

# PLANNING COMMISSION

## AGENDA

REGULAR MEETING OF THE HEMET PLANNING COMMISSION

City Council Chambers

450 East Latham Avenue, Hemet CA 92543

January 15, 2013

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 Vince Overmyer, and Commissioners Nasser Moghadam, Michael Perciful, and Greg Vasquez

**Invocation and Flag Salute:** Commissioner Vasquez

### 2. APPROVAL OF MINUTES:

A. Minutes of the December 4, 2012 Meeting

### 3. PUBLIC COMMENTS:

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

## PUBLIC HEARING ITEMS

### Meeting Procedure for Public Hearing Items:

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

#### **4. SPECIFIC PLAN NO. 11-001 (North Hemet Specific Plan) & DRAFT ENVIRONMENTAL IMPACT REPORT ( SCH NO. 2011101031) – Continued from December 4, 2012**

APPLICANT: Housing Authority of the County of Riverside  
AGENT: John Aguilar, EDA Director of Housing  
LOCATION: Northwest corner of North State Street and Oakland Avenue  
PLANNER: Ron Running – (951) 765-2375

**DESCRIPTION:** A request for Planning Commission review and recommendation to the City Council regarding the establishment of the proposed North Hemet Specific Plan for a 28.6+ acre site and the proposed Draft Environmental Impact Report establishing a maximum of 525 multi-family residential units (100 units within mixed-use areas), 118,919 square-feet of retail commercial, and 16,335 square feet of office space.

### Recommended Action:

*That the Planning Commission:*

1. *Open the public hearing and take testimony regarding the proposed project and Draft EIR; and,*
2. *Provide any additional Planning Commission comment, or direction to staff and the applicant, regarding the Draft EIR and Draft North Hemet Specific Plan (SP 11-001); and,*
3. *Continue the Public Hearing to the **February 19, 2013 Planning Commission meeting** to allow additional time for the applicant and city staff to respond to the questions raised by the Planning Commission at the Dec. 4, 2012 public hearing.*

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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.*

5. **Introduction to the City of Hemet Consistency Zoning Program for the General Plan 2030 Update** – *Report by Nancy Gutierrez, Project Planner*
6. **Report on Industrial Development Land Opportunities within the City of Hemet** - *Report by Community Development Director Deanna Elliano*
7. **Overview of new State Planning Legislation effective January 1, 2013 and AB 1616- the "California Homemade Food Act"** - *Report by Community Development Director Deanna Elliano*
8. **Request for Planning Commission direction regarding the establishment of an acceptable color pallet for residential structures** - *Report by Community Development Director Elliano*

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## DEPARTMENT REPORTS

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9. **CITY ATTORNEY REPORTS:** *Verbal report from Assistant City Attorney Stephen McEwen on items of interest to the Planning Commission.*
10. **COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**
  - A. Verbal Report on City Council actions from the December 11, 2012 and January 8, 2013 meetings
  - B. Participation in the League of California Cities Planning Commission Academy in Pasadena, CA.
11. **HEMET ROCS CITIZEN ADVISORY COMMITTEE REPORT** – *Chairman John Gifford*  
**Action:** *Continue to the February 5, 2013 meeting as there was no CAC meeting held in December.*

**12. PLANNING COMMISSIONER REPORTS:** *Commissioner reports on meetings attended or other matters of Planning interest*

- A. Chairman Gifford
- B. Vice Chair Overmyer
- C. Commissioner Moghadam
- D. Commissioner Perciful
- E. Commissioner Vasquez

**13. FUTURE AGENDA ITEMS:** *Items to be scheduled for upcoming Planning Commission Meetings*

- A. Zoning Ordinance Amendment regarding Cottage Food Operations (AB 1616)
- B. Zoning Ordinance Amendment regarding the Conversion of Big Box Retail Buildings
- C. Public Workshop for the 2013 Housing Element Update
- D. Consistency Zoning Program – Phase 1

**14. ADJOURNMENT:** To the meeting of the City of Hemet Planning Commission scheduled for **February 5, 2012 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: December 4, 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 Nassar Moghadam, Michael Perciful, and Greg Vasquez

Invocation and Flag Salute: Chairman John Gifford

2. APPROVAL OF MINUTES:

A. Minutes of the October 16th, 2012 Meeting

It was **MOVED** by Commissioner Perciful and **SECONDED** by Commissioner Vasquez to approve the minutes of the October 16, 2012 City of Hemet Planning Commission, as presented.

The MOTION was carried by the following vote:

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

3. PUBLIC COMMENTS:

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

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**PUBLIC MEETING ITEMS**

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4. SITE DEVELOPMENT REVIEW NO. 12-006 (Hemet Chrysler Dodge Jeep Ram)

APPLICANT: David Pedder  
AGENT: Russell Rumansoff — Herron and Rumansoff  
LOCATION: 240 Carriage Circle  
PLANNER: Carole Kendrick — (951) 765-2375

**DESCRIPTION:** A request for Planning Commission review and approval of a Site Development Review (SDR) application for the construction and operation of a 5,995 square-foot automotive service facility and 630 square-foot second floor storage area located within the Hemet Auto Mall Specific Plan (SP 87-28).

The staff report was presented by Assistant Planner Carole Kendrick who displayed a PowerPoint presentation and offered various details regarding the project.

Chairman Gifford inquired as to whether the Shell station had been aware of the plan.

Planner Kendrick indicated that since a site development review has no public noticing requirement, the property owners for the Shell station were not notified by the City.

Chairman Gifford acknowledged that the proposed project was consistent with the existing specific plan developed for the property in 1991, as well as with three CEQA amendments and the last amendment for the Negative Declaration, which includes this type of development on the property.

Commissioner Vasquez questioned why Condition No. 24 had been deleted.

Planner Kendrick explained that it was deleted because the wall that was referenced in the condition currently exists and is uniformly built throughout the project. She suggested that the Engineering Division could offer a more detailed explanation.

Russell Rumansoff, 530 St. John Place, Herron Rumansoff Architects approached the lectern as a representative for Hemet Chrysler Dodge Jeep Ram. He advised the Commission that they had reviewed the project recommendations and were in agreement with all of the conditions. He indicated that the proposal will allow continuity on this particular side of the site, which will be a nice complement to and will define the rest of the site.

Chairman Gifford asked if the design of this project would accommodate solar panels.

Mr. Rumansoff responded that there is a large flat roof area that could accommodate solar panels if the owner decided to proceed with that.

Commissioner Vasquez requested information about the liquid storage area.

1 Mr. Rumansoff explained that there is a central area with transmission fluids, brake  
2 fluids, and oil that is piped overhead above automotive service bays, and between  
3 each bay there will be a piece of equipment with hoses extending down that will  
4 dispense the fluids.

5  
6 Commissioner Vasquez queried if the storage area is separate and in a different room.  
7

8 Mr. Rumansoff responded that it is separate, adding that requirements had been  
9 discussed with the fire department regarding drum size, etc. He clarified that there is  
10 nothing else stored in the liquid storage area.  
11

12 Commissioner Moghadam shared that over a decade ago he had been privileged to  
13 work for Mr. Rumansoff's company and that he has designed service bays and is  
14 familiar with them. He suggested that the block wall would break down the level of  
15 sound transfer, and that the shading that has been accomplished will help out the  
16 mechanics and keep them cool. Most importantly, however, is the fact that air  
17 conditioners on top of the roof will be very beneficial to keep the fumes out of the bays  
18 and cool down the work area.  
19

20 Chairman Gifford opened and closed the public comment period. He asked if the  
21 design was consistent with the existing specific plan, and whether airport review and  
22 comment was required.  
23

24 CDD Elliano answered affirmatively and explained that this type of use is permitted  
25 under the airport land use plan.  
26

27 Chairman Gifford then asked for a motion regarding the project.  
28

29 It was **MOVED** by Vice Chairman Overmyer and **SECONDED** by Commissioner  
30 Perciful to adopt *Planning Commission Resolution Bill No. 12-022* approving Site  
31 Development Review No. 12-006 with the deletion of Engineering Condition No. 24.  
32

