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PLANNING  *COMMISSION*

MEETING MINUTES

DATE: SEPTEMBER 20, 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

ABSENT: None

Invocation and Flag Salute: Chairman John Gifford

2. APPROVAL OF MINUTES:

A. Minutes for the Planning Commission August 2, 2016

It was **MOVED** by Commissioner Greg Vasquez and **SECONDED** by Commissioner Vince Overmyer to **ADOPT** the Minutes of the August 2, 2016 Hemet Planning Commission Meeting.

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

AYES: Chairman John Gifford, and Commissioners Vince Overmyer and Greg Vasquez.

ABSENT: Vice Chairman Michael Perciful

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

1 **4. CONDITIONAL USE PERMIT 16-004 (Taco Bell)** - A Conditional Use Permit
2 requesting to construct and operate a 2,080 sq ft drive thru restaurant with 13
3 parking spaces on 0.36 acres of land at an existing commercial center, located at
4 2097 E. Florida Avenue (SWC of E. Florida Avenue and Yale Street).
5

6 **PROJECT APPLICANT INFORMATION:**
7

8 Applicant: Gabriela Marks - Marks Architects
9 Property Owner: Brian Wayy
10 Project Location: 2097 E. Florida Ave. (SEC of E. Florida Avenue and Yale
11 Street)
12 APN: 445-280-042
13 Planner: H.P. Kang, Principal Planner
14

15 (PowerPoint presentation by Planner H.P. Kang)
16

17 Chairman Gifford asked a question about the hours of operation, 7 a.m. to 1 a.m. He
18 wondered if that included the dining area open during those hours and if this was the
19 typical hours for Taco Bells.
20

21 Planner Kang noted that those were the hours requested by Taco Bell.
22

23 Commissioner Vasquez asked if there was dining planned for inside the restaurant,
24 and if so, why that wasn't included in the analysis in the staff report. His
25 recommendation was inclusion in the analysis, with more detail regarding number of
26 seats, not to exceed a certain number.
27

28 Planner Kang responded that there was dining in and the exhibit did include a floor
29 plan, but wasn't included in the staff report.
30

31 Chairman Gifford said that analysis would have made it easier to ascertain if the
32 parking was adequate, but didn't think that was a show stopper.
33

34 Planner Kang said the parking was analyzed based on the square footage of the gross
35 flooring area, which wouldn't change based on the dining area.
36

37 Chairman Gifford opened the public hearing and invited the applicant to the lectern.
38

39 Gabriela Marks stated she was the architect for the project and had also done work on
40 a number of other Taco Bell sites, with seven of this architectural design. The interior
41 of the building is typical of the others, but outside is a newer concept. There are also
42 46 seats in the dining area, with an average of four employees.
43

44 Vice Chair Perciful asked about typical hours of operation, to which Ms. Marks replied
45 that they prefer 24 hours. But 6 a.m. to 1 a.m. seven days a week is also typical.
46 There are security cameras around the building, both inside and outside.
47

48 Commissioner Vasquez asked if she was aware of the crime in the area and noted
49 there was no police comment under "Conditions" in the staff report.
50

1 Ms. Marks indicated that the franchisee lives in the area and also owns another Taco
2 Bell in Hemet and is aware of the crime issues. She indicated the conditions of
3 approval are accepted by the applicant.
4

5 There was discussion between Commissioner Vasquez and Planner Kang regarding
6 the absence of a police response and/or conditions, with Mr. Kang's indication that
7 there are no standardized police conditions; typically it's on a case-by-case basis.
8 Planner Kang also stated that the project was routed twice under Preliminary Review
9 and Conditional Use Permit, and had not received any comments from PD.
10

11 Chairman Gifford agreed that there should be mention in the staff report regarding the
12 police department's response or lack of concerns. There was further discussion as to
13 whether this item should be continued for further contact with the police department.
14

15 Ms. Marks remarked that on these projects, applicant has a condition of contacting the
16 police department about installation of the cameras, and requested that the hearing not
17 be continued.
18

19 Attorney Jex answered Chairman Gifford's question whether the Commission can
20 require a condition at a later date which has not been specifically called out, by stating
21 it can be, as long as the applicant will agree with it. It can be read into the record and
22 added as a condition.
23

24 Commissioner Vasquez then had questions about the hours of operation, and Planner
25 Kang said the applicant had requested in the application, the hours from 7 a.m. to 1
26 a.m.
27

