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**PLANNING**  **COMMISSION**

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**MEETING MINUTES**

**DATE:** AUGUST 5, 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 Rick Crimeni, Vince Overmyer

**ABSENT:** Commissioner Michael Perciful

**Invocation and Flag Salute:** Commissioner Vince Overmyer

**2. APPROVAL OF MINUTES:**

**A.** Minutes of the Planning Commission meeting of July 15, 2014

It was **MOVED** by Commissioner Vince Overmyer and **SECONDED** by Vice Chairman Vasquez to **APPROVE** the Minutes of the Planning Commission meeting of July 15, 2014.

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

**AYES:** Chairman John Gifford, Vice Chair Greg Vasquez, Commissioner Vince Overmyer

**NOES:** None

**ABSTAIN:** Commissioner Rick Crimeni

**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.

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**CONTINUED PUBLIC HEARING ITEMS**

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**4. CONDITIONAL USE PERMIT NO. 14-001 (CIELO ABIERTO TIERRA FERTIL CHURCH)** - A request for Planning Commission review of a Conditional Use

1 Permit for the operation of a 4,000 square foot church located within an existing  
2 8,000 square foot building, previously used as a church, located at 3590 West  
3 Florida, with consideration of an environmental exemption pursuant to CEQA  
4 Guidelines Section 15301. (Continued from 7/15/14 meeting.)  
5

6 **PROJECT APPLICANT INFORMATION:**  
7

8 Applicant: Cielo Abierto Tierra Fertil Corporation  
9 Planner: Emery Papp, Principal Planner  
10 Authorized Agent: James Irvin  
11 Project Location: 3590 W. Florida Avenue  
12 APN: 448-240-018  
13

14 (PowerPoint presentation by Planner Papp.)  
15

16 Chairman Gifford noted that Vice Chair Vasquez had arrived. He also asked Planner  
17 Papp if there were any tenants surrounding the proposed church who were closed on  
18 Sunday, and has there been any indication there are other special meetings, projects,  
19 get-togethers, anything outdoors they will be planning.  
20

21 Planner Papp indicated that the Horizon Solar Call Center site, with 80 or 90  
22 employees, is closed on Sundays. He said they have not been notified of other  
23 events, but staff believes there would be ample parking spaces.  
24

25 Commissioner Crimeni asked if Valley Golf opened on Sunday. Planner Papp said it  
26 is not, at least not during the summer months.  
27

28 Vice Chair Vasquez wanted to know who is responsible for the maintenance of the lot  
29 and the associated area and if there are CC&R's controlling traffic for that complex.  
30

31 Planner Papp said he would have to defer to the applicant for an answer to the  
32 maintenance question, but thought at present there are no shared parking  
33 agreements, which is why staff requested as a Condition of Approval that they record  
34 a parking agreement for the two parcels they propose to use for parking.  
35

36 Chairman Gifford again opened the public hearing and asked the applicant to come  
37 forward.  
38

39 Commissioner Overmyer asked if the wall separating the Valley Golf Course and the  
40 existing building was a sound wall. He also brought up the possibility of band  
41 practicing for the Sunday services, but did not think that was an issue because the  
42 business next door was closed on Sunday.  
43

44 Mr. Jim Irvin, authorized agent, stated it is a 2 X 6 type of wall, which probably has  
45 some type of a sound insulation. He also remarked that the owner, Mark Minkoff,  
46 would be responsible for the maintenance of the outside areas, but the inside of the  
47 church would be maintained by the church. He also said the church would be  
48 amenable to adding landscaping.  
49  
50

1 Planner Papp clarified that there is a condition of approval that states the applicant  
2 must keep the site free of trash and debris.

3  
4 Emmanuel Sanchez, 4930 Blue Copper Way, Hemet, stated he has been a part of this  
5 church community for a while, and the pastor has been there 20 years. He said the  
6 members are excited about occupying this building and serving the community.

