PLANNING HEMET COMMISSION

MEETING MINUTES

DATE: **NOVEMBER 17, 2015** **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 Michael Perciful, Commissioners Tami Wilhelm and Greg Vasquez,
ABSENT: Commissioner Vince Overmyer (with notice)

Invocation and Flag Salute: Chairman Gifford

2. APPROVAL OF MINUTES:

A. Minutes for the Planning Commission Meeting of October 20, 2015

It was **MOVED** by Commissioner Tami Wilhelm and **SECONDED** by Commissioner Greg Vasquez to **ADOPT** the Minutes of the October 20, 2015 Hemet Planning Commission Meeting.

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

AYES: Chairman John Gifford, Vice Chair Michael Perciful, Commissioners Tami Wilhelm and Greg Vasquez.
ABSENT: Commissioner Vince Overmyer

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. <u>ZONING ORDINANCE AMENDMENT (ZOA) NO. 15-006 (METAL STORAGE CONTAINERS)</u> - A city initiated ordinance amending certain sections of Chapter 90 (Zoning Ordinance) of the City of Hemet Municipal Code to update provisions

related to the use of metal shipping containers for storage on properties in the City of Hemet. (Continued from the October 20, 2015 Planning Commission Meeting.)

Project Information:

Applicant: City of Hemet
Location: Citywide
Planner: H.P. Kang, Principal Planner

(PowerPoint presentation by Planner H.P. Kang.)

Commissioner Wilhelm thanked Planner Kang for the great job, and Chairman Gifford asked the price of a temporary permit for a temporary storage container.

Planner Kang responded that the price is $130 for a temporary permit and will probably be double that for a permanent permit.

Chairman Gifford also asked about lighting, refrigeration and ADA requirements.

CDD Elliano answered that they are required to comply with all local laws, including the Building and Fire codes.

Andy Anderson, Hemet-San Jacinto Chamber of Commerce, 615 North San Jacinto Street, Hemet, thanked staff for the opportunity their members had to attend a series of work study sessions as well as ongoing communication between the Chamber of Commerce and city staff. He noted how metal storage containers were commonly utilized as a part of doing business. The utilization of the containers somewhat demonstrates the hardships that supermarkets and other businesses are experiencing. The hope of the present and future users of these containers is that they are going to be able to navigate this ordinance and at the end of the day, maintain their containers. He hoped that there would be a hardship determination available to new users as well as existing users.

Chairman Gifford asked if Mr. Anderson felt there was a middle ground that might come up.

Mr. Anderson explained that he thought there needed to be flexibility, especially for those businesses who later feel that containers needed to be added to their businesses. He felt that they also could be considered for the hardship determination.

CDD Elliano clarified that Section H-1 of the ordinance, which is determination of hardship, is intended to apply to existing businesses with containers. The fundamental point is existing businesses with the smaller building spaces that have been constructed prior to the ordinance who may need additional storage space or new businesses in presently existing spaces. It generally does not apply to new industrial or commercial buildings because they should be sized appropriately.

Mr. Anderson replied that where he sees challenges is new construction which is appropriate when built or leased, but as businesses grow, their needs change and containers could then be needed.

CDD Elliano explained that for those that come in the future, they could still have a container under new permit but it would have to meet the standards for screening or setbacks or other rules. The hardship provision is designed for those that can't meet the standards. It's not a prohibition, but generally not intended for new development. The city is walking the line between accommodating the existing businesses and also looking for a cleaner, aesthetically pleasing commercial business district in the future.

Mr. Anderson indicated the Chamber shared the same goal but wants to make provision for future hardships.

CDD Elliano expressed the wish to make sure that the Chamber and its membership are aware the city added one other change to requirements for existing businesses with containers, and that is that they have 180 days to obtain permanent permits for containers. The cost is minimal, just enough to cover staff time, but it is an effort to bring everyone into compliance.

Chairman Gifford asked for further comments from the public and hearing none, closed the public hearing and asked for further comments from the Commission.

