



CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item No. 2.1
PUBLIC HEARING
Meeting Date: April 2, 2014

TO: Chairman and Members of the Planning Commission

FROM: Matthew C. Bassi, Planning Director

SUBJECT: Tentative Tract 32535 - Minor Change to Tentative Map (PA 13-0078):
Planning Commission consideration of an Addendum to an approved Mitigated Negative Declaration (EA 40124), and a Minor Change to Tentative Tract Map No. 32535 located generally on Stable Lanes, approximately 900 feet north of Clinton Keith Road (APN'S: 380-110-005, 380-110-006, 380-120-001, 380-120-002, 380-100-006, 380-100-005, 380-130-002, 380-130-018 AND 380-100-004).

STAFF RECOMMENDATION

The Planning Department recommends the Planning Commission take the following action:

1. Adopt a Resolution entitled:

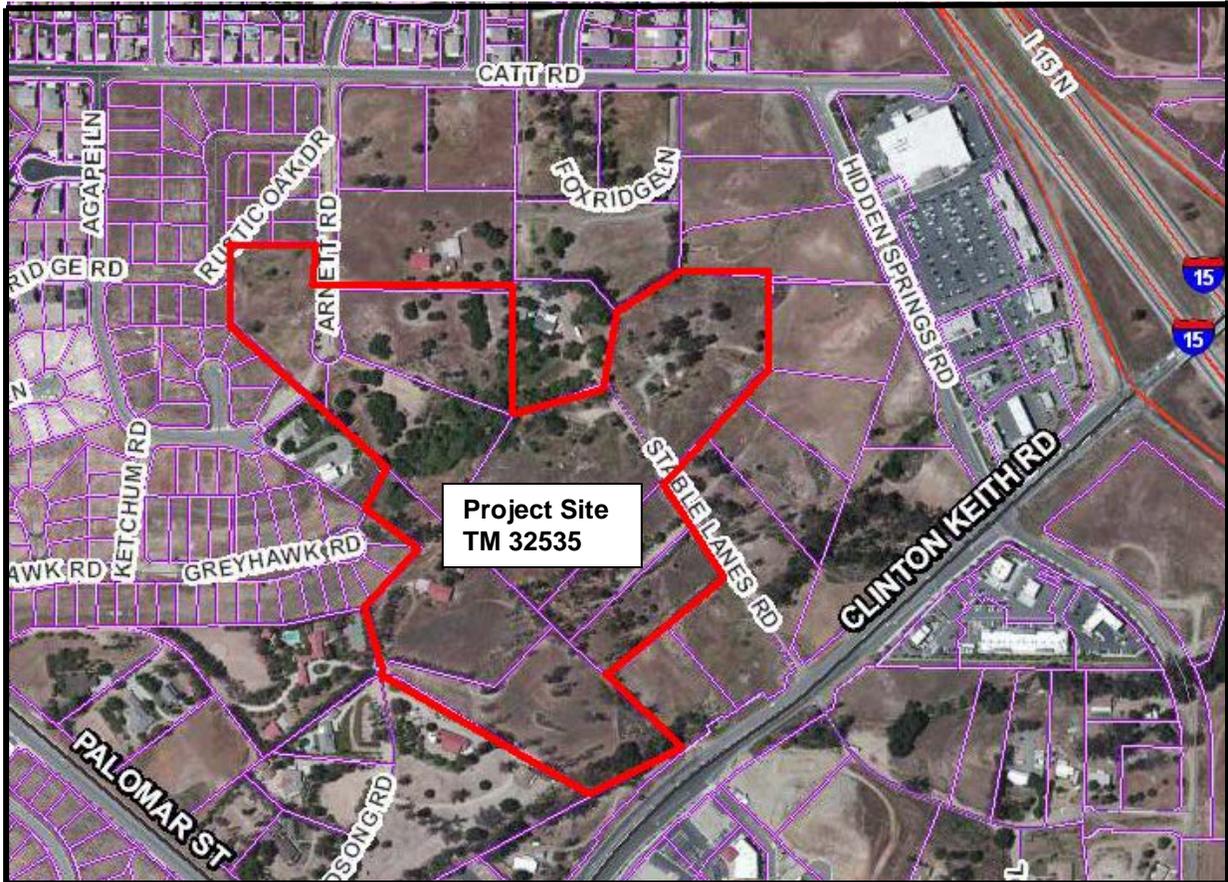
PC RESOLUTION NO. 14-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING AN ADDENDUM TO ENVIRONMENTAL ASSESSMENT NO. 40124 AND APPROVAL OF MINOR CHANGES TO TENTATIVE TRACT MAP NO. 32535 (PLANNING APPLICATION NO. 13-0078) LOCATED GENERALLY ON STABLE LANES, APPROXIMATELY 900 FEET NORTH OF CLINTON KEITH ROAD (APN'S: 380-110-005, 380-110-006, 380-120-001, 380-120-002, 380-100-006, 380-100-005, 380-130-002, 380-130-018 AND 380-100-004)

