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PLANNING  **COMMISSION**

MEETING MINUTES

DATE: DECEMBER 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: Vice Chairman Greg Vasquez and Commissioners Rick Crimeni,
Vince Overmyer and Michael Perciful

ABSENT: Chairman John Gifford

Invocation and Flag Salute: Commissioner Rick Crimeni

2. APPROVAL OF MINUTES:

A. Minutes of the Planning Commission meeting of October 21, 2014

It was **MOVED** by Commissioner Vince Overmyer and **SECONDED** by Commissioner Rick Crimeni to **APPROVE** the Minutes of the Planning Commission meeting of October 21, 2014.

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

AYES: Commissioners Rick Crimeni, Vince Overmyer and Michael Perciful

NOES: None

ABSENT: Chairman John Gifford

ABSTAIN: Vice Chair Greg Vasquez

B. Minutes of the Planning Commission meeting of November 4, 2014

It was **MOVED** by Commissioner Michael Perciful and **SECONDED** by Commissioner Rick Crimeni to **APPROVE** the Minutes of the Planning Commission meeting of November 4, 2014.

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

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

1 **NOES:** None
2 **ABSENT:** Chairman John Gifford

3
4 **3. PUBLIC COMMENTS:**

5
6 After opening of the public comment period by Vice Chair Vasquez, Robert Young,
7 representing Inland Memorial Hartford Chapel, 38820 Sky Canyon Drive, #A, Murrieta,
8 requested consideration of the Planning Commission to relocate the funeral home back
9 to its prior location at 120 North Buena Vista, Hemet, where it had been located since
10 1926. It had previously been on Florida Avenue next to the movie theater, so has been
11 part of the Hemet community for over 100 years. It had moved April 21 to Murrieta due
12 to problems with the ownership change of the building. He requested a change of
13 zone from church zone.

14
15 CDD Elliano noted that the use could be grandfathered back in at the location if it is
16 within a minimal time period, usually six months. They would not need to change the
17 zone.

18
19 Mr. Young requested a notice of any other restrictions to the property before they
20 purchased the building.

21
22 Vice Chair Vasquez noted that the Commission could not take up the issue, as it was
23 not on the agenda, but recommended they go through the process by speaking to staff.

24
25 CDD Elliano stated staff would get in touch with them promptly.

26
27
28 **PUBLIC HEARING ITEMS**

29
30 **4. CONDITIONAL USE PERMIT (CUP 14-008) REDLINE EXPRESS CAR WASH —**
31 A request for Planning Commission review and approval of a Conditional Use Permit
32 for the construction and operation of a 3,492 square-foot express car wash with 19
33 self-service vacuum stalls on a 33,670 square-foot lot located at 250 South Sanderson
34 Avenue (APN 448-320-034).

35
36 **PROJECT APPLICANT INFORMATION:**

37
38 Owner: Lawcrest International, LLC
39 Agent: Sipan Nazaryan
40 Planner: Emery J. Papp, Principal Planner (Presentation by Carole Kendrick)
41 Project Location: 250 S. Sanderson Avenue
42 APN: 448-320-034

43
44 (PowerPoint presentation by Carole Kendrick.)

45
46 Commissioner Perciful revealed that he had met with a representative for the applicant
47 at the property and had discussions with him.

48
49 Vice Chair Vasquez asked if the carwash is automated, with the customers staying
50 within their cars, and if there will be a cashier at the kiosk. He also inquired about
Condition 13 regarding noise.

1 Planner Kendrick stated that the carwash is completely automated, allowing customers
2 to remain in their cars. A kiosk will be manned, and customers can park and clean the
3 interiors themselves. Condition No. 13 stated hours of operation are from 7:00 a.m. to
4 10 p.m. and noise should not exceed 60 decibels. This is a requirement of the General
5 Plan. A brick wall or adequate fencing material is required adjacent to the multi-family
6 housing to protect them from any noise impacts.

7
8 Vice Chair Vasquez opened the public hearing and requested the applicant to
9 approach the podium.

10
11 Brian Hobin, 1812 Novack Avenue, Thousand Oaks, California, noted that he is
12 representing the project, as is his partner and the architect. He outlined the plans for
13 the car wash, indicating it is designed to be a low-cost leader, an extremely efficient car
14 wash with price points about \$5 for each wash.

15
16 He also noted its efficiency in terms of water and power, with the intent being to recycle
17 70 percent of the water utilized. Variable frequency devices will help curb power
18 consumption, and an opaque roof will allow natural light during the day inside the car
19 wash building. All lights on the lot will be LED lights.

