



CITY OF WILDOMAR PLANNING COMMISSION AGENDA

Commission Members:
Chairman Harv Dykstra; Vice-Chairman Stan Smith
Michael Kazmier; Robert Devine ; Veronica Langworthy

REGULAR MEETING

WEDNESDAY, JULY 6, 2011 AT 7:00 P.M.

Council Chambers, Wildomar City Hall, 23873 Clinton Keith Road, Wildomar, CA 92595

CALL TO ORDER - 7:00 PM

ROLL CALL

FLAG SALUTE

PUBLIC COMMENTS

This is the time for citizens to comment on issues not on the agenda. Under the provision of the Brown Act the Planning Commission is prohibited from discussing or taking action on items not on the agenda. Each speaker is asked to fill out a "Public Comments Card" (located on the table by the Chamber door) and give the card to the Planning Commission Chairperson prior to the start of the meeting. Lengthy testimony should be presented to the Planning Commission in writing (8 copies) and only pertinent points presented orally. Comments are limited to three (3) minutes per speaker. The Commission encourages citizens to address them so the questions and/or comments can be heard.

APPROVAL OF AGENDA AS SUBMITTED

1.0 CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and will be enacted by one roll call vote. There will be no separate discussion of these items unless members of the Commission, the public, or staff request specific items be removed from the Consent Calendar for discussion and/or separate action.

1.1. Approval of the May 4, 2011 Planning Commission Minutes

2.0 PUBLIC HEARINGS

2.1 Plot Plan No. 10-0274 (Tabled from April 6, 2011):

Planning Commission consideration of an appeal of the Planning Director's decision to deny Plot Plan No. 10-0274 to establish a recycling facility on an existing commercial site located at 34395 Mission Trail (APN: 370-090-035).

RECOMMENDATION:

Staff recommends the Planning Commission take the following action:

1. Adopt PC Resolution No. 11-01 entitled:

“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA UPHOLDING THE PLANNING DIRECTOR’S DECISION TO DENY PLOT PLAN NO. 10-0274 TO ESTABLISH A RECYCLING FACILITY ON AN EXISTING COMMERCIAL ZONED SITE LOCATED AT 34395 MISSION TRAIL (APN: 370-090-035)”

2.2 Change of Zone & Plot Plan No. 10-0222 (Subway Retail Project):

Planning Commission consideration of a Mitigated Negative Declaration and Mitigation Monitoring Program, a Change of Zone from R-R (Rural Residential) to C-1/C-P (General Commercial), and a Plot Plan for the development of a 10,500 square-foot multitenant retail building on a 1.27 acre site located at 21940 Bundy Canyon Road (APN: 366-390-026 and 366-390-027).

RECOMMENDATION:

Staff recommends the Planning Commission take the following actions:

1. Adopt PC Resolution No. 11-06 entitled:

“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR CHANGE OF ZONE AND PLOT PLAN NO. 10-0222 (SUBWAY RETAIL PROJECT) LOCATED AT 21940 BUNDY CANYON ROAD (APN: 366-390-026 and 366-390-027)”

2. Adopt PC Resolution No. 11-07 entitled:

“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF PLANNING APPLICATION NO. 10-0222 FOR A CHANGE OF ZONE FROM R-R (RURAL RESIDENTIAL) TO C-1/C-P (GENERAL COMMERCIAL) AND A PLOT PLAN FOR THE DEVELOPMENT OF A 10,500 SQUARE-FOOT MULTI-TENANT RETAIL BUILDING (SUBWAY RETAIL PROJECT) LOCATED AT 21940 BUNDY CANYON ROAD (APN: 366-390-026 and 366-390-027)”

3. Adopt PC Resolution No. 11-08 entitled:

“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF PLOT PLAN NO. 10-0222 FOR THE DEVELOPMENT OF A PROPOSED 10,500 SQUARE-FOOT MULTI-TENANT RETAIL BUILDING (SUBWAY RETAIL PROJECT) LOCATED AT 21940 BUNDY CANYON ROAD (APN: 366-390-026 and 366-390-027)”

3.0 GENERAL BUSINESS ITEMS:

3.1 Public Works Department - Capital Improvement Program for 2011 – 2016:

Planning Commission’s Annual Review of the Public Works Department Capital Improvement Program for Fiscal Years 2011 – 2016.

RECOMMENDATION:

Staff recommends the Planning Commission take the following action:

1. Adopt PC Resolution No. 11-09 entitled:

“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA DETERMINING THAT THE 2011-2016 CAPITAL IMPROVEMENT PROGRAM IS IN CONFORMANCE WITH THE WILDOMAR GENERAL PLAN”

PLANNING DIRECTOR’S REPORT

This item is reserved for the Planning Director to comment or report on items not on the agenda. No action by the Planning Commission is needed.

PLANNING COMMISSION COMMUNICATIONS

This portion of the agenda is reserved for Planning Commission business, for the Planning Commission to make comments on items not on the agenda, and/or for the Planning Commission to request information from staff.

FUTURE AGENDA ITEMS

ADJOURNMENT

The City of Wildomar Planning Commission hereby adjourns to its next regularly scheduled Planning Commission meeting scheduled for July 20, 2011.

RIGHT TO APPEAL:

Any decision of the Planning Commission may be appealed to the City Council provided the required appeal application and the \$964 filing fee is submitted to the City Clerk within ten (10) calendar days proceeding the Planning Commission's action on any given project.

REPORTS:

All agenda items and reports are available for review at Wildomar City Hall, 23873 Clinton Keith Road, Suite 201, Wildomar, California 92595. Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda (other than writings legally exempt from public disclosure) will be made available for public inspection at City Hall during regular business hours. If you wish to be added to the regular mailing list to receive a copy of the agenda, a request must be made through the Planning Department in writing or by e-mail.

ADDITIONS/DELETIONS:

Items of business may be added to the agenda upon a motion adopted by a minimum 2/3 vote finding that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the agenda being posted. Items may be deleted from the agenda upon request of staff or upon action of the Planning Commission.

ADA COMPLIANCE:

If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans With Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Planning Department either in person or by telephone at (951) 667-7751, no later than 10:00 A.M. on the day preceding the scheduled meeting.

POSTING STATEMENT:

On July 1, 2011, a true and correct copy of this agenda was posted at the three (3) designated places: 1) Wildomar City Hall, 23873 Clinton Keith Road; 2) United States Post Office, 21392 Palomar Street; and 3) Mission Trail Library, 34303 Mission Trail.

1.0 CONSENT CALENDAR



CITY OF WILDOMAR PLANNING COMMISSION REGULAR MEETING MINUTES OF May 4, 2011

CALL TO ORDER

The regular meeting of the Wildomar Planning Commission was called to order by Planning Commission Chairman Dykstra at 7:00 P.M. at Wildomar City Hall, Council Chambers.

ROLL CALL

Present: Harv Dykstra, Chairman
Stand Smith, Vice-Chairman
Michael Kazmier, Commissioner
Robert Devine, Commissioner
Veronica Langworthy, Commissioner

Absent:

Staff Present: Mathew Bassi, Planning Director
Erica Vega, Assistant City Attorney
Alfredo Garcia, Assistant Planner

FLAG SALUTE

Commissioner Devine led the flag salute.

PUBLIC COMMENTS

None.

APPROVAL OF THE AGENDA AS SUBMITTED

Vice Chairman Smith motioned to approve the agenda as submitted. Motioned seconded by Commissioner Devine. Motioned Carried, the following vote resulted:

AYES: Devine, Dykstra, Kazmier, Langworthy, Smith
NOES:
ABSENT:
ABSTAIN:

1.0 CONSENT ITEMS

1.1 Approval of April 6, 2011 Planning Commission Minutes

Vice Chairman Smith motioned to approve Planning Commission minutes for April 6, 2011. Motioned seconded by Commissioner Langworthy. Motioned Carried, the following vote resulted:

AYES: Devine, Dykstra, Kazmier, Langworthy, Smith
NOES:
ABSENT:
ABSTAIN:

2.0 PUBLIC HEARINGS

2.1 **Conditional Use Permit No. 09-0301**

A request by MDMG, Inc on behalf of John Reidy, to establish a 10-unit mobile home park, including adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program, on a 1.9 acre site in the R-R (Rural Residential) zone located at 21517 & 21521 Waite Street in the City of Wildomar (APN: 366-182-001, 002, & 057).

RECOMMENDATION:

Staff recommends the Planning Commission:

1. Adopt a PC Resolution 2011-02 (Attachment A) entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR CONDITIONAL USE PERMIT NO. 09-0301 (A

10-UNIT MOBILE HOME PARK) LOCATED AT 21517 & 21521
WAITE STREET (APN: 366-182-001, 366-182-002, & 366-182-057

2. Adopt a PC Resolution 2011-03 (Attachment B) entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF WILDOMAR, CALIFORNIA APPROVING CONDITIONAL
USE PERMIT NO. 09-0301 WITH CONDITIONS TO ESTABLISH A
10-UNIT MOBILE HOME PARK LOCATED AT LOCATED AT
21517 & 21521 WAITE STREET (APN: 366-182-001, 366-182-002,
& 366-182-057

Planning Director Bassi made the staff presentation.

Vice Chairman Smith asked the Director if the block wall proposed for the project would be located on the outside the project area.

Planning Director Bassi responded that the block wall will be located in the perimeter of the area.

Vice Chairman Smith commented that the report noted different acreages between the resolution and CEQA documents and would like clarification before any vote is made. This was clarified.

Vice Chairman Smith mentioned that he had not seen an address or other form of identification for each mobile unit. He said it is important the address is near for the fire department.

Planning Director Bassi responded that the applicant will be required to post identifying addressees for each unit.

Chairman Dykstra asked staff if the main driveway will be posted for "No Parking".

Director Bassi responded in the affirmative.

Commissioner Devine asked Director Bassi for clarification on required parking requirements for mobile home parks.

Director Bassi provided clarification.

Commissioner Langworthy asked Director Bassi regarding lighting on site.

Director Bassi responded that a lighting plan was not submitted but the project will be subject to the lighting ordinance when it is received in plan check.

Vice Chairman Smith asked Director Bassi what a visibility easement is.

City Engineer Steve Palmer responded that it is a restricted use area to provide visibility from entering and exiting the project site.

Commissioner Devine asked if there will be parcel merger.

Director Bassi responded in the affirmative.

Chairman Dykstra asked if there will be a driveway approach and sidewalk improvements on Waite Street.

City Engineer Palmer responded in the affirmative.

Vice Chairman Smith commented that he has visited the site.

Chairman Dykstra opened the public hearing.

Applicant representative Larry Markham made a presentation.

Commissioner Devine asked the applicant who will be maintaining the detention basin.

Applicant representative Larry Markham responded that the mobile home park will be maintaining the basin.

Vice Chairman Smith commented that the detention basin is part of the landscape plan.

Applicant representative Larry Markham responded in the affirmative.

Director Bassi commented to the Planning Commission that staff received two correspondences regarding the project, one opposing and the other in favor.

Ray Bush commented he is displeased with the history of the property while it was in the County and hopes that the conditions placed on the project by staff will be followed by the applicant.

Director Bassi commented that with a Conditional Use Permit there are conditions placed on the project that the application is required to comply with. If conditions are not complied with, the City can pursue code enforcement action.

Applicant representative Markham responded to Mr. Bush's concerns and ensured him that they will be bringing the project to full compliance and have all the necessary paper work to submit for plan check.

Vice Chairman Smith commented on one of the conditions regarding block walls. He would prefer to see the block walls replaced by a wood fence that will blend with the surrounding neighborhood.

Vice Chairman Smith further commented that in regards to skirting of the mobile homes, he would prefer that the conditions be revised to not allow for metal skirting because it will dent and fall apart easily and not be aesthetically pleasing.

Applicant representative Markham responded that they are open to any suggestions from staff.

Director Bassi responded to Vice-Chairman's Smiths comment that according to the zoning ordinance, a block wall surrounding the perimeter is required as one of the development standards for a mobile home park.

Chairman Dykstra closed the public hearing.

Chairman Dykstra asked Director Bassi that he has concerns with the block wall because it will invite people to graffiti on them and commented he liked the idea of steel fencing on the property with vines surrounding the fence.

Director Bassi responded that the applicant can place an anti graffiti coating on the wall as well as landscaping.

Vice Chairman Smith asked Director Bassi if the perimeter block wall is mandatory.

Director Bassi responded that is part of the minimum standards for approval of a mobile home park.

Assistant City Attorney Erica Vega commented that the Commission can request changes to the standards for future projects, but for this project they must use the standards as they are established presently.

Commissioner Devine asked staff if the proposed sewer would be available for other surrounding residences to connect to.

Applicant Markham responded that connections can be achieved from the east, west and south portions of the property.

Chairman Dykstra asked the applicant if the sewer line has a diameter of eight inches.

Applicant Markham responded in the affirmative.

Vice Chairman Smith motioned to adopt a Mitigated Negative Declaration and Mitigation Monitoring Program for Conditional Use Permit 09-0301. Seconded by Commissioner Devine. Motioned Carried, the following vote resulted:

AYES: Devine, Dykstra, Kazmier, Langworthy, Smith
NOES:
ABSENT:
ABSTAIN:

Vice Chairman Smith motioned to approve Conditional Use Permit 09-0301 with conditions, as amended by staff to establish a 10-Unit mobile home park located at 21517 and 21521 Waite Street including the comments regarding skirting. Seconded by Commissioner Devine. Motioned Carried, the following vote resulted:

AYES: Devine, Dykstra, Kazmier, Langworthy, Smith
NOES:
ABSENT:
ABSTAIN:

2.2 Zoning Ordinance Amendment No. 11-01

A City-Initiated Zoning Ordinance Amendment to revise the rear yard setback requirement from 20 feet to 10 feet for detached accessory buildings in the R-R (Rural Residential) zone district.

RECOMMENDATION:

Staff recommends the Planning Commission adopt Resolution No. 11-04 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL ADOPTION OF A CATEGORICAL EXEMPTION AND APPROVAL OF ZONING ORDINANCE AMENDMENT NO. 11-01 AMENDING SECTION 17.16.020.D.3 OF THE WILDOMAR ZONING ORDINANCE TO REVISE THE REAR YARD SETBACK FOR DETACHED ACCESSORY BUILDINGS IN THE R-R (RURAL RESIDENTIAL) ZONE

Planning Director Bassi made the staff presentation.

Commissioner Devine asked Director Bassi for clarification on setbacks regarding those established by the County.

Director Bassi provided clarification.

Chairman Dykstra opened the public hearing.

No comments from the public during the public hearing.

Chairman Dykstra closed the public hearing.

Commissioner Devine motioned to recommend City Council adoption of a Categorical Exemption and approval of Zoning Ordinance Amendment No. 11-01 to revise the rear yard setback for accessory structures in the R-R (Rural Residential) zone from 20 feet to 10 feet. Motioned Carried, the following vote resulted:

AYES: Devine, Dykstra, Kazmier, Langworthy, Smith
NOES:
ABSENT:
ABSTAIN:

3.0 GENERAL BUSINESS ITEMS

None.

PLANNING DIRECTOR'S REPORT

Director Bassi informed the Commission that staff is continuing to contact project applicant's to encourage them to move their projects along.

Director Bassi also informed the Commission that the applicant for the Hoover Ranch Tract Map and Change of Zone is moving forward with the preparation of an Environmental Impact Report.

PLANNING COMMISSION COMMENTS

Chairman Dykstra commented that he has been following news on the City of Temecula's and WRCOG's intention of reviving the Western bypass project. He also mentioned the City of Wildomar will also continue to work on this to make it a reality.

ADJOURNMENT.

Chairman Dykstra adjourned the meeting at 8:05 to the next regularly scheduled Planning Commission meeting set for May 18, 2011.



Respectfully Submitted:
Matthew C. Bassi
Planning Commission Secretary

2.0 PUBLIC HEARINGS

CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item 2.1
PUBLIC HEARING
Meeting Date: July 6, 2011

TO: Chairman and Members of the Planning Commission

FROM: Matthew C. Bassi, Planning Director 

SUBJECT: **Plot Plan No. 10-0274 (Love Earth Recycling)**

Planning Commission consideration of an appeal by the Planning Director to deny Plot Plan No. 10-0274 (Love Earth Recycling) to establish a recycling facility on an existing commercially zoned site located at 34395 Mission Trail (APN: 370-090-035).

RECOMMENDATION:

It is recommended that the Planning Commission adopt Resolution No. 11-01 (Attachment A) titled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA UPHOLDING THE PLANNING DIRECTOR'S DECISION TO DENY PLOT PLAN NO. 10-0274 TO ESTABLISH A RECYCLING FACILITY ON AN EXISTING COMMERCIAL ZONED SITE LOCATED AT 34395 MISSION TRAIL (APN: 370-090-035)

BACKGROUND DISCUSSION (SINCE APRIL 6, 2011)

The Planning Commission reviewed the appeal of Plot Plan No. 10-0274 at its April 6, 2011 meeting. Staff has included a copy of the April 6, 2011 staff report for Commission consideration that provides the project description and analysis (refer to Attachment B). As the Commission may recall, many comments were expressed during the public hearing by the Commission, applicant and general public. Thus, staff has included a copy of the official minutes from the April 6, 2011 hearing for Commission consideration (Attachment C).

The project was tabled by the Commission so the applicant could meet with staff to work out site plan design changes that would bring the proposed project into compliance with the City's development standards required in Section 17.216.040 of the Wildomar Zoning Ordinance. As the Commission may recall, the applicant publicly committed to performing the appropriate site plan changes.

The following is a summary of the actions by staff and the applicant since the public hearing on April 6, 2011.

- April 20, 2011 - Staff met with the applicant to discuss the proposed site plan revisions. Staff outlined in detail what changes were needed to bring the project into compliance with the development standards. These changes were to meet the 150-foot setback standard, provide a 5-foot on-site landscape planter along Mission Trail and Guffy Lane, and provide six (6) parking stalls designated solely for recycling customers. The applicant agreed to make these changes.
- May 11, 2011 - Revised plans were due from the applicant reflecting the site plan changes agreed to at the April 20 meeting. Revised plans were not submitted by this deadline.
- May 18, 2011 – Staff met with the property owner, Bobbi Robinson, to discuss the project in order to provide additional clarification on the requested site plan changes. Ms. Robinson expressed her concerns about the City's requirements and the difficulty in meeting them.
- May 25, 2011 - Staff met with the applicant's new architect (Dave Madden) and Bobbi Robinson to discuss the revised site plan he prepared. The site plan presented by Mr. Madden met the development standards required by Section 17.216.040. Mr. Madden had also proposed to enclose the recycling facility completely within its own building rather than within a decorative block wall with a roof as originally required and supported by staff. *It's important to clarify at this point that the fully enclosed building proposed by the new architect is not required by the Zoning Ordinance nor was it ever required or requested by staff.* At this meeting, staff offered support of the revised plans and committed to recommend Planning Commission approval of the project based on the agreed upon revisions. It was agreed that the final plans were to be submitted no later than June 10, in order to make the July 6, 2011 Commission meeting.
- June 10, 2011 - The revised plans were not submitted by the architect. Staff contacted the architect who indicated that he could not submit the revised plans as he had not received approval from the property owner & applicant to do so.
- June 22, 2011 - Staff again contacted the architect regarding submittal of the revised plans. Mr. Madden indicated that he was not able to submit the revised plans since he did not receive approval from the property owner and applicant.
- June 23, 2011 – Staff made a decision to place the project on the July 6 Commission agenda for consideration. The property owner and the applicant's representative were notified via email of this decision. A public hearing notice was published in "The Californian" and notices were sent to adjacent property owners (300' radius) on June 25, 2011.

CONCLUSION

It has been three (3) months since the April 6, 2011 Commission meeting, and staff does not have revised plans to forward to the Commission. As the history above demonstrates, there was discussion and meetings between the property owner, applicant, architect and staff on how best to revise the plans. A consensus was reached regarding these revisions, and based on them, staff was going to support the project and recommend Commission approval of Plot Plan No. 10-0274.

Since the revised plans were never submitted, staff decided to schedule the project for a public hearing so the Planning Commission could review the appeal. The Commission, at tonight's meeting, will be making a decision based on the applicant's original appeal of the Planning Director's decision to deny Plot Plan No. 10-0274.

Since revised plans were not submitted, staff is left with no choice but to make a recommendation to the Commission based on the original site plan. While changes were agreed to that brought the Plot Plan into conformance with the development standards outlined in Section 17.216.040 of the Wildomar Zoning Ordinance, these changes were never completed to present to the Commission.

Therefore, staff is recommending that the Planning Commission uphold the Planning Director's original recommendation to deny Plot Plan No. 10-0274 based on the findings outlined below. If the Commission supports staff's recommendation, the applicant will be able to appeal this decision to the City Council. The deadline to appeal the Commission's decision would be Monday, July 18, 2011.

REQUIRED FINDINGS:

Pursuant to Section 17.216.040 of the Wildomar Zoning Ordinance, the following findings are provided for Commission consideration:

1. The proposed use must conform to the to all the requirements of the City of Wildomar General Plan and all applicable requirements of state law and the Ordinances of the City of Wildomar.

The proposed recycling collection facility does not comply with the above finding because it does not conform to the requirements of the Wildomar Zoning Ordinance as outlined in Section 17.244.020.C. The specific development standards are described as follows:

- a. Section 17.244.030.C.2.a – This section states that the project site the collection facility is located on shall provide landscaping along all street frontages. Based on staff's analysis, the site is bounded by Mission Trail and Guffy Lane. The proposed site plan provided by the applicant does not provide for any landscaping along these street frontages as part of the

proposed recycling facility use. Therefore, the project does not comply with this provision and the finding of support can not be made.

- b. Section 17.244.020.C.2.b - This section states that collection facilities shall be setback at least 150 feet from property zoned or designated for residential use pursuant to the Wildomar General Plan. In review of the proposed site plan and various visits to the site, the proposed recycling collection facility structure and the two existing recycling containers used for storage of recycling materials are located approximately 137 feet and 50 feet, respectively from the residential land use designation immediately north of the site (APN: 370-090-033). Therefore, the project does not comply with this provision and the finding of support can not be made.
- c. Section 17.244.020.C.4 - This section states that collection facilities shall provide parking for six (6) vehicles, including one additional space for each commercial vehicle operated by the facility. Based on several visits to the site, the proposed project does not provide parking spaces to meet this requirement. While the site plan shows parking stalls, the project site does not provide any existing striped parking stalls. Further, the area designated for parking stalls on the site plan (i.e., around the perimeter of the site) is covered by existing U-Haul trailer rental vehicles so that there is no [parking spaces for the proposed use. Therefore, the project does not comply with this provision and the finding of support can not be made.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 11-01 upholding the Planning Director's denial of Plot Plan No. 10-0274 based upon the findings contained in this report.

Respectfully Submitted,



Matthew C. Bassi
Planning Director

PC ATTACHMENTS:

- A. PC Resolution No. 11-01 for Plot Plan No. 10-0274
- B. PC Staff Report from April 6, 2011 meeting (with attachments)
- C. Planning Commission meeting minutes from April 6, 2011.

