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*PLANNING*  *COMMISSION*

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MEETING MINUTES

**DATE:** SEPTEMBER 17, 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, and  
Commissioner Michael Perciful

**ABSENT:** Commissioner Rick Crimeni and Commissioner Vince Overmyer

**Invocation and Flag Salute:** Vice Chairman Greg Vasquez

**2. APPROVAL OF MINUTES:**

**A. Minutes of the Planning Commission meeting of August 6, 2013**

It was **MOVED** by Commissioner Michael Perciful and **SECONDED** by Vice Chairman Greg Vasquez to **APPROVE** the Minutes of the Planning Commission meeting of August 6, 2013.

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

**AYES:** Chairman John Gifford, Vice Chair Greg Vasquez, Commissioner Michael Perciful

**NOES:** None

**ABSENT:** Commissioners Vince Overmyer and Rick Crimeni

**B. Minutes of the Planning Commission Meeting of August 20, 2013**

It was **MOVED** by Commissioner Michael Perciful and **SECONDED** by Vice Chairman Greg Vasquez to **APPROVE** the Minutes of the Planning Commission meeting of August 20, 2013.

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

**AYES:** Chairman John Gifford, Vice Chair Greg Vasquez, Commissioner Michael Perciful

**NOES:** None

**ABSENT:** Commissioners Vince Overmyer and Rick Crimeni

1 **3. PUBLIC COMMENTS** (None when originally called. Comment accepted at 7 p.m.  
2 as follows):  
3

4 Doris Mixon, whose business, C&L Coffee House and Deli, is located at 4210 East  
5 Florida Avenue, Hemet, commented on her business's difficulty with signage  
6 regulations negatively affecting hers and other businesses that are not visible from  
7 Florida Avenue, since a large building was constructed in front of theirs. The present  
8 signs are not visible to traffic, either eastbound or westbound, on Florida because of  
9 trees obstructing the monument signage.  
10

11 **PUBLIC HEARING ITEMS**  
12

13 **4. CONDITIONAL USE PERMIT 13-004 (VALERO GAS STATION)**  
14

15 **Applicant:** Nick Patel, Valero Gas  
16 **Planner:** Emery J. Papp, Principal Planner  
17 **Agent:** Keith Gardner, Keefer Consulting  
18 **Location:** 1701 W. Florida Avenue  
19

20 **DESCRIPTION:** A request for Planning Commission's review and approval of a  
21 Conditional Use Permit for the sale of beer and wine from 5:00 a.m. to 1:00 a.m.,  
22 seven days a week, and to make a finding of public convenience or necessity as  
23 required by the California Dept. of Alcoholic Beverage Control at an existing Valero  
24 gas station located at 1701 West Florida Avenue at the southwest corner of Florida  
25 and Lyon Avenues.  
26

27 (PowerPoint presentation by Planner Emery J. Papp.)  
28

29  
30 Chairman Gifford requested information regarding the following: The 3% floor space  
31 rather than 15%, as previously requested, devoted to alcoholic beverages; the  
32 concentration of licenses within the census; the concern regarding the taking of alcohol  
33 off-site rather than consumption on-site, such as in a restaurant; and finally, the  
34 location of the site from which the license is being transferred.  
35

36 Planner Papp and CDD Elliano explained that the request is now 3%; that under the  
37 new ordinance, restaurants are specifically exempt from the requirement of a CUP,  
38 although they still have to go through the process of checking with the ABC and the  
39 Police Department if in an area of over-concentration. There are already three other  
40 locations that offer the same type of off-sale convenience in the census tract, for this  
41 proposal. The applicant has not yet disclosed the location of the existing license, but  
42 they do not believe it is in the same census tract.  
43

44 Commissioner Perciful commented that DUI calls for the Police Department are more  
45 likely to come from restaurant consumption than counter purchases and wondered  
46 what the call numbers are for that location.  
47

48 Planner Papp replied that the Valero station does not currently sell alcohol, so none of  
49 the calls are directly related to that site; however, if alcohol were sold there, staff's  
50 concern is that it would contribute or potentially contribute to the number of calls police  
are responding to and could make the existing condition worse.

