

CITY OF HEMET PLANNING COMMISSION MINUTES

TUESDAY, DECEMBER 17, 2002

THE REGULAR MEETING OF THE CITY OF HEMET PLANNING COMMISSION WAS CONVENED BY CHAIRMAN DUISTERMARS ON TUESDAY, DECEMBER 17, 2002 AT 6:01P.M. AT THE CITY OF HEMET COUNCIL CHAMBERS, 450 EAST LATHAM AVENUE, HEMET, CA.

Roll Call: Chairman Bob Duistermars and Commissioners Jim Calkins and Mayzelle Rhoten; Commissioner Jones present at 6:04 p.m.; Vice Chairman Hicks present at 6:07 p.m.

Absent: None

Staff Present: Principal Planner Matthew Bassi, Senior Planner Joanna Crombie, Planning Technician Loretta Domenigoni, Planning Director Richard Masyczek, Assistant City Attorney Eric Vail, Minutes Secretary Nancie Shaw and City Engineer Roland Trietsch

Invocation and Flag Salute: Commissioner Rhoten

I. AMENDMENTS OR ADDITIONS TO AGENDA

There were no amendments or additions to the agenda.

II. CONSENT CALENDAR:

A. MINUTES

- 1. December 3, 2002

It was MOVED by Commissioner Calkins and SECONDED by Commissioner Rhoten to approve the consent calendar as presented.

The MOTION was carried by the following vote:

AYES: Chairman Duistermars and Commissioners Calkins and Rhoten

NOES: None

ABSTAIN: None

ABSENT: Vice Chairman Hicks and Commissioner Jones

III. PUBLIC COMMENTS:

There were no members of the public who wished to address the Commission.

IV. HEMET UNIFIED SCHOOL DISTRICT UPDATE: Report given by HUSD Director of Facilities, Sandy Packham.

Sandy Packham, Director of Facilities for the Hemet Unified School District reported to the Commission that the middle school bids would be going to the governing board, and that 16 packages were being awarded. She stated that a brave contractor would be starting construction over the holiday break if the paper work was in order

1
2 Commissioner Jones joined the meeting at 6:04 p.m.

3
4 Ms. Packham reported that she had gone to Sacramento to be briefed regarding AB1506, which is the
5 new law regarding the labor compliance program. She explained that the law is a very controversial one
6 which deals with new legislation about prevailing wage. She stated that the new law places the
7 responsibility on the agency that is awarding a Public Works contract, in order to ensure that workers are
8 paid correctly. She explained that there was a great deal of discontent among the school districts who
9 would now have to police this effort, and that it would be necessary for HUSD to hire two additional staff
10 members to satisfy the need that this law has created.

11
12 Vice Chairman Hicks joined the meeting at 6:07 p.m.

13
14 Ms. Packham reported to the Commission that HUSD would be receiving their funding on the following
15 day for several projects under Proposition 47.

16
17 Ms. Packham advised the Commission that the Department of Education would be coming into town on
18 the following day to look at school sites for preliminary approval. She further advised that "Permission to
19 Enter" letters had been sent out to property owners in an effort to test the potential site north of the stock
20 farm. She stated that permission had been received from two property owners, and that they were still
21 awaiting permission from two others.

22
23
24 **V. PUBLIC HEARINGS:**

25
26 **A. DEVELOPMENT AGREEMENT 02-1**

27 APPLICANT: Page Plaza Partners, LLC
28 LOCATION: Southwest corner of Stetson and Sanderson Avenues
29 PLANNER: Ron Running
30 DESCRIPTION: A proposed Development Agreement between the City of
31 Hemet and Page Plaza Partners, LLC, for the construction
32 of a sub-regional shopping center containing a gross
33 leasable area of approximately 435,000 square-feet
34 located at the southwest corner of Stetson and Sanderson
35 Avenues in the Page Community Plaza Specific Plan (SP
36 00-1).
37

38 City Planner Running presented the staff report, stating that the term of the agreement would be
39 for ten years. He advised that Commission that the applicant was agreeing to do some of the
40 improvements for Sanderson Avenue, and that the City had agreed to do the environmental
41 review. He explained that the Planning Commission must find that the Development Agreement
42 is in conformance with the General Plan and recommend approval to the City Council in order to
43 proceed with its adoption.
44