ATTACHMENT A

PC Resolution No. 11-01

PC RESOLUTION NO. 11-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA UPHOLDING THE PLANNING DIRECTOR'S DECISION TO DENY PLOT PLAN NO. 10-0274 TO ESTABLISH A RECYCLING FACILITY ON AN EXISTING COMMERCIAL ZONED SITE LOCATED AT 34395 MISSION TRAIL (APN: 370-090-035)

WHEREAS, a Plot Plan application to establish a small recycling facility at an existing U-Haul rental facility located at 34395 Mission Trail has been filed by:

Applicant:: Arutyun Boyadzhyan
Property Owner: Steve Robinson
Project Location: 34395 Mission Trail, Wildomar, CA
APN Number: 370-090-035

WHEREAS, the Planning Commission has the authority per Chapter 17.216.060 of the Wildomar Municipal Code to take action on the appeal of the Planning Director's denial of Plot Plan No. 10-0274 to establish a small collection recycling facility at an existing U-Haul rental facility located at 34395 Mission Trail; and

WHEREAS, Plot Plan No. 10-0274 was submitted for review by the Planning Department, and on March 4, 2011, said Plot Plan was denied by the Planning Director based upon findings outlined in Section 17.244.020.C of the City of Wildomar Zoning Ordinance; and

WHEREAS, on March 14, 2011, the applicant filed a formal appeal of the Planning Director's decision to deny Plot Plan No. 10-0274; and

WHEREAS, on March 26, the City of Wildomar gave public notice by mailing to adjacent property owners within a 300-foot radius of the project site, and by publishing a legal notice in the Californian, a newspaper local circulation, notifying the public of the holding of a public hearing by the Wildomar Planning Commission to consider and discuss said appeal of Plot Plan No. 10-0274; and

WHEREAS, on April 6, 2011, the Wildomar Planning Commission held the noticed public hearing at which time the applicant and interested persons had an opportunity to testify in support of, or opposition to, the appeal of Plot Plan No. 10-0274 and at which time the Planning Commission considered the appeal; and

WHEREAS, on April 6, 2011, after hearing the staff presentation, testimony from the applicant, and testimony from the general public, the Planning Commission voted 5 to 0 to table action on Plot Plan No. 10-0274 to allow the applicant to revise the proposed site plan to address zoning standards deficiencies; and

WHEREAS, on June 25, 2011, the City of Wildomar gave public notice by mailing to adjacent property owners within a 300-foot radius of the project site, and by publishing a legal notice in the Californian, a newspaper local circulation, notifying the public of the holding of a public hearing by the City of Wildomar Planning Commission to re-consider the appeal of Plot Plan No. 10-0274; and

WHEREAS, on July 6, 2011, the Wildomar Planning Commission held the noticed public hearing at which time the applicant and interested persons had the opportunity to testify in support of, or opposition to, the reconsideration of the appeal of Plot Plan No. 10-0274, and at which time the Planning Commission considered such testimony.

NOW THEREFORE, the Planning Commission of the City of Wildomar does Resolve, Determine, Find and Order as follows:

SECTION 1. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines and Thresholds of Significance, In accordance with Section 15270 (Projects which are Disapproved), the Planning Commission hereby makes a determination that Plot Plan No. 10-0274 is not subject to the requirements of CEQA since Plot Plan No. 10-0274 is disapproved.

SECTION 2. REQUIRED FINDINGS.

2. The proposed use must conform to the to all the requirements of the City of Wildomar General Plan and all applicable requirements of state law and the ordinances of the City of Wildomar.

The proposed recycling collection facility does not comply with the above finding because it does not conform to the requirements of the Wildomar Zoning Ordinance as outlined in Section 17.244.020.C. The specific development standards are described as follows:

- d. Section 17.244.020.C.2.a – This section states that the project site the collection facility is located on shall provide landscaping along all street frontages. Based on staff's analysis, the site is bounded by Mission Trail and Guffy Lane. The proposed site plan provided by the applicant does not provide for any landscaping along these street frontages as part of the proposed recycling facility use. Therefore, the project does not comply with this provision and the finding of support can not be made.
- e. Section 17.244.020.C.2.b - This section states that collection facilities shall be setback at least 150 feet from property zoned or designated for residential use pursuant to the Wildomar General Plan. In review of the proposed site plan and various visits to the site, the proposed recycling

collection facility structure and the two existing recycling containers used for storage of recycling materials are located approximately 137 feet and 50 feet, respectively from the residential land use designation immediately north of the site (APN: 370-090-033). Therefore, the project does not comply with this provision and the finding of support can not be made.

- f. Section 17.244.020.C.4 - This section states that collection facilities shall provide parking for six (6) vehicles, including one additional space for each commercial vehicle operated by the facility. Based on several visits to the site, the proposed project does not provide parking spaces to meet this requirement. While the site plan shows parking stalls, the project site does not provide any existing striped parking stalls. Further, the area designated for parking stalls on the site plan (i.e., around the perimeter of the site) is covered by existing U-Haul trailer rental vehicles so that there is no [parking spaces for the proposed use. Therefore, the project does not comply with this provision and the finding of support can not be made.

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following action for Plot Plan No. 10-0274:

1. Adopt Resolution No. 11-01 upholding denial of Plot Plan No. 10-0274 by the Planning Director (on March 4, 2011), based upon the findings contained in this Resolution.

PASSED, APPROVED AND ADOPTED this 6th day of July, 2011 by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

Harv Dykstra,
Planning Commission Chairman

ATTEST:

Matthew C. Bassi
Planning Director/Minutes Secretary

APPROVED AS TO FORM:

Thomas Jex, Assistant City Attorney

ATTACHMENT B

April 6, 2011 PC Report Packet

CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item 2.1
PUBLIC HEARING
Meeting Date: April 6, 2011

TO: Chairman and Members of the Planning Commission

FROM: Matthew C. Bassi, Planning Director 

SUBJECT: Plot Plan No. 10-0274 – Planning Commission consideration of an appeal of the Planning Director decision to deny Plot Plan No. 10-0274 (Lover Earth Recycling) to establish a recycling facility on an existing commercially zoned site located at 34395 Mission Trail (APN: 370-090-035).

RECOMMENDATION:

It is recommended that the Planning Commission adopt Resolution No. 11-01 (Attachment A) titled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA UPHOLDING THE PLANNING DIRECTOR'S DECISION TO DENY PLOT PLAN NO. 10-0274 TO ESTABLISH A RECYCLING FACILITY ON AN EXISTING COMMERCIAL ZONED SITE LOCATED AT 34395 MISSION TRAIL (APN: 370-090-035)

BACKGROUND

Plot Plan No. 10-0274 is a request to establish a recycling facility at an existing U-Haul rental facility located at 34395 Mission Trail. The location of the project site is illustrated in Attachment D (Vicinity Map). The recycling use has been in operation for a several months without the benefit of an approved Plot Plan. Consequently, the City initiated a code enforcement case against the property owner and applicant in April 2010.

The applicant was directed to submit a formal city application and work with staff to make the business legitimate. The applicant submitted their application to the Planning Department on September 21, 2010 and has been working with staff since then on the site planning and design of the facility.

On March 4, 2011, the Planning Director denied Plot Plan No. 10-0274 based upon findings of inconsistency with all the development standards outlined in 17.244.030.C of the Zoning Ordinance. A copy of the Director's denial letter is provided for the Commission as Attachment B. On March 14, 2011, the applicant submitted a formal appeal application which has been provided for the Commission as Attachment C. The appeal of the Director's decision to deny Plot Plan No. 10-0274 is the subject of this report.

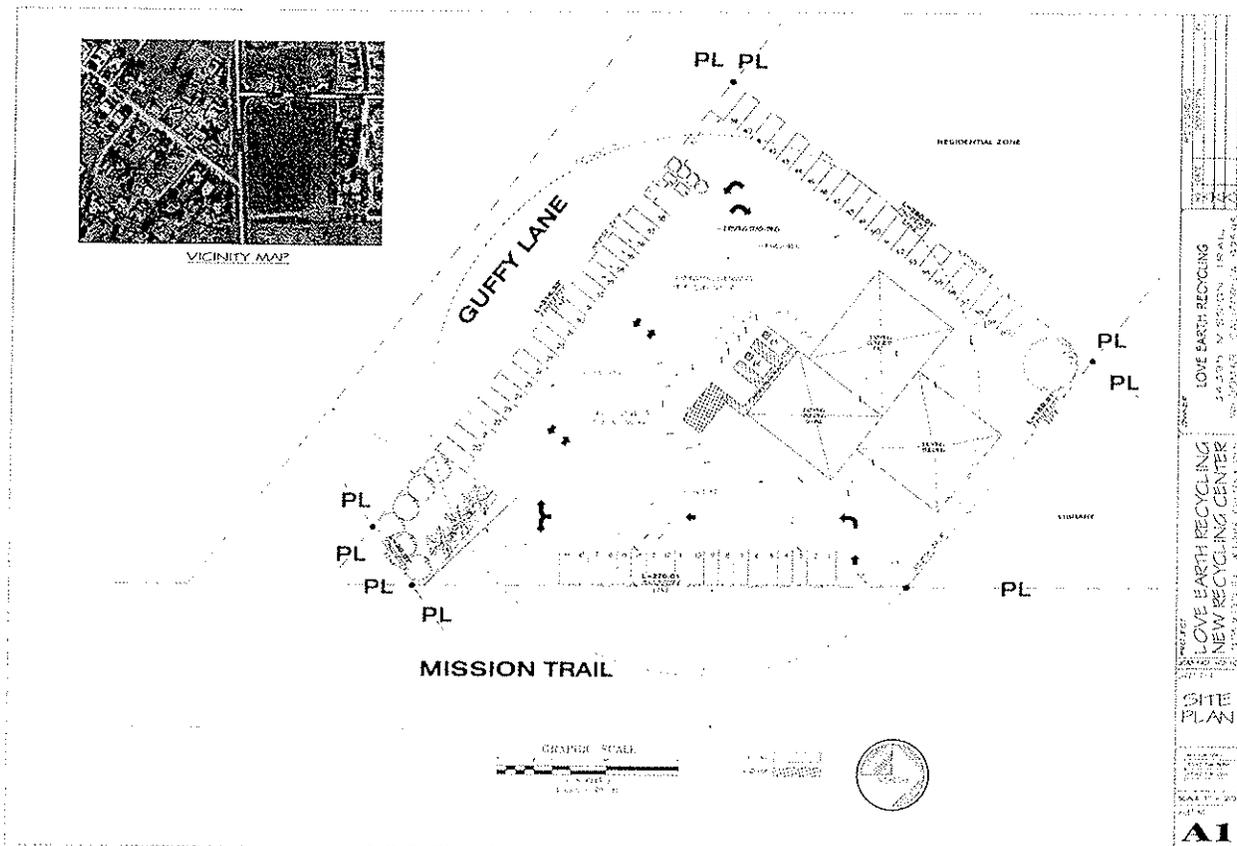
PROJECT DESCRIPTION

Site Plan:

The proposed recycling facility is located on the same site as an existing U-Haul business at 34395 Mission Trail. The current location of the recycling facility is within a multi-tenant building/structure that includes the U-Haul office and a plumbing contractor office. The facility is proposed to be relocated out of this structure to an area of the site located immediately west of the U-Haul office which is more accessible to patrons (refer to the proposed site plan).

Currently, the applicant is using two additional containers for recycling storage located north of the primary building. These two containers, as well as the drop-off area in the building, violate the distance separation requirements from a residential zone. Section 17.244.030.C.2.b of the Zoning Ordinance requires that recycling facilities be located at least 150 feet away from a residentially zoned property. The current containers are approximately 50 feet from the residential zone located immediately north of the site. The applicant is not proposing any upgrades to the existing site access, drive aisles/parking area or perimeter/on-site landscaping.

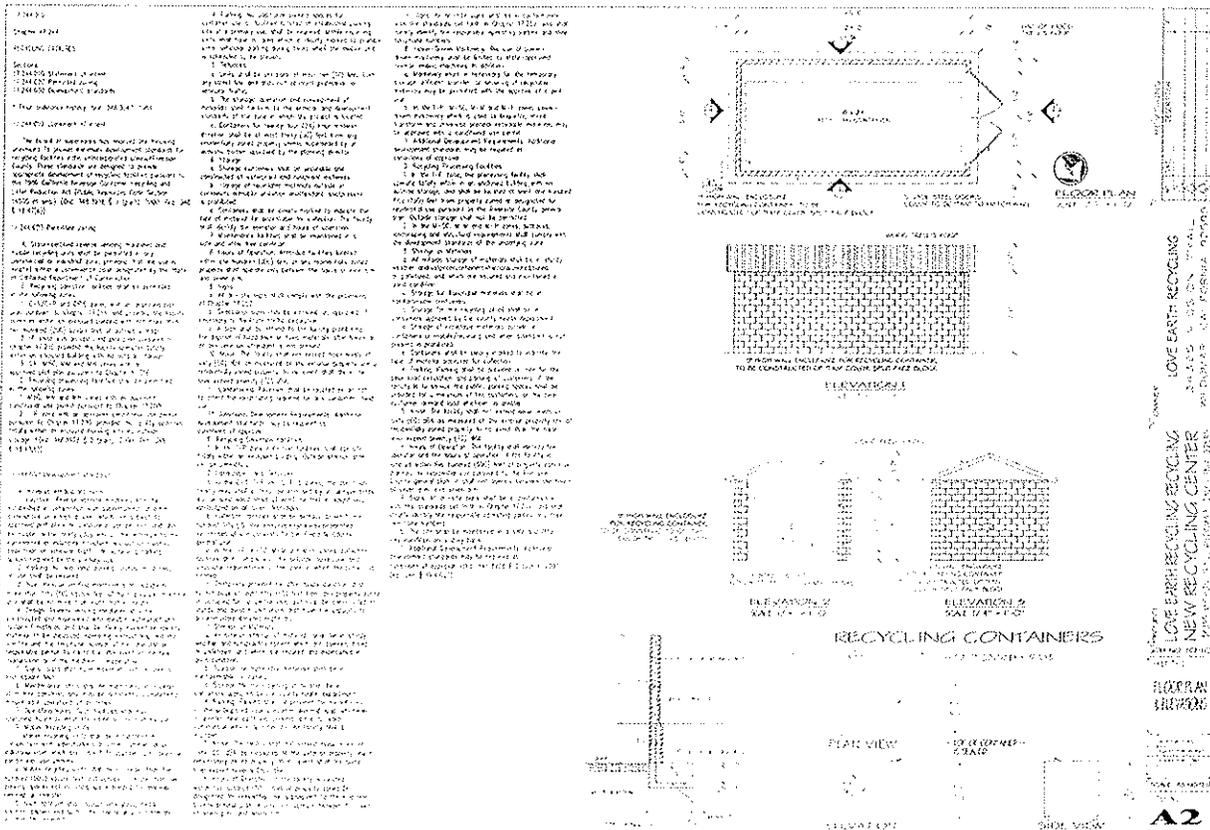
A copy of the site plan is shown below for Commission consideration.



Recycling Facility Design:

The recycling facility will be comprised of one (1) 8' x 24' foot metal container with two (2) metal doors (5' x 6') painted to match the enclosure. The metal container will be enclosed by a three-sided decorative block wall consisting of "split-face" block that is tan in color. The block wall will be nine (9) feet in height in order to fully hide the metal container. In addition, a pitched, lattice roof element will be placed on top of the block wall for decorative purposes. Staff believes that the roof structure must be a solid roof so it keeps water/rain from seeping into the container.

A copy of the design is provided on the following page for Commission consideration.



Recycling Materials:

The applicant has proposed to accept California CRV glass bottles, paper, plastic bottles, aluminum cans and scrap metal. Staff supports all the accepted recycling materials with the exception of the scrap metal. In commercial zones, it is more common that collection facilities are limited to glass, paper, plastic and aluminum cans/bottles similar to the small collection facility located in the parking lot behind city hall. The recycling of scrap metal is traditionally limited to industrially zoned areas because of the traffic impacts and large haulers that frequently recycle scrap metal. To avoid these kind of impacts, recycling of scrap metal should be prohibited if the Commission chooses to approve the Plot Plan.

Hours of Operation

The hours of operation for the recycling facility are proposed to be Monday – Friday (9 am to 5 pm), Saturday (9 am to 4 pm) and Sunday (9 am to 2 pm). Staff supports the hours of operation which are consistent with the requirements of Section 17.244 of the Zoning Ordinance.

PUBLIC CORRESPONDENCE

As part of the development review process, staff did receive public correspondence from several citizens opposed to the proposed recycling facility. These letters have been provided for Commission consideration (Attachment F).

PROJECT ANALYSIS

General Plan/Zoning:

The General Plan Land Use and Zoning designations, as well as the existing land uses for the project site and surrounding properties are provided in the following table.

ADJACENT ZONING, LAND USE AND APPLICABLE STANDARDS			
Location	Current Use	General Plan Land Use Designation	Zoning
Subject Property	Commercial	Commercial Retail	C-1/C-P (General Commercial)
North	Residential	Medium Density Residential	R-R (Rural Residential)
South	Vacant Lot	Medium Density Residential	R-R (Rural Residential)
East	Library	Public Facilities	R-R (Rural Residential)
West	Commercial	Medium Density Residential	R-R (Rural Residential)

Site Plan:

Staff believes that the proposed recycling facility would meet a community need by creating additional opportunity for small recycling in the general area. However, the Zoning Ordinance is clear that in order to approve a Plot Plan for a recycling facility, all the requirements and standards outlined in Section 17.244.C of the Zoning Ordinance, as well as the all findings outlined in Section 17.216.040 must be made. Based on review of the proposed recycling facility, and analyzing the required standards and findings, the Planning Director determined that the application did not meet these, and thus, denied the proposed application.

The specific standards the Planning Director cited to deny the Plot Plan application, are discussed below. The proposed location of the three containers violate the setback

requirement of a 150 feet from a residential zoned property. As noted previously, the setback proposed for the was 135 feet from the residential zone located north of the project site. In addition, the application did not meet the landscaping requirements outlined in Section 17.244.030C.2 which require landscaping along all street frontages. The site plan did not propose any landscaping along Mission Trial or Guffy Lane. Several site visits revealed that some existing landscaping exists in a few areas along the street, but these do not meet the definition of street landscaping which typically occurs with in the public right-of-way and along the street property lines.

Based on the Planning Director's review and analysis of the proposed Plot Plan application, the followings are being presented for Commission consideration.

REQUIRED FINDINGS:

Pursuant to Section 17.216.040 of the Wildomar Zoning Ordinance, the following findings are provided for Commission consideration:

1. The proposed use must conform to the to all the requirements of the City of Wildomar General Plan and all applicable requirements of state law and the Ordinances of the City of Wildomar.

The proposed recycling collection facility does not comply with the above finding because it does not conform to the requirements of the Wildomar Zoning Ordinance as outlined in Section 17.244.020.C. The specific development standards are described as follows:

- a. Section 17.244.030.C.2.a – This section states that the project site the collection facility is located on shall provide landscaping along all street frontages. Based on staff's analysis, the site is bounded by Mission Trial and Guffy Lane. The proposed site plan provided by the applicant does not provide for any landscaping along these street frontages as part of the proposed recycling facility use. Therefore, the project does not comply with this provision and the finding of support can not be made.
- b. Section 17.244.020.C.2.b - This section states that collection facilities shall be setback at least 150 feet from property zoned or designated for residential use pursuant to the Wildomar General Plan. In review of the proposed site plan and various visits to the site, the proposed recycling collection facility structure and the two existing recycling containers used for storage of recycling materials are located approximately 137 feet and 50 feet, respectively from the residential land use designation immediately north of the site (APN: 370-090-033). Therefore, the project does not comply with this provision and the finding of support can not be made.

- c. Section 17.244.020.C.4 - This section states that collection facilities shall provide parking for six (6) vehicles, including one additional space for each commercial vehicle operated by the facility. Based on several visits to the site, the proposed project does not provide parking spaces to meet this requirement. While the site plan shows parking stalls, the project site does not provide any existing striped parking stalls. Further, the area designated for parking stalls on the site plan (i.e., around the perimeter of the site) is covered by existing U-Haul trailer rental vehicles so that there is no [parking spaces for the proposed use. Therefore, the project does not comply with this provision and the finding of support can not be made.

ENVIRONMENTAL ASSESSMENT:

Staff has looked at the proposed project in accordance with the California Environmental Quality act (CEQA) guidelines. Based on Section 15270 (Projects which are Disapproved), the project would not be subject to the provisions of CEQA because the project is being recommended for denial. The Resolution provides additional detail on the CEQA determination.

PLANNING COMMISSION ALTERNATIVES

If the Planning Commission does not uphold the Planning Director's decision to deny Plot Plan No. 10-0274, the Commission at their discretion may take the following alternative actions.

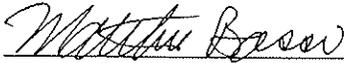
1. The Commission could vote to approve Plot Plan No. 10-0274 subject to conditions. This action would require modifications to the proposed project to make the site plan and use consistent with the development standards outlined in Section 17.244.020.C of the Zoning Ordinance. It would also be necessary for staff to prepare a new Resolution with Conditions of Approval for Commission consideration at a future meeting; or
2. The Planning Commission could continue action on the appeal request and direct the applicant to provide additional information for Commission consideration at a future meeting.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 11-01 upholding the Planning Director's denial of Plot Plan No. 10-0274 based upon the findings contained in this report.

Plot Plan No. 10-0274
Love Earth Recycling
April 6, 2011
Page 8

Respectfully Submitted,



Matthew C. Bassi
Planning Director

PC ATTACHMENTS:

- A. PC Resolution No. 11-01 for Plot Plan No. 10-0274
- B. Planning Director Denial Letter (dated March 4, 2011)
- C. Copy of Applicant's Appeal Letter (dated March 14, 2011)
- D. Aerial Photo Exhibit of the Project Site
- E. Pictures of the Project Site
- F. Copy of Public Correspondence
- G. Project Plans (full size – under separate cover)

ATTACHMENT A

PC Resolution No. 11-01

PC RESOLUTION NO. 11-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA UPHOLDING THE PLANNING DIRECTOR'S DECISION TO DENY PLOT PLAN NO. 10-0274 TO ESTABLISH A RECYCLING FACILITY ON AN EXISTING COMMERCIAL ZONED SITE LOCATED AT 34395 MISSION TRAIL (APN: 370-090-035)

WHEREAS, a Plot Plan application to establish a small recycling facility at an existing U-Haul rental facility located at 34395 Mission Trail has been filed by:

Applicant: Arutyun Boyadzhyan
Property Owner: Steve Robinson
Project Location: 34395 Mission Trail, Wildomar, CA
APN Number: 370-090-035

WHEREAS, the Planning Commission has the authority per Chapter 17.216.060 of the Wildomar Municipal Code to take action on the appeal of the Planning Director's denial of Plot Plan No. 10-0274 to establish a small collection recycling facility at an existing U-Haul rental facility located at 34395 Mission Trail; and

WHEREAS, Plot Plan No. 10-0274 was submitted for review by the Planning Department, and on March 4, 2011, said Plot Plan was denied by the Planning Director based upon findings outlined in Section 17.244.020.C of the City of Wildomar Zoning Ordinance; and

WHEREAS, on March 14, 2011, the applicant filed a formal appeal of the Planning Director's decision to deny Plot Plan No. 10-0274; and

WHEREAS, on March 26, the City of Wildomar gave public notice by mailing to adjacent property owners within a 300-foot radius of the project site, and by publishing a legal notice in the Californian, a newspaper local circulation, notifying the public of the holding of a public hearing by the Wildomar Planning Commission to consider and discuss said appeal of Plot Plan No. 10-0274; and

WHEREAS, on April 6, 2011, the Wildomar Planning Commission held the noticed public hearing at which time the applicant and interested persons had an opportunity to testify in support of, or opposition to, the appeal of Plot Plan No. 10-0274 and at which time the Planning Commission considered the appeal; and

WHEREAS, the Planning Director has reviewed the project's potential effects on the environment resulting from Plot Plan No. 10-0274.

