

# PLANNING COMMISSION

## AGENDA

REGULAR MEETING OF THE HEMET PLANNING COMMISSION  
City Council Chambers  
450 East Latham Avenue, Hemet CA 92543

July 19, 2011  
6:00 PM

*If you wish to make a statement regarding any item on the agenda, please complete a Speaker Card and hand it to the clerk. When the Chairman calls for comments from the public on the item you wish to address, step forward to the lectern and state your name and address. Only testimony given from the lectern will be heard by the Planning Commission and included in the record.*

### 1. CALL TO ORDER:

**Roll Call:** Chairman John Gifford, Vice Chairman Sharon Deuber, and Commissioners Vince Overmyer, David Rogers and Chauncey Thompson

**Invocation and Flag Salute:** Chairman Gifford

### 2. APPROVAL OF MINUTES:

- A. Minutes for the Planning Commission Meeting of May 17, 2011
- B. Minutes for the Planning Commission Meeting of June 21, 2011

### 3. PUBLIC COMMENTS:

*Anyone who wishes to address the Commission regarding items **not on the agenda** may do so at this time. Please line up at the lectern when the Chairman asks if there are any communications from the public. When you are recognized, please give your name and address. Please complete a Speaker Card and hand it to the Clerk so that we have an accurate recording of your name and address for the minutes.*

## PUBLIC HEARINGS

### Meeting Procedure for Public Hearing Items:

1. Receive Staff Report Presentation
2. Commissioners Report Regarding Any Site Visit or Applicant Contact
3. Open the Public Hearing and receive comments from the applicant and the public.
4. Close the Public Hearing
5. Planning Commission Discussion and Motion

□ CITY OF HEMET PLANNING COMMISSION MEETING □

JULY 19, 2011

4. **SPECIFIC PLAN AMENDMENT NO. 06-001 & ENVIRONMENTAL ASSESSMENT NO. 06-019 (Tres Cerritos East) – Continued from June 21, 2011**

**OWNERS:** Signal Family Hemet, LLC; Omni Financial, LLC; and MJ&M, LLC

**AGENT:** Mel Mercado

**LOCATION:** Northwest corner of Cawston and Devonshire Avenues  
(APN: 448-100-001 thru 018 and 448-110-001 thru 022)

**PLANNER:** Ron Running – (951) 765-2375

**DESCRIPTION:** A request for Planning Commission review and recommendation to the City Council regarding a proposed amendment to the Hemet Valley Country Club Estates Specific Plan (SP 90-009) modifying the eastern 146 acres adding 221 residential units to the existing Specific Plan, for a total of 931 dwelling units, allocating the dwelling units in various density categories, providing for public and private park sites and trails, and the addition of a 16.9 acre site, with readoption as the Tres Cerritos Specific Plan 90-009, along with an Environmental Impact Report for the proposed changes.

**Recommended Actions:**

*Continue the open public hearing for Specific Plan Amendment No. 06-001 & Environmental Assessment No. 06-019 (Tres Cerritos East) to the regularly scheduled Planning Commission meeting of Tuesday, August 16, 2011.*

5. **AMENDMENT TO DEVELOPMENT AGREEMENT NO. 03-001 FOR STONEY MOUNTAIN RANCH TRACT 29129**

**APPLICANT:** Jeffrey MDM Partners VI, LLC

**AGENT:** Jeffrey Holbrook, Jeffrey MDM Partners VI, LLC

**LOCATION:** South side of Esplanade Avenue, 844± feet east of Warren Road

**PLANNER:** Ron Running – (951) 765-2375

**DESCRIPTION:** A proposed amendment to the existing development agreement extending the time period between the City of Hemet and Jeffrey MDM Partners VI, LLC for the construction of single-family residential homes in the Stoney Mountain Ranch Tract 29129.

**Recommended Actions:**

*Adopt Planning Commission Resolution Bill No. 11-015, entitled: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN ORDINANCE ADOPTING THE FIRST AMENDMENT TO DEVELOPMENT AGREEMENT NO. 03-001 [STONEY MOUNTAIN RANCH] BETWEEN THE CITY OF HEMET AND JEFFREY MDM PARTNERS VII, LLC."*

## DEPARTMENT REPORTS

6. **COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**
  - A. Report on City Council actions from the June 28<sup>th</sup> and July 12<sup>th</sup> meeting
  - B. Upcoming events and informational items
  - C. Cancellation of August 2, 2011 meeting
  - D. Appointment of Planning Commissioner as liaison to the Traffic Commission which meets at 9am on the first Tuesday of each month in the City Council Chambers.
  - E. Report on WRCOG Planning Directors Meeting
  
7. **CITY ATTORNEY REPORTS:** *Verbal reports from Assistant City Attorney Tom Jex on items of interest to the Planning Commission*
  
8. **PLANNING COMMISSIONER REPORTS:** *Commissioner reports on meetings attended or other matters of Planning interest*
  - A. Chairman Gifford
  - B. Vice Chairman Deuber
  - C. Commissioner Overmyer
  - D. Commissioner Rogers
  - E. Commissioner Thompson
  
9. **FUTURE AGENDA ITEMS:** *Items to be scheduled for upcoming Planning Commission Meetings*
  - A. Report on "Human Signs" and other temporary signage in the City
  - B. General Plan Update and Draft EIR
  - C. Ordinance Amendments
  - D. Report on Medi-City project status
  - E. Overview of industrial development opportunities
  
10. **ADJOURNMENT:** To the regular meeting of the City of Hemet Planning Commission scheduled for **August 16, 2011 at 6:00 p.m.** to be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue, Hemet, California 92543.

### NOTICE TO THE PUBLIC:

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the Planning Department counter of City Hall located at 445 E. Florida Avenue during normal business hours. Agendas for Planning Commission meetings are posted at least 72 hours prior to the meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meeting, please contact the Planning Department office at (951) 765-2375. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to insure accessibility to the meeting. (28 CFR 35.102-35.104 ADA Title II).

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□ CITY OF HEMET PLANNING COMMISSION MEETING □  
JULY 19, 2011

# AGENDA #2.A.

## PLANNING COMMISSION

### MEETING MINUTES

DATE: May 17, 2011

CALLED TO ORDER: 5:59 P.M.

MEETING LOCATION: City Council Chambers  
450 East Latham Avenue, Hemet, CA 92543

#### 1. CALL TO ORDER:

**PRESENT:** Chairman John Gifford, Vice Chairman Sharon Deuber, and Commissioners Vince Overmyer, David Rogers and Chauncey Thompson

**ABSENT:** None

**Invocation and Flag Salute:** Commissioner Rogers

#### 2. APPROVAL OF MINUTES:

A.Planning Commission Meeting of April 19, 2010

It was **MOVED** by Commissioner Rogers and **SECONDED** by Commissioner Deuber to approve the April 19, 2011 minutes, with the following changes.

1. The sentence starting on Page 3, Line 43 should read:

*"Minors are allowed until 10:00 p.m. if unaccompanied by a parent. Entrants over 21 are banded with wristbands. If minors are under 18, they must be accompanied by a parent of at least 21 years of age."*

2. Under Community Development Director Reports, starting on Page 11, Line 7 should read:

*"Also at the March 22<sup>nd</sup> meeting was the confirmation of the re-appointment of three Planning Commissioners: John Gifford, Vince Overmyer and Chancey Thompson."*

The MOTION was carried by the following vote:

**AYES:** Chairman John Gifford, Vice Chairman Sharon Deuber, and Commissioners David Rogers, Chauncey Thompson and Vince Overmyer

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

1 **3. PUBLIC COMMENTS:**

2  
3 Don Konnick (Lexington Avenue, Hemet) suggested that a "No Entry" sign be placed at  
4 the exit from the old Wal-Mart building onto Florida Avenue to avoid an accident.  
5  
6

7 **PUBLIC HEARINGS**

8  
9 **4. EXTENSION OF TIME NO. 11-001 FOR CONDITIONAL USE PERMIT NO.**  
10 **05-002**

11  
12 **APPLICANT:** Tierra West Commercial  
13 **AGENT:** Don Bender  
14 **LOCATION:** 3400 West Devonshire Avenue  
15 **PLANNER:** Carole Kendrick  
16 **DESCRIPTION:** A request for Planning Commission review and approval  
17 of a two-year extension of time for the previously approved Conditional Use  
18 Permit No. 05-002 to construct and operate a 127-unit senior apartment  
19 project and associated site improvements located at the northwest corner of  
20 Sanderson and Devonshire Avenues.  
21

22 Commissioner Rogers recused himself, due to his residence being within 1,000 feet  
23 of the project location.  
24

25 Assistant Planner Carole Kendrick presented the staff report, providing various  
26 details and a PowerPoint presentation.  
27

28 Chairman Gifford questioned whether the applicant was aware of any changes in the  
29 conditions, to which Planner Kendrick responded that he was and had agreed with  
30 them.  
31

32 The public hearing was opened by Chairman Gifford.  
33

34 Don Bender of Tierra West Commercial Real Estate and Development – 3110 East  
35 Florida Avenue, Hemet, California approached the lectern as the applicant's  
36 representative. He explained that the reason for the time extension was due to  
37 financing.  
38

39 Community Development Director (CDD) Elliano mentioned that this two-year  
40 extension, if granted, would be the final extension the applicant is allowed under city  
41 zoning regulations.  
42

43 Mr. Bender commented on several conditions, including driveway entrance from  
44 Sanderson, which he noted was in error, as they have entrance only from  
45 Devonshire Avenue, which affects Condition Nos. 61 and 62. Also, with regard to  
46 Condition No. 70, the underground storm drain has already been installed, so that  
47 condition would not apply. He also felt that Condition No. 75 applied to another  
48 project, rather than their CUP.  
49  
50

1 City Engineer, Jorge Biagioni replied that Condition No. 60 should be remain,  
2 Condition No. 70 had already been met but should remain, and that Condition No.  
3 75 was a standard condition throughout all the projects and tended to be more of a  
4 statement than a condition.

5  
6 CDD Eliano agreed that Condition No. 61 could be deleted, but that Condition No.  
7 62 would need to apply because there would be handicap ramps at the corners on  
8 the crosswalk.

9  
10 Mr. Bender agreed with the remaining conditions.

11  
12 City Attorney Jex asked for site visit disclosure and Commission members  
13 responded as follows: Chairman Gifford – no site visit or applicant contact; Vice  
14 Chairman Deuber – drove by the site but no applicant contact; Commissioner  
15 Overmyer – site visit, but no applicant contact; Commissioner Thompson – site visit  
16 but no applicant contact.

17  
18 It was **MOVED** by Commissioner Overmyer and **SECONDED** by Commissioner  
19 Thompson to **ADOPT** Planning Commission Resolution Bill 11-012 **APPROVING**  
20 Extension of Time No. 11-001 for Conditional Use Permit No. 05-002, with the  
21 deletion of Condition No. 61.

22  
23 The MOTION was carried by the following vote:

24  
25 **AYES:** Chairman Gifford, Vice Chairman Deuber, and Commissioners Overmyer,  
26 Rogers and Thompson

27 **NOES:** None

28 **ABSTAIN:** Commissioner David Rogers

29 **ABSENT:** None

30  
31 ***Adopted Resolution No. 11-005.***

32  
33 **5. CONDITIONAL USE PERMIT NO. 10-008 (INLAND VALLEY BAPTIST**  
34 **FELLOWSHIP)**

35  
36 **APPLICANT:** Inland Valley Baptist Fellowship

37 **AGENT:** Dale Dieleman

38 **LOCATION:** 2700 West Johnston Avenue □

39 **PLANNER:** Carole Kendrick

40 **DESCRIPTION:** A request for Planning Commission review and approval  
41 of a conditional use permit to modify the existing Conditional Use Permit No.  
42 12-88 and add a 2,560 square-foot classroom building to an existing church  
43 campus on a 5.00 acre parcel, with consideration of an environmental  
44 exemption pursuant to CEQA Guidelines Section 15332.

45  
46 Assistant Planner Kendrick presented the staff report, which included details and a  
47 PowerPoint presentation, indicating that the only changes to the project would be  
48 modifying the phasing and adding the classroom building and a playground.

49  
50 Chairman Gifford reported that he had neither visited the site, nor met with the  
applicant; Vice Chairman Deuber indicated no site visit or meeting with the applicant;

1 Commissioner Overmyer indicated no site visit or meeting with applicant;  
2 Commissioner Rogers indicated no site visit or meeting with applicant;  
3 Commissioner Thompson indicated that he had visited site but had not met with  
4 applicant.

5  
6 Chairman Gifford opened the public hearing and invited the applicant to the lectern.

7  
8 Chris Engel, lead pastor of the Inland Valley Baptist Fellowship Church, commented  
9 that both the Planning and Fire Department staff had been helpful in moving their  
10 requests through the City. He indicated the need for more classroom space, and he  
11 accepted the addition of Condition No. 21. In answer to a question by Chairman  
12 Gifford concerning landscaping, he indicated that there was irrigation to only some of  
13 the trees, others not being part of the original plan.

14  
15 Mr. Engel advised the Commission that the neighbors had been contacted, that the  
16 building was far from the borders of the property, lighting was directed downward,  
17 the setback from the houses was over 150 feet, and the use of the classroom  
18 building would be primarily weekend mornings and occasionally Tuesday or  
19 Wednesday evenings, but not past 10 p.m.

20  
21 Planner Kendrick noted that there was adequate parking to accommodate this phase  
22 of their project.

23  
24 Jim Calkins (1631 Calathea Road, Hemet) indicated that he had been on the  
25 Planning Commission when this project was originally approved, and that there had  
26 been concerns about school-age children on-site because of the flight patterns and  
27 proximity to the airport. He wondered if those conditions had changed.

28  
29 CDD Elliano said that the City had overruled the Airport Land Use Commission's  
30 determination regarding children because of the adjacent park and surrounding  
31 single-family homes, noting that since the property was designated for church  
32 purposes, Sunday school classrooms are an ancillary use and consistent with the  
33 original approvals.

34  
35 Chairman Gifford notified the audience that Condition No. 21 mandated that as  
36 future phases were implemented they would have to be reviewed by the Planning  
37 Department.

38  
39 Don Konnick (Lexington Avenue, Hemet), approached the lectern as a resident  
40 directly behind the walls of the church property. He questioned where the future  
41 playground would be situated and what other phases were planned. He was invited  
42 to check the city website and get the details in the staff report, as well as from  
43 Planner Kendrick.

44  
45 Chairman Gifford closed the public hearing and asked for a motion.

46  
47 It was **MOVED** by Commissioner Rogers and **SECONDED** by Commissioner  
48 Overmyer to **ADOPT** Planning Commission Resolution Bill No. 11-009 **APPROVING**  
49 Conditional Use Permit No. 10-008 as presented.  
50

1 The MOTION was carried by the following vote:

- 2  
3 AYES: Chairman Gifford, Vice Chairman Deuber, and Commissioners Overmyer,  
4 Rogers and Thompson  
5 NOES: None  
6 ABSTAIN: None  
7 ABSENT: None  
8

9 ***Adopted Planning Commission Resolution No. 11-006***

10  
11 **6. SITE DEVELOPMENT REVIEW / DOWNTOWN PROJECT REVIEW NO. 11-**  
12 **001**  
13

- 14 **APPLICANT:** Salwa Greco  
15 **AGENT:** James Calkins  
16 **LOCATION:** 222 – 228 East Florida Avenue  
17 **PLANNER:** Carole Kendrick  
18 **DESCRIPTION:** A request for Planning Commission review and approval  
19 of a Downtown Project Review application for the construction of a 7,204  
20 square-foot building to replace a building destroyed by fire on the northwest  
21 corner of Florida Avenue and Carmalita Street, with a consideration of an  
22 environmental exemption pursuant to CEQA Guidelines Section 15302.  
23

24 City Planner Ron Running presented the staff report, which included details and a  
25 PowerPoint presentation, indicating that the only changes to the conditions were  
26 Nos. 2, 76 and 77 and that the tenants would likely be a combination of office, retail  
27 and restaurant uses.  
28

29 Chairman Gifford asked about adequacy of parking if a restaurant were to be sited  
30 there, to which Planner Running responded that downtown zones have the flexibility  
31 that they can credit the private properties with city-provided parking if located  
32 adjacent to the site. He felt the scale of this building would not overwhelm the  
33 parking and that the added lighting on the north would improve the parking safety to  
34 the adjacent lot.  
35

36 Vice Chairman Deuber asked about the possibility of a plaza for outdoor dining, to  
37 which Planner Running responded that the owner was proposing a shell, with  
38 allocation of space dependent upon the requirements of the future tenants. He  
39 explained that the Commission was being asked to approve the elevation for the  
40 exterior of the building.  
41

42 Commissioner Overmyer questioned the positioning of a trash enclosure at the back  
43 of the building, which would result in the elimination of potential parking spaces.  
44

45 Planner Running responded that there was a landscaped area where a trash  
46 enclosure could be sited with no adverse effect on the parking.  
47

48 Chairman Gifford inquired regarding who would be maintaining the landscaping and  
49 what sized trees were allowed.  
50

1 Planner Running answered that the applicant was responsible for maintenance of  
2 the landscaping. He added that the tree sizes were 24-inch box, and that street  
3 furniture would include a tree well, a tree guard grate, and probably a couple of  
4 benches.

