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PLANNING  *COMMISSION*

MEETING MINUTES

DATE: OCTOBER 15, 2013

CALLED TO ORDER: 5:58 P.M.

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

1. CALL TO ORDER:

PRESENT: Chairman John Gifford, Vice Chairman Greg Vasquez,
Commissioners Michael Perciful, Vince Overmyer and
Rick Crimeni

ABSENT: None

Invocation and Flag Salute: Commissioner Vince Overmyer

2. APPROVAL OF MINUTES:

A. Minutes for the Planning Commission Meeting of September 17, 2013

It was **MOVED** by Vice Chairman Vasquez and **SECONDED** by Commissioner Perciful to **APPROVE** the Minutes of the Planning Commission meeting of September 17, 2013.

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

AYES: Chairman John Gifford, Vice Chair Greg Vasquez, Commissioners,
Michael Perciful, Vince Overmyer and Rick Crimeni

NOES: None

ABSTAIN: None

ABSENT: None

3. PUBLIC COMMENTS:

Mona Groff (1008 Santa Maria Drive, Hemet) asked that someone look into regulations that might limit the multiplying of dollar stores in Hemet and encourage higher-end shopping facilities.

4. LETTER REQUEST TO INITIATE ZONING ORDINANCE AMENDMENT:

A letter from Richard Leitz of the Diamond Valley Arts Council requesting the Planning Commission to initiate a Zoning Ordinance Amendment to the city's sign code to

1 establish a new category of temporary display signage for theaters, termed "Theater
2 Event Signs/Banners."
3

4 CDD Elliano outlined issues involving temporary signage/banner regulations and the
5 fact that there are not any regulations that involve the type of request being made, as it
6 is not advertising in a commercial sense, but an event that benefits the city. The
7 normal banner regulations demand a 14-day delay. Therefore, something is needed in
8 the code to better address this.
9

10 Staff discussed having a new exempt category that would be theater event signs or
11 coming events banners, but there would need to be a designated display area
12 approved by staff, with the ability to change that as their programming changes,
13 provided the banners are clean, in good condition, and do come down 5 days or so
14 after the event.
15

16 Richard Leitz (42190 Carnegie Avenue, Hemet), representing the Diamond Valley Arts
17 Council (DVAC), reported that the Arts Council had its first concert on May 18, 2013,
18 and that the theater was sold out with standing room only. The next concert, Casey
19 Abrams, was set for October, but because of his schedule, it had to be postponed until
20 November 15, 2013. The DVAC is working with Golden Crown Productions, and they
21 have scheduled Lee Rocker and the Stray Cats for December 7. The banner is up on
22 the side of the east wall of the Hemet Theater. The DVAC is requesting an extension
23 of that time for that banner to be there, until the first of November, and then
24 immediately switch it out for the banner for Lee Rocker.
25

26 Commissioner Crimeni asked if staff will be rewriting this ordinance and make an
27 amendment to it.
28

29 CDD Elliano stated that either private parties or the Planning Commission can initiate
30 ordinances. If the commission would like to direct staff, then we can make those
31 changes. It's quite simple, in terms of the language, if it is just limited to this particular
32 topic.
33

34 Commissioner Crimeni indicated he thought it should be done for community events.
35

36 Vice Chair Vasquez asked for a brief synopsis of the sign ordinances that affect the
37 banners.
38

39 CDD Elliano explained that banners are temporary signage that require permits. The
40 banners can be up for 30 consecutive days and be removed for 14 days before another
41 permit has to be issued for another consecutive 30 days. They are designed for
42 special promotions, grand openings or special events. There are some limitations as
43 to where they can be positioned; they are supposed to be on a building.
44

45 CDD Elliano indicated the problem that Diamond Valley Arts Council faces is two-fold:
46

47 First is the required 14-day downtime for banners between events, and second is the
48 need to have it coincide with the programming. Staff saw this as a different category
49 because of the designated area for theater coming attractions and events. Are they
50

1 required to return for a separate permit, or can they just install those within that
2 designated area and do that without having to come back every 30 days.

