

# PLANNING COMMISSION

## AGENDA

### REGULAR MEETING OF THE HEMET PLANNING COMMISSION

City Council Chambers

450 East Latham Avenue, Hemet CA 92543

April 15, 2014

6:00 PM

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

#### 1. CALL TO ORDER:

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

**Invocation and Flag Salute:** Commissioner Overmyer

#### 2. APPROVAL OF MINUTES:

A. Minutes for the Planning Commission Meeting of April 1, 2014

#### 3. PUBLIC COMMENTS:

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

### PUBLIC HEARING ITEMS

#### **Meeting Procedure for Public Hearing Items:**

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

4. **EXTENSION OF TIME NO. 14-001 FOR CONDITIONAL USE PERMIT NO. 11-004 (JASMINE GARDENS)** – A request for a three (3) year extension of time for previously approved Conditional Use Permit for the construction and operation of a 124-unit, three-story senior apartment complex built in two phases, located on Johnston Avenue, east of Gilbert Street and west of State Street.

**PROJECT APPLICANT INFORMATION:**

Applicant: 1027 Wilshire Associates LLC  
Agent: Ron Mandalian – Denley Investments  
Project Location: South side of Johnston Avenue, east of Gilbert Street and west of State Street  
APN: 446-280-005, -016 & -017

**RECOMMENDED ACTION:**

*The Planning Division recommends that the Planning Commission:*

1. *Approve Planning Commission Resolution Bill No. 14-011 approving Extension of Time No. 14-001 for Conditional Use Permit 11-004 subject to the Conditions of Approval (Attachment No. 1B), and;*
2. *Direct staff to file a Notice of Exemption with the County Clerk.*

5. **ZONING ORDINANCE AMENDMENT (ZOA) 14-003 (Temporary Sign Regulations)** - A request for Planning Commission review and recommendation to the City Council regarding a Zoning Ordinance Amendment modifying Article XXXVI (36) (Signs Generally) of Chapter 90 of the Hemet Municipal Code pertaining to regulations for temporary signage

**PROJECT APPLICANT INFORMATION:**

Applicant: City of Hemet  
Location: Citywide  
Planner: Emery J. Papp, Principal Planner

**RECOMMENDED ACTION:**

*The Planning Division recommends that the Planning Commission:*

1. *Conduct the public hearing and consider any public testimony on the proposed ordinance, and;*
2. *Adopt Planning Commission Resolution Bill No. 14-013, recommending approval of ZOA 14-003 and Ordinance Bill No. 14-022 to the City Council, an amendment to Chapter 90, Article XXXVI (36), of the Hemet Municipal Code pertaining to regulations for temporary signage.*

6. **ZONING ORDINANCE AMENDMENT (ZOA) 14-001 (Updates to the Agricultural Zone, Open Space Zone and Animal Keeping provision)** - A city-initiated action amending Chapter 90 (Zoning) of the Hemet Municipal Code to update certain zoning and development regulations in the agriculture zones, open space zones, and animal keeping regulations to achieve consistency with the City's adopted General Plan in accordance with State law.

**PROJECT APPLICANT INFORMATION:**

Applicant: City of Hemet  
Location: Citywide  
Planner: Nancy Gutierrez, Project Planner

**RECOMMENDED ACTION:**

*The Planning Division recommends that the Planning Commission:*

1. *Conduct the public hearing and consider any public testimony on the proposed ordinance, and;*
2. *Adopt Planning Commission Resolution Bill No. 14-007 recommending APPROVAL of Zoning Ordinance Amendment No. 14-001 (Ordinance Bill No. 14-014) to the City Council.*

---

---

**DEPARTMENT REPORTS**

---

---

7. **CITY ATTORNEY REPORTS:** *Verbal report from the Assistant City Attorney on items of interest to the Planning Commission.*
8. **COMMUNITY DEVELOPMENT DIRECTOR REPORTS:** *Verbal reports from Community Development Director Elliano*
- A. Report on actions from the April 8, 2014 City Council Meeting.
9. **PLANNING COMMISSIONER REPORTS:** *Commissioner reports on meetings attended, future agenda items or other matters of Planning interest.*
- A. Chairman Gifford  
B. Vice Chair Vasquez  
C. Commissioner Perciful  
D. Commissioner Overmyer  
E. Commissioner Crimeni

10. **FUTURE AGENDA ITEMS:**

- A. Ramona Creek SP, GPA, TTM and DEIR
- B. CUP for Multi-tenant office building
- C. General Plan Consistency Zoning Program – Phase II

**11. ADJOURNMENT:** To the meeting of the City of Hemet Planning Commission scheduled for **May 6, 2014 at 6:00 P.M.** to be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue, Hemet, California 92543.

**NOTICE TO THE PUBLIC:**

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

PLANNING  COMMISSION

MEETING MINUTES

DATE: APRIL 1, 2014

CALLED TO ORDER: 6:00P.M.

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

1. CALL TO ORDER:

PRESENT: Chairman John Gifford, Vice Chairman Greg Vasquez, and  
Commissioner Michael Perciful

ABSENT: Commissioners Rick Crimeri and Vince Overmyer

Invocation and Flag Salute: Commissioner Michael Perciful

2. PUBLIC COMMENTS:

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

3. APPROVAL OF MINUTES:

A. Minutes of the Planning Commission meeting of March 18, 2014

It was **MOVED** by Vice Chair Greg Vasquez and **SECONDED** by Commissioner Michael Perciful to **APPROVE** the Minutes of the Planning Commission meeting of March 18, 2014.

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

**AYES:** Chairman John Gifford, Vice Chair Greg Vasquez, Commissioner Michael Perciful

**NOES:** None

**ABSENT:** Commissioners Vince Overmyer and Rick Crimeri

PUBLIC HEARING ITEMS

4. RAMONA CREEK SPECIFIC PLAN NO. 12-001, GPA 12-005, TTM 36510 & DRAFT ENVIRONMENTAL IMPACT REPORT - A request for Planning Commission review and recommendation to the City Council regarding the

1 establishment of the proposed Ramona Creek Specific Plan establishing 954  
2 residential units and 649,044 square feet of commercial space; consideration of an  
3 associated General Plan Amendment to the Land Use Element to modify the mix of  
4 residential units and commercial acreage in Mixed Use Area No. 1 and to change  
5 the land use designation on 44.9 acres from Low Density Residential (2.1 - 5.0  
6 d.u./ac.) to Low Medium Density Residential (5.1 - 8.0 d.u./ac.); and consideration  
7 of a master tentative tract map to subdivide the site into 37 large lots. The Planning  
8 Commission will also consider the Draft Environmental Impact Report (EIR) that has  
9 been prepared to assess the environmental effects of the project.

10  
11 **PROJECT APPLICANT INFORMATION:**

12  
13 **Owner: Regent Properties**  
14 **Authorized Agent: Daniel Gryczman, Regent Properties**  
15 **Project Location: Corner of W. Florida Ave. and Myers Street**  
16 **APN Information: 448-090-003**  
17 **Lot Area: 208.9+/- acres**  
18

19 (A detailed presentation was delivered by Planner Ron Running)

20  
21 Chairman Gifford asked a series of questions including the following:

- 22 1. Do the design guidelines call out numbers of trees or type of landscape for  
23 the drainage area, and can the Commission be assured that the pictures in the report  
24 accurately reflect what the drainage area will look like?  
25 2. In the commercial area, is there a possibility that some type of educational  
26 complex (university extension, etc.) could be established there?  
27 3. Have there been changes other than just residential density designations?  
28 4. Has there been discussion with EMWD concerning supplying water to this  
29 site, considering the drought concerns in Southern California?  
30

31 Planner Running replied that there are only slight changes in the density designations.  
32 Most of the work had to do with the refining of the Specific Plan, and he added the  
33 applicant could answer some of the other questions.  
34

35 Vice Chair Vasquez asked if there was going to be permitting required to use any of  
36 the recreational areas.  
37

38 Planner Running expressed his belief that there would be. However, the management  
39 structure of the park area has not yet been decided. They are hoping that Valley Wide  
40 will be the managing entity.  
41

42 Vice Chair Vasquez stated he felt the plan was a good one but wondered if there had  
43 been any study as to how this project might impact efforts to improve the downtown  
44 area.  
45

46 Planner Running stated that the applicant did provide a marketing analysis that  
47 concluded this project will be an attempt to capture the leakage that currently exists to  
48 outside communities.  
49  
50

1 CDD Elliano expressed the belief that this project would be complementary to the  
2 downtown area, in that this project is very different in scale than the downtown where  
3 the existing small lots would have to be purchased and assembled to provide the big-  
4 box types of retail establishments being proposed.

5  
6 Vice Chair Vasquez asked for more information about the MWD constraints, and  
7 Planner Running explained that there are two-6' foot diameter water pipelines that go  
8 through the easement right now. No structures are allowed over the pipelines, but  
9 some roads will be allowed to cross. The project is designed in increments in case  
10 more work needs to be done in the easement in the future. There is limited use where  
11 the pipes exist.

12  
13 Planner Running also explained the variations in densities, such as mixed use, village  
14 residential and single-family dwelling units.

15  
16 CDD Elliano added that the development will occur over multiple years, and in an effort  
17 to maintain flexibility, they are proposing many different alternative scenarios to make it  
18 most responsive to the marketplace as it evolves.

19  
20 Vice Chair Vasquez asked questions about neighborhood electric vehicles,  
21 sustainability and retention basins discharging in a metered fashion.

22  
23 Planner Running explained that part of the sustainability planning includes  
24 accommodations for hybrid vehicles, bicycles, parking facilities, NEV lanes. Also,  
25 storm water will be retained in the southern portion of the corridor and pumped out in a  
26 metered fashion through the pipeline to the south so as to control the rate of the water  
27 flow and prevent flooding. The size of the pipes could not handle a 100-year flood  
28 flow, so it would be retained and then pumped out over a period of time.

29  
30 Commissioner Perciful inquired about plans for accommodating new schools, as  
31 Whittier Elementary School is the second-most populated elementary school in the  
32 state of California.

33  
34 Planner Running said the plan has flexibility to allow for a school site, with CDD Elliano  
35 further explaining that it is up to the school district to purchase property to secure a  
36 school site. The plan has allowed for it; it is just when the school district is ready to  
37 move forward.

38  
39 Chairman Gifford opened the public hearing and invited the applicant to approach the  
40 lectern.

41  
42 Daniel Gryczman, executive vice president of Regent Properties, thanked the planning  
43 staff for two years of hard work in bringing this project forward and for the  
44 Commission's willingness to work through 4,000 pages of plan documents. He  
45 expressed the idea that flexibility is a future-looking method of telling the world that  
46 Hemet is open for business. He stated that getting the first "big fish" in the retail  
47 component will influence how the residential will be developed.

48  
49 He further indicated that his team did a full consultation regarding water issues, and he  
50 can call his consultants to testify, if needed.

1 Chairman Gifford again stated that he is particularly interested in the education  
2 component, wishing a four-year degree institution would be available in the Valley to  
3 keep the young people here.  
4

5 Mr. Gryczman noted what they had done in Menifee, sold land at a reduced price for a  
6 charter school, and stated they wanted to create different opportunities for different  
7 people. He also added that they were going to be doing all their own grading on-site  
8 for the recreational facilities, thereby reducing trucking impacts, and utilizing easement  
9 land for such things as outfields, with facilities such as amphitheaters and rest rooms  
10 being added on additional land they have added for recreational purposes.  
11

12 He ended his discussion by saying they were planning to put the higher-priced homes  
13 fronting the drainage area because the plan is to make that a beautiful amenity for the  
14 project and for the city.  
15

16 Chairman Gifford asked that the language in the plan for the drainage area be  
17 analyzed and developed in such a way that there is assurance that it will look as  
18 represented. Mr. Gryczman committed to work with the city on this issue.  
19

20 Joe Castaneda, JLC Engineering, 36263 Calle de Lobo, Murrieta, discussed the  
21 subject of metering and drainage in the event of substantial drainage, indicating  
22 fencing to close off the park and some residential areas. The drainage area will be  
23 lockable during a storm event by the City works department. Any water from nuisance  
24 flows, such as irrigation flows from people overwatering their lawns, would be collected  
25 and maintained, using a pump to deliver the water to a landscape system that would  
26 feed off the stored water.  
27

28 John Tanner, RBF Consulting, 40810 County Center Drive in Temecula, explained the  
29 process the applicants have successfully completed with the EMWD, including a water  
30 supply assessment which determined that they have the water needed to supply the  
31 project. The second component of the study is called a plan of service, which lays out  
32 the network of pipes for sewer, water, recycled water. That second component has  
33 been completed, as well.  
34

35 Tom Shollin, a property owner of Tres Cerritos East, stated he was here to support  
36 Ramona Creek, as it will help the property owners on the west side. Their only  
37 concern was trying to understand the drainage issues, and the applicant has allayed  
38 their concerns.  
39

40 Jeff Holbrook, 27132 B Paseo Espada, San Juan Capistrano, spoke in support of the  
41 applicant and applauded the concept of flexibility.  
42

43 Brian Rubin (no address given) asked if the drainage and landscaping would be done  
44 in phases or in the first phase.  
45

46 CDD Elliano explained that it would be done in stages; however, it is anticipated that  
47 the west side would go first. Staff and applicant spent a lot of time to make sure that  
48 when it's graded, the master graded landscaping plan is prepared and approved so  
49 when the development comes, all the amenities are provided in a reasonable time  
50 period.

1 Mr. Rubin stated he hopes the densities will stay as they are in the General Plan. He  
2 also asked about an HOA and LMD.

3  
4 CDD Elliano replied that there will be a number of maintenance mechanisms. There  
5 will be a master HOA that provides for the community areas. They are looking at a  
6 LMD or CFD that would take care of the drainage in the Ramona Creek area. There  
7 will probably be a property owner association for the commercial areas and individual  
8 HOAs for different types of development that might have internal recreational and  
9 landscaping amenities.

10  
11 Gene Hikel, Four Season's Community Awareness Committee, 8405 Singh Court,  
12 Hemet, applauded the thought, character and quality that Regent has put into this plan,  
13 stressing the importance of good governing bodies and amenities.

14  
15 Mr. Gryczman added some comments about the area north of Devonshire, which is  
16 currently low density residential. The reason Regent is asking for low median is  
17 because if a school comes in, to make this project work economically, they want to  
18 have the ability to move the density to the rest of the area.

19  
20 After closing the public hearing, Chairman Gifford asked for a motion.

21  
22 It was **MOVED** by Commissioner Michael Perciful and **SECONDED** by Vice Chair Greg  
23 Vasquez to **CONTINUE** the public hearing on this matter to the May 6, 2014 Planning  
24 Commission Meeting.

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

27  
28 **AYES:** Chairman John Gifford, Vice Chair Greg Vasquez, and Commissioner  
29 Michael Perciful.

30 **NOES:** None

31 **ABSENT:** Commissioners Vince Overmyer and Rick Crimeni

32  
33 (Ten-minute recess called by Chairman Gifford.)

- 34  
35 **5. CONDITIONAL USE PERMIT NO. 13-005 (7 DAYS MARKET)** - A request for  
36 Planning Commission review and approval of a Conditional Use Permit allowing  
37 the construction and operation of fuel dispensers and a canopy in conjunction with  
38 an existing convenience store, and expansion of the hours of operation to 24  
39 hours a day, located on the northwest corner of Stanford Street and Florida  
40 Avenue, with consideration of an environmental exemption pursuant to CEQA  
41 Guidelines Section 15301.

42  
43 **PROJECT APPLICANT INFORMATION:**

44  
45 **Owner:** Sanjay Jariwala  
46 **Authorized Agent:** Nasser Moghadam  
47 **Project Location:** 3600 East Florida Avenue  
48 **Lot Area:** 0.62 Acres  
49  
50

(Informational presentation by Carole Kendrick.)

Vice Chair Vasquez asked if the removal of the gas pumps in 1992 was something the city required. He also wondered if the applicant had a particular brand of gasoline they were planning to sell and if the trash enclosure would be gated.

Planner Kendrick said that the 7-Eleven had been closed and the property was up for sale. It was part of the sale that the gas tanks were removed due to changes in the fueling regulations, so it was an agreement as part of the sale. Also, there is a gate mandated for the trash enclosure.

Commissioner Perciful asked about the Shell gas station across the street and if it was open 24 hours a day.

Planner Kendrick stated it was on county property, and she did not know its hours of operation. She also stated the city had received only one phone call, and it was in favor of the project.

Chairman Gifford opened the public hearing at this point and invited the applicant to speak.

Nasser Moghadam, 44052 Galacia Drive, Hemet, repeated that there is a gate at the trash enclosure. He also explained that most of the major gas companies want stations with convenience markets to be open 24 hours. That is the reason they are asking for the 24-hour opening. Each company has its own logo, but the final color will be determined by the City planning department. He commented further on the access to the site, giving background and Caltrans' determination that the city has the right to make traffic decisions. And that means now there is a double yellow line there rather than a median. He also mentioned that the security screen, which pre-dated even the 7-Eleven use, would remain unless the city felt it should be removed.

Chairman Gifford closed the public hearing and asked for a motion.

It was **MOVED** by Vice Chair Greg Vasquez and **SECONDED** by Commissioner Michael Perciful to **ADOPT** Planning Commission Bill No. 14-006 **APPROVING** CUP 13-005 subject to the findings and conditions of approval and **DIRECT** staff to file a Notice of Exemption with the County Clerk

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

**AYES:** Chairman John Gifford, Vice Chair Greg Vasquez, and Commissioner Michael Perciful.

**NOES:** None

**ABSENT:** Commissioners Vince Overmyer and Rick Crimeni

## DEPARTMENT REPORTS

1 **6. CITY ATTORNEY REPORTS:**  
2

3 Assistant City Attorney Vega reminded the Commissioners of the change in the Brown  
4 Act in January of this year requiring audible votes if electronic voting machines were  
5 not working.  
6

7 **7. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**  
8

9 **A. Report on actions from the March 25, 2014 City Council Meeting**  
10

11 CDD Elliano congratulated the two Commissioners who were reappointed for another  
12 two-year term. The other item of interest to the Planning Commission was the Council's  
13 direction to John Janson of the Community Investment Department to propose an  
14 ordinance that would mirror what City of Riverside is doing with film permits, so that  
15 ordinance was before the Council. It would be a no-fee process, hoping that this will  
16 act as an incentive for the movie industry to utilize local hotels and sites while in town.  
17

18 **8. PLANNING COMMISSIONER REPORTS:**  
19

- 20 **A. Chairman Gifford (Nothing to report)**  
21 **B. Vice Chair (Vasquez (Nothing to report)**  
22 **C. Commissioner Perciful (Nothing to report)**  
23 **D. Commissioner Overmyer (Absent)**  
24 **E. Commissioner Crimeni (Absent)**  
25

26 **9. FUTURE AGENDA ITEMS:**  
27

- 28 **A. Jasmine Gardens CUP Extension of Time**  
29 **B. Multi-tenant office building**  
30 **C. General Plan Consistency Zoning Program - Phase II**  
31 **D. Zone Text Amendment for Temporary Signs**  
32

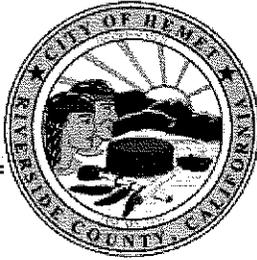
33 **10. ADJOURNMENT:**  
34

35 It was unanimously agreed to **ADJOURN** the meeting at 8:12 p.m. to the regular  
36 meeting of the City of Hemet Planning Commission scheduled for **April 15, 2014 at**  
37 **6:00 p.m.** to be held at the City of Hemet Council Chambers located at 450 E. Latham  
38 Avenue, Hemet, CA 92543.  
39  
40  
41  
42  
43  
44

45 \_\_\_\_\_  
46 John Gifford, Chairman  
47 Hemet Planning Commission

48 ATTEST:  
49  
50

\_\_\_\_\_  
Melissa Couden, Records Secretary  
Hemet Planning Commission



## Staff Report

---

TO: City of Hemet Planning Commission

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

DATE: April 15, 2014

RE: **EXTENSION OF TIME NO. 14-001 FOR CONDITIONAL USE PERMIT NO. 11-004 (JASMINE GARDENS)** – A request for a three (3) year extension of time for a previously approved Conditional Use Permit for the construction and operation of a 124-unit, three-story senior apartment complex to be built in two phases, located on Johnston Avenue, east of Gilbert Street and west of State Street.

### **PROJECT APPLICANT INFORMATION**

Applicant: 1027 Wilshire Associates LLC  
Agent: Ron Mandalian – Denley Investments  
Project Location: South side of Johnston Avenue, east of Gilbert Street and west of State Street  
APN: 446-280-005, -016 & -017

### **RECOMMENDED ACTION:**

The Planning Division recommends that the Planning Commission:

1. Approve Planning Commission Resolution Bill No. 14-011 approving Extension of Time No. 14-001 for Conditional Use Permit 11-004 subject to the Conditions of Approval (Attachment No. 1B), and;
2. Direct staff to file a Notice of Exemption with the County Clerk.

**PROJECT DESCRIPTION AND BACKGROUND:**

The Applicant is requesting approval of a three (3) year Extension of Time for Conditional Use Permit No. 11-004 for the construction and operation of a 124-unit, three (3) story senior apartment complex proposed to be built in two (2) phases. Each phase consists of 54 one bedroom units and eight (8) two bedroom units. The one bedroom units range in size from 695 to 740 square feet. The two bedroom units have a standard size of 1,007 square feet.

The Applicant envisions the project as an active living, senior citizen apartment community that offers below market rate rents to the residents of Hemet via rent and income restrictions for a period of 55 years. The project will not provide assisted living care. The project is proposing permanent financing that will include an allocation of Housing Tax Credits and perhaps an operational subsidy from the Federal Department of Housing and Urban Development (HUD) under their 202 program designed for seniors.

Conditional Use Permit No. 11-004 was originally submitted to the City on May 24, 2011. Upon receipt of the application, staff scheduled the initial Development Review Committee (DRC) meeting on June 9, 2011.

The Planning Commission held two (2) work studies on the project proposal on October 18, 2011 and March 20, 2012 to discuss outstanding issues and allow the Commission to provide feedback to the Applicant. A number of issues were raised by staff at that original work study, which the applicant resolved and presented to the Commission at the March 20, 2012 work study. On May 15, 2012, the Planning Commission approved Resolution No. 12-010 adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for Conditional Use Permit No. 11-004 and adopted Planning Commission Resolution No. 12-011 approving Conditional Use Permit No. 11-004 with an expiration date of May 15, 2014.

If the Planning Commission finds that the original findings in support of Conditional Use Permit No. 11-004 can continue to be made, the Planning Commission may extend the time period for the Conditional Use Permit for one-year or up to a maximum of three-years. The Applicant is requesting a three (3) year extension of time in order to allow them more time to obtain tax credit financing, as this is a competitive process every year. Minor modifications were made to the conditions of approval (Attachment 1B) that revised the dates to reflect the three-year extension of time and updates to Building and Fire codes.

**PUBLIC COMMUNICATIONS RECEIVED**

Property owners located within 1,000 foot radius of the project site were notified of the

public hearing with a 10-day hearing notice in addition to a public notice in the Press Enterprise. On April 8, 2014, the Planning Department received two letters of opposition regarding traffic impacts, crime, density and the abundance of senior uses in the area (See Attachment Nos. 7 & 8). Any comments received prior to the time of the scheduled Planning Commission meeting will be provided at the time of the meeting.

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

The proposed project Development Plans (Attachment No. 1 - Exhibit 1A) were reviewed again by the Design Review Committee (DRC) for consistency with the City's applicable policies, requirements and guidelines on March 27, 2014. Subsequently, the DRC has recommended that the project, subject to the recommended conditions of approval, be found consistent with the City's General Plan, Zoning Ordinance and other development requirements and guidelines.

### **CEQA REVIEW**

The Planning Commission approved a Mitigated Negative Declaration and Mitigation Measures by Resolution No. 12-010 on May 15, 2012 for Conditional Use Permit No. 11-004, and a Notice of Determination was filed in accordance with CEQA requirements on May 16, 2012. There has been no legal challenge brought against the project or the environmental determination. A Mitigated Negative Declaration and Mitigation Measures were approved for the underlying project, Conditional Use Permit No. 11-004. The Planning Division believes that the previous Mitigated Negative Declaration and Mitigation Measures adequately address the current extension of time, and thus, a Notice of Exemption can be filed for this Extension of Time, pursuant to Section 15162 of the CEQA Guidelines.

### **REPORT SUMMARY**

Extension of Time No. 14-001 for Conditional Use Permit No. 11-004 pertains to a proposed three (3) year extension of time during which use in reliance can be established to construct and operate a 124-unit, three (3) story senior apartment complex built in two (2) phases located on a 5.98 acre site located on the south side of Johnston Avenue, east of State Street and west of Gilbert Street.

A Mitigated Negative Declaration (MND) and Mitigation Measures were adopted for the underlying project, Conditional Use Permit No. 11-004. For the reasons stated above, the Planning Department believes that the MND adequately addresses the current extension of time, and thus, a Notice of Exemption can be filed for Extension of Time No. 14-001 for Conditional Use Permit (CUP) No. 11-004.

Staff believes that the design proposed by the project adequately conforms to and is consistent with development standards and guidelines provided by the Hemet General Plan, Zoning Ordinance and the Multiple Family Residential Design Guidelines. For these reasons, and as more fully discussed in the Staff Report and accompanying attachments, the Planning Department recommends approval of the project. The Planning Commission's actions are final unless appealed to the City Council within ten working days.

Respectfully submitted,



Carole L. Kendrick  
Assistant Planner

Reviewed by:



Emery J. Papp  
Principal Planner

CK

**ATTACHMENTS**

- 1) Planning Commission Resolution Bill No. 14-011 approving EOT 14-001 for CUP 11-004
  - Exhibit 1A - 8-1/2" x 11" Reduced Development Plan and Colored Elevations
  - Exhibit 1B - Conditions of Approval
- 2) General Plan Land Use Designation Map
- 3) Surrounding Zoning Map
- 4) Surrounding Area Map
- 5) Applicant's Letter dated March 7, 2014
- 6) Applicant's Letter dated April 3, 2014
- 7) Jacqueline Ferguson Letter dated April 8, 2014
- 8) Bill & Jackie Hern Letter dated April 3, 2014

**INCORPORATED HEREIN BY REFERENCE**

City of Hemet General Plan  
City of Hemet General Plan EIR  
City of Hemet Zoning Ordinance  
City Of Hemet Multiple Family Residential Design Guidelines  
Project Site's Riverside County Integrated Plan Multi-Species Habitat Conservation Plan Summary Report  
Contents of City of Hemet Planning Division Project File EOT 14-001, CUP 11-004 and EA11-001

# Attachment No. 1

Resolution No. 14-011

Planning Commission  
Meeting of  
April 15, 2014



CITY OF HEMET  
Hemet, California

RESOLUTION BILL NO. 14-011

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA APPROVING EXTENSION OF TIME 14-001, A THREE-YEAR EXTENSION OF THE ENTITLEMENTS FOR CONDITIONAL USE PERMIT NO. 11-004 FOR THE CONSTRUCTION AND OPERATION OF A 124-UNIT, THREE-STORY SENIOR APARTMENT COMPLEX LOCATED ON THE SOUTH SIDE OF JOHNSTON AVE, EAST OF GILBERT STREET AND WEST OF STATE STREET (APN 446-280-005, -016 & -017).

**WHEREAS**, an application for a three-year extension of time during which use in reliance can be established for Conditional Use Permit No. 11-004 for the construction and operation of a 124-unit, three-story senior apartment complex built in two phases, has been duly filed by:

Applicant: 1027 Wilshire Associates LLC  
Project Location: South side of Johnston Avenue, east of Gilbert Street and west of State Street  
APN: 446-280-005, -016 & -017

**WHEREAS**, Extension of Time 14-001 for Conditional Use Permit Application was submitted for consideration on March 11, 2014, and

**WHEREAS**, the Planning Commission is authorized to review and approve, conditionally approve, or deny Extension of Time No. 14-001 for Conditional Use Permit No. 11-004 per section 90-1544 *et seq.* of the Hemet Municipal Code; and

**WHEREAS**, the Applicant is requesting approval of Extension of Time No. 14-001 for Conditional Use Permit No. 11-004 for the construction and operation of a 124-unit, three-story senior apartment complex built in two phases pursuant to Hemet Municipal Code Section 90-1544 and the Conditions of Approval for Conditional Use Permit No. 11-004. The Planning Commission adopted Resolution Nos. 12-010 and 12-011 on May 15, 2012.

---

Planning Commission Resolution Bill No. 14-011  
EXTENSION OF TIME NO. 14-001 FOR CONDITIONAL USE PERMIT NO. 11-004 –  
JASMINE GARDENS



1 thereon, the Planning Commission makes the following findings in accordance  
2 with CEQA Guidelines Section 15162:

- 3  
4  
5 A. Extension of Time No. 14-001 does not propose substantial changes to  
6 Conditional Use Permit No. 11-004 that would require major revisions to  
7 the existing MND & MMP; and,  
8  
9 B. No substantial changes have occurred in the circumstances under which  
10 Conditional Use Permit No. 11-004 or Extension of Time No. 14-001 are  
11 being undertaken that would require major revisions to the MND and  
12 MMP; and,  
13  
14 C. No new information has been presented from which it may be fairly argued  
15 that Extension of Time No. 14-001 may involve a new significant  
16 environmental effect or a substantial increase in the severity of previously  
17 identified significant effects, or demonstrated that a mitigation measure  
18 previously found to be infeasible is now feasible.  
19  
20 2. **Multi-Species Habitat Conservation Plan (MSHCP).** The project is found to be  
21 consistent with the MSHCP. The project is located outside of any MSHCP  
22 criteria area and mitigation is provided through payment of the MSHCP Mitigation  
23 Fee.  
24

## 25 **SECTION 2: REQUIRED CONDITIONAL USE PERMIT FINDINGS**

26  
27 Pursuant to Hemet Municipal Code Section 90-1537(c) and in light of the record before  
28 it including the staff report dated April 15, 2014 and all evidence and testimony heard at  
29 the public hearing of this item, the Planning Commission hereby finds as follows:  
30

- 31 1. That the proposed location, use and operation of the conditional use remains in  
32 accord with the objectives of Chapter 90 of the Hemet Municipal Code, the  
33 purposes of the zone in which the site is located, is consistent with the General  
34 Plan and complies with other relevant city regulations, policies and guidelines.  
35

36 The project is subject to, and remains consistent with the Development  
37 Standards for the Multiple Family Residential (R-3) zone. The zoning allows  
38 apartment projects subject to approval of a conditional use permit and meeting  
39 the development standards of the individual zones. The project proposes a 124-  
40 unit, three-story senior apartment. The proposed building complies with the  
41 minimum setbacks from property lines, the height of the building is below the  
42 maximum height requirement of the Hemet Municipal Code, and has a smaller  
43 coverage than allowed.  
44

---

Planning Commission Resolution Bill No. 14-011  
EXTENSION OF TIME NO. 14-001 FOR CONDITIONAL USE PERMIT NO. 11-004 –  
JASMINE GARDENS

1 The proposed project remains in conformance with the General Plan for the City  
2 of Hemet. The land use designation for the project site is VHDR (Very High  
3 Density Residential). The proposed development remains consistent with the  
4 General Plan Land Use policy (LU-1.14) regarding New Residential Communities  
5 in that the project will complement existing neighborhoods while providing a high  
6 level of livability and recreational amenities for the benefit of the community.  
7

8 Furthermore, the project remains consistent with the Interconnected  
9 Neighborhoods Land Use Policy (LU-2.5) by proposing a development that can  
10 support residences, stores, offices and recreational spaces within walking  
11 distance of each other.  
12

13 Finally, the proposed project remains consistent with the Multiple Family  
14 Residential Design Guidelines in that the project proposes a common  
15 architectural theme. The project proposes to incorporate a Santa Barbara  
16 Mission style architecture that includes red tile roof elements, smooth stucco  
17 finishes, arched windows and entry ways, exposed beams, as well as a tower  
18 element  
19

- 20 2. That the proposed location of the conditional use and the conditions under which  
21 it would be operated or maintained will not be detrimental to the public health,  
22 safety or welfare, nor materially injurious to properties or improvements in the  
23 vicinity.  
24

25 The site has been designed to meet all development standards of the R-3 zone  
26 district which is intended to protect the public health, safety and welfare. The  
27 location of the proposed project continues to comply with development  
28 standards, as discussed in the staff report and attachments that are provided to  
29 assure that the project and other properties and improvements in the vicinity are  
30 compatible, and that the proposed project is not detrimental to the surrounding  
31 community.  
32

33 The location of the buildings will not conflict with on-site circulation since the  
34 parking spaces and drive aisles meet the minimum standards. Based on the  
35 above, the use will not have a significant impact on, nor be detrimental or  
36 injurious to properties or improvements in the vicinity.  
37

- 38 3. That the proposed conditional use continues to comply with each of the  
39 applicable provisions of Chapter 90 of the Hemet Municipal Code and with other  
40 relevant city regulations, policies, and guidelines.  
41

42 The proposed use of the project site as an apartment complex continues to  
43 comply with the intent and purpose of the R-3 zone as an area in which  
44 apartments can be located subject to conditions that ensure compatibility with

---

**Planning Commission Resolution Bill No. 14-011**  
**EXTENSION OF TIME NO. 14-001 FOR CONDITIONAL USE PERMIT NO. 11-004 –**  
**JASMINE GARDENS**

1 surrounding uses. The applicant has proposed a project that conforms to  
2 development standards provided by the zoning code.  
3  
4

5 **SECTION 3: PLANNING COMMISSION ACTIONS**  
6

7 The Planning Commission hereby takes the following actions:  
8

- 9 1. **Approves Extension of Time.** Extension of Time No. 14-001 for Conditional  
10 Use Permit No. 11-004 is hereby approved as shown in Exhibit 2A which is  
11 attached hereto and incorporated herein by reference, and subject to the  
12 Conditions of Approval in Exhibit 2B which are attached hereto and incorporated  
13 herein by reference.  
14

15 **PASSED, APPROVED, AND ADOPTED** this 15th day of April, 2014 by the  
16 following vote:  
17

18 AYES: None  
19 NOES: None  
20 ABSTAIN: None  
21 ABSENT: None  
22  
23  
24

25 \_\_\_\_\_  
26 John Gifford, Chairman  
27 Hemet Planning Commission

28 ATTEST:  
29  
30

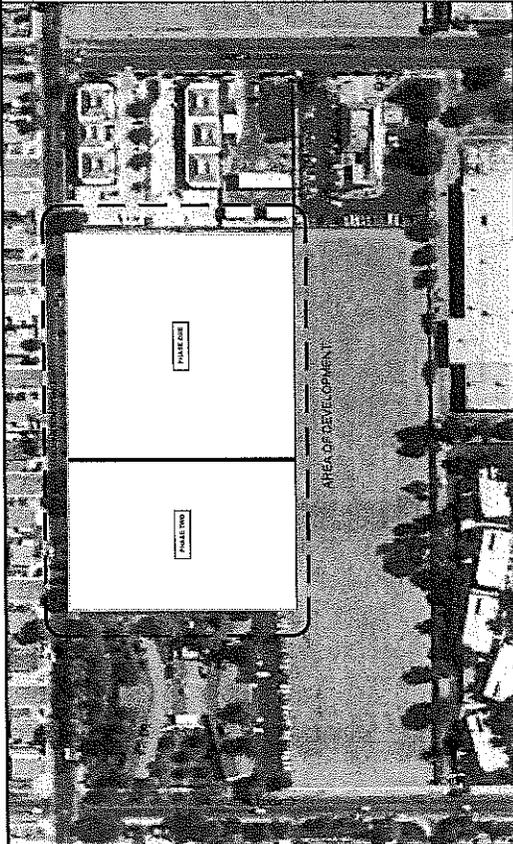
31 \_\_\_\_\_  
32 Melissa Couden, Records Secretary  
33 Hemet Planning Commission

**Exhibit  
No. 1A  
Development Plan**

**Planning Commission  
Meeting of  
April 15, 2014**

# JASMINE GARDENS SENIOR HOUSING

TRACT 6232, HEMET, CA 92543



## 4 VICINITY MAP

1/4" = 1/2"

ASSESSOR'S PARCEL NUMBER: 494-462-000-002017 Hemet, CA	LEGAL DESCRIPTION: TRACT NO. 6232 IN THE CITY OF HEMET, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 02, PAGES 13 AND 14 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.	ZONING DESIGNATION: R3 (MULTIFAMILY RESIDENTIAL) (25-40 DWELLING UNITS PER ACRE)	PROPOSED GENERAL PLAN: MULTIFAMILY VERY HIGH DENSITY RESIDENTIAL	LAND USE DESIGNATION: MULTIFAMILY HOUSING	EXISTING LAND USE: MULTIFAMILY HOUSING	TOTAL GROSS LAND AREA: 25.00 ACRES	TOTAL NET LAND AREA: 24.387 ACRES	TOTAL BUILDING FLOOR AREA: 9,248 SF	COMMUNITY CENTER: 3,300 SF	FLOOR AREA: 15,268 SF	FLOOR AREA: 15,268 SF	TOTAL NET LAND AREA: 24.387 ACRES	LOT COVERAGES: 20.16% (PHASE ONE) 24.16% (PHASE TWO)	TOTAL FOOTPRINT: 20.16% (PHASE ONE) 24.16% (PHASE TWO)						
PARKING AREA: 70,000 SF OF LOT COVERAGE AREA	LANDSCAPE AREA: 1,100 SF OF LOT COVERAGE AREA	REQUIRED PARKING RATIO: 1 SPACE / 1 UNIT	PHASE ONE: 42 SPACES + 7 VISITOR SPACES	PHASE TWO: 42 SPACES + 7 VISITOR SPACES	TOTAL REQUIRED: 84 SPACES	PROVIDED: 84 SPACES + 7 VISITOR SPACES	TOTAL PROVIDED: 146 SPACES	SIZE OF STALLS: 8' X 20'	NUMBER OF DISABLED STALLS: 9 TOTAL IN EACH PHASE, 2 IN ACCESSIBLE + BUS DROP-OFF	PROJECT SUBSEAL: 3	MAXIMUM HEIGHT OF BUILDING, INC. STAIRS: 35'-0"	TYPE OF CONSTRUCTION PER ENCL: TYPE VA	FIRE SPRINKLER WITH ALARM	UNIT COUNT: 42 UNITS	PHASE ONE: 21 UNITS	PHASE TWO: 21 UNITS	TOTAL: 42 UNITS	UNIT SIZES: 408 SF + 100 SF BALCONY SPACE	TYPE ONE BEDROOM PLAN: 408 SF + 100 SF BALCONY SPACE	TYPE TWO BEDROOM PLAN: 408 SF + 100 SF BALCONY SPACE

## 3 PROJECT INFORMATION

ARCHITECTURAL SHEET INDEX	INDEX SHEET	LANDSCAPE SHEET INDEX	CIVIL SHEET INDEX
G 0.1 GENERAL NOTES, SYMBOLS & ABBREVIATIONS	L 1.0 HIRSHLIP PLAN	L 1.0 HIRSHLIP PLAN	C 1.0 CONCEPTUAL GRADING PLAN / LOT LINE ADJUSTMENT
G 0.2 SURROUNDING AREA MAP	L 2.0 LANDSCAPE PLAN	L 2.0 LANDSCAPE PLAN	
G 0.3 DRAINAGE PLAN	L 3.0 LIGHTING PLAN	L 3.0 LIGHTING PLAN	
G 0.4 DRAINAGE PLAN	L 4.0 EXTERIOR LIGHTING PLAN	L 4.0 EXTERIOR LIGHTING PLAN	
G 0.5 PARKING & CIRCULATION PLAN	L 5.0 ILLUMINANCE CALCULATION	L 5.0 ILLUMINANCE CALCULATION	
A 1.0 FIRST FLOOR BUILDING PLANS			
A 2.0 SECOND AND THIRD FLOOR BUILDING PLANS			
A 3.0 ROOF PLANS			
A 4.0 COMMUNITY CENTER PLANS AND ELEVATIONS			
A 5.0 ELEVATIONS BUILDING 'A'			
A 6.0 ELEVATIONS BUILDING 'B'			
A 7.0 ELEVATIONS BUILDING 'C'			
A 8.0 ENLARGED UNIT PLANS			
A 9.0 COMMUNITY CENTER, PORCH AND LAUNDRY ROOM			
A 10.0 COMMUNITY CENTER, PORCH AND LAUNDRY ROOM			
A 11.0 SITE & FENCING DETAILS			

**OWNER:** INVESTMENT & MANAGEMENT COMPANY  
1710 N. MC CARTEN PLACE  
HOLLYWOOD, CA 90028  
324.463.4100

**ARCHITECT:** DENLEY INVESTMENT & MANAGEMENT COMPANY  
1710 N. MC CARTEN PLACE  
HOLLYWOOD, CA 90028  
324.463.4100

**CIVIL ENGINEERING:** BRIAN FOX, INC.  
1223 S. VAN NESS STREET  
HEMET, CA 92544  
951.632.4454  
951.766.8462 FAX  
CIVIL@BRIANFOX.COM

**GEOTECHNICAL ENGINEERING:** GEOTECHNICAL ENGINEERING COMPANY, INC.  
311 A. STUBBINS C.P.  
7352 JESSUP AVENUE, UNIT C  
PUEBLO, CO 81008  
781.688.7100  
781.688.7100 FAX  
781.688.7100 FAX  
www.geotech.com

**LANDSCAPE:** LANDSCAPE ARCHITECTURE  
3248 W. GLEN DRIVE  
LOS ANGELES, CALIFORNIA 90068  
310.472.2222  
310.472.2222 FAX

**LIGHTING DESIGN:** LIGHTING DESIGN  
640 V. AVENUE B  
PALMDALE, CA 93551  
817.235.5000

**ARCHITECT:** DENLEY INVESTMENT & MANAGEMENT COMPANY  
1710 N. MC CARTEN PLACE  
HOLLYWOOD, CA 90028  
324.463.4100 X18  
pfo@denleyinvestment.com

COVER SHEET

0.0

PROJECT TEAM

DENLEY INVESTMENT & MANAGEMENT COMPANY  
1710 N. MC CARTEN PLACE  
HOLLYWOOD, CA 90028  
324.463.4100  
www.denley.com

Jasmine Gardens Senior Housing



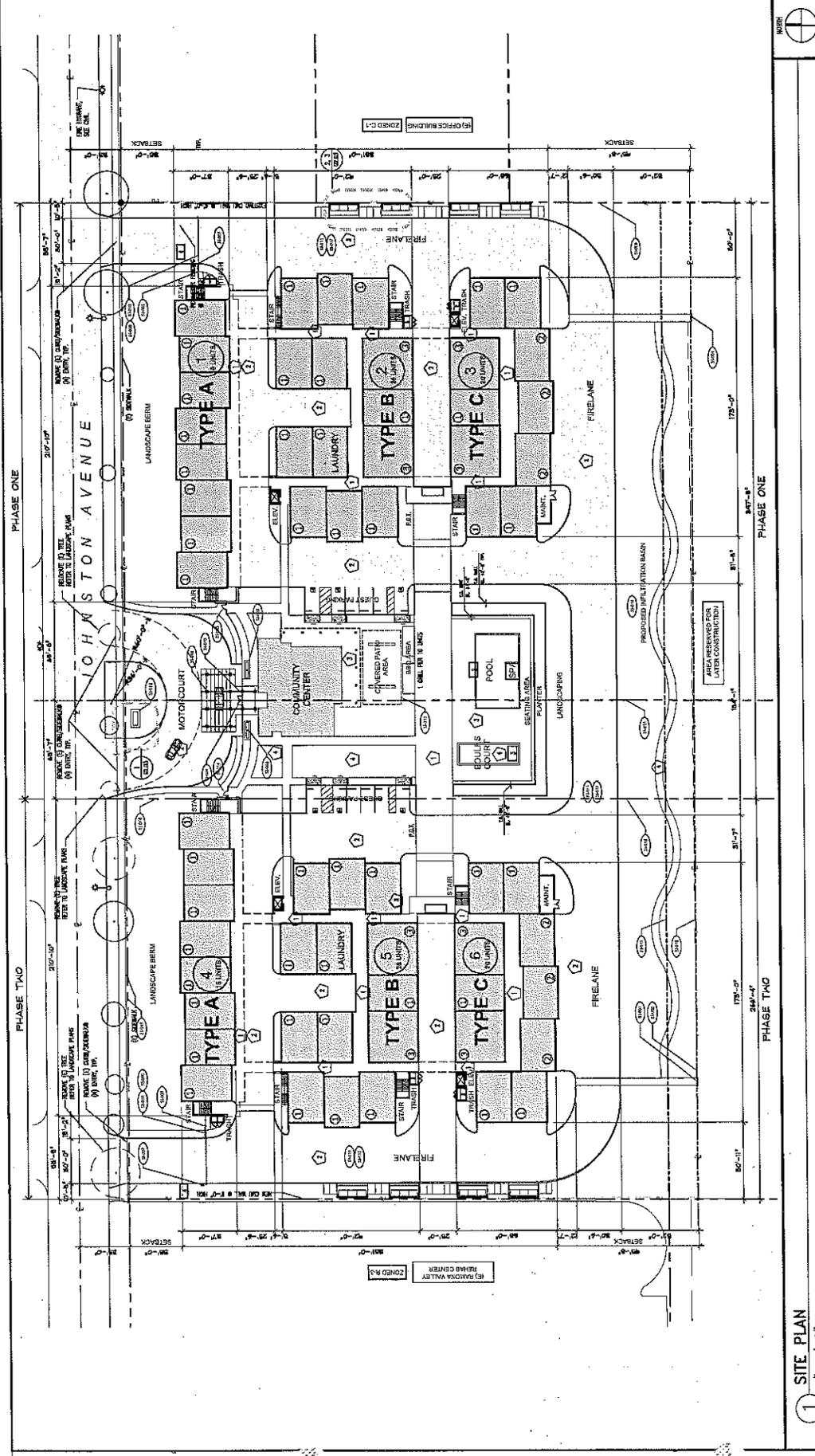


SEE SHEET FOR CONTINUATION

NO.	DATE	DESCRIPTION
1	08/14/14	ISSUED FOR PERMITS
2	08/14/14	ISSUED FOR PERMITS
3	08/14/14	ISSUED FOR PERMITS
4	08/14/14	ISSUED FOR PERMITS
5	08/14/14	ISSUED FOR PERMITS
6	08/14/14	ISSUED FOR PERMITS
7	08/14/14	ISSUED FOR PERMITS
8	08/14/14	ISSUED FOR PERMITS
9	08/14/14	ISSUED FOR PERMITS
10	08/14/14	ISSUED FOR PERMITS
11	08/14/14	ISSUED FOR PERMITS
12	08/14/14	ISSUED FOR PERMITS
13	08/14/14	ISSUED FOR PERMITS
14	08/14/14	ISSUED FOR PERMITS
15	08/14/14	ISSUED FOR PERMITS
16	08/14/14	ISSUED FOR PERMITS
17	08/14/14	ISSUED FOR PERMITS
18	08/14/14	ISSUED FOR PERMITS
19	08/14/14	ISSUED FOR PERMITS
20	08/14/14	ISSUED FOR PERMITS

**OVERALL SITE PLAN**

0.4



**NOTATION LEGEND**

- SEE ALL DIMENSIONS & ELEVATIONS FOR FINISHES, SETBACKS AND INFORMATION.
- SEE GENERAL NOTES #1
- SEE GENERAL NOTES #2
- SEE GENERAL NOTES #3
- SEE GENERAL NOTES #4
- SEE GENERAL NOTES #5
- SEE GENERAL NOTES #6
- SEE GENERAL NOTES #7
- SEE GENERAL NOTES #8
- SEE GENERAL NOTES #9
- SEE GENERAL NOTES #10
- SEE GENERAL NOTES #11
- SEE GENERAL NOTES #12
- SEE GENERAL NOTES #13
- SEE GENERAL NOTES #14
- SEE GENERAL NOTES #15
- SEE GENERAL NOTES #16
- SEE GENERAL NOTES #17
- SEE GENERAL NOTES #18
- SEE GENERAL NOTES #19
- SEE GENERAL NOTES #20

**HARDSCAPE LEGEND**

- RAIN OF BRICK
- SEE GENERAL NOTES #1
- POOL / SPA
- WALKWAY
- GRASS / ASPHALT
- PERMANENT FENCES
- PERMANENT ASPHALT
- CONCRETE
- RECYCLED GRANITE

**PLUMBING FIXTURE TABULATION**

- 1 UNIT
- 2 UNITS
- 3 UNITS
- 4 UNITS
- 5 UNITS
- 6 UNITS
- 7 UNITS
- 8 UNITS
- 9 UNITS
- 10 UNITS
- 11 UNITS
- 12 UNITS
- 13 UNITS
- 14 UNITS
- 15 UNITS
- 16 UNITS
- 17 UNITS
- 18 UNITS
- 19 UNITS
- 20 UNITS

**KEYNOTES**

- K-001 AREA OF BEST INTEREST SHALL BE PROTECTED AND SHALL REMAIN UNDISTURBED.
- K-002 REFER TO LOCAL 24-002
- K-003 REFER TO LOCAL 24-002
- K-004 REFER TO LOCAL 24-002
- K-005 REFER TO LOCAL 24-002
- K-006 REFER TO LOCAL 24-002
- K-007 REFER TO LOCAL 24-002
- K-008 REFER TO LOCAL 24-002
- K-009 REFER TO LOCAL 24-002
- K-010 REFER TO LOCAL 24-002
- K-011 REFER TO LOCAL 24-002
- K-012 REFER TO LOCAL 24-002
- K-013 REFER TO LOCAL 24-002
- K-014 REFER TO LOCAL 24-002
- K-015 REFER TO LOCAL 24-002
- K-016 REFER TO LOCAL 24-002
- K-017 REFER TO LOCAL 24-002
- K-018 REFER TO LOCAL 24-002
- K-019 REFER TO LOCAL 24-002
- K-020 REFER TO LOCAL 24-002

**SITE PLAN LEGEND**

- TYPE 'A' BUILDING NUMBER (THROUGH)
- NUMBER OF UNIT IN THIS BUILDING
- UNIT TYPE (A, B OR C) SEE SHEET A.10
- NOTE FOR ALL LEGAL DESCRIPTION INFORMATION SEE SURVEY CONCEPTUAL GRADING PLAN

**1 SITE PLAN**

1"=30'-0"

DATE: 08/14/14

SCALE: AS SHOWN

0.4

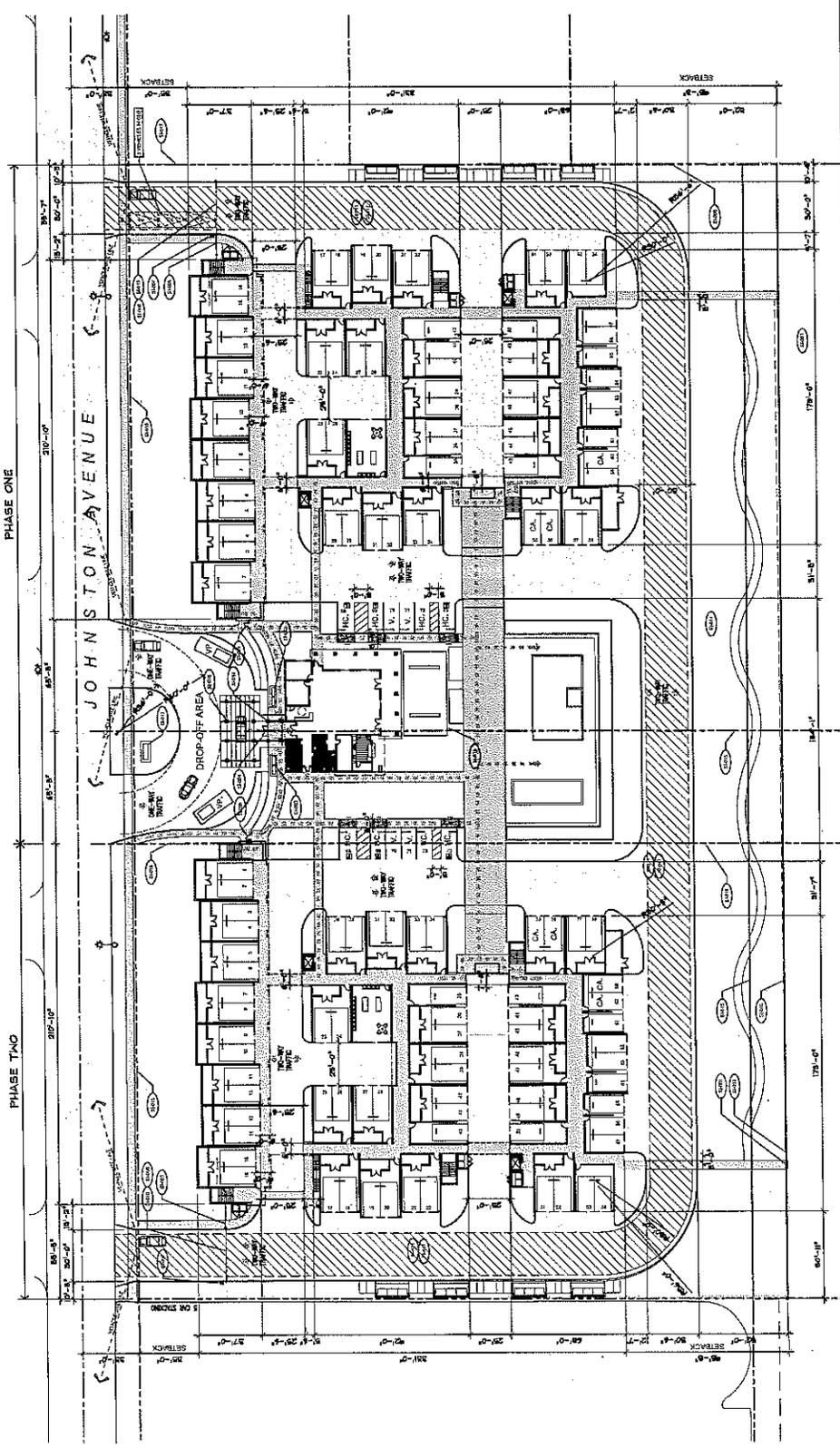
0.4

DATE FOR CONSTRUCTION

NO.	REVISIONS	DATE
1	ISSUED FOR PERMITS	02/11/12
2	ISSUED FOR CONSTRUCTION	02/11/12
3	ISSUED FOR CONSTRUCTION	02/11/12
4	ISSUED FOR CONSTRUCTION	02/11/12
5	ISSUED FOR CONSTRUCTION	02/11/12
6	ISSUED FOR CONSTRUCTION	02/11/12
7	ISSUED FOR CONSTRUCTION	02/11/12
8	ISSUED FOR CONSTRUCTION	02/11/12
9	ISSUED FOR CONSTRUCTION	02/11/12
10	ISSUED FOR CONSTRUCTION	02/11/12

**PARKING & CIRCULATION PLAN**

Scale: 0.5



**1 PARKING & CIRCULATION PLAN**  
 1" = 30'-0"

**PARKING TABULATION:**

REQUIRED	1 SPACE / UNIT
PHASE ONE	62 SPACES + 7 VISITOR SPACES
PHASE TWO	62 SPACES + 7 VISITOR SPACES
TOTAL REQUIRED	124 SPACES
PROVIDED	62 SPACES + 7 VISITOR SPACES
PHASE ONE	62 SPACES + 7 VISITOR SPACES
PHASE TWO	62 SPACES + 7 VISITOR SPACES
TOTAL PROVIDED	124 SPACES
SIZE OF STALLS:	8' x 20'
NUMBER OF DISABLED STALLS:	8 TOTAL (IN EACH PHASE, 2 VAN ACCESSIBLE + 6 BUS DROPOFF)

**GENERAL NOTES:**

1. PART OF THIS PLAN IS BASED UPON THE RECORD DRAWINGS FOR THE EXISTING BUILDING. THE CLIENT HAS ADVISED THAT THE RECORD DRAWINGS ARE NOT COMPLETELY ACCURATE. THE CLIENT HAS ADVISED THAT THE RECORD DRAWINGS ARE NOT COMPLETELY ACCURATE. THE CLIENT HAS ADVISED THAT THE RECORD DRAWINGS ARE NOT COMPLETELY ACCURATE.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

