



CITY OF WILDOMAR

PLANNING COMMISSION

Commission Members

Chairman Robert Devine · Vice-Chairman Harv Dykstra

Gary Andre · Scott Nowak · Miguel Casillas

REGULAR MEETING

WEDNESDAY, JULY 15, 2009 AT 7:00 P.M.

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

PUBLIC COMMENTS: Prior to the business portion of the agenda, the Planning Commission will receive public comments regarding any agenda items or matters within the jurisdiction of the governing body. This is the only opportunity for public input except for scheduled public hearing items. The Chairperson will separately call for testimony at the time of each public hearing. If you wish to speak, please complete a "Public Speaker/Comment Card" available at the door. The completed form is to be submitted to the Chairperson prior to an individual being heard. Lengthy testimony should be presented to the Planning Commission in writing (8 copies) and only pertinent points presented orally. The time limit established for public comments is three minutes per speaker or less if a large number of requests are received on a particular item.

AGENDA

1.0 CALL TO ORDER

- 1.1 Roll Call
- 1.2 Pledge of Allegiance

2.0 PUBLIC COMMENT: *Members of the audience may comment on matters that are not included on the agenda. Each person will be allowed three (3) minutes or less if a large number of requests are received on a particular item. No action may be taken on a matter raised under "public comment" until the matter has been specifically included on an agenda as an action item.*

3.0 APPROVAL OF MINUTES:

- 3.1 Approval of the May 6, 2009 Regular Meeting Minutes.

4.0 CONTINUED PUBLIC HEARING ITEMS: The Planning Commission will review the proposed request, receive public input and consider action for the following items:

- 4.1 **PARCEL MAP NO. 32257 AND CONDITIONAL USE PERMIT (CUP03403) NO. 08-0179:** The project proposes the construction of 23,700 square feet of a

commercial retail development, with a gas station and 3 drive through restaurants. The proposed project site is located south of Bundy Canyon Road East of I-15 and west of Monte Vista Drive, APNs: 367-100-019 & 367-100-020.

Environmental Determinations: In accordance with the California Environmental Quality Act (CEQA) a Mitigated Negative declaration has been recommended for adoption.

5.0 PUBLIC HEARING ITEMS: The Planning Commission will review the proposed request, receive public input and consider action for the following items:

5.1 CONDITIONAL (PUBLIC) USE PERMIT NO. 08-0214: The project proposes the addition of 8,048 square feet of floor area to an existing facility, including the addition of three new classrooms and other minor facilities, and the conversion of existing space to create a new multipurpose room and new administrative facilities. The existing facility and proposed expansion is located at 21776 Palomar Street, APN: 380-050-005.

In accordance with the California Environmental Quality Act (CEQA), the proposed project qualifies for Class 3 and Class 14 Categorical Exemptions.

5.2 CONDITIONAL USE PERMIT NO. 09-0374: The project proposes the installation and operation of a tire sales and repair facility in an existing commercial space designed for an automotive use in the Oak Creek Shopping Center at 23885 Clinton Keith Road, APN: 380-240-046.

In accordance with the California Environmental Quality Act (CEQA), the proposed project qualifies for a Class 1 Categorical Exemption.

6.0 GENERAL BUSINESS ITEMS:

None.

7.0 ADMINISTRATIVE HEARINGS REPORT:

7.1 Report actions taken at the July 1, 2009 Director's Hearing.

8.0 PLANNING DIRECTOR'S REPORT: This item is reserved for the Planning Director to comment or report on items not on the agenda. No action will be taken.

8.1 Report on General Plan Update status.

8.2 Planning Commission conflict of interest radius maps.

9.0 PLANNING COMMISSION COMMENTS: 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.

10.0 ADJOURNMENT

The next scheduled Regular Meeting of the City of Wildomar Planning Commission is August 5, 2009 at 7:00 P.M.

RIGHT TO APPEAL: Any decision of the Planning Commission may be appealed to the City Council within ten (10) calendar days after the date of Planning Commission's action.

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.

PUBLIC COMMENTS: Prior to the business portion of the agenda, the Planning Commission will receive public comments regarding any agenda items or matters within the jurisdiction of the governing body. This is the only opportunity for public input except for scheduled public hearing items. The Chairperson will separately call for testimony at the time of each public hearing. If you wish to speak, please complete a "Public Speaker/Comment Card" available at the door. The completed form is to be submitted to the Chairperson prior to an individual being heard. Lengthy testimony should be presented to the Planning Commission in writing (8 copies) and only pertinent points presented orally. The time limit established for public comments is three minutes per speaker.

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 Jul 10, 2009, a true and correct copy of this agenda was posted at the three designated posting places: Wildomar City Hall, 23873 Clinton Keith Road; U. S. Post Office, 21392 Palomar Street; and the Mission Trail Library, 34303 Mission Trail Blvd.

CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item 4.1
PUBLIC HEARING
Meeting Date: July 15, 2009

TO: Chairman Devine, Members of the Planning Commission
FROM: David Hogan, Assistant Planning Director
SUBJECT: Canyon Plaza (J & R Oil), Planning Application 08-0179

Conditional Use Permit 3403 – to authorize the establishment of a gasoline service station with carwash, three drive-thru restaurants, and two retail buildings totaling approximately 36,990 square feet of floor area (in addition to a 4,200 square foot covered fueling area canopy).

Tentative Parcel Map 32257 - to subdivide two existing parcels into 6 commercial parcels and 1 reciprocal access parcel, including the vacation of a portion of Cherry Street between Bundy Canyon Road and Interstate 15.

Variance 1757 – to increase the height of a freestanding freeway sign from 45 feet to 75 feet because of unique site conditions.

Environmental Assessment 39508 – supporting the approval of a mitigated negative declaration for the project.

APN: 367-100-019 and 367-100-020

RECOMMENDATION:

It is recommended that the Planning Commission:

1. Adopt a resolution entitled:

“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR THE CANYON PLAZA PROJECT, APPLICATION NUMBER 08-0179, LOCATED ON THE SOUTH SIDE OF BUNDY CANYON ROAD EAST OF INTERSTATE 15 AND KNOWN AS ASSESSORS PARCEL NOS. 367-100-019 AND 367-100-020”

2. Adopt a resolution entitled:

“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR APPROVING CONDITIONAL USE PERMIT 3403 TO ESTABLISH A GASOLINE SERVICE STATION AND CARWASH, THREE DRIVE-THRU RESTAURANTS, AND TWO RETAIL BUILDINGS TOTALING APPROXIMATELY 36,990 SQUARE FEET OF FLOOR AREA ON 6.64 ACRES LOCATED AT THE SOUTHEAST CORNER OF BUNDY CANYON ROAD AND INTERSTATE 15, KNOWN AS ASSESSOR’S PARCEL NOS. 367-100-019 AND 367-100-020 (PROJECT NO. 08-0179)”

3. Adopt a resolution entitled:

“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR APPROVING PARCEL MAP 32257 TO SUBDIVIDE THE 6.64-ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF BUNDY CANYON ROAD AND INTERSTATE 15 INTO SEVEN PARCELS, TO VACATE PORTIONS OF CHERRY STREET, AND PROVIDE FOR ADDITIONAL ROAD DEDICATION ALONG BUNDY CANYON ROAD, FOR PROPERTY KNOWN AS ASSESSOR’S PARCEL NOS. 367-100-019 AND 367-100-020 (PROJECT NO. 08-0179)”

4. Adopt a resolution entitled:

“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR APPROVING VARIANCE 1757 TO CONSTRUCT A 75 FOOT TALL FREESTANDING SIGN AT THE SOUTHEAST CORNER OF BUNDY CANYON ROAD AND INTERSTATE 15 (PROJECT NO. 08-0179)”

BACKGROUND:

Application 08-0179 would allow the construction and operation of a gasoline service station with carwash, three drive-thru restaurants pads, and two retail buildings (totaling approximately 36,990 square feet of floor area), a freeway sign to a height of 75 feet, and allow the subdivision of the two existing parcels into six commercial parcels and one access road parcel.

In July 2003, the applicant filed their application for a Conditional Use Permit, Variance, Tentative Parcel Map, and Environmental Assessment with the County of Riverside. The application went through several rounds of County Land Development Committee review, prior to the City’s incorporation. The applicants were finally able to close their account and application file with the County of Riverside in October 2008. Their project was subsequently transferred to the City of Wildomar for processing.

The project site is located on the southerly side of Bundy Canyon Road, immediately east of Interstate 15. The property has a General Plan Land Use designation of Commercial Retail (CR) and is zoned General Commercial (C-1/C-P). The site consists of two parcels and an undeveloped segment of the right of way for Cherry Street to create a trapezoidal project site. The site generally drains from the northeast to the southwest into the existing culvert under Interstate 15. The site is generally level and the current elevations range from approximately 1,396 to 1,418 feet above mean sea level. The total size of the project site is 6.64 gross acres. Following the dedication of the future right-of-way for Bundy Canyon Road, the net area for the project is 5.89 acres. The location of the project is provided in Attachment E.

The property was previously used for residential purposes and has scattered ornamental trees and scrub brush at various locations around the site. All of the previously existing buildings/structures have been removed from the site. 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	Vacant	Commercial Retail (CR)	General Commercial (C-1/C-P)
North	Vacant, Single Family Residential	Commercial Retail (CR)	General Commercial (C-1/C-P) & Rural Residential (R-R)
South	Vacant	Commercial Retail (CR)	Rural Residential (R-R)
East	Vacant	Commercial Retail (CR)	Rural Residential (R-R)
West	Interstate 15	Freeway Right of Way	Freeway Right of Way

DISCUSSION:

The Canyon Plaza project proposes to develop a travel-oriented commercial site adjacent to Interstate 15 and Bundy Canyon Road. Bundy Canyon Road is a major regional arterial connecting the Cities of Wildomar and Menifee. Access to the vicinity is provided from the north and south by Interstate 15 via the Bundy Canyon Road interchange and from the east and west by Bundy Canyon Road.

Site access is provided via two driveways off of Bundy Canyon Road. The first will be a driveway located in the middle portion of the site. While full turning movements will be allowed initially, when the Bundy Canyon Road is improved this driveway will become right in/right out only. The second driveway will be a shared access point with the

adjacent commercial property. This second driveway will be traffic signal controlled. Onsite circulation is provided with a north-south drive aisle at the right in/right out driveway and an east-west drive aisle coming off of the future signalized access drive. The site has been configured to allow for circulation of delivery trucks through the site, and provided adequate site lines and visibility within the site and its access points.

Site Plan/Conditional Use Permit

The project consists of six main buildings across the site. Four of the buildings will be adjacent to Bundy Canyon Road. The two remaining buildings will be located along the southerly property line. Pad B containing the convenience market and service station consists of three different structures. The building pad information is provided in the table below. The finished pad elevations for most of the site range from 1,403 to 1,410 feet above mean sea level. The layout of the proposed center is contained in Attachment F.

PAD	PROPOSED BUILDING	BUILDING SIZE
A	Drive-thru restaurant	2,860 sq.ft.
B	Convenience Market/Service station	3,920 sq.ft.
	Fueling area canopy	4,200 sq. ft.
	Carwash	1,250 sq.ft.
C	Commercial retail	4,000 sq.ft.
D	Drive-thru restaurant	2,280 sq.ft.
E	Drive-thru restaurant	3,000 sq.ft.
F	Commercial retail	19,700 sq.ft.

According to the zoning ordinance, the project is required to provide 210 parking spaces. The current site plan for the Canyon Plaza project incorporates 218 parking spaces (12 handicapped accessible). Loading spaces are provided adjacent to the retail buildings on Pads C and F. Each building pad area parking spaces for the proposed buildings. In addition, the project will be conditioned to provide for reciprocal access and parking between all of the proposed parcels.

The primary shade trees on the site are the Brisbane Box or Australian Brush Box tree (*Tristania conferta*). These trees are located along the edge of the primary drive aisles and at the project entrances. The Silk Tree (*Albizia julibrissin*) are proposed along Bundy Canyon Road and the along the southern edge of the site. Multi-trunked Cape Myrtles (*Lagerstreomia Indica*) are used along Bundy Canyon Road and as accent trees around many of the buildings. When the landscape construction and irrigation plans are submitted to the City, staff will evaluate the final locations for all of the proposed plant materials to ensure adequate shading and screening. All landscaping will be required to comply with City of Wildomar standards for coverage, quantity, type, and location.

The buildings proposed in this project are generally consistent with the modern suburban commercial architecture commonly labeled as Neo-eclectic/Spanish Colonial style. The exterior walls are commonly stucco with either projecting architectural elements and/or stone veneer wainscoting along the lower wall sections. On buildings with flat roofs, the parapets are commonly capped or accented with cornices and glazed storefront sections are used for the windows and building entrances. The roof parapet walls have been designed to conceal any roof mounted equipment. A condition of approval has been included to require that any roof-mounted vents or equipment not project above the height of the parapet. On the larger multi-tenant retail building, the architect has provided both vertical and horizontal articulation to provide visual interest. The building elevations include “signage envelopes” depicting where the future business signage will be located. The proposed building elevations are contained in the project plans that accompany the staff report.

Pad B containing the convenience market and service station contains a fueling area canopy that is only partially integrated architecturally into center. The canopy pillars also incorporate the stone veneer from the building wainscoting and utilize the standard Shell Oil colors.

The requested Conditional Use Permit (CUP 3403) would allow for the operation of a gasoline service station, convenience store, and carwash within the General Commercial (C-1/C-P) zone. Based upon the design of the facility and the standard regulatory requirements, staff believes that the proposed would not be detrimental to the health, safety or general welfare of the community.

Parcel Map

To enable the development of the site, the applicant is also requesting approval of a tentative parcel map. Parcel Map 32257 would subdivide the two existing parcels and the vacated portion of Cherry Street into six numbered commercial parcels and a seventh joint access parcel to facilitate a future joint driveway between this project and the larger commercial site beside and behind the site. The parcel map also designates future right-of-way areas required for the future expansion of Bundy Canyon Road. The sizes and proposed uses for the proposed parcels are provided below.

PARCEL	LOT SIZE	PROPOSED BUILDING/USE	BUILDING SIZE
1	0.78 acres	Drive-thru restaurant.	2,860 sq.ft.
2	1.04 acres	Convenience Market/Service station* Carwash	3,920 sq.ft. 1,250 sq.ft.
3	0.69 acres	Drive-thru restaurant	2,280 sq.ft.
4	0.84 acres	Drive-thru restaurant	3,000 sq.ft.
5	1.43 acres	Commercial retail	19,700 sq.ft.
6	0.80 acres	Commercial retail	4,000 sq.ft.

PARCEL	LOT SIZE	PROPOSED BUILDING/USE	BUILDING SIZE
7	0.31 acres	Joint access drive with adjacent parcel.	---

* Square footage does not include the 4, 200 square foot fueling area canopy.

The General Commercial (C-1/C-P) Zone does not contain minimum lot requirements since commercial lot patterns are entirely dependent on the proposed use and the configuration of the buildings. Based upon the layout of the proposed site plan, the future development lots will create developable pads in conformance with the requirements of C-1/C-P Zone. To ensure that the final project is consistent with the project being approved by the City, the conditions of approval will require reciprocal ingress, egress, and parking between all parcels, the maintenance of the common landscaping, and ensure the continued functioning of the CC&Rs as approved by the City. The configuration of Tentative Parcel Map 32257 is contained in Attachment G.

Variance

The applicant originally applied for a variance to allow for an 80-foot tall freestanding sign with 600 square foot of signage area per side. However, during subsequent meetings with the applicant, an alternate 75-foot tall freestanding sign, with signage area that complies with the provisions of the Zoning Ordinance, has been developed to address the specific site conditions. The reduced freestanding sign alternative has been analyzed in this staff report. This assessment of the variance request is based upon the results of a flag test as well as the unique topographic factors on the site and in the project vicinity. The unique topographic factors include the elevation of the site below the existing freeway and the increase elevation of the northbound freeway lanes (and the lower elevations of the southbound freeway lanes).

The City of Wildomar's Zoning Ordinance, Title 17 of the Municipal Code (formally Ordinance 348), has specific provisions for free-standing signs. According to Section 17.252.040.A, freeway oriented free-standing signs located within 660 feet of the nearest edge of a freeway right of way line, shall have a maximum height not to exceed 45 feet, and a maximum surface area not to exceed 150 square feet of signage area. Based upon the evaluation of the unique site conditions and the unusual conditions of the freeway travel lanes, staff believes that an adjustment to the height of the center sign is appropriate. The calculation of the adjustment is as follows:

Maximum allowable sign height in Zoning Ordinance	45 feet
Adjustment for elevated freeway overcrossing	20 feet
Adjustment for lower southbound travel lanes	<u>10 feet</u>
Staff's recommended sign height	75 feet

Section 65906 of the State Planning and Zoning Law establishes the purpose and limitations for variances and are the foundation for the findings which must be made to

approve a variance. The City's required findings for variances mirror these provisions of State Law. The provisions of State Law are as follows:

"Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property."

While the third criteria/limitation to approving a variance is not applicable to this request, the first two provisions do apply to this request.

The first criteria states that a variance can be approved only if there are special circumstances applicable to the property which make developing the site different from similarly zoned properties in the vicinity of the project. The site is affected by topographic constraints that are not common to other similarly zoned parcels in the project vicinity. *This site is substantially lower than the elevation of the adjacent freeway combined with split freeway elevation north of the site further blocks visibility of the site (the northbound travel lanes are ten to fifteen feet higher than the southbound travel lanes). The site and associated freeway condition is substantially different from other interchange-commercial sites.* The topographic constraints include the elevation difference between the site and freeway travel lanes over Bundy Canyon Road and the fact that southbound travel lanes for Interstate 15 are 10 to 15 feet lower than the northbound travel lanes. In effect the northbound travel lanes create a hill condition which effectively blocks the property from freeway traffic.

To address the specific site constraints and provide an equivalent signage opportunity for this commercial site, the maximum allowable sign height of 45 feet needs to be equalized by providing an additional 20 feet in height to offset the height of the freeway plus an additional 10 feet to offset the lower elevation for the south bound travel lanes. In effect, the elevation of the northbound travel lanes creates a hill condition which obscures the site from southbound traffic along Interstate 15. These unique topographic and site constraints justify the approval of a modified variance request.

The second criteria to granting of this variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. Based upon staff's analysis, the approval of this proposed variance does not constitute the approval of a special privilege by allowing

taller freeway signage than the Zoning Ordinance allows because no other freeway oriented commercial centers have the same site constraints (e.g. a lower elevation combined with split freeway elevation). The existing City policy is to allow some higher freeway signage to equalize commercial sites that are substantially lower than the freeway travel lanes or whose sites are blocked by off-site features. The implementation of this policy does not create a special privilege situation since only topographically effected commercial sites receive the approval for additional sign height variations.

The resolutions, and associated conditions of approval, for the Mitigated Negative Declaration 08-0179, the Conditional Use Permit 3403, Tentative Parcel Map 32257, and Variance 1757 are contained in Attachments A through D.

FINDINGS:

Conditional Use Permit (including Site Layout)

1. That the proposed location, use and operation of the conditional use is in accord with the purposes of the zone in which the site is located, is consistent with the General Plan and complies with other relevant city regulations, policies and guidelines.

The Canyon Plaza commercial center is allowed in the General Commercial (C-1/C-P) zone subject to the approval of a conditional use permit. The project is consistent with the intent of the Zoning Ordinance since it meets and/or exceeds the minimum development standards of the C-1/C-P zone as illustrated in the Staff Report relative to setbacks, lot coverage, building heights and parking. Additionally, conditions have been added to the project to ensure that all the minimum requirements of the City Municipal Code are met.

The General Plan land use designation for the site is Commercial Retail. The intent of the Commercial Retail Land Use Designation is to enable the establishment and operation of commercial, service, and office businesses. The project consists of a gasoline service station and carwash, three drive-thru restaurants, and two retail buildings, with parking and landscaping improvements. The design and layout of the site, the site access and circulation, as well as the required street and drainage improvements have been configured to accommodate future development on adjacent parcels surrounding the project site. The improvements to Bundy Canyon Road include right-of-way dedications, widening the road, striping and median improvements, and a future traffic signal at the intersection of Sellers Road (and the eastern driveway). 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.

2. The proposed use will not be detrimental to the health, safety, or general welfare of the community.

The site has been designed to meet all of the development standards of the General Commercial (C-1/C-P) zone as illustrated in the Development Standards section of the Staff Report relative to setbacks, lot coverage, building heights and parking such that it will not be detrimental to the public health, safety or welfare. The location of the building will not conflict with the existing parking area or with on-site circulation since the parking spaces and drive aisles meet the minimum standards as illustrated in the Development Standards section of the Staff Report. The site does not contain any natural or physical hazards which would cause the project to be detrimental to the health, safety, or general welfare.

Parcel Map

1. Tentative Parcel Map 35227 is consistent and compatible with the objectives, policies, general land uses, and programs specified the City's General Plan in that:

The General Plan land use designation for the site is CR (Commercial Retail) which allows project densities from .20 to .35 FAR. The proposed Map will result in the development of a service station and commercial retail center with an overall FAR of .14. This density level does not exceed the range permitted under the General Plan land use designation for this site. One of the primary applicable policies stated in the Land Use Element of the General Plan is to accommodate the development of commercial uses in areas appropriately designated by the General Plan (Policy LU 23.1). The proposed parcel map will achieve this objective by accommodating appropriately located commercial services to meet the needs of both regional travelers and local residents.. Considering all of these aspects, Parcel Map 32257 furthers the objectives and policies of the General Plan and is compatible with the general land uses specific in the General Plan.

2. The design and improvement of the subdivision proposed under Tentative Parcel Map 32257 is consistent with the City's General Plan in that:

The proposed subdivision has been designed to meet City standards which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities have been designed and are conditioned to be constructed in conformance with City standards.

3. The site is physically suitable for the type of development proposed under Tentative Parcel Map 32257, in that:

The site is generally flat with gentle undulations and consists of approximately 6.64 acres. The site is not located within a flood plain and no major geologic hazards have been reported on the site or other limited conditions that would render it unsuitable for commercial development.

