



AGENDA

REGULAR MEETING OF THE HEMET CITY COUNCIL

May 13, 2014

6:00 p.m.

City of Hemet Council Chambers
450 E. Latham Avenue

www.cityofhemet.org

Please silence all cell phones

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

Call to Order

Roll Call

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

Closed Session

Notice of Opportunity for Public Comment

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

1. Conference with Labor Negotiators
Pursuant to Government Code section 54957.6
Agency designated representatives: City Manager Hill
Employee organization:
Hemet Fire Fighters Association
Hemet Non-Sworn Police Employees Association
Service Employees International Union (SEIU) General Employees
 2. Conference with Legal Counsel - Anticipated Litigation
One matter of significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) & (3)
-

REGULAR SESSION

7:00 p.m.

City of Hemet City Council Chambers
450 E. Latham Avenue

Call to Order

Roll Call

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

Invocation

Pledge of Allegiance

City Attorney Closed Session Report

3. Conference with Labor Negotiators
Pursuant to Government Code section 54957.6
Agency designated representatives: City Manager Hill
Employee organization:
Hemet Fire Fighters Association
Hemet Non-Sworn Police Employees Association
Service Employees International Union (SEIU) General Employees

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

City Council Business

Notice to the Public

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

Consent Calendar

5. **Receive and File** – Warrant Register
 - a. Warrant registers dated April 17, 2014 in the amount of \$1,621,910.20 and April 22, 2014 in the amount of \$2,297,836.05. Payroll for the period of March 31, 2014 to April 13, 2014 was \$617,729.92.

6. **Receive and File** – Investment Portfolio as of February 2014

7. **Recommendation by City Manager** – Amend Deputy City Manager/Administrative Services Job Description and Posted Salary
 - a. Approve an amended job description for the Deputy City Manager/Administrative Services position and approve a posted salary of \$165,000, with authority for the City Manager to negotiate a salary up to \$175,000, if necessary.

8. **Recommendation by Fire Department** – 2014 Riverside County Community Health Agency Grant (CHOG)
 - a. Accept the grant from the Riverside County Department DOPH Public Health Emergency Preparedness and Response in the amount of \$67,000 for the period of August 29, 2013 through February 28, 2015; and
 - b. Amend the budget in the Public Safety Grant Fund #232 to reflect the award amount of \$67,000 to cover the cost of training and the purchase of hazardous material mitigation equipment.
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Approval of Minutes

9. **April 22, 2014**

10. **May 5, 2014**

Public Hearing

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

11. **Appeal No. 13-002 (Conditional Use Permit No. 13-004 – Valero Gas Station Alcohol Sales)** – Community Development Director Elliano
 - a. Conduct a public hearing; and
 - b. Deny the Appeal and affirm the Planning Commission's denial of Conditional Use Permit No. 13-004 by adopting City Council **Resolution Bill No. 13-053**;
OR
 - c. Grant the Appeal and overturn the Planning Commission's denial of Conditional Use Permit 13-004 (CUP 13-004), **and** Provide the required findings for the granting of CUP 13-004, **and** Direct staff and the City Attorney to return with an appropriate Resolution granting approval of CUP 13-004, including approval Conditional of Approval.
12. **Zoning Ordinance Amendment (ZOA) No. 14-003 (Temporary Sign Regulations)** – Community Development Director Elliano
 - a. Conduct a public hearing; and
 - b. Introduce, read by title only and waive further reading of an ordinance amending Article XXXVI (Signs Generally) of Chapter 90 (Zoning) of the Hemet Municipal Code. **Ordinance Bill No. 14-022**

13. **Zoning Ordinance Amendment No. 14-001 (Updates to the Agriculture Zone, Open Space zone and Animal Keeping provisions)** – Community Development Director Elliano
 - a. Conduct a public hearing; and
 - b. Introduce, read by title only and waive further reading of an ordinance amending portions of the Hemet Municipal Code Chapter 90 (Zoning) to update Article VII (Agriculture Zones), Article XXXIII (Open Space Zone), and Article II, 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. **Ordinance Bill No. 14-014**
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Discussion/Action Item

14. **HOME Consortium Sponsored by Riverside County** – Community Investment Director Jansons
 - a. Adopt a resolution authorizing membership in the HOME Consortium and Authorize the City Manager to execute all documents pertaining to membership in the Consortium, including the “Consortium Agreement”.
Resolution Bill No. 14-027
 15. **Municipal Code Amendment No. 14-001: Chapter 58 (TUMF Ordinance)** – Community Development Director Elliano
 - a. Introduce, read by title only and waive further reading on an ordinance amending Sections 58-70.2 and 58-70.3 of Division 2 “Western Riverside County Transportation Uniform Mitigation Fee Program” of Chapter 58 of the Hemet Municipal Code to include a new exemption for newly construction specially adapted homes for severely disabled veterans. **Ordinance Bill No. 14-025**
 16. **Amendment to the Contract between the Board of Administration California Public Employees Retirement System and the City Council of the City of Hemet for Cost Sharing** – City Manager Hill
 - a. Introduce, read by title only and waive further reading on an ordinance to allow cost sharing of the Employer Contribution to CalPERS with the “classic” CalPERS members of the Hemet Police Officer’s Association (HPOA) and the Hemet Police Management Association (HPMA). **Ordinance Bill No. 14-024**
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Communications from the Public

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

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

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

City Council Reports

17. CITY COUNCIL REPORTS AND COMMENTS

A. Council Member Krupa

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

B. Council Member Wright

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

C. Council Member Youssef

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

D. Mayor Pro Tem Milne

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

E. Mayor Smith

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

- F. Ad-Hoc Committee Reports
 - 1. Crime Stoppers Plus Ad-Hoc Committee
 - 2. West Hemet MSHCP Ad-Hoc Committee
 - 3. Regent Development Agreement Ad-Hoc Committee

 - G. City Manager Hill
 - 1. Manager's Reports
-

Continued Closed Session

City Attorney Continued Closed Session Report

Future Agenda Items

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

Adjournment

Adjourn to Tuesday, May 27, 2014 at 7:00 p.m. for consideration of items placed on that agenda. The next regular meeting will be held June 10, 2014.

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



Staff Report

TO: Honorable Mayor and Members of the City Council

FROM: Thomas M. Kanarr, Interim Director of Finance;
Wally Hill, City Manager *wally hill*

DATE: May 13, 2014

RE: Warrant Register

The City of Hemet's warrant registers dated April 17, 2014 in the amount of \$1,621,910.20 and April 22, 2014 in the amount of \$2,297,836.05 are currently posted on the City's website in the Finance Department section, under *Financial Information*. Payroll for the period of March 31, 2014 to April 13, 2014 was \$617,729.92.

CLAIMS VOUCHER APPROVAL

"I, Thomas M. Kanarr, Interim Director of Finance, do hereby certify that to the best of my knowledge and ability, that the warrant register posted on the city's website is a true and correct list of warrants for bills submitted to the City of Hemet, and the payroll register through the dates listed above, and that there will be sufficient monies in the respective funds for their payment."

Respectfully submitted,

Thomas M. Kanarr
Interim Director of Finance

TMK: mh

CITY OF HEMET
VOUCHER/WARRANT REGISTER
FOR ALL PERIODS

CLAIMS VOUCHER APPROVAL

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

THOMAS M. KANARR
INTERIM DIRECTOR OF FINANCE



AGENDA

6

Staff Report

TO: Honorable Mayor and members of the City Council
FROM: Judith L. Oltman, City Treasurer
DATE: May 13, 2014
RE: Investment Portfolio as of February 2014

RECOMMENDED ACTION:

Receive and file.

ANALYSIS:

The summary statement of activity and balances of the Treasurer's Investment Portfolio for the month of February 2014 is forwarded herewith for your review. On 2/28/14 our FNMA no. 2268 was called.

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

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

Respectfully Submitted,


Judith L. Oltman
City Treasurer

attachment

CITY OF HEMET, CALIFORNIA
Monthly Report of Investment Activities

FEBRUARY 2014

INVESTMENT CLASSIFICATIONS	MONTHLY ACTIVITY	CONSOLIDATED BALANCE
PORTFOLIO AS OF JANUARY	60,313,689.18	
CERTIFICATES OF DEPOSIT		
Placed this month		
Matured this month		
Balance		7,440,000.00
LOCAL AGENCY INVESTMENT FUND: City of Hemet		
Deposits		
Withdrawals		
Balance		33,179,030.04
LOCAL AGENCY INVESTMENT FUND: City of Hemet		
Deposits		
Withdrawals		
Balance		1,878.41
BANK OF NEW YORK MELLON Custodial Acct.		
Deposits	522,898.61	
Withdrawals	-22,891.86	
Balance		1,069,725.90
RABO BANK: Money Market Account		
Deposits		
Withdrawals		
Balance		200,000.00
CITIBANK: Money Market Account		
Deposits	23,001.32	
Withdrawals		
Balance		1,012,417.81
CITIBANK: Money Market Account 3		
Deposits	5,281,468.00	
Withdrawals	-632,376.03	
Balance		7,087,737.06
MUNICIPAL BONDS		
Deposits		
Withdrawals		
Balance		3,995,000.00
GOVERNMENT AGENCIES		
2249 1.20% FNMA 5/16/17		500,000.00
2251 1.05% FNMA 6/27/17		500,000.00
2252 1.0% FNMA 8/21/17		500,000.00
2253 1.0% FNMA 11/29/17		500,000.00
2254 1.05 FHLB 1/17/18		500,000.00
2255 1.15% FNMA 2/28/18		500,000.00
2256 1.10% FHLMC 4/17/18		500,000.00
2257 1.15% FHLMC 4/25/18		500,000.00
2258 1.0% FNMA 4/30/18		500,000.00
2259 .70% FNMA 4/30/18		500,000.00
2260 1.0% FNMA 5/21/18		500,000.00
2261 1.17% FHLB 6/13/18		500,000.00
2262 1.40% FHLMC 6/26/18		500,000.00
2263 1.45% FHLB 6/27/18		500,000.00
2265 1.55% FHLMC 7/17/18		500,000.00
2266 1.93% FFCB 7/23/18		500,000.00
2268 2.0% FNMA 8/28/18		500,000.00
2270 2.28% FFCB 9/11/18	-500,000.00	500,000.00
2271 2.05% FNMA 9/12/18		500,000.00
2272 2.15% FNMA 9/18/18		500,000.00
2273 2.20% FNMA 9/27/18		500,000.00
2274 1.81% FFCB 11/19/18		500,000.00
2275 2.0% FHLMC 1/16/19		500,000.00
PORTFOLIO BALANCE AS OF FEBRUARY 2014	64,985,789.22	64,985,789.22

INTEREST EARNINGS	13-14 FISCAL YEAR-TO-DATE	
EARNINGS BALANCE AS Feb. 1, 2014		195,385.27
CERTIFICATES OF DEPOSIT INT.	16,805.99	
OTHER GOVERNMENT SECURITIES	2,500.00	
CITIBANK MONEY MARKET ACCOUNT	114.42	
CITIBANK MONEY MARKET ACCOUNT 3	568.00	
BANK OF NY MONEY MARKET ACCT.	6.75	
LOCAL AGENCY INVESTMENT FUNDS		
City of Hemet Interest		
City of Hemet Interest		
MONTHLY EARNINGS TOTAL	19,995.16	19,995.16
MEMO ONLY:		
ADMIN FEES WELLS FARGO	-158.43	
MERCHANT BANK CHG. JAN AND FEB	-6,577.93	
LIBRARY CREDIT CARD FEES	-143.61	
ARMORED CAR	-400.13	
ASSET SEIZURE FUNDS		
Charges as of: Jan. 1, 2014	-22,870.52	
YTD CHARGES	-30,150.62	
13-14 YEAR-TO-DATE INTEREST EARNINGS		215,380.43

**CITY OF HEMET
Portfolio Management
Portfolio Summary
February 28, 2014**

Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM 360 Equiv.	YTM 365 Equiv.
Certificates of Deposit - Bank	2,723,000.00	2,762,245.98	2,723,000.00	4.19	1,462	627	1.408	1.428
Managed Pool Accounts	33,180,908.45	33,180,908.45	33,180,908.45	51.06	1	1	0.256	0.260
Passbook/Checking Accounts	9,369,880.77	9,369,880.77	9,369,880.77	14.42	1	1	0.389	0.395
Local Government Bonds	2,995,000.00	3,079,310.35	2,989,603.71	4.60	1,508	508	4.675	4.740
Medium Term Notes	1,000,000.00	999,195.00	1,003,682.53	1.54	1,694	1,371	1.233	1.250
Federal Agency Issues - Coupon	11,000,000.00	10,945,085.00	11,000,000.00	16.93	1,826	1,527	1.407	1.427
Negotiable CDs	4,717,000.00	4,744,715.62	4,717,000.00	7.26	1,672	1,191	1.302	1.320
	64,985,789.22	65,081,341.17	64,984,075.46	100.00%	588	416	0.813	0.824

Cash and Accrued Interest

Accrued Interest at Purchase		11,320.83	11,320.83					
Subtotal		11,320.83	11,320.83					
Total Cash and Investments	64,985,789.22	65,092,662.00	64,995,396.29		588	416	0.813	0.824

Total Earnings	February 28 Month Ending	Fiscal Year To Date
Current Year	43,023.99	333,409.08
Average Daily Balance	62,814,108.66	
Effective Rate of Return	0.89%	

JUDITH L. OLTMAN, TREASURER

Reporting period 02/01/2014-02/28/2014

Run Date: 05/06/2014 - 13:33

Portfolio COFH
AP
PM (PRF_PM1) 7.3.0
Report Ver. 7.3.5

CITY OF HEMET
Portfolio Management
Portfolio Details - Investments
February 28, 2014

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity	Maturity Date
Certificates of Deposit - Bank												
02004MB51	3124	Ally Bank		07/30/2010	247,000.00	254,095.37	247,000.00	2.450		2.451	516	07/30/2015
02587DCK2	3138	AMERICAN EXPRESS CENTURIAN		08/25/2011	248,000.00	249,089.91	248,000.00	1.150		1.151	177	08/25/2014
06740KEX1	3146	BARCLAYS BANK DE		12/07/2011	247,000.00	254,766.77	247,000.00	1.900		1.902	1,012	12/07/2016
05568PYZ4	3130	BMW BANK OF NORTH AMERICA, UT		10/22/2010	248,000.00	250,007.04	248,000.00	1.550		1.551	235	10/22/2014
SYS3174	3174	BANK OF HEMET		09/06/2013	494,000.00	494,000.00	494,000.00	0.500		0.500	920	09/06/2016
SYS3144	3144	BANK OF THE WEST		10/12/2011	249,000.00	255,837.34	249,000.00	1.750		1.750	956	10/12/2016
SYS3136	3136	CIT BANK		08/24/2011	247,000.00	254,119.38	247,000.00	1.800		1.800	907	08/24/2016
SYS3134	3134	DISCOVER BANK		08/24/2011	248,000.00	248,000.00	248,000.00	1.050		1.050	177	08/25/2014
36160WVR7	3132	G.E. Capital Financial, Inc.		08/12/2011	247,000.00	254,330.17	247,000.00	1.850		1.850	895	08/12/2016
SYS3140	3140	GOLDMAN SACHS		08/31/2011	248,000.00	248,000.00	248,000.00	1.200		1.200	185	09/02/2014
Subtotal and Average			2,723,000.00		2,723,000.00	2,762,245.98	2,723,000.00			1.428	627	
Managed Pool Accounts												
SYS1001	1001	LOCAL AGENCY INVESTMENT FUND			33,179,030.04	33,179,030.04	33,179,030.04	0.260		0.260	1	
SYS1002	1002	LOCAL AGENCY INVEST. FUND			1,878.41	1,878.41	1,878.41	0.260		0.260	1	
Subtotal and Average			33,180,908.45		33,180,908.45	33,180,908.45	33,180,908.45			0.260	1	
Passbook/Checking Accounts												
SYS5009	5009	BANK OF NEW YORK			1,069,725.90	1,069,725.90	1,069,725.90			0.000	1	
SYS5001	5001	Citibank			1,012,417.81	1,012,417.81	1,012,417.81	0.450		0.450	1	
SYS5003	5003	CITIBANK			0.00	0.00	0.00	3.050		3.050	1	
SYS5004	5004	CITIBANK3			7,087,737.06	7,087,737.06	7,087,737.06	0.450		0.450	1	
SYS5011	5011	RABOBANK		02/28/2013	200,000.00	200,000.00	200,000.00	0.260		0.260	1	
SYS5002	5002	UNION BANK OF CALIFORNIA		07/01/2013	0.00	0.00	0.00	0.012		0.012	1	
Subtotal and Average			6,717,903.15		9,369,880.77	9,369,880.77	9,369,880.77			0.395	1	
Local Government Bonds												
423542KL2	5006	HEMET UNIFIED SCHOOL DISTRICT		07/22/2010	2,000,000.00	2,060,500.00	1,994,603.71	5.375		5.609	487	07/01/2015
533020DC4	5012	CITY OF LINCOLN		03/02/2013	995,000.00	1,018,810.35	995,000.00	3.000		3.000	550	09/02/2015
Subtotal and Average			2,989,430.26		2,995,000.00	3,079,310.35	2,989,603.71			4.740	508	
Medium Term Notes												
68389XAN5	5010	ORACLE		03/28/2013	500,000.00	498,665.00	500,880.22	1.200		1.150	1,324	10/15/2017
94974BFG0	5013	WELLS FARGO		04/26/2013	500,000.00	500,530.00	502,802.31	1.500		1.350	1,417	01/16/2018

CITY OF HEMET
Portfolio Management
Portfolio Details - Investments
February 28, 2014

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity	Maturity Date
Subtotal and Average			1,003,723.94		1,000,000.00	999,195.00	1,003,682.53			1.250	1,371	
Federal Agency Issues - Coupon												
3133ECV43	2266	FEDERAL FARM CREDIT BANKS		07/23/2013	500,000.00	502,625.00	500,000.00	1.930		1.930	1,605	07/23/2018
3133ECZB3	2270	FEDERAL FARM CREDIT BANKS		09/11/2013	500,000.00	503,125.00	500,000.00	2.280		2.280	1,655	09/11/2018
3133EDA51	2274	FEDERAL FARM CREDIT BANKS		11/19/2013	500,000.00	503,220.00	500,000.00	1.810		1.810	1,724	11/19/2018
313381MV4	2254	FEDERAL HOME LOAN BANK		01/17/2013	500,000.00	494,415.00	500,000.00	1.050		1.050	1,418	01/17/2018
313383GY1	2261	FEDERAL HOME LOAN BANK		06/13/2013	500,000.00	493,265.00	500,000.00	1.170		1.170	1,565	06/13/2018
313383JZ53	2263	FEDERAL HOME LOAN BANK		06/27/2013	500,000.00	496,410.00	500,000.00	1.450		1.450	1,579	06/27/2018
3134G37C8	2256	FEDERAL HOME LOAN MTG ASSOC.		04/17/2013	500,000.00	492,630.00	500,000.00	1.100		1.100	1,508	04/17/2018
3134G37H7	2257	FEDERAL HOME LOAN MTG ASSOC.		04/25/2013	500,000.00	493,320.00	500,000.00	1.150		1.150	1,516	04/25/2018
3134G47G7	2262	FEDERAL HOME LOAN MTG ASSOC.		06/26/2013	500,000.00	495,645.00	500,000.00	1.400		1.400	1,578	06/26/2018
3134G4BG2	2265	FEDERAL HOME LOAN MTG ASSOC.		07/17/2013	500,000.00	498,025.00	500,000.00	1.550		1.550	1,599	07/17/2018
3134G4S74	2275	FEDERAL HOME LOAN MTG ASSOC.		01/16/2014	500,000.00	502,350.00	500,000.00	2.000		2.000	1,782	01/16/2019
3136G0GA3	2249	FEDERAL NTL MORTGAGE ASSOC.		05/16/2012	500,000.00	500,870.00	500,000.00	1.200		1.200	1,172	05/16/2017
3136G0NY3	2251	FEDERAL NTL MORTGAGE ASSOC.		06/27/2012	500,000.00	500,735.00	500,000.00	1.050		1.050	1,214	06/27/2017
3135G0NF6	2252	FEDERAL NTL MORTGAGE ASSOC.		08/21/2012	500,000.00	498,390.00	500,000.00	1.000		1.000	1,269	08/21/2017
3136G04U2	2253	FEDERAL NTL MORTGAGE ASSOC.		11/29/2012	500,000.00	495,975.00	500,000.00	1.000		1.000	1,369	11/29/2017
3135G0UN1	2255	FEDERAL NTL MORTGAGE ASSOC.		02/28/2013	500,000.00	496,880.00	500,000.00	1.150		1.146	1,460	02/28/2018
3135G0WN9	2258	FEDERAL NTL MORTGAGE ASSOC.		04/30/2013	500,000.00	490,515.00	500,000.00	1.000		1.000	1,521	04/30/2018
3136G1LB3	2259	FEDERAL NTL MORTGAGE ASSOC.		04/30/2013	500,000.00	494,200.00	500,000.00	0.700		0.700	1,521	04/30/2018
3135G0XG3	2260	FEDERAL NTL MORTGAGE ASSOC.		05/21/2013	500,000.00	491,105.00	500,000.00	1.000		1.000	1,542	05/21/2018
3136G1TN9	2271	FEDERAL NTL MORTGAGE ASSOC.		09/12/2013	500,000.00	500,220.00	500,000.00	2.050		2.050	1,656	09/12/2018
3136G1U64	2272	FEDERAL NTL MORTGAGE ASSOC.		09/18/2013	500,000.00	500,440.00	500,000.00	2.150		2.150	1,662	09/18/2018
3136G1VG1	2273	FEDERAL NTL MORTGAGE ASSOC.		09/27/2013	500,000.00	500,725.00	500,000.00	2.200		2.200	1,671	09/27/2018
Subtotal and Average			11,482,142.86		11,000,000.00	10,945,085.00	11,000,000.00			1.427	1,527	
Negotiable CDs												
02437PAG8	3173	AMERICAN NATIONAL BANK DALLAS		08/12/2013	248,000.00	248,000.00	248,000.00	1.250		1.251	1,260	08/12/2017
0606247B3	3176	BANK OF BARODA N.Y.		11/12/2013	248,000.00	248,000.00	248,000.00	2.150		2.151	1,718	11/13/2018
856284-E3-4	3147	BANK OF INDIA NEW YORK		04/27/2012	248,000.00	256,614.63	248,000.00	2.000		2.001	1,153	04/27/2017
106895AY1	3161	BREMER BANK GRAND FORKS, MN		06/22/2012	249,000.00	250,917.87	249,000.00	1.200		1.217	1,209	06/22/2017
10700QBC7	3160	BREMER BANK OF MOORHEAD ND		06/22/2012	249,000.00	250,917.87	249,000.00	1.200		1.217	1,209	06/22/2017
107003AK1	3162	BREMER BANK NA		06/28/2012	249,000.00	250,927.26	249,000.00	1.200		1.217	1,215	06/28/2017
17037TDV6	3169	CHOICE FINANCIAL GROUP		11/20/2012	248,000.00	246,726.15	248,000.00	1.000		1.001	1,360	11/20/2017
20033AAG13	3168	COMENITY CAPITAL BANK		10/25/2012	249,000.00	248,511.66	249,000.00	1.050		1.065	1,334	10/25/2017

Portfolio COFH

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CITY OF HEMET
Portfolio Management
Portfolio Details - Investments
February 28, 2014

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity	Maturity Date
Negotiable CDs												
20451PEN2	3175	COMPASS BANK		09/25/2013	247,000.00	252,858.54	247,000.00	2.000		2.001	1,669	09/25/2018
20786AAL9	3177	CONNECTONE BANK N.J.		12/13/2013	247,000.00	250,279.42	247,000.00	1.850		1.851	1,748	12/13/2018
29976DNY2	3166	EVERBANK		10/15/2012	248,000.00	248,000.00	248,000.00	1.000		1.001	1,325	10/16/2017
373128DS3	3167	GEORGIA BANK AND TRUST		10/17/2012	249,000.00	248,065.01	249,000.00	1.000		1.014	1,326	10/17/2017
36159CRZ1	3126	GE Money Bank		07/30/2010	247,000.00	253,918.79	247,000.00	2.400		2.400	516	07/30/2015
48124JSB5	3171	JP MORGAN CHASE BANK		01/28/2013	248,000.00	248,000.00	248,000.00	0.850		0.850	1,429	01/28/2018
7865803L2	3164	SAFRA NATIONAL BANK		09/27/2012	249,000.00	249,000.00	249,000.00	0.800		0.800	576	09/28/2015
795450NR2	3163	SALLIE MAE		07/25/2012	248,000.00	248,000.00	248,000.00	1.200		1.200	513	07/27/2015
84603M2W5	3165	SOVEREIGN BANK		10/03/2012	249,000.00	249,654.60	249,000.00	0.750		0.750	216	10/03/2014
909557CL2	3170	United Bankers' Bank		11/29/2012	249,000.00	248,323.82	249,000.00	1.100		1.115	1,369	11/29/2017
94986TMF1	3172	WELLS FARGO		03/28/2013	248,000.00	248,000.00	248,000.00	1.000		1.000	1,488	03/28/2018
Subtotal and Average			4,717,000.00		4,717,000.00	4,744,715.62	4,717,000.00			1.320	1,191	
Total and Average			62,814,108.66		64,985,789.22	65,081,341.17	64,984,075.46			0.824	416	

**CITY OF HEMET
Portfolio Management
Portfolio Details - Cash
February 28, 2014**

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity
		Average Balance	0.00	Accrued Interest at Purchase		11,320.83	11,320.83				0
				Subtotal		11,320.83	11,320.83				
		Total Cash and Investments	62,814,108.66		64,985,789.22	65,092,662.00	64,995,396.29			0.824	416

CITY OF HEMET
Received Interest
Sorted by Issuer
Received February 1, 2014 - February 28, 2014

Issuer	CUSIP	Investment #	Security Type	Par Value	Current Rate	Interest				
						Date Due	Date Received	Amount Due	Amount Received	Variance
Ally Bank	02004MB51	3124	BCD	247,000.00	2.450	01/30/2014	02/03/2014	3,050.62	3,050.62	-
								Subtotal	3,050.62	3,050.62
AMERICAN NATIONAL BANK DALLAS	02437PAG8	3173	NC2	248,000.00	1.250	02/12/2014	02/13/2014	1,562.74	1,562.74	-
								Subtotal	1,562.74	1,562.74
AMERICAN EXPRESS CENTURIAN	02587DCK2	3138	BCD	248,000.00	1.150	02/25/2014	02/25/2014	1,437.72	1,437.72	-
								Subtotal	1,437.72	1,437.72
BANK OF HEMET	SYS3174	3174	BCD	494,000.00	0.500	02/06/2014	02/10/2014	209.78	209.78	-
								Subtotal	209.78	209.78
BANK OF THE WEST	SYS3144	3144	BCD	249,000.00	1.750	02/12/2014	02/13/2014	370.09	370.09	-
								Subtotal	370.09	370.09
BREMER BANK GRAND FORKS, MN	106895AY1	3161	NC2	249,000.00	1.200	02/22/2014	02/24/2014	257.30	253.78	-3.52
								Subtotal	257.30	253.78
BREMER BANK OF MOORHEAD ND	10700QBC7	3160	NC2	249,000.00	1.200	02/22/2014	02/24/2014	257.30	253.78	-3.52
								Subtotal	257.30	253.78
CIT BANK	SYS3136	3136	BCD	247,000.00	1.800	02/24/2014	02/24/2014	2,223.00	2,241.27	18.27
								Subtotal	2,223.00	2,241.27
COMENITY CAPITAL BANK	20033AAG13	3168	NC2	249,000.00	1.050	02/25/2014	02/26/2014	225.14	222.05	-3.09
								Subtotal	225.14	222.05
CONNECTONE BANK N.J.	20786AAL9	3177	NC2	247,000.00	1.850	02/13/2014	02/18/2014	388.09	388.09	-
								Subtotal	388.09	388.09
DISCOVER BANK	SYS3134	3134	BCD	248,000.00	1.050	02/24/2014	02/24/2014	1,302.00	1,312.70	10.70
								Subtotal	1,302.00	1,312.70

Portfolio COFH
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CITY OF HEMET
Received Interest
Received February 1, 2014 - February 28, 2014

Issuer	CUSIP	Investment #	Security Type	Par Value	Current Rate	Interest				
						Date Due	Date Received	Amount Due	Amount Received	Variance
FEDERAL NTL MORTGAGE ASSOC.	3135G0NF6	2252	FAC	500,000.00	1.000	02/21/2014	02/21/2014	2,500.00	2,500.00	-
								Subtotal	2,500.00	2,500.00
G.E. Capital Financial, Inc.	36160WVR7	3132	BCD	247,000.00	1.850	02/12/2014	02/13/2014	2,284.75	2,303.53	18.78
								Subtotal	2,284.75	2,303.53
GEORGIA BANK AND TRUST	373128DS3	3167	NC2	249,000.00	1.000	02/17/2014	02/18/2014	214.42	211.48	-2.94
								Subtotal	214.42	211.48
GE Money Bank	36159CRZ1	3126	NC2	247,000.00	2.400	01/30/2014	02/03/2014	2,964.00	2,988.36	24.36
								Subtotal	2,964.00	2,988.36
Total								19,246.95	19,305.99	
Total Cash Overpayment									72.11	
Total Cash Shortfall									-13.07	

CITY OF HEMET
Received Interest
Received February 1, 2014 - February 28, 2014

Issuer	CUSIP	Investment #	Security Type	Par Value	Current Rate	Date Received	Interest Amount Received
Cash Accounts							
BANK OF NEW YORK	SYS5009	5009	PA1	569,725.90		02/03/2014	6.75
						Subtotal	6.75
						Total	6.75

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

www.treasurer.ca.gov/pmia-laif
March 31, 2014

CITY OF HEMET

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

PMIA Average Monthly Yields

Account Number:
98-33-362

Tran Type Definitions

February 2014 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	33,179,030.04
Total Withdrawal:	0.00	Ending Balance:	33,179,030.04

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

www.treasurer.ca.gov/pmia-laif
March 31, 2014

HEMET

TREASURER
445 EAST FLORIDA AVENUE
HEMET, CA 92543-4209

PMIA Average Monthly Yields

Account Number:
65-33-006

Tran Type Definitions

February 2014 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	1,878.41
Total Withdrawal:	0.00	Ending Balance:	1,878.41

HEMET REDEVELOPMENT AGENCY
Cash W/Fiscal Agent: US BANK and LAIF
1999 TAX ALLOCATION BONDS/RDA

Date	Activity	98510810 496-1502 Interest Fund	98510811 Principal Fund	98510812 Sinking Fund	98510813 496-1503 Reserve Fund	98510814 Redemption Fund	98510815 390-1502 Cost of Issuance	RDA 390-1503 Acquisition Fund	TOTAL All Accounts
7/31/2013	Interest								0.00
	Interfund transfer								0.00
	Debt Service from City of Hemet								0.00
	Debt Service Payment								0.00
	BALANCE	0.00	0.00	0.00	605,149.30	0.00	0.00	(0.00)	605,149.30
8/31/2013	Interest								0.00
	Interfund transfer								0.00
	Debt Service from City of Hemet								0.00
	Debt Service Payment								0.00
	BALANCE	0.00	0.00	0.00	605,149.30	0.00	0.00	(0.00)	605,149.30
9/30/2013	Interest				0.53				0.53
	Interfund transfer	(2,028.77)			2,028.77				0.00
	Debt Service from City of Hemet	466,505.02							466,505.02
	Debt Service Payment	(464,476.25)							(464,476.25)
	BALANCE	0.00	0.00	0.00	607,178.60	0.00	0.00	(0.00)	607,178.60
10/31/2013	Interest	0.36	0.66		7.99				9.01
	Interfund transfer								0.00
	Debt Service from City of Hemet								0.00
	Debt Service Payment								0.00
	BALANCE	0.36	0.66	0.00	607,186.59	0.00	0.00	(0.00)	607,187.61
11/30/2013	Interest				8.26				8.26
	Interfund transfer								0.00
	Debt Service from City of Hemet								0.00
	Debt Service Payment								0.00
	BALANCE	0.36	0.66	0.00	607,194.85	0.00	0.00	(0.00)	607,195.87
12/31/2013	Interest				8.00				8.00
	Interfund transfer								0.00
	Debt Service from City of Hemet								0.00
	Debt Service Payment								0.00
	BALANCE	0.36	0.66	0.00	607,202.85	0.00	0.00	(0.00)	607,203.87
1/31/2014	Interest				8.26				8.26
	Interfund transfer								0.00
	Debt Service from City of Hemet								0.00
	Debt Service Payment								0.00
	BALANCE	0.36	0.66	0.00	607,211.11	0.00	0.00	(0.00)	607,212.13
2/28/2014	Interest				8.26				8.26
	Interfund transfer								0.00
	Debt Service from City of Hemet								0.00
	Debt Service Payment								0.00
	BALANCE	0.36	0.66	0.00	607,219.37	0.00	0.00	(0.00)	607,220.39
	First American Treas Oblig CL D Corp Tr								607,220.39
	Money Market/RDA								607,220.39
									0.00

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

Date	Activity	98510818	98510819	98510816	98510815	98510817	RDA	TOTAL	
		496-1504 Interest Fund	Principal Fund	Sinking Fund	496-1506 Reserve Fund	Redemption Fund	389-1502 Cost of Issuance		389-1503 Acquisition Fund
7/31/2013	Interest							0.00	
	Interfund transfer							0.00	
	Debt Service from City of Hemet							0.00	
	Debt Service Pmt							0.00	
	BALANCE	0.00	0.00	0.00	475,474.45	0.00	(0.00)	0.00	475,474.45
8/31/2013	Interest							0.00	
	Interfund transfer							0.00	
	Debt Service from City of Hemet							0.00	
	Debt Service Pmt							0.00	
	BALANCE	0.00	0.00	0.00	475,474.45	0.00	(0.00)	0.00	475,474.45
9/30/2013	Interest				0.42			0.42	
	Interfund transfer	(1,594.03)			1,594.03			0.00	
	Debt Service from City of Hemet	306,601.54						306,601.54	
	Debt Service Pmt	(305,007.51)						(305,007.51)	
	BALANCE	0.00	0.00	0.00	477,068.90	0.00	(0.00)	0.00	477,068.90
10/31/2013	Interest	0.35	0.32		6.28			6.95	
	Interfund transfer							0.00	
	Debt Service from City of Hemet							0.00	
	Debt Service Pmt							0.00	
	BALANCE	0.35	0.32	0.00	477,075.18	0.00	(0.00)	0.00	477,075.85
11/30/2013	Interest				6.49			6.49	
	Interfund transfer							0.00	
	Debt Service from City of Hemet							0.00	
	Debt Service Pmt							0.00	
	BALANCE	0.35	0.32	0.00	477,081.67	0.00	(0.00)	0.00	477,082.34
12/31/2013	Interest				6.28			6.28	
	Interfund transfer							0.00	
	Debt Service from City of Hemet							0.00	
	Debt Service Pmt							0.00	
	BALANCE	0.35	0.32	0.00	477,087.95	0.00	(0.00)	0.00	477,088.62
1/31/2014	Interest				6.49			6.49	
	Interfund transfer							0.00	
	Debt Service from City of Hemet							0.00	
	Debt Service Pmt							0.00	
	BALANCE	0.35	0.32	0.00	477,094.44	0.00	(0.00)	0.00	477,095.11
2/28/2014	Interest				6.49			6.49	
	Interfund transfer							0.00	
	Debt Service from City of Hemet							0.00	
	Debt Service Pmt							0.00	
	BALANCE	0.35	0.32	0.00	477,100.93	0.00	(0.00)	0.00	477,101.60
	First American Treas Oblig CL D Corp Tr		477,101.60						
	LAIF/RDA		0.00						
			<u>477,101.60</u>						
			0.00						

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

Date	Activity	103852000 788-1508 Bond	103852001 788-1508 Prepayment	103852002 Special	103852003 788-1510 Escrow	103852004 788-1502 Cost of	103852005 788-1506 Reserve	TOTAL
7/31/2013	Interest							0.00
	Transfer funds							0.00
	City of Hemet							0.00
	Debt Service							0.00
	Khov prepay (31 lots)							0.00
	Trust fees							0.00
	BALANCE	0.00	857,031.93	2,283,323.34	10,736.85	0.00	0.00	466,136.25
8/31/2013	Interest							0.00
	Transfer funds							0.00
	City of Hemet							0.00
	Debt Service							0.00
	Khov prepay (31 lots)							0.00
	Trust fees							0.00
	BALANCE	0.00	857,031.93	2,283,323.34	10,736.85	0.00	0.00	466,136.25
9/30/2013	Interest							0.00
	Transfer funds							0.00
	City of Hemet		12,607.44					12,607.44
	Debt Service	(667,646.25)						(667,646.25)
	Khov prepay (31 lots)							0.00
	Trust fees							0.00
	BALANCE	0.00	189,385.68	2,295,930.78	10,736.85	0.00	0.00	466,136.25
10/31/2013	Interest							0.00
	Transfer funds							0.00
	City of Hemet							0.00
	Debt Service							0.00
	Khov prepay (31 lots)							0.00
	Trust fees							0.00
	BALANCE	0.00	189,385.68	2,295,930.78	10,736.85	0.00	0.00	466,136.25
11/30/2013	Interest							0.00
	Transfer funds							0.00
	City of Hemet							0.00
	Debt Service							0.00
	Khov prepay (31 lots)							0.00
	Trust fees							0.00
	BALANCE	0.00	189,385.68	2,295,930.78	10,736.85	0.00	0.00	466,136.25
12/31/2013	Interest							0.00
	Transfer funds							0.00
	City of Hemet							0.00
	Debt Service							0.00
	Khov prepay (31 lots)							0.00
	Trust fees							0.00
	BALANCE	0.00	189,385.68	2,295,930.78	10,736.85	0.00	0.00	466,136.25
1/31/2014	Interest							0.00
	Transfer funds							0.00
	City of Hemet		419,594.72					419,594.72
	Debt Service							0.00
	Khov prepay (31 lots)							0.00
	Trust fees							0.00
	BALANCE	0.00	189,385.68	2,715,525.50	10,736.85	0.00	0.00	466,136.25
2/28/2014	Interest							0.00
	Transfer funds	69,660.57	(58,923.72)	(10,736.85)				0.00
	City of Hemet							0.00
	Debt Service							0.00
	Khov prepay (31 lots)							0.00
	Trust fees							0.00
	BALANCE	0.00	259,046.25	2,656,601.78	(0.00)	0.00	0.00	466,136.25
	First American Treasury Oblig		3,381,784.28					
	US Treasury Notes, various							not carried on COH books
	Misc Assets		1.00					
			<u>3,381,785.28</u>					
	Cash held by FA, net of Escrow acct		3,381,784.28					
			0.00					



Staff Report

TO: Honorable Mayor and Members of the Hemet City Council

FROM: Wally Hill, City Manager *Wally Hill*

DATE: May 13, 2014

RE: Approval of Amended Deputy City Manager/Administrative Services Job Description and Posted Salary of \$165,000 with Authority to Negotiate a Salary up to \$175,000, if necessary.

RECOMMENDED ACTION:

That the City Council approve an amended job description for the Deputy City Manager/Administrative Services position and approve a posted salary of \$165,000, with authority for the City Manager to negotiate a salary up to \$175,000, if necessary.

BACKGROUND:

On April 24, 2012, the Council approved job descriptions for the Deputy City Manager/Administrative Services Director position and for the Assistant City Manager position. Both positions are currently vacant. In view of the City's financial constraints, I will be recommending that the Assistant City Manager position remain vacant in the FY15 budget. However, we need to fill the Deputy City Manager position to oversee the City's finance, human resources, and information technology divisions, as well as take on the role of the City's chief labor negotiator and serve as the Acting City Manager when needed. The existing position description has been amended to reflect these roles. A salary of \$165,000 is recommended, with authority for the City Manager to negotiate a salary up to \$175,000, if necessary.

PROJECT DESCRIPTION:

The current Deputy City Manager/Administrative Services Director position is responsible for finance (budgeting, purchasing, payroll, accounting, utility billing, business license, and risk management); human resources (recruitment, classification, labor relations, employee relations, benefits administration, and workers' compensation), and information technology. The position description has been amended to add serving as the City's chief labor negotiator and Acting City Manager, when needed. Taking on the chief labor negotiator role is expected to save the City about \$65,000 per year in contracted legal expenses.

ANALYSIS:

The City's financial constraints render us unable to recommend filling both the Deputy City Manager and Assistant City Manager positions. Relying only on the Deputy City Manager position makes the position more critical to the organization. Adding the chief labor negotiator role also offers the opportunity to save money on contracted legal expenses. A recruitment for the Deputy City Manager/Administrative Services position, even without the chief labor negotiator role, at a

posted salary of \$145,530 was unsuccessful. While 45 applications were received, Human Resources' review of the applications yielded an insufficient candidate pool. A salary survey of comparable positions in similar sized jurisdictions in Riverside and San Bernardino counties suggests the posted salary is too low, as the average salary was \$166,704 and the median salary was \$173,292.

COORDINATION & REVIEW:

The job description and salary comparisons were prepared by Human Resources.

POTENTIAL ALTERNATIVE ACTIONS:

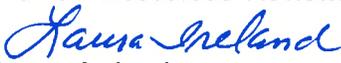
The alternative course would be to fill the Assistant City Manager position. However, the salary survey suggests the salary would need to be in the \$189,000 to \$194,000 range for that position, and we may not receive applicants with the same strengths in finance and labor negotiations as sought for the Deputy City Manager position. The other option would be to fill the Finance Director position and create a Human Resources Director position with the added chief labor negotiations role, however that approach would cost more than the Deputy City Manager/Administrative Services approach.

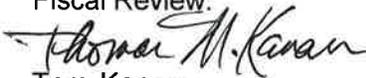
FISCAL IMPACT:

A salary of \$165,000 would be \$27,644 higher in salaries and salary-related benefits than the current posted salary of \$145,530. Of that amount, \$16,587 would be an increase to the General Fund. However, with the \$65,000 savings in contracted chief labor negotiations, the City would experience a net annual savings of about \$37,356.

Respectfully Submitted,

Wally Hill
City Manager

Human Resources Review:

Laura Ireland
Human Resources Manager

Fiscal Review:

Tom Kanarr
Interim Finance Director

Attachment(s): Deputy City Manager/Administrative Services Position Description
Salary Survey

CITY OF HEMET

Class Code: 2106
Page 1 of 2

Date Adopted: 05/13/2014
Date Last Revised: New Class

DEPUTY CITY MANAGER/ADMINISTRATIVE SERVICES

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

Under administrative direction of the City Manager, this position will recommend to the City Manager solutions for operational effectiveness, staff, and budgetary issues; plan, direct, and coordinate the activities of the Administrative Services Department by developing and implementing policies and establishing procedures related but not limited to: finance, budgeting, purchasing, payroll, human resources, risk management, workers compensation, labor relations, information services/computer support, business license, revenue management, and utility billing; represent the City Manager, and serve as Acting City Manager in his/her absence when so assigned; perform related duties as required.

CLASS CHARACTERISTICS

The Deputy City Manager/Administrative Services is distinguished from other director level positions in that it is considered the number two managerial position within the organization, and serves as Acting City Manager. This position has broader decision-making accountability and greater external interfaces with the Mayor and City Council as directed by the City Manager.

ESSENTIAL FUNCTIONS

Essential functions, as defined under the Americans with Disabilities Act may include, but are not limited to the following characteristics, duties, responsibilities, knowledge, skills and other characteristics:

Directs, plans, and coordinates City finance, budgeting, purchasing, payroll, human resources, risk management, labor relations, information services/computer support, business license, revenue management, workers compensation, and utility billing. Recommends policies and approves the implementation of procedures by operating divisions; ensures that activities are conducted in accordance with related laws, ordinances, rules and regulations, develops comprehensive plans to satisfy future needs for administrative services; may serve as the City's chief labor negotiator.

Establishes and maintains direction and regulation over municipal revenues and expenditures in City departments in accordance with municipal accounting, auditing, reporting, and management practices.

Provides professional assistance, guidance, and information to the City Council, City Manager and Department Directors on financial and administrative issues. Provides overall guidance to all levels of management in administrative operations and program problems to ensure timely and effective operations; coordinates activities between City departments, outside agencies and organizations.

Directs the conduct of special studies, feasibility analyses, and unique projects, and the preparation and review of a broad range of reports. Provides assistance in the implementation of project recommendations.

Represents the City and/or City Manager as assigned by the City Manager, in relations with the community, advisory committees, other local, state, and federal agencies and professional organizations.

Provides professional analytical assistance to the City Manager and City Council regarding the formulation of strategy for City-wide issues, programs or operations; provides direction to administrative staff in the analysis of such issues.

Oversees, monitors, and directs office operations of assigned staff. Prioritizes and assigns special projects. Interviews prospective employees. Hires and/or recommends hiring. Assigns, tracks, and reviews work assignments and progress. Reviews and approves the formal performance evaluations of assigned staff.

Performs other duties as assigned by the City Manager.

KNOWLEDGE, SKILLS, AND ABILITIES

Knowledge of municipal management theory and practice; full service municipal organization and finance; laws, regulations, and reporting requirements pertaining to municipal finance, human resources, labor negotiations, risk management, and municipal budgeting processes; principles and practices of supervision; techniques of maintaining effective Council/staff and public/staff relations.

Ability to plan, direct, and coordinate municipal and department activities; analyze unusual situations and resolve them through application of best management principles and practices; manage and delegate; handle effectively multiple projects and priorities.

Ability to deal with sensitive public and private situations requiring tact and diplomacy and develop effective resolutions for situations that may involve conflict; analyze and solve administrative, managerial, financial, and organizational problems, utilizing skills in interpreting and applying laws, regulations, ordinances, policies, politics, and practical common-sense.

Ability to communicate effectively both orally and in writing; establish and maintain cooperative working relationships; supervise assigned staff including a variety of subordinate managers who may work in varied municipal programs and services; prepare and present reports both orally and in writing to internal staff, elected and or appointed officials, outside agencies, advisory bodies, or the public; conduct and manage community and/or public meetings as an official representative of the City.

MINIMUM QUALIFICATIONS

Graduation from an accredited college or university with a Bachelor's degree in public or business administration, finance, economics, or a related field and seven years of progressively responsible administrative experience in the planning, organization, coordination and direction of varied municipal activities, at least a portion of which involves municipal finance and budgeting, personnel and labor relations, human resources, and risk management, or closely related work. A Master's degree from an accredited college or university with major course work in public administration, business administration, or related field is highly desirable.

CERTIFICATION/LICENSE AND/OR OTHER SPECIAL REQUIREMENTS

Possession of, or ability to obtain, a valid and appropriate California Driver License and maintain a satisfactory driving record.

Salary Survey as of 04/29/2014
Executive Positions

	DCM	Admin. Services Director	Combined DeputyCM & Admin. Services	Finance Director	Assistant City Mgr.
Banning		\$12,926			
Beaumont	\$12,596			\$9,367	\$17,798
Cathedral City		\$15,061			
Chino					
Chino Hills				\$13,754	\$13,754
Coachella				\$14,000	\$15,313
Corona		\$14,878		\$14,878	\$18,254
Escondido				\$13,396	\$16,283
HEMET			\$12,128		
Hesperia	\$10,581				\$13,507
Highland					
Indian Wells				\$14,382	
Indio				\$16,604	
Lake Elsinore					\$11,216 for Director pc
Menifee		\$11,595		\$11,595	
Moreno Valley		\$16,885			\$18,151
Murrieta		\$14,717			\$16,748
Ontario				\$14,453	
Palm Desert				\$15,610	
Palm Springs				\$13,013	\$15,596
Redlands				\$12,888	
Rialto		\$14,441			
San Jacinto				\$9,819	\$11,633 FY 2010/2011
San Bernardino					
Temecula				\$14,281	\$16,179
Upland		\$12,624			
Yucaipa		\$11,904			
Average	\$11,589	\$13,892		\$13,431	\$15,747
Median	\$11,589	\$14,441		\$13,877	\$16,179



Staff Report

TO: Honorable Mayor and Members of the Hemet City Council

FROM: Peter Bryan, Interim Fire Chief ; Wally Hill, City Manager *Wally Hill*

DATE: May 13, 2014

RE: Acceptance of the 2014 Riverside County Community Health Agency Grant (CHOG)

RECOMMENDED ACTION:

It is respectfully recommended that the City Council:

1. Accept the grant from the Riverside County DOPH Public Health Emergency Preparedness and Response in the amount of \$67,000 for the period of August 29, 2013 through February 28, 2015.
2. Amend the budget in the Public Safety Grant Fund #232 to reflect the award amount of \$67,000 to cover the cost of training and the purchase of hazardous materials mitigation equipment.

BACKGROUND:

- Beginning in 2007 as the Applicant Agency for the Riverside County HazMat Operational Group, the Riverside County Health Agency has applied and been awarded grant funding to distribute to requesting agencies for the purchase of hazardous materials mitigation equipment and training to help combat bio-terrorism.
- City of Hemet Fire department was also awarded the CHOG grant funding of \$67,000 in 2011, 2012, 2013.

PROJECT DESCRIPTION:

- A Upon acceptance of the CHOG Grant funding the City of Hemet Fire department agrees to adhere to the spending plan outlined in Attachment A.
- B City of Hemet, Fire department must participate in 75% of all CHOG sponsored exercises / drills to be held four times a calendar year.
- C City of Hemet, Fire department must participate in 75% of all CHOG Meetings held 4 times a calendar year.

ANALYSIS:

- Under the current 2014 CHOG grant the funding will once again be used to purchase hazardous materials mitigation equipment and training to help combat bio-terrorism.

CONSISTENCY WITH ADOPTED GOALS, PLANS, AND PROGRAMS:

- The City of Hemet's Hazardous Materials Response Team, within the Fire Department, utilizes these funds for training and equipment to be prepared to meet the needs of the citizens of Hemet in a public health emergency.

FISCAL IMPACT:

- None – no additional matching funds are required.

Respectfully submitted,


Peter Bryan
Interim Fire Chief


Tom Kanarr
Interim Finance Director

Attachments:
Attachment A
CHOG Contract

COUNTY OF RIVERSIDE

Department of Public Health

FOR COUNTY USE ONLY



COUNTY DEPT/DIVISION DOPH/Public Health Emergency Preparedness and Response		CONTRACT NO. 14-074	RFP NO. N/A
FUND: 10000	DEPARTMENT IDs: 4200102100	PROJECT-GRANT HS100115	PROGRAM 75610
CLASS/LOCATION: 6610-33201		CONTRACT AMOUNT \$67,000	ACCOUNT NO. 525440
PERIOD OF PERFORMANCE: August 29, 2013 to February 28, 2015			
COUNTY CONTACT: Kim Saruwatari (951) 358-7100		CONTRACTOR REPRESENTATIVE: Primo Reynoso, Fire Chief, (951) 765-2450	
PROGRAM NAME: CHOG - 13			

This agreement is made and entered into by and between the County of Riverside, a political subdivision of the State of California, through its Department of Public Health Public Health Emergency Preparedness and Response, hereinafter referred to as "COUNTY", and **City of Hemet Fire Department** hereinafter referred to as "CITY".

WITNESSETH:

WHEREAS, the State of California has allocated funds from the U.S. Homeland Security to Riverside County Operational Area (OA) to assist the State with its effort to prepare to terrorist attack and other major disasters; and

WHEREAS, the County's Board of Supervisors appointed a five-member Anti-Terrorism Approval Authority (ATAA) to manage the distribution of Homeland Security Grant Program (HSGP) funding.

NOW THEREFORE in consideration of the mutual promises, covenants and conditions hereinafter contained, the Parties hereto mutually agree as provided on pages 1 through 13, Exhibit A, consisting of three (3) page(s) Exhibit B, consisting of two (2) page(s), and Attachment A, consisting of one (1) page attached hereto and incorporated herein.

CITY

City of Hemet Fire Department

By _____

Print Name

Date _____

COUNTY

By _____
Susan Harrington, Director of Public Health

Date _____



#9

MINUTES

REGULAR MEETING OF THE HEMET CITY COUNCIL

April 22, 2014

6:00 p.m.

City of Hemet Council Chambers
450 E. Latham Avenue

www.cityofhemet.org
Please silence all cell phones

Call to Order

Mayor Smith called the meeting to order at 6:03 p.m.

Roll Call

PRESENT: Council Members Krupa, Wright and Mayor Smith

ABSENT: Council Member Youssef and Mayor Pro Tem Milne

Council Member Krupa moved and Council Member Wright seconded a motion to excuse Council Member Youssef and Mayor Pro Tem Milne. Motion carried 3-0.

Closed Session

Notice of Opportunity for Public Comment

There were no public comments were presented at this time.

The City Council recessed to Closed Session at 6:03 p.m.

Mayor Pro Tem Milne arrived at 6:04 p.m.

1. Conference with Labor Negotiators

Pursuant to Government Code section 54957.6

Agency designated representatives: City Manager Hill

Employee organization:

Hemet Fire Fighters Association

Hemet Non-Sworn Police Employees Association

2. Conference with Real Property Negotiators

Pursuant to Government Code section 54956.8

Property: *APN: 456-050-013 and 022, Northwest corner of Sanderson and Stetson Avenues*

Agency negotiator: *City Manager Hill*

Negotiating parties: *Stetson Crossing Partners, LLC*

Under negotiation: *Acquisition, Price and Terms*

REGULAR SESSION

7:00 p.m.

City of Hemet City Council Chambers
450 E. Latham Avenue

Call to Order

Mayor Smith called the meeting to order at 7:04 p.m.

Roll Call

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

ABSENT: Council Member Youssef

Mayor Pro Tem Milne moved and Council Member Wright seconded a motion to excuse Council Member Youssef. Motion carried 4-0.

OTHERS PRESENT: City Manager Hill, City Attorney Vail and City Clerk McComas

Invocation

Invocation was given by Jim Lineburger, Hemet-San Interfaith Council

Pledge of Allegiance

Pledge of Allegiance was led by Jim Lineburger.