7  
8 Chairman Gifford asked about the type of church services they practice.

9  
10 Mr. Sanchez stated that the routine they follow on Sunday mornings is four or five  
11 songs, nothing out of the ordinary and for the last five or six years they have been  
12 occupying a multipurpose room at the Rancho Viejo Middle School in Hemet.

13  
14 With no other public members wishing to speak, Chairman Gifford closed the public  
15 hearing and asked for comments from Commissioners.

16  
17 Both Commissioner Overmyer and Chairman Gifford thanked the church members  
18 who attended the Planning Commission for coming and showing their support for the  
19 church and the community.

20  
21 It was **MOVED** by Commissioner Vince Overmyer and **SECONDED** by Commissioner  
22 Rick Crimeni to ADOPT Planning Commission Resolution Bill 14-018 **APPROVING**  
23 Conditional Use Permit 14-001, based on the information contained in the Resolution  
24 Bill 14-018 and directed staff to file a Notice of Exemption with the County Clerk.

25  
26 The MOTION was carried by the following vote:

27  
28 AYES: Chairman John Gifford, Vice Chairman Greg Vasquez, and  
29 Commissioners Vince Overmyer and Rick Crimeni

30 NOES: None

31 ABSENT: Commissioner Michael Perciful

32  
33 **5. CONDITIONAL USE PERMIT NO. 14-003 (76 GAS STATION, PAGE PLAZA)** - A  
34 request for Planning Commission review and approval of a Conditional Use Permit  
35 for an ABC License upgrade from a Type 20 License (Off-sale beer and wine) to a  
36 Type 21 General License (Off-sale beer, wine and distilled spirits) from 6:00 a.m. to  
37 2:00 a.m., seven days a week, and to make a finding of public convenience or  
38 necessity as required by the California Department of Alcoholic Beverage Control at  
39 an existing 76 gas station located at 1111 Sanderson Avenue, on the west side of  
40 Sanderson Avenue south of Stetson Avenue (Continued from 7/15/14 Meeting).

41  
42  
43 **PROJECT APPLICANT INFORMATION:**

44  
45 Applicant: Robert Zakar, Just For Fun, LLC

46 Planner: Emery Papp, Principal Planner

47 Project Location: 1111 Sanderson Avenue

48 APN: 460-250-023

49  
50 (PowerPoint presentation by Planner Emery Papp.)

1 Commissioner Overmyer noted that the ABC sets the concentration of licenses. In  
2 this case, how did the concentration levels get to the present levels? Were there  
3 some approved that should not have been?  
4

5 Planner Papp indicated that ABC can issue licenses if the City does not protest, which  
6 was part of the problem in the past. Currently the number of licenses citywide is over  
7 the threshold of 66. On top of that, there are restaurants and retailers, which also  
8 have licenses, and many of those are exempt. There were also licenses issued  
9 before the new regulations for alcohol sales went into effect.  
10

11 Commissioner Overmyer responded that the current applicant seems to run a clean  
12 establishment, and with the difficulty of parking, etc., at Walmart and Walgreens, he  
13 saw this as a convenience issue.  
14

15 Chairman Gifford asked what the census tract covers. He was worried that the  
16 census tract covers all the shopping areas and takes in a few residences, but it  
17 becomes a skewed number, commercial to residential.  
18

19 Vice Chair Vasquez noted in the report on page five of ten, there are nine active off-  
20 sale licenses, four for Type 21, with a maximum of four permitted. Therefore, if this  
21 license changes from a 20 to a 21, that is where the over concentration occurs.  
22

23 Planner Papp explained the statute and the math involved. Therefore, staff finds that a  
24 public convenience and necessity finding cannot be made. If a conversion is made  
25 from a Type 20 to 21 license, they will be issued a new license number, but they  
26 surrender the Type 20, so it is not saleable.  
27

28 Vice Chair Vasquez asked if staff anticipates a run on additions to gas stations asking  
29 for Type 21 licenses if this one were approved.  
30