4. The site is physically suitable for the density of development proposed under Tentative Parcel Map 32257, in that:

The site is generally flat with gentle undulations and consists of approximately 6.64 acres. The subdivision has been designed to accommodate the development of a service station, three drive-thru restaurants, and approximately 35,000 SF of commercial space considering the shape and topography of the site. The project as proposed has a FAR of .14. According to the density ranges provided in the Land Use Element of the City's General Plan for the CR land use designation and in the City's Zoning Ordinance for the C-1/C-P zone, a FAR of 0.14 is appropriate for a site of this size and configuration.

5. The design of the subdivision and improvements proposed under Tentative Parcel Map 32257 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat in that:

The site is currently vacant and does not contain any significant vegetation or habitat for wildlife. There is no evidence that any endangered, threatened or listed species of plant or animal, or its habitat, is located on the site. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. This determination is based on Environmental Assessment/Mitigated Negative Declaration EA39508. In addition, this project has been conditioned to comply with the environmental policies and regulations of the City of Wildomar and those of all local and regional governmental agencies having jurisdiction over the site.

6. The design of the subdivision and improvements proposed under Tentative Parcel Map 32257 is not likely to cause serious public health problems in that:

The design of the subdivision is in conformance with the City's General Plan, Zoning Ordinance, and Subdivision Ordinance, the construction of all improvements on the site has been conditioned to comply with all applicable City of Wildomar ordinances, codes, and standards including, but not limited to, the California Uniform Building Code, the City's Ordinances relating to stormwater runoff management and controls. In addition, the design and construction of all improvements for the subdivision has been conditioned to be in conformance with adopted public works standards. The City's ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety and welfare. Finally, the proposed street system throughout the subdivision will improve emergency vehicular access in the immediate neighborhood.

7. The design of the subdivision and improvements proposed under Tentative Parcel Map 32257, will not conflict with easements, acquired by the public at

large, for access through or use of, property within the proposed subdivision in that:

No easements of record or easements established by judgment of a court of competent jurisdiction for public access across the site have been disclosed in a search of the title records for the site and the City does not otherwise have any constructive or actual knowledge of any such easements.

8. The design of the subdivision proposed Tentative Parcel Map 32257, adequately provides for future passive or natural heating and cooling opportunities in the subdivision in that:

Taking into consideration local climate and the existing contour and configuration of the site and its surroundings, the size and configuration of parcels within the proposed subdivision have been arranged to permit orientation of structures to take advantage of natural shade, or to take advantage of prevailing breezes.

Variance

1. There are special circumstances applicable to the parcel of property, including size, shape, topography, location or surroundings, that the strict application of this ordinance deprives such property of privileges enjoyed by other property in the vicinity that is under the same zoning classification.

The site is affected by topographic constraints not common with similarly zoned parcels in the area. The topographic constraints include the elevation difference between the site and freeway overcrossing for Bundy Canyon Road and the fact that southbound travel lanes for Interstate 15 are 10 to 15 feet lower than the northbound travel lanes. Following an evaluation of the initial request for an approved variation a reduced signage was determined to meet the intent of the variance provisions contained in Section 65906 of the State Planning and Zoning Law. To address the specific site constraints and provide an equivalent signage opportunity for this commercial site, the maximum allowable sign height of 45 feet needs to be equalized by providing an additional 20 feet in height to offset the height of the freeway plus an additional 10 feet to offset the lower elevation for the south bound travel lanes. In effect, the elevation of the northbound travel lanes creates a hill condition which obscures the site from southbound traffic along Interstate 15. These unique topographic and site constraints, as described in the staff report, justify the approval of a modified variance request.

2. Granting of this variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

The approval of this proposed variance does not constitute the approval of a special privilege by allowing taller freeway signage than the Zoning Ordinance

allows because no other freeway oriented commercial centers have the same site constraints. This site is substantially lower than the elevation of the adjacent freeway combined with split freeway elevation north of the site which further blocks the site visibility (the northbound travel lanes are ten to fifteen feet higher than the southbound travel lanes). The site and associated freeway condition is substantially different from other interchange-commercial sites. Consequently, the approval of this variance does not create a special privilege situation since only topographically effected commercial sites receive the approval for additional sign height variations.

ENVIRONMENTAL ASSESSMENT:

The Planning Department prepared and circulated an Initial Study for the Mitigated Negative Declaration for Planning Application 08-0179. Notice was published in the Riverside Press-Enterprise, and was mailed to all property owners within a 300 foot radius of the project site. A copy of the project environmental review document was circulated to potentially interested agencies and was available for public review at City Hall. The document was available for review from June 25, 2009 to July 15, 2009. Potentially significant impacts were identified for aesthetics, cultural resources, geology/soils, hazards/hazardous materials, hydrology/water quality, and noise. However, these impacts were determined to be “Less than Significant” with mitigating factors and mitigation measures identified in the Initial Study. During the public review period, no comments were received. As such, mitigation measures and monitoring have been incorporated into the proposed conditions of approval. The Initial Study and Mitigated Negative Declaration are contained in Attachment Exhibit H.

ATTACHMENTS:

- A. Resolution for Mitigated Negative Declaration
- B. Resolution of Approval for Conditional Use Permit 3403
Exhibit A – Conditions of Approval
- C. Resolution of Approval for Parcel Map 32257
Exhibit A – Conditions of Approval
- D. Resolution of Approval for Variance 1757
Exhibit A – Conditions of Approval
- E. Location Map
- F. Site Plan
- G. Tentative Parcel Map
- H. Initial Study/Mitigated Negative Declaration

Approved by:

David Hogan
Assistant Planning Director

ATTACHMENT A

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR THE CANYON PLAZA PROJECT, APPLICATION NUMBER 08-0179, LOCATED ON THE SOUTH SIDE OF BUNDY CANYON ROAD EAST OF INTERSTATE 15 AND KNOWN AS ASSESSORS PARCEL NOS. 367-100-019 AND 367-100-020

WHEREAS, an application for to allow the establishment and operation of a gasoline service station, three drive-thru restaurants, and two retail buildings on vacant land located at the southeast corner of Bundy Canyon Road and Interstate 15 has been filed by

Applicant/Owner: Bundy I-15 LP

Authorized Agent: Ino Cruz, Absolute Design Methods, Inc

Project Location: Southeast corner of Bundy Canyon Road and Interstate 15

APN Number: 367-100-019 and 367-100-020

Lot Area: 6.64 gross acres

WHEREAS, the proposed service station and commercial center is considered a “project” as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. (“CEQA”);

WHEREAS, to assess the potential impacts associated with the project, an Initial Study was prepared to determine the impact of the project on the environment were expected to occur;

WHEREAS, on June 25, 2009 using a method permitted under CEQA Guidelines Section 15072(b), the City provided notice of its intent to adopt the proposed Mitigated Negative Declaration to the public, responsible agencies, trustee agencies, and the Riverside County Clerk;

WHEREAS, the City made the proposed Mitigated Negative Declaration available for public review from June 25, 2009 to July 15, 2009, and no comments were received on the Initial Study; and,

WHEREAS, the Wildomar Planning Commission conducted a duly noticed public hearing on July 15, 2009 at which it received public testimony concerning the project and the proposed Mitigated Negative Declaration.

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

SECTION 1. 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 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 for the duration required under 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 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 ACTIONS.

Based on the foregoing findings, and on substantial evidence in the whole of the record, the Planning Commission hereby takes the following actions:

A. Adopt the Mitigated Negative Declaration: The Mitigated Negative Declaration for project 08-0179 – Canyon Plaza Project consisting of an automobile service station, three drive-thru restaurants, and other retail space totaling approximately 36,990 square feet is hereby approved and adopted.

B. Adopt Mitigation Monitoring Program: The Mitigation Monitoring Program for the Mitigated Negative Declaration is hereby approved and adopted.

C. Notice of Determination: In compliance with Public Resources Code § 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.

D. 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 Wildomar 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 15th day of July 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Robert Devine, Chairman

ATTEST:

David Hogan, Minutes Secretary

APPROVED AS TO FORM:

Thomas Jex, Assistant City Attorney

ATTACHMENT B

RESOLUTION NO. 09-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR APPROVING CONDITIONAL USE PERMIT 3403 TO ESTABLISH A GASOLINE SERVICE STATION AND CARWASH, THREE DRIVE-THRU RESTAURANTS, AND TWO RETAIL BUILDINGS TOTALING APPROXIMATELY 36,990 SQUARE FEET OF FLOOR AREA ON 6.64 ACRES LOCATED AT THE SOUTHEAST CORNER OF BUNDY CANYON ROAD AND INTERSTATE 15, KNOWN AS ASSESSOR'S PARCEL NOS. 367-100-019 AND 367-100-020 (PROJECT NO. 08-0179)

WHEREAS, an application for to allow the establishment and operation of a gasoline service station, 3 drive-thru restaurants, and two retail buildings on vacant land located at the southeast corner of Bundy Canyon Road and Interstate 15 has been filed by

Applicant/Owner: Bundy I-15 LP

Authorized Agent: Ino Cruz, Absolute Design Methods, Inc

Project Location: Southeast corner of Bundy Canyon Road and Interstate 15

APN Number: 367-100-019 and 367-100-020

Lot Area: 6.64 gross acres

WHEREAS, the Planning Commission has the authority per Chapter 17.200 of the Wildomar Municipal Code to take action on Conditional Use Permit No. 3403 (08-0179) to construct proposed service station and commercial center; and

WHEREAS, on May 9, 2009, the City gave public notice by mailing to adjacent property owners and by placing an advertisement in a newspaper local circulation of the holding of a public hearing at which the project would be considered; and

WHEREAS, on June 3, 2009 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Conditional Use Permit and continued the project to the July 15, 2009 Planning Commission meeting; and

WHEREAS, on July 15, 2009 the Planning Commission held another the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Conditional Use Permit and at which the Planning Commission considered the Conditional Use Permit; and

WHEREAS, at this public hearing on July 15, 2009 the Planning Commission considered, heard public comments on, and adopted a Mitigated Negative Declaration and Mitigation Monitoring Program for the project by Resolution _____; and

NOW THEREFORE, the Planning Commission of the City of Wildomar does hereby resolve, determine 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, the recommendation of the Planning Director as provided in the Staff Report dated July 15, 2009, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

A. CEQA: The approval of this Conditional Use Permit is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on July 15, 2009, at a duly noticed public hearing, the Planning Commission approved and adopted a Mitigated Negative Declaration and Mitigation Monitoring Program reflecting its independent judgment and analysis and documenting that there was not 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. The documents comprising the City's environmental review for the project are on file and available for public review at Wildomar City Hall, 23873 Clinton Keith Rd., Suite 201, Wildomar, CA 92595.

B. Multiple Species Habitat Conservation Plan (MSHCP). The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria cell area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 2. REQUIRED FINDINGS.

Pursuant to Wildomar Municipal Code, and in light of the record before it including the staff report dated July 15, 2009 and all evidence and testimony heard at the public hearing of Conditional Use Permit 3403, the Planning Commission hereby finds as follows.

1. That the proposed location, use and operation of the conditional use is in accord with the purposes of the zone in which the site is located, is consistent with the General Plan and complies with other relevant city regulations, policies and guidelines.

The Canyon Plaza commercial center is allowed in the General Commercial (C-1/C-P) zone subject to the approval of a conditional use permit. The project is consistent with the intent of the Zoning Ordinance since it meets and/or exceeds the minimum development standards of the C-1/C-P zone as illustrated in the Staff Report relative to setbacks, lot coverage, building heights and parking. Additionally, conditions have been added to the project to ensure that all the minimum requirements of the City Municipal Code are met.

The General Plan land use designation for the site is Commercial Retail. The intent of the Commercial Retail Land Use Designation is to enable the establishment and operation of commercial, service, and office businesses. The project consists of a gasoline service station and carwash, three drive-thru restaurants, and two retail buildings, with parking and landscaping improvements. The design and layout of the site, the site access and circulation, as well as the required street and drainage improvements have been configured to accommodate future development on adjacent parcels surrounding the project site. The improvements to Bundy Canyon Road include right-of-way dedications, widening the road, striping and median improvements, and a future traffic signal at the intersection of Sellers Road (and the eastern driveway). 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.

2. The proposed use will not be detrimental to the health, safety, or general welfare of the community.

The site has been designed to meet all of the development standards of the General Commercial (C-1/C-P) zone as illustrated in the Development Standards section of the Staff Report relative to setbacks, lot coverage, building heights and parking such that it will not be detrimental to the public health, safety or welfare. The location of the building will not conflict with the existing parking area or with on-site circulation since the parking spaces and drive aisles meet the minimum standards as illustrated in the Development Standards section of the Staff Report. The site does not contain any natural or physical hazards which would cause the project to be detrimental to the health, safety, or general welfare.

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby approves Conditional Use Permit 3403 (Project No. 08-0179) subject to the Conditions of Approval attached hereto and incorporated by this reference as Exhibit A.

PASSED, APPROVED AND ADOPTED this 15th day of July, 2009, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

ATTEST:

Robert Devine, Chairman

David Hogan, Minutes Secretary

APPROVED AS TO FORM:

Thomas Jex, Assistant City Attorney

EXHIBIT A
CITY OF WILDOMAR
CONDITIONS OF APPROVAL

Planning Application Number: Conditional Use Permit 3403 (08-0179)	
Project Description: Canyon Plaza, the construction and operation of gasoline service station with carwash, convenience store with liquor sales, three drive-thru restaurants, and two retail buildings totaling approximately 36,990 square feet of floor area.	
Assessor's Parcel Number(s): 367-100-019 & 367-100-020	
Approval Date: July 15, 2009	Expiration Date: July 15, 2012

Within 48 Hours of the Approval of This Project

1. The applicant/developer shall deliver to the Planning Department a cashier's check or money order made payable to the County Clerk in the amount of Two Thousand Fifty Seven Dollars (\$2,057.00) which includes the One Thousand Nine Hundred Ninety Three Dollars (\$1,993.00) fee, required by Fish and Game Code Section 711.4(d)(3) plus the Sixty-Four Dollar (\$64.00) County administrative fee, to enable the City to file the Notice of Determination for the Mitigated or Negative Declaration required under Public Resources Code Section 21152 and California Code of Regulations Section 15075. If within said 48-hour period the applicant/developer has not delivered to the Planning Department the check as required above, the approval for the project granted shall be void due to failure of condition [Fish and Game Code Section 711.4(c)].
2. The applicant shall review and sign the Acceptance of Conditions of Approval document that will be provided by the Planning Department staff and return the document with an original signature to the Planning Department.

General Requirements

3. 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, Code 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.

4. The tentative subdivision shall comply with the provisions of State of California Subdivision Map Act and Title 16 – Subdivisions (Ordinance 460), unless modified by the conditions listed herein. This tentative subdivision shall expire in three (3) years unless an application for an extension is filed at least 30 days prior to the expiration date. The City, for good cause, may grant up to five (5) one-year extensions of time, one year at a time.
5. The approval of the conditional use permit/plot plan shall comply with the provisions of Title 17 – Zoning (Ordinance 348), unless modified by the conditions listed herein. This approval shall expire in three (3) years unless an application for an extension is filed at least 30 days prior to the expiration date. The City, for good cause, may grant up to two (2) one-year extensions of time, one year at a time.
6. The project and all subsequent projects within this site shall comply with all mitigation measures identified in Environmental Assessment 39508.
7. The development of the premises shall substantially conform to the approved site plan and elevations contained on file with the Planning Department.
8. 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.
9. The developer, or the land divider's successor-in-interest, shall be responsible for the maintenance of any trail easement required under these conditions until such time as the maintenance is taken over by an appropriate maintenance district.
10. 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.
11. The Conditions of Approval specified in this resolution, to the extent specific items, materials, equipment, techniques, finishes or similar matters are specified, shall be deemed satisfied by staff's prior approval of the use or utilization of an item, material, equipment, finish or technique that City staff determines to be the substantial equivalent of that required by the Conditions of Approval. Staff may elect to reject the request to substitute, in which case the real party in interest may appeal, after payment of the regular cost of an appeal, the decision to the Planning Commission for its decision.

Materials & Locations

Colors

Primary Wall Exterior Cement Plaster	Sherwin Williams: SW7501, Threshold Taupe
Primary Wall Entrance Trim Cement Plaster	Sherwin Williams: SW6054, Canyon Clay, or Red – Polane Circle K
Primary Wall Trim Cement Plaster	Sherwin Williams: SW6374, Torchlight
Concrete Cornice Molding and Metal Flashing	Sherwin Williams: SW7008, Alabaster
Stone Veneer and Wainscot Trim	Coronado Stone: Chablis
Roof Tile	Eagle Roofing-Capistrano: Gray / Brown Range
Storefront Windows & Doors	Kawneer Anodized Aluminum: Medium Bronze

12. The Applicant shall submit to the Planning Department for the permanent files 8" X 10" glossy photographic color prints of the approved color and materials board and the colored architectural elevations. All labels on the color and materials board and Elevations shall be readable on the photographic prints.
13. All downspouts shall be internalized.
14. Parking shall be shared across the site, including parking spaces in all lots that are a part of the project. If the project involves multiple lots, the applicant shall submit to the City a copy of a recorded Reciprocal Use Agreement, which provides for cross-lot access and parking across all lots.
15. No grading shall be performed without the prior issuance of a grading permit by the City.
16. Written permission shall be obtained from the affected property owners allowing the proposed grading and/or facilities to be installed outside of the project boundaries.
17. No grading permit shall be issued until the applicant has obtained approval for the location of any off-site import/export material, as well as the associated haul route(s), for any required grading from the City Engineering. The Planning Director shall review the proposed import/export site and haul routes to determine if a new or modified environmental assessment is required. No grading permit shall be issued until any required environmental clearance has been approved by the Planning Director.
18. The developer shall take reasonable steps to prevent off-highway vehicles from using the site whenever any portion of the site is used for soil stockpiling purposes. The developer shall secure all parcels on which a stockpile has been placed and shall prevent all off-highway vehicles from using the property.
19. 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.
20. Tribal monitors from the Pechanga Tribe shall be allowed to monitor all grading, excavation and groundbreaking activities, including all archaeological surveys, testing, and studies, to be compensated by the developer.

21. If human remains are encountered, State 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 Public Resource 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 consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.
22. 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.
23. All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.
24. 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.
25. 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 Codes, California Electrical Code, California Administrative Code, and all appropriate City of Wildomar Standards and Codes.
26. 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 Codes, and ADA requirements and to the satisfaction of the City Engineer.
27. Blue retro-reflective pavement markers shall be mounted on private streets, public streets and driveways to indicate location of fire hydrants. Prior to installation, placement of markers must be approved by the Riverside County Fire Department.
28. The water mains shall be capable of providing a potential fire flow 4000 gallons per minute (GPM) and an actual fire flow available from any one hydrant shall be 2500 GPM for 2 hour duration.
29. Approved super fire hydrants, (6"x4"x2 1/2"x2 1/2") shall be located at each street intersection and spaced not more than 330 feet apart in any direction, with no portion of any lot frontage more than 165 feet from a fire hydrant.
30. This approval shall not be valid until all outstanding permit and application processing fee balances are paid in full. No extensions of time shall be granted unless all balances have been paid in full.

Conditional Use Permit (Convenience Market/Service Station and Carwash)

31. The development of the premises shall substantially conform to the approved site plan and elevations contained on file with the Planning Department, unless superseded by these Conditions of Approval.
32. Notwithstanding any other provision of law, establishments engaged in the concurrent sale of motor vehicle fuel with beer and wine for off-premises consumption shall abide by the following conditions:
 - a) Only beer and wine may be sold.
 - b) The owner of each location and the management at each location shall educate the public regarding driving under the influence of intoxicating beverages, minimum age for purchase and consumption of alcoholic beverages, driving with open containers and the penalty associated with violation of these laws. In addition, the owner and management shall provide health warnings about the consumption of alcoholic beverages. This educational requirement may be met by posting prominent signs, decals or brochures at points of purchase. In addition, the owner and management shall provide adequate training for all employees at the location as to these matters.
 - c) No displays of beer, wine or other alcoholic beverages shall be located within five feet of any building entrance or checkout counter.
 - d) Cold beer or wine shall be sold from, or displayed in, the main, permanently affixed electrical coolers only. No display or sale of beer or wine shall be made from an ice tub.
 - e) No beer, wine or other alcoholic beverage advertising shall be located on gasoline islands; and no lighted advertising for beer, wine, or other alcoholic beverages shall be located on the exterior of buildings or within window areas.
 - f) Employees selling beer and wine between the hours of 10:00 p.m. and 2:00 a.m. shall be at least 21 years of age.
 - g) No sale of alcoholic beverages shall be made from a drive-in window.
 - h) Prior to an employee selling alcohol from this facility, the alcohol licensee, or employer for the facility shall ensure that the employee has received Licensee Education on Alcohol and Drugs (L.E.AD.) training from the California Department of Alcoholic Beverage Control.
33. This Conditional Use Permit may be revoked pursuant to Chapter 17.200 of the Wildomar Municipal Code.
34. The City, its Planning Director, Planning Commission, and City Council retain and reserve the right and jurisdiction to review and modify this Conditional Use Permit (including the Conditions of Approval) based on changed circumstances. Changed circumstances include, but are not limited to, a modification of business, a change in scope, emphasis, size or nature of the business, and the expansion, alteration, reconfiguration or change of use. The reservation of right to review any Conditional Use Permit granted or approved or conditionally approved hereunder by the City, its Planning

Director, Planning Commission and City Council is in addition to, and not in-lieu of, the right of the City, its Planning Director, Planning Commission, and City Council to review, revoke or modify any Conditional Use Permit approved or conditionally approved hereunder for any violations of the conditions imposed on such Conditional Use Permit or for the maintenance of any nuisance condition or other code violation thereon.

