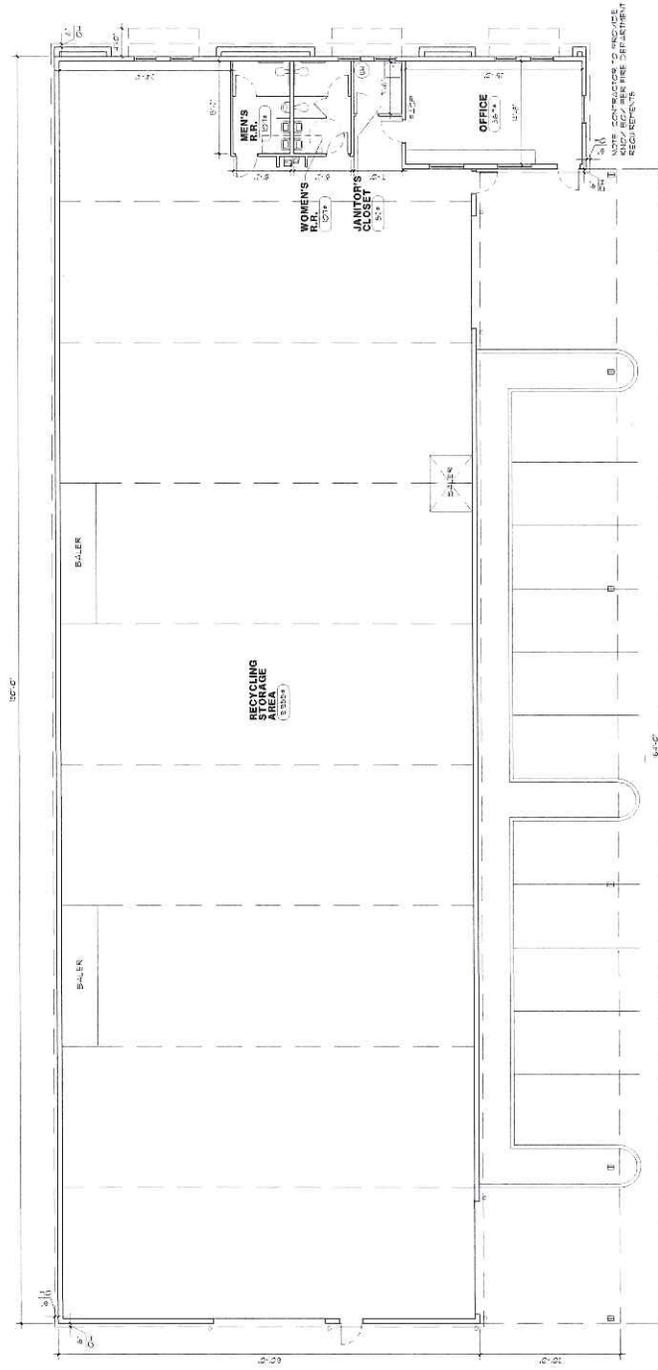
SCHEMATIC SITE PLAN



10/02/12

MENLO RECYCLING
HEMET, CA

SELBERG ASSOCIATES INC.
ARCHITECTURE & PLANNING
3003 Hwy. 95
Suite 81
Arcata, CA 95521
928 / 551-1888
file no. 12075-SITE
project no. 12075
date: 10/02/12
drawn by: JD/JLJ
revised: 2/5/13
sheet: 118b
SITE LIGHTING PLAN
sheet no. **A-2.1**
of 1 of



FLOOR PLAN

COMMENTS: SEE SHEET A-3.1 FOR REC'D REC'D WALK IN RECYCLING REQUIREMENTS



David Neault
ASSOCIATES Inc.
9511 206 | 3430
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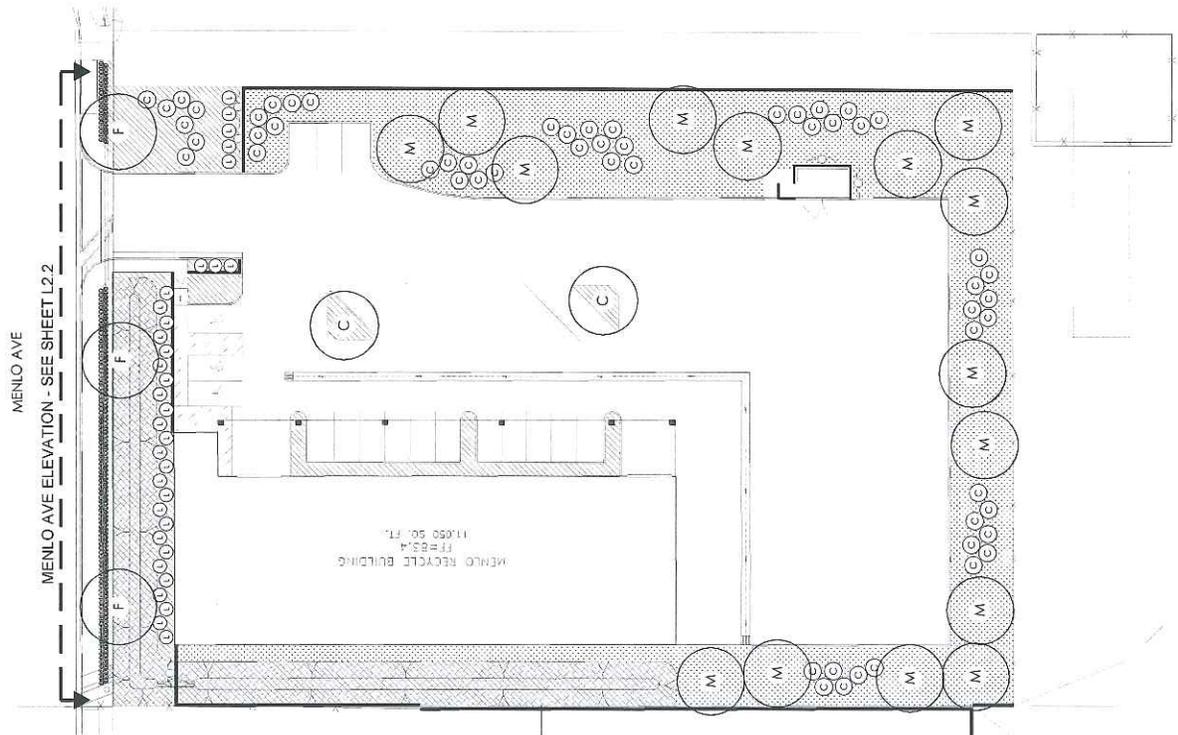
LANDSCAPE PLAN
PLANTING PLAN

MENLO RECYCLING CENTER
FDC COMMERCIAL CONSTRUCTION
461 E. MENLO AVE, HEMET, CA 92543



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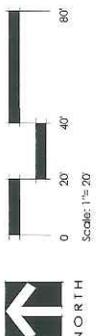


PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY	PLANT FACTOR	COMMENTS
F	FRAXINUS AMERICANA	RAYWOOD ASH	24 BOX	3	MEDIUM	MIN. 10' HIG. 4" DB. STANDARD. NO. 10. HEALTHY. GOOD COLOR. DOUBLE STAKE.
M	MAGNOLIA ST. LARRY'S	SOURERN MAGNOLIA	15 GALLON	15	MEDIUM	MIN. 8" HIG. 1" DB. HEALTHY. GOOD COLOR. DOUBLE STAKE.
C	CINNAMOMUM CAMPHORA	CAMPICOR TREE	15 GALLON	3	MEDIUM	MIN. 8" HIG. 1" DB. HEALTHY. GOOD COLOR. DOUBLE STAKE.
G	CETEIA PURPUREA	ROCKROSE	1 GALLON	37	LOW	FULL TO TOP OF STAKE. HEALTHY. GOOD COLOR. ATTACH AND TIGHT ON WALL.
L	LEUCORHAEUS TETRALINUM	WAX LEAF PRIVET	5 GALLON	31	MEDIUM	FULL TO TOP OF STAKE. HEALTHY. GOOD COLOR. ATTACH AND TIGHT ON WALL.
O	ROSARINUS O. NUBIFRONS	PROSTRATE ROSEMARY	1 GALLON 4" HIG. 1" DB.	AS REQD.	LOW	MIN. 10' HIG. 1" DB. NO SUBS. HEALTHY. GOOD COLOR.
V	MACADYEMA LINGUIFORMIS	CAT CLAW VINE	3 GALLON	3	LOW	FULL TO TOP OF STAKE. HEALTHY. GOOD COLOR. ATTACH AND TIGHT ON WALL.
GROUNDCOVERS	ROSARINUS O. NUBIFRONS	PROSTRATE ROSEMARY	1 GALLON 4" HIG. 1" DB.	AS REQD.	LOW	MIN. 10' HIG. 1" DB. NO SUBS. HEALTHY. GOOD COLOR.
	DECOMPOSED GRANITE					
	HYDROSEEDED GROUNDCOVER					

NOTES:

- 1) ALL TREES SHALL BE MINIMUM 100% UNLIMBED. WATER AND/OR SLOW-DRAINING TREES SHALL BE SET IN SOMEL.
- 2) TREES WITHIN 10' OF PARKING SPOTS SHALL BE SET IN 4" DB. UNLIMBED. TREES IN 10' UNLIMBED AREAS SHALL BE SET IN 4" DB. UNLIMBED.
- 3) ALL LANDSCAPE AREAS SHALL BE SET IN 4" DB. UNLIMBED. TREES IN 10' UNLIMBED AREAS SHALL BE SET IN 4" DB. UNLIMBED.
- 4) TREES AND SHRUBS SHALL BE SET IN 4" DB. UNLIMBED. TREES SHALL BE SET IN 4" DB. UNLIMBED. TREES SHALL BE SET IN 4" DB. UNLIMBED.
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David Reault
Associates Inc.
951 | 296 | 3430
www.draassociates.com

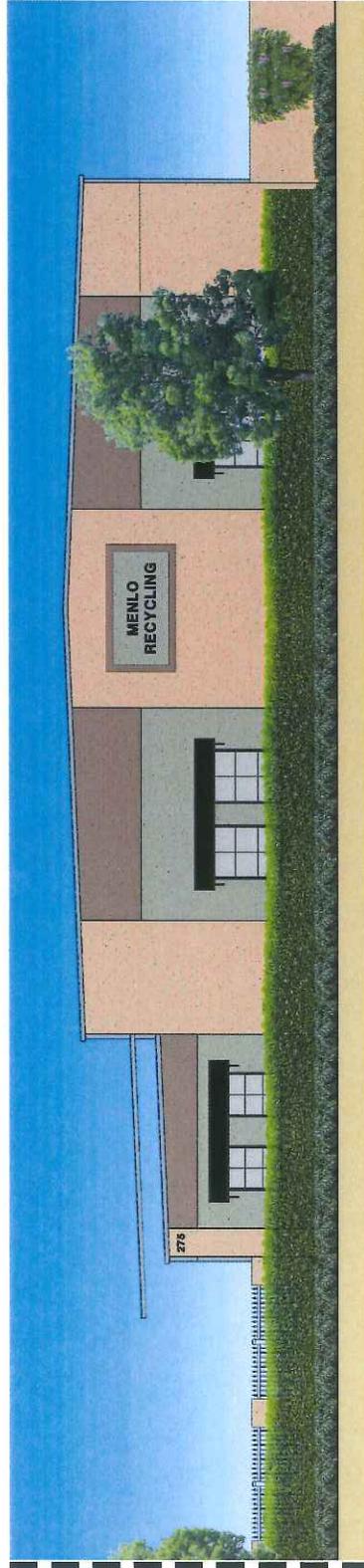
LANDSCAPE PLAN
STREET ELEVATION

MENLO RECYCLING CENTER
FDC COMMERCIAL CONSTRUCTION
461 E. MENLO AVE, HEMET, CA 92543



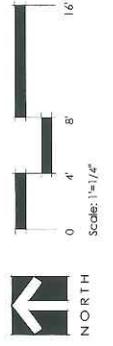
DATE:	JUNE 10, 2013
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SCALE:	

sheet
L2.2
of 10 sheets



MENLO AVE STREET ELEVATION

1/4"=1'0"



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

**Planning Commission
Meeting of
June 18, 2013**



CITY OF HEMET
PROPOSED
DRAFT CONDITIONS OF APPROVAL

PLANNING COMMISSION DATE: JUNE 18, 2013

PROJECT NO.: **CONDITIONAL USE PERMIT NO. 13-003**
APPLICANT: Dong Van and Nancy Nguyen Ngo
LOCATION: 275 East Menlo Street
OCCUPANCY: This project has been reviewed as an "S-2" **Occupancy**; any other use will require further review.

