

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

PLANNING COMMISSION

MEETING MINUTES

DATE: July 17, 2012

CALLED TO ORDER: 6:00 P.M.

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

1. CALL TO ORDER:

PRESENT: Chairman John Gifford, Vice Chairman Vince Overmyer, and Commissioners Nasser Moghadam and Greg Vasquez

ABSENT: Commissioner Michael Perciful

Invocation and Flag Salute: Commissioner Vasquez

2. APPROVAL OF MINUTES:

A. Minutes of the June 19, 2012 Meeting

It was **MOVED** by Vice Chairman Overmyer and **SECONDED** by Commissioner Moghadam to **APPROVE** the minutes of June 19, 2012 as presented.

AYES: Chairman Gifford, Vice Chairman Overmyer, and Commissioners Moghadam and Vasquez

NOES: None

ABSTAIN: None

ABSENT: Commissioner Perciful

3. PUBLIC COMMENTS:

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

PUBLIC HEARINGS

4. CONDITIONAL USE PERMIT NO. 12-004: NEW BEGINNINGS FAMILY CHURCH

APPLICANT: Eli Rodriguez
AGENT: Joe Rodriguez
LOCATION: 1075 North State Street
PLANNER: Carole L. Kendrick - (951-765-2375)

DESCRIPTION: A request for Planning Commission review and approval of a minor Conditional Use Permit for the operation of an 8,430 square-foot church located in an existing commercial/office center on the west side of State Street, north of Fruitvale Avenue and South of Esplanade Avenue, with consideration of an environmental exemption pursuant to CEQA Guidelines Section 15301.

A PowerPoint presentation was delivered by Assistant Planner Kendrick, followed by questions from the Commissioners pertaining to traffic, parking, and the number of services exiting onto State Street.

Assistant Planner Kendrick responded that there was adequate parking even if the number of attendees should increase, and noted that that the building was being leased, having been used previously by Riverside County as a Workforce Development site.

Commissioner Vasquez asked if there were any zoning requirements that were not being met, to which Planner Kendrick replied that the rear setback does not meet current standards, but since it is an existing building the applicant cannot be asked to reduce the site.

Vice Chairman Overmyer stated that he would ultimately like to see the building used for office space, or something that would provide revenue for the city, noting that the former Hemet Racquetball Club was also now being used as the World Harvest Church.

Chairman Gifford opened the public hearing and invited the applicant to the lectern.

Eli Rodriguez, lead pastor for the New Beginnings Church, presently located in San Jacinto, addressed the Commission and advised that their church was also planning to associate with other ministries, such as House of Miracles in Banning and others that have rehabilitation homes throughout the Inland Empire, or with food banks in Riverside and Temecula.

Chairman Gifford inquired regarding the types of services offered.

1 Mr. Rodriguez explained that counseling would take place at other sites, but they
2 have courses and classes that will be taught at the Hemet site. They will have no
3 overnight facilities or food services, but they have two worship services – one in
4 English and one in Spanish. They do not operate while WIC or the other county
5 buildings are open. They can also advise their parishioners to exit the parking lot to
6 the right, as left turns onto State Street can be dangerous.
7

8 Vice Chairman Overmyer asked if this location would be a permanent home for the
9 church.
10

11 Mr. Rodriguez replied that it was rather an opportunity for them to save resources for
12 the eventual purchase of a permanent site. He noted that they refer people to the
13 Banning site for rehabilitation, and invite them to their church thereafter, if they live in
14 the Hemet community.
15

16 Chairman Gifford asked about the composition of the church, wondering if it
17 consisted exclusively of members of the community, or if they were targeting
18 referrals, recovering alcoholics, and other people in need.
19

20 Mr. Rodriguez responded that the church primarily assisted by providing food box
21 ministry, often referring people to sites that deal with drug and alcohol abuse, but the
22 demographics of the church are just neighbors in the community. They only become
23 associated with the other sites through specific outreach, such as going there to
24 teach.
25