5  
6 All Commissioners indicated that they had been by the site, but none had been in  
7 contact with the applicant.

8  
9 Chairman Gifford opened the public hearing and Shareik Isa approached the lectern.

10  
11 Mr. Isa (1085 Living Water Way, Hemet), introduced himself as project manager and  
12 brother of the owner, Salwa Greco. He stated that the plaza area would be decided  
13 depending on the number and what kinds of tenants would utilize the building. He  
14 explained that they had already lost rentable space due to landscaping and planters  
15 every 20 feet, so he felt some footage should come from the sidewalk area.

16  
17 Chairman Gifford reiterated the need for a pedestrian-friendly downtown and  
18 commended the planning staff on the speed at which the rezoning and change of the  
19 downtown plan had been accomplished. An extended discussion followed between  
20 the applicant and the Commission members concerning the plaza idea, interior  
21 plaza, terrace dining, marketing ideas, and design changes depending on early  
22 tenant sign-up.

23  
24 CDD Elliano explained that Condition No. 30 did not specify a plaza, but requested  
25 architectural relief along Carmalita Street, providing some inset and interest.

26  
27 Chairman Gifford suggested that staff and the applicant be allowed to work out the  
28 actual design features, but that the Commission could approve the concept.

29  
30 Vice Chairman Deuber agreed.

31  
32 CDD Elliano further explained that no matter how many tenants the space would  
33 facilitate, the outside design would look the same in order to be consistent with the  
34 downtown scale and context. Further details like signage, lighting and planters  
35 would then be part of the working plans.

36  
37 Mr. Isa agreed to working with CDD Elliano on Condition No. 30 and inquired about  
38 Condition No. 76.

39  
40 City Engineer Biagioni explained that the intention of Condition No. 76 was to  
41 resurface the parking lot in the back – the portion covering the frontage on the north  
42 side up to the middle of the parking lot – by grinding three inches of an overlay to the  
43 centerline of the parking lot

44  
45 Mr. Isa agreed to the condition and asked that Architect James Calkins answer any  
46 further questions about design.

47  
48 Mr. Calkins (1631 Calathea Road, Hemet) said he had not seen Exhibit B – the  
49 conditions of approval for the project – so he could not comment on them as yet. He  
50 suggested delaying discussion until he and Mr. Isa had an opportunity to review  
Exhibit B.

1  
2 Chairman Gifford agreed and closed the public hearing, stating that they would  
3 continue with one item and then return to the public hearing.  
4

5 (A ten-minute recess was taken.)  
6

7 **7. CONDITIONAL USE PERMIT NO. 10-014 (EUROPRECAST CONCRETE)**  
8

9 **APPLICANT:** Walt Kurczynski – Europrecast Concrete, LLC  
10 **AGENT:** Mike Medofer, Medofer Engineering  
11 **LOCATION:** 170 East Oakland Avenue  
12 **PLANNER:** Carole Kendrick  
13 **DESCRIPTION:** A request for Planning Commission review and approval  
14 of a conditional use permit to allow the operation of a manufacturing facility to  
15 produce precast concrete building products entirely within an existing  
16 industrial building located at 170 East Oakland Avenue, with consideration of  
17 an environmental exemption pursuant to CEQA Guidelines Section 15332.  
18

19 Assistant Planner Kendrick presented the staff report, which included details and a  
20 PowerPoint presentation.  
21

22 Chairman Gifford posed the following questions: (1) Will there be equipment other  
23 than manufacturing equipment in the storage area; (2) Is the concrete wet or dry that  
24 comes into the precast form, as it makes a difference in air quality.  
25

26 Planner Kendrick responded that the concrete was wet when it comes into the plant.  
27

28 Vice Chairman Deuber inquired about the location of the Bridges Daycare Center,  
29 with Planner Kendrick responding that there was a portion of the back and the north  
30 side of the property that Bridges Daycare leases to Genesis, who has provided a  
31 lease agreement to Europrecast Concrete for parking. She advised that the  
32 operating hours would be Monday through Friday, from 6 a.m. to 5 p.m.  
33

34 Commissioner Rogers inquired about the noise levels of the mixers and equipment,  
35 to which Planner Kendrick responded that they would not exceed 65 decibels, which  
36 was the General Plan requirement for noise.  
37

38 All Commissioners reported no contact with the applicant, and only Commissioner  
39 Rogers reported having visited the site.  
40

41 Chairman Gifford opened the public hearing and invited the applicant, Mike Medofer,  
42 to approach the lectern.  
43

44 Mike Medofer of Medofer Engineering (28610 Midsummer Lane, Menifee) advised  
45 the Commission that the applicant had reviewed the conditions of approval and was  
46 in agreement with them, as written.  
47

48 In answer to Chairman Gifford's questions, Mr. Medofer outlined the procedure for  
49 the manufacture of the Denmark-originated product, enumerating the equipment as  
50 cement truck delivery, forklift, small duty crane or cherry picker, with maintenance  
type equipment within the building, such as welders and grinders. Cement delivery

1 would occur once per day for two to three days a week. There may be a small  
2 amount of mixing on-site for special jobs, but the norm would be ready-mix.

3  
4 Commissioner Rogers asked about the casting, and Mr. Medofer responded that the  
5 molds were premade, and the product was used for screening and retaining walls.

6  
7 Vice Chair Deuber questioned the facility's impact on traffic, to which Mr. Medofer  
8 indicated that they had only one flatbed truck for delivery at this time.

9  
10 Commissioner Rogers asked about impact on air quality and whether cleaners or  
11 sealants would be used.

12  
13 Mr. Medofer responded that they would be utilizing just the standard products for  
14 cleaning and sealing, all done inside, and for which they have a condition in the  
15 permit that requires adherence to all air quality regulations.

16  
17 Chairman Gifford asked if they had done this type of operation anywhere else, to  
18 which Mr. Medofer responded that this was the first one they had been involved with.

19  
20 Walt Kurczynski (Temecula) approached the lectern as the project applicant, and  
21 indicated that when the operation was up and fully running, one ready-mix delivery  
22 per day would fulfill their needs. He noted that the delivery truck for the finished  
23 product was a stake-bed truck. If a larger delivery were needed, they would hire a  
24 larger truck.

25  
26 Commissioner Rogers asked for a number of specifics.

27  
28 Mr. Kurczynski responded that a small order would be about two yards, which would  
29 be the equivalent of ten 90-pound bags. They would be loading the panels inside  
30 the yard, where they would be stored in cradles. They would be making four to six  
31 panels a day, and the cement truck would be there for approximately half an hour.  
32 He further indicated that the noise level for the delivery would not be as loud as a  
33 backhoe.

34  
35 Chairman Gifford indicated that a comfortable level for a concert was about 100  
36 decibels.

37  
38 Allen Qui (no address given), representing the vacant property to the north, voiced  
39 his parents' concerns over the air pollution, traffic, and property values, particularly in  
40 the C-2 area, and how air pollution might affect the children in the child care facility  
41 next door.

42  
43 Vice Chairman Deuber asked what use had occupied the building previously.

44  
45 Bill Carole from Genesis Construction indicated that Banks Lumber had operated  
46 within the building prior to Genesis taking possession in 1989, and that since then  
47 they have been the sole tenant. They have condensed their operation from 150  
48 employees to 20. It has been an industrial site since they took possession, with 15  
49 to 20 of their own trucks coming and going, and four to five delivery trucks per day,  
50 as well as 10 to 20 customers per day in the store. They also had forklifts and other  
equipment.

1  
2 Chairman Gifford closed the public hearing and asked for a motion.

3  
4 It was **MOVED** by Commissioner Thompson and **SECONDED** by Commissioner  
5 Rogers to **ADOPT** Planning Commission Resolution Bill No. 11-010, **APPROVING**  
6 Conditional Use Permit No. 10-014, including modified Condition Nos. 14 and 39 as  
7 presented by staff.

8  
9 The MOTION was carried by the following vote:

10  
11 AYES: Chairman Gifford, Vice Chairman Deuber; and Commissioners Overmyer,  
12 Rogers and Thompson

13 NOES: None

14 ABSTAIN: None

15 ABSENT: None

16  
17 ***Adopted Planning Commission Resolution No. 11-008.***

18  
19 **6. (Continued) SITE DEVELOPMENT REVIEW / DOWNTOWN PROJECT**  
20 **REVIEW NO. 11-001 (Continued Public Hearing)**

21  
22 Chairman Gifford re-opened the public hearing for Item No. 6 and invited the  
23 applicant to the lectern.

24  
25 Mr. Calkins expressed agreement with Exhibit B pertaining to the 75 conditions of  
26 approval, but indicated that No. 36 should be stricken because the memo  
27 supercedes it.

28  
29 CDD Elliano agreed.

30  
31 Council Member Larry Smith commended the Commission for expressing their valid  
32 concerns pertaining to the project, and staff for anticipating the issues. He stated  
33 that he did not want to minimize the important review process of the Commission,  
34 but would like to encourage them to move the project forward, and put it in the hands  
35 of the City Council so that it could receive final approval and passersby would no  
36 longer have to look at the remnants of what was once there.

37  
38 It was **MOVED** by Commissioner Thompson and **SECONDED** by Commissioner  
39 Overmyer to **ADOPT** Planning Commission Resolution Bill No. 11-011,  
40 **RECOMMENDING APPROVAL** to the City Council of Site Development Review /  
41 Downtown Project Review No. 11-001 with the revised Condition No. 2, the new  
42 Condition No. 76, the amendment of Carmalita Street to parking lot, the addition of  
43 Condition No. 77 and the removal of Condition No. 36.

1 The MOTION was carried by the following vote:

- 2  
3 AYES: Chairman John Gifford, Vice Chairman Sharon Deuber, and  
4 Commissioners David Rogers, Chauncey Thompson and Vince Overmyer  
5 NOES: None  
6 ABSTAIN: None  
7 ABSENT: None  
8

9 ***Adopted Planning Commission Resolution No. 11-007.***

10  
11 **8. CONDITIONAL USE PERMIT NO. 11-001 (VERIZON @ APPLE URGENT**  
12 **CARE)**

13  
14 **APPLICANT:** Los Angeles SMSA LP dba Verizon Wireless  
15 **AGENT:** Randi Newton – Spectrum Surveying & Engineering  
16 **LOCATION:** 1001 South State Street  
17 **PLANNER:** Carole Kendrick  
18 **DESCRIPTION:** A request for Planning Commission review and approval  
19 of a conditional use permit to install and operate a ground-mounted wireless  
20 facility and associated equipment, consisting of a 60-foot pole camouflaged  
21 as a monopalm tree, and equipment.  
22

23 Assistant Planner Kendrick presented the staff report and gave a Power Point  
24 presentation, indicating the R-3 property was currently vacant, but that an  
25 application for apartments was pending.  
26

27 CDD Elliano further clarified that in the wireless code, if you have existing residential  
28 uses, the setback is 200 feet. If it is in a residential zone but the land is vacant, you  
29 have to mirror the setback standards of the R-zone, which would be 15 feet. So the  
30 minimum separation between a structure on the new property and the tower would  
31 be 30 feet. She said staff would be looking at it when the application came forward,  
32 and perhaps an access way could expand that separation.  
33

34 Commissioner Overmyer asked if the towers put off radio frequencies that are  
35 harmful.  
36

37 City Attorney Jex clarified that radio frequency emissions are not considered harmful  
38 by the experts, and federal law says you can't base your decision on these  
39 emissions, so that cannot be part of the discussion and deliberations that you have.  
40

41 CDD Elliano further elucidated that what is left for communities to consider is  
42 aesthetics and reduction of the number of towers by co-location, separation  
43 distances, and stealth design, such as different faux tree structures, or as part of  
44 buildings. The code requires that setbacks have to be equivalent to the minimum  
45 setback that is in the zone. Setbacks in commercial zones are essentially zero, and  
46 the minimum setback within the R-3 zone for a side-yard is 15 feet.  
47

48 Chairman Gifford cautioned that the Commission was not here to consider the R-3  
49 property, since that application has yet to be submitted.  
50

1 City Attorney Jex stated that he had given a lot of thought to the question regarding  
2 the standard of existing residential property versus vacant property that is  
3 residentially zoned. He explained that the way the ordinance is written, the 200-foot  
4 setback is a guideline for a site that is adjacent to a residentially zoned property,  
5 rather than a hard and fast rule. If the residentially zoned property is vacant, there is  
6 no specific distance. Both instances are simply guidelines for the Commission to  
7 consider when making their decision.

8  
9  
10 Vice Chair Deuber stated that she felt a fiduciary responsibility to both sides, the  
11 applicant and the potential residential site. Where is the line of detriment drawn for  
12 the residential public? She felt that there was more time needed for research of  
13 alternative sites and to see what the R-3 applicant was proposing, and suggested a  
14 continuance of the matter.

15  
16 City Attorney Jex stated that the R-3 zone property site had received mailed notice  
17 10 days in advance of this hearing, and had the opportunity to to comment.

18  
19 Vice Chair Deuber asked if they were not permitted to move to continue the matter.

20  
21 City Attorney Jex said that's always an option on any project if the majority of the  
22 Planning Commission agrees.

23  
24 Vice Chair Deuber felt the Commission was in the 11th hour of a potential R-3 site  
25 being developed within 15 feet of a cell tower when other space could be  
26 considered.

27  
28 CDD Elliano reminded the Commission that they were not deciding the relative  
29 safety in terms of radiation. This has been determined by the FCC. They are  
30 deciding the aesthetic issues. She stated, however, that there is a coverage gap in  
31 this area. Towers can be located in commercial zones, not in residential zones. In  
32 this particular area, most of the commercial properties are built, so there is limited  
33 area for cell towers to be placed. As this is a narrow commercial corridor, residential  
34 zones are going to be very close. The applicant stated that property owners in the  
35 adjacent areas were nonresponsive to their inquiries. Questions concerning  
36 alternative sites can be asked of the applicant, but if the continuance would be  
37 based on waiting to see the plans of the adjacent property, federal law mandates we  
38 have a duty to act on this within 150 days from the time the application was  
39 complete, so it's already in that time frame. She added that she was not sure it was  
40 reasonable to hold this applicant up if the reason for the continuance pertained to  
41 the plans of the R-3 applicant.

42  
43 Vice Chair Deuber stated that her reason for wanting a continuance did not have so  
44 much to do with the other project as it did with taking more time to research  
45 alternative sites. She suggested that the commercial use may or may not be a  
46 detriment to the adjacent residential area, and indicated that another important factor  
47 was that they should be considering the excessive number of vacancies in the valley  
48 due to the downed economy. There is an applicant willing to potentially build an  
49 apartment complex, there is a cell tower already in place, and it's a proven statistic  
50 that people do not want to live in proximity to high wire telecommunications  
structures of any kind. The City is desperately trying to turn around when it comes

1 to real estate, and a brand new apartment complex is proposed, with an existing 90  
2 percent vacancy factor. She stated that, as a Planning Commission, this was not  
3 something that she wanted to see happen in the City.

4  
5 Chairman Gifford opened the public hearing and asked the applicant to approach the  
6 lectern.

7  
8 Todd Fisher (Painted Hills, California) approached the lectern as a representative for  
9 the applicant and responded to Chairman Gifford's question concerning alternative  
10 sites by saying that after site visits and letters being sent, the only owner who  
11 responded was the site they were proposing. The owner of the R-3 property where  
12 the apartment complex is proposed responded, but it is residential property and not  
13 zoned for cell towers.