45 Chairman Duistermars opened the public hearing at 6:14 p.m.

46
47 Jim Unland of Unland & Associates, 3550 E. Florida Avenue, Suite G, Hemet, California,
48 approached the lectern as a representative for the applicant. He advised the Commission that
49 Mark Cooper of Page Plaza Partners had asked him to apologize for his not being present for
50 the meeting.
51

52 Chairman Duistermars closed the public hearing at 6:15 p.m. and asked for a motion.

1
2 It was MOVED by Commissioner Jones and SECONDED by Vice Chairman Hicks to adopt
3 **Resolution No. 02-37** approving Development Agreement 02-1.

4
5 The MOTION was carried by the following vote:

6
7 AYES: Chairman Duistermars, Vice Chairman Hicks and Commissioners Calkins, Jones and
8 Rhoten

9 NOES: None

10 ABSTAIN: None

11 ABSENT: None

12
13
14 **B. CONDITIONAL USE PERMIT 02-8**

15 APPLICANT: Moshon and Cari Velardo

16 AGENT: Vestar Property Management

17 LOCATION: 531 N. San Jacinto Street

18 DESCRIPTION: A request for approval of a conditional use permit to
19 develop a drive-through coffee and pastry shop in an
20 existing stand-alone building (kiosk) located on the west
21 side of Sand Jacinto Street, north of Oakland Avenue.

22
23 Planning Technician Domenigoni presented the staff report, explaining some of the details of
24 the project to the Commission. She displayed a map indicating the location of the site.

25
26 Ms. Domenigoni advised the Commission that staff would like to add the newly adopted
27 indemnification clause that had been passed by the City Council at their meeting of this date to
28 the conditions of approval for the project.

29
30 Commissioner Calkins asked if the health department had given their approval for the proposed
31 project, and whether there was running water and restroom facilities in the building.

32
33 Chairman Duistermars opened the public hearing at 6:20 p.m. and inquired regarding the
34 stacking of the cars in the drive-through.

35
36 Principal Planner Bassi advised the Commission that they had not looked much at the stacking
37 issue as they did not think it would be a major concern, but assured the Commission that staff
38 would look into it if the Commission so desired.

39
40 Chairman Duistermars asked if there would be any re-striping of the parking lot.

41
42 Mr. Bassi responded that arrows would be painted indicating which direction the cars should be
43 driving up on either side of the facility.

44
45 Planning Director Masyczek advised the Commission that the character of the facility would not
46 be changed. He explained that If it were a new facility the report would have been somewhat
47 different, but since it had been a drive-up facility previously, and is merely being re-opened as a
48 drive-up facility of a different sort, staff was not overly concerned with some of the issues that
49 they would normally address.
50

1 Assistant City Attorney Vail stated that instead of adding the newly adopted indemnification
2 clause as another condition, Condition No. 13 should merely be amended to reflect the wording
3 of the new condition.
4

5 Cary Velardo, 1137 Turquoise St., Hemet, California, approached the lectern and advised the
6 Commission that the building had been freshly painted only two months ago, but that they were
7 intending to put on a new coat which would adhere to the City's color palette. She explained
8 that the facility included two serving windows – one on either side of the building – so that the
9 stacking of vehicles would be divided. She further explained that there would be no “walk-up”
10 service provided, nor would there be any indoor customers. She suggested that the anticipated
11 wait time was expected to be an average of four minutes, and that the prime business hours
12 were expected to be between 5:30 and 7:30 a.m. She stated that they were not expecting a lot
13 of traffic due to the location of the building.
14

15 Chairman Duistermars expressed his concern with the fact that the Shell gas station exit might
16 be blocked if the cars were to stack up too much.
17

18 Ms. Velardo stated that there was 40 feet from the gas station's pumps to where the cars would
19 be stacking.
20

21 Vice Chairman Hicks recalled that when the facility had been a photo hut there had never been
22 a problem with vehicle stacking.
23