26 Gary Kruger of Home Star Real Estate (601 East Florida Avenue, Hemet),
27 representing the building owner, stated that the church has a three-year lease with a
28 two-year option, and he does not see them needing to move, at least before the
29 three-year lease is up. He also stated that parking was not a problem because they
30 would be utilizing the parking area during off-work hours for most of the other
31 facilities in the complex. There are also several exits available, so the build-up of
32 traffic on State Street should not be an issue.
33

34 Chairman Gifford closed the public hearing and asked for clarification regarding the
35 hours of operation.
36

37 Assistant Planner Kendrick referred the Commission to a letter from the New
38 Beginnings Church stating that services would be held on Sundays from 10 a.m. to 2
39 p.m. and that the church was being staffed by volunteers only. She noted that the
40 project was conditioned to be open between 7 a.m. and 9 p.m., and that Condition
41 No. 13 regulates the number of services they can have.
42

43 Chairman Gifford expressed his concern regarding the rehabilitation programs,
44 noting that there were adequate facilities in existence locally with other ministries.
45 However, he feels that a church at this location is a good use of the facility. He
46 asked for a motion.
47

48 It was **MOVED** by Vice Chairman Overmyer and **SECONDED** by Commissioner
49 Moghadam to **ADOPT** Planning Resolution Bill No. 12-016 as presented.
50

1
2
3 The **MOTION** was carried by the following vote:
4

5 **AYES:** Chairman Gifford, Vice Chairman Overmyer, and Commissioners
6 Moghadam and Vasquez

7 **NOES:** None

8 **ABSTAIN:** None

9 **ABSENT:** Commissioner Perciful
10

11 *(Adopted Planning Commission Resolution No. 12-013.)*
12

13 **5. ZONING ORDINANCE AMENDMENT NO. 12-003: PAROLEE AND**
14 **PROBATIONER HOUSING REGULATIONS**
15

16 **APPLICANT:** City-initiated

17 **LOCATION:** City-wide

18 **PLANNER:** Deanna Elliano - (951) 765-2375
19

20 **DESCRIPTION:** A request for Planning Commission review and
21 recommendation to the City Council regarding a Zoning Ordinance
22 Amendment to modify Chapter 90, Article X, Division 1 of the Hemet
23 Municipal Code, adding regulations on parolee-probationer homes, with
24 related modifications to Sections 90-312, 90-382 and 90-892 of the land use
25 matrices within Chapter 90, adding parolee-probationer homes as a listed
26 commercial use. This ordinance is a component of the Hemet ROCS
27 (Restoring Our Community Strategy) Program for the City of Hemet.
28

29 The staff report was presented by CDD Elliano, who outlined the need for the
30 Ordinance Amendment as prevention of potential over-concentration of parolee and
31 probationer homes in residential areas, as well as assurance of absolute separation
32 of parolee and probationer housing concentration from child center usages, and
33 establishment of an application review process and standards for these types of
34 homes.
35

36 CDD Elliano further provided several definitions: (1) Probationer and parolee are
37 interchangeable terms, essentially meaning a person convicted of a crime or felony
38 who is currently on parole or probation under the jurisdiction of Riverside County; (2)
39 a parolee/probationer home is a boarding house where two or more unrelated
40 probationers or parolees are living, renting or leasing a room or space either for
41 monetary or non-monetary compensation.
42

43 The present proposal, CDD Elliano advised, is an amendment to the complete
44 revision of the group home and boarding house ordinance, so the baseline is already
45 there. Under Section 90-274, permitted locations are outlined as follows: (1) No
46 such housing is permitted in any single-family or multi-family residential zone; (2)
47 Only by Conditional Use Permit are such homes allowed in office professional or
48 residential professional zones; (3) Such homes are not allowed within 1,000 feet of
49 any other boarding house, group home or licensed care facility or any childcare
50

1 center, school, park or other type of child uses, such as Chuck E Cheese, where
2 children would frequent.

