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PLANNING  **COMMISSION**

MEETING MINUTES

DATE: January 15, 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, and Commissioners Nasser Moghadam, Michael Perciful and Greg Vasquez

Invocation and Flag Salute: Commissioner Greg Vasquez

2. APPROVAL OF MINUTES:

A. Minutes of the December 4, 2012 Meeting

It was **MOVED** by Vice Chair Overmyer and **SECONDED** by Commissioner Perciful to **APPROVE** the minutes of December 4, 2012, as presented.

The MOTION was carried by the following vote:

AYES: Chairman Gifford, Vice Chairman Overmyer, and Commissioners Perciful, Moghadam 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.

PUBLIC HEARING ITEMS

4. SPECIFIC PLAN NO. 11-001 (North Hemet Specific Plan) & DRAFT ENVIRONMENTAL IMPACT REPORT (SCH NO. 2111-103 – 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 the 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.

The staff report was presented by Project Planner, Ron Running, who provided a detailed PowerPoint presentation regarding the project.

Chairman Gifford requested clarification regarding the County's requirements for EDA housing as it relates to very low and extremely low income levels.

Planner Running responded that the County's requirements simply stipulate that the money must be used for low and moderate income housing, so there is no delineation of the specific number of units per any income category.

Community Development Director, Deanna Elliano, explained that Staff is meeting with the County to receive further definition, but that our current understanding is that for the County to be able to use the bond capacity, it must all be applied to affordable housing. Staff hopes to have further information by the Commission's next meeting.

Commissioner Perciful stated that in 2007 housing was at its peak, but currently about 70 percent of the housing in the Hemet valley is low-income affordable and nowhere near the 2007 level.

Chairman Gifford asked if there is some formula that outlines the percentages of low and moderate income housing to perhaps housing of a higher end value.

Planner Running responded that the County has indicated that everything they would develop would have to be low- and moderate-range housing. Parcels that haven't been acquired by the County and would be privately acquired would not have that restriction. It is only mandated when the County is actually underwriting and expending funds.

CDD Elliano reminded the Commission that most of the new housing seen in Hemet today actually falls into the County's moderate-income level, just because the sales prices for many of the newer homes are lower than other Southwest Riverside County cities.

1
2 Commissioner Vasquez asked if the City was looking at the possibility of more than
3 one developer coming in to develop the property.
4

5 Planner Running explained that the original idea was to have one developer, but that
6 as it stands, they might have to divide the project so that one developer would be
7 responsible for the area north of Menlo Avenue, while another would be responsible for
8 the area to the south of Menlo. Also, originally the minimum project area was planned
9 for one acre, but recent discussions have included the possibility of raising that to two
10 or more acres, in an effort to make sure that future development is in larger
11 components.
12

13 In response to Commissioner Moghadam's question regarding the City's open space
14 plans, Planner Running stated that the City has been discussing the concept of
15 imposing a requirement that all of the properties participate in the provision of open
16 space, either by monetary contribution or in public space amenities. He also
17 mentioned that Planning Areas 1 and 5 of the Land Use Plan were originally
18 designated as possible high density residential, perhaps as senior, but since the
19 County Center didn't turn out to be a Senior Center but a Work Force Development
20 Center, it would not work as well for seniors.
21

22 Planner Running further advised that the County plan shows configuration for the
23 streets regarding parkways and landscaped medians, but the details of street furniture,
24 public amenities and an overall design theme have not been determined at this time.
25 The City wishes to have a thematic palette established prior to the first project's
26 approval in an effort to maintain internal consistency and appropriate design
27 relationship with the Stock Farm to the south.
28

29 The County is requesting continuance of this item to the Planning Commission meeting
30 of February 19, 2013.
31

32 Chairman Gifford opened the public hearing.
33

34 Russell Rumansoff, 530 St. John Place, Hemet, approached the lectern as a local
35 business owner and concerned citizen, and indicated his agreement with some of the
36 initial concerns expressed by the Commission. He suggested that the County needed
37 to be more straightforward in their dealings with the City of Hemet. He expressed his
38 feeling that the County was using Hemet as a dumping ground, and that the City
39 should be getting more answers from the County before moving forward and approving
40 the Specific Plan.
41

42 Commissioner Moghadam asked Mr. Rumansoff what he would ask the County to do.
43

44 Mr. Rumansoff referred to some of the affordable housing units that have been put in
45 places like La Costa, which have been of a high quality that anyone would like to live
46 in. He believes it is important to have control, which can be achieved if you can get
47 answers from the County, to be able to make those decisions. If this project turns out
48 to be of quality, locations such as the Stock Farm may follow suit with future
49 development.
50

1 Commissioner Moghadam noted that he would want this project, as any project, to be
2 successful, but stated that it seemed unproductive to sit on the land for another seven
3 years.

