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PLANNING  *COMMISSION*

MEETING MINUTES

DATE: July 19, 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: Chairman John Gifford

2. APPROVAL OF MINUTES:

A. Minutes for the Planning Commission Meeting of May 17, 2011

Chairman Gifford opened the public hearing for a question from Diane Norberg (4092 Via Barcelona, Hemet), concerning e-mails received before the June meeting being part of the minutes.

City Attorney Jex, Chairman Gifford and CDD Eliano explained that they are automatically part of the record and sent on to the City Council, but not necessarily appended to the minutes.

It was **MOVED** by Vice Chair Deuber and **SECONDED** by Commissioner Thompson to approve the May 17, 2011 minutes, with the following changes:

1. Change spelling on page 1, line 42 from Chancey Thompson to Chauncey
2. Change spelling on page 6 from Isa to Issa
3. Change page 4, line 6, to a site visit but no meeting with applicant for Commissioner Overmyer

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

NOES: None

ABSTAIN: None

ABSENT: None

1 B. Minutes for the Planning Commission Meeting of June 21, 2011

2
3 It was **MOVED** by Commissioner Overmyer and **SECONDED** by Vice Chair Deuber to
4 approve the June 21, 2011 minutes, with the following changes:

- 5
6 1. Change street name on page 12, line 21, from Devonshire to Menlo.
7 2. Change verbiage on page 9, line 20, to read "dropped by 20 to 30 units"

8
9 AYES: Chairman Gifford, Vice Chairman Deuber, and Commissioners overmyer
10 and Thompson

11 NOES: None

12 ABSTAIN: Commissioner Rogers

13 ABSENT: None

14
15
16 3. **PUBLIC COMMENTS:** None

17
18
19 **PUBLIC HEARINGS**

20
21
22 4. **SPECIFIC PLAN AMENDMENT NO. 06-001 & ENVIRONMENTAL**
23 **ASSESSMENT NO. 06-019 (Tres Cerritos East) – Continued from June 21,**
24 **2011**

25
26 **OWNERS:** Signal Family Hemet, LLC; Omni Financial, LLC; and MJ&J,
27 LLC

28 **AGENT:** Mel Mercado

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

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

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

40
41 *Commissioner Rogers recused himself from the hearing due to his residential proximity*
42 *to the project.*

43
44 Planner Running reported that there had been meetings between staff members, the
45 Commission and representatives of Tres Cerritos East and the nearby Peppertree
46 development. All are requesting additional time for modifications and to examine
47 details of the interface, and were therefore asking for a continuance to the August 16,
48 2011 meeting. He noted that staff had received a letter, with photographs, dated July
49 16, 2011 from Diane Norberg, which was also delivered to the Commission, reiterating
50 her concerns noted previously.

Chairman Gifford opened the public hearing, inviting Gene Hikel to the lectern.

1 Gene Hikel (8405 Singh Court, Hemet), chairman of the Four Seasons Community
2 Awareness Committee, indicated that their committee was in support of the
3 continuance, but expected a decrease in density, a change in their product types, a
4 provision of more amenities (such as a larger park, a school site, and a larger
5 clubhouse), an enlarging of the existing retention basin along Cawston Avenue, and
6 major infrastructure realignments. He requested that the Commission deny the project
7 if these changes were not instituted and if the developer could not embrace the vision
8 of the general plan.
9

10 Diane Norberg (4092 Via Barcelona, Hemet) suggested a compromise, asking the
11 developer to build only upscale single-story homes on approximately half-acre lots, add
12 a 10-acre park, another storm runoff basin and a school. Her first choice, however,
13 would be the "no project" alternative No. 2.
14

15 Jim Crase (388 Casper Drive, Hemet), Four Seasons Community Awareness
16 Committee member, stated that he wished to be proud of living in Hemet and
17 expressed his support of the comments of Gene Hikel.
18

19 When Chair Gifford asked for comments from the Commission, Commissioner
20 Thompson stated that he had met with the applicants. He noted that it was a learning
21 experience for him, but that he felt the applicants were given good direction. He
22 agreed with the continuance.
23

24 Vice Chair Deuber elected to reserve her comments to the date of the continuance.
25

26 Chairman Gifford stated that he had met individually with the applicant, Martin Boone,
27 as well as planning staff, to give further direction to the applicant regarding what the
28 Commission felt they should be doing with the project.
29

30 Vice Chairman Deuber asked for clarification of the specific plan number and the
31 environmental assessment numbers, and then made the following motion:
32

33 It was **MOVED** by Vice Chair Deuber and **SECONDED** by Commissioner Overmyer to
34 **CONTINUE** the public hearing of Specific Plan 06-001, Tres Cerritos East, and
35 Environmental Assessment 06-019 to the August 16th, 2011 Planning Commission
36 meeting.
37

