PLANNING COMMISSION

MEETING MINUTES

DATE: **SEPTEMBER 16, 2014** **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 Commissioners Vince Overmyer and Michael Perciful
ABSENT: Commissioner Rick Crimeni

Invocation and Flag Salute: Chairman John Gifford

2. APPROVAL OF MINUTES:

A. Minutes of the Planning Commission meeting of August 19, 2014

It was **MOVED** by Commissioner Vince Overmyer and **SECONDED** by Vice Chair Greg Vasquez to **APPROVE** the Minutes of the Planning Commission meeting of August 19, 2014.

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

AYES: Chairman John Gifford, Vice Chair Greg Vasquez, and Commissioner Vince Overmyer
ABSENT: Commissioner Rick Crimeni
ABSTAIN: Commissioner Michael Perciful
NOES: None

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>SITE DEVELOPMENT REVIEW NO. 14-001 (COPENHAGEN VILLAS)</u> - A request for Planning Commission review and approval of a Site Development Review

application for the design of eight (8) single-story, multiple-family residential apartment buildings containing 40 units totaling 53,600 square feet on 3.29 acres, located on the east side of Copenhagen Street, south of Sydney Street and north of Anchorage Street, with consideration of an environmental exemption pursuant to CEQA Guidelines Section 15332.

PROJECT APPLICANT INFORMATION:

Applicant:	Empresa Construction, LLC
Planner:	Carole L. Kendrick - Associate Planner
Authorized Agent:	Jim Morrissey - PZL
Project Location:	East side of Copenhagen Street, south of Sydney Street and north of Anchorage Street
APN:	448-210-005 thru 014 & -016 thru -018

(PowerPoint presentation by Associate Planner Carole L. Kendrick.)

Chairman Gifford asked for clarification on the trash enclosure issue, and Planner Kendrick explained that staff was concerned with the location of the trash enclosures, the distance some residents would have to travel, and the need for service six days a week, because only two enclosures were provided for the complex.

Chairman Gifford wondered if there was a requirement for community receptacle areas, or could some trashcans be picked up from the street by CR & R?

Planner Kendrick responded that currently five enclosures are required, but different sizes of enclosures could reduce the amount of enclosures, as it goes by cubic yards. Some residents on Copenhagen, with longer driveways, might be able to put trashcans on the curb on trash days. Staff is providing flexibility in the conditions. Therefore, it is a fixable issue, to be corrected at the time of plan check.

To Chairman Gifford's question concerning a particular driveway and the possibility of straightening it, Planner Kendrick responded that the applicant has ownership of the property only in the area where the drive is reconfigured. Everything else is under separate ownership.

Vice Chair Vasquez asked if the existing four-plex occupants are agreeable to the reversion to acreage map requirement.

Planner Kendrick stated that staff has not heard from any of the surrounding owners, but staff has concerns with having all existing property owners having 100 percent buy-off of the reversion to acreage concerning the subject property.

Vice Chair Vasquez also stated concerns about the trash enclosures, and Planner Kendrick said that two trash enclosures would only be sufficient if there was pick up six days a week.

Commissioner Overmyer asked for further clarification on the reversion to acreage. Planner Kendrick explained that the lots were originally part of the tract map that covered the existing 4-plex units as well as the undeveloped project site. The lots on

the vacant site needs to be excluded from the final map. Another potential concern is property owners' may worry that they are losing the common open space area that was recorded on the original map.

The issue of the gate between the two developments was questioned by Commissioner Overmyer, and Planner Kendrick answered that the gate will separate the four-plexes from the single-story apartment units. However, this will close off the second access, so the applicant is taking one of the lots and providing a fire turnaround and emergency access gate. The gate is provided to make this project more internal and private. It will take access off Copenhagen, and the four-plexes will continue to take access off Sanderson. This essentially separates the two projects.

CDD Elliano further explained that this separation is required because presently it is all under one Homeowner's Association as these are private streets. Once it reverts to acreage, there can be different circulation. They will not have the interference of the lot lines with the proposed buildings and there will be two separate HOAs, one for the existing units and one for the new development to maintain their streets and open space areas.

Commissioner Overmyer asked if the four-plexes are owned individually, and Planner Kendrick replied that they are individual ownerships. The balance of the new project is all under one ownership and will be rental properties.

CDD Elliano explained that the property owners wanted to process the Site Development Review (SDR) first to make sure this layout and product type and architecture is going to be satisfactory to the Commission and the City. If the SDR is approved, they will have a two-year period to process the reversion to acreage map and get the concurrence of property owners.

Chairman Gifford opened the public hearing.