**KEYNOTES:**

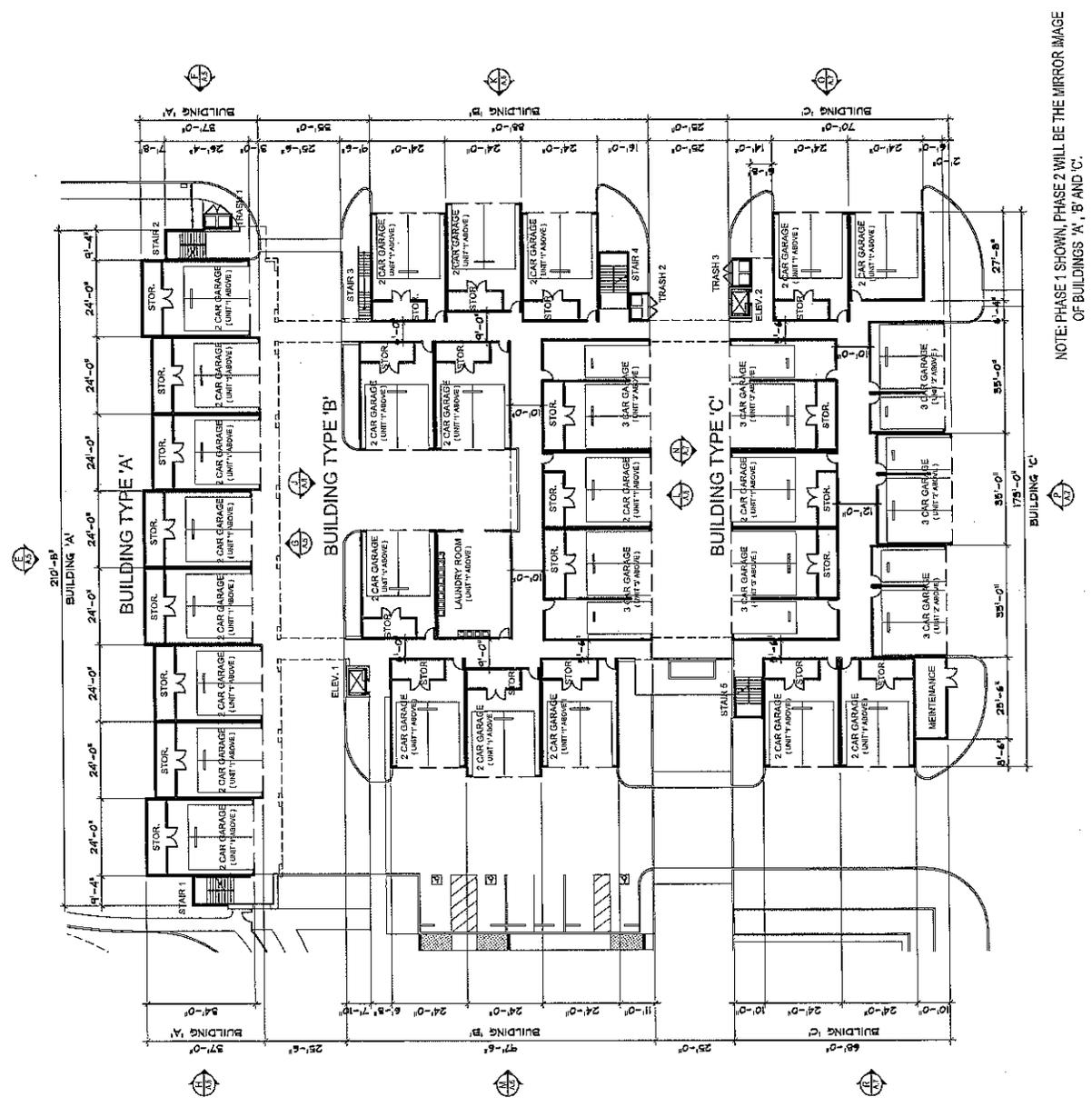
- 3-001: 1" x 4" x 8" CONCRETE
- 3-002: 1" x 4" x 8" CONCRETE
- 3-003: 1" x 4" x 8" CONCRETE
- 3-004: 1" x 4" x 8" CONCRETE
- 3-005: 1" x 4" x 8" CONCRETE
- 3-006: 1" x 4" x 8" CONCRETE
- 3-007: 1" x 4" x 8" CONCRETE
- 3-008: 1" x 4" x 8" CONCRETE
- 3-009: 1" x 4" x 8" CONCRETE
- 3-010: 1" x 4" x 8" CONCRETE
- 3-011: 1" x 4" x 8" CONCRETE
- 3-012: 1" x 4" x 8" CONCRETE
- 3-013: 1" x 4" x 8" CONCRETE
- 3-014: 1" x 4" x 8" CONCRETE
- 3-015: 1" x 4" x 8" CONCRETE
- 3-016: 1" x 4" x 8" CONCRETE
- 3-017: 1" x 4" x 8" CONCRETE
- 3-018: 1" x 4" x 8" CONCRETE
- 3-019: 1" x 4" x 8" CONCRETE
- 3-020: 1" x 4" x 8" CONCRETE
- 3-021: 1" x 4" x 8" CONCRETE
- 3-022: 1" x 4" x 8" CONCRETE
- 3-023: 1" x 4" x 8" CONCRETE
- 3-024: 1" x 4" x 8" CONCRETE
- 3-025: 1" x 4" x 8" CONCRETE
- 3-026: 1" x 4" x 8" CONCRETE
- 3-027: 1" x 4" x 8" CONCRETE
- 3-028: 1" x 4" x 8" CONCRETE
- 3-029: 1" x 4" x 8" CONCRETE
- 3-030: 1" x 4" x 8" CONCRETE
- 3-031: 1" x 4" x 8" CONCRETE
- 3-032: 1" x 4" x 8" CONCRETE
- 3-033: 1" x 4" x 8" CONCRETE
- 3-034: 1" x 4" x 8" CONCRETE
- 3-035: 1" x 4" x 8" CONCRETE
- 3-036: 1" x 4" x 8" CONCRETE
- 3-037: 1" x 4" x 8" CONCRETE
- 3-038: 1" x 4" x 8" CONCRETE
- 3-039: 1" x 4" x 8" CONCRETE
- 3-040: 1" x 4" x 8" CONCRETE
- 3-041: 1" x 4" x 8" CONCRETE
- 3-042: 1" x 4" x 8" CONCRETE
- 3-043: 1" x 4" x 8" CONCRETE
- 3-044: 1" x 4" x 8" CONCRETE
- 3-045: 1" x 4" x 8" CONCRETE
- 3-046: 1" x 4" x 8" CONCRETE
- 3-047: 1" x 4" x 8" CONCRETE
- 3-048: 1" x 4" x 8" CONCRETE
- 3-049: 1" x 4" x 8" CONCRETE
- 3-050: 1" x 4" x 8" CONCRETE
- 3-051: 1" x 4" x 8" CONCRETE
- 3-052: 1" x 4" x 8" CONCRETE
- 3-053: 1" x 4" x 8" CONCRETE
- 3-054: 1" x 4" x 8" CONCRETE
- 3-055: 1" x 4" x 8" CONCRETE
- 3-056: 1" x 4" x 8" CONCRETE
- 3-057: 1" x 4" x 8" CONCRETE
- 3-058: 1" x 4" x 8" CONCRETE
- 3-059: 1" x 4" x 8" CONCRETE
- 3-060: 1" x 4" x 8" CONCRETE
- 3-061: 1" x 4" x 8" CONCRETE
- 3-062: 1" x 4" x 8" CONCRETE
- 3-063: 1" x 4" x 8" CONCRETE
- 3-064: 1" x 4" x 8" CONCRETE
- 3-065: 1" x 4" x 8" CONCRETE
- 3-066: 1" x 4" x 8" CONCRETE
- 3-067: 1" x 4" x 8" CONCRETE
- 3-068: 1" x 4" x 8" CONCRETE
- 3-069: 1" x 4" x 8" CONCRETE
- 3-070: 1" x 4" x 8" CONCRETE
- 3-071: 1" x 4" x 8" CONCRETE
- 3-072: 1" x 4" x 8" CONCRETE
- 3-073: 1" x 4" x 8" CONCRETE
- 3-074: 1" x 4" x 8" CONCRETE
- 3-075: 1" x 4" x 8" CONCRETE
- 3-076: 1" x 4" x 8" CONCRETE
- 3-077: 1" x 4" x 8" CONCRETE
- 3-078: 1" x 4" x 8" CONCRETE
- 3-079: 1" x 4" x 8" CONCRETE
- 3-080: 1" x 4" x 8" CONCRETE
- 3-081: 1" x 4" x 8" CONCRETE
- 3-082: 1" x 4" x 8" CONCRETE
- 3-083: 1" x 4" x 8" CONCRETE
- 3-084: 1" x 4" x 8" CONCRETE
- 3-085: 1" x 4" x 8" CONCRETE
- 3-086: 1" x 4" x 8" CONCRETE
- 3-087: 1" x 4" x 8" CONCRETE
- 3-088: 1" x 4" x 8" CONCRETE
- 3-089: 1" x 4" x 8" CONCRETE
- 3-090: 1" x 4" x 8" CONCRETE
- 3-091: 1" x 4" x 8" CONCRETE
- 3-092: 1" x 4" x 8" CONCRETE
- 3-093: 1" x 4" x 8" CONCRETE
- 3-094: 1" x 4" x 8" CONCRETE
- 3-095: 1" x 4" x 8" CONCRETE
- 3-096: 1" x 4" x 8" CONCRETE
- 3-097: 1" x 4" x 8" CONCRETE
- 3-098: 1" x 4" x 8" CONCRETE
- 3-099: 1" x 4" x 8" CONCRETE
- 3-100: 1" x 4" x 8" CONCRETE

**PLAN LEGEND:**

- LANDSCAPE WALLWAYS (REFER TO LANDSCAPE PLANS)
- VEHICULAR CIRCULATION
- BIPLANE AND REFUSE LAINE
- DO NOT SCALE
- SEE GENERAL NOTES #1
- DESIGNATES VISITOR PARKING STALL
- DESIGNATES HANDICAPPED VISITOR STALL
- DESIGNATES CLEAN AIR VEHICLE STALL
- PARKING STALL NUMBER
- VAN POOL CAR SPACE

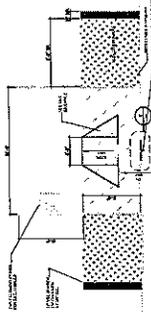
SEE FOR ORIENTATION

NO.	DATE	DESCRIPTION
1	02.10.10	ISSUE FOR PERMITS
2	02.10.10	ISSUE FOR PERMITS
3	02.10.10	ISSUE FOR PERMITS
4	02.10.10	ISSUE FOR PERMITS
5	02.10.10	ISSUE FOR PERMITS
6	02.10.10	ISSUE FOR PERMITS
7	02.10.10	ISSUE FOR PERMITS
8	02.10.10	ISSUE FOR PERMITS
9	02.10.10	ISSUE FOR PERMITS
10	02.10.10	ISSUE FOR PERMITS
11	02.10.10	ISSUE FOR PERMITS
12	02.10.10	ISSUE FOR PERMITS
13	02.10.10	ISSUE FOR PERMITS
14	02.10.10	ISSUE FOR PERMITS
15	02.10.10	ISSUE FOR PERMITS
16	02.10.10	ISSUE FOR PERMITS
17	02.10.10	ISSUE FOR PERMITS
18	02.10.10	ISSUE FOR PERMITS
19	02.10.10	ISSUE FOR PERMITS
20	02.10.10	ISSUE FOR PERMITS
21	02.10.10	ISSUE FOR PERMITS
22	02.10.10	ISSUE FOR PERMITS
23	02.10.10	ISSUE FOR PERMITS
24	02.10.10	ISSUE FOR PERMITS
25	02.10.10	ISSUE FOR PERMITS
26	02.10.10	ISSUE FOR PERMITS
27	02.10.10	ISSUE FOR PERMITS
28	02.10.10	ISSUE FOR PERMITS
29	02.10.10	ISSUE FOR PERMITS
30	02.10.10	ISSUE FOR PERMITS
31	02.10.10	ISSUE FOR PERMITS
32	02.10.10	ISSUE FOR PERMITS
33	02.10.10	ISSUE FOR PERMITS
34	02.10.10	ISSUE FOR PERMITS
35	02.10.10	ISSUE FOR PERMITS
36	02.10.10	ISSUE FOR PERMITS
37	02.10.10	ISSUE FOR PERMITS
38	02.10.10	ISSUE FOR PERMITS
39	02.10.10	ISSUE FOR PERMITS
40	02.10.10	ISSUE FOR PERMITS
41	02.10.10	ISSUE FOR PERMITS
42	02.10.10	ISSUE FOR PERMITS
43	02.10.10	ISSUE FOR PERMITS
44	02.10.10	ISSUE FOR PERMITS
45	02.10.10	ISSUE FOR PERMITS
46	02.10.10	ISSUE FOR PERMITS
47	02.10.10	ISSUE FOR PERMITS
48	02.10.10	ISSUE FOR PERMITS
49	02.10.10	ISSUE FOR PERMITS
50	02.10.10	ISSUE FOR PERMITS
51	02.10.10	ISSUE FOR PERMITS
52	02.10.10	ISSUE FOR PERMITS
53	02.10.10	ISSUE FOR PERMITS
54	02.10.10	ISSUE FOR PERMITS
55	02.10.10	ISSUE FOR PERMITS
56	02.10.10	ISSUE FOR PERMITS
57	02.10.10	ISSUE FOR PERMITS
58	02.10.10	ISSUE FOR PERMITS
59	02.10.10	ISSUE FOR PERMITS
60	02.10.10	ISSUE FOR PERMITS
61	02.10.10	ISSUE FOR PERMITS
62	02.10.10	ISSUE FOR PERMITS
63	02.10.10	ISSUE FOR PERMITS
64	02.10.10	ISSUE FOR PERMITS
65	02.10.10	ISSUE FOR PERMITS
66	02.10.10	ISSUE FOR PERMITS
67	02.10.10	ISSUE FOR PERMITS
68	02.10.10	ISSUE FOR PERMITS
69	02.10.10	ISSUE FOR PERMITS
70	02.10.10	ISSUE FOR PERMITS
71	02.10.10	ISSUE FOR PERMITS
72	02.10.10	ISSUE FOR PERMITS
73	02.10.10	ISSUE FOR PERMITS
74	02.10.10	ISSUE FOR PERMITS
75	02.10.10	ISSUE FOR PERMITS
76	02.10.10	ISSUE FOR PERMITS
77	02.10.10	ISSUE FOR PERMITS
78	02.10.10	ISSUE FOR PERMITS
79	02.10.10	ISSUE FOR PERMITS
80	02.10.10	ISSUE FOR PERMITS
81	02.10.10	ISSUE FOR PERMITS
82	02.10.10	ISSUE FOR PERMITS
83	02.10.10	ISSUE FOR PERMITS
84	02.10.10	ISSUE FOR PERMITS
85	02.10.10	ISSUE FOR PERMITS
86	02.10.10	ISSUE FOR PERMITS
87	02.10.10	ISSUE FOR PERMITS
88	02.10.10	ISSUE FOR PERMITS
89	02.10.10	ISSUE FOR PERMITS
90	02.10.10	ISSUE FOR PERMITS
91	02.10.10	ISSUE FOR PERMITS
92	02.10.10	ISSUE FOR PERMITS
93	02.10.10	ISSUE FOR PERMITS
94	02.10.10	ISSUE FOR PERMITS
95	02.10.10	ISSUE FOR PERMITS
96	02.10.10	ISSUE FOR PERMITS
97	02.10.10	ISSUE FOR PERMITS
98	02.10.10	ISSUE FOR PERMITS
99	02.10.10	ISSUE FOR PERMITS
100	02.10.10	ISSUE FOR PERMITS

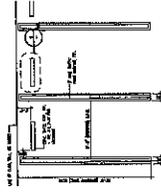


NOTE: PHASE 1 SHOWN, PHASE 2 WILL BE THE MIRROR IMAGE OF BUILDINGS 'A', 'B' AND 'C'.

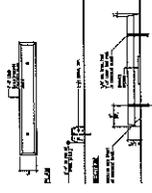
1 FIRST LEVEL BUILDING PLAN  
 1/16" = 1'-0"



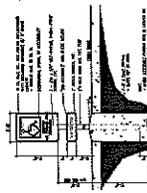
6 VAN ACCESSIBLE PARKING STALL  
 1/4" = 1'-0"



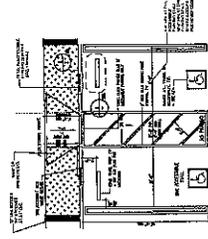
5 PARKING STRIP  
 1/4" = 1'-0"



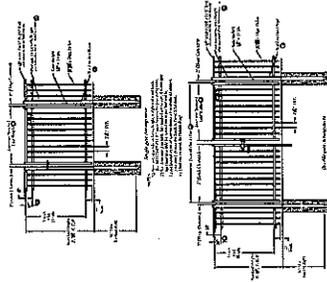
4 TYP. CONCRETE WHEEL STOP  
 1/4" = 1'-0"



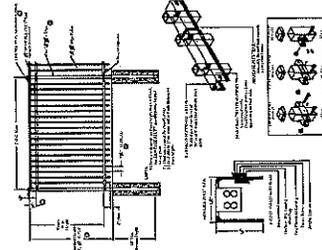
3 ACCESSIBLE PARKING SIGN  
 1/4" = 1'-0"



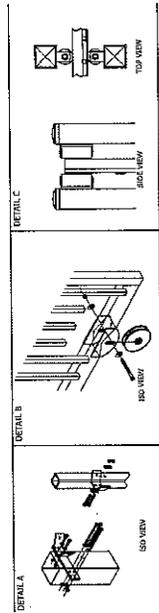
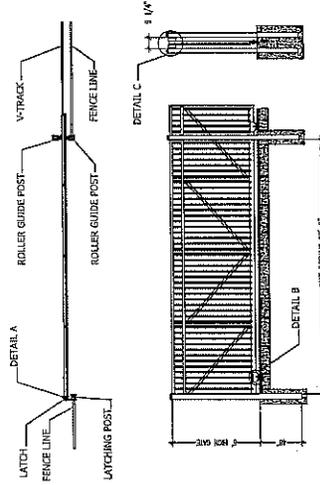
2 ACCESSIBLE PARKING STALLS  
 1/4" = 1'-0"



8 STEEL PEDESTRIAN GATE  
 1/4" = 1'-0"

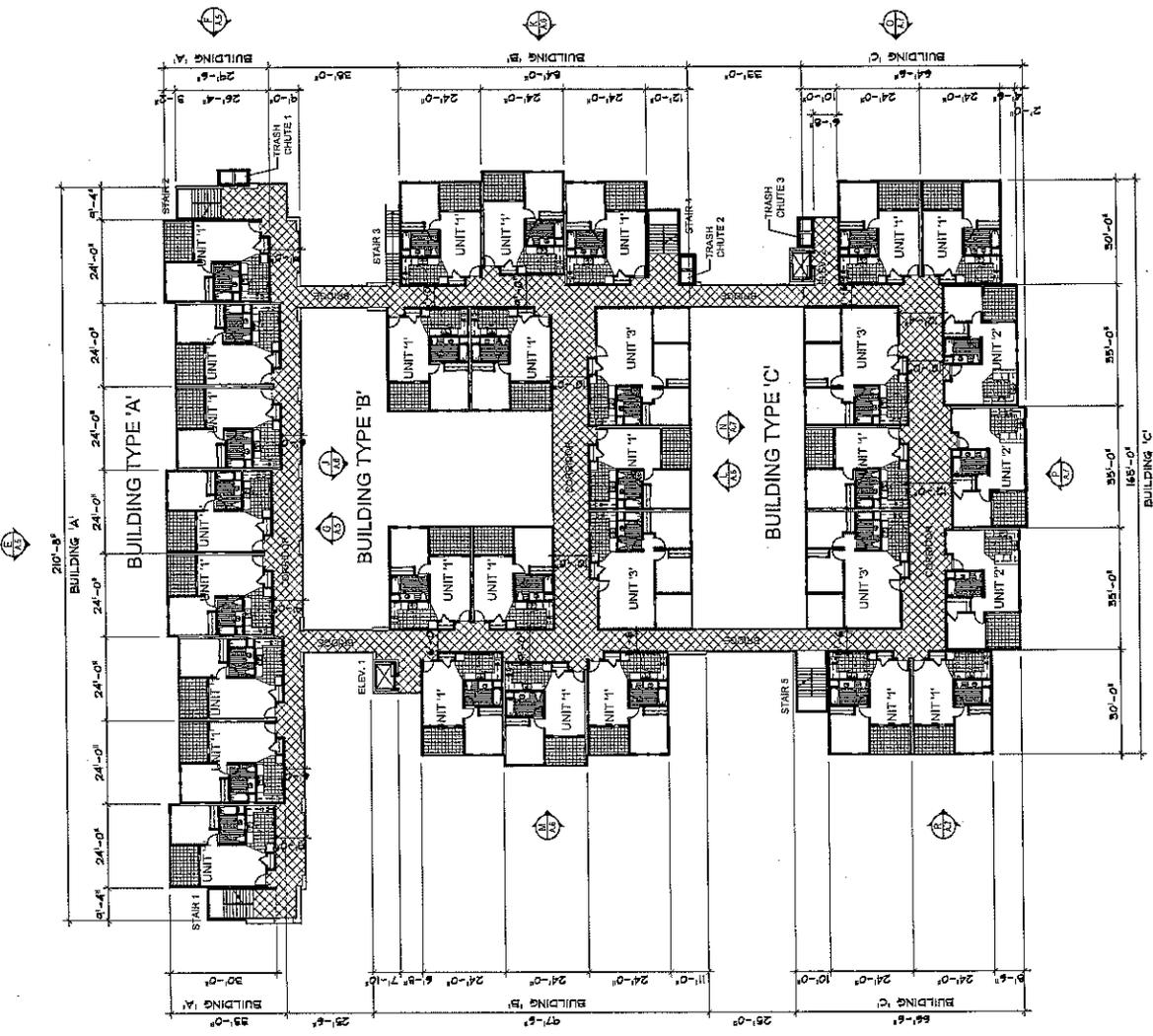


7 STEEL FENCING  
 1/4" = 1'-0"



9 ELECTRIC STEEL GATE  
 1/4" = 1'-0"

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	08/11/11
2	REVISED PER COMMENTS	08/11/11
3	REVISED PER COMMENTS	08/11/11
4	REVISED PER COMMENTS	08/11/11
5	REVISED PER COMMENTS	08/11/11
6	REVISED PER COMMENTS	08/11/11
7	REVISED PER COMMENTS	08/11/11
8	REVISED PER COMMENTS	08/11/11
9	REVISED PER COMMENTS	08/11/11
10	REVISED PER COMMENTS	08/11/11
11	REVISED PER COMMENTS	08/11/11
12	REVISED PER COMMENTS	08/11/11
13	REVISED PER COMMENTS	08/11/11
14	REVISED PER COMMENTS	08/11/11
15	REVISED PER COMMENTS	08/11/11
16	REVISED PER COMMENTS	08/11/11
17	REVISED PER COMMENTS	08/11/11
18	REVISED PER COMMENTS	08/11/11
19	REVISED PER COMMENTS	08/11/11
20	REVISED PER COMMENTS	08/11/11
21	REVISED PER COMMENTS	08/11/11
22	REVISED PER COMMENTS	08/11/11
23	REVISED PER COMMENTS	08/11/11
24	REVISED PER COMMENTS	08/11/11
25	REVISED PER COMMENTS	08/11/11
26	REVISED PER COMMENTS	08/11/11
27	REVISED PER COMMENTS	08/11/11
28	REVISED PER COMMENTS	08/11/11
29	REVISED PER COMMENTS	08/11/11
30	REVISED PER COMMENTS	08/11/11
31	REVISED PER COMMENTS	08/11/11
32	REVISED PER COMMENTS	08/11/11
33	REVISED PER COMMENTS	08/11/11
34	REVISED PER COMMENTS	08/11/11
35	REVISED PER COMMENTS	08/11/11
36	REVISED PER COMMENTS	08/11/11
37	REVISED PER COMMENTS	08/11/11
38	REVISED PER COMMENTS	08/11/11
39	REVISED PER COMMENTS	08/11/11
40	REVISED PER COMMENTS	08/11/11
41	REVISED PER COMMENTS	08/11/11
42	REVISED PER COMMENTS	08/11/11
43	REVISED PER COMMENTS	08/11/11
44	REVISED PER COMMENTS	08/11/11
45	REVISED PER COMMENTS	08/11/11
46	REVISED PER COMMENTS	08/11/11
47	REVISED PER COMMENTS	08/11/11
48	REVISED PER COMMENTS	08/11/11
49	REVISED PER COMMENTS	08/11/11
50	REVISED PER COMMENTS	08/11/11
51	REVISED PER COMMENTS	08/11/11
52	REVISED PER COMMENTS	08/11/11
53	REVISED PER COMMENTS	08/11/11
54	REVISED PER COMMENTS	08/11/11
55	REVISED PER COMMENTS	08/11/11
56	REVISED PER COMMENTS	08/11/11
57	REVISED PER COMMENTS	08/11/11
58	REVISED PER COMMENTS	08/11/11
59	REVISED PER COMMENTS	08/11/11
60	REVISED PER COMMENTS	08/11/11
61	REVISED PER COMMENTS	08/11/11
62	REVISED PER COMMENTS	08/11/11
63	REVISED PER COMMENTS	08/11/11
64	REVISED PER COMMENTS	08/11/11
65	REVISED PER COMMENTS	08/11/11
66	REVISED PER COMMENTS	08/11/11
67	REVISED PER COMMENTS	08/11/11
68	REVISED PER COMMENTS	08/11/11
69	REVISED PER COMMENTS	08/11/11
70	REVISED PER COMMENTS	08/11/11
71	REVISED PER COMMENTS	08/11/11
72	REVISED PER COMMENTS	08/11/11
73	REVISED PER COMMENTS	08/11/11
74	REVISED PER COMMENTS	08/11/11
75	REVISED PER COMMENTS	08/11/11
76	REVISED PER COMMENTS	08/11/11
77	REVISED PER COMMENTS	08/11/11
78	REVISED PER COMMENTS	08/11/11
79	REVISED PER COMMENTS	08/11/11
80	REVISED PER COMMENTS	08/11/11
81	REVISED PER COMMENTS	08/11/11
82	REVISED PER COMMENTS	08/11/11
83	REVISED PER COMMENTS	08/11/11
84	REVISED PER COMMENTS	08/11/11
85	REVISED PER COMMENTS	08/11/11
86	REVISED PER COMMENTS	08/11/11
87	REVISED PER COMMENTS	08/11/11
88	REVISED PER COMMENTS	08/11/11
89	REVISED PER COMMENTS	08/11/11
90	REVISED PER COMMENTS	08/11/11
91	REVISED PER COMMENTS	08/11/11
92	REVISED PER COMMENTS	08/11/11
93	REVISED PER COMMENTS	08/11/11
94	REVISED PER COMMENTS	08/11/11
95	REVISED PER COMMENTS	08/11/11
96	REVISED PER COMMENTS	08/11/11
97	REVISED PER COMMENTS	08/11/11
98	REVISED PER COMMENTS	08/11/11
99	REVISED PER COMMENTS	08/11/11
100	REVISED PER COMMENTS	08/11/11



NOTE: PHASE 1 SHOWN, PHASE 2 WILL BE THE MIRROR IMAGE OF BUILDINGS 'A', 'B' AND 'C'.

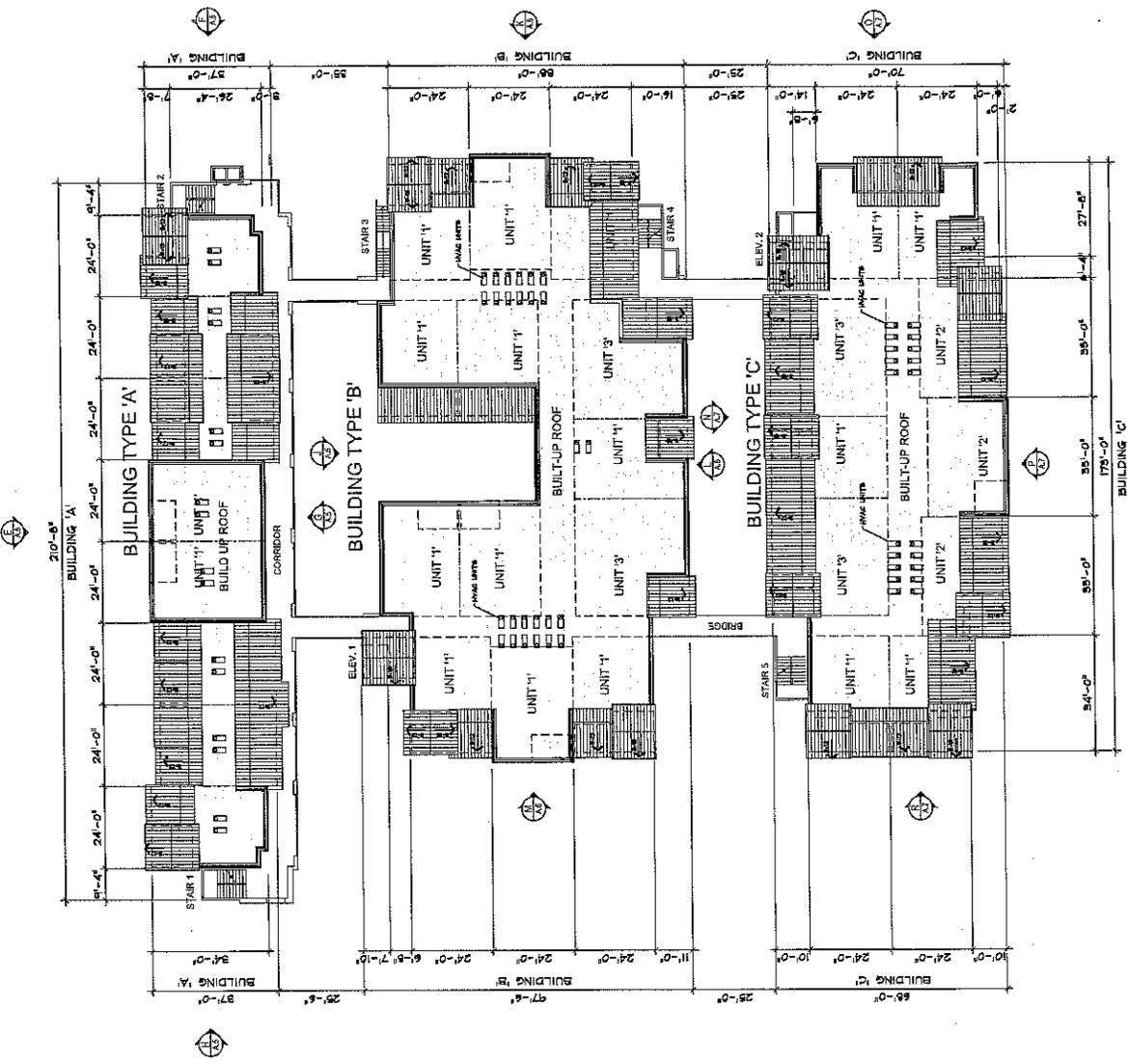
WALKWAY AND ELEVATOR AREA TABULATION

WALKWAYS	GROUND LEVEL	2ND LEVEL	3RD LEVEL	TOTAL
	6343 SF	6343 SF	6343 SF	19029 SF
ELEVATORS	38 SF EA X 2 = 76 SF	38 SF EA X 2 = 76 SF	38 SF EA X 2 = 76 SF	152 SF
				TOTAL

1 SECOND AND THIRD LEVEL BUILDING PLANS  
 1/16" = 1'-0"

NOT FOR CONSTRUCTION

NO.	DESCRIPTION	DATE
1	ISSUE FOR CONSTRUCTION	01.11.11
2	REV. 01	01.11.11
3	REV. 02	01.11.11
4	REV. 03	01.11.11
5	REV. 04	01.11.11
6	REV. 05	01.11.11
7	REV. 06	01.11.11
8	REV. 07	01.11.11
9	REV. 08	01.11.11
10	REV. 09	01.11.11
11	REV. 10	01.11.11
12	REV. 11	01.11.11
13	REV. 12	01.11.11
14	REV. 13	01.11.11
15	REV. 14	01.11.11
16	REV. 15	01.11.11
17	REV. 16	01.11.11
18	REV. 17	01.11.11
19	REV. 18	01.11.11
20	REV. 19	01.11.11
21	REV. 20	01.11.11
22	REV. 21	01.11.11
23	REV. 22	01.11.11
24	REV. 23	01.11.11
25	REV. 24	01.11.11
26	REV. 25	01.11.11
27	REV. 26	01.11.11
28	REV. 27	01.11.11
29	REV. 28	01.11.11
30	REV. 29	01.11.11
31	REV. 30	01.11.11
32	REV. 31	01.11.11
33	REV. 32	01.11.11
34	REV. 33	01.11.11
35	REV. 34	01.11.11
36	REV. 35	01.11.11
37	REV. 36	01.11.11
38	REV. 37	01.11.11
39	REV. 38	01.11.11
40	REV. 39	01.11.11
41	REV. 40	01.11.11
42	REV. 41	01.11.11
43	REV. 42	01.11.11
44	REV. 43	01.11.11
45	REV. 44	01.11.11
46	REV. 45	01.11.11
47	REV. 46	01.11.11
48	REV. 47	01.11.11
49	REV. 48	01.11.11
50	REV. 49	01.11.11
51	REV. 50	01.11.11
52	REV. 51	01.11.11
53	REV. 52	01.11.11
54	REV. 53	01.11.11
55	REV. 54	01.11.11
56	REV. 55	01.11.11
57	REV. 56	01.11.11
58	REV. 57	01.11.11
59	REV. 58	01.11.11
60	REV. 59	01.11.11
61	REV. 60	01.11.11
62	REV. 61	01.11.11
63	REV. 62	01.11.11
64	REV. 63	01.11.11
65	REV. 64	01.11.11
66	REV. 65	01.11.11
67	REV. 66	01.11.11
68	REV. 67	01.11.11
69	REV. 68	01.11.11
70	REV. 69	01.11.11
71	REV. 70	01.11.11
72	REV. 71	01.11.11
73	REV. 72	01.11.11
74	REV. 73	01.11.11
75	REV. 74	01.11.11
76	REV. 75	01.11.11
77	REV. 76	01.11.11
78	REV. 77	01.11.11
79	REV. 78	01.11.11
80	REV. 79	01.11.11
81	REV. 80	01.11.11
82	REV. 81	01.11.11
83	REV. 82	01.11.11
84	REV. 83	01.11.11
85	REV. 84	01.11.11
86	REV. 85	01.11.11
87	REV. 86	01.11.11
88	REV. 87	01.11.11
89	REV. 88	01.11.11
90	REV. 89	01.11.11
91	REV. 90	01.11.11
92	REV. 91	01.11.11
93	REV. 92	01.11.11
94	REV. 93	01.11.11
95	REV. 94	01.11.11
96	REV. 95	01.11.11
97	REV. 96	01.11.11
98	REV. 97	01.11.11
99	REV. 98	01.11.11
100	REV. 99	01.11.11



NOTE: PHASE 1 SHOWN, PHASE 2 WILL BE THE MIRROR IMAGE OF BUILDINGS 'A', 'B' AND 'C'.

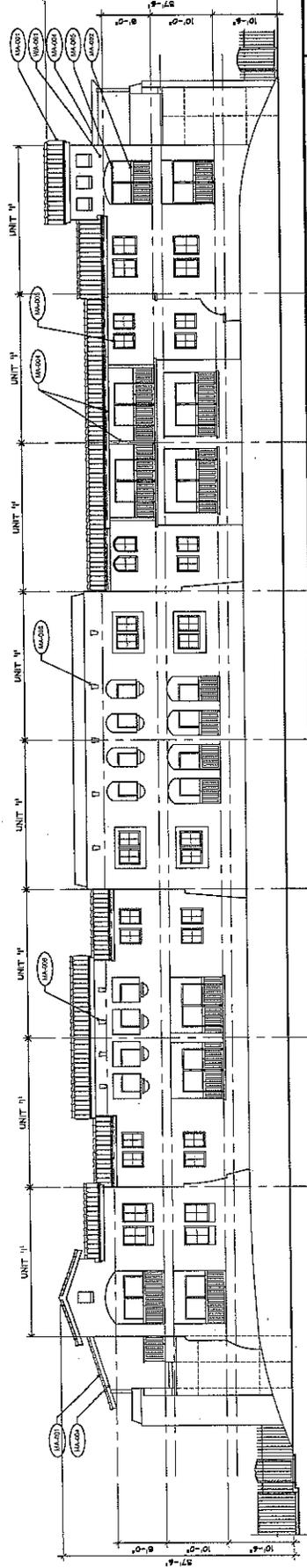




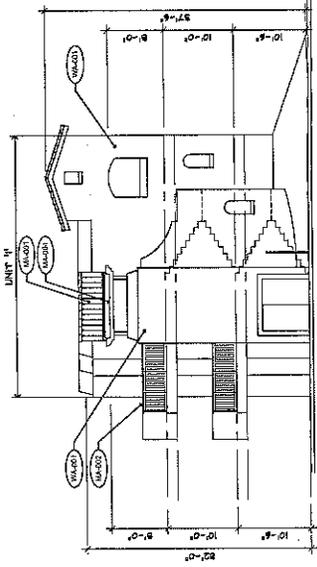
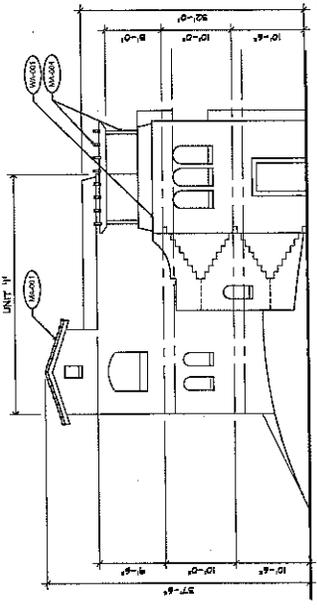


SEE THE CONSTRUCTION

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	01/21/11
2	ISSUED FOR CONSTRUCTION	01/21/11
3	ISSUED FOR CONSTRUCTION	01/21/11
4	ISSUED FOR CONSTRUCTION	01/21/11
5	ISSUED FOR CONSTRUCTION	01/21/11
6	ISSUED FOR CONSTRUCTION	01/21/11
7	ISSUED FOR CONSTRUCTION	01/21/11
8	ISSUED FOR CONSTRUCTION	01/21/11
9	ISSUED FOR CONSTRUCTION	01/21/11
10	ISSUED FOR CONSTRUCTION	01/21/11

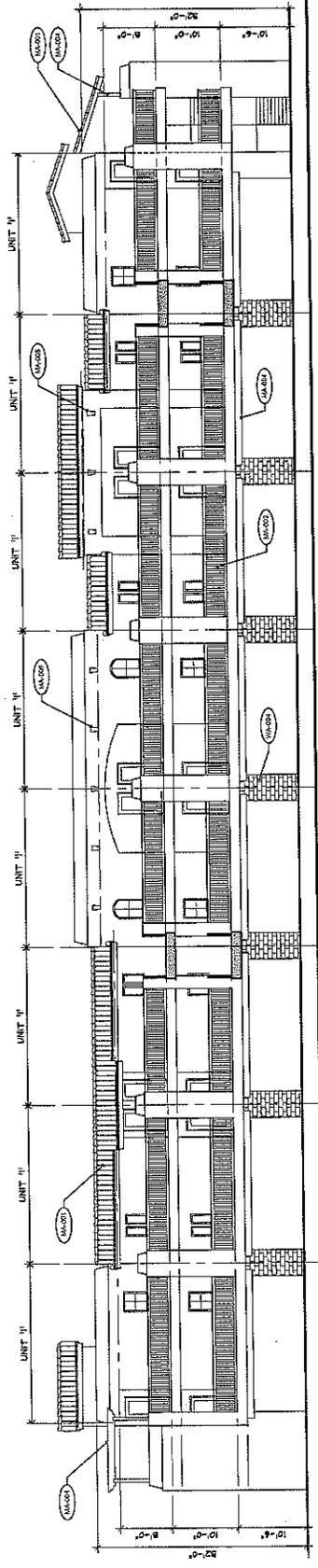


1 BUILDING 'A' ELEVATION 'E'  
 1"=8'-0"



3 BUILDING 'A' ELEVATION 'G'  
 1"=8'-0"

4 BUILDING 'A' ELEVATION 'H'  
 1"=8'-0"



2 BUILDING 'A' ELEVATION 'F'  
 1"=8'-0"



NOT FOR CONSTRUCTION

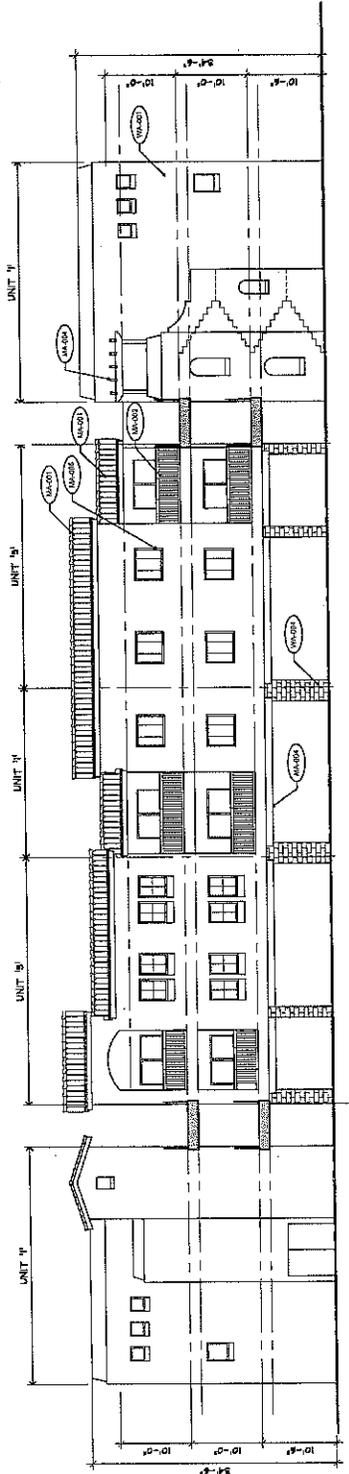
NO.	DATE	DESCRIPTION
1	08/11/2010	ISSUED FOR PERMITS
2	08/11/2010	ISSUED FOR PERMITS
3	08/11/2010	ISSUED FOR PERMITS
4	08/11/2010	ISSUED FOR PERMITS
5	08/11/2010	ISSUED FOR PERMITS
6	08/11/2010	ISSUED FOR PERMITS
7	08/11/2010	ISSUED FOR PERMITS
8	08/11/2010	ISSUED FOR PERMITS
9	08/11/2010	ISSUED FOR PERMITS
10	08/11/2010	ISSUED FOR PERMITS
11	08/11/2010	ISSUED FOR PERMITS
12	08/11/2010	ISSUED FOR PERMITS
13	08/11/2010	ISSUED FOR PERMITS
14	08/11/2010	ISSUED FOR PERMITS
15	08/11/2010	ISSUED FOR PERMITS
16	08/11/2010	ISSUED FOR PERMITS
17	08/11/2010	ISSUED FOR PERMITS
18	08/11/2010	ISSUED FOR PERMITS
19	08/11/2010	ISSUED FOR PERMITS
20	08/11/2010	ISSUED FOR PERMITS
21	08/11/2010	ISSUED FOR PERMITS
22	08/11/2010	ISSUED FOR PERMITS
23	08/11/2010	ISSUED FOR PERMITS
24	08/11/2010	ISSUED FOR PERMITS
25	08/11/2010	ISSUED FOR PERMITS
26	08/11/2010	ISSUED FOR PERMITS
27	08/11/2010	ISSUED FOR PERMITS
28	08/11/2010	ISSUED FOR PERMITS
29	08/11/2010	ISSUED FOR PERMITS
30	08/11/2010	ISSUED FOR PERMITS
31	08/11/2010	ISSUED FOR PERMITS
32	08/11/2010	ISSUED FOR PERMITS
33	08/11/2010	ISSUED FOR PERMITS
34	08/11/2010	ISSUED FOR PERMITS
35	08/11/2010	ISSUED FOR PERMITS
36	08/11/2010	ISSUED FOR PERMITS
37	08/11/2010	ISSUED FOR PERMITS
38	08/11/2010	ISSUED FOR PERMITS
39	08/11/2010	ISSUED FOR PERMITS
40	08/11/2010	ISSUED FOR PERMITS
41	08/11/2010	ISSUED FOR PERMITS
42	08/11/2010	ISSUED FOR PERMITS
43	08/11/2010	ISSUED FOR PERMITS
44	08/11/2010	ISSUED FOR PERMITS
45	08/11/2010	ISSUED FOR PERMITS
46	08/11/2010	ISSUED FOR PERMITS
47	08/11/2010	ISSUED FOR PERMITS
48	08/11/2010	ISSUED FOR PERMITS
49	08/11/2010	ISSUED FOR PERMITS
50	08/11/2010	ISSUED FOR PERMITS
51	08/11/2010	ISSUED FOR PERMITS
52	08/11/2010	ISSUED FOR PERMITS
53	08/11/2010	ISSUED FOR PERMITS
54	08/11/2010	ISSUED FOR PERMITS
55	08/11/2010	ISSUED FOR PERMITS
56	08/11/2010	ISSUED FOR PERMITS
57	08/11/2010	ISSUED FOR PERMITS
58	08/11/2010	ISSUED FOR PERMITS
59	08/11/2010	ISSUED FOR PERMITS
60	08/11/2010	ISSUED FOR PERMITS
61	08/11/2010	ISSUED FOR PERMITS
62	08/11/2010	ISSUED FOR PERMITS
63	08/11/2010	ISSUED FOR PERMITS
64	08/11/2010	ISSUED FOR PERMITS
65	08/11/2010	ISSUED FOR PERMITS
66	08/11/2010	ISSUED FOR PERMITS
67	08/11/2010	ISSUED FOR PERMITS
68	08/11/2010	ISSUED FOR PERMITS
69	08/11/2010	ISSUED FOR PERMITS
70	08/11/2010	ISSUED FOR PERMITS
71	08/11/2010	ISSUED FOR PERMITS
72	08/11/2010	ISSUED FOR PERMITS
73	08/11/2010	ISSUED FOR PERMITS
74	08/11/2010	ISSUED FOR PERMITS
75	08/11/2010	ISSUED FOR PERMITS
76	08/11/2010	ISSUED FOR PERMITS
77	08/11/2010	ISSUED FOR PERMITS
78	08/11/2010	ISSUED FOR PERMITS
79	08/11/2010	ISSUED FOR PERMITS
80	08/11/2010	ISSUED FOR PERMITS
81	08/11/2010	ISSUED FOR PERMITS
82	08/11/2010	ISSUED FOR PERMITS
83	08/11/2010	ISSUED FOR PERMITS
84	08/11/2010	ISSUED FOR PERMITS
85	08/11/2010	ISSUED FOR PERMITS
86	08/11/2010	ISSUED FOR PERMITS
87	08/11/2010	ISSUED FOR PERMITS
88	08/11/2010	ISSUED FOR PERMITS
89	08/11/2010	ISSUED FOR PERMITS
90	08/11/2010	ISSUED FOR PERMITS
91	08/11/2010	ISSUED FOR PERMITS
92	08/11/2010	ISSUED FOR PERMITS
93	08/11/2010	ISSUED FOR PERMITS
94	08/11/2010	ISSUED FOR PERMITS
95	08/11/2010	ISSUED FOR PERMITS
96	08/11/2010	ISSUED FOR PERMITS
97	08/11/2010	ISSUED FOR PERMITS
98	08/11/2010	ISSUED FOR PERMITS
99	08/11/2010	ISSUED FOR PERMITS
100	08/11/2010	ISSUED FOR PERMITS

BUILDING 'C'  
 ELEVATIONS

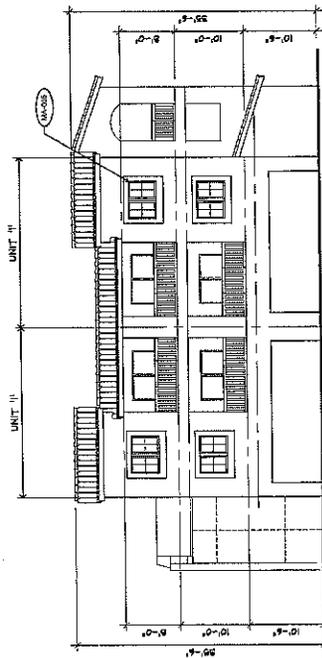
SHEET

A.8

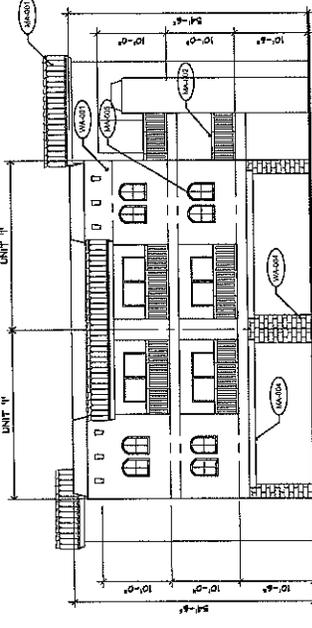
Copyright © 2011 DENLEY ARCHITECTURAL & ENGINEERING COMPANY



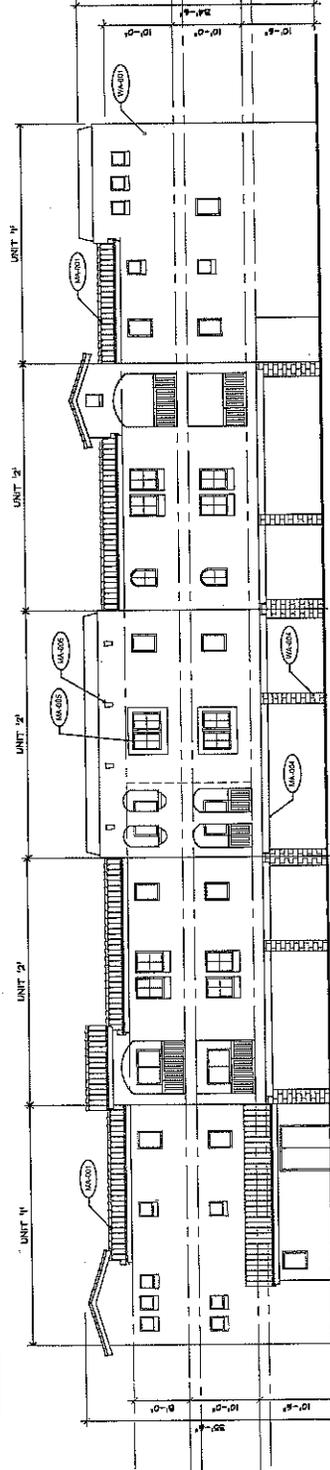
1 BUILDING 'C' ELEVATION 'N'  
 1/8"=1'-0"



4 BUILDING 'C' ELEVATION 'R'  
 1/8"=1'-0"



3 BUILDING 'C' ELEVATION 'O'  
 1/8"=1'-0"



2 BUILDING 'C' ELEVATION 'P'  
 1/8"=1'-0"

SEE THE CONSTRUCTION

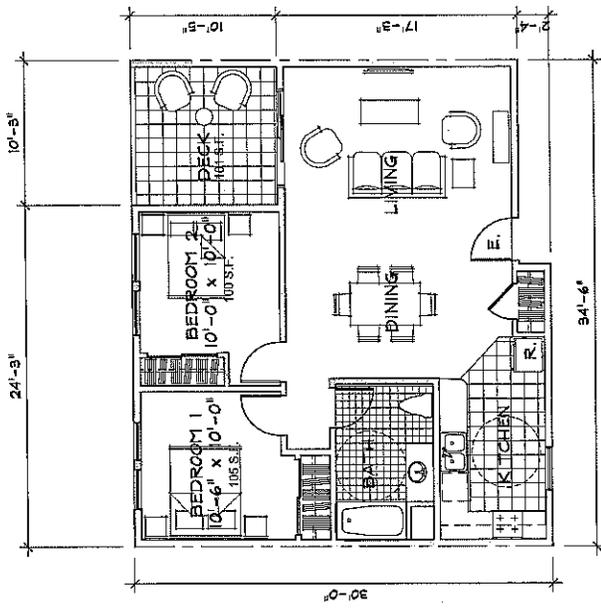
NO.	REVISIONS
1	ISSUED FOR CONSTRUCTION
2	REVISED PER COMMENTS
3	REVISED PER COMMENTS
4	REVISED PER COMMENTS
5	REVISED PER COMMENTS
6	REVISED PER COMMENTS
7	REVISED PER COMMENTS
8	REVISED PER COMMENTS
9	REVISED PER COMMENTS
10	REVISED PER COMMENTS
11	REVISED PER COMMENTS
12	REVISED PER COMMENTS
13	REVISED PER COMMENTS
14	REVISED PER COMMENTS
15	REVISED PER COMMENTS
16	REVISED PER COMMENTS
17	REVISED PER COMMENTS
18	REVISED PER COMMENTS
19	REVISED PER COMMENTS
20	REVISED PER COMMENTS
21	REVISED PER COMMENTS
22	REVISED PER COMMENTS
23	REVISED PER COMMENTS
24	REVISED PER COMMENTS
25	REVISED PER COMMENTS
26	REVISED PER COMMENTS
27	REVISED PER COMMENTS
28	REVISED PER COMMENTS
29	REVISED PER COMMENTS
30	REVISED PER COMMENTS
31	REVISED PER COMMENTS
32	REVISED PER COMMENTS
33	REVISED PER COMMENTS
34	REVISED PER COMMENTS
35	REVISED PER COMMENTS
36	REVISED PER COMMENTS
37	REVISED PER COMMENTS
38	REVISED PER COMMENTS
39	REVISED PER COMMENTS
40	REVISED PER COMMENTS
41	REVISED PER COMMENTS
42	REVISED PER COMMENTS
43	REVISED PER COMMENTS
44	REVISED PER COMMENTS
45	REVISED PER COMMENTS
46	REVISED PER COMMENTS
47	REVISED PER COMMENTS
48	REVISED PER COMMENTS
49	REVISED PER COMMENTS
50	REVISED PER COMMENTS
51	REVISED PER COMMENTS
52	REVISED PER COMMENTS
53	REVISED PER COMMENTS
54	REVISED PER COMMENTS
55	REVISED PER COMMENTS
56	REVISED PER COMMENTS
57	REVISED PER COMMENTS
58	REVISED PER COMMENTS
59	REVISED PER COMMENTS
60	REVISED PER COMMENTS
61	REVISED PER COMMENTS
62	REVISED PER COMMENTS
63	REVISED PER COMMENTS
64	REVISED PER COMMENTS
65	REVISED PER COMMENTS
66	REVISED PER COMMENTS
67	REVISED PER COMMENTS
68	REVISED PER COMMENTS
69	REVISED PER COMMENTS
70	REVISED PER COMMENTS
71	REVISED PER COMMENTS
72	REVISED PER COMMENTS
73	REVISED PER COMMENTS
74	REVISED PER COMMENTS
75	REVISED PER COMMENTS
76	REVISED PER COMMENTS
77	REVISED PER COMMENTS
78	REVISED PER COMMENTS
79	REVISED PER COMMENTS
80	REVISED PER COMMENTS
81	REVISED PER COMMENTS
82	REVISED PER COMMENTS
83	REVISED PER COMMENTS
84	REVISED PER COMMENTS
85	REVISED PER COMMENTS
86	REVISED PER COMMENTS
87	REVISED PER COMMENTS
88	REVISED PER COMMENTS
89	REVISED PER COMMENTS
90	REVISED PER COMMENTS
91	REVISED PER COMMENTS
92	REVISED PER COMMENTS
93	REVISED PER COMMENTS
94	REVISED PER COMMENTS
95	REVISED PER COMMENTS
96	REVISED PER COMMENTS
97	REVISED PER COMMENTS
98	REVISED PER COMMENTS
99	REVISED PER COMMENTS
100	REVISED PER COMMENTS