NOW THEREFORE, the Planning Commission of the City of Wildomar does Resolve, Determine, Find and Order as follows:

SECTION 1. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines and Thresholds of Significance, In accordance with Section 15270 (Projects which are Disapproved), the Planning Commission hereby makes a determination that Plot Plan No. 10-0274 is not subject to the requirements of CEQA since Plot Plan No. 10-0274 is disapproved.

SECTION 2. REQUIRED FINDINGS.

2. The proposed use must conform to the to all the requirements of the City of Wildomar General Plan and all applicable requirements of state law and the ordinances of the City of Wildomar.

The proposed recycling collection facility does not comply with the above finding because it does not conform to the requirements of the Wildomar Zoning Ordinance as outlined in Section 17.244.020.C. The specific development standards are described as follows:

- d. Section 17.244.020.C.2.a – This section states that the project site the collection facility is located on shall provide landscaping along all street frontages. Based on staff's analysis, the site is bounded by Mission Trail and Guffy Lane. The proposed site plan provided by the applicant does not provide for any landscaping along these street frontages as part of the proposed recycling facility use. Therefore, the project does not comply with this provision and the finding of support can not be made.
- e. Section 17.244.020.C.2.b - This section states that collection facilities shall be setback at least 150 feet from property zoned or designated for residential use pursuant to the Wildomar General Plan. In review of the proposed site plan and various visits to the site, the proposed recycling collection facility structure and the two existing recycling containers used for storage of recycling materials are located approximately 137 feet and 50 feet, respectively from the residential land use designation immediately north of the site (APN: 370-090-033). Therefore, the project does not comply with this provision and the finding of support can not be made.
- f. Section 17.244.020.C.4 - This section states that collection facilities shall provide parking for six (6) vehicles, including one additional space for each commercial vehicle operated by the facility. Based on several visits to the site, the proposed project does not provide parking spaces to meet this requirement. While the site plan shows parking stalls, the project site does not provide any existing striped parking stalls. Further, the area designated

for parking stalls on the site plan (i.e., around the perimeter of the site) is covered by existing U-Haul trailer rental vehicles so that there is no [parking spaces for the proposed use. Therefore, the project does not comply with this provision and the finding of support can not be made.

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following action for Plot Plan No. 10-0274:

1. Adopt Resolution No. 11-01 upholding denial of Plot Plan No. 10-0274 by the Planning Director (on March 4, 2011), based upon the findings contained in this Resolution.

PASSED, APPROVED AND ADOPTED this 6th day of April, 2011 by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

Harv Dykstra,
Planning Commission Chairman

ATTEST:

Matthew C. Bassi
Planning Director/Minutes Secretary

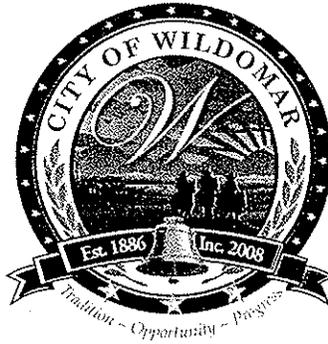
APPROVED AS TO FORM:

Thomas Jex, Assistant City Attorney

ATTACHMENT B

Planning Director Denial Letter (Dated 3/4/11)

Marsha Swanson, Mayor
Ben Benoit, Mayor Pro Tem
Bob Cashman, Council Member
Bridgette Moore, Council Member
Timothy Walker, Council Member



23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595
951.677.7751 Phone
951.698.1463 Fax
www.CityofWildomar.org

March 4, 2011

Mr. Arutyun Boyadzhyan
1826 N. Wilton Place, #14
Los Angeles, CA 90028

Subject: Plot Plan No. 10-0274 (Love Earth Recycling):

A request to establish a recycling collection facility in accordance with Section 17.244.020 of the Wildomar Zoning Ordinance located in the C-1/CP zone at 34395 Mission Trail (APN: 370-090-035)

Dear Mr. Boyadzhyan,

On behalf of the Wildomar Planning Department, I thank you for your project application to establish a recycling collection facility in accordance with the Zoning Ordinance at 34395 Mission Trail in the City of Wildomar. Your project application to establish a recycling collection facility has been reviewed for compliance with the provisions and development standards of Section 17.244.020 of the Wildomar Zoning Ordinance.

Based on my review of these provisions and standards, your project application (Plot Plan No. 10-0274) has been denied based on the findings outlined in Section 17.216.040 of the Zoning Ordinance. The following finding and discussion support the Planning Directors decision for denial.

Plot Plan Findings:

1. The proposed use must conform to the to all the requirements of the City of Wildomar General Plan and all applicable requirements of state law and the ordinances of the City of Wildomar.

The proposed recycling collection facility does not comply with the above finding because it does not conform to the requirements of the Wildomar Zoning Ordinance as outlined in Section 17.244.020.C. The specific development standards are described as follows:

- a. Section 17.244.020.C.2.a - This section states that the project site the collection facility is located on shall provide landscaping along all street frontages. Based on staff's analysis, the site is bounded by Mission Trail and Guffy Lane. The proposed site plan provided by the applicant does not provide for any landscaping along these street frontages as part of the proposed recycling facility use. Therefore, the project does not comply with this provision and the finding of support can not be made.
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recycling collection facility structure and the two existing recycling containers used for storage of recycling materials are located approximately 137 feet and 50 feet, respectively from the residential land use designation immediately north of the site (APN: 370-090-033). Therefore, the project does not comply with this provision and the finding of support can not be made.

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While not part of the findings for denial, in several site visits made by city staff during the course of the project being reviewed it became clear that there may be several code violations at the project site. Staff noticed that there are recreational vehicles, personal vehicles & trailers, boats and other ancillary structures and items that exist and/or being stored on the site that have not received required city approval in compliance with Section 17.72 of the Zoning Ordinance. Further, there appears to be security guard living in a recreational vehicle, even though the site is zoned solely for commercial activities. Staff also noticed that the existing dirt driveways are not improved to city standards, as well as the site is only partially paved with asphalt which have the potential of creating public health and safety issues.

Since the Plot Plan application is being denied, in accordance with Section 17.216.060.A (Appeals), the applicant or any interested party may appeal the decision of the Planning Director provided a written appeal (including the \$964 filing fee) is submitted to the Planning Department within 10 days of the decision. Thus, if an appeal is not received by March 14, 2011, the decision of the Planning Director will be final. I have included a copy of the appeal form for your reference.

If you have any questions regarding the decision on your Plot Plan application, please contact me at your earliest convenience. I can be reached at 951-677-7751 or at mbassi@cityofwildomar.org.

Sincerely,



Matthew C. Bassi
Planning Director
City of Wildomar

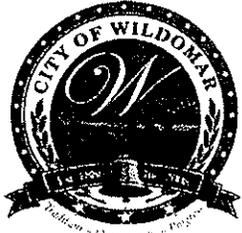
Cc: Frank Oviedo, City Manager
Tom Jex, Assistant City Attorney
Steve Robinson (Property Owner), PO Box 1528, Wildomar, CA 92595
Doug Lecht, U-Haul Facility, 34395 Mission Trail, Wildomar, CA 92595

ATTACHMENT C

Copy of Applicant's Appeal Letter (dated March 14, 2011)

RECEIVED

MAR 14 2011



CITY OF WILDOMAR

23873 Clinton Keith Road #201
Wildomar, CA 92595

Tel. (951) 677-7751 Fax. (951) 698-1463

For office use only.

10-0274
Project Account Number

APPLICATION FOR APPEAL

In accordance with City of Wildomar Municipal Code Section 17.192.070, an appeal may be filed within 10 days after the notice of decision is made on an associated application. The appeal application must be accompanied by the applicable fee deposit as set forth in City of Wildomar Ordinance No. 671 along with the required Public Hearing Notice Label requirements.

APPEAL INFORMATION

Appeal of Application Case No(s):

Plot Plan 10-0274

Appealing the Decision of (specify Director of Planning, Director's Hearing, or Planning Commission) and Decision Date:

Planning Director decision

Please state the basis for the appeal and include any supporting evidence if applicable (please attach additional sheets if necessary).

- a. Applicant agrees to landscape Mission Trail frontage per attached landscape plan. Applicant states Bluffy Lane is currently landscape. See plan. Applicant feels it is his responsibility of the city to eliminate health and safety issues on Bluffy Lane.
- b. Applicant agrees to remove recycling containers and store product inside building. Applicant request variance of 150 setback with approval of property owner on West Property Lane.
- c. Applicant agrees to designate and clearly make required parking spaces.

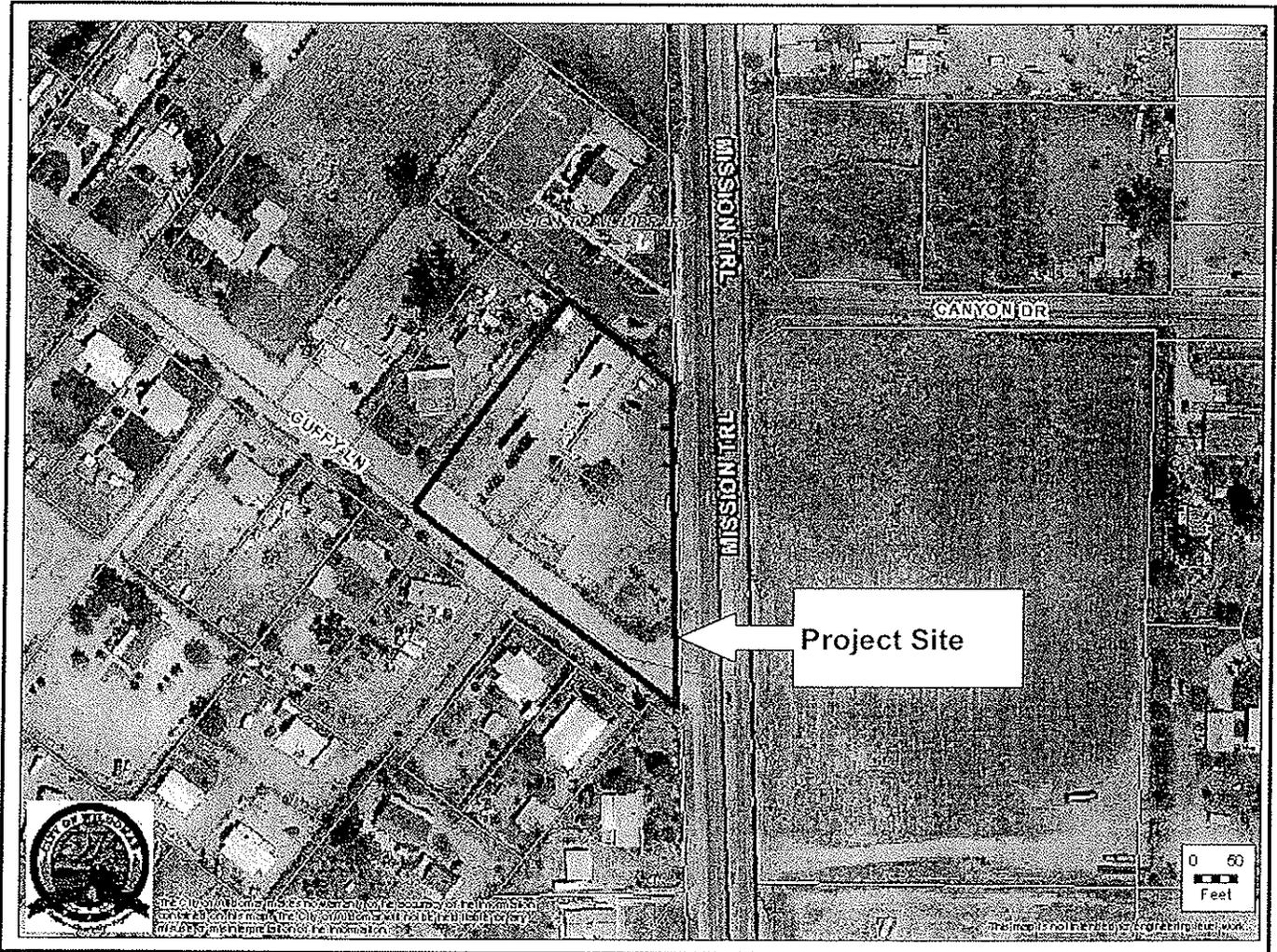
APPELLANT CONTACT INFORMATION

Name			Arutyun Boyadzhyan		
Mailing Address					
1824 N. Wilton Pl. #14 Los Angeles, CA 90028					
Telephone	Fax	Email			
(323) 821-8891	(323) 466-1984	loveearthrecycling@yahoo.com			
I hereby authorize the filing of this appeal in my name.					
Signature of Appellant				Date	
				3/10/11	

ATTACHMENT D

Project Aerial Photo/Vicinity Map

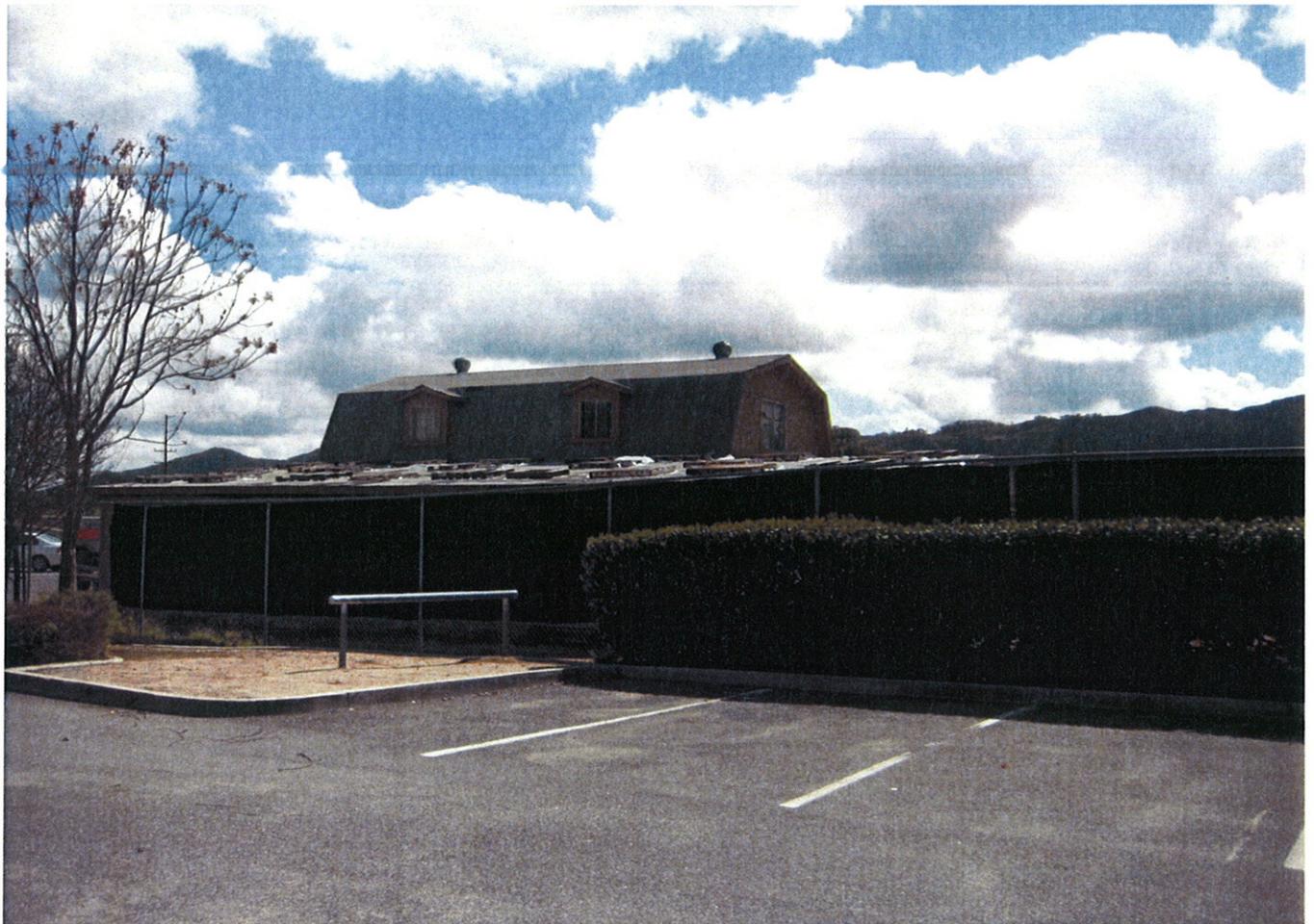
Project Aerial Photo/Vicinity Map



ATTACHMENT E

Pictures of the Project Site





















ATTACHMENT F

Public Correspondence

CORRESPONDENCE

“A”

RECEIVED

FEB 02 2011

CITY OF WILDOMAR

----Original Message Follows----

From: steve robinson

To: Sheryl Ade

Subject: Re: Re Feedback on Property

Date: Wed, 25 Jan 2006 11:58:02 -0800 (PST)

Sheryl - I have the property next to the library on Mission Trail and would like to discuss this at your next meeting. Let me know when the enxt meeting is scheduled.

Sincerely,
Steve Robinson
951-505-4439

Sheryl Ade wrote:

Dear Steve:

Thank you for contacting our WIN website. Your email regarding property was forwarded to me for a response. I am Chair of the Wildomar Land Development Review Committee. We are an adhoc committee that started up three years ago to review review all projects that have been submitted for application to the County. We send advisories to the Project Planner, Director of Planning, County Planning Commission and Board of Supervisors. We also attend Planning Director Hearings, Planning Commission Hearings and BOS Hearing on related projects.

The Wildomar Land Development Review Committee holds meetings at the Mission Trail Library (usually the first and third Thursday of the month). Our first meeting in January will be Thursday, January 19th at 7:00 pm.

If you would like to come to our meeting to get a sense of how they are run, please do so (they are open to the public). If you have a conceptual idea for a piece of property, we would urge you to consider making an informal presentation at our workshop, so you can get feedback from the community. We have had a number of developers who have come to us with conceptals prior to making application to the County.

We look forward to hearing from you. Please contact me at either of the numbers below.

Sheryl Ade
Chair, Wildomar Land Development Review
vxd120@hotmail.com
Home/Office: 951-461-7543
Cell: 909-434-4344

Sheryl Ade wrote:

Steve:

The next Wildomar Land Development Review meeting is scheduled for Thursday, February 2, 2006 at 7:00 pm at the Mission Trail Library in the Community Room. Do you me to pencil you in on the agenda?

Sheryl Ade
Chair, Wildomar Land Development Review Committee

-----Original Message Follows-----

From: steve robinson

To: Sheryl Ade

Subject: Re: Re Feedback on Property

Date: Thu, 2 Feb 2006 13:01:52 -0800 (PST)

Sheryl - I noticed the development meeting is not on the website and a Chamber mixer is scheduled. Is this correct?

Thanks,
Steve

Sheryl Ade <vxd120@hotmail.com> wrote:

Steve:

It wasn't on the Events & Meetings Calendar. You need to click on LOCAL RESOURCES and then click on Land Development Review.

The meeting is noted there and the agenda as well.

The next meeting is Feb. 16. Do you want me to schedule you?

Sheryl Ade

From : steve robinson <westernstatesrealty@yahoo.com>

Sent : Friday, February 3, 2006 4:58 PM

To : Sheryl Ade <vxd120@hotmail.com>

Subject : Re: Re Feedback on Property

Sheryl - Oops. Lets try again next time, I'll be there.

Thanks,

Steve

CORRESPONDENCE
"B"

RECEIVED
FEB 02 2011
CITY OF WILDOMAR

Dear Sheryl:

Nancy Johnson is the Chief County Librarian. You can reach her through the Executive Office.

Sincerely,

Wendy Kolk

-----Original Message-----

From: Sheryl Ade [<mailto:vxd120@hotmail.com>]

Sent: Thursday, August 24, 2006 4:09 PM

To: Kolk, Wendy

Subject: Ques re Mission Tr Library

Wendy:

Is there a facilities director for the County Library system? Would this person make decisions about the Mission Trail library expansion? Would they have direct input on the ingress/egress of the library -- or would that come from transportation?

Steve Robinson, a Wildomar resident, owns the property just to the south of the library. He wants to develop the property with a business that would serve the community (a daycare center was one of the possibilities mentioned). He came to our LDR to get our input. We told him to make an appointment with the County to find out what requirements he might face. He did that and has now hired an architect.

The reason I'm asking about the library facilities director is if the library expands (more traffic) and Steve develops his property (more traffic) -- I'm wondering if it would be possible for the library and his property to share a joint entryway. The reason for this is that the library aligns to Canyon and a traffic signal could be installed at Canyon. The traffic circulation would work better if both the library and his business could use the signal (and a joint driveway would allow that).

Sheryl Ade

Wildomar

CORRESPONDENCE

"C"

RECEIVED

FEB 02 2011

CITY OF WILDOMAR

Wildomar Land Development Review Workshops

(Meetings typically scheduled for first and third Thursday of each month –
7:00 pm at the Mission Trail Library (Community Room) in Wildomar
Check Library for Meeting Notification Postings

The Wildomar Land Development Review (LDR) Committee was formed in 2003. It is an ad-hoc committee of concerned and educated citizens who review plans for new development projects within Wildomar once application has been made to the Riverside County Planning Department. Meetings are open to the public and community members are encouraged to attend and give input.

The purpose of this all-volunteer committee is to provide feedback to the County and developers regarding project-specific and community issues of concern. This is done as early in the development process as possible in order to allow the County and developer to effect cost-effective mitigation and efficient and appropriate project design amendments. Some developers chose to come out to the community with conceptual plans in order to get community feedback prior to submitting an application to the County.

Applicants and their representatives are encouraged by the County to contact the LDR Committee and schedule a presentation at one of the Workshops. The LDR Committee communicates concerns to appropriate Transportation and Land Planning personnel as well as submitting advisory letters to the County Planning Department and Board of Supervisors. LDR representatives attend Planning Commission and Board of Supervisor Hearings to speak on issues of concern and/or support proposed development.

Notice of the Workshop meetings posted on the WIN webpage and at the Mission Trail Library. These meetings are open to the public and we encourage the folks in Wildomar to attend, educate themselves on what future developments are being proposed for Wildomar and then attend and speak at County public hearings.

Sheryl Ade, Chair
Wildomar Land Development Review
Home/Office (951) 461-7543

CORRESPONDENCE

"D"

RECEIVED

FEB 02 2011

CITY OF WILDOMAR

---Original Message Follows---

From: steve robinson

To: vxd120@hotmail.com

Subject: Land development

Date: Tue, 23 May 2006 18:57:54 -0700 (PDT)

Sheryl - This is regarding the property next door to the library. I think I want to attend the next land development meeting and ask for feedback on my plans. I have submitted a PAR application with the county and they have raised questions regarding ingress/egress off of Mission Trail and I would like the groups input. Let me know dates and if I can be on agenda.

Thank you,

Steve Robinson

Sheryl Ade <vxd120@hotmail.com> wrote:

Steve:

Our next LDR workshop is Thursday, June 1, 2006 @ 7:00 pm.

Thus far we have one company presenting (Glen Daigle, Oak Grove Equities).

I will add you to our agenda.

Sheryl Ade

Chair, Wildomar LDR Committee

cc Gary Andre, Vice Chair

From : steve robinson westernstatesrealty@yahoo.com

Sent : Wednesday, May 24, 2006 2:05 PM

To : Sheryl Ade vxd120@hotmail.com

Subject : RE: Land developmen

Thank you.

