

Planning Commission Minutes For July 21, 2004, Meeting

Commissioners present: Chair Gene Touchet, Vice Chair Doug Diekmann, and Commissioners Stan Barnes, Sonja Marchand and Bill Fiest

Staff present: Joe Richards, interim city planner; Michael Shirey, deputy city attorney; Rich Malacoff, associate planner

Public Hearings:

1. World Development application for Tentative Tract Map 32559 in Rio Vista Village

Malacoff presented the staff report. Marchand asked how a finding could be made that the subdivision will not cause a public health problem when there is blow sand in the project area. Richards responded that the conditions of approval require the developer to prepare a comprehensive PM-10 program to control construction-related blow sand. Once the project is completed, blow sand will no longer be an issue.

Marchand informed staff that the Tract Map number in Section 3 (a) of Resolution 32559 should be changed from 32560 to 32559.

Fiest expressed concern over small unit subdivisions and asked how many units have been built at Rio Vista Village to date.

Barnes advised staff to check the resolutions because the developer and development are referred to throughout as different names (Rio Vista Development, Rio Vista Land Co., etc.) and the resolutions should be consistent.

Fiest informed staff that Condition No. 4.21 should reference Condition Nos. 4.18 through 4.20, not 18 through 20.

Marchand asked if the project is a PUD or a "straight subdivision and if there are CC &Rs for the project. Richards said Condition 4.14 requires CC&Rs. In addition, Condition 4.32 requires the developer to execute a recordable covenant requesting the formation of a city Landscape and Lighting District (LLD) to assure maintenance of common and public areas. Shirey explained, in general, the differences between CC&Rs and LLDs.

Marchand inquired how the developer can be required to pay a traffic mitigation fee for the Date Palm/Vista Chino intersection. Malacoff explained that this project does cause traffic impacts at this intersection; therefore, there is a nexus to require the payment of mitigation fees.

Project applicant Gary Werner informed the Commission that this project is exactly the same as a previous one approved by the City Council. He said the only reason it is back before the Commission is that the tentative map expired. Answering Fiest's question about how many units were already built, Werner said he did not know the exact number, but noted that World Development is planning to build out its tentative maps within two years.

Fiest asked about "water issues." Werner said they are working with CVWD to resolve all water issues for the project.

Marchand asked about the Kehoe Bill. Werner replied since the project is under the 500-unit threshold of the bill, it would not apply. However, again, World Development is working with the CVWD regarding water issues.

Touchet asked whether the developer really believes they will be able to sell these units for as much as \$200,000 and up. Although they have not yet completed their market study, Werner said he believes they will be able to sell all the units. Touchet asked if any of the units fall under inclusionary housing. Shirey informed the Commission that Condition 4.15 requiring inclusionary housing was deleted because it could be found unconstitutionally vague and overly broad. Also, as a matter of law, if the Council were to adopt an inclusionary housing ordinance prior to approval of this tentative map, the project would be required to comply with the ordinance. Conversely, however, if an inclusionary housing ordinance is adopted after approval of the map, it will not apply.

Marchand requested that the terms "within/without" be revised throughout the resolution (see Condition Nos. 4.24 through 4.33.)

Werner requested that the Planning Commission approve the Tentative Map, and, that in accordance with Riverside County Code, it not be forwarded to City Council for approval. Shirey said the commission is not barred by the code from forwarding the tentative map to Council and that until a new city subdivision ordinance is adopted, staff is forwarding all tentative tract maps to Council for approval.

It was M/S Marchand/Barnes and unanimously carried to recommend to the City Council approval of Rio Vista Village Tentative Tract Map 32559 with revisions discussed herein.

2. World Development application for Tentative Tract Map 32560 in Rio Vista Village

Werner asked the Commission to confirm that the term "all pocket parks" in Condition 4.10 refer to this map only and not the entire Rio Vista project. Malacoff confirmed that they refer only to the map.

It was M/S Fiest/Marchand and unanimously carried to recommend Tentative Tract Map 32560 to the City Council for approval.

3. Design Review 94-003 of Apostolic Church addition

Richards presented the staff report and added the phrase, “Prior to issuance of building permit” to Condition No. 14.

Diekmann asked why the lots had to be merged. Richards said staff does not want any lot to be sold off separately. Project Architect Wendell Veith said he thought the church had already filed the lot merger with the city and that it may already been recorded. If that is the case, Richards said the condition would be satisfied.

Marchand informed staff that the Resolution must be revised from P02 to P04 and that “pastory” is not a word. Richards said he would revise the Resolution accordingly.

Fiest had concerns over the length of time it took to construct the original church, hoping that this addition would not take so long. Veith said the pastor is committed to completing the addition in a timely manner.

Veith asked why the church is required to pay a \$34,000 Transportation Uniform Mitigation Fee (TUMF). He said the pastor contends it was paid when the original church was constructed and this addition causes no increased traffic. Richards said he will check city records regarding this issue.

Veith informed the Commission that two windows were added to the west elevation.

It was M/S Marchand/Diekmann and unanimously carried to approve design review of the Apostolic Church addition.

Commissioner comments

Touchet said the Inclusionary Housing Subcommittee wants to meet with the Planning Commission to discuss inclusionary housing issues and asked Richards to schedule it. Richards said the meeting will have to be noticed and that staff will look into scheduling it.

Touchet discussed the issue of saluting the United States constitution instead of the Flag at the Commission meeting. Marchand agreed. Barnes disagreed, saying he thinks the flag salute should continue, but that he has no objection to honoring the U.S. Constitution. No action was taken.