28 After further discussion among Commissioners regarding the police response or lack
29 thereof, Commissioner Vasquez suggested the item be continued rather than the
30 Commission coming up with a condition without police input.
31

32 Commissioner Overmyer interjected that anything that affects the applicant negatively
33 could delay the Commission's consensus to continue to push forward.
34

35 Commissioner Vasquez commented that the police department had been critical of one
36 of his projects in the east end of town, as well as of the pawn shop proposed for Vice
37 Chair Perciful's building.
38

39 Ms. Marks commented that the project has already been routed through the police
40 department twice. If the matter is continued, it will cost the client another month's rent.
41

42 Chairman Gifford noted that the applicant would prefer 24 hours, but asked if 6 a.m. to
43 1 a.m. would be acceptable, to which Ms. Marks agreed.
44

45 Vice Chair Perciful expressed that it's important for businesses in this city to have an
46 equal playing field, so would approve the 6 a.m. start time rather than 7 a.m.
47

48 Chairman Gifford closed the public hearing and noted that a change can be made in
49 Condition 12 to read from 6 a.m. to 1 a.m. if staff agrees, to which Planner Kang gave
50 his agreement.

1 There was then further discussion regarding wording for a possible condition rendered
2 by the Commission regarding police conditions, with the following language as a
3 proposal: "Prior to Certificate of Occupancy, the applicant shall contact the Hemet
4 Police Department in regards to security system and install and operate as required,
5 and any additional suggestions made by Hemet Police Department and report back to
6 staff." It would be modified Condition 135.

7
8 Chairman Gifford reopened the public hearing and requested approval by the applicant
9 of the new condition.

10
11 Steve Pulcheon, construction manager with Taco Bell Corporation objected to the
12 wording of the condition as proposed, as there is no definitive wording, leaving the
13 possibility open for other conditions that Taco Bell may not agree. He also questioned
14 why it would be the applicant's job to go to the police department a third time, as it was
15 the city's responsibility to make sure the police responded to the routing.

16
17 There was further discussion about the routing of the project to the police department,
18 with Planner Kang explaining it was sent twice and further explained the process.
19 Commissioner Overmyer agreed that it was not the applicant's fault, but Commissioner
20 Vasquez again noted that there was no mention at all of there being even a "no
21 concern" comment from the HPD and asked who the liaison would be who received the
22 routing at the HPD and suggested the item be continued until they contacted that
23 person and straightened out the lack of response. He also recommended a protocol
24 be established for noting departmental input so there is no question in Commissioners'
25 minds when it appears on the staff report.

26
27 Ms. Marks noted that the proposal is a commercial project in a commercial area,
28 consistent with all uses around it; therefore, their project will not produce additional
29 crime. She said they were willing to contact the police department again and would
30 notify staff of any response, but they could not accept an open-ended condition.

31
32 Commissioner Vasquez responded that he didn't think the project would initiate crime
33 and he liked the project. However, it's a matter of resources drawn from the PD that a
34 nice restaurant might engender, causing an exhaustion of resources.

35
36 Mr. Pulcheon stated they would like a vote tonight one way or another.

37
38 Chairman Gifford then closed the public hearing again and stated he felt a condition
39 having the police department review cameras is sufficient.

40
41 Commissioner Vasquez stated that a two week continuation would give the
42 Commission the answers it needed, and Commissioner Overmyer opined that it should
43 be approved as stands, except for the engineering conditions and the Condition 12.

44
45 Vice Chair Perciful felt the matter should be handled at the staff level because the
46 applicant is eager to move forward. He approved the change in time, and encouraged
47 the approval as a step in the right direction.
48
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1 Commissioner Vasquez repeated his objections that the Commission is tying the police
2 department's hands if it includes the previous condition without the open-ended
3 sentence which gives the police department more flexibility in requirements.

4
5 After further discussion between Chairman Gifford and Commissioner Vasquez, the
6 Chair said he would entertain a motion.

7
8 It was **MOVED** by Commissioner Greg Vasquez to **CONTINUE** the item to the October
9 4th Planning Commission meeting, directing staff to receive clarification from the
10 Hemet Police Department regarding their position on the project.

11
12 The motion failed for lack of a second.