20
21 He continued outlining three elements of concern, noise, traffic congestion and
22 environmental issues, and introduced answers to these issues. To mitigate noise, they
23 have purchased a dryer that is less than 100 decibels, in the 80 decibel range; the
24 building design incorporates horseshoe-shaped doors to contain the noise inside; a
25 fence six feet in height with vegetation on it will drown noise; the design footprint of the
26 lot points the building away from the residential area and is as far away from
27 Sanderson as possible, so the noisemaking components are 230 feet away from
28 residential.

29
30 There was a concern voiced by a neighboring property concerning traffic congestion on
31 the easement between the two properties, but the issue has been resolved and there is
32 an agreement in escrow on the existing plan.

33
34 Concerning environmental issues, there are no hazardous materials on the property,
35 the building is LEED certifiable, and there is recycling of water.

36
37 Vice Chair Vasquez asked him to explain the process of the cars going through the car
38 wash.

39
40 Mr. Hobin answered that there are two manned kiosks that will collect the money.
41 Then an attendant will help the drivers get on the conveyor correctly. He anticipates
42 beginning with operating hours of 7:00 a.m. and closing at 6:00 p.m., but is reserving
43 the right to open until 10:00 p.m. if there is such demand. Nobody is able to access the
44 car wash without someone there from the company to assist them.

45
46 In answer to Vice Chair Vasquez's question regarding water recycling, Mr. Hobin
47 explained there is an underground tank that settles the solids out. When that is
48 completed, the filtered water is reused. The process is monitored by the Environmental
49 Health Department at the landfill.

1 Commissioner Crimeni commented about traffic congestion in the exit of the building
2 and the vacuuming area and questioned the footage between the bays.

3 Mr. Hobin said the space between the bays is 28.6 feet. He also commented that there
4 is a third attendant in the vacuum area to assist the cars.

5
6 CDD Elliano mentioned the standard drive aisle is 25 feet. She wanted to know how
7 many cars per hour might be going through the facility.

8
9 Mr. Hobin responded the anticipation is between 30 to 50 cars per hour, but there are
10 no guarantees. If a car cannot get through in five minutes, the \$5 fee is waived.

11
12 Commissioner Overmyer wondered how many opportunities for employment would be
13 offered and if employees would come from the local community.

14
15 Mr. Hobin answered their estimate was 12 to begin with and that they would be
16 employing locally. He also stated that the applicant was okay with all the conditions set
17 out by staff.

18
19 Liz Bell, 3030 West Acacia, Hemet, property manager of the Shadow Canyon
20 Apartments, inquired about plans for the fence on the property line, noting that it is
21 currently a chain link fence. Her hope was for coordination of the fence types,
22 mentioning that they are in a high-wind area.

23
24 CDD Elliano stated that normally if a residential zone abuts a commercial zone, the city
25 requires a decorative block wall. However, the existing fencing for this property was
26 done long ago. When new development comes in on the remaining property, a block
27 wall of the same material would need to be built. The city would require that portion to
28 be block.

29
30 Vice Chair Vasquez, Commissioners Overmyer and Perciful expressed their belief that
31 this is a good project for the West Hemet area, and Mr. Crimeni mentioned the need to
32 clarify Condition 106 relating to material for the fencing.

33
34 It was **MOVED** by Commissioner Vince Overmyer and **SECONDED** by Commissioner
35 Rick Crimeni to ADOPT Planning Commission Resolution Bill No. 14-030 **APPROVING**
36 **CUP 14-008**, subject to modification of condition of approval #106.

37
38 The **MOTION** was carried by the following vote:

39
40 **AYES:** Vice Chair Greg Vasquez, Commissioners Vince Overmyer, Michael
41 Perciful and Rick Crimeni

42 **NOES:** None

43 **ABSENT:** Chairman John Gifford

44
45 **5. CONDITIONAL USE PERMIT (CUP 14-009) ELITE BAR & GRILL** — A request for
46 Planning Commission review and approval of a Conditional Use Permit for the
47 operation of a sports bar and lounge within an existing 4,000 square-foot Downtown
48 Zone (D-1) tenant space located at 118 North Harvard Street. Approval of the
49 Conditional Use Permit requires Supplemental Findings regarding the sale of alcoholic
50 beverages and Findings of Public Convenience or Necessity be made.

