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*PLANNING*  *COMMISSION*

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**MEETING MINUTES**

**DATE:**           **AUGUST 16, 2016**

**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 Vince Overmyer and Greg Vasquez

**Invocation and Flag Salute:** Chairman John Gifford

**2. APPROVAL OF MINUTES:** (None available at this time.)

**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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**PUBLIC HEARING ITEMS**

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- 4. EXTENSION OF TIME NO. 16-004 FOR TENTATIVE TRACT MAP NO. 36510 - A request for a two (2) year extension of time for a previously approved Tentative Tract Map No. 36510 for the master map subdivision of approximately 209 acres into 37 numbered lots and 49 lettered lots located on the northwest corner of West Florida Avenue and Myers Street.**

**PROJECT APPLICANT INFORMATION:**

Applicant:                   Ramona Creek, LLC  
Project Location:         Northwest corner of W. Florida Ave. and Myers St.  
APN:                         448-090-003  
Lot Area:                  208.9 acres  
Planner:                    Carole Kendrick, Assoc. Planner

1 (PowerPoint presentation by Planner Carole Kendrick.)  
2

3 Chairman Gifford clarified that applicant was only asking for two years, although three  
4 are available. He also wondered what plans the applicant had to move forward.  
5

6 Planner Kendrick said the applicant felt two years would be a reasonable amount of  
7 time.  
8

9 Vice Chair Perciful asked if applicant is looking to start the project within the next two  
10 years or is waiting to see how the market improves.  
11

12 Planner Kendrick indicated the property owner said the market conditions in Hemet are  
13 not what they need them to be to attract national retailers, but are trying to obtain  
14 financing for preparation to record the map.  
15

16 Commissioner Overmyer commented on the fragility of the market in Hemet at this time  
17 and hoped the applicant would be able to manage until the market revived.  
18

19 Planner Kendrick replied that sometimes if things don't change, the State has stepped  
20 in in the past and given automatic extensions if things turn south for California.  
21

22 Commissioner Vasquez noted that he had a previous conversation with Planner  
23 Kendrick and had no further questions.  
24

25 Chairman Gifford opened the public hearing and asked for comments from the  
26 applicant's representative.  
27

28 Joseph Castenada of JLC Engineering in Murrieta, approached the lectern and was  
29 asked by Chairman Gifford if he expects in two years that the project will likely move  
30 forward, to which he answered that he did not know, as he is only dealing with  
31 engineering related to the drainage.  
32

33 CDD Elliano explained that this is a very large piece of property with a huge amount of  
34 infrastructure up front, with the first stage being the installation of the drainage. They  
35 want to be able to build fairly soon after the infrastructure is complete. She stated staff  
36 was fine with the two-year extension.  
37

38 Chairman Gifford closed the public hearing and stated that this is a very good project  
39 and the builder has a good reputation, so it's reasonable that the Planning Commission  
40 approve the extension.  
41

42  
43 It was **MOVED** by Vice Chair Michael Perciful and **SECONDED** by Commissioner  
44 Vince Overmyer to **APPROVE** an Extension of Time No. 16-014 for a two-year  
45 extension of the Tentative Tract Map No. 36510 subject to the updated Conditions of  
46 Approval (Attachment 1B) and direct staff to file a Notice of Exemption with the County  
47 Clerk.  
48  
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50

1 The **MOTION** was carried by the following vote:  
2

3 **AYES:** Chairman John Gifford, Vice Chair Michael Perciful, and Commissioners  
4 Vince Overmyer and Greg Vasquez

5 **NOES:** None  
6  
7

8 **5. CONDITIONAL USE PERMIT NO. 16-003 REMANDED (GREEN EDUCATION**  
9 **FOUNDATION)** - A request for the Planning Commission to approve the  
10 installation and operation of a 160 sq. ft. prefabricated donation collection bin  
11 placed in the parking lot (approximately 240 feet south from the centerline of  
12 Stetson Avenue and 27 feet west from the centerline of State Street) located at  
13 1265 S. State Street at an existing commercial center (Diamond Valley Shopping  
14 Center).  
15

16 **PROJECT APPLICANT INFORMATION:**  
17

18 Applicant: Green Education Foundation - Kayla Ybarra  
19 Property Owner: Diamond Valley 425 CPW – Jonathan Kim  
20 Project Location: 1265 S. State Street adjacent to W. Stetson Avenue  
21 (Approximately 450 feet west of intersection of S. State  
22 Street and W. Stetson Avenue)  
23

