

## AGENDA

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

October 21, 2014  
6:00 PM

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

**1. CALL TO ORDER:**

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

**Invocation and Flag Salute:** Commissioner Michael Perciful

**2. APPROVAL OF MINUTES:**

A. Minutes for the Planning Commission Meeting of October 7, 2014

**3. PUBLIC COMMENTS:**

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

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### PUBLIC HEARING ITEMS

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**Meeting Procedure for Public Hearing Items:**

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

4. **TENTATIVE TRACT MAP 36759 (MAP 14-002) TRES CERRITOS EAST - Continued Public Hearing from October 7, 2014** – A request for Planning Commission review and approval of a tentative tract map for conveyance (financing) purposes only. The subdivision proposes to divide 165.83 acres into 14 large numbered lots for future sale and development, and 23 lettered lots for future public facilities and landscaping. The site is located on the northwest corner of Devonshire Avenue and Cawston Avenue and south of Menlo Avenue, with consideration of a Notice of Determination that the project is consistent with the Final Environmental Impact Report (FEIR) that was adopted for the underlying project, Tres Cerritos Specific Plan No. 90-009.

**PROJECT APPLICANT INFORMATION:**

Owners: Signal Family Hemet, LLC; Omni Financial, LLC; & MJ&M, LLC  
Engineer: Mike Medofer – Medofer Engineering Inc.  
Planner: Carole L. Kendrick – Associate Planner  
Project Location: Northwest corner of Devonshire Avenue and Cawston Avenue and south of Menlo Avenue.  
APN: 448-100-001 thru -018, 448-110-001 thru -015, -017 thru -022, and 444-020-024 thru -025  
Lot Area: 165.83 acres

**RECOMMENDED ACTION:**

That the Planning Commission:

1. *Open the continued Public Hearing, take public testimony, and Adopt the attached Planning Commission Resolution Bill No. 14-020 (Attachment No. 1), approving Tentative Tract Map No. 36759 subject to the Conditions of Approval (Attachment No. 1a), and*
2. *Direct staff to file a Notice of Determination with the County Clerk.*

5. **CONDITIONAL USE PERMIT NO. 14-007 (NEW ERA METALS)** - A request for Planning Commission review and approval of a Conditional Use Permit 14-007 allowing the operation of a scrap metal recycling facility in an existing 10,000 square foot metal building located at 1401 Mesa View Street with consideration of an environmental exemption pursuant to CEQA Guidelines Section 15301.

**PROJECT APPLICANT INFORMATION:**

Property Owner: John P. Ennes  
Business Owner: Juan Velasquez  
Authorized Agent: George Kraus  
Planner: Soledad Carrisoza – Planning Technician  
Project Location: 1401 Mesa View Street  
Lot Area: 0.55 Acre  
APN: 439-021-007

**RECOMMENDED ACTION:**

That the Planning Commission:

1. *Adopt the attached Planning Commission Resolution Bill No. 14-024 (Attachment No. 1), approving CUP 14-007 subject to the findings and conditions of approval, and;*
2. *Direct staff to file a Notice of Exemption with the County Clerk.*

6. **ZONING AMENDMENT (ZOA) NO. 14-005 (CONGREGATE CARE FACILITIES)** – A city-initiated action amending Chapter 90 (Zoning) of the Hemet Municipal Code to update and expand the definitions of certain types of congregate living facilities, and to establish their use in the Multiple Family Residential, Commercial, Downtown, and Institutional Zones.

**PROJECT APPLICANT INFORMATION:**

Applicant: City of Hemet  
Planner: Nancy Gutierrez – Contract Planner  
Project Location: Citywide

**RECOMMENDED ACTION:**

That the Planning Commission:

1. *Conduct the public hearing and consider any public testimony on the proposed ordinance; and*
2. *Adopt Planning Commission Resolution Bill No. 14-025 recommending APPROVAL of Zoning Ordinance Bill No. 14-071 to the City Council.*

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**WORK STUDY ITEMS**

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*Work Study items are not public hearings and do not require prior notice to the public, although notice may be given to interested persons depending upon the subject matter. The purpose of the Work Study session is to allow the Planning Commission to engage in an open, preliminary review and discussion of issues, ordinances, procedures, or projects prior to the formal public hearing process. The Planning Commission has the option to receive public comment, and is encouraged to provide direction to staff at the conclusion of the work study session.*

7. **WORKSTUDY: CONDITIONAL USE PERMIT CUP14-001 (SUN EDISON)** – A Work-study Session for the Applicant, Sun Edison, and their consultant team to provide an introduction of the proposed project to the Planning Commission, and to identify potential issues that may require additional review prior to the formal public hearing for the project.

**RECOMMENDED ACTION:**

*That the Planning Commission provide preliminary input to the Applicant and Staff regarding questions, comments or issues to be addressed further in the environmental review process and Public Hearing for the project.*

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**DEPARTMENT REPORTS**

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- 8. CITY ATTORNEY REPORTS:** *Verbal report from the Assistant City Attorney on items of interest to the Planning Commission.*
- 9. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:** *Verbal reports from Community Development Director, Deanna Elliano*
- A.** Report on actions from the October 14, 2014 City Council Meeting.
- 10. PLANNING COMMISSIONER REPORTS:** *Commissioner reports on meetings attended, future agenda items or other matters of Planning interest.*
- A.** Chairman Gifford  
**B.** Vice Chair Vasquez  
**C.** Commissioner Perciful  
**D.** Commissioner Overmyer  
**E.** Commissioner Crimeni
- 11. FUTURE AGENDA ITEMS:**
- A.** Site Development Review (SDR 14-002) 120 unit senior apartment project - Pension del Sol  
**B.** Conditional Use Permit (CUP 14-008) Redline Express Car Wash  
**C.** Workstudy: Preliminary Review (PR 14-008) Hemet Senior Apartments  
**D.** Update Report regarding the status of inactive entitlements approved by the Planning Commission during the period of 2009-2014  
**E.** Update on the Temporary Sign ordinance  
**F.** Zoning Ordinance Amendment regarding Storage Containers in Commercial & Industrial Zones
- 12. ADJOURNMENT:** To the meeting of the City of Hemet Planning Commission scheduled for **November 4, 2014 at 6:00 P.M.** to be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue, Hemet, California 92543.

**NOTICE TO THE PUBLIC:**

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

PLANNING  COMMISSION

MEETING MINUTES

DATE: OCTOBER 7, 2014

CALLED TO ORDER: 6:00 P.M.

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

1. CALL TO ORDER:

PRESENT: Vice Chairman Greg Vasquez, and Commissioners Vince Overmyer and Michael Perciful

ABSENT: Chairman John Gifford, Commissioner Rick Crimeni

Invocation and Flag Salute: Vice Chairman Greg Vasquez

2. APPROVAL OF MINUTES:

A. Minutes of the Planning Commission meeting of September 16, 2014

It was **MOVED** by Commissioner Vince Overmyer and **SECONDED** by Commissioner Michael Perciful to **APPROVE** the Minutes of the Planning Commission meeting of September 16, 2014.

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

**AYES:** Vice Chairman Greg Vasquez, and Commissioners Vince Overmyer and Michael Perciful

**NOES:** None

**ABSENT:** Chairman John Gifford, Commissioner Rick Crimeni

3. PUBLIC COMMENTS:

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

PUBLIC HEARING ITEMS

4. **TENTATIVE TRACT MAP 36759 (MAP 14-002) TRES CERRITOS EAST SPECIFIC PLAN** - A request for Planning Commission review and approval of a tentative tract map for conveyance (financing) purposes only. The subdivision

1 proposes to divide 165.83 acres into 14 large numbered lots for future sale and  
2 development, and 23 lettered lots for future public facilities and landscaping. There  
3 will be no "buildable" lots created by this subdivision, as future subdivision maps will  
4 be required to be filed for the individual large lots prior to development. The site  
5 encompasses the Tres Cerritos East Specific Plan, located on the northwest corner  
6 of Devonshire Avenue and Cawston Avenue. The Commission will also consider a  
7 Notice of Determination that the project is consistent with land uses and the Final  
8 Environmental Impact Report (FEIR) that was adopted for the Tres Cerritos Specific  
9 Plan No.90-009.

10  
11 **PROJECT APPLICANT INFORMATION:**

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13 Owners: Signal Family Hemet, LLC; Omni Financial, LLC; & MJ&M,  
14 LLC  
15 Engineer: Mike Medofer - Medofer Engineering  
16 Planner: Ron Running - Contract Planner  
17 Project Site: Northwest corner of Devonshire Avenue and Cawston  
18 Avenue  
19 APN: 448-100-001 thru -018, 448-110-001 thru 015, 007 thru  
20 -022, and 444-020-024 thru -025  
21

22 CDD Eliano reported that the applicants have requested that the matter be continued  
23 to the October 21 Planning Commission Meeting; however, public comments can be  
24 taken at this meeting.  
25

26 Vice Chair Vasquez opened the public hearing.  
27

28 Leonard Salabao, 440 North Cawston Avenue, who works for the Eastern Municipal  
29 Water District, a homeowner in Hemet for eight years, directed his comments to the  
30 worsening conditions around his neighborhood, with debris in the parks, graffiti, crime,  
31 poorly maintained landscape in public places. He would support more businesses in  
32 the community, but felt that more housing would increase the problems already  
33 mentioned.  
34

35 Vice Chair Vasquez invited him to attend the October 21st Planning Commission  
36 meeting and to also voice his concerns to the City Council.  
37

38 Mrs. Jacobo, 420 North Cawston, expressed concerns about homeless in the  
39 neighborhood, sidewalks to accommodate children going to three schools in the area,  
40 speed bumps to control traffic, better street lighting, and flooding control.  
41

42 Aldo Jacobo, 420 North Cawston, mentioned the drainage problems and asked what  
43 the Commission was planning to do about them when reviewing this project.  
44

45 Vice Chair Vasquez suggested they come to the October 21 meeting to discuss these  
46 issues with the applicant and get their responses. He then asked for a motion to  
47 continue the public hearing to October 21, 2014.  
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1 It was **MOVED** by Commissioner Vince Overmyer and **SECONDED** by Commissioner  
2 Michael Perciful to **CONTINUE** the public hearing on this issue to the October 21, 2014  
3 Planning Commission Meeting.  
4

5 The **MOTION** was carried by the following vote:  
6

7 **AYES:** Vice Chairman Greg Vasquez, and Commissioners Vince Overmyer and  
8 Michael Perciful

9 **NOES:** None

10 **ABSTAIN:** None

11 **ABSENT:** Chairman John Gifford and Commissioner Rick Crimeni  
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14 **5. APPEAL NO. 14-001 (CUP AMENDMENT 14-001, SHOOTERS SPORTS BAR**  
15 **AND BILLIARD) Continued Public Hearing from September 16, 2014** - An  
16 appeal to the Planning Commission of the Community Development Director's  
17 approval of Conditional Use Permit Amendment 14-001, which would allow  
18 recorded music and dancing for patrons at an existing restaurant/sports bar and  
19 billiard hall previously approved under Conditional Use Permit 10-015, located at  
20 121 E. Florida Avenue.  
21

22 **PROJECT APPLICANT INFORMATION:**  
23

24 Appellant: Judith McPherson, Property Owner  
25 Applicant: Bill Alden, Business Owner, Shooters Sports Bar & Billiard  
26 Planner: Emery J. Papp - Principal Planner  
27 Project Location: 121 E. Florida Avenue  
28 APN: 443-281-001  
29

30 (CDD Elliano presented the staff report, including background for the appeal.)  
31

32 City Attorney Jex outlined the issues of the case and referred to Shell Oil vs. San  
33 Francisco, a case with similar issues. His conclusion was that the language of the  
34 lease agreement (which is not within the purview of the Planning Commission)  
35 demands that the property owner consent to any uses of the property other than as a  
36 restaurant and sports bar, which the lease outlines as the sole use with no other use  
37 permitted.  
38

39 In the opinion of the City Attorney's Office, the City should not expand the rights of the  
40 parties but act to preserve the status quo of the original CUP, which does not include  
41 DJ and dancing, until the city can obtain the property owner's consent; or second, get a  
42 judicial interpretation, directing whether DJ and dancing is an allowed use under the  
43 terms of this lease.  
44

45 His recommendation was that the Planning Commission have a motion and vote to  
46 rescind the Conditional Use Permit Amendment, and if there is an agreement between  
47 tenant and landowner, the tenant may reprocess the CUP without paying any  
48 additional fees.  
49  
50

1  
2 Michael Hesse, 4515 Tyler Street, Riverside, attorney for the applicant Bill Aiden, cited  
3 several cases in support of his argument that California law greatly favors unrestricted  
4 use of leasehold property by lessees; that the use applied for in the permit is a use  
5 that's permitted in the downtown area, according to the zoning code; and that an  
6 ambiguity and a restriction of use of leased property by a tenant shall be construed in  
7 favor of unrestricted use.  
8

9 Bill Aiden, 2488 Grace Street, Hemet, indicated the various public relations and  
10 advertising elements he had proposed to develop his business and the lack of  
11 cooperation he had from the landlord. He said he is presently looking for other places  
12 to relocate. He also left the hearing early for health reasons.  
13

14 Barry Swan, 3233 Arlington Avenue, Suite 203, Riverside, attorney for the appellant,  
15 asked the Commission if they are prepared to be judges in interpreting what the lease  
16 means. He stated that doing anything other than the conservative approach would  
17 open the proverbial Pandora's Box. He also argued that the lease was not ambiguous,  
18 citing the word "sole" as it appears in the lease.  
19

20 Vice Chair Vasquez closed the public hearing and stated his opinion that it is not the  
21 Planning Commission's role to interpret landlord-tenant contracts. Since the City  
22 Attorney returned with his opinion, that being that the amendment was given  
23 improperly, his recommendation was to rescind the CUP Amendment, and Vice Chair  
24 Vasquez supported his recommendation.  
25

26 Commissioner Overmyer also supported the City Attorney's recommendation, hoping  
27 ultimately that the landlord and tenant could resolve their issues so the business could  
28 survive and prosper in the downtown area.  
29

30 Commissioner Perciful agreed that he wanted to see the parties work it out, but the  
31 Planning Commission is not the venue to do that. The Commission's purpose is to  
32 make a determination on the Conditional Use Permit Amendment Appeal and take the  
33 guidance of the City Attorney. He also stated that he wants to see this business  
34 succeed and do well. He is not anxious to see another vacant building in the city.  
35

36 It was **MOVED** by Commissioner Vince Overmyer and **SECONDED** by Commissioner  
37 Michael Perciful to **RESCIND** the Community Development Director's approval of the  
38 Conditional Use Permit Amendment No. 14-001 without prejudice to the tenant; and  
39 **ACKNOWLEDGE** that if the situation is resolved between the owner and tenant or a  
40 judicial determination is obtained, the tenant may reprocess the application without  
41 paying a new fee, provided the application is submitted within one year of the date of  
42 this action.  
43

44 The **MOTION** was carried by the following vote:  
45

46 **AYES:** Vice Chairman Greg Vasquez, and Commissioners Vince Overmyer and  
47 Michael Perciful  
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49 **NOES:** None

50 **ABSTAIN:** None

**ABSENT:** Chairman John Gifford and Commissioner Rick Crimeni

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## WORK STUDY REPORTS

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- 6. WORK STUDY: CONDITIONAL USE PERMIT CUP 14-001 (SUN EDISON) - A**  
Work Study session for the Applicant, Sun Edison, and their consultant team to provide an introduction of the proposed project to the Planning Commission, and to identify potential issues that may require additional review prior to the formal public hearing for the project.

CDD Elliano noted that because two of the Commission members were going to be absent for this meeting, the applicant requested that the work study be continued to the next meeting, October 21, 2014.

Vice Chair Vasquez directed staff to continue Item No. 6 to the October 21, 2014 Planning Commission meeting.

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## DEPARTMENT REPORTS

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- 7. CITY ATTORNEY REPORTS:** (Nothing to report.)

- 8. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**

**A.** Update Report regarding the status of inactive entitlements approved by the Planning Commission during the period of 2009-2014

CDD Elliano requested that this item be moved to the November 4th Planning Commission meeting because Chairman Gifford had requested the report and he is absent.

- B.** Report on actions from the September 23, 2014 City Council Meeting

CDD Elliano reported that the only Planning Department matter before the Council was the first public hearing regarding the City's Update to User Fees. It was continued to the October 14 council meeting. The soonest the fee updates would go into effect would be January 1, 2015. When asked by Commissioner Perciful if the fees were increasing or decreasing, CDD Elliano answered that in terms of the building department, some of the fees were reduced, and there were more categories created so there was more exactitude in terms of what was being charged for. Many Planning and other department fees are higher than the current fees; however, the fees are very much on par in a comparison with surrounding communities.

- 9. PLANNING COMMISSION REPORTS:**

- A.** Chairman Gifford (Absent)
- B.** Vice Chair Vasquez (Nothing to report)
- C.** Commissioner Perciful (Nothing to report)
- D.** Commissioner Overmyer (Nothing to report)
- E.** Commissioner Crimeni (Absent)

1  
2 **10. FUTURE AGENDA ITEMS:**  
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- 4       **A.** TTM 36759: Conveyance Map for Tres Cerritos East  
5       **B.** Zoning Ordinance Amendment regarding senior housing uses in Commercial  
6       zones  
7       **C.** Site Development Review (SDR 14-002) for a 120-unit senior apartment  
8       project  
9       **D.** CUP 14-007 for a Metal Recycling Facility  
10       **E.** Update on the Temporary Sign ordinance  
11       **F.** Zoning Ordinance Amendment regarding Storage Containers in Commercial  
12       & Industrial Zones.  
13

14 **10. ADJOURNMENT**  
15

16 It was unanimously agreed to adjourn the meeting at 7:23 p.m. to the regular meeting of  
17 the City of Hemet Planning Commission scheduled for **October 21, 2014 at 6:00 p.m.**  
18 to be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue,  
19 Hemet, CA 92543.  
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John Gifford, Chairman  
Hemet Planning Commission

ATTEST:

Melissa Couden, Records Secretary  
Hemet Planning Commission

# AGENDA #4



## Staff Report

TO: City of Hemet Planning Commission

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

DATE: October 21, 2014

RE: **TENTATIVE TRACT MAP NO. 36759 (MAP 14-002) TRES CERRITOS EAST** - A request for Planning Commission review and approval of a tentative tract map for conveyance (financing) purposes only. The subdivision proposes to divide 165.83 acres into 14 large numbered lots for future sale and development, and 23 lettered lots for future public facilities and landscaping. The site is located on the northwest corner of Devonshire Avenue and Cawston Avenue and south of Menlo Avenue, with consideration of a Notice of Determination that the project is consistent with the Final Environmental Impact Report (FEIR) that was adopted for the underlying project, Tres Cerritos Specific Plan No. 90-009.

### PROJECT APPLICANT INFORMATION:

Owners: Signal Family Hemet, LLC; Omni Financial, LLC; & MJ&M, LLC  
Engineer: Mike Medofer – Medofer Engineering Inc.  
Project Location: Northwest corner of Devonshire Avenue and Cawston Avenue and south of Menlo Avenue  
APN Information: 448-100-001 thru -018, 448-110-001 thru -015, -017 thru -022, and 444-020-024 thru -025  
Lot Area: 165.83 acres

### RECOMMENDED ACTION:

That the Planning Commission:

1. Open the continued Public Hearing, take public testimony, and Adopt the attached Planning Commission Resolution Bill No. 14-020 (Attachment No. 1), approving Tentative Tract Map No. 36759 subject to the Conditions of Approval (Attachment No. 1a), and
2. Direct staff to file a Notice of Determination with the County Clerk.

## **BACKGROUND**

The noticed public hearing for TTM36759 was continued from the October 7, 2014 meeting at the request of the applicant, as he was out of town and could not attend the meeting. No presentation regarding the proposed project was given at the October 7<sup>th</sup> meeting, although the public hearing was opened and three members of the public spoke regarding concerns that have about future development of the property. Vice Chairman Vasquez encouraged the speakers to return to the October 21, 2014 hearing on the matter to have their concerns addressed by staff and the applicant.

The original Tres Cerritos Country Club (TCCC) Specific Plan No. 90-009 encompassing 336 acres allowing 641 dwelling units and a golf course was adopted on November 12, 1991. The TCCC Specific Plan was subsequently amended August 10, 1999, renamed as the Hemet Valley Country Club Estates (HVCCE) and increased the number of allowable residential units to 710 units. A second amendment (Tres Cerritos West Specific Plan Amendment No. 03-002) was adopted on January 11, 2005 which created a development plan on the western 190.1 acres for 177 single family lots over 53.1 acres, 59.1 acres of nature reserve open space, and 5.6 acres of landscaped areas that include 4.26 acres of active park, pedestrian paseos and landscaped entry areas, and a 3.5 acre vernal pool preserve (known as Tres Cerritos West). The total number of units within the overall Specific Plan project area remained at 710 dwelling units.

A third amendment to the Specific Plan, SPA No. 06-001 was adopted by the City Council on April 10, 2012 changing the development plan on the eastern 162.8 acres of the project area (Tres Cerritos East) with the addition of a 16.9 acre parcel located at the northeast corner of Devonshire Avenue and Myers Street. The amendment deleted the remaining golf course fairways and allows for development of a mixture of 754 dwelling units for a total of 931 units on 352.9 acres at an overall density of 2.6 units per acre for the entire Specific Plan area. The residential density for the Tres Cerritos East portion of the project is 4.6 d.u./ac. The maximum density under the General Plan for the site is 5.0 d.u./ac. A Final Environmental Impact Report (FEIR) analyzing this type and intensity of build-out was certified for SPA 06-001 in April 2012.

## **TENTATIVE TRACT MAP NO. 36759**

The applicant is proposing to subdivide the site into 14 large lots for future development as shown in TTM 36759 (Attachment Nos. 1A and 4). The lots correspond to the land use planning areas within the Specific Plan. The lots range in size from 1.35 acres (Lot 7) to 19.45 acres (Lot 5). The lots are portions of the various planning areas in the Specific Plan. The lots also correspond to the ownership of the property which is held by three separate owners (see Attachment No. 7). The map is proposed for conveyance/financial purposes only. No development will be allowed until a subsequent tract map or development plan is approved for each of the lots.

The purpose of TTM 36759 is to resubdivide the property, extinguish the underlying existing lot lines, and create new lot lines that accurately mirror the development plan and street layout that was approved for Tres Cerritos East as part of SPA 06-001. The existing lot and street configuration on the property (per TM 29550 recorded December 1, 2000) is shown in Attachment No. 8. The existing lot lines no longer conform to the adopted Planning Area boundaries, open space and street/infrastructure network approved under the Tres Cerritos Specific Plan. Upon recordation of the proposed map, the lot lines will be brought into conformance with the Specific Plan. The proposed map also allows the large lot areas to be sold (conveyed), financed, or further subdivided for future development.

TTM 36759 would dedicate the master plan street and flood control rights-of-way which would allow for construction of the backbone infrastructure for the project in the future. Additionally, there are lettered lots that are for perimeter landscape lots, park areas and the flood control channel along Cawston and Devonshire Avenues. These areas would be owned and maintained either by a Lighting & Landscape Maintenance District (L&LMD) or Home Owners Association (HOA). The conditions of approval (Attachment No. 1A) requires an irrevocable offer of dedication for all the backbone streets and utility/drainage facilities.

#### **GENERAL PLAN AND SPECIFIC PLAN CONSISTENCY**

The proposed map conforms to the land use plan of SP 90-009 for the Tres Cerritos East Planning Area (see Attachment 2). The Specific Plan conforms to the density range of 2.1-5.0 d.u./ac. for the Low Density Residential designation of the General Plan. The proposed lotting aligns the future development areas and dedicates the rights-of-way for the streets, flood control and open space areas of the plan. Future development will need to conform to the Phasing Plan and construct the required infrastructure of the Specific Plan as shown in Attachment 3. The General Plan and Specific Plan call for low density residential and a perimeter flood control channel along the Cawston and Devonshire Avenue frontage to alleviate the existing drainage problems and flooding in the area.

Several areas are called out as lettered lots as their future use will be for public open space and flood control purposes. Lots I, J and K will contain the linear park area that will be developed over the M.W.D. right-of-way. The 0.98 acre Lot A is reserved for the community recreation center. Lot 14 located in the southwest corner of the property will be the site of an interim storm water retention facility that will be needed until such time that a permanent facility is constructed downstream.

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## **ENVIRONMENTAL IMPACT REPORT**

The City Council adopted a Final Environmental Impact Report (FEIR) by Resolution No. 4491 on February 28, 2012 for Specific Plan Amendment No. 06-001 and a Notice of Determination was filed in accordance with CEQA requirements on April 11, 2012. There has been no legal challenge brought against the project or the environmental determination. Staff has reviewed the EIR previously approved for the project in light of the Applicant's submittal of TTM 36759. The Community Development Director has concluded that TTM 36759 is in substantial conformance with the analysis and findings conducted for the previous Final Environmental Impact Report, and the amendment does not present any changes or additional impacts that were not previously addressed, pursuant to Section 15762 of the CEQA Guidelines.

## **POLICIES, REQUIREMENTS AND GUIDELINES REVIEW**

The proposed Tentative Tract Map was reviewed by the City staff Design Review Committee (DRC) at June 5, 2014 and July 17, 2014 meetings for consistency with the City's applicable policies, requirements and guidelines. Subsequently, the DRC has recommended that the map be found consistent with the City's General Plan, Zoning Ordinance and other development requirements and guidelines subject to the Conditions of Approval found in Attachment 1A.

The proposed subdivision map was also circulated to the other public agencies for comment and those comment letters are provided as Attachment No. 5. None of the public agency comments received resulted in changes to the map and are primarily informational in nature.

## **PUBLIC NOTICE AND COMMUNICATIONS**

Property owners located within a 300 foot radius of the project site were notified of the public hearing on September 25, 2014 with a 10-day hearing notice in addition to a public notice in the Chronicle. The public hearing was opened at the October 7, 2014 meeting of the Commission and continued to the October 21, 2014 meeting at the request of the applicant.

At the October 7, 2014 hearing, three members of the public spoke in opposition to the future development of the property and cited concerns with crime, too much residential housing, traffic, lack of lighting in the area and drainage.

At the time of report preparation, the Planning Department received one email comment from the public included as Attachment No. 6. 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.

## CONCLUSION

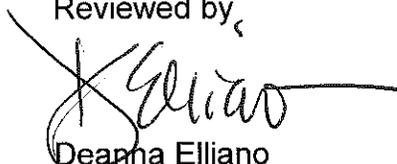
The proposed map will allow for future dedication of roadways and infrastructure needed for the development of the Specific Plan in a manner that is consistent with the vision outlined in the City's 2030 General Plan. The dedication of land for the perimeter flood control channel will help in solving the regional drainage issues of the area. The large parcels are in conformance with the Tres Cerritos Specific Plan can be sold to developers for future subdivision and development. No actual development is approved or will occur in conjunction with TTM 36759. The proposed map is consistent with both the General Plan and the Specific Plan.

Respectfully submitted,



Carole Kendrick  
Associate Planner

Reviewed by,



Deanna Elliano  
Community Development Director

CK

## ATTACHMENTS

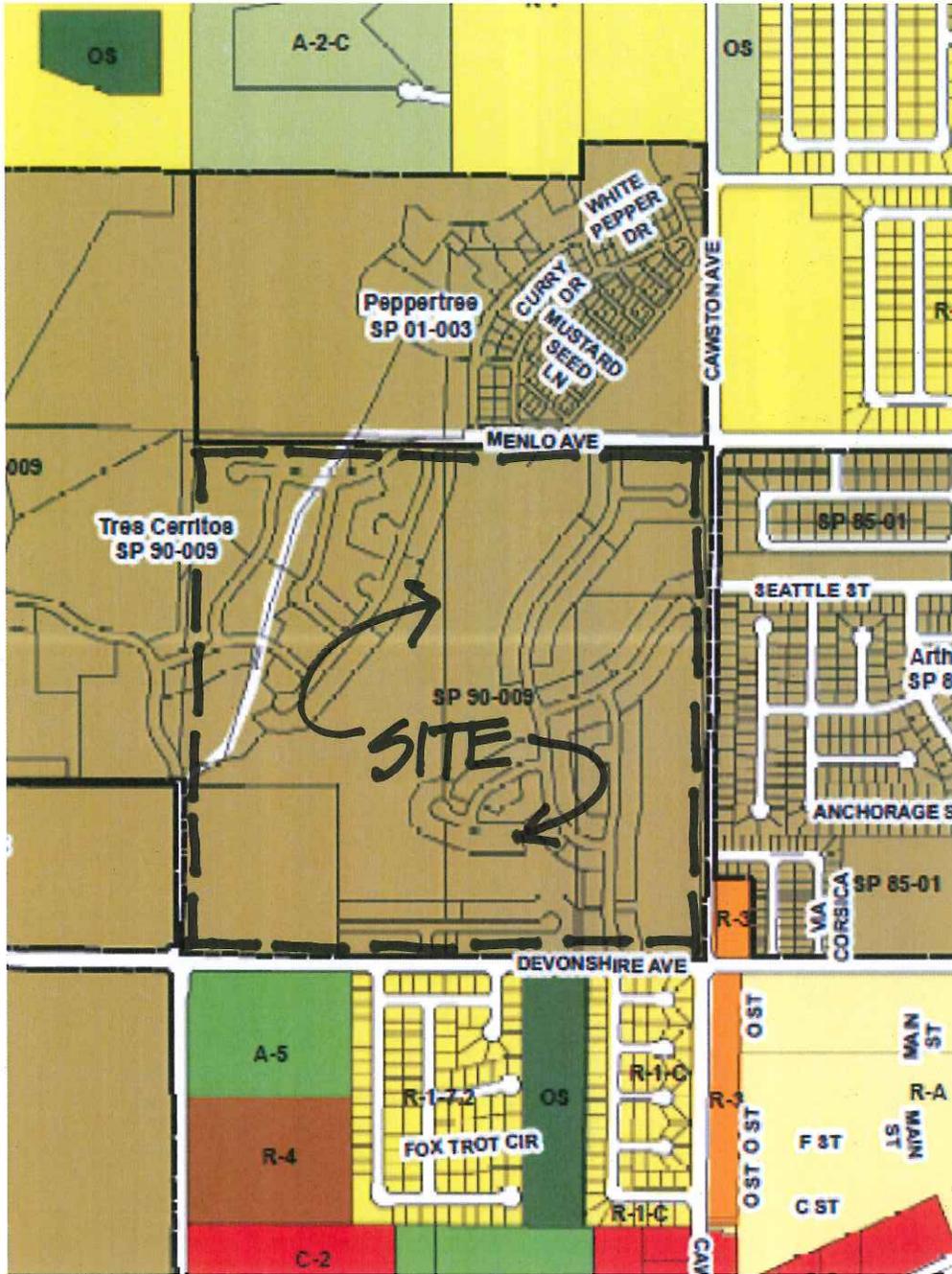
- A) Locational Exhibit
  - 1) Planning Commission Resolution Bill No. 14-020 for TTM No. 36759
    - a. Conditions of Approval
    - b. 8 ½" x 11" Reduction of TTM No. 36759
  - 2) Tres Cerritos SP 90-009 Land Plan
  - 3) Tres Cerritos SP 90-009 Phasing Plan
  - 4) Tentative Tract Map No. 36759 – 11"x17"
  - 5) Public Agency comment letters received regarding the proposed project
  - 6) Public Comments received regarding the proposed project
  - 7) Map showing current ownership boundaries
  - 8) Tract Map 29550 showing existing lot lines and parcels for the property

## INCORPORATED HEREIN BY REFERENCE

City of Hemet General Plan  
City of Hemet General Plan EIR  
City of Hemet Zoning Ordinance  
City of Hemet Subdivision Ordinance  
Project Site's Riverside County Integrated Plan Multi-Species Habitat Conservation Plan  
Summary Report  
Contents of City of Hemet Planning Division Project File(s) SP No. 90-009, SPA 06-001 and TTM  
36759

**Attachment  
No. A  
Locational Exhibit**

**Planning Commission  
Public Meeting of  
October 21, 2014**



Locational/Zoning Exhibit  
 TTM 36759 (Map 14-002)

# Attachment No. 1

Resolution Bill No.  
14-020

Planning Commission  
Public Meeting of  
October 21, 2014

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**CITY OF HEMET  
Hemet, California**

**PLANNING COMMISSION  
RESOLUTION BILL NO. 14-020**

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**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF HEMET, CALIFORNIA RECOMMENDING  
TO THE CITY COUNCIL APPROVAL OF TENTATIVE  
TRACT MAP NO. 36759 (MAP14-002) FOR  
FINANCIANING/CONVEYANCE PURPOSES ONLY,  
PERTAINING TO A 165.83-ACRE SITE LOCATED ON  
THE NORTHWEST CORNER OF DEVONSHIRE AVENUE  
AND CAWSTON AVENUE AND SOUTH OF MENLO  
AVENUE (APN: 448-100-001 THRU -018, 448-110-001  
THRU -015, -017 THRU -022, AND 444-020-024 THRU -  
025).**

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**WHEREAS**, an application for Tentative Tract Map No. 36759 (MAP12-001), for the subdivision of a 165.83-acre site into 14 numbered lots and 23 lettered lots for conveyance purposes only, have been duly filed by:

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Owners:	Signal Family Hemet, LLC; Omni Financial, LLC; & MJ&M, LLC
Engineer:	Mike Medofer – Medofer Engineering Inc.
Project Location:	North of Devonshire Avenue, west of Cawston Avenue and south of Menlo Avenue
Lot Area:	165.83 Acres
APNs:	448-100-001 thru -018, 448-110-001 thru -015, -017 thru -022, and 444-020-024 thru -025; and