Prior to Issuance of Grading Permit(s)

35. Prior to the issuance of a grading permit, it shall be the sole responsibility of the Applicant to obtain any and all easements and/or permissions necessary to perform the grading required for the project. A notarized letter of permission from all affected property owners or easement holders, or encroachment permit, is required for all off-site grading.
36. Prior to the issuance of a grading permit, the developer shall identify the qualified archaeologist to the City who has been retained to evaluate the significance of any inadvertently discovered historical resources. If cultural resources are encountered during ground disturbing activities that were not previously identified, all construction activities will be halted or redirected until a qualified archaeologist can evaluate the nature and significance of the finds and recommend and implement management actions to protect or curate any resources that merit management.
37. Prior to the issuance of grading permits, the project specific SWPPP shall be approved by the City Engineer.
38. Prior to issuance of grading permits the Applicant shall provide the Engineering Department evidence of compliance with the National Pollutant Discharge Elimination System (NPDES) and obtain a construction permit from the State Water Resource Control Board (SWRCB).
39. Prior to the issuance of a grading permit, or building permit, whichever occurs first, the developer shall pay all necessary impact and mitigation fees required prior to the issuance of a grading permit. These fees include, but are not limited to, fees associated with the Stephens Kangaroo Rat Habitat Conservation Plan and the Western Riverside Multiple Species Habitat Conservation Plan.
40. Prior to the issuance of a grading permit, the applicant shall submit, and the City approve the Final Water Quality Management Plan which ensures that post-construction flows do not exceed pre-construction levels and that the specified BMPs will minimize any water quality impacts. These BMPs shall be consistent with the Final WQMP and installed to the satisfaction of the City Engineer.
41. Prior to the issuance of a grading permit, the developer shall pay the established fee for the Murrieta Creek/Wildomar Valley Area Drainage Plan. Drainage fees shall be paid (with cashier's check or money order only) to the District and a copy of the receipt provided to the City.
42. Prior to the issuance of a grading permit, the developer is required to enter into a Cultural Resources Treatment Agreement with the Pechanga Tribe. This Agreement will address the treatment and disposition of cultural resources and human remains that may be impacted as a result of the development of the project, as well as provisions for tribal monitors.

43. At least 30 days prior to seeking a grading permit, the project applicant shall contact the Pechanga Band of Luiseño Indians (Tribe) 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.
44. Prior to the issuance of a grading permit, the developer shall identify the qualified archaeologist to the City who has been retained to evaluate the significance of any inadvertently discovery historical resources. If cultural resources are encountered during ground disturbing activities that were not previously identified, all construction activities will be halted or redirected until a qualified archaeologist can evaluate the nature and significance of the finds and recommend and implement management actions to protect or curate any resources that merit management.
45. Prior to the issuance of a grading permit, the developer shall identify the qualified paleontologist to the City 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 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.
46. Prior to the issuance of a grading permit, a 30-day preconstruction Burrowing Owl Survey, in accordance with MSHCP guidelines and survey protocol, shall be conducted prior to ground disturbance. The results of the 30-day preconstruction survey shall be submitted to the Planning Department prior to the commencement of any grading activities or the scheduling a pre-grading meeting with the Engineering Department. Re-occupation of the site by this species may result in the need to revise grading plans so that take of "active" nests is avoided or alternatively, a grading permit may be issued once the species has been actively relocated. If relocation is necessary, all relocation activities shall be performed outside of the nesting season (March 1 through August 31) by a qualified biologist.
47. The following requirements shall be included in the Notes Section of the Grading Plan: *"No grubbing/clearing of the site shall occur prior to scheduling the pre-grading meeting with Engineering. All project sites containing suitable habitat for burrowing owls, whether owls were found or not, require a 30-day preconstruction survey that shall be conducted within 30 days prior to ground disturbance to avoid direct take of burrowing owls. If the results of the survey indicate that no burrowing owls are present on-site, then the project may move forward with grading, upon Planning Department approval. If burrowing owls are found to be present or nesting on-site during the preconstruction survey, then the following recommendations must be adhered to: Exclusion and relocation activities may not occur during the breeding season, which is defined as March 1 through August 31, with the following exception: From March 1 through March 15 and from August 1 through August 31 exclusion and relocation activities may take place if it is proven to the City and appropriate regulatory agencies (if any) that egg laying or chick rearing is not taking place. This determination must be made by a qualified biologist."*

48. The following requirement shall be included in the Notes Section of the 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."*
49. Prior to the issuance of a grading permit, the applicant shall submit, and the City review and approve, a Final Water Quality Management Plan (WQMP) in conformance with the requirements of the Santa Ana Regional Water Quality Control Board.
50. All of the foregoing conditions shall be complied with prior to the issuance of a grading permit.

Prior to Issuance of Building Permit(s)

51. Prior to the issuance of a building permit, the Developer shall demonstrate compliance with the California Title 24.
52. Prior to the issuance of the first building permit or the recordation of the final map, whichever occurs first, improvement plans shall be approved by The City Engineer.
53. Prior to the issuance of a building permit, the outdoor lighting for project shall conform with the requirements of Chapter 8.08 of the Wildomar Municipal Code (previously known as Ordinance 655). These items shall be shown on electrical plans submitted prior to the issuance of building permit and shall be reviewed and approved by the Building and Safety Department.
54. The Applicant shall submit landscaping and irrigation plans within the public right of way to Planning Department. These plans shall include water usage calculations, estimate of irrigation and the location of all existing trees that will remain. All plans and calculations shall be designed and calculated per the City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines, City Codes and to the satisfaction of the City Engineer.
55. Prior to issuance of a building permit, the developer shall submit Fire Alarm System Plans to the Fire Department for approval.
56. Prior to the issuance of the first building permit or recordation of the final map, whichever occurs first, the applicant shall enter into an agreement with the City agreeing to close the median break and complete construction of this section of the median which enabled temporary left turns into and out of the project onto Bundy Canyon Road. The precise timing of the closure shall be dependent upon the provision of alternate left turn access

into the project and shall be at the sole discretion of the City Engineer. Bonds securing the implementation of the agreement may be required.

57. Prior to the issuance of a building permit or to recordation of the final map whichever occurs first, the project proponent shall pay fees in accordance with Zone A of the Southwest Road and Bridge Benefit District.
58. Prior to the issuance of a building permit, the developer shall pay the appropriate impact mitigation fee to the Riverside County Flood Control and Water Conservation District.
59. Prior to the issuance of building permit, the Applicant shall pay all necessary impact and mitigation fees required. These fees include, but are not limited to, fees associated with Transportation Uniform Mitigation Fee (TUMF), Quimby (parkland in-lieu) Fee, and Development Impact Fees.
60. Prior to the issuance of a building permit, the applicant 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 10 feet per second. Plans shall conform to the fire hydrant types, location and spacing, and 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."
61. Building construction plans shall include detailed outdoor areas (including but not limited to trellises, decorative furniture, fountains, hardscape (choose or add to as appropriate) to match the style of the building subject to the approval of the Planning Director.
62. Minimum required fire flow shall be 1500 gallons per minute (GPM) for a two hour duration with a 20 pounds per square inch (PSI) residual operating pressure, which must be available before any combustible material is placed on the job site. This fire flow is based on (1) type VN construction per the most recent adopted version of California Building Code, and (2) that the buildings have a fire sprinkler system.
63. All of the foregoing conditions shall be complied with prior to the issuance of a building permit.

Prior to Release of Power, Building Occupancy, or Any Use Allowed by This Permit

For this section, the terms final inspection, release of power, and building occupancy are used interchangeably to signify compliance with all conditions of approval, applicable codes and requirements necessary for the safe and lawful occupation or use of a structure or site.

64. Prior to release of occupancy, the Applicant shall pay all necessary impact and mitigation fees required. These fees include, but are not limited to, fees associated with the Transportation Uniform Mitigation Fee (TUMF), Quimby (parkland in-lieu) Fee, and Development Impact Fees.
65. Prior to release of occupancy, 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.

66. Prior to final inspection, electrical power, telephone, communication, and cable television lines shall be placed underground in accordance with Title 16 – Subdivisions (formerly Ordinance 460) and Ordinance 461, or as approved by the Transportation Department. This also applies to existing overhead lines which are 33.6 kilovolts or below along the project frontage and between the nearest poles offsite in each direction of the project site. A certificate should be obtained from the pertinent utility company and submitted to the Engineering Department as proof of completion.
67. If warranted, prior to final inspection the Applicant shall reconstruct any deteriorated curb, gutter, sidewalk and/or pavement along the project's frontage to the satisfaction of Public Works. If pavement replacement is required, the Applicant may be required to grind, overlay, and/or slurry seal per City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines and to the satisfaction of Public Works.
68. Prior to the first occupancy permit, the developer shall install the traffic signal at the intersection of Bundy Canyon Road and Sellers Road.
69. Prior to final inspection, install streetlights along the streets associated with development in accordance with the approved street lighting plan and standards of Title 16 – Subdivisions (formerly Ordinance 460) and Ordinance 461.
70. Prior to the final inspection, all outdoor lighting shall be inspected by the Building and Safety Department to insure compliance with the approved lighting plan and the provisions of Chapter 8.08 of the Wildomar Municipal Code.
71. Prior to final inspection, the applicant shall be required to screen all loading areas and roof mounted mechanical equipment from view of the adjacent residences and public right-of-ways. If upon final inspection it is determined that any mechanical equipment, roof equipment or backs of building parapet walls are visible from any portion of the public right-of-way adjacent to the project site, the developer shall provide screening by constructing a sloping tile covered mansard roof element or other screening reviewed and approved by the Planning Director.
72. Prior to final inspection, all required landscape planting and irrigation shall have been installed consistent with the approved construction plans and shall be in a condition acceptable to the Planning Director. The plants shall be healthy and free of weeds, disease, or pests. The irrigation system shall be properly constructed and in good working order. The applicant shall contact the Planning Department to schedule the final inspection(s).
73. Performance securities, in amounts to be determined by the Planning Director, to guarantee the maintenance of the plantings in accordance with the approved construction landscape and irrigation plan shall be filed with the Planning Department for a period of one year from final Certificate of Occupancy. After that year, if the landscaping and irrigation system have been maintained in a condition satisfactory to the Planning Director, the bond may be released upon request by the applicant.
74. Prior to certificate of occupancy, the developer shall install the manual and automatic Fire Alarm System to the satisfaction of the Fire Department.
75. 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.

76. Install a complete fire sprinkler system per NFPA 13 2002 edition in all buildings requiring a fire flow of 1500 GPM or greater. Sprinkler system(s) with pipe sizes in excess of 4" in 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 a 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. Applicant or developer shall be responsible to install a U.L. 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 for approval prior to installation. Contact fire department for guideline handout
77. 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 floor level with maximum 4" projection from the wall. Contact Fire Department for proper placement of equipment prior to installation.
78. A U.L. 300 hood duct fire extinguishing system must be installed over the cooking equipment. Wet chemical extinguishing system must provide automatic shutdown of all electrical components and outlets under the hood upon activation. System must be installed by a licensed C-16 contractor. Plans must be submitted with current fee to the Fire Department for review and approval prior to installation. NOTE: A dedicated alarm system is not required to be installed for the exclusive purpose of monitoring this suppression system. However, a new or pre-existing alarm system must be connected to the extinguishing system. (* separate fire alarm plans must be submitted for connection)
79. Each parking space reserved for the handicapped shall be identified by a permanently affixed reflectorized sign constructed of porcelain on steel, beaded text or equal, displaying the International Symbol of Accessibility. The sign shall not be smaller than 70 square inches in area and shall be centered at the interior end of the parking space at a minimum height of 80 inches from the bottom of the sign to the parking space finished grade, or centered at a minimum height of 36 inches from the parking space finished grade, ground, or sidewalk. A sign shall also be posted in a conspicuous place, at each entrance to the off-street parking facility, not less than 17 inches by 22 inches, clearly and conspicuously stating the following:
- "Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for persons with disabilities may be towed away at owner's expense. Towed vehicles may be reclaimed by telephoning (951) 245-3300"
- In addition to the above requirements, the surface of each parking place shall have a surface identification sign duplicating the Symbol of Accessibility in blue paint of at least three square feet in size.
80. All of the foregoing conditions shall be complied with prior to occupancy or any use allowed by this permit.

OUTSIDE AGENCIES REQUIREMENTS:

81. The applicant shall comply with the recommendations set forth in the Elsinore Valley Municipal Water District.

ATTACHMENT C

RESOLUTION NO. 09-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR APPROVING PARCEL MAP 32257 TO SUBDIVIDE THE 6.64-ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF BUNDY CANYON ROAD AND INTERSTATE 15 INTO SEVEN PARCELS, TO VACATE PORTIONS OF CHERRY STREET, AND PROVIDE FOR ADDITIONAL ROAD DEDICATION ALONG BUNDY CANYON ROAD, FOR PROPERTY KNOWN AS ASSESSOR'S PARCEL NOS. 367-100-019 AND 367-100-020 (PROJECT NO. 08-0179)

WHEREAS, an application to subdivide 6.64 gross acres into seven commercial parcels for to allow the establishment and operation of a gasoline service station, 3 drive-thru restaurants, two retail buildings, and a future joint access driveway with the adjacent commercial project on vacant land located at the southeast corner of Bundy Canyon Road and Interstate 15 has been filed by

Applicant/Owner: Bundy I-15 LP

Authorized Agent: Ino Cruz, Absolute Design Methods, Inc

Project Location: Southeast corner of Bundy Canyon Road and Interstate 15

APN Number: 367-100-019 and 367-100-020

Lot Area: 6.64 gross acres

WHEREAS, the Municipal Code allows for the subdivision of two parcels and the vacation of unneeded right-of-way totaling 6.64 acres into six commercial parcels and one future access parcel, subject to the approval of a Tentative Parcel Map; and

WHEREAS, on May 9, 2009 the City gave public notice as required under Government Code Section 66451.3 gave public notice by mailing to adjacent property owners and by placing an advertisement in a newspaper local circulation of the holding of a public hearing at which the project would be considered; and

WHEREAS, in accordance with Government Code Section 66452.3, the City has provided the applicant and each tenant on the subject property with a copy of the Department of Development Services report and recommendation to the Planning Commission at least three (3) days prior to the below-referenced noticed public hearing; and

WHEREAS, on June 3, 2009 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Tentative Parcel Map and continued the project to the July 15, 2009 Planning Commission meeting; and

WHEREAS, on July 15, 2009 the Planning Commission held another the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Tentative Parcel Map and at which the Planning Commission considered the Tentative Parcel Map; and

WHEREAS, at this public hearing on July 15, 2009 the Planning Commission considered, heard public comments on, and adopted a Mitigated Negative Declaration and Mitigation Monitoring Program for the project by Resolution _____; and

NOW THEREFORE, the Planning Commission of the City of Wildomar does hereby resolve, determine 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, the recommendation of the Planning Director as provided in the Staff Report dated July 15, 2009, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

A. CEQA: The approval of this Conditional Use Permit is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on July 15, 2009, at a duly noticed public hearing, the Planning Commission approved and adopted a Mitigated Negative Declaration and Mitigation Monitoring Program reflecting its independent judgment and analysis and documenting that there was not 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. The documents comprising the City's environmental review for the project are on file and available for public review at Wildomar City Hall, 23873 Clinton Keith Rd., Suite 201, Wildomar, CA 92595.

B. Multiple Species Habitat Conservation Plan (MSHCP). The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria cell area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 2. REQUIRED FINDINGS.

Pursuant to Wildomar Municipal Code, and in light of the record before it including the staff report dated July 15, 2009 and all evidence and testimony heard at the public hearing of Parcel Map 32257, the Planning Commission hereby finds as follows.

1. Tentative Parcel Map 35227 is consistent and compatible with the objectives, policies, general land uses, and programs specified the City's General Plan in that:

The General Plan land use designation for the site is CR (Commercial Retail) which allows project densities from .20 to .35 FAR. The proposed Map will result in the

development of a service station and commercial retail center with an overall FAR of .14. This level of development intensity does not exceed the range permitted under the General Plan Land Use Element. One of the primary applicable policies stated in the Land Use Element of the General Plan is to accommodate the development of commercial uses in areas appropriately designated by the General Plan (Policy LU 23.1). The proposed parcel map will achieve this objective by accommodating appropriately located commercial services to meet the needs of both regional travelers and local residents. Considering all of these aspects, Parcel Map 32257 furthers the objectives and policies of the General Plan and is compatible with the general land uses specific in the General Plan.

2. The design and improvement of the subdivision proposed under Tentative Parcel Map 32257 is consistent with the City's General Plan in that:

The proposed subdivision has been designed to meet City standards which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities have been designed and are conditioned to be constructed in conformance with City standards.

3. The site is physically suitable for the type of development proposed under Tentative Parcel Map 32257, in that:

The site is generally flat with gentle undulations and consists of approximately 6.64 acres. The site is not located within a flood plain and no major geologic hazards have been reported on the site or other limited conditions that would render it unsuitable for commercial development.

4. The site is physically suitable for the density of development proposed under Tentative Parcel Map 32257, in that:

The site is generally flat with gentle undulations and consists of approximately 6.64 acres. The subdivision has been designed to accommodate the development of a service station, three drive-thru restaurants, and approximately 35,000 SF of commercial space considering the shape and topography of the site. The project as proposed has a FAR of .14. According to the density ranges provided in the Land Use Element of the City's General Plan for the CR land use designation and in the City's Zoning Ordinance for the C-1/C-P zone, a FAR of .14 is appropriate for a site of this size and configuration.

5. The design of the subdivision and improvements proposed under Tentative Parcel Map 32257 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat in that:

The site is currently vacant and does not contain any significant vegetation or habitat for wildlife. There is no evidence that any endangered, threatened or listed species of plant or animal, or its habitat, is located on the site. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. This determination is based on Environmental Assessment/Mitigated

Negative Declaration EA39508. In addition, this project has been conditioned to comply with the environmental policies and regulations of the City of Wildomar and those of all local and regional governmental agencies having jurisdiction over the site.

6. The design of the subdivision and improvements proposed under Tentative Parcel Map 32257 is not likely to cause serious public health problems in that:

The design of the subdivision is in conformance with the City's General Plan, Zoning Ordinance, and Subdivision Ordinance, the construction of all improvements on the site has been conditioned to comply with all applicable City of Wildomar ordinances, codes, and standards including, but not limited to, the California Uniform Building Code, the City's Ordinances relating to stormwater runoff management and controls. In addition, the design and construction of all improvements for the subdivision has been conditioned to be in conformance with adopted public works standards. The City's ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety and welfare. Finally, the proposed street system throughout the subdivision will improve emergency vehicular access in the immediate neighborhood.

7. The design of the subdivision and improvements proposed under Tentative Parcel Map 32257, will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision in that:

No easements of record or easements established by judgment of a court of competent jurisdiction for public access across the site have been disclosed in a search of the title records for the site and the City does not otherwise have any constructive or actual knowledge of any such easements.

8. The design of the subdivision proposed Tentative Parcel Map 32257, adequately provides for future passive or natural heating and cooling opportunities in the subdivision in that:

Taking into consideration local climate and the existing contour and configuration of the site and its surroundings, the size and configuration of parcels within the proposed subdivision have been arranged to permit orientation of structures to take advantage of natural shade, or to take advantage of prevailing breezes.

SECTION 3. PLANNING COMMISSION ACTION.

The Planning Commission hereby approves Tentative Parcel Map 32257 (Project No. 08-0179) subject to the Conditions of Approval attached hereto and incorporated by this reference as Exhibit A.

PASSED, APPROVED AND ADOPTED this 15th day of July, 2009, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

ATTEST:

Robert Devine, Chairman

David Hogan, Minutes Secretary

APPROVED AS TO FORM:

Thomas Jex, Assistant City Attorney

EXHIBIT A
CITY OF WILDOMAR
CONDITIONS OF APPROVAL

Planning Application Number: Parcel Map 32257 (08-0179)	
Project Description: The subdivision of 6.64 gross acres into six commercial parcels, one joint access parcel, the vacation of a portion of Cherry Street, and the dedication of right-of-way for Bundy Canyon Road	
Assessor's Parcel Number(s): 367-100-019 & 367-100-020	
Approval Date: July 15, 2009	Expiration Date: July 15, 2012

Within 48 Hours of the Approval of This Project

1. The applicant/developer shall deliver to the Planning Department a cashier's check or money order made payable to the County Clerk in the amount of Two Thousand Fifty Seven Dollars (\$2,057.00) which includes the One Thousand Nine Hundred Ninety Three Dollars (\$1,993.00) fee, required by Fish and Game Code Section 711.4(d)(3) plus the Sixty-Four Dollar (\$64.00) County administrative fee, to enable the City to file the Notice of Determination for the Mitigated or Negative Declaration required under Public Resources Code Section 21152 and California Code of Regulations Section 15075. If within said 48-hour period the applicant/developer has not delivered to the Planning Department the check as required above, the approval for the project granted shall be void due to failure of condition [Fish and Game Code Section 711.4(c)].
2. The applicant shall review and sign the Acceptance of Conditions of Approval document that will be provided by the Planning Department staff and return the document with an original signature to the Planning Department.

General Requirements

3. 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, Code 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.

4. The tentative subdivision shall comply with the provisions of State of California Subdivision Map Act and Title 16 – Subdivisions (Ordinance 460), unless modified by the conditions listed herein. This tentative subdivision shall expire in three (3) years unless an application for an extension is filed at least 30 days prior to the expiration date. The City, for good cause, may grant up to five (5) one-year extensions of time, one year at a time.
5. The approval of the conditional use permit/plot plan shall comply with the provisions of Title 17 – Zoning (Ordinance 348), unless modified by the conditions listed herein. This approval shall expire in three (3) years unless an application for an extension is filed at least 30 days prior to the expiration date. The City, for good cause, may grant up to two (2) one-year extensions of time, one year at a time.
6. The project and all subsequent projects within this site shall comply with all mitigation measures identified in Environmental Assessment 39508.
7. Development of the site shall conform to Conditional Use Permit 3403 as may be amended by the City of Wildomar.
8. The development of the premises shall substantially conform to the approved site plan and elevations contained on file with the Planning Department.
9. 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.
10. The developer, or the land divider's successor-in-interest, shall be responsible for the maintenance of any trail easement required under these conditions until such time as the maintenance is taken over by an appropriate maintenance district.
11. 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.
12. Parking shall be shared across the site, including parking spaces in all lots that are a part of the project. If the project involves multiple lots, the applicant shall submit to the City a copy of a recorded Reciprocal Use Agreement, which provides for cross-lot access and parking across all lots.
13. All grading and construction activities shall comply with the requirements and project components for Project No. 08-0179 and the related conditions of approval for Conditional Use Permit 3403 and Variance 1757.

14. This approval shall not be valid until all outstanding permit and application processing fee balances are paid in full. No extensions of time shall be granted unless all balances have been paid in full.