City Attorney Closed Session Report

3. Conference with Labor Negotiators

Pursuant to Government Code section 54957.6

Agency designated representatives: City Manager Hill

Employee organization:

Hemet Fire Fighters Association

Hemet Non-Sworn Police Employees Association

The City Council voted 4-0 to authorize the Labor Negotiator to commence impasse procedures with Hemet Fire Fighters Association. The City Council gave direction to the Labor Negotiator regarding the Hemet Non-Sworn Police Employees Association. There was no additional reportable action.

4. Conference with Real Property Negotiators

Pursuant to Government Code section 54956.8

Property: *APN: 456-050-013 and 022, Northwest corner of Sanderson and Stetson Avenues*

Agency negotiator: *City Manager Hill*

Negotiating parties: *Stetson Crossing Partners, LLC*

Under negotiation: *Acquisition, Price and Terms*

The City Council gave direction to the Agency's Negotiator. There was no additional reportable action.

Presentations

5. Proclamation proclaiming May 2014 as Mental Health Month

Mayor Smith, presented a proclamation to Sandra Gregston, Department of Mental Health proclaiming May 2014 as Mental Health Month.

Ms. Gregston, Department of Mental Health Board Member, gave an explanation of the events scheduled to promote "May is Mental Health Month". Ms. Gregston asked for volunteers to serve on the Board. Previous personal experience makes Ms. Gregston want to help others. NAMI Mt. San Jacinto will be sponsoring the showing of "Call Me Crazy" on May 8th at the Historic Hemet Theater.

6. Update on State Route 74 Curve Widening Project - Eliza Echevarria, Community Relations Manager RCTC

Eliza Echevarria, RCTC, gave the City Council a powerpoint presentation regarding State Route 74 (SR-74) Curve Widening. The project is to widen the existing south side of SR-74 heading eastbound between Calvert Avenue and California Avenue. Riverside County Transportation Commission will be the lead agency. All American Asphalt will be the contractor. The work will be preceded by a Caltrans Traffic Signal Improvement Project at the intersection of SR-74 and California Avenue which is scheduled for mid-May 2014. SR-74 curve widening is scheduled for mid-May 2014 to late-September 2014. The improvements are: 8 foot widths increase to shoulders; installation of 14-foot wide painted median; two 12-foot lanes in each direction; existing pavement will be rehabilitated with asphalt overlay (north and southbound lanes); signal modifications at SR-74 and Four Seasons Blvd.; and new drainage pipes/inlets, earthen ditch, and bioswales. The construction will occur during daytime hours and will include vibratory roller work for compaction. Lanes will be reduced and speed limits will be reduced to 35 mph. The work will begin on the east end of California Avenue. Traffic will reduce to one lane in each direction. The traffic signal at Four Seasons will remain operational. RCTC wants to stress construction safety and remind everyone to slow down and watch for workers and equipment. Allow extra time for your travel in that area and be extra careful while driving at night. Avoid using mobile phones and other distractions. Real time traffic updates can be found at IE511.org.

Mayor Smith, asked if the improvements will remove the curve.

Ms. Echevarria, the curve will be softer with a painted median.

7. Community Quality of Life Survey Results – Dr. Barbara Sirotnik, CSU San Bernardino-Institute for Applied Research

Chief Brown, this time last year you approved Project HOPE, one of the components was this survey. The City partnered with the Institute of Applied Research for CSU San Bernardino. Three different technics were used; online, telephone and two targeted focus groups. Alex Ballard, Guy Excell, John Scott, Luis Herrejon, Russ Brown, Sewa Contreras, Tami Wilhelm Lisa DeForest and Andy Anderson. Joel Bergenfeld, Roger Schultz, Connie Polhemus, Dean Wetter, Hamilton Jones, Ray Hicks, Tom Hughes and Steve Kalmikov. Chief Brown thanked Connie Hall for her help with the graphics and getting the survey online. Chief Brown introduced Dr. Barbara Sirotnik. Dr. Sirotnik is the Professor of Statistics and Director of the Applied Research Division at CSUSB since its inception. Dr. Sirotnik has been involved in the researching Quality of Life in the Inland Empire for 17 years.

Dr. Barbara Sirotnik, the purpose of the survey was to gather baseline data regarding the community's: quality of life; fear of crime; and priorities for improving the quality of life in Hemet. Three populations were targeted: Hemet residents; Hemet merchants, employers, and employees; and visitors to Hemet. Three methods were used: telephone survey of 448 Hemet residents; online survey of 1,345 Hemet residents and 466 non-residents (merchants, employers, employees and visitors); and focus groups of major employers and Chief Brown's advisory group. Dr. Sirotnik gave the results of the positive views about life in Hemet and the Hemet Police Department. What do people like about Hemet? (open ended questions, phone survey): location/scenery – 21%; small town atmosphere – 15%; convenience to stores – 14%; affordable housing – 12%; not crowded – 8%; and peaceful and quiet – 7%. Results from the phone survey were: 59% are proud to live in Hemet of which 71% were 65 or older and 50% were 18 to 39; and 55% feel a sense of belonging to Hemet. The results from the online survey were that 86% of non-residents think that Hemet is an affordable place to live. How is the Hemet Police Department doing? 69% of the survey respondents said that HPD is doing a "good, very good or excellent job". Nearly half of the phone survey respondents believe safety in Hemet has (or may have) improved over the past 6 months. 91% of online survey respondents say it is important to have local officers working Hemet streets. Dr. Sirotnik gave the results of the factors people feel less positive about. 47% of phone survey respondents rate Hemet as a "very good" or "fairly good" place to live. In an online survey, non-residents were asked to consider the economic development implications: 26% say the city is a "very good" or "fairly good" place to visit. 53% rate Hemet as a "very good" or "fairly good" place to work. "Do you feel it is safe to walk around in your neighborhood during the day/night? The results for phone survey of Hemet Residents were: 54% feel safe during the day and 17% feel safe at night; 37% feel somewhat safe during the day and 25% feel somewhat safe at night; and 8% do not feel safe during the day and 57% do not feel safe at night. The results for online survey of Hemet residents were: 42% feel safe during the day and 11% feel safe at night; 45% feel somewhat safe during the day and 25% feel somewhat safe at night; and 13% do not feel safe during the day and 64% do not feel safe at night. Dr. Sirotnik gave some examples of reasons respondents stated for feeling lack of safety as well as some direct quotes from respondents. "What do you like least about living in Hemet?" The results for phone survey were (open ended): crime and violence – 24%; type of people who live here – 14%; drugs – 5%; gang activity – 5%; and lack of entertainment, arts, shopping – 7%. The results for online survey (from a list): Crime and violence – 50%; type of people who live here – 18%; drugs – 4%; gang activity – 8%; and lack of entertainment, arts, shopping – 2%. "What do you like least about working in or visiting Hemet?" The results for working in Hemet (from a list) were: crime and violence (lack of safety) – 40%; homeless/vagrants loitering – 23%; poor stores, restaurants, etc. – 3%; and pay not as good – 12%. The results for visiting Hemet (from a list) were: crime and violence (lack of safety) – 34%; homeless/vagrants loitering – 26%; and poor stores, restaurants, etc. – 28%. "How fearful are you that you will be the victim of a serious (violent or costly) crime?" Hemet residents telephone survey results were: very fearful – 10%; somewhat fearful – 39%; not too fearful – 3% and not at all fearful – 19%. Hemet residents online survey results were: very fearful – 21%; somewhat fearful – 53%; not too fearful – 22% and not at all fearful – 4%. Hemet workers or visitor online survey results were: very fearful – 17%; somewhat fearful – 54%; not too fearful – 24% and not at all fearful – 5%. "Fear of crime in Hemet in the near future?" Hemet residents telephone survey results were: very/somewhat fearful of property crime – 61%; and very/somewhat fearful of violent crime – 45%. Hemet residents

online results were: very/somewhat fearful of property crime – 84%; and very/somewhat fearful of violent crime – 71%. Hemet workers or visitors online survey results were: very/somewhat fearful of violent crime – 72%. Average concern ratings for particular crimes and nuisances were displayed and discussed. 57% of the respondents feel safe going to local stores in Hemet. 53% usually leave Hemet to shop or spend money on entertainment, and 9% sometimes leave (but not usually). Of the 53%, 89% feel there are more options elsewhere and 8% feel safer elsewhere. Other findings from the online survey were: 94% strongly agree or agree that “safety is everyone’s responsibility” while 5% neither agree nor disagree and 1% disagree or strongly disagree. 91% strongly agree or agree that “it is important to have local officers working the streets of Hemet” while 6% neither agree nor disagree and 3% disagree or strongly disagree. 85% strongly agree or agree that “I feel safer when I see a police car patrolling my neighborhood” while 12% neither agree nor disagree and 3% disagree or strongly disagree. 42% strongly agree or agree that “the Police Department responds to emergency calls in a timely manner” while 35% neither agree nor disagree and 23% disagree or strongly disagree. 12% strongly agree or agree that “there are enough officers in my neighborhood” while 25% neither agree nor disagree and 63% disagree or strongly disagree. 27% strongly agree or agree that “traffic enforcement in Hemet meets the needs of the community” while 29% neither agree nor disagree and 44% disagree or strongly disagree. 61.1% of the respondents feel that Officers are fair in dealing with residents. 68.2% of the respondents feel that Officers are professional and helpful. 64.4% of the respondents feel that Officers treat people with respect. 68.3% of the respondents feel that Officers are courteous. The respondents rated Hemet Police Department activities the results were displayed and discussed with the City Council. Dr. Sirotnik gave the City Council samples from other cities for comparison. When respondents were asked “How likely would you be to approve an assessment of \$9 a month for additional police services if you were guaranteed the money would be used to address the policing priorities you’ve identified?” Hemet residents (phone) responded: 42% were very likely; 33.9% were somewhat likely; and 23.5% were unlikely. Hemet residents (online) responded: 61.5% were very likely; 26.0% were somewhat likely; and 12.5% were unlikely. The residents are for the most part very happy with the job that Hemet Police Department does and more than 50% have seen a difference with the implementation of Project HOPE.

Mayor Smith, asked how the surveys methods are weighted.

Dr. Sirotnik, the statistical data is gathered from the telephone survey. The numbers between the online and telephone survey were different but the trends didn’t change. We are very confident in our results.

Mayor Smith, the complete report noted that the majority of the respondents obtain their information from the newspaper that was a surprise.

Council Member Wright, I was not surprised by the survey results. On the telephone surveys were answers followed up with clarifying questions.

Dr. Sirotnik, the surveys were conducted by computers. If the response was X they got one question, if response is Y they would receive another question.

Council Member Wright, your team is highly regarded and respected. Very happy to hear that most of the respondents feel that it is everyone’s responsibility.

Council Member Krupa, confirmed that the City Council can contact Dr. Sirotnik with questions in the future.

Mayor Pro Tem Milne, asked if there was a difference in the gender of the respondents.

Dr. Sirotnik, there were more women that took the survey. Weighting factors were considered if there were large discrepancies in responses.

Mayor Pro Tem Milne, asked if the fear of crime was based on longevity in the community. As a transplant from San Diego I feel very safe here. My perception of crime is different. There are a number of places in San Diego that I feel unsafe.

Mayor Smith, very pleased that a number of respondents have seen improvements, given the short period of time, the programs are having an immediate impact in people's lives. Mayor Smith asked Dr. Sirotnik to define the term "somewhat safe".

Dr. Sirotnik, it is not really a well-defined term and even harder to define in a 3 minute phone survey.

Mayor Smith, I'm sure the Council Members will have questions after they have had time to read the entire report. Very bold move on the part of our Police Chief, it shows that the City and the Police Department are very concerned with the resident's fear of crime.

Wally Hill, City Manager, the report will be available on the City's website, residents are encouraged to read it.

City Council Business Consent Calendar

8. **Receive and File** – Warrant Register
 - a. Warrant register dated April 3, 2014 in the amount of \$1,215,370.01. Payroll for the period of March 17, 2014 to March 30, 2104 was \$716,771.58.

9. **Recommendation by City Manager** - Amendment of Ordinance No. 1848 Regarding Reserve Fund Balance Requirements
 - a. Adopt an ordinance amending Section 24-50 through 24-52 of the Hemet Municipal Code regarding Reserve Fund Balance Requirements.
Ordinance No. 1880

10. **Recommendation by Community Development** - Specific Plan Amendment No: 14-001 (McSweeny Farms)
 - a. Adopt an ordinance approving SPA 14-001 amending the McSweeny Farms Specific Plan (SP-01) for the property located east of State Street, north of Newport Road and Gibbel Road, subject to conditions of approval.
Ordinance No. 1881

11. **Recommendation by Community Development** - First Amendment to Development Agreement No. 04-001 for the McSweeny Farms Specific Plan (DAA 14-001)
 - a. Adopt an ordinance approving an amendment to Development Agreement 04-001 for the McSweeny Farms Project. **Ordinance No. 1882**

12. **Recommendation by Community Development** - Zoning Ordinance Amendment (ZOA) No. 14-002 (Banners on Public Property)
 - a. Adopt an ordinance amending section 90-1316 of the Hemet Municipal Code regarding special event sign permits for banners above city streets.
Ordinance No. 1883

13. **Recommendation by Finance** – Declare City Vehicles and Equipment as Surplus
 - a. Declare the list of City vehicles and non-functioning equipment as surplus to be sold at auction.

14. **Recommendation by Finance** – Consultant Services Agreement for Lighting and Landscape Maintenance District Administration and Community Facilities District Administration with Psomas
 - a. Approve and authorize the City Manager to execute a three year Consultant Services Agreement with Psomas to provide Lighting and Landscape Maintenance District Administrative Services plus Communities Facilities District Heartland District No. 1999-1 and Public Safety Communities Facilities District 2005-1 Administration Services for the City of Hemet. This contract will cover fiscal years 2014/2015, 2015/2016, and 2016/2017.

Item No. 9 was removed from the Consent Calendar. **Mayor Pro Tem Milne moved and Council Member Wright seconded a motion to approve the remaining Consent Calendar items. Motion carried 4-0.**

Item No. 9

Council Member Krupa moved and Mayor Pro Tem Smith seconded a motion to approve this item as presented. Motion carried 3-1. Mayor Smith voted No.

Approval of Minutes

15. **March 25, 2014**

16. **April 8, 2014**

Mayor Pro Tem Milne moved and Council Member Wright seconded a motion to approve the Minutes as presented. Motion carried 4-0.

Communications from the Public

William Smith, Postal Service, announced the upcoming May 10th "National Food Drive". Volunteers are needed at the Community Pantry that day. All residents are encouraged to leave canned food out for their mail carriers that day. Mr. Smith came to Hemet in 1969. He didn't realize until later in life that his mother who supported three kids went to the food bank occasionally. The need hasn't changed. The Community Pantry will be having a VIP Tour of their facility at 2:00 p.m.

Jim Lineburger, Community Pantry, encourage residents to participate and volunteer if possible. When food is donated the pantry can use that funding for the utility bill program. Our goal is to prevent more homelessness. Mr. Lineburger would like to see City trucks picking up food and more City involvement. Mr. Lineburger explained a recent situation where funds were used to put a family in a hotel. That kind of assistance is available if more food is donated.

Joy Ward, Hemet, expressed concern that the recently purchased Stencil truck was not purchased locally, when the City is asking residents to shop locally. Ms. Ward also expressed concern that the sale of the Refuse Division did not get the City out of its deficit. Ms. Ward

feels that outsourcing the Fire Department will have the same results. Instead of looking for things to sell and outsource the City should be bringing businesses here.

Mayor Smith, the local bidder was given the opportunity to bid and chose not to.

Albert Parcerero, San Jacinto, told the City Council about an incident that happened within the Hemet Youth Baseball Organization at a game in Big Bear. Mr. Parcerero expressed concern that the team was there representing Hemet. Mr. Parcerero has addressed the Board of Hemet Youth Baseball.

Tracie Guzman, Hemet, presented a copy of names and comments that have been posted on her website. Ms. Guzman disagrees with the results of the survey and feels that the comments posted on her website are how the residents really feel about Hemet. The residents want answers. We are also willing to work with the city.

Kellie Lundgren, Hemet, spoke in support of Mr. Parcerero's concerns. As a mother of twin boys at Hemet Youth Baseball I feel that the incident that occurred in Big Bear was inappropriate. Someone in that position should be a role model for our youth.

Mayor Smith, Hemet Youth Baseball is a separate entity with a separate board.

Julie Arrietta, San Jacinto, spoke in support of Mr. Parcerero's concerns.

Jim Pangrazzi, San Jacinto, previously San Jacinto offered to install a traffic light at intersection of Esplanade and Kirby, asking Hemet to reimburse the City at a later date. At that time Hemet did not have the funding and did not agree. That intersection needs a traffic signal. Mr. Pangrazzi asked the City Council to consider installing a traffic signal.

City Council Reports

17. CITY COUNCIL REPORTS AND COMMENTS

A. Council Member Krupa

1. Traffic and Parking Commission
2. Riverside Conservation Authority (RCA)
3. Ramona Bowl Association

Council Member Krupa, the successful "First Nighter Party" was held on Friday after the 4th grade performance at the Bowl.

4. Indian Gaming Distribution Fund
5. Riverside Transit Agency (RTA)
6. Watermaster Board

Council Member Krupa, members of the Watermaster Board met with the Soboba Tribe and will continue to meet and keep them updated.

Council Member Krupa, attended a luncheon at Exceed celebrating 35 years in the Valley, Evening of Art and the Voice of the Valley.

Council Member Krupa, also attended a meeting and MWD's facility that included a presentation by CalPoly Pomona for land usage of MWD's property around Diamond Valley Lake.

Council Member Krupa, announced that the Library Foundation donated \$10,000 to the library to purchase new books for "Common Core" and the summer reading program.

Council Member Krupa, a meeting will be held at the Council Chambers on May 8th at 6:00 p.m. for non-profits and church groups that are interested in adopting a "Sunday in the Park".

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

Council Member Wright, attended Evening of Art and the Voice of the Valley.

- C. Council Member Youssef
 - 1. Western Riverside County of Governments (WRCOG)
 - 2. Riverside County Transportation Commission (RCTC)

- D. Mayor Pro Tem Milne
 - 1. Library Board
 - 2. League of California Cities
 - 3. Riverside County Habitat Conservation Agency (RCHCA)
 - 4. Riverside Transit Agency (RTA)
 - 5. Riverside Conservation Authority (RCA)
 - 6. Disaster Planning Commission

Mayor Pro Tem Milne, met with Chief Bryan and staff is moving forward with the formation of the Commission.

Mayor Pro Tem Milne, attended the Ramona Pageant.

Mayor Pro Tem Milne, announced that based on the City's Special Needs Registry, scientist from New York and Northern California are working on an exciting project. Mayor Pro Tem Milne will bring more information to the City Council as it becomes available.

Mayor Pro Tem Milne, Diamond Valley Arts Council has offered to host a Special Needs Art Show in the fall.

- E. Mayor Smith
 - 1. League of California Cities
 - 2. Riverside County Transportation Commission (RCTC)
 - 3. Western Riverside County of Governments (WRCOG)
 - 4. Public Safety Update
 - 5. National League of Cities
 - 6. Hemet Community Activities

Mayor Smith, the Easter Egg hunt held in Gibbel Park was very well attended.

Mayor Smith, the ground breaking for the new Police Evidence Facility will be held on April 28th at 5:00 p.m.

- F. Ad-Hoc Committee Reports
 - 1. Crime Stoppers Plus Ad-Hoc Committee
 - 2. West Hemet MSHCP Ad-Hoc Committee
 - 3. Regent Development Agreement Ad-Hoc Committee

G. City Manager Hill

1. Manager's Reports

Wally Hill, City Manager, staff is on the FY 14-15 budget. This has been a difficult process thus far considering we are dealing with a structural deficit. My intent is to bring the budget recommendation to the City Council on May 27th, have a public hearing on June 10th and recommend adoption on June 24th. Mr. Hill asked the City Council if there is a desire to have any additional meetings to discuss the budget.

Mayor Smith, if the City Council feels the need to have additional meetings after May 27th we can call a special meeting at that time.

Future Agenda Items

Workstudy Sessions with Special Needs Groups.

Adjournment

Adjourned at 8:55 p.m. to Tuesday, May 13, 2014 at 7:00 p.m.



#10

MINUTES

SPECIAL MEETING OF THE HEMET CITY COUNCIL

May 5, 2014

5:00 p.m.

Sister City Conference Room
445 E. Florida Avenue

www.cityofhemet.org
Please silence all cell phones

Call to Order

Mayor Smith called the meeting to order at 5:08 p.m.

Roll Call

PRESENT: Council Members Krupa, Wright, Youssef and Mayor Smith

ABSENT: Mayor Pro Tem Milne

Communications from the Public

Rita Riemann, Hemet, expressed concern with the City's decision to not accept responsibility for City trees that damaged private property in the recent wind storm. Ms. Riemann resides in the Seven Hills area and this is the 2nd time a City tree has damaged her residence.

Wally Hill, City Manager, explained that wind storms are considered acts of God and are not considered the responsibility of the City. Ms. Riemann is welcome to submit a claim for consideration.

The City Council gave direction to the Park Commission to consider not replanting trees in that specific area.

Discussion/Action Item

1. **Proclamation of the Existence of a Local Emergency** – City Manager Hill
 - a. Adopt a resolution confirming the City Manager/Director of Emergency Services, proclamation of the existence of a local emergency.

Resolution No. 4568

Wally Hill, City Manager, lots of damage was sustained in the recent wind storm, trees, power lines and fires. As the Director of Emergency Services I declared a local emergency. This action lays the groundwork for reimbursement from County, State and Federal Agencies. An accounting fund has been set up to track expenses.

Council Member Youssef, asked if a representative from FEMA will do a site visit.

Mr. Hill, FEMA will rely on the City to document the damage.

Mayor Smith, the State representatives have been contacted and Brian Nestande was in Hemet over the weekend and saw the damage.

Council Member Youssef moved and Council Member Wright seconded a motion to adopt Resolution No. 4568. Motion carried 4-0.

Adjournment

Adjourned at 5:15 p.m. to Tuesday, May 13, 2014 at 7:00 p.m.



Staff Report

TO: Honorable Mayor and Members of the Hemet City Council

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

DATE: May 13, 2014

RE: **APPEAL NO. 13-002 (CONDITIONAL USE PERMIT NO. 13-004 – Valero Gas Station Alcohol Sales)** An appeal of the Planning Commission's denial of Conditional Use Permit 13-004 regarding the sale of alcoholic beverages at an existing Valero gas station mini-mart located at 1701 W. Florida Avenue.

RECOMMENDED ACTION:

That the City Council either:

1. DENY the Appeal and affirm the Planning Commission's denial of Conditional Use Permit No. 13-004 by adopting City Council Resolution Bill No. 13-053 (Attachment No. 1)

OR

2. GRANT the Appeal and overturn the Planning Commission's denial of CUP 13-004, **AND** Provide the Required Findings for the granting of Conditional Use Permit 13-004, **AND** Direct staff and the City Attorney to return with an appropriate Resolution granting approval of Conditional Use Permit 13-004, including appropriate Conditions of Approval.

EXECUTIVE SUMMARY

Applicant and appellant Nick Patel applied for a Conditional Use Permit to allow the sale of beer and wine for off-site consumption (Type 20 Off-Sale ABC License) at an existing Valero Gas Station and mini-mart store located at 1701 W. Florida Avenue in the C-2 (General Commercial) zone (see attachments A and B for location). After considering the application at two public hearings on September 17, 2013 and October 15, 2013, the Planning Commission voted 3-2 to deny CUP 13-004 under the criteria set forth in the recently adopted Ordinance No. 1858 concerning the sale of alcoholic beverages (codified as Hemet Municipal Code Section 90-90 and included as Attachment 10). The

Planning Commission based its determination upon an existing concentration of alcohol licenses in the area and available crime statistics for the vicinity of Florida and Lyon Avenues. According to Police Department records and calls for service, Valero Gas is in an area plagued with criminal activities, including many alcohol-related offenses (see attachment No. 5). In addition, the California Department of Alcoholic Beverage Control reports that there is undue concentration of alcohol licenses issued within this Census Tract and an adjacent Census Tract to the east.

An Appeal hearing was originally scheduled for December 10, 2013 but was continued at the request of the Applicant so he could provide additional information. The Appeal was continued again from December 10, 2013 to January 14, 2014, and from January 14, 2014 to February 11, 2014, and then continued off-calendar on February 11, 2014 at the applicant's request due to some family concerns taking him outside the country. On April 21, 2014, the Applicant submitted the information necessary to proceed with the Appeal Hearing on May 13, 2014.

The Planning Commission resolution denying the project (see Attachment No. 7) was based on the Commission's findings that allowing an additional location for alcohol sales in this Census Tract would be detrimental to the health and welfare of the City. The applicant's appeal (letter is included as Attachment No. 2 to this report) On April 21, 2014, the Applicant submitted additional information (Attachment Nos. 3 and 13), which includes photographs of surrounding locations that currently have a Type 20 ABC license and a petition of support for a Type 20 License.

BACKGROUND:

In 2012, the Hemet ROCS Executive Committee identified a need to adopt standards for alcoholic beverage sales in the City of Hemet and directed the Planning Division and City Attorney's office to update the City's Zoning Code in this regard. City Staff and the City Attorney drafted an alcohol sales ordinance as part of the Hemet ROCS program. Following review and approval by the Hemet ROCS Citizen's Advisory Committee (CAC) and the Planning Commission, the City Council adopted Ordinance No. 1858 unanimously. Ordinance No. 1858, which added section 90-90 to the Hemet Municipal Code to regulate alcoholic beverage sales, became effective on February 21, 2013, and is included as attachment No.10 to this report.

Under the ordinance (Section 90-90(c)), a CUP is required for all on-sale and off-sale of alcoholic beverages unless specifically exempt in the Municipal Code. In addition, a premise-to-premise transfer of an existing ABC license also requires a CUP. In order to approve such a CUP, the decision-making body must make the standard CUP findings set forth in Section 90-1537(c) and the supplemental findings set forth in Section 90-90(f) of the Hemet Municipal Code. These findings, and the rationale for making the findings are provided in Attachment No. 1 of this Staff Report, proposed City Council Resolution Bill No. 13-053.

In addition to the required Conditional Use Permit findings, the decision making body must also make a finding of “Public Convenience or Necessity” under Section 90-90(h) when the proposed project site is located within an area in which existing alcohol establishments are over concentrated in the Census Tract as determined by the California Department of Alcoholic Beverage Control (ABC). The decision-making body must make required findings, which are found under Section 90-90(h)(c) of the Hemet Municipal Code. These findings, and the rationale for making the findings are also provided in the proposed City Council Resolution Bill No. 13-053, upholding the Planning Commission’s denial of the project.

The following report provides a description of the proposed project and the Planning Commission’s determination for the City Council’s consideration of the appeal.

PROJECT DESCRIPTION:

In 2013, the Applicant filed an application for a CUP, requesting approval of the sale of beer and wine for off-site consumption (Type 20 Off-Sale ABC License) and a finding of Public Convenience or Necessity as required by ABC. The location of the proposed use is an existing Valero Gas Station with a mini-mart store located at 1701 W. Florida Avenue in the C-2 (General Commercial) zone as shown in Attachment No. A and B.

The current operations include automated gas pumps which are open 24 hours. The mini-mart is closed from midnight to 5:00 AM. The Applicant proposed to sell beer and wine between the hours of 5:00 a.m. to midnight, seven days a week when the store is open and allot approximately 45 square feet of shelf space, including existing reach in cooler space currently used for soft drinks, for the sale of these items. The Applicant stated alcohol sales would comprise no more than 3% of total square footage of existing floor area. The Applicant proposed to purchase an existing Type 20 ABC license from Castle Liquor, located at 4290 East Florida Avenue, located within Census Tract 433.11, although this store is still operating. In the event the transfer of this ABC license is unsuccessful, the Applicant would seek a Type 20 ABC license from elsewhere and would likely be coming from outside of the City limits and potentially furthering the over-concentration of retail licenses in the City of Hemet.

ANALYSIS:

California Department of Alcoholic Beverage Control

The California Department of Alcoholic Beverage Control (ABC) is the regulatory agency that issues licenses for the sale of alcoholic beverages. Due to the number of existing ABC licenses in the County of Riverside, ABC is not issuing new licenses within the County at this time. As a result, the only way for a business owner to obtain an ABC license is to purchase the license from an existing business in Riverside County. ABC’s

threshold for issuing Off-Sale licenses is one retail license for each 2,500 people within a Census Tract. When this threshold is exceeded, the Census Tract is deemed to have “undue concentration,” or more licenses issued than recommended. When considering “general” retail licenses, or on-sale, off-sale, and other miscellaneous types of ABC licenses combined, the threshold drops to one license for each 1,250 people within a Census Tract.

The following statistics were obtained by ABC for Census Tracts 434.05, and 435.03 (in which the project is located and as shown in Attachment C). The following Table indicates the total number of retail licenses within each Tract, the breakdown of Type 20 (Off-Sale, Beer and Wine) and Type 21 (Off-Sale, Beer, Wine and Distilled Spirits) located within each Tract, and the breakdown of Type 40 (On-Sale, Beer and Wine) and Type 41 (On-Sale, Beer, Wine and Distilled Spirits) located within each Census Tract for informational purposes only to demonstrate how many total alcohol outlets are available in these Census Tracts.

Census Tract No.	Population	Total ABC Licenses	Allowable Concentration per ABC		No. of Existing Off-Sale ABC Licenses		No. of Existing On-Sale ABC Licenses	
			Type 20	Type 21	Type 20	Type 21	Type 40	Type 41
434.05	4,217	14	2	2	2	3	0	5
435.03	4,112	21	2	2	2	7	0	6

The statistics shown in the table above indicate there is already undue concentration within both Census Tracts in proximity of the subject site. The thresholds used to determine over-concentration were verified by staff in conversations with ABC Licensing Officer Verna Duckworth in March 2014. The locations of just the existing Off-Sale, Type 20 and Type 21 ABC licenses can also be seen in a “pin map” included as Attachment C of this staff report. The pin map indicates that if approved at the subject site, every corner at the intersection of Florida and Lyon Avenues will have an off-sale outlet for the sale of alcoholic beverages.

Hemet Police Department

At the October 15th Planning Commission meeting, Hemet Police Department Sergeant Rob Gibbs responded to a Planning Division request for updated statistics regarding the number of Police Department calls for service in vicinity of the project. Sergeant Gibbs provided the following information:

From November 11, 2012 through October 14, 2013, there were:

- 149 service calls for alcohol related matters between 1399 E. and 1899 W. Florida Avenue

- 26 service calls for alcohol related matters in the 1600 Block of West Florida Avenue
- 18 service calls for alcohol related matters were in the 1700 Block of West Florida Avenue

The Police Department summary sheets were provided to the Planning Commission at the public hearing on October 15th, and are included in this staff report as Attachment No. 5. These summary sheets contain information by block, and are sorted by address. The data demonstrates that there is a significant reduction in the number of alcohol related offenses in the blocks in which there are no alcohol outlets, with many blocks having no alcohol related calls for service. The data also indicates that there are much higher occurrences of alcohol related calls for service in the blocks in which alcohol is currently sold. This supports the conclusion that there is a direct correlation between alcohol sales and Police Department calls for service.

Planning Commission

On September 17, 2013, the Planning Commission considered the request by the Applicant to sell alcoholic beverages from Valero Gas at 1701 W. Florida Avenue at the south west corner of Florida and Lyon Avenues. Staff recommended that the Planning Commission deny the request for a Conditional Use Permit based on a City of Hemet Police Department letter to ABC (included in Attachment No. 5 of the September 17th Planning Commission Staff Report) indicating a higher than average rate of crime in the two reporting districts in vicinity of the project, and due to an over-saturation of existing ABC retail licenses located within the Census Tract in which the subject site is located.

The Planning Commission considered the information contained in the staff report, Police Department statistics, staff's presentation, information provided by the Applicant, and determined that the proposed use was not likely to increase the demand for alcohol, but rather would serve to reduce the amount of alcohol sold by competitors; that adding this outlet would replace the convenience within the center that was lost when the Fresh and Easy store closed; and that there would be no net increase in the number of alcohol licenses within the Census Tract because the Fresh and Easy license has been surrendered.

The Planning Commission then made and adopted a motion (3-0-2) conceptually recommending approval of CUP 13-004, and directed staff to prepare a new PC Resolution Bill recommending Approval (Attachment No. 1 of the October 15, 2013 Planning Commission Staff Report), subject to appropriate Conditions of Approval (Attachment No. 1B of the October 15, 2013 Planning Commission Staff Report). The Planning Commission continued the public hearing to October 15, 2013 for a final determination. It is important to note that two Commissioners were absent at the September 17, 2013 Planning Commission meeting, but were present to participate and vote at the October 15, 2013 public hearing.

On October 15, 2013, the continued public hearing was reopened, and staff presented the Planning Commission with the staff report of record, which included the original PC Resolution Bill No. 13-017 recommending denial of the CUP, and a new alternative PC Resolution Bill No. 13-018 recommending approval of the CUP with appropriate findings and conditions of approval as requested by the Commission at the September 17th meeting. After hearing staff's presentation, comments from the public, the Applicant's agent, and information presented by Sgt. Gibbs of the Hemet Police Department concerning calls for service in the vicinity of the project location, the Planning Commission passed a motion (3-2) to deny the CUP.

Applicant's Appeal Letter received October 22, 2013:

Four issues were brought up in the Appeal letter prepared by the applicant's representative, Keith Gardner, Keefer Consulting, each followed by Staff's Response in *italic*, as follows:

1. "The Planning Commission and Planning Staff unfairly grouped this request with other alcohol outlets, in particular those with hard alcohol sales and on-site sales. This is a different type of business than a liquor store or bar; and thus should not be in the same considerations as those types of businesses.

For instance, this business is auto-oriented, not pedestrian oriented. Thus, pedestrian uses of alcohol being sold from this location is limited."

Staff Response: *The California Department of Alcoholic Beverage Control (ABC) has set thresholds for the number of Type 20 and Type 21 Off-Sale licenses based on the CA Business and Professions Code. Attachment No. 11 of this staff report, excerpts from the California Business and Professions Code, explain the thresholds used by ABC through which Census Tracts are deemed to have undue concentration.*

*In addition to the statutes, the "Analysis/Additional Information" section of the October 15, 2013 Planning Commission Staff Report, very clearly identifies the threshold criteria outlined in state law. Based on the 2010 Census population for Census Tract 435.03, which is 4,112 people, this Tract should have no more than **two** Type 20 ABC licenses (one license per 2,500 population or portion thereof) pursuant to Section 23817.5(a)(1), of the CA Business and Professions Code (Attachment No. 11). This Tract currently has two Type 20 licenses, meeting the threshold. However, when combined with general licenses (Type 21) within the same Tract pursuant to Section 23817.5(a)(2) (Attachment No. 11), Census Tract 435.03 should have no more than **four** off-sale ABC licenses (one license per 1,250 population or portion thereof). There are currently a total of **nine** off-sale licenses within this Census Tract. Additionally, there are six Type 41 On-Sale licenses within the Census Tract, and a total of 21 ABC Licenses within the Census Tract.*

2. "The Planning Staff did not reflect the Amended Project Narrative in the October 15th Planning Commission hearing; thus the presentation to the Planning Commission was one-sided towards a denial recommendation, and not a balanced presentation showing the applicant's request."

Staff Response: *The second paragraph on Page 2 of the October 15, 2013 Planning Commission Staff Report very clearly summarizes the Amended Project Narrative submitted to Staff on October 8, 2013, and references said letter as Attachment No. 4 to the PC Staff Report. Both Chairman Gifford and Vice-Chair Vasquez referenced this letter when asking questions of Staff. Furthermore, all of the materials provided by the Applicant and/or the Applicant's agent were attached to the October 15th Planning Commission Staff Report as part of Attachment No. 4. Neither the Applicant nor the Applicant's Agent spoke at the October 15, 2013 public hearing to present their case or to counter staff's presentation or the information contained in the Staff Report. It is not the duty of city staff to present the applicant's rationale for approval, only the relevant information available for the Commission to render a decision.*

3. "The types of alcohol permits are segmented for consideration by ABC; on-sale permitted are counted differently than off-sale. This was not presented accurately in the presentation or in the staff report; thus giving a misleading impression of the area being much more over-concentrated than it actually is."

Staff Response: *The California Department of Alcoholic Beverage Control (ABC) has set thresholds for the number of Type 40 and Type 41 On-Sale licenses based on the CA Business and Professions Code. Attachment No. 11 of this staff report, excerpts from the California Business and Professions Code, explain the thresholds used by ABC through which Census Tracts are deemed to have undue concentration.*

Moreover, as stated in Staff Response No. 1 above, when off-sale beer and wine (Type 20), and off-sale general (Type 21) licenses are combined, the combined threshold becomes one license per 1,250 people residing within the Census Tract. Staff presented this information accurately in the Staff Report and in the PowerPoint Presentation.

4. "As opposed to other alcohol outlets, this business is willing to submit to stringent operational conditions of approval placed on it. Again, this was not presented by the Staff."

Staff Response: *All of the information that was provided to Staff by the Applicant and/or the Applicant's agent was provided as Attachment No. 4 to the October 15, 2013, Planning Commission Staff Report and has been included for the council's consideration as Attachment No. 3. There was no mention by the Applicant, or the Applicant's Agent that more stringent conditions of approval would be agreeable or suggested. The Staff*

Report was provided to the Applicant's Agent on Thursday, October 10, 2013. No additional information was made available to Staff prior to the Planning Commission Hearing on October 15, 2013. The first time the Applicant's Agent broached this subject was at the Public Hearing. Therefore, there was nothing for Staff to present or comment upon, prior to the hearing.

Supplemental Information Submitted by Applicant on April 21, 2014.

The Applicant submitted additional information for the City Council to consider prior to making a final determination on the Appeal concerning the Planning Commission's denial of CUP 13-004. This information is included as Attachment Nos. 3.1, 3.2, 3.3 and 13, and described as follows:

- Attachment No. 3.1 includes a brief written statement indicating that the proposed Type 20 ABC license to be awarded to 1701 W. Florida Avenue should be supported by the City Council because security and lighting at this location is superior to its competitors; the Hemet Shell Station at 1704 W. Florida Avenue, and the Lyons Market located at 1690 W. Florida Avenue. The Applicant has also provided 18 photographs of the Valero Gas station site as part of Attachment 3.1 to illustrate this point.
- Attachment No 3.2 includes a brief statement from the Applicant maintaining that the existing Type 20 license issued to the Hemet Shell station located at 1704 W. Florida Avenue has been issued to an operator that maintains fewer security cameras, with poor lighting conditions, and making the location unsafe. The Applicant has also provided 8 photographs of the Shell Gas station site as part of Attachment 3.2 to illustrate this point.
- Attachment No 3.3 includes a brief statement from the Applicant maintaining that the existing Type 20 license issued to the Lyons Market located at 1690 W. Florida Avenue has been issued to an operator that maintains no security cameras, with poor lighting conditions, and making the location unsafe. The Applicant has also provided 10 photographs of the Lyons Market site as part of Attachment 3.3 to illustrate this point.
- Attachment No. 13 includes petitions that were circulated to existing businesses for their employees and patrons to sign, as well as made available to customers of the Valero Gas station. There are a total of 406 unverified signatures, many of which do not have complete names or addresses.

Staff Recommendation and Findings:

Approval of a Conditional Use Permit for the sale of alcoholic beverages requires that ALL of the Findings for 1) a Conditional Use Permit; 2) the supplemental findings for the

sale of alcoholic beverages; and 3) Findings for Public Convenience and Necessity must be made. The Planning Commission could not make ALL of the findings in support of the project and, therefore, the Commission denied Conditional Use Permit No. 13-004.

The following contains the required findings and rationale for each finding for the City Council to affirm the Planning Commission's denial of CUP No. 13-004, as contained in the proposed City Council Resolution Bill No. 13-053 (attachement No. 1).

Conditional Use Permit Findings for Denial:

- 1. That the proposed location, use and operation of the conditional use is not in accord with the objectives of Chapter 90 of the Hemet Municipal Code, the purposes of the zone in which the site is located, is not consistent with the General Plan and does not comply with other relevant city regulations, policies and guidelines.***

Retail sale of beer and wine in the C-2 zone requires approval of a Conditional Use Permit. The Planning Commission denied the request for a Conditional Use Permit because findings could not be made to justify the approval of alcohol sales, nor could findings be made to support a Public Convenience or Necessity determination due to the over concentration of existing ABC licenses within the Census Tract.

The proposed use is not in conformity with the following: 2030 General Plan - Goals and Policies under the Land Use Element:

- Goal LU-15.5, Healthy Communities– Unhealthy Development Patterns. “Create, update, and enforce regulations and laws pertaining to the location, retailing, and use of unhealthy substances such as tobacco, marijuana and other drugs, and alcohol.”*

The approval of alcoholic beverage sales at this location is inconsistent with this goal because it would contribute to the existing over-concentration of ABC licenses in the area and make it easier for individuals to purchase alcohol.

- Goal LU-3, Policy 3.9, Incompatible Uses. “Prohibit uses that lead to the deterioration of residential neighborhoods, or adversely affect its safety or residential character.”*

The approval of alcoholic beverage sales at the proposed location is not consistent with this provision of the General Plan. The proposed project site is located in an area of the City that experiences a high rate of crime and for calls for police services, and among those, a high rate of calls for alcohol related offenses (28 calls related to alcohol or public intoxication,

and 12 calls for DUI) within a one-year period of time. The record demonstrates that over the past year there have been approximately 360 calls for service in this area. The intersection of Florida Avenue and Lyon Avenue has three corners with existing off-sale ABC licenses, including Lyons Market, a Shell gas station with a mini-mart, and Walgreens Drug Store. Adding a fourth location at this intersection would have an unwanted, combustible effect on a neighborhood that already experiences an excessive amount of criminal activity.

- *Goal LU-6, Policy 6.7, Regulate Sensitive Land Uses. “Appropriately control the location, concentration and number of community sensitive land uses, such as alcohol sales, tobacco products, adult businesses, medical marijuana dispensaries, and entertainment venues, and require operational measures to prevent adverse impacts to adjoining residences, businesses, schools, parks, medical facilities, and religious facilities, consistent with City, State and Federal laws.”*

The sale of alcoholic beverages is a community sensitive land use that was evaluated by the Hemet ROCS Executive Committee, the Hemet ROCS Citizens Advisory Committee, the Planning Commission and the City Council, culminating in the adoption of a new Ordinance requiring a Conditional Use Permit for the sale of alcoholic beverages. After reviewing Hemet Police Department call for service data in the reporting district in which the Valero gas station is located, and comparing that against Ordinance No. 1858 and General Plan Goals and Policies, the City Council believes that locating such a use in a high-crime area is unwise at this time.

2. ***That the proposed location of the conditional use and the conditions under which it would be operated or maintained will be detrimental to the public health, safety or welfare, and materially injurious to properties or improvements in the vicinity.***

Because of the nature and the number of Hemet Police Department calls for service to this area, the Hemet Police Department and the Planning Commission do not recommend this location for the approval of a Type 20 alcoholic beverage license.

The Police Department reported there were 95 calls for thefts; 42 calls for outstanding warrants; 28 calls related to alcohol or public intoxication; 12 calls for DUI; 10 calls for mental complaints; and 4 calls for assaults, among others.

3. ***That the proposed conditional use will comply with each of the applicable provisions of this chapter, and with other relevant city regulations, policies and guidelines.***

The proposed use is not in conformity with the following: 2030 General Plan - Goals and Policies under the Land Use Elements:

- *Goal LU-15.5, Healthy Communities– Unhealthy Development Patterns. “Create, update, and enforce regulations and laws pertaining to the location, retailing, and use of unhealthy substances such as tobacco, marijuana and other drugs, and alcohol.”*

The approval of alcoholic beverage sales at this location is inconsistent with this goal because it would contribute to the existing over-concentration of ABC licenses in the area and make it easier for individuals to purchase alcohol.

- *Goal LU-3, Policy 3.9, Incompatible Uses. “Prohibit uses that lead to the deterioration of residential neighborhoods, or adversely affect its safety or residential character.”*

The approval of alcoholic beverage sales at the proposed location is not consistent with this provision of the General Plan. The proposed project site is located in an area of the City that experiences a high rate of crime and for calls for police services, and among those, a high rate of calls for alcohol related offenses (28 calls related to alcohol or public intoxication, and 12 calls for DUI) within a one-year period of time. The record demonstrates that over the past year there have been approximately 360 calls for service in this area. The intersection of Florida Avenue and Lyon Avenue has three corners with existing off-sale ABC licenses, including Lyons Market, a Shell gas station with a mini-mart, and Walgreens Drug Store. Adding a fourth location at this intersection would have an unwanted, combustible effect on a neighborhood that already experiences an excessive amount of criminal activity.

- *Goal LU-6, Policy 6.7, Regulate Sensitive Land Uses. “Appropriately control the location, concentration and number of community sensitive land uses, such as alcohol sales, tobacco products, adult businesses, medical marijuana dispensaries, and entertainment venues, and require operational measures to prevent adverse impacts to adjoining residences, businesses, schools, parks, medical facilities, and religious facilities, consistent with City, State and Federal laws.”*

The sale of alcoholic beverages is a community sensitive land use that was evaluated by the Hemet ROCS Executive Committee, the Hemet ROCS Citizens Advisory Committee, the Planning Commission and the City Council, culminating in the adoption of a new Ordinance requiring a

Conditional Use Permit for the sale of alcoholic beverages. After reviewing Hemet Police Department call for service data in the reporting district in which the Valero gas station is located, and comparing that against Ordinance No. 1858 and General Plan Goals and Policies, the City Council believes that locating such a use in a high-crime area is unwise at this time.

Supplemental Conditional Use Permit Findings Required for Alcohol Sales:

(1) *The use complies with all of the following separation requirements. Notwithstanding the foregoing, the decision making body may issue a Conditional Use Permit to a use that does not comply with one or more of the following separation standards if it finds that unique circumstances exist that justify non-compliance with the separation standard(s).*

a. *The use IS located at least 600 feet, as measured from property line to property line, from any existing public or private schools (K through 12), public parks, or places of worship;*

The proposed project meets most separation requirements but is within 600 feet of a vacant commercial property last used a place of worship. This building is zoned for commercial purposes and could be used for commercial or worship purposes in the future.

b. *The use IS located at least 100 feet, as measured from property line to property line, from existing residential uses or land that is zoned for residential uses.*

The proposed use is located more than 100 feet away from any residential uses. The nearest residences are mobile homes approximately 600 feet south of the Valero Gas Station.

c. *The use IS located at least 1000 feet, as measured from property line to property line, from existing parolee-probationer homes, emergency shelters, supportive housing, or transitional housing.*

There are no known, or licensed, parolee-probationer homes, emergency shelters, supportive housing, or transitional housing within 1000 feet of the proposed use.

(2) *The use IS fully visible from a public street with an unobstructed view from the public street for public safety.*

The existing Valero gas station convenience store meets all requirements for visibility including unobstructed views.

- (3) *The proposed use WILL BE detrimental to surrounding properties and neighborhoods including contributing to loitering, public drunkenness, noise, obstructing pedestrian and vehicular traffic, parking, crime, interference with pedestrian corridors used by children, defacement and damage to structures.*

The proposed use has the potential to adversely impact law enforcement activity or other public nuisance problems by providing another outlet for alcoholic beverages in an already over concentrated Census Tract with an existing higher rate of Police Department calls for service.

- (4) *The proposed use WILL adversely impact the suitability of adjacent commercially zoned properties for commercial uses.*

Information provided by the Hemet Police Department indicated the reporting districts in which the subject site is located are experiencing higher than average frequencies of calls for service related to alcohol, public intoxication, and DUI. There is a direct correlation between the number of existing alcohol outlets within these reporting districts and the number of alcohol related calls for service. An additional alcohol sales outlet will exacerbate the existing condition. As a result, the proposed use will adversely impact the suitability of adjacent commercially zoned properties.

The Planning Commission determined that Findings 1 and 2 could be made in support of the project as the proposed use meets the minimum separation requirements and the use would be visible for policing purposes. However, the Planning Commission also determined that Supplemental Findings 3 and 4 could not be met due to a higher than average number of calls for police service within the area, and in particular, calls related to alcohol offenses such as public drunkenness and DUI.

Findings Required for Public Convenience or Necessity:

Considering the number of licenses already issued within the City, and the proximity of alcohol outlets to the Valero gas station and convenience store, the Planning Commission does not believe that an off-sale Type 20 license (Beer and Wine sales) at this location is either convenient or necessary to serve the public need. In accord with the Planning Commission's decision to deny CUP 13-004, the following findings are recommended, as required by Ordinance 1858:

- a. *The public convenience would not be served by the establishment of the proposed use.*

Per thresholds established by the California Department of Alcoholic Beverage Control (ABC), the entire City of Hemet currently has an overconcentration ratio of 2:1 more licenses issued than recommended by ABC. In addition, the Census Tract in which the project is located is permitted to have four (4) off-sale retail alcohol licenses, and the Tract currently has nine (9) off-sale (Type 20 and Type 21) licenses issued, or a current overconcentration ratio of more than 2:1. Moreover, the following establishments that currently have off-sale ABC licenses (Type 20 and Type 21) are located within walking distance of the proposed project:

Walgreens Drug Store	1661 W. Florida Avenue
Lyons Market	1690 W. Florida Avenue
Shell Gas Station	1704 W. Florida Avenue

- b. *The proposed use is anticipated to be a source of nuisance behavior associated with the excessive consumption of alcoholic beverages, or the exposure of alcoholic beverages to minors.*

Information provided by the Hemet Police Department indicated the reporting districts in which the subject site is located, is experiencing higher than average frequencies of calls for service related to alcohol, public intoxication, and DUI. There is a direct correlation between the number of existing alcohol outlets within these reporting districts and the number of alcohol related calls for service. An additional alcohol sales outlet will exacerbate the existing condition.

- c. *The proposed use would be detrimental to the public health, safety or welfare.*

The proposed use would permit alcohol sales to persons driving motorized vehicles, within an area already documented as having a high rate of Police Department calls for service related to alcohol, including public intoxication and DUI.

- d. *The proposed use would increase the severity of existing law enforcement or public nuisance problems in the surrounding area.*

The proposed use has the potential to adversely impact law enforcement activity or other public nuisance problems by providing another outlet for alcoholic beverages in an already over concentrated Census Tract with an existing higher rate of Police Department calls for service.

- e. *The proposed use is not consistent with the objectives, policies, general land uses, and programs of the general plan and any applicable specific plan, this Section and any applicable zoning regulations.*

The proposed use is not consistent with the following General Plan 2030 Goal, Healthy Communities Goal LU-15.5 – Unhealthy Development Patterns – Create, update, and enforce regulations and laws pertaining to the location, retailing, and use of unhealthy substances such as tobacco, marijuana and other drugs, and alcohol.

COORDINATION & REVIEW:

Property owners located within a 500 foot radius of the project site were notified of the public hearing on May 2, 2014 with a 10-day hearing notice in addition to a public notice in the Press Enterprise.

At the time of report preparation, staff had received one comment letter from the public (Attachment No. 12), resulting from the original public notice for the Appeal in December 2013. The City Council did not see this correspondence because the item had been continued. At the time this report was prepared no new comments had been received. Any new comments received prior to the time of the scheduled City Council meeting will be provided to the City Council at the time of the public hearing.

The Applicant has submitted a petition requesting approval of CUP 13-004 (Attachment No. 13) containing 406 signatures.

POTENTIAL ALTERNATIVE ACTIONS:

Pursuant to Section 90-42.6 of the Hemet Municipal Code, the City Council may affirm, modify, or reverse any Planning Commission decision, or make alternative findings required by the Hemet Municipal Code and/or state law. The City Council may make one of the following determinations:

1. DENY the Appeal and affirm the Planning Commission's denial of Conditional Use Permit No. 13-004 by adopting City Council Resolution Bill No. 13-053 (Attachment No. 1); **OR**
2. GRANT the Appeal and overturn the Planning Commission's denial of the application, approve the application subject to the required findings for the granting of a Conditional Use Permit, and direct staff and the City Attorney to return with an appropriate resolution granting approval for Conditional Use Permit No. 13-004.

To approve CUP 13-004, the City Council must make all of the following findings and provide rationale for their findings:

- 1) *That the proposed location of the conditional use is in accord with the objectives of this chapter and the purposes of the zone in which the site is located, and complies with other relevant city regulations, policies and guidelines;*
- 2) *That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;*
- 3) *That the proposed conditional use will comply with each of the applicable provisions of this chapter, and with other relevant city regulations, policies and guidelines.*

To approve CUP 13-004, the City Council must also make all of the following supplemental findings for alcoholic beverage sales, and provide rationale for their findings:

- 1) *The use complies with all of the following separation requirements. Notwithstanding the foregoing, the decision making body may issue a conditional use permit to a use that does not comply with one or more of the following separation standards if it finds that unique circumstances exist that justify noncompliance with the separation standards:*
 - a. *The use is located at least 600 feet, as measured from property line to property line, from any existing public or private schools (K through 12), public parks, or places of worship;*
 - b. *The use is located at least 100 feet, as measured from property line to property line, from existing residential uses or land that is zoned for residential uses.*
 - c. *The use is located at least 1,000 feet, as measured from property line to property line, from existing parolee-probationer homes, emergency shelters, supportive housing, or transitional housing.*
- 2) *The use is fully visible from a public street with an unobstructed view from the public street for public safety.*
- 3) *The proposed use will not be detrimental to surrounding properties and neighborhoods, including ensuring that the use does not contribute to*

loitering, public drunkenness, noise, obstructing pedestrian and vehicular traffic, parking, crime, interference with pedestrian corridors used by children, defacement and damage to structures.