**WHEREAS**, the Municipal Code allows for subdivision of the subject property into 14 numbered and 23 lettered lots (non-development), subject to the approval of a Tentative Tract Map; and

**WHEREAS**, in accordance with Government Code Section 65090, on September 25, 2014, the City gave public notice by advertising in the Hemet Chronicle and by mailing to property owners within 300 feet, of the holding of a public hearing at which the project would be considered by the Planning Commission; and

**WHEREAS**, on October 7, 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 Tentative Tract Map and at which the Planning Commission continued

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**PLANNING COMMISSION RESOLUTION BILL NO. 14-020  
Tentative Tract Map No. 36759 - Tres Cerritos East**

1 the public hearing open to October 21, 2014 because the applicant was not able to  
2 present at October 7<sup>th</sup> hearing; and,  
3

4 **WHEREAS**, at the continued public hearing on October 21, 2014 the Planning  
5 Commission considered and heard all public comments at which interested persons had  
6 an opportunity to testify in support of, or opposition to, the Tentative Tract Map; and,  
7

8 **WHEREAS**, the City Council approved and Environmental Impact Report by  
9 Resolution No. 4491 on February 28, 2012 for Specific Plan Amendment No. 06-001. In  
10 compliance with the California Environmental Quality Act ("CEQA") and the CEQA  
11 Guidelines, the Community Development Director has evaluated the project to  
12 determine if any new environmental impacts would be created as a result of the  
13 proposed project and has determined that no additional environmental analysis is  
14 needed.  
15

16 **WHEREAS**, in accordance with Government Code Section 66452.3, the City  
17 provided the applicant with a copy of the Planning Department's report and  
18 recommendation to the Planning Commission at least three (3) days prior to the below  
19 referenced notice of public hearing; and  
20

21 **NOW THEREFORE**, the Planning Commission of the City of Hemet, California,  
22 does determine, find, and resolve as follows:  
23

#### 24 **SECTION 1: ENVIRONMENTAL FINDINGS**

25  
26 The Planning Commission, in light of the whole record before it, including but not limited  
27 to, the City's Local CEQA Guidelines and Thresholds of Significance, the  
28 recommendation of the Community Development Director as provided in the Staff  
29 Report dated October 7, 2014 and documents incorporated therein by reference, and  
30 any other evidence (within the meaning of Public Resources Code Sections 21080(e)  
31 and 21082.2) within the record or provided at the public hearing of this matter, hereby  
32 finds and determines as follows:  
33

- 34 1. An Environmental Impact Report (EIR) (SCH#2006071002) has been previously  
35 prepared and certified for the Tres Cerritos East Project (SPA 06-001). The EIR  
36 analyzed the environmental impacts of the project. The tentative tract map  
37 proposes to subdivide the property within the Tres Cerritos Specific Plan  
38 boundary consistent with the Tres Cerritos East Planning Area boundaries  
39 identified in the Specific Plan Land Use Plan. The circulation, access roads, flood  
40 control and road improvements have been designed consistent with the  
41 requirements of the Specific Plan. There is no development associated with the  
42 proposed TTM 36759, and therefore no environmental effects identified that were  
43 not previously examined and mitigated in the Final EIR for the project.  
44  
45

1 **SECTION 2: MAP ACT FINDINGS**

2  
3 In accordance with Hemet Municipal Code §70-133, §70-191, §70-251 thru 255 and  
4 Government Code §66463, §66473.1, §66473.5 and §66474, the Planning Commission,  
5 in light of the whole record before it, including but not limited to the Planning Division's  
6 staff report and all documents incorporated by reference therein, the City's General  
7 Plan, Subdivision Ordinance, Zoning Ordinance, standards for public streets and  
8 facilities, the Tres Cerritos Specific Plan and Development Standards, and any other  
9 evidence within the record or provided at the public hearing of this matter, hereby finds  
10 and determines as follows:

- 11  
12 1. Tentative Tract Map No. 36759 is consistent and compatible with the objectives,  
13 policies, general land uses, and programs specified in the City's General Plan in  
14 that:

15  
16 The site of the proposed subdivision is designated in the General Plan for the  
17 City of Hemet for Low Density Residential (2.1 – 5.0 d.u./ac.). The proposed map  
18 allows for the establishment of large lots consistent with the boundaries of the  
19 Specific Plan Planning areas that will allow for future development of a mixture of  
20 residential land uses consistent with the land use designation density. The  
21 proposed map has designated roadways and flood control right-of-way areas that  
22 are consistent with General Plan Circulation and Public Facilities elements.  
23

- 24 2. Tentative Tract Map No. 36759, together with the design and improvement of the  
25 proposed subdivision, is consistent and compatible with the objectives, policies,  
26 general land uses, and programs specified in the Tres Cerritos Specific Plan (SP  
27 90-001) and Development Standards in that:

28  
29 The proposed Tentative Tract Map proposes to subdivide the property into lots  
30 consistent with the Planning Area boundaries identified in the Tres Cerritos  
31 Specific Plan Land Use Plan. There is neither a development plan nor buildings  
32 proposed as part of this subdivision. The circulation, access roads, flood control  
33 and road improvements have been laid out consistent with the Specific Plan  
34 requirements. Therefore, the proposed subdivision is consistent with the General  
35 Plan and Specific Plan.  
36

- 37 3. The design and improvement of the subdivision proposed under Tentative Tract  
38 Map No. 36759 is consistent with the City's General Plan in that:

39  
40 The improvements proposed for the residential lots and open space areas are  
41 consistent with both residential and open space standards. The proposed  
42 subdivision and layout of streets and public infrastructure is sized accordingly to  
43 handle the needs of the project itself and that of the surrounding development as  
44 contained in the master plan of public facilities as required in Land Use Policy

1 2.10 of the General Plan. Public spaces are provided in non-developable lettered  
2 lots which will allow for facilities listed under Land Use Policies 5.5 and 15.7.

- 3  
4 4. The site is physically suitable for the density of development proposed under  
5 Tentative Tract Map No. 36759, in that:

6  
7 The land use designation is for future low density residential land uses that are  
8 consistent with the Tres Cerritos Specific Plan and Final EIR. No actual  
9 development will occur as a result of the proposed map.

- 10  
11 5. The design of the subdivision and improvements proposed under Tentative Tract  
12 Map No. 36759, is not likely to cause substantial environmental damage or  
13 substantially and avoidable injure fish or wildlife or their habitat in that:

14  
15 The future development of the site into residential and public lots will improve the  
16 hydrology of the area and will not increase urban storm water runoff. The project  
17 is designed to help solve the regional hydrologic problems of the area. The  
18 design of the drainage system will not cause environment damage to sensitive  
19 habitat in the areas southwest of the project site.

- 20  
21 6. The design of the subdivision and improvements proposed under Tentative Tract  
22 Map No. 36759, is not likely to cause serious public health problems in that.

23  
24 The proposed Tentative Tract Map proposes to subdivide the property into lots  
25 consistent with the Planning Area boundaries identified in the Tres Cerritos  
26 Specific Plan Land Use Plan. There is neither a development plan nor buildings  
27 proposed as part of this subdivision. No development will occur as a result of the  
28 proposed map and therefore will not cause serious public health problems.

- 29  
30 7. The proposed parcel lines shall not conflict with any public easements.

31  
32 The proposed Tentative Tract Map is for conveyance/financing purposes only  
33 and has been conditioned to relocate or relinquish easements of record to the  
34 satisfaction of the City Engineer (see Condition No. 38).

- 35  
36 8. There shall not be any physical constraints or other issues which may affect the  
37 feasibility of future development on the site (e.g. vehicular access, utility service  
38 extensions).

39  
40 The proposed Tentative Tract Map proposes to subdivide the property into lots  
41 consistent with the Planning Area boundaries identified in the Tres Cerritos  
42 Specific Plan Land Use Plan. There is neither a development plan nor buildings  
43 proposed as part of this subdivision. The circulation, access roads, flood control  
44 and road improvements have been laid out consistent with the Specific Plan  
45 requirements.

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**PLANNING COMMISSION RESOLUTION BILL NO. 14-020**  
**Tentative Tract Map No. 36759 - Tres Cerritos East**

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9. The proposed parcels shall have access from a public road, or access shall be feasible and required by conditions of approval of the tentative map.

The proposed Tentative Tract Map proposes to subdivide the property into lots consistent with the Planning Area boundaries identified in the Tres Cerritos Specific Plan Land Use Plan. There is neither a development plan nor buildings proposed as part of this subdivision. The circulation, access roads, flood control and road improvements have been laid out consistent with the Specific Plan requirements.

10. The proposed parcels shall meet the minimum size requirements of the zone.

The Tres Cerritos Specific Plan provides a wide range of minimum lot size requirements that are designated for each planning area. Tres Cerritos East has minimum lot size requirements that span from 4,000 square feet to 2 acres. The proposed Tentative Tract Map meets the minimum size requirements of the Tres Cerritos Specific Plan and associated planning areas.

### **SECTION 3: PLANNING COMMISSION ACTION**

1. **Notice of Determination.** In accordance with Public Resources Code Section 21152(b) and CEQA Guidelines Section 15075, the Community Development Director shall prepare a Notice of Determination concerning the findings made in Section 1 of this Resolution, and within five (5) working days of approval of Tentative Tract Map No. 36759, file the Notice of Determination with the Riverside County Clerk for processing.
2. **Approve Tentative Tract Map.** Tentative Tract Map No. 36759 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Exhibit 1A.

**PASSED, APPROVED AND ADOPTED** this 7<sup>th</sup> day of October, 2014, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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\_\_\_\_\_  
John Gifford, Chairman  
Hemet Planning Commission

ATTEST:

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

**Attachment  
No. 1a  
Conditions of  
Approval for  
TTM No. 36759**

**Planning Commission  
Public Meeting of  
October 21, 2014**



**EXHIBIT 1B**  
**CITY OF HEMET**  
**DRAFT CONDITIONS OF APPROVAL**

**PLANNING COMMISSION DATE:**        **October 21, 2014**

**PROJECT NO.:**        **TTM 36759 (Map 14-002) – Tres Cerritos East**  
**APPLICANT:**        Thomas Shollin - Signal Family Hemet, LLC  
**ENGINEER:**         Mike Medofer – Medofer Engineering Inc.  
**LOCATION:**            NWC Devonshire and Cawston Avenue and south of Menlo Avenue  
**DESCRIPTION:**      Subdivision of 165.83 acres into 14 non-buildable lots and 23 lettered lots for conveyance/financing purposes only.

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

**STANDARD CONDITIONS**

The following conditions of approval were approved by the City Council (Resolution No. 3523) as standard conditions of approval for all projects. Questions regarding compliance with these conditions should be directed to the Planning Division at (951) 765-2375.

**General Requirements:**

1. **Tentative Tract Map No. 36759** shall become null and void on **October 21, 2016** (two calendar years from the date of approval), unless the final map is approved by the City Council and recorded with the County of Riverside and unless use in reliance on the approved Tentative Tract Map is established prior to the expiration date. A time extension may be granted by the Planning Commission in accordance with Hemet Municipal Code and the Subdivision Map Act, provided a written request for a time extension is submitted the Planning Division prior to the expiration date. No formal notice of expiration will be given by the City.
2. Approval of **Tentative Tract Map No. 36759** shall become effective on **November 1, 2014** (10 calendar days after action by the Planning Commission) unless appealed to the City Council. The appeal shall be in writing and shall be accompanied by the required fee.
3. The conditions of approval of this project shall supersede all conflicting notations, specifications, dimensions, typical sections, and the like, which may be shown on the tentative project plans.
4. This conveyance/financing purposes map and any future development maps shall be developed in accordance with the Tres Cerritos Specific Plan 90-009 and the land uses

**City of Hemet - Conditions of Approval**   
**TTM 36759 (Map 14-002) – Tres Cerritos East**

and development regulations contained herein. All future development maps shall conform to the infrastructure plan and infrastructure phasing plan as contained in Specific Plan No. 90-009.

5. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in defense of the Action. (*City Council Resolution No. 3693, 12-17-02*).
6. This project shall comply with all sections of the Zoning Ordinance, Subdivision Ordinance and all other applicable Local, State and Federal laws and regulations in effect at the time of the building permit application and/or time of recordation, including the I.C.B.O. Uniform Building Code, Uniform Fire Code, and City and State Handicapped Accessibility Requirements (California Code of Regulations, Title 24).
7. The conveyance/financing purposes map is located within the Tres Cerritos Specific Plan (SP 90-009). The project is limited to the overall density and intensity, allowed uses, design guidelines, including entry monumentation and landscaping, setbacks shall comply with SP 90-009.
8. The conveyance/financing purposes map is subject to the Final Environmental Impact Report (EIR) and Mitigation Monitoring Report Plan (MMRP) certified for the Tres Cerritos East Project (SPA 06-001). All future development shall comply with the EIR and MMRP. Each Final Development Map and the required infrastructure shall comply with the EIR and MMRP. The applicant shall prepare and submit a written report to the Community Development Director demonstrating compliance with the EIR and MMRP which must be satisfied prior to the issuance of a grading permit for the required infrastructure. The Community Development Director may require inspection or other monitoring to ensure such compliance.
9. Prior to or concurrently with the recordation of any Final Development Map, a Lighting & Landscaping Maintenance District or alternative maintenance mechanism acceptable to the City shall be established. In the event that the Lighting & Landscaping Maintenance

District (L&LMD) is required, the property owner of record shall execute a property owner ballot agreeing to formation of or annexation to an L&LMD.

10. Prior to the recordation of the Final Conveyance/Financing Purposes Map, the property covered by said final map ("Tract") shall be included within, or annexed to, a Community Facilities District ("CFD") established under the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311 et seq.) established by the City of Hemet for the provision of public services permitted under Government Code § 53313, including police, fire protection, and emergency medical services (collectively "Public Safety Services"), for which proceedings have been consummated, and shall be subject to the special tax approved with the formation of the CFD or the Tract's annexation into the existing Public Safety CFD, as determined by the City.

The applicant and property owner acknowledge and agree that if the Tract were not a part of the CFD referred to above, the City might lack the financial resources to operate and provide Public Safety Services at the level required under the City's General Plan. Absent this requirement that the Tract be included within the CFD, the City might not be able to make the finding that the project now under consideration ("Project") is consistent with the City's General Plan and might not be able to make findings supporting approval of the Project as required by the Subdivision Map Act and the California Environmental Quality Act and, therefore, might be required to deny approval of the Project.

The owners and/or any developer of the Project on the Tract shall notify all potential lot buyers prior to sale of such lot(s) that: (1) the Tract is part of the CFD; (2) each lot within the Tract is subject to the levy of a special tax; and (3) the amount of the special tax for the subject lot. This notification shall be in a manner approved by the City.

This requirement may only be waived by the City Council if, at the time the final map is considered for approval, the City Council determines, based on substantial evidence in the record, that each of the following three findings can be met: (1) the Tract is located in a target area that is currently in compliance with the public safety response time mandates set forth in the General Plan; (2) that build-out and occupancy of the Project on the Tract will not result in the target area becoming non-compliant with the response time and public safety mandates of the General Plan; and (3) that, after considering the cumulative impacts of the subject Project, currently existing projects and reasonably anticipated future projects within the target area, the target area will remain in compliance with the response time and public safety mandates of the General Plan. **[Public Services and Utilities Mitigation Measure PSU-2].**

11. Any future development maps will be subject to the all improvement requirements as outlined in the Tres Cerritos Specific Plan Phasing Plan, and improvements shall be provided per the timing and order specified in the Phasing Plan for the entire development unless a subsequent amendment to the Phasing Plan is approved by the Community Development Director and Engineering/Public Works Director.
12. This map is approved for financing and land conveyance purposes only. No applications for building permits or grading permits shall be submitted for the parcels/lots created by this map until approval of subsequent tentative maps for development purposes per Section 70-255(a) of the Hemet Municipal Code.

13. Prior to any grading or drainage activity, a grading and/or drainage plan shall be prepared and submitted to the City Engineer for review and approval. No grading or drainage work for public facilities or infrastructure shall occur without a grading permit and/or the permission of the City Engineer. No grading of future development pad areas is permitted under this conveyance map approval.
14. Prior to the issuance of a grading permit the applicant shall provide to the Community Development Director proof of a signed Treatment and Dispositions Agreement between the developer and the Soboba Band of Luiseno Indians.

#### **PLANNING DIVISION PROJECT SPECIFIC CONDITIONS**

***Please contact the Planning Division for compliance with the following conditions:***

##### **General:**

15. Changes to the Tres Cerritos Phasing Plan will be subject to an administrative review and approval by the Community Development Director and the Public Works Director, per Section VI.G of the Tres Cerritos Specific Plan (SP90-009 as amended by SPA06-001).
16. Parcel lines shall not conflict with any public easements per Section 70-254(a) of the Hemet Municipal Code.
17. There shall not be any physical constraints or other issues which may affect the feasibility of future development on the site (e.g., vehicular access, utility service extensions) per Section 70-254(b) of the Hemet Municipal Code.
18. The proposed parcels shall have legal access from a public road, or access shall be feasible and required by conditions of approval of the tentative map per Section 70-254(c) of the Hemet Municipal Code.
19. Supplemental information/technical studies may be required to evaluate subsequent mapping per Section 70-255(b) of the Hemet Municipal Code.
20. No bonding or surety shall be required if no improvements are required as part of the conveyance/financial purposes map per Section 70-255(c) of the Hemet Municipal Code.

**Environmental:** Prior to the recordation of any Final Development Map the following conditions shall apply:

21. The Applicant shall be responsible for coordinating all SWPPPs for various projects and facilities to make sure the overall Proposed Project meets the requirements specified in the Federal Clean Water Act and the State Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code). **[Hydrology/Drainage/Water Quality Mitigation Measure HYD-2].**
22. Drainage conveying system and locations shall be constructed in accordance with the recommendations provided in the Drainage Feasibility Study prepared by Mayers & Associates Civil Engineering, Inc., dated June 22, 2006 (Mayers 2006b).

The preliminary drainage plan requires the collection of existing flows from the existing Seattle Channel/Basin and from an existing channel at the intersection with Devonshire Avenue. All three existing flows will be collected in a proposed trapezoidal naturalized channel located onsite along the west side of Cawston Avenue and along the north side of Devonshire Avenue. The channel has been sized to convey existing and future flows and will have a top span of approximately 50 feet, with 2:1 armorized side slopes, and a 10 foot-wide bottom.

The channel depth will be 10 feet. The channel will convey flows into an interim detention basin to be located onsite at the northeast corner of Devonshire Avenue and Myers Street. The design of the basin is sized to meet water storage retention requirements for a 100-year storm event. The basin will have a depth of 25 feet. Details for construction of the interior and perimeter of the basin are provided in the Tres Cerritos Specific Plan document. The drainage channel and detention basin will be constructed concurrently with the first phase of development. Upon subsequent completion of downstream drainage facilities, the interim detention basin maybe substantially filled in to facilitate development. A portion of the detention basin will continue to function as a water quality basin to cleanse surface flows before release offsite. **[Hydrology/Drainage/Water Quality Mitigation Measure HYD-3].**

23. The Applicant shall perform subsurface soil sampling to determine if past agricultural use has impacted the subsurface soil. Representative samples should be collected from the near surface soil (0 to 1 foot below grade) and deeper soils (3 feet below grade). All near surface samples should be analyzed for pesticides. **[Public Health and Safety Mitigation Measure PHS-2].**
24. The Applicant shall perform subsurface soil sampling and analyses to determine the depth of the apparent oil and stained soils located in the vicinity of the equipment storage yard. Soil samples should be collected at selected intervals to the apparent vertical extent of the oil stained soils. All near surface samples should be analyzed for total recoverable hydrocarbons and volatile organic compounds. **[Public Health and Safety Mitigation Measure PHS-3].**
25. In the event of demolishing or remodeling the residential structure on the subject site, an asbestos and lead paint survey should be completed prior to demolition. **[Public Health and Safety Mitigation Measure PHS-4].**
26. In general, observations should be made during any future site development for areas of possible contamination such as, but not limited to, the presence of underground facilities, buried debris, waste drums, tanks, staining soil, or odorous soils. Should such materials be encountered, further investigation and analysis may be necessary at that time. **[Public Health and Safety Mitigation Measure PHS-5].**
27. A qualified professional shall be available to respond to suspected contamination at the site if found. The credentials of the qualified professional or company shall be submitted to the City for review and approval prior to commencing work at the Proposed Project site. It shall be the responsibility of the qualified professional to evaluate all suspected contaminated areas identified by contracting personnel. The evaluation shall include, but not be limited to, making a professional judgment, taking soil samples for analyses, and/or using portable instruments. The qualified professional or company shall provide a

written evaluation and actions to be taken (if required) to the Proposed Project on-site representative. The Proposed Project on-site representative shall implement all action(s) recommended by the qualified professional or company. Additionally, the Proposed Project on-site representative shall notify and provide the City with the written evaluation for each event. **[Public Health and Safety Mitigation Measure PHS-6].**

## **FIRE DEPARTMENT CONDITIONS**

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

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

**Fire Department Access** Prior to the recordation of any future Development Map or construction on the property, the following conditions shall apply:

28. Prior to delivery of combustible materials on site, provide and maintain a surfaced all weather access roadway 20-feet wide with a 13-foot 6-inch vertical clearance designed to support the imposed loads of fire apparatus in accordance with the 2013 CFC Section 503.1 (dirt or native soil does not meet the minimum standard). Minimum turning radius for fire apparatus is 52 feet (outside) and 32 feet (inside). Fire access is required to within 150 ft of all portions of every building unless otherwise approved by the Fire Marshal.
29. In accordance with the 2013 CFC Section 503.2.5, approved turnarounds are required on any access road in excess of 150 feet in length, per City of Hemet Fire Department Standards.
30. Fire Department access roads shall have an unobstructed minimum width of 26 feet where fire hydrants are located along the access roadway or as otherwise determined by the Fire Marshal in accordance with 2013 CFC Section 503.2.2 & CFC Section D103.
31. Provide secondary access/egress per 2013 CFC Section 503.1.2 as required by the Fire Department. No portion of any public or private street used for fire access shall exceed 12% grade without approval from the Fire Marshal. All cul-de-sacs shall conform to City Standards for length, width and turnaround radius.

## **ENGINEERING DEPARTMENT CONDITIONS**

***Please contact the Engineering Department for compliance with the following conditions:***

### **General**

---

City of Hemet - Conditions of Approval   
TTM 36759 (Map 14-002) – Tres Cerritos East

32. This map is for conveyance/financial purposes only. A future final development map(s) shall be processed and approved for any development to occur, pursuant to Hemet Municipal Code, Chapter 70, Article IX.
33. Ultimate development of the lots shall be in compliance with Tres Cerritos Specific Plan 90-009 as amended by Tres Cerritos East SPA 06-001 and the conditions contained therein, including, without limitations, the adopted phasing plan.
34. Changes to the Phasing Plan will be subject to an administrative review and approval by the City Engineer, Public Works Director and Community Development Director.
35. All numbered lots shall be labeled "Not a buildable lot" on the final map.
36. When changes to the approved Tentative Map are proposed, a Substantial Compliance Exhibit, in the same scale of the Tentative Map, shall be submitted for review and approval of the City Engineer.
37. The applicant shall coordinate with affected utility companies and obtain any permits as necessary for the future development of this project.
38. Easement(s) of record not shown on the tentative map shall be relinquished or relocated. Easements of record which are shown on Tract Map 29550 which cannot be relinquished or relocated, shall be redesigned to the satisfaction of the City Engineer. The proposed parcel lines shall not conflict with any public easements.
39. Where survey monuments exist, such monuments shall be protected or shall be referenced and reset, pursuant to Business and Professions Code, Sections 8700 to 8805 (Land Surveyors Act).
40. Monuments shall be provided in accordance with City of Hemet Standard Specifications for Public Works Construction Standard M-900, M-900A, and M-901.
41. Cross-ties shall be set in top of curbs, and tie sheets shall be submitted to the City Engineer before a monument security is released.
42. Provide irrevocable offers of dedication of real property within the subdivision for streets, including access rights and abutters rights, drainage, public utility purposes, and other public easements in accordance with the Tres Cerritos Specific Plan 90-009 as amended by Tres Cerritos East SPA 06-001 and the conditions contained therein, pursuant to local ordinance for public road and public utility purposes. The City of Hemet declares that acceptance of the offers are to vest title in the City of Hemet on behalf of the public for said purposes, but said offers shall not become part of the City Maintained Road and Drainage System until improved to City standards and accepted by the City.

**Streets** Included on any recorded Final Development Map shall be subject to the following conditions:

- 43. Cul-de-sac shall be designed in accordance with the City of Hemet Standard Specifications for Public Works Construction Standard G-800.
- 44. Knuckle streets shall be designed in accordance with City of Hemet Standard Specifications for Public Works Construction Standard G-806.
- 45. All streets shall be designed in accordance with Section IV, Streets, and Section IV.9, Table "A", City of Hemet Engineering Department Summary of Minimum Street Standards per City of Hemet Standard Specifications for Public Works Construction and also be developed in accordance with the Tres Cerritos Specific Plan 90-009 as amended by Tres Cerritos East SPA 06-001 and the conditions contained therein.

**Drainage**

- 46. The Tres Cerritos East development shall be required to accept and properly discharge all storm water and run-off associated with Menlo Avenue as required by the approved Tres Cerritos Specific Plan 90-009 as amended by Tres Cerritos East SPA 06-001.
- 47. On the Final Conveyance/Financing Purposes Map, provide Irrevocable Offers of Dedication for Drainage purposes Lot "E", 65 feet wide along Devonshire Avenue and Lot "F", 25 feet and 65 feet wide along Cawston Avenue. The acceptance of Lot "E" and Lot "F" by the City of Hemet will be contingent upon construction of the full improvement of the drainage facility to Standard Specifications for Public Works Construction", the "Hemet Master Flood Control and Drainage Plan", and the "Storm Drain Development Standards, Storm Drain Criteria and Drainage Design Manual".

**END CONDITIONS**

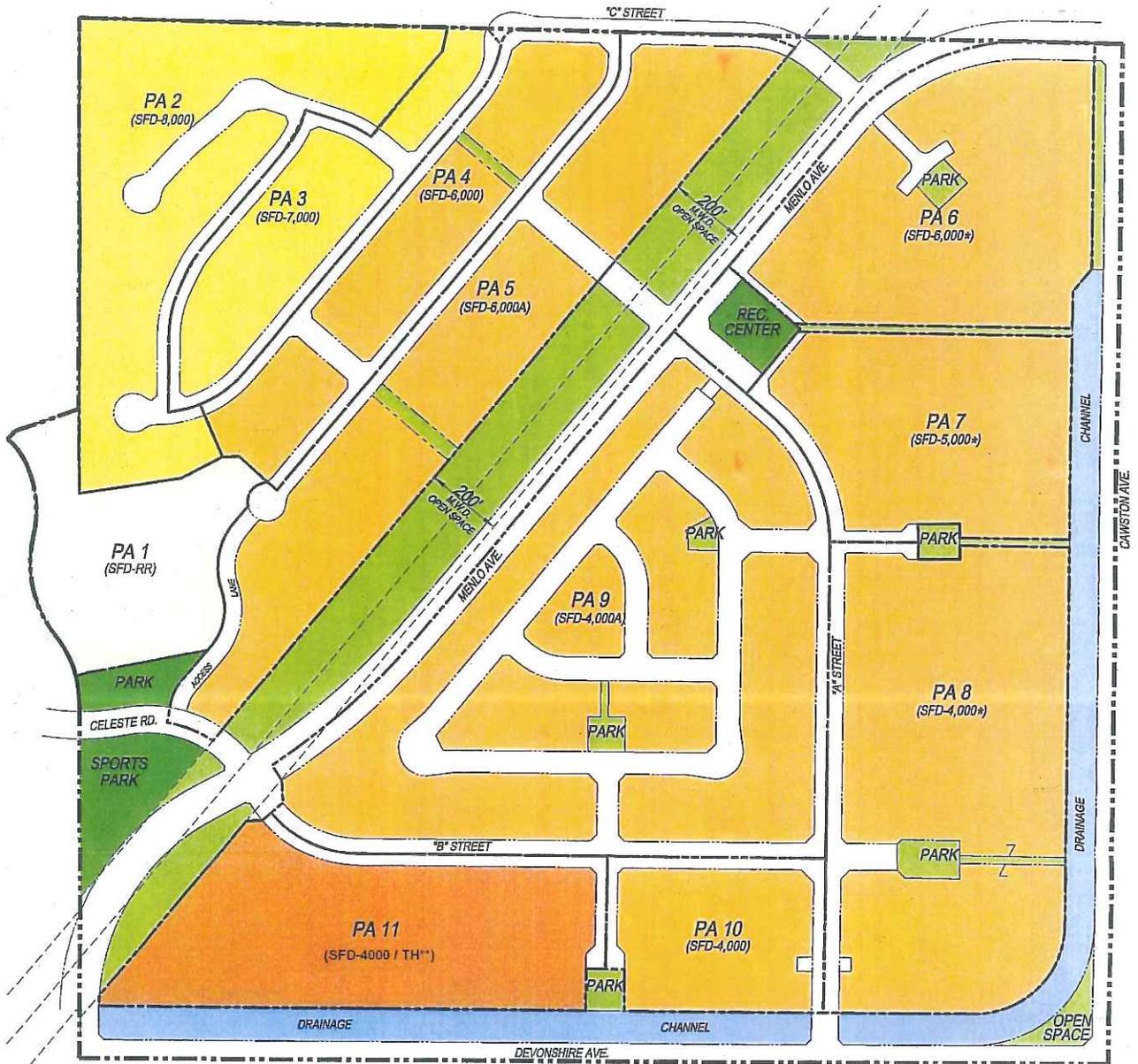
**Attachment  
No. 1b  
TTM No. 36759  
(8 1/2" x 11" Reduction)**

**Planning Commission  
Public Meeting of  
October 21, 2014**



**Attachment  
No. 2  
Tres Cerritos SP  
Land Plan  
(SP 90-009)**

**Planning Commission  
Public Meeting of  
October 21, 2014**



SPECIFIC PLAN TABULATION

PLANNING AREA	PA 1	PA 2	PA 3	PA 4	PA 5	PA 6	PA 7	PA 8	PA 9	PA 10	PA 11	
TARGET UNITS	1	26	25	42	72	60	43	83	141	25	104	622
MAXIMUM UNITS	1	26	25	42	72	78	53	105	173	31	104	710
AREA (ACRES)	5.9	12.5	6.4	8.5	14.5	12.0	8.7	16.6	28.1	5.1	10.4	128.7
TARGET DENSITY (DU/AC)	0.2	3.0	4.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	10.0	3.75
PRODUCT TYPE	SFD	SFD	SFD	SFD	SFD	SFD*	SFD*	SFD*	SFD*	SFD*	SFD/TH**	
LOT SIZE	RR	8,000	7,000	6,000	6,000A	5,000	5,000	4,000	4,000A	4,000	4000/TH	

NOTES:

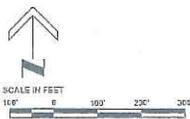
- \* = ALTERNATIVE PRODUCT DEVELOPMENT ALLOWED IN THIS PLANNING AREA SUBJECT TO THE APPROVAL OF A CONDITIONAL DEVELOPMENT PERMIT.
- \*\* SFD 4000 LOTS ARE THE BASE DEVELOPMENT TYPE, BUT TOWNHOMES ARE ALLOWED SUBJECT TO THE APPROVAL OF A CONDITIONAL DEVELOPMENT PERMIT.
- A = ALLEY LOADED
- TOTAL PROJECT ACREAGE = 165.80
- TH = TOWNHOMES
- THE CITY'S GENERAL PLAN DESIGNATION FOR TCE IS "LDR" (2 - 5 DU/AC). THE PROPOSED MAXIMUM DENSITY FOR TCE IS 4.28 DU/AC.

NON-RESIDENTIAL USES

- PUBLIC ACTIVE PARKS
- LINEAR PARK
- PRIVATE NEIGHBORHOOD PARKS
- RECREATION CENTER
- HILLSIDE OPEN SPACE
- DRAINAGE CHANNEL / TRAILS / O.S.
- COLLECTOR STREETS

ACREAGE

PUBLIC ACTIVE PARKS	2.5
LINEAR PARK	7.9
PRIVATE NEIGHBORHOOD PARKS	5.6
RECREATION CENTER	1.0
HILLSIDE OPEN SPACE	3.5
DRAINAGE CHANNEL / TRAILS / O.S.	9.2
COLLECTOR STREETS	7.4
	37.1
	128.7
TOTAL	165.8



FEBRUARY 2, 2011

CONCEPTUAL LAND USE PLAN



# Attachment No. 3 Phasing Plan

Planning Commission  
Public Meeting of  
October 21, 2014



# Attachment No. 4

**TTM No. 36759**

(Attached separately and provided to the  
Planning Commission only)

**Planning Commission  
Public Meeting of  
October 21, 2014**

# Attachment

## No. 5

Public Agency comment  
letters

Planning Commission  
Public Meeting of  
October 21, 2014

## Carole Kendrick

---

**From:** Loretta Domenigoni <ldomenigoni@vwrpd.org>  
**Sent:** Thursday, July 03, 2014 2:16 PM  
**To:** Carole Kendrick  
**Subject:** Map 14-002 for TTM 36759

Hi Carole:

Sorry for the delay but here are Valley-Wide's comments for this project:

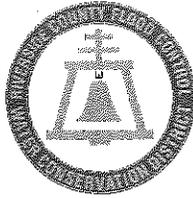
1. Since this map is for financing purposes there are no major concerns we have at this time. However, each subdivision map will need to be reviewed by us and the following may apply :
  - a. If the City/HOA is not proposing to maintain any streetscapes, landscaping, walls/fences, basins, parks etc, then an annexation into Valley-Wide for maintenance will be required. Each map will need a separate annexation application but each can be filed concurrently.
  - b. All landscaped areas, including parks, shall conform to Valley-Wide's 2012 Standards and Specification Manual.
  - c. Current Quimby Fees are \$4992.00/du. If no parks are proposed then fees will need to be paid prior to C of O. A Quimby Agreement will need to be in place for each subdivision map.
  - d. We currently use 3.12 for the population generator. Five (5) acres of parkland is required for every 1000 population.