14  
15 He also explained that the gap was between three cell sites, so there is little wiggle  
16 room. The other sites are at capacity, so they need some place to offload them.  
17 Meeting any additional setback requirements would be almost impossible.

18  
19  
20 Discussion ensued amongst the Commission and Mr. Fisher regarding other sites,  
21 such as alternative 3, which is the Kmart shopping center.

22  
23 Mr. Fisher stated that a site further west on Stetson was a little too far south than  
24 they needed for offloading the three sites. He said they may revisit that site later to  
25 continue the network for that area, but it would not suffice for their gap coverage  
26 needs.

27  
28 Commissioner Overmyer asked if there was any benefit to the city from these  
29 towers.

30  
31 CDD Elliano replied that there was no revenue to the city when the towers are sited  
32 on private land. If on city-owned property or a public facility, there is a lease right.  
33 The benefit to the city in this instance is equivalent to that with other cell providers in  
34 terms of emergency services and cell phones when there is no gap.

35  
36 Commissioner Rogers had questions about the 200-foot setback dealing only with  
37 aesthetics or with health risks also.

38  
39 City Attorney Jex reiterated that it is just aesthetics, not health risks.

40  
41 Chairman Gifford outlined that the Commission's role is one of gatekeepers for the  
42 people of the city, so the issues to consider are aesthetics and property values. The  
43 City of Hemet has less latitude in cell towers than in just about anything. He didn't  
44 think it was unreasonable to continue the hearing for one meeting. He also didn't  
45 think it unreasonable to approve the application at this time because it's going to  
46 come back, as far as design and build for a CUP for the residential portion.  
47 Therefore, they don't have to feel restricted by the 200 feet, as it is only a guideline.

48  
49 Chairman Gifford asked if there were any comments from the public.  
50

1 Paul Wutzler (296 North Cornell, Hemet) asked about the limits of the 200 feet, and  
2 CDD Elliano explained that when there is an existing residential use, the guideline  
3 proposes 200 feet from the structure of the home to the center point on the tower. If  
4 referencing just the zone, the measurement is from that common property line,  
5 which would be 15 feet. If there had been an existing structure that had been taken  
6 down and there was no existing use, it would be back to the 15 feet.

7  
8 Vice Chair Deuber asked about the size of the R-3 property, and Planner Running  
9 responded that it was 25 acres with 400 units, therefore many structures.

10  
11 Mr. Fisher noted that the timing of the site request letters was October of 2010, and  
12 that the letters were a last attempt after phone calls, e-mails and site visits. He  
13 added that they had not received any callbacks on alternative sites. They prefer  
14 multiple sites because it is less costly when you have a choice. But they have  
15 invested money for drawings, photo simulations and revisions, and to go back to  
16 landlords who did not respond previously and who had received notice seemed  
17 fruitless. He requested that the project be approved tonight.

18  
19 There was lengthy discussion amongst the Commissioners as to a continuance for  
20 30 or 60 days or for approval tonight.

21 CDD Elliano indicated that if a continuance were approved, the purpose of the  
22 continuance would be to provide the applicant with additional time to develop  
23 alternative site scenarios or demonstrate why they wouldn't work, or to allow the  
24 Commission time to research more information, limiting the search to the gap area  
25 alone.

26  
27 It was **MOVED** by Vice Chair Deuber and **SECONDED** by Commissioner Overmyer  
28 to **CONTINUE** Resolution Bill No. 11-013 to the June 21st Planning Commission  
29 meeting for the purpose of giving the applicant additional time to exhaust all  
30 resources of additional or alternative sites, and to give the Commission more  
31 opportunity to do their own research and potential findings.

32  
33 The MOTION was carried by the following vote:

- 34  
35 AYES: Chairman John Gifford, Vice Chairman Sharon Deuber, and Commissioners  
36 David Rogers, Chauncey Thompson and Vince Overmyer  
37  
38 NOES: None  
39  
40 ABSTAIN: None  
41  
42 ABSENT: None

43  
44 *Continued to Planning Commission Meeting of June 21, 2011.*

45  
46 **DEPARTMENT REPORTS**

47  
48 **9. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**

49  
50 **A. May 10th City Council Meeting**

CDD Elliano reported three appointments to the Parks Commission: Jeff Slepki,  
Joyce Thibodeaux, and Kenneth Gengler. There was also a second reading of an

1 ordinance on the E-Verify program. Also, a bid was awarded to Genesis  
2 Construction for a wall and wrought-iron fencing surrounding a well site. She was  
3 grateful to the city manager and public works department for stepping up and using  
4 savings from another project to implement the upgrade on the block wall for the well  
5 site, as previously only chain-link fencing had been utilized.

6  
7 Also approved was a five-year deferment for the Sanderson Avenue improvements  
8 at the Spirit of Joy Church on Johnston Avenue.

9  
10 Senate Bill 444 was also discussed, and the City Council authorized the city  
11 manager to send a letter in support of it. The bill clarifies existing state language  
12 regarding mobile home parks (Title 24), and provides for local control in  
13 consideration of mobile home subdivisions, public hearing processes, and bringing  
14 the process more into alignment with how local government typically processes and  
15 reviews a subdivision within the city.

16  
17 Another discussion item was the Tri Buick building at 101 West Florida, vacant since  
18 the dealership left. It is in the D-1 zone in which auto-related uses are not allowed.  
19 Because of the economy and the fact that the property owner doesn't have the  
20 resources to convert to retail, the property owner asked for a five-year amortization  
21 agreement, allowing him to continue to have auto-related uses, because the  
22 buildings are suited for auto rather than retail at this point in time. The City Council  
23 directed staff and the City Attorney to prepare the agreement.

24  
25 **B. Verbal report on Conditional Use Permit compliance status for Gas**  
26 **Plus, Great Shot Billiards, and Medi-City**

27  
28 **GAS PLUS:** CDD Elliano reported that Gas Plus has not been compliant with the  
29 CUP regarding check-cashing facilities and practices. In conversation with the  
30 manager, he said it's a minor part of the business and they do it maybe once or  
31 twice a month. They also have a Western Union service. She suggested that the  
32 Commission and Council might think in terms of distinguishing between what really  
33 constitutes a check-cashing facility that requires a CUP, or where it is an ancillary  
34 part of their business.

35  
36 Vice Chair Deuber felt the issue was one of safety and the Commission has a  
37 fiduciary responsibility to its citizens to proctor these issues.

38  
39 CDD Elliano stated that the Planning Department would follow up on the compliance  
40 issue, and that it would be up to the property owner, if they want to come back and  
41 ask for some modification to the CUP or cease the operation.

42  
43 Chairman Gifford suggested that a better definition of this kind of operation and  
44 levels of operation was prudent.

45  
46 CDD Elliano stated that there was perhaps some gradient to this use, such as  
47 percentage of their total operation devoted to the check-cashing. Gas Plus noted  
48 that significantly less than one percent of their business was devoted to that  
49 endeavor.  
50

1 **GREAT SHOT BILLIARDS:** They were a pre-established business, having been  
2 established in 1994 before the requirement for a CUP was implemented, and have a  
3 valid certificate of occupancy.  
4

5 **MEDI-CITY:** Their approval will be expiring in October, but in checking with the  
6 owners, they are planning to ask for an extension of time.  
7

8 C. Upcoming events and informational items – No report given  
9

10 D. Cancellation of June 7, 2011 meeting  
11

12 Since there were no items ready for the June 7th meeting, she was recommending  
13 cancellation of that meeting.  
14

15 The Commission concurred.  
16

17 **10. CITY ATTORNEY REPORTS: (None)**  
18  
19

20 **11. PLANNING COMMISSIONER REPORTS:**  
21

22 A. Chairman Gifford – (None)  
23

24 B. Vice Chairman Deuber – (None)  
25

26 C. Commissioner Overmyer – (None)  
27

28 D. Commissioner Rogers – Expressed thanks to EMWD for the invitation to the  
29 Solar Cup Competition at Lake Skinner. He stated that the students were  
30 energetic and that he hoped they did well.  
31

32 E. Commissioner Thompson – (None)  
33

34 **12. FUTURE AGENDA ITEMS:**  
35

36 A. Tres Cerritos SPA  
37

38 CDD Elliano stated there would be a specific plan amendment and draft EIR for  
39 consideration.  
40

41 Commissioner Rogers indicated that he would have to recuse himself from that  
42 issue.  
43

44 B. World Harvest Church CUP  
45

46 CDD Elliano advised that the former athletic club on Latham Avenue was the  
47 proposed site for the World Harvest Church, so providing that it is ready, it will be  
48 considered at the next meeting.  
49  
50

1 C. Report on "Human Signs" in the City

2  
3 Commissioner Overmyer had requested a report on the human signs in the city, and  
4 if the agenda did not end up being too long, that item would be considered.  
5

6 **13. ADJOURNMENT:** It was the consensus of the Planning Commission that the  
7 meeting be adjourned at 10:02 p.m. to the regular meeting of the City of Hemet  
8 Planning Commission scheduled for **June 21, 2011 at 6:00 p.m.** to be held at the  
9 City of Hemet Council Chambers located at 450 E. Latham Avenue, Hemet,  
10 California 92543.  
11

12  
13  
14 \_\_\_\_\_  
15 John Gifford, Chairman  
16 Hemet Planning Commission

17 ATTEST:

18  
19 \_\_\_\_\_  
20 Nancie Shaw, Records Secretary  
21 Hemet Planning Commission  
22  
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# AGENDA #2.B.

## PLANNING COMMISSION

### MEETING MINUTES

DATE: June 21, 2011

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 Sharon Deuber, and Commissioners Vince Overmyer, David Rogers and Chauncey Thompson

**ABSENT:** None

**Invocation and Flag Salute:** Commissioner Thompson

#### 2. APPROVAL OF MINUTES:

It was **MOVED** by Commissioner Rogers and **SECONDED** by Vice Chairman Deuber to approve the May 3, 2011 minutes, as presented.

**AYES:** Chairman Gifford, Vice Chairman Deuber, and Commissioners Rogers, Thompson and Overmyer

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

#### 3. PUBLIC COMMENTS: None

### PUBLIC HEARINGS

#### 4. CONDITIONAL USE PERMIT NO. 11-001 (VERIZON @ APPLE URGENT CARE) - Continued from May 17, 2011

**APPLICANT:** Los Angeles SMSA LP dba Verizon Wireless

**AGENT:** Randi Newton  Spectrum Surveying & Engineering

**LOCATION:** 1001 South State Street

**PLANNER:** Carole Kendrick

**DESCRIPTION:** A request for Planning Commission review and approval of a conditional use permit to install and operate a ground-mounted wireless facility and associated equipment, consisting of a 60-foot pole camouflaged as a monopalm tree, and equipment.

1 A PowerPoint presentation was given by Assistant Planner, Carole Kendrick,  
2 whereupon Chairman Gifford asked for questions from the Commissioners.

3  
4 Commissioner Rogers inquired as to how long the recipients had to respond to the  
5 letters sent by the applicant.

6  
7 Planner Kendrick stated that the letters were sent out on June 2<sup>nd</sup> and the recipients  
8 were asked to respond as soon as possible if they were interested in the proposal.

9  
10 Vice Chair Deuber found it curious that the owner of the R-3 property requested the  
11 facility be located on his property, and Planner Kendrick responded that they felt it  
12 would benefit their residents and they would have better coverage. When Planner  
13 Kendrick informed them that they were not zoned appropriately, they indicated they  
14 were in support of the project.

15  
16 Chairman Gifford, having opened the public hearing and noting that no one responded,  
17 asked for a motion on the item.

18  
19 It was **MOVED** by Vice Chairman Deuber and **SECONDED** by Commissioner  
20 Overmyer to **ADOPT** Planning Commission Bill No. 11-013 **APPROVING** Conditional  
21 Use Permit No. 11-001, as presented.

22  
23 The MOTION was carried by the following vote:

24  
25 **AYES:** Chairman Gifford, Vice Chairman Deuber, and Commissioners Rogers,  
26 Thompson and Overmyer

27 **NOES:** None

28 **ABSTAIN:** None

29 **ABSENT:** None

30  
31 ***Adopted Planning Commission Resolution No. 11-009.***

32  
33 **5. CONDITIONAL USE PERMIT NO. 11-002 (FAITH WORLD HARVEST CHURCH)**

34  
35 **APPLICANT:** Faith World Harvest Church

36 **AGENT:** Jeremy Swizek

37 **LOCATION:** 630 West Latham Avenue

38 **PLANNER:** Soledad Carrisoza

39 **DESCRIPTION:** A request for Planning Commission review and approval of a  
40 conditional use permit to partially convert an existing 29,619 square-foot  
41 structure to a community church that will include administrative offices,  
42 classrooms, a nursery, and a multipurpose room on a 1.29-acre parcel located  
43 on the north side of Latham Avenue between Gilbert and Tahquitz Streets, with  
44 consideration of an environmental exemption pursuant to CEQA Guidelines  
45 Section 15301.  
46

47  
48 The staff report was presented by Planning Technician Soledad Carrisoza who also  
49 gave a PowerPoint explanation of the Conditional Use Permit application.

50  
Chairman Gifford reported that he had been to the site, but had no contact with the  
applicant. He asked about the sauna and jacuzzi and what would be done with them.

1 He also asked if the pool would be removed or taken out of service permanently at  
2 some time in the future, and wanted to know the meeting schedule.

3  
4 Planner Carrisoza reported that the sauna and jacuzzi would remain, but would be  
5 blocked off from access or locked. If growth occurs in the future and they propose a  
6 fellowship hall, then the doors will be opened, but there is no definite time frame. The  
7 area they are proposing is sufficient for their needs at this time. Future growth and  
8 funding will determine expansion needs. The facility will be used on Sunday mornings  
9 and Wednesday nights for youth and adult class meetings.

10  
11 Commissioner Overmyer wanted to know about the reciprocal parking contractual  
12 arrangements they have with the medical offices there for the purchased lot on  
13 Devonshire Avenue, and should the arrangement changes, if it would render the new  
14 lot useless.

15  
16 Planner Carrisoza stated that there was an agreement, and that a copy of the contract  
17 was part of the Planning Commission packet. The parking requirements, she noted,  
18 were indicated in the staff report.

19  
20 Commissioner Overmyer commented that based on the many unoccupied areas in the  
21 building, he didn't feel that the building suited the requested use. He also noted that  
22 this was a nonprofit use and would not generate jobs. It was his hope that in five years  
23 the economy would have recovered enough that a business or a club would occupy  
24 that space.

25  
26 Commissioner Rogers asked if anyone was occupying the building now and if the trash  
27 area was to code.

28  
29 Planner Carrisoza said she was not aware of a current occupant and that the trash  
30 area was not to city standards, so it would be replaced.

31  
32 Commissioner Rogers was also concerned about fire and emergency exits, and asked  
33 if any of them were located within the areas that would be blocked off.

34  
35 Planner Carrisoza stated that an exit would be added.

36  
37 Commissioner Thompson noted that there would be traffic congestion on Latham  
38 Avenue if 160 people would be exiting all at the same time on a Sunday afternoon.

39  
40 Chairman Gifford then opened the public hearing and asked for the architect or  
41 representative to approach.

42  
43 David Madden, (40984 Oak Creek Rd., Murrieta), responded to Chairman Gifford's  
44 question regarding the sound system and soundproofing by stating that the walls were  
45 masonry CMU walls, and they would need to put some sort of sound-absorbing  
46 devices on the inside, such as wall-curtains and cloth seating. With those  
47 modifications the sound should be fairly well contained. The location of the  
48 multipurpose room is also on the east side of the building, furthest away from the  
49 apartments behind the building.  
50

1 Chairman Gifford also asked about the sound system for special meetings and  
2 concerts.

3  
4 Lisa Swizek (26032 Dumont Road, Hemet) stated that all such events were held  
5 concurrently with the regular Sunday and Wednesday meetings. A special concert  
6 might be held on a Sunday evening, so it would not disturb the surrounding  
7 businesses.

8  
9 CDD Elliano noted that conditions were included, in regard to noise, which would  
10 pertain to the interior of the building. If at any time they wanted to have an exterior  
11 program, they would have to get a temporary use permit, and the city would regulate  
12 the noise levels.

13  
14 Chairman Gifford noted that although a pool would be a good thing for baptisms, he  
15 wanted to know their plans.