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

STANDARD CONDITIONS

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

General Requirements:

1. **CONDITIONAL USE PERMIT NO. 13-003** shall become null and void on **June 18, 2015** (two calendar years from the date of approval), unless use in reliance on the approved Conditional Use Permit is established prior to the expiration date. A time extension may be granted by the Planning Commission in accordance with Hemet Municipal Code, provided a written request for a time extension is submitted the Planning Department prior to the expiration date. No formal notice of expiration will be given by the City.
2. Approval of **CONDITIONAL USE PERMIT NO. 13-003** shall become effective on **June 29, 2013** unless appealed to the City Council by **June 28, 2013** (10 calendar days after action by the Planning Commission). The appeal shall be in writing and shall be accompanied by the required fee.
3. The conditions of approval of this project shall supersede all conflicting notations, specifications, dimensions, typical sections, and the like, which may be shown on the project development plans.
4. This project site shall be developed in accordance with the approved plan(s) and the conditions contained herein. The proposed use shall be operated in accordance with all the conditions contained herein. Failure to comply may result

City of Hemet - Conditions of Approval
CONDITIONAL USE PERMIT NO. 13-003 – MENLO RECYCLING

in enforcement actions including citations and potentially revocation of CUP 13-003, pursuant to the procedures of the Hemet Municipal Code.

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

Mechanical Equipment:

City of Hemet - Conditions of Approval
CONDITIONAL USE PERMIT NO. 13-003 – MENLO RECYCLING

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

PLANNING DIVISION CONDITIONS

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

Site Development and Operation:

11. Prior to the issuance of a Certificate of Occupancy for the project site or business activity being commenced thereon, pursuant to Conditional Use Permit No. 13-003, all conditions of approval contained herein shall be completed to the satisfaction of the Planning Department.
12. The proposed use shall not operate prior to 8:00 am or after 5:00 pm.
13. Any uses not specifically permitted as part of, or not determined to be in substantial conformance by the Community Development Director, to this Conditional Use Permit No. 13-003, shall require submittal and approval of an application for the modification of the Conditional Use Permit.
14. The operator shall be responsible for maintaining the site in a clean manner free of trash, debris and recyclables at all times. The operator is also responsible for maintaining the undeveloped portion of the property free of weeds and debris.
15. The operator shall not serve or accept material from customers utilizing shopping carts for the transportation of recyclable materials.
16. Prior to the issuance of a Certificate of Occupancy, the Applicant shall provide a six (6) foot block wall on the east and west property lines that begin 22 feet from the property line and extend south approximately 325 feet and 10 feet of return on the south edge of the project site. A combination of six (6) foot block and block with wrought iron are required on the northern edge of the site.
17. Prior to the issuance of a Certificate of Occupancy, the Applicant shall install a six (6) foot chain link fence with decorative slats at the southern boundary of the storage area to the satisfaction of the Community Development Director.
18. An anti-graffiti coating and/or shall be provided on all block walls and stucco covered walls and written verification of its application from the developer shall be provided to the City of Hemet, Planning Department. The existing wall along the westerly property line shall be repainted a consistent color.

City of Hemet - Conditions of Approval
CONDITIONAL USE PERMIT NO. 13-003 – MENLO RECYCLING

19. Bin retrieval shall occur solely on the interior of the site.
20. Prior to the issuance of a Building Permit, the Applicant shall incorporate a compatible accent for the elevations fronting Menlo Avenue, subject to approval by the Planning Division. The business address shall be mounted on the building elevation and of a height and color to be clearly visible.

Signage:

21. Signage is not approved as part of this Project. Signage, in accordance with the Zoning Ordinance, may be approved at a later time under a separate permit.
22. Prior to the issuance of a Certificate of Occupancy or finalization of the Building Permit, fraud reporting signs shall be posted in customer areas. Fraud reporting signs are available from the State of California, CalRecycle, Division of Recycling.
23. Prior to the issuance of a Certificate of Occupancy or finalization of the Building Permit, the Applicant shall post signs in customer areas that state, "*Removing shopping carts from a business is illegal! It is unlawful for any person to do any of the following acts:*"
 - *To remove a shopping cart from the premises of a retail establishment.*
 - *To be in possession of any shopping cart while that cart is not located on the premises of the retail establishment.*
 - *To abandon a shopping cart at a location other than the premises of the retail establishment.*
 - *To alter, convert or tamper with a shopping cart.*
 - *To be in possession of a any shopping cart with the serial number removed.*

Landscaping

24. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash, disease, vermin, and debris, during the term of this Project.
25. Landscape plans shall be prepared by a Licensed Landscape Architect and submitted in conjunction with Building Plan check and this project shall be subject to all the requirements listed in the Water Efficiency Landscaping Ordinance (currently Ordinance No. 1827, adopted by City Council on April 13, 2010).
26. Prior to the issuance of a Certificate of Occupancy or finalization of the Building Permit, all landscaping shall be installed.

City of Hemet - Conditions of Approval
CONDITIONAL USE PERMIT NO. 13-003 – MENLO RECYCLING

27. Prior to the issuance of a Certificate of Occupancy or finalization of the Building Permit, landscaped areas shall have an automatic irrigation system, with automatic timers, installed and operational, unless cash or a bond is posted to guarantee completion.
28. Prior to the issuance of a Building Permit, the Applicant/Owner shall contract with the City of Hemet Franchise Waste Hauler (CR&R) for the removal and disposal of waste and recyclable materials, and ongoing trash service.
29. The vacant portion of the property located south of the proposed use shall be kept free of weeds, trash and debris and treated with a soil stabilizer on a yearly basis.
30. The parking island adjacent to the east elevation shall remove the proposed Prostrate Rosemary and replaced with decomposed granite.
31. The proposed Prostrate Rosemary located along the northern property line shall be replaced with an alternate shrub subject to approval by the Planning Division.
32. The Applicant shall modify the shrub mix in the detention basin on Menlo Avenue subject to approval by the Planning Division.

BUILDING DIVISION CONDITIONS

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

Building Code Requirements

33. 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.
34. The electrical, plumbing and mechanical systems shall be installed in accordance with applicable adopted codes.
35. Utilities shall be underground.

Handicap Requirements

36. This project is subject to State Handicapped Accessibility Requirements. (California Code of Regulations, Title 24)
37. Handicapped restrooms shall be installed in accordance with California Code of Regulations, Title 24/California Building Code, Section 1115(b).

City of Hemet - Conditions of Approval
CONDITIONAL USE PERMIT NO. 13-003 – MENLO RECYCLING

38. Handicapped parking and signage shall be installed in compliance with applicable state and city codes, if off-street parking is provided.
39. All entrances and exits shall be handicapped accessible per California Code of Regulations, Title 24.
40. A handicapped accessible pedestrian access to the site shall be provided.

Agency Approvals

41. Prior to the issuance of a building permit, Lake Hemet Water District approval shall be obtained.

ENGINEERING DEPARTMENT

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

General

42. The applicant shall coordinate with affected utility companies and obtain any permits as necessary for the development of this project.
43. Digitized drawing files of the Onsite Plans, in a City's compatible CAD system, shall be submitted along with original mylar plans.
44. Easement(s) of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easements of record, which cannot be relinquished or relocated, shall be redesigned.
45. Where survey monuments exist, such monuments shall be protected or shall be referenced and reset, pursuant to Business and Professions Code, Sections 8700 to 8805 (Land Surveyors Act).
46. Prior to any lane closure or detour, the Applicant shall submit a Construction Traffic Management Plan, for review and approval by the City Engineer. The plan shall include, but not limited to, signing, truck routes, and dirt hauling hours.

Streets

Menlo Avenue

47. Remove and replace the existing street pavement to centerline in accordance with the City of Hemet Standard Specifications for Public Works Construction,

City of Hemet - Conditions of Approval
CONDITIONAL USE PERMIT NO. 13-003 – MENLO RECYCLING

Standard Street Sections. Street structural sections shall be designed for a Traffic Index (TI) of 7 (min.). Preliminary soils investigations shall be used to determine the R-value to calculate the pavement structural section, based on the established TI. The final pavement section shall be approved by the City Engineer.

48. Install driveway approach in accordance with the City of Hemet Standard Specifications for Public Works Construction, Standards C-208, C-209, and C-210A, driveway widths and locations shall be approved by the City Engineer.
49. Install monolithic type sidewalk in accordance with City of Hemet Standard Specifications for Public Works Construction Standard C-215.
50. Install public street lights in accordance with the City of Hemet Standard Specifications for Public Works Construction, Standards G-808, G-808A, and G-808B. The plans shall be designed by a registered electrical engineer.
51. Install street trees (40-feet on-center) in accordance with the City of Hemet Approved Street Tree List. Install automatic irrigations system to trees.
52. Existing City roads, which will require reconstruction, shall remain open for traffic at all times, with adequate detours, to the satisfaction of the City Engineer.
53. All existing and proposed aerial utility lines shall be relocated and installed underground, in accordance with the City of Hemet Ordinance Bill 05-100, amending Section 82-172 of the Municipal Code. Bonding and Deferment Agreement will be subject to the approval of the City Engineer.
54. Existing City roads which require reconstruction shall remain open for traffic at all times, with adequate detours, to the satisfaction of the City Engineer.
55. The applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk, and shall repair any damaged curb, gutter and sidewalk along the subject frontage at the direction of the City Engineer.
56. Truck Routes shall conform to Section 78-61 of the Municipal Code.

Parking

57. Prior to issuance of a Certificate of Occupancy or the finalization of building permit, install a double trash enclosure(s) in accordance with the City of Hemet Standard Specifications for Public Works Construction, Standards R-500A series. The location(s) shall be approved by the City of Hemet Refuse Supervisor.
58. The parking lot shall be designed in accordance with the City of Hemet Parking Lot Design Criteria contained in the City of Hemet Standard Specification for Public Works Construction, Standards P-400 and 401, Uniform Building Code Title 24, and in accordance with Chapter 90, Article XL of the Hemet Municipal

City of Hemet - Conditions of Approval
CONDITIONAL USE PERMIT NO. 13-003 – MENLO RECYCLING

Code. The plans shall include the location of parking lot lighting, lighting standard specifications and required parking lot landscaping.

59. Prior to issuance of a Certificate of Occupancy, the new parking lot paving shall be fog sealed.

Drainage

60. The incremental increase in runoff between the developed and undeveloped property for the 100-year/3-hour storm must be retained on site.
61. The design of all drainage and other public improvements shall conform to the current edition of the following City of Hemet documents: "Standard Specifications for Public Works Construction", the "Hemet Master Flood Control and Drainage Plan", and the "Storm Drain Development Standards, Storm Drain Criteria and Drainage Design Manual".
62. Prior to issuance of the Building Permit, the Applicant shall pay the Master Storm Drain Plan fee, at the currently adopted rate.
63. The project lies within Flood Zone X of the Flood Insurance Rate Map, All building foundation pads within the development shall be elevated in accordance with City of Hemet Ordinance No. 754.
64. The Applicant shall adhere to all Federal Emergency Management Agency (FEMA) regulations and requirements in the event that existing drainage patterns are affected by this development. Prior to issuance of a Grading Permit all necessary calculations shall be submitted to the City of Hemet and to any governing Federal agency for review and approval.
65. The Applicant's property shall accept and properly dispose all offsite drainage flowing onto or through the site.
66. Effective February 14, 2011, all construction projects on one acre or more, in the San Jacinto Watershed, shall apply for coverage under the State General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (General Permit) Order No. 2010-0014-DWQ.
67. Prior to issuance of a Grading Permit, the applicant shall submit to the City for review and approval, a project-specific Water Quality Management Plan (WQMP) using the WQMP Guidelines & Template adopted October 22, 2012 utilizing Low Impact Development (LID) Principles and LID BMPs. This plan shall address Site Design BMPs, incorporate the applicable Source Control BMPs, incorporate Treatment Control BMPs, describe the long-term operation and maintenance requirements for BMPs needing long-term maintenance, and describe the mechanism for funding the long-term operation and maintenance of the BMPs.

