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PLANNING  *COMMISSION*

MEETING MINUTES

DATE: NOVEMBER 5, 2013

CALLED TO ORDER: 6:00 P.M.

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

1. CALL TO ORDER:

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

ABSENT: Commissioner Michael Perciful

Invocation and Flag Salute: Commissioner Rick Crimeni

2. APPROVAL OF MINUTES:

A. Minutes for the Planning Commission Meeting of October 15, 2013

It was **MOVED** by Commissioner Crimeni and **SECONDED** by Vice Chairman Vaquez to **APPROVE** the Minutes of the Planning Commission meeting of October 15, 2013.

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

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

NOES: None

ABSTAIN: None

ABSENT: Commissioner Michael Perciful

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. ZONE ORDINANCE AMENDMENT (ZOA) NO. 13-004 (Establishment of a Specific Plan Zone and Requirements)

APPLICANT: City of Hemet
Planner: Ron K. Running, Contract Planner
Location: Citywide

DESCRIPTION: A request for Planning Commission review and recommendation to the City Council regarding a Zoning Ordinance Amendment to amend Chapter 90 of the Hemet Municipal Code, adding a new Article XXXVIII (38) to establish a Specific Plan Zone, with consideration of an environmental exemption pursuant to CEQA Guidelines Section 15061.

(Staff presentation by Contract Planner Ron K. Running)

Chairman Gifford asked if the intent of this ordinance was to standardize the process so the proponent of the specific plan knows what they are required to do, and then there is a checklist as to what is being approved.

Planner Running stated that staff felt consistency is important to provide a fair playing field for everybody and so the requirements are available from the beginning.

Chairman Gifford inquired if this would require fee changes for reviewing the specific plans and if it would take more staff time.

Planner Running answered that specific plans are deposit based, and staff's time is charged against that. They are not anticipating significant changes in time and would be about the same amount of work.

Chairman Gifford asked what staff is looking for with this change in terms of the effect on the General Plan.

CDD Elliano explained that there is no change, just further implementation and consistency analysis. Staff wants to make sure those general plan consistencies or changes are in line with what they are submitting as part of their program. Currently there are no written or codified requirements for specific plans, and staff is trying to put it in the municipal code to standardize it. This will also allow for a "holding zone" where developers can opt to do a specific plan for the property at some point in the future, or the city can designate a property as needing a specific plan.

Commissioner Crimeni asked if that would put more burden on the developer.

CDD Elliano responded that it can, initially, in terms of preparation, but it also grants the developer more flexibility.

Vice Chair Vasquez asked about page 3, No. 3 of the staff report and asked for clarification of the following sentence: "Complements the orderly development of the city beyond the project's boundaries."

1 Planner Running explained that the specific plan has to implement the improvements
2 around its borders and within. There is also the requirement that there is a connection
3 to sewer, water or roadway that is beyond the actual limits of the project.
4

5 Vice Chair Vasquez also inquired as to the meaning of the sentence, "Council shall
6 impose a special fee upon persons seeking approvals which are required to be in
7 conformity with the specific plan."
8

9 CDD Elliano reported that if the city initiated a specific plan and prepared the specific
10 plan for the property owners at our own expense, state law provides a provision by
11 which the city can be reimbursed over time as developers come in. The verbiage was
12 changed from "shall" to "may" because there may be circumstances or small plans
13 where they may or may not seek that reimbursement program. It is only for city-
14 initiated projects.
15

16 Vice Chair Vasquez questioned the wording of Exhibit A, Section 9980, under
17 "Purpose" that talks about the intent of that specific plan will replace the base zoning
18 district; and that the development standard containing the specific plan will take
19 precedence over the Hemet Municipal Code, where applicable. He wondered if it
20 would be dangerous for something to take precedence over the municipal code.
21