3
4 Conditions that would be applicable to obtaining a CUP include taking into
5 consideration surrounding land uses, compliance with a variety of operational
6 standards (listed in 90-280 of the ordinance), and revocation of the CUP if the
7 application material is found to be submitted in error or has been falsified.

8
9 Chairman Gifford wanted an explanation as to the difference between white-collar
10 crime, as opposed to someone arrested for a crime of moral turpitude. He felt the
11 term "parolee" was being painted with too broad a brush.

12
13 City Attorney Jex agreed that it was a broad brushstroke, but indicated that this was
14 the direction their office had received. If the Commission desired to narrow the
15 definition, they could make a recommendation to City Council to that effect.

16
17 CDD Elliano advised that, in talking with Police Chief David Brown, he had explained
18 that not all crimes actually result in parole or probation, particularly white collar
19 crimes where a person is convicted, serves time, and has paid his or her debt to
20 society. Crimes which result in parole or probation are often those committed by
21 repeat offenders. What this ordinance is trying to prevent is the systematic
22 operation by people, particularly in communities such as Hemet, who buy very low-
23 cost, foreclosed and/or short-sale homes and profit by catering to
24 parolee/probationer housing. The broad brushstroke approach prevents agencies
25 from having to sort through the various criminal histories of different parolees to
26 make determinations such as how many can live here, or who's okay and who's not,
27 which becomes cumbersome and time consuming.

28
29 Vice Chairman Overmyer, who is a landlord, stated that there is nowhere on a rental
30 agreement that questions prior criminal convictions. He says a red flag would be if
31 two or more non-family members were renting a house.

32
33 CDD Elliano suggested that it was becoming even more convoluted because
34 addiction is now considered a disability, which qualifies offenders for sober living
35 group homes and state support. Therefore, getting clear lines of communication
36 between probation departments and police departments is critical, since the
37 offenders are released back into the communities in which they were arrested.

38
39 Both Vice Chairman Overmyer and Commissioner Moghadam stressed the
40 importance of the parole boards and police departments communicating regarding
41 the release of prisoners, the location to which they are being assigned, and with
42 whom they are prohibited from congregating.

43
44 To a question regarding whether the restrictions outlined in this ordinance would
45 make it more difficult for this type of group home to be established within the City of
46 Hemet, CDD Elliano responded that it would, indeed, make it more difficult to set up
47 such homes, and that the Hemet Police Department hopes for notification from the
48 probation departments. Her understanding at this time, however, is that there are no
49 such requirements in place, but the corrections department and police department
50 are working together to establish some.

1 Commissioner Vasquez stated that he was glad there was no differentiation between
2 white collar criminals and those convicted of a crime of moral turpitude, because
3 white collar criminals should be treated equally, as what they have done has
4 affected many people in a variety of heinous ways, and upsets lives just like a crime
5 of violence might. He was also pleased that no grandfathering of locations was
6 allowed.

7
8 Chairman Gifford wanted the term "consideration" substituted for "monetary" and
9 "nonmonetary" and to identify parolees in terms of the moral turpitude question. He
10 then opened the public hearing portion of the item.

11
12 City Councilman Larry Smith requested that his comments be viewed in his role as a
13 private citizen, not as a Councilman. He stated that the city of Hemet had received
14 many more parolees than had ever been anticipated and the program has just
15 begun. The problem is that there is no local representation on the commission, with
16 its members appointed at the county level only. He feels we need to send a signal
17 to Sacramento - this ordinance being a strong signal - that you can't continue to
18 dump parolees into our city because we're going to monitor them and know where
19 they are to the best of our ability.

20
21 Discussion ensued regarding how the parolees and probationers that were released
22 into the City of Hemet would be monitored.

23
24 Chairman Gifford asked for a motion.

25
26 It was MOVED by Commissioner Moghadam and SECONDED by Vice Chairman
27 Overmyer to adopt Planning Commission Resolution Bill No. 12-017, recommending
28 approval to the City Council of Zoning Ordinance Amendment No. 12-003.