Vice Chairman Perciful asked how long it will take for someone to obtain a permit. Do they just come in with their site plan and get a permit over the counter and pay their permit fee?

CDD Elliano answered that they will have a site plan, and if staff can determine, after looking at Google Earth, that it is appropriate, the permit can be issued over the counter. If staff needs to go to the location to look at the condition of the container, it might take one or two days or as soon as staff can get to the location.

Vice Chair Perciful explained that he had received concerns that the process might take too long. The other concern is the limitation to one container unless unique conditions are demonstrated. Does that mean the size of the property, the need of the business?

CDD Elliano expressed that staff is learning a lot about containers and businesses. One of the high volume users is Stater Brothers, so they have multiple containers. So they would get a permanent permit for multiples. The ordinance does not limit the number of containers.

Commissioner Vasquez commented that after a lot of work and effort, staff did a great job of fine-tuning the ordinance.

Commissioner Wilhelm applauded the Chamber for supporting the work that staff did in making allowances for business growth and yet concentrating on future aesthetically pleasing business corridors.

Therefore, it was **MOVED** by Vice Chair Michael Perciful and **SECONDED** by Commissioner Tami Wilhelm to **ADOPT** Planning Commission Resolution Bill 15-012 recommending **APPROVAL** of Zoning Ordinance Amendment 15-006, as amended, to the City Council.

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

AYES: Chairman John Gifford, Vice Chair Michael Perciful, Commissioners Tami Wilhelm and Greg Vasquez.
ABSENT: Commissioner Vince Overmyer.

5. <u>EXTENSION OF TIME NO. 15-003 FOR TENTATIVE TRACT MAP NO. 34712</u> - A request for a two (2) year extension of time for previously approved Tentative Tract Map No. 34712 for the subdivision of 2.5 acres into one (1) lot for the purpose of developing 40 condominium units located on the east side of Cawston Avenue, between Stetson and Thornton Avenues.

<u>Project Applicant Information:</u>

Applicant: Eric Day
Location: East side of Cawston Avenue, between Stetson and Thornton
Planner: Carole Kendrick, Associate Planner

(PowerPoint presentation by Assoc. Planner Kendrick.)

Chairman Gifford clarified that the only issue to discuss was the tentative tract map, not the merits or design of the project. The design review has been extended to November of 2017 by the City Council, and the applicant has agreed to the conditions of the current codes.

Commissioner Vasquez asked how the Tentative Tract Map got out of sync with the SDR.

Planner Kendrick explained that the State had provided automatic extensions for the map but not for additional ones. The Site Development Review applied for its own extension of time and was granted one by the City Council. They were in sync until City Council adopted the automatic extension. Those only applied to Conditional Use Permits and Site Development Reviews that fell within a certain time period. They didn't approve automatic extensions for tentative maps, so that's how it got out of sync. If this is granted, it will put it back in sync and the applicant will move forward with the project.

Chairman Gifford opened the public hearing, and the applicant came forward.

Eric Day, 1702 Shah Circle, Placentia, California, the applicant, gave a short history of the project, purchased in 2006, and the subsequent challenges the recession and health issues presented to the applicant. He is trying to find a builder now, and he has

owned the property for nine years. There are now multi-family properties being built in the west end, and his property is behind the Hemet Center for Medical Excellence and close to elementary and high schools. However, it's an older property and will take time to get the project started again; therefore, the two-year extension is needed.

Chairman Gifford asked for further audience participation and seeing none, closed the public hearing. He then expressed his opinion that he didn't see a problem getting this project synced up and said it made sense to him to grant this extension.

Commissioner Wilhelm felt it appropriate to wait a little while longer and what they are doing is ratifying what the City Council intended, to give the applicant more time.

Chairman Gifford asked for a motion.