PROJECT BACKGROUND / DESCRIPTION

The applicant (CV Communities) is proposing several minor changes to its approved tentative tract map (TTM 32535). The applicant submitted the final map and street improvement plans for TTM 32535 with the Engineering Department for review. As part of this review, the City Engineer determined that the submitted final map did not substantially conform to the approved tentative map and the applicant needed to apply for a minor change to the approved tentative map before the final map could be approved. Tentative Tract Map No. 32535 is an approved 84-lot single family residential subdivision located generally on Stable Lanes Road and north of Clinton Keith Road. The vicinity map on the following page illustrates the location of the project site and surrounding area.

Vicinity/Location Map



Tentative Tract Map No. 32535 was approved by the County of Riverside on December 5, 2006. In connection with the tract map approval, the County also adopted a Mitigated Negative Declaration (EA No. 40124). The tentative map is currently active and falls within the automatic time extensions approved by the state of California as part of SB 1185, AB 333, AB 208 and AB 116. The four state bills automatically extended the life of the tract map to December 5, 2016. In accordance with Title 16, Section 16.12.240 of the Wildomar Municipal Code, the applicant may apply for five (5) additional “one-year time extensions” that are individually reviewed by the Planning Commission one year at a time.

Proposed Minor Changes:

The minor changes are being processed under the requirements of Title 16, Section 16.12.220 of the Wildomar Municipal Code (Subdivision Ordinance). The changes are needed in part to comply with state and federal requirements. The minor changes being requested by the applicant are as follows:

- 1) Reduce the approved lot count from 84 to 81 residential lots.
- 2) Modification to the approved lot dimensions to create a better land plan.

- 3) Modify the pad location/elevation with a differential change of 1.3-feet average. Overall average pad change of +0.3 feet (or 4 inches).
- 4) Add a traffic calming measures (i.e., reduced street width) on a portion of Arnett Road as required by the Engineering Department to increase vehicular safety.
- 5) Copper Court Road entry shifted approximately 50 feet to the north (or approximately one street width) to allow proposed lots 80 and 81 to front on Copper Court Road.
- 6) Relocate Detention Basin B away from the western boundary to the east side of Arnett Road.
- 7) Adjustment to the development impact footprint to reduce overall impacts resulting from the minor changes (as outlined in the DBESP) to U.S. Army Corps of Engineers and Regional Water Quality Control Board jurisdictional areas by 0.05 acres while slightly increasing impacts to California Department of Fish and Wildlife (CDFW) jurisdictional areas by 0.19 acres.

In addition, the City is proposing that condition of approval “10. Every. 3 Map – Hold Harmless” regarding the applicant’s duty to indemnify the City be amended to reflect the City’s current standard indemnity provision. This has been added to PC Resolution No. 13-31 (Section 4).

PROJECT ANALYSIS

The minor changes proposed by the applicant have been reviewed by the Public Works Director/City Engineer and Planning Director. As outlined in Section 16.04.060 (Definitions) of the Subdivision Ordinance, a “minor change” is defined as follows:

“ ‘*Minor change*’ means a minor modification of an approved tentative map that includes, but is not limited to, a change in lot lines, lot design or street alignment, building pad location or grading proposals provided the basic design concept is retained. A minor change may decrease, but not increase the number of approved lots. A minor change may alter or delete any condition of approval which is no longer appropriate or necessary. Notwithstanding the above, or any other provision herein to the contrary, a request to alter or delete a condition of approval of any approved tentative map within the boundaries of the following districts, shall in all instances, be considered a minor change: Assessment District No. 159, Assessment District 161, Community Facilities District No. 84-2, Community Facilities District No. 87-1, Community Facilities District No. 87-5, and Community Facilities District No. 88-8.”