3
4 Vice Chair Vasquez first asked, would the location of the banner be an issue in any
5 proposed revision that might be considered, in addition to the time frame? Second, if
6 the Planning Commission had the propensity to modify that, would the commission
7 want to specifically entitle it to the theater exemption, because he suspected this
8 banner issue affects many businesses in the downtown area. He therefore suggested
9 that if staff is asked to make the revision, that it be made more generic, not necessarily
10 for the theater specifically.

11
12 CDD Elliano stated that they were trying to focus this amendment to community or
13 nonprofit events as exempt, because temporary signage includes items such as
14 banners, flags, twirlers, gorillas, balloons, a whole gamut of things that would need to
15 be worked through with the commission as part of a work study.

16
17 Vice Chair Vasquez repeated his concern; if an exemption is given for this specific
18 issue, then other businesses will ask for exemptions. He did however think the whole
19 signage ordinance needs to be looked at in general.

20
21 Commissioners Perciful and Crimeni felt the amendment should address nonprofit and
22 community events, with the rest of the signage ordinance to be considered later.

23
24 CDD Elliano explained they are trying to meet the immediate needs of the Diamond
25 Valley Arts Council. She, as the CDD, is not given the authority to make temporary
26 changes under the current sign code provisions.

27
28 City Attorney McEwen added that when it comes to the sign ordinances, we have to be
29 careful investing discretion in staff members because we make potential "first
30 amendment" problems. It's better to have clear, defined standards rather than allowing
31 staff members to make a case-by-case determination on a particular sign.

32
33 Vice Chair Vasquez reiterated his point, that this is something that needs to be thought
34 out and considered in broader terms so the Commission doesn't have to go down this
35 road again.

36
37 Commissioner Overmyer requested a broader look at the downtown area, but
38 understood that we want to see how narrow and limited we want to make this.

39
40 Chairman Gifford suggested a careful look at the term "community event," "theater" or
41 even "venue." They need to be clearly defined.

42
43 Vice Chair Vasquez urged that this be done carefully.

44
45 CDD Elliano requested clarification from the Commission as to whether this should be
46 narrowly defined in terms of community event, or, as Vice Chair Vasquez mentioned,
47 broader in terms of businesses.

1 Commissioner Crimeni said that businesses can plan further ahead, but in this
2 instance when an entertainer becomes available and they have a chance to bring
3 culture to the town, he's all for it.

4
5 Chairman Gifford suggested that the Commission can take this as a special item and
6 amendment to the zoning and signage, but he did agree that we need to see the other
7 regulations on signs in general and craft out that exemption or talk about other
8 exemptions, and it needs to be done quickly.

9
10 The Commissioners verbally agreed and Chairman Gifford called it a consensus and
11 direction to staff, and after asking for any other public comments, terminated
12 discussion and moved to the next agenda item.

13 14 PUBLIC HEARING ITEMS

15 16 17 **5. CONDITIONAL USE PERMIT 13-004 (VALERO GAS STATION)**

18 A request for Planning Commission's review and approval of a Conditional Use
19 Permit for the sale of beer and wine from 5:00 a.m. to 1:00 a.m., seven days a
20 week, and to make a finding of public convenience or necessity, as required by the
21 California Dept. of Alcoholic Beverage Control, at an existing Valero gas station
22 located at 1701 West Florida Avenue at the southwest corner of Florida and Lyon
23 Avenues.

24
25 Applicant: Nick Patel, Valero Gas
26 Planner: Emery J. Papp, Principal Planner
27 Agent: Keith Gardner, Keefer Consulting
28 Location: 1701 W. Florida Avenue
29 APN: 448-460-005
30

31 Planner Emery Papp provided a powerpoint presentation to the commission recapping
32 the proposed project, the issues that were addressed previously, and the two
33 alternative resolutions for the commissions consideration.

34
35 Mr. Papp distributed a two-page list from the police department report that indicated
36 the number of calls within the 1600 block of West Florida and the 1700 block, which is
37 the area in proximity of the project site.

38
39 Chairman Gifford asked if the census tract included everything down Florida to
40 Sanderson and included Stater Brothers, Vons, and a drug store adjacent to Vons, to
41 which Mr. Papp replied, yes.

42
43 Chairman Gifford also wanted to make it clear that although there seems to be many
44 licenses to sell alcohol within the census tract, there are many businesses there that
45 are in the business of selling alcohol; and not something they would necessarily object
46 to. Although the alcohol license numbers are higher than normal, there are many
47 businesses that are not considered a problem, such as restaurants.