CORRESPONDENCE

"E"

RECEIVED
FEB 02 2011
CITY OF WILDOMAR

-----Original Message Follows-----

From: steve robinson

To: vxd120@hotmail.com

Subject: mission trail library

Date: Tue, 7 Nov 2006 06:54:06 -0800 (PST)

Hi Sheryl - Do you have any contact information at the County for the Library property? One of my grading plan options involves some runoff water going across the library parking lot and I need to find out if this is a possibility.

Thanks,

Steve Robinson

Sheryl Ade <vxd120@hotmail.com> wrote:

Steve:

Happy Election Day...I hope you exercised your right to vote.

Nancy Johnson is the Chief County Librarian. You can reach her through the County Executive Office @ 951-6180.

Have you met with Riverside County Flood Control yet? They will be the ones to direct you on what you can and can't do regarding runoff. (951-955-1250 Stu McKibbin or Bob Cullen)

Would this be sheet flow across the parking lot?

What type of q's are you talking about?

Where will the water go once it flows across their parking lot and what will be the impact to that property?

You'll probably be pulling your hair out by the time you get done trying to develop this property. Small developers have a long row to hoe with the County and it's very expensive to meet all the requirements and conditions.

The WIN is pushing for a vote in June 2007 (with incorporation effective Oct. 1, 2007); but if LAFCO and the BOS don't cooperate, we still have Nov. 2007 to fall back on (incorp. effective Jan. 2008) .

Please let me know if you need further info or help,

Regards,

Sheryl Ade

Community of Wildomar

Home/Office: 951-461-7543

From : steve robinson <westernstatesrealty@yahoo.com>
Sent : Tuesday, November 7, 2006 8:18 PM
To : Sheryl Ade <vxd120@hotmail.com>
Subject : RE: mission trail library

Sheryl - Thanks for your help - Go Wildomar. Yes I have been meeting with Flood on my project. It was their suggestion to either drain to street (uphill) or across library with permission. My engineer is working on the calculations but I don't think we are talking about very much water flow. We'll have to see.

Thanks,

Steve

ATTACHMENT G

Project Plans – Under Separate Cover

ATTACHMENT C

April 6, 2011 Planning Commission Meeting Minutes

**CITY OF WILDOMAR
PLANNING COMMISSION REGULAR MEETING MINUTES
April 6, 2011**

1.0 CALL TO ORDER

The regular meeting of the Wildomar Planning Commission was called to order by Planning Commission Chairman Devine at 7:00 P.M. at Wildomar City Hall, Council Chambers.

1.1 ROLL CALL OF PLANNING COMMISSION

Present: Harv Dykstra, Chairman
Stand Smith, Vice-Chairman
Michael Kazmier, Commissioner
Robert Devine, Commissioner
Veronica Langworthy, Commissioner

Absent:

Staff Present: Mathew Bassi, Planning Director
Thomas Jex, City Attorney
Alfredo Garcia, Assistant Planner

1.2 PLEDGE OF ALLEGIANCE:

Commissioner Langworthy led the flag salute.

2.0 COMMUNICATIONS FROM THE PUBLIC:

None.

3.0 CONSENT ITEMS:

3.1 Approval of February 2, 2011 Planning Commission Minutes

Planning Commissioner Devine motioned to approve Planning Commission minutes for February 2, 2011. Motioned seconded by Vice-Chairman Smith. Motioned Carried, the following vote resulted:

AYES: Devine, Dykstra, Kazmier, Langworthy, Smith
NOES:
ABSENT:
ABSTAIN:

4.0 CONTINUED PUBLIC HEARING ITEMS:

None.

5.0 PUBLIC HEARING ITEMS:

5.1 Conditional Use Permit No. 10-0274

RECOMMENDATION: Adoption of Resolution No. 11-02 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA UPHOLDING THE PLANNING DIRECTOR'S DECISION TO DENY PLOT PLAN NO. 10-0274 TO ESTABLISH A RECYCLING FACILITY ON AN EXISTING COMMERCIAL ZONED SITE LOCATED AT 34395 MISSION TRAIL (APN: 370-090-035)

Planning Director Bassi made the staff presentation.

Chairman Dykstra asked the Commissioners if they had comments for staff.

Commissioner Devine asked where the containers are located.

Director Bassi responded the containers are located in the rear area of the property, behind the facility.

Commissioner Langworthy commented she drove by the site.

Vice-Chairman Smith commented he has also visited the site.

Commissioner Kazmier commented has driven by the site.

Chairman Dykstra commended he has visited the site.

Chairman Dykstra opened for public hearing.

Doug Lech made a presentation regarding the operation of the recycling facility on behalf of the Applicant.

Commissioner Langworthy commented that the facade program is a program established by the County of Riverside and not the City of Wildomar.

Commissioner Langworthy asked the applicant to clarify a statement made in his earlier presentation regarding CRV sales.

Applicant Doug Lech responded by reading literature from the California Department of Resources and Recovery.

Commissioner Langworthy asked for clarification regarding the location of the truck that will transport the recyclable materials to the processing center outside City limits.

Doug Lech responded that the truck will be located in the parking lot.

Commissioner Langworthy asked if there will be both a truck and a storage container on site.

Doug Lech responded that there will be no container only a storage truck.

Commissioner Devine asked the applicant were on site will the storage truck be located.

Doug Lech responded that the truck will be located in the existing front parking lot

Commissioner Devine asked Director Bassi, if the proposed location of the truck be effected by the setback requirements stated in the Zoning Ordinance.

Director Bassi responded he was unaware of the proposed mobile recycling truck. Mr. Bassi also mentioned that the decorative block wall is a requirement stated in the Zoning Ordinance.

Commissioner Devine mentioned he did not like the idea of the mobile truck in the front of the establishment.

Doug Lech responded it would help them advertise the facility, and eliminate the need for a fixed unit.

Commissioner Devine responded that the applicant is changing the container from a stationary structure to a mobile unit.

Doug Lech responded that the truck will be an old U-Haul truck that will be parked in parking lot area with the other U-Haul trucks.

Commissioner Devine responded that the block wall is still required according to his understanding and that the mobile truck proposal seems to be out of sequence from the initial application.

Director Bassi commented that the proposed block wall enclosure is required according to the proposed presentation. He also, mentioned staff will require to do additional research.

Vice-Chairman Smith stated that the comments being made by Mr. Lech regarding the mobile truck are different from the proposed presentation regarding the fixed unit on site surrounded with a decorative block wall.

Vice-Chairman Smith asked Mr. Lech if he will be submitting a revised Plot Plan for staff to revise with his new proposed business layout and operation.

Doug Lech responded he will comply and resubmit.

Vice-Chairman Smith asked if the applicant will be addressing the issues of landscaping and egress and ingress with his resubmittal.

Doug Lech responded in the affirmative.

Vice-Chairman Smith commented that from his observations of the site there appears to be some building maintenance issues that need to be addressed.

Doug Lech responded they will be more than happy to comply.

Vice-Chairman Smith asked if the security person that stays overnight has a restroom facility to use.

The applicant replied in the affirmative.

Vice-Chairman Smith commented that the entrance at the corner of Mission Trail and Guffy Lane might propose a traffic hazard.

Doug Lech responded that the entrances have been established on that site since the 1980's and were never a concern before. Mr. Lech further added if they are required to move them, they will.

Vice-Chairman Smith commented he has concerns with that corner because of the lack of lighting in the area.

Applicant Lech responded that the establishment does not operate after 5:00 PM and there would be no need for people to be entering the site.

Vice-Chairman Smith mentioned that the proposed changes are different from the project description on the agenda and it will be difficult to approve the project.

Doug Lech responded he is comfortable with continuing the item for a later time.

Doug Lech asked the Commission to please help him. He mentioned he is more than willing to make the changes that are asked of them.

Commissioner Devine commented he is fine with the idea of a recycling facility, but it needs to conform to City codes.

Patricia Lech commented that having a recycling facility in the City is a great benefit to the community.

Craig McKenzie commented he is in favor of the recycling facility.

Steve Robinson, property owner, commented that he has been working with the Economic Development Agency and was told he could not receive support until he was approved by the City of Wildomar.

Mr. Robinson mentioned he applied in 2009 to establish a recycling facility and was denied by the City of Wildomar. He feels that the street conditions of Guffy Lane are far worse of an issue than the recycling centers activities.

Michel Davis commented in favor of having a recycling center in the community to promote environmentally conscious activities and provide a reliable source of income for people.

Gail Taylor has donated her time to George W. Taylor. Mr. Taylor commented that in the previous meeting he had spoken in favor of the recycling center. Unfortunately, he was unaware of the current development standards that were not followed and will now revise his support. He mentioned he offers his support in concept only if the facility is legally operated.

Martha Bridges commented on the noise levels coming from the recycling centers evening activities.

Scott Hanson commented that he works closely with the local communities youth groups in performing fundraisers and mentioned that recycling is a good way of raising money for kid's projects.

Gary Andre asked if all buildings located on the property are legally built and is the area built to met ADA standards. He also commented that he has been at the library during evening hours and heard loud noises coming from the recycling center.

Doug Lech responded to Ms. Bridges comment that the recycling center closes at 5:00 PM and that there should not be any activity coming from the area.

Doug Lech responded to Mr. Andre's comment that the area is flat.

Chairman Dykstra closed the public hearing

Commissioner Devine asked staff for clarification that there will not be a decision made that evening.

Director Bassi responded in the affirmative, that there will not be a decision made, but will be continuing the item in order to allow staff to do further research.

Director Bassi commented that the applicant will need to submit further information in order to allow staff to make a better decision.

Commissioner Devine commented that he does not favor the mobile recycling facility proposal and would prefer to see the container located within a decorative block wall.

Director Bassi responded that if the applicant wishes to propose the idea of the mobile recycling center, that it will trigger a new project submittal.

Director Bassi commented that his responsibility as a Planning Director is to work with the applicants to develop their property, but he can only approve utilizing the zoning code.

Vice-Chairman Smith commented that this project is a good project and the City will work as much as possible with the applicant.

Chairman Dykstra asked Mr. Lech for clarification, if he had mentioned previously if he was willing to provide grading along Guffy Lane.

Doug Lech responded in the affirmative.

Public Works Engineer Steve Palmer commented that Guffy Lane was never maintained by the County of Riverside and has not been maintained by the City. At this moment any improvements done on that street will need to be maintained by its residence.

Chairman Dykstra commented he would like to see a condition were the Guffy Lane is maintained by its residence.

Applicant Doug Lech asked if there were any funds available from County.

Public Works Engineer Steve Palmer responded that the City has a program called the Unpaved Road Way Enhancement Program which asks all property owners to maintain the road with an assessment program after the City makes the improvements.

Commissioner Langworthy provided the applicant Doug Lech with contact information for the Economic Development Agency.

Planning Commissioner Devine motioned to continue the project until the applicant resubmits revised plans. Motioned seconded by Vice-Chairman Smith. Motioned Carried, the following vote resulted:

AYES: Devine, Dykstra, Kazmier, Langworthy, Smith
NOES:
ABSENT:
ABSTAIN:

6.0 GENERAL BUSINESS ITEMS:

6.1 Study Session on the Golden Hills Residential Development:

A study session presentation by Mr. Bill Lo (Applicant) on a proposal to amend the Farm Specific Plan to accommodate the development of 314 single family dwelling units with private parks and trails.

Applicant Mr. Bill Lo and associates made a brief background presentation of their company.

Mr. Larry Markham made the presentation.

Commissioner Kazmier asked the applicant if there will be Melo-Roos district established.

Mr. Bill Lo responded that they did have a meeting with the school district in which no decision has been made but they are taking it into consideration.

Commissioner Kazmier asked if there will be a Homeowners Association established.

The applicant replied in the affirmative.

Commissioner Devine asked what type of commercial center will be proposed.

Applicant representative Larry Markham replied that it is difficult to say at this point what type of commercial center will go in the 3 acre site. Most likely small convenient stores such as coffee shops, salons, dry cleaning etc.

Commissioner Langworthy asked if there will be pedestrian accessibility from the residential area to the commercial center.

Mr. Markham replied there are sidewalks and trails proposed for pedestrian access.

Commissioner Langworthy asked what types of trails are being proposed.

Mr. Markham replied they willing to establish whatever trails the Planning Department needs of them.

Commissioner Langworthy asked if the proposed 4,000 square-foot lots have space for off street parking.

Mr. Markham replied that they are proposing a 2 car garage, a 2 car driveway and 1 guest parking in front of the homes.

William Bradley mentioned his question had already been answer by the applicant representative's presentation.

Jeileen San Giovanni donated her time to George Taylor. Mr. Taylor summarized the meeting the Farm Board of Director had with the project applicants and City Staff on March 16, 2011.

Martha Bridges commented that Mr. Taylor had answered her questions and addressed her concerns.

Gary Andre asked if the Bundy Canyon road improvements being designed around the Oak Trees located adjacent to the road.

Gil Rasmussen donated time to Ms. Sheryl Ade. Ms. Ade commented that staff should look into the design guidelines before going forward with the project.

Mr. Larry Markham commented they will be taking speakers comments into consideration.

Commissioner Devine commented that 4,000 square-foot lots are small and what the setbacks will be used.

Director Bassi responded those issues will be discussed through the Specific Plan Amendment.

Chairman Dykstra commented that the 4,000 lots appear to be too small for the size of the home.

Chairman Dykstra thanked the applicant and his associates for their presentation.

PLANNING DIRECTOR'S REPORT:

Rear Yard Building Setbacks in the Rural Residential (R-R) Zone: Verbal report to be presented by the Planning Director Bassi and Commissioner Devine.

Vice Chairman Smith commented he was involved in the placement of some of the homes currently located on front and Dunn Street.

Vice Chairman Smith mentioned when they placed the mobile homes they used the following setback criteria to place the homes: 20 feet in the front, 5 feet on the side and 10 feet in the rear.

Chairman Dykstra commented he agrees with the revision of the rear setback.

Commissioner Langworthy mentioned she would like properties to have open space.

Director Bassi responded that the main dwelling will be located 20 feet but the accessory structure will be located 10 feet away in order to achieve open space and maintain a rear yard.

Planning Commission members directed staff to perform a code amendment to revise the rear setback to 10 feet for the Rural Residential Zone.

7.0 PLANNING COMMISSION COMMENTS:

Zoning Code amendment 11-01 for the May 4, 2011 Planning Commission Meeting.

8.0 ADJOURNMENT.

The April 6, 2011 regular meeting of the Planning Commission was adjourned at 9:31 P.M.



Respectfully submitted:
Matthew Bassi
Commission Secretary

CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item No. 2.2
PUBLIC HEARING
Meeting Date: July 6, 2011

TO: Chairman Dykstra and, Members of the Planning Commission

FROM: Alfredo Garcia, Assistant Planner *AG*

SUBJECT: Change of Zone & Plot Plan No. 10-0222 (Subway Retail Project):
Planning Commission consideration of a Mitigated Negative Declaration and Mitigation Monitoring Program, a Change of Zone from R-R (Rural Residential) to C-1/C-P (General Commercial), and a Plot Plan for the development of a 10,500 square-foot multitenant retail building on a 1.27 acre site located at 21940 Bundy Canyon Road (APN: 366-390-026 and 366-390-027).

RECOMMENDATION:

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

1. Adopt PC Resolution No. 11-06 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR CHANGE OF ZONE AND PLOT PLAN NO. 10-0222 (SUBWAY RETAIL PROJECT) LOCATED AT 21940 BUNDY CANYON ROAD (APN: 366-390-026 and 366-390-027)

2. Adopt PC Resolution No. 11-07 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF PLANNING APPLICATION NO. 10-0222 FOR A CHANGE OF ZONE FROM R-R (RURAL RESIDENTIAL) TO C-1/C-P (GENERAL COMMERCIAL) AND A PLOT PLAN FOR THE DEVELOPMENT OF A 10,500 SQUARE-FOOT MULTI-TENANT RETAIL BUILDING (SUBWAY RETAIL PROJECT) LOCATED AT 21940 BUNDY CANYON ROAD (APN: 366-390-026 and 366-390-027)

PROJECT DESCRIPTION

Change of Zone:

The applicant is requesting approval for a Change of Zone from R-R (Rural Residential) to C-1/C-P (General Commercial) in order to develop the 1.27 acre site with a 10,500 square-foot multi-tenant retail building. Existing and proposed zoning for the site is shown below.

Existing and Proposed Zoning Map



The General Commercial Zone (C1/CP) is consistent with the proposed commercial project. Therefore, staff supports the change of zone from the existing Rural Residential (RR) to General Commercial.

The property has a General Plan Land Use designation of Commercial Retail (CR) and is currently zoned R-R (Rural Residential). The project site is currently vacant with vegetation on the site which consists of non-native grassland, large shrubs and two eucalyptus trees.

The project site is surrounded by vacant land and existing residential and commercial uses. The table below summarizes the current land use, General Plan land use and Zoning information related to the proposed project.

ADJACENT ZONING, LAND USE AND APPLICABLE STANDARDS			
Location	Current Land Use	General Plan Land Use Designation	Zoning
Subject Property	Vacant	Commercial Retail (CR)	Rural Residential (R-R)
North	Residential	Commercial Retail (CR)	Rural Residential (R-R)
South	Vacant/Commercial	Commercial Retail (CR)	Commercial (C-1/C-P)
East	Commercial	Commercial Retail (CR)	Scenic Highway Commercial (C-P-S)
West	Vacant/Residential	Commercial Retail (CR)	Rural Residential (R-R)

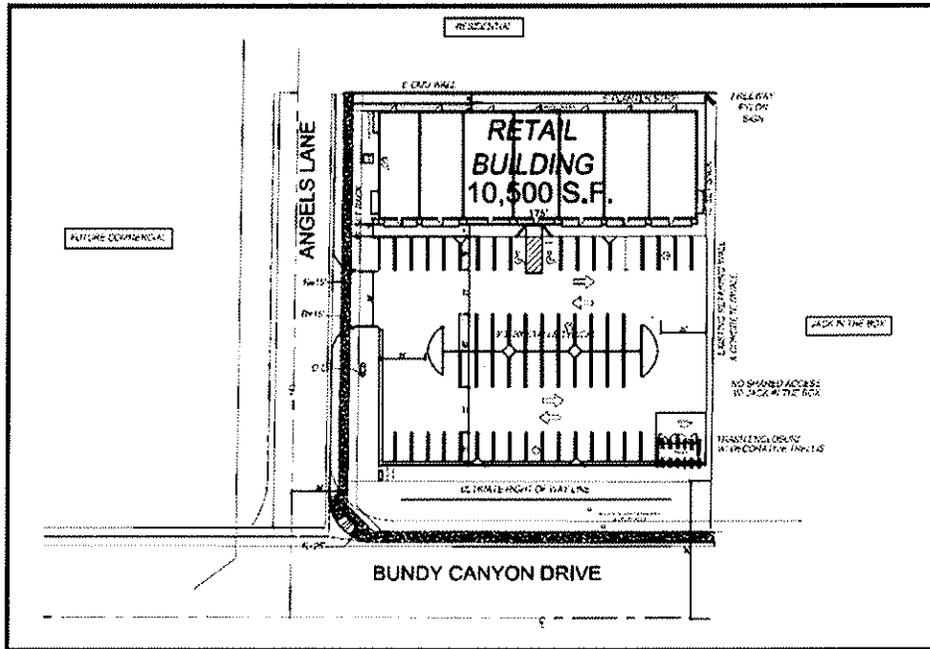
Plot Plan/Site Plan:

The Plot Plan is being proposed to develop the 1.27 acre site with a 10,500 square-foot multitenant retail building (refer to proposed site plan on the following page). The site generally drains from the west to south and is fairly flat. The site consists of two (2) parcels which will be merged into one parcel via a Parcel Merger. Site access is provided via a driveway off of Angels Lane. On-site circulation is provided via a 24-foot wide drive aisle that is has a circular pattern. The design meets the City and Riverside County Fire Department's standards.

The project will have a 6-foot decorative block wall along the north property line and an existing 4-foot decorative retaining wall along the east property line. The street frontages along Angels Lane and Bundy Canyon Drive will have a landscape planter that will enhance the streetscape. This meets City standards.

Subway restaurant intends to occupy the middle portion of the retail building which will have six (6) interior partition walls for future tenants. Included is a plumbing trench that will run perpendicular to the rear of the building to allow future tenants to tap into the plumbing. Each tenant space will prime frontage views from Bundy Canyon Road and will have main entry access from the parking area. Each tenant will also have secondary access at the rear of the building for deliveries or emergency exiting. The propose site pan exhibit on the following page reflects the site plan design.

Proposed Site Plan



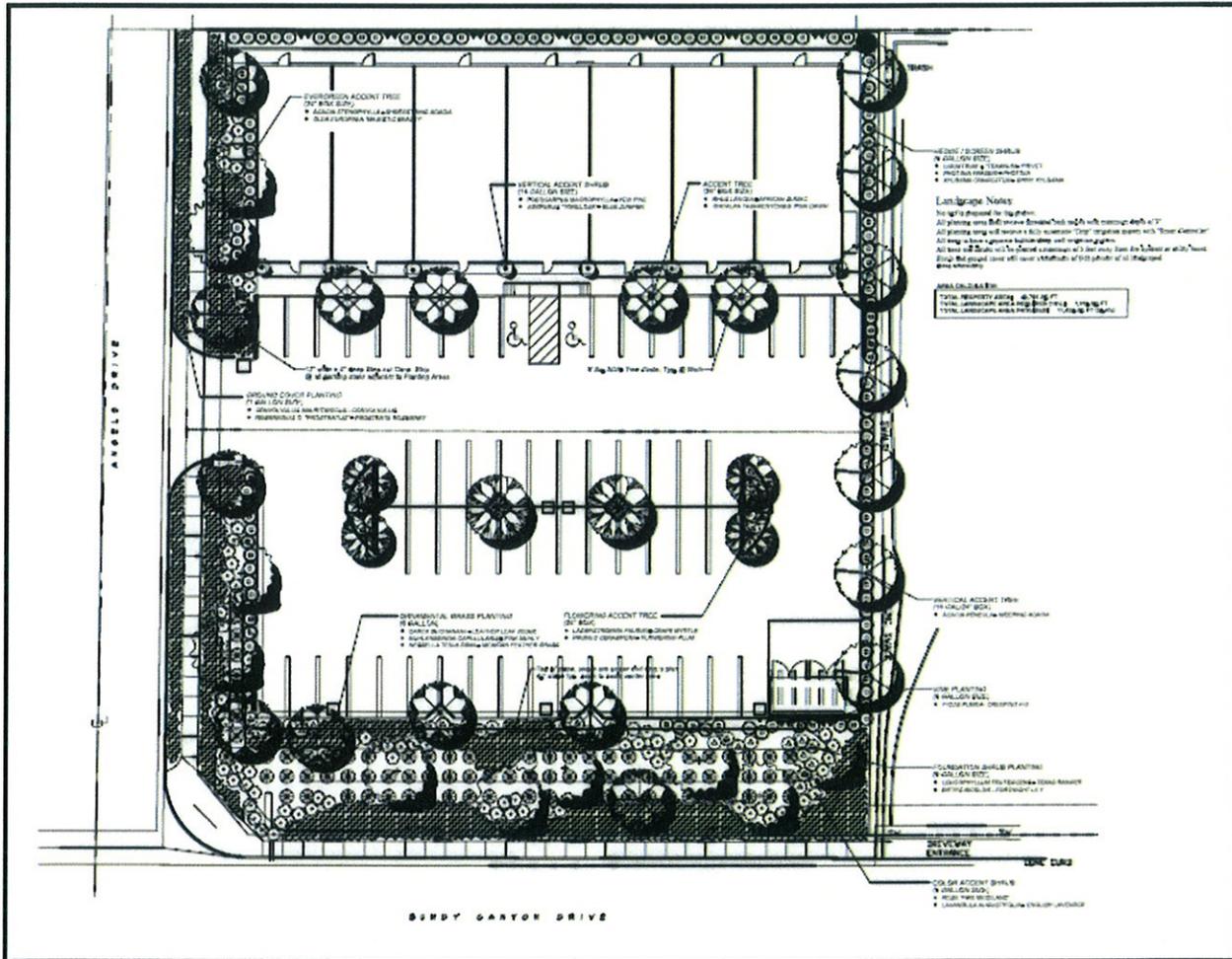
Landscape Plan:

The conceptual landscape plan achieves a low water usage design that will not have turf/grass areas. The landscape plan complies with the City's landscape standards for water efficiency by consisting of shrubs, ground cover and trees.