UNIT PLANS

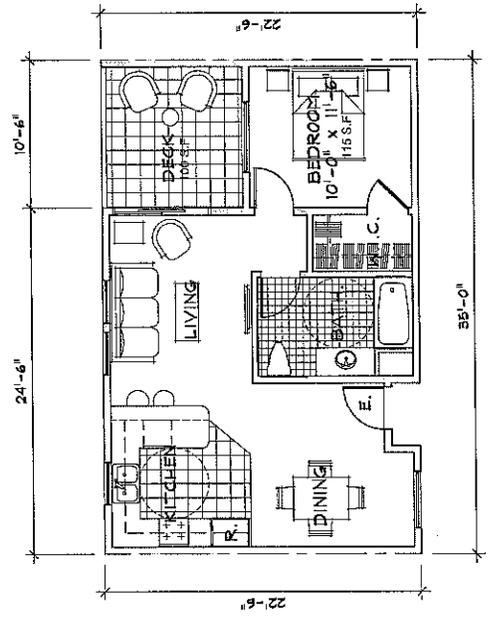
SHEET

A.9

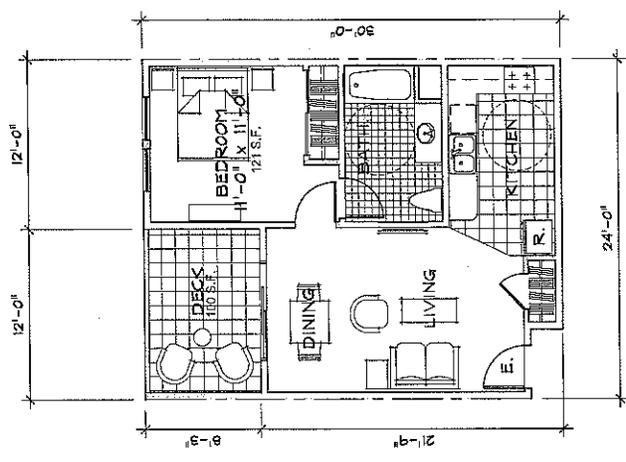
PROJECT: 0111 SENIOR HOUSING



**UNIT '3' 2 BEDROOM**  
 894 S.F. + 100 S.F. BALCONY



**UNIT '2' 1 BEDROOM**  
 682 S.F. + 100 S.F. BALCONY



**UNIT '1' 1 BEDROOM**  
 605 S.F. + 100 S.F. BALCONY

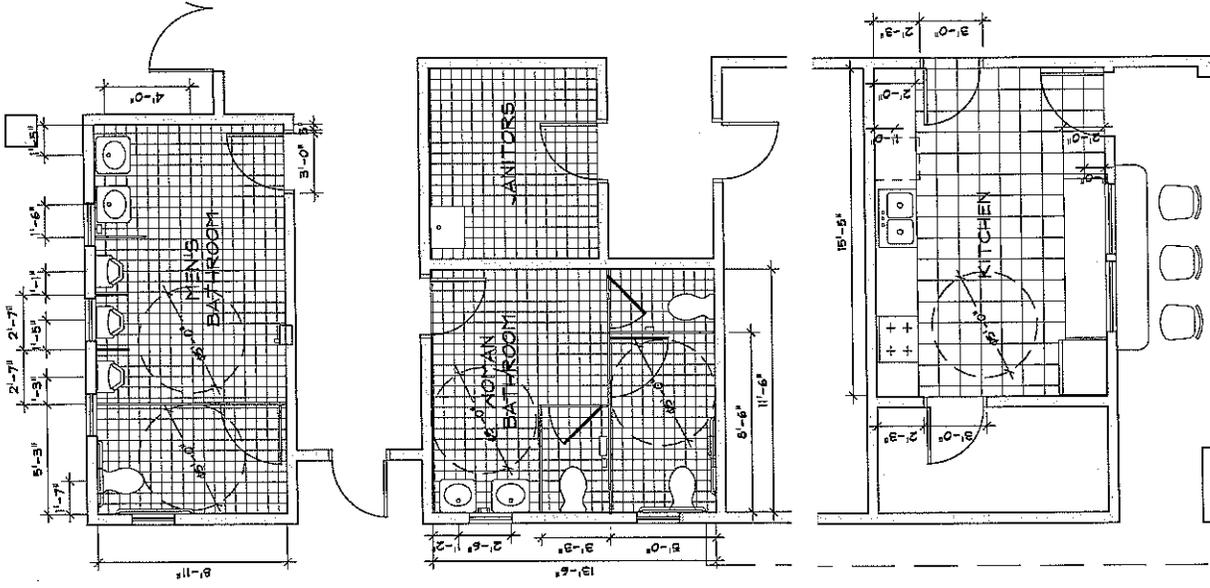
SEE FOR CONNECTION

NO.	DATE	DESCRIPTION
1	08/11/08	ISSUE FOR PERMITS
2	08/11/08	ISSUE FOR PERMITS
3	08/11/08	ISSUE FOR PERMITS
4	08/11/08	ISSUE FOR PERMITS
5	08/11/08	ISSUE FOR PERMITS
6	08/11/08	ISSUE FOR PERMITS
7	08/11/08	ISSUE FOR PERMITS
8	08/11/08	ISSUE FOR PERMITS
9	08/11/08	ISSUE FOR PERMITS
10	08/11/08	ISSUE FOR PERMITS
11	08/11/08	ISSUE FOR PERMITS
12	08/11/08	ISSUE FOR PERMITS
13	08/11/08	ISSUE FOR PERMITS
14	08/11/08	ISSUE FOR PERMITS
15	08/11/08	ISSUE FOR PERMITS
16	08/11/08	ISSUE FOR PERMITS
17	08/11/08	ISSUE FOR PERMITS
18	08/11/08	ISSUE FOR PERMITS
19	08/11/08	ISSUE FOR PERMITS
20	08/11/08	ISSUE FOR PERMITS
21	08/11/08	ISSUE FOR PERMITS
22	08/11/08	ISSUE FOR PERMITS
23	08/11/08	ISSUE FOR PERMITS
24	08/11/08	ISSUE FOR PERMITS
25	08/11/08	ISSUE FOR PERMITS
26	08/11/08	ISSUE FOR PERMITS
27	08/11/08	ISSUE FOR PERMITS
28	08/11/08	ISSUE FOR PERMITS
29	08/11/08	ISSUE FOR PERMITS
30	08/11/08	ISSUE FOR PERMITS
31	08/11/08	ISSUE FOR PERMITS
32	08/11/08	ISSUE FOR PERMITS
33	08/11/08	ISSUE FOR PERMITS
34	08/11/08	ISSUE FOR PERMITS
35	08/11/08	ISSUE FOR PERMITS
36	08/11/08	ISSUE FOR PERMITS
37	08/11/08	ISSUE FOR PERMITS
38	08/11/08	ISSUE FOR PERMITS
39	08/11/08	ISSUE FOR PERMITS
40	08/11/08	ISSUE FOR PERMITS
41	08/11/08	ISSUE FOR PERMITS
42	08/11/08	ISSUE FOR PERMITS
43	08/11/08	ISSUE FOR PERMITS
44	08/11/08	ISSUE FOR PERMITS
45	08/11/08	ISSUE FOR PERMITS
46	08/11/08	ISSUE FOR PERMITS
47	08/11/08	ISSUE FOR PERMITS
48	08/11/08	ISSUE FOR PERMITS
49	08/11/08	ISSUE FOR PERMITS
50	08/11/08	ISSUE FOR PERMITS
51	08/11/08	ISSUE FOR PERMITS
52	08/11/08	ISSUE FOR PERMITS
53	08/11/08	ISSUE FOR PERMITS
54	08/11/08	ISSUE FOR PERMITS
55	08/11/08	ISSUE FOR PERMITS
56	08/11/08	ISSUE FOR PERMITS
57	08/11/08	ISSUE FOR PERMITS
58	08/11/08	ISSUE FOR PERMITS
59	08/11/08	ISSUE FOR PERMITS
60	08/11/08	ISSUE FOR PERMITS
61	08/11/08	ISSUE FOR PERMITS
62	08/11/08	ISSUE FOR PERMITS
63	08/11/08	ISSUE FOR PERMITS
64	08/11/08	ISSUE FOR PERMITS
65	08/11/08	ISSUE FOR PERMITS
66	08/11/08	ISSUE FOR PERMITS
67	08/11/08	ISSUE FOR PERMITS
68	08/11/08	ISSUE FOR PERMITS
69	08/11/08	ISSUE FOR PERMITS
70	08/11/08	ISSUE FOR PERMITS
71	08/11/08	ISSUE FOR PERMITS
72	08/11/08	ISSUE FOR PERMITS
73	08/11/08	ISSUE FOR PERMITS
74	08/11/08	ISSUE FOR PERMITS
75	08/11/08	ISSUE FOR PERMITS
76	08/11/08	ISSUE FOR PERMITS
77	08/11/08	ISSUE FOR PERMITS
78	08/11/08	ISSUE FOR PERMITS
79	08/11/08	ISSUE FOR PERMITS
80	08/11/08	ISSUE FOR PERMITS
81	08/11/08	ISSUE FOR PERMITS
82	08/11/08	ISSUE FOR PERMITS
83	08/11/08	ISSUE FOR PERMITS
84	08/11/08	ISSUE FOR PERMITS
85	08/11/08	ISSUE FOR PERMITS
86	08/11/08	ISSUE FOR PERMITS
87	08/11/08	ISSUE FOR PERMITS
88	08/11/08	ISSUE FOR PERMITS
89	08/11/08	ISSUE FOR PERMITS
90	08/11/08	ISSUE FOR PERMITS
91	08/11/08	ISSUE FOR PERMITS
92	08/11/08	ISSUE FOR PERMITS
93	08/11/08	ISSUE FOR PERMITS
94	08/11/08	ISSUE FOR PERMITS
95	08/11/08	ISSUE FOR PERMITS
96	08/11/08	ISSUE FOR PERMITS
97	08/11/08	ISSUE FOR PERMITS
98	08/11/08	ISSUE FOR PERMITS
99	08/11/08	ISSUE FOR PERMITS
100	08/11/08	ISSUE FOR PERMITS

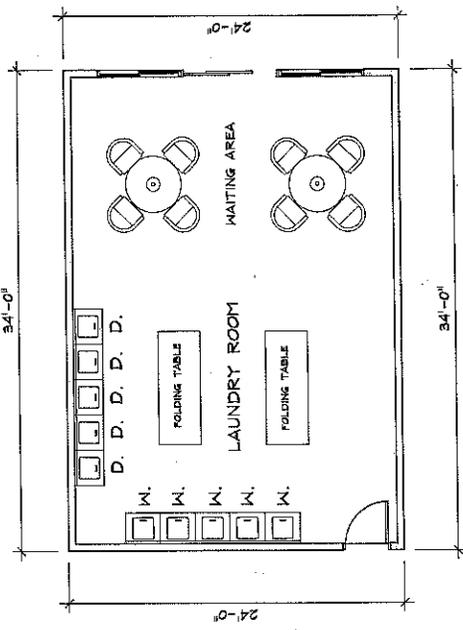
COMMUNITY  
 KITCHEN, BATH,  
 LAUNDRY ROOM

Sheet  
 A.10

Project: 0811 Senior Housing



1 COMMUNITY CENTER BATHROOMS AND KITCHEN  
 3/8" = 1'-0"



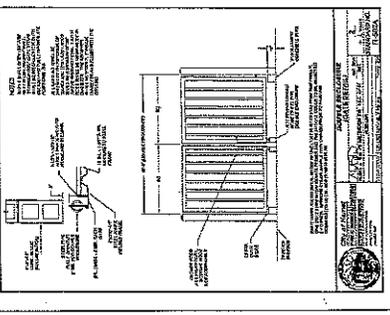
2 LAUNDRY ROOM 1 & 2  
 1/4" = 1'-0"

NO.	REVISION
1	ISSUED FOR PERMITS
2	REVISED PER COMMENTS
3	REVISED PER COMMENTS
4	REVISED PER COMMENTS
5	REVISED PER COMMENTS
6	REVISED PER COMMENTS
7	REVISED PER COMMENTS
8	REVISED PER COMMENTS
9	REVISED PER COMMENTS
10	REVISED PER COMMENTS
11	REVISED PER COMMENTS
12	REVISED PER COMMENTS
13	REVISED PER COMMENTS
14	REVISED PER COMMENTS
15	REVISED PER COMMENTS
16	REVISED PER COMMENTS
17	REVISED PER COMMENTS
18	REVISED PER COMMENTS
19	REVISED PER COMMENTS
20	REVISED PER COMMENTS
21	REVISED PER COMMENTS
22	REVISED PER COMMENTS
23	REVISED PER COMMENTS
24	REVISED PER COMMENTS
25	REVISED PER COMMENTS
26	REVISED PER COMMENTS
27	REVISED PER COMMENTS
28	REVISED PER COMMENTS
29	REVISED PER COMMENTS
30	REVISED PER COMMENTS
31	REVISED PER COMMENTS
32	REVISED PER COMMENTS
33	REVISED PER COMMENTS
34	REVISED PER COMMENTS
35	REVISED PER COMMENTS
36	REVISED PER COMMENTS
37	REVISED PER COMMENTS
38	REVISED PER COMMENTS
39	REVISED PER COMMENTS
40	REVISED PER COMMENTS
41	REVISED PER COMMENTS
42	REVISED PER COMMENTS
43	REVISED PER COMMENTS
44	REVISED PER COMMENTS
45	REVISED PER COMMENTS
46	REVISED PER COMMENTS
47	REVISED PER COMMENTS
48	REVISED PER COMMENTS
49	REVISED PER COMMENTS
50	REVISED PER COMMENTS
51	REVISED PER COMMENTS
52	REVISED PER COMMENTS
53	REVISED PER COMMENTS
54	REVISED PER COMMENTS
55	REVISED PER COMMENTS
56	REVISED PER COMMENTS
57	REVISED PER COMMENTS
58	REVISED PER COMMENTS
59	REVISED PER COMMENTS
60	REVISED PER COMMENTS
61	REVISED PER COMMENTS
62	REVISED PER COMMENTS
63	REVISED PER COMMENTS
64	REVISED PER COMMENTS
65	REVISED PER COMMENTS
66	REVISED PER COMMENTS
67	REVISED PER COMMENTS
68	REVISED PER COMMENTS
69	REVISED PER COMMENTS
70	REVISED PER COMMENTS
71	REVISED PER COMMENTS
72	REVISED PER COMMENTS
73	REVISED PER COMMENTS
74	REVISED PER COMMENTS
75	REVISED PER COMMENTS
76	REVISED PER COMMENTS
77	REVISED PER COMMENTS
78	REVISED PER COMMENTS
79	REVISED PER COMMENTS
80	REVISED PER COMMENTS
81	REVISED PER COMMENTS
82	REVISED PER COMMENTS
83	REVISED PER COMMENTS
84	REVISED PER COMMENTS
85	REVISED PER COMMENTS
86	REVISED PER COMMENTS
87	REVISED PER COMMENTS
88	REVISED PER COMMENTS
89	REVISED PER COMMENTS
90	REVISED PER COMMENTS
91	REVISED PER COMMENTS
92	REVISED PER COMMENTS
93	REVISED PER COMMENTS
94	REVISED PER COMMENTS
95	REVISED PER COMMENTS
96	REVISED PER COMMENTS
97	REVISED PER COMMENTS
98	REVISED PER COMMENTS
99	REVISED PER COMMENTS
100	REVISED PER COMMENTS

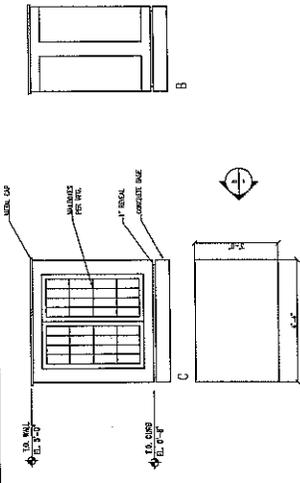
SIGNAGE & REFUSE ENCLOSURE PLANS & ELEVATIONS

A.11

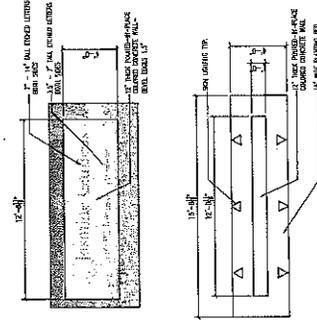
Sheet



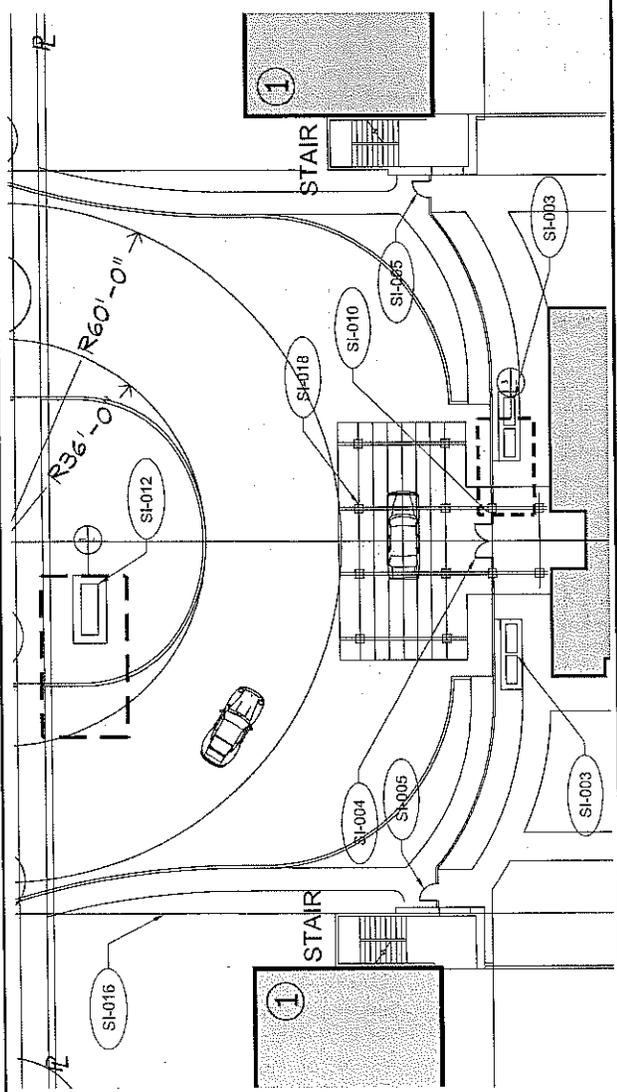
4 REFUSE ENCLOSURE DETAILS & GATE ELEVATIONS 1/4" = 1'



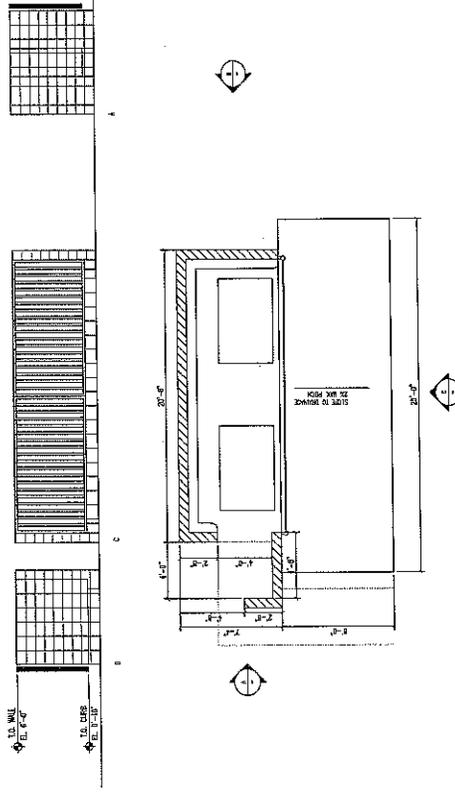
3 MAILBOX PLANS & ELEVATIONS 1/4" = 1'



1 SIGNAGE PLANS & ELEVATIONS 1/4" = 1'



5 SITE PLAN LOCATION OF MAILBOXES AND SIGNAGE MONUMENT 1/4" = 1'



2 DOUBLE REFUSE ENCLOSURE W/ ACCESSIBLE ACCESS (PER CITY OF HEMET STANDARD R-500A) SIM. 1/4" = 1'



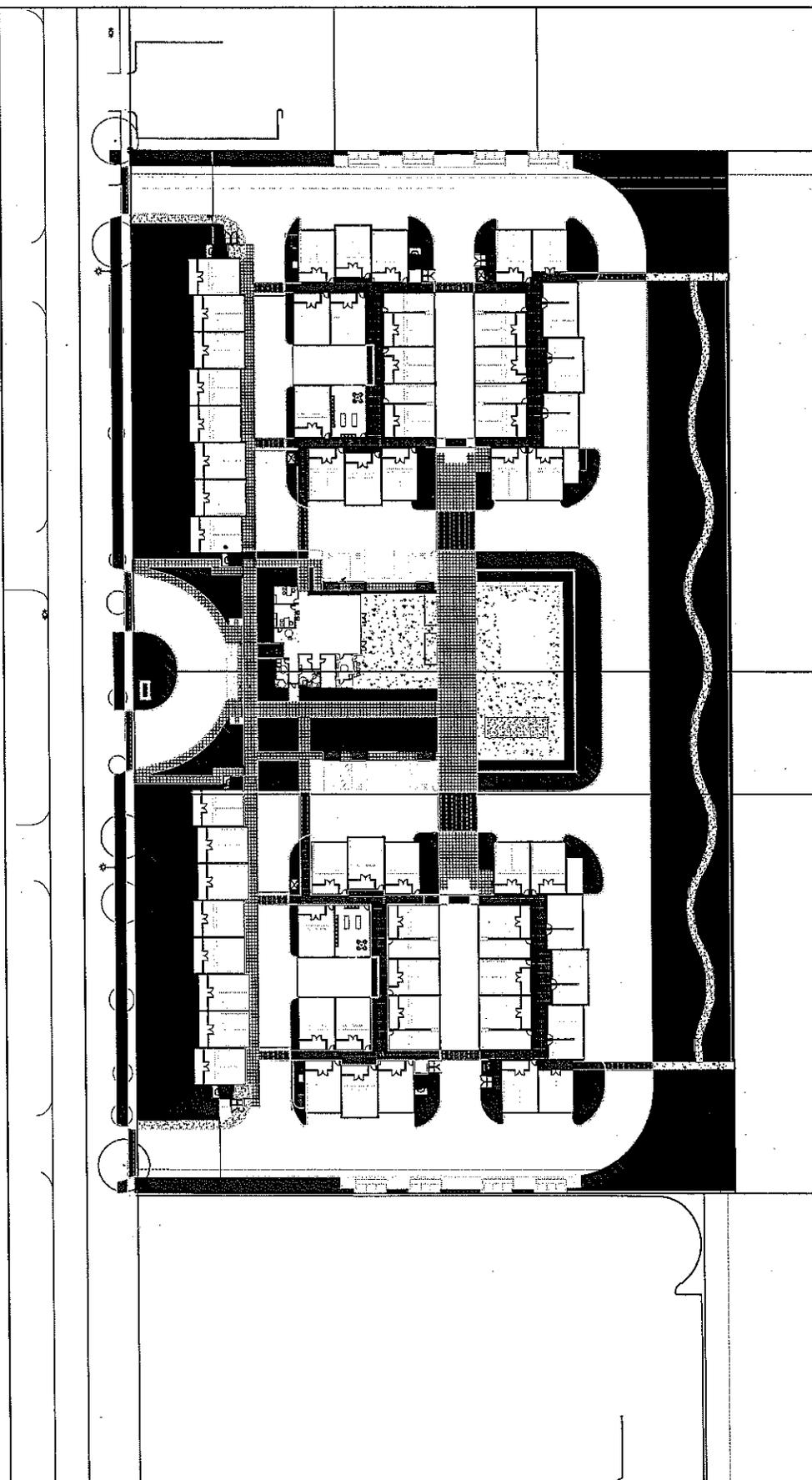


NO.	DATE	DESCRIPTION
1	08/11/11	PRELIMINARY DESIGN
2	09/15/11	FINAL DESIGN
3	10/15/11	CONSTRUCTION
4	11/15/11	AS-BUILT

NO.	DATE	DESCRIPTION
1	08/11/11	PRELIMINARY DESIGN
2	09/15/11	FINAL DESIGN
3	10/15/11	CONSTRUCTION
4	11/15/11	AS-BUILT

**LANDSCAPE IRRIGATION PLAN**

Sheet  
**L 3.0**



**IRRIGATION LEGEND**

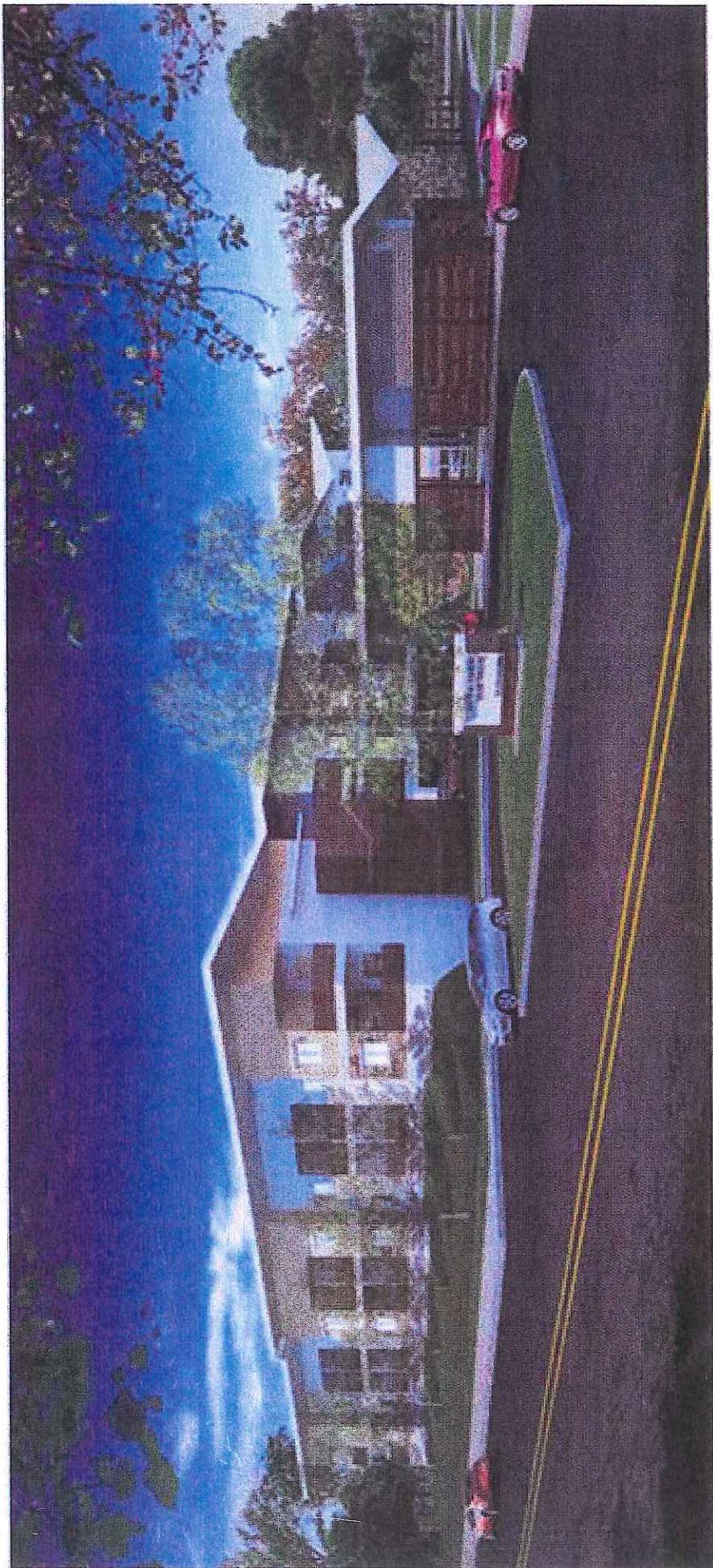
SYMBOL	NAME	PSI	MANUFACTURER / MODEL	NOZZLE	DETAIL
⊙	ROCK WATERSERIES WITH CHECK VALVE IRRIPLAN WITH SERVO LOCK	5	Robinson Irrigation IRRIPLAN WITH SERVO LOCK	-	-
⊙	IRRIPLAN	15	Robinson Irrigation	SPRINKLER	-
⊙	IRRIPLAN	15	Robinson Irrigation	SPRINKLER	-

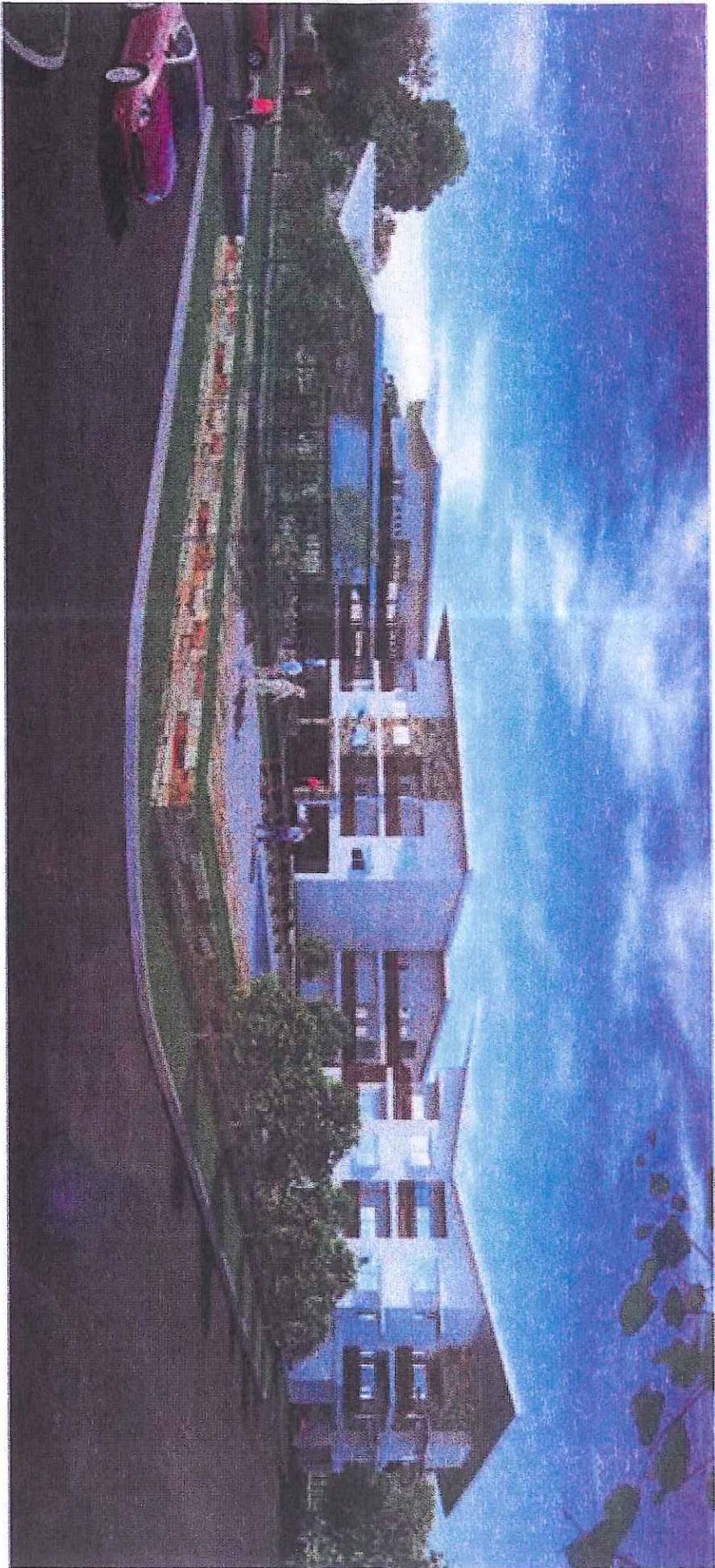
**IRRIGATION NOTES**

- INSTALL ALL IRRIGATION EQUIPMENT AS NECESSARY PER PLANTING PLAN EXCEPT WHERE THE PLANTING IS WITHIN THE PUBLIC RIGHT-OF-WAY. CONTRACTOR SHALL DO NOT INSTALL ANY EQUIPMENT AS SHOWN ON THE PLANS WHEN IT IS OBVIOUS IN THE FIELD THAT UNRAIDDOWN CONDITIONS EXIST THAT WERE NOT EVIDENT AT THE TIME THESE PLANS WERE PREPARED. ANY SUCH CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER.
- CONTRACTOR IS RESPONSIBLE FOR PROVIDING EFFICIENT IRRIGATION COVERAGE OF ALL PLANTING AREAS EXCEPT WHERE THE PLANTING IS WITHIN THE PUBLIC RIGHT-OF-WAY. AREAS WITHOUT ROOT WATERING AREAS SHALL BE GRADED. ALL IRRIGATION LINES SHALL FOLLOW CONTOUR LINES IN ACCORDANCE TO THE PLANTING SPACING AND PATTERN REPRESENTED ON THESE PLANS. IRRIGATION SHALL BE KEPT A MINIMUM OF FOUR INCHES (4") FROM WALLS AND TWO INCHES (2") FROM OTHER BOUNDARIES.
- TREES AND SHRUBS TO BE ON SEPARATE IRRIGATION ZONES. PLANTS IN SHADY SITUATIONS SHALL BE SEPARATED FROM THOSE THAT PRIMARILY RECEIVE SUN. DRIP AND RUBBLER ZONES TO BE SEPARATED.
- WATERING TIME TO OCCUR BETWEEN THE HOURS OF 11PM AND 7AM. OWNERS REPRESENTATIVE SHALL CALCULATE SEASONAL WATERING SCHEDULE DURING CONSTRUCTION WITH THE FOLLOWING CONSIDERATIONS: ALL PLANTS ARE NATIVE OR DROUGHT TOLERANT UNLESS OTHERWISE NOTED. ALL PLANTS SHALL BE WATERED ONCE A WEEK IN THE FIRST GROWING SEASON, TWICE A MONTH DURING THE SECOND GROWING SEASON, AND ONCE A MONTH FOR EVERY YEAR THEREAFTER UNTIL ESTABLISHED.









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

**Planning Commission  
Meeting of  
April 15, 2014**



## CITY OF HEMET

### DRAFT CONDITIONS OF APPROVAL

ORIGINAL PLANNING COMMISSION DATE: May 15, 2012  
EXTENSION OF TIME PLANNING COMMISSION DATE: April 15, 2014

**PROJECT NO.:** Extension of Time No. 14-001 for Conditional Use Permit No. 11-004  
**APPLICANT:** 1027 Wilshire Associates  
**AGENT:** Denley Investments  
**LOCATION:** South side of Johnston Avenue, east of Gilbert Street and west of State Street  
**DESCRIPTION:** Construction and operation of a 124-unit, three-story senior apartment complex built in two phases.  
**OCCUPANCY:** This project has been reviewed as an **R-2 Occupancy**; any other use will require further review.

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

#### STANDARD CONDITIONS

The following conditions of approval were approved by the City Council as standard conditions of approval for all projects. Questions regarding compliance with these conditions should be directed to the Planning Department at (951) 765-2375, or to the specific department and contact phone number provided below.

#### General Requirements

1. Conditional Use Permit No. 11-004 shall become null and void on **May 15, 2017**, unless use in reliance on the approved Conditional Use Permit is established prior to the expiration date. No formal notice of expiration will be given by the City.

---

City of Hemet - Conditions of Approval   
Extension of Time No. 14-001 for Conditional Use Permit No. 11-004 – Jasmine Gardens

2. Approval of Extension of Time No. 14-001 for Conditional Use Permit No. 11-004 shall become effective on **April 26, 2014** unless appealed to the City Council by **April 25, 2014** (10 calendar days after action by the Planning Commission). The appeal shall be in writing and shall be accompanied by the required fee.
3. The conditions of approval of this project shall supersede all conflicting notations, specifications, dimensions, typical sections, and the like, which may be shown on the tentative project plans.
4. This project site shall be developed in accordance with the approved plan(s) and the conditions contained herein.
5. This project shall comply with all sections of the Zoning and Subdivision Ordinances and all other applicable Local regulations in effect at the time of the building permit application and/or time of recordation, including the I.C.B.O. California Building Code, California Fire Code, and City and State Handicapped Accessibility Requirements (California Code of Regulations, Title 24).
6. Prior to the issuance of building permits, the applicant shall be subject to all applicable development fees at the rate in effect at the time of building permit application. Such fees may include, but not be limited to: Development Impact Fees (DIF), Transportation Uniform Mitigation Fees (TUMF), Park Fees, School Fees, Master Plan Storm Drainage Fees, Permit and Plan Checking Fees, Water and Sewer Service Fees, and Capital Facility Fees (note that the project may be exempt from the payment of TUMF due to the affordability component. Any exemption determination from fees shall be made by the authorizing agency prior to the issuance of building permits).
7. Prior to or concurrent with the submittal of building plans for plan check review on this Project, the conditions of approval contained herein shall be photocopied onto the first sheet of the building plans. A copy of the building plans shall be submitted to the Planning Department prior to the issuance of building permits to verify compliance with the conditions of approval and the approved plans.
8. Construction activity shall meet the requirements of Hemet Municipal Code Chapter 30, Article II.
9. Prior to any grading or drainage activity, a grading and/or drainage plan shall be prepared and submitted to the City Engineer and Planning Department for review and approval. No grading or drainage work shall occur without a grading permit and/or the permission of the City Engineer.
10. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies,

---

**City of Hemet - Conditions of Approval**

**Extension of Time No. 14-001 for Conditional Use Permit No. 11-004 – Jasmine Gardens**

Page 2 of 23

and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

#### Environmental Conditions

11. Prior to site preparation and grading activity, Contractor shall provide documentation that construction equipment has been maintained in proper working order and equipped with oxidation catalysts and filter to limit criteria pollutants (Mitigation Measure AQ-1).
12. Prior to site preparation and grading activity, construction activities shall be phased, as appropriate, to reduce simultaneous operation of multiple pieces of construction equipment (Mitigation Measure AQ-2).
13. Prior to site preparation and grading activity, and to reduce fugitive dust emissions, the Applicant shall prepare a dust control plan in conformance with SCAQMD Rule 403, which may include the following:
  - Apply water and/or chemical stabilizers to exposed and disturbed soil areas.
  - Cease all construction grading and earth-moving operations when winds exceed 25 miles per hour.
  - Spread soil binders on site, unpaved roads, and parking areas.
  - Use street sweeper to clean paved roads adjacent to the site.
  - Reduce vehicle speeds on unpaved roads.
  - Wash off trucks before they leave the construction site.

- Cover import/export soils transported to/from construction site (Mitigation Measure AQ-3).
14. Prior to issuance of Building Permits, the plans shall indicate that low-emitting architectural coatings and products shall be used in conformance with SCAQMD Rule 1113 (Mitigation Measure AQ-4).
  15. Prior to any activity on the project site which would disturb soil, the project proponent shall enter into a Treatment and Disposition Agreement with the Soboba Band of Luiseno Indians, and shall provide the City with a fully executed copy of this agreement (Mitigation Measure CR-1).
  16. Pursuant to the Treatment and Disposition Agreement, an archaeological monitor and/or Native American monitor shall be on-site during all earth moving activities on the project site. The monitor shall be empowered to stop and/or redirect earth moving activities should cultural resources be identified. Should such resources be identified, the monitor shall expeditiously determine their significance, and establish a plan for their disposition, consistent with the Treatment and Disposition Agreement. A report of the monitor's findings shall be provided to the City within 30 days of the conclusion of monitoring on the site (Mitigation Measure CR-2).
  17. If human remains are encountered during construction, all work shall cease and the Riverside County Coroner's Office shall be contacted pursuant to procedures set forth in Section 7050.5 of the Health and Safety Code (Mitigation Measure CR-3).
  18. Any discoveries of Native American human remains will be addressed under procedures consistent with Public Resources Code Sec. 5097.98 et. al. In case of the discovery of archaeological resources, the City policy is to contact the Pechanga and Soboba Band of Luiseno Indians directly (Mitigation Measure CR-4).
  19. If human remains are encountered, the Pechanga and Soboba Bands of Luiseno Indians will also be notified and afforded an opportunity to participate in the evaluation and recovery of any human remains (Mitigation Measure CR-5).
  20. Short-term construction noise, intrusion and vibration impacts will be limited by conditions of construction permits requiring compliance with the City of Hemet Noise Ordinance. Construction activities are limited to the hours of:

June through September

Weekdays: 6:00 a.m. to 6:00 p.m.

Saturdays: 7:00 a.m. to 6:00 p.m.

---

**City of Hemet - Conditions of Approval**

**Extension of Time No. 14-001 for Conditional Use Permit No. 11-004 – Jasmine Gardens**

Page 4 of 23

October through May

Weekdays: 7:00 a.m. to 6:00 p.m.

Saturdays: 7:00 a.m. to 6:00 p.m. (Mitigation Measure N-1)

21. Prior to the issuance of Grading Permits, plans shall indicate that equipment and materials will be staged in areas that create the greatest distance between construction-related noise sources and the noise-sensitive receptors nearest the project site during all project construction (Mitigation Measure N-2).
22. Prior to any earth moving or disturbing activity, all mobile equipment shall have properly operating and maintained mufflers (Mitigation Measure N-3).
23. Prior to the issuance of Grading Permits, haul routes shall avoid residential development and be approved by the City Engineer (Mitigation Measure N-4).
24. The Contractor shall adhere to cool season work hours which shall apply for the entire year to preclude hammering or sawing at 6 a.m. near the Ramona Manor bedroom windows (Mitigation Measure N-5).
25. Where possible the Contractor shall make use of newer construction equipment on-site as newer equipment is typically quieter than old equipment (Mitigation Measure N-6).
26. Gilbert Street at Florida Avenue: Prior to the issuance of a Certificate of Occupancy, the Applicant shall contribute their fair share toward the installation of a traffic signal and design for five-phase operation with protected eastbound and westbound left-turn phasing on Florida Avenue at Gilbert Street. Restripe Gilbert Street to provide exclusive northbound and southbound left-turn pockets (Mitigation Measure T-1).

## **PLANNING CONDITIONS**

### Design Review/Buildings

27. This project design and construction shall be consistent with the City's Multiple Family Residential Design Guidelines approved by the City Council on October 22, 2002 (CC Resolution No. 3677) and the approved development plans.

### Site Development

28. Prior to the issuance of a Certificate of Occupancy for the project site or activity being commenced thereon, pursuant to Conditional Use Permit No. 11-004, all

---

City of Hemet - Conditions of Approval

**Extension of Time No. 14-001 for Conditional Use Permit No. 11-004 – Jasmine Gardens**

conditions of approval contained herein shall be completed to the satisfaction of the Planning Division.

29. Prior to submittal for Plan Check, building plans shall indicate the location of all parking lot lighting, and lighting standard specifications.
30. Prior to submittal for Plan Check, building plans shall indicate that electrical and mechanical equipment, including but not limited to air conditioning units, electrical boxes, transformers, backflow preventers, and any roof mounted equipment are visually screened from public view. Screening shall be to the satisfaction of the Community Development Director and in compliance with the Hemet Building Code.
31. Prior to issuance of a Certificate of Occupancy, an anti-graffiti coating shall be provided on all block walls, and written verification from the developer shall be provided to the City of Hemet Planning Department.

#### Landscaping

32. Prior to the issuance of Grading Permits, the Developer shall submit to the Planning Division and the Public Works Department a detailed landscape and irrigation plan with automatic irrigation for landscaping on-site and for public areas, consistent with the project site plan. The plans shall be prepared on the approved grading plans and shall indicate the botanical and common names,
33. Prior to the approval of landscape plans, show all existing on-site mature trees; trees which are located in any area proposed for buildings and/or vehicular access need not be indicated unless proposed for relocation. The Applicant shall minimize the removal of mature trees, where possible. A mature tree shall be defined as a tree with a trunk measuring 4-inches or greater in diameter, 4-feet from existing ground level. Mature trees removed shall be replaced by planting replacement trees at a ratio of 1:1 and of a size not less than 24-inch box.
34. Prior to the approval of landscape plans, any mature tree proposed for removal from the parkway along Johnston Avenue shall be replaced a ratio of 1:1 and of a size not less than 24-inch box with spacing not to exceed 40 feet on center.
35. Prior to the issuance of a Certificate of Occupancy, this project shall be subject to all the requirements listed in the Water Efficiency Landscaping Ordinance (currently Ordinance No. 1827, adopted by City Council on April 13, 2010).
36. Prior to the issuance of a Certificate of Occupancy or finalization of the Building Permit, landscaped areas shall have an automatic irrigation system, with automatic timers, installed and operational.

---

City of Hemet - Conditions of Approval

**Extension of Time No. 14-001 for Conditional Use Permit No. 11-004 – Jasmine Gardens**

Page 6 of 23

37. A one-year Faithful Performance bond, equal in value to ten percent (10%) of the cost of the installed landscaping) shall be posted to guarantee installation, plant health, and established growth. The bond may be reduced by the City after installation has been approved.
38. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash, disease, vermin, and debris, during the term of this Project.
39. Prior to the issuance of a Certificate of Occupancy or finalization of Building Permits this project shall comply with the landscape design requirements outlined in the City's Multiple Family Residential Design Guidelines approved by the City Council on October 22, 2002 (CC Resolution No. 3677).
40. Prior to the issuance of a Certificate of Occupancy or finalization of the Building Permit, landscaped areas shall have an automatic irrigation system, with automatic timers, installed and operational, unless cash or a bond is posted to guarantee completion.
41. Prior to the approval of Landscaping Plans for multiple family projects, landscaping shall be planted on the basis of 21 trees per gross acre of landscaped area. There shall be a minimum of 20% of the trees as 24-inch box size or larger and 50% of the trees as 15-gallon size. Twenty-five percent (25%) of the shrubbery shall be 10-gallon size, 25% shall be 5-gallon size. All ground cover shall be planted at a minimum of 12 inches on center. Hydro seeding of plant material in conjunction with other planting may be acceptable when approved by the Community Development Director.
42. Prior to the issuance of a final Certificate of Occupancy, all landscaping and irrigation shall be installed and functional.

#### Senior Citizen Housing Development

43. This project shall comply with all applicable state and federal law in order to qualify as a Senior Citizen Housing Development under both Section 51.3 of the California Civil Code and the housing for older persons provisions of the Federal Fair Housing Act Amendments of 1988 and the Housing for Older Persons Act of 1995 as well as applicable regulations.
44. This project shall comply with all applicable state and federal laws and regulations relating to senior housing, including the Unruh Civil Rights Act, the Federal Fair Housing Act Amendments of 1988 and the Housing for Older Persons Act of 1995, and all applicable regulations. This includes the duty to qualify as a "senior citizen housing development", as defined in Civil Code 51.11,

---

**City of Hemet - Conditions of Approval**

**Extension of Time No. 14-001 for Conditional Use Permit No. 11-004 – Jasmine Gardens**

and the duty to qualify as "housing for older persons" as defined in 42 U.S.C. 3607(b)(2), and all applicable laws and regulations.

45. The project applicant shall provide sufficient documentation evidencing that it will qualify as (1) a "senior citizen housing development" as defined in Section 51.11 of the California Civil Code; and as (2) "housing for older persons" as defined in 42 U.S. C. 3607(b)(2). All such documentation shall comply with all applicable regulations, including 24 CFR 100.300 et seq.
46. The project applicant acknowledges that benefits have been received in the processing of the application for the proposed project because it was processed as for senior residents pursuant to provisions of the California Civil Code. The proposed project has received the benefit of applying City development standards as they relate to senior only facilities as provided in Section 90-1423.A.6 of the Hemet Municipal Code (HMC) rather than development standards ordinarily applied to multiple-family residential projects as provided in HMC Sections 90-381 et seq. and 90-1423.A.5. Parking requirements for a senior only facility are significantly less than for other multiple family facilities. Based on both the City's and general experience with senior only facilities, the proposed project will have traffic generation patterns that vary significantly from ordinary multiple-family residential projects, and the level of potential impacts will be minimal. Therefore, iteration of potential impacts and mitigation measures have been reduced during the review of the proposed project. Additionally, the proposed senior project is subject to reduced school impact fees. Accordingly, should the development cease to enforce the senior only age restrictions or decide to convert the development to a non-senior facility, the development shall be reevaluated for increased Environmental effects as may be required under the California Environmental Quality Act (CEQA) in order to apply different development standards and/or different impact fees, and the City may require that all these benefits, including those specifically listed herein, may be required to be forfeited.
47. The project applicant shall submit to the City for review and approval prior to issuance of building permits, Covenants, Conditions & Restrictions (CC&R's) which comply with federal and state law, including Civil Code section 51.3 and the Federal Fair Housing Standards Act. These CC&R's shall set forth the limitations on occupancy, residency or use on the basis of age.

#### Affordability

48. Prior to the issuance of a building permit for the construction of the Project, the Applicant shall prepare and record an affordability covenant, subject to the prior review and approval of the City Attorney and Community Development Director, regarding the income restrictions for the units within the Project. All of the units

---

**City of Hemet - Conditions of Approval**

**Extension of Time No. 14-001 for Conditional Use Permit No. 11-004 – Jasmine Gardens**

Page 8 of 23

within the Project shall be subject to the requirements of the affordability covenant and shall be rented to very low, low or moderate income households as defined in the Health and Safety Code. The affordability covenant shall remain on title for a period of 55 years.

#### Operational Characteristics

49. Construction activity shall meet the requirements of the Hemet Municipal Code Chapter 30, Article II.
50. Prior to the issuance of Building Permits, plans shall indicate that all outdoor parking lot lighting shall be low pressure sodium and shall be shielded or designed to direct the lighting downward. All lighting shall be adjusted so that all lighting is contained within the boundaries of the site.

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

#### Planning – General

51. Prior to the issuance of Building Permits, the building plans submitted for plan check shall include the location of all parking lot lighting and lighting standard specifications.
52. Prior to the issuance of Building Permits, the plans shall indicate that all units will be provided with central air conditioning.
53. The proposed project will contribute fractionally to an increase in bus use at the bus stop in question. The project developer should therefore be responsible for their fair share of the improvements for the construction of a concrete pad and bench at the bus stop located at the southwest corner of State Street and Johnston Avenue, requested by Riverside Transit Agency.

#### Planning – Site Development

54. Prior to the issuance of Building Permits, utility lines shall be underground.

### **ENGINEERING CONDITIONS**

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

---

**City of Hemet - Conditions of Approval**

**Extension of Time No. 14-001 for Conditional Use Permit No. 11-004 – Jasmine Gardens**

## General

55. Prior to the issuance of a building permit, the Applicant shall coordinate with affected utility companies and obtain any permits as necessary for the development of this project.
56. Prior to the issuance of a grading permit, digitized drawing files of the Onsite Improvement Plans, in a City's compatible CAD system, shall be submitted to the City Engineer along with original Mylar plans.
57. Prior to the issuance of a building permit, easement(s) of record not shown on the Onsite Improvement Plans shall be relinquished or relocated prior to the issuance of a grading permit. Lots affected by proposed easements or easements of record, which cannot be relinquished or relocated, shall be redesigned.
58. Where survey monuments exist, such monuments shall be protected or shall be referenced and reset, pursuant to Business and Professions Code, Sections 8700 to 8805 (Land Surveyors Act) prior to the issuance of a building permit.
59. Prior to the issuance of a certificate of occupancy, monuments shall be provided in accordance with City of Hemet Standard Specifications for Public Works Construction Standard M-900, M-900A, and M-901.
60. All public improvements shall be guaranteed by securities, prior to issuance of a building permit, if the improvements have not been completed and accepted by the City. All improvements shall be guaranteed by securities (Faithful Performance, and Labor & Materials) for 100% of the approved cost estimate, and in accordance with the Subdivision Improvement Agreement
61. Prior to any lane closure or detour, the Applicant shall submit a Construction Traffic Management Plan, for review and approval by the City Engineer. The plan shall include, but not be limited to, signing, truck routes, and dirt hauling hours.
62. Prior to the issuance of a building permit, provide an executed Grant of Easement, legal description and plat map to dedicate a 15' P.U.E, Public Utilities Easement, to the City of Hemet, along the south line of Lots 2, 4, & 5 of Tract 6232, as shown per MB 92/13-14.
63. Prior to the issuance of a grading permit, the Applicant is to record an approved Lot Line Adjustment; legal description and plat map to merge and or reconfigure Lots 2, 4, & 5 of Tract 6232, as shown per MB 92/13-14.

---

**City of Hemet - Conditions of Approval**

**Extension of Time No. 14-001 for Conditional Use Permit No. 11-004 – Jasmine Gardens**

Page 10 of 23

## Streets

64. Prior to issuance of a certificate of occupancy, the developer shall test core samples of the pavement to determine the structural condition of the pavement and, if necessary as determined by the City Engineer, may be required to remove and replace the existing street pavement fronting the project on Johnston Avenue to the centerline in accordance with the City of Hemet Standard Specifications for Public Works Construction, Standard Street Sections along the frontage of the project, as determined by the City Engineer. Street structural sections shall be designed for a Traffic Index (TI) of 7 (min.). Preliminary soils investigations shall be used to determine the R-value to calculate the pavement structural section, based on the established TI. The final pavement section shall be approved by the City Engineer.
65. Prior to the issuance of a certificate of occupancy, install driveway approaches in accordance with the City of Hemet Standard Specifications for Public Works Construction, Standards C-208, C-209, and C-210A. In accordance with City of Hemet Resolution No. 1783, driveway widths and locations shall be approved by the City Engineer.
66. Prior to the issuance of a certificate of occupancy, install handicap ramp(s) fronting the project on Johnston Avenue in accordance with the City of Hemet Standard Specifications for Public Works Construction, Standard C-216A and Uniform Building Code Title 24.
67. Prior to the issuance of a certificate of occupancy, the developer shall remove and replace sidewalk, curb and gutter, if damaged during construction, as determined by the City Engineer.
68. Prior to the issuance of a certificate of occupancy, install public street lights fronting the project on Johnston Avenue in accordance with the City of Hemet Standard Specifications for Public Works Construction, Standards G-808, G-808A, and G-808B. The plans shall be designed by a registered electrical engineer.
69. Prior to the issuance of a certificate of occupancy, install street trees 40-feet on-center fronting the project on Johnston Avenue in accordance with the City of Hemet Approved Street Tree List. Selection of tree species shall be subject to the satisfaction and approval of the Community Development Director and Public Works Director. Install automatic irrigations system to trees.
70. Prior to the issuance of a certificate of occupancy, digitized drawing files of the Onsite Plans, in a City's compatible CAD system, shall be submitted along with original Mylar plans. Also provide PDF file of all City Engineer approved

---

**City of Hemet - Conditions of Approval**

**Extension of Time No. 14-001 for Conditional Use Permit No. 11-004 – Jasmine Gardens**

Improvement Plans showing City Engineer's approval signature as well as Private Engineer's approval signature.

71. Prior to the issuance of an encroachment permit for City road reconstruction, the Applicant shall submit a Traffic Control Plan to the Public Works Department for review and approval to ensure that shall remain open for traffic at all times, with adequate detours, to the satisfaction of the City Engineer.
72. Prior to the issuance of a certificate of occupancy, the applicant shall close any unused drive approach fronting the project site with standard concrete curb, gutter and sidewalk, and shall repair any damaged curb, gutter and sidewalk along the subject frontage prior to issuance of a Certificate of Occupancy.

#### Parking

73. Prior to issuance of a Certificate of Occupancy or the finalization of building permit, install trash enclosure(s) in accordance with the City of Hemet Standard Specifications for Public Works Construction, Standards R-500 series. The location(s) shall be approved by the City of Hemet Refuse Supervisor.
74. Prior to the issuance of a grading permit, the parking lot shall be designed in accordance with the City of Hemet Parking Lot Design Criteria contained in the City of Hemet Standard Specification for Public Works Construction, Standards P-400 and 401, Uniform Building Code Title 24, and in accordance with Chapter 90, Article XL of the Hemet Municipal Code. The plans shall include the location of parking lot lighting, lighting standard specifications and required parking lot landscaping.
75. Prior to issuance of a Certificate of Occupancy, the new parking lot paving shall be fog sealed.

#### Traffic

76. Developer shall make a fair share contribution to future traffic signals in the percentage determined by the traffic study, prepared by Linscott Law & Greenspan on May 4, 2011. The final dollar amount of the required fair share contribution shall be determined and collected by the City Engineer.

#### Drainage

77. The incremental increase in runoff between the developed and undeveloped property for the 100-year/3-hour storm must be retained on site.

78. Prior to the issuance of a grading permit, the design of all drainage and other public improvements shall conform to the current edition of the following City of Hemet documents: "Standard Specifications for Public Works Construction", the "Hemet Master Flood Control and Drainage Plan", and the "Storm Drain Development Standards, Storm Drain Criteria and Drainage Design Manual".
79. Prior to issuance of a building permit, the Applicant shall pay the Master Storm Drain Plan fee, at the adopted rate at the time the building permit is issued.
80. The Flood Insurance Rate Map shows this project to be in Zone X; (areas of 0.2 % annual chance of flood subject to 100-year flooding with average depths less than one foot).
  - a. All building foundation pads within the development shall be elevated in accordance with City of Hemet Ordinance No. 754.
81. Prior to issuance of a grading permit, the Applicant shall submit to the City Engineer for review and approval, hydrology and hydraulic calculations within and immediately adjacent to the project site. Improvements proposed by the Applicant shall be taken into account when analyzing impacts to upstream, adjacent and downstream properties.
82. The Applicant's property shall accept and properly dispose all offsite drainage flowing onto or through the site.
83. Adequate provisions shall be made to intercept and conduct the drainage flows within and from the site in a manner which will not adversely affect adjacent or downstream properties.
84. Construction of the detention basin/passive park shall include, but not limited to, the following improvements: concrete driveway, perimeter fencing (decorative block and/or wrought iron fence, as determined by the Planning Department), 4:1 side slopes, access ramp, inlet and outlet structure with safety grate, underground pipe and sump to collect nuisance water, and discharge pump.
85. Prior to issuance of a building permit, install an on-site drain to the street in accordance with the City of Hemet Standard Specifications for Public Works Construction.
86. Effective February 14, 2011, all construction projects on one acre or more, in the San Jacinto Watershed, shall apply for coverage under the State General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (General Permit) Order No. 2010-0014-DWQ.

87. Prior to issuance of a Grading Permit, the applicant shall submit to the City for review and approval, a project-specific Water Quality Management Plan (WQMP) using the WQMP Guidelines & Template adopted October 22, 2012 utilizing Low Impact Development (LID) Principles and LID BMPs. This plan shall address Site Design BMPs, incorporate the applicable Source Control BMPs, incorporate LID Control BMPs, describe the long-term operation and maintenance requirements for BMPs, and describe the mechanism for funding the long-term operation and maintenance of the BMPs.
88. Prior to issuance of a Grading Permit, the applicant shall provide the City Engineer with proof of filing a Notice of Intent with the State Water Resources Control Board in Sacramento, obtain a WDID number from the Board, and have an approved WQMP from the City.
89. Prior to issuance of a Building Permit, the property owner shall record a "Covenant and Agreement" with the County Recorder, or other instrument acceptable to the City, to inform future property owners of the requirement to implement the approved project-specific WQMP.
90. Prior to issuance of a Certificate of Occupancy, a Registered Civil Engineer shall submit to the City Engineer a written certification that all the components of the approved WQMP have been satisfactory installed and constructed. Certification shall be to grade, elevations, plantings, materials, and other elements included in the approved WQMP.
91. Prior to issuance of a grading permit, drainage easement(s), as required by the City Engineer, shall be shown on the improvement plans or grading plans.

#### Water

92. Install or upgrade, if necessary, prior to issuance of a Certificate of Occupancy, water mains in accordance with the City of Hemet Standard Specification for Public Works Construction, Standards W-701, W-701A, and W-709 and the Water & Sewer Master Plan at the direction of the City Engineer.
93. Prior to issuance of a grading permit, indicate, on the improvement plans, locations and sizes of proposed water service(s) and the connection(s) to the existing water line(s). It should be noted that water mains shall not "dead end" in cul-de-sacs, unless no other reasonable alternative acceptable to the direction of the City Engineer City Engineer is available.
94. Prior to the issuance of a grading permit, separate hot taps are required for potable water, landscaping and fire services. Backflow devices shall be the same size as the hot taps.

---

City of Hemet - Conditions of Approval

**Extension of Time No. 14-001 for Conditional Use Permit No. 11-004 – Jasmine Gardens**

95. Prior to issuance of a grading permit, plans shall demonstrate that domestic and irrigation services shall be protected with RP devices, and fire services with RPDA, in accordance with the City of Hemet Standard Specification for Public Works Construction, Standards W-710, W-711, and W-713.
96. Prior to issuance of a Certificate of Occupancy all water mains shall be upgraded to the City of Hemet Master Plan requirements.
97. Prior to issuance of a grading permit, plans shall demonstrate that installation of 1" - 8" water meters shall be in accordance with the City of Hemet Standard Specification for Public Works Construction Standard W-701.

#### Sewer

98. Install or upgrade, if necessary, sewer mains and sewer laterals in accordance with City of Hemet Standard Specifications for Public Works Construction Standards S-606, S-600, and S-600A at the direction of the City Engineer.
99. Prior to the issuance of building permits, the plans shall demonstrate that the improvement plans indicate the locations and sizes of any existing and all proposed sewer laterals.
100. Any existing public concrete sewer lines shall be replaced with approved pipe materials listed on the current City of Hemet Standard Specifications for Public Works Construction.