24 Commissioner Calkins asked if the Health Department had been contacted.
25

26 Ms. Velardo responded that due to the use of a self-contained cart, Health Department approval
27 would not be necessary, as the business would not qualify as a food facility. She explained that
28 the equipment would be taken to a commissary every night to be cleaned.
29

30 Commissioner Calkins inquired about toilet facilities.
31

32 Ms. Velardo advised the Commission that they had obtained written letters of agreement from
33 Stater Bros., D.J.'s Restaurant and the Chinese Restaurant that was only 50-feet away, for use
34 of their restroom facilities. She explained that the Health Department required restroom
35 facilities to be available within 300 feet.
36

37 Commissioner Jones asked if their supply source would also be the commissary.
38

39 Ms. Velardo explained that the commissary is where they would take the cart every night to be
40 cleaned, and that it was a separate business entity that they would be paying to store the cart.
41 She assured the Commission that there would be no large truck deliveries, and that the cart
42 would be stocked off of the premises.
43

44 Chairman Duistermars stated that his only concern was with the Shell gas station, and that he
45 would like to see a waiting area for cars to stack so that they would not block any vehicles from
46 exiting the station.
47

48 Ms. Velardo advised the Commission that they had been in contact with the Shell gas station
49 owners, and stated that they would be willing to approach the owners in an effort to obtain some
50 type of agreement with them regarding the traffic issue.

1
2 Assistant City Attorney Vail suggested that if stacking was truly a concern of the Commission
3 which they expected to be a problem that would need to be mitigated, the project should be
4 continued while the issue is investigated and addressed.
5

6 Chairman Duistermars closed the public hearing at 6:35 p.m. and asked for a motion.
7

8 It was MOVED by Commissioner Jones and SECONDED by Commissioner Rhoten to adopt
9 **Resolution No. 02-36** approving Conditional Use Permit 02-8
10

11 The MOTION was carried by the following vote:
12

13 AYES: Vice Chairman Hicks and Commissioners Jones and Rhoten
14

15 NOES: Chairman Duistermars and Commissioner Calkins
16

17 ABSTAIN: None
18

19 ABSENT: None
20

21 VI. DIRECTOR'S REPORT:

22 A. TW2'S - "THE WEEK THAT WAS"

23 An introduction of the new weekly Planning Department report.
24

25 Planning Director Masyczek introduced his new "TW2", which he had generated as an effort to
26 provide information and facilitate better communication with the City Council. He advised the
27 Commission that they would be seeing these reports in future packets.

28 A discussion ensued regarding the McSweeny Farms project and the many problems and
29 concerns that have been occurring with the project.
30

31 Further discussion ensued regarding some of the other items on the TW2 Memo.
32

33 B. UPDATE ON THE SINGLE-FAMILY RESIDENTIAL DESIGN GUIDELINES

34 An update on the current status of the Single-Family Residential Design
35 Guidelines.
36

37 Planning Director Masyczek advised the Commission that an internal meeting of the Community
38 Development Committee (CDC) had been held, which had included various staff members, and
39 that the Single-Family Residential Design Guidelines would be returning to the Parks
40 Commission and then to the Planning Commission, and ultimately to the City Council. He
41 explained that some issues had been raised that needed resolution.
42

43 Chairman Duistermars explained that at the meeting questions had come up regarding whether
44 the City was really interested in continuing to impose a requirement for open space and parks,
45 as there doesn't seem to be any way to ensure that homeowners will be required to pay for the
46 maintenance of these areas. He stated that as a result of this concern, the guidelines would be
47 going back to all of the Commissions for further comment.
48

49 Planning Director Masyczek advised the Commission that he would be meeting with the City
50 Council regarding visioning. He further advised that the Commission's letter regarding the need

1 for a comprehensive General Plan update had been submitted to the City Council, and that the
2 Council's direction was to break up the General Plan update into several parts. He explained
3 that the first part would be a comprehensive visioning process, which is being discussed
4 currently. He stated that the City Council was asking to see a detailed program.
5

6
7 **VII. PLANNING COMMISSION COMMENTS:**

8
9 **A. WATER AVAILABILITY FOR INFILL HOUSING - Commissioner Jones**

10
11
12 Commissioner Jones brought up the fact that with in-fill housing, MWD has a "500 house rule",
13 which requires a letter of intent for residential development of over 500 homes. He asked how
14 the City was complying with this rule.