- 4) *The proposed use will not adversely impact the suitability of adjacent commercially zoned properties for commercial uses.*

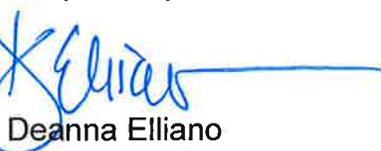
To approve CUP 13-004, the City Council must also make all of the following findings to make a Public Convenience or Necessity determination for alcoholic beverage sales, and provide rationale for their findings:

- 1) *The public convenience would be served by the establishment of the proposed use.*
- 2) *The proposed use is not anticipated to be a source of nuisance behavior associated with the excessive consumption of alcoholic beverages, or the exposure of alcoholic beverages to minors.*
- 3) *The proposed use would not be detrimental to the public health, safety or welfare.*
- 4) *The proposed use would not increase the severity of existing law enforcement or public nuisance problems in the surrounding area.*
- 5) *The proposed use is consistent with the objectives, policies, general land uses, and programs of the general plan and any applicable specific plan, this section and any applicable zoning regulations.*

FISCAL IMPACT:

The Applicant has submitted a \$220.00 fee for the appeal application. If the CUP is approved, the establishment of the proposed use will generate an unknown amount of additional retail sales tax at the location.

Respectfully submitted,



Deanna Elliano
Community Development Director

Prepared by,



Emery Rapp
Principal Planner

Attachment(s):

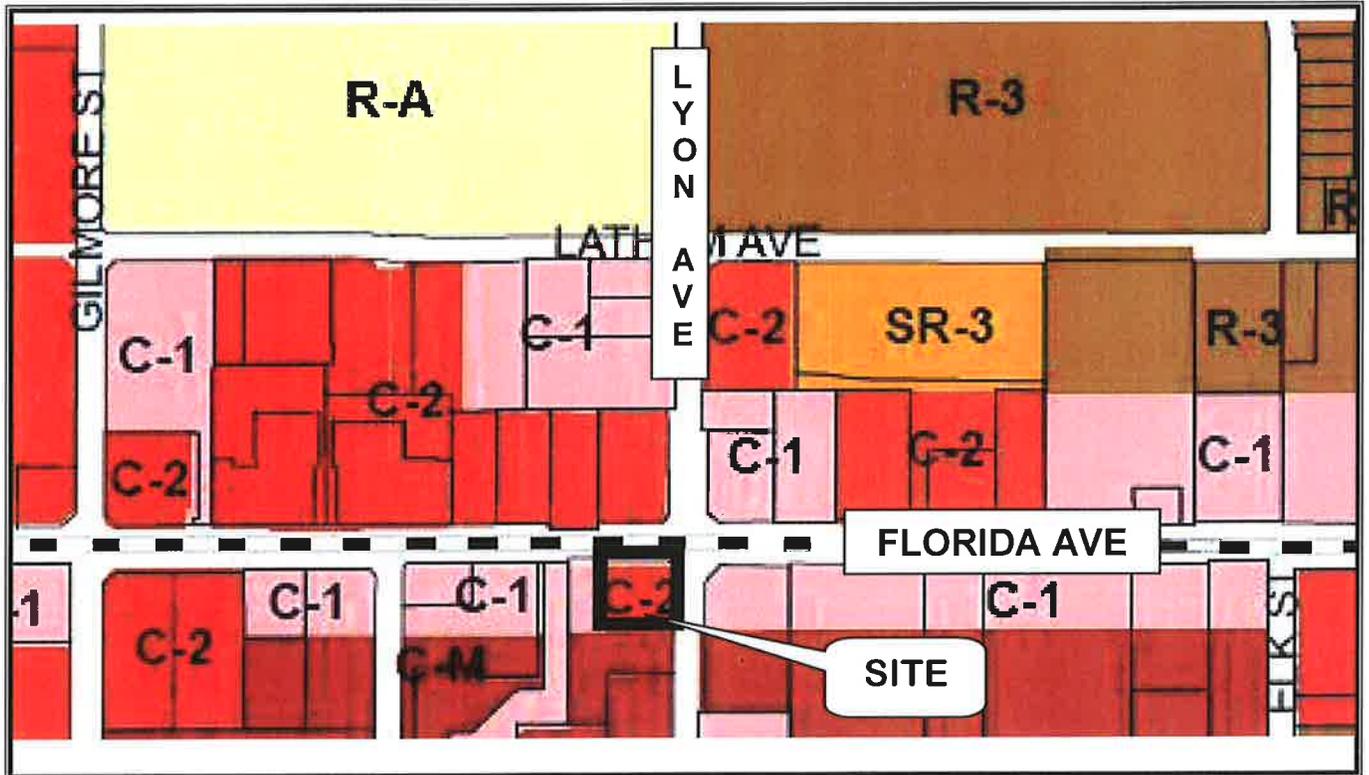
- A. Vicinity/Zoning Map
- B. Aerial View Maps
- C. Census Tract Pin Map of Existing ABC Licenses and Locations
 - 1. Proposed City Council Resolution Bill No. 13-053 Affirming the Decision of the Planning Commission to Deny CUP 13-004
 - 2. Appeal Letter from Applicant's Agent
 - 3. Additional Information Provided by Applicant
 - 3.1 Applicant-submitted Summary and Photos indicating advantages of Valero Location
 - 3.2. Applicant-submitted Summary and Photos indicating disadvantages of Shell Location
 - 3.3 Applicant-submitted Summary and Photos indicating disadvantages of Lyons Market Location
 - 4. October 15, 2013 Planning Commission Meeting Staff Report and September 17, 2013 Planning Commission Staff Report
 - 5. Police Department Service Calls from 11/11/12 through 10/14/13 in Project Vicinity
 - 6. ABC Licenses Issued by Census Tract
 - 7. PC Resolution No. 13-015 Denying CUP 13-004
 - 8. October 15, 2013 Planning Commission Meeting Minutes (Excerpt concerning CUP 13-004)
 - 9. September 17, 2013 Planning Commission Meeting Minutes (Excerpt concerning CUP 13-004)
 - 10. Section 90-90 of the Hemet Municipal Code regarding Alcoholic Beverage Sales
 - 11. Excerpts from the California Business and Professions Code regarding the ratio of ABC licenses to Population
 - 12. Letter of Opposition, Daphne Trew, December 2, 2013
 - 13. Petition submitted by Applicant in support of Alcoholic Beverage Sales at Valero Gas, 1701 W. Florida Avenue.

Attachment No. A

Site Information: Vicinity/Zoning Map

City Council
May 13, 2014

CONDITIONAL USE PERMIT NO. 13-004 ZONING MAP



Attachment No. B

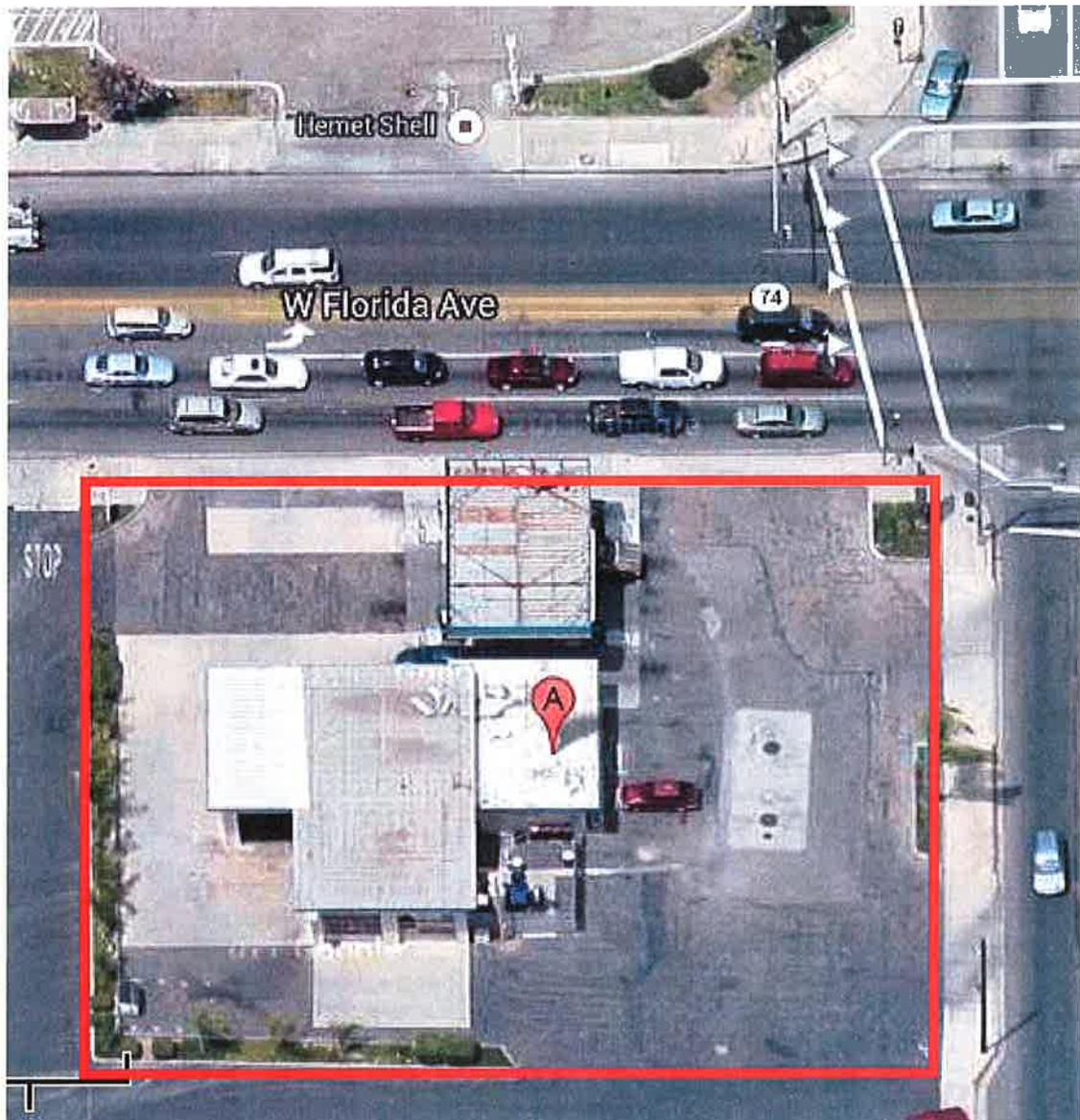
Site Information: Aerial View Maps

City Council
May 13, 2014

**CONDITIONAL USE PERMIT NO. 13-004
AERIAL MAP**



CONDITIONAL USE PERMIT NO. 13-004 AERIAL MAP

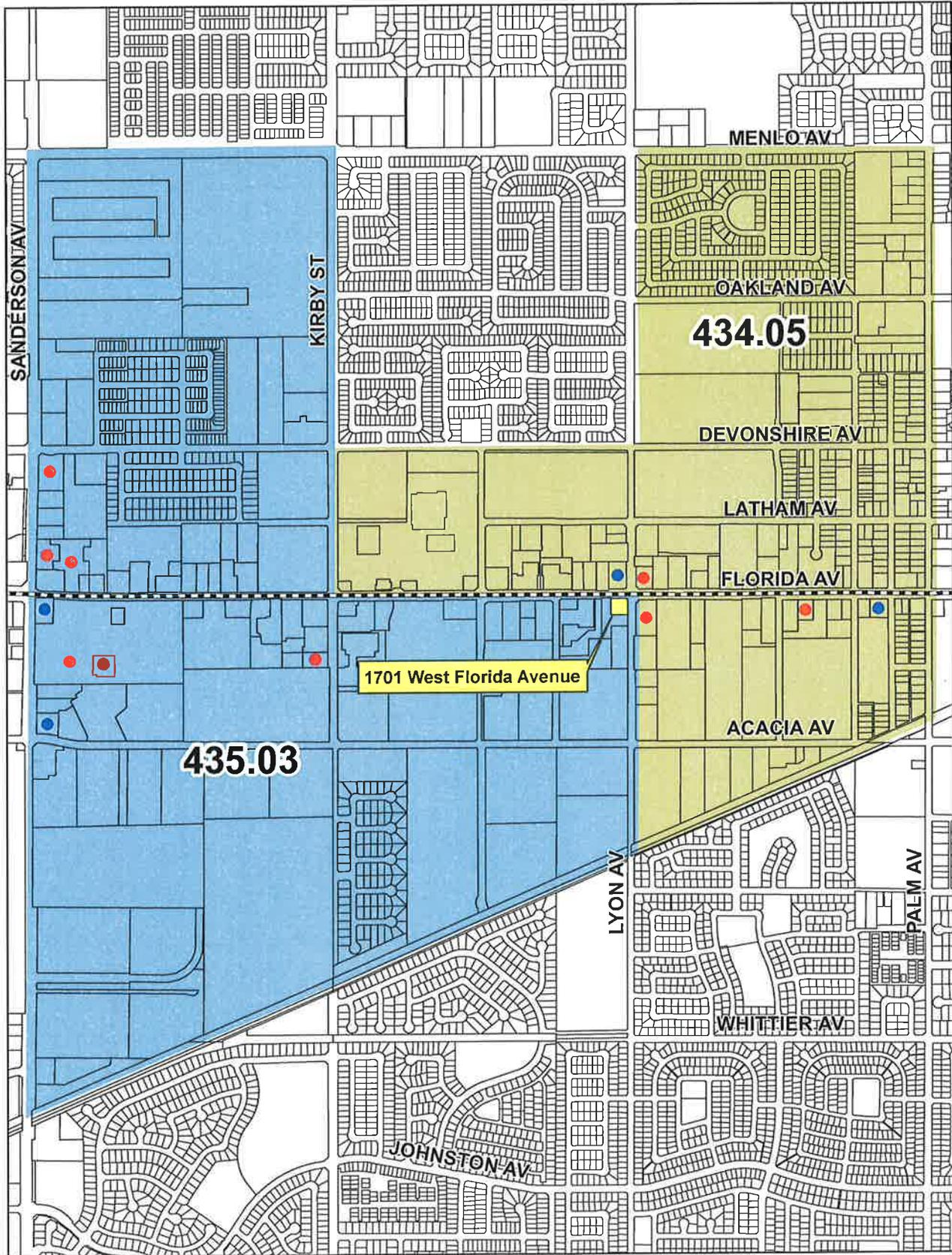


Attachment No. C

Site Information:
Census Tracts
434.05 and 435.03
Pin Map of ABC Licenses

City Council
May 13, 2014

C.U.P. 13-004 Off-Sale ABC Licenses in Proximity of 1701 W. Florida Avenue



1 inch = 800 feet



License Type Census Tracts

- 20
- 21

- 043405
- 043503

□ Parcels

⚡ Highways

October 9, 2013
C:\Work\planning\ABC_census.mxd

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

Attachment No. 1

Resolution Bill No.
13-053 (Affirming the
Decision of the Planning
Commission)

City Council
May 13, 2014



CITY OF HEMET
CITY COUNCIL

RESOLUTION BILL NO. 13-053

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA AFFIRMING THE DENIAL OF CONDITIONAL USE PERMIT NO. 13-004 FOR THE SALE OF ALCOHOLIC BEVERAGES AT AN EXISTING VALERO GAS STATION MINI-MART LOCATED AT 1701 W. FLORIDA AVENUE (APN 448-460-005)

WHEREAS, an application for Conditional Use Permit No. 13-004 (CUP No. 13-004) for the sale of alcoholic beverages at an existing Valero gas station mini-mart was duly filed by:

Owner: Nick Patel
Applicant: Nick Patel/Keith Gardner, Keefer Consulting
Project Location: 1701 W. Florida Avenue
APN: 448-460-005; and

WHEREAS, on September 5, 2013, the City provided notice of the Planning Commission's public hearing on CUP No. 13-004 by advertising the hearing in the Press Enterprise and by mailing a notice to property owners within 1,000 feet of the proposed project location; and

WHEREAS, on September 17, 2013, and October 15, 2013, the Planning Commission conducted duly noticed public hearings concerning the request to approve CUP No. 13-004; and

WHEREAS, on October 15, 2013, the Planning Commission adopted the resolution of denial; and,

WHEREAS, on October 22, 2013, the Applicant filed a timely appeal of the Planning Commission's determination and adoption of the resolution of denial; and,

City Council Resolution Bill No. 13-053
APPEAL 13-002 OF CONDITIONAL USE PERMIT NO. 13-004
VALERO GAS STATION ALCOHOLIC BEVERAGE SALES

1 **WHEREAS**, the City Council has the authority per section 90-1538 *et seq.* of the
2 Hemet Municipal Code to review and hear the Applicant's appeal of the denial of
3 Conditional Use Permit No. 13-004 for the sale of alcoholic beverages at an existing
4 Valero gas station with a mini-mart located at 1701 W. Florida Avenue (APN 448-460-
5 005); and,
6

7 **WHEREAS**, on May 2, 2014, the City gave public notice by advertising in the
8 Press Enterprise and by mailing to property owners within 500 feet, of the holding of a
9 public hearing at which the project would be considered by the City Council; and,
10

11 **WHEREAS**, on May 13, 2014, the City Council held the noticed de novo public
12 hearing at which interested persons had an opportunity to testify in support of, or
13 opposition to Appeal No. 13-002 and the entirety of the project proposed by Conditional
14 Use Permit No. 13-004, and at which the City Council considered the appeal, the project
15 as acted upon by the Planning Commission, and the entirety of the project proposed by
16 Conditional Use Permit No. 13-004; and
17

18 **WHEREAS**, on May 13, 2014, the City Council, after consideration of the project,
19 closed the public hearing; and,
20

21 **WHEREAS**, pursuant to California Environmental Quality Act (CEQA) Guidelines
22 Section 15270 (14 Cal. Code Regs. Section 15270) CEQA does not apply to projects
23 which a public agency rejects or disapproves.
24

25 **NOW, THEREFORE**, the City Council of the City of Hemet does Resolve,
26 Determine, Find and Order as follows:
27

28 **SECTION 1: AFFIRMATION OF PLANNING COMMISSION DETERMINATIONS**
29

30 The City Council, in light of the whole record before it, including but not limited to the
31 Staff Report dated May 13, 2014, the appeal letter and supporting documentation
32 submitted by the Applicant, the testimony received at the May 13, 2014, hearing on the
33 Applicant's appeal, and the record of proceedings before the Planning Commission,
34 affirms the determinations made by the Planning Commission in Resolution No. 13-015,
35 denying the Applicant's request for Conditional Use Permit No. 13-004 for the sale of
36 alcoholic beverages at an existing Valero gas station located at 1701 W. Florida
37 Avenue.
38

39 **SECTION 2: CONDITIONAL USE PERMIT FINDINGS**
40

41 On the basis of substantial evidence on the record, including, but not limited to, the
42 written and oral staff reports and public testimony at the public hearing on May 13,
43 2014, and the written and oral staff reports and public testimony at the public hearings

City Council Resolution Bill No. 13-053
 APPEAL 13-002 OF CONDITIONAL USE PERMIT NO. 13-004
 VALERO GAS STATION ALCOHOLIC BEVERAGE SALES

1 before the Planning Commission, the City Council finds, in accordance with the
2 requirements as set forth in Hemet Municipal Code Section 90-1537(c), as follows:

- 3
4 **1. *That the proposed location, use and operation of the conditional use is not***
5 ***in accord with the objectives of Chapter 90 of the Hemet Municipal Code,***
6 ***the purposes of the zone in which the site is located, is not consistent with***
7 ***the General Plan and does not comply with other relevant city regulations,***
8 ***policies and guidelines.***
9

10 Retail sale of beer and wine in the C-2 zone requires approval of a Conditional Use
11 Permit. The Planning Commission denied the request for a Conditional Use Permit
12 because findings could not be made to justify the approval of alcohol sales, nor could
13 findings be made to support a Public Convenience or Necessity determination due to
14 the over concentration of existing ABC licenses within the Census Tract.

15
16 The proposed use is not in conformity with the following: 2030 General Plan - Goals
17 and Policies under the Land Use Element:

- 18 • *Goal LU-15.5, Healthy Communities– Unhealthy Development*
19 *Patterns. “Create, update, and enforce regulations and laws pertaining*
20 *to the location, retailing, and use of unhealthy substances such as*
21 *tobacco, marijuana and other drugs, and alcohol.”*
22

23 The approval of alcoholic beverage sales at this location is inconsistent
24 with this goal because it would contribute to the existing over-
25 concentration of ABC licenses in the area and make it easier for
26 individuals to purchase alcohol.
27

- 28 • *Goal LU-3, Policy 3.9, Incompatible Uses. “Prohibit uses that lead to*
29 *the deterioration of residential neighborhoods, or adversely affect its*
30 *safety or residential character.”*
31

32 The approval of alcoholic beverage sales at the proposed location is
33 not consistent with this provision of the General Plan. The proposed
34 project site is located in an area of the City that experiences a high rate
35 of crime and for calls for police services, and among those, a high rate
36 of calls for alcohol related offenses (28 calls related to alcohol or public
37 intoxication, and 12 calls for DUI) within a one-year period of time. The

City Council Resolution Bill No. 13-053
APPEAL 13-002 OF CONDITIONAL USE PERMIT NO. 13-004
VALERO GAS STATION ALCOHOLIC BEVERAGE SALES

1 record demonstrates that over the past year there have been
2 approximately 360 calls for service in this area. The intersection of
3 Florida Avenue and Lyon Avenue has three corners with existing off-
4 sale ABC licenses, including Lyons Market, a Shell gas station with a
5 mini-mart, and Walgreens Drug Store. Adding a fourth location at this
6 intersection would have an unwanted, combustible effect on a
7 neighborhood that already experiences an excessive amount of
8 criminal activity.
9

- 10
- 11 • *Goal LU-6, Policy 6.7, Regulate Sensitive Land Uses. "Appropriately*
12 *control the location, concentration and number of community sensitive*
13 *land uses, such as alcohol sales, tobacco products, adult businesses,*
14 *medical marijuana dispensaries, and entertainment venues, and*
15 *require operational measures to prevent adverse impacts to adjoining*
16 *residences, businesses, schools, parks, medical facilities, and religious*
17 *facilities, consistent with City, State and Federal laws."*

18 The sale of alcoholic beverages is a community sensitive land use that
19 was evaluated by the Hemet ROCS Executive Committee, the Hemet
20 ROCS Citizens Advisory Committee, the Planning Commission and the
21 City Council, culminating in the adoption of a new Ordinance requiring
22 a Conditional Use Permit for the sale of alcoholic beverages. After
23 reviewing Hemet Police Department call for service data in the
24 reporting district in which the Valero gas station is located, and
25 comparing that against Ordinance No. 1858 and General Plan Goals
26 and Policies, the City Council believes that locating such a use in a
27 high-crime area is unwise at this time.
28

- 29 **2. *That the proposed location of the conditional use and the conditions***
30 ***under which it would be operated or maintained will be detrimental to***
31 ***the public health, safety or welfare, and materially injurious to***
32 ***properties or improvements in the vicinity.***
33

34 Because of the nature and the number of Hemet Police Department calls
35 for service to this area, the Hemet Police Department and the Planning
36 Commission do not recommend this location for the approval of a Type 20
37 alcoholic beverage license.
38

39 The Police Department reported there were 95 calls for thefts; 42 calls for
40 outstanding warrants; 28 calls related to alcohol or public intoxication; 12
41 calls for DUI; 10 calls for mental complaints; and 4 calls for assaults,
42 among others.

City Council Resolution Bill No. 13-053
APPEAL 13-002 OF CONDITIONAL USE PERMIT NO. 13-004
VALERO GAS STATION ALCOHOLIC BEVERAGE SALES

1
2 **3. That the proposed conditional use will comply with each of the applicable**
3 **provisions of this chapter, and with other relevant city regulations, policies**
4 **and guidelines.**
5

6 The proposed use is not in conformity with the following: 2030 General Plan -
7 Goals and Policies under the Land Use Elements:
8

- 9
- 10 • *Goal LU-15.5, Healthy Communities– Unhealthy Development Patterns.*
11 *“Create, update, and enforce regulations and laws pertaining to the location,*
12 *retailing, and use of unhealthy substances such as tobacco, marijuana and*
13 *other drugs, and alcohol.”*

14 The approval of alcoholic beverage sales at this location is inconsistent with
15 this goal because it would contribute to the existing over-concentration of
16 ABC licenses in the area and make it easier for individuals to purchase
17 alcohol.
18

- 19
- 20 • *Goal LU-3, Policy 3.9, Incompatible Uses.* *“Prohibit uses that lead to the*
21 *deterioration of residential neighborhoods, or adversely affect its safety or*
22 *residential character.”*

23 The approval of alcoholic beverage sales at the proposed location is not
24 consistent with this provision of the General Plan. The proposed project site
25 is located in an area of the City that experiences a high rate of crime and for
26 calls for police services, and among those, a high rate of calls for alcohol
27 related offenses (28 calls related to alcohol or public intoxication, and 12 calls
28 for DUI) within a one-year period of time. The record demonstrates that over
29 the past year there have been approximately 360 calls for service in this area.
30 The intersection of Florida Avenue and Lyon Avenue has three corners with
31 existing off-sale ABC licenses, including Lyons Market, a Shell gas station
32 with a mini-mart, and Walgreens Drug Store. Adding a fourth location at this
33 intersection would have an unwanted, combustible effect on a neighborhood
34 that already experiences an excessive amount of criminal activity.
35

- 36
- 37 • *Goal LU-6, Policy 6.7, Regulate Sensitive Land Uses.* *“Appropriately control*
38 *the location, concentration and number of community sensitive land uses,*
39 *such as alcohol sales, tobacco products, adult businesses, medical marijuana*
40 *dispensaries, and entertainment venues, and require operational measures to*
41 *prevent adverse impacts to adjoining residences, businesses, schools, parks,*
42 *medical facilities, and religious facilities, consistent with City, State and*
43 *Federal laws.”*

City Council Resolution Bill No. 13-053
APPEAL 13-002 OF CONDITIONAL USE PERMIT NO. 13-004
VALERO GAS STATION ALCOHOLIC BEVERAGE SALES

1 The sale of alcoholic beverages is a community sensitive land use that was
2 evaluated by the Hemet ROCS Executive Committee, the Hemet ROCS Citizens
3 Advisory Committee, the Planning Commission and the City Council, culminating
4 in the adoption of a new Ordinance requiring a Conditional Use Permit for the
5 sale of alcoholic beverages. After reviewing Hemet Police Department call for
6 service data in the reporting district in which the Valero gas station is located,
7 and comparing that against Ordinance No. 1858 and General Plan Goals and
8 Policies, the City Council believes that locating such a use in a high-crime area is
9 unwise at this time.

10
11
12 **SECTION 3: CONDITIONAL USE PERMIT, SUPPLEMENTAL FINDINGS FOR**
13 **ALCOHOL SALES**

14
15 On the basis of substantial evidence on the record, including, but not limited to, the
16 written and oral staff report and public testimony at the public hearing on May 13, 2014,
17 the City Council finds, in accordance with the requirements as set forth in Hemet
18 Municipal Code Section 90-90(c)2, as follows:

19
20 Supplemental Conditional Use Permit Findings Required for Alcohol Sales:

21
22 (1) *The use complies with all of the following separation requirements.*
23 *Notwithstanding the foregoing, the decision making body may issue a*
24 *Conditional Use Permit to a use that does not comply with one or more of*
25 *the following separation standards if it finds that unique circumstances*
26 *exist that justify non-compliance with the separation standard(s).*

27
28 a. *The use IS located at least 600 feet, as measured from property*
29 *line to property line, from any existing public or private schools (K*
30 *through 12), public parks, or places of worship;*

31
32 The proposed project meets most separation requirements but is
33 within 600 feet of a vacant commercial property last used a place of
34 worship. This building is zoned for commercial purposes and could
35 be used for commercial or worship purposes in the future.

36
37 b. *The use IS located at least 100 feet, as measured from property*
38 *line to property line, from existing residential uses or land that is*
39 *zoned for residential uses.*

1
2 The proposed use is located more than 100 feet away from any
3 residential uses. The nearest residences are mobile homes
4 approximately 600 feet south of the Valero Gas Station.
5

- 6 c. *The use IS located at least 1000 feet, as measured from property*
7 *line to property line, from existing parolee-probationer homes,*
8 *emergency shelters, supportive housing, or transitional housing.*
9

10 There are no known, or licensed, parolee-probationer homes,
11 emergency shelters, supportive housing, or transitional housing
12 within 1000 feet of the proposed use.
13

- 14 (2) *The use IS fully visible from a public street with an unobstructed view from*
15 *the public street for public safety.*
16

17 The existing Valero gas station convenience store meets all requirements
18 for visibility including unobstructed views.
19

- 20 (3) *The proposed use WILL BE detrimental to surrounding properties and*
21 *neighborhoods including contributing to loitering, public drunkenness,*
22 *noise, obstructing pedestrian and vehicular traffic, parking, crime,*
23 *interference with pedestrian corridors used by children, defacement and*
24 *damage to structures.*
25

26 The proposed use has the potential to adversely impact law enforcement
27 activity or other public nuisance problems by providing another outlet for
28 alcoholic beverages in an already over concentrated Census Tract with an
29 existing higher rate of Police Department calls for service.
30

- 31 (4) *The proposed use WILL adversely impact the suitability of adjacent*
32 *commercially zoned properties for commercial uses.*
33

34 Information provided by the Hemet Police Department indicated the reporting districts in
35 which the subject site is located are experiencing higher than average frequencies of
36 calls for service related to alcohol, public intoxication, and DUI. There is a direct
37 correlation between the number of existing alcohol outlets within these reporting districts
38 and the number of alcohol related calls for service. An additional alcohol sales outlet
39 will exacerbate the existing condition. As a result, the proposed use will adversely
40 impact the suitability of adjacent commercially zoned properties.
41
42
43
44

1 **SECTION 4: PUBLIC CONVENIENCE OR NECESSITY**

2
3 On the basis of substantial evidence on the record, including, but not limited to, the
4 written and oral staff report and public testimony at the public hearing on May 13, 2014,
5 the City Council finds, in accordance with the requirements as set forth in Hemet
6 Municipal Code Section 90-90(H)3:

- 7
8 a. *The public convenience would not be served by the establishment*
9 *of the proposed use.*

10
11 Per thresholds established by the California Department of
12 Alcoholic Beverage Control (ABC), the entire City of Hemet
13 currently has an overconcentration ratio of 2:1 more licenses issued
14 than recommended by ABC. In addition, the Census Tract in which
15 the project is located is permitted to have four (4) general retail
16 alcohol licenses, and the Tract currently has nine (9) off-sale (Type
17 20 and Type 21) licenses issued, or a current overconcentration
18 ratio of more than 2:1. Moreover, the following establishments that
19 currently have off-sale ABC licenses (Type 20 and Type 21) are
20 located within walking distance of the proposed project:
21

22
23
24
25

Walgreens Drug Store	1661 W. Florida Avenue
Lyons Market	1690 W. Florida Avenue
Shell Gas Station	1704 W. Florida Avenue

- 26 b. *The proposed use is anticipated to be a source of nuisance*
27 *behavior associated with the excessive consumption of alcoholic*
28 *beverages, or the exposure of alcoholic beverages to minors.*

29
30 Information provided by the Hemet Police Department indicated the
31 reporting districts in which the subject site is located, is
32 experiencing higher than average frequencies of calls for service
33 related to alcohol, public intoxication, and DUI. There is a direct
34 correlation between the number of existing alcohol outlets within
35 these reporting districts and the number of alcohol related calls for
36 service. An additional alcohol sales outlet will exacerbate the
37 existing condition.
38

1 c. *The proposed use would be detrimental to the public health, safety*
2 *or welfare.*

3
4 The proposed use would permit alcohol sales to persons driving
5 motorized vehicles, within an area already documented as having a
6 high rate of Police Department calls for service related to alcohol,
7 including public intoxication and DUI.

8
9 d. *The proposed use would increase the severity of existing law*
10 *enforcement or public nuisance problems in the surrounding area.*

11
12 The proposed use has the potential to adversely impact law
13 enforcement activity or other public nuisance problems by providing
14 another outlet for alcoholic beverages in an already over
15 concentrated Census Tract with an existing higher rate of Police
16 Department calls for service.

17
18 e. *The proposed use is not consistent with the objectives, policies, general*
19 *land uses, and programs of the general plan and any applicable specific*
20 *plan, this Section and any applicable zoning regulations.*

21
22 The proposed use is not consistent with the following General Plan 2030
23 Goal, Healthy Communities Goal LU-15.5 – Unhealthy Development
24 Patterns – Create, update, and enforce regulations and laws pertaining to
25 the location, retailing, and use of unhealthy substances such as tobacco,
26 marijuana and other drugs, and alcohol.

27 28 29 **SECTION 5: ENVIRONMENTAL REVIEW**

30
31 The City Council, in light of the whole record before it, including but not limited to, the
32 City's Local CEQA Guidelines and Thresholds of Significance, the recommendation of
33 the City Manager and Community Development Director as provided in the Staff Report
34 dated December 10, 2013, and documents incorporated therein by reference, and any
35 other evidence (within the meaning of Public Resources Code § 21080(e) and §
36 21082.2) within the record or provided at the public hearing of this matter, hereby finds
37 and determines as follows:

- 38
39 1. **CEQA.** Pursuant to California Environmental Quality Act ("CEQA")
40 Guidelines Section 15270 (14 Cal. Code Regs. Section 15270) CEQA
41 does not apply to projects which a public agency rejects or disapproves.

City Council Resolution Bill No. 13-053
APPEAL 13-002 OF CONDITIONAL USE PERMIT NO. 13-004
VALERO GAS STATION ALCOHOLIC BEVERAGE SALES

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

I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing Resolution is the actual Resolution adopted by the City Council of the City of Hemet and was passed by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Sarah McComas, City Clerk

City Council Resolution Bill No. 13-053
APPEAL 13-002 OF CONDITIONAL USE PERMIT NO. 13-004
VALERO GAS STATION ALCOHOLIC BEVERAGE SALES

Attachment No. 2

Appeal Letter from
Applicant's Agent

City Council
May 13, 2014

13-002

City of Hemet - Planning
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OCT 22 2013

PROJECT NO.(S)
Cup 13-004

Sale



6149 Bluffwood Drive • Riverside, CA 92506 •

Fax 951-682-2876 • Cell 951-533-2934

October 18, 2013

**CUP 13-004
VALERO GAS STATION
APPEAL OF PLANNING COMMISSION DENIAL**

This letter is to appeal the Planning Commission denial of Conditional Use Permit 13-004 on October 15, 2013.

This appeal is based on several reasons:

1) The Planning Commission and Planning Staff unfairly grouped this request with other alcohol outlets, in particular those with hard alcohol sales and on-site sales. This is a different type of business than a liquor store or bar; and thus should not be in the same considerations as those types of businesses.

For instance, this business is auto-oriented, not pedestrian oriented. Thus, pedestrian uses of alcohol being sold from this location is limited.

2) The Planning Staff did not reflect the Amended Project Narrative in the October 15th Planning Commission hearing; thus the presentation to the Planning Commission was one-sided towards a denial recommendation, and not a balanced presentation showing the applicant's request.

3) The types of alcohol permits are segmented for consideration by ABC; on-sale permitted are counted differently than off-sale. This was not presented accurately in the presentation or in the staff report; thus giving a misleading impression of the area

being much more over-

concentrated than it usually is.

4) As opposed to other alcohol outlets, this business is willing to submit to stringent operational conditions of approval placed on it. Again, this was not presented by the Staff.

As such, we are asking the City Council to override the Planning Commission and approve Conditional Use Permit No. 13-004 subject to conditions of approval placed on the project.

Notices of the public hearing can be sent to:

Nick Patel
Gardner
Valero Gas Station
1701 West Florida Avenue
Hemet, CA 92543

Keith

6149 Bluffwood Dr
Riverside, CA 92506

Maha Laxmi Gas, Inc
704 Sweet Clover Loop
San Jacinto, CA 92582

City of Hemet - Planning
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OCT 22 2013

PROJECT NO.(S)
CU#13-004

Sell

Please contact me at (951) 533-2934 if you have any questions.

Keith Gardner

Keith Gardner dba Keefer Consulting

Attachment No. 3

Additional Information
Provided by Applicant

City Council
May 13, 2014



6149 Bluffwood Drive • Riverside, CA 92506 •

Fax 951-682-2876 • Cell 951-533-2934

VALERO REQUEST for PUBLIC CONVENIENCE and NECESSITY

The Valero Gas Station is requesting a finding of Public Convenience and Necessity (PCN) for the property located at 1701 West Florida Avenue. The request for PCN is based upon the following:

- 1) As with many other gas stations, this Valero wishes to offer beer and wine as an ancillary and convenient service to its customers. No more than 15% of the floor area will be offered for beer and wine sales, including no more than three coolers. Although this is a relatively small portion of the sales area, it is anticipated to increase sales up to 33%. As such, is offered as a convenience to the public.
- 2) With the security measures included in the building and the business practices, the proposed beer and wine sales are not anticipated to be a source of nuisance behavior associated with the excessive consumption of alcoholic beverages, or the exposure of alcoholic beverages to minors. These security measures include: 11 security cameras on the exterior of the building, 9 security cameras on the interior of the building, and 18 security lights on the exterior of the building. Accordingly, the business will cease selling beer and wine by 11:00 p.m; any portions of the floor selling beer & wine will be cordoned off, and any coolers containing beer and wine will be locked after 11:00 p.m. Additionally, all business operational standards as outlined in Paragraph (g) in Ordinance No. 1858 will be adhered to.
- 3) Since this is an ancillary service, and no on-site consumption of alcoholic beverages will be allowed on site, it will not be detrimental to the public health, safety, or welfare.
- 4) With the ancillary nature of this application, and the security and business practices in place, it is anticipated that this request will not increase the severity of existing law enforcement or public nuisance problems in the surrounding area.
- 5) The project is consistent with the distance requirements of City Ordinance No. 1858 as follows:
 - a) There is no public or private schools, public parks, or places of

worship within 600 feet. Iglesias Bautista Rios de Agua was located at the southwest corner of Lyon and Latham, but the property has been abandoned for approximately 6 months.

- b) No residentially-zoned property lies within 100 feet of the subject property.
- c) There are no known parolee-probationer homes, emergency shelters, supportive housing, or transitional housing lies within 1,000 of this property.

Please contact me at (951) 533-2934 if you have any questions.


Keith Gardner



6149 Bluffwood Drive • Riverside, CA 92506 • Fax 951-682-2876 • Cell 951-533-2934

December 3, 2013

Deanna Elliano
Community Development Director
City of Hemet
Hemet, CA

Subject: Additional points in support of Valero on West Florida Avenue

Dear Deanna,

There are three main categories of reasons for this business to be allowed to sell beer and wine:

- 1) By denying this beer and wine license, it denies this Valero fair competition with similar establishments in the general vicinity.
- 2) The Valero is not a liquor store. The ancillary beer & wine sales are not the primary reason for customers to visit this gas station. With the exception of loyal Valero customers, this is not a destination for casual customers driving along Florida Avenue.
- 3) The addition of the beer and wine sales will increase the retail sales profit of the establishment approximately \$200,000 a year. This will allow the establishment to improve the property and to hire additional staff.

<<<signed electronically>>>

Keith Gardner



6149 Bluffwood Drive • Riverside, CA 92506 • Fax 951-682-2876 • Cell 951-533-2934

December 3, 2013

Deanna Elliano
Community Development Director
City of Hemet
Hemet, CA

Subject: **Additional points in support of Valero on West Florida Avenue**

Dear Deanna,

There are three main categories of reasons for this business to be allowed to sell beer and wine:

- 1) By denying this beer and wine license, it denies this Valero fair competition with similar establishments in the City. Examples of this are:
 - a. Tesoro USA Gas, 2105 E. Florida Avenue
 - b. Gas Mart, 1005 W. Florida
 - c. Diamond Valley Union 76, 3308 W Florida
 - d. Shell, 1704 W Florida
 - e. Hemet Shell, 5771 W Florida
 - f. Arco AM/PM, 395 W Stetson

By approving of this beer and wine request, it provides for a more fair competition with similar establishments. Customers that are requesting beer and wine at this Valero will be going elsewhere if this service is not provided.

- 2) The Valero is not a liquor store. The ancillary beer & wine sales are not the primary reason for customers to visit this gas station. With the exception of loyal Valero customers, this is not a destination for casual customers driving along Florida Avenue.
- 3) Currently the establishment brings in approximately 400-500 customers a day; according to the survey that was conducted, a large percentage of those customers are asking for the beer and wine. Alcohol sales would be approximately \$1,575 to \$2,100 a day increase in sales, which translates into approximately \$567,000 to \$756,000 in additional yearly sales. This is a huge increase in sales.

<<<signed electronically>>>

Keith Gardner

City of Hemet - Planning
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APR 21 2014

PROJECT NO.(S)



6149 Bluffwood Drive • Riverside, CA 92506 • Fax 951-682-2876 • Cell 951-533-2934

December 3, 2013

Deanna Elliano
Community Development Director
City of Hemet
Hemet, CA

Subject: Valero request for Beer and Wine

Dear Deanna,

We are requesting a continuance of this project to January 14, 2014 from the December 4, 2013 City Council hearing.

<<<signed electronically>>>

Keith Gardner



6149 Bluffwood Drive • Riverside, CA 92506 •

Fax 951-682-2876 • Cell 951-533-2934

October 8, 2013

**CUP 13-004
VALERO GAS STATION
AMENDED PROJECT NARRATIVE**

Per discussion with City staff and for clarification purposes, this letter will serve as an Amended Project Narrative for the Valero Gas Station at 1701 West Florida Avenue.

Hours of Operations:

The automated gas pumps at the facility will be open 24-hours. The store will be locked from midnight to 5 a.m. During those hours, sales of snacks, sodas, etc will be conducted through a secure safety window at the cash register.

Type of License and Proposed Transfer:

This location is requesting a Type 20 ABC license (beer and wine off-sale). The owners of this facility are in negotiations to purchase the Type 20 license from Castle Liquor located at 4290 East Florida, Hemet. Castle Liquor is within Census Tract 433.11. HOWEVER, if these negotiations fail for whatever reason, the client is committing to transferring a different Type 20 license from elsewhere in Hemet or the immediate environs.

Floor and sales area clarification:

- a) The interior floor area is approximately 2,811 square feet.
- b) The sales area is approximately 1,933 square feet
- c) As shown on the floor plan, we show approximately 3% dedicated to beer and wine sales. We can accept a condition of no more than 3%.

Please contact me at (951) 533-2934 if you have any questions.


Keith Gardner

Emery Papp - Re: Valero CUP

From: Deanna Elliano
To: Keith Gardner
Date: 10/8/2013 8:35 AM
Subject: Re: Valero CUP
CC: Papp, Emery

Thanks Keith. Can you put the info in letter format so we can include it as an attachment to the staff report? Let me know asap as we are in final production of the agenda.

Thanks,
D

>>> Keith Gardner <keefergard@gmail.com> 10/7/2013 6:29 PM >>>
In answer to your questions:

1) Here is a clarification to the work hours:

a) Operation of the facility will be 24-hours. However, only the gas pumps will be available to the public during the hours of midnight to 5 a.m. The building itself will be locked for the public after midnight. Sales of snacks, sodas, etc will be done through a secure safety window at the cash register. This is a slight modification to the Project Description as originally submitted.

2) This location is requesting a Type 20 ABC license. The owners of this facility are in negotiations to purchase the Type 20 license from Castle Liquor located at 4290 East Florida, Hemet. Castle Liquor is within Census Tract 433.11. HOWEVER, if these negotiations fail for whatever reason, the client is committing to transferring a different Type 20 license from elsewhere in Hemet or the immediate environs.

3)

a) The interior floor area is approximately 2,811 square feet.

b) The sales area is approximately 1,933 square feet

c) We had requested no more than 15% of the sales area be committed to beer & wine sales in our project description. As shown on the floor plan, we show approximately 3%. We can accept a condition of no more than 3%.

4) If there is anything else you need, let me know and I'll get it to you as soon as I can.

Keith Gardner
951-533-2934

On Mon, Oct 7, 2013 at 8:01 AM, Keith Gardner <keefergard@gmail.com> wrote:
Deanna,

I will get answers for you by the end of the day today

On Thu, Oct 3, 2013 at 1:33 PM, Deanna Elliano <DElliano@cityofhemet.org> wrote:

Hi Keith:

In preparing the staff report for the PC meeting on Oct. 15th for this item, we need some additional

information from you for clarification. Can you please provide the following information in a letter to me and dated, and return to us as soon as possible? Please scan and submit via e-mail to me and Emery.

Thanks!

Deanna

1. Clarify the hours of operation of the business and the sales of alcohol. If the hours are not the same, explain how the reduced sales hours for alcohol will be controlled and enforced. Explain in detail how the floor area will be "cordoned off".
2. Provide information as to the type of license that is requested to be transferred to this location, and the census tract from which the license is coming from. The PC was told that the license was being transferred within the boundaries of Hemet, please provide documentation from ABC as to the prior location.
3. Clarify the square footage of the interior floor area, the sales area, and the percentage allocated to alcohol sales. The staff report had said 3%, yet your prior letter (undated) says 15% of the floor area + 4 coolers for beer & wine (another undated letter says 3 coolers). Please specify a total square footage of sales area for the alcohol.
4. Provide any other additional information regarding the operation that will be helpful to the Commission and staff in preparing the report.

--

Keith Gardner
Keefer Consulting
951-533-2934

--

Keith Gardner
Keefer Consulting
951-533-2934

Attachment No. 3.1

Applicant-Submitted
Summary and Photos
Indicating Advantages of
Valero Location

City Council
May 13, 2014

HEMET VALERO
1701 W FLORIDA AVE
HEMET CA 92545

security:

For security we have 11 camera outside and 10 camera inside the store to provide safety to our customer and to keep eye on property.

security camera is very important for safety.

size:

Behind the building there is shopping center so it's always busy with cars and people. so that does not attract people to hang out or to sit or sleep.

light:

The lighting for that property is perfect to cover the all area. back of the property have camera and lighting for 24 hour. light and situation of property make no room to hang out people.

comparison:

Please do compare Hemet Valero and Lyon market and Hemet shell for safety , security and different way to operate station and doing business to serve community.

All above reason and many more Hemet Valero is much safer place to shop for customer.

please see attach sign paper from our customer who strongly support of beer and wine sale at this location.

City of Hemet - Planning
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APR 21 2014

PROJECT NO.(S)

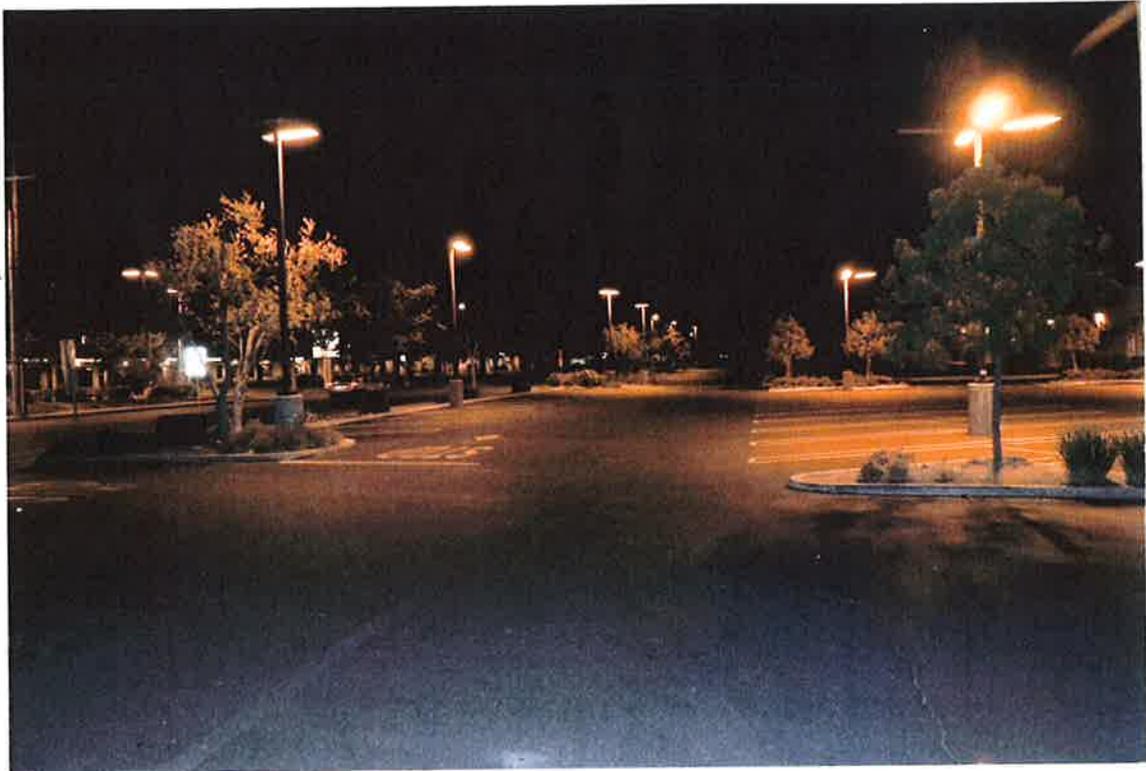


















Attachment No. 3.2

Applicant-Submitted
Summary and Photos
Indicating Disadvantages of
Shell Gas Station Location

City Council
May 13, 2014

Hemet Shell
1704 W Florida Ave
Hemet, CA 92545

Located cross a street from Hemet Valero

Please check the property . the size of the property is larger than Hemet Valero.

security:

For security they have only 3 camera for that large area. that camera is not enough for the size of that property. please see the picture attach.

size:

Since the size of property there is so much space for people to hang out, sleep on grass, sit around, and do create problem.

light:

The lighting for that property is not enough. back of the property is very dark during the night time and its very unsafe. it can easily attract people to hide and do drink and drug or some other activity.

comparison:

Please do compare Hemet Valero and Hemet shell for safety , security and different way to operate station and doing business to serve community.

All above reason and many more hemet valero is much safer place to shop for customer.

City of Hemet - Planning
RECEIVED

APR 21 2014

PROJECT NO.(S)









Attachment No. 3.3

Applicant-Submitted
Summary and Photos
Indicating disadvantages of
Lyons Market Location

City Council
May 13, 2014

Lyons market

1690 W Florida Ave, Hemet, CA 92543

Hemet, CA 92545

Located cross a street from Hemet Valero

Next to coach light motel

security:

For security they do not have any camera for that area.

so that attract more street people and people who don't want to be seen. please see the picture attach.

security camera is very important for safety.

size:

Behind the building there is big size of property there is so much space for people to hang out, sleep on grass, sit around, and do create problem.

light:

The lighting for that property is not enough.

back of the property is very dark during the

night time and its very unsafe. it can easily attract

people to hide and do drink and drug or some other activity.

comparison:

Please do compare Hemet Valero and Lyon market

for safety , security and different way to operate station and doing business to serve community.

All above reason and many more Hemet Valero is

much safer place to shop for customer.

City of Hemet - Planning
RECEIVED

APR 21 2014

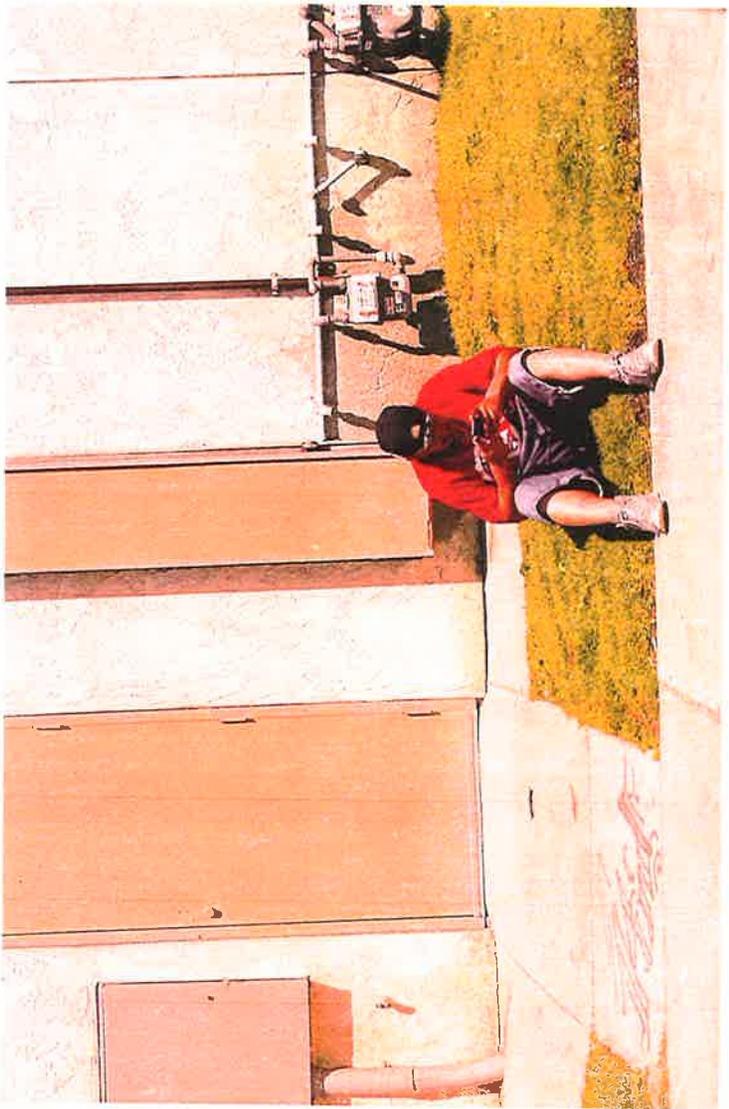
PROJECT NO.(S)











Attachment No. 4

October 15, and
September 17, 2013
PC Staff Reports

City Council
May 13, 2014



Staff Report

TO: City of Hemet Planning Commission

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

DATE: October 15, 2013

RE: **CONDITIONAL USE PERMIT NO. 13-004 (VALERO GAS STATION)** – A request for Planning Commission review and approval of a Conditional Use Permit for the sale of beer and wine from 5:00 a.m. to 12:00 a.m., seven days a week, and to make a finding of public convenience or necessity as required by the California Department of Alcoholic Beverage Control at an existing Valero gas station located at 1701 West Florida Avenue at the south west corner of Florida and Lyon Avenues.