24 APN: 451-062-036  
25 Planner: H.P. Kang, Principal Planner  
26

27 (PowerPoint presentation by Planner H.P. Kang.)  
28

29 Chairman Gifford asked about notification of businesses and residents regarding this  
30 remanded hearing.  
31

32 Planner Kang reported that individual mail notices had been sent to the property  
33 owners, tenants, and residents within 500 feet of the shopping center. The applicant  
34 was also notified prior to 14 days.  
35

36 Chairman Gifford wondered if staff is still trying to get a resolution on the CC&Rs not  
37 being violated, although he realizes it's not the City's issue but a private issue. He  
38 reiterated that originally the issue was that the process was not followed in terms of the  
39 CUP, that the bin obstructed the views into the shopping center, it took up parking  
40 spaces, and that there was trash and debris that was not being addressed.  
41

42 City Attorney Vega reminded the Commission that from a legal perspective, the  
43 CC&Rs are a completely private issue. The city is not listed in the CC&Rs as having  
44 any right to enforce them and they were not required as a condition of approval on the  
45 shopping center, so the city cannot make a determination on the CC&Rs alone.  
46  
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1 Vice Chair Perciful noted that he had someone from the public reach out to him  
2 directly, commenting that they were against the bin even being moved because the site  
3 had only been cleaned up when the applicant was in the process of trying to get a  
4 Conditional Use Permit approved. Mr. Perciful stated that no matter how noble it might  
5 be, the charity is of minimal benefit to Hemet because the items were sent out to  
6 another country.

7  
8 Planner Kang reported, in answer to a question from Commissioner Overmyer, that  
9 they had received three main letters from tenants, one tenant submitting a letter with  
10 signatures on 8 to 10 pages, each page containing approximately 10 signatures, in  
11 opposition to the project.

12  
13 Commissioner Overmyer also wondered if the business owners, by their silence, were  
14 approving of this bin being moved, or was it just apathy. His other question was if the  
15 owner of Parcel 2 would have more to say about this than anybody else.

16  
17 Planner Kang reported that the current location is Parcel 2, with the proposed location  
18 being Parcel 3. Both parcels are owned by the same owner.

19  
20 Commissioner Overmyer asked about modified conditions 6 and 7 of the Conditions of  
21 Approval, which state that debris and trash must be cleaned up within four hours.

22  
23 Planner Kang explained that the facility operates on a satellite or remote system. Once  
24 they see debris, they would send out a cleanup crew within four hours for clean up.

25  
26 Commissioner Vasquez asked if it was staff that recommended the applicant request  
27 that the matter be sent back to the Planning Commission or was it the applicant's  
28 request.

29  
30 Planner Kang explained that it was the applicant's request. At the City Council  
31 meeting, they were asking for a new location, but they didn't have enough information  
32 at that hearing so had to come back to you for the alternate location.

33  
34 After giving detailed background, Commissioner Vasquez stated that he personally  
35 didn't know why we are back here with the same issue that we thought we dealt with a  
36 few months ago, because there are now six months' worth of photographs that reveal  
37 the applicant has not changed their pattern of litter and debris, with little cleanup.

38  
39 CDD Elliano responded that what staff recommended at the City Council meeting was  
40 that applicant needed to work out the CC&R issues with tenants and property owners  
41 and address the suitability of this new location, what staff recommended at the meeting  
42 with the applicant was that the applicant needed to work with the location information  
43 prior to going before City Council. After the Council meeting, staff sent emails to the  
44 applicant requesting information regarding those communications. Staff has not  
45 received anything in writing from the applicant. Staff prepared Conditions of Approval  
46 for the new site, particularly regarding maintenance of the property, which failure would  
47 result in administrative citations, which can thereafter result in suspension and a  
48 revocation hearing back before Planning Commission. Staff is interested in hearing  
49 both from the applicants and tenants this evening as to the progress in resolving the  
50 issues.

1 Commissioner Vasquez reported that from what he has heard from the tenants and  
2 other Commissioners, they are not in favor of it. The alternate location the Planning  
3 Commission suggested was off side and not another location at the same shopping  
4 center.  
5

6 Chairman Gifford opened the public hearing and asked for comments from the  
7 applicant.  
8

9 Osunga Akello (625 1/2 West Main Street, Los Angeles, California 90037) greeted the  
10 Commission and hoped he could be helpful.  
11

12 Chairman Gifford asked if he had had a chance to review the revised conditions that  
13 staff has attached to the CUP and if he agreed with them.  
14

15 Mr. Akello stated they had been given to him five minutes before the hearing began  
16 and he indicated he didn't know enough to agree at this point. However, he felt his  
17 organization would, in the spirit of good faith, be more than likely trying to do everything  
18 you requested.  
19