15
16 Assistant City Attorney Vail explained that under these new requirements, six types of
17 developments are triggered for this. He described the types of developments that are effected,
18 explaining that there are different standards of review for different types of projects. He
19 suggested that this requirement puts the City in the position of having to get definitive review
20 from the water districts. He explained that if the water districts respond that they do not know
21 how water will be provided for a project, it could be viewed as an environmental concern that
22 would need to be addressed in the environmental studies that are related to the project in
23 question.

24 Commissioner Calkins asked if the City, when looking at projects such as the McSweeny or
25 Page Ranch project, could break these projects up into smaller projects.

26
27 Planning Director Masyczek responded that the whole build out of the project needed to be
28 considered, rather than the individual tracts within a large development.

29
30 Commissioner Jones stated that his concern had come up when he thought of the fact that the
31 City is doing in-fill projects of over 500 units.

32
33 Assistant City Attorney Vail explained that with new legislation, if any project is being approved
34 that has a number of units in excess of the amount designated in the legislation, this rule would
35 need to be considered.

36
37 Planning Director Masyczek suggested that MWD, as a Wholesaler, and EMWD, as a Retailer,
38 are looking at various water issues, including the 3-4 year drought issue and their ability to
39 deliver. He explained that they have relied on the master plans of the water agencies, and that
40 there had been some recent challenges in court where certain water agencies had failed to
41 address the impacts on the California aqueduct system. He suggested that the issue would not
42 go away, but instead would most likely continue to become more problematic as time goes on.

43
44 Chairman Duistermars asked if an analysis could be required for the smaller projects.

45
46 Planning Director Masyczek stated that projects would need to be reviewed on a build-out
47 scenario. He suggested that some of the issues that are going on regarding water, include the
48 concern of water going to agriculture versus people.

49
50 Commissioner Jones asked if the City had a responsibility to EMWD to follow this "500 house

1 rule", due to the multiple number of small projects that have accumulatively hit the 500 mark.

2
3 Planning Director Masyczek suggested that "will-serve" letters may shift to "ability to provide"
4 letters.

5
6 Assistant City Attorney Vail stated that "ability to provide" would mean that there is an adequate
7 supply of water to provide for the needs of the new project in question, and that if there is no
8 water source identified for a project, an environmental impact report may be required. He stated
9 that in the past, a "will-serve" letter could be obtained without any proof that there was an
10 adequate water supply, but that now the discretion would be given to the Planning Commission
11 regarding what evidence would be deemed appropriate.

12
13 Chairman Duistermars asked how they would go about looking at the type of analysis that
14 should be required.

15
16 Planning Director Masyczek suggested that this should be a policy decision of the City Council.
17 He stated that the threshold should be amended, which if crossed would trigger different CEQA
18 requirements. He further stated that it could apply to any type of project that would add units to
19 the
20 City.

21
22 Assistant City Attorney Vail stated that, while it was well within the discretion of the City to do
23 so, other agencies were going through an attempt to determine requirements. He suggested
24 that EMWD may not provide "will-serve" letters if there is a problem with the provision of water.

25
26 Commissioner Jones stated that the City has a responsibility to the people in the valley to give
27 them the quality of life that they are striving for and expecting. He addressed that fact that when
28 it rains, all of the water from those rains leaves the valley, and suggested that perhaps the City
29 should be looking at ways to retain the rain water in the valley to replenish its own basins. He
30 further suggested that perhaps the engineers for development projects should be considering
31 this idea when planning projects, and that they should stop using cement to channel the waters.