PROJECT APPLICANT INFORMATION

Applicant: Nick Patel, Valero Gas
Agent: Keith Gardner, Keefer Consulting
Project Location: 1701 W. Florida Avenue
APN: 448-460-005

RECOMMENDED ACTION:

The Planning Department recommends that the Planning Commission take one of the following actions:

1. Adopt Resolution Bill No. 13-018 **APPROVING** CUP 13-004 based on the information and Findings contained in Resolution Bill No. 13-018; **OR**
2. Adopt Resolution Bill No. 13-017 **DENYING** CUP 13-004, based on the information and Findings contained in Resolution Bill No. 13-017.

PROJECT DESCRIPTION:

The Applicant filed an application for a Conditional Use Permit, requesting approval for the sale of beer and wine for off-site consumption (Type 20 Off-Sale ABC License) and that the Planning Commission make findings of Public Convenience or Necessity as

required by the California Department of Alcoholic Beverage Control (ABC). The location of the proposed use is an existing Valero gas station with a mini-mart store located at 1701 W. Florida Avenue in the C-2 (General Commercial) zone.

In a clarification letter (Attachment No. 4) provided to staff by the Applicant's representative on October 8, 2013, the automated gas pumps are open 24-hours. The mini-mart is closed from midnight to 5:00 AM. The Applicant proposes the sale of beer and wine between the hours of 5:00 a.m. to midnight, seven days a week when the store is open and is allotting approximately 45 square feet of shelf space including reach in cooler space for the sale of these items. The Applicant has stated alcohol sales will comprise no more than 3% of total square footage of existing floor area, and is accepting of a condition to limit the sales area to this percentage. The clarification letter also states that the Applicant proposes to purchase an existing Type 20 ABC license from Castle Liquor, located at 4290 East Florida Avenue, located within Census Tract 433.11. In the event the transfer of this ABC license is unsuccessful, the Applicant will seek a Type 20 ABC license from elsewhere. This scenario includes the possibility of bringing in a new ABC license from outside of the City limits and potentially furthering the over-concentration of retail licenses in the City of Hemet.

A complete description and analysis of the project can be found in the Planning Commission Staff Report of the September 17, 2013 Planning Commission Agenda (Attachment No. 5 to this report).

PLANNING COMMISSION ACTION:

On September 17, 2013, the Planning Commission considered the request by the Applicant to sell alcoholic beverages from an existing Valero Gas station mini-mart located at 1701 W. Florida Avenue at the south west corner of Florida and Lyon Avenues. Staff recommended that the Planning Commission deny the request for a Conditional Use Permit based on a City of Hemet Police Department letter to ABC (included in Attachment No. 5) indicating a higher than average rate of crime in the two reporting districts in vicinity of the project, and due to an over-saturation of existing ABC retail licenses located within the Census Tract in which the subject site is located.

The Planning Commission considered the information contained in the staff report, Police Department statistics, staff's presentation, information provided by the Applicant, and determined that the proposed use was not likely to increase the demand for alcohol, rather it would serve to reduce the amount of alcohol sold by competitors; that adding this outlet would replace the convenience within the center that was lost when the Fresh and Easy store closed; and that there would be no net increase in the number of alcohol licenses within the Census Tract because the Fresh and Easy license has been surrendered.

The Planning Commission then made and adopted a motion conceptually recommending approval of CUP 13-004, and directed staff to prepare a new PC Resolution Bill recommending Approval (Attachment No. 1), appropriate Conditions of Approval (Attachment No. 1B), and continued the public hearing to October 15, 2013 for a final determination. Because two members of the Commission (Crimeni and Overmyer) were not present at the September 17 public hearing, staff has included the prior staff report and materials (Attachment No. 5) and the prior Resolution (Attachment No. 2).

ANALYSIS/ADDITIONAL INFORMATION:

The California Department of Alcoholic Beverage Control (ABC) is the regulatory agency that issues licenses for the sale of alcoholic beverages. Due to the number of existing ABC licenses in the County of Riverside, ABC is not issuing new licenses within the County at this time. As a result, the only way for a business owner to obtain an ABC license is to purchase the license from an existing business in Riverside County. ABC's threshold for issuing Off-Sale licenses is one retail license for each 2,500 people within a Census Tract. When this threshold is exceeded, the Census Tract is deemed to have "undue concentration," or more licenses issued than recommended. When considering "general" retail licenses, or on-sale, off-sale, and other miscellaneous types of ABC licenses combined, the threshold drops to one license for each 1,250 people within a Census Tract.

The following statistics were obtained by ABC for Census Tracts 434.05, and 435.03 (in which the project is located). The following Table indicates the total number of retail licenses within each Tract, the breakdown of Type 20 (Off-Sale, Beer and Wine) and Type 21 (Off-Sale, Beer, Wine and Distilled Spirits) located within each Tract, and the breakdown of Type 40 (On-Sale, Beer and Wine) and Type 41 (On-Sale, Beer, Wine and Distilled Spirits) located within each Census Tract.

Census Tract No.	Population	Total ABC Licenses	Allowable Concentration	No. of Off-Sale ABC Licenses		No. of On-Sale ABC Licenses	
				Type 20	Type 21	Type 40	Type 41
434.05	4,217	14	3	2	3	0	5
435.03	4,112	21	3	2	7	0	6

The statistics shown in the table above indicate there is already undue concentration, multiple times over, within both Census Tracts in proximity of the subject site. The locations of just the existing Off-Sale, Type 20 and Type 21 ABC licenses can also be seen in the "pin map" included as Attachment No. 3 of this staff report.

PUBLIC COMMUNICATIONS RECEIVED

Property owners located within a 1000 foot radius of the project site were notified of the public hearing on September 5, 2013 with a 10-day hearing notice in addition to a public notice in the Press Enterprise.

At the time of report preparation, the Planning Division had received one phone call from a representative of Sierra Dawn stating that the residents of Sierra Dawn were opposed to the CUP allowing alcohol sales at this location. To date, staff has not received any other letters or comments from the public. Any comments received prior to the time of the scheduled Planning Commission meeting will be provided to the Commission at the time of the public hearing.

CEQA REVIEW

Section 15270. Projects Which Are Disapproved. (a) CEQA does not apply to projects which a public agency rejects or disapproved.

Should the Planning Commission Approve CUP 13-004, staff will prepare and file a Notice of Exemption with the County Clerk and Recorder pursuant to the findings made in PC Resolution No. 13-018.

REPORT SUMMARY

In 2012, The Hemet ROCS Executive Committee identified a need to adopt standards for alcoholic beverage sales in the City of Hemet and charged the Planning Division to work with the City Attorney's office to update the City's Zoning Code in this regard as one of the proposed new Hemet ROCS ordinances. Staff and the City Attorney crafted an Ordinance that was reviewed by the Hemet ROCS Citizen's Advisory Committee, the Planning Commission, and ultimately garnered a unanimous approval from the City Council. Ordinance No. 1858, which added section 90-90 to the Hemet Municipal Code to regulate alcoholic beverage sales, became effective on February 21, 2013.

Pursuant to the guidelines established under Ordinance No. 1858, a CUP is required for this use and various findings are required to be made. Staff had previously recommended denial of CUP 13-004 because the area is plagued with Police Department calls for a variety of criminal activity, including alcohol related offenses. Also according to the California Department of Alcoholic Beverage Control there is undue concentration of alcohol licenses issued within this Census Tract and an adjacent Census Tract. Allowing the sales of alcohol at this location, and making findings for Public Convenience or Necessity was not recommended by the City of Hemet Police Department and Planning Division Staff at the September 17th Commission hearing for the reasons noted in the Staff Report and contained in the proposed Resolution Bill No. 13-017.

However, the Planning Commission has considered this information and other public testimony from the Applicant's representative, and has recommended Approval of CUP 13-004 pursuant to the findings and rationale provided in the Minutes (Attachment No. 6) and incorporated into PC Resolution Bill No. 13-018. Therefore, a Resolution for Approval of the project as directed by the Planning Commission (PC Resolution 13-018) is included as Attachment No. 1 to this staff report. Conditions of Approval regarding the proposed operation are included as Attachment 1B.

Respectfully submitted,



Emery J. Papp
Principal Planner

Reviewed by:



Deanna Elliano
Community Development Director

ATTACHMENTS

- 1) PC Resolution Bill No. 13-018 recommending approval of CUP 13-004
- 1A) Site Plan and Floor Plan of existing facility
- 1B) Conditions of Approval
- 2) PC Resolution Bill No. 13-017 recommending denial of CUP 13-004
- 3) Census Tract Pin Map of ABC Licenses
- 4) Information Provided by Applicant's Agent
- 5) PC Agenda Report – 09/17/2013
- 6) Draft Minutes of the 09/17/2013 Planning Commission Meeting

INCORPORATED HEREIN BY REFERENCE

City of Hemet General Plan
City of Hemet Zoning Ordinance
Contents of City of Hemet Planning Department Project File CUP13-004



AGENDA #4

Staff Report

TO: City of Hemet Planning Commission

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

DATE: September 17, 2013

RE: **CONDITIONAL USE PERMIT NO. 13-004 (VALERO GAS STATION)** – A request for Planning Commission review and approval of a Conditional Use Permit for the sale of beer and wine from 5:00 a.m. to 1:00 a.m., seven days a week, and to make a finding of public convenience or necessity as required by the California Department of Alcoholic Beverage Control at an existing Valero gas station located at 1701 West Florida Avenue at the south west corner of Florida and Lyon Avenues.

PROJECT APPLICANT INFORMATION

Applicant: Nick Patel, Valero Gas
Agent: Keith Gardner, Keefer Consulting
Project Location: 1701 W. Florida Avenue
APN: 448-460-005

RECOMMENDED ACTION:

The Planning Department recommends that the Planning Commission:

1. Adopt Resolution Bill No. 13-017 **DENYING** CUP 13-004, based on the information and Findings contained in the Staff Report.

PROJECT DESCRIPTION:

The Applicant filed an application for a Conditional Use Permit, requesting approval for the sale of beer and wine for off-site consumption (Type 20 Off-Sale License) and that the Planning Commission make findings of Public Convenience or Necessity as required by the California Department of Alcoholic Beverage Control (ABC). The location of the proposed use is an existing Valero gas station with a mini-mart store located at 1701 W. Florida Avenue in the C-2 (General Commercial) zone (as shown in Attachment No. 5). The Applicant proposes the sale of beer and wine between the hours of 5:00 a.m. to 1:00 a.m., seven days a week and is allotting approximately 45 square feet of shelf space

including reach in cooler space for the sale of these items. The Applicant has stated alcohol sales will comprise no more than 3% of total square footage of existing floor area (as shown in Attachment No. 2, Floor Plan, hand written notes). A letter from the Applicant's representative (Attachment No. 10) is provided, which indicates that up to fifteen percent (15%) of the floor area may be devoted to alcohol sales. This letter was provided prior to the revised floor plan (Attachment No. 2) which indicates the correct square footage proposed for sale of alcoholic beverages.

Pursuant to Section 90-90(c)(2) of City of Hemet Ordinance No. 1858 adopted by the City Council on January 22, 2013, the sale of alcoholic beverages from this store location within the General Commercial (C-2) zone will require approval of a Conditional Use Permit because it is a premise-to-premise transfer of an existing ABC license that is not otherwise exempt under the Ordinance. Moreover, Section 90-892C.23.d. states that gasoline service stations with a mini-mart and alcohol sales also requires a Conditional Use Permit. Exemptions typically apply to bona fide eating places, and larger commercial retail businesses such as grocery stores and super marts devoting less than five percent (5%) of their floor area for alcohol sales. In addition, because the proposed project is located within an area where the number of existing off-sale alcohol establishments is over concentrated, a finding of Public Convenience or Necessity by the City is required.

The project proposes no interior changes to accommodate the proposed use within the 2,811 square-foot building. No exterior changes are proposed including exterior signage. Attachment No. 1 provides the Site Plan and the Floor Plan for the existing store.

PROJECT SETTING

The entire site consists of approximately one-half acre containing one (1) building. The building is 2,811 square feet and is a standalone building on the south west corner of Florida Avenue and Lyon Avenue. The Valero Gas station store hours are: Monday thru Sunday 5:00 a.m. to 1:00 a.m. According to the applicant there is always one manager or assistant manager on duty, with a total of 5 employees.

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

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

	LAND USE	ZONING	GENERAL PLAN
PROJECT SITE	Valero Gas Station and Convenience Store	C-2 (General Commercial)	CC (Community Commercial)
NORTH	Shell Gas Station and Convenience Store	C-2 (General Commercial)	CC (Community Commercial)
SOUTH	Shopping Center – DDs Discounts, Super Dollar Plus	C-M (Commercial Manufacturing)	CC (Community Commercial)
EAST	Walgreens Drug Store	C-1 (Neighborhood Commercial)	CC (Community Commercial)
WEST	Shopping Center – CitiBank, Fallas	C-1 (Neighborhood Commercial)	CC (Community Commercial)

ANALYSIS:

Development Review Committee (DRC) Review:

The Development Review Committee (DRC) reviewed the project on June 20, 2013. There were no comments by any departments except for the Planning Department and the Police Department. There are no interior or exterior improvements proposed by the applicant prompting no comments from Building, Engineering or Fire.

The Planning Department expressed concerns to the Applicant that the proposed use may not meet the separation requirement from places of worship under Ordinance 1858, and also had concerns related to undue concentration of Census Tract 435.03 in which the Valero gas station and convenience store is located.

Planning Department:

Under Ordinance No. 1858, any existing alcohol sales outlet in the City, and any new alcohol related use that wishes to establish in the City of Hemet are subject to nine (9) operational standards and additional conditions of approval that may be added by the Planning Commission. These operational standards can be found in Section 90-90(g) of Ordinance No. 1858, Attachment No. 9 to this staff report. The operational standards have not been evaluated by staff at this time because it staff's recommendation to deny the project due to the issue of over-concentration.

However, when a Conditional Use Permit is requested, there are four (4) supplemental findings that must be made allowing the sale of alcoholic beverages under Ordinance No.

1858, in addition to the findings that must be made for a Conditional Use Permit. Section 90-90(f)(1) of Ordinance 1858 identify required separation requirements, which are further discussed below:

(1) *The use complies with all of the following separation requirements. Notwithstanding the foregoing, the decision making body may issue a Conditional Use Permit to a use that does not comply with one or more of the following separation standards if it finds that unique circumstances exist that justify non-compliance with the separation standard(s).*

a. *The use is located at least 600 feet, as measured from property line to property line, from any existing public or private schools (K through 12), public parks, or places of worship;*

The proposed project meets most separation requirements but is within 600 feet of a vacant commercial property last used a place of worship. This building is zoned for commercial purposes and could be used for commercial purposes in the future

b. *The use is located at least 100 feet, as measured from property line to property line, from existing residential uses or land that is zoned for residential uses.*

The proposed use is located more than 100 feet away from any residential uses.

c. *The use is located at least 1000 feet, as measured from property line to property line, from existing parolee-probationer homes, emergency shelters, supportive housing, or transitional housing.*

There are no known, or licensed, parolee-probationer homes, emergency shelters, supportive housing, or transitional housing within 1000 feet of the proposed use.

Regarding separation criteria for the proposed use, Staff initially had expressed a concern that the proposed use may be within the distance separation criteria from an existing place of worship. The Iglesias de Bautista church appears to be within the 600 foot separation requirement from the proposed use. However, staff was able to confirm that the church is currently vacant and is located in the C-2 zone and may be used for other purposes. As a result, staff no longer considers this to be an issue. However, per criteria established by the California Department of Alcoholic Beverage Control (ABC), the Census Tract in which the Valero gas station is located is permitted to have up to three (3) combined on-sale and off-sale ABC licenses before it is considered to have an undue concentration of general ABC licenses. The Census Tract currently has twenty-

one (21) combined on-sale and off-sale ABC licenses, or seven (7) times the recommended threshold for alcohol licenses in the Census Tract, as shown in Attachment No. 7.

Police Department:

Sergeant Gibbs researched Police calls to this specific location from January 2012 through November 2012 and prepared a written report regarding the number and type of calls made. Sergeant Gibbs also looked up the number of licenses issued by ABC in Census Tract 435.03 and discovered out of the twenty-one general ABC licenses, there are nine (9) active off-sale licenses. If there are more than two off-sale licenses in the Census Tract, ABC will require a finding of Public Convenience or Necessity (see Attachment No. 5) prior to issuing the license.

As noted in the Police Department letter to the ABC dated April 30, 2013 (Attachment No. 6), from January through November 2012 there were 362 calls for service within reporting districts 525a and 525b, in vicinity of the Valero gas station at 1701 W. Florida Avenue. This area has higher than average calls for service to the Police Department for a variety of criminal activities, such as: 95 calls for thefts; 42 calls for outstanding warrants; 28 calls related to alcohol or public intoxication; 12 calls for DUI; 10 calls for mental complaints; and 4 calls for assaults. Police Department statistics for the general area in vicinity of the Valero gas station indicate that this area has a higher than normal crime rate. It should also be noted that the City's letter to ABC should have indicated that a Conditional Use Permit is required for the proposed use.

Law Enforcement Problem:

It is evident from Hemet Police Department Sergeant Gibbs' letter to the ABC (See Attachment No. 6) that there are many calls for service to this general location. Although the cause of the calls may not be directly related to the project site, the nature of these calls for service, which include public intoxication and DUI, may increase with the additional sale of beer and wine from the Valero gas station convenience store.

Undue Concentration:

The project site is located within Census Tract 435.03. Tract 435.03 is adjacent to Tract 434.05. These two Census Tracts straddle Florida Avenue east of Sanderson Avenue, and west of Palm Avenue. The ABC website indicates Tract 435.03 has a total twenty-one (21) active retail licenses, nine (9) of which are Off-Sale general licenses, and twelve (12) are On-Sale licenses. A combined total of three (3) ABC licenses are permitted before the tract is considered to have undue concentration. Tract 434.05 has a total of fifteen (15) active retail licenses, five (5) of which are Off-Sale general licenses and ten (10) are On-Sale General licenses. A combined total of 3 ABC licenses are permitted before the tract is considered to have undue concentration. According to ABC

information obtained online, there is “Undue concentration” at both of these Census Tracts. These Census Tracts have been deemed to have Undue Concentration because each Census Tract exceeds the threshold of one off-sale license per 2,500 people, or one general retail ABC license per 1,250 people as shown in Attachment No. 6.

Existing locations where patrons may purchase alcoholic beverages within walking distance of the Valero gas station include:

Walgreens Drug Store	1661 W. Florida Avenue
Lyons Market	1690 W. Florida Avenue
Shell Gas Station	1704 W. Florida Avenue
Angie’s Diner	1770 W. Florida Avenue
Mimi’s Café	1778 W. Florida Avenue
Red Robin	1990 W. Florida Avenue

Based on information obtained from ABC’s website, there are currently 133 combined retail license active retail licenses in the Hemet area. Some of these locations are outside of the City limits, but are all within Census Tracts associated with Hemet. The ABC formula for issuing alcohol licenses within Riverside County is as follows: The number of off-sale beer and wine licenses is limited to one for each 2,500 people in a city or county, and the number of beer and wine licenses that can be issued in a city or county *in combination with* off-sale general licenses is limited to one for each 1,250 people. (Section 23817.5). Having a 2010 population of approximately 104,000, the appropriate number of general retail alcohol licenses issued within Census Tracts associated with Hemet should be 83 licenses. Currently, there are 133 such licenses within the City of Hemet, and 33 within the unincorporated areas of Riverside County, for a total of 166 existing general retail alcohol licenses. Citywide, this represents an over concentration of alcoholic beverage licenses at a ratio of 2:1 higher than that recommended by the ABC.

Pursuant to City of Hemet Ordinance No. 1858, Section 90-90(h)(2), the Planning Commission shall make a Public Convenience or Necessity determination when a proposed use requires approval of a Conditional Use Permit. Through the ABC licensing process, local jurisdictions may approve the issuance of an ABC license within Census Tracts having an Undue Concentration, when the decision making body makes findings of Public Convenience or Necessity. Such Findings indicate that the City supports the proposed use, even when the threshold for the number of ABC licenses within a Census Tract has been exceeded. The City of Hemet Findings for Public Convenience or Necessity can be found in Section 90-90(h)(3), Attachment No. 9 to this Staff Report.

CONSISTENCY WITH ADOPTED GOALS AND POLICIES:

The City of Hemet Zoning Ordinance, Section 90-90(c)2 allows for alcohol sales at gas station mini-marts, subject to the Planning Commission’s approval of a Conditional Use

Permit. For the project to be approved, the Conditional Use Permit findings from Section 90-42 must be made, in addition to the supplemental CUP findings for alcohol sales found in Section 90-90(f) (see Attachment No. 9). Finally, the Planning Commission must make a Public Convenience or Necessity determination, based on the findings found in Section 90-90(h)(3).

This approval process is serving due process for both the Conditional Use Permit process for sale of alcoholic beverages at the Valero gas station convenience store, and also allows the Planning Commission to make or reject a finding for Public Convenience or Necessity.

General Plan Consistency

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

Valero gas dispenses automotive fuels and provides a small mini-mart for the convenience of customers. It serves the needs of local resident commuters. The proposed use meets all of the separation requirements found under Section 90-90(f)(1).

The intersection where this store is located is a heavy traffic area with both Florida Avenue being primary four-lane corridors and both Avenues being part of the existing bus route.

Staff Recommendation and Findings:

Approval of a Conditional Use Permit for the sale of alcoholic beverages requires that ALL of the Findings for a Conditional Use Permit; the supplemental findings for the sale of alcoholic beverages; and when there is Undue Concentration, Findings for Public Convenience and Necessity must also be made. If the Planning Commission cannot make ALL of the findings, then the Commission must deny the project. The following contains the required findings and Staff's recommendation to the Planning Commission for each finding.

Conditional Use Permit.

1. *That the proposed location of the conditional use is not in accord with the objectives of this chapter and the purposes of the zone in which the site is located; and,*

Retail sale of beer and wine in the C-2 zone requires approval of a Conditional Use Permit. Findings cannot be made to justify the approval of alcohol sales, nor can findings be made to support a Public Convenience or Necessity determination due to the over concentration of existing ABC licenses within the Census Tract.

2. *That the proposed location of the conditional use and the conditions under which it would be operated or maintained will be detrimental to the public health, safety or welfare, and materially injurious to properties or improvements in the vicinity.*

Because of the nature and the number of Hemet Police Department calls for service to this area, staff does not recommend this location for the approval of a Type 20 alcoholic beverage license.

The Police Department reported there were 95 calls for thefts; 42 calls for outstanding warrants; 28 calls related to alcohol or public intoxication; 12 calls for DUI; 10 calls for mental complaints; and 4 calls for assaults. among others.

3. *That the use and operation is not consistent with the general plan.*

The proposed use is not in conformity with the following: 2030 General Plan - Goals and Policies under the Land Use Element:

Healthy Communities Goal LU-15.5 – Unhealthy Development Patterns – Create, update, and enforce regulations and laws pertaining to the location, retailing, and use of unhealthy substances such as tobacco, marijuana and other drugs, and alcohol.

Supplemental Conditional Use Permit Findings Required for Alcohol Sales:

(1) *The use complies with all of the following separation requirements. Notwithstanding the foregoing, the decision making body may issue a Conditional Use Permit to a use that does not comply with one or more of the following separation standards if it finds that unique circumstances exist that justify non-compliance with the separation standard(s).*

- a. *The use IS located at least 600 feet, as measured from property line to property line, from any existing public or private schools (K through 12), public parks, or places of worship;*

The proposed project meets most separation requirements but is within 600 feet of a vacant commercial property last used a place of

worship. This building is zoned for commercial purposes and could be used for commercial or worship purposes in the future

- a. *The use IS located at least 100 feet, as measured from property line to property line, from existing residential uses or land that is zoned for residential uses.*

The proposed use is located more than 100 feet away from any residential uses. The nearest residences are mobil homes approximately 600 feet south of the Valero Gas Station.

- b. *The use IS located at least 1000 feet, as measured from property line to property line, from existing parolee-probationer homes, emergency shelters, supportive housing, or transitional housing.*

There are no known, or licensed, parolee-probationer homes, emergency shelters, supportive housing, or transitional housing within 1000 feet of the proposed use.

- (2) *The use IS fully visible from a public street with an unobstructed view from the public street for public safety.*

The existing Valero gas station convenience store meets all requirements for visibility including unobstructed views.

- (3) *The proposed use WILL BE detrimental to surrounding properties and neighborhoods including contributing to loitering, public drunkenness, noise, obstructing pedestrian and vehicular traffic, parking, crime, interference with pedestrian corridors used by children, defacement and damage to structures.*

The proposed use has the potential to adversely impact law enforcement activity or other public nuisance problems by providing another outlet for alcoholic beverages in an already over concentrated Census Tract with an existing higher rate of Police Department calls for service.

- (4) *The proposed use WILL adversely impact the suitability of adjacent commercially zoned properties for commercial uses.*

Information provided by the Hemet Police Department indicated the reporting districts in which the subject site is located, is experiencing higher than average frequencies of calls for service related to alcohol, public intoxication, and DUI. There is a direct correlation between the number of existing alcohol outlets within these reporting districts and the number of alcohol related calls for service. An additional alcohol sales outlet will

exacerbate the existing condition. As a result, the proposed use will adversely impact the suitability of adjacent commercially zoned properties.

Staff has determined that Findings 1 and 2 can be made in support of the project as the proposed use meets the minimum separation requirements and the use would be visible for policing purposes. However, staff does has also determined that Supplemental Findings 3 and 4 cannot be met due to a higher than average number of calls for police service within the area, and in particular, calls related to alcohol offenses such as public drunkenness and DUI.

Public Convenience or Necessity:

Considering the number of licenses already issued within the City, and the proximity of alcohol outlets to the Valero gas station and convenience store, staff does not believe that an off-sale Type 20 license (Beer and Wine sales) at this location is either convenient or necessary to serve the public need. Staff recommends the following findings, as required by Ordinance 1858:

- a. *The public convenience would not be served by the establishment of the proposed use.*

Per thresholds established by the California Department of Alcoholic Beverage Control (ABC), the entire City of Hemet currently has an overconcentration ratio of 2:1 more licenses issued than recommended by ABC. In addition, the Census Tract in which the project is located is permitted to have three (3) general retail alcohol licenses, and the Tract currently has twenty-one (21) licenses issued, or a current overconcentration ratio of 7:1. Moreover, the following establishments that currently have ABC licenses are located within walking distance of the proposed project:

Walgreens Drug Store	1661 W. Florida Avenue
Lyons Market	1690 W. Florida Avenue
Shell Gas Station	1704 W. Florida Avenue
Angie's Diner	1770 W. Florida Avenue
Mimi's Café	1778 W. Florida Avenue
Red Robin	1990 W. Florida Avenue

- b. *The proposed use is anticipated to be a source of nuisance behavior associated with the excessive consumption of alcoholic beverages, or the exposure of alcoholic beverages to minors.*

Information provided by the Hemet Police Department indicated the reporting districts in which the subject site is located, is experiencing higher than average frequencies of calls for service related to alcohol, public intoxication, and DUI. There is a direct correlation between the number of existing alcohol outlets within these reporting districts and the number of alcohol related calls for service. An additional alcohol sales outlet will exacerbate the existing condition.

- c. *The proposed use would be detrimental to the public health, safety or welfare.*

The proposed use would permit alcohol sales to persons driving motorized vehicles, within an area already documented as having a high rate of Police Department calls for service related to alcohol.

- d. *The proposed use would increase the severity of existing law enforcement or public nuisance problems in the surrounding area.*

The proposed use has the potential to adversely impact law enforcement activity or other public nuisance problems by providing another outlet for alcoholic beverages in an already over concentrated Census Tract with an existing higher rate of Police Department calls for service.

- e. *The proposed use is not consistent with the objectives, policies, general land uses, and programs of the general plan and any applicable specific plan, this Section and any applicable zoning regulations.*

The proposed use is not consistent with the following General Plan 2030 Goal, Healthy Communities Goal LU-15.5 – Unhealthy Development Patterns – Create, update, and enforce regulations and laws pertaining to the location, retailing, and use of unhealthy substances such as tobacco, marijuana and other drugs, and alcohol.

PUBLIC COMMUNICATIONS RECEIVED

Property owners located within a 1000 foot radius of the project site were notified of the public hearing on September 5, 2013 with a 10-day hearing notice in addition to a public notice in the Press Enterprise.

At the time of report preparation, the Planning Division has not received any letters or comments from the public. Any comments received prior to the time of the scheduled Planning Commission meeting will be provided to the Commission at the time of the public hearing.

CEQA REVIEW

Section 15270. Projects Which Are Disapproved. (a) CEQA does not apply to projects which a public agency rejects or disapproved.

ALTERNATIVE ACTION:

Should the Planning Commission determine that it can, in fact, make all of the findings to support the issuance of a Type 20 Off-Sale ABC license for the proposed use, then the Planning Commission should continue the public hearing and direct staff to prepare a new Planning Commission Resolution Bill in support of the proposed project, prepare appropriate Conditions of Approval for the project, and appropriate Findings for approval of the Conditional Use Permit, appropriate supplemental Findings for alcohol sales, and appropriate Findings for a determination of Public Convenience or Necessity.

REPORT SUMMARY

Planning Staff is recommending denial of CUP 13-004. The area is already plagued with Police Department calls for a variety of criminal activity, including alcohol related offenses. Also according to the California Department of Alcoholic Beverage Control there is undue concentration of alcohol licenses issued within this Census Tract and an adjacent Census Tract. Allowing this use, making findings to allow the sales of alcohol at this location, and making findings for Public Convenience or Necessity is not recommended by The City of Hemet Police Department and Planning Division Staff for the reasons noted in the Staff Report and contained in the proposed Resolution Bill No. 13-017.

Respectfully submitted,



Emery J. Papp
Principal Planner

Reviewed by:



Deanna Elliano
Community Development Director

ATTACHMENTS

- 1) PC Resolution Bill No. 13-017 recommending denial of CUP 13-004
- 2) Site Plan and Floor Plan of existing facility
- 3) Aerial Map
- 4) Photographs of Site
- 5) Surrounding Zoning Map

- 6) Letter from Police Department – Sgt. Gibbs
- 7) Summary Table of ABC Licenses Issued by Census Tract
- 8) Census Tract Map and corresponding active CA ABC license information
- 9) City of Hemet Ordinance No. 1858
- 10) Letter from Applicant

INCORPORATED HEREIN BY REFERENCE

City of Hemet General Plan
City of Hemet Zoning Ordinance
Contents of City of Hemet Planning Department Project File CUP13-004

Attachment No. 5

Police Department
Comments and Calls
for Service
11/11/12 – 10/14/13

City Council
May 13, 2014

City of Hemet POLICE

David M. Brown, Chief of Police

450 E. Latham Avenue · Hemet, California · 92543 · (951) 765-2400

April 30, 2013

Alcoholic Beverage Control
3737 Main Street, Suite 900
Riverside, Ca. 92501

To whom it may concern,

The Hemet Police Department has received an application to sell alcoholic beverages from Maha Laxmi Gas Inc.; doing business as Hemet Valero Gas station located at 1701 W. Florida Ave. The Police Department has some concerns regarding the sales of alcoholic beverages from this location and other public safety concerns. The following are areas of concern that we feel need to be addressed and considered.

The location in question is 1701 W. Florida Ave. with a cross street of Lyon St. The address sits on the south / west corner of the intersection and is located inside a large shopping plaza which has a DD's Discount Store, a Citi Bank, a Laundromat and several other miscellaneous businesses. The address in question is surrounded by a Wal-Greens store, a Shell Gas station across the street, a massage business, a liquor store and other smaller miscellaneous businesses adjacent to the address in question.

1701 W. Florida Ave. is located with-in Alcoholic Beverage Control (ABC) Census Tract 435.03. I researched the ABC website and found that Census Tract 435.03 currently has 9 off-sale ABC licenses. I contacted Armando Gonzalez, who is the District Administrator for ABC in Riverside County and he advised that Census Tract 435.03 currently has an over saturation of ABC licenses and this Census Tract should have a total of 2 *off-sale licenses*.

I also checked the number and types of calls for service for the Hemet Police Department in the Reporting District (RD) of 525a and 525b, which is where the Valero Gas station is located, for the dates beginning in January of 2012 through November, 2012, a 10 month time period. I found that there were a total of 362 calls for service for this RD. 28 calls were related to alcohol or public intoxication, 4 for assaults, 12 for DUI's, 10 for mental complaints, 95 for thefts and 42 for calls related to outstanding warrants.

The Hemet Police Department asks that the above information be considered during this ABC license issuing process.

If you have any questions or concerns, please contact me.

Professionally,

Rob Gibbs
Sergeant
Office of Professional Standards
951-765-2434
rgibbs@cityofhemet.org

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
3927 Lennane Drive, Suite 100, Sacramento, CA 95834
www.abc.ca.gov



NOTICE

RECEIVED
JUN 11 2013

June 7, 2013

ROB GIBBS
450 E LATHAM AVE
HEMET, CALIFORNIA 92543

MAHA LAXMI GAS INC
HEMET VALERO
1701 W FLORIDA AVE
HEMET, CA 92545-3717
File: 20-532024

Your protest has been received and accepted. A copy has been sent to the applicant.

If the applicant withdraws the application for licensure or if Department denies issuance of the license and the applicant does not request a hearing, you will receive no further notice from the Department.

If the application for licensure is recommended for approval, you will be contacted to see if you wish to request a protest hearing.

If the Department denies issuance of the license, and the applicant requests a hearing, the protest hearing will be held at the same time. You will be notified of the date, time and place of the hearing. You will be expected to attend the hearing and to testify regarding your protest. If you are unable to attend the hearing, you may appoint someone of your choice to represent you at the hearing. Failure to do so will result in the dismissal of your protest by the Administrative Law Judge. If you cannot or choose not to attend the hearing, please notify the District Office, below.

Please contact the Riverside District Office at (951) 782-4400 if you have any questions.

vp

Copy: Riverside District office
 Applicant(s) with Enclosure
 Representative(s) with Enclosure



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria:

Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 1600^1699^W^FLORIDA^

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
3HM0001332	P	01/07/13	14:07:54	647F	METRO PCS	P25	TOW	1690 W. FLORIDA AV #C
3HM0009132	P	02/11/13	23:50:41	647F	PUBLIC INTOX	P12	15	1690 W. FLORIDA AV
3HM0010719	P	02/19/13	01:46:55	DUI	DUI NO T/C	P33	UTL	1661 W. FLORIDA AV
3HM0014457	P	03/07/13	14:50:38	647F	PUBLIC INTOX	P25	15	1661 W. FLORIDA AV
3HM0014664	P	03/08/13	14:34:06	647F	PUBLIC INTOX	P11	15	1690 W. FLORIDA AV
3HM0014802	P	03/09/13	08:11:55	647F	PUBLIC INTOX	P11	SOW	1690 W. FLORIDA AV
3HM0014842	P	03/09/13	12:40:58	647F	PUBLIC INTOX	P11	SOW	1690 W. FLORIDA AV
3HM0017395	P	03/20/13	18:04:05	647F	PUBLIC INTOX	P41	GOA	1690 W. FLORIDA AV
3HM0018155	P	03/24/13	11:14:15	647F	PUBLIC INTOX	P21	SOW	1690 W. FLORIDA AV
3HM0018951	P	03/27/13	18:26:21	647F	PUBLIC INTOX	K2	UTL	1690 W. FLORIDA AV
3HM0019195	P	03/28/13	17:27:56	647F	PUBLIC INTOX	S1	SOW	1690 W. FLORIDA AV
3HM0022773	P	04/13/13	13:39:44	647F	PUBLIC INTOX	P14	15	1690 W. FLORIDA AV #B
3HM0031432	P	05/22/13	13:15:49	647F	PUBLIC INTOX	P14	UTL	1690 W. FLORIDA AV
3HM0032128	P	05/25/13	16:23:32	647F	PUBLIC INTOX	P11	15	1690 W. FLORIDA AV
3HM0035000	P	06/07/13	23:10:55	647F	PUBLIC INTOX	P41	15	1690 W. FLORIDA AV
3HM0037620	P	06/19/13	18:58:26	647F	PUBLIC INTOX	P41	GOA	1690 W. FLORIDA AV
3HM0038041	P	06/21/13	18:10:16	647F	PUBLIC INTOX	P41	15	1690 W. FLORIDA AV
3HM0038071	P	06/21/13	21:33:09	647F	PUBLIC INTOX	P41	SOW	1690 W. FLORIDA AV
3HM0038948	P	06/25/13	19:29:07	647F	PUBLIC INTOX	K1	SOW	1690 W. FLORIDA AV
3HM0045896	P	07/24/13	22:44:18	647F	PUBLIC INTOX		22	1690 W. FLORIDA AV
3HM0047481	P	07/31/13	12:01:29	647F	PUBLIC INTOX	P11	UTL	1690 W. FLORIDA AV
3HM0047545	P	07/31/13	15:58:22	647F	PUBLIC INTOX	P11	SOW	1690 W. FLORIDA AV
3HM0051656	P	08/17/13	19:55:15	647F	PUBLIC INTOX	P31	15	1690 W. FLORIDA AV
3HM0053332	P	08/24/13	18:32:09	647F	PUBLIC INTOX	K3	UTL	1690 W. FLORIDA AV
3HM0053390	P	08/24/13	22:58:57	647F	PUBLIC INTOX	P33	4	1690 W. FLORIDA AV
3HM0056054	P	09/04/13	17:39:47	647F	PUBLIC INTOX	P41	PAWC	1690 W. FLORIDA AV



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria:

Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 1700^1799^W^FLORIDA^AV

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
2HM0006173	P	12/09/12	02:41:50	647F	PUBLIC INTOX	P35	UTL	1704 W. FLORIDA AV
2HM0007205	P	12/14/12	03:27:11	DUI	DRIVE UNDER INF	S1	UTL	1704 W. FLORIDA AV
3HM0000354	P	01/02/13	18:23:42	647F	PUBLIC INTOX	C4	CC	1704 W. FLORIDA AV
3HM0010633	P	02/18/13	15:47:23	647F	PUBLIC INTOX		UTL	1704 W. FLORIDA AV
3HM0011760	P	02/24/13	02:18:45	DUI	DUI NO T/C		INFO	1704 W. FLORIDA AV
3HM0014105	P	03/06/13	00:01:37	DUI	DUI NO T/C	K1	UTL	1704 W. FLORIDA AV
3HM0014609	P	03/08/13	10:34:18	647F	PUBLIC INTOX	P14	UTL	1745 W. FLORIDA AV
3HM0015214	P	03/11/13	10:23:58	647F	ASSIST FIRE	P24	15	1701 W. FLORIDA AV
3HM0016601	P	03/17/13	01:07:32	647F	PUBLIC INTOX	P31	UTL	1704 W. FLORIDA AV
3HM0033293	P	05/31/13	03:28:28	647F	PUBLIC INTOX	P44	UTL	1704 W. FLORIDA AV
3HM0034847	P	06/07/13	10:03:30	647F	PUBLIC INTOX	P16	15	1770 W. FLORIDA AV
3HM0036227	P	06/13/13	19:31:40	647F	PUBLIC INTOX	P41	SOW	1704 W. FLORIDA AV
3HM0038122	P	06/22/13	02:20:56	647F	PUBLIC INTOX		GOA	1704 W. FLORIDA AV
3HM0038126	P	06/22/13	03:01:24	647F	PUBLIC INTOX	P43	GOA	1704 W. FLORIDA AV
3HM0044776	P	07/20/13	14:09:50	647F	PUBLIC INTOX		15	1700 W. FLORIDA AV
3HM0055553	P	09/02/13	13:25:26	647F	PUBLIC INTOX	P26	UTL	1704 W. FLORIDA AV
3HM0062418	P	10/02/13	15:19:51	DUI	DUI NO T/C		GBG	1772 W. FLORIDA AV
3HM0063511	P	10/07/13	14:53:32	647F	BATTERY	P21	15	1704 W. FLORIDA AV



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria: Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 100^199^e^florida^

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
2HM0007497	P	12/15/12	18:53:52	647F	PUBLIC INTOX		CC	101 E. FLORIDA AV



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria:

Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 200^299^E^FLORIDA^

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
3HM0037828	P	06/20/13	17:30:18	647F	PUBLIC INTOX	K2	UTL	220 E. FLORIDA AV



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria:

Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 300^399^E^FLORIDA^

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
2HM0001658	P	11/18/12	21:50:11	647F	PUBLIC INTOX	P33	RPT	323 E. FLORIDA AV
2HM0004478	P	12/01/12	16:18:19	DUI	DRIVE UNDER INF		CC	324 E. FLORIDA AV
2HM0010536	P	12/30/12	15:50:37	647F	PUBLIC INTOX	P23	UTL	301 E. FLORIDA AV #F



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria:

Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 400^499^E^FLORIDA^

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
3HM0002257	P	01/11/13	18:32:53	647F	PUBLIC INTOX	A102	UTL	445 E. FLORIDA AV
3HM0030344	P	05/17/13	14:47:03	647F	PUBLIC INTOX	P16	15	445 E. FLORIDA AV



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria:

Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 700^799^E^FLORIDA^

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
3HM0034054	P	06/03/13	17:01:16	647F	PUBLIC INTOX	P25	CITE	700 E. FLORIDA AV
3HM0035561	P	06/10/13	19:32:32	647F	PUBLIC INTOX	K1	UTL	700 E. FLORIDA AV
3HM0049220	P	08/07/13	15:15:17	647F	PUBLIC INTOX	P14	UNF	700 E. FLORIDA AV
3HM0049635	P	08/09/13	10:49:08	647F	PUBLIC INTOX	P33	UNF	700 E. FLORIDA AV
3HM0055430	P	09/01/13	22:33:33	647F	PUBLIC INTOX	S3	15	700 E. FLORIDA AV
3HM0059024	P	09/17/13	14:10:20	647F	PUBLIC INTOX	P22	SOW	700 E. FLORIDA AV
3HM0059510	P	09/19/13	13:34:11	647F	PUBLIC INTOX	P12	CITE	700 E. FLORIDA AV
3HM0061578	P	09/28/13	16:34:35	647F	PUBLIC INTOX	P12	15	700 E. FLORIDA AV
3HM0063824	P	10/08/13	18:56:09	647F	PUBLIC INTOX	P35	15	700 E. FLORIDA AV



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria:

Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 800^899^E^FLORIDA^

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
2HM0000782	P	11/14/12	15:32:07	647F	PUBLIC INTOX	P22	CC	800 E. FLORIDA AV
3HM0047166	P	07/30/13	10:20:41	647F	PUBLIC INTOX	P22	UTL	800 E. FLORIDA AV
3HM0060811	P	09/25/13	11:43:36	647F	PUBLIC INTOX	P12	GOA	871 E. FLORIDA AV



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria:

Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 905 E. FLORIDA AV | Address: 900^999^E^FLORIDA^

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
3HM0029147	P	05/12/13	15:56:42	647F	PUBLIC INTOX	P23	4	905 E. FLORIDA AV
3HM0060428	P	09/23/13	17:16:48	647F	PUBLIC INTOX	P23	15	905 E. FLORIDA AV
3HM0063167	P	10/05/13	20:39:48	647F	PUBLIC INTOX	P33	UTL	905 E. FLORIDA AV



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria: Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 1000^1099^e^florida^

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
2HM0001922	P	11/19/12	23:44:26	647F	647F	P33	CC	1023 E. FLORIDA AV
3HM0021942	P	04/09/13	19:55:20	647F	PUBLIC INTOX	K1	GOA	1030 E. FLORIDA AV



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria:

Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 1300^1399^E^FLORIDA^

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
2HM0003273	P	11/26/12	14:33:01	647F	PUBLIC INTOX	P22	RPT	1311 E. FLORIDA AV
3HM0000885	P	01/05/13	09:36:44	647F	INTOX	P13	15	1311 E. FLORIDA AV
3HM0001022	P	01/05/13	23:49:30	647F	PUBLIC INTOX	P33	15	1321 E. FLORIDA AV
3HM0003964	P	01/19/13	15:06:22	647F	PUBLIC INTOX	C1	15	1380 E. FLORIDA AV
3HM0004585	P	01/22/13	12:25:51	647F	PUBLIC INTOX	P25	15	1311 E. FLORIDA AV
3HM0007058	P	02/02/13	10:19:54	647F	PUBLIC INTOX	P11	15	1311 E. FLORIDA AV
3HM0013537	P	03/03/13	19:29:25	647F	PUBLIC INTOX	P33	15	1311 E. FLORIDA AV
3HM0019183	P	03/28/13	16:42:21	647F	PUBLIC INTOX	P11	GOA	1311 E. FLORIDA AV
3HM0019238	P	03/28/13	21:17:09	647F	PUBLIC INTOX	C4	SOW	1311 E. FLORIDA AV
3HM0020354	P	04/02/13	18:28:33	647F	PUBLIC INTOX	C3	GOA	1312 E. FLORIDA AV
3HM0021697	P	04/08/13	16:12:10	647F	PUBLIC INTOX	P23	UTL	1311 E. FLORIDA AV
3HM0023746	P	04/17/13	19:48:00	647F	PUBLIC INTOX	P43	15	1311 E. FLORIDA AV
3HM0024296	P	04/20/13	06:22:23	647F	PUBLIC INTOX	P12	RPT	1336 E. FLORIDA AV
3HM0024557	P	04/21/13	11:30:56	647F	PANHANDLING	C2	15	1336 E. FLORIDA AV
3HM0024656	P	04/21/13	21:00:17	647F	PUBLIC INTOX	P41	15	1311 E. FLORIDA AV
3HM0026029	P	04/28/13	10:52:34	647F	PUBLIC INTOX	P23	15	1311 E. FLORIDA AV
3HM0030525	P	05/18/13	11:39:19	647F	PUBLIC INTOX	C1	SOW	1321 E. FLORIDA AV
3HM0033415	P	05/31/13	18:12:43	647F	PUBLIC INTOX	P43	SOW	1311 E. FLORIDA AV
3HM0033469	P	05/31/13	22:32:27	647F	PUBLIC INTOX		GOA	1321 E. FLORIDA AV
3HM0033851	P	06/02/13	19:39:22	647F	PUBLIC INTOX	C3	15	1321 E. FLORIDA AV
3HM0034308	P	06/04/13	18:33:20	647F	PUBLIC INTOX	P33	SOW	1311 E. FLORIDA AV
3HM0035105	P	06/08/13	16:28:41	647F	PUBLIC INTOX	P13	SOW	1380 E. FLORIDA AV
3HM0035307	P	06/09/13	17:03:21	647F	PUBLIC INTOX	P23	4	1311 E. FLORIDA AV
3HM0036087	P	06/13/13	11:02:05	647F	OW 2	P32	15	1321 E. FLORIDA AV
3HM0038091	P	06/21/13	22:49:02	647F	PUBLIC INTOX	P43	UTL	1311 E. FLORIDA AV
3HM0038248	P	06/22/13	18:59:32	647F	PUBLIC INTOX	A104	15	1321 E. FLORIDA AV
3HM0038934	P	06/25/13	18:06:58	647F	PUBLIC INTOX	K1	15	1311 E. FLORIDA AV
3HM0039181	P	06/26/13	18:11:34	647F	PUBLIC INTOX	P42	15	1311 E. FLORIDA AV
3HM0039331	P	06/27/13	13:17:09	647F	PUBLIC INTOX	P13	15	1311 E. FLORIDA AV
3HM0039576	P	06/28/13	12:59:38	647F	PUBLIC INTOX	A103	RPT	1311 E. FLORIDA AV
3HM0039850	P	06/29/13	16:23:13	647F	PUBLIC INTOX	P16	15	1311 E. FLORIDA AV
3HM0039855	P	06/29/13	16:34:18	647F	PUBLIC INTOX		DUPCALL	1311 E. FLORIDA AV
3HM0040674	P	07/02/13	21:04:05	DUI	DUI NO T/C		GBG	1336 E. FLORIDA AV
3HM0041900	P	07/08/13	10:11:05	647F	PUBLIC INTOX	P22	UTL	1380 E. FLORIDA AV
3HM0042713	P	07/11/13	22:11:24	647F	PUBLIC INTOX	P43	GOA	1311 E. FLORIDA AV
3HM0043147	P	07/13/13	21:19:40	647F	PUBLIC INTOX	P43	UTL	1321 E. FLORIDA AV
3HM0043777	P	07/16/13	12:04:56	647F	PUBLIC INTOX	P23	CC	1311 E. FLORIDA AV
3HM0044103	P	07/17/13	18:38:04	647F	PUBLIC INTOX	P43	SOW	1311 E. FLORIDA AV



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria:

Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 1300^1399^E^FLORIDA^

3HM0044384	P	07/18/13	20:12:08	647F	PUBLIC INTOX	P42	15	1321 E. FLORIDA AV
3HM0046026	P	07/25/13	14:24:11	647F	PUBLIC INTOX		15	1311 E. FLORIDA AV
3HM0046203	P	07/26/13	08:34:48	647F	PUBLIC INTOX		PAWC	1311 E. FLORIDA AV
3HM0047564	P	07/31/13	17:24:12	647F	PUBLIC INTOX	P13	15	1311 E. FLORIDA AV
3HM0047801	P	08/01/13	15:31:10	DUI	DUI NO T/C	M1	UTL	1336 E. FLORIDA AV
3HM0047989	P	08/02/13	10:29:07	647F	PUBLIC INTOX	P16	SOW	1386 E. FLORIDA AV
3HM0049966	P	08/10/13	21:55:02	647F	PUBLIC INTOX	C4	UTL	1321 E. FLORIDA AV
3HM0058105	P	09/13/13	14:35:09	647F	PUBLIC INTOX	P12	SOW	1311 E. FLORIDA AV
3HM0058771	P	09/16/13	13:44:00	647F	LEWD CONDUCT	S2	15	1311 E. FLORIDA AV
3HM0059609	P	09/19/13	22:11:56	647F	PUBLIC INTOX	P45	15	1311 E. FLORIDA AV
3HM0059612	P	09/19/13	22:44:38	647F	PUBLIC INTOX	P43	PAWC	1311 E. FLORIDA AV



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria:

Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 200^299^W^FLORIDA^

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
3HM0001328	P	01/07/13	13:55:42	647F	PUBLIC INTOX	P23	ASSIST	200 W. FLORIDA AV
3HM0020317	P	04/02/13	15:57:52	647F	PUBLIC INTOX	P21	ASSIST	200 W. FLORIDA AV
3HM0026307	P	04/29/13	15:24:36	647F	PUBLIC INTOX	P21	15	200 W. FLORIDA AV
3HM0047451	P	07/31/13	10:48:39	647F	PUBLIC INTOX	P17	15	200 W. FLORIDA AV
3HM0056913	P	09/08/13	10:58:43	647F	PUBLIC INTOX	P46	UNF	230 W. FLORIDA AV
3HM0059400	P	09/19/13	00:28:29	647F	PUBLIC INTOX	K1	15	200 W. FLORIDA AV



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria:

Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 400^499^W^FLORIDA^

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
3HM0000523	P	01/03/13	14:19:27	647F	647F	P11	15	408 W. FLORIDA AV



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria:

Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 700^799^W^FLORIDA^

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
2HM0005713	P	12/06/12	22:16:50	647F	PUBLIC INTOX	P45	SOW	740 W. FLORIDA AV



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria:

Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 800^899^W^FLORIDA^

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
3HM0005977	P	01/28/13	18:30:43	DUI			CC	889 W. FLORIDA AV
3HM0031294	P	05/21/13	21:24:39	647F	PUBLIC INTOX	P43	15	800 W. FLORIDA AV #229
3HM0043378	P	07/14/13	20:12:47	DUI	DUI NO T/C		GBG	889 W. FLORIDA AV



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria:

Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 900^999^W^FLORIDA^

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
2HM0008170	P	12/18/12	20:42:03	647F	PUBLIC INTOX	P33	RPT	903 W. FLORIDA AV



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria:

Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 1000^1099^W^FLORIDA^

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
3HM0009795	P	02/14/13	18:40:08	647F	PUBLIC INTOX	A102	GOA	1005 W. FLORIDA AV
3HM0050720	P	08/13/13	20:19:47	647F	PUBLIC INTOX	K3	SOW	1000 W. FLORIDA AV



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria:

Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 1100^1199^W^FLORIDA^

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
2HM0009261	P	12/23/12	21:30:46	647F	PUBLIC INTOX	A101	RPT	1107 W. FLORIDA AV
3HM0008072	P	02/06/13	19:43:37	647F	PUBLIC INTOX	C4	ASSIST	1111 W. FLORIDA AV
3HM0014092	P	03/05/13	23:07:22	647F	PUBLIC INTOX		15	1107 W. FLORIDA AV
3HM0024190	P	04/19/13	18:36:27	647F	PUBLIC INTOX	P45	UTL	1107 W. FLORIDA AV
3HM0050474	P	08/12/13	23:19:09	647F	PUBLIC INTOX		CRP	1107 W. FLORIDA AV



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria:

Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 1200^1299^W^FLORIDA^

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
2HM0001032	P	11/15/12	19:33:12	647F	PUBLIC INTOX	P33	UTL	1200 W. FLORIDA AV
2HM0007520	P	12/15/12	21:15:50	DUI	AREA CK	K2	UTL	1207 W. FLORIDA AV
3HM0018630	P	03/26/13	11:59:26	647F	PUBLIC INTOX	P21	15	1200 W. FLORIDA AV
3HM0032492	P	05/27/13	15:32:32	DUI	DUI NO T/C		GBG	1201 W. FLORIDA AV
3HM0038100	P	06/21/13	23:30:01	647F	PUBLIC INTOX	P41	PAWC	1201 W. FLORIDA AV
3HM0038109	P	06/22/13	00:43:58	647F	PUBLIC INTOX	P43	PAWC	1201 W. FLORIDA AV #113
3HM0038309	P	06/23/13	00:44:33	647F	PUBLIC INTOX	P31	UNF	1201 W. FLORIDA AV
3HM0044993	P	07/21/13	15:55:27	647F	DISORIENTED SUB	P21	15	1200 W. FLORIDA AV #U
3HM0058020	P	09/13/13	07:32:07	647F	PUBLIC INTOX	C1	RPT	1200 W. FLORIDA AV
3HM0058112	P	09/13/13	14:53:51	647F	PUBLIC INTOX	P24	15	1200 W. FLORIDA AV #Y