There are no specific findings in the City’s Subdivision Ordinance required for a minor change; however, the definition above sets the criteria by which the Public Works Director/City Engineer and Planning Director can make a recommendation on an

applicant's request. Each request for a minor change has been analyzed against the above criteria as follows:

- 1) Request - Reduce the approved lot count from 84 to 81 residential lots.

Staff Determination - This request meets the definition of a minor change since the request is being made to reduce the number of approved lots and not to increase the number of lots.

- 2) Request - Modifications to the approved lot dimensions to create a better land plan.

Staff Determination - This request meets the definition of a minor change since the request is being made to modify lot dimensions resulting in a modified lot design. Further, the modified lot lines remain consistent with the R-1 zone standards for minimum lot size, lot depth and lot width.

- 3) Request - Modify the pad location/elevation with a differential change of 1.3-foot average. Overall average pad change of +0.3 feet (or 4 inches).

Staff Determination - This request meets the definition of a minor change since the request to modify the pad location retains the basic design concept approved with the tentative tract map. Increasing the pad elevations also reduces impacts associated with grading, as this site has excess soil that must be exported off-site and increasing the pad elevations reduces the amount of soil export.

- 4) Request - Add a traffic calming measures (i.e., reduced street width) on a portion of Arnett Road as required by the Engineering Department to increase vehicular safety.

Staff Determination - This request meets the definition of a minor change since the reduced street width for a portion of Arnett Road retains the basic design concept approved with the tentative tract map. Further, the change is being required by the Public Works Director/City Engineer to increase vehicular safety which results in a better design for this portion of the roadway.

- 5) Request – Shift Copper Court Road entry approximately 50 feet to the north (or approximately one street width) to allow proposed lots 80 and 81 to front on Cooper Court Road.

Staff Determination - This request meets the definition of a minor change since the roadway shift retains the basic design concept approved with the original tentative tract map, and does not impact the traffic flow. The revised lot line configuration for Lots 80 and 81 are permitted as allowed within the definition of a minor change, in addition to, producing a better design layout.

- 6) Request – Relocate Detention Basin B away from the western boundary to the east side of Arnett Road.

Staff Determination - This request meets the definition of a minor change since the detention basin relocation provides a better design alternative to the west side of the site without compromising the basic design concept approved with the original tentative tract map. Further, the relocation will reduce potential impacts to jurisdictional waters on the western edge of the site, while better addressing the water quality regulations of the Regional Water Quality Control Board.

- 7) Adjustment to the development impact footprint to reduce overall impacts resulting from the minor changes (as outlined in the DBESP) to U.S. Army Corps of Engineers and Regional Water Quality Control Board jurisdictional areas by 0.05 acres while slightly increasing impacts to California Department of Fish and Wildlife (CDFW) jurisdictional areas by 0.19 acres.

Staff Determination – The adjustment to the development impact footprint does not alter the basic design concept of the approved tentative map and is therefore consistent with the definition of a minor change. In addition, since this project has a minor impact to jurisdictional areas, a Determination of Biologically Equivalent or Superior Preservation (DBESP) was prepared for the proposed minor changes to TTM No. 32535 and submitted to the U.S. Fish and Wildlife Service (USFW) and California Department of Fish and Wildlife (CDFW) on January 27, 2014. Based on the agencies review of the DBESP, it was determined that the proposed mitigation in the DBESP met the requirements of USFW and CDFW, and that no further action by the resource agencies is required.

In addition, the City's proposed revision to condition of approval "10. Every. 3 Map – Hold Harmless" is consistent with the definition of a "minor change," which allows for alterations to conditions of approval. The revised condition has been added to PC Resolution No. 14-04.

For Commission information, a copy of the Addendum to EA 40124 is provided in Exhibit 1 of Attachment A (including the appendices). A copy of the original conditions for TM No. 32535 and Environmental Assessment (EA 40124) approved and adopted by Riverside County are provided in Attachments B and C. Full size copies of the approved tentative tract map and the proposed final map (with the minor changes) are provided for Commission review as Attachments D and E, respectively.

CEQA DISCUSSION

In accordance with the requirements of the California Environmental Quality Act (Public Resources Code § 21000, et seq.) ("CEQA"), a Mitigated Negative Declaration ("MND") was prepared, considered and approved by the Riverside County Planning Commission

and the Board of Supervisors in approving Tentative Tract Map No. 32535 and a Notice of Determination was filed and appropriate fish & game fees paid.