33 The MOTION was carried by the following vote:  
34

- 35 **AYES:** Chairman Gifford, Vice Chairman Overmyer, and Commissioners
- 36 Moghadam, Perciful and Vasquez
- 37 **NOES:** None
- 38 **ABSTAIN:** None
- 39 **ABSENT:** None
- 40

41 *(Planning Commission Resolution No. 12-019.)*  
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**PUBLIC HEARING ITEMS**

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47 **5. SPECIFIC PLAN NO. 11-001 (North Hemet Specific Plan) & DRAFT**  
48 **ENVIRONMENTAL IMPACT REPORT (SCH NO. 2011101031)** – *Continued from*  
49 *October 16, 2012*  
50

APPLICANT: Housing Authority of the County of Riverside  
AGENT: Karen Gulley — The Planning Center

1 LOCATION: Northwest corner of North State Street and Oakland Avenue  
2 PLANNER: Ron Running, (951) 765-2375  
3

4 **DESCRIPTION:** A request for Planning Commission review and  
5 recommendation to the City Council regarding the establishment of the  
6 proposed North Hemet Specific Plan for a 28.6:± acre site and the proposed  
7 Draft Environmental Impact Report establishing a maximum of 525 multi-  
8 family residential units (100 units within mixed-use areas), 118,919 square  
9 feet of retail commercial, and 16,335 square feet of office space.  
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11  
12 The staff report was presented by Project Planner, Ron Running, who displayed a  
13 PowerPoint presentation and offered various details regarding the proposed project.  
14

15 Chairman Gifford noted that there are certain impacts with unavoidable  
16 consequences, such as air quality and greenhouse gases, and asked if there is  
17 mitigation available to bring these to below significant levels of impact.  
18

19 Planner Running indicated that at the scale of this project these impacts are typical;  
20 however, there are mitigations suggested. Some of the impacts can be brought  
21 down below a level of significance.  
22

23  
24 Chairman Gifford outlined the process as follows: the final EIR will go to the City  
25 Council so the public will have a chance to comment; there will be a publication of  
26 the final EIR on-line which will be recirculated to all of the agencies and be available  
27 to the public in the library and at the planning department; overriding considerations  
28 will come in draft form to the Commission in January.  
29

30 Chairman Gifford also stated that since the County owns most of this land, the  
31 County is a proponent, being the landowner, so they obviously have the right to  
32 propose development of their property within the city's frame of the General Plan.  
33 He requested that the Commission receive an explanation as to the history of this  
34 proposal.  
35

36  
37 Planner Running indicated that two years ago the County approached the city  
38 indicating their desire to process a redevelopment plan for the existing  
39 redevelopment project area. This property was annexed by the city so this is a  
40 unique situation. In the first year of the process, the County hired the Planning  
41 Center to suggest some development scenarios which were reviewed at the  
42 community level via workshops. Then, in 2009, the Specific Plan and the Draft EIR  
43 were initiated.  
44

45 Chairman Gifford verified that the Specific Plan is, in reality, the framework for the  
46 beginning stages in this process and that the Commission will have a chance to  
47 review every project for approval. He asked Planner Running if the higher density  
48 units outlined in the plan would be owner occupied units.  
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50 Planner Running responded that there was no stipulation – they could be either  
owner occupied or rented.

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In response to Commissioner Moghadam's inquiry concerning acquisition of the rest of the properties, Planner Running stated that because of the dissolution of the redevelopment agency and funding by the state of California, County efforts in acquiring more land have been stopped at this time.

Vice Chairman Overmyer asked what portion of the site a developer could purchase and improve.

Planner Running indicated that the original plan was to have a master developer acquire the whole property, but as indicated at the last hearing, there are individual owners that wish to stay, so the acquisition will, in all likelihood, be done in segments. However, the Specific Plan has a minimum requirement that there could be no parcel smaller than a one-acre site that could be developed, so there would not be small fragmented pieces, but rather larger segments that will be developed. The first proposed phase will be north of Menlo, and the second phase will be to the south.

Vice Chairman Overmyer stated his feeling that this is a step in the right direction for the downtown area, but it would be critical to have the Metrolink. If that did not happen, he felt it would negate this proposal.

Planner Running said he would be meeting on Monday with the Riverside Transit Authority. They want to develop an interim transit center somewhere in the downtown area so this is a further indication of their interest to develop more rapid transit alternatives for the Hemet Valley. They want to work in tandem with the City of Hemet to develop more rapid bus services that would have various stops throughout the city as they go west.

Vice Chairman Overmyer indicated that he would like to hear feedback from the community about the issue of high density, but as he looks at these multi-use areas, he felt there was a place for high-density that would work very well for the City of Hemet.

Planner Running commented that the General Plan earmarks the site of this general area for mixed use.

Vice Chairman Overmyer responded that his last comment referred to the area's proximity to the old Hemet Stock Farm. He hoped that the plan would incorporate elements that would promote the historical nature of the Stock Farm.

Commissioner Vasquez asked if this project mandates low or very low-income housing.

Planner Running responded that the Housing Element indicates higher density residential projects that could be affordable as part of our requirement. The funds used to acquire this property by the County were the housing funds, so they have to be used for at least some portion of low or moderate-income housing. They can't just

1 acquire property and sell it all for commercial development because certain aspects  
2 of it must be allocated to affordable housing.

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4 Commissioner Vasquez suggested that the term "some" is very vague and  
5 ambiguous.  
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8 Planner Running indicated that he did not think there were any hard and fast  
9 numbers but the staff could ask for clarification from the county representatives that  
10 are present at the hearing.

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12 Chairman Gifford opened the public hearing and asked for comments from the  
13 County representative.  
14

15 John Aguilar, Development Director of Riverside County EDA Housing Division,  
16 announced that he and his staff were at the Commission to support the plan and to  
17 answer any questions. He outlined the progress as follows: once this Specific Plan  
18 is adopted, the County will put together a request for proposals from developers as  
19 to what they think would be best suited to develop on the site; the County would  
20 continue to comment and work with the city to ensure that the plan would be  
21 consistent with the objectives of the community; The dissolution and loss of  
22 redevelopment funds has put a crimp in the County's ability to move forward with  
23 any additional acquisitions, having already invested over \$12 million to acquire the  
24 existing properties.  
25

26  
27 Concerning the existing condition of the site, the County is working with the City  
28 Code Enforcement Division to ensure the site has been taken care of. The State has  
29 agreed to release funds for the demolition of fourteen residential buildings, all of  
30 which will be demolished by the end of February 2013. The County is still pondering  
31 the steps to find a development entity and looks forward to input from the city.  
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34 Chairman Gifford asked if they had worked with a developer to look at this property  
35 in terms of its marketability. Did the County have any kind of input from developers  
36 to come up with this kind of plan or is it based on the County's experience?  
37

38 Mr. Aguilar stated it was a combination of both. There was developer input solicited  
39 and input from the County's EDA staff, so it was a blend of both. Yesterday at the  
40 State of the County presentation at the Morongo casino, one of the presenters was  
41 talking about the amount of growth in Riverside County as opposed to other  
42 locations. Despite the fact that we are still in a difficult market, there is a lot of  
43 promise in the retail and housing market.  
44

45  
46 Chairman Gifford asked if the County could trade properties to acquire land.  
47

48 Mr. Aguilar stated they could ask for approval for a trade and that it is definitely  
49 something the County would consider.  
50

Chairman Gifford voiced his feeling that this property is a gateway into the Hemet  
community and right now it is less than desirable. Some of the pieces that need to

1 be acquired are the most undesirable pieces. He further stated that redevelopment  
2 funds were used to buy the properties, so there are certain requirements attached to  
3 that money. He asked how much of this property must be set aside for low-income  
4 housing or RHNA-required housing as opposed to other types of uses of the money,  
5 like redevelopment or community improvement.  
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8 Mr. Aguilar stated he could not give them a precise answer. As was already pointed  
9 out, the property was purchased with housing bond funds. As a result, there are  
10 specific regulations and requirements that come with the expenditure of those funds  
11 relative to having to use those funds for low-income housing. There are different  
12 ways of approaching that same objective such as types of housing for sale, rental,  
13 mixed-use, mixed-income.  
14