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria:

Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 1300^1399^W^FLORIDA^

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
2HM0002265	P	11/21/12	14:40:48	647F	PUBLIC INTOX	P11	CC	1380 W. FLORIDA AV #61
3HM0060604	P	09/24/13	12:12:03	DUI	DUI NO T/C		GBG	1380 W. FLORIDA AV #2



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria: Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 1400^1499^W^FLORIDA^

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
3HM0041785	P	07/07/13	20:08:32	647F	PUBLIC INTOX	K1	15	1445 W. FLORIDA AV #1



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria:

Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 1600^1699^W^FLORIDA^

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
3HM0001332	P	01/07/13	14:07:54	647F	METRO PCS	P25	TOW	1690 W. FLORIDA AV #C
3HM0009132	P	02/11/13	23:50:41	647F	PUBLIC INTOX	P12	15	1690 W. FLORIDA AV
3HM0010719	P	02/19/13	01:46:55	DUI	DUI NO T/C	P33	UTL	1661 W. FLORIDA AV
3HM0014457	P	03/07/13	14:50:38	647F	PUBLIC INTOX	P25	15	1661 W. FLORIDA AV
3HM0014664	P	03/08/13	14:34:06	647F	PUBLIC INTOX	P11	15	1690 W. FLORIDA AV
3HM0014802	P	03/09/13	08:11:55	647F	PUBLIC INTOX	P11	SOW	1690 W. FLORIDA AV
3HM0014842	P	03/09/13	12:40:58	647F	PUBLIC INTOX	P11	SOW	1690 W. FLORIDA AV
3HM0017395	P	03/20/13	18:04:05	647F	PUBLIC INTOX	P41	GOA	1690 W. FLORIDA AV
3HM0018155	P	03/24/13	11:14:15	647F	PUBLIC INTOX	P21	SOW	1690 W. FLORIDA AV
3HM0018951	P	03/27/13	18:26:21	647F	PUBLIC INTOX	K2	UTL	1690 W. FLORIDA AV
3HM0019195	P	03/28/13	17:27:56	647F	PUBLIC INTOX	S1	SOW	1690 W. FLORIDA AV
3HM0022773	P	04/13/13	13:39:44	647F	PUBLIC INTOX	P14	15	1690 W. FLORIDA AV #B
3HM0031432	P	05/22/13	13:15:49	647F	PUBLIC INTOX	P14	UTL	1690 W. FLORIDA AV
3HM0032128	P	05/25/13	16:23:32	647F	PUBLIC INTOX	P11	15	1690 W. FLORIDA AV
3HM0035000	P	06/07/13	23:10:55	647F	PUBLIC INTOX	P41	15	1690 W. FLORIDA AV
3HM0037620	P	06/19/13	18:58:26	647F	PUBLIC INTOX	P41	GOA	1690 W. FLORIDA AV
3HM0038041	P	06/21/13	18:10:16	647F	PUBLIC INTOX	P41	15	1690 W. FLORIDA AV
3HM0038071	P	06/21/13	21:33:09	647F	PUBLIC INTOX	P41	SOW	1690 W. FLORIDA AV
3HM0038948	P	06/25/13	19:29:07	647F	PUBLIC INTOX	K1	SOW	1690 W. FLORIDA AV
3HM0045896	P	07/24/13	22:44:18	647F	PUBLIC INTOX		22	1690 W. FLORIDA AV
3HM0047481	P	07/31/13	12:01:29	647F	PUBLIC INTOX	P11	UTL	1690 W. FLORIDA AV
3HM0047545	P	07/31/13	15:58:22	647F	PUBLIC INTOX	P11	SOW	1690 W. FLORIDA AV
3HM0051656	P	08/17/13	19:55:15	647F	PUBLIC INTOX	P31	15	1690 W. FLORIDA AV
3HM0053332	P	08/24/13	18:32:09	647F	PUBLIC INTOX	K3	UTL	1690 W. FLORIDA AV
3HM0053390	P	08/24/13	22:58:57	647F	PUBLIC INTOX	P33	4	1690 W. FLORIDA AV
3HM0056054	P	09/04/13	17:39:47	647F	PUBLIC INTOX	P41	PAWC	1690 W. FLORIDA AV



Hemet Police Department

Calls For Service Report

Generated by 4812 on 10/15/

Search Criteria: Time Range: 11/11/12 00:00 - 10/14/13 23:59 | Agency: F,P | Type: 647F,DUI | Address: 1700^1799^W^FLORIDA^AV

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
2HM0006173	P	12/09/12	02:41:50	647F	PUBLIC INTOX	P35	UTL	1704 W. FLORIDA AV
2HM0007205	P	12/14/12	03:27:11	DUI	DRIVE UNDER INF	S1	UTL	1704 W. FLORIDA AV
3HM0000354	P	01/02/13	18:23:42	647F	PUBLIC INTOX	C4	CC	1704 W. FLORIDA AV
3HM0010633	P	02/18/13	15:47:23	647F	PUBLIC INTOX		UTL	1704 W. FLORIDA AV
3HM0011760	P	02/24/13	02:18:45	DUI	DUI NO T/C		INFO	1704 W. FLORIDA AV
3HM0014105	P	03/06/13	00:01:37	DUI	DUI NO T/C	K1	UTL	1704 W. FLORIDA AV
3HM0014609	P	03/08/13	10:34:18	647F	PUBLIC INTOX	P14	UTL	1745 W. FLORIDA AV
3HM0015214	P	03/11/13	10:23:58	647F	ASSIST FIRE	P24	15	1701 W. FLORIDA AV
3HM0016601	P	03/17/13	01:07:32	647F	PUBLIC INTOX	P31	UTL	1704 W. FLORIDA AV
3HM0033293	P	05/31/13	03:28:28	647F	PUBLIC INTOX	P44	UTL	1704 W. FLORIDA AV
3HM0034847	P	06/07/13	10:03:30	647F	PUBLIC INTOX	P16	15	1770 W. FLORIDA AV
3HM0036227	P	06/13/13	19:31:40	647F	PUBLIC INTOX	P41	SOW	1704 W. FLORIDA AV
3HM0038122	P	06/22/13	02:20:56	647F	PUBLIC INTOX		GOA	1704 W. FLORIDA AV
3HM0038126	P	06/22/13	03:01:24	647F	PUBLIC INTOX	P43	GOA	1704 W. FLORIDA AV
3HM0044776	P	07/20/13	14:09:50	647F	PUBLIC INTOX		15	1700 W. FLORIDA AV
3HM0055553	P	09/02/13	13:25:26	647F	PUBLIC INTOX	P26	UTL	1704 W. FLORIDA AV
3HM0062418	P	10/02/13	15:19:51	DUI	DUI NO T/C		GBG	1772 W. FLORIDA AV
3HM0063511	P	10/07/13	14:53:32	647F	BATTERY	P21	15	1704 W. FLORIDA AV

Attachment No. 6

ABC Licenses Issued
by Census Tract

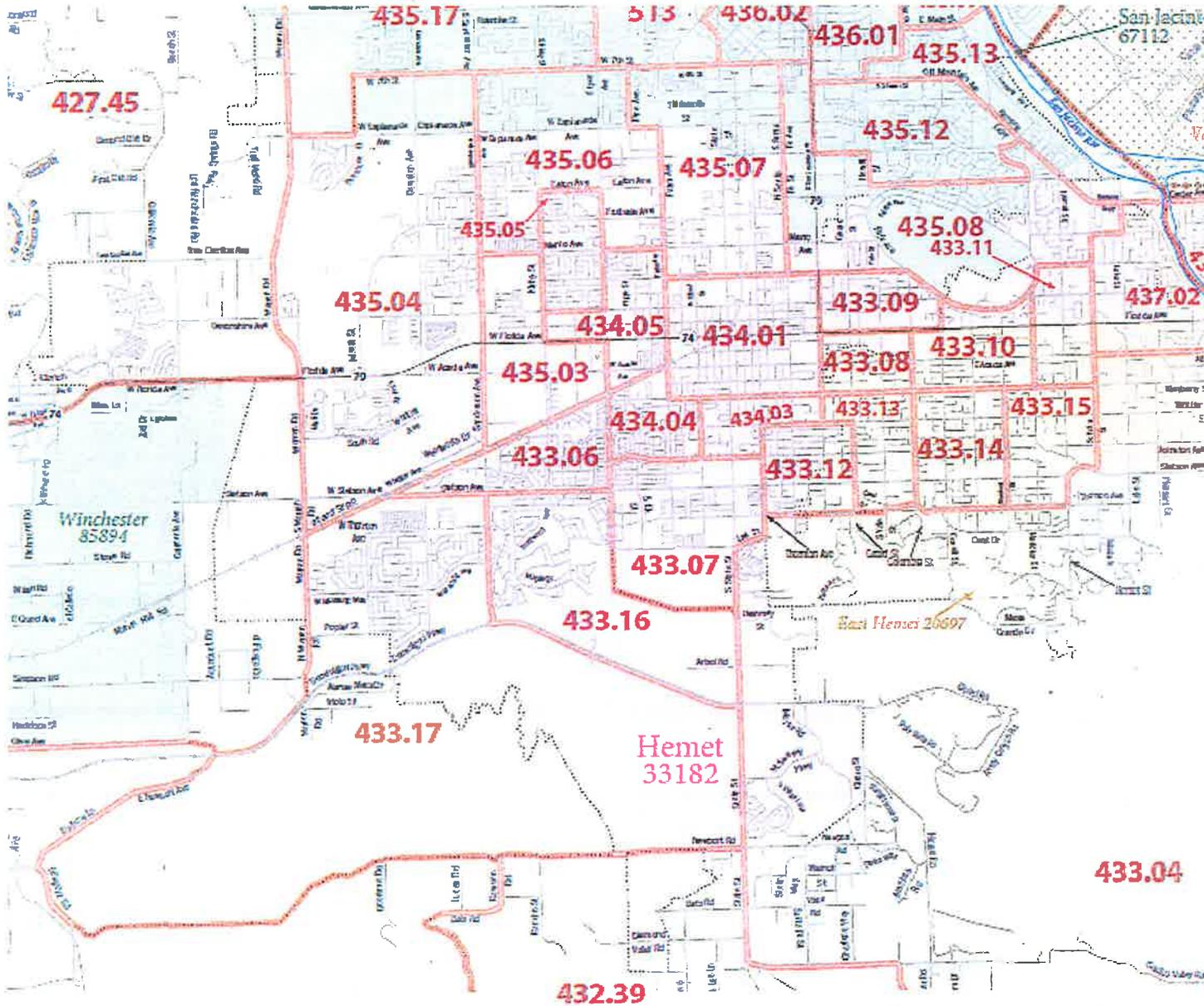
City Council
May 13, 2014

Alcohol Beverage Control

- *ABC licenses are based on Census Tract*

Census Tract No.	2010 Population	Total No. of Licenses Allowed in Census Tract	No. of Licenses Issued in Hemet	No. of Licenses Issued Outside of Hemet	Is Census Tract Over-Concentrated
427.23	5506	4.4	0	4	At Threshold
433.04	6816	5.5	2	0	No ¹
433.06	4538	3.6	0	0	No ²
433.07	5872	4.7	16	0	Yes
433.08	2770	2.2	8	0	Yes
433.09	2890	2.3	10	0	Yes
433.10	3120	2.5	3	7	Yes
433.11	2265	1.8	3	1	Yes
433.12	3862	3.1	0	0	No ²
433.13	3504	2.8	0	0	No ²
433.14	3631	2.9	0	0	No ²
433.15	2073	1.7	0	0	No ²
434.01	5791	4.6	29	0	Yes
434.03	2847	2.3	1	0	No ²
434.04	2544	2.0	0	0	No ²
434.05	4217	3.4	14	0	Yes
435.03	4112	3.3	21	0	Yes
435.04	7743	6.2	17	0	Yes
435.05	2911	2.3	3	0	Yes
435.06	6386	5.1	2	0	No ¹
435.07	6700	5.4	2	4	Yes
435.08	7014	5.6	2	9	Yes
437.02	4235	3.4	0	8	Yes
437.03	2585	2.1	0	0	No ²
TOTALS	103,932	83	133	33	166 Combined

2010 US Census Tracts within the City of Hemet





**California Department of Alcoholic Beverage Control
For the County of RIVERSIDE - (Off-Sale Licenses)
and Census Tract = 435.03**

Report as of 9/8/2013

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	112897	ACTIVE	21	11/10/1981	7/31/2014	STATER BROS MARKETS 3200 W FLORIDA AVE HEMET, CA 92545 Census Tract: 0435.03	STATER BROS MARKETS 76	PO BOX 150 SAN BERNARDINO, CA 92402-0150	3308
2)	194405	ACTIVE	21	2/20/1987	6/30/2014	VONS COMPANIES INC THE 3125 W FLORIDA AVE HEMET, CA 92545 Census Tract: 0435.03	VONS 2389	PO BOX 29096 PHOENIX, AZ 85038-9096	3308
3)	429683	ACTIVE	21	2/9/2006	6/30/2014	THRIFTY PAYLESS INC 260 N SANDERSON AVE HEMET, CA 92545 Census Tract: 0435.03	RITE AID 5724	2600 CAPITOL AVE, STE 300 SACRAMENTO, CA 95816-5930	3308
4)	443291	ACTIVE	21	10/13/2006	9/30/2013	DABBOUS, HADI KHALIL 3204 W FLORIDA AVE HEMET, CA 92545 Census Tract: 0435.03	PATTONS LIQUOR		3308
5)	445686	SUREND	21	8/31/2007	7/31/2014	FRESH & EASY NEIGHBORHOOD MARKET INC 1709 W FLORIDA AVE HEMET, CA 92545-3717 Census Tract: 0435.03	FRESH & EASY NEIGHBORHOOD MARKET #1001	2120 PARK PL, STE 200 EL SEGUNDO, CA 90245-4741	3308
6)	456466	ACTIVE	21	5/20/2008	6/30/2014	SMART & FINAL STORES LLC 2525 W FLORIDA AVE HEMET, CA 92545	SMART & FINAL 443	600 CITADEL DR LOS ANGELES, CA 90040-1562	3308

						Census Tract: 0435.03			
7)	477427	ACTIVE	21	6/22/2009	5/31/2014	GARFIELD BEACH CVS LLC 3055 W FLORIDA AVE HEMET, CA 92545-3617 Census Tract: 0435.03	CVS PHARMACY 9183	1 CVS DR, MAIL DROP 23062A WOONSOCKET, RI 02895-6146	3308
8)	516608	ACTIVE	20	5/23/2012 10:35:06 AM	6/30/2014	7 ELEVEN INC 3291 W FLORIDA AVE HEMET, CA 92545-3638 Census Tract: 0435.03	7 ELEVEN #2112- 39236	PO BOX 219088 DALLAS, TX 75221-9088	3308
9)	517758	ACTIVE	20	2/22/2012 1:00:52 PM	1/31/2014	JBV VENTURE INC 298 S SANDERSON AVE HEMET, CA 92545 Census Tract: 0435.03	SANDERSON ARCO AM PM	1527 W 13TH ST, STE G UPLAND, CA 91786-7530	3308

--- End of Report ---

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**California Department of Alcoholic Beverage Control
For the County of RIVERSIDE - (Retail Licenses)
and Census Tract = 435.03**

Report as of 9/8/2013

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	112897	ACTIVE	21	11/10/1981	7/31/2014	STATER BROS MARKETS 3200 W FLORIDA AVE HEMET, CA 92545 Census Tract: 0435.03	STATER BROS MARKETS 76	PO BOX 150 SAN BERNARDINO, CA 92402-0150	3308
2)	11745	ACTIVE	51	10/9/1970	5/31/2014	VALNITECO 7000 W FLORIDA AVE HEMET, CA 92545 Census Tract: 0435.03	KNIGHTS OF COLUMBUS	PO BOX 185 HEMET, CA 92546	3300
3)	194405	ACTIVE	21	2/20/1987	6/30/2014	VONS COMPANIES INC THE 3125 W FLORIDA AVE HEMET, CA 92545 Census Tract: 0435.03	VONS 2389	PO BOX 29096 PHOENIX, AZ 85038-9096	3308
4)	271172	ACTIVE	41	5/12/1992	12/31/2013	JOJOS CALIFORNIA FAMILY RESTAURANTS INC 3246 W FLORIDA AVE HEMET, CA 92545 Census Tract: 0435.03	JOJOS 860	2200 FARADAY AVE, STE 250 CARLSBAD, CA 92008-7234	3308
5)	286349	ACTIVE	41	7/27/1993	6/30/2014	STEER N STEIN OF HEMET INC 3104 W FLORIDA AVE HEMET, CA 92545 Census Tract: 0435.03			3308
6)	317671	ACTIVE	41	4/29/1996	3/31/2014	CERVANTES, SONIA B 2901 W FLORIDA AVE HEMET, CA 92545 Census Tract: 0435.03	LA CABANA TACO SHOP		3308
7)	342960	ACTIVE	47	8/6/1998	7/31/2014	AMF BOWLING CENTERS INC 2850 W FLORIDA AVE HEMET, CA 92545 Census Tract:	AMF HEMET BOWL	7313 BELL CREEK RD, ATTN TAX & LICENSING MECHANICSVILLE, VA 23111	3308

						0435.03			
8)	<u>343409</u>	ACTIVE	47	2/1/2002	1/31/2014	VIVANCO, JESSE LOPEZ 2860 W FLORIDA AVE HEMET, CA 92545 Census Tract: 0435.03	WHEELHOUSE THE	26370 GIRARD ST HEMET, CA 92544	3308
9)	<u>404522</u>	ACTIVE	41	11/26/2003	10/31/2013	CEC ENTERTAINMENT INC 2375 W FLORIDA AVE HEMET, CA 92545 Census Tract: 0435.03	CHUCK E CHEESES #376	PO BOX 152077 IRVING, TX 75015-2077	3308
10)	<u>429683</u>	ACTIVE	21	2/9/2006	6/30/2014	THRIFTY PAYLESS INC 260 N SANDERSON AVE HEMET, CA 92545 Census Tract: 0435.03	RITE AID 5724	2600 CAPITOL AVE, STE 300 SACRAMENTO, CA 95816-5930	3308
11)	<u>436877</u>	ACTIVE	41	7/20/2006	12/31/2013	RUBIOS RESTAURANTS INC 2701 W FLORIDA AVE HEMET, CA 92545 Census Tract: 0435.03	RUBIOS FRESH MEXICAN GRILL	1902 WRIGHT PL, STE 300 CARLSBAD, CA 92008-6583	3308
12)	<u>443291</u>	ACTIVE	21	10/13/2006	9/30/2013	DABBOUS, HADI KHALIL 3204 W FLORIDA AVE HEMET, CA 92545 Census Tract: 0435.03	PATTONS LIQUOR		3308
13)	<u>445686</u>	SUREND	21	8/31/2007	7/31/2014	FRESH & EASY NEIGHBORHOOD MARKET INC 1709 W FLORIDA AVE HEMET, CA 92545-3717 Census Tract: 0435.03	FRESH & EASY NEIGHBORHOOD MARKET #1001	2120 PARK PL, STE 200 EL SEGUNDO, CA 90245-4741	3308
14)	<u>456466</u>	ACTIVE	21	5/20/2008	6/30/2014	SMART & FINAL STORES LLC 2525 W FLORIDA AVE HEMET, CA 92545 Census Tract: 0435.03	SMART & FINAL 443	600 CITADEL DR LOS ANGELES, CA 90040-1562	3308
15)	<u>466452</u>	ACTIVE	47	6/27/2008	5/31/2014	APPLE SOCAL LLC 2515 W FLORIDA AVE HEMET, CA 92545-4615 Census Tract: 0435.03	APPLEBEES NEIGHBORHOOD GRILL & BAR	PO BOX 507, ATTN CHERYL MILLS WEST LINN, OR 97068	3308
16)	<u>473147</u>	ACTIVE	41	1/20/2009	12/31/2013	CHIPOTLE	CHIPOTLE	1401 WYNKOOP	3308

						MEXICAN GRILL INC 2465 W FLORIDA AVE HEMET, CA 92545-3688 Census Tract: 0435.03	MEXICAN GRILL	ST, STE 500 ATTN LICENSING DENVER, CO 80202-1729	
17)	477427	ACTIVE	21	6/22/2009	5/31/2014	GARFIELD BEACH CVS LLC 3055 W FLORIDA AVE HEMET, CA 92545-3617 Census Tract: 0435.03	CVS PHARMACY 9183	1 CVS DR, MAIL DROP 23062A WOONSOCKET, RI 02895-6146	3308
18)	488288	ACTIVE	47	6/30/2011 1:57:47 PM	6/30/2014	REDNAB INC 2675 W FLORIDA AVE HEMET, CA 92545-3607 Census Tract: 0435.03	DENNYS	2960 TAROCCO AVE CORONA, CA 92881-8722	3308
19)	501758	ACTIVE	47	10/13/2010 9:10:01 AM	9/30/2013	LA FOGATA INC 2940 W FLORIDA AVE HEMET, CA 92545 Census Tract: 0435.03	LA FOGATA RESTAURANT		3308
20)	516608	ACTIVE	20	5/23/2012 10:35:06 AM	6/30/2014	7 ELEVEN INC 3291 W FLORIDA AVE HEMET, CA 92545-3638 Census Tract: 0435.03	7 ELEVEN #2112- 39236	PO BOX 219088 DALLAS, TX 75221- 9088	3308
21)	517758	ACTIVE	20	2/22/2012 1:00:52 PM	1/31/2014	JBV VENTURE INC 298 S SANDERSON AVE HEMET, CA 92545 Census Tract: 0435.03	SANDERSON ARCO AM PM	1527 W 13TH ST, STE G UPLAND, CA 91786-7530	3308

--- End of Report ---

For a definition of codes, view our [glossary](#).



**California Department of Alcoholic Beverage Control
For the County of RIVERSIDE - (Retail Licenses)
and Census Tract = 434.05**

Report as of 9/8/2013

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	381220	ACTIVE	41	11/13/2001	10/31/2013	JIMENEZ, CARLOS 1032 W FLORIDA AVE HEMET, CA 92543 Census Tract: 0434.05	CASA JIMENEZ	451 E THIRD ST SAN JACINTO, CA 92583	3308
2)	387375	ACTIVE	20	6/7/2002	5/31/2014	SOUKSEUM, LEU 1005 W FLORIDA AVE HEMET, CA 92543 Census Tract: 0434.05	GAS MART	2492 S MENLO AVE SAN JACINTO, CA 92583	3308
3)	402100	ACTIVE	20	8/25/2003	7/31/2014	C A R ENTERPRISES INC 1704 W FLORIDA AVE HEMET, CA 92545 Census Tract: 0434.05	SHELL	1040 N BENSON AVE UPLAND, CA 91786-2157	3308
4)	424072	ACTIVE	41	6/2/2005	5/31/2014	POLLYS PIES INC 2204 W FLORIDA AVE HEMET, CA 92545 Census Tract: 0434.05	POLLYS BAKERY CAFE	173 E FREEDOM AVE ANAHEIM, CA 92801-1006	3308
5)	427367	ACTIVE	41	8/16/2005	7/31/2014	PARK & KIM INC 2200 W FLORIDA AVE D1 HEMET, CA 92545 Census Tract: 0434.05	SAMURAI SUSHI & GRILL	2200 W FLORIDA AVE #410 HEMET, CA 92545	3308
6)	444874	ACTIVE	47	5/10/2007	4/30/2014	SWH CORPORATION 1778 FLORIDA	MIMIS CAFE	18872 MACARTHUR BLVD, STE	3308

						AVE, W HEMET, CA 92545 Census Tract: 0434.05		400 IRVINE, CA 92612-1427	
7)	<u>445479</u>	ACTIVE	47	11/27/2006	10/31/2013	BRINKER RESTAURANT CORPORATION 2100 W FLORIDA AVE HEMET, CA 92545-3642 Census Tract: 0434.05	CHILIS GRILL & BAR	6820 LBJ FWY, ATTN LEGAL DEPARTMENT DALLAS, TX 75240-6515	3308
8)	<u>449980</u>	ACTIVE	41	4/23/2007	3/31/2014	CHENNG, YAN ZHI 137 S PALM AVE HEMET, CA 92543-4050 Census Tract: 0434.05	GOLDEN MOON FINE RESTAURANT		3308
9)	<u>456395</u>	ACTIVE	47	9/26/2007	8/31/2013	OFFICE BAR & GRILL LLC THE 1107 W FLORIDA AVE HEMET, CA 92543-3951 Census Tract: 0434.05	OFFICE BAR & GRILL THE		3308
10)	<u>463563</u>	ACTIVE	21	4/23/2008	3/31/2014	CHIPS LIQUOR INC 1207 W FLORIDA AVE HEMET, CA 92543-3953 Census Tract: 0434.05	CHIPS LIQUOR	962 SARAZEN ST HEMET, CA 92543-8057	3308
11)	<u>467339</u>	ACTIVE	47	8/26/2008	7/31/2014	RED ROBIN BURGER & SPIRITS EMPORIUMS 1990 W FLORIDA AVE HEMET, CA 92545-6738 Census Tract: 0434.05	RED ROBIN BURGER & SPIRITS EMPORIUMS	6312 S FIDDLERS GREEN CIR, STE 200N GREENWOOD VILLAGE, CO 80111-4943	3308
12)	<u>504199</u>	ACTIVE	21	4/7/2011 11:09:10 AM	6/30/2014	WALGREEN CO 1661 W FLORIDA AVE HEMET, CA 92543-3818 Census Tract: 0434.05	WALGREENS 05038	PO BOX 901, ATTN: LIQUOR RENEWALS DEERFIELD, IL 60015	3308
13)	<u>523733</u>	ACTIVE	41	2/22/2013 10:53:16	1/31/2014	CERVANTES DE MARTINEZ,	ANGIES DINER		3308

				AM		MATERESA 1770 W FLORIDA AVE HEMET, CA 92545-3718 Census Tract: 0434.05			
14)	532286	ACTIVE	21	6/27/2013 4:15:23 PM	5/31/2014	ABDULNOUR, BASEM 1690 W FLORIDA AVE HEMET, CA 92543 Census Tract: 0434.05	LYONS MARKET		3308
15)	56416	ACTIVE	51	1/1/1994	6/30/2014	ELKS LODGE HEMET 1740 1305 W FLORIDA AVE HEMET, CA 92543 Census Tract: 0434.05	HEMET ELKS LODGE 1740	PO BOX 596 HEMET, CA 92546	3308

--- End of Report ---

For a definition of codes, view our [glossary](#).



**California Department of Alcoholic Beverage Control
For the County of RIVERSIDE - (Off-Sale Licenses)
and Census Tract = 434.05**

Report as of 9/8/2013

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	387375	ACTIVE	20	6/7/2002	5/31/2014	SOUKSEUM, LEU 1005 W FLORIDA AVE HEMET, CA 92543 Census Tract: 0434.05	GAS MART	2492 S MENLO AVE SAN JACINTO, CA 92583	3308
2)	402100	ACTIVE	20	8/25/2003	7/31/2014	C A R ENTERPRISES INC 1704 W FLORIDA AVE HEMET, CA 92545 Census Tract: 0434.05	SHELL	1040 N BENSON AVE UPLAND, CA 91786-2157	3308
3)	463563	ACTIVE	21	4/23/2008	3/31/2014	CHIPS LIQUOR INC 1207 W FLORIDA AVE HEMET, CA 92543-3953 Census Tract: 0434.05	CHIPS LIQUOR	962 SARAZEN ST HEMET, CA 92543-8057	3308
4)	504199	ACTIVE	21	4/7/2011 11:09:10 AM	6/30/2014	WALGREEN CO 1661 W FLORIDA AVE HEMET, CA 92543-3818 Census Tract: 0434.05	WALGREENS 05038	PO BOX 901, ATTN: LIQUOR RENEWALS DEERFIELD, IL 60015	3308
5)	532286	ACTIVE	21	6/27/2013 4:15:23 PM	5/31/2014	ABDULNOUR, BASEM 1690 W FLORIDA AVE HEMET, CA 92543 Census Tract: 0434.05	LYONS MARKET		3308

--- End of Report ---

Attachment No. 7

PC Resolution No.
13-015 Denying CUP
13-004

City Council
May 13, 2014



CITY OF HEMET
PLANNING COMMISSION

RESOLUTION NO. 13-015

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA DENYING CONDITIONAL USE PERMIT NO. 13-004 FOR THE SALE OF BEER AND WINE FROM 5:00 A.M. TO 1:00 A.M., SEVEN DAYS A WEEK, AT AN EXISTING VALERO GAS STATION LOCATED AT 1701 WEST FLORIDA AVENUE AT THE SOUTH WEST CORNER OF FLORIDA AND LYON AVENUES. (APN 448-460-005)

WHEREAS, an application for Conditional Use Permit No. 13-004 for the sale of beer and wine from an existing Valero gas station located at 1701 W. Florida Avenue has been duly filed by:

Owner: Nick Patel
Authorized Agent: Keith Gardner, Keefer Consulting
Project Location: 1701 W. Florida Avenue
APN Numbers: 448-460-005
Lot Area: 0.50 ac/ 2,811 square feet tenant space, and

WHEREAS, the Planning Commission has the authority per section 90-42 et seq. of the Hemet Municipal Code to take action on Conditional Use Permit No. 13-004 to allow for the sale of alcoholic beverages from the Valero gas station convenience store; and

WHEREAS, on September 5, 2013, the City gave public notice by advertising in the Press Enterprise and by mailing to property owners within 1,000 feet, of the holding of a public hearing at which the project would be considered by the Planning Commission; and

WHEREAS, on September 17, 2013, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Conditional Use Permit and at which the Planning Commission considered the Conditional Use Permit; and

WHEREAS, at the public hearing on September 17, 2013, the Planning Commission held the public hearing at which interested persons had an opportunity to

Planning Commission Resolution No. 13-015
CONDITIONAL USE PERMIT NO. 13-004
Alcohol Sales at Valero Gas Station

1 testify in support of or in opposition to the Conditional Use Permit and at which the
2 Planning Commission continued the public hearing to October 15, 2013; and
3

4 **WHEREAS**, on October 15, 2013, the Planning Commission reopened the public
5 hearing at which interested persons had an opportunity to testify in support of, or
6 opposition to, the Conditional Use Permit and at which the Planning Commission
7 considered the Conditional Use Permit; and
8

9 **WHEREAS**, at the public hearing on October 15, 2013, the Planning Commission
10 held the public hearing at which interested persons had an opportunity to testify in
11 support of or in opposition to the Conditional Use Permit and at which the Planning
12 Commission considered the Conditional Use Permit; and
13

14 **WHEREAS**, the Planning Commission has made findings which indicate that the
15 location for the proposed conditional use is not appropriate; and
16

17 **WHEREAS**, the Planning Commission has determined that a premise to premise
18 transfer of an existing Off-Sale ABC license to the location of the proposed conditional
19 use is not a convenience or necessity to the public; and
20

21 **WHEREAS**, the Planning Commission has made findings which indicate that the
22 Census Tract in which the proposed conditional use is located has an undue
23 concentration of Off-Sale ABC licenses; and
24

25 **WHEREAS**, the Planning Commission finds that permitting an additional Off-Sale
26 ABC license within Census Tract No 435.03 will exacerbate an existing undue
27 concentration of Off-Sale ABC licenses in this Tract; and
28

29 **WHEREAS**, The California Environmental Quality Act (CEQA) does not apply to
30 projects which an agency disapproves. (CEQA Guidelines Section 15270).
31

32 **NOW, THEREFORE**, the Planning Commission of the City of Hemet does
33 Resolve, Determine, Find and Order as follows:
34

35 **SECTION 1: ENVIRONMENTAL FINDINGS**
36

37 Pursuant to the California Environmental Quality Act (CEQA) Guidelines (Title 14
38 California Code of Regulations Section 15000 et seq.) section 15270, CEQA does not
39 apply to projects which an agency disapproves.
40

41 **SECTION 2: CONDITIONAL USE PERMIT**
42

43 Pursuant to Hemet Municipal Code Section 90-42, and in light of the record before it,
44 including the staff report dated September 17, 2013, and all evidence and testimony
45

1 heard at the public hearing of this item, the Planning Commission hereby finds as
2 follows:

3
4 Conditional Use Permit (Section 90-42).

- 5
6 1. *That the proposed location of the conditional use is not in accord with the*
7 *objectives of this chapter and the purposes of the zone in which the site is*
8 *located; and,*

9
10 Retail sale of beer and wine in the C-2 zone requires approval of a
11 Conditional Use Permit. Findings cannot be made to justify the approval
12 of alcohol sales, nor can findings be made to support a Public
13 Convenience or Necessity determination due to the over concentration of
14 existing ABC licenses within the Census Tract.

- 15
16 2. *That the proposed location of the conditional use and the conditions under*
17 *which it would be operated or maintained will be detrimental to the public*
18 *health, safety or welfare, and materially injurious to properties or*
19 *improvements in the vicinity.*

20
21 Because of the nature and the number of Hemet Police Department calls
22 for service to this area, staff does not recommend this location for the
23 approval of a Type 20 alcoholic beverage license.

24
25 The Police Department reported there were 95 calls for thefts; 42 calls for
26 outstanding warrants; 28 calls related to alcohol or public intoxication; 12
27 calls for DUI; 10 calls for mental complaints; and 4 calls for assaults,
28 among others.

- 29
30 3. *That the use and operation is not consistent with the general plan.*

31
32 The proposed use is not in conformity with the following: 2030 General
33 Plan - Goals and Policies under the Land Use Element:

34
35 *Land Use Goal LU-6.7 –Appropriately control the location, concentration*
36 *and number of community sensitive land uses such as alcohol sales,*
37 *tobacco products, adult businesses, medical marijuana dispensaries, and*
38 *entertainment venues, and require operational measures to prevent*
39 *adverse impacts to adjoining residences, businesses, schools, parks,*
40 *medical facilities, and religious facilities, consistent with City, State, and*
41 *Federal laws.*

1 **SECTION 3: CONDITIONAL USE PERMIT, SUPPLEMENTAL FINDINGS FOR**
2 **ALCOHOL SALES**

3
4 Pursuant to Hemet Municipal Code Section 90-90(c)2, and in light of the record before
5 it, including the staff report dated September 17, 2013, and all evidence and testimony
6 heard at the public hearing of this item, the Planning Commission hereby finds as
7 follows:

8
9 Supplemental Conditional Use Permit Findings Required for Alcohol Sales:

10
11 (1) *The use complies with all of the following separation requirements.*
12 *Notwithstanding the foregoing, the decision making body may issue a*
13 *Conditional Use Permit to a use that does not comply with one or more of*
14 *the following separation standards if it finds that unique circumstances*
15 *exist that justify non-compliance with the separation standard(s).*

16
17 a. *The use IS located at least 600 feet, as measured from property*
18 *line to property line, from any existing public or private schools (K*
19 *through 12), public parks, or places of worship;*

20
21 The proposed project meets most separation requirements but is
22 within 600 feet of a vacant commercial property last used a place of
23 worship. This building is zoned for commercial purposes and could
24 be used for commercial or worship purposes in the future.

25
26 b. *The use IS located at least 100 feet, as measured from property*
27 *line to property line, from existing residential uses or land that is*
28 *zoned for residential uses.*

29
30 The proposed use is located more than 100 feet away from any
31 residential uses. The nearest residences are mobil homes
32 approximately 600 feet south of the Valero Gas Station.

33
34 c. *The use IS located at least 1000 feet, as measured from property*
35 *line to property line, from existing parolee-probationer homes,*
36 *emergency shelters, supportive housing, or transitional housing.*

37
38 d. There are no known, or licensed, parolee-probationer homes,
39 emergency shelters, supportive housing, or transitional housing
40 within 1000 feet of the proposed use.

41
42 (2) *The use IS fully visible from a public street with an unobstructed view from*
43 *the public street for public safety.*

44
45 The existing Valero gas station convenience store meets all requirements
46 for visibility including unobstructed views.

1 (3) *The proposed use WILL BE detrimental to surrounding properties and*
2 *neighborhoods including contributing to loitering, public drunkenness,*
3 *noise, obstructing pedestrian and vehicular traffic, parking, crime,*
4 *interference with pedestrian corridors used by children, defacement and*
5 *damage to structures.*

6
7 The proposed use has the potential to adversely impact law enforcement
8 activity or other public nuisance problems by providing another outlet for
9 alcoholic beverages in an already over concentrated Census Tract with an
10 existing higher rate of Police Department calls for service.

11
12 (4) *The proposed use WILL adversely impact the suitability of adjacent*
13 *commercially zoned properties for commercial uses.*

14
15 Information provided by the Hemet Police Department indicated the
16 reporting districts in which the subject site is located, is experiencing
17 higher than average frequencies of calls for service related to alcohol,
18 public intoxication, and DUI. There is a direct correlation between the
19 number of existing alcohol outlets within these reporting districts and the
20 number of alcohol related calls for service. An additional alcohol sales
21 outlet will exacerbate the existing condition. As a result, the proposed use
22 will adversely impact the suitability of adjacent commercially zoned
23 properties.

24
25 **SECTION 4: PUBLIC CONVENIENCE OR NECESSITY**

26
27 Pursuant to Hemet Municipal Code Section 90-90(H)3, and in light of the record before
28 it, including the staff report dated September 17, 2013, and all evidence and testimony
29 heard at the public hearing of this item, the Planning Commission hereby finds as
30 follows, as required by Ordinance 1858:

31
32 a. *The public convenience would not be served by the establishment*
33 *of the proposed use.*

34
35 Per thresholds established by the California Department of
36 Alcoholic Beverage Control (ABC), the entire City of Hemet
37 currently has an overconcentration ratio of 2:1 more licenses issued
38 than recommended by ABC. In addition, the Census Tract in which
39 the project is located is permitted to have three (3) general retail
40 alcohol licenses, and the Tract currently has twenty-one (21)
41 licenses issued, or a current overconcentration ratio of 7:1.
42 Moreover, the following establishments that currently have ABC
43 licenses are located within walking distance of the proposed
44 project:
45
46

Walgreens Drug Store	1661 W. Florida Avenue
Lyons Market	1690 W. Florida Avenue
Shell Gas Station	1704 W. Florida Avenue
Angie's Diner	1770 W. Florida Avenue
Mimi's Café	1778 W. Florida Avenue
Red Robin	1990 W. Florida Avenue

b. *The proposed use is anticipated to be a source of nuisance behavior associated with the excessive consumption of alcoholic beverages, or the exposure of alcoholic beverages to minors.*

Information provided by the Hemet Police Department indicated the reporting districts in which the subject site is located, is experiencing higher than average frequencies of calls for service related to alcohol, public intoxication, and DUI. There is a direct correlation between the number of existing alcohol outlets within these reporting-districts and the number of alcohol related calls for service. An additional alcohol sales outlet will exacerbate the existing condition.

c. *The proposed use would be detrimental to the public health, safety or welfare.*

The proposed use would permit alcohol sales to persons driving motorized vehicles, within an area already documented as having a high rate of Police Department calls for service related to alcohol.

d. *The proposed use would increase the severity of existing law enforcement or public nuisance problems in the surrounding area.*

The proposed use has the potential to adversely impact law enforcement activity or other public nuisance problems by providing another outlet for alcoholic beverages in an already over concentrated Census Tract with an existing higher rate of Police Department calls for service.

e. *The proposed use is not consistent with the objectives, policies, general land uses, and programs of the general plan and any applicable specific plan, this Section and any applicable zoning regulations.*

The proposed use is not consistent with the following General Plan 2030 Goal, Healthy Communities Goal LU-15.5 – Unhealthy Development Patterns – Create, update, and enforce regulations and laws pertaining to the location, retailing, and use of unhealthy substances such as tobacco, marijuana and other drugs, and alcohol.

1 **SECTION 5: PLANNING COMMISSION ACTIONS**

2
3 The Planning Commission hereby takes the following actions:

- 4
5 1. **Denies Conditional Use Permit.** Due to inability to make all of the findings
6 required for the approval of Conditional Use Permit No. 13-004, the supplemental
7 findings required for approval of alcohol sales, and the findings required to make
8 a Public Convenience or Necessity determination, Conditional Use Permit No.
9 13-004 is hereby denied.

10
11 **PASSED, APPROVED, AND ADOPTED** this 15th day of October, 2013, by the
12 following vote:

13
14 **AYES:** Chairman John Gifford, and Commissioners Rick Crimeni and Vince
15 Overmyer
16 **NOES:** Vice Chairman Greg Vasquez and Commissioner Michael Perciful
17 **ABSTAIN:** None
18 **ABSENT:** None

19
20
21
22
23
24 
25 John Gifford, Chairman
26 Hemet Planning Commission

27 ATTEST:

28
29 
30
31 Melissa Couden, Records Secretary
32 Hemet Planning Commission

Attachment No. 8

October 15, 2013
PC Minutes

City Council
May 13, 2014

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PLANNING COMMISSION

**EXCERPT FROM
MEETING MINUTES**

DATE: OCTOBER 15, 2013

CALLED TO ORDER: 5:58 P.M.

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

PUBLIC HEARING ITEMS

5. CONDITIONAL USE PERMIT 13-004 (VALERO GAS STATION)

A request for Planning Commission's review and approval of a Conditional Use Permit for the sale of beer and wine from 5:00 a.m. to 1:00 a.m., seven days a week, and to make a finding of public convenience or necessity, as required by the California Dept. of Alcoholic Beverage Control, at an existing Valero gas station located at 1701 West Florida Avenue at the southwest corner of Florida and Lyon Avenues.

Applicant: Nick Patel, Valero Gas
Planner: Emery J. Papp, Principal Planner
Agent: Keith Gardner, Keefer Consulting
Location: 1701 W. Florida Avenue
APN: 448-460-005

Planner Emery Papp provided a powerpoint presentation to the commission recapping the proposed project, the issues that were addressed previously, and the two alternative resolutions for the commissions consideration.

Mr. Papp distributed a two-page list from the police department report that indicated the number of calls within the 1600 block of West Florida and the 1700 block, which is the area in proximity of the project site.

Chairman Gifford asked if the census tract included everything down Florida to Sanderson and included Stater Brothers, Vons, and a drug store adjacent to Vons, to which Mr. Papp replied, yes.

Chairman Gifford also wanted to make it clear that although there seems to be many licenses to sell alcohol within the census tract, there are many businesses there that are in the business of selling alcohol; and not something they would necessarily object to. Although the alcohol license numbers are higher than normal, there are many

1 businesses that are not considered a problem, such as restaurants.

2
3 CDD Elliano stated that there was a request by the Commission Chairman for
4 additional statistics from the police department. Of the 28 alcohol-related calls,

5
6
7 24 were for public intoxication related to Lyons Market, and Shell Gas Station had 14
8 out of the 18 calls for the west Florida area.

9
10 Commissioner Overmyer indicated he wasn't going to overstate the obvious: this isn't
11 good for our community.

12
13 Chairman Gifford opened the public hearing and asked Sergeant Rob Gibbs to come
14 forward and answer questions regarding police calls related to DUI's or public
15 intoxication. He stated that the police department had cited 41 incidents in about 11
16 months in this general vicinity that were directly related to these. Chairman Gifford
17 asked if this is a normal number for commercial property type areas.

18
19 Sergeant Gibbs stated that it is the police department's opinion there is a direct
20 correlation to businesses that sell alcohol, mainly off-sales, and the rising calls for the
21 police.

22
23 Chairman Gifford inquired concerning several other locations close by and asked if the
24 police calls would be similar.

25
26 Sergeant Gibbs answered that based on his training and experience, having dealt with
27 these areas on patrol as a supervisor, if one drives by, one will see the same
28 demographic as one would find on San Jacinto and Florida.

29
30 Commissioner Overmyer asked if the police department could do anything to disperse
31 the people who congregate around businesses that sell alcohol. He also asked if there
32 is still such a thing as loitering being against the law.

33
34 Sergeant Gibbs responded that based on minimum staffing and prioritizing of calls,
35 loitering calls would be on the bottom of the priority list; however, it is a priority.

36
37 Vice Chair Vasquez asked about what calls for service were regarding the Shell Gas
38 Station at 1704 West Florida.

39
40 Sergeant Gibbs answered that based on the statistics it appears that it would be public
41 intoxication, possible DUI's and one battery of fighting. He continued that often two
42 officers might be called for a specific incident. If they find someone who fits the
43 description, they will be evaluated, possibly arrested, and one or both of the officers
44 would transport them back to the station, book them, house them, and feed them for
45 several hours until they can take care of themselves and be released. So when you
46 look at the calls for service, you have to multiply that by two officers, staffing permitted.

47
48 Vice Chair Vasquez asked if the locations that sell liquor, like the gas stations, typically
49 call because of the people who come and are drunk? Do the businesses initiate the
50 calls themselves?

1 Sergeant Gibbs answered that it is a combination of everything that was mentioned. It
2 could be people lying down passed out on their property, it could be a passerby who
3 sees someone staggering down the sidewalk, or it could be somebody sitting next to a
4 building actually drinking from a container. So, it could be the business owners or
5 employees or passersby who make the calls.

6
7 Vice Chair Vasquez asked if any arrests were made for all the calls that came in.
8 Sergeant Gibbs replied, based on 1704 West Florida Avenue, four or five perhaps.

9
10 Vice Chair Vasquez asked if someone is found to be intoxicated, are they typically
11 arrested?

12
13 Sergeant Gibbs said if they are a danger to themselves or others, or if they cannot take
14 care of themselves, yes. However, if they are still able to take care of themselves, they
15 may be let go.

16
17 Chairman Gifford asked if there were any other questions of staff before opening the
18 discussion to the public.

19
20 Vice Chair Vasquez questioned if the 149 reported incidents in the census tract were
21 strictly related to businesses or just reported incidents in that district, because there are
22 residences in that area as well as businesses.

23
24 Planner Papp replied that these are all business-related calls.

25
26 Commissioner Perciful wondered whether or not there was a reduction in calls when
27 Fresh and Easy closed their doors and surrendered their licenses.

28
29 Planner Papp replied we do not have that information available.

30
31 Vice Chair Vasquez asked for an example of what business would be exempt from a
32 CUP in that area that would be selling beer and wine.

33
34 Planner Papp replied that if a restaurant came in, the restaurant would be exempt, but
35 a finding of Public Convenience and Necessity would still be required due to the over-
36 concentration of licenses.

37
38 Chairman Gifford opened the public hearing and invited Ms. Groff to speak.

39
40 Ms. Groff indicated she thought no more business licenses for liquor would even be
41 discussed until we got down to a certain amount of licenses. We have an
42 overabundance of them, she commented.

43
44 CDD Elliano replied that the ordinance, recently put in place, were requirements for
45 certain findings that had to be made and part of the process for a Conditional Use
46 Permit to sell alcohol. Prior to this, if it were a facility that didn't already need a CUP,
47 there would be no process other than getting an ABC license and asking the city for
48 public convenience and necessity findings. The ordinance put in more regulations in
49 terms of when a CUP would be required, which is what the Commission now is
50 deliberating and under what conditions.

1 Ms. Groff said she was under the impression that we just were not going to allow any
2 new ones.

3
4 CDD Elliano replied that it wasn't an outright ban, but there are now far more
5 regulations than what the city had, which was virtually nothing.

6
7 Chairman Gifford further explained that the ordinance does not prohibit businesses
8 coming in with existing liquor licenses. But what it did do is if you want a liquor license
9 and you want to operate a business, you must come with a CUP. The Commission
10 then has the opportunity to approve the permit.

11
12 Ms. Groff observed that there were currently liquor sales on three of the four corners
13 and there are already people sitting there and drinking beer. She is totally against any
14 more liquor licenses.

15
16 Chairman Gifford invited the agent, Keith Gardner, of Keefer Consulting, to address the
17 Commission.

18
19 Mr. Gardner stated they definitely want to cooperate with the police, to have a secure
20 facility and to be good neighbors to the city. They would be amenable to inspections
21 every six months or even limiting the hours of operation. Presently they propose to
22 shut down to the public at midnight. However, if desired, they can shut down at 11 PM.
23 In all other ways they agree with the conditions of approval as written. He also noted
24 that there is almost no residential in the census tract. There is residential further north
25 and south and in the neighboring census tract to the east, but our particular census
26 tract takes in many commercial shopping centers, and that is where one would expect
27 alcohol sales to be.

28
29 Seeing no other members of the public who wished to speak, Chairman Gifford closed
30 the public hearing and directed the commissioners to continue discussion. He
31 commended the Commission on its ability to have an open mind and not make
32 predetermined decisions.

33
34 He continued by outlining his thought process regarding this issue.

- 35 1. Will adding another business that is selling alcohol make a difference?
- 36 2. This is an existing license within the city and therefore they have a right to do
37 business here.
- 38 3. Is it a detriment to the community and does it make a difference?
- 39 4. If it doesn't make a difference to the community, then the business should be
40 able to function.

41
42 Chairman Gifford commented he needed more data from police reports as to what is
43 going on at that corner. There are all types of problems and people there that have
44 issues. He questioned what the impact is, does it make a difference, is there some
45 proof that it makes a difference to have more alcohol sales on that corner, or are we
46 trading the same customers to a different location?

47
48 Commissioner Overmyer stated that he was not present for the prior discussion on this
49 issue, but the preconceived notion is to try to do every small thing to make this
50 community better. If it does not make it better, we have an obligation to not allow it.
The point is, very simply, it is not good for the community.

1 Commissioner Crimeni agreed with Commissioner Overmyer, stating that the
2 difference with Fresh and Easy is that those were people buying groceries and taking
3 them home. It is not the same as buying a beer at a gas station and then sitting out in
4 the grass next to it and drinking. He knows it is tough times for business people, but
5 feels this would not add anything to the community and therefore cannot support it.

6 Vice Chair Vasquez spoke regarding this issue suggesting that perhaps there should
7 be a lottery to issue the amount of licenses we are supposed to have under the ABC
8 regulations. However, with the way the system works, he suggested this would not be
9 feasible. Next, he noted that the northeast corner on Florida Avenue is where he sees
10 the biggest problem, but doesn't see much being done to enforce buyers from drinking
11 in public, which is a violation. It is an institutional problem needing to be addressed if
12 we are looking for better quality of life in Hemet. He suggested we need to get
13 vagrants and drug users off that corner. In addition, he added a concern about bars
14 which are supposed to regulate the amount of people or sobriety of the patrons they
15 are serving, but a lot of them do not do this and it is a problem.

16
17 Another issue according to Vice Chair Vasquez are the exemptions that are allowable.
18 Along with this, he suggested getting rid of all of the exemptions in order to whittle
19 down these permits to a more reasonable size. He suggested that steps be taken to
20 actually solve the current problem by giving police the directive to work on cleaning up
21 the area. He stated if you take away the exemptions, take away the problem elements,
22 then Vice Chair Vasquez stated he would be on their side. He wants to continue to
23 uphold the General Plan.

24
25 Commissioner Overmyer stated his concern about the number of licenses currently in
26 use.

27
28 Commissioner Perciful commented that the Commissioners are all businessmen and
29 want to see Hemet become a beautiful city. That is why he previously asked if the
30 amount of crime or calls related to crime went down when Fresh and Easy vacated.
31 He stated his interest in seeing business grow in the City of Hemet, bringing in tax
32 revenue to the city in order to support more city services, such as police.

33
34 Commissioner Crimeni indicated he could not support this CUP as it does not seem to
35 add tax revenue to the city, but increases the vagrancy. And since we have a
36 responsibility to clean up the town, this may not fit.

37
38 Chairman Gifford called for a short 10-minute recess.

39
40
41 (Recess)

42
43 Chairman Gifford reopened the public hearing by adding that this issue is neither black
44 nor white. Liquor licensing in the city needs to be looked at on an individual basis. It
45 seemed to Chairman Gifford that the following are true regarding this issue:

- 46 1. If this license were for another part of the city which does not have the
47 problems this area has, he would have an easier time with it.
- 48 2. Because of the new information available now regarding the number of
49 police calls and lack of history of the previous license, he would vote no for
50 the CUP.

It was **MOVED** by Commissioner Overmyer to **ADOPT** Resolution Bill No. 13-017

1 **DENYING** CUP 13-004 and **SECONDED** by Commissioner Crimeni.

2
3 The **MOTION** was carried by the following vote:

4
5
6 **AYES:** Chairman John Gifford, Commissioners Rick Crimeni, Vince Overmyer

7 **NOES:** Vice Chair Greg Vasquez and Commissioner Michael Perciful

8 **ABSENT:** None

9
10 Chairman Gifford announced that this action is appealable to the City Council of the
11 City of Hemet, and City Attorney McEwen added that the appeal will be effectuated by
12 filing a written notice to the City Clerk within ten days.

13
14 ***(Adopted Planning Commission Resolution No. 13-015)***

Attachment No. 9

September 17, 2013
PC Minutes

City Council
May 13, 2014

Attachment No. 10

September 17, 2013
PC Minutes

City Council
May 13, 2014

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PLANNING  *COMMISSION*

EXCERPT FROM

MEETING MINUTES

DATE: SEPTEMBER 17, 2013

CALLED TO ORDER: 6:00 P.M.

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

PUBLIC HEARING ITEMS

4. CONDITIONAL USE PERMIT 13-004 (VALERO GAS STATION)

Applicant: Nick Patel, Valero Gas
Planner: Emery J. Papp, Principal Planner
Agent: Keith Gardner, Keefer Consulting
Location: 1701 W. Florida Avenue

DESCRIPTION: A request for Planning Commission's review and approval of a Conditional Use Permit for the sale of beer and wine from 5:00 a.m. to 1:00 a.m., seven days a week, and to make a finding of public convenience or necessity as required by the California Dept. of Alcoholic Beverage Control at an existing Valero gas station located at 1701 West Florida Avenue at the southwest corner of Florida and Lyon Avenues.

(PowerPoint presentation by Planner Emery J. Papp.)