#### Landscaping

101. Prior to issuance of a Grading Permit, a landscape plan for improvements within the public right-of-way, shall be submitted to Engineering for review and approval. Plans shall be prepared, by a licensed landscape architect, in 24" x 36" format with City's standard title block.
102. Prior to issuance of a Certificate of Occupancy, a Lighting Maintenance District (LMD) shall be established or joined for street light maintenance. The maintenance of all landscaped areas within the public right-of-way and on-site shall be the responsibility of the property owner.
103. Prior to issuance of a Certificate of Occupancy, the applicant shall pay the corresponding fee for the incorporation into a Lighting Maintenance District (LMD).

---

**City of Hemet - Conditions of Approval**

**Extension of Time No. 14-001 for Conditional Use Permit No. 11-004 – Jasmine Gardens**

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

## **BUILDING CONDITIONS**

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

### Building Code Requirements

105. Prior to the issuance of a Certificate of Occupancy, smoke detectors shall be installed in accordance with California Building Code, Section 1210.12.
106. As part of the Plan Check submittal, a detailed structural analysis, in compliance with Chapter 16 of the California Building Code for the building's intended use, shall be provided.
107. Prior to the issuance of Building Permits, the plans shall indicate that electrical, plumbing and mechanical systems shall be in accordance with applicable adopted codes.
108. Prior to the issuance of Building Permits, the plans shall indicate that all units shall be accessible.
109. Prior to the issuance of Building Permits, the plans shall indicate and identify adaptable units.
110. Project shall be designed to current applicable codes.

### Handicap Requirements

111. Prior to the issuance of Building Permits, the plans shall indicate that refuse enclosures shall be fully accessible.
112. Prior to the issuance of Building Permits, the plans shall indicate that handicapped restrooms shall be installed in accordance with California Code of Regulations, Title 24/California Building Code, Section 1115 (b).
113. Prior to the issuance of Building Permits, the plans shall indicate that handicapped parking and signage shall be installed in compliance with applicable State and City codes, if off-street parking is provided.

114. Prior to the issuance of Building Permits, the plans shall indicate that all entrances and exits shall be handicapped accessible per California Code of Regulations, Title 24.
115. Prior to the issuance of Building Permits, the plans shall indicate that a handicapped accessible pedestrian access to the site shall be provided.

#### Agency Approvals

116. Prior to the issuance of a Building Permit, Eastern Municipal Water District approval shall be obtained.

#### General

117. Prior to the issuance of Building Permits, the plans shall identify if privately funded or public funds used on this project.
118. Prior to the issuance of Grading Permits, utilities shall be underground.
119. Prior to the issuance of Building Permits, the plans shall indicate that Type V, 1-hour construction shall be required throughout.
120. Prior to the issuance of Building Permits, the plans shall indicate that smoke barriers shall be required in accordance with the requirements of Section 310.2.3 of the California Building Code.
121. Prior to the issuance of a Building Permit for the community center or swimming pool, Riverside County Environmental Health Department approval shall be obtained.

#### Security

122. Prior to the issuance of Building Permits, the plans shall indicate that all unit entrance exterior doors shall be constructed of solid wood core, minimum of 1 and  $\frac{3}{4}$ -inch thick or of metal construction.
123. Prior to the issuance of Building Permits, the plans shall indicate that doors utilizing a cylinder lock shall have a minimum five (5) pin tumbler operation with the locking bar or bolt extending into the receiving guide a minimum of 1-inch.
124. Prior to the issuance of Building Permits, the plans shall indicate that all exterior sliding glass doors or windows shall be equipped with metal guide tracks at the top and bottom and shall be constructed so that the door or window cannot be lifted from the track when in the closed or locked position.

---

**City of Hemet - Conditions of Approval**   
**Extension of Time No. 14-001 for Conditional Use Permit No. 11-004 – Jasmine Gardens**

## **FIRE PREVENTION CONDITIONS**

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

Unless specifically stated herein, these conditions shall not be construed to permit or allow deviation from any Federal or State laws nor any of the local codes and ordinances adopted by this jurisdiction.

### Agency Approvals

125. Prior to the issuance of a building permit written proof shall be provided from the water purveyor that sufficient capacity is available for fire protection. The minimum required fire flow for this project is 5750 GPM @ 20psi residual pressure for a duration of 2 hours, per 2013 CFC Appendix B. Fire flow and flow duration for buildings without automatic fire protection and having an area in excess of 3,600 square feet shall not be less than specified in Table B105.1.
126. Facilities and equipment used for the storage and handling of flammable or combustible liquids and other hazardous materials (which meet or exceed reportable quantities) as defined by Federal, State and Local Laws shall be approved by the County of Riverside Environmental Health.

### General

127. The final Conditions of Approval for this project shall be included in any site plan or construction plans submitted for permit issuance. Plans will not be approved without reference to these "conditions".
128. This project is subject to review and approval in accordance with the California Code of Regulations, Title 19 for Fire and Life Safety. This project may be subject to an annual inspection and permit from the Hemet Fire Department for this type of occupancy (use).
129. Provision for the storage or handling of hazardous materials, as defined by Federal, State, and Local Law, shall be in accordance with CFC, Chapter 27.
130. Storage and handling of flammable and combustible liquids shall be in accordance with the 2013 California Fire Code, Chapter 34 and NFPA 30 (2003), Flammable and Combustible Liquids Code.

---

**City of Hemet - Conditions of Approval**   
**Extension of Time No. 14-001 for Conditional Use Permit No. 11-004 – Jasmine Gardens**

## Hydrants and Fire Protection Systems

131. An approved water supply capable of supplying the required fire flow for fire protection shall be provided on site when any portion of the building or facility is in excess of 400 feet from an approved water supply on a public street. 2013 CFC Section 507. The location of on-site hydrants and mains shall be approved by the Fire Marshall prior to permit issuance.
132. Prior to combustible construction commencing, install and/or upgrade, as required by the 2013 CFC, street (off-site) fire hydrants pursuant to the City of Hemet Standard Specifications for Public Works Construction. Distance between fire hydrants shall not exceed 300 feet without approval from the Fire Marshal. Fire hydrants shall be located within 150 feet of Fire Department Connections (FDC) for Standpipes and Automatic fire sprinklers.
133. Prior to combustible construction install, as required by the City of Hemet Fire Marshal, on-site fire hydrants pursuant to the City of Hemet Standard Specifications for Public Works Construction. Travel distance along the fire access route shall not exceed 300 ft. between hydrants without approval from the Fire Marshal. CFC Section 507
134. In accordance with the 2013 CFC Section 507, the water system (mains and hydrants) shall be tested and accepted by the Fire Marshal prior to the commencement of combustible construction. Hydrant markers (Blue Dots) shall be installed pursuant to the City of Hemet Standard Specifications for Public Works.
135. In accordance with the 2013 CFC Section 903, as amended and Article II, Chapter 14 of the Hemet Municipal Code, automatic fire sprinklers shall be installed throughout all buildings 3,500 square feet or larger pursuant to NFPA Standards. Systems with 20 heads or more shall be monitored by a UL listed central station alarm system meeting NFPA 72 and City of Hemet requirements.
136. In accordance with the 2013 CFC Section 903, an automatic fire sprinkler system is required throughout all buildings with this occupancy type based on the use(s) proposed. Systems with 20 heads or more shall be monitored by a UL listed central station alarm system meeting NFPA 72 and City of Hemet requirements.
137. In accordance with CFC Section 905, Wet/Dry class I combination standpipe(s) shall be installed pursuant to NFPA 14 Standards and in accordance with CFC Section 905, Location of Class I standpipe hose connection shall be installed. Hose Cabinets shall be installed to NFPA 14 standards.

---

**City of Hemet - Conditions of Approval**

**Extension of Time No. 14-001 for Conditional Use Permit No. 11-004 – Jasmine Gardens**

138. In accordance with the CFC Section 904 and CCR Title 19, alternative automatic fire extinguishing systems shall be installed and maintained pursuant to NFPA standards. Prior to installation (or modification) of a fire protection system, complete plans shall be submitted to the City of Hemet Fire Marshal for review and approval.
139. Portable fire extinguishers shall be installed and maintained in accordance with 2013 CFC section 906 and Chapter 3, Title 19 CCR. The type and spacing shall be approved by the City of Hemet Fire Marshal prior to installation.
140. Commercial cooking equipment that produces grease laden vapors shall be provided with a Type I hood, in accordance with the California Mechanical Code, and an automatic fire extinguishing system complying with U.L. 300 pursuant to 2013 CFC Section 904.11.
141. An approved manual, automatic or (manual and automatic) fire alarm/monitoring system shall be installed and tested prior to final inspection in accordance with the 2013 CFC Section 907 and pursuant to NFPA standards. Automatic fire sprinkler systems with 20 heads or more shall be monitored by a UL listed central station meeting the standards of NFPA 72 and City of Hemet requirements.
142. All check valves, post indicator valves, fire department controls, and connections shall be located as required and approved by the Fire Marshal of the City of Hemet. If multiple buildings, each building shall have separate (approved) control valves. A separate permit will be required for all underground piping for fire protection systems.

#### Fire Department Access

143. Prior to delivery of combustible materials on site, provide and maintain a surfaced all weather access roadway 20-feet wide with a 13-foot 6-inch vertical clearance designed to support the imposed loads of fire apparatus in accordance with the 2013 CFC Section 503.1 (dirt or native soil does not meet the minimum standard). Minimum turning radius for fire apparatus is 52 feet (outside) and 32 feet (inside). Fire access is required to within 150 ft of all portions of every building unless otherwise approved by the Fire Marshal.
144. In accordance with the 2013 CFC Section 503.2.5, approved turnarounds are required on any access road in excess of 150 feet in length, per City of Hemet Fire Department Standards.
145. Fire Department access roads shall have an unobstructed minimum width of 26 feet where fire hydrants are located along the access roadway or as otherwise determined by the Fire Marshal in accordance with 2013 CFC Section 503.2.2.

---

**City of Hemet - Conditions of Approval**

**Extension of Time No. 14-001 for Conditional Use Permit No. 11-004 – Jasmine Gardens**

146. Provide secondary access/egress per 2013 CFC Section 503.1.2 as required by the Fire Department. No portion of any public or private street used for fire access shall exceed 12% grade without approval from the Fire Marshal. All cul-de-sacs shall conform to City Standards for length, width and turnaround radius.
147. Prior to the issuance of a Certificate of Occupancy, "No Parking - Fire Lane" signs, red curbing, street signs and other required markings shall be provided to the specifications of the City of Hemet Fire Marshal in accordance with the 2013 CFC Section 503.3 and California Vehicle Code Section 22500.1.
148. Prior to final inspection, addresses shall be provided on all new and existing buildings in accordance with the 2013 CFC Section 505.
149. In accordance with the 2013 CFC Section 503, security gates if installed, shall be installed with approved automatic devices and/or key switches to allow Fire and Police Department access and egress pursuant to the City of Hemet Municipal Code and Fire Department Standards.
150. In accordance with the 2013 CFC Section 505 and Chapter 14, Article II, Section 10.301 of the Hemet Municipal Code, illuminated project directories shall be installed at all entrances pursuant to the City of Hemet Fire Department Standards.
151. Install Knox key boxes and/or Knox locks for Fire and/or Police Department access in accordance with 2013 CFC Section 506 and the Hemet Municipal Code.
152. Minimum turning radius for fire apparatus is 52 feet (outside) and 32 feet (inside). Fire access turn-around areas must be clear from obstructions including outside storage, trash enclosures and parked vehicles.
153. A fence enclosure, if installed, shall lead to a safe dispersal area 50-feet from buildings or shall have gates which comply with 2013 CFC Section 1008 which lead to a public way.

#### Miscellaneous

154. Interior finish, decorative materials and furnishings shall be in accordance in 2013 CFC Chapter 8. Classification and acceptance criteria of interior finishes shall comply with NFPA standards. Interior wall and ceiling finish shall not have a flame spread index greater than that specified in CFC Table 803.3.
155. Model homes: An emergency exit shall be provided in trap fence (gate shall

City of Hemet - Conditions of Approval

**Extension of Time No. 14-001 for Conditional Use Permit No. 11-004 – Jasmine Gardens**

remain unlocked when sales office is open).

156. Portable fire extinguishers shall be installed in each model home and sales office. The type and spacing shall be set by the City of Hemet Fire Marshal in accordance with 2013 CFC Section 906.
157. An annual permit and a "Hazardous Materials Management Plan" (HMMP) will be required pursuant to 2013 CFC Section 2701. This facility shall be subject to the standards of NFPA 704 or some other means of identifying hazardous materials for emergency responders as approved by the Fire Marshal.
158. Prior to the issuance of a Certificate of Occupancy, an electronic version of the final tract map or site plan shall be submitted for fire suppression use. The scale shall be such that the site plan shall be clearly legible, showing all streets, the building footprints and addresses, fire hydrant locations, Knox box locations (if applicable), and access driveways. The format shall be compatible with the latest version of "AutoCAD" or equivalent.
159. No change in use or occupancy shall be made to any existing building or structure unless the means of egress system is made to comply with the requirements for the new use or occupancy in accordance with 2013 CFC Chapter 10.
160. Fire safety during construction and demolition shall comply with 2013 CFC Chapter 14.
161. Access during construction: Access for fire fighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'-6". Fire department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs. Access shall be provided to within 150 feet of combustible construction pursuant to 2013 CFC Chapter 14.
162. Trash containers with an individual capacity of 1.5 cubic yards or greater shall not be stored in buildings or within 5 feet of combustible walls, openings, eaves, etc. unless protected by an approved means (automatic fire sprinkler system and/or an approved 4-hour fire separation).
163. An approved manual, automatic or (manual and automatic) fire alarm system is required for this occupancy in accordance with the 2013 CFC Section 907 and pursuant to NFPA standards. The fire alarm system plans shall be submitted and approved prior to installation.

---

City of Hemet - Conditions of Approval

**Extension of Time No. 14-001 for Conditional Use Permit No. 11-004 – Jasmine Gardens**

Page 22 of 23

## **POLICE DEPARTMENT CONDITIONS**

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

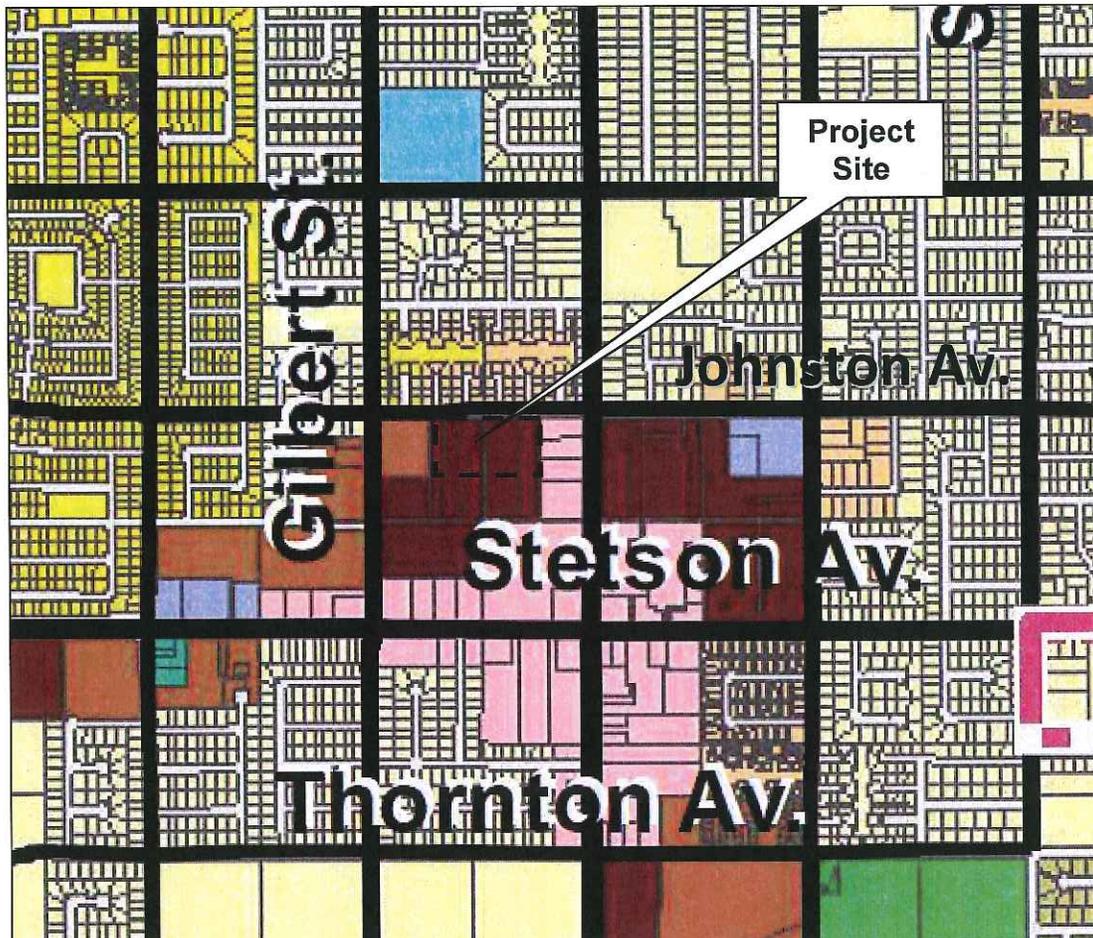
164. No conditions have been submitted at this time

**END**

# Attachment No. 2 General Plan Land Use Designation Map

Planning Commission  
Meeting of  
April 15, 2014

# EXTENSION OF TIME NO. 14-001 FOR CONDITIONAL USE PERMIT NO. 11-004 GENERAL PLAN LAND USE DESIGNATION



**Land Use Designations**

- RR Rural Residential (0.0 - 2.0 du/ac)
- HR Hillside Residential (0.0 - 0.5 du/ac)
- LDR Low Density Residential (2.1 - 5.0 du/ac)
- LMDR Low Medium Density Residential (5.1 - 8.0 du/ac)
- MDR Medium Density Residential (8.1 - 18.0 du/ac)
- HDR High Density Residential (18.1 - 30.0 du/ac)
- VHDR Very High Density Residential (30.1 - 45.0 du/ac)

- NC Neighborhood Commercial (FAR 0.35)
- CC Community Commercial (FAR 0.40)
- RC Regional Commercial (FAR 0.50)
- MU Mixed Use (Varies)

**Environmental Management Area**

- Areas subject to MSHCP criteria

- ARPT Airport
- OP Office Professional (FAR 2.0)
- BP Business Park (FAR 0.60)
- I Industrial (FAR 0.45)

- Interim Airport Overlay Zone

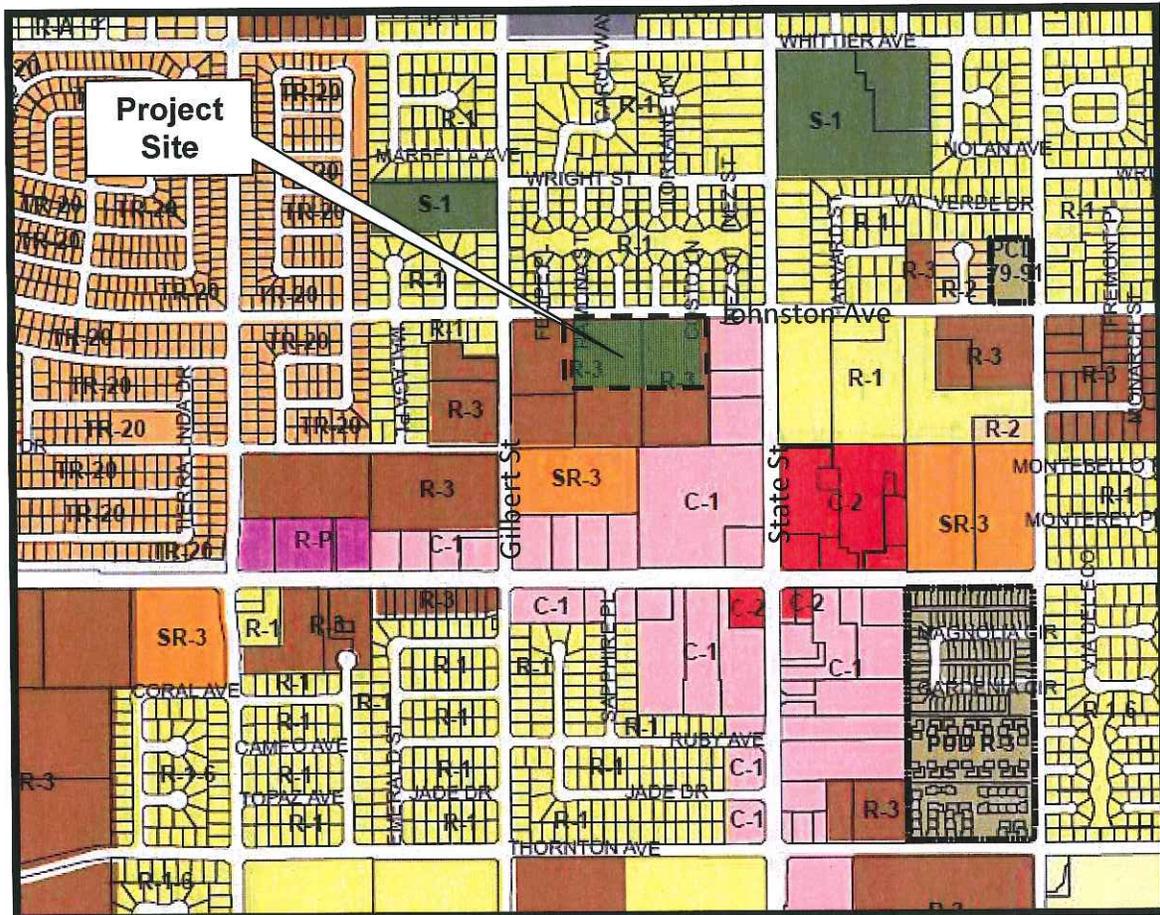
- QP/C Quasi-Public/Cultural
- PF Public Facilities
- SCH School
- P Park/Recreation
- OS Open Space
- A Agriculture

# Attachment No. 3

## Zoning Map

Planning Commission  
Meeting of  
April 15, 2014

# EXTENSION OF TIME NO. 14-001 FOR CONDITIONAL USE PERMIT NO. 11-004 ZONING MAP



# Attachment No. 4

Surrounding Area Map

Planning Commission  
Meeting of  
April 15, 2014

EXTENSION OF TIME NO. 14-001 FOR  
CONDITIONAL USE PERMIT NO. 11-004  
AERIAL MAP



# Attachment No. 5

Applicant's Letter dated  
March 7, 2014

Planning Commission  
Meeting of  
April 15, 2014

March 7, 2014

Carole Kendrick  
City of Hemet Planning Department  
445 E. Florida Avenue  
Hemet, Ca. 92543-4209

Re: Jasmine Gardens  
Requesting the Extension of Time

Dear Carole,

Denley Investment and Management Company is respectfully requesting an Extension of Time on the Approval of the Conditional Use Permit for the above referenced project. We are requesting a three year extension as we need more time to obtain a tax credit necessary for this project. We would like to proceed with the submitted approved plans as the approval of the CUP is expiring in May. We would like to immediately proceed with the Extension Application.

Thank you in advance for your cooperation. If there is anything else you need please do not hesitate to call.

  
Mehdi Bolour,

Owner

# Attachment No. 6

Applicant's Letter dated April  
3, 2014

Planning Commission  
Meeting of  
April 15, 2014

# DENLEY

INVESTMENT & MANAGEMENT COMPANY

April 3, 2014

Planning Commission  
445 E. Florida Avenue  
Hemet, Ca. 92543-4209

Re: Jasmine Gardens  
Requesting the Extension of Time

Dear Planning Commission,

Denley Investment and Management Company is respectfully requesting an Extension of Time on the Approval of the Conditional Use Permit for the above referenced project. We are requesting a three year extension as we need more time to obtain the tax credit approvals necessary for this project. We are currently in the process of preparing a second round of tax credit documentation and will proceed with construction documents for plan check submittal immediately after we achieve positive results with our application.

Regretfully we will not be able to attend the meeting on April 15, 2014 due to our representatives having prior engagements out of the state.

Thank you in advance for your cooperation. If there is anything else you need please do not hesitate to contact us.



David Bolour,

Owner

# Attachment No. 7

Jacqueline Ferguson Letter  
dated April 8, 2014

Planning Commission  
Meeting of  
April 15, 2014

Jacqueline Ferguson

812 Avila Dr.

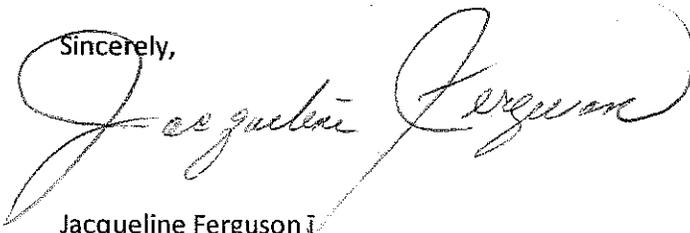
Hemet, Ca92543

Attention: City of Hemet Planning Commission

I have received a notice of public hearing for extension of time no.14\_001 for extension of permit no.11-004.

I oppose this extension and do not want this permit to be extended. Our area has many low income people living in this area and high density already . Traffic is already a problem and many houses for rent or sale for low income seniors.

Sincerely,

A handwritten signature in cursive script that reads "Jacqueline Ferguson". The signature is written in black ink and is positioned above the printed name.

Jacqueline Ferguson

RECEIVED

APR - 8 2014

SCANNED

PLANNING DEPT

# Attachment No. 8

Bill & Jackie Hern Letter  
dated April 4, 2014

Planning Commission  
Meeting of  
April 15, 2014

City of Hemet  
445 E. Florida Ave  
Hemet, CA 92543

Ref. NOTICE OF PUBLIC HEARING  
dtd. 4/3/2014

Subject: Jasmine Gardens  
#14-001 CUP #11-004

Attn. Planning Commission:

With reference to the usage planned for this above listed plot of ground, please consider that location is already on a busy Feeder Street (Johnson Ave.) and it is a high traffic area. It is now bordered by: a series of High Density apt., Senior Care Facilities, Senior Housing, and Senior mobile home locations, and business locations on State Street. The traffic we now have is not well patrolled today for: Stetson, Florida, and State. The Chronicle constantly reports a high crime count (drugs, car theft and etc. ) for that general location. Adding another source for traffic and people density will only compound the problems that already exist in that area. Further, we have an abundant of Senior Living accommodations and health care facilities within the Hemet and San Jacinto areas of influence. I am sure a better use for that property can be developed, maybe even a police station to go with the fire station that I failed to mention.

Bill & Jackie Hern  
824 Avila Dr.  
Hemet, CA 92543



SCANNED

RECEIVED

APR - 8 2014

PLANNING DEPT



## Staff Report

TO: Honorable Chairman and Members of the Planning Commission

FROM: Deanna Elliano, Community Development Director   
Emery J. Papp, Principal Planner 

DATE: April 15, 2015

RE: **ZONING ORDINANCE AMENDMENT (ZOA) NO. 14-003 (Temporary Sign Regulations)**  
A request for Planning Commission review and recommendation to the City Council regarding a Zoning Ordinance Amendment modifying Article XXXVI (36) (Signs Generally) of Chapter 90 of the Hemet Municipal Code pertaining to regulations for temporary signage.

**APPLICANT:** City of Hemet  
**LOCATION:** City-wide  
**PLANNER:** Emery J. Papp, Principal Planner

### **RECOMMENDED ACTION:**

The Planning Division recommends that the Planning Commission:

1. Conduct the public hearing and consider any public testimony on the proposed ordinance, and;
2. Adopt Planning Commission Resolution Bill No. 14-013, recommending approval of ZOA 14-003 and Ordinance Bill No. 14-022 to the City Council, an amendment to Chapter 90, Article XXXVI (36), of the Hemet Municipal Code pertaining to regulations for temporary signage.

### **BACKGROUND:**

Sign regulations can often be the most debated regulations in Municipal Codes. Unlike many other codes and regulations that seek to protect health and safety or establish best development practices, sign codes can be far more subjective and individually tailored to fit the image and desires of the community. City staff and the Planning Commission have heard and responded to the concerns of the Hemet business community's need for more effective advertising through the use of temporary signage. The Planning Commission has held a series of four (4) Work Study Sessions on this issue and discussed various aspects of temporary signage in the city. The Commission endeavored to appropriately balance this request from the business community with protecting the City in terms of potential liability and the prevention of visual clutter/visual blight.

"Temporary signs" are permitted in the City for the benefit of business owners to advertise grand openings, special promotions, special events, or to display the name of their business until a permanent sign has been fabricated and installed. A Temporary Sign Permit is required prior to the installation of a temporary sign. Cities have the ability to regulate temporary signage, but any such regulations must only consider "time, manner, and place" restrictions, as opposed to the actual message. In some instances, it is more defensible to entirely prohibit certain types of signage than it is to create regulations that allow them at one location as opposed to another, unless there is a clear justification for an exception.

Through the Planning Commission Work Study process, staff met individually with business owners and with the Hemet/San Jacinto Valley Chamber of Commerce, and presented the findings from these meetings and information to the Planning Commission at work studies held on November 5, 2013, December 17, 2013, January 21, 2014, and on February 18, 2014. Responding to the concerns expressed by some of the Commissioners during work studies, staff reviewed the sign code for Riverside County and contacted members of the County Planning Department and Code Enforcement Department to clarify certain provisions of the County sign code. Essentially, "temporary signage" is not permitted in Riverside County. The problem is that the County has limited resources to enforce temporary signage regulations, so it appears that the County's regulations are more lenient. This discrepancy between the use of temporary signs in the City and the County is most apparent on East Florida Avenue where the city boundary is on the north side of Florida and the County is on the south side. Consequently, the sign regulations currently proposed by staff and the Planning Commission are far less restrictive and more business-friendly than that currently allowed in the County. In addition to reviewing the County's temporary sign regulations, staff also reviewed, and compared the sign codes for 7 other cities, including Corona, Moreno Valley, Murrieta, Ontario, Rancho Cucamonga, San Jacinto and Temecula, to provide a comparison.

#### **PROPOSED ORDINANCE DESCRIPTION:**

The proposed Ordinance (included as Exhibit A1), will amend the existing provisions of Article 36, Signs Generally, of the Hemet Municipal Code. The existing sign code has been re-organized to clearly separate the provisions for permanent signs from temporary signs, added many new definitions to the article regarding types of signs and signage terminology, relocated all temporary signage provisions into a new section regarding temporary signs (§90-1275), and added several new categories of temporary signs not previously addressed in the sign code.

In addition, the draft Ordinance sets forth time, manner, and place restrictions for temporary signage, identifies which signs are exempt from the regulations, which are prohibited, and which require a Temporary Sign Permit or a Seasonal or Special Event Permit. The text of the proposed amended Ordinance is included as Exhibit 1A to this staff report.

The proposed ordinance accomplishes the following:

1. Sets forth new or amended definitions for various types of temporary signs.
2. Reorganizes the Article to present sections in four generalized categories: General Provisions, Permanent Signs, Temporary Signs, and Enforcement.
3. Establishes new categories of temporary signage, as discussed at the Work Studies.
4. Sets forth standards for the placement, duration, size, and condition of various temporary signs.

Staff recommends adoption of the proposed Ordinance to allow the orderly installation and display of temporary signs to benefit the business community, while ensuring the safety, quality and overall appearance of Hemet's commercial corridors by avoiding undue visual distractions and clutter.

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

Planning Commission Work Studies were held on November 5, 2013, December 17, 2013, January 21, 2014, and on February 18, 2014. Throughout this process, staff met individually with business owners, with the Hemet/San Jacinto Valley Chamber of Commerce, and presented the findings from these meetings to the Commission. Business owners and members of the H/JSVCC were also present at the work studies and addressed the Commission as reflected in the minutes in Attachment No. 3.

On April 1, 2014, the City published a notice in the Press Enterprise of the holding of a public hearing before the Planning Commission at which the amendment to the City's zoning ordinance would be considered. The text of the proposed ordinance was developed by Planning Division staff and the City Attorney's office. Staff also submitted a copy of the draft ordinance and staff report to the Chamber of Commerce for their review.

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

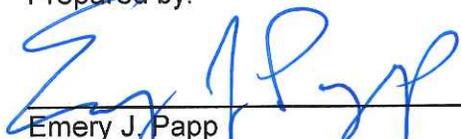
**CONSISTENCY WITH ADOPTED GOALS, PLANS, AND PROGRAMS:**

The proposed ordinance is in conformance with the adopted 2030 General Plan for the City, in that adopting regulations for signage does not conflict with any allowable uses in the Land Use Element and does not conflict with any policies or programs in any other element of the General Plan. This Ordinance is in conformance with the following Implementation Programs and Policies of the City's General Plan including: "Recommended updates to the sign ordinance" (Community Design – Program #7) and the "Comprehensive update to the Zoning Code" (Land Use – Program #2).

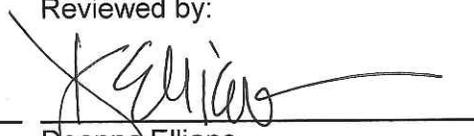
**CEQA REVIEW AND COMPLIANCE:**

The City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Whereas here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The amendments to Article 36, Chapter 90 only relates to regulations for temporary signs. It does not relate to any physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment and, therefore, the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Prepared by:

  
Emery J. Papp  
Principal Planner

Reviewed by:

  
Deanna Elliano  
Community Development Director

**ATTACHMENTS:**

1. Planning Commission Resolution Bill No. 14-013  
Exhibit 1A – Proposed City Council Ordinance Bill No. 14-022
2. Planning Commission Work Study Minutes for November 5, 2013, December 17, 2013, January 21, 2013, February 18, 2014
3. Summary Table of proposed Temporary Sign Code changes.

**Attachment  
No. 1  
PC Resolution No.  
14-013**

**Planning Commission  
Meeting  
April 15, 2014**



**CITY OF HEMET  
Hemet, California**

**PLANNING COMMISSION  
RESOLUTION BILL NO. 14-013**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ZONING ORDINANCE AMENDMENT NO. 14-003, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, AMENDING ARTICLE XXXVI (SIGNS GENERALLY) OF CHAPTER 90 OF THE HEMET MUNICIPAL CODE PERTAINING TO REGULATIONS FOR TEMPORARY SIGNAGE.**

**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 April 1, 2014, 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 April 15, 2014 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the proposed amendment to the City's zoning ordinance and at which time the Planning Commission considered the proposed amendment to the City's zoning ordinance; and

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

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

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

**SECTION 1: ENVIRONMENTAL FINDINGS**

---

**Planning Commission Resolution Bill No. 14-013  
ZONING ORDINANCE AMENDMENT NO. 14-003  
TEMPORARY SIGN REGULATIONS**

1  
2 The Planning Commission, in light of the whole record before it, including but not limited  
3 to, the City's Local CEQA Guidelines and Thresholds of Significance, the direction of  
4 the Planning Commission at its meeting on April 15, 2014 and documents incorporated  
5 therein by reference, and any other evidence (within the meaning of Public Resources  
6 Code Sections 21080(e) and 21082.2) within the record or provided at the public  
7 hearing of this matter, hereby finds and determines as follows:

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

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

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

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

26 The proposed zoning ordinance amendment is in conformance with the latest  
27 adopted general plan for the City in that adopting regulations and provisions for  
28 temporary signage does not conflict with any allowable uses in the land use element  
29 and does not conflict with any policies or programs in any other element of the  
30 general plan. This Ordinance is in conformance with a fundamental objective of the  
31 City's general plan and non-residential zoning program to ensure well designed  
32 signage (Community Design Goal CD-6), and Community Design Policy 6.1 which  
33 encourages interesting, creative and unique approaches to sign design to be  
34 complimentary with buildings and be complimentary with the desired streetscape.

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

36 The Zoning Ordinance Amendment protects the public health, safety and welfare by  
37 recognizing the right of individuals and business owners to provide temporary  
38 advertising while maintaining the City's legitimate interest in local land use regulation  
39 and public safety. This Zoning Ordinance maintains zoning requirements through

---

**Planning Commission Resolution Bill No. 14-013**  
**ZONING ORDINANCE AMENDMENT NO. 14-003**  
**TEMPORARY SIGN REGULATIONS**

1 the regulation of temporary signage which will reduce the potential for visual clutter  
2 and visual blight, preserve the quality and character of commercial districts, and  
3 enhance the safety of residents in such a manner to avoid visual distractions and  
4 avoid blocking line of sight to and from moving vehicles.  
5

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

8 The Planning Commission hereby takes the following actions:

- 9 1. The Planning Commission approves Resolution Bill No. 14-013 recommending  
10 that the City Council adopt the proposed Ordinance which is attached hereto and  
11 incorporated herein by reference as Exhibit "A."  
12

13  
14 **PASSED, APPROVED AND ADOPTED** this 15<sup>th</sup> day of April, 2014, by the  
15 following vote:  
16

17 **AYES:**

18 **NOES:**

19 **ABSTAIN:**

20 **ABSENT:**  
21  
22  
23  
24

25 \_\_\_\_\_  
26 John Gifford, Chairman  
27 Hemet Planning Commission

28 **ATTEST:**  
29  
30

31 \_\_\_\_\_  
32 Melissa Couden, Records Secretary  
Hemet Planning Commission

**Planning Commission Resolution Bill No. 14-013  
ZONING ORDINANCE AMENDMENT NO. 14-003  
TEMPORARY SIGN REGULATIONS**

**Exhibit**

**No. 1A**

**City Council Ordinance**

**Bill No. 14-022**

**Planning Commission**

**Meeting**

**April 15, 2014**



CITY OF HEMET  
Hemet, California  
ORDINANCE BILL NO. 14-022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA AMENDING ARTICLE XXXVI (SIGNS GENERALLY) OF CHAPTER 90 (ZONING) OF THE HEMET MUNICIPAL CODE.

**WHEREAS**, Article XXXVI of Chapter 90 of the Hemet Municipal Code regulates signs on private property throughout the City; and,

**WHEREAS**, Article XXXVI of Chapter 90 includes regulations on certain types of temporary signage; and,

**WHEREAS**, Article XXXVI of Chapter 90 was added to the Code by Ordinance No. 1751, which was adopted in December 2005, and has not been updated since it was adopted; and,

**WHEREAS**, since Ordinance No. 1751 was adopted, new types of temporary signage have emerged and the City Council desires to amend the Code to include regulations on these new types of signage; and,

**WHEREAS**, the City Council also desires to amend the Code to address concerns City business owners have raised regarding the availability of temporary signage to adequately market their businesses; and,

**WHEREAS**, on April 15, 2014, the Planning Commission conducted a duly noticed public hearing on this ordinance and recommended that the City Council adopt the this Ordinance; and,

**WHEREAS**, on \_\_\_\_\_, 2014, the City Council held a duly noticed public hearing on the adoption of this ordinance.

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

1 **SECTION 1: AMENDMENT OF ARTICLE XXXVI OF CHAPTER 90 OF THE HEMET**  
2 **MUNICIPAL CODE.**

3 Article XXXVI (Signs Generally) of Chapter 90 (Zoning) of the Hemet Municipal  
4 Code is amended in its entirety and shall read as shown in Exhibit "A" to this Ordinance.

5 **SECTION 2: 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 \_\_\_\_\_ 2014.

25 **APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2014.  
26  
27

28 \_\_\_\_\_  
**Larry Smith, Mayor**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**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 \_\_\_\_\_ 2014,  
6 and had its second reading at the regular meeting of the Hemet City Council on the \_\_\_  
7 day of \_\_\_\_\_, 2014, and was passed by the following vote:

8 **AYES:**

9 **NOES:**

10 **ABSTAIN:**

11 **ABSENT:**

12

13

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

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

## ARTICLE XXXVI. SIGNS GENERALLY

---

- Sec. 90-1241. Purpose of article.
- Sec. 90-1242. Definitions.
- Sec. 90-1243. Applicability.
- Sec. 90-1244. General provisions.
- Sec. 90-1245. Signs not requiring a sign permit.
- Sec. 90-1246. Administration.
- Sec. 90-1247. General location, height and area standards.
- Sec. 90-1248. Design, material, construction and maintenance standards.
- Sec. 90-1249. Permanent Ssigns permitted in all or multiple zones.
- Sec. 90-1250. Permanent Ssigns generally permitted in residential zones.
- Sec. 90-1251. Permanent Ssigns permitted in commercial zones.
- Secs. 90-1252—90-1254. Reserved.
- Sec. 90-1255. Permanent Ssigns permitted in church and institutional zones (S-1, I).
- Secs. 90-1256—90-1260. Reserved.
- Sec. 90-1261. Permanent Ssigns permitted in parking zones.
- Secs. 90-1262—90-1270. Reserved.
- Sec. 90-1271. Permanent Ssigns permitted in manufacturing zones (M-1 and M-2).
- Sec. 90-1272. Permanent Ssigns for shopping centers and big box uses.
- Sec. 90-1273. Permanent signs for automobile service stations and drive-in restaurants
- Sec. 90-12734. Permanent Ssigns for outdoor sales.
- Sec. 90-12745. Future development signs-Temporary signs.
- Secs. 90-~~1275~~1276—90-1279. Reserved.
- Sec. 90-1280. Prohibited signs.
- Sec. 90-1281. Legal nonconforming signs.
- Sec. 90-1282. Removal of signs.
- Sec. 90-1283. Violation of article; penalty.
- Sec. 90-1284. Appeals.
- Secs. 90-1285—90-1310. Reserved.

### **Sec. 90-1241. Purpose of article.**

The purposes and intent of these sign regulations include to:

- (1) Regulate signs located on private property within the city and on property owned by public agencies other than the city and over which the city has zoning and land use regulatory power.

- (2) Implement the city's community design and safety standards as set forth in the city's general plan, specific plans, special districts, design guidelines and municipal code.
- (3) Maintain and enhance the city's appearance by regulating the design, character, location, number, type, quality of materials, size, illumination and maintenance of signs.
- (4) Serve the city's interests in maintaining and enhancing its visual appeal for residents, tourists and other visitors, by preventing the degradation of visual quality which can result from excessive and poorly designed, located or maintained signage.
- (5) Generally limit commercial signage to on-site locations in order to protect the aesthetic environment from the visual clutter associated with the unrestricted proliferation of signs, while providing channels of communication to the public.
- (6) Limit the size and number of signs to levels that reasonably allow for the identification of a residential, public or commercial location and the nature of any such commercial business.
- (7) Encourage signs that are appropriate to the zoning district in which they are located and consistent with the permitted uses of the subject property.
- (8) Establish sign sizes in relationship to the scale of the parcel and building on which the sign is to be placed or to which it pertains.
- (9) Minimize the possible adverse effects of signs on nearby public and private property, including streets, roads and highways.
- (10) Protect the investments in property and lifestyle quality made by persons who choose to live, work or do business in the city.
- (11) Protect and improve pedestrian and vehicular traffic safety by balancing the need for signs that facilitate the safe and smooth flow of traffic (e.g., directional signs and on-site signs) without an excess of signage which may distract drivers or overload their capacity to quickly receive information.
- (12) Reduce hazardous situations, confusion and visual clutter caused by the proliferation, placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian and vehicular traffic.
- (13) Regulate signs in a manner so as to not to physically interfere with or obstruct the vision of pedestrian or vehicular traffic.
- (14) Avoid unnecessary and time consuming approval requirements for certain minor or temporary signs that do not require review for compliance with the city's building and electrical codes while limiting the size and number of such signs so as to minimize visual clutter.

(15) Respect and protect the right of free speech by sign display, while reasonably regulating the structural, locational and other noncommunicative aspects of signs, generally for the public health, safety, welfare and specifically to serve the public interests in community aesthetics and traffic and pedestrian safety.

(16) Enable the fair, consistent and efficient enforcement of the sign regulations of the city.

(17) Regulate signs in a constitutional manner, which is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs. All administrative interpretations and discretion is to be exercised in light of this policy and consistent with the purposes and intent stated in this section.

#### Sec. 90-1242. Definitions.

The following words, terms and phrases, when used in this article, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandoned sign* means any sign which no longer advertises an approved use or activity being undertaken or existing upon the lot, parcel of land or premises on which the sign is located.

*Balloon* means an air or gas filled three-dimensional object attached to a string, rope or cable, and tethered to a place or object.

*Balloon, large* means a balloon that is larger than three square feet deflated.

*Balloon, small* means a balloon that is three square feet or less in size deflated.

*Banner sign* means any sign printed or displayed upon cloth or other flexible material, with or without a frame.

*Banner sign, award* means a banner sign advertising the receipt of an award by the establishment on which the banner sign is displayed from an established organization or entity.

*Bulletin board sign* means a sign that is characterized by changeable copy, letters symbols, or numerals used to announce a coming event attraction or used to convey a specific message related to the structure or use of the property on which the bulletin board is located. Bulletin board signs include only those signs with manually changeable copy.

*Campaign sign* means a sign that is designed to influence the passage or defeat of any measure on a ballot or to influence voters with respect to the nomination, election, defeat, or removal of a candidate from public office at any national, state, or local election.

*Candela* means the base unit of luminous intensity in the International System of Units that is equal to the luminous intensity in a given direction of a source which emits monochromatic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Not Italic

Formatted: Font: Italic

radiation of frequency  $540 \times 10^{12}$  hertz and has a radiant intensity in that direction of  $\frac{1}{683}$  watt per unit solid angle.

Formatted: Font: Not Italic

Cane sign means a portable, self-supporting advertising banner, usually tall and narrow with a single pole on one side that curves across the top to frame the banner. Cane signs are typically affixed to the ground by inserting a metal stake into turf or soil.

Formatted: Font: Not Italic

*Canopy* means a fixed shelter of any material and of any length projecting from a building or structure and supported by columns or posts from the ground, or a freestanding shelter supported by columns and posts from the ground.

*Canopy sign* means a sign painted on or attached to the vertical or underneath side of, or erected on the roof surface of, a canopy.

*Commercial message* means any wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a commercial or industrial business, product, good, service or other commercial or industrial activity.

*Commercial sign* means any sign that is intended to attract attention to a commercial or industrial business, occupancy, product, good, service, or other commercial or industrial activity for a commercial or industrial purpose.

Community Event means an event open to the general public conducted by the City, another public agency, or other community non-profit organization that has received a permit from the City to conduct the event.

Formatted: Font: Not Italic

*Construction sign* means any sign or nameplate which relates only to individuals, businesses or firms directly connected with construction or development of a building, property or premises upon which such signs or nameplates are located.

*Department* means the planning department of the city.

*Director* means the director of the planning department or the director's designee.

*Directional sign* means an on-site sign used to direct and control pedestrian or vehicular traffic and located on the same lot, parcel or premises as the use which it is intended to serve that provides directional information to assist drivers, pedestrians and travelers with wayfinding through a multi-tenant center.

*Double-faced sign* means a sign that has two display surfaces, which are backed against each other or against the same supporting structure in such a manner that each display surface is designed to be viewed from a different direction.

*Drive-in or drive-through restaurant* means any building or structure in which food or drink are catered or served to the occupant of a vehicle where such occupant is not required to leave the vehicle for a rendered service or where the primary business activity consists of carryout food orders.

*Erect* means to build, construct, attach, place, suspend or affix to or upon any surface.

*Freestanding sign* means a permanent sign standing directly upon the ground or having one or more supports standing directly upon the ground, and detached from any building or structure.

*Frontage*: Building frontage means the linear distance of a building utilized for one or more purposes, facing a street, mall, driveway or parking lot. Lot frontage means the linear distance of a site or separate portion of a site utilized for one or more purposes facing a street, mall, driveway or parking lot on property used in conjunction with that of the applicant.

*Fuel pricing sign* means a sign indicating the brand or trade name, method of sale, grade designation and price per gallon of gasoline or other motor vehicle fuel offered for sale on the premises, and such other information regarding fuel and service as may be required by law.

*Future development sign* means a sign indicating the future location of a building or use and the developer of such building or use.

*General outdoor advertising sign* means a sign that directs attention to a business, profession, product, commodity or service that is not the primary business, profession, commodity, product or service sold, manufactured, conducted or offered on the site on which the sign is located (i.e., a billboard). These signs do not include off-site directional real estate signs.

*Grand opening* means a special event held within 60 days of the start of a business's occupancy of a location for the purpose of promoting the newly established business or location.

*Gross mural area* means the entire area of a mural painted or applied to a building or wall surface.

*Hand-held sign* means a sign that is held by or otherwise mounted on a person. For the purposes of this article, hand-held sign does not include a noncommercial sign.

*Identification sign* means any sign which is used to identify or advertise the occupant of a building, lot, premises or parcel or the merchandise or activity available at the building, lot, premises or parcel where the sign is located.

*Illegal sign* means: (a) Any sign originally erected or installed without first complying with all structural, locational, design, building, and electrical regulations in effect at the time of its construction or installation; (b) Any abandoned sign; (c) Any unsafe sign; (d) Any legal nonconforming sign that has not been removed following the expiration of any applicable amortization period provided in this code; and (e) Any sign that is in violation of the provisions of this article.

Formatted: Font: Not Italic

*Incidental sign* means a sign indicating credit cards accepted, trade affiliations, no solicitation, no trespassing and similar property-related matters.

*Inflatable sign* means a sign that is inflated by air or other gaseous matter.

*LED display board sign* means that portion of an on-site freestanding sign with the capability of presenting variable messages or displays through electronically controlled lighting and which can be programmed to change the content of the display periodically.

*Legal nonconforming sign* means a sign that was originally erected or installed in compliance with all structural, locational, design, building, and electrical regulations at the time of its erection or installation, but which no longer conforms to the provisions of this article.

*Lighted sign* means a sign which is illuminated either directly or indirectly by artificial light.

*Marquee* means a permanent cantilevered roof structure attached to and solely supported by a building wall, and which projects over a public right-of-way.

*Marquee sign* means a sign painted on or attached to the vertical or underneath side of, or erected on the roof surface of, a marquee.

*Master sign program* means a plan showing the location, dimensions, area, color, lighting and materials of all signs located on a single parcel or parcels, either under the same ownership or under the same planned development permit.

*Minor identification sign* means an identification sign that does not exceed four square feet in area and the copy does not exceed four inches in height.

*Mobile sign* means the use of a moving trailer, automobile, truck, or any other vehicle to display commercial or noncommercial messages primarily for advertising purposes unrelated to the principal use of such vehicle.

*Monument sign* means a low-profile sign which is mounted on the ground or on a low supporting base upon the ground and has no vertical supports or members which raise the sign display area above the ground such that the sign display area is visibly detached from the ground or the supporting base more than eight inches at any point.

*Moving or flashing sign* means any sign or other advertising medium that moves, flashes or blinks in an on and off manner, or gives the illusion of movement in any form, or that rotates, oscillates, shimmers or glitters, or gives the appearance thereof.

*Mural* means a pictorial illustration or graphic presentation painted on or applied to a building or wall. Colors will not be limited by subsection 90-1248(a).

*Noncommercial message* means any wording, logo or other representations that does not directly or indirectly, name, advertise or calls attention to a commercial or industrial business, product, good, service or other commercial or industrial activity.

*Noncommercial sign* means a sign that does not name, advertise or call attention to a commercial or industrial business, commodity, product, good, service or other commercial or industrial activity for a commercial or industrial purpose.

*Off-site sign* means a commercial sign not located on the site of the business or entity indicated or advertised by the sign, or a commercial sign advertising a commodity, good, product, service or other commercial or industrial activity which originates on a site other than where the sign is maintained. For the purposes of this article, all signs with noncommercial messages are deemed to be "on-site," regardless of location.

*On-site sign* means any sign which directs attention to occupancy, business, commodity, good, product, service or other activity conducted, sold or offered upon the site where the sign is maintained. For the purposes of this article, all noncommercial messages are deemed to be "on-site," regardless of location.

*Pennant* means a long, tapering, usually triangular flag made of flexible materials, such as cloth, paper or plastic, which is attached by a string to buildings or light fixtures and used for promotional purposes and to attract the attention of passersby.

Formatted: Not Highlight

Formatted: Font: Not Italic, Not Highlight

Formatted: Not Highlight

*Portable sign* means a ~~freestanding~~ sign that is not permanently affixed, anchored or secured to either the ground or a structure on the premises it is intended to occupy, but does not include hand-held signs. For the purposes of this article, a portable sign does not include a noncommercial sign.

*Portable sign, menu* means a portable sign with an "A" frame that is at a location suitable for and scaled for pedestrian viewing.

Formatted: Font: Not Italic

*Projecting sign* means any sign projecting more than 12 inches from the face of a building, structure, canopy or marquee.

*Promotional poster frame sign* means a permanently mounted frame located at drive-thru establishments that allow for unlimited interchangeable temporary signs to be placed within the frame. The temporary signs within the frame are usually printed on paper or lightweight cardboard and promote temporary sales and events.

Formatted: Font: Not Italic

*Real estate sign* means a sign announcing that ~~the a~~ building, premises, parcel or portion thereof ~~upon which the sign is located~~ is for sale, lease or rent.

*Real estate sign, on-site* means a real estate sign located on the property that is for sale, lease or rent.

Formatted: Font: Italic

*Real estate sign, off-site directional* means a real estate sign used during specified times to assist with wayfinding to existing homes for sale that are being shown to the public during an "open house" event.

Formatted: Font: Italic

*Roof sign* means any sign supported by or attached to or projecting through the roof of a building or structure and projecting above the eave line or parapet wall of the building or structure.

*Security warning sign* means a sign used to announce a neighborhood watch security system.

*Sign* means any structure, device, letter, figure, character, poster, picture, trademark or reading matter which is used or designed to announce, declare, demonstrate, display or otherwise identify, advertise or attract the attention of the public. However, a sign does not include the following:

- (1) Official notices authorized by a court, public body or public officer.
- (2) Traffic, directional, warning or information signs authorized by federal, state or municipal authority.
- (3) The official flag, emblem or insignia of a government, public school or religious group or agency.
- (4) Memorial plaques or tablets, or cornerstones indicating the name of a building and the date of construction, when cut or carved into any masonry surface or when made of bronze or other incombustible material and made an integral part of the building or structure.
- (5) Signs within a building, except window signs, signs permitted under Section 90-1275(c)(4) and banner signs in automobile service bays permitted under Section 90-1275(c)(1)(g)(ii).
- (6) Signs on public school property.
- (7) Signs on street legal vehicles, license plates, license plate frames, registration insignia, including noncommercial messages, messages relating to the business or service of which the vehicle is an instrument or tool (not including general advertising that is unrelated to the principal use of such vehicle for such business or service) provided the vehicle is being used as an instrument or tool of the business and service and not primarily for advertising, and messages relating to the proposed sale, lease or exchange of a vehicle.

*Sign face* means that portion of a sign intended to be viewed from one direction at a time.

*Special event means a temporary event conducted at a commercial business establishment, including but not limited to, grand openings, going out of business/liquidation sales, parking lot sales, and seasonal/holiday sales subject to the granting of a Temporary Use Permit or other special events conducted for the benefit of the community at large. Special events do not include temporary promotions of particular items or services for sale.*

*Stake sign means a temporary sign usually made of cardboard or plastic mounted to a wood or metal stake that is stuck into the ground.*

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Font: Not Italic

Formatted: Font: Not Italic

*Subdivision sign* means a sign erected and maintained within the boundaries of a recorded subdivision and indicating the name of the subdivision, the name of the contractor or subdivider, and the name of the owner or agent, and giving information regarding directions, prices or terms.

~~*Temporary offsite real estate development sign* means a sign advertising and directing the public to a subdivision or other real estate development project on premises other than those upon which the sign is located.~~

*Temporary sign* means any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, wood or other light materials, with or without frames, intended to be displayed for a limited period of time.

~~*Theatrical Event* means a live performance of artistic work, such as a play or musical compositions, that is open to the general public and will be occurring for a limited duration of time.~~

Formatted: Font: Not Italic

Formatted: Font: Not Italic

*Time and temperature device* means that portion of any sign, exclusive of any advertisement copy or advertising media, which may on a periodic basis change its character and appearance to provide information as to time of day or condition of the weather measured in degrees.

*Unsafe sign* means a sign posing an immediate peril or reasonably foreseeable threat of injury or damage to persons or property on account of the condition of the sign structure, its location, or its mounting mechanism.

*Wall sign* means any **permanent** sign painted or otherwise marked on or attached parallel to the face of an exterior wall or on any exterior surface of any structure or building.

*Window sign, permanent* means a sign attached to or painted on a window designating the name or identifying the type of business conducted on the premises.

*Window sign, temporary* means a sign attached to or placed on or within three feet of the interior of a window ~~that does not designate the name or identify the type of business conducted on the premises~~. Temporary window signs do not include signs utilized as part of a window display of merchandise when such signs are incorporated within the display.

#### **Sec. 90-1243. Applicability.**

This article regulates signs located on private property within all zoning districts of the city and on property owned by public agencies other than the city and over which the city has zoning and land use regulatory power. ~~This article also applies to signs within public rights-of-way and other public property.~~ Except where otherwise expressly provided in this article, all signs located in such areas of the city must be erected and maintained in conformity with this article.

#### **Sec. 90-1244. General provisions.**

(a) *Sign permit required.* Except as otherwise expressly provided in this article, it is unlawful for any person to place, erect, structurally or electrically alter, change any commercial message, move or display any temporary or permanent sign without first obtaining a sign permit from the department in accordance with the provisions of this article. No sign permit is required for cleaning or other normal maintenance of a properly approved sign, unless a structural or electrical change is made.

(b) *Owner's consent required.* The consent of the property owner or person in control or possession of the property is required before any sign may be erected on any private property within the city.

(c) *Noncommercial signs.* Noncommercial signs are allowed wherever commercial signage is permitted on a site or building and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this article. A permit is required for a permanent noncommercial sign only when a permanent commercial sign has not been previously approved. For purposes of this article, all noncommercial messages are deemed to be "on-site," regardless of location.