It was **MOVED** by Commissioner Tami Wilhelm and **SECONDED** by Vice Chair Michael Perciful to **APPROVE** Planning Commission Resolution Bill No. 15-021 approving Extension of Time No. 15-003 for a two-year extension of Tentative Tract Map No. 34712 subject to the updated Conditions of Approval (Attachment No. 1B) and direct staff to file a notice with the County Clerk.

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

AYES: Chairman John Gifford, Vice Chair Michael Perciful, Commissioners Tami Wilhelm and Greg Vasquez.
ABSENT: Commissioner Vince Overmyer

6. ***ZONING ORDINANCE AMENDMENT NO. 15-011 (MEDICAL MARIJUANA)*** - A city initiated Ordinance amending Section 90-79 of Chapter 90 (Zoning Ordinance) to update provisions related to cultivation, testing and distribution of medical marijuana.

Project Applicant Information:

Applicant: City of Hemet
Location: Citywide
Planner: Deanna Elliano, Community Development Director

(PowerPoint presentation by CDD Deanna Elliano.)

Chairman Gifford asked if under the Compassionate Care Act a qualified patient is still allowed to cultivate a certain amount of medical marijuana.

City Attorney Jex replied that under the Compassionate Care Act it is allowed; however, there is no exception for cultivation under this ordinance.

Commissioner Wilhelm asked if the city could term it criminal to cultivate. For instance, if a potted plant was sitting next to a television set.

City Attorney Jex replied that it would be a violation of the city code, and can be enforced by code enforcement officers, but that is at the discretion of the City, and not the real focus of this prohibition.

Commissioner Vasquez asked for clarification of Attachment 3, No. 47, and CDD Elliano directed him to Exhibit A, No. 7, which says nothing contained in this section should be deemed to authorize any activity otherwise prohibited by state or federal law.

Chairman Gifford opened, and then closed the public hearing because no one wished to speak. He commented about three issues he felt were important: 1, It is still prohibited by federal law and federally-insured banks are not allowed to take money from an illegal operation; 2, It is not conducive to attracting desirable businesses to move to Hemet; 3, City officials, council members or others could be held responsible for the outcomes of this business.

Commissioner Wilhelm said the federal government is who decides if it's legal, and it is still considered illegal. Even if it is allowed, the city would get no tax benefit because the dispensaries consider payment a donation. She stated the tougher the ban, the better the ban. She did go on record to say that she thinks the idea of medical marijuana truly regulated, made legal and handled appropriately, is a really good idea because a lot of people really could benefit from it. So it annoys her that a way hasn't been found to get the federal government to pick that ball up and run with it, such as coming up with a substance that's regulated by the Food and Drug Administration and sold on pharmacy shelves.

Commissioner Vasquez said he was grateful the California Supreme Court made the ruling that allows the cities and counties to make their own determinations about dispensaries. Otherwise, we wouldn't be having this discussion tonight. He has heard that there are deliveries being made to Hemet now from some of these dispensaries that are legal in other cities. He would like that stopped, and he thinks that this Zoning Ordinance will stop that.

It was **MOVED** by Vice Chair Michael Perciful and **SECONDED** by Commissioner Greg Vasquez to **ADOPT** Planning Commission Resolution Bill No. 15-022 recommending **APPROVAL** of Zoning Ordinance Amendment 15-011 to the City Council.

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

AYES: Chairman John Gifford, Vice Chair Michael Perciful, Commissioners Tami Wilhelm and Greg Vasquez.

ABSENT: Commissioner Vince Overmyer

DISCUSSION ITEMS

7. <u>SUMMARY OF SOUTHWEST RIVERSIDE COUNTY ASSOCIATION OF REALTORS OCTOBER 2015 HOUSING REPORT</u>

CDD Deanna Elliano explained that this report covers Temecula, Menifee, Murrieta, Hemet and other areas in Southwest Riverside County and comes out monthly. It compares various data for existing residential homes, such as sales volume or number of sales, and Hemet is in the top four in sales volume. Another area is median price comparisons, with Temecula having gone up 60 percent with their median being $480,200 and Hemet's median is $212,615. One of the explanations for the disparity is that Hemet has a much older and more affordable housing stock.

