



# AGENDA

## REGULAR MEETING OF THE HEMET CITY COUNCIL

December 10, 2013

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5:30 p.m.

City of Hemet Council Chambers  
450 E. Latham Avenue

[www.cityofhemet.org](http://www.cityofhemet.org)

*Please silence all cell phones*

*\*Notice: Members of the Public attending shall comply with the Council's adopted Rules of Decorum in Resolution No. 4545. A copy of the Rules of Decorum are available from the City Clerk.*

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### Call to Order

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### Roll Call

ROLL CALL: Council Members Krupa, Milne and Wright, Mayor Pro Tem Smith and Mayor Youssef

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### Closed Session

#### Notice of Opportunity for Public Comment

Members of the Public may comment upon any identified item on the closed session agenda. Since the Council's deliberation on these items is confidential the City Council and City Staff will not be able to answer or address questions relating to the items other than procedural questions. At the conclusion of the closed session, the City Attorney will report any actions taken by the City Council which the Ralph M. Brown Act required to be publicly reported.

1. Conference with Real Property Negotiators  
Pursuant to Government Code section 54956.8  
Property: APN: 456-050-013 and 022, Northwest corner of Sanderson and Stetson Avenues.  
Agency negotiator: City Manager Hill  
Negotiating parties: Stetson Crossing Partners, LLC  
Under negotiation: Acquisition, Price and Terms
2. Conference with Legal Counsel - Existing Litigation  
Pursuant to Government Code section 54956.9(a)  
Names of case: Tounget v. City of Hemet, RIC 485435  
Jose Fernandez v. City of Hemet, RIC 1213391
3. Conference with Labor Negotiators  
Pursuant to Government Code section 54957.6  
Agency designated representative: Deputy City Manager/Administrative Services Director Conrad  
Employee organization:  
*Hemet Fire Fighters Association (HFFA)*  
*Hemet Police Management Association (HPMA)*

## **REGULAR SESSION**

**7:00 p.m.**

**City of Hemet City Council Chambers**  
**450 E. Latham Avenue**

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### **Call to Order**

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### **Roll Call**

ROLL CALL: Council Members Krupa, Milne and Wright, Mayor Pro Tem Smith and Mayor Youssef

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### **Invocation**

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### **Pledge of Allegiance**

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### **Presentation**

4. Presentation to Mayor Youssef
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### **Council Reorganization**

5. City Clerk to Call for Nominations for the Office of Mayor
  6. Mayor to Call for Nominations for the Office of Mayor Pro Tem
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### **City Attorney Closed Session Report**

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Agency designated representative: Deputy City Manager/Administrative Services  
Director Conrad  
Employee organization:  
*Hemet Fire Fighters Association (HFFA)*  
*Hemet Police Management Association (HPMA)*  
*Hemet Non-Sworn Police Employees Association (HNSPEA)*  
*Confidential Employees*  
*Hemet Mid-Managers Association (HMMA)*
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## **Presentations**

10. WRCOG and Southern California Edison's presentation to the City of Hemet for participation in the Western Riverside Energy Leader Partnership (WRELP)
11. Presentation to the 2013 Hemet Christmas Parade Trophy Winners
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## **City Council Business**

### **Notice to the Public**

The Consent Calendar contains items which are typically routine in nature and will be enacted by one motion by the Council unless an item is removed for discussion by a member of the public, staff, or Council. If you wish to discuss a Consent Calendar item please come to the microphone and state the number of the item you wish to discuss. Then wait near the lecture. When the Mayor calls your turn give your last name, and address, then begin speaking. You will have three minutes at that time to address the Council.

## **Consent Calendar**

12. **Approval of Minutes** – November 12, 2013
13. **Receive and File** – Warrant Registers
- a. Warrant registers dated November 6, 2013, November 14, 2013 and November 27, 2013. Payroll for the period of October 28, 2013 to November 10, 2013 was \$646,432.46 and November 11, 2013 to November 24, 2013 was \$624,854.16.
14. **Receive and File** – Investment Portfolio as of September 2013
15. **Recommendation by Administrative Services** – Destruction of Certain Records
- a. Adopt a resolution authorizing the destruction of certain records.  
**Resolution Bill No. 13-051**

16. **Recommendation by Fire Department** – Declare City Vehicles as Surplus
    - a. Declare City vehicles as non-functioning equipment as surplus to be sold through an on-line auction system or picked up and sold through professional auction vendor. It is requested that if this surplus equipment is not sold through an auction the equipment be donated to eh International Bomberos Volunteer Association.
  
  17. **Recommendation by Administrative Services** – Memorandum of Understanding with the Hemet Police Management Association (HPMA)
    - a. Authorize the City’s negotiation team to execute the Memorandum of Understanding between the City of Hemet and the Hemet Police Management Association (HPMA) for the three year period of July 1, 2013 through June 30, 2016.
  
  18. **Recommendation by Administrative Services** – Revised Memorandum of Understanding with the Hemet Police Officers Association (HPOA)
    - a. Authorize the City’s negotiation team to execute the revised Memorandum of Understanding between the City of Hemet and the Hemet Police Officers Association (HPOA) for the three year period of July 1, 2013 through June 30, 2016.
  
  19. **Recommendation by Administrative Services** – Judicial Foreclosure of Delinquent Special Tax Lien
    - a. Adopt a resolution as the Legislative Body of Community Facilities District No. 1999-1 (Heartland Project) ordering that delinquent special taxes be removed for the tax roll and forwarded to foreclosure counsel authorizing the following: the immediate recording of the “Notice of Intent to Remove Delinquent Special Tax Installments form the Tax Roll” in the Office of the Riverside County Recorder; and the subsequent removal of delinquent special tax installments for Assessor’s Parcel Number 445-470-013-9 from the Riverside County Tax Roll and forwarding to foreclosure counsel to be included in a judicial foreclosure action.  
**Resolution Bill No. 13-054**
  
  20. **Recommendation by Public Works** – Purchase of a Sewer Camera Truck
    - a. Approve the purchase of a 2014 Ford E-450 Sewer Camera Truck from Atlantic Machinery Inc. in the amount of \$174,982; and
    - b. Authorize the City Manager to execute a purchase order for the same.
  
  21. **Recommendation by Engineering** – Traffic Signal at Soboba and Mountain Avenue and Soboba Street Pavement Rehabilitation - CIP 5577
    - a. Award the contract to the lowest, responsive bidder, All American Asphalt, Inc. for the Traffic Signal at Soboba Street and Mountain Avenue and Soboba Street Pavement Rehabilitation, CIP 5577 in the amount of \$525,953.00, and reject all other bids; and
    - b. Authorize the City Manager to enter into a Public Works Contract for the improvements; and
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- c. Establish budget in the amount of \$525,953 in Account No. 329-5577-5500 for the cost of construction, \$18,000 for surveying and geotechnical engineering and \$36,000 for staff design, traffic engineering (consultant), administration costs, construction engineering and inspection costs, all in Account No. 329-5577-2710 (various accounts), the project total costs being \$579,953.
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## **Public Hearing**

The City Council's procedure for public hearings will be as follows: The Mayor will ask the City Manager for the staff report; the City Manager will call on the appropriate staff member for the report. The Mayor will ask for clarification of items presented, if needed. The Mayor will open the public hearing: ask for comments for those IN FAVOR of the case; ask for comments IN OPPOSITION to the case; and finally for rebuttal to any comments made. The Mayor will then CLOSE THE PUBLIC HEARING. The Mayor will ask the City Manager to respond to any questions raised by the public (the public will not have the opportunity to respond). The matter will then be discussed by members of the City Council prior to taking action on the item.

22. **Amendment to the 2013-2014 Community Development Block Grant Annual Action Plan** – CDBG Coordinator Callahan
    - a. Conduct a public hearing; and
    - b. Approve the proposed amendment to the 2013-2014 Community Development Block Grant (CDBG) Annual Action Plan for submission to the U.S. Department of Housing and Urban Development (HUD).
  
  23. **Zoning Ordinance Amendment 13-004 – Establishment of a Specific Plan Zone & Requirements** – Community Development Director Elliano
    - a. Conduct a public hearing; and
    - b. Introduce, read by title only and waive further reading of an ordinance amending Chapter 90 of the Hemet Municipal Code adding Article XXVIII (28) to establish a Specific Plan Zone, with consideration of an environmental exemption pursuant to CEQA Guidelines Section 15061. **Ordinance Bill No. 13-004**
  
  24. **Zoning Ordinance Amendment (ZOA) No. 13-011: Establishment of a Business Park Zone and the Updating of Zoning and Development Standards** – Community Development Director Elliano
    - a. Conduct a public hearing; and
    - b. Introduce, read by title only and waive further reading of an ordinance approving Zoning Ordinance Amendment No. 13-011 as recommended by Planning Commission Resolution No. 13-017 to amend Chapter 90 of the Hemet Municipal Code by Establishing a Business Park Zone in Article XXX (Manufacturing Zones) and updating certain zoning and development standards for manufacturing uses. **Ordinance Bill No. 13-049**
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## Discussion/Action Item

25. **Amendment to Chapter 14 (Building and Building Regulations) of the Hemet Municipal Code** – Community Development Director Elliano
- a. Introduce, read by title only and waive further reading of an ordinance approving amendments to Chapter 14 of the Hemet Municipal Code, incorporating by reference the 2013 California Building Standards Code and various other uniform Building and Fire Codes, and local amendments thereto; and
  - b. Direct staff to set the proposed ordinance for second reading at a noticed public hearing pursuant to Government Code Section 6066, for the January 14, 2014 City Council Meeting. **Ordinance Bill No. 13-055**
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### Communications from the Public

Anyone who wishes to address the Council regarding items not on the agenda may do so at this time. As a courtesy, please complete a Request to Speak Form found at the City Clerk's desk. Submit your completed form to the City Clerk prior to the beginning of the meeting. Presentations are limited to three minutes in consideration of others who are here for agenda items. Please come forward to the lectern when the Mayor calls upon you. When you are recognized, you may proceed with our comments.

***\*Notice: Members of the Public attending shall comply with the adopted Rules of Decorum in Resolution No. 4545. A copy of the Rules of Decorum are available from the City Clerk.***

State law prohibits the City Council from taking action or discussing any item not appearing on the agenda except for brief responses to statements made or questions posed by the public. In addition, they may, on their own initiative or in response to questions posed by the public, ask a question for clarification, provide a reference to staff or other resources for factual information, or request staff to report back to them at a subsequent meeting. Furthermore, a member of the City Council or the Council itself may take action to direct staff to place a matter of business on a future agenda.

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### Public Hearing

The City Council's procedure for public hearings will be as follows: The Mayor will ask the City Manager for the staff report; the City Manager will call on the appropriate staff member for the report. The Mayor will ask for clarification of items presented, if needed. The Mayor will open the public hearing: ask for comments for those IN FAVOR of the case; ask for comments IN OPPOSITION to the case; and finally for rebuttal to any comments made. The Mayor will then CLOSE THE PUBLIC HEARING. The Mayor will ask the City Manager to respond to any questions raised by the public (the public will not have the opportunity to respond). The matter will then be discussed by members of the City Council prior to taking action on the item.

26. **Appeal No. 13-002 – CUP No. 13-004 - Alcohol sales at Valero Gas Station** – Community Development Director Elliano
- a. Open the Public Hearing; and
  - b. Continue the open Public Hearing to January 14, 2014 for the formal staff report and presentation, as requested by the Applicant.
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# City Council Reports

## 27. CITY COUNCIL REPORTS AND COMMENTS

### A. Council Member Krupa

1. Traffic and Parking Commission
2. Riverside Conservation Authority (RCA)
3. Ramona Bowl Association
4. Indian Gaming Distribution Fund
5. Riverside Transit Agency (RTA)
6. Watermaster Board

### B. Council Member Milne

1. Library Board
2. League of California Cities
3. Riverside County Habitat Conservation Agency (RCHCA)
4. Riverside Transit Agency (RTA)
5. Riverside Conservation Authority (RCA)

### C. Council Member Wright

1. Park Commission
2. Planning Commission
3. Indian Gaming Distribution Fund
4. Riverside County Habitat Conservation Agency (RCHCA)
5. Ramona Bowl Association

### D. Mayor Pro Tem Smith

1. League of California Cities
2. Riverside County Transportation Commission (RCTC)
3. Western Riverside County of Governments (WRCOG)
4. Public Safety Update
5. National League of Cities

### E. Mayor Youssef

1. Western Riverside County of Governments (WRCOG)
2. Riverside County Transportation Commission (RCTC)
3. Disaster Planning Commission

### F. Ad-Hoc Committee Reports

1. Crime Stoppers Plus Ad-Hoc Committee
2. West Hemet MSHCP Ad-Hoc Committee

### G. City Manager Hill

1. Manager's Reports
  2. Formation of and appointment to a Regent Development Agreement Ad-Hoc Committee
  3. Strategic Planning
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## **Recess to Housing Authority Meeting**

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### **Continued Closed Session**

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### **City Attorney Continued Closed Session Report**

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#### **Future Agenda Items**

If Members of Council have items for consideration at a future City Council meeting, please state the agenda item to provide direction to the City Manager.

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#### **Adjournment**

Adjourn to Tuesday, January 14, 2014 at 7:00 p.m. for consideration of items placed on that agenda. The next regular meeting will be held January 28, 2014.

*Staff reports and other disclosable public records related to open session agenda items are available at the City Clerk's Office or at the public counter located at 445 E. Florida Avenue during normal business hours.*



#12

# MINUTES

## REGULAR MEETING OF THE HEMET CITY COUNCIL

November 12, 2013

5:00 p.m.

Hemet Public Library Upstairs  
300 E. Latham Avenue

[www.cityofhemet.org](http://www.cityofhemet.org)

*Please silence all cell phones*

### Call to Order

Mayor Pro Tem Smith called the meeting to order at 5:11 p.m.

### Roll Call

PRESENT: Council Members Krupa, Milne and Wright and Mayor Pro Tem Smith

ABSENT: Mayor Youssef

**Council Member Krupa moved and Council Member Wright seconded a motion to excuse Mayor Youssef. Motion carried 4-0.**

### Closed Session

#### Notice of Opportunity for Public Comment

There were no public comments at this time.

The City Council recessed to Closed Session at 5:13 p.m.

Mayor Youssef arrived at 5:22 p.m.

1. Conference with Labor Negotiators  
Pursuant to Government Code section 54957.6  
Agency designated representatives: *Interim City Manager Bradley*  
*Employee Organizations:*  
*Hemet Non-Sworn Police Employees Association*  
*Hemet Fire Fighters Association*  
*Hemet Police Management Association*  
*Hemet Mid-Managers Association*  
*Confidential Personnel*
2. Conference with Legal Counsel - Anticipated Litigation  
One matter of significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) & (3)
3. Conference with Legal Counsel - Existing Litigation  
Pursuant to Government Code section 54956.9(d)(1)  
Names of case: *Mercury Casualty Insurance v. City of Hemet*  
*RIC: INC 084323*

## REGULAR SESSION

**6:00 p.m.**  
**Hemet Public Library Upstairs**  
**300 E. Latham Avenue**

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### Call to Order

Mayor Youssef called the meeting to order at 6:10 p.m.

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### Roll Call

PRESENT: Council Members Krupa, Milne and Wright, Mayor Pro Tem Smith and Mayor Youssef

ABSENT: None

OTHERS PRESENT: Interim City Manager Bradley, City Attorney Vail and City Clerk McComas

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### Invocation

Invocation was given by Russ Jacobs, Hemet-San Jacinto Interfaith Council

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### Pledge of Allegiance

Pledge of Allegiance was led by Mayor Pro Tem Smith

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## City Attorney Closed Session Report

4. Conference with Labor Negotiators  
Pursuant to Government Code section 54957.6  
Agency designated representatives: *Interim City Manager Bradley*  
*Employee Organizations:*  
*Hemet Non-Sworn Police Employees Association*  
*Hemet Fire Fighters Association*  
*Hemet Police Management Association*  
*Hemet Mid-Managers Association*  
*Confidential Personnel*

**The City Council was given an update by the Labor Negotiators. There was no additional reportable action.**

5. Conference with Legal Counsel - Anticipated Litigation  
One matter of significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) & (3)

**The City Council received an update from the City Attorney. There was no additional reportable action.**

6. Conference with Legal Counsel - Existing Litigation  
Pursuant to Government Code section 54956.9(d)(1)  
Names of case: *Mercury Casualty Insurance v. City of Hemet*  
*RIC: INC 084323*

The City Council received an update from the City Attorney. There was no additional reportable action.

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## City Council Business Consent Calendar

7. **Approval of Minutes** – October 22, 2013
8. **Receive and file** – Warrant Registers
  - a. Warrant registers dated October 17, 2013 and October 31, 2013. Payroll for the period of September 30, 2013 to October 13, 2013 was \$630,242.03 and October 14, 2013 to October 27, 2013 was \$588,102.18.
9. **Recommendation by Fire Department** – 2014 Homeland Security Grant Program
  - a. Accept the grant approved by the California Emergency Management Agency (CalEMA) for the Riverside County Homeland Security Grant Program (HSGP) awarded to the City of Hemet for the Community Emergency Response Team (CERT) Program in the amount of \$14,055.00; and
  - b. Approve expenditure of funds to purchase a Contract Trainer, supplies and equipment to support the City of Hemet, Fire Department 2014 CERT Program.
10. **Recommendation by Fire Department** – FY 2013 Emergency Management Performance Grant (EMPG) Award
  - a. Accept the grant approved by the California Emergency Management Agency (CalEMA) for the Riverside County's FY13 Emergency Management Performance Grant Program in the amount of \$24,614.00; and
  - b. Approve expenditure of funds to purchase supplies and equipment, and to fund the current Emergency Services Coordinator (50% of the salary) to support the City of Hemet, Fire Department 2013/2014 Emergency Services program.
11. **Recommendation by Public Works** – Park Commission Recommendations from September 30, 2013 and October 28, 2013
  - a. Tree Removal Request: 214 E. Kimball Avenue – Ash (1)  
Recommendation to approve, replace and schedule installation of drive approach
  - b. Tree Removal Request: 600 Snead Drive – Ash (1)  
Recommendation to approve and replace with Crape Myrtle
  - c. Tree Removal Request: 650 Seville Drive – Magnolia (1) & Camphor (1)  
Recommendation to deny request; schedule tree for trim and lift
  - d. Tree Removal Request: 1480 W. Mayberry Avenue – Magnolia (1)  
Recommendation to deny request; schedule tree for trim and lift
  - e. Tree Removal Request: 641 Brisbane Street – Ash (1)  
Recommendation to approve and replace
  - f. Tree Removal Request: 516 Opal Street – Ash (1)  
Recommendation to approve and replace
  - g. Tree Removal Request: 1351 Basswood Way – Magnolia (2)  
Recommendation to approve (1) and replace; recommendation to deny (1)

- h. Tree Removal Request: 1013 Ivy Street – Ash (1)  
Recommendation to approve and replace

Item No 7 was removed from the Consent Calendar. **Mayor Pro Tem Smith moved and Council Member Krupa seconded a motion to approve the remaining Consent Calendar items as presented. Motion carried 5-0.**

Item No. 7

**Council Member Krupa moved and Mayor Youssef seconded a motion to approve Item No. 7 as presented. Motion carried 4-0. Mayor Pro Tem Smith abstained.**

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## **Discussion/Action Item**

- 12. **Selection of Fire and Paramedic Service Levels for the City of Hemet –**  
Interim City Manager Bradley
  - 1. Establishing that the City shall provide to the public the level of fire, emergency, medical, and related services described in County Fire Option # 1; and
  - 2. Authorize the City's Labor Negotiator to continue to meet and confer with the Hemet Fire Fighters' Association (HFFA) regarding:
    - (a) the effects of any City decision to implement its newly established service levels described in County Fire Option #1,
    - (b) the decision and the effects, if any, of the City potentially contracting with Riverside County Fire to provide the newly established service levels described in Riverside County Fire Option #1,
    - (c) the effects, if any, of the City's potential decision to contract with Riverside County Fire's to provide interim Fire Management services referenced in Citygate recommendation No. 2,
    - (d) the City's decision and effects, if any, to provide transition benefits to current employees if the City decides to contract with Riverside County Fire to provide the City's newly established service levels for fire, emergency, medical, and related services as described in County Fire Option #1, and
    - (e) any other matters within the scope of representation under the Meyers, Milias, Brown Act (MMBA); and
  - 3. Authorize the City Manager and City Attorney to enter into negotiations with Riverside County Fire concerning the terms and conditions of a potential agreement with Riverside County Fire to provide fire, emergency medical, and related services to the City of Hemet at the service level described in County Fire Option #1, including the terms for hiring of existing Hemet Fire Department personnel; and
  - 4. Authorize the City Manager to negotiate the terms and conditions under which Riverside County Fire would provide interim Fire Management services to the Hemet Fire Department while the City and Riverside County Fire negotiate that agreement referenced in recommendation No. 1.; and

5. Authorize the City Manager and Interim Fire Chief to procure the training necessary for Hemet Fire Fighters who currently hold a California Paramedic License to obtain paramedic certification from Riverside County Emergency Medical Services (EMS).

Council will not make a final decision on any agreement to implement the service levels described in Riverside County Option #1 until the City's negotiations with the Hemet Fire Fighters' Association and the City's negotiations with Riverside County Fire have been completed. Any final decision by the City Council, will be undertaken at a subsequent noticed public meeting.

**Ron Bradley, Interim City Manager,** last October the City Council authorized a request for proposal for fire services to determine which entity could provide the best service at the lowest cost. Two proposals were received in December. A committee was formed, comprised of the Assistant City Manager Mark Orme, Deputy City Manager/Administrative Services Director Rita Conrad, Procurement Administrator Elizabeth Grace, and retired Murrieta Fire Chief Paul Chrisman to evaluate the two proposals. Evaluation of the two proposals was a difficult task because of the highly technical nature of today's fire service and the many costs that needed to be considered in order to do an equitable comparison of the proposals. The Committee's review was presented to the City Council on February 26<sup>th</sup> to an overflow crowd. It was determined that the issue of contracting for fire services is part of the "Meet and Confer" process. The City Council authorized staff to begin that process with the Hemet Fire Fighters Association. It was also indicated at that time that more information was necessary from both responders and staff was authorized to obtain the additional information. Chief Morris and Chief Hawkins gave presentations regarding their proposals. At the end of that meeting staff was asked to continue working with CalPERS to obtain an estimate of the unfunded liability. The City Council authorized staff to hire Bartel and Associates to help prepare that estimate. The City Council also authorized staff to prepare costs and timelines for Hemet Fire Department to implement EMD and Paramedics. Personnel transition and benefit costs if Fire Services were contracted would be dependent on negotiations. In order to determine the Hemet Fire proposed cost to establish an emergency medical dispatch (EMD) and paramedic program for the City of Hemet, staff met with American Medical Response (AMR), Hemet Valley Medical Center, and Southern California EMS Training Institute regarding their proposal. In order to provide the broadest and most complete analysis of the two proposals, and obtain and unbiased and independent second opinion of the information presented, staff identified the firm of Citygate Associates, LLC as the most qualified and experienced organization in California to evaluate both fire services levels and costs. During the past three years, this firm has executed all five of the largest fire services studies in California, including studies for the counties of San Diego and El Dorado, as well as the cities of San Diego and Oakland along with the Sacramento Metropolitan Fire District. Citygate completed their report on October 29<sup>th</sup>. The report was made available to the City Council, the Fire Fighters Association and the public at that time. On November 4<sup>th</sup>, the HFFA had an opportunity to discuss the report with Mr. Stu Gary. In the report, Citygate, identifies several areas of concern in the existing training, supervision and management structure of the current Hemet Fire organization that need to be examined in the light of both citizen and firefighter safety. Citygate also points out that EMD is not a critical need for the City. Mr. Bradley introduced Stu Gary, co-author of the report and a Fire Official for over 40 years.

**Stu Gary, Citygate Associates,** began as a Fire Volunteer in High School. Mr. Gary gave the City Council a powerpoint presentation regarding Fire Services Options and Fiscal Costs Review. Citygate Associates was hired to conduct an operational and cost review of the City's choices for providing fire services. Compare the City's fire services and costs over a multiple-year period against best practices and the needs of Hemet. Then evaluate, as a policy option, the County Fire Department's proposal and costs to meet those needs. Our staff reviewed all prior reports and Council meeting recordings on the fire services issue, starting with the City's RFP for fire services. Additional information was obtained on City Fire Department costs and operations. Interviews were conducted with both City and CalFire staff on follow-up details. We also met with the City's firefighters representatives. The study prepared by Citygate is not a financial audit or a program compliance audit. Citygate's work is a high-level review of Hemet's needs against our experience and best practices publications. Citygate did not conduct a detailed review of the Department's personnel, their training, and prior performance. Overall, Citygate's perspective is that internal or external fire services can meet the needs of Hemet and best practices. Service level choices should be based on desired emergency outcomes and the ability to fund a desired service level. Once the policy direction is given for a level of fire services, there is still implementation work to be done for either a city or contract solution. There are no mandatory federal or state regulations directing the level of fire service staffing, response times, and outcomes. Thus, communities have the level of fire services that they can afford, which is not always what they would desire. However, the body of regulations on the fire service providers that if fire services are provided at all, they must be done so with the safety of the firefighters and citizens in mind. The following are Citygate's key findings. Finding #1: Response Times – the Measure C statement is not well defined, and neither the City nor County can measure response times against Measure C without a revised City policy and accurate data. Finding #2 & #3: Emergency Medical Dispatch (EMD) – is not a critical need for the City, since most, if not all, of the medical aid calls, given their nature, will still have an engine or squad response. Finding #4: Fire Paramedic Program Costs – projected paramedic costs, even as adjusted by Citygate, are on the low side at best. Finding #5 & #6: Headquarters staffing – the current acting chief officer interim solution is not a permanent one, and the recently vacated fire prevention position should be replaced. Finding #7 & #8: Ladder Truck Coverage – the County does not have an aerial ladder truck close enough to Hemet, and Hemet should have one. The County proposal shares this cost with Hemet. Finding #9: City to County Firefighter Transfer – Firefighter rank employees that are not active paramedics in Hemet will likely not be absorbed by County Fire. Finding #10: County Conversion Costs – there are significant unknowns that can cause one-time County Fire conversion costs to swing substantially, including liability for employees injured prior to conversion, vacation leave buyout, and start-up costs. Finding #11 & #12: City Headquarters Staffing – an adequate, permanent headquarters team will require an investment in credentialed permanent positions. Finding #13: City/County Comparable Service Level – the most comparable service configuration is for the City to convert the 2-person squad to a 3-person truck company and add paramedics, a Fire Marshal, a fire prevention clerk, a 40-hour Training Officer, and permanent chief officers. Doing so compares most directly to the County proposal that provides a shared 4-person truck company and adequate fire headquarters services in Hemet. Finding #14: Equipment Ownership – if the City contracts with the County, it will be most cost-effective for all City fire apparatus and specialty tools to be given to the County. The County will then be responsible for maintenance, liability, and replacement. There are four optional levels of service that have

been used for costs comparisons: Option A) Current operation: 4 engines, 1 squad, 1 cross-staffed ladder truck, and 4 acting chief officers. No paramedics or Emergency Medical Dispatch. Option B) Option A plus the City fire paramedical program. Option C) Option A+B plus the addition of City headquarters staff for a training chief, Fire Marshal, and second office assistant. Option D) Option A+B+C plus the addition of permanent chief officers (4) and a return to a dedicated 3-person ladder truck crew, to replace the 2-person squad. Citygate's minimum Fire Headquarters staffing recommendation is: 1 Fire Chief; 3 Battalion Chiefs to provide 24/7/265 incident command and station supervision/training; and 1 Administrative Assistant office support position. Citygate's recommendation for effective Fire Headquarters staffing in addition to the minimum is: 1 Fire Marshal or Fire Inspector, which can be a non-safety position; 1 Training Officer; 1 Emergency Medical Services oversight position (this can be a part-time contact position); and a second office support position for fire prevention needs and back-up when the other position is on earned leave. Mr. Gary explained in detail the estimated costs associated with the paramedic program. EMS Clinic Training & Oversight will cost \$15,000. Paramedic pay stipend for 15 firefighters will be \$144,153. New Cardiac Monitors @ \$35,000 each, recommend purchasing 3 the 1<sup>st</sup> year that will cost \$105,000. Cardiac Monitor annual service plan @ \$975.00 per unit will cost \$2,925. Small equipment and supplies will cost \$2,431. Cardiac Monitors annual replacement fund for 5-years will cost \$10,000. Based on a 3-year Phasing, the 1<sup>st</sup> Year estimate is \$279,884. 2<sup>nd</sup> Year would cost \$234,198. 3<sup>rd</sup> Year would cost \$161,528. The EMD Program would cost \$673,584 per year to hire additional dispatchers and could be added in the 2<sup>nd</sup> Year. 2<sup>nd</sup> Year City phased costs plus EMD would cost \$907,782. Paramedic Program summary: Start-up & Operating Annual Total without EMD for Year 1 would be \$812,718, Year 2 \$273,067 and Year 3 \$281,467; EMD City Dispatch Staff for Year 1 would be \$739,075, Year 2 \$739,075 and Year 3 \$739,075; for a total cost of \$1,551,793 for the 1<sup>st</sup> Year, \$1,012,142 for the 2<sup>nd</sup> Year and \$1,020,542 for the 3<sup>rd</sup> year. Mr. Gary went over the cost comparisons in detail. The following are County Contract Issues: Spreads headquarters costs across more crews; Larger staff provides for future leader training; Less worry about absences in critical positions; Hemet would have fewer City Hall service needs (Payroll and accounting, Human Resources, Risk Management, Legal, Labor Relations, Workers Comp and disability retirements exposure); But, regional contact are inflexible on costs; Regional Fire Departments have trouble reducing some agency contract costs, but not others, at the same time; Careful consideration needs to be given to local cost control versus all of the issues of running public services on a small revenue base for both Fire and City Hall costs; and precise cost cannot be placed on reduced City liability with a contract provider. In conclusion, the County contract alternative (County Option #1), even if found to be the most promising policy choice, has substantial cost and policy issues that need to be resolved in negotiations with City employees and the County. If the City wants to further consider going with the County, it should add the fire paramedics now, which would make converting employees to CalFire employment easier. During final negotiations, the City can leave the temporary command staff in place, and negotiate with the City firefighters and the County for the best-fit conversion package of: Services, Costs and Conversion Timing; and Employee Retention. These steps are necessary for the City to have all of the required information to make a fully informed final choice of retaining its own Fire Department or contracting with the County. A final decision can be made after the City is satisfied with the resolution of open issues. If the City determines that it wants and can afford a higher level of service than the level provided by the City Fire Department, and the increased level of service is equivalent to County Fire Department Option #1 to include a staffed ladder truck, then the

City should consider contracting with the County for County Option #1. Contracting with the County for this level of service is less costly to the City. The City will need to balance cost savings and the advantages of a larger service provided against the loss of local control over setting fire personnel costs. If the City believes that a County Fire Department contract is the best service-to-cost option, then the City should, prior to entering into a contract with the County, negotiate with the County and, where appropriate, the City Firefighters Union, to resolve multiple and significant issues as listed on page 9 of Citygate's report. After negotiations with both the County and City firefighters to determine the final, hard, one-time conversion and on-going costs for at least three fiscal years, then: The City Council in early to mid-spring would be asked to approve final contract documents with both the County and City Firefighters Union and setting a conversion date.

**Mayor Youssef**, asked for an example of uses for the City's ladder truck and an explanation on the recommendation to share the truck.

**Mr. Gary**, the usage would be infrequent. However, the ladder truck is a specialized tool. It would be needed in rare events. It acts as a tool box for technical rescue equipment, such as automobile extraction equipment. Neither the County area nor the City of Hemet needs the full time expense of the truck.

**Mayor Youssef**, asked about the City's PERS obligations.

**Mr. Gary**, the City will not have an increase in their PERS rate until CalPERS determines the obligation. PERS will determine the annual percentage increase and the period of time that it will take for the City to pay the obligation. At some point the City will see a reduction in their PERS rates.

**Mayor Youssef**, asked for an explanation regarding backfilling in the event of a fire the magnitude of Idyllwild's recent fires.

**Mr. Gary**, the proposal indicates that Hemet would be considered a must fill area. The number of stations and the allowed timeframes should be part of the negotiations and defined in the contract.

**Mayor Pro Tem Smith**, asked Mr. Gary if he noticed any similarities to the Charleston incident during his comparison.

**Mr. Gary**, most fire combat deaths are preventable. Proper communication policies, clothing, command on site are important. It is not just the head count on the street or the number of fire stations. It is the command system on safety and effectiveness that will determine the predictability of the outcome. Predictable is preventable.

**Mayor Pro Tem Smith**, asked about Measure C.

**Mr. Gary**, the terminology regarding response times is not clear. However, Measure C is one of the better written during that era.

**Mayor Pro Tem Smith**, in your report you determined Hemet has an excessive amount of medical calls at 87%.

**Mr. Gary**, 2/3<sup>rd</sup> is typical on the low side, 75% is not unheard of. Anything over 80% is a community that is under insured.

**Council Member Wright**, asked Mr. Gary where the figures came from on page 41 of his report regarding the cost comparisons.

**Mr. Gary**, that figure came from the base staffed cost. Adjustments were made to both proposals in an attempt to true up both proposals which is more inclusive than just the Fire Department's budget. It includes the cost to the General Fund including liability, insurance, vacation payout, etc.

**Council Member Wright,** asked Mr. Gary if the \$900,000 estimate for EMD and Paramedics was used for comparison.

**Mr. Gary,** explained that his cost estimates start from scratch. All adjustments were made to both proposals.

**Council Member Wright,** asked about the revenue sources such as the Mercy Air Agreement and the Weed Abatement program.

**Mr. Gary,** the revenue credits were added to both proposals. All revenues received from Fire would still go in the City's General Fund.

**Council Member Wright,** were the State's layered administration costs considered?

**Mr. Gary,** yes, they are imbedded in their proposal.

**Council Member Krupa,** asked if the costs from CalFire would be updated from year to year.

**Mr. Gary,** they used their known labor costs for 13/14 - they clarified the wording on the must back fill - we didn't allow them to change their numbers.

**Council Member Krupa,** asked where the ladder truck would be stored.

**Mr. Gary,** Chief Hawkins indicated verbally that it would be stored in downtown Hemet. Storage location and the pro-rate cost to share the truck can be determined in the negotiation process.

**Council Member Krupa,** asked Mr. Gary what level of service he would recommend for the City of Hemet.

**Mr. Gary,** I would recommend Level D.

**Council Member Krupa,** based on that, Citygate's cost study says that CalFire can provide Level D for the best price. The City can't pay for that level of service regardless of the service provider. What is the best option for the City when cost is a concern?

**Mr. Gary,** I don't know the City's financial situation or what degree of tolerance the City has. The City needs to forecast the ability to pay at service level D for a period of time.

**Council Member Krupa,** the City Council was previously told that EMD was something the City couldn't live without and now Citygate is saying that is not the case.

**Chief Hawkins, Riverside County Fire,** the County has a portion of the EMD program and provides pre-arrival medical instructions.

**Council Member Krupa,** the report indicates that Hemet doesn't need paramedic program because it relies on AMR.

**Mr. Gary,** an engine based paramedic program is a great level of service, however the current paramedical provider does have resources available and meets the mandated level of service at this time. That might not always be the case. Since the City already has paramedics on staff I would recommend converting them for a modest cost.

**Council Member Milne,** asked about the liability of a Fire Department.

**Mr. Gary,** the liabilities are workers comp, disability and frivolous lawsuits for negligence.

**Council Member Milne,** if the City contracts with the County who will be responsible for determining the labor costs described in Finding #10.

**Mr. Gary,** if the City contracts with CalFire all labor negotiations would be handled by CalFire.

**Council Member Milne,** asked Mr. Gary if he is seeing similar cutbacks elsewhere.

**Mr. Gary,** all regions were effected differently. The more severe the financial impacts were the more loss to Police and Fire budgets.

**Council Member Milne,** asked about Measure C, would you recommend that this Measure be clarified or clarify the times in the contract.

**Mr. Gary,** to measure response times there has to be a well-defined documented start time and end time based on a percent of goal measure not an average.

**Mayor Youssef**, currently we do not have a paramedic program in place instead the City relies on AMR. AMR is a for profit company that is currently in their first year of a 3-year contract with Riverside County. The level of service could change with another provider.

**Mr. Gary**, Hemet would probably be a hub for any provider, but that is not a guarantee.

**Mayor Youssef**, asked Mr. Gary why he recommends that service be provided at Level D.

**Mr. Gary**, if I were on this City Council working within your cash flow I would recommend that you implement paramedics in level B. I do not feel that Level A is sustainable which is the existing format crippled by the recession. Work towards Level B adding a little at a time based on cash flow.

**Mayor Youssef**, a portion of EMD is included with County Fire options. County costs don't change with EMD if Hemet Fire wanted to add EMD that would be an additional cost.

**Mr. Gary**, the costs to the City to add EMD would be an additional \$1,000,000.

**Mayor Youssef**, confirmed that Hemet Fire Department's proposal at Level D is still deficient of the first phase of EMD that is included in CalFire's proposal.

**Mr. Gary**, concurred that the County's proposals do include the first phase of EMD.

**Mayor Pro Tem Smith**, if the contract does not work out, would the City get equal value for the equipment?

**Mr. Gary**, most municipalities remain contracted. Some have gone to volunteer Fire Departments because they can't pay for services regardless of the provider.

**Council Member Wright**, the language in Measure C is not clear. There are clearly two different start times being used to determine response times. Clarifying the start/stop times seems significant.

**Mr. Gary**, it doesn't matter what the Measure says, the City Council can set the service level objective and that can be included in a contract.

**Council Member Wright**, the storage location of the Ladder Truck is important originally CalFire indicated it would be stored in Menifee.

**Chief Hawkins**, CalFire originally presented three options. During previous discussions it was noted that there were some concerns with the closure of Station 3 and the storage of the ladder truck. CalFire agreed to keep Station 3 open and store the ladder truck locally.

**Council Member Krupa**, asked if the pre-medical arrival information will increase response times to what the dispatcher would consider less life threatening calls.

**Chief Hawkins**, the dispatchers are trained and will dispatch based on priority. There are a series of questions asked that will determine the need for services and determine the appropriate equipment to send.

**Council Member Milne**, asked about the Mutual Aid Agreement and the proposal to share the ladder truck.

**Chief Hawkins**, the County has a ladder truck at Station 90 in Perris if San Jacinto needs one. If the need is immediate, Hemet's ladder truck would be requested first under the Mutual Aid Agreement.

**The City Council recessed briefly at 7:55 p.m.**

**Reconvened at 8:04 p.m.**

**Council Member Wright**, asked Chief Reynoso the Department's perspective on the ladder truck.

**Chief Reynoso**, deferred the question to Captain Scott Bailey.

**Capt. Bailey**, the perception is that the ladder is not necessary in Hemet and costly to operate. The reality is that the ladder truck is available for the entire Valley under the Mutual

Aid Agreements. The ladder truck carries specific equipment to enter heavily fortified homes and extractions from vehicles.

**Council Member Wright**, asked at what point does Hemet and CalFire consider the start time for response time data.

**Capt. Bailey**, the clock starts at the phone call to dispatch.

**Chief Hawkins**, currently the clock starts when the wheels are leaving the station.

**Council Member Wright**, if the City of Hemet will be paying for 50% of the ladder truck, who will be paying for the other 50%.

**Chief Hawkins**, the County of Riverside will pay for the other 50%. The east side of Hemet will be covered by CalFire stations at no additional cost.

**Council Member Wright**, the proposal to share a Battalion Chief with the unincorporated area appears to be less coverage than the City currently has.

**Chief Hawkins**, the City's truck is currently crossed staffed at this time. Our proposal includes 17 firefighters on duty at all times compared to the City's current 15.

**Capt. Bailey**, Hemet Fire Department at times has declined sending out equipment. The priority is the City of Hemet. CalFire has a greater responsibility. They have great employees but a larger area to deal with. Another issue is backfilling employees from other stations that are unfamiliar with the area. Hemet Fire Department backfills with off duty fire fighters.

**Council Member Milne**, asked Chief Hawkins to respond to the concerns regarding backfilling.

**Chief Hawkins**, in the event of an emergency where crews are requested to assist CalFire will strive to backfill and cover 3 out of 4 of the stations.

**Council Member Milne**, asked about prioritizing of the ladder truck.

**Chief Hawkins**, CalFire has enough access to ladder trucks that Hemet would be the priority on this ladder truck.

**Robert Jungbluth, Hemet**, appalled that we are here again discussing the Fire Department. Just months ago the citizens spoke loud and clear in opposition to contracting out Hemet Fire Department. All Hemet City employees are our families and part of our community. This is similar to the Hospital Bond issue that led to our physicians purchasing the hospital.

**David Cometa, Hemet**, Four Season's Golf Club's annual fundraiser will be for Hemet Fire Department, specifically for Fire Station No. 3 because they make at least daily trips to our development. We have raised \$2,600 so far and were planning on purchasing new mattresses or TV's for the fire fighters. Mr. Sandefer suggested that the money be donated to purchase new equipment. The Four Season's Golf Club is in support of Hemet Fire Department.

**Cynthia Kintasy, Hemet**, firefighters don't make millions of dollars but they walk into burning homes. Hemet employees are part of our community. Hemet's firefighters are heroes, they do a thankless job. This decision should be decided by a vote of the residents.

**Emily Quast McDonough, Hemet**, we have never heard a clear reason for disbanding the Hemet Fire Department. If it is about cost, the clear answer is that we should keep them. If it is about service, again we should keep our Department. A Department that comes in under budget should be complimented not criticized. This City Council's poor decisions have decapitated our Fire Department. During the last two years, because of poor directives from the City Council, this Fire Department has been forced to work without a Fire Chief or Battalion Chiefs. Despite all this, the Hemet Fire Department continues to operate efficiently and effectively. Disbanding our Fire Department is a bad idea that will cost more and compromise the control over safety services.

**Gary Cook, Hemet,** about saving money due to the budget. The fire fighters have sacrificed a lot over the last couple of years and offered concessions to help with the budget. At this point there is still no clear answer on the cost of labor. Mr. Cook expressed concern with employees working a 72 hour shift. Mr. Cook recommended that the Elected Officials spend more time and effort on widening the tax base. Mr. Cook expressed concern that the money from the sale of the refuse department was put into reserves instead of used to preserve the service levels. The tax payers will pay the pro-rata share for fire services no matter which way the City Council goes since the county is in the red also. There is a good chance the tax payers will be asked to approve a tax increase to make up that shortfall. Mr. Cook expressed concern with the hidden costs and the fact that the City will not be getting fair market value for the equipment. Mr. Cook expressed concern that Fire Prevention is not being completed currently. Mr. Cook disagrees with Citygates finding that EMD is not important. Citygate said that the Fire Department is not staffed correctly or operating correctly.

**James Snodgrass, Utah,** 33 years in fire service, 29 years with the City of Hemet. Mr. Snodgrass was born and raised in Hemet. Hemet Fire Department is older than the City of Hemet. The decision to disband this department and contract out fire service is irreversible. This should be a vote of the people or at least require a 5-0 vote of the City Council. As a City employee I worked on the language for Measure C, the intent was that response time would be from the call to the arrival. The Mutual Aid Agreement with the County of Riverside was put in place to ensure that the City meets Measure C requirements. The County coverage area is larger than Hemet Fire's so their responses time will be greater.

**E.A. Stock, Hemet,** our Country's history is the people would gather, build houses, get a Marshall and then start a Volunteer Fire Department from the members of the community that knew and loved the community. One of the reasons that cites incorporate is to have local control. If you contract out, you'll never get it back.

**William Wood, Jr., Hemet,** a Hemet resident for 18 years. Thank goodness that Hemet Fire has a 3 to 5 minutes response time, because of them I'm here today. Mr. Wood doesn't know why the City Council would even consider this.

**Stan Hildahl, Hemet,** George Bush outsourced the capture of Bin Laden. The City has hired consultant after consultant to get the outcome that it wanted. This should be put to a vote of the citizens. Local control costs less.

**Ginny Coleman, Hemet,** told the City Council about an emergency on Saturday Night where Hemet Fire was on the scene in 5 minutes. Time is of the essence especially with Hemet's senior population.

**Bill Tierney, Hemet,** a few years ago my neighbor had a garage fire. The Sheriff responded immediately but CalFire was 20 minutes behind. By that time the entire house was engulfed in flames. CalFire employees are sent to other areas a lot, they have different priorities. Mr. Tierney suggested that the City Council consider a Fire District at a later time. At this time Hemet Fire Department is the only local option.

**Clifford Farm, Hemet,** spoke in support of Hemet Fire Department. These employees live and work in our community and have made an investment here. The presentation still includes a lot of unknowns and ambiguous comparisons of cost. I don't see that contracting out with an unknown will be cheaper. We should invest in our own Department.

**Diane Martinez, Hemet,** in 2012, Hemet Fire Department had a budget of \$8,000,000, \$9,000,000 in 2013 and in 2014 the budget will be \$11,000,000. Hemet Fire Department has not upgraded their equipment in many years. The City needs a local Fire Department with employees that care about this community.

**Melissa Diaz Hernandez, Hemet,** coming from a family of public safety I understand the relationship between Fire and Police especially considering the current state of our City.

**John Ensing, Hemet,** expressed desire to see Hemet Fire have a paramedic and EMS program up and running as soon as possible. The response time is critical and the matrix of the Fire Department is serious.

**Matt Shobert, Murrieta,** Hemet Fire Chief from 2008 to 2011. Chief Shobert has 29 years of fire service experience with 4 departments across 2 states. I began my tenure with the Hemet Fire Department about two weeks before the economy crashed and spent the next three years working with the excellent fire employees, the City and the community to maintain the best services possible within our dismal budgets. The fact that the Department is not adequately staffed due to the budget shortfall should not be used as a reason to cut fire service.

**Bob Righetti, Hemet Taxpayers Association,** Citygate's report is an honest assessment of the Department. Things have been said in the newspaper and on Facebook that people might regret later. My son served as a smoke jumper for the Federal Fire Department and these firefighters have the same devotion regardless of the agency they work for. I have worked in a number of cities served by both City and CalFire, they are all dedicated to their professions. The ad ran by the Public Safety Coalition was untrue. This City Council was charged during the 2012 election to consider this information and bring it forward. The previous City Manager, Brian Nakamura received a report from Andrew Hall that included similar information as contained in this report. Mr. Righetti cited a number of statements from Mr. Hall's report where Hemet Fire Fighters Association spoke in opposition to the EMD program. The Hemet Fire Fighters Association spoke against a 5-year contract between AMR and Riverside County that would have provided free EMD for the City of Hemet. The Andy Hall report also indicated that the Association challenged any efforts to implement a Vacation Scheduling Policy. This and more information is included in the report that was provided to the City Manager but not presented to the City Council. Appreciate the fact that the City Council brought experts here tonight to provide truthful answers to the disparaging comments that have been published. Honor the votes that were made to put you into office, make sure the citizens of this community are served.

**John Mack, Hemet,** I have lived in the community for many years. It should be obvious to the City Council that it will cost far more to contract with CalFire.

**Lori VanArsdale, Hemet,** a Valley resident for 41 years. Ms. VanArsdale presented 4 collages depicting the history of the Fire Department. This Fire Department has a long history and in the beginning provided service to the unincorporated areas of Hemet for 25 years after its formation. Please consider the fact that between 1933 and today there were many times that this questions came before previous City Councils that decided not to contract with the County. Hemet is a full service City and City Council Members need to be prepared to run a full service City. The front page of the Citygate report says that this is your choice. This community voted for Measure C. At one point, Eric Vail and Julie Biggs made the City Council put a moratorium on development on the west end of Hemet because the Fire Department could not meet the criteria in Measure C. One item that is not included in this report is the number of residents that are here to support the Hemet Fire Department. Regardless of what the City Council says, the residents feel that the Police Department will be next. The County has been able to change their bid a number of times, this is not acceptable. The Community is tired of being on the edge of losing our Public Safety Departments.

**Matt Shobert, Murrieta,** the Hemet Fire Fighters are some of the busiest fire fighters in the nation responding to over 13,000 calls per year. This Department was able to make quick and drastic cuts because the City Council had local control. Chief Shobert expressed concern that the CalFire proposal does not include the cost for fuel for the equipment. Chief Shobert suggested that the City Council consider adopting a Resolution that will define the response times for Measure C. Pension costs are a large issue, however these costs don't just go away the cost for the pensions will be included in the contract. Chief Shobert also expressed concern with the radio frequencies that were obtained by the City of Hemet and recommended that they be retained.

**Joy Ward, Hemet,** asked about the Press Enterprise articles that were published on November 1 and November 14, the articles are only ½ true. Ms. Ward does not think that a paramedic program is necessary. The Community has been well served by AMR who arrives just seconds behind Hemet Fire Department. The City of Hemet has paramedics that can't serve as paramedics. The City Council should save the City's money and not contract out the fire services. The City Council works for us, the residents that voted you into office. CalFire is a good company, but not right for Hemet.

**Darrel Woods, Hemet,** I've been a resident for 15 years. I am also a fire fighter in another county. CalFire is a good agency their agency started with wild land fire services.

The City of Hemet does not have budget issues, you made plenty of money selling the refuse department. The City Council needs to end this and support the Fire Department. Give the Department the equipment they need and let the paramedics on staff start working as paramedics.

**Gene Hikel, Democrats of Hemet-San Jacinto,** explained the dispatch and EMD process. The Department will still respond without this program. The cost to retain Hemet Fire Department is \$300,000. Citygate is recommending that the City contract with CalFire at Level D which is \$11,000,000. The entire proposed Fire Department budget for 2014 is \$9,000,000. I don't see that we are getting anything more from the county for \$300,000. The savings is not enough to justify the fact that you have a Community up in arms. Personnel, training and the quality of the employees have not been discussed. The 72 hour work shift versus a 24 hour work shift has not been discussed. I urge the City Council to vote to keep the Hemet Fire Dept. The City can consider this decision later if the need arises.

**Russ Brown, Hemet,** I have the utmost respect for anyone that takes on this job. I'm a retired police officer with 31 years in law enforcement experience. I understand the City's struggling budget issues. I appreciated the City's decision to open up Devonshire to increase response times to Four Seasons. The residents need the same type of creativity to help meet the needs of the Fire Department. Recessionary times have left Hemet struggling to provide services in a cost effective way. The Riverside County Sheriff's Department is facing a financial shortfall and that will mean a reduction in County service levels. Mr. Brown discussed the 911 calls and the fact that the calls will be transferred to the County's answering point and not handled by a local dispatcher adding to the response time. Mr. Brown expressed concern that CalFire's employees will not be as dedicated as the current employees are. Many of the City's employees live here or grew up here. I've read the report from Citygate. It is unfortunate that the Department has deficiencies but they are because of the financials times. The Citygate report says that if the city can only afford option A, then keeping the Hemet Fire Department is the only affordable option. If we can afford more, then we should get our Fire Department to Level D.

**Steve Sandefer, Hemet Fire Fighters Association,** presented packets to the City Council. Capt. Sandefer thanked Mr. Fred Hessen of Del Webb for his \$5,000 donation to HFFA and the Four Season's Men's Golf Club for their donation of \$2,620 to HFFA as well as all other donations. Hemet Fire Department is the best because it is the one that we work for. As the Executive Secretary and Trustee of the National Fire Fighter and Police Benefits Association I am responsible for overseeing over \$55,000,000 in funds. Hemet Fire Department currently has 51 budgeted positions funded, 50 fire personnel and one fire prevention position. A recent report shows the Fire Department over budget for FY 2012/13. The Department currently has 5 openings. The Hemet Fire Fighters Association has offered to pay 3% more towards their pension as well as reduce the additional pay for paramedics from 10% to 5% with the approval of a 3-year agreement. The Hemet Fire Fighters answer to the Fire Chief, the City Manager and the City Council. However, our bosses are the taxpaying resident of Hemet.

**Jeff Coffman, Hemet,** I have watched the video of the February and March meeting a number of times. As a union member it is important to me that Hemet Fire Fighters have clear representation. As a taxpaying resident I want the best possible protection for the money. I've done my homework. There are numerous opportunities for growth, relocation and overtime with CalFire. With CalFire it is pay as you go and services can be added or reduced based on the City's ability to pay. A vote for CalFire builds confidence for the residents on the east end of Hemet that they will once again have services. Many of CalFire's employees live in the Valley. Mr. Coffman noted that only 12 Hemet Fire Department employees live in the Valley.

**Mary Rowe, Hemet,** asked the City Council why they are determined to outsource the Fire Department. I've only lived in Hemet a short time. Ms. Rowe expressed concern with inaccuracies in the report.

**The City Council recessed briefly at 10:12 p.m.**

**Reconvened at 10:24 p.m.**

**Patty Woods, Hemet,** earlier it said that all Hemet Fire Department employees would be hired by CalFire. Citygate's report says different. These dedicated employees have chosen a profession to serve the public. The Department's budget has been cut and now the Department is being called inferior. This is not a savings. Ms. Woods expressed concern that there will be a delay in response times because of transferring the call to CalFire's dispatch and the need to answer the same questions. Ms. Woods asked about the money that was allotted for the paramedic program that was never started.

**Dave Harvey, Hemet,** these employees have endured a lot. Threats of being contracted out all while they are begging to stay Hemet's Fire Department. The City Council has taken so much from them and in turn given them unqualified leadership. If the City Council put as much effort into cleaning up the streets they would be squeaking clean.

**Paul Raver, Hemet,** expressed concern that the report does not include an explanation of where the numbers came from. There are no line items that can be used for comparisons or for negotiations. Mr. Raver expressed concern that there are conflicts between the State contract and the information being presented by CalFire. Measure C and Measure EE approved by the residents establishes a 5 minutes response time. Mr. Raver feels that there is a concern with response times. Mr. Raver noted that the two previous Fire Chiefs have told the City Council that Hemet Fire Department is understaffed and that headquarters staffing is necessary. CalFire Union representatives are not going to offer to reduce their costs. Mr. Raver disagrees with the City Council considering CalFire's proposal. The cost for the service

is basically a wash and you will not get better service.

**Howard Rosenthal, Hemet,** there is no lack of integrity for people who wear uniforms. I wish I could say that about all elected officials. Mr. Gary said that "predictable is preventable". The Police Department warned the City Council that the crime would increase 5 years ago if cuts to public safety were made. Today, property crimes are up 400%. There have been more officer involved shootings in the last 2 years than the last 20. Council members help fund a campaign against Measure O a tax initiative for public safety. I have been asked not be negative, however I don't think that outsourcing the Hemet Fire Department is being positive.

**Seth Weinger, Hemet,** I have the utmost respect for anyone that wears a uniform. I have more respect tonight for Chief Hawkins for being truthful. I'm a survivor of the Sylmar earthquake where we didn't have fresh water for 5 days. The report indicates that Hemet does not have evacuation centers. The City of Hemet has a fully functional Emergency Operations Center as well as a number of evacuation centers with helicopter landing locations. If the difference in the annual cost is \$300,000 that is \$5.00 per resident, here is my \$5.00. Most of the Council Members have a corporate background, why don't you run the City more like a business. If I had dedicated employees, I wouldn't tell them good-bye as soon as things are getting better. If you contract with CalFire, who will you compare the services to the next time?

**David Miles,** recommended that there be more due diligence and more discussion regarding this decision. The Hemet Fire Department is running calls all day long. Mr. Miles expressed concern with the 72 hour work shifts. Mr. Miles also expressed concern that CalFire's command staff would not be dedicated to Hemet. Mr. Miles asked why the new City Manager is not here to make this decision. This is a unique valley. The City Council can continue to work with CalFire, hire more Fire Fighters and re-open Fire Station No. 5. But this doesn't need to happen tonight, this decision needs to be made by the new City Manager.

**Flora Johnson, Hemet,** passed out a document to the City Council explaining her personal experience with CalFire. Ms. Johnson expressed concern that the resources from this area were sent to Orange County instead of remaining local. The decisions regarding priorities are not made locally.

**Jim Snodgrass, Hemet,** the reason that you were elected was to hear the issues from the residents and the Fire Union. The Hemet Fire Department never lowered their services levels even when assisting other agencies such as CalFire on large events. If you contract with CalFire you will lose that control and ability to monitor. Currently you get reimbursed for Mutual Aid services, you will lose that revenue. I was part of the Committee that worked on the language for Measure C. The intent was that response times would be measured from call to arrival.

The City received an email in opposition from Jeannette Uptgraft, Hemet

The City received a letter from Kevin Bash, Councilman from the City of Norco

**The City Council recessed briefly at 11:10 p.m.**

**Reconvened at 11:22 p.m.**

**Mr. Bradley,** we are going to try to answer the questions posed during the public comments. Ms. Quest asked about disbanding the Fire Department. The City Council asked staff to get proposals to determine who could provide the best service for the Valley. Mr. Bradley explained the difference in the work weeks. Mr. Cook asked why the City does not use the reserves. The City is using their reserves trying to get through this. Administration is working on increasing the City's revenues by trying to entice new businesses here. The number of calls for mutual aid was presented. Chief Hawkins will present the Mutual Aid call data

gathered by CalFire.

**Chief Hawkins,** the number of times that Hemet Fire assisted Riverside County in 2010 is 76; 2011 is 64; 2012 is 61; and in 2013 is 33. The number of times that Riverside County assisted Hemet Fire in 2010 is 34; 2011 is 41; 2012 is 64; and in 2013 is 47.

**Mr. Bradley,** a question was asked about transfer of assets to CalFire. That will all be discussed during the negotiations. If the assets are transferred, it would be in the contract that if the contract is terminated all equipment or equivalent equipment would be returned at no cost. It was noted that the Hemet Fire Department is behind on Fire Inspections. That is correct, the Department is currently working with a contractor to get caught up. Mr. Bradley asked Chief Hawkins is CalFire is able to complete all of their business inspections for all 21 contract cities.

**Chief Hawkins,** not to the degree we would like to be.

**Mr. Bradley,** Chief Shobert expressed concern that fuel has not been considered in the proposals. The funding of fuel is included in both of the proposals, the cost is the same for both agencies. There were a number of comments about CalFire having other priorities.

**Chief Hawkins,** that is not correct. We do have diverse activities and we have funding from the State, the County and the cities to help combat these activities.

**Mr. Bradley,** would CalFire accept the Hemet Fire Department employees that are not currently paramedics?

**Chief Hawkins,** we would recommend that they start the paramedic program immediately. CalFire will do the training of the Fire Fighters as paramedics.

**Mr. Bradley,** it was said a number of times that Hemet Fire Department employees are local fire fighters. Only 12 fire fighters live in the City.

**Chief Reynoso,** at the previous City Council meeting, Ms. Conrad said that the Fire Department was over budget by \$247,000.

**Ms. Conrad,** the presentation that Chief Reynoso is referring to was for the 2012/2013 fiscal year.

**Mr. Bradley,** the City purchased new defibrillators on an emergency purchase because the used ones that were purchased were inadequate. The contract with Citygate to prepare this analysis was \$29,000. During the budget process \$900,000 was added to the Department's budget based on recommendations by Chief Morris. The Paramedic and EMD programs were underfunded as place holders. A concern was mentioned regarding backfilling Hemet Fire stations if there was a large event.

**Chief Hawkins,** CalFire would strive to keep 3 of the 4 stations staffed. The same rules apply for mutual aid and reimbursement still applies.