Please email me a map of the subdivision as we did not receive one with the original request for comments. We May have more comments at that time.

Let me know if you have any additional concerns/comments

Regards  
Loretta

WARREN D. WILLIAMS  
General Manager-Chief Engineer



1995 MARKET STREET  
RIVERSIDE, CA 92501  
951.955.1200  
FAX 951.788.9965  
www.rcflood.org  
161606  
SKM:bad

## RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

City of Hemet  
Planning Department  
445 E. Florida Avenue  
Hemet, California 92543

Attention: Carole Kendrick

Ladies and Gentlemen:

Re: TTM 36759, MAP 14-002

The District does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check city land use cases, or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

The District has not reviewed the proposed project in detail and the following checked comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety or any other such issue:

- No comment.
- This project would not be impacted by District Master Drainage Plan facilities nor are other facilities of regional interest proposed.
- This project involves District Master Plan facilities. The District will accept ownership of such facilities on written request of the City. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection and administrative fees will be required.
- This project proposes channels, storm drains 36 inches or larger in diameter, or other facilities that could be considered regional in nature. The District would consider accepting ownership of such facilities on written request of the City. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection and administrative fees will be required.
- This project is located within the limits of the District's **Hemet Regional/Salt Creek Channel/Winchester North Hemet** Area Drainage Plan for which drainage fees have been adopted; applicable fees should be paid by cashier's check or money order only to the Flood Control District or City prior to issuance of grading permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.
- An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities. For further information, contact the District's encroachment permit section at 951.955.1200.

### GENERAL INFORMATION

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation, or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped flood plain, then the City should require the applicant to provide all studies, calculations, plans and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation or other final approval of the project, and a Letter of Map Revision (LOMR) prior to occupancy.

If a natural watercourse or mapped flood plain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Game and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Very truly yours,

Attachments: Exhibit

  
HENRY OLIVIO  
Engineering Project Manager

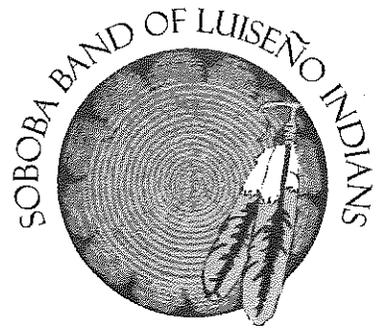
c: Riverside County Planning Department  
Attn: Kristi Lovelady

Date: 6/6/2014



June 4, 2014

Attn: Carole Kendrick  
City of Hemet-Planning Department  
445 E. Florida Avenue  
Hemet, CA 92543



EST. JUNE 19, 1883

**Re: MAP 14-002 for TTM 36759  
Subdivision of finance and conveyance purposes of approximately of an 163 acre property  
Tentative Tract Map No. 36459  
Located north of Devonshire, West of Cawston, South of Menlo, East of Warren  
(within the Tres Cerritos Specific Plan 90-009)**

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department, where it was concluded that although it is outside the existing reservation, the project area does fall within the bounds of our Tribal Traditional Use Areas. This project location is in close proximity to known village sites, and is regarded as sensitive to the people of Soboba. The Soboba not have any concerns regarding the proposed subdivision of the property. Please do keep us apprise of any future development plans on the property.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Ontiveros", is written over a faint, larger version of the same signature.

Joseph Ontiveros  
Soboba Cultural Resource Department  
P.O. Box 487  
San Jacinto, CA 92581  
Phone (951) 654-5544 ext. 4137  
Cell (951) 663-5279  
[jontiveros@soboba-nsn.gov](mailto:jontiveros@soboba-nsn.gov)

RECEIVED

JUN 16 2014

PLANNING DEPT



June 4, 2014

**Board of Directors**

**President**  
Philip E. Paule

**Vice President**  
Randy A. Record

Joseph J. Kuebler, CPA  
David J. Slawson  
Ronald W. Sullivan

**General Manager**  
Paul D. Jones II, P.E.

**Treasurer**  
Joseph J. Kuebler, CPA

**Director of The  
Metropolitan Water  
District of So. Calif.**  
Randy A. Record

**Board Secretary and  
Assistant to the  
General Manager**  
Rosemarie V. Howard

**Legal Counsel**  
Lemieux & O'Neill

Carole Kendrick, Case Planner  
City of Hemet Planning Department  
445 E. Florida Avenue  
Hemet, CA 92543

**SUBJECT: Development Review Committee Transmittal Application.  
Project/ Case No. Map 14-002 for TTM 36759**

Dear Ms. Carole Kendrick,

Eastern Municipal Water District (EMWD) thanks you for the opportunity to review the Development Review Committee Transmittal Application for the above referenced project. The proposed project includes Case No. 14-002 for TTM 36759. This project proposes a subdivision for finance and conveyance purposes of an approximately 163 acres property into 13 numbered lots, 4 lettered lots, and various street rights of way. No development, grading or improvements is proposed with this application. The property lies within Tres Cerritos Specific Plan 90-009. EMWD offers the following comments.

EMWD would like to point out that completed Water, Wastewater, and Recycled Water Master Plans have identified backbone facilities based on current land use. As Development within this proposed Specific Plan occurs over time, the proponents of implementing development projects shall consult EMWD's New Business Development Department to compare water demands and sewer flows from the proposed land use with existing demands/flows, and, if necessary, to serve such implementing development projects, prepare a Plan Of Service (POS) to detail all pertinent water, sewer and recycled water facilities, resulting in an approved POS, prior to final design of such facilities.

To that end, EMWD requires beginning dialogue with the project proponent at an early stage in site design and development, via a one-hour complimentary Due Diligence meeting. To set up this meeting, the project proponent should compare a Project Questionnaire (form NBD-058) and submit to EMWD. To download this form or for additional information, please visit our "New Department Process" web page, under "Businesses" tab, at [www.emwd.org](http://www.emwd.org). This meeting will offer the following benefits:

1. Describe EMWD's development work-flow process
2. Identify project scope and parameters
3. Preliminary, high level review of the project within the context of existing infrastructure
4. Discuss potential candidacy for recycled water service

RECEIVED

JUN 05 2014

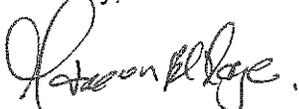
Ms. Carole Kendrick  
June 4, 2014  
Page 2 of 2

Following the Due Diligence meeting, to proceed with this project, a POS will need to be developed by the developer's engineer and reviewed/approved by EMWD prior to submitting improvement plans for Plan Check. The POS process will provide the following:

1. Technical evaluation of the projects preliminary design
2. Defined facility requirements, i.e. approved POS
3. Exception: for feasibility evaluation of a purchase acquisition, only a conceptual facilities assessment may be developed.

Again, EMWD appreciates the opportunity to comment on this project. If you have questions concerning these comments, please feel free to contact me at (951) 928-3777, Ext. 4468.

Sincerely,



Maroun El-Hage, M.S., P. E.  
Senior Civil Engineer  
New Business Development  
(951) 928-3777 x4468  
[El-hagem@emwd.org](mailto:El-hagem@emwd.org)

# Attachment No. 6

Public Comments received regarding  
the proposed project

Planning Commission  
Public Meeting of  
October 21, 2014

## Carole Kendrick

---

**From:** Kywana Hooks <dreamgiverkrs@msn.com>  
**Sent:** Monday, October 06, 2014 9:38 AM  
**To:** Corina Magana; Carole Kendrick  
**Cc:** Kywana Hooks  
**Subject:** SUBMISSION OF (OPPOSITION) - TRES CERRITOS BLDG PROJECT FOR 10/7/14 CITY COUNCIL MTG

**Importance:** High

**Dear Deanna Elliano, Community Development Director, Carole Kendrick, Associate Planner & Corina Magana, Administrative Assistant,**

**Thank you for allowing our community to contact you regarding the proposed Tres Cerritos building project on/near corner of Devonshire and Cawston Ave that will be discussed at the October 7, 2014 City Council Meeting. However, my family and I are again outraged that this is coming up for yet another public hearing. My family and community were under the impression that a very clear message was sent to the Hemet City Planning Administration previously to support its citizens that we DO NOT neither want NOR support this building project on/near Cawston and Devonshire Ave. Against this backdrop, it should be no surprise that our community is very reluctant to accept population growth with open arms.**

My family and community are aware that over the past 20 years, California's housing prices have steadily outpaced its residents' incomes. Housing production hasn't kept up with the influx of new families from around the world and household growth within the state. And the location and type of new housing does not meet the needs of many new California households. As a result, only one in five households can afford a typical home, overcrowding doubled in the 1980s, and more than two million California households pay more than they can afford for their housing.

Meanwhile, the federal government has dramatically cut back programs that used to help local governments accommodate new growth. Voter-imposed property-tax and spending freezes have further constrained local governments from responding effectively to new growth. Infrastructure funding now comes from new growth. And affordable housing development, while still funded in part by the federal government, also requires a larger local commitment than ever before.

**\*\*My family is proposing to the Hemet City Council/Planning department consider/re-consider the following as a better alternative location(s) for the Tres Cerritos building project on/near Cawston and Devsonshire Ave:**

- **Old Walmart location off Florida Ave next to Regal Cinema Theaters.**
- **The huge lot(s) adjacent to Winco Foods off Florida Ave to the west side near Warren Rd.**
- **The huge lot behind Lowe's off Kirby St. – There is already an established apartment complex across the street.**

**\*\*High-density housing can encourage retail development and ease walking & transit use. The Hemet City Council Planning Department should consider these (alternative locations nearby listed above) as they are all near already an established Mall, various retail stores, restaurants, movie theater. We are not opposed to developing more retail options for our community, quite the contrary, and many members of our community would like to see increased revenue to our city. We hope that the Hemet City Council Planning Department would realize that Mixing housing with commercial development is ever more crucial for increasing traffic control since non-work trips constitute the largest number of trips. With high-density housing and stores serving neighborhood residents move in, allowing residents to walk or use transit services to buy groceries/clothing, eat at local restaurants, or to the dry cleaner instead of driving there.**

**\*\*There are many building sites including housing tracts, senior citizen housing tracts and other condo buildings within our community that due to the present economy were unable to attract homebuyers within the last 10 years. Our community DOES NOT need another unfinished building project in our city of Hemet!! There is enough of this evidence by the Peppertree housing development in the close vicinity, and also in the other neighboring Winchester Area, also in other parts of Hemet and San Jacinto.**

Are you aware that the field/wetland across from Cawston is inhabited by many different animals (deer, horses, coyotes, dogs, cranes various other birdlife) not a threat to local residents living on or near this field. There is

becoming less and less areas in Hemet for these animals to dwell on.

This area of land is one of the few areas in Hemet that is large and secure enough that families and individuals enjoy walking, running, bicycling, photographing etc. on that is untouched by industrial or a manufacturing influence.

**Traffic has already doubled on Cawston Ave. as many commuters use Cawston to bypass traffic on Sanderson Ave. The Tres Cerritos building project near Cawston Ave./Devonshire location proposed, for the reasons above, would encourage more traffic and non-work trips for its occupants to retail stores. Many commuters do not adhere to the speed limit particularly near the schools unless there is a law enforcement presence. We are concerned that a building project will bring increased traffic and even less adherence to speed limits in the area.**

We do not want to see our present schools (Cawston Elementary, Rancho Villejo Middle School and Tahquitz High School) which our daughters currently attend, get over-crowded, which could affect the quality of education our daughters and other students receive.

**Again, my family and WE DO NOT WANT NOR SUPPORT the revised Tres Cerritos East building project on/near Cawston/Devonshire Ave regardless of this company's revised presentation/plans. We hope that the Hemet City Planning Department and Hemet City Council will hear the voice of its citizens and again uphold our wishes on this matter and consider another, more suitable area(s) for this project as described above.**

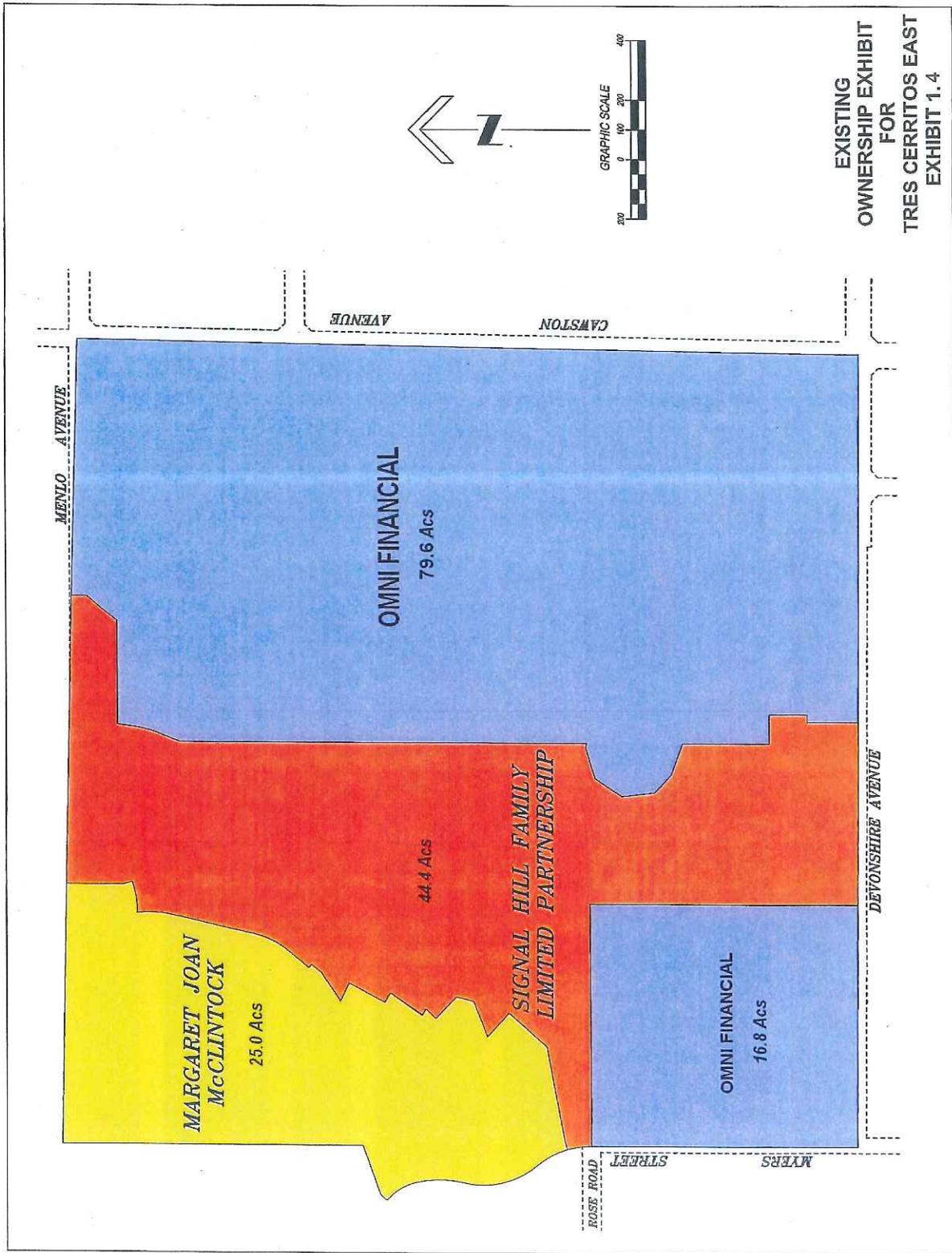
Thank you for hearing and acting upon our concerns,

Robert & Kywana Hooks  
430 N. Cawston Ave.  
Hemet, CA 92545  
dreamgiverkrs@msn.com

# Attachment No. 7

Map showing current  
ownership boundaries

Planning Commission  
Public Meeting of  
October 21, 2014



EXISTING OWNERSHIP EXHIBIT FOR TRES CERRITOS EAST EXHIBIT 1.4

**Attachment**

**No. 8**

**Tract Map 29550**

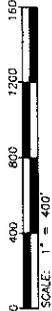
**Planning Commission  
Public Meeting of  
October 21, 2014**

IN THE CITY OF HEMET, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
**TRACT MAP NO. 29550**

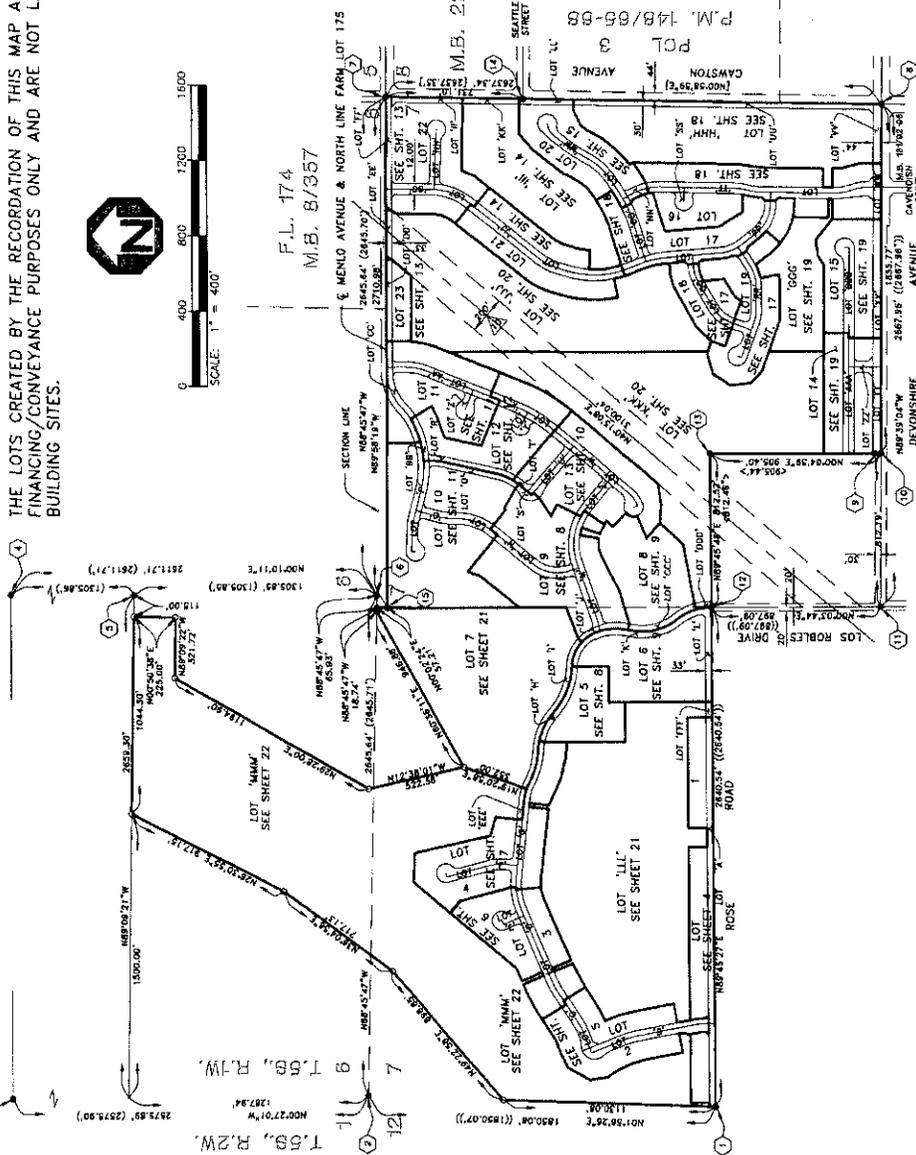
BEING A DIVISION OF GOVERNMENT LOT 7 AND THE SOUTHWEST ONE-QUARTER OF SECTION 6, T. 5 S., R. 1 W., S.B.B.M., GOVERNMENT LOTS 1, 2, 3, 4, THE NORTHEAST ONE-QUARTER AND THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF FRACTIONAL SECTION 7, T. 5 S., R. 1 W., S.B.B.M., A PORTION OF TRACT XX AS SHOWN BY PARTITION MAP OF THE MANCHO SAN JACINTO WELD AND FARM LOT 175 OF THE SAN JACINTO LAND ASSOCIATION PER BOOK 6 OF MAPS, PAGE 337, RECORDS OF SAN DIEGO COUNTY, CALIFORNIA.

JAMES W. UNLAND & ASSOCIATES.....APRIL 2000

THE LOTS CREATED BY THE RECORDATION OF THIS MAP ARE FOR FINANCING/CONVEYANCE PURPOSES ONLY AND ARE NOT LEGAL BUILDING SITES.



F.L. 174  
M.B. 8/357



**FOUND MONUMENT DESCRIPTIONS:**

1. TO 1/4" I.P. TAGGED R.C.E. 24102, FLUSH, PER P.M. 121/53-55. ACCEPTED AS PROPERTY CORNER.
2. TO 1/4" I.P. TAGGED R.C.E. 24102, FLUSH, PER P.M. 121/53-55. ACCEPTED AS PROPERTY CORNER.
3. TO 1/4" I.P. TAGGED R.C.E. 24102, FLUSH, PER P.M. 121/53-55. ACCEPTED AS PROPERTY CORNER.
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13. TO 1/4" I.P. TAGGED R.C.E. 24102, FLUSH, PER P.M. 121/53-55. ACCEPTED AS PROPERTY CORNER.
14. TO 1/4" I.P. TAGGED R.C.E. 24102, FLUSH, PER P.M. 121/53-55. ACCEPTED AS PROPERTY CORNER.
15. TO 1/4" I.P. TAGGED R.C.E. 24102, FLUSH, PER P.M. 121/53-55. ACCEPTED AS PROPERTY CORNER.
16. TO 1/4" I.P. TAGGED R.C.E. 24102, FLUSH, PER P.M. 121/53-55. ACCEPTED AS PROPERTY CORNER.
17. TO 1/4" I.P. TAGGED R.C.E. 24102, FLUSH, PER P.M. 121/53-55. ACCEPTED AS PROPERTY CORNER.
18. TO 1/4" I.P. TAGGED R.C.E. 24102, FLUSH, PER P.M. 121/53-55. ACCEPTED AS PROPERTY CORNER.
19. TO 1/4" I.P. TAGGED R.C.E. 24102, FLUSH, PER P.M. 121/53-55. ACCEPTED AS PROPERTY CORNER.
20. TO 1/4" I.P. TAGGED R.C.E. 24102, FLUSH, PER P.M. 121/53-55. ACCEPTED AS PROPERTY CORNER.
21. TO 1/4" I.P. TAGGED R.C.E. 24102, FLUSH, PER P.M. 121/53-55. ACCEPTED AS PROPERTY CORNER.

**ENGINEER'S NOTES:**

1. BASIS OF BEARINGS FOR THIS MAP IS THE CENTERLINE OF CAMSTON AVENUE AND MENLO AVENUE TAKEN AS NOTED ON SHEET 19.
2. MONUMENTS ARE SHOWN BY SIZE AND DESCRIPTION AS NOTED IN FOUND MONUMENT LISTING.
3. ( ) INDICATES SET 1" I.P. FLUSH TAGGED R.C.E. 24102 UNLESS OTHERWISE NOTED (R.V. CO. STD. "A" MON.).
4. ( ) INDICATES RECORD PER P.M. 121/53-55.
5. ( ) INDICATES RECORD PER P.M. 148/65-68.
6. ( ) INDICATES RECORD PER P.M. 98/71-75.
7. < > INDICATES RECORD PER P.M. 48/74.
8. ( ) INDICATES BARNAL SCARING.
9. SET 1" I.P. TAGGED R.C.E. 24102, FLUSH, AT ALL ANGLE POINTS, E.C.'S AND E.C.'S ON THE PERIMETER OF THE NUMBERED LOTS. NO MONUMENTS SET ON THE PERIMETER OF THE LETTERED STREET LOTS, UNLESS OTHERWISE SHOWN.
10. ALL MONUMENTS SHOWN ON THIS MAP SHALL BE SET IN ACCORDANCE WITH THE APPROPRIATE INSTRUMENT FOR THIS MAP, UNLESS OTHERWISE NOTED.
11. THIS TRACT CONTAINS 288.47 ACRES, GROSS, 23 LOTS AND 45 LETTERED LOTS.

**EASEMENT NOTES:**

SEE SHEET NO. 2

# AGENDA #5



## Staff Report

TO: City of Hemet Planning Commission

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

DATE: October 21, 2014

RE: **CONDITIONAL USE PERMIT NO. 14-007 (NEW ERA METALS, INC)** A request for Planning Commission review and approval of a Conditional Use Permit allowing the operation of a scrap metal recycling facility in an existing 10,000 square foot metal building located at 1401 Mesa View Street with consideration of an environmental exemption pursuant to CEQA Guidelines Section 15301.

### **PROJECT APPLICANT INFORMATION**

Property Owner: John P. Ennes  
Business Owner: Juan Velasquez  
Authorized Agent: George Kraus  
Project Location: 1401 Mesa View Street  
Lot Area: 0.55 Acre  
APN: 439-021-007

### **RECOMMENDED ACTION**

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

1. Adopt the attached Planning Commission Resolution Bill No. 14-024 (Attachment No. 1), approving CUP 14-007 subject to the findings and conditions of approval, and;
2. Direct staff to file a Notice of Exemption with the County Clerk.

### **PROJECT DESCRIPTION**

The Applicant submitted a Conditional Use permit application on July 22, 2014, and is requesting approval of **CONDITIONAL USE PERMIT NO. 14-007** for the operation of a recycling collection facility within an existing 10,000 square foot building located at 1401 Mesa View Street, south of Esplanade Avenue. The items purchased from the public for recycling are scrap metal. This

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City of Hemet - Planning Department   
Planning Commission Meeting of October 21, 2014

facility will accept ferrous items (items made of iron) and non-ferrous items made of copper, aluminum, tin, brass, stainless steel, etc. The items purchased will be in the form of scrap building materials, old sheet metal, old swamp coolers, dismantled mobile home parts, etc. The applicant will not purchase gold or silver items.

Collected materials will be sorted and weighed entirely within the building and stored in 4'x 7' metal containers. Once the containers are full they are hauled away to a processing facility. The estimated turnaround time from receiving material to shipping is approximately 5 days.

The proposed hours of operation are Monday through Saturday from 8 a.m. to 5 p.m. (see Attachment No. 8). The Site Plan and Elevations of the existing building are provided as Attachment No. 1A. The location of the project site is depicted in Attachments 3, 4, and 5; and photos of the site and surrounding area are provided as Attachments 6 and 7.

## **BACKGROUND**

This project is proposed in the Limited Manufacturing Zone (M-1). Recycling facilities (collection facilities) are required to obtain approval of a Conditional Use Permit as indicated in the Manufacturing Land Use Matrix of the Zoning code.

The Applicant has over eight years of experience working in the scrap metal recycling business. Six to seven of those years the Applicant was employed by Ironlife Recycle, a scrap metal collection facility in San Bernardino, California. During the eight years of working in this industry the Applicant has learned much about identifying ferrous and non-ferrous metals. The Applicant has also become familiar with the California Business and Professions Code relating to recyclers.

Per the Applicant's Statement of Operations (Attachment No. 8), the Applicant believes that his years of experience in the recycling business has given him the opportunity to learn to handle situations dealing with suspected stolen materials. The Applicant acknowledges that close communication with local law enforcement is important in identifying stolen materials and apprehending thieves.

The Applicant is familiar with and will be utilizing computer software commonly used in the recycling industry to keep accurate and complete records of the sellers and buyers of materials, and of the materials that are bought and sold, as outlined in the CB&P Code.

The Applicant is a first time business operator in this industry but he has stated his willingness to comply with City requirements and to uphold the regulations stated in the California Business & Professions Code pertaining to recyclers. The Applicant understands that failure to follow these requirements can result in the revocation of his CUP, if approved.

## **BUSINESS AND PROFESSIONS CODES PERTAINING TO RECYCLERS**

Recycling businesses operate under guidelines set forth in the Business and Professions Code and these requirements are heavily regulated. Below are some of the documentation requirements, the reporting procedures when items are suspected of being stolen property, and penalties and punishment for violations as indicated the CB&P Code.

Per the California Business and Professions Code 21605, every recycler is required to keep a written record of all sales and purchases made in the course of business. Per CB&P Code Section 21606, every recycler shall keep a written record with the following:

- the place and date of each sale or purchase
- valid identification of seller
- vehicle license number
- name and address of each person to whom items are sold to
- their vehicle license number
- a description of the items purchased and sold
- statement of ownership

Persons making false statements regarding the information required by this Section, are guilty of a misdemeanor.

Under Section 21608.5 - CB&P Code, recyclers in California shall not provide payment for non-ferrous materials unless Sections 21605 and 21605 are met along with the following requirements:

- for transactions over \$20, payment by check or cash may be mailed or picked up by the seller on or after the third business day after the date of sale
- at the time of sale the recycler must obtain the following
  - a clear photograph or video of seller
  - a copy of the valid ID with photo and address of the seller
  - a clear photograph or video of the nonferrous being purchased
  - a thumbprint of the seller, as prescribed by the Department of Justice
  - this information shall be preserved for a period of two years after the date of sale

Per Section 21609 – CB&P Code, whenever a peace officer has probable cause to believe that the property in the possession of the recycler is stolen, the peace officer may place a hold on the property for a period not to exceed 90 days, with written notice to the recycler. If the law enforcement agency has knowledge that the property has been reported stolen, the law enforcement shall notify the person who reported the stolen property of the name and address of the recycler holding the property and authorize the release of the property to that person. Upon conviction of a person for the theft of property placed on hold, the defendant shall pay the recycler reasonable cost for storage, pay the victim for both the value of the property stolen and any reasonable collateral damage caused in the commission of the theft.

Per Section 21609.1- CB&P Code, no recycler shall possess any reasonable recognizable, disassembled, or inoperative fire hydrant or fire department connection including brass fittings or parts, any manhole cover or lid, backflow device without proper certification by the owning agency authorizing the sale of the material. Per Section 21609.5 – CB&P Code, no recycler may purchase or receive stainless steel or aluminum alloy beer kegs marked with a logo/label of ownership from any person or entity other than the indicated owner (see Attachment no. 2 Business and Professions Code Section 21600-21610).

### **PROJECT SETTING AND SURROUNDING USES**

The site is currently developed. The proposed project site is 0.55 acre and the existing metal building is 10,000 square feet with bay doors. In the past, the building has been divided into two and three tenant spaces. The property has a six foot high chain link fence around the perimeter. The property is located at 1401 Mesa View Street and is zoned Limited Manufacturing (M-1) (APN 439-021-007).

The building is at least 25 years old; records indicate the first recorded sale date was in 1989. The present property owner bought this property in 1992 and had two long time tenants. Legg Installations who used this site for inventory storage (furniture) for 12 years and moved out November 2013 and, Royal Recycling a scrap metal collection facility for 15 years who moved out December 2013.

The location for the proposed use is at the end of Mesa View Street. Light industrial uses are located to the north and east of the proposed site. North and on the same side of Mesa View is: Bimbo Bakeries and The Fence Co. Across Mesa View and east of the site is: Wired Up and JE Precision (automotive repair and accessories) and Christie Steel. An aerial map and photographs of the site are provided in Attachment Nos. 5 and 6 of this report.

Mesa View Street is accessed from Esplanade Avenue. Mesa View meets with Tanner Street which comes to a dead end. The project site is at the northwest corner of Mesa View and Tanner Street. The property south of Tanner is vacant undeveloped land also zoned M-1 (Limited Manufacturing).

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

	LAND USE	ZONING	GENERAL PLAN
PROJECT SITE	10,000 sf Vacant Metal Building	M-1 (Limited Manufacturing)	Industrial
NORTH	Bakery Distribution Warehouse	M-1 (Limited Manufacturing)	Industrial
EAST	Automotive Uses	M-1 (Limited Manufacturing)	Industrial
SOUTH	Vacant Undeveloped Land	M-1 (Limited Manufacturing)	Industrial
WEST	Vacant Undeveloped Land	M-1 (Limited Manufacturing)	Industrial

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

- Zoning Map (Attachment No. 3)
- Land Use Designation Map(Attachment No. 4)
- Aerial Map (Attachment No. 5)
- Photographs of Site (Attachment No. 6)
- Photographs of Surrounding Buildings (Attachment No. 7)

### **ANALYSIS**

The Limited Manufacturing Zone (M-1) requires recycling facilities (collection facilities) to obtain approval of a Conditional Use Permit. Certain types of land uses require special consideration in a particular zone or in the city as a whole, and possess unique or special characteristics which make automatic inclusion as permitted uses either impractical or undesirable. For such uses, certain safeguards and conditions may be required to protect the public health, safety, convenience and general welfare.