68. Prior to issuance of a Grading Permit, the applicant shall provide the City Engineer with proof of filing a Notice of Intent with the State Water Resources Control Board in Sacramento, obtain a WDID number from the Board, under Construction General Permit, Order No. 2010-0014-DWQ, , and have an approved WQMP from the City.
69. Prior to issuance of a Grading Permit, the applicant shall provide the City Engineer with proof of filing a Notice of Intent with the State Water Resources Control Board in Sacramento, and apply for coverage and compliance under the Industrial General Permit, 97-03-DWQ, or the new Industrial Permit, when adopted.
70. Prior to issuance of a Grading Permit, the property owner shall record a "Covenant and Agreement" with the County Recorder, or other instrument acceptable to the City, to inform future property owners of the requirement to implement the approved project-specific WQMP
71. Prior to issuance of a Certificate of Occupancy, a Registered Civil Engineer shall submit to the City Engineer a written certification that all the components of the approved WQMP have been satisfactory installed and constructed. Certification shall be to grade, elevations, plantings, materials, and other elements included in the approved WQMP.
72. Any required underground storm drain lines and appurtenances, within the public right-of-way, shall be installed in accordance with the City of Hemet Standard Specifications for Public Works Construction.
73. Drainage easement(s), as required by the City Engineer, shall be shown on the improvement plans or grading plans. Easement(s) shall be recorded by deed or as part of the Parcel/Final Map.
74. The Developer shall submit to the City Engineer for review and approval, hydrology and hydraulic calculations sufficient to establish base flood elevations within and immediately adjacent to the project site. Improvements proposed by the Developer shall be taken into account when analyzing impacts to upstream, adjacent and downstream properties.
75. Construction of the detention basin shall include, but not limited to, the following improvements: concrete driveway, perimeter fencing (decorative block and/or wrought iron fence, as determined by the Planning Department), access ramp, outlet structure and discharge pump.
76. Cross-lot drainage and the designated easements shall not be allowed. All pads shall be designed to drain to the street. Storm water shall be collected in an appropriate storm drain system. All drainage easements are subject to City acceptance for maintenance.

Water

City of Hemet - Conditions of Approval
CONDITIONAL USE PERMIT NO. 13-003 – MENLO RECYCLING

77. Domestic water service will be provided by LHMWD.

Sewer

78. Domestic sewer service will be provided by LHMWD.

Landscaping

79. Prior to issuance of a Grading Permit, a landscape plan for improvements within the public right-of-way, shall be submitted to Engineering for review and approval. Plans shall be prepared in 24" x 36" format with City's standard title block.

80. Prior to issuance of a Certificate of Occupancy, a Lighting and Landscaping Maintenance District (LLMD) shall be established or joined.

81. Prior to final acceptance of the public improvements, submit landscape "as-built" in public areas, and RP principle backflow prevention certification(s) for all water service.

FIRE DEPARTMENT CONDITIONS

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

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

Agency Approvals

82. Prior to the issuance of a building permit written proof shall be provided from the water purveyor that sufficient capacity is available for fire protection. The minimum required fire flow for this project is 2750 GPM @ 20psi residual pressure for a duration of 2 hours, per 2010 CFC Appendix B. Fire flow and flow duration for buildings without automatic fire protection and having an area in excess of 3,600 square feet shall not be less than specified in Table B105.1.

83. Facilities and equipment used for the storage and handling of flammable or combustible liquids and other hazardous materials (which meet or exceed reportable quantities) as defined by Federal, State and Local Laws shall be approved by the County of Riverside Environmental Health.

City of Hemet - Conditions of Approval
CONDITIONAL USE PERMIT NO. 13-003 – MENLO RECYCLING

General

84. The final Conditions of Approval for this project shall be included in any site plan or construction plans submitted for permit issuance. Plans will not be approved without reference to these "conditions".
85. This project is subject to review and approval in accordance with the California Code of Regulations, Title 19 for Fire and Life Safety. This project may be subject to an annual inspection and permit from the Hemet Fire Department for this type of occupancy (use).
86. Storage of combustible materials shall be in accordance with the 2010 California Fire Code. High-Piled Storage shall be in accordance with CFC, Chapter 23.
87. Provision for the storage or handling of hazardous materials, as defined by Federal, State, and Local Law, shall be in accordance with CFC, Chapter 27.
88. Storage and handling of flammable and combustible liquids shall be in accordance with the 2010 California Fire Code, Chapter 34 and NFPA 30 (2008), Flammable and Combustible Liquids Code.
89. Motor fuel dispensing operations and/or facilities and repair garages shall be in accordance with 2010 CFC, Chapter 22.

Hydrants and Fire Protection Systems

90. An approved water supply capable of supplying the required fire flow for fire protection shall be provided on site when any portion of the building or facility is in excess of 400 feet from an approved water supply on a public street. 2010 CFC Section 507. The location of on-site hydrants and mains shall be approved by the Fire Marshall prior to permit issuance.
91. Prior to combustible construction commencing, install and/or upgrade, as required by the 2010 CFC, street (off-site) fire hydrants pursuant to the City of Hemet Standard Specifications for Public Works Construction. Distance between fire hydrants shall not exceed 300 feet without approval from the Fire Marshal. Fire hydrants shall be located within 150 feet of Fire Department Connections (FDC) for Standpipes and Automatic fire sprinklers.
92. Prior to combustible construction install, as required by the City of Hemet Fire Marshal, on-site fire hydrants pursuant to the City of Hemet Standard Specifications for Public Works Construction. Travel distance along the fire access route shall not exceed 300 ft. between hydrants without approval from the Fire Marshal. CFC Section 507.
93. In accordance with the 2010 CFC Section 507, the water system (mains and hydrants) shall be tested and accepted by the Fire Marshal prior to the commencement of combustible construction. Hydrant markers (Blue Dots) shall

be installed pursuant to the City of Hemet Standard Specifications for Public Works.

94. In accordance with the 2010 CFC Section 903, as amended and Article II, Chapter 14 of the Hemet Municipal Code, automatic fire sprinklers shall be installed throughout all buildings 3,500 square feet or larger pursuant to NFPA Standards. Systems with 20 heads or more shall be monitored by a UL listed central station alarm system meeting NFPA 72 and City of Hemet requirements.
95. In accordance with the 2010 CFC Section 903, an automatic fire sprinkler system is required throughout all buildings with this occupancy type based on the use(s) proposed. Systems with 20 heads or more shall be monitored by a UL listed central station alarm system meeting NFPA 72 and City of Hemet requirements.
96. In accordance with the CFC Section 904 and CCR Title 19, alternative automatic fire extinguishing systems shall be installed and maintained pursuant to NFPA standards. Prior to installation (or modification) of a fire protection system, complete plans shall be submitted to the City of Hemet Fire Marshal for review and approval.
97. Portable fire extinguishers shall be installed and maintained in accordance with 2010 CFC section 906 and Chapter 3, Title 19 CCR. The type and spacing shall be approved by the City of Hemet Fire Marshal prior to installation.
98. Commercial cooking equipment that produces grease laden vapors shall be provided with a Type I hood, in accordance with the California Mechanical Code, and an automatic fire extinguishing system complying with U.L. 300 pursuant to 2010 CFC Section 904.11.
99. An approved manual, automatic or (manual and automatic) fire alarm/monitoring system shall be installed and tested prior to final inspection in accordance with the 2010 CFC Section 907 and pursuant to NFPA standards. Automatic fire sprinkler systems with 20 heads or more shall be monitored by a UL listed central station meeting the standards of NFPA 72 and City of Hemet requirements.
100. All check valves, post indicator valves, fire department controls, and connections shall be located as required and approved by the Fire Marshal of the City of Hemet. If multiple buildings, each building shall have separate (approved) control valves. A separate permit will be required for all underground piping for fire protection systems.

Fire Department Access

101. Prior to delivery of combustible materials on site, provide and maintain a surfaced all weather access roadway 20-feet wide with a 13-foot 6-inch vertical clearance designed to support the imposed loads of fire apparatus in accordance with the 2010 CFC Section 503.1 (dirt or native soil does not meet the minimum standard). Minimum turning radius for fire apparatus is 52 feet (outside) and 32

City of Hemet - Conditions of Approval
CONDITIONAL USE PERMIT NO. 13-003 – MENLO RECYCLING

feet (inside). Fire access is required to within 150 ft of all portions of every building unless otherwise approved by the Fire Marshal.

102. In accordance with the 2010 CFC Section 503.2.5, approved turnarounds are required on any access road in excess of 150 feet in length, per City of Hemet Fire Department Standards.
103. Fire Department access roads shall have an unobstructed minimum width of 26 feet where fire hydrants are located along the access roadway or as otherwise determined by the Fire Marshal in accordance with 2010 CFC Section 503.2.2. & CFC Section D103.
104. Provide secondary access/egress per 2010 CFC Section 503.1.2 as required by the Fire Department. No portion of any public or private street used for fire access shall exceed 12% grade without approval from the Fire Marshal. All cul-de-sacs shall conform to City Standards for length, width and turnaround radius.
105. Prior to the issuance of a Certificate of Occupancy, "No Parking - Fire Lane" signs, red curbing, street signs and other required markings shall be provided to the specifications of the City of Hemet Fire Marshal in accordance with the 2010 CFC Section 503.3 and California Vehicle Code Section 22500.1.
106. Prior to final inspection, addresses shall be provided on all new and existing buildings in accordance with the 2010 CFC Section 505.
107. In accordance with the 2010 CFC Section 503, security gates if installed, shall be installed with approved automatic devices and/or key switches to allow Fire and Police Department access and egress pursuant to the City of Hemet Municipal Code and Fire Department Standards.
108. Install Knox key boxes and/or Knox locks for Fire and/or Police Department access in accordance with 2010 CFC Section 506 and the Hemet Municipal Code.
109. Modify driveway and on-site circulation in order to provide additional access for fire apparatus pursuant to 2010 CFC Section 503 (contact the Fire Marshal for specifics). Minimum turning radius for fire apparatus is 52 feet (outside) and 32 feet (inside). Fire access turn-around areas must be clear from obstructions including outside storage, trash enclosures and parked vehicles.
110. A fence enclosure, if installed, shall lead to a safe dispersal area 50-feet from buildings or shall have gates which comply with 2010 CFC Section 1008 which lead to a public way.

Miscellaneous

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

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

112. Portable fire extinguishers shall be installed in each model home and sales office. The type and spacing shall be set by the City of Hemet Fire Marshal in accordance with 2010 CFC Section 906.
113. An annual permit and a "Hazardous Materials Management Plan" (HMMP) will be required pursuant to 2010 CFC Section 2701. This facility shall be subject to the standards of NFPA 704 or some other means of identifying hazardous materials for emergency responders as approved by the Fire Marshal.
114. Prior to the issuance of a Certificate of Occupancy, an electronic version of the final tract map or site plan shall be submitted for fire suppression use. The scale shall be such that the site plan shall be clearly legible, showing all streets, the building footprints and addresses, fire hydrant locations, Knox box locations (if applicable), and access driveways. The format shall be compatible with the latest version of "AutoCAD" or equivalent.
115. No change in use or occupancy shall be made to any existing building or structure unless the means of egress system is made to comply with the requirements for the new use or occupancy in accordance with 2010 CFC Chapter 10.
116. Fire safety during construction and demolition shall comply with 2010 CFC Chapter 14.
117. Access during construction: Access for fire fighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'-6". Fire department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs. Access shall be provided to within 150 feet of combustible construction pursuant to 2010 CFC Chapter 14.
118. Trash containers with an individual capacity of 1.5 cubic yards or greater shall not be stored in buildings or within 5 feet of combustible walls, openings, eaves, etc. unless protected by an approved means (automatic fire sprinkler system and/or an approved 4-hour fire separation).