**Chief Reynoso,** 3 out of 4 is not acceptable. I recommend that all stations be backfilled.

**Chief Hawkins,** not day to day, that would only be in the case of an emergency. All 4 stations would be staffed daily. This is not about an inter agency thing. This is about the best or most economical fire services. The County of Riverside is still with CalFire. We have a proven customer service partner relationship with our contract cities. CalFire is a professional organization. I really want to contest that we would never abandoned Hemet.

**Chief Reynoso,** for the last five years the City Council has had to cut expenses. It is obvious that the City Council sees value in Mr. Hill by approving a multi-year commitment. The City Council sees something of value with the Hemet Police Association. Hemet Fire Fighters Association has been here for the last 5 years, loyal and committee to the City. Employees have left for other agencies and have come back. I understand the process that you needed to go through to compare the services apples to apples. Give the Hemet Fire Department you

loyalty, invest in us and put us back on the map. We have done so much for so little for so long. Return that commitment to us.

**Mr. Bradley**, Chief Reynoso we have worked together since June. I've been impressed by your performance.

**Chief Reynoso**, recognized Becky Joiner for her efforts in their Department.

**Council Member Wright**, Chief Hawkins you are right this isn't about two organizations this is about what the citizens of this community want. That is what I was elected to do. Do the best we can at the level that we can.

**Mayor Pro Tem Smith**, as elected officials we have the duty to provide the citizens the highest level of service. At the end of this process the residents will have paramedics on their fire trucks.

**Mayor Pro Tem Smith moved and Council Member Milne seconded a motion to approve this item as presented.**

**Council Member Milne**, concurred that this is all about the process, the level of service to the citizens. The Fire Fighters and the residents don't deserve to be cut short.

**Council Member Krupa**, reiterate to Chief Hawkins that this is not pitting one good organization against another. Both agencies do a fantastic job. Yes we have been elected and we have a fiduciary job to have a balanced budget. Maybe we didn't have all of the information to make the best decisions in the past. There is one final statement in this report that says that if cost is only one decision to consider and the City can not or chose not to spend more money, we can't afford it. Local control is an issue. The employees of the City of Hemet took cuts to help the City through tough times. The City Council was elected to cut the costs and still represent the people of the City. I see more options in staying with Hemet Fire and implementing a paramedic program. The Fire Department's budget is lower now than 5 years ago. Council Member Krupa recommended that the City Council see how we can keep Hemet Fire.

**Mayor Youssef**, the City Council's job is to provide the best service at the best value. This process was started over a year ago. The Fire Department has done a great job with the resources that were available. Part of the recommendations to slash the Department's Administrative staff was made by Chief Shobert just before he left for Murrieta. Citygate said that the City does not need EMD immediately. When the negotiations begin the costs to implement that program need to be considered. The Department as it stands presents a risk to the City and the Residents.

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**Council Member Krupa**, asked if the items can be voted on separately.

**Mr. Vail**, at this time there is a motion and a second on the table. The motion would have to be amended.

**Mayor Pro Tem Smith**, I would like to vote on the motion as it stands.

**Mayor Pro Tem Smith moved and Council Member Milne to approve this Item as presented. Motion carried 3-2. Council Members Krupa and Wright voted No.**

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## **Communications from the Public**

There were no communications from the public at this time.

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## **City Council Reports**

### 13. CITY COUNCIL REPORTS AND COMMENTS

A. Council Member Krupa

1. Traffic and Parking Commission
2. Riverside Conservation Authority (RCA)

**Council Member Krupa**, the West End property owners have agreed to move forward with the HANS process.

3. Ramona Bowl Association
4. Indian Gaming Distribution Fund
5. Riverside Transit Agency (RTA)

**Council Member Krupa**, RTA's new buses have been well received.

6. Watermaster Board

**Council Member Krupa**, attended a Veteran's Day Event and Unveiling of the Korean Wall at the General Patton Memorial Museum with 163 Veteran's as well as a Korean Council General.

B. Council Member Milne

1. Library Board

**Council Member Milne**, Stefan Moses of the Hemet Library Board has been asked to speak at a State Library Conference. We are proud of have him on our Board.

2. League of California Cities
3. Riverside County Habitat Conservation Agency (RCHCA)
4. Riverside Transit Agency (RTA)
5. Riverside Conservation Authority (RCA)

**Council Member Milne**, attended the successful Hemet Ryan Air Show.

**Council Member Milne**, the Hemet-San Jacinto's first "Neighbor's Nite Out" was a success. They were held at Council Member Milne's home and Wiggs Mendoza's home. Council Member Milne thanked the Police Department for their participation.

**Council Member Milne**, attended both successful Veteran's Day Events and thanked the Exchange Club for the flag presentation.

C. Council Member Wright

1. Park Commission
2. Planning Commission
3. Indian Gaming Distribution Fund
4. Riverside County Habitat Conservation Agency (RCHCA)
5. Ramona Bowl Association

**Council Member Wright**, privileged to be a part of the great Veteran's day event. Council Member Wright also attended the Veteran's Day Ceremony at Golden Era.

D. Mayor Pro Tem Smith

1. League of California Cities
2. Riverside County Transportation Commission (RCTC)
3. Western Riverside County of Governments (WRCOG)
4. Public Safety Update
5. National League of Cities

- E. Mayor Youssef
  - 1. Western Riverside County of Governments (WRCOG)
  - 2. Riverside County Transportation Commission (RCTC)
  - 3. Disaster Planning Commission
  
- F. Ad-Hoc Committee Reports
  - 1. Crime Stoppers Plus Ad-Hoc Committee
  - 2. West Hemet MSHCP Ad-Hoc Committee
  
- G. Interim City Manager Bradley
  - 1. Manager's Reports

**Mr. Bradley,** reminded the City Council, staff and the public that there will not be a meeting on November 26, 2013.

**Mr. Bradley,** Hemet is hosting the Riverside Division League of California Cities, November 18, 2013 at the Solera Del Webb Club House.

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### **Future Agenda Items**

The City Council discussed the placement of the "Communications from the Public" on the City Council agenda.

Options regarding businesses that are boarded-up for an extended period of time.

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### **Adjournment**

Adjourned at 12:13 am to Tuesday, December 10, 2013 at 7:00 p.m.



## Staff Report

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TO: Honorable Mayor and Members of the City Council

FROM: Rita Conrad, Deputy City Manager/Administrative Services;  
Wally Hill, City Manager *Wally Hill*

DATE: December 10, 2013

RE: Warrant Register

The City of Hemet's warrant registers dated November 6, 2013, November 14, 2013, and November 27, 2013 are currently posted on the City's website in the Finance Department section, under *Financial Information*. Payroll for the period of October 28, 2013 to November 10, 2013 was \$646,432.46 and November 11, 2013 to November 24, 2013 was \$624,584.16.

### CLAIMS VOUCHER APPROVAL

"I, Rita Conrad, Deputy City Manager/Administrative Services, do hereby certify that to the best of my knowledge and ability, that the warrant register posted on the city's website is a true and correct list of warrants for bills submitted to the City of Hemet, and the payroll register through the dates listed above, and that there will be sufficient monies in the respective funds for their payment."

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Rita Conrad".

Rita Conrad  
Deputy City Manager/Administrative Services

RC: mh

CITY OF HEMET  
VOUCHER/WARRANT REGISTER  
FOR ALL PERIODS

CLAIMS VOUCHER APPROVAL

I, RITA CONRAD, DO HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND ABILITY, THAT THE WR POSTED ON THE CITY WEBSITE IS A TRUE AND CORRECT LIST OF WARRANTS FOR BILLS SUBMITTED TO THE CITY OF HEMET THROUGH THE DATES LISTED ABOVE, AND THAT THERE WILL BE SUFFICIENT MONIES IN THE RESPECTIVE FUNDS FOR THEIR PAYMENT.

RITA CONRAD  
DEPUTY CITY MANAGER/ADMINISTRATIVE SERVICES



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*Staff Report*

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TO: Honorable Mayor and members of the City Council  
FROM: Judith L. Oltman, City Treasurer  
DATE: December 10, 2013  
RE: Investment Portfolio as of September 2013

**RECOMMENDED ACTION:**

Receive and file.

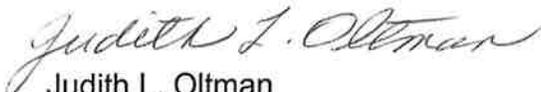
**ANALYSIS:**

The summary statement of activity and balances of the Treasurer's Investment Portfolio for the month of September 2013 is forwarded herewith for your review. On 9/11/13 we purchased a 5yr/1 yr call FFCB #2270 for \$500,000 at 2.28%; on 9/12/13 we purchased a 5yr/6 month call FNMA #2271 for \$500,000 at 2.05%; on 9/18/13 we purchased a 5yr/6mo call FNMA #2272 for \$500,000 at 2.15%; and on 9/27/13 we purchased a 5yr/6mo 1 X call FNMA #2273 for \$500,000 at 2.20%. On 9/6/13 Our two Bank of Hemet CDs matured and were rolled over to #3174 for 3 years for \$494,000 at .5%. On 9/16/13 Compass Bank CD matured and on 9/25 was rolled over to #3175 for 5 years for \$247,000 at 2.0%. On 9/10/13 our Lake Hemet Municipal Water Bonds matured.

I hereby certify that this report accurately reflects all City of Hemet pooled investments and is in conformity with the investment policy of the City of Hemet and that a copy hereof is on file in the office of the City Clerk. Our third party custodial bank, Bank of New York Mellon, has provided us with the monthly market values.

It is further certified that there is sufficient liquidity to meet the next six months' estimated day-to-day operational expenses.

Respectfully Submitted,

  
Judith L. Oltman  
City Treasurer

attachment

**CITY OF HEMET, CALIFORNIA**  
**Monthly Report of Investment Activities**

SEPTEMBER 2013

INVESTMENT CLASSIFICATIONS	MONTHLY ACTIVITY	CONSOLIDATED BALANCE
PORTFOLIO AS OF AUGUST	66,289,502.18	
<b>CERTIFICATES OF DEPOSIT</b>		
Placed this month	741,000.00	
Matured this month	-742,000.00	
<b>Balance</b>		<b>6,945,000.00</b>
<b>LOCAL AGENCY INVESTMENT FUND: City of Hemet</b>		
Deposits		
Withdrawals		
<b>Balance</b>		<b>35,134,253.54</b>
<b>LOCAL AGENCY INVESTMENT FUND: City of Hemet</b>		
Deposits		
Withdrawals		
<b>Balance</b>		<b>1,875.99</b>
<b>BANK OF NEW YORK MELLON Custodial Acct.</b>		
Deposits	411,056.92	
Withdrawals	-2,270,087.53	
<b>Balance</b>		<b>560,928.37</b>
<b>RABO BANK: Money Market Account</b>		
Deposits		
Withdrawals		
<b>Balance</b>		<b>200,000.00</b>
<b>CITIBANK: Money Market Account</b>		
Deposits	23,435.77	
Withdrawals	-700,000.00	
<b>Balance</b>		<b>2,518,110.16</b>
<b>CITIBANK: Money Market Account 3</b>		
Deposits	709,710.48	
Withdrawals	-1,935,522.75	
<b>Balance</b>		<b>3,031,927.01</b>
<b>MUNICIPAL BONDS/CORPORATES</b>		
Deposits		
Withdrawals	-140,000.00	
<b>Balance</b>		<b>3,995,000.00</b>
<b>GOVERNMENT AGENCIES</b>		
2249 1.20% FNMA 5/16/17		500,000.00
2251 1.05% FNMA 6/27/17		500,000.00
2252 1.0% FNMA 8/21/17		500,000.00
2253 1.0% FNMA 11/29/17		500,000.00
2254 1.05% FHLB 1/17/18		500,000.00
2255 1.15% FNMA 2/28/18		500,000.00
2256 1.10% FHLMC 4/17/18		500,000.00
2257 1.15% FHLMC 4/25/18		500,000.00
2258 1.0% FNMA 4/30/18		500,000.00
2259 .70% FNMA 4/30/18		500,000.00
2260 1.0% FNMA 5/21/18		500,000.00
2261 1.17% FHLB 6/13/18		500,000.00
2262 1.40% FHLMC 6/26/18		500,000.00
2263 1.45% FHLB 6/27/18		500,000.00
2264 2.20% FFCB 7/2/18		500,000.00
2265 1.55% FHLMC 7/17/18		500,000.00
2266 1.93% FFCB 7/23/18		500,000.00
2267 2.0% FHLMC 8/14/18		500,000.00
2268 2.0% FNMA 8/28/18		500,000.00
2269 2.0% FHLMC 8/27/18		500,000.00
2270 2.28% FFCB 9/11/18	500,000.00	500,000.00
2271 2.05% FNMA 9/12/18	500,000.00	500,000.00
2272 2.15% FNMA 9/18/18	500,000.00	500,000.00
2273 2.20% FNMA 9/27/18	500,000.00	500,000.00
<b>PORTFOLIO BALANCE AS OF SEPTEMBER 2013</b>	<b>64,387,095.07</b>	<b>64,387,095.07</b>

INTEREST EARNINGS	13-14 FISCAL YEAR-TO-DATE	
<b>EARNINGS BALANCE AS OF Sept. 1, 2013</b>		<b>-6,841.02</b>
CERTIFICATES OF DEPOSIT INT.	5,793.74	
OTHER GOVERNMENT SECURITIES	17,025.00	
CITIBANK MONEY MARKET ACCOUNT	378.85	
CITIBANK MONEY MARKET ACCOUNT 3	365.85	
BANK OF NY MONEY MARKET ACCT.	30.61	
<b>LOCAL AGENCY INVESTMENT FUNDS</b>		
City of Hemet Interest		
City of Hemet Interest		
<b>MONTHLY EARNINGS TOTAL</b>	<b>23,594.05</b>	<b>23,594.05</b>
<b>MEMO ONLY:</b>		
MERCHANT BANK CHG. Aug.	-2,865.66	
BANK CHG.		
LIBRARY CREDIT CARD FEES	-101.70	
ARMORED CAR	-364.62	
ASSET SEIZURE FUNDS	-253.14	
Charges as of: Sept. 1, 2013	-4,098.25	
<b>YTD CHARGES</b>	<b>-7,683.37</b>	
<b>13-14 YEAR-TO-DATE INTEREST EARNINGS</b>		<b>16,753.03</b>

**CITY OF HEMET**  
**Portfolio Management**  
**Portfolio Summary**  
**September 30, 2013**

<b>Investments</b>	<b>Par Value</b>	<b>Market Value</b>	<b>Book Value</b>	<b>% of Portfolio</b>	<b>Term</b>	<b>Days to Maturity</b>	<b>YTM 360 Equiv.</b>	<b>YTM 365 Equiv.</b>
Certificates of Deposit - Bank	2,723,000.00	2,767,114.81	2,723,000.00	4.20	1,462	778	1.408	1.427
Managed Pool Accounts	35,136,129.53	35,136,129.53	35,136,129.53	54.19	1	1	0.237	0.240
Passbook/Checking Accounts	6,510,965.54	6,510,965.54	6,510,965.54	10.04	1	1	0.394	0.400
Local Government Bonds	2,995,000.00	3,098,476.20	2,987,917.37	4.61	1,508	659	4.675	4.740
Medium Term Notes	1,000,000.00	983,080.00	1,004,085.10	1.55	1,694	1,522	1.233	1.250
Federal Agency Issues - Coupon	12,000,000.00	11,907,653.10	12,000,000.00	18.51	1,826	1,675	1.470	1.490
Negotiable CDs	4,474,000.00	4,492,998.25	4,474,000.00	6.90	1,643	1,286	1.227	1.244
	<b>64,839,095.07</b>	<b>64,896,417.43</b>	<b>64,836,097.54</b>	<b>100.00%</b>	<b>609</b>	<b>486</b>	<b>0.818</b>	<b>0.830</b>
<b>Investments</b>								
<b>Cash and Accrued Interest</b>								
Accrued Interest at Purchase		11,320.83	11,320.83					
Subtotal		11,320.83	11,320.83					
<b>Total Cash and Investments</b>	<b>64,839,095.07</b>	<b>64,907,738.26</b>	<b>64,847,418.37</b>		<b>609</b>	<b>486</b>	<b>0.818</b>	<b>0.830</b>
<b>Total Earnings</b>								
	<b>September 30</b>	<b>Month Ending</b>	<b>Fiscal Year To Date</b>					
Current Year		43,266.05	120,223.66					
<b>Average Daily Balance</b>		<b>65,309,507.24</b>						
<b>Effective Rate of Return</b>		<b>0.81%</b>						

JUDITH L. OLTMAN, TREASURER

Reporting period 09/01/2013-09/30/2013

Run Date: 11/18/2013 - 15:40

Portfolio COFH

AP

PM (PRF\_PM1) SymRept 6.41.202b  
 Report Ver. 5.00

**CITY OF HEMET**  
**Portfolio Management**  
**Portfolio Details - Investments**  
**September 30, 2013**

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	Moody's	YTM 365	Days to Maturity	Maturity Date
<b>Certificates of Deposit - Bank</b>												
SYS3124	3124	Ally Bank		07/30/2010	247,000.00	256,056.30	247,000.00	2.450		2.450	667	07/30/2015
SYS3138	3138	AMERICAN EXPRESS CENTURIAN		08/25/2011	248,000.00	249,733.35	248,000.00	1.150		1.150	328	08/25/2014
06740KEX1	3146	BARCLAYS BANK DE		12/07/2011	247,000.00	254,987.78	247,000.00	1.900		1.900	1,163	12/07/2016
SYS3130	3130	BMW BANK OF NORTH AMERICA, UT		10/22/2010	248,000.00	251,064.02	248,000.00	1.550		1.550	386	10/22/2014
SYS3174	3174	BANK OF HEMET		09/06/2013	494,000.00	494,000.00	494,000.00	0.500		0.500	1,071	09/06/2016
SYS3144	3144	BANK OF THE WEST		10/12/2011	249,000.00	256,058.60	249,000.00	1.750		1.750	1,107	10/12/2016
SYS3136	3136	CIT BANK		08/24/2011	247,000.00	254,472.10	247,000.00	1.800		1.800	1,058	08/24/2016
SYS3134	3134	DISCOVER BANK		08/24/2011	248,000.00	248,000.00	248,000.00	1.050		1.050	328	08/25/2014
36160WVR7	3132	G.E. Capital Financial, Inc.		08/12/2011	247,000.00	254,742.66	247,000.00	1.850		1.850	1,046	08/12/2016
SYS3140	3140	GOLDMAN SACHS		08/31/2011	248,000.00	248,000.00	248,000.00	1.200		1.200	336	09/02/2014
<b>Subtotal and Average</b>			<b>2,830,533.33</b>		<b>2,723,000.00</b>	<b>2,767,114.81</b>	<b>2,723,000.00</b>			<b>1.427</b>	<b>778</b>	
<b>Managed Pool Accounts</b>												
SYS1001	1001	LOCAL AGENCY INVESTMENT FUND			35,134,253.54	35,134,253.54	35,134,253.54	0.240		0.240	1	
SYS1002	1002	LOCAL AGENCY INVEST. FUND			1,875.99	1,875.99	1,875.99	0.240		0.240	1	
<b>Subtotal and Average</b>			<b>35,136,129.53</b>		<b>35,136,129.53</b>	<b>35,136,129.53</b>	<b>35,136,129.53</b>			<b>0.240</b>	<b>1</b>	
<b>Passbook/Checking Accounts</b>												
SYS5009	5009	BANK OF NEW YORK			560,928.37	560,928.37	560,928.37			0.000	1	
SYS5001	5001	Citibank			2,518,110.16	2,518,110.16	2,518,110.16	0.450		0.450	1	
SYS5003	5003	CITIBANK			0.00	0.00	0.00	3.050		3.050	1	
SYS5004	5004	CITIBANK3			3,031,927.01	3,031,927.01	3,031,927.01	0.450		0.450	1	
SYS5011	5011	RABOBANK			400,000.00	400,000.00	400,000.00	0.260		0.260	1	
SYS5002	5002	UNION BANK OF CALIFORNIA		07/01/2013	0.00	0.00	0.00	0.012		0.012	1	
<b>Subtotal and Average</b>			<b>8,099,228.85</b>		<b>6,510,965.54</b>	<b>6,510,965.54</b>	<b>6,510,965.54</b>			<b>0.400</b>	<b>1</b>	
<b>Local Government Bonds</b>												
423542KL2	5006	HEMET UNIFIED SCHOOL DISTRICT		07/22/2010	2,000,000.00	2,074,860.00	1,992,917.37	5.375		5.609	638	07/01/2015
533020DC4	5012	CITY OF LINCOLN		03/02/2013	995,000.00	1,023,616.20	995,000.00	3.000		3.000	701	09/02/2015
<b>Subtotal and Average</b>			<b>3,029,758.17</b>		<b>2,995,000.00</b>	<b>3,098,476.20</b>	<b>2,987,917.37</b>			<b>4.740</b>	<b>659</b>	
<b>Medium Term Notes</b>												
68389XAN5	5010	ORACLE		03/28/2013	500,000.00	491,070.00	500,981.47	1.200		1.150	1,475	10/15/2017
94974BFG0	5013	WELLS FARGO		04/26/2013	500,000.00	492,010.00	503,103.63	1.500		1.350	1,568	01/16/2018
<b>Subtotal and Average</b>			<b>1,004,124.02</b>		<b>1,000,000.00</b>	<b>983,080.00</b>	<b>1,004,085.10</b>			<b>1.250</b>	<b>1,522</b>	

Portfolio COFH  
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**CITY OF HEMET**  
**Portfolio Management**  
**Portfolio Details - Investments**  
**September 30, 2013**

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	Moody's	YTM 365	Days to Maturity	Maturity Date
<b>Federal Agency Issues - Coupon</b>												
3133ECTK0	2264	FEDERAL FARM CREDIT BANKS		07/02/2013	500,000.00	501,945.00	500,000.00	2.200		2.200	1,735	07/02/2018
3133ECV43	2266	FEDERAL FARM CREDIT BANKS		07/23/2013	500,000.00	501,790.00	500,000.00	1.930		1.930	1,756	07/23/2018
3133ECZB3	2270	FEDERAL FARM CREDIT BANKS		09/11/2013	500,000.00	506,775.00	500,000.00	2.280		2.280	1,806	09/11/2018
313381MV4	2254	FEDERAL HOME LOAN BANK		01/17/2013	500,000.00	491,575.00	500,000.00	1.050		1.050	1,569	01/17/2018
313383GY1	2261	FEDERAL HOME LOAN BANK		06/13/2013	500,000.00	490,345.00	500,000.00	1.170		1.170	1,716	06/13/2018
313383JZ53	2263	FEDERAL HOME LOAN BANK		06/27/2013	500,000.00	493,480.00	500,000.00	1.450		1.450	1,730	06/27/2018
3134G37C8	2256	FEDERAL HOME LOAN MTG ASSOC.		04/17/2013	500,000.00	489,800.00	500,000.00	1.100		1.100	1,659	04/17/2018
3134G37H7	2257	FEDERAL HOME LOAN MTG ASSOC.		04/25/2013	500,000.00	490,505.00	500,000.00	1.150		1.150	1,667	04/25/2018
3134G47G7	2262	FEDERAL HOME LOAN MTG ASSOC.		06/26/2013	500,000.00	493,130.00	500,000.00	1.400		1.400	1,729	06/26/2018
3134G4BG2	2265	FEDERAL HOME LOAN MTG ASSOC.		07/17/2013	500,000.00	495,505.00	500,000.00	1.550		1.550	1,750	07/17/2018
3134G4E79	2267	FEDERAL HOME LOAN MTG ASSOC.		08/14/2013	500,000.00	501,005.00	500,000.00	2.000		2.000	1,778	08/14/2018
3134G4EW4	2269	FEDERAL HOME LOAN MTG ASSOC.		08/29/2013	500,000.00	500,995.00	500,000.00	2.000		2.000	1,791	08/27/2018
3136G0GA3	2249	FEDERAL NTL MORTGAGE ASSOC.		05/16/2012	500,000.00	500,840.00	500,000.00	1.200		1.200	1,323	05/16/2017
3136G0NY3	2251	FEDERAL NTL MORTGAGE ASSOC.		06/27/2012	500,000.00	497,365.00	500,000.00	1.050		1.050	1,365	06/27/2017
3135G0NF6	2252	FEDERAL NTL MORTGAGE ASSOC.		08/21/2012	500,000.00	495,078.10	500,000.00	1.000		1.000	1,420	08/21/2017
3136G04U2	2253	FEDERAL NTL MORTGAGE ASSOC.		11/29/2012	500,000.00	492,765.00	500,000.00	1.000		1.000	1,520	11/29/2017
3135G0UN1	2255	FEDERAL NTL MORTGAGE ASSOC.		02/28/2013	500,000.00	491,820.00	500,000.00	1.150		1.146	1,611	02/28/2018
3135G0WN9	2258	FEDERAL NTL MORTGAGE ASSOC.		04/30/2013	500,000.00	487,120.00	500,000.00	1.000		1.000	1,672	04/30/2018
3136G1LB3	2259	FEDERAL NTL MORTGAGE ASSOC.		04/30/2013	500,000.00	488,775.00	500,000.00	0.700		0.700	1,672	04/30/2018
3135G0XG3	2260	FEDERAL NTL MORTGAGE ASSOC.		05/21/2013	500,000.00	487,665.00	500,000.00	1.000		1.000	1,693	05/21/2018
3136G1SB6	2268	FEDERAL NTL MORTGAGE ASSOC.		08/28/2013	500,000.00	500,355.00	500,000.00	2.000		1.990	1,792	08/28/2018
3136G1TN9	2271	FEDERAL NTL MORTGAGE ASSOC.		09/12/2013	500,000.00	502,535.00	500,000.00	2.050		2.050	1,807	09/12/2018
3136G1646	2272	FEDERAL NTL MORTGAGE ASSOC.		09/18/2013	500,000.00	502,955.00	500,000.00	2.150		2.150	1,813	09/18/2018
3136G1VG1	2273	FEDERAL NTL MORTGAGE ASSOC.		09/27/2013	500,000.00	503,530.00	500,000.00	2.200		2.200	1,822	09/27/2018
<b>Subtotal and Average</b>			<b>10,933,333.33</b>		<b>12,000,000.00</b>	<b>11,907,653.10</b>	<b>12,000,000.00</b>			<b>1.490</b>	<b>1,675</b>	
<b>Negotiable CDs</b>												
02437PAG8	3173	AMERICAN NATIONAL BANK DALLAS		08/12/2013	500,000.00	500,000.00	500,000.00	1.250		1.281	1,411	08/12/2017
856284-E3-4	3147	BANK OF INDIA NEW YORK		04/27/2012	248,000.00	256,680.07	248,000.00	2.000		2.001	1,304	04/27/2017
106895AY1	3161	BREMER BANK GRAND FORKS, MN		06/22/2012	249,000.00	250,115.59	249,000.00	1.200		1.217	1,360	06/22/2017
10700QBC7	3160	BREMER BANK OF MOORHEAD ND		06/22/2012	249,000.00	250,115.59	249,000.00	1.200		1.217	1,360	06/22/2017
107003AK1	3162	BREMER BANK NA		06/28/2012	249,000.00	250,120.43	249,000.00	1.200		1.217	1,366	06/28/2017
17037TDV6	3169	CHOICE FINANCIAL GROUP		11/20/2012	248,000.00	245,549.66	248,000.00	1.000		1.000	1,511	11/20/2017
20033AAG13	3168	COMENITY CAPITAL BANK		10/25/2012	249,000.00	247,396.66	249,000.00	1.050		1.065	1,485	10/25/2017
20451PEN2	3175	COMPASS BANK		09/25/2013	247,000.00	252,180.85	247,000.00	2.000		2.001	1,820	09/25/2018
29976DNY2	3166	EVERBANK		10/15/2012	248,000.00	248,000.00	248,000.00	1.000		1.001	1,476	10/16/2017

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**CITY OF HEMET  
Portfolio Management  
Portfolio Details - Investments  
September 30, 2013**

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	Moody's	YTM 365	Days to Maturity	Maturity Date
<b>Negotiable CDs</b>												
373128DS3	3167	GEORGIA BANK AND TRUST		10/17/2012	249,000.00	246,906.66	249,000.00	1.000		1.014	1,477	10/17/2017
36159CRZ1	3126	GE Money Bank		07/30/2010	247,000.00	255,828.40	247,000.00	2.400		2.400	667	07/30/2015
48124JSB5	3171	JP MORGAN CHASE BANK		01/28/2013	248,000.00	248,000.00	248,000.00	0.850		0.850	1,580	01/28/2018
7865803L2	3164	SAFRA NATIONAL BANK		09/27/2012	249,000.00	249,000.00	249,000.00	0.800		0.800	727	09/28/2015
795450NR2	3163	SALLIE MAE		07/25/2012	248,000.00	248,000.00	248,000.00	1.200		1.200	664	07/27/2015
84603M2W5	3165	SOVEREIGN BANK		10/03/2012	249,000.00	249,895.75	249,000.00	0.750		0.750	367	10/03/2014
909557CL2	3170	United Bankers' Bank		11/29/2012	249,000.00	247,208.59	249,000.00	1.100		1.115	1,520	11/29/2017
94986TMF1	3172	WELLS FARGO		03/28/2013	248,000.00	248,000.00	248,000.00	1.000		1.000	1,639	03/28/2018
<b>Subtotal and Average</b>			<b>4,276,400.00</b>		<b>4,474,000.00</b>	<b>4,492,998.25</b>	<b>4,474,000.00</b>			<b>1.244</b>	<b>1,286</b>	
<b>Total and Average</b>			<b>65,309,507.24</b>		<b>64,839,095.07</b>	<b>64,896,417.43</b>	<b>64,836,097.54</b>			<b>0.830</b>	<b>486</b>	

**CITY OF HEMET  
Portfolio Management  
Portfolio Details - Cash  
September 30, 2013**

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	Moody's	YTM 365	Days to Maturity
<b>Average Balance</b>			<b>0.00</b>	Accrued Interest at Purchase		11,320.83	11,320.83				0
				Subtotal		11,320.83	11,320.83				
<b>Total Cash and Investments</b>			<b>65,309,507.24</b>		<b>64,839,095.07</b>	<b>64,907,738.26</b>	<b>64,847,418.37</b>			<b>0.830</b>	<b>486</b>

**CITY OF HEMET**  
**Received Interest**  
**Sorted by Issuer**  
**Received September 1, 2013 - September 30, 2013**

Issuer	CUSIP	Investment #	Security Type	Par Value	Current Rate			Interest		Variance
						Date Due	Date Received	Amount Due	Amount Received	
<b>BANK OF HEMET</b>	SYS3128	3128	BCD	0.00	1.600	09/06/2013	09/10/2013	335.65	335.65	-
							<b>Subtotal</b>	<b>335.65</b>	<b>335.65</b>	
<b>BANK OF THE WEST</b>	SYS3144	3144	BCD	249,000.00	1.750	09/12/2013	09/17/2013	370.09	370.09	-
							<b>Subtotal</b>	<b>370.09</b>	<b>370.09</b>	
<b>BANK OF HEMET</b>	SYS3129	3129	BCD	0.00	1.600	09/06/2013	09/10/2013	335.65	335.65	-
							<b>Subtotal</b>	<b>335.65</b>	<b>335.65</b>	
<b>BREMER BANK GRAND FORKS, MN</b>	106895AY1	3161	NC2	249,000.00	1.200	09/22/2013	09/24/2013	257.30	253.78	-3.52
							<b>Subtotal</b>	<b>257.30</b>	<b>253.78</b>	
<b>BREMER BANK OF MOORHEAD ND</b>	10700QBC7	3160	NC2	249,000.00	1.200	09/22/2013	09/24/2013	257.30	253.78	-3.52
							<b>Subtotal</b>	<b>257.30</b>	<b>253.78</b>	
<b>COMENITY CAPITAL BANK</b>	20033AAG13	3168	NC2	249,000.00	1.050	09/25/2013	09/26/2013	225.14	222.05	-3.09
							<b>Subtotal</b>	<b>225.14</b>	<b>222.05</b>	
<b>COMPASS BANK</b>	SYS3142	3142	BCD	0.00	0.850	09/14/2013	09/17/2013	1,054.00	1,074.21	20.21
							<b>Subtotal</b>	<b>1,054.00</b>	<b>1,074.21</b>	
<b>GEORGIA BANK AND TRUST</b>	373128DS3	3167	NC2	249,000.00	1.000	09/17/2013	09/18/2013	214.42	211.48	-2.94
							<b>Subtotal</b>	<b>214.42</b>	<b>211.48</b>	
<b>GOLDMAN SACHS</b>	SYS3140	3140	BCD	248,000.00	1.200	08/28/2013	09/04/2013	1,488.00	1,500.23	12.23
							<b>Subtotal</b>	<b>1,488.00</b>	<b>1,500.23</b>	
<b>Lake Hemet Municipal Water Dis</b>	509896AC0	5007	NCB	0.00	3.000	09/10/2013	09/11/2013	2,100.00	2,100.00	-
							<b>Subtotal</b>	<b>2,100.00</b>	<b>2,100.00</b>	
<b>CITY OF LINCOLN</b>	533020DC4	5012	NCB	995,000.00	3.000	09/02/2013	09/04/2013	14,925.00	14,925.00	-
							<b>Subtotal</b>	<b>14,925.00</b>	<b>14,925.00</b>	

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**CITY OF HEMET**  
**Received Interest**  
**Received September 1, 2013 - September 30, 2013**

Issuer	CUSIP	Investment #	Security Type	Par Value	Current Rate	Date Due	Date Received	Interest		Variance
								Amount Due	Amount Received	
SAFRA NATIONAL BANK	7865803L2	3164	NC2	249,000.00	0.800	09/27/2013	09/30/2013	996.00	1,004.19	8.19
							<b>Subtotal</b>	<b>996.00</b>	<b>1,004.19</b>	
United Bankers' Bank	909557CL2	3170	NC2	249,000.00	1.100	08/28/2013	09/03/2013	235.86	232.63	-3.23
							<b>Subtotal</b>	<b>235.86</b>	<b>232.63</b>	
<b>Total</b>								<b>22,794.41</b>	<b>22,818.74</b>	
<b>Total Cash Overpayment</b>									<b>40.63</b>	
<b>Total Cash Shortfall</b>									<b>-16.30</b>	

CITY OF HEMET  
 Received Interest  
 Received September 1, 2013 - September 30, 2013

Issuer	CUSIP	Investment #	Security Type	Par Value	Current Rate	Interest	
						Date Received	Amount Received
<b>Cash Accounts</b>							
BANK OF NEW YORK	SYS5009	5009	PA1	560,928.37		09/03/2013	30.61
						<b>Subtotal</b>	<b>30.61</b>
Citibank	SYS5001	5001	PA1	2,516,619.81	0.450	09/30/2013	378.85
						<b>Subtotal</b>	<b>378.85</b>
CITIBANK3	SYS5004	5004	PA1	3,031,561.16	0.450	09/30/2013	365.85
						<b>Subtotal</b>	<b>365.85</b>
						<b>Total</b>	<b>775.31</b>

Local Agency Investment Fund  
P.O. Box 942809  
Sacramento, CA 94209-0001  
(916) 653-3001

[www.treasurer.ca.gov/pmia](http://www.treasurer.ca.gov/pmia)

-laif

October 21, 2013

CITY OF HEMET

CITY TREASURER  
445 EAST FLORIDA AVENUE  
HEMET, CA 92543-4209

PMIA Average Monthly Yields

Account Number:  
98-33-362

Tran Type Definitions

September 2013 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	35,134,253.54
Total Withdrawal:	0.00	Ending Balance:	35,134,253.54

Local Agency Investment Fund  
P.O. Box 942809  
Sacramento, CA 94209-0001  
(916) 653-3001  
HEMET

[www.treasurer.ca.gov/pmia](http://www.treasurer.ca.gov/pmia)

-laif

October 21, 2013

TREASURER  
445 EAST FLORIDA AVENUE  
HEMET, CA 92543-4209

PMIA Average Monthly Yields

**Account Number:**  
65-33-006

Tran Type Definitions

September 2013 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	1,875.99
Total Withdrawal:	0.00	Ending Balance:	1,875.99

CITY OF HEMET  
Cash W/Fiscal Agent: US BANK  
2006 Refunding Bonds Series Heartland Project

Date	Activity	103852000 788-1508 Bond	103852001 788-1508 Prepayment	103852002 Special	103852003 788-1510 Escrow	103852004 788-1502 Cost of	103852005 788-1506 Reserve	TOTAL	
7/31/2013	Interest							0.00	
	Transfer funds							0.00	
	City of Hemet							0.00	
	Debt Service							0.00	
	Khov prepay (31 lots)							0.00	
	Trust fees							0.00	
	<b>BALANCE</b>	<b>0.00</b>	<b>857,031.93</b>	<b>2,283,323.34</b>	<b>10,736.85</b>	<b>0.00</b>	<b>0.00</b>	<b>466,136.25</b>	<b>3,617,228.37</b>
8/31/2013	Interest							0.00	
	Transfer funds							0.00	
	City of Hemet							0.00	
	Debt Service							0.00	
	Khov prepay (31 lots)							0.00	
	Trust fees							0.00	
	<b>BALANCE</b>	<b>0.00</b>	<b>857,031.93</b>	<b>2,283,323.34</b>	<b>10,736.85</b>	<b>0.00</b>	<b>0.00</b>	<b>466,136.25</b>	<b>3,617,228.37</b>
9/30/2013	Interest							0.00	
	Transfer funds							0.00	
	City of Hemet		12,607.44					12,607.44	
	Debt Service	(667,646.25)						(667,646.25)	
	Khov prepay (31 lots)							0.00	
	Trust fees							0.00	
	<b>BALANCE</b>	<b>0.00</b>	<b>189,385.68</b>	<b>2,295,930.78</b>	<b>10,736.85</b>	<b>0.00</b>	<b>0.00</b>	<b>466,136.25</b>	<b>2,962,189.56</b>
	First American Treasury Oblig		2,962,189.56						
	US Treasury Notes, various								not carried on COH books
	Misc Assets		1.00						
			<u>2,962,190.56</u>						

HEMET REDEVELOPMENT AGENCY  
Cash W/Fiscal Agent: US BANK and LAIF  
2002 TAX ALLOCATION BONDS/RDA

Date	Activity	98510818	98510819		98510816	98510815	98510817	RDA	TOTAL
		496-1504 Interest Fund	Principal Fund	Sinking Fund	496-1506 Reserve Fund	Redemption Fund	389-1502 Cost of Issuance	389-1503 Acquisition Fund	
7/31/2013	Interest								0.00
	Interfund transfer								0.00
	Debt Service from City of Hemet								0.00
	Debt Service Pmt								0.00
	BALANCE	0.00	0.00	0.00	475,474.45	0.00	(0.00)	0.00	475,474.45
8/31/2013	Interest								0.00
	Interfund transfer								0.00
	Debt Service from City of Hemet								0.00
	Debt Service Pmt								0.00
	BALANCE	0.00	0.00	0.00	475,474.45	0.00	(0.00)	0.00	475,474.45
9/30/2013	Interest				0.42				0.42
	Interfund transfer	(1,594.03)			1,594.03				0.00
	Debt Service from City of Hemet	306,601.54							306,601.54
	Debt Service Pmt	(305,007.51)							(305,007.51)
	BALANCE	0.00	0.00	0.00	477,068.90	0.00	(0.00)	0.00	477,068.90
	First American Treas Oblig CL D Corp Tr		477,068.90						
	LAIF/RDA		0.00						
			<u>477,068.90</u>						
			0.00						





*Staff Report*

TO: Honorable Mayor and Members of the Hemet City Council  
FROM: Rita Conrad, Deputy City Manager/Administrative Services;  
Wally Hill, City Manager *Wally Hill*  
DATE: December 10, 2013  
RE: Destruction of Certain Records

**RECOMMENDED ACTION:**

That the City Council adopt Resolution Bill No. 13-051, authorizing the destruction of certain records.

**BACKGROUND:**

Government Code Section 34090 Allows the destruction of records which are no longer needed by the City. The Finance Department and the City Attorney have reviewed all records described in "Exhibits A through A-3" and approve the destruction.

**FISCAL IMPACT:**

There is no fiscal impact.

Respectfully submitted,

Rita Conrad  
Deputy City Manager/Administrative Services

Attachments: Resolution Bill No. 13-051  
Exhibit A Records Destruction Form – A/P  
Exhibit A-1 Records Destruction Form – Finance/Purchasing  
Exhibit A-2 Records Destruction Form – Utility Billing  
Exhibit A-3 Records Destruction Form – CDBG



**CITY OF HEMET  
Hemet, California  
RESOLUTION BILL NO. 13-051**

**“A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF HEMET, CALIFORNIA, AUTHORIZING THE  
DESTRUCTION OF CERTAIN RECORDS ”**

WHEREAS, Government Code Section 34090 authorizes the destruction of records which are no longer needed by the City; and

WHEREAS, the destruction of such records is from time to time required;

NOW, THEREFORE, be it resolved as follows:

Unless otherwise provided by law, with the written consent of the City Attorney, the Head of a City Department may destroy any city record, document, instrument, book or paper, under his charge, without making a copy thereof, after the same is no longer required.

This resolution does not authorize the destruction of:

- A) Records affecting the title of real property or liens thereon
- B) Court records
- C) Records required to be kept by statute
- D) Records less than (2) years old
- E) The minutes, ordinances, or resolutions of the legislative body or of a City Board or Commission.

A list of the records requested for destruction is attached as “Exhibit A”

This section shall not be construed as limiting or qualifying in any manner the authority provided in Section 34090.5 of the Government Code for the destruction of records, documents, instruments, books and papers in accordance with the procedure therein prescribed.

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PASSED, APPROVED, AND ADOPTED this 10th day of December, 2013.

\_\_\_\_\_  
Robert Youssef, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Sarah McComas, City Clerk

\_\_\_\_\_  
Eric S. Vail, City Attorney

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**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 Resolution is the actual Resolution adopted by the City Council of the City of Hemet and was passed at a regular meeting of the City Council on the 10th day of December, 2013 by the following vote:**

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

\_\_\_\_\_  
Sarah McComas, City Clerk

**RECORDS DESTRUCTION FORM**

The records listed below are scheduled to be destroyed:

File #	Records Description	Start Date	End Date	Retention Period	OFR
	Accounts Payable Warrants C Misc ~ D Misc	07/01/06	06/30/07	AU+4	Finance
	Accounts Payable Warrants S ~ S Misc	07/01/06	06/30/07	AU+4	Finance
	Accounts Payable Warrants P Misc ~ R Misc	07/01/06	06/30/07	AU+4	Finance
	Accounts Payable Warrants Si~Sz Misc ~Vista Paint	07/01/06	06/30/07	AU+4	Finance
	Accounts Payable Warrants Voids ~ Z	07/01/06	06/30/07	AU+4	Finance
	Accounts Payable Warrants Cintas	07/01/06	06/30/07	AU+4	Finance
	Accounts Payable Warrants A ~ AZ	07/01/06	06/30/07	AU+4	Finance
	Accounts Payable Warrants B~CDW	07/01/06	06/30/07	AU+4	Finance
	Accounts Payable Warrants Munifinancial ~ Office Max	07/01/06	06/30/07	AU+4	Finance
	Accounts Payable Warrants Baker & Taylor & Staples	07/01/06	06/30/07	AU+4	Finance
	Accounts Payable Warrants Franchise Tax Board ~ Hemet. City of(PB)	07/01/06	06/30/07	AU+4	Finance
	Accounts Payable Warrants Nextel & Verizon	07/01/06	06/30/07	AU+4	Finance
	Accounts Payable Warrants SCE	07/01/06	06/30/07	AU+4	Finance
	Accounts Payable Warrants Lake Hemet~Municipal Code	07/01/06	06/30/07	AU+4	Finance
	Accounts Payable Warrants ECMS~Four	07/01/06	06/30/07	AU+4	Finance
	Accounts Payable Warrants Ogden ~ Pust	07/01/06	06/30/07	AU+4	Finance
	Accounts Payable Warrants Imperial ~ Labor	07/01/06	06/30/07	AU+4	Finance
	Accounts Payable Warrants Hemet,City of Water~ICMA	07/01/06	06/30/07	AU+4	Finance
	Accounts Payable Warrants CR&R ~ Custom Service	07/01/06	06/30/07	AU+4	Finance
	Accounts Payable Warrants Staples	07/01/07	06/30/08	AU+4	Finance
	Accounts Payable Warrants Munifinancial-Petty Cash-Library	07/01/07	06/30/08	AU+4	Finance
	Accounts Payable Warrants A A Equipment – Betts Springs	07/01/07	06/30/08	AU+4	Finance
	Accounts Payable Warrants SCE	07/01/07	06/30/08	AU+4	Finance
	Accounts Payable Warrants Baker & Taylor – Cintas	07/01/07	06/30/08	AU+4	Finance
	Accounts Payable Warrants Petty Cash PD – Riverside Co of Civil Div	07/01/07	06/30/08	AU+4	Finance
	Accounts Payable Warrants S Misc – Vista Paint	07/01/07	06/30/08	AU+4	Finance





**RECORDS DESTRUCTION FORM**

The records listed below are scheduled to be destroyed:

File #	Records Description	Start Date	End Date	Retention Period	OFR
	WATER BILLING	7/1/2009	6/30/2010	CL + 2	UTILITY BILLING
	WATER BILLING	7/1/2009	6/30/2010	CL + 2	UTILITY BILLING
	BUSINESS LICENSES	7/1/2005	6/30/2006	T + 4	BUSINESS LICENSE
5 BOXES	CASH RECEIPTS	7/1/2008	7/30/2011	CL + 2	UTILITY BILLING
	UTILITY BILLING RECEIPTS	7/1/2009	6/30/2009	CL + 2	UTILITY BILLING
	UTILITY BILLING RECEIPTS	7/1/2009	6/30/2009	CL + 2	UTILITY BILLING
	BUSINESS LICENSES DAILY	7/1/2004	6/30/2005	T + 4	UTILITY BILLING
	CREDIT CARD RECEIPTS	7/1/2004	6/30/2005	CL + 2	UTILITY BILLING
	CREDIT CARD RECEIPTS	7/1/2006	6/30/2007	CL + 2	UTILITY BILLING
	REFUSE SERVICE ORDERS	7/1/2006	6/30/2007	CL + 2	UTILITY BILLING
	REFUSE SERVICE ORDER	7/1/2006	6/30/2007	CL + 2	UTILITY BILLING
	REFUSE SERVICE ORDER	7/1/2006	6/30/2007	CL + 2	UTILITY BILLING
	REFUSE SERVICE ORDER	7/1/2006	6/30/2007	CL + 2	UTILITY BILLING
	REFUSE SERVICE ORDER	7/1/2006	6/30/2007	CL + 2	UTILITY BILLING
	ARMOR RECEIPTS	7/1/2001	6/30/2002	CL + 2	UTILITY BILLING
2 BOXES	UB BATCH	7/1/2009	6/30/2010	CL + 2	UTILITY BILLING
2 BOXES	BANKRUPTCY NOTICES	2002	2011	2	UTILITY BILLING
	BUSINESS LICENSE OLD LICENSES	7/1/2008	6/30/2009	T + 4	BUSINESS LICENSE
	SEWER RECORDS	7/1/2003	6/30/2004	CL + 2	UTILITY BILLING
	SEWER RECORDS	7/1/2004	6/30/2005	CL + 2	UTILITY BILLING
	SEWER RECORDS	7/1/2001	6/30/2002	CL + 2	UTILITY BILLING
	BUSINESS LICENSE APPLICATIONS	7/1/2007	6/30/2008	T+4	BUSINESS LICENSE
	BUSINESS LICENSE APPLICATIONS	7/1/2007	6/30/2008	T+4	BUSINESS LICENSE
	CASH RECEIPTS	7/1/2008	6/30/2009	CL + 2	UTILITY BILLING
	CREDIT CARD RECEIPTS	7/1/2009	6/30/2010	CL + 2	UTILITY BILLING
	CREDIT CARD RECEIPTS	7/1/2010	6/30/2011	CL + 2	UTILITY BILLING
	CREDIT CARD RECEIPTS	7/1/2011	11/30/2011	CL + 2	UTILITY BILLING





*Staff Report*

TO: Honorable Mayor and Members of the Hemet City Council  
FROM: Primo Reynoso, Acting Fire Chief : Wally Hill, City Manager  
DATE: December 10, 2013  
RE: Declare City Vehicles as Surplus

*Wally Hill*

**RECOMMENDED ACTION:**

It is respectfully recommended that Council declare the attached list of City vehicles as non-functioning equipment as surplus to be sold through an on-line auction system or picked up and sold through professional auction vendor.

It is requested that if this surplus equipment is not sold through an auction the equipment be donated to the International Bomberos Volunteer Association.

**BACKGROUND:**

The International Bomberos Volunteer Association collects used fire equipment from professional firefighters in the U.S. to help firefighters in South America to improve their fire, rescue and emergency response to their communities in need. If the equipment is donated to this organization they will pay all costs for removal, transportation, and insurance.

Sec. 2-328 (10) of the Hemet Municipal Code establishes that the City Manager, through delegation to the Purchasing Agent, shall recommend to the City Council that unused and surplus equipment be declared surplus, and prescribe a method for its disposition and sale.

**PROJECT DESCRIPTION:**

The following list of vehicles have been sidelined and are no longer a part of the City's daily operations.

- 1990 Kovatch Pumper, Unit #3241, VIN # 8385
- 1983 GMC Van, Unit #9040, VIN# 8222
- 1988 Ford Vactor, Unit #4210, VIN# 2681 (must be sold outside of Ca.)
- 1988 GMC 10 wheel dump truck, Unit #4271, VIN# 498, (must be sold outside of Ca.)
- 1991 Chevy patch truck, Unit #4248, VIN# 9757 (must be sold outside of Ca.)
- 1989 Toyota 4wd pick up, Unit #8215, VIN# 603

**POTENTIAL ALTERNATIVE ACTIONS:**

Equipment could be sold on-line auction system or picked up and sold through auction company.

**FISCAL IMPACT:**

There is minimal fiscal impact from this action. These items have exceeded their useful life and have been fully depreciated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Primo Reynoso', written in a cursive style.

Primo Reynoso  
Acting Fire Chief



TO: Honorable Mayor and Members of the Hemet City Council

FROM: Wally Hill, City Manager *WJH*  
Rita Conrad, Deputy City Manager-Administrative Services

DATE : December 10, 2013

RE: Memorandum of Understanding with the Hemet Police Management Association (HPMA)

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**RECOMMENDATION:**

Authorize the City's negotiation team to execute the attached Memorandum of Understanding (MOU) between the City and the Hemet Police Management Association (HPMA) for the three-year period of July 1, 2013 through June 30, 2016.

**BACKGROUND:**

The Police Department has struggled to retain seasoned, highly trained officers and continues to see officers move to other law enforcement agencies. Recruiting lateral police officers has also proven to be a challenge with approximately nine (9) positions currently vacant (this equates to a vacancy rate of 20% within the police officer ranks).

In August of 2013 the City Council approved an MOU between the City and the Hemet Police Officers Association (HPOA) to address public safety, a top priority of the City Council, through a package that contained key provisions for both the retention of police officers and recruitment of new lateral officers. The City and the Hemet Police Management Association (HPMA) recently concluded negotiations on a package similar to the package recently approved for HPOA. Similar to the HPOA, the HPMA, recognizing the cost of the package, offered to offset some of the financial impact to the City by having their members pay 3% of the City's PERS costs over the term of the contract. HPMA members currently pay 100% of the employees' contribution rate which is 9%. By offering to pay 3% of the City's PERS rate, the total contribution to PERS costs by unit members will increase from 9% to 12%. The proposal you see before you is a result of the hard work and determination of both negotiating teams and addresses the concerns of the Council, the community, and the members of the HPMA.

**ANALYSIS:**

In accordance with the authority granted the City Council, the attached Memorandum of Understanding is presented for consideration. The pertinent details of the MOU are as follows:

**Term:**

- **Three-Year Agreement** – MOU shall be effective July 1, 2013 through June 30, 2016.

**Salaries:**

- The HPMA MOU contains an existing clause that addresses compaction between ranks; therefore HPMA members receive the same salary increases as HPOA members. In August of 2013 HPOA members received increases bringing their pay to the median salary of the comparable agencies listed in the MOU. These increases, which also apply to HPMA members, are as follows:
  - Effective July 1, 2013, base salaries shall be increased by 4% from base salaries at the end of the 2012-2013 fiscal year.
  - Effective July 1, 2014, base salaries will be increased by 4% from base salaries during the 2013-14 fiscal year.
  - Effective July 1, 2015, base salaries will be increased by 4% from base salaries during the 2014-2015 fiscal year.

**Annual Lump Sum Payment of \$1,200:**

- Non Pensionable (not subject to PERS).
- Non-recurring (does not accumulate each year).
- This provision sunsets at the end of the contract term.

**Deferred Compensation:**

- Effective upon ratification, City to match dollar for dollar into the employee deferred compensation plan (457) through ICMA, up to a maximum of \$150 per month.

**Holidays:**

- Effective upon ratification, City to provide one (1) additional floating holiday.

**Retirement:**

HPMA unit members currently pay the entire employees' share of PERS costs (9%). The proposed MOU includes provisions for unit members to pay 3% of the City's PERS rate, bringing the total contribution to retirement costs by unit members from 9% to 12%.

- Upon ratification of MOU, unit members will contribute one percent (1%) of the employer's share of the CalPERS contribution.
- Effective July 1, 2014, unit members will contribute an additional one percent (1%) of the employer's share of the CalPERS contribution, for a total of two percent (2%) of the employer share of the retirement contribution.
- Effective July 1, 2015, unit members will contribute an additional one percent (1%) of the employer's share of the CalPERS contribution. By July 1, 2015, unit members will be contributing a total of 3% toward the employer's share of the CalPERS contribution.
- Includes language consistent with the Public Employees' Pension Reform Act of 2013 (PEPRA).

**FISCAL IMPACT:**

The total **three-year** cost of this package is approximately \$640,800 before increased employee contributions to PERS. After factoring in the additional amount of PERS cost to be paid by unit members the net three year cost of the package is lowered to approximately \$556,200.

Year 1:	\$118,100
Year 2:	\$181,900
Year 3:	\$256,200
Total Three-Year Net Cost:	\$556,200

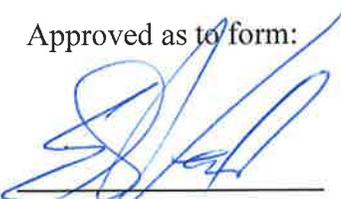
It is anticipated that salary saving from existing vacancies within the Police Department will offset some of these costs initially. As turnover decreases and vacancies are filled it is expected that saving in training and recruitment costs will also offset some the costs related to this package.

Respectfully submitted,

Approved as to form:

  
 \_\_\_\_\_  
 Wally Hill  
 City Manager

  
 \_\_\_\_\_  
 Rita Conrad  
 Deputy City Manager

  
 \_\_\_\_\_  
 Eric S. Nail  
 City Attorney

Attachment: Memorandum of Understanding between the City and HPMA

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF HEMET AND  
THE HEMET POLICE MANAGEMENT ASSOCIATION

This Memorandum of Understanding (hereinafter "MOU") is entered into between the City of Hemet (City) and the Hemet Police Management Association (hereinafter Association or HPMA), pursuant to the provisions of the Meyers-Milias-Brown Act. This MOU shall be effective for the period from July 1, 2013 through June 30, 2016; and thereafter shall continue in effect year by year unless one of the parties notifies the other in writing no later than March 31, 2016 of the request to modify, amend or terminate this Agreement or no later than March 31<sup>st</sup> of any year after 2016.

ARTICLE I - RECOGNITION

- 1.1 The City recognizes the Association as the bargaining agent for the following classifications:
- A. Deputy Police Chief
  - B. Police Captain
  - C. Police Lieutenant
  - D. Police Sergeant
- 1.2 Nothing in the above shall be construed as requiring a unit member to join the recognized bargaining unit.

ARTICLE II - MANAGEMENT RIGHTS

- 2.1 It is understood and agreed that City retains all of its powers and authority to direct, manage and control to the full extent of the law. Included in but not limited to those duties and powers are the exclusive right to:

Determine its organization; direct the work of its employees; assign related work not expressly covered by job description; determine the times and hours of operation; determine normal working hours and schedule shifts accordingly; determine the kinds and levels of services to be provided and the methods and means of providing them; establish its municipal policies, goals and objectives; make technological improvements; determine staffing patterns; determine the number and kinds of personnel required; maintain the efficiency of City budget procedures and determine budgetary allocation; determine the methods of raising revenue; contract out work in accordance with law; and to take any action necessary to meet conditions of an emergency nature, provided that the Association shall be afforded the opportunity to meet and confer concerning this MOU. In addition, the City retains the right to hire, classify, assign, evaluate, promote, terminate, transfer, and discipline employees.

- 2.2 The City Manager may lay off a unit member or unit members because of shortage of work, lack of funds, material change in duties or organization, or for other valid reasons as determined by the City Manager. The City shall not be required to meet and confer with the Association over decisions to layoff unit members, the timing of such layoffs or the number of employees to be laid off. Lay offs shall be implemented in accordance with the terms of the City's Personnel Rules.
- 2.3 If the City decides to contract out work during the term of this MOU, such decisions shall be subject to the City's obligations, if any, to meet and confer over the decisions or the effects of such decisions.
- 2.4 The exercise of the foregoing powers, rights, authority, duties and responsibilities by City, the adoption of policies, rules, regulations, and practices in furtherance thereof, and the use of judgment and discretion in connection therewith, shall be limited only by the specific and express terms of this MOU, and then only to the extent such specific and express terms are in conformance with law.

### ARTICLE III - SALARIES

- 3.1 The City shall adjust base salary once a year on July 1, if necessary, to maintain the following base salary differentials:

20% between Sergeant and Corporal

20% between Lieutenant and Sergeant

10% between Captain and Lieutenant

The base salary differentials shall be measured by comparing the top step in each classification.

- 3.2 One-Time, Lump Sum, Non-Recurring and Non-Pensionable Payments:

- A. Ratification – June 30, 2014 Payment The City shall pay each full-time unit member, in employment on or after the effective date of this Agreement, a one-time, non-recurring and non-pensionable payment of one thousand two hundred dollars (\$1,200.00). The City shall prorate the \$1,200 one-time payment for part-time unit members on the basis of the FTE. The first payment shall be made to each employee on the first pay period following ratification. The salary schedule shall not be affected by this one-time payment.
- B. July 1, 2014 – June 30, 2015 Payment The City shall pay each full-time unit member a one-time, non-recurring and non-pensionable payment of one thousand two hundred dollars (\$1,200.00). The City shall prorate the \$1,200 one-time payment for part-time unit members on the basis of the FTE. The payment shall be made the first pay period of December. The salary schedule shall not be affected by this one-time payment.

- C. July 1, 2015 – June 30, 2016 Payment The City shall pay each full-time unit member a one-time, non-recurring and non-pensionable payment of one thousand two hundred dollars (\$1,200.00). The City shall prorate the \$1,200 one-time payment for part-time unit members on the basis of the FTE. The payment shall be made the first pay period of December. The salary schedule shall not be affected by this one-time payment.
- D. Article 3.2 will sunset June 30, 2016.