22 Planner Running explained that is the purpose of the specific plan. They can be more
23 flexible or generous than the zoning code, or more restrictive or detailed. However, the
24 specific plan does not cover all the areas that the municipal code does, so where it is
25 silent, the municipal code prevails. The Planning Commission or City Council have the
26 liberty to make sure that the specific plan is consistent with the general plan. The
27 conflicts should be figured out before and highlighted so you know there is a big
28 conflict or that it is more liberal or flexible.
29

30 Commissioner Overmyer asked if the term "financing plan" meant trying to see if there
31 was financing available to carry out the plan and was told by Planner Running that was
32 correct.
33

34 Chairman Gifford then opened the public hearing, and seeing no one wishing to
35 participate, closed the public hearing. He further questioned CDD Elliano regarding the
36 provision that the CDD could request additional materials at the time of application and
37 wanted to know what might be required.
38

39 CDD Elliano observed that a recent example is the Regent project, where staff asked
40 for a market analysis and a fiscal analysis. Because it was a large project with a
41 general plan amendment, they wanted to make sure it would be fiscally balanced and a
42 benefit to the city. Sometimes for hillside developments, a grading analysis would be
43 appropriate. It would depend upon the conditions of the property.
44

45 Chairman Gifford wondered if staff has guidelines as to what they are really looking for,
46 or is it totally at the discretion of the director.
47

48 CDD Elliano replied that there are certain mandatory requirements and additional
49 studies, so we hope reasonableness will always prevail. Any proponent always has
50

1 the opportunity to appeal to either the city manager or the Planning Commission if they
2 thought we were going beyond what was reasonable to provide.

3
4 Vice Chair Vasquez asked for clarification about the specific plan, wondering if it
5 replaces the base zoning and if it will take precedence over the municipal code, and if
6 there is a conflict with one over the other, which one will prevail.

7
8 CDD explained that the specific plan prevails, which is typical. Specific plan law, as
9 referred to in the government code, must be consistent with the general plan.
10 However, specific plans really give an opportunity for the developer to tailor the project
11 to the topography, circumstances, etc. It is superseding because it takes precedence
12 over the municipal codes except where the specific plan is silent, such as parking
13 standards or signage. There is also always an opportunity to take an issue to the
14 Planning Commission or the City Council to either condition the plan or remove a
15 troublesome provision in the specific plan. The other thing the specific plan provides is
16 design guidelines.

17
18 Vice Chair Vasquez queried, if the specific plan is in conflict with the general plan, at
19 what stage would that be resolved and what would the developer have to do to comply
20 with the general plan.

21
22 CDD Elliano explained that either the draft specific plan would have to be changed to
23 comply with the general plan or, if staff felt the developer had good rationale, there
24 would have to be a general plan amendment proposed. If that failed, the specific plan
25 could not move forward until it was revised and became consistent with the general
26 plan. Staff would identify an inconsistency when the plan is first submitted and they
27 would have to be rectified as part of the public review and hearing process.

28
29 Chairman Gifford called for a motion.

30
31 It was **MOVED** by Commissioner Vince Overmyer and **SECONDED** by Commissioner
32 Rick Crimeni to **ADOPT** Planning Resolution Bill No. 13-019, recommending approval
33 of Zoning Ordinance Amendment No. 13-004

34
35 **AYES:** Chairman John Gifford, Vice Chair Greg Vasquez, Commissioners Rick
36 Crimeni and Vince Overmyer

37 **NOES:** None

38 **ABSENT:** Commissioner Michael Perciful

39
40
41 *(Adopted Planning Commission Resolution No. 13-016)*

42
43 **5. ZONE ORDINANCE AMENDMENT 13-011 (Establishment of a Business Park**
44 **Zone and the Updating of Zoning and Development Standards for Industrial Uses)**

45
46 **APPLICANT:** City of Hemet
47 **PLANNER:** Nancy Gutierrez, Contract Planner
48 **LOCATION:** Citywide

49
50 **DESCRIPTION:** A city-initiated ordinance of the City of Hemet amending Chapter 90
(Zoning) Article XXX (30) of the Hemet Municipal Code by establishing a new Business

1 Park Zone (BP) and amending certain zoning and development regulations for the M-1
2 (Limited Manufacturing) and M-2 (Heavy Manufacturing) Zones, and assorted minor
3 amendments to various other sections of Chapter 90 related to definitions and special
4 uses in the manufacturing zones.