POLICE DEPARTMENT CONDITIONS

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

City of Hemet - Conditions of Approval
CONDITIONAL USE PERMIT NO. 13-003 – MENLO RECYCLING

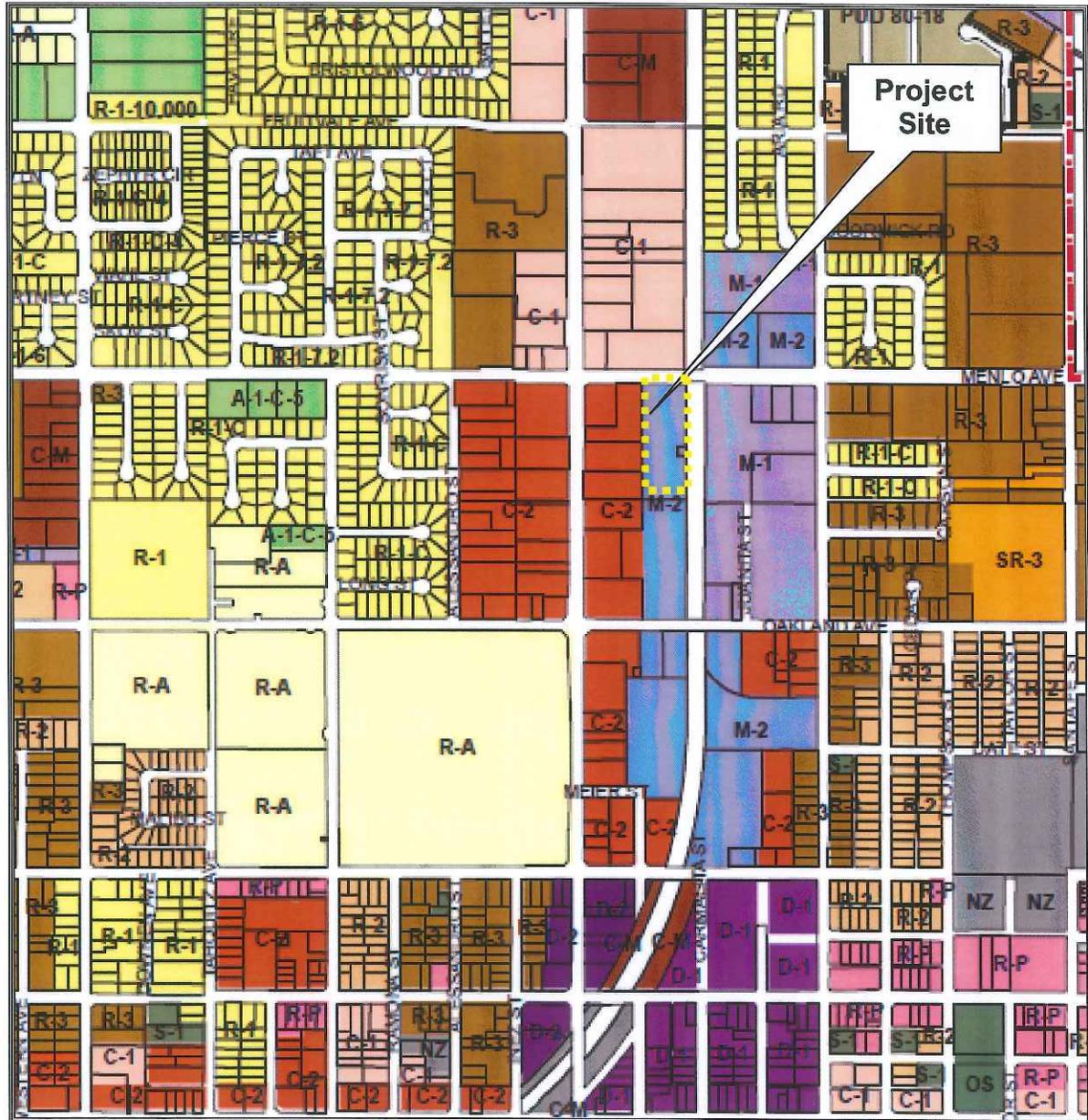
119. A color video camera system shall be installed which, at a minimum, records the rear parking area to digital or other media with retention of the video data for not less than 14 days. Camera shall be configured in such a way as to be able to identify persons at the entrance during daylight hours, and shall be recording whenever the business is open to the public. Access to recorded video shall be restricted to only authorized personnel, as designated by the applicant. Any recorded video shall be retrievable within 48 hours of a request, as needed for criminal investigations or other official purposes.
120. The placement and number of security cameras shall be determined by the Police Department prior to building permit issuance and installed prior to the certificate of occupancy.