#### ARTICLE IV - BENEFITS

4.1 A. Overtime: It is the policy of the City of Hemet to avoid the necessity for overtime work whenever possible. It is a further policy of City, in regard to overtime benefits for management personnel, that salary and benefits are considered adequate compensation for overtime demands placed on these individuals. Notwithstanding these policy statements, City recognizes that overtime will be paid as follows:

- (1) Deputy Chief and Police Captains: Will receive no overtime compensation.
- (2) Police Lieutenants: Will be paid straight time overtime for unscheduled shifts or portions thereof; holdover time while awaiting relief from the next shift or as requested by a superior officer; and callouts.
- (3) Police Sergeants: Time worked which exceeds a sergeant's scheduled shift, at the specific request of the sergeant's watch commander, shall be compensated at a rate of one and one-half times the sergeant's hourly rate of pay.

The Chief of Police may, from time to time, prepare policy statements or memoranda regulating the issue of overtime within the guidelines set forth hereinabove.

B. Compensatory Time: Employees are authorized to accumulate not more than eighty (80) hours of compensatory time in lieu of overtime compensation. Such compensatory time shall be earned at the rates specified in Section 4.1A. Designation of overtime worked as compensatory time shall be at the option of the employee.

- (1) An employee who has requested the use of earned compensatory time shall be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the department.

- (2) An employee at any time may request compensation for any compensatory time earned. Such compensation shall be paid at the regular rate earned by the employee at the time the employee receives such payment. Such compensation shall be included in the employee's regular bi-weekly payroll check.
- (3) An employee who has earned compensatory time off shall, upon termination of employment, be paid for the unused compensatory time at the final regular rate received by such employee at the time payment is made.
- (4) The City will not compel an employee to reduce his or her compensatory time bank through mandatory time off. However, an employee shall automatically be paid overtime for all overtime earned or banked which exceeds the eighty (80) hour cap.

4.2 Minimum Call Back Time: Sergeants shall be granted a minimum of two (2) hours pay when called back to duty at the rate of one and one-half times the hourly rate of pay. For purposes of this paragraph, a sergeant held over at the end of a shift shall not be deemed to be "called back".

4.3 Holiday Bank: Employees may accumulate holiday bank time in lieu of holiday pay.

4.4 Health Insurance: The City shall make available to all full time employees and their dependents medical plans through commercial carriers offering at least one HMO and one PPO option. The City shall also make available self-funded dental and vision plans.

- A. The City will contribute \$1,028.81 per month, per employee in paid status toward the cost of health insurance. The City will contribute 100% of the cost per month, per employee in paid status toward the cost of dental and vision plans for such employee and his/her dependents.

4.5 Uniform Allowance: The City will provide each unit member a uniform allowance in the amount of \$1,150 per year. This amount shall be payable in equal amounts of \$287.50 on the first paycheck of January, April, July and October of each year.

4.6 Retirement:

- A. For unit members hired before July 1, 2011, the City will provide a retirement plan with the California Public Employees' Retirement System ("CalPERS"), and such plan shall be the three percent (3%) at fifty (50) CHP plan with military buy-back, and the "highest year" amendment. Unit members under this plan shall pay the full employee's share of the CalPERS contribution.
- B. For unit members hired on or after July 1, 2011, and before January 1, 2013, the City will provide a retirement plan with CalPERS, and such plan shall be three percent (3%) at fifty-five (55). Unit members under this plan shall pay the full employee's share of the CalPERS contribution.

- C. For unit members hired on or after January 1, 2013, who are not CalPERS “Classic” employees and are not eligible for reciprocity, the City will provide a retirement plan with CalPERS, and such plan shall be two point seven percent (2.7%) at fifty-seven (57). Unit members under this plan shall pay at least 50% of the total normal cost.
- D. Employee contribution toward employer’s share of contributions to the respective retirement plans:
  - (1) Effective the first pay period following ratification, unit members who are not required to pay 50% of the normal cost pursuant to Article 4.6.C., will contribute an additional one percent (1%) of the employer’s share of the CalPERS contribution.
  - (2) Effective July 1, 2014, unit members who are not required to pay 50% of the normal cost pursuant to Article 4.6.C., will contribute an additional one percent (1%) of the employer’s share of the CalPERS contribution, for a total of two percent (2%) of the employer’s share of the CalPERS contribution.
  - (3) Effective July 1, 2015, unit members who are not required to pay 50% of the normal cost pursuant to Article 4.6.C., will contribute an additional one percent (1%) of the employer’s share of the CalPERS contribution. By July 1, 2015, unit members who are not required to pay 50% of the normal cost pursuant to Article 4.6.C., will be contributing a total of three percent (3%) toward the employer’s share of the CalPERS contribution for a maximum total contribution of twelve percent (12%).
- E. Effective January 1, 2013, the Public Employees’ Pension Reform Act of 2013 (PEPRA) will apply to all sworn and non-sworn employees, as well as for employees transferring from other CalPERS or reciprocal agencies.

4.7 Life Insurance: Unit members hired after October 31, 1996, and any other unit members not eligible for the whole life insurance policy program will be provided with a \$ 100,000 term life insurance policy. Such unit members will not be eligible for the whole life insurance policy program.

City will continue to provide the existing whole life insurance policy program to those unit members on that program. When each such whole life insurance policy is paid by City under its current program, City will have no further obligation for life insurance to such unit members. The policy, when paid up, shall be owned by each unit member and City will release all interest therein. An employee for whom the City continues to provide a whole life insurance policy shall not be eligible for City paid term insurance.

4.8 Certificate Incentive Program: The City will pay \$100.00 monthly to those unit members presently holding or hereafter obtaining a P.O.S.T. Intermediate Certificate. The City will pay an additional \$100.00 monthly to those unit members presently holding or hereafter obtaining a P.O.S.T. Advanced Certificate. The City will pay a maximum

amount of \$200.00 monthly to those unit members holding both an Intermediate and Advanced Certificate. Beginning July 1, 2012, the City will pay a stipend equal to 5% of base salary to unit members with a P.O.S.T. Supervisory Certificate.

4.9 Bilingual Compensation: For those employees certified by the department as bilingual in the Spanish language, the City shall pay additional compensation in the amount of fifty dollars (\$50) per month commencing on the first pay period following their certification.

4.10 Disability Insurance: On behalf of each unit member City shall contribute an amount equal to the premium on a long term disability plan. The plan shall provide coverage equal to sixty percent (60%) of total salary, with maximum monthly benefit of \$5,000, after a thirty (30) day waiting period. In no case shall the policy require sick leave to be drawn beyond the initial 30-day period.

4.11 Jury Duty: A unit member on jury duty will receive full pay and benefits. Any compensation for such jury duty (except travel pay) shall be returned to City.

4.12 Educational Reimbursement:

A. Full-time, regular employees shall qualify for participation in the tuition reimbursement program. The program covers courses taken at accredited colleges, universities, correspondence school and other institutions. Reimbursement will be subject to the following:

(1) The course elected must be of benefit to the City and directly related to the employee's current duties or future employment with the City. Courses taken to satisfy a degree requirement may be approved, provided that the degree goal is in the field of current employment of the employee or future employment with the City.

(2) Each employee must attend on his/her own time and complete the course satisfactorily with a passing grade of "C" or its numerical equivalent, or a "pass" or "credit" for the class.

(3) Employees planning on taking classes or entering a specific program that may be reimbursable will obtain approval for the reimbursement prior to enrollment.

(4) Such reimbursement shall include tuition, necessary books, and parking fees used to complete course requirements on assigned projects, but shall not include travel time, mileage, or other miscellaneous costs.

B. Upon completion of the course, the employee shall attach the grade report along with receipts for eligible reimbursements to his/her approved application for educational assistance and present it to the Chief of Police. The Chief of Police will forward the records of completion to the Director of Human Resources.

C. Reimbursement is limited to \$2000 per calendar year.

- D. Should the employee leave City service within one year after completion of course(s) paid for by the City, the costs of such course(s) will be deducted from the employee's last paycheck. If the last pay check is insufficient to repay the costs, the employee will be required to make appropriate arrangements, including a promissory note, to repay the balance within one year of leaving City service. The City Manager may alter the above requirement in unusual circumstances.
- E. Unit members may request prepayment or reimbursement of costs required for the course. Failure to present proper proof of completion will cause the amount of prepayment to be deducted from successive paychecks, not to exceed \$50 per pay period, except in the case of a unit member who terminates, in which case the total amount shall be deducted from monies due and owing the unit member.

4.13 Waiver of Retiree Gift Policy: City will no longer provide the Retiree Gift Policy to Association members.

4.14 Deferred Compensation: City to match dollar for dollar into the employee deferred compensation plan (457) through ICMA, up to a maximum of one hundred fifty dollars (\$150.00) per month.

#### ARTICLE V - LEAVES

##### 5.1 Personal Time Off:

- A. City will administer a Personal Time Off (PTO) program which will provide for vacations, bereavement leave and management leave. The PTO program combines earned vacation, management leave, and a portion of sick leave benefits.
- B. Unit members will accrue PTO according to the following table one (1) day is equivalent of eight (8) hours:

<u>Length of Service</u>	<u>Vacation Days</u>	<u>Management Leave</u>	<u>Admin Standby</u>	<u>Sick Leave</u>	<u>Total PTO</u>
<u>Deputy Chief &amp; Captain:</u>					
1-12 yrs	20	5	4	6	35
12+ yrs	21	5	4	6	36
<u>Lieutenant:</u>					
1-12 yrs	20	5		6	31
12+ yrs	21	5		6	32

Police Sergeant:

1-3 yrs	12	6	18
4-6 yrs	15	6	21
7-9 yrs	18	6	24
10-12 yrs	20	6	26
12+ yrs	21	6	27

C. Guidelines for Use of Personal Time Off:

- (1) PTO may be used as soon as indicated on the employee's pay stub (but may not be used in advance) and must be approved by the unit member's supervisor and/or department head.
- (2) Accumulation of PTO shall be limited to an amount equal to a unit member's maximum accrual for a 24-month period. A unit member who has reached the maximum accrual shall cease accruing additional PTO until the unit member's leave balance drops below the maximum accrual.
- (3) PTO must be exhausted before a leave of absence will be granted.
- (4) When a unit member is using PTO and becomes ill or injured, he/she may use sick leave when eligible.
- (5) The policy of the City Council regarding PTO sellback is:
  - a. Can sell accumulated PTO not more than once each quarter.
  - b. Must obtain approval of the City Manager for the sellback.
  - c. May not sell more than 176 hours per calendar year.
- (6) In the event one or more holidays fall during a period when a unit member is on PTO, those hours shall be credited as holiday pay and shall not be charged as PTO.
- (7) Upon termination of employment, a unit member will be paid for the balance of his/her PTO at the rate of 100% of current salary. In the event of death, payment will be made to the employee's estate or to a beneficiary so designated by the employee.

5.2 Sick Leave:

- A. Sick leave shall be earned at the rate of four (4) hours per month and will have no accumulation limitation.
- B. Reasonable proof of illness may be required.
- C. Personal time off shall be applied when all sick leave hours have been used.

D. The following payoff provision for accumulated sick leave upon retirement or disability, death, or resignation shall apply:

- (1) Twenty-five percent (25%) of all accumulated sick leave after five (5) years of service with City; payoff shall be prorated upon last five (5) years of service.
- (2) Fifty percent (50%) of all accumulated sick leave after ten (10) years of service with City; payoff shall be prorated upon last five (5) years of service.
- (3) Seventy-five percent (75%) of all accumulated sick leave after twenty (20) years of service with City; payoff shall be prorated upon last five (5) years of service.

E. Newly-hired unit members shall be given a credit of 120 hours of sick leave to their sick leave account for the first two and one-half years of service.

Accrual of additional sick leave will commence at the beginning of the 31<sup>st</sup> day of service.

5.3 Extended Leave of Absence: The City Manager may, upon written request of a regular employee, grant a leave of absence without pay for a period not to exceed one (1) year. Failure on the part of the employee on leave to report to the City Manager promptly at the expiration of the leave, or within a reasonable time after notice by the City Manager to return to duty after leave, shall be cause for discharge.

5.4 Temporary Disability Leave/Pregnancy Leave: A unit member applying for temporary disability leave due to illness, injury, or pregnancy shall submit an appropriate medical certificate from a licensed physician. The certificate shall advise City as to the health and welfare of the unit member in relationship to the physical and emotional demands of the unit member's position. The certificate shall further advise of the estimated length of disability. Disability leave shall be granted at the sole discretion of City, unless otherwise regulated by law. A unit member on temporary disability leave may utilize approved personal time off and sick leave credits. Remaining disability leave shall be without pay.

Unit members on approved temporary disability leave may continue medical insurance (all benefits are continued by the City until it becomes a leave without pay or after twelve weeks if FMLA) and life insurance benefits at their own expense after the effective date of said leave of absence.

5.5 Standby Administrative Time: Captains will receive thirty-two (32) hours of administrative time per year for required standby (on the scene within thirty (30) minutes) on a regularly-scheduled basis directing the employee to maintain telephone or radio contact with the City.

## ARTICLE VI - HOLIDAYS

- 6.1 Any unit member who is regularly scheduled to work on the holiday, but is granted leave for its observance, shall be credited with holiday pay in the amount of his/her regularly-scheduled shift for that day.
- 6.2 Unit Members shall be granted the following holidays:
- A. New Year's Day (January 1)
  - B. President's Day (third Monday in February)
  - C. Memorial Day (last Monday in May)
  - D. Independence Day (July 4)
  - E. Labor Day (first Monday in September)
  - F. Admissions Day (September 9)
  - G. Columbus Day (second Monday in October)
  - H. Veteran's Day (November 11)
  - I. Thanksgiving Day and the day after (fourth Thursday in November and the day after)
  - J. Christmas Day (December 25)
  - K. One (1) Floating Holiday
- 6.3 Procedure if Holiday Falls on Saturday or Sunday: For those unit members whose normal work week is Monday through Friday, when a holiday falls on Saturday, the preceding Friday shall be observed as a holiday. When a holiday falls on Sunday, the following Monday shall be observed as a holiday.
- 6.4 Procedure if Holiday Falls on Regular Day Off: If a holiday occurs on a day which is the unit member's regular day off, he/she shall be entitled to holiday pay in the amount of eight hours of straight time.
- 6.5 Unit Members Reporting Sick on Holidays: Unit members who report in as sick on a scheduled holiday shall be paid for the holiday, together with an appropriate amount of sick leave pay for the hours actually missed. A commensurate deduction of hours will be made from accumulated sick leave.
- 6.6 Unit Members Required to Work on Holiday: Any unit member whose work schedule and assignment of duties requires him/her to work on an authorized holiday shall receive eight (8) hours holiday pay for such work at the same rate of pay at which he/she is employed, in addition to his/her normal pay for the time worked. Normal pay shall include overtime pay where applicable.

## ARTICLE VII. COMPLETION OF MEET AND CONFER

- 7.1 It is intended that this Agreement sets forth the full and entire understanding of the parties regarding the matters set forth herein, and any other prior or existing understanding or agreements by the parties, whether formal or informal, regarding such matters are hereby superseded or terminated in their entirety.

- 7.2 Except as specifically provided in this MOU, the parties agree that neither the City nor the Association shall be required to meet and confer on any subject during the term of this Agreement.
- 7.3 Any agreement, alteration, understanding, variation, waiver, or modification of any of the terms or provisions contained herein shall not be binding upon the parties hereto unless made and executed in writing by all parties hereto, and if required, approved and implemented by the City Council.
- 7.4 The waiver of any breach, term, or condition of this Agreement by either party shall not constitute a precedent in the future enforcement of all its terms and provision.
- 7.5 Reopeners: During the term of this Memorandum of Understanding, the City and Employees will reopen this Memorandum of Understanding for the purposes of meeting and conferring on the following items:
- A. Health Benefits Committee
  - B. Discussion of outstanding issues relating to retiree medical for 'Tier One' employees hired from 1990 to 1998.

#### ARTICLE VIII. - SAVINGS CLAUSE

- 8.1 Should any provision of this MOU, or any application thereof, be unlawful by virtue of any federal, state, or local laws and regulations, or by court decision, such provisions shall be effective and implemented only to the extent permitted by such law, regulation, or court decision. But in all other respects, the provisions of this MOU shall continue in full force and effect for the term thereof.

Dated: 12-3-2013

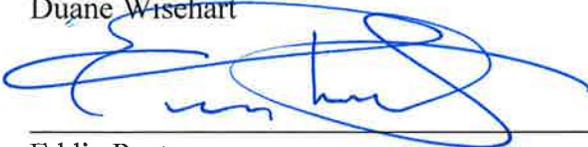
**HEMET POLICE MANAGEMENT  
ASSOCIATION NEGOTIATION TEAM**



Dean Evans



Duane Wischart



Eddie Pust

Dated: 12/

Dated: 12.2.2013

**CITY OF HEMET NEGOTIATION TEAM**



Daphne Anneet



Rita Conrad



Laura Ireland

\_\_\_\_\_  
Robert Youssef, Mayor

ATTEST:

\_\_\_\_\_  
Sarah McComas, City Clerk



TO: Honorable Mayor and Members of the Hemet City Council

FROM: Wally Hill, City Manager  
Rita Conrad, Deputy City Manager-Administrative Services

DATE : December 10, 2013

RE: Revised Memorandum of Understanding with the Hemet Police Officers Association (HPOA)

**RECOMMENDATION:**

Authorize the City's negotiation team to execute the attached Revised Memorandum of Understanding (MOU) between the City and the Hemet Police Officers Association (HPOA) for the three-year period of July 1, 2013 through June 30, 2016.

**BACKGROUND:**

On August 27, 2013 the City Council approved a three-year Memorandum of Understanding (MOU) between the City and the Hemet Police Officers Association. The revisions in the attached MOU are for housekeeping purposes only to remove duplicated or inconsistent language, correct grammatical errors and incorporate side letters. There are no changes to salaries and benefits previously approved on August 27, 2013. Staff has recommended bringing the corrected version back to Council for approval so that the legislative record clearly references the corrected version of the MOU.

**FISCAL IMPACT:**

There is no fiscal impact associated with these revisions.

Respectfully submitted,

Approved as to form:

Wally Hill  
City Manager

Rita Conrad  
Deputy City Manager

Eric S. Vail  
City Attorney

Attachment: Revised Memorandum of Understanding between the City and HPOA

**MEMORANDUM OF UNDERSTANDING**  
**CITY OF HEMET AND**  
**HEMET POLICE OFFICERS ASSOCIATION, INC.**  
July 1, 2013 through June 30, 2016

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**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
CITY OF HEMET  
AND  
HEMET POLICE OFFICERS ASSOCIATION, INC.**

This Memorandum of Understanding (hereinafter "MOU") is entered into between the City of Hemet (hereinafter "City") and the Hemet Police Officers Association, Inc. (hereinafter "Association"), pursuant to the provisions of the Meyers-Milias-Brown Act. This MOU shall be effective for the period from July 1, 2013 through June 30, 2016; and thereafter shall continue in effect year-by-year unless one of the parties notifies the other in writing no later than March 31, 2016 of its request to modify, amend or terminate this MOU or no later than March 31st of any year after 2016.

ARTICLE I - RECOGNITION

- 1.1 The City reaffirms its recognition of the Association, in conformance with Ordinance No. 682, as the exclusive representative of all Police Department employees within the classifications of:

Police Corporal  
Police Officer  
Police Investigator

The Association does not represent part-time employees.

- 1.2 Nothing in the above shall be construed as requiring an employee to join the recognized Association nor to maintain his or her membership in the recognized Association as a condition of employment.

ARTICLE II - MANAGEMENT RIGHTS

- 2.1 It is understood and agreed that the City retains all of its powers and authority to direct, manage and control to the full extent of the law. Included in, but not limited to, those duties and powers are the exclusive right to:

Determine its organization; direct the work of its employees; assign work not expressly covered by job description, determine the times and hours of operation; determine normal working hours and to schedule shifts accordingly; determine the kinds and levels of services to be provided, and the methods and means of providing them, establish its municipal policies, goals and objectives, make technological improvements; determine staffing patterns; determine the number and kinds of personnel required; maintain the

efficiency of City operations; build, move or modify facilities; establish budget procedures and determine budgetary allocation; determine the methods of raising revenue; contract out work in accordance with law; creating, maintaining and/or terminating the take home vehicle use program; and to take any action necessary to meet conditions of any emergency nature, provided that the Association shall be afforded the opportunity to meet and confer concerning the necessity of any such action if inconsistent with this MOU. In addition, the City retains the right to hire, classify, assign, evaluate, promote, terminate, transfer and discipline employees.

- 2.2 The City Manager may lay off a unit member because of shortage of work, lack of funds, material change in duties or organization, or for other valid reasons.
- 2.3 The City has the exclusive right and authority to schedule work and/or overtime work as required in the manner most advantageous to the City.
- 2.4 The exercise of the foregoing powers, rights, authority, duties and responsibilities by the City, the adoption of policies, rules, regulations and practices in furtherance thereof, and the use of judgment and discretion in connection therewith, shall be limited only by the specific and express terms of this MOU, and then only to the extent such specific and express terms are in conformance with law.
- 2.5 This clause shall be interpreted and applied consistently with all other specific provisions of this MOU which deal with such management rights.

### ARTICLE III - SALARIES

- 3.1 (a) Comparable cities will include the cities of Colton, Covina, Corona, Cathedral City, Carlsbad, Upland, Rialto, Palm Springs, Escondido, Redlands, Indio, and San Jacinto. Median will be computed on base salaries, and Hemet shall not be used in the calculation. In the event one or more cities should cease to operate their own Police Department, the parties will delete such city(ies) and substitute in its(their) place(s) the agency(ies) which assume(s) the provision of police services for the city(ies). A single agency may not take the place of multiple cities however, so if the replacement will result in duplication, that comparable will be deleted.
- (b) The salary of the Corporal classification shall be computed from the top step of the Police Officer salary as follows:
  - (i) During probation as Corporal, salary shall be five percent (5%) above the top step of the Police Officer salary.

- (ii) The Corporal's salary anniversary date shall be six (6) months from the first day of his/her change from the classification of Police Officer to the classification of Corporal.
  - (iii) The Corporal classification shall have a total of three steps with a five percent (5%) differential between each step.
- (c) The salary survey will be conducted not more than two weeks prior to the expiration of each contract year, or salary adjustment date.

The salaries used for comparison will be the "base" salary paid on the effective date. "Base" salary means the per month salary range, paid in steps based on merit increases, without consideration of any bonus payments, premium payments, certificate pay, other benefits payments, retirement contributions, longevity steps, or other. Longevity steps are any salary step increases above the standard salary range where such increase is based on length of service of more than one year at the lower step and satisfactory performance. For example, step 7 in the City of Escondido is currently a longevity step and would not be considered part of "base" salary and Cathedral City also has similar longevity steps that would not be considered.

Classifications used for Police Officer comparison shall be the full journey level classification in each city. This shall be the class that requires a P.O.S.T. Basic certificate as a minimum, has eligibility for regular merit increases, and is not considered as senior, or master patrol officer when such classification is based on length of service, possession of P.O.S.T. Intermediate or Advanced Certificates, education or other seniority-based criteria. In the City of Corona, comparison shall be made at the Police Officer II level.

Classifications used for Corporal comparison shall be the classification closest to Police Officer that has full time assignment that includes assisting a shift supervisor including shift field supervision, and has responsibility for shift supervision in the absence of the shift supervisor. This classification shall not be compared to Sergeant in other cities.

3.2 Police officer trainees shall receive a salary equal to 75% of the current Step A rate for police officers. This rate shall be applicable until a police officer trainee is moved to the classification of police officer, at which time, the police officer shall then receive 100% of the step A rate for police officers until advanced to the next step. The police officer's salary anniversary date shall be six months from the first day of his/her change from the classification of police officer trainee to the classification of police officer. Nothing in this section shall be deemed an amendment to existing personnel rules, including but not limited to Article 14 thereof.

3.3 Minimum Court Time Unit members shall be granted a minimum of two (2) hours credit (compensatory or paid) for a required court appearance during non-scheduled off-duty hours

where such appearance is related to City business. Beyond the two (2) hour minimum, unit members shall be given credit for the actual number of non-duty hours. In the event that a court appearance is required during scheduled duty hours (either before or after the shift), the employee shall be paid only for actual time spent in court.

- 3.4 Minimum Shoot Time Unit members required to qualify with firearms shall be granted a minimum of two (2) hours credit (compensatory or paid) for required time at the firing range. Beyond the two (2) hour minimum, unit members shall be given credit for the actual number of non-duty hours. In the event that shoot time is required during scheduled duty hours but extends into non-scheduled hours (either before or after the shift), the employee shall be paid only for actual time spent at the firing range.
- 3.5 Minimum Call Back Time An employee shall be granted a minimum of two (2) hours credit (compensatory or paid) for a required call back to duty during hours where such call back is related to City business. Any other call backs or work performed during the time covered by the two (2) hour minimum shall not entitle the employee to additional compensation. For example, if an employee is called back to work from 8:00 p.m. to 8:20 p.m. and again from 9:00 p.m. to 9:15 p.m., the employee would only be entitled to a single two (2) hour minimum call back because both call backs were completed within the two hours. Beyond the two (2) hours minimum, such an employee shall be paid at the overtime rate of pay. For purposes of this paragraph, "minimum call back time" will not apply to an employee held over at the end of his or her regular shift.
- 3.6 The City shall periodically audit and update job classifications, revising descriptions for those employees working out of classification. The Association shall be entitled to actively participate with its input in regard to matters pertaining to unit employees.
- 3.7 The City shall compensate commensurately those employees temporarily upgraded to fill supervisory positions. Training positions, of designated period and objective, are exempted from the above.
- 3.8 (a) Compensatory Time Employees are authorized to accumulate not more than eighty (80) hours of compensatory time in lieu of overtime compensation. Such compensatory time shall be earned at the rate of one and one-half hours for each hour of employment for which overtime compensation is required.
- (1) An employee who has requested the use of earned compensatory time shall be permitted to use such time within a reasonable time period after making the request if the use of the compensatory time does not unduly disrupt the operations of the department.
  - (2) An employee at any time may request compensation for any compensatory time earned. Such compensation shall be paid at the regular rate earned by the

employee at the time the employee receives such payment. Such compensation shall be included in the employee's regular bi-weekly payroll check.

(3) An employee who has accrued compensatory time off shall, upon termination of employment, be paid for the unused compensatory time at the rate of compensation not less than (A) the average regular rate received by such employee during the last three (3) years of the employee's employment, or (B) the final regular rate received by such employee, whichever is higher.

(4) The City will not compel an employee to reduce his or her compensatory time bank through mandatory time off.

(b) Holiday Bank (Compensatory) Time In addition to the provisions of Section 3.8(a) employees may accumulate compensatory time in lieu of holiday pay, at the same rate at which such time would have been paid. Notice of the exercise of this option shall be given in the manner directed by City. Time accumulated pursuant to this subsection may be sold in increments of not less than 8 hours unless the balance of the employee's accumulated time is less than 8 hours, in which event the entire balance thereof may be sold. All such accumulated time shall be sold in the last pay period of each calendar year.

3.9 Overtime Time worked which exceeds an employee's scheduled shift, at the specific request of employee's duty watch commander, shall be compensated at a rate of one and one-half times the employee's hourly regular rate of pay.

Overtime compensation shall be payable to employees in cash or compensatory time off, at the election of the employee, provided that the election concerning compensatory time shall be consistent with Section 3.8.

For purposes of this section, shift trades shall not be deemed as overtime, provided that such shift trades are for the sole convenience of the employees.

3.10 K-9 Officer Compensation All assigned K-9 officers will receive additional compensation per pay period in an amount equal to seven (7) hours of overtime pay, calculated at the overtime rate described in MOU Section 3.9.

3.11 Longevity Pay All unit members with 15 years or more of service as a sworn peace officer shall be paid a stipend of \$100 per month.

3.12 Salary Increases

(a) Effective July 1, 2013, base salaries shall be increased by 4% from the final base salary during the 2012-2013 fiscal year.

- (b) Effective July 1, 2014, base salaries will be increased by 4% from base salaries during the 2013-14 fiscal year.
- (c) Effective July 1, 2015, base salaries will be increased by 4% from base salaries during the 2014-2015 fiscal year.

3.13 One-Time, Lump Sum, Non-Recurring and Non-Pensionable Payments:

- (a) July 1, 2013 – June 30, 2014 Payment The City shall pay each full-time unit member, in employment on or after the effective date of this Agreement, a one-time, non-recurring and non-pensionable payment of one thousand and two hundred dollars (\$1,200.00). The City shall prorate the \$1,200 one-time payment for part-time unit members on the basis of the FTE. The payment shall be made to each employee in four (4) equal quarterly installments. Retroactive payments shall be paid within thirty (30) days of ratification. The salary schedule shall not be affected by this one-time payment.
- (b) July 1, 2014 – June 30, 2015 Payment The City shall pay each full-time unit member a one-time, non-recurring and non-pensionable payment of one thousand and two hundred dollars (\$1,200.00). The City shall prorate the \$1,200 one-time payment for part-time unit members on the basis of the FTE. The payment shall be made to each employee in four (4) equal quarterly installments. The salary schedule shall not be affected by this one-time payment.
- (c) July 1, 2015 – June 30, 2016 Payment The City shall pay each full-time unit member a one-time, non-recurring and non-pensionable payment of one thousand and two hundred dollars (\$1,200.00). The City shall prorate the \$1,200 one-time payment for part-time unit members on the basis of the FTE. The payment shall be made to each employee in four (4) equal quarterly installments. The salary schedule shall not be affected by this one-time payment.
- (d) Article 3.13 will sunset June 30, 2016.

3.14 Recruitment Bonus for New Hires A full-time unit member who is hired laterally, who has at least three (3) years of service as a sworn police officer, and who has not worked for the City for a period of at least eighteen (18) months, is eligible to receive a one-time signing bonus in the amount of five thousand (\$5,000) dollars. Payment is contingent upon the unit member's execution of a written service agreement agreeing to repay the bonus under specified terms (see sample Agreement in Appendix x\*). A unit member who fails to complete the specified period of service shall be indebted to the City and shall repay the bonus on a pro-rata basis under established procedures set forth by 5 Code of Federal Regulations, Part 550, Subpart K. The amount to be repaid shall be determined by providing credit for each full month of employment under the service agreement. Repayment shall not be required for a unit member whose service is not completed as a result of an involuntary termination or separation on or before the employee's completion of three (3) years of service. The City Manager, may, waive repayment

if recovery is determined to not be in the City's best interests; such determinations must be in writing, with a copy sent to Human Resources.

3.15 Comparable Agencies No later than October 15, 2014, the parties will meet and confer over the appropriate list of comparable cities for the salary survey described in Article 3.1.

#### ARTICLE IV - BENEFITS

4.1 Health Insurance The City shall make available to all full-time employees and their dependents medical plans through commercial carriers offering at least one HMO and one PPO option. The City shall also make available a self-funded dental and vision plan.

- (a) City will contribute the sum of \$1,028.81 per month per employee in paid status toward the cost of health insurance. The City will contribute 100% of the cost per month per employee in paid status toward the cost of dental and vision plans for such employee and his/her dependants.
- (b) City is hereby authorized to make automatic payroll deductions for any employee contributions which may be required pursuant to this section. In the event any employee shall file a written objection to such automatic withholding, City shall not be obligated to provide any medical benefit for such employee.
- (c) In most situations, the effective date of health insurance coverage for new full-time employees and their eligible dependents will be the first day of the month following the date of hire.

4.1.1 Vision Benefit The vision benefits shall be as follows:

- (a) The maximum vision benefit per family per calendar year shall be four hundred fifty dollars (\$450.00).
- (b) No vision benefit shall be payable for replacement of existing lenses more than twice per year per individual.
- (c) No vision benefit shall be payable for replacement of frames more than once per year per individual.
- (d) No vision benefit shall be payable for lenses which are not prescription lenses.
- (e) The limitation on the tinting of prescription lenses is deleted.
- (f) The vision benefit may be used for laser eye surgery.

- 4.2 Certificate Incentive Program The City will pay \$100.00 monthly to those sworn personnel presently holding or hereafter obtaining a P.O.S.T. Intermediate Certificate or Bachelor's Degree.

The City will pay an additional \$100.00 monthly to those personnel presently holding or hereafter obtaining a P.O.S.T. Advanced Certificate or Master's Degree. The City will pay a maximum amount of \$200.00 monthly to those personnel holding both an Intermediate and Advanced Certificate or Bachelor's Degree and Master's Degree or a P.O.S.T. Intermediate Certificate and Bachelor's Degree.

- 4.3 Educational Reimbursement Full-time, permanent employees of the City who have passed original probation shall qualify for participation in the educational tuition reimbursement program. The program covers courses taken at accredited colleges, universities, correspondence courses, and other institutions. Reimbursement shall not exceed \$2,000.00 per calendar year.

Reimbursement will be subject to the following:

- (a) The course elected must be of benefit to the City and directly related to the employee's current duties or future employment with the City. Courses taken to satisfy an associate, bachelor's or master's degree requirement may be approved, provided that the degree goal is in the field of current employment of the employee or future employment with the City.
- (b) Each employee must attend on his/her own time and complete the course satisfactorily with a passing grade of "C" or its numerical equivalent, or a "pass" or "credit" for the class.
- (c) The employee must obtain approval, in writing, from the Chief of Police or his/her designee, prior to enrolling in the course.
- (d) Such reimbursement shall include tuition, books, and parking fees used to complete course requirements on assigned projects, but shall not include travel time, mileage, and other miscellaneous costs.
- (e) Upon completion of the course, the employee shall attach the grade report along with receipts for covered items to his/her approved application for educational assistance and present it to the Chief of Police. The Chief of Police will forward the records of completion to the Human Resources Department.
- (f) The Human Resources Manager will authorize a tuition reimbursement upon certification of satisfactory completion.

- (g) Copies of courses completed and the grades attained will be maintained in the employee's personnel file and in the department's file.
- (h) Applications for reimbursement will be accepted no later than one month after the course grades have been distributed.
- (i) If an employee leaves the City service within one (1) year after completion of a course paid for by the City, the costs of such course will be deducted from the employee's last pay check. If the last pay check is insufficient to repay the costs, the employee will be required to make appropriate arrangements, including a promissory note, to repay the balance within a year of leaving City service. The City Manager may alter the above requirements in unusual circumstances.
- (j) Notwithstanding the foregoing reimbursement plan, an eligible employee may have eligible expenses advanced, provided the department establishes a program which insures the recovery of any advance which is not thereafter earned by satisfactory completion of a qualified course of study.

4.4 Uniform Allowance City shall contribute \$1,150 per year as a uniform allowance for all unit members required by the City to wear uniforms. The allowance will be paid in four equal quarterly payments. The first quarterly payment of \$287.50 will be paid on the first paycheck in April 2014 to cover January through March 2014. In the event a member leaves the employ of the City prior to the end of the year, any overpayment will be pro rated on a monthly basis and deducted from the member's final paycheck.

4.5 Long Term Disability The City will continue to pay, during the term of this Memorandum of Understanding, the entire premium for long term disability insurance, provided that the definition in any such policy may be defined to be substantially as follows:

"Your complete inability due to injury, disease, pregnancy, or mental disorder, to engage in any gainful occupation for which you are reasonably fitted by education, training or experience."

4.6 Retirement

- (a) For unit members hired before July 1, 2011, the City will provide a retirement plan with the California Public Employees Retirement System ("CalPERS"), and such plan shall be the three percent (3%) at fifty (50) CHP plan with military buy-back and the "highest year" amendment. Unit members under this plan shall pay the full employee share of the CalPERS contribution.

- (b) For unit members hired on or after July 1, 2011 and before January 1, 2013, the City will provide a retirement plan with CalPERS, and such plan shall be three percent (3%) at fifty-five (55). Unit members under this plan shall pay the full employee share of the CalPERS contribution.
- (c) For unit members hired on or after January 1, 2013, who are not CalPERS "Classic" employees and are not eligible for reciprocity, the City will provide a retirement plan with CalPERS, and such plan shall be two point seven percent (2.7%) at fifty-seven (57). Unit members under this plan shall pay at least 50% of the total normal cost.
- (d) Employee contribution toward employer share of contributions to the respective retirement plans:
  - (i) Effective July 1, 2013, unit members who are not required to pay 50% of the normal cost pursuant to Article 4.6(c), will contribute an additional one percent (1%) of the employer's share of the CalPERS contribution.
  - (ii) Effective July 1, 2014, unit members who are not required to pay 50% of the normal cost pursuant to Article 4.6(c), will contribute an additional one percent (1%) of the employer share of the CalPERS contribution, for a total of two percent (2%) of the employer share of the CalPERS contribution.
  - (iii) Effective July 1, 2015, unit members who are not required to pay 50% of the normal cost pursuant to Article 4.6(c), will contribute an additional one percent (1%) of the employer share of the CalPERS contribution. By July 1, 2015, unit members who are not required to pay 50% of the normal cost pursuant to Article 4.6(c), will be contributing a total of three percent (3%) toward the employer share of the CalPERS contribution for a maximum total contribution of twelve percent (12%).
- (e) Effective January 1, 2013, the Public Employee's Pension Reform Act of 2013 (PEPRA) will apply to all sworn and non-sworn employees, as well as for employees transferring from other CalPERS or reciprocal agencies.

4.7 Life Insurance City shall provide to each unit member a term life insurance policy not to exceed \$100,000, provided, cost to the City shall be limited to \$50,000 in coverage, the remainder to be borne by the employee or the Association as determined by the Association.

4.8 Non-Industrial Temporary Disability Leave Upon appropriate verification of non-industrial disability, an employee may be granted temporary disability leave. While on temporary disability leave, an employee must utilize his/her accumulated sick and/or vacation leave until it is

exhausted, or until benefits are payable from any City temporary disability policy covering such employee, whichever occurs first. An employee may, but is not required to, supplement his/her City temporary disability policy benefits, up to the amount of the difference between the temporary disability policy benefit and his/her normal pay, by using accumulated sick/vacation leave benefits. Temporary disability leave shall be considered to be leave without pay (whether an employee receives temporary disability policy benefits or not) except for those hours that are covered by the use of sick/vacation leave benefits. Neither sick leave nor vacation leave benefits will accrue while an employee is on leave without pay under this Section.

4.9 Sick Leave Distribution The City agrees to provide unit members with the following payoff provisions for accumulated sick leave upon the unit member's retirement or disability, or upon death of the unit member while employed by the City. In the case of death, accumulated sick leave benefits shall be paid to a beneficiary designated by the unit member:

- (a) Twenty-five percent (25%) of all accumulated sick leave after five (5) years of service with the City; payoff shall be prorated upon last five (5) years of service.
- (b) Fifty percent (50%) of all accumulated sick leave after ten (10) years of service with the City; payoff shall be prorated upon last five (5) years of service.
- (c) Seventy-five percent (75%) of all accumulated sick leave after twenty (20) years of service with the City; payoff shall be prorated upon last five (5) years of service.

4.10 Special Assignment Compensation:

- (a) Field Training Officers Field Training Officers, while acting in such capacity, shall receive an additional 10% of their compensation for such duties.
- (b) Mandatory Standby Schedule Specified Police employees who as a result of their current assigned duties are required to standby for mandatory call back shall receive extra compensation in the sum of \$100 per month while assigned to those duties. The Chief of Police shall determine the number of employees and which specific duty assignments will be subject to mandatory standby. Additionally, overtime, when specifically authorized or requested by a supervisor will be paid at overtime rates as provided elsewhere herein.

4.11 Bilingual Compensation

For those employees certified by the department as bilingual in the Spanish language, the City shall pay additional compensation in the amount of fifty dollars (\$50) per month commencing on the first pay period following their certification. Additionally, when there are twelve (12) employees certified by the department as bilingual in the Spanish language, the City shall pay additional compensation in the amount of one-hundred dollars (\$100) per month commencing on the first pay period following the twelfth (12th) person's certification.

- 4.12 Workers' Compensation Follow-up Appointments Work schedules for injured employees who have returned to limited duty status will be arranged as much as practical to permit injured employees to keep physician appointments and any prescribed physical therapy. To the extent possible, follow-up appointments shall be scheduled at the convenience of the department and at a time that has the least impact upon departmental operations and upon the employee's assigned duty schedule.

## ARTICLE V - LEAVES

### 5.1 Sick Leaves

- (a) Full-time unit members shall accrue sick leave at the rate of eight hours per month, beginning with the first day of employment. Unit members hired between the first and fifteenth day of the month shall be credited with one full day's sick leave for the month of hire; unit members hired between the sixteenth and the last day of the month shall begin to accrue sick leave on the first day of the following month.
- (b) Sick leave with pay shall be allowed by the City whenever a unit member's absence is due to the unit member's illness which prevented his/her attendance on the job and performance of duties on the day of absence.
- (c) Each unit member using sick leave must notify the duty watch commander at least two (2) hours prior to the time set for beginning his/her daily duties.
- (d) The City may require a doctor's certificate at any time as proof of illness, by a doctor of City's choice and at City's expense.
- (e) A sick leave request form shall be completed at the department level
- (f) A unit member absent on approved sick leave for less than one full working day shall have his/her accumulated sick leave reduced by the number of hours of such absence.

5.2 (a) Vacations Full-time unit members will accrue vacation leave in accordance with the following schedule:

- During the first three years of service, unit members shall accrue ninety-six (96) hours of vacation leave per year.
- After three (3) full years of service, unit members shall accrue one hundred twenty (120) hours of vacation leave per year.

- After six (6) full years of service, unit members shall accrue one hundred forty-four (144) hours of vacation leave per year.
  - After nine (9) full years of service, unit members shall accrue one hundred sixty (160) hours of vacation leave per year.
  - After twelve (12) full years of service, unit members shall accrue one hundred sixty-eight (168) hours of vacation leave per year.
  - Unit members hired between the first and fifteenth of the month shall be credited with eight (8) hours of vacation leave for the month of hire; unit members hired between the sixteenth and the last day of the month shall begin to accrue vacation leave on the first day of the following month.
- (b) Eligibility for Vacation Use Unit members shall be eligible to take vacation leave following twelve (12) months of full-time, continuous service with the City. Under extraordinary circumstances, the City may, at its discretion, permit a unit member to take vacation leave prior to the completion of twelve (12) months of full-time, continuous service with the City.
- (c) Maximum Accrual Unit members may carry over a maximum of one years' accumulated vacation leave to the succeeding calendar year. A unit member will cease accruing additional paid vacation leave once he/she has two years accrued vacation on his/her vacation balance. In the event a unit member is denied the use of his or her full accrual in any calendar year, the unit member's cap under this Article 5.2(c) shall be increased by the amount of vacation denied by the City. For purposes of this Article, in order to be deemed to have been denied the use of vacation, (i) the unit member must have offered multiple alternate dates for vacation, all of which were denied; and (ii) the amount of vacation denied shall be based on the entire year and not on any single instance in which a unit member's vacation request was denied.
- (d) Unit members may defer up to, but not more than, two years' accumulated annual vacation leave to the succeeding calendar year.
- (e) Holidays During Vacation Leave In the event that one or more holidays fall during a period when an employee is on vacation leave, such holiday(s) shall not be charged as vacation leave, and the leave shall be extended accordingly. The hour value for each holiday shall be equivalent to the employees' regularly scheduled work period, i.e. if the holiday falls on a regularly scheduled ten (10) hour work day, the employee's time off is ten (10) hours. If the holiday falls on a scheduled eight (8) hour work day, the holiday time is eight (8) hours.

- (f) Pay for Accumulated Vacation Leave Unit members who leave the employment of the City shall be paid for all accumulated vacation leave at his/her rate of compensation applicable at the time he/she leaves the employment of the City.
- (g) Vacation Sale Unit members with more than two (2) years of service may sell unused vacation time in an amount not to exceed fifty percent (50%) of that earned in the preceding twelve (12) month period. The sum of the calculation shall be based on the employee's salary at the time of the sale.
- (h) Break in Service For the purpose of vacation leave accrual, unit members with a break in service with the City of not more than one year shall be given credit for previous service.

5.3 Military Leave Military leave shall be granted in accordance with the applicable provisions of state law.

5.4 Jury Leave Any employee who is called or required to serve as a trial juror shall be entitled to a leave of absence during the period of such service or while necessarily being present in court as a result of such call. Under such circumstances and for a maximum of two weeks duration, the employee shall be paid the difference between his/her salary and any payment received by him/her, except travel pay, for such jury duty. Any jury duty beyond two weeks shall be without pay.

5.5 Extended Leaves of Absence The City Manager may, upon written request of a permanent employee, grant a leave of absence without pay for a period not to exceed one (1) year. Failure on the part of the employee on leave to report to the City Manager promptly at the expiration of the leave, or within a reasonable time after notice by the City Manager to return to duty after such leave, shall be cause for discharge.

5.6 Serious Family Illness Leave Employees may use up to three (3) days of serious family illness leave in each calendar year. Serious family illness leave may be used when a member of the employee's immediate family has a sickness or disability that requires the immediate attention and care of the employee. Immediate family means the employee's father, mother, legal guardian, brother, sister, spouse, children, mother-in-law, father-in-law, grandmother, grandfather, or grandchildren. Employees shall furnish, if required by the Chief of Police, satisfactory proof showing the nature and extent of the sickness or disability to justify the use of serious family illness leave. Serious family illness leave shall not accumulate from year to year. The hour value of a day in this section is equal to the number of hours an affected officer is absent from his/her regularly-scheduled shift in a 24-hour period. A day will commence with the beginning of an officer's scheduled work day. Thus, if an officer took one hour during a given 24-hour period, he/she would be charged with the use of one day.

5.7 Bereavement Leave Employees may use up to three (3) days of bereavement leave in each calendar year, in cases where their absence is required due to a death in the employee's

immediate family. Immediate family shall be defined in the same way as it is for Serious Family Illness Leave, Section 5.6 above. Bereavement leave shall not accumulate from year to year. The hour value of a day in this section is equal to the number of hours an affected officer is absent from his/her regularly-scheduled shift in a 24-hour period. A day will commence with the beginning of an officer's scheduled work day. Thus, if an officer took one hour during a given 24-hour period, he/she would be charged with the use of one day.

## ARTICLE VI - HOLIDAYS

6.1 Unit members shall be granted the following holidays:

- (a) New Year's Day (January 1)
- (b) Washington's birthday (third Monday in February)
- (c) Memorial Day (last Monday in May)
- (d) Independence Day (July 4)
- (e) Labor Day (first Monday in September)
- (f) Admission Day (September 9)
- (g) Columbus Day (second Monday in October)
- (h) Veteran's Day (November 11)
- (i) Thanksgiving Day and the day after (fourth Thursday in November and the day after)
- (j) Christmas Day (December 25)

In the event the City implements a City-wide exchange of Admissions Day for Christmas Eve, the unit agrees to observe the exchange.

6.2 Procedure if Holiday Falls on Saturday or Sunday For those employees whose normal work week is Monday through Friday, when a holiday falls on Saturday, the preceding Friday shall be observed as a holiday. When a holiday falls on a Sunday, the following Monday shall be observed as a holiday.

6.3 Procedure if Holiday Falls on Regular Day Off If a holiday occurs on a day which is the full-time employee's regular day off, he/she shall be entitled to holiday pay at the hour value that is equivalent to the employee's scheduled work period, i.e. for employees on a regularly scheduled ten (10) hour work day, the holiday pay shall be ten (10) hours. For employees on a regularly scheduled eight (8) hour work day, the holiday pay shall be eight (8) hours.

6.4 Employees Reporting Sick on Holidays Employees who report in as sick on a scheduled holiday shall be paid for the holiday, together with an appropriate amount of sick leave pay for the hours actually missed. A commensurate deduction of hours will be made from accumulated sick leave accrual.

- 6.5 Holiday Pay The hour value for each holiday shall be equivalent to the employees' regularly scheduled work period, i.e. if the holiday falls on a regularly scheduled ten (10) hour work day, the employee's time off is ten (10) hours. If the holiday falls on a scheduled eight (8) hour work day, the holiday time is eight (8) hours. Employees who work on a holiday shall either be paid the hour value the is the equivalent to the employee's scheduled work period or bank the hour value as Holiday Bank Time.

#### ARTICLE VII - PERSONNEL REDUCTION PROCEDURE

- 7.1 Seniority When the City orders a reduction in the work force, the layoff of unit members shall be based upon seniority within classification.
- 7.2 Seniority Date A unit member's seniority date shall be the first day he/she rendered service for the department in his/her classification. The seniority date of a returning unit member, more than one year after resignation or termination, shall be the first working day after the break in service, provided that no credit will be given for the time actually missed.
- 7.3 Probationary Employees Unit members on probationary status (new employees and promotional employees) shall be laid off before permanent employees in the same classification.
- 7.4 Ties in Seniority Unit members in the same classification with equal seniority shall be laid off based upon past performance ratings and relative ability as determined by the City.
- 7.5 Voluntary/Involuntary Reduction in Rank A unit member who is subject to layoff may, in lieu of layoff, choose to take a reduction to a lower classification, provided he/she gives written notice to his/her department head ten (10) calendar days after receiving notice of layoff. In order to exercise bumping rights, the unit member must have previously served in the lower classification prior to the seniority date of the unit member being displaced. Notwithstanding the foregoing, a unit member may not be involuntarily reduced to a classification of rank beyond the next lower classification or rank which he/she currently holds.
- 7.6 Notice The City shall give affected unit members written notice 14 days prior to the effective date of the layoff. Under emergency circumstances, the notice period may be shortened.
- 7.7 Reemployment Unit members laid off or taking voluntary reduction in service shall be reemployed in the inverse order of their layoff or reduction. Unit members laid off or taking a voluntary reduction in rank shall be maintained on the reemployment list until such unit member once refuses to accept reinstatement.

#### ARTICLE VIII - NONDISCRIMINATION

- 8.1 The provisions of this MOU shall apply to all persons covered by this MOU without discrimination on account of sex, age, race, color, national origin or creed; nor will there be

discrimination in respect to hiring and retention or any condition of employment because of membership in or activities on behalf of the Association.

- 8.2 The Association has no restrictions on membership based on sex, age, color, race, national origin or creed.

ARTICLE IX - DISCIPLINE AND DISCHARGE  
RULES AND REGULATIONS

- 9.1 The City shall have the right to issue reasonable employee rules and regulations not in conflict with the express terms of this Memorandum of Understanding, provided that such rules and regulations are:

- (a) Discussed with the Association prior to adoption;
- (b) Submitted to the Association prior to adoption; and
- (c) Posted in conspicuous places so that employees are advised and have notice of such rules and/or regulations prior to their implementation.

- 9.2 Probationary Period Notwithstanding the provisions of any other document pertaining to probationary periods, the probationary period for all unit members following initial appointment is one year from date of hire. The probationary period for a promotional appointment is one year from date of promotion. Should the employee fail to satisfactorily complete his/her probationary promotional period, he/she shall be returned to the classification and rate of pay previously held in the department. Police trainees who are promoted to police officer shall serve a one-year promotional probationary period. However, should such an employee not satisfactorily complete the promotional probationary period, he/she shall be terminated and shall not be returned to the classification of police trainee.

- 9.3 The City shall have the right to discipline and discharge regular employees for "just cause." The Chief of Police shall have the authority to administer discipline in severity up to and including thirty (30) days' suspension. More severe discipline (reduction in salary, demotion, and termination) shall be imposed by the City Manager upon a report and recommendation by the Chief of Police. Probationary employees (original probationary period) do not acquire property or vested rights to their position except as provided by law.

- 9.4 Procedural Due Process Regular employees have the right to procedural due process rights with respect to pre-disciplinary/discharge matters.

As a minimum, these pre-removal safeguards must include notice of the proposed action, the reasons therefor, and a copy of the charges and materials upon which the action is based and the right to respond either orally or in writing, to the authority initially imposing discipline.

- 9.5 Discipline Procedural Appeals Steps Discipline imposed by a supervisor of less rank than the Chief of Police may be appealed to the Chief of Police by providing written notice thereof to the Chief of Police within ten (10) working days from the date of the decision.

Decisions or discipline made or imposed by the Chief of Police may be appealed to the City Manager by providing written notice thereof to the City Manager within ten (10) working days from the date of the decision.

The decisions of the City Manager may be appealed in the manner prescribed in Section 10.12 of this agreement.

#### ARTICLE X - GRIEVANCE APPEALS PROCEDURE

- 10.1 Grievance A "grievance" shall mean a written allegation by an employee(s) or the Association concerning a dispute arising out of the interpretation or application of the specific terms of this Memorandum of Understanding and/or written employment policy, rules and regulations which affect terms and conditions of employment. An authorized Association representative may file a "grievance" on behalf of all employees to avoid a multiplicity of grievances over the same dispute.
- 10.2 Complaint The parties acknowledge that employee complaints or problems of a nondisciplinary nature, not covered by the grievance procedure, and which have in the past been processed through the Police Department Complaint Procedure, may continue to be resolved through that procedure.
- 10.3 Representatives The employee or City may be represented during any step of this procedure by any person designated by such party to act in his/her behalf.
- 10.4 Procedural Due Process The grievance procedure contained herein shall not act as a substitute for procedural due process rights for individual employees, with respect to pre-disciplinary/discharge matters.
- 10.5 Days Reference to days regarding time periods in this procedure shall mean work days. A work day is defined as all week days not designated as holidays by state law.
- 10.6 Time Limitation and Waiver A grievance shall not be valid unless it is submitted to the City's designee, on the prescribed form, setting forth the facts and the specific provisions of the Memorandum of Understanding allegedly violated and the particular relief sought, within fifteen (15) days after the date the grievant knew or in the exercise of reasonable diligence should have

known of the event giving rise to the grievance occurred. Failure to file or process any grievance within the prescribed time limitation may constitute a bar of such grievance.

Failure by the City's representative to issue a decision within the time periods provided herein shall constitute a denial of the grievance and the grievant may appeal to the next level. The City's representative, prior to issuing a decision at Step 1 or Step 2, shall meet with the grievant and his/her representative, if any. Any issue or dispute concerning the procedures of this grievance procedure, including the timeliness of the filing or processing of a grievance, shall be subject to determination by the hearing officer.

10.7 Informal Conference Prior to filing a formal grievance, an employee should discuss his/her grievance with his/her immediate supervisor in an effort to adjust the alleged grievance informally.

10.8 Step 1 If the grievance is not resolved through the informal conference with the immediate supervisor, the employee must file a grievance with the watch commander or the Police Chief's designee within the time prescribed in paragraph 10.6. A written decision shall be given to the grievant within ten (10) days after receipt of the grievance.

10.9 Step 2 If the grievance is not resolved at Step 1, the grievant shall have ten (10) days after receipt of the Step 1 decision to file a written appeal to the division commander or the Police Chief's designee.

A written decision shall be given to the grievant within ten (10) days after receipt of the appeal. The grievant may request a meeting with the Police Chief prior to the issuance of this decision.

10.10 Step 3 In the event the grievance is not resolved in Step 2, the grievant may appeal within fifteen (15) days by filing written notice with the City Manager.

10.11 If, within the fifteen (15) day appeal period, the employee involved does not file said appeal, unless good cause for the failure is shown, the action of the City Manager shall be considered conclusive and shall take effect as prescribed.

10.12 Except as provided hereinafter, the grievant may appeal the decision of the City Manager within fifteen (15) days of his/her decision by providing the City Manager with a written notice of such appeal. The appeal from the City Manager shall be conducted before a hearing officer mutually selected by the parties. Notwithstanding the foregoing provision, the decision of the City Manager shall be final in minor disciplinary matters which do not subject the grievant to time off or for unsatisfactory comments in performance evaluations wherein the overall performance evaluation is rated as satisfactory or better.

The City Manager shall request a panel of seven (7) arbitrators from the California State Conciliation Service within fifteen (15) days of receiving such a request. The arbitrator shall

be selected to hear the grievance by alternately striking names from such a panel beginning with the aggrieved employee.

- 10.13 Conduct of Hearings All hearings shall be open to the public, provided, however, that the hearing officer shall, at the request of the employee, exclude the public from all or any portion of such hearings.

The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses, but hearings shall be conducted in a manner most conducive to determination of the truth.

The hearing officer shall determine relevancy, weight, and credibility of testimony and evidence. He/she shall base his/her findings on the preponderance of evidence.

Decisions made by the hearing officer shall not be invalidated by any informality in the proceedings.

The hearing officer shall not have the authority to add to, modify, or subtract from this Agreement or to take testimony from one party outside the presence of the other. The hearing officer shall not have the authority or power to render a binding decision that requires the City to expend additional funds, to hire additional personnel, to buy additional equipment or supplies, or to pay wages or benefits not specifically provided for in this Agreement or to take any action which would be in violation of Federal or State laws.

In disciplinary matters, the hearing officer may sustain or reject any or all of the charges filed against the employee. He/she may sustain, reject or modify the disciplinary action invoked against the employee. He/she may not provide for discipline more stringent than that invoked by the appointing authority.

The parties, through their respective counsel, shall, if deemed appropriate, adopt and implement Step 3, Hearing Rules, for Conduct of Hearing.

- 10.14 Hearing Officer's Decision The hearing officer shall render his/her decision as soon after the conclusion of the hearing as possible and in no event later than ten (10) working days after conducting the hearing. His/her decision shall set forth which charges, if any, are sustained and the reasons therefor. The hearing officer's written findings and conclusions which support his/her decision shall be filed with the City, the charged employee and his/her representative, the City Clerk and the City Manager. The decision of the hearing officer is final and binding and shall be implemented by the personnel officer, subject only to the appropriate legal recourse of the City or Association pursuant to CCP Section 1094.5. The cost of the hearing and the hearing officer's fees shall be borne equally by the parties.

ARTICLE XI - COMPLETION OF MEET AND CONFER

11.1 During the term of this Agreement, unless otherwise provided in the Memorandum of Understanding, the parties shall not meet and confer with respect to any subject or matter whether or not referred to in this Memorandum of Understanding, unless mutually agreed to otherwise.

11.2 Reopeners: During the term of this MOU, the City and Association will reopen this Memorandum of Understanding for the purposes of meeting and conferring on the following items:

- (a) Revision to the City's Personnel Rules
- (b) Health Benefits Committee – Formed to investigate cost savings measures with regard to the rising cost of health care. The Committee will explore such things as alternative health care providers, the performance of our health care broker, the possibility of co-pay and prescription cost adjustments and how those minor adjustments may affect the overall cost of health care insurance. Association agrees to participate in the Committee and consider minor adjustments to our health care plans. Any such adjustment shall not adversely affect the cost of health care to Association as an organization or to any individual Association member.
- (c) Discussion of Retiree “Tier One” – Discussion of outstanding issues relating to retiree medical for ‘Tier One’ employees, hired between 1990 to 1998.

ARTICLE XII - SAVINGS CLAUSE

12.1 Should any provision of this Memorandum of Understanding, or any application thereof, be unlawful by virtue of any federal, state or local laws and regulations, or by court decision, such provision shall be effective and implemented only to the extent permitted by such law, regulation or court decision. But in all other respects, the provisions of this MOU shall continue in full force and effect for the term thereof.

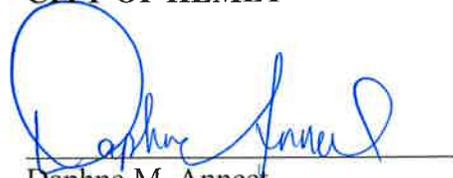
Dated: Nov 27, 2013

Dated: December 2, 2013

**HEMET POLICE OFFICERS  
ASSOCIATION, INC.**

**CITY OF HEMET**

  
Robert W. Krause

  
Daphne M. Anneet

  
Michael Hall, Vice Pres. HPOA

  
Rita Conrad

  
Laura Ireland

Dated: \_\_\_\_\_

\_\_\_\_\_  
Robert Youssef, Mayor

ATTEST:

\_\_\_\_\_  
Sarah McComas, City Clerk

## APPENDIX A

### SERVICE AGREEMENT FOR RECRUITMENT BONUS

1. I AGREE that, by accepting this recruitment bonus in the amount of five thousand dollars (\$5,000), in order to be eligible for the full recruitment bonus, I must serve at least three (3) years for the City of Hemet from the effective date of this personnel action.
2. I AGREE to repay this recruitment bonus on a pro-rata basis, if I do not fulfill the terms of this service agreement, unless my employment is terminated involuntarily or a waiver is granted pursuant to the terms of Article 3.14, a copy of which has been provided to me. The amount to be repaid shall be determined by providing me with credit for each full of employment that I have served.