15 Chairman Gifford commented that the Planning Commission has been reticent to  
16 approve projects that can turn into low-income blighted areas. He felt both Hemet  
17 and San Jacinto have more than their fair share of low-income housing. CDD  
18 Elliano has done a great job in reducing the requirement of the State, so the city is  
19 not anxious to build anything else that is going to be low-income housing except as  
20 absolutely necessary.  
21

22  
23 Mr. Aguilar stated that he did not believe there was a specific number of low-income  
24 housing specified in the plan.  
25

26 Commissioner Vasquez asked if the housing authority owned the property.  
27

28 Mr. Aguilar responded affirmatively.  
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30 Commissioner Vasquez also asked what the County would do with the property if  
31 the Hemet Planning Commission took a no-project alternative.  
32

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34 Mr. Aguilar responded that he hoped that would not be a recommendation.  
35

36 Commissioner Vasquez indicated that the staff report stated that the County would  
37 market the land acquired to the developers when it was deemed appropriate and  
38 suitable. He wondered what the County's meant by "appropriate and suitable."  
39

40 Mr. Aguilar agreed that this choice of words was odd, but that the County would be  
41 willing to consider putting in necessary proposals to developers so that it is not  
42 delayed anymore than it has already been delayed.  
43

44 Commissioner Vasquez expressed concern that this might turn into another project  
45 that is partially completed, particularly since the Staff Report suggested that it might  
46 take up to fifteen years from start to finish. He wondered if the County was  
47 concerned about that.  
48

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50 Mr. Aguilar responded that because of the money and time already expended by  
both the County and the City, he didn't believe it would take that long.

1 Commissioner Perciful asked if the area north of Menlo Avenue would be the first to  
2 be built out or would it be the commercial strip along State Street?  
3

4 Mr. Aguilar answered that they were still formulating what the schedule would look  
5 like, but the high-density would not be a priority effort.  
6

7 Commissioner Perciful expressed his concern about high-density housing and transit  
8 centers as areas of increased crime rates.  
9

10 Commissioner Moghadam asked if the State-mandated 15% low-income housing  
11 requirement could be developed in another location.  
12

13 Mr. Aguilar stated his feeling that this would be a dangerous avenue to pursue, and  
14 that he would need legal advice regarding it.  
15

16 City Attorney McEwen responded that he would research this and give his  
17 comments at the January 15, 2013 Planning Commission meeting.  
18

19 Chairman Gifford thanked Mr. Aguilar for his comments and indicated that the  
20 microphone was still open for any public comments.  
21

22 CDD Elliano noted that staff would very much like the Commission's direction for any  
23 other additional changes to the plan as mentioned in the staff report.  
24

25 Chairman Gifford asked that staff pursue the question about what kind of housing  
26 versus other types of actions can be taken within the framework of redevelopment  
27 funds so that what is recommended can be within the framework of the law.  
28

29 Commissioner Vasquez asked that Community Investment Director John Jansons  
30 offer some advice on the matter.  
31

32 Chairman Gifford clarified that the Commission is examining just how much of this  
33 project has to be set aside for low-income housing or how much of that funding can  
34 be used in the elimination of blight in the city.  
35

36 Community Investment Director Jansons explained that typically the use of  
37 redevelopment funds allows for very low, low, and moderate income housing  
38 development. Moderate is defined as from 80% to 120% of median income. To be  
39 more specific, Mr. Jansons indicated that this is usually working families with one or  
40 two working members, who are not on public assistance. We would need to inquire  
41 of the County under what circumstances they did their bond financing. If these  
42 bonds are redevelopment bonds that, when issued, provided capital for acquisition  
43 and initial construction, oftentimes they would then include details for what the  
44 money can be used for.  
45

46 Chairman Gifford expressed his feeling that the Commission should not make a  
47 recommendation to the City Council that is vague regarding the percentage of low-  
48 affordable housing.  
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1 Mr. Jansons expressed that the Specific Plan is a powerful document that guides the  
2 eventual development so if it allows up to a maximum, the city should not presume  
3 that a maximum can or will be constructed.  
4

5 CDD Elliano stated that the Specific Plan, as a zoning document, does not express  
6 affordability at all because it isn't related to the land uses that would be going  
7 forward. As Mr. Jansons mentioned, whatever the potential bonding requirement  
8 might be, there are a couple of considerations: moderate income is a wide range  
9 and is even wider for the City of Hemet than it might be in Temecula or other areas  
10 that would have higher moderate income. Another consideration is what would  
11 generally be considered a market rate development for what they call inclusion-type  
12 of housing. Some percentage of those units could be offered for low income. It  
13 doesn't mean taking a whole planning area and having that designated at a certain  
14 income range. Perhaps we don't have as much information in terms of the specifics,  
15 but this is one of the things that the County is trying to provide, particularly because  
16 everyone is still in flux on RDA and its dissolution. She believes that they are  
17 committed to using as much flexibility as they can in order to eliminate the blight and  
18 develop this in a holistic piece for development control.  
19  
20

21 CDD Elliano added that one of the down sides of denying the project is that the  
22 property is composed of numerous small parcels and those individual parcels will not  
23 be able to be developed in the way and manner that the city wants to see it done.  
24 She suggested that the best practice would be to have property management on-site  
25 to ensure that the properties are well kept and there is tenant screening. Hopefully,  
26 she suggested, working with the County we can report back to you on some of these  
27 concerns at the next meeting.  
28  
29

30 Chairman Gifford repeated his concern about more than one-third of the project  
31 being high density and would like staff to review that with the County. Commissioner  
32 Vasquez expressed his understanding that there are individually owned properties  
33 outside those of the County.  
34  
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36 CDD Elliano replied that there are some, but because the County does not have the  
37 funds to continue acquisition, the hope would be that with a master developer  
38 coming forward, if it makes sense for that piece to be included, that they will seek  
39 acquisition of the existing properties. She suggested that in the short run it would be  
40 market forces that would drive the plan.  
41

42 CDD Elliano further stated that starting on page 3 of the staff report there were a  
43 number of issues identified at the last meeting that are addressed in the report with  
44 some options.  
45

46 There was continued discussion concerning low-income housing, setbacks, the  
47 Stock Farm, design elements, and other considerations. The commission directed  
48 staff to incorporate the recommendations from the staff report as well as report on  
49 possible design guidelines and the amount of high density.  
50

It was **MOVED** by Vice Chairman Overmyer and **SECONDED** by Commissioner Vasquez to continue the public hearing until January 15, 2013 with a request that staff

1 investigate and return with answers to questions brought up by the Commission.

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3 The MOTION was carried by the following vote:

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

7 **NOES:** None

8 **ABSTAIN:** None

9 **ABSENT:** None

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11 **6. ZONING ORDINANCE AMENDMENT NO. 12-005 (Alcoholic Beverage**  
12 **Regulations)**

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14 **APPLICANT:** City-initiated

15 **LOCATION:** City-wide

16 **PLANNER:** Emery Papp - (951) 765-2375

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18 **DESCRIPTION:** A request for Planning Commission review and  
19 recommendation to the City Council regarding a Zoning Ordinance  
20 Amendment to modify Chapter 90, amending Article III of the Hemet  
21 Municipal Code, adding regulations for the sale of alcoholic beverages, with  
22 related modifications to the land use matrix for commercial and industrial  
23 zones. This ordinance is a component of the Hemet ROCS (Restoring Our  
24 Community Strategy) Program for the City of Hemet.

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27 The staff report was presented by Principal Planner, Emery Papp, who displayed a  
28 PowerPoint presentation and offered various details regarding the proposed project.

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31 Chairman Gifford expressed his understanding of the city's need for an ordinance  
32 and clear process regarding ABC licenses which is currently not in place. He feels  
33 that the clear process should be laid out in the ordinance. If not, it becomes  
34 arbitrary. There should be a way that outlines how we make the determination  
35 regarding overconcentration. In addition, he suggested that the city needs to  
36 provide guidelines.