38 The **MOTION** was carried by the following vote:
39

40 AYES: Chairman Gifford, Vice Chairman Deuber, and Commissioners David
41 Overmyer and Thompson
42 NOES: None
43 ABSTAIN: Commissioner Rogers
44 ABSENT: None
45
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1 **5. AMENDMENT TO DEVELOPMENT AGREEMENT NO. 03-001 FOR STONEY**
2 **MOUNTAIN RANCH TRACT 29129**
3

4 **APPLICANT:** Jeffrey MDM Partners VI, LLC
5 **AGENT:** Jeffrey Holbrook, Jeffrey MDM Partners VI, LLC
6 **LOCATION:** South side of Esplanade Avenue, 844+/- feet east of Warren
7 Road
8 **PLANNER:** Ron Running – (951) 765-2375
9 **DESCRIPTION:** A proposed amendment to the existing development
10 agreement extending the time period between the City of Hemet and Jeffrey
11 MDM Partners VI, LLC for the construction of single-family residential homes in
12 the Stoney Mountain Ranch Tract 29129.
13

14 Planner Running presented the staff report, and Chairman Gifford asked for questions
15 from Commissioners.
16

17 Commissioner Rogers asked why an eight year extension was being proposed.
18

19 Planner Running explained that it would give a total of 15 years to the development
20 agreement, which would hopefully be enough time with the current economy. He noted
21 that the remaining phases were not recorded and that staff had received several phone
22 calls from people who had been public-noticed for the amendment.
23

24 Chairman Gifford asked if this was just an extension of time, with no real changes to
25 the project, to which Planner Running responded that there were no changes to the
26 layout of the tract.
27

28 Vice Chairman Deuber asked about the light signal at Warren Road and Esplanade
29 Avenue.
30

31 Planner Running responded that the light would be installed, but it would be part of the
32 TUMF program. Since it wasn't a required traffic mitigation, he explained, it would be
33 based possibly on the improvement of Warren Road.
34

35 CDD Elliano further explained that the developer had already paid over \$500,000, so
36 the city had those monies in their traffic signal funds for that intersection. The hold-up
37 has been the design considerations for Highway 79 and Warren Road, which are very
38 complex. It would be the city working with the RCTC and the City of San Jacinto.
39

40 Chairman Gifford opened the public hearing and invited the applicant to speak.
41

42 Jeff Holbrook, Jeffrey MDM Partners (27201 Puerta Real, Ste. 140, Mission Viejo,
43 92691) approached the lectern as the project applicant and advised the Commission
44 that he had previously paid \$537,000 eight years ago, which was at that time going to
45 exempt him from the payment of TUMF fees. Riverside County has since gone back
46 up to 100 percent mitigation of the TUMF fees, so it is probably a \$10,000 per house
47 fee that he will now have to pay. Therefore, he wished for the Council to consider a
48 possible refund, rather than a credit.
49
50

1 CDD Elliano instructed the Commission that staff's position from the City Manager's
2 office has been in favor of the prorated credit versus reimbursement, but the Council
3 would be the appropriate party to consider the request.
4

5 Mr. Holbrook commented that he would love to get the 91 homes built as soon as
6 possible, along with the WinCo shopping center and the 35 acres behind it so he can
7 start freeing up some of the capital that had been committed a decade ago.
8

9 Gene Hikel (8405 Singh Court, Hemet) applauded Mr. Holbrook on his project, as did
10 Chairman Gifford, Vice Chair Deuber and Commissioner Rogers.

11 It was **MOVED** by Commissioner Overmyer and **SECONDED** by Commissioner Rogers
12 to adopt Planning Commission Resolution No. 11-015, recommending approval to the
13 City Council of the amendment to Development Agreement No. 03-001 for Tentative
14 Tract Map No. 29129 – Stoney Mountain Ranch, as presented.
15

16 AYES: Chairman Gifford, Vice Sharon Deuber, and Commissioners Overmyer,
17 Rogers and Thompson

18 NOES: None

19 ABSTAIN: None

20 ABSENT: None
21

22 ***(Adopted Planning Commission Resolution No. 11-012.)***
23
24

DEPARTMENT REPORTS

6. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:

