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**PLANNING**  **COMMISSION**

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**MEETING MINUTES**

**DATE:** March 19, 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

**ABSENT:** None

**Invocation and Flag Salute:** Chairman John Gifford

**2. APPROVAL OF MINUTES:** (None)

**3. PUBLIC COMMENTS:** (None)

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**PUBLIC HEARING ITEMS**

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**4. ZONING ORDINANCE AMENDMENT NO. 13-003 (Homemade Food Operator Regulations) – Continued from March 5, 2013**

**APPLICANT:** City of Hemet

**LOCATION:** City-wide

**PLANNER:** Emery Papp, Principal Planer – (951) 765-2375

**DESCRIPTION:** A request for Planning Commission review and recommendations 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 15061.

The staff report was presented by Principal Planner Emery Papp.

Chairman Gifford asked if there were any questions of staff.

1 Commissioner Vasquez inquired regarding whether the City was intending to notify  
2 permittees of the expiration dates of their permits and what signage would be allowed.

3  
4 Planner Papp explained that the City does not normally notify an applicant of expiration  
5 dates of entitlements. Regarding signage, single-family homes are allowed up to a  
6 two-foot by two-foot placard sign if they choose to have one.

7  
8 Commissioner Moghadam asked if there were any further limitations on signage, like  
9 color, neon lights, etc.

10  
11 Planner Papp replied that the present ordinance does not have such limitations, but  
12 staff is proposing a revision of the sign ordinance in the near future.

13  
14 Community Development Director Deanna Elliano further stated that even in the  
15 current ordinance illuminated signs at residences are not allowed. While there is  
16 currently no sign color regulation, there will be in the revised ordinance. The city can  
17 require an amortization period during which those signs that are not in compliance with  
18 the new ordinance can come into compliance.

19  
20 Commissioner Vasquez complimented staff on their incorporation of the Commission's  
21 concerns into the ordinance.

22  
23 Chairman Gifford opened the public hearing.

24  
25 Since there were no members of the public who wished to speak, he closed the public  
26 hearing and acknowledged that staff had gone above and beyond what was needed to  
27 make this ordinance clear, meeting the intent of the law and providing protection for the  
28 City.

29  
30 It was **MOVED** by Commissioner Vasquez and **SECONDED** by Vice Chairman  
31 Overmyer to **ADOPT** *Planning Commission Resolution Bill No. 13-004* recommending  
32 approval to the City Council of Zoning Ordinance Amendment No. 13-003.

33  
34 The **MOTION** was carried by the following vote:

35  
36 **AYES:** Chairman Gifford, Vice Chair Overmyer, and Commissioners Moghadam,  
37 Perciful, and Vasquez

38 **NOES:** None

39 **ABSTAIN:** None

40 **ABSENT:** None

41  
42 ***(Adopted Planning Commission Resolution No. 13-002)***

43  
44 **5. MUNICIPAL CODE AMENDMENT NO. 13-002 (Automatic Extensions of Time)**

45  
46 **APPLICANT:** City of Hemet

47 **LOCATION:** City-wide

48 **PLANNER:** Deanna Elliano, Community Development Director – (951) 765-2375

49  
50 **DESCRIPTION:** A request for Planning Commission review and recommendation  
to the City Council regarding a city-initiated Municipal Code Amendment to extend the

1 life of existing Conditional Use Permits and Site Development Review approvals set to  
2 expire between April 15, 2013 and December 31, 2013.

3  
4 The staff report was presented by CDD Elliano, who outlined the need for automatic  
5 time extensions for certain projects that would otherwise expire between April 1, 2013  
6 and April 15, 2014. She indicated that this was a procedure that had been previously  
7 followed by the State of California and also the City in 2009 as a result of the economic  
8 downturn, and was being requested by several developers. There are presently 12  
9 projects that will be potentially burdened if this extension is not granted. All of the  
10 projects are consistent with the new General Plan and the current zoning and  
11 development standards. Staff's recommendation is to send this forward to the City  
12 Council to have an ordinance adopted that would grant a limited two-year extension  
13 allowing these applicants an additional opportunity to move their projects forward  
14 without having to re-submit.