16  
17 Ms. Swizek stated that they felt it best to remove the pool and saunas for safety  
18 reasons.

19  
20 Commissioner Overmyer inquired if this location was envisioned as a permanent or  
21 transitional location for the church.

22  
23 Ms. Swizek stated that it would probably be transitional. The congregation wants to  
24 build, but because of the economy and members' loss of employment, the building  
25 would work well on a temporary basis.

26  
27 Chairman Gifford asked the architect if any of the proposed changes would prohibit the  
28 building from being converted back into a gymnasium or club in the future.

29  
30 Mr. Madden replied that the basketball court would remain as it is. The section of the  
31 building with the pool is in much disrepair, with the ceiling loose, and with mold and rot  
32 throughout. The steel frames on the doors are rotted out completely.

33  
34 Commissioner Rogers wanted to know about repairs to the outside, such as painting,  
35 since there was some graffiti on the front.

36  
37 Mr. Madden advised that the following repairs were planned: 1) the eaves will be  
38 chopped back a foot to eliminate the wood rot; 2) a patio on the north end of the  
39 building would be removed; 3) the roof would be cut back; 4) the slope conditions on  
40 the far side back end would be repaired; 5) landscaping would be relocated; 6)  
41 sidewalks would be ripped out; and 7) the trash enclosure and side lining would be  
42 redone. He noted that since the building was CMU they weren't proposing any painting  
43 other than upkeep.

44  
45 Vice Chair Deuber asked about Condition Nos. 22 and 111 relating to the housing and  
46 feeding of transients.

47  
48 Ms. Swizek indicated that they would continue their present practice, which was to go  
49 to different locations within the community and distribute groceries and personal items.  
50 They do not have staff on the premises to handle such things, so if someone comes to  
the church, they are told that the church does not distribute goods in that manner.

1 Commissioner Overmyer wondered if the lease was just for the parking lot or for the  
2 building as well.

3  
4 Mr. Madden stated that the building was being purchased, but the reciprocal parking  
5 was an easement.

6  
7 Chairman Gifford closed the public hearing, noting that the building structure would not  
8 be changed to a point that it could not be reconverted to a commercial structure,  
9 should the economy revive and should the church desire to sell it. He felt that was  
10 reasonable.

11  
12 Vice Chairman Deuber liked the fact that the ongoing vandalism problem with the  
13 building would be resolved with occupation.

14  
15 It was **MOVED** by Commissioner Rogers and **SECONDED** by Commissioner  
16 Thompson to **ADOPT** Planning Commission Bill No. 11-008 **APPROVING** Conditional  
17 Use Permit No. 11-002 as presented.

18  
19 The MOTION was carried by the following vote:

20  
21 **AYES:** Chairman Gifford, Vice Chairman Deuber, and Commissioners Rogers,  
22 Thompson and Overmyer

23 **NOES:** None

24 **ABSTAIN:** None

25 **ABSENT:** None

26  
27 ***Adopted Planning Commission Resolution No. 11-010.***

28  
29 **6. TENTATIVE TRACT MAP NO. 35990 (MAP NO. 11-001 – CORWIN RANCH)**

30  
31 **APPLICANT:** Corwin, Inc.

32 **AGENT:** Matt Brudein – Engineering Resources of So. CA, Inc.

33 **LOCATION:** 895 North Hemet Street

34 **PLANNER:** Carole Kendrick

35 **DESCRIPTION:** A request for Planning Commission review and approval of a  
36 tentative tract map for the subdivision of 2.54 acres into 12 lots for the future  
37 development of single-family residential units located at the northwest corner of  
38 Hemet Street and Annisa Avenue, with consideration of an environmental  
39 exemption pursuant to CEQA Guidelines Section 15332.

40  
41 Assistant Planner Kendrick presented the staff report, including a PowerPoint  
42 presentation. She advised that the applicant was not proposing any homes or  
43 architecture at this time, but simply a subdivision of lots, and that they would be  
44 required to do a site development review, consistent with existing standards.

45  
46 Commissioner Overmyer asked about the position of the wood fences, and Planner  
47 Kendrick indicated that they would apply to interior sites

48  
49 Commissioner Overmyer requested that staff review the fencing and specify masonry  
50 walls.

1 CDD Elliano indicated that they could do that as a condition on the tentative tract map,  
2 as an alternative, add the condition of having the site development review come back  
3 to the Commission when they have a builder that's ready with a product, and then the  
4 Commission could look at the fencing plan, as well as the single-story and two-story  
5 mix. Otherwise, it would be staff level review, which would require consistency with  
6 existing ordinances and design guidelines.

7  
8 Chairman Gifford opened the public hearing and invited the applicant's representative,  
9 Jim Morrissey, to the lectern.

10  
11 Jim Morrissey (41738 Fulton Avenue, Hemet), approached the lectern and advised the  
12 Commission that the property owner was not proposing to develop the property  
13 himself, so it would be available for sale. The subsequent owner would propose the  
14 home designs. He stated that he would like Condition Nos. 52 and 53 on page 8 to be  
15 eliminated, as these are individual lots. He also had a question on Condition No. 55  
16 and asked the City Engineer to clarify.

17  
18 City Engineer Jorge Biagioni stated that Condition Nos. 52 and 53 could be eliminated.  
19 Condition No. 55, he explained, was the result of problems that the city was having  
20 with nuisance water in gutters, so the City Council passed the condition for city  
21 standards that indicated that new development had to put small catch basins every 600  
22 feet to pick up nuisance water. In this case, he didn't think they had anything nearby to  
23 connect that would warrant that, so the condition was essentially a moot point and  
24 could be removed.

25  
26 Commissioner Rogers asked the intent of the City Council in making that requirement.

27  
28 City Engineer Biagioni stated that it was primarily a maintenance issue that created  
29 standing water because the slope in the streets was minimal and water accumulated in  
30 the gutters, creating problems, such as moss.

31  
32 Mr. Morrissey indicated that they did not have any problem with the remaining  
33 conditions.

34  
35 When Vice Chair Deuber asked about Condition No. 8 and requiring masonry walls as  
36 a condition, Mr. Morrissey stated that it was probably not appropriate for him to  
37 respond because they would not be the developer. He noted, however, that if  
38 everyone in like developments throughout the city would be required to do that, they  
39 would comply. However, if it's only applied on a case-by-case basis, he didn't think that  
40 was the proper thing to do.

41  
42 CDD Elliano suggested that the best solution might be to modify Condition No. 8 to  
43 have it require that at the time of site development review with the project returning to  
44 the Planning Commission for review of the fencing and the architecture. Since it is  
45 unknown whether the property will be developed within one year or ten, it's possible  
46 that the city fencing standards will have changed, so the Commission will have an  
47 opportunity to look at the project in terms of existing standards at that time.

48  
49 After discussion between Vice Chair Deuber, Planner Kendrick and CDD Elliano, it was  
50 decided to move Condition No. 8 to be part of the site development review, modify

1 Condition No. 18 to be a Planning Commission review, delete Conditions 52, 53, and  
2 55, and add Condition 101.

3  
4 It was **MOVED** by Vice Chair Deuber and **SECONDED** by Commissioner Overmyer to  
5 **ADOPT** Planning Commission Bill No. 11-014 **APPROVING** Tentative Tract Map No.  
6 35990, with modifications to the Conditions of Approval as follows:

- 7
- 8 • Move Condition No. 8 to be located under Design Review as Item C
- 9
- 10 • Modify Condition No. 18 to read as follows:

11  
12 18. *Prior to the issuance of a building permit for any house on any lot, the*  
13 *applicant shall submit a site development plan that is consistent with the*  
14 *Single Family Residential Design Guidelines for Planning Department*  
15 *review and approval by the Planning Commission Community Development*  
16 *Director. After approval of the plot plan, the Planning Director shall have*  
17 *the authority to adjust up to 20% of the home plot plans. The plans shall*  
18 *show:*

19  
20 a. *The plotting of the proposed home on the lot and shall indicate a*  
21 *minimum 10-foot by 10-foot, or 8-foot by 12-foot patio area, or alternative*  
22 *patio area acceptable to the Planning Commission outside of the*  
23 *required setback area for each home plotted.*

24  
25 b. *Landscaping plans shall show planting for all slopes over 5 feet in height*  
26 *and shall show the location of all walls throughout the subdivision. The*  
27 *planting shall consist of 5-gallon shrubs, ground cover spaced at 12-*  
28 *inches on-center. Hydro-seeding of slopes in conjunction with other*  
29 *planting may be acceptable when approved by the Planning*  
30 *Commission.*

31  
32 c. *Maximum 6-foot high masonry walls for each home shall be installed in*  
33 *accordance with the City of Hemet Municipal Code and Single Family*  
34 *Residential Design Guidelines, on the exterior side and/or rear property*  
35 *lines of each lot. The color of walls shall match or be complimentary to*  
36 *the color of the homes. Maximum 6-foot high walls, including wood*  
37 *fences, shall be installed in accordance with the City of Hemet Municipal*  
38 *Code and Single Family Residential Design Guidelines, on the interior*  
39 *side and rear property lines of each lot. If wood fences are utilized, then*  
40 *the wood fences shall be installed in compliance with applicable City of*  
41 *Hemet standards including, but not limited to, any wood fence details as*  
42 *approved by the City of Hemet.*

- 43
- 44
- 45
- 46 • Strike Condition Nos. 52, 53, and 55
- 47
- 48 • Add Condition No. 101 to read as follows:

49  
50 101. *Prior to the approval of any final map, the property shall be annexed to a*  
*Community Facilities District ("CFD") established under the Mello-Roos*

1 Community Facilities Act of 1982 (Government Code § 53311 et seq.)  
2 established by the City of Hemet for the provision of police, fire and  
3 emergency medical services (collectively "Public Safety Services") and  
4 shall be subject to the special tax approved with the formation of the  
5 CFD. The City of Hemet Resolution 3193 establishes mitigation fees for  
6 all new development to reduce the impact of development on city  
7 services.  
8

9 The MOTION was carried by the following vote:  
10

11 AYES: Chairman Gifford, Vice Chairman Deuber, and Commissioners Rogers,  
12 Thompson and Overmyer

13 NOES: None

14 ABSTAIN: None

15 ABSENT: None  
16

17 ***Adopted Planning Commission Resolution No. 11-011.***  
18

19 **7. SPECIFIC PLAN AMENDMENT NO. 06-001 & ENVIRONMENTAL ASSESSMENT**  
20 **NO. 06-019 (Tres Cerritos East)**  
21

22 OWNERS: Signal Family Hemet, LLC; Omni Financial, LLC; and MJ&M,  
23 LLC  
24

25 AGENT: Mel Mercado

26 LOCATION: Northwest corner of Cawston and Devonshire Avenues

27 PLANNER: Ron Running

28 DESCRIPTION: A request for Planning Commission review and  
29 recommendation to the City Council regarding a proposed amendment to the  
30 Hemet Valley Country Club Estates Specific Plan (SP 90-009) modifying the  
31 eastern 146 acres adding 221 residential units to the existing Specific Plan, for a  
32 total of 931 dwelling units, allocating the dwelling units in various density  
33 categories, providing for public and private park sites and trails, and the addition  
34 of a 16.9 acre site, with re-adoption as the Tres Cerritos Specific Plan 90-009,  
35 along with an Environmental Impact Report for the proposed changes.  
36

37 Commissioner Rogers recused himself because of his residential proximity to the  
38 project site.  
39

40 ***(10-minute recess called by Chairman Gifford.)***  
41

42 City Planner Ron Running gave a PowerPoint presentation outlining the history of the  
43 project.  
44

45 Chairman Gifford clarified that Commissioner Overmyer had not been on the  
46 Commission last year, at which time the project had come before the Commission  
47 three times. An ad hoc committee was formed, with then-Chairman Larry Smith and  
48 then-Vice Chairman Gifford as the members, and they met several times with the  
49 applicant to go over items of concern. They gave a report back to this Commission in  
50 April of 2010. He wanted the audience to know that this item had been through an  
extensive review by the Commission and by staff.

1 Chairman Gifford and Vice Chairman Deuber stated that they had both visited the site  
2 and met with the applicant. Commissioners Thompson and Overmyer had visited the  
3 site, but have had no contact with applicant.  
4

5 Planner Running noted that there were 17 additional conditions added, of which the  
6 applicant was aware, that could require modification to the specific plan, but most were  
7 editorial concerning details of the specific plan to ensure consistency throughout. He  
8 further noted that the project was also consistent with the mitigation monitoring plan.  
9

10 Chairman Gifford inquired about the park situation because of a concern by Valley  
11 Wide for a consolidated park and wondered if the area to the southwest had been  
12 added as a result of that concern.  
13

14 Planner Running indicated that Valley Wide was suggesting a 10-acre park. Because  
15 of the Quimby Act, they are only required to have about 4.3 acres, so the two acres  
16 they're proposing would be a start, and then the additional funding would help create  
17 the larger park that could be 10 acres to the west.  
18

19 Chairman Gifford asked about changes in the density ratios, and Planner Running said  
20 the overall unit count had dropped by 20 to 30 units from the initial proposal. Anything  
21 under 4,000 square-feet had been eliminated.  
22

23 Commissioner Thompson had questions regarding access to the property, and Planner  
24 Running responded that the primary access was off Devonshire Avenue, but that there  
25 was a secondary access off Menlo Avenue. He added that there was no frontage of  
26 homes on Menlo.  
27

28 Commissioner Overmyer decried the elimination of the golf course, but asked if this  
29 project had an HOA that would maintain the parks and recreation center, and if it would  
30 pertain to all 754 units.  
31

32 Planner Running indicated that there was an HOA covering all units, parks and  
33 recreation facilities. He also discussed the three-story units, but specified that only  
34 about 25 percent of those units could be popped up to three-stories – not the entire  
35 envelope of the homes – to afford them some view opportunities.  
36

37 Vice Chair Deuber had questions about the inability of mitigation of air quality during  
38 construction and inquired about what constitutes a threshold. In addition, she inquired  
39 as to the coverage ratio for commercial development.  
40

41 Planner Running indicated that the number of acres and units creates the over-the-  
42 threshold issue in terms of short-term air quality impacts. Larger scale commercial  
43 developments would have the same impacts and would need overrides. In commercial  
44 developments, you can usually achieve a 25-percent lot coverage without structured  
45 parking, and in this project, his guesstimate was 35 or 40 percent coverage of building  
46 area. In commercial, usually the impermeable surface coverage is 90 percent.  
47

48 Chairman Gifford opened the public hearing and invited the applicant to the lectern.  
49

50 Tom Shollin approached the lectern and introduced the co-applicants as Martin Boone,  
David Leonard, David Jeffers and Mel Mercado – part of the team that has been

1 involved in the project since 2005. In response to Commissioner Overmyer's question  
2 concerning time estimates for beginning the project, Mr. Shollin said he couldn't say  
3 with any certainty, but sometime in the future when they could get a loan.

4  
5 Chairman Gifford thanked the applicant and invited the public to speak, limiting their  
6 time to three minutes each.

7  
8 Diane Norberg (4092 Via Barcelona, Hemet) expressed her concerns about the project  
9 as limiting the view of the mountains by residents on Cawston and Devonshire  
10 Avenues, as well as Via Barcelona because of a tall line of trees, a concrete drainage  
11 channel, more trees, and three-story houses. She felt the value of their homes would  
12 diminish, their taxes would increase due to the need for maintaining streets, traffic  
13 lights, and utilities to accommodate 931 new homes, and the project would contribute  
14 to the air pollution. Her concerns also included the inadequacy of the proposed  
15 retention basin, the lack of necessity for more housing due to the unfilled Pepper Tree  
16 gated community and the 31146 tract that was unfinished and unfilled. She requested  
17 the Commission to reconsider the "no project" alternative.

18  
19 James Crase (388 Casper Drive, Hemet), a member of the Four Seasons Community  
20 Awareness Committee, felt that this development needed to be scaled back to reduce  
21 the density, emphasizing quality, not quantity. His concern was that Hemet was  
22 developing into a transient community where people moved to, as part of their plan to  
23 move somewhere else. He asked the Commission not to set a precedent by approving  
24 this project and setting a less-than-desirable standard.

25  
26 John Torres (7775 Couples Way, Hemet) said Hemet, in the past, was known for its  
27 premier school district, for providing high quality police and fire services, for providing  
28 one of the best communities for senior citizens, and for having over 50 percent of the  
29 total bank deposits in the County of Riverside. He felt this specific plan amendment  
30 increased density, and would lead to a decline in property values, and cause future  
31 stress on city services.