4
5 Mr. Rumansoff suggested that the Specific Plan was a good approach, but that the City
6 needs controls over what they are approving, as well as the tools to be able to say
7 what the intent of the Specific Plan originally was and what the City wants in that area.
8

9 Scott Garrett, 230 West Devonshire, Hemet, whose father owns the nearby Hemet
10 Stock Farm, stated that this was not a specific plan, but rather a zoning map. The
11 original intent of the Stock Farm project was to build a neo-traditional, old-fashioned
12 neighborhood that attracts people who want to live in a more urban setting. He felt that
13 the original intent was to lift the boat, but this plan sinks the boat. He indicated that the
14 community needs to get together and buy this property from the County rather than
15 making it a ghetto. He further expressed his feeling that it should be developed for a
16 home ownership market rather than a rental market.
17

18 Chairman Gifford agreed that this project and the Stock Farm must work in harmony.
19

20 Ann Tucker, 23701 West California Avenue, Hemet, gave her history with the area,
21 noting the dramatic changes that have occurred, specifically in the arena of public
22 safety. She pleaded with the Commissioners to be responsible and protect Hemet.
23

24 Robin Lowe (no address given) expressed anger over the present proposal, alluding to
25 the past history of Hemet and the unfulfilled plans by the County. She outlined the
26 history of planning for Hemet, referring to prior plans that dovetailed with the Stock
27 Farm to create a palette of the downtown and that the County's plan was supposed to
28 be for senior mixed use on the property. She felt strongly that this plan was
29 contradicting prior plans and also felt that City staff should not have to dig for answers
30 from the County.
31

32 Chairman Gifford acknowledged that there were no more speakers at this time, but
33 continued the public hearing to the February 19, 2013 Planning Commission meeting.
34 He asked for input from Commissioners regarding the public comments that had been
35 received thus far.
36

37 Vice Chairman Overmyer asked how obligated the City was to the County to do
38 something. Do we say no to the County and wait seven years until the market is
39 better?
40

41 Chairman Gifford asked if the County was driving the wagon in terms of getting the
42 specific plan, even though the City wants it on their terms?
43

44 CDD Elliano responded that the County is the applicant for the specific plan.
45

46 Chairman Gifford asked if it would be possible for the City to push and help design the
47 specific plan in a way it wants. The County needs to either sell the land to someone
48 who will develop it or follow the City's over-arching plans. This area and the Stock
49 Farm are the northern gateway into the community, and the City needs to get it right to
50 lift the whole community, or it will set the tone for the next 50 years. His inclination at

1 this point might be to say no to the plan as it is, and work with the County to get what
2 we want.

3
4 CDD Elliano explained that the City has ultimate land use control. The County owns
5 the majority of the property. The City has control for land use policies, zoning and
6 general plan decisions. The underlying zone is all commercial on this property. The
7 County owned the property and/or formed the redevelopment area before it was
8 annexed. The City and the County both wanted the purpose of this area to be the
9 removal of blight, and to explore the commercial viability of the site. Since then, it's
10 been a continuing process by the City to push for more commercial in that plan for the
11 State Street corridor. Market studies prepared for the project had indicated that there
12 is limited market demand for commercial at this location. This leaves a recognition that
13 some component of the Plan should be residential. The City's interest is to see it is
14 high quality and at the appropriate density. These factors are part of the commission's
15 purview in your recommendation to the City Council.

16
17 Because of the RDA dissolution, the County does not have a lot of funding to give us
18 the details we've been asking them for in the plan. A meeting is scheduled for next
19 week to try and determine the County's position on these various topics that the
20 Commission and Staff have brought up in terms of how far we can go in fashioning the
21 plan.