Employee:

Date:



## *Staff Report*

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TO: Honorable Mayor and Members of the City Council

FROM: Eric S. Vail, City Attorney;  
Rita Conrad, Deputy City Manager and Administrative Services Director

DATE: December 10, 2013

RE: Judicial Foreclosure of Delinquent Special Tax Lien

### **RECOMMENDATION:**

Adopt Resolution Bill No. 13-054, "A Resolution of the City Council of the City of Hemet, California as the Legislative Body of Community Facilities District No. 1999-1 (Heartland Project) of the City of Hemet Ordering that Delinquent Special Taxes Be Removed from the Tax Roll and Forwarded to Foreclosure Counsel," which authorizes the following:

1. The immediate recording of the "Notice of Intent to Remove Delinquent Special Tax Installments from the Tax Roll" in the Office of the Riverside County Recorder.
2. The subsequent removal of delinquent special tax installments for Assessor's Parcel Number 455-470-013-9 from the Riverside County Tax Roll and forwarding to foreclosure counsel to be included in a judicial foreclosure action.

### **BACKGROUND:**

The City of Hemet acts as the legislative body of Community Facilities District No. 1999-1 (Heartland Project) of the City of Hemet, which requires that the City adhere to certain covenants contained in the Fiscal Agent Agreement for the special tax bonds, including the covenant to file a judicial foreclosure action against each delinquent property that reaches a certain threshold. Currently, there is one (1) property that has reached the foreclosure threshold and requires an immediate judicial foreclosure action to be filed in the Riverside County Superior Court.

**ANALYSIS:**

At the time the special tax bonds were issued for the public facilities and thereafter refunded, the City contracted to file a judicial foreclosure action against any property delinquent in the aggregate of \$5,000 or more within 90 days of July 1 of each year.

Currently, Riverside County Assessor's Parcel No. 455-470-013-9 is delinquent for tax years 2008/09, 2009/10, 2010/11, 2011/12 and 2012/13 in the special tax principal amount of \$5,016.74 plus statutory penalties and interest. Therefore, these delinquent special taxes should be removed from the tax roll and forwarded to foreclosure counsel to be included in a foreclosure action against the parcel.

The proposed Resolution authorizing this action is attached hereto, along with the requisite "Notice of Intent to Remove Delinquent Special Tax Installments from the Tax Roll" which, once recorded, will authorize the County Auditor-Controller to remove the delinquent special tax installments for this property.

**FISCAL IMPACT:**

This item does not require an expenditure of funds. All costs expended by the CFD will be recouped through the Foreclosure Action.

Respectfully submitted,



Eric S. Vail  
City Attorney



Rita Conrad  
Deputy City Manager and  
Administrative Services Director



CITY OF HEMET  
Hemet, California  
RESOLUTION BILL NO. 13-054

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 1999-1 (HEARTLAND PROJECT) OF THE CITY OF HEMET ORDERING THAT DELINQUENT SPECIAL TAXES BE REMOVED FROM THE TAX ROLL AND FORWARDED TO FORECLOSURE COUNSEL

**WHEREAS**, the City Council of the City of Hemet acts as the legislative body of the Community Facilities District No, 1999-1 (Heartland Project) of the City of Hemet, which was duly formed on or about August 5, 1999 pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"); and,

**WHEREAS**, the prior special tax bonds were thereafter refunded pursuant to the Act and Resolution No. 4050 of the City Council, adopted on June 13, 2006, whereby the City Council covenanted with and for the benefit of the owners of the Community Facilities District No. 1999-1 (Heartland Project) of the City of Hemet Special Tax Refunding Bonds Series 2006 that it will order and cause to be commenced an action in the superior court to foreclose the lien of certain delinquent special taxes; and

**WHEREAS**, the special taxes for Riverside County Assessor's Parcel Number ("APN") 455-470-013-9 is delinquent for tax years 2008/09, 2009/10, 2010/11, 2011/12 and 2012/13 in the special tax principal amount of \$5,016.74 plus statutory penalties and interest, requiring that these installments be removed and included in a foreclosure action on behalf of the bondholders for the district;

**NOW, THEREFORE, the City Council of the City of Hemet does hereby resolve:**

1. The "Notice of Intent to Remove Delinquent Special Tax Installments from the Tax Roll," which form is attached hereto as Exhibit "A," shall be recorded in the Office of the Riverside County Recorder.

2. The delinquent special tax installments for the above listed APN shall be removed from the Riverside County Tax Roll and forwarded to foreclosure counsel to be included in the foreclosure action.

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**PASSED, APPROVED, AND ADOPTED** this 10<sup>th</sup> day of December, 2013

\_\_\_\_\_  
Robert Youssef, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Sarah McComas, City Clerk

\_\_\_\_\_  
Eric S. Vail, City Attorney

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

3 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing  
4 Resolution is the actual Resolution adopted by the City Council of the City of Hemet and  
was passed at a regular meeting of the City Council on the 10<sup>th</sup> day of December, 2013  
5 by the following vote:

6 AYES:  
7 NOES:  
8 ABSTAIN:  
9 ABSENT:

10 \_\_\_\_\_  
Sarah McComas, City Clerk

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**NOTICE OF INTENT TO REMOVE DELINQUENT  
SPECIAL TAX INSTALLMENTS FROM TAX ROLL**

Pursuant to *California Government Code Section 53356.2*, **PLEASE TAKE NOTICE THAT:**

1. The City of Hemet (the "CITY") has ordered and is pursuing a foreclosure action against the following described parcel of real property located in Riverside County for the purpose of collecting delinquent special tax installments existing with respect to such parcels. This Notice is not a lien against the property but provides constructive notice of the delinquent special taxes for the designated tax years.
2. The parcel that is the subject of this Notice is described by the Riverside County Assessor's Parcel Number on EXHIBIT "A," attached hereto and incorporated herein by this reference.
3. Upon presentation of written proof of the recordation of this Notice with the Riverside County Recorder's Office, the CITY shall request the Riverside County Auditor-Controller to remove from the County Tax Roll the delinquent special tax installments levied against the designated parcel during the certain tax years, as the same are more particularly described on EXHIBIT "A." From the time that this Notice is recorded, the Riverside County Tax Collector has no authority to collect these delinquent special tax installments.
4. The names of the property owners for the delinquent parcel, as shown on the last equalized Riverside County Assessment Roll, are listed on EXHIBIT "A."
5. Pursuant to *California Government Code Section 27383*, "no fee shall be charged by the recorder for services rendered...to any municipality."
6. For questions concerning the delinquent special tax installment amounts covered by this Notice, please contact:

Rita Conrad  
Deputy City Manager/Administrative Services  
City of Hemet  
445 E. Florida Avenue  
Hemet, California 92543  
(951) 765-2330

DATED AND APPROVED  
FOR RECORDING:

CITY OF HEMET

December \_\_\_, 2013

\_\_\_\_\_  
By: Rita Conrad  
Deputy City Manager/Administrative Services

**ACKNOWLEDGMENT**

STATE OF CALIFORNIA    )  
                                  )    SS.  
COUNTY OF RIVERSIDE    )

On December \_\_\_\_\_, 2013, before me, \_\_\_\_\_,  
Notary Public personally appeared Rita Conrad, who proved to me on the basis of satisfactory  
evidence to be the person whose name is subscribed to the within instrument and acknowledged  
to me that she executed the same in her authorized capacity, and that by her signature on the  
instrument the person, or the entity upon behalf of which the person acted, executed the  
instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that  
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)  
                                  Notary Public

**EXHIBIT A**

<b>APN-Check Digit</b>	<b>Owner</b>	<b>District No.</b>	<b>Tax Year</b>	<b>Installment</b>
455-470-013-9	Mr/Ms Walter Michlevitz	CFD 1999-1	2008/09	Both
455-470-013-9	Mr/Ms Walter Michlevitz	CFD 1999-1	2009/10	Both
455-470-013-9	Mr/Ms Walter Michlevitz	CFD 1999-1	2010/11	Both
455-470-013-9	Mr/Ms Walter Michlevitz	CFD 1999-1	2011/12	Both
455-470-013-9	Mr/Ms Walter Michlevitz	CFD 1999-1	2012/13	Both

*Staff Report*

TO: Honorable Mayor and Members of the Hemet City Council

FROM: Kris Jensen, Public Works Director; Wally Hill, City Manager

DATE: December 10, 2013

RE: Purchase of a Sewer Camera Truck

**RECOMMENDATION:**

It is respectfully recommended that the City Council:

1. Approve the purchase of a 2014 Ford E-450 Sewer Camera Truck from Atlantic Machinery Inc. in the amount of \$174,982 ( One Hundred Seventy Four Thousand Nine Hundred Eighty Two dollars), and
2. Authorize the City Manager to execute a purchase order for the same.

**BACKGROUND:**

The City of Hemet Wastewater Division maintains over 140 miles of sewer mainline and over 1,000 manholes throughout the City's wastewater collection service area. Preventative maintenance for the system is performed by video inspection and followed by pressured water jetting to clean. Videoing mainlines and manholes allows the City to proactively identify and remedy potential problems with infrastructure to avoid system back up as well as mainline failure.

Under the current Sewer System Management Plan (SSMP), enforced by the State Water Resources Control Board, the City is required to video inspect a minimum of 10% of its wastewater collection infrastructure annually. Although the City has been meeting these requirements, doing so has been a challenge as our current video equipment has become unreliable, often needing repairs that result in delay in our work schedule for video inspection.

**ANALYSIS:**

Currently for video inspection, the Wastewater Division utilizes equipment consisting of a 2001 Ford F250 truck and towing an enclosed trailer outfitted with a video recording camera and a stand-alone generator as its power source. This configuration is not industry standard, but at the time implemented, minimized spending by utilizing available surplus vehicles and equipment (truck/trailer/generator). The camera was budgeted for, and purchased separately, but budgets only allowed for a mid-grade

camera system. After several years of heavy use, the camera equipment has become unreliable and expensive to repair. The truck and trailer configuration, although initially cost effective, has never been very user friendly. With daily work performed at intersections and in traffic lanes, the amount of space required to maintain safe working conditions for a truck and trailer can heavily impact traffic flow.

Staff is recommending that Council approve the purchase of a new sewer camera truck equipped with a customized cabin housing with a high definition camera, updated software, and a built in power source. The custom cabin on the vehicle eliminates the need for staff to tow a trailer, thereby decreasing the impact to traffic, and increasing safety for both staff and the public. The software capabilities of the new unit allow for faster compilation of reports that are easier to interpret for those who read them. The built in power source, fueled with the vehicle's unleaded fuel, provides a cleaner source of power for keeping video recorder equipment cool while also powering the camera equipment during operation.

This vehicle will be in daily use by the Wastewater Division's two crews who will rotate operating it every other week. All four crew members will receive thorough training on all equipment and software by factory representatives.

**COORDINATION & REVIEW:**

The Procurement Administrator and Public Works staff reviewed pricing for this equipment under an existing National Joint Powers Alliance (NJPA) contract that satisfies the RFP process. This contract allows the City to award a purchase order to Atlantic Machinery for equipment, parts, training, labor, and a one-year warranty, without performing an additional RFP solicitation.

Purchasing has reviewed this report and finds it consistent with the City's purchasing policies and procedures.

**CONSISTENCY WITH ADOPTED GOALS, PLANS, AND PROGRAMS:**

The Public Works Department is continually working towards employing best practices and new technology to increase productivity and cost efficiency while remaining compliant with our many local, state and federal requirements. Purchase of this vehicle will greatly improve staffs productivity and ability to exceed SSMP requirements. In addition, the high definition camera combined with the latest software, is capable of producing reports that will satisfy the Pipe Assessment Condition Program; a State of California requirement anticipated to look in the near future (2016).

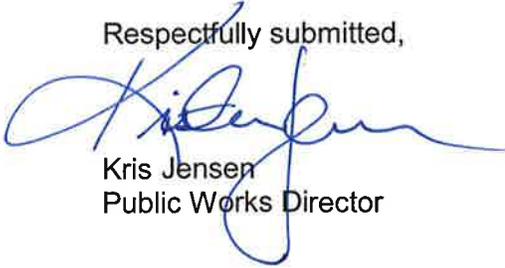
**ALTERNATIVES TO STAFF RECOMMENDATION:**

- 1.) Deny approval of equipment purchase through NJPA and direct staff to perform an in-house solicitation for the equipment. This alternative will require additional staff time and is no guarantee of additional savings.
- 2.) Deny approval of equipment purchase through NJPA and direct staff to further investigate additional options.

**FISCAL IMPACT:**

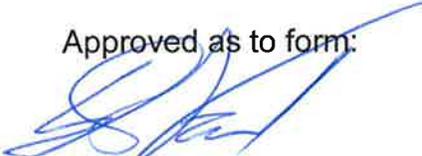
No general fund impact. Operating budgets were previously approved and are available in the Wastewater Fund No. 254-4600-5400 in the amount of \$174,981.60. There are no future costs related to licensing for the included software.

Respectfully submitted,



Kris Jensen  
Public Works Director

Approved as to form:



Eric S. Vail  
City Attorney

Fiscal Review:



Rita Conrad  
Deputy City Manager/  
Admin. Services Director



*Staff Report*

TO: Honorable Mayor and Members of the Hemet City Council

FROM: Jorge Biagioni, Director of Engineering/City Engineer;  
Wally Hill, City Manager 

DATE: December 10, 2013

RE: Award of Bid for Traffic Signal at Soboba Street and Mountain Avenue  
and Soboba Street Pavement Rehabilitation – CIP 5577

**RECOMMENDED ACTION:**

That the City Council award the contract to the lowest, responsive bidder, All American Asphalt, Inc. for the Traffic Signal at Soboba Street and Mountain Avenue and Soboba Street Pavement Rehabilitation, CIP 5577 in the amount of \$525,953, and reject all other bids;

Authorize the City Manager to enter into a Public Works Contract for the improvements;

Establish budget in the amount of \$525,953 in Account No. 329-5577-5500 for the cost of construction, \$18,000 for surveying and geotechnical engineering and \$36,000 for staff design, traffic engineering (consultant), administration costs, construction engineering and inspection costs, all in Account No. 329-5577-2710 (various accounts), the project total costs being, \$579,953.

**BACKGROUND:**

An Intergovernmental Agreement was entered into with the Cities of Hemet and San Jacinto and the Soboba Band of Luiseno Indians regarding mitigation of traffic impacts of the Oaks Retreat on January 28, 2010. The environmental impact study revealed that five intersections would be impacted and Mountain Avenue and Soboba Street was the intersection in Hemet selected for mitigation.

The City of Hemet Engineering Department performed a traffic analysis and warrant study at the intersection of Mountain Avenue and Soboba Street on August 22, 2012. The study justified a new traffic signal AT Mountain Avenue and Soboba Street meets the necessary “warrants” as outlined by the Caltrans Design Manual and traffic flows and safety will benefit from a new traffic signal. In addition, staff determined to combine the Measure “A” planned street rehabilitation of Soboba Street with the new traffic signal, so as to benefit from anticipated contractor mobilization costs and to maximize the effort of surveying and geotechnical engineering.

**PROJECT DESCRIPTION:**

The project will install a new traffic signal at the intersection of Mountain Avenue and Soboba Street with pedestrian countdown warning and audible devices, as well as a dedicated right turn on Mountain Avenue to southbound Soboba Street and a protected left turn on Mountain Avenue to southbound Soboba Street. The project also includes the rehabilitation of the Soboba Street from Berkley Avenue to Mountain Avenue as the pavement has deteriorated and is on the 5 year Measure A plan for pavement rehabilitation. Pedestrian access ramps will be updated to meet current ADA standards, totaling (6) ramps. The overall project is shown on Exhibit "A".

**ANALYSIS OF AWARD RECOMMENDATION:**

On December 3, 2013 the Purchasing offices received (6) responsive and (1) non-responsive sealed bids, with the three lowest shown below; (See attached Exhibit "B" Bid Results).

<b>ALL AMERICAN ASPHALT, INC. OF CORONA, CA</b>	\$525,953
HARDY & HARPER, INC. OF SANTA ANA, CA	\$555,000
R.J. NOBLE, INC. OF ORANGE, CA	\$574,960

**COORDINATION & REVIEW:**

The project was circulated for Public Bidding purposes by publishing an advertisement in the Press Enterprise and the following contractor plan rooms McGraw Hill, Reed Construction Data, iSqFt Planroom, Association of General Contractors and Bid America. The Engineering and Purchasing Departments reviewed all bids and a determination of responsiveness was applied to each bid received.

**FISCAL IMPACT:**

No General Fund Impact. Funding for this project is provided by a combination of \$142,963 from the Soboba Band of Luiseno Indians, \$76,820 from the Streets and Bridges Fund and \$360,170 from Measure "A" Sales Tax with the total estimated costs including construction, traffic engineering, staff design, construction engineering, administration and geotechnical engineering and surveying estimated to be \$579,953.

Respectfully submitted,



Victor Monz  
Principal Engineer

Fiscal Review,



Rita Conrad  
Deputy City Manager/Administrative Services Director

ATTACHMENTS:      Exhibit "A" Plan View  
                             Exhibit "B" Bid Results

# TABLE OF FUNDING SOURCES AND AMOUNTS

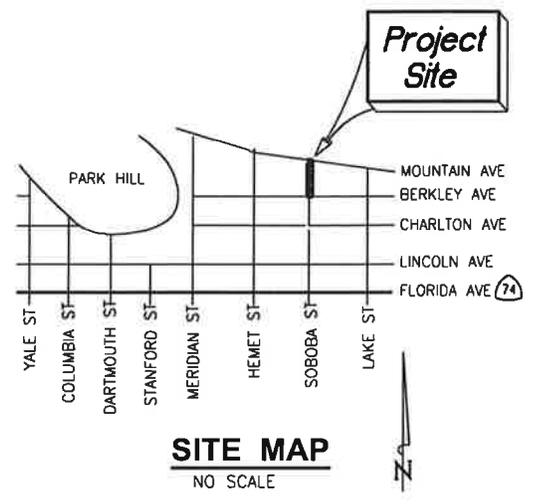
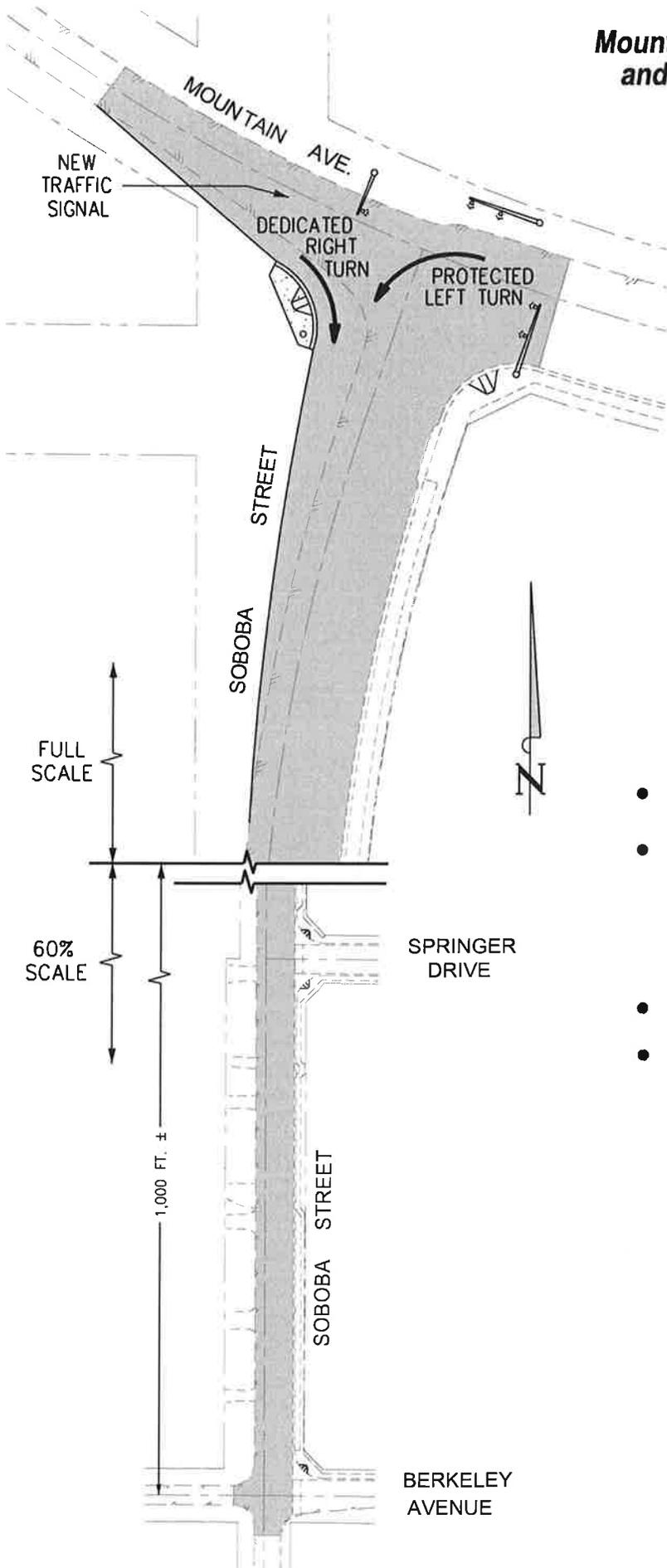
## TRAFFIC SIGNAL AT MOUNTAIN AND SOBOBA STREET PAVEMENT REHABILITATION - CIP 5577

SOURCE OF FUNDS	AMOUNT OF FUNDS	DESCRIPTION OF WORK PERFORMED
LUISENO BAND OF SOBOBA INDIANS	\$142,963	THE DESIGN, CONSTRUCTION AND ADMINISTRATION OF THE TRAFFIC SIGNAL
STREETS AND BRIDGES FUND 329	\$76,820	THE DESIGN, CONSTRUCTION AND ADMINISTRATION OF THE TRAFFIC SIGNAL
MEASURE "A" SALES TAX	\$333,570	CONSTRUCTION OF THE SOBOBA STREET PAVEMENT REHABILITATION
MEASURE "A" SALES TAX	\$26,600	THE STAFF DESIGN, ADMINISTRATION, GEOTECHNICAL ENGINEERING AND SURVEYING OF THE PAVEMENT REHABILITATION
<b>TOTAL AMOUNT</b>	<b>\$579,953</b>	

# Exhibit 'A'

## Mountain Avenue & Soboba Street Traffic Signal and Soboba Street Pavement Rehabilitation

C.I.P. No. 5577



### SCOPE OF WORK

- 109,000 S.F. OF PAVEMENT REHABILITATION
- NEW TRAFFIC SIGNAL SYSTEM AT MOUNTAIN AVENUE AND SOBOBA STREET WITH PROTECTED LEFT TURN ON SOUTHBOUND SOBOBA STREET, DEDICATED RIGHT TURN ON SOUTHBOUND SOBOBA STREET AND MINOR WIDENING.
- 5 NEW ADA RAMPS
- NEW STRIPING AND SIGNS



**City of Hemet**  
**PUBLIC WORKS DEPARTMENT**  
**ENGINEERING DIVISION**

510 E. FLORIDA AVENUE  
HEMET, CA 92543  
(951) 765-2360

**City of Hemet Public Works Department**

510 E. Florida Avenue, Hemet, CA 92543

Project Name: Mountain Avenue & Soboba Street Traffic Signal and  
Soboba Street Pavement Rehabilitation - CIP #5577

**EXHIBIT "B"**

Sheet 1 of 2

Bid Opening Date: December 3, 2013

Time: 2:00 P.M.

<u>Item No. &amp; Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>All American Asphalt</u>		<u>Hardy &amp; Harper, Inc.</u>		<u>Kad Paving Co. *(non-responsive)</u>	
			<u>Unit Bid</u>	<u>Total Bid</u>	<u>Unit Bid</u>	<u>Total Bid</u>	<u>Unit Bid</u>	<u>Total Bid</u>
1. Mobilization	L.S.	1	\$ 8,500.00	\$ 8,500.00	\$ 30,000.00	\$ 30,000.00	\$ 10,000.00	\$ 10,000.00
2. 4" Cold Mill Grind	S.F.	108,900	\$ 0.25	\$ 27,225.00	\$ 0.28	\$ 30,492.00	\$ 0.39	\$ 42,471.00
3. Recompact Subgrade 95%	S.F.	108,900	\$ 0.11	\$ 11,979.00	\$ 0.05	\$ 5,445.00	\$ 0.05	\$ 5,445.00
4. F/I 2" A.C. Base	TONS	1,390	\$ 75.00	\$ 104,250.00	\$ 67.76	\$ 94,186.40	\$ 76.83	\$ 106,793.70
5. F/I 2" A.C. Overlay	TONS	1,420	\$ 78.00	\$ 110,760.00	\$ 67.76	\$ 96,219.20	\$ 79.50	\$ 112,890.00
6. Uncl. Roadway Excav.	S.F.	6,150	\$ 4.00	\$ 24,600.00	\$ 3.00	\$ 18,450.00	\$ * 28.00	\$ 11,200.00
7. F/I 10" Agg. Base Material	TONS	400	\$ 27.00	\$ 10,800.00	\$ 36.00	\$ 14,400.00	\$ * 28.00	\$ 11,200.00
8. Smooth Pavm't Joint Trans.	L.F.	150	\$ 9.00	\$ 1,350.00	\$ 5.00	\$ 750.00	\$ 10.00	\$ 1,500.00
9. R/D exist. Ramp/Hardscape	S.F.	3,640	\$ 4.60	\$ 16,744.00	\$ 1.77	\$ 6,442.80	\$ 1.25	\$ 4,550.00
10. Construct Ramp	EA.	5	\$ 2,200.00	\$ 11,000.00	\$ 4,000.00	\$ 20,000.00	\$ 3,300.00	\$ 16,500.00
11. Construct 'B' Curb	L.F.	72	\$ 45.00	\$ 3,240.00	\$ 30.00	\$ 2,160.00	\$ 30.00	\$ 2,160.00
12. Adjust ex. Manhole Rim	EA.	4	\$ 750.00	\$ 3,000.00	\$ 1,000.00	\$ 4,000.00	\$ 350.00	\$ 1,400.00
13. Remove ex. Reflective Sign	EA.	1	\$ 105.00	\$ 105.00	\$ 200.00	\$ 200.00	\$ 300.00	\$ 300.00
14. Potholing Exploration	L.S.	1	\$ 4,600.00	\$ 4,600.00	\$ 4,000.00	\$ 4,000.00	\$ 5,000.00	\$ 5,000.00
15. F/I Traffic Signal System	L.S.	1	\$ 108,000.00	\$ 108,000.00	\$ 111,000.00	\$ 111,000.00	\$ 188,188.50	\$ 188,188.50
16. F/I T.S. EVP	L.S.	1	\$ 8,000.00	\$ 8,000.00	\$ 11,000.00	\$ 11,000.00	\$ 10,573.00	\$ 10,573.00
17. F/I Loops, Cables, Conduits	L.S.	1	\$ 53,000.00	\$ 53,000.00	\$ 55,000.00	\$ 55,000.00	\$ 4,033.00	\$ 4,033.00
18. F/I Battery Back-Up	L.S.	1	\$ 5,500.00	\$ 5,500.00	\$ 9,000.00	\$ 9,000.00	\$ 6,322.00	\$ 6,322.00
19. Signing & Striping	L.S.	1	\$ 8,200.00	\$ 8,200.00	\$ 9,254.60	\$ 9,254.60	\$ 11,600.00	\$ 11,600.00
20. Traffic Control Plan	L.S.	1	\$ 2,600.00	\$ 2,600.00	\$ 30,000.00	\$ 30,000.00	\$ 5,000.00	\$ 5,000.00
21. S.W.P.P.P.	L.S.	1	\$ 2,500.00	\$ 2,500.00	\$ 3,000.00	\$ 3,000.00	\$ 2,650.00	\$ 2,650.00
<b>TOTAL BID AMOUNT</b>				<b>\$ 525,953.00</b>		<b>\$ 555,000.00</b>		<b>\$ 559,776.20</b>

**City of Hemet Public Works Department**

510 E. Florida Avenue, Hemet, CA 92543

Project Name: Mountain Avenue & Soboba Street Traffic Signal and  
Soboba Street Pavement Rehabilitation - CIP #5577

**EXHIBIT "B"**

Sheet 2 of 2

Item No. & Description	Unit	Quantity	R.J. Noble Co.		Hillcrest Cont. Co.		Cooley Const., Inc.		PTM Gen.Eng.Serv., Inc.	
			Unit Bid	Total Bid	Unit Bid	Total Bid	Unit Bid	Total Bid	Unit Bid	Total Bid
1. Mobilization	L.S.	1	\$ 27,000.00	\$ 27,000.00	\$ 25,000.00	\$ 25,000.00	\$ 24,500.00	\$ 24,500.00	\$ 34,000.00	\$ 34,000.00
2. 4" Cold Mill Grind	S.F.	108,900	\$ 0.35	\$ 38,115.00	\$ 0.39	\$ 42,471.00	\$ 0.39	\$ 42,471.00	\$ 0.38	\$ 41,382.00
3. Recompact Subgrade 95%	S.F.	108,900	\$ 0.17	\$ 18,513.00	\$ 0.26	\$ 28,314.00	\$ 0.34	\$ 37,026.00	\$ 0.40	\$ 43,560.00
4. F/I 2" A.C. Base	TONS	1,390	\$ 63.00	\$ 87,570.00	\$ 72.00	\$ 100,080.00	\$ 74.00	\$ 102,860.00	\$ 82.00	\$ 113,980.00
5. F/I 2" A.C. Overlay	TONS	1,420	\$ 65.00	\$ 92,300.00	\$ 72.00	\$ 102,240.00	\$ 77.00	\$ 109,340.00	\$ 82.00	\$ 116,440.00
6. Uncl. Roadway Excav.	S.F.	6,150	\$ 3.00	\$ 18,450.00	\$ 4.70	\$ 28,905.00	\$ 3.00	\$ 18,450.00	\$ 5.00	\$ 30,750.00
7. F/I 10" Agg. Base Material	TONS	400	\$ 30.00	\$ 12,000.00	\$ 40.00	\$ 16,000.00	\$ 33.40	\$ 13,360.00	\$ 42.56	\$ 17,024.00
8. Smooth Pavm't Joint Trans.	L.F.	150	\$ 8.40	\$ 1,260.00	\$ 23.00	\$ 3,450.00	\$ 15.00	\$ 2,250.00	\$ 11.20	\$ 1,680.00
9. R/D exist. Ramp/Hardscape	S.F.	3,640	\$ 8.25	\$ 30,030.00	\$ 1.60	\$ 5,824.00	\$ 2.06	\$ 7,498.40	\$ 1.68	\$ 6,115.20
10. Construct Ramp	EA.	5	\$ 5,565.00	\$ 27,825.00	\$ 5,300.00	\$ 26,500.00	\$ 2,500.00	\$ 12,500.00	\$ 4,730.00	\$ 23,650.00
11. Construct 'B' Curb	L.F.	72	\$ 41.00	\$ 2,952.00	\$ 24.00	\$ 1,728.00	\$ 29.70	\$ 2,138.40	\$ 33.60	\$ 2,419.20
12. Adjust ex. Manhole Rim	EA.	4	\$ 820.00	\$ 3,280.00	\$ 1,000.00	\$ 4,000.00	\$ 1,320.00	\$ 5,280.00	\$ 900.00	\$ 3,600.00
13. Remove ex. Reflective Sign	EA.	1	\$ 265.00	\$ 265.00	\$ 50.00	\$ 50.00	\$ 105.00	\$ 105.00	\$ 115.00	\$ 115.00
14. Potholing Exploration	L.S.	1	\$ 9,600.00	\$ 9,600.00	\$ 2,700.00	\$ 2,700.00	\$ 3,650.00	\$ 3,650.00	\$ 2,000.00	\$ 2,000.00
15. F/I Traffic Signal System	L.S.	1	\$ 111,500.00	\$ 111,500.00	\$ 106,000.00	\$ 106,000.00	\$ 110,000.00	\$ 110,000.00	\$ 111,073.60	\$ 111,073.60
16. F/I T.S. EVP	L.S.	1	\$ 8,900.00	\$ 8,900.00	\$ 8,000.00	\$ 8,000.00	\$ 8,200.00	\$ 8,200.00	\$ 7,000.00	\$ 7,000.00
17. F/I Loops, Cables, Conduits	L.S.	1	\$ 54,000.00	\$ 54,000.00	\$ 54,000.00	\$ 54,000.00	\$ 54,000.00	\$ 54,000.00	\$ 69,500.00	\$ 69,500.00
18. F/I Battery Back-Up	L.S.	1	\$ 6,300.00	\$ 6,300.00	\$ 5,000.00	\$ 5,000.00	\$ 5,600.00	\$ 5,600.00	\$ 4,000.00	\$ 4,000.00
19. Signing & Striping	L.S.	1	\$ 11,000.00	\$ 11,000.00	\$ 8,200.00	\$ 8,200.00	\$ 10,100.00	\$ 10,100.00	\$ 8,800.00	\$ 8,800.00
20. Traffic Control Plan	L.S.	1	\$ 9,800.00	\$ 9,800.00	\$ 8,500.00	\$ 8,500.00	\$ 12,000.00	\$ 12,000.00	\$ 46,000.00	\$ 46,000.00
21. S.W.P.P.P.	L.S.	1	\$ 4,300.00	\$ 4,300.00	\$ 5,000.00	\$ 5,000.00	\$ 10,700.00	\$ 10,700.00	\$ 6,000.00	\$ 6,000.00
<b>TOTAL BID AMOUNT</b>				<b>\$ 574,960.00</b>		<b>\$ 581,962.00</b>		<b>\$ 592,028.80</b>		<b>\$ 689,089.00</b>



## Staff Report

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**TO:** Honorable Mayor and City Council

**FROM:** Carla Callahan, CDBG Coordinator  
John Jansons, Director of Community Investment

**THROUGH:** Wally Hill, City Manager *Wally Hill*

**DATE:** December 10, 2013

**SUBJECT:** Amendment to the 2013-2014 Community Development Block Grant (CDBG) Annual Action Plan

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**RECOMMENDATION:**

- 1) That the Mayor conduct the public hearing of the proposed amendment to the 2013-2014 Community Development Block Grant (CDBG) Annual Action Plan, and
- 2) That the City Council approve the proposed amendment to the 2013-2014 Community Development Block Grant (CDBG) Annual Action Plan for submission to the U.S. Department of Housing and Urban Development (HUD).

**BACKGROUND:**

The City of Hemet submitted the approved, completed 2013-2014 Annual Action Plan which details its planned use of \$763,730 in Community Development Block Grant (CDBG) entitlement funding to the U.S. Department of Housing and Urban Development (HUD) on August 28, 2013. And on September 23, 2013 the City submitted to HUD its 2012-2013 Consolidated Annual Performance and Evaluation Report (CAPER) showing an unexpended balance of \$159,581.71. HUD regulations allow for this unexpended balance to be reprogrammed to Housing or Public Facilities and Improvement activities in accordance with the City of Hemet Citizen Participation Plan regarding substantial amendments, which includes public notice and a public hearing. The public was notified of the proposed amendment and tonight's public hearing with a display advertisement in the November 10, 2013 Press Enterprise newspaper, with a Spanish Language display advertisement in the November 15, 2013 La Prensa newspaper, and with a copy of the newspaper notices from November 8 through December 10, 2013 on the City's website ([www.cityofhemet.org](http://www.cityofhemet.org)).

**DISCUSSION:**

The City of Hemet Senior/Disabled Home Repair Program has expended its 2013-2014 allocation of \$100,000 in the first quarter (July 1- September 30, 2013) due to the overwhelming response by citizens to this year's expanded program. The expanded program provides up to \$10,000 grants to Hemet residents, age 62 and over or disabled, who own and occupy their homes and whose gross income does not exceed the low income limits. The purpose of the program is to eliminate substandard living by providing home repairs necessary for the health

and safety of the residents, thereby helping to reserve the City's housing stock, making decent housing accessible and sustainable, and providing a suitable living environment. It is recommended that the unexpended 2012/13 balance of \$159,581.71 be reallocated to the City's Senior/Disabled Home Repair Program (eligible as a low/mod clientele housing rehabilitation activity).

**COORDINATION AND REVIEW:**

The recommended action was coordinated with the Finance Department, Community Development Department, Community Investment Department, and Office of the City Manager, Public Works and the City Attorney.

**STRATEGIC PLAN AND COUNCIL GOALS INTEGRATION:**

The recommended action supports the Council's goals of supporting and promoting a high quality of life in Hemet, improving the housing stock and leveraging outside funds for the benefit of Hemet residents.

**FISCAL IMPACT:**

Approval of the recommended action will advance the timely use of CDBG funds to benefit the Hemet community. The recommended action does not require any funding from the City's General Fund.

**ALTERNATIVES:**

Revise or not approve the proposed amendment to the 2013-2014 Community Development Block Grant (CDBG) Annual Action Plan. This alternative is not recommended.

**CONCLUSION:**

- 1) That the Mayor conduct the public hearing of the proposed amendment to the 2013-2014 Community Development Block Grant (CDBG) Annual Action Plan, and
- 2) That the City Council approve the proposed amendment to the 2013-2014 Community Development Block Grant (CDBG) Annual Action Plan for submission to the U.S. Department of Housing and Urban Development (HUD).

**Prepared By,**



Carla Callahan,  
CDBG Coordinator

**Recommended By:**



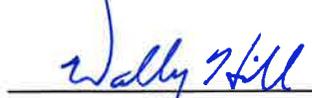
John Jansons,  
Director Community Investment

**Reviewed By:**



Rita Conrad,  
Deputy City Manager and  
Director of Administrative Services

**Approved By:**



Wally Hill, City Manager



#23

## Staff Report

TO: Honorable Mayor and Members of the Hemet City Council

FROM: Wally Hill, City Manager *WH*  
Deanna Elliano, Community Development Director *DE*

DATE: December 10, 2013

RE: **ZONING ORDINANCE AMENDMENT (ZOA) NO. 13-004 (Establishment of a Specific Plan Zone & Requirements)**

A request for City Council review and approval of Zoning Ordinance Amendment No. 13-004 amending Chapter 90 of the Hemet Municipal Code, adding a new Article XXVIII (28) to establish a Specific Plan Zone, with consideration of an environmental exemption pursuant to CEQA Guidelines Section 15061.

### **RECOMMENDED ACTION:**

*The Planning Commission recommends that the City Council:*

1. Introduce and read by title only, and waive further reading of **Ordinance Bill No. 13-004** amending Chapter 90 of the Hemet Municipal Code adding Article XXVIII (28) establishing the Specific Plan (SP) zone category.

### **BACKGROUND:**

On November 5, 2013 the Planning Commission held a noticed public hearing and unanimously recommended that the City Council adopt a proposed Zoning Ordinance Amendment (ZOA No. 13-004) adding Article XXVIII (28) to the Hemet Municipal Code to establish a Specific Plan (SP) Zone and including the requirements for the contents and review of Specific Plans.

The City of Hemet has adopted nineteen (19) Specific Plans of development throughout the City over the past several years as shown in Attachment 3. Specific plans are allowed under Section 65450 of the State of California Government Code and replace the zoning on a property with a detailed land use plan and set of development standards and design guidelines. The purpose of specific plans is to allow flexibility and create a unique set of development standards for a proposed project. The City's 2030 General Plan has designated several large properties throughout the city requiring specific plans for future development, as shown in Attachment 4. However, specific plans may also be proposed on other properties as appropriate.

The purpose of this amendment is to establish a uniform policy and procedure for the preparation, processing and review of future specific plans. Specific plans are to provide for the classification and regulation of the land uses of a property. The plans also are required to be consistent with, and implement, the goals and objectives of the General Plan. Designating a property with the Specific Plan (SP) zone notes that future development of the site will be subject to this type of development plan. Once adopted, the property bears the number of the Specific Plan (i.e. SP 96001) as the zoning designation.

The Specific Plan Zone is also beneficial as a “pre-zoning” for properties in the City’s Sphere of Influence that may want to annex to the City at some point in the future and would like to have the development flexibility of a Specific Plan, but are not yet ready to prepare and submit an actual plan at this time. The pre-zoning meets the Local Agency Formation Commission (LAFCO) requirements that properties must have a city zoning designation prior to annexation.

Unless otherwise specified within the plans themselves, it is intended that the specific plans will replace the base zoning and that the development standards contained in the individual plan will take precedence over the Hemet Municipal Code. Where the specific plan is silent regarding a development or improvement standard the Hemet Municipal Code standard shall apply.

**PROPOSED ORDINANCE:**

California State Law authorized cities to adopt specific plans as an alternative to conventional zoning, but State law provides only minimal guidelines as to the contents of a specific plan. The purpose of the proposed zoning ordinance amendment is to provide clarity and direction, for both applicants and the City, for the adoption and administration of future specific plans. Therefore, the proposed ordinance sets forth the purpose, required contents, application and approval process, and implementation components for the adoption and amendment of specific plans within the City. The proposed ordinance is consistent with State law requirements and with similar specific plan zone ordinances adopted by other jurisdictions in southern California.

A specific plan can be used for a variety of development projects including residential, commercial, industrial, institutional, and public works projects. Specific Plans are required to be consistent with the General Plan and the maximum number of dwelling units within a specific plan shall not exceed the number of units allowed in the General Plan. However, the distribution of those units within the specific plan is governed by the specific plan land use plan and any density transfer provisions contained in the plan. Development with a specific plan is intended to relate harmoniously to the topography of the site, and shall make suitable provisions for the preservation of water courses, drainage areas, biologically sensitive areas, steep terrain, and other site constraints or features

The proposed ordinance requires that specific plan documents provide a narrative text, exhibits and supporting documentation that discusses the following information, at a minimum:

- (1) Existing Conditions
- (2) General Plan Consistency
- (3) Development Concept/Land Use Plan
- (4) Development Standards
- (5) Design Guidelines
- (6) Infrastructure Plan and Phasing Plan
- (7) Financing Plan
- (8) Implementation and Administration

Additional studies may be required depending on the nature of the project. The Community Development Director may require a marketing analysis, fiscal impact report, and/or a cost/benefit analysis in order to substantiate need for the specific plan which deviates from conventional zoning regulations.

The proposed ordinance also sets out the findings that the Planning Commission and City Council will have to make in order to approve any new specific plan or to amend any existing Specific Plan under the SP

zone. The four required findings are:

- (1) *The specific plan systematically implements and is consistent with the general plan.*
- (2) *The specific plan provides for the development of a comprehensively planned project that is superior to development otherwise allowed under the conventional zoning classifications.*
- (3) *The specific plan provides for the construction, improvement, or extension of transportation facilities, public utilities and public services required by the long term needs of the project and/or area residents, and complements the orderly development of the city beyond the project's boundaries.*
- (4) *The specific plan provides for the appropriate orientation and relationship between land uses within and adjacent to the project.*

### **COORDINATION AND PUBLIC REVIEW**

On October 24, 2013, the City published a notice in the Press Enterprise of the holding of a public hearing before the Planning Commission on November 5, 2013. No comments were received in response to the notice or at the Planning Commission public hearing. On November 30, 2013, the City published a notice in the Press Enterprise of the holding of a public hearing before the City Council. At the time of the writing of this staff report, no comments have been received.

### **CONSISTENCY WITH ADOPTED GOALS, PLANS, AND PROGRAMS**

The City of Hemet has a long history of utilizing specific plans for a variety of project types. The specific plans allow for flexibility to the zoning code as well as master planning of large new areas in the City. The proposed zoning ordinance amendment will establish consistent policy and procedures for processing further specific plans in the City and is an important land use tool to implement the City's General Plan. Further, adoption of the Specific Plan Zone ordinance fulfills *General Plan Implementation Program No. LU-P-4*, which requires the creation of a new specific plan zone category.

### **CEQA REVIEW AND COMPLIANCE**

The City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where 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 proposed ordinance does not relate to any physical project and will not directly 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.

### **FISCAL ANALYSIS**

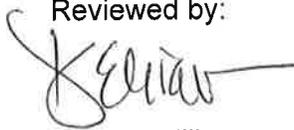
There is no direct fiscal impact resulting from the adoption and establishment of the proposed Specific Plan Zone, Ordinance Bill No. 13-004. The proposed ordinance was prepared by and will be implemented by City planning staff.

Prepared by:



Ronald K. Running  
Project Planner

Reviewed by:



Deanna Elliano  
Community Development Director

**ATTACHMENTS:**

1. Proposed City Council Ordinance Bill No. 13-004, Specific Plan (SP) zone
2. Planning Commission Resolution No. 13-016 recommending City Council adoption of Ordinance Bill No. 13-004.
3. List of Existing Specific Plans and Approval Date
4. Future Specific Plan Areas as identified in the General Plan

**Attachment  
No. 1  
City Council Ord.  
Bill No. 13-004**

**City Council Meeting of  
December 10, 2013**



**CITY OF HEMET  
Hemet, California  
ORDINANCE BILL NO. 13-004**

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**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, APPROVING A ZONING ORDINANCE AMENDMENT (ZOA 13-004) MODIFYING CHAPTER 90 OF THE HEMET MUNICIPAL CODE, ADDING ARTICLE XXVIII SPECIFIC PLAN ZONE.**

**WHEREAS**, the Government Code of the State of California §§65450-65457 allows for the establishment of specific plans by the legislative body after the adoption of a General Plan; and,

**WHEREAS**, on January 24, 2012 the City Council of the City of Hemet adopted a comprehensive General Plan with requirements for establishment of specific plans in certain areas of the City; and,

**WHEREAS**, on November 5, 2013, the Planning Commission, after duly noticed public hearing, recommended approval of the Zoning Ordinance Amendment No. 13-004; and,

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

**SECTION 1: APPROVAL.**

Zoning Ordinance Amendment No. 13-004, attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby approved and adopted by the City Council.

1 **SECTION 2: CEQA FINDINGS.**

2 The adoption of this Ordinance is exempt from CEQA review pursuant to CEQA  
3 Guidelines Section 15061(b)(3), because it can be seen with certainty that this project  
4 would not have a significant effect on the environment.

5 **SECTION 3: SEVERABILITY.**

6 If any section, subsection, subdivision, sentence, clause, phrase, or portion of  
7 this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of  
8 any court of competent jurisdiction, such decision shall not affect the validity of the  
9 remaining portions of this Ordinance. The City Council hereby declares that it would  
10 have adopted this Ordinance, and each section, subsection, subdivision, sentence,  
11 clause, phrase, or portion thereof, irrespective of the fact that any one or more sections,  
12 subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared  
13 invalid or unconstitutional.

14 **SECTION 3: EFFECTIVE DATE.**

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

17 **SECTION 4: PUBLICATION.**

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

24 **INTRODUCED** at the regular meeting of Hemet City Council on \_\_\_\_\_ 2013.

25 **APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2013.

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**Robert Youssef, Mayor**

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**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Sarah McComas, City Clerk**

\_\_\_\_\_  
**Eric S. Vail, City Attorney**

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

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

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

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13 Sarah McComas, City Clerk

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## Exhibit A-

### ARTICLE XXVIII – SPECIFIC PLAN ZONE

- Sec. 90-980 Purpose
- Sec. 90-981 Zones Established
- Sec. 90-982 Permitted uses and development standards.
- Sec. 90-983 General requirements
- Sec. 90-984 Application for approval – fee.
- Sec. 90-985 Submittal requirements – contents of the specific plan.
- Sec. 90-986 Decision by the Planning Commission.
- Sec. 90-987 Adoption by City Council
- Sec. 90-988 Findings
- Sec. 90-989 Amendments to the plan.
- Sec. 90-990 Implementation
- Sec. 90-991 to 90-1009 Reserved

#### **Sec. 90-980 Purpose.**

- (a) The intent of this Article is to establish a Specific Plan Zone and a uniform policy and procedure for the preparation, processing and review of specific plans. Specific plans are to provide for the classification and regulation of land use and development within specific project boundaries, and shall implement the goals and objectives of the general plan. Unless otherwise specified within the plan itself, it is intended that the specific plan will replace the base zoning district and that the development standards contained in the specific plan will take precedence over the Hemet Municipal Code, where applicable. Where the specific plan is silent regarding a development or improvement standard within the Hemet Municipal Code, the Hemet Municipal Code standard shall apply.
- (b) The specific plan zone is included in the zoning regulations to achieve the following purposes:
  - (1) To promote and protect the public health, safety and welfare.
  - (2) To minimize the intrusion of new development into environmentally sensitive areas.
  - (3) To ensure the timely provision of essential public services and facilities consistent with the demand for such services.
  - (4) To promote a harmonious variety of housing choices and commercial and industrial activities.

- (5) To attain a desirable balance of residential and employment opportunities, a high level of urban amenities, and preservation of natural and scenic qualities of open space.
- (6) To facilitate quality development within the City by permitting greater flexibility and encouraging more creative and aesthetically pleasing designs for major urban development projects subject to large scale community planning.

#### **Sec. 90-981 Zones Established.**

- a) Specific plans shall be prepared and adopted by ordinance pursuant to this Article and in accordance with Government Code Sections 65450 et seq., and shall be the official zoning of the City for the subject property. The specific plan number shall appear on the official zoning map of the City for each specific plan area.
- b) The Specific Plan (SP) Zone may also be established as pre-zoning on properties prior to the actual submittal and adoption of a specific plan for the property, as an indication of the future requirement for a Specific Plan. In this event, the SP Zone designation shall also include a sub-designation that reflects the existing General Plan land use classification(s) for the property.
- c) The SP Zone is considered consistent with all land use designations in the General Plan, provided that the densities and land uses allowed in the Specific Plan do not exceed the adopted General Plan designations for the property.

#### **Sec. 90-982 Permitted uses and development standards.**

- a) The uses, types of development, and development standards and guidelines in a Specific Plan shall replace the base zones for the subject property, and shall take precedence over the general land uses and standards in the Zoning Code unless otherwise indicated in the Specific Plan document.
- b) Agricultural uses occurring on a property at the time of the adoption of a Specific Plan Zone or Pre-Zone may continue as a conforming use until such time that development under the Specific Plan is activated, or as otherwise provided pursuant to the Phasing and Implementation provisions of the applicable Specific Plan document.

#### **Sec. 90-983 General Requirements.**

- (a) A specific plan may be utilized for a variety of development projects including residential, commercial, industrial, institutional and public facilities projects.

- (b) The maximum number of dwelling units within a specific plan district shall not exceed the number of units indicated by the general plan, provided that the distribution of units within the specific plan and on any individual site shall be governed by the Specific Plan land use plan and any density transfer provisions related thereto.
- (c) All public and master planned streets within or abutting the development shall be dedicated and improved to City specifications for that particular classification of street. Private streets within the development shall be permanently reserved and maintained for their intended purpose by means acceptable to and enforceable by the City.
- (d) Development within a specific plan district shall relate harmoniously to the topography of the site, shall make suitable provisions for the preservation of water courses, drainage areas, rough terrain and similar natural features, and shall otherwise be so designed inasmuch as possible, to use and retain natural features and amenities.

#### **Sec. 90-984 Application Requirements**

- a) The application for a specific plan shall be accompanied by a fee or deposit in the amount established by resolution of the city council. The fee or deposit shall not exceed the reasonable cost of providing the service for which the fee is charged.
- b) In the event the City undertakes the work and responsibility for development of a specific plan, it shall prepare a complete cost break down and submit it to the city council at the time the specific plan is presented to council for adoption. The council may impose a special fair share cost reimbursement fee or funding program upon persons seeking approvals which are required to be in conformity with the specific plan. The amount of the fee shall be established so that in the aggregate they defray, but as estimated do not exceed, the cost of preparation, adoption and administration of a City initiated and funded specific plan.
- c) The application for a Specific Plan or amendment shall be filed in accordance with forms provided by the Community Development Department, including the application requirements and specific plan contents identified in this chapter. The Director and the staff Design Review Committee (DRC) shall review the draft plan and application submittal to determine completeness and consistency with this article. Incomplete applications shall be returned to the applicant with suggested revisions to insure compliance.
- d) The draft Specific Plan or amendment shall be subject to environmental review in accordance with the California Environmental Quality Act (CEQA) and the City's Local Guidelines for Implementing CEQA.

- e) Upon determination of a completed application, including satisfaction of the requirements for Environmental Review, the application shall be scheduled for a noticed public hearing before the Planning Commission.
- f) Pursuant to the provisions of this Article, the Planning Commission shall make a recommendation to the City Council regarding the Specific Plan application. The City Council shall consider the Planning Commission's recommendation at a duly noticed public hearing and take final action on the application to approve, deny or modify the Specific Plan. Adoption of the Specific Plan shall be by ordinance of the City Council.

### **Sec. 90-985 Contents of the specific plan.**

The specific plan application shall consist of the application form, a specific plan narrative text, including a diagram or diagrams, and additional supporting documentation as required as required by the Community Development Director or his or her designee. Within the text, specific information and analysis is required as outlined below. The contents and organization of the document may be modified, as appropriate, subject to the approval of the Community Development Director.

- (a) Existing Conditions:
  - (1) Provide a boundary survey map of the property and a calculation of the gross land area within the proposed district. A tentative tract map may be substituted if the applicant proposes to subdivide the property currently with the specific plan approval.
  - (2) Provide a topographic map and general grading concept plan with specific sections for environmentally sensitive areas, for the property and adjacent land within one hundred feet of the property, shown at contour intervals not to exceed five feet.
  - (3) Provide maps and supporting tabulations showing the current general plan land use designation, the current zoning classification, and the current land use within the proposed SP zone, including open space, and on adjacent sites within three hundred feet of the proposed SP zone. The location of structures and other significant improvements shall be shown. Discuss existing land uses within and surrounding the project site.
  - (4) Provide an analysis of the site characteristics as follows:
    - a. Show and discuss the major physical features relating to the site (e.g., drainage ways, waterways, known geologic hazard areas, main transportation corridors, perimeter roads, wells, utility stations, canals, etc.).

- b. Identify existing easements, rights-of-way, and related improvements (such as utilities, canals, streets, etc.) on the site.
- c. Identify all areas with a slope of more than ten percent. Illustrate the slope analysis.
- d. Identify soil types and any limiting characteristics for development.

(b) General Plan Consistency

- 1. The specific plan shall demonstrate the relationship of the specific plan to the general plan by discussing:
  - a. A General Plan Consistency Analysis including the effect of the development proposed on each element of the general plan.
  - b. Proposed standards and criteria for development which will ensure conformity with the specific goals, policies and implementation programs of each element.

(c) Development Concept

- 1. Discuss the nature and intent of the proposed development. Identify development objectives.
- 2. Provide a land use plan identifying sub-areas within the proposed specific plan and uses to be developed therein. Discuss the need for the various land uses proposed in relationship to development trends and population projections for the area. If a market feasibility study was completed, it may be included as an appendix or submitted under separate cover. Discuss the rationale for the amount and type of each proposed land use.
- 3. If the Specific Plan proposes residential or mixed land uses, discuss the projected population of the development including the following information:
  - a. Average number of people per unit.
  - b. Total dwelling units and population of the development for each phase.
  - c. A ratio of the potential number of jobs created vs. the housing provided (job-housing balance).

4. Identify the residents to be served by commercial development and any long-term employment opportunities which will result from the provision of commercial or industrial development.
5. Provide tables and maps showing the following information for all residential, commercial and industrial land uses, recreational and community facilities, open space, rights-of-way and easements:
  - a. Breakdown of residential units by type and density.
  - b. Number of acres for each land use and planning sub-area, including open space and recreation.
  - c. Total acres of development.
6. Discuss the spatial arrangement of land uses to one another and the rationale for their location within the development.
7. Describe the measures taken to buffer or screen potentially incompatible uses on and off-site, and to transition from one intensity or density of land use to another.

(d) Infrastructure and Phasing Plan

1. Provide a phasing plan indicating the areas to be developed in each phase and the anticipated time schedule for beginning of construction and for completion of each phase of development including a pro rata share of amenities, parks and open space. This is a generalized schedule and may be adjusted according to market constraints as the community develops. Note by graphics and text the infrastructure required for each phase.
2. Provide a circulation plan, showing existing and proposed public and private streets, pedestrian ways, bike paths, trails, and related transportation access or circulation features required to serve the proposed development. The circulation plan shall be supported by schematic designs of principal traffic and circulation improvements, and such traffic engineering data as required by the city engineer to demonstrate that existing and proposed facilities, both within and outside the zone, shall be adequate to serve land uses proposed by the development plan. Identify the classification of each street and include a cross-section of each type. Note which streets will be public and private.
3. Discuss how the proposed development will impact existing transportation corridors. Also describe any proposed improvements by the developer or the City to these corridors or perimeter streets.

4. Provide an overall plan describing anticipated requirements and proposed means of providing utility facilities and public services, including but not limited to, storm drainage, sewage disposal, water supply, parks and recreation, fire protection, and school facilities. Detailed plans shall be included showing the existing and proposed location of all facilities.
5. Prepare a utility service plan comprised of graphics and text that includes the following topics. The plans shall identify off-site connections and improvements as well as on-site.
  - a. Water - Provide a water system plan summary. Identify service needs, system capacity, and location of major lines.
  - b. Sewer - Provide a sewer system plan summary. Identify service needs, system capacity, and location of major lines. All detailed information should be in the appendix.
  - c. Drainage - Provide a summary of the preliminary drainage plan which identifies how on-site and off-site drainage will be handled. Include all detailed information in the appendix.

(e) Development Standards

1. The text shall describe the basic land use regulation, site development regulations and performance standards designed to govern each use area identified by the land use plan. The text shall be as comprehensive as necessary to establish basic provisions and regulations which shall govern subsequent approval of specific tracts or developments within the specific plan. The text shall include, but not be limited to, the following provisions:
  - a. A listing of allowable uses within each use area, including such qualifying descriptions or definitions and requirements for conditional use permits as may be applicable.
  - b. Maximum and minimum regulations, as appropriate governing residential density, site coverage, lot size and dimensions, yard requirements, usable open space, landscaping and performance standards.
  - c. Required yards, landscaping or other site development regulations to be applicable adjacent to other zoning districts at the perimeter of the specific plan and boundaries.

(f) Design Guidelines

1. A discussion of the architectural, landscaping, streetscape and other urban design features for development within the specific plan. The discussion of standards and concepts shall be specific in nature and refer to both the community design elements and theme and to the design of individual sub-areas. Streetscape design concepts shall include, but not be limited to, plant pallets, landscaped lots and medians, fence and wall material and placement, lighting, street furniture and equipment screening.
2. Supplemental illustrations as required, establishing the basic community architectural character, environmental character and environmental design qualities to be attained throughout the specific plan and within particular portions of the district.
3. For properties having natural slope areas prior to grading of fifteen percent or more, and which propose development in these areas, hillside development standards shall be prepared and included in the document. The standards shall include, but not be limited to, measures to minimize grading impacts, fuel modification and erosion control landscaping, modified street standards, if necessary, drainage structures compatible with the landform, fencing details, and maximum height or percent of slope in yard areas and landscape lighting and maintenance districts (LLMD).