Jim Morrissey, 41738 Fulton Avenue, Hemet, the authorized agent, stated that the desire was to create a product that would mimic single-family homes. The plan calls for 12 units per acre, lower than half the number of units allowed, which in the R-3 zoning is up to 25 units per acre. He explained that the project is very compatible with the neighborhood.

Chairman Gifford asked about on-site management, and Mr. Morrissey indicated that there will be continuous on-site management and that the project will be joining the city's Good Landlord Program.

Chairman Gifford also suggested the need for some landscape around the trash area. He added that he felt the project is something that will be desirable for a number of people.

John Lambert, 3491 Sydney Street, Hemet, stated he was opposed to the project for several reasons: 1), increased traffic and noise; 2), trash pick-up six days a week; 3), increased children foot traffic; 4), his desire for 8 foot-tall walls between the houses and the rental units; five, reduced view for existing residents. He also asked if this would negatively affect the housing values in the area.

Planner Kendrick explained that the project is required to provide a six-foot block wall with an enhanced setback, which will provide more space and increased landscaping.

Commissioner Perciful said he also has a concern about the six-day-a-week trash pickup because of the noise. He would like the applicant to find a way to minimize that. He stated this project would have a fence around it, so it would eliminate kids cutting through the empty lot to get to Sanderson. He felt the fencing and the type of residences planned for would increase property values to the surrounding homes.

Chairman Gifford closed the public hearing.

After further discussion about the trash receptacles, CDD Elliano stated they would work with the applicant and CR&R to eliminate that problem.

It was **MOVED** by Commissioner Vince Overmyer and **SECONDED** by Commissioner Michael Perciful to **ADOPT** Planning Commission Resolution Bill No. 14-022 **APPROVING** SDR 14-001 subject to the Conditions of Approval and to a modification of Condition of Approval #50.

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

AYES: Chairman John Gifford, Vice Chairman Greg Vasquez and Commissioners Vince Overmyer and Michael Perciful
NOES: None
ABSTAIN: None
ABSENT: Commissioner Rick Crimeni

5. <u>APPEAL NO. 14-001 (CUP AMENDMENT 14-001, SHOOTERS SPORTS BAR AND BILLIARD)</u> - An appeal to the Planning Commission of the Community Development Director's approval of Conditional Use Permit Amendment 14-001, which would allow recorded music and dancing for patrons at an existing restaurant/sports bar and billiard hall previously approved by Conditional Use Permit 10-015, located at 121 E. Florida Avenue.

<u>PROJECT APPLICANT INFORMATION:</u>

Appellant:	Judith McPherson
Planner:	Emery J. Papp, Principal Planner
Business Owner:	Bill Alden
Project Location:	Shooters Sports Bar & Billiard, 121 E. Florida Avenue
APN:	443-281-001

(A presentation was given by Principal Planner Emery Papp.)

Chairman Gifford declared the public hearing open and asked for the appellants to present their request.

Attorney Barry Swan, 3233 Arlington Avenue, Suite 2023, Riverside 92506, appellants' attorney, stated that the problem is that the building owner has not worked out the

economics under the lease that has a use restriction, with the increased risks of having a different use, such as insurance, and that the tenants will be financially responsible for all newly proposed Conditions. If those things can be worked out, the appellant is willing to go ahead and grant reasonable consent to the use. The reason for the appeal is that the building owner was not consulted and staff did not have the lease to determine whether or not there were any use restrictions in the lease.

Chairman Gifford responded that staff and Commission's purview goes to the conditional use. They have no purview over a landlord agreement. The determinations made have to do with the CUP or the use, not the landlord/tenant agreement.

Attorney Swan stated that the property owner does not have a problem with the dancing or all other findings that were made except that the property owner does not want to be run over in this process. He also stated that they would be willing to have the commission deem the application approved and deny the appeal, subject to revocation if the property owner consent is not filed within a certain period of time.

Chairman Gifford responded that a continuance might be in order if the applicant also feels there is a reason to continue.

Attorney Swan explained that the property owner and the tenant are in active litigation over their lease, and there is an October 16 mediation scheduled between the both of them. It is his recommendation that this could also be handled as part of that process, and that the continuance would be appropriate.

Bill Alden, 2488 Grace Street, Riverside (and 121 East Florida Avenue), applicant, laid out his understanding of the process and outlined his plans for his business.

Chairman Gifford pointed out it was up to the two parties whether they wanted a continuance until after the mediation on October 16. He stated the sense he got was that many things are happening last minute and nobody has figured out what their position is.

Attorney Michael Hesse, 4515 Tyler Street, Riverside 92503, (951) 781-4700, attorney for the applicant, stated the issues raised by the appellant fall into two categories: One, the appellant claims the owner of the real property is required to consent to this amendment of the CUP; Two, appellant claims that the provisions called for within this CUP are not minor. He then stated that neither of those claims has merit and referred to the case of Shell Oil Company versus the City of San Francisco and the County.