31 Planner Papp said that is staff's concern. Staff views this as a test case. They are  
32 concerned that approving this license would be a signal to other service stations.  
33 Statistics show that Type 21 licenses across the board on average have a higher  
34 number of calls for service than a Type 20 does.  
35

36 Commissioner Overmyer asked if this would set a legal precedent where other  
37 requests for Type 21 licenses could not be denied.  
38

39 City Attorney Jex explained that they would have to evaluate each one on the facts  
40 presented on each license. They would not be bound by it, but it would send a signal  
41 that these are the findings you are more likely to make.  
42

43 Chairman Gifford asked for comments from the applicant, and Robert Zakar (10451  
44 Harvest View Way, San Diego) approached the lectern.  
45

46 Mr. Zakar explained that he is the representative for the owners of the project, noted  
47 that the owners are his uncles. He gave some personal background concerning his  
48 involvement in projects such as this. He mentioned that the staff report mentions a  
49 locked glass case for the distilled spirits. They only proposed alcohol behind the  
50 counter. He also reported that the ABC would cancel the Type 20 license when it  
gives the Type 21, so the concentration level will not change.

1 He then explained the owners' commitment to the community and maintaining a safe  
2 and clean establishment. He said that the Staff Report made multiple references to  
3 this use setting an unwanted precedent. He understood staff's concern about the  
4 potential of setting a precedent. He also stated that they wish to set a precedent as  
5 being good partners with the community, the police, and the schools, a standard that  
6 other similar businesses will need to follow to remain competitive.

7  
8 He noted that he did not feel that "precedent-setting" was a legal argument, and that  
9 convenience and necessity were elements that they could provide more satisfactorily  
10 than some of the larger retail establishments. He also mentioned that their operators  
11 are schooled in identifying intoxicated buyers and would refuse to sell to them. Also,  
12 buying a six-pack of beer would make it easier to pop a can and drink while driving,  
13 while spirits are usually combined with other types of liquors for mixed drinks, which is  
14 done in an environment other than while driving a car.

15  
16 Chairman Gifford asked how much, in terms of additional business, they expect to  
17 generate through sale of distilled spirits.

18  
19 Mr. Zakar explained that it is not so much the amount of additional volume of alcohol  
20 sales; as it is to capture additional business because their customers have to go  
21 elsewhere if they want to purchase spirits. He did not know the percentage of sales.

22  
23 Mark Kassab (Fairmont Avenue, San Diego) explained their system for checking the  
24 age of alcohol buyers. It includes automatic cash register requests for age, ID check,  
25 and equipment for ID swipe verification. They also have wider aisles for handicap  
26 access.

27  
28 Chairman Gifford closed the public hearing and asked the Commissioners for their  
29 thoughts and inquiries.

30  
31 Commissioner Overmyer felt the applicant had expressed compelling arguments and  
32 that staff had done a good job of laying out the issues. However, he felt that the  
33 applicant would be on the other side of his decision because of the way the  
34 community has developed, which has no bearing on the applicant.

35  
36 Commissioner Crimeni agreed, and Chairman Gifford said that to him, the issues  
37 boiled down to three things: A, Concentration; B, Detriment to the public; C, Public  
38 policy issues. He gave credence to the police department numbers of twice as many  
39 calls to sites with Type 21 licenses than sites with Type 20 licenses.

40  
41 Commissioner Overmyer felt those numbers are skewed by bar calls.

42  
43 Chairman Gifford said it is between public policy and the need. Since there is no  
44 report of the economic value of the change in license for the applicant, he felt that the  
45 public interest outweighs the applicant's benefit. However, he admitted it is a  
46 wobbler for him. He is, however, going to have to come down on the side of the city  
47 and policy without demeaning the applicant.

48  
49 Commissioner Overmyer felt that the argument about convenience was a good one.  
50 But he also commented that alcohol is controlled for a reason, making the choice a  
difficult one.