(g) Implementation of the Plan

1. Include a facilities financing plan discussing the availability of public facilities, the extent of any new facilities and associated costs and the method of financing the facilities and infrastructure. Provide documentation supporting the conclusions reached and how the financing plan will be implemented for each successive phase.
2. Discuss the role of the developer, residents, and others in providing, operating, and maintaining services, utilities, community facilities, and other development-related improvements (e.g., streets, open areas, recreational facilities, etc.)
3. Provide a program for the conservation, development and utilization of all open space areas and other natural resources, as applicable.
4. The text shall include a section regarding implementation procedures, including but not limited to, the process for site development review, density transfers, amendments and variances.

(h) Additional Studies

1. Depending upon the scope and complexity of the project, the Community Development Director may require submission of additional information or studies deemed to be necessary by the Director based upon the characteristics of the site and surrounding area, the nature of the proposed land uses, or other elements of the Plan as proposed.
2. The Director may require the submission of a a competently prepared housing market analysis, demonstrating the need for housing by price range and number of dwelling units. Such analysis may be requested as a part of the submittal requirements for the specific plan, or may be requested as part of the environmental assessment.
3. The Director may require submission of a competently prepared commercial market analysis for any proposed shopping center or major commercial uses, showing the need for such uses in the location request and the inadequacy of existing sites to meet this need. The market analysis shall include, but not be limited to, the following:
  - a. Determination of potential trade area.
  - b. Estimates of existing and future population of the trade area.
  - c. Determination of existing and potential effective buying power in the trade area.
  - d. Determination of the net potential customer buying power for the proposed commercial development.

Such analysis may be requested as a part of the submittal requirements for the specific plan, or may be requested as a part of the environmental assessment.
4. The Community Development Director may require a fiscal impact report (under separate cover), which identifies the municipal costs associated with the development, including staffing, operation and maintenance, and all revenue sources and estimates relating to the development. The analysis shall include a tabular projection comparing costs and revenues by each project year to buildout. The report shall identify in detail all assumptions used and provide calculations to support the cost/revenue estimates.
5. If the project includes an annexation request, a fiscal impact report is mandatory and shall also outline and evaluate the current costs and revenues occurring under the existing jurisdiction.

### **Sec. 90-986 Decision by Planning Commission.**

The planning commission shall recommend approval, denial or modification to a specific plan by an affirmative vote of not less than a majority of the total voting members. A copy of any specific plan amendment recommended pursuant to this Article shall be submitted to the city council, accompanied by a Resolution stating the commission's reasons for such recommendation.

### **Sec. 90-987 Adoption by City Council.**

The city council may approve, deny or modify the specific plan. The specific plan shall be adopted by ordinance and become effective thirty days following the second reading of the ordinance.

### **Sec. 90-989 Findings.**

A specific plan shall not be approved or amended unless the following findings are made:

- (a) The specific plan or amendment systematically implements and is consistent with the general plan.
- (b) The specific plan or amendment provides for the development of a comprehensively planned project that is superior to development otherwise allowed under the conventional zoning classifications.
- (c) The specific plan or amendment provides for the construction, improvement, or extension of transportation facilities, public utilities and public services required by the long term needs of the project and/or other area residents, and complements the orderly development of the city beyond the project's boundaries.
- (d) The specific plan or amendment provides for the appropriate orientation and relationship between land use within and adjacent to the project.

### **Sec. 90-990 Amendments to the plan.**

- (a) A specific plan text and map may be amended in the same manner as the specific plan adoption and may be amended as often as deemed necessary by the city council. Amendment of a specific plan shall be subject to the same findings as prescribed for initial enactment of a specific plan, and shall be consistent with the original intent and overall provisions of the adopted specific plan.
- (b) An amendment to a specific plan text and map may be initiated by the city planning commission or the council, or by a private proponent.

**Sec. 90-991 Implementation.**

- (a) No subdivision map, use permit, site development review, grading permit, local public works project, or zoning ordinance may be approved within the area covered by a specific plan unless it is consistent with the adopted specific plan.
- (b) Each specific plan shall contain the procedures and requirements by which the plan is implemented and administered.
- (c) Because the specific plan is a regulatory document adopted by ordinance, all development standards contained therein shall be enforceable by law.

**Secs. 90-992 to 90-1009 – Reserved.**

**Attachment  
No. 2  
Planning Commission  
Resolution  
No. 13-016**

**City Council Meeting of  
December 10, 2013**



CITY OF HEMET  
Hemet, California

PLANNING COMMISSION  
RESOLUTION NO. 13- 016

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF HEMET, CALIFORNIA, RECOMMENDING  
TO THE CITY COUNCIL APPROVAL OF AN ZONING  
ORDINANCE AMENDMENT (ZOA 13-004) MODIFYING  
CHAPTER 90 OF THE HEMET MUNICIPAL CODE,  
ADDING ARTICLE XXXVIII SPECIFIC PLAN ZONE.

**WHEREAS**, the Government Code of the State of California §§ 65450-65457 allows for the establishment of specific plans by the legislative body after the adoption of a General Plan; and,

**WHEREAS**, on January 24, 2012 the City Council of the City of Hemet adopted a comprehensive General Plan with requirements for establishment of specific plans in certain areas of the City; and,

**WHEREAS**, it is the desire of the City of Hemet to establish a Specific Plan Zone with a uniform policy and procedures for the preparation, processing and review of specific plans; and,

**WHEREAS**, a public notice was published in the Hemet News section of the Press Enterprise giving notice of a public hearing to be held by the Planning Commission on Zoning Ordinance Amendment No. 13-004. The public hearing was held before the Planning Commission on the 5th day of November, 2013, at the hour of 6:00 p.m., with all testimony received being made a part of the public record; 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 14061(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; and,

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

**NOW, THEREFORE**, be it resolved that in consideration of the evidence and findings in the Staff Report dated November 5, 2013. And in consideration of the evidence received at the hearing, and for the reasons discussed by the Commission

---

Planning Commission Resolution No. 13-016  
Zoning Ordinance Amendment No. 13-004 for Specific Plan Zones

1 members at said hearing, the Planning Commission now finds, determines and resolves  
2 as follows:

3  
4 **SECTION 1: ENVIRONMENTAL FINDINGS**

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

13  
14 1. CEQA: The City has analyzed this proposed project and has determined  
15 that it is exempt from the California Environmental Quality Act ("CEQA") under Section  
16 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects  
17 that have the potential for causing a significant effect on the environment. Where, as  
18 here, it can be seen with certainty that there is no possibility that the activity in question  
19 may have a significant effect on the environment, the activity is not subject to CEQA.  
20 The amendments to this Ordinance do not relate to any physical project and will not  
21 result in any physical change to the environment. Therefore, it can be seen with  
22 certainty that there is no possibility that this Ordinance may have a significant adverse  
23 effect on the environment, and therefore the adoption of this Ordinance is exempt from  
24 CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

25  
26 **SECTION 2: ZONING ORDINANCE AMENDMENT FINDINGS**

27  
28 According to Hemet Municipal Code section 90.41.5(a), the Planning  
29 Commission makes the following findings with respect to this Zoning Ordinance  
30 Amendment:

31  
32 1. That the Zoning Ordinance Amendment is in conformance with the latest  
33 adopted General Plan for the City.

34  
35 The proposed Ordinance establishes a Specific Plan Zone and a uniform policy  
36 and procedure for the preparation, processing and review of specific plans. Requiring  
37 these standards will further the purposes of the General Plan and the City's zoning  
38 regulations by ensuring that all development in the Specific Plan Zone will be  
39 compatible with surrounding land uses, and are in accord with the objectives of the  
40 General Plan in which the new development is located.

41  
42 2. That the Zoning Ordinance Amendment will protect the public health,  
43 safety and welfare.

1 The proposed ordinance will require the City Council considering an application for a  
2 proposed specific plan will not be detrimental to the public health, safety and welfare or  
3 materially injurious to the properties in the vicinity. The proposed ordinance requires  
4 that all future specific plans have development standards appropriate for the proposed  
5 land uses and providing sufficient buffers between differing land uses.  
6

7 **SECTION 3: PLANNING COMMISSION ACTIONS**  
8

9 The Planning Commission hereby takes the following actions:  
10

11 1. The Planning Commission, based upon the findings herein, recommends  
12 that the City Council adopt the proposed ordinance which is attached hereto and  
13 incorporated herein by reference as Exhibit "1".  
14

15  
16 **PASSED, APPROVED AND ADOPTED** this 5<sup>th</sup> day of November, 2013, by the  
17 following vote:  
18

19  
20 **AYES:** Chairman John Gifford, Vice Chairman Greg Vasquez, and  
21 Commissioners Vince Overmyer and Rick Crimeni  
22 **NOES:** None  
23 **ABSTAIN:** None  
24 **ABSENT:** Commissioner Michael Perciful  
25

26  
27  
28  
29   
30 \_\_\_\_\_  
31 John Gifford, Chairman  
32 Hemet Planning Commission

33 **ATTEST:**  
34  
35   
36 \_\_\_\_\_  
37 Melissa Couden, Records Secretary  
38 Hemet Planning Commission

**Attachment**

**No. 3**

**List of Adopted  
Specific Plans**

**City Council  
Meeting of  
December 10, 2013**

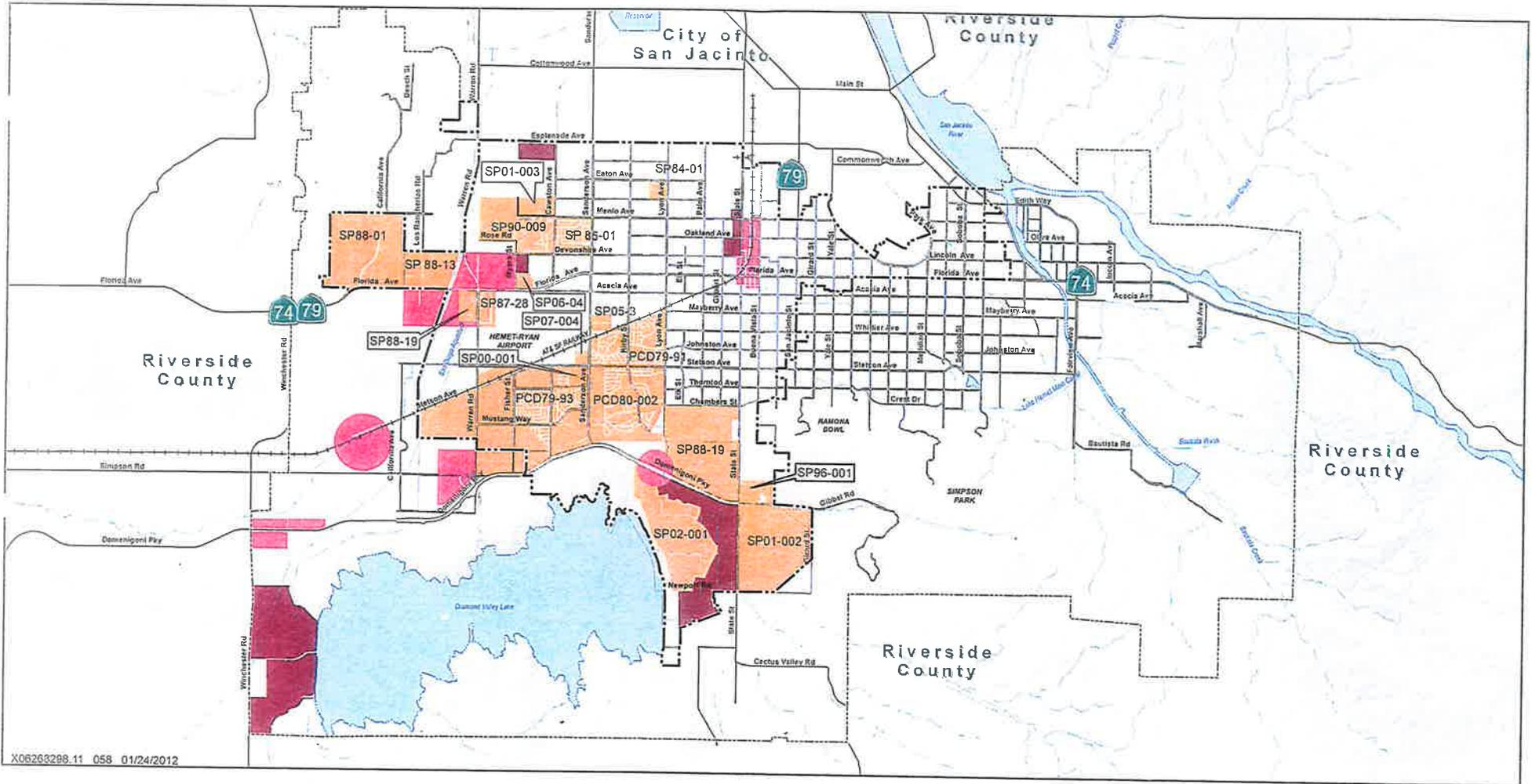
**Hemet Zoning Map  
List of Specific Plans**

<b>Number</b>	<b>Name</b>	<b>Approval Date</b>
PCD 79-91	Terra Linda	1/8/80
PCD 79-93	Page Ranch Community Plan	1980
PCD 80-002	Seven Hills	4/22/80
SP 84-001	Sunwest Village	6/11/85
SP 85-001	Art Hoffer	1/21/87
SP 87-28	Hemet Auto Mall	5/24/88
SP 88-01	Heartland Village	4/12/08
SP 88-13	City Sponsored	4/26/88
SP 88-19	McSweeny Ranch	6/25/91
SP 89-19	Hemet Marketplace	1/9/90
SP 90-009	Tres Cerritos	11/12/91
SP 96-001	Diamond Valley Gateway	8/16/97
SP 00-001	Page Plaza	4/1/01
SP 01-002	Mc Sweeny Farms	11/29/03
SP 01-003	Peppertree	8/26/03
SP 02-001	Diamond Valley Lake Park	10/22/02
SP 05-003	Sanderson Square	8/23/07
SP 06-004	Florida Promenade	11/27/07
SP 07-004	Stetson Crossing	6/30/09

I:\COMMON\PLAN\Projects\SPEC PLAN FILES>List of Specific Plans.doc

**Attachment  
No. 4  
Future Specific Plan  
Areas**

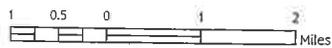
**City Council  
Meeting of  
December 10, 2013**



X06263298 11 058 01/24/2012



Sources:  
Census Tiger Line Data 2005  
ESRI 2010



**LEGEND**

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #f4a460; border: 1px solid black; margin-right: 5px;"></span> Specific Plan Areas</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #f4a460; border: 1px solid black; margin-right: 5px;"></span> Adopted Specific Plan Area</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ff9999; border: 1px solid black; margin-right: 5px;"></span> Mixed Use Specific Plan Opportunity Area</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #990033; border: 1px solid black; margin-right: 5px;"></span> Future Specific Plan Area</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; border-top: 1px dashed black; width: 20px; margin-right: 5px;"></span> Hemet City Boundary</li> <li><span style="display: inline-block; border-top: 1px solid black; width: 20px; margin-right: 5px;"></span> Planning Area</li> <li><span style="display: inline-block; border-top: 1px solid black; width: 20px; margin-right: 5px;"></span> Street</li> <li><span style="display: inline-block; border-top: 1px solid black; width: 20px; margin-right: 5px;"></span> Railroad</li> <li><span style="display: inline-block; border-top: 1px solid black; width: 20px; margin-right: 5px;"></span> Creek/Canal</li> <li><span style="display: inline-block; border-top: 1px solid black; width: 20px; margin-right: 5px;"></span> River/Lake</li> </ul> |
|--|--|

Figure 2.2  
**SPECIFIC PLANS**  
Hemet General Plan



## Staff Report

TO: Honorable Mayor and Members of the Hemet City Council

FROM: Wally Hill, City Manager *Wally Hill*  
Deanna Elliano, Community Development Director *DE*

DATE: December 10, 2013

RE: **ZONING ORDINANCE AMENDMENT (ZOA) NO. 13-011: Establishment of a Business Park Zone and the Updating of Zoning and Development Standards for Industrial Uses**: A city-initiated ordinance amending Chapter 90 (Zoning) Article XXX (30) of the Hemet Municipal Code by establishing a new Business Park Zone and amending certain zoning and development regulations for the M-1 (Limited Manufacturing) and M-2 (Heavy Manufacturing) Zones, and assorted minor amendments to Chapter 90 related to definitions and special uses in the manufacturing zones.

### **RECOMMENDED ACTION:**

That the City Council:

1. *Introduce by title only, and waive further reading of **Ordinance Bill No. 13-049** approving Zoning Ordinance Amendment No. 13-011 as recommended by Planning Commission Resolution No. 13-017 to amend Chapter 90 of the Hemet Municipal Code by establishing a Business Park zone in Article XXX (30)(Manufacturing Zones) and updating certain zoning and development standards for manufacturing uses.*

### **BACKGROUND:**

In January 2012, the City adopted a comprehensive update to its General Plan and subsequently embarked upon the process of bringing the zoning ordinance into compliance with the updated General Plan. One component of the consistency zoning process is to ensure that the land use designations of the General Plan are reflected in the zoning ordinance. The General Plan includes a Business Park land use designation that does not currently have a corresponding zone in the zoning ordinance. ZOA13-011 proposes establishing a Business Park (BP) Zone and making certain other minor clarifications and updates associated with the manufacturing zones to bring the zoning ordinance into compliance with the new land use designations in the City's 2030 General Plan.

On November 5, 2013, the Planning Commission held a noticed public hearing and adopted Resolution No. 13-017 (Attachment 2) recommending City Council approval of ZOA13-011 which establishes a new Business Park Zone in Article XXX (30) of the Municipal Code, (Manufacturing Zones), and amends certain zoning and development regulations for the M-1 (Limited

Manufacturing) and M-2 (Heavy Manufacturing) Zones, as well as other minor amendments related to definitions and special uses in the manufacturing zones.

### **DESCRIPTION:**

The proposed ordinance amendments affect four parts of Chapter 90 (Zoning Ordinance): Article XXX (Manufacturing Zones), Article I (In General) Section 90.4 (Definitions), and Article III (Special Uses and Conditions), Sections 90-81 (Recycling Facilities) and 90-82 (Personal Storage Facilities). Although the main purpose of ZOA-13-011 is to establish a Business Park Zone to achieve compliance with the General Plan, staff took the opportunity to update other sections of the code to reflect current terminology, land uses, and best management practices. Exhibit A of Ordinance Bill No. 13-049 is the amended ordinance text. For comparison purposes, a red-lined detail showing the proposed additions, deletions, and reorganizations to the existing code sections is included as Attachment 3. Listed below are the main components of the proposed text amendments:

- *Establishment and definition of the Business Park (BP) Zone.* The proposed BP zone is intended to provide sites for single and multi-tenant light industrial, flex office, and office uses that include corporate and general business offices, medical uses, research and development, e-commerce, and light manufacturing on large lots in a campus-like setting with attractive landscaping and architectural design. The zone is consistent with the Business Park, Industrial, and the commercial-industrial Mixed Use designations of the General Plan.
- *Updating permitted uses.* The proposed amendment establishes allowable land uses that differentiate the BP zone from the M-1 (Limited Manufacturing) and M-2 (Heavy Manufacturing) zones and updates the land use definitions to reflect current needs and industrial terms. The BP zone focuses on clean industrial, flex office, and ancillary retail uses. More intense manufacturing uses are restricted to the M-1 and M-2 zones.
- *Updating development standards.* The proposed amendment establishes development standards for the BP zone and updates the standards for all the industrial zones to ensure high quality development in Hemet. Development in the BP zone requires larger lot sizes than the M-1 and M-2 zones and landscaping commensurate with commercial development guidelines.
- *Updates to definitions.* The proposed amendment provides updated definitions for recycling facilities based on common terminology used in state law, and for mini-storage facilities.
- *Reorganization of standards for mini-storage facilities.* Special development standards for mini-storage facilities was originally located in the Manufacturing Zones section of the code (Article XXX), and has been relocated to Article III, Special Uses and Conditions where other special standards and uses are located that may apply to more than one zone category.

### **ANALYSIS:**

The proposed allowable uses and development standards for the BP zone are consistent with the Business Park land use designation of the General Plan and industry standards. Areas zoned BP are intended to provide an employment base for the City of Hemet and to be developed with "clean" industries that do not create nuisances due to levels of noise, odor, air emissions, vibrations, waste, or substantial heavy truck traffic. In addition, the City Council will soon be

considering an application to pre-zone property located within the City's Sphere of Influence in unincorporated Riverside County to Business Park. Establishment of the BP zone must be completed prior to adoption of any pre-zoning efforts.

The other proposed modifications to the zoning ordinance update and strengthen the code by staying current with industry standards, clarifying terms and conditions, and addressing issues brought to the attention of staff. It is the Planning Division's goal to eventually update every article within the zoning ordinance as part of the consistency zoning process.

#### **COORDINATION AND PUBLIC REVIEW:**

On October 24, 2013, the City published a notice in the Press Enterprise of the holding of a public hearing before the Planning Commission on November 5, 2013. No comments were received in response to the notice or at the Planning Commission public hearing. On November 30, 2013, the City published a notice in the Press Enterprise of the holding of a public hearing before the City Council. At the time of the writing of this staff report, no comments have been received.

#### **CONSISTENCY WITH ADOPTED GOALS, PLANS, AND PROGRAMS:**

The primary purpose of ZOA13-011 is to bring the zoning ordinance into consistency with the General Plan on the Business Park land use designation. The proposed amendment is consistent with the General Plan definition, intensity range, and stated goals for the Business Park designation. The proposed ordinance amendment is also consistent with *General Plan Implementation Program LU-P-2* which requires a comprehensive update to the various sections of the zoning code in accordance with the General Plan goals, policies and objectives.

State law requires legislative actions that may impact properties within the influence area of the Hemet-Ryan Airport Land Use Plan (ALUP) to be reviewed by the Riverside County Airport Land Use Commission (ALUC) for compatibility with the ALUP. Since the City Council will be considering an application in the near future to pre-zone to Business Park property located in the airport influence area, ZOA13-011 has been submitted to the ALUC for consistency review at its meeting of January 9, 2014. The determination of the ALUC will be presented to City Council prior to the second reading of Ordinance Bill No. 13-049 at the Council's January 14, 2014 meeting. It is anticipated that a compatibility determination will be issued by the ALUC.

#### **CEQA REVIEW AND COMPLIANCE**

The City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where 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. 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.

**FISCAL IMPACT:**

There is no direct fiscal impact resulting from the adoption of Ordinance Bill No. 13-049 and the implementation of ZOA13-011. The proposed ordinance was prepared by and will be implemented by Planning Division staff.

Respectively Submitted,



Deanna Elliano  
Community Development Director

**Attachments:**

1. City Council Ordinance Bill No. 13-049
  - Exhibit A1 Amended Article XXX (Manufacturing) establishing a Business Park zone and updating certain zoning and development standards.
  - Exhibit A2: Amended Article 1 (In General), Sec. 90.4 (Definitions) establishing definitions for personal storage facilities and recycling facilities.
  - Exhibit A3: Amended Article III (Special Uses and Conditions establishing standards and procedures for the siting and operation of personal storage facilities (Sec. 90-82).
2. Planning Commission Resolution No. 13-017 recommending the City Council approve City Council Ordinance Bill No. 13-049 adopting ZOA13-011 (without attachments).
3. Red-lined text amendments to Chapter 90 (Zoning) of ZOA13-011.

# Attachment 1

Proposed City Council  
Ordinance Bill No. 13-049



1  
2  
3  
4 **CITY OF HEMET**  
5 **Hemet, California**  
6 **ORDINANCE BILL NO. 13-049**

7 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**  
8 **HEMET CALIFORNIA AMENDING PORTIONS OF HEMET**  
9 **MUNICIPAL CODE CHAPTER 90 (ZONING) TO**  
10 **ESTABLISH A BUSINESS PARK ZONE IN ARTICLE XXX**  
11 **(MANUFACTURING) AND UPDATE CERTAIN ZONING**  
12 **AND DEVELOPMENT STANDARDS FOR**  
13 **MANUFACTURING USES.**

14 **WHEREAS**, on January 24, 2012 City Council adopted Resolution No. 4476  
15 approving a comprehensive update to the Hemet General Plan; and

16 **WHEREAS**, the Planning Division is in the process bringing the zoning ordinance  
17 into compliance with the General Plan in accordance with State law; and

18 **WHEREAS**, the establishment of a Business Park zone demonstrates  
19 consistency with the Business Park land use designation of the General Plan;

20 **WHEREAS**, the amendment updates zoning code requirements to meet industry  
21 standards and General Plan goals and policies; and

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

24 **WHEREAS**, on November 5, 2013, the Planning Commission was presented with  
25 a draft of this Ordinance Bill No. 13-049 and, after conducting a duly noticed public  
26 hearing, voted to recommend that the City Council approved Ordinance Bill No. 13-049

27 **NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HEMET DOES HEREBY**  
28 **ORDAIN AS FOLLOWS:**

1 **SECTION 1: AMENDMENT OF CHAPTER 90**

2 Chapter 90 (Zoning) is to be amended as shown in Exhibits "A1", "A2", and "A3"  
3 hereto.

4 **SECTION 2: CEQA FINDINGS.**

5 This Ordinance is exempt from the California Environmental Quality Act ("CEQA")  
6 under CEQA Guideline 15061(b)(3) because it can be said with certainty that there is no  
7 possibility the proposed Ordinance may have a significant effect on the environment.  
8 The proposed Ordinance does not relate to any physical project and will not result in any  
9 physical change to the environment. Therefore, it can be seen with certainty that there is  
10 no possibility that this Ordinance may have a significant adverse effect on the  
11 environment and, therefore, the adoption of this Ordinance is exempt from CEQA  
12 pursuant to Section 15061(b)(3) of the CEQA Guidelines.

13 **SECTION 3: SEVERABILITY.**

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

22 **SECTION 4: EFFECTIVE DATE.**

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

25 **SECTION 5: PUBLICATION.**

26 The City Clerk is authorized and directed to cause this Ordinance to be published  
27 within fifteen (15) days after its passage in a newspaper of general circulation and  
28 circulated within the City in accordance with Government Code Section 36933(a) or, to

1 cause this Ordinance to be published in the manner required by law using the alternative  
2 summary and pasting procedure authorized under Government Code Section 39633(c).

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

**APPROVED AND ADOPTED** this day of , 2013.

\_\_\_\_\_  
Robert Youssef, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Sarah McComas, City Clerk

\_\_\_\_\_  
Eric S. Vail, City Attorney

1 State of California )  
2 County of Riverside )  
3 City of Hemet )  
4

5 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the  
6 foregoing Ordinance was introduced and first read on the day of 2013, and had its  
7 second reading at the regular meeting of the Hemet City Council on the day of ,  
8 2013, and was passed by the following vote:

9  
10 **AYES:**

11 **NOES:**

12 **ABSTAIN:**

13 **ABSENT:**  
14  
15

\_\_\_\_\_  
Sarah McComas, City Clerk

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# Exhibit 1A

Amended  
Article XXX (Manufacturing)

**ARTICLE XXX. - MANUFACTURING ZONES**

- Sec. 90-1041. - Purposes.
- Sec. 90-1042. – Zones established.
- Sec. 90-1043. - Permitted uses.
- Sec. 90-1044. - Reserved.
- Sec. 90-1045. - General requirements.
- Sec. 90-1046. - Site development requirements.
- Sec. 90-1047. – Design review requirements
- Sec. 90-1048. - Performance standards.
- Sec. 90-1049. - Exterior color.
- Sec. 90-1050—90-1080. - Reserved.

**Sec. 90-1041. - Purposes.**

The Manufacturing Zones are established to:

- (a) Provide properly located areas for industrial plants and related activities; to protect industrial use areas from intrusion by residences and other incompatible uses; provide adequate space to meet the needs of modern industrial development, including off-street parking, loading and landscaping; provide sufficient open space around industrial structures to protect them from hazards of fire or explosion; minimize any detrimental impact on nearby residential or commercial properties; to minimize traffic congestion and to avoid overloading of utilities; and to provide opportunities for industrial plants to concentrate in mutually beneficial relationships to one another.
- (b) Implement the industrial land use designations of the General Plan: Airport; Business Park, and Industrial. The Airport designation allows for airport operations and support services. The Business Park designation provides for single and multiple tenant light industrial, flex office, and office uses. The Industrial designation accommodates a range of manufacturing, business office, assembly, fabrication, construction, transportation, logistics, and auto repair uses.

**Sec. 90-1042. – Zones established.**

The Industrial Zones are established as follows:

- (a) BP Business Park zone: To reserve appropriately located areas as shown on the zoning map to provide sites for single and multi-tenant light industrial, flex office, and office uses that include corporate and general business offices, medical uses, research and development, e-commerce, and new technology. Ancillary support commercial uses, restaurants, and hospitality uses that serve the business community may also be permitted. Businesses located with the BP zone are generally located on large parcels in a campus like setting with attractive landscaping and architectural design. The BP zone is consistent with the business park, industrial, and certain identified mixed use designations of the General Plan.
- (b) M-1 Limited Manufacturing zone: To reserve appropriately located areas as shown on the zoning map to provide sites for industries that can operate in close proximity to commercial and residential uses with minimum adverse effects. The M-1 zone provides for a range of light manufacturing, assembly,

fabrication, and woodworking uses. The M-1 zone is consistent with the Industrial designation of the General Plan.

- (c) M-2 Heavy Manufacturing zone: To reserve appropriately located areas as shown on the zoning map to provide sites for general manufacturing and industrial uses that will not adversely affect the residential character of the city. The M-2 zone provides for a range of manufacturing and processing uses, research and development, large single-tenant distribution and sales, and warehousing. The M-2 zone is consistent with the Industrial designation of the General Plan.

(Ord. No. 1553, § 2, 1-28-97)

**Sec. 90-1043. - Permitted uses.**

In the BP, M-1 and M-2 zones, permitted (P), administratively permitted (A), and conditionally permitted (C) uses shall be listed within the "Land Use Matrix." Whenever a business is conducted a city business license is required pursuant to chapter 18. Uses located within the Hemet-Ryan Airport Influence Area are subject to the requirements of the Riverside County Airport Land Use Plan, which may further limit structure heights or permitted uses depending upon the site location. All uses must be conducted indoors unless otherwise specified by the provisions of this article and are subject to performance standards pursuant to sec. 90-1048.

<b>MANUFACTURING ZONES LAND USE MATRIX</b>				
<b>P = Permitted Use</b>				
<b>A = Administratively Permitted Use</b>				
<b>C = Conditionally Permitted Use</b>				
<b>X = Not Permitted</b>				
<b>Requirements: Additional or explanatory regulations or requirements</b>				
<b>ZONE</b>	<b>BP</b>	<b>M-1</b>	<b>M-2</b>	<b>Requirements</b>
<b>A. Agriculture and Natural Resources</b>				
1. Plant nurseries and greenhouses				
a. Wholesale	X	A	A	
b. Retail	X	X	X	
<b>B. Residential Uses – Not Permitted</b>				
<b>C. Care Uses – Not Permitted</b>				
<b>D. Education, Public Assembly, and Recreation Uses</b>				
1. Auditoriums, meeting halls, and conference facilities – Public and Private	C	C	X	
2. Churches, places of worship	C	X	X	
3. Commercial recreation facilities				
a. Indoor (e.g., arcade, bowling, billiards, batting cages, handball courts)	C	C	C	
b. Outdoor (e.g., golf courses, lawn bowling, baseball parks, basketball courts, sports facilities, miniature golf)	C	C	C	
4. Community Centers	C	X	X	
5. Educational facilities – private and public				
a. Academic (Grades K-12)	X	X	X	
b. Colleges/Universities	P	X	X	
c. Commercial (trade) schools	A	A	A	

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<b>X = Not Permitted</b>				
<b>Requirements: Additional or explanatory regulations or requirements</b>				
<b>ZONE</b>	<b>BP</b>	<b>M-1</b>	<b>M-2</b>	<b>Requirements</b>
6. Studio such as art, music, design, recording, martial arts, dance or gymnastics.	P	P	X	
<b>E. Retail Trade Uses – limited to twenty (20) percent of gross building area.</b>				
1. Adult business	X	C	C	18.352 90-18 90-4
2. General retail uses such banks and personal services	P	P	P	
3. Micro-brewery (brew-pub) that brews its own beer for on-site consumption	C	C	X	
4. Restaurants				
a. Dining without sale of alcohol, live entertainment or drive-through	P	P	X	
b. Dining with sale of alcohol, live entertainment, or drive-through	C	C	X	
5. Retail sale of products manufactured on-site when no more than 25 percent of floor area is used for retail sales	P	P	P	
6. Showroom design centers with limited retail sale of products associated with home improvement and decorating.	P	P	P	
<b>F. Service Uses</b>				
1. Ambulance services	X	P	P	
2. Animal services				
a. Boarding/Training – day only	X	A	A	
b. Boarding/Training – overnight stays	X	C	C	
c. Grooming	X	A	A	
d. Veterinary clinic, animal hospital	C	C	C	
3. Business support services such as printing, copying, shipping, postal	P	P	P	
4. Health and fitness centers				
a. Small – less than 3,000 sf	P	P	P	
b. Large – 3,000 sf or greater	A	C	C	
5. Hotel	C	X	X	
6. Laboratory for medical, dental, film, research and similar uses	P	P	P	
7. Medical and Dental				
a. Laboratories	P	P	P	
b. Offices and clinics	P	X	X	
c. Urgent care clinics with extended hours	A	A	A	
8. Mortuary with or without crematorium	X	C	C	
9. Offices – general				
a. Professional	P	P	P	
b. Technological such as graphic	P	P	P	

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<b>X = Not Permitted</b>				
<b>Requirements: Additional or explanatory regulations or requirements</b>				
<b>ZONE</b>	<b>BP</b>	<b>M-1</b>	<b>M-2</b>	<b>Requirements</b>
design, GIS, film editing				
10. Taxi, bus charter, dial-a-ride and other similar transportation service	X	P	P	
<b>G. Vehicle Uses</b>				
1. Alternative fuels and recharging facilities	A	A	A	
2. Boat and marine equipment sales, rental, and repair	C	P	P	
3. Car rental services	P	P	X	
4. Maintenance and Repair Services				90-897(a)
a. Major Repair/Body Work	X	P	P	
b. Minor maintenance, installation services, tire services, smog certification	C	P	P	
5. Service stations, with or without mini-markets	C	C	C	
6. Truck scales	X	P	P	
<b>H. Industrial Uses</b>				
1. Aircraft products	P	P	P	
2. Antique restoration	P	P	P	
3. Apparel manufacturing	P	P	P	
4. Beverage and tobacco products manufacturing	C	C	C	
5. Boat building	C	C	P	
6. Chemical product manufacture	X	C	C	
7. Commercial laundry, carpet cleaning, dyeing plant	X	C	C	
8. Electronics, electrical equipment, and appliance manufacturing	P	P	P	
9. Equipment manufacturing, assembly, service (business, medical, scientific, musical)	P	P	P	
10. Equipment rental	X	C	P	90-1046(g)(2)
11. Food manufacturing	C	P	P	
12. Furniture and fixture manufacturing	P	P	P	
13. Leather products manufacturing	P	P	P	
14. Machinery manufacturing, heavy equipment	C	C	P	
15. Metal products manufacturing and fabrication	P	P	P	
16. Miscellaneous manufacturing – light (e.g., jewelry, office supplies, cosmetics, sporting goods)	P	P	P	
17. Miscellaneous manufacturing – general (e.g., glass and glass products, graphite and graphite	P	P	P	

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<b>X = Not Permitted</b>				
<b>Requirements: Additional or explanatory regulations or requirements</b>				
<b>ZONE</b>	<b>BP</b>	<b>M-1</b>	<b>M-2</b>	<b>Requirements</b>
products, metal casting)				
18. Mobile home and manufactured housing fabrication and assembly	X	X	C	
19. Paint manufacturing and paint shops	X	C	C	
20. Paper products manufacturing	P	P	P	
21. Petroleum products distribution and storage	X	X	C	
22. Pharmaceutical manufacturing	P	P	P	
23. Plastics and rubber products manufacturing; injection molding	P	P	P	
24. Printing and publishing	P	P	P	
25. Recycling Facilities				90-4 90-81
a. Donation box	X	X	X	
b. Reverse vending machine	X	X	X	
c. Collection facility	X	C	C	
d. Processing facility	X	C	C	
26. Research and development laboratories and facilities	P	P	P	
27. Scientific, optical, medical, dental, and similar uses equipment assembly	P	P	P	
28. Scrap and dismantling yard	X	X	C	
29. Stone products manufacturing and processing	X	C	C	
30. Storage facility (personal, mini-storage)	X	C	C	90-4 90-82
31. Storage yard for contractor equipment and materials	X	C	A	
32. Structural clay, pottery, and ceramic products	C	P	P	
33. Swap meet	X	X	C	
34. Textile manufacturing	P	P	P	
35. Warehouses and product fulfillment centers				90-4
a. Less than 400,000 sf	P	P	P	
b. 400,000 sf and over	C	A	A	
36. Wholesale of goods and services (business to business)	P	P	P	
37. Wood products manufacturing	P	P	P	
<b>I. Transportation, Communication and Infrastructure Uses</b>				
1. Parking facilities	P	P	P	Article XL
2. Recreational vehicle storage	X	C	A	90-1046(g)(5)
3. Satellite dish antennas	P	P	P	
4. Solar energy systems- commercial or utility ground mounted	X	C	C	
5. Solar energy systems building	A	P	P	

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<b>Requirements: Additional or explanatory regulations or requirements</b>				
<b>ZONE</b>	<b>BP</b>	<b>M-1</b>	<b>M-2</b>	<b>Requirements</b>
mounted - non-commercial (serving the development site)				
6. Towing and impound service	X	C	C	
7. Transit stop shelter	P	P	P	
8. Utility facility	C	C	C	
9. Wireless communication facility				
a. Minor facility	A	A	A	Article XLVI
b. Major facility	C	C	C	Article XLVI
<b>J. Government Uses</b>				
1. Courthouse and associated facilities	C	C	C	
2. Office uses	P	P	P	
3. Post office	P	P	P	
4. Public safety facilities	P	P	P	
5. Public works facilities	X	P	P	

(Ord. No. 1553, § 2, 1-28-97; Ord. No. 1581, § 2, 2-24-98; Ord. No. 1591, § 1(4), 9-29-98; Ord. No. 1601, § 1, 5-11-99; Ord. No. 1657, § 1, 2-12-02)

**Sec. 90-1044. - Reserved.**

**Sec. 90-1045. - General requirements.**

Prior to the construction of any building or structure a building permit shall be required in accordance with the latest city-adopted California Building Code. The following are minimum requirements, unless otherwise noted, and shall apply to all land, buildings and structures in their respective zones. All area dimensions are in square feet, unless otherwise noted. All linear dimensions are in feet, unless otherwise noted.

<b>A. MANUFACTURING ZONE MINIMUM DEVELOPMENT STANDARDS</b>					
	<b>ZONE</b>	<b>BP</b>	<b>M-1</b>	<b>M-2</b>	<b>Requirements</b>
1.	Coverage (in percent)	65	60	60	
2.	Floor area ratio/FAR (total building area divided by total lot area), maximum	0.60	0.45	0.45	
23.	Net lot area	20,000	10,000	10,000	
3.	Lot width				
	a. Standard	100	65	65	
	b. Cul-de-sac/knuckle	65	40	40	
4.	Lot depth	150	150	150	
5.	Front yard setback to the building	20	15	15	Article XXXII
6.	Rear yard setback, landscaped				

<b>A. MANUFACTURING ZONE MINIMUM DEVELOPMENT STANDARDS</b>					
	<b>ZONE</b>	<b>BP</b>	<b>M-1</b>	<b>M-2</b>	<b>Requirements</b>
	a. Adjacent to an alley or local street	10	10	10	
	b. Adjacent to a secondary street	15	15	15	
	c. Adjacent to residential zone	30	30	30	Sec. 1046(g)(1)
	c. Not adjacent to an alley or street or residential zone	0	0	0	
7.	Side yard setback, landscaped				
	a. Interior side	0	0	0	
	b. Street side and corner	15	10	10	
	c. Adjacent to residential zone	30	30	30	Sec. 1046(g)(1)
8	Building and structure height	55	60	60	Sec. 1046(c)
9	Parking required				Sec.1046(g)(6) Article XL
10.	Signing permitted				Sec.1046(g)(7) Article XXXVI
11.	Landscaping requirements				Sec.1046(g)(6) Article XLVIII

(Ord. No. 1553, § 2, 1-28-97; Ord. No. 1581, § 2, 2-24-98)

**Sec. 90-1046. - Site development requirements.**

- (a) *Measurement of yards.* A required yard or other open space around an existing or proposed building shall not be used to meet a required yard or other open space for any other building on an adjoining lot or building site.
- (b) *Building alterations.* The director may allow additions to an existing, legally constructed structure, sited in accordance with the laws and setbacks in effect at the time of the construction, within the currently required front, side, and/or rear setback if the building addition does not exceed 20 percent of the floor area of the existing structure. The addition shall not exceed the coverage requirements of the zone.
- (c) *Height exceptions and limitations.*
- (1) Structures permitted above a specified height limit may be erected as follows: structures or walls for the housing of elevators, stairways, tanks, ventilating fans or similar structures, skylights, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts, radio and television masts, water tanks, silos or similar structures, provided that no roof structure, as listed in this subsection, or any space above the height limit specifically prescribed for particular zones, shall be allowed or used for the purpose of providing usable floor space in excess of that reasonably required to maintain such structures and shall not be used for signage.

- (2) Structures located within the Hemet-Ryan Airport Land Use Plan (ALUP) are subject to the provisions of ALUP, and the FAA regarding structure heights within the airport influence area.

(d) *Accessory buildings.*

- (1) No accessory building shall be located without a permissive main building and must not exceed 10 percent of the floor area of the permissive structure. Larger structures must be processed in accordance with Section 90-1043.

- (2) Separation between buildings is subject to the requirements of the latest city-adopted California Building Code.

- (3) Accessory buildings shall meet the setback requirements of the zone.

- (e) *Exterior lighting.* All lighting shall be directed or shielded away from nearby residential zones and contained within the boundaries of the site. Adequate lighting shall be provided to maintain a safe, on-site environment consistent with California Building Code standards.

- (f) *Service and refuse areas.* All service areas, refuse collection areas and trash bins shall conform with the setback requirements and shall be completely screened by a solid fence or wall, or shall be enclosed within a building in accordance with the adopted standards of the city.

- (g) *Walls, fencing, screening and landscaping.* This section provides for the regulation of location and height of walls, fencing, screening and landscaping so as to allow the enjoyment of the use of property and for the safety of persons using sidewalks and streets related to the property. The Community Development Director may approve alternate fence and wall materials due to safety or aesthetic considerations.

(1) *Fences, Generally.*

- a. The location of walls and fences is determined by the setback area for the zone in which the property is located pursuant to Section 90-1045.
- b. Walls or wrought iron fencing within the front setback may be no higher than 42 inches in height, unless expressly permitted by other applicable sections of this chapter. Visual sight lines must be maintained for safety purposes.
- c. A wall or fence of up to six feet in height may be located in the side and rear yards. When a site adjoins a residential zone, a solid masonry wall six feet in height shall be located adjoining the property line and an area at least five ten feet in depth adjoining the property line shall be landscaped with live plant material, including trees.
- d. Fences and walls adjacent to and visible from the street right-of-way shall be of decorative block or wrought iron. Walls shall be designed to blend with the site's architecture.
- e. Internal fences or walls not visible from a street or adjacent to residential uses may be constructed of masonry, concrete, steel, vinyl panels, or slatted chain link. Wood fencing is prohibited.

The fence materials shall be approved by the community development director, or the planning commission, if applicable, as part of the design review or site development review process for the property.

- f. Gates in fences and walls shall be wrought iron, steel, or any other similar materials acceptable to the Community Development Director.
- (2) *Outdoor display and storage.* All outdoor storage shall be screened from view. Screening shall complement the architecture, color, and materials of the primary building.
- a. Block walls or opaque fencing used for screening purposes in areas of public view and access shall also incorporate a landscaped edge of shrubs and trees to minimize the potential for graffiti and to enhance the aesthetics of the property.
  - b. All outdoor storage shall be screened by a six-foot high wall, or fence and shall meet the requirements of this section. Slatted chain link fencing may be permitted if the outdoor storage area is not visible from a public street, subject to approval of the community development director.
  - c. Outside storage shall not occupy more than twenty percent of the total lot area, obstruct required parking spaces, or obstruct drive aisles, except as determined otherwise by the Community Development Director.
  - d. Temporary outdoor storage containers may be permitted for a period not exceeding 90 days in a calendar year upon review and approval of a temporary use permit by the Community Development Director.
- (3) *Security fencing.* Nothing in this section shall be deemed to set aside or reduce the requirements established for security fencing by either local, state or federal law, or by safety requirements of the board of education. The design, materials, and height of the security fencing shall be based upon a determination of need and design approval by the Community Development Director. In general, security fencing shall not exceed eight feet in height.
- (4) *For recreational vehicle storage.* Fences for recreational vehicle storage shall be eight-foot walls of wrought iron, masonry, concrete, steel, or vinyl panels. Wood fences are prohibited.
- (5) *Screening of roof-mounted equipment.* All roof mounted equipment shall be screened from general view by the public and from public streets.

- (6) *Landscaping.* Landscaping shall be pursuant to Article XLVII except where otherwise specified in this article.
- a. Parking lot landscaping in the Business Park Zone shall cover ten (10) percent of parking area.
  - b. Landscaping plans in the Business Park Zone shall be consistent with the City's commercial development guidelines, unless otherwise indicated in applicable Business Park or Industrial Design Guidelines.
  - c. Where landscaping is required by this chapter, it shall consist predominantly of plant materials, except for necessary walks and drives. Planted areas, where prescribed, shall be landscaped exclusively with live plant materials. Required landscaping shall be installed in accord with landscaping standards approved by the commission, and shall be of types and sizes prescribed in the standards.
  - d. All screening and landscaping shall be permanently maintained in an orderly condition. Plant materials shall be watered, weeded, pruned and replaced as necessary to screen or ornament the site.
  - e. Automatic irrigation shall be provided with adequate water coverage for all landscaped areas.
  - f. Designated landscaping areas shall be covered in a combination of lawn, ground cover, shrubs, and trees.
  - g. In addition to the required number of street trees, one tree shall be planted for every 500 square feet of landscaping in all other areas. All trees shall be a minimum of 15 gallon size with 25 percent planted at 24 inch box size.
  - h. A minimum of 25 percent of all landscaping areas shall be planted in shrubs. The shrub areas shall be inter-planted with non-aggressive type ground cover. Triangular spacing shall be used in row plantings of all ground cover and shrubs.
- (7) *Signage.* Signage shall be pursuant to Article XXXVI except where otherwise specified in this article.
- a. A signage program is required for projects located within the business park zone subject to review and approval of the community development director, or planning commission, as appropriate, in conjunction with the site development review process.
- (8) *Loading areas.* Adequate room shall be provided for truck access and maneuvering.
- a. Loading doors and docks shall not be located at the front of buildings or next to main building entrances.

- b. Loading doors or docks shall not be located adjacent to a street or residential use unless properly screened from public view.
- c. A minimum of 120 feet in front of the loading doors or docks shall be paved and kept free of obstacles including connecting walkways or required parking areas.

(9) *Land use buffer.* Industrial uses shall be buffered from adjacent land uses/zones through the use of setbacks, screening, landscaping, open space, or topographic features.

(Ord. No. 1553, § 2, 1-28-97; Ord. No. 1581, § 2, 2-24-98; Ord. No. 1591, § 1(6), 9-29-98; Ord. No. 1657, § 1, 2-12-02)

**Sec. 90-1047. – Site development review requirements**

No new building, structure, or use, or a significant alteration or enlargement of an existing building, structure, or use shall be commenced in any industrial zone until site and architectural design review approval has been granted pursuant to article XLI of this chapter. Development of the site and structures shall be consistent with all applicable Design Guidelines for office, business park, and industrial uses.

**Sec. 90-1048. - Performance standards.**

All uses established or placed into operation shall comply at all times with the performance standards set out in this section. The director may require submission of evidence of ability to comply with the required conditions.

- (a) *Noise:* No use, except a temporary construction operation, shall be permitted which creates noise of a maximum sound pressure level greater than the value established in the public safety element of the general plan, and adopted building codes, or as may be further determined by project specific mitigation measures. The general plan specifies land use compatibility standards to ensure that stationary noise sources (e.g., industrial uses) do not adversely affect noise-sensitive land uses and that community noise environments do not negatively affect land uses.
- (b) *Fire, toxic materials, and explosion hazards:* The storage and handling of hazardous materials including flammable liquids, liquid petroleum gases and explosives shall comply with the state rules and regulations and with the ordinances of the city.
- (c) *Air contaminants:* No use shall emit any air contaminant except in compliance with the rules and regulations of the south coast air management district and local regulations.
- (d) *Odor:* No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the site.
- (e) *Radioactivity and electrical disturbances:* The use of radioactive materials shall be limited to measuring, gauging and calibration devices such as tracer elements, use in X-ray and like apparatus, and use in connection with the processing and preservation of food. No use shall emit

dangerous radioactivity or produce electric or magnetic fields that adversely affect public health, safety, and welfare including interference with normal radio, telephone, or television reception off-site.

- (f) *Dust, heat, cold, glare and electrical disturbance:* No use, except a temporary construction operation, shall be permitted which creates dust, changes in temperature or direct or sky-reflecting glare detectable by the human senses without the aid of instruments beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that affect the operation of any equipment beyond the boundaries of the site.
- (g) *Vibration:* No use, except a temporary construction operation, shall be permitted which creates vibration sufficient to cause a displacement of 0.003 inch beyond the boundaries of the site.
- (h) *Wastewater discharge:* No liquids of any kind shall be discharged into a public or private sewage or drainage system, water course, body of water, or into ground except in compliance with federal, state, regional, and local laws, rules and regulations.
- (i) *Sustainable design:* All new development proposals shall demonstrate best management practices in project design and implementation to maximum the efficient use of resources and reduce deleterious environmental impacts on the community.

(Ord. No. 1553, § 2, 1-28-97)

**Sec. 90-1049. - Exterior color.**

- (a) *Color selection.*
  - (1) Exterior facade colors of structures developed within commercial and industrial zones shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity or fluorescent colors is prohibited. The recommended color palette as adopted by the city council is maintained at the planning department.
  - (2) Trim and accent areas up to a maximum of ten percent of the building facade may feature brighter, more intense colors, including primary colors.
  - (3) The transition between base and accent colors shall relate to changes in building materials or the change of building surface planes. Colors should not meet or change without some physical change or definition to the surface plane.
- (b) *Approval required.* Except as specifically provided in this article, no person shall paint the exterior of any commercially zoned building owned by him or under his control within the city, without having first obtained an approval from the planning department regarding the color selected.
- (c) *Application.* An application for an exterior paint permit shall provide the

following information:

- (1) The name, address and telephone number of the applicant.
- (2) The address of the subject property.
- (3) Samples of colors that are to be used, indicating the manufacturer, the name of the color and serial number.

(d) *Fee.* There shall be no fee required for the exterior paint permit.

(e) *Compliance.* The provisions of this section shall apply to all new construction and repainting proposed after the adopted ordinance. Existing structures shall be required to repaint to gain compliance within seven years of adoption of said ordinance.

*(Ord. No. 1646, § 1, 5-15-01)*

**Sec. 90-1050. - Appeals.**

Appeal of a decision of the community development director or designee may be made to the planning commission pursuant to sec.90-43(6).

**Secs. 90- 1051—90-1080. - Reserved.**

# Exhibit 1B

Amended  
Article I (In General),  
Sec. 90.4 (Definitions)

**ARTICLE I (IN GENERAL), Sec. 90-4. Definitions—Generally.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words, terms and phrases, which are not defined herein, shall be as defined in a dictionary of common use, such as Webster's.

**Note: No other section in this article is affected by ZOA13-011.**

*Storage facility (personal, mini-storage)* means a structure or group of structures where individual storage spaces are leased to individuals, organizations, or businesses for self-service storage of personal property, goods, and wares.

*Recycling facility* means a site for the collection, storage, processing, grinding and refining of reusable natural resources, including but not limited to aluminum and other metals, glass, paper, fiber or plastics. This land use type includes a variety of facilities involved with the collection of recyclable materials including:

- (1) Recycling, Donation box. A bin, storage shed, or similar facility established as an accessory use to a primary use for the purpose of providing a collection location for donated clothes, shoes, and small household items. Such facilities generally are established by a charitable or non-profit organization.
- (2) Recycling, Reverse Vending Machine. An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers. The vending machines typically occupy an area of less than 50 square feet.
- (3) Recycling, Collection Facility A facility where the public may donate, redeem, or sell recyclable materials and may include:
  - a. A mobile unit;
  - b. Reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet; and
  - c. Kiosk-type units that may include permanent structures.
- (4) Recycling, Processing Facility. A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding.

*Scrap and dismantling yard* means outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling vehicles for scrap, and the incidental wholesale or retail sales of parts from those vehicles.

# Exhibit 1C

Amended  
Article III (Special Uses),  
Sec. 90.81 (Personal  
Storage Facilities)

### ARTICLE III. – SPECIAL USES AND CONDITIONS

- Sec. 90-71. Applicability of article; conflicting provisions.
- Sec. 90-72. Home occupations.
- Sec. 90-73. Temporary uses.
- Sec. 90-74. Food vending carts.
- Sec. 90-75. Reserved.
- Sec. 90-76. Commercial coach as business, industrial, or institutional facility.
- Sec. 90-77. Animal regulations and keeping requirements.
- Sec. 90-78. Commercial kennel requirements.
- Sec. 90-79. Medical marijuana dispensaries.
- Sec. 90-80. Tobacco stores, smoking lounges and head shops.
- Sec. 90-81. Storage facilities (personal, mini-storage)
- Secs. 90-82—90-89. Reserved.
- Sec. 90-90. Alcohol sales.
- Secs. 90-91—90-99. Reserved.
- Sec. 90-100. Homemade food operator permit.

***Note: No other section in this article is affected by ZOA13-011.***

#### **Sec. 90-81. – Storage facilities (personal, mini-storage).**

Personal storage facilities shall be constructed in the following manner:

- (a) Each facility shall be provided with a minimum stacking area (outside of the public right-of-way) of three vehicles (75 feet) at the project entry.
- (b) A minimum of 25-foot landscape area shall be provided for any frontage along a street right-of-way.
- (c) A minimum separation of 1,000 feet shall be provided between lots on which mini-storage facilities are constructed.
- (d) Visual monotony of the exterior elevations of the mini-storage facilities facing public right-of-ways shall be minimized with the use of varying building materials, change of building surface or planes, the use of pilasters or other suitable architectural features, and additional landscaping setback.
  - (1) Any perimeter wall surface shall be modified at a minimum of every 100 linear feet.
  - (2) For projects having exterior wall surfaces higher than eight feet for every 100 linear feet an additional five feet of landscape setback shall be required for a distance of 50 feet.
  - (3) For projects having exterior perimeter walls under eight feet of height or lower a break in wall material shall occur at a minimum of every 100 linear feet. Allowable treatment shall include change in materials, increased setback, wrought iron fences at a minimum of width of five feet.
- (d) The exterior building materials for mini-warehouse storage facilities shall not include precision block masonry.

- (e) No mini-storage facility shall be constructed within 600 feet of Florida Avenue.
- (f) The architecture of the caretaker and mini-storage facilities shall be fully integrated so as to present a uniform appearance.
- (g) Landscaping:
  - (1) Designated landscaping areas shall be covered in a combination of lawn, ground cover, shrubs, and trees.
  - (2) In addition to the required number of street trees, one tree shall be planted for every 500 square feet of landscaping in all other areas. All trees shall be a minimum of 15 gallon size with 25 percent planted at 24 inch box size.
  - (3) A minimum of 25 percent of all landscaping areas shall be planted in shrubs. The shrub areas shall be inter-planted with nonaggressive type ground cover. Triangular spacing shall be used in row plantings of all ground cover and shrubs.
  - (4) Landscape irrigation. Automatic irrigation shall be provided with adequate water coverage for all landscaped areas.

# Attachment 2

Planning Commission  
Resolution No. 13-017



CITY OF HEMET  
Hemet, California

PLANNING COMMISSION  
RESOLUTION NO. 13-017

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ZONING ORDINANCE AMENDMENT NO. 13-011, AN ORDINANCE ESTABLISHING A BUSINESS PARK ZONE IN ARTICLE XXX (MANUFACTURING) AND UPDATING CERTAIN ZONING AND DEVELOPMENT STANDARDS FOR MANUFACTURING USES.

**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 October 24, 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 November 5, 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 Bill No. 13-049; and

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

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 November 5, 2013 and documents  
6 incorporated therein by reference, and any other evidence (within the meaning of Public  
7 Resources Code Sections 21080(e) and 21082.2) within the record or provided at the  
8 public hearing of this matter, hereby finds and determines as follows:  
9

- 10 1. **CEQA:** The City has analyzed this proposed project and has determined that it is  
11 exempt from the California Environmental Quality Act ("CEQA") under section  
12 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to  
13 projects that have the potential for causing a significant effect on the  
14 environment. Where, as here, it can be seen with certainty that there is no  
15 possibility that the activity in question may have a significant effect on the  
16 environment, the activity is not subject to CEQA. The addition of this section to  
17 Chapter 90 solely establishes the Business Park zone and associated use and  
18 development standards. It does not relate to any physical project and will not  
19 result in any physical change to the environment. Therefore, it can be seen with  
20 certainty that there is no possibility that this Ordinance may have a significant  
21 adverse effect on the environment, and therefore the adoption of this Ordinance  
22 is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.  
23

24 **SECTION 2: ZONING ORDINANCE AMENDMENT FINDINGS**

25  
26 Pursuant to Hemet Municipal Code Section 90-41.5(a), the Planning Commission  
27 makes the following findings with respect to this zoning ordinance amendment:  
28

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

32 The zoning ordinance is in conformance with the latest adopted general plan for  
33 the City in that establishing a Business Park zone and updating associated use  
34 and development standards establishes consistency with the Business Park land  
35 use designation of the General Plan and its fundamental goals. This Ordinance  
36 conforms with Goal LU-1 of the Hemet General Plan to achieve a balanced and  
37 sustainable pattern of land uses, community services, and amenities that provide  
38 for the needs of the City's residents and businesses and enhance the overall  
39 quality of life in the community.  
40

- 41 2. *The zoning ordinance amendment will protect the public health, safety and*  
42 *welfare.*  
43

44 The Zoning Ordinance Amendment protects the public health, safety and welfare  
45 by establishing and updating zoning requirements that strength the City's

1 economic growth potential while protecting residential neighborhoods by avoiding  
2 land use conflicts and providing for compatible development.

3  
4 **SECTION 3: PLANNING COMMISSION ACTIONS**

5  
6 The Planning Commission hereby takes the following actions:

- 7  
8 1. The Planning Commission approves Resolution Bill No. 13-020 recommending  
9 that the City Council adopt the proposed Ordinance which is attached hereto and  
10 incorporated herein by reference as Exhibit "A."

