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PLANNING COMMISSION

MEETING MINUTES

DATE: February 5, 2013

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,
Commissioners Nasser Moghadam, Michael Perciful and Greg
Vasquez

Invocation and Flag Salute: Chairman Gifford

2. APPROVAL OF MINUTES:

There were no Minutes on the agenda for approval.

3. PUBLIC COMMENTS :

Harry Davidson (Riverside County resident) commented regarding the empty buildings and parking area at the former Wal Mart becoming a trash bin. He urged the Planning Commission to find uses for the empty buildings.

PUBLIC HEARING ITEMS

4. ZONING ORDINANCE AMENDMENT NO. 13-003 (Homemade Food Operator Regulations)

APPLICANT: City of Hemet
LOCATION: City-wide
PLANNER: Emery Papp

DESCRIPTION: A request for Planning Commission review and recommendation to the City Council regarding a Zoning Ordinance Amendment to modify Chapter 90, amending Article III, Special Uses and Conditions, of the Hemet Municipal Code, adding Section 90-100 regulating Cottage Food Operators pursuant to Assembly Bill 1616, with consideration of an environmental exemption pursuant to CEQA Guidelines Section 15051.

1 Principal Planner Emery Papp explained that this legislation is being imposed upon the
2 County Public Health officials by the State of California and that the County
3 Environmental Health Department has already adopted an ordinance which was sent
4 to the Board of Supervisors on the 29th of January. Although there must be
5 compliance with the state legislation, limited local control can be exercised through the
6 zoning ordinance, which is what Hemet Staff is proposing with this ordinance
7

8 Planner Papp outlined the different classifications as follows: A Class A type permit
9 allows operators to sell directly to the public and requires no inspection of kitchen
10 facilities; a Class B type permit requires an inspection of the kitchen facility prior to
11 issuance of the permit, with annual inspections thereafter.
12

13 Under AB 1616, cities are required to allow this type of use in residential kitchens and
14 may only enforce zoning regulations that fall under four criteria: 1) spacing and
15 concentration; 2) traffic control; 3) parking; and 4) noise control.
16

17 Staff, in conjunction with the City Attorney's office, is determining whether or not
18 limiting scrutiny in these four areas is an exhaustive list in terms of state legislation or if
19 cities have the ability to enforce other individual zoning regulations. As this is unclear
20 at this time, the Planning Division is asking for a continuance of 30 days to look into
21 that issue and to come back with a fully prepared ordinance, rather than presenting the
22 draft that remains under review by the City Attorney's office. The proposed ordinance
23 will address jurisdictional authority at the city and county levels. It will be brought
24 before the Commission at the March 5th meeting for further review.
25

26 Staff has also created a tentative Homemade Food Operator permit, which includes a
27 recommended fee. Any requests for this type of permit that are received prior to
28 adoption of the ordinance will be issued a Home Occupation Permit on a temporary
29 basis, with the condition that they upgrade their permit once those regulations have
30 been enacted and become effective.
31

32 Chairman Gifford queried whether staff was contemplating moving forward with
33 adoption of the ordinance, to which Planner Papp affirmed they were.
34

35 Chairman Gifford also asked under what conditions a temporary permit would be
36 offered.
37

38 Planner Papp responded that under a temporary Home Occupation Permit (HOP), staff
39 would have the ability to modify the conditions as the Director sees fit. He noted that
40 under a standard HOP, customers are not allowed to come to the business owner's
41 home except for instructional activities, but that AB 1616 provides that people can
42 come to the home, so our HOP would need to be modified to be consistent with that.
43 While there are many similarities, there are also some things that we currently have
44 local control over, but would not have the ability to enforce for the homemade food
45 operator.
46

47 Planner Papp recommended that the public hearing be opened, testimony be taken
48 regarding these issues, any additional recommendations be provided to staff, and that
49 the public hearing then be continued to the meeting of March 5, 2013.
50

Chairman Gifford asked for Commission questions for staff.

1 Commissioner Vasquez asked if staff could provide details about penalties or proposed
2 penalties that the city is considering.

3
4 Planner Papp advised that while there are administrative citations on the books, they
5 can only be assessed based on zoning violations under current residential zoning
6 districts. Anything related specifically to the safety of food products, sanitation or any
7 other health-related matter would be under the authority of the Riverside County
8 Environmental Health Department, which has recently adopted the ordinance provided
9 in the packet entitled, "Riverside County Environmental Health Ordinance."

10
11 Commissioner Vasquez asked if the Commission should continue what is being
12 proposed in addition to those administrative citations.