20 Chairman Gifford asked him about the condition requiring a four-hour cleanup of trash  
21 and debris at the site.  
22

23 Mr. Akello stated he thought those time requirements were within the times stated in  
24 their operation manual.  
25

26 Chairman Gifford outlined his concern that if the Conditional Use Permits conditions  
27 were not met and CDD Elliano suspends the operation that the operation will continue,  
28 (based on history) and will not adhere to the four-hour cleanup provision.  
29

30 Mr. Akello gave some background about himself and about the charity that he  
31 represents, including its educational endeavors.  
32

33 Vice Chair Perciful inquired as to how many of these bins the charity currently operates  
34 and if the common practice is to just get permission from a property owner and then  
35 place the bin.  
36

37 Mr. Akello said he believes it is in the hundreds or thousands of bins operating. He  
38 noted that common practice is to just place the bins if the property owner agrees. He  
39 also noted that requirements are changing in some places and they need to check  
40 more now rather than driving city officials crazy. He said they have people within each  
41 city where the bins are located who are notified when there is debris and sent to clean  
42 it up within the time specified.  
43

44 Vice Chair Perciful voiced his major concerns, including the high price of attorneys'  
45 fees should there be a violation of the CC&Rs, the need for more parking spaces taken  
46 up by the bin since it's on a drive aisle, the civil liability the organization faces,  
47 particularly with the CC&R issue.  
48  
49  
50

1 Mr. Akello asked if he should ask for a deferment, as he was not prepared to answer  
2 some of the questions.

3  
4 Vice Chair Perciful said he was basically reiterating the advice of staff, that he should  
5 have contacted other tenants and owners of the property prior to coming back.  
6

7 City Attorney Vega advised against a deferment on the basis of the CC&Rs. If the  
8 matter is approved by the Commission and the property owners are not in favor, they  
9 are free to file a lawsuit.

10 Chairman Gifford replied that the Planning Commission is not here to decide matters of  
11 law, but what they must take into account are what the benefits or detriments of an  
12 issue are as it applies to the city, the General Plan and the general spirit of that plan  
13 and how that applies to the community.  
14

15 Mr. Akello noted that sometimes it is a matter of competition for resources, but he felt  
16 that with the proposed location and the methods put in place for closer observation and  
17 maintenance that he felt comfortable that it would be of benefit to the city.  
18

19 Commissioner Vasquez said he was not clear whether the applicant had touched  
20 bases with any of the tenants or people of interest.  
21

22 Mr. Akello replied that on July 20th, he and the chairwoman had gone to several of the  
23 businesses and had left their contact information. He has not received any responses  
24 nor are there many tenants/owners here tonight. He explained that they had gone to  
25 the exercise facility, the pharmacy and the water selling facility and met with managers,  
26 not necessarily owners.  
27

28 When asked by Commissioner Overmyer how many people were employed locally to  
29 clean up trash within four hours and graffiti within 24 hours, Mr. Akello responded that it  
30 involves at least two people, if not more. He said there are 50 or 60 employees that he  
31 has witnessed in the Los Angeles area. He was not certain about the number of  
32 employees for this area.  
33

34 Commissioner Overmyer said he is somewhat ambivalent, particularly because of the  
35 lack of tenant/owner attendance at this meeting, but he thought it was a good thing and  
36 if the people in that area don't have a problem with it, he didn't either.  
37

38 Chairman Gifford thanked Mr. Akello and asked for further response from the  
39 audience.  
40

41  
42 Merrill Brinton (27464 Sierra Verde Drive, Hemet) introduced himself as owner of the  
43 Medicine Shop for 39 years. He stated he was the one that visited all the businesses,  
44 got signatures, and there was not one person who was in favor of the project. He said  
45 after speaking with the chairwoman, his conclusion was their purpose was the issue of  
46 global warming. He said he was not a supporter of that concept, and felt Hemet was  
47 already well served with Valley Restart, and Salvation Army devoted to the down and  
48 out. He also explained that the owners of the businesses are working very hard and it  
49 is not easy to take time to come to these meetings. He asked that the City of Hemet  
50 take a moral stand, as did the city of Murrieta concerning illegal aliens, to say no to this  
project.