CEQA Guideline 15162 provides that once a mitigated negative declaration is adopted for a project, the lead agency may determine, based on substantial evidence, whether additional environmental review of the project is warranted. More specifically, if one or more of the conditions stated in Guideline 15162(a) are present (discussed in more detail below), then the lead agency must prepare a subsequent EIR for the project. If none of the conditions stated in Guideline 15162(a) are present, then the lead agency has the discretion to determine whether to require a lesser form of environmental review (such as an addendum) or no further documentation at all. (Guideline 15162(b)).

Guideline 15162(a) requires a subsequent EIR to be prepared if one or more of the following conditions exist:

“(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”

Staff's analysis of the proposed minor changes resulted in the determination that no subsequent EIR was required under Guideline 15162(a).

1) No Substantial Changes to the Project:

CEQA only requires a subsequent EIR to be prepared for this project if substantial changes are made to the project that create new significant impacts or a substantial increase in previously identified significant impacts. The applicant's proposal to modify the pad location/elevation with a differential change of 1.3-foot average with an overall average pad change of +0.3 feet (or 4 inches) actually decreases impacts identified in the MND. The site has excess soil that must be exported off-site and increasing the pad elevations reduces the amount of off-site export. The map as approved by the County impacted jurisdictional waters and the minor changes reduce the impacts to USACE and RWQCB jurisdictional waters by .05 acres and increase the impacts to CDFW jurisdictional waters by .19 acres, for a total increased impact of only .14 acres. Due to the small size of the increased impact area and the fact that the impacts to that area are mitigated through the required DBESP process and the required Section 1602 Streambed Alteration Agreement process with CDFW, this is not a substantial change that would trigger a subsequent EIR.

2) No Substantial Changes to the Project's Circumstances:

Further, upon incorporation of the City of Wildomar, the City adopted the General Plan and Zoning Ordinance of Riverside County that were used to consider and approve Tentative Tract Map No. 32535. Since incorporation, the City has not made any amendments to the General Plan land use designation of Medium Density Residential (MDR) or to the R-1 (One-Family Dwelling) Zoning designation that would affect the approved tract map. In addition, the applicant and City staff have thoroughly investigated whether the environmental setting for Tentative Tract Map No. 32535 has changed since the map was first approved by the Riverside County Board of Supervisors on December 5, 2006, and determined that the environmental setting is the same as it was in 2006.

3) No New Information of Substantial Importance:

This final element under Guideline 15162 requires a showing of new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time of the project approval. The City has not been made aware of any new information that was not known and could not have been known at the time the County originally approved the MND that evidences new or increased significant environmental effects or that new mitigation measures or mitigation measures previously found infeasible are available that would substantially decrease the project's environmental impacts.

Since no subsequent EIR is required, staff determined that an Addendum to the MND was the appropriate document to discuss the environmental impacts associated with the minor changes. The Addendum is included in Attachment A, Exhibit 1 to this Staff Report. In short, the Addendum goes through each topic that is discussed in the MND

and restates the MND's conclusion as to that topic. Then the changes to the map are discussed as they pertain to that topic. The Addendum concludes that there are no substantial changes to the previous analysis in the MND required by the changes. The MND proposes several new mitigation measures and revises several existing mitigation measures to be consistent with current legal requirements.

PUBLIC NOTICING

In accordance with Title 16, Section 16.12.140 of the Wildomar Municipal Code (Subdivision Ordinance), the Planning Department on March 21, 2014 published a legal notice in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the public hearing for the proposed minor change to TTM No. 32535 to be held on April 2, 2014. In addition, the Planning Department on March 20, 2014 mailed a public hearing notice to all adjacent property owners within a 600-foot radius of the project site notifying them of the April 2, 2014 public hearing. The hearing notice was also mailed to the Elsinore Valley Municipal Water District (EVMWD) and the Lake Elsinore Unified School District LEUSD) in accordance with the City's Municipal Code.

Respectfully Submitted,
Matthew C. Bassi
Planning Director

Reviewed By,
Erica Vega
Assistant City Attorney

ATTACHMENTS

- A. PC Resolution No. 14-04.
Exhibit 1 – Addendum to EA No. 40124 (with appendices)
- B. County Approved Environmental Assessment (MND - EA No. 40124)
- C. County Approved Conditions of Approval for TM 32535
- D. Full size copy of the County approved TM 32535 (under separate cover)
- E. Full size copy of the proposed Final Map for TM 32535 (under separate cover)