1 **PROJECT APPLICANT INFORMATION:**
2

3 Owner: Simon Chu
4 Applicant: Lawrence Malberg
5 Planner: Emery J. Papp, Principal Planner (Presentation by Deanna Elliano)
6 Project Location: 118 N. Harvard Street
7 APN: 460-250-023
8

9 (PowerPoint presentation by CDD Deanna Elliano.)
10

11 Commissioner Overmyer had questions concerning whether this is a Type 47 or 48
12 liquor license, and wondered about the terminology, "substantial food service."
13

14 CDD Elliano commented that the applicant had bought a Type 47 license, but staff was
15 unable to get information on the specific type of food service prior to tonight's meeting.
16

17 Vice Chair Vasquez opened the public hearing and asked the applicant to come to the
18 lectern.
19

20 Lawrence Malberg, 38550 Cherry Stone, Cherry Valley, California outlined his plans for
21 the establishment, trying to reach all genres of people, utilizing themes on different
22 nights for varied age groups, such as country night with line dancing, 40 and older
23 night. He also wants to have specialized drinks usually not available in Hemet. He is
24 hoping to bring people back to Hemet to spend their money. He wants it to be elite and
25 upscale.
26

27 Vice Chair Vasquez asked about changes he had made to his original plan, and Mr.
28 Malberg indicated that when he checked with ABC, he realized the type 47 license that
29 he was working under would not allow some of the things, so he changed his time of
30 operation and several other things. He said he had a restaurant there that would be
31 open with a full menu during all hours of operation, and his focus would be on both the
32 bar and the restaurant. He recognized that Type 47 license allows minors to be
33 present at all times, so his idea was to label the minors with wristbands to keep them
34 from drinking. The theme activities would start after 10 p.m. and would be adult
35 focused.
36

37 Vice Chair Vasquez, Commissioner Crimeni and Perciful had questions about
38 remaining Type 47 or needing to go to Type 48 for some of the things he was
39 proposing, but Mr. Malberg indicated he wanted to stay with what he had. He noted
40 that there were digital surveillance cameras already in the building, and he had a high
41 concern for security. He stated that getting a Type 48 license would take six months to
42 obtain.
43

44 Simon Chu (no address given), the property owner, supported Mr. Malberg and thought
45 that keeping the 47 license was better for what was proposed. He compared the plan
46 with other restaurants that provide food and bar facilities, such as TGI Friday. He is
47 planning to open other restaurants in the area because he wants to see Harvard Street
48 have nightlife. He said that Mr. Malberg has already invested a sizeable amount doing
49 upgrades, such as an additional bathroom, and he hopes the Commission will be
50 supportive.

1 Patrick Malberg, 38550 Cherry Stone, Cherry Valley, California, the applicant's father,
2 attested to the honesty and good intentions of his son.

3
4 Lisa Torres (address given, but inaudible), an employee of Mr. Lawrence Malberg as
5 sous chef, outlined her past places of employment with Type 47 licenses, and gave an
6 outline of the type of food to be served, including food for children.

7
8 Thomas McGuinness, 570 South Harvard Street, Hemet, Mr. Malberg's head chef,
9 presented his prior work experience as head chef, and stated that the food is going to
10 be excellent. He wants to bring higher quality food back to Hemet.

11
12 Vice Chair Vasquez closed the public comment period and stated he felt this was the
13 right kind of project in the right location with the wrong license. His concern was
14 minors around liquor.

15
16 Commissioner Crimeni suggested separating the bar from the family eating area as a
17 possible solution to some of the problems.

18
19 Commissioner Overmyer felt the separation issue might be the solution to keeping the
20 Type 47 license and will vote for the project.

21
22 Commissioner Perciful wants this to be a successful project and agreed that separation
23 of eating/bar facilities might help the maintenance of the Type 47 license.

24
25 It was **MOVED** by Commissioner Vince Overmyer and **SECONDED** by Commissioner
26 Rick Crimeni to **ADOPT** Resolution Bill No. 14-031 approving the Conditional Use
27 Permit No. 14-009 based on the information and Findings contained in Resolution Bill
28 14-031.

29
30 The MOTION was carried by the following vote:

31
32 AYES: Commissioners Michael Perciful, Vince Overmyer, and Rick Crimeni
33 NOES: Vice Chair Greg Vasquez
34 ABSENT: Chairman John Gifford

35
36 6. **CONDITIONAL USE PERMIT (CUP 14-006) SUN EDISON** — A request for
37 Planning Commission review of a Conditional Use Permit to construct a 20-megawatt
38 photovoltaic solar power generation facility on a 134-acre site located on the southwest
39 corner of Sanderson Avenue and Acacia Avenue; and consideration of a Mitigated
40 Negative Declaration and Mitigation Monitoring Program regarding the environmental
41 effects of the project pursuant to CEQA Guidelines Section 15332.