Chairman Gifford requested information regarding the following: The 3% floor space rather than 15%, as previously requested, devoted to alcoholic beverages; the concentration of licenses within the census; the concern regarding the taking of alcohol off-site rather than consumption on-site, such as in a restaurant; and finally, the location of the site from which the license is being transferred.

Planner Papp and CDD Elliano explained that the request is now 3%; that under the new ordinance, restaurants are specifically exempt from the requirement of a CUP, although they still have to go through the process of checking with the ABC and the Police Department if in an area of over-concentration. There are already three other locations that offer the same type of off-sale convenience in the census tract, for this proposal. The applicant has not yet disclosed the location of the existing license, but they do not believe it is in the same census tract.

1 Commissioner Perciful commented that DUI calls for the Police Department are more
2 likely to come from restaurant consumption than counter purchases and wondered
3 what the call numbers are for that location.

4
5 Planner Papp replied that the Valero station does not currently sell alcohol, so none of
6 the calls are directly related to that site; however, if alcohol were sold there, staff's
7 concern is that it would contribute or potentially contribute to the number of calls police
8 are responding to and could make the existing condition worse.

9
10 Vice Chair Vasquez inquired about the size of the census tract affecting this site and if
11 it is just commercial or also residential. Planner Papp responded that this tract
12 includes primarily alcohol licenses along the Florida Avenue corridor, from Sanderson
13 to Lyon, so approximately a mile, and that there are at least three mobile home parks
14 close to this location.

15
16 Vice Chair Vasquez also expressed concern about oversaturation of neighboring
17 census tracts and the exemptions that big-box centers and restaurants would have in
18 this same area. He felt that it was important to follow the General Plan to make Hemet
19 a better place for businesses to come in.

20
21 Chairman Gifford asked if a Costco at this location would be exempt from a CUP
22 because of size.

23
24 CDD Elliano stated that they're exempt because of size and if no more than five
25 percent of floor area is devoted to alcohol sales. She also asked if the commissioners
26 were questioning the original ordinance and thinking there should be changes in the
27 ordinance, or if they were comparing the findings set forth in the ordinance with the
28 case before them this evening.

29
30 Chairman Gifford responded that he didn't think the commissioners were questioning
31 the ordinance, but looking at the staff report in terms of some critical issues because
32 this is a CUP, which means the Commission can operate within the ordinance to either
33 approve or deny the CUP, and that the staff report had information which has led staff
34 to the conclusion that it should not be approved. Therefore, the Commission is looking
35 at that information to assess the issues. He also commended CDD Elliano on the
36 report and on her efforts to keep the Commission on tract.

37
38 Chairman Gifford continued and asked if we going to add more users, or are we trading
39 the same customers depending on the price? And, are we making a difference by
40 denying it or are we making a difference to someone who owns the business who can't
41 take advantage of alcohol sales at this business to make a living?

42
43 Vice Chair Vasquez questioned whether this is a business situation where the business
44 owner is trying to get a little bit of a market share, and if it is, will that market share take
45 away from the others that are contributing right now?

46
47 Planner Papp indicated the business owner revealed that the small amount of floor
48 space dedicated, if approved, would potentially increase their sales by 33 percent.

1 Chairman Gifford opened the public hearing and invited the applicant's representative
2 to the lectern.

3
4 Keith Gardner (6149 Bluff Wood Drive, Riverside), representing Valero, commented
5 that the staff report's recommendation of denial is based on three things: over
6 concentration, public safety, and whether this would be a public convenience or
7 necessity. He mentioned that ABC considers on-sale and off-sale licenses at different
8 concentrations that require different findings. He outlined the sites that have 20 and 21
9 licenses and showed the census tract map, outlining the locations for the various

10
11 licenses, noting that this is a highly commercial area with four commercial shopping
12 centers in the census tract. He said Valero would comply with the regulations and
13 ordinances and standard business practices that are called out in the ordinance with
14 security cameras, additional staff, limited hours, whatever is needed to comply with
15 police regulations to mitigate their concerns. He felt this is the type of off-sale the city
16 would want, rather than liquor stores, because it's more of a convenience to the
17 customers as opposed to a destination.

18
19 Chairman Gifford asked if Valero, in terms of sales in that area, is busy, moderate or
20 slower in sales than the average.

21
22 Mr. Gardner replied that he doesn't have numbers to compare, but he felt business
23 would go up if the convenience was there for beer and wine sales.

24
25 Chairman Gifford thanked Mr. Gardner for showing them the census tract map, but
26 indicated they are concerned about the neighboring tracts as well and the
27 concentration of licenses in the area. He asked for any other comments from the
28 public, and seeing none, closed the public hearing.

29
30 Planner Papp indicated that there are not just Type 20 and 21 licenses, but Type 40
31 and 41 also, which would be restaurants that sell only beer and wine, and those that
32 sell beer, wine and spirits. He indicated there are 21 licenses in that area.

33
34 Vice Chair Vasquez asked if there were only two 20 licenses for off-sale, and Planner
35 Papp agreed there were two for that census tract.

36
37 Commissioner Perciful commented that this applicant would fill the void that Fresh and
38 Easy left and that Valero would be asking for a Type 20 license (beer and wine),
39 whereas Fresh and Easy had a Type 21, which included spirits. So the request would
40 be a step down from what was originally there.

41
42 Chairman Gifford then commended staff on a well written report, but stated he is
43 conflicted because the Planning Commission had agreed to the original ordinance, as
44 they did want to control licenses since there is an over concentration, particularly in
45 that census tract. However, this license would be basically replacing a license that was
46 no longer there, with this license being more limited than the original one. He also did
47 not wish to harm a business person from making a living, and selling beer and wine is
48 not illegal.

1 Vice Chair Vasquez reiterated Chairman Gifford's concerns, recognizing that this is a
2 tough call, because he wants to do the right thing for the City of Hemet, but for the
3 individual business person, as well.
4

5 Commissioner Perciful agreed that this is a difficult decision because of the need to
6 grow businesses in the city, but the need also to grow business in a positive way.
7

8 There was then a lengthy discussion between Chairman Gifford, Vice Chair Vasquez,
9 CDD Elliano and the City Attorney on the wording of a motion, with the following motion
10 being asserted:
11

12 It was **MOVED** by Chairman John Gifford and **SECONDED** by Vice Chairman Vasquez
13 to **ADOPT** the Resolution Bill No. 13-017 **DENYING** CUP 13-004, based on the
14 information and findings contained in the staff report.
15

16 The **MOTION** was **REJECTED** by the following vote:
17

18 **AYES:** None

19 **NOES:** Chairman John Gifford, Vice Chair Greg Vasquez, Commissioner Michael
20 Perciful

21 **ABSENT:** Commissioners Vince Overmyer and Rick Crimeni
22

23 A second motion was proposed as follows:
24

25 It was **MOVED** by Chairman Gifford and **SECONDED** by Commissioner Perciful to
26 **CONTINUE** the public hearing re **DENIAL** of CUP 13-004, based on the information
27 and findings contained in the staff report, to October 15, 2013, and to direct staff to
28 revise the resolution, **APPROVING** the CUP with consistent findings.
29

30 The **MOTION** was **APPROVED** by the following vote:
31

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

34 **NOES:** None

35 **ABSENT:** Commissioners Vince Overmyer and Crimeni
36

37 CDD Elliano worked with commissioners to identify the findings in the resolution that
38 needed to be revised per the commission's reasoning and direction. At the conclusion
39 of the discussion, she summarized the actions as follows:
40

- 41 1. Continuance of this public hearing to the October 15th, 2013 Planning
42 Commission meeting;
- 43 2. Preparation of a revised staff report to include conditions of approval which
44 are not included in the present report and a revised resolution for approval.
- 45 3. Notification of applicant of the October 15th hearing, and request for further
46 information within the next weeks so it can be incorporated into the report.
- 47 4. Any additional information or answers to commissioners' questions that staff
48 can prepare to be presented at the continued hearing.
49
50

Attachment No. 10

Section 90-90 of the
Hemet Municipal
Code (regarding Alcoholic
Beverage sales)

City Council
May 13, 2014

Editor's note—

Ord. No. 1857 adopted provisions numbered §§ ~~90-80~~—90-89. In order to maintain the organizational style and aid the user of this Code, said sections have been combined under one section pertaining to the same subject matter, at the discretion of the editor. Original section designations have been retained, as editorial notations in brackets, at each subsection.

Secs. 90-81—90-89. Reserved. **Sec. 90-90. Alcohol sales.** 

(a) *Purpose.* The purpose of this section is to establish standards for businesses engaged in the sale of alcoholic beverages to protect the health, safety, and general welfare of the residents of the city. This section regulates businesses engaged in the sale of alcoholic beverages to ensure compatibility of such uses with surrounding uses and properties and to avoid impacts associated with such uses.

(b) *Definitions.*

ABC or California Department of Alcoholic Beverage Control means the department of the State of California empowered to act pursuant to article 20, section 22, of the California Constitution and authorized to administer the provisions of the Alcoholic Beverages Control Act.

Alcoholic beverage means alcohol, spirits, wine, beer, liquor, and any solid or liquid containing alcohol, spirits, wine, or beer, that contains one-half of one percent or more of alcohol by volume and that is fit for beverage purposes either alone or when diluted, mixed or combined with other substances, the sale of which requires an ABC license.

Director means the community development director.

Off-sale means the sale of alcoholic beverages for off-site consumption.

On-sale means the sale of alcoholic beverages for consumption on-site.

PCN determination means a determination made upon ABC request that the public convenience or necessity would or would not be served by the issuance of a proposed ABC license.

(c) *Permit required.* Except as provided in subsection (e) of this section, any use that proposes to engage in the on-sale or off-sale of alcoholic beverages must first obtain a conditional use permit as provided in this section. In addition, a conditional use permit or modification to an existing conditional use permit shall be required for the following:

- (1) Any change in the type of an existing ABC license (e.g., an upgrade from beer and wine to sale of spirits, etc.), including changes in hours of operation or addition of live entertainment.
- (2) A premise-to-premise transfer of an existing ABC license.
- (3) Any ABC licensed establishment that has its license revoked, suspended, or surrenders its license to ABC or discontinues use of the license for 30 days or has its conditional use permit revoked or vacates the property shall obtain a new conditional use permit before reestablishing the use.

(d)

Conflicting provisions. In the event that the type of permit required for a proposed use under this section differs from the type of permit required by any other provision of this chapter, the more restrictive permit requirement shall apply.

- (e) *Exemptions.*
- (1) The following uses are not subject to the permit requirement in subsection (c) of this section:
 - a. Restaurants that have been licensed by ABC as a bona fide eating place and are in compliance with the terms and conditions of their license.
 - b. Grocery stores with at least 25,000 square feet of floor area that devote less than five percent of their floor area to the off-sale of alcoholic beverages.
 - c. Florist and gift shops that include the incidental sale of wine with gift baskets or floral arrangements.
 - d. Retail or wholesale stores with at least 30,000 square feet of floor area that devote less than five percent of their floor area to the off-sale of alcoholic beverages.
 - e. Temporary uses that have obtained a special event permit from the city pursuant to section 90-73
 - (2) Nothing in this subsection (e) shall be construed as exempting any use from any other permit requirement established in any other section of this Code.
 - (3) This section does not apply to any activity that is not required to be licensed under the California Alcoholic Beverage Control Act.
- (f) *Findings.* In addition to the findings applicable to conditional use permits under section 90-42 et seq., the decision making body shall make the following supplemental findings before approving a conditional use permit for a use that engages in the on-sale or off-sale of alcoholic beverages:
- (1) The use complies with all of the following separation requirements. Notwithstanding the foregoing, the decision making body may issue a conditional use permit to a use that does not comply with one or more of the following separation standards if it finds that unique circumstances exist that justify noncompliance with the separation standards:
 - a. The use is located at least 600 feet, as measured from property line to property line, from any existing public or private schools (K through 12), public parks, or places of worship;
 - b. The use is located at least 100 feet, as measured from property line to property line, from existing residential uses or land that is zoned for residential uses.
 - c. The use is located at least 1,000 feet, as measured from property line to property line, from existing parolee-probationer homes, emergency shelters, supportive housing, or transitional housing.
 - (2) The use is fully visible from a public street with an unobstructed view from the public street for public safety.
 - (3) The proposed use will not be detrimental to surrounding properties and neighborhoods, including ensuring that the use does not contribute to loitering, public drunkenness, noise, obstructing pedestrian and vehicular traffic, parking, crime, interference with pedestrian corridors used by children, defacement and damage to structures.
 - (4) The proposed use will not adversely impact the suitability of adjacent commercially zoned properties for commercial uses.

- (g) *Standards.* The following standards shall apply to all uses engaging in the on-sale or off-sale of alcoholic beverages, including without limitation uses in existence prior to the effective date of the ordinance from which this section derives and uses that are listed in subsection (e)(1) as exempt from the conditional use permit requirement:
- (1) *Public consumption.* If the use engages in the off-sale of alcohol but not the on-sale of alcohol, the owner or operator shall post a sign to indicate that it is unlawful for a person to consume alcoholic beverages in a public place or where posted.
 - (2) *Open containers.* The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages are prohibited on or around the premises.
 - (3) *Loitering.* Loitering is prohibited on or around the premises of any use engaging in the dispensing or sale of alcoholic beverages, and it shall be the responsibility of the owner of any such establishment to post "No Loitering" signs and actively enforce measures that preclude loitering.
 - (4) *Lighting.* The use shall maintain lighting to provide illumination for the security and safety of parking and access areas. The lighting shall be provided at a level of no less than one foot-candle throughout in parking lots and access areas.
 - (5) *Security/surveillance.* Surveillance cameras and equipment shall be installed to record all purchases and attempted purchases of alcoholic beverages in accordance with the specifications provided by the police department. The equipment shall be able to record a minimum of 24 hours of operation. The facility operator shall maintain the recordings for the prior 60 days.
 - (6) *Graffiti.* The owner or operator of the use shall remove or paint over any graffiti within 48 hours of the graffiti being painted or marked upon the premises.
 - (7) *Displays and signs.* There shall be no interior displays of alcoholic beverages or signs which are clearly visible to the exterior. There shall be no exterior advertising or sign of any kind promoting or indicating the availability of alcoholic beverages. No more than 25 percent of the square footage of each window and glass-paneled door shall bear advertising or signs of any sort, and all advertising and signage shall be placed in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises.
 - (8) *Litter.* The owner or operator of the use shall remove litter from the premises daily, and shall keep the premises swept to prevent debris build up. Trash bins in approved enclosures shall be provided.
 - (9) *ABC training.* The owner or operator of the use shall provide ABC approved or certified training for all employees who sell or serve alcoholic beverages within 30 days of opening for business, and all new employees thereafter shall be trained within 30 days of the date of their employment.
 - (10) *Additional conditions.* In approving a conditional use permit to establish a use selling alcoholic beverages, the decision making body may impose additional reasonable conditions on the use to ensure that it operates in a manner that provides adequate protection of the public health, safety, and general welfare.
- (h) *Public convenience or necessity.*
- (1) When ABC requests that the city make a determination whether the public convenience or necessity (PCN) would be served by the issuance of a proposed ABC license, the provisions of this subsection (h) shall govern.
 - (2) A PCN determination shall be made by the planning commission if the proposed use would require a conditional use permit under this section. If ABC requests a PCN determination for a use that is exempt from the permit requirement of this section, the

director shall make the PCN determination. The director or the planning commission may consult with the chief of police in making its determination. A noticed public hearing is not required for a PCN determination.

- (3) A PCN determination shall be based on the following findings:
- a. The public convenience would be served by the establishment of the proposed use.
 - b. The proposed use is not anticipated to be a source of nuisance behavior associated with the excessive consumption of alcoholic beverages, or the exposure of alcoholic beverages to minors.
 - c. The proposed use would not be detrimental to the public health, safety or welfare.
 - d. The proposed use would not increase the severity of existing law enforcement or public nuisance problems in the surrounding area.
 - e. The proposed use is consistent with the objectives, policies, general land uses, and programs of the general plan and any applicable specific plan, this section and any applicable zoning regulations contained in this chapter.

(Ord. No. 1858, § 1(Exh. A), 1-22-13)

Secs. 90-91—90-99. Reserved.

Sec. 90-100. Homemade food operator permit.

(a) *Purpose.* Pursuant to Government Code § 51035(a), the city must allow cottage food operations in residential dwellings, but can impose reasonable standards on cottage food operations to minimize potential effects on surrounding residences. The purpose of this section is to establish reasonable standards for cottage food operations as allowed by state law.

(b) *Definitions.* The following definitions shall apply unless subsequently amended under the Health and Safety Code of the State of California

Cottage food operation or homemade food operation means an enterprise that is operated by a cottage food operator, and has not more than one full-time equivalent cottage food employee, not including a family member or household member of the cottage food operator, within the registered or permitted area of a private home where the cottage food operator resides and where cottage food products are prepared or packaged for direct, indirect, or direct and indirect sale to consumers. A cottage food operation includes both of the following:

- (a) *Class A or direct sales cottage food operation* is a cottage food operation that may engage only in direct sales of cottage food products from the cottage food operation or other direct sales venues described in Health and Safety Code § 113758(b)(4).
- (b) *Class B or indirect sales cottage food operation* means a cottage food operation that may engage in both direct sales and indirect sales of cottage food products from the cottage food operation, from direct sales venues described in paragraph (4) of subdivision (b), from offsite events, or from a third-party retail food facility described in Health and Safety Code § 113758(b)(5).

Cottage food operator or homemade food operator means an individual who operates a cottage food operation in his or her private home and is the owner of the cottage food operation.

Attachment No. 11

Excerpts from CA
Business and
Professions Code
(regarding ratio of ABC
Licenses to Population)

City Council
May 13, 2014

Excerpts from the California Business and Professions Code:

The following Sections of the CA Business and Professions Code are applicable to staff response No. 1 in the Applicant's Appeal Letter dated October 22, 2013:

23817.4. *The Legislature finds and declares that the public welfare and morals require that there be a limitation on the number of premises licensed for the off sale of beer and wine.*

23817.5. (a)

(1) *The number of premises for which an off-sale beer and wine license is issued shall be limited to **one for each 2,500**, or fraction thereof, inhabitants of the city or county in which the premises are situated. No additional off-sale beer and wine license, other than a renewal or transfer or as permitted by Section 23821, shall be issued in any city or county where the number of premises for which all off-sale beer and wine licenses are issued is more than one for each 2,500, or fraction thereof, inhabitants of the city or county.*

(2) *The number of premises for which an off-sale beer and wine license is issued in a city and county, in combination with the number of premises for which an off-sale general license is issued in a city and county, shall be limited to **one for each 1,250**, or fraction thereof, inhabitants of the city and county in which the premises are situated. No additional off-sale beer and wine license, other than a renewal or transfer or as permitted by Section 23821, shall be issued in any city and county where the number of premises for which all off-sale beer and wine licenses in combination with off-sale general licenses are issued is more than one for each 1,250, or fraction thereof, inhabitants of the city and county.*

The following Sections of the CA Business and Professions Code are applicable to staff response No. 3 in the Applicant's Appeal Letter dated October 22, 2013:

23816. *The number of premises for which an onsale general license is issued shall be limited to one for each 2,000, or fraction thereof, inhabitants of the county in which the premises are situated. No additional onsale general licenses, other than a renewal or transfer or as permitted by Section 23821, shall be issued in any county where **the number of all premises for which onsale general licenses are issued is more than one for each 2,000**, or fraction thereof, inhabitants of the county. No onsale general license shall be issued in lieu of or upon the cancellation or surrender of an onsale beer and wine license.*

23817. *Until July 1, 1963, the number of premises for which an offsale general license is issued shall be limited to one for each 2,000, or fraction thereof, inhabitants of the county in which the premises are situated; and no additional offsale general license,*

other than a renewal or transfer or as permitted by Section 23821, shall be issued in any county where the number of premises for which all offsale general licenses are issued is more than one for each 2,000, or fraction thereof, inhabitants of the county.

*On and after July 1, 1963, **the number of premises for which an offsale general license is issued shall be limited to one for each 2,500**, or fraction thereof, inhabitants of the county in which the premises are situated; and no additional offsale general license, other than a renewal or transfer or as permitted by Section 23821, shall be issued in any county where the number of premises for which all offsale general licenses are issued is more than one for each 2,500, or fraction thereof, inhabitants of the county.*

Attachment No. 12

Letter of Opposition
Daphne Trew, December 2,
2013

City Council
May 13, 2014



Mrs. Daphne Trew

Hemet, CA 92545

Date: 12/2/013

Planning Dept. & City Council

As a Resident of City of Hemet for 24 years I do not approve of sale of Beer & Wine at the Truck Station - Valero - 1701 W. Fla. ave

RECEIVED
DEC - 4 2013
City Manager's Office

This Area is a trouble hang out of Prostitute, fornication, Also other Criminal Acts of Violence, of Purse, Attack to Assault Women.

I do not ever go in that Area.

We in City of Hemet + out side of limit of City, do not need any more, Liquor Stores!! Why doesn't City Council, stop this?? They have blinders on their eyes!!

I feel for Police Dept. They have their hands full.

Daphne Trew
DWT

Almost, Cal.

My Appointments
of Florida

Not Come to Meeting, & do
not Drive at Night!!
What is My Opinion, & Can

Why don't these members
get Council, get off their
think are for them
think that, least
"in that area", Be
never down!!
a 27
Some

Attachment No. 13

Petition submitted by
Applicant in Support
of Proposed Use

City Council
May 13, 2014

we, the undersigned, are customers of the Valero gas station support them selling beer and wine

comment made by customer

Valero is across the way from my work location, it's convenient for me to be able to get snacks, drinks & food at this location.

- It is convenient for me since it is by work

* After work I like to have beer

- Easy to get gas & Beer one stop shop

Convenient to be able to buy beer & snacks after work.

* Convenient for me after work to just grab a bottle of wine to unwind.

+ Don't have to go to ~~the~~ different locations, do everything in one stop

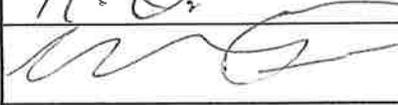
- Right by work, makes it easy to get gas, Beer, and snacks on the way home.

THANK YOU FOR YOUR SUPPORT

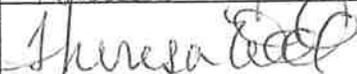
We, the undersigned, are customers of the Valero Gas Station support them selling beer and wine

Signature #	Name	Address
1	Keith Keith Navarra	881 Evergreen St Hemet, Ca
2	Melody Davies	43611 Florida Ave #3
3	JESUS S	507 WILDWOOD LN PERRIS CA
4	Robert	373 Laguna Ave Hemet, CA
5	Ronald Rint	1908 W ACACIA AVE #87
6	DC HOUSTON	PO Box 704 SELMA OK
7	Cloud Strife	5811 Cypress Ave San Jacinto
8	Ryan Mack	25703 Howard Dr Hemet
9	Ray Ronda	1443 STRATUS ST S.J
10	Marlo	337 Kinney Ct Hemet CA
11	ERIN	Santa Do Wy
12	FEN DARDEN	6085 MONTANA WAY
13	Yolanda VERA	1445 W Florida SP #10 Hemet, Ca
14	BILL VALENTINO	32115 FLORES MONTEREY CA
15	David	1053 WILKINSON WY
16	Allyson BODDIE	1090 Blackburn wagneret
17	John Morisset	1623 S Gilbeck Dr, Andover, CA 92802
18	SERLY DELL	1015 W. OAKLAND HEMET, CA 92343
19	Alexandra Vazquez	231 N Hamilton Av. Hemet, CA 92343
20	DAVID DOWNS	1380 W Florida

We, the undersigned, are customers of the Valero Gas Station support them selling beer and wine

	(951) 992-0269
Michelle Davis	951-282-3553
	951 790-7520
Walt Reed	951 259 7049
	714-928-7210
	
Cloud Strife	487-2118
	537 0609
A.O.	6542607
	951 772 0379
	
	(951) 497-0293
Ulyssa Baker	(951) 492-2389
	951 267 4115
	951 552-9485
	957 300 2378
Ken Martney	714-520-0825
Andel Dall	714-252-7522
Alejandra Vazquez	951 550-7334
Kase Donnelly	

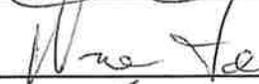
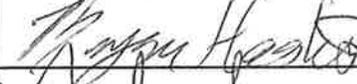
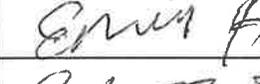
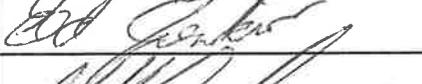
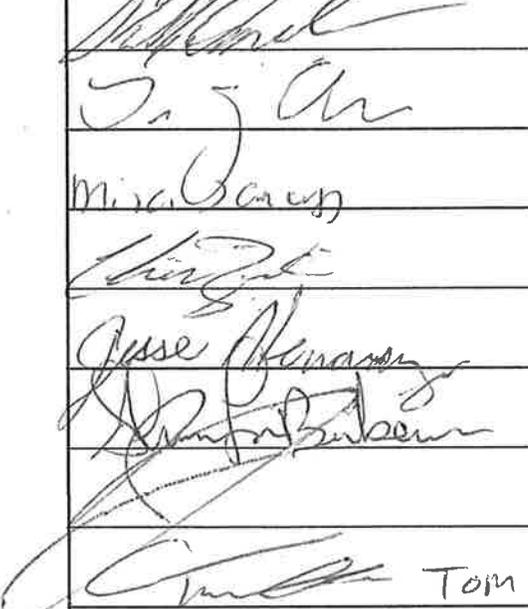
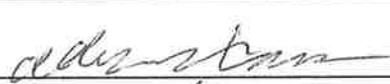
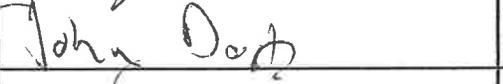
We, the undersigned, are customers of the Valero Gas Station support them selling beer and wine

	<u>NAME</u>	<u>ADDRESS</u>
21	Debra Medina	235 S Lyon Ave #59
22	GABE Delays	106 Bluebell Way Hemet CA.
23	NAME	153 W OAKLAND AV.
24	Mike Medina	235 S Lyon Ave #59
25	Byron Hostetler	922 E Campus Way HMT
26	STERLING SEAT	156 N KIRBY ST.
27	Emory Hoxen	225 - SE 16 ST HMT
28	ED JENKINS	235 S. Lyon Ave.
29	Silva Douglas	1104 S Hewitt
30	J J Am	1257 VIA PENTAGON
31	Mike Samms	700 arby way hmt
32	CHRIS ZORIKI	2180 W COPBERRY AVE, HEMET
33	Jose Henrich	1024 Val Verde Dr Hemet CA.
34	Shirley Robinson	11320 E. San Mateo on 92403
35		719 STATE
36	Tom oh	2072 W Acacia Ave Hemet, ca
37	adam leard	24 S N Westin Ave
38	Billy Austin	1972 W Acacia Hemet, ca
39	John Dastrop	131 W Lyon Hemet CA
40	Charles Yriley	641 SHASTA WAY HEMET CA. 92543
41	Theresa 	306 San Mateo Cir Hemet 92543

We, the undersigned, are customers of the Valero Gas Station support them selling beer and wine

Sign

Phone

	951-667-8132
	951-782-3132
Wine Valley	951-592-9272
	714-716-1232
Kayla Hester	951-282-7421
	951-833-5654
Ernie Frost	951-665-0000
	951-385-2389
	951-490-9471
Jojo Ar	909-790-8716
Mira Green	951-581-9755
	951-252-3400
Jose Hernandez	951-591-2960
	488-266-1186
	714-854-2452
Tom	
	951-477-0724
Bobby Austin	951-956-3176
John Dosh	760-252-6573
	760-920-5757
	951-207-6568

We, the undersigned, are customers of the Valero Gas Station support them selling beer and wine

Signature #	Name	Address
1	Samuel S. Parahanes	44730 E Florida Ave # 20 Hemet CA. 92544
2	Eddie Villar	44730 E Florida Ave # 1 Hemet CA. 92544
3	Alma	44730 - State Highway 118
4	Laritra Miamel	25525 New Chicago Av. Hemet CA 92544
5	Joe Rodriguez	1150 N. Franklin St Hemet
6	Francis Castellanos	4875 Merlyn Hemet CA 92544
7	John Snyper	43362 Nita Circle Hemet CA. 92544
8	Thomas Desmond	25525 New Chicago Av Hemet CA 92544
9	Josefa Rodriguez	5399 Messina way Fontana CA 92336
10	Wayne Spidan	Male st hemet, 92544
11	Cheryl Ann	601 N Kirby Sp. 401
12	Larry Muller	25521 N Lincoln Sp 71
13	MARIA MALLONIX	25521 N Lincoln Sp 71
14	Earl Mikelm	43484 Bos Circle Hemet CA 92544
15	Coa Carro	44725 E. FLORIDA AVE #109 Hemet CA 92544
16	Lloyd Stong	881 N. LAKE St # 307 Hemet CA 92544
17	Jose Aguilar	
18	Paul D. Cruz	2687 Del Rosa Dr. Hemet
19	John Soto	44499 GALICIA DR. Hemet
20	Alma L. Soto	44499 GALICIA DR. Hemet, CA.

We, the undersigned, are customers of the Valero Gas Station support them selling beer and wine

21	Joaquin Jimenez	31261 NBER AVE Hemet CA 92549
22	BRANDEN ANDERSON	523 SWIDER CIRCLE CA
23	Karen Mussaw	1916 Acacia Heart
24	PAUL Ruiz	1473 Talent
25	Norby Ugarte	2654 Iris Way Hemet 92545
26	Shyla Davis	1916 W. ACACIA AVE.
27	Debra Dussan	1916 W ACACIA AVE
28	Anthony Stills	2488 Cristobal AVE
29	Joel Bell	1804 Lexington ^{Pk} Colton
30	MARK MARTINEZ	260 N. LYON AVE
31	Jeff Faus	575 S Lyon
32	Cheryl Allison	1992 Flores St. Hemet, CA 92545
33	Jess Piper	1916 W Acacia #3 Hemet 92545
34	Jaime Andersen	#12A 760 Kirby St Hemet, CA 92545
35	Deborah Corbeil	2243 Daisy Wy Hemet 92545
36	Mike Dard	Hemet, CA
37	Keith Nwarc	881 Evergreen St. Hemet, CA 92543
38	E. B...	
39	Stamitt Dibb	633 Maui St.
40	Chris Kruger	2450 Tahoe Circle Apt B
41	Sara Sauer	1030 Hawthorne Dr.
	name	ADDRESS

We, the undersigned, are customers of the Valero Gas Station support them selling beer and wine

42	Tim Booran	26896 CORNELL ST. Hemet CA.
43	Gabriel Rainos	2747 Cambridge Ave
44	STEVE MIRANDA	225 S. IVEZ ST HEMET CA 92545
45	Jake Michel	1735 COOPER ST. Hemet CA 92545
46	R. Mousou	718 MARGUESA Hemet 92543
47	ANGEL Mitchell	581 S. VERNON San Jacinto
48	Veronica Mabe	7005 Arbor Dr. WY #23. Hemet Ca. 92546
49	Sharon	2428 PALMDALE CIR.
50	Debra K	235 S. Lyon Ave # 89
51	Donna Mills	226 EK ST HEMET
52	Mike Suffer	1736 VERONICA TR. HEMET
53	Charm Drew	2795 Sequoia St.
54	JES SEARNO	0425 GILBERT ST #12 Hemet CA. 92543
55	Antonio Cervantes	2000 W ACACIA Ave Hemet CA 92543
56	Patricia Figueroa	485 Ruby St Hemet CA 92545
57	Melissa Gonzalez	201 S COLUMBIA HMT 92544
58	Rick Jones	146 ATLANTIC CT. HEMET 92545
59	Melody Davis	881 Evergreen St Hemet, Ca 92543
60	Ann Furber	JENN REWIN DR.
61	Rig DEIGAL	2064 ACACIA AVE HEMET CA
62	Juan Delgado	999 Tulip Way

name ~~Phone #~~ address

We, the undersigned, are customers of the Valero Gas Station support them selling beer and wine

Address

63	Maria Mendonca	Maria Mendonca
64	See name	
65	Marjorie Regier	Marjorie Regier
66	Star Auto Parts	
67	Rebecca Resendiz	Rebecca Resendiz
68	John R.R.	J. R.R.
69	Jennell Collier	1250 S. Cowston Ave. #C10 Hemet 92543
70	Nicki Garvey	1711 Pepper Tree Dr 104 Hemet 92543
71	Carol Brubaker	40389 MAYBERRY Ave #43
72	Corissa Gunn	44514 Kingston Dr.
73	Gary Fuller	2120 SAN BERNARDO
74	Johnnie Zuehl	2903 LYNAR Hemet CA
75	Tashira Best	1167 Rosalia Ave Hemet CA 92543
76	ROBIN Walker	1863 CALLE AMARGOSA HEMET
77	Mary Buckner	1795 San Leandro Dr. "
78	Donna Peterson	8605 HOLLY LN. HEMET
79	Brandon Widner	1510 W. WITTIER AV HEMET 92543
80	JAMES MANIETTA	3750 WALNUT PARK WY, HEMET 92544
81	Teandra Johnson	1492 Nutmeg Lane
82	L. S. S.	1150 N Lily Sp 143
83	L. J.	41345 Ladd Ct Hemet

name

Address

92544 92541 92543

We, the undersigned, are customers of the Valero Gas Station support them selling beer and wine

84	ERIC COX	4580 #2 E, FLORIDA HEMET CA,
85	Tommy Baker	150 W. Hemet #10 Hemet ca 92544
86	Joshua Berry	26273 partmonth st Hemet CA 92544
87	BRAND ANDES	5235 SWIDLER CRANE CA
88	Lisa Colmeny	29105 Wanda Lane Hemet
89	Christina Adwell	44413 Zachary Ct Hemet CA 92544
90	Sondra Hemphill	369 N Thompson St Hemet ca 92543
91	Michelle Fort	43667 KNIGHT T. HMT. CA 92544
92	James Evans	45263 Alto Dr. Hemet CA 92544
93	Shelly Slater	25873 R. review Pr. Hemet 92544
94	Mark Greeley	41660 Marine Dr. Hemet 92544
95	Graciela Noriega	94965 Wenden Dr. Hemet ca
96	Tim Schmit	41109 TAVA Ln Hemet CA
97	Madison Dunbar	914 PARK Ave San Jacinto
98	Janie preston	27073 Romana Vista way Hemet ca
99	Linda M. Adams	217 N. Idemet St, Idemet
100	Delisha Macias	45771 Emerson St Hemet. CA
101	James	35276 Florida Hemet
102	Shane Leissa	41089 Sunset Ln
103	Cedrick D. Fison	44088 Lloyd St. Hemet Ca 92544
104	Lin Guerrero	

name

Address

We, the undersigned, are customers of the Valero Gas Station support them selling beer and wine

105	ERNST COSTA	26585 SATURN WAY Hemet
106	Bryan Amijoc	3800 W. Devonshire Ave Apt 138
107	Andra Martinez	2056 W. ACACIA
108	Maria Gonzalez	43384 E Florida #C 92544
109	Ramiro Gonzalez	1027 COLUMBUS CT. 92583
110	Mandel Gonzalez ^{JR.}	1112 #JAMACHA RD, SD
111	CSWright	2972 Rembrico 92542
112	Maria Vermillion	1150 N Kirby #83 Hemet 92545
113	MARIJO CATAN	1030 S. LYON AVE
114	Steve Fox	41872 Jennifer Ave. Hunt CA
115	Jon Du	Hemet CA.
116	Nikki Weeks	1300 W Mendo Hemet
117	HOPE HAM	964 SUNRISE ST Hemet CA 92545
118	Branden Walters	25156 Jerry Lane
119	Cheryl Allison	1992 Flores St. Hemet
120	WILLIE MAEM, III	1811 FAULKNER AVE SAN JACINTO
121	STEPHON MILLER	1811 FAULKNER AVE SAN JACINTO
122	GENE PILO	145 BERTON WAY EL CADON CA 926
123	CHRISTIAN SNOWDEN	700 ARBOR PKY APT 11
124	Jessi Primm	1926 Calle Amargosa Hemet
125	Nolia Obrien	600 Boston St, Hemet 92545
	name	Address

We, the undersigned, are customers of the Valero Gas Station support them selling beer and wine

126	Mitchell Jay	1645 WST Janson Hemet CA
127	DARLAN KAPOVA	1899 OLD MOUNTAIN CA #173 S.J
128	Robert florez	2580 Las Brisas Wy Hemet
129	JOSE BOLIVAR	4510 DUSKY WING Rd HEMET
130	CURTIS STIGALL	640 E Doughty RD FALLBROOK CA
131	Cynthia Garcia	32776 Newport 12
132	Victoria Solyers	3337 W. Florida Ave. 92545
133	Don Baker	1019 Redondo Way
134	Dennis Blair	1300 W. Menlo SP 75
135	Dori Oakley	941 S. Elk.
136	Bob	1220 W. Florida Ave. Hemet CA 92543
137	Dawn Selli	2035 Ortega Ct, Hemet CA 92545
138	Brenda Reiss	2086 Calle Diablo Hemet 92545
139	Steve Hanson	25275 German Ln Hemet CA 92544
140	Tony Brookshier	235 S. Lyon Ave 92543
141	Sharon MacDonald	235 S Lyon Ave #104 92543
142	Deborah Trentino	409 E Thornton Ave, #103, Hemet CA 92543
143	CHRIS REED	1964 W. OAKLAND HEMET, CA 92543
144	William D. Ruff	280 N Lyon Ave Hemet CA 92543
145	Maisha Barnett	920 E. Stetson Ave Hemet CA.
146	Stephanie Steffen	1251 Valverde Dr. Hemet CA 92543

name

Address

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147	Ethel L Beal	531 N. Hargrave St BNS CA
148	Shannon Lee	531 N. Hargrave St. BNS CA
149	Rubi Feria	520 N Buena Vista Hemet CA
150	Marcus Coffman	235 S. Lyon Ave
151	Michael Pitchford	625 SOHANO DR
152	JOHN GUYAN	200 SAN MATEO Cir HEMET
153	Michelle Williams	1445 STRATUS SU JACINTO
154	Allan Saffee	358 Chi Chi Cir, Hemet, CA
155	Doede Arneus	332 N. LYON Ave spc 119 Hemet CA 92543
156	Shane LaPierre	1061. LESLIE dr. hemet CA 92543
157	LINDA WARD	1425 W. Johnston Ave Hemet 92543
158	Walter Hampton	1201 Rosewood St 43
159	Mark Baldwin	2769 WILLOWS RD. SAN DIE
160	CHARLES REDFERN	481 SELK ST

name Address

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#	NAME	ADDRESS	DATE	SIGNATURE
314	Lara Grant	26120 Fairgrove Ct Hemet CA 92544	10/31/13	
315	Christina Palmer	43996 F-Street Hemet Ca	10/31/13	
316	Nathaniel Jacks	3842 W Florida 92545	10/31/13	
317	YOUSIF ABIB	24029 Stonebridge Ct Moreno 92551	10/31/13	
318	Santiago Pama		10/31/13	
319	Stanley Herrera	21030 New Chicago Ave Hemet 92544	11-1-13	
320	Susan Maresca	43216 San Miguel Way Hemet 92544	11-1-13	
321	Donald Diehinger	29511 Rosebrugh Ln Hemet 92542	11-1-13	
322	Eric Anderson	25089 White Oak Dr Hemet, CA 92544	11-1-13	
323	Shirschy	25659 White Oak Dr Hemet CA 92544	11-2-13	
324	Walter Lerry	1061 Gloria Dr Hemet CA 92544	11-5-13	
325	Alex Johnson	348 Stadium Dr. Hemet, Ca. 92544	11/4/13	
326	John Lee	41722 Marine Dr Hemet Ca 92544	11-4-13	
327	Stephanie Peña		11-5-13	
328	Andy Skeel		11-5-13	
329	Lawanda Wallace	25310 Stephvon Way Hemet 92544	11-8-13	
330	Walt Lee	95310 Stephvon Way Hemet 92543	11-8-13	
331	Ron Oker	41518 Marine Dr. Hemet, Ca. 92544	11-10-13	
332				

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#	NAME	ADDRESS	DATE	SIGNATURE
295	Wanda Rohrer	26791 Sol Ct Hemet CA 92544	10/29/13	Wanda Rohrer
296	Joni GREENE	41924 EL CAMINO DR NEMET CA 92544	10/29/13	Joni Greene
297	Carl Gufa	41517 Marine Dr. Hemet Calif. 92544	10/30	Carl Gufa
298	Terry Rowan	Hemet, Ca 92544	10/30	Terry Rowan
299	Montana Stephens	44257 Acacia	10/30	Montana Stephens
300	Luzdi Cruz		10/30	Luzdi Cruz
301	Samantha Guillen		10/30	Samantha Guillen
302	Dylan Plantagee		10/30	Dylan Plantagee
303	Shandell McCain		10/30	Shandell McCain
304	Brian Johnson			Brian Johnson
305	Angela Cruz		10/30	Angela Cruz
306	Britnie Culbreth	1100 E. Whittier Ave. Apt #612 Hemet, CA 92544	10/30	Britnie Culbreth
307	Collin Galey	1100 E. Whittier Ave. Apt. #612 Hemet CA 92544	10/30	Collin Galey
308	Egortan		10/30	Egortan
309	Jesse Stouse	25521 Lincoln Hemet Ca 92544	10/30	Jesse Stouse
310	EMA POVIER	2750 WATAIGA AVE Hemet 92540	10/30	EMA POVIER
311	LAURA BIRDSELL		10.31	Laura Birdsell
312	Joseph Hennes		10:31	Joseph Hennes
313	Miko Herrera	44096 Alsace Ca Hemet		Miko Herrera

Noel Hammer 44096 Alsace Ca Hemet 10/31 Noel Hammer

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#	NAME	ADDRESS	DATE	SIGNATURE
276	Trevor Wilkin	1692 S. Santa Fe Ave # 34	10/28/13	Trevor Wilkin
277	Megan Hopkins	208 S. Ramona St. Hemet, CA 92543	10/28/13	Megan Hopkins
278	Alex Brassard	4617 Lincoln Ave Hemet CA	10/28/13	J.B.
279	Charles Nelson	44523 miller way	10/28/13	Charles Nelson
280	Steven Fomen	30965 Red mt Road		
281	Shannon Day	4100 W thornfen Ave Hemet	10/28/13	Shannon Day
282	K. Sandoz	45280 Crsk St. Hemet, Ca. 92544	10/28/13	K. Sandoz
283	C. Peterson	25580 8th St Hemet CA 92544		
284	TIGBER	44114 Gallipoli Hemet ca. 92544	10/28/13	Julie Simon
285	Adam Bauer	26241 Avenida Hortensia Hemet CA 92544	10-28-13	Adam Bauer
286	Dawn Woodey	26010 Marshall Ave Hemet CA 92544	10-28-13	Dawn Woodey
287	EVA MARRS	43531 Acacia Ave #50 Hemet Ca. 92544	10-28-13	Eva Marrs
288	William Logan	43608 Acacia Ave Hemet, CA 92544	10-28-13	William Logan
289	Jan Porter	881 N. Lake St Hemet 92544	10-29-13	Jan Porter
290		92981 Berkley Ave. Hemet CA 92544	10-29-13	
291	Larry Anderson	34740 marvin Hull RD Hemet CA 92546	10-29-13	Larry Anderson
292	David Stenz	47500 myberry 260 Hemet CA 92544	10-29-13	David Stenz
293	Phillip Langston	3111 Lyrae Way Hemet CA. 92545	10-29-13	Phillip Langston
294	Miguel Manjue	21100 State St San Juanito. CA 92583	10-29-13	Miguel Manjue

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#	NAME	ADDRESS	DATE	SIGNATURE
257	Matt Mudge	52791 pine cone Rd #1 Edgelywild, 92549	10-25-13	Matt Mudge
258	Larry Martira	45922 State Hwy 71 Spt#14 Hemet CA 92544	10-25-13	Larry Martira
259	Jim Micklos	45357 Beard St Hemet 92544	10/25/13	Jim Micklos
260	Henry Carbon	Treavor Ln Hemet 92544	10/25/13	Henry Carbon
261	Mary Garcia	16126 Cerradan Ct Moreno Valley 92551	10/25/13	Mary Garcia
262	TERRI WILLIAMS	43693 FRANK CT HEMET 92544	10-25	Terri Williams
263	ISA GARCIA	43692	10-25	ISA GARCIA
264	Eollette G. Kelly	1920 E. Devonshire #17 Hemet 92544	10-25	Eollette G. Kelly
265	Shannon Margo	44730 State Highway 74 Spc. 40 Hemet 92544	10-26	Shannon Margo
266	Jennifer McClain	44636 Miller way Hemet CA 92544	10-26	Jennifer McClain
267	CURTIS	4058 ST	10-26	Curtis
268	Gonzalez R	402 Marine dr. H-CA " "	10-26	R Gonzalez
269	CHRISTOPHER	25206 WANDA W, HEMET CA	10-26	Christopher
270	Peter Cervantes	26296 LAKE ST. Hemet, CA 92544	10-26	Peter Cervantes
271	Cara Grant	26120 Fairgrove Ct Hemet CA 92544	10-27-13	Cara Grant
272	Kamon Salcedo		10-27-13	Kamon Salcedo
273	Doug Cottage	44772 Wyandotte Ave. Hemet, CA 92544	10-27-13	Doug Cottage
274	James Taylor	4552 LE Florida #36	10-28-13	James Taylor
275	Robert	891570175	10-28-13	Robert

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#	NAME	ADDRESS	DATE	SIGNATURE
219	TERRI WHITMER	407 W. Acacia Hemet, Ca	10-23-13	TERRI WHITMER
220	Daniel Whitmer	407 W. Acacia Hemet, Ca	10-23-13	D. Whitmer
221	JEFF MARSH		10.23.13	Jeff Marsh
222	Catalina Nava	PO Box 2064 Hemet CA 92546.	10-24-13	Catalina Nava
223	Rosalie Zort	5574 NECTAR AVE Hemet CA 92544	10-24-13	Rosalie Zort
224	Adam Contreras	44730 E. Hemet CA 92544	10-24-13	ADAM CONTRERAS
225	Rene Gonzalez	22120 RAIN GROVE CT Hemet 92544	10/24/13	Rene Gonzalez
226	JAMES HARRIS	25015 W. Posey Dr. Hemet 92544	10-24-13	James Harris
227	Sandra Mozisek	26685 DARTMOUTH ST - Hemet 92544	10-24-13	Sandra Mozisek
228	Gary Carrillo	16195 Grande Isla circle 92551	10-24-13	Gary Carrillo
229	Rockey Murphy	2140 Mentone Blvd	10-24-13	Rockey Murphy
230	Diana Sann	16195 Grande Isla Circle 92551	10-24-13	Diana Sann
231	Charlene Taylor	26084 chelsea way Hemet	10-24-13	Charlene Taylor
232	Joe Abito	26084 chelsea way	10-24-13	Joe Abito
233	Max Verna	26084 chelsea way	10-24-13	Max Verna
234	Nancy Marion	41714 El Camino Dr.	10-24-13	N. Marion
235	Wendy Payne	Levo Court Ave Hemet, Ca	10/24/13	Wendy Payne
236	A Adams	41992 ORANGE Blossom Ln. W.	10/24/13	A Adams
237	Carl Gala	41517 MARIVE DR. Hemet, CA. 92344	10/24/13	Carl Gala

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#	NAME	ADDRESS	DATE	SIGNATURE
238	Alma ybanez	41858 E Acacia Hemet	10-24-13	[Signature]
239	Lisa Courthman	44728 Miller Wy Hemet	10-24-13	[Signature]
240	Cheryl DeLuna	45055 Florida ave Hemet 92544	10-24-13	[Signature]
241	Kelvin Smith	28837 montclair dr Hemet, CA	10-24-13	[Signature]
242	Gary Baggesser	718 Marquese-d Hemet CA 92543	10-24-13	[Signature]
243	Rebecca Cowley	25886 Faircrest Cr.	10-24-13	[Signature]
244	Angela Bell	25810 Steinfertl St.	10-24-13	[Signature]
245	Robert Bell	246 Glenmont Cr	10-24-13	[Signature]
246	W. Miller	25901 Schwartz Rd.	10-24-13	[Signature]
247	William Willis	41334 Torrey Pines Cr	10-24-13	[Signature]
248	Fernando Anaya	25564 Sharp dr Apt M	10-24-13	[Signature]
249	Sacoby March	25564 Sharp dr Apt M	10-24-13	[Signature]
250	Anthony	44533 Olive Ave	10/24/13	[Signature]
251	Robert L. Moore	10096 15th St Hemet CA 92543-7061	10/24/13	[Signature]
252	Tom Desmond	44773 Oringston Ave 92544	10-24-13	[Signature]
253	Gerri Hastings		10-24-13	[Signature]
254	Isabel Amoz		10-24-13	[Signature]
255	Sylvia Reyes	45055 St. Hwy 74 sp. 5 Hemet 92544	10-25-13	[Signature]
256	Jeremiah Njic	41597 Marine Dr Hemet, CA 92544	10/25/13	[Signature]

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#	NAME	ADDRESS	DATE	SIGNATURE
181	Carol Paine		11/1/13	
182	Cheryl Hill	13444 frame Ave, Hawthorne CA 90230	11/02/13	
183	Annelle Thompson	13444 frame Ave Hawthorne CA 90230	11/02/13	
184	Cheryl Jones	821 N. VALLEY VIEW HEMET, CA 92543	11/2/13	
185	S. JONES	4853 Millwild Dr S.J. CAL. 92583	11/2/13	
186	Clara M. M.	3313 C. TRU S STONARD CA 92303	11/3/13	
187	Taylor Terry	106 Gloria Dr Hemet CA 92545	11/3/13	
188	Audie Hart	11504. Kilby Kilby St CA 92545	11/3/13	
189	Jeff Swain	318 acacia St Hmt, Ca.	11/3/13	
190	Sheila Tice	318 acacia ave. Hmt, Ca.	11/3/13	
191	Alicia Lewis	316 acacia Hmt, Ca	11/3/13	
192	Winston Greene	27129 meridian Hemet	11/3/13	
193	Jer. Greene	27129 meridian Hemet	11/3/13	
194	T. McCullough	335 N. Aureli Way Hemet	11/4/13	
195	J. Njie	41597 marine Dr Hemet, CA	11/4/13	
196	Amanda Davis	3935 Roxbury Dr Hemet CA	11/4/13	
197	Coretta M.	2430 Tahoe Circle #13 Hemet 92545	11/5/13	
198	Kim Croteau	1703 Cooper St. Hemet CA 92545	11/5/13	
199	Jeremy Fainter	1220 West Zellers CA	11/5/13	

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#	NAME	ADDRESS	DATE	SIGNATURE
200	Panda Yarbrough	1220 W. Whittier Ave Hemet, Ca 92543	11/5/13	Panda Yarbrough
201	Borden Breen	1033 Hawthorn, Hemet, CA 92545	11/5/13	Borden Breen
202	Michelle	964 SUNRISE ST Hemet a 92545	11/6/13	Michelle
203	Alex Cuel	43703rd Wishing WY CA 92553	11-6-13	Alex Cuel
204	Vanessa	2913 Empire Ave Hemet CA 92544	11/6/13	Vanessa
205	Tasha Rossel	12053 Foreman Ave morenovalley CA 92553	11/7/13	Tasha Rossel
206	L. Melly	1911 Cole Amargosa Hemet 92545	11/7/13	L. Melly
207	Tom Dayton	1992 Flores St. Hemet, Ca. 92545	11-7-13	Tom Dayton
208	Aaron Martin	913 S Grand Ave Sp. 168 San Jacinto	11-7-13	Aaron Martin
209	Brandon Walkers	913 S Grand Ave Sp. 168 San Jacinto	11-7-13	Brandon Walkers
210	DORRIS	27785 California Ave	11-7-13	DORRIS
211	Tammy Rivers	4450 Cloudy wing Rd Hemet Ca 92545	11-7-13	Tammy Rivers
212	Henry WARREN	346 S. BUENA VISTA Hemet CA 92543	11/7/13	Henry Warren
213	Amber Watkins	2008 W. Acacia Ave Hemet Ca 92545	11/7/13	Amber Watkins
214	ESTER COSTA	26585 SANTA WAY " " 92544	11/7/13	ESTER COSTA
215	Frank Roy	1621 Cabrillo Dr Hemet CA 92543	11/8/13	Frank Roy
216	Denny	355 ALESSANDRO Hemet CA 92543		Denny
217	Steph	1500 REXFORD, HEMET, CA 92545	11/13	Steph
218				

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#	NAME	ADDRESS	DATE	SIGNATURE
161	JEFF GWIN	2354 Antigua Ct. Hemet, CA 92545	10/23	[Signature]
162	JESS Young	Hemet CA 92543	10/23	[Signature]
163	Kangni K Khadka	788 Juniper St 92545	10/23	[Signature]
164	Boi Austin	207 N. Cornell 92544	10/23/13	[Signature]
165	Art Schneider	220 S. EIR ST APO. 53 Hemet 92543	10/23/13	[Signature]
166	Bianca Cardenas	5200 Canyon Crest Dr 93 Riverside 92507	10/25/13	[Signature]
167	Jason Caruso	310 Rainier Hemet CA.	10.26	[Signature]
168	James Brown	851 San Ynez Hemet Ca		[Signature]
169	Stevie Williams	[Signature] Hemet Ca.	10.27	[Signature]
170	Rich Richards	Hemet CA	10.28	[Signature]
171	Bobby Austin	2375 W Acacia Ave Hemet, Ca	10/28	[Signature]
172	Albert Edwards	14445 W Florida Ave Hemet CA	10/30	[Signature]
173	Brandon J. Miller	461 Westminster Pl. Hemet CA	31 Oct 13	[Signature]
174	Mike Arnold	200 N. Lyon Ave Sp 144 Hemet, CA. 92543	1/10/13	[Signature]
175	Picky Thompson	9170 Windsor St.	11/1/2013	[Signature]
176	Sunder Cason	PO Box 712 Hemet CA 92545	11.1.13	[Signature]
177	DAN SCHAD	41344 STETSON AVE CA 92544	11.1.13	[Signature]
178	Kirk Dannel	10737 Mimoso Hill Ct	11/1/13	[Signature]
179	Kyle Power	25419 CEDAR ST	11/1/13	[Signature]
180	Samantha Kimball	41167 mayberry Ave Hemet CA 92544	11/1/13	[Signature]

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#	NAME	ADDRESS	DATE	SIGNATURE
	Richard Reg	219 S Santa St	11-28-13	
	Judy G	9100 Thornton Ave	11-30-13	
	JACK A	427 Rowan Ct	12-1-13	
	T. Will.	2770 W. Devonshire	12-4-13	
	Katie Marlane	1175 N. 8th street Banning CA. 92220	12-4-13	
	Fernando Mendez	354 E Thornton Ave		
	ISHMAE MOHAMMED	2168 ROSEMARY CT. HEMET CA	12-6-13	
	TED TETZLAFF	1555 SONORA DR. HEMET CA	12-7-13	
	Lupe Soto	17377 Valley Blvd Sp 45	12-7-12	
	Ellott Mayfield	41447 Shepherd Palm way	12-8-13	
	Elvira Escamilla	214 may flower place	12-9-13	
	BRANDON LEE WIDNER	44099 Highlander Dr. Temecula CA 92592	12/11/13	
	George Byren	125 Linden St. Hemet Ca 92543	12/11/13	
	Riggin	2064 W ACACIA AVE	12-12-13	
	Jeff Faus	575 S. Lyon 134 562-335-4143	12-13-13	
	Celena Laredo	26930 Grace Ln 92545	12-13-13	
	Guarido Thoret	2382 E Devonshire hemet ca 92544	12/14/13	
	Ridge Torres	375 E 2nd St San Jacinto CA.	12/14/13	
	Steve Holt	2382 E. Devonshire Ave Hemet CA 92544	12/14/13	

THANK YOU FOR YOUR SUPPORT



AGENDA # 12

Staff Report

TO: Honorable Mayor and Members of the Hemet City Council

FROM: Wally Hill, City Manager *Wally Hill*
Deanna Elliano, Community Development Director *[Signature]*

DATE: May 13, 2014

RE: **ZONING ORDINANCE AMENDMENT (ZOA) NO. 14-003 (Temporary Sign Regulations)** A city-initiated amendment to Chapter 90 (Zoning) of the Hemet Municipal Code modifying Article XXXVI (36) (Signs Generally) of Chapter 90 of the Hemet Municipal Code pertaining to regulations for temporary signage.