A. Report on City Council actions from the June 28th and July 12th meetings

34 CDD Elliano advised that there were no reportable items of planning interest at the
35 June 28th meeting.
36

37 Moving on to the July 12th meeting, CDD Elliano reported to the Commission regarding
38 the proposed adaptive reuse of the Albertson's grocery store within the Palm Plaza
39 shopping center located on the southeast corner of Palm and Florida Avenues. She
40 advised the Commission that the Riverside County Mental Health Department wished
41 to take possession of the 80,000 square-foot building for consolidation of their mental
42 health offices, which would occupy approximately 60,000 square-feet. She explained
43 that the property owner wished for the City Council's approval before he invested
44 additional money for plans and tenant improvements. The Council overwhelmingly felt
45 that they wanted to retain the space for retail use, and made that recommendation to
46 the owner. Therefore, the City Council directed City Attorney Jex and staff to work on
47 an ordinance that would address these larger retail spaces and require a conditional
48 use permit for the adaptation of them to something other than retail uses since there
49 are only a few select larger tenant spaces currently existing within Hemet. The
50 Council's preference, she noted, was to preserve these buildings for retail uses to the
extent possible, in an effort to attract more regional-level retail uses. She noted that
currently staff was looking at a threshold of about 30,000 square feet for that interim

1 urgency ordinance, which would give everyone time to study the issue. In the
2 meantime if anything comes up, it would be considered through the requirement of a
3 conditional use permit.
4

5 CDD Elliano advised the Commission that another item on the agenda was a proposal
6 recommending the planting of three memorial trees at Mary Henley Park along with a
7 ceremony to commemorate the contributions of the late Jan Wright, who had served
8 the City as a Parks Commissioner and a member of the GPAC Committee.
9

10 CDD Elliano noted that two other items of discussion included money coming back to
11 the city from the Sanderson Avenue construction project, as well as the Salt Creek
12 Bridge, and the consideration of Hemet as a site for a new Superior Court facility, north
13 of Latham, between Latham and Oakland Avenues.
14

15 Chairman Gifford asked where the city was regarding medical marijuana facilities.
16

17 CDD Elliano responded that the city has been very successful in their prohibition
18 efforts. Six facilities had sprung up right after the prohibition had been enacted, without
19 the benefit of permits or approvals. They received cease and desist letters, one
20 closing in response to the letter. The others were taken through the court process with
21 injunction notices, which were all successful. Only one, after the injunction, refused to
22 close and has twice been taken back to court in contempt. That one is supposed to be
23 evicted and closed by the end of this month. She did warn, however, that if litigation
24 ensued and appeals were filed, there was no guarantee that the court of appeals would
25 render the same decision as the trial courts.
26

27 City Attorney Jex further explained that what was happening was that the appeals court
28 could allow the facilities to stay open until a decision is made, which could be a year or
29 more. The appeals are inexpensive to file, and as yet, there has not been a defining
30 decision from the Riverside Court of Appeals. However, one will at least have a
31 decision out the door in the next two or three months upon which the cities can rely.
32 When the Court of Appeals says you can open back up to await a decision, they are
33 not overriding the ordinance of prohibition at that point, but rather they are preserving
34 the status quo and allowing continued operation until they decide whether or not the
35 ordinance is constitutional.
36

37 B. Upcoming events and informational items 38

39 CDD Elliano advised the Commission that two town hall meetings had been scheduled
40 with interested community groups – one for August 18th at the Del Webb Solara
41 Community, and the other on September 8th at Four Seasons.
42

43 CDD Elliano and City Attorney Jex outlined the recent developments concerning city
44 redevelopment agencies and the State of California, where two bills were introduced –
45 one to abolish redevelopment agencies within the State of California, and the second
46 for a pay-to-play ransom bill allowing the agency to continue if the State is paid
47 additional funds. The recent event, as it was explained, is that the League of California
48 Cities, as well as the California Redevelopment Association and a couple of northern
49 California cities have sued the state on this issue, primarily on the basis of Proposition
50 22, which was designed to prohibit the state from raiding local funds and which passed
by a 61 percent majority. The problem for the cities now is that by October 1st, they

1 must decide if they will cease their redevelopment efforts or embrace the pay-to-play
2 option. For Hemet, the figure is \$5 million for the first year, with somewhat less in
3 subsequent years. This lawsuit was filed with the California State Supreme Court,
4 which could initially require the process of trial court which would take much longer. To
5 complicate the issue, there are now two bills in the Senate and Assembly – SB-286
6 and SB-450, which are attempting to re-tool, reform and change redevelopment so that
7 there is less objection to it by the state. The whole arena of redevelopment and the
8 impact on Hemet is going to be interesting and challenging for quite some time.

9
10 C. Announcement of the cancellation of the August 2, 2011 meeting

11
12 D. Appointment of Planning Commissioner as liaison to the Traffic
13 Commission which meets at 9 a.m. on the first Tuesday of each month in
14 the City Council Chambers.

15
16 Several Commissioners might be interested, but need to check their schedules. A
17 decision will be made at the next Commission meeting.