32  
33 Gary Page (8647 Mann Lane, Hemet) pointed out that proposed developments can put  
34 greater stress on the city's physical ability to provide services than they can generate in  
35 property taxes. This development includes a lot of undevelopable land, so the density  
36 is much higher than actually shown, and he recommended that over-capacity of the  
37 existing fire station and other city services demands that the density be reduced.

38  
39 Gene Heikel (8405 Singh Court, Hemet) is the chairman of the Four Seasons  
40 Community Awareness Committee and noted that the density has increased in this  
41 proposed project from 710 to 931 homes, and they are putting 750 homes in half the  
42 area that was going to have 710 homes originally. He was also concerned about the  
43 product type, air pollution issues, and that this project has no economic benefit since  
44 there is no shortage of housing in the area, and no social value because the product  
45 does not upgrade Hemet.

46  
47 Nancy Warters (578 Zaharias Circle, Hemet) stated she is opposed to the project.

48  
49 Susan Lewen (282 Finnhorse Street, Hemet) felt others had stated her issues  
50 pertaining to her opposition of the project.

1 Michael Barnes (2991 West Fruitvale, Hemet) said the new development would cost all  
2 the homeowners increased water bill rates, as the city would have to purchase more  
3 water. He felt the Planning Commission was being steamrolled by developers, one of  
4 whom was bankrupt, was involved in Granite Rock, which has failed, and is now in  
5 litigation with the City of Fresno. He also stated that none of the principals of the firm  
6 were from Newport Beach, as had been reported, adding that an LLC that Sherman  
7 Boone owned went bankrupt, and Omni Financial was involved with a 22 million dollar  
8 lawsuit with the City of Fresno. He also stated that the debt included \$200,000 of  
9 claims.

10  
11 Liz Belloso (450 B Street, Suite 1900, San Diego) representing the court-appointed  
12 receiver, Douglas P. Wilson on behalf of PCG Pepper Tree, LP, deferred her minutes  
13 to the receiver's counsel.  
14

15 Bill Tate (3161 Michelson Drive, Suite 1500, Irvine) of the law firm of Bryan Cave, LLP  
16 (home address: 10970 Turn Leaf Lane, Irvine) stated the Pepper Tree owner, on  
17 August 31, 2009, had requested notice of any proceedings involving this project, and  
18 they had only received notice of tonight. It had been represented to them that any  
19 realignment to Menlo Avenue, a primary access to the Pepper Tree project, would not  
20 be approved without an agreement in place with respect to the Pepper Tree  
21 transaction. He had received the notice of this meeting on the 13th of June, which was  
22 not enough time to digest the tremendous amount of material. He felt there were  
23 issues with respect to Menlo Avenue curb and gutter, drainage, sewer, bonds and  
24 completion, changes with respect to grade, and access.  
25

26 Ronald Norberg (4092 Via Barcelona, Hemet) requested his time be given to Ryan  
27 Meeker.  
28

29 Ryan Meeker (4092 Via Barcelona, Hemet) was opposed to the project because of the  
30 following issues: Environmental impacts will be catastrophic to the natural wetland;  
31 pollution from construction and increased traffic from the widening of Cawston Avenue  
32 will be damaging to air and noise quality; flood control issues are massive; perceived  
33 visual quality impact is high; and native endangered species will be killed.  
34

35 Joshua Meeker (4092 Via Barcelona, Hemet) elected to pass.  
36

37 Joshua Valencia (4163 Davenport Court, Hemet), a lifelong resident of Hemet, felt the  
38 site was a joke, and the density was ridiculous, especially with at least 600 homes  
39 within the Hemet city limits already vacant. The flood channel, he felt, was the biggest  
40 joke. He stated that he would sue the city if water flooded his home as a result of this  
41 project. He also felt three-story homes were inappropriate in Hemet.  
42

43 Charles Ball donated his time to Eugene Heikel and stated that he was in support of  
44 what John Torres had said, as well as most everyone else.  
45

46 Eugene Heikel (8405 Singh Court, Hemet) reiterated the issue of air pollution and  
47 smog in the valley, and not just during construction. He also felt this product type was  
48 inappropriate because Hemet needs to attract a higher quality of people. He stated  
49 that since Hemet is in the process of creating a new General Plan and the flavor of the  
50 west end (west of Sanderson) is to have housing for people that want a really nice

1 environment, we need to send a message to developers that we want something better  
2 than what's here.

3  
4 Brian Rubin (1694 Via Simpatico, Hemet) focused his comments on density issues,  
5 stating that the original development had 2.1 units per acre on the original 336 acres.  
6 Now 11+ units per acre were being proposed. He suggested keeping it at about 3.6  
7 units per acre. He also thought adding more amenities for a community of this size  
8 was necessary, including more parking spaces, etc.

9  
10 Michael Hirschbein (602 Zaharias Circle, Hemet) narrowed his comments to the  
11 drainage on Devonshire Avenue and the traffic increase to both Cawston and  
12 Devonshire Avenues with this development.

13  
14 Bryan Leroy (11355 W. Olympic Blvd., Los Angeles), a land use attorney with Manatt  
15 Phelps, represents Central Pacific Bank, a lender on the Pepper Tree project. His  
16 request was a continuance to further examine three particular areas of concern: (1)  
17 Utility easement capacity along the Menlo Avenue right-of-way, if this project will be  
18 tapping into any of the utilities, and how the realignment affects sidewalks, curbs,  
19 gutters, and catch basins along the north side of Menlo; (2) traffic, capacity and  
20 circulation of feeder streets off realigned Menlo Avenue; (3) drainage issues along  
21 Cawston and Devonshire Avenues.

22  
23 Marvin Lazernik (520 North Cawston Avenue, Hemet) is an original owner of his home.  
24 His concerns focused on Cawston Avenue and the fact that it was still a two-lane road  
25 after being promised by the City that lanes would be added, the drainage issues, and  
26 the ineffective methods used to avert the water, creating "Lake Cawston."

27  
28 Susan Lazernik (520 North Cawston Avenue, Hemet) mentioned the accidents which  
29 have occurred on Cawston Avenue as residents have tried to back out of their  
30 driveways, and the danger posed by the "Lake" when children going to and from school  
31 wade in the lake and ride motorcycles on the property. It also promotes the  
32 propagation of mosquitoes and bugs, which is unsafe.

33  
34 Bobbi McLaughlin (486 Lyle Drive, Hemet) wished to add her voice to the Four  
35 Seasons Association in opposition of the project.

36  
37 Gary Page (8647 Mann Lane, Hemet) addressed the issue of school capacity with the  
38 1,000 additional children. He felt that hadn't been considered and should be.

39  
40 George Leeb (459 Garcia, Hemet) stated his feeling that with the foreclosures and  
41 unfinished developments already in Hemet, such as Stoney Mountain Ranch, no  
42 further development was needed at this time. He also decried the situation on  
43 Cawston Avenue during the hours when schools open and let out, and the impossibility  
44 of using the streets during those times. His last concern was the flooding of the high  
45 school area off Cawston Avenue and the fact that when it rains, it's difficult to use  
46 either Cawston or Devonshire Avenue because of the pumps, etc.

47  
48 Chairman Gifford then closed the public hearing. He stated his position, that although  
49 he had probably spent more time looking at this project, since he was on the ad hoc  
50 committee, he still had some concerns that may not ever go away, although he was not

1 sure that they were fatal; He added that he was ready to make a decision on the  
2 project tonight, but not ready to make a recommendation on the EIR.

3  
4 Commissioner Thompson also felt because of the complexity and volume of  
5 information, he was not ready to make a recommendation.

6  
7 Commissioner Overmyer stated that although his livelihood was directly related to  
8 construction, his role as a city official was to make decisions for the betterment of  
9 Hemet; therefore, he stated his opinion that the density was too high, and that he  
10 would like more time to study the EIR.

11  
12 Vice Chairman Deuber commended the staff on their efforts and empathized with the  
13 applicants, but she shared a former commissioner's concerns that were brought up in  
14 2007 and haven't substantially changed. She referred to the GPAC draft dated  
15 October of 2009 of the Land Use Element, Chapter 2, reflecting that Hemet's vision, as  
16 outlined in these references, was that *"Hemet conserves and enhances its natural  
17 scenic, environmental, historical, and recreational resources for existing and future  
18 generations to enjoy. Hemet embraces balance and appropriate growth to meet the  
19 city's housing and employment needs in a manner that retains or enhances the desired  
20 levels of public services, facilities and infrastructure."*

21  
22 Further, Vice Chairman Deuber stated that, in the Land Use Element, Section 15.2, it  
23 requires that development of West Hemet occur in an orderly manner and adheres to  
24 the city's vision; and in Section 8.5, it requires the development of high quality,  
25 attractive development surrounding the new alignment of State Route 79. Therefore,  
26 she would like to see the density reduced by 25 percent. She noted that if she had to  
27 decide tonight, her vote would be to deny the project as they were reviewing it now on  
28 paper. She felt the addition of 3,016 additional people in a very compacted space with  
29 zero amenities for kids was unwise.

30  
31 Chairman Gifford stated the procedure would be either accepting or rejecting the EIR  
32 and the Specific Plan or continuing the item for a maximum of 30 days.

33  
34 Chairman Gifford reopened the public hearing to give the applicant a chance to  
35 respond, and Tom Shollin, representing the applicant, stated that they were really  
36 surprised that the EIR document, which was sent out for circulation in 2008, didn't get  
37 reviewed adequately by the Commission. He was also disappointed that the Pepper  
38 Tree folks were not kept in the loop. He felt that they, as the applicants, would be able  
39 to dispute many of the comments made, but it didn't look like tonight was the time to do  
40 it. Therefore, he agreed with the Commission continuing the hearing for not more than  
41 30 days.

42  
43 Commissioner Overmyer commented that he agreed with Vice Chairman Deuber that  
44 the issue was density, not just the EIR.

45  
46 Mr. Shollin responded that the density for this project was compatible with the density  
47 of the project that those folks live in who are opposed to the project.

48  
49 Mr. Heikel urged the Commissioners to remember the comments from the people who  
50 spoke tonight, even if they were not there 30 days from now, because they were the  
representatives of the people.

1 Chairman Gifford assured the audience that the Commissioners would keep those  
2 comments in mind, and after asking if there were any more comments, closed the  
3 public hearing.

4  
5 CDD Elliano stated that a 30-day continuance would take them to the July 19 meeting  
6 and requested that the Commissioners direct staff to provide information that they were  
7 interested in receiving as soon as possible so they could respond timely and/or allow  
8 the applicant time to gather the appropriate material.

9  
10 Vice Chair Deuber asked for clarification of the alternatives in the staff report.

11  
12 CDD Elliano responded that the alternatives listed at Page 53 of the staff report are in  
13 response to the EIR and are the project alternatives that are addressed in the EIR.  
14 Therefore, the alternatives include the "no project" alternative; the project under the  
15 currently adopted specific plan (not adopting a new plan, but retaining the old one); and  
16 a reduced intensity alternative, somewhere in the neighborhood of 543 units.

17  
18 It was **MOVED** by Vice Chair Deuber and **SECONDED** by Commissioner Thompson to  
19 **CONTINUE** Specific Plan Amendment No. 06-001 and Environmental Assessment No.  
20 06-019 to the Planning Commission meeting scheduled for July 19, 2011.

21  
22 The MOTION was carried by the following vote:

23  
24 AYES: Chairman Gifford, Vice Chairman Deuber, and Commissioners Thompson  
25 and Overmyer

26 NOES: None

27 ABSTAIN: Commissioner Rogers

28 ABSENT: None  
29

30 *Continued to Planning Commission Meeting of July 19, 2011.*  
31

## 32 DEPARTMENT REPORTS

### 33 8. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:

#### 34 A. Report on City Council actions from the May 24<sup>th</sup> and June 14th meetings

35  
36 CDD Elliano reported that the City Council unanimously approved, on May 24<sup>th</sup>, the  
37 Downtown Zoning Ordinance Amendment, with the provision to allow music and art  
38 studios to be permitted by right as opposed to administrative use permit.

39  
40 On June 14th there was a work study on the Riverside County Habitat Conservation  
41 Authority, which basically dealt with the Stephens Kangaroo Rat. Ms. Elliano reported  
42 that the rat was doing well.

43  
44 Also on June 14th was a work study of the city's preliminary budget, showing a 3.8  
45 million dollar deficit, most of which was caused by outside forces, such as PERS,  
46 Workers' Comp, medical costs, and the continuing decline in the property tax base. A  
47 short-term loan from the water fund is proposed.  
48  
49  
50

1 Public hearing items included the Site Development Review for the building at  
2 Carmalita Street and Florida Avenue – the burned-out building – which was approved  
3 by the Council.

4  
5 **B. Upcoming events and informational items**

6  
7 CDD Eliano invited all members to the 4th of July parade and to be on the float with  
8 the San Jacinto Planning Commissioners.

9  
10 **C. Cancellation of July 5, 2011 meeting**

11  
12 CDD Eliano recommended cancellation of the July 5th meeting and adjournment to the  
13 19th of July.

14  
15 The Commission concurred.

16  
17 **9. CITY ATTORNEY REPORTS:** (No report given)

18  
19 **10. PLANNING COMMISSIONER REPORTS:**

20  
21 **A.** Chairman Gifford – requested an update on the hospital project at the old  
22 Wal-Mart building.

23  
24 **B.** Vice Chair Deuber –Nothing to report.

25  
26 **C.** Commissioner Overmyer – would like to discuss, at a future meeting, the  
27 concept of bringing industrial parks and enterprise to Hemet.

28  
29 **D.** Commissioner Rogers – Absent for this item.

30  
31 **E.** Commissioner Thompson – Nothing to report.

32  
33 **11. FUTURE AGENDA ITEMS:**

34  
35 **A.** Report on "Human Signs" and other temporary signage in the City – will be  
36 brought to the Commission in the future as a work study.

37  
38 **B.** Amendment to the Development Agreement for Stoney Mountain Ranch –  
39 because of a disagreement about TUMF fees with WRCOG, the amendment  
40 to the Stoney Mountain Ranch Development Agreement will be coming to  
41 the Commission for a public hearing.

42  
43 **C.** Zoning Ordinance Amendment for Special Housing Classifications – a new  
44 ordinance amendment called "Special Housing Classifications", having to do  
45 with group homes and other complex issues, will be coming to the  
46 Commission for consideration.

47  
48 **D.** Comprehensive General Plan Update and Draft EIR – will be sent to the  
49 Commission as soon as it is ready for public release, and a work study or  
50 public meeting will follow the release within a few weeks thereafter.

1 **12. ADJOURNMENT:** It was the consensus of the Planning Commission that the  
2 meeting be adjourned at 9:39 p.m. to the regular meeting of the City of Hemet  
3 Planning Commission scheduled for **Tuesday, July 19, 2011 at 6:00 p.m.** to be  
4 held at the City of Hemet Council Chambers located at 450 East Latham Avenue,  
5 Hemet, CA 92543.  
6  
7  
8  
9  
10  
11

12 \_\_\_\_\_  
13 John Gifford, Chairman  
14 Hemet Planning Commission  
15

16 ATTEST:  
17  
18  
19  
20

21 \_\_\_\_\_  
22 Nancie Shaw, Records Secretary  
23 Hemet Planning Commission  
24  
25  
26  
27  
28  
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30  
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50

# AGENDA #4



## *Staff Report*

TO: City of Hemet Planning Commission

FROM: Deanna Elliano, Community Development Director *DE*  
Ronald Running, City Planner *RR*

DATE: July 19, 2011

RE: **SPECIFIC PLAN AMENDMENT NO. 06-01 (TRES CERRITOS EAST) AND ENVIRONMENTAL ASSESSMENT NO. 04-07** - A proposed amendment to the Hemet Valley Country Club Estates Specific Plan (SP 90-009) modifying the eastern 146 acres adding 221 residential units to the existing Specific Plan, for a total of 931 dwelling units, allocating the dwelling units in various density categories, providing for public and private park sites and trails, and the addition of 16.9 acre site, with re-adoption as the Tres Cerritos Specific Plan 90-009, along with an Environmental Impact Report for the proposed changes.