11  
12 **PASSED, APPROVED AND ADOPTED** this 5<sup>th</sup> day of November, 2013, by the  
13 following vote:

14  
15 AYES: Chairman John Gifford, Vice Chairman Greg Vasquez, and  
16 Commissioners Vince Overmyer and Rick Crimeni  
17 NOES: None  
18 ABSTAIN: None  
19 ABSENT: Commissioner Michael Perciful

20  
21  
22  
23  
24  
25   
26 John Gifford, Chairman  
27 Hemet Planning Commission

28  
29 ATTEST:

30  
31  
32 

33  
34 Melissa Couden, Records Secretary  
35 Hemet Planning Commission

# Attachment 3

Proposed Amendments  
Red-lined Version

## ARTICLE XXX. - MANUFACTURING ZONES

- Sec. 90-1041. - Purposes.
- Sec. 90-1042. – Zones established.
- Sec. 90-10421043. - Permitted uses.
- Sec. 90-10431044. - Reserved.
- Sec. 90-10441045. - General requirements.
- Sec. 90-10451046. - Site development requirements.
- Sec. 90-1047. – Design review requirements
- Sec. 90-10461048. - Performance standards..
- Sec. 90-10471049. - Exterior color-
- Secs. 90-10481050—90-1080. - Reserved.

### Sec. 90-1041. - Purposes.

The Manufacturing Zones are established to:

- (a) ~~In addition to the overall purposes stated in article I of this chapter, the manufacturing zones are established to~~ Provide properly located areas for industrial plants and related activities; to protect industrial use areas from intrusion by residences and other incompatible uses; to provide adequate space to meet the needs of modern industrial development, including offstreet parking, loading and landscaping; to provide sufficient open space around industrial structures to protect them from hazards of fire or explosion; to minimize any detrimental impact on nearby residential or commercial properties; to minimize traffic congestion and to avoid overloading of utilities; and to provide opportunities for industrial plants to concentrate in mutually beneficial relationships to one another.
- (b) Implement the industrial land use designations of the General Plan: Airport; Business Park, and Industrial. The Airport designation allows for airport operations and support services. The Business Park designation provides for single and multiple tenant light industrial, flex office, and office uses. The Industrial designation accommodates a range of manufacturing, business office, assembly, fabrication, construction, transportation, logistics, and auto repair uses.

### Sec. 90-1042. – Zones established.

The Industrial Zones are established as follows:

- (a) BP Business Park zone: To reserve appropriately located areas as shown on the zoning map to provide sites for single and multi-tenant light industrial, flex office, and office uses that include corporate and general business offices, medical uses, research and development, e-commerce, and new technology. Ancillary support commercial uses, restaurants, and hospitality uses that serve the business community may also be permitted. Businesses located with the BP zone are generally located on large parcels in a campus like setting with attractive landscaping and architectural design. The BP zone is consistent with the business park, industrial, and certain identified mixed use designations of the General Plan.
- (b) M-1 Limited Manufacturing zone: To reserve appropriately located areas as shown on the general plan zoning map to provide sites for industries that can

operate in close proximity to commercial and residential uses with minimum adverse effects. The M-1 zone provides for a range of light manufacturing, assembly, fabrication, and woodworking uses. The M-1 zone is consistent with the Industrial designation of the General Plan.

- (c) M-2 Heavy Manufacturing zone: To reserve appropriately located areas as shown on the general plan zoning map to provide sites for general manufacturing and industrial uses that will not adversely affect the residential character of the city. The M-2 zone provides for a range of manufacturing and processing uses, research and development, large single-tenant distribution and sales, and warehousing. The M-2 zone is consistent with the Industrial designation of the General Plan.

(Ord. No. 1553, § 2, 1-28-97)

**Sec. 90-10421043. - Permitted uses.**

In the BP, M-1 and M-2 zones, permitted (P), administratively permitted (A), and conditionally permitted (C) uses shall be listed within the "Land Use Matrix." Whenever a business is conducted a city business license is required pursuant to chapter 18. Uses located within the Hemet-Ryan Airport Influence Area are subject to the requirements of the Riverside County Airport Land Use Plan, which may further limit structure heights or permitted uses depending upon the site location. All uses must be conducted indoors unless otherwise specified by the provisions of this article and are subject to performance standards pursuant to sec. 90-1048.

NOTE: THIS MATRIX TO BE REPLACED WITH THE MATRIX THAT FOLLOWS MANUFACTURING LAND USE MATRIX			
P-Permitted Use — C-Conditionally Permitted Use			
ZONE		M-1	M-2
A.	Agricultural Uses		
1.	Above-ground or underground vehicle fuel storage tanks for use with an on-going agricultural operation. 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 setback 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.	P	P
2.	Aircraft landing strip or heliport pad for use in agricultural operations		P

NOTE: THIS MATRIX TO BE REPLACED WITH THE MATRIX THAT FOLLOWS MANUFACTURING LAND USE MATRIX			
P=Permitted Use — C=Conditionally Permitted Use			
ZONE		M-1	M-2
	(Approval by the Riverside County Airport Land Use Commission may be required)		
3.	<del>Bovine and equine animals in accordance with the requirements of section 90-77</del>	P	P
4.	<del>Chickens (see poultry)</del>		
5.	<del>Dairy products plant</del>		P
6.	<del>Feed store</del>		P
7.	<del>FFA (Future Farmers of America), 4-H (head, hands, heart, health) or similar projects conducted by the occupants of an existing single-family home (A no fee temporary use permit is required see section 90-73. For animal keeping requirements see section 90-77</del>	P	P
8.	<del>Flour, feed and grain mills</del>		P
9.	<del>Horticulture (excluding forestry operations) including, but not limited to apiaries and, aviaries (in accordance with chapter 10), farms, orchards</del>	P	P
10.	<del>Kennels - Commercial, for dogs and/or cats (See section 90-78 for requirements)</del>	C	C
11	<del>Nurseries, greenhouses and gardening</del>		
	<del>a. Wholesale</del>	P	P
	<del>b. Retail</del>	P	P
<del>12</del>	<del>Peat and topsoil processing and storage</del>		C
13.	<del>Poultry (except turkeys, geese and guinea fowl) chinchillas, hamsters, rabbits and other small animals on existing single-family residential, (See section 90-188 for additional</del>	P	P

NOTE: THIS MATRIX TO BE REPLACED WITH THE MATRIX THAT FOLLOWS MANUFACTURING-LAND-USE-MATRIX			
P=Permitted Use — C=Conditionally Permitted Use			
ZONE		M-1	M-2
	requirements)		
B.	Residential Uses		
1.	Bed and breakfast in an existing single-family residence	C	C
2.	Day care facility		
	a. >six but less than 12 clients	P	P
	b. >12 clients	P	P
3.	Family care home (state licensed) in an existing single-family home for mentally disordered, handicapped, dependent or neglected children, serving up to a maximum of six persons	P	P
4.	Home occupations in an existing single-family home subject to the requirements of <u>section 90-72</u>	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 (see <u>section 90-77</u> )	P	P
6.	Single-family residential dwelling unit (existing) including manufactured housing, prefabricated housing, and mobile homes built after 1986 when installed on permanent foundations when in accordance with <u>section 90-315 A.</u>	P	P
7.	Rented room (a maximum of one room) within an existing single-family dwelling	P	P
8.	Residential care facility (state licensed) in an existing single-family home for the	P	P

NOTE: THIS MATRIX TO BE REPLACED WITH THE MATRIX THAT FOLLOWS MANUFACTURING LAND USE MATRIX			
P=Permitted Use — C=Conditionally Permitted Use			
ZONE		M-1	M-2
	elderly serving up to a maximum of six persons		
C.	Commercial Uses		
1.	Adult business as defined in section 90-18 and in accordance with section 90-4-1	C	C
2.	Animal hospital	C	C
3.	Automotive services including but not limited to auto detailing, auto stereo or window tinting installation, auto parts store, car rental (see other uses herein for additional requirements)	P	P
4.	Automobile/motorcycle/small truck/boat body and/or paint shop	P	P
5.	Automobile/motorcycle/small truck tune, lube and smog shop	C	C
6.	Bakery, wholesale with incidental retail sales (i.e., less than 25 percent of the gross floor area)	P	P
7.	Banks, savings and loan, credit unions	P	P
8.	Barber and/or beauty shop	P	P
9.	Car wash		
	a. With steam cleaning and car laundry	P	P
	b. Packaged	P	P
10.	Cemetery		
	a. Without mortuary	P	P
	b. With mortuary	P	P
	c. With crematorium and mortuary	P	P
11	Communication services (with or without assembly or	P	P

NOTE: THIS MATRIX TO BE REPLACED WITH THE MATRIX THAT FOLLOWS MANUFACTURING LAND USE MATRIX			
P=Permitted Use — C=Conditionally Permitted Use			
ZONE		M-1	M-2
	manufacturing)		
12.	Drive-through or drive-in facility including, but not limited to dry cleaners, dairy, video rental	C	C
13.	Environmental cleanup and treatment systems (subject to a temporary use permit see section 90-73	P	P
14.	Gasoline station, with or without a mini-mart, including self serve, full serve. All vehicle fuel storage tanks shall be underground. Above-ground 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 90-1045(g)(10).	C	C
15.	Offices (see article XL for parking requirements)		
	a. Medical including laboratories as an accessory use	P	P
	b. General including, but not limited to accounting, appraising, architects, consulting, research, insurance, legal, stockbrokerage, real estate	P	P
	c. Conversion of a residence to office in accordance with article IV	C	C
16.	Pharmacy	P	P
17.	Photographic studio		
	a. Excluding film processing, supplies and retail sales	P	P
	b. With film processing,	P	P

NOTE: THIS MATRIX TO BE REPLACED WITH THE MATRIX THAT FOLLOWS MANUFACTURING-LAND-USE MATRIX		
P=Permitted Use — C=Conditionally Permitted Use		
ZONE	M-1	M-2
	supplies and retail sales	
18.	Radio station (a.m. and/or f.m.)	C
19.	Recording studio	P
20.	Recycling facility- nonpermanent (subject to a temporary use permit see section 90-73)	P
21.	Recycling facility - resource collection center	P
<del>22</del>	Recycling processing center	C
23.	Restaurant (not including bars and nightclubs)	
	a. With dancing and/or live entertainment	P
	b. With on-site sale of alcoholic beverages	P
	c. With drive-through or drive-in	C
24.	Towing and impound service when the requirements of section 90-1045(g) are met	P
25.	Transportation service including, but not limited to bus charter, taxi, dial-a-ride, depot, train station, but excluding truck terminals	P
<del>26</del>	Truck scales, public	P
<del>27</del>	Veterinary office/small animal clinic	P
D.	Manufacturing and Assembly	
1.	Above-ground or underground fuel storage tanks for use with an on-going manufacturing business. Sale of fuel to the public is prohibited. Above-ground tanks shall be considered structures, they shall comply with setback requirements of the zone and shall be setback a minimum 100 feet from a	P

NOTE: THIS MATRIX TO BE REPLACED WITH THE MATRIX THAT FOLLOWS MANUFACTURING LAND USE MATRIX			
P=Permitted Use — C=Conditionally Permitted Use			
ZONE		M-1	M-2
	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.		
2.	Above-ground bulk fuel storage tanks 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 setback a minimum 100 feet from a Hemet Circulation Element Map road, and shall be screened from view from public streets. Requirements of subsection 90-1045(g)(10) of this Code, the Uniform Fire Code and applicable state and federal laws shall be met.	P	P
3.	Aircraft and aircraft parts and accessories manufacturing		P
4.	Asphalt products manufacturing		C
5.	Battery manufacturing		P
6.	Boat building		P
7.	Box factory and cooperage		P
8.	Brewery and distillery (limited retail sales for off-site consumption allowable)	P	P
9.	Cabinet manufacturing and assembly including, but not limited to wood working, furniture making and assembly	P	P
10.	Carpet cleaning plant		P

NOTE: THIS MATRIX TO BE REPLACED WITH THE MATRIX THAT FOLLOWS MANUFACTURING LAND USE MATRIX			
P=Permitted Use — C=Conditionally Permitted Use			
ZONE		M-1	M-2
11	Carport and rug manufacturing		C
12	Cement, lime, gypsum and plaster of paris manufacturing		C
13	Cement products manufacturing including, but not limited to concrete mixing and batching		C
14	Ceramic products manufacturing using only previously pulverized clay and kilns fired only by electricity or low pressure gas	P	P
15	Chemical products manufacturing including, but not limited to adhesive, bleaching, bluing, calcimine, dyestuff (except aniline dyes), essential oils, soda and soda compounds, vegetable gelatine, glue, size		C
16	Cleaning, wholesale laundry and dyeing plant	P	P
17	Cold storage plant		P
18	Cork manufacturing		P
19	Distribution facilities including, but not limited to bottled water, food products, prepackaged goods, machine parts, machinery	P	P
20	Film manufacturing		C
21	Food lockers, frozen	P	P
22	Furniture manufacturing and sale	P	P
23	Furniture upholstery	P	P
24	Hair, felt and feather processing		C
25	Hatcheries		P
26	Junkyards when the requirements of section 90-		C

NOTE: THIS MATRIX TO BE REPLACED WITH THE MATRIX THAT FOLLOWS MANUFACTURING LAND USE MATRIX			
P=Permitted Use — C=Conditionally Permitted Use			
ZONE		M-1	M-2
	1045(g) are met		
<u>27</u>	Laboratory including but not limited to experimental, testing, research or commercial	P	P
<u>28</u>	Linoleum and oilcloth manufacturing		C
<u>29</u>	Lumber and building materials yard excluding planing mill	P	P
<u>30</u>	Machine shop	P	P
<u>31</u>	Manufacturing (including metal stamping and extrusion of small products), assembly and packaging including, but not limited to electronic equipment, business machines, cosmetics, medical supplies, toiletries, scientific equipment, video and audio equipment, drafting supplies, photographic equipment, precision instruments, musical instruments, cutlery, and kitchen utensils	P	P
<u>32</u>	Manufacturing, assembly and packaging including, but not limited to sign manufacturing, heating and ventilating ducts and equipment, cornices, eaves, cans, metal containers, brooms brushes, fire arms, glass and glass products, graphite and graphite products, ice, jute, hemp, sisal, oakum, leather/fur finishing and dying (excluding tanning and curing)		P
<u>33</u>	Mattress manufacturing		P
<u>34</u>	Meat products processing and packaging excluding slaughtering (except for poultry and rabbits), glue and size manufacturing		P

NOTE: THIS MATRIX TO BE REPLACED WITH THE MATRIX THAT FOLLOWS MANUFACTURING-LAND-USE-MATRIX		
P=Permitted Use — C=Conditionally Permitted Use		
ZONE	M-1	M-2
35.	Metal alloys and foil manufacturing including, but not limited to solder, pewter, brass, bronze, tin, lead, gold	P
36.	Metal casting, finishing, plating and foundries (excluding magnesium foundries)	C
37.	Mobile home/manufactured housing fabrication and assembly	P
38.	Motion picture production	P
39.	Ornamental iron works	P
40.	Paint manufacturing including, but not limited to enamel, lacquer, shellac, turpentine, varnish	C
41.	Painting, enameling and lacquering shop	P
42.	Paper product manufacturing including, but not limited to shipping containers, pulp goods, carbon paper, coated paper stencils	P
43.	Petroleum products storage and distribution	C
44.	Plastics manufacturing	P
45.	Porcelain products manufacturing including, but not limited to bathroom and kitchen fixtures and equipment	P
46.	Publishing	P
47.	Retails sales of products manufactured on-site, when no more than 25 percent of the gross floor area is used for retail sales	P
48.	Rock, sand or gravel excavating and/or distribution	C
49.	Rolling mill	C

NOTE: THIS MATRIX TO BE REPLACED WITH THE MATRIX THAT FOLLOWS MANUFACTURING-LAND-USE-MATRIX		
P=Permitted Use — C=Conditionally Permitted Use		
ZONE	M-1	M-2
50. Rubber products manufacturing including, but not limited to tires, tubes, gloves		P
51. Sandblasting		P
52. Sanitary fill operation		C
53. Sheet metal shop		P
54. Shoe polish manufacturing	P	
55. Starch and dextrine manufacturing		C
56. Steel products manufacturing and assembly including, but not limited to steel cabinets, lockers, doors, fencing, furniture, bars, girders, rails, wire rope	P	
57. Stone products manufacturing and processing including, but not limited to abrasives, asbestos, stone screening and sand and lime products		C
58. Storage of building materials, contractor equipment when the requirements of section 90-1045(g) are met	P	P
59. Tire retreading and recapping	P	P
60. Transportation maintenance, storage and service, excluding truck terminals but including bus charter service, freight terminal when the requirement of section 90-1045(g) are met	P	P
61. Warehousing including mini-storage (storage of fuel or flammable liquids is prohibited).		
a. General Storage	P	P
b. Mini-storage	C	C
62. Wholesale business storage, including cash and carry market when the	P	P

NOTE: THIS MATRIX TO BE REPLACED WITH THE MATRIX THAT FOLLOWS MANUFACTURING LAND USE MATRIX			
P=Permitted Use — C=Conditionally Permitted Use			
ZONE		M-1	M-2
	requirements of <u>section 90-1045(g)</u> are met		
63.	Woodworking (see cabinet manufacturing)	P	P
64.	Wrecking yard when the requirements of <u>section 90-1045(g)</u> are met		C
<b>E. Recreation and Open Space Uses</b>			
1.	Equestrian activities including, but not limited to riding academies, stables and thoroughbred farms	C	C
2.	Game court—lighted (with ten-foot high court fencing)	C	C
3.	Recreation center, park, playground, unlighted game court (with ten-foot high court fencing) racquetball center, swim club	P	P
4.	Shooting range, indoor	C	C
<b>F. Miscellaneous Uses</b>			
1.	Church, temple synagogue, or other religious facility including, but not limited to parish house, convent, parsonage, monastery, religious school		
2.	Flood control facilities including, but not limited to, detention and retention basins, flood control channels	P	P
3.	Public facilities and utilities including but not limited to, electrical substations, transmission substations, city facilities, and public offices	C	C
4.	Recreation vehicle storage yard when the requirements of <u>section 90-1045(g)</u> are met	P	P
5.	School or college including, but not limited to art, business, cosmetology, craft, dance, music, professional,	P	P

<b>NOTE: THIS MATRIX TO BE REPLACED WITH THE MATRIX THAT FOLLOWS</b>			
<b>MANUFACTURING LAND USE MATRIX</b>			
P=Permitted Use — C=Conditionally Permitted Use			
ZONE		M-1	M-2
	technical and trade		
6.	Swap meet	C	C
<b>G. Accessory Uses</b>			
1.	Accessory structures and uses located on the same site as a permitted use	P	P
2.	Accessory structures and uses located on the same site as a conditional use	C	C
3.	Antennas for microwave, cellular phones, and the like	C	C
4.	Satellite dish antennas		
	a. <39 inches in diameter when ground or roof mounted meeting the requirements of section 90-1044(a)	P	P
	b. >39 inches but less than eight feet in diameter when ground or roof mounted meeting the requirements of section 90-1044(a)	P	P

<b>MANUFACTURING ZONES LAND USE MATRIX</b>				
<b>P = Permitted Use</b>				
<b>A = Administratively Permitted Use</b>				
<b>C = Conditionally Permitted Use</b>				
<b>X = Not Permitted</b>				
<b>Requirements: Additional or explanatory regulations or requirements</b>				
<b>ZONE</b>	<b>BP</b>	<b>M-1</b>	<b>M-2</b>	<b>Requirements</b>
<b>A. Agriculture and Natural Resources</b>				
1. Plant nurseries and greenhouses				
a. Wholesale	X	A	A	
b. Retail	X	X	X	
<b>B. Residential Uses – Not Permitted</b>				
<b>C. Care Uses – Not Permitted</b>				
<b>D. Education, Public Assembly, and Recreation Uses</b>				
1. Auditoriums, meeting halls, and conference facilities – Public and Private	C	C	X	
2. Churches, places of worship	C	X	X	
3. Commercial recreation facilities				
a. Indoor (e.g., arcade, bowling, billiards, batting cages, handball courts)	C	C	C	
b. Outdoor (e.g., golf courses, lawn	C	C	C	

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<b>ZONE</b>	<b>BP</b>	<b>M-1</b>	<b>M-2</b>	<b>Requirements</b>
bowling, baseball parks, basketball courts, sports facilities, miniature golf)				
4. Community Centers	C	X	X	
5. Educational facilities – private and public				
a. Academic (Grades K-12)	X	X	X	
b. Colleges/Universities	P	X	X	
c. Commercial (trade) schools	A	A	A	
6. Studio such as art, music, design, recording, martial arts, dance or gymnastics.	P	P	X	
<b>E. Retail Trade Uses – limited to twenty (20) percent of gross building area.</b>				
1. Adult business	X	C	C	18.352 90-18 90-4
2. General retail uses such banks and personal services	P	P	P	
3. Micro-brewery (brew-pub) that brews its own beer for on-site consumption	C	C	X	
4. Restaurants				
a. Dining without sale of alcohol, live entertainment or drive-through	P	P	X	
b. Dining with sale of alcohol, live entertainment, or drive-through	C	C	X	
5. Retail sale of products manufactured on-site when no more than 25 percent of floor area is used for retail sales	P	P	P	
6. Showroom design centers with limited retail sale of products associated with home improvement and decorating.	P	P	P	
<b>F. Service Uses</b>				
1. Ambulance services	X	P	P	
2. Animal services				
a. Boarding/Training – day only	X	A	A	
b. Boarding/Training – overnight stays	X	C	C	
c. Grooming	X	A	A	
d. Veterinary clinic, animal hospital	C	C	C	
3. Business support services such as printing, copying, shipping, postal	P	P	P	
4. Health and fitness centers				
a. Small – less than 3,000 sf	P	P	P	
b. Large – 3,000 sf or greater	A	C	C	
5. Hotel	C	X	X	
6. Laboratory for medical, dental, film, research and similar uses	P	P	P	
7. Medical and Dental				

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<b>ZONE</b>	<b>BP</b>	<b>M-1</b>	<b>M-2</b>	<b>Requirements</b>
a. Laboratories	P	P	P	
b. Offices and clinics	P	X	X	
c. Urgent care clinics with extended hours	A	A	A	
8. Mortuary with or without crematorium	X	C	C	
9. Offices – general				
a. Professional	P	P	P	
b. Technological such as graphic design, GIS, film editing	P	P	P	
10. Taxi, bus charter, dial-a-ride and other similar transportation service	X	P	P	
<b>G. Vehicle Uses</b>				
1. Alternative fuels and recharging facilities	A	A	A	
2. Boat and marine equipment sales, rental, and repair	C	P	P	
3. Car rental services	P	P	X	
4. Maintenance and Repair Services				90-897(a)
a. Major Repair/Body Work	X	P	P	
b. Minor maintenance, installation services, tire services, smog certification	C	P	P	
5. Service stations, with or without mini-markets	C	C	C	
6. Truck scales	X	P	P	
<b>H. Industrial Uses</b>				
1. Aircraft products	P	P	P	
2. Antique restoration	P	P	P	
3. Apparel manufacturing	P	P	P	
4. Beverage and tobacco products manufacturing	C	C	C	
5. Boat building	C	C	P	
6. Chemical product manufacture	X	C	C	
7. Commercial laundry, carpet cleaning, dyeing plant	X	C	C	
8. Electronics, electrical equipment, and appliance manufacturing	P	P	P	
9. Equipment manufacturing, assembly, service (business, medical, scientific, musical)	P	P	P	
10. Equipment rental	X	C	P	90-1046(g)(2)
11. Food manufacturing	C	P	P	
12. Furniture and fixture manufacturing	P	P	P	
13. Leather products manufacturing	P	P	P	
14. Machinery manufacturing, heavy equipment	C	C	P	

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<b>Requirements: Additional or explanatory regulations or requirements</b>				
<b>ZONE</b>	<b>BP</b>	<b>M-1</b>	<b>M-2</b>	<b>Requirements</b>
15. Metal products manufacturing and fabrication	P	P	P	
16. Miscellaneous manufacturing – light (e.g., jewelry, office supplies, cosmetics, sporting goods)	P	P	P	
17. Miscellaneous manufacturing – general (e.g., glass and glass products, graphite and graphite products, metal casting)	P	P	P	
18. Mobile home and manufactured housing fabrication and assembly	X	X	C	
19. Paint manufacturing and paint shops	X	C	C	
20. Paper products manufacturing	P	P	P	
21. Petroleum products distribution and storage	X	X	C	
22. Pharmaceutical manufacturing	P	P	P	
23. Plastics and rubber products manufacturing; injection molding	P	P	P	
24. Printing and publishing	P	P	P	
25. Recycling Facilities				90-4 90-81
a. Donation box	X	X	X	
b. Reverse vending machine	X	X	X	
c. Collection facility	X	C	C	
d. Processing facility	X	C	C	
26. Research and development laboratories and facilities	P	P	P	
27. Scientific, optical, medical, dental, and similar uses equipment assembly	P	P	P	
28. Scrap and dismantling yard	X	X	C	
29. Stone products manufacturing and processing	X	C	C	
30. Storage facility (personal, mini-storage)	X	C	C	90-4 90-82
31. Storage yard for contractor equipment and materials	X	C	A	
32. Structural clay, pottery, and ceramic products	C	P	P	
33. Swap meet	X	X	C	
34. Textile manufacturing	P	P	P	
35. Warehouses and product fulfillment centers				90-4
a. Less than 400,000 sf	P	P	P	
b. 400,000 sf and over	C	A	A	
36. Wholesale of goods and services (business to business)	P	P	P	

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<b>Requirements: Additional or explanatory regulations or requirements</b>				
<b>ZONE</b>	<b>BP</b>	<b>M-1</b>	<b>M-2</b>	<b>Requirements</b>
37. Wood products manufacturing	P	P	P	
<b>I. Transportation, Communication and Infrastructure Uses</b>				
1. Parking facilities	P	P	P	Article XL
2. Recreational vehicle storage	X	C	A	90-1046(g)(5)
3. Satellite dish antennas	P	P	P	
4. Solar energy systems- commercial or utility ground mounted	X	C	C	
5. Solar energy systems building mounted - non-commercial (serving the development site)	A	P	P	
6. Towing and impound service	X	C	C	
7. Transit stop shelter	P	P	P	
8. Utility facility	C	C	C	
9. Wireless communication facility				
a. Minor facility	A	A	A	Article XLVI
b. Major facility	C	C	C	Article XLVI
<b>J. Government Uses</b>				
1. Courthouse and associated facilities	C	C	C	
2. Office uses	P	P	P	
3. Post office	P	P	P	
4. Public safety facilities	P	P	P	
5. Public works facilities	X	P	P	

(Ord. No. 1553, § 2, 1-28-97; Ord. No. 1581, § 2, 2-24-98; Ord. No. 1591, § 1(4), 9-29-98; Ord. No. 1601, § 1, 5-11-99; Ord. No. 1657, § 1, 2-12-02)

**Sec. 90-1043 1044. - Reserved.**

**Sec. 90-1044 1045. - General requirements.**

Prior to the construction of any building or structure a building permit shall be required in accordance with the latest city-adopted **Uniform-California** Building Code. The following are minimum requirements, unless otherwise noted, and shall apply to all land, buildings and structures in their respective zones. All area dimensions are in square feet, unless otherwise noted. All linear dimensions are in feet, unless otherwise noted.

<b>A. MANUFACTURING ZONE MINIMUM DEVELOPMENT STANDARDS</b>					
	<b>ZONE</b>	<b>BP</b>	<b>M-1</b>	<b>M-2</b>	<b>Requirements</b>
1.	Coverage (in percent)	65	60	60	
2.	Floor area ratio/FAR (total building area divided by total lot area), maximum	0.60	0.45	0.45	
23.	Net lot area	20,000	10,000	10,000	

A. MANUFACTURING ZONE MINIMUM DEVELOPMENT STANDARDS					
	ZONE	BP	M-1	M-2	Requirements
3.	Lot width				
	a. Standard	100	65	65	
	b. Cul-de-sac/knuckle	65	40	40	
4.	Lot depth	150	150	150	
5.	Front yard setback to the building	20	15	15	Article XXXII
6.	Rear yard setback, landscaped				
	a. Adjacent to an alley or local street	10	10	10	
	b. Adjacent to a secondary street	15	15	15	
	c. Adjacent to an R residential zone (the first ten feet shall be landscaped and a six-foot high masonry wall installed, the remaining area may be used for access, parking or storage)	30	30	30	Sec. 1046(g)(1)
	c. Not adjacent to an alley or street or residential zone	0	0	0	
7.	Side yard setback, landscaped				
	a. Interior side	0	0	0	
	b. Street side and corner	15	10	10	
	c. Adjacent to an R residential zone (the first ten feet shall be landscaped and a six-foot high masonry wall installed, the remaining area may be used for access, parking or storage)	30	30	30	Sec. 1046(g)(1)
8	Building and structure height	55	60	60	Sec. 1046(c)
9	Parking required (see article XL)				Sec.1046(g)(6) Article XL
10.	Signing permitted (see article XXXVI)				Sec.1046(g)(7) Article XXXVI
11.	Landscaping requirements				Sec. 1046(g)(6) Article XLVIII

(Ord. No. 1553, § 2, 1-28-97; Ord. No. 1581, § 2, 2-24-98)

**Sec. 90-1045 1046. - Site development requirements. .**

(a) *Measurement of yards.* A required yard or other open space around an existing or proposed building shall not be used to meet a required yard or

other open space for any other building on an adjoining lot or building site.

(b) *Building projections into yards. Building alterations*

- ~~(1) Cornices, eaves, belt courses, sills, canopies, bay windows or other similar architectural features may extend or project into a required yard of the zone up to 30 inches.~~
- ~~(2) Open, unenclosed porches, platforms or landing places not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into any required front, side or rear yard, or into a court, six feet. A 42-inch high openwork railing may be installed or constructed on any such porch, platform or landing space.~~
- ~~(3) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard three feet, and such balconies or stairway may extend into a required front yard not more than the required exit dimension.~~
- ~~(4) Fire escapes may extend or project into any required yard four feet; provided, however, that at least a 30-inch clearance to the property line maintained.~~
- (5) The director may allow additions to an existing, legally constructed structure, sited in accordance with the laws and setbacks in effect at the time of the construction, within the currently required front, side, and/or rear setback ~~if the building addition does shall~~ not exceed ~~50~~ 20 percent of the floor area of the existing structure. ~~For additions in the front yard, the building shall occupy no more than 25 percent of the lineal frontage of the existing building. The director shall deny any addition when it has been determined to be harmful to the health and safety of the resident or the area. In no case shall any addition be closer than 15 feet to the ultimate street right-of-way.~~ The addition shall not exceed the coverage requirements of the zone.

(c) *Height exceptions and limitations.*

- (1) Structures permitted above a specified height limit may be erected as follows: structures or walls for the housing of elevators, stairways, tanks, ventilating fans or similar structures, skylights, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts, radio and television masts, water tanks, silos or similar structures, provided that no roof structure, as listed in this subsection, or any space above the height limit specifically prescribed for particular zones, shall be allowed or used for the purpose of providing usable floor space in excess of that reasonably required to maintain such structures and shall not be used for signage.
- (2) Structures located within the Hemet-Ryan Airport Land Use Plan (ALUP) are subject to the provisions of ALUP, and the FAA regarding structure heights within the airport influence area.

(d) *Accessory buildings.*

- (1) No accessory building shall be located without a permissive main building and must not exceed 10 percent of the floor area of the permissive structure. Larger structures must be processed in accordance with Section 90-1043.
  - (2) Separation between buildings is subject to the requirements of the latest city-adopted Uniform California Building Code.
  - (3) Accessory buildings shall meet the setback requirements of the zone.
- (e) *Exterior lighting:* All lighting shall be low pressure sodium and shall be directed or shielded away from nearby R residential zones and contained within the boundaries of the site. Adequate lighting shall be provided to maintain a safe, on-site environment consistent with California Building Code standards.
- (f) *Service and refuse areas.* All service areas, refuse collection areas and trash bins shall conform with the setback requirements and shall be completely screened by a solid fence or wall, or shall be enclosed within a building in accordance with the adopted standards of the city.
- (g) *Walls, fencing, screening and landscaping.* This section provides for the regulation of location and height of walls, fencing, screening and landscaping so as to allow the enjoyment of the use of property and for the safety of persons using sidewalks and streets related to the property. The Community Development Director may approve alternate fence and wall materials due to safety or aesthetic considerations.
- (1) *Fences, Generally.*
    - a. The location of walls and fences is determined by the setback area for the zone in which the property is located pursuant to Section 90-1045.
    - b. Walls or wrought iron fencing within the front setback may be no higher than 42 inches in height, unless expressly permitted by other applicable sections of this chapter. Visual sight lines must be maintained for safety purposes.
    - c. A wall or fence of up to six feet in height may be located in the side and rear yards. When a site adjoins a residential zone, a solid masonry wall six feet in height shall be located adjoining the property line and an area at least five ten feet in depth adjoining the property line shall be landscaped with live plant material, including trees.
    - d. Fences and walls adjacent to and visible from the street right-of-way shall be of decorative block or wrought iron. Walls shall be designed to blend with the site's architecture.
    - e. Internal fences or walls not visible from a street or adjacent to residential uses may be constructed of masonry, concrete, steel, vinyl panels, or slatted chain link. Wood fencing is prohibited. The fence materials shall be approved by the community development director, or the planning commission,

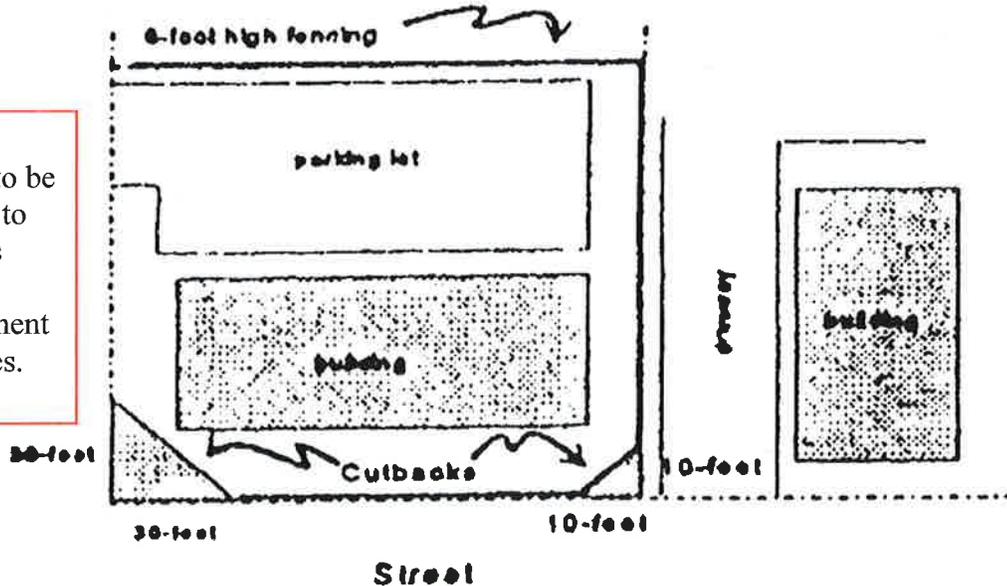
if applicable, as part of the design review or site development review process for the property.

- f. Gates in fences and walls shall be wrought iron, steel, or any other similar materials acceptable to the Community Development Director.

(1) *Fencing generally.* Walls, fences, screening and hedge planting up to a maximum of six feet in height from the higher of the two finished grades adjoining the wall or fence may be permitted in any required yard, or along the edge of any yard.

- a. Wall, fence, screening or hedge planting in any required front yard shall be up to 42 inches in height when measured from the adjacent sidewalk or street, unless expressly permitted by other applicable sections of this chapter.
- b. A wall, fence or hedge up to six feet in height may be located parallel to the edge of the sidewalk on the street side yard adjacent to the lot, whether the sidewalk area is monolithic or has a planted parkway.
- c. On corner lots the corner cutback area shall be free and clear of visual obstructions in excess of 42 inches in height. The corner cutback shall be defined by a line on a horizontal plane connecting two points along the front and street side property lines and forming a triangle. These points shall be measured 30 feet back from the intersection of the prolongation of the front and street side property lines.

Note –  
Figure 1 to be  
relocated to  
the City’s  
Industrial  
Development  
Guidelines.



**Figure 1**

- d. On lots where the driveway is adjacent to the rear yard of a neighboring lot the corner cutback area shall be free and clear of visual obstructions in excess of 42 inches in height. The

cutback lines shall be determined by measuring from the projection of the coterminous front and rear property line ten feet along the inside edge of the sidewalk and ten feet back from the street connecting the two points forming a 45-degree triangle.

~~(2) Swimming pool fencing. Swimming pools shall be entirely enclosed by buildings, fences or walls. The fence or wall shall be at least a minimum of five feet above grade level immediately adjacent thereto, and shall be equipped with self-latching gates or doors, with the latching device not less than four feet above the ground. Prior to filling the pool the required fencing or walls must be in place and approved by the city building department.~~

~~(3) Wall and landscape buffer for yards adjoining certain uses. When a site adjoins a single-family zone, or a site general planned for low density single-family use, a solid masonry wall six feet in height shall be located adjoining the property line, except adjoining a required front yard; and an area at least five ten feet in depth adjoining the property line shall be landscaped with live plant material, including trees. Where a carport or garage is placed within three feet of a property line adjoining a single-family zone or a site general planned for low density single-family use, no landscaped buffer is required.~~

**(42) Outdoor display and storage**

All outdoor storage shall be screened from view. Screening shall complement the architecture, color, and materials of the primary building.

- a. ~~Block walls or opaque fencing or landscaping materials used for screening purposes in areas of public view and access shall also incorporate a landscaped edge of shrubs and trees to minimize the potential for graffiti and to enhance the aesthetics of the property. shall not be placed within any required front yard or street side yards. Block walls or opaque fencing may be used in other locations.~~
- b. All outdoor storage shall be screened by a six-foot high wall, or fence or slatted chain-link fence and shall meet the requirements of this section. Slatted chain link fencing may be permitted if the outdoor storage area is not visible from a public street, subject to approval of the community development director.
- c. Outside storage shall not occupy more than twenty percent of the total lot area, obstruct required parking spaces, or obstruct drive aisles, except as determined otherwise by the Community Development Director.
- d. Temporary outdoor storage containers may be permitted for a period not exceeding 90 days in a calendar year upon review and approval of a temporary use permit by the Community Development Director.

- (53) *Security fencing.* Nothing in this section shall be deemed to set aside or reduce the requirements established for security fencing by either local, state or federal law, or by safety requirements of the board of education. ~~The design, materials, and height of the security fencing shall be based upon a determination of need and design approval by the Community Development Director. In general, security fencing shall not exceed eight feet in height.~~
- ~~a. The maximum height of masonry, concrete, or steel walls or wood fences shall be six feet.~~
- ~~b. Chain link or wire fence is permitted as follows:~~
- ~~1. On top of a six-foot high masonry, concrete, or steel wall or wood fencing, a three-foot high chain-link or wire fence may be added.~~
  - ~~2. Fences solely of chain-link or wire fencing shall have an eight-foot maximum height.~~
- (6 4) *For recreational vehicle storage.* Fences for recreational vehicles storage shall be ~~six~~ eight-foot ~~solid walls of wrought iron, masonry, concrete, steel, or vinyl panels. Wood fences are prohibited. (no wood permitted).~~ An additional five feet of fence height may be permitted consisting of chain-link or wire or any combination thereof placed on top of the solid wall but not exceeding a total height of 11 feet.
- (75) *Screening of roof-mounted equipment.* All roof mounted equipment shall be screened from general view by the public and from public streets.
- (86) *Landscaping.* Landscaping shall be pursuant to Article XLVII except where otherwise specified in this article.
- a. Parking lot landscaping in the Business Park Zone shall cover ten (10) percent of parking area.
  - b. Landscaping plans in the Business Park Zone shall be consistent with the City's commercial development guidelines.
  - c. Where landscaping is required by this chapter, it shall consist predominantly of plant materials, except for necessary walks and drives. Planted areas, where prescribed, shall be landscaped exclusively with live plant materials. Required landscaping shall be installed in accord with landscaping standards approved by the commission, and shall be of types and sizes prescribed in the standards. All screening and landscaping shall be permanently maintained in an orderly condition. Plant materials shall be watered, weeded, pruned and replaced as necessary to screen or ornament the site.

- (7) *Signage.* Signage shall be pursuant to Article XXXVI except where otherwise specified in this article.
- a. A signage program is required for projects located within the business park zone subject to review and approval of the community development director, or planning commission, as appropriate, in conjunction with the site development review process.
- (8) *Loading areas.* Adequate room shall be provided for truck access and maneuvering.
- a. Loading doors and docks shall not be located at the front of buildings or next to main building entrances.
  - b. Loading doors or docks shall not be located adjacent to a street or residential use unless properly screened from public view.
  - c. A minimum of 120 feet in front of the loading doors or docks shall be paved and kept free of obstacles including connecting walkways or required parking areas.
- (9) *Land use buffer.* Industrial uses shall be buffered from adjacent land uses/zones through the use of setbacks, screening, landscaping, open space, or topographic features.
- ~~(9) When a church, school or college, or public facilities are adjacent to an A or R zone a solid six-foot masonry wall shall be constructed on the adjoining A or R zone property line. A ten-foot landscaped area adjacent to the wall shall also be installed and maintained on the church side of the wall. The landscaping shall consist of plant material, including a minimum 15-gallon evergreen trees planted on 20-foot centers.~~
- ~~(10) *Above-ground fuel storage tanks.* The storage tanks shall be screened from adjoining streets and neighboring properties. Screening may consist of walls, fencing, landscaping, or a combination thereof. The tanks and appurtenances for propane, natural, and similar fuels shall not exceed a maximum height of eight feet. All other fuel storage tanks shall not exceed 25 feet in height. All tanks shall be located in such a manner so as not to impede on-site vehicular traffic and shall not be located in an on-site area of high vehicular traffic.~~
- (h) *Mini-storage warehouse use standards.* Mini-storage warehouse use shall be constructed in the following manner:
- (1) Each facility shall be provided with a minimum stacking area (outside of the public right-of-way) of three vehicles (75 feet) at the project entry.

- (2) ~~A minimum of 25-foot landscape area shall be provided for any frontage along a street right-of-way.~~
- (3) ~~A minimum separation of 1,000 feet shall be provided between lots on which mini-storage facilities are constructed.~~
- (4) ~~Visual monotony of the exterior elevations of the mini-storage facilities facing public right-of-ways shall be minimized with the use of varying building materials, change of building surface or planes, the use of pilasters or other suitable architectural features, and additional landscaping setback.~~
- ~~a. Any perimeter wall surface shall be modified at a minimum of every 100 linear feet.~~
- ~~b. For projects having exterior wall surfaces higher than eight feet for every 100 linear feet an additional five feet of landscape setback shall be required for a distance of 50 feet.~~
- ~~c. For projects having exterior perimeter walls under eight feet of height or lower a break in wall material shall occur at a minimum of every 100 linear feet. Allowable treatment shall include change in materials, increased setback, wrought iron fences at a minimum of width of five feet.~~
- (4) ~~The exterior building materials for mini-warehouse storage facilities shall not include precision block masonry.~~
- (5) ~~No mini-storage facility shall be constructed within 600 feet of Florida Avenue.~~
- (6) ~~The architecture of the caretaker and mini-storage facilities shall be fully integrated so as to present a uniform appearance.~~
- (7) ~~Landscaping:~~
- ~~a. Designated landscaping areas shall be covered in a combination of lawn, ground cover, shrubs, and trees.~~
- ~~b. In addition to the required number of street trees, one tree shall be planted for every 500 square feet of landscaping in all other areas. All trees shall be a minimum of 15-gallon size with 25 percent planted at 24 inch box size.~~
- ~~c. A minimum of 25 percent of all landscaping areas shall be planted in shrubs. The shrub areas shall be inter-planted with nonaggressive type ground cover. Triangular spacing shall be used in row plantings of all ground cover and shrubs.~~

d.

~~Landscape irrigation. Automatic irrigation shall be provided with adequate water coverage for all landscaped areas.~~

~~(Ord. No. 1553, § 2, 1-28-97; Ord. No. 1581, § 2, 2-24-98; Ord. No. 1591, § 1(6), 9-29-98; Ord. No. 1657, § 1, 2-12-02)~~

**Sec. 90-1047. – Site development review requirements**

No new building, structure, or use, or a significant alteration or enlargement of an existing building, structure, or use shall be commenced in any industrial zone until site and architectural design review approval has been granted pursuant to article XLI of this chapter. Development of the site and structures shall be consistent with all applicable City design guidelines for office, business, and industrial uses.

**Sec. 90-4046~~1046~~1048. - Performance standards.**

All uses established or placed into operation shall comply at all times with the performance standards set out in this section. The director may require submission of evidence of ability to comply with the required conditions.

(1)

~~Noise: No use, except a temporary construction operation, shall be permitted which creates noise of a maximum sound pressure level greater than the value established in the public safety element of the general plan, and adopted building codes, or as may be further determined by project specific mitigation measures. The general plan specifies land use compatibility standards to ensure that stationary noise sources (e.g., industrial uses) do not adversely affect noise-sensitive land uses and that community noise environments do not negatively affect land uses. given at the locations given in the following table. The sound pressure levels shall be measured in decibels (0.002 dynes per square centimeter) with a sound level meter and associated octave band filter conforming to standards prescribed by the United States of America Standards Institute. Sound shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness.~~

Noise Levels		
Octave-Band (cycles per second)	Zone-Boundary M-1	Zone-Boundary M-2
<del>Below 75</del>	<del>72</del>	<del>79</del>
<del>75—149</del>	<del>59</del>	<del>74</del>
<del>150—299</del>	<del>52</del>	<del>66</del>
<del>300—599</del>	<del>46</del>	<del>59</del>
<del>600—1,199</del>	<del>42</del>	<del>53</del>
<del>1,200—2,399</del>	<del>39</del>	<del>47</del>
<del>2,400—4,799</del>	<del>34</del>	<del>41</del>
<del>4,800 and above</del>	<del>32</del>	<del>39</del>

(2)

- Fire, toxic materials, and explosion hazards:* The storage and handling of **hazardous materials including** flammable liquids, liquid petroleum gases and explosives shall comply with the state rules and regulations and with the ordinances of the city.
- (3) *Air contaminants:* No use shall emit any air contaminant except in compliance with the rules and regulations of the **south coast air management district and local regulations. county air pollution control district.**
- (4) *Odor:* No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the site.
- (5) *Radioactivity and electrical disturbances:* The use of radioactive materials shall be limited to measuring, gauging and calibration devices such as tracer elements, use in X-ray and like apparatus, and use in connection with the processing and preservation of food. No use shall emit dangerous radioactivity **or produce electric or magnetic fields that adversely affect public health, safety, and welfare including interference with normal radio, telephone, or television reception off-site.**
- (6) *Dust, heat, cold, glare and electrical disturbance:* No use, except a temporary construction operation, shall be permitted which creates dust, changes in temperature or direct or sky-reflecting glare detectable by the human senses without the aid of instruments beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that affect the operation of any equipment beyond the boundaries of the site.
- (7) *Vibration:* No use, except a temporary construction operation, shall be permitted which creates vibration sufficient to cause a displacement of 0.003 inch beyond the boundaries of the site.
- (8) *Wastewater discharge:* No liquids of any kind shall be discharged into a public or private sewage or drainage system, water course, body of water, or into ground except in compliance with federal, state, regional, and local laws, rules and regulations.
- (9) *Sustainable design:* All new development proposals shall demonstrate best management practices in project design and implementation to maximum the efficient use of resources and reduce deleterious environmental impacts on the community.

(Ord. No. 1553, § 2, 1-28-97)

**Sec. 90-10471049. - Exterior color.**

(a)

*Color selection.*

(1)

Exterior facade colors of structures developed within commercial and industrial zones shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity or fluorescent colors is prohibited. The recommended color palette **as adopted by the city council** is maintained at the planning department.

(2)

Trim and accent areas up to a maximum of ten percent of the building facade may feature brighter, more intense colors, including primary colors.

(3)

The transition between base and accent colors shall relate to changes in building materials or the change of building surface planes. Colors should not meet or change without some physical change or definition to the surface plane.

(b)

*Permit Approval required.* Except as specifically provided in this article, no person shall paint the exterior of any commercially zoned building owned by him or under his control within the city, without having first obtained an **appropriate-permit approval** therefor from the planning department **regarding the color selected.**

(c)

*Application.* An application for an exterior paint permit shall provide the following information:

(1)

The name, address and telephone number of the applicant.

(2)

The address of the subject property.

(3)

Samples of colors that are to be used, indicating the manufacturer, the name of the color and serial number.

(d)

*Permit Fee.* There shall be no fee required for the exterior paint permit.

(e)

~~*Appeal.* The decision of the planning director or his designee may be appealed to the planning commission by the applicant as follows:~~

~~(1)~~

~~Any decision made pursuant to the provisions of this article by the planning director shall become final upon the expiration of ten days from the date such decision is served on the applicant, unless an appeal to the planning commission is filed prior to the expiration of such period of time. If such appeal is filed timely, all action shall be stayed until the appeal is finally decided.~~

~~(2)~~

~~Any appeal brought pursuant to this section shall be submitted~~

Note –  
Appeal  
section  
relocated to  
sec. 90-1050.

~~on an application form to be provided by the planning department, and shall be filed with the planning department. All portions of the application shall be substantially completed. Each application of appeal shall be verified. If the application form is not sufficiently completed, the planning department shall return such application to the applicant, indicating the portions requiring additional completion. If the application is not returned to the planning department within ten days of the time mailed, the appeal shall be deemed waived. The planning department shall initiate an investigation of each point covered in the application, and shall prepare recommendations for consideration by the planning commission. An appeal hearing shall be set before the planning commission, and the applicant shall be notified of the hearing date.~~

~~(3)~~

~~The planning commission shall hear the testimony of the applicant, the recommendations of staff, and other testimony deemed relevant. The decision of the planning commission shall be rendered to the applicant not more than 15 days from the date of the hearing.~~

~~(4)~~

~~The decision of the planning commission shall become final upon the expiration 15 days from the date of mailing to the applicant, unless an appeal to the city council is filed prior to the expiration of said period of time. If such appeal is filed in a timely manner, all action shall be stayed until the appeal is ruled upon. Upon receipt of the appeal, the city clerk shall set the appeal for public hearing before the city council, and will notify the applicant not less than ten days before said hearing date. The city council shall review all decisions made on the case, as well as hear other testimony deemed relevant. The decision of the city council shall be in the form of a resolution and shall be final.~~

~~(f e)~~

~~*Compliance.* The provisions of this section shall apply to all new construction and repainting proposed after the adopted ordinance. Existing structures shall be required to repaint to gain compliance within seven years of adoption of said ordinance.~~

~~(Ord. No. 1646, § 1, 5-15-01)~~

### **Sec. 90-1050. - Appeals.**

~~Appeal of a decision of the community development director or designee may be made to the planning commission pursuant to sec.90-43(6).~~

### **Secs. 90-1048 ~~1051~~—90-1080. - Reserved.**

**ARTICLE I (IN GENERAL), Sec. 90-4. Definitions—Generally.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words, terms and phrases, which are not defined herein, shall be as defined in a dictionary of common use, such as Webster's.

**Note: No other section in this article is affected by ZOA13-011.**

*Storage facility (personal, mini-storage)* means a structure or group of structures where individual storage spaces are leased to individuals, organizations, or businesses for self-service storage of personal property, goods, and wares.

*Recycling ~~center~~ facility* means a site for the collection, storage, processing, grinding and refining of reusable natural resources, including but not limited to aluminum and other metals, glass, paper, fiber or plastics. This land use type includes a variety of facilities involved with the collection of recyclable materials including:

- (1) Recycling, Donation box. A bin, storage shed, or similar facility established as an accessory use to a primary use for the purpose of providing a collection location for donated clothes, shoes, and small household items. Such facilities generally are established by a charitable or non-profit organization.
- (2) Recycling, Reverse Vending Machine. An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers. The vending machines typically occupy an area of less than 50 square feet.
- (3) Recycling, Collection Facility A facility where the public may donate, redeem, or sell recyclable materials and may include:
  - a. A mobile unit;
  - b. Reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet; and
  - c. Kiosk-type units that may include permanent structures.
- (4) Recycling, Processing Facility. A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding.

*Scrap and dismantling yard* means outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling vehicles for scrap, and the incidental wholesale or retail sales of parts from those vehicles.

### ARTICLE III. – SPECIAL USES AND CONDITIONS

- Sec. 90-71. Applicability of article; conflicting provisions.
- Sec. 90-72. Home occupations.
- Sec. 90-73. Temporary uses.
- Sec. 90-74. Food vending carts.
- Sec. 90-75. Reserved.
- Sec. 90-76. Commercial coach as business, industrial, or institutional facility.
- Sec. 90-77. Animal regulations and keeping requirements.
- Sec. 90-78. Commercial kennel requirements.
- Sec. 90-79. Medical marijuana dispensaries.
- Sec. 90-80. Tobacco stores, smoking lounges and head shops.
- Sec. 90-81. Storage facilities (personal, mini-storage)
- Secs. 90-82—90-89. Reserved.
- Sec. 90-90. Alcohol sales.
- Secs. 90-91—90-99. Reserved.
- Sec. 90-100. Homemade food operator permit.

**Note: No other section in this article is affected by ZOA13-011.**

#### **Sec. 90-81. – Storage facilities (personal, mini-storage).**

Personal storage facilities shall be constructed in the following manner:

- (a) Each facility shall be provided with a minimum stacking area (outside of the public right-of-way) of three vehicles (75 feet) at the project entry.
- (b) A minimum of 25-foot landscape area shall be provided for any frontage along a street right-of-way.
- (c) A minimum separation of 1,000 feet shall be provided between lots on which mini-storage facilities are constructed.
- (d) Visual monotony of the exterior elevations of the mini-storage facilities facing public right-of-ways shall be minimized with the use of varying building materials, change of building surface or planes, the use of pilasters or other suitable architectural features, and additional landscaping setback.
  - (1) Any perimeter wall surface shall be modified at a minimum of every 100 linear feet.
  - (2) For projects having exterior wall surfaces higher than eight feet for every 100 linear feet an additional five feet of landscape setback shall be required for a distance of 50 feet.
  - (3) For projects having exterior perimeter walls under eight feet of height or lower a break in wall material shall occur at a minimum of every 100 linear feet. Allowable treatment shall include change in materials, increased setback, wrought iron fences at a minimum of width of five feet.
- (d) The exterior building materials for mini-warehouse storage facilities shall not include precision block masonry.

- (e) No mini-storage facility shall be constructed within 600 feet of Florida Avenue.
- (f) The architecture of the caretaker and mini-storage facilities shall be fully integrated so as to present a uniform appearance.
- (g) Landscaping:
  - (1) Designated landscaping areas shall be covered in a combination of lawn, ground cover, shrubs, and trees.
  - (2) In addition to the required number of street trees, one tree shall be planted for every 500 square feet of landscaping in all other areas. All trees shall be a minimum of 15 gallon size with 25 percent planted at 24 inch box size.
  - (3) A minimum of 25 percent of all landscaping areas shall be planted in shrubs. The shrub areas shall be inter-planted with nonaggressive type ground cover. Triangular spacing shall be used in row plantings of all ground cover and shrubs.
  - (4) Landscape irrigation. Automatic irrigation shall be provided with adequate water coverage for all landscaped areas.



## Staff Report

TO: Honorable Mayor and Members of the Hemet City Council

FROM: Wally Hill, City Manager *Wally Hill*  
Deanna Elliano, Community Development Director *DE*  
Primo Reynoso, Acting Fire Chief

DATE: December 10, 2013

RE: **Amendment to Chapter 14 (Buildings and Building Regulations) of the Hemet Municipal Code:** An ordinance to adopt by reference the 2013 California Building Standards Code (California Code of Regulations, Title 14), re-adoption of various other uniform Building and Fire Codes, and local amendments thereto pursuant to Ordinance Bill No. 13-055.

### **RECOMMENDED ACTION:**

That the City Council:

1. *Introduce by title only, and waive further reading of **Ordinance Bill No. 13-055**, approving amendments to Chapter 14 of the Hemet Municipal Code, incorporating by reference the 2013 California Building Standards Code and various other uniform Building and Fire Codes, and local amendments thereto; and*
2. *Direct staff to set the proposed ordinance for second reading at a noticed public hearing pursuant to Government Code Section 6066, for the January 14, 2014 City Council Meeting*

### **BACKGROUND:**

California Health and Safety Code section 17922 requires the City to adopt by reference the California Building Standards Code (Title 24 of the California Code of Regulations) (hereinafter "CBSC"). The CBSC is the established minimum regulations for the design and construction of buildings and structures in California. The California Building Standards Commission updates the CBSC every three years. The Commission recently completed the revision cycle and published the 2013 CBSC this past July. The 2013 CBSC will take effect statewide on January 1, 2014. The proposed ordinance adopts the new statewide 2013 California Building Standards Code, and re-adopts other existing standard codes that are currently part of Chapter 14 of the Hemet Municipal Code.

In addition to requiring the City to adopt the CBSC, state law also authorizes local agencies to make amendments to the Code that apply within their jurisdiction. Health and Safety Code sections 17958.5 and 18945 provide that the City may make local amendments to the "building standards" contained in the Code if the City makes express findings that the amendments are reasonably necessary due to local climatic, geological or topographical conditions. Health and Safety Code section 18909(a) defines "building standard" as any regulation that "specifically regulates, requires, or forbids the method of use, properties, performance, or types of materials

used in the construction, alteration, improvement, repair, or rehabilitation of a building, structure, factory-built housing, or other improvement to real property, including fixtures therein and as determined by the Commission.” Subsection (c) of Section 18909 clarifies that regulations relating to the implementation and enforcement of building standards that are “*procedural ordinances by a City or the public agency relating to civil, administrative, or criminal procedures and remedies available for enforcing code violations*” are not building standards, and thus do not require that the City make express findings for these administrative amendments.

#### **ORDINANCE DESCRIPTION:**

The 2013 California Building Standards Code made only minor modifications and additions to the previously adopted 2010 Code, with the exception of the Chapter 11A & 11B of the California Building Code Accessibility requirements. These changes bring the state accessibility standards more in line with the Federal ADA requirements and reflect a desire to eliminate the dual standards. Chapters 16, 16A, & 17 of the California Plumbing Code pertain to the reuse of Gray, Rain and Non-potable Water. These standards are substantially new and address the trend towards the use of recycled water. The proposed ordinance adopts by reference the 2013 CBSC and makes local amendments to the CBSC. Detailed below are the local revisions, additions, and deletions to the State of California adopted code. Several of the local amendments are administrative in nature, and do not result in any new or additional construction requirements.