Site Plan The 0.55 acre site has an existing 10,000 square foot metal building. The site is at the northwest corner of Mesa View and Tanner Street. The exterior is paved with concrete and the property is fenced with a six foot high chain link fence. There are two drive approaches on Tanner Street with two rolling gates at each. The Applicant is proposing no exterior improvements at this time. During the Design Review Committee meeting several items relating to Fire Department requirements were discussed, the items included: a heat detector alarm, the addition of interior fire extinguishers and the location of the Knox box and Knox pad locks. Those items have been addressed and the development plans reflect those additions.

Lighting There is existing on-site exterior lighting, sufficient to accommodate their operating hours. The proposed hours are Monday thru Saturday from 8 a.m. to 5 p.m.

Circulation and Parking. The site allows for a drive through circulation. Vehicles will enter from Tanner Street, the entrance on the west side of the property, and will park adjacent to the building in front of bay doors. Employees will remove the recycled items from customer's vehicles into a designated wheeled container and transfer them into the structure for sorting and weighing. When the paperwork and record keeping details have been completed the vehicles will drive forward and exit from the gate on the east side of the property.

The gated drives will be open during business hours and the site provides 130 linear feet of vehicle stacking. Emergency response access is also provided at the gate via Knox Box or other City of Hemet Fire Department approved equivalent. The circulation meets the requirements for the Fire Department and provides adequate site circulation.

Minimum parking requirements in the Manufacturing zone is one (1) parking space for each 1,000 square feet of gross floor area. This 10,000 square foot building requires 10 parking stalls. The site includes a total of 6 parking spaces along with 130 linear feet of stacking for customers. The stacking distance can be added in the calculation for parking because the customers may be required to queue while waiting to be served. The average wait time per transaction is approximately 10 minutes.

## ISSUES

The Applicant has indicated that the business will be operated in accordance with all State regulations and City conditions. The Conditional Use Permit (CUP) process provides city staff and the Planning Commission with an opportunity to address potential issues with appropriate conditions. If these operational conditions are not adhered to, or the property is not maintained in accordance with the approved plan, the CUP can be revoked by the Planning Commission, subject to a future notice and a public hearing. The issues identified by staff are outlined below. Staff has recommended conditions of approval to try and address these issues, as noted in the report. The Applicant may also be able to provide additional information or assurances at the public hearing for the Commission's consideration. The Commission may further modify or add conditions if warranted to address concerns.

Cleanliness of the Site. The proposed facility is located within a gated area and the 10,000 sf building will be large enough not to require any outdoor storage. The operation will include an employee collecting recycled items from customers in the queuing area. In addition the project has been conditioned to maintain the site in clean manner, free of trash and debris (see Exhibit 1B, Condition No. 13).

Shopping Carts. Abandoned shopping carts left on site or at neighboring properties has been a constant problem at other recycling facilities in Hemet. The operator has indicated he will refuse

to serve customers that utilize shopping carts to transport their recycled goods (see Condition No. 14). Staff has conditioned the project to refuse to serve customers using shopping carts and to post signs in customer areas that inform that public that is illegal to remove shopping carts from the retailer (see Exhibit 1B, Condition No. 21).

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

- AB691
  - *Requires recyclers to take thumbprints of individuals selling copper, aluminum and stainless steel.*
  - *Sellers must show ID and proof of current address*
- SB1895
  - *Discourages the theft of fire hydrant fittings and Fire Department connections by creating a fine not to exceed \$3,000 for any person who knowingly receives any part of a fire hydrant, including bronze or brass fittings and parts.*
- SB477
  - *Assists local law enforcement officials in investigation of stolen metal and apprehending thieves by requiring scrap metal dealer and recyclers to report that materials are being scraped at their facilities and by whom on a daily basis.*

Assembly Bill 841(Torres) sought to prohibit cash payments for scrap metals and the proposed bill would have required that a check be mailed to the customer to provide a paper trail and further thwart metal theft. The bill was approved by the Senate in August 2013, but was vetoed by the Governor in October 2013. Similar legislation is currently being drafted by AB 841 sponsor Torres.

## ZONING CONSISTENCY

The project proposes the operation of a recycling collection center in an existing 10,000 sf building, which is consistent with the allowed uses in the Limit Manufacturing (M-1) zone in providing a conditionally permitted recycling collection facility. The structure is existing and complies with the setback requirements from all property lines for the proposed use, is below the maximum height, and has a smaller percentage of lot coverage than allowed.

Based on the project application, the information provided in the following table summarizes how this project meets and exceeds the minimum development standards of the M-1 zone.

DEVELOPMENT STANDARDS	REQUIRED M-1 ZONE	PROVIDED
Front Setback	15 Feet	32 Feet
Rear Setback	0 Feet	32 Feet
Side Setback	0 Feet	20 Feet
Street Side Setback	10 Feet	32 Feet
Parking	10 stalls	6 stalls plus 130 linear feet for queuing

**GENERAL PLAN CONSISTENCY**

The General Plan land use designation for the project site is I (Industrial). The project is located within the State Street Business Park use District of the Greater Downtown District Plan that is being used for industrial purposes. The long term vision for this area is that it transitions to clean industrial, business park uses within a landscaped framework, particularly along State Street. Distinctive entry monumentation and signage should be provided at the State Street and Esplanade Avenue intersection.

The proposed operation is allowed with approval of a Conditional Use Permit in the M-1 (Limited Manufacturing) zone. The M-1 zone is consistent with Industrial land use as identified in the General Plan. Mesa View Street is lined on both sides with large metal buildings with bay doors along the sides of the building appropriate for industrial uses. The building at the proposed site is large enough so that all the activities associated with recycling can take place indoors keeping the exterior of the building clutter free with no need for outdoor storage.

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

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

The proposed use facilitates the community's ability to divert materials from landfills by offering recycling of aluminum, copper, brass, tin, all ferrous and non-ferrous metals.

### **TRANSPORTATION UNIFORM MITIGATION FEE (TUMF)**

The site is developed and is not subject to payment of the required fees relative to the Western Riverside County Transportation Uniform Mitigation Fee Program (TUMF) pursuant to Chapter 58, Article III, Section 58-70.3 (e) of the Hemet Municipal Code.

### **MULTI-SPECIES HABITAT CONSERVATION PLAN (MSHCP)**

Pursuant to Chapter 31, of the Hemet Municipal Code, this project does not involve new development, therefore is not subject to the MSHCP Fee Ordinance and is not required to pay MSCHP fees.

### **AIRPORT LAND USE COMPATIBILITY**

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

### **DEVELOPMENT REVIEW COMMITTEE (DRC) RECOMMENDATION**

On July 31, 2014, the project was reviewed for conditions by the DRC. Staff from the various City departments provided written conditions that have been incorporated into the proposed conditions of approval (Exhibit 1B).

### **FINDINGS**

Section 90-1537(c) of the HMC states the Commission shall make the following findings before granting a conditional use permit:

- 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.

The justification for the findings listed above can be found in Attachment No. 1 – PC Resolution Bill No. 14-024.

### **CEQA REVIEW**

The project is exempt from CEQA under CEQA Guidelines Section 15301 in that the project meets the criteria for application of a Class 1 (Existing Facilities) Categorical Exemption under the CEQA Guidelines for the following reasons:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

### **PUBLIC COMMUNICATIONS RECEIVED**

Property and business owners located within 300-foot radius of the project site were notified of the public hearing on October 9, 2014 with a 10-day hearing notice in addition to a public notice in the Valley Chronicle.

At the time of report preparation, the Planning Department had not received any calls 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.

### **REPORT SUMMARY**

Conditional Use Permit No. 14-007 is for the operation of a 10,000 square foot scrap metal recycling collection center project within an existing building in the M-1 (Limited Manufacturing) zone. The operation of the recycling facility is located on the northwest corner of Mesa View and Tanner Streets.

For the reasons stated in the staff report and in the Planning Commission Resolution Bill No. 14-024, the Planning Department believes that the project can be found exempt from the California Environmental Quality Act. The project is located within an existing facility, and pursuant to Section 15301 of the CEQA guidelines, a Notice of Exemption can be filed for Conditional Use Permit No. 14-007. The Planning Department recommends approval of the project pursuant to the attached conditions of approval, and any additional conditions as may be added by the Planning Commission. The Planning Commission's actions are final unless appealed to the City Council within ten working days.

Respectfully submitted,



Soledad Carrisoza  
Planning Technician

Reviewed By:



Deanna Elliano  
Community Development Director

### ATTACHMENTS

- 1) Planning Commission Resolution No. 14-024  
Exhibit 1A - Development Plan  
Exhibit 1B - Conditions of Approval
- 2) Business and Professions Code Section 21600-21610
- 3) Zoning Map
- 4) Land Use Designation Map
- 5) Aerial Map
- 6) Photographs of Proposed Site
- 7) Photographs of Existing Site and Surrounding Buildings
- 8) Statement of Operations

### INCORPORATED HEREIN BY REFERENCE

City of Hemet General Plan  
City of Hemet General Plan EIR  
City of Hemet Zoning Ordinance  
City of Hemet Subdivision Ordinance  
Contents of City of Hemet Planning Department Project File CUP 14-007

# Attachment No. 1

Resolution No. 14-024

Planning Commission  
Meeting of  
October 21, 2014



CITY OF HEMET  
Hemet, California

RESOLUTION BILL NO. 14-024

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF HEMET, CALIFORNIA APPROVING  
CONDITIONAL USE PERMIT NO. 14-007 FOR THE  
OPERATION OF A 10,000 SQUARE FOOT RECYCLING  
COLLECTION FACILITY LOCATED AT 1401 MESA VIEW  
STREET (APN 439-021-007)

**WHEREAS**, an application for Conditional Use Permit No. 14-007 for the operation of a 10,000 square foot recycling collection facility has been duly filed by:

Business Owner: Juan Velasquez  
Agent: George Kraus  
Project Location: 1401 Mesa View Street  
APN: 439-021-007; and,

**WHEREAS**, the Conditional Use Permit Application was submitted for consideration on July 22, 2014; and,

**WHEREAS**, the Planning Commission has the authority per section 90-1531 *et seq.* of the Hemet Municipal Code to take action on Conditional Use Permit No. 14-007 to allow the operation of the proposed use; and,

**WHEREAS**, on October 9, 2014, the City gave public notice by advertising in the Press Enterprise and by mailing to property owners within 300 feet, of the holding of a public hearing at which the project would be considered by the Planning Commission; and,

**WHEREAS**, on October 21, 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 Conditional Use Permit and at which the Planning Commission considered the Conditional Use Permit; and,

**WHEREAS**, the Community Development Director has reviewed the project's potential effects on the environment and has recommended that the project is categorically exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15301 "Existing Facilities" and that the exceptions to the

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Planning Commission Resolution Bill No. 14-024  
CONDITIONAL USE PERMIT NO. 14-007 – NEW ERA METALS

1 categorical exemptions contained in CEQA Guidelines section 15300.2 are not  
2 applicable to this project.  
3

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

7 **SECTION 1: ENVIRONMENTAL FINDINGS**  
8

9 The Planning Commission, in light of the whole record before it, including but not limited  
10 to, the City's Local CEQA Guidelines and Thresholds of Significance, the  
11 recommendation of the Community Development Director as provided in the Staff  
12 Report dated October 21, 2014 and documents incorporated therein by reference, and  
13 any other evidence (within the meaning of Public Resources Code §21080(e) and  
14 §21082.2) within the record or provided at the public hearing of this matter, hereby finds  
15 and determines as follows:  
16

17 1. **CEQA:**  
18

- 19 (a) The project is exempt from provisions of the California Environmental  
20 Quality Act (CEQA) under CEQA Guidelines Section 15301 in that  
21 information contained in the project file and documents incorporated  
22 herein by reference demonstrate that: Conditional Use Permit No. 14-007  
23 is consistent with the I (Industrial) General Plan designation and all  
24 applicable General Plan policies as well as the applicable zoning  
25 designation; the proposed project site is located within the boundaries of  
26 the City of Hemet; Conditional Use Permit No. 14-007 has no value as  
27 habitat for endangered, rare or threatened species; there is no substantial  
28 evidence in the record that Conditional Use Permit No. 14-007 will result in  
29 significant effects related to traffic, noise, air quality or water quality in that  
30 the proposed design incorporates and otherwise is subject to air and water  
31 quality resource agency design requirements to avoid any harmful effects;  
32 and the site is or can be adequately served by all required utilities and  
33 public services. As such, the project meets the criteria for application of a  
34 Class 1 (Existing Facilities) Categorical Exemption under the CEQA  
35 Guidelines. Additionally, none of the exceptions provided in CEQA  
36 Guidelines Section 15300.2 apply to this project.  
37
- 38 (b) None of the exceptions to the categorical exemptions contained in CEQA  
39 Guidelines Section 15300.2 prevent CEQA Guidelines Section 15301 from  
40 exempting the project for the following reasons:  
41
- 42 (i) The project is not a Class 3, 4, 5, 6, or 11 project, and therefore is  
43 not subject to the exception pertaining to projects located in  
44 particularly sensitive environments.  
45

---

Planning Commission Resolution Bill No. 14-024  
CONDITIONAL USE PERMIT NO. 14-007 – NEW ERA METALS

- 1 (ii) The nature of the project is such that significant cumulative impacts  
2 will not occur from successive projects of this type occurring in the  
3 same location over time. No information has been presented that  
4 this project would have impacts that would contribute to a level of  
5 cumulative impacts that would be considered significant.  
6
- 7 (iii) There is no reasonable possibility that unusual circumstances will  
8 cause the project to have a significant effect on the environment.  
9 No information is known or has been presented to indicate that  
10 there are unusual circumstances related to this project that would  
11 cause a significant effect.  
12
- 13 (iv) The project will not result in damage to scenic resources within a  
14 designated state scenic highway. The project is not located in  
15 proximity to such a highway.  
16
- 17 (v) The project site has not been listed as a hazardous waste and  
18 substance facility or site by the Department of Toxic Substances  
19 Control pursuant to California Government Code Section 659625.  
20
- 21 (vi) The project will not cause a substantial adverse change to the  
22 significance of a historical resource. There are no historical  
23 resources on the project site.  
24

25 The Community Development Director has reviewed the project's potential  
26 effects on the environment and has recommended that the project is  
27 categorically exempt from the California Environmental Quality Act ("CEQA")  
28 under CEQA Guidelines Section 15301 "Existing Facilities", and that the  
29 exceptions to the categorical exemptions contained in CEQA Guidelines section  
30 15300.2 are not applicable to this project.  
31

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

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

2  
3 Pursuant to Hemet Municipal Code Section 90-1537(c) and in light of the record before  
4 it including the staff report dated October 21, 2014 and all evidence and testimony  
5 heard at the public hearing of this item, the Planning Commission hereby finds as  
6 follows:  
7

- 8 1. That the proposed location, use and operation of the conditional use is in accord  
9 with the objectives of Chapter 90 of the Hemet Municipal Code, the purposes of  
10 the zone in which the site is located, is consistent with the General Plan, and  
11 complies with other relevant city regulations, policies and guidelines.  
12

13 The project is subject to and consistent with the Development Standards for the  
14 Limited Manufacturing (M-1) zone. The zoning allows recycling collection  
15 facilities over 0.50 acres, subject to a Conditional Use Permit. The project  
16 proposes a 10,000 square foot recycling collection facility on a 0.55 acre parcel.  
17 The existing building complies with the minimum setbacks from property lines,  
18 the height of the building is below the maximum height requirement of the Hemet  
19 Municipal Code, and has a smaller lot coverage than allowed.  
20

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

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

34 The site has been designed to meet all development standards of the M-1 zone  
35 which is intended to protect the public health, safety and welfare. The location of  
36 the proposed project generally complies with development standards, as  
37 discussed in the staff report and attachments that are provided to assure that the  
38 project and other properties and improvements in the vicinity are compatible, and  
39 that the proposed project is not detrimental to the surrounding community.  
40

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

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

5 The proposed use of the project site as a recycling collection center complies  
6 with the intent and purpose of the M-1 zone as an area in which recycling  
7 collection facilities can be located subject to conditions that ensure compatibility  
8 with surrounding uses. The applicant has proposed a project that conforms to  
9 development standards provided by the zoning code.  
10

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

14 The Planning Commission hereby takes the following actions:  
15

16 1. **Approves Conditional Use Permit.** Conditional Use Permit No. 14-007 is  
17 hereby approved as shown in Exhibit A which is attached hereto and  
18 incorporated herein by reference, and subject to the Conditions of Approval in  
19 Exhibit B which are attached hereto and incorporated herein by reference.  
20

21 **PASSED, APPROVED, AND ADOPTED** this 21<sup>st</sup> day of October, 2014 by the  
22 following vote:

23 AYES:

24 NOES:

25 ABSTAIN:

26 ABSENT:  
27  
28  
29

30 \_\_\_\_\_  
31 John Gifford, Chairman  
32 Hemet Planning Commission

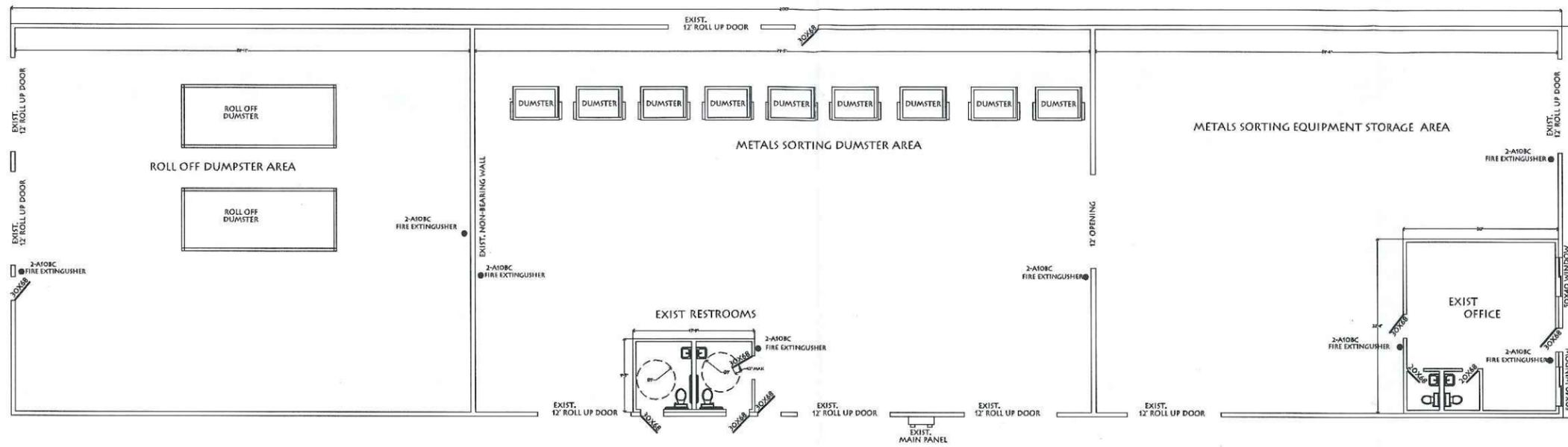
33 ATTEST:  
34  
35

36 \_\_\_\_\_  
37 Melissa Couden, Records Secretary  
38 Hemet Planning Commission

**Exhibit  
No. 1A  
Development Plan**

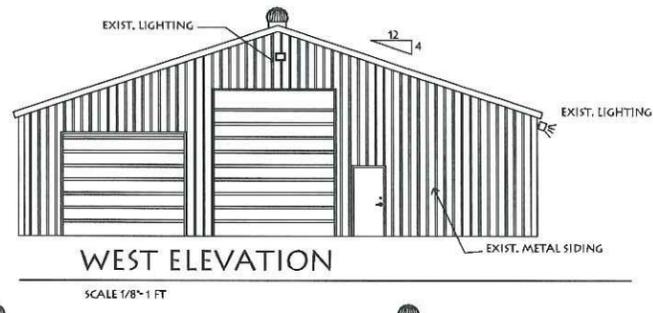
**Planning Commission  
Meeting of  
October 21, 2014**



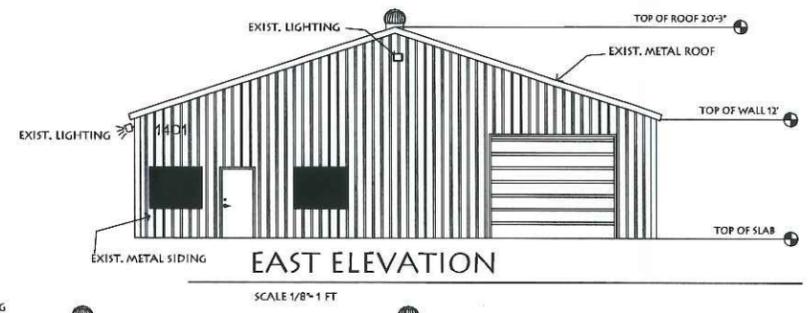


**50'X200' FLOOR PLAN**  
SCALE 1/8" = 1 FOOT

**HEAT DETECTOR ALARM**  
A HEAT DETECTOR ALARM SYSTEM SHALL BE INSTALLED IN THIS UNSPRINKLED BUILDING. ALARM SYSTEM MUST BE A MONITERED SYSTEM



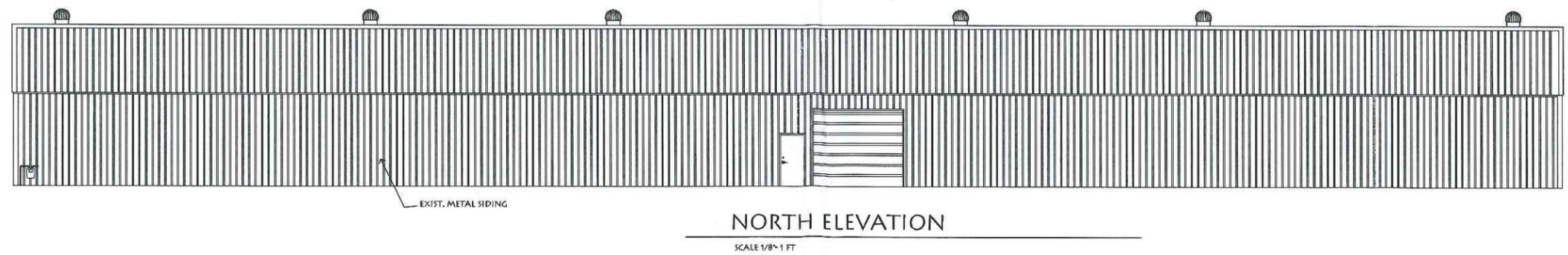
**WEST ELEVATION**  
SCALE 1/8" = 1 FT



**EAST ELEVATION**  
SCALE 1/8" = 1 FT



**SOUTH ELEVATION**  
SCALE 1/8" = 1 FT



**NORTH ELEVATION**  
SCALE 1/8" = 1 FT

DATE	07/01/09	NO.	0
REVISIONS			
<p><b>Underground Service Alert</b> Call: TOLL FREE 811 DIAL BEFORE YOU DIG TWO WEEKS BEFORE YOU DIG A PUBLIC SERVICE BY UNDERGROUND SERVICE ALERT</p>			
<p>PLAN PREPARATION BY: <b>PLANS TO BUILD.NET</b> DRAFTING SERVICE 15000 W. CENTURY SAN JUANITO, CO, 81081 PHONE: (951) 527-7488 FAX: (951) 654-4324 E-MAIL: KRAUSCONTRACTOR@ROADRUNNER.COM</p>			
DRAWN BY:			
DATE			
SEAL			
<p><b>PROPOSED</b> METAL RECYCLING FOR <b>NEW ERA METALS</b> 14001 MESA VIEW STREET HEMENET, CA, 92545 APN: 499-021-007</p>			
DATE 7-15-14			
FLOOR PLAN ELEVATIONS			
SHEET <b>A-1</b>			

Underground Service Alert  
 Call: TOLL FREE 811  
 DIAL BEFORE YOU DIG  
 A PUBLIC SERVICE BY UNDERGROUND SERVICE ALERT

PLAN PREPARATION BY:  
 PLANS TO BUILD.NET  
 DRAFTING SERVICE  
 GEORGE KRKAUS  
 SAN ANTONIO, TEXAS  
 PHONE: (951) 529-7488  
 FAX: (951) 654-1324  
 E-MAIL: KRAUSCON@ROADRUNNER.COM

DRAWN BY:  
 DATE

SEAL

PROPOSED  
 METAL RECYCLING  
 FOR  
 NEW ERA METALS  
 1401 MESA VIEW STREET  
 HEWLET, CA. 92543  
 APN: 459-021-007

DATE  
 7-15-14

ADA DETAILS

SHEET  
 HC-1

### RESTROOM IDENTIFICATION SIGNAGE

SCALE N.T.S. ①

**NOTES:**

- H.C. SIGNS PER ADA
- ALL LETTERS AND SYMBOLS SHALL BE RAISED 1/32"
- 12" DIAMETER CIRCLE, 1/4" THICK WITH THE COLOR AND CONTRAST BEING DISTINCTLY DIFFERENT FROM THE COLOR OF THE DOOR
- INTERNATIONAL SIGN OF ACCESSIBILITY, WHITE FIGURE ON BLUE (15090 FEDERAL STANDARD 595A) BACKGROUND
- SIGN SHALL BE DISPLAYED AT 60" CENTERED ON THE DOOR, COLOR AND CONTRAST SHALL BE DISTINCTLY DIFFERENT FROM COLOR AND CONTRAST OF THE DOOR TYP. FOR MEN'S AND WOMEN'S SIGNS
- 12" EQUILATERAL TRIANGLE, 1/4" THICK WITH THE VERTEX POINTING UPWARD AND THE COLOR AND CONTRAST BEING DISTINCTLY DIFFERENT FROM THE COLOR OF THE DOOR
- LETTERS AND NUMERALS ON SIGNS ARE RAISED 1/32"
- SANS SERIF UPPERCASE CHARACTERS TO BE ACCOMPANIED BY GRADE 2 BRAILLE.
- BRAILLE DOTS ARE 1/10" ON CENTER IN EACH CELL WITH 2/10" SPACE BETWEEN CELLS
- BRAILLE DOTS ARE RAISED A MINIMUM OF 1/40" ABOVE THE BACKGROUND
- MOUNTING HEIGHT IS 60" FROM FINISH FLOOR TO THE CENTERLINE OF THE SIGN

### TOILET FIXTURES

SCALE N.T.S. ②

**WALL MOUNTED URINAL**

14" MIN

17" MAX

30" REQUIRED CLEAR SPACE

### LAVATORY

SCALE N.T.S. ③

**NOTES:**

- HOT WATER AND DRAIN PIPES UNDER THE LAVATORY SHALL BE INSULATED OR CONFIGURED TO PROTECT AGAINST CONTACT. THERE SHALL BE NO SHARP OR ABRASIVE SURFACES UNDER LAVATORY.
- FAUCETS SHALL BE LEVER OPERATED, PUSH TYPE, OR ELECTRICALLY CONTROLLED MECHANISMS. SELF-CLOSING VALVES SHALL REMAIN OPEN FOR AT LEAST 10 SECONDS.
- MIRRORS SHALL BE MOUNTED WITH THE BOTTOM EDGE OF THE REFLECTING SURFACE NO HIGHER THAN 40 INCHES ABOVE THE FINISH FLOOR.

### WASHROOM ACCESSORIES

SCALE N.T.S. ④

**ACCESSIBLE DOOR LATCHES/HARDWARE**

THE LATCH SHALL BE FLIP-OVER STYLE, SLIDING, OR OTHER HARDWARE NOT REQUIRING THE USER TO GRASP OR TWIST.

**ACCESSIBLE DOORS WITH CLOSER DEVICE**

DOOR SHALL HAVE MAXIMUM OPENING FORCE OF FIVE POUNDS CBC 1133B.2.5.2

38"-40" TO ENSURE FORWARD REACH

**CONTROLS AND OPERATING MECHANISMS SHALL BE OPERABLE WITH ONE HAND AND SHALL NOT REQUIRE TIGHT GRASPING, PINCHING OR TWISTING OF THE WRIST. THE FORCE REQUIRED TO ACTIVATE CONTROLS SHALL BE NO GREATER THAN 5 LBF (22.2 N) FAUCETS LEVER-OPERATED, PUSH-TYPE AND ELECTRONICALLY SHALL COMPLY WITH 4.27.4 CONTROLLED MECHANISMS ARE EXAMPLES OF ACCEPTABLE DESIGNS. IF SELF-CLOSING VALVES ARE USED THE FAUCET SHALL REMAIN OPEN FOR AT LEAST 10 SECONDS**

### DOOR IDENTIFICATION SIGNAGE

SCALE N.T.S. ⑤

**NOTES:**

- TACTILE EXIT SIGN IS REQUIRED IN ADDITION TO ILLUMINATED SIGN ABOVE DOOR AT EXIT DOOR.
- APPROVED SELF-LUMINOUS SIGN (0.06 FT. LAMBERTS MIN).
- BLOCK CAPITAL LETTERS NOT LESS THAN 4 INCHES IN HEIGHT WITH A STROKE OF NOT LESS THAN 3/4 INCHES. LETTERS TO HAVE WIDTH OF NOT LESS THAN 2 INCHES EXCEPT FOR THE LETTER 'I' WITH A SPACING BETWEEN LETTERS OF NOT LESS THAN 3/8".
- CONTRACTED GRADE 2 BRAILLE SHALL BE USED. DOTS SHALL BE 1/10 INCH ON CENTERS IN EACH CELL WITH 2/10 INCH SPACE BETWEEN CELLS. DOTS SHALL BE RAISED A MINIMUM OF 1/40 INCH ABOVE THE BACKGROUND.
- LETTERS AND NUMERALS SHALL BE RAISED 1/32". UPPERCASE, SANS SERIF TYPE AND SHALL BE ACCOMPANIED WITH GRADE II BRAILLE. RAISED CHARACTERS SHALL BE AT LEAST 5/8" HIGH, BUT NO HIGHER THAN 2".
- PERMANENT SIGNAGE TO BE INSTALLED ON THE WALL ADJACENT TO THE LATCH SIDE OF THE DOOR. MOUNTING LOCATION MUST ALLOW A PERSON TO APPROACH WITHOUT ENCOUNTERING PROTRUDING OBJECTS OR STANDING WITHIN THE SWING PATH OF THE DOOR.
- LETTERS AND NUMERALS ON SIGNS HAVE A WIDTH-TO-HEIGHT RATION BETWEEN 3:5 AND 1:1 AND A STROKE WIDTH-TO-HEIGHT RATION BETWEEN 1:5 AND 1:10
- CHARACTERS CONTRAST WITH THEIR BACKGROUND LIGHT CHARACTERS ON A DARK BACKGROUND, OR DARK CHARACTERS ON A LIGHT BACKGROUND
- CHARACTERS AND BACKGROUND OF SIGNS IS EGGSHELL, MATTE, OR OTHER NON-GLARE FINISH.

**LITERARY BRAILLE STANDARD DIMENSIONS:**

- DOT DIAMETER: .059 INCHES
- INTER-ROW SPACING: .090 INCHES
- HORIZONTAL SEPARATION BETWEEN CELLS: .341 INCHES
- VERTICAL SEPARATION BETWEEN CELLS: .395 INCHES

### ENTRY & DIRECT'L SIGNS

SCALE N.T.S. ⑥

MINIMUM SIZE TO SIGN, MOUNTING SCREWS TO MATCH BACKGROUND COLOR

INTERNATIONAL SYMBOL OF ACCESSIBILITY AND GRAPHICS

DIRECTIONAL ARROW LOCATION

BRAILLE LETTERS

1" CORNER RADIUS

### CONTROL HTS.

SCALE N.T.S. ⑦

THERMOSTAT

SWITCH

WALL OUTLET

4'-0" MAX. 3'-0" MIN.

### HANDGRIP

SCALE N.T.S. ⑧

SMOOTH SURFACE

TYPE I

TYPE II

### GRAB BAR - PLAN/SECTION

SCALE N.T.S. ⑨

**VERTICAL SECTION**

2X6 ANCHORING BACK PLATE SECURE 2X6 TO 3/8" METAL STUDS OR 2X WOOD FRAMED STUDS

1 1/2" O.D. STAINLESS STEEL GRAB BAR SEE RESTROOM FIXTURE ACCESSORIES SCHEDULE FOR MFG. AND MODEL NO.

METAL WALL FLANGE

FRP OR CERAMIC TILE WHERE OCCURS, SEE ELEVATIONS

METAL WALL FLANGE

**PLAN VIEW**

2X6 ANCHORING BACK PLATE SECURE 2X6 TO 3/8" METAL STUDS OR 2X WOOD FRAMED STUDS

1 1/2" O.D. STAINLESS STEEL GRAB BAR SEE RESTROOM FIXTURE ACCESSORIES SCHEDULE FOR MFG. AND MODEL NO.