END

Attachment No. 2 Zoning Map

Planning Commission
Meeting of
June 18, 2013

CONDITIONAL USE PERMIT NO. 13-003 AERIAL MAP

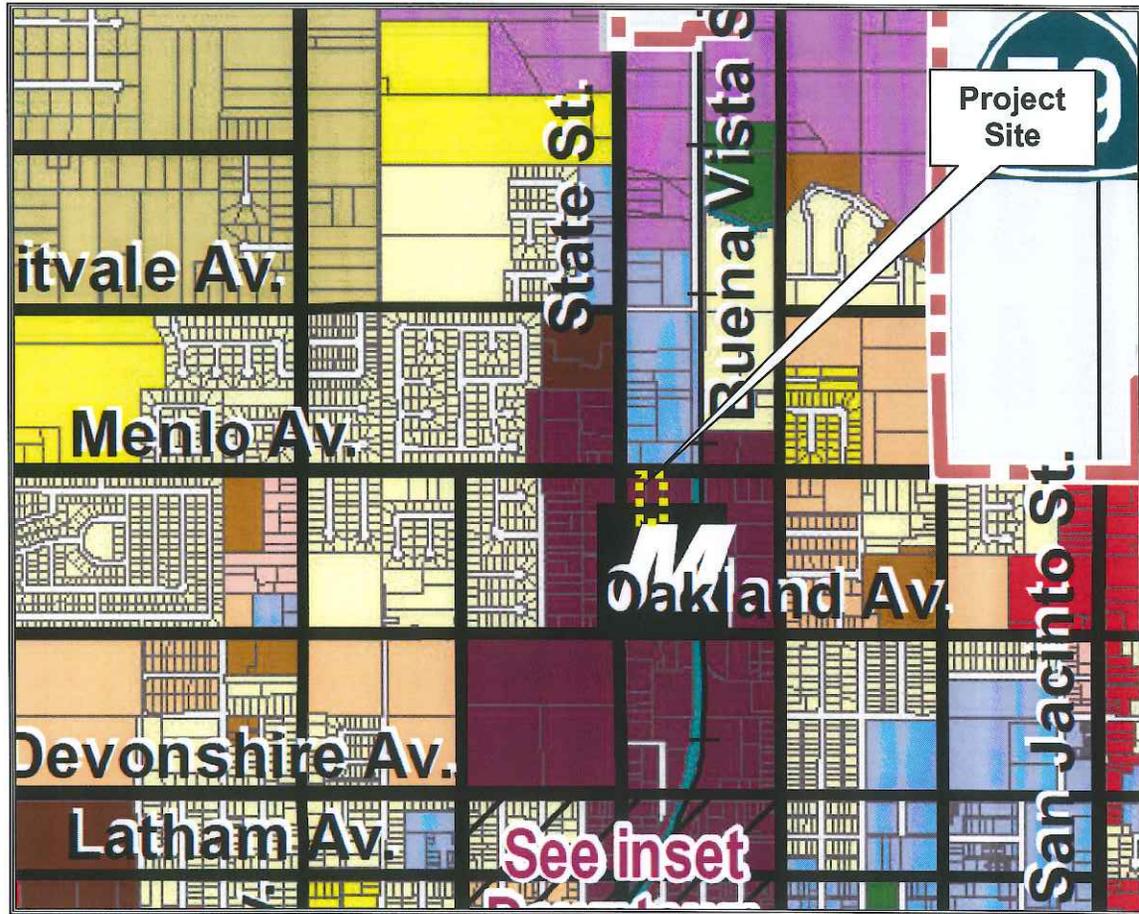


Attachment No. 3

Land Use Designation
Map

Planning Commission
Meeting of
June 18, 2013

**CONDITIONAL USE PERMIT NO. 13-003
LAND USE DESIGNATION MAP**



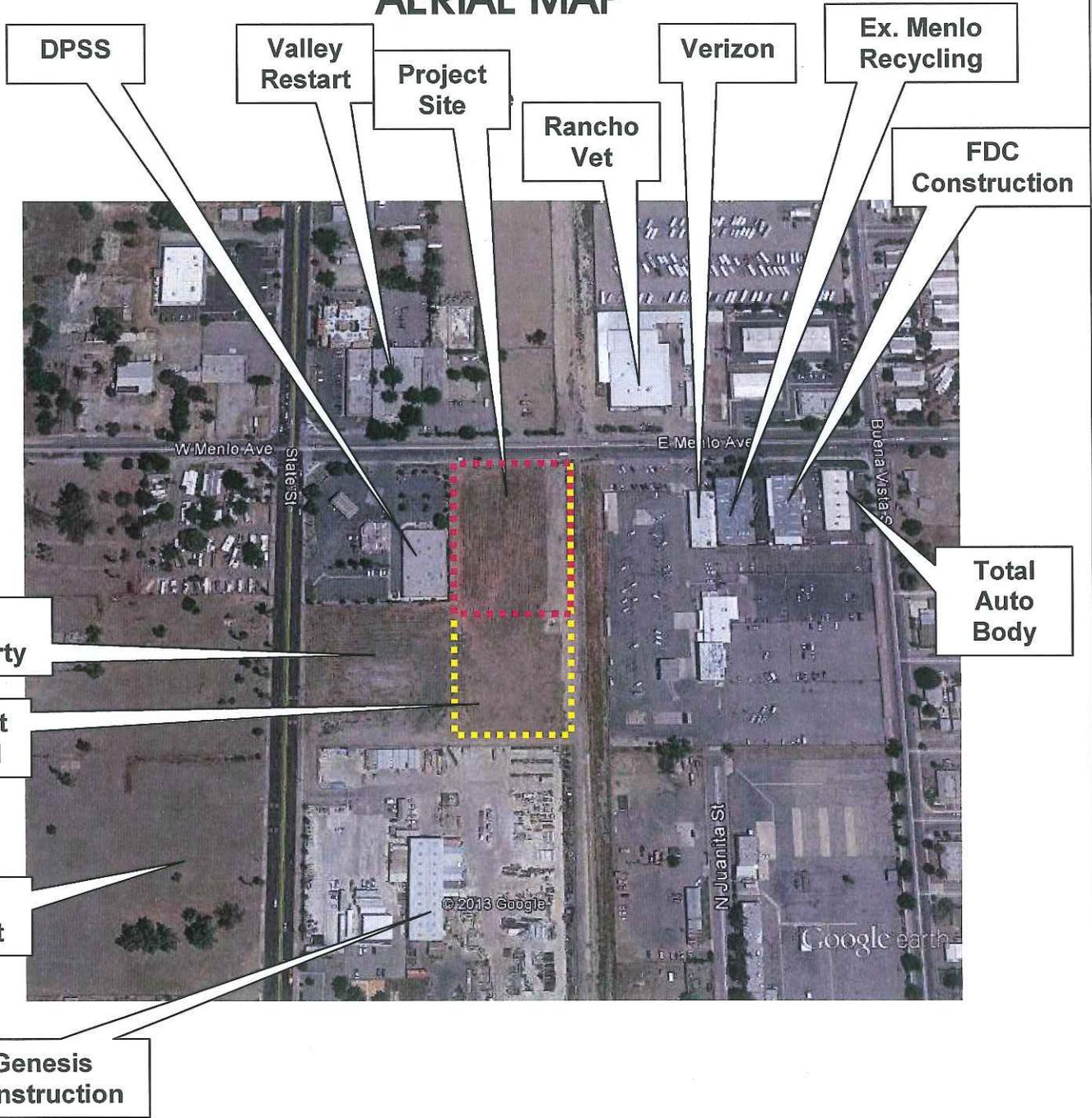
Attachment No. 4

Aerial Map

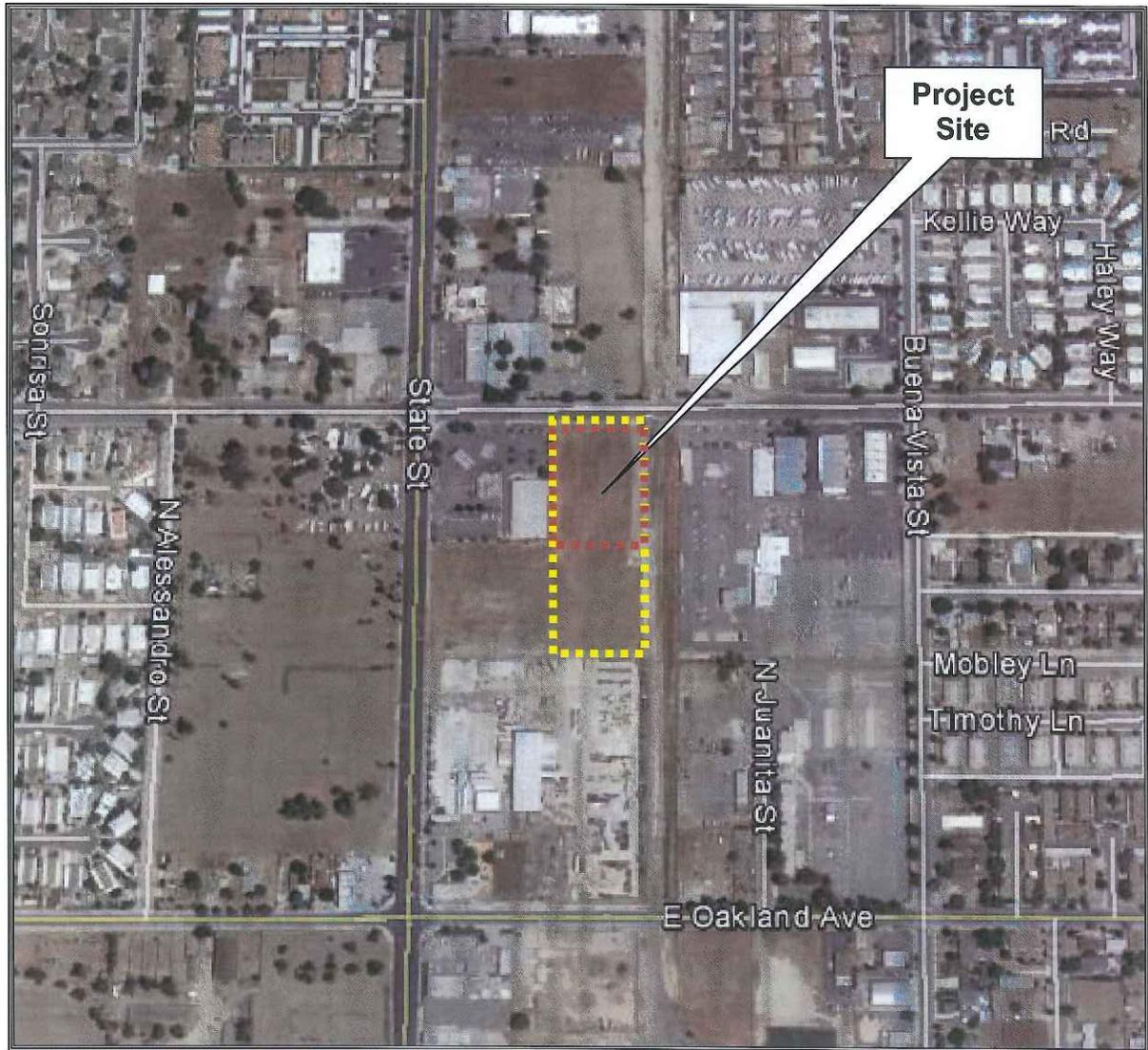
Planning Commission
Meeting of
June 18, 2013

CONDITIONAL USE PERMIT NO. 13-003

AERIAL MAP



CONDITIONAL USE PERMIT NO. 13-003 AERIAL MAP



Attachment No. 5

Photographs of Site

Planning Commission
Meeting of
June 18, 2013

Conditional Use Permit No. 13-003 Site Photographs



Looking south from Menlo Avenue



Looking west from the eastern edge of the property



Looking southwest across the property



Looking southeast across the property



Looking east from the northern property line



Looking south from Menlo Avenue

Attachment No. 6

Photographs of Existing Site
and Surrounding Area

Planning Commission
Meeting of
June 18, 2013

Conditional Use Permit No. 13-003 Existing & Surrounding Area Photographs



Looking west from the eastern edge of the property



Looking south from Menlo Avenue



FDC Construction located adjacent to the existing facility



Verizon facility that is located on the west side of the existing facility and on the east side of the proposed facility



Total Auto Body and Frame located on Menlo Avenue east of the project site



Rancho Vet Tack and Supply located on the north side of Menlo Avenue



Building located on the south side of Menlo Avenue



Accessory building located on the south side of Menlo Avenue

Attachment No. 7

Statement of Operations

Planning Commission
Meeting of
June 18, 2013

MENLO RECYCLE CENTER
445 E. MENLO, HEMET, CA 92543
TEL 951.766.8520 FAX 951.796.8691

April 15, 2013

RE: Statement of Operation for
Menlo Recycle Center
445 E. Menlo CA 92543

City of Hemet - Planning
RECEIVED

MAY - 9 2013

PROJECT NO.(S)

To Whom It May Concern:

CUP13-003

I Dong Van Ngo have owned and operated Menlo Recycle Center since October 2008.
We have since grown to two other location one at 151 W. Seventh St, Perris Ca 92570 and the other
22405 Golden Crest Dr BLD A, Moreno Valley, CA 92553.

We are strictly a State of California approved recycle redemption center for paper, glass, plastic, and
metal.

We do not accept any liquids or hazardous Materials

Our business serves San Jacinto and Hemet since 2008.

We have enjoyed growing our business here in Hemet.

With California AB 341 looking at a goal of not less then 75% of their solid waste be sourced
reduced ,recycled , or compacted by 2020. I see this as a continued growth towards the green
movement.

With the City of Hemet's solid base and future growth towards more recycle needs we
have chosen to make a permanent commitment here by building a facility for our recycle center.

Our projected flow is as follows:

Retail/Public

Customers will enter through entrance located at North of lot along Menlo Avenue and park along
designated areas outside of building.

Customers will then retrieve wheeled receptacles baskets to load there recycled items.

Customers will then bring their receptacles in to building

Employees then weigh each receptacle and note contents and hand Customer showing content and weight of receptacle.

Employees check proper ID's and check for any items on watch list. Ie: back flow meter, fire hydrants.

Customer is then paid for their recycled product.

Customer then exit building and leaves through entrance along side mark as Exit.

Customer are not allowed to bring shopping cart onto the premises.

Storage & Removal of Recycled Goods

Employees then take recycled items and place them into their designated container provided by Main Street Fiber out of Ontario who does final recycle processing.

Main Street Fibers

Address: 608 E Main St, Ontario, CA 91761

Phone: (909) 986-6310

Aluminum and plastic bottles are crushed and bailed using tow pieces of equipment

1. McClain / Model E-11
2. General Hydraulics Model 314-60R-17.

Many containers will be stored inside the building.

Bulk metal will be stored in larger containers located to along south side of building.

4 larger 15 foot containers provided by by Main Street Fibers will outside located along South end of building.

Twice a day or more as needed an employee will police area for loose paper, trash, or plastic items left in parking area.

Once a week Main Street Fibers will send out a truck which will enter through entrance and proceed to south area of building. The full containers are picked up replaced with empty containers.

In that the truck will be able proceed directly to rear of building this will not impede customer parking nor cause any delays when exiting premises.

We are presently licensed by the following:

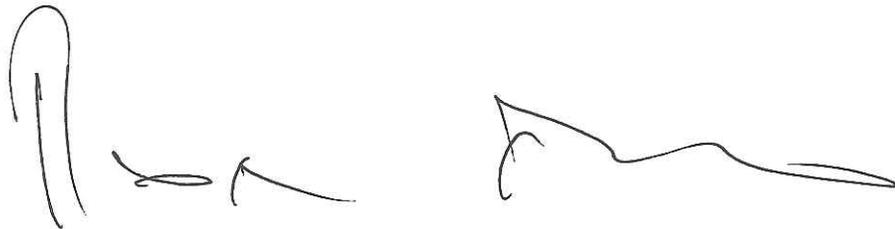
State of California Department of Conservation
Division of Recycling – Participant Management Branch

State of California Department of Food and Agriculture
Division of Measurement Standards

City of Hemet

We look forward to opening our new Recycle Center which will be one the best and newest facilities in Riverside County.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a series of connected loops and a long horizontal stroke ending in a small hook.

Dong Van NGO

Attachment No. 8

Email from Liping Shi dated
June 11, 2013

Planning Commission
Meeting of
June 18, 2013

Carole Kendrick - Re: Menlo Recycling

From: liping shi <lipings2000@yahoo.com>
To: Carole Kendrick <CKendrick@cityofhemet.org>
Date: 6/11/2013 12:03 PM
Subject: Re: Menlo Recycling

Good Morning,

Thank you for the the heads up on the matter. If you can, please help me present my case to the hearing:

Greetings to the planning commission:

This is the property owner of # 443-060-011,012. I purchased my property for \$600,000. After reading the notification for conditional use permit NO.13-003, I would have to strongly oppose the construction of anrecycling center near my property. Doing so will most definitely lead to pollution of different kinds including noise and possibly air which will affect future business plans that I have for my property. I plan to construct a shopping plaza at the location and having a recycling center next to it will definitely affect business.

Sincerely,
Liping Shi
yong qiu

From: Carole Kendrick <CKendrick@cityofhemet.org>
To: lipings2000@yahoo.com
Sent: Tuesday, June 11, 2013 8:24 AM
Subject: Menlo Recycling

Good Morning,

I have attached a site plan and marked where your property is in relation to the project. As I stated on the phone - only 15 feet of landscaping will be adjacent to the rear of your property.

If you have any additional questions, please let me know.

Thank you,



Staff Report

TO: Honorable Chairman and Members of the Planning Commission

FROM: Deanna Elliano, Community Development Director *T&E*
 Emery J. Papp, Principal Planner *EP*

DATE: June 18, 2013

RE: **ZONING ORDINANCE AMENDMENT (ZOA) NO. 13-005 (Big Box Retail Conversion)**

APPLICANT: City of Hemet
LOCATION: City-wide
PLANNER: Emery J. Papp, Principal Planner
DESCRIPTION: A request for Planning Commission review and recommendation to the City Council regarding a Zoning Ordinance Amendment to modify Chapter 90, amending Article XXVI of the Hemet Municipal Code, adding regulations for the conversion of large retail commercial buildings to other uses, with related modifications to Section 90-892 Permitted Uses and Section 90-897, Special Development Requirements for commercial zones.

STAFF RECOMMENDATION:

That the Planning Commission Adopt Planning Commission Resolution Bill No.13-013, APPROVING Zoning Ordinance Amendment No. 13-005, and entitled as follows:

"A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ZONING ORDINANCE AMENDMENT NO. 13-005, AN ORDINANCE AMENDING ARTICLE XXVI "SPECIAL DEVELOPMENT REQUIREMENTS" FOR COMMERCIAL ZONES OF CHAPTER 90 OF THE HEMET MUNICIPAL CODE.