#### **Local Building Code Amendments:**

- Clarification to the code language that a retaining wall two feet or less in height is exempt from a building permit. This is an existing requirement in the City’s codes, but needed to be more clearly stated.
- Removal of fences, sidewalks and concrete, asphalt, or masonry flat work from work that is considered exempt of building permits. This provision allows the opportunity for the City to require permits for this type of construction to insure that existing drainage patterns are adhered to, ADA grades are met, and owners adhere to zoning regulations and do not pave entire front yard areas. Requiring permits for fences also insures that they are constructed properly of approved materials and placed in locations and at a height that is consistent with the City’s existing zoning code regulations for fences. The consequence of not having a fence permit process in place is that residents and businesses assume there are no regulations regarding acceptable fence locations, heights or materials, and construct fences that are in violation of the zoning code requirements. These structures then become a code enforcement problem, and can be expensive to relocate or remove after installation. If permits are required in the future, it is anticipated to be a simple, over-the-counter review and approval process. If the City were to require permits in the future for these activities it would be implemented by separate action of the City Council, but would not require a subsequent amendment to the 2013 California Codes. Requiring permits for these construction activities is a very common practice in other cities.
- Requirements to insure that construction job sites are kept free of excessive rubbish and debris. There is no regulation in the state code that addresses this issue, which can become a nuisance to properties adjacent to construction sites.
- Requirement that private garages shall have 5/8" type X drywall on garage side for fire protection purposes. Increased from standard requirement of 1/2" drywall. Most jurisdictions in southern California require the 5/8" drywall at the separation wall between the garage and the home.
- Commercial projects will be required to have a licensed electrician to perform all electrical work. This is a necessary provision to insure that electrical systems are

installed properly, and adhere to the standard electrical code requirements for the protection of the public. Contractors or owners who perform work without an electrical license may not be aware of the most recent electrical code regulations. This provision is also a common requirement in other jurisdictions.

**Local Administrative/Procedural Amendments and Clarifications:**

- Update of the Code name from the 2010 to the 2013 edition.
- Procedural requirement for unpermitted construction: allows that within 30 days after permit issuance, an applicant shall request and pass the necessary inspections to have the completed work inspected to ensure compliance with all applicable codes to the current stage of construction at the time the stop work order was issued.
- Procedural requirement for Certificate of Occupancy applications: applications will become null and void if an inspection is not requested within 60 days of fee payment to final the construction. This procedure prevents long periods of unfinished construction or incomplete requirements after the C of O has been requested.
- Added provision for violations and penalties to the Electrical Code, as is provided in all other codes.
- Added provision for the right to an appeal in the Plumbing Code, as is provided in all other codes.

**Local Fire Code Amendments:**

- Inclusion of the 2012 International Code to complement the 2013 California Fire Code.
- Added the requirement of Automatic External Defibrillators (AEDs) for new Buildings, or changes to occupancy classification, with an occupant load of 300 or more. This is a very common requirement in other jurisdictions to set an occupant load value for when the AEDs are required.
- Requires additional fire hydrants required when lower fire-flow requirements are provided.

**COORDINATION AND PUBLIC REVIEW**

The proposed ordinance and the incorporation of the 2013 California Building Standards Code, uniform codes, appendices, and amendments was reviewed and recommended by the City of Hemet Building Official, Fire Chief, City Engineer, and City Attorney's office. Any amendments or exceptions to the uniform codes were determined to be in the public health and safety for the citizens of Hemet, and the protection of public and private property. Pursuant to California Government Code Section 6066, the City is required to set a noticed public hearing for the ordinance after the first reading, and make the ordinance available for public review for a minimum of two weeks prior to adoption of the ordinance at second reading. If introduced for first reading on December 10<sup>th</sup>, The public hearing is intended to be advertised for the January 14, 2014 meeting of the City Council, and will provide an approximate five-week period for public review and comment. The draft ordinance is available for public review on the City's website, at the City Clerk's office, and at the Building Division public counter.

**CONSISTENCY WITH ADOPTED GOALS, PLANS AND PROGRAMS:**

The proposed ordinance and code updates are consistent with the City's 2030 General Plan Polices PS-6.1 and PS- 6.2 regarding the adoption and implementation of fire protection standards and systems; and General Plan Implementation Programs PS-P-6 and PS-P-15, regarding the adoption and enforcement of Uniform Building Code updates and fire protection codes and standards.

**CEQA REVIEW AND COMPLIANCE:**

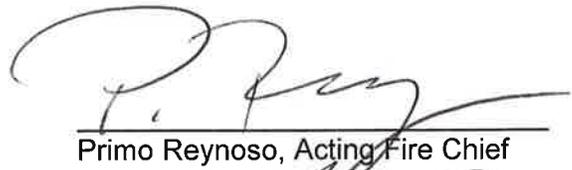
The City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where 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 ordinance does not relate to any physical project and will not result in any physical change to the environment, and in fact the ordinance seeks to enhance public safety and protect property from the potential effects of earthquakes, subsidence, high winds, and fire. 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.

**FISCAL IMPACT:**

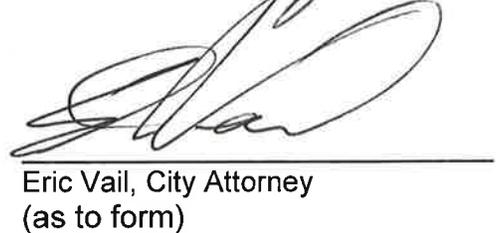
The adoption of the ordinance has no fiscal effect.

Respectfully submitted,

  
\_\_\_\_\_  
Deanna Elliano, Community Development Director

  
\_\_\_\_\_  
Primo Reynoso, Acting Fire Chief

  
\_\_\_\_\_  
Jeff Thomas, Building Official

  
\_\_\_\_\_  
Eric Vail, City Attorney  
(as to form)

**Attachment:**

1. Proposed Ordinance Bill No. 13-055, Amendments to Chapter 14 of the Hemet Municipal Code



CITY OF HEMET  
Hemet, California  
ORDINANCE BILL NO. 130-055

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, AMENDING CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS, OF THE HEMET MUNICIPAL CODE AND ADOPTING BY REFERENCE PARTS 1 THROUGH 12 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, AND THE 1997 UNIFORM HOUSING CODE, 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 UNIFORM SIGN CODE, 2009 UNIFORM SOLAR ENERGY CODE, 2009 UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE, AND 2012 INTERNATIONAL FIRE CODE, AS AMENDED BY THE CITY COUNCIL, BASED ON THE COUNCIL'S FINDING THAT LOCAL CLIMATIC, GEOLOGICAL OR TOPOGRAPHICAL CONDITIONS RENDER THE LOCAL AMENDMENT REASONABLY NECESSARY.

**WHEREAS**, California Health and Safety Code sections 17922 and 17958, and Government Code section 50022.1 *et seq.* authorize and require the City to adopt by reference the California Building Standards Code as set forth in Title 24 of the California Code of Regulations; and,

**WHEREAS**, California Health and Safety Code section 17958.5 authorizes the City to adopt amendments to the building standards contained in the California Building Standards Code if the City makes express findings that the amendments are reasonably necessary because of local climatic, geological, or topographical conditions; and,

**WHEREAS**, California Health and Safety Code section 18909(c) provide that amendments relating to civil, administrative, or criminal procedures and remedies available for enforcing violations of the 2013 California Building Standards Code are not amendments to "building standards," and the City may adopt such amendments without making express findings; and,

1           **WHEREAS**, the California Building Standards Commission has published the  
2 2013 California Building Standards Code, which shall take effect on January 1, 2014.

3           **WHEREAS**, the City has previously adopted by reference and made local  
4 amendments to previous versions of the California Building Standards Code, codified in  
5 Article II of Chapter 14 of the Hemet Municipal Code; and,

6           **WHEREAS**, the City desires to amend Article II of Chapter 14 of the Hemet  
7 Municipal Code to adopt by reference and make certain local amendments to the 2013  
8 California Building Standards Code; and,

9           **WHEREAS**, Health and Safety Code section 17958.7 provides that the local  
10 amendments set forth in this ordinance shall not become effective until a copy of the  
11 express findings justifying each of the local amendments has been filed with the  
12 California Building Standards Commission; and,

13           **WHEREAS**, at least one full, true, and correct copy, as certified by the City Clerk,  
14 of the 2013 California Building Standards Code has been filed in the office of the City  
15 Clerk in accordance with the provisions of Government Code Section 50022.6; and

16           **WHEREAS**, pursuant to Government Code section 50022.3, the City Council has  
17 conducted a duly noticed public hearing regarding this ordinance; and,

18           **NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HEMET DOES**  
19 **ORDAIN AS FOLLOWS:**

20 **SECTION 1: FINDINGS OF FACT.** Based on the whole record before it, the City  
21 Council finds that the local amendments to the building standards contained in Title 24  
22 set forth in Section 3 of this ordinance are reasonably necessary because of the  
23 following determinations due to local climatic, geological, or topographical conditions:

24           1. The amendments to 2013 California Building Code sections 406.3.4, [F]903.2  
25 through [F]903.2.10, and 1505.6, the amendment to 2013 California Residential Building  
26 Code section R105.2 and Table R301.2(1), the amendments to 2013 California Fire  
27 Code sections 903.2 through 903.2.10, 4901, 4903, 4905, 4906, 4907, and section  
28

1 5602, and the amendments to 2013 California Fire Code Appendices CC are all justified  
2 by the following local geological, topographical and climatic conditions:

3 The City of Hemet receives relatively low amounts of precipitation, low humidity  
4 and high temperatures. Normal prevailing winds in the afternoon often reach 15 to 20  
5 miles per hour. Strong winds commonly referred to as Santa Ana Winds have reached  
6 speeds up to 60 miles per hour in the San Jacinto Valley during various months of past  
7 years. Damage that can occur during such winds includes: downed trees, utility poles,  
8 utility circuits and lines. These conditions create increased fire hazards, and cause  
9 small fires to grow rapidly. These amendments will create increased on-site fire  
10 protection, and protect against accidental wildfires caused by fireworks. The  
11 amendment to 2013 California Residential Building Code section R105.2 will enhance  
12 the Fire Department's ability to respond to fires by increasing access to enclosed areas.

13 2.The amendments to 2013 California Building Code Appendix J, section J110.1  
14 and J110.8 are justified by the following local geological, topographical and climatic  
15 conditions:

16 The City of Hemet receives relatively low amounts of precipitation, low humidity  
17 and high temperatures. Normal prevailing winds in the afternoon often reach 15 to 20  
18 miles per hour. Strong winds commonly referred to as Santa Ana Winds have reached  
19 speeds up to 60 miles per hour in the San Jacinto Valley during various months of past  
20 years. Damage that can occur during such winds includes: downed trees, utility poles,  
21 utility circuits and lines. These amendments respond to these issues by increasing the  
22 requirements for landscaping to be water-efficient, and to control the erosion and  
23 sediment that results from these conditions.

24 3.The amendments to 2013 California Existing Building Code section A115.1  
25 through A115.2 and 2013 California Residential Building Code Table R301.2(1) are  
26 justified by the following local geological, topographical and climatic conditions:

27 Within the Hemet City limits there is an active earthquake fault called the San  
28 Jacinto Fault. This fault has produced earthquakes in the past, which severely damaged

1 the City. There are also other faults in the adjacent areas, including the San Andreas  
2 Fault. In the event of a severe earthquake, these faults present the potential for  
3 catastrophic damage. These amendments aim at reducing the potential for damage by  
4 ensuring that the existing buildings that present the greatest threat of damage in the  
5 event of an earthquake are identified, analyzed, and made safer.

6 4. The remainder of the amendments made by this ordinance are to  
7 administrative in nature and findings are not required to make these amendments.

8 **SECTION 2: 2013 CALIFORNIA BUILDING STANDARDS CODE ADOPTED.** The  
9 City Council of the City of Hemet hereby adopts by reference the 2013 California  
10 Building Standards Code, contained in Parts 1 through 12 of Title 24 of the California  
11 Code of Regulations, in its entirety except as amended by Section 3 of this ordinance.

12 **SECTION 3: AMENDMENT OF ARTICLE II OF CHAPTER 14 OF THE HEMET**  
13 **MUNICIPAL CODE.** Article II of Chapter 14 of the Hemet Municipal Code is hereby  
14 amended and shall read in its entirety as shown in Exhibit A.

15 **SECTION 4: NOTIFICATION OF BUILDING STANDARDS COMMISSION.** The City  
16 Council of the City of Hemet hereby authorizes and directs the City Clerk to file a copy  
17 of this ordinance with the California Building Standards Commission.

18 **SECTION 5: SEVERABILITY.**

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

27 **SECTION 6: EFFECTIVE DATE.**

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

**SECTION 7:PUBLICATION.**

The City Clerk is authorized and directed to cause this Ordinance to be published within 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 pasting procedure authorized under Government Code Section 39633(c).

**INTRODUCED** at the regular meeting of Hemet City Council on \_\_\_\_\_ 2013.

**APPROVED AND ADOPTED** this \_\_\_ day of \_\_\_\_\_ 2014.

\_\_\_\_\_  
**Robert Youssef, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Sarah McComas, City Clerk**

\_\_\_\_\_  
**Eric S. Vail, City Attorney**

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

4 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing  
5 Ordinance was introduced and first read on the \_\_\_ day of \_\_\_\_\_ 2013, and had  
6 its second reading at the regular meeting of the Hemet City Council on the \_\_\_ day of  
7 \_\_\_\_\_, 2014, and was passed by the following vote:

8 **AYES:**

9 **NOES:**

10 **ABSTAIN:**

11 **ABSENT:**

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13 \_\_\_\_\_  
14 Sarah McComas, City Clerk  
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## **EXHIBIT A**

### **CHAPTER 14**

#### **BUILDINGS AND BUILDING REGULATIONS**

##### **ARTICLE II. UNIFORM CODES**

###### **Division 1. Generally**

###### **Sec. 14-31. Codes Adoption.**

The 2013 California Building Standards Code, as set forth in Parts I through 12 of Title 24 of the California Code of Regulations, and as such Code may be amended from time to time; the "Uniform Housing Code", 1997 Edition; the "Uniform Code for the Abatement of Dangerous Buildings," 1997 Edition; the "Uniform Sign Code," 1997 Edition; the "Uniform Solar Energy Code," 2009 Edition; the "Uniform Swimming Pool, Spa and Hot Tub Code," 2009 Edition; and the "International Fire Code," 2012 Edition are hereby adopted together with certain amendments, deletions, additions, and exceptions, including fees and penalties.

###### **Secs. 14-32 – 14-34. Reserved.**

###### **Division 2. California Administrative Code**

###### **Sec. 14-35. Adoption.**

The 2013 California Administrative Code, as set forth in Part 1 of Title 24 of the California Code of Regulations, as such code may be amended from time to time, except as hereinafter amended by this Division, is adopted by reference as the administrative code of the City.

###### **Secs. 14-36 – 14-39. Reserved.**

###### **Division 3. California Building Code**

###### **Sec. 14-40. Adoption.**

The 2013 California Building Code, codified in Part 2 of Title 24 of the California Code of Regulations, including Appendix Chapters C, G, I, and J, as such code may be amended from time to time, except as hereinafter amended by this division, is adopted by reference as the building code of the city.

###### **Sec. 14-41. Amendments**

Building heading in Subsection 105.2 of Section 105 of Chapter 1, Division II of the California Building Code, 2013 Edition, is amended to read as follows:

###### **Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15m<sup>2</sup>) and all setbacks per the Hemet municipal code are adhered to.
2. Oil derricks.

3. Retaining walls, concrete and masonry fences that are not over 2 feet in height measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
5. Sidewalks and walks not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Temporary motion picture, television and theater stage sets and scenery.
8. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
9. Shade cloth structures constructed for nursery or agriculture purposes, not including service systems.
10. Swings and other playground equipment accessory to detached one- and two-family dwellings.
11. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
12. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Subsection 105.5, of Section 105 of Chapter 1, Division II of the California Building Code, 2013 Edition, is amended to read as follows:

Expiration. Every permit issued by the building official shall expire by limitation and become null unless work for which the permit was issued has not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced and no inspection of significant progress (as determined by the building official) is obtained for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after one year, the permittee shall pay a new full permit fee.

Exceptions:

1. Demolition and moving permits shall be valid for a period not to exceed 60 days.
2. A permittee holding an unexpired permit may apply for an extension of the time when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.
3. Permits issued for work started prior to obtaining a building permit as required under section 105.1 shall be valid for a period not to exceed 30 days. If an inspection(s) are performed that can verify compliance with all code requirements at the current stage of construction, therein after the permit will be automatically extended per section 105.5

Subsection 105.6 of Section 105 of Chapter 1, Division II of the California Building Code, 2013 Edition, is amended by adding a new subsection 105.6.1 to read as follows:

105.6.1. Unfinished buildings and structures. Whenever the building official determines by inspection that work in or on any building or structure for which a permit has been issued and the work started thereon has been suspended for a period 180 days or more, the owner of the property upon which such building or structure is located or other person or agent of control of said property, upon receipt of notice in writing from the building official to do so, shall, within 60 days from the date of such written notice, obtain a new permit to complete the required work and diligently pursue the work to completion or shall remove or demolish the building or structure within 90 days from the date of written notice.

Subsection 109.2 of Section 109 of Chapter 1, Division II of the California Building Code, 2013 Edition, is amended to read as follows:

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 109.4 of Section 109 of Chapter 1, Division II of the California Building Code, 2013 Edition, is amended to read as follows:

109.4. Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a special investigation fee. The special investigation fee shall be double the permit fee. This fee shall be in addition to the required permit fees. The special investigation fee shall be made before a permit may be issued for such work.

Subsection 109.6 of Section 109 of Chapter 1, Division II of the California Building Code, 2013 Edition, is amended to read as follows:

109.6 Refunds. The building official may authorize refunding of any fee paid hereunder in the following situations.

1. Wherein a fee was erroneously paid or collected.
2. The building official may authorize refunding of not more than 75 percent of the permit application fee when an application for a permit is withdrawn or canceled before any plan review is done.
3. The building official may authorize refunding of not more than 75 percent of the permit fee when an application for permit is withdrawn or canceled before any inspections are performed.

The building official shall not authorize refunding of any fee paid except on written application filed by the original applicant not later than 180 days after the date of fee payment. Except for the refunding of fees paid in error, no refund of permit or plan review fees shall be made where the permit or plan review fee paid is \$100.00 or less.

Section 109 of Chapter 1, Division II of the California Building Code, 2013 Edition, is amended by adding a new subsection 109.7 to read as follows:

109.7 Plan Review Fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a plan review, a fee for each plan review shall

be paid as required in accordance with the City of Hemet, Building Division Schedule of Fees and Charges. Upon submittal construction documents, this fee shall be due and payable before the construction documents will be reviewed.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the City of Hemet, Building Division Schedule of Fees and Charges.

Section 109 of Chapter 1, Division II of the California Building Code, 2013 Edition, is amended by adding a new subsection 109.8 to read as follows:

109.8 Special Investigation Fees: Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be twice the amount of all permit fees, required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in the current City of Hemet, Building Division Schedule of Fees and Charges. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Section 111 of Chapter 1, Division II of the California Building Code, 2013 Edition is amended by adding subsection 111.5 to read as follows:

111.5 Expiration. Every application for Certificate of Occupancy shall become invalid unless an inspection of the business is performed within 60 days after the application date. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 60 days each. The extension shall be requested in writing and justifiable cause demonstrated. This provision shall not be perceived as to allow a business to conduct business without first being issued a Certificate of Occupancy.

Section 111 of Chapter 1, Division II of the California Building Code, 2013 Edition is amended by adding subsection 111.6 to read as follows:

111.6 Certificate of Occupancy Fee. On buildings, structures, and areas requiring a certificate of occupancy under Section 111.1 a fee for each application shall be paid as required in accordance with the City of Hemet, Building Division Schedule of Fees and Charges. Upon all required submittal documents, this fee shall be due and payable at time of application submittal.

Subsection 113.1 of Section 113 of Chapter 1, Division II of the California Building Code, 2013 Edition is amended to read as follows:

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this Code, there shall be and is hereby created a Board of Appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member and shall act as secretary to said Board, but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt

rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

Subsection 113.2 of Section 113 of Chapter 1, Division II of the California Building Code, 2013 Edition is amended to read as follows:

113.2 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of administrative provisions of this Code, nor shall the Board be empowered to waive requirements of this Code.

Subsection 113.3 of Section 113 of Chapter 1, Division II of the California Building Code, 2013 Edition is amended to read as follows:

113.3 Appeal hearing fee. A fee, as provided in the current City of Hemet, Building Division Schedule of Fees and Charges, shall accompany an application for a hearing before the Board of Appeals.

Section 113.4 of Chapter 1, Division II of the California Building Code, 2013 Edition, is amended by adding a new subsection 113.4 to read as follows:

113.4 Special purposes members. For the purpose of appeals to the standards of Title 24 of the California Code of Regulations affecting accommodations for persons with disabilities, two (2) members shall be added who shall have a disability as defined by Section 202 of the California Building Code, 2013 Edition.

Section 113.5 of Chapter 1, Division II of the California Building Code, 2013 Edition, is amended by adding a new subsection 113.5 to read as follows:

113.5 Notice of appeal. Within the limitations provided for below, a person aggrieved by any order, act or determination of the building official or his subordinates, may appeal therefrom to the board of appeals. The appeal shall be taken by filing a written notice of appeal within 15 days, exclusive of holidays, after the date of making the order or determination or performing the act and by paying the appeal hearing fee. The notice of appeal must be in writing on a form provided by the city, and the notice must be filed and the fee paid at the office of the building official. The notice of appeal shall be sufficient if it identifies the act, order or determination appealed from and stated wherein it is erroneous or invalid. The operation of the act, order, or determination appealed from is suspended by the filing of the notice of appeal and upon the determination of the appeal or termination of proceedings thereunder.

Section 113.6 of Chapter 1, Division II of the California Building Code, 2013 Edition, is amended by adding a new subsection 113.6 to read as follows:

113.6. The chairman of said board shall fix the time and place of hearing the appeal. The date of hearing shall not be less than five days nor more than 15 days after the date of filing the notice of appeal, and the hearing must not be postponed for more than ten days without good and sufficient cause. The board shall give written notice of the time and place of such hearing to the appellant and the officer or head of the department or division whose act, order, or determination is appealed from. Witnesses may be sworn and examined and evidence produced by interested parties, who may appear in person or by attorney. The board shall keep a record of each appeal and proceedings thereunder. At the conclusion of the hearing, the board shall prepare and file its written findings and decision. The affirmative vote of two-thirds of the board is necessary to modify or reverse the order, act or determination appealed from. The failure of the board

to file its findings and decisions within five days after termination of the hearing shall result in the automatic confirmation of the order, act or determination appealed from.

Section 113.7 of Chapter1, Division II of the California Building Code, 2013 Edition, is amended by adding a new subsection 113.7 to read as follows:

113.7 Any person aggrieved or affected by a decision of the board may appeal to the city council from such decision at any time within ten days after the date upon which the board announces its decision or loses jurisdiction. An appeal to the city council shall be taken by filing a letter of appeal with the building division and by concurrently paying to such division an appeal hearing fee in the amount established by Table A. Such letter shall set forth the grounds upon which the appeal is based. Within 15 days after the receipt of the letter of appeal and the filing fee, the building division shall transmit to the city council the letter of appeal and the record of appeal at the board and the board's findings and decision. The city council may affirm, reverse, or modify the decision of the board.

Section 113.8 of Chapter1, Division II of the California Building Code, 2013 Edition, is amended by adding a new subsection 113.8 to read as follows:

113.8 In the event the board as established in Section 113.1 herein above should for any reason not be appointed by the city council or cease to exist after such appointment, the city council may serve as the board of appeals.

Section 114.5 of Chapter 1, Division II of the California Building Code, 2013 Edition is amended by adding a new subsection 114.5 to read as follows:

114.5 Violation penalties. Any person, firm or corporation violating any of the provisions, regulations, requirements, additions, amendments and/or deletions of this code is guilty of a misdemeanor and the penalty for such a misdemeanor shall be as set forth in Chapter 1-8 of the Hemet Municipal Code.

Subsection 114.5.1 of Section 114 of Chapter 1, Division II of the California Building Code, 2013 Edition is amended by adding a new subsection 114.5.1 to read as follows:

114.5.1 In addition thereto, violation of this code is declared to be a public nuisance, and the city attorney may institute necessary legal procedures for the abatement, removal or the enjoinder thereof in the manner provided by law, or may take such other steps as he or she deems necessary to accommodate these ends.

Subsection 116.6.1 of Section 116 of Chapter1, Division II of the California Building Code, 2013 Edition, is amended by adding a new subsection 116.6.1 to read as follows:

116.6.1 Intent. This section establishes standard placards to be used to indicate the condition of a structure for continued occupancy. The section further authorizes the building official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

Subsection 116.6.2 of Section 116 of Chapter1, Division II of the California Building Code, 2013 Edition, is amended by adding a new subsection 116.6.2 to read as follows:

116.6.2. Application of provisions. The provisions of this section are applicable to all buildings and structures and all occupancies regulated by the city. The council may extend the provisions as necessary.

Subsection 116.6.3 of Section 116 of Chapter1, Division II of the California Building Code, 2013 Edition, is amended by adding a new subsection 116.6.3 to read as follows:

116.6.3. Definitions. "Safety assessment" means a visual, nondestructive examination of a building or structure for the purpose of determining the condition of the building or structure for continued occupancy.

Subsection 116.6.4 of Section 116 of Chapter1, Division II of the California Building Code, 2013 Edition, is amended by adding a new subsection 116.6.4 to read as follows:

#### 116.6.4. Placards.

1. The following are verbal descriptions of the official jurisdiction placards to be used to designate the condition for continued occupancy of buildings or structures. Copies of actual placards are attached to the ordinance codified in this chapter and adopted by reference.

a. "INSPECTED - Lawful Occupancy Permitted" (Green Placard) is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.

b. "RESTRICTED USE" (Yellow Placard) is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.

c. "UNSAFE - Do Not Enter or Occupy" is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the building official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

2. The number of the ordinance codified in this section, the name of the jurisdiction, its address and phone number shall be permanently affixed to each placard.

3. Once it has been attached to a building or structure, a placard is not to be removed, altered or covered until done so by an authorized representative of the building official. It is unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

Chapter 1 of the California Building Code, 2013 Edition is amended by adding Section 117 to read as follows:

#### Section 117 Rubbish and Debris

117.1 Rubbish and Debris. Every person who constructs, alters, adds to, rehabilitates, places or repairs any building structure or building service equipment is subject to the following provision relating to rubbish and debris:

1. Collection and Disposal. During the process of constructing a building or structure, the construction site and the general area around the site shall be kept clear of rubbish and debris that result from the construction activities. Rubbish and debris shall not be allowed to accumulate on or be blown from the site and shall be placed in appropriate containers or removed from the construction site to an authorized disposal area. All containers shall be emptied periodically at an authorized disposal area so they will remain usable for the collection of rubbish and debris. When the building or structure is completed, a final cleanup of the site shall be conducted by the permittee.

2. Inspections. A permit holder shall not be entitled to, and no building inspector shall make an inspection of any phase of completed construction work, including the final inspection, if the construction site or general area thereof contains an accumulation of construction rubbish and debris. If a building inspector is unable to conduct a requested inspection because of an accumulation of rubbish and debris, a re-inspection fee may be assessed and required to be paid prior to a request for re-inspection is made. Failure to maintain a construction site clear of waste and other trash or debris, and in such a manner that is determined to constitute a health and safety hazard or constitutes a public nuisance, shall result in the issuance of a Stop Work order.

3. Rubbish and debris for the purpose of this section, includes, but is not limited to, stub ends of cut lumber, broken lumber and other scrap wood, scrap cement and plaster, scrap metal, paper cartons, wrappings, and similar materials that result from the process of constructing a building or structure.”

Item 1 of Subsection 406.3.4 of Section 406 of the California Building Code, 2013 Edition is amended to read as follows:

1. The private garage shall be separated from the dwelling unit and its attic area by means of gypsum board, not less than 5/8-inch (15.9mm) Type X gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a 5/8-inch (15.9mm) Type X gypsum board or equivalent and 5/8-inch (15.99mm) Type X gypsum board applied to structures supporting the separation from habitable rooms above the garage. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8 inches (34.9mm) in thickness, or doors in compliance with Section 716.5.3 with a fire protection rating of not less than 20 minutes. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Doors shall be self-closing and self-latching.

Subsection [F]903.2 of Section 903 of the California Building Code, 2013 Edition is amended to read as follows:

[F]903.2 Where required. Approved automatic sprinkler systems in new buildings and structures, or where the combination of new additional square footage and existing square footage exceeds the maximum fire area thresholds in this section, shall be provided in locations described in Section [F]903.2.1 through [F]903.2.12.

Item 1 of Subsection [F] 903.2.1.1 of Section 903.2 of the California Building Code, 2013 Edition is amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m<sup>2</sup>);

Item 1 of Subsection [F] 903.2.1.2 of Section 903.2 of the California Building Code, 2013 Edition is amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m<sup>2</sup>);

Item 1 of Subsection [F] 903.2.1.3 of Section 903.2 of the California Building Code, 2013 Edition is amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m<sup>2</sup>);

Item 1 of Subsection [F] 903.2.1.4 of Section 903.2 of the California Building Code, 2013 Edition is amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m<sup>2</sup>).

Subsection 903.2.2 of Section 903.2 of the California Building Code, 2013 Edition, is amended by adding item 3 to read as follows:

3. The fire area exceeds 3,500 square feet (464.5m<sup>2</sup>).

Section 903.2.2.1 is added to the California Building Code, 2013 Edition, is amended by adding the following subsection 903.2.2.1

903.2.2.1 All other B Occupancies: An automatic sprinkler system shall be provided throughout all buildings containing Group B occupancies that the fire area exceeds 3,500 square feet (464.5m<sup>2</sup>).

Item 1 of Subsection [F] 903.2.3 of Section 903.2 of the California Building Code, 2013 Edition is amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m<sup>2</sup>).

Item 1 of Subsection [F] 903.2.4 of Section 903.2 of the California Building Code, 2013 Edition is amended to read as follows:

1. A Group F-1 fire area exceeds 3,500 square feet (464.5m<sup>2</sup>).

Subsection [F] 903.2.4 of Section [F] 903.2 of Chapter 9 of the California Building Code, 2013 Edition, is amended by adding a new subsection [F] 903.2.4.2 to read as follows:

[F] 903.2.4.2 Group F-2. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-2 occupancy where the following condition exists:

1. A Group F-2 fire area exceeds 3,500 square feet (464.5m<sup>2</sup>).

Item 1 of Subsection [F] 903.2.7 of Section 903.2 of the California Building Code, 2013 Edition is amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m<sup>2</sup>).

Item 1 of Subsection [F] 903.2.9 of Section 903.2 of the California Building Code, 2013 Edition is amended to read as follows:

1. A Group S-1 fire area exceeds 3,500 square feet (464.5m<sup>2</sup>).

Item 1 of Subsection [F] 903.2.10 of Section 903.2 of the California Building Code, 2013 Edition is amended to read as follows:

1. Where the fire area of the enclosed parking garage exceeds 3,500 square feet (464.5m<sup>2</sup>); or

Subsection 1505.6 of Section 1505 of the California Building Code, 2013 Edition is amended to read as follows:

1505.6 Wood shingles and shakes. It shall be unlawful to install or cause to be installed, wood-shake or wood-shingle roofs on a building.

Exception: Any building which presently has wooden shakes or shingles may be re-roofed with a listed and approved Class A assembly with a rated wood shake or shingle. Approved fire-retardant-treated wood shakes and shingles are those complying with UBC Standard 15-3 or 15-4 which are impregnated by the full-cell vacuum-pressure process with fire-retardant chemicals, which have been qualified by UBC Standard 15-2 for use on Class A roofs.

Roof coverings on buildings located in a designated fire hazard area shall be rated as Class A. All wood-shingles and wood-shakes are prohibited in high fire hazard areas.

Subsection J110.1 of Section J110 of Appendix J of the California Building Code, 2013 Edition, is amended to read as follows:

J110.1 General. The faces of cut and fill slopes shall be prepared and maintained to control erosion and to provide stability.

Exception: Erosion control measures need not be provided on cut slopes not subject to erosion due to erosion-resistant character of materials.

Unless otherwise recommended in the approved soil engineering or engineering geology report, cut and fill slopes shall be planted in accordance with this section. The protection for the slopes shall be installed as soon as practicable and prior to calling for final permit approval.

Subsection J110.2 of Section J110 of Appendix J of the California Building Code, 2013 Edition, is amended to read as follows:

J110.2. Planting.

1. All slopes equal to or greater than three feet in vertical height shall be planted with drought-tolerant grass or ground cover in order to protect the slope from erosion and instability. Other slopes as deemed necessary by the building official shall also be planted.
2. Slopes exceeding 15 feet in vertical height shall be planted with drought-tolerant shrubs, spaced at no more than ten feet on center; or trees, spaced not to exceed 20 feet on center; or a combination of such shrubs and trees at equivalent spacing, in addition to a drought-tolerant grass or ground cover. Fifty percent of the total number of trees provided shall be of a drought-tolerant nature

and a minimum five-gallon size. The plants selected and planting methods used shall be suitable for the soil and climatic conditions found on the site. The landscape design shall consider and locate plants in zones, according to their water needs. Plant materials and planting patterns may be varied upon the recommendations of a landscape architect or a slope control specialist with approval of the building official.

If a species other than those from the recommended plants list provided by the street and park supervisor is selected, a written statement shall be submitted by a landscape architect or slope control specialist certifying that the plant is drought-tolerant and suitable for erosion control and slope stabilization purposes. This statement must accompany the grading plan at the time of submittal. Plant material shall be allowed that is specifically identified as being drought-tolerant and suitable for erosion control and slope stabilization on an erosion control landscape plan signed by a registered landscape architect.

Section J110 of Appendix Chapter J, of the California Building Code, 2013 Edition, is amended by adding a new subsection J110.3 to read as follows:

#### J110.3 Plans.

1.Erosion-control landscape plan requirements. Landscape plans shall be submitted for all slopes required to be planted. The landscape plan may be incorporated as part of the grading plan unless, in the opinion of the building official, the plan becomes too obscured to be effective. A landscape plan shall include:

- a. A slope planting schedule that provides common and scientific names and specifications of all plants, including the names of all species, number and size of each tree and shrub and the spacing of each tree.
- b. The location of the planting.

2.Erosion-control landscape plans involving more than four structures shall be prepared and signed by a registered landscape architect. This plan shall include the details necessary to complete the project including scope of work, materials to be used (seed mixtures, plant species listed by size, quantity, fertilizer used and rate of application), construction methods, maintenance and timetable for project completion.

3.Irrigation plan requirements. Except where approved by the building official, slopes required to be planted shall be provided with an approved system of irrigation designed to cover all portions of the slope and shall be of sufficient clarity to indicate the extent of work proposed. The irrigation system shall have zones which take into account the water requirements of the different types of plant species located in the zone and shall be adjusted to vary the water within the zone in accordance with the needs of the plant material. Care shall be taken to minimize runoff. Turf areas shall be irrigated separately from slope areas. The irrigation system provided shall make use of automatic timers, moisture sensors and low precipitation heads or emitters. The use of a drip type irrigation system is highly recommended wherever possible. Seasonal irrigation requirements of the plant species proposed shall be determined and recommendations provided as to the duration and frequency of irrigation. Specifications for proposed devices, size and type of pipe, flow and precipitation rates are to be included on the erosion-control landscape plan.

An approved backflow prevention device shall be installed in each irrigation system, which conforms to Chapter 6 of the Uniform Plumbing Code. Projects with access to or of sufficient size to economically justify the use of reclaimed water through use of a dual distribution system are encouraged to do so. Prior to building official approval, reclaimed water irrigation systems are subject to the approval of the state water quality control board.

If the planting requirements specified in Section 4 are waived by the building official, the requirements specified in this subsection may be waived.

4. Sediment control plan. A sediment control plan shall be incorporated as part of the grading plan by a registered civil engineer or erosion control specialist. The plan shall minimize the deposition of sediment from rough graded lots and streets to adjacent properties.

- a. Temporary sediment control measures may consist of the placement of straw or hay bales, gravel or earth-filled sandbags, gravel or earthen berms, filter fabric type fences and desilting basins with energy dissipaters.
- b. The placement and design of sediment control measures shall be based on a hydrologic study of the site.
- c. The sediment control plan shall specify the placement of the sediment control measures including spacing, alignment and typical detail.
- d. In addition, all notes and related information shall be included on the sediment control plan.
- e. The sediment control plan shall be submitted and approved prior to the issuance of a grading permit.

Section J110 of Appendix Chapter J, of the California Building Code, 2013 Edition, is amended by adding a new subsection J110.4 to read as follows:

J110.4 Planting method. Planting shall commence as soon as slopes are completed on any portion of the site and shall provide for rapid short-term coverage of the slope as well as long-term permanent coverage. Minimum requirements shall include:

1. Planting holes. Planting holes shall be excavated twice as wide as the diameter and two inches less than the depth of the root ball of the plant. The planting holes shall be backfilled with a mixture of native soil, slowly decomposing organic matter and an appropriate fertilizer. The construction of a watering basin at the base of all trees and shrubs at a distance encompassing the drip line is recommended in order to encourage deep percolation of irrigation. The application of mulch to the surface area of the watering basin will help minimize the amount of irrigation lost to evaporation. Commercially prepared mulch, wood chips, grass clippings or a combination of vegetal matter may be used in this regard.
2. Staking. Each tree shall be staked in order to anchor the root system and to support the trunk in an upright position. Stake material shall be of adequate dimension and length to support the tree. Ties used for tying the tree to the stake

shall have a broad surface to minimize rubbing or girdling and have some elasticity. In lieu of stakes, a three-wire, tie-down system may be used.

3. Ground cover spacing. Ground covers are to be spaced in such a manner that 100 percent coverage of the planted slope will be achieved in as short a time as possible.

4. The finish grading and drainage, provided on the adjacent all-planted slopes, shall promote healthy plant growth and minimize erosion and runoff.

Exceptions: Waiver of planting requirements. Waiver of planting and irrigation requirements may be approved by the building official if found to be unreasonable or unnecessary for one of the following reasons:

1. The erosion resistant character of material composing the slopes makes planting unnecessary.

2. The unavailability of water making irrigation either impossible or impractical.

3. Slope heights are less than those requiring planting by subsection (a) of this section.

Section J110 of Appendix Chapter J, of the California Building Code, 2013 Edition, is amended by adding a new subsection J110.5 to read as follows:

J110.5 Planting maintenance. All vegetation planted for erosion control shall be maintained in a healthy, vigorous condition. Maintenance of slopes shall include watering, weeding and restoration of any plant material that may die. Slopes that are affected by the future installation of walls, fences, swimming pools or any other building must be properly replanted upon the completion of subsequent projects.

Section J110 of Appendix Chapter J, of the California Building Code, 2013 Edition, is amended by adding a new subsection J110.6 to read as follows:

J110.6 Bonding. A performance bond for all projects involving more than four structures and such other projects, as may be determined by the building official, shall be required for erosion control remedies, at the time the landscaping plan is approved. The bond shall be released upon approval of the final planting inspection but may be earlier released in the discretion of the building official.

Section J110.7 of Appendix Chapter J, of the California Building Code, 2013 Edition, is amended by adding a new subsection J110.7 to read as follows:

J110 Final planting inspection. A final planting inspection shall be required for all building sites requiring planting. For building sites not requiring a performance bond, the final planting inspection shall be approved prior to the building permit final inspection. Any required irrigation system and all planting shall be installed at the time of the final planting inspection. A function a test of the irrigation system maybe required. For building sites requiring a performance bond, slope certification required by the next subsection shall be approved prior to the building permit final inspection. The final planting inspection shall be performed at the end of the one-year bond period.

Section J110 of Appendix Chapter J, of the California Building Code, 2013 Edition, is amended by adding a new subsection J110.8 to read as follows:

J110.8 Slope verification. A site inspection shall be performed by the responsible landscape architect to assure compliance with the approved plans and to perform a functional test of the sprinkler system. Said landscape architect shall verify in writing to the building official that the soils, additives, amendments, weed control, planting of the slopes and the installation of the irrigation system comply to the approved plans and to all the provisions of this section. Verification to contain a statement as to grow stock vitality.

**Secs. 14-42 – 14-44. Reserved.**

#### **Division 4. California Residential Building Code**

**Sec. 14-45. Adoption.**

The 2013 California Building Code, codified in Part 2.5 of Title 24 of the California Code of Regulations, as such code may be amended from time to time, except as hereinafter amended by this division, is adopted by reference as the building code of the city.

**Sec.14-46. Amendments**

Building section in Subsection R105.2 of Section R105 of Chapter 1, Division II of the California Residential Code, 2013 Edition, are amended to read as follows:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15m<sup>2</sup>) and all setbacks per the Hemet municipal code are adhered to.
2. Retaining walls, concrete and masonry fences that are not over 2 feet in height measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
3. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
5. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
6. Swings and other playground equipment.
7. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
8. Decks not exceeding 200 square feet (18.58 m<sup>2</sup>) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4

Subsection R105.5, of Section R105 of Chapter 1, Division II of the California Residential Code, 2013 Edition, is amended to read as follows:

Expiration. Every permit issued by the building official shall expire by limitation and become null unless work for which the permit was issued has not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced and no inspection of significant progress (as determined by the building official) is obtained for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one half the amount required for a new permit for such

work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after one year, the permittee shall pay a new full permit fee.

Exception:

1. Demolition and moving permits shall be valid for a period not to exceed 60 days.
2. A permittee holding an unexpired permit may apply for an extension of the time when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.
3. Permits issued for work started prior to obtaining a building permit as required under section R105.1 shall be valid for a period not to exceed 30 days. If an inspection(s) are performed that can verify compliance with all code requirements at the current stage of construction, therein after the permit will be automatically extended per section R105.5

Subsection R105.6 of Section R105 of Chapter 1, Division II of the California Residential Code, 2013 Edition, is amended by adding a new subsection 105.6.1 to read as follows:

105.6.1. Unfinished buildings and structures. Whenever the building official determines by inspection that work in or on any building or structure for which a permit has been issued and the work started thereon has been suspended for a period 180 days or more, the owner of the property upon which such building or structure is located or other person or agent of control of said property, upon receipt of notice in writing from the building official to do so, shall, within 60 days from the date of such written notice, obtain a new permit to complete the required work and diligently pursue the work to completion or shall remove or demolish the building or structure within 90 days from the date of written notice.

Subsection R108.2 of Section R108 of Chapter 1, Division II of the California Residential Building Code, 2013 Edition, is amended to read as follows:

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection R108.5 of Section R108 of Chapter 1, Division II of the California Residential Building Code, 2013 Edition, is amended to read as follows:

R108.5 Refunds. The building official may authorize refunding of any fee paid hereunder in the following situations.

1. Wherein a fee was erroneously paid or collected.
2. The building official may authorize refunding of not more than 75 percent of the permit application fee when an application for a permit is withdrawn or canceled before any plan review is done.

3. The building official may authorize refunding of not more than 75 percent of the permit fee when an application for permit is withdrawn or canceled before any inspections are performed.

The building official shall not authorize refunding of any fee paid except on written application filed by the original applicant not later than 180 days after the date of fee payment. Except for the refunding of fees paid in error, no refund of permit or plan review fees shall be made where the permit or plan review fee paid is \$100.00 or less.

Subsection R108.6 of Section R108 of Chapter 1, Division II of the California Residential Building Code, 2013 Edition, is amended to read as follows:

R108.6. Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a special investigation fee. The special investigation fee shall be double the permit fee. This fee shall be in addition to the required permit fees. The special investigation fee shall be made before a permit may be issued for such work.

Section R108 of Chapter 1, Division II of the California Residential Building Code, 2013 Edition, is amended by adding a new subsection R108.7 to read as follows:

R108.7 Plan Review Fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a plan review, a fee for each plan review shall be paid as required in accordance with the City of Hemet, Building Division Schedule of Fees and Charges. Upon submittal construction documents, this fee shall be due and payable before the construction documents will be reviewed.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section R108.2 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the City of Hemet, Building Division Schedule of Fees and Charges.

Section R108 of Chapter 1, Division II of the California Residential Building Code, 2013 Edition, is amended by adding a new subsection R109.8 to read as follows:

R108.8 Special Investigation Fees: Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be twice the amount of all permit fees, required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in the current City of Hemet, Building Division Schedule of Fees and Charges. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Subsection R112.1 of Section R112 of Chapter 1, Division II of the California Residential Building Code, 2013 Edition is amended to read as follows:

R112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this Code, there shall be and is hereby created a Board of Appeals consisting of five

members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member and shall act as secretary to said Board, but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

Subsection R112.2 of Section R112 of Chapter 1, Division II of the California Residential Building Code, 2013 Edition is amended to read as follows:

R112.2 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of administrative provisions of this Code, nor shall the Board be empowered to waive requirements of this Code.

Subsection R112.3 of Section R112 of Chapter 1, Division II of the California Residential Building Code, 2013 Edition is amended to read as follows:

R112.3 Appeal hearing fee. A fee, as provided in the current City of Hemet, Building Division Schedule of Fees and Charges, shall accompany an application for a hearing before the Board of Appeals.

Subsection R112.4 of Section R112 of Chapter1, Division II of the California Residential Building Code, 2013 Edition, is amended to read as follows:

R112.4 Special purposes members. For the purpose of appeals to the standards of Title 24 of the California Code of Regulations affecting accommodations for persons with disabilities, two (2) members shall be added who shall have a disability as defined by Section 202 of the California Building Code, 2013 Edition.

Section R112 of Chapter1, Division II of the California Residential Building Code, 2013 Edition, is amended by adding a new subsection R112.5 to read as follows:

R112.5 Notice of appeal. Within the limitations provided for below, a person aggrieved by any order, act or determination of the building official or his subordinates, may appeal therefrom to the board of appeals. The appeal shall be taken by filing a written notice of appeal within 15 days, exclusive of holidays, after the date of making the order or determination or performing the act and by paying the appeal hearing fee. The notice of appeal must be in writing on a form provided by the city, and the notice must be filed and the fee paid at the office of the building official. The notice of appeal shall be sufficient if it identifies the act, order or determination appealed from and stated wherein it is erroneous or invalid. The operation of the act, order, or determination appealed from is suspended by the filing of the notice of appeal and upon the determination of the appeal or termination of proceedings thereunder.

Section R112 of Chapter1, Division II of the California Residential Building Code, 2013 Edition, is amended by adding a new subsection R112.6 to read as follows:

R112.6. The chairman of said board shall fix the time and place of hearing the appeal. The date of hearing shall not be less than five days nor more than 15 days after the date of filing the notice of appeal, and the hearing must not be postponed for more than ten days without good and sufficient cause. The board shall give written notice of the time and place of such hearing to the appellant and the officer or head of the department or division whose act, order, or determination is appealed from. Witnesses may be sworn and examined and evidence produced by interested parties, who may appear in person

or by attorney. The board shall keep a record of each appeal and proceedings thereunder. At the conclusion of the hearing, the board shall prepare and file its written findings and decision. The affirmative vote of two-thirds of the board is necessary to modify or reverse the order, act or determination appealed from. The failure of the board to file its findings and decisions within five days after termination of the hearing shall result in the automatic confirmation of the order, act or determination appealed from.

Section R112 of Chapter 1, Division II of the California Residential Building Code, 2013 Edition, is amended by adding a new subsection R112.7 to read as follows:

R112.7 Any person aggrieved or affected by a decision of the board may appeal to the city council from such decision at any time within ten days after the date upon which the board announces its decision or loses jurisdiction. An appeal to the city council shall be taken by filing a letter of appeal with the building division and by concurrently paying to such division an appeal hearing fee in the amount established by Table A. Such letter shall set forth the grounds upon which the appeal is based. Within 15 days after the receipt of the letter of appeal and the filing fee, the building division shall transmit to the city council the letter of appeal and the record of appeal at the board and the board's findings and decision. The city council may affirm, reverse, or modify the decision of the board.

Section R112 of Chapter 1, Division II of the California Residential Building Code, 2013 Edition, is amended by adding a new subsection R112.8 to read as follows:

R112.8 In the event the board as established in Section R112.1 herein above should for any reason not be appointed by the city council or cease to exist after such appointment, the city council may serve as the board of appeals.

Section R113 of Chapter 1, Division II of the California Residential Building Code, 2013 Edition is amended by adding a new subsection R113.4 to read as follows:

R113.4 Violation penalties. Any person, firm or corporation violating any of the provisions, regulations, requirements, additions, amendments and/or deletions of this code is guilty of a misdemeanor and the penalty for such a misdemeanor shall be as set forth in Chapter 1-8 of the Hemet Municipal Code.

Section R113 of Chapter 1, Division II of the California Residential Building Code, 2013 Edition is amended by adding a new subsection R113.5 to read as follows:

R113.5 In addition thereto, violation of this code is declared to be a public nuisance, and the city attorney may institute necessary legal procedures for the abatement, removal or the enjoinder thereof in the manner provided by law, or may take such other steps as he or she deems necessary to accommodate these ends.

Table R301.2(1) of Chapter 3 of the California Residential Building Code, 2013 Editions, is amended to read as follows:

### CLIMATIC AND GEOGRAPHICAL DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAMGE FROM			WINTER DESIGN TEMP <sup>e</sup>	ICE BARRIER UNDERLAYMENT REQUIRED <sup>b</sup>	FLOOD HAZARDS <sup>g</sup>	AIR FREEZING INDEX <sup>i</sup>	MEAN ANNUAL TEMP <sup>l</sup>
	Speed <sup>d</sup> (MPH)	Topographic effects <sup>k</sup>		Weathering <sup>a</sup>	Frost line depth <sup>b</sup>	Termite <sup>c</sup>					

0	85	YES	D	NEGLIGIBL E	12			NONE	--		
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**Sec. 14-47 – 14-49. Reserved**

**Division 5. California Electrical Code**

**Sec. 14-50. Adoption.**

The 2013 California Electrical Code, codified in Part 3 of Title 24 of the California Code of Regulations, including Annex Chapters A, B, C, D, E, F and G, and as such code may be amended from time to time, except as hereinafter amended by this Division, is adopted by reference as the electrical code of the City.

**Sec. 14-51. Amendments.**

Subsection 89.108.4.2 of Section 89.108.4 of Article 89 of the California Electrical Code, 2013 Edition is amended by adding subsection 89.108.4.2.1 to read as follows:

89.108.4.2.1 Permit Fee. On buildings, structures, electrical systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 89.108.4.2 of Section 89.108.4 of Article 89 of the California Electrical Code, 2013 Edition is amended by adding subsection 89.108.4.2.2 to read as follows:

89.108.4.2.2 Plan Review Fees. When plans or other data are required to be submitted by Section 89.108.4.3, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for mechanical work shall be as set forth in the City of Hemet, Building Division Schedule of Fees and Charges. Upon submittal construction documents, this fee shall be due and payable before the construction documents will be reviewed.

The plan review fees specified in this subsection are separate fees from the permit fees specified in subsection 89.108.4.2.1 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 89.108.4.2 of Section 89.108.4 of Article 89 of the California Electrical Code, 2013 Edition is amended by adding subsection 89.108.4.2.3 to read as follows:

89.108.4.2.3 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit shall be subject to a special investigation fee. This fee shall be in addition to the required permit fees. The special investigation fee shall be made before a permit may be issued for such work.

Subsection 89.108.4.2 of Section 89.108.4 of Article 89 of the California Electrical Code, 2013 Edition is amended by adding subsection 89.108.4.2.4 to read as follows:

89.108.4.2.4 Special Investigation Fee. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An

investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be twice the amount of all permit fees, required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in the current City of Hemet, Building Division Schedule of Fees and Charges. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Subsection 89.108.4.2 of Section 89.108.4 of Article 89 of the California Electrical Code, 2013 Edition is amended by adding subsection 89.108.4.2.5 to read as follows:

89.108.4.2.5 Fee Refunds. The Building Official may authorize refunding of any fee paid hereunder in the following situations.

1. Wherein a fee was erroneously paid or collected.
2. The building official may authorize refunding of not more than 75 percent of the permit application fee when an application for a permit is withdrawn or canceled before any plan review is done.
3. The building official may authorize refunding of not more than 75 percent of the permit fee when an application for permit is withdrawn or canceled before any inspections are performed.

The building official shall not authorize refunding of any fee paid except on written application filed by the original applicant not later than 180 days after the date of fee payment. Except for the refunding of fees paid in error no refund of permit or plan review fees shall be made where the permit or plan review fee paid is \$100.00 or less.

Section 89.108.4 of Article 89 of the California Electrical Code, 2013 Edition is amended by adding a new subsection 89.108.4.5

89.108.4.5 Unfinished buildings and structures. Whenever the building official determines by inspection that work in or on any building or structure for which a permit has been issued and the work started thereon has been suspended for a period of 180 days or more, the owner of the property upon which such building or structure is located or other person or agent of control of said property, upon receipt of notice in writing from the building official to do so, shall, within 60 days from the date of such written notice, obtain a new permit to complete the required work and diligently pursue the work to completion or shall remove or demolish the unpermitted work within 90 days from the date of written notice.

Section 89.108.4 of Article 89 of the California Electrical Code, 2013 Edition is amended by adding a new subsection 89.108.4.6

89.108.4.6 Qualified Persons. For all commercial projects, a California Licensed Electrical Contractor shall be responsible for obtaining permits for electrical work performed within or on the commercial building.

Section 89.108.8 of Article 89 of the California Electrical Code, 2013 Edition is amended in its entirety as follows:

89.108.8.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this Code, there shall be and is hereby created a Board of Appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining

to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member and shall act as secretary to said Board, but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

89.108.2 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of administrative provisions of this Code, nor shall the Board be empowered to waive requirements of this Code.

89.108.8.3 Appeal hearing fee. A fee, as provided in the current City of Hemet, Building Division Schedule of Fees and Charges, shall accompany an application for a hearing before the Board of Appeals.

89.108.8.4 Special purposes members. For the purpose of appeals to the standards of Title 24 of the California Code of Regulations affecting accommodations for persons with disabilities, two (2) members shall be added who shall have a disability as defined by Section 202 of the California Building Code, 2013 Edition.

89.108.8.5 Notice of appeal. Within the limitations provided for below, a person aggrieved by any order, act or determination of the building official or his subordinates, may appeal therefrom to the board of appeals. The appeal shall be taken by filing a written notice of appeal within 15 days, exclusive of holidays, after the date of making the order or determination or performing the act and by paying the appeal hearing fee. The notice of appeal must be in writing on a form provided by the city, and the notice must be filed and the fee paid at the office of the building official. The notice of appeal shall be sufficient if it identifies the act, order or determination appealed from and stated wherein it is erroneous or invalid. The operation of the act, order, or determination appealed from is suspended by the filing of the notice of appeal and upon the determination of the appeal or termination of proceedings thereunder.

89.108.8.6 The chairman of said board shall fix the time and place of hearing the appeal. The date of hearing shall not be less than five days nor more than 15 days after the date of filing the notice of appeal, and the hearing must not be postponed for more than ten days without good and sufficient cause. The board shall give written notice of the time and place of such hearing to the appellant and the officer or head of the department or division whose act, order, or determination is appealed from. Witnesses may be sworn and examined and evidence produced by interested parties, who may appear in person or by attorney. The board shall keep a record of each appeal and proceedings thereunder. At the conclusion of the hearing, the board shall prepare and file its written findings and decision. The affirmative vote of two-thirds of the board is necessary to modify or reverse the order, act or determination appealed from. The failure of the board to file its findings and decisions within five days after termination of the hearing shall result in the automatic confirmation of the order, act or determination appealed from.

89.108.8.7 Any person aggrieved or affected by a decision of the board may appeal to the city council from such decision at any time within ten days after the date upon which the board announces its decision or loses jurisdiction. An appeal to the city council shall be taken by filing a letter of appeal with the building division and by concurrently paying to such division an appeal hearing fee in the amount established by Table A. Such letter shall set forth the grounds upon which the appeal is based. Within 15 days after the receipt of the letter of appeal and the filing fee, the building division shall transmit to the city council the letter of appeal and the record of appeal at the board and the board's

findings and decision. The city council may affirm, reverse, or modify the decision of the board.

89.108.8.8 In the event the board as established in Section 110.1 herein above should for any reason not be appointed by the city council or cease to exist after such appointment, the city council may serve as the board of appeals.

Section 89.108 of Article 89 of the California Electrical Code, 2013 Edition is amended by adding a new Subsection 89.108.11 titled "Violations".

89.108.11.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, or maintain mechanical systems or equipment or cause or permit the same to be done in violation of this code.

Subsection 89.108.11 of Section 89.108 of Article 89 of the California Electrical Code, 2013 Edition is amended by adding a subsection 89.108.11.2 to read as follows:

89.108.11.2 Notice of Violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, enlargement, alteration, repair, moving, improving, removing, converting or demolishing, equipping, using, or maintaining mechanical systems or equipment in violation of this code, or in violation of a permit under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Subsection 89.108.11 of Section 89.108 of Article 89 of the California Electrical Code, 2013 Edition is amended by adding a subsection 89.108.11.3 to read as follows:

89.108.11.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

Subsection 89.108.11 of Section 89.108 of Article 89 of the California Electrical Code, 2013 Edition is amended by adding a subsection 89.108.11.4 to read as follows:

89.108.11.4 Violation penalties. Any person, firm or corporation violating any of the provisions, regulations, requirements, additions, amendments and/or deletions of this code is guilty of a misdemeanor and the penalty for such a misdemeanor shall be as set forth in Chapter 1-8 of the Hemet Municipal Code.

Subsection 89.108.11 of Section 89.108 of Article 89 of the California Electrical Code, 2013 Edition is amended by adding a subsection 89.108.11.5 to read as follows:

89.108.11.5 In addition thereto, violation of this code is declared to be a public nuisance, and the city attorney may institute necessary legal procedures for the abatement, removal or the enjoinder thereof in the manner provided by law, or may take such other steps as he or she deems necessary to accommodate these ends.

**Secs. 14-52 – 14-54. Reserved.**

## **Division 6. California Mechanical Code**

### **Sec. 14- 55. Adoption.**

The 2013 California Mechanical Code, codified in Part 4 of Title 24 of the California Code of Regulations, including Appendix Chapters A, B, C and D, as such code may be amended from time to time, except as hereinafter amended by this Division, is adopted by reference as the mechanical code of the City.

### **Sec. 14-56. Amendments.**

Subsection 108.1 of Section 108 of Chapter 1, Division II of the California Mechanical Code, 2013 Edition is amended to read as follows:

108.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this Code, there shall be and is hereby created a Board of Appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member and shall act as secretary to said Board, but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

Subsection 108.2 of Section 108 of Chapter 1, Division II of the California Mechanical Code, 2013 Edition is amended to read as follows:

108.2 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of administrative provisions of this Code, nor shall the Board be empowered to waive requirements of this Code.

Section 108 of Chapter 1, Division II of the California Mechanical Code, 2013 Edition is amended by adding a new subsection 108.3 to read as follows:

108.3 Appeal hearing fee. A fee, as provided in the current City of Hemet, Building Division Schedule of Fees and Charges, shall accompany an application for a hearing before the Board of Appeals.

Section 108 of Chapter 1, Division II of the California Mechanical Code, 2013 Edition is amended by adding a new subsection 108.4 to read as follows:

108.4 Special purposes members. For the purpose of appeals to the standards of Title 24 of the California Code of Regulations affecting accommodations for persons with disabilities, two (2) members shall be added who shall have a disability as defined by Section 202 of the California Building Code, 2013 Edition.

Section 108 of Chapter 1, Division II of the California Mechanical Code, 2013 Edition is amended by adding a new subsection 108.5 to read as follows:

108.5 Notice of appeal. Within the limitations provided for below, a person aggrieved by any order, act or determination of the building official or his subordinates, may appeal therefrom to the board of appeals. The appeal shall be taken by filing a written notice of appeal within 15 days, exclusive of holidays, after the date of making the order or determination or performing the act and by paying the appeal hearing fee. The notice of

appeal must be in writing on a form provided by the city, and the notice must be filed and the fee paid at the office of the building official. The notice of appeal shall be sufficient if it identifies the act, order or determination appealed from and stated wherein it is erroneous or invalid. The operation of the act, order, or determination appealed from is suspended by the filing of the notice of appeal and upon the determination of the appeal or termination of proceedings thereunder.