29
30 The MOTION was carried by the following vote:

31
32 AYES: Chairman Gifford, Vice Chairman Overmyer, and Commissioners
33 Moghadam and Vasquez

34 NOES: None

35 ABSTAIN: None

36 ABSENT: Commissioner Perciful

37
38 *(Adopted Planning Commission Resolution No. 12-014.)*
39
40

41 **WORK STUDY SESSION**

42
43
44 **6. NORTH HEMET SPECIFIC PLAN (SP 11-001)** – Proposed commercial and
45 residential specific plan for a 28.6 acre site located on the northwest corner of
46 North State Street and Oakland Avenue. (APPLICANT: Riverside County
47 Economic Development Agency)

48
49 The project was presented via Power Point by Ron Running, planning consultant for
50 the City.

1
2 Commissioner Moghadam commented on the State Street configuration and
3 problems with pedestrians, bicycles, parking and traffic. He wondered if State Street
4 would be widened.
5

6 Mr. Running stated that if parking were to be accommodated, the street would need
7 widening; however, if parking is not allowed, then there is enough right-of-way.
8

9 Chairman Gifford indicated that he was most interested in the mobile home park on
10 State Street and whether there were presently any negotiations taking place to
11 acquire it by eminent domain or purchase the property with one property owner.
12

13 Mr. Running commented that the City and County in the past couple of years had
14 been negotiating for the City to acquire the property. Unfortunately, the State took
15 away redevelopment funds so the City is no longer in a position to proceed with the
16 acquisition, therefore bringing things to a standstill.
17

18 Chairman Gifford stated that as far as the plan goes, it's appears to be a good plan,
19 but without the mobile home piece, it's going to be a waste of time. The downtown
20 area has been a focus and we're looking at other facilities coming in, possibly the
21 County court system. He asked how much of this specific plan was dependent on
22 those kinds of things actually happening, and if the plan would continue to be viable
23 if they did not occur.
24

25 Mr. Running suggested that the Specific Plan's proximity to downtown, along with its
26 location between the County center and the government center, and with the bus
27 linkage, would ensure that it was a good place to develop, especially with the library
28 and public amenities close by.
29

30 Chairman Gifford stated that his interest in the area was to develop the downtown in
31 such a way that it has a personality that emits its own attraction. He questioned
32 whether there was anything coming up in the future that could be viewed as an
33 anchor that would keep the City's center of gravity around downtown and not shifted
34 completely to the west in terms of the whole plan. He wondered if there were other
35 things that the City was considering besides the Metrolink and the court system that
36 may be an anchor for this particular area to keep people here and bring others here,
37 such as a hospital, doctors' offices, a shopping mall or district.
38

39 Mr. Running advised that initially the County had been rather timid in the
40 development of this plan and only 20,000 square feet of commercial was
41 recommended. That was then bumped to 140,000 square feet. He indicated that he
42 felt if the environment and locational aspects were spruced up, it would be a good
43 linkup to county administration and city government.
44

45 Chairman Gifford said he would love to see a courthouse come in and become an
46 anchor, with supporting structures to follow. He felt that off-street parking would look
47 better and function more safely and efficiently.
48

49 Mr. Running commented that there was a great deal of interest among young
50 entrepreneurs that want to do entertainment-type uses in the downtown area, as

1 they like the vibe and the look. He suggested that if parking were eliminated on
2 State Street the viability of commercial facilities would decrease, and that parking
3 should be either behind or underneath the development.
4

5 Vice Chairman Overmyer asked how this could become a reality unless a developer
6 comes in, is given the specific plan, and then signs off on it.
7

8 CDD Elliano advised that staff had recommended that the city work with the county
9 to do a reversion of acreage to create large parcels. Otherwise, if you go to the
10 original parcel map, there are still small properties which conceivably could be
11 purchased and built on individually as long as they stay a single property. That may
12 be one of the implementation tools that could be utilized to make sure it's developed
13 appropriately as large-scale projects.
14