BACKGROUND:

Over the past few years, there has been development interest in the City to convert several existing, vacant, Large Retail Commercial Buildings (LRCB) to non-retail uses such as social services, medical services and offices, religious institutions, or other similar uses that do not typically generate sales tax revenues for the City. Converting such buildings to non-retail uses would permanently diminish potential for revenue generated by sales tax. Moreover, current zoning regulations do not require comprehensive review or approval for the proposed conversion of a large retail commercial building other than a building permit for tenant improvements. Approval of building permits is a ministerial action requiring only staff level review, and is exempt from review under the California Environmental Quality Act (CEQA).

Recognizing the potential for incompatible land uses and environmental impacts caused by the unregulated conversion of large retail commercial buildings, the Hemet City Council imposed a temporary moratorium on such conversions. On August 9, 2011, the City Council adopted Ordinance No. 1838 establishing an

interim urgency ordinance requiring approval of a Conditional Use Permit (CUP) for the conversion of large retail commercial buildings for a period of forty-five days. Pursuant to California Government Code, the City Council extended Ordinance 1838 for a period of ten (10) months and fifteen (15) days on September 13, 2011 when it adopted Ordinance No. 1840. Ordinance No. 1840 was originally set to expire on August 5, 2012.

The Government Code allowed the City Council one final extension to the interim urgency ordinance prohibiting the conversion of large retail commercial buildings for a period of one year. On July 10, 2012, the City Council adopted a final extension of the interim Urgency Ordinance when it adopted Ordinance No. 1854, which became effective on August 4, 2012. As a result, the final one year extension of Ordinance No. 1831 will remain in effect until August 4, 2013. If recommended for adoption by the Planning Commission, the draft Ordinance proposed under ZOA 13-005 will be considered by the City Council on July 9, 2013, and thus be in effect prior to the expiration of the urgency ordinance.

PROPOSED ORDINANCE DESCRIPTION:

The proposed Ordinance will adopt the provisions recommended in the previously adopted interim urgency Ordinance 1838, which was adopted by the City Council on August 9, 2011. In addition, the new Ordinance requires a Conditional Use Permit for the conversion of large retail commercial buildings and establishes findings that must be made by the Planning Commission in support of the conversion. The text of the proposed Ordinance is included as Attachment No. 1A to this staff report.

The proposed ordinance accomplishes the following:

1. Identifies the type of buildings subject to the requirements for conversion of large retail commercial buildings to non-retail uses.
2. Sets forth the following definitions:
 - a. "Major Retail Commercial Use" shall mean the retail selling (or membership wholesale selling) of new goods and merchandise for consumption by the general public within a regional or sub-regional marketing base including, without limitation: department stores, apparel, electronics, appliances, home goods, home improvement, furniture, office supply, supermarkets, sporting goods, bookstores, factory outlets, and other general retail or membership stores.
 - b. "Large Retail Commercial Building (LRCB)" shall mean an existing building in the C-1, C-2, C-M, SP, or PCD zones that has a gross floor area of 30,000 square feet or more, and that is currently being used for a Major Retail Commercial Use or is currently vacant.
 - c. "LRCB Inventory and Retail Use Analysis" shall mean an inventory of existing and approved large retail commercial buildings within the City and an analysis of whether conversion of the large retail commercial building would create a detrimental decrease in the supply of large retail commercial buildings and the resultant fiscal effect, if any.

- Requires a Conditional Use Permit (CUP) for the conversion of large retail commercial buildings as shown in the following Table:

	R-P	O-P	C-1	C-2	C-M
Conversion of Large Retail Commercial Building (subject to requirements of Section 90-897(d) et seq.)	X	X	C	C	C

- Sets forth specific Findings for the granting of a CUP for the conversion of a large retail commercial building. The findings can be found in Section 90.897(d)(4) of Attachment No. 1A.
- Specifies the submittal requirements and provides the Community Development Director with the authority to request additional information necessary to make an informed decision regarding conversion of large retail commercial buildings.

Staff recommends adoption of the proposed Ordinance to ensure the safety and quality of life for Hemet's citizens as it relates to the conversion of large retail commercial buildings. Implementation of the Ordinance will establish a process for the conversion of large retail commercial buildings subject to the CUP application process and review by the Planning Commission.

COORDINATION AND PUBLIC REVIEW:

On June 6, 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 ordinance would be considered. The text of the proposed ordinance was developed by Planning Division staff based on the Interim Urgency Ordinance prepared by the City Attorney's office.

At the time this staff report was prepared, no public comments on the draft ordinance had been received.

CONSISTENCY WITH ADOPTED GOALS, PLANS, AND PROGRAMS:

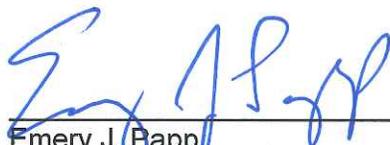
The proposed ordinance is in conformance with the adopted 2030 General Plan for the City, in that adopting development regulations for the conversion of large retail commercial buildings does not conflict with any allowable uses in the Land Use Element and does not conflict with any policies or programs in any other element of the General Plan. This Ordinance is in conformance with several fundamental objectives of the City's General Plan, including:

- Policy LU-4.3 – Infill Development and Re-Use** *“Actively promote the adaptive re-use and infill of economically underutilized, obsolete, and dilapidated commercial and industrial sites, and foster rehabilitation consistent with surrounding uses and needs of the community.”*
- Policy LU-8.1 – Desirable Commercial Uses** *“Promote and recruit desirable commercial and office uses within the Florida Avenue corridor that serve a citywide or regional customer base.”*
- Policy LU-15.1 – Balance of Land Uses** *“Through the General Plan Land Use and Zoning Maps, establish a balance of land use opportunities for jobs, housing, and services, within the community that help achieve the mobility, access, open space, and air quality goals and polices of the City.”*

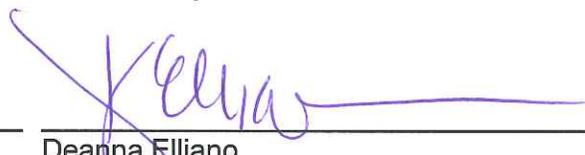
CEQA REVIEW AND COMPLIANCE:

The City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Whereas here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The addition of this section to Chapter 90 only relates to regulations for the conversion of large retail commercial buildings to non-retail uses. 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:


Emery J. Papp
Principal Planner

Reviewed by:


Deanna Elliano
Community Development Director

ATTACHMENTS:

1. Planning Commission Resolution Bill No. 13-013
Exhibit 1A – Proposed City Council Ordinance Bill No. 13-027

**Attachment
No. 1
PC Resolution No.
13-013**

**Planning Commission
Public Meeting of
June 18, 2013**



CITY OF HEMET
Hemet, California

PLANNING COMMISSION
RESOLUTION BILL NO. 13-013

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ZONING ORDINANCE AMENDMENT NO. 13-005, AN ORDINANCE AMENDING ARTICLE XXVI "SPECIAL DEVELOPMENT REQUIREMENTS" FOR COMMERCIAL ZONES OF CHAPTER 90 OF THE HEMET MUNICIPAL CODE.

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

WHEREAS, on June 6, 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 ordinances would be considered; and

WHEREAS, on June 18, 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 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:

Planning Commission Resolution Bill No. 13-013
ZONING ORDINANCE AMENDMENT NO. 13-005
Conversion of Large Retail Commercial Buildings

1 **SECTION 1: ENVIRONMENTAL FINDINGS**

2
3 The Planning Commission, in light of the whole record before it, including but not limited
4 to, the City's Local CEQA Guidelines and Thresholds of Significance, the direction of
5 the Planning Commission at its meeting on June 18, 2013 and documents incorporated
6 therein by reference, and any other evidence (within the meaning of Public Resources
7 Code Sections 21080(e) and 21082.2) within the record or provided at the public
8 hearing of this matter, hereby finds and determines as follows:

9 1. **CEQA:** The City has analyzed this proposed project and has determined that it is
10 exempt from the California Environmental Quality Act ("CEQA") under section
11 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects
12 that have the potential for causing a significant effect on the environment. Where as
13 here, it can be seen with certainty that there is no possibility that the activity in question
14 may have a significant effect on the environment, the activity is not subject to CEQA.
15 The addition of this section to Chapter 90 only relates to regulations for the conversion
16 of large retail commercial buildings. It does not relate to any physical project and will
17 not result in any physical change to the environment. Therefore, it can be seen with
18 certainty that there is no possibility that this Ordinance may have a significant adverse
19 effect on the environment, and therefore the adoption of this Ordinance is exempt from
20 CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

21
22 **SECTION 2: ZONING ORDINANCE AMENDMENT FINDINGS**

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

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

27
28 The proposed zoning ordinance amendment is in conformance with the latest
29 adopted general plan for the City in that adopting regulations and provisions for the
30 conversion of large retail commercial buildings does not conflict with any allowable
31 uses in the land use element and does not conflict with any policies or programs in
32 any other element of the general plan. This Ordinance is in conformance with
33 several fundamental objectives of the City's General Plan, including:

34
35 1. **Policy LU-4.3 – Infill Development and Re-Use** *“Actively promote the adaptive re-use*
36 *and infill of economically underutilized, obsolete, and dilapidated commercial and*
37 *industrial sites, and foster rehabilitation consistent with surrounding uses and needs of*
38 *the community.”*

39
40 2. **Policy LU-8.1 – Desirable Commercial Uses** *“Promote and recruit desirable*
41 *commercial and office uses within the Florida Avenue corridor that serve a citywide or*
42 *regional customer base.”*

Planning Commission Resolution Bill No. 13-013
ZONING ORDINANCE AMENDMENT NO. 13-005
Conversion of Large Retail Commercial Buildings

1 3. Policy LU-15.1 – Balance of Land Uses “Through the General Plan Land Use and
2 Zoning Maps, establish a balance of land use opportunities for jobs, housing, and
3 services, within the community that help achieve the mobility, access, open space, and
4 air quality goals and polices of the City.”

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

6 The Zoning Ordinance Amendment protects the public health, safety and general
7 welfare of the City and its residents by requiring a detailed review of the proposal by
8 the Planning Commission in considering the conversion of large retail commercial
9 buildings subject to the Conditional Use Permit process.

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

12
13 The Planning Commission hereby takes the following actions:

14 1. The Planning Commission approves Resolution Bill No. 13-013 recommending
15 that the City Council adopt the proposed Ordinance which is attached hereto and
16 incorporated herein by reference as Exhibit “A.”
17

18
19 **PASSED, APPROVED AND ADOPTED** this 18th day of June, 2013, by the
20 following vote:

- 21
22 **AYES:**
23 **NOES:**
24 **ABSTAIN:**
25 **ABSENT:**
26
27
28
29

30 _____
31 John Gifford, Chairman
32 Hemet Planning Commission

33
34
35
36
37 ATTEST:

Nancie Shaw, Records Secretary
Hemet Planning Commission

Attachment

No. 1A

City Council Ordinance

Bill No. 13-027

Planning Commission

Public Meeting of

June 18, 2013



CITY OF HEMET
Hemet, California

ORDINANCE BILL NO. 13-027

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET ADOPTING ZONING ORDINANCE AMENDMENT NO. 13-005, AN ORDINANCE AMENDING ARTICLE XXVI, SECTION 90-892 "PERMITTED USES," AND SECTION 90-897 "SPECIAL DEVELOPMENT REQUIREMENTS" FOR COMMERCIAL ZONES OF CHAPTER 90 OF THE HEMET MUNICIPAL CODE, AND ADOPTING RESTRICTIONS ON AND PROCEDURES FOR THE CONVERSION OF LARGE RETAIL COMMERCIAL BUILDINGS TO OTHER USES.