15  
16 Chairman Gifford inquired regarding how many of the 12 project applicants actually  
17 intend to continue their progress towards completion.

18  
19 CDD Elliano responded that staff was aware of two projects that would probably not be  
20 moving forward, but noted that there was no way to construct the ordinance to include  
21 some projects but not others.

22  
23 Assistant Planner Carole Kendrick advised the Commission that in the past year  
24 approximately one-half of the 12 outstanding project applicants have indicated that  
25 they are close to moving forward. A few are able to apply for an extension of time, but  
26 most have already extended their projects the maximum amount of times that is  
27 allowed by the City's ordinance. She noted that an applicant can apply for an  
28 extension of time from one to three years, and a conditional use permit can be  
29 extended for a maximum of five years.

30  
31 Commissioner Vasquez stated that he was caught between his desire to see Hemet  
32 advance with development, and the frustration that he feels when he sees some of the  
33 approved developments, such as the former Wal-Mart site, that are not moving forward  
34 and using the economy as their reason for their lag.

35  
36 Chairman Gifford concurred with Commissioner Vasquez, but asked to hear from the  
37 public.

38  
39 Don Bender (Commercial Real Estate and Development – 3110 East Florida Avenue,  
40 Hemet) addressed the Commission, indicating that his firm represents a partnership  
41 with an approved senior housing project on Sanderson Avenue that has exhausted all  
42 of its extensions. Their delays have been associated with financing, but they now have  
43 a major developer that's in the process of completing a feasibility study. If they are  
44 determined to go forward, they would process their construction plans within the next  
45 three to four months.

46  
47 When asked by Vice Chairman Overmyer what the future plans for the project were if  
48 this automatic extension were not granted, Mr. Bender responded that the partnership  
49 would probably abandon the project and request a re-zoning of the property to  
50 commercial, as it is difficult to obtain financing for senior affordable housing.

1 Don McCoy (9 North Katella, Laguna Beach) addressed the Commission, providing a  
2 background on the piece of property that he is affiliated with, which fronts on Warren  
3 Road in the Auto Mall area, and was approved as a multiple-use project. He advised  
4 that they have already gone through the allowed five years of extensions, and hopes  
5 they can continue their original commercial concept.

6  
7 Commissioner Vasquez inquired regarding what had been done to market the property,  
8 to which Mr. McCoy responded that they had listed it with a realtor for the first couple of  
9 years, but then took it off the market. They plan to re-list it and have had conversations  
10 with the Gosch and Chrysler dealerships about possible expansions of their facilities.

11  
12 Chairman Gifford closed the public hearing.

13  
14 Commissioner Vasquez indicated his understanding of the City's intent in wanting to  
15 extend these and other projects, but stated that he did not think a blanket extension  
16 would be helpful. He thought it would better serve the City to have the permittees  
17 come to the Commission and bring them up to date on their future plans.

18  
19 Chairman Gifford asked if the Commission had the prerogative to grant an additional  
20 extension.

21  
22 CDD Elliano explained that the Commission did not have that prerogative because of  
23 the restrictions imposed by the existing zoning codes. However, if they would prefer a  
24 different approach, in terms of a modification to the ordinance to allow a greater  
25 amount of time for future extensions, they could recommend an alternative to the  
26 ordinance.

27  
28 Commissioner Vasquez reiterated the concern he had expressed earlier, stating that  
29 by continuing to grant extensions the City might be inhibiting others from taking over  
30 the projects and completing them.

31  
32 Commissioner Moghadam felt that the properties, even if sold to another developer,  
33 would be more valuable if the entitlements were in place, because the buyer would not  
34 then have to go through the lengthy and expensive Planning process. He does not,  
35 however, feel that it would be a good idea to grant them continuous extensions.