(d) *Substitution of noncommercial messages.* Subject to the consent of the property owner or person in control or possession of the property, a noncommercial message of any type may be substituted for all or part of the commercial or noncommercial message on any sign allowed under this article. No special or additional approval is required to substitute a noncommercial message for any other message on a permitted sign, provided the sign structure is already approved or exempt from the sign permit requirement and no structural or electrical change is made. When a noncommercial message is substituted for any other message, however, the sign is still subject to the same design, locational and structural regulations (e.g., color, materials, size, height, illumination, maintenance, duration of display, etc.), as well as all building and electrical code requirements that would apply if the sign were used to display a commercial message. In the event of any perceived or actual conflict between the general provisions of this subsection and any other specific provisions in this article, the provisions of this subsection will prevail.

(e) *Substitution of commercial messages.* The substitution of one commercial message for another commercial message is not automatically allowed nor is the free substitution of a commercial message in a place where only a noncommercial message is allowed. In addition, no off-site commercial messages may be substituted for on-site commercial messages.

(f) *Legal nature of sign rights and duties.* All rights, duties and responsibilities related to permanent signs attach to the land on which the sign is erected or displayed and run with the land or personal property. The city may demand compliance with this article and with the terms of any sign permit from the permit holder, the owner of the sign, the property owner or person in control or possession of the property, or the person erecting the sign.

**Sec. 90-1245. Signs not requiring a sign permit.**

The following signs do not require a sign permit under section 90-1246, nor will the area of such signs be included in the maximum area of signs permitted; provided, however, that each such sign must comply with all applicable requirements of this article. The intent of this section is to avoid unnecessary or time-consuming review procedures where certain permitted signs are minor or temporary or the erection of such sign does not require review for compliance with the city's building or electrical codes.

- (1) Campaign signs.
- (2) Construction signs.
- (3) Hand-held noncommercial signs.
- (4) Incidental signs, provided that the maximum sign area for all such signs does not exceed two square feet per use or occupancy on a parcel.
- (5) Minor identification signs.
- (6) Real estate signs.
- (7) Temporary freestanding noncommercial signs permitted by subsection 90-1250(c).
- (8) Window signs.
- (9) Portable menu signs, small balloons, promotional posters within a permitted promotional poster frame, and temporary window signs in compliance with the regulations contained in section 90-1275.

#### **Sec. 90-1246. Administration.**

- (a) *Purpose.* The purpose of a sign permit is to help ensure compliance with the provisions of this article, in particular, the provisions regulating the design, illumination, location, materials, number, size and type of sign.
- (b) *Sign permit application process.*
  - (1) Where specifically required by this article, an application for a sign permit must be made in writing on the form provided by the department and accompanied by any required materials, plans and exhibits and the required fee or bond established by city council resolution.
  - (2) The director will initially determine whether the application contains all the information and items required by the provisions of this article and may be deemed complete.
  - (3) All notices required by this article are deemed given upon the date any such notice is either deposited in the United States mail or the date upon which personal service of such notice is provided.
  - (4) No sign permit application will be accepted if:

a. The applicant has installed any sign on the site of the proposed sign in violation of the provisions of this article and, at the time of submission of the application, each such illegal sign has not been legalized, removed or included in the application.

b. There is any other existing code violation located on the site of the proposed sign(s) (other than an illegal sign that is not owned or controlled by the applicant and is located at a different business location on the site from that for which the approval is sought) that has not been cured at the time of the application.

c. The sign permit application is substantially the same as an application previously denied, unless: (i) 12 months have elapsed since the date of the last application, or (ii) new evidence or proof of changed conditions is furnished in the new application.

d. The applicant has not submitted for processing or obtained any applicable use permit or approval.

(c) *Standard sign permit review process.*

(1) After receiving a complete sign permit application, the director will cause the application to be reviewed and render a written decision to approve or deny the application within ten business days.

(2) Determinations on sign permit applications are to be guided by the standards and criteria set forth in this article. An application will be approved whenever the proposed sign conforms to all design, size, height and other standards for signs subject to a permit requirement, as such requirements are set forth in this article.

(3) An application may be granted either in whole or in part when more than one sign or location is proposed by an applicant. When an application is denied in whole or in part, the determination must be in writing and must specify the grounds for such denial.

(d) *Sign permit review: master sign programs, special sign programs, modifications, and variances.*

(1) *Sign programs for planned developments.* Large scale development projects permitted under the planned community development (PCD), planned development overlay district (PUD) and specific plan (SP) zones may have uniform sign programs developed and approved which carry out the intent of such detailed plans. Uniform sign programs approved pursuant to this subsection will take precedence over other standards outlined in this article. Provisions for the review and approval of each uniform sign program will be the same as the provisions outlined in the planned development each uniform sign program is intended to support.

(2) *Special sign program for contiguous uses.* Notwithstanding any other provisions of this article, a group of three or more contiguous commercial uses occupying a site of less than five acres, or a group of three or more uses having common frontage upon a public street, mall or parking lot, may be permitted signage as specifically permitted in this subsection.

a. Where appropriate, applicants may submit detailed drawings to the department indicating an overall integral sign theme that may not specifically comply with all sections of this article regulating colors, height, locations and total allowable area. All sign programs developed under this concept will be required to receive approval of the director. All proposed revisions or alterations to a previously approved sign program will be resubmitted to the department and will be required to receive approval of the director before issuance of any permits.

b. Where the director deems appropriate under the provisions of this section, the director may allow modifications and variations of this article where such modifications and variations are within the intent and purpose of this article and lend themselves toward a more creative and harmonious signage program.

c. Signs or sign programs approved under this section will not be construed as a basis for the granting of variances to provisions of this article, nor for granting special privileges which are denied other applicants under this article.

d. No freestanding sign approved under this section may exceed 100 square feet in area per face.

(3) *Modifications.* The director may grant minor modifications from the permitted sign area, height or setback requirements of this article provided that no such modification exceeds ten percent of the applicable requirement. Before granting any such minor modification, the director must make the following findings:

a. The sign will not interfere with pedestrian or vehicular safety.

b. The sign will not be located so as to have a significant negative impact on the visibility or aesthetic appearance of any adjacent property.

c. The sign will generally be compatible with other on-site signs, the structure or development it identifies, and surrounding development.

(4) *Variances.* The planning commission may grant variances from the provisions of this article for the erection and maintenance of signs when difficulties, unnecessary hardship or results inconsistent with the general purpose of this article would otherwise occur and would deprive the owner of rights enjoyed by others. The

application and review process for a sign variance will follow the applicable procedures set forth in Article XLV of Chapter 90 of this Code.

(e) *Permit fee; bond.* Prior to the issuance of a sign permit, the department must collect the fee of cash bond, if any, in accordance with the schedule approved by city council resolution.

(f) *Time limit.* Signs authorized by a permit issued pursuant to this article must be erected within one year of the issuance of the permit, otherwise the approval will be null and void

(g) *Revocation of a sign permit or other approval.* Subject to section 90-1284, the director may revoke any permit or approval upon refusal of the permit [permittee] or approval holder to comply with the provisions of this article after written notice of noncompliance and at least 15 days opportunity to cure.

#### **Sec. 90-1247. General location, height and area standards.**

(a) *Location standards.*

(1) Except as specifically provided in this article, no sign may be located upon or project over a public right-of-way.

(2) Except as specifically provided in this article, no sign may extend above the eave line or parapet or the lowest point on the sloping roof of the building on which it is located. Roof signs may not extend above the highest point on the building on which it is erected. No wall sign may extend beyond or project above the vertical or horizontal line of any exterior wall or portion of the structure upon which such sign is affixed.

(3) Signs must be designed and located so as not to interfere with the unobstructed clear view of the public right-of-way and nearby traffic regulatory signs or any pedestrian, bicyclist or motor vehicle driver.

(4) **Except as specifically provided in this article, A**ll signs authorized under this article must be placed on the side of the property facing on a public or private right-of-way, and may not be placed in such a manner that it is observable only over private property not used in conjunction with the property of the applicant.

(5) No sign may be erected in such a manner that any portion of its surface or supports is within six feet horizontally or 12 feet vertically of overhead electric conductors which are energized in excess of 750 volts.

(6) No sign over 42 inches in height may be erected at the intersection of any street or within the segment created by drawing an imaginary line between points 30 feet back from where the curb lines of the intersection quadrant intersect.

(b) *Sign height.* Sign height will be measured using the greatest vertical measurement from grade level along the base of the sign structure to the highest point of the sign. Sign height will be measured from the elevation of the top of the curb fronting such sign when within ten feet of a street property line. When a sign is set back from a property line more than ten feet, sign height will be measured from the elevation of the ground level surrounding the base of the sign.

(c) *Sign area.* The area of any sign as regulated by this article will be measured by computing the area within a maximum of eight straight lines enclosing the entire perimeter of a sign, including all text, emblems, arrows, ornaments or other sign media. Where the letters or characters of a sign are painted, mounted or otherwise attached to a panel which is of a color or material which contrasts with the color or material of the building upon which such panel is painted or mounted, the sign area will be the area of such panel. Where individual letters or characters are painted, mounted or otherwise attached directly to a wall or structure, the area of the sign will be measured by means of straight lines drawn around the perimeter of such letters or characters.

**Sec. 90-1248. Design, material, construction and maintenance standards.**

Each permanent sign that requires a sign permit must comply with the following standards:

- (1) *Materials and colors.* All permanent signs must be constructed of durable materials that are compatible in appearance to the building supporting or identified by the sign. Sign colors and materials should be selected to be compatible with the existing building designs and should contribute to legibility and design integrity. No sign may contain more than five colors. Tints and shades of a color will be considered as one color. Black and white will be considered as colors.
- (2) *Relationship to buildings.* Each permanent sign located upon a site with more than one main building, such as a commercial, office or industrial complex must be designed to incorporate the materials common or similar to all buildings.
- (3) *Relationship to other signs.* Where there is more than one sign on a site or building, all permanent signs must have designs that similarly treat or incorporate the following design elements:
  - a. Type of construction materials;
  - b. Sign/letter color and style of copy;
  - c. Method used for supporting sign (e.g., wall or ground base);
  - d. Sign cabinet or other configuration of sign area;
  - e. Illumination; and
  - f. Location.

(4) *Sign illumination.* Illumination from or upon any sign must be shaded, shielded, directed or reduced so as to minimize light spillage onto the public right-of-way or adjacent properties, and in no event may illumination be permitted to cause such excessive glare as to constitute a potential hazard to traffic safety. Externally illuminated signs must be lighted by screened or hidden light sources. ~~All signs erected after January 9, 1987, must be installed with a time clock that is set to turn off all sign illumination, internal or external, between 11:00 p.m. and sunrise, except during such hours that the premises are open for business beyond such time limit.~~ The provisions of this subsection do not apply to LED display boards.

(5) *Construction.* Every sign, and all parts, portions and materials thereof, must be manufactured, assembled and erected in compliance with all applicable state, federal and city regulations including the city's building code and electrical code. Under no circumstances may a permanent sign have an exposed back.

(6) *Maintenance.* Every sign and all parts, portions and materials must be maintained in good repair. The display surface of all signs must be kept clean, neatly painted, and free from rust, cracking, peeling, corrosion or other states of disrepair. This maintenance obligation includes the replacement of malfunctioning or burned-out lamps, replacement of broken faces, repainting of rust, chipped or peeling structures or faces within 15 days following written notification by the city.

(7) *Removal of signs and restoration of building or property.* When there is a change or discontinuance of a business or occupancy such that a sign no longer properly identifies a place of business or occupancy, the sign must be removed or the name of the prior business or occupant either removed, or the sign face covered in a manner that blends with the building or supporting structure within 60 days of the change or discontinuance of a business or occupancy. Within 30 days of the removal of a sign from a building or from the grounds of the premises if a freestanding sign, the building or the grounds of the premises must be repaired and restored to remove any visible damage or blemish left by the removal of the sign.

**Sec. 90-1249. Permanent signs permitted in all or multiple zones.**

The following types of permanent signs are permitted in all zones subject to the applicable regulations:

~~(1) Campaign signs.~~

~~a. Number. Each parcel may have one temporary freestanding campaign sign for each political candidate or issue on each street frontage.~~

~~b. Area. In agricultural, commercial, and industrial zones, no campaign sign may exceed 32 square feet in area per face. A campaign sign may be double faced if it is placed perpendicular to the right of way. In residential~~

areas, no campaign sign may exceed six square feet in total area per face and may be double-faced.

e. ~~Height.~~ No freestanding campaign sign may exceed four feet in height.

d. ~~Location.~~ Campaign signs may be placed in the front, side or rear yard of any parcel that fronts, sides or rears on a public street. No campaign sign may encroach into the public right-of-way.

e. ~~Time limit.~~ All campaign signs must be removed within seven days following the election for which they are intended.

f. ~~Lighting.~~ Campaign signs may not be illuminated.

(2) ~~Construction signs.~~

a. ~~Number.~~ Any parcel with construction activity is permitted one construction sign.

b. ~~Area.~~ A construction sign may not exceed 32 square feet in area per face.

c. ~~Height.~~ A freestanding construction sign may not exceed eight feet in height.

d. ~~Location.~~ Construction signs must be parallel to a public right-of-way but may not encroach into the right-of-way.

e. ~~Time limit.~~ A construction sign may not be erected until the issuance of any applicable building or grading permit. The sign must be removed upon completion of the construction activity and before issuance of a certificate of occupancy, if applicable, and in no event later than the expiration of the applicable building permit.

f. ~~Lighting.~~ Construction signs may not be illuminated.

(31) ~~Directional signs.~~

a. Eligibility. Directional signs may be authorized and approved by the director through the amendment of an existing, or the creation of a new, master sign program for a multi-tenant commercial center having met one or more of the following criteria:

i. The commercial center has 25,000 or more square feet of commercial building space.

ii. The commercial center has ten or more tenants when the director finds such signs are necessary in parking areas.

Formatted: Indent: Left: 1.5"

Formatted: Font: Italic

Formatted: Indent: Left: 1.5", First line: 0.5"

iii. The director determines the configuration of the commercial center warrants the need for additional directional signage.

b. Changeable copy. Directional signs may include individual panels for each tenant that may be changed out.

Formatted: Font: Italic

Formatted: Indent: Left: 1.5"

c. Size. Directional signs shall be human scale. The director shall have the discretion to determine the appropriate size for a directional sign based on the size of the commercial center, the number of tenants that will be listed on the sign, the proposed placement of the sign and visibility concerns.

Formatted: Font: Italic

Formatted: Not Highlight

d. Materials. Directional signs shall be professionally designed and constructed using durable materials capable of withstanding exposure to sunlight and weather for prolonged periods of time.

Formatted: Font: Italic

Except as otherwise provided in this article, no directional sign may exceed four square feet in area or four feet in height.

(42) *Murals.*

a. *Number.* A mural is permitted on each building frontage, except in residential zones where murals are not permitted. All existing signs on the frontage proposed for a mural must be removed prior to the commencement of a mural. The mural will take the place of all other signage on the same building frontage as a mural, except window and canopy signs in accordance with this article.

b. *Area and height.* The mural may not extend beyond or project above the vertical or horizontal line of any wall or structure upon which the mural is painted or affixed. Any lettering, text, numerals or other similar identifications will be limited to a maximum of six percent of the gross mural area, or 100 square feet maximum, whichever is less, and must be within an area that can be enclosed by eight straight lines drawn around the perimeter of such lettering, text, numerals or other similar identification. The lettering, text, numerals or other similar identification must be painted on the surface or must be raised letters applied to the surface.

c. *Location.* Where the building face upon which a mural is proposed adjoins a building wall on an adjacent property, the bottom of the mural must be placed a minimum of one foot above the vertical line where the two walls meet. No portion of the mural may project more than six inches from the surface upon which the mural is painted or affixed are [where] prohibited.

d. *Lighting.* No internal illumination is permitted.

e. *Additional application requirements.* In addition to the procedures outlined in section 90-1246, the applicant for a mural permit must also provide the following:

1. An affidavit signed by the property owner, and notarized, giving the applicant permission to place the mural on the building.
2. An agreement between the property owner and the city in a form reasonably acceptable to the city attorney whereby the property owner agrees to: (1) Restore chipping, fading, peeling, vandalism or other similar defects to mural quality within seven days of written notice from the city to correct such conditions, and (2) To comply with the requirements of subsection 90-1248(g). No certificate of occupancy may be issued to a new tenant until the mural has been removed or a new permit for a mural has been issued.

~~(5) — Real estate signs.~~

~~a. — Parcels less than one acre in area are subject to the following regulations:~~

- ~~1. — Number and area. On each public street frontage, one wall-mounted or freestanding real estate sign is permitted, provided the sign does not exceed four square feet in area for each sign face. On a parcel zoned for a senior community, an additional two square feet of sign area is permitted indicating that the property is a "Senior Community 55+."~~
- ~~2. — Height. Freestanding real estate signs may not exceed six feet in height.~~
- ~~3. — Location. Freestanding real estate signs may be placed in front yard setback areas, provided such signs are not located within the corner cutback and not overlaying into the public right-of-way. For purposes of this section, "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. 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.~~

4. ~~Time limit.~~ All real estate signs must be removed within 15 days after the applicable property has been rented, leased or sold.

5. ~~Lighting.~~ Real estate signs may not be illuminated.

b. ~~Parcels greater than one acre in area or which are located in a commercial or industrial zone are subject to the following regulations:~~

1. ~~Number and area.~~ On each public street frontage, one wall-mounted or freestanding real estate sign is permitted, provided the sign does not exceed 32 square feet in area for each sign face. On a parcel zoned for a senior community, an additional four square feet of sign area is permitted indicating that the property is a "Senior Community 55+."

2. ~~Height.~~ Freestanding real estate signs may not exceed six feet in height.

3. ~~Location.~~ Freestanding real estate signs may be placed in front yard setback areas, provided such signs are not located within the corner cutback and not overlaying into the public right-of-way. For purposes of this section, "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. 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.

4. ~~Time limit.~~ All real estate signs must be removed within 15 days after the applicable property has been rented, leased or sold.

5. ~~Lighting.~~ Real estate signs may not be illuminated.

~~(6) Subdivision signs.~~

a. ~~[Number.]~~ An applicant may request up to three subdivision signs for any one subdivision project.

b. ~~Area.~~ Subdivision signs may not exceed 40 square feet in area per face.

c. ~~Height and location.~~ The location of each subdivision sign will be determined by the director. Subdivision signs may not extend above the

height of any wall or fence to which it may be attached. If freestanding, such signs may not exceed six feet in height.

d. ~~Security.~~ A bond or similar security in an amount and form satisfactory to the city is required to be posted to guarantee removal of any approved subdivision signs.

e. ~~Time limits.~~ A subdivision sign must be removed no later than 18 months following recordation of the final subdivision map, provided that this time limit may be extended for up to six additional months by the director upon written request.

f. ~~Lighting.~~ Subdivision signs may not be illuminated.

~~(73) **Permanent Window signs.** Temporary window signs may not exceed 50 percent of any single window or the total window area provided on the frontage on which the sign is displayed.~~

Formatted: Font: Italic

~~(8) Automobile service stations and drive-in restaurants. For automobile service station uses and drive-in restaurants in all zones, the following regulations apply:~~

a. ~~One freestanding lighted or unlighted, double-faced, identification sign not exceeding 50 square feet in area per face is permitted. Such sign may not exceed 25 feet in height.~~

b. ~~Two lighted or unlighted, single-faced identification canopy or wall signs not exceeding 50 square feet in combined area are permitted.~~

c. ~~The following additional signs are also permitted for automobile service station uses:~~

1. ~~One fuel pricing sign not to exceed 20 square feet per sign face, which may be part of a monument or freestanding sign.~~

2. ~~Three unlighted signs not exceeding four square feet in combined area, which indicate credit cards honored and trading stamps available on the premises.~~

**Sec. 90-1250. Permanent Signs generally permitted in residential zones.**

(a) *Signs based on usage.* In addition to any other applicable signage allowed under this article, in the R-A, R-1, R-2, R-3 and R-P zones on property subject to the designated uses, the following signs are permitted:

(1) *Residential-agricultural.* On property in agricultural use, one unlighted, double-faced sign not more than 16 square feet in area and not in excess of six feet in height may be permitted on each parcel.

(2) *Dwellings.* On all property utilized for residential purposes, one nameplate not exceeding two square feet in area may be permitted for each single-family dwelling unit, indicating the name of the occupant.

(3) *Multiple-family dwellings.* On property used for multiple-family dwellings, clubs and lodges, one or more wall or freestanding identification signs, lighted or unlighted, single- or double-faced, all of which total not more than 32 square feet in area for each separate street frontage. A freestanding identification sign may not exceed six feet in height.

(4) *Offices.* On property used for office purposes, one or more wall or freestanding identification signs may be permitted on each separate frontage. The signs may be lighted or unlighted, single- or double-faced, and all of which may not total more than one square foot in display area for each one linear foot of building frontage, or 100 feet, whichever is less. Freestanding signs may not exceed eight feet in height.

(b) *Neighborhood/community identification signs.* Identification signs are permitted at the entrance to each neighborhood subject to the following regulations:

(1) *Number.* A freestanding or wall identification sign is permitted at each major street entrance to a designated neighborhood/community.

(2) *Area.* A sign may not exceed 20 square feet per sign face.

(3) *Height.* A freestanding sign may not exceed six feet in height.

(4) *Lighting.* A sign may be illuminated.

(5) *Special approval.* Specially designed neighborhood/community identification signs will be subject to planning commission approval.

~~(c) — Residential subdivision signs.~~

~~(1) — Banners and pennants. In all subdivisions where an approved model home marketing complex is located, banners and pennants may be erected with or without advertisement to designate an open house or a sales office. The banners or pennants must be removed when the last phase of a subdivision is sold or until the sales office is closed or removed, whichever comes first. A cash deposit of \$200.00 with the city will be required to ensure the removal of any banners and pennants.~~

~~(2) — Advertising flags. A new subdivision may be permitted flags as part of its sign program subject to the following regulations:~~

~~a. — Number. No more than six flagpoles are permitted, and only two flags are permitted on a pole. The applicant must also obtain a building permit for the erection of each flagpole.~~

~~b. — Height. The maximum height of a flagpole is 25 feet.~~

c. — *Location.* Flagpoles may be located at subdivision entry areas, model home marketing complexes, or at the subdivision sales office. Flagpoles may also be permitted along the perimeter of the subdivision beyond the entry statement. The flagpoles which are placed along the perimeter of the subdivision must be removed when the nearest house is occupied. All flagpoles on the perimeter of a subdivision must be spaced a minimum of 100 feet apart. Flagpoles placed along the perimeter must also have a 20-foot setback from any adjacent residentially-used property.

d. — *Time limitation.* Flagpoles must be removed when the last phase of a subdivision is sold, or until the sales office is closed or removed, whichever comes first. A \$200.00 cash deposit for each flagpole, up to a maximum of \$600.00, must be deposited with the city to ensure the removal of the flagpoles. The developer may apply for an extension of up to six months subject to the approval of the director.

e. — *Maintenance.* Flags must be inspected periodically by the developer and replaced when torn, tattered, or faded, or is otherwise no longer in attractive condition.

(3) — *[Alternative sign program.]* An alternative sign program may be proposed by the applicant, subject to approval of the planning commission.

(dc) *Security warning signs.*

(1) *Number.* A security warning sign is permitted at each major street entrance to a neighborhood.

(2) *Area.* A security warning sign may not exceed seven square feet in area and must be single-faced.

(3) *Height.* A freestanding security warning sign may not exceed six feet in height.

(4) *Location.* A security warning sign may be located in a public right-of-way subject to the issuance of an encroachment permit.

(e) — *Temporary freestanding noncommercial signs.*

(1) — *Number.* Each parcel is permitted two temporary freestanding noncommercial signs at all times. Such signs are in addition to all other signage allowed in this article.

(2) — *Area.* A temporary freestanding noncommercial sign may not exceed six square feet in area.

(3) — *Height.* A temporary freestanding noncommercial sign may not exceed four feet in height.

(4) — *Location.* Temporary freestanding noncommercial signs may be placed in the front yard or side yard of any property, provided that the signs do not encroach into any public right-of-way.

(5) — *Lighting.* Temporary freestanding noncommercial signs may not be illuminated.

(f) — *Advertising flags at rental properties.* Flags used for advertising purposes are permitted at multiple-family rental complexes of 20 units or more subject to the following regulations:

(1) — *Number.* For the first 100 feet of lot frontage, two flagpoles are permitted and one additional flagpole is permitted for each additional 50 feet of lot frontage. No more than two flags are permitted on a flagpole.

(2) — *Area.* A flag may not exceed six square feet in area.

(3) — *Height.* Flagpoles may not exceed 25 feet in height.

(4) — *Time limitation.* The maximum time period for flagpoles to display a flag with a commercial message is one year. The owner may apply for an extension of up to six months subject to the director's approval.

(5) — *Deposit.* A \$200.00 deposit for each flagpole, up to a maximum of \$600.00, will be collected at the issuance of the building permit to ensure the timely removal of flags with commercial messages.

#### Sec. 90-1251. **Permanent Signs** permitted in commercial zones.

In addition to any other applicable signage allowed under this article, the following **permanent** signage is permitted in commercial zones.

(1) *Permitted sign area.* Each business in a commercial zone is permitted two square feet in **permanent** sign area for each one linear foot of building frontage up to a maximum of 200 square feet in **permanent** sign area. For the purposes of this section, only one face of a double-faced sign will be counted in determining total sign area.

(2) *Primary sign types.* Subject to any additional regulations set forth in this section or article, the permitted sign area set forth in subsection (1) must be used in conjunction with one or more of the following sign types in all commercial zones: bulletin board signs, freestanding signs, monument signs, projecting signs or wall signs. For the purposes of this section, freestanding or monument signs are not permitted on lot frontages less than 60 feet in width.

(3) *Special regulations.*

a. *Freestanding signs.* Freestanding signs may not exceed 25 feet in height or the height of the building to which the sign pertains, whichever is less.

b. *Marquee and under-canopy signs.* One marquee or under-canopy sign per business is allowed. The sign may not exceed one foot in height, and the lowest point of such sign may not be not less than eight feet above the public sidewalk. The sign may be double-faced, may not project beyond the outer edge or above the canopy or marquee, and must be stationary. All fluorescent lighting devices must be protected by shatterproof material. The size of a marquee sign will not be included in computing the total allowable sign area for the premises.

c. *Minor identification signs.* One minor identification wall or window sign is permitted in addition to any other signage permitted under this section.

d. *Monument signs.* One monument sign is permitted for each separate commercial frontage, which may be placed only in lieu of a freestanding sign on the same parcel. Monument signs may be placed in setback areas subject to the restrictions of subsection 90-16(f), pertaining to corner and driveway visibility, and may not exceed eight feet in height. The maximum sign area is 64 square feet.

e. *Permanent window signs.* Permanent window signs may not exceed 20 percent of the window area or a maximum of 25 square feet in total area. ~~The restrictions contained in this subsection do not apply to temporary window signs.~~

f. *Projecting signs.*

1. **Number.** Any single business or tenant with frontage on a public right-of-way is permitted one projecting sign along that public street. The projecting sign may exist instead of, but not in addition to, a freestanding sign, wall sign or roof sign.

2. **Area.** A projecting sign may not exceed four square feet in area.

3. **Location.** The projection over public property is limited to three inches for each linear foot of building frontage, measured from the nearest face of the building. No projecting sign may extend more than six feet from the face of the building and must be at least two feet back from the curbline. Subject to the same maximum limits, projecting signs on corner properties are otherwise permitted a 20 percent increase in projection.

4. **Height.** Projecting signs must have a minimum clearance of ten feet between the bottom of the sign and the ground. Signs may

not extend above the vertical height of any exterior wall, fascia or roof, or any portion of the structure upon which the sign is attached.

5. A projecting sign four square feet in area or less will not be included in computing total allowable sign area for the premises.

6. An encroachment permit will also be required for any projecting sign that projects above a public right-of-way.

g. LED display board signs.

1. An LED display board sign may be permitted in the following situations, subject to the requirements of this subsection (3)(g):

i. as a part of a freestanding sign for a commercial center with an approved master sign program pursuant to section 90-1246(d).

ii. as a part of a monument sign for an individual commercial pad and not a part of a commercial center.

2. Number. Only one LED display board sign may be allowed per commercial center.

3. Display. Each electronic display shall appear for at least 8 seconds. Electronic displays shall not be animated, flash, or contain anything other than a static image.

4. Transitions. The transition from one electronic display to another shall be instantaneous and shall not contain scrolling, fading in or out, dissolving or any other animation.

5. Advertisements. An LED display board shall contain on-site advertisements and advertisements for civic events, fire and policy emergencies, or other City-approved public service announcements. Any such sign shall not be used for off-site advertising.

6. Safety. The City Engineer shall review the sign for traffic safety purposes. The LED display board shall comply with all local and state safety standards.

7. Illumination. LED display board signs shall have automatic dimming controls. The sign's illumination shall not exceed 750 candelas per square meter from one-half hour before sunset until sunrise. After sunrise, the sign may resume illumination levels appropriate for daylight conditions.

(4) — Temporary special-event signs.

Formatted: Indent: Left: 1.5"

Formatted: Font: Italic

Formatted: Indent: First line: 0.5"

Formatted: Font: Italic

a.—— The director may issue a permit for a temporary sign, subject to such conditions as the director may prescribe, for the advertising of special events and sales. This may include the use of banners, streamers, pennants and balloons.

b.—— A temporary special event sign permit may not exceed 30 continuous days.

c.—— A temporary special event sign may not be installed within 14 days from the expiration date of any previously approved temporary sign permit.

d.—— A separate permit fee must be paid for each type of portable advertising sign, except for banners which require the payment of a separate fee for each separate banner.

e.—— **Balloons.** Balloons larger than three square feet will be classified as "large balloons," and must meet the following requirements in order to be granted a temporary special event sign permit:

1.—— **Zones.** Large balloons are permitted in the C-1, C-2, and C-M zones only.

2.—— **Number.** Only one large balloon is permitted at any one time on a site.

3.—— **Height.** Any large balloon must be maintained so that its highest point is no more than 20 feet above the roof line of the applicable premises. The maximum height of the balloon may not exceed 55 feet. When the premises lies within the Hemet-Ryan Airport Areas of Risk I, the balloon height may not exceed 35 feet. All large balloons must be maintained at least 20 feet below any overhead utility line.

4.—— **Separation.** No new permit will be granted for a large balloon within 1,000 feet or three blocks, whichever is greater, from any other large balloon.

5.—— **Time limitation.** A temporary special event sign permit may be issued for a large balloon for not more than 15 days in any 90-day period.

(54) **Time and temperature devices.** Time and temperature devices will not be considered as part of the sign area under subsection (1) above unless there is a commercial message. No time and temperature device may exceed 24 square feet in area per face.

**Secs. 90-1252—90-1254. Reserved.**

**Sec. 90-1255. Permanent Signs permitted in church and institutional zones (S-1, I).**

In addition to any other applicable signage allowed under this article, the following permanent signage is permitted in church and institutional zones (S-1, I) or for a church or institutional use located in a residential zone.

(1) *Permitted sign area.* Each church or institutional use is permitted on each separate frontage, one and one-half square feet of permanent sign area for each one linear foot of frontage up to a maximum of 100 square feet in area. For the purposes of this section, only one face of a double-faced sign will be counted in determining total sign area.

(2) *Primary sign types.* Subject to any additional regulations set forth in this section or article, the permitted sign area set forth in subsection (a) must be used in conjunction with one or more of the following sign types: bulletin board signs, freestanding signs, monument signs or wall signs. For the purposes of this section, freestanding or monument signs are not permitted on lot frontages less than 60 feet in width.

a. *Height.* The maximum height of any freestanding sign is 25 feet, or the height of the building to which the sign pertains, whichever is less.

b. *Lighting.* Only wall or monument signs may be illuminated.

**Secs. 90-1256—90-1260. Reserved.**

**Sec. 90-1261. Permanent Signs permitted in parking zones.**

(a) Where rates are charged in P zones, the following signs are permitted for parking lots and parking structures:

(1) *Number.* Pay parking lots and structures are permitted one freestanding or wall identification-sign identifying the lot or operator and referring to the availability and charges for parking spaces on the parking lot or in the parking structure.

(2) *Area.* For each three linear feet of frontage on a public street there is permitted one square foot in permanent sign area per sign face.

(3) *Height.* The sign may not exceed 15 feet in height.

(4) *Lighting.* The sign may be lighted only during the hours that the parking lot or parking structure is open for business.

~~(5) *Directional signs.* The director may also approve such number of lighted or unlighted, single or double-faced directional signs as may be necessary for safe pedestrian and vehicular movement. The directional signs may not exceed six square feet in area per sign face and 15 feet in height.~~

(b) Where rates are not charged in P zones, the following signs are permitted for parking lots and parking structures:

- (1) *Number.* Free parking lots or structures are permitted one freestanding ~~identification~~ sign on each side of the premises fronting on a public street.
- (2) *Area.* The sign may not exceed four square feet in area per sign face.
- (3) *Height.* The sign may not exceed six feet in height.
- (4) *Lighting.* The sign may be illuminated.
- (5) ~~Directional signs. The director may also approve such number of lighted or unlighted, single or double-faced directional signs as may be necessary for safe pedestrian and vehicular movement. The directional signs may not exceed four square feet in area per sign face or six feet in height.~~

**Secs. 90-1262—90-1270. Reserved.**

**Sec. 90-1271. Permanent S signs permitted in manufacturing zones (M-1 and M-2).**

In addition to any other applicable signage allowed under this article, the following permanent signage is permitted in manufacturing zones M-1 and M-2.

- (1) *Permitted sign area.* Each business is permitted on each separate street, mall or parking lot commercial frontage, one and one-half square feet of area for each one linear foot of frontage up to a maximum of 100 square feet in area. For the purposes of this section, only one face of a double-faced sign will be counted in determining total sign area.
- (2) *Primary sign types.* Subject to any additional regulations set forth in this section or article, the permitted sign area set forth in subsection (1) above must be used in conjunction with one or more of the following sign types: bulletin board signs, freestanding signs, monument signs or wall signs. For the purposes of this section, freestanding or monument signs are not permitted on lot frontages less than 60 feet in width.
  - a. *Height.* The maximum height of any freestanding sign is 25 feet, or the height of the building to which the sign pertains, whichever is less.
  - b. *Lighting.* Only wall or monument signs may be illuminated.

**Sec. 90-1272. Permanent S signs for shopping centers and big box uses.**

The following on-site signs for primary identification are permitted in shopping centers and for big box uses and supersede the regulations under sections 90-1251 and 90-1271.

(1) *Number.* One lighted or unlighted double-faced, freestanding sign is permitted for each separate street frontage as shown in the following table:

Shopping Center/Big Box Uses (Gross Floor Area)	Maximum Sign Area (in square feet)	Maximum Height (in feet)
Less than 30,000	Per requirements of section 90-1251	25
30,000 to 69,900	150	30
70,000 to 140,999	250	40
150,000 or more	300	45

(2) *Additional signage for shopping centers.* Each building frontage, whether in-line or freestanding, is permitted a wall sign or signs totaling not more than two square feet of area for each one linear foot of building frontage up to a maximum of 200 square feet.

(3) *Additional signage for big box uses.* Big box uses may be permitted a wall sign or signs totaling not more than 1.4 square feet of display area for each one linear foot of building frontage.

**Sec. 90-1273. Permanent signs for automobile service stations and drive-in restaurants.**

(8) Automobile service stations and drive-in restaurants. For automobile service station uses and drive-in restaurants in all zones, the following regulations apply:

Formatted: Indent: Left: 0", First line: 0.5"

a. One freestanding lighted or unlighted, double-faced, identification sign not exceeding 50 square feet in area per face is permitted. Such sign may not exceed 25 feet in height.

Formatted: Indent: Left: 0.5"

b. Two lighted or unlighted, single-faced identification canopy or wall signs not exceeding 50 square feet in combined area are permitted.

c. The following additional signs are also permitted for automobile service station uses:

1. One fuel pricing sign not to exceed 20 square feet per sign face, which may be part of a monument or freestanding sign.

Formatted: Indent: Left: 1"

2. Three unlighted signs not exceeding four square feet in combined area, which indicate credit cards honored and trading stamps available on the premises.

**Sec. 90-42731274. Permanent sSigns for outdoor sales.**

Only the following on-site signs for primary identification are permitted for plant nurseries, mobile home sales and similar outdoor sales uses not involving showrooms or large offices:

(1) General types. Each business is permitted one wall, roof or projecting sign on each separate commercial frontage.

(2) Area. The permitted sign area for each sign is two square feet for each one linear foot of lot frontage up to a maximum of 200 square feet.

(3) One freestanding, lighted or unlighted, double-faced identification sign may be included in the sign area under subsection (2). The maximum height of any such sign is 16 feet, except as specifically approved by conditional use permit where it can be demonstrated that the 16-foot height limitation precludes the effectiveness of the sign's purpose for identification.

(4) One low-silhouette monument sign per separate commercial frontage may be included in the sign area under subsection (2), which sign may be placed only in lieu of a freestanding sign on the same site. Monument signs may be placed in setback areas subject to the restrictions of subsection 90-16(f), pertaining to corner and driveway visibility, provided that the height does not exceed eight feet and the sign area does not exceed 64 square feet.

**Sec. 90-1274. Future development signs.**

Future development signs for an approved shopping center or industrial park are permitted as follows:

(1) — One lighted or unlighted, double-faced, freestanding sign is permitted for each separate street frontage as shown in the following table:

**SIGNS PERMITTED ON VACANT PARCELS**

Acreage of Property (acres)	Size of Sign (square feet)	Maximum Height of Sign (feet)
0—5	64	12
5—10	96	12
10—20	128	14
20 or more	160	16

(2) — All future development signs must be removed from the property 18 months after approval of the sign by the city, or on the issuance of an occupancy permit for a structure within the shopping center or industrial park, whichever comes first.

(3) — All future development signs must be placed a minimum of 25 feet from the property line.

**Sec. 90-1275. Temporary Signs**

(a) All Zones. In addition to any other applicable signage allowed under this article, the following types of temporary signs are permitted in all zones without a permit or other prior approval from the City, subject to the regulations contained in this subsection (a).

Formatted: Indent: Left: 0.5"

Formatted: Underline

(1) Campaign signs.

a. Number. Each parcel may have one temporary freestanding campaign sign for each political candidate or issue on each street frontage.

b. Area. In agricultural, commercial, and industrial zones, no campaign sign may exceed 32 square feet in area per face. A campaign sign may be double-faced if it is placed perpendicular to the right-of-way. In residential areas, no campaign sign may exceed six square feet in total area per face and may be double-faced.

c. Height. No freestanding campaign sign may exceed four feet in height.

d. Location. Campaign signs may be placed in the front, side or rear yard of any parcel that fronts, sides or rears on a public street. No campaign sign may encroach into the public right-of-way.

e. Time limit. All campaign signs must be removed within seven days following the election for which they are intended.

f. Lighting. Campaign signs may not be illuminated.

(2) Construction signs.

a. Number. Any parcel with construction activity is permitted one construction sign.

b. Area. A construction sign may not exceed 32 square feet in area per face.

c. Height. A freestanding construction sign may not exceed eight feet in height.

d. Location. Construction signs must be parallel to a public right-of-way but may not encroach into the right-of-way.

e. Time limit. A construction sign may not be erected until the issuance of any applicable building or grading permit. The sign must be removed upon completion of the construction activity and before issuance of a certificate of occupancy, if applicable, and in no event later than the expiration of the applicable building permit.

f. Lighting. Construction signs may not be illuminated.

(3) On-site real estate signs.

Formatted: Font: Italic

a. Parcels less than one acre in area are subject to the following regulations:

1. Number and area. On each public street frontage, one wall-mounted or freestanding real estate sign is permitted, provided the sign does not exceed four square feet in area for each sign face. On a parcel zoned for a senior community, an additional two square feet of sign area is permitted indicating that the property is a "Senior Community 55+."

2. Height. Freestanding real estate signs may not exceed six feet in height.

3. Location. Freestanding real estate signs may be placed in front yard setback areas, provided such signs are not located within the corner cutback and not overlaying into the public right-of-way. For purposes of this section, "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. 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.

4. Time limit. All real estate signs must be removed within 15 days after the applicable property has been rented, leased or sold.

5. Lighting. Real estate signs may not be illuminated.

b. Parcels greater than one acre in area or which are located in a commercial or industrial zone are subject to the following regulations:

1. Number and area. On each public street frontage, one wall-mounted or freestanding real estate sign is permitted, provided the sign does not exceed 32 square feet in area for each sign face. On a parcel zoned for a senior community, an additional four square feet of sign area is permitted indicating that the property is a "Senior Community 55+."

2. Height. Freestanding real estate signs may not exceed six feet in height.

3. Location. Freestanding real estate signs may be placed in front yard setback areas, provided such signs are not located within the corner cutback and not overlaying into the public right-of-way. For purposes of this section, "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. 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.

4. Time limit. All real estate signs must be removed within 15 days after the applicable property has been rented, leased or sold.

5. Lighting. Real estate signs may not be illuminated.

(4) Off-site directional real estate signs.

a. Location. Off-site directional real estate signs may be placed on private property with the owner's permission or within the public right-of-way, including parkways, from 7:00 a.m. to 6:00 p.m.

b. Removal. Off-site directional real estate signs shall be promptly removed upon the conclusion of the open house.

c. Size. Off-site directional real estate signs shall not exceed two feet by three feet and the bottom of the sign shall be no more than 3 feet high off the ground.

d. Location. Off-site directional real estate signs shall be securely fastened to the ground. They shall not be affixed to trees, poles or other structures. They shall not be placed within 10 feet of a corner or driveway approach, or within a center median, or within a sidewalk.

e. Number. No more than 3 off-site directional real estate signs per business, entity or person shall be placed on a single block.

f. Materials. Signs shall be professionally manufactured and constructed of sturdy material. They shall not be constructed of single-layer cardboard, paper or bond stock.

(5) Temporary freestanding noncommercial signs.

Formatted: Font: Italic

Formatted: Tab stops: 1.44", Left

Formatted: Font: Italic

Formatted: Indent: Left: 1.44", Tab stops: 1.44", Left

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Not Highlight

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Tab stops: 1.44", Left

a. Number. Each parcel is permitted two temporary freestanding noncommercial signs at all times. Such signs are in addition to all other signage allowed in this article.

b. Area. A temporary freestanding noncommercial sign may not exceed six square feet in area.

c. Height. A temporary freestanding noncommercial sign may not exceed four feet in height.

d. Location. Temporary freestanding noncommercial signs may be placed in the front yard or side yard of any property, provided that the signs do not encroach into any public right-of-way.

e. Lighting. Temporary freestanding noncommercial signs may not be illuminated.

(b) Residential Zones. In addition to any other applicable signage allowed under this article, the following types of temporary signs are permitted in all residential zones.

Formatted: Underline

(61) Subdivision signs.

a. [Number.] An applicant may request up to three subdivision signs for any one subdivision project.

b. Area. Subdivision signs may not exceed 40 square feet in area per face.

c. Height and location. The location of each subdivision sign will be determined by the director. Subdivision signs may not extend above the height of any wall or fence to which it may be attached. If freestanding, such signs may not exceed six feet in height.

d. Security. A bond or similar security in an amount and form satisfactory to the city is required to be posted to guarantee removal of any approved subdivision signs.

e. Time limits. A subdivision sign must be removed no later than 18 months following recordation of the final subdivision map, provided that this time limit may be extended for up to six additional months by the director upon written request.

f. Lighting. Subdivision signs may not be illuminated.

(2) Residential subdivision signs.

Formatted: Indent: Left: 0.94"

a. Banners and pennants. In all subdivisions where an approved model home marketing complex is located, banners and pennants may be erected with or without advertisement to designate an open house or a sales office. The banners or pennants must be removed when the last phase of a

Formatted: Indent: Left: 1.5"

subdivision is sold or until the sales office is closed or removed, whichever comes first. A cash deposit of \$200.00 with the city will be required to ensure the removal of any banners and pennants.

b. Advertising flags. A new subdivision may be permitted flags as part of its sign program subject to the following regulations:

1. Number. No more than six flagpoles are permitted, and only two flags are permitted on a pole. The applicant must also obtain a building permit for the erection of each flagpole.

2. Height. The maximum height of a flagpole is 25 feet.

3. Location. Flagpoles may be located at subdivision entry areas, model home marketing complexes, or at the subdivision sales office. Flagpoles may also be permitted along the perimeter of the subdivision beyond the entry statement. The flagpoles which are placed along the perimeter of the subdivision must be removed when the nearest house is occupied. All flagpoles on the perimeter of a subdivision must be spaced a minimum of 100 feet apart. Flagpoles placed along the perimeter must also have a 20-foot setback from any adjacent residentially-used property.

4. Time limitation. Flagpoles must be removed when the last phase of a subdivision is sold, or until the sales office is closed or removed, whichever comes first. A \$200.00 cash deposit for each flagpole, up to a maximum of \$600.00, must be deposited with the city to ensure the removal of the flagpoles. The developer may apply for an extension of up to six months subject to the approval of the director.

5. Maintenance. Flags must be inspected periodically by the developer and replaced when torn, tattered, or faded, or is otherwise no longer in attractive condition.

(3) Advertising flags at rental properties. Flags used for advertising purposes are permitted at multiple-family rental complexes of 20 units or more subject to the following regulations.

a. Number. For the first 100 feet of lot frontage, two flagpoles are permitted and one additional flagpole is permitted for each additional 50 feet of lot frontage. No more than two flags are permitted on a flagpole.

b. Area. A flag may not exceed six square feet in area.

c. Height. Flagpoles may not exceed 25 feet in height.

Formatted: Indent: Left: 2", Tab stops: 2", Left

Formatted: Indent: Left: 0.94"

Formatted: Indent: Left: 1.5", Hanging: 0.57"

e. Time limitation. The maximum time period for flagpoles to display a flag with a commercial message is one year. The owner may apply for an extension of up to six months subject to the director's approval.

f. Deposit. A \$200.00 deposit for each flagpole, up to a maximum of \$600.00, will be collected at the issuance of the building permit to ensure the timely removal of flags with commercial messages.

(c) Commercial, Industrial and Manufacturing Zones. In addition to any other applicable signage allowed under this article, the following types of temporary signs are permitted in all commercial, industrial and manufacturing zones.

(1) Banner signs.

a. Permit. The director may issue a permit for a banner sign, subject to such conditions as the director may prescribe, for the advertising of Special Events, Theatrical Events, Community Events and Awards.

b. Time limitation. A banner sign permit may not exceed 45 continuous days, except that the director may extend the permit for an additional 15 days if the banner sign is:

- i. Being used in lieu of permanent identification signage while the permanent sign is being fabricated; or,
- ii. Issued for a Theatrical or Community Event.

c. Permit Interval. Except for banner sign permits issued for Theatrical or Community Events, the director may not allow a banner sign to be installed within 14 days from the expiration date of any previously approved banner sign permit.

d. Removal. A banner sign shall be removed on or before the expiration date of the banner permit. Banner signs for Community Events and Theatrical Events shall be removed within 5 days of the conclusion of the event.

d. Number. One banner per building elevation, up to a maximum of two banners, may be permitted at any time.

e. Size. Banner signs shall not exceed 1.5 square feet per lineal foot of frontage, up to a maximum of 80% of the frontage or 30 feet, whichever is less. In no case shall the maximum area of a banner exceed 100 square feet.

f. Location. Banner signs may be placed on the following on-site locations:

Formatted: Underline

Formatted: Underline

Formatted: Indent: Left: 0.94"

Formatted: Font: Italic

Formatted: Indent: Left: 2", Hanging: 0.5"

Formatted: Font: Italic

- i. On an exterior wall of a building facing a public right-of-way.
- ii. On an exterior wall of a building facing private property, if the private property is a vacant lot and the director determines that the placement of the banner will not be detrimental to the public health, safety or welfare and there is no other suitable location for the banner on an exterior wall facing a public right-of-way.
- iii. In landscaped areas when there is no suitable place for the banner on an exterior wall of the building. Banner signs in landscaped areas shall only be permitted if the permit applicant owns or occupies the landscaped area, the landscaped area is not a part of the required setback or the common area landscaping for a commercial center, and the banner is installed on an approved freestanding structure intended for the display of banners. Banners shall not be attached to trees, shrubs or other landscaping materials or light poles.
- iv. Adjacent to or within a covered walkway, provided that a minimum vertical clearance of 8 feet is provided from the sidewalk to the underside of the banner sign.

Formatted: Indent: Left: 2", Hanging: 0.5"

g. Exceptions.

Formatted: Font: Italic

- i. Notwithstanding subsection (c)(1)(f) above, the director may approve the display of an off-site banner for a Community Event, provided that the property owner consents to the placement of the banner on the property.
- ii. Banners placed inside an automobile service bay are exempt from the requirement to obtain a banner permit provided that the banner is placed at least 10 feet from the service bay entrance.
- iii. Award banners are exempt from the requirement to obtain a banner permit and do not count toward the number of banners that may be displayed at any time in subsection (c)(1)(d) above. Award banners may be displayed for the award period or up to one year. All other provisions of this subsection (c)(1) apply to Award banners.

Formatted: Indent: Left: 2", Hanging: 0.5"

- h. Substitution of cane sign. An existing business may substitute 1 cane sign for 1 banner sign for the purpose of advertising a temporary special promotion. The cane sign shall be subject to all of the

Formatted: Indent: Left: 1.5", Hanging: 0.5"

Formatted: Font: Italic

provisions of this subsection (c)(1), except the location provisions in subsection (c)(1)(f). Cane signs permitted as a substitute for a banner shall adhere to the locational requirements in subsection (c)(2)(f).

(2) Cane signs.

a. Permit. The director may issue a permit for one or more cane signs, subject to such conditions as the director may prescribe, to advertise a Special Event. Cane signs are not permitted in the Downtown zones (D-1 and D-2).

b. Time limitation. Cane signs shall be displayed for no more than 14 consecutive days.

c. Removal. Cane signs must be removed at the conclusion of the event the sign is advertising.

d. Number. The number of cane signs shall be approved by the director in conjunction with the permit approval.

e. Location. Cane signs may be placed on-site only. Off-site cane signs are not allowed. Cane signs shall not be placed in the required landscaped setback, parkways, or within the City's right-of-way. Cane signs shall not be placed on any building.

(3) Pennants.

a. Permit. The director may issue a permit for one or more pennants or small balloons, subject to such conditions as the director may prescribe, to advertise a Special Event.

b. Time limitation. Pennants permitted in connection with a grand opening shall be displayed for no more than 14 consecutive days. Pennants permitted in connection with a Special Event may be displayed for the duration of the Temporary Use Permit issued in connection with the Special Event.

(4) Temporary window signs.

a. Permit. Temporary window signs are permitted without a permit or other prior approval from the City subject to the requirements of this subsection (c)(4).

b. Maximum coverage. No more than 50% of each window pane shall be covered with opaque materials, except no more than 25% of each window pane shall be covered with opaque materials in the Downtown zones (D-1

Formatted: Font: Italic

Formatted: Indent: Left: 0.94"

Formatted: Not Highlight

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Indent: Left: 0.94"

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Not Italic

and D-2) or in any establishment selling alcohol, tobacco, or tobacco related products.

c. Transparency. Temporary window signs, with or without commercial messages or pictures, that are wholly or partially transparent may be displayed and may cover, provided that they do not cover more than 50% of each window pane (25% in the Downtown zones), provided that the total amount of opaque signage in the window pane does not exceed the maximum coverage stated above. Window tinting is not considered a temporary window sign under this section provided that views into the establishment are not completely obscured and A temporary window sign will be considered transparent if a passerby is able to see through the window tint or temporary sign and into the establishment standing at least 10 feet away from the window.

d. Illumination. Temporary window signs shall not be illuminated, except for "Open/Closed" signs.

(5) Promotional Poster Frames (Drive-thru establishments).

a. Permit. The director may issue a permit for a promotional poster frame, subject to such conditions as the director may prescribe. A permit is not required for the individual posters placed within the promotional poster frame.

b. Number. No more than 4 promotional poster frames may be installed at any drive-thru establishment.

c. Location. Promotional poster frame must be attached to the building and located in a place that is visible from the drive-thru aisle.

d. Size. Each promotional poster frames shall not exceed six square feet.

e. Materials. Promotional poster frames must be made of durable and attractive materials approved by the director.

f. Prohibited Uses. Promotional poster frames shall not be used to advertise alcohol, tobacco, or tobacco related products.

(6) Portable menu signs.

a. Permit. Portable menu signs are permitted without the prior approval or consent of the City subject to the provisions of this subsection (c)(6).

b. Uses. Portable menu signs are allowed in connection with the following uses: restaurants, coffee shops, delicatessens, bakeries, and uses in the Downtown zones (D-1 and D-2).

Formatted: Font: Italic

Formatted: Indent: Left: 0.94"

Formatted: Font: Italic

Formatted: Indent: Left: 0.94"

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

c. Number. One portable menu sign is allowed per business.

Formatted: Font: Italic

d. Size. A portable menu sign shall not exceed 5 square feet per sign face.

Formatted: Font: Italic

e. Location. Portable menu signs must be located within 5 feet of the main entrance to the establishment and placed in a manner to maintain clearance around the sign for pedestrian and disabled persons access in compliance with the Americans with Disabilities Act.

Formatted: Font: Italic

f. Removal. Portable menu signs shall not be displayed when the establishment is closed to the public.

Formatted: Font: Italic

g. Illumination. Portable menu signs shall not be illuminated.

Formatted: Font: Italic

(7) Balloons.

Formatted: Indent: Left: 0.94"

a. Permit. The director may issue a permit for a large balloon, subject to such conditions as the director may prescribe, in conjunction with a grand opening. ~~Small balloons may be displayed without a permit or other prior approval from the City and are not subject to the requirements of this subsection (c)(7).~~

Formatted: Font: Italic

Formatted: Indent: Left: 1.5"

Formatted: Font: Italic

b. Permit interval. No establishment shall display a large balloon more than two times per year.

Formatted: Font: Italic

c. Time limitations. A large balloon shall be displayed for a maximum of 5 consecutive days.

Formatted: Font: Italic

d. Locations. Large balloons are only allowed in the C-1, C-2, and C-M zones and within the Hemet Auto Mall Specific Plan.

Formatted: Font: Italic

e. Number. Only one large balloon is permitted at any one time on a site.

f. Height. Any large balloon must be maintained so that its highest point is no more than 20 feet above the roof line of the applicable premises. The maximum height of the balloon may not exceed 55 feet. When the premises lies within the Hemet-Ryan Airport Areas of Risk I, the balloon height may not exceed 35 feet. All large balloons must be maintained at least 20 feet below any overhead utility line.

g. Separation. No new permit will be granted for a large balloon within 1,000 feet or three blocks, whichever is greater, from any other large balloon. These separation requirements do not apply within the Hemet Auto Mall Specific Plan.

h. Maintenance/Safety. The balloon must be maintained in a clean and attractive manner at all times it is on display. A deflated balloon shall be

Formatted: Font: Italic

immediately removed until it is repaired. The Building Official shall approve the method of tethering the large balloon prior to installation.

i. *illumination.* Large balloons may not be internally illuminated.

(8) *Future development signs.* Future development signs for an approved shopping center or industrial park are permitted without a permit or other prior approval from the City as follows:

a. One lighted or unlighted, double-faced, freestanding sign is permitted for each separate street frontage as shown in the following table:

**SIGNS PERMITTED ON VACANT PARCELS**

<u>Acreage of Property (acres)</u>	<u>Size of Sign (square feet)</u>	<u>Maximum Height of Sign (feet)</u>
<u>0—5</u>	<u>64</u>	<u>12</u>
<u>5—10</u>	<u>96</u>	<u>12</u>
<u>10—20</u>	<u>128</u>	<u>14</u>
<u>20 or more</u>	<u>160</u>	<u>16</u>

b. All future development signs must be removed from the property 18 months after approval of the sign by the city, or on the issuance of an occupancy permit for a structure within the shopping center or industrial park, whichever comes first.

c. All future development signs must be placed a minimum of 25 feet from the property line.

**Secs. 90-~~1275~~1276—90-1279. Reserved.**

**Sec. 90-1280. Prohibited signs.**

The following signs are prohibited in all zones:

- (1) Banner signs, bunting, streamers, pennants and flags Temporary signs, except as specifically permitted in subsections 90-1250(c) and (f) or those flags excluded as "signs" under section 90-1242 sections 90-1245 and 90-1275. Prohibited temporary signs include, but are not limited to, stake signs (except real estate signs) and hand-held commercial signs.
- (2) Devices projecting or otherwise reproducing the image of a sign or message on any surface or object.
- (3) General outdoor advertising signs, except legal nonconforming signs as permitted in subsection 90-1281(c).

Formatted: Font: Italic

Formatted: Indent: Left: 0.94", Hanging: 0.56"

Formatted: Font: Italic, Underline

Formatted: Indent: Left: 1.5"

Formatted: Indent: Left: 1.5"

~~(4)~~ — Hand-held commercial signs, except as permitted under subsections 90-1250(e)(3) and 90-1251(4).

~~(54)~~ Inflatable signs, except balloons as permitted under subsection 90-1251(4) 1275.

~~(65)~~ Mobile signs.

~~(76)~~ Moving and flashing signs.

~~(87)~~ Off-site signs, except for off-site directional real estate signs as permitted under section 90-1275.

~~(98)~~ Portable commercial signs, except temporary signs as permitted under section 90-1275.

~~(109)~~ Roof signs.

~~(110)~~ Signs located in such a manner to constitute a potential traffic hazard or obstruct the view of any authorized traffic sign or signal device, or designed to resemble or conflict with any authorized traffic control sign.

~~(111)~~ Signs emitting audible sounds, odors or particulate matter.

#### Sec. 90-1281. Legal nonconforming signs.

(a) *Generally.* In order to limit the number and extent of legal nonconforming signs created by the adoption of this article, it is the intent to permit nonconformities to continue until they are removed, but not to encourage their survival. Therefore, a sign existing before the effective date of the original ordinance codified in this article (August 28, 1984), or existing on the date of any amendment to this article or a zone change or annexation to the city, may be used in accordance with other provisions of this article, provided that no such legal nonconforming sign may be enlarged, expanded, extended, altered, moved, reestablished after abandonment, or restored after destruction, except that the text or sign face of a legal nonconforming sign may be changed as long as there is no change in area or sign structure.