The plans show the use of vertical accent trees (*Acacia Pendula* & *Acacia Stenophylla*) along Bundy Canyon Road and Angels Lane. A variety of shrubs are provided consisting of Texas Ranger (*Leucophyllum frutescens*) and Fortnight lily (*Dietes Bicolor*). Ground cover planting will include Convolvulus (*Convolvulus Mauritanicus*) and Prostrate Rosemary (*Rosmarinus O. "Prostratus"*). The interior parking lot will be planted with a combination of African Sumac (*Rhus Lancea*), Crape Myrtle (*Lagerstromia Fauriei*) and Flowering Gum (*Prunus Cerasifera*) trees for color and accent. Interior planters will have the same foundation of shrub planting consistent with the street landscaping.

Bordering planting areas to the north and east boundaries will have a combination of hedge shrubs such as Texas Privet (*Ligustrum J. Texanum*), Photinia (*Photinia Fraseri*) and Shiny Xylosma (*Xylosma Congestum*). The proposed front trash enclosure is screened with a 6-foot decorative block wall which will have creeping fig vines (*Ficus Pumila*). A copy of the proposed landscape plan exhibit is provided on the next page.

Proposed Landscape Plan



Parking & Circulation:

According to the Zoning Ordinance, the project requires 5.5 parking spaces per 1,000 square feet of net leasable floor space. Therefore, the project is required to have 58 parking spaces. The applicant is providing 60 parking spaces that include the required 3 handicap parking spaces. The style and design of the parking stalls meet the City's minimum standards. Please refer to the full size plans.

Architectural Elevations:

The applicant is proposing a modern commercial/retail architectural style that is compatible with other new commercial centers in the City, such as the Renaissance Plaza shopping center and The Shops at Clinton Keith Road. The building will be comprised of a stucco exterior with two complimentary earth tone colors to enhance the elevations of the building.

The design also incorporates architectural features such as 28-foot high rectangular columns wrapped with stone veneer with decorative caps at the top which will incorporate very-low LED lights that will shine downward, creating a warm, friendly, lighted environment

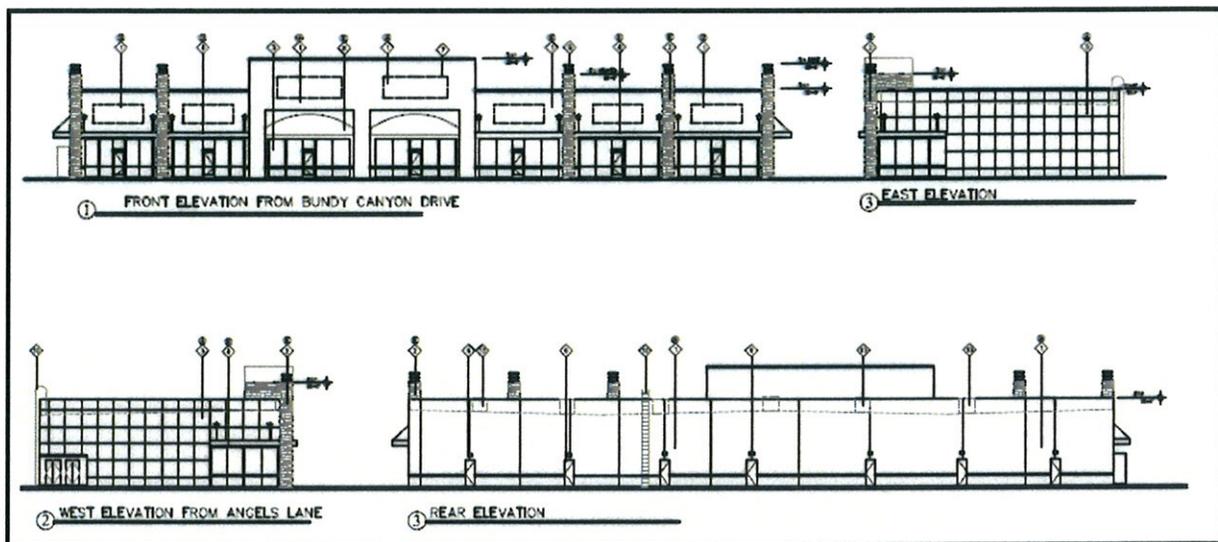
for people to shop in the evening. The site will also have decorative overhang steel trellises and fabric awning along the front elevation to provide character and shading. Given the above mentioned description City staff is supportive of the proposed design.

An architectural rendering is shown below, and a full-size copy will be provided at the Commission meeting. The elevation detail is also shown below.

Architectural Rendering



Proposed Elevations



PROJECT ANALYSIS:

Change of Zone:

The proposed Change of Zone from R-R (Rural Residential) to C-1/C-P (General Commercial) is necessary for the project to be developed as a multi-tenant retail building. Since retail buildings are not permitted in the R-R (Rural Residential) zone, the C-1/C-P zone is the most appropriate zone designation for the project. It is also consistent with the General Plan designation of Commercial Retail, and the adjacent zoning designations for the Jack-in-the-Box restaurant and Arco gas station located east of the site. Staff supports the proposed Change of Zone based on the findings discussed in the staff report.

Plot Plan/Site Plan:

The proposed site plan has been evaluated to ensure compliance with the development standards outlined in the C-1/C-P zone related to parking, landscaping, building height, setbacks, etc. As the table below illustrates, the proposed site plan meets and/or exceeds the minimum development standards for the C-1/C-P zone. Table 1 on the following page provides a compliance summary of the project as it relates to the development standards of the C-1/C-P zone.

Table 1 – Development Standards

Development Standard	Zoning Ordinance Standard	Proposed Project Specifics	Meets Requirements
Front Setback ¹	0 feet	172 feet	Yes
Side Setback(s)	0 feet	10 and 20 feet	Yes
Rear Setback	0 feet	10 feet	Yes
Building Height	50 feet max.	30 feet	Yes
Off-street Parking	58 spaces	60 spaces	Yes
Landscaping	10%	15%	Yes

Note: ¹ The C-1/C-P zone does not have minimum setback requirements unless a building exceeds 35 feet in height.

In addition to the project being in compliance with the C-1/C-P development standards, the project has been conditioned to ensure compliance with the Public Works/Engineering requirements and the Riverside County Fire Department.

Landscape Plan:

The City Landscape Architect has reviewed the conceptual landscape plan and supports the proposed landscaping design because it complies with the City's landscape standards that require water efficiency landscaping and water conservation. A final detailed landscape

and irrigation plan will be submitted for review and approval prior to the issuance of building permits.

Architectural Elevations:

The applicant is proposing a modern commercial architectural style that is compatible with other commercial buildings in the City. The building will be comprised of a stucco exterior with earth tone colors. The design incorporates architectural features such as high columns with stone veneer and overhang steel trellises. Staff supports the design concept which enhances the aesthetic quality of the general area.

CEQA COMPLIANCE

In accordance with the California Environmental Quality Act (CEQA - Public Resources Code Section 21000–21178.1), an Initial Study was prepared to analyze the proposed retail development project to determine any potential significant impacts upon the environment that would result from implementation of the project. The Initial Study (Environmental Assessment) is intended to inform the decision-makers, affected agencies and the general public of potential environmental impacts associated with the proposed, and is key to determining whether a Negative Declaration, Mitigated Negative Declaration or an Environmental Impact Report is required.

The Planning Department originally prepared the draft Mitigated Negative Declaration and Mitigation Monitoring Program for Planning Application No. 10-0222. The Mitigated Negative Declaration was released for the required 20-day public review period which began on December 3, 2010 and concluded on December 22, 2010.

On the last day of the review period, staff received one comment letter from Mr. Ray Johnson citing that he believed the Mitigated Negative Declaration did not adequately address the potential environmental impacts (i.e., Noise and Traffic studies). After reviewing his comment letter and discussing it with the City Attorney's office, staff chose to revise the Mitigated Negative Declaration to address the comments raised by Mr. Johnson. This resulted in a 4-month delay and several thousand dollars in additional costs to the applicant.

The revised Mitigated Negative Declaration was recently completed by staff and we believe that all of Mr. Johnson's comments have been adequately addressed. A copy of staff's responses to Mr. Johnson's comments are contained in the Mitigated Negative Declaration document and are summarized for Commission consideration in this report (Attachment C).

The revised Mitigated Negative Declaration was released for a second 20-day review period which began on May 18, 2011 and concluded on June 6, 2011. No public comments were received during this review period. A copy of the Mitigated Negative Declaration was sent directly to Mr. Johnson at his request. As of the date of this report, staff has not received any comments from Mr. Johnson. However, the City Attorney has pointed out that Mr. Johnson still has the ability of presenting comments at the public hearing. If this does occur, staff will be ready to answer any questions at that time.

Staff is recommending that the Planning Commission recommend City Council adoption of the Mitigated Negative Declaration and Mitigation Monitoring Program. A copy of the Mitigated Negative Declaration document is attached for Commission review and consideration (Attachment F).

REQUIRED PROJECT FINDINGS

CEQA Findings:

The Planning Commission, in light of the whole record before it including but not limited to the City's local CEQA Guidelines and Thresholds of Significance, the proposed Mitigated Negative Declaration and Mitigation Monitoring Program and documents incorporated therein by reference, any written comments received and responses provided, the proposed Mitigation Monitoring Program and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby finds and determines as follows:

A. **Review Period:** That the City has provided the public review period for the Mitigated Negative Declaration and Mitigation Monitoring Program for the required 20-day public review period required by CEQA Guidelines Sections 15073 and 15105.

B. **Compliance with Law:** That the Mitigated Negative Declaration and Mitigation Monitoring Program were prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Wildomar.

C. **Independent Judgment:** That the Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

D. **Mitigation Monitoring Program:** That the Mitigation Monitoring Program is designed to ensure compliance during project implementation in that changes to the project and/or mitigation measures have been incorporated into the project and are fully enforceable through permit conditions, agreements or other measures as required by Public Resources Code Section 21081.6.

E. **No Significant Effect:** That revisions made to the project plans agreed to by the applicant and mitigation measures imposed as conditions of approval on the project, avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project and the mitigation measures imposed, the Planning Commission finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. Therefore, the Planning Commission concludes that the project will not have a significant effect on the environment with the proposed Mitigation Measures.

Change of Zone Application:

In accordance with the provisions of the Wildomar Zoning Ordinance, the Planning Commission recommends the City Council make the following finding for the proposed Change of Zone No. 10-0222.

- A. The proposed change of zone is in conformance with the adopted General Plan for the City.
The General Plan Land Use Designation for the project site is Commercial Retail. According to the consistency rezoning table established with the adopted General Plan, the General Commercial (C-1/C-P) Zone is highly consistent with the General Plan. Consequently, the change of zone from Rural Residential (R-R) to C-1/C-P is in conformance with the General.

Plot Plan Application:

Pursuant to Section 17.216 of the Wildomar Zoning Ordinance, and in light of the record before it including the staff report dated July 6, 2011 and all evidence and testimony heard at the public hearing for Plot Plan No. 10-0222, the Planning Commission hereby finds as follows.

- A. The proposed use is consistent with the Wildomar General Plan and Zoning Code.
The proposed commercial use is consistent with the surrounding land uses according to the General Plan. The project complies with the applicable provisions of the Zoning Ordinance including, but not limited to, Chapter 17.2 16 (Plot Plans), Chapter 17.188 (Off Street Vehicle Parking Standards), and Chapter 17.72 (General Commercial Zone), and Chapter 17.276 (Water Efficient Landscapes). Considering all of these aspects, the project furthers the objectives and policies of the General Plan and is compatible with the general land uses as specified in the General Plan. The project will be consistent with the intent of the Zoning Ordinance since it meets and/or exceeds the minimum development standards for commercial centers in the C1/CP Zone as illustrated in the Staff Report. Additionally, conditions have been added to the project to ensure that all the minimum requirements of the City Zoning Ordinance are met.
- B. The overall development of the land shall be designed for the protection of the public health, safety, and general welfare.
The proposed project is located in an area identified and zoned for commercial development according to the General Plan and Zoning Ordinance. The site access and site development plan, including the architectural elevations have been designed to be consistent with the zone standards related to commercial uses, thus, further protecting the public health, safety, and general welfare.
- C. The overall development of the land shall be designed to conform to the logical development of the land and to be compatible with the present and future logical development of the surrounding property.

The proposed project has been designed to conform to a logical pattern of development as envisioned by the General Plan. The properties to the south, east and west have a General Plan Land Use Designation of Commercial Retail. The property to the north also has a General Plan Land Use for commercial Retail but has been development for residential use, since it is zoned for Rural Residential. This Commercial development has proposed the construction of a six foot high decorative block wall along the rear property line and a low decorative block wall along the east property line separating it from the existing Jack and the Box fast food restaurant. Between this development and the two streets (Bundy Canyon and Angels Lane) there will be a 16 to 35 foot of landscape buffer. As a result,, the project will be compatible with the surrounding developed sites.

- D. The Plot Plan considers the location and need for dedication and improvement of necessary streets and sidewalks, including the avoidance of traffic congestion.

The project is located at the northeastern corner of Bundy Canyon Road and Angel Lane. Access to the site will only occur from Angel Lane to ensure safe ingress and egress. The project is conditioned to construct street improvements along Bundy Canyon Road and Angel Lane. These improvements will include curb, gutter, and sidewalk.

- E. The Plot Plan takes into consideration topographical and drainage conditions, including the need for dedication and improvements of necessary structures.

The construction of the Project has been conditioned to comply with all applicable City ordinances, codes, and standards including, but not limited to, the relating to storm water runoff management and other drainage controls regulations (i.e., WQMP). The project drainage design will capture storm runoff in the catch basin filters and/or sub-surface detention basin incorporated into the project design and release runoff back into the natural stream channels without substantially altering the existing drainage pattern and without causing substantial erosion or siltation.

- F. All plot plans which permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded in accordance with Ordinance No. 460 in such a manner that each building is located on a separate legally divided parcel.

The project proposes to construct a single structure on a single parcel. In addition, any future sale of a portion of the site will require City approval of a subdivision or condominium map. The project fully complies with this requirement.

CONCLUSION

In conclusion, the proposed project meets all of the Zoning Ordinance requirements and contains components in excess of minimum requirements. Based upon the design of the project, staff believes that the proposed project is compatible with other commercial retail buildings in the City. Further, this project will provide a needed service the City and the general area in particular.

Prepared By,



Alfredo Garcia
Assistant Planner

Reviewed By,



Matthew C. Bassi
Planning Director

ATTACHMENTS:

- A. PC Resolution No. 11-06
Exhibit 1 - Mitigated Negative Declaration & Mitigation Monitoring Program
(under separate cover)
- B. PC Resolution No. 11-07 for Change for Zone No. 10-0222
- C. PC Resolution No. 11-08 for Plot Plan No. 10-0222
Exhibit 1 - Conditions of Approval
- D. Summary of Staff's Comments to Mr. Johnson's Comment Letter
- E. Full Size Development Plans (under separate cover)
- F. Mitigated Negative Declaration and Mitigation Monitoring Program document (under separate cover)

ATTACHMENT A
(PC Resolution No. 11-06)

PC RESOLUTION NO. 11-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR CHANGE OF ZONE AND PLOT PLAN NO. 10-0222 (SUBWAY RETAIL PROJECT) LOCATED AT 21940 BUNDY CANYON ROAD (APN: 366-390-026 and 366-390-027)

WHEREAS, the Planning Department has received an application for a Change of Zone from R-R (Rural Residential) to C-1/C-P (General Commercial), and a Plot Plan for the development of a 10,500 square-foot multitenant retail building on a 1.27 acre site located at 21940 Bundy Canyon Road filed by:

Applicant/Owner: Onkard Sud
Project Location: 21940 Bundy Canyon Road
APN: 366-390-026 and 366-390-027
Lot Area: 1.27 acres

WHEREAS, the Planning Commission has the authority in accordance with the provisions of the Wildomar Zoning Ordinance to take action on Change of Zone and Plot Plan No. 10-0222 located at 21940 Bundy Canyon Road; and

WHEREAS, Change of Zone from R-R (Rural Residential) to C-1/C-P (General Commercial), and a Plot Plan for the development of a 10,500 square-foot multitenant retail building a 1.27 acre site is considered a "project" as defined by the California Environmental Quality Act, Public Resources Ordinance § 21000 et seq. ("CEQA"); and

WHEREAS, On November 30, 2011, using a method permitted under CEQA Guidelines Section 15072(b), the City provided Notice of Intent to adopt a Mitigated Negative Declaration to the public, responsible agencies and the Riverside County Clerk; and

WHEREAS, the City Planning Department released the draft Mitigated Negative Declaration and Mitigation Monitoring Program for the required 20-day review period which began on December 3, 2011 and concluded on December 22, 2010. During the review period, City staff received public comments from Mr. Ray Johnson representing Johnson and Sedlack Attorneys at Law that required revisions to the draft Mitigated Negative Declaration and Mitigation Monitoring Program; and

WHEREAS, On May 15, 2011, using a method permitted under CEQA Guidelines Section 15072(b), the City provided a second Notice of Intent to adopt a Mitigated Negative Declaration to the public, responsible agencies and the Riverside County Clerk; and

WHEREAS, City staff revised the draft Mitigated Negative Declaration and Mitigation Monitoring Program document to address public comments and was re-released for a second 20-day review period that began on May 18, 2011 and concluded on June 6, 2011. No public review comments were received during this review period; and

WHEREAS, on June 24, 2011, the City gave public notice by mailing to adjacent property owners within 300-foot radius of the project site, notifying the public of the Planning Commission's intent to recommend adoption of the Mitigated Negative Declaration and Mitigation Monitoring Program and the holding of a public hearing for the proposed project; and

WHEREAS, on June 25, 2011, the City published a legal notice in The Californian, a newspaper local circulation, notifying the public of the Planning Commission's intent to recommend adoption of the Mitigated Negative Declaration and Mitigation Monitoring Program and the holding of a public hearing for the proposed project; and

WHEREAS, on July 6, 2011, the Wildomar Planning Commission held a noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the proposed Change of Zone and Plot Plan application, and at which the Planning Commission considered the Plot Plan.

NOW THEREFORE, the Planning Commission of the City of Wildomar, California does hereby resolve, determine and order as follows:

SECTION 1. CEQA FINDINGS.

The Planning Commission, in light of the whole record before it including but not limited to the City's local CEQA Guidelines and Thresholds of Significance, the proposed Mitigated Negative Declaration and Mitigation Monitoring Program and documents incorporated therein by reference, any written comments received and responses provided, the proposed Mitigation Monitoring Program and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby recommends that the City Council find and determine as follows:

A. Review Period: That the City has provided the public review period for the Mitigated Negative Declaration and Mitigation Monitoring Program for the required 20-day public review period required by CEQA Guidelines Sections 15073 and 15105.

B. Compliance with Law: That the Mitigated Negative Declaration and Mitigation Monitoring Program were prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Wildomar.

C. Independent Judgment: That the Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

D. Mitigation Monitoring Program: That the Mitigation Monitoring Program is designed to ensure compliance during project implementation in that changes to the project and/or mitigation measures have been incorporated into the project and are fully enforceable through permit conditions, agreements or other measures as required by Public Resources Code Section 21081.6.

E. No Significant Effect: That revisions made to the project plans agreed to by the applicant and mitigation measures imposed as conditions of approval on the project, avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project and the mitigation measures imposed, the Planning Commission finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. Therefore, the Planning Commission concludes that the project will not have a significant effect on the environment with the proposed Mitigation Measures.

SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP).

The Planning Commission recommends that the City Council find that the project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 3. PLANNING COMMISSION RECOMMENDATIONS .

Based on the foregoing findings, and on substantial evidence in the whole of the record, the Planning Commission hereby recommends that the City Council take the following actions:

A. Recommendation for Adoption of the Mitigated Negative Declaration: The Planning Commission hereby recommends that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring Program (Attachment F of this report) for Change of Zone and Plot Plan No. 10-0222 comprised of a Change of Zone from R-R (Rural Residential) to C-1/C-P (General Commercial), and the Plot Plan for the development of a 10,500 square-foot multitenant retail building.

B. Notice of Determination: In compliance with Public Resources Ordinance §21152 and CEQA Guidelines §15075, the Planning Director shall prepare a Notice of Determination concerning the approval and adoption of the Mitigated Negative Declaration, and within five (5) working days of project approval, file the Notice with the Riverside County Clerk for posting.

C. Location: The Mitigated Negative Declaration/Mitigation Monitoring Program and all documents incorporated therein or forming the record of decision, therefore, shall be filed with the Planning Department at the Wildomar City Hall, 23873 Clinton Keith Rd., Suite 201, Wildomar, California 92595, and shall be made available for public review upon request.

PASSED, APPROVED AND ADOPTED this 6th day of July 2011, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

Harv Dykstra
Planning Commission Chairman

ATTEST:

Matthew C. Bassi
Planning Director/Minutes Secretary

APPROVED AS TO FORM:

Thomas Jex, Assistant City Attorney

ATTACHMENT B

(PC Resolution No. 11-07)

PC RESOLUTION NO. 11-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF CHANGE OF ZONE NO. 10-0222 TO CHANGE THE ZONING FROM R-R (RURAL RESIDENTIAL) TO C-1/C-P (GENERAL COMMERCIAL) FOR THE DEVELOPMENT OF A PROPOSED 10,500 SQUARE-FOOT MULTI-TENANT RETAIL BUILDING (SUBWAY RETAIL PROJECT) LOCATED AT 21940 BUNDY CANYON ROAD (APN: 366-390-026 and 366-390-027)”

WHEREAS, the Planning Department has received an application for a Change of Zone from R-R (Rural Residential) to C-1/C-P (General Commercial), for the development of a 10,500 square-foot multitenant retail building on a 1.27 acre site located at 21940 Bundy Canyon Road filed by:

Applicant/Owner: Onkard Sud
Project Location: 21940 Bundy Canyon Road
APN: 366-390-026 and 366-390-027
Lot Area: 1.27 acres

WHEREAS, the Planning Commission has the authority in accordance with the provisions of the Wildomar Zoning Ordinance to take action on the proposed Change of Zone located at 21940 Bundy Canyon Road; and

WHEREAS, Change of Zone from R-R (Rural Residential) to C-1/C-P (General Commercial), for the development of a 10,500 square-foot multitenant retail building a 1.27 acre site is considered a “project” as defined by the California Environmental Quality Act, Public Resources Ordinance § 21000 et seq. (“CEQA”); and

WHEREAS, On November 30, 2011, using a method permitted under CEQA Guidelines Section 15072(b), the City provided Notice of Intent to adopt a Mitigated Negative Declaration to the public, responsible agencies and the Riverside County Clerk; and

WHEREAS, the City Planning Department released the draft Mitigated Negative Declaration and Mitigation Monitoring Program for the required 20-day review period which began on December 3, 2011 and concluded on December 22, 2010. During the review period, City staff received public comments from Mr. Ray Johnson representing Johnson and Sedlack Attorneys at Law that required revisions to the draft Mitigated Negative Declaration and Mitigation Monitoring Program; and

WHEREAS, On May 15, 2011, using a method permitted under CEQA Guidelines Section 15072(b), the City provided a second Notice of Intent to adopt a Mitigated Negative Declaration to the public, responsible agencies and the Riverside County Clerk; and

WHEREAS, City staff revised the draft Mitigated Negative Declaration and Mitigation Monitoring Program document to address public comments and was re-released for a

second 20-day review period that began on May 18, 2011 and concluded on June 6, 2011. No public review comments were received during this review period; and

WHEREAS, on June 24, 2011, the City gave public notice by mailing to adjacent property owners within a 300-foot radius of the project site, and by publishing a legal notice in the Californian, a newspaper local circulation, notifying the public of the holding of a public hearing for the proposed project to be considered by the Wildomar Planning Commission; and

WHEREAS, on June 25, 2011, the City published a legal notice in The Californian, a newspaper local circulation, notifying the public of the holding of a public hearing for the proposed project to be considered by the Wildomar Planning Commission; and

WHEREAS, on July 6, 2011, the Wildomar Planning Commission held a noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the proposed Change of Zone No. 10-0222 , and at which the Planning Commission considered the proposed Change of Zone.