5
6 (PowerPoint presentation by Planner Gutierrez.)
7

8 Chairman Gifford explained that this action would clean up, redirect and update
9 definitions to be more consistent with where we want to go and further refine general
10 plan zoning.

11
12 Vice Chair Vasquez asked what "adult businesses" encompass.

13
14 Planner Gutierrez explained they are such things as sex shops, etc., which is a very
15 sensitive area and a very legally tight area. Staff discussed this extensively to see if
16 these businesses could be limited. Currently in these sections of the code, adult
17 business CUPs are allowed in the M-1 and M-2 zones.
18

19 Vice Chair Vasquez continued his inquiry, stating that because it's allowable in the M-1
20 and M-2 zones, it seems to conflict with the definitions, which suggest the need for
21 sites for general industrial uses that will not adversely affect the residential character of
22 the city.
23

24 Planner Gutierrez explained that the city has to allocate certain zones in which adult
25 businesses can operate. They are not allowed in residential zones or commercial
26 zones, so that somewhat limits the zones in which they can operate.
27

28 CDD Elliano further clarified the only change staff made was not allowing adult
29 businesses in the business park zone, which is the new zone category here.
30

31 City Attorney Jex noted that the city has a separate ordinance that deals with adult
32 businesses. It heavily regulates and restricts them, but an analysis had to be prepared
33 of certain locations within the city where it could be allowed with a CUP because there
34 are certain court cases that say you have to have certain areas in your city where they
35 are allowed and regulated with conditions. This is mainly a state court mandate,
36 reflecting decisions relating to the first amendment of free speech.
37

38 Chairman Gifford summarized the issues by reflecting that 1) the city is required to
39 have areas that allow adult businesses, according to state law; 2) these business are
40 subject to conditional use permits which come before the Planning Commission; 3)
41 each CUP has to be reviewed on a case-by-case basis; 4) anyone wishing to dispute
42 the CUP or a Planning Commission decision would have to prove that their business is
43 beneficial to the community and surrounding areas, therefore putting the burden of
44 proof on the proponent.
45

46 Thereafter, Chairman Gifford opened the public hearing on the issue and seeing no
47 one wishing to contribute, closed the public hearing and asked for a motion.
48
49
50

1 It was **MOVED** by Commissioner Rick Crimeni and **SECONDED** by Commissioner
2 Vince Overmyer to **ADOPT** Planning Resolution Bill No. 13-020, recommending
3 **APPROVAL** of Zoning Ordinance Amendment No. 13-011.
4

5 **AYES:** Chairman John Gifford, Vice Chair Greg Vasquez, Commissioners Rick
6 Crimeni and Vince Overmyer

7 **NOES:** None

8 **ABSENT:** Commissioner Michael Perciful
9

10 *(Adopted Planning Commission Resolution No. 13-017)*
11

12 (Short recess called.)
13

14 **WORK STUDY ITEMS**

15 **6. WORKSTUDY REGARDING TEMPORARY SIGNS AND BANNERS**

16
17
18 **APPLICANT:** City of Hemet

19 **PLANNER:** Emery J. Papp, Principal Planner

20 **LOCATION:** Citywide
21
22

23 **DESCRIPTION:** The workstudy for temporary signage will discuss the existing
24 requirements for temporary signs in the Municipal Code, potential amendments to
25 the Municipal Code including potentially new provisions, illustrate through
26 photographs and a PowerPoint presentation types of temporary signage and issues
27 related to the enforcement of temporary signage, and seek feedback and guidance
28 from the Planning Commission regarding potential amendments to the Sign
29 Ordinance.
30

31 (PowerPoint presentation by Planner Papp.)
32

33 Chairman Gifford noted that a lot of information was given and it appears there is no
34 one-size-fits-all solution, but certain zoning allows for certain types of signage. How
35 the signs are addressed by the city really does have to do with where the businesses
36 are located. He stated his desire to open the discussion to public comment first and
37 hear what business owners have to say.
38