He continued to outline his arguments, with the position that the property owners consent was not required to file this application for a minor addition to the business operations.

Chairman Gifford questioned Planner Papp concerning the process utilized by staff and the conditions imposed.

Vice Chair Vasquez asked if all due process was followed, and Planner Papp responded it was and that this process is used to provide a shorter review process for a small select list of uses in lieu of a CUP. The Vice Chair then asked the City Attorney the same question, and the City Attorney responded that from his view, yes, due process was followed.

Attorney Swan again reiterated that the staff did not follow the Municipal Code, and that the appellant did not receive the mail. He claimed that an Administrative Use Permit requires that the application be filed by the property owner. He felt that the City of Hemet is dictating conditions. The property owner wants that opportunity as well.

There was further discussion between attorneys and Commission about the Shell Oil case, and their differing opinions on whether the case dictated property owner consent in the filing of the application.

When asked about the issues and his opinion by Chairman Gifford, City Attorney Jex stated this is a narrow focused issue that his office would need an opportunity to look into and research further. The city's municipal code allows for applications to be filed by the property owner or agent. In many cases the tenant is considered to be the agent for the property.

Chairman Gifford indicated that he would like the City Attorney to take a look at these issues and come up with nuances and differences before the Commission could make a determination on who had the right in this case to ask for the change in the CUP.

Vice Chairman Vasquez, Commissioner Overmyer, and Commissioner Perciful agreed, stating that there are two issues here – the land use and the contract, and it really depends on who has authority to file the application.

It was **MOVED** by Commissioner Michael Perciful and **SECONDED** by Commissioner Vince Overmyer to **CONTINUE** the public hearing to the Planning Commission Meeting of October 7, 2014.

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

AYES:	Chairman John Gifford, Vice Chairman Greg Vasquez, and Commissioner Vince Overmyer
NOES:	None
ABSTAIN:	None
ABSENT:	Commissioner Rick Crimeni

DEPARTMENT REPORTS

6. CITY ATTORNEY REPORTS: (Nothing to report.)

7. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:

A. Report on actions from the August 26 and September 9, 2014 City Council Meetings.

CDD Elliano said that the "Hand-held Sign" provisions of the sign ordinance was discussed at a work study at the August 26 meeting, with the decision of the Council being to continue to have a prohibition and have staff enforce the prohibition on the handheld signs. She also indicated that staff will continue to enforce the City's codes, but the sign ordinance will not be the No. 1 priority for Code Enforcement. If staff starts to see a proliferation, they will start to provide warnings and citations.

The meeting on September 9 was a special meeting, and there was a determination to move forward with the contract with Cal Fire.

The other item CDD Elliano brought up was a city-sponsored workshop to be held on 17 September for discussion concerning a comprehensive update to the City's fees. Invited were area stakeholders and engineers, plus City Building, Fire, Planning and Engineering departments. The proposed fee changes will go to City Council meeting on September 23, 2014.

She also stated that she attended a recent WRCOG meeting, the main issue being water conservation and regulations coming from various water districts, and the need to look at all current landscape requirements. There is a push to limit turf in landscaped areas as opposed to active play areas and parks.

Also, CEQA guidelines are being updated at the state level. The one of most concern had to do with the Steinberg bill that was adopted last year. It looks at how traffic analysis is to be conducted for CEQA purposes, particularly in transient-oriented districts, but they are looking now at expanding the same criteria to less urbanized areas. The City will be watching that carefully.

8. PLANNING COMMISSIONER REPORTS:

A. Chairman Gifford (Nothing to report.)
B. Vice Chair Vasquez (Nothing to report.)
C. Commissioner Perciful stated Commissioners had been invited to Sacramento by the EMWD for a water treatment tour in the middle of October and he is planning to attend. In addition, he was appointed to the Land
Use Environmental Committee for the California Association of Realtors for 2015.
D. Commissioner Overmyer (Nothing to report.)
E. Commissioner Crimeni (Absent.)

9. FUTURE AGENDA ITEMS:

A. Master Tentative Tract Map/Conveyance Map for Tres Cerritos East
B. Work Study for Sun Edison Solar Facility
C. Update report on the status of approved entitlements
D. Update on the Temporary Sign ordinance.

10. ADJOURNMENT

It was unanimously agreed to **adjourn** the meeting at 7:53 p.m. to the regular meeting of the City of Hemet Planning Commission scheduled for **October 7, 2014 at 6:00 p.m.** to be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue, Hemet, CA 92543.

Greg Vasquez, Vice Chairman
Hemet Planning Commission

ATTEST:

Melissa Couden, Records Secretary
Hemet Planning Commission