**NOTE:** INSTALLATION MUST WITHSTAND 300LBS. DOWNWARD PULL

### DRINKING FOUNTAIN

SCALE N.T.S. ⑩

**NOTES:**

- CBC 11178.1 WHERE ONLY ONE (1) DRINKING FOUNTAIN IS PROVIDED ON A FLOOR, THERE SHALL BE A DRINKING FOUNTAIN THAT IS ACCESSIBLE TO INDIVIDUALS WHO USE WHEELCHAIRS AND ONE ACCESSIBLE TO THOSE WHO HAVE DIFFICULTY BENDING OR STOODING. THIS CAN BE ACCOMPLISHED BY THE USE OF "HI-LO" FOUNTAINS ON EACH FLOOR.
- ALL DRINKING FOUNTAINS SHALL BE LOCATED COMPLETELY WITHIN ALCOVES OR OTHERWISE POSITIONED SO AS NOT TO ENCRUCH INTO PEDESTRIAN WAYS.
- DRINKING FOUNTAINS ARE REQUIRED WHEN THE DESIGN OCCUPANT LOAD OF ANY OCCUPANCY EXCEEDS (60) PERSONS.
- BUBBLER OUTLET ORIFICE SHALL BE LOCATED WITHIN 36" OF THE FLOOR
- BUBBLER OUTLET ORIFICE SHALL BE LOCATED WITHIN 6" OF THE FRONT EDGE OF THE DRINKING FOUNTAIN
- WATER STREAM FROM THE BUBBLER SHALL BE SUBSTANTIALLY PARALLEL TO THE FRONT EDGE OF THE DRINKING FOUNTAIN-OR- FOR ROUND OR OVAL FOUNTAINS, POSITIONED SO THAT THE FLOW OF WATER IS WITHIN 3" OF THE FRONT EDGE OF THE DRINKING FOUNTAIN.
- THE SPOUT SHALL PROVIDE A FLOW OF WATER AT LEAST 4" HIGH SO AS TO ALLOW THE INSERTION OF A CUP OR GLASS UNDER THE FLOW OF WATER.

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

**Planning Commission  
Meeting of  
October 21, 2014**



**CITY OF HEMET  
DRAFT  
CONDITIONS OF APPROVAL**

**PLANNING COMMISSION DATE:      OCTOBER 21, 2014**

**PROJECT NO.:**      **CONDITIONAL USE PERMIT NO. 14-007**  
**APPLICANT:**      JUAN VELASQUEZ  
**LOCATION:**      1401 Mesa View Street  
**OCCUPANCY:**      This project has been reviewed as an "F-2" **Occupancy**; any other use will require further review.

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

**STANDARD CONDITIONS**

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

**General Requirements:**

1. **CONDITIONAL USE PERMIT NO. 14-007** shall become null and void on **October 21, 2016** (two calendar years from the date of approval), unless use in reliance on the approved Conditional Use Permit is established prior to the expiration date. A time extension may be granted by the Planning Commission in accordance with Hemet Municipal Code, provided a written request for a time extension is submitted the Planning Department prior to the expiration date. No formal notice of expiration will be given by the City.
2. Approval of **CONDITIONAL USE PERMIT NO. 14-007** shall become effective on **November 1, 2014** unless appealed to the City Council by **October 31, 2014** (10 calendar days after action by the Planning Commission). The appeal shall be in writing and shall be accompanied by the required fee.
3. The conditions of approval of this project shall supersede all conflicting notations, specifications, dimensions, typical sections, and the like, which may be shown on the project development plans.
4. This project site shall be developed in accordance with the approved plan(s) and the conditions contained herein. The proposed use shall be operated in accordance with all the conditions contained herein. Failure to comply may result

in enforcement actions including citations and potentially revocation of CUP 14-007, pursuant to the procedures of the Hemet Municipal Code.

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

**Mechanical Equipment:**

9. All electrical and mechanical equipment, including but not limited to, air-conditioning units, electrical boxes, transformers, backflow preventers, and roof-mounted equipment shall be visually screened from public view. Screening shall

be in accordance with city standards, to the satisfaction of the Planning Department and in compliance with the Building Code.

## **PLANNING DIVISION CONDITIONS**

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

### **Site Development and Operation:**

10. Prior to the issuance of a Certificate of Occupancy for the project site or business activity being commenced thereon, pursuant to Conditional Use Permit No. 14-007, all conditions of approval contained herein shall be completed to the satisfaction of the Planning Department.
11. The proposed hours of operations are 8:00 am to 5:00 pm, Monday through Saturday.
12. Any uses not specifically permitted as part of, or not determined to be in substantial conformance by the Community Development Director, to this Conditional Use Permit No. 14-007, shall require submittal and approval of an application for the modification of the Conditional Use Permit.
13. The operator shall be responsible for maintaining the exterior of the site in a clean manner free of trash, debris and recyclables at all times.
14. The operator shall not serve or accept material from customers utilizing shopping carts for the transportation of recyclable materials.
15. The operator shall abide by all the rules and regulations as outlined in the California Business and Professions Code relating to recyclers.
16. The CUP may be revoked by the Planning Commission, subject to a future notice and a public hearing, if the operational conditions are not adhered to, or the property is not maintained in accordance with the approved plan,
17. Prior to the issuance of a Certificate of Occupancy, the Applicant shall install decorative slats on the existing chain link to the satisfaction of the Community Development Director.
18. Bin retrieval shall occur solely on the interior of the site.

### **Signage:**

19. Signage is not approved as part of this Project. Signage, in accordance with the Zoning Ordinance, may be approved at a later time under a separate permit.

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

### **Landscaping**

22. All required landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash, disease, vermin, and debris, during the term of this Project.
23. Landscape plans shall be prepared by a Licensed Landscape Architect and submitted in conjunction with Building Plan check and this project shall be subject to all the requirements listed in the Water Efficiency Landscaping Ordinance (currently Ordinance No. 1827, adopted by City Council on April 13, 2010).
24. Prior to the issuance of a Certificate of Occupancy or finalization of the Building Permit, all required landscaping shall be installed.
25. Prior to the issuance of a Certificate of Occupancy or finalization of the Building Permit, landscaped areas shall have an automatic irrigation system, with automatic timers, installed and operational, unless cash or a bond is posted to guarantee completion.
26. Prior to the issuance of a Building Permit, the Applicant/Owner shall contract with the City of Hemet Franchise Waste Hauler (CR&R) for the removal and disposal of waste and recyclable materials, and ongoing trash service.

## **BUILDING DIVISION CONDITIONS**

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

### **Building Code Requirements**

#### **Handicap Requirements**

27. This project is subject to State Handicapped Accessibility Requirements. (California Code of Regulations, Title 24)
28. Handicapped restrooms shall be installed in accordance with California Code of Regulations, Title 24/California Building Code, Section 1115(b).
29. Handicapped parking and signage shall be installed in compliance with applicable state and city codes, if off-street parking is provided.
30. All entrances and exits shall be handicapped accessible per California Code of Regulations, Title 24.
31. A handicapped accessible pedestrian access to the site shall be provided.

## **ENGINEERING DEPARTMENT**

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

### **Parking**

32. Prior to issuance of a Certificate of Occupancy or the finalization of building permit, install a double trash enclosure(s) in accordance with the City of Hemet Standard Specifications for Public Works Construction, Standards R-500A series. The location(s) shall be approved by the City of Hemet Refuse Supervisor.

### **Streets**

33. Any public improvement damaged during construction, or are in poor condition, including but not limited to curb and gutter, sidewalk, access ramps, paving, trees, and lights, shall be replaced to the satisfaction of the City Engineer. Access ramps to comply with current California Building Code requirements, prior to issuance of a Certificate of Occupancy.
34. Prior to issuance of a Certificate of Occupancy install driveway approaches in accordance with the City of Hemet Standard Specifications for Public Works

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City of Hemet - Conditions of Approval   
**CONDITIONAL USE PERMIT NO. 14-007 – NEW ERA METALS**

Construction, Standards C-208, C-209, and C-210A. In accordance with City of Hemet Resolution No. 1783, driveway widths and locations shall be approved by the City Engineer. Close any unused driveways to City standards.

## Drainage

35. Prior to issuance of a Grading Permit, (**Certificate of Occupancy**), the applicant shall provide the City Engineer with proof of filing a Notice of Intent with the State Water Resources Control Board in Sacramento, and apply for coverage and compliance under the **Industrial General Permit, 97-03-DWQ**, or the new Industrial Permit, when adopted.

## FIRE DEPARTMENT CONDITIONS

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

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

## Agency Approvals

36. Prior to the issuance of a building permit written proof shall be provided from the water purveyor that sufficient capacity is available for fire protection. The minimum required fire flow for this project is 2250 GPM @ 20psi residual pressure for a duration of 2 hours, per CFC and IFC Section / IFC Appendix B. Fire flow and flow duration for buildings without automatic fire protection and having an area in excess of 3,600 square feet shall not be less than specified in Table B105.1.
37. Facilities and equipment used for the storage and handling of flammable or combustible liquids and other hazardous materials (which meet or exceed reportable quantities) as defined by Federal, State and Local Laws shall be approved by the County of Riverside Environmental Health.

## General

38. The final Conditions of Approval for this project shall be included in any site plan or construction plans submitted for permit issuance. Plans will not be approved without reference to these "conditions".
39. This project is subject to review and approval in accordance with the California Code of Regulations, Title 19 for Fire and Life Safety. This project may be

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City of Hemet - Conditions of Approval   
CONDITIONAL USE PERMIT NO. 14-007 – NEW ERA METALS

subject to an annual inspection and permit from the Hemet Fire Department for this type of occupancy (use).

40. Provision for the storage or handling of hazardous materials, as defined by Federal, State, and Local Law, shall be in accordance with CFC and IFC, Chapter 50.
41. Storage and handling of flammable and combustible liquids shall be in accordance with the CFC and IFC, Chapter 57 and NFPA 30 (2012), Flammable and Combustible Liquids Code.

### **Hydrants and Fire Protection Systems**

42. An approved water supply capable of supplying the required fire flow for fire protection shall be provided on site when any portion of the building or facility is in excess of 400 feet from an approved water supply on a public street. CFC and IFC Section 507. The location of on-site hydrants and mains shall be approved by the Fire Marshall prior to permit issuance.
43. Portable fire extinguishers shall be installed and maintained in accordance with CFC and IFC Section 906 and CCR, Title 19 Chapter 3. The type and spacing shall be approved by the City of Hemet Fire Marshal prior to installation.
44. An approved manual, automatic or (manual and automatic) fire alarm/monitoring system shall be installed and tested prior to final inspection in accordance with the CFC and IFC Section 907 and pursuant to NFPA standards. Automatic fire sprinkler systems with 20 heads or more shall be monitored by a UL listed central station meeting the standards of NFPA 72 (2013) and City of Hemet requirements.

### **Fire Department Access**

45. In accordance with the CFC and IFC Section Section 503.2.5, approved turnarounds are required on any access road in excess of 150 feet in length, per City of Hemet Fire Department Standards.
46. Fire Department access roads shall have an unobstructed minimum width of 26 feet where fire hydrants are located along the access roadway or as otherwise determined by the Fire Marshal in accordance with CFC and IFC Section 503.2.2. & the CFC and IFC Appendix Section D103.
47. Provide secondary access/egress per CFC and IFC Section Section 503.1.2 as required by the Fire Department. No portion of any public or private street used for fire access shall exceed 12% grade without approval from the Fire Marshal. All cul-de-sacs shall conform to City Standards for length, width and turnaround radius.
48. Prior to the issuance of a Certificate of Occupancy, "No Parking - Fire Lane" signs, red curbing, street signs and other required markings shall be provided to

the specifications of the City of Hemet Fire Marshal in accordance with the CFC and IFC Section 503.3 and California Vehicle Code Section 22500.1.

49. Prior to final inspection, addresses shall be provided on all new and existing buildings in accordance with the CFC and IFC Section 505.
50. In accordance with the CFC and IFC Section 503, security gates if installed, shall be installed with approved automatic devices and/or key switches to allow Fire and Police Department access and egress pursuant to the City of Hemet Municipal Code and Fire Department Standards.
51. Install Knox key boxes and/or Knox locks for Fire and/or Police Department access in accordance with CFC and IFC Section 506 and the Hemet Municipal Code.
52. Modify driveway and on-site circulation in order to provide additional access for fire apparatus pursuant to CFC and IFC Section 503 (contact the Fire Marshal for specifics). Minimum turning radius for fire apparatus is 52 feet (outside) and 32 feet (inside). Fire access turn-around areas must be clear from obstructions including outside storage, trash enclosures and parked vehicles.

### **Miscellaneous**

53. Interior finish, decorative materials and furnishings shall be in accordance in CFC and IFC Section Chapter 8. Classification and acceptance criteria of interior finishes shall comply with NFPA standards. Interior wall and ceiling finish shall not have a flame spread index greater than that specified in CFC Table 803.3.
54. An annual permit and a "Hazardous Materials Management Plan" (HMMP) will be required pursuant to CFC and IFC Section 2701. This facility shall be subject to the standards of NFPA 704 or some other means of identifying hazardous materials for emergency responders as approved by the Fire Marshal.
55. No change in use or occupancy shall be made to any existing building or structure unless the means of egress system is made to comply with the requirements for the new use or occupancy in accordance with CFC and IFC Section Chapter 10.
56. Trash containers with an individual capacity of 1.5 cubic yards or greater shall not be stored in buildings or within 5 feet of combustible walls, openings, eaves, etc. unless protected by an approved means (automatic fire sprinkler system and/or an approved 4-hour fire separation).

## **POLICE DEPARTMENT CONDITIONS**

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

57. A color video camera system shall be installed which, at a minimum, records the rear parking area to digital or other media with retention of the video data for not less than 30 days. Camera shall be configured in such a way as to be able to identify persons at the entrance during daylight hours, and shall be recording whenever the business is open to the public. Access to recorded video shall be restricted to only authorized personnel, as designated by the applicant. Any recorded video shall be retrievable within 48 hours of a request, as needed for criminal investigations or other official purposes.
  
58. The placement and number of security cameras shall be determined by the Police Department prior to building permit issuance and installed prior to the certificate of occupancy.

**END**

**Attachment**

**No. 2**

**California Business  
and Professions**

**Code**

**Section 21600-21610**

**Planning Commission**

**Meeting of**

**October 21, 2014**

# BUSINESS AND PROFESSIONS CODE

## SECTION 21600-21610

21600. As used in this article, "junk" means any and all secondhand and used machinery and all ferrous and nonferrous scrap metals and alloys, including any and all secondhand and used furniture, pallets, or other personal property, other than livestock, or parts or portions thereof.

As used in this section, "scrap metals and alloys" includes, but is not limited to, materials and equipment commonly used in construction, agricultural operations and electrical power generation, railroad equipment, oil well rigs, nonferrous materials, stainless steel, and nickel which are offered for sale to any junk dealer or recycler, but does not include scrap iron, household generated waste, or aluminum beverage containers, as defined in Chapter 2 (commencing with Section 14502) of Division 12.1 of the Public Resources Code.

21601. As used in this article, "junk dealer" includes any person engaged in the business of buying, selling and dealing in junk, any person purchasing, gathering, collecting, soliciting or traveling about from place to place procuring junk, and any person operating, carrying on, conducting or maintaining a junk yard or place where junk is gathered together and stored or kept for shipment, sale or transfer.

21602. As used in this article, "junk yard" includes any yard, plot, space, inclosure, building or any other place where junk is collected, stored, gathered together and kept.

21603. This article shall not apply to any of the following:

- (a) Secondhand furniture merchants.
- (b) Pawnbrokers.
- (c) Secondhand car dealers or merchants in connection with automobile and motor vehicle sales agencies but not carried on and conducted in conjunction with a junk yard.
- (d) Persons engaged in the business of selling new automobile tires or batteries or other equipment taking in part payment used articles of the same kind and thereafter selling or disposing of the same.
- (e) Secondhand oil well supply and equipment dealers not conducting or carrying on their business in connection with a junk yard.
- (f) Secondhand clothing merchants and ragpickers.

21604. Except as otherwise provided in this article, this article does not apply to:

(a) Any person who buys or sells junk acquired in the conduct of any business other than that of a junk dealer or recycler.

(b) Except as provided in Section 21609.1, those purchases of scrap metal by a junk dealer or recycler when the payment for the scrap metal is by check issued to the company represented as being the owner of the scrap.

(c) Scrap metal purchased or received from another junk dealer or recycler who has recorded, reported, and held the material as required. The purchase or receipt shall also be exempt from further holding or reporting provided that the selling party gives the buyer written assurance of this fact. The seller shall be held responsible for any failure to report or hold.

21605. (a) Every junk dealer and every recycler in this state is hereby required to keep a written record of all sales and purchases made in the course of his or her business.

(b) For purposes of this article, "recycler" means any processor, recycling center, or noncertified recycler, as those terms are defined in Chapter 2 (commencing with Section 14502) of Division 12.1 of the Public Resources Code, who buys or sells scrap metal that constitutes junk, as defined in Section 21600.

21606. (a) Every junk dealer and every recycler shall set out in the written record required by this article all of the following:

(1) The place and date of each sale or purchase of junk made in the conduct of his or her business as a junk dealer or recycler.

(2) One of the following methods of identification:

(A) The name, valid driver's license number and state of issue or California- or United States-issued identification card number.

(B) The name, identification number, and country of issue from a passport used for identification and the address from an additional item of identification that also bears the seller's name.

(C) The name and identification number from a Matricula Consular used for identification and the address from an additional item of identification that also bears the seller's name.

(3) The vehicle license number, including the state of issue, of any motor vehicle used in transporting the junk to the junk dealer's or recycler's place of business.

(4) The name and address of each person to whom junk is sold or disposed of, and the license number of any motor vehicle used in transporting the junk from the junk dealer's or recycler's place of business.

(5) A description of the item or items of junk purchased or sold, including the item type and quantity, and identification number, if visible.

(6) A statement indicating either that the seller of the junk is the owner of it, or the name of the person he or she obtained the junk from, as shown on a signed transfer document.

(b) Any person who makes, or causes to be made, any false or fictitious statement regarding any information required by this

section, is guilty of a misdemeanor.

(c) Every junk dealer and every recycler shall report the information required in subdivision (a) to the chief of police or to the sheriff in the same manner as described in Section 21628.

21606.5. Every junk dealer or recycler shall, during normal business hours, allow periodic inspection of any premises maintained and any junk thereon for the purpose of determining compliance with the recordkeeping requirements of this article, and shall during those hours produce his or her records of sales and purchases, except as provided in subparagraph (B) of paragraph (6) of subdivision (a) of Section 21608.5, and all property purchased incident to those transactions which is in the possession of the junk dealer or recycler for inspection by any of the following persons:

(a) An officer holding a warrant authorizing him or her to search for personal property.

(b) A person appointed by the sheriff of a county or appointed by the head of the police department of a city.

(c) An officer holding a court order directing him or her to examine the records or property.

(d) The amendments to this section made by the act adding this subdivision shall become operative on December 1, 2008.

21607. Every junk dealer and recycler shall preserve the written record required by this article for at least two years after making the final entry of any purchase or sale of junk or scrap metals and alloys as defined in Section 21600.

21608. (a) A junk dealer or recycler who fails in any respect to keep the written record required by this article, or to set out in that written record any matter required by this article to be set out therein, is guilty of a misdemeanor.

Every junk dealer or recycler who refuses, upon demand pursuant to Section 21606.5, to exhibit the written record required by this article, or who destroys that record within two years after making the final entry of a purchase or sale of junk therein, is guilty of a misdemeanor.

(b) Any knowing and willful violation of subdivision (a) shall be punishable as follows:

(1) For a first offense, by a fine of not less than one thousand dollars (\$1,000), or by imprisonment in the county jail for not less than 30 days, or by both that fine and imprisonment.

(2) For a second offense, by a fine of not less than two thousand dollars (\$2,000), or by imprisonment in the county jail for not less than 30 days, or by both that fine and imprisonment. In addition to any other sentence imposed pursuant to this paragraph, the court may order the defendant to stop engaging in business as a junk dealer or recycler for a period not to exceed 30 days.

(3) For a third or any subsequent offense, by a fine of not less than four thousand dollars (\$4,000), or by imprisonment in the county jail for not less than six months, or by both that fine and imprisonment. In addition to any other sentence imposed pursuant to

this paragraph, the court shall order the defendant to stop engaging in business as a junk dealer or recycler for not less than one year.

(c) The amendments to this section made by the act adding this subdivision shall become operative on December 1, 2008.

21608.3. (a) Any unauthorized disclosure of personal identification information collected from a seller by a junk dealer or recycler is prohibited, and any such disclosure shall render the violator liable for a civil fine of up to five thousand dollars (\$5,000).

(b) This section shall become operative on December 1, 2008.

21608.5. (a) A junk dealer or recycler in this state shall not provide payment for nonferrous material unless, in addition to meeting the written record requirements of Sections 21605 and 21606, all of the following requirements are met:

(1) The payment for the material is made by cash or check. The check may be mailed to the seller at the address provided pursuant to paragraph (3) or the cash or check may be collected by the seller from the junk dealer or recycler on or after the third business day after the date of sale.

(2) At the time of sale, the junk dealer or recycler obtains a clear photograph or video of the seller.

(3) (A) Except as provided in subparagraph (B), the junk dealer or recycler obtains a copy of the valid driver's license of the seller containing a photograph and an address of the seller, a copy of a state or federal government-issued identification card containing a photograph and an address of the seller, a passport from any other country in addition to another item of identification bearing an address of the seller, or a Matricula Consular in addition to another item of identification bearing an address of the seller.

(B) If the seller prefers to have the check for the material mailed to an alternative address, other than a post office box, the junk dealer or recycler shall obtain a copy of a driver's license or identification card described in subparagraph (A), and a gas or electric utility bill addressed to the seller at that alternative address with a payment due date no more than two months prior to the date of sale. For purposes of this paragraph, "alternative address" means an address that is different from the address appearing on the seller's driver's license or identification card.

(4) The junk dealer or recycler obtains a clear photograph or video of the nonferrous material being purchased.

(5) The junk dealer or recycler shall preserve the information obtained pursuant to this subdivision for a period of two years after the date of sale.

(6) (A) The junk dealer or recycler obtains a thumbprint of the seller, as prescribed by the Department of Justice. The junk dealer or recycler shall keep this thumbprint with the information obtained under this subdivision and shall preserve the thumbprint in either hardcopy or electronic format for a period of two years after the date of sale.

(B) Inspection or seizure of the thumbprint shall only be performed by a peace officer acting within the scope of his or her

authority in response to a criminal search warrant signed by a magistrate and served on the junk dealer or recycler by the peace officer. Probable cause for the issuance of that warrant must be based upon a theft specifically involving the transaction for which the thumbprint was given.

(b) Paragraph (1) of subdivision (a) shall not apply if, during any three-month period commencing on or after the effective date of this section, the junk dealer or recycler completes five or more separate transactions per month, on five or more separate days per month, with the seller and, in order for paragraph (1) of subdivision (a) to continue to be inapplicable, the seller must continue to complete five or more separate transactions per month with the junk dealer or recycler.

(c) This section shall not apply if, on the date of sale, the junk dealer or recycler has on file or receives all of the following information:

(1) The name, physical business address, and business telephone number of the seller's business.

(2) The business license number or tax identification number of the seller's business.

(3) A copy of the valid driver's license of the person delivering the nonferrous material on behalf of the seller to the junk dealer or the recycler.

(d) (1) This section shall not apply to the purchase of nonferrous material having a value of not more than twenty dollars (\$20) in a single transaction, when the majority of the transaction is for the redemption of beverage containers under the California Beverage Container Recycling and Litter Reduction Act, as set forth in Division 12.1 (commencing with Section 14500) of the Public Resources Code.

(2) Materials made of copper or copper alloys shall not be purchased under this subdivision.

(e) This section shall not apply to coin dealers or to automobile dismantlers, as defined in Section 220 of the Vehicle Code.

(f) For the purposes of this section, "nonferrous material" means copper, copper alloys, stainless steel, or aluminum, but does not include beverage containers, as defined in Section 14505 of the Public Resources Code, that are subject to a redemption payment pursuant to Section 14560 of the Public Resources Code.

(g) This section is intended to occupy the entire field of law related to junk dealer or recycler transactions involving nonferrous material. However, a city or county ordinance, or a city and county ordinance, relating to the subject matter of this section is not in conflict with this section if the ordinance is passed by a two-thirds vote and it can be demonstrated by clear and convincing evidence that the ordinance is both necessary and addresses a unique problem within and specific to the jurisdiction of the ordinance that cannot effectively be addressed under this section.

21608.6. (a) A junk dealer or recycler, as defined in subdivision (f), in this state shall not provide payment for newspaper, as defined in Section 538c of the Penal Code, or for California Redemption Value (CRV) containers unless, in addition to meeting the written record requirements of Sections 21605 and 21606, all of the following requirements are met:

(1) The payment for the newspaper or for the CRV containers is made by check or by other electronic transfer from the junk dealer or recycler to the seller. A recycler, if authorized by regulations adopted pursuant to Division 12.1 (commencing with Section 14500) of the Public Resources Code, may provide payment for CRV containers through a voucher that is immediately redeemable for cash.

(2) The junk dealer or recycler obtains and records a valid, documented address for the seller by obtaining a copy of the valid driver's license of the seller containing a photograph and an address of the seller, or a copy of a state or federal government-issued identification card containing a photograph and an address of the seller, or other valid identification containing the seller's address, such as utility bills in the seller's name. The junk dealer or recycler shall preserve the photograph and the address or the copies obtained pursuant to this paragraph for a period of two years after the date of sale.

(b) The requirements of paragraph (1) of subdivision (a) shall not apply if, during any three-month period commencing on or after the effective date of this section, the junk dealer or recycler completes five or more separate transactions per month with the seller, and in order for the requirements of paragraph (1) of subdivision (a) to continue to be inapplicable, the seller must continue to complete five or more separate transactions per month with the junk dealer or recycler.

(c) This section shall not apply if, on the date of sale, the junk dealer or recycler has on file or receives all of the following information:

(1) The name, physical business address, and business telephone number of the seller's business.

(2) The business license number or tax identification number of the seller's business.

(3) A copy of the valid driver's license or a copy of a state or federal government-issued identification card containing a photograph and an address of the person delivering newspaper or CRV containers on behalf of the seller to the junk dealer or the recycler.

(d) Any unauthorized disclosure of personal identification information collected from a seller by a junk dealer or recycler is prohibited, and any violation of this prohibition is subject to a civil fine not to exceed five thousand dollars (\$5,000).

(e) This section shall not apply to the payment for newspaper having a value of fifty dollars (\$50) or less in a single transaction or CRV containers having a value of one hundred dollars (\$100) or less in a single transaction.

(f) This section shall only apply in jurisdictions that offer curbside pickup of materials that include newspaper and CRV containers.

(g) Notwithstanding Section 21605, for purposes of this section, "recycler" means any processor, recycling center, or noncertified recycler, as those terms are defined in Chapter 2 (commencing with Section 14502) of Division 12.1 of the Public Resources Code.

21609. (a) Whenever a peace officer has probable cause to believe that property in the possession of a junk dealer or recycler is stolen, in lieu of seizing the property, the peace officer as defined in subdivision (b) of Section 21606.5, at his or her option, may

place a hold on the property for a period not to exceed 90 days. When a peace officer places a hold on the property, the peace officer shall give the junk dealer or recycler a written notice at the time the hold is placed, describing the item or items to be held plus the case number. During that period the junk dealer or recycler shall not release or dispose of the property, except pursuant to a court order or upon receipt of a written authorization signed by a peace officer who is a member of the law enforcement agency of which the peace officer placing the hold on the property is a member. Except as specifically set forth in this section, a junk dealer or recycler shall not be subject to civil liability for compliance with this section.

(b) Whenever property that is in the possession of a junk dealer or recycler is subject to a hold and the property is required by a peace officer in a criminal investigation, the junk dealer or recycler, upon reasonable notice, shall produce the property at reasonable times and places or may deliver the property to any peace officer upon the request of any peace officer who is a member of the law enforcement agency of which the peace officer placing the hold on the property is a member.

(c) Whenever property that is in the possession of a junk dealer or recycler is subject to a hold and the property is no longer required for the purpose of criminal investigation, the law enforcement agency that placed the hold on the property shall undertake the following:

(1) With respect to the property being held, if the law enforcement agency has no knowledge of the property on hold being reported as stolen, the property shall be released upon written notice to the junk dealer or recycler. The notice shall be provided in a timely fashion.

(2) If the law enforcement agency has knowledge that the property has been reported stolen, the law enforcement agency shall notify the person who reported the stolen property of the name and address of the junk dealer or recycler holding the property and authorize the release of the property to that person.

The law enforcement agency that placed the property on hold shall release the hold after 60 days has elapsed following the delivery of the notice to the person who reported the property stolen.

(3) If a victim seeks to recover property that is subject to a hold, the junk dealer or recycler shall advise the victim of the name and badge number of the peace officer who placed the hold on the property and the name of the law enforcement agency of which the officer is a member. If the property is not required to be held pursuant to a criminal prosecution the hold shall be released.

(d) Upon conviction of a person for the theft of property placed on hold pursuant to this section, the court shall order the defendant to do both of the following:

(1) Pay the junk dealer or recycler reasonable costs for the storage of the property.

(2) Pay the victim for both the value of the property stolen and any reasonable collateral damage caused in the commission of the theft.

(e) The amendments to this section made by the act adding this subdivision shall become operative on December 1, 2008.

21609.1. (a) No junk dealer or recycler shall possess any reasonably recognizable, disassembled, or inoperative fire hydrant or fire department connection, including, but not limited to, reasonably recognizable brass fittings and parts, or any manhole cover or lid or reasonably recognizable part of a manhole cover or lid, or any backflow device or connection to that device or reasonably recognizable part of that device, that was owned or previously owned by an agency, in the absence of a written certification on the letterhead of the agency owning or previously owning the material described in the certification that the agency has either sold the material described or is offering the material for sale, salvage, or recycling, and that the person possessing the certification and identified in the certification is authorized to negotiate the sale of that material.

(b) A junk dealer or recycler who unknowingly takes possession of one or more of the items listed in subdivision (a) as part of a load of otherwise nonprohibited materials without a written certification has a duty to notify the appropriate law enforcement agency by the end of the next business day upon discovery of the prohibited material. Written certification shall relieve the junk dealer or recycler from any civil or criminal penalty for possession of the prohibited material. The prohibited material shall be set aside and not sold pending a determination made by a law enforcement agency pursuant to Section 21609.

(c) For purposes of this section, the following definitions apply:

(1) "Agency" means a public agency, city, county, city and county, special district, or private utility regulated by the Public Utilities Commission.

(2) "Appropriate law enforcement agency" means either of the following:

(A) The police chief of the city, or his or her designee, if the item or items listed in subdivision (a) are located within the territorial limits of an incorporated city.

(B) The sheriff of the county or his or her designee if the item or items listed are located within the county but outside the territorial limits of an incorporated city.

(3) "Written certification" means a certification in written form by the junk dealer or recycler to a law enforcement agency, including electronic mail, facsimile, or a letter delivered in person or by certified mail.

21609.5. (a) Except as provided in subdivision (b), no junk dealer or recycler may purchase or receive refillable stainless steel or aluminum alloy beer kegs marked with an indicia of ownership from any person or entity other than the indicated owner. For purposes of this section, "indicia of ownership" means words, symbols, or registered trademarks printed, stamped, etched, attached, or otherwise displayed on the exterior surface of the beer keg that reasonably identifies the owner.

(b) If the seller is not the indicated owner, a junk dealer or recycler may purchase or receive refillable stainless steel or aluminum alloy beer kegs only if the seller or transferor provides a receipt from the indicated owner verifying the seller's current ownership or a document indicating that the seller or transferor is authorized by the indicated owner to sell or transfer the beer kegs. Copies of these documents shall be maintained by the junk dealer or

recycler as part of the written record of the transaction.

21609.7. (a) Except as provided in subdivision (b), no junk dealer or recycler may purchase or receive bulk merchandise pallets marked with an indicia of ownership from any person or entity other than the indicated owner. For purposes of this section, "indicia of ownership" means words, symbols, or registered trademarks printed, stamped, etched, attached, or otherwise displayed on the exterior surface of the merchandise pallet that reasonably identifies the owner.

(b) If the seller is not the indicated owner, a junk dealer or recycler may purchase or receive bulk merchandise pallets only if the seller or transferor provides a receipt from the indicated owner verifying the seller's current ownership or a document indicating that the seller or transferor is authorized by the indicated owner to sell or transfer the merchandise pallets. Copies of these documents shall be maintained by the junk dealer or recycler as part of the written record of the transaction.

(c) For a single transaction involving five or more bulk merchandise pallets marked with indicia of ownership where the seller is not the indicated owner, the junk dealer or recycler shall make payment only by a check mailed to the address shown on the driver's license or other government-issued photo identification provided by the seller or by cash or check collected by the seller on or after the third business day following the date of the transaction.

(d) For purposes of this section, "bulk merchandise pallets" means plastic or wood containers, carriers, or holders used by a manufacturer or distributor for bulk transport of merchandise to wholesale or retail outlets.

21610. (a) For the purposes of this section, the term "core recycler" means a person or business, including a recycler or junk dealer, that buys used individual catalytic converters, transmissions, or other parts previously removed from a vehicle. A person or business that buys a vehicle that may contain these parts is not a core recycler.

(b) A core recycler who accepts a catalytic converter for recycling shall maintain a written record that contains all of the following:

(1) The place and date of each sale or purchase of a catalytic converter made in the conduct of his or her business as a core recycler.

(2) The name, valid driver's license number, and state of issue, or California-issued identification number, of the seller of the catalytic converter and the vehicle license number, including state of issue of a motor vehicle used in transporting the catalytic converter to the core recycler's place of business. If the seller is a business, the written record shall include the name, address, and telephone number of the business.

(3) A description of the catalytic converters purchased or sold, including the item type and quantity, amount paid for the catalytic converter, and identification number, if any, and the vehicle identification number.

(4) A statement indicating either that the seller of the catalytic converter is the owner of the catalytic converter, or the name of

the person from whom he or she has obtained the catalytic converter, including the business, if applicable, as shown on a signed transfer document.