39 Doris Mixon, co-owner of C&L Coffee House, also representing the owner of Arturo's
40 Grill and the owner of a nail salon in close proximity to her business, outlined the
41 difficulties they have had promoting their businesses with signs, all of which had been
42 prohibited by the city. Since their businesses are not visible from the street, they are
43 all having a difficult time making the public aware of their existence.
44

45 Chairman Gifford noted that the reason this workstudy was brought forward was the
46 frustration voiced by Planning staff because all they can do is enforce the rules.
47

48 Almost everyone on the Planning Commission is a businessperson and they want to fix
49 the problem.
50

1 Commissioner Crimeni asked Ms. Mixon how much her business dropped after the
2 sign was taken down.

3
4 Ms. Mixon replied that there was a 40 percent decline.

5
6 Chairman Gifford asked if a sign could be painted on a building next to an open field.

7
8 Planner Papp responded that the sign code does not allow signs unless they face a
9 right-of-way or a parking area.

10
11 CDD Elliano further explained that the difficulty is when a permanent sign that is lighted
12 or bright is allowed and then a residential development comes in or another
13 development who does not want that sign interfering with their property. Therefore, it
14 might be well to distinguish between permanent and temporary signage, which could
15 be removed.

16
17 There was further discussion about monument signs, the number of banners on a
18 monument sign, and the number of monuments on a property. CDD Elliano stated the
19 city needs to provide recommendations as to how to get better permanent signage or
20 representation and still make it effective.

21
22 When Ms. Mixon asked for further clarification about the situation, she brought to the
23 Commission's attention, Chairman Gifford advised her to confer with CDD Elliano, as
24 this was a workstudy and not a public hearing, so they had no ability to make a
25 decision as a Commission because it is not on the agenda as a public hearing.

26
27 Mr. Koka (as pronounced) from SJ Medical Group, and Habitat for Humanity, wanted to
28 thank CDD Elliano and Planner Papp for addressing the issue. He stated that they
29 have multiple medical operations in the community and are in the process of
30 renovating an older building. Signs will be an issue, and he will await Commission's
31 decisions.

32
33 Benedict Seelhofer, owner of Anchor Ventures, does business in Europe, Las Vegas
34 and Hemet. He stated he has had nothing but problems in Hemet because of
35 advertising and other things. He observed that on Florida, about 40 percent of all
36 businesses are empty. He requested that the principal planner in Hemet meet with the
37 chamber of commerce so the business owners can let their issues be known.

38
39 Andy Anderson, Interim Chief Executive Officer of the Hemet/San Jacinto Valley
40 Chamber of Commerce (615 North San Jacinto Street, Hemet), thanked the staff for
41 taking on this issue. He noted that several issues, especially relating to Florida Avenue
42 on both the county and the city side, need addressing, one of which is education.
43 Understanding why, on one side of Florida that is within the county jurisdiction, feather
44 signs are allowed with no follow-up, and the other side has code enforcement stopping
45 their use. The other issue is aesthetically pleasing banners. He suggests further
46 discussion with the chamber of commerce in a public meeting for the business
47 community to provide feedback in an orderly manner.
48
49
50

1 Chairman Gifford outlined his concerns as follows:

- 2 1) the diversity of neighborhoods in the city (eastside communities and businesses,
- 3 Florida corridor, west side), and the desirability of maintaining their uniqueness, maybe
- 4 even with signage regulations;
- 5 2) balloons should be allowed on a case-by-case basis and for special cases, but as a
- 6 rule, they are a nuisance;
- 7 3) window signs need to be better enforced at the 50% level;
- 8 4) framed posters are okay as long as they are kept up to date;
- 9 5) feather signs and stake signs are a problem and a nuisance;
- 10 6) picture tint and window painting is confusing and he would like further explanation.