1 Vice Chair Vasquez stated the applicant's presentation was eloquent but not  
2 convincing to him. He felt the Commission needs to consider the reasons the city and  
3 the ABC has put numbers in place to limit the number of licenses. So his concerns  
4 are, A, Over concentration; B, Precedence setting; C, Inconsistency with the General  
5 Plan of 2030, the goal of healthy communities. Moreover, the Commission is ignoring  
6 Land Use policy 15.5 of the General Plan if it votes to approve this application.  
7

8 It was MOVED by Commissioner Vince Overmyer and SECONDED by Commissioner  
9 Rick Crimeni to ADOPT revised Resolution Bill No.14-019 DENYING CUP 14-003,  
10 based on information and Findings contained in revised Resolution Bill No. 14-019.  
11

12 AYES: Chairman John Gifford, Vice Chairman Greg Vasquez, and  
13 Commissioners Vince Overmyer and Rick Crimeni.

14 NOES: None

15 ABSENT: Commissioner Michael Perciful  
16

## 17 DEPARTMENT REPORTS

18  
19 **6. CITY ATTORNEY REPORTS:** (Nothing to report.)  
20

21 **7. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**  
22

23 **A. Report on actions from the July 22, 2014 City Council Meeting**  
24

25 Principal Planner Emery Papp reported on a fee study or cost allocation study. City  
26 wide, it is revising fees to try to capture some of the revenues lost over time because of  
27 no modification of fees in several years. Staff has been mandated by City Council to  
28 look at how our proposed fees compare to other cities and make recommendations for  
29 adjustments, if necessary. It is coming back to the Council in late August.  
30

31 The Stetson Crossing Partners Ordinance was repealed and the Associated  
32 Development Agreement between the City of Hemet and Stetson Crossing Partners  
33 was terminated. The property is open for negotiation for the uses.  
34

35 The City Engineering Department granted an easement of right-of-way for McDonald's  
36 restaurant.  
37

38 The Community Development Department/Code Enforcement Division asked the City  
39 Council to authorize the destruction of obsolete code enforcement records. The city is  
40 required to keep those records for seven years, and there were a total of 5,625 code  
41 enforcement cases that were removed for destruction. There were volunteers who  
42 went through each one of these to make sure there were no liens or any other effect to  
43 real property by destroying these records.  
44

45 Coming before the Council on August 12 will be a recommendation for an Abatement  
46 Services contract for a vendor to service buildings and properties that have been left  
47 unsecured or broken into to keep the buildings from being further damaged and to  
48 perform property maintenance of vacant properties on an as-needed basis.  
49  
50

1 The packets for rental registration for multifamily units will be going out this week. The  
2 city manager will be reviewing them.

3  
4 **8. PLANNING COMMISSIONER REPORTS:**

- 5  
6 **A.** Chairman Gifford (Nothing to report)  
7 **B.** Vice Chair Vasquez (Nothing to report)  
8 **C.** Commissioner Perciful (Absent)  
9 **D.** Commissioner Overmyer (Nothing to report)  
10 **E.** Commissioner Crimeni reported that the banner across Florida had incorrect  
11 dates for the Zorro performance at the Ramona Bowl. The correct dates are the  
12 9th, 16th and 23rd.  
13

14 **9. FUTURE AGENDA ITEMS:**

- 15  
16 **A.** Master Tentative Tract Map/Conveyance map for Tres Cerritos East  
17 **B.** Parcel Map for Verizon south of city hall.  
18

19 **10. ADJOURNMENT**

20  
21 It was unanimously agreed to adjourn the meeting at 7:32 p.m. to the regular meeting  
22 of the City of Hemet Planning Commission scheduled for August 19, 2014 **at 6:00 p.m.**  
23 to be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue,  
24 Hemet, CA 92543.  
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John Gifford, Chairman  
Hemet Planning Commission

ATTEST:

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Melissa Couden, Records Secretary  
Hemet Planning Commission