48
49 CDD Elliano stated that there was a request by the Commission Chairman for
50 additional statistics from the police department. Of the 28 alcohol-related calls,

1 24 were for public intoxication related to Lyons Market, and Shell Gas Station had 14
2 out of the 18 calls for the west Florida area.

3
4 Commissioner Overmyer indicated he wasn't going to overstate the obvious: this isn't
5 good for our community.

6
7 Chairman Gifford opened the public hearing and asked Sergeant Rob Gibbs to come
8 forward and answer questions regarding police calls related to DUI's or public
9 intoxication. He stated that the police department had cited 41 incidents in about 11
10 months in this general vicinity that were directly related to these. Chairman Gifford
11 asked if this is a normal number for commercial property type areas.

12
13 Sergeant Gibbs stated that it is the police department's opinion there is a direct
14 correlation to businesses that sell alcohol, mainly off-sales, and the rising calls for the
15 police.

16
17 Chairman Gifford inquired concerning several other locations close by and asked if the
18 police calls would be similar.

19
20 Sergeant Gibbs answered that based on his training and experience, having dealt with
21 these areas on patrol as a supervisor, if one drives by, one will see the same
22 demographic as one would find on San Jacinto and Florida.

23
24 Commissioner Overmyer asked if the police department could do anything to disperse
25 the people who congregate around businesses that sell alcohol. He also asked if there
26 is still such a thing as loitering being against the law.

27
28 Sergeant Gibbs responded that based on minimum staffing and prioritizing of calls,
29 loitering calls would be on the bottom of the priority list; however, it is a priority.

30
31 Vice Chair Vasquez asked about what calls for service were regarding the Shell Gas
32 Station at 1704 West Florida.

33
34 Sergeant Gibbs answered that based on the statistics it appears that it would be public
35 intoxication, possible DUI's and one battery of fighting. He continued that often two
36 officers might be called for a specific incident. If they find someone who fits the
37 description, they will be evaluated, possibly arrested, and one or both of the officers
38 would transport them back to the station, book them, house them, and feed them for
39 several hours until they can take care of themselves and be released. So when you
40 look at the calls for service, you have to multiply that by two officers, staffing permitted.

41
42 Vice Chair Vasquez asked if the locations that sell liquor, like the gas stations, typically
43 call because of the people who come and are drunk? Do the businesses initiate the
44 calls themselves?

45
46 Sergeant Gibbs answered that it is a combination of everything that was mentioned. It
47 could be people lying down passed out on their property, it could be a passerby who
48 sees someone staggering down the sidewalk, or it could be somebody sitting next to a
49 building actually drinking from a container. So, it could be the business owners or
50 employees or passersby who make the calls.

1 Vice Chair Vasquez asked if any arrests were made for all the calls that came in.
2 Sergeant Gibbs replied, based on 1704 West Florida Avenue, four or five perhaps.

3
4 Vice Chair Vasquez asked if someone is found to be intoxicated, are they typically
5 arrested?

6
7 Sergeant Gibbs said if they are a danger to themselves or others, or if they cannot take
8 care of themselves, yes. However, if they are still able to take care of themselves, they
9 may be let go.

10
11 Chairman Gifford asked if there were any other questions of staff before opening the
12 discussion to the public.

13
14 Vice Chair Vasquez questioned if the 149 reported incidents in the census tract were
15 strictly related to businesses or just reported incidents in that district, because there are
16 residences in that area as well as businesses.

17
18 Planner Papp replied that these are all business-related calls.

19
20 Commissioner Perciful wondered whether or not there was a reduction in calls when
21 Fresh and Easy closed their doors and surrendered their licenses.

22
23 Planner Papp replied we do not have that information available.

24
25 Vice Chair Vasquez asked for an example of what business would be exempt from a
26 CUP in that area that would be selling beer and wine.

27
28 Planner Papp replied that if a restaurant came in, the restaurant would be exempt, but
29 a finding of Public Convenience and Necessity would still be required due to the over-
30 concentration of licenses.

31
32 Chairman Gifford opened the public hearing and invited Ms. Groff to speak.