37  
38 CDD Elliano indicated that page 5 of the proposed ordinance indicates the findings  
39 that are needed in order to determine public convenience and necessity. Unless the  
40 city establishes an ordinance, the ABC Department can make their own  
41 determination whether or not we object. However, the Commission is responsible  
42 for land use and this is the reason for the ordinance – in order to do what is  
43 appropriate for the city while still maintaining some process and element of control.

44  
45  
46 Chairman Gifford responded in agreement and reiterated his concern over the  
47 seeming lack of existing control.

48  
49 City Attorney McEwen said that in his experience these types of situations are  
50 flexible.

Chairman Gifford added that if the Commission gets too specific, limits would be

1 created, similar to the limits regarding cell tower decisions.  
2  
3 CDD Elliano agreed and identified provisions in the ordinance that allows for some  
4 flexibility based on the circumstances of each application.  
5  
6 Chairman Gifford stated that the ordinance sets forth findings and a rationale that is  
7 legally defensible and going into the record.  
8  
9 City Attorney McEwen agreed.  
10  
11 Commissioner Moghadam inquired as to why the low competition clause of a 1,000  
12 foot separation from other businesses was deleted.  
13  
14 Principal Planner Papp explained that restaurants tend to congregate in large areas  
15 such as along major streets; therefore, restaurants should not be punished by not  
16 being allowed to sell beer and wine or other spirits because that would give unfair  
17 advantage to other restaurants located in the same area.  
18  
19 CDD Elliano further explained that the reason the low competition clause was  
20 deleted was because it was unnecessarily limiting, since there were other provisions  
21 that could be applied if necessary.  
22  
23 Vice Chairman Overmyer, although in favor of free enterprise in business, declared  
24 his support for the proposed ordinance.  
25  
26 Chairman Gifford opened the public hearing, but seeing no public input, closed the  
27 hearing and entertained a motion on the issue.  
28  
29 It was **MOVED** by Vice Chairman Overmyer and **SECONDED** by Commissioner  
30 Moghadam to adopt *Planning Commission Resolution Bill No. 12-023*, recommending  
31 approval to the City Council of Zoning Ordinance Amendment No. 12-005, as  
32 presented.  
33  
34 The MOTION was carried by the following vote:  
35  
36  
37  
38 **AYES:** Chairman Gifford, Vice Chairman Overmyer, and Commissioners  
39 Moghadam, Perciful and Vasquez  
40  
41 **NOES:** None  
42  
43 **ABSTAIN:** None  
44  
45 **ABSENT:** None

46  
47  
48  
49  
50  
*(Planning Commission Resolution No. 12-020.)*

**WORK STUDY ITEMS**

7. **Overview of new State Planning Legislation effective January 1, 2013 and AB 1616- the "California Homemade Food Act"** - Verbal report by Community Development Director Deanna Elliano

The Commission unanimously concurred to move this item to the January 15, 2013

1 meeting of the City of Hemet Planning Commission.  
2  
3

4 **8. Report on Industrial Development Opportunities within the City**  
5

6 The Commission unanimously concurred to move this item to the January 15, 2013  
7 meeting of the City of Hemet Planning Commission.  
8

9 **DEPARTMENT REPORTS**  
10

11 **9. CITY ATTORNEY REPORTS:** *Verbal report from Assistant City Attorney Stephen*  
12 *McEwen on items of interest to the Planning Commission.*  
13

14 City Attorney McEwen reported briefly on a lawsuit filed by the Department of Justice  
15 against the City of San Jacinto and its enforcement of their group homes ordinance.  
16 The primary issues were with the group homes that serve the disabled – a term with a  
17 broad definition. Under the Fair Housing Act, cities have the ability to propose zoning  
18 requirements on group homes, but they must provide some avenue for reasonable  
19 accommodation. He noted that the City of Hemet includes such accommodations in its  
20 ordinance already. Actually, Hemet treats homes for the disabled more favorably than  
21 boarding houses. The City Attorney's office believes that Hemet's ordinance is still in  
22 good shape but highlights the need for the city to be careful and prudent in any  
23 enforcement action because it is a highly litigious area of the law.  
24

25 **10. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**  
26

27 **A. Verbal Report on City Council actions from the October 23, 2012 ((No planning**  
28 **related items and nothing to report) and November 13, 2012 meetings**  
29

30 While there were no planning related items to report regarding the October 23, 2012  
31 City Council meeting, CDD Elliano reported regarding two work study items from the  
32 November 13, 2012 meeting. The first was regarding a pilot project of reclaimed water  
33 by the Eastern Municipal Water District in the Diamond Valley Lake area. They were  
34 originally looking at an 80-acre facility but are now downsizing it to a six-acre facility.  
35 The second work study item was a presentation by Seth Weinger, who is the  
36 coordinator of Crime Stoppers Plus – a program established by the United Communities  
37 Network. The conclusion was that this program would parallel very well with the Hemet  
38 ROCS program as a grass-roots effort and an ad hoc committee is being formed.  
39

40 There were also two major IT or computer programs authorized by the City Council to  
41 upgrade existing systems.  
42

43 **B. Proposed Cancellation of December 18, 2012 and January 1, 2013 Planning**  
44 **Commission Meetings**  
45

46 CDD Elliano proposed, and the Commission concurred that due to the holidays, and the  
47 lack of agenda items ready to move forward, the December 18, 2012 and January 1,  
48 2013 Planning Commission meetings would be canceled.  
49  
50

1  
2 **11. HEMET ROCS CITIZEN ADVISORY COMMITTEE REPORT** - *Chairman John*  
3 *Gifford* (Valerie Valez, school representative to the Hemet ROCS advisory committee  
4 vacated her seat; Carlos Navarro is now filling that role.)  
5

6 CDD Elliano updated the Commission on the Hemet ROCS Field Operations Task  
7 Force, comprised of the Police Department, Code Enforcement Division, Building &  
8 Safety Division, and Fire Department. A program has been established identifying what  
9 is called Tier One Properties and Tier Two Properties. This force is tasked with  
10 performing inspections of the two property tiers.  
11

12 Tier One Properties are problem properties for which the city has received complaints  
13 for criminal activities. The police department is primarily leading the charge on these  
14 properties. Tier Two Properties are those that are more of a building, fire, health &  
15 safety, code inspection issue.  
16

17 The Task Force has identified a total of 13 properties. There are apartments, fourplexes,  
18 motel units, and mobile home parks. Of these properties, 377 units are identified as Tier  
19 One Properties, while 618 units are within Tier Two Properties, for a total of 995 units in  
20 the first phase. The Task Force has completed a total of 104 unit inspections of the Tier  
21 One Properties and 560 of the Tier Two Properties for a total inspection of 664 units.  
22 Scheduled in December is an inspection of the Town and Country Mobile Home Park,  
23 which is a Tier One Property.  
24

25  
26 One of the Tier One Properties, as reported in the press, is the Diamond Inn Motel on  
27 Florida Avenue where the Police Department arrested multiple parolees.  
28

29 CDD Elliano outlined the various charges and identified the violations cited in that  
30 inspection, as well as other property inspections.  
31

32 **12. PLANNING COMMISSIONER REPORTS:** *Commissioner reports on meetings*  
33 *attended or other matters of Planning interest*  
34

35 A. Chairman Gifford  
36

37 Chairman Gifford stated that a number of people in an on-line setting have been critical  
38 of the Planning Commission. However, he is in his 30<sup>th</sup> year of being a planner, and this  
39 is one of the best Commissions he has ever worked with. He wished the Commission a  
40 happy holiday season.  
41

42 B. Vice Chair Overmyer (Nothing to report)  
43

44 C. Commissioner Moghadam (Nothing to report)  
45

46 D. Commissioner Perciful (Nothing to report)  
47

48 E. Commissioner Vasquez  
49

50 Commissioner Vasquez commended the staff for their great job on staff reports.

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**13. FUTURE AGENDA ITEMS:** *Items to be scheduled for upcoming Planning Commission Meetings*

- A. Phase 1 of the General Plan Consistency Zoning Program
- B. Zoning Ordinance Amendment regarding Cottage Food Operations (AS 1616)
- C. Proposed Fence Ordinance - Part II
- D. Temporary Sign Provisions - Part II

**14. ADJOURNMENT:** It was unanimously agreed to adjourn the meeting at 8:25 p.m. to the regular meeting of the City of Hemet Planning Commission scheduled for **January 15, 2013 at 6:00 p.m.** to be held at the City of Hemet Council Chambers located at 450 East Latham Avenue, Hemet, CA 92543.