1 Vice Chair Vasquez inquired about the size of the census tract affecting this site and if  
2 it is just commercial or also residential. Planner Papp responded that this tract  
3 includes primarily alcohol licenses along the Florida Avenue corridor, from Sanderson  
4 to Lyon, so approximately a mile, and that there are at least three mobile home parks  
5 close to this location.  
6

7 Vice Chair Vasquez also expressed concern about oversaturation of neighboring  
8 census tracts and the exemptions that big-box centers and restaurants would have in  
9 this same area. He felt that it was important to follow the General Plan to make Hemet  
10 a better place for businesses to come in.  
11

12 Chairman Gifford asked if a Costco at this location would be exempt from a CUP  
13 because of size.  
14

15 CDD Elliano stated that they're exempt because of size and if no more than five  
16 percent of floor area is devoted to alcohol sales. She also asked if the commissioners  
17 were questioning the original ordinance and thinking there should be changes in the  
18 ordinance, or if they were comparing the findings set forth in the ordinance with the  
19 case before them this evening.  
20

21 Chairman Gifford responded that he didn't think the commissioners were questioning  
22 the ordinance, but looking at the staff report in terms of some critical issues because  
23 this is a CUP, which means the Commission can operate within the ordinance to either  
24 approve or deny the CUP, and that the staff report had information which has led staff  
25 to the conclusion that it should not be approved. Therefore, the Commission is looking  
26 at that information to assess the issues. He also commended CDD Elliano on the  
27 report and on her efforts to keep the Commission on track.  
28

29 Chairman Gifford continued and asked if we going to add more users, or are we trading  
30 the same customers depending on the price? And, are we making a difference by  
31 denying it or are we making a difference to someone who owns the business who can't  
32 take advantage of alcohol sales at this business to make a living?  
33

34 Vice Chair Vasquez questioned whether this is a business situation where the business  
35 owner is trying to get a little bit of a market share, and if it is, will that market share take  
36 away from the others that are contributing right now?  
37

38 Planner Papp indicated the business owner revealed that the small amount of floor  
39 space dedicated, if approved, would potentially increase their sales by 33 percent.  
40

41 Chairman Gifford opened the public hearing and invited the applicant's representative  
42 to the lectern.  
43

44 Keith Gardner (6149 Bluff Wood Drive, Riverside), representing Valero, commented  
45 that the staff report's recommendation of denial is based on three things: over  
46 concentration, public safety, and whether this would be a public convenience or  
47 necessity. He mentioned that ABC considers on-sale and off-sale licenses at different  
48 concentrations that require different findings. He outlined the sites that have 20 and 21  
49 licenses and showed the census tract map, outlining the locations for the various  
50

1 licenses, noting that this is a highly commercial area with four commercial shopping  
2 centers in the census tract. He said Valero would comply with the regulations and  
3 ordinances and standard business practices that are called out in the ordinance with  
4 security cameras, additional staff, limited hours, whatever is needed to comply with  
5 police regulations to mitigate their concerns. He felt this is the type of off-sale the city  
6 would want, rather than liquor stores, because it's more of a convenience to the  
7 customers as opposed to a destination.  
8

9 Chairman Gifford asked if Valero, in terms of sales in that area, is busy, moderate or  
10 slower in sales than the average.  
11

12 Mr. Gardner replied that he doesn't have numbers to compare, but he felt business  
13 would go up if the convenience was there for beer and wine sales.  
14

15 Chairman Gifford thanked Mr. Gardner for showing them the census tract map, but  
16 indicated they are concerned about the neighboring tracts as well and the  
17 concentration of licenses in the area. He asked for any other comments from the  
18 public, and seeing none, closed the public hearing.  
19

20 Planner Papp indicated that there are not just Type 20 and 21 licenses, but Type 40  
21 and 41 also, which would be restaurants that sell only beer and wine, and those that  
22 sell beer, wine and spirits. He indicated there are 21 licenses in that area.  
23

24 Vice Chair Vasquez asked if there were only two 20 licenses for off-sale, and Planner  
25 Papp agreed there were two for that census tract.  
26

27 Commissioner Perciful commented that this applicant would fill the void that Fresh and  
28 Easy left and that Valero would be asking for a Type 20 license (beer and wine),  
29 whereas Fresh and Easy had a Type 21, which included spirits. So the request would  
30 be a step down from what was originally there.  
31

32 Chairman Gifford then commended staff on a well written report, but stated he is  
33 conflicted because the Planning Commission had agreed to the original ordinance, as  
34 they did want to control licenses since there is an over concentration, particularly in  
35 that census tract. However, this license would be basically replacing a license that was  
36 no longer there, with this license being more limited than the original one. He also did  
37 not wish to harm a business person from making a living, and selling beer and wine is  
38 not illegal.  
39

40 Vice Chair Vasquez reiterated Chairman Gifford's concerns, recognizing that this is a  
41 tough call, because he wants to do the right thing for the City of Hemet, but for the  
42 individual business person, as well.  
43

44 Commissioner Perciful agreed that this is a difficult decision because of the need to  
45 grow businesses in the city, but the need also to grow business in a positive way.  
46

47 There was then a lengthy discussion between Chairman Gifford, Vice Chair Vasquez,  
48 CDD Elliano and the City Attorney on the wording of a motion, with the following motion  
49 being asserted:  
50

1 It was **MOVED** by Chairman John Gifford and **SECONDED** by Vice Chairman Vasquez  
2 to **ADOPT** the Resolution Bill No. 13-017 **DENYING** CUP 13-004, based on the  
3 information and findings contained in the staff report.