(b) *Special circumstances.* In accordance with California Business and Profession Code § 5499, no legal nonconforming sign will be required to be removed on the sole basis of its height or size if special topographic circumstances would result in a material impairment of visibility of the sign or the owner's or user's ability to adequately and effectively continue to communicate to the public through the use of the sign. The owner or user may maintain the sign at the premises and at a location necessary for continued public visibility at the height or size at which the sign was previously lawfully erected pursuant to all applicable codes, regulations and permits. Any such sign will be deemed to be in conformance with this article.

(c) *Legal nonconforming general outdoor advertising signs.* Existing legal nonconforming general outdoor advertising signs may be relocated when the following requirements are met:

- (1) Proof that the existing sign was legally erected.
- (2) A conditional use permit has been approved in accordance with sections 90-42 through 90-42.11 of this Code. Prior to approval of the conditional use permit, an additional finding must be made by the approving authority that the removal and relocation of the general outdoor advertising sign fulfills a public purpose. In furtherance of that requirement, the conditional use permit must include a requirement that the sign be made available for use by the city for civic advertising purposes, at no charge, for up to a maximum of 30 calendar days per year, on such terms as may be set forth in the conditional use permit.
- (3) The existing sign must be removed prior to erecting a new sign.
- (4) If the existing sign was double-faced, then its replacement may be double-faced. However, in no case may the sign area exceed 300 square feet per face. The maximum height of the sign may not exceed 25 feet. In addition, existing single-faced signs currently located within the D-1 and D-2 (Downtown) zone districts may be relocated outside of the D-1 and D-2 zone districts with a double-faced sign.
- (5) The relocated sign may not be illuminated unless the original sign was illuminated.
- (6) If the sign is illuminated, the illumination must be turned off no later than 10:00 p.m.
- (7) There may be no moving parts or electrification of the sign.

**Sec. 90-1282. Removal of signs.**

(a) *Unsafe signs.* Any unsafe sign may be removed by the city without prior notice. Alternatively, the director may issue a notice of violation and give the permit holder, property owner or person in possession and control of the property up to 15 days to cure the violation.

(b) *Illegal signs.*

- (1) *Permanent.* Any illegal permanent sign must be removed or brought into conformity by the permit holder, property owner, or person in possession and control of the property following written notice from the director. Such notice must specify the nature of the violation, order the cessation thereof and require either the removal of the sign or the execution of remedial work in the time and in the manner specified by the notice. The time for removal or repair may not be less than 15 days from the date of mailing the notice.

(2) *Temporary.* Any temporary sign posted or otherwise affixed in violation of this article may be removed by the city. The city employee or agent removing the sign will immediately attempt to notify the owner of the sign, if such owner can be ascertained.

(c) *Abatement of signs.* All signs erected or maintained in violation of the provisions of this article are hereby declared to be a public nuisance, and may be removed at the direction of the city manager whenever the permit holder, property owner, or person in possession or control of the property fails to comply with an order of the director requiring compliance with this article. The city may abate any such sign in the manner set forth in Article II of Chapter 30 of this Code.

(d) *Retrieval of removed signs.* Any person desiring to retrieve a sign removed by the city may do so upon the payment of an administrative fine for each sign. The amount of such fine will be set by resolution of the city council. In lieu of paying such administrative fine, a person may retrieve a sign upon signing a promise to appear citation issued to such person. If a person wishes to contest the fact that a sign was placed in violation of this article prior to paying the fine or signing the citation, the person has the right to an administrative hearing before the director. If the director finds that the sign was lawfully posted, the director will cause the return of the sign without an administrative penalty or the issuance of a citation.

(e) *Disposal of removed signs.*

(1) *Permanent.* No permanent sign that has been removed and stored by the city may be released until the administrative fine and any other penalties have been paid. If a sign remains unclaimed for a period of 30 days after notice of removal is sent to the permit holder, property owner, or person in possession and control of the property, it will be deemed to be unclaimed personal property and may be disposed of in accordance with the law.

(2) *Temporary.* Any temporary sign removed by the city may be considered abandoned if it is not retrieved within 15 days after the date of such removal and may be disposed of by the city without liability therefor to any person.

**Sec. 90-1283. Violation of article; penalty.**

Any person, whether a principal, agent, employee or other person, violating or causing the violation of any of the provisions of this article will be guilty of an infraction, and upon conviction thereof may be punished by:

- (1) A fine not exceeding \$50.00 for a first violation.
- (2) A fine not exceeding \$100.00 for a second violation.
- (3) A fine not exceeding \$250.00 for each additional violation within one year.

Such person will be deemed guilty of a separate offense for each and every day during any portion of which any violation of this article is committed or continued by such person, and will be punished as provided in this section.

#### **Sec. 90-1284. Appeals.**

Any person aggrieved by a decision of the director made pursuant to the provisions of this article has the right to appeal such decision to the design review board as follows:

- (1) *Appeal of director's decision.* Any decision made pursuant to the provisions of this article by the director will become final upon the expiration of 30 days from the date such decision is served on the applicant, unless an appeal to the design review board is filed prior to the expiration of such period of time. If such appeal is timely filed, all action will be stayed until the appeal is finally decided.
- (2) *Procedure.* Any appeal brought pursuant to this section will be submitted on an application form to be provided by the department, and must be filed with the department. All portions of the application must be substantially completed. Each application on appeal must be verified. If the application form is not sufficiently completed, the department will return such application to the applicant, indicating the portions requiring additional completion. If the application is not returned to the department within ten days of the time mailed, the appeal will be deemed waived. The director will initiate an investigation of each of the points covered in the application, and will prepare recommendations for consideration by the design review board. An appeal hearing must be set before the board within 30 days of receipt of the appeal unless the applicant agrees to a continuance. The applicant must be notified of the hearing date not less than ten days before such hearing date.
- (3) *Hearing by design review board.* The design review board will hear the testimony of the applicant, the recommendation of the secretary, and other testimony deemed relevant. The decision of the design review board must be rendered and provided to the applicant not more than 15 days from the date of the conclusion of the hearing.
- (4) *Appeal to city council.* The decision of the design review board will become final upon the expiration of 15 days from the date of mailing to the applicant, unless an appeal to the city council is filed prior to the expiration of such period of time. If such appeal is timely filed, all action will be stayed until the appeal is finally decided. Upon receipt of the appeal, the city clerk will set the appeal for public hearing before the city council within 30 days unless the applicant agrees to a continuance. The city clerk will notify the applicant of the date of the hearing not less than ten days before such hearing date. The city council will review all decisions made in the case and hear other testimony deemed relevant. The decision of the city council must be in the form of a resolution and will be final.

(5) *Judicial review.* Any person dissatisfied with the final action taken by the city council may seek prompt judicial review of such decision pursuant to California Code of Civil Procedure § 1094.8.

**Secs. 90-1285—90-1310. Reserved.**

# Attachment No. 2

## Planning Commission Work Study Minutes RE: Temporary Signs

Planning Commission Meetings from:

November 5, 2013  
December 17, 2013  
January 21, 2014  
February 18, 2014

# EXCERPTS FROM PLANNING COMMISSION MINUTES

PLANNING COMMISSION MEETING ON: 11/05/2013

## WORK STUDY ITEMS

### 6. WORKSTUDY REGARDING TEMPORARY SIGNS AND BANNERS

APPLICANT: City of Hemet  
PLANNER: Emery J. Papp, Principal Planner  
LOCATION: Citywide

**DESCRIPTION:** The workstudy for temporary signage will discuss the existing requirements for temporary signs in the Municipal Code, potential amendments to the Municipal Code including potentially new provisions, illustrate through photographs and a PowerPoint presentation types of temporary signage and issues related to the enforcement of temporary signage, and seek feedback and guidance from the Planning Commission regarding potential amendments to the Sign Ordinance.

(PowerPoint presentation by Planner Papp.)

Chairman Gifford noted that a lot of information was given and it appears there is no one-size-fits-all solution, but certain zoning allows for certain types of signage. How the signs are addressed by the city really does have to do with where the businesses are located. He stated his desire to open the discussion to public comment first and hear what business owners have to say.

Doris Mixon, co-owner of C&L Coffee House, also representing the owner of Arturo's Grill and the owner of a nail salon in close proximity to her business, outlined the difficulties they have had promoting their businesses with signs, all of which had been prohibited by the city. Since their businesses are not visible from the street, they are all having a difficult time making the public aware of their existence.

Chairman Gifford noted that the reason this workstudy was brought forward was the frustration voiced by Planning staff because all they can do is enforce the rules.

Almost everyone on the Planning Commission is a businessperson and they want to fix the problem.

Commissioner Crimeni asked Ms. Mixon how much her business dropped after the sign was taken down.

Ms. Mixon replied that there was a 40 percent decline.

Chairman Gifford asked if a sign could be painted on a building next to an open field.

Planner Papp responded that the sign code does not allow signs unless they face a right-of-way or a parking area.

CDD Elliano further explained that the difficulty is when a permanent sign that is lighted or bright is allowed and then a residential development comes in or another

## EXCERPTS FROM PLANNING COMMISSION MINUTES

---

development who does not want that sign interfering with their property. Therefore, it might be well to distinguish between permanent and temporary signage, which could be removed.

There was further discussion about monument signs, the number of banners on a monument sign, and the number of monuments on a property. CDD Elliano stated the city needs to provide recommendations as to how to get better permanent signage or representation and still make it effective.

When Ms. Mixon asked for further clarification about the situation, she brought to the Commission's attention, Chairman Gifford advised her to confer with CDD Elliano, as this was a workstudy and not a public hearing, so they had no ability to make a decision as a Commission because it is not on the agenda as a public hearing.

Mr. Koka (as pronounced) from SJ Medical Group, and Habitat for Humanity, wanted to thank CDD Elliano and Planner Papp for addressing the issue. He stated that they have multiple medical operations in the community and are in the process of renovating an older building. Signs will be an issue, and he will await Commission's decisions.

Benedict Seelhofer, owner of Anchor Ventures, does business in Europe, Las Vegas and Hemet. He stated he has had nothing but problems in Hemet because of advertising and other things. He observed that on Florida, about 40 percent of all businesses are empty. He requested that the principal planner in Hemet meet with the chamber of commerce so the business owners can let their issues be known.

Andy Anderson, Interim Chief Executive Officer of the Hemet/San Jacinto Valley Chamber of Commerce (615 North San Jacinto Street, Hemet), thanked the staff for taking on this issue. He noted that several issues, especially relating to Florida Avenue on both the county and the city side, need addressing, one of which is education. Understanding why, on one side of Florida that is within the county jurisdiction, feather signs are allowed with no follow-up, and the other side has code enforcement stopping their use. The other issue is aesthetically pleasing banners. He suggests further discussion with the chamber of commerce in a public meeting for the business community to provide feedback in an orderly manner.

Chairman Gifford outlined his concerns as follows:

- 1) the diversity of neighborhoods in the city (eastside communities and businesses, Florida corridor, west side), and the desirability of maintaining their uniqueness, maybe even with signage regulations;
- 2) balloons should be allowed on a case-by-case basis and for special cases, but as a rule, they are a nuisance;
- 3) window signs need to be better enforced at the 50% level;
- 4) framed posters are okay as long as they are kept up to date;
- 5) feather signs and stake signs are a problem and a nuisance;
- 6) picture tint and window painting is confusing and he would like further explanation.

Commissioner Crimeni supports the 50% window coverage, as it gives police an opportunity to visually inspect. He also recommends that staff meet with the chamber of commerce.

## EXCERPTS FROM PLANNING COMMISSION MINUTES

---

Chairman Gifford recommended directing staff to bring this back for another work session reasonably soon.

Vice Chair Vasquez said, he thought it might take more than one or two sessions because it is a complicated issue and approved of meeting with the chamber of commerce. He also suggested that the Commissioners let staff know of their opinions on the matter and some guidelines to consider.

Commissioner Overmyer stated that he is thoroughly confused. He does not know how different areas would work with different conditions. He says he needs to study it more.

Vice Chair Vasquez wanted to know about recommended sizes for banners.

Planner Papp stated that item was brought up for discussion purposes. Many cities have a maximum square footage for banners.

Vice Chair Vasquez indicated, he felt the proposed banner size was appropriate, depending on the size of buildings, but further discussion was needed on banners on landscapes, with appropriate conditions being placed. He also opposed the use of balloons, inflated animals or objects, banners hanging from fences or handrails. He approves of window signs and posters and likes the 50% limit. He does not like the tinted window look. He feels that stake signs can be appropriate if regulated properly for the site. He stated the best sign for small businesses is one that is visible and legible for people driving by. The challenge is deciding what that size is.

Commissioner Crimeni stated that for new construction coming in, there should be something in the provisions for strip malls so each unit gets some kind of coverage for permanent signs.

Vice Chair Vasquez felt that over-regulation of window signs and signage can be stifling to business and can create a sterile commercial environment and that care is needed in coming up with regulations, necessarily including business people in the discussion.

Chairman Gifford noted the commissioner's confusion and admitted to some of his own. In terms of his comments on neighborhoods, he stated they already have certain sign regulations for different neighborhoods. He felt staff would be able to figure out those requirements from continuing work-studies. He felt there should be exceptions for certain areas in the city, for example, the downtown area and for restaurants and sandwich shops.

Vice Chair Vasquez stated, he would like to have the Community Development Director given some degree of latitude in making decisions about signage and that sign codes ought to be appropriate for everybody and for all businesses. Any kind of legislation or code enforcement should be applied to everybody and no exemptions should be made for any particular interest group or nonprofit.

CDD Elliano reminded the Commission that staff is only bringing up the subject of temporary signs for tonight's discussion and would come back with some specific recommendations. She also warned that if distinctions are made regarding different

## EXCERPTS FROM PLANNING COMMISSION MINUTES

---

neighborhoods and areas, they must be clear and enforceable, as the sign code has to be applied equitably. She warmly accepted the suggestion of meetings with the chamber of commerce and asked that the chamber organize any interested members for that event.

PLANNING COMMISSION MEETING ON: 12/17/2013

### WORK STUDY REPORTS

#### 5. WORK STUDY SESSION NO. 2 REGARDING TEMPORARY SIGNS

Report by Principal Planner Emery Papp

CDD Elliano made introductory comments before Planner Papp's presentation, advising that sign codes are very complex and detailed. She stated that staff had a productive meeting with the Chamber of Commerce and that staff recognizes the need for effective signage; however, the challenge is providing signage without visual clutter and distraction.

She indicated that the issue to be discussed at this meeting was the balance sought for temporary signage. Traditionally, temporary signage has been utilized to advertise special events, community activities, grand openings for new businesses, etc. Staff believes temporary signage should not be utilized by businesses in place of permanent signage. However, it is staff's desire to develop a strategy for temporary signage that is not overly complex and frustrating to the business owners. Her opinion is that window signage is the most effective way for businesses to advertise because there is no need to get a permit from the city if the coverage is between 25 and 50 percent, depending on location and type of business.

(PowerPoint presentation by Principal Planner Emery Papp.)

There was a discussion concerning framed posters, such as in drive-through establishments who have little window space with which to advertise. Chairman Gifford commented that we need regulations that are detailed enough to be enforceable, but also flexible enough to make exceptions, yet how much discretion does staff have? It is problematic to consider them windows, because they represent more than 50 percent of window space. He suggested staff come up with something that's hybrid for such a framed advertisement.

Commissioner Crimeni stated that he has observed vandalism with framed posters.

(Principal Planner Emery Papp continued the PowerPoint presentation.)

At the conclusion of the presentation, Chairman Gifford requested of City Attorney Jex, to report his opinion concerning the Community Development Director's jurisdiction and the limits to her discretion on signage judgments. He then asked for public comments after Commissioner Vasquez made the following suggestions:

1. For buildings that cannot accommodate banner signage, utilization of landscape banners with professional mounting poles might be considered;

## EXCERPTS FROM PLANNING COMMISSION MINUTES

---

2. Increasing the minimum size of the banners from 3 feet by 15 feet in length to something larger, like 3 feet by 20 feet;
3. Definitively deny banner signs on fences or handrails.

Andy Anderson, chief executive officer and president of the Hemet/San Jacinto Chamber of Commerce (615 North San Jacinto Street, Hemet), thanked the Commission for considering this issue. He made several suggestions, which included considering the time limit for banners being extended and allowing banners to be used more than once, and addressing the issue of feather signs, for which there is little consistency between Hemet and the county side of particularly Florida Avenue. He announced that the Chamber, along with City of Hemet, is going to be having a seminar for business people that will address marketing and merchandising in the community so that the local businesses will understand more fully the signage issue.

Doris Mixon, owner of C&L Coffee House, also representing Arturo's Mexican Grill, felt that Hemet was not being business-friendly by putting such restrictions on temporary signs, especially for family-owned businesses. She felt that larger banners and feather signs would be helpful to her business and those in the building around her who do not have businesses that face the street. She felt that franchise-type businesses are being given preferential treatment rather than mom and pop operations, particularly those such as Arturo's, which is struggling to maintain business because of sign restrictions.

Chairman Gifford commented that the mandate for the Commission is very much in favor of balance and pro-business or pro-smart growth for businesses. However, there have to be regulations and rules that are going to benefit the overall plan for the City of Hemet. The Commission and staff is trying to figure out where do we have the leniency or discretion to make exceptions, that will assist such businesses as Arturo's, which is one of his favorite restaurants. But something must be crafted that will work within the bounds that are fair to everybody. With that, he closed the public hearing, as there were no additional persons who wished to speak.

City Attorney Jex agreed that the key is drawing the line. Sign codes are incredibly complicated and the laws that govern how a sign code can be drafted are also extraordinarily complicated. It is a very specialized area of the law. Therefore, what goes into drafting amendments or changes to a sign code demands consideration of the bigger picture ideas that have been presented tonight and at earlier meetings, drill down those ideas, and formulate the language that accomplishes what is desired, as long as it is within the bounds that sign code law has set.

He said he understands the Commission wants to have flexibility to be able to provide discretion, but too much discretion cannot be provided because there must be a uniform set of regulations. So while flexibility is desired, care must be taken in how the flexibility is worded; the detail in the language will be important. At this point, we are in a broad, conceptual level.

Commissioner Crimeni had questions about banners, their permit cost, time of posting, and change of banners.

CDD Elliano explained that the cost of a banner is currently \$32 for a 30-day period to hang the banner. Under the current rules, no matter what the time allowed for display of the banner, the same banner could not be posted again.

## EXCERPTS FROM PLANNING COMMISSION MINUTES

---

Chairman Gifford advanced the possibility of mandating a square footage percentage rather than 3 feet by 15 feet, with Commissioner Perciful agreeing.

Commissioner Overmyer asked if it had to be percentage of the wall.

CDD Elliano answered that most permanent signage is in relationship to the building face. She also suggested they discuss the time-frame in which a banner could be posted, and specifically how long it would have to remain down.

Chairman Gifford indicated that it was his impression from the business leaders that if your promotion isn't working in 45 days, then you're pretty well done. And as to down time, if there is a continual offer or message, then it should be a permanent sign.

Both Commissioners Vasquez and Crimeni agreed that 45 days is a good length for a temporary sign.

After further discussion among Commissioners and staff, it was agreed that 14 days would be acceptable as down time for the banners. Also discussed were the banners in the landscaped area, with City Attorney Jex admonishing standards as to what was "professionally" done.

Planner Papp asked the Commissioners their ideas concerning pennants in commercial zones. They are currently allowed in model home displays.

CDD Elliano stated there needs to be a differentiation between pennants and flags, and Chairman Gifford stated there is a different section for the real estate signage.

After further discussion, it was agreed that percentage of window coverage for signage would be 50 percent, whether that was 25 percent message and 25 percent window tint or 50 percent message.

Planner Papp asked if the Commission had a consensus concerning "cane" or "feather" signs, with Chairman Gifford stating he didn't think the city was against them, but just wanted to limit the number per business.

Commissioner Crimeni asked about printed screens on vacant buildings.

CDD Elliano said she did not think there was a prohibition on that. If it makes a vacant building look better, the city would be in favor of it. She did not see it as an issue with signage.

After further discussion on number of banners per business and numbers of cane signs, Chairman Gifford suggested that staff work on the details and come back January 21, 2014 for a continued working session.

# EXCERPTS FROM PLANNING COMMISSION MINUTES

## WORK STUDY REPORTS

PLANNING COMMISSION MEETING ON: 01/21/2014

### **6. WORK STUDY #3 REGARDING TEMPORARY SIGNAGE REGULATIONS:**

Presentation by Emery Papp, Principal Planner

Chairman Gifford invited Andy Anderson of the Chamber of Commerce to speak before Mr. Papp's presentation was given.

Andy Anderson, 615 North San Jacinto Street, Hemet, stated that he believed that most of the concerns of the business community had been addressed at the various meetings between the city staff and the Chamber of Commerce, but wished to point out some concerns that remained: (1) the need for consistency with banner signs, only one allowed for businesses, but two allowed for theaters and special events; (2) that fencing and rails not be used for banners; (3) that businesses should be able to

professionally install poles and place banners in a landscaped area if all rules for safety and visibility were followed; (4) that the rules presently in place for flag poles in property management sites, such as model homes or apartments, not be changed; (5) that LED board signs should be considered temporary signage; (6) that hand-held signs be studied carefully, as businesses feel they can be effective, but often residents object to them.

(PowerPoint presentation by Principal Planner Emery Papp.)

Chairman Gifford queried how one defines a special event in terms of businesses, and if the size of the banner is determined by square footage of the business. He also agreed that banner signs can be effective, but also just sloppy, but hoped that a code could be constructed in such a way that banner signs could be more professional and wondered how the landscape banner signs would be constructed and if they would need to be permitted.

CDD Elliano agreed that banner signs are temporary and supposed to come down after a period of time. She assumed the poles would come out, too, when the signs came down. She asked Vice Chair Vasquez to explain in his industry how banner signs are treated.

Vice Chair Vasquez explained that it could work two ways: Sometimes the poles remain stationary and permanently embedded as an anchor, or many can have a sleeve through which the poles can be removed.

CDD Elliano indicated her preference would be the sleeve-embedded poles, with Chair Gifford agreeing, but asking the staff to do further work on that aspect.

Vice Chair Vasquez reiterated his concern about the need for some regulations for banners not attached to buildings, such as those in landscaped areas, as not all buildings could accommodate banner signs. At present there is no code which covers that and he requested that at the next work-study, there be some proposal to cover that eventuality.

## EXCERPTS FROM PLANNING COMMISSION MINUTES

---

CDD Elliano explained that the building is the first preference, but if that is not possible, it can be in the landscaping. What the staff is opposed to are banners that are draped between trees, those that are in common areas or landscape setbacks. However, she said that staff would go back to the drawing board and work on that area.

Planner Papp explained that staff had omitted that issue for three reasons: 1) Oftentimes landscaped areas might be in a parcel that's separate from the property that wants to use the sign; 2) Staff is making other suggestions this evening that might be more useful and would take away the need for banners in the landscape area; 3) There needs to be a definition of what would constitute "professional installation" to make sure there's a standard that everyone can follow and understand.

Vice Chair Vasquez agreed with the concerns expressed, but felt that there are circumstances where it should be allowed. He agreed that there needs to be consistency about numbers of banners allowed, and he didn't have strong

feelings about either one or two banners, but felt it should be consistent for both businesses and special events.

Both Commissioners Overmyer and Perciful felt that consistency was important and that one or two signs were possible, as long as they did not exceed the square footage restrictions. Commissioner Perciful also brought up the problem of Florida Avenue and the difference between City of Hemet restrictions and County of Riverside restrictions.

CDD Elliano explained that they had done a matrix and that county's restrictions are not that much different; it is just that enforcement in the county is not occurring at the same level as the city.

Vice Chair Vasquez requested that banners on handrails and fences be prohibited, with Chairman Gifford agreeing, but also adding that CDD Elliano needs to have some discretion. He suggested tightening the language.

Vice Chair Vasquez also questioned the length of time (90 days) that temporary banners could remain up. He suggested a shorter period of time.

CDD Elliano stated staff was proposing extending the time period from 30 days to 45 days. The only time that would be extended is if it were in place of permanent signs, such as the sign company had not finished the sign for a business yet.

There was a lengthy discussion concerning other restrictions and allowances, such as banners 10 feet inside buildings with service bays, the definition of special events or community events to be defined more specifically by the city attorney, and the square footage of signage available pursuant to a formula.

(A short recess was taken.)

Further discussion ensued regarding pennant signs, other than those allowed currently by code for residential model home complexes. The Commission felt that they could be limited to such things as grand openings or special events, but limiting them in these events to 15 days.

## EXCERPTS FROM PLANNING COMMISSION MINUTES

---

Planner Papp indicated that staff would like to limit maximum amount of coverage on window space signage, with alcohol sales limited to 25 percent coverage. He asked if the other recommendations in the staff report were satisfactory, and Commissioners agreed with the recommendations.

There was discussion about cane signs, especially as used in the restaurant industry, with Mr. Anderson weighing in on the subject, stating that the Chamber of Commerce is happy to see some movement towards acceptance of these signs.

After further deliberation, it was decided to stop discussion and bring back for further study Staff Report Item 11, electronic signs; Item 2, banner signs; Item 5, cane signs; and Item 10, stake signs, and item 12, hand held signs.

**PLANNING COMMISSION MEETING ON: 02/18/2014**

### WORK STUDY REPORTS

#### **4. WORK STUDY #3 REGARDING TEMPORARY SIGNAGE REGULATIONS:**

Presentation by Deanna Elliano, Community Development

CDD Elliano, presenting for Planner Emery Papp, expressed the hope that this would be the final Work Study regarding this topic and that final recommendations would be forthcoming. She indicated that the topics recommended for final discussion included banner signs, cane or swiffer signs, stake signs, LED and hand-held signs.

In response to a request from the Commission at the last Work Study, Staff checked with the Riverside County Planning Department and was told that temporary signage is not allowed in the County area. However, as was revealed by the code enforcement manager, they do not have the staff resources for pro-active enforcement.

Other cities (San Jacinto, Moreno Valley, Ontario, Rancho Cucamonga, Corona, and Temecula) were previously surveyed, and their temporary signage requirements differed; however, many had more restrictions than what is currently being proposed in Hemet.

Chairman Gifford asked if the other cities dealt with special events, and what their restrictions are. CDD Elliano explained that they might have something called a special event, but they did not have the subcategories that are proposed.

She continued her review of the proposed banner recommendations and stated that the banner signs are currently allowed for 30 days. As per the Commission's suggestion, they would be allowed for a 45-day permit time-period. However, staff did add a provision that the Community Development Director could extend it to up to 60 days under these circumstances: If the permanent sign is still being fabricated, or for the theater event signage.

Also added at the recommendation of the Planning Commission was the possibility of two banners per business. Additionally, landscape banners would be allowed if there is

## EXCERPTS FROM PLANNING COMMISSION MINUTES

---

no suitable place on the building and if the banners are on the owner's property, with the freestanding structures approved. Exceptions would include auto service bays where the banners are inside the building bay area a minimum of ten feet. These would not require a banner permit.

Staff is proposing three new categories on banners on page 4 of the staff report: Theatrical performance banners (removed within 5 days of conclusion of event); Community Event/Non-Profit banner (removed within 5 days of conclusion of event); Award Banner, such as "Press Enterprise Readers' Choice," (displayed for up to 90 days).

Chairman Gifford asked if the theatrical performance banners requirements include a 14-day interval between banners, and how often the Press Enterprise, or such organizations, gives awards.

CDD Elliano replied that it was intended that the theater could overlap their banners, as two could be displayed at one time.

Commissioner Crimeni noted that the PE award is given once a year; and that they had received the award and kept the banner up for a year.

Vice Chair Vasquez raised several questions, including fees imposed for long-standing banners, fees for award banners, and number of permits needed for banners utilized more than once.

CDD Elliano explained that the theatrical banner allowed for 45 days with a potential extension for up to 60 days is not intended to have an additional fee in the extension. The award banner had not really been considered, but could that be considered one of their two banners. However, the difficulties with the sub-categories and exceptions are that it becomes very confusing.

The City Attorney explained that fees are not tied to how long a banner is displayed. It is tied to the staff time involved in reviewing the permit application, issuing the permit and monitoring compliance with the permit. The longer the banner is up, the more staff time it takes to make sure the banner is in compliance with the permit.

Commissioner Crimeni asked if there is a fee for the award banners, stating that the Press Enterprise provided the banner, and CDD Elliano stated she did not think there had been a fee in the past. The Commission directed that the award banners be allowed for up to a year and exempted from the banner permit and fee requirements.

Vice Chair Vasquez asked for clarification about the building elevation restriction and the use of the term "landscape materials."

CDD Elliano explained that "elevation" is an architectural term. If a building has four sides, each side is an elevation. "Frontage" means the side of the building facing the street or other defined entrance. "Landscape materials" could mean shrubs, trees, or bushes. The intent was to restrict banners in landscape areas to freestanding poles that would be professionally installed and might include poles with sleeves.

## EXCERPTS FROM PLANNING COMMISSION MINUTES

---

Vice Chair Vasquez asked who the tiebreaker is if there is confusion regarding the zoning code provisions.

The City Attorney answered that once a draft ordinance is prepared, it will come through the attorney's office to make sure the language is clear.

CDD Elliano stated there should be clarity for both the businesses and the counter people regarding the sign regulations. If it specifically says that the CDD should have the ability to make the decision, then the criteria to make the judgment should be clear and should not be a mystery.

There was further discussion about the language concerning banners facing private property. In addition, Chairman Gifford stated that award banners should be honored if they are given by a recognized organization. CDD Elliano agreed and added there would have to be a definition of "recognized organization" and that they could be up for a year, as long as they are well maintained. They would not count as one of two banners allowed nor would they require a fee.

Chairman Gifford added that if it was a monthly award, it should only be allowed up for the period of the award.

CDD Elliano brought up the next topic: Cane signs. They are currently prohibited, but what is now being proposed would allow one cane sign in lieu of one temporary sign for grand openings or special events for the permitted period, no longer than 14 days, and that they couldn't be in the right-of-ways, landscaped parkways or required setback areas.

Vice Chair Vasquez pointed out the language "limited special promotions not to exceed 45 days."

CDD Elliano outlined her understanding of the proposal: One, cane signs at grand openings, parking lot special events; two, allowance of one cane sign in lieu of one temporary banner that would follow the same regulations as the temporary banner, such as the 45-day regulation.

There followed extensive discussion of cane/swiffer signs among Commissioners and staff.

Andy Anderson, 615 San Jacinto Street, Hemet, and Chamber of Commerce representative, advanced the opinion that swiffer signs, which cost anywhere from \$150 to \$300 per sign, are not going to be purchased in bulk by businesses in Hemet. As CEO of the Chamber of Commerce, he appreciated the flexibility staff has provided, which he believes is enough for a business that did want to make the investment.

Next, CDD Elliano opened the discussion on stake signs, noting at present they are prohibited, but at the last work-study, the suggestion was made that they be allowed only for drive-through businesses, such as a restaurant. There could be a maximum of three, and they would be exempt from temporary permits.

The City Attorney advised that the city has to have a substantial interest in support of the regulation and in this case, it does try to prohibit visual clutter, which would support

## EXCERPTS FROM PLANNING COMMISSION MINUTES

---

outright prohibition. Therefore, making exceptions, such as placement of stake signs where they are not visible from the right-of-way would serve that purpose. However, making the exception for just drive-throughs may make the regulation less defensible.

After further discussion among Commissioners, staff, and Chamber CEO Anderson, prohibition of stake signs was upheld.

CDD Elliano next introduced the subject of electronic or LED display board signs, which is discussed on pages 6 through 8 of the staff report. Only a few cities have codes regulating these, with existing regulations including no flashing, movement or animation on signs; no advertising of off-site uses permitted for informational, time/temperature, non-profit purposes and community uses. She continued to outline the proposed regulations in the staff report and asked for comments from the Commissioners.

Commissioner Crimeni thought the restriction on distance apart for the LED signs was too restrictive.

Commissioner Perciful felt that messages that faded in and out would keep light more consistent. He also noted there needed to be less light at night and more in the daylight hours. He expressed that these signs are the wave of the future.

There was discussion regarding the distraction element of these signs, which prompted City Attorney Vega to note that there are standards out there developed by different professional organizations and Caltrans, as to what is and is not acceptable.

Chairman Gifford brought up two issues: 1, the normal LED business signs and how the aesthetics fit into the city plan; 2, signs above a certain square footage should come to the Planning Commission for acceptance, as it is a city planning issue and should require a permit.

Commissioner Vasquez asked if businesses currently using LED signs that become out of compliance when the code is completed, would be grandfathered in.

CDD Elliano indicated they would not be required to change. She also asked if there were other comments from the commissioners about distance separation between signs.

Chairman Gifford answered if the sign is granted by a normal permit distance is not an issue. The distance requirement should be for huge display types of signs, and those should come to the Commission on a case-by-case basis.

Commissioner Crimeni reiterated that the distance separation limiting signs should not be instituted because it is not fair to all business owners.

Andy Anderson stressed the need for equitable consideration for standalone types of businesses and their ability to utilize the technology. There also needs to be thought given to such things as LED signs with scrolling messages put in business windows, and whether or not these are allowed.

## EXCERPTS FROM PLANNING COMMISSION MINUTES

---

The last issue brought up for discussion by CDD Elliano was hand-held signs, noting that political statements are a matter of free speech and cannot be regulated. If it is a commercial business or advertising sign, it can be regulated.

Currently such signs are prohibited by code, but in 2009, because of the economic downturn, the City Council directed staff not to enforce that section in the sign code and to allow the hand-held signs. The options for the Planning Commission appear to be as follows: A, recommend to City Council that the existing code be enforced again; B, recommend this type of signage should be permitted for all businesses and recommend appropriate regulations as part of the code amendment; or C, recommend no change in the code and the "stay" of enforcement, allowing them to continue as they have been for the last few years.

Andy Anderson stated personally that he is not a proponent of these signs; however, as a member of the Chamber of Commerce, he knows many businesses believe it is a valuable marketing tool, especially if their businesses are not seen well from the street. He felt rather than just continuing the stay, regulations should be put into place.

Chairman Gifford felt they should either be prohibited or enforced. There needs to be limitations as to where they can be and the aesthetics of the signs.

Commissioner Overmyer stated he was in favor of prohibiting them.

Chairman Gifford agreed and stated if the Planning Commission prohibited them, it still goes to the City Council to address the issue.

Commissioner Crimeni stated he was in favor of prohibiting them also, and Chairman Gifford, after asking for further comments and noting none, moved to Agenda Item 5.

# Attachment No. 3

City of Hemet Draft  
Recommendations for  
Temporary Signs

Planning Commission  
Meeting  
April 15, 2014

**CITY OF HEMET DRAFT RECOMMENDATIONS FOR TEMPORARY SIGNAGE:**

The following recommendations for the Zoning Code Amendment (ZOA) to Chapter 90, Article 36, regarding temporary signs have been discussed by the Planning Commission at four separate work study sessions over the past four months ( Nov. 5, 2013, Dec. 17, 2013, Jan. 21, 2014 and Feb. 18, 2014). The table below notes the existing regulations and the proposed changes as recommended by a consensus of the Commissioners.

New definitions will also need to be added or modified as needed to accommodate the new sign types (suggested definitions are noted below for some signs). In addition, the changes will also need to be reviewed in the entirety of the sign code, to ensure that it is internally consistent, and consistent with other related HMC sign codes, including:

- a) Chapter 90, Article 37: Signs on Public property
- b) Chapter 90, Article 38: Directional signs for subdivisions
- c) Chapter 90, Section 90-934: Downtown Signs
- d) Sign regulations and Programs allowed in Specific Plans (the code needs to recognize that SPs may have other regulations that that specified in the HMC sign code. For example, in terms of temporary signage, the Auto Mall has additional provisions/exemptions).

**1. Temporary Banner Signs or Special Event Signs**

*Existing Definition: Banner sign means any sign printed or displayed upon cloth or other flexible material, with or without a frame.*

The intent of allowing temporary banner signs in the City is for the benefit of business owners to advertise grand openings, special promotions, special events, or to display the name of their business until a permanent sign has been fabricated and installed. Temporary banner signs are not intended to be used as directional signage or in lieu of permanent signage. A Temporary Sign Permit is required prior to the installation of a temporary banner sign.

<b>BANNER SIGNS</b>		
<b>Provision</b>	<b>Existing Regulation</b>	<b>Planning Commission Proposed Regulations</b>
Permit duration per banner	30 days in association with a Temporary Special Event or Sale	<ul style="list-style-type: none"> <li>• 45 days in association with a Temporary Special Event or Promotion</li> <li>• CDD may extend the timeframe for the temporary banner for up to 60 days if the permanent identification sign is being fabricated, or for Theatrical or Community Event Banners</li> </ul>
Minimum Interval between banner permits	14 days	14 days (except theatrical/community per above)
Number of banners permitted per year	No limit	No limit
Number of banners	Not specified in code	One allowed per building elevation

allowed at a time		up to a maximum of 2 banners
Size of banner allowed	Not specified in code	<ul style="list-style-type: none"> <li>• Not to exceed 1.5 sq.ft. per lineal foot of store frontage up to a maximum of 80% of the store frontage or 30 feet, whichever is less.</li> <li>• In no case shall the maximum area of the banner exceed 100 sq. ft.</li> </ul>
Locations where banners may be placed	<ul style="list-style-type: none"> <li>• On the property of the business/event</li> <li>• Placed on the building</li> <li>• Other locations if approved by the CDD (except areas prohibited per the existing code below)</li> </ul>	<ul style="list-style-type: none"> <li>• On the property of the business/event (no off-site signs)</li> <li>• Placed on the building</li> <li>• Banners may be placed in landscaped areas when: a) there is no suitable place on the building, b) the landscaped area is on the owner's property and not in the right of way, required landscape setback, or common area landscaping for a center, and c) the banner is installed as an approved free-standing structure intended for the banner, and is not attached to trees, shrubs, or other landscape materials, or attached to light poles.</li> <li>• Banners may be placed on building elevations facing vacant lots if approved by the CDD and locational circumstances warrant the need for additional visibility.</li> <li>• Banners located adjacent to or within a covered walkway shall maintain a minimum vertical clearance of eight feet from the sidewalk to the underside of the sign</li> </ul>
Locations where banners are prohibited	<ul style="list-style-type: none"> <li>• Cannot extend above the roof -line or be mounted on the roof</li> <li>• Cannot be placed so the banner is facing on private property – must be street or driveway</li> <li>• Cannot be placed in areas that limit driver visibility or project over the public right of</li> </ul>	Same as existing code, except for the exceptions noted above.

	<p>way</p> <ul style="list-style-type: none"> <li>• Cannot be located on fences or hand-rails</li> <li>• Cannot advertise offsite businesses or events</li> </ul>	
Exceptions	CDD may limit location and type of temporary signs in conjunction with Temporary Use Permit or banner permit	Auto Service Bays: Banners placed <u>inside</u> the building bays a minimum of 10 feet from the bay entrance are exempt from the requirement to obtain a temporary banner permit.
Additional requirements	none	The banner sign maintains a professional appearance at all times and does not sag, droop, flap in the wind, become tattered, or otherwise become unattractive
Theatrical Performance Banner (Needs definition)	Not specified in code	<b>New Category-</b> all provisions apply except that the banners must be removed within 5 days of the conclusion of the event
Community Event /Non-profit Banner (Needs definition)	Not specified in code	<b>New Category-</b> all provisions apply except that the banners must be removed within 5 days of the conclusion of the event. The CDD may approve the display of banners offsite if conditions warrant, the property owner consents, and upon written request to the City
Award Banner (such as "Press Enterprise Readers Choice", etc.). Award must be from a "recognized organization" (Needs definition)	Not specified in code	<b>New Category-</b> all provisions regarding placement apply except that the banners may be displayed for the award period, but in no case may be displayed for more than one year. This type of banner does not count towards the 2 banner maximum per business, and is not required to get a banner permit.

**2. Cane signs, a.k.a. "feather signs" or "swiffer" signs (New Sign Category)**

*New Definition: Cane sign means a portable, self-supporting temporary advertising banner, usually tall and narrow with a single pole on one side and curving across the top to frame the banner. Cane signs are typically affixed to the ground by inserting a metal stake into turf or soil.*

CANE SIGNS		
Provision	Existing Regulation	Planning Commission Proposed Regulation
Permit Required	These types of signs are currently prohibited under the code	<ul style="list-style-type: none"> <li>• Cane signs shall only be allowed in conjunction with grand openings, or an</li> </ul>

		<p>approved Special Event Permit, or parking lot sale.</p> <ul style="list-style-type: none"> <li>• Must be removed at the conclusion of the event or grand opening and in no case remain for longer than 14 days.</li> <li>• The number and location of cane signs shall be approved by the CDD in conjunction with the special event permit.</li> <li>• Cane signs shall not be located within the City Right-of-Way, including landscaped parkway, or the required setback areas.</li> <li>• Cane signs shall not be placed on any building or on a roof.</li> <li>• Cane signs shall not be permitted in the Downtown zones (D-1 and D-2)</li> </ul> <p>In addition to the above requirements, to allow the following:</p> <ul style="list-style-type: none"> <li>• No more than 1 cane sign may be permitted for an <u>existing</u> business in lieu of 1 Temporary Banner Sign for the purposes of a special promotion, and is required to follow all of the same permit regulations and timeframes as banners.</li> </ul>
--	--	--

**3. Stake signs (attached to wood or metal stakes in the ground)**

*New Definition: Stake sign means a small temporary sign usually made of cardboard or plastic and mounted to a wood or metal stake in the ground.*

STAKE SIGNS		
Provision	Existing Regulation	Staff Proposed Regulation
Prohibited	These types of signs are currently prohibited under the Code	Continue to prohibit these signs due to the difficulty in enforcement if allowed in only select locations, and the other available options for temporary signage.

**4. Electronic or LED Display Board Signs (New Sign Category)**

*New Definition: Electronic or LED display board sign means a sign with the capability of presenting variable message or displays through electronically controlled lighting and which can be programmed to change the content of the display periodically. While the sign structure is permanent, the advertising content of the display is temporary and can be tailored for multiple purposes. LED display board signs shall not be used for offsite signage, or considered to be billboards.*

LED Display Board Signs can allow for temporary panels to be automatically changed electronically. These types of signs are permanent structures that provide the possibility to display computer generated images, video, animated or static signage, or other messages. As such, this new category of signage to be considered falls into a gray area because it is both permanent and temporary at the same time. Displays can be programmed to be animated or static, and transitions from one message or sign to another are generally limited only by the capabilities of the programmer.

Such signage could be of benefit within large multi-tenant retail or commercial/office centers to provide signage and advertising media to retail and other commercial tenants who may not otherwise have good visibility from the street. However, it is important to note that current code provisions do not allow animated, moving, or flashing signs.

<b>LED MESSAGE DISPLAY SIGNS</b>		
<b>Provision</b>	<b>Existing Regulation</b>	<b>Planning Commission Proposed Regulations</b>
Permit Required	<ul style="list-style-type: none"> <li>LED message signs are not currently allowed in the code, and no signs are allowed to flash, move or be animated.</li> <li>A stand- alone digital bulletin board for informational, time/temperature, non-profit purposes, and community uses may be permitted as a monument sign.</li> <li>No LED billboards or other signs advertising offsite uses</li> </ul>	<p>Allow consideration of LED message signs to be approved as part of an overall sign program for a commercial center, subject to the following requirements:</p> <ul style="list-style-type: none"> <li>One such sign may be allowed in a commercial complex having a minimum of fifty thousand (50,000) square feet of floor area, or a minimum of ten (10) tenants subject to approval of a new, or an amendment to an existing master sign program. (PC was mixed on whether to have a minimum size center/tenants to allow the sign. The preference was to allow on a case by case basis, with review by the PC for certain larger signs, and staff review and approval for smaller signs).</li> <li>An LED display board sign shall only be allowed when</li> </ul>

		<p>integrated into an existing freestanding sign, or placed into a new freestanding sign.</p> <ul style="list-style-type: none"> <li>• <del>No LED display board sign shall be located closer than one-thousand two-hundred fifty (1,250) feet to another LED display board sign.</del> (PC did not want to have a distance requirement between signs - thought that the cost would control application requests)</li> <li>• Each individual electronic "panel" or display shall appear for a period of at least eight seconds. <del>The sign, or an individual tenant "panel" shall remain blank (no message or display) for at least one second between separate images.</del> Displays shall not be animated, flash, scroll, fade in and out, or move across the changeable copy sign face.</li> <li>• The light intensity of the LED panel shall be reduced during nighttime hours.</li> <li>• The sign may display noncommercial civic messages such as Civic Events, Fire or Police emergencies, or other City-approved public service announcements.</li> <li>• Any such sign <u>shall not be used</u> as a billboard for off-site advertising.</li> <li>• The sign shall be reviewed for traffic safety purposes by the City Engineer and shall comply with any and all safety standards as prescribed by the State of California, and other regional or local entities having jurisdiction. Such reviews shall not consider message content.</li> <li>• If an LED display panel is incorporated into a center's freestanding sign, then no temporary banner signs shall be permitted within that center</li> </ul>
--	--	---

		<p>except for grand openings and other approved special events.</p> <ul style="list-style-type: none"> <li>• Other regulations deemed necessary by the Planning Commission, or adopted as part of a master sign program for a commercial center.</li> <li>• LED signs monument signs for individual commercial pads shall also be allowed (restaurants, pharmacies, etc.)</li> </ul>
--	--	--

**5. Hand-Held Signs**

*Existing Definition: Hand-held sign means a sign that is held by or otherwise mounted on a person. For the purposes of this article, hand-held sign does not include a noncommercial sign.*

*Purpose: The purpose of hand-held signs is to draw attention the attention of passersby and motorists of goods, products, services, or events available or happening in proximity of the "sign twirler."*

Pursuant to HMC Section 90-1280 Prohibited Signs, hand-held signs are not permitted (see Attachment No. 1). However, on February 10, 2009, the City Council directed staff to not enforce this provision of the HMC.

The Planning Commission's recommendation regarding hand-held signs is:

Recommend to the City Council that the existing code prohibiting commercial hand-held signs should be enforced again, or if the Council chooses to allow hand-held signs, then appropriate regulations should be included in the code, and enforced appropriately.

**6. Pennants:**

*New Definition: Pennant(s) means a long, tapering, usually triangular flag made of flexible materials, such as cloth, paper or plastic, which is attached by a string to buildings and/or light standards and used for promotional purposes and to attract attention of passersby.*

<b>PENNANTS</b>		
<b>Provision</b>	<b>Existing Regulation</b>	<b>Proposed Regulation</b>
Permit Required	<ul style="list-style-type: none"> <li>• Section 90-1250(c)(1) of the Code currently allows pennants in residential zones where an approved model home marketing complex is located</li> <li>• (Have been allowed for Used Car Parking Lot Sales events</li> </ul>	<ul style="list-style-type: none"> <li>• A permit issued in conjunction with a Grand Opening shall be valid for no more than 14 days from the date it is issued.</li> <li>• Any use of pennants associated with any other type of use permit, e.g., Special Event Permit, Parking Lot Car Sale</li> </ul>

	with approval of a Temporary Use Permit) <ul style="list-style-type: none"> <li>(Have been allowed for Grand Opening events)</li> </ul>	Permit, and shall cease upon the end of the event.
Locations where pennants may be placed	Not specified in code	<ul style="list-style-type: none"> <li>Pennants may be attached from a building to parking lot light fixtures only with owner's prior written permission.</li> </ul>

**7. Temporary Window Signage:**

*Existing Definition: Window sign, temporary means a sign attached to or placed on or within three feet of the interior of a window. Temporary window signs do not include signs utilized as part of a window display of merchandise when such signs are incorporated within the display.*

<b>TEMPORARY WINDOW SIGNAGE</b>		
<b>Provision</b>	<b>Existing Regulation</b>	<b>Proposed Regulation</b>
Permit Required	Permit Not Required	Permit Not required
Window Coverage	<ul style="list-style-type: none"> <li>The maximum total amount of window coverage shall not exceed 50% of any individual window pane</li> <li>Any such window signs placed on or within three feet of the window shall be non-illuminated except for "Open/Closed" signs</li> </ul>	Maintain all "other" existing requirements and implement the following new requirements: <ul style="list-style-type: none"> <li>Window signs, posters, and picture tint shall be allowed as part of the aggregate coverage to a maximum of 50% of the window area, except that for D-1 and D-2 zones the maximum amount of window coverage shall not exceed 25% of the window area.</li> <li>No dark window tint or other window coverings shall be allowed that completely obscures the window area.</li> <li>Any establishment selling alcohol, tobacco, or tobacco related products shall be limited to a maximum total window coverage of 25% of the window area.</li> </ul>

**8. Promotional Poster Frames for Drive Thru- establishments:**

*New Definition: Promotional poster frame sign means a permanently mounted frame located at*

*drive thru establishments that allow for unlimited interchangeable sign copy of temporary advertising usually printed on paper or lightweight cardboard for promotional sale events.*

<b>PROMOTIONAL POSTER FRAMES</b>		
<b>Provision</b>	<b>Existing Regulation</b>	<b>Proposed Regulation</b>
Permit Required	Not specified in Code	<ul style="list-style-type: none"> <li>• Planning Division review and approval, and building permits, shall be required for all permanently mounted poster frames (individual posters located within the permanently mounted frames will not require a permit).</li> </ul>
Number of Poster frames permitted	Not specified in Code	<ul style="list-style-type: none"> <li>• No more than four such permanently mounted poster frames may be utilized per businesses.</li> </ul>
Locations where Poster frames are permitted	Not specified in Code	<ul style="list-style-type: none"> <li>• Permanently mounted poster frames may be located where visible from within the drive-through aisle only.</li> <li>• Permanently mounted poster frames may be used for businesses having drive-through facilities.</li> <li>• Permanently mounted poster frames must be attached to the building, allowing for unlimited changeable poster copy in pre-approved, designated locations.</li> </ul>
Size of Poster frames allowed	Not specified in Code	<ul style="list-style-type: none"> <li>• Permanently mounted poster frames shall not exceed six square feet each (e.g. 2 feet wide by three feet tall).</li> </ul>
Materials Allowed	Not specified in Code	<ul style="list-style-type: none"> <li>• Permanently mounted poster frames must be made of durable and attractive materials approved by the CDD.</li> </ul>
Type of Advertising allowed	Not specified in Code	<ul style="list-style-type: none"> <li>• Permanently mounted poster frames shall not be used to advertise alcohol, tobacco, or tobacco related products.</li> </ul>

**9. Portable Menu Signs:**

*New Definition: Portable menu signs or "A" frame sign means a freestanding sign that is not permanently affixed, anchored or secured to either the ground or a structure on the premises it is intended to advertise, and is at a location and scale designed for pedestrian viewing.*

PORTABLE MENU SIGNS		
Provision	Existing Regulation	Proposed Regulation
Permit Required	Not currently allowed in the Code.	<ul style="list-style-type: none"> <li>• Portable menu or "A" frame signs shall be exempt from the requirement to obtain a temporary sign permit for the following business types or locations:               <ul style="list-style-type: none"> <li>a. Restaurants</li> <li>b. Coffee Shops</li> <li>c. Delicatessens</li> <li>d. Bakeries</li> <li>e. Downtown Businesses</li> </ul> </li> <li>• No other business or establishment may use a portable menu or "A" frame sign.</li> </ul>
Number of Portable Menu Signs Allowed	Not specified in Code	<ul style="list-style-type: none"> <li>• One sign per business</li> </ul>
Size of Portable Menu Signs Allowed	Not specified in Code	<ul style="list-style-type: none"> <li>• Shall not exceed 5 square feet per sign face</li> </ul>
Locational/other Standards	Not specified in Code	<ul style="list-style-type: none"> <li>• The following size and locational standards shall apply:               <ul style="list-style-type: none"> <li>a. Only one such sign may be displayed at any time.</li> <li>b. Must be located within 5 feet of the front main entrance to the establishment.</li> <li>c. Must maintain ADA clearance around the sign at all times for pedestrian and disabled persons access.</li> <li>d. Shall not exceed 5 square feet per sign face</li> </ul> </li> <li>• Must be removed and placed indoors when the establishment is closed.</li> <li>• Portable menu or "A" frame signs shall be non-illuminated.</li> </ul>

**10. "Open House" Real Estate Directional Signs**

*New Definition: "Open House" real estate directional sign means off-site directional signs used during specified times to assist with wayfinding to existing homes for sale in the City and shall be removed on a daily basis.*

OPEN HOUSE SIGNS		
Provision	Existing Regulation	Proposed Regulation
Permit Required	Not currently permitted	<ul style="list-style-type: none"> <li>• Exempt, no permit required when the regulations stipulated below have been observed:</li> </ul>
Locations where "open House" signs are permitted		<ul style="list-style-type: none"> <li>• "Open house" real estate signs may be placed on private property (with the owner's permission) or within public rights-of-way, including parkways, from 7:00 a.m. to 6:00 p.m., and shall be promptly removed by the real estate agent/company listed on the sign.</li> <li>• Signs shall not be posted to create a safety or litter hazard by adhering to the following criteria:               <ol style="list-style-type: none"> <li>a. Sign shall not exceed two feet by three feet and no more than three feet high from the ground.</li> <li>b. Sign shall be securely fastened to the ground – not fixed to another sign, tree, structure, utility or mechanical equipment.</li> <li>c. Sign shall be placed no closer than ten feet from a corner or drive approach to preserve driver sight visibility.</li> <li>d. Signs shall not be placed within any center median.</li> <li>e. No more than three signs per business, entity, or person shall be located on a single</li> </ol> </li> </ul>

		<p>block.</p> <p>f. Sign shall be professionally manufactured and constructed of substantial sturdy material, not single layer cardboard, paper or bond stock.</p> <p>g. Signs shall not be placed on any sidewalk or cause the obstruction of any disabled person point of access.</p> <p>h. Sign shall include the name and telephone number of the realtor responsible for conducting the open house.</p> <ul style="list-style-type: none"> <li>• Signs posted outside the criteria or times permitted, will be subject to removal by the city with the costs to remove borne by the responsible party or company noted on the sign.</li> </ul>
--	--	---

**11. Balloons**

*New Definition: Balloon means an air or gas filled three-dimensional object attached to a string, rope or cable, and tethered to a fixed place or object.*

<b>BALLOONS</b>		
<b>Provision</b>	<b>Existing Regulation</b>	<b>Proposed Regulation</b>
Permit Required	<ul style="list-style-type: none"> <li>• A temporary special event sign permit may be issued for a large balloon for not more than 15 days in any 90-day period.</li> </ul>	<ul style="list-style-type: none"> <li>• This type of advertising media shall only be permitted in conjunction with an approved Grand Opening or other seasonal special event (new regulation) and limited to a maximum of 5 days.</li> <li>• No establishment shall display a large balloon more than two times per year.</li> </ul>
Other Requirements	<ul style="list-style-type: none"> <li>• Zones. Large balloons (larger than three square feet) are permitted in the C-1, C-2, and</li> </ul>	Maintain all "other" existing requirements and implement the following new requirements:

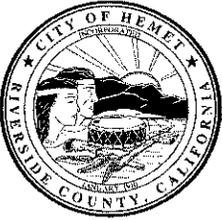
	<p>C-M zones, and within the Hemet Auto Mall Specific Plan area only.</p> <ul style="list-style-type: none"> <li>• Number. Only one large balloon is permitted at any one time on a site.</li> <li>• Height. Any large balloon must be maintained so that its highest point is no more than 20 feet above the roof line of the applicable premises. The maximum height of the balloon may not exceed 55 feet. When the premises lies within the Hemet-Ryan Airport Areas of Risk I, the balloon height may not exceed 35 feet. All large balloons must be maintained at least 20 feet below any overhead utility line.</li> <li>• Separation. No new permit will be granted for a large balloon within 1,000 feet or three blocks, whichever is greater, from any other large balloon.</li> </ul>	<ul style="list-style-type: none"> <li>• The balloon must be maintained in a clean and attractive manner at all times it is on display.</li> <li>• The balloon may not be internally illuminated at any time.</li> <li>• Method of tie down or tethering shall be approved by the Building Official prior to installation.</li> <li>• A deflated balloon shall immediately be removed until it has been repaired.</li> <li>• Separation requirements for balloons shall not apply within the Hemet Auto Mall. The SP document states that balloons and other types of temporary signage "shall only be permitted for a consecutive period of not more than ten (10) days in any thirty day period."</li> </ul>
--	---	--

**12. On-site Directional Signs:**

*New Definition: On-site directional sign means a sign that provides directional information to assist drivers, pedestrians, and travelers with wayfinding through a multi-tenant center.*

<b>ON-SITE DIRECTIONAL SIGNS</b>		
<b>Provision</b>	<b>Existing Regulation</b>	<b>Proposed Regulation</b>
Permit Required	Not specified in Code	<ul style="list-style-type: none"> <li>• Planning Department Permanent Sign Review shall be required</li> <li>• Building Permit required</li> </ul>
Other Requirements	Not specified in Code	<ul style="list-style-type: none"> <li>• On-site directional signage may be permitted in a multi-tenant center through the amendment of an existing, or the creation of a new, master sign program for commercial centers.</li> <li>• On-site directional signs may be used within centers having 25,000 or more square feet of</li> </ul>

		<p>commercial space, or ten or more tenants, or when the configuration of the tenant spaces warrants the need for directional signage.</p> <ul style="list-style-type: none"><li>• On-site directional signs may include individual tenant panels that can be changed.</li><li>• On-site directional signs may include corporate logos.</li><li>• On-site directional signs shall be at a "human scale" and shall incorporate small scale panels.</li><li>• On-site directional signs shall be professionally designed and constructed using durable materials capable of withstanding exposure to sunlight and weather for prolonged periods of time.</li></ul>
--	--	--



TO: Honorable Chairman and Members of the Planning Commission

FROM: Deanna Elliano, Community Development Director *DE*  
Nancy Gutierrez, Project Planner *NG*

DATE: April 15, 2014

RE: **ZONING ORDINANCE AMENDMENT (ZOA) NO. 14-001 (Updates to the Agricultural Zone, Open Space Zone and Animal Keeping provisions)**- A city-initiated action amending Chapter 90 (Zoning) of the Hemet Municipal Code to update certain zoning and development regulations in the agriculture zones, open space zones, and animal keeping regulations to achieve consistency with the City's adopted General Plan in accordance with State law.