36  
37 Commissioner Vasquez stated that he was not in favor of extending CUP's if there  
38 were a possibility that others may be able to develop the properties in question. He  
39 feels that the economy is turning around and shared his own experience in tearing  
40 down an existing restaurant and replacing it with a new one.

41  
42 CDD Elliano outlined the two issues that she thought the Commission was expressing:  
43 1) a desire to see each project come forward on its own merits, as opposed to the  
44 blanket extension of time; and 2) an acknowledgement that entitlement raises the value  
45 of property for sale and development.

46  
47 Vice Chairman Overmyer suggested approval of the blanket extension for the 12  
48 properties because he felt it was the best way to help bring these properties to fruition.  
49 He continually hears from developers that cities and counties are a hindrance to  
50 building. Hemet is trying to facilitate building through this effort, and allowing an  
additional two years is not excessive.

1 Commissioner Vasquez responded that although two years was not a long time, many  
2 of these projects have already had up to five years to build their project, and were now  
3 asking for two more. At what point does it stop? He felt that it was only fair to allow  
4 another developer to come in and grab the project if the current developer could not  
5 move forward.

6  
7 Vice Chairman Overmyer inquired regarding what approach the City could take that  
8 would facilitate a business to come in and start paying taxes and revenue.

9  
10 Commissioner Vasquez referred to General Plan Land Use Policy 4.3 regarding Infill  
11 Development, which is to *“Actively promote the adaptive re-use and infill of*  
12 *economically underutilized, obsolete, and dilapidated commercial and industrial sites,*  
13 *and foster rehabilitation consistent with surrounding uses and the needs of the*  
14 *community.”* He stated that he did not see how granting automatic time extensions  
15 would be actively pursuing this goal, and expressed opposition to giving people more  
16 time to do what they have done in the past – adding on to those years. He did not feel  
17 this would be in the spirit of the General Plan.

18  
19 Commissioner Perciful suggested that one thing the City must do is make it easier for  
20 businesses to come in, rather than making it more difficult. The 12 property owners  
21 need to take a realistic look at where they are financially, and if they can't proceed,  
22 actively market their property using the premise of an extension of time as a tool to sell  
23 the property to someone in a better financial position to move forward. These are  
24 tough economic times, but money is out there and the developers just need to look for  
25 it.

26  
27 Commissioner Vasquez questioned what would happen if another developer that is just  
28 outside this time period came forward to ask for an extension. How would that request  
29 be treated by the City?

30  
31 CDD Elliano stated that in her opinion it was a balancing act, and one way to handle  
32 this would be to put the expiration of time limitations in the Code in abeyance for a  
33 period of time. However, after discussion with the City Manager and the City  
34 Attorney's office, the thought was that it would be easier to simply grant the two-year  
35 extension. Staff felt this was a less expensive solution, requiring less money and time  
36 for the developer, as well as less staff time. The Commission could also make the  
37 decision not to recommend this ordinance to the Council and continue with the current  
38 rules.

39  
40 Commissioner Perciful asked if was possible to include language that required the  
41 developer holding the entitlement to come forward and request the extension, and that  
42 if it was not requested to consider it expired on its present expiration date.  
43 City Attorney McEwen advised that there may not be enough time for some of them to  
44 submit that request.

45  
46 Chairman Gifford asked if the City Council could extend a CUP.

47  
48 CDD Elliano explained that the responsibility of extensions of time rests with the  
49 Planning Commission. What the City Council can do is expand the limitation.  
50

1 After further discussion amongst the Commissioners, the City Attorney, and the  
2 Community Development Director, the following motion was proposed:

3  
4 It was **MOVED** by Chairman Gifford and **SECONDED** by Vice Chairman Overmyer to  
5 recommend to the City Council adoption of an alternative ordinance that would allow  
6 applicants with projects expiring between April 15, 2013 and April 15, 2014 to apply for  
7 an additional extension of time, subject to approval by the Planning Commission for up  
8 to two additional years, regardless of the number of previous time extensions.