11
12 Commissioner Crimeni supports the 50% window coverage, as it gives police an
13 opportunity to visually inspect. He also recommends that staff meet with the chamber
14 of commerce.

15
16 Chairman Gifford recommended directing staff to bring this back for another work
17 session reasonably soon.

18
19 Vice Chair Vasquez said, he thought it might take more than one or two sessions
20 because it is a complicated issue and approved of meeting with the chamber of
21 commerce. He also suggested that the Commissioners let staff know of their opinions
22 on the matter and some guidelines to consider.

23
24 Commissioner Overmyer stated that he is thoroughly confused. He does not know
25 how different areas would work with different conditions. He says he needs to study it
26 more.

27
28 Vice Chair Vasquez wanted to know about recommended sizes for banners.

29
30 Planner Papp stated that item was brought up for discussion purposes. Many cities
31 have a maximum square footage for banners.

32
33 Vice Chair Vasquez indicated, he felt the proposed banner size was appropriate,
34 depending on the size of buildings, but further discussion was needed on banners on
35 landscapes, with appropriate conditions being placed. He also opposed the use of
36 balloons, inflated animals or objects, banners hanging from fences or handrails. He
37 approves of window signs and posters and likes the 50% limit. He does not like the
38 tinted window look. He feels that stake signs can be appropriate if regulated properly
39 for the site. He stated the best sign for small businesses is one that is visible and
40 legible for people driving by. The challenge is deciding what that size is.

41
42 Commissioner Crimeni stated that for new construction coming in, there should be
43 something in the provisions for strip malls so each unit gets some kind of coverage for
44 permanent signs.

45
46 Vice Chair Vasquez felt that over-regulation of window signs and signage can be
47 stifling to business and can create a sterile commercial environment and that care is
48 needed in coming up with regulations, necessarily including business people in the
49 discussion.

1 Chairman Gifford noted the commissioner's confusion and admitted to some of his
2 own. In terms of his comments on neighborhoods, he stated they already have certain
3 sign regulations for different neighborhoods. He felt staff would be able to figure out
4 those requirements from continuing work-studies. He felt there should be exceptions
5 for certain areas in the city, for example, the downtown area and for restaurants and
6 sandwich shops.

7
8 Vice Chair Vasquez stated, he would like to have the Community Development
9 Director given some degree of latitude in making decisions about signage and that sign
10 codes ought to be appropriate for everybody and for all businesses. Any kind of
11 legislation or code enforcement should be applied to everybody and no exemptions
12 should be made for any particular interest group or nonprofit.

13
14 CDD Elliano reminded the Commission that staff is only bringing up the subject of
15 temporary signs for tonight's discussion and would come back with some specific
16 recommendations. She also warned that if distinctions are made regarding different
17 neighborhoods and areas, they must be clear and enforceable, as the sign code has
18 to be applied equitably. She warmly accepted the suggestion of meetings with the
19 chamber of commerce and asked that the chamber organize any interested members
20 for that event.

21 22 DEPARTMENT REPORTS

23
24
25 **7. CITY ATTORNEY REPORTS:** *Verbal report from Assistant City Attorney Tom Jex*
26 *on items of interest of the Planning Commission.*

27
28 *CDD Elliano gave a city attorney update, reporting that Steve McEwen, who has been*
29 *assisting with Hemet Planning Commission for the last year, will continue working*
30 *primarily on the Hemet ROCS ordinance enforcement and litigation. Therefore, Tom*
31 *Jex and Erica Vega will be attending Planning Commission meetings, and may*
32 *alternate.*

33
34 City Attorney Jex reported that he would be covering the first meeting of the month,
35 with Erica Vega covering the second meeting. He is also serving as city attorney in
36 Wildomar.

37
38 City Attorney Jex recently attended the environmental law conference, which included
39 discussion about CEQA reform. At the beginning of the year, there was a push to
40 undertake massive and large-scale reforms and changes to CEQA. That job was given
41 to Senator Michael Rubio and Senate President Darrell Steinberg appointed him to an
42 environmental committee to be the lead and make those changes.