Prior to Recordation of the Final Map

15. A copy of the final map shall be submitted to and approved by the Planning Director and the City Engineer prior to scheduling the Final Map for approval by the City Council.
16. Prior to recordation of the final map, the Planning Department shall determine if the deposit based fees for the project are in a negative balance, and receive the appropriate payment for any negative balance as well as any anticipated additional project-related expenses.
17. A copy of the Environmental Constraint Sheet (ECS) shall approved by the Planning Department with the following notes:
 - a. This property is located within 45 miles of Mount Palomar Observatory. All proposed outdoor lighting systems shall comply with the California Institute of Technology, Palomar Observatory recommendations, Ordinance No. 655.
18. Prior to recordation of the final map, the improvement plans for the required public improvements must be prepared and shall be based upon a design profile extending a minimum of 300 feet beyond the project boundaries at a grade and alignment as approved by the City Engineer.
19. The Applicant shall show all easements on the final map to the satisfaction of the City Engineer.
20. Prior to recordation of the final map, or any phase thereof, the project proponent shall pay fees in accordance with Zone A of the Southwest Road and Bridge Benefit District.
21. The Applicant shall design and install electrical power, telephone, communication, and cable television lines to be placed underground, including existing overhead lines, 33.6 kilovolts or below along the project frontage and between the nearest poles offsite in each direction of the project site, in accordance the City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines, City Ordinances, and to the satisfaction of the City Engineer. The Applicant shall submit to the City Engineer, for verification purposes, written proof for initiating the design and/or application of the relocation issued by the utility company.
22. Prior to the recordation of the Final Map, the Applicant shall design and install streetlights in accordance with the City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines, City Ordinances and to the satisfaction of the City Engineer.
23. Prior to the recordation of the final map or the first certificate of occupancy, the applicant shall dedicate the future right-of-way areas (identified as Parcels A, B, and C) to the City of Wildomar. All property conveyed to the City of Wildomar in fee title shall be free and clear of any encumbrances, except as expressly permitted by the City. The Applicant shall provide title insurance in conjunction with all fee title dedications to the City of Wildomar.

24. Prior to the recordation of the Final Map, the CC&Rs shall be finalized and recorded.
25. Prior to the approval of an improvement plans, the developer shall submit and the City Engineer traffic control plans along Bundy Canyon Road to ensure the continued flow of traffic during construction.
26. Inspection and maintenance of the flood control facilities to be constructed with this tentative map must be performed by either the County Transportation Department or the Flood Control District. The engineer (owner) must request in writing that one of these agencies accept the proposed system. The request shall note the project number, location, briefly describe the system (sizes and lengths) and include an exhibit that shows the proposed alignment. The request to the District shall be addressed to the General Manager-Chief Engineer, Attn: Chief of the Planning Division. If the District is willing to maintain the proposed facility three items must be accomplished prior to recordation of the final map or starting construction of the drainage facility: 1) the developer shall submit to the District the preliminary title reports, plats and legal descriptions for all right of way to be conveyed to the District and secure that right of way to the satisfaction of the District; 2) an agreement with the District and any maintenance partners must be executed which establishes the terms and conditions of inspection, operation and maintenance; and 3) plans for the facility must be signed by the District's General Manager-Chief Engineer. The plans cannot be signed prior to execution of the agreement. An application to draw up an agreement must be submitted to the attention of the District's Administrative Services Section. All right of way transfer issues must be coordinated with the District's Right of Way Section. The engineer/developer will need to submit proof of flood control facility bonds and a certificate of insurance to the District's Inspection section before a pre-construction meeting can be scheduled.
27. Prior to the recordation of the final map, the developer shall annex into County Service Area, or a similar mechanism, for graffiti abatement and street sweeping through the City Engineer.
28. Prior to recordation of the final map, the Applicant shall dedicate, design and improve the intersection of Bundy Canyon Road and Sellers Road per the City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines and to the satisfaction of the City Engineer. Improvements may require off-site transition to adequately facilitate the movement of traffic. The Applicant shall acquire all required off-site transitions.
29. The Applicant shall design and install a traffic signal at the intersection of Sellers Road and Bundy Canyon Road in accordance with the appropriate City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines and to the satisfaction of the City Engineer.
30. The Applicant shall design and install street lighting in accordance with the appropriate City Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines and to the satisfaction of the City Engineer.
31. Prior to recordation of the final map or the issuance of the first building permit whichever occurs first, the applicant shall enter into an agreement with the City agreeing to close the median break and complete construction of this section of the median which enabled temporary left turns into and out of the project onto Bundy Canyon Road. The precise timing of the closure shall be dependent upon the provision of alternate left turn access

into the project and shall be at the sole discretion of the City Engineer. Bonds securing the implementation of the agreement may be required.

32. Prior to recordation of the final map, water and sewer system plans and specifications shall approved by the Elsinore Valley Municipal Water District and the Department of Environmental Health (if required).
33. The Applicant shall provide a reciprocal access easement between the parcels of this development. The location of the access point(s) shall be to the satisfaction of the City Engineer and will be approved when these parcels are developed.
34. All flood control plans to be reviewed shall be submitted though the City of Wildomar, unless otherwise directed by the City Engineer.
35. Prior to the recordation of the final map, a copy of the Covenants, Conditions, and Restrictions (CC&Rs) shall be submitted and approved by the Planning Director. The CC&Rs shall include liability insurance and methods of maintaining landscaping, parking areas, private roads, exterior of all buildings (if applicable), and all landscaped and open areas including parkways, as well as a provisions indicating that the homeowners association may not be terminated or dissolved with the permission of the City.
36. The CC&Rs shall be in the form and content approved by the Planning Director, City Engineer, and the City Attorney and shall include such provisions as are required by this approval and as said officials deem necessary to protect the interests of the City and its residents.
37. The CC&Rs shall be prepared at the developer's sole cost and expense.
38. The CC&Rs shall provide for the effective establishment, operation, management, use, repair and maintenance of all common areas, drainage and facilities.
39. The CC&Rs shall provide that all property shall be maintained so as not to create a public nuisance.
40. An Article must be added to every set of CC&Rs to read as follows:

“Article _____

CONSENT OF CITY OF WILDOMAR

- 1 The Conditions of Approval of Tentative Parcel Map Number 32257 requires the City to review and approve the CC&Rs for the Parcel.
2. Declarant acknowledges that the City has reviewed these CC&Rs and that its review is limited to a determination of whether the proposed CC&Rs properly implement the requirements of the Conditions of Approval for the Parcel. The City's consent to these CC&Rs does not contain or imply any approval of the appropriateness or legality of the other provisions of the CC&Rs, including, without limitation, the use restrictions, private easements and encroachments, private maintenance requirements, architecture and landscape controls, assessment procedures, assessment enforcement, resolution of disputes or procedural matters.

3. In the event of a conflict between the Conditions of Approval of the land use entitlements issued by the City for the Parcel or Federal, State, or local laws, ordinances, and regulations and these CC&Rs, the provisions of the Conditions of Approval and Federal, State or local laws, ordinances, and regulations shall prevail, notwithstanding the language of the CC&Rs.
 4. These CC&Rs shall not be terminated, amended or otherwise modified without the express written consent of the Planning Director of the City of Wildomar. “
41. An Article must be added to every set of CC&Rs, following the Declarant's signature, to read as follows:

“Article _____

CONSENT OF CITY OF WILDOMAR

The Conditions of Approval for Tentative Parcel Map No. 32257 require the City of Wildomar to review and approve the CC&Rs for the Parcel. The City's review of these CC&Rs has been limited to a determination of whether the proposed CC&Rs properly implement the requirements of the Conditions of Approval for the Parcel. The City's consent to these CC&Rs does not contain or imply any approval of the appropriateness or legality of the other provisions of the CC&Rs, including, without limitation, the use restrictions, private easements and encroachments, private maintenance requirements, architecture and landscape controls, assessments, enforcement of assessments, resolutions of disputes or procedural matters. Subject to the limitations set forth herein, the City consents to the CC&Rs.

Director of Planning

City Attorney”

42. One copy of the final recorded CC&Rs shall be provided to the Planning Department.
43. All of the foregoing conditions shall be complied with prior to recordation of the final map.

OUTSIDE AGENCIES REQUIREMENTS:

44. None.

ATTACHMENT D

RESOLUTION NO. 09-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR APPROVING VARIANCE 1757 TO CONSTRUCT A 75 FOOT TALL FREESTANDING SIGN AT THE SOUTHEAST CORNER OF BUNDY CANYON ROAD AND INTERSTATE 15 (PROJECT NO. 08-0179)

WHEREAS, an application for to allow the establishment and operation of a 75 foot tall freestanding sign adjacent to Bundy Canyon Road and Interstate 15 has been filed by

Applicant/Owner: Bundy I-15 LP

Authorized Agent: Ino Cruz, Absolute Design Methods, Inc

Project Location: Southeast corner of Bundy Canyon Road and Interstate 15

APN Number: 367-100-019 and 367-100-020

Lot Area: 6.64 gross acres

WHEREAS, the Planning Commission has the authority per Chapter 17.196 of the Wildomar Municipal Code to take action on Variance No. 1757 to construct a freestanding sign 75-foot tall freestanding sign; and

WHEREAS, on May 9, 2009, the City gave public notice by mailing to adjacent property owners and by placing an advertisement in a newspaper local circulation of the holding of a public hearing at which the project would be considered; and

WHEREAS, on June 3, 2009 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Variance and continued the project to the July 15, 2009 Planning Commission meeting; and

WHEREAS, on July 15, 2009 the Planning Commission held another the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Variance and at which the Planning Commission considered the Variance; and

WHEREAS, at this public hearing on July 15, 2009 the Planning Commission considered, heard public comments on, and adopted a Mitigated Negative Declaration and Mitigation Monitoring Program for the project by Resolution _____; and

NOW THEREFORE, the Planning Commission of the City of Wildomar does hereby resolve, determine 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, the recommendation of the Planning Director as provided in the Staff Report dated July 15, 2009, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

A. CEQA: The approval of this Conditional Use Permit is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on July 15, 2009, at a duly noticed public hearing, the Planning Commission approved and adopted a Mitigated Negative Declaration and Mitigation Monitoring Program reflecting its independent judgment and analysis and documenting that there was not 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. The documents comprising the City's environmental review for the project are on file and available for public review at Wildomar City Hall, 23873 Clinton Keith Rd., Suite 201, Wildomar, CA 92595.

B. Multiple Species Habitat Conservation Plan (MSHCP). The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria cell area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 2. REQUIRED FINDINGS.

Pursuant to Wildomar Municipal Code, and in light of the record before it including the staff report dated July 15, 2009 and all evidence and testimony heard at the public hearing Variance 1757, the Planning Commission hereby finds as follows.

1. There are special circumstances applicable to the parcel of property, including size, shape, topography, location or surroundings, that the strict application of this ordinance deprives such property of privileges enjoyed by other property in the vicinity that is under the same zoning classification.

The site is affected by topographic constraints not common with similarly zoned parcels in the area. The topographic constraints include the elevation difference between the site and freeway overcrossing for Bundy Canyon Road and the fact that southbound travel lanes for Interstate 15 are 10 to 15 feet lower than the northbound travel lanes. Following an evaluation of the initial request for an approved variation a reduced signage was determined to meet the intent of the variance provisions contained in Section 65906 of the State Planning and Zoning Law. To address the specific site constraints and provide an equivalent signage opportunity for this commercial site, the maximum allowable sign height of 45 feet needs to be equalized by providing an additional 20 feet in height to offset the height of the freeway plus an additional 10 feet to offset the lower elevation for the south bound travel lanes. In effect, the elevation of the northbound travel lanes creates a hill condition which obscures the site from

southbound traffic along Interstate 15. These unique topographic and site constraints, as described in the staff report, justify the approval of a modified variance request.

2. Granting of this variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

The approval of this proposed variance does not constitute the approval of a special privilege by allowing taller freeway signage than the Zoning Ordinance allows because no other freeway oriented commercial centers have the same site constraints. This site is substantially lower than the elevation of the adjacent freeway combined with split freeway elevation north of the site which further blocks the site visibility (the northbound travel lanes are ten to fifteen feet higher than the southbound travel lanes). The site and associated freeway condition is substantially different from other interchange-commercial sites. Consequently, the approval of this variance does not create a special privilege situation since only topographically effected commercial sites receive the approval for additional sign height variations.

SECTION 3. PLANNING COMMISSION ACTION.

The Planning Commission hereby approves Variance 1757 (Project 08-0179) subject to the Conditions of Approval attached hereto and incorporated by this reference as Exhibit A.

PASSED, APPROVED AND ADOPTED this 15th day of July, 2009, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

ATTEST:

David Hogan, Minutes Secretary

Robert Devine, Chairman

APPROVED AS TO FORM:

Thomas Jex, Assistant City Attorney

EXHIBIT A
CITY OF WILDOMAR
CONDITIONS OF APPROVAL

Planning Application Number: Variance 1757 (08-0179)	
Project Description: Canyon Plaza Freestanding Sign	
Assessor's Parcel Number(s): 367-100-019 & 367-100-020	
Approval Date: July 15, 2009	Expiration Date: July 15, 2012

Within 48 Hours of the Approval of This Project

1. The applicant/developer shall deliver to the Planning Department a cashier's check or money order made payable to the County Clerk in the amount of Two Thousand Fifty Seven Dollars (\$2,057.00) which includes the One Thousand Nine Hundred Ninety Three Dollars (\$1,993.00) fee, required by Fish and Game Code Section 711.4(d)(3) plus the Sixty-Four Dollar (\$64.00) County administrative fee, to enable the City to file the Notice of Determination for the Mitigated or Negative Declaration required under Public Resources Code Section 21152 and California Code of Regulations Section 15075. If within said 48-hour period the applicant/developer has not delivered to the Planning Department the check as required above, the approval for the project granted shall be void due to failure of condition [Fish and Game Code Section 711.4(c)].
2. The applicant shall review and sign the Acceptance of Conditions of Approval document that will be provided by the Planning Department staff and return the document with an original signature to the Planning Department.

General Requirements

3. 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, Code 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

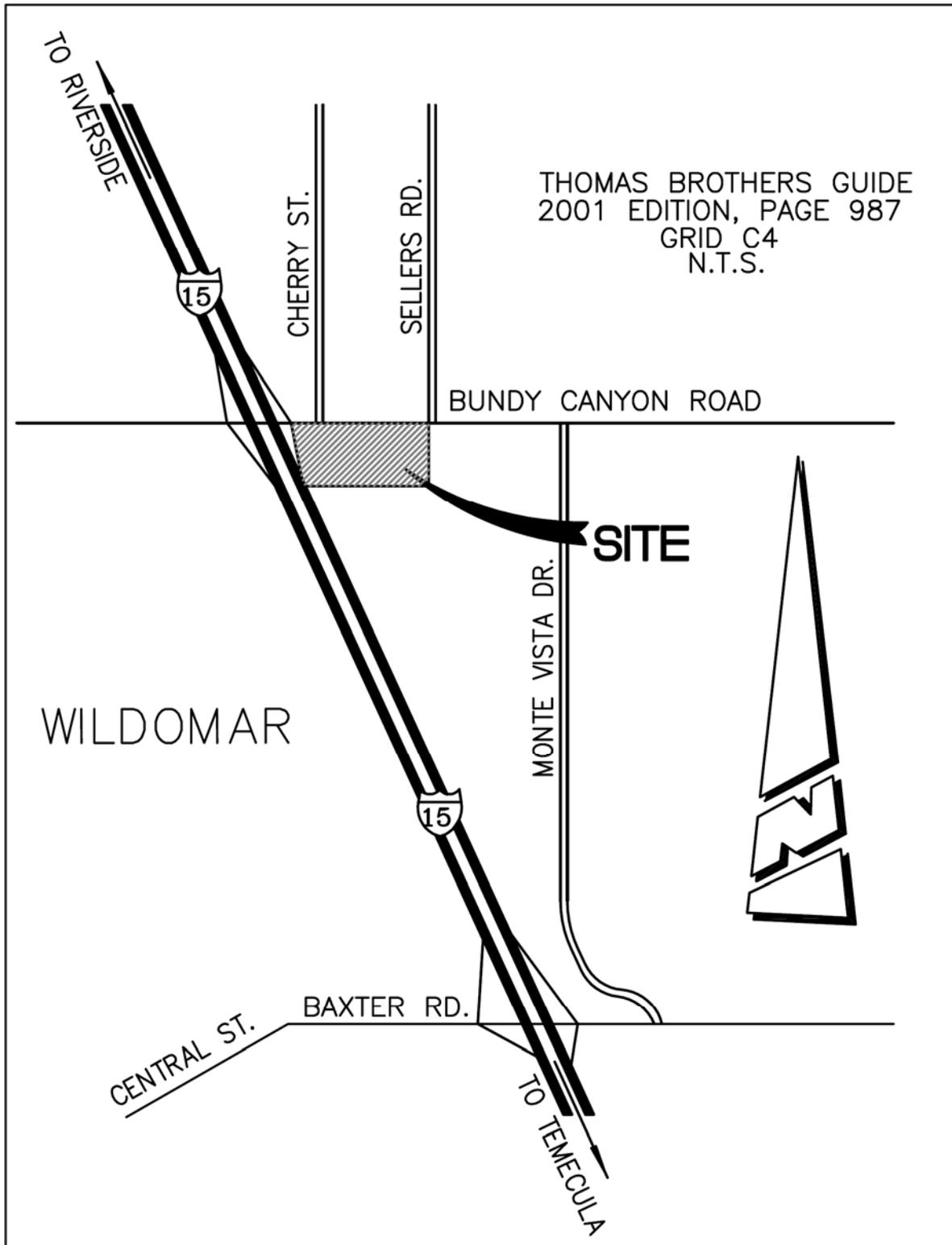
necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

4. The approval of the variance shall comply with the provisions of Title 17 – Zoning (Ordinance 348), unless modified by the conditions listed herein. This approval shall expire in three (3) years unless an application for an extension is filed at least 30 days prior to the expiration date. The City, for good cause, may grant up to two (2) one-year extensions of time, one year at a time.
5. The project and all subsequent projects within this site shall comply with all mitigation measures identified in Environmental Assessment 39508.
6. The development of the premises shall substantially conform to the approved site plan and elevations contained on file with the Planning Department.
7. 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.
8. The Applicant shall submit to the Planning Department for the permanent files 8" X 10" glossy photographic color prints of the approved color and materials board and the colored architectural elevations. All labels on the color and materials board and Elevations shall be readable on the photographic prints.
9. No grading shall be performed without the prior issuance of a grading permit by the City.
10. No sign structure or signage identified in this approval shall be constructed or operated without the prior issuance of grading and building permits by the City.
11. 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 Codes, California Electrical Code, California Administrative Code, and all appropriate City of Wildomar Standards and Codes.
12. The development of the freestanding sign structure shall comply with the provisions and conditions of approval for Conditional Use Permit 3403.
13. No extensions of time shall be approved for Variance 1757 unless either of the following occurs: (1) an extension of time has been approved for Conditional Use Permit 3403 or (2) the site development approved by Conditional Use Permit 3403 has been substantially constructed. For the purpose of this condition, substantial development is defined as the construction of the buildings and related parking and landscaping on at least three building pads.
14. This approval shall not be valid until all outstanding permit and application processing fee balances are paid in full. No extensions of time shall be granted unless all balances have been paid in full.

End of Conditions of Approval

ATTACHMENT E

LOCATION MAP



ATTACHMENT F

ATTACHMENT G

ATTACHMENT H

**INITIAL STUDY
FOR A
MITIGATED NEGATIVE DECLARATION**

PROJECT 08-0179

**TENTATIVE PARCEL MAP 32257
CONDITIONAL USE PERMIT 3403
VARIANCE 1757**

**Lead Agency:
City of Wildomar
23873 Clinton Keith Road
Wildomar, CA 92595**

June 24, 2009

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Figure 1	Regional Location
Figure 2	Project Location
Figure 3	Site Plan

**CITY OF WILDOMAR
ENVIRONMENTAL ASSESSMENT FORM: INITIAL STUDY**

Environmental Assessment (E.A.) Number: 39508

Project Case Type (s) and Number(s): CUP 3403, PM 32257, VAR 1757

Lead Agency Name: City of Wildomar Planning Department

Address: 23873 Clinton Keith Road, Wildomar, California 92595

Contact Person: Brad Evanson, Senior Planner

Telephone Number: 951.677.7751

Applicant's Name: Bundy I-15 LP

Applicant's Address: 224 South Joy Street, Corona, CA 92878

Engineer's Name: AJK Civil Engineers – Andrew Koltavary

Engineer's Address: 17802 Mitchell North, Irvine, CA 92614

I. PROJECT INFORMATION

A. Project Description

The project site is located in the City of Wildomar, Riverside County. It is located at the southeast corner of Bundy Canyon Road and Interstate 15. Please refer to **Figure 1, Regional Project Location, Figure 2, Project Location, and Figure 3, Site Plan**. As described above, the project site is approximately 6.64 acres. The entire site is vacant and consists of gentle undulations, with a gradual slope east to west. It is anticipated that the entire site would be graded to accommodate the proposed development. The project consists of the following entitlements.

Tentative Parcel Map 32257

Parcel Map 32257 would vacate the portion of Cherry Street between Bundy Canyon Road and Interstate 15, and would subdivide the two existing parcels (totaling 6.64 net acres) into six commercial parcels, a seventh parcel is designated for the dedication of future right-of-way for the potential extension of Sellers Road and Bundy Canyon Road.

Conditional Use Permit 3403

Conditional Use Permit 3403 would authorize the construction and operation of a gasoline service station, carwash, and convenience store with liquor sales, three drive-thru restaurants, and two retail buildings totaling approximately 36,990 square feet of floor area. The buildings would consist of a 3,900 SF automobile service station/convenience store associated with the gasoline station and carwash, a 4,000 SF retail pad building, a 19,700 SF multi-tenant retail building, a 2,280 SF drive-thru restaurant, a 2,500 SF drive-thru restaurant, and a 3,000 SF drive-thru restaurant. The project square footage does not include the 4,200 square foot fueling station canopy. The architectural style is related to the Spanish Colonial style, with stucco walls, stone wainscoting on the lower portion of the walls, and roof cornices. Project earthwork includes 17,000 cubic yards of cut, approximately 16,000 cubic yards of fill, and up to 1,000 cubic yards of export to an approved location near the project site.

Variance 1757

Variance 1757 originally requested permission to construct an 80 foot tall, free-standing freeway sign with 600 square foot of sign surface on each side of the sign. In contrast, the Zoning Ordinance allows free-standing signs up to 45-feet in height and 150 square feet in sign area (on each side). The current project includes a 65-foot tall, free-standing freeway sign with 150 square feet of sign surface on each side of the sign. This reduced signage option is consistent with existing City policies.