4  
5 The **MOTION** was **REJECTED** by the following vote:

6  
7 **AYES:** None

8 **NOES:** Chairman John Gifford, Vice Chair Greg Vasquez, Commissioner Michael  
9 Perciful

10 **ABSENT:** Commissioners Vince Overmyer and Rick Crimeni  
11

12 A second motion was proposed as follows:

13  
14 It was **MOVED** by Chairman Gifford and **SECONDED** by Commissioner Perciful to  
15 **CONTINUE** the public hearing re **DENIAL** of CUP 13-004, based on the information  
16 and findings contained in the staff report, to October 15, 2013, and to direct staff to  
17 revise the resolution, **APPROVING** the CUP with consistent findings.  
18

19 The **MOTION** was **APPROVED** by the following vote:

20  
21 **AYES:** Chairman John Gifford, Vice Chair Greg Vasquez, Commissioner Michael  
22 Perciful

23 **NOES:** None

24 **ABSENT:** Commissioners Vince Overmyer and Crimeni  
25

26 CDD Elliano worked with commissioners to identify the findings in the resolution that  
27 needed to be revised per the commission's reasoning and direction. At the conclusion  
28 of the discussion, she summarized the actions as follows:  
29

- 30
- 31 1. Continuance of this public hearing to the October 15th, 2013 Planning  
32 Commission meeting;
  - 33 2. Preparation of a revised staff report to include conditions of approval which  
34 are not included in the present report and a revised resolution for approval.
  - 35 3. Notification of applicant of the October 15th hearing, and request for further  
36 information within the next weeks so it can be incorporated into the report.
  - 37 4. Any additional information or answers to commissioners' questions that staff  
38 can prepare to be presented at the continued hearing.
- 39

## 40 **WORK STUDY ITEMS**

41

42 **5. WORKSTUDY: PRELIMINARY REVIEW 13-004 COPENHAGEN COURT**  
43 **GARDEN APARTMENTS**

44

45 **Applicant:** Nader Khoshniyati

46 **Agent:** Jim Morrissey, PZL Inc.

47 **Location:** East side of Copenhagen Street, south of Sydney Street and north  
48 of Anchorage Street  
49

50 **DESCRIPTION:** A work study session for the Planning Commission to review  
and provide input regarding the submittal of a future Site Development Review

1 Application to allow the construction and use of 8 single-story multiple-family  
2 residential apartment buildings containing 40 units located on the east side of  
3 Copenhagen Street, south of Sydney Street and north of Anchorage Street.  
4

5 (PowerPoint presentation by Planner Carole Kendrick.)  
6

7 Chairman Gifford noted that he had met with the applicant and staff to go over some  
8 clarifications as to what the questions of the Planning Commission were and the  
9 direction the applicant was moving. He asked if there were any changes in the plan  
10 from the last work study session.  
11

12 Planner Kendrick noted the architect added some more details and coloring on the  
13 elevation, showing landscaping design, and the agents for the applicant provided some  
14 answers to comments made by the Commission at the last work study.  
15

16 Jim Morrissey (41738 Fulton Avenue, Hemet, CA 92544) noted that this project has  
17 been in planning for 20 years with a fourplex design. Now the applicant is trying to  
18 work within the concept of creating a neighborhood project that fits the site as it now  
19 appears, which is single-family housing with one-story buildings. As the site does not  
20 front on a major street, it is in an isolated location. Their aim is to keep the density low  
21 enough to be consistent with the General Plan Final EIR target density, yet create  
22 something that looks like single-family development.  
23

24 He pointed out that the plan, as it now exists, looks like attached single-family units  
25 with two-car garages, with the building coverage being 42 percent, while the code  
26 allows 60 percent. Landscaping is 28 percent, well above the 15 percent ordinance  
27 requirement. Common area is 12,000 square feet, more than the 10,000 square feet  
28 required by ordinance, and the number of units was dropped from 43 to 40. Also, one  
29 of the existing lots is being used for a fire department turnaround, which will benefit an  
30 existing fourplex development.  
31

32 Unit rental rates would be about \$1,000 for one-bedroom and \$1,250 for a two-  
33 bedroom unit, both with two-car garages.  
34