### **PROJECT APPLICANT INFORMATION**

Applicants: Signal Family Hemet, LLC  
Omni Financial, LLC  
MJ&M, LLC

Project Location: Northwest corner of Cawston Avenue and Devonshire Avenue

Lot Area: 162.8 ± Acres

APNs: 448-100-001 thru 018; and 448-110-001 thru 022.

### **STAFF RECOMMENDATION**

The Planning Department recommends that the Planning Commission:

1. Continue the public hearing to the August 16, 2011 Planning Commission.

### **BACKGROUND**

The proposed amendment to the Hemet Valley Country Club Estates Specific Plan No. 90-009 (Tres Cerritos East) was continued from the Planning Commission meeting of June 21, 2011. During the Public Hearing, several issues were raised which the Commission requested that the

applicants address. In addition, the Commission desired additional time to review the Draft Environmental Impact Report (DEIR).

The issues raised at the hearing by either members of the public or the Planning Commission included the following:

- Residential density
- Residential product types
- Building heights of three stories and views
- Concerns and questions regarding the drainage plan
- Concerns from the Peppertree project to the north regarding access and drainage, and utility easements
- Air Quality impacts
- Housing value and project amenities
- Additional time needed to review the DEIR and the EIR alternatives

To date, the applicants have met with representatives for the Peppertree project to the immediate north of the proposed project, who expressed concern about the disturbance to their access of their project along Menlo Avenue both vehicular, utilities and drainage. The applicants have also met with staff to review the issues raised and are in the process of responding to the concerns. The applicants have requested a further continuance to the Commission's August 16, 2011 meeting to allow more time to work out the details of their project's interface with the Peppertree project and address the concerns raised by the Commission and the public. (Refer to Attachment 1).

Respectfully submitted,

  
Ronald Running  
City Planner

Reviewed by,

  
Deanna Elliano  
Community Development Director

RR/ns

### ATTACHMENTS

- A) Letter from David Leonard Assoc. dated July 12, 2011 requesting a continuance

# David Leonard Associates

RECEIVED

JUL 13 2011

PLANNING

12 July 2011

Mr. Ron Running, City Planner  
City of Hemet Planning Department  
445 E. Florida, Avenue  
Hemet, CA 92543

Re: Request for Continuance for Tres Cerritos East Specific Plan

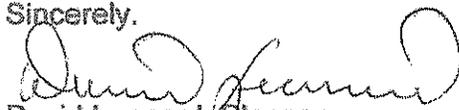
Dear Ron,

Our project team has been engaged with a number of interested parties, including representatives of the Peppertree Specific Plan, City staff, Planning Commission members and area residents to address the concerns that were raised at the hearing on June 21, 2011. We are pleased that the communications are very helpful to identify measures to resolve these concerns.

We will need to continue the dialogue and make revisions to the plan before it returns to the Planning Commission. Therefore, we request a continuance to the Planning Commission hearing of August 16, 2011.

We thank you for your assistance to facilitate a meaningful dialogue for this project.

Sincerely,



David Leonard, Planner  
Tres Cerritos East Specific Plan

# AGENDA #5



## Staff Report

TO: City of Hemet Planning Commission

FROM: Deanna Elliano, Community Development Director *DE*  
Ronald K. Running, City Planner *RR*

DATE: July 19, 2011

RE: **AMENDMENT TO DEVELOPMENT AGREEMENT NO. 03-001** - A proposed amendment to the existing Development Agreement between the City of Hemet and Jeffrey MDM Partners VII, LLC to extend the time period for the construction of a 395 single-family residential lot subdivision (Tract 29129) on 232.5± acres located on the south side of Esplanade Avenue, 844.6± feet east of Warren Road in the R-1-7.2 (Single Family Residential) zone.

### PROJECT APPLICANT INFORMATION

Owner: Jeffrey MDM Partners VII, LLC  
Authorized Agent: Jeffrey Holbrook, Jeffrey MDM Partners VII, LLC  
Project Location: South side of Esplanade Avenue , 844.6± feet east of Warren Road  
APN Information: 441-020-002, et. al.  
Lot Area: 231.5± acres

### STAFF RECOMMENDATION

The Planning Department recommends that the Planning Commission:

1. Adopt Planning Commission Resolution Bill No. 11-015 (Attachment No. 1), entitled:

**“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN ORDINANCE ADOPTING THE FIRST AMENDMENT TO DEVELOPMENT AGREEMENT NO. 03-001 [STONEY MOUNTAIN RANCH] BETWEEN THE CITY OF HEMET AND JEFFREY MDM PARTNERS VII, L.L.C.”**

City of Hemet - Planning Department

Planning Commission Meeting of July 19, 2011

## PROJECT DESCRIPTION AND BACKGROUND

On May 13, 2003, the City entered into a Development Agreement (DA 03-001) with Jeffrey MDM Partners VI, LLC for the development of the Stoney Mountain Ranch Tract 29129. The agreement was effective on June 13, 2003 and had a term of seven (7) years. The agreement required Jeffrey MDM Partners VI, LLC to pay for a traffic signal at the intersection of Warren Road and Esplanade Avenue which was not required as an environmental mitigation measure. In addition, the developer deeded a ten (10) acre site to augment natural views and open space for community residents. Due to the slow down in the economy the developer (Jeffrey MDM Partners VII, LLC) is requesting an extension of time of for the agreement. The new expiration date is set for June 13, 2018.

The application for an extension of time originally was recommended for approval by the Planning Commission on June 15, 2010. The application then went to the City Council where the final decision was delayed pending a determination from the Western Riverside Council of Government (WRCOG) that the project would be exempt from payment of TUMF fees as had been the case during the first term of the development agreement. WRCOG did not grant a further exemption of the project for the payment of TUMF fees. Consequently, the agreement amendment needed to be revised. The applicant is asking for an extension of time for the Development Agreement and a fee credit or reimbursement for a portion of the traffic signal fees that were paid for units not yet constructed..

Tract 29129 for Stoney Mountain Ranch was approved by the Planning Commission on September 21, 1999. The tract originally consisted of 405 single family lots with a minimum lot size of 7,200 sq. ft. A 3.8 acre park with gazebo has been installed with the 50<sup>th</sup> dwelling unit. A 17 acre vernal pool preserve area was also created with the map. Final lotting of the map created a total of 395 lots.

To date the developer has recorded 304 lots. Only 91 units remain to be constructed. The first phase of the tract was recorded on August 29, 2002. Six phases of the map have been recorded with three remaining. The First Amendment to the Development Agreement would also grant an extension of TTM 29129 to June 13, 2018, consistent with the time frame for the Development Agreement.

Development agreements are tools to provide the developer security and clarity in the development rights and a vesting of the entitlements already approved. Development agreements are authorized under the Government Code Sections 65864-65869.5 ("Development Agreement Legislation"). This section of state law gives the City of Hemet the authority to enter into a development agreement with any person or entity having a legal or equitable interest in real property for the development of the property.

Jeffrey MDM Partners, VII, LLC has applied for an amendment to Development Agreement 03-001 under Extension of Time 10-002. The applicant's letter requesting an extension of the Development Agreement is provided as Attachment 3. The extension is needed because of the downturn in the economy slowed the absorption of the units.

## PROJECT CHRONOLOGY

August 24, 1999	City Council approves Reso. No. 3439 for GPA 99-5(f), Ord. No. 1609-A for ZC 99-5 for a Mitigated Negative Declaration for the project changing the General Plan Land Use Designation from Specific Plan to RI (Low Density Residential) and zoning the property R-1.7.2 (Single Family Residential).
September 21, 1999	Planning Commission approval of TTM 29129 for 395 single family lots on 231.5 acres with Reso. No. 99-38.
November 6, 2001	Extension of Time approved for TTM 29129 by Planning Commission.
June 6, 2002	City Council approved Final Map 29129-1 for 46 lots.
April 15, 2003	Planning Commission recommends approval of DA 03-001 by Reso. No. 03-019.
May 13, 2003	City Council adopts Ord. No. 1682 for DA 03-001 for a seven (7) year term.
June 15, 2010	Planning Commission recommends approval of EOT 10-002 to City Council.
July 13, 2010	City Council continues EOT 10-002 pending review by WRCOG regarding the exemption of the project for the payment of TUMF fees.
March 21, 2011	WRCOG denies request for exemption for payment of TUMF fees.
July 19, 2011	Planning Commission hearing for revised Development Agreement Amendment

## DEVELOPMENT AGREEMENT AMENDMENT PROVISIONS

The proposed First Amendment to the Development Agreement will extend the life of the agreement for an additional eight (8) years. The developer also agrees to pay the current development impact fees for all new building permits which includes payment of TUMF. Consequently, the developer will be credited against their future development impact fees the amount paid up front for the improvement of the Warren Road and Esplanade signal that now will be covered by the TUMF program for the remaining 91 lots.

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## PUBLIC COMMUNICATIONS RECEIVED

The Planning Department has received four calls from community residents concerning the proposed Extension of Time. The homeowners had questions of how the proposed amendment of the Development Agreement would affect them. Previously seven residents within the tract had indicated that they are supportive of the First Amendment to the Development Agreement. Each has stated that completion of the tract will benefit their property values.

## CEQA REVIEW

A Mitigated Negative Declaration (MND) was prepared and adopted by the City Council for Tentative Tract Map No. 29129 on September 21, 1999. The MND addresses several primary issues including aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use, noise, public service, traffic and utilities. The MND recommended a series of mitigation measures that are necessary for completion of the project. The proposed development agreement is merely an implementation device for the proposed development. Additional review for the amendment is not needed as there are no changes to the project or new environmental circumstances. Therefore, no further environmental documentation or analysis is necessary.

## REQUIRED DEVELOPMENT AGREEMENT FINDINGS

The City Council has adopted Resolution No. 2671, specifying the process for approval of development agreements. The Resolution requires that the Planning Commission make five (5) determinations. The Commission's role is to determine consistency with the General Plan, not the terms of the agreement. Those determinations, along with the substantiation for each determination, are indicated in the Planning Commission Resolution (Attachment 1).

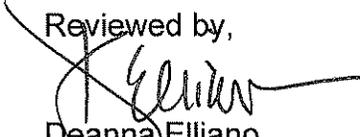
## REPORT SUMMARY

The proposed Amendment to extend Development Agreement No. 03-001 for an additional eight (8) years facilitates the final development phase of the Stoney Mountain Ranch Tract 29129. As such the Agreement serves as a implementation device for the approved tract. It is staff's recommendation that this proposal is in compliance with the General Plan, the Hemet Municipal Code and all other federal, state and local codes and is necessary due to the downturn in the regional, state and national economy.

Respectfully submitted,

  
Ronald K. Running  
City Planner

Reviewed by,

  
Deanna Elliano  
Community Development Director

RKR/ns

**ATTACHMENTS**

- 1) Planning Commission Resolution Bill No. 11-015  
Exhibit 1A - Proposed City Council Ordinance with Development Agreement
- 2) Vicinity Map
- 3) Letter dated April 2, 2010 from Jeffrey MDM Partners VII, LLC

**INCORPORATED HEREIN BY REFERENCE**

City of Hemet General Plan  
City of Hemet General Plan EIR  
City of Hemet Zoning Ordinance  
City of Hemet Subdivision Ordinance  
Project Site's Riverside County Integrated Plan Multi-Species Habitat Conservation Plan  
Summary Report  
Contents of City of Hemet Planning Department Project File(s) DA 03-001, GPA 99-5(f), ZC 99-005 & TTM 29129

**Attachment  
No. 1**

**Planning  
Commission.  
Reso. Bill No. 11-15**

**Planning Commission  
Meeting of  
July 19, 2011**



CITY OF HEMET  
Hemet, California

RESOLUTION BILL NO. 11-015

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF HEMET, CALIFORNIA RECOMMENDING  
TO THE CITY COUNCIL APPROVAL OF AN ORDINANCE  
ADOPTING THE FIRST AMENDMENT TO  
DEVELOPMENT AGREEMENT NO. 03-001 [STONEY  
MOUNTAIN RANCH] BETWEEN THE CITY OF HEMET  
AND JEFFREY MDM PARTNERS VII, L.L.C.

**WHEREAS**, an application for an amendment to Development Agreement No. 03-001 (Stoney Mountain Ranch Tract 29129) to develop 395 single family residential units has been duly filed by:

Owner: Jeffrey MDM Partners VII, LLC  
Applicant: Jeffrey Holbrook  
Project Location: South side of Esplanade Avenue 844.6± feet east of  
Warren Road  
Lot Area: 231.5± acres; and

**WHEREAS**, the Planning Commission has the requirement under Council Resolution No. 2671 to make five findings for approval of development agreements; and

**WHEREAS**, on July 9, 2011, the City gave public notice by advertising in the Press Enterprise and by mailing to property owners within 1,000 feet, of the holding of a public hearing at which the project would be considered by the Planning Commission; and

**WHEREAS**, on July 19, 2011, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the First Amendment to the Development Agreement and at which the Planning Commission considered the First amendment to the Development Agreement, and

**WHEREAS**, The City Council approved a Mitigated Negative Declaration and Mitigation Monitoring Program by Resolution No. 3439 on August 24, 1999 for the Stoney Mountain Tract 29129. In compliance with the California Environmental Quality

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Planning Commission Resolution Bill No. 11-015  
Extension of Time No. 10-002 for Development Agreement No. 03-001  
STONEY MOUNTAIN RANCH – TRACT 29129

1 Act ("CEQA"), and under the CEQA Guidelines the Planning Director has evaluated the  
2 project to determine if any new environmental impacts would be created as a result of  
3 the proposed project and has determined that no additional environmental analysis is  
4 needed; and

5  
6 **NOW, THEREFORE,** the Planning Commission of the City of Hemet does  
7 Resolve, Determine, Find and Order as follows:  
8

9 **SECTION 1: ENVIRONMENTAL FINDINGS**

10  
11 The Planning Commission, in light of the whole record before it, including but not limited  
12 to, the City's Local CEQA Guidelines and Thresholds of Significance, the  
13 recommendation of the Planning Director as provided in the Staff Report dated July 19,  
14 2011 and documents incorporated therein by reference, and any other evidence (within  
15 the meaning of Public Resources Code §21080(e) and §21082.2) within the record or  
16 provided at the public hearing of this matter, hereby finds and determines as follows:  
17

- 18 1. **CEQA.** The City Council adopted a Mitigated Negative Declaration and  
19 Mitigation Monitoring Program by Resolution No. 3439 on August 24, 1999 for  
20 GPA 99-5(f) and ZC 99-5 for the Stoney Mountain Tract 29129 and a Notice of  
21 Determination was filed in accordance with CEQA requirements on August 29,  
22 1999. There has been no legal challenge brought against the project or the  
23 environmental determination. The Planning Commission has reviewed the  
24 Mitigated Negative Declaration and Mitigation Monitoring Program and Initial  
25 Study previously approved for the project in light of applicant's submittal of the  
26 First Amendment to Development Agreement 03-001 under EOT 10-002. The  
27 Planning Commission has concluded that EOT 10-002 is a subsidiary and  
28 implementing approval or permit contemplated under the larger project and that  
29 EOT 10-002 complies with the City's Zoning Ordinance, Design Guidelines of  
30 GPA 99-5(f), and other applicable standards. The Planning Commission finds  
31 that EOT 10-002 will not result in an increase in the density or intensity of the  
32 project and will not result in project changes that were not previously analyzed  
33 under the approved Mitigated Negative Declaration and Mitigation Monitoring  
34 Program. As such, EOT 10-002 and any effects it may have on the  
35 environment, fall within the scope of, and were analyzed under the previously  
36 approved Mitigated Negative Declaration and Mitigation Monitoring Program for  
37 the project. Furthermore, based on the Planning Department staff's knowledge  
38 of the project and surrounding developments, the Planning Commission  
39 concludes that there has been no change in circumstances under which the  
40 project is being undertaken that would require additional analysis under CEQA.  
41 Finally, the Planning Commission has not been presented with any information  
42 contrary to this conclusion nor any information from which it could be fairly  
43 argued that EOT 10-002 involves new significant effects on the environment or  
44 substantially increases the severity of a previously identified effect. Based

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**Planning Commission Resolution Bill No. 11-015  
Extension of Time No. 10-002 for Development Agreement No. 03-001  
STONEY MOUNTAIN RANCH – TRACT 29129**

1 thereon, the Planning Commission makes the following findings in accordance  
2 with CEQA Guidelines Section 15162:

- 3
- 4 1. The proposed First Amendment to Development Agreement No. 03-001  
5 as EOT 10-002 does not propose substantial changes to the Stoney  
6 Mountain Tract 29129 that would require major revisions to the existing  
7 Mitigated Negative Declaration and Mitigation Monitoring Program;
  - 8
  - 9 2. No substantial changes have occurred in the circumstances under which  
10 the Stoney Mountain Tract 29129 or EOT 10-002 is being undertaken that  
11 would require major revisions to the Mitigated Negative Declaration and  
12 Mitigation Monitoring Program; and
  - 13
  - 14 3. No new information has been presented from which it may be fairly argued  
15 that EOT 10-002 may involve a new significant environmental effect, or a  
16 substantial increase in the severity of previously identified significant  
17 effects, or demonstrating that a mitigation measure previously found to be  
18 infeasible is now feasible.
  - 19

20 **SECTION 2: DEVELOPMENT AGREEMENT FINDINGS**

21

- 22 1. The proposed First Amendment to the Development agreement is consistent with  
23 the objectives, policies, general land uses and programs in the General Plan and  
24 any specific plan.
- 25

26 The proposed First Amendment to Development Agreement No. 03-001 will  
27 assist in the completion of the development of residential Tract 29129 which is  
28 consistent with the General Plan land use designation of RI (7 units/acre) and  
29 meets the dictates of the residential design guidelines established with the  
30 approval on August 24, 1999 of General Plan Amendment 99-5(f).