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

**ATTEST:**

\_\_\_\_\_  
Nancie Shaw, Records Secretary  
Hemet Planning Commission



## Staff Report

TO: Honorable Chairman and Members of the Hemet Planning Commission

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

DATE: January 15, 2013

RE: **NORTH HEMET SPECIFIC PLAN NO. 11-001 & ENVIRONMENTAL IMPACT REPORT (SCH NO. 2011101031)** - A request for Planning Commission review and recommendation to the City Council regarding the establishment of the proposed North Hemet Specific Plan for a 28.6 ± acre site and the proposed Draft Environmental Impact Report establishing a maximum of 525 multi-family residential units (100 units within mixed-use areas), 118,919 square feet of retail commercial and 16,335 square feet of office space.

### **PROJECT APPLICANT INFORMATION**

Owner: County of Riverside Economic Development Agency  
Authorized Agent: John Aguilar, Director of Housing  
Project Location: Northwest corner of North State Street and Oakland Avenue  
APN Information: 439-060-010 et. al.  
Lot Area: 28.6± acres

### **Recommended Action:**

*That the Planning Commission:*

1. *Open the public hearing and take testimony regarding the proposed project and Draft EIR; and,*
2. *Provide any additional Planning Commission comment, or direction to staff and the applicant, regarding the Draft EIR and Draft North Hemet Specific Plan (SP 11-001); and,*
3. *Continue the Public Hearing to the **February 19, 2013 Planning Commission meeting** to allow additional time for the applicant and city staff to respond to the questions raised by the Planning Commission at the Dec. 4, 2012 public hearing.*

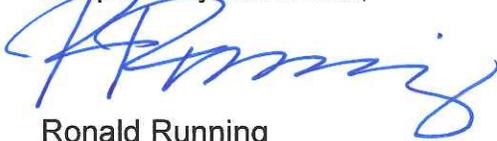
## BACKGROUND

The Commission continued the public hearing for the North Hemet Specific Plan (SP 11-001) from its meeting on December 4, 2012. At that time the Commission asked representatives of the Housing Authority of the County of Riverside to provide more information on the future disposition of the acquired properties in the project area and to what extent any affordability requirements for the future residential units is determined. The Commission also wanted to know what the likely timing of the project would be, and expressed concerns regarding the overall percentage of high density units proposed in the project.

The Commission also asked staff to review how the proposed development would fit in with the thematic plans for downtown Hemet and the nearby historic Hemet Stock Farm property, and commented that the plan lacked a specific design theme and framework.

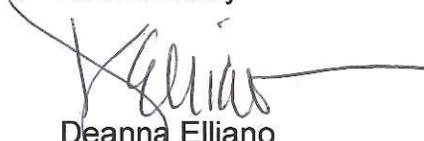
The applicant has requested additional time to provide the necessary materials for the Commission's review, per the attached letter from Riverside County EDA. The letter requests a continuance to your next meeting of February 5, 2013; however, as of this date staff has not received any new materials and therefore recommends the project be continued to the meeting of February 15th to allow staff and the applicant time to meet and review the County's responses to the Planning Commission's concerns.

Respectfully submitted,



Ronald Running  
Project Planner

Reviewed by



Deanna Elliano  
Community Development Director

## ATTACHMENTS:

1. Letter from Ms. Heidi Marshall of Riverside County RDA dated January 3, 2013



January 3, 2013

John Gifford, Chairman  
City of Hemet Planning Commission  
450 East Latham Avenue  
Hemet, CA 92543

Re: Continuance of Specific Plan No. 11-001 (North Hemet Specific Plan) & Draft Environmental Impact Report (SCH No. 2011101031)

Dear Mr. Gifford:

The Riverside County Economic Development Agency (EDA) would like to thank the City of Hemet Planning Commission for meeting and taking consideration of Specific Plan No. 11-001 (North Hemet Specific Plan) & Draft Environmental Impact Report (SCH No. 2011101031).

In order to address the concerns and questions raised from the previous Planning Commission meetings, EDA respectfully requests that the item scheduled for January 15, 2013 to be continued to the next meeting date of February 5, 2013.

We thank you in advance for your favorable consideration.

Sincerely,

Heidi Marshall  
Assistant Director, Housing



## *Staff Report*

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TO: Honorable Chairman and Members of the Planning Commission

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

DATE: January 15, 2013

RE: WORK STUDY REGARDING THE COMPREHENSIVE CONSISTENCY ZONING PROGRAM

### PURPOSE OF THE WORK STUDY

The purpose of this work study is to introduce the Planning Commission to the City's proposed Consistency Zoning Program and to explain the Program's approach and approximate schedule. The work is being done in-house by staff for cost-saving reasons, and because it is a major project, we are proposing to accomplish it in phases. The following report provides a brief overview of the Program. More detailed information will be presented at the Work Study.

### BACKGROUND

On January 24, 2012, the Hemet City Council adopted the update to the Hemet General Plan, which established the policy framework to guide decisions related to land use and development through 2030. Implementation of General Plan land use policies is generally executed through zoning. State law requires that a City's zoning ordinance and zoning map be brought into compliance with an updated General Plan within two years of its adoption. The Planning Division has begun this process through its Consistency Zoning Program. The work study will discuss the tasks involved in the Consistency Zoning Program and present a preliminary schedule for implementation.

### OVERVIEW

The Consistency Zoning Program is comprised of two broad phases with several actions per phase. Phase 1 consists primarily of State requirements with completion date mandates. Phase 2 consists of City-initiated updates to the zoning code and associated procedures that require further staff research, discussions with interested parties, and workshops with Planning Commission and City Council. The phases are outlined below.

#### **Phase 1: Reorganization of the Zoning Code and Required Updates to the Zoning Code and Zoning Map**

Phase 1 consists primarily of the zoning ordinance text and map amendments that must be completed within specified time periods to meet the zoning consistency and housing element requirements of State law. The General Plan established new land use designations and housing policy requirements that must be reflected in the zoning ordinance and on the zoning map. This will be done in two steps.

The first step is incorporating the new zone classifications and policy amendments into the zoning ordinance, which is Chapter 90 Zoning of the Hemet Municipal Code (HMC). The second step is amending the zoning map to be consistent with the General Plan Land Use map. Per State law, the new land use designations and policies established by the updated General Plan 2030 must be incorporated into the zoning ordinance and reflected on the zoning map by January 2014. In addition, a number of updates regarding housing are required by State law to be in place prior to the City's submittal to the State of the 2013 Housing Element Update, which is due in October of this year.

To facilitate the process and allow adequate time for presentation and questions, proposed text and map amendments will be presented to the Planning Commission in two separate public hearing sessions. The first session will outline staff recommendations on text amendments to HMC Chapter 90 (zoning ordinance). The second session will consider the proposed zoning map amendments needed to bring it into consistency with the General Plan Land Use Map including the pre-zoning of territory located within the City's southwest area Sphere of Influence.

An initial, major component of Phase 1 is the complete reorganization of the City's Zoning Code into a more user-friendly and cohesive document. There are several redundancies and inconsistencies in the current zoning code, (as a result of piecemeal updates over time), and the code chapters and topics are not well organized. Staff recognized early on in this process that the format and organizational issues in the code needed to be addressed before we could start adding new code chapters or updating the substance of the existing code sections. Therefore, an essential component of Phase 1 is the complete reorganization of the zoning code.

### **Phase 2: City Initiated Updates to the Zoning Code and Zoning Map**

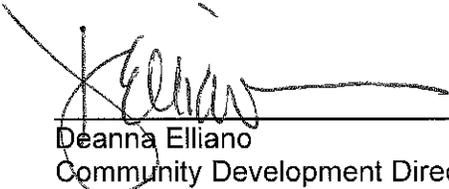
Phase 2 will consist of a methodical and thorough review of each article of HMC Chapter 90 Zoning (zoning ordinance). Each definition, land use regulation, development standard, and application procedure will be reviewed by Planning Division staff and recommendations on refinements or new codes will be presented for community review and eventually Planning Commission and City Council consideration.