15 Commissioner Vasquez asked what percentage was designated for low-income
16 housing.
17

18 Mr. Running replied that this hadn't been determined. He suggested that perhaps
19 the county had some requirements, but that he did not know the exact percentage.
20 At this time it is not part of the specific plan, but staff can find out the information and
21 provide you with what their thoughts are as far as marketing the properties and
22 putting restrictions on future development.
23

24 Commissioner Vasquez asked if there was a timeline for the conclusion of this
25 specific plan.
26

27 Mr. Running indicated that it should be back before the Commission in two months
28 or so.
29

30 John Aguilar, Deputy Director of Housing and Economic Development for Riverside
31 County commended Mr. Running and County staff on an amazing job of putting this
32 draft together. He also indicated that as county and city staffs move forward without
33 the redevelopment funds, they would be collaborating on the phasing of proposed
34 developments. As far as affordability issues, legislation was passed following the
35 dissolution of the redevelopment agencies which contain a lot of requirements with
36 respect to the properties held by those redevelopment agencies. The County has no
37 specific recommendation with respect to how it is going to look. There are currently
38 two or three bills pending in the State Senate and Assembly that would create a
39 permanent source of funding.
40

41 No members of the public spoke regarding the proposed plan.
42
43

DEPARTMENT REPORTS

7. CITY ATTORNEY REPORTS:

48 City Attorney Jex reported on the suspension by the State of a portion of the Brown
49 Act, explaining that there is a State requirement mandating that if the State imposes
50 requirements on local agencies, the State has to reimburse local agencies for the

1 cost of complying with those requirements; however, if the state decides that it can't
2 reimburse those costs, it has to suspend the related requirements, so the
3 reimbursement and the requirement go hand in hand.
4

5 In the new State budget, the Governor has indicated in various sections that the
6 State will not be reimbursing local agencies for certain mandates. One of those
7 mandates includes the section of the Brown Act requiring the posting of meeting
8 agendas. Whether or not this is a reversible item it is, however, a part of good
9 government to post these agendas, and the public is now accustomed to it.
10

11 Therefore, City Attorney Jex postulated that even though portions of the Brown Act
12 have been suspended, the City of Hemet will still create an agenda and post the
13 agenda within 72 hours before the meeting takes place.
14

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

16 **A. Verbal Report on City Council actions from the June 26 and July 10, 2012** 17 **meetings.**

18
19
20 CDD Elliano advised the Commission that at their June 26th meeting, the City
21 Council had discussed the Stetson Crossing Specific Plan, which is located on the
22 corner of Stetson and Sanderson Avenues. She explained that the property is
23 owned by the City and is proposed to be developed under an agreement between
24 the City and a developer as a commercial project, or possibly for entertainment use.
25 There is an open channel that runs along the property. To increase viability of the
26 site, there is a need to cover the channel in order to provide access from both
27 Sanderson and Stetson Avenues, so that it is a full commercial corner. The
28 Council's discussion included components of moving this project forward and
29 establishing a cooperative agreement with Riverside County to purchase the
30 easement, and ultimately gain the ability to cover that channel.
31

32 At their July 10th meeting, the City Council discussed and approved a one-year
33 extension of an urgency ordinance requiring a CUP for any retail store that is 30,000
34 square feet or greater in size, that wishes to convert from an existing retail to non-
35 retail use. This ordinance will be coming back to the Commission at a later date with
36 formal recommendations.
37

38 There was also a surprise announcement at the end of the meeting that Council
39 Member Franchville had tendered his resignation due to family considerations.
40 Council, therefore, is looking to appoint someone on a temporary, short-term basis
41 until the election in November.
42

43 **B. Cancellation of the August 7, 2012 Commission Meeting**

44
45 CDD Elliano noted that the August 7th Planning Commission meeting was
46 recommended to be canceled due to a lack of agenda items.
47

48 The Commission concurred.
49
50

1
2 **C. Tentative City Council/Planning Commission workshop regarding the**
3 **proposed Ramona Creek Specific Plan project - August 14, 2012.**
4

5 CDD Elliano advised the Commission regarding the proposed joint work study
6 session with the City Council and the Planning Commission to review the proposed
7 Ramona Creek Specific Plan project.
8

