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# PLANNING COMMISSION

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## MEETING MINUTES

DATE: May 7, 2013

CALLED TO ORDER: 6:04 P.M.

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

### 1. CALL TO ORDER

**PRESENT:** Chairman John Gifford and Commissioners Rick Crimeni, Michael Perciful and Greg Vasquez

**ABSENT:** Vice Chairman Vince Overmyer absent with prior notice

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

### 2. INTRODUCTION OF NEW PLANNING COMMISSIONER – *Community Development Director Deanna Elliano*

CDD Elliano introduced newly appointed Planning Commissioner Rick Crimeni, a former Planning Commissioner from 2007 to 2009 and a community member with many volunteer involvements, such as Hemet Hospice, Ramona VMA, College Foundation, T.H.E. Center, Hemet/San Jacinto Chamber of Commerce, and a teacher at Mt. San Jacinto College for the past 15 years. He is also a business owner and resident of Hemet for 23 years.

### 6. APPROVAL OF MINUTES (*Taken out of order*)

#### A. Minutes for the Planning Commission Meeting of March 19, 2013

It was **MOVED** by Commissioner Perciful and **SECONDED** by Commissioner Vasquez to **APPROVE** the March 19th, 2013 Meeting Minutes, as presented.

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

**AYES:** Chairman Gifford and Commissioners Perciful & Vasquez  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Vice Chairman Overmyer

1           B. Minutes for the Planning Commission Meeting of April 2, 2013

2  
3 It was **MOVED** by Commissioner Perciful and **SECONDED** by Commissioner Vasquez  
4 to **APPROVE** the April 2nd, 2013 Meeting Minutes, as presented.

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

7  
8 **AYES:** Chairman Gifford and Commissioners Perciful & Vasquez  
9 **NOES:** None  
10 **ABSTAIN:** None  
11 **ABSENT:** Vice Chairman Overmyer

12  
13  
14 **7. PUBLIC COMMENTS:**

15  
16 There were no members of the public who wished to address the Commission  
17 regarding items not on the agenda.

18  
19  
20 **3. OATH OF OFFICE FOR COMMISSIONER RICK CRIMENI –** *(Delayed by*  
21 *Chairman John Gifford and taken out of order)*

22  
23  
24 Commissioner Crimeni was sworn into office by Minutes Clerk Rebecca Allen.

25  
26  
27 **4. NOMINATION AND ELECTION OF PLANNING COMMISSION CHAIR FOR**  
28 **2013-14 –** *Community Development Director Elliano (Taken out of order)*

29  
30 It was **MOVED** by Commissioner Vasquez and **SECONDED** by Commissioner Perciful  
31 to **ELECT** John Gifford as Chairman of the Hemet Planning Commission for 2013-14.

32  
33 The **MOTION** was carried by the following vote:

34  
35 **AYES:** Commissioners Crimeni, Perciful, and Vasquez  
36 **NOES:** None  
37 **ABSTAIN:** Chairman Gifford  
38 **ABSENT:** Vice Chairman Overmyer

39  
40  
41 **5. NOMINATION AND ELECTION OF PLANNING COMMISSION VICE CHAIR FOR**  
42 **2013-14 –** *Community Development Director Elliano*

43  
44 It was **MOVED** by Chairman Gifford and **SECONDED** by Commissioner Crimeni to  
45 **ELECT** Commissioner Greg Vasquez as Vice Chairman of the Hemet Planning  
46 Commission for 2013-14.

47  
48 The **MOTION** was carried by the following vote:

49  
50 **AYES:** Chairman Gifford, and Commissioners Crimeni & Perciful  
**NOES:** None

1 **ABSTAIN:** Commissioner Vasquez-  
2 **ABSENT:** Vice Chairman Overmyer

3  
4 **\*\* Brief Recess for Reorganization of Commission Members \*\***  
5  
6

7 **PUBLIC MEETING ITEMS**  
8

9 **8. SITE DEVELOPMENT REVIEW NO. 13-001 (BROOKS ACCESSORY**  
10 **STRUCTURE)**  
11

12 **APPLICANT:** Shelby Brooks  
13 **LOCATION:** 360 Juel Street  
14 **PLANNER:** Soledad Carrisoza, Planning Technician  
15

16 **DESCRIPTION:** A request for Planning Commission review and approval of a  
17 site development review application for the construction of a 1,046 square foot  
18 steel accessory structure located at 360 Juel Lane.  
19