33
34 Ms. Groff indicated she thought no more business licenses for liquor would even be
35 discussed until we got down to a certain amount of licenses. We have an
36 overabundance of them, she commented.

37
38 CDD Elliano replied that the ordinance, recently put in place, were requirements for
39 certain findings that had to be made and part of the process for a Conditional Use
40 Permit to sell alcohol. Prior to this, if it were a facility that didn't already need a CUP,
41 there would be no process other than getting an ABC license and asking the city for
42 public convenience and necessity findings. The ordinance put in more regulations in
43 terms of when a CUP would be required, which is what the Commission now is
44 deliberating and under what conditions.

45
46 Ms. Groff said she was under the impression that we just were not going to allow any
47 new ones.

48
49 CDD Elliano replied that it wasn't an outright ban, but there are now far more
50 regulations than what the city had, which was virtually nothing.

1 Chairman Gifford further explained that the ordinance does not prohibit businesses
2 coming in with existing liquor licenses. But what it did do is if you want a liquor license
3 and you want to operate a business, you must come with a CUP. The Commission
4 then has the opportunity to approve the permit.
5

6 Ms. Groff observed that there were currently liquor sales on three of the four corners
7 and there are already people sitting there and drinking beer. She is totally against any
8 more liquor licenses.
9

10 Chairman Gifford invited the agent, Keith Gardner, of Keefer Consulting, to address the
11 Commission.
12

13 Mr. Gardner stated they definitely want to cooperate with the police, to have a secure
14 facility and to be good neighbors to the city. They would be amenable to inspections
15 every six months or even limiting the hours of operation. Presently they propose to
16 shut down to the public at midnight. However, if desired, they can shut down at 11 PM.
17 In all other ways they agree with the conditions of approval as written. He also noted
18 that there is almost no residential in the census tract. There is residential further north
19 and south and in the neighboring census tract to the east, but our particular census
20 tract takes in many commercial shopping centers, and that is where one would expect
21 alcohol sales to be.
22

23 Seeing no other members of the public who wished to speak, Chairman Gifford closed
24 the public hearing and directed the commissioners to continue discussion. He
25 commended the Commission on its ability to have an open mind and not make
26 predetermined decisions.
27

28 He continued by outlining his thought process regarding this issue.

- 29 1. Will adding another business that is selling alcohol make a difference?
- 30 2. This is an existing license within the city and therefore they have a right to do
31 business here.
- 32 3. Is it a detriment to the community and does it make a difference?
- 33 4. If it doesn't make a difference to the community, then the business should be
34 able to function.
35

36 Chairman Gifford commented he needed more data from police reports as to what is
37 going on at that corner. There are all types of problems and people there that have
38 issues. He questioned what the impact is, does it make a difference, is there some
39 proof that it makes a difference to have more alcohol sales on that corner, or are we
40 trading the same customers to a different location?
41

42 Commissioner Overmyer stated that he was not present for the prior discussion on this
43 issue, but the preconceived notion is to try to do every small thing to make this
44 community better. If it does not make it better, we have an obligation to not allow it.
45 The point is, very simply, it is not good for the community.
46

47 Commissioner Crimeni agreed with Commissioner Overmyer, stating that the
48 difference with Fresh and Easy is that those were people buying groceries and taking
49 them home. It is not the same as buying a beer at a gas station and then sitting out in
50 the grass next to it and drinking. He knows it is tough times for business people, but
feels this would not add anything to the community and therefore cannot support it.

1 Vice Chair Vasquez spoke regarding this issue suggesting that perhaps there should
2 be a lottery to issue the amount of licenses we are supposed to have under the ABC
3 regulations. However, with the way the system works, he suggested this would not be
4 feasible. Next, he noted that the northeast corner on Florida Avenue is where he sees
5 the biggest problem, but doesn't see much being done to enforce buyers from drinking
6 in public, which is a violation. It is an institutional problem needing to be addressed if
7 we are looking for better quality of life in Hemet. He suggested we need to get
8 vagrants and drug users off that corner. In addition, he added a concern about bars
9 which are supposed to regulate the amount of people or sobriety of the patrons they
10 are serving, but a lot of them do not do this and it is a problem.