Section 108 of Chapter 1, Division II of the California Mechanical Code, 2013 Edition is amended by adding a new subsection 108.6 to read as follows:

108.6. The chairman of said board shall fix the time and place of hearing the appeal. The date of hearing shall not be less than five days nor more than 15 days after the date of filing the notice of appeal, and the hearing must not be postponed for more than ten days without good and sufficient cause. The board shall give written notice of the time and place of such hearing to the appellant and the officer or head of the department or division whose act, order, or determination is appealed from. Witnesses may be sworn and examined and evidence produced by interested parties, who may appear in person or by attorney. The board shall keep a record of each appeal and proceedings thereunder. At the conclusion of the hearing, the board shall prepare and file its written findings and decision. The affirmative vote of two-thirds of the board is necessary to modify or reverse the order, act or determination appealed from. The failure of the board to file its findings and decisions within five days after termination of the hearing shall result in the automatic confirmation of the order, act or determination appealed from.

Section 108 of Chapter 1, Division II of the California Mechanical Code, 2013 Edition is amended by adding a new subsection 108.7 to read as follows:

108.7 Any person aggrieved or affected by a decision of the board may appeal to the city council from such decision at any time within ten days after the date upon which the board announces its decision or loses jurisdiction. An appeal to the city council shall be taken by filing a letter of appeal with the building division and by concurrently paying to such division an appeal hearing fee in the amount established by Table A. Such letter shall set forth the grounds upon which the appeal is based. Within 15 days after the receipt of the letter of appeal and the filing fee, the building division shall transmit to the city council the letter of appeal and the record of appeal at the board and the board's findings and decision. The city council may affirm, reverse, or modify the decision of the board.

Section 108 of Chapter 1, Division II of the California Mechanical Code, 2013 Edition is amended by adding a new subsection 108.8 to read as follows:

108.8 In the event the board as established in Section 110.1 herein above should for any reason not be appointed by the city council or cease to exist after such appointment, the city council may serve as the board of appeals.

Section 109.0 of Chapter 1, Division II of the California Mechanical Code, 2013 Edition, is amended to read as follows:

109.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, or maintain mechanical systems or equipment or cause or permit the same to be done in violation of this code.

Section 110.0 of Chapter 1, Division II of the California Mechanical Code, 2013 Edition, is amended by adding subsection 110.2 to read as follows:

110.2 Notice of Violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, enlargement, alteration, repair, moving, improving, removing, converting or demolishing, equipping, using, or maintaining mechanical systems or equipment in violation of this code, or in violation of a permit under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section 110.0 of Chapter 1, Division II of the California Mechanical Code, 2013 Edition, is amended by adding subsection 110.3 to read as follows:

110.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

Section 110.0 of Chapter 1, Division II of the California Mechanical Code, 2013 Edition, is amended by adding subsection 110.4 to read as follows:

110.4 Violation penalties. Any person, firm or corporation violating any of the provisions, regulations, requirements, additions, amendments and/or deletions of this code is guilty of a misdemeanor and the penalty for such a misdemeanor shall be as set forth in Chapter 1-8 of the Hemet Municipal Code.

Subsection 110.4 of Section 110.0 of Chapter 1, Division II of the California Mechanical Code, 2013 Edition is amended by adding a new subsection 110.4.1 to read as follows:

110.4.1 In addition thereto, violation of this code is declared to be a public nuisance, and the city attorney may institute necessary legal procedures for the abatement, removal or the enjoinder thereof in the manner provided by law, or may take such other steps as he or she deems necessary to accommodate these ends.

Section 113.0 of Chapter 1, Division II of the California Mechanical Code, 2013 Edition is amended by adding a new subsection 113.6 to read as follows:

113.6 Unfinished buildings and structures. Whenever the building official determines by inspection that work in or on any building or structure for which a permit has been issued and the work started thereon has been suspended for a period of 180 days or more, the owner of the property upon which such building or structure is located or other person or agent of control of said property, upon receipt of notice in writing from the building official to do so, shall, within 60 days from the date of such written notice, obtain a new permit to complete the required work and diligently pursue the work to completion or shall remove or demolish the unpermitted work within 90 days from the date of written notice.

Subsection 114.1 of Section 114 of Chapter 1, Division II of the California Mechanical Code, 2013 Edition is amended to read as follows:

114.1 General. Fees shall be assessed in accordance with the provisions of this section and as set forth in the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 114.2 of Section 114 of Chapter 1, Division II of the California Mechanical Code, 2013 Edition is amended to read as follows:

114.2 Permit Fees. Permit Fees shall be as set forth in the current City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 114.3 of Section 114 of Chapter 1, Division II of the California Mechanical Code, 2013 Edition is amended to read as follows:

114.3 Plan Review Fees. When plans or other data are required to be submitted by Section 112.2, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for mechanical work shall be as set forth in the City of Hemet, Building Division Schedule of Fees and Charges. Upon submittal construction documents, this fee shall be due and payable before the construction documents will be reviewed.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 114.2 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 114.5 of Section 114, of Chapter 1, Division II of the California Mechanical Code, 2013 Edition is amended by adding a new subsection 114.5 to read as follows:

114.5 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit shall be subject to a special investigation fee. This fee shall be in addition to the required permit fees. The special investigation fee shall be made before a permit may be issued for such work.

Subsection 114.5.1 of Section 114 of Chapter 1, Division II of the California Mechanical Code, 2013 Edition is amended to read as follows:

115.5.1 Fee. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be twice the amount of all permit fees, required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in the current City of Hemet, Building Division Schedule of Fees and Charges. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Subsection 114.6 of Section 114, of Chapter 1, Division II of the California Mechanical Code, 2013 Edition is amended to read as follows:

114.6 Fee Refunds. The Building Official may authorize refunding of any fee paid hereunder in the following situations.

1. Wherein a fee was erroneously paid or collected.
2. The building official may authorize refunding of not more than 75 percent of the permit application fee when an application for a permit is withdrawn or canceled before any plan review is done.

3. The building official may authorize refunding of not more than 75 percent of the permit fee when an application for permit is withdrawn or canceled before any inspections are performed.

The building official shall not authorize refunding of any fee paid except on written application filed by the original applicant not later than 180 days after the date of fee payment. Except for the refunding of fees paid in error no refund of permit or plan review fees shall be made where the permit or plan review fee paid is \$100.00 or less.

**Secs. 14-57 – 14-59. Reserved.**

## **Division 7. California Plumbing Code**

### **Sec. 14-60. Adoption.**

The 2013 California Plumbing Code, codified in Part 5 of Title 24 of the California Code of Regulations, including Appendix Chapters A, B, D, G, I and K, and as such code may be amended from time to time, except as hereinafter amended by this Division, is adopted by reference as the plumbing code of the City.

### **Sec. 14-61. Amendments.**

Sections 102.3 and 102.3.1 are deleted in their entirety from Chapter 1, Division II of the California Plumbing Code, 2013 Edition and are replaced to read as follows:

102.3 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this Code, there shall be and is hereby created a Board of Appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member and shall act as secretary to said Board, but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

102.3.1 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of administrative provisions of this Code, nor shall the Board be empowered to waive requirements of this Code.

102.3.2 Appeal hearing fee. A fee, as provided in the current City of Hemet, Building Division Schedule of Fees and Charges, shall accompany an application for a hearing before the Board of Appeals.

102.3.3 Special purposes members. For the purpose of appeals to the standards of Title 24 of the California Code of Regulations affecting accommodations for persons with disabilities, two (2) members shall be added who shall have a disability as defined by Section 202 of the California Building Code, 2013 Edition.

102.3.4 Notice of appeal. Within the limitations provided for below, a person aggrieved by any order, act or determination of the building official or his subordinates, may appeal therefrom to the board of appeals. The appeal shall be taken by filing a written notice of appeal within 15 days, exclusive of holidays, after the date of making the order or determination or performing the act and by paying the appeal hearing fee. The notice of

appeal must be in writing on a form provided by the city, and the notice must be filed and the fee paid at the office of the building official. The notice of appeal shall be sufficient if it identifies the act, order or determination appealed from and stated wherein it is erroneous or invalid. The operation of the act, order, or determination appealed from is suspended by the filing of the notice of appeal and upon the determination of the appeal or termination of proceedings thereunder.

102.3.4 The chairman of said board shall fix the time and place of hearing the appeal. The date of hearing shall not be less than five days nor more than 15 days after the date of filing the notice of appeal, and the hearing must not be postponed for more than ten days without good and sufficient cause. The board shall give written notice of the time and place of such hearing to the appellant and the officer or head of the department or division whose act, order, or determination is appealed from. Witnesses may be sworn and examined and evidence produced by interested parties, who may appear in person or by attorney. The board shall keep a record of each appeal and proceedings thereunder. At the conclusion of the hearing, the board shall prepare and file its written findings and decision. The affirmative vote of two-thirds of the board is necessary to modify or reverse the order, act or determination appealed from. The failure of the board to file its findings and decisions within five days after termination of the hearing shall result in the automatic confirmation of the order, act or determination appealed from.

102.3.5 Any person aggrieved or affected by a decision of the board may appeal to the city council from such decision at any time within ten days after the date upon which the board announces its decision or loses jurisdiction. An appeal to the city council shall be taken by filing a letter of appeal with the building division and by concurrently paying to such division an appeal hearing fee in the amount established by Table A. Such letter shall set forth the grounds upon which the appeal is based. Within 15 days after the receipt of the letter of appeal and the filing fee, the building division shall transmit to the city council the letter of appeal and the record of appeal at the board and the board's findings and decision. The city council may affirm, reverse, or modify the decision of the board.

102.3.6 In the event the board as established in Section 113.1 herein above should for any reason not be appointed by the city council or cease to exist after such appointment, the city council may serve as the board of appeals.

Subsection 102.5 of Section 102.5 of Chapter 1, Division II of the California Plumbing Code, 2013 Edition is amended to read as follows:

102.5 Penalties. Any person, firm or corporation violating any of the provisions, regulations, requirements, additions, amendments and/or deletions of this code is guilty of a misdemeanor and the penalty for such a misdemeanor shall be as set forth in Chapter 1-8 of the Hemet Municipal Code.

102.5 of Section 102.5 of Chapter 1, Division II of the California Plumbing Code, 2013 Edition is amended by adding subsection 102.5.1 to read as follows:

102.5.1 In addition thereto, violation of this code is declared to be a public nuisance, and the city attorney may institute necessary legal procedures for the abatement, removal or the enjoinder thereof in the manner provided by law, or may take such other steps as he or she deems necessary to accommodate these ends.

Section 102.5 of Chapter 1, Division II of the California Plumbing Code, 2013 Edition is amended by adding a new subsection 102.5.2 to read as follows:

102.5. Notice of Violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, enlargement, alteration, repair, moving, improving, removing, converting or demolishing, equipping, using, or maintaining mechanical systems or equipment in violation of this code, or in violation of a permit under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section 102.5 of Chapter 1, Division II of the California Plumbing Code, 2013 Edition, is amended by adding subsection 102.5.3 to read as follows:

102.5.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

Section 103.0 of Chapter 1, Division II of the California Plumbing Code, 2013 Edition, is amended by adding subsection 103.3.5 to read as follows:

103.3.5 Unfinished buildings and structures. Whenever the building official determines by inspection that work in or on any building or structure for which a permit has been issued and the work started thereon has been suspended for a period of 180 days or more, the owner of the property upon which such building or structure is located or other person or agent of control of said property, upon receipt of notice in writing from the building official to do so, shall, within 60 days from the date of such written notice, obtain a new permit to complete the required work and diligently pursue the work to completion or shall remove or demolish the unpermitted work within 90 days from the date of written notice.

Subsection 103.4 of Section 103 of Chapter 1, Division II of the California Plumbing Code, 2013 Edition is amended to read as follows:

103.4 Permit Fees. On buildings, structures, plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 103.4.1 of Section 103.4 of Chapter 1, Division II of the California Plumbing Code, 2013 Edition is amended to read as follows:

103.4.1 Plan Review Fees. When plans or other data are required to be submitted by Section 103.2.1, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for mechanical work shall be as set forth in the City of Hemet, Building Division Schedule of Fees and Charges. Upon submittal construction documents, this fee shall be due and payable before the construction documents will be reviewed.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 103.4.1 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 103.4.3 of Section 103.4, of Chapter 1, Division II of the California Plumbing Code, 2013 Edition is amended to read as follows:

103.4.3 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit shall be subject to a special investigation fee. This fee shall be in addition to the required permit fees. The special investigation fee shall be made before a permit may be issued for such work.

Subsection 103.4.3.1 of Section 103.4 of Chapter 1, Division II of the California Plumbing Code, 2013 Edition is amended to read as follows:

103.4.3.1 Fee. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be twice the amount of all permit fees, required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in the current City of Hemet, Building Division Schedule of Fees and Charges. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Section 103.4.4, of Chapter 1, Division II of the California Plumbing Code, 2013 Edition is amended by deleting subsection 103.4.5.1, 103.4.5.2 and 103.4.5.3 and amended to read as follows:

103.4.4 Fee Refunds. The Building Official may authorize refunding of any fee paid hereunder in the following situations.

1. Wherein a fee was erroneously paid or collected.
2. The building official may authorize refunding of not more than 75 percent of the permit application fee when an application for a permit is withdrawn or canceled before any plan review is done.
3. The building official may authorize refunding of not more than 75 percent of the permit fee when an application for permit is withdrawn or canceled before any inspections are performed.

The building official shall not authorize refunding of any fee paid except on written application filed by the original applicant not later than 180 days after the date of fee payment. Except for the refunding of fees paid in error no refund of permit or plan review fees shall be made where the permit or plan review fee paid is \$100.00 or less.

**Sec. 14-62 – 14-64. Reserved.**

## **Division 8. California Energy Code**

**Sec. 14-65. Adoption.**

The 2013 California Energy Code, codified in Part 6 of Title 24 of the California Code of Regulations, as such code may be amended from time to time, except as hereinafter amended by this Division, is adopted by reference as the energy code of the City.

**Secs. 14-66 – 14-69. Reserved.**

## **Division 9. California Historical Building Code**

### **Sec. 14-70. Adoption.**

The 2013 California Historical Building Code, codified in Part 8 of Title 24 of the California Code of Regulations and as such code may be amended from time to time, except as hereinafter amended by this division, is adopted by reference as the historical code of the city.

### **Secs. 14-71 – 14-74. Reserved.**

## **Division 10. California Fire Code**

### **Sec. 14-75. Adoption.**

The 2013 California Fire Code, codified in Part 9 of Title 24 of the California Code of Regulations, including all state adopted appendices thereto, as such code and appendices may be amended from time to time, except as hereinafter amended by this Division, is adopted by reference as the fire code of the City.

In addition, the 2012 International Fire Code, which is the basis for the California Fire Code, as such code may be amended from time to time with the appendices B, C and D, except as hereinafter amended by this division, is also adopted for use as the fire code adopted by the city to supplement areas not addressed by the California Fire Code. When conflicts occur between the California Fire Code and the International Fire Code, the California Fire Code language shall take precedence.

### **Sec. 14-76. Amendments.**

Chapter 5 of the California Fire Code, 2013 Edition is amended by adding section 511 to read as follows:

#### **511 Automated External Defibrillator**

511.1 General. The requirements of this Chapter are intended to provide for faster emergency response in large buildings, multi-story buildings, and/or buildings with large numbers of occupants where first responder access may be impeded due to building use, occupancy, location, layout, construction, or other reasons. This Chapter is not intended to create a new standard of care.

#### **511.2 Definitions**

Automated External Defibrillator. Except as otherwise provided, for the purposes of this Chapter: Automated External Defibrillator or AED means "Automated External Defibrillator" or "AED" as defined in the California Code of Regulations, Title 22, Division 9, Chapter 1.8., Section 100033, which states "Automated External Defibrillator" or "AED" means an external defibrillator that after user activation is capable of cardiac rhythm analysis and will charge and deliver a shock, either automatically or by user interaction, after electronically detecting and assessing ventricular fibrillation or rapid ventricular tachycardia. AED shall also have the same meaning as "Automatic External Defibrillator" pursuant to Health and Safety Code section 1797.196.

#### **511.3 New Construction Requiring AEDs**

511.3.1 Required. A. Prior to issuance of a certificate of occupancy or approval of final inspection, AEDs shall be placed in all newly constructed buildings in the occupancy groups and with occupant load of more than 300 in the occupancy groups listed directly below. The occupant load shall be determined based on the occupant load factors in the California Building Code. Occupancy groups shall be determined based on Chapter 3 of the California Building Code.

1. Group A-Assembly
2. Group B-Business
3. Group E-Educational
4. Group H-High Hazard
5. Group I-Institutional
6. Group M-Mercantile
7. Group R-Residential, excluding single family and multi-family dwelling units
8. Group S-Storage, excluding parking garages
9. Group F-Factory

511.3.2 Location.

511.3.2.1 Conspicuously Located. AEDs shall be conspicuously placed and readily accessible in the event of an emergency. AEDs shall be mounted such that the top of the AED is no more than five (5) feet above floor level.

511.3.2.2 Response Time. When required pursuant to this Chapter, AEDs shall be located in buildings to optimally achieve a three minute response time to the person in need of emergency care using the AED.

511.3.2.3 Floor. When required, AED shall be located on every floor of and shall be located as follows:

1. One AED shall be placed at the main entrance of every floor;
2. AEDs shall be located on each floor such that the maximum length of travel measured from the most remote point on a floor to any AED, shall not exceed 300 feet; and
3. AEDs shall be located on each floor such that the maximum length of travel between any two AEDs shall not exceed 600 feet; and
4. AEDs shall be located such that the maximum length of vertical travel between any two AEDs on any two floors with an AED shall not exceed 450 feet.

511.3.3 New Construction and Existing Building Owner/Tenant . When required in section 511.3.1 new construction tenant spaces and new construction occupancy buildings shall have AEDs installed. For existing buildings a change of ownership or tenancy shall require an AED when required in section 511.3.1 An AED shall be placed in the common area on each floor. More than one AED may be required per building based on Section 511.3.2.3 spacing requirements.

511.3.4 Installation, Repair, and Training Requirements. For all newly constructed buildings that require AEDs pursuant to section 8.48.30 and Table 8.48.30, the building owner or principal (if in a K-12 school) shall ensure annual written certification of the AED is provided to the Fire Department verifying any AED required pursuant to this Chapter is in good working condition and has received necessary maintenance. The building owner or principal shall also ensure compliance with all requirements under state and federal law relating to AEDs and may ensure that the conditions for limits on

liability under state law are met. Such requirements and conditions may include, but may not be limited to, the following:

1. Registration of the AED, at the time it is acquired, with the City of Hemet Fire Department including the existence, location, and type of AED;
2. Written validation and prescription for use of the AED(s) is secured by trained individuals from a prescribing physician, which may be arranged through the American Heart Association;
3. Training of at least one employee per every AED for the first five acquired and one employee for every five more AEDs acquired thereafter in cardiopulmonary resuscitation and AED use that complies with the California Code of Regulations and the American Heart Association or the American Red Cross standards;
4. Trained employees made available to respond to an emergency during normal operating hours;
5. Installation, maintenance, repair, testing, and readiness checks of each AED in accordance with the manufacturer's operation and maintenance guidelines, the American Heart Association, the American Red Cross, the California Code of Regulations, and all other applicable rules and regulations, including but not limited to, all regulations promulgated by the Federal Food and Drug Administration;
6. Maintenance of records of employee training, installation, maintenance, repair, testing, and checking of the AED on the premises for a minimum of one year and readily available upon request by the Fire Department, Building Official, or other enforcement designee or agency;
7. Upon rendering emergency care using the AED, activation of the Fire Department emergency 911 system as soon as possible and report of any use of the AED to the prescribing physician;
8. Tenants annual receipt of an American Heart Association or American Red Cross approved brochure on the proper use of an AED also posted next to all AEDs, and tenant notification of the location of all AEDs in the building;
9. School staff and administrators annual receipt of an American Heart Association or American Red Cross approved brochure on the proper use of an AED also posted next to all AEDs, and notification of the location of all AEDs on campus; and
10. Development of a written internal emergency response system and plan in coordination with a California licensed physician and surgeon describing the procedures to be followed in the event of an emergency that may involve the use of an AED, including but not limited to, immediate notification of the Fire Department and trained personnel at the start of AED procedures.

511.3.5 Exemption. Any AED used solely for demonstration or training purposes, which is not operational for emergency use, shall be exempt from the provisions of this Chapter. Any AED used solely for demonstration purposes shall be clearly marked on

the exterior that it is for "DEMONSTRATION USE ONLY" and is "NOT FOR USE TO RENDER EMERGENCY CARE."

511.3.6 Immunity and Sunset Provision for AED Requirements. The provisions of this Chapter shall remain in effect for as long as State immunity is provided under of Health and Safety Code section 1797.196 [Good Samaritan Law].

Subsection 903.2 of Section 903 of the California Fire Code, 2013 Edition and the International Fire Code 2012 Edition are amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures, or where the combination of new additional square footage and existing square footage exceeds the maximum fire area thresholds in this section, shall be provided in locations described in Section.

Item 1 of Subsection 903.2.1.1 of Section 903.2 of the California Fire Code, 2013 Edition and the International Fire Code 2012 Edition are amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m<sup>2</sup>);

Item 1 of Subsection 903.2.1.2 of Section 903.2 of the California Fire Code, 2013 Edition and the International Fire Code 2012 Edition are amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m<sup>2</sup>);

Item 1 of Subsection 903.2.1.3 of Section 903.2 of the California Fire Code, 2013 Edition and the International Fire Code 2012 Edition are amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m<sup>2</sup>);

Item 1 of Subsection 903.2.1.4 of Section 903.2 of the California Fire Code, 2013 Edition and the International Fire Code 2012 Edition are amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m<sup>2</sup>);

Subsection 903.2.2 of Section 903.2 of the California Fire Code, 2013 Edition and the International Fire Code 2012 Edition are amended by adding item 3 to read as follows:

3. The fire area exceeds 3,500 square feet (464.5m<sup>2</sup>);

Section 903.2.2.1 is added to the California Fire Code, 2013 Edition and the International Fire Code, 2012 Edition to read as follows:

903.2.2.1 All other B Occupancies: An automatic sprinkler system shall be provided throughout all buildings containing Group B occupancies that the fire area exceeds 3,500 square feet (464.5m<sup>2</sup>)

Item 1 of Subsection 903.2.3 of Section 903.2 of the California Fire Code, 2013 Edition and the International Fire Code 2012 Edition are amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m<sup>2</sup>);

Item 1 of Subsection 903.2.4 of Section 903.2 of the California Fire Code, 2013 Edition and the International Fire Code 2012 Edition are amended to read as follows:

1. A Group F-1 fire area exceeds 3,500 square feet (464.5m<sup>2</sup>);

Item 1 of Subsection 903.2.7 of Section 903.2 of the California Fire Code, 2013 Edition and the International Fire Code 2012 Edition are amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m<sup>2</sup>);

Item 1 of Subsection 903.2.9 of Section 903.2 of the California Fire Code, 2013 Edition and the International Fire Code 2012 Edition are amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m<sup>2</sup>);

Item 1 of Subsection 903.2.10 of Section 903.2 of the California Fire Code, 2013 Edition and the International Fire Code 2012 Edition are amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m<sup>2</sup>);

Section 4901 of the California Fire Code, 2013 Edition and the International Fire Code, 2012 Edition are amended by adding a new subsection 4901.3, which shall read as follows:

4901.3 2012 International Wildland Urban Interface Code. In addition to the requirements contained in this Chapter 49, the provisions of the 2013 International Wildland Urban Interface Code, as it may be amended from time to time, shall also be complied with.

Section 4903 of the California Fire Code, 2013 Edition and the International Fire Code 2012 Edition are amended by adding the following to read as follows:

4903 Plans. Plans shall comply with the International Wildland Urban Interface Code.

Section 4905 of the California Fire Code, 2013 Edition and the International Fire Code 2012 Edition are amended by adding the following to read as follows:

4905.2.1 Special Building Consideration, shall comply with Chapter 5, Section 501-507 of the International Wildland Urban Interface Code.

Section 4906 of the California Fire Code, 2013 Edition and the International Fire Code 2012 Edition are amended by adding the section 4906.4 to read as follows:

4906.4 Wildland Urban Interface requirements shall comply with Chapter 4, Section 401 thru 405 of the International Wildland Urban Interface Code, Appendix A and B; as such Code is amended from time to time.

Section 4907 of the California Fire Code, 2013 Edition and the International Fire Code 2012 Edition are amended by adding the following to read as follows:

4907.2 Defensible Space, Reference 2013 International Wildland Urban Interface Code, Chapter 6 and Chapter 7.

Section 5602 is added to the California Fire Code, 2013 Edition to read as follows:

5602. Fireworks prohibited. The storage, sale, offer for sale or handling of fireworks is prohibited.

Exception: The provisions of this section do not apply to fireworks displays conducted in accordance with provisions of any permit issued pursuant to this chapter and Title 19, Chapter 6 of the California Code of Regulations.

Appendices C of the California Fire Code, 2013 Edition and the International Fire Code 2012 Edition are amended to read as follows:

Table C105.1  
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS

FIRE-FLOW REQUIREMENT (GPM)	MINIMUM NUMBER OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS <sup>A,B,C</sup> (FEET)	MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT <sup>d</sup>
1,250 or less	1	500	250
1,500-2,250	1	300	225
2,500	3	300	225
3,000	3	300	225
3,500-4,000	4	300	210
4,500-5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500-7,000	7	250	150
7,500 or more	8 or more <sup>e</sup>	200	120

For SI: 1 foot = 304.8 mm, 1 gallon per minute = 3.785 L/m

- a. Reduce by 100 feet for dead-end streets or roads.
- b. Where streets are provided with median dividers which cannot be crossed by fire fighters pulling hose lines, or where arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute and 400 feet for higher fire-flow requirements.
- c. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.
- d. Reduce by 50 feet for dead-end streets or roads.
- e. One hydrants for each 1,000 gallons per minute or fraction thereof.

Appendices CC of the California Fire Code, 2013 Edition and the International Fire Code 2012 Edition are amended to read as follows:

Table CC105.1  
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS

FIRE-FLOW REQUIREMENT (GPM)	MINIMUM NUMBER OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS <sup>A,B,C</sup> (FEET)	MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD
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			FRONTAGE TO A HYDRANT <sup>d</sup>
1,250 or less	1	500	250
1,500-2,250	1	300	225
2,500	3	300	225
3,000	3	300	225
3,500-4,000	4	300	210
4,500-5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500-7,000	7	250	150
7,500 or more	8 or more <sup>e</sup>	200	120

For SI: 1 foot = 304.8 mm, 1 gallon per minute = 3.785 L/m

- a. Reduce by 100 feet for dead-end streets or roads.
- b. Where streets are provided with median dividers which cannot be crossed by fire fighters pulling hose lines, or where arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute and 400 feet for higher fire-flow requirements.
- c. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.
- d. Reduce by 50 feet for dead-end streets or roads.
- e. One hydrants for each 1,000 gallons per minute or fraction thereof.

**Secs. 14-77 – 14-79. Reserved.**

### **Division 11. California Existing Building Code**

**Sec. 14-80. Adoption.**

The 2013 California Existing Building Code, codified in Part 10 of Title 24 of the California Code of Regulations, as such code may be amended from time to time, except as hereinafter amended by this Division, is adopted by reference as the existing building code of the City.

**Sec. 14-81. Amendments.**

Section A115.1. Compliance requirements is added to read as follows:

Section A115.1. Compliance requirements.

A115.1.1. The owner of each building within the scope of this chapter shall, upon service of an order and within the time limit set forth in this chapter, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such and, if the building does not comply with earthquake standards specified in this chapter, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

A115.1.2. The owner of a building within the scope of this chapter shall comply with the requirements set forth above by submitting to the building official for review one of the following within the stated time limits:

1. Within one year after service of the order, a structural analysis, which is subject to approval by the building official which certifies the building meets the minimum requirements of this chapter; or
2. Within one year after service of the order, the structural analysis and plans for structural alteration of the building to comply with this chapter; or
3. Within one year after service of the order submit plans for the demolition of the building and obtain demolition permits. Demolition is required to be completed within 180 days from permit issuance.

A115.1.3. After plans are submitted and approved by the building official, the owner shall obtain a building permit and then commence and complete the required construction or demolition within the time limits set forth in Table No. A-1-H. These time limits shall begin to run from the date the order is served in accordance with Section A115.1.2, except that the time limit to commence structural alteration or demolition shall begin to run from the date the building permit is issued.

Section A115.2 Historical buildings is added to read as follows:

#### Section A115.2 Historical buildings.

Alterations or repairs to qualified historical buildings, as defined by Section 18955 of the Health and Safety Code of the State of California and as regulated by Sections 18950 to 18961 of that Code, as designated on official national, state, or local historical-registers of inventories shall comply with the State Historical Building Code (California Code of Regulations Title 24, Building Standards, Part 8), in addition to this chapter.

Section A115.3. Administration is added to read as follows:

#### Section A115.3. Administration.

##### A115.3.1. Order -- service.

1. The building official shall issue an order as provided in this section to the owner of each building within the scope of this chapter.
2. Prior to the service of an order, a bulletin may be issued to the owner as shown upon the last equalized assessment roll or the person in apparent charge. The bulletin may contain information the building official deems appropriate. The bulletin may be issued by mail or in person.

##### A115.3.2. Order -- priority of service.

Priorities for the service of the order for buildings within the scope of this chapter shall normally be based upon the occupant load of the building. The owners of the buildings housing the largest occupant loads shall be served first. The Building Official may, upon receipt of a written request from the owner, order such owner to bring his building into compliance with this chapter prior to the normal service date for such building set forth in this chapter.

##### A115.3.3. Order -- contents.

The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment

roll and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the building official to be within the scope of this chapter and, therefore, is required to meet the minimum seismic standards of this chapter.

A115.3.4. Appeal from order.

The owner of the building may appeal the building official's initial determination that the building is within the scope of this chapter to the board of appeals established by Section 204 of the Uniform Administrative Code as adopted by the city. Such appeal shall be filed with the board within 60 days from the service date of the order described in Section A115.3.3. Any such appeal shall be decided by the board no later than 90 days after writing and the grounds thereof shall be stated clearly and concisely. Appeals or requests for modification from any other determinations, orders or actions by the building official pursuant to the chapter shall be made in accordance with the procedures established in Sections 105, 106 and 107 of the Uniform Administrative Code as adopted by the city.

A115.3.5. Recordation.

At the time that the building official serves the aforementioned order, the building official shall also file with the office of the county recorder a certificate stating that the subject building is within the scope of this chapter and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where compliance with this chapter has not been demonstrated.

If the building is either demolished, found not to be within the scope of this chapter or is structurally capable of resisting minimum seismic forces required by this chapter as a result of structural alterations or an analysis, the building official shall file with the office of the county recorder a form terminating the status of the subject building as being classified within the scope of this chapter.

A115.3.6. Enforcement.

If the owner in charge or control of the subject building fails to comply with any order issued by the building official pursuant to this chapter within any of the time limits set forth in Section A115.1, the building official shall verify that the record owner of this building has been properly served. If the order has been served on the record owner, then the building official shall order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within 90 days after the date the building has been ordered vacated or such additional time as may have been granted by the board of appeals, the building official may order its demolition in accordance with the provisions of Section 203 of the Uniform Administrative Code as adopted by the city.

Table No. A-1-H is amended to read as follows:

TABLE NO. A-1-H -- TIME LIMITS FOR COMPLIANCE

TABLE INSET:

Required Action by	Obtain Building	Commence	Complete
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Owner	Permit Within	Construction Within	Construction Within
Structural Alterations	1 year <sup>2</sup>	180 days <sup>1</sup>	3 years <sup>1</sup>

3 years<sup>1</sup> Measured from date of building permit issuance.

2 Measured from date of service of order.

**Secs. 14-82 – 14-84. Reserved.**

**Division 12. California Green Building Code**

**Sec. 14-85. Adoption.**

The 2013 California Green Building Code, codified in Part 11 of Title 24 of the California Code of Regulations and as such code may be amended from time to time, except as hereinafter amended by this division, is adopted by reference as the green building code of the city.

**Secs. 14-86 – 14-89. Reserved.**

**Division 13. California Referenced Standards Code**

**Sec. 14-90. Adoption.**

The 2013 California Referenced Standards Code, codified in Part 12 of Title 24 of the California Code of Regulations and as such code may be amended from time to time, except as hereinafter amended by this division, is adopted by reference as the elevator code of the city.

**Secs. 14-91 – 14-94. Reserved.**

**Division 14. Uniform Housing Code**

**Sec. 14-95. Adoption.**

There is hereby adopted by the city council for the purpose of prescribing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within this jurisdiction; that certain code known as the Uniform Housing Code recommended by the International Conference of Building Officials being particularly the 1997 edition, as adopted by reference and amended by Title 25 of the California Code of Regulations, and the whole thereof save and except such portions as are hereinafter deleted, modified or amended by this division of which code at least one copy is now on file in the office of the clerk of the city and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date of which this division shall take effect, the provision thereof shall be controlling within the limits of the city.

**Sec. 14-96. Amendments.**

Section 203 of Chapter 2 of the Uniform Housing Code, 1997 Edition, is amended in its entirety to read as follows:

Section 203 General. "Housing Advisory and Appeal Board" as used herein shall mean the Board of Appeals as set forth in Section 113 of the California Building Code, 2013

Edition. Appeals to the board shall be processed in accordance with the provisions contained in Section 1201 of this code.

Section 301 of Chapter 3 of the Uniform Housing Code, 1997 Edition, is amended in its entirety to read as follows:

Section 301 General. No building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the building official in the manner according to the applicable conditions prescribed in Chapter 1 of the California Building Code, 2013 Edition.

Section 302, of Chapter 3 of the Uniform Housing Code, 1997 Edition is amended by adding two new subsections 302.1 & 302.2 to read as follows:

Section 302.1 Permits fees. When a building permit is required by Section 301 of this code, the appropriate fees shall be paid as specified in Section 109 of the California Building Code, 2013 Edition.

Section 302.2 Code enforcement fees. The cost for enforcement of this code shall be assessed as lien against the property involved or shall become a personal obligation of the property owner.

Section 303, of Chapter 3 of the Uniform Housing Code, 1997 Edition is amended in its entirety to read as follows:

Section 303 Inspections. Buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this code and Sections 111 and 1701 of the California Building Code, 2013 Edition.

**Secs. 14-97 – 14-99. Reserved.**

### **Division 15. Uniform Code for the Abatement of Dangerous Buildings**

**Sec. 14-100. Adoption.**

There is hereby adopted by the city council, for the purpose of prescribing regulations governing all dangerous buildings as defined in this division, which are now in existence or which may hereafter become dangerous, that certain code known as the Uniform Code for the Abatement of Dangerous Buildings, recommended by the International Conference of Building Officials, being particularly the 1997 edition thereof, to include all appendices thereto, save and except such portions as are deleted, modified or amended by this division, of which code at least one copy is on file in the office of the city clerk, and such code is hereby adopted and incorporated as fully as if set out at length in this division, and, from the date on which this division shall take effect, the provisions thereof shall be controlling within the limits of the city.

**Sec. 14-101. Amendments.**

The Uniform Code for the Abatement of Dangerous Buildings, as adopted by this division, is amended in the following respects:

Section 205, of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, is amended to read as follows:

205 Board of appeals. "Board of appeals" as used herein shall mean the board of appeals as set forth in Section 113 of the California Building Code, 2013 Edition as adopted by the city. Appeals to the board shall be processed in accordance with the provisions contained in section 501 of this code.

Section 206, of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, is added to read as follows:

#### 206 Summary Abatement.

1. In addition to the procedures provided for abatement of dangerous buildings as set forth in chapter 4 of this code, the building official is hereby given summary power to secure from entry any structure or premises which in his discretion he determines to be immediately dangerous or immediately hazardous or in any other manner injurious to public health or safety.

Such structures may be secured by the building official by securing boards over the doors and windows of such structure; however, he shall not be limited to only this method and may use other methods at his discretion to accomplish the same purpose which may be more appropriate under the circumstances. The building official shall also post a sign stating, in effect, "DANGEROUS BUILDING, DO NOT ENTER," or some other appropriate sign, upon the structure or premises, in at least one conspicuous place. The building official shall immediately upon such action send notice to the owners of the real property upon which the structure or condition is located, as shown on the last equalized assessment rolls. Such notice shall contain the following information:

- a. That he has secured the structure or corrected the hazardous conditions.
- b. The cost incurred by the city thereby.
- c. That he has posted signs as provided by this section.
- d. The reasons why he has taken the action.
- e. That an appeal may be made within ten days to the city council, as provided in this section.
- f. That if his action is not annulled by the city council, the cost of securing the property shall become a lien upon the real property, unless the cost is paid to the city within 30 days of the mailing of the notice.

If any owner of property, or any person having any interest in property affected by the action of the building official in securing a structure or abating a hazardous condition as permitted by this section, is aggrieved by the action of the building official in securing the structure, such person or persons may appeal the action of the building official by filing a written notice of appeal with the city clerk within ten days after receipt of notice of action by the building official. The notice of appeal must be verified under penalty of perjury and must state the grounds upon which the action of the building official is appealed. The city council shall, upon receiving such notice of appeal, hear any evidence or other relevant matters presented by the appellant or the building official at its next regular meeting after the filing of the notice of appeal; provided, however, that, if the notice of appeal is filed less than ten days prior to the day of a regular meeting of the city council,

the hearing shall not be held at the first regular meeting, but at the following regular meeting.

After hearing all evidence and other relevant matters presented at the hearing, or without hearing if no appeal is made upon the report of the building official, the city council may then confirm, amend or annul the action of the building official. If the action of the building official is annulled, the city, at its own expense, shall remove any and all instruments used to secure the structure, and shall remove any and all signs stating that the building is unsafe to enter.

If, however, the city council confirms the actions of the building official in securing the structure at the hearing on appeal, or, if no appeal is taken, at any other regular meeting or adjourned meeting, then the cost incurred by the city in securing the structure shall become a lien against the property, and a resolution of the city council confirming the action of the building official, including the imposition of a lien upon the property upon which the structure is located to pay for the cost of securing it, may be adopted upon receipt of a report from the building official. Such resolution may be filed with the county tax assessor, and the lien imposed thereby may be collected for the city by him, along with the next annual tax levy and assessment on the property.

2. The same procedure as provided in subsection 1 for abating through securing from entry any structure which is determined by the building official to be immediately dangerous or immediately hazardous may also be used by the building official in connection with the summary abatement of all other dangerous or hazardous conditions upon private property which the building official determines, at his discretion, as constituting an immediately dangerous or hazardous condition. The building official may then summarily abate such nuisance, at his discretion, in the most appropriate manner under the circumstances, which may include but shall not be limited to the following methods: fencing, draining water from swimming pools and filling with appropriate ballast, removing fire hazards, filling or covering open holes, and grading or strengthening land fills or excavations. Although the manner and method used by the building official shall be at his discretion, he shall, in making his determinations, seek the most economical method and endeavor not to place an undue economic hardship upon the owner of the property, and only use those measures which will eliminate the dangerous and hazardous features.

**Secs. 14-102 – 14-104. Reserved.**

#### **Division 16. Uniform Sign Code**

**Sec. 14-105. Adoption.**

There is hereby adopted by the city council, for the purpose of providing minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures not located within a building, that certain code known as the Uniform Sign Code, recommended by the International Association of Plumbing and Mechanical Officials, being particularly the 1997 edition, save and except such portions as are deleted, modified or amended by this division, of which code at least one copy is on file in the office of city clerk, and such code is hereby adopted and incorporated as fully as if set out at length in this division, and, from the date on which this division shall take effect, the provisions thereof shall be controlling within the limits of the city.

**Sec. 14-106. Amendments.**

Section 103 of the Uniform Sign Code, Edition 1997, as adopted by this division, is amended to read as follows:

103 Board of Appeals. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this Code, there shall be and is hereby created a Board of Appeals as specified in Section 113 of the California Building Code, 2013 Edition. All appeals shall be processed in accordance with the provisions contained in Section 103 of the California Building Code, 2013 Edition.

**Secs. 14-107 – 14-109. Reserved.**

### **Division 17. Uniform Solar Energy Code**

**Sec. 14-110. Adoption.**

There is hereby adopted by the city council, for the purpose of prescribing regulations governing the erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any solar system, that certain code known as the Uniform Solar Energy Code, recommended by the International Association of Plumbing and Mechanical Officials, being particularly the 2009 Edition, to include all appendices thereto, save and except such portions as are deleted, modified or amended by this division, of which code at least one copy is on file in the office of the city clerk, and such code is hereby adopted and incorporated as fully as if set out at length in this division, and, from the date on which this division shall take effect, the provisions thereof shall be controlling within the limits of the city.

**Sec. 14-111. Amendments.**

Subsection 102.3.2 of Section 102.3 of Chapter 1 of the Uniform Solar Energy Code, Edition 2009 is amended to read as follows:

102.3.2 Penalties. Any person, firm or corporation violating any of the provisions, regulations, requirements, additions, amendments and/or deletions of this code is guilty of a misdemeanor and the penalty for such a misdemeanor shall be as set forth in Chapter 1-8 of the Hemet Municipal Code.

102.3.2 of Section 102.3 of Chapter 1 of the Uniform Solar Energy Code, Edition 2009 is amended by adding subsection 102.3.2.1 to read as follows:

102.3.2.1 In addition thereto, violation of this code is declared to be a public nuisance, and the city attorney may institute necessary legal procedures for the abatement, removal or the enjoinder thereof in the manner provided by law, or may take such other steps as he or she deems necessary to accommodate these ends.

Section 102.3 of Chapter 1 of the Uniform Solar Energy Code, Edition 2009, is amended by adding a new subsection 102.3.3 to read as follows:

102.3.3 Notice of Violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, enlargement, alteration, repair, moving, improving, removing, converting or demolishing, equipping, using, or maintaining mechanical systems or equipment in violation of this code, or in violation of a permit under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section 102.3 of Chapter 1 of the Uniform Solar Energy Code, Edition 2009, is amended by adding subsection 102.3.4 to read as follows:

102.3.4 Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

Subsection 103.4.1 of Section 103.4 of Chapter 1 of the Uniform Solar Energy Code, Edition 2009, is amended to read as follows:

103.4.1 Permit Fees. On buildings, structures, plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 103.4.2 of Section 103.4 of Chapter 1 of the Uniform Solar Energy Code, Edition 2009, is amended to read as follows:

103.4.2 Plan Review Fees. When plans or other data are required to be submitted by Section 103.2.2, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for mechanical work shall be as set forth in the City of Hemet, Building Division Schedule of Fees and Charges. Upon submittal construction documents, this fee shall be due and payable before the construction documents will be reviewed.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 103.4 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 103.4.4.1 of Section 103.4.4, of Chapter 1 of the Uniform Swimming Pool, Spa & Hot Tub Code, Edition 2009 is amended to read as follows:

103.4.4.1 Special Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit shall be subject to a special investigation fee. This fee shall be in addition to the required permit fees. The special investigation fee shall be made before a permit may be issued for such work.

Subsection 103.4.4.2 of Section 103.4, of Chapter 1 of the Uniform Solar Energy Code, Edition 2009, is added to read as follows:

103.4.4.2 Fees. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be twice the amount of all permit fees, required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in the current City of Hemet, Building Division Schedule of Fees and Charges. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Section 103.4.5, of Chapter 1 of the Uniform Solar Energy Code, Edition 2009, is amended by deleting subsection 103.4.5.1, 103.4.5.2 and 103.4.5.3 and amended to read as follows:

103.4.5 Fee Refunds. The Building Official may authorize refunding of any fee paid hereunder in the following situations.

1. Wherein a fee was erroneously paid or collected.
2. The building official may authorize refunding of not more than 75 percent of the permit application fee when an application for a permit is withdrawn or canceled before any plan review is done.
3. The building official may authorize refunding of not more than 75 percent of the permit fee when an application for permit is withdrawn or canceled before any inspections are performed.

The building official shall not authorize refunding of any fee paid except on written application filed by the original applicant not later than 180 days after the date of fee payment. Except for the refunding of fees paid in error no refund of permit or plan review fees shall be made where the permit or plan review fee paid is \$100.00 or less.

Chapter 1 of the Uniform Solar Energy Code, Edition 2009, is amended by adding section 104 Board of Appeals, to read as follows:

104.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this Code, there shall be and is hereby created a Board of Appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member and shall act as secretary to said Board, but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

104.2 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of administrative provisions of this Code, nor shall the Board be empowered to waive requirements of this Code.

104.3 Appeal hearing fee. A fee, as provided in the current City of Hemet, Building Division Schedule of Fees and Charges, shall accompany an application for a hearing before the Board of Appeals.

104.4 Special purposes members. For the purpose of appeals to the standards of Title 24 of the California Code of Regulations affecting accommodations for persons with disabilities, two (2) members shall be added who shall have a disability as defined by Section 202 of the California Building Code, 2013 Edition.

104.5 Notice of appeal. Within the limitations provided for below, a person aggrieved by any order, act or determination of the building official or his subordinates, may appeal therefrom to the board of appeals. The appeal shall be taken by filing a written notice of appeal within 15 days, exclusive of holidays, after the date of making the order or determination or performing the act and by paying the appeal hearing fee. The notice of appeal must be in writing on a form provided by the city, and the notice must be filed and the fee paid at the office of the building official. The notice of appeal shall be sufficient if

it identifies the act, order or determination appealed from and stated wherein it is erroneous or invalid. The operation of the act, order, or determination appealed from is suspended by the filing of the notice of appeal and upon the determination of the appeal or termination of proceedings thereunder.

104.6. The chairman of said board shall fix the time and place of hearing the appeal. The date of hearing shall not be less than five days nor more than 15 days after the date of filing the notice of appeal, and the hearing must not be postponed for more than ten days without good and sufficient cause. The board shall give written notice of the time and place of such hearing to the appellant and the officer or head of the department or division whose act, order, or determination is appealed from. Witnesses may be sworn and examined and evidence produced by interested parties, who may appear in person or by attorney. The board shall keep a record of each appeal and proceedings thereunder. At the conclusion of the hearing, the board shall prepare and file its written findings and decision. The affirmative vote of two-thirds of the board is necessary to modify or reverse the order, act or determination appealed from. The failure of the board to file its findings and decisions within five days after termination of the hearing shall result in the automatic confirmation of the order, act or determination appealed from.

104.7 Any person aggrieved or affected by a decision of the board may appeal to the city council from such decision at any time within ten days after the date upon which the board announces its decision or loses jurisdiction. An appeal to the city council shall be taken by filing a letter of appeal with the building division and by concurrently paying to such division an appeal hearing fee in the amount established by Table A. Such letter shall set forth the grounds upon which the appeal is based. Within 15 days after the receipt of the letter of appeal and the filing fee, the building division shall transmit to the city council the letter of appeal and the record of appeal at the board and the board's findings and decision. The city council may affirm, reverse, or modify the decision of the board.

104.8 In the event the board as established in Section 113.1 herein above should for any reason not be appointed by the city council or cease to exist after such appointment, the city council may serve as the board of appeals.

**Secs. 14-112 - 14-114. Reserved.**

**Division 18. Uniform Swimming Pool, Spa and Hot Tub Code**

**Sec. 14-115. Adoption.**

There is hereby adopted by the city council, for the purpose of prescribing regulations governing the erection, installation, alteration, addition, re-pair, relocation, replacement, maintenance or use of any swimming pool, spa or hot tub plumbing system, that certain code known as the Uniform Swimming Pool, Spa and Hot Tub Code, recommended by the International Association of Plumbing and Mechanical Officials, being particularly the 2009 Edition, save and except such portions as are deleted, modified or amended by this division, of which code at least one copy is on file in the office of the city clerk, and such code is hereby adopted and incorporated as fully as if set out at length in this division, and, from the date on which this division shall take effect, the provisions thereof shall be controlling within the limits of the city.

**Sec. 14-116. Amendment.**

Subsection 102.3.2 of Section 102.3 of Chapter 1 of the Uniform Swimming Pool, Spa, & Hot Tub Code, Edition 2009 is amended to read as follows:

102.3.2 Penalties. Any person, firm or corporation violating any of the provisions, regulations, requirements, additions, amendments and/or deletions of this code is guilty of a misdemeanor and the penalty for such a misdemeanor shall be as set forth in Chapter 1-8 of the Hemet Municipal Code.

102.3.2 of Section 102.3 of Chapter 1 of the Uniform Swimming Pool, Spa, & Hot Tub Code, Edition 2009 is amended by adding subsection 102.3.2.1 to read as follows:

102.3.2.1 In addition thereto, violation of this code is declared to be a public nuisance, and the city attorney may institute necessary legal procedures for the abatement, removal or the enjoinder thereof in the manner provided by law, or may take such other steps as he or she deems necessary to accommodate these ends.

Section 102.3 of Chapter 1 of the Uniform Swimming Pool, Spa, & Hot Tub Code, Edition 2009 is amended by adding a new subsection 102.3.3 to read as follows:

102.3.3 Notice of Violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, enlargement, alteration, repair, moving, improving, removing, converting or demolishing, equipping, using, or maintaining mechanical systems or equipment in violation of this code, or in violation of a permit under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section 102.3 of Chapter 1 of the Uniform Swimming Pool, Spa, & Hot Tub Code, Edition 2009, is amended by adding subsection 102.3.4 to read as follows:

102.3.4 Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

Subsection 103.4.1 of Section 103.4 of Chapter 1 the Uniform Swimming Pool, Spa & Hot Tub Code, Edition 2009 is amended to read as follows:

103.4.1 Permit Fees. On buildings, structures, plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 103.4.2 of Section 103.4 of Chapter 1 the Uniform Swimming Pool, Spa & Hot Tub Code, Edition 2009 is amended to read as follows:

103.4.2 Plan Review Fees. When plans or other data are required to be submitted by Section 103.2.2, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for mechanical work shall be as set forth in the City of Hemet, Building Division Schedule of Fees and Charges. Upon submittal construction documents, this fee shall be due and payable before the construction documents will be reviewed.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 103.4 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 103.4.3 of Section 103.4, of Chapter 1 of the Uniform Swimming Pool, Spa & Hot Tub Code, Edition 2009 is amended to read as follows:

103.4.3.1 Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit shall be subject to a special investigation fee. This fee shall be in addition to the required permit fees. The special investigation fee shall be made before a permit may be issued for such work.

Subsection 103.4.3.2 of Section 103.4 of Chapter 1 of the Uniform Swimming Pool, Spa & Hot Tub Code, Edition 2009 is amended to read as follows:

103.4.3.2 Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be twice the amount of all permit fees, required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in the current City of Hemet, Building Division Schedule of Fees and Charges. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Section 103.4.4, of Chapter 1 of the Uniform Swimming Pool, Spa & Hot Tub Code, Edition 2009 is amended by deleting subsection 103.4.4.1, 103.4.4.2 and 103.4.4.3 and amended to read as follows:

103.4.4 Fee Refunds. The Building Official may authorize refunding of any fee paid hereunder in the following situations.

1. Wherein a fee was erroneously paid or collected.
2. The building official may authorize refunding of not more than 75 percent of the permit application fee when an application for a permit is withdrawn or canceled before any plan review is done.
3. The building official may authorize refunding of not more than 75 percent of the permit fee when an application for permit is withdrawn or canceled before any inspections are performed.

The building official shall not authorize refunding of any fee paid except on written application filed by the original applicant not later than 180 days after the date of fee payment. Except for the refunding of fees paid in error no refund of permit or plan review fees shall be made where the permit or plan review fee paid is \$100.00 or less.

Chapter 1, of the Uniform Swimming Pool, Spa & Hot Tub Code, 2009 Edition is amended by adding section 104 Board of Appeals, to read as follows:

104.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this Code, there shall be and is hereby created a Board of Appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member and shall act as secretary to said Board, but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt

rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

104.2 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of administrative provisions of this Code, nor shall the Board be empowered to waive requirements of this Code.

104.3 Appeal hearing fee. A fee, as provided in the current City of Hemet, Building Division Schedule of Fees and Charges, shall accompany an application for a hearing before the Board of Appeals.

104.4 Special purposes members. For the purpose of appeals to the standards of Title 24 of the California Code of Regulations affecting accommodations for persons with disabilities, two (2) members shall be added who shall have a disability as defined by Section 202 of the California Building Code, 2013 Edition.

104.5 Notice of appeal. Within the limitations provided for below, a person aggrieved by any order, act or determination of the building official or his subordinates, may appeal therefrom to the board of appeals. The appeal shall be taken by filing a written notice of appeal within 15 days, exclusive of holidays, after the date of making the order or determination or performing the act and by paying the appeal hearing fee. The notice of appeal must be in writing on a form provided by the city, and the notice must be filed and the fee paid at the office of the building official. The notice of appeal shall be sufficient if it identifies the act, order or determination appealed from and stated wherein it is erroneous or invalid. The operation of the act, order, or determination appealed from is suspended by the filing of the notice of appeal and upon the determination of the appeal or termination of proceedings thereunder.

104.6. The chairman of said board shall fix the time and place of hearing the appeal. The date of hearing shall not be less than five days nor more than 15 days after the date of filing the notice of appeal, and the hearing must not be postponed for more than ten days without good and sufficient cause. The board shall give written notice of the time and place of such hearing to the appellant and the officer or head of the department or division whose act, order, or determination is appealed from. Witnesses may be sworn and examined and evidence produced by interested parties, who may appear in person or by attorney. The board shall keep a record of each appeal and proceedings thereunder. At the conclusion of the hearing, the board shall prepare and file its written findings and decision. The affirmative vote of two-thirds of the board is necessary to modify or reverse the order, act or determination appealed from. The failure of the board to file its findings and decisions within five days after termination of the hearing shall result in the automatic confirmation of the order, act or determination appealed from.

104.7 Any person aggrieved or affected by a decision of the board may appeal to the city council from such decision at any time within ten days after the date upon which the board announces its decision or loses jurisdiction. An appeal to the city council shall be taken by filing a letter of appeal with the building division and by concurrently paying to such division an appeal hearing fee in the amount established by Table A. Such letter shall set forth the grounds upon which the appeal is based. Within 15 days after the receipt of the letter of appeal and the filing fee, the building division shall transmit to the city council the letter of appeal and the record of appeal at the board and the board's findings and decision. The city council may affirm, reverse, or modify the decision of the board.

104.8 In the event the board as established in Section 113.1 herein above should for any reason not be appointed by the city council or cease to exist after such appointment, the city council may serve as the board of appeals.

Section 203.0 of Chapter 2, of the Uniform Swimming Pool, Spa & Hot Tub Code, 2009 Edition is amended by adding the following definition(s).

**Aboveground or on-ground pool.** See definition of swimming pool.

Section 211.0 of Chapter 2, of the Uniform Swimming Pool, Spa & Hot Tub Code, 2009 Edition is amended by adding the following definition(s).

**In-ground pool.** See definition of swimming pool.

Section 220.0 of Chapter 2, of the Uniform Swimming Pool, Spa & Hot Tub Code, 2009 Edition is amended by adding the following definition(s).

**Residential.** That which is situated on the premises of a detached one-or two-family dwelling or a one-family townhouse not more than three stories in height.

Section 221.0 of Chapter 2, of the Uniform Swimming Pool, Spa & Hot Tub Code, 2009 Edition is amended by adding the following definition(s).

**Spa, non-portable.** See definition of swimming pool.

**Spa, portable.** A nonpermanent structure intended for recreational bathing, in which all controls, water heating and water circulating equipment are an integral part of the product and which is cord-connected (not permanently electrically wired).

**Swimming pool, indoor.** A swimming pool which is totally contained within a structure and surrounded on all four sides by walls of the structure.

**Swimming pool, outdoor.** Any swimming pool which is not an indoor pool.

Chapter 3, of the Uniform Swimming Pool, Spa & Hot Tub Code, 2009 Edition is amended by adding Section 324 Enclosures and Location, to read as follows:

324 Enclosures and location.

324.1 Application. The provisions of this section shall control the design of barriers for swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drowning and near-drowning by restricting access to swimming pools, spas and hot tubs.

324.2 Requirements for outdoor swimming pool. An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

1. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be four inches measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level or mounted on top of the

pool structure. Where the barrier is mounted on top of the pool structure, the maximum clearance between the top of the pool structure and the bottom of the barrier shall be four inches.

2. Openings in the barrier shall not allow passage of a four-inch diameter sphere.

3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1 3/4 inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 3/4 inches in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more, spacing between vertical members shall not exceed four inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 3/4 inches in width.

6. Maximum mesh size for chain link fences shall be a 1 3/4 inches square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than 1 3/4 inches.

7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than 1 3/4 inches.

8. Gates or door openings through such barriers shall be equipped with self-closing and self-latching devices designed to keep, and capable of keeping, such door or gate securely closed at all times when not in actual use; however, the door of any dwelling occupied by human beings which forms any part of the enclosure herein required need not be so equipped. Required latching devices shall be located not less than four feet six inches above the ground. The pool enclosure shall be in place and approved by the building official before water is placed in the pool.

324.3 Location. No pool shall be located within five feet of the property line of the parcel upon which the pool is located or within three feet of any building on such property. No mechanical pool pump or filter shall be located within three feet of the property line.

**Secs. 14-117 – 14-170. Reserved.**



*Staff Report*

TO: Honorable Mayor and Members of the Hemet City Council

FROM: Wally Hill, City Manager *Wally Hill*  
Deanna Elliano, Community Development Director *DE*

DATE: December 10, 2013

RE: **APPEAL NO. 13-002 (CONDITIONAL USE PERMIT NO. 13-004 – Valero Gas Station Alcohol Sales)** An appeal of the Planning Commission's denial of CUP 13-004 regarding the sale of alcoholic beverages at an existing Valero gas station mini-mart located at 1701 W. Florida Avenue.

**RECOMMENDED ACTIONS:**

*That the City Council:*

1. Open the public hearing, and receive any public comment; and
2. Continue the public hearing to January 14, 2014 for the formal staff report and presentation, as requested by the Applicant.

**BACKGROUND:**

On October 15, 2013, the Planning Commission denied CUP 13-004, a request to sell beer and wine at an existing Valero gas station and mini-mart located at 1701 W. Florida Avenue. On October 22, 2013, the Applicant submitted a letter and the appropriate fee, requesting an appeal of the Planning Commission's decision. This item was scheduled for a public hearing on December 10, 2013.

A public hearing notice for Appeal No. 13-002 was advertised in the Press Enterprise and sent to surrounding property owners on November 27, 2013. Subsequent to providing public notice, the Applicant has requested a continuance of the Appeal until the next available City Council meeting, which is scheduled for January 14, 2014, to prepare and submit additional information for the City Council to consider as part of the requested appeal.

Respectfully submitted,

Deanna Elliano  
Community Development Director

**Attachment(s):**

1. Letter from Applicant's Agent requesting a Continuation of the Public Hearing



6149 Bluffwood Drive • Riverside, CA 92506 • Fax 951-682-2876 • Cell 951-533-2934

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December 3, 2013

Deanna Elliano  
Community Development Director  
City of Hemet  
Hemet, CA

Subject: **Valero request for Beer and Wine**

Dear Deanna,

We are preparing additional information to present to the City Council. Since we have not completed accumulating that information, we are requesting a continuance of this project to January 14, 2014 from the December 10, 2013 City Council hearing.

<<<signed electronically>>>

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Keith Gardner