13
14 CDD Elliano stated that anything in regard to food preparation or handling at the
15 cottage food or homemade food sites is under the jurisdiction of the County of
16 Riverside Environmental Health. Hemet has control only over the zoning provisions, so
17 if they were to violate some of the conditions that we will be bringing back to the
18 Commission in the proposed ordinance, we would suspend or revoke that permit under
19 our zoning regulations and record that with environmental health. AB 1616 does allow
20 cities to regulate traffic and other limited areas, and those are the areas we are
21 reviewing currently with the City Attorney.

22
23 Vice Chairman Overmyer noted that Riverside County or the State of California
24 mandates Class A permits billed at \$145, with Class B permits at \$290, and that a
25 business license with the City of Hemet is also required. He asked if this would mean
26 that three permits / licenses would be required for a Homemade Food Operator to do
27 business.

28
29 Planner Papp responded affirmatively, that once it becomes effective, the Homemade
30 Food Operator permit would be required, along with the County Environmental Health
31 Permit and the City Business License.

32
33 Commissioner Vasquez asked what would happen in the event that the City Council
34 were to adopt whatever is going to be proposed after a Home Occupation permit has
35 already been issued.

36
37 Planner Papp explained that if a temporary HOP were issued, a Homemade Food
38 Operator permit would need to be subsequently obtained within a certain time frame
39 following adoption of the new ordinance, and establishment of a process for obtaining
40 the permit – probably within 30 to 60 days after the ordinance becomes effective.

41
42 CDD Elliano added that any Homemade Food Operator business would be requested,
43 (although we can't require) to go to the Riverside County Environmental Health
44 Department to get their certification or permit prior to obtaining the City permit and
45 business license. One of the problems with this issue is that, since AB 1616 became
46 effective as of January 1, 2013, a rush has been created to adopt an ordinance and
47 establish a process, because under State law we need to be able to accommodate
48 cottage food users as they come forward. We are trying to expedite this as quickly as
49 possible, but do not want to make a mistake that we would then have to come back
50 and change.

1
2 Chairman Gifford reported that in the draft ordinance under Section 6 (c) and (d) — in
3 reference to California Health and Safety Code 114365 — it states that the equipment,
4 utensils and food services need to be “clean and sanitized.” Is this term defined in that
5 code section?
6

7 Planner Papp indicated that a level of detail is not specifically clarified in AB 1616, but
8 reference is made to the Safe Foods Act, which outlines those requirements.
9

10 CDD Elliano further explained that these issues are covered in the Riverside County
11 Environmental Health Ordinance, which is the entity that will be enforcing such health
12 issues. The City will only be regulating and enforcing the zoning issues. The City will,
13 however, have the whole package and other information so that applicants will know
14 when they come to the counter what's going to be required of them.
15

16 Chairman Gifford questioned whose responsibility it would be to inform people of what
17 they're getting into. If the City will be issuing permits, would this create an obligation to
18 provide applicants with a pamphlet from the County, or some other form of information
19 during the permitting process?
20

21 CDD Elliano advised that the City would provide as much information as it has from the
22 County so that an applicant is fully aware of the parameters that they must follow.
23

24 Chairman Gifford pointed out that the City's responsibility is rather limited, and asked
25 what it has the authority or prerogative to do.
26

27 Planner Papp explained that the City is seeking clarification from the State regarding
28 whether it was the intent of the legislature to only allow the City to regulate the uses on
29 the before-mentioned four issues (spacing and concentration, traffic control, parking,
30 and noise control), since based on the language, that is the exhaustive list. However,
31 we can add a condition of approval for the Homemade Food Operator Permit that they
32 are conforming to sections of the Health and Safety Code.
33

34 Commissioner Perciful asked if the County was drafting zoning changes or licensing
35 requirements.
36

37 Planner Papp responded that the ordinance before the Commission is the Riverside
38 County Environmental Health Ordinance. The County Planning Department has
39 adopted an amendment for their Ordinance No. 348 which specifies that this use is
40 permitted by right, subject to the criteria that's outlined in AB 1616. They are not
41 requiring a separate permit, and he is uncertain regarding the County requirement for a
42 business license.
43

44 CDD Elliano further explained that under AB 1616 cities have the choice as to whether
45 to allow the use by right, make it a permitted use, or have it only regulated by County
46 Health. If it is to be a permitted use, it has to be a non-discretionary permit, which
47 means that you can get a permit as long as you comply with the required specific
48 conditions. This is the route being taken by the City of Hemet. Then, at least, we can
49 have some standards for zoning compliance and a reporting method to County
50 Environmental Health. Since we already have an ordinance for Home Occupation, we
are simply creating another chapter to our Home Occupation requirements.