22
23 The other element needing consideration is that, based on the North Hemet Specific
24 Plan, the General Plan Update, and the Housing Element, this property is noted as
25 including a portion of units available to satisfy our housing requirements. So if the Plan
26 is not approved, there is a need to reallocate those units or find another place. But the
27 larger consideration is what the City wants to see for the property.

28
29 Chairman Gifford indicated that he would like to see what the Stock Farm Plan looks
30 like because they are next door, and he would like to see these properties work
31 together.

32
33 Vice Chairman Overmyer stated that he did not want to rush into anything just because
34 we want to do something with the land. He would prefer an empty palette, allowing the
35 market forces to dictate what would ultimately be the best use for the property.

36
37 Commissioner Moghadam expressed concern regarding the County's and developer's
38 interest and the City's need to be specific in what is wanted.

39
40 Chairman Gifford asked for a recommendation from the Commission to either take a
41 vote as to recommendations to send to City Council, or continue this to the next
42 Planning Commission meeting.

43
44 Commissioner Vasquez stated his feeling that the job of the Commission was to make
45 sure, regardless of the request, that it's the right one for the City, and that the
46 Commission must be a guide in what is in the best interest of the City. He would like to
47 see some development at this location, but since they represent the City, the
48 Commission should not be afraid to say no to a project. He suggested that they, as a
49 Commission, not hurry anything, but more importantly that they not bury their heads in
50 the sand.

1
2 It was **MOVED** by Commissioner Vasquez and **SECONDED** by Commissioner
3 Moghadam to **CONTINUE** Specific Plan No. 11-001 to the Planning Commission
4 meeting of February 19, 2013.

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

7
8 **AYES:** Chairman Gifford, Vice Chairman Overmyer, and Commissioners
9 Perciful, Moghadam, and Vasquez

10 **NOES:** None

11 **ABSTAIN:** None

12 **ABSENT:** None
13

14 **WORK STUDY ITEMS**

15 16 17 **5. Introduction to the City of Hemet Consistency Zoning Program for the** 18 **General Plan 2030 Update – Report by Nancy Gutierrez, Project Planner**

19
20 Project Planner, Nancy Gutierrez, initiated her presentation with a detailed PowerPoint.

21
22 Chairman Gifford asked how Staff was intending to deal with zones that are in conflict
23 with current uses of property and whether grandfathering clauses would be
24 appropriate.

25
26 Planner Gutierrez indicated that these questions were part of the ongoing discussion;
27 however, Staff is trying to maintain consistency with existing uses. For some
28 undeveloped properties for which they have a different vision in the future, Staff may let
29 them remain inconsistent for now, as grandfathered, but there will be further discussion
30 as the Zoning Ordinance and map amendments come before the commission.
31

32 33 **6. Report on Industrial Development Land Opportunities within the City of** 34 **Hemet – Report by Community Development Director Deanna Elliano**

35
36 CDD Elliano advised the Commission that in the General Plan, within the city limits
37 there are a total of 1,122 acres designated for industrial / business land. In the
38 planning area outside the city limits but within our Sphere of Influence and to the west
39 particularly, another 824 acres of potential industrial land is available once it's been
40 annexed, zoned and part of the City.

41
42 CDD Elliano went on to outline the various areas of a large graphic map, from Property
43 No. 1 through 19, explaining some of the challenges and constraints, such as fault
44 zones, water fire flow requirements, interplay between existing infrastructure and
45 available development and the cost to make it marketable, proximity to residential
46 and/or airport, Multiple Species Habitat Conservation Plan constraints, Sphere of
47 Influence Amendment and annexation for Property 19, and the Highway 79 extension.
48
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50

1 **7. Overview of new State Planning Legislation effective January 1, 2013 and**
2 **AB 1616 – the "California Homemade Food Act" – Report by Principal**
3 **Planner Emery Papp**
4

5 Principal Planner Emery Papp explained that the AB 1616 legislation is being imposed
6 upon the cities and the County Public Health officials by the state of California. The
7 County Public Health Department has already adopted an ordinance and the County
8 Planning Department is sending their ordinance to the Board of Supervisors on the
9 29th of January. Although they must comply with the state legislation, they can
10 exercise local control through the zoning ordinances, which is what the Hemet
11 Planning Division is proposing with this ordinance.
12

13 The constraints that are possible locally are such things as the number of people that
14 can come to the home, size of signage, etc.
15