WHEREAS, the City has seen interest in the conversion of several Large Retail Commercial Buildings or "LRCBs" within the City to non-retail uses, such as social services, medical services and offices; and,

WHEREAS, under the City's existing zoning ordinance, a large retail commercial building may be converted to a non-retail use without any City review or approval process and without compliance with the California Environmental Quality Act ("CEQA"); and,

WHEREAS, the City has a legitimate interest in maintaining an appropriate balance of land uses within the City, and the City desires to ensure that there is an appropriate balance of retail and non-retail uses within the City; and,

WHEREAS, on August 9, 2011, the City Council of the City of Hemet adopted Ordinance 1838, an interim urgency ordinance adopting restrictions on and procedures

1 for the conversion of large retail commercial buildings to other uses for a period of forty-
2 five (45) days; and,

3 **WHEREAS**, Government Code Section 65858(a) authorized the City Council to
4 continue the effect of Ordinance 1838 for a period of ten (10) months and fifteen (15)
5 days; and,

6 **WHEREAS**, at a duly noticed public hearing on September 13, 2011, the City
7 Council adopted Ordinance 1840, which continued the effect of Ordinance 1838 for a
8 period of ten (10) months and fifteen (15) days; and,

9
10 **WHEREAS**, at a duly noticed public hearing on July 10, 2012, the City Council
11 adopted Ordinance 1854, which continued the effect of Ordinance 1838 for a final one-
12 year extension, setting an expiration date of August 4, 2013; and,

13 **WHEREAS**, this new Ordinance will permanently adopt provisions to ensure that
14 the conversion of large retail commercial buildings to non-retail uses will occur only as
15 part of a City review and approval process that requires an analysis of whether a
16 proposed conversion of a large retail commercial building to a non-retail use would
17 detrimentally impact the City's appropriate supply of large retail commercial buildings
18 and the appropriate balance of retail to non-retail uses.

19
20 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HEMET DOES**
21 **HEREBY ORDAIN AS FOLLOWS:**

22 **SECTION 1. Findings.**

23 The City Council hereby makes the following findings:

- 24 1. The foregoing recitals are true and correct and are hereby adopted as
25 findings of the City Council.
26
27

1 2. The City has recently experienced significant interest by property owners
2 and developers in the conversion of large retail commercial buildings to non-retail uses.
3 Such a conversion could have occurred without any City review or approval or without
4 any CEQA review.
5

6 3. Allowing the existing inventory of large retail commercial buildings to be
7 converted to non-retail uses may create a scarcity of large retail commercial buildings
8 suitable and available for the needs of Major Retail Commercial Uses. This, in turn,
9 may result in Major Retail Commercial Uses required to service the City's population to
10 locate to other communities, thereby forcing the City's population to drive outside of the
11 City for necessary or desirable retail services. An increase in vehicle trips in and out of
12 the valley may create additional greenhouse gases, traffic, and deterioration of local
13 roadway systems. An imbalance in these uses may also lead to urban blight in the form
14 of underutilized properties, high commercial vacancy rates, and depressed rental rates.
15
16

17 4. The City has a legitimate interest in maintaining an appropriate balance of
18 retail and non-retail uses within the City to avoid such potentially negative impacts and to
19 ensure adequate facilities able to accommodate necessary and desired Major Retail
20 Commercial Uses for its population. Allowing the conversion of a large retail commercial
21 building without adequate City land use and CEQA review and approval may materially
22 impair the City's ability to maintain an appropriate balance of retail and non-retail uses
23 suitable to serve the needs of the City's population.
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1 5. Allowing the conversion of large retail commercial buildings without any
2 City land use and CEQA review and approval may negatively impact the properties
3 surrounding the large retail commercial building by changing the character of the
4 surrounding area.
5

6 6. The City has analyzed the Ordinance and has determined that it is exempt from
7 CEQA under section 15061(b)(3) of the CEQA Guidelines (the "general rule" exception)
8 which provides that CEQA only applies to projects that have the potential for causing a
9 significant effect on the environment. A "significant effect on the environment" is a
10 substantial or potentially substantial adverse change in the environment. (CEQA
11 Guidelines section 15382). Where, as here, it can be seen with certainty that there is no
12 possibility that the activity in question may have a significant adverse effect on the
13 environment, the activity is not subject to CEQA. This Ordinance does not relate to any
14 one physical project and will not result in any physical change to the environment. Each
15 application that is received will undergo separate CEQA review prior to approval. This
16 Ordinance will not result in a physical change to the environment because it does not
17 authorize any project or development . This Ordinance does not change land uses.
18 Rather, it establishes a new application and review process to convert LRCBs to other
19 uses so that the City can identify potential impacts.
20
21

22
23 **SECTION 2. Amendment of Article XXVI.**

24 Amendments to Article XXVI, Section 90-897 Special Development
25 Requirements, and Section 90-892 Permitted Uses are to be amended as shown
26 in Exhibit "A" and Exhibit "B" respectively, attached hereto.
27

1 **SECTION 3. ENVIRONMENTAL REVIEW.**

2 This Ordinance is exempt from review under the California Environmental Quality
3 Act (CEQA) under section 15061(b)(3) of the CEQA Guidelines (the “general rule”
4 exception) which provides that CEQA only applies to projects that have the potential for
5 causing a significant effect on the environment. A “significant effect on the environment”
6 is a substantial or potentially substantial adverse change in the environment. (CEQA
7 Guidelines section 15382). Where, as here, it can be seen with certainty that there is no
8 possibility that the activity in question may have a significant adverse effect on the
9 environment, the activity is not subject to CEQA. This Ordinance does not relate to any
10 one physical project and will not result in any physical change to the environment. Each
11 application that is received will undergo CEQA review prior to approval. This Ordinance
12 will not result in a physical change to the environment because it does not authorize any
13 project or development. This Ordinance does not change land uses. Rather, it
14 establishes a new application and review process to convert large retail commercial
15 buildings to other uses so that the City can identify potential impacts.

16 **SECTION 4. SEVERABILITY.**

17 If any section, subsection, subdivision, sentence, clause, phrase, or portion of this
18 Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any
19 court of competent jurisdiction, such decision shall not affect the validity of the remaining
20 portions of this Ordinance. The City Council hereby declares that it would have adopted
21 this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or
22 portion thereof, irrespective of the fact that any one or more sections, subsections,
23 subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or
24 unconstitutional.

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SECTION 5. EFFECTIVE DATE AND DURATION.

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

SECTION 6. PUBLICATION.

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

INTRODUCED at the regular meeting of Hemet City Council on July __, 2013.

APPROVED AND ADOPTED this ___ day of July 2013.

Robert Youssef, Mayor

ATTEST:

APPROVED AS TO FORM:

Sarah McComas, City Clerk

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 at the regular meeting of the Hemet City Council on the ___ day of July, 2013, and had its second reading at the regular meeting of the Hemet City Council on the ___ day of July, 2013, and was passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sarah McComas, City Clerk

CITY OF HEMET ORDINANCE BILL NO. 13-027

ZOA 13-027

- 1 -

Exhibit “A”

Updated City Ordinance
Bill No. 13-027
Section No. 90-897(d)

Planning Commission
Public Meeting of
June 18, 2013

EXHIBIT "A"

ARTICLE XXVI. – COMMERCIAL ZONES

Sec. 90.897.(d) Conversion of Large Retail Commercial Buildings.

- (1) Applicability. This Section shall only apply to Large Retail Commercial Buildings ("LRCBs"). This Section shall not apply to large retail commercial buildings that, as of the effective date of this Ordinance, are already being used for a use other than a Major Retail Commercial Use (as defined in paragraph B below), including without limitation, offices, manufacturing, or warehouses.
- (2) Definitions. As used in this Section, the following terms shall have the following meanings:
 - a. "Major Retail Commercial Use" means the retail selling (or membership wholesale selling) of new goods and merchandise for consumption by the general public within a regional or sub-regional marketing base including, without limitation: department stores, apparel, electronics, appliances, home goods, home improvement, furniture, office supply, supermarkets, sporting goods, bookstores, factory outlets, and other general retail or membership stores.
 - b. "Large Retail Commercial Building" or "LRCB" means an existing building in the C-1, C-2, C-M, SP, or PCD zones that has a gross floor area of 30,000 square feet or more, and that is currently being used for a Major Retail Commercial Use or is currently vacant.
 - c. "LRCB Inventory and Retail Use Analysis" means an inventory of existing and approved large retail commercial buildings within the City and an analysis of whether conversion of the large retail commercial building would create a detrimental decrease in the supply of large retail commercial buildings and the resultant fiscal effect, if any.
- (3) Permit Required. Notwithstanding any other provisions of Chapter 90 of the Hemet Municipal Code, any person seeking to convert a large retail commercial building to any use other than a Major Retail Commercial Use must apply for and obtain a Conditional Use Permit pursuant to Article XLIV of Chapter 90 of the Hemet Municipal Code prior to making any modifications to the large retail commercial building and/or occupancy of the large retail commercial building. All of the procedures contained in Article XLIV shall apply to Conditional Use Permits applied for or obtained pursuant to this Section.

- (4) Findings. In addition to the findings required to grant a Conditional Use Permit contained in Section 90-1537(c) of the Hemet Municipal Code, the Planning Commission must also find that:
- a. The conversion will not create or contribute to a shortage of large retail commercial buildings within the City available for Major Retail Commercial Uses relative to the demand for such uses as exists on of the date that the conversion application is deemed complete by the City.
 - b. The conversion will not detrimentally alter the character of the area surrounding the large retail commercial building.
 - c. The conversion of the large retail commercial building contributes to the logical development of the site and surrounding area, provides needed infill development, and is compatible with the goals, policies and land uses contemplated in the General Plan, and is consistent with all zoning and building code requirements for the proposed use.
 - d. The issuance of the Conditional Use Permit complies with CEQA, including the preparation of an appropriate environmental document if required.
- (5) Required Submittals. In addition to the information required to be submitted by Section 90-1532 of the Hemet Municipal Code, an applicant for a Conditional Use Permit governed by this Section shall also prepare and submit an existing LRCB Inventory and Retail Use Analysis and such other information as the Community Development Director may determine is reasonably necessary for the City to make an informed decision on the conversion, including all impacts on the environment.

Exhibit “B”

Updated City Ordinance

Bill No. 13-027

Section No. 90-892

Planning Commission

Public Meeting of

June 18, 2013

EXHIBIT "B"

- A. The following entries shown in **RED** in the land use matrix in Section 90-892 are amended to read as follows.

COMMERCIAL LAND USE MATRIX						
P=Permitted Use A=Administrative Use (AUP) C=Conditionally Permitted Use (CUP)						
X=Not Permitted						
Zone		R-P	O-P	C-1	C-2	C-M
A. Agricultural Uses						
1.	Kennel for dogs and/or cats (in accordance with special regulations listed in section 90-78)					
	a. As an accessory use (indoor)	X	X	P	P	P
	b. As an accessory use (outdoor)	X	X	A	A	A
	c. As a primary use (indoor or outdoor)	X	X	C	C	C
2.	Nursery					
	a. Wholesale	C	C	C	C	C
	b. Retail	P	P	P	P	P
	c. Retail - Indoor only	X	X	X	X	X
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.	Home occupation in an existing single-family home subject to the requirements of section 90-72	P	P	P	P	P
5.	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.	Mixed use, an integrated mix of residential and nonresidential uses on a single site	X	X	C	C	X
7.	Mobile home park, recreational vehicle park, or travel trailer park	X	X	X	X	C
8.	Multiple-family residence subject to the requirements of the R-3 zone development standards	C	X	X	X	X
9.	Rented room, a maximum of one room, within an	P	P	P	P	P

	existing single-family dwelling					
10.	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
C. Commercial Uses						
1.	Adult business as defined in section 90-18 and subject to the requirements of section 90-4.1	X	X	C	C	C
2.	Alcohol Sales pursuant to Section 90-90					
	a. In conjunction with an exempt land use per Section 90-90(e)	P	P	P	P	P
	b. All other on-sale and off-sale alcohol sales	C	C	C	C	C
3.	Arcade, video or internet	X	X	A	A	A
4.	Automotive, motorcycle, and marine vehicle services including, but not limited to, parts and equipment sales (including tires) with or without installation, engine and transmission maintenance and repair, smog certification, and window tinting installation	X	X	X	C	C
5.	Automotive, motorcycle, and marine vehicle body and/or paint shop	X	X	X	C	C
6.	Automotive, motorcycle, and marine vehicle sales					
	a. Without outdoor display	X	X	X	A	A
	b. With outdoor display	X	X	X	C	C
7.	Automotive, motorcycle, and marine vehicle rental					
	a. Without outdoor display	X	X	X	A	A
	b. With outdoor display	X	X	X	C	C
8.	Automotive, motorcycle, and marine vehicle wash facility					
	a. Self service	X	X	X	A	A
	b. Full service	X	X	X	C	C
9.	Bakery, with or without on-site sales	X	X	P	P	P
10.	Bank, savings and loan, credit unions	P	P	P	P	P
11.	Bar, nightclub, and dance hall					
	a. With on-site sale of alcoholic beverages pursuant to Section 90-90	X	X	X	C	C
	b. With on-site live entertainment or dancing	X	X	X	C	C
12.	Barber and/or beauty shop	P	P	P	P	P
13.	Big box retailer, >80,000 sf of gross floor area including outdoor display area	X	X	X	C	C
14.	Boarding house	C	C	X	X	X