43
44 Senator Rubio abruptly resigned and those changes fell flat, so Senator Steinberg took
45 on the assignment, but through the course of legislative sessions and many
46 amendments and changes, what was ultimately adopted was not quite as large scale
47 as what had been proposed originally.

48
49 Governor Brown signed Senate Bill 743, which made changes that primarily included
50 three things:

1) in dense and urban infill areas, called transit priority areas, parking and visual
impacts won't be significant and won't require an environmental impact report;

- 1 2) to come up with a new traffic standards in order to encourage and provide
2 incentives in infill areas;
3 3) to deal with new basketball arena to be constructed in Sacramento for Sacramento
4 Kings, if that project is sued on CEQA grounds, it would require the trial court and
5 court of appeals to take no more than 270 days to resolve the matter.
6

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

9 **A. Report on actions taken at City Council meetings of October 22, 2013**
10

11 CDD Elliano reported that Rita Conrad, Deputy City Manager and Administrative
12 Services Director, provided a tentative year-end report, indicating there was about a
13 \$300,000 savings in the budget. Both expenditures and revenues are on target. There
14 are increases in activity compared to this time last year of about a 16% increase in
15 building permit revenue. Property tax and sales tax are up about 4% over last year.
16

17 There was an event with the 412 church, the chamber of commerce and other
18 community groups for a clean-up and replanting of the downtown area. There was a
19 successful Harvest Festival.
20

21 The police department was awarded a hiring grant for gun violence reduction in the
22 amount of \$250,000. They were also awarded a grant for four Honda motorcycles to
23 replace some of the old equipment for patrol officers.
24

25 Mayor Pro Tem Larry Smith's proposal to follow the county's recommendation of
26 streamlining or waiving fees for film permits within the city was given to John Jansons
27 from the Community Investment Department to examine and come up with
28 recommendations to the City Council.
29

30 Wigs Mendoza from the Green Coalition made a proposal regarding Neighbors' Night
31 Out, where people get together, have a potluck, and have the Police Department
32 come and talk about Neighborhood Watch, recognizing that "the police can't do it all,"
33 and it is important that neighborhoods take part in crime prevention.
34

35 **B. Development Process Roundtable comments and City responses.**
36

37 CDD Elliano passed out copies of the comments and responses that occurred at the
38 Development Process Roundtable that was held in July. In response, the department
39 will be making code and procedural changes, trying to bring the codes up to speed,
40 now that there is an updated General Plan.
41

42 **9. PLANNING COMMISSIONER REPORTS:**
43

44 **A. Chairman Gifford: (Nothing to report)**

45 **B. Vice Chair Vasquez:** asked if there were a way to bring before the Planning
46 Commission dollar stores and applications. At present, if a strip mall allows
47 that particular usage, they can go in without a CUP. He asked if that was in
48 the spirit of the General Plan. CDD Elliano provided an initial response and
49 stated that if the Commission wanted more information, that could be put on
50 as a future agenda item.

C. Commissioner Perciful: (Absent)

1 D. Commissioner Overmyer: (Nothing to report)

2 E. Commissioner Crimeni: (Nothing to report)

3
4 **10. FUTURE AGENDA ITEMS:**

5
6 A. General Plan Consistency Zoning Updates

7 B. Landscaping and Fencing Zoning Ordinance

8 C. Regent Properties - Ramona Creek SP, TTM and DEIT

9 D. GPA 13-001: Proposed 2014-2021 Housing Element Update

10
11 **11. ADJOURNMENT:**

12
13 **It was unanimously agreed to adjourn the meeting at 8:29 p.m.** to the regular
14 meeting of the City of Hemet Planning Commission scheduled for **NOVEMBER 19,**
15 **2013 at 6:00 p.m.** to be held at the City of Hemet Council Chambers located at 450 E.
16 Latham Avenue, Hemet, CA 92543.
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John Gifford, Chairman
Hemet Planning Commission

33 ATTEST:

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38 _____
39 Melissa Couden, Records Secretary
40 Hemet Planning Commission
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