**APPLICANT:** City of Hemet  
**LOCATION:** Citywide  
**PLANNER:** Nancy Gutierrez

### **RECOMMENDED ACTION:**

*That the Planning Commission:*

1. *Conduct the public hearing and consider any public testimony on the proposed ordinance; and*
2. *Adopt Planning Commission Resolution Bill No. 14-007 recommending APPROVAL of Zoning Ordinance Amendment No. 14-001 (Ordinance Bill No. 14-014) to the City Council.*

### **BACKGROUND**

On January 24, 2012, the City adopted a comprehensive update to the Hemet General Plan and subsequently embarked upon the process of bringing the zoning ordinance into compliance with the updated General Plan in accordance with State law. Over the past two years, staff has been methodically bringing proposed zone text and zone map amendments to Planning Commission and City Council for consideration as part of the City's General Plan Consistency Zoning Program. ZOA14-001 continues that process by recommending modifications to the Agricultural and Open Space zones, and the associated animal-keeping code section. The amendment recommends the reorganization and renaming of the existing zones, and minor modifications to the allowable uses in recognition of an evolving city. The proposed map changes that implement the recommended ordinance changes will be presented to Planning Commission at a later date.

### **DESCRIPTION OF PROPOSED ZONING ORDINANCE AMENDMENTS**

ZOA14-001 proposes updates to Article VII (Agriculture Zones), Article XXXIII (Open Space Zone), and Article III, Section 90-77 (Animal Regulations and Keeping Requirements) of Chapter 90 (Zoning) of the Hemet Municipal Code. The proposed amendments are summarized below. The proposed text

and background documentation of the proposed amendments are attached to this staff report as Exhibit A1, Exhibit A2, and Exhibit A3 of the proposed Ordinance Bill No. 14-001.

### **Article VI (Agriculture Zones)**

State law requires a general plan to not only cover territory within the boundaries of the city, but any land outside of its boundaries which bears relation to its planning. Therefore, the Hemet General Plan covers area within the City, its sphere of influence, and the larger planning area. The General Plan establishes an Agricultural (A) land use designation that applies to specified property within its Sphere of Influence and Planning Area; however, no land within the City boundaries was designated Agriculture as the future use in the General Plan. Nonetheless, in recognition of the importance of maintaining land for the managed production of resources within an urban/suburban setting, the General Plan deems the following General Plan land use designations consistent with the City's agricultural zones: Agriculture, Rural Residential, Airport/Support Uses, Industrial (A-2-C only), Public Facilities, Park/Outdoor Recreation, Open Space/Natural Resource, School, and Quasi-Public. The proposed changes in ZOA14-001 are designed to maintain the intended purposes and long-term vision of the General Plan by allowing and supporting agricultural uses within the context of the designated General Plan land use categories. In addition, at present there are several properties in the City that are currently zoned for Agriculture and would be allowed to continue under the proposed zoning ordinance amendment.

Attachment 1, Exhibit A shows the text changes proposed by ZOA14-001 to Article VII (Agriculture) with additions shown in red and deletions in strikeout. The proposal establishes two agricultural zones, updates the land use (allowable uses) matrix, updates the site development standards, and adds performance standards as discussed below.

### ***Establishment of Agricultural Zones***

There are currently three agriculture zones in Article VII: A (Agriculture); A-1-C (Light Agriculture); and A-2-C (Heavy Agriculture). The latter two zones are County of Riverside zones that the City adopted when it annexed unincorporated County land and sought to assure property owners that City development standards would be consistent with County standards. The "C" stands for County.

ZOA14-001 proposes to remove the "C" reference and combine the A and A-1-C zones into an A-1 (Light Agriculture) zone. The purpose of the A-1 zone would be to provide areas for light agricultural use and land for eventual development consistent with the land use designation of the General Plan. The A-2-C zone would become an A-2 (Heavy Agriculture) zone.

### ***Proposed Amendments to Allowable Uses***

Attachment 2 outlines the proposed changes to the allowable uses in the Agriculture zones by listing all the existing uses with the corresponding proposed use by zone. In general, the following modifications are recommended to maintain the agricultural aspect of the zones and to strengthen and clarify allowable use standards:

- Combine all animal uses into one category: "Animal keeping", with a reference to Sec. 90-77 (Animal regulations and keeping requirements) for use requirements. To accommodate this recommendation, ZOA14-001 includes proposed updates to Section 90-77, which are discussed later in this staff report.
- Combine all horticulture uses into one category: "Commercial crop production."
- Remove the commercial, school, office, and recreational uses.
- Remove mobile home park and trailer park uses. (There are separate zone categories established for these uses.)
- Retain the A-2 (Heavy Agriculture) zone primarily to accommodate corresponding agricultural uses currently operational in the City and the City's Sphere of Influence in unincorporated Riverside County.

### ***Proposed Amendments to Site Development Standards***

The current development standards in the Agriculture zone show minimum lot size as 20,000 square feet in the A, A-1-C, and A-2-C zones without a reference to the larger minimum lot sizes shown on the zoning map. The zoning map legend has a 1-acre minimum for the A-1 zone, a 2-acre minimum for the A-2 zone, a 5-acre minimum for the A-5 zone, and a 10-acre minimum for the A-10 zone. In addition to these categories, the map also shows the County zones of A-1-C, A-1-C-1, A-1-C-5, A-2-C, A-2-C-5, and A-2-C-10. ZOA14-001 recommends consolidating all these minimum lot size references into three categories. The proposed amendment would increase the minimum lot size of the A-1 zone from 20,000 square feet to one acre and designate two minimum lot sizes for the A-2 zone. A-2-5 would have a minimum lot size of 5 acres and A-2-10 would have a minimum lot size of 10 acres. The RA (Residential Agriculture) zone allows for 20,000 square foot lot minimums and would not change. These larger minimum lot sizes are warranted in recognition of the changing role of agriculture in the City and the increasing proximity of residential subdivisions to agricultural land. The zoning map would be updated to reflect these zones and minimum lot sizes when the map is amended in the near future for those existing agricultural properties.

The current site development standards generally duplicate the standards in Article XI (Single Family Residential Zones). However, the R1 zones standards are not wholly applicable to the agriculture zones; therefore, ZOA14-001 recommends eliminating traditional subdivision measurement of yard requirements for the agriculture zones.

ZOA14-001 proposes the addition of four new sections regarding development standards to Article VII. Section 186(g) requires landscape buffers between new residential and agricultural uses. Sec. 90-187 states that principal buildings, structures, or uses require site development may require review pursuant to Article XLI (Site Development Review). Section 90-188 establishes performance standards by referencing compliance with newly updated performance standards of the applicable zone. Section 90-189 provides an appeals process to decisions of the Community Development Director.

### **Article XXXIII (Open Space Zones)**

The 2012 General Plan created a P (Park/Outdoor Recreation) and an OS (Open Space/Natural Resource) land use designation. The zoning ordinance only has one OS (Open Space) zone that

covers both recreational and natural resource uses. ZOA14-001 proposes to amend Article XXXIII (Open Space Zone) to create two zones to correspond with the General Plan designations:

- OS-G (Open Space – General) for the preservation of natural resources; and
- OS-R (Open Space – Recreation) for outdoor recreation.

Attachment 1, Exhibit A2 shows the text changes proposed by ZOA14-001 to Article XXXIII (Open Space) with additions shown in red and deletions in strikeout. The proposed allowable uses enable outdoor recreational uses and activities in the OS-R zone, and resource reserve uses in the OS-G zone. No changes are recommended to the development standards, but two new sections are proposed to remind planners and developers that site development review may be required for certain new buildings or uses proposed, and that a decision of the Community Development Director may be appealed to the Planning Commission.

### **Article III, Sec. 90-77 (Animal regulations and keeping requirements)**

As mentioned above, ZOA14-001 recommends consolidating the regulations for various animals in the A-1, A-2, and OS-G zones into the existing category “Animal keeping” with the requirement to refer to Sec. 90-77 for regulatory standards. Article III (Special uses and conditions), Section 90-77 (Animal regulations and keeping requirement) lists the various types of animals allowed in Hemet by zoning district and specifies required lot size, maximum number per venue, and any supplemental regulations.

In general, the text changes recommended by ZOA14-001 are intended to clarify and simplify the existing animal keeping regulations. Listed below are some of the key proposals:

- Aviaries: allow commercial aviaries in any zone with a requirement for an Administrative Use Permit.
- Equine animals: reduce the number of equine animals in lots over 2.5 acres from 10 per acre to a maximum of 20, to 2 per acre to a maximum of 20. This provision is consistent with similar regulations in many other communities.
- Hogs, pigs, and pygmy pigs: combine into one category, and apply the existing hog standards.
- Poultry: reduce the number of chickens permitted to a maximum of 12 hens; allow other poultry (turkeys, geese, emu) in the A-1, A-2, and RA zones by Administrative Use Permit.
- Sheep/goats, pygmy goats: combine into one category, “Sheep/goats”, and allow in the A-1, A-2, and RA zones at 4 per acre to a maximum of 15. With a Temporary Use Permit, goats and/or sheep may be used for cleaning sites of grass or weeds for no more than four weeks per six-month period.

### **ANALYSIS**

ZOA14-001 continues the City’s efforts to achieve zoning ordinance consistency with the adopted General Plan. The proposed changes implement the vision and intent of the General Plan by establishing zones, allowable uses, and site development standards that correspond to the underlying General Plan land use designation while being sensitive to existing patterns of development in the City.

Establishment of the proposed A-1, A-2, OS-G, and OS-R zones in the zoning ordinance must be completed before zoning map amendments can be considered. Assuming approval of ZOA14-001, the next step in the process is for the Planning Commission to consider rezone applications to help bring the zoning map into compliance with the General Plan land use map. Staff anticipates presenting applications to Planning Commission for the rezoning of specific parcels to the newly created zones within the near future.

**COORDINATION AND PUBLIC REVIEW**

On March 23, 2014, the City published a notice in the Press Enterprise of the holding of a public hearing before Planning Commission at which the amendments to the City's zoning ordinance would be considered. To date, staff has not received any public comments on the draft ordinance.

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

The primary purpose of ZOA14-001 is to provide consistency between the zoning ordinance and the General Plan on Agriculture and Open Space land use designations. The proposed amendment is consistent with the General Plan definition, intensity range, and stated goals for the A and OS zones.

**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 1506(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Whereas here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. It does not relate to any physical project and will not result in any physical change to the environment. Additionally, the proposed land use designations were analyzed by the environmental impact report prepared for the comprehensive update to the Hemet General Plan and adopted in January 2012. Therefore, it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment, and therefore, the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Prepared by:

  
\_\_\_\_\_  
Nancy Gutierrez  
Project Planner

Reviewed by:

  
\_\_\_\_\_  
Deanna Elliano  
Community Development Director

**ATTACHMENTS:**

1. Planning Commission Resolution Bill No. 14-007
  - Exhibit A – Proposed City Council Ordinance Bill No. 14-014
    - Exhibit A1 Proposed modifications to Article VII (Agriculture Zones) establishing an A-1 (Light Agriculture) and A-2 (Heavy Agriculture) zone and updating certain zoning and development standards.
    - Exhibit A2 Proposed modifications to Article XXXIII (Open Space Zone) establishing an OS-G (Open Space - General) and OS-R (Open Space - Recreation) zone and updating certain zoning and development standards.
    - Exhibit A3 Proposed modifications to Article III (Special Uses and Conditions) Sec. 90-77 (Animal regulations and keeping requirements) updating certain zoning and development standards.
2. Agriculture zones land use matrix comparison
3. Current Sec. 90-77 Animal regulations and keeping requirements
4. Hemet Municipal Code Chapter 10 (Animals)

# Attachment 1

Planning Commission  
Resolution Bill No. 14-007



CITY OF HEMET  
Hemet, California

PLANNING COMMISSION  
RESOLUTION BILL NO. 14-007

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ZONING ORDINANCE AMENDMENT NO. 14-001, AN ORDINANCE AMENDING ARTICLE VII (AGRICULTURE ZONES), ARTICLE XXXIII (OPEN SPACE ZONE), AND ARTICLE III, SECTION 90-77 (ANIMAL REGULATIONS AND KEEPING REQUIREMENTS) TO ACHIEVE COMPLIANCE WITH THE HEMET GENERAL PLAN AS PART OF THE CITY'S GENERAL PLAN CONSISTENCY ZONING PROGRAM.

**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 April 3, 2014, 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 April 15, 2014 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. 14-014; 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 April 15, 2014 and documents incorporated  
6 therein by reference, and any other evidence (within the meaning of Public Resources  
7 Code Sections 21080(e) and 21082.2) within the record or provided at the public  
8 hearing of this matter, hereby finds and determines as follows:  
9

- 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 amendments proposed by  
17 this Ordinance do not relate to any physical project and will not result in any  
18 physical change to the environment. Additionally, the proposed land use  
19 designations were analyzed by the environmental impact report prepared for the  
20 comprehensive update to the Hemet General Plan and adopted in January 2012.  
21 Therefore, it can be seen with certainty that there is no possibility that this  
22 Ordinance may have a significant adverse effect on the environment, and  
23 therefore the adoption of this Ordinance is exempt from CEQA pursuant to  
24 Section 15061(b)(3) of the CEQA Guidelines.  
25

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

27  
28 Pursuant to Hemet Municipal Code Section 90-41.5(a), the Planning Commission  
29 makes the following findings with respect to this zoning ordinance amendment:  
30

- 31 1. *The zoning ordinance amendment is in conformance with the latest adopted*  
32 *general plan for the City.*  
33

34 The zoning ordinance is in conformance with the latest adopted general plan for  
35 the City in that the primary purpose of ZOA14-001 is to provide consistency  
36 between the zoning ordinance and the General Plan on Agriculture and Open  
37 Space land use designations. Additionally, the proposed amendment is  
38 consistent with the General Plan definition, intensity range, and stated goals for  
39 the A and OS zones. This Ordinance conforms with Goal LU-1 of the Hemet  
40 General Plan to achieve a balanced and sustainable pattern of land uses,  
41 community services, and amenities that provide for the needs of the City's  
42 residents and businesses and enhance the overall quality of life in the  
43 community.  
44  
45

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

4  
5 The Zoning Ordinance Amendment protects the public health, safety and welfare  
6 by establishing and updating zoning requirements that strength the City's  
7 economic growth potential while protecting residential neighborhoods by avoiding  
8 land use conflicts and providing for compatible development.  
9

10 **SECTION 3: PLANNING COMMISSION ACTIONS**

11  
12 The Planning Commission hereby takes the following actions:

13  
14 1. The Planning Commission approves Resolution Bill No. 14-007 recommending  
15 that the City Council adopt the proposed Ordinance which is attached hereto and  
16 incorporated herein by reference as Exhibit "A."  
17

18 **PASSED, APPROVED AND ADOPTED** this 15<sup>th</sup> day of April, 2014, by the  
19 following vote:

20  
21 AYES:

22 NOES:

23 ABSTAIN:

24 ABSENT:  
25  
26  
27

28 \_\_\_\_\_  
29 John Gifford, Chairman  
Hemet Planning Commission

30 ATTEST:  
31  
32  
33  
34

35 \_\_\_\_\_  
36 Melissa Couden, Records Secretary  
Hemet Planning Commission

# **Exhibit A**

**Proposed City Council  
Ordinance Bill No. 14-014**



1  
2  
3  
4 **CITY OF HEMET**  
5 **Hemet, California**  
6 **ORDINANCE BILL NO. 14-014**

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 UPDATE**  
10 **ARTICLE VII (AGRICULTURE ZONES), ARTICLE XXXIII**  
11 **(OPEN SPACE ZONE), AND ARTICLE III, SECTION 90-77**  
12 **(ANIMAL REGULATIONS AND KEEPING**  
13 **REQUIREMENTS) TO ACHIEVE COMPLIANCE WITH THE**  
14 **HEMET GENERAL PLAN AS PART OF THE CITY'S**  
15 **GENERAL PLAN CONSISTENCY ZONING PROGRAM.**

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

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

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 April 15, 2014, the Planning Commission was presented with a  
25 draft of this Ordinance Bill No. 14-014 and, after conducting a duly noticed public  
26 hearing, voted to recommend that the City Council approved Ordinance Bill No. 14-014

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SECTION 1: AMENDMENT OF CHAPTER 90**

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

**SECTION 2: CEQA FINDINGS.**

This Ordinance is exempt from the California Environmental Quality Act ("CEQA") under CEQA Guideline 15061(b)(3) because it can be said with certainty that there is no possibility the proposed Ordinance may have a significant effect on the environment. The proposed Ordinance does not relate to any physical project and will not result in any physical change to the environment. Additionally, the proposed land use designations were analyzed by the environmental impact report prepared for the comprehensive update to the Hemet General Plan and adopted in January 2012. Therefore, it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment and, therefore, the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**SECTION 3: SEVERABILITY.**

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

**SECTION 4: EFFECTIVE DATE.**

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SECTION 5: PUBLICATION.**

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

**INTRODUCED** at the regular meeting of Hemet City Council on the 13<sup>th</sup> day of May, 2014.

**APPROVED AND ADOPTED** this 27th day of May, 2014.

\_\_\_\_\_  
Larry Smith, Mayor

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

**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
Eric S. Vail, City Attorney

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing Ordinance was introduced and first read on the 13<sup>th</sup> day of May, 2014, and had its second reading at the regular meeting of the Hemet City Council on the 27<sup>th</sup> day of May, 2014, and was passed by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

---

Sarah McComas, City Clerk

# Exhibit A1

Proposed Amendments to  
Article VII (Agriculture Zones)

## ARTICLE VII. - AGRICULTURE ZONES

Sec. 90-181. - Purposes.

**Sec. 90-182- Zones Established**

Sec. 90-182 **183**. - Permitted uses.

Sec. 90-183 **184**. - Reserved.

Sec. 90-184 **185**. - General requirements.

Sec. 90-185 **186**. - Site development requirements.

**Sec. 90-187. – Site development review requirements.**

**Sec. 90-188. - Performance standards.**

**Sec. 90-189. - Appeals**

Secs. 90-186 **190**—90-210. - Reserved.

### **Sec. 90-181. - Purposes.**

The purpose of the agricultural zones is to:

- (1) Provide appropriate areas for the **managed production of agricultural resources** ~~continuation of agriculture as a business and a way of life~~ on land of sufficient size.
- (2) Provide for the orderly development of large areas of open land which will have a definite public value as open space or which have been intended for eventual development, pending proper timing for the economical provision of utilities, major streets and other facilities.
- (3) Implement the intention of the underlying land use designation of the General Plan.

### **Sec. 90-182. – Zone Established**

The Agriculture zones are established in accordance with the standards of this article and as shown on the official zoning map pursuant to Sec. 90-6.

(1)

~~A—Agriculture zone: To provide for the orderly development of large areas of open land which will have a definite public value as open space or which have been intended for eventual development, pending proper timing for the economical provision of utilities, major streets and other facilities, so that orderly development will occur. It is also the purpose to provide appropriate areas for the establishment of light agricultural uses.~~

(2 1)

~~A-1-C—Light agricultural zone: To provide appropriate areas for the continued managed production of agricultural resources and associated uses for the establishment of light agricultural land uses in a manner consistent with county standards or for eventual development consistent with the land use designation of the General Plan.~~

(32)

~~A-2-C—Heavy agricultural zone: To provide appropriate areas for the establishment of heavy agricultural land uses in a manner consistent with county standards.~~

(Ord. No. 1552, § 2)

**Sec. 90-182183. - Permitted uses.**

In the A zones, permitted and conditionally permitted uses shall be as listed within the "Land Use Matrix." Whenever a business is conducted, even if it is a home occupation, a city business license is required pursuant to chapter 18. All other uses not specifically listed in the matrix shall be interpreted as not permitted unless a Similar Use Determination is made by the Community Development Director pursuant to Sec 90-3. Uses located within the Hemet-Ryan Airport Influence Area are subject to the requirements of the Riverside County Airport Land Use Plan.

NOTE: THIS MATRIX TO BE REPLACED WITH THE MATRIX THAT FOLLOWS					
AGRICULTURAL LAND USE MATRIX					
P=Permitted Use    C=Conditionally Permitted Use					
		ZONE	A	A-1-C	A-2-C
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	P
2.	Aircraft landing strip or heliport pad for use in agricultural operations (Approval by the Riverside County Airport Land Use Commission may be required)				C
3.	All types of horticulture (excluding forestry operations) including, but not limited to apiaries and aviaries (in accordance with <u>Chapter 10</u> ), farms, orchards:				
	a. Operated as a business		P	P	P
	b. Operated as part of a residential use		P	P	P
4.	Animal husbandry for commercial purposes including, but not limited to: the feeding, grazing, or keeping for sale, breeding (including experimental), and, by-products of cattle, horses, sheep and/or goats, chinchilla, fish or frogs, and rabbits. Hogs are specifically excluded (See <u>section 90-182 A.9.</u> for requirements).		P	P	P
5.	Animal shelters, large animal hospital, veterinary hospitals/offices		C	C	C
6.	Cattle (pen-fed operation)				C
7.	Chickens (see <u>section 90-182 A.18.</u> )				
8.	Dairy (The maximum number of cows will be determined based upon available land and normal dairy operations)				C
9.	Fairgrounds, including the usual associated commercial uses				C
10.	Fertilizer operation for farm animal manure including, but not limited to drying, stockpiling, and sale				C
11	Fertilizer, storage of packaged dry		C	C	
12	FFA (Future Farmers of America), 4-H (head, heart, hands, health) or similar projects conducted by the occupants of the premises (A no fee temporary use permit is required, see section 90-73. For animal keeping requirements see section 90-77).		P	P	P

13.	Grange Hall		C	C
14.	Hogs (weaned and unweaned) raised for noncommercial purposes subject to the requirements of <u>section 90-77</u>		P	P
15	Hog ranch			C
16	Kennels for dogs and/or cats			
	a. Commercial (See <u>section 90-78</u> for requirements)		C	C
	b. Noncommercial on a minimum of one acre of land		C	C
17.	Menagerie (The number and type of animals shall be determined on the basis of available land and the proposed operation of the facility)		C	C
18.	Nurseries, greenhouses and gardening			
	a. Wholesale		P	P
	b. Retail		C	C
19.	Pigs, pigmy goats, miniature horses and other small animals		P	P
20.	Poultry (except turkeys, geese, and guinea fowl) chinchillas, hamsters, rabbits and other small animals, (See <u>section 90-188</u> for additional requirements).		P	P
21.	Poultry farm and operations (The maximum number of poultry shall be determined based upon the available land and the normal operation of a poultry farm)			C
22	Produce processing (grown on the premises, provided that buildings or structures used for processing operations such as canning, drying, packaging and freezing, are a minimum of 20 feet from all property lines).		P	P
23.	Produce processing grown off-premises			C
24.	Produce stands-permanent (For temporary produce stands see <u>section 90-73.</u> )		C	C
25.	Slaughterhouse			C
26	Winery and incidental use including, but not limited to wine tasting, winery tours, and retail wine sales		C	C
27	Wildlife preserve and sanctuary		P	P
B.	Residential Uses			
1.	Bed and breakfast		C	C
2.	Family care home (state licensed) for mentally disordered, handicapped, dependent or neglected children, serving up to a maximum of six persons		P	P
3.	Family day care facility up to a maximum of 12 clients		P	P
4.	Guest house on the same site as an existing single-family home		P	P
5.	Home occupations subject to the requirement of <u>section 90-72</u>		P	P
6.	Household pets including, but not limited to dogs, pot belly pigs and cats (See <u>section 90-77</u> )		P	P
7.	Mobile homes as a caretaker residence		P	P
8.	Recreational vehicle park		C	C
9.	Rented room (one) within an existing single-family dwelling		P	P
10.	Residential care facility (state licensed) for the elderly serving up to a maximum of six persons		P	P
11	Single-family residential dwelling unit including manufactured housing, prefabricated		P	P

	housing, and mobile homes built after 1986 when installed on permanent foundations when in accordance with <u>section 90-315(a)</u>			
<u>12</u>	Travel trailer park	C	C	C
C. Commercial Uses				
1.	Auction or sales yard	C	C	C
2.	Beauty shop		C	C
3.	Contractors equipment storage	C		
4.	Environmental cleanup and treatment systems (subject to a temporary use permit see <u>section 90-73</u> )	P	P	P
5.	Equipment used in agriculture, sales and repairs			C
6.	Feed store including tack and other similar items	C	C	C
7.	Meat cutting and packing			C
8.	Real estate sales office		C	C
9.	Truck station including, but not limited to cartage, storage, maintenance weighing or transfer of agricultural commodities			C
10.	Recycling facility - nonpermanent (subject to a temporary use permit see <u>section 90-73</u> )	P	P	P
<u>11</u>	Recycling facility - permanent	C	C	C
<u>12</u>	Dentist and doctor's office on the site of an existing single-family home		C	
13.	Commercial recording studio on the site of an existing single-family home		C	
D. Manufacturing Uses				
1.	Oil production (excluding refining or processing)		C	C
2.	Storage of petroleum products for use on the premises but not for resale	P	P	P
E. Recreation and Open Space Uses				
1.	Cemetery, crematorium, columbariums, and related facilities	C		
2.	Equestrian activities including, but not limited to riding academies, stables, and thoroughbred farms	C	C	P
3.	Game court - lighted (with ten-foot high court fencing)	C		
4.	Golf course and/or driving range	C		
5.	Hunt club including skeet ranges, trap ranges, and rifle ranges			C
6.	Lodge hall for civic, social, or fraternal organizations		C	C
7.	Recreation center, park, playground, unlighted game court (with ten-foot high court fencing) racquetball center, swim club	P	P	P
8.	Shooting range outdoor			C
9.	Skating rink, outdoor	C	C	C
F. Miscellaneous Uses				
1.	Church, temple synagogue or other religious facility including, but not limited to, parish house, convent, parsonage, monastery, religious school	C	C	C
2.	Flood control facilities, including, but not limited to, detention and retention basins, flood control channels	P	P	P
3.	Mining, including extraction of sand, gravel and soil. A reclamation plan shall be included		C	C

	as part of the conditional use permit			
4.	Museum		C	C
5.	Public facilities and utilities including but not limited to, electrical substations, transmission substations, city facilities, libraries and public offices	C	C	C
6.	School or college including, but not limited to art, business, cosmetology, craft, dance, music, professional, technical and trade	C	C	C
7.	Waterworks facility (public or private) for the production and distribution of water for irrigation	P	P	P
G.	Accessory Uses			
1.	Accessory structures and uses located on the same site as a permitted use	P	P	P
2.	Accessory structures and uses located on the same site as a conditional use	C	C	C
3.	Antennas for microwave, cellular phones and the like	C	C	C
4.	Satellite dish antennas			
	a. <39 inches in diameter when ground or roof mounted meeting the requirements of section 90-184(a)	P	P	P
	b. >39 inches but less than eight feet in diameter when ground or roof mounted meeting the requirements of section 90-184(a)	P	P	P

(Ord. No. 1552, § 2, 1-28-97; Ord. No. 1566, § 2(A), 8-26-97; Ord. No. 1581, § 2, 2-24-98; Ord. No. 1591, § 1(1), 9-29-98)

<b>AGRICULTURE (A) ZONE LAND USE MATRIX</b>			
<b>P = Permitted Use</b> <b>A = Administratively Permit Use</b> <b>C = Conditionally Permitted Use</b> <b>X = Not Permitted</b> <b>REQUIREMENTS: Additional or explanatory regulations or requirements</b>			
LAND USE	A-1	A-2	REQUIREMENTS
<b>A. Agriculture and Natural Resources</b>			
1. Animal keeping	P	P	Sec. 90-77
2. Commercial crop production including fruits, vegetables, flowers, and ornamental plants	P	P	
3. Fertilizer operation for farm animal manure including but limited to drying, stockpiling, storage, and sale	X	C	
4. Produce processing (canning, drying, freezing, packing) of food grown on the premises	X	P	Article XLI
5. Produce stands			
a. Permanent	P	P	Article XLI
b. Temporary	P	P	Sec. 90-73
6. Winery for grapes grown on the premises and incidental uses such as wine tasting, tours, sales	X	C	
7. Wildlife preserve and sanctuary	P	P	
<b>B. Residential Uses</b>			
1. Farmworker housing of up to 36 beds or 12 family units as a component of an agricultural use pursuant to Health and	P	P	Not subject to the maximum density requirements of

<b>AGRICULTURE (A) ZONE LAND USE MATRIX</b>			
<b>P = Permitted Use</b> <b>A = Administratively Permit Use</b> <b>C = Conditionally Permitted Use</b> <b>X = Not Permitted</b> <b>REQUIREMENTS: Additional or explanatory regulations or requirements</b>			
LAND USE	A-1	A-2	REQUIREMENTS
Safety Code §§ 17021.6 and 50199.7			Sec. 90-185
2. Single family home	P	P	
<b>C. Residential – Other</b>			
1. Animal keeping	P	P	Sec. 90-77
2. Home occupations	P	P	Sec. 90-72
3. Residential accessory uses and structures	P	P	
<b>D. Education, Public Assembly, and Recreation Uses</b>			
1. Fairgrounds	X	C	
2. Equestrian activities	C	P	
<b>E. Service Uses</b>			
1. Animal Services			
a. Boarding/Training – day only	P	P	
b. Boarding/Training – overnight stays	C	P	
c. Grooming	X	P	
d. Veterinary clinic, animal hospital	X	C	
2. Bed and breakfast inn	X	C	
<b>F. Industrial Uses</b>			
1. Petroleum products distribution and storage for on-site agricultural use	X	P	
2. Mining, including extraction of sand, gravel, and soil.	X	C	A reclamation plan is required as part of the CUP process
<b>G. Transportation, Communication, and Infrastructure Uses</b>			
1. Flood control facilities, including, but not limited to detention and retention basins, flood control channels	P	P	
2. Satellite dish antenna	P	P	
3. Wireless communication facility			Article XLVI
a. Minor facility	A	A	
b. Major facility	C	C	

**Sec. 90-183~~184~~.** - Reserved.

**Sec. 90-184~~185~~** - 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.

A-ZONES MINIMUM DEVELOPMENT STANDARDS						
	ZONE	A	A-1-G	A-2-5-G	A-2-10-G	REQUIREMENTS
1.	Density (maximum units/gross acre)	None	None 2 du/ac	None 1 du/ac	None 1 du/ac	
2.	Net Minimum lot area	20,000	20,000 1 acre	20,000 5 acres	20,000 10 acres	
3.	Lot width		100	100	100	
	a. Standard	100	100	100	100	
	b. Cul-de-sac/knuckle	40	40	40	40	
	c. Flag lots/width of flag	20	20	20	20	
4.	Lot depth	150	150	150	150	
5.	Front yard setback	20	20	20	20	
6.	Rear yard setback	10	10	10	10	
7.	Side yard setback		10	10	10	
	a. Interior side	Five feet for each story				
	b. Street side	10	10	10	10	
8.	Lot coverage	None	None	None	None	
9.	Habitable Building and structure height.	40	40;sub\sub;	40;sub\sub;	40;sub\sub;	
10.	Parking required (see article XL)					Article XL
11.	Signing allowed (see article XXXVI)					Article XXXVI

Footnotes:

- a. All buildings or structures in excess of 40 feet in height shall be permitted by conditional use permit pursuant to article XLIV.
- b. All buildings and structures, except for single-family homes, shall not exceed a height of 50 feet. A height of up to 75 feet for buildings or 105 feet for other structures may be specifically permitted by conditional use permit pursuant to article XLIV.
- c. For advertising only the sale of services or products produced on the premises, a unlighted sign, single or double faced, not exceeding 12 square feet in area per face, is permitted. Flashing objects or banners are not permitted.

(Ord. No. 1552, § 2, 1-28-97; Ord. No. 1581, § 2, 2-24-98)

**Sec. 90-485186. - Site development requirements.**

- (a) Single-family dwellings standards, including manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 on permanent foundations, in any zone. The following standards shall be met for any single-family dwelling in any zone:

(1)

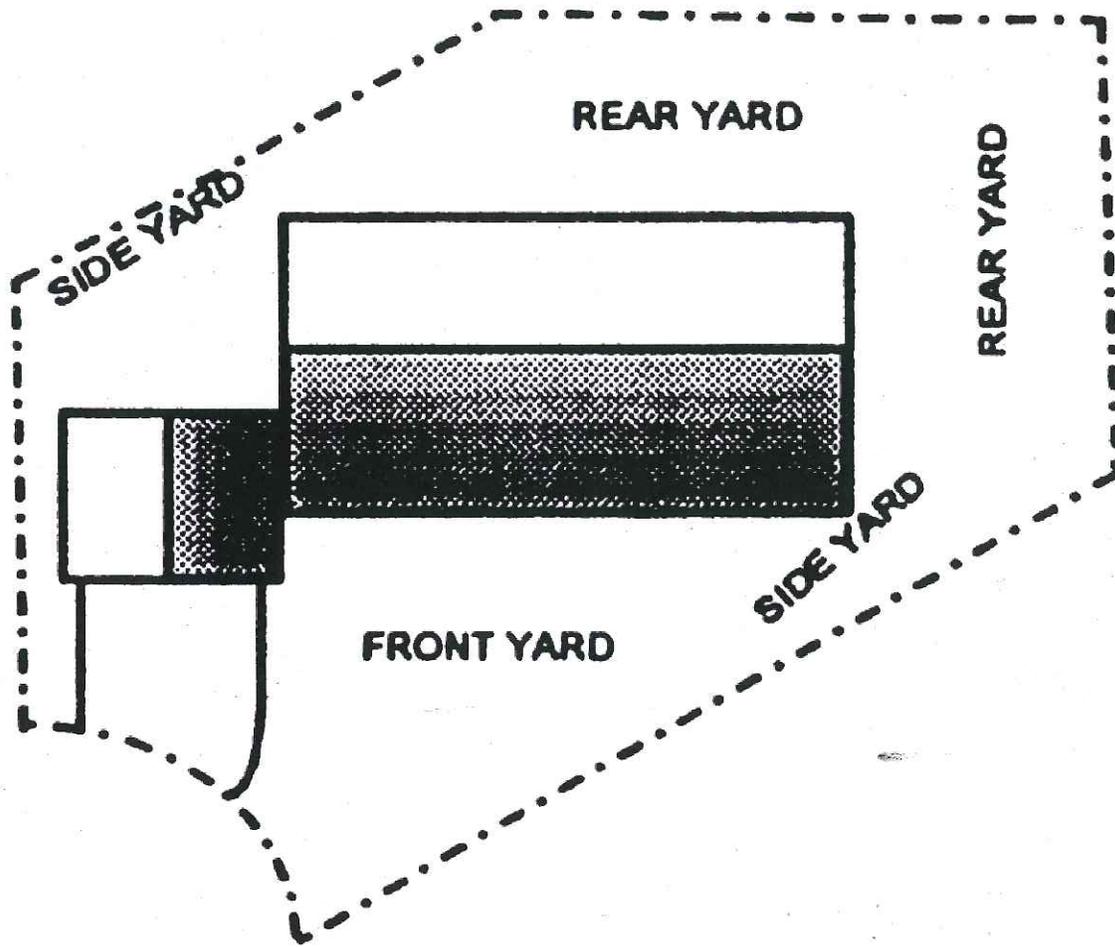
Structure design shall be consistent with the City's residential design guidelines and shall incorporate sustainable design features as reasonably feasible. Exterior siding shall be of brick, wood, stucco, metal, concrete or other similar material. Glossy, reflective, polished and roll formed type metal siding is expressly prohibited unless this requirement is modified pursuant to subsection (b) of this section.

- (2) Eave overhangs shall be at least 12 inches up to a maximum of 30 inches.
- (3) Roof material of the main dwelling and garage shall be of wood shingle, asphalt composition, crushed rock or other similar material. Glossy, reflective, polished and roll-formed type metal roofing is expressly prohibited unless this requirement is modified pursuant to subsection (b) of this section. Any roof mounted equipment including, but not limited to air conditioners, evaporation coolers, shall be architecturally screened from view.
- (4) The minimum dwelling unit width shall be 20 feet.
- (5) The floor elevation of the dwelling unit shall be as close as possible to grade level of the lot, while still permitting good drainage of water away from the dwelling unit.
- (63) An enclosed storage area of not less than 175 cubic feet of interior area shall be provided within the garage or carport in the form of a loft or other usable area set aside specifically for storage purposes. This standard shall also apply to new garages or carports.
- (7) Modifications: The city council may, without conducting a public hearing, approve a modification to the standards required in subsections (a)(1) through (6) of this section. In approving a modification, the city council shall find as follows:
  - a. That such modification will enhance the architectural compatibility of the proposed dwelling with existing dwellings in the surrounding area.
  - b. That such modification will enhance the public health or safety or is necessary to comply with other applicable regulations.

(b)

Measurement of yards.

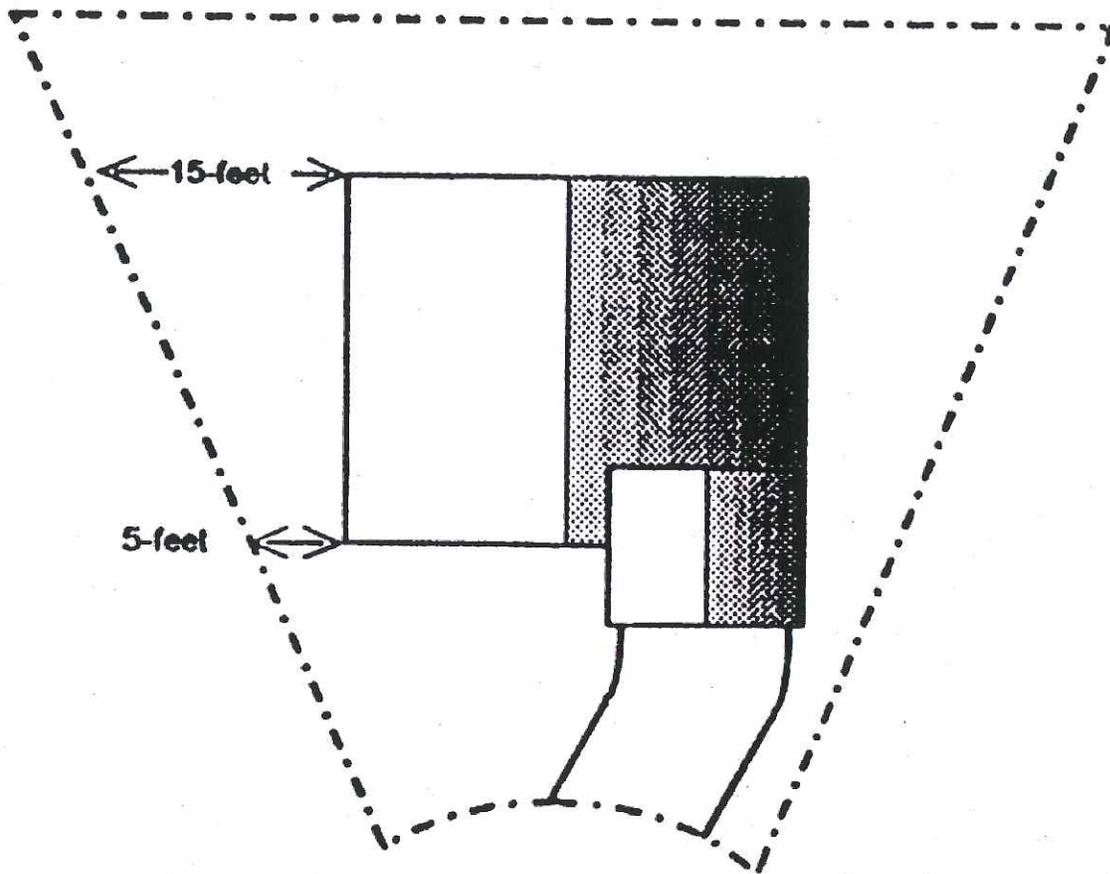
- (1) A required yard or other open space around an existing or proposed building shall not be used to meet a required yard or other open space for any other building on an adjoining lot or building site.
- (2) Garage doors shall not, when open or being opened, project beyond any lot line.
- (3) On most lots the required yards shall be as defined in section 90-4. On lots of unusual shape the director shall determine the front, rear and side yard areas based upon the location of the entrance to the house, the address of the house, the floor plan of the house, the slope of the lot, and other similar considerations. The yards shall be indicated on a site plan and maintained on file along with the building permit. See Figure 1 below.



**Figure 1: Unusually Shaped Lot Figure 1 to be removed**

(4)

On lots at the terminus of a cul-de-sac street and lots on the knuckle of a street the required setbacks of ~~section 90-184(a)~~ shall be an average of the closest and furthest setback from the proposed building. For example if the closest side yard setback is five feet and the furthest side yard setback on that same side is 15 feet, the average setback would be ten feet. In no case shall the required yard be less than five feet, see Figure 2 below.



**Figure 2: Cul-de-Sac and Knuckle Lots** *Figure 2 to be removed.*

(c)

Building projections into yards.

(1)

The director may allow building projections into the front, side, or rear yard setback as appropriate. Cornices, eaves, belt courses, sills, canopies, chimneys, 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 (6) 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 (3) feet, and such balconies or stairway may extend into a required front yard not more than the required exit dimension.

(42)

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. The building addition shall not exceed 50 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.

(d)

Height exceptions. (1) Structures permitted above a specified height limit may be erected as follows: Structure 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.

(e)

Accessory buildings.

(1)

Accessory structures shall meet the required setbacks of the zone in which they are located. Except that, accessory structures less than 120 square feet in area and less than eight feet in height which are not permanently affixed to the ground may be located as close as three feet to interior side or rear property lines. In no instance shall any accessory structure be placed closer to the front property line than the principal structure.

(2)

In all agricultural zones, accessory structures may be constructed in excess of 50 percent of the principal structure, may exceed the height of the principal structure, and need not be architecturally compatible with the principal structure. ~~Except that, on property designated other than agriculture by the general plan land use map, planning commission review is required.~~

(3)

~~Where planning commission review is required, the planning commission shall review the project and shall either approve it as submitted, approve it subject to conditions, or deny it based on the following criteria. The accessory structure: a) is otherwise consistent with the regulations of the zone in which it is located; b) is not detrimental to the public health, safety and welfare particularly that of adjacent properties; and c) does not detract from the residential character of the surrounding neighborhood.~~

(4)

All accessory structures shall be screened to the maximum intent possible with landscaping, fencing, or combination thereof, so as to minimize visual impacts from adjacent rights-of-way and from adjoining properties.

(f)

Walls, fencing, screening and landscaping. ~~Walls, fencing, screening, and landscaping shall comply with the regulations of Sec. 90-1046(g) unless specified elsewhere in this article. 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 the safety of persons using sidewalks and streets related to the property.~~

(1)

*Fencing generally.* Walls, fences, screening and hedge planting up to a maximum of six feet in height, measured 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.

Walls, fences, screening or hedge plantings in any required front yard shall be a maximum of 42 inches in height when measured from the adjacent sidewalk or street, unless expressly permitted by other applicable sections of this chapter.

b.

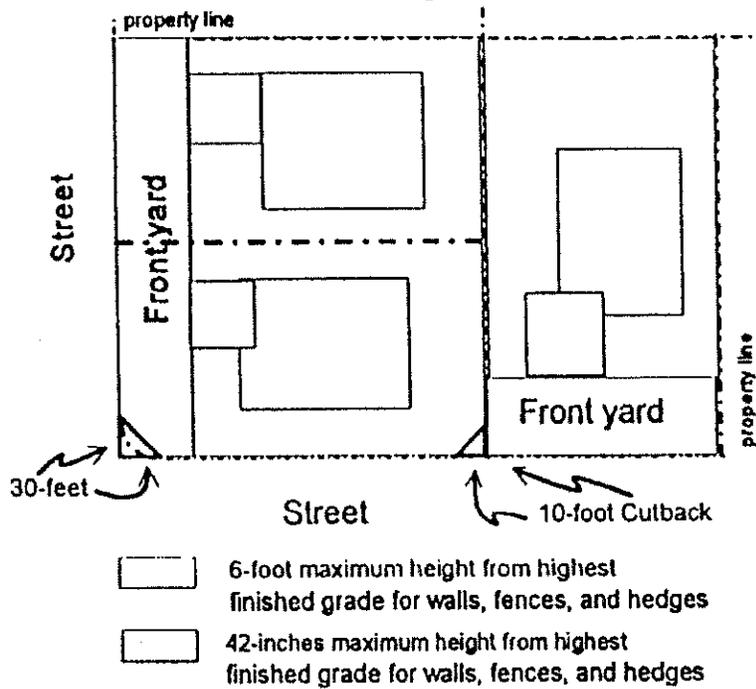
A wall, fence or hedge up to six feet in height may be located parallel to the edge of the sidewalk on the street side yard adjacent to the lot, whether the sidewalk area is monolithic or has a planted parkway.

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.

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.



**Corner Cutback Figure to be removed.**

(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)

~~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.~~

(Ord. No. 1552, § 2, 1-28-97; Ord. No. 1581, § 2, 2-24-98; Ord. No. 1675, 10-8-02)

(g)

*Agricultural buffers.* Landscape buffers are required between residential developments and agricultural uses to reduce potential conflicts. Any new residential development proposed adjacent to an existing long-term agricultural operation and any new agricultural operation proposed adjacent to an existing residential subdivision shall provide a landscape buffer approved by the Community Development Director.

**Sec. 90-187 - Site development review requirements.**

Principal buildings, structures, or uses, or a significant alteration or enlargement of an existing building, structure, or use may be subject to the requirements of Article XLI (Site Development Review) of this chapter.

**Sec. 90-188 – Performance standards.**

Agricultural operations shall comply with the regulations of Sec. 90-1048 unless specified elsewhere in this article.

**Sec. 90-189 – 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. 90-186~~190~~—90-210. - Reserved.**

---

88; Ord. No. 1520, § 1, 5-23-95. ([Back](#))

# Exhibit A2

Proposed Amendments to  
Article XXXIII  
(Open Space Zones)

## ARTICLE XXXIII OPEN SPACE ZONES

- Sec. 90-1151. - Purpose.
- Sec. 90-1152. - Zones established
- Sec. 90-1153. - Permitted and conditionally permitted uses.
- Sec. 90-1154. - Site area.
- Sec. 90-1155. - Lot coverage.
- Sec. 90-1156. - Offstreet parking and loading.
- Sec. 90-1157. - Signs.
- Sec. 90-1158. - Utilities.
- Sec. 90-1159. - Building height.
- Sec. 90-1160. - Lighting.
- Sec. 90-1161. - Site development review requirements.
- Sec. 90-1162. - Appeals
- Secs. 90-1163—90-1180. - Reserved.

### Sec. 90-1151. - Purpose.

- (a) The purpose of the OS-open space zones is to protect and preserve open space for natural and manmade resources, outdoor recreation and education, and public health and safety. It is also the intent of this district to provide open space in the city by limiting development in areas which are so located or configured, or which possess such physical features, that they may provide valuable and functional open space for the purposes of helping to shape urban form, to provide local or buffer greenbelts, and to serve as linkages between open space areas. Any building or structure permitted in this district shall be subordinate to and in furtherance of use of the land for open space as defined in the city general plan and the state planning and zoning law.  
(Ord. No. 997; Code 1984, § 23900)
- (b) The open space zones implement the General Plan Open Space/Natural Resource designation, which provides for open space areas to be managed in as near a natural state as possible, and the Park/Recreation designation, which provides for open space for outdoor recreation.

### Sec. 90- 1152. - Zones established.

The open space zones are established as follows:

#### Sec. 90-1152. - Permitted uses.

~~In the OS zone, buildings, structures and land shall be used, and buildings and structures shall be erected, structurally altered or enlarged, only for the following uses. Any use other than those listed may be permitted, provided the planning commission determines the use is similar to those listed in this section, as prescribed by article XLII of this chapter.~~

(1)

#### *General uses.*

- (a) **The OS-G Open Space – General zone is for the preservation of natural resources, including but not limited to areas necessary for the preservation of plant and animal life, including habitat for fish and wildlife species, channels, creeks, lakes, reservoirs; banks of channels and creeks, lake shores and watershed lands; and areas known to contain natural mineral deposits. Typically, the OS-G zone is reserved for public or quasi-public lands. It also provides** ~~(e.)~~ open space for public health and safety, including but not limited to areas which require special management or regulations because of hazardous or special

conditions, such as earthquake fault zones, unstable soil areas, floodplains, retention basins, watershed areas presenting high fire risk, areas required for the protection of water quality and water reservoirs, areas of groundwater basins, areas required for recharge of groundwater basins, and areas required for the protection and enhancement of air quality.

- (b.) The OS-R Open Space – Recreation zone is for outdoor recreation, including but not limited to areas of outstanding scenic, historic and cultural values; areas particularly suited for park and recreation purposes; and areas which serve as links between major recreation and open space reservations, including utility easements, banks of channels and creeks, trails and scenic highway corridors.

(2)

*Specific uses.*

- a. ~~Apiaries.~~
- b. ~~Aquariums.~~
- c. ~~Arboretums.~~
- d. ~~Botanical gardens.~~
- e. ~~Country clubs and golf courses.~~
- f. ~~Cultural centers.~~
- g. ~~Field crops and horticulture.~~
- h. ~~Fisheries.~~
- i. ~~Flood control channels and spreading grounds.~~
- j. ~~Forest reserves.~~
- k. ~~Orchards and vineyards.~~
- l. ~~Scenic reserves.~~
- m. ~~Transportation corridors.~~
- n. ~~Tree farms and horticulture.~~
- o. ~~Utility easements.~~
- p. ~~Wildlife reserves.~~
- q. ~~Zoological gardens.~~
- r. ~~Living quarters of caretakers or managers of those uses set forth in this subsection.~~
- s. ~~Accessory structures and uses necessary or incidental to the uses listed in this subsection.~~

(Ord. No. 997; Code 1984, § 23901)

**Sec. 90-1153. ~~Uses permitted by conditional use permit.~~**

The following uses may be permitted in the OS zone as prescribed in article XLIV of this chapter, pertaining to conditional use permits:

- (1) Cemeteries, including mortuaries as an accessory use, mausoleums and crematoriums.
- (2) Public utility facilities.
- (3) Commercial uses incidental and accessory to permitted uses, including but not limited to:
  - a. Sale of food and beverages.
  - b. Operation of riding academies and stables.
  - c. Parking facility concessions.
  - d. Concessions.

~~(Ord. No. 997; Code 1984, § 23902)~~

**Sec. 90-11523 . - Permitted and conditionally permitted uses.**

In the OS zones, buildings, structures and land shall be used, and buildings and structures shall be erected, structurally altered or enlarged, only for the following uses. Any use other than those listed may be permitted, provided the planning commission determines the use is similar to those listed in this section, as prescribed by article XLII of this chapter. In the OS zones, permitted and conditionally permitted uses shall be as listed within the "Land Use Matrix." Whenever a business is conducted a city business license is required pursuant to chapter 18. All other uses not specifically listed in the matrix shall be interpreted as not permitted unless a Similar Use Determination is made by the Community Development Director pursuant to Sec 90-3. Uses located within the Hemet-Ryan Airport Influence Area are subject to the requirements of the Riverside County Airport Land Use Plan.

<b>OPEN SPACE (OS) ZONE LAND USE MATRIX</b>			
<b>P = Permitted Use</b>			
<b>A = Administratively Permit Use</b>			
<b>C = Conditionally Permitted Use</b>			
<b>X = Not Permitted</b>			
<b>REQUIREMENTS: Additional or explanatory regulations or requirements</b>			
LAND USE	OS-G	OS-R	REQUIREMENTS
<b>A. Agriculture and Natural Resources</b>			
1. Animal keeping	P	X	Sec. 90-77
2. Community gardens	P	P	
3. Produce stands			
a. Permanent	X	X	
b. Temporary	P	X	Sec. 90-73
4. Scenic reserves	P	X	
5. Wildlife reserve and sanctuary	P	X	
<b>B. Education, Public Assembly, and Recreation Uses</b>			
1. Amphitheater	X	C	

<b>OPEN SPACE (OS) ZONE LAND USE MATRIX</b>			
<b>P = Permitted Use</b> <b>A = Administratively Permit Use</b> <b>C = Conditionally Permitted Use</b> <b>X = Not Permitted</b> <b>REQUIREMENTS: Additional or explanatory regulations or requirements</b>			
LAND USE	OS-G	OS-R	REQUIREMENTS
2. Arboretums, botanical gardens	X	P	
3. Commercial recreation facilities – outdoor	X	C	
4. Golf courses	X	P	
5. Parks and playgrounds	X	P	
6. Trails and passive parkland	P	P	
7. Zoo or animal preserve	X	C	
<b>C. Transportation, Communication, and Infrastructure Uses</b>			
1. Flood control facilities, including, but not limited to detention and retention basins, flood control channels	P	P	
2. Utility easement	P	P	
3. Wireless communication facility			Article XLVI
a. Minor facility	A	A	
b. Major facility	C	C	

**Sec. 90-1154. - Site area.**

No minimum site area is required in the OS-G and OS-R zones.  
(Ord. No. 997; Code 1984, § 23903)

**Sec. 90-1155. - Lot coverage.**

Buildings and structures, when permitted, shall not occupy more than one-fourth of the gross area of the parcel in the OS-G and OS-R zones, except as permitted by approval of a variance from development standards.  
(Ord. No. 997; Code 1984, § 23904)

**Sec. 90-1156. - Offstreet parking and loading.**

Offstreet parking and loading shall be provided for each use in the OS-G and OS-P zones as prescribed in article XL of this chapter.  
(Ord. No. 997; Code 1984, § 23905)

**Sec. 90-1157. - Signs.**

Signs in the OS-G and OS-R zones shall conform to article XXXVI of this chapter.  
(Ord. No. 997; Code 1984, § 23906)

**Sec. 90-1158. - Utilities.**

All utility services in the OS-G and OS-R zones shall be installed underground. This requirement may be waived by the city council where the city council finds that this requirement would cause undue hardship or constitute an unreasonable requirement.  
(Ord. No. 997; Code 1984, § 23907)

**Sec. 90-1159. - Building height.**

No building in the OS-G and OS-R zones shall exceed 35 feet in height, unless otherwise allowed under a Conditional Use Permit.  
(Ord. No. 997; Code 1984, § 23908)

**Sec. 90-1160. - Lighting.**

All exterior lighting in the OS-G and OS-R zones shall be directed away from adjacent properties.

*(Ord. No. 997; Code 1984, § 23909)*

**Sec. 90-1161 - Site development review requirements.**

Principal buildings, structures, or uses, or a significant alteration or enlargement of an existing building, structure, or use may be subject to the requirements of Article XLI (Site Development Review) of this chapter.

**Sec. 90-1162 – 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. 90-1161~~3~~—90-1180. - Reserved.**

# Exhibit A3

Proposed Amendments to  
Article III (Special Uses),  
Sec. 90-77 (Animal  
Regulations and Keeping  
Requirements)

**Sec. 90-77. Animal regulations and keeping requirements.**

- (a) The regulation and keeping of animals is additionally subject to the provisions of HMC Chapter 10 Animals.
- (b) Offspring of animals shall not be counted toward the maximum allowed number of animals until they have reached the age of four months for cats, dogs and other small animals, six months for large animals, and 12 months for horses.
- (c) Animals shall not be kept in any required front or side yard setback.
- (c) Animals permitted in each zone shall be as listed within the Animal Regulations and Keeping Requirements Matrix.