42
43 **PROJECT APPLICANT INFORMATION:**

44
45 Owner: Breliant Irrevocable Trust
46 Applicant: Christina White, AP North Lake Solar, LP
47 Authorized Agent: Jeremy Krout, EPD Solutions, Inc.
48 Project Location: Southwest corner of Sanderson Avenue and Acacia
49 Avenue
50 Lot Area: 134 Acres
APN: 456-030-002

(PowerPoint presentation by Planner Running.)

Commissioner questions were considered next, with the following concerns raised:

1. Vice Chair Vasquez outlined his questions concerning future tax revenue, property improvements, drainage (hydro seeding), environmental concerns (avian concerns).
2. Commissioner Crimeni wanted to know more about the fencing along Sanderson and Acacia Avenues.
3. Commissioner Overmyer cited concerns related to the horses corralled by the veterinarian hospital located to the south, and the landscaping along the scenic highway.

Planner Running and CDD Elliano answered their concerns by explaining that the additional revenue from the solar fee would be approximately \$80,000 per year, with the acreage to be decided between 134 acres (entire site) and 113 acres (utilized space). The City Council will make the final decision as to the acreage to be taxed and/or an escalation of fees midway through the contract period.

The applicant is hoping there will be deferral of some of the improvements stipulated in the conditions of approval. Storm water drainage will be assisted by hydro seeding the area under the panels. The panels will not be directed to a central tower. The solar energy is absorbed into the panels and sent directly to the grid, thus eliminating avian concerns created by 800-degree microclimates.

The fencing will be a decorative seven-foot vinyl fence with drought tolerant landscaping, sidewalks, street furniture and light poles. There will be a chain link fence along the western property line.

Vice Chair Vasquez opened the public hearing.

Jeremy Krout of EPD Solutions, Inc., working with SunEdison on the project, thanked staff for the work done on this project and attempted to answer some of the prior questions. Landscape improvements would be something they would continue to work with the city on, such as opaque fencing with landscaping in front of it. In cases where there are airport restrictions, such as height and limitations of density, solar use makes good sense. Storm water drainage incurred on the site would be retained in the proposed development. There is more analysis needed, but not at this stage. There would be security on-site during construction, but not after completion. However, there will be security cameras onsite, monitored by the company, which would contact local police if there was disturbance on the property.

Mr. Krout stated that he had conversations with the veterinarian about the adjacent horse hospital and felt that opaque fencing would address his concerns. He also reported that a market research analyst had studied the overall land uses and vacant properties in the area and determined this area is not needed to meet the demand that is likely to occur in the next 25-plus years. He cannot predict its affect on property values.

1 There was further discussion with Vice Chair Vasquez about the electrical grid and its
2 impact on the city.

3
4 Commissioner Perciful said he felt this is a good use for the property, given the
5 constraints the Hemet-Ryan Airport has on this property.

6
7 Andy Anderson, representing the Hemet/San Jacinto Valley Chamber of Commerce,
8 stated they had done a thorough analysis and favor approval of the project.

9
10 Vice Chair Vasquez asked for further explanation of the landscaping plans for
11 perimeter street frontages.

12
13 Mr. Krout said with the drought, they are reworking some of the landscaping, but the
14 landscape pallet advanced by the city will be adhered to, with some modification, but
15 the general standards will be maintained along the frontage. Because this is not a
16 permanent project, SunEdison does not want conflicts with bus turnouts, etc., but a
17 study of the requirements for at least the project life will be done.

18
19 There was a discussion between CDD Elliano and Vice Chair Vasquez concerning
20 revised conditions and the Planning Commission's ability to approve without all the
21 information finalized.

22
23 CDD Elliano said neither staff nor Planning Commission has authority to waive
24 improvements per the City's ordinances. Where there is no access, no traffic effects,
25 such as on Cawston or Whittier, staff has not required improvements. The primary
26 question for a CUP is whether this is appropriate use of the property as far as public
27 health, safety and welfare.

28
29 Commissioner Overmyer suggested making a motion to approve, citing Commission's
30 continuing concerns about the scenic setbacks.

31
32 CDD Elliano noted that the City Council had the same concerns about the scenic
33 highway setbacks also and want to be sure it fits in with the rest of the area and is not
34 a detriment.

35
36 Dr. John Etchart, 601 South Sanderson Avenue, a veterinarian owning adjacent
37 property, stated he would be retiring soon, but still had horses on the property and was
38 concerned about dust and noise during construction and its affect on his horses. He
39 was also concerned about the property value of his site.