1 Chairman Gifford reminded him that the Commission did deny this project, but there  
2 are a lot of things the Commission can't do, but we must give a fair hearing and look at  
3 the facts and see how that affects our decisions.  
4

5 Mr. Brinton repeated that he has not talked to one person in favor of this project. He  
6 noted that there were many undesirable people utilizing this recycle center and gave a  
7 number of examples.  
8

9 Commissioner Overmyer explained that many of these events cause people to point  
10 fingers at city staff, but it's really market conditions. But he appreciated that Mr. Brinton  
11 came and gave his opinions. It had helped to sway his opinion.  
12

13 Mandie Shoemaker, consignment store owner in the center, explained why it is hard for  
14 her to attend these hearings and offered to show them pictures that she had taken in  
15 July of incidents around the bin. She noted that you can control the trash, but you can't  
16 control the people that either bring the items or those who take them away. She felt  
17 that it affected her business, because items that were donated at the bin could have  
18 been sold at her business and given benefit to the donor and her business.  
19

20 Chairman Gifford asked if changing locations of the bin would change her mind about  
21 the desirability, and her answer was no. After asking for further comments from the  
22 audience and seeing none, he closed the public hearing.  
23

24 There was discussion between Commissioner Overmyer and staff regarding verbiage  
25 on some of the Conditions, with ultimate explanations and understandings.  
26

27 Commissioner Vasquez said his opinion is based on empirical evidence, which  
28 includes photographs of the last six months and statements from neighbors and  
29 business owners. From that evidence, his former opinion against the project has not  
30 changed.  
31

32 Vice Chair Perciful stated again that he felt this was the wrong location for the project,  
33 not just because of the shopping center issues, but the corner, the street intersection,  
34 all cause him concerns. He is also concerned about dragging things on if there is a  
35 notice of violation and the CUP is suspended. He has also not heard from anyone at  
36 that location approving the project.  
37

38 Commissioner Overmyer reiterated that originally he was not going to vote against this  
39 project, but the public voices heard tonight changed his mind, although he was  
40 disappointed that more interested parties had not attended.  
41

42 Chairman Gifford had some questions of staff regarding the issuance of revised  
43 Conditions of Approval. He also stated it would be comforting if he felt the applicant in  
44 good faith would operate according to the modified conditions, but past experience  
45 hasn't supported that assumption, even if the location within the shopping center were  
46 changed. He felt this location was not suitable.  
47

48 City Attorney remarked that from what she had heard in the discussion, it sounds like  
49 the Commission is leading for a denial vote, which is not in the resolution before the  
50 Commission today.

1 Therefore, staff needs guidance in developing a resolution based on evidence that  
2 supports the denial. Therefore, she suggested that the hearing be continued to the  
3 next meeting and ask staff to bring back a resolution of denial. There was further  
4 detailed explanations and clarifications discussed between Commission members and  
5 City Attorney on the process and their finding for denial.  
6

7 It was **MOVED** by Chairman John Gifford and **SECONDED** by Vice Chair Michael  
8 Perciful to **CONTINUE** this matter to the September 6, 2016 Planning Commission  
9 meeting and direct staff to prepare a resolution of denial for Resolution Bill 16-016  
10 **DISAPPROVING** the item.  
11

12 The **MOTION** was carried by the following vote:  
13

14 **AYES:** Chairman John Gifford, Vice Chair Michael Perciful, and Commissioners  
15 Vince Overmyer and Greg Vasquez  
16

17 **NOES:** None  
18

## 19 DEPARTMENT REPORTS

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21  
22 **6. CITY ATTORNEY REPORTS:** (Nothing to report)  
23

24  
25 **7. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:** (Nothing to report)  
26

27  
28 **8. PLANNING COMMISSIONER REPORTS:**  
29

30 **A.** Chairman Gifford announced that Tami Wilhelm has resigned from the  
31 Commission for personal reasons with family. Work is in progress on a  
32 Resolution of Recognition.

33 **B.** Vice Chair Perciful (Nothing to report)

34 **C.** Commissioner Overmyer (Nothing to report)

35 **D.** Commissioner Vasquez (Nothing to report)  
36

37  
38 **9. FUTURE AGENDA ITEMS:**  
39

40 **A.** Work Study for TTM 36929 (NWC of Fruitvale and Kirby)

41 **B.** GPA 15-001, ZCC 15-001, Sanderson Ave. Apartments — Sanderson,  
42 North of Devonshire

43 **C.** CUP 15-007 — Verizon Cell tower (State and Oakland)

44 **D.** CUP 16-002 — All for Show Car Audio (State & Devonshire)  
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1 **10. ADJOURNMENT:**

2  
3 It was unanimously agreed to adjourn the meeting at 8:06 p.m. to the regular meeting of  
4 the City of Hemet Planning Commission scheduled for **September 6, 2016 at 6:00 p.m.**  
5 to be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue,  
6 Hemet, CA 92543.

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11 John Gifford, Chairman  
12 Hemet Planning Commission

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17 **ATTEST:**

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21 Gabriela Hernandez, Records Secretary  
22 Hemet Planning Commission  
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