In transaction values for September and October, Hemet is still in the top four cities. This indicates a robust housing market. Also, standard sales are 89 percent of our inventory, bank-owned at 4 percent and short sales are at 6 percent. The information is on the agenda packet which is on the City's Web site.

Vice Chair Perciful added that in Hemet there is still a supply shortage of available homes for sale. Today there were 520 active listings in Hemet. Of that, 214 are pending sales, and in the last 30 days there are 155 closed sales; therefore, there is a two and a half months' supply of homes if there are no more active listings. A healthy market is a six-month supply. These are all resale properties, not new sales. According to the chief economist for California Association of Realtors last month, California is short 1.4 million new units. Hopefully, we will see more development in the area soon.

There are a lot smaller homes in Hemet that are older, so they are selling for a lot less.

Commissioner Wilhelm asked a question regarding construction material shortages, such as cement, and also the difficulty to obtain banking loans. How is that going to stack up against the demand?

Vice Chair Perciful replied that credit is still tight. There are new guidelines on disclosures which could now extend the closing time frame, so it's going to add some time just to get through the disclosure portion of obtaining loans.

Commissioner Wilhelm asked if the houses are being purchased by investors who will rent out the homes or by those wishing to own and inhabit the properties.

Vice Chair Perciful noted that some investors are off-loading some of their rentals, so that should free up some tenant occupied and turn them into owner occupied properties. But there are still many rentals, because many people who lost their homes to foreclosures during the recession are now renters. There is still not an even balance between owners and renters.

DEPARTMENT REPORTS

8. CITY ATTORNEY REPORT: (Nothing to report.)

9. COMMUNITY DEVELOPMENT DIRECTOR REPORT:

A. Report on actions from the October 27 and November 10, 2015 City Council Meetings.

CDD Elliano reported there were no issues of interest to the Commission considered at the October 27th meeting. At the November 10th meeting, there was discussion of moving forward with the appropriation for the demolition of what is affectionately called the Potato Shed on Meir Avenue, which is no small undertaking.

WRCOG has started what they call Beyond Framework Funds, funded by the HERO program. They are dispensing some funds back to communities through a grant proposal process for communities with a concept that meets their framework and guidelines for sustainability, economic development or education. Hemet is applying for funding for the Downtown Specific Plan and have received a grant for about $86,000.

B. Proposed cancellation of December 1, 2015 Planning Commission Meeting

There were not enough cases for a meeting on December 1st and there is hope that some applicants will get their materials in so there might be a meeting on December 15. The Commission members and public will be notified.

10. PLANNING COMMISSIONER REPORTS:

A. Chairman Gifford requested getting a report on the SCE property, the sidewalks, the landscaping, etc.
B. Vice Chair Perciful (Nothing to report.)
C. Commissioner Overmyer (Absent.)
Commissioner Wilhelm reported that the Ramona Bowl All Star Band is going to England to be in the New Year's Day Parade. The Queen's emissary, the Lord High Mayor, came to the Bowl and invited them last year. There are 80 people going. She also asked about a report on development standards. CDD Elliano stated they are working on the residential update to the Zoning Code and will be working on single-family guidelines update, but there are no funds budgeted for that, so it will accomplished as much as possible in the Code Amendment.
D. Commissioner Vasquez (Nothing to report.)

11. FUTURE AGENDA ITEMS:

A. Work Study: Drought tolerant landscape requirements
B. Zoning Ordinance Amendments
C. New Development Applications
D. Planning Commission Requests

12. ADJOURNMENT

It was unanimously agreed to adjourn the meeting at **7:19 p.m**. to the regular meeting of the City of Hemet Planning Commission scheduled for December 15, 2015 **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:

Gabriela Hernandez, Records Secretary
Hemet Planning Commission