The Phase 2 amendment process will be structured to encourage maximum participation from interested parties such as the Chamber of Commerce and the development community. The updates are not as time-sensitive in regard to meeting state requirements, but will provide changes to encourage best practices and respond to the needs and desires of the community and the marketplace.

The Zoning Consistency Program is a huge and complex undertaking. It is the intent of the Planning Division to present it to the Planning Commission in an organized and understandable manner. Within the constraints of State mandated timeframes; however, the approach may be modified as we continue to move forward to suit the interests and considerations of the public and the Planning Commission.

Prepared by:

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

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



## *Staff Report*

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TO: Honorable Chairman and Members of the Planning Commission

FROM: Deanna Elliano, Community Development Director

DATE: January 15, 2013

RE: **WORK STUDY REGARDING INDUSTRIAL LAND OPPORTUNITIES WITHIN THE CITY OF HEMET**

### **BACKGROUND**

The Planning Commission requested that staff provide an overview of the locations and potential opportunities for new industrial development within the City of Hemet. The attached map indicates all of the land area within the City and the adjacent sphere of influence that has either a Zoning or General Plan designation of "Industrial" or "Business Park" uses. At the work study, staff will present a brief overview of the existing development constraints and opportunities within each identified sub-area, and any proposed activity.

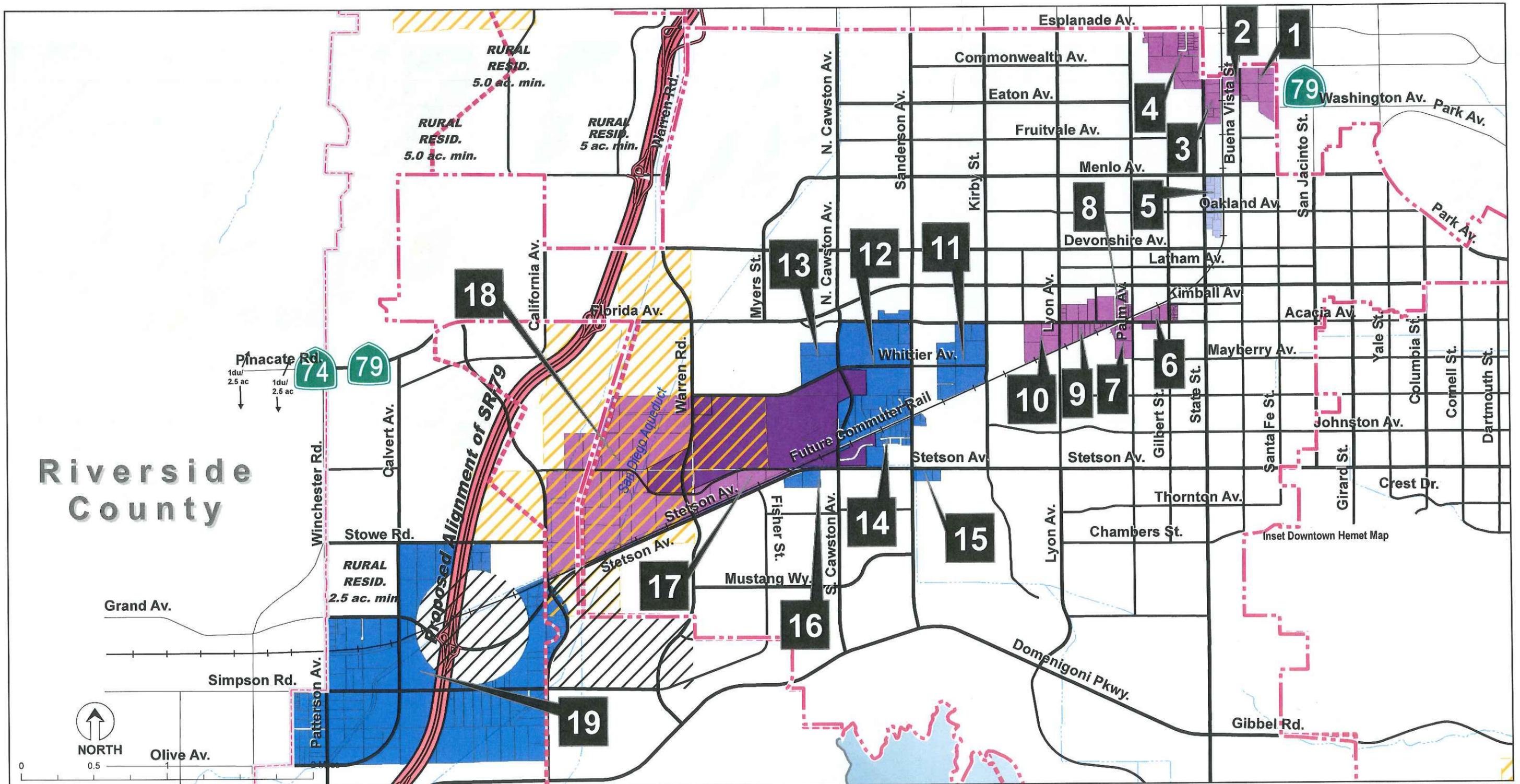
Prepared by:

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Deanna Elliano  
Community Development Director

### **ATTACHMENTS:**

1. Map of land areas designated for Industrial uses and development



1/15/2013 C:\Work\planning\GPLU\_industrialzoom.mxd

SOURCES: Census Tiger Line Data 2005  
Urban Crossroads 2011

**LEGEND**

- Hemet City Boundary
- Planning Area
- Sphere of Influence
- River/Lake
- Creek/Canal
- Railroad

**Land Use Designations**

- ARPT Airport
- BP Business Park (FAR 0.60)
- I Industrial (FAR 0.45)

**Environmental Management Area**

- Areas subject to MSHCP criteria
- Interim Airport Overlay Zone



**INDUSTRIALLY DESIGNATED PARCELS**  
Hemet General Plan

## *Staff Report*

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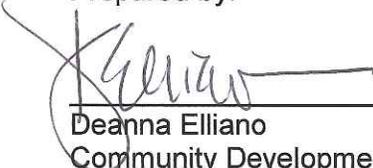


TO: Honorable Chairman and Members of the Planning Commission  
FROM: Deanna Elliano, Community Development Director  
DATE: January 15, 2013  
RE: **WORK STUDY REGARDING NEW STATE PLANNING LEGISLATION**

### **BACKGROUND**

The California State Legislature adopted a number of Senate Bills (SB) and Assembly Bills (AB) in 2012 that may affect local planning agencies. Generally, these bills are all effective as of January 1, 2013. The attached summary report from WRCOG outlines a few of these new bills, with particular emphasis on AB 1616, known as the "Homemade Foods" or "Cottage Food Operations" Act. Staff will present an overview of the highlighted legislation and provide the Commission with a summary of the new zoning ordinance amendment (ZOA) that will be coming before the Commission for a public hearing in February to implement the state mandate under AB 1616.

Prepared by:

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

### **ATTACHMENTS:**

1. WRCOG staff report regarding Legislative Update, dated November 14, 2012



## Western Riverside Council of Governments Planning Directors' TAC

### Staff Report

**Subject:** Legislative Activities Update and AB 1616 Report

**Contact:** Alexa Washburn, Program Manager ([washburn@wrcog.cog.ca.us](mailto:washburn@wrcog.cog.ca.us)), (949) 394-7996

**Date:** November 14, 2012

#### Requested Action:

1. Receive and file.

#### Special Report on AB 1616

Representatives from the Riverside County Department of Environmental Health will be in attendance at the November 14, 2012, PD TAC meeting to provide a special report on AB 1616 and answer questions. The bill summary is included below and information on AB 1616 is attached.