RECOMMENDED ACTION:

That the City Council:

1. *Introduce by title only, and waive further reading of **Ordinance Bill No. 14-022** approving Zoning Ordinance Amendment No. 14-003 as recommended by Planning Commission Resolution No. 14-013 to amend Chapter 90 of the Hemet Municipal Code by amending Chapter 90, Article XXXVI (36), of the Hemet Municipal Code pertaining to regulations for temporary signage.*

BACKGROUND:

The proposed Zoning Ordinance Amendment was initiated by the Planning Commission and Planning staff in response to complaints we received from some members of the business community regarding the enforcement of the City's existing codes for temporary signs. "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. In some cases, a Temporary Sign Permit is required prior to the installation of a temporary sign. The overall intent of the "temporary sign" is that it is erected for a limited duration for specific promotional advertising purposes.

Many businesses within the City have taken liberties with the provisions of the existing regulations for temporary signs, having erected them without obtaining a permit, or leaving them up and on display for long periods of time. This creates conflict because the City wants to be "Business Friendly" but is also charged with monitoring and enforcing City Ordinances, including sign regulations. Staff also receives complaints from members of the community who think the temporary signs create visual blight in the City's prime commercial corridors, and send the wrong message about the quality of the City. For many communities, sign regulations are usually some of the most debated regulations in Municipal Codes. The goal is to achieve a balance between appropriate and effective signage, and community values and aesthetics. 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.

Cities have the ability to regulate temporary signage, but any such regulations must only consider restrictions such as the location, duration, and size of the sign, 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.

During this comprehensive review of the City's temporary sign codes, 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. During the review 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. Throughout the sessions, the Commission endeavored to appropriately balance requests from the business community with protecting the City in terms of potential liability and the prevention of visual clutter/visual blight.

Based on the feedback from the work studies, staff and the City Attorney were directed to prepare a comprehensive ordinance updating the City's sign code regarding temporary signs. The Planning Commission conducted a public hearing for the proposed ZOA on April 15, 2014, and unanimously recommended approval of the proposed ordinance amendment. The Planning Commission resolution No. 14-009 recommending adoption of the ordinance amendment to the City Council is included as Attachment No. 2.

DESCRIPTION:

The proposed Ordinance (included as Exhibit 1A), 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.

Attachment No. 3 is a summary table of the proposed changes to the code in terms of the temporary signage provisions in comparison to the existing regulations. As noted in the table, several sign types were not previously addressed or allowed in the code. Attachment No. 4 provides photo illustrations of the various sign types that are addressed in the proposed ordinance.

In preparing for the work studies regarding temporary signs, staff reviewed and compared the sign codes for 7 other cities, including Corona, Moreno Valley, Murrieta, Ontario, Rancho Cucamonga, San Jacinto and Temecula; and the County of Riverside, to provide a comparison with our existing and proposed standards. Overall, with the proposed revisions as recommended by the Commission and the Chamber of Commerce, Hemet's new regulations for temporary signage for the business community is much more comprehensive and less restrictive than many other cities and the county. In responding to questions 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. However, 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.

Brief Summary of Significant Proposed Changes:

Banner Signs (Section 90-1275(c)(1) – page 29 of Exhibit A). *Existing Definition:* Banner sign means any sign printed or displayed upon cloth or other flexible material, with or without a frame.

The length of time that banners could be displayed has been increased, and more options and clarity regarding the locations and sizes of the banners were added. In addition, the proposed Ordinance adds three new sub-categories of banner signs to include Theatrical Event, Community Event, and Award Banners. Generally, a maximum of two are permitted at any one time for up to 45 days (existing Code allows 30 days) and allows for one banner to be replaced with one cane sign. In addition to the two banner signs, an Award Banner may be displayed for up to one year.

Cane Signs (Section 90-1275(c)(2) – page 31 of Exhibit A). *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.

This type of sign is currently prohibited in the code. The ordinance creates this as a new category of temporary sign allowed only in conjunction with a special event (like a grand opening), or in exchange for one normal banner sign. However, cane signs are not permitted in the Downtown D-1 or D-2 Zones, due to their pedestrian orientation. The number of cane signs displayed shall be approved by the Community Development Director for a maximum of 14 days. There are strict locational requirements to avoid visual distraction and clutter.

Open House Signs (Section 90-1275(a)(4) – page 27 of Exhibit A). *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.

This is a new category of sign that allows for the placement of off-site real estate “open house” directional signs in the public right of way without a permit, subject to time and place restrictions. Signs shall not exceed 2 feet by 3 feet, and must be removed by the owner of the sign (realtor) no later than 6:00 pm. These types of signs are intended for the residential re-sale marketing of homes, not new subdivisions, which have their own sign provisions.

On-Site Directional Signs (Section 90-1249(1) – page 16 of Exhibit A). *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.

This is a new category of sign that allows for the placement of multi-panel directional signs within shopping centers as part of a new or amended Master Sign Program, and will provide for better identification of business that are located further back from the main street frontage in the larger

commercial centers.

Promotional Poster Frame Signs (Section 90-1275(c)(5) – page 32 of Exhibit A). *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.*

This is a new category of sign that allows for the placement of temporary signs on the side of a building for drive through establishments. The frame would require a one-time sign permit and a building permit and once approved would allow for unlimited copy change without the need for additional permits. The ordinance establishes maximum number of signs allowed and the maximum size of the poster frames.

Portable Menu Signs (Section 90-1275(c)(6) – page 33 of Exhibit A). *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.*

This is a new category of sign that allows for the placement of removable, temporary, freestanding signs intended for pedestrian traffic to draw attention to eating places and/or to Downtown businesses in the D-1 and D-2 zones. One such sign is allowed per business without a permit, subject to the size and locational requirements. The signs would be placed inside the businesses at the close of business each day.

LED Display Signs (Section 90-1251(3)g. – page 20 of Exhibit A). *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.*

This is a new category of sign allowed within existing or newly constructed freestanding (parcel) signs. The proposed provisions allow for the ability to represent additional businesses within a center or special promotions, and the associated regulations will reduce distractions by limiting intensity of lighting, prohibiting animated or simulated motion, and prohibiting the use as a billboard for off-site advertising.

Hand-held Signs (section 90-1280 – pg. 35 of Exhibit A) These types of signs for commercial businesses are currently prohibited in the code, and are proposed to remain as such in the ordinance. In 2009, the City Council had directed staff to “stay” any enforcement of these signs during the recession. Staff brought this issue up with the Commission who recommended that either: the ordinance continue to prohibit these signs and they should be enforced like the other sign codes; or if the Council wanted to allow them, then standards for these signs should be should be adopted in the code.

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. Staff and the City Attorney prepared the draft ordinance in response to the direction and comments received in the work study sessions.

On April 15, 2014, the Planning Commission unanimously recommended adoption of the proposed Ordinance to the City Council when it adopted Planning Commission Resolution No. 14-009 (Attachment No. 2).

On May 2, 2014, the City published a notice in the Press Enterprise of the holding of a public hearing before the City Council on May 13, 2014 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 relate 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.

FISCAL IMPACT:

There is no direct fiscal impact resulting from the adoption of Ordinance Bill No. 14-022 and the implementation of ZOA14-003.

CONCLUSION:

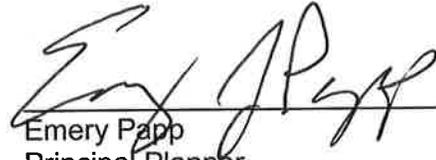
The proposed Ordinance will allow the orderly installation and display of temporary signs to benefit the business community, while ensuring the safety, quality and overall appearance of Hemet's commercial corridors by avoiding undue visual distractions and clutter.

Respectively Submitted,



Deanna Elliano
Community Development Director

Prepared by,



Emery Papp
Principal Planner

Attachments:

1. City Council Ordinance Bill No. 14-022
Exhibit 1A Proposed modifications to Chapter 90, Article XXXVI (36), of the Hemet Municipal Code
2. Planning Commission Resolution No. 14-009 recommending the City Council approve City Council Ordinance Bill No. 14-022 adopting ZOA14-003 (without attachments).
3. Summary Table of proposed Temporary Sign Code changes
4. Visual Glossary of Types of Temporary Signage

Attachment No. 1

**Ordinance Bill No.
14-022 (ZOA 14-003,
Temporary Signage
Regulations)**

**City Council
May 13, 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 Ordinance; and,

WHEREAS, on May 13, 2014, the City Council held a duly noticed public hearing on the adoption of this 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

1 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is
2 no possibility that the activity in question may have a significant effect of the
3 environment; and

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

6
7 **SECTION 1: ENVIRONMENTAL FINDINGS**

8
9 The City Council, in light of the whole record before it, including but not limited to, the
10 City's Local CEQA Guidelines and Thresholds of Significance, the direction of the City
11 Council at its meeting on May 13, 2014 and documents incorporated therein by
12 reference, and any other evidence (within the meaning of Public Resources Code
13 Sections 21080(e) and 21082.2) within the record or provided at the public hearing of
14 this matter, hereby finds and determines as follows:

15 **CEQA:** The City has analyzed this proposed project and has determined that it is
16 exempt from the California Environmental Quality Act ("CEQA") under section
17 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects
18 that have the potential for causing a significant effect on the environment. Whereas
19 here, it can be seen with certainty that there is no possibility that the activity in question
20 may have a significant effect on the environment, the activity is not subject to CEQA.
21 The addition of this section to Chapter 90 only relates to regulations for Temporary
22 Signage. It does not relate to any physical project and will not result in any physical
23 change to the environment. Therefore, it can be seen with certainty that there is no
24 possibility that this Ordinance may have a significant adverse effect on the environment,
25 and therefore the adoption of this Ordinance is exempt from CEQA pursuant to Section
26 15061(b)(3) of the CEQA Guidelines.

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SECTION 2: ZONING ORDINANCE AMENDMENT FINDINGS

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

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

The proposed zoning ordinance amendment is in conformance with the latest adopted general plan for the City in that adopting regulations and provisions for temporary 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 a fundamental objective of the City's general plan and non-residential zoning program to ensure well designed signage (Community Design Goal CD-6), and Community Design Policy 6.1 which encourages interesting, creative and unique approaches to sign design to be complimentary with buildings and be complimentary with the desired streetscape.

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

The Zoning Ordinance Amendment protects the public health, safety and welfare by recognizing the right of individuals and business owners to provide temporary advertising while maintaining the City's legitimate interest in local land use regulation and public safety. This Zoning Ordinance maintains zoning requirements through the regulation of temporary signage which will reduce the potential for visual clutter and visual blight, preserve the quality and character of commercial districts, and enhance the safety of residents in such a manner to avoid visual distractions and avoid blocking line of sight to and from moving vehicles.

1 **SECTION 3. 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 4: 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 5: 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 6: 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 May 13, 2014.

25 **APPROVED AND ADOPTED** this ___ day of _____ 2014.

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Larry Smith, Mayor

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ATTEST:

APPROVED AS TO FORM:

Sarah McComas, City Clerk

Eric S. Vail, City Attorney

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

4 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the
5 foregoing Ordinance was introduced and first read on the 13th day of May 2014, and
6 had its second reading at the regular meeting of the Hemet City Council on the ___ day
7 of _____, 2014, and was passed by the following vote:

8 **AYES:**

9 **NOES:**

10 **ABSTAIN:**

11 **ABSENT:**

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13 _____
14 Sarah McComas, City Clerk

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Attachment No. 1A

**Proposed
Modifications
Chapter 90, Article 36 of
HMC**

**City Council
May 13, 2014**

EXHIBIT "A"

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 signs permitted in all or multiple zones.
- Sec. 90-1250. Permanent signs generally permitted in residential zones.
- Sec. 90-1251. Permanent signs permitted in commercial zones.
- Secs. 90-1252—90-1254. Reserved.
- Sec. 90-1255. Permanent signs permitted in church and institutional zones (S-1, I).
- Secs. 90-1256—90-1260. Reserved.
- Sec. 90-1261. Permanent signs permitted in parking zones.
- Secs. 90-1262—90-1270. Reserved.
- Sec. 90-1271. Permanent signs permitted in manufacturing zones (M-1 and M-2).
- Sec. 90-1272. Permanent signs for shopping centers and big box uses.
- Sec. 90-1273. Permanent signs for automobile service stations and drive-in restaurants
- Sec. 90-1274. Permanent signs for outdoor sales.
- Sec. 90-1275. Temporary signs.
- Secs. 90-1276—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

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

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.

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 organization that has received a permit from the City to conduct the event.

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 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.

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.

Portable sign means a 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.

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.

Real estate sign means a sign announcing that a building, premises, parcel or portion thereof 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.

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.

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.

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 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.

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. 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, 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, all 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. 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) *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

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.

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.

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.

(2) *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.

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) *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.

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.

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 curblineline. 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 police 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) *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 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.

(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 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.

Secs. 90-1262—90-1270. Reserved.

Sec. 90-1271. Permanent 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 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.

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. 90-1274. Permanent signs 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. 90-1275. 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).

- (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.*

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.*

- 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.

(1) *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.*

- 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 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.
- 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:
 - 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.

- g. *Exceptions.*
- 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.
- 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 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)(e).

(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 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 provided that they do not cover more than 50% of each window pane (25% in the Downtown zones). Window tinting is not considered a temporary window sign under this section provided that views into the establishment are not completely obscured and 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).
- c. *Number.* One portable menu sign is allowed per business.
- d. *Size.* A portable menu sign shall not exceed 5 square feet per sign face.
- 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.
- f. *Removal.* Portable menu signs shall not be displayed when the establishment is closed to the public.
- g. *Illumination.* Portable menu signs shall not be illuminated.

(7) *Balloons.*

- 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. This section shall not apply to the Hemet Auto Mall Specific Plan, which specifies requirements for this type of temporary signage.
- b. *Permit interval.* No establishment shall display a large balloon more than two times per year.
- c. *Time limitations.* A large balloon shall be displayed for a maximum of 5 consecutive days.
- 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.
- 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.

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 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

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

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. 90-1276—90-1279. Reserved.

Sec. 90-1280. Prohibited signs.

The following signs are prohibited in all zones:

- (1) Temporary signs, except as specifically permitted in sections 90-1245 and 90-1275. Prohibited temporary signs include, but are not limited to, stake signs (except real estate open house 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).
- (4) Inflatable signs, except balloons as permitted under section 90-1275.
- (5) Mobile signs.
- (6) Moving and flashing signs.
- (7) Off-site signs, except for off-site directional real estate signs as permitted under section 90-1275.
- (8) Portable commercial signs, except temporary signs as permitted under section 90-1275.
- (9) Roof signs.
- (10) 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.
- (11) 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
Resolution No. 14-009

City Council
May 13, 2014



CITY OF HEMET
Hemet, California

PLANNING COMMISSION
RESOLUTION NO. 14-009

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 No. 14-009
ZONING ORDINANCE AMENDMENT NO. 14-003
TEMPORARY SIGN REGULATIONS

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

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

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

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

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

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

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

Planning Commission Resolution No. 14-009
ZONING ORDINANCE AMENDMENT NO. 14-003
TEMPORARY SIGN REGULATIONS

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and visual blight, preserve the quality and character of commercial districts, and enhance the safety of residents in such a manner to avoid visual distractions and avoid blocking line of sight to and from moving vehicles.

SECTION 3: PLANNING COMMISSION ACTIONS

The Planning Commission hereby takes the following actions:

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

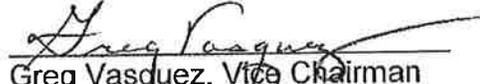
PASSED, APPROVED AND ADOPTED this 15th day of April, 2014, by the following vote:

AYES: Vice Chairman Vasquez, and Commissioners Perciful, Overmyer and Crimeni

NOES:

ABSTAIN:

ABSENT: Chairman Gifford


Greg Vasquez, Vice Chairman
Hemet Planning Commission

ATTEST:


Melissa Couden, Records Secretary
Hemet Planning Commission

Attachment No. 3

Summary Table of Proposed Temporary Sign Code Changes

City Council
May 13, 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 were discussed by the Planning Commission at four separate work study sessions (Nov. 5, 2013, Dec. 17, 2013, Jan. 21, 2014 and Feb. 18, 2014) and were recommended for approval by the City Council on April 15, 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.

BANNER SIGNS		
Provision	Existing Regulation	Planning Commission Proposed Regulations
Permit duration per banner	30 days in association with a Temporary Special Event or Sale	<ul style="list-style-type: none"> • 45 days in association with a Temporary Special Event or Promotion • 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
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 allowed at a time	Not specified in code	One allowed per building elevation up to a maximum of 2 banners
Size of banner allowed	Not specified in code	<ul style="list-style-type: none"> • 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. • In no case shall the maximum area of the banner exceed 100 sq. ft.
Locations where banners may be placed	<ul style="list-style-type: none"> • On the property of the business/event • Placed on the building • Other locations if approved by the CDD (except areas prohibited per the existing code below) 	<ul style="list-style-type: none"> • On the property of the business/event (no off-site signs) • Placed on the building • 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. • Banners may be placed on building elevations facing vacant lots if approved by the CDD and locational circumstances warrant the need for additional visibility. • 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
Locations where banners are prohibited	<ul style="list-style-type: none"> • Cannot extend above the roof -line or be mounted on the roof • Cannot be placed so the banner is facing on private property – must be street or driveway • Cannot be placed in in areas that limit driver visibility or 	Same as existing code, except for the exceptions noted above.

	project over the public right of way <ul style="list-style-type: none"> • Cannot be located on fences or hand-rails • Cannot advertise offsite businesses or events 	
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 <i>(Needs definition)</i>	Not specified in code	New Category- all provisions apply except that the banners must be removed within 5 days of the conclusion of the event
Community Event /Non-profit Banner <i>(Needs definition)</i>	Not specified in code	New Category- 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" <i>(Needs definition)</i>	Not specified in code	New Category- 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	<ul style="list-style-type: none"> • Cane signs shall only be allowed in conjunction with

	prohibited under the code	<p>grand openings, or an approved Special Event Permit, or parking lot sale.</p> <ul style="list-style-type: none"> • Must be removed at the conclusion of the event or grand opening and in no case remain for longer than 14 days. • The number and location of cane signs shall be approved by the CDD in conjunction with the special event permit. • Cane signs shall not be located within the City Right-of-Way, including landscaped parkway, or the required setback areas. • Cane signs shall not be placed on any building or on a roof. • Cane signs shall not be permitted in the Downtown zones (D-1 and D-2) <p>In addition to the above requirements, to allow the following:</p> <ul style="list-style-type: none"> • 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.
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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.

LED MESSAGE DISPLAY SIGNS		
Provision	Existing Regulation	Planning Commission Proposed Regulations
Permit Required	<ul style="list-style-type: none"> LED message signs are not currently allowed in the code, and no signs are allowed to flash, move or be animated. A stand- alone digital bulletin board for informational, time/temperature, non-profit purposes, and community uses may be permitted as a monument sign. No LED billboards or other signs advertising offsite uses 	<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"> 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). An LED display board sign shall only be allowed when

		<p>integrated into an existing freestanding sign, or placed into a new freestanding sign.</p> <ul style="list-style-type: none"> • No LED display board sign shall be located closer than one thousand two hundred fifty (1,250) feet to another LED display board sign. (PC did not want to have a distance requirement between signs - thought that the cost would control application requests) • Each individual electronic "panel" or display shall appear for a period of at least eight seconds. The sign, or an individual tenant "panel" shall remain blank (no message or display) for at least one second between separate images. Displays shall not be animated, flash, scroll, fade in and out, or move across the changeable copy sign face. • The light intensity of the LED panel shall be reduced during nighttime hours. • The sign may display noncommercial civic messages such as Civic Events, Fire or Police emergencies, or other City-approved public service announcements. • Any such sign <u>shall not be used as a billboard for off-site advertising.</u> • 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. • If an LED display panel is incorporated into a center's freestanding sign, then no temporary banner signs shall be permitted within that center
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		<p>except for grand openings and other approved special events.</p> <ul style="list-style-type: none"> • Other regulations deemed necessary by the Planning Commission, or adopted as part of a master sign program for a commercial center. • LED signs monument signs for individual commercial pads shall also be allowed (restaurants, pharmacies, etc.)
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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.

PENNANTS		
Provision	Existing Regulation	Proposed Regulation
Permit Required	<ul style="list-style-type: none"> • Section 90-1250(c)(1) of the Code currently allows pennants in residential zones where an approved model home marketing complex is located • (Have been allowed for Used Car Parking Lot Sales events 	<ul style="list-style-type: none"> • A permit issued in conjunction with a Grand Opening shall be valid for no more than 14 days from the date it is issued. • Any use of pennants associated with any other type of use permit, e.g., Special Event Permit, Parking Lot Car Sale

	with approval of a Temporary Use Permit) <ul style="list-style-type: none"> • (Have been allowed for Grand Opening events) 	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"> • Pennants may be attached from a building to parking lot light fixtures only with owner's prior written permission.

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.

TEMPORARY WINDOW SIGNAGE		
Provision	Existing Regulation	Proposed Regulation
Permit Required	Permit Not Required	Permit Not required
Window Coverage	<ul style="list-style-type: none"> • The maximum total amount of window coverage shall not exceed 50% of any individual window pane • Any such window signs placed on or within three feet of the window shall be non-illuminated except for "Open/Closed" signs 	Maintain all "other" existing requirements and implement the following new requirements: <ul style="list-style-type: none"> • 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. • No dark window tint or other window coverings shall be allowed that completely obscures the window area. • Any establishment selling alcohol, tobacco, or tobacco related products shall be limited to a maximum total window coverage of 25% of the window area.

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.

PROMOTIONAL POSTER FRAMES		
Provision	Existing Regulation	Proposed Regulation
Permit Required	Not specified in Code	<ul style="list-style-type: none"> • 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).
Number of Poster frames permitted	Not specified in Code	<ul style="list-style-type: none"> • No more than four such permanently mounted poster frames may be utilized per businesses.
Locations where Poster frames are permitted	Not specified in Code	<ul style="list-style-type: none"> • Permanently mounted poster frames may be located where visible from within the drive-through aisle only. • Permanently mounted poster frames may be used for businesses having drive-through facilities. • Permanently mounted poster frames must be attached to the building, allowing for unlimited changeable poster copy in pre-approved, designated locations.
Size of Poster frames allowed	Not specified in Code	<ul style="list-style-type: none"> • Permanently mounted poster frames shall not exceed six square feet each (e.g. 2 feet wide by three feet tall).
Materials Allowed	Not specified in Code	<ul style="list-style-type: none"> • Permanently mounted poster frames must be made of durable and attractive materials approved by the CDD.
Type of Advertising allowed	Not specified in Code	<ul style="list-style-type: none"> • Permanently mounted poster frames shall not be used to advertise alcohol, tobacco, or tobacco related products.

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"> • 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"> a. Restaurants b. Coffee Shops c. Delicatessens d. Bakeries e. Downtown Businesses • No other business or establishment may use a portable menu or "A" frame sign.
Number of Portable Menu Signs Allowed	Not specified in Code	<ul style="list-style-type: none"> • One sign per business
Size of Portable Menu Signs Allowed	Not specified in Code	<ul style="list-style-type: none"> • Shall not exceed 5 square feet per sign face
Locational/other Standards	Not specified in Code	<ul style="list-style-type: none"> • The following size and locational standards shall apply: <ul style="list-style-type: none"> a. Only one such sign may be displayed at any time. b. Must be located within 5 feet of the front main entrance to the establishment. c. Must maintain ADA clearance around the sign at all times for pedestrian and disabled persons access. d. Shall not exceed 5 square feet per sign face • Must be removed and placed indoors when the establishment is closed. • Portable menu or "A" frame signs shall be non-illuminated.

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"> • Exempt, no permit required when the regulations stipulated below have been observed:
Locations where "open House" signs are permitted		<ul style="list-style-type: none"> • "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. • Signs shall not be posted to create a safety or litter hazard by adhering to the following criteria: <ol style="list-style-type: none"> a. Sign shall not exceed two feet by three feet and no more than three feet high from the ground. b. Sign shall be securely fastened to the ground – not fixed to another sign, tree, structure, utility or mechanical equipment. c. Sign shall be placed no closer than ten feet from a corner or drive approach to preserve driver sight visibility. d. Signs shall not be placed within any center median. e. No more than three signs per business, entity, or person shall be located on a single

		<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"> • 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.
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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.

BALLOONS		
Provision	Existing Regulation	Proposed Regulation
Permit Required	<ul style="list-style-type: none"> • A temporary special event sign permit may be issued for a large balloon for not more than 15 days in any 90-day period. 	<ul style="list-style-type: none"> • 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. • No establishment shall display a large balloon more than two times per year.
Other Requirements	<ul style="list-style-type: none"> • Zones. Large balloons (larger than three square feet) are permitted in the C-1, C-2, and 	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"> • Number. Only one large balloon is permitted at any one time on a site. • 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. • 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. 	<ul style="list-style-type: none"> • The balloon must be maintained in a clean and attractive manner at all times it is on display. • The balloon may not be internally illuminated at any time. • Method of tie down or tethering shall be approved by the Building Official prior to installation. • A deflated balloon shall immediately be removed until it has been repaired. • 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."
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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.

ON-SITE DIRECTIONAL SIGNS		
Provision	Existing Regulation	Proposed Regulation
Permit Required	Not specified in Code	<ul style="list-style-type: none"> • Planning Department Permanent Sign Review shall be required • Building Permit required
Other Requirements	Not specified in Code	<ul style="list-style-type: none"> • 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. • On-site directional signs may be used within centers having

		<p>25,000 or more square feet of 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">• On-site directional signs may include individual tenant panels that can be changed.• On-site directional signs may include corporate logos.• On-site directional signs shall be at a "human scale" and shall incorporate small scale panels.• 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.
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Attachment No. 4

Visual Sign Glossary

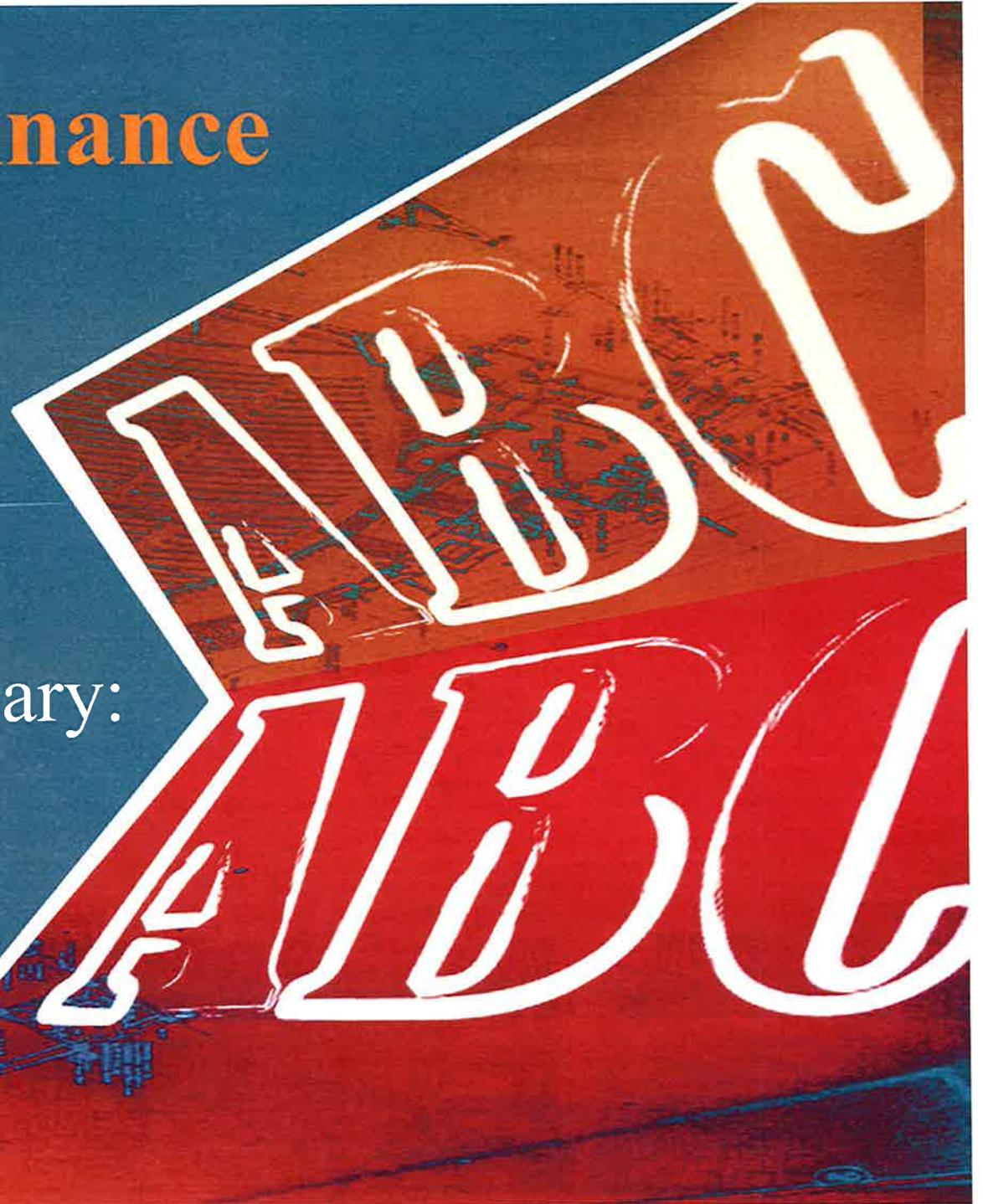
City Council
May 13, 2014

Zoning Ordinance Amendment 14-003

Visual Sign Glossary:

City Council Meeting

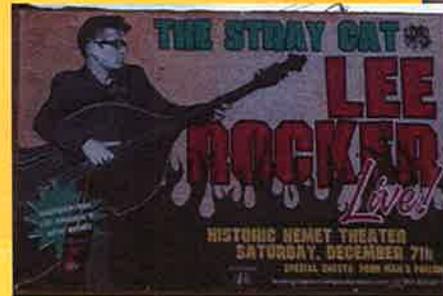
May 13, 2014



Visual Glossary of sign types



Banner Sign



Community Event Banners



Award Banner



Pennants



Bunting

Visual Glossary of sign types (cont.)



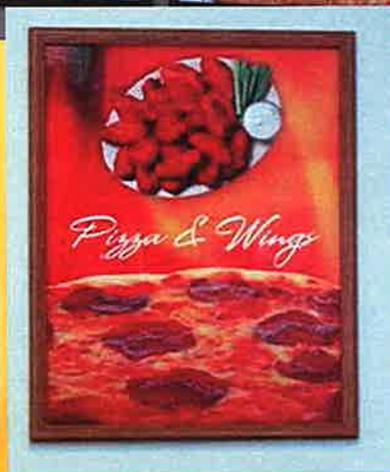
Character Balloon



Graphic/Picture Tint Window Sign



Large Balloon



Promotional Poster Frame Signs



Window Sign

Visual Glossary of sign types (cont.)



Cane, "Feather" Sign



Stake Signs



Portable Menu Sign



Animated Inflatable Sign



Non-Animated Inflatable Sign



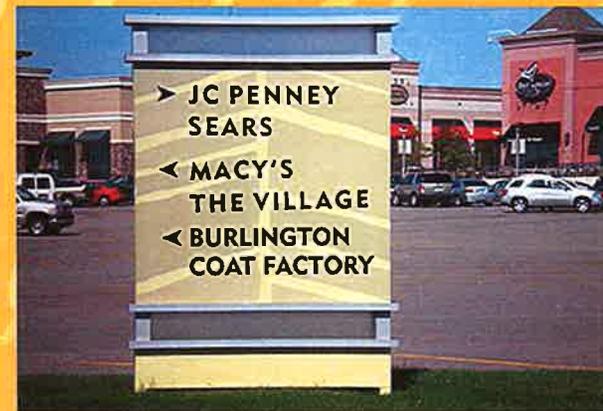
Visual Glossary of sign types (cont.)



Off-Site Directional Real Estate ("Open House") Signs

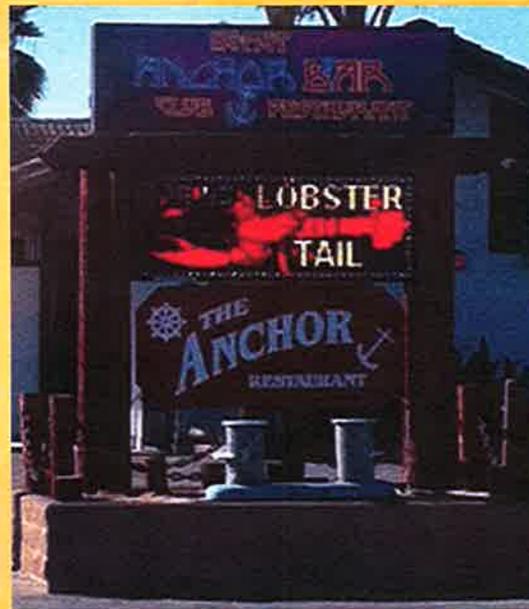
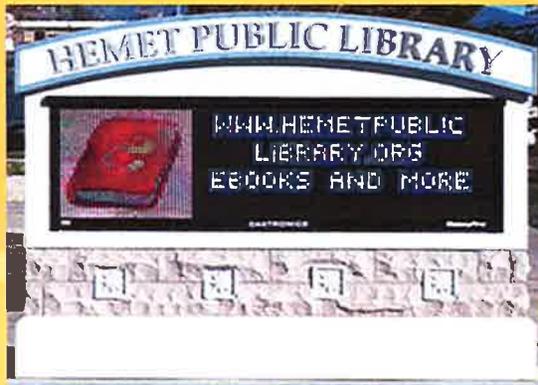


On-Site Directional Signs



Visual Glossary of sign types (cont.)

LED Signs



Visual Glossary of sign types (cont.)

Hand Held Signs





AGENDA # 13

Staff Report

TO: Honorable Mayor and Members of the Hemet City Council

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

DATE: May 13, 2014

RE: **ZONING ORDINANCE AMENDMENT (ZOA) NO. 14-001 (Updates to the Agricultural Zone, Open Space Zone and Animal Keeping provisions)**- A city-initiated amendment to Chapter 90 (Zoning) of the Hemet Municipal Code to update certain zoning and development regulations in the agriculture zones, open space zones, and associated animal keeping regulations, to achieve consistency with the City's adopted General Plan.

RECOMMENDED ACTION:

That the City Council:

1. *Introduce by title only, and waive further reading of **Ordinance Bill No. 14-014** approving Zoning Ordinance Amendment No. 14-001 as recommended by Planning Commission Resolution No. 14-007 to amend Chapter 90 of the Hemet Municipal Code by updating certain zoning and development standards in the agriculture zones, open space zones, and animal keeping regulations.*

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 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 at a later date.

On April 15, 2014, the Planning Commission held a noticed public hearing and adopted Resolution No. 14-007 (Attachment 2) recommending City Council approval of ZOA14-001, which updates 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. The Planning Commission recommended minor revisions to the proposed animal keeping regulations as discussed later in the staff report and incorporated into the proposed amendments.

DESCRIPTION:

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 amendments are attached to this staff report as Exhibit A1, Exhibit A2, and Exhibit A3 of the proposed Ordinance Bill No. 14-014. Exhibits A1 (Article VII Agriculture Zones) and A2 (Article XXXIII Open Space Zones) show the proposed text changes in red-line strikeout. Exhibit A3 (Section 90-77 Animal Regulations and Keeping Requirements) shows the replacement text for the section; the text to be rescinded is shown in Attachment 3.

Listed below are the main components of the proposed text amendments:

Article VI (Agriculture Zones)

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 existing land in the City zoned for agriculture, and the importance of maintaining land for the managed production of resources within an urban/suburban setting, the proposed changes in ZOA14-001 are designed to allow and support agricultural uses within the context of the designated General Plan land use categories.

- *Establishment of Zones.* There are currently three agriculture zones in Article VII: A (Agriculture); A-1-C (Light Agriculture); and A-2-C (Heavy Agriculture) in the zoning ordinance; however, all three have numerous minimum lot acreage requirements shown on the land use map. The latter two zones are County of Riverside zones that the City adopted when it annexed unincorporated County land. 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 A-1 zone would 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 with two minimum lot sizes – five acre and ten acre minimums.
- *Allowable Uses.* The amendment proposes to simplify and clarify the allowable use matrix by consolidating animal uses and referencing Sec. 90-77 for animal regulation and keeping requirements, consolidating horticulture uses, removing commercial, office, and mobile home park uses, and accommodating heavy agriculture uses in the A-2 zone. Attachment 4 outlines the proposed changes by comparing existing and proposed use by zone.
- *Development standards.* The proposed amendment generally retains the current development standards; however, it consolidates the numerous existing minimum lot acreage requirements shown on the zoning map into three categories, in order to establish consistency between the zoning ordinance and the zoning map. Proposed amendments to the zoning map will be presented to City Council at a later date. The three zones are the A-1 zone with a 1-acre minimum lot size; the A-2-5 zone with a 5-acre minimum lot size, and the A-2-10 zone with a minimum lot size of 10 acres. ZOA14-001 also establishes an allowable density of one dwelling unit per lot, plus the ability to place a secondary dwelling unit or farmworker housing in accordance with State law.

Article XXXIII (Open Space Zones)

- *Establishment of Zones.* The 2012 General Plan created a P (Park/Outdoor Recreation) and an OS (Open Space/Natural Resource) land use designation. The zoning ordinance currently has one OS (Open Space) zone that covers both recreational and natural resource uses. ZOA14-001 proposes 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
- *Allowable Uses.* The amendment proposes to create an allowable uses matrix in Article XXXIII that provides for outdoor recreational uses and activities in the OS-R zone and resource reserve uses in the OS-G zone.
- *Development standards.* The proposed amendment does not recommend any changes to the development standards of the Open Space zones; however, 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.

Section 90-77 (Animal regulations and keeping requirements)

ZOA14-001 proposes to repeal and replace Section 90-77 (Animal regulations and keeping requirements). Exhibit A3 to Attachment 1 shows the proposed section to be adopted. In general, the proposed regulations simply consolidate categories of animals (e.g., hogs, pigs, and pygmy pigs are consolidated into one category) and clarify existing standards. Additionally, the proposed amendment recommends reducing the minimum lot size for hens from one acre to 20,000 square feet in response to growing interest in backyard chicken-raising from people who prefer more organic eggs. The Planning Commission, at its meeting of April 15, 2014, concurred with the proposed amendment with one exception. The Commission recommended applying the Riverside County standard of five equine animals per acre up to a maximum of twenty to ensure that residents who currently meet the County standard would be compliant with the City standard in the event of incorporation. Staff agrees with this recommendation and has incorporated it into the proposed amendment by establishing a standard of five equine animals per acre up to a maximum of twenty in the A-1, A-2, RA, and R-1-40 zones.

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 to bring the zoning map into compliance with the General Plan land use map. Staff anticipates presenting applications to Planning Commission, and subsequently City Council, 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 the Planning Commission on April 15, 2014. No comments were received prior to or at the Planning Commission public hearing. Subsequently, a resident who lives in a single-family home on a 6,000 square foot lot in Page Ranch called to request that the proposed minimum lot size requirement of 20,000 square feet for chickens be reduced to accommodate her property. She would like to raise two hens to provide fresh eggs for her family. Conversely, City staff and code enforcement officers get a number of complaints every year from residents where chickens are being raised in standard residential neighborhoods. The current minimum lot size for raising chickens is one acre, and the proposed regulation will allow chickens on one-half acre lots.

On May 1, 2014, the City published a notice in the Press Enterprise of the holding of a public hearing before the City Council. At the time of the writing of this staff report, no comments have been received in response to that notice.

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.

FISCAL IMPACT:

There is no direct fiscal impact resulting from the adoption of Ordinance Bill No. 14-014 and the implementation of ZOA14-001. The proposed ordinance was prepared by and will be implemented by Planning staff.

Respectively Submitted,

Prepared By:



Deanna Elliano
Community Development Director



Nancy Gutierrez
Project Planning Consultant

Attachments:

1. 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 Article III (Special Uses and Conditions) Sec. 90-77 (Animal regulations and keeping requirements), which is to replace the existing section shown in Attachment 3.
2. Planning Commission Resolution No. 14-007 recommending the City Council approve City Council Ordinance Bill No. 14-007 adopting ZOA14-001 (without attachments).
3. Current Article III (Special Uses and Conditions) Sec. 90-77 (Animal regulations and keeping requirements), which is to be rescinded and replaced with Exhibit A3 of Attachment 1.
4. Agriculture zones allowable uses matrix comparison.

Attachment 1

City Council
Ordinance Bill No. 14-014



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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 **SECTION 1: AMENDMENT OF CHAPTER 90**

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

4 **SECTION 2: CEQA FINDINGS.**

5 This Ordinance is exempt from the California Environmental Quality Act ("CEQA")
6 under CEQA Guideline 15061(b)(3) because it can be said with certainty that there is no
7 possibility the proposed Ordinance may have a significant effect on the environment.
8 The proposed Ordinance does not relate to any physical project and will not result in any
9 physical change to the environment. Additionally, the proposed land use designations
10 were analyzed by the environmental impact report prepared for the comprehensive
11 update to the Hemet General Plan and adopted in January 2012. Therefore, it can be
12 seen with certainty that there is no possibility that this Ordinance may have a significant
13 adverse effect on the environment and, therefore, the adoption of this Ordinance is
14 exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

15 **SECTION 3: SEVERABILITY.**

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

24 **SECTION 4: EFFECTIVE DATE.**

25 This Ordinance shall take effect thirty (30) days from its passage by the City
26 Council of the City of Hemet.
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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 13th 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

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

I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing Ordinance was introduced and first read on the 13th day of May, 2014, and had its second reading at the regular meeting of the Hemet City Council on the 27th 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 at two minimum lot sizes:~~

1. ~~A-2-5: five acre minimum lot size~~
2. ~~A-2-10: ten acre minimum lot size~~

(Ord. No. 1552, § 2)

Sec. 90-182~~182~~183. - 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 Chapter 10), 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 section 90-182 A.9. 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 section 90-182 A.18.)			
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,	P	P	P

	see section 90-73. For animal keeping requirements see section 90-77).			
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 section 90-188 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 housing, and mobile homes built after 1986 when installed on permanent foundations when in accordance with <u>section 90-315(a)</u>	P	P	P
12.	Travel trailer park	G	G	G
C. Commercial Uses				
1.	Auction or sales yard	G	G	G
2.	Beauty shop		G	G
3.	Contractors equipment storage	G		
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			G
6.	Feed store including tack and other similar items	G	G	G
7.	Meat cutting and packing			G
8.	Real estate sales office		G	G
9.	Truck station including, but not limited to cartage, storage, maintenance weighing or transfer of agricultural commodities			G
10.	Recycling facility - nonpermanent (subject to a temporary use permit see <u>section 90-73</u>)	P	P	P
11.	Recycling facility - permanent	G	G	G
12.	Dentist and doctor's office on the site of an existing single-family home		G	
13.	Commercial recording studio on the site of an existing single-family home		G	
D. Manufacturing Uses				
1.	Oil production (excluding refining or processing)		G	G
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	G		
2.	Equestrian activities including, but not limited to riding academies, stables, and thoroughbred farms	G	G	P
3.	Game court - lighted (with ten-foot high court fencing)	G		
4.	Golf course and/or driving range	G		
5.	Hunt club including skeet ranges, trap ranges, and rifle ranges			G
6.	Lodge hall for civic, social, or fraternal organizations		G	G
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			G
9.	Skating rink, outdoor	G	G	G
F. Miscellaneous Uses				
1.	Church, temple synagogue or other religious facility including, but not limited to, parish house, convent, parsonage, monastery, religious school	G	G	G
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 as part of the conditional use permit		C	C
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)

AGRICULTURE (A) ZONE LAND USE MATRIX				
P = Permitted Use A = Administratively Permitted Use C = Conditionally Permitted Use X = Not Permitted REQUIREMENTS: Additional or explanatory regulations or requirements				
LAND USE	A-1	A-2-5	A-2-10	REQUIREMENTS
A. Agriculture and Natural Resources				
1. Animal keeping	P	P	P	Sec. 90-77
2. Commercial crop production including fruits, vegetables, flowers, and ornamental plants	P	P	P	
3. Feed store including tack and other similar items	A	A	A	
4. Fertilizer operation for farm animal manure including but limited to drying, stockpiling, storage, and sale	X	C	C	
5. Produce processing (canning, drying, freezing, packing) of food grown on the premises	X	P	P	Article XLI
6. Produce stands				
a. Permanent	P	P	P	Article XLI
b. Temporary	P	P	P	Sec. 90-73
7. Winery for grapes grown on the premises and incidental uses such as wine tasting, tours,	C	C	C	

AGRICULTURE (A) ZONE LAND USE MATRIX				
P = Permitted Use A = Administratively Permit Use C = Conditionally Permitted Use X = Not Permitted REQUIREMENTS: Additional or explanatory regulations or requirements				
LAND USE	A-1	A-2-5	A-2-10	REQUIREMENTS
sales				
8. Wildlife preserve and sanctuary	P/C	P/C	P/C	Sec. 10-3 and Sec. 90-77. A CUP is required if any exotic animals are associated with the use.
B. Residential Uses				
1. 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	P	P	P	Not subject to the maximum density requirements of Sec. 90-185
2. Secondary dwelling unit	P	P	P	Sec. 90-316(g)
3. Single family home	P	P	P	
C. Residential – Other				
1. Animal keeping	P	P	P	Sec. 90-77
2. Home occupations	P	P	P	Sec. 90-72
3. Residential accessory uses and structures	P	P	P	Sec. 90-186(e)
D. Education, Public Assembly, and Recreation Uses				
1. Fairgrounds	X	C	C	
2. Equestrian activities	A	P	P	
3. Commercial recreation	C	C	C	
E. Service Uses				
1. Animal Services				
a. Boarding/Training – day only	P	P	P	
b. Boarding/Training – overnight stays	A	P	P	
c. Grooming	A	P	P	
d. Veterinary clinic, animal hospital	C	C	C	
2. Bed and breakfast inn	C	C	C	
F. Industrial Uses				
1. Petroleum products distribution and storage for on-site agricultural use	X	P	P	
2. Mining, including extraction of sand, gravel, and soil.	X	C	C	A mining and reclamation plan per State and County standards is required as part of the CUP process
G. Transportation, Communication, and Infrastructure Uses				
1. Flood control facilities, including, but not limited to detention and retention basins, flood control channels	P	P	P	

AGRICULTURE (A) ZONE LAND USE MATRIX				
P = Permitted Use A = Administratively Permit Use C = Conditionally Permitted Use X = Not Permitted REQUIREMENTS: Additional or explanatory regulations or requirements				
LAND USE	A-1	A-2-5	A-2-10	REQUIREMENTS
2. Public facilities and utilities including but not limited to electric substations, waterworks facilities, and public safety facilities.	C	C	C	
3. Satellite dish antenna	P	P	P	
4. Wireless communication facility				Article XLVI
a. Minor facility	A	A	A	
b. Major facility	C	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-C	A-2-5-C	A-2-10-C	REQUIREMENTS
1.	Density (maximum units/gross acre) (Maximum number of single family dwelling units per lot)	None	None 1	None 1	None 1	Does not apply to farmworker housing or secondary units
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	40	40;sub;sub;	40;sub;sub;	40;sub;sub;	

	structure height.				
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. 90-185186. - 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.

(6)

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.

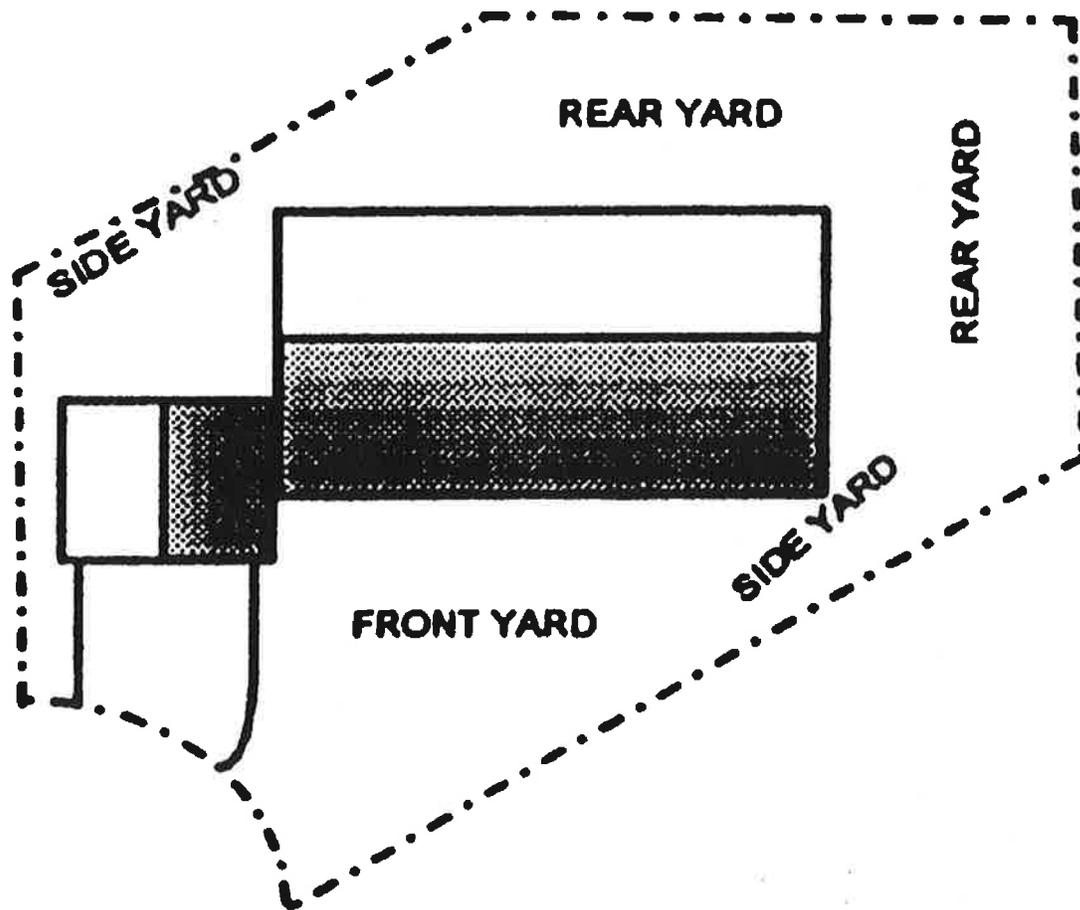


Figure 1: Unusually Shaped Lot Figure 1 to be removed

(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.