NOW THEREFORE, the Planning Commission of the City of Wildomar, California does hereby resolve, determine and order as follows:

SECTION 1. CEQA FINDINGS.

The Planning Commission, in light of the whole record before it including but not limited to the City's local CEQA Guidelines and Thresholds of Significance, the proposed Mitigated Negative Declaration and Mitigation Monitoring Program and documents incorporated therein by reference, any written comments received and responses provided, the proposed Mitigation Monitoring Program and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby recommends the City Council find and determine as follows:

A. **Review Period:** That the City has provided the public review period for the Mitigated Negative Declaration and Mitigation Monitoring Program for the required 20-day public review period required by CEQA Guidelines Sections 15073 and 15105.

B. **Compliance with Law:** That the Mitigated Negative Declaration and Mitigation Monitoring Program were prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Wildomar.

C. **Independent Judgment:** That the Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

D. **Mitigation Monitoring Program:** That the Mitigation Monitoring Program is designed to ensure compliance during project implementation in that changes to the project and/or mitigation measures have been incorporated into the project and are fully

enforceable through permit conditions, agreements or other measures as required by Public Resources Code Section 21081.6.

E. No Significant Effect: That revisions made to the project plans agreed to by the applicant and mitigation measures imposed as conditions of approval on the project, avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project and the mitigation measures imposed, the Planning Commission finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. Therefore, the Planning Commission concludes that the project will not have a significant effect on the environment.

SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP).

The Planning Commission recommends the City Council find the project is consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 3. GENERAL PLAN CONSISTENCY.

The Planning Commission hereby recommends that the City Council find that the proposed Change of Zone No. 10-0222 to the Official Zoning Map conforms with, and consistent with, the goals, policies, text and exhibits of the adopted City of Wildomar General Plan.

SECTION 4. ZONE CHANGE FINDINGS

In accordance with the provisions of the Wildomar Zoning Ordinance, the Planning Commission recommends the City Council make the following finding for the proposed Change of Zone No. 10-0222.

A. The proposed change of zone is in conformance with the adopted General Plan for the City.

The General Plan Land Use Designation for the project site is Commercial Retail. According to the consistency rezoning table established with the adopted General Plan, the General Commercial (C-1/C-P) Zone is highly consistent with the General Plan. Consequently, the Change of Zone from Rural Residential (R-R) to C-1/C-P is in conformance with the City of Wildomar General Plan.

SECTION 5. ZONE CHANGE.

The Planning Commission, based on the findings above, hereby recommends that the City Council approve a change to the official Zoning Map of the City of Wildomar to amend a 1.27 acre site located at 21940 Bundy Canyon Road (APN: 366-390-026 and 366-390-027) from R-R (Rural Residential) to C-1/C-P (General Commercial).

SECTION 6. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

1. Adopt PC Resolution No. 11-07 recommending City Council approval of Change of Zone No. 10-0222 (Subway Retail Project) to change the zoning from R-R (Rural Residential) to C-1/C-P (General Commercial) for on a 1.27 acre site located at 21940 Bundy Canyon Road (APN: 366-390-026 and 366-390-027).

PASSED, APPROVED AND ADOPTED this 6th day of July 2011, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

Harv Dykstra
Planning Commission Chairman

ATTEST:

Matthew C. Bassi
Planning Director/Minutes Secretary

APPROVED AS TO FORM:

Thomas Jex, Assistant City Attorney

ATTACHMENT C

(PC Resolution No. 11-08)

PC RESOLUTION NO. 11-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF PLOT PLAN NO. 10-0222 FOR THE DEVELOPMENT OF A PROPOSED 10,500 SQUARE-FOOT MULTI-TENANT RETAIL BUILDING (SUBWAY RETAIL PROJECT) LOCATED AT 21940 BUNDY CANYON ROAD (APN: 366-390-026 and 366-390-027)

WHEREAS, the Planning Department has received an application for a lot Plan for the development of a 10,500 square-foot multitenant retail building on a 1.27 acre site located at 21940 Bundy Canyon Road filed by:

Applicant/Owner: Onkard Sud
Project Location: 21940 Bundy Canyon Road
APN: 366-390-026 and 366-390-027
Lot Area: 1.27 acres

WHEREAS, the Planning Commission has the authority in accordance with the provisions of the Wildomar Zoning Ordinance to take action on Plot Plan No. 10-0222 located at 21940 Bundy Canyon Road; and

WHEREAS, On November 30, 2011, using a method permitted under CEQA Guidelines Section 15072(b), the City provided Notice of Intent to adopt a Mitigated Negative Declaration to the public, responsible agencies and the Riverside County Clerk; and

WHEREAS, the City Planning Department released the draft Mitigated Negative Declaration and Mitigation Monitoring Program for the required 20-day review period which began on December 3, 2011 and concluded on December 22, 2010. During the review period, City staff received public comments from Mr. Ray Johnson representing Johnson and Sedlack Attorneys at Law that required revisions to the draft Mitigated Negative Declaration and Mitigation Monitoring Program; and

WHEREAS, On May 15, 2011, using a method permitted under CEQA Guidelines Section 15072(b), the City provided a second Notice of Intent to adopt a Mitigated Negative Declaration to the public, responsible agencies and the Riverside County Clerk; and

WHEREAS, City staff revised the draft Mitigated Negative Declaration and Mitigation Monitoring Program document to address public comments and was re-released for a second 20-day review period that began on May 18, 2011 and concluded on June 6, 2011. No public review comments were received during this review period; and

WHEREAS, on June 24, 2011, the City gave public notice by mailing to adjacent property owners within a 300-foot radius of the project site, and by publishing a legal notice in the Californian, a newspaper local circulation, notifying the public of the holding of a public hearing for the proposed project to be considered by the Wildomar Planning Commission; and

WHEREAS, on June 25, 2011, the City published a legal notice in The Californian, a newspaper local circulation, notifying the public of the holding of a public hearing for the proposed project to be considered by the Wildomar Planning Commission; and

WHEREAS, on July 6, 2011, the Wildomar Planning Commission held a noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the proposed Change of Zone No. 10-0222 , and at which the Planning Commission considered the proposed Change of Zone.

NOW THEREFORE, the Planning Commission of the City of Wildomar, California does hereby resolve, determine and order as follows:

SECTION 1. CEQA FINDINGS.

The Planning Commission, in light of the whole record before it including but not limited to the City's local CEQA Guidelines and Thresholds of Significance, the proposed Mitigated Negative Declaration and Mitigation Monitoring Program and documents incorporated therein by reference, any written comments received and responses provided, the proposed Mitigation Monitoring Program and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby recommends the City Council find and determine as follows:

A. Review Period: That the City has provided the public review period for the Mitigated Negative Declaration and Mitigation Monitoring Program for the required 20-day public review period required by CEQA Guidelines Sections 15073 and 15105.

B. Compliance with Law: That the Mitigated Negative Declaration and Mitigation Monitoring Program were prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Wildomar.

C. Independent Judgment: That the Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

D. Mitigation Monitoring Program: That the Mitigation Monitoring Program is designed to ensure compliance during project implementation in that changes to the project and/or mitigation measures have been incorporated into the project and are fully enforceable through permit conditions, agreements or other measures as required by Public Resources Code Section 21081.6.

E. No Significant Effect: That revisions made to the project plans agreed to by the applicant and mitigation measures imposed as conditions of approval on the project, avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project and the mitigation measures imposed, the Planning Commission finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on

the environment. Therefore, the Planning Commission concludes that the project will not have a significant effect on the environment.

SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP).

The Planning Commission recommends the City Council find the project is consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 3. PLOT PLAN FINDINGS.

Pursuant to Section 17.216 of the Wildomar Zoning Ordinance, and in light of the record before it including the staff report dated July 6, 2011 and all evidence and testimony heard at the public hearing for Plot Plan No. 10-0222, the Planning Commission hereby recommends that the City Council find and determine as follows.

- A. The proposed use is consistent with the Wildomar General Plan and Zoning Code.

The proposed commercial use is consistent with the surrounding land uses according to the General Plan. The project complies with the applicable provisions of the Zoning Ordinance including, but not limited to, Chapter 17.2 16 (Plot Plans), Chapter 17.188 (Off Street Vehicle Parking Standards), and Chapter 17.72 (General Commercial Zone), and Chapter 17.276 (Water Efficient Landscapes). Considering all of these aspects, the project furthers the objectives and policies of the General Plan and is compatible with the general land uses as specified in the General Plan. The project will be consistent with the intent of the Zoning Ordinance since it meets and/or exceeds the minimum development standards for commercial centers in the C1/CP Zone as illustrated in the Staff Report. Additionally, conditions have been added to the project to ensure that all the minimum requirements of the City Zoning Ordinance are met.

- B. The overall development of the land shall be designed for the protection of the public health, safety, and general welfare.

The proposed project is located in an area identified and zoned for commercial development according to the General Plan and Zoning Ordinance. The site access and site development plan, including the architectural elevations have been designed to be consistent with the zone standards related to commercial uses, thus, further protecting the public health, safety, and general welfare.

- C. The overall development of the land shall be designed to conform to the logical development of the land and to be compatible with the present and future logical development of the surrounding property.

The proposed project has been designed to conform to a logical pattern of development as envisioned by the General Plan. The properties to the south, east and west have a General Plan Land Use Designation of Commercial Retail. The property to the north is also commercial but has been development for residential use, since it is zoned for Rural Residential. This Commercial development has

proposed the construction of a six foot high decorative block wall along the rear property line and a low decorative block wall along the east property line. Between this development and the two streets (Bundy Canyon and Angels Lane) there will be 15 feet of landscaping. As a result,, the project will be compatible with the surrounding developed sites..

- D. The Plot Plan considers the location and need for dedication and improvement of necessary streets and sidewalks, including the avoidance of traffic congestion.

The project is located at the northeastern corner of Bundy Canyon Road and Angel Lane. Access to the site will only occur from Angel Lane to ensure safe ingress and egress. The project is conditioned to construct street improvements along Bundy Canyon Road and Angel Lane. These improvements will include curb, gutter, and sidewalk.

- E. The Plot Plan takes into consideration topographical and drainage conditions, including the need for dedication and improvements of necessary structures.

The construction of the Project has been conditioned to comply with all applicable City ordinances, codes, and standards including, but not limited to, the relating to storm water runoff management and other drainage controls regulations (i.e., WQMP). The project drainage design will capture storm runoff in the catch basin filters and/or sub-surface detention basin incorporated into the project design and release runoff back into the natural stream channels without substantially altering the existing drainage pattern and without causing substantial erosion or siltation.

- F. All plot plans which permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded in accordance with Ordinance No. 460 in such a manner that each building is located on a separate legally divided parcel.

The project proposes to construct a single structure on a single parcel. In addition, any future sale of a portion of the site will require City approval of a subdivision or condominium map. The project fully complies with this requirement.

SECTION 4. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

1. Adopt PC Resolution No. 11-08 recommending City Council approval of Plot Plan No. 10-0222 for the development of a 10,500 square-foot multi-tenant retail building, subject to the Conditions of Approval attached hereto and incorporated by this reference as Exhibit 1 of this Resolution

PASSED, APPROVED AND ADOPTED this 6th day of July 2011, by the following
vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

Harv Dykstra
Planning Commission Chairman

ATTEST:

Matthew C. Bassi
Planning Director/Minutes Secretary

APPROVED AS TO FORM:

Thomas Jex, Assistant City Attorney

EXHIBIT 1

CITY OF WILDOMAR CONDITIONS OF APPROVAL

Planning Application Number: Plot Plan 10-0222	
Project Description: The development of a 10,500 square-foot multi-tenant retail building located at 21940 Bundy Canyon Road.	
Assessor's Parcel Number(s): 366-390-026 and 366-390-027	
Approval Date: August 10, 2011	Expiration Date: August 10, 2013

General Requirements/Conditions:

1. Approval of Plot Plan No. 10-0222 shall expire on August 10, 2013 (2 years after project approval by City Council) if the building permits have not been issued. The applicant may file for an Extension of Time provided a written request and required filing fee is submitted to the Planning Department at least 60 days (June 10, 2013) prior to the expiration date.
2. No later than August 3, 2011, the applicant shall deliver to the Planning Department a cashier's check or money order made payable to the Riverside County Clerk in the amount of **\$2,108.00** which includes the \$2,044.00 fee required by the California Department of Fish and Game per Ordinance Section 711.4(d)(3), and the \$64.00 Riverside County administrative fee.
3. The applicant shall review and sign below the Acceptance of Conditions of Approval provided by the Planning Department and return the signed page with an original signature to the Planning Department no later than July 26, 2011.

Applicant's Signature

Date

4. The applicant shall pay all outstanding application deposit account balances related to Planning Application No. 10-0222 no later than August 24, 2011 (date of proposed 2nd reading of the City Council ordinance).
5. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute

resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Ordinance of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

6. The project shall be developed and constructed in accordance with the stamped approved plans dated August 10, 2011.
7. Project color/ material arrangement will be the following per approved plans:
 - a. Walls Edwards DEC 7839 "Golden Gate"
Edwards DEC 722 "Baja White"
 - b. Steel Trellis Edwards DE 6049 "Chaps"
 - c. Stone Veneer Mountain Ledge "Buckskin"
8. In order to mitigate any potential impacts to unknown subsurface archaeological resources during grading operations, if an archeological resource is encountered during grading activities all grading shall be halted or diverted until a qualified archaeologist can assess the resources. Consequently, the following requirement shall be included in the Notes Section of any grading plan: "If at any time during excavation/construction of the site, archaeological/cultural resources, or any artifacts or other objects which reasonably appears to be evidence of cultural or archaeological resource are discovered, the property owner shall immediately advise the City of such and the City shall cause all further excavation or other disturbance of the affected area to immediately cease. The Planning Director at his/her sole discretion may require the property owner to deposit a sum of money it deems reasonably necessary to allow the City to consult and/or authorize an independent, fully qualified specialist to inspect the site at no cost to the City, in order to assess the significance of the find. Upon determining that the discovery is not an archaeological/cultural resource, the Planning Director shall notify the property owner of such determination and shall authorize the resumption of work. Upon determining that the discovery is an archaeological/cultural resource, the Planning Director shall notify the property owner that no further excavation or development may take place until a mitigation plan or other corrective measures have been approved by the Planning Director."

9. If human remains are encountered, State Health and Safety Ordinance Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resource Ordinance Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable timeframe. Subsequently, the Native American Heritage Commission shall identify the "most likely descendant." The most likely descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resources Ordinance Section 5097.98.
10. The landowner agrees to relinquish ownership of all cultural resources, including all archaeological artifacts that are found on the project area, to the Pechanga Tribe for proper treatment and disposition.
11. If inadvertent discoveries of subsurface archaeological resources are discovered during grading, the Developer, the project archaeologist, and the appropriate Tribe shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. If the Developer and the Tribe cannot agree on the significance or the mitigation for such resources, these issues will be presented to the Planning Director for decision. The Planning Director shall make the determination based on the provisions of the CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the appropriate Tribe.
12. All outdoor lighting for project shall conform with the requirements of Chapter 8.80 of the Wildomar Zoning Ordinance (previously known as Ordinance 655).
13. The developer shall obtain City approval for any modifications or revisions to the approval of this project. Deviations not identified on the plans may not be approved by the City, potentially resulting in the need for the project to be redesigned. Amended entitlement approvals may be necessary as a result.
14. No grading shall be performed without the prior issuance of a grading permit by the City.
15. Written permission shall be obtained from the affected property owners allowing any proposed grading and/or facilities to be installed outside of the project boundaries.
16. Prior to the issuance of a grading permit the Applicant shall obtain a hauling route permit for the import/export of material to the satisfaction of the City Engineer.
17. All building construction and design components shall comply with the provisions of the most recent City-adopted edition of the California Building, Plumbing and Mechanical Ordinances, California Electrical Ordinance, California Administrative Ordinance, and all appropriate City of Wildomar Standards and Ordinances.

18. The Applicant shall design and construct American with Disabilities Act (ADA) access from the public right of way to the main building entrance and van accessible parking in accordance with all appropriate City of Wildomar Standards and Ordinances, and ADA requirements and to the satisfaction of the City Engineer and Building Official.
19. The Applicant shall dedicate, design and construct all improvement in accordance with City of Wildomar Improvement Plan Check Policies, as further conditioned herein, and Standards and to the satisfaction of The City Engineer.
20. The Applicant shall be responsible for all costs associated with off-site right-of-way acquisition, including any costs associated with the eminent domain process, if necessary.

Prior to Issuance of Grading Permits:

21. The developer shall obtain City approval for any modifications or revisions to the approval of this project. Deviations not identified on the plans may not be approved by the City, potentially resulting in the need for the project to be redesigned. Amended entitlement approvals may be necessary as a result.
22. No grading shall be performed without the prior issuance of a grading permit by the City.
23. All building construction and design components shall comply with the provisions of the most recent City-adopted edition of the California Building, Plumbing and Mechanical Ordinances, California Electrical Ordinance, California Administrative Ordinance, and all appropriate City of Wildomar Standards and Ordinances.
24. No obstruction shall be placed on any existing easement. An approval document from easement holders shall be required for any easement encroachment.
25. No obstruction/improvement shall be made that blocks the existing drainage pattern. Any revision may require a grading plan.
26. Provide copies of executed agreements with applicable owners for access, installation, underground installation, etc.

Prior to the Issuance of Building Permits:

27. Prior to the issuance of building permits for the proposed project, the applicant shall submit a Parcel Merger for review and approval that merge both properties identified as APN 366-390-026 and 366-390-027.
28. Prior to the issuance of building permits for the proposed project, the applicant shall submit to the Planning Department a sign program for review and approval. The

sign program shall conform to the requirements of Section 17.252.040 of the City of Wildomar Zoning Ordinance.

29. Prior to the issuance of building permits, the applicant shall submit to the Planning Department, two (2) sets of detailed landscaping and irrigation plans for review and approval. The landscape and irrigation plans shall be prepared by a registered Landscape Architect and comply with the all applicable provisions of Ordinance No. 859 and the "County of Riverside Guide to California Friendly Landscaping".
30. Landscaping installed for the project shall be continuously maintained to the satisfaction of the Planning Director. If it is determined that the landscaping is not being maintained, the Planning Director shall have the authority to require the property owner to bring the landscaping into conformance with the approved landscape plan. The continued maintenance of all landscaped areas shall be the responsibility of the developer or any successors in interest.
31. Prior to the issuance of a building permit, the applicant shall comply with Building Department requirements in obtaining all necessary permits to construct said structures.

Prior to the Issuance of a Certificate of Occupancy Permit:

32. Prior to the issuance of occupancy permits, all conditions of approval outlined herein shall be complied with.

RIVERSIDE COUNTY FIRE DEPARTMENT

General Conditions

33. 10.FIRE.999 CASE – CITY CASE STATEMENT With respect to the conditions of approval for the referenced project, the Fire Department recommends the following fire protection measures be provided in accordance with Riverside County Ordinances and/or recognize fire protection standards.
34. 10.FIRE.999 USE-#50-BLUE DOT REFLECTOR Blue retro reflective pavement markers shall be mounted on private street, public streets and driveways to indicate location of fire hydrants. Prior to installation, placement of markers must be approved by Riverside County Fire Department. More information is available at our office.
35. 10.FIRE.999 USE-#23 – MIN REQ FIRE FLOW Minimum required fire flow shall be 1500 GPM for 2 hours duration at 20 PSI residual operating pressure, which must be available before any combustible material is placed on the job site. Fire flow is based on type 5B construction *per the currently adopted CBC and Ordinance 787; "Building(s) Having a Fire Sprinkler System"*.

36. 10.FIRE.999 USE-#20-SUPER FIRE HYDRANT Super fire hydrant (s) (6" x 4" x 2 .") shall be located not less than 500 feet or more than 250 feet from any portion of the building as measured along approved vehicular travel ways.

Prior to the Issuance of Building Permits

37. 80.FIRE.999 USE-#17A-BLDG PLAN CHECK \$ Building plan check deposit fee of \$1,056.00 per building shall be paid in a check or money order to the Riverside County Fire Department along with our "Plan Review Form" when plans have been reviewed by our office.
38. 80.FIRE.999 USE-#4 – WATER PLANS The applicants or developer shall separately submit two copies of the water system plans to the Fire Department for review and approval. Calculated velocities shall not exceed 100 feet per second. Plans shall conform to the fire hydrant types, location and spacing. The system shall meet the fire flow requirements. Plans shall be signed and approved by a registered civil engineer and the local water company with the following certification: "I certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department."

Prior to the Building Final Inspection

39. 90.FIRE.999 USE-#45 – FIRE LANES The applicant shall prepare and submit to the Fire Department for approval, a site plan designating required fire lanes with appropriate lane painting and/or signs.
40. 90.FIRE.999 USE-#12A- SPRINKLER SYSTEM Install a complete fire sprinkler system per NFPA 13 2010 edition (13D and 13R system are not allowed) in all buildings requiring a fire flow of 1500 GPM or greater sprinkler system (s) with pipe size in excess of 4" inch diameter will require the project structural engineer to certify (wet signature) the stability of the building system for seismic and gravity loads to support the sprinkler system. All fire sprinkler risers shall be protected from any physical damage. The post indicator valve and fire department connection shall be located to the front, within 50 feet of a hydrant, and the minimum of 25 feet from the building (s). A statement that the building (s) will be automatically fire sprinkled must be included on the title page of the building plans. (Current sprinkler plan check deposit base fee is \$614.00 per riser) applicant or developer shall be responsible to install a U.L. Certified Central Station Monitored Fire Alarm System. Monitoring System shall monitor the fire Sprinkler system (s) water flow, P.I.V.'s and all control valves. Plans must be submitted to the Fire Department with our "Plan Review Form" for approval prior to installation. (Current monitoring plan check deposit base fee is \$192.00)
41. 90.FIRE.999 USE-#27-EXTINGUISHERS Install portable fire extinguishers with a minimum rating of 2A-10BC and signage. Fire Extinguishers located in public areas shall be in recessed cabinets mounted 48" (Inches) to center above the floor level with Maximum 4" projection from the wall. Contact Fire Department for proper placement of equipment prior to installation.