#### **AB 1616 – California Homemade Food Act (Gatto)**

Effective on January 1, 2013, this bill contains provisions regarding jurisdictional authority over cottage food operations (i.e., homemade food operations) in any residential buildings and requires jurisdictions to take certain actions regarding the classification of cottage food operations.

#### Legislative Summary for 2012

The following is a brief summary of Senate and Assembly Bills that passed in 2012 with the greatest potential to affect local planning agencies.

#### **AB 890 – CEQA Exemption for Roadway Improvements (Olsen)**

Exempts from CEQA a project or an activity to repair, maintain, or make minor alterations to an existing roadway if the project or activity is initiated by a City or County to improve public safety, does not cross a waterway, and involves negligible or no expansion of existing use.

#### **AB 1532 – Use of Cap & Trade Funds for AB 32 / SB 375 Types of Projects (Pérez)**

Requires that moneys in the Greenhouse Gas Reduction Fund be used for specified purposes including, of interest to WRCOG and its members: public transportation; sustainable transportation and infrastructure development; local and regional sustainable development efforts consistent with the Sustainable Communities Strategy (SCS); low-carbon goods movement and freight vehicle technologies and infrastructure; and development and implementation of sustainable agriculture, forestry and related water, land and resource management practices.

#### **AB 1585 – Community Development (Pérez)**

Re-appropriates \$50 million of Proposition 1C bond funds for Infill Infrastructure Grants and Transit-Oriented Development programs, and allows HCD to issue new NOFAs, if any past allocations are returned to the Department within a limited period of time. This bill also transfers the responsibility to perform housing functions of a former redevelopment agency to HCD under certain circumstances.

**AB 1665 – CEQA Exemption for Railroad Crossing Closures (Galgiani)**

Exempts from CEQA the closure of a railroad crossing by order of the Public Utilities Commission, if the Commission finds the crossing to present a threat to public safety.

**AB 1672 – Housing-Related Parks Program (Torres)**

Updates funding priorities and criteria for the Housing-Related Parks Program, with the intent to speed the disbursement of funds to local communities, by requiring that the program provide the grants to local entities based on the issuance of building permits for new housing units, or housing units substantially rehabilitated, acquired, or preserved with committed assistance from the jurisdiction, that are affordable to very low or low-income households.

**AB 1750 – Rainwater Capture Act of 2012 (Solario)**

Enacts the Rainwater Capture Act of 2012, which provides that use of rainwater collected from rooftops does not require a water right permit from the state board. This bill was significantly amended prior to passage.

**AB 1801 – Solar permitting (Campos)**

Clarifies that valuation is not an acceptable method for setting a residential solar building permit fee.

**AB 1951 – Housing Bonds (Atkins)**

Realigns \$30 million of monies generated from Proposition 1C into the Multifamily Housing Program.

**AB 2245 – CEQA Exemption for City/County Bicycle Lane Projects (Smyth)**

Exempts from CEQA the restriping of streets and highways for bicycle lanes in an urbanized area that is consistent with a prepared bicycle transportation plan.

**AB 2308 – Density Proxy for Affordable Housing / Zoning for Multi-family (Torres)**

Allows a city or county to reduce its share of the regional housing need by the number of units build between the start of the projection period and the deadline for adoption of the housing element, and requires a jurisdiction that does so to identify in the housing element the methodology for assigning these units to an income category based on actual or projected sales price, rent levels, or other mechanisms establishing affordability. This bill may be used to find an alternative to the existing Housing Element option to use the specified density as a proxy for providing sites suitable for affordable housing.

**AB 2405 – High-Occupancy Toll Lanes (Blumenfield)**

Creates the Choose Clean Cars Act of 2012 that exempts all of the low emission and hybrid vehicles eligible to use HOV lanes, including vehicles that meet enhanced AT PZEV standards, from toll charges imposed on HOT lanes unless prohibited by federal law.

**SB 535 – Greenhouse Gas Reduction Funds to Disadvantaged Communities (De Leon)**

Requires the California EPA to identify disadvantaged communities for investment opportunities and requires a minimum of 10% of the moneys in the Greenhouse Gas Reduction Fund to be allocated for projects that benefit disadvantaged areas impacted by air pollution and climate change.

**SB 1222 – Solar Permitting Fee Cap (Leno)**

Places a statutory cap on building permit fees for residential rooftop solar systems of \$500 (plus \$15 per kilowatt (kW) for each kW above 15kW), and caps commercial rooftop solar systems fees at \$1,000 for systems up to 50 kW (plus \$7 per kW for each kW between 51 kW and 250 kW, and plus \$5 per kW for each kW above 250 kW), unless certain conditions are met.

**SB 1241 – Planning for State Responsibility Areas and High Fire Hazard Severity Zones in Safety Element (Kehoe)**

Requires the safety element, prior to January 1, 2015, and thereafter upon each revision of the housing element, to be reviewed and updated as necessary to address the risk of fire in state responsibility areas and very high fire hazard severity zones, taking into account specified considerations, including,

among others, the most recent. Also require cities and counties in high fire areas to make findings related to fire safety before approving projects.

**SB 1268 – Energy Conservation Assistance (Pavley)**

The California Energy Commission (CEC) administers the State Energy Conservation Assistance Account to provide grants and loans to local governments and public institutions to maximize energy use savings. This bill extends the act to January 1, 2018, and requires the CEC to take steps to solicit loan applications to encourage an equitable distribution of loans statewide, to award loans in specified regions, and to place an emphasis on offering these loans in disadvantaged communities.

**Update on Vehicle License Fee Issue**

Governor Brown vetoed AB 1098 which would have restored the Motor Vehicle License Fee (VLF) revenues to the four newly incorporated cities in Riverside County and to cities that have recently annexed land. In his veto message, the Governor stated concerns that the bill would undermine the 2011 Realignment formulas in a manner that would jeopardize dollars for local public safety programs and create an \$18 million “hole” in the State’s General Fund. The League of California Cities is has a law suit pending to reverse this decision and is supporting the instatement of further legislation in 2013 to address this issue.

**Prior WRCOG Action:**

September 12, 2012: The WRCOG Planning Directors’ Technical Advisory Committee received report.

**WRCOG Fiscal Impact:**

None.

**Attachments:**

1. AB 1616 Legislative Counsel’s Digest.
2. AB 1616 FAQ sheet.



California Conference  
of Directors of  
Environmental Health

## CALIFORNIA HOMEMADE FOOD ACT FREQUENTLY ASKED QUESTIONS

### AB 1616 (GATTO) – COTTAGE FOOD OPERATIONS

#### 1. When does the new law go into effect?

The new law becomes effective January 1, 2013. The law requires the California Department of Public Health to carry out certain tasks associated with implementation, and imposes certain responsibilities on local planning and environmental health jurisdictions. The California Conference of Directors of Environmental Health (CCDEH) is working with other stakeholders to ensure that the law is implemented in an orderly and effective manner. Further information regarding the status of implementation can be obtained from your local environmental health agency.

Note: The information in this FAQ handout is intended to provide a uniform statewide response to questions posed and will be updated as needed. The questions & answers were evaluated by the CCDEH Ad Hoc AB 1616 Implementation Workgroup. This information should not be construed as a legal interpretation.

**AB1616 Chaptered Law:** [http://www.leginfo.ca.gov/pub/11-12/bill\\_asm/ab\\_1601-1650/ab\\_1616\\_bill\\_20120921\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/11-12/bill_asm/ab_1601-1650/ab_1616_bill_20120921_chaptered.pdf)

#### 2. What is a Cottage Food Operation (CFO)?

A CFO is an enterprise at a private home where low-risk food products are prepared or packaged for sale to consumers.

#### 3. What is meant by “private home?”

“Private home” means a dwelling, including an apartment or other leased space, where individuals reside.

#### 4. Are there limitations on the size of CFO’s sales?

- \$35,000 or less in gross sales in 2013
- \$45,000 or less in gross sales in 2014
- \$50,000 or less in gross sales in 2015 and beyond

#### 5. Can a CFO have employees?

A CFO can have one full-time equivalent employee (not counting family members or household members).