16 Commissioner Vasquez stated that Assemblyman Gatto introduced a terrible piece of
17 legislation in that there is no control over the things that can cause foodborne illnesses.
18 He hopes that whatever the City can do, will be very, very stringent and tight because
19 this is a hazard to the community.
20

21 Commissioner Moghadam inquired regarding the difference between Type A and Type
22 B.
23

24 Discussion ensued, and Principal Planner Papp explained that the basic difference is
25 that with Type A you're selling to an established clientele, while Type B can be sold to
26 a third party, a restaurant, or a business that sells food to others – wholesalers. There
27 is a difference in the amount of scrutiny granted to those operations by County Health.
28

29 Chairman Gifford asked if there is a limit as to the amounts that can be sold.
30

31 Principal Planner Papp outlined the limits established within the state law: this year,
32 total sales must not exceed \$35,000; the following year would be \$45,000; and after
33 that, a maximum of \$50,000 in annual sales would be allowed, but otherwise there is
34 no measure of volume, just dollar amount.
35

36 Chairman Gifford stated that he couldn't see any reason for this other than raising
37 revenue for permits.
38

39 Principal Planner Papp explained that the theory was to safeguard the buyer by
40 providing an opportunity to complain if you purchased an item made by this
41 independent vendor. Now they can follow up and find the source of the problem.
42

43 Commissioner Perciful suggested that it's all about the money. If you make something
44 at home and give it away, there is no regulation.
45

46 Commissioner Moghadam asked if there is any requirement for insurance for people
47 who are selling from their homes.
48
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50

1 Principal Planner Papp responded that the California Department of Public Health's
2 website states that most homeowners' insurance will not cover them if they encounter a
3 problem.

4
5 CDD Elliano explained that there is very limited control. As far as cities are concerned,
6 it cannot be a discretionary permit. Some of the communities, including the County,
7 are allowing it by right alone, with no permit process. Hemet is proposing at least the
8 home occupation permit because we want to know where the sellers are to be able to
9 pass that information on to Environmental Health, so at least a health inspection is
10 occurring, and Environmental Health knows where the operators are.

11
12
13 **8. Request for Planning Commission direction regarding the establishment of**
14 **an acceptable color palette for residential structures** - *Report by Community*
15 *Development Director Elliano*
16

17 CDD Elliano advised the Commission that the issue of a residential color palette had
18 come through the city website as a complaint and concern, with a question regarding
19 what can be done to regulate residential exterior colors. She explained that unless a
20 home has CC&R stipulations, the City has no control over the exterior colors of
21 residences. What the City has in place right now is for commercial and industrial
22 buildings because some years ago, the council adopted a palette of acceptable exterior
23 colors and acceptable trim colors, which allows the City to correct noncompliant
24 buildings.
25

26 CDD Elliano asked the Commission if they had had any interest in perhaps applying
27 that practice to residential areas.
28

29 Chairman Gifford heartily approved the concept of perhaps taking the existing
30 commercial palette and expanding it to allow more choices, but protecting property
31 values by maintaining consistency.
32

33 Commissioner Moghadam asked if the city can legally impose these rules and make
34 them retroactive.
35

36 CDD Elliano and City Attorney Steve McEwen both affirmed that a color palette can be
37 determined, but that it could not be retroactive.
38

39 CDD Elliano explained that residential uses would have a different palette than
40 commercial/industrial, but that Staff can move forward and research possibilities, such
41 as no bright or extreme colors. It may just be language restricting homes that are
42 clearly a nuisance or incompatible with their surrounding neighborhood.
43
44

45 Commissioner Vasquez suggested that it was a duty as a Commission to regulate
46 something like this.
47

48 Commissioner Moghadam suggested that a percentage factor be included regarding
49 percentage of colors utilized. He also added a need for expanding the colors noted in
50 the commercial/industrial scheme.

1 Chairman Gifford asked if a motion or recommendation such as this required a public
2 hearing.

3
4 City Attorney McEwen said that they are making a suggestion and don't necessarily
5 need a motion.

6 CDD Elliano indicated that if there is consensus among the Commission, Staff would
7 present the matter to the City Council as a recommendation to initiate staff work on this
8 matter.

9
10 Chairman Gifford stated that he believed there was consensus among the
11 Commission, and the balance of the Commission concurred.