B. Type of Project: Site Specific ; Countywide ; Community ; Policy

C. Total Project Area: Approximately 6.64 acres

Residential Acres: N/A	Lots: N/A	Units: N/A	Projected No. of Residents: N/A
Commercial Acres: 6.64	Lots: 6	Sq. Ft. of Bldg. Area: 36,990	Est. No. of Employees: 15 - 45
Industrial Acres: N/A	Lots: N/A	Sq. Ft. of Bldg. Area: N/A	Est. No. of Employees: N/A
Other: N/A			

D. Assessor's Parcel No(s): 367-100-019 & 367-100-020

E. Street References: Southeast corner of Bundy Canyon Road and Interstate 15

F. Section, Township & Range Description or reference/attach a Legal Description: Portion of Lot 20 and Lot 12 of Sedco Tract No. 1 as shown by map on file in Book 10, Pages 58 to 74 of Maps, Records of Riverside County, California, and being in the NW ¼ of Sec. 26, T.6S, R.4W, SBM. Latitude and Longitude: 33° 37' 34" N, 117° 16' 12" W.

G. Brief description of the existing environmental setting of the project site and its surroundings:

The site is vacant, and consists of gentle undulations that generally slope to the west. Land uses surrounding the proposed project site include residential and commercial to the north across Bundy Canyon Road, vacant land to the east and south, and Interstate 15 to the west. The proposed project site does not support riparian/riverine or wetland habitats, and a site survey did not locate vernal pools or jurisdictional waters present on the site.

Note:

The City of Wildomar became an incorporated City on July 1, 2008, and adopted the County of Riverside's General Plan and Municipal Ordinances. All references in this document to the County of Riverside General Plan, County of Riverside General Plan Environmental Impact Report, and Municipal Code are analogous to the City of Wildomar's adopted General Plan and Municipal code, unless described otherwise.

II. APPLICABLE GENERAL PLAN LAND ZONING REGULATIONS

- A. **General Plan Elements/Policies:** N/A
- B. **General Plan Area Plan(s):** N/A
- C. **Foundation Component(s):** N/A
- D. **Land Use Designation(s):** Commercial Retail
- E. **Overlay(s), if any:** Community Center
- F. **Policy Area(s), if any:** N/A
- G. **Adjacent and Surrounding Area Plan(s), Foundation Component(s), Land Use Designation(s), and Overlay(s) and Policy Area(s), if any:** N/A
- H. **Adopted Specific Plan Information:** N/A
 - 1. **Name and Number of Specific Plan:**
 - 2. **Specific Plan Planning Area, and Policies:**
- I. **Existing Zoning:** General Commercial (C-1/C-P)
- J. **Proposed Zoning, if any:** N/A
- K. **Adjacent and Surrounding Zoning:** General Commercial (C-1/C-P) and Rural Residential (R-R)

III. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below (■) would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” or “Less than Significant with Mitigation Incorporated” as indicated by the checklist on the following pages.

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Public Services
<input type="checkbox"/> Agriculture Resources	<input checked="" type="checkbox"/> Hydrology/Water Quality	<input type="checkbox"/> Recreation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Land Use/Planning	<input type="checkbox"/> Transportation/Traffic
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Utilities/Service Systems
<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Noise	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Geology/Soils	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Mandatory Findings of Significance

IV. DETERMINATION

On the basis of this initial evaluation:

A PREVIOUS ENVIRONMENTAL IMPACT REPORT/NEGATIVE DECLARATION WAS NOT PREPARED	
<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project, described in this document, have been made or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

A PREVIOUS ENVIRONMENTAL IMPACT REPORT/NEGATIVE DECLARATION WAS PREPARED	
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, NOTHING FURTHER IS REQUIRED because all potentially significant effects (a) have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable legal standards and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project.
<input type="checkbox"/>	I find that although all potentially significant effects have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable legal standards, some changes or additions are necessary but none of the conditions described in California Code of Regulations, Section 15162 exist. An ADDENDUM to a previously-certified EIR or Negative Declaration has been prepared and will be considered by the approving body or bodies.
<input type="checkbox"/>	I find that at least one of the conditions described in California Code of Regulations, Section 15162 exist, but I further find that only minor additions or changes are necessary to make the previous EIR adequately apply to the project in the changed situation; therefore a SUPPLEMENT TO THE ENVIRONMENTAL IMPACT REPORT is required that need only contain the information necessary to make the previous EIR adequate for the project as revised.

I find that at least one of the following conditions described in California Code of Regulations, Section 15162, exist and a **SUBSEQUENT ENVIRONMENTAL IMPACT REPORT** is required: (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) Substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any the following: (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration; (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR or negative declaration; (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR or negative declaration would substantially reduce one or more significant effects of the project on the environment, but the project proponents decline to adopt the mitigation measures or alternatives.

Signature  Date 6/22/09

Printed Name David Hogan Title Assistant Planning Director

V. ENVIRONMENTAL ISSUES ASSESSMENT

In accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 - 21178.1), this Initial Study has been prepared to analyze the proposed project to determine any potential significant impacts upon the environment that would result from construction and implementation of the project. In accordance with California Code of Regulations, Section 15063, this Initial Study is a preliminary analysis prepared by the Lead Agency, the City of Wildomar, in consultation with other jurisdictional agencies, to determine whether a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report is required for the proposed project. The purpose of this Initial Study is to inform the decision-makers, affected agencies, and the public of potential environmental impacts associated with the implementation of the proposed project.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
AESTHETICS - Would the project:				
1. Scenic Resources				
a) Have a substantial effect upon a scenic highway corridor within which it is located?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and unique or landmark features; obstruct any prominent scenic vista or view open to the public; or result in the creation of an aesthetically offensive site open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: City of Wildomar General Plan

Findings of Fact:

- a. The project site sits approximately 10 to 15 feet below the travel lanes of Interstate 15, at the base of the Sedco Hills. The project site is currently occupied with scattered grasses and brush, and several landscape trees. In the vicinity of the project site, Interstate 15 is not designated as a scenic highway corridor, but it is eligible for such designation. In addition, the project is subject to design review by the City. This design review will ensure that the project is compatible with the General Plan Land Use Designation and the surrounding community. As a result, any impacts to scenic highway corridors will be less than significant and no specific mitigation measures are required.
- b. The project site is relatively level and was previously developed for a rural residential use. The site does not contain any unique scenic resources or landmarks. As a result, no impacts area anticipated and mitigation measures are required.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. Mt. Palomar Observatory				
a) Interfere with the night time use of the Mt. Palomar Observatory, as protected through Riverside County Ordinance No. 655?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Source: City of Wildomar General Plan and the Wildomar Municipal Code

Findings of Fact:

- a. According to the General Plan, the project site is located within the Mt. Palomar Observatory special lighting district. The project has the potential to result in additional impacts to the continued operation of the Mt. Palomar Observatory. Chapter 8.80 of the Wildomar Municipal Code (previously known as Ordinance No. 655) restricts the use of certain light fixtures to limit light pollution from projects around the Mount Palomar Observatory. With the implementation of the standard requirements contained in Chapter 8.80 of the Wildomar Municipal Code (previously known as Ordinance 655), the project impacts to Mt. Palomar will be reduced to a level of less than significant.

Mitigation:

- 2-1 Prior to recordation of the Final Map a note shall be placed on the Environmental Constraints Sheet indicating that the properties are located within Zone B for the Mount Palomar Observatory.
- 2-2 Prior to the issuance of a Building Permit, the outdoor lighting for project shall conform with the requirements of Chapter 8.80 of the Wildomar Municipal Code (previously known as Ordinance 655). These items shall be shown on electrical plans submitted prior to the issuance of building permit and shall be reviewed and approved by the Building and Safety Department.
- 2-3 Prior to the final inspection, all outdoor lighting shall be inspected by the Building and Safety Department to insure compliance with the approved lighting plan and the provisions of Chapter 8.80 of the Wildomar Municipal Code.

Monitoring: The Engineering and Building Departments will confirm compliance with these provisions.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. Other Lighting Issues				
a) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Expose residential property to unacceptable light levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: City of Wildomar General Plan and the Wildomar Municipal Code

Findings of Fact:

- a. The project will create a new light source in the area from the building lights and from project signage. However, the majority of the lighting will be retained on the project site. Both the exterior lighting and signage will be required to conform with the requirements of Chapter 8.80 of the Wildomar Municipal Code (previously known as Ordinance 655). In addition, all project lighting will be shielded to prevent light spill-over onto adjacent property. The lighting plan will be reviewed by the City Planning Department to ensure adequate protection of light spill-over from the project onto adjacent property. Implementation of the lighting plan through the normal building plan approval process will reduce light and glare impacts to a less than significant level.
- b. The project proposes to develop the site with a service station and freeway commercial retail center. All of the properties surrounding the site are identified for future commercial development. The closest residential properties are approximately 600 feet east of the site across Monte Vista Drive. This includes existing single family residential uses north of the Bundy Canyon Road and property zone Medium High Density Residential south of Bundy Canyon Road. As described above the proposed project must comply with Chapter 8.80 of the Wildomar Municipal Code (previously known as Ordinance 655) and with the Development Code for exterior lighting and signage. With the incorporation of site landscaping, compliance with exterior light design requirements, potential light and glare impacts to the future residents will be less than significant. Prior to final building inspection, outdoor lighting shall be inspected by the Building and Safety Department to ensure compliance with the approved lighting plan. As a result, significant lighting impacts are anticipated to be less than significant.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
AGRICULTURE RESOURCES – Would the project:				
4. Agriculture				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing agricultural use, or a Williamson Act (agricultural preserve) contract (Riv. Co. Agricultural Land Conservation Contract Maps)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Cause development of non-agricultural uses within 300 feet of agriculturally zoned property (Ordinance No. 625, Right-to-Farm)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: City of Wildomar General Plan Figure OS-2, Riverside County GIS

Findings of Fact:

- a. According to the Riverside County Geographic Information System (GIS), the project site is not located on or adjacent to areas designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, the proposed project will not convert farmland to non-agricultural uses and no impacts are anticipated.
- b. According to the Riverside County GIS, there are no agricultural land use practices being conducted on or near the project site. There are no Williamson Act contracts on the site or near the project. Therefore, the proposed project will not conflict with existing agricultural use, or a Williamson Act (agricultural preserve) contract (Riv. Co. Agricultural Land Conservation Contract Maps) and no impacts are anticipated.
- c. There are no agriculturally zoned properties within 300 feet of the project site. Thus, the proposed project has no potential to cause development of non-agricultural uses within 300 feet of agriculturally zoned property (Chapter 5.40 of the Wildomar Municipal Code, previously known as Ordinance No. 625 Right-to-Farm); or cause the conversion of Farmland to non-agricultural use.
- d. Due to the urban land use designations of the proposed project site and its surroundings, the proposed project has no potential to cause or result in the conversion of farmland to non-agricultural resources.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
AIR QUALITY - Would the project:				
5. Air Quality Impacts				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors which are located within 1 mile of the project site to project substantial point source emissions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Involve the construction of a sensitive receptor located within one mile of an existing substantial point source emitter?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: SCAQMD CEQA Air Quality Handbook. SCAQMD Air Quality Management Plan, project Urbemis analysis, dated June 2009, prepared by PMC

Findings of Fact:

- a. The South Coast Air Quality Management District (SCAQMD) is responsible for developing a regional air quality management plan to insure compliance with state and federal air quality standards. The SCAQMD has adopted the 2007 Air Quality Management Plan (AQMP). The 2007 AQMP is based on socioeconomic forecasts (including population estimates) provided by the Southern California Association of Governments (SCAG). The County General Plan is consistent with SCAG's Regional Growth Management Plan and SCAQMD's Air Quality Management Plan. This project is consistent with the General Plan Land Use Designations that were used in the development of the AQMP. As a result, the proposed project is consistent with the AQMP and is not expected to obstruct the implementation of the 2007 AQMP. Therefore, impacts are anticipated to be less than significant.
- b. The project is expected to generate an additional increment in air pollution. However this additional increment is not expected to result in a significant impact to the environment. According to the air quality modeling the project is expected to result in the following emissions:

Maximum Daily Construction Air Pollution Emissions (pounds/day)						
Construction Phase	ROG	NOx	CO	SO₂	PM-10	PM-2.5
Mass Grading	12.23	92.34	46.75	0	24.68	8.47
Fine Grading	2.79	16.92	10.58	0	21.35	5.41
Trenching	0.93	4.47	3.89	0	0.51	0.47
Construction	2.33	13.82	9.85	0	1.15	1.05
Painting and Coatings	42.69	0.03	0.57	0	0	0
Paving	1.56	7.53	5.17	0	0.73	0.67
AQMD Significance Threshold	75	100	550	150	150	55
Exceeds any Project Phase Thresholds?	No	No	No	No	No	No

By far, the greatest project-related air quality concern in Southern California derives from the mobile source emissions that will be generated from the project site during operations. Operational emissions from project-related traffic were calculated using a computerized procedure developed by the CARB for urban growth mobile source emissions. The model was used to calculate future operational emissions. As indicated below, the project is not expected to have a significant impact on air quality.

Peak Daily Operational/Areawide Air Pollution Emissions (pounds/day)						
Seasons	ROG	NOx	CO	SO₂	PM-10	PM-2.5
Summer	30.96	54.00	399.22	0.39	63.54	12.80
Winter	34.58	63.83	380.52	0.33	63.51	12.77
AQMD Significance Threshold	55	55	550	150	150	55
Exceeds Threshold in Summer?	No	No	No	No	No	No
Exceeds Threshold in Winter?	No	Yes*	No	No	No	No
* Oxides of nitrogen are a precursor in the atmospheric production of ozone. Because the exceedance of the threshold occurs during the winter season when ozone is a less than significant air quality issue, no significant impacts are anticipated.						

Global climate change has become a major concern in recent years. While the exact effects of global climate change are not known, the best scientific opinions believe that over the next century the average temperature on the planet will increase between 2 and 5 degrees Celsius (3½ to 9 degrees Fahrenheit). The long term consequences of this increase in temperature include a variety of events that could potentially be destructive to human civilizations. Some of the potential changes that could result from planetary climate change include substantial increases in sea level, increased drought and desertification, reductions in global agriculture and food supplies, and impacts to existing ecosystems. In the future, California will probably be most affected by increasing sea levels, extended drought conditions, increased flooding, and more severe wildfires.

Given the planet-wide causes of global climate change, it is unlikely that any substantial reduction in the rate or magnitude of climate change is possible at the local level. Long-term solutions to global climate change will probably require extensive reductions in the use of fossil fuels and the increases in the use of alternate energy sources. On the level of a small scale development project, there are a number of items that could help minimize the severity of the adverse effects of global climate change. These items include increased energy efficiency (including the use of light colored/highly reflective roof materials), enhanced land use connectivity (between work, services, school and recreation), reductions in vehicle miles driven, increases in mass transit use, and increased open space conservation.

Recent changes to State Law, the Global Warming Solutions Act of 2006, have established requirements to begin to deal with greenhouse gas emissions in California. One of the requirements in the law is for environmental documents to identify carbon dioxide emissions that are expected to occur as a result of the construction and operation of projects within the State. As a result, modifications were made to URBEMIS air quality model to calculate carbon dioxide emissions. The air quality assessment assumed that construction would begin in late 2009 and would conclude in early 2010. The anticipated carbon dioxide emissions for project operation is expected to be 6, 262 metric tons per year.

- c. As discussed above, a majority of the increase in criteria pollutants will occur during project build-out. The increase in pollutants will mostly come from vehicles travelling to and from the project site. However, the proposed project is not large; it is being developed in accordance

with the existing land use and zoning designations on the project site and is therefore being developed in accordance with SCAQMD's Air Quality Management Plan. Because the proposed project is not expected to exceed significance thresholds for the SCAQMD, is being developed with its adopted zoning and land use designations and is a smaller site, it is not anticipated that the proposed project will contribute to cumulative air quality impacts within the project area. Therefore, no significant impacts are anticipated.

- d. A sensitive receptor is a person in the population who is particularly susceptible to health effects due to exposure to an air contaminant than is the population at large. Sensitive receptors (and the facilities that house them) in proximity to localized CO sources, toxic air contaminants or odors are of particular concern. High levels of CO are associated with major traffic sources, such as freeways and major intersections, and toxic air contaminants are normally associated with manufacturing and commercial operations. Land uses considered to be sensitive receptors include long-term health care facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools, playgrounds, child care centers, and athletic facilities. The nearest sensitive receptors, single family residences, are located approximately one quarter mile from the project site. However, the project is not expected to produce significant amounts of air pollutants which could effect these sensitive receptors. As a result, no significant impacts are anticipated.
- e. The proposed project is a freeway-oriented service station and commercial retail center. This project is not considered a sensitive receptor. Therefore, the proposed project will not introduce a sensitive receptor near a substantial point source emitter.
- f. Uses within the proposed project include a gasoline service station and several fast food restaurants. While these uses have the potential to create objectionable odors, compliance with State and Federal operational standards and regulations will reduce that to a less than significant impact. During the construction phase of the proposed project, there is a potential for diesel exhaust and paving materials to create short-term emissions, which may have noxious odors. The odors associated with diesel exhaust and paving are not associated with odors that are so offensive as to cause receptors to complain. In addition, these construction-related odors will be of short-term duration. As a result, no significant odor impacts are anticipated.

Mitigation: The following mitigation measures shall be implemented throughout construction activities in order to reduce project impacts:

- 5-1 Apply water every three hours to disturbed areas.
- 5-2 Use appropriate emission control devices on gasoline and diesel construction equipment and maintain construction equipment engines by keeping them tuned. All diesel vehicles shall use diesel oxidation catalysts where feasible.
- 5-3 Limit vehicle speeds in construction area to 15 miles per hour on unpaved roads.
- 5-4 Any vegetative ground cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems needed to water these plants shall be installed as soon as possible to maintain the ground cover and minimize wind erosion of the soil.

- 5-5 All material stockpiles subject to wind erosion during construction activities, that will not be utilized within three days, shall be covered with plastic, an alternative cover deemed equivalent to plastic, or sprayed with a nontoxic chemical stabilizer.
- 5-6 Where vehicles leave the construction site and enter adjacent public streets, the streets shall be swept daily or washed down at the end of the work day to remove soil tracked onto the paved surface.
- 5-7 All diesel-powered vehicles shall be turned off when not in use for more than 10 minutes and gasoline - powered equipment shall be turned off when not in use for more than five minutes.
- 5-8 All grading construction vehicles shall not operate more than six hours per day during the mass grading of the project site.
- 5-9 The construction contractor shall utilize, to the extent feasible, pre-coated/natural colored building materials, water based or low VOC coating, and coating transfer or spray equipment with high transfer efficiency, such as high volume low pressure (HVLP) spray method, or manual coatings application such as paint brush, hand roller, trowel, spatula, dauber, rag, or sponge.
- 5-10 All food service uses shall utilize Best Available Control Technology (BACT) exhaust scrubbers and equipment to minimize the creation and emission of odors during restaurant operations.

Monitoring: The above described mitigation measures will be verified during construction by including the requirements in the construction contract and by field inspections as each stage of construction takes place. Inspection notes verifying implementation of the mitigation measures shall be retained in the project file.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
BIOLOGICAL RESOURCES - Would the project:				
6. Wildlife & Vegetation				
a) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect, either directly or through habitat modifications, on any endangered, or threatened species, as listed in Title 14 of the California Code of Regulations (Sections 670.2 or 670.5) or in Title 50, Code of Federal Regulations (Sections 17.11 or 17.12)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: City of Wildomar General Plan, City of Wildomar GIS, Riverside County GIS, Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)

Findings of Fact:

- a. The project site is located outside of proposed Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Criteria Area and is not located within a criteria cell. The closest criteria cell is Cell #5044, more than one-half mile north of the project site and separated from the project site by several single family residential developments and vacant commercial land. As a result, due to the distance from the project site to any criteria cells and the developed parcels between the site and the criteria cells, it is unlikely that any of the edge effects as identified in Section 6.1.4 of the MSHCP will occur. The project is located within the Stephens kangaroo rat (SKR) Habitat Conservation Plan Fee Area. The regional impact mitigation fees associated with the SKR will provide mitigation for any potential impacts to SKR. Therefore, any impacts would be less than significant, and no mitigation measures are required.
- b. The proposed project is located in an area of Wildomar that is developing with urban land uses. The project site itself was previously used for residential purposes, and per the Riverside County GIS, vegetation on the project site consists of non-native residential and urban plant species. Therefore, there are limited opportunities for rare, threatened or endangered species to occur on or within the project vicinity, and any impact is less than significant.
- c. The proposed project is located in an area of Wildomar that is developing with urban land uses. Due to the proposed project site's location and developed condition, it is not likely that the project will have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Wildlife Service, as a result no significant impacts are anticipated.
- d. Due to proposed project's location adjacent to both Interstate 15 and a prominent roadway, Bundy Canyon Road, it has minimal potential to support movement of migratory faunal species. Additionally, there are no native wildlife nursery sites on or adjacent to the proposed project

site. Therefore, the proposed project will have a less than significant impact on native resident or migratory fish or wildlife species, established native resident migratory wildlife corridors, or native wildlife nursery sites.

- e & f. Natural watercourses are not present on the project site. There is no riparian vegetation, wetlands, vernal pools, or other aquatic features onsite. Therefore, the project site is not subject to any local or regional plans or policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service and the project will not have a significant impact.
- g. There are no local policies or ordinances protecting biological resources, such as a tree preservation policy or other similar ordinances that apply to the proposed project site. Therefore, the project will have no such impact.

Mitigation: Implementation of the mitigation measure below will eliminate or reduce potential impacts to wildlife and vegetation.

- 6-1 Prior to the issuance of a grading permit the applicant shall pay the impact mitigation fess established by the MSHCP program.
- 6-2 Prior to the issuance of a grading permit the applicant shall pay the Stephens kangaroo rat impact mitigation fees.
- 6-3 Within 30 days prior to the initiation of any grading or clearing activities, a subsequent Western Burrowing Owl Survey shall be performed to confirm that burrowing owls have not reoccupied any portion of the site. In the event that a portion of the site has been re-occupied by the burrowing owl, the survey biologist, in consultation with the City Planning Department, shall establish no disturbance areas around the burrow and related foraging areas to ensure that no impacts to the burrowing owl occur. The subsequent survey will comply with the survey protocols established by the U.S. Fish and Wildlife Service.