35 Chairman Gifford asked what kind of renters or demographics are anticipated.  
36

37 Mr. Morrissey answered that their focus is professional young people, couples, couples  
38 with young children.  
39

40 Russell Rumansoff (530 Saint John Place, Hemet), further explained that their concept  
41 was to design this as a single-family housing tract where there are different products  
42 and different designs and colors. The unifying element would be in the roof colors.  
43 This was planned to create more of a sense of identity for the individual unit, making  
44 this a self-contained neighborhood, with its own sidewalks and play areas. Young  
45 professionals or people with small children can walk across the street to the park and  
46 take advantage of the amenities provided. These are high-end individual rental units  
47 rather than being in a big apartment building, with wood siding and trim rather than  
48 plaster or standard stucco.  
49  
50

1 Chairman Gifford asked what comparable rates would be for senior housing.

2  
3 Mr. Morrissey was not able to give definitive rental rates for senior housing, but if rental  
4 was month to month, the rates were higher than for long-term rentals, but a two-  
5 bedroom, two-bath unit would be over \$1,000 per month. The Websites noted that  
6 rates vary, depending on vacancies, etc.

7 Vice Chair Vasquez asked if they would lower their rates (\$1,000 for one-bedroom;  
8 \$1,250 for two-bedroom) if necessary.  
9

10 Abbas Khoshniyati, one of the project owners, posited that this rate is a reasonable  
11 price for the quality of the units, and in some cases, he felt they have underpriced the  
12 project. Based on the fact that these are similar to single-family homes with two-car  
13 garages and the amenities provided, he stated the rents are reasonable. They are  
14 going to make sure to control the type of tenants allowed and that they are qualified, to  
15 provide on-site management, and to initiate a vigorous marketing campaign.  
16

17 Commissioner Perciful, who deals professionally with residential resale, said he feels  
18 the concept is great and that this is a good project. The real guarantee of keeping the  
19 rents at the rates they are projecting is proper maintenance over the long term.  
20

21 Mr. Khoshniyati responded that their intention is to separate from the fourplexes and  
22 initiate their own CC&Rs to keep this as a very clean environment, maintain it through  
23 on-site management.  
24

25 Vice Chair Vasquez asked what kind of marketing plan is in place and whether there is  
26 a certain number of people that can be there.  
27

28 Mr. Khoshniyati said they have not as yet developed a plan, but they will hire a  
29 professional marketing organization to show what the potential is for the neighborhood.  
30 They are also going to advertise for a certain type of clientele. The project is suited for  
31 young families with one or two children, or maybe a couple who are not ready to  
32 purchase a single-family home. That will be the target market.  
33

34 The City Attorney advised that the work study focus was supposed to be more on the  
35 project design. Who the occupant might be, what marketing campaign is planned, or  
36 how the property is maintained, is not within the Commission's regulatory jurisdiction.  
37 The Commission can regulate things like design.  
38

39 Mr. Morrissey continued his explanation of the units, noting that the project will look  
40 similar to the existing single-family homes across the street, with some of the  
41 driveways almost matching up with the driveways across the street of the single-family  
42 homes. They have also varied the setback of the units, as well.  
43

44 Vice Chair Vasquez asked if these were considered townhouses, condos, or single-  
45 family apartments and if they are connected.  
46

47 Mr. Morrissey explained that the attempt was to make them look as if they are single-  
48 family homes, but they are apartment units which are attached. There is no space  
49 between them except as shown on the site plan, such as where the walkway goes  
50

1 between the units. But the look and feel is like a single-family home that's attached.  
2 He also asked if the Commission had comments regarding the landscaping design.

3  
4 Chairman Gifford said he had no problem with the landscaping, and asked if the  
5 playground was going to be designed for small children, to which Mr. Morrissey  
6 answered yes.

7  
8 Commissioner Perciful asked if the owner of this project also owns the fourplexes  
9 abutting the project, as well.

10  
11 Mr. Khoshniyati answered that the existing fourplexes are owned by different people  
12 and are being rented out individually.

13  
14 Commissioner Perciful also had comments regarding the fire lane, but his questions  
15 were answered by Mr. Morrissey commenting that the design is dictated by the fire  
16 department. The only change is enhanced landscaping.

17  
18 Mr. Morrissey then asked if there were questions or comments regarding the following  
19 issues: 1) the compatibility of the design with single-family homes surrounding the  
20 project; 2) compatibility of the project with the General Plan, 3) scale or design of the  
21 project; 4) questions on the probable occupancy and use of the apartments.