Mitigation Measures for Plot Plan No. 10-0222 (From Mitigation Monitoring Program):

42. The following mitigation measures shall be complied with in accordance with the adopted Mitigation Monitoring Program.

- AQ-1 The City of Wildomar will require construction contractors to apply water to the disturbed portions of the project site at least three times per day. On days where wind speeds are sufficient to transport fugitive dust beyond the working area boundary, the City of Wildomar will require contractors to increase watering to the point that fugitive dust no longer leaves the property (typically a moisture content of 12%), and/or the contractor will terminate grading and loading operations.
- AQ-2 The project will comply with regional rules such as SCAQMD Rules 402, 403 and 404, which would assist in reducing short-term air pollutant emissions. These dust suppression techniques are summarized below.
- a) Portions of the construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized in a manner acceptable to the City.
 - b) All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized.
 - c) All material transported off-site will be either sufficiently watered or securely covered to prevent excessive amounts of dust.
 - d) The area disturbed by clearing, grading, earth moving, or excavation operations will be minimized at all times.
 - e) Where vehicles leave the construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the work day to remove soil tracked onto the paved surface.
- AQ-3 All material stockpiles subject to wind erosion during construction activities, which will not be utilized within three days, will be covered with plastic, an alternative cover deemed equivalent to plastic, or sprayed with a nontoxic chemical stabilizer
- AQ-4 All vehicles on the construction site will travel at speeds less than 15 miles per hour. This will be enforced by including this requirement in the construction contract between the City and the contracted construction company with penalty clauses for violation of this speed limit.
- AQ-5 All engines will be properly operated and maintained. Proper tune for all diesel-powered vehicles and equipment in the South Coast Air Basin requires that fuel injection timing be retarded 2 degrees from the manufacturer's recommendation and use high pressure injectors.
- CUL-1 If during grading or construction activities cultural resources are discovered on the project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by a qualified

archeologist. Any unanticipated cultural resources that are discovered shall be evaluated and a final report prepared. The report shall include a list of the resources recovered, documentation of each site/locality, and interpretation of resources recovered. In the event the significant resources are recovered and if the qualified archaeologist determines the resources to be historic or unique, mitigation would be required pursuant to and consistent with the CEQA Guidelines sections 15064.5 and 15126.4 and Public Resources Code 21083.2

- CUL-2 At least 30 days prior to seeking a grading permit, the project applicant shall contact the appropriate Tribe¹ to notify the Tribe of grading, excavation and the monitoring program, and to coordinate with the City of Wildomar and the Tribe to develop a Cultural Resources Treatment and Monitoring Agreement. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site.
- CUL-3 If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable timeframe. Subsequently, the Native American Heritage Commission shall identify the "most likely descendant." The most likely descendant shall then make recommendations, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98.
- CUL-4 The landowner shall relinquish ownership of all cultural resources, including sacred items, burial goods and all archaeological artifacts that are found on the project area to the appropriate Tribe for proper treatment and disposition.
- CUL-5 All sacred sites, should they be encountered within the project area, shall be avoided and reserved as the preferred mitigation, if feasible as determined by a qualified professional in consultation with the appropriate culturally affiliated Native American Tribe. To the extent that a sacred site cannot be feasibly preserved in place or left in an undisturbed state, mitigation measures shall be required pursuant to and consistent with Public Resources Code Section 21083.2.

- CUL-6 If inadvertent discoveries of subsurface archaeological resources are discovered during grading, work shall be halted immediately within 50 feet of the discovery and the Developer, the project archaeologist, and the appropriate Tribe shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. If the Developer and the Tribe cannot agree on the significance or the mitigation for such resources, these issues will be presented to the Planning Director for decision. The Planning Director shall make the determination based on the provisions of the CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the appropriate Tribe. Notwithstanding any other rights available under the law, the decision of the Planning Director shall be appealable to the City of Wildomar. In the event the significant resources are recovered and if the qualified archaeologist determines the resources to be historic or unique, mitigation would be required pursuant to and consistent with the CEQA Guidelines sections 15064.5 and 15126.4 and Public Resources Code 21083.2.
- CUL-7 Prior to the issuance of a grading permit, the developer shall identify the qualified paleontologist to the City of Wildomar who has been retained to evaluate the significance of any inadvertently discovery paleontological resources. If paleontological resources are encountered during grading or project construction, all work in the area of the find shall cease. The project proponent shall notify the City of Wildomar and retain a qualified paleontologist to investigate the find. The qualified paleontologist shall make recommendations as to the paleontological resource's disposition to the Planning Director. The developer shall pay for all required treatment and storage of the discovered resources.
- CUL-8 To address the possibility that cultural resources may be encountered during project construction, a qualified professional shall initially monitor all construction activities that could potentially impact archaeological and or paleontological deposits (e.g, grading, excavation and/or trenching). However, monitoring should be discontinued as soon the qualified professional is satisfied that construction will not disturb cultural resources.
- GEO-1 Prior to the issuance of a grading permit, the applicant shall submit to the Building Department a soils report for the project site prepared by a qualified geotechnical professional. The soils report shall be prepared in accordance with the requirements of California Code of Regulations, Title 24, Section 1803 of the California Building Code, as adopted by the City of Wildomar under Ordinance 56. This report shall include estimated excavation and fill volumes, compaction standards and methods, and foundation specifications. The report shall depict construction that is in compliance with American Society for Testing and Materials (ASTM) compaction standards and the City of Wildomar grading ordinance, and a structural foundation design shall incorporate modern engineering standards in compliance with the California Building Code. If the soils

report indicates the presence of expansive soils on the project site, the report shall recommend actions to be taken by applicant during the construction phase that would prevent structural damage from occurring to the project and any adjacent structures, streets and infrastructure due to the presence of expansive soils. Any and all actions recommended in the soils report to prevent structural damage shall be incorporated into the project as a condition of the issuance of a building permit

HAZ-1 All spills or leakage of petroleum products during construction and operational activities shall be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste will be collected and disposed of at an appropriately licensed disposal or treatment facility. This measure shall be incorporated into the Stormwater Pollution Prevention Plan prepared for the project development.

HYD-1 Prior to the approval of the grading permit, the applicant shall be required to prepare a Storm Water Pollution and Prevention Plan (SWPPP) consistent with the NPDES General Permit For Storm Water Discharges Associated With Construction And Land Disturbance Activities (Order No. 2010-0014-DWQ) to be administered through all phases of grading and project construction. The SWPPP shall incorporate Best Management Practices (BMPs) to ensure that potential water quality impacts during construction phases are minimized. The SWPPP shall be submitted to the Santa Ana Regional Water Quality Control Board and to the City for review. A copy of the SWPPP must be kept accessible on the project site at all times. In addition, the applicant will be required to submit, and obtain City approval of, a Final Water Quality Management Plan prior to the issuance of any building or grading permit in order to comply with the Area

Wide Urban Runoff Management Program. The Final Water Quality Management Plan shall be in substantial conformance with the Project Specific Preliminary Water Quality Management Plan (Sake Engineers Inc, 2010), attached as Appendix B. The project shall implement site design BMPs, source control BMPs, and treatment control BMPs as identified in the Preliminary Water Quality Management Plan and refined in the Final WQMP. Site design BMPs shall include, but are not limited to, landscape buffer areas, onsite ponding areas, roof and paved area runoff directed to vegetated areas, and vegetated swales. Source control BMPs shall include, but are not limited to, education, landscape maintenance, litter control, parking lot sweeping, irrigation design to prevent overspray, and covered trash storage. Treatment control BMPs shall include vegetated swales and a detention basin; or an infiltration device.

NOI-1 Implementation of the following construction noise mitigation measures can reduce potential construction noise impacts to a less than significant level:

- All construction and general maintenance activities (except in an emergency) shall be limited to the hours of 6:00 a.m. to 6:00 p.m. (June through September) and 7:00 a.m. to 6:00 p.m. (October through May).
- The Construction equipment staging and storage areas should be located as far from the residential land uses as possible.
- All construction equipment shall be properly maintained with operating mufflers and air intake silencers as effective as those installed by the original manufacturer.
- Residents living up to 1,000 feet from the property line shall be provided with a construction schedule. A timely notification shall accompany any major changes to this schedule.

NOI-2 On-site noise shall not exceed 65 dBA from the hours of 7:00 a.m. to 10:00 p.m. or 45 dBA from the hours of 10:00 p.m. to 7:00 a.m. This can be achieved by implementing the following policies:

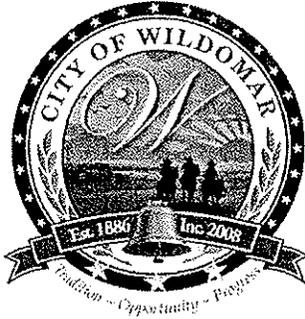
- In order to reach the City's daytime noise threshold of 65 dBA Leq (10 minutes), the developer/builder shall use screens, shields, or enclosures for all project AVAC units that provide at least 10 dBA of attenuation.
- The use of HVAC systems shall be limited to the hours of 7:00 a.m. to 10:00 p.m. to protect residents from nighttime noise. The contact information for Riverside County Department of Health's Office of Industrial Hygiene should be given to nearby residents in case this measure is routinely violated.
- HVAC units shall be placed as far away as possible from neighbor's windows and outdoor areas.
- Ensure that air conditioners are well fastened to the façade / roof as poor attachment can result in an increase in the noise level. Where vibration of the unit results in an increase noise level, isolation springs or feet can be used to reduce vibration.
- Ensure that noisy equipment is regularly serviced to ensure all fixtures and fittings are safe, secure, and do not rattle or vibrate excessively.
- Truck deliveries to future commercial uses shall be limited to between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 4:00 PM on Saturdays. No deliveries shall occur on Sundays, or as otherwise specified by the City.
- The owners or operators of commercial uses shall post a sign at each loading area that states the idling time for delivery truck engines shall be limited to no more than three minutes.

TRAN-1 The proposed project shall be required to construct Angels Lane from the north project boundary to Bundy Canyon Road at its ultimate half-section width including landscaping and parkway improvements in conjunction with development.

- TRAN-2 The proposed project shall be required to provide sufficient on-site parking that meets the City of Wildomar parking code requirements.
- TRAN-3 The proposed project shall be required to achieve City of Wildomar and Caltrans standards for sight distance at the project access in conjunction with the preparation of final grading, landscaping, and street improvement plans
- TRAN-4 The proposed project shall be required to implement the appropriate striping in conjunction with the improvements on Angel Lane and Bundy Canyon Road to facilitate off-site transitions
- UTL-1 Prior to the issuance of a building permit, the project applicant shall submit a recycling collection and loading area plan to the Riverside County Waste Management Division.

ATTACHMENT D

CEQA Responses to Mr. Ray Johnson's Comments



MEMO

Date: May 2011

To: Mr. Raymond W. Johnson, Johnson & Sedlack

From: City of Wildomar

Subject: **Comment letter dated December 20, 2010 on the Mitigated Negative Declaration prepared for the Subway Restaurant/Retail Project**

Comment 1:

CEQA prefers that underground cultural resources be preserved in situ whenever possible, yet this Project fails to account for this or require mitigation which requires that resources be preserved underground.

Response: As the CEQA Guidelines do not specify that cultural resources be preserved in site, nor do they require that cultural resources be preserved underground, it is assumed that the commenter is referring to CEQA Guidelines Section 15064.5 (DETERMINING THE SIGNIFICANCE OF IMPACTS TO ARCHEOLOGICAL AND HISTORICAL RESOURCES), which states that unique archeological resources shall be treated in accordance with the provisions of section 21083.2 of the Public Resources Code. Public Resources Code 21083.2(b), states that "If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:

- (1) Planning construction to avoid archaeological sites.
- (2) Deeding archaeological sites into permanent conservation easements.
- (3) Capping or covering archaeological sites with a layer of soil before building on the sites.
- (4) Planning parks, greenspace, or other open space to incorporate archaeological sites."

However, no cultural resources have currently been identified on the project site. In order to determine what "reasonable efforts" would be required to mitigate for accidentally-discovered cultural resources, the resources would have to be evaluated. Mitigation measures MM CUL-1 and MM CUL-6 require any cultural resources unexpectedly unearthed by project construction activities to be evaluated by a qualified

archeologist (MM CUL-1) and for the archaeologist, along with the developer and applicable Tribe(s), to determine the appropriate mitigation (MM CUL-6). Therefore, if cultural resources are discovered and if the archaeologist determines the resources to be historic or unique, mitigation would be required pursuant to and consistent with the CEQA Guidelines and Public Resources Code 21083.2.

Comment 2:

Further, MM CUL-1 and MM CUL-6 do not provide for construction activities to be halted upon discovery of cultural and archaeological resources, although halts and delays may be necessary to properly record and remove resources. Therefore, it is likely that the cultural resources located onsite will be unearthed, damaged, improperly recorded, etc. in order to not inconvenience construction. MM CUL-1 and MM CUL-6 should give the project archaeologist the power to halt construction for as long as necessary in order to properly unearth and remove resources, not merely do a piecemeal salvage job.

Response: CEQA Guidelines Section 15064.5 (DETERMINING THE SIGNIFICANCE OF IMPACTS TO ARCHEOLOGICAL AND HISTORICAL RESOURCES) addressed the accidental discovery of historical or unique archaeological resources discovered during construction activities. Specifically, CEQA Guidelines Section 15064.5(f) states "As part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place." Mitigation measures MM CUL-1 and MM CUL-6 are consistent with these requirements in that they require any cultural resources unearthed by project construction activities to be evaluated by a qualified archeologist (MM CUL-1) and for the archaeologist, along with the developer and applicable Tribe(s), to determine the appropriate mitigation (MM CUL-6). Neither the CEQA Guidelines nor the Public Resources Code require all construction work to halt upon discovery of archaeological resources. In fact, the CEQA Guidelines and Public Resources Code specifically state that work can continue on other parts of the building site while historical or unique archaeological resource mitigation takes place. However, the City shares the commenter's concerns regarding the protection of archaeological resources and, as such, mitigation measures CUL-1 and CUL-6 are revised as follows:

CUL-1 ~~Any cultural resources unearthed by project construction activities~~ If during grading or construction activities cultural resources are discovered on the project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by a qualified archeologist. Any unanticipated cultural resources that are discovered shall be evaluated and a final report prepared. The report shall include a list of the resources recovered, documentation of each site/locality, and interpretation of resources recovered. The City of Wildomar shall designate repositories in the event the significant resources are recovered. In the event the significant resources are recovered and if the qualified archaeologist determines the resources to be historic or unique, mitigation would be required pursuant to and consistent with the CEQA Guidelines sections 15064.5 and 15126.4 and Public Resources Code 21083.2.

Timing/Implementation: As a condition of project approval, and implemented during ground disturbing construction activities.

Enforcement/Monitoring: City of Wildomar Building and Planning Department

CUL-6 If inadvertent discoveries of subsurface archaeological resources are discovered during grading, work shall be halted immediately within 50 feet of the discovery and the significance of such resources and shall meet and confer regarding the mitigation for such resources. If the Developer and the Tribe cannot agree on the significance or the mitigation for such resources, these issues will be presented to the Planning Director for decision. The Planning Director shall make the determination based on the provisions of the CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the appropriate Tribe. Notwithstanding any other rights available under the law, the decision of the Planning Director shall be appealable to the City of Wildomar. In the event the significant resources are recovered and if the qualified archaeologist determines the resources to be historic or unique, mitigation would be required pursuant to and consistent with the CEQA Guidelines sections 15064.5 and 15126.4 and Public Resources Code 21083.2.

Timing/Implementation: As a condition of project approval, and implemented during ground disturbing construction activities.

Enforcement/Monitoring: City of Wildomar Planning Department

Implementation of mitigation measures as revised above would ensure that archeological resources would be protected consistent with CEQA Guidelines Section 15064.5 and the Public Resources Code. Therefore, no significant impact would occur.

Comment 3:

Further, some option to preserve the resources in situ should be provided in the event of the discovery of extensive cultural resources.

Response: See response to Comment 1 above.

Comment 4:

Additionally, MM CUL-1 and MM CUL-6 do not provide for an archaeological monitor to be present during land modifications, such as grading. Instead, MM CUL-1 merely requires that if any cultural resources "are unearthed by project construction activities" that these resources "shall be evaluated by a qualified archaeologist." MM CUL-6 merely requires that if any "inadvertent discoveries of subsurface archaeological resources are discovered during grading, the Developer, the project archaeologist, and the appropriate Tribe shall assess the significance...." Similarly, although the Project site "has been identified as having a high potential/sensitivity (High A) for paleontological resources according to the Wildomar General Plan Paleontological Sensitivity Resources Map," MM CUL-7 does not provide for a paleontological monitor to be present during land modifications. Leaving the decisions of whether cultural, archaeological, or paleontological resources are being disturbed to unqualified persons does not ensure that impacts to archaeological resources will be mitigated for. Therefore, MM CUL-1 and MM CUL-6 must require that a qualified archaeologist be present during all ground moving activities and MM CUL-7 must require that a qualified paleontologist be present during all ground moving activities in order to ensure that impacts will be less than significant after mitigation.

Response: As discussed in the response to Comment 2 above, mitigation measures MM CUL-1 and MM CUL-6 are consistent with CEQA Guidelines and the Public Resource Code in regards to the accidental discovery of historical or unique archaeological resources discovered during construction activities. Neither the CEQA Guidelines nor the Public Resources Code require qualified archaeologists and/or paleontologists to be present during all ground-moving activities and CEQA makes no mention of archaeological monitoring of construction excavation. However, the City shares the commenter's concerns regarding the protection of cultural resources and, as such, the following mitigation will be added to the IS/MND:

CUL-8 To address the possibility that cultural resources may be encountered during project construction, a qualified professional shall initially monitor all construction activities that could potentially impact archaeological and or paleontological deposits (e.g. grading, excavation and/or trenching). However, monitoring should be discontinued as soon the qualified professional is satisfied that construction will not disturb cultural resources.

Timing/Implementation: As a condition of project approval, and implemented during ground disturbing construction activities.

Enforcement/Monitoring: City of Wildomar Planning Department

Implementation of this mitigation measure would ensure that cultural resources would be identified upon discovery during construction activities. Therefore, no significant impact would occur.

Comment 5:

Finally, MM CUL-5 does not actually provide any certain mitigation and is unenforceable as it provides merely that “[a]ll sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, *if feasible*.” There is no explanation or criteria listed so as to determine when avoiding and preserving sacred sites would in fact be “feasible” and who will make such a determination. Therefore, as is, there is substantial evidence that the Project will have a significant effect on cultural resources and an EIR must be prepared to adequately analyze these effects.

Response: Mitigation measure MM CUL-5 will be revised as follows:

CUL-5 All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible as determined by a qualified professional in consultation with the appropriate culturally affiliated Tribe. To the extent that a sacred site cannot feasibly be preserved in place or left in an undisturbed state, mitigation measures shall be required pursuant to and consistent with Public Resources Code Section 21083.2.

Timing/Implementation: As a condition of project approval, and implemented during ground disturbing construction activities.

Enforcement/Monitoring: City of Wildomar Planning Department

Implementation of mitigation measures as revised above would ensure that archeological resources would be protected consistent with CEQA Guidelines and the Public Resources Code. Therefore, no significant impact would occur.

Comment:

The MND concludes that impacts to geology and soils are expected to be less than significant with implementation of MM GEO-1 in regards to the Project being "located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property."

MM GEO-1 states as follows:

"The proposed project shall be required to supply a soils report completed by a qualified geotechnical professional concerning the project site. If the soils report prepared by the project applicant indicates the presence of expansive soils, the project applicant shall make any necessary design and/or engineering changes to the project that would avoid or minimize potential expansive soil impacts on structures, streets and other infrastructure."

The MND and the Mitigation Monitoring and Reporting Program further note that MM GEO-1 will be implemented prior to the issuance of a grading permit.

MM GEO-1 consists of an improper deferral of a necessary study and mitigation measure and does not actually mitigate for any significant geological and soil impacts, but merely requires that a geotechnical report be prepared. MM GEO-1 is also vague and unenforceable as it does not indicate exactly when the soil report must be prepared and submitted to the City Engineer, and even whether the soil report must be submitted to the City Engineer.

Response: The MND finds that impacts to geology and soils would be less than significant after implementation of mitigation measure MM GEO-1 and the California Building Code (CBC) (pp. 34 of the MND). The CBC requires special design and construction methods that reduce or eliminate potential expansive soil-related impacts and adequate design and construction of building foundations to resist soil movement. Furthermore, a geotechnical report as required by mitigation measure MM GEO-1 is a tool used by public agencies and developers to identify specific site conditions and to develop design and construction recommendations for development projects. It is common to require project sponsors to prepare more detailed plans in order to demonstrate that the desired mitigations are implemented in subsequent stages of the development process. Geotechnical reports generally contain a summary of all subsurface exploration data including a subsurface soil profile, exploration logs, laboratory or on-site test results, and groundwater information. The reports also interpret and analyze the subsurface data, recommend specific engineering design elements, provide a discussion of conditions for the solution of anticipated problems, and recommend geotechnical special provisions. The MND specifically states on page 34 under Standard Conditions and Requirements that "Prior to issue of a grading permit, the applicant shall provide an updated soils report to the City of Wildomar Building Department to address expansive soils". As such, the MND does identify when the soil report must be prepared (prior to issuance of a grading permit) and that it must be submitted to the City Building Department prior to issuance of a grading permit. By clearly defining performance criteria, responsibility and timing for mitigations, the City has identified the information necessary to reasonably justify an expectation of effective mitigation. This practice is consistent with Public Resources Code §21080(c)(2), California Code of Regulations §15070(b)(1), and case law related to mitigation. However, in order to clarify timing and responsibility requirements for the reader, mitigation measure MM GEO-1 will be revised as follows:

GEO-1 Prior to the issuance of a grading permit, the applicant shall submit to the Building Department a soils report for the project site prepared by a qualified geotechnical professional. The soils report shall be prepared in accordance with the requirements of California Code of Regulations, Title 24, Section 1803 of the California Building Code, as adopted by the City of Wildomar under Ordinance 56. This report shall include estimated excavation and fill volumes, compaction standards and methods, and foundation

specifications. The report shall depict construction that is in compliance with American Society for Testing and Materials (ASTM) compaction standards and the City of Wildomar grading ordinance, and a structural foundation design shall incorporate modern engineering standards in compliance with the California Building Code. If the soils report indicates the presence of expansive soils on the project site, the report shall recommend actions to be taken by applicant during the construction phase that would prevent structural damage from occurring to the project and any adjacent structures, streets and infrastructure due to the presence of expansive soils. Any and all actions recommended in the soils report to prevent structural damage shall be incorporated into the project as a condition of the issuance of a building permit.

Timing/Implementation: Prior to the issuance of a grading permit.

Enforcement/Monitoring: City of Wildomar Building Department the Planning Department and the Public Works Department

Comment:

Furthermore, altering the Project *after* approval to minimize any expansive soil impacts would result in additional potential impacts to air quality, noise, and construction traffic, among others. These potential impacts must be evaluated and mitigated for as needed. An EIR must be prepared to adequately evaluate this potentially significant impact.

Response:

As discussed above, geotechnical reports recommend specific engineering design elements and recommend geotechnical special provisions to ensure that expansive soils do not adversely affect proposed development. It is unclear why the commenter believes these provisions would result in air quality, noise, and construction traffic impacts beyond what is already analyzed in the MND. Such provisions are common engineering and building practice and would not result in unusually substantial construction impacts beyond what has already been analyzed in the MND.