Monitoring: The Engineering Department shall verify that these mitigation measures are implemented.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
CULTURAL RESOURCES - Would the project:				
7. Historic Resources				
a) Alter or destroy an historic site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of a historical resource as defined in California Code of Regulations, Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: City of Wildomar General Plan Figure OS-7, Cultural Resources Assessment dated December 17, 2003, Phase 1 Archaeological Assessment, dated October 7, 2008, by CRM Tech

Findings of Fact:

a & b The Cultural Resources Assessment determined that there were no prehistoric resources on

the project site. The site was most recently was utilized for residential purposes, and had been developed in 1938 with a single family residence and several accessory buildings. It was determined that the residential complex did not qualify as eligible for inclusion on the California Register of Historic Resources under Criterion A or B (association with prominent historical figures or events) or Criterion C (architectural – the complex is not the work of a master nor are the style, design, materials, etc. considered unique). In the event any cultural resources are discovered during the site development activities, a qualified archeologist shall review the items to determine their historical significance. With this mitigation measure, no significant impacts are anticipated.

Mitigation: Implementation of the mitigation measure below will eliminate or reduce potential impacts to historic resources.

7-1 Prior to the issuance of a grading permit, the developer shall identify the qualified archaeologist to the City who has been retained to evaluate the significance of any inadvertently discovery historical resources. If cultural resources are encountered during ground disturbing activities that were not previously identified, all construction activities will be halted or redirected until a qualified archaeologist can evaluate the nature and significance of the finds and recommend and implement management actions to protect or curate any resources that merit management.

Monitoring: The Engineering Department shall ensure that a qualified archaeologist has been retained by the developer.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. Archaeological Resources				
a) Alter or destroy an archaeological site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to California Code of Regulations, Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Restrict existing religious or sacred uses within the potential impact area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: City of Wildomar General Plan Figure OS-7, Riverside County GIS, Phase 1 Archaeological Assessment

Findings of Fact:

a & b According to the cultural resources assessment, no archaeological resources were identified on site. In addition, the likelihood of archaeological resources on the project site was not considered to be likely. Although there are no known resources on the project site, however there is a potential for archaeological resources to be discovered during ground disturbing activities. Through the incorporation of mitigation measures, impacts to archaeological resources resulting from implementation of the proposed project will be less than significant.

- c. The project site does not contain any previously identified cemetery. No on-site burials are known to have occurred on site. Although there are no known archaeological resources on the project site, in the event human remains are encountered during ground disturbing activities the mitigation measures identified below will reduce any impacts to a level of less than significant.
- d. According to the Riverside County GIS, the project site is not located within Native American Tribal Lands. However, historically there have been tribal activities in and around the Wildomar area. In the event of an inadvertent discovery of sacred cultural resources, the mitigation measures incorporated herein will reduce any impacts to a less than significant level.

Mitigation: Implementation of the mitigation measure below will eliminate or reduce potential impacts to archaeological resources.

- 8-1 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.
- 8 2 At least 30 days prior to seeking a grading permit, the project applicant shall contact the Pechanga Band of Luiseño Indians (Tribe) 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.
- 8-3 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.
- 8-4 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.
- 8-5 All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.
- 8-6 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.

Monitoring: The Engineering Department shall verify that the appropriate agreements are in place prior to any grading activities. The Planning Department will monitor the findings of the cultural and tribal monitors during the grading process. Any reports of findings shall be provided to the City and retained in the project file.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. Paleontological Resources				
a) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Source: City of Wildomar General Plan Figure OS-7, Riverside County GIS

Findings of Fact:

- a. Fossils and similar paleontological resources are often discovered in the lower (older) levels of the Pauba Formation and the associated unnamed Sandstone. According to the Riverside County GIS, the project site lies within an area of High Paleontological Sensitivity. As such, there exists the possibility of encountering paleontological resources during grading or project construction. To ensure that no significant impacts occur, Mitigation Measure 9-1 is expected to reduce any impacts to a less than significant level.

Mitigation: Implementation of the mitigation measure below will eliminate or reduce potential impacts to historic resources.

- 9-1 Prior to the issuance of a grading permit, the developer shall identify the qualified paleontologist to the City 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 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.

Monitoring: The Engineering Department shall ensure that a qualified archaeologist has been retained by the developer.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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GEOLOGY AND SOILS

10. Alquist-Priolo Earthquake Fault Zone or County Fault Hazard Zones

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Be subject to rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: City of Wildomar General Plan Figure S-2, Riverside County GIS database

Findings of Fact:

a & b Southern California is a seismically active area, with the potential to expose people or structures to seismic events. No active faults are known to traverse the subject site. The project site does not lie within a State of California Earthquake Fault Hazard Zone (formerly called an Alquist-Priolo Special Studies Zone). The closest fault zone to the project is a County-designated Wildomar Fault Zone, which is approximately 1,000 feet west and southwest of the site. The standard requirements contained in the Uniform Building Code are expected to mitigate any potential impact to less than significant. As a result no significant impacts are anticipated.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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11. Liquefaction Potential Zone

a) Be subject to seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Source: City of Wildomar General Plan Figure S-3, and Riverside County GIS

Findings of Fact:

a. According to the Riverside County GIS and General Plan the project site is located in an area that is designated as having a moderate potential for liquefaction. The standard requirements contained in the Uniform Building Code and the geotechnical assessment which are required prior to the issuance of any grading permit are expected to mitigate any potential impact to less than significant. As a result no significant impacts are anticipated

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
12. Groundshaking Zone				
a) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Source: City of Wildomar General Plan Figure S-4; Riverside County GIS.

Findings of Fact:

- a. Southern California is a seismically active area, with the potential to expose people or structures to seismic events. The principal seismic hazard that could affect the site is ground shaking resulting from an earthquake occurring along several major active or potentially active faults in southern California. The closest fault zones to the project is a County-designated Wildomar Fault Zone, which is approximately 1,000 feet south west of the site and an Alquist-Priolo designated fault zone approximately one mile west of the site. Both of these fault zones, as well as countless other fault zones through out Southern California have the potential to result in strong seismic ground shaking which could effect the site. However, the standard requirements contained in the Uniform Building Code are expected to mitigate any potential impact to less than significant. As a result no significant impacts are anticipated.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
13. Landslide Risk				
a) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, collapse, or rockfall hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: City of Wildomar General Plan Figure S-4; Riverside County GIS

Findings of Fact:

- a. Due to the relatively level terrain for the proposed project area, this site is not subject to landslide, collapse, or rockfall hazards. The project site is located within an area of general seismic activity, but does not contain areas subject of unstable geologic units or soil. According to the Riverside County GIS and City of Wildomar General Plan the project site has no potential for landslides. Additionally, due to the proposed project site’s distance from boulders or other rock formations there is no potential for mudslide or rockfall hazards. As a result, no significant impacts are anticipated.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
14. Ground Subsidence				
a) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in ground subsidence?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: Riverside County GIS.

Findings of Fact:

- a. Subsidence refers to the sudden sinking or gradual downward settling and compaction of soil and other surface material with little or no horizontal motion. It may be caused by a variety of human and natural activities, including earthquakes. According to the Riverside County GIS, the project site is located in an area susceptible to subsidence but is not located near an area with documented areas of subsidence. The requirements of the Uniform Building Code and the recommendations from the geotechnical study required prior to the issuance of a grading permit, are expected to reduce any impacts to a less than significant level.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
15. Other Geologic Hazards				
a) Be subject to geologic hazards, such as seiche, mudflow or volcanic hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: City of Wildomar General Plan; Riverside County GIS;

Findings of Fact:

- a. Due to the proposed project’s distance from the Pacific Ocean or other large bodies of water and the site’s elevation, tsunami effects on the project site are extremely low. There are no known volcanoes within the proposed project’s vicinity. Therefore, the proposed project will not be impacted by the aforementioned geologic hazards.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. Slopes				
a) Change topography or ground surface relief features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create cut or fill slopes greater than 2:1 or higher than 10 feet?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in grading that affects or negates subsurface sewage disposal systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: City of Wildomar General Plan; Riverside County GIS;

Findings of Fact:

- a. The project site currently is relatively flat, with gentle undulations. The proposed project may result in minor changes to the site topography to accommodate proposed site drainage, but in no instance resulting in a greater than 2 percent slope. Therefore, there are no impacts associated with topography.
- b. According to the project submittal documents, the proposed project will not create slopes steeper than 2:1. Therefore, there are no impacts associated with fill slopes and no mitigation measures are required.
- c. The proposed project will connect to the regional wastewater system. Therefore, the proposed project grading will not interfere with existing subsurface sewage disposal systems and no impacts are anticipated.

Mitigation: No mitigation is required.

Monitoring: No Monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
17. Soils				
a) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Source: Riverside County GIS, Project Specific Draft WQMP, dated March 25, 2009, by AJ Koltavary Civil Engineers

Findings of Fact:

- a. Implementation of the project will not result in substantial soil erosion or the loss of topsoil. It is estimated that the entire project site will be graded during construction activities. The proposed Stormwater Pollution Prevention Plan (SWPPP) and the project specific Water Quality Management Plan (WQMP) will incorporate Best Management Practices (BMPs) to

be implemented during the pre-construction (rough-grading and fine grading), during construction and at project build-out. Adherence to the proposed SWPPP and WQMP will ensure that soil erosion and loss of topsoil will not result in a substantial loss of topsoil or soil erosion. The requirements of the SWPPP and the WQMP

- b. According to the Riverside County GIS, the project site is classified as having a low expansion potential. However, expansive soils may be present on site. Compliance with the following mitigation measures will reduce any impacts to a level of less than significant.

Mitigation: Implementation of the following mitigation measures will reduce potential impacts due to soil erosion or the loss of topsoil or from expansive soils, if encountered, which could create substantial risks to life or property:

- 17-1 Prior to issuance of any grading permits, a geotechnical engineer shall perform a geotechnical analysis of the soils on the project site and provide a report outlining recommendations, specifications, and requirements for grading and construction activities related to the proposed project to the satisfaction of the City Engineer.
- 17-2 Prior to the issuance of any grading permits, the applicant shall submit, and the City Engineer approve erosion control plans related the approved grading plans that are needed to ensure that on-site soils do not leave the project site.
- 17-3 Prior to the issuance of grading permits, the project specific SWPPP shall be approved by the City Engineer.

Monitoring: The Building and Engineering Departments shall conduct field inspections as necessary during construction to verify development of the project site in accordance with site plans and building code standards.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. Erosion				
a) Change deposition, siltation or erosion which may modify the channel of a river or stream or the bed of a lake?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in any increase in water erosion either on or off site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: Project Specific Draft WQMP, dated March 25, 2009, by AJ Koltavary Civil Engineers

Findings of Fact:

a&b. The proposed project has prepared a Project Specific Draft Water Quality Management Plan, which provides site design requirements that will reduce the proposed project’s potential to change the deposition, siltation or erosion rates of a channel of a river or stream or the bed of a lake. Additionally, mitigation measures identified under the Hydrology and Water Quality section of this IS/MND ensures the potential for significant erosion on and from the proposed project site will be controlled. The proposed project will include the use of onsite retention to retain runoff from the project site. Thus, through the implementation of the

Mitigation Measures for erosion control described in the Sections 3 and 8, impacts associated with erosion will be less than significant.

Mitigation: No additional mitigation measures are required.

Monitoring: No additional mitigation measures are required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
19. Hazards and Hazardous Materials				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: City of Wildomar General Plan Figure S-18, California DTSC EnviroStor Database

Findings of Fact:

- a. The project proposes to develop the site with a gasoline service station and carwash, three drive-thru restaurants, and two retail buildings totaling approximately 35,380 square feet of floor area. This land use will necessitate the regular transportation of automotive fuels, which will be subject to regulation from local agencies including Environmental Health and the County Sheriff, to Caltrans, to the US Department of Transportation and the Federal EPA. As compliance with said regulations is applicable to all such development, they are not considered mitigation for CEQA implementation purposes. Therefore, impacts are anticipated to be less than significant.
- b. During the construction phase of the proposed project there is a potential for accidental release of petroleum products in sufficient quantity to pose a hazard to people and the environment. Implementation of mitigation measures will reduce potential impacts associated an accidental release hazardous materials to below a level of significance. Additionally, at project build-out and over the life of the project, there is the potential for hazardous chemicals to be released from the project site in the form of cleaning agents. The amount of hazardous materials on the project site after development will not be voluminous; and instead will be relatively miniscule therefore, the potential for a significant release of hazardous materials after project build-out development is considered to be a less than significant impact.

- c. There is adequate emergency access at the project site such that development of the project will not have the potential to impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan. Therefore, the proposed project will have no impact on an adopted emergency response or evacuation plan.
- d. The project site is not located within one-quarter mile of an existing or proposed school. The nearest school, Elsinore High School, is located approximately one-half mile west of the project site. Due to the lack of uses that would generate hazardous emissions, no adverse impacts associated with hazardous emissions will impact schools. Therefore, impacts to nearby schools would be less than significant.
- e. A review of Riverside County records and the State Department of Toxic Substances Control EnviroStor database determined that there the proposed project site is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, its development would not create a significant hazard to the public or the environment. Therefore, no impacts from the proposed project are anticipated; and no mitigation measures are required.

Mitigation: No additional mitigation measures are required.

Monitoring: No additional mitigation measures are required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
20. Airports				
a) Result in an inconsistency with an Airport Master Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require review by the Airport Land Use Commission?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) For a project within the vicinity of a private airstrip, or heliport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: City of Wildomar General Plan Figure S-19; and Riverside County GIS

Findings of Fact:

- a & b According to the City of Wildomar General Plan, the proposed project site is not located within an airport land use plan or within two miles of a public airport. Therefore, the proposed project does not require review by the Airport Land Use Commission, nor will it result in an inconsistency with an Airport Master Plan.
- c. No significant airport related impacts are anticipated from implementation of the proposed project to occur as a result of the implementation of the proposed project relative to safety hazards for people residing or working in the project area. The nearest public airport is French Valley Airport which is located to the east of the site near Murrieta and Temecula (5.0 miles). It

will not present any significant airport operation hazards. Therefore, development of the proposed project will not have an impact on an airport land use plan or result in safety hazards.

- d. The proposed project is not within the vicinity of a private airstrip, or heliport and therefore would the project result in a safety hazard for people residing or working in the project area. The nearest private airstrip is Skylark Field Airport to the west in the City Lake Elsinore (1.0 mile). Any aircraft accidents at the project site would be random in nature and not a result of the type of use at the project site or the site's location.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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21. Hazardous Fire Area

a) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Source: City of Wildomar General Plan (CGP) Figure S-11, Riverside County GIS

Findings of Fact:

- a. According to information provided by the Cal Fire, the site is located within a high fire hazard area. As a result, the project may expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. However, the design of project, combustion resistant materials combined with large paved surfaces will help minimize any future fire impacts. In addition, compliance with the following mitigation measures will reduce any such impacts to a level of less than significant. As a result, no significant impacts are anticipated.

Mitigation:

- 21-1 Prior to the issuance of any building permits, the City of Wildomar Building Department and Fire Department shall thoroughly review the proposed construction plans, to ensure compliance with all appropriate design and construction standards for development in high fire hazard areas.

Monitoring: The project applicant shall submit building plans for review and approval. Conformance with the approved plans shall be verified prior to final occupancy.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
HYDROLOGY AND WATER QUALITY - Would the project:				
22. Water Quality Impacts				
a) Substantially alter the existing drainage pattern of the site or area, including 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Include new or retrofitted stormwater Treatment Control Best Management Practices (BMPs) (e.g. water quality treatment basins, constructed treatment wetlands), the operation of which could result in significant environmental effects (e.g. increased vectors and odors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: City of Wildomar General Plan Figure S-9, Riverside County GIS; FEMA; Elsinore Valley Municipal Water District; Riverside County Flood Control and Conservation District; Project Specific Draft WQMP, dated March 25, 2009, by AJ Koltavary Civil Engineers, Drainage Study, March 25, 2009, by AJ Koltavary Civil Engineers

Findings of Fact:

- a. The proposed project is located within the Murrieta Creek watershed and within the boundary of the Riverside County Flood Control and Conservation District's Wildomar Valley Drainage Plan. The proposed project will not substantially alter the existing drainage pattern which flows from the north toward the southwest. In addition, the erosion control measures contained in the project plans will minimize any erosion problems during construction. As a result, no impacts are anticipated and no mitigation measures are required.
- b. The proposed project has the potential to discharge of urban pollutants such as motor oil, antifreeze, gasoline, pesticides, detergents, trash, and fertilizers. The project drainage design will capture storm runoff in a series of storage beds within landscaped areas and under porous asphalt. Therefore, the proposed project will not alter natural stream channels or cause substantial erosion or siltation, either on-site or off-site. Additionally, the proposed

project specific SWPPP and the project specific draft WQMP will be implemented to ensure that both short- and long-term storm runoff discharges are not unacceptably degraded by sediment or other pollutants. Compliance with the design elements and recommendations of the WQMP and the proposed project-specific SWPPP will reduce any such impacts to a level of less than significant.

- c. The proposed project is approximately 6.64 acres and, due to the proposed project size, the proposed project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted.) Elsinore Valley Municipal Water District (EVMWD) is the water purveyor for the proposed project site and their water is obtained through both groundwater and imported water supplies to ensure adequate water is available for consumers. Imported water is utilized to ensure that significant overdraft of local ground water supplies does not occur. Based on the District's Urban Water Master Plan, any impacts to groundwater resources from implementing the proposed project are anticipated to be at a level of less than significant. No significant impacts are anticipated and mitigation is required.
- d. As provided in the Project Specific Draft WQMP, the Site Design BMPs will consist of vegetation filters and porous pavement throughout the site that is adjacent to parking areas, as well as other measures necessary to ensure that post-development runoff flows are similar to pre-development runoff flows. Additionally, as discussed above, the proposed project site has the potential to discharge urban runoff pollutants such as motor oil, antifreeze, gasoline, pesticides, detergents, trash, and fertilizers. Through the implementation of the BMPs for the proposed project, the potential water quality impacts are of reduced to a less than significant level.
- e & f. According to the Riverside County Assessor, the site immediately adjacent to Central Avenue is within Zone C. According to FEMA, "Zones B, C, and X are the flood insurance rate zones that correspond to areas outside the 1-percent annual chance floodplain, areas of 1-percent annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1-percent annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1-percent annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones." Therefore, the proposed project site is not located within a 100-year flood hazard zone. Additionally, the proposed project does not include the development of housing. Therefore, the proposed project will not have an impact to housing or structures within the 100-year flood zone and impacts are anticipated.
- g & h The project-specific WQMP identifies that Best Management Practices (BMPs) to minimize urban runoff include the construction of onsite ponding areas and retention facilities. The BMPs for the project include minimize impervious areas and minimized directly connected impervious areas. The draft WQMP also specifies that said BMPs will be designed to be consistent with the requirements and objectives of the local vector control agencies. As such, any such impacts will be reduced to a less than significant level.

Mitigation:

22-1 Prior to the issuance of a grading or building permit, the applicant shall submit, and the City

approve the Final Water Quality Management Plan which ensures that post-construction flows do not exceed pre-construction levels and that the specified BMPs will minimize any water quality impacts.

- 22-2 Prior to the issuance of any building or grading permit, the applicant shall submit to the City construction drawings that identify the BMPs, their location, and the timing of their installation. These BMPs shall be consistent with the Final WQMP and installed to the satisfaction of the City Engineer.

Monitoring: Monitoring will be implemented through a coordinated effort during the construction and build-out phases of the proposed project with the developer, the City Planning and Public Works Departments, and the Riverside County Regional Flood Control District.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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23. Floodplains

Degree of Suitability in 100-Year Floodplains. As indicated below, the appropriate Degree of Suitability has been checked.

NA - Not Applicable ■ U - Generally Unsuitable □ R - Restricted □

a) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	□	□	■	□
b) Changes in absorption rates or the rate and amount of surface runoff?	□	□	■	□
c) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam (Dam Inundation Area)?	□	□	□	■
d) Changes in the amount of surface water in any water body?	□	□	■	□

Sources: City of Wildomar General Plan Figure S-9, Riverside County GIS

Findings of Fact:

- a. Implementation of the proposed project will not significant alter the existing pattern of drainage on the site. Runoff flows will continue to enter the site along the northern edge of the project and will continue to exit the site near the southwestern corner of the project. As a result, any impacts will be less than significant.
- b. Development of the proposed project will increase the amount of impermeable surfaces, which in turn will decrease the absorption rates of the proposed project site. However, through the inclusion of porous surfaces on the proposed project site and the other measures contained in the draft WQMP, any changes in absorption rates or the amount of surface runoff due to the implementation of the proposed project will be less than significant.
- c. The project is not within a flood zone, nor is it located in the path of a levee or dam. The closest dam to the project site is Canyon Lake located about 5 miles north of the site outside of

the potential path of flow from the dam. Implementation of the proposed project will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. Therefore, the proposed project will not be impacted by flooding and no significant impacts are anticipated.

- d. The project will not alter the amount of surface runoff from the site. Through the adherence to the measures and requirements contained in the project specific WQMP; the proposed project will not cause changes in the amount of surface water in any water body. Therefore, no significant impacts are anticipated.