32
33
34 City Engineer Trietsch approached the lectern and advised the Commission that these concerns
35 are in line with some of the questions that the City Council has been asking. He explained that
36 staff had been directed by the City Council to review the master storm drain plan, not so much
37 to retain water, but to modify drainage channels. He stated that it is too late for some areas,
38 where water flows curb to curb due to development without storm drains. He explained that
39 while retention basins help some, their intent was not to restore resources to the aquifer, but
40 rather to prevent damage to downstream properties. He suggested that, regarding water
41 recharging, he believed the City would be looking at this issue in the future. He advised the
42 Commission that the City is currently modifying the storm drain system on the west end of town.
43 He stated that they have not been working with anyone regarding water table replenishment, so
44 he has not had much review of the issue at this time, but that philosophy has changed over the
45 last 30 years from when drainage was designed to protect properties.

46
47 Commissioner Jones expressed his concern with the fact that drainage facilities within projects
48 are generally proposed to be hardscape, which will not provide any benefit to the valley's water
49 table.
50

1 City Engineer Trietsch suggested that the Commission's concerns required expertise different
2 than his.

3
4 Further discussion regarding the drainage issues ensued.

5
6 Commissioner Jones asked if it was the responsibility of the Planning Commission to be
7 concerned about these issues.

8
9 Assistant City Attorney Vail responded that the City Council had authorized the City Manager to
10 retain an expert hydrologist to consider some similar issues, such as how much water is going
11 into the basin, how much is going out, and how much can be retained while continuing to handle
12 other ongoing concerns regarding drainage and water.

13
14 City Engineer Trietsch stated that Public Works has constant concerns with allowing basins to
15 be built. He suggested that some of these concerns include the smell and the mosquitoes.

16
17 Assistant City Attorney Vail suggested that, instead of waiting for the project approval stage, the
18 Planning Commission should encourage modifications of standards so that when a project is
19 submitted, the concern is addressed.

20
21 Commissioner Jones asked what could be done at this time.

22 Assistant City Attorney Vail suggested that the Commission could have Planning Director
23 Masyczek place the issue on the City Council agenda as a discussion item.

24
25 Further discussion ensued regarding the various water issues, and how the Planning
26 Commission should handle them.

27
28 Chairman Duistermars suggested that the recommendation be for the City Council to authorize
29 staff time to research some of these water issues relating to recharge, and the codes that we
30 are enforcing to move water out of the valley. He asked if it could include a request to have Rob
31 Lindquist come and talk to the City about groundwater recharge and related issues, so that they
32 could be educated on the subject.

33
34 Commissioner Rhoten inquired about commercial development relative to the water issue.

35
36 Assistant City Attorney Vail responded that commercial development should also be of concern.

37
38 Commissioner Calkins expressed some confusion regarding the TUMF fee situation. He asked
39 if the City Council would need to adopt something to participate in this program.

40
41 Planning Director Masyczek explained how the TUMF fee program functions. He stated that the
42 City must adopt their programs by February, and that if the City Council elects to move forward,
43 they will have to approve their decision through an ordinance.

44
45 Commissioner Calkins stated that the County would be collecting the fee as of February 8,
46 2003, but that it was his understanding that the City would probably not be collecting it until
47 May.

48
49 Planning Director Masyczek advised the Commission that the City Council had discussed the
50 TUMF program at their Strategic Planning session of the previous week, and that he did not

1 see consensus with the Council regarding how they wanted to proceed with the program.

2
3 Chairman Duistermars asked what the City would stand to lose if they did not participate.

4
5 Planning Director Masyczek responded that they could lose up to \$2 million per year.

6
7 Further discussion ensued over how the City would stand to benefit over participating in the
8 collection of TUMF fees.

9
10
11 **VIII. FUTURE AGENDA ITEMS**

12 No items.

13
14
15
16 **VII. ADJOURNMENT:** It was MOVED by Commissioner Rhoten, SECONDED by Commissioner
17 Calkins and unanimously approved to adjourn the meeting at 7:30 p.m. to the regularly
18 scheduled meeting of the Planning Commission on Tuesday, January 21, 2002 at 6:00 p.m. at
19 the City of Hemet Council Chambers, 450 E. Latham Avenue, Hemet, California 92543.
20

21
22
23 Chairman Bob Duistermars

24
25 ATTEST:

26
27
28 Nancie Shaw, Minutes Secretary
29