Comment:

The MND concludes that the Project will result in a less than significant impact in creating "a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials" with the incorporation of MM HAZ-1 and that the Project will not "[c]reate a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment." Yet, these conclusions are based merely on the operation of a Subway restaurant at the proposed site and do not take into consideration that portion of the Project that is not a Subway restaurant. As the Project Description does not detail what portion of the 10,500 square foot building will be dedicated to the Subway restaurant and what other types of retail/commercial establishments, if any, will occupy any remaining space, it is unclear that impacts will be less than significant and that MM HAZ-1 will adequately mitigate for all potential impacts.

Response:

As stated in the revised project description, the project includes a 7-unit, 10,500 square foot building. The project proposes to contain two units of high turnover sit-down restaurant and five units proposed to be specialty retail land use. Similar to the Subway restaurant, other sit-down restaurants and specialty retail land uses would not be anticipated to use hazardous materials and would not cause any significant environmental impacts related to activities related to routine delivery, management or disposal of hazardous materials. It is highly unlikely that these land uses would create a hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Therefore, no significant impact would occur. The MND will be revised as follows:

- a) **Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?**

Less Than Significant Impact with Mitigation Incorporated

The Riverside County of Environmental Health Department issues permits to and conducts inspections of businesses that use, store, or handle quantities of hazardous materials and/or waste greater than or equal to 55 gallons, 500 pounds, or 200 cubic feet of a compressed gas at any time. The Riverside County of Environmental Health Department also implements the Hazardous Material Management Plans (Business Emergency Plans) that include an inventory of hazardous materials used, handled, or stored at any business in the City.

The project proposes a ~~Subway restaurant~~ high turn over sit-down restaurants and specialty retail land uses, which other than household cleaners is not anticipated to use hazardous materials and would not cause any significant environmental impacts related to activities related to routine delivery, management or disposal of hazardous materials.

During construction there is a potential for accidental release of petroleum products in sufficient quantity to pose a hazard to people and the environment. Prior to initiating construction, a Stormwater Pollution Prevention Plan will be approved by the City of Wildomar to address any construction-related spills or accidents. This requirement is included in Mitigation Measure HAZ-1. With implementation of Mitigation Measure HAZ-1, the project is not expected to result in a significant impact on the environment.

- b) **Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Less Than Significant Impact

It is highly unlikely that the project could create a hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment associated with the operation of a ~~Subway restaurant~~ high turn over sit-down restaurants and specialty retail land uses. Due to the limited nature of materials associated with the operation of a ~~deli restaurant like Subway~~ these land uses, such as cleaners and cooking oils, these impacts would be considered less than significant. No significant impacts are anticipated and no additional mitigation measures are required.

Comment:

The MND concludes that without mitigation, the Project will violate applicable water quality standards or waste discharge requirements. In response, the MND adopts MM HYD-1 to ensure that impacts will be less than significant. MM HYD-1 states that “[p]rior to the approval of the grading permit, the applicant shall be required to prepare a Storm Water Pollution and Prevention Plan (SWPPP) to be administered through all phases of grading and project construction.” MM HYD-1 also provides that “[i]n addition, the applicant will be required to submit, and obtain City approval of, a Final Water Quality Management Plan in order to comply with the Area Wide Urban Runoff Management Program.” This measure is vague and an improper deferral of necessary mitigation. Requiring that a SWPPP and a Final Water Quality Management Plan be prepared only *after* the Project has been approved does not allow for the City or the public to make informed decisions and adequately analyze the potential impacts from this Project and ensure that significant impacts will be properly mitigated, particularly when the BMPs that will be implemented are currently undetermined.

Response:

Future development under the proposed project would be subject to the requirements of the NPDES General Permit For Storm Water Discharges Associated With Construction and Land Disturbance Activities (Order No. 2010-0014-DWQ) for construction activities. The proposed project is also subject to NPDES Stormwater Permit No. R8-2010-0033 for project operations.

The NPDES General Permit For Storm Water Discharges Associated With Construction And Land Disturbance Activities (Order No. 2010-0014-DWQ) (General Permit) regulates discharges of pollutants in storm water associated with construction activity from construction sites that disturb one or more acres of land surface. The General Permit requires the development of a site-specific Storm Water Pollution and Prevention Plan (SWPPP) that includes the information needed to demonstrate compliance with all requirements of the General Permit, which include discharge prohibitions, effluent standards, and performance standards for post-construction. The State Water Board found that discharges in compliance with the General Permit will not result in the lowering of water quality standards and will result in improvements in water quality. The General Permit requires that, in order to obtain coverage, Permit Registration Documents (including the SWPPP) must be filed prior to the commencement of construction activity. As such, the timing for mitigation measure HYD-1 (prior to the issuance of a grading permit) is consistent with the State Water Board’s requirements for obtaining coverage under the General Permit and is not deferral of mitigation.

The requirements of NPDES Stormwater Permit No. R8-2010-0033 “minimize the impacts from a specific project to a level that is below significance as defined in CEQA”. As such, the Permit requires the City of Wildomar (as a co-permittee) to require all new development projects to develop and implement site-specific preliminary WQMPs as early as possible during the environmental review or planning phase (land use entitlement) and to review and approve final project-specific WQMP that is in substantial conformance with the preliminary project-specific WQMP prior to the issuance of any building or grading permit. This Permit also requires the City to verify the functionality of post-construction BMPs prior to issuance of certificate of occupancy and to track and ensure long-term operation and maintenance of those BMPs as per the approved project-specific WQMPs. Therefore the City’s NPDES Stormwater Permit, which is issued by the California Regional Water Quality Control Board, Santa Ana Region in compliance with the provisions contained in Division 7 of the California Water Code (CWC) and the provisions of the federal Clean Water Act (CWA), directly instructs the City to require development of a preliminary WQMP during the environmental review and to approve the final project-specific WQMP only prior to the issuance of any building or grading permit. Consistent with these requirements, a Project Specific Preliminary Water Quality Management Plan (Sake Engineers Inc, 2010) was prepared

for the proposed project in 2010 and is included as Appendix B to the revised MND. Given that the final WQMP is required to be “in substantial conformance with the preliminary project-specific WQMP”, both the City and the public are able to review the preliminary WQMP in order to make and informed decision and adequately analyze the potential impacts.

While mitigation measure MM HYD-1 is consistent with the requirements of the NPDES General Permit and Stormwater Permit No. R8-2010-0033, in order to clarify timing and responsibility requirements for the reader, mitigation measure MM HYD-1 will be revised as follows:

HYD-1 Prior to the approval of the grading permit, the applicant shall be required to prepare a Storm Water Pollution and Prevention Plan (SWPPP) consistent with the NPDES General Permit For Storm Water Discharges Associated With Construction And Land Disturbance Activities (Order No. 2010-0014-DWQ) to be administered through all phases of grading and project construction. The SWPPP shall incorporate Best Management Practices to ensure that potential water quality impacts during construction phases are minimized. The SWPPP shall be submitted to the Santa Ana Regional Water Quality Control Board and to the City for review. A copy of the SWPPP must be kept accessible on the project site at all times. In addition, the applicant will be required to submit, and obtain City approval of, a Final Water Quality Management Plan prior to the issuance of any building or grading permit in order to comply with the Area Wide Urban Runoff Management Program. The Final Water Quality Management Plan shall be in substantial conformance with the Project Specific Preliminary Water Quality Management Plan (Sake Engineers Inc, 2010). The project shall implement site design Best Management Practices (BMPs), source control BMPs, and treatment control BMPs as identified in the Final WQMP. Site design BMPs shall include, but are not limited to, landscape buffer areas, onsite ponding areas, roof and paved area runoff directed to vegetated areas, and vegetated swales. Source control BMPs shall include, but are not limited to, education, landscape maintenance, litter control, parking lot sweeping, irrigation design to prevent overspray, and covered trash storage. Treatment control BMPs shall include vegetated swales and a detention basin; or an infiltration device.

Timing/Implementation: As a condition of project approval, and prior to the issuance of a grading permit.

Enforcement/Monitoring: City of Wildomar Engineering Department

Comment:

The MND also concludes that the Project will not substantially alter “the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site” and would not “substantially degrade water quality” due to implementation of MM HYD-1. Again, this conclusion is based on mitigation that is vague and improperly deferred and does not allow for the City or the public to adequately analyze the potential impacts from the Project.

Response:

As discussed above, the timing for mitigation measure HYD-1 is consistent with the State Water Board's requirements for obtaining coverage under the General Permit and with the requirements of the NPDES General Permit and Stormwater Permit No. R8-2010-0033 and is not deferral of mitigation. Furthermore, the final WQMP is required to be "in substantial conformance with the preliminary project-specific WQMP", which was prepared for the proposed project in 2010 and is included as Appendix B to the revised MND. As such, both the City and the public are able to review the preliminary WQMP in order to make an informed decision and adequately analyze the potential impacts.

Comment:

The MND concludes that the Project will not "[s]ubstantially alter the existing drainage pattern of the site or area...or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site" and will not "[c]reate or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff" since the Project will be required to incorporate "post-construction BMPs." Yet, again, the BMPs that will be relied upon to ensure that the impacts will be less than significant are not yet specified and have not been required as mitigation. Thus, there is no evidence provided in the MND or otherwise currently available to ensure that impacts will be less than significant. Therefore, an EIR must be prepared to adequately analyze these impacts.

Response:

Mitigation measure MM HYD-1 specifically requires that the project implement site design Best Management Practices (BMPs), source control BMPs, and treatment control BMPs as identified in the Final WQMP. Furthermore, according to the hydrology and hydraulic report prepared for the project (Sake Engineering, 2011), the proposed BMP's included in the WQMP will discharge stormwater flow at predevelopment conditions. Therefore, the revised MND does provide evidence, in the form of the hydrology and hydraulic report, that impacts associated with increased stormwater runoff will be reduced to a less than significant level.

Comment:

Although this Project *would* conflict with the City's zoning ordinance, as it requires a zone change from Rural Residential to General Commercial, the MND concludes that this conflict is a less than significant impact. This determination is not supported by the evidence, and this impact should be considered potentially significant. Therefore, an EIR must be prepared to adequately analyze and mitigate for any significant impacts.

Response:

In 2006, the County of Riverside adopted a General Plan Update, which revised land use designations for a number of parcels through unincorporated Riverside County. The County did not adopt a zoning code update to make County zoning consistent with land use designations. Thus resulting in a number of parcels having an inconsistent zoning and land use designations. Because the City of Wildomar adopted the County's land use and zoning policies, the in turn has parcels of land with inconsistent zoning and land use designations. The proposed project is seeking a zone change to resolve the conflicting land use and zoning designations.

As discussed on page 48 of the MND, the Wildomar General Plan land use designation for the project site and adjacent lots is Commercial Retail. The zoning and General Plan designation for the project site are already inconsistent with each other. Rezoning the proposed project site would reconcile the conflicting

zoning with the land use designation and make the project site's zoning consistent with the General Plan designation. As the proposed project is currently consistent with the land use designation of the General Plan, no significant land use impacts would occur from changing the zoning to be consistent with the General Plan land use designation.

Comment:

The MND concludes states that “[t]here are no known mineral resources on the proposed project site that would be of value to the region or the residents of the State.” This is a completely conclusory statement unsupported by any evidence, through either a narrative or “a reference to another information source” as CEQA requires. The fact that the Project site “is located within Mineral Zone MRZ-3 according to the City of Wildomar General Plan” does not provide any support for the conclusion that there are no known mineral resources on the site that would be of value to the region or the State. There is no indication that resources and studies prepared by the California Geological Survey were ever reviewed in order to determine if mineral resources of value “to the region or the residents of the State” are present at the Project site.

Response:

Mineral resource zones, or MRZs, are designated by the State of California, Department of Conservation, California Geological Survey (CGS). The source for the City of Wildomar General Plan citation is the CGS. The MRZ classifications are applied based on available geologic information, including geologic mapping and other information on surface exposures, drilling records, and mine data. The designations are also based on socioeconomic factors, such as market conditions and urban development patterns. MRZ-1 designated areas are where adequate information indicates that no significant mineral deposits are present or where it is judged that little likelihood exists for their presence. MRZ-2 designated areas are where adequate information indicates significant mineral deposits are present, or where it is judged that a high likelihood exists for their presence. MRZ-3 designations are areas containing mineral deposits the significance of which cannot be evaluated from available data. The site is designated MRZ-3. Therefore, no mineral resources of value to the region or residents of the State are present and no significant impact would occur.

ATTACHMENT E

Development Plans Package - Under Separate Cover

ATTACHMENT F

Mitigated Negative Deceleration -Under Separate Cover

3.0 GENERAL BUSINESS ITEMS

CITY OF WILDOMAR – PLANNING COMMISSION

Agenda Item # 3.1

GENERAL BUSINESS

Meeting Date: July 6, 2011

TO: Chairman Dykstra and Members of the Planning Commission

FROM:  Steven Palmer, Supervising Engineer 

SUBJECT: Capital Improvement Program for 2011 – 2016:
Planning Commission's Annual Review of the Public Works Department
Capital Improvement Program for Fiscal Years 2011 – 2016.

RECOMMENDATION:

Staff recommends the Planning Commission take the following action:

1. Adopt PC Resolution No. 11-09 entitled:

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
WILDOMAR, CALIFORNIA DETERMINING THAT THE 2011-2016 CAPITAL
IMPROVEMENT PROGRAM IS IN CONFORMANCE WITH THE WILDOMAR
GENERAL PLAN**

BACKGROUND:

Sections 65401 and 65402 of the California Government Code require that the capital improvement program be in conformance with the General Plan. State Law also mandates that this determination of conformance be made by a designated planning agency. For the City of Wildomar, the designated planning agency is the Planning Commission. The purpose of this staff report is to have the Planning Commission make a determination of consistency with the adopted General Plan.

DISCUSSION:

The 2011 – 2016 Capital Improvement Program (CIP) sets out a long term capital program budget for the City of Wildomar. The complete CIP document identifies both funding sources and capital projects to be funded each year for the next five fiscal years. However, the focus of the Commission is not the projected funding amounts, but the actual activities proposed for inclusion in the Program.

General Plan conformity can be best described as furthering the eventual achievement of the goals, policies, and infrastructure identified in the Plan. For example, the construction of a roadway identified on the General Plan would be considered consistent with the Plan if the roadway is depicted on the Circulation Map, identified in the goals and policies, or listed as an implementation program/activity.

The CIP includes two types of activities: capital projects (stand alone, individual projects) and capital programs (a group of similar projects). The capital projects included in the 2011-2016 Capital Improvement Program are shown in Table 1.

Table 1: Scope of Capital Projects in the 5-Year CIP

Capital Improvement Project	Project Scope	General Plan Policy
Light Emitting Diode (LED) Light Replacement Energy Efficiency Project	Replace 18 lights at park with LED lights; Replace approx. 324 signal (red/yellow/green) lights with LED lights and replace 116 pedestrian signals with LED lights throughout the city. Lighting project will replace old sodium lamps or old LED (beyond their life span) with new LED lights.	Circulation Element Policy 25.1 Multipurpose Open Space Policies 16.5, 16.7
Sidewalk Safety Improvements to School, Wildomar/Reagan Elementary (Phase 1)	Construct curb, gutter, sidewalks improvements on Central Street (from Palomar St to Grand Avenue), Palomar (from Central State to South Pasadena), Illinois (from Central St to Penrose), and George Road (from La Estrella/Boylan Springs to Doheney Circle). Improvements to benefit Wildomar Elementary and Ronald Reagan Elementary.	Circulation Element Policies 4.1, 4.5, 4.7
Sidewalk Safety Improvements to School, Elsinore High/Reagan Elementary (Phase 2)	Construct new curb, gutter and sidewalks within the proximity of Elsinore High School and Ronald Reagan Elementary School. The safety improvements also include a mobile radar speed feedback trailer; Locations of sidewalk improvements include Bundy Canyon, Canyon Drive, Prielipp.	Circulation Element Policies 4.1, 4.5, 4.7
Clinton Keith/Hidden Springs Intersection Project	Traffic signal modification to include a left-turn traffic signal phasing at Clinton Keith/Hidden Springs Intersection; Includes LED signal heads, relocation of illuminated street name signs, installation of pedestrian push button signals. Upgrade of the intersections corners (and curb ramps). Improvements include four hundred feet of sidewalk from corners to improve pedestrian accessibility and safety.	Circulation Element Policies 3.13, 3.15
Bike/Pedestrian Sidewalk Safety Improvement Project, Davis Brown/Wildomar Elementary– Grand Avenue	Construct approximately 1,350 feet of new sidewalks in the City of Wildomar on Grand Avenue from Central to South Pasadena Street. Projects benefits Davis Brown Middle School and Wildomar Elementary.	Circulation Element Policies 4.1, 4.5, 4.7

Staff has reviewed the proposed capital projects and has evaluated the proposed improvements for consistency with the roadway classifications contained in the General Plan. As shown in Table 1, these activities are consistent with several of the policies contained in the General Plan. These policy statements are as follows:

Circulation Element Policies:

Policy 3.13. *Design street intersections, where appropriate, to assure the safe, efficient passage of through-traffic and the negotiation of turning movements.*

Policy 3.15. *Provide adequate sight distances for safe vehicular movement at a road's design speed and at all intersections.*

Policy 4.1. *Provide facilities for the safe movement of pedestrians within developments.*

Policy 4.5. *Collaborate with local communities to ensure that school children have adequate transportation routes available such as local pedestrian or bike path, or local bus service.*

Policy 4.7. *Encourage safe pedestrian walkways that comply with the American Disabilities Act (ADA) requirements within commercial, office, industrial, mixed use, residential, and recreational developments.*

Policy 25.1. *Promote and encourage efficient provision of utilities such as water, wastewater, and electricity that support the City's land use Element at buildout.*

Multipurpose Open Space Element Policies:

Policy 16.5 *Utilize federal, state, and utility company programs that encourage energy conservation.*

Policy 16.7 *Promote purchasing of energy-efficient equipment based on a fair return on investment, and use energy saving estimates as one basis for purchasing decisions for major energy-using devices.*

The second type of activities in the 2011-2016 CIP, capital programs, is shown in Table 2. The capital programs are intended to identify potential funding to address various improvement needs that are determined throughout the year. These improvements are intended to replace and rehabilitate existing infrastructure or make changes to meet safety needs. Some improvements may range in cost from \$5,000 to \$50,000+. Due to the varying costs, it is more efficient (for budgeting and project development purposes) to identify the program where the improvements can be funded. This provides the City a degree of flexibility in identifying specific improvements and their related costs during the CIP period. At this time, no specific improvements have been identified. They will be identified and implemented on an on-going basis.

Table 2: Descriptions of Capital Programs in the 5-Year CIP

Capital Improvement Program	Program Description	General Plan Policy
Accessibility Improvements Program	This program is dedicated to improving ADA accessibility through various types of repairs to curbs, gutters, and sidewalks throughout the City. Priority is given to safety-related issues and those which have been requested by citizens.	Circulation Element Policies 3.2, 3.12
Roadway Safety Improvements Program	This program is dedicated to improving roadway safety through upgrading existing and/or adding new high-visibility traffic signs, pavement markings, and other geometric improvements (i.e. site distance).	Circulation Element Policies 3.2, 3.12, 3.13, 3.15
Slurry Seal Program	This program is dedicated to resurfacing pavement with slurry seal on various city streets to improve ride-ability and maintain pavement integrity.	Circulation Element Policies 3.2, 3.12
Unpaved Roadway Enhancement Program	This program is dedicated to maintaining and improving unpaved public roadways throughout the City. Eligible roadways are those which the City can accept through dedication.	Circulation Element Policies 3.1, 3.2, 3.12
Citywide Maintenance Program	This program is dedicated to right-of-way maintenance and repair including, but not limited to: striping, stenciling, repairs to streets and culvert/drainage facilities, storm damage/flood control projects, and widening streets.	Circulation Element Policies 3.1, 3.2, 3.12, 3.13, 3.15

These capital programs are consistent with several of the policies contained in the Circulation Element. These policy statements are as follows:

Policy 3.1 *Design, construct, and maintain County roadways as specified in the County Road Improvement Standards and Specifications.*

Policy 3.2. *Maintain the existing transportation network, while providing for future expansion and improvement based on travel demand, and the development of alternative travel modes.*

Policy 3.12. *Improve highways serving as arterials through mountainous and rural areas to adequately meet travel demands and safety requirements while minimizing the need for excessive cut and fill.*

Policy 3.13. *Design street intersections to assure the safe, efficient passage of through-traffic and the negotiation of turning movements.*

Policy 3.15. *Provide adequate sight distances for safe vehicular movement at a road's design speed and at all intersections.*

As demonstrated above, the activities in the CIP are consistent with the current General Plan. Consequently, the Planning Director recommends that the Planning Commission adopt a resolution finding that the 2011 - 2016 Capital Improvement Program is consistent with the General Plan.

ATTACHMENTS:

A. PC Resolution No. 11-09

ATTACHMENT A

(PC Resolution No. 11-09)

RESOLUTION NO. PC11-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA DETERMINING THAT THE 2011-2016 CAPITAL IMPROVEMENT PROGRAM IS IN CONFORMANCE WITH THE WILDOMAR GENERAL PLAN

WHEREAS, the City of Wildomar adopted its General Plan on July 1, 2008; and

WHEREAS, the General Plan contain a Circulation Element which describes the future layout and configuration of the road network within the City; and

WHEREAS, the City Council of the City of Wildomar has designated the City Planning Commission as the planning agency for the City of Wildomar; and

WHEREAS, State Law requires that designated planning agencies review the capital improvement program to ensure compliance with the adopted General Plan; and

WHEREAS, the City has identified a number of priority road projects for implementation during the five year period of the capital improvement program; and

WHEREAS, the Planning Commission examined the capital construction projects identified in the capital improvement program; and

WHEREAS, the Planning Commission compared these future roadway projects with the projected roadway improvements identified in the adopted Circulation Element; and

WHEREAS, the Planning Commission also examined the ongoing capital improvement program and determined that these projects are specifically supported by Circulation Element Policies 3.1, 3.2, 3.12, 3.13, and 3.15 and determined that the programs are specifically supported by; and

WHEREAS, the Planning Commission further determined that the programs in the multi-year CIP are specifically supported by Circulation Element Policies 3.13, 3.15, 4.1, 4.5, 4.7, 25.1 and Multipurpose Open Space Element Policies 16.5, 16.7; and

WHEREAS, on July 6, 2011 the Planning Commission, during a regularly scheduled meeting, considered the Draft Capital Improvement Program and its conformity to the adopted City General Plan; and

NOW THEREFORE, the Planning Commission of the City of Wildomar does Resolve, Determine, Find and Order as follows.

SECTION 1. FINDINGS. The capital improvement projects and ongoing program activities that are contained in the 2011-2016 Capital Improvement Program (CIP) are

consistent with the adopted General Plan by furthering the goals and policies of the Circulation Element, including Policies 3.1, 3.2, 3.12, 3.13, 3.15, 4.1, 4.5, 4.7, and 25.1 as well as Multipurpose Open Space Element Policy 16.5, 16.7.

SECTION 2. PLANNING COMMISSION FINDING. The Planning Commission hereby finds that the 2011 – 2016 Capital Improvement Program is consistent and in conformance with the adopted General Plan for the City of Wildomar.

PASSED, APPROVED AND ADOPTED this 6th day of July 2011.

Harv Dykstra
Planning Commission Chairman

APPROVED AS TO FORM:

ATTEST:

Thomas Jex
Assistant City Attorney

Matthew Bassi
Planning Commission Secretary