40
41 Marshall McIntyre, 41470 Primrose Lane, Hemet, the longest practicing appraiser in
42 the Inland Empire, stated he felt the doctor's property values will be harmed by this
43 project and felt consideration should be given as if this were an eminent domain case,
44 giving the property owner compensation. He said he could be contacted through the
45 doctor if anyone wanted to confer with him.

46
47 Vice Chair Vasquez then closed the public hearing and asked for further commissioner
48 comments.

49
50 Commissioner Overmyer stated the necessity to keep in mind the rights of the property
owner, i.e., Dr. Etchart, and the rights of the developer.

1 Commissioner Perciful said he wanted to see the two property owners work out
2 together what they want to do rather than having the Planning Commission mandate
3 anything. He stated that for right now, solar may be the best use for this property.
4

5 Commissioner Crimeni agreed that it is the best use for the property. He did have
6 concerns about the fencing around the doctor's property.
7

8 CDD Elliano pointed out that Condition 18 has a sentence that says additional
9 screening should be provided along the property line to the neighboring property south
10 of the veterinary clinic. The Planning Commission has the authority to determine what
11 that fence material could be.
12

13 Vice Chair Vasquez reopened the public hearing.
14

15 Mr. Krout pointed out that the doctor currently has chain-link fence and screening
16 currently on the property. There is also a gate and a gap before the solar project, so it
17 is not right up against the fence. The proposed fencing is high-quality vinyl with posts
18 planted into the ground with cement. The city has requirements regarding graffiti, and
19 the project owner would be required to replace the fencing if graffiti were a problem.
20

21 After the public hearing was again closed, Vice Chair Vasquez entertained a motion.
22

23 It was **MOVED** by Commissioner Vince Overmyer and **SECONDED** by Commissioner
24 Rick Crimeni to **ADOPT** Resolution Bill No. 14-028EA adopting a Mitigated Negative
25 Declaration and Mitigation Monitoring Program, prepared for the SunEdison CUP 14-
26 006, and **ADOPT** Planning Commission Resolution Bill No. 14-029 approving CUP 14-
27 006 subject to the amended Conditions of Approval.
28

29 The **MOTION** was carried by the following vote:
30

31 **AYES:** Vice Chair Vasquez, Commissioners Michael Perciful, Vince Overmyer,
32 and Rick Crimeni

33 **NOES:** None

34 **ABSENT:** Chairman John Gifford
35

36 DEPARTMENT REPORTS

37
38
39 **6. CITY ATTORNEY REPORTS:** (Nothing to report.)
40

41 **8. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**
42

43 **A.** Report on actions from the November 18, 2014 and December 9, 2014 City
44 Council Meetings.
45

46 CDD Elliano reported that approved by the Council at the November 18 meeting was
47 the zoning ordinance amendment for the Congregate Care facilities.
48

49 The December 9 meeting was the certification of election results and the changes in
50 the Council makeup. Linda Krupa is Mayor and Bonnie Wright is Mayor Pro-Tem. Ex-
Mayor Larry Smith was given a presentation, and the new interim Fire Chief Scott

1 Brown, (a retired fire chief from Orange County), was installed. They will continue their
2 search for a new chief. The fee schedule was continued to the January 13 council
3 meeting: Council is also interested in doing two town hall meetings a year, as well as
4 budget workshops and strategic planning sessions.

5
6 **B. Cancellation of the January 6, 2015 Planning Commission Meeting; next**
7 **meeting to be January 20, 2015**
8

9 **9. PLANNING COMMISSIONER REPORTS:** (Nothing to report by any Planning
10 Commissioners.)
11

12 **10. FUTURE AGENDA ITEMS:**
13

- 14 **A. Update on the Temporary Sign ordinance**
15 **B. Work Study regarding Zoning Ordinance Amendment regarding Storage**
16 **Containers in Commercial & Industrial Zones**
17 **C. State Planning Legislation Update**
18 **D. ZC 14-001: Warren Rd. & Esplanade Ave.**
19 **E. CUP 14-010: Verizon Cellular Antennas**
20

21 **10. ADJOURNMENT**
22

23 It was unanimously agreed to adjourn the meeting at 9:33 p.m. to the regular meeting of
24 the City of Hemet Planning Commission scheduled for **January 20, 2015 at 6:00 p.m.**
25 to be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue,
26 Hemet, CA 92543.
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37 _____
38 John Gifford, Chairman
39 Hemet Planning Commission
40

41 ATTEST:
42

43 
44 _____
45 Melissa Couden, Records Secretary
46 Hemet Planning Commission
47
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50