(c) A core recycler engaged in the selling or shipping of used catalytic converters to other recyclers or smelters shall retain information on the sale that includes all of the following:

- (1) The name and address of each person to whom the catalytic converter is sold or disposed of.
- (2) The quantity of catalytic converters being sold or shipped.
- (3) The amount that was paid for the catalytic converters sold in the transaction.
- (4) The date of the transaction.

(d) A core recycler shall not provide payment for a catalytic converter unless all of the following requirements are met:

(1) The payment is made by check and provided to the seller by either of the following:

(A) (i) Except as provided in clause (ii), mailed to the seller at the address provided pursuant to paragraph (3).

(ii) For a seller that is a business, mailed to the seller's business address.

(B) (i) Except as provided in clause (ii), collected by the seller from the recycler on the third business day after the date of sale.

(ii) A seller that is a business may receive immediate payment. A seller that is a business that has a contract with a core recycler or a seller that is a licensed auto dismantler may receive immediate payment by check or by debit card or credit card.

(2) At the time of sale, the core recycler obtains a clear photograph or video of the seller.

(3) (A) Except as provided in subparagraph (B), the core recycler obtains a copy of the valid driver's license of the seller or the seller's agent containing a photograph and an address of the seller or the seller's agent, or a copy of a state or federal government issued identification card containing a photograph and an address of the seller or the seller's agent.

(B) If the seller prefers to have the check for the catalytic converter mailed to an alternative address, other than a post office box, the core recycler shall obtain a copy of a driver's license or identification card described in subparagraph (A) and a gas or electric utility bill addressed to the seller at the alternative address with a payment due date no more than two months prior to the date of sale. For the purpose of this subparagraph, "alternative address" means an address that is different from the address appearing on the seller's driver's license or identification card.

(4) The core recycler obtains a clear photograph or video of the catalytic converter being sold.

(5) At the time of sale, the core recycler obtains a written statement from the seller indicating how the seller obtained the catalytic converter.

(e) The requirements of subdivision (d) shall not apply to a core recycler that buys used catalytic converters, transmissions, or other parts removed from a vehicle if the core recycler and the seller have a written agreement for the transaction.

(f) Core recyclers accepting catalytic converters from licensed auto dismantlers or from recyclers who hold a written agreement with a business that sells catalytic converters for recycling purposes are required to collect only the following information:

- (1) Name of seller or agent acting on behalf of the seller.

(2) Date of transaction.

(3) Number of catalytic converters received in the course of the transaction.

(4) Amount of money that was paid for catalytic converters in the course of the transaction.

(g) A core recycler shall keep and maintain the information required pursuant to this section for not less than two years.

(h) A core recycler shall make the information required pursuant to this section available for inspection by local law enforcement upon demand.

(i) A person who makes, or causes to be made, a false or fictitious statement regarding any information required pursuant to this section is guilty of a misdemeanor.

(j) A person who violates the requirements of this section is guilty of a misdemeanor.

(k) Upon conviction, a person who knowingly and willfully violates the requirements of this section shall be punished as follows:

(1) For a first conviction, by a fine of one thousand dollars (\$1,000).

(2) (A) For a second conviction, by a fine of not less than two thousand dollars (\$2,000).

(B) In addition to the fine imposed pursuant to subparagraph (A), the court may order the defendant to cease engaging in the business of a core recycler for a period not to exceed 30 days.

(3) (A) For a third and subsequent conviction, by a fine of not less than four thousand dollars (\$4,000).

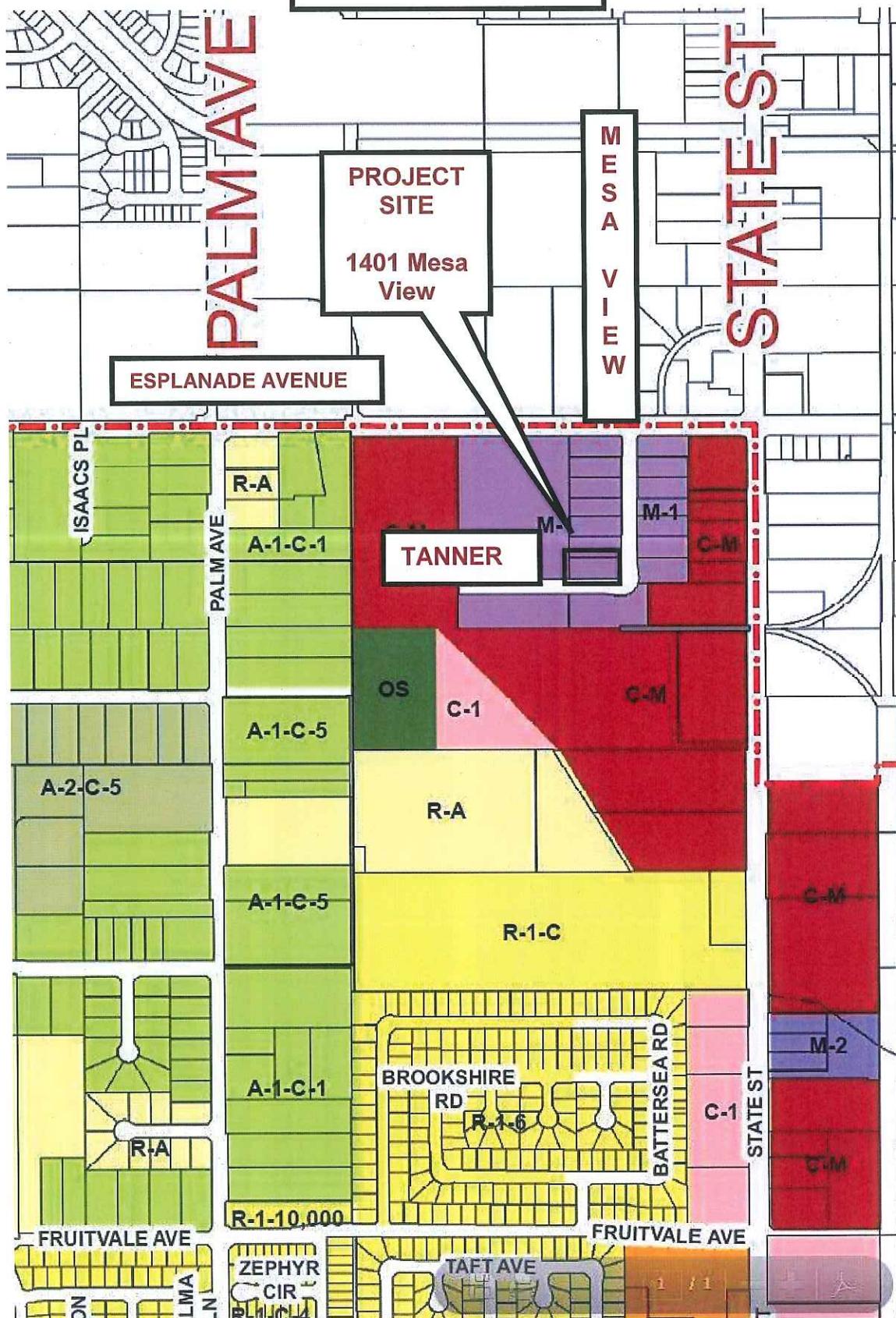
(B) In addition to the fine imposed pursuant to subparagraph (A), the court shall order the defendant to cease engaging in the business of a core recycler for a period not less than one year.

(1) The provisions of this section apply to core recyclers and do not apply to a subsequent purchaser of a catalytic converter who is not a core recycler. Other than subdivision (f), the provisions of this section do not apply to a core recycler who holds a written agreement with a business or recycler regarding the transactions.

# Attachment No. 3 Zoning Map

Planning Commission  
Meeting of  
October 21, 2014

CITY OF SAN JACINTO

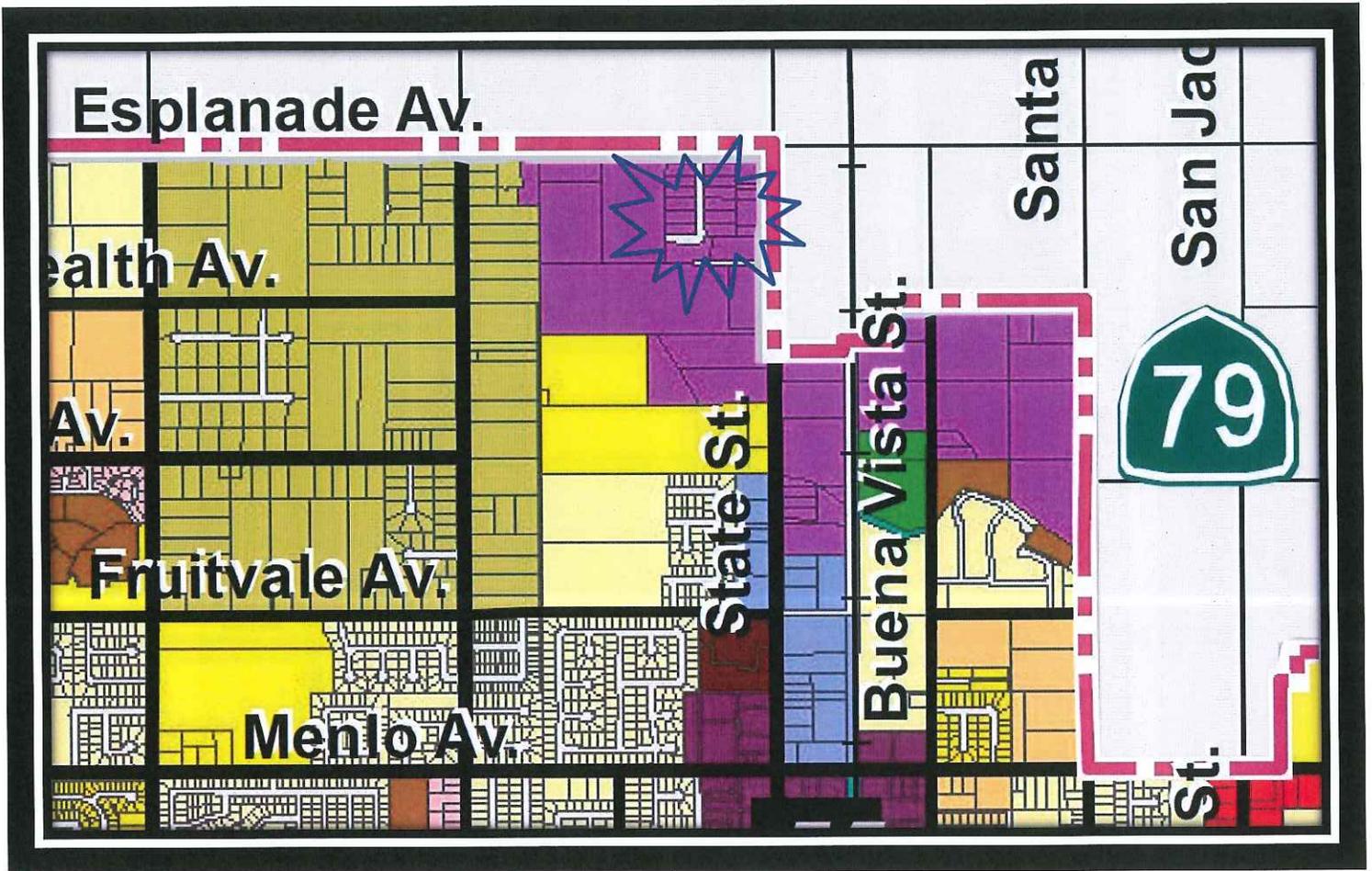


Zoning Map – CUP 14-007

# Attachment No. 4

Land Use Designation  
Map

Planning Commission  
Meeting of  
October 21, 2014



LEGEND		Land Use Designations		Environmental Management Area	
	Hemet City Boundary		RR Rural Residential (0.0 - 2.0 du/ac)		NC Neighborhood Commercial (FAR 0.35)
	Planning Area		HR Hillside Residential (0.0 - 0.5 du/ac)		CC Community Commercial (FAR 0.40)
	Sphere of Influence		LDR Low Density Residential (2.1 - 5.0 du/ac)		RC Regional Commercial (FAR 0.50)
	River/Lake		LMDR Low Medium Density Residential (5.1 - 8.0 du/ac)		MU Mixed Use (Varies)
	Creek/Canal		MDR Medium Density Residential (8.1 - 18.0 du/ac)		ARPT Airport
	Railroad		HDR High Density Residential (18.1 - 30.0 du/ac)		OP Office Professional (FAR 2.0)
	Metroclink (General Location)		VHDR Very High Density Residential (30.1 - 45.0 du/ac)		BP Business Park (FAR 0.60)
					I Industrial (FAR 0.45)
					CP/C Quasi-Public/Cultural
					PF Public Facilities
					SCH School
					P Park/Recreation
					OS Open Space
					A Agriculture
					Interim Airport Overlay Zone

## General Plan Land Use Map

CUP 14-007

# Attachment No. 5

## Aerial Map

Planning Commission  
Meeting of  
October 21, 2014



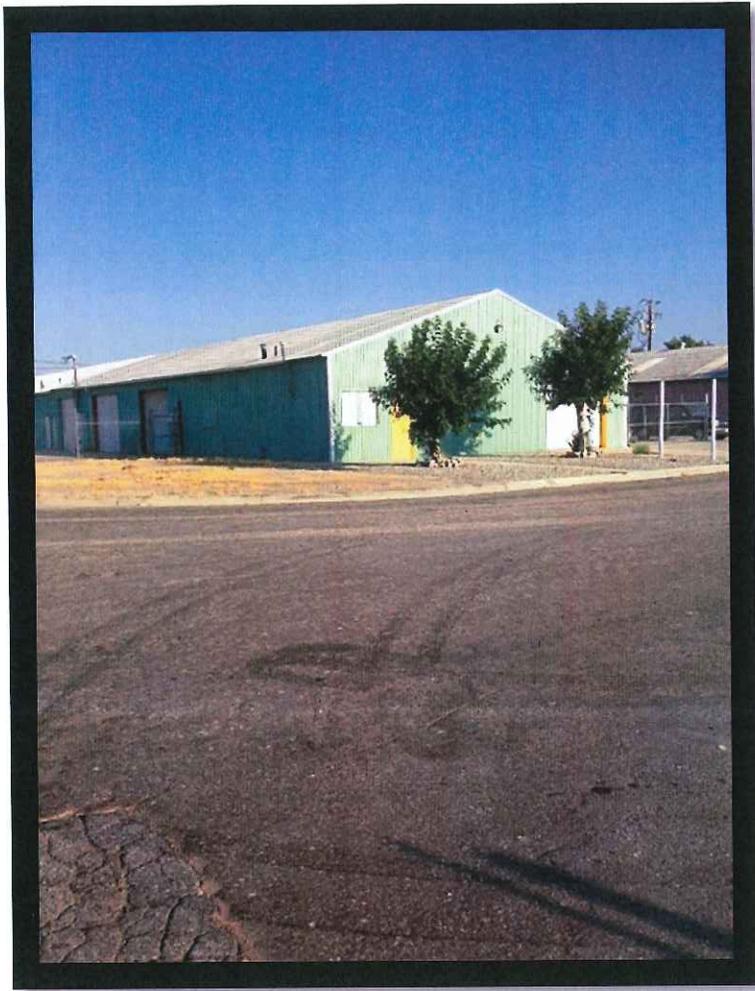
**AERIAL VIEW – 1401 Mesa View Street**



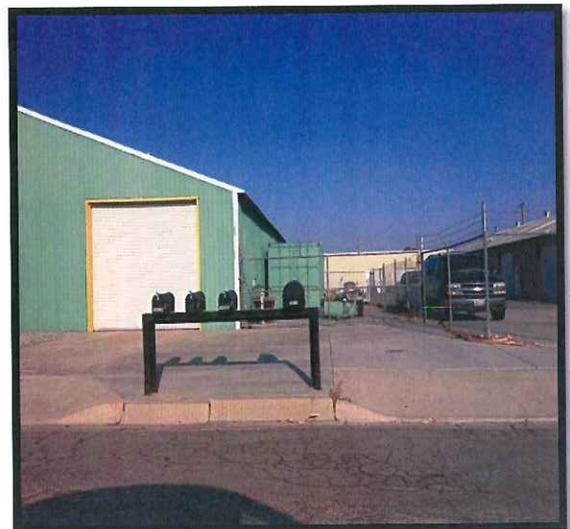
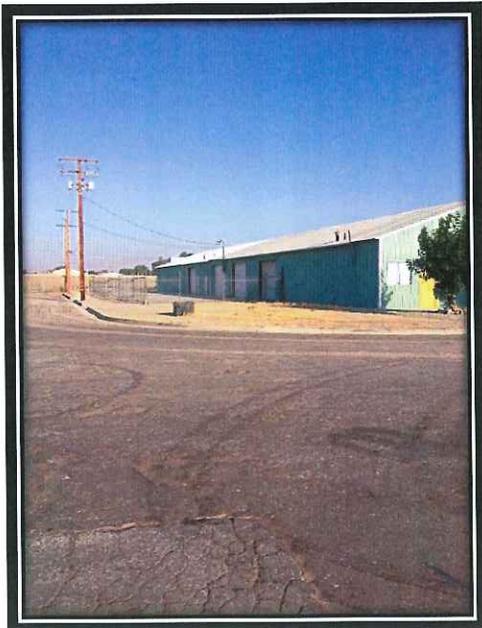
# Attachment No. 6

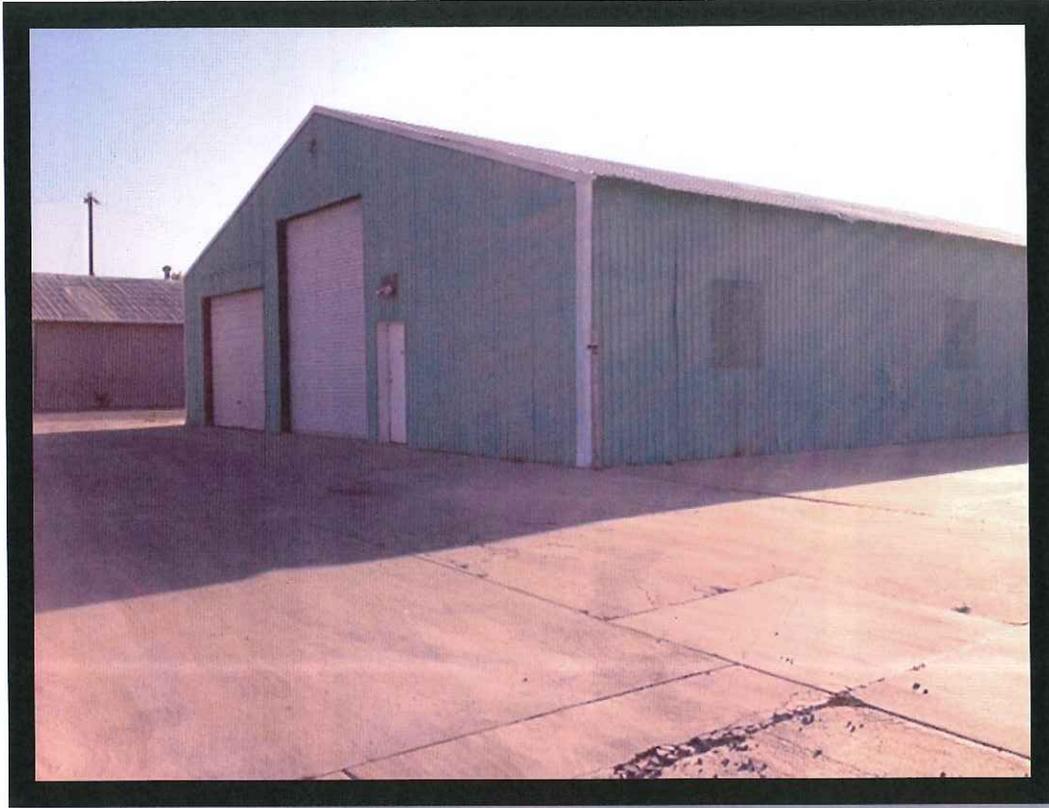
Photographs of Site

Planning Commission  
Meeting of  
October 21, 2014



**Front, South and North View of Building  
From Mesa View Street**





**Rear View of Building**



**Looking East on Tanner Street – South side of Building/Site**

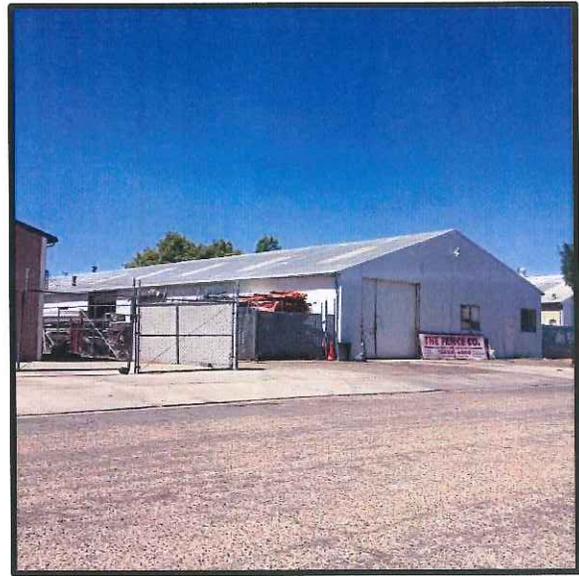
# Attachment No. 7

Photographs of Existing Site  
and Surrounding Area

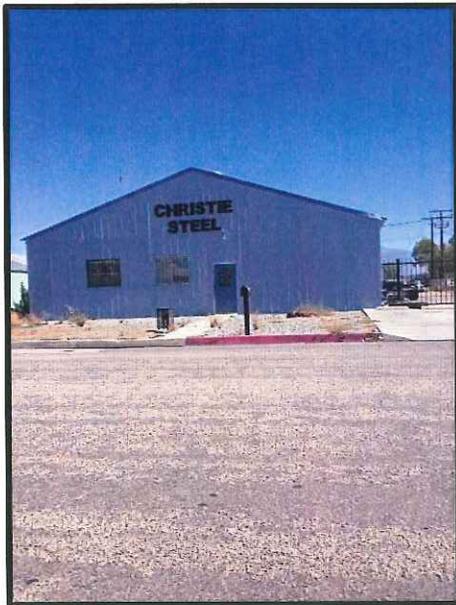
Planning Commission  
Meeting of  
October 21, 2014



Bimbo Bakery  
Distribution  
North of Project



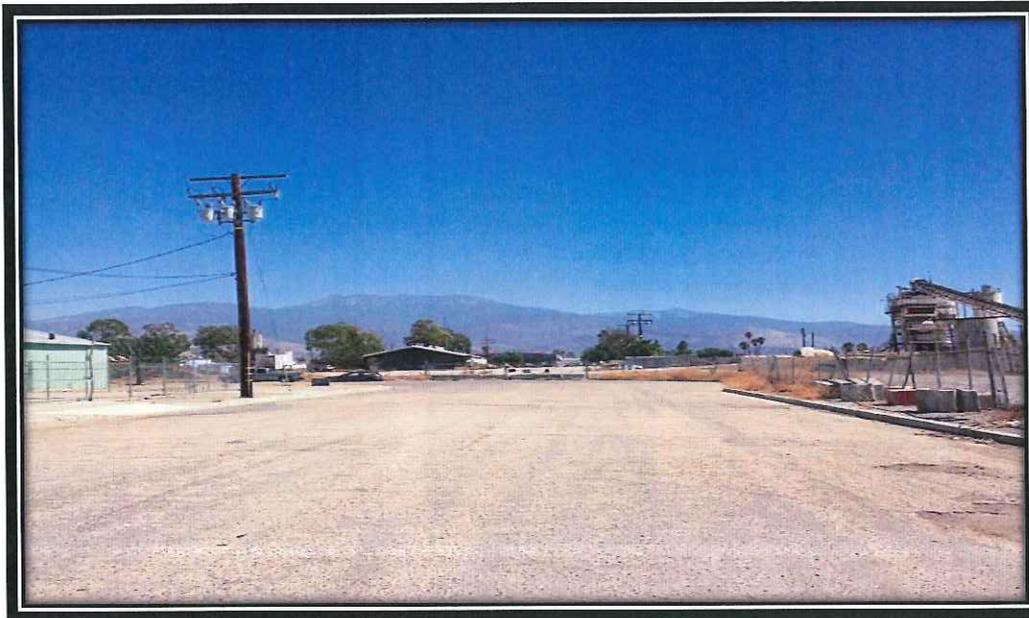
The Fence Co  
North of Project Site



Christie Steel  
Across the Street  
from Project Site



Automotive Repair  
Across the Street from  
Project Site



Looking East from Tanner Street



Looking Southeast from Project Site

# Attachment No. 8

Statement of Operations

Planning Commission  
Meeting of  
October 21, 2014

New Era Metals, Inc.

July 22, 2014

### Statement of Operations

At New Era Metals we are going to recycle scrap metal. Some of the items that we are going to purchase is metal, copper, brass, aluminum, stainless steel and electric motors. Our hours of operation are Monday thru Saturday, 8 am to 5 pm. All material collected is going to be stored in 4x7 metal containers inside the warehouse. As soon as the containers are full, we are going to get covered and shipped out. I estimate the turnaround time from receiving material to shipping it out being 5 days. We are estimating to start with 4 employees, complying with payroll, workers comp and all insurances that apply.

There is a software that is used in the recycling industry that will be purchased. It collects all the customers information, including photo, thumbprint and drivers license. We would also take pictures of material customers bring in and the software will save it in there file. A report will be provided on a weekly basis to local law enforcement. It would include customers name, what was brought and quantity. When law enforcement is looking for a particular person, with the name we can look them up and get all the details they need.

When we purchase non ferrous material, if its over \$20, the customer has to wait 3 days to get paid as outlined in the Business and Professions Codes for this industry.

Ive been in the recycling industry for over 8 years, so im very familiar with the operations and regulations. I know all about the ferrous and non ferrous metals. I know the procedures when it comes to stolen goods and every city police has different regulations. Thats why its very important to work together to apprehend thieves.

Thank you for your time and consideration.

Juan Velasquez



# AGENDA #6

## Staff Report

TO: Honorable Chairman and Members of the Planning Commission

FROM: Deanna Elliano, Community Development Director *DE*  
Nancy Gutierrez, Project Planner

DATE: October 21, 2014

RE: **ZONING ORDINANCE AMENDMENT (ZOA) NO. 14-005 (Congregate Care Facilities)** A city-initiated action amending Chapter 90 (Zoning) of the Hemet Municipal Code to update and expand the definitions of certain types of congregate living facilities, and to establish their use in the Multiple Family Residential, Commercial, Downtown, and Institutional Zones.

**APPLICANT:** City of Hemet  
**LOCATION:** Citywide  
**PLANNER:** Nancy Gutierrez

### **RECOMMENDED ACTION:**

*That the Planning Commission:*

- 1. Conduct the public hearing and consider any public testimony on the proposed ordinance; and*
- 2. Adopt Planning Commission Resolution Bill No. 14-025 recommending APPROVAL of Zoning Ordinance Bill No. 14-071 to the City Council.*

### **BACKGROUND**

With the aging of the population nationwide, interest in congregate living facilities has increased over the past few years. New types of facilities are being proposed that offer a variety of living arrangements and residential options for seniors. Professional and governmental organizations are updating their terminology to accommodate the new trends. The proposed amendment is intended to keep Hemet current with standard industry practices by updating the City's definitions for congregate living facilities, and by designating the zones in which these newly defined facilities would be conditionally permitted. ZOA14-005 is particularly relevant at this time because congregate living facilities are not currently an allowable use in the commercial zones. Staff thinks this is an unintentional drafting error when the commercial zones were updated in 2008. "Homes for the Aged", "Rest Homes", and "Sanitariums" were previously allowed by conditional use permit in the commercial zones and there is no record of a zoning ordinance amendment removing them as an allowable use. However, to ensure the validity of the action of reincorporating the uses and to update the terminology, the proposed amendment includes the commercial zones.

### **DESCRIPTION OF PROPOSED ZONING ORDINANCE AMENDMENTS**

The proposed zone ordinance amendment provides an opportunity for the City to bring its definitions of health care, congregate care, and senior living facilities into conformity with the terms and usage of the

State of California, professional organizations, and advocacy groups before the uses are reinstated into the zoning code. Within the past few years, new trends in residential care have resulted in new terminology and types of uses. ZOA14-005 keeps the City current with standard industry practices and vocabulary.

ZOA14-005 proposes updates to Sections 90-892 (Definitions), 90-383 (Permitted Uses – Multiple Family Zones), 90-892 (Permitted Uses – Commercial Zones), 90-932 (Permitted Uses – Downtown Zones), and 90-1212 (Conditionally Permitted Uses of the Institutional Zones) of Chapter 90 (Zoning) of the Hemet Municipal Code. The proposed amendments are summarized below. The proposed text and background documentation of the proposed amendments are attached to this staff report as Exhibit A1 (Definitions), Exhibit A2 (Permitted Uses – Multiple Family Zone), Exhibit A3 (Permitted Uses – Commercial Zones), Exhibit A4 (Permitted Uses – Downtown Zones), and Exhibit A5 (Conditionally Permitted Uses in the Institutional Zone) of the proposed Ordinance Bill No. 14-071.

**Exhibit A1: Section 90-4 (Definitions)**

ZOA14-005 proposes to amend Section 90-4 (Definitions) to:

1. Delete the following terms: Home for the Aged, Rest Home, and Sanitarium.
2. Add the following terms: Assisted Living Facility, Congregate Care Facility, Continuing Care Retirement Community, Skilled Nursing Facility, and Senior Housing.
3. Amend the following definitions: Boarding House, Convalescent Hospital, and Rooming House.

The proposed definitions are per industry standards and are shown in Exhibit A1.

**Exhibit A2: Section 90-383 (Permitted Uses – Multiple Family Zones)**

ZOA14-005 proposes allowing Continuing Care Retirement Communities and Skilled Nursing Facilities by conditional use permit in the R-2 (Low-Medium Density Residential), R-3 (Medium-High Density Residential), and R-4 (Very High Density) zones. Assisted Living Facilities are currently conditionally permitted in the R-2, R-3, and R-4 zones. Exhibit A2 shows the proposed amendments.

**Exhibit A3: Section 90-892 (Permitted Uses – Commercial Zones)**

ZOA14-005 proposes allowing Assisted Living Facilities and Skilled Nursing Facilities in the OP (Office Professional), C-1 (Neighborhood Commercial), and C-2 (General Commercial) zones by conditional use permit, and Continuing Care Retirement Communities in the OP and C-1 zones by conditional use permit. Exhibit A3 shows the proposed amendments.

**Exhibit A4: Section 90-932 (Permitted Uses – Downtown Zones)**

ZOA14-005 proposes allowing Assisted Living Facilities, Continuing Care Retirement Communities, and Skilled Nursing Facilities by conditional use permit in the D-2 (Medium Intensity) zone, and Senior Housing (multiple family) in the D-1 and D-2 zones by Conditional Use Permit. Exhibit A4 shows the proposed amendments.

**Exhibit A5: Section 90-1212 (Conditionally Permitted Uses in the Institutional Zone)**

ZOA14-005 proposes allowing Assisted Living Facilities, Continuing Care Retirement Communities, Skilled Nursing Facilities, Convalescent Hospitals, and similar institutions as conditionally permitted uses in the Institutional zone. Exhibit A5 shows the proposed amendments.

**ANALYSIS**

ZOA14-005 updates definitions, corrects an inadvertent ordinance text error, and establishes the requirement for a conditional use permit for the proposed congregate living facilities. The conditional use permit process will ensure that the site development standards are appropriate for the location and the use. With the aging of the population in America, it is anticipated that the City may begin to receive applications for the construction of congregate living facilities. The proposed amendments establish appropriate definitions, locations, and permitting regulations for the facilities.

**COORDINATION AND PUBLIC REVIEW**

On October 9, 2014, the City published a notice in the Valley Chronicle of the holding of a public hearing before Planning Commission at which the amendments to the City's zoning ordinance would be considered. To date, staff has not received any public comments on the draft ordinance.

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

ZOA14-005 recommends amendments to the Multiple Family Residential (R-3), Commercial (OP, C-1, C-2), Downtown (D-2), and Institutional (I) Zones, which correspond to the following General Plan land use designations: High Density Residential (HDR), Neighborhood Commercial (NC), Community Commercial (CC), Office Professional (OP), and Mixed Use (MU), respectively. The proposed zone amendments are consistent with the General Plan because they conditionally permit land uses that are appropriate for the General Plan land use designations to which they correspond.