12 13 14 **DEPARTMENT REPORTS**

15 16 17 **9. CITY ATTORNEY REPORTS:**

18
19 City Attorney McEwen reported on a medical marijuana case in the City of Riverside for
20 which oral arguments will be presented to the Supreme Court. State law does not
21 expressly require cities to allow medical marijuana dispensaries. The question at hand
22 is whether or not state law implicitly prohibits local prohibitions on medical marijuana
23 dispensaries. Cities such as Hemet, like Riverside, have taken the position that they're
24 prohibited, whereas dispensaries have taken the counter position that they are
25 permitted by state law and cannot be prohibited.

26
27 City Attorney McEwen advised that he plans to watch the oral argument himself, as he
28 has been heavily involved, particularly on behalf of the League of California Cities. He
29 anticipates a ruling in between 60 and 90 days on the case.

30
31 Commissioner Vasquez asked City Attorney McEwen if he had a feeling as to how the
32 Supreme Court might rule.

33
34 City Attorney McEwen indicated that the discussion had gone back and forth. It's a
35 very poorly written state law, with enough deficiency that both sides are able to make
36 substantive arguments. He noted that the cities' argument was stronger, but indicated
37 that it would be a "wait-and-see" game at this point.

38 39 40 **10. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**

41 42 **A. Verbal Report on City Council actions from the December 11, 2012 and 43 January 8, 2013 meetings.**

44
45 CDD Elliano advised the Commission that there was not much to report on the
46 December meeting other than welcoming the new Council members.

47
48 The January 8th meeting included a public safety technology update by Chief Brown.
49 There was also an item on Council committees and liaisons. The new Planning
50 Commission liaison is Council Member Wright, and the Hemet ROCS liaisons will be
Mayor Youssef and Council Member Milne.

1 The zoning ordinance amendment for alcoholic beverage sales went to Council for
2 public hearing and was well-received. There was a last-minute change by the City
3 Attorney's office at the request of the Mayor to clarify the operational standards
4 regarding such things as graffiti, signage, and loitering which would apply to existing
5 establishments so there would be a measurement by which to seek compliance.
6

- 7 **B. Participation in the League of California Cities Planning Commission**
8 **Academy in Pasadena, CA.**
9

10 CDD Elliano asked if any Commissioners had an interest in participating in the training
11 for Commissioners at the League of California Cities Planning Commission Academy in
12 Pasadena. The City has funds to send two Commissioners for a one-day session.
13

14
15 Chairman Gifford and Vice Chairman Overmyer expressed interest.
16

17 CDD Elliano advised the Commissioners to let the department know who would be
18 able to attend prior to February 6th, as that was the registration deadline.
19

20
21 **11. HEMET ROCS CITIZEN ADVISORY COMMITTEE REPORT:**
22

23 Chairman Gifford indicated that this report would be postponed until the next meeting,
24 as there was no Hemet ROCS meeting held in December.
25

26
27 **12. PLANNING COMMISSIONER REPORTS:**
28

- 29 **A. Chairman Gifford – Nothing to report**
- 30 **B. Vice Chair Overmyer – Stated that he had visited the Harvard Brickyard**
31 **restaurant and was pleasantly surprised at the changes made to move in the**
32 **direction the City is promoting.**
- 33 **C. Commissioner Moghadam – Indicated that he wished to discuss the Airway**
34 **Place with CDD Elliano personally, but had nothing else to report.**
- 35 **D. Commissioner Perciful – Nothing to report**
- 36 **E. Commissioner Vasquez – Nothing to report**
37

38
39 **13. FUTURE AGENDA ITEMS:**
40

- 41 **A. Zoning Ordinance Amendment regarding Cottage Food Operations (AB**
42 **1515)**
- 43 **B. Zoning Ordinance Amendment regarding the Conversion of Big Box Retail**
44 **Buildings**
- 45 **C. Public Workshop for the 2013 Housing Element Update**
- 46 **D. Consistency Zoning Program – Phase 1**
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14. ADJOURNMENT: It was unanimously agreed to adjourn the meeting at 8:20 p.m. to the regular meeting of the City of Hemet Planning Commission scheduled for **February 5, 2013 at 6:00 p.m.** to be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue, Hemet, California 92543.



John Gifford, Chairman
Hemet Planning Commission

ATTEST:



Nancie Shaw, Records Secretary
Hemet Planning Commission