Animal Regulations and Keeping Requirements Matrix					
	Type of Animal Use	Allowable Zoning District	Minimum Lot Size	Maximum Number Allowed	Supplemental Regulations
1.	Apiary (Beekeeping)	A-1, A-2, RA, OS-G	Per Sec. 10-108	Per Sec. 10-108	Chapter 10, Article III
2.	Aviaries (large space that allows birds to fly)	a. Noncommercial b. Commercial	1 acre 1 acre	No Maximum By Administrative Use Permit	All birds must be confined.
3.	Birds (Household)	All residential	None	20	All birds must be confined.
	a. Small birds - parakeets, finches, love birds and similar size birds				
	b. Large birds - macaws, parrots, mynahs and similar size birds		None	5	
4.	Bovine Cows, oxen, buffalo	A-1, A-2	Less than 4 acres More than 4 acres	2 per acre 5 per acre up to maximum of 10	No bovine or any pen, coop, stable or barn shall be kept within 50 feet of a residentially zoned property line
5.	Cats	All residential	None	4	

Animal Regulations and Keeping Requirements Matrix						
Type of Animal Use	Allowable Zoning District	Minimum Lot Size	Maximum Number Allowed	Supplemental Regulations		
domesticated						
6. Dogs domesticated	All residential	None	3			
7. Equine animals	A-1, A-2, RA, R-1-40	20,000 square feet to 2.5 acres	2 per acre up to maximum of four	No equine or any pen, coop, stable or barn shall be kept within 50 feet of a residentially zoned property line		
		Over 2.5 acres	2 per acre up to a maximum of 20			
8. Exotic and/or wild animals	All residential, A-1, A-2	None	Must meet requirements of Chapter 10	Sec.10-3 Wild Animal Permit		
9. Fish (koi), amphibian and/or frog ponds	A-1, A-2, RA, R1 zones	None	No maximum	Pursuant to building code regulations		
10. Pigs and hogs	A-1, A-2, RA	One-half to one acre	2	No swine or any pen, coop, stable or barn shall be kept within 50 feet of a residentially zoned property line		
	A-1, A-2	More than one acre	5			
11. Poultry and other domesticated birds kept for their eggs, meat, or feathers.	A-1, A-2	20,000 sq ft	6 hens and 1 rooster per 20,000 sf to a maximum of 24 hens and 2 roosters.	No poultry or any pen, coop, stable or barn shall be kept within 50 feet of a residentially zoned property line		
			4 hens, no rooster			
	RA, R-1 zones	7,200 sq ft				

Animal Regulations and Keeping Requirements Matrix						
	Type of Animal Use	Allowable Zoning District	Minimum Lot Size	Maximum Number Allowed	Supplemental Regulations	
	Other domesticated birds including turkeys, geese, ducks, peacocks, pigeons, and emu	A-1, A-2, RA	One acre	By Administrative Use Permit		
12.	Sheep and/or goats- all types	A-1, A-2, RA	20,000 sf	4 per acre to a maximum of 15.	No sheep, goats or any pen, coop, stable or barn shall be kept within 50 feet of a residentially zoned property line.	
		All zones	None	No maximum	With a Temporary Use Permit per Sec. 90-73, goats and/or sheep may be used for cleaning vacant sites of plant materials for no more than four weeks per six-month period.	
13.	Small animals	All residential	None	20	No small animal pen or coop shall be kept within 10 feet of a residentially zoned property line	
	Including but not limited to chinchilla, hamsters, guinea pigs, rats, mice, rabbits and non-venomous reptiles	A-1, A-2	1 acre	50 per acre		

# Attachment 2

Land Use Matrix  
Comparison

<b>ZOA14-001</b>				
<b>Agriculture Zones Land Use Matrix Comparison</b>				
<b>Current and Proposed Allowable Uses</b>				
	<b>Current Use</b>	<b>Current Allowability</b>	<b>Proposed Use and Location in Matrix</b>	<b>Proposed Allowability</b>
<b>A.</b>	<b>Agricultural Uses</b>			
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 in A, A-1-C, and A-2-C	F1 Petroleum products distribution and storage for on-site agricultural use	NP in A-1, P in A-2.
2.	Aircraft landing strip or heliport pad for use in agricultural operations (Approval by the Riverside County Airport Land Use Commission may be required)	NP in A, A-1-C; C in A-2-C	Removed from A zones	
3.	All types of horticulture (excluding forestry operations) including, but not limited to apiaries and aviaries (in accordance with Chapter 10), farms, orchards:		A1 Animal keeping  A2 Commercial crop production including fruits, vegetables, and ornamental plants	Per Sec. 90-77  P in A-1 and A-2.
	a. Operated as a business	P in A, A-1-C, and A-2-C		
	b. Operated as part of a residential use	P in A, A-1-C, and A-2-C		
4.	Animal husbandry for commercial purposes including, but not limited to: the feeding, grazing, or keeping for sale, breeding (including experimental), and, by-products of cattle,	P in A, A-1-C, and A-2-C	A1 Animal keeping	Per Sec. 90-77

<b>ZOA14-001</b>				
<b>Agriculture Zones Land Use Matrix Comparison</b>				
<b>Current and Proposed Allowable Uses</b>				
	<b>Current Use</b>	<b>Current Allowability</b>	<b>Proposed Use and Location in Matrix</b>	<b>Proposed Allowability</b>
	horses, sheep and/or goats, chinchilla, fish or frogs, and rabbits. Hogs are specifically excluded (See section 90-182 A.9. for requirements).			
5.	Animal shelters, large animal hospital, veterinary hospitals/offices	C in A, A-1-C, and A-2-C	E1 Animal Services	
			a. Boarding/Training – day only	P in A-1 and A-2
			b. Boarding/Training – overnight stays	C in A-1; P in A-2
			c. Grooming	NP in A-1; P in A-2
			d. Veterinary clinic, animal hospital	NP in A-1; C in A-2
6.	Cattle (pen-fed operation)	NP in A, A-1-C, C in A-2-C	A1 Animal keeping	Per Sec. 90-77
7.	Chickens (see section 90-182 A.18.)	P in A, A-1-C, and A-2-C	A1 Animal keeping	Per Sec. 90-77
8.	Dairy (The maximum number of cows will be determined based upon available land and normal dairy operations)	NP in A, A-1-C, C in A-2-C	A1 Animal keeping	Per Sec. 90-77
9.	Fairgrounds, including the usual associated commercial uses	NP in A, A-1-C, C in A-2-C	D1 Fairgrounds	NP in A-1, C in A-2
10.	Fertilizer operation for farm animal manure including, but not limited to drying, stockpiling, and sale	NP in A, A-1-C, C in A-2-C	A3 Fertilizer operation for farm animal manure including, but not limited to drying, stockpiling, storage, and sale	NP in A-1, C in A-2
11	Fertilizer, storage of packaged dry	C in A, A-1-C, NP in A-2-C	A3 Fertilizer operation for farm animal manure including, but not limited to drying, stockpiling, storage, and sale	NP in A-1, C in A-2
12	FFA (Future Farmers of America), 4-H (head, heart,	P in A, A-1-C, and A-2-C	Removed from A zones	

<b>ZOA14-001</b>				
<b>Agriculture Zones Land Use Matrix Comparison</b>				
<b>Current and Proposed Allowable Uses</b>				
	<b>Current Use</b>	<b>Current Allowability</b>	<b>Proposed Use and Location in Matrix</b>	<b>Proposed Allowability</b>
	hands, health) or similar projects conducted by the occupants of the premises (A no fee temporary use permit is required, see section 90-73. For animal keeping requirements see section 90-77).			
13.	Grange Hall	NP in A, C in A-1-C and A-2-C	Removed from A zones	
14.	Hogs (weaned and unweaned) raised for noncommercial purposes subject to the requirements of section 90-77	NP in A, P in A-1-C and A-2-C	A1 Animal keeping	Per Sec. 90-77
15	Hog ranch	NP in A and A-1-C, C in A-2-C	A1 Animal keeping	Per Sec. 90-77
16	Kennels for dogs and/or cats		E1 Animal Services	
	a. Commercial (See section 90-78 for requirements)	C in A, A-1-C, and A-2-C	a. Boarding/Training – day only	P in A-1 and A-2
	b. Noncommercial on a minimum of one acre of land	C in A and A-1-C, P in A-2-C	b. Boarding/Training – overnight stays	C in A-1; P in A-2
17.	Menagerie (The number and type of animals shall be determined on the basis of available land and the proposed operation of the facility)	NP in A, C in A-1-C and A-2-C	A1 Animal keeping	Per Sec. 90-77
18.	Nurseries, greenhouses and gardening			
	a. Wholesale	P in A, A-1-C, and A-2-C	A2 Commercial crop production including fruits, vegetables, and ornamental plants	P in A-1 and A-2.
	b. Retail	C in A, A-1-C, and A-2-C	Removed from A zones	
19.	Pigs, pigmy goats, miniature horses and other small animals	P in A, A-1-C, and A-2-C	A1 Animal keeping	Per Sec. 90-77

<b>ZOA14-001</b>				
<b>Agriculture Zones Land Use Matrix Comparison</b>				
<b>Current and Proposed Allowable Uses</b>				
	<b>Current Use</b>	<b>Current Allowability</b>	<b>Proposed Use and Location in Matrix</b>	<b>Proposed Allowability</b>
20.	Poultry (except turkeys, geese, and guinea fowl) chinchillas, hamsters, rabbits and other small animals, (See section 90-188 for additional requirements).	P in A, A-1-C, and A-2-C	A1 Animal keeping	Per Sec. 90-77
21.	Poultry farm and operations (The maximum number of poultry shall be determined based upon the available land and the normal operation of a poultry farm)	NP in A and A-1-C, C in A-2-C	A1 Animal keeping	Per Sec. 90-77
22	Produce processing (grown on the premises, provided that buildings or structures used for processing operations such as canning, drying, packaging and freezing, are a minimum of 20 feet from all property lines).	P in A, A-1-C, and A-2-C	A4 Produce processing (canning, drying, freezing, packing) of food grown on the premises	NP in A-1, P in A-2
23.	Produce processing grown off-premises	NP in A and A-1-C, C in A-2-C	Removed from A zones	
24.	Produce stands-permanent (For temporary produce stands see <u>section 90-73.</u> )	C in A, A-1-C, and A-2-C	A5 Produce stands	
			a. Permanent	P in A-1 and A-2.
			b. Temporary	P in A-1 and A-2.
25.	Slaughterhouse	NP in A and A-1-C, C in A-2-C	Removed from A zones	
26	Winery and incidental use including, but not limited to wine tasting, winery tours, and retail wine sales	NP in A, C in A-1-C and A-2-C	A 6 Winery for grapes grown on the premises and incidental uses such as wine tasting, tours, sales	NP in A-1, C in A-2
27	Wildlife preserve and sanctuary	P in A, A-1-C, and A-2-C	A7 Wildlife preserve and sanctuary	P in A-1 and A-2.
<b>B.</b>	<b>Residential Uses</b>			
1.	Bed and breakfast	C in A, A-1-C, and A-2-C	E2 Bed and breakfast inn	NP in A-1, C in A-2

<b>ZOA14-001</b>				
<b>Agriculture Zones Land Use Matrix Comparison</b>				
<b>Current and Proposed Allowable Uses</b>				
	<b>Current Use</b>	<b>Current Allowability</b>	<b>Proposed Use and Location in Matrix</b>	<b>Proposed Allowability</b>
2.	Family care home (state licensed) for mentally disordered, handicapped, dependent or neglected children, serving up to a maximum of six persons	P in A, A-1-C, and A-2-C	Removed from A zones per Article X	
3.	Family day care facility up to a maximum of 12 clients	P in A, A-1-C, and A-2-C	Removed from A zones per Article X	
4.	Farmworker housing of up to 36 beds or 12 family units as a component of an agricultural use pursuant to Health and Safety Code §§ 17021.6 and 50199.7			
5.	Guest house on the same site as an existing single-family home	P in A, A-1-C, and A-2-C	Removed from A zones	
6.	Home occupations subject to the requirement of <u>section 90-72</u>	P in A, A-1-C, and A-2-C	C2 Home occupations	P in A-1 and A-2.
7.	Household pets including, but not limited to dogs, pot belly pigs and cats (See <u>section 90-77</u> )	P in A, A-1-C, and A-2-C	C1 Animal keeping	Per Sec. 90-77
8.	Mobile homes as a caretaker residence	P in A, A-1-C, and A-2-C	Removed from A zones	
9.	Recreational vehicle park	C in A, A-1-C, and A-2-C	Removed from A zones	
10.	Rented room (one) within an existing single-family dwelling	P in A, A-1-C, and A-2-C	Removed from A zones	
11.	Residential care facility (state licensed) for the elderly serving up to a maximum of six persons	P in A, A-1-C, and A-2-C	Removed from A zones	
12.	Single-family residential dwelling unit 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 in A, A-1-C, and A-2-C	B2 Single family home	P in A-1 and A-2

ZOA14-001 Agriculture Zones Land Use Matrix Comparison Current and Proposed Allowable Uses				
	Current Use	Current Allowability	Proposed Use and Location in Matrix	Proposed Allowability
13.	Travel trailer park	C in A, A-1-C, and A-2-C	Removed from A zones	
<b>C. Commercial Uses</b>				
1.	Auction or sales yard	C in A, A-1-C, and A-2-C	Removed from A zones	
2.	Beauty shop	NP in A, C in A-1-C and A-2-C	Removed from A zones	
3.	Contractors equipment storage	C in A, NP in A-1-C and A-2-C	Removed from A zones	
4.	Environmental cleanup and treatment systems (subject to a temporary use permit see <u>section 90-73</u> )	P in A, A-1-C, and A-2-C	Removed from A zones	Note – any clean-up of industrial waste would be mandatory
5.	Equipment used in agriculture, sales and repairs	NP in A and A-1-C, C in A-2-C	Removed from A zones	
6.	Feed store including tack and other similar items	C in A, NP in A-1-C and A-2-C	Removed from A zones	
7.	Meat cutting and packing	NP in A and A-1-C, C in A-2-C	Removed from A zones	
8.	Real estate sales office	NP in A, C in A-1-C and A-2-C	Removed from A zones	
9.	Truck station including, but not limited to cartage, storage, maintenance weighing or transfer of agricultural commodities	NP in A and A-1-C, C in A-2-C	Removed from A zones	
10.	Recycling facility - nonpermanent (subject to a temporary use permit see <u>section 90-73</u> )	P in A, A-1-C, and A-2-C	Removed from A zones	
11.	Recycling facility - permanent	C in A, A-1-C, and A-2-C	Removed from A zones	
12.	Dentist and doctor's office on the site of an existing single-family home	NP in A, A-2-C, C in A-1-C	Removed from A zones	
13.	Commercial recording studio on the site of an existing single-family home	NP in A, A-2-C, C in A-1-C	Removed from A zones	
<b>D. Manufacturing Uses</b>				
1.	Oil production (excluding	NP in A, C in A-1-	Removed from A	

<b>ZOA14-001</b>				
<b>Agriculture Zones Land Use Matrix Comparison</b>				
<b>Current and Proposed Allowable Uses</b>				
	<b>Current Use</b>	<b>Current Allowability</b>	<b>Proposed Use and Location in Matrix</b>	<b>Proposed Allowability</b>
	refining or processing)	C and A-2-C	zones	
2.	Storage of petroleum products for use on the premises but not for resale	P in A, A-1-C, and A-2-C	F1 Petroleum products distribution and storage	NP in A-1, P in A-2.
<b>E.</b>	<b>Recreation and Open Space Uses</b>			
1.	Cemetery, crematorium, columbariums, and related facilities	C in A, NP in A-1-C and A-2-C	Removed from A zones	
2.	Equestrian activities including, but not limited to riding academies, stables, and thoroughbred farms	C in A, A-2-C, P in A-1-C	D2 Equestrian activities	C in A-1, P in A-2
3.	Game court - lighted (with ten-foot high court fencing)	C in A, NP in A-1-C and A-2-C	Removed from A zones	
4.	Golf course and/or driving range	C in A, NP in A-1-C and A-2-C	Removed from A zones	
5.	Hunt club including skeet ranges, trap ranges, and rifle ranges	NP in A, A-2-C, C in A-1-C	Removed from A zones	
6.	Lodge hall for civic, social, or fraternal organizations	NP in A, C in A-1-C and A-2-C	Removed from A zones	
7.	Recreation center, park, playground, unlighted game court (with ten-foot high court fencing) racquetball center, swim club	P in A, A-1-C, and A-2-C	Removed from A zones	
8.	Shooting range outdoor	NP in A, A-2-C, C in A-1-C	Removed from A zones	
9.	Skating rink, outdoor	C in A, A-1-C, and A-2-C	Removed from A zones	
<b>F.</b>	<b>Miscellaneous Uses</b>			
1.	Church, temple synagogue or other religious facility including, but not limited to, parish house, convent, parsonage, monastery, religious school	C in A, A-1-C, and A-2-C	Removed from A zones	
2.	Flood control facilities, including, but not limited to, detention and retention basins, flood control	P in A, A-1-C, and A-2-C	G1 Flood control facilities, including, but not limited to, detention and	P in A-1, C in A-2.

<b>ZOA14-001</b>				
<b>Agriculture Zones Land Use Matrix Comparison</b>				
<b>Current and Proposed Allowable Uses</b>				
	<b>Current Use</b>	<b>Current Allowability</b>	<b>Proposed Use and Location in Matrix</b>	<b>Proposed Allowability</b>
	channels		retention basins, flood control channels	
3.	Mining, including extraction of sand, gravel and soil. A reclamation plan shall be included as part of the conditional use permit	NP in A, C in A-1-C and A-2-C	F2 Mining, including extraction of sand, gravel, and soil.	NP in A-1, C in A-2.
4.	Museum	NP in A, C in A-1-C and A-2-C	Removed from A zones	
5.	Public facilities and utilities including but not limited to, electrical substations, transmission substations, city facilities, libraries and public offices	C in A, A-1-C, and A-2-C	Removed from A zones: city facilities libraries, public offices	
			G3 Wireless communication facility	
			a. Minor	AUP in A-1 and A-2
			b. Major	CUP in A-1 and A-2
6.	School or college including, but not limited to art, business, cosmetology, craft, dance, music, professional, technical and trade	C in A, A-1-C, and A-2-C	Removed from A zones	
7.	Waterworks facility (public or private) for the production and distribution of water for irrigation	P in A, A-1-C, and A-2-C	Removed from A zones	
<b>G.</b>	<b>Accessory Uses</b>			
1.	Accessory structures and uses located on the same site as a permitted use	P in A, A-1-C, and A-2-C	Removed from A zones	Addressed in Sec. 90-195(e)
2.	Accessory structures and uses located on the same site as a conditional use	C in A, A-1-C, and A-2-C	Removed from A zones	Addressed in Sec. 90-195(e)
3.	Antennas for microwave, cellular phones and the like	C in A, A-1-C, and A-2-C	Removed from A zones	
4.	Satellite dish antennas			
	a. <39 inches in diameter when ground or roof mounted meeting the	P in A, A-1-C, and A-2-C	G2 Satellite dish antenna	P in A-1 and A-2

<b>ZOA14-001</b> <b>Agriculture Zones Land Use Matrix Comparison</b> <b>Current and Proposed Allowable Uses</b>				
	<b>Current Use</b>	<b>Current Allowability</b>	<b>Proposed Use and Location in Matrix</b>	<b>Proposed Allowability</b>
	requirements of <u>section 90-184(a)</u>			
	b. >39 inches but less than eight feet in diameter when ground or roof mounted meeting the requirements of <u>section 90-184(a)</u>	P in A, A-1-C, and A-2-C	G2 Satellite dish antenna	P in A-1 and A-2

# Attachment 3

Existing Sec. 90-77 Animal  
regulations and keeping  
requirements  
(non-redlined version)

Sec. 90-77. Animal Regulations and Keeping Requirements

(a) Animals Permitted In Each Zone						
X = allowed in zone under specified conditions						
Type of Animal Use	Minimum Lot Size	Maximum Number Allowed	Agricultural Zones	R-A (Except in mobile home, recreational vehicle, and trailer parks or multi-family developments.)	R-1, R-2, R-3, R-P, existing residences in commercial and manufacturing zones, and mobile home, recreational vehicles and trailer parks or multi-family developments except where noted. See Note C)	<del>R-1, R-2, R-3, R-P, R-C</del> (Except mobile home, recreational vehicle, and trailer parks and multi-family developments.)
1. Aviaries	None	No Maximum	X	X		
	1 acre					
2. Birds	1 acre	20	X	X	X	X
	None					
3. Bovine	None	5	X	X	X	X
	Less than 4 acres					
		2 per acre	A-1 and A-2 zones	X		

X = allowed in zone under specified conditions		MIN Lot Size	MAX	A9	RA	R1, R2, R3	RIC
14. Poultry (except for turkeys, geese, and guinea fowl) and rabbits	More than one acre	50 hens, 10 roosters (without CUP for poultry farm and operation)	X				
		12 hens, no roosters		X			X
		4 hens, no roosters				X	
15. Pygmy Goats (Please refer to Note B).	8,000 sq. ft.	1 (Counts as one dog.)		X			X
	Greater than 20,000 sq. ft.	2		X			
	More than one acre	5 per acre		X			X
16. Sheep and/or goats- all types	None	15 per acre (No maximum when used for cleaning up unharvested crops more than four weeks per six month period)	X				
	Greater than 20,000 sq. ft.	2					X
	None	20		X			X
17. Small animals including but not limited to chinchilla, hamsters, guinea pigs, rats, mice, rabbits and non-venomous reptiles	None	50 per acre		X			
	1 acres						

Note A: A miniature horse kept in a residential zone must not exceed 38 inches at the withers, at the last hairs of the mane at the base of the neck.

Note B: A pygmy goat kept in any residential zone must also meet the following requirements:

1. Males must be neutered.
2. Females must be spayed.
3. Animals must be dehorned.
4. Animals must not exceed 24 inches in height at the withers (shoulder blades to ground).

Note C: In addition to the restrictions listed in the table, the following are not allowed in mobile home, recreational vehicle, or trailer parks, or multi-family housing developments though they would otherwise be allowed in the various zones: aviaries, bovine, equine animals including miniature horses, pygmy goats, sheep and poultry.

# Attachment 4

Hemet Municipal Code  
Chapter 10 (Animals)

## ARTICLE I. IN GENERAL

### Sec. 10-1. Applicability of provisions of article II.

All applicable definitions, sections or subsections and duties and obligations imposed upon the animal control officer relating to the control, care and feeding, impoundment and disposition of animals in article II of this chapter shall be likewise applicable in this article.

(Ord. No. 748; Code 1984, § 7100)

### Sec. 10-2. Definitions.

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:

*Administration.* The chief of police shall supervise the administration and enforcement of the provisions of this chapter and of the laws of the state pertaining to the control of all animals.

*Animal* means any domestic bovine animal, horse, mule, burro, sheep, goat, swine or other domestic mammal except a dog or cat, and shall include any chicken, duck, turkey, goose, bird or other domestic fowl. The term "animal" shall also include wild animals, including any fish, bird, fowl, mammal and reptile, or any domesticated wild animal, or any exotic animal.

*At large* means off the premises of and not under physical restraint by the owner or other person having charge of an animal.

(Ord. No. 748; Code 1984, § 7101)

*Cross reference*—Definitions and rules of construction generally, § 1-2.

### Sec. 10-3. Wild animal permit.

(a) Only those wild animals, fowl, reptiles and exotic animals which are permitted by the laws of the state to be possessed, and for which a permit has been obtained from the state department of fish and game, which permit is current, shall be allowed within the city, if allowed by the city zoning ordinances.

(b) Each such animal shall be registered with the animal control officer, at which time a valid state permit, when one is required, must be shown.

(c) When the animal control officer is satisfied that the requirements of the city zoning ordinance are met, or the animal is allowed, and the state laws have been complied with, and upon a showing by the applicant that adequate safeguards have been established and will be maintained which will effectively control the dangerous or vicious propensities of such animal or reptile, eliminating any danger to individuals or property, and provided that the keeping or maintaining of such animal or reptile will in no way constitute a nuisance to the occupants of any surrounding property, he shall issue a city permit for the animal upon the payment of a fee in the amount set by resolution of the city council. The permit shall be valid only so long as the owner possesses a valid state permit. The fee for renewal of an unexpired city permit shall be the same as for an original permit.

(d) The animal control officer shall have the power, upon the giving of ten days' notice by the United States mail to any permittee under this section, to revoke any permit granted to a permittee for a violation of this chapter.

(e) The animal control officer may revoke any permit issued pursuant to this section whenever he shall determine from an inspection, or an inspection and report by the state department of fish and game, that any permittee fails to comply with all of the conditions of this section.

(f) Any revocation of a permit shall be effective until all conditions of this section have been met and complied with to the satisfaction of the animal control officer or the state department of fish and game. If the permittee complies with the conditions and requirements as notified, upon receipt of written notice from the animal control officer that he is in compliance, his permit shall be deemed in full force and effect.

(Ord. No. 748; Code 1984, § 7102)

### Sec. 10-4. Animals trespassing on private property.

Every animal found trespassing upon any private property within the city may be captured by the party owning, controlling or having possession of such property or by his representative, and shall then be committed to the animal control of-

ficer; provided, however, that if a trap is used in such capture it shall be a type of trap approved by the animal control officer. Any person capturing an animal found running at large or trespassing upon any private property shall promptly notify the animal control officer of such capture, and it is unlawful for any such person to fail or refuse to surrender such animal to the animal control officer.

(Ord. No. 748; Code 1984, § 7103)

#### Sec. 10-5. Duties of animal control officer.

It shall be the duty of the animal control officer to:

- (1) Collect all fees, and to issue permits as provided for in this chapter.
- (2) Deposit all moneys collected therefor, no later than Monday of each succeeding week, in the city general fund through the director of finance, taking a receipt therefor.
- (3) Keep a record of all fees collected, and of permits issued.
- (4) Make a report to the chief of police on or before the tenth day of each calendar month, or on demand, of the number of permits issued and the amount of all fees collected by him under provisions of this chapter, as well as the number of animals impounded, destroyed or otherwise disposed of during the preceding calendar month.
- (5) Receive, take up, impound or destroy and animal which is:
  - a. Running at large in violation of this chapter or of any law of the state;
  - b. Molesting any person; or
  - c. Molesting or harassing animals, birds or pets upon the premises of any person.
- (6) Regularly and adequately feed, water and otherwise care for all animals under the provisions of this chapter, or provide for such feeding and watering.
- (7) Investigate the condition and behavior of any animal which he has reason to believe is vicious or dangerous. If he finds such animal to be vicious in its habits, he shall

report his findings in writing, either in person or by mail, to the owner of such animal if the name and whereabouts of the owner are known, and if unknown then the animal shall be impounded.

- (8) Follow the provisions of Penal Code § 597f in humanely destroying or giving emergency care to sick or injured animals.
- (9) Do and perform any other acts necessary to carry out the provisions of this chapter and of the laws of the state relating to any animal.

(Ord. No. 748; Code 1984, § 7104)

#### Sec. 10-6. Prohibited acts.

It is unlawful:

- (1) For any person owning or having charge, care, custody or control of any animal, except a domestic cat, to cause, permit or allow the animal to be or to run at large upon any street, lane, alley, court or other public place or upon any private property or premises of another without consent of the owner or his agent, other than those of the person owning or having charge, care, custody or control of such animal, or upon any unenclosed lot or place in, or into, the city, unless such animal is restrained by a substantial chain, rope, leash or other restraining device and is in the charge, care, custody or control of a competent person.
  - a. This subsection shall not prohibit leading, driving, riding or herding domestic farm animals under adequate supervision along a public highway.
  - b. Any animal found running at large may be captured by any person, who shall thereafter promptly deliver such animal to the animal control officer.
- (2) For any person owning or having possession, charge, custody or control of any animal to cause or permit to allow the animal to be staked out, to herd or to graze upon any unenclosed public or private lot or land of another without consent of the owner or his agent, in the city, in such a manner that the rope or other attachment by which

such animal is tethered permits the animal to be or to go beyond the boundaries of such unenclosed lot or land.

- (3) For any person to dispose of the carcass or any part of the carcass of any animal within the city limits except as prescribed by the animal control officer or health officer. Any person who fails to dispose of animals or parts thereof as prescribed by the animal control officer or health officer shall become indebted to the city for all costs incurred by the city in disposing of such animals or parts thereof.
- (4) For any person to cause, permit or maintain any animal under conditions which create a neighborhood nuisance from noise, dust, odors or appearance.
- (Ord. No. 748; Ord. No. 925; Code 1984, § 7105)

**Sec. 10-7. Authority of animal control officer to destroy certain animals.**

(a) If it appears to the animal control officer from the report of a licensed veterinarian or other qualified person that an animal is afflicted with rabies, he shall humanely destroy such animal, and shall take such other actions as may be required by law and as he deems necessary to prevent the spread of such disease.

(b) If the animal is a wild animal or any other animal endangering any person, and the animal control officer suspects the animal is afflicted with rabies, he may humanely destroy such animal, and shall take such other action as may be required by law and as he deems necessary to prevent the spread of such disease.

(c) The animal control officer may humanely destroy any sick, disabled, infirm or crippled animal found at large if he is unable to identify, locate and notify the owner within a reasonable time.

(d) Any skunk, poisonous snake or other snake, or any wild animal that a city permit has not been issued for, and that cannot be immediately captured, secured or controlled, may be humanely destroyed by the animal control officer.

(e) Any wild animal roaming at large on public or private property, or uncontained, restrained or controlled on any private property, that is a danger to any person, and that cannot be immediately captured, secured or controlled, may be humanely destroyed by the animal control officer.

(f) Any domestic animal roaming at large that is a danger to any person other than the owner, or to any animal other than the owner's, and that cannot be immediately captured, secured or controlled by the owner or any other person, may be humanely destroyed by the animal control officer. (Ord. No. 748; Code 1984, § 7106)

**Sec. 10-8. Disposition of impounded animals.**

(a) *Generally.* Certain impounded animals may be redeemed, if permitted, upon payment of fees as established by resolution of the city council pursuant to this chapter.

(b) *Animals whose owner is known.* Any officer acting under the provisions of this chapter and impounding an owned animal shall give notice, in person or by mail to the last known address of the owner of the impounding of such animal. If such animal is not redeemed within three days from the date of the giving of such notice, the officer having custody of the animal shall dispose of it in accordance with the provisions of this section, or shall destroy such animal.

(c) *Animals believed to be owned.* Upon impounding an animal believed to be owned, the officer shall attempt to locate the owner of such animal. If such animal is not redeemed within three days after such notice has been given or attempted to be given, the officer shall dispose of such animal in accordance with the provisions of this section, or shall destroy such animal.

(d) *Horses, mules, etc.* If the animal control officer impounds any bovine animal, horse, mule or burro, and if such animal is not reclaimed within five days thereafter, the animal control officer shall notify the state director of agriculture in accordance with the provisions of Agricultural Code § 17003. If the director of agriculture does not, within five days after notice, elect to dispose of any horse, mule or burro, then the animal con-

trol officer shall sell such animal in accordance with this chapter.

(e) *Disposition of unclaimed animals.* If any releasable animal other than a domestic bovine animal, horse, mule or burro, and except an animal afflicted with rabies, impounded by the animal control officer is not reclaimed within three days thereafter, it shall be sold by the animal control officer after giving notice of sale in accordance with subsection (g) of this section. Disposition of wild animals not reclaimed within three days shall be at the advice of the state department of fish and game. Wild animals shall not be released until such time as section 10-3 has been complied with.

(f) *Notice of sale.* The notice of sale shall contain a description of the animal, including any identifying marks or brands, the date and place where the animal was taken up, and the time and place of sale. At least five days prior to the sale of any impounded animal, the chief of police shall cause a copy of the notice to be published in a newspaper circulated in the area where the animal was found, and shall mail a copy of the notice to the owner or person entitled to possession of the animal at his residence or place of business, if known.

(g) *Sale procedure.* At the time and place set forth in the notice of sale, the animal control officer shall sell the impounded animal at public sale, to the highest bidder, for cash. If no bid is offered for such animal, the animal control officer may sell such animal at private sale or humanely destroy such animal, or otherwise dispose of it as permitted by law.

(h) *Disposition of proceeds of sale.* The proceeds of such sale, including any other fees collected, shall be paid by the animal control officer into the city general fund through the director of finance, taking a receipt therefor.

(i) *Right of owner to redeem animal.* The owner or person entitled to possession of any animal impounded may, at any time before the sale or other disposition thereof, redeem the animal by paying the animal control officer all fees and charges thereon.  
(Ord. No. 748; Code 1984, § 7107)

#### **Sec. 10-9. Confinement of livestock and fowl.**

It is unlawful for any person to turn loose upon any street or public place in the city any horse, mule, cow, goat, sheep, hog, turkey, chicken, duck or other similar animal, or to allow such animal to run at large in or upon the public streets or public places, or to permit such animal to trespass upon the property of another.  
(Ord. No. 66; Code 1984, § 7108)

#### **Sec. 10-10. Accumulation of animal manure.**

It is unlawful for any person to permit the accumulation of animal manure upon any premises owned by or under the control of such person, unless the animal is kept in such a manner that flies cannot have access to such accumulation.  
(Ord. No. 66; Code 1984, § 7109)

Cross reference--Nuisances, § 30-31 et seq.

#### **Sec. 10-11. Violation of chapter; penalty.**

Any person violating the provisions of this chapter shall be deemed guilty of an infraction, and upon conviction thereof shall be punished in accordance with section 1-8.  
(Ord. No. 748; Code 1984, § 7110)

#### **Sec. 10-12. Defecation on public or private property.**

(a) It shall be unlawful for the owner or person having the charge or control of any dog to permit such animal to defecate and to allow the feces to remain upon any public or private property not owned or possessed by the owner or person having the charge or control of such dog, unless the person shall immediately and securely enclose all feces deposited by the dog in a bag, wrapper, or other container and dispose of it in a sanitary manner.

(b) Any person who has charge or control of a dog in a location other than on the property of such person or the property of the owner of the dog shall have in his possession a suitable wrapper, bag or container for the purpose of complying with the requirements of this section. The failure of such person to carry such wrapper, bag or container when in the charge or control of a dog in a location other than on the property of such person or the property of the owner of the dog shall constitute a violation of this section.

(c) A sightless person or a person physically unable to comply with this section who has charge or control of a guide dog shall be exempt from the provisions of this section.

(d) A violation of this section is an infraction. (Ord. No. 1473, § 1, 3-23-93)

**Secs. 10-13–10-30. Reserved.**

## **ARTICLE II. DOGS AND CATS; RABIES CONTROL**

### **Sec. 10-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Administration.* The chief of police shall supervise the administration and enforcement of the provisions of this article and of the laws of the state pertaining to the control of dogs and cats, and shall have charge of animal shelter employees and facilities.

*Animal control officer* means any person duly appointed to carry out the provisions of this article.

*Dog kennel* and *pet shop* mean any building, structure, enclosure or premises whereupon or within which four or more dogs are kept or maintained for any purpose or reason whatsoever. The term does not include, nor is this subsection applicable to, dogs under 120 days of age. <sup>4 months</sup>

*Fees* means dog license fees and any other fee necessary for the operation of the city pound or contractual services for the control or housing of any animal. Fees shall be set and approved by the city council, by resolution, and may be changed from time to time as may be required for the necessary funds to properly carry out the provisions of this article.

*Health officer* means the health officer of the county or his designated representative, or other health officer as designated by the city council.

*Impounded* means having been received into the custody of the animal shelter authorized under the provisions of this article.

*Owner* means any person having title to any animal, or a person who has, harbors or keeps or who causes or permits to be harbored or kept an animal in his care, or who permits an animal to remain on or about his premises for a period of 15 consecutive days.

*Pound* means any animal shelter retained or hereafter established or contracted for by the city council, wherein animals are kept or housed in accordance with this article. The terms "animal shelter" and "pound" shall be synonymous.

*Sentry dog* means a dog trained or purported to be trained to work without supervision in a fenced facility or structure and to deter or detain unauthorized persons found within the facility.

*Unlicensed dog* means any dog for which the license for the current year has not been paid, or to which the license tag for the current year is not attached.

*Vaccination* and *vaccination against rabies* mean the inoculation of any dog four months of age or older with canine chick-embryo origin modified live-virus rabies vaccine which immunizes for a period not to exceed 18 months in a manner prescribed by the state department of health, or any

other vaccine for such purpose prescribed by such department.

*Vicious dog* means any dog which has bitten a person or animal without provocation or which has a disposition or propensity to attack or bite any person or animal.

(Ord. No. 747; Code 1984, § 7000)

Cross reference—Definitions and rules of construction generally, § 1-2.

### Sec. 10-32. Appointment and authority of animal control officers.

The animal control officer and his assistants shall be appointed by the city manager and shall thereafter be public employees unless otherwise specified. Their status as fulltime, parttime, temporary or contractual employees shall be established by the city manager at the time of appointment. At the discretion of the chief of police, the animal control officer or his assistants may be given training in the laws of arrest or in the use of firearms, or both, as prescribed by the state Penal Code, subsequent to which such animal control officer or assistant animal control officers who have received training in the laws of arrest shall have the powers of arrest as a public employee in accordance with the state Penal Code, for the purpose of performing their enforcement duties required by this article.

(Ord. No. 747; Code 1984, § 7001)

### Sec. 10-33. Dog license.

(a) It is unlawful for any person to own, harbor or keep any dog four months of age or older within the city limits for a period longer than 30 days, unless there is attached to such dog a valid license tag obtained from the animal control officer.

(b) Subject to the provisions of subsection (h) of this section, a license shall be issued for each dog upon the payment of the appropriate license fee. The license fee for a neutered male dog or spayed female dog, accompanied by a certificate of a licensed veterinarian that the animal is unable to reproduce, shall be one-half or less than that of such animals which have not been so neutered or spayed.

(c) Each dog license shall be valid until July 1 following issuance, and shall be renewed within 30 days thereafter.

(d) If a dog is brought into the city after January 1 or if a dog becomes four months of age following such date, the license fee shall be one-half of that for a full year license.

(e) If an application for a license is made more than 30 days after the date such license is required, the applicant shall pay an additional late fee.

(f) If a valid license tag is lost or destroyed, a duplicate thereof may be procured from the animal control officer upon submission of proof of loss and upon payment of a duplicate fee.

(g) No fee shall be required for a license for any dog being reared, trained or used as a guide for the blind if the dog is in the possession and under control of a blind person or a bona fide organization having as its primary purpose the furnishing and training of guide dogs for the blind.

(h) The animal control officer shall issue a license only upon presentation of a certificate of vaccination indicating therein that the date of expiration of the vaccination immunity is not earlier than the date of the expiration of the license being issued or renewed.

(Ord. No. 747; Code 1984, § 7002)

#### Sec. 10-34. Vaccination certificate for dogs.

Each duly licensed veterinarian, after vaccinating any dog, shall sign a certificate in duplicate in the form required by the health officer. He shall keep one copy and give one copy to owner of the vaccinated dog, and the owner shall retain a copy in his possession.

(Ord. No. 747; Code 1984, § 7003)

#### Sec. 10-35. Dog kennels and pet shops.

(a) *License required.* Every person engaged in the business of operating a dog kennel or pet shop shall obtain a license from the license collector.

(b) *Application for license.* Application for a license to operate a dog kennel or pet shop shall be made in writing to the license collector not later than ten days after obtaining written verification

from the planning department that the operation of a dog kennel or pet shop is in compliance with the zoning ordinance of the city.

(c) *Inspection; required facilities.* After receipt of an application, the license collector shall make or cause to be made an examination of the dog kennel or pet shop for which the license is requested. No license shall be issued, nor shall any license be renewed, unless and until the dog kennel or pet shop shall, in the opinion of the health officer, satisfactorily meet each of the following conditions:

- (1) The dog kennel or pet shop is constructed, equipped and maintained so as to continuously provide a healthful and sanitary environment for the animals kept or to be kept therein.
- (2) There is adequate shelter from the elements and sufficient space for exercise.
- (3) There is ample and healthful food and potable water and adequate sanitary facilities for storage of the food and water.
- (4) There are adequate drainage facilities and satisfactory sanitary disposal of both natural precipitation and animal wastes of all kinds.
- (5) There is an adequate and effective means of control of insects and rodents and such control is vigorously maintained at all times.
- (6) Living quarters of a house or home shall not be considered adequate for a kennel or a pet shop.
- (7) All dogs four months of age or older on the premises shall have a current rabies vaccination certificate.

(d) *Denial of license.* Failure of the applicant for the license to comply with any one of the conditions set out in subsection (c) of this section shall be deemed just cause for the denial of any license, whether original or renewal.

(e) *Right of entry of animal control officer.* The animal control officer shall have authority to enter upon any area or premises in which a dog kennel

or pet shop is located for the purpose of the enforcement of this article.

(f) *Grounds for revocation of license.* The license collector may revoke any license issued pursuant to this article whenever he determines from an inspection and report by the health officer that any dog kennel or pet shop fails to meet all the conditions of this section. Any revocation of a license shall be effective until all conditions of this section have been met and complied with to the satisfaction of the health officer and written notice of this fact has been given to the license collector. The licensee shall be furnished a copy of the compliance notice, and upon receipt of such notice the license shall be deemed in full force and effect for the remainder of the original term for which issued.

(g) *Procedure for revocation of license.* The license collector shall have the power, upon the giving of ten days' notice by the United States mail to any licensee under this section, to revoke any license granted to a dog kennel or pet shop operator for a violation of this article.

(h) *Exemption from license fee.* No license fee shall be required for a dog kennel or pet shop maintained or operated by a nonprofit corporation formed pursuant to Corporations Code § 10400 et seq. for the prevention of cruelty to animals. With the exception of license fees, all other provisions of this section shall be applicable to any such nonprofit corporations.  
(Ord. No. 747; Code 1984, § 7004)

#### Sec. 10-36. Enforcement of article.

It shall be the duty of all peace officers within the city to enforce and assist the animal control officer in the enforcement of the provisions of this article. All persons whose duty it is to enforce the provisions of this article are empowered to enter upon any private property where any animal is kept or believed to be kept, for the purpose of ascertaining whether any animal is harbored in violation of any of the provisions of this article or any laws of the state.  
(Ord. No. 747; Code 1984, § 7005)

#### Sec. 10-37. Duties of animal control officer.

It shall be the duty of the animal control officer to:

- (1) Collect all fees, and issue the license and tags provided for in this article.
- (2) Deposit all moneys collected therefor, no later than Monday of each succeeding week, in the city general fund through the director of finance, taking a receipt therefor.
- (3) Keep a record of all fees collected, and of each dog tag delivered.
- (4) Make a report to the chief of police on or before the tenth day of each calendar month, or on demand, of the number of dog tags issued and the amount of all fees collected by him under provisions of this article, as well as the number of animals impounded, destroyed or otherwise disposed of during the preceding calendar month.
- (5) Receive, take up and impound any dog which is:
  - a. Found running at large in violation of this article or of any law of the state;
  - b. Molesting any person; or
  - c. Molesting or harassing animals, birds or pets upon the premises of any person.
- (6) Regularly and adequately feed, water and otherwise care for all dogs and cats impounded under the provisions of this article, or to provide for such feeding and watering.
- (7) Investigate the condition and behavior of any dog which he has reason to believe is vicious or dangerous. If he finds such dog to be vicious in its habits, he shall report his findings in writing, either in person or by mail, to the owner of such dog, if the name and whereabouts of the owner are known, and if unknown then the dog shall be impounded.
- (8) Follow the provisions of Penal Code § 597f in humanely destroying or giving emergency care to sick or injured dogs or cats.

(9) Do and perform any other acts necessary to carry out the provisions of this article and of the laws of the state relating to dogs or any other animal.

(10) Maintain any city-owned pound.  
(Ord. No. 747; Code 1984, § 7006)

**Sec. 10-38. Disposition of impounded animals.**

(a) *Redemption generally.* An impounded dog or cat may be redeemed upon payment of fees as established by resolution of the city council pursuant to this article.

(b) *Licensed dogs.* Any officer acting under the provisions of this article, and impounding a licensed dog, shall give notice in person or by mail to the last known address of the owner of the impounding of such dog. If such dog is not redeemed within five days from the date of the giving of such notice, the officer having custody of the dog shall dispose of it in accordance with the provisions of subsection (d) of this section, or shall destroy such dog.

(c) *Unlicensed dogs.* Upon impounding an unlicensed dog, the officer shall give notice to the owner, if known, of the impounding of such dog. If such dog is not redeemed within three days after such notice has been given, the officer shall dispose of such dog in accordance with the provisions of subsection (d) of this section, or shall destroy such dog.

(d) *Adoption or release to humane society.* Any officer having in his custody any unredeemed impounded dog may release the dog to any adult person who will pay the pound fees and charge, or to a humane society organized under the laws of the state for the prevention of cruelty to animals, for such disposal as the humane society may choose; provided, however, that if the humane society intends to sell or place the dog the society shall pay to the impounding officer any fee established by resolution of the city council or by contractual agreement.

(e) *Cats.* All of the provisions of this section pertaining to impounded unlicensed dogs, except the licensing provisions thereof, shall apply to impounded cats, except that:

(1) Female cats of more than six months of age that have not been spayed, or male cats of more than six months of age that have not been neutered, shall not be released; and

(2) Cats of less than six months of age shall not be released unless the cost of spaying or neutering such cat has been deposited with the animal control officer for payment to a veterinarian or spaying or altering clinic designated by the person purchasing or receiving the cat. The deposit shall be forwarded to the veterinarian or clinic upon receipt by the animal control officer of a notice from the veterinarian or clinic that the cat has been spayed or neutered.

(Ord. No. 747; Code 1984, § 7007)

**Sec. 10-39. Prohibited acts.**

It is unlawful:

(1) For the owner or person in charge of any vicious dog to fail, neglect or refuse to keep posted, in a conspicuous place, at or near all entrances to the premises on which the dog is kept, a sign having letters at least two inches in width and reading "Beware of Vicious Dog." No vicious dog shall be permitted to leave the premises of the owner or person in charge thereof unless such dog is muzzled and under the immediate control and physical restraint of an adult owner or person.

(2) For any person to interfere with, oppose or resist any officer or person empowered to enforce the provisions of this article while such officer or person is engaged in the performance of his duties as provided in this article.

(3) For any person to remove an impounded animal from the animal pound or shelter without the consent of the officer in charge thereof.

- (4) For the owner or person in charge of any dog, whether licensed or unlicensed, to permit such dog to roam, stray or run at large in, or into, any portion of the incorporated area of the city.
- (5) For any person owning or having custody or control of one or more sentry dogs used, kept, maintained or trained or purported to be trained to work without supervision in a fenced area or structure to deter or detain unauthorized persons found within the area to fail, refuse or neglect to register the dog with the animal control officer.
- (6) For any person to keep any sentry dog in any business establishment, residence or other enclosed lot unless there is posted at every entrance thereto a sign of adequate size and design to warn persons that such a dog is used at such place.
- (7) For any person owning or having charge, care, custody or control of any dog to cause, permit or allow the dog to be or to run at large upon any street, lane, alley, court or other public place or upon any private property or premises other than those of the person owning or having charge, care, custody or control of such dog, or upon any unenclosed lot or place in the city, unless such dog is restrained by a substantial chain or leash and is in the charge, care, custody or control of a competent person. Any dog found so running at large may be captured by any person, who shall thereafter promptly deliver such dog to the animal control officer.
- (8) For any person to knowingly abandon any animal within the city. Refusal of an owner to pay impoundment fees due shall be considered as abandonment of the animal concerned. Any person violating this subsection shall bear full costs and expenses incurred by the city in the care of the abandoned animal, and such person shall reimburse to the city all costs therefor as determined by the animal control officer.
- (9) For any person to keep or allow to be kept or suffer or permit any animal to remain

upon the premises under the control of such person when such animal habitually barks, whines or makes loud and unusual noises in such a manner as to disturb the peace and quiet of the neighbors surrounding or in the vicinity of such premises, or whose barking or howling or other sound or cry interferes with any person of ordinary sensitiveness in the reasonable and comfortable enjoyment of life and property.

- (10) For any person owning or having possession, charge, custody or control of any dog to cause or permit or allow the dog to be staked out in such a manner that the rope or other attachment by which such animal is tethered permits the animal to be or to go beyond the boundaries of the unenclosed private lot or land.

(Ord. No. 747; Code 1984, § 7008)

#### **Sec. 10-40. Quarantine of biting animals.**

Whenever it is shown that any animal has bitten any person, the owner or person having the custody or possession thereof shall, upon order of the animal control officer, quarantine it and keep it confined at the owner's expense for a period not to exceed 15 days, and shall allow the animal control officer or his representative to make an inspection or examination thereof at any time during such period. Animals quarantined must not be removed from the premises without permission of the animal control officer. The animal control officer shall have the authority to impound any animal, at the owner's expense, if the owner fails or refuses to confine the animal.

(Ord. No. 747; Code 1984, § 7009)

#### **Sec. 10-41. Vicious dogs.**

If it is determined by the animal control officer, after giving the order of quarantine mentioned in section 10-40, that the dog is a vicious dog, although not afflicted with rabies, the animal control officer shall thereupon order the person who owns or has the custody of the dog that, until further order of the animal control officer, he shall keep the dog securely fastened by chain or securely confined within private property, or keep the dog in such manner as the animal control of-

ficer shall direct to prevent it from biting or having the opportunity of biting any person. Failure to do so on the part of the owner or person having custody of the dog shall constitute a violation of this article.

(Ord. No. 747; Code 1984, § 7010)

**Sec. 10-42. Quarantine signs.**

The animal control officer may, in his discretion, post or cause to be posted an appropriate sign on any premises where a dog has been quarantined pursuant to this article to warn the public of the fact. It is unlawful for any person to remove a sign posted pursuant to this section without permission of the animal control officer.

(Ord. No. 747; Code 1984, § 7011)

**Sec. 10-43. Disposition of rabid animals.**

If it appears to the animal control officer that a dog or other animal has rabies, he may destroy such animal forthwith, or hold the animal for further examination for such time as he may consider advisable.

(Ord. No. 747; Code 1984, § 7012)

**Sec. 10-44. Confinement of animals suspected of having rabies.**

Whenever any animal is bitten by another animal having rabies, or shows any symptoms of rabies, the owner or person having the possession of the animal shall immediately notify the animal control officer, and confine the animal, and keep it confined until it is established to the satisfaction of the animal control officer that it does not have rabies. The animal control officer shall have the power to quarantine any such animal, or impound it at the owner's expense if the owner or person having possession thereof shall fail to confine such animal immediately, or in case the owner or person having the possession thereof is not readily accessible.

(Ord. No. 747; Code 1984, § 7013)

**Sec. 10-45. Declaration of general quarantine; skunk quarantine.**

(a) Whenever the health officer determines that an epidemic of rabies exists or is threatened, he shall have the authority to take such measures as

may be reasonably necessary to prevent the spread of the disease, including the declaration of a quarantine against any or all animals in any area in the city as the health officer may determine and define, for a period of not more than 120 days. An additional or extended quarantine period may also be declared if the additional period is deemed necessary by the health officer for the protection and preservation of the public health, peace and safety. Any quarantine declared under the provisions of this section, other than as restricted in this section, shall be upon such conditions as the health officer may determine and declare.

(b) In order to protect the public health from the hazards of rabies found to exist in skunks, a quarantine is imposed, to continue until release by the health officer, whereby it is prohibited to trap or capture skunks for pets; to trap, capture or hold skunks in captivity for sale, barter exchange or gift; or to transport skunks from or into the city except by permit from the state department of health pursuant to California Administrative Code § 2606.8.

(Ord. No. 747; Code 1984, § 7014)

**Sec. 10-46. Counterfeit tags.**

It is unlawful for any person to place upon or attach to a dog any false, counterfeit or unauthorized tag for the purpose of evading the provisions of this article.

(Ord. No. 747; Code 1984, § 7015)

**Sec. 10-47. Contractual agreements for animal control services.**

The city council may enter into a written agreement with any veterinarian licensed by the state, or any organized humane society or association, which will undertake to carry out the provisions of this article and maintain and operate a pound and license, take up, impound and dispose of animals. Any such veterinarian or society or association which shall enter into an agreement shall carry out all the provisions of this article in the manner prescribed in this article.

(Ord. No. 747; Code 1984, § 7016)

**Sec. 10-48. Violation of article; penalty.**

Any person violating the provisions of this article shall be deemed guilty of an infraction, and

upon conviction thereof shall be punished in accordance with section 1-8.

(Ord. No. 747; Code 1984, § 7017)

**Secs. 10-49–10-100. Reserved.**

### ARTICLE III. BEEKEEPING\*

#### Sec. 10-101. Preamble.

Honey bees are of benefit to mankind by providing agriculture, fruit and garden pollination services and by furnishing honey, wax, and other useful products. Also, domestic strains of honey bees have been selectively bred for desirable traits, including gentleness, honey production, and tendency not to swarm. Further, gentle strains of honey bees can usually be maintained within populated areas within reasonable densities without causing a nuisance if the bees are properly located and carefully managed.

(Ord. No. 1492, § 1, 5-10-94)

#### Sec. 10-102. Definitions.

As used in this article, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

*Apiary* means a place where bee colonies are kept.

*Bee* means any stage of the common domestic honey bee, *Apis mellifera* species.

*Colony* means a hive and its equipment and appurtenances including bees, comb, pollen, and brood.

*Hive* means a structure intended for the housing of a bee colony.

*Tract* means a contiguous parcel of land under common ownership.

*Underdeveloped property* means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school, or governmental

\*Editor's note—Ord. No. 1492, adopted May 10, 1994, has been codified herein at the discretion of the editor as Art. III, §§ 10-101–10-113.

facilities or other structures or improvements intended for human use occupancy and the grounds maintained in association therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

(Ord. No. 1492, § 2, 5-10-94)

**Cross reference**—Definitions and rules of construction generally, § 1-2.

#### Sec. 10-103. Purpose.

The purpose of this article is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas. All beekeepers are expected to be certified and registered with the State of California as required by state law and abide by any other state or federal laws governing beekeeping activity.

(Ord. No. 1492, § 3, 5-10-94)

#### Sec. 10-104. Hives.

All bee colonies shall be kept in Langstroth type hives with removable frames, which shall be kept in sound and usable condition.

(Ord. No. 1492, § 4, 5-10-94)

#### Sec. 10-105. Water.

Each beekeeper shall ensure that a convenient and adequate source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcocks, pet watering bowls, bird baths, or other water sources where they may cause human, bird, livestock, or domestic pet contact.

If no natural or convenient water source is available, then the operator of the apiary shall maintain a plentiful supply of fresh water within 300 feet of such apiary.

(Ord. No. 1492, § 5, 5-10-94)

#### Sec. 10-106. General maintenance.

Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive all such materials

shall promptly be disposed in a sealed container or placed within a building or other bee proof enclosure.

(Ord. No. 1492, § 6, 5-10-94)

#### **Sec. 10-107. Queens.**

In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to promptly re-queen the colony. Queens shall be selected from stock bred for gentleness and non-swarming characteristics.

(Ord. No. 1492, § 7, 5-10-94)

#### **Sec. 10-108. Colony densities.**

(a) It shall be unlawful to keep more than the following number of colonies on any tract within the city, based upon the size of configuration of the tract on which the apiary is situated:

- (1) One-quarter acre or less tract size — 2 colonies;
- (2) More than one-quarter acre but less than one-half acre tract size — 4 colonies;
- (3) More than one-half acre but less than one acre tract size — 6 colonies;
- (4) One acre or larger tract size — 8 colonies;
- (5) Regardless of tract size, where all hives are situated at least 200 feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies;
- (6) Regardless of tract size, so long as all property, other than the tract upon which the hives are situated, that is within a radius of at least 200 feet from any hive remains undeveloped property, there shall be no limit to the number of colonies.

(b) For each two colonies authorized under colony densities, subsection (a), there may be maintained upon the same tract one nucleus colony in a hive structure not exceeding one standard 9 5/8 inch depth ten frame hive body with no supers attached as required from time to time for man-

agement of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within 30 days after the date is acquired.

(Ord. No. 1492, § 8, 5-10-94)

#### **Sec. 10-109. Location of apiaries.**

(a) All apiaries owned or kept within the City of Hemet shall be kept and located at a place at least 300 feet from any and all public roads.

(b) All apiaries owned or kept within the city shall be kept and located at a place at least 500 feet distant from the nearest structure used as a dwelling or a business, unless permission from the owner or occupant of said dwelling or business has been authorized. Upon request, satisfactory evidence of such permission shall be furnished to the city inspector.

(c) No apiary shall be kept within any location, of the City of Hemet whenever the bees from such apiary which are entering lands or property of others, in sufficient amounts such as to endanger the public health or safety, or to create an unreasonable nuisance.

(Ord. No. 1492, § 9, 5-10-94)

#### **Sec. 10-110. Fencing of flyways.**

As allowed by this article, any colony which is situated near a dwelling or business structure, school yards, or where people congregate shall maintain a flyway barrier at least six feet in height consisting of a solid wall, fence, dense vegetation, or combination thereof and extends ten feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level in vicinity of the apiary.

(Ord. No. 1492, § 10, 5-10-94)

#### **Sec. 10-111. Marking hives, presumption of beekeeping.**

(a) In apiaries, the name, address, and telephone numbers of the beekeeper, shall be branded, painted, or otherwise clearly marked upon the structure of at least two hives and placed at opposite ends of the apiary. Instead of marking the

hives, the beekeeper may conspicuously post a sign setting forth the name, address, and telephone number of the beekeeper.

(b) Unless marked in accordance with subsection (a) it shall be presumed for purposes of this article that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the tract upon which a hive or hives are situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the colony or colonies upon the tract setting forth the name, address, and telephone number of the other person who is acting as the beekeeper.

(Ord. No. 1492, § 11, 5-10-94)

#### **Sec. 10-112. Inspection.**

The city inspector, or other city employees, shall have the right to inspect any apiary between the hours of 8:00 a.m. and 5:00 p.m. Where practicable, prior notice shall be given to the beekeeper if he resides at the apiary or if his name is marked on the hives. The city inspector or other city employees has the right, to ensure the public safety, to enter a tract anytime to investigate and if necessary abate, any feral colonies, swarms, or hazardous bees.

(Ord. No. 1492, § 12, 5-10-94)

#### **Sec. 10-113. Compliance.**

(a) Upon receipt of information that any colony situated within the city is not being kept in compliance with this article, the administrator shall cause an investigation to be conducted. If he finds that grounds exist to believe that one or more violations have occurred he shall cause a written notice of hearing to be issued to the beekeeper.

(b) The notice of hearing shall set forth:

- (1) The date, time and place at which the hearing will be conducted;
- (2) The violation(s) alleged;
- (3) That the beekeeper may appear in person or through counsel or other representative; and
- (4) That the bees may be ordered destroyed or removed from the city, at the owners expense if the hearing officer finds that they have been kept in violation of this article.

Notices shall be given by certified United States mail or personal delivery. However, if the city is unable to locate the beekeeper, then the notice may be given by posting the notice in a conspicuous place on or near the apiary where the condition exists.

(c) The hearing shall be conducted by the safety manager (hearing officer). The burden shall be on the city to demonstrate by a preponderance of credible evidence that the colony or colonies have in fact been kept in violation of this article. If the hearing officer finds that the colony or colonies have been kept in violation of this article, then he may order that the bees be destroyed or removed from the city, not to exceed 20 days, and that the bees not thereafter be kept upon the tract for a period of two years. In instances where the hearing officer finds that the violations were not intentional and that the beekeeper has employed corrective actions that will probably be effective to cure the violations alleged, then he may issue a warning in lieu of ordering the bees be removed or destroyed. Upon failure of the beekeeper to comply with the order, the officer may cause the bees to be destroyed and the hive structures to be removed. In each instance in which a bee colony is destroyed all usable components of the hive structure that are not damaged or rendered unhealthy by the destruction of the bees shall upon the beekeeper's request be returned to the beekeeper, provided that the beekeeper agrees to bear all transportation expense for their return.

(d) The decision of the hearing officer may be appealed to the city council by filing a notice of appeal with the city clerk within five days following the date that the hearing officer announces his decision, or if the decision is not announced at the conclusion of the hearing, then within ten days following the date that the hearing officer places written notice of his decision in the mail to the beekeeper. An appeal shall not stay the hearing officer's decision, and it shall be the responsibility of the beekeeper to remove the bees from the city pending the determination of the appeal.

(e) The provisions of this section shall not be construed to require the conduct of a hearing for the destruction of (1) any bee colony not residing in a hive structure intended for beekeeping; or (2)

any swarm of bees; or (3) any colony residing in a standard or manmade hive, which by virtue of its condition, has obviously been abandoned by the beekeeper; or (4) bees which impose a bee hazard to the public by exhibiting unusual aggressive behavior.

(Ord. No. 1492, § 13, 5-10-94)