31

32 The amendment extends the time period by which Tract 29129 can be developed  
33 under the terms of the original Development Agreement 03-001. The proposed  
34 architecture and landscaping will continue as previously approved by the City  
35 Council and Planning Commission.

36

- 37 2. The development agreement is compatible with the use authorized in, and the  
38 regulations prescribed for, the land use districts in which the real property is  
39 located.
- 40

41 The Stoney Mountain Ranch development (Tract 29129) is located in the Single-  
42 Family Residential (R-1-7,200 square-foot lot minimum) and Open Space (OS)  
43 zones. All construction will be single-family detached units. Minimum lots sizes

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**Planning Commission Resolution Bill No. 11-015  
Extension of Time No. 10-002 for Development Agreement No. 03-001  
STONEY MOUNTAIN RANCH – TRACT 29129**

1 are 7,200 square-feet with the largest having 20,000 square-feet. All future  
2 residential units conform to the setbacks, height, coverage and other  
3 development standards of the zone. A 3.8 acre park is located within the Open  
4 Space zone. The gazebo in the park site is an allowable use in the Open Space  
5 zone. The First Amendment to Development Agreement No. 03-001 does not  
6 change any of the required subdivision standards.  
7

- 8 3. The development agreement is in conformity with public convenience, general  
9 welfare and good land use practice.  
10

11 The proposed First Amendment to Development Agreement No. 03-001 will  
12 continue the development of Tract 29129 which was designed to provide safe  
13 access for residents, visitors and emergency vehicles. Two points of access are  
14 provided for all units. Open space reserve areas have been set aside to protect  
15 and preserve the sensitive wildlife habitat found in the area. The unique  
16 topographic features of the site have been retained with the steeper portions kept  
17 in open space preserves.  
18

- 19 4. The adoption of the development agreement will not be detrimental to the health,  
20 safety, and general welfare of the public.  
21

22 The adoption of the First Amendment to the Development Agreement will  
23 continue to convey vested rights to develop a 395 unit single-family residential  
24 community known as Stoney Mountain Ranch. The development is in  
25 accordance with the Single-Family Residential (R-1-7,200) and Open Space  
26 zones, the Design Guidelines found in the General Plan and all federal, state,  
27 and local ordinances applicable to the development. Adequate parking and  
28 vehicular and pedestrian access is provided. Off-site improvements slated for  
29 the intersection of Warren Road and Esplanade Avenue will be constructed  
30 which will ensure traffic safety. Landscaping in appropriate areas will be installed  
31 to prevent erosion and allow adequate drainage and storm water flow.  
32 Conditions of approval for Tract 29129 have been required which will provide for  
33 improved streets, curbs, gutters, sidewalks, sewer, water, and drainage  
34 improvements.  
35

- 36 5. The adoption of the First Amendment to the Development Agreement will not  
37 adversely affect the orderly development of property or the preservation of the  
38 property value.  
39

40 The First Amendment to Development Agreement No. 03-001 requires that the  
41 single-family residential Tract 29129 be developed in accordance with the plans

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**Planning Commission Resolution Bill No. 11-015**  
**Extension of Time No. 10-002 for Development Agreement No. 03-001**  
**STONEY MOUNTAIN RANCH – TRACT 29129**

1 and specifications submitted to and approved by the City of Hemet. The plans  
2 and specifications of the City of Hemet have been developed specifically to  
3 implement the Hemet General Plan, federal, state, and local regulations, and to  
4 preserve and protect property values. Substantial land use buffering in the form  
5 of an open space preserve is proposed in the development to adequately protect  
6 the surrounding areas.  
7

8 **SECTION 3: PLANNING COMMISSION ACTIONS**  
9

10 The Planning Commission hereby takes the following actions:  
11

- 12 1. In compliance with Public Resources Code §22152 and CEQA Guidelines  
13 §15075, the Planning Commission recommends that the City Council direct the  
14 Planning Director to prepare a Notice of Determination concerning the findings  
15 made in Section 1 of this Resolution, and within five (5) working days of approval  
16 of EOT 10-002, file the Notice with the Riverside County Clerk for posting.  
17
- 18 2. **Recommends** that the City Council approve the proposed First Amendment to  
19 Development Agreement No. 03-001 under EOT 10-002. Development  
20 Agreement No. 03-001 is hereby recommended for amendment as shown in  
21 Exhibit A which is attached hereto and incorporated herein by reference.  
22

23 **PASSED, APPROVED AND ADOPTED** this 19<sup>th</sup> day of July, 2011, by the  
24 following vote:  
25  
26

27 AYES:  
28 NOES:  
29 ABSTAIN:  
30 ABSENT:  
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37 \_\_\_\_\_  
38 John Gifford, Chairman  
39 Hemet Planning Commission

40 ATTEST:  
41  
42

43 \_\_\_\_\_  
44 Nancie Shaw, Records Secretary  
45 Hemet Planning Commission

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**Planning Commission Resolution Bill No. 11-015  
Extension of Time No. 10-002 for Development Agreement No. 03-001  
STONEY MOUNTAIN RANCH – TRACT 29129**

# Exhibit No. 1A

Proposed  
City Council Ordinance  
with  
Development Agreement  
For TTM 29129

Planning Commission  
Meeting of  
July 19, 2011



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ORDINANCE BILL NO. 10-016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA ADOPTING THE FIRST AMENDMENT TO DEVELOPMENT AGREEMENT NO. 03-001 [STONEY MOUNTAIN RANCH] BETWEEN THE CITY OF HEMET AND JEFFREY MDM PARTNERS VII, L.L.C.

**WHEREAS**, California Government Code Section 65864 *et seq.* (the "Development Agreement Statute") provides the underlying authority for cities to enter into binding agreements with the owners of real property which agreements vest certain rights in the owner of the property in exchange for providing certain public benefits; and,

**WHEREAS**, the City has implemented the Development Agreement Statute by adopting Ordinance 1639 adding Section 58-67 to the Hemet Municipal Code authorizing the City Council to consider and approve development agreements; and,

**WHEREAS**, Jeffrey MDM Partners VII, L.L.C., has submitted an application for the first amendment of a Development Agreement No. 03-001 for that project known as Stoney Mountain Ranch, for which the City has previously approved a General Plan Amendment (GPA 99-5(f), a Mitigated Negative Declaration, and Tentative Parcel Map 29129; and,

**WHEREAS**, on July 19, 2011, at a public hearing noticed in accordance with Government Code Section 65687, the Hemet Planning Commission reviewed and considered the application for the first amendment to the development agreement and, finding it to be consistent with the City's General Plan and within the scope of the previous Mitigated Negative Declaration, recommended it for approval to the City Council: and,

**WHEREAS**, on \_\_\_\_\_, 2011, at a public hearing noticed in accordance with Government Code Section 65687, the Hemet City Council reviewed and considered the application for the first amendment to the development agreement and heard any testimony for and against the project that was presented at the hearing or made part of the public; and now therefore,

**THE CITY COUNCIL OF THE CITY OF HEMET ORDAINS AS FOLLOWS:**

**SECTION 1:** The City Council, based on the entire record before it, including any testimony heard at the public hearing of this matter or made part of the public record, does find as follows:

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- A. The First Amendment to Development Agreement No. 03-001 is consistent with the objectives, policies, general land uses, and programs specified in the City of Hemet’s General Plan in that the Development Agreement makes reasonable provision for the use of certain real property for single family residential development as permitted in the “RI” land use designation of the General Plan;
  
- B. The First Amendment to Development Agreement No. 03-001 is consistent with the objectives, policies, general land uses, and programs specified in the R-1-7.2 Single Family Residential Zone in that the Development Agreement makes reasonable provision for the use of certain real property for single family residential use as permitted under the zoning and development standards of the Municipal Code; and,
  
- C. The First Amendment to Development Agreement No. 03-001 proposes no significant changes to the project as approved in Tract 29129 or the Mitigated Negative Declaration, no substantial changes have occurred in the circumstances under which the project will be undertaken. As such, no new mitigation measures are required for the project. The First Amendment to Development Agreement No. 03-001 does not involve, nor has any new information been presented to demonstrate that the project involves, new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Therefore, approval of the first amendment to Development Agreement No. 03-001 will not require any revision to the previously adopted Mitigated Negative Declaration and the requirements of the California Environmental Quality Act have been satisfied.

**SECTION 2:** The City Council of the City of Hemet hereby takes the following action by adoption of this Ordinance:

- A. The First Amendment to Development Agreement No. 03-001, attached hereto and incorporated herein by reference as Exhibit A, is hereby approved.
  
- B. The Mayor is authorized and directed to evidence such approval by executing the First Amendment to Development Agreement No. 03-001 for, and in the name of, the City of Hemet; and the City Clerk is directed to attest thereto.
  
- C. The City Clerk is hereby directed to record one executed original of the First Amendment to Development Agreement with the Recorder for the County of Riverside within ten (10) days after this Ordinance takes effect.

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**SECTION 3:** This Ordinance shall take effect thirty (30) days after its enactment in accord with California law.

**SECTION 4:** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 5:** The City Clerk is directed to cause this Ordinance to be published within 15 days of its passage in a newspaper of general circulation published and circulated within the City of Hemet.

**INTRODUCED** at the regular meeting of Hemet City Council on \_\_\_\_\_, 2011.

**PASSED, APPROVED, AND ADOPTED**, this \_\_\_\_\_, day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Gerald Franchville, Mayor

**ATTEST:**

\_\_\_\_\_  
Sarah McComas, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Eric S. Vail, City Attorney

1 State of California )  
2 County of Riverside )  
3 City of Hemet )

4 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the  
5 foregoing Ordinance was introduced and first read on the \_\_\_ day of \_\_\_\_\_ 2011,  
6 and had its second reading at the regular meeting of the Hemet City Council on the \_\_\_  
7 day of \_\_\_\_\_, 2011, and was passed by the following vote:

8 **AYES:**

9 **NOES:**

10 **ABSTAIN:**

11 **ABSENT:**

12 \_\_\_\_\_  
13 Sarah McComas, City Clerk  
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PLEASE COMPLETE THIS INFORMATION RECORDING  
REQUESTED BY:

AND WHEN RECORDED MAIL TO:

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FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

Title of Document

**TRA:** \_\_\_\_\_

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THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(\$3:00 Additional Recording Fee Applies)

**FIRST AMENDMENT TO  
DEVELOPMENT AGREEMENT 03-001**

“Stoney Mountain Ranch”

[Planning Application No. EOT 10-002]

By and Between

the

CITY OF HEMET

and

JEFFREY MDM PARTNERS VII, LLC.

DATED: \_\_\_\_\_, 2011

**FIRST AMENDMENT TO**  
**DEVELOPMENT AGREEMENT 03-001**

This First Amendment to Development Agreement 03-001 (the "Amendment"), dated for reference purposes as first indicated on the cover page, is entered into by and between the CITY OF HEMET, a California general law Municipal Corporation ("City") and JEFFREY MDM PARTNERS VII, LLC, a California limited liability company ("Owner") as follows:

**RECITALS**

A. On or about May 13, 2003 the parties entered into that Development Agreement 03-001 ("Development Agreement") covering a single-family residential development project known as Stoney Mountain Ranch ("Project") in the City of Hemet. The Effective Date of the Development Agreement is June 13, 2003. A Memorandum of Agreement was recorded in the Official Records of the Riverside County Recorder on July 18, 2003, as Instrument Number 2003-535438.

B. The original Term of the Development Agreement was for seven (7) years and expired on June 12, 2010. The parties contemplated that the Project would be entirely built-out by the expiration of the original Term. Due to national, state, and regional market and economic conditions beyond the control of either Owner or City, the Project has not been completed within the time contemplated. Therefore, the parties desire to extend the Term of the Development Agreement by eight (8) years as provided herein. The parties concur that Owner will pay City's current development impact fees and the Transportation Uniform Mitigation Fee ("TUMF") as provided herein.

C. The parties declare that this Amendment has been approved in accordance with Government Code § 65868 and that in accordance with Government Code § 65867.5 this Amendment has been approved by City Ordinance No. [REDACTED] adopted on [REDACTED], 2011, that the provisions of this Amendment are consistent with the City's General Plan, and with the Existing Development Approvals set forth in the Development Agreement and that all tentative tract maps included within the Existing Development Approvals complied with Government Code § 66473.7.

**OPERATIVE PROVISIONS**

NOW, THEREFORE, in consideration of the above Recitals and of the mutual covenants and agreements hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto do hereby covenant and agree as follows:

**1. DEFINITIONS**

All terms in this Amendment have the meaning provided in the Development Agreement, unless specifically defined herein.

## 2. AMENDMENT OF TERMS.

The Development Agreement is hereby modified and amended as follows:

**2.1 Term.** Section 2.3 of the Development Agreement is hereby amended as follows:

“**Term.** The term of this Agreement shall commence on the Effective Date (June 13, 2003) and shall continue for a period of fifteen (15) years thereafter (through June 12, 2018), unless this Agreement is terminated, modified, or extended as provided in this Agreement by mutual consent of the parties hereto. Pursuant to Government Code § 66452.6(a)(1), the expiration date of Tentative Tract Map 29129, and any phase thereof designated by Owner as provided in Government Code § 66452(a)(1), is hereby extended to June 12, 2018. Tract Map 29129, and any phase thereof, may be extended beyond this date by operation of law or as may be provided for under the Subdivision Map Act. This Agreement shall terminate and be of no force and effect upon the occurrence of the entry of a final judgment or issuance of a final order after exhaustion of any appeals directed against the City as a result of any lawsuit filed against the City to set aside, withdraw, or abrogate the approval by the City Council of City of this Agreement.”

**2.2 Credits and Reimbursements.** Section 3.2.5 of the Development Agreement is hereby amended as follows:

“**Credits and Reimbursements.** Notwithstanding the foregoing, it is the intent of the parties that Owner remain eligible to obtain credits against development impact fees paid or to be paid and/or to obtain reimbursement of costs incurred or to be incurred in designing and constructing Public Improvements to the extent Owner would otherwise qualify under the existing Land Use Regulations, including, but not limited to, Hemet Municipal Code § 58-64, 58-65, and/or 58-66. From the date of the First Amendment, Owner shall be entitled to receive a prorated credit against its obligation to pay development impact fees levied upon the remaining lots to be developed within Stoney Mountain Ranch for the reasonable and necessary amounts Owner has paid for the Intersection Improvements as provided in Section 3.2.2 [Intersection Improvements]. The total amount of development impact fee credit received by Owner for the Intersection Improvements shall not exceed \$138,822.00. Owner is not entitled to receive a credit against development impact fees paid for any lots that were developed prior to the effective date of the First Amendment. Owner is not entitled to seek reimbursement of the remaining balance of the costs incurred by Owner for the Intersection Improvements after the prorated credits have been applied to the development impact fees for the remaining lots.”