## 6. What cottage food categories are permitted at a CFO?

Only foods that are defined as “non-potentially hazardous” are approved for preparation by CFO’s. These are foods that do not require refrigeration to keep them safe from bacterial growth that could make people sick. The California Department of Public Health will establish and maintain a list of approved cottage food categories on their website and will establish a process by which new foods can be added to the list and other foods can be challenged and removed. The initial list included in the new law includes:

- 1) Baked goods without cream, custard, or meat fillings, such as breads, biscuits, churros, cookies, pastries, and tortillas
- 2) Candy, such as brittle and toffee
- 3) Chocolate-covered nonperishable foods, such as nuts and dried fruit
- 4) Dried fruit
- 5) Dried pasta
- 6) Dry baking mixes
- 7) Fruit pies, fruit empanadas, and fruit tamales
- 8) Granola, cereals, and trail mixes
- 9) Herb blends and dried mole paste
- 10) Honey and sweet sorghum syrup
- 11) Jams, jellies, preserves, and fruit butter that comply with the standard described in Part 150 of Title 21 of the Code of Federal Regulations (These should be fruit products to assure that they are not potentially hazardous).
- 12) Nut mixes and nut butters
- 13) Popcorn
- 14) Vinegar and mustard
- 15) Roasted coffee and dried tea
- 16) Waffle cones and pizzelles

(NO MEAT, DAIRY OR PERISHABLES)

## 7. What are the two classifications of CFOs?

- Class A CFO’s are only allowed to engage in “direct sale” of cottage food.
- Class B CFO’s may engage in both “direct sale” and “indirect sale” of cottage food.

## 8. What is meant by “Direct Sale” of cottage food?

“Direct Sale” means a transaction between a CFO operator and a consumer, where the consumer purchases the cottage food product directly from the CFO. Direct sales include, but are not limited to, transactions at holiday bazaars or other temporary events, such as bake sales or food swaps, transactions at farm stands, certified farmers’ markets, or through community-supported agriculture subscriptions, and transactions occurring in person in the cottage food operation.

## 9. What is meant by “Indirect Sale” of cottage food?

“Indirect Sale” means an interaction between a CFO, a third-party retailer, and a consumer, where the consumer purchases cottage food products made by the CFO from a third-party retailer that holds a valid permit issued by the local environmental health agency in their jurisdiction. Indirect sales include, but are not limited to, sales made to retail shops or to retail food facilities where food may be immediately consumed on the premises.

## 10. Do I need any special Training or Certification to prepare Cottage foods?

A person who prepares or packages cottage food products must complete a food processor course instructed by the California Department of Public Health within three months of being registered or permitted.

## 11. Does a CFO need a permit to operate?

- Planning/Zoning:** All CFO’s need to obtain approval from their local city or county planning department. The Homemade Food Act gives planning departments several options to consider, so planning department requirements may vary between jurisdictions.
- Environmental Health:**
  - For “Class A” CFO’s (direct sale only), **registration** with the local enforcement agency and submission of a completed “self-certification checklist” approved by the local environmental health agency.
  - For “Class B” CFO’s (direct and indirect), a **permit** from the local environmental health agency is required.
- Other Requirements:** Check on other state or local requirements that may be applicable
- Registrations and permits are not transferable between:
  - Persons
  - Locations
  - Type of food sales [i.e., direct sales (Class A) vs. indirect sales (class B)]
  - Type of distribution

## 12. How much will the registration or permit cost the CFO?

Each local jurisdiction will establish fees that are not to exceed the cost of providing the service. Additional fees may be charged for inspection and/or enforcement activities if the cottage food operation is found to be in violation of California food safety laws on cottage food operations.

## 13. Will my CFO Registration/Permit allow me to sell at other retail venues?

There may be health permits required to sell at other locations, such as Certified Farmer’s Markets or Swap Meets. Please check with your local enforcement agency for additional permit requirements.

#### 14. How often will a CFO be inspected?

- Class A CFO kitchens and food storage areas (referenced in the law as the “registered or permitted area”) are not subject to initial or routine inspections.
- Class B CFO kitchens and food storage areas are inspected initially prior to permit issuance, and then annually after that.
- Class A or B (Other Inspections) The local environmental health agency may access, for inspection purposes, the registered or permitted area where a cottage food operation is located only if the representative has, on the basis of a consumer complaint, reason to suspect that adulterated or otherwise unsafe food has been produced by the cottage food operation or that the cottage food operation is found to be in violation of California food safety laws on cottage food operations.

#### 15. What are the CFO’s operational requirements

- All CFOs must comply with the following:
  - No domestic activity in kitchen during cottage food preparation
  - No infants, small children, or pets in kitchen during cottage food preparation
  - Kitchen equipment and utensils kept clean and in good repair
  - All food contact surfaces and utensils washed, rinsed, and sanitized before each use
  - All food preparation and storage areas free of rodents and insects
  - No smoking in kitchen area during preparation or processing of cottage food
  - A person with a contagious illness shall refrain from working
  - Proper hand-washing shall be completed prior to any food preparation or packaging
  - Water used in the preparation of cottage food products must be potable. Cottage food preparation activities include:
    - Washing, rinsing, and sanitizing of any equipment used in food preparation.
    - Washing and sanitizing hands and arms.
    - Water used as an ingredient of cottage food.

#### 16. What would be my food labeling requirements?

- All cottage food products must be properly labeled in compliance with the Federal, Food, Drug, and Cosmetic Act ([21 U.S.C. Sec. 343 et seq.](#)) The label shall include:
  - The words “Made in a Home Kitchen” in 12-point type
  - The name commonly used for the food product
  - Name of CFO which produced the food product
  - The registration or permit number of the cottage food operation which produced the cottage food product and the name of the local enforcement agency that issued the number
  - Product ingredients in descending order by weight
- In a permitted food facility, cottage food products served without packaging or labeling shall be identified to the customer as homemade on the menu, menu board or other easily accessible location.



## *Staff Report*

TO: Honorable Chairman and Members of the Planning Commission

FROM: Deanna Elliano, Community Development Director

DATE: January 15, 2013

RE: **REQUEST FOR PLANNING COMMISSION DIRECTION REGARDING THE ESTABLISHMENT OF AN ACCEPTABLE COLOR PALLET FOR RESIDENTIAL STRUCTURES**

### **BACKGROUND**

In December of 2012, the city received a complaint regarding a home that was recently sold in a tract of homes located in the northeast portion of the City. The issue that concerned several residents in the neighborhood was the color that the house was painted - a bright blue - as shown in the attached photo. The homes in the remainder of the tract are all painted in a variety of earth-tone colors. The overall neighborhood is well-maintained and of relatively newer construction, however, there are no CC&Rs for the tract that would govern acceptable exterior colors. The City does not have any codes or design guidelines that dictate exterior color for residential structures, but we do have adopted city-wide color guidelines for Commercial buildings.

There is a reasonable likelihood that other neighborhoods may also experience homes being painted bright or intense hues that may be considered incompatible with surrounding homes. Staff is seeking direction from the Commission as to whether exterior color guidelines for residential neighborhoods (where CC&Rs or Specific Plans do not otherwise govern) should be proposed or not. If the Commission is in favor of this action, staff will present the recommendation to City Council as a request to initiate a Zone Text Amendment.

Prepared by:

Deanna Elliano  
Community Development Director

### **ATTACHMENTS:**

1. Photo of residential tract home



4979



## *Staff Report*

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TO: Honorable Chairman and Members of the Planning Commission  
FROM: Deanna Elliano, Community Development Director  
DATE: January 15, 2013  
RE: **LEAGUE OF CALIFORNIA CITIES PLANNING COMMISSIONERS ACADEMY**

### **BACKGROUND**

The League of California Cities is providing a conference geared especially for Planning Commissioners and is being held at the Hilton Hotel in Pasadena. The dates are February 27- March 1, and the schedule of sessions is attached for your review. The Planning Division budget can afford to sponsor two Commissioners for the one-day registration of the conference (does not include hotel stay). If any Commissioners are interested in attending, please let us know so that we can complete the registration prior to the deadline of Feb. 6<sup>th</sup>.

Prepared by:

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Deanna Elliano  
Community Development Director

### **ATTACHMENTS:**

1. Conference schedule