13
14 Chairman Gifford reopened the public hearing and asked the applicant to return to the
15 podium. He then asked if the change to Condition 12 was agreeable, to which
16 Ms. Marks answered in the affirmative. He then asked Planner Kang to reread the
17 Modified Condition 135, after which he asked the applicant if this was agreeable.

18
19 Ms. Marks stated they could not accept it with the last sentence, but the first part was
20 agreeable.

21
22 Planner Kang then reread the modified Condition 135, omitting the final sentence as
23 follows: "Prior to Certificate of Occupancy, the applicant shall contact the Hemet Police
24 Department in regards to security cameras and install and operate as appropriate,"
25 which Ms. Marks accepted.

26
27 It was **MOVED** by Chairman John Gifford and **SECONDED** by Vice Chair Michael
28 Perciful to **ADOPT** Planning Commission Resolution Bill No. 16-020 approving CUP
29 16-004 subject to the terms and Conditions of Approval, including the change in
30 Condition 12, addition of Modified Condition 135 and added & deleted engineering
31 conditions as read into the record by staff.

32
33 The **MOTION** was carried by the following vote:

34
35 **AYES:** Chairman John Gifford, Vice Chair Michael Perciful, and Commissioner
36 Vince Overmyer.

37
38 **NOES:** Commissioner Greg Vasquez

39 40 **WORK STUDY REPORTS**

41
42
43 **5. WORK STUDY: ZONE CHANGE NO. 16-004 ZONING CONSISTENCY (ZC): - A**
44 Work-study to discuss staff's recommended approach to achieving consistency
45 between the General Plan Land Use Map and the Zoning Map, and to begin reviewing
46 zoning district recommendations for parcels with a General Plan land use designation
47 of Park, Open Space, Agriculture, Public Facility, Quasi-Public, or School.
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1 in written form only. There needs to be a verbal summary during the meeting and an
2 explanation of what the salary is with the benefit increase for those executives before
3 there is a vote on the item.
4

5 Another addition to the Brown Act is AB 2257, the requirement that an agenda for a
6 planning commission or city council, for example, must be prominently posted on the
7 Web sites and must be searchable through some search engine. It is not in effect until
8 January 1st, 2019 to allow the agencies to get up to speed. The Brown Act was written
9 in the 1950's so it needs updating from time to time.
10

11 Attorney Jex then challenged the Commission members with a hypothetical situation
12 and asked for correct answers. It prompted discussion about a Commissioner's
13 responsibility to warn developers or applicants that they are not to tell an agency
14 member what another commission or council member has said, as it jeopardizes the
15 agency's votes, according to the Brown Act.
16
17

18 **7. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:** (Nothing to report.)
19
20

21 **8. PLANNING COMMISSIONER REPORTS:**
22

- 23 A. Chairman Gifford - (Nothing to report.)
- 24 B. Vice Chair Perciful - (Nothing to report.)
- 25 C. Commissioner Overmyer - indicated the need for a practice within the City
26 departments to respond to an email or routing with an affirmative response
27 that the material has been received.
- 28 D. Commissioner Vasquez (Nothing to report.)
29
30

31 **9. FUTURE AGENDA ITEMS:**
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- 33 A. Work study for Downtown Specific Plan
- 34 B. CUP 15-007-Verizon Cell tower (State & Oakland)
- 35 C. ZOA 15-007-Landscape Work study
- 36 D. CUP 16-002-All for Show Car Audio (State & Devonshire)
- 37 E. GPA 15-001, ZC 15-001, Sanderson Ave Apartments - Sanderson, North of
38 Devonshire
- 39 F. ZC 16-003, TPM 37196 and CUP 16-006-Zanderson Plaza (NEC of Menlo
40 and Sanderson Avenues)
41
42

43 Planner Kang reported that the work study on October 4 will start at 4 p.m. He also
44 reported that ex-Commissioner Wilhelm could not attend this week because of the
45 illness of her father. Chairman Gifford said it would be nice to give her recognition in
46 November.
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1 **10. ADJOURNMENT**

2
3 It was unanimously agreed to adjourn the meeting at 8:12 p.m. to the regular meeting of
4 the City of Hemet Planning Commission scheduled for **October 4, 2016 at 4:00 p.m.** to
5 be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue,
6 Hemet, CA 92543.
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14 _____
15 John Gifford, Chairman
16 Hemet Planning Commission
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19 ATTEST:

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22 _____
23 Gabriela Hernandez, Records Secretary
24 Hemet Planning Commission
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