20 (PowerPoint Presentation by Planner Carrisoza)  
21

22  
23 Chairman Gifford explained that the reason this item is before the Commission is  
24 because of the size of the structure, being 118 square feet larger than code, although  
25 the visual and screening are not an issue. After asking for questions from  
26 commissioners to staff, he opened the public hearing and invited speakers to the  
27 lectern.  
28

29 Shelby and Donald Brooks (360 Juel Street, Hemet) approached the lectern and  
30 indicated that the remaining issue was the painting of the galvanized metal structure,  
31 which they did not wish to do because the coating was designed to last 25 to 30 years.  
32 Mr. Brooks indicated adjoining structures with galvanized metal accessory structures  
33 and expressed his desire to keep their structure galvanized, with accents of white and  
34 green.  
35

36 CDD Elliano clarified that staff's concern was in terms of the exterior finish and wanting  
37 it to blend in with the primary structure. She indicated it is up to the Commission  
38 regarding whether to accept the condition as is or modify it.  
39

40 Shelby Brooks indicated that it voids the warranty on the building if the galvanized  
41 portion is painted. Their plan is to paint the ends, which will be aluminum siding, white  
42 and green to match the existing structure of the house.  
43

44 Commissioner Vasquez asked if there was mention of the warranty in any of the  
45 materials that had been provided to staff.  
46

47 Ms. Brooks indicated that while she had not included that material within the packet  
48 she sent to the Planning Department, she could obtain it if needed.  
49

50 There were further questions from Commissioners concerning setbacks, glare, and  
Fire Department requirements

1 Lorena Ryle (375 Juel Lane, Hemet) a neighbor to the west of the Brooks property,  
2 stated that theirs would be the home most impacted by this, but she felt that the impact  
3 would not be a negative one, and stated that the Brooks have been wonderful  
4 neighbors and had already discussed the shed with them when they were in the early  
5 planning stages.

6  
7 With no further speakers coming forward, Chairman Gifford closed the public hearing.  
8 He stated that the question has to do with changing Condition No. 12 regarding  
9 painting of the accessory structure. He suggested that the condition be modified to  
10 state that "Appropriate sections of the structure will be painted."  
11

12 Commissioner Crimeni suggested that it be left with the two sides being painted.

13  
14 It was **MOVED** by Commissioner Crimeni and **SECONDED** by Commissioner Perciful  
15 to **MODIFY** Condition No. 12 to state that: "The exterior of the accessory structure  
16 should be painted to correspondingly match the principal structure with the exception of  
17 the galvanized roof and sides."  
18

19 The **MOTION** was carried by the following vote:  
20

21 **AYES:** Chairman Gifford and Commissioners Crimeni, Perciful and Vasquez  
22 **NOES:** None  
23 **ABSTAIN:** None  
24 **ABSENT:** Vice Chairman Overmyer  
25

26 *(Adopted Planning Commission Resolution No. 13-005)*  
27  
28

## 29 PUBLIC HEARING ITEMS

### 30 31 32 9. ZONING ORDINANCE AMENDMENT NO. 13-001 (HOUSING ELEMENT 33 COMPLIANCE) 34

35 APPLICANT: City-initiated  
36 LOCATION: City-wide  
37 PLANNER: Nancy Gutierrez, Contract Planner  
38

39 **DESCRIPTION:** A request for Planning Commission review and  
40 recommendation regarding amendments to Hemet Municipal Code Chapter 90  
41 (Zoning Ordinance) to satisfy State law and bring the zoning ordinance into  
42 compliance with the General Plan Housing Element Programs in regard to  
43 Emergency Shelters, Farmworker Housing, and removing age restrictions in the  
44 Small Lot Residential Zone.  
45

46 (PowerPoint Presentation by Nancy Gutierrez)  
47

48 CDD Elliano explained that this is an effort to comply with Federal and State law. Staff  
49 is trying to put as many protections in place as possible for senior housing, yet still  
50 comply with limitations under State law. The City's preference is to continue having  
senior zoning. But the housing consultant and attorneys have looked at housing

1 element law and indicated the changes outlined in this ordinance are necessary in  
2 order to comply with State law.

3  
4 Planner Gutierrez noted that two public responses had been received via telephone.  
5 One from Linda Rogers of Valley Restart pertained to emergency shelters. Ms. Rogers  
6 requested that the maximum number of beds permitted be increased from 30 to 35 to  
7 meet the shelter's current occupancy. Another call came from the Airport Land Use  
8 Commission requesting that the city submit the zoning ordinance proposal to them for  
9 determination of compliance with the 1992 Airport Land Use Plan.

10  
11 There were further questions from the Commission relating to overlay zones, homeless  
12 populations, and emergency shelter housing.

13  
14 Chairman Gifford opened the public hearing.