11
12 Another issue according to Vice Chair Vasquez are the exemptions that are allowable.
13 Along with this, he suggested getting rid of all of the exemptions in order to whittle
14 down these permits to a more reasonable size. He suggested that steps be taken to
15 actually solve the current problem by giving police the directive to work on cleaning up
16 the area. He stated if you take away the exemptions, take away the problem elements,
17 then Vice Chair Vasquez stated he would be on their side. He wants to continue to
18 uphold the General Plan.

19
20 Commissioner Overmyer stated his concern about the number of licenses currently in
21 use.

22
23 Commissioner Perciful commented that the Commissioners are all businessmen and
24 want to see Hemet become a beautiful city. That is why he previously asked if the
25 amount of crime or calls related to crime went down when Fresh and Easy vacated.
26 He stated his interest in seeing business grow in the City of Hemet, bringing in tax
27 revenue to the city in order to support more city services, such as police.

28
29 Commissioner Crimeni indicated he could not support this CUP as it does not seem to
30 add tax revenue to the city, but increases the vagrancy. And since we have a
31 responsibility to clean up the town, this may not fit.

32
33 Chairman Gifford called for a short 10-minute recess.

34
35 (Recess)

36
37 Chairman Gifford reopened the public hearing by adding that this issue is neither black
38 nor white. Liquor licensing in the city needs to be looked at on an individual basis. It
39 seemed to Chairman Gifford that the following are true regarding this issue:

- 40 1. If this license were for another part of the city which does not have the
41 problems this area has, he would have an easier time with it.
- 42 2. Because of the new information available now regarding the number of
43 police calls and lack of history of the previous license, he would vote no for
44 the CUP.
45

46
47 It was **MOVED** by Commissioner Overmyer to **ADOPT** Resolution Bill No. 13-017
48 **DENYING** CUP 13-004 and **SECONDED** by Commissioner Crimeni.

49
50 The **MOTION** was carried by the following vote:

1 **AYES:** Chairman John Gifford, Commissioners Rick Crimeni, Vince Overmyer
2 **NOES:** Vice Chair Greg Vasquez and Commissioner Michael Perciful
3 **ABSENT:** None
4

5 Chairman Gifford announced that this action is appealable to the City Council of the
6 City of Hemet, and City Attorney McEwen added that the appeal will be effectuated by
7 filing a written notice to the City Clerk within ten days.
8

9 *(Adopted Planning Commission Resolution No. 13-015)*
10

11 **WORK STUDY ITEMS**

12
13
14 **6. WORKSTUDY: UPDATE REGARDING MAJOR PLANNING PROJECTS – A**
15 workstudy session to provide an overview to the Planning Commission regarding
16 the status of various Planning Division projects.
17

18 CDD Elliano indicated she wished to give a review of some projects the department is
19 working on, and she grouped them into three categories:
20

- 21 Applicant –initiated projects
 - 22 City-initiated projects
 - 23 Participation in regional projects (time consuming, but important for the city)
- 24

25 **Ramona Creek**, which is a Regent Properties project on the west end of town, has a
26 specific plan, master tentative tract map, and draft EIR, which is close to being
27 released for public review. It should come to the Planning Commission for public
28 hearing in December or January.
29

30 **Stetson Crossing Project** is a city-owned property currently. The types of planning
31 applications that will come to us will be a specific plan amendment to allow theater,
32 CUP for theater and bowling ally and site development review. There was an existing
33 parcel map on this site. Since this is within the airport influence area, they have to go
34 to the ALUC. That adds lead time to our processing.
35

36 Vice Chair Vasquez asked if the Stetson Crossing Project still has the original
37 developer in the race. CDD Elliano said it is possible. The City Council has set a new
38 bar for what the negotiated agreement would be and she doesn't have a definite
39 answer yet.
40

41 **North Hemet Specific Plan:** The Planning Commission raised many questions on
42 this project which was proposed by the County. They asked that it be put on hold until
43 they had finished their process. There is also a pending draft EIR. The County owns
44 the majority of the property, so at some point we expect the North Hemet Specific
45 Plan to be resurrected.
46

47 **McSweeny Farms:** Woodside Homes will be coming back with a specific plan
48 development and a site development review. They are finishing out a tract that Lennar
49 had started. Their sales are going very well.
50