1 Commissioner Moghadam asked if the County specified any requirements for the
2 cleanliness of the dishes, etc.

3
4 Planner Papp advised that such specifications were adopted by reference to the Health
5 and Safety Code.

6
7 Commissioner Moghadam requested more information about "triple clean," as required
8 for commercial establishments.

9
10 Planner Papp referred him to Attachment No. 4 in the packet that had been provided,
11 which is the self-certification check list for Class A home food or cottage food
12 operators. Planning staff will verify and get back to the Commission regarding the
13 exact requirements.

14
15 Chairman Gifford stated that while he was not trying to throw a roadblock in the way of
16 cottage food industries, he tended to have concerns over things that the city does not
17 control.

18
19 Planner Papp assured him that if the city has any concern over the fact that food safety
20 laws are being ignored, we can notify County Health.

21
22 Chairman Gifford opened the public hearing and noting that there were no public
23 statements, asked for a motion to continue.

24
25 It was **MOVED** by Vice Chairman Overmyer and **SECONDED** by Commissioner
26 Perciful to **CONTINUE** Zoning Ordinance Amendment No. 13-003 to the Planning
27 Commission meeting of March 5, 2013.

28
29 The **MOTION** was carried by the following vote:

30
31 **AYES:** Chairman Gifford, Vice Chairman Overmyer and Commissioners Perciful,
32 Moghadam and Vasquez

33 **NOES:** None

34 **ABSTAIN:** None

35 **ABSENT:** None

36
37
38 **WORK STUDY ITEMS**

39
40 **5. Update regarding the Hemet ROCS ordinances and programs — Verbal Report**
41 *by Community Development Director Deanna Elliano*

42
43 (PowerPoint presentation by CDD Elliano.)

44
45 Chairman Gifford asked if CDD Elliano was going through the most problematic issues
46 first or if this was a sampling of the community at large.

47
48 CDD Elliano explained that the Tier 1 properties are prioritized as the most problematic
49 and are being targeted first. The Tier 2 properties, which are being addressed at the
50 same time, are defined more as health and safety inspections, or compliance
inspections, while the Tier 1 properties demand immediate attention.

1 **6. Current Housing Unit Inventory and Housing Unit Trends – Verbal Report by**
2 *Community Development Director Deanna Elliano*

3
4 (PowerPoint presentation by CDD Elliano.)
5

6 Chairman Gifford noted that Hemet has a lot of multi-family units in town, which
7 comprise half of the city's rentals. The Planning Commission needs to keep that in
8 mind when considering development projects, such as pending Specific Plans, as there
9 are a number of these units being proposed.
10

11 (PowerPoint presentation continued.)
12

13 Commissioner Perciful commented that prices are starting to trend up in the valley, but
14 that they are still nowhere near other areas in the county. The median price in Hemet
15 for January 2013 was \$134,000, in comparison with Murrieta's median price of
16 \$285,000 and Menifee's median price of \$220,000. So affordable housing is certainly
17 available here, which is largely due to the inaccessibility to freeways and amenities,
18 and the average income in the valley.
19

20 Chairman Gifford suggested that if we had more housing that caters to a better market
21 in terms of amenities and income, then you might be able to offset this lower trending.
22 He wishes to "bang the drum" for more amenities in the city such as restaurants and
23 entertainment facilities. He suggested that it was disturbing that Menifee has a median
24 housing price that is \$90,000 higher than Hemet's.
25

26 Commissioner Vasquez pointed out that Hemet's housing is comprised of more than 20
27 percent mobile homes, while Menifee's is less than 5 percent.
28

29 Commissioner Perciful stated that manufactured homes or mobile homes make up 27
30 percent of the housing market in Hemet, which has a huge impact on the median price.
31

32 CDD Elliano commented on the fact that the median age of Hemet's population is
33 older, as well. The homes that are selling well are in communities such as Del Webb,
34 Woodcrest, and Hemet del Sol, which are in the low \$200,000's.
35

36 Commissioner Perciful expressed surprise that there were not more developers trying
37 to build with the housing inventory being so low. He noted that most of the mobile
38 homes are located within parks, while more manufactured homes are on permanent
39 foundations.
40
41

42
43 **DEPARTMENT REPORTS**
44

45 **7. CITY ATTORNEY REPORTS:** *Verbal report from Assistant City Attorney Erica*
46 *Vega on items of interest to the Planning Commission.*
47

48 CDD Elliano introduced Erica Vega as an Assistant City Attorney working specifically
49 on Hemet ROCS ordinances. She will be filling in for Assistant City Attorney Steve
50 McEwen today and when needed.