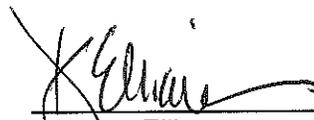
**CEQA REVIEW AND COMPLIANCE**

The City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act (CEQA) under section 1506(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Whereas here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. It does not relate to any physical project and will not result in any physical change to the environment. Additionally, the proposed land use designations were analyzed by the environmental impact report prepared for the comprehensive update to the Hemet General Plan and adopted in January 2012. Therefore, it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment, and therefore, the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Prepared by:

  
\_\_\_\_\_  
Nancy Gutierrez  
Project Planner

Reviewed by:

  
\_\_\_\_\_  
Deanna Elliano  
Community Development Director

**ATTACHMENTS:**

## 1. Planning Commission Resolution Bill No. 14-025

Exhibit A – Proposed City Council Ordinance Bill No. 14-071

Exhibit A1 Proposed modifications to Section 90-4 (Definitions)

Exhibit A2 Proposed modifications to Section 90-383 (Permitted Uses – Multiple Family Zones)

Exhibit A3 Proposed modifications to Section 90-892 (Permitted Uses – Commercial Zones)

Exhibit A4 Proposed modifications to Section 90-932 (Permitted Uses – Downtown Zones)

Exhibit A5 Proposed modifications to Section 90-1212 (Permitted Uses in the Institutional Zone)

# Attachment 1

Planning Commission  
Resolution Bill No. 14-025



CITY OF HEMET  
Hemet, California

PLANNING COMMISSION  
RESOLUTION BILL NO. 14-025

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ZONING ORDINANCE AMENDMENT NO. 14-005, AN ORDINANCE AMENDING SECTION 90-4 (DEFINITIONS), SECTION 90-383 (PERMITTED USES – MULTIPLE FAMILY ZONES), SECTION 90-892 (PERMITTED USES – COMMERCIAL ZONES), SECTION 90-932 (PERMITTED USES – DOWNTOWN ZONES) AND SECTION 90-1212 (PERMITTED USES – INSTITUTIONAL ZONE) OF CHAPTER 90 (ZONING) OF THE HEMET MUNICIPAL CODE TO UPDATE AND EXPAND THE DEFINITIONS FOR CERTAIN TYPES OF CONGREGATE LIVING FACILITIES AND TO ALLOW THOSE USES BY CONDITIONAL USE PERMIT IN SPECIFIED ZONES.

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

**WHEREAS**, on October 9, 2014, the City gave public notice by publishing notice in the Valley Chronicle of the holding of a public hearing at which the amendment to the City's zoning ordinances would be considered; and

**WHEREAS**, on October 21, 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

1       **WHEREAS**, attached as Exhibit "A" is the proposed Ordinance Bill No. 14-071;  
2 and

3  
4       **NOW, THEREFORE**, the Planning Commission of the City of Hemet does  
5 Resolve, Determine, Find and Order as follows:  
6

7       **SECTION 1: ENVIRONMENTAL FINDINGS**  
8

9       The Planning Commission, in light of the whole record before it, including but not limited  
10 to, the City's Local CEQA Guidelines and Thresholds of Significance, the direction of  
11 the Planning Commission at its meeting on October 21, 2014 and documents  
12 incorporated therein by reference, and any other evidence (within the meaning of Public  
13 Resources Code Sections 21080(e) and 21082.2) within the record or provided at the  
14 public hearing of this matter, hereby finds and determines as follows:  
15

- 16 1.       **CEQA**: The City has analyzed this proposed project and has determined that it is  
17 exempt from the California Environmental Quality Act ("CEQA") under section  
18 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to  
19 projects that have the potential for causing a significant effect on the  
20 environment. Where, as here, it can be seen with certainty that there is no  
21 possibility that the activity in question may have a significant effect on the  
22 environment, the activity is not subject to CEQA. The amendments proposed by  
23 this Ordinance do not relate to any physical project and will not result in any  
24 physical change to the environment. Additionally, the proposed land use  
25 designations were analyzed by the environmental impact report prepared for the  
26 comprehensive update to the Hemet General Plan and adopted in January 2012.  
27 Therefore, it can be seen with certainty that there is no possibility that this  
28 Ordinance may have a significant adverse effect on the environment, and  
29 therefore the adoption of this Ordinance is exempt from CEQA pursuant to  
30 Section 15061(b)(3) of the CEQA Guidelines.  
31

32       **SECTION 2: ZONING ORDINANCE AMENDMENT FINDINGS**  
33

34 Pursuant to Hemet Municipal Code Section 90-41.5(a), the Planning Commission  
35 makes the following findings with respect to this zoning ordinance amendment:  
36

- 37 1.       *The zoning ordinance amendment is in conformance with the latest adopted*  
38 *general plan for the City.*  
39

40       The zoning ordinance amendment is in conformance with the latest adopted  
41 general plan for the City because it permits land uses that are appropriate for the  
42 General Plan land use designations to which they correspond. This Ordinance  
43 conforms with Goal LU-1 of the Hemet General Plan to achieve a balanced and  
44 sustainable pattern of land uses, community services, and amenities that provide  
45 for the needs of the City's residents and businesses and enhance the overall  
46 quality of life in the community.

- 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. 14-025 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 21<sup>st</sup> day of October, 2014, by the  
19 following vote:

20  
21 AYES:

22 NOES:

23 ABSTAIN:

24 ABSENT:  
25  
26  
27

28 \_\_\_\_\_  
29 John Gifford, Chairman  
30 Hemet Planning Commission

31 ATTEST:  
32  
33  
34

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

# Exhibit A

Proposed City Council  
Ordinance Bill No. 14-071



1  
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4 **CITY OF HEMET**  
5 **Hemet, California**  
6 **ORDINANCE BILL NO. 14-071**

7 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**  
8 **HEMET CALIFORNIA AMENDING SECTION 90-4**  
9 **(DEFINITIONS), SECTION 90-383 (PERMITTED USES –**  
10 **MULTIPLE FAMILY ZONES), SECTION 90-892**  
11 **(PERMITTED USES – COMMERCIAL ZONES), SECTION**  
12 **90-932 (PERMITTED USES – DOWNTOWN ZONES) AND**  
13 **SECTION 90-1212 (PERMITTED USES – INSTITUTIONAL**  
14 **ZONE) OF CHAPTER 90 (ZONING) OF THE HEMET**  
15 **MUNCIPAL CODE TO UPDATE AND EXPAND THE**  
16 **DEFINITIONS FOR CERTAIN TYPES OF CONGREGATE**  
17 **LIVING FACILITIES AND TO ALLOW THOSE USES BY**  
18 **CONDITIONAL USE PERMIT IN SPECIFIED ZONES.**

19 **WHEREAS**, interest in congregate living facilities has increased over the past few  
20 years and new types of facilities are being proposed that offer a variety of living  
21 arrangements and residential options for seniors; and

22 **WHEREAS**, professional and governmental organizations are updating their  
23 terminology to accommodate the new trends; and

24 **WHEREAS**, the amendment updates the definitions and terminology for certain  
25 types of congregate living facilities to meet industry standards; and

26 **WHEREAS**, the amendment provides for the establishment of certain types of  
27 congregate living facilities by conditional use permit in specified zones; and

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

**WHEREAS**, on October 21, 2014, the Planning Commission was presented with  
a draft of this Ordinance Bill No. 14-071 and, after conducting a duly noticed public  
hearing, voted to recommend that the City Council approved Ordinance Bill No. 14-071

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

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

4 Chapter 90 (Zoning) is to be amended as shown in Exhibit A1 (Definitions),  
5 Exhibit A2 (Permitted Uses – Multiple Family Zone), Exhibit A3 (Permitted Uses –  
6 Commercial Zones), Exhibit A4 (Permitted Uses – Downtown Zones), and Exhibit A5  
7 (Conditionally Permitted Uses in the Institutional Zone) of the proposed Ordinance Bill  
8 No. 14-071. hereto.

9 **SECTION 2: CEQA FINDINGS.**

10 This Ordinance is exempt from the California Environmental Quality Act (“CEQA”)  
11 under CEQA Guideline 15061(b)(3) because it can be said with certainty that there is no  
12 possibility the proposed Ordinance may have a significant effect on the environment.  
13 The proposed Ordinance does not relate to any physical project and will not result in any  
14 physical change to the environment. Additionally, the proposed land use designations  
15 were analyzed by the environmental impact report prepared for the comprehensive  
16 update to the Hemet General Plan and adopted in January 2012. Therefore, it can be  
17 seen with certainty that there is no possibility that this Ordinance may have a significant  
18 adverse effect on the environment and, therefore, the adoption of this Ordinance is  
19 exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

20 **SECTION 3: SEVERABILITY.**

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

**SECTION 4: EFFECTIVE DATE.**

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

**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 18<sup>th</sup> day of November, 2014.

**APPROVED AND ADOPTED** this 9th day of December, 2014.

\_\_\_\_\_  
\_\_\_\_\_, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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

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

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

I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing Ordinance was introduced and first read on the 18<sup>th</sup> day of November, 2014, and had its second reading at the regular meeting of the Hemet City Council on the 9<sup>th</sup> day of December, 2014, and was passed by the following vote:

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

\_\_\_\_\_  
Sarah McComas, City Cler

# Exhibit A1

Proposed Amendments to  
Section 90-4 (Definitions)

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

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

**Note: No other section in this article is affected by ZOA14-005.**

*Assisted living facility* means a facility for more than six individuals offering assistance with basic activities of daily living such as bathing, grooming, and dressing. Assisted living facilities may offer medication assistance and/or reminders, but differ from a skilled nursing facility in that they do not offer complex medical services. The term "assisted living facility" shall include long-term care facility, rest home, memory support facility, or residential care facility for the elderly.

*Boarding house and lodging house* shall mean a residence or dwelling, other than a hotel, wherein a room or rooms, with or without individual or group cooking facilities, are rented, leased or subleased under two or more separate written or oral rental agreements, leases or subleases, whether or not the owner, agent or rental manager resides within the dwelling unit. A boarding house or lodging house is subject to the provisions of Article X, Division 1 (Boarding Houses and Group Homes) in this chapter.

*Congregate Care Facility* means the same as "Assisted Living Facility."

*Continuing Care Retirement Community* means a facility regulated by the State of California that provides a combination of independent living, assisted living, and skilled nursing services for senior citizens at one location for the duration of a resident's life generally under the terms of a lifetime contract.

*Convalescent hospital or nursing home* means the same as "Skilled Nursing Facility." ~~an institution rendering extended care, nursing, dietary and other personal services to convalescents, invalids or aged persons, in which surgery is not performed and primary treatment such as is customarily given in general hospitals is not provided. The term "convalescent hospital" shall include nursing homes, convalescent homes, rest homes and sanitariums.~~

~~*Home for the aged* means an institutional facility for the lodging and care of ambulatory senior citizens, and offering or providing lodging, meals, dietary service or other personal services, but not including care or treatment of persons with addictions or contagious or communicable diseases, insanity, or surgery, physical therapy, full-time~~

~~nursing care or similar activities customarily provided in a hospital, skilled nursing facility or convalescent hospital.~~

~~Rest home means the same as the term "convalescent hospital."~~

~~Rooming house means the same as the term "boarding house" and is subject to the provisions of Article X, Division 1 (Boarding Houses and Group Homes) in this chapter.~~

~~Sanitarium means the same as the term "convalescent hospital"~~

~~Senior housing means an independent living facility, complex, mobile home park or subdivision that serves persons 55 years or older as provided in Article XXXI of this chapter.~~

~~Skilled Nursing Facility means a facility that offers 24-hour medical care provided by nurses and physicians. Skilled nursing facilities may care for frail residents totally dependent on nursing care. The term "skilled nursing facility" shall include convalescent hospital, nursing home, and hospice facility.~~

~~Small licensed residential care facility is defined as provided in section 90-262 of this chapter.~~

# Exhibit A2

Proposed Amendments to  
Section 90-383  
(Permitted Uses – Multiple  
Family Zones)

**Sec. 90-383. Permitted uses.**

In the R-2, R-3 and R-4 zones, permitted and conditionally permitted uses shall be as listed within the Land Use Matrix.

**Note: No other section in this article is affected by ZOA14-005.**

MULTIPLE-FAMILY RESIDENTIAL LAND USE MATRIX					
X=Not Permitted Use P=Permitted Use C=Conditionally Permitted Use (CUP)					
A=Administrative Use (AUP) SGHP=Small Group Home Permit					
	ZONE	REFERENCE			
		R-2	R-3	R-4	Additional or explanatory regulations or requirements
<b>A. Residential Uses</b>					
1.	Accessory Dwelling Unit	P	P	P	
2.	Mobile Home Parks	C	X	X	Article XX and Title 25 of the California Government Code
3.	Multifamily housing, including duplexes, condominiums, apartments, or similar residential units*				
	a. Senior housing (independent)	P	P	P	90-4, 90-387 and 90-1081
	b. Two family dwellings	P	P	X	
	c. Multiple-family dwellings	P	P	P	
4.	Single-family detached condominiums	P	P	X	
5.	Single-family homes	P	P	X	
<b>B. Residential—Other</b>					
1.	Home occupations	P	P	P	90-72
2.	Animal keeping	P	P	P	90-77
3.	Residential	P	P	P	90-386

	accessory uses and structures				
<b>C. Care Uses</b>					
1.	Assisted living facility	C	C	C	90-4
2.	Boarding houses congregate care facilities	C	C	X	90-261 90-4
3.	Continuing Care Retirement Communities	C	C	C	90-4
3.4	Child or adult day care facility	C	C	C	
4.5	Group homes and small licensed care facilities				
	a. Small, licensed residential care facilities	P	P	X	Article X
	b. Large group homes (10 or fewer occupants)	A	A	X	Article X
	c. Large group homes (11 or more occupants)	C	C	X	Article X
	d. Small group home	SGHP	SGHP	X	Article X
6.	Skilled Nursing Facility	X	C	C	90-4

# Exhibit A3

Proposed Amendments to  
Section 90-892  
(Permitted Uses –  
Commercial Zones)

**Sec. 90-892. Permitted uses.**

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

**Note: No other section in this article is affected by ZOA14-005.**

COMMERCIAL LAND USE MATRIX						
P=Permitted Use		A=Administrative Use (AUP)		C=Conditionally Permitted Use (CUP)		
		R-P	O-P	C-1	C-2	C-M
<b>A.</b>	<b>Agricultural Uses</b>					
1.	Kennel for dogs and/or cats (in accordance with special regulations listed in section 90-78)					
	a. As an accessory use (indoor)	X	X	P	P	P
	b. As an accessory use (outdoor)	X	X	A	A	A
	c. As a primary use (indoor or outdoor)	X	X	C	C	C
2.	Nursery					
	a. Wholesale	C	C	C	C	C
	b. Retail	P	P	P	P	P
	c. Retail—Indoor only	X	X	X	X	X
<b>B.</b>	<b>Residential Uses</b>					
1.	Assisted living facility	X	C	C	C	X
4.2	Bed and breakfast	A	A	A	A	X
3.	Continuing Care Retirement Community	X	C	C	X	X
2.4	Day care facility serving more than six clients	P	P	P	P	P
3.5	Group homes and small licensed residential care facilities (see section 90-261 et seq.)					
	a. Small licensed residential care facility	P	X	X	X	X
	b. Large group home (10 or fewer residents)	C	C	X	X	X
	c. Large group home (11 or more residents)	C	C	X	X	X
	d. Small group home	A	C	X	X	X
4.6	Emergency shelter subject to the requirements of article X, division 4. Existing shelter in C-1 zone pursuant to section 90-303(b)	X	X	P	X	CUP

COMMERCIAL LAND USE MATRIX						
P=Permitted Use    A=Administrative Use (AUP)    C=Conditionally Permitted Use (CUP)		R-P	O-P	C-1	C-2	C-M
5.7	Home occupation in an existing single-family home subject to the requirements of section 90-72	P	P	P	P	P
6.8	Household pets in an existing single-family home, including, but not limited to, dogs, pot belly pigs, and cats when on the site of an existing residential unit subject to the requirements of section 90-77	P	P	P	P	P
7.9	Mixed use, an integrated mix of residential and nonresidential uses on a single site	X	X	C	C	X
8.10	Mobile home park, recreational vehicle park, or travel trailer park	X	X	X	X	C
9.11	Multiple-family residence subject to the requirements of the R-3 zone development standards	C	X	X	X	X
10.12	Rented room, a maximum of one room, within an existing single-family dwelling	P	P	P	P	P
11.13	Single-family residence (existing only), including manufactured housing, prefabricated housing, and mobile homes built after 1986 when installed on permanent foundations and subject to the requirements of subsection 90-315(a)	P	P	P	P	P
14.	Skilled nursing facility	X	C	C	C	X

# Exhibit A4

Proposed Amendments to  
Section 90-932  
(Permitted Uses –  
Downtown Zones)

## Sec. 90-932. Permitted and conditionally permitted uses.

In the D-1 and D-2 zones, permitted and conditionally permitted uses shall be as listed within the following "land use matrix." Land uses allowed subject to an administrative approval are shown as "A" in the table below. Uses which are not permitted in the zone are shown as NP. All other uses not specifically listed in the table below shall be interpreted to not be allowed, unless a similar use determination is made by the director pursuant to section 90-3 of the HMC. Whenever a business is conducted, a city business license is required pursuant to chapter 18 of the HMC and a certificate of occupancy is required for all uses pursuant to Section 309 of the Uniform Administrative Code.

**Note: No other section in this article is affected by ZOA14-005.**

DOWNTOWN LAND USE MATRIX			
P = Permitted Use			
A = Administrative Use Permit			
C = Conditionally Permitted Use			
NP = Not Permitted			
ZONE		D-1	D-2
<b>A.</b>	<b>Residential Uses</b>		
1.	Assisted living facility as defined in section 90-4	X	C
<del>1.2</del>	Bed and breakfast	A	A
3.	Continuing care retirement community as defined in section 90-4	X	C
2.4	Home occupation in an existing single-family home subject to the requirements of section 90-72	P	P
<del>3.5</del>	Household pets in an existing single-family home, including, but not limited to, dogs and cats when on the site of an existing residential unit subject to the requirements of section 90-77	P	P
4.6	Mixed use, an integrated mix of residential and nonresidential uses on a single site, including, but not limited to, retail, professional offices, service commercial, restaurants, residential uses on the second floor over office or commercial uses	C	C
5.7	Multiple-family residence subject to the requirements of the R-3 zone development standards	C	C
8.	Multiple family senior housing subject to the requirements of the R-3 zone development standards and Article XXXI	C	C
9.	Skilled nursing facility as defined in section 90-4.	X	C
<del>6.10</del>	Single-family residential structures constructed prior to April 20, 2001, pursuant to section 90-936	P	P
<b>B.</b>	<b>Commercial Uses</b>		
1.	Adult business as defined in section 90-18	X	X
2.	Alcohol sales		
	a. In conjunction with an exempt land use per section 90-90(e)	P	P
	b. All other on-sale and off-sale alcohol sales	C	C

# Exhibit A5

Proposed Amendments to  
Section 90-1212  
(Permitted Uses in the  
Institutional Zone)

**Sec. 90-1212. Uses permitted by conditional use permit.**

The following uses shall be permitted in the institutional zone subject to review as prescribed in section 90-1221:

- (1) Arboretums.
- (2) Airports.
- (3) Colleges.
- (4) Convention and exhibition centers.
- (5) Public golf courses.
- (6) Cultural centers.
- (7) Fairgrounds.
- (8) Fire stations.
- (9) Flood control facilities.
- (10) Government offices.
- (11) Historic landmarks, memorials and monuments.
- (12) Hospitals.
- (13) Libraries.
- (14) Museums.
- (15) Parking areas.
- (16) Parks and playgrounds.
- (17) Police stations.
- (18) Public schools.
- (19) Sewage treatment plants.
- (20) Water tanks, water wells, water pump stations and water treatment plants.
- (21) Senior residential uses, ~~assisted living facilities, continuing care retirement communities, skilled nursing facilities, convalescent hospitals, rest homes, nursing homes, sanitariums, homes for the aged, centers for emotionally or physically handicapped persons~~ and similar institutions

(Ord. No. 1138; Ord. No. 1203; Ord. No. 1224; Code 1984, § 24101)

# AGENDA #7

## Staff Report



TO: City of Hemet Planning Commission

FROM: Deanna Elliano, Community Development Director *DE*  
Ron Running, Project Planner *RR*

DATE: October 21, 2014

RE: **WORKSTUDY FOR CONDITIONAL USE PERMIT 14-006 (SUN EDISON):** A workstudy session for the applicant, Sun Edison, to provide an introduction of the proposed Solar Field Project to be located on a 134 acre site at the southwest corner of Sanderson Avenue and Acacia Avenue, and to identify potential issues that may require additional review prior to the formal public hearing for the project.

### **PROJECT APPLICANT INFORMATION**

Applicant: Christina White, AP North Lake Solar, LP  
Agent: Jeremy Krout, EPD Solutions, Inc.  
Project Location: SWC of Sanderson Avenue and Acacia Avenue  
APN: 456-030-002

### **STAFF RECOMMENDATION**

That the Planning Commission:

*Receive the Applicant and the Staff's presentations for the project, and provide preliminary input regarding questions, comments, or issues to be addressed further in the environmental review and public hearing process for the project.*

### **BACKGROUND**

Sun Edison has submitted a Conditional Use Permit application for a proposed 19 MW Solar Field to be located within the City of Hemet. The subject site is currently zoned Agricultural, and has a General Plan designation of Business Park. The city staff is still in the process of reviewing the technical studies and draft Initial Study prepared for the project, but the applicant has requested a Work Study Session with the Planning Commission to introduce the project to the Commission in advance of the formal public hearing.

The purpose of the work study is to provide information and to seek preliminary comments or concerns that the Commission may have regarding the project, so they can be addressed prior to the public hearing. The workstudy was previously scheduled for the October 7, 2014 Planning Commission meeting. However, due to the absence of some of the commissioners it has been rescheduled to this

date. The workstudy was advertised in the Valley Chronicle and to property owners within 500 feet of the subject property. The applicant has a Powerpoint presentation to share with the Commission, and Planning staff will provide a summary of staff's initial comments and review.

Respectfully submitted,



Deanna Elliano  
Community Development Director

**ATTACHMENTS:**

1. Project Description as provided by Sun Edison
2. Project Site Aerial Photo, Site Plan and other illustrative exhibits



## Hemet Solar Project

APN 456-030-002

### City of Hemet Conditional Use Permit Application PROJECT DESCRIPTION

*Revised August 28, 2014*

#### **Project Location and Access**

The project site is located in the city of Hemet on the south side of W. Acacia Avenue, which provides primary access to the site. East of site is S. Sanderson Avenue. Both roads connect to regional circulation roads, including Highway 74/Florida Avenue and Domenigoni Parkway.

#### **Project Site Characteristics**

The 134-acre project site (APN 456-030-002) is surrounded by developed and undeveloped land, including the following:

- North: W. Acacia Avenue separates the site from vacant land and commercial development that fronts Highway 74/Florida Avenue
- Southwest: Hemet-Ryan Airport
- South: self storage facility and commercial and office development
- East: S. Sanderson Avenue separates the site from a big-box commercial center and vacant land

The project site has a relatively flat topography with a gradual slope from east to west. The site's approximate elevation is 1,500 feet above mean sea level (msl). The project site is located within an area that has been disturbed for many decades. The past and current land use has been an active horse breeding facility with over two dozen horse stalls, several residential units, pastures, a race track, feeding stalls, and turn-out arenas. Onsite vegetation is generally low-lying non-native plant species, characteristic of a disturbed site. Ornamental pine, eucalyptus, and palo verde trees of varying heights—ranging from approximately 15 feet to above 35 feet tall—are along the project site's northern boundary and in the central area of the site.

The site is designated Business Park in the City's General Plan and zoned A-2-C-10 (Agriculture).

#### **Project Facilities**

The proposed project is a photovoltaic (PV) solar energy generation facility that will produce up to +/-20 megawatts alternating current (MWac) of renewable electric power year-round, during daytime hours. The project is consistent with the City's General Plan and conditionally permitted within the site's zoning designation.

The project is proposed on approximately 94 acres of the 134-acre parcel. The project will consist of PV solar panels organized in rows, with ancillary features to include inverters, on-site (underground) power distribution lines, switchgear, and related electrical equipment. Major project features are described in more detail below and are illustrated on the project site plan. Land not used for solar PV development, access roads and landscaping would remain in its existing, undeveloped state.

### Solar Field

The solar panel field will be the primary feature of the proposed project. Solar panels will be organized in rows of single-axis tracking panels that are mounted to 6-inch steel support structures. Each row will be separated by about 15-20 feet (from post to post). The rows would be aligned north to south, and the PV panels would pivot to an angle of up to 45 degrees around a north-south axis, tracking the sun from east to west. The assembled PV panels would have a typical height of about 6 to 7 feet and a maximum height of approximately 10 feet, depending on the topography and soil conditions, and angle of the tracking system as it changes over the course of each day while the panels follow the path of the sun. A cross-section of typical tracker panel is provided on Figure 1.

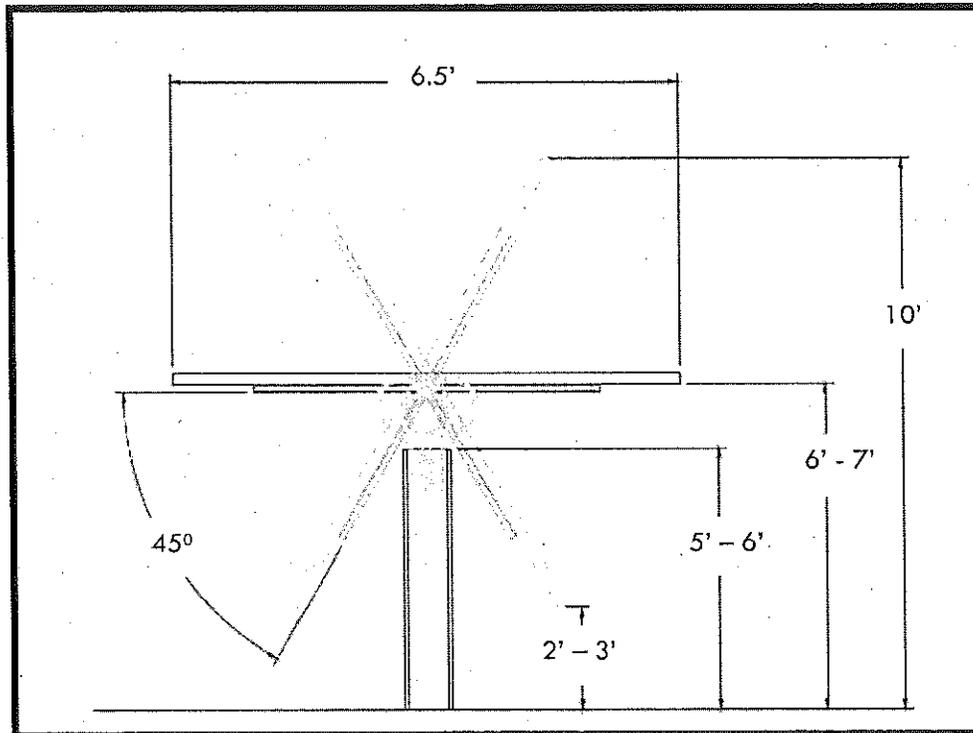


Figure 1 Single-axis Tracking Solar Panel Cross Section

As shown on the site plan, the PV panels would be organized into electrical groups referred to as "blocks." Each block would encompass approximately 4.5 acres of PV panels (capable of producing about 1.2 MWac) and would include 1 inverter block.

### Inverters and Switchgear

Individual PV panels are connected together in series to create a "string" to produce (DC) power. Strings of DC in parallel and series configuration will then run to inverters mounted on concrete equipment pads distributed in between blocks. Each skid enclosure includes 2 inverter blocks that is anticipated to be a 12-foot by 35-foot prefabricated (or assembled on site), with a maximum height of 15 feet. The facility would be unoccupied except during inspection and maintenance. The inverters convert DC power to alternating current (AC) power, which then feeds to switchgear located at the northeast corner of the site. The interconnection point would be at a new pole on an existing local power distribution line along W. Acacia Avenue.

### **Fencing and Access**

The project area will be surrounded by a fence that is up to 7 feet tall. The fence will consist of an opaque vinyl or similar material along S. Sanderson Avenue and W. Acacia Avenue. The opaque fencing will also extend about 200 feet south from the northwest corner of the site, and the same distance west from the southeast corner of the site, in order to minimize views of the solar field from S. Sanderson Avenue and W. Acacia Avenue. Chain link fencing will be used along the other site boundaries.

Primary project access will occur on W. Acacia Avenue, with a new paved driveway near the northwest corner of the site. As the site will be unmanned, very little traffic will be generated (generally no more than one round-trip per day). W. Acacia Avenue abuts the property boundary; therefore, no off-site roadway improvements are necessary to accommodate the project. Onsite circulation roads will be 26 feet in width, constructed along the perimeter of the site and interior access roads will be 20 feet wide. Aggregate base or similar materials, designed to meet Hemet Fire Department standards, will be used for on-site access roads. An emergency access gate would be provided along S. Sanderson Avenue, using an existing driveway curb cut.

### **Setbacks**

Setbacks are incorporated into the site design to maximize visual and spatial buffers of the facility from surrounding roads and the Hemet-Ryan Airport. Along S. Sanderson Avenue is a 50-foot setback, substantially greater than the required 25-foot scenic highway setback. The nearest solar panels to S. Sanderson are proposed to be at least 85 feet from the roadway right-of-way for a short segment of the site (265 feet). The remainder of the solar field is at least 200 feet from the edge of the roadway. The setback along W. Acacia Avenue is 26 feet from right-of-way to the project fenceline, exceeding the 20-foot front setback requirement. A 20-foot-wide vegetation screening will be planted along W. Acacia Avenue and S. Sanderson Avenue.

Setbacks are also provided along the project's shared boundary with the airport, and a setback is incorporated from the centerline of the airport's runway through the site. The setback from the nearest airport property boundary is over 115 feet along one edge of the project, and over 400 feet along another edge (nearer to the runway). Setbacks from ends of the runways are substantially greater. The nearest solar panels to the end of Runway 5/23 are approximately 1,600 feet from the edge of the runway to the east, and over 1,050 feet to the north. Setbacks from the runway centerline are a minimum of 200 feet to the north and 315 feet to the south.

### **Stormwater Management**

Due to the limited amount of paving required onsite, and the lack of significant earthworks, the project will create negligible impervious areas. There would be minimal or no increase in stormwater flows due to project construction. Stormwater will be properly directed away from equipment pads and any other structures. No significant storm water management features (basins, swales, etc.) would be required.

### **Landscaping**

Landscaping on the site would total about 3.1 acres, consisting of a 20-foot-wide band of shrubs and trees located along the W. Acacia Avenue and S. Sanderson Avenue fencelines. Preliminary landscape proposals include various species of trees and shrubs, such as Arizona cypress and Mexican palo verde trees and mountain mahogany and Texas sage shrubs, among others. In addition to screening the project, plant material was selected from a palette of local and adapted vegetation which requires minimal water use and no permanent irrigation.

## **Utility Service**

### *Electricity*

The project will interconnect with the local power grid at the southwest corner of W. Acacia Avenue and S. Sanderson Avenue. A maximum of three new aboveground electricity poles will be required to connect to the existing power distribution grid. The poles will be similar to the existing 35-foot tall wooden poles that are along the northern project site boundary along W. Acacia Avenue.

### *Water & Wastewater*

The project site will not require new or expanded water or wastewater service. Construction will occur over a 6- to 8-month period. The project site is within the service area of the Eastern Municipal Water District (EMWD). Water used during construction will be obtained from existing EMWD fire hydrants located on W. Acacia Avenue. EMWD has provided confirmation that these hydrants may be accessed for construction water purposes, with installation of a construction meter. The volume of construction water used for a typical solar PV project of this size would be about 1 to 1.5 acre-feet. Water use during operations would be negligible; panel cleaning would require less than 1 acre-foot per year, or about the same usage as 2 single-family homes, all of which would be met with water trucks. A small amount of water may also be required for a one-year period for landscape maintenance to allow new plantings to be established, though this would be limited by the use of native and adapted vegetation to minimize irrigation requirements.

### *Other Utilities*

The project would connect to telephone lines in the project vicinity. Telephone service is required to allow for efficient remote monitoring of the facility. No other utility services (natural gas, cable television) are required for the project.

## **Construction**

The construction sequence would include the preparation of laydown areas, earthwork activities such as minor grubbing of vegetation, and minor excavations. It also includes the construction of onsite access routes, erecting PV structures, and construction of interconnection facilities. Construction activities that produce noise outside of the project site boundaries would occur only between the hours of 7 am and 7 pm.

Staging areas would be near the northeast corner of the site to ensure safe access and eliminate the potential for impacts to airport operations.

## **Operations**

During operations, the site would be unmanned, with only occasional visits by maintenance and security staff during the week. No large trucks will routinely access the site during operations. Panel cleaning, involving a small number of light trucks typically occurs at solar photovoltaic power plants between zero (no cleaning required) and three times per year.

## **Airport Compatibility**

The project is compatible with the Hemet-Ryan Airport land uses and operations. The project site's location near the Hemet-Ryan Airport results in few land uses being permissible, and a strong preference exists on the part of the airport for facilities such as the proposed project that are unmanned or require minimal human presence beneath the flight path near the airport. The Riverside County Airport Land Use Commission (ALUC) has reviewed the project and determined the project to be consistent with the Hemet-Ryan Airport Comprehensive Airport Land Use Plan, subject to the application of 10 Conditions of Approval, all of which the project intends to apply.

Solar fields have been successfully implemented at airports, near or directly underneath flight paths, at dozens of airports across the U.S. Notable examples of this in California include projects at Bakersfield, Fresno, San Francisco, and San Jose airports. These projects and others have shown that solar fields do not produce reflection, glare, or other impacts that negatively impact flight safety.

To further minimize any potential for impacts to airport operations, large setbacks are proposed (see *Setbacks*, above). These were developed following discussions with ALUC staff. Specifically, the nearest solar panels to the end of Runway 5/23 are approximately 1,600 feet from the edge of the runway to the east, and over 1,050 feet to the north. Setbacks from the runway centerline are a minimum of 200 feet to the north and 315 feet to the south.

The project is also highly compatible with airport operations due to the low height of facilities. The maximum structure height within the solar field would be no more than 10 feet for the dominant features (solar panels), with inverters in selected locations (further away from runways than the solar panels) up to 15 feet in height. The proposed power poles will be located at the northeast corner of the site, near other poles of the same height which do not impact the airport. On-site facilities would be shorter than the pine, eucalyptus, and palo verde trees currently on the site, which range from 15 to over 35 feet in height along the project site's northern boundary and in the central area of the site.