1 There are six or seven CUP's and site development reviews that are in the queue.
2 Those applications are incomplete and once completed will be forwarded to the
3 Commission.
4

5 **City-initiated Projects:** The Housing Element has been submitted to the State
6 Department of Housing Community Development for their initial review. We hope to
7 be able to move forward with that, probably coming back to you in January for the
8 Capital General Plan Amendment adoption with that housing development.
9

10 **The MSHCP Master Plan:** We are having a workshop at the library on October 29th
11 for all of the property owners within that area to introduce them to what the master
12 plan would be and its benefits. This is a project that the city is partnering with RCA
13 on, and we have a two-member city council ad hoc committee working with us.
14

15 **Downtown Specific Plan and Design Guidelines:** Several months ago we
16 submitted to SCAG for a grant requesting a minimum of \$200,000. We were not
17 funded in the first round; however, we were funded in the second round. We have
18 matching funds which City Council has included in our budget for this year. The timing
19 of these projects will be dependent upon their funds becoming available for the
20 second phase.
21

22 **West Hemet Master Drainage Plan:** This is primarily an engineering task (associated
23 with the MSHCP) and we are assisting because of our vernal pools and the draft EIR
24 component.
25

26 **Hemet ROCS Rental Registration Program:** This program was approved and our
27 first task was to create a database. The city has a program called CRW with contains
28 all of our building permits and planning conditions. We are adding a module to that
29 which will address the rental registration component.
30

31 **General Plan Consistency Project:** This brings all our zoning in alignment with the
32 General Plan. We are taking this in phases because it is a huge undertaking that we
33 are doing in-house due to budget considerations. In November, we will be bringing a
34 couple of new ordinances to the Planning Commission for their consideration. We
35 have a new business park zone as part of the industrial category. We will also be
36 looking at some pre-zoning in anticipation for property owners to proceed with
37 annexation. We see that as our western gateway to new development and
38 opportunities for industrial projects.
39

40 **Landscape and Fence Ordinance Update:** We were granted some funding to work
41 with a landscape architect to have landscape guidelines for residential owners. We
42 are developing a pallet of plants that will grow here, options for water conservation,
43 and a variety of suggestions which people can put into place.
44

45 **Sign Ordinance Update:** Planner Emery Papp will work with staff in bringing a
46 workstudy on the sign ordinance at our next meeting. The city is doing an update of its
47 application and user fees. We are also updating the CEQA guidelines, which continue
48 to get changed and modified, so we are trying to catch up with this.
49
50

1 **General Plan Progress Report:** We want to report on implementation of the plan
2 and things we have started since adoption of the plan, as well as any technical
3 changes and tweaks we are finding we may need to change.
4

5 **Planning Application and Development Processing Updates:** We had a
6 development roundtable, having invited professionals from the development
7 community, realtors, architects, and engineers with all the development departments
8 and received some good ideas and concepts about changes and processing
9 procedures that we can make. For the planning department, we are going to
10 streamline a lot of applications working with other departments on this process.
11

12 **Electronic Plan Check Capability:** Instead of having someone deliver six sets of
13 rolled plans, our developers can send them electronically and we can do all our
14 corrections electronically and return them. It is a great time saver. We want to be
15 able to offer it to those for whom it is a benefit and still respond to folks at the counter
16 as well.
17

18 **Highway 79 Realignment Project:** Caltrans and RCTC are in the process of
19 responding to all the comments that were made on the draft EIR and final EIR. They
20 are working diligently on it and anticipate having a final EIR released mid next year.
21

22 **Regional Climate Action Plan and Energy Action Plan:** These requirements have
23 come down on all the city jurisdictions and CEQA requirements that we have to
24 address concerning greenhouse gas. Hemet is one of the cities that has done a
25 complete inventory of our baseline emissions, done projections based on our land
26 uses, and energy audits of our systems and buildings. That will culminate in a series
27 of recommendations, and then each individual entity and organization can adopt those
28 measures that fit best with them.
29

30 **Hemet Ryan Airport Land Use Plan:** The existing plan is from 1992 and has
31 needed updating for quite some time. We are on the subcommittee with the Airport
32 Land Use Commission staff to work with their consultant in developing this plan. It is
33 important for the city, and we want to preserve the airport and safety operations of the
34 airport. We also want to assure reasonable development around the airport can
35 proceed ahead.
36