“As of the date of the First Amendment, Owner has paid the reasonable and necessary amount of \$537,886.00 for the Intersection Improvements, and of the 395 lots within Stoney Mountain Ranch 102 lots have not received building permits. Accordingly, Owner is presently entitled to a development impact fee credit of \$1,361.00 per dwelling unit that remains to be constructed, for a total amount not to exceed \$138,822.00. The fee credits shall be applied to the remaining 102 lots at the time a building permit or certificate of occupancy is issued for each lot.”

**2.3 Applicable Development Exactions.** Section 5.2.2 of the Development Agreement is hereby amended as follows:

“**Applicable Development Exactions.** Except as may otherwise be expressly provided to the contrary in this Agreement, Owner shall only be required to comply with those Development Exactions for the development of Stoney Mountain Ranch as are required and imposed under the Existing Development Approvals and the Existing Land Use Regulations, except for School Fees (Government Code § 69570, *et seq.*) and other fees imposed by governmental entities other than the City having jurisdiction over the Property or Stoney Mountain Ranch, in the amount and to the extent applicable as existing, approved, effective, and made a matter of public record on and as of the Effective Date of this First Amendment.”

“Notwithstanding the foregoing, Owner shall pay all applicable City development impact fees, at the rate then current, that have been approved and that are a matter of public record at the time of issuance of the building permit for each separate unit of the Project. Where a development impact fee increases prior to issuance of a certificate of occupancy for any unit and Owner has not fully paid all applicable development impact fees for the unit, then Owner shall pay the increased amount of such fee outstanding.”

“Owner shall pay the applicable Transportation Uniform Mitigation Fee, as provided in Hemet Municipal Code § 58-70, *et seq.*, for each unit of the Project for which a certificate of occupancy is issued after June 12, 2010 (expiration of the original Term).”

**3. GENERAL PROVISIONS.**

**3.1 Remainder Unchanged.** Except as specifically modified and amended in this Amendment, the Development Agreement remains in full force and effect and binding upon the parties.

**3.2 Integration.** This Amendment consists of pages 1 through 5, inclusive, which constitute the entire understanding and agreement of the parties and supersedes all

negotiations or previous agreements between the parties with respect to all or any part of the transaction discussed in this Amendment.

**3.3 Effective Date.** This Amendment shall not become effective until the date it has been formally approved by the City Council and executed by the appropriate authorities of the City and Owner.

**3.4 Applicable Law.** The laws of the State of California shall govern the interpretation and enforcement of this First Amendment to Development Agreement.

**3.5 References.** All references to the Development Agreement include all their respective terms and provisions. All defined terms utilized in this Amendment have the same meaning as provided in the Development Agreement, unless expressly stated to the contrary in this Amendment.

**IN WITNESS WHEREOF,** the parties hereto have executed this Amendment to the Development Agreement on the date and year first written above.

**“CITY”**

CITY OF HEMET

By: \_\_\_\_\_  
Brian Nakamura, City Manager

ATTEST:

\_\_\_\_\_  
Sarah McComas, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Eric S. Vail, City Attorney

“OWNER”

Jeffrey MDM Partners, VII, LLC  
a California Limited Liability Company

[NOTARY ACKNOWLEDGEMENT REQUIRED]

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Managing Member

[NOTARY ACKNOWLEDGEMENT REQUIRED]

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Managing Member

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

On \_\_\_\_\_, \_\_\_\_\_ before me, \_\_\_\_\_, personally appeared \_\_\_\_\_,

personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
(SIGNATURE OF NOTARY)

**OPTIONAL**

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form

**CAPACITY CLAIMED BY SIGNER**

**DESCRIPTION OF ATTACHED DOCUMENT**

INDIVIDUAL  
 CORPORATE OFFICER  
\_\_\_\_\_  
TITLE(S)

\_\_\_\_\_  
TITLE OR TYPE OF DOCUMENT

PARTNER(S)       LIMITED  
                                  GENERAL

\_\_\_\_\_  
NUMBER OF PAGES

ATTORNEY-IN-FACT  
 TRUSTEE(S)  
 GUARDIAN/CONSERVATOR  
 OTHER \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
DATE OF DOCUMENT

**SIGNER IS REPRESENTING:**  
(NAME OF PERSON(S) OR ENTITY(IES))  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
SIGNER(S) OTHER THAN NAMED ABOVE

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

On \_\_\_\_\_, \_\_\_\_\_ before me, \_\_\_\_\_, personally appeared \_\_\_\_\_,

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NUMBER OF PAGES

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DATE OF DOCUMENT

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(NAME OF PERSON(S) OR ENTITY(IES))  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
SIGNER(S) OTHER THAN NAMED ABOVE

**ATTACHMENT 1**  
**PROPERTY LEGAL DESCRIPTION**

**ATTACHMENT 1**  
**PROPERTY LEGAL DESCRIPTION**

**ATTACHMENT 1**  
**PROPERTY LEGAL DESCRIPTION**

**ATTACHMENT 2**

**SITE DIAGRAM**

**ATTACHMENT 2**

**SITE DIAGRAM**

**ATTACHMENT 2**

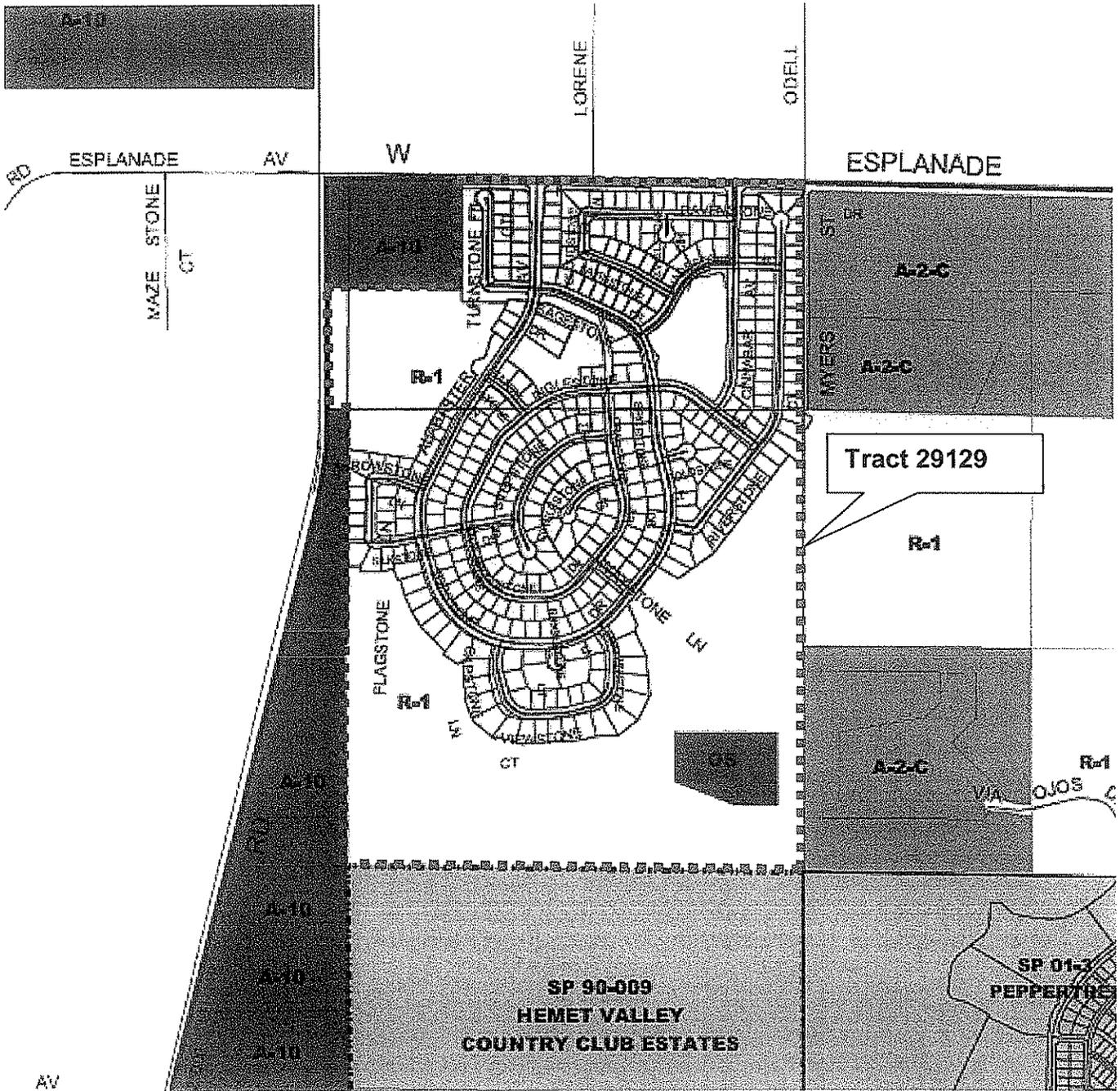
**SITE DIAGRAM**

# Attachment No. 2

## Vicinity Map

Planning Commission  
Meeting of  
July 19, 2011

# VICINITY/ZONING MAP



**Attachment  
No. 3**

**Applicant Letter  
Dated April 2, 2010**

**Planning Commission  
Meeting of  
July 19, 2011**



DBJ DEVELOPMENT CORPORATION  
27201 PUERTA REAL, SUITE 360  
MISSION VIEJO, CALIFORNIA 92691  
TEL. (949) 348-1104  
FAX. (949) 348-6963

April 1, 2010

Deanna Elliano  
Planning Manager  
City of Hemet  
445 E. Florida Avenue  
Hemet, Ca 92543

Re: Extension of Development Agreement No. 03-1 & Tentative Tract Map 29129

Dear Ms Elliano:

The purpose of this letter is to request extension of both our Development Agreement and Tentative Tract Map for our Stoney Mountain Ranch project, located near the south east intersection of Warren Road and Esplanade Avenue in the City of Hemet.

As of this date, there remain three unrecorded phases of the original TTM. Phase 6 ( 29129-9 ) has 22 lots, Phase 9 ( 29129-7 ) has 36 lots and Phase 10 (29129-8 ) has 33 lots for a total of 91 remaining lots.

Of the total 395 lots covered by the Tentative Tract Map, a total of 7 phased tract maps have been recorded, totaling 304 lots. A total of 303 building permits have been issued and a total of 293 homes have been completed, with 10 lots completed with only foundations. One lot remains as a future building site and serves as a sales parking lot.

We are requesting an extension of both the TTM and the D.A. for an additional five years so that we can build through the remaining inventory of both graded lots and lots with foundations. Without an extension of both, this project will be further impacted by the real estate downturn that has plagued the new home industry for the past four years.

With home values forty to fifty percent lower than their peak in 2007, this project cannot afford the financial impacts of having to either comply with new or additional conditions or pay the TUMF fee that Stoney Mountain Ranch is currently exempted from. Had the market not collapsed, we certainly would have built through the entire project by now. Even without the added TUMF fee we are currently unable to build and sell a home at a profit. At their peak, homes within the project were selling between \$175 to \$195 per square foot. Today we are struggling to sell our homes and have them appraise for \$85 per square foot. Simply put, the financial model that this project was based on did not include payment of the TUMF fee. The current market situation makes this fact even more of an issue.

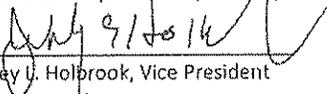
With respect to the D.A, we have fulfilled all requirements of that agreement, which included payment of a combined \$600,000 in fees and neighborhood park gazebo improvements and the transfer of open space lots. The gazebo that we constructed at Stoney Mountain Ranch Park cost a total of \$62,113.47. We paid the remainder of our fees, a total of \$537,886.53, directly to the City of Hemet. Those fees were to be used to design and install a traffic signal at the corner of Warren Road and Esplanade Avenue. To date, no signal has been installed.

I have attached a letter from Richard Masyczek, Planning Director, dated June 25, 2008, wherein he discusses the remaining time for both the TTM and the D.A. As noted in his letter, the D.A. runs through June 12, 2010 and the unrecorded phases of TTM do not expire until June 13, 2010.

I sincerely appreciate your consideration and approval of this request.

Sincerely,

Jeffrey MDM Partners VII, LLC  
By: DBJ Development Corporation, its Manager

  
Jeffrey U. Holbrook, Vice President

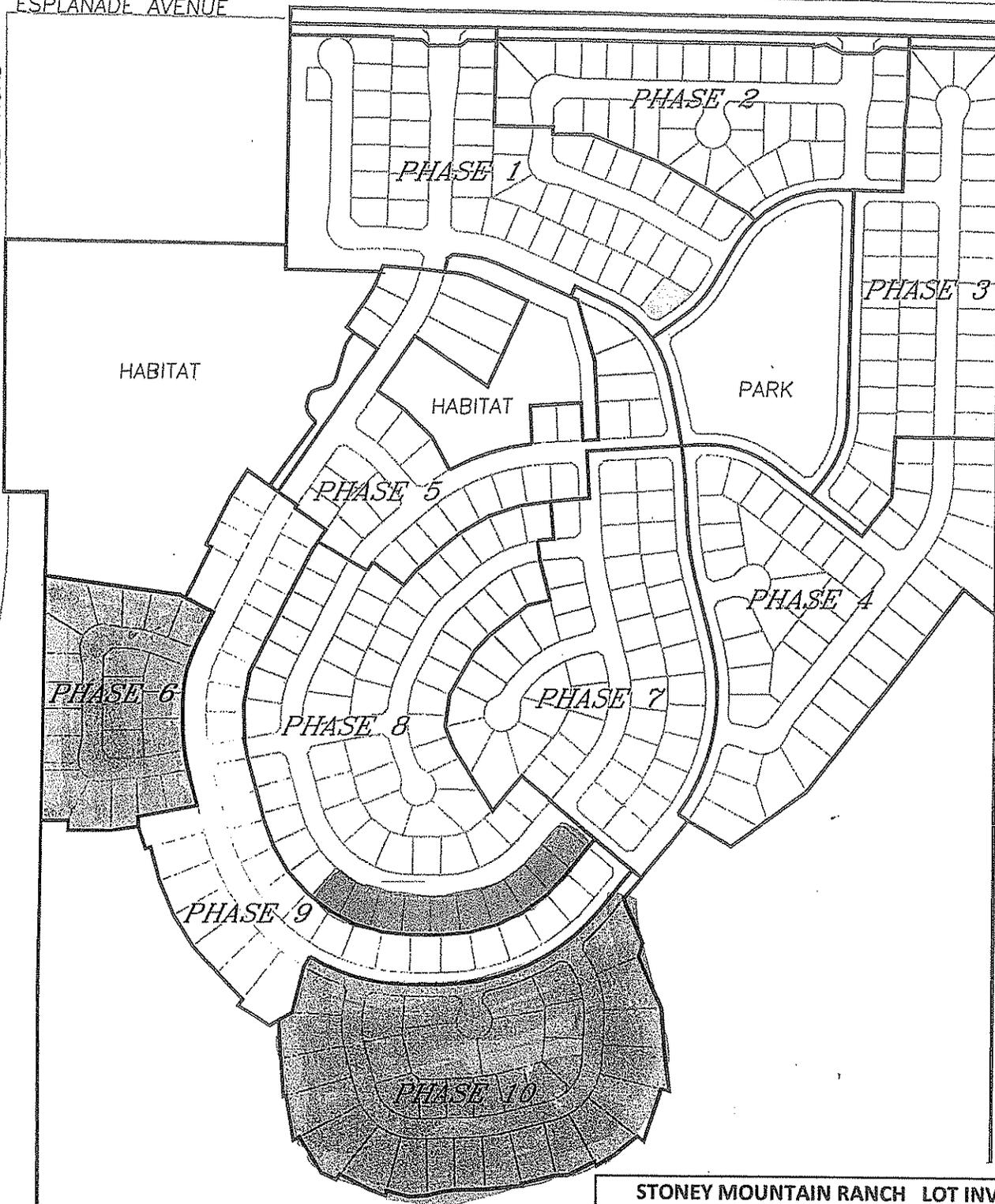
SALES

REAL ESTATE DEVELOPMENT

MARKETING

ESPLANADE AVENUE

WARREN ROAD



OPEN SPACE

HEMET, CA

STONEY MOUNTAIN RANCH LOT INVENTORY

Tract No.	Improvement Status	Phase No.	No. of Lots
29129-1	Improved	1	1
29129-9	Rough Graded	6	22
29129-6	Foundations	8	10
29129-7	Partial Improvements	9	36
29129-8	Rough Graded	10	33
<b>Total</b>			<b>102</b>