In support of the ALUC consistency determination, a glare analysis and an airport land use compatibility study were prepared pursuant to ALUC staff direction for review by ALUC. These documents found the project consistent with the airport's land use plan.

#### **Project Objectives and Benefits**

The project will result in many benefits for the community—the production of electricity from a renewable source, reduced reliance on nonrenewable energy sources, reduced reliance on electricity produced in distant locations, and electricity production near demand centers. Additionally, the site's location and climate make solar energy production highly efficient in this location.

The project will help support California in meeting its Renewable Portfolio Standard (RPS) mandate for increased renewable energy production. The primary objectives of the project are to:

- Develop a solar power generation project that will help California meet its statutory and regulatory goal of increasing renewable power generation.
- Develop a solar power generation project that contributes to the California Renewables Portfolio Standard goal of 33 percent of California energy coming from renewable sources by the year 2020.
- Avoid carbon emissions by building a renewable generating facility instead of like-sized fossil-fuel facility to meet increasing demand for in-state generation.
- Locate project facilities in an area that optimizes desirable solar project characteristics with minimum potential for environmental impacts.
- Locate project facilities within proximity of industrial, commercial, and other urbanized areas that would be the primary consumers of the energy that would be produced.
- Develop a project that utilizes a reliable and proven solar technology with minimal use of natural resources.
- Provide a range of job opportunities related to renewable energy generation.

The project is considered a well-sited distributed solar PV project that is located close to a source of demand for electricity (developed areas) and existing distribution lines. By locating the project close to existing infrastructure, many benefits can be achieved, including:

- *No new transmission:* many large projects require the construction of new, large transmission power lines to reach the grid. The Hemet Solar project does not require new, lengthy transmission power lines, which minimizes costly upgrades, environmental impacts and public concern. Instead it will connect to the existing local electricity network via distribution lines that are adjacent to the site.
- *Shorter development time:* smaller, distributed sized (2-20 MW) PV energy generation facilities deliver solar energy to the grid sooner due to less intensive construction and development process and fewer environmental impacts.
- *Minimal water usage:* solar PV power plants require little to no water in operation—only that used in periodic panel washings. The project drastically reduces environmental impacts on the fragile desert aquifers versus liquid-cooled alternatives including fossil-fuel and other energy generating applications.
- *Existing road infrastructure:* the project site is located adjacent to S. Sanderson and W. Acacia Avenues, which are paved roads that require no substantial improvements to service the project.

Pursuant to its objective to provide job opportunities related to renewable energy production, Hemet Solar will generate “green collar” jobs. Engineers, designers, electricians, civil engineers, environmental specialists, and construction workers will be working on the project, helping spur job growth both locally and nationally. David Taussig & Associates, Inc. prepared a Fiscal and Economic Impact Study for the project. The following summarizes the positive findings of the report. Over the 25-year contracted life of the project, it will:

- Generate over \$2 million in property taxes.
- Generate over \$400,000 in Sales and Use and Other Taxes.
- Generate over 600 full-time equivalent (FTE) employee years, which is made up of:
  - 224 estimated direct construction-related FTE equivalent jobs
  - 5 estimated new on-site FTE jobs within the city
  - Generate an annual positive fiscal benefit (revenues minus costs) to the City of Hemet of over \$68,000.

The project is supported by the City’s General Plan. The following specific policies and implementation programs are supportive of solar energy development in the city:

- **OS-6.5 Clean Energy.** Support the use and production of clean energy resources through green technology and programs that promote wind, solar, renewable, biomass, and cogenerating energy resources, where compatible with adjacent land uses.
- **OS-P-25 New Energy Sources.** Support the development of new energy sources in cooperation with other organizations. Consider the environmental, cultural, aesthetic, archaeological, and social effects of new energy sources. Promote the use of clean air technologies such as fuel cell technologies, renewable energy sources, UV coatings, and alternative, nonfossil fuels. Coordinate with Southern California Edison and the Southern California Gas Company to jointly determine what new energy options are appropriate as development proceeds.

## STATEMENT OF CONSISTENCY WITH DESIGN GUIDELINES

- I. **Site Planning**
  - A. **Existing Features**

The site is currently farmed and contains no significant natural amenities or sites identified to be of local historical importance. The project is consistent with the intent of this section of the Design Guidelines.

**B. Grading**

Grading on the site will be minimized. The site is generally flat and no major earthworks will be required to achieve the topography required for the solar facility. There will be no substantial increase in site imperviousness, and no significant increase in stormwater flows would occur to adjacent parcels. The project will incorporate large setbacks along S. Sanderson Avenue, along the airport boundary, and from the airport runway centerline. The project is consistent with the intent of this section of the Design Guidelines.

**C. Access and Circulation**

The project would be unmanned and would require minimal access and circulation. Safe vehicular access points would be provided for the low level of traffic planned. No pedestrian use of the site would occur; however, setbacks along the W. Acacia Avenue and S. Sanderson Avenue frontages would allow for the construction sidewalks or other pedestrian improvements in the future. Because the proposed land use is an interim use that generates no pedestrian traffic, these improvements are not a part of the proposed project. The project is consistent with the intent of this section of the Design Guidelines.

**D. Parking**

The project would be unmanned and would not require parking facilities. Short-term parking for security and maintenance personnel would be available along the project's access roads. The project is consistent with the intent of this section of the Design Guidelines.

**E. Building Location and Orientation**

The project contains no buildings. The utility equipment required for the facility will be laid out in an efficient, orderly manner. The project is consistent with the intent of this section of the Design Guidelines.

**F. Landscaping**

No landscaping is required within the site's Agricultural zoning; however, drought-tolerant landscaping is planned along the project site's boundaries that are abutting and visible from public street rights-of-way to enhance the aesthetic of the project edge condition. This includes W. Acacia Avenue and S. Sanderson Avenue. The project is consistent with the intent of this section of the Design Guidelines.

**G. Exterior Lighting**

Lighting on the site will be limited to small domestic fixtures, adequate for security and occasional maintenance activities in the evenings. Lights will be shielded to avoid impacts to neighboring properties. The project is consistent with the intent of this section of the Design Guidelines.

**H. Signage**

Signage on the site will be limited to identification signs for the facility. All signage would be consistent with the City's regulations. The project is consistent with the intent of this section of the Design Guidelines.

**II. Architecture**

**A. General**

The project contains no buildings. The utility equipment required for the facility will be laid out in an efficient, orderly manner and will not be visible from public rights-of-way. The project is consistent with the intent of this section of the Design Guidelines.

**B. Height**

Project facilities will be shorter than a single-family home, with solar panels up to 10 feet in height and inverter enclosures up to 15 feet. The project contains no buildings. The utility equipment required for the facility will be laid out in an efficient, orderly manner and will not be visible from public rights-of-way. The project is consistent with the intent of this section of the Design Guidelines.

**C. Scale**

The project contains no buildings. The utility equipment required for the facility will be laid out in an efficient, orderly manner. The project is consistent with the intent of this section of the Design Guidelines.

**D. Windows and Doors**

The project contains no buildings. The utility equipment required for the facility will be laid out in an efficient, orderly manner. The project is consistent with the intent of this section of the Design Guidelines.

**E. Building Materials**

The project contains no buildings. The utility equipment required for the facility will be laid out in an efficient, orderly manner. The project is consistent with the intent of this section of the Design Guidelines.

**F. Walls and Fences**

An opaque fencing material, up to 7 feet in height, would be placed along W. Acacia Avenue and S. Sanderson Avenue. The opaque fencing will also extend about 200 feet south from the northwest corner of the site, and the same distance west from the southeast corner of the site, in order to minimize views of the solar field from S. Sanderson Avenue and W. Acacia Avenue. Due to the utility nature of the facility, and the adjacent industrial and airport land uses, the remainder of the perimeter would use chain link fencing, also 7 feet in height. Fencing will be well-maintained and repaired as needed. The project is consistent with the intent of this section of the Design Guidelines.

## STATEMENT OF CONSISTENCY WITH CONDITIONAL USE PERMIT FINDINGS

Section 90-1537 of the Hemet Municipal Code requires the Planning Commission make the following findings prior to granting a CUP. The project's consistency with each finding is described:

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.*

**Project Consistency:** The project is compliant with all applicable zoning regulations, including standards related to lot size and dimensions, setbacks, parking, signage, and building heights. The project is consistent with the City's Design Guidelines and would be compliant with regulations related to stormwater pollution

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.*

**Project Consistency:** Solar PV power plants are innocuous to the community, producing no significant detrimental effects, such as noise, air pollution, stormwater pollution, or traffic. The project is located in a commercial and industrial district and would not impact the welfare of the community or be injurious to nearby properties or improvements. The project is consistent with this finding.

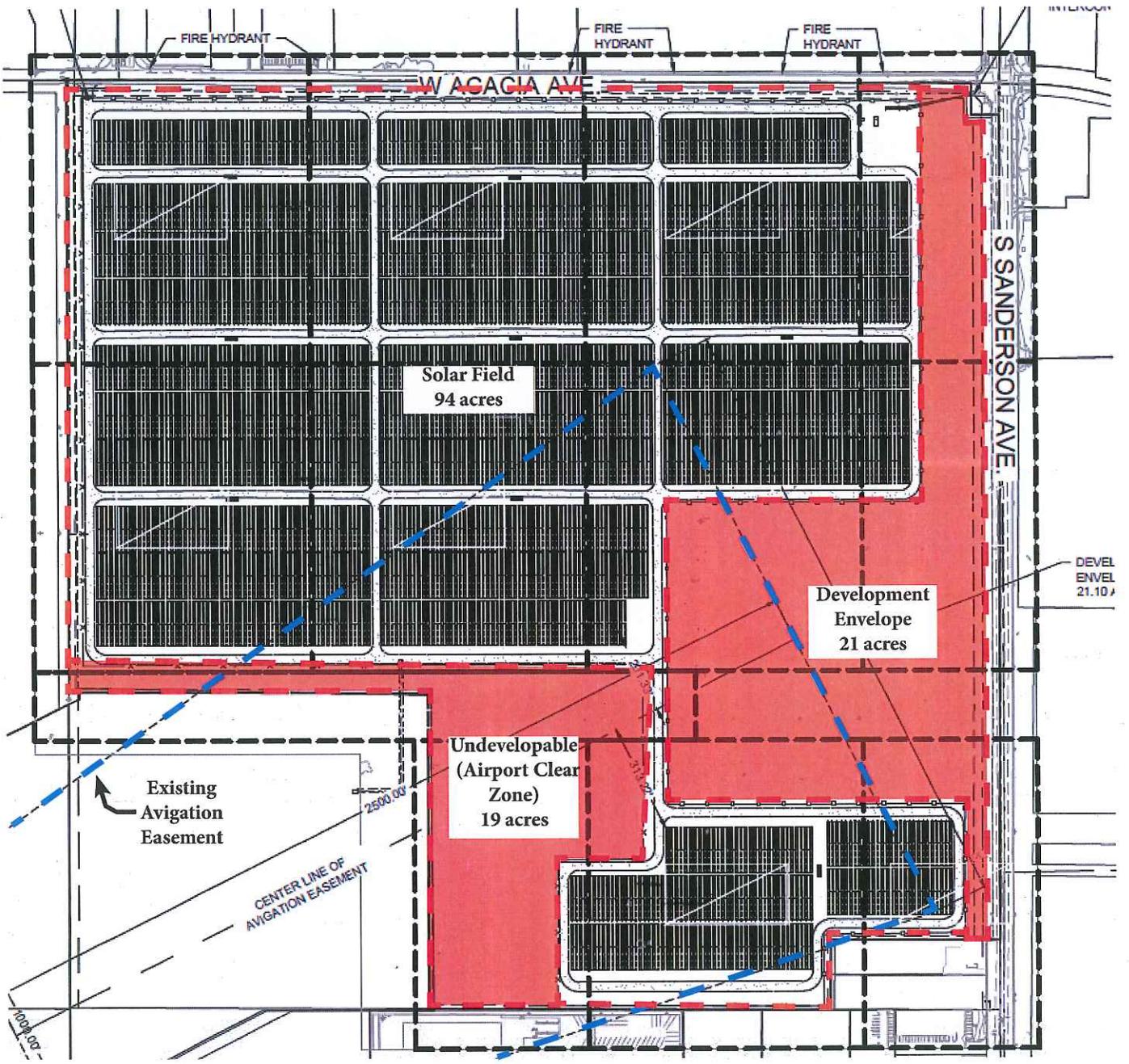
3. *That the proposed conditional use will comply with each of the applicable provisions of this chapter, and with other relevant city regulations, policies and guidelines.*

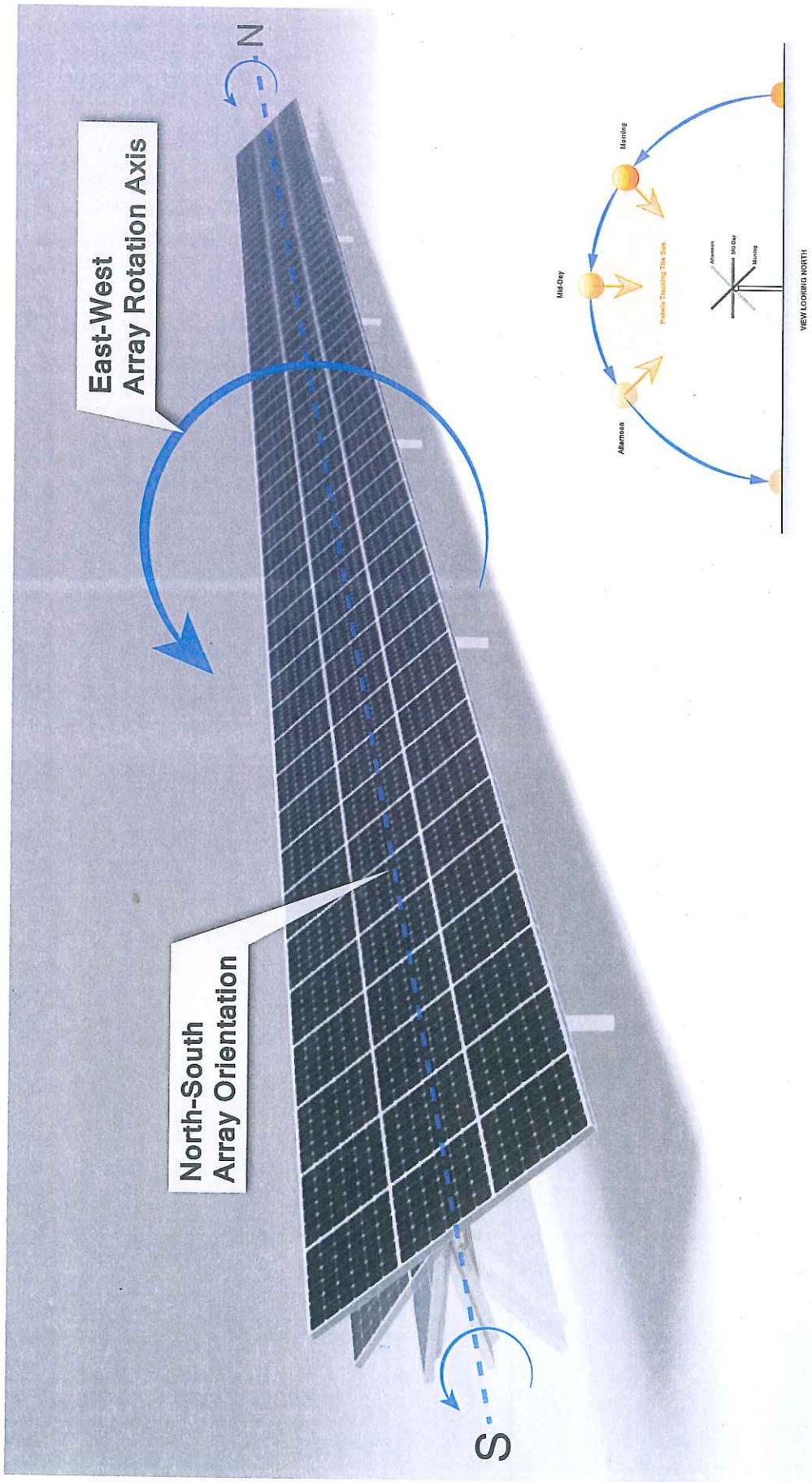
**Project Consistency:** Section 90-182 of the Hemet Municipal Code establishes "Public facilities and utilities including but not limited to, electrical substations, transmission substations, city facilities, libraries and public offices" as a conditionally permitted use within the project site's A-2-C zoning district. In addition, the project is compliant with all applicable zoning regulations, including standards related to lot size and dimensions, setbacks, parking, signage, and building heights. The project is consistent with the City's Design Guidelines and would be compliant with regulations related to stormwater pollution

Figure 1. Project Site & Vicinity Aerial





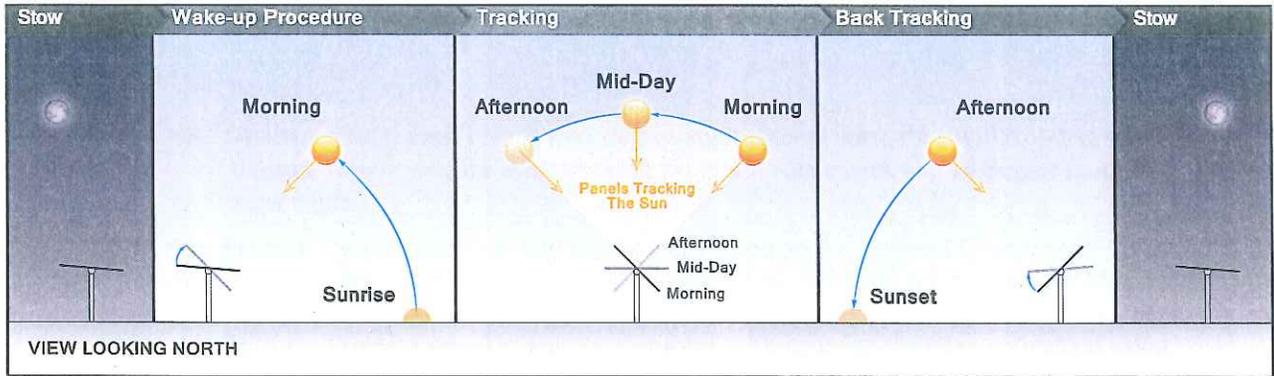




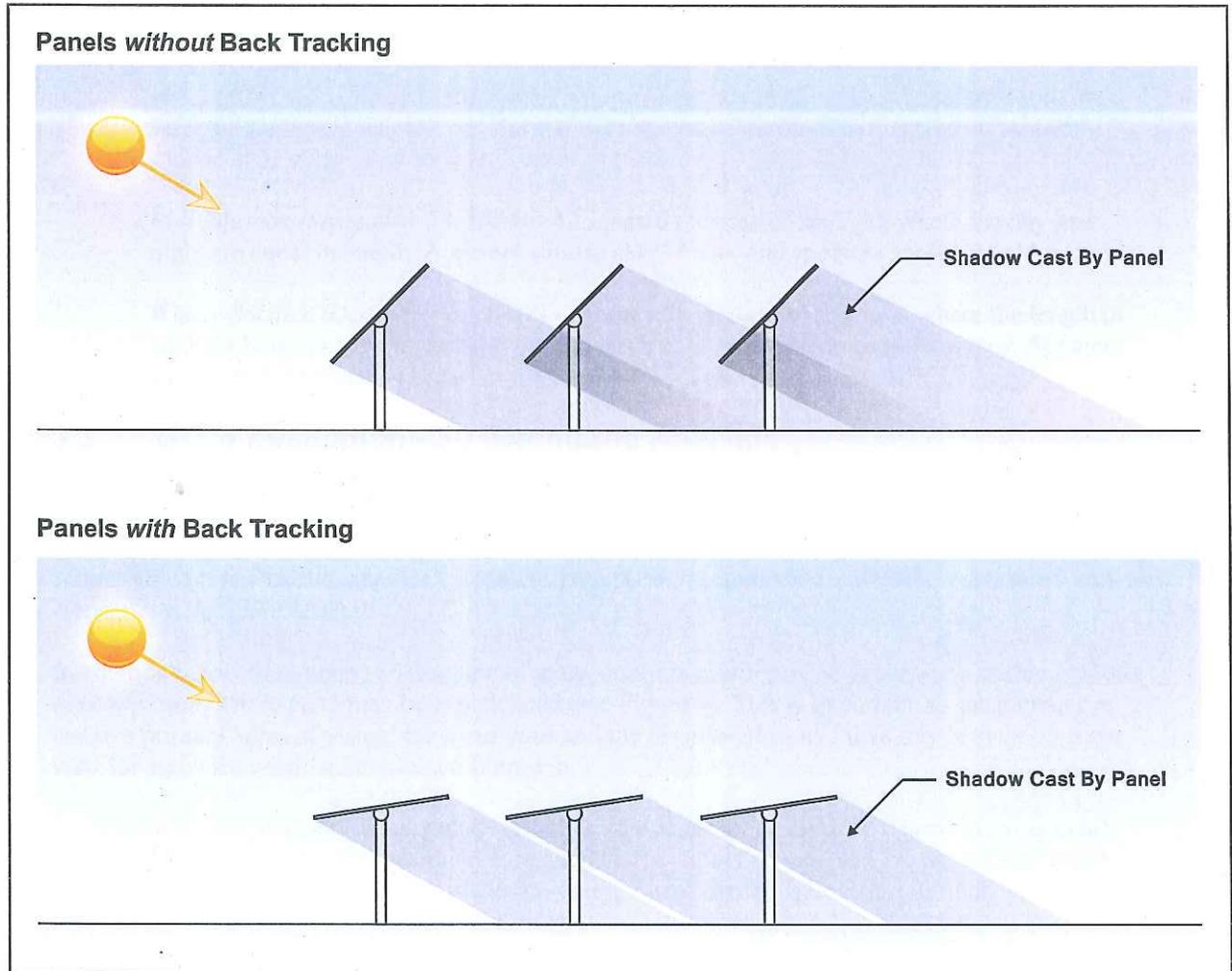
**Hemet Solar Project Glare Study**

Figure 2 - Single Axis Solar Tracker

## Single Axis Tracker Behavior



## Back Tracking Procedures



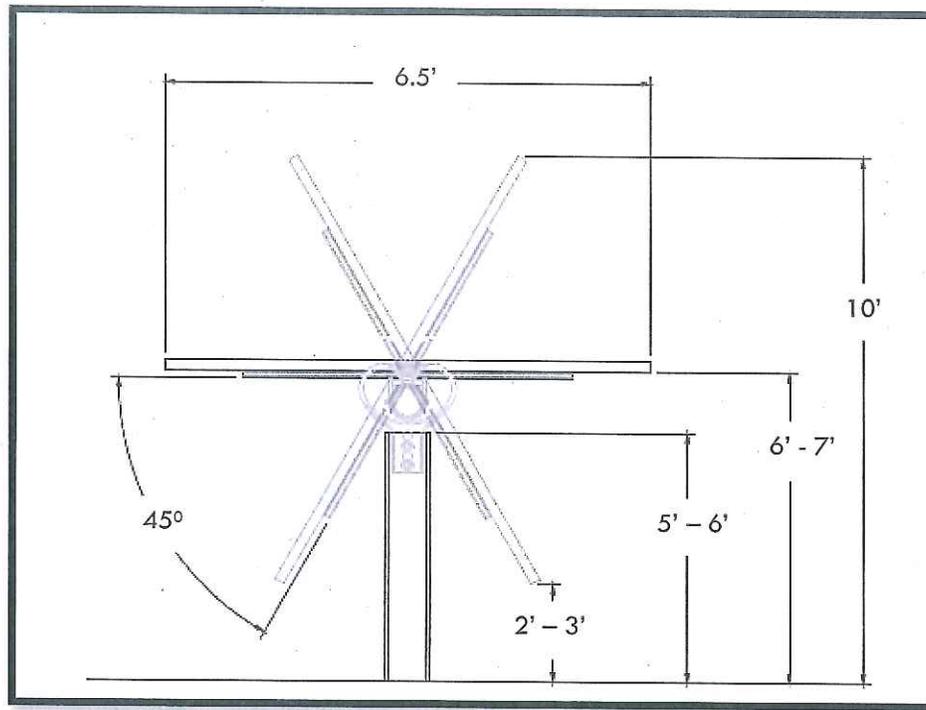
Prepared By,



**Hemet Solar Project Glare Study**

Figure 6 - Single Axis Tracker Behavior

as it changes over the course of each day while the panels follow the path of the sun. A cross-section of typical tracker panel is provided on **Figure 4**.



**Figure 4. Single-Axis Tracking Solar Panel Cross Section**

As shown on the site plan (Appendix A), the PV panels would be organized into electrical groups referred to as “blocks.” Each block would encompass approximately 4.5 acres of PV panels (capable of producing about 1.2 MWac) and would include one inverter.

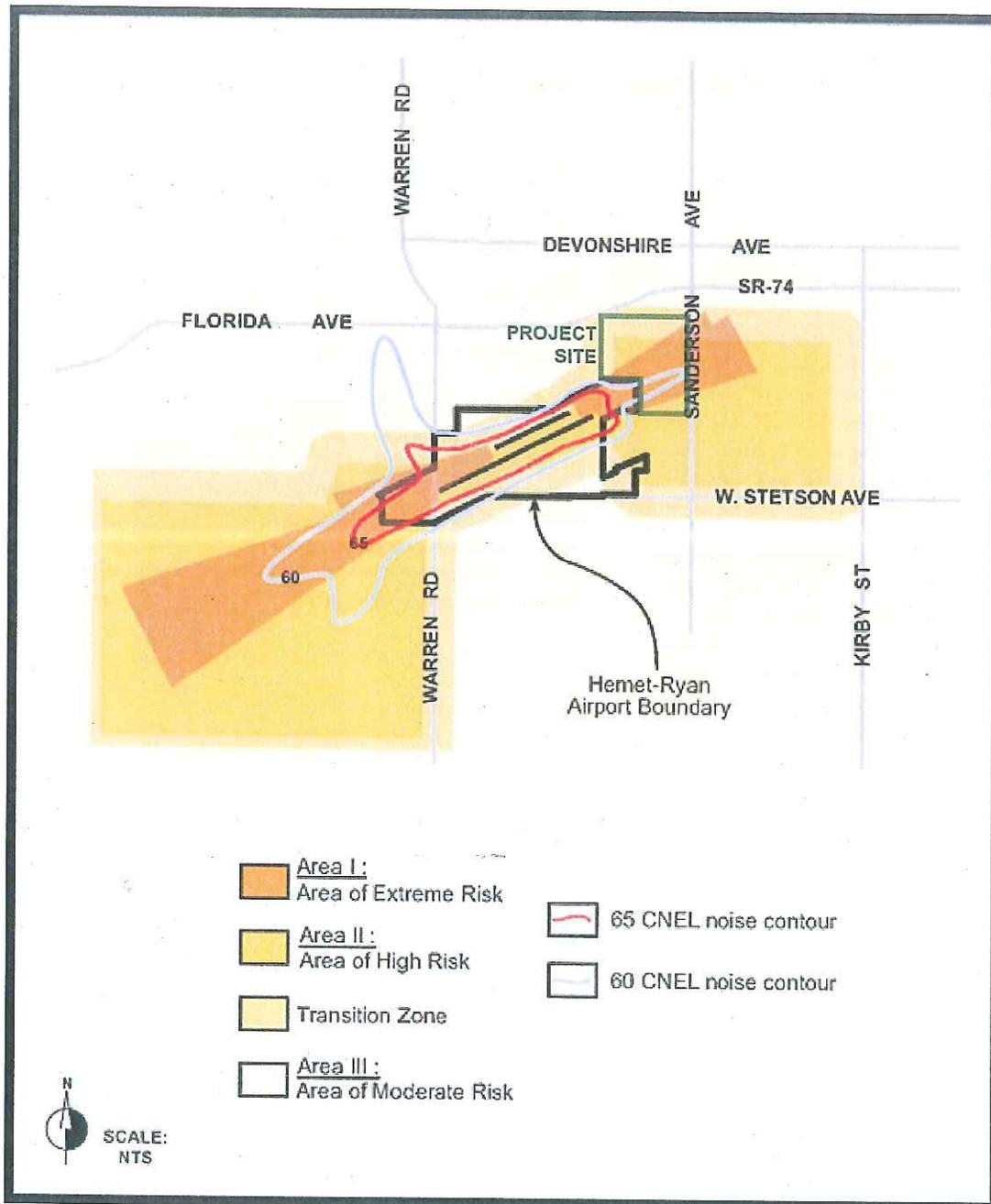
#### **Inverters and Switchgear**

Individual PV panels are connected together in series to create a “string” to produce direct current (DC) power. Strings of DC in parallel and series configuration will then run to inverters mounted on concrete equipment pads distributed in between blocks (**Figure 5**). Each skid enclosure includes two inverter blocks. The skid enclosure would be anticipated to be a 12-foot by 35-foot structure, either prefabricated or assembled on site, with a maximum height of 15 feet. The facility would be unoccupied except during inspection and maintenance. The inverters convert DC power to alternating current (AC) power, which then feeds to switchgear located at the northeast corner of the site. The interconnection point would be at a new pole on an existing local power distribution line along Acacia Avenue.



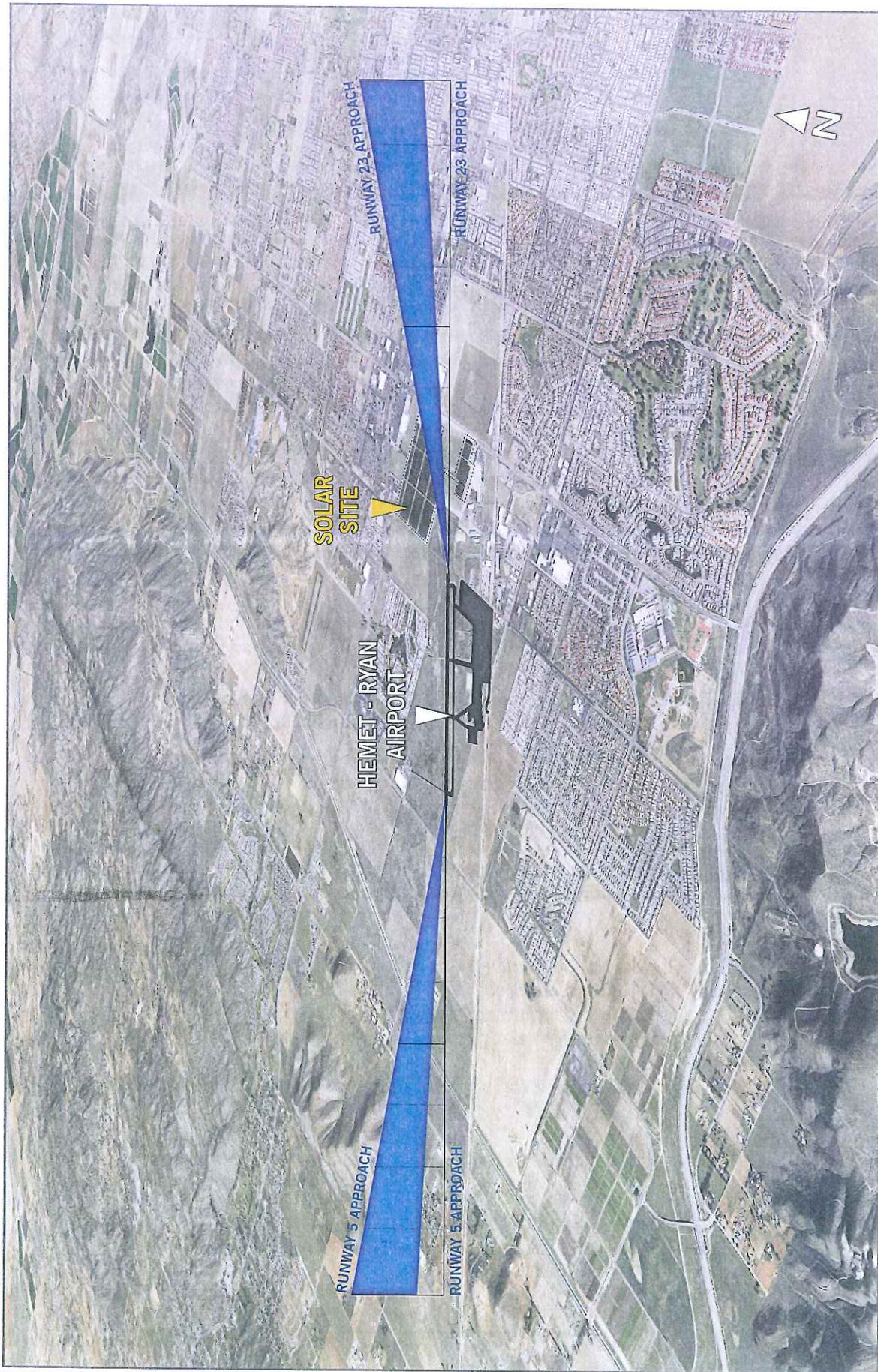
**Figure 5. Typical Solar Field Switchgear**

Figure 7. Hemet-Ryan Airport Influence Area



**Compatibility Analysis**

The project, as currently designed, would involve development within Airport Influence Areas I and II, and the Transition Area. **Table 3** evaluates the project's consistency with the land use policies for these three areas.



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Figure 4 - Final Approach Slopes