37 **Hemet Municipal Service Review:** This is a LAFCO project. They approve changes
38 to the sphere of influence and annexations. One of the steps they are required to do
39 on a five-year basis is a municipal service review. They see who is providing services
40 to where in the city, county, and in our sphere and they write a report about it.
41

42 DEPARTMENT REPORTS

43
44
45 **7. CITY ATTORNEY REPORTS:** *Verbal report from Assistant City Attorney Stephen*
46 *McEwen on items of interest of the Planning Commission*
47

48 The 9th Circuit decision just came down involving Newport Beach's group home
49 ordinance. Newport Beach took an aggressive stance for group homes and passed a
50 strict ordinance that actually was upheld at the district court level and survived a
summary judgment motion. But it went to the 9th Circuit and the decision was

1 reversed. The court went into great detail of the legislative history of Newport Beach,
2 which is very unique. There are differences between their situation and the Hemet
3 situation. We are taking a careful look at the decision, as are all cities that have group
4 home ordinances. The decision came from a three-judge panel. At this point, we don't
5 know what the next step is or whether they are going to seek review by a larger panel
6 of the 9th Circuit called an *en banc* review, which would be at another level.
7

8 There was legislation that was signed by the Governor recently. There was one on
9 land use and subdivision maps, which provided another extension. There was
10 another piece of legislation that dealt with the statute of limitation for causes of action
11 involving land use decisions. This is probably a piece of legislation that only a city
12 attorney would be interested in, but it sought to overturn a decision from 2008.
13

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

15 **A. Report on actions taken at City Council meetings of September 24 and October** 16 **8, 2013**

17
18
19 CDD Elliano reported that on September 24th there was a public hearing on the
20 development agreement for Tres Cerritos West. The Council agreed with the
21 Commission's recommendations and approved them unanimously. We also heard
22 that since then, the developer has closed escrow on the property. We keep trying to
23 encourage them to purchase Tres Cerritos East as well.
24

25 CDD Elliano advised that the municipal code amendment to the rental registration
26 ordinance and fee program was approved by the Council.
27

28 Council approved a new city manager, Wally Hill, who had a background in the City of
29 San Bernardino, and most recently, the City of San Diego. He will begin his duties in
30 Hemet on November 18th, 2013.
31

32 At the October meeting there were no reportable actions.
33

34 **9. PLANNING COMMISSIONER REPORTS:**

35
36 **A. Chairman Gifford:** Attended the Water District Tour, which all the
37 commission members were invited to. He found it very interesting to learn
38 how we get our water and how it comes down to us in Southern California.
39 Another tour coming up in March is at the Colorado River. He highly
40 recommended that other commissioners register as it is well worth their
41 time.
42

43 **B. Vice Chair Vasquez:** (Nothing to report)

44 **C. Commissioner Perciful:** (Nothing to report)

45 **D. Commissioner Overmyer:** (Nothing to report) again on the next 10 lots.

46 **E. Commissioner Crimeni:** Reported that Oak Grove Institute in Murrieta is
47 teaming with THC in Hemet to provide horseback riding therapy for autistic
48 and disabled children. They are searching for a grant to support them.
49
50

10. FUTURE AGENDA ITEMS:

- A. Work study sessions regarding temporary and permanent signs
- B. Proposed ZOA to establish Specific Plan Zone
- C. Proposed ZOA to update the Industrial Zones
- D. General Plan Consistency Zoning Updates
- E. Landscaping and Fencing Zoning Ordinance
- F. Regent Properties — Ramona Creek SP, TTM and DEIR
- G. GPA-13-001 Proposed 2014-2021 Housing Element Update

CDD Elliano indicated that at the next meeting, items A, B, and C will be presented.

11. ADJOURNMENT:

It was unanimously agreed to adjourn the meeting at 8:05 p.m. to the regular meeting of the City of Hemet Planning Commission scheduled for **NOVEMBER 5, 2013 at 6:00 p.m.** to be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue, Hemet, CA 92543.



John Gifford, Chairman
Hemet Planning Commission

ATTEST:



Melissa Couder, Records Secretary
Hemet Planning Commission