

City of Hemet

445 E. FLORIDA AVENUE § HEMET, CALIFORNIA 92543 § (951)765-2375

PLANNING DEPARTMENT

February 17, 2015

J. Stephen Quinn
American Property Enterprises
5465 Morehouse Drive, Ste. 200
San Diego, CA 92121

Re: Extension of Time on Conditional Use Permit No. 06-005

Dear Mr. Quinn,

Ordinance No. 1895 was adopted by the City Council on February 10, 2015 and extends the life of any existing Conditional Use Permits and Site Development Review applications that have been approved, that will expire between February 1, 2015 and December 31, 2015. The urgency ordinance extends the life of these applications by two years.

Conditional Use Permit No. 06-005 was approved under Planning Commission Resolution No. 08-039 by the Planning Commission on September 16, 2008 with an expiration date of September 16, 2010. Extension of Time No. 11-005 was approved under Planning Commission Resolution No. 10-012 for a three (3) year extension which set the expiration date to September 16, 2013. The City Council adopted Ordinance No. 1860 which provided an additional two year extension of time to projects set to expire between April 15, 2013 and December 31, 2013, which set the expiration date to September 16, 2015

Due to the adoption of Ordinance No. 1895, the above mentioned project is eligible for an automatic two year extension, which sets the expiration date to September 16, 2017. A signed copy of the new ordinance is attached for your records.

If you have any further questions feel free to contact me at 951.765.2375.

Sincerely,

Carole Kendrick
Associate Planner

Attachments: Ordinance No. 1895



**CITY OF HEMET
Hemet, California**

ORDINANCE NO. 1895

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF HEMET, CALIFORNIA, EXTENDING THE
LIFE OF EXISTING CONDITIONAL USE PERMITS AND
SITE DEVELOPMENT REVIEW APPROVALS SET TO
EXPIRE BETWEEN FEBRUARY 1, 2015 AND DECEMBER
31, 2015.**

WHEREAS, the severe decline in the housing, real estate and development markets, has resulted in a high volume of requests for extensions and unfavorable conditions for the commencement of approved projects; and,

WHEREAS, if extensions are not granted to developers whose project approvals are set to expire, those developers will be forced to start the process over once the market recovers, which will result in the unnecessary consumption of even further staff time and resources; and,

WHEREAS, the City Council approved Ordinance No. 1815, which extended the life of all Conditional Use Permits and Site Development Review approvals, Zoning Adjustments and Planning Director Review approvals issued by the City that were set to expire between April 1, 2009 and December 31, 2009, for a period of twenty-four months from their then-current expiration date; and,

WHEREAS, the City Council approved Ordinance No. 1860, which was an urgency ordinance extending the life of all Conditional Use Permits and Site Development Review approvals that were set to expire between April 15, 2013 and

1 December 31, 2013, for a period of twenty-four months from their then current
2 expiration date; and,

3 **WHEREAS**, Government Code section 36937 authorizes ordinances to take
4 effect immediately if they are for the immediate preservation of the public peace, health
5 or safety, contain a declaration of the facts constituting the urgency, and are passed by
6 a four-fifths vote of the city council.

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

9 **SECTION 1: EXTENSION OF CERTAIN LAND USE APPROVALS.** All Conditional
10 Use Permits (HMC 90-42 et seq. and HMC 90-1531 et seq.) and Site Development
11 Review approvals (HMC 90-1451) issued by the City of Hemet that are set to expire
12 between February 1, 2015 and December 31, 2015 are hereby extended for a period of
13 twenty four (24) months from their current expiration dates. The granting of this
14 automatic extension does not exempt any project from having to comply with state and
15 city building, fire, engineering, and health and safety codes or fee schedules in effect at
16 the time of the building permit issuance.

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18 **SECTION 2: DECLARATION OF FACTS CONSTITUTING URGENCY.** The City has
19 received and processed numerous applications for extensions of land use approvals
20 since the economic downturn in 2008. Due to the length of the recession, some
21 developers have had to request more than one extension for individual projects, and in
22 some cases are not be eligible for any further extensions of time under the City's current
23 ordinances. While development has started to pick up in the region, Hemet is
24 experiencing a slower recovery. It is anticipated that the City will continue to receive
25 applications for extensions until the economy fully recovers. Reviewing and processing
26 these requests for time extensions consumes valuable staff time that could be used for
27 more pressing matters. Additionally, some of the projects expiring this year have
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1 exhausted all of the extensions authorized by the Municipal Code. By adopting this
2 urgency ordinance, the City will free up valuable staff time and ensure that developers
3 whose project approvals are set to expire between February 1, 2015 and December 31,
4 2015 will not have to start the process all over again by applying for a new project
5 approval once the market recovers. The process of applying for a new land use
6 approval can be costly and time consuming, and places further burdens on staff time
7 and resources. Therefore, the City Council finds that this ordinance is necessary for the
8 immediate preservation of the public peace, health, and safety, and declares that it shall
9 take effect immediately upon its adoption as an urgency ordinance.

10 **SECTION 3: CEQA.** The City has analyzed this proposed project and has determined
11 that it is exempt from the California Environmental Quality Act ("CEQA") under Section
12 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects
13 that have the potential for causing a significant effect on the environment. Where, as
14 here, it can be seen with certainty that there is no possibility that the activity in question
15 may have a significant effect on the environment, the activity is not subject to CEQA.
16 This ordinance is enacted for the immediate preservation of the public peace, health
17 and safety by extending the life of certain project approvals that have already
18 undergone CEQA review. There have been no changes to development standards or
19 environmental conditions since these projects were approved that would warrant
20 reconsideration of the environmental effects of the proposed projects. The City has
21 adopted a new General Plan since the projects affected by this Ordinance were
22 approved; however, the projects are all consistent with the new General Plan and
23 remain consistent with the applicable zoning. Therefore, it can be seen with certainty
24 that there is no possibility that this ordinance may have a significant adverse effect on
25 the environment, and therefore the adoption of this ordinance is exempt from CEQA
26 pursuant to Section 15061(b)(3) of the CEQA Guidelines.
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1 **SECTION 4: SEVERABILITY.**

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

10 **SECTION 5: EFFECTIVE DATE.**


11 This Ordinance shall take effect immediately after its passage by the City Council
12 of the City of Hemet.

13 **SECTION 6: PUBLICATION.**

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

20 **PASSED, APPROVED AND ADOPTED** this 10th day of February, 2015.

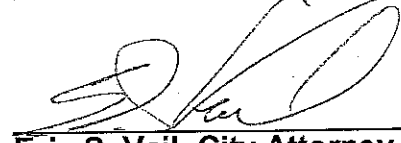
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Linda Krupa, Mayor

APPROVED AS TO FORM:

ATTEST:


Sarah McComas, City Clerk


Eric S. Vail, City Attorney

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

3 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the
4 foregoing Urgency Ordinance was passed, approved and adopted on the 10th day of
5 February, 2015, by the following vote:
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7 **AYES: Council Members Milne, Raver and Youssef, Morgan Pro Tem Wright**
8 **and Mayor Krupa**

9 **NOES:**

10 **ABSTAIN:**

11 **ABSENT:**

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13 Sarah McComas, City Clerk

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