Mitigation: No mitigation is required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
LAND USE/PLANNING - Would the project:				
24. Land Use				
a) Result in a substantial alteration of the present or planned land use of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Affect land use within a city sphere of influence and/or within adjacent city or county boundaries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: City of Wildomar General Plan

Findings of Fact:

- a. The General Plan Land Use Designation for the site is Commercial Retail (CR). The project is consistent with the Commercial Retail Designation as implemented by the General Commercial (C-1/C-P) Zone. The existing land uses in the vicinity of the project site consist of primarily vacant commercially designated lands. The land uses for the proposed project are consistent with existing and proposed land use within the project area. The proposed project will have no impact through altering a present or planned land use in the area. As a result, no significant impacts are anticipated.
- b. The project will not affect land use within a city sphere of influence and/or within an adjacent city or county boundary. The closest adjacent City is approximately one mile north and to the west of the project site. The site is fairly small, only 6.64 acres, and the proposed project will not affect any adjacent jurisdictions. Therefore, development of this project will not impact land uses in an adjacent City or within a city sphere of Influence.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
25. Planning				
a) Be consistent with the site's existing or proposed zoning?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Be compatible with existing surrounding zoning?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be compatible with existing and planned surrounding land uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be consistent with the land use designations and policies of the Comprehensive General Plan (including those of any applicable Specific Plan)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: City of Wildomar General Plan

Findings of Fact:

- a. The current zoning designation for the proposed project site is General Commercial (C-1/C-P), and there are no proposals to change the zoning designation. The project shall comply with all zoning requirements for the C-1/C-P designation, which includes no setback requirements for projects under 35 feet in height and for projects over 35 feet in height, the setbacks for the front, rear and side lot lines shall not be less than two feet, except for project signage. The applicant has applied for a variance for an 85 foot tall freeway sign, in accordance with the City of Wildomar Zoning Ordinance. Therefore the proposed project will have no impact on the site's existing or proposed zoning.
- b. The existing surrounding zoning designations include General Commercial (C-1/C-P) and Rural Residential (R-R) to north, Interstate 15 to the west, and Rural Residential (R-R) to the south and east. The project proposes to develop the site with a highway oriented commercial center which is compatible with the existing and surrounding zoning. Therefore, it is not anticipated the proposed project will conflict with zoning designations in the project area and any impacts would be less than significant.
- c. The existing land use designations on the project site are CR Commercial Retail with a Community Center Overlay. The proposed project is consistent with this designation. Surrounding land use designations are entirely CR Commercial Retail with a Community Center Overlay. The land immediately south and east of the project site is vacant, and the land to the north consists of primarily vacant or commercial uses, with a few individual residential uses immediately north of the project site. The proposed project is consistent with the existing General Plan land use designation for the site, and any impacts to surrounding uses would be less than significant.
- d. The existing land use designations on the project site are CR Commercial Retail with a Community Center Overlay. The proposed project is consistent with this designation. Surrounding land use designations are entirely CR Commercial Retail with a Community Center Overlay. The proposed project is consistent with the existing and proposed surrounding land use designations and implements the policies contained in the General Plan. As a result, no impacts are anticipated.

- e. The proposed project site is vacant and it will not disrupt or divide the physical arrangement of an established community (including a low-income or minority community). Therefore, no impacts will occur to an established community.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
MINERAL RESOURCES - Would the project:				
26. Mineral Resources				
a) Result in the loss of availability of a known mineral resource in an area classified or designated by the State that would be of value to the region or the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be an incompatible land use located adjacent to a State classified or designated area or existing surface mine?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or property to hazards from proposed, existing or abandoned quarries or mines?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: City of Wildomar General Plan Figure OS-5, Riverside County GIS

Findings of Fact:

- a. According to the City of Wildomar General Plan, there are no known mineral resources on the proposed project site that would be of value to the region or the residents of the State. Therefore, there is no impact.
- b. According to the City of Wildomar General Plan, there are no known mineral resources on the proposed project site that would result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan be of value to the region or the residents of the State. Therefore, there is no impact.
- c & d According to the City of Wildomar General Plan, there are no known State classified or designated area or existing surface mine within the project vicinity. Therefore, no incompatible land use conflicts will occur and there is no potential for humans to be exposed to existing or past mineral activities can result from project implementation.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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NOISE - Would the project result in:

Definitions for Noise Acceptability Ratings

Where indicated below, the appropriate Noise Acceptability Rating(s) has been checked.

NA - Not Applicable A - Generally Acceptable B - Conditionally Acceptable
 C - Generally Unacceptable D - Land Use Discouraged

27. Airport Noise

a) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport would the project expose people residing or working in the project area to excessive noise levels?

NA A B C D

b) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

NA A B C D

Source: City of Wildomar General Plan, Google Earth

Findings of Fact:

- a. As noted in Section 20 of this Environmental Assessment, the project site is not located within an airport influence area or within two miles of a public airport. As a result, the project is not expected to expose people to excessive noise levels, or that would expose people residing or working in the project area to excessive noise levels. Therefore, no impacts are anticipated from excessive airport noise.
- b. The closest private airstrip is located within the City of Lake Elsinore approximately 1 mile northwest of the site. Given the limited activity which commonly occurs at Skylark Field and the project's proximity to Interstate 15, the project site will not be significantly impacted by noise from this facility. As a result, no impacts are anticipated.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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28. Highway Noise

NA A B C D

Source: City of Wildomar General Plan Figure S-20;

Findings of Fact: The project site is located at the southeast corner of Bundy Canyon Road and Interstate 15. Interstate 15 is a 6 lane freeway in the vicinity of the project site. According to the Noise Element of the General Plan, a 6 lane freeway will develop a noise level of 70 dBA at up to 267 feet from the centerline of the freeway. The closest building, Restaurant “A” is located approximately 100 feet from the travel lanes of Interstate 15. As a result, some noise impacts are anticipated. These potential noise impacts will be mitigated by the nature of the proposed automobile-oriented commercial land uses which are generally less noise sensitive and the fact that the site is below the elevation of the freeway travel lanes. These two factors are expected to reduce any potential noise impacts to a less than significant level.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
29. Other Noise				
NA <input checked="" type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: City of Wildomar General Plan Noise Element

Findings of Fact: No other noise impacts have been identified.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
30. Noise Effects on or by the Project				
a) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: City of Wildomar General Plan and General Plan EIR

Findings of Fact:

- a - c The proposed project will result in additional incremental increase to ambient noise levels in the immediate vicinity during construction, and to general ambient noise levels once the project is completed. However, most of the increased noise will be covered up by the vehicular traffic noise generated mostly by Interstate 15 and to a less degree by Bundy Canyon Road. Additionally, no sensitive uses occur in the project area and no background noise conditions will conflict with the proposed commercial uses at this project site. Due to the size, surrounding uses, and ambient noise levels in and around the proposed project site and its surrounding land uses, these impacts are considered less than significant. In addition, the project will comply with the construction noise provisions contained in the municipal code. The cumulative ambient noise from this project and those surrounding it are also considered less than significant. Through the implementation of the City noise standards described below, impacts associated with the construction phase of the proposed project will be reduced to less than significant.
- d. The proposed project will not expose any person to excessive ground-borne vibration or ground-borne noise levels. Therefore, no impact will occur due to ground-borne vibration.

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

- 30-1 Construction shall be limited to the hours of 7 a.m. to 7 p.m. on Monday through Friday, and between 9 a.m. to 6 p.m. on Saturday, and shall be prohibited on Sundays and federal holidays, except in emergencies.
- 30-2 Where practicable, during the construction phase of the proposed project, the construction contractor shall utilize construction methods or equipment that will provide the lowest level of noise impact, i.e., use newer equipment that will generate lower noise levels.
- 30-3 During all project site excavation and grading activities, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
- 30-4 The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction.

Monitoring: During the construction phase of the proposed project representatives from the City's Building Department shall conduct periodic site visits to ensure implementation is being conducted properly on the project site. Field inspection notes shall be retained in the project file.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
POPULATION AND HOUSING Would the project				
31. Housing				
a) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Create a demand for additional housing, particularly housing affordable to households earning 80% or less of the County's median income?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Affect a County Redevelopment Project Area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Cumulatively exceed official regional or local population projections?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: City of Wildomar General Plan

Findings of Fact:

- a. The proposed project site is undeveloped and implementation of the proposed project will not displace substantial numbers of existing housing. Therefore, the proposed project will not require the construction of replacement housing elsewhere.
- b. Due to the small commercial nature of the proposed project, the proposed project will not create a significant demand for housing. Due to the small size (approximately 6.64 acres) of the proposed commercial development, the project will not induce substantial number employees to the project area requiring housing or affordable housing. Therefore, any impacts from the project on housing needs would be less than significant.
- c. The proposed project site is vacant and undeveloped. Therefore, development of the project site will not result in the displacement of people and no impacts are anticipated.
- d. The project site is not located within a City Redevelopment Project Area; therefore the project will not impact a Redevelopment Area and no impacts are anticipated.
- e. The proposed project is a highway-oriented commercial retail center and will not generate new population in the area that might exceed future anticipated population growth. Therefore, the proposed project will not cumulatively contribute exceedances of official regional or local population projections.
- f. Development of the proposed project site is consistent with the General Plan land use designations; therefore, the project would not induce substantial population growth. The proposed project does not propose to develop additional roadways or infrastructure other than to service the proposed project, hence no major extension of infrastructure, and related growth inducement, will result from implementing the proposed project. Therefore, any impacts to population growth would be less than significant.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
PUBLIC SERVICES Would- the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
32. Fire Services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: City of Wildomar General Plan Figure S-13

Findings of Fact: The project area is serviced by the Riverside County Fire Department. The nearest station to the project site is Wildomar Fire Station #61, located at 32637 Gruwell Street, 1.9 miles from the project site. The second nearest station is Bear Creek Station #75 located at 38900 Clinton Keith Road, 4.9 miles from the project site. Both stations are on the west side of Interstate 15 and are within five miles of the proposed project site. Any effects to fire facilities will be mitigated by the payment of standard fees to the City of Wildomar. The project will not directly physically alter existing facilities or result in the construction of new or physically altered facilities. Any construction of new facilities required by the cumulative effects of this project and surrounding projects would have to meet all applicable environmental standards. This project has been conditioned to comply with the standard requirements contained in Ordinance No. 659 to mitigate the potential effects to fire services. As a result, no impacts are anticipated.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
33. Sheriff Services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: City of Wildomar General Plan Figure S-13 and staff review

Findings of Fact: The proposed project site is serviced by the Riverside County Sheriff's Department. The proposed project would not have an incremental effect on the level of sheriff services provided in the vicinity of the project area. The nearest Sheriff's Department that serves the City of Wildomar is the Lake Elsinore Station located 6.5 miles from the project site at 333 Limited Avenue, next to the Lake Elsinore State Park. In addition, the California Highway Patrol has jurisdiction along the Interstate 15 and Interstate 215 freeways. The project will not physically alter existing facilities or result in the construction of new or physically altered facilities. Any construction of new facilities required by the cumulative effects of this project and surrounding projects would have to meet all applicable environmental standards. This project has been conditioned to comply with the standard requirements contained in Ordinance No. 659 to mitigate the potential effects to police services. As a result, no impacts are anticipated.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
34. Schools	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: City of Wildomar General Plan Figure S-14 and staff review

Findings of Fact: The proposed project is located within the Lake Elsinore Unified School District. Due to the commercial nature of the proposed project, the project will not generate any additional students into the district and has no potential to directly impact to the local school system because no new population will be generated on the project site. Although there is a potential for project site employees to have children attend local schools, it is unlikely the introduction of the new employment opportunities will generate additional students into the district. As a result, this project will be conditioned to comply with School Mitigation Impact Fees established by the Elsinore Unified School District to mitigate the potential effects to school services. As a result, no impacts are anticipated.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
35. Libraries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: City of Wildomar General Plan and staff review

Findings of Fact: Implementation of the proposed commercial development will not result in a significant impact to library services because no substantial population increase will occur from development of the proposed project. This project has been conditioned to comply with the standard requirements contained in Ordinance No. 659 to mitigate the potential effects to library services. As a result, no impacts are anticipated.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
36. Health Services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: City of Wildomar General Plan Figure S-12

Findings of Fact: The commercial uses of the proposed project would not cause an impact on health services. The project site is located within the service parameters of City health centers. The project will not physically alter existing facilities or result in the construction of new or physically altered facilities. The presence of medical communities generally corresponds with the increase in population associated with the new development. Any construction of new facilities required by the cumulative effects of this project and surrounding projects would have to meet all applicable environmental standards.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
RECREATION				
37. Parks and Recreation				
a) Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Would the project include the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Is the project located within a C.S.A. or recreation and park district with a Community Parks and Recreation Plan (Quimby fees)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: City of Wildomar General Plan, Ord. No. 460, Section 10.35, Ord. No. 659, and Project Design

Findings of Fact:

- a. The proposed project is a commercial retail project and does not include the provision of recreational facilities. Therefore, no adverse impacts on recreational facilities will result from development of the proposed project.
- b. The proposed project will generate new employment opportunities, but it is not expected to generate additional resident to the local population. Therefore, the proposed project will not significantly increase a demand for use of offsite existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Therefore, no impacts to recreational facilities are anticipated from implementation of the proposed project.
- c. This commercial project is not located in a CSA or recreation and park district that would require payment of Quimby fees. As a result, no impacts are anticipated.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
38. Recreational Trails.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: City of Wildomar General Plan, Elsinore Area Plan Figure 8 and Project Design

Findings of Fact: The City of Wildomar Trails Map does not indicate the presence of a trail along Bundy Canyon Road at the project site. Because the proposed project does not include recreational trails no impacts are anticipated.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
TRANSPORTATION/TRAFFIC - Would the project:				

39. Circulation

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated road or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Alter waterborne, rail or air traffic?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Substantially increase hazards to a design feature (e.g. , sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Cause an effect upon, or a need for new or altered maintenance of roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Cause an effect upon circulation during the project's construction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Result in inadequate emergency access or access to nearby uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Conflict with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: City of Wildomar General Plan Circulation Element, Traffic Study for Canyon Plaza (Riverside County, November 10, 2003, prepared by Darnell & Associates)

Findings of Fact:

- a. The project consists of a freeway retail commercial center, located approximately at the southeast corner of Interstate 15 and Bundy Canyon Road. The project site plan includes a right in/right out driveway on Bundy Canyon Road approximately 400 feet east of the NB I-15 off-ramp, and a full-width driveway at the eastern end of the project site. The proposed project will result in additional vehicle trips on the citywide road network. According to the traffic study, the project is expected to generate 8,423 daily vehicle trip ends. During the AM peak hour, 551 vehicle trips are expected while in the PM peak hour, 757 vehicle trips would result. However, because of the automobile orientation of the proposed commercial uses, many of the vehicle trips will actually be “pass by” trips for drivers already on the road going somewhere else. When these pass by trips are considered, the project is expected to add only 4,059 new vehicle trips to Bundy Canyon Road (289 during the AM peak and 407 during the PM peak). It is anticipated that future commercial development on the adjacent parcels will result in expansion and signalization of the eastern full turning movement driveway. Site improvements include right-of-way dedication for Bundy Canyon Road, curb/gutter/sidewalk, and half-width pavement along the project site frontage. In addition the project will also provide transportation-related mitigation fee payments. These standard improvements and mitigation measures, any impacts are expected to be less than significant.
- b. The proposed project will not result in inadequate parking capacity. The Zoning Ordinance requires the provision of 210 parking spaces. The project is proposing to provide 218 parking spaces which exceeds the City’s parking requirements. Therefore, any impacts to parking would be less than significant.
- c. According to the traffic analysis provided for the project, most intersections near the project are expected to remain at Level of Service “C” or better. The expectations are the nearby freeway ramps which are expected to achieve Level of Service “F” at General Plan build-out without additional improvements to the ramp facilities. These improvements are anticipated to occur as part of the Transportation Uniform Mitigation Fee Program established by the County and effected cities, including the City of Wildomar. The proposed project will provide its fair share toward these improvements by making the impact fee payment identified in the mitigation measures. As a result, no significant impacts are anticipated because of the mitigation measures described below.
- d. The project will not result in a change in air traffic patterns. As a result, no impacts are anticipated.
- e. The project will not alter waterborne, rail or air traffic. As a result, no impacts are anticipated.
- f. The project will not substantially increase hazards to a design feature
- g. While the proposed project does not propose to develop new public roadways, improvements are proposed to Bundy Canyon Road. These new road improvements may result in an additional incremental maintenance cost. However, this incremental cost is expected to be minor and is not expected to result in a significant impact.
- h. There may be temporary traffic delays during street improvements to roads surrounding the proposed project site, but the delays will cease upon completion of construction. Work activities which could effect vehicular traffic along Bundy Canyon Road could cause minor construction delays, especially during peak periods when road capacities are most effected by

the large numbers of vehicles. With the standard requirement for traffic control planning by the City Engineering Department, any impacts are expected to be mitigated to a level of insignificance.

- i. The proposed project will construct additional road improvements along Bundy Canyon Road in front of the project. These additional road improvements have the potential to improve emergency response activities in and around the project site. At the same time, the project may attract additional traffic near the interchange which could potentially impair emergency response activities. With the potential improvements, no significant impacts are anticipated.
- j. The proposed project will not conflict with policies supporting alternative transportation. The project has been designed to promote non-vehicular circulation through the use of pedestrian friendly sidewalks. Therefore, any impacts to alternative forms of transportation would be less than significant.

Mitigation: The following traffic and circulation system mitigation measures will be implemented by the proposed project:

- 39-1 Prior to the issuance of any building permit, the developer shall pay the appropriate Development Impact Fees.
- 39-2 Prior to issuance of any building permit, the developer shall pay the appropriate Transportation Uniform Mitigation Fee.
- 39-3 Prior to the approval of an improvement plans, the developer shall submit and the City Engineer traffic control plans along Bundy Canyon Road to ensure the continued flow of traffic during construction.
- 39-4 During construction activities, the traffic flow will be maintained to the highest level possible with the use of standard traffic control devices. Typical traffic control measures include warning signs, warning lights, and flaggers. Implementation of traffic control measures will provide guidance and navigational tools throughout the project area in order to maintain traffic flow and levels of safety during construction.

Monitoring: Mitigation Monitoring will be accomplished by the Engineering and Building Departments to verifying the installation of the mitigation improvements and payment of requisite fees prior to impacts on the circulation system.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
40. Bike Trails	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: City of Wildomar General Plan

Findings of Fact: The proposed project does not include bicycle lanes as part of the project design. Bundy Canyon Road is designated as an urban arterial roadway according to the City of Wildomar General Plan. As a result no conflicts with the City’s General Plan have been identified and no significant impacts are anticipated.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
UTILITY AND SERVICE SYSTEMS - Would the project:				
41. Water				
a) Require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: City of Wildomar General Plan, Elsinore Valley Municipal Water District, Urban Water Management Plan, 2003.

Findings of Fact:

a & b. The proposed project is located within the boundaries of the Elsinore Valley Municipal Water District (EVMWD). The project applicant is required to obtain a will serve letter issued by EVMWD outlining the conditions of water & sewer service. Receipt of a will serve letter will be a condition of approval for the proposed project to ensure that sufficient capacity is available to serve the proposed project site. However, due to the nature of the proposed land uses on the project site and the relatively small size of the proposed project, it is not anticipated that the proposed project will physically alter existing facilities or result in the construction of new or physically altered facilities. Any construction of new facilities required by the cumulative effects of this project and surrounding projects would have to meet all applicable environmental standards. The project will incrementally add to the existing water supply demand. Impacts are mitigated through the payment of the District’s water connection fees, and such mitigation efforts would reduce any impacts to a level of less than significant.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
42. Sewer				
a) Require or result in the construction of new wastewater treatment facilities, including septic systems, or expansion of existing facilities, the construction of which would cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in a determination by the wastewater treatment provider which serves or may service the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: City of Wildomar General Plan, General Plan EIR, Elsinore Valley Municipal Water District

Findings of Fact:

a & b The proposed project is located within the boundaries of the EVMWD. The project applicant is required to obtain a will serve letter issued by EVMWD outlining the conditions for sewer service. Receipt of a will serve letter will be a condition of approval for the proposed project to ensure that sufficient sewer capacity is available to serve the proposed project site. However, due to the nature of the proposed land uses on the project site and the relatively small size of the proposed project, it is not anticipated that the proposed project will physically alter existing facilities or result in the construction of new or physically altered facilities. Any construction of new facilities required by the cumulative effects of this project and surrounding projects would have to meet all applicable environmental standards. Impacts are mitigated through the payment of the District's water connection fees, and such mitigation efforts would reduce any impacts to a level of less than significant.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
43. Solid Waste				
a) Is the project served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Comply with federal, state, and local statutes and regulations related to solid wastes (including the CIWMP (County Integrated Waste Management Plan)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: City of Wildomar General Plan; Riverside County Waste Management Division; and California Integrated Waste Management Board

Findings of Fact:

a. The main disposal sites for the proposed project area are the El Sobrante Landfill in Corona and the Lamb Canyon Sanitary Landfill in Riverside. The El Sobrante Landfill has a capacity of 10,000 tons of solid waste per day and, as of December 2004, had 172,531,000 tons of capacity available. The facility is projected to reach capacity in 2030. The Lamb Canyon Landfill has a capacity of 3,000 tons of solid waste per day and, as of August 2005, had 20,908,171 tons of capacity available. The facility is projected to reach capacity in 2023. As a result, no significant impacts are anticipated.

The project will not substantially alter existing or future solid waste generation patterns and disposal services. The project will be consistent with the County Integrated Waste Management Plan. The project will be required to comply with the recommendations of the Riverside County Waste Management Department. These requirements are standard to all commercial projects and therefore are not considered mitigation pursuant to CEQA. Therefore, any impacts would be less than significant.

- b. The proposed project is subject to the Solid Waste Reuse and Recycling Access Act of 1991. The Act requires that adequate areas be provided for collecting and loading recyclable materials such as paper products, glass and other recyclables. Mitigation measures are proposed by the Riverside County Waste Management Division to ensure compliance with the Act. Through the implementation of the mitigation measures, solid waste impacts resulting from the proposed project will result in a less than significant impact.

Mitigation: 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.

Monitoring: The Building and Safety Department will coordinate compliance with the Riverside County Waste Management Division’s recycling requirements for the proposed project.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
44. Utilities				
Would the project impact the following facilities requiring or resulting in the construction of new facilities or the expansion of existing facilities; the construction of which could cause significant environmental effects?				
a) Electricity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Communications systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Storm water drainage?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Street lighting?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other governmental services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Conflict with adopted energy conservation plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: City of Wildomar General Plan; General Plan EIR; and Riverside County Conservation and Flood Control District

Findings of Fact:

- a - c The proposed Project is within the service boundaries of Southern California Edison for electricity services, Southern California Gas Co. for gas services and Verizon for communication system services. The utilities services will be available to the proposed project site through connections to via Bundy Canyon Road. The connections to the service lines would not require physical impacts beyond the boundaries of the Project’s disturbance area

footprint or roadway rights-of-way. Therefore, any impacts would be less than significant.