9 All Commissioners present indicated that they would be in attendance.
10

11 **9. HEMET ROCS CITIZEN ADVISORY COMMITTEE REPORT**
12

13 Chairman Gifford reported that items discussed at the June Hemet ROCS meeting
14 had included panhandling, what businesses could do about it, the
15 parolee/probationer housing regulations, and, of course, shopping carts. He asked
16 CDD Elliano to report on the shopping cart retention progress.
17

18 CDD Elliano advised the Commission that the Code Enforcement Division with the
19 help of the Public Works Department was taking a more aggressive role as opposed
20 to waiting for the retailers and shopping cart retrieval companies to make things
21 happen. In May, the city collected 350 shopping carts. As the stores were
22 contacted, it was discovered that there had been a practice in place where the cart
23 retrieval companies, instead of proactively patrolling the areas along the stores,
24 would just drive over to the city yard, pick up the carts and get paid for retrieving and
25 returning them to their respective stores. Essentially, the city was subsidizing the
26 cart retrieval companies by doing their work for them. Therefore, it was determined
27 that we would notify the retailer directly of anything picked up by the city.
28

29 Many of the retailers were aghast that this practice had been going on. The city was
30 regularly picking up approximately 80 carts a week, then around 20, and then back
31 up a little bit. Stater Bros management is looking at putting in a wheel lock system
32 on their carts. The City is finally seeing some progress.
33

34 Chairman Gifford then reported on graffiti, advising that the Valley Wide Recreation
35 and Parks District has one full-time person dedicated to the eradication of graffiti.
36 He noted that it would likely take more than one person to deal with the valley's
37 graffiti problem, and suggested that the citizens of the City must take a greater role
38 in reporting vandalism and graffiti. The graffiti hotline number for Valley Wide is 951-
39 765-2309.
40

41 The next Hemet ROCS meeting is July 26, 2012.
42

43 Commissioner Vasquez asked if there had been any discussion with the Chief of
44 Police about the graffiti calls and whether any of the reported incidents had resulted
45 in prosecution of the offenders.
46

47 Chairman Gifford responded that it was his understanding that the Police
48 Department was taking the matter very seriously and that they were fully committed
49 to stamping the problem out quickly and forcibly.
50

1 CDD Elliano also stated that if gang affiliation was apparent in the graffiti, the
2 location was noted and the matter was turned over to the police department, who
3 had been successful in prosecuting offenders.
4

5 **10. PLANNING COMMISSIONER REPORTS:**

- 6
7 A. Chairman Gifford – Nothing further to report
8 B. Vice Chair Overmyer – Stated that sign twirlers needed to be discussed
9 on a future agenda.
10 C. Commissioner Moghadam – Shared that he had finally gotten paid for a
11 traffic study that he had submitted to another Southern California county in
12 August of 2003
13 D. Commissioner Vasquez – Nothing to report
14

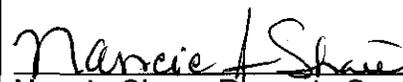
15 **11. FUTURE AGENDA ITEMS:**

- 16
17 A. Report on Industrial Development Opportunities
18 B. Proposed Fence Ordinance - Part II
19 C. Temporary Sign Provisions - Part II
20 D. Zoning regulations regarding tobacco stores and smoke shops
21

- 22 **12. ADJOURNMENT:** The Commission unanimously agreed to adjourn the
23 meeting at 8:38 p.m. to the joint meeting of the city of Hemet Planning
24 Commission and City Council tentatively scheduled for **August 14, 2012 at**
25 **3:00 p.m.** to be held at the City of Hemet Council Chambers located at 450 E.
26 Latham Avenue, Hemet, California 92543.
27
28
29

30
31 
32 _____
33 John Gifford, Chairman
34 Hemet Planning Commission
35

36 ATTEST:

37
38
39 
40 _____
41 Nancie Shaw, Records Secretary
42 Hemet Planning Commission
43
44
45
46
47
48
49
50