18
19 E. Report on WRCOG Planning Directors Meeting

20
21 CDD Elliano gave an explanation of the duties of WRCOG to the Commission and the
22 time being spent on RTPSCSRHNA or Regional Transportation Plan/Sustainable
23 Community Strategy Plan/Regional Housing Needs Assessment Update. The issue
24 that Hemet is struggling with is the requirement to do a growth forecast based on the
25 2010 census, looking at 2020, 2025 and 2035, as well as at future housing, population
26 and employment levels, but staying within benchmarks.

27
28 The problem, she noted, is that it must be based on the general plan in place in 2008,
29 which is the 1992 general plan – outdated and to be replaced with the new general
30 plan this year. The result of the report determines the housing needs assessment
31 determined by the State and then SCAG as to how many of the very low, low,
32 moderate and high income categories of housing we are required to accommodate and
33 zone for within the city.

34
35 Hemet's concern is that, without using the new numbers, which are more accurate
36 numbers based on a very systematic land plan, that Hemet will be saddled with a huge
37 Regional Housing Needs Assessment requirement.

38
39 CDD Elliano advised that she would be contacting the regional RHNA subcommittee
40 representative, Darcy Kuenzi from Menifee, and attending a SCAG workshop to try to
41 get acceptance of the new general plan numbers.

42 43 44 45 **7. CITY ATTORNEY REPORT:**

46
47 City Attorney Jex reported on an optional pre-lawsuit mediation procedure now built
48 into CEQA. Under this provision, if a group or a person wants to sue the city based on
49 the approval of a project, that group can seek mediation instead of filing a lawsuit,
50 which must be filed within 30 days, putting the time requirement on hold while the
mediation proceeds. He pointed out several scenarios where this procedure could be
problematic.

1 He also reported on a California Supreme Court decision regarding the City of
2 Manhattan Beach and their ordinance prohibiting the use of plastic bags. An
3 opposition group demanded that the city do an EIR to investigate the environmental
4 effects of such an ordinance, and the Court of Appeals upheld their demand. However,
5 the decision was appealed to the California Supreme Court, and their decision was
6 announced last week, stating that the increased environmental harm from paper bags
7 doesn't rise to a level of significance. The last paragraph of the court opinion, a rare
8 unanimous opinion, said basically, that you still have to use common sense in the
9 CEQA analysis. Attorney Jex found that refreshing.

10
11
12 **8. PLANNING COMMISSIONER REPORTS:**

- 13
14 A. Chairman Gifford – Nothing to report
- 15
16 B. Vice Chairman Deuber requested updated information on foreclosed
17 homes, particularly those valued at \$100,000 or less, and whether those
18 homes were being purchased by investment owners versus owner
19 occupant buyers. Her main geographical area of concern was the four-
20 block radius from State Street to Palm Avenue and from roughly Acacia
21 Avenue to Central Avenue, more on the south side of Florida. She
22 suggested getting information out to present owners of these properties
23 via newspaper articles, etc., addressing their legal options, as some
24 investors from outside the city were dominating the market.
- 25
26 C. Commissioner Overmyer made note of the enterprise zone that San
27 Jacinto was trying to get, to which CDD Elliano responded that Hemet
28 was working with San Jacinto on the endeavor, but there were many
29 stipulations as to what area it could be in, which tended to limit how
30 much area could be utilized.
- 31
32 D. Commissioner Rogers commented on the increase in shopping cart
33 abandonment and asked for information on the progress of the
34 containment plan, to which CDD Elliano reported that the City was still
35 having to do a lot of enforcement, such as code enforcement citations,
36 as opposed to getting compliance from the shopping centers. She noted
37 having received new brochures on wheel lock systems that the City was
38 trying to get the stores to utilize.
- 39
40 E. Commissioner Thompson – Nothing to report
- 41
42 F.

43
44
45 **9. FUTURE AGENDA ITEMS:**

46
47 CDD Elliano reported that staff was concentrating their efforts on Tres Cerritos East
48 and the General Plan, but that future agenda items would include: (A) Report on
49 "Human Signs" and other temporary signage in the City; (B) General Plan Update and
50 Draft EIR; (C) Ordinance Amendments; (D) Report on Medi-City project status; and (E)
Overview of industrial development opportunities.
Chairman Gifford also requested an update on Hemet ROCS.

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10. ADJOURNMENT: It was the consensus of the Planning Commission that the meeting be adjourned at 7:41 p.m. to the regular meeting of the City of Hemet Planning Commission scheduled for **Tuesday, August 16, 2011 at 6:00 p.m.** to be held at the City of Hemet Council Chambers located at 450 East Latham Avenue, Hemet, CA 92543.



John Gifford, Chairman
Hemet Planning Commission

ATTEST:



Nancie Shaw, Records Secretary
Hemet Planning Commission