15  
16 Ms. Linda Rogers, Executive Director at Valley Restart (200 E. Menlo Ave., Hemet)  
17 explained that presently and for the last eight and a half years, they have had 35 beds,  
18 even though they have a Certificate of Occupancy for 77, and their maximum stay is no  
19 more than 90 days. They have limited the number of single men to five, single women  
20 to five, and family units where families reside together. Family units are parents with a  
21 child under 18. She does not wish to expand their existing operation.

22  
23 Chairman Gifford clarified that if the guideline says 30 beds, the Planning Department  
24 can approve that, but if a request is for 35, then it's going to come to the Planning  
25 Commission for a CUP.

26  
27 After extensive conversation among staff and commissioners, it was decided to  
28 continue this item for two weeks to clarify the language.

29  
30 Ms. Robin Lowe (8075 Carnouastic, Hemet) asked about the future zone change of  
31 some land currently zoned SR-3 to R-3 and how many acres would be included as that  
32 could be a major amount of acreage.

33  
34 Planner Gutierrez responded that the SR-3 zone has already been removed, so what  
35 staff has left to do is take those SR-3 zone parcels that are still on the zoning map and  
36 convert them to R3. The properties will still remain senior housing.

37  
38 After more discussion regarding senior housing and some confusion regarding  
39 proposed language, an additional audience member came to the lectern.

40  
41 Troy Molaug (26570 Princeton Street, Hemet) reported that Valley Restart had helped  
42 his brother in the '90s. Now a board member of a charity called Homemade, he  
43 indicated that he would like to collaborate with Linda Rogers, and wished to express  
44 his support for the facility.

45  
46 With no further public speakers, Chairman Gifford asked for a motion to continue the  
47 public hearing for two weeks.

48  
49 It was **MOVED** by Commissioner Crimeni and **SECONDED** by Commissioner Vasquez  
50 to **CONTINUE** the public hearing for Zoning Ordinance Amendment No. 13-001 to the  
regularly scheduled Planning Commission meeting of May 21, 2013.

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

- 4 **AYES:** Chairman Gifford and Commissioners Crimeni, Perciful & Vasquez  
5 **NOES:** None  
6 **ABSTAIN:** None  
7 **ABSENT:** Vice Chairman Overmyer  
8  
9

10 **DEPARTMENT REPORTS**  
11

12 **10. CITY ATTORNEY REPORTS:**  
13

14 Assistant City Attorney McEwen reported on the recent Supreme Court decision  
15 regarding the City of Riverside vs. Inland Empire Patient Association medical  
16 marijuana case, the final decision being that cities have the zoning authority to ban  
17 medical marijuana dispensaries altogether. It was a complete victory for cities and  
18 counties.  
19

20 Commissioner Vasquez asked if there were expected to be challenges to that by  
21 legislators trying to change the law.  
22

23 Assistant City Attorney McEwen indicated that they were expecting to see some  
24 challenges, expressly trying to impose that cities and counties have to allow them in  
25 their zoning codes, in a similar manner that allows emergency shelters. He indicated  
26 that this would bring another issue: Whether cities and counties can authorize the  
27 existence of medical marijuana dispensaries without running against federal law.  
28

29 Commissioner Perciful wondered if legislation were to pass again in favor of medical  
30 marijuana dispensaries, would the issue come back before the Supreme Court, which  
31 has already ruled that cities have a right to ban them.  
32

33 City Attorney McEwen stated that, no, the Supreme Court said they were interpreting  
34 that state law, as it is currently written, does not overwrite local zoning authority, but if  
35 further legislation were passed that had a provision stating cities and counties can  
36 regulate but not ban dispensaries, that would be a different issue for the Supreme  
37 Court. He suggested it was likely that local initiatives would come up.  
38

39 CDD Elliano added that Assistant City Attorney McEwen had been very instrumental in  
40 the Supreme Court decision as he wrote the brief supporting the League of California  
41 Cities and the City of Riverside and had his work quoted within the Supreme Court  
42 decision.  
43  
44

45  
46 **11. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**  
47

- 48 **A.** Report on City Council actions from the April 9 and April 23, 2013 City  
49 Council meetings  
50

CDD Elliano reported that two work study items were presented at the April 9th City  
Council meeting. The first, by AP Northlake Solar Project, more commonly known as

1 "Sun Edison", pertained to the MWD property, and was scheduled in an attempt to get  
2 a read on the Council's view of the property comprising about 200 acres for which  
3 MWD has a lease option agreement with Sun Edison. The Council had concerns  
4 about the best use of the property, as well as noise, glare, and other issues, as well as  
5 the underlying zoning being single-family residential. At this point, staff has not  
6 received any applications.