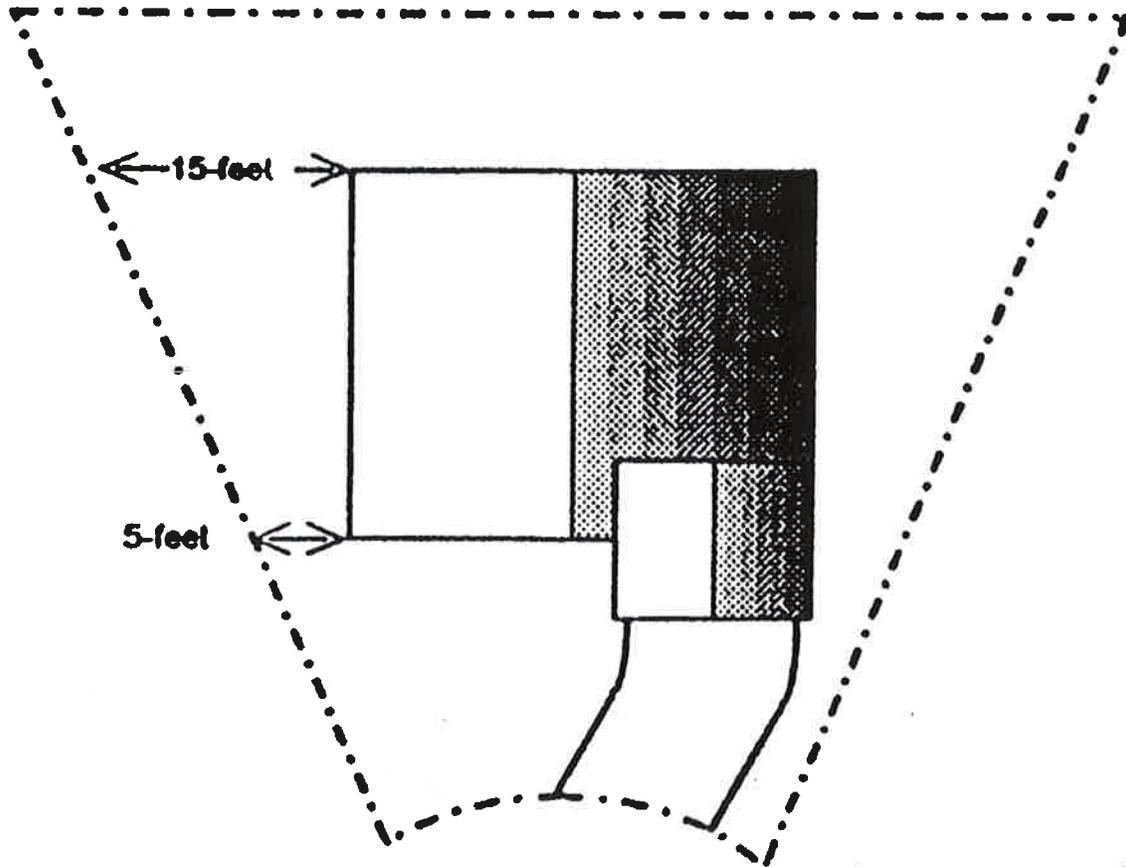


Figure 2: Cul-de-Sac and Knuckle Lots Figure 2 to be removed.

(c)

Building projections into yards.

(1)

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.

(4)

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. ~~(4)~~ 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.~~ The Community Development Director shall determine that the ~~(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.

(43)

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. 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.

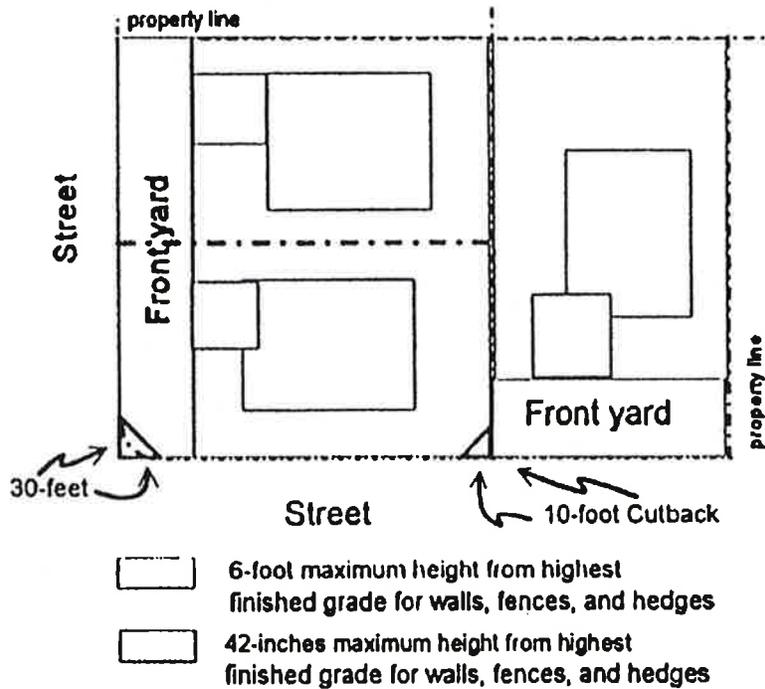
A wall, fence or hedge up to six feet in height may be located parallel to the edge of the sidewalk on the street side yard adjacent to the lot, whether the sidewalk area is monolithic or has a planted parkway.

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 *Graphic 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 setbacks and fencing shall serve as buffers 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 minimum 20-foot setback from property line, of which 10 feet shall be landscaped. Fencing at the property line shall be provided pursuant to this section. The agricultural buffer shall be 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 ~~(c.)~~ 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.

OPEN SPACE (OS) ZONE LAND USE MATRIX			
P = Permitted Use A = Administratively Permit Use C = Conditionally Permitted Use X = Not Permitted REQUIREMENTS: Additional or explanatory regulations or requirements			
LAND USE	OS-G	OS-R	REQUIREMENTS
A. Agriculture and Natural Resources			
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	P	
5. Wildlife reserve and sanctuary	P/C	P/C	Sec. 10-3 and Sec. 90-77. A CUP is required if any exotic animals are

OPEN SPACE (OS) ZONE LAND USE MATRIX			
P = Permitted Use A = Administratively Permit Use C = Conditionally Permitted Use X = Not Permitted REQUIREMENTS: Additional or explanatory regulations or requirements			
LAND USE	OS-G	OS-R	REQUIREMENTS
			associated with the use.
B. Education, Public Assembly, and Recreation Uses			
1. Amphitheater	X	C	
2. Arboretums, botanical gardens	A	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	
C. Transportation, Communication, and Infrastructure Uses			
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. 90-1164~~3~~—90-1180. - Reserved.

Exhibit A3

Proposed (Replacement)
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.
- (d) The conditions under which animals are kept must meet all applicable local, state, and federal laws and regulations.
- (e) Animals and/or conditions under which animals are kept shall not create a public nuisance and shall protect the public health and safety and the health and safety of the animals.
- (f) The raising, training, breeding, or keeping of allowed animals in residential zones for commercial purposes shall require a conditional use permit.
- (g) 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	A-1, A-2, RA	1 acre	No Maximum	All birds must be confined.
		b. Commercial	A-1, A-2	Per zone	By Administrative Use Permit	
3.	Birds (Household)	a. Small birds - parakeets, finches, love birds and similar size birds	All residential	Per zone	20	All birds must be confined.
		b. Large birds - macaws, parrots, mynahs and similar size birds		Per zone	5	

Animal Regulations and Keeping Requirements Matrix						
	Type of Animal Use		Allowable Zoning District	Minimum Lot Size	Maximum Number Allowed	Supplemental Regulations
4.	Bovine	Cows, oxen, buffalo	A-1, A-2	Per zone	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 domesticated		All residential	Per zone	4	
6.	Dogs domesticated		All residential	Per zone	3	
7.	Equine animals	Including but not limited to all types of horses, mules, burros, donkeys, ponies, lamas, and alpacas	A-1, A-2, RA, R-1-40	1 acre	5 per acre up to a maximum of 20	No equine or any pen, coop, stable or barn shall be kept within 50 feet of a residentially zoned property line
8.	Exotic and/or wild animals		A-1, A-2, R1, RA	Per zone	Must meet requirements of Chapter 10	Sec.10-3 Wild Animal Permit
9.	Fish (koi), amphibian and/or frog ponds		A-1, A-2, R1, RA	Per zone	No maximum	Pursuant to building code regulations
10.	Pigs and hogs		RA	20,000 sf	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	Per zone	5	
11.	Poultry and other domesticated birds kept for their eggs, meat, or feathers.	Chickens	A-1, A-2	Per zone	12 hens and 1 rooster per acre to a maximum of 50 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
			RA, R1-20, R1-40	20,000 sq ft	2 hens, no rooster	

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	RA, A-1, A-2	1 acre	6	
12.	Sheep and/or goats-all types		RA, A-1, A-2	1 acre	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	Including but not limited to chinchilla, hamsters, guinea pigs, rats, mice, rabbits and non-venomous reptiles	All residential	None	10	No small animal pen or coop shall be kept within 10 feet of a residentially zoned property line
			A-1, A-2	Per zone	20	

Attachment 2

Planning Commission
Resolution No. 14-007



CITY OF HEMET
Hemet, California

PLANNING COMMISSION
RESOLUTION 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 15th day of April, 2014, by the
19 following vote:

- 20
21 AYES: Vice Chairman Vasquez, and Commissioners Perciful, Overmyer and
22 Crimeni
23 NOES:
24 ABSTAIN:
25 ABSENT: Chairman Gifford
26
27

28
29 
30 Greg Vasquez, Vice Chairman
Hemet Planning Commission

31 ATTEST:

32
33
34 
35
36 Melissa Couden, Records Secretary
37 Hemet Planning Commission

Attachment 3

Current Sec. 90-77
Animal regulations and
keeping requirements

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 multifamily developments except where noted. (See Note C)	R-1-C (Except mobile home, recreational vehicle, and trailer parks and multi-family developments.)
1. Aviaries	a. Noncommercial b. Commercial	None 1 acre 1 acre	No Maximum	X X	X X		
2. Birds	a. Small birds parakeets, finches, love birds and similar size birds b. Large birds macaws, parrots, mynahs and similar size birds	None None	20 5	X X	X X	X X	X X
3. Bovine		Less than 4 acres More than 4 acres	2 per acre 5 per acre up to maximum of 10	A-1 and A-2 zones A zone	X X		
4. Cats domesticated		None	4	X	X	X	X
5. Dogs domesticated		None	3	X	X	X	X
6. Equine animals including but not limited to all types of, horses, mules, burros,		None 20,000 square feet 1 acre	10 per acre up to a maximum of 20 2 per acre up to a maximum of 4	X	X	X	X

donkeys, ponies, lamas, and alpacas			2 per acre up to a maximum of 4				
7. Exotic and/or wild animals	None		Must meet requirements of Chapter 10				
8. Fish and/or frog farms	None		No maximum	X			
9. Fish and amphibians n aquariums, terrariums, or ponds.	None		No maximum	X	X	X	X
10. Hogs	One-half acre to one acre More than one acre	2 5		X X			
11. Miniature horses (Please refer to Note A).	20,000 sq.ft.	1 (counts as one dog)				X	
12. Pigs	One half acre to one acre More than one acre	5 10		X X			
13. Potbelly pigs	One half acre to one acre More than one acre None	5 10 1 (counts as one dog)		X X	X	X	X
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) 12 hens, no roosters 4 hens, no roosters		X	X	X	X
15. Pygmy goats (Please refer to Note B).	8,000 sq. ft. Greater than 20,000 sq. ft. More than one acre	1 (Counts as one dog) 2 5 per acre			X X X	X	X X

16. Sheep and/or goats -all types		None Greater than 20,000 sq. ft.	15 per acre (No maximum when used for cleaning up unharvested crops more than four weeks per six month period) 2	X			X
17. Small animals including but not limited to chinchilla, hamsters, guinea pigs, rats, mice, rabbits and non-venomous reptiles		None 1 acre	20 50 per acre	X X	X	X	X

NOTES:

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.

(b) *Animal keeping requirements.*

- (1) No animals classified as bovine, equine, sheep, goats, poultry, hogs, pigs, or any pen, coop, stable, or barn intended for use by these animals, shall be kept within 50 feet of a property line of property zoned R-A, R-1, R-2, R-3, R-1-C or other R zones, except in the case of potbelly pigs or pygmy goats allowed in residentially zoned areas.
- (2) When calculating the number of animals permitted on a property based on lot size, the number shall be rounded to the nearest whole number. E.g., 5.2 would round to 5 and 5.5 would round to 6.
- (3) 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, unless such offspring are being kept, fed and/or maintained solely for sale, marketing, or slaughtering at the earliest practicable age of maturity.

- (4) Animals shall not be kept in any required front or street side yard setback.
- (5) The systematic rotation of animals which are grazed is allowed, so long as the total number of animals on the property is not exceeded.
- (6) The keeping of wild and/or exotic animals shall meet the requirements of Chapter 10
- (7) The conditions under which animals are kept must meet all applicable local, state, and federal laws and regulations.
- (8) Animals and/or conditions under which animals are kept shall not create a public nuisance and shall protect the public health and safety and the health and safety of the animals.
- (9) In all R zones (R-A, R-1, R-1-C, R-2 etc...) the maximum number of poultry and other animals allowed, excluding fish and amphibians in aquariums or ponds, is 20.
- (10) The raising, training, breeding, or keeping of allowed animals in residential zones for commercial purposes shall require a conditional use permit.
- (11) No animals shall be kept outside in the R-3 zone with more than two dwelling units per lot.

(Ord. No. 1552, § 2, 1-28-97; Ord. No. 1670, § 1, 6-11-02)

Attachment 4

Agriculture Zones
Allowable Uses
Comparison Matrix

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
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 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, horses, sheep and/or goats, chinchilla, fish or frogs, and rabbits. Hogs are specifically excluded (See section 90-182 A.9. for	P in A, A-1-C, and A-2-C	A1 Animal keeping	Per Sec. 90-77

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
	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	A in A-1; P in A-2
			c. Grooming	A in A-1; P in A-2
			d. Veterinary clinic, animal hospital	C in A1 and 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 <u>section 90-182 A.18.</u>)	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	A4 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	A4 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, 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	P in A, A-1-C, and A-2-C	A1 Animal keeping	Per Sec. 90-77

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
	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	A 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
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	NP in A and A-1-C, C in A-2-C	Removed from A zones	

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
	and the normal operation of a poultry farm)			
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	A5 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 section 90-73.)	C in A, A-1-C, and A-2-C	A6 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	A7 Winery for grapes grown on the premises and incidental uses such as wine tasting, tours, sales	C in A-1 and A-2
27.	Wildlife preserve and sanctuary	P in A, A-1-C, and A-2-C	A8 Wildlife preserve and sanctuary	P in A-1 and A-2; C with exotic animals
B.	Residential Uses			
1.	Bed and breakfast	C in A, A-1-C, and A-2-C	E2 Bed and breakfast inn	C in A-1 and in A-2
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		B1 Farmworker housing	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
5.	Guest house on the same site as an existing single-family home	P in A, A-1-C, and A-2-C	B2 Secondary dwelling unit	P in A-1 and A-2.
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	B3 Single family home	P in A-1 and A-2
13.	Travel trailer park	C in A, A-1-C, and A-2-C	Removed from A zones	
C. Commercial Uses				
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

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
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	A3 Feed store including tack and other similar items	A in A-1 and A-2
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 section 90-73)	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	
D.	Manufacturing Uses			
1.	Oil production (excluding refining or processing)	NP in A, C in A-1-C and A-2-C	Removed from A 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.
E.	Recreation and Open Space Uses			
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	A 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	D3 Commercial Recreation	C 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
4.	Golf course and/or driving range	C in A, NP in A-1-C and A-2-C	D3 Commercial Recreation	C in A-1 and A-2
5.	Hunt club including skeet ranges, trap ranges, and rifle ranges	NP in A, A-2-C, C in A-1-C	D3 Commercial Recreation	C in A-1 and A-2
6.	Lodge hall for civic, social, or fraternal organizations	NP in A, C in A-1-C and A-2-C	D3 Commercial Recreation	C in A-1 and A-2
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	D3 Commercial Recreation	C in A-1 and A-2
8.	Shooting range outdoor	NP in A, A-2-C, C in A-1-C	D3 Commercial Recreation	C in A-1 and A-2
9.	Skating rink, outdoor	C in A, A-1-C, and A-2-C	D3 Commercial Recreation	C in A-1 and A-2
F.	Miscellaneous Uses			
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 channels	P in A, A-1-C, and A-2-C	G1 Flood control facilities, including, but not limited to, detention and retention basins, flood control channels	P in A-1 and A-2.
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	G2 Public facilities and utilities including but not limited to electric substations, water works facilities, and public safety facilities.	C 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
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	G2 Public facilities and utilities including but not limited to electric substations, waterworks facilities, and public safety facilities	C in A-1 and A-2
G.	Accessory Uses			
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	G4 Wireless communication facility	
			a. Minor	A in A-1 and A-2
			b. Major	C in A-1 and A-2
4.	Satellite dish antennas			
	a. <39 inches in diameter when ground or roof mounted meeting the requirements of section 90-184(a)	P in A, A-1-C, and A-2-C	G3 Satellite dish antenna	P in A-1 and A-2
	b. >39 inches but less than eight feet in diameter when ground or roof mounted meeting the requirements of section 90-184(a)	P in A, A-1-C, and A-2-C	G3 Satellite dish antenna	P in A-1 and A-2



Staff Report

TO: Honorable Mayor and City Council

FROM: John Jansons, Community Investment Director

THROUGH: Wally Hill, City Manager *Wally Hill*

DATE: May 13, 2014

SUBJECT: Resolution Bill No. 14-027 Authorizing Participation in HOME Consortium Sponsored by Riverside County.

RECOMMENDATION:

That the City Council consider the proposed Resolution No.14-027 authorizing membership in HOME Consortium and authorize City Manager to execute all documents pertaining to membership in the Consortium, including the "Consortium Agreement".

BACKGROUND:

Representatives of Riverside County approached the City of Hemet with a proposal to form a "Consortium" of Riverside County cities for the purpose of pooling HOME funds to provide for affordable housing activities in four main areas, including: 1) home buyer assistance, 2) owner-occupied rehabilitation, 3) acquisition, rehabilitation, or new construction of affordable rental housing, and 4) tenant-based rental assistance programs which can create flexible programs that provide financial assistance to individual households in order to enable them to rent market-rate units.

On April 8, 2014, the City Council conducted a Work Study Session to hear a presentation by Riverside County about the HOME Consortium proposal. At the conclusion of the Work Study, Council directed staff bring forward the Consortium proposal for their formal consideration.

DISCUSSION / ANALYSIS:

The proposed HOME Consortium includes the cities of City of Lake Elsinore, City of Hemet, City of Indio, City of Temecula, City of Palm Springs and City of Palm Desert.

The HOME Program provides financial assistance to communities and specific projects that provide affordable housing. Assistance is provided at the affordability level of 80% of area median income and below based on family size. In the Riverside-San Bernardino Statistical Metropolitan Area a family of four with an annual income of \$ 50,950 may be eligible for HOME funded programs. In our region, the mean annual wage for Occupational Therapist Aides is \$30,500, Home Health Aides, \$24,000, Salesperson, \$25,000, Elementary School Teachers (non-special education) averages approximately \$64,000 per year with entry level wages below \$50,000 and Licensed Vocational Nurses earn approximately \$46,000 per year these types of

employees in Hemet could be eligible depending on family size and other family member's incomes.

HOME eligible activities include: 1) home buyer assistance, 2) owner-occupied rehabilitation, 3) acquisition, rehabilitation, or new construction of affordable rental housing, and 4) tenant-based rental assistance programs which can create flexible programs that provide financial assistance to individual households in order to enable them to rent market-rate units. In past, the City of Hemet has directly received HOME funds (based on competitive application) for home repair and affordable multi-family housing development.

Local jurisdictions eligible for at least \$500,000 under the formula (\$335,000 in years when Congress appropriates less than \$1.5 billion for HOME) also can receive an allocation. The formula allocation considers the relative inadequacy of each jurisdiction's housing supply, its incidence of poverty, its fiscal distress, and other factors. States are automatically eligible for HOME funds and receive either their formula allocation or \$3 million, whichever is greater.

Currently, by formula, Hemet's allocation is estimated below the \$335,000 threshold, therefore Hemet is not eligible for direct allocation. Communities that do not qualify for an individual allocation under the formula can join with one or more neighboring localities in a legally binding consortium whose members' combined allocation would meet the threshold for direct funding. Other localities may participate in HOME by applying for program funds made available by their State.

By not joining the consortium, any funds calculated for Hemet are returned to the State to a competitive grant pool that is awarded across the State that Hemet may or may not be awarded as a result of a competitive application.

By joining the Consortium, Hemet's un-awarded allocation would be directed to the Consortium pool of funds and available locally to support projects in Hemet and in Riverside County. However, award of HOME funds by the County to a project or activity is conducted on a "first come, first served" basis so the amount received for Hemet residents would depend on how well the availability is marketed locally, compared to the other participating jurisdictions

Consideration of the proposal raises several other concerns including:

- 1) the contract permits any and all HOME eligible activities and is not restricted to Down Payment Assistance to further owner occupied home ownership in Hemet, but rather could be used to construct new affordable units at income levels below 80% of median,
- 2) there is no guarantee that any funds will be used for the betterment of Hemet or its residents, and
- 3) that membership in the consortium precludes Hemet from applying directly for HOME funds for the three year term of the Consortium Agreement. From 1996 to 2008, Hemet had received direct HOME awards totaling \$7 million by demonstrating qualifying need and capacity. Direct awards require a ready project and a local funds match of 25% which was formerly provided by Redevelopment Agency funds and by personnel no longer available to the City.
- 4) the Consortium Agreement has been presented to Hemet "in final form" whereby, no changes to the Agreement requested by Hemet are possible at this time. Changes to

the Agreement may be negotiated with the County in future during the renewal period.

With these factors in mind, should the Council approve joining the Consortium, the performance and effect of the county's implementation of the HOME program in Hemet and the member cities, should be closely monitored over the term of the initial agreement to determine if it has been done in Hemet's best interest and if it is desirable to extend the membership in the Consortium beyond the first three-year period. Draft Resolution Bill No. 14-027 is included in as **Attachment 1**, and the Consortium Agreement is included as **Attachment 2** to this report.

COORDINATION AND REVIEW:

This recommendation was prepared and coordinated with the City Attorney's Office, the City Manager and Department of Community Investment.

FISCAL IMPACT:

The proposed recommendation may have a positive fiscal impact by returning funds to Hemet that would otherwise not be available to the community. Alternatively, membership in the Consortium will preclude Hemet from being awarded HOME funds independently over the three year term.

ALTERNATIVE(S):

1. Approve membership in Consortium, or
2. Elect to not participate in Consortium.

CONCLUSION:

That the City Council consider the proposed Resolution Bill No.14 – 027 authorizing membership in HOME Consortium and authorize City Manager to execute all documents pertaining to membership in the Consortium.

ATTACHMENT(S):

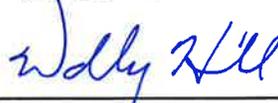
1. Draft Resolution Bill No. 14-027
2. Consortium Agreement.

Recommended by:



John Jansons
Community Investment Director

Approved By:



Wally Hill
City Manager



CITY OF HEMET
Hemet, California

RESOLUTION BILL NO. 14-027

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA
AUTHORIZING THE CITY OF HEMET TO PARTICIPATE IN THE HOME CONSORTIUM
WITH THE COUNTY OF RIVERSIDE AND AUTHORIZING EXECUTION OF A
COOPERATION AGREEMENT FOR HOME CONSORTIUM

WHEREAS, there has been enacted into law the Cranston-Gonzalez National Affordable Housing Act, as amended (42 U.S.C. 12701 *et seq.*) and Federal Regulations have been adopted pursuant thereto ("Act");

WHEREAS, Title II of the Act creates the HOME Investment Partnership Program ("HOME"), the primary objective of which is to increase the supply of decent and affordable housing to low and very low-income households;

WHEREAS, HOME allows for contiguous units of local government to form a consortium for the purpose of receiving and administering HOME funds, and carrying out purposes of the act;

WHEREAS, the City Council desires the City of Hemet partner with the County of Riverside and other neighboring cities to form a consortium as described in the Cooperation Agreement for HOME Consortium attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the City Council of the City of Hemet, in regular session assembled May 13, 2014 as follows:

1. That the City Council hereby finds and declares that the above recitals are true and correct.
2. That the City Council authorizes the City of Hemet to participate in the HOME

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Consortium.

- 3. That the City Council approves the Cooperation Agreement for HOME Consortium attached hereto as Exhibit "A" and incorporated herein by this reference, and authorizes City Manager, or designee, to execute said agreement and to take all necessary actions to implement said agreement.

PASSED, APPROVED AND ADOPTED by the City Council this 13th day of May, 2014

Larry Smith, Mayor

ATTEST:

APPROVED AS TO FORM:

Sarah McComas, City Clerk

Eric S. Vail, City Attorney

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

3 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the
4 foregoing Resolution is the actual Resolution adopted by the City Council of the City of
Hemet and was passed at a regular meeting of the City Council on the 13th day of May,
5 2014 by the following vote:

6 AYES:
7 NOES:
ABSTAIN:
8 ABSENT:

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10 Sarah McComas, City Clerk

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**County of Riverside
Economic Development Agency
HOME Investment Partnership Program**

Cooperation Agreement for HOME Consortium

This Cooperation Agreement for HOME Consortium ("Agreement") is made by and between the City of Lake Elsinore, City of Hemet, City of Indio, City of Temecula, City of Palm Springs and City of Palm Desert (individually referred to herein as a "CITY" and collectively referred to as the "CITIES"), and the County of Riverside, a political subdivision of the State of California ("COUNTY"), on _____, 2014. CITIES and COUNTY are individually referred to herein as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, there has been enacted into law the Cranston-Gonzalez National Affordable Housing Act, as amended (42 U.S.C. 12701 *et seq.*) and Federal Regulations have been adopted pursuant thereto, (collectively the "ACT"); and,

WHEREAS, Title II of the ACT creates the HOME Investment Partnership Program ("HOME Program"), the primary objective of which is to increase the supply of decent and affordable housing to low-and very low-income households; and

WHEREAS, funds from Title II of the ACT are distributed to metropolitan cities, urban counties, states and consortia of local governments; and

WHEREAS, the HOME Program allows contiguous units of local government to form a consortia for the purpose of receiving and administering HOME Program funds, and carrying out purposes of the ACT; and

WHEREAS, the ACT requires that a consortium shall have one member unit of general local government authorized to act as the lead agency in a representative capacity for all members for the purposes of the ACT and to assume overall responsibility for ensuring that the consortium's HOME Program is carried out in compliance with the ACT, including requirements concerning all housing components of the COUNTY'S Consolidated Plan; and

WHEREAS, the CITIES and the COUNTY desire to create a consortium, wherein the COUNTY shall serve as the lead agency and the CITIES shall serve as the consortium members along with the County, as more specifically set forth in the Agreement below.

NOW THEREFORE, the Parties mutually agree as follows:

1. The purpose of this Agreement is to form a HOME Program consortium (the "CONSORTIUM"), between the cities of Lake Elsinore, Hemet, Indio, Temecula, Palm Springs and Palm Desert and the County of Riverside. The Parties agree to cooperate to undertake or to assist in undertaking HOME Program-eligible housing activities pursuant to Title II of the ACT.
2. The COUNTY is hereby designated as the lead agency to administer and implement the HOME Program and is authorized to act in a representative capacity for all CITIES for the purposes of the HOME Program and to apply under the CONSORTIUM and receive federal funding under the HOME Program on behalf of the Consortium. The COUNTY will be the "Participating Jurisdiction" in the HOME Program and, as such, will be the sole point of contact with the U.S. Department of Housing and Urban Development ("HUD") on issues concerning the HOME Program. The COUNTY will be responsible for any reporting requirements relative to the HOME Program and will assume the overall responsibility to ensure that the CONSORTIUM'S HOME Program is carried out in compliance with all federal requirements of the HOME Program, including the requirements of 24 CFR parts 91 and 92, and the Consolidated Plan.
3. The CITIES hereby authorize the COUNTY to establish a local HOME Investment Trust Fund for receipt of HOME Program funds and repayments as required by 24 CFR Part 92.503.
4. CITIES agree that COUNTY is hereby delegated the authority to carry out activities which will be funded under annual HOME Program appropriations from Federal Fiscal Years 15, 16 and 17, and from any program income generated from the expenditure of such funds within their jurisdiction in accordance with HOME Program regulations.
5. COUNTY, as lead entity shall act in a representative capacity for all CITIES, and shall assume overall administrative responsibility for ensuring that the HOME Program is carried out in compliance with HOME Program regulations. COUNTY responsibilities shall include, but not be limited to:
 - a. Coordinate and submit to HUD the HOME Program application for all documents necessary to qualify as a Consortium and to receive HOME Program funding to carry out the purposes of this Agreement.
 - b. Coordinate and submit to HUD the housing component of the Consolidated Plan.
 - c. Compliance with all HOME Program regulations, including but not limited to, Community Housing and Development Organization (CHDO's) (as defined in the ACT) set aside, securing match and all monitoring requirements. Proposed CHDO's must be approved by the County.

6. The CITIES shall cooperate in the County's implementation and monitoring of the HOME Program. The COUNTY shall assume the responsibility to monitor all HOME activities to assure compliance with all HOME Program requirements during both project implementation and any affordability period.
7. The County will assume the responsibility to ensure that all match requirements are met pursuant to CFR 92.218. Cities will not be obligated to provide any funds towards the matching requirements.
8. The County will assume full responsibility for the operation and management of all HOME funds.
9. To carry out activities under this Agreement, COUNTY shall allocate HOME Program funds received under the ACT to those HOME Program activities described in the Consolidated Plan. County will notify all CITIES in the preparation phase of the Consolidated Plan to allow CITIES to provide comments on the housing component of the Consolidated Plan. COUNTY shall fund HOME Program-eligible projects through an application process within CITIES boundaries on a first come first serve basis.
10. Subject to the administrative requirements of the HOME Program, the COUNTY may utilize some HOME Program funds for administrative costs to the extent allowable by HUD.
11. This Agreement will be signed in counterparts and shall go into effect immediately upon execution of all signatories to the Agreement. CITIES and COUNTY are required to participate in the Consortium for three (3) federal fiscal years 2015, 2016 and 2017. No Consortium member may withdraw from the Agreement in the middle of each three (3) year term.
12. With reference to any program income and repayment generated from HOME Program funds, federal regulations shall govern placement of program income generated from HOME Program funds and repayments into the local trust fund. HOME Program income and repayments on projects shall only be available for use on activities that are consistent with the Act, approved Consolidated Plan, and must be approved by the COUNTY.
13. The CITIES and COUNTY, as members of the CONSORTIUM, shall direct all activities with respect to the CONSORTIUM, to the alleviation of housing problems in Riverside County.
14. The CITIES agree to remain in the Consortium during the three federal fiscal years for which the Consortium qualifies to receive HOME Program funds, 2015, 2016 and 2017. Thereafter, each CITY shall continue to participate in the Consortium to the extent required by HUD regulations or other applicable laws or until all HOME Program allocations are expended. The obligations of each of the CITIES shall remain in effect until all HOME Program allocations received by the Consortium are expended or such longer period as may be agreed to by the parties.

15. This Agreement will be automatically renewed for participation in successive three-year qualification periods, unless one of the CITIES or COUNTY provides 90 days written notice, prior to March 1st to the other party that it elects not to participate in the next three-year HOME Program Consortium period. County shall provide to HUD notice of CITY's or COUNTY'S election not to participate in the Consortium no later than March 1st of the last year of the successive three-year period. CITIES shall adopt any amendment to this Agreement necessary to incorporate changes to meet HUD requirements for consortium agreements in subsequent three year qualification periods. County shall notify the City Manager of each CITY no later than September 1st prior to March 1st of the last year of each successive three year period of their right to terminate participation in the Consortium.
16. The COUNTY as the lead entity will notify HUD prior to March 1st of the last year of each successive three year period by submitting to the HUD Field Office a statement of whether or not any amendments have been made to the agreement, and, if the consortium's membership has changed and the state certification under 24 CFR 92.201(a)(2)(i). The automatic renewal provision will be void if the lead entity fails to submit a copy to HUD of any amendment to the agreement or fails to notify CITIES of their right not to participate for the next qualification period.
17. All Consortium members will operate on the same program year for CDBG, HOME, ESG and HOPWA, which shall be July 1 through June 30.
18. By executing this Agreement CITIES understand that it may not apply for HOME Program funds through the California Department of Housing and Community Development (HCD), for fiscal years during which it participates in the HOME Program Consortium.
19. This Agreement authorizes the COUNTY as the lead entity to amend the Agreement on behalf of the entire Consortium to add new members to the Consortium. Any other amendments to this Agreement will be made in writing and approved by all Parties.
20. COUNTY shall indemnify and hold harmless the other CITIES, and their respective directors, officers, elected and appointed officials, employees, agents and representatives (individually and collectively hereinafter referred to as Indemnitees) from (1) any liability whatsoever, based or asserted upon COUNTY's acts, errors, or omissions, and for any costs or expenses incurred by another CITY on account of any claim therefore, except where such indemnifications is prohibited by law, and (2) any acts of COUNTY its directors, officers, employees, subcontractors, agents or representatives arising out of or in any way relating to this Agreement, including but not limited to property damage, bodily injury, or death or any other element of any kind or nature whatsoever arising from the performance of indemnifying COUNTY, its directors, officers, employees, subcontractors, agents or representatives. COUNTY shall defend, at its sole expense, all costs and fees including, but not limited, to attorney fees, cost of investigation, defense and settlements or awards, the Indemnitees in any claim or action based upon such

alleged acts or omissions. Each Party shall promptly notify the other Party in writing of the occurrence of any such claims, actions, losses, damages and/or liability.

With respect to any action or claim subject to indemnification herein by the COUNTY, the COUNTY shall, at its sole cost, have the right to use counsel of their own choice and shall have the right to adjust, settle, or compromise any such action or claim without the prior consent of such CITY or the other CITIES; provided, however, that any such adjustment, settlement or compromise in no manner whatsoever limits or circumscribes the COUNTY's indemnification to the Indemnitees as set forth herein. The COUNTY's obligation hereunder shall be satisfied when the COUNTY has provided to such CITY the appropriate form of dismissal relieving such CITY from any liability for the action or claim involved.

Each CITY shall indemnify and hold harmless the other CITIES, the COUNTY and their respective directors, officers, Board of Supervisors, elected and appointed officials, employees, agents and representatives (individually and collectively hereinafter referred to as Indemnitees) from (1) any liability whatsoever, based or asserted upon an indemnifying CITY's acts errors, or omissions, and for any costs or expenses incurred by another CITY and/or the COUNTY on account of any claim therefore, except where such indemnifications is prohibited by law, and (2) any acts of such indemnifying CITY, its officers, employees, subcontractors, agents or representatives arising out of or in any way relating to this Agreement, including but not limited to property damage, bodily injury, or death or any other element of any kind or nature whatsoever arising from the performance of indemnifying CITY, its officers, employees, subcontractors, agents or representatives. Each indemnifying CITY shall defend, at its sole expense, all costs and fees including, but not limited, to attorney fees, cost of investigation, defense and settlements or awards, the Indemnitees in any claim or action based upon such alleged acts or omissions. Each Party shall promptly notify the other Party in writing of the occurrence of any such claims, actions, losses, damages and/or liability.

With respect to any action or claim subject to indemnification herein by the CITIES, the CITIES shall, at its sole cost, have the right to use counsel of its own choice and shall have the right to adjust, settle, or compromise any such action or claim without the prior consent of the COUNTY or other CITIES; provided, however, that any such adjustment, settlement or compromise in no manner whatsoever limits or circumscribes such CITY's indemnification to the Indemnitees as set forth herein. A CITY's obligation hereunder shall be satisfied when such CITY has provided to the COUNTY and the other CITIES the appropriate form of dismissal relieving the COUNTY and the other CITIES from any liability for the action or claim involved.

21. By executing this Agreement, the Parties hereby certify that they will adhere to and comply with all federal, state and local laws, regulations and ordinances.
22. All members of the CONSORTIUM shall affirmatively further fair housing within their respective jurisdictions and any member of the CONSORTIUM that does not affirmatively further fair housing within its own jurisdiction shall be prohibited from receiving HOME Program funds.

23. Any waiver by the COUNTY of any breach of any one or more of the terms of this Agreement shall not be construed to be a waiver of any subsequent or other breach of the same or of any other term of this Agreement. Failure on the part of the COUNTY to require exact, full and complete compliance with any terms of this Agreement shall not be construed as in any manner changing the terms or preventing COUNTY from enforcement of the terms of this Agreement.
24. It is expressly agreed that this Agreement embodies the entire Agreement of the Parties in relation to the subject matter hereof, and that no other Agreement or understanding, verbal or otherwise, relative to this subject matter, exists between the Parties at the time of execution.
25. Each paragraph and provision of this Agreement is severable from each other provision, and if any provision or part thereof is declared invalid, void or unenforceable, the remaining provisions shall nevertheless continue in full force and effect without being impaired or invalidated in any way.
26. The Parties will not make any sale, assignment, conveyance or lease of any trust or power or transfer in any other form with respect to this Agreement, without prior written approval of the other Party.
27. This Agreement and any dispute arising hereunder shall be governed by and interpreted in accordance with the laws of the State of California. Any legal action related to the performance or interpretation of this Agreement shall be filed only in the Superior Court of the State of California located in Riverside, California, and the Parties waive any provision of law providing for a change of venue to another location. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objective and purposes of the Parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting Party shall not be employed in interpreting this Agreement, all parties have been represented by Counsel in the negotiation and preparation hereof.
28. This Agreement is subject to HUD approval and the CONSORTIUM's receipt of HOME Program funds.

COUNTY COUNSEL STATEMENT:

The terms and provisions of this Agreement are fully authorized under state and local law. This Agreement provides full legal authority for the Consortium to undertake or assist in undertaking housing assistance activities for the HOME Program.

Pamela J. Walls
County Counsel

Date:

Jhaila Brown,
Deputy County Counsel

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[SIGNATURES ON FOLLOWING PAGE]

**County of Riverside
Economic Development Agency
HOME Investment Partnership Program**

Cooperation Agreement for HOME Consortium

SIGNATURE PAGE

This Agreement may be executed in any number of counterparts with the same effect as if all signatories had signed the same document. All counterparts must be construed together to constitute one (1) instrument.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed below.

CITY OF _____

Date:

(Title, Name)

Attest:

Date:

(City Clerk, Name)

Approved as to Form:

Date:

(City Attorney, Name)

**County of Riverside
Economic Development Agency
HOME Investment Partnership Program**

Cooperation Agreement for HOME Consortium

SIGNATURE PAGE

This Agreement may be executed in any number of counterparts with the same effect as if all signatories had signed the same document. All counterparts must be construed together to constitute one (1) instrument.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed below.

COUNTY OF RIVERSIDE

Date:

Jeff Stone, Chairman
Board of Supervisors

Attest:

Keisha Harper-Ihem,
Clerk of the Board

Approved as to Form:
Pamela J. Walls
County Counsel

Jhaila Brown,
Deputy County Counsel

Date:

Date:



Staff Report

TO: Honorable Mayor and Members of the City Council

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

DATE: May 13, 2014

RE: **MUNICIPAL CODE AMENDMENT NO. 14-001: AN AMENDMENT TO CHAPTER 58 OF THE HEMET MUNICIPAL CODE (TUMF ORDINANCE) TO EXEMPT NEW SPECIALLY ADAPTED HOMES FOR SEVERELY DISABLED VETERANS**

RECOMMENDED ACTION:

That the City Council:

Introduce by title only, and waive further reading of Ordinance Bill No. 14-025 approving MCA 14-001, an amendment to Chapter 58 of the Hemet Municipal Code to create an exemption for the construction of specially adapted homes for disabled veterans from the payment of TUMF fees.

BACKGROUND

The City is a Member Agency of the Western Riverside Council of Governments (“WRCOG”), a joint powers agency comprised of the County of Riverside, March JPA, and seventeen (17) cities located in Western Riverside County. Acting in concert, the WRCOG Member Agencies developed a plan whereby the shortfall in funds needed to enhance the capacity of the Regional System of Highways and Arterials due to new development in Western Riverside County could be made up in part by a Transportation Uniform Mitigation Fee (“TUMF”) on future residential, commercial and industrial development.

As a Member Agency of WRCOG and as a TUMF Participating Jurisdiction, the City initially adopted the TUMF Program on May 13, 2003, and codified Ordinance 1683 as Chapter 58, Division 2, within the Hemet Municipal Code. Subsequently, the City participated in the preparation of a certain “Western Riverside County Transportation Uniform Fee Nexus Study,” (“2009 Nexus Study”) later adopted by the WRCOG Executive Committee. On January 26, 2010, the City adopted the 2009 Nexus Study and Ordinance No. 1824 to implement the updated TUMF Program in the City of Hemet.

Pursuant to the Mitigation Fee Act (Gov. Code §§ 66000 *et seq.*), WRCOG, upon the recommendation of the WRCOG Executive Committee, now desires to amend the TUMF Ordinance to include the following exemption:

Exempt non-profit 501(c)(3) organizations who build new single-family homes specifically constructed and adapted for qualifying severely disabled veterans injured in theatre of combat operations.

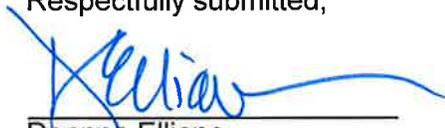
On April 7, 2014, the WRCOG Executive Committee reviewed a revised TUMF Program Ordinance template and recommended TUMF Participating Jurisdictions amend their TUMF ordinances to reflect the

changes. The revised TUMF Ordinance recommendation is specific in that it limits the exemption to new specially adapted homes for severely disabled veterans who are the recipients of a Veterans Administration Specially Adapted Housing (SAH) Grant or its equivalent. The attached Ordinance Bill No. 14-025 was prepared by the City Attorney and amends the City's TUMF ordinance provisions in the Municipal Code. The proposed ordinance is consistent with the model ordinance recommended by the WRCOG Executive Committee.

FISCAL IMPACT

There is no fiscal impact to the City as the TUMF program fee is collected by the City and passed on directly to WRCOG. According to WRCOG staff, the fee short-fall resulting from the exemption is anticipated to be up to approximately one million dollars region-wide, and will be accounted for in the 2014 Network Update currently under preparation by WRCOG.

Respectfully submitted,



Deanna Elliano
Community Development Director

ATTACHMENTS

- 1) Proposed Ordinance Bill No. 14-025 for MCA 14-001



**CITY OF HEMET
Hemet, California
ORDINANCE BILL NO 14-025**

AN ORDINANCE OF THE CITY OF HEMET AMENDING SECTIONS 58-70.2 AND 58-70.3 OF DIVISION 2 "WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE PROGRAM" OF CHAPTER 58 OF THE HEMET MUNICIPAL CODE TO INCLUDE A NEW EXEMPTION FOR NEWLY CONSTRUCTED SPECIALLY ADAPTED HOMES FOR SEVERELY DISABLED VETERANS.

WHEREAS, on May 13, 2003, by Ordinance number 1683, the Hemet City Council first adopted the Western Riverside County Transportation Uniform Mitigation Fee Program ("TUMF") codified in Hemet Municipal Code Chapter 58, Division 2, Sections 58-70 through 58-70.6 inclusive; and,

WHEREAS, on January 26, 2010, by Ordinance number 1824, the Hemet City Council adopted a comprehensive update of TUMF; and,

WHEREAS, the Hemet City Council desires to adopt the amendments to TUMF recommended by the Executive Committee of the Western Riverside Council of Governments ("WRCOG"), as set forth herein.

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

SECTION 1: FINDINGS.

A. The City is a member agency of the Western Riverside Council of Governments ("WRCOG"), a joint powers agency comprised of the County of Riverside, the March Joint Powers Authority, and 17 cities located in Western Riverside County. Acting in concert, the WRCOG Member Agencies developed a plan whereby the shortfall in funds needed to enlarge the capacity of the Regional System of Highways and Arterials in Western Riverside County (the "Regional System") could be made up in

1 part by a Transportation Uniform Mitigation Fee (“TUMF”) on future residential,
2 commercial and industrial development.

3 B. WRCOG, upon the recommendation of the WRCOG Executive
4 Committee, now desires to adopt one new exemption under the Western Riverside
5 County Transportation Uniform Mitigation Fee Program Ordinance of 2009. The
6 exemption is for newly constructed, specially adapted homes for severely disabled
7 veterans designed for maximum freedom of movement and the ability to live more
independently at no cost to qualifying disabled veterans.

8 C. The City Council finds and determines that the new exemption, because of
9 its small number of estimated properties, will not threaten the reasonable and rational
10 relationship between the use of the TUMF and the type of development projects on
11 which the fees are imposed, because the fees will be used to construct the
12 transportation improvements that are necessary for the safety, health and welfare of the
13 residential and non-residential users of the development in which the TUMF will be
14 levied. The City Council has also estimated the cost of the new exemption and
15 understands that the TUMF fees will not be used to cover the fair share of these
exempted properties on the Regional System.

16 **SECTION 2: AMENDMENTS.**

17 **A. Definitions.**

18 The following new definitions shall be added to Section 58-70.2, inserted at the
19 appropriate place in the existing alphabetical order, as follows:

20 “Disabled Veteran” means any veteran who is retired or is in the process of
21 medical retirement from military service, who is or was severely injured in a theatre of
22 combat operations, and has received a letter of eligibility for the Veterans Administration
Specially Adapted Housing (SAH) Grant Program.”

23 “Non-Profit Organization” means an organization operated exclusively for exempt
24 purposes set forth in section 501(c)(3) of the Internal Revenue Code, and none of its

1 earnings may inure to any private shareholder or individual. In addition, it may not be
2 an action organization, i.e., it may not attempt to influence legislation as a substantial
3 part of its activities and it may not participate in any campaign activity for or against
4 political candidates. For the purposes of the TUMF Program, the non-profit must be a
5 501(c)(3) charitable organization, as defined by the Internal Revenue Service.”

6 **B. Exemption.**

7 The following exemption shall be added as subdivision (11) of Section 58-70.3(f)
8 “Exemptions” of the Hemet Municipal Code as follows:

9 “(11) New homes, constructed by non-profit organizations, specially adapted and
10 designed for maximum freedom of movement and independent living for qualified
11 Disabled Veterans, as per the definition set forth in Section 58-70.2.”

12 **SECTION 3: EFFECT.**

13 No provisions of this Ordinance shall entitle any person who has already paid the
14 TUMF to receive a refund, credit or reimbursement of such payment because of this
15 new exemption.

16 **SECTION 4: SEVERABILITY.**

17 If any one or more of the terms, provisions or sections of this Ordinance shall to
18 any extent be judged invalid, unenforceable and/or voidable for any reason whatsoever
19 by a court of competent jurisdiction, then each and all of the remaining terms, provisions
20 and sections of this Ordinance shall not be affected thereby and shall be valid and
21 enforceable.

22 **SECTION 5: JUDICIAL REVIEW.**

23 In accordance with State law, any judicial action or proceeding to attack, review,
24 set aside, void or annul this Ordinance shall be commenced within ninety (90) days of
the date of adoption of this Ordinance.

SECTION 6: EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days after its adoption.

1 **SECTION 7: FULL FORCE AND EFFECT.**

2 Except to the extent specifically modified or amended hereunder, all of the terms,
3 covenants, and conditions of Ordinance No. 1824 shall remain in full force and effect
4 between the Parties hereto.

5 **INTRODUCED** at the regular meeting of Hemet City Council on _____ 2014.

6 **APPROVED AND ADOPTED** this ____ day of _____ 2014.

7
8
9 _____
10 **Larry Smith, Mayor**

11 **ATTEST:**

APPROVED AS TO FORM:

12 _____
13 **Sarah McComas, City Clerk**

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

8 AYES:

9 NOES:

10 ABSTAIN:

11 ABSENT:

12 _____
13 Sarah McComas, City Clerk
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Staff Report

TO: Honorable Mayor and Members of the Hemet City Council

FROM: Wally Hill, City Manager *Wally Hill*

DATE: May 13, 2014

RE: Ordinance Bill No 14-024, to Approve an Amendment to the Contract Between the Board of Administration California Public Employees' Retirement System and the City Council of the City of Hemet for Cost Sharing

RECOMMENDED ACTION:

That the City Council introduce and conduct the first reading of Ordinance Bill No. 14-024 to allow cost sharing of the Employer Contribution to CalPERS with the 'classic' CalPERS members of the Hemet Police Officer's Association (HPOA) and the Hemet Police Management Association (HPMA).

BACKGROUND & ANALYSIS:

The City Council, at their meeting of April 8, 2014, approved a Resolution of Intention, which is required to proceed with the introduction of the attached Ordinance, to allow for cost sharing of the employer contributions to CalPERS on behalf of the classic CalPERS members of both the HPOA and HPMA.

The current Memorandum of Understanding (MOU) for both the Hemet Police Officer's Association and the Hemet Police Management Association include a provision for their members who are deemed 'classic' members by CalPERS, to contribute one percent (1%) of the employer's contribution to CalPERS beginning with the ratification of their respective MOUs. This one percent (1%) cost sharing of the employer contribution is in addition to the nine percent (9%) employees' contribution that 'classic' members have been paying to CalPERS since July of 2011.

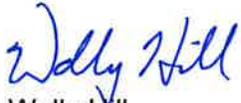
The amendment would permanently reduce the employer's contribution to CalPERS by one percent (1%) and permanently increase the employees' contribution by one percent (1%). The benefit to the City is the reduced cost of providing retirement benefits to these affected members. The benefit to the member is that by making the additional percentage part of the employees' contribution, the contributions would be tax deferred and would be credited to the members' account. In the event of the death of the member, their beneficiary would be entitled to all contributions in the member's account with CalPERS.

Per Government Code Section 20474, a secret ballot election of the HPOA and HPMA members who would be affected by the contract amendment was held and the votes tallied. A majority of voting members approved the amendment by a vote of 28 to 1.

FISCAL IMPACT:

There is no additional fiscal impact with this Ordinance that has not already been presented as part of the approval process for both the Hemet Police Officer's Association and the Hemet Police Management Association MOUs.

Respectfully submitted,



Wally Hill
City Manager



Eric S. Vail
City Attorney



Tom Kanarr
Interim Finance Director

Attachment(s): City Ordinance Bill No. 14-024 CalPERS Cost Sharing Ordinance



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4 **CITY OF HEMET**
5 **Hemet, California**
6 **ORDINANCE BILL NO. 14-024**

7 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
8 **HEMET AUTHORIZING AN AMENDMENT TO THE**
9 **CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY**
10 **OF HEMET AND THE BOARD OF ADMINISTRATION OF**
11 **THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT**
12 **SYSTEM.**

13 The City Council of the City of Hemet does ordain as follows:

14 **SECTION 1:** That an amendment to the contract between the City Council of the City of
15 Hemet and the Board of Administration, California Public Employees' Retirement System
16 is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit,
17 and by such reference made a part hereof as though herein set out in full.

18 **SECTION 2:** The Mayor of the City Council is hereby authorized, empowered, and
19 directed to execute said amendment for and on behalf of said Agency.

20 **SECTION 3: EFFECTIVE DATE**

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

23 **SECTION 4: PUBLICATION.**

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

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INTRODUCED at the regular meeting of Hemet City Council on May 13, 2014.
APPROVED AND ADOPTED this day of , 2014.

Larry Smith, Mayor

ATTEST:

APPROVED AS TO FORM:

Sarah McComas, City Clerk

Eric S. Vail, City Attorney

1 State of California)

2 County of Riverside)

3 City of Hemet)

4

5 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the
6 foregoing Ordinance was introduced and first read on the 13th day of May, 2014, and
7 had its second reading at the regular meeting of the Hemet City Council on the day of
8 , 2014, and was passed by the following vote:

9

10 **AYES:**

11 **NOES:**

12 **ABSTAIN:**

13 **ABSENT:**

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Sarah McComas, City Clerk

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EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Hemet

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective July 1, 1969, and witnessed May 23, 1969, and as amended effective May 1, 1977, July 1, 1980, December 31, 1984, June 17, 1985, March 10, 1986, October 14, 1993, December 9, 1994, December 26, 1997, April 27, 2002, January 17, 2005, June 19, 2006 and February 24, 2012 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 16 are hereby stricken from said contract as executed effective February 24, 2012, and hereby replaced by the following paragraphs numbered 1 through 16 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members, age 50 for local safety members entering membership in the safety classification on or prior to February 24, 2012 and age 55 for local safety members entering membership for the first time in the safety classification after February 24, 2012.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

2. Public Agency shall participate in the Public Employees' Retirement System from and after July 1, 1969 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Fire Fighters (herein referred to as local safety members);

PLEASE DO NOT SIGN "EXHIBIT ONLY"

- b. Local Police Officers (herein referred to as local safety members);
 - c. Employees other than local safety members (herein referred to as local miscellaneous members).
5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

NO ADDITIONAL EXCLUSIONS

- 6. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment before and not on or after January 17, 2005 shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service prior to March 31, 1977, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
- 7. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment on or after January 17, 2005 and not entering membership for the first time in the miscellaneous classification after February 24, 2012 shall be determined in accordance with Section 21354.5 of said Retirement Law, subject to the reduction provided therein for service prior to March 31, 1977, termination of Social Security, for members whose service has been included in Federal Social Security (2.7% at age 55 Full and Modified).
- 8. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after February 24, 2012 shall be determined in accordance with Section 21354.4 of said Retirement Law (2.5% at age 55 Full).
- 9. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member entering membership in the safety classification on or prior to February 24, 2012 shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

10. The percentage of final compensation to be provided for each year of credited current service as a local safety member entering membership for the first time in the safety classification after February 24, 2012 shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
11. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 21571 (Basic Level of 1959 Survivor Benefits) for local police members only.
 - b. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance).
 - c. Section 20042 (One-Year Final Compensation).
 - d. Section 20903 (Two Years Additional Service Credit).
 - e. Section 21573 (Third Level of 1959 Survivor Benefits) for local fire members only.
 - f. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local miscellaneous members only.
 - g. Section 21024 (Military Service Credit as Public Service).
 - h. Section 20475 (Different Level of Benefits). Section 21354.4 (2.5% @ 55 Full formula) is applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after February 24, 2012.

Section 21363.1 (3% @ 55 Full formula) is applicable to local safety members entering membership for the first time in the safety classification after February 24, 2012.
 - i. Section 20516 (Employees Sharing Additional Cost):

From and after the effective date of this amendment to contract, 1% for classic local police members in the Hemet Police Officers Association and the Hemet Police Management Association.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

12. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on May 1, 1977. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
13. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
14. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21573 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local fire members.
 - b. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members.
 - c. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - d. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

15. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
16. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF HEMET

BY _____
KAREN DE FRANK, CHIEF
CUSTOMER ACCOUNT SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

PRESIDING OFFICER

Witness Date

Attest:

Clerk