15.	Cemetery and/or mortuary					
	a. Cemetery without mortuary or crematorium	C	C	C	C	C
	b. Cemetery with mortuary	C	C	C	C	C
	c. Cemetery with crematorium	X	X	X	C	C
	d. Mortuary without cemetery	X	X	X	C	C
	e. Crematorium without cemetery	X	X	X	C	C
16.	Communication services without assembly or manufacturing	X	X	C	C	C
17.	Conversion of Large Retail Commercial Building subject to Section 90-897(d)	X	X	C	C	C
18.	Drive-through or drive-in facility including, but not limited to, dry cleaners, fast food restaurants, and pharmacies	X	X	C	C	C
19.	Department store	X	X	P	P	P
20.	Equipment rental including, but not limited to, moving and construction vehicles and equipment	X	X	X	C	C
21.	Flower or produce stand					
	a. Permanent	X	X	A	A	A
	b. Nonpermanent as a temporary use subject to section 90-73	X	X	P	P	P
22.	Fortune telling	X	X	C	C	C
23.	Gasoline station including self service or full service facilities					
	a. As a primary use (offered for sale) on the site subject to the regulations listed in section 90-897(b). All vehicle fuel storage tanks shall be underground. Aboveground propane, natural, and other similar fuel gas tanks may be permitted when setback at least 50 feet from the public right-of-way, installed in accordance with the Uniform Fire Code, applicable state and federal laws, and screened in accordance with subsection 90-895(10)	X	X	C	C	C
	b. Gasoline pumps as an accessory use and where fuel is not offered for sale	X	X	A	A	A
	c. Including Mini-Mart with or without alcohol sales pursuant to Section 90-90	X	C	C	C	C
24.	Graphics production	P	P	P	P	P
25.	Grocery stores and bulk food outlets	X	A	A	A	A
26.	Hookah or Smoking Lounge	X	X	X	X	X
27.	Hotel or motel	C	C	C	C	C
28.	Liquor or Convenience Store pursuant to Section 90-90	X	X	X	C	C

29.	Manufactured home sales with and without on-site display of models and inventory	X	X	X	C	C
30.	Medical and/or dental laboratory	A	A	A	A	A
31.	Medical urgent care facilities					
	a. Open within the hours of 7:00 a.m. to 9:00 p.m.	P	P	P	P	P
	b. Open outside the hours of 7:00 a.m. to 9:00 p.m.	X	C	C	C	C
32.	Mobile use including, but not limited to, car washing, book and/or video rental, blood bank, MRI					
	a. <15 days in a 90-day period (subject to a temporary use permit: see section 90-73)	P	P	P	X	X
	b. >15 days in a 90-day period	C	C	C	C	C
33.	Newspaper printing	X	X	X	C	C
34.	Offices					
	a. General including, but not limited to, accounting, appraising, architects, consulting, research, insurance, legal, stockbrokerage, real estate	P	P	P	P	P
	b. Medical, dental, and optometry	P	P	P	P	P
	c. Counseling	X	P	P	P	P
35.	Parking lot - commercial	A	A	A	A	A
36.	Pharmacy					
	a. Without alcohol sales	P	P	P	P	P
	b. With alcohol sales pursuant to Section 90-90	C	C	C	C	C
37.	Photographic studio					
	a. Excluding film processing, supplies, and retail sales.	P	P	P	P	P
	b. With film processing, supplies, and retail sales.	X	X	P	P	P
38.	Radio station, AM and/or FM (without antennae)	X	X	X	C	C
39.	Recording studio	X	C	X	C	C
40.	Recycling facility					
	a. Non-permanent collection center as a temporary use subject to the requirements of section 90-73	P	P	P	P	P
	b. Permanent collection center	C	C	C	C	C
	c. Processing center	X	X	X	X	C
41.	Restaurant (not including bars and nightclubs)					
	a. Without b., c., d. or e.	X	P	P	P	P
	b. With on-site sale of alcoholic beverages	X	C	P	P	P

	c. With dancing and/or live entertainment	X	C	C	C	C
	d. With drive-through or drive-in	X	X	C	C	C
	e. With micro-brewery or winery and limited distribution	X	X	C	C	C
42.	Retail service shop including, but not limited to, appliance repair and sales, stereo/TV/video repair and sales, catering, health spa, martial arts or dance studios, laundromat, dry cleaners, locksmith, mail receiving service, swimming pool/spa service and supplies, pet grooming, photographic processing, printing, lithography, engraving, copy, plumbing, electrical, heating/air conditioning, shoe repair, tailor, costume rental, dry cleaning without an on-site plant.					
	a. Open within the hours of 7:00 a.m. to 9:00 p.m.	X	X	P	P	P
	b. Open outside the hours of 7:00 a.m. to 9:00 p.m.	X	X	A	A	A
43.	Retail sales shop including, but not limited to, books, stationery, arts and crafts (with light assembly), hobby, coins and/or stamps, candy, window coverings, gifts, hardware, home furnishings, florist, meat, delicatessen, medical supply, music (with or without instruction), furniture, jewelry, dry good or notions, shoes, pets, paint, firearms, sporting goods, glass, clothing, ice cream, and antiques.					
	a. Open within the hours of 7:00 a.m. to 9:00 p.m.	X	X	P	P	P
	b. Open outside the hours of 7:00 a.m. to 9:00 p.m.	X	X	A	A	A
44.	Shelter for the homeless and short-term transitional housing	X	X	X	X	C
45.	Shopping and business center					
	a. Retail uses	X	X	C	C	C
	b. Retail and non-retail uses	X	X	C	C	C
	c. Non-retail	A	A	A	A	A
46.	Smoke, cigarette, cigar, or tobacco store pursuant to Section 90-80	X	X	C	C	X
47.	Tattoo and/or piercing service	X	X	X	X	C
48.	Taxi or fleet dispatch and maintenance facility	X	X	X	X	C
49.	Theater, motion picture and/or live					
	a. Indoor	X	X	A	A	A
	b. Outdoor	X	X	C	C	C
50.	Towing and impound service subject to the requirements of section 90-895 (g).	X	X	X	X	C

51.	Transportation service including, but not limited to, dial-a-ride, depot, train station, bus station (no truck terminals)	X	X	C	C	C
52.	Thrift store	X	X	A	A	X
D. Manufacturing and Assembly						
1.	Above-ground vehicle fuel storage tank used for an on-going manufacturing business. Sale of fuel to the public is prohibited. Tanks shall be considered structures, they shall comply with setback requirements of the zone and shall be set back a minimum 100 feet from a Hemet Circulation Element Map road, and shall be screened from view from public streets. Requirements of the Uniform Fire Code and applicable state and federal laws shall be met.	X	X	X	X	C
2.	Above-ground bulk vehicle fuel storage tank used for storage, distribution, and wholesale to businesses. Sale of fuel to the general public is prohibited. Tanks shall be considered structures, they shall comply with setback requirements of the zone and shall be set back a minimum 100 feet from a Hemet Circulation Element Map road, and shall be screened from view from public streets. Requirements of Section 90-895(10) of the Hemet Municipal Code, the Uniform Fire Code and applicable state and federal laws shall be met.	X	X	X	X	C
3.	Assembly of small electrical appliances or equipment including, but not limited to, radios, phonographs, TVs, cameras, lighting fixtures, picture frames, fans, toasters, toys, electric motor repair, fiberglass blankets.	X	X	X	X	P
4.	Cabinet manufacturing and assembly	X	X	X	X	P
5.	Ceramic products manufacturing using only previously pulverized clay and kilns fired only by electricity or low pressure gas.	X	X	X	X	P
6.	Cleaning, wholesale laundry and dyeing plant	X	X	X	X	A
7.	Distribution facilities including, but not limited to, bottled water, food products, prepackaged goods, machine parts, machinery	X	X	X	C	C
8.	Food lockers, frozen	X	X	X	X	P
9.	Furniture manufacturing	X	X	X	C	P
10.	Furniture upholstery	X	X	X	P	P
11.	Machine shop	X	X	X	X	C
12.	Motion picture studios	X	X	X	C	C
13.	Ornamental iron works	X	X	X	C	P

14.	Transportation maintenance, storage and service yards, excluding truck terminals but including bus charter service subject to the requirements of section 90-895	X	X	X	C	C
15.	Warehousing and storage, indoor and outdoor in compliance with section 90-895 (storage of fuel or flammable liquids is prohibited)					
	a. General storage	X	X	X	X	C
	b. Lumber and building materials and equipment storage (not associated with a retail store)	X	X	X	C	C
	c. Mini-storage including recreational and marine vehicles	X	X	X	X	C
E. Recreation and Open Space Uses						
1.	Billiard parlor and/or pool hall	X	X	X	C	C
2.	Bowling alley	X	X	X	C	C
3.	Game court - lighted (with ten-foot high court fencing)	C	C	C	C	C
4.	Golf course, country club and/or driving range	C	C	X	X	X
5.	Lodge hall for civic, social, or fraternal organizations	C	C	C	C	C
6.	Recreation center, slot car racing, miniature golf, batting cages, game court (with ten-foot high court fencing), health club, racquetball, swim facility, and water park - commercial	X	C	C	C	C
7.	Skating center	X	X	C	C	C
8.	Shooting range, indoor only	X	X	X	C	C
F. Miscellaneous Uses						
1.	Church, temple, synagogue or other religious facility including, but not limited to, parish house, convent, parsonage, monastery, religious school	C	C	C	C	X
2.	Conversion of a structure from a residential use to a nonresidential use in compliance with article IX					
	a. For use by a permitted use	A	A	A	A	A
	b. For use by a conditionally permitted use	C	C	C	C	C
3.	Library	A	P	P	P	P
4.	Meal and grocery charitable service					
	a. On-site distribution	X	X	X	C	C
	b. Off-site distribution	X	X	X	P	P
5.	Museum	A	P	P	P	P
6.	Public facilities and utilities including, but not limited to, electrical substations, transmission substation, city facilities and public offices	A	P	P	P	P

7.	School or college including, but not limited to, art, business, cosmetology, craft, dance, music, professional, technical and trade	X	P	P	P	P
8.	Stormwater facilities					
	a. Flood control channels	P	P	P	P	P
	b. Detention and retention basins	P	P	P	P	P
9.	Swap meet and farmer's market					
	a. Permanent	X	X	X	X	C
	b. Nonpermanent as a temporary use subject to section 90-73	X	X	X	P	P
G. Accessory Uses						
1.	Accessory structures and uses located on the same site as a permitted use	P	P	P	P	P
2.	Accessory structures and uses located on the same site as a conditional use	C	C	C	C	C
3.	Satellite dish antennas					
	a. <39 inches in diameter when ground- or roof-mounted subject to the requirements of article XLVI and section 90-894 A.	P	P	P	P	P
	b. >39 inches when ground- or roof-mounted subject to the requirements of article XLVI and section 90-894 A.	P	P	P	P	P
4.	Outdoor activities within a clearly defined area accessory to a primary use					
	a. Display of merchandise	A	A	A	A	A
	b. Outdoor seating	A	A	A	A	A