9  
10 The **MOTION** was carried by the following vote:

11  
12 **AYES:** Chairman Gifford, Vice Chairman Overmyer, and Commissioners  
13 Moghadam, Perciful, and Vasquez

14 **NOES:** None

15 **ABSTAIN:** None

16 **ABSENT:** None  
17

## 18 DEPARTMENT REPORTS

19  
20  
21 **6. CITY ATTORNEY REPORTS:** (None)

22  
23 **7. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**

24  
25 **A. Summary report regarding City Council Meeting of March 12, 2013**

26  
27 CDD Elliano provided an update to the Commission regarding the March 12, 2013 City  
28 Council meeting, advising that staff was in the process of preparing comment letters to  
29 the Riverside County Transportation Commission (RCTC) regarding the Environmental  
30 Impact Report (EIR) for the Highway 79 Realignment Project, specifically Alternative 2-  
31 B which is the City's preferred alignment. The City's response is time-consuming for  
32 staff because the state and federal combined policies affect some of the City's streets,  
33 railways, bridges and interchanges. CalTrans will take the rest of this year to respond  
34 to all the comments regarding any changes required in the EIR, and will then go back  
35 to RCTC with a recommendation for a preferred alternative sometime in 2014. At the  
36 present time, there is no funding available for construction. However, it is on the five-  
37 year Regional Transportation Plan as a Measure "A" facility, so the City will be  
38 encouraging them to move it up the list, but environmental clearance is required before  
39 that can happen. Getting through this project is a huge milestone in terms of actually  
40 getting the construction funding to move forward.

41  
42 Also on the agenda was a recommendation by Mayor Youssef to reappoint Chairman  
43 John Gifford to the Planning Commission, which was approved. The two remaining  
44 appointments should be on the March 26, 2013 City Council agenda. Seating of the  
45 new and/or reappointed commissioners will take place at the April 2, 2013 meeting.

46  
47 Finally, the City Council voted for approval of funding for the preparation of marketing  
48 materials for the City, including two Council members and Economic Development staff  
49 to attend the International Conference of Shopping Centers (ICSC) in Las Vegas in  
50 May.

1 B. Planning Division Updates

2  
3 CDD Elliano distributed a copy of a magazine article called "The Planning Commission"  
4 which outlines procedures for running Planning Commission meetings. She  
5 complimented the Commission on how well they conducted their meetings, and their  
6 consistency with the process recommended in the article.  
7

8 8. PLANNING COMMISSIONER REPORTS:

9  
10 A. Chairman Gifford (Nothing to report)

11  
12 B. Vice Chair Overmyer – inquired regarding what enticements might be  
13 available to businesses coming into the City, such tax credit incentives.  
14

15 CDD Elliano advised that dissolution of the Redevelopment Agency has made the  
16 concept of incentives more difficult. However, many cities are trying to streamline  
17 processes, and this year cities will be in flux until they see whether the State is going to  
18 be able to authorize additional tools or sources of funding that cities can then offer. At  
19 this point in time, anything that the City offers as inducement to businesses would have  
20 to come from the General Fund.  
21

22 C. Commissioner Moghadam – wished everyone a happy first day of spring.

23 D. Commissioner Perciful (Nothing to report.)

24 E. Commissioner Vasquez (Nothing to report.)  
25  
26  
27

28 9. ADJOURNMENT:

29  
30 It was unanimously agreed to adjourn the meeting at 7:53 p.m. to the regular meeting  
31 of the City of Hemet Planning Commission scheduled for **April 2, 2013 at 6:00 p.m.** to  
32 be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue,  
33 Hemet, California 92543.  
34

35  
36  
37   
38 \_\_\_\_\_  
39 John Gifford, Chairman  
40 Hemet Planning Commission

41 ATTEST:

42  
43   
44 \_\_\_\_\_  
45 Nancie Shaw, Records Secretary  
46 Hemet Planning Commission  
47  
48  
49  
50