7  
8 The second work study was presented by the Police Chief regarding a Public Safety  
9 Action Plan, which was well-received by the Council.

10  
11 Additionally, the Council made a decision regarding the Planning Commission's  
12 recommended ordinance allowing additional extensions of time for development  
13 projects with the requirement that the project come back to the Commission. The  
14 Council determined their preference for the original ordinance, giving automatic  
15 extensions to the qualifying developments.

16  
17 The Zoning Ordinance Amendment pertaining to Homemade Food Operators was  
18 approved with a three-to-two vote. Council Members Milne and Smith dissented,  
19 stating that they had issues with the state-mandated requirements.

20  
21 There were no planning items to report regarding the April 23rd meeting.

#### 22 23 **B. SCAG Local Profiles Report for the City of Hemet**

24  
25 CDD Elliano distributed a SCAG publication presenting a profile of the City of Hemet,  
26 with a statistical summary as of 2012. It examines the historical demographics,  
27 comparing statistics between 2000 and 2012, outlining income levels, housing units,  
28 percentage of rentals versus nonrentals, sales tax, and property tax.

#### 29 30 **C. Verbal report regarding Highway 79 Realignment Project and Project Design 31 Team Meetings**

32  
33 CDD Elliano gave a verbal update on the Highway 79 Realignment Project, reporting  
34 that she and the City Engineer had attended a meeting last week with RCTC and  
35 Caltrans, who are the proponents for the project. They are presently in the comment  
36 period and are looking at a final EIR in 2014. They have also reactivated what they call  
37 their Project Design Team, consisting of CDD Elliano, Hemet's City Engineer,  
38 representatives from the City of San Jacinto, County of Riverside, Caltrans, RCTC, and  
39 consulting engineers. The team is hoping, after reviewing the comments, to have a  
40 preferred alternative moving forward to RCTC for consideration in July of this year,  
41 which will be wrapped into the final EIR package. This project has been ongoing for  
42 years and years, but until the final environmental clearance and project approval, they  
43 are not in a good position to apply for federal funding. This is a major milestone,  
44 however, even though there is still a ways to go before construction.

## 45 46 47 **12. HEMET ROCS CITIZEN ADVISORY COMMITTEE REPORT**

48  
49 Chairman Gifford reported on the April 25<sup>th</sup> Hemet ROCS Citizens Advisory Committee  
50 meeting, which will have its final meeting later this month. The primary topic of

1 discussion at the meeting was a review of the proposed rental registration and crime  
2 free housing ordinance and fee, and how these would be applied.

3  
4 CDD Elliano reported that mobile home parks would be exempt from this proposed  
5 ordinance, as they are regulated under Title 25.

6  
7 Chairman Gifford noted that the CAC has asked staff to supply an update on all of its  
8 accomplishments since the committee's inception. He noted that there were 18  
9 different ordinances under review, with 12 having already been moved through the  
10 Planning Commission and City Council. He applauded CDD Elliano and felt it was a  
11 very successful endeavor, well worth the City's time and expense.

12  
13  
14 **13. PLANNING COMMISSIONER REPORTS:**

- 15  
16       A. Chairman Gifford (Nothing to report)  
17       B. Vice Chairman Overmyer (Absent)  
18       C. Commissioner Perciful (Nothing to report)  
19       D. Commissioner Vasquez (Nothing to report)  
20       E. Commissioner Crimeni (Nothing to report)

21  
22  
23 **14. FUTURE AGENDA ITEMS:**

- 24  
25       A. General Plan Consistency Zoning Updates  
26       B. General Plan Annual Report – *will be brought back to the Commission*  
27         *in June or July, including a report on Chapter 12 regarding*  
28         *implementation programs, many of which have already been started.*  
29       C. CUP 12002 Tractor Supply, Inc.  
30       D. SDR for Woodside Homes (McSweeney Farms SP)  
31       E. Workstudy for Proposed 2014-2021 Housing Element Update  
32       F. Workstudy for Proposed Ramona Creek Specific Plan

33  
34  
35 **15. ADJOURNMENT:**

36  
37 It was unanimously agreed to adjourn the meeting at 8:02 p.m. to the regular meeting  
38 of the City of Hemet Planning Commission scheduled for **May 21, 2013 at 6:00 p.m.** to  
39 be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue,  
40 Hemet, CA 92543.

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44 \_\_\_\_\_  
45 John Gifford, Chairman  
46 Hemet Planning Commission

47 **ATTEST:**

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