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

2
3 **A. Verbal Report on City Council actions from the January 22, 2013 meeting.**

4
5 CDD Elliano reported that the City Council meeting of January 22 included the
6 following:

- 7
8 1. Approval of Zoning Ordinance Amendment No. 12-005 regarding alcohol
9 regulations.
10 2. The proposed traffic signal at Florida and California Avenues on the west
11 end of town is moving forward, thanks to a cooperative agreement with
12 Caltrans and cost sharing.
13 3. The City was awarded a COPS Grant in the amount of \$178,000, which will
14 be used to purchase vehicles. The Police Department is also moving
15 forward with replacement of the evidence building that was damaged by fire.
16

17 **9. HEMET ROCS CITIZEN ADVISORY COMMITTEE REPORT — *Chairman John***
18 ***Gifford regarding ROCS Booth at Farmers Market***

19
20 Chairman Gifford explained that Hemet ROCS is a multi-phased program that includes
21 the efforts of the Police Department as well as Code Enforcement, Community
22 Development, Building & Safety, etc. The Citizens Advisory Committee (CAC) is there
23 to primarily look at what the city is proposing to do and make suggestions on those
24 things, particularly ordinances. Many of the concerns include enforcement issues, how
25 we can improve the city, regulate blight, improve the image of the community, pay for
26 amenities, etc.
27

28
29 In November the committee talked about how we can fund some of the programs they
30 are trying to bring forward, such as police activity in the rental housing areas, which
31 comprise 43 percent of Hemet's housing. One proposal was a \$25 per month
32 surcharge on rental units. There was a lot of kick-back on that idea.
33

34
35 The January meeting was almost entirely devoted to explaining why we weren't going
36 to try to raise any sort of fees on renters, but were proposing alternative concepts, such
37 as a rental unit inspection program. Such a program is both legal and necessary, and
38 it would give the city the opportunity to get into the rental housing community and units
39 to make sure that they are up to code, and to identify any problem areas up front, and
40 work with the Police Department regarding things that need attention. He believes we
41 can require that rentals, as part of their permit process, be subject to and pay a fee for
42 annual inspections.

43
44 Chairman Gifford advised that he and his wife, along with Principal Planner Papp, had
45 attended the Farmers Market to serve in the ROCS booth, and had participated in
46 spirited discussions with many who attended. His take-away from that event was that
47 there are many in this valley that love Hemet and want to see it return to its former
48 place of honor and glory. Many Canadians who are now in the valley gave a lot of
49 support for the community and indicated what they liked about Hemet. There are
50 several more meetings planned.

1 **10. PLANNING COMMISSIONER REPORTS:** *Commissioner reports on Meetings*
2 *attended or other matters of Planning interest*
3

- 4 A. Chairman Gifford – Nothing further to report
5 B. Vice Chairman Overmyer expressed his hope that more rental properties
6 would become privately owned and inhabited. To do that it is necessary to
7 have jobs in town and easier freeway access. It is also important to
8 increase the industrial base.
9 C. Commissioner Moghadam expressed his concern about signage and the
10 need for attention along Florida Avenue.
11 D. Commissioner Perciful expressed his feeling that as the economy starts an
12 upturn, that the rental status will trend downward.
13 E. Commissioner Vasquez thanked CDD Elliano for her presentation regarding
14 housing unit inventory and trends.
15

16 **11. FUTURE AGENDA ITEMS:** *Items to be scheduled for upcoming Planning*
17 *Commission Meetings*
18

- 19 A. North Hemet Specific Plan and Draft EIR (Continued to next meeting,
20 February 19, 2013.)
21 B. CUP for Hemet Jewelry & Loan
22 C. CUP for Equipment Rental on State Street
23 D. Zoning Ordinance Amendment regarding the Conversion of Big Box Retail
24 Buildings, an urgency ordinance that expires in August.
25 E. Public Workshop for the 2013 Housing Element Update, probably in March
26 or April.
27 F. Consistency Zoning Program – Phase 1 to be brought forward as well as
28 Landscaping, Signs, etc.
29

30 **12. ADJOURNMENT:** It was unanimously agreed to adjourn the meeting at 7:35 p.m.
31 to the regular meeting of the City of Hemet Planning Commission scheduled for
32 **February 19, 2013 at 6:00 p.m.** to be held at the City of Hemet Council Chambers
33 located at 450 E. Latham Avenue, Hemet, California 92543.
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38 
39 _____
40 John Gifford, Chairman
41 Hemet Planning Commission
42

43
44 ATTEST:

45
46
47 
48 _____
49 Nancie Shaw, Records Secretary
50 Hemet Planning Commission