22  
23 Chairman Gifford asked CDD Elliano to summarize staff's opinions and comments  
24 regarding the project, and she answered that the single-story design is compatible with  
25 surrounding areas; that on-site management will help ensure the value of the project is  
26 maintained; that from what staff has seen so far, she feels this is a good solution for an  
27 in-fill site.

28  
29 Chairman Gifford thanked the applicant and commented on the fact that this project  
30 has been in planning since 1985 and encouraged them to move forward with the  
31 project.

## 32 33 DEPARTMENT REPORTS

34  
35  
36 **6. CITY ATTORNEY REPORT: (None)**

37  
38 **7. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**

39  
40 **A.** Report on actions taken at City Council meetings of August 27 and  
41 September 10, 2013.

42  
43 CDD Elliano reported that at the August 27th City Council meeting, there were no  
44 surprises, only consent calendar items and second readings of ordinances that had  
45 come before the Planning Commission.

46  
47 At the September 10th meeting, there was a public hearing for the rental registration  
48 and inspection program fees that was accepted. They wanted the landlord program to  
49 be even more rigorous, asking for initial inspection and registration, with no renewal  
50 required unless there was a degrading of the property or police action or something

1 that brought it back to staff's attention. Staff was directed to make the changes they  
2 recommended and bring the ordinance back to them, as well as a report on the fees.  
3

4 Also at the September 10 meeting, there was discussion of the city-owned property at  
5 Sanderson and Stetson, Sanderson Square, which had a long-term purchase  
6 agreement. The Council's action was not to extend the agreement but to fashion a new  
7 agreement, either with the current developer or with another one, if the present  
8 developer doesn't want to go forward with the higher bar of requirements.  
9

10 The Housing Authority also met that night and now has a rehabilitation partner for city-  
11 owned, distressed fourplexes on Mobley Lane.  
12

13 **B. Informational updates regarding Planning trends, issues and projects:**  
14

15 1. Status of CEQA Reform legislation.

16 CDD Elliano reported that since CEQA was adopted in the '70s, many lawsuits have  
17 occurred related to CEQA and pointed out some of the changes that are needed.  
18 Unfortunately, the legislature has been unable to act and pull together many reform  
19 measures that need to be taken. There is now a CEQA working group that has come  
20 up with what they see as the issues and conditions for CEQA reform.  
21

22 2. Riverside Transit Agency (RTA) 10-Year Transit Plan.

23 According to CDD Elliano, the RTA is embarking on a ten-year transit plan and is  
24 asking all the cities to be participants. The focus is on service routes: Do they need  
25 more bus routes and/or different service times. Also, the study will include  
26 investigation of need for more capital facilities, which is of great interest to Hemet and  
27 its desire to have a transit center. This study will be going on for about 18 months.  
28

29 The last thing that CDD Elliano reported, not listed on the agenda, was staff changes,  
30 including Nancie Shaw's movement from the Planning Department to the HR  
31 Department, which provides an opportunity for advancement. Melissa Couden, Office  
32 Specialist, will be taking on more duties concerning the Planning Commission.  
33

34 **8. PLANNING COMMISSIONER REPORTS:**  
35

36 **A.** Chairman Gifford reported that he and Vice Chair Vasquez will be taking a  
37 tour of the State Water Project to give them a greater perspective on water issues.  
38

39 **B.** Vice-Chair Vasquez noted that he will not be going on the tour. He  
40 commented that he would like to see more work done on the signage issues, as he  
41 hears a lot of complaints. CDD Elliano agreed that more work needs to be done on the  
42 signage ordinance.

43 **C.** Commissioner Perciful had nothing to report, but agreed that the signage  
44 issue was important to consider.

45 **D.** Commissioner Overmyer (Absent)

46 **E.** Commissioner Crimeni (Absent)  
47

48 **9. FUTURE AGENDA ITEMS:**  
49

50 **A.** General Plan Consistency Zoning Updates

**B.** Landscaping and Fencing Zoning Ordinance

**C.** GPA 13-001: Proposed 2014-2021 Housing Element Update

1 **10. ADJOURNMENT:**

2 **It was unanimously agreed to adjourn the meeting at 8:51 p.m.** to the regular  
3 meeting of the City of Hemet Planning Commission scheduled for **October 15, 2013 at**  
4 **6:00 p.m.** to be held at the City of Hemet Council Chambers located at 450 E. Latham  
5 Avenue, Hemet, CA 92543.  
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\_\_\_\_\_  
John Gifford, Chairman  
Hemet Planning Commission

ATTEST:

  
\_\_\_\_\_  
Melissa Couden, Records Secretary  
Hemet Planning Commission