- d. Runoff from the proposed Project site would be conveyed to proposed public drainage facilities located westerly of the project site. The drainage facilities must be approved by the City, some of which are to be constructed by the proposed project. Drainage facilities required for the Project would either occur on-site, in roadway rights-of-way (storm drain lines and inlets), or would not involve physical environmental impacts beyond those already planned by the drainage plan. Additionally, the proposed project would pay a DIF for Storm Drainage facilities and must comply with all City of Wildomar/Riverside County Conservation and Flood Control District regulations, including provision for no net increase in incremental discharge volumes from the site and for stormwater quality treatment requirements. Through adherence to the City’s storm facility requirements for local improvements it is not anticipated that the proposed project will result in the construction of new facilities or the expansion of existing facilities that will cause a significant environmental affect.
- e. Street lighting installed by the proposed project would not cause physical impacts beyond the boundaries of the proposed project’s disturbance area footprint or adjacent roadway rights-of-way. Compliance with City of Wildomar Adopted Ordinance No. 655 would reduce these impacts to a level of less than significant.
- f. The proposed project would not construct new roads requiring maintenance. Roadway maintenance within the project vicinity would not cause physical impacts beyond the boundaries of the Project’s disturbance area footprint or adjacent roadway rights-of-way. Therefore, impacts to roadway maintenance would be less than significant.
- g. No other known government services would be significantly impacted by development of the proposed project.
- h. The proposed project would not be regarded as an energy-intensive land use and as such, would not result in a conflict with adopted energy conservation plans. Development would be required to comply with Title 24 of the California Code of Regulations regarding energy efficiency. As a result, no significant impacts are anticipated.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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MANDATORY FINDINGS OF SIGNIFICANCE

45. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self- sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare, or endangered plant or animal to eliminate important examples of the major periods of California history or prehistory?

Source: Staff Review of application materials

Findings of Fact:

This project has the potential to contribute to a cumulative change in the environment, habitat, wildlife population size, plant/animal community, or historical/prehistorical period. However, the identified standard requirements and Mitigation Measures are expected to reduce these potential impacts to a less than significant level.

Mitigation: As discussed throughout the Environmental Assessment.

Monitoring: As discussed throughout the Environmental Assessment.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
46. Does the project have the potential to achieve short-term environmental goals, to the disadvantage of long-term environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Source: Staff review, Project Application Materials

Findings of Fact:

The proposed project does have the potential to achieve short-term environmental goals, to the disadvantage of long-term environmental goals. However, the identified standard requirements and Mitigation Measures are expected to reduce these potential impacts to a less than significant level.

Mitigation: As discussed throughout the Environmental Assessment.

Monitoring: As discussed throughout the Environmental Assessment.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
47. Does the project have impacts which are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects as defined in California Code of Regulations, Section 15130)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Source: Staff review, Project Application Materials

Findings of Fact:

Construction of the proposed project would commit the site to commercial uses for the foreseeable future. The analysis in this Checklist indicates that the Project could significantly impact the

environment. All potential impacts from the Project can be mitigated to below a level of significance. Impacts in all of these areas have the potential to accumulate with similar impacts on other sites in the area and result in cumulatively considerable effects, particularly in the areas of air quality, water quality, noise and transportation/traffic. The mitigation measures presented in this Checklist would reduce the Project's cumulative impacts to below levels of significance. However, the identified standard requirements and Mitigation Measures are expected to reduce these potential impacts to a less than significant level.

Mitigation: As discussed throughout the Environmental Assessment.

Monitoring: As discussed throughout the Environmental Assessment.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
48. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Sources: Preceding checklist, staff review, project application

Findings of Fact:

Findings of Fact: The proposed project may result in environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly. However, the identified standard requirements and Mitigation Measures are expected to reduce these potential impacts to a less than significant level.

Mitigation: As discussed throughout the Environmental Assessment.

Monitoring: As discussed throughout the Environmental Assessment.

VI. EARLIER ANALYSES

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration as per California Code of Regulations, Section 15063 (c) (3) (D). In this case, a brief discussion should identify the following: N/A

Earlier Analyses Used, if any: Riverside County (City of Wildomar) General Plan, adopted 2003; Riverside County General Plan EIR, adopted 2003

Location Where Earlier Analyses, if used, are available for review:

Location: County of Riverside Planning Department
4080 Lemon Street, 9th Floor
Riverside, CA 92502

Figure 1 – Regional Location

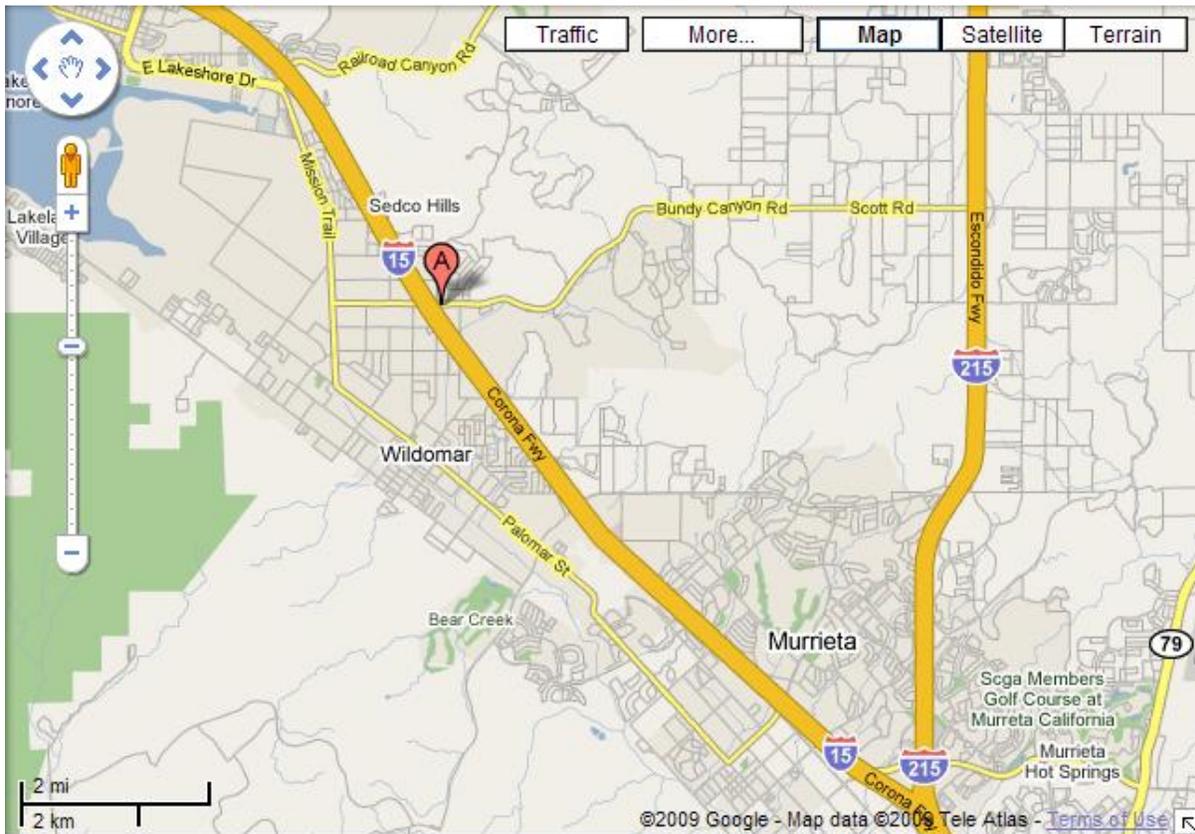
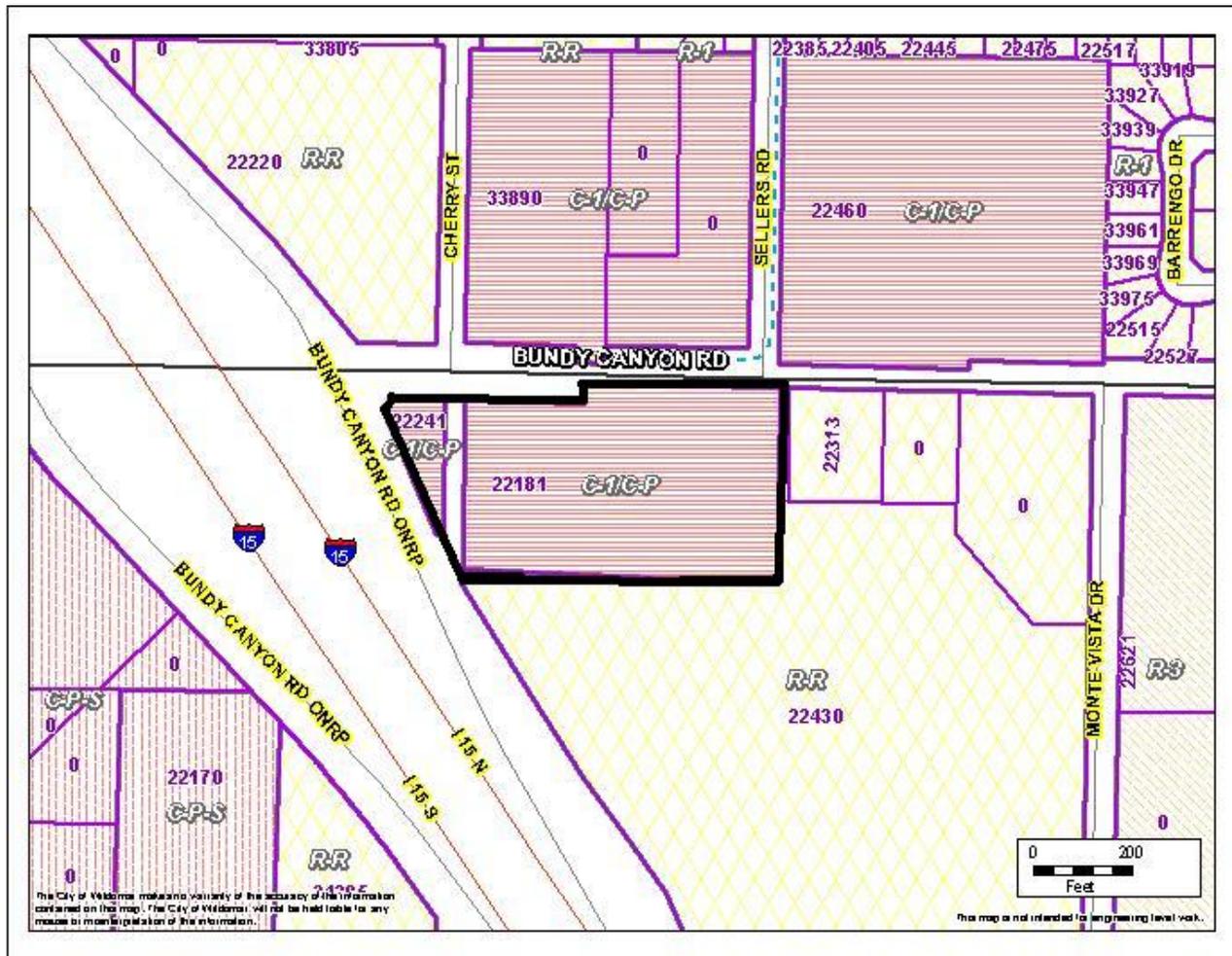


Figure 2 – Project Location



CITY OF WILDOMAR – PLANNING COMMISSION

Agenda Item 5.1

PUBLIC HEARING

Meeting Date: July 15, 2009

TO: Chairman Devine, Members of the Planning Commission

FROM: Alia Kanani, Development Services

SUBJECT: Anne Sullivan Nursery School

Conditional (Public) Use Permit 08-0214 - The project proposes to construct an additional 8,148 square feet of floor area to an existing facility, including the addition of three new classrooms and other minor facilities, and the conversion of existing space to create a new multipurpose room and new administrative facilities to the existing facility located at the 21776 Palomar Street

APN: 380-050-005

RECOMMENDATION:

1. Adopt a resolution entitled:

“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR APPROVING CONDITIONAL (PUBLIC) USE PERMIT 08-0214 FOR THE EXPANSION OF AN EXISTING NURSERY SCHOOL LOCATED AT 21776 PALOMAR STREET, KNOWN AS ASSESSOR’S PARCEL NO. 380-050-005 (08-0214)”

BACKGROUND:

The project site is located on a 9.16 acre site at the southeast corner of Palomar Street and South Pasadena Street located at 21776 Palomar Street. The County of Riverside approved Public Use Permit 593 and Environmental Assessment 36796 for the renewal of a Nursery School for 68 children and permit for a 7,592 square foot group home on October 24, 1995.

The 9.16 (gross) acre site is currently developed with four educational buildings totaling 7,997 square feet dedicated to the Anne Sullivan Nursery School and three residential units for the CAFH Order of Wildomar. The Anne Sullivan Nursery School, which has been in operation for 30 years, provides pre-school and kindergarten classes for children ages three to six years olds. The school operates year round with

approximately 85 students in the Fall and Spring terms and roughly 63 students during the Summer term. The school's hours of operation are from 6:45am – 5:30pm, Monday through Friday. Due to the increasing demand for pre-school and kindergarten classes in Riverside County, the nursery school is looking to expand its' services and facilities to meet this demand for the surrounding community.

The applicant is requesting approval of a Conditional (Public) Use Permit to construct an additional 8,148 square feet of classrooms and administrative facilities to the existing nursery school for a total of six buildings and 16,145 square feet. The expansion will include construction of two new buildings, Building Four and Building Six. Building Four, which will have a total of 4,571 square feet, includes a new classroom, resource center, kitchen and multipurpose center. Building Six will be a total of 2,808 square feet and include six new classrooms.

In addition to these two new buildings, three buildings will be modified. Proposed plans for Building Two include a new secure school entry (78 square feet) and new residential addition (469 square feet). The existing 1,446 square feet of residential space will be converted into administrative offices. For Building Five, the applicant proposes adding a new 60 square foot playground restroom and 162 square foot study enclosure to the existing 2,101 square foot building. The applicant also proposes to convert an existing 630 square foot garage in Building One to a new gym. No additional floor area will be added to the existing building for the gym conversion. The existing classrooms and administrative facilities in Building Three will not be a part of the proposed expansion of the nursery school. Other improvements to the site include a new employee parking lot on the northeast side of the lot adjacent to the proposed Building Six, a new garden education center, children's water play areas and two new playgrounds.

**EXISTING AND PROPOSED SQUARE FOOTAGES
FOR NUSERY SCHOOL EXPANSION**

	Existing (sq. ft.)	New (sq. ft.)	Total (sq.ft)
Building One	2,434	0	2,434
Building Two	1,446	547	1,993
Building Three	2,016	0	2,016
Building Four	0	4,571	4,571
Building Five	2,101	222	2,323
Building Six	0	2,808	2,808
Total	7,997	8,148	16,145

The General Plan and Land Use 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	Nursery school with three residential units	Medium Density Residential (MDR)	Rural Residential (R-R)
North*	Single-Family House & Senior Housing Community	Medium Density Residential (MDR) & Very High Residential Density (VHDR) with Community Center Overlay Zone	Rural Residential (R-R) & General Residential (R-3)
South*	Single-Family Residential	Medium Density Residential (MDR)	One-Family Dwelling Zone (R-1)
East*	Vacant	Medium Density Residential (MDR)	Rural Residential (R-R)
West*	Single-Family Residential	Medium Density Residential (MDR)	One-Family Dwelling Zone (R-1)

*Palomar Street is assumed to run North-South.

DISCUSSION:

The applicant is requesting approval of a Conditional (Public) Use Permit to construct an additional 8,148 square feet of classrooms and administrative facilities to the existing nursery school for a total of six buildings and 16,145 square feet. The current General Plan Land Use Designation for the site is Medium Density Residential (MDR). The property is zoned Rural Residential (R-R). The approval of the Conditional (Public) Use Permit will allow the proposed project and use to be in conformance with the land use designation of the City of Wildomar General Plan and City of Wildomar Zoning Code.

Development standards for the Rural Residential (R-R) zone do not include minimum building setbacks and lot coverage restrictions. Building Three and Building Five, which are existing, are setback from the southwest property line off Palomar Street at 48 feet and 58 feet respectively. Building Six, which will be located next to Building Five, will have a 67 foot setback from the southwest property line off Palomar Street. Building One is the closest building located to the northwest property line off of South Pasadena Street. The building is currently set back approximately 57 feet from the property line. An oleander hedge was planted in 1975 and screens most of the buildings from Palomar Street. The project proposes an additional 8,148 square feet to the existing nursery school for a total of 16,145 square feet on a 9.16 (gross) acre site. There are three existing residential units located on the lot for a total of 13,482 square feet. The total square footage for the nursery school and residential units would be 29,627 square

feet. The total lot coverage would be 7.4% (29,627 square feet). Roughly 75% of the lot will have landscaping and/or remain as open space.

The R-R zone has a maximum height limit of 50 feet for buildings other than residential buildings (WMC 17.16.020). The proposed buildings are single story with a height of 15 feet 8 inches (Building Four) and 16 feet 11 inches (Building Six). The tower element for the new secure school entry on Building Two has a maximum height of 20 feet 2 inches.

The City of Wildomar Zoning Code requires one off street parking space per 500 square feet of gross floor area for day care centers (WMC 17.188.030). The project proposes 12,715 square feet of gross floor area, which would require 25 parking spaces per the code. As for handicap parking requirements for 2-25 parking spaces, one van accessible handicap parking space is required. The plans show 25 parking spaces plus two van accessible handicap parking spaces. The zoning code also requires one loading zone a gross floor area of 7,500 - 14,999 square feet. The project plans also show a new 28 x 16 square foot loading zone adjacent to Building One.

Access to the nursery school is taken from the existing driveway on South Pasadena Street near the intersection of South Pasadena Street and Palomar Street. There are two other access points for the lot, one from South Pasadena Street to the east of the nursery school entrance and one off of Palomar Street. These two driveways are used to provide access to the three residential units on the property and for fire/emergency access. The existing driveway and fire lane along the southwestern property line will be widened to 24 feet and paved per requirements of the Riverside County Fire Prevention for access to the new employee parking lot, Building Four and Building Six. The project will also be conditioned to provide fire new automatic Knox fire access for all three driveway access points as well as provide two fire truck turnarounds per Riverside County fire standards.



**New Secure School Entry
Building Two**

In fitting with the surrounding rural community, the architectural style is Western Ranch styles, with stucco walls, stone wainscoting on the lower portion of the columns, combined with a low roof, and sections with wood siding-styled walls with exposed rafter tails and beams. The new buildings (Building Four and Building Six) are designed to match the existing buildings in architectural style and building materials. Building Two will have a 20 foot 2 inch high tower element that will be the new secure school entry. The tower will also reflect the Western Ranch architectural style of the other buildings by incorporating stucco walls and stone wainscoting. The tower will have decorative

barge board and wood details with cementitious shingle scalloped siding. A new sign for the school is also proposed on the tower and shall be subject to approval of a sign permit.

The property is currently landscaped with deciduous and evergreen trees including Mulberry (*Morus Alba*), English Walnut (*Juglans Regia*), California Pepper (*Schinus Molle*) and scrubs including various types of Juniper (*Juniperus Horizontalis*, *Juniper Chinensis Hetzi Glauca*, *Juniper Chinensis Kaizuka*). An oleander hedge runs along the property line on both Palomar Street and South Pasadena Street and screens the buildings from the street. The existing landscaping dates back to 1976 with the latest landscaping improvements occurring in 2002. New landscaping will include Tipu trees (*Tipuana Tipu Favaceae*), Bottlebrush trees (*Callistemon*), and Camphor trees (*Cinnamomum Camphora*) that will surround the new garden education center, Building Six and the employee parking lot. A preliminary landscape plan was submitted with the Conditional (Public) Use Permit application. When the landscape construction and irrigation plans are submitted to the City, staff will evaluate the final locations for all of the proposed plant materials to ensure adequate shading and screening. All landscaping will be required to comply with City of Wildomar standards for coverage, quantity, type, and location.

The requested Conditional (Public) Use Permit would allow for the construction of an additional 8,148 square feet of classrooms and administrative facilities to the existing nursery school for a total of six buildings and 16,145 square feet within the Rural Residential (R-R) zone. Based upon the design of the buildings and the standard regulatory requirements, staff believes that the proposed would not be detrimental to the health, safety or general welfare of the community. Staff believes that the project is consistent with the surrounding area, has been appropriately designed and recommends the Planning Commission approve the project.

FINDINGS:

Conditional (Public) Use Permit

- A. That the proposed location, use and operation of the conditional use is in accord with the purposes of the zone in which the site is located, is consistent with the General Plan and complies with other relevant city regulations, policies and guidelines.

The approval of the Conditional (Public) Use Permit (CUP 08-0214) would allow for the construction of an additional 8,148 square feet of classrooms and administrative facilities to the existing nursery school for a total of six buildings and 16,145 square feet within the Rural Residential (R-R) zone. The current General Plan Land Use Designation for the site is Medium Density Residential (MDR). The proposed project and use will be in conformance with the land use designation of the City of Wildomar General Plan and City of Wildomar Zoning Code. The design and layout of the site, the site access and circulation, as well

as the required street and drainage improvements have been configured to accommodate the additional development on site and impacts to adjacent parcels surrounding the project site.

- B. The proposed use will not be detrimental to the health, safety, or general welfare of the community.

The site has been designed to meet all of the development standards of the Rural Residential (R-R) zone as illustrated in the Development Standards section of the Staff Report relative to setbacks, lot coverage, building heights and parking such that it will not be detrimental to the public health, safety or welfare. The additional 8,148 square feet of classrooms and administrative facilities to the existing nursery school will comply standards as illustrated in the Development Standards section of the Staff Report.

ENVIRONMENTAL ASSESSMENT:

A review of the project indicates that the project meets the definition of Section 15303, Class 3(c) "New Construction of Conversion of Small Structures" and Section 15314, Class 14 "Minor Additions to Schools" and is eligible for a categorical exemption pursuant to the CEQA Guidelines. Per CEQA Guidelines Section 15303, Class 3(c) and Section 15314, Class 14 the proposed project meets the following criteria:

1. Section 15303 "New Construction of Conversion of Small Structures" – Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new structures and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel.
 - (c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

The approval of the Conditional (Public) Use Permit (CUP 08-0214) would allow for the construction of an additional 8,148 square feet of classrooms and administrative facilities to the existing nursery school. The nursery school is located in a fully urbanized area with land uses such as a senior housing community to the north and single-family residential units to the south and east of the lot. The proposed improvements will not exceed 10,000 square feet in floor area. There construction of classrooms and administrative facilities for an

existing nursery school will not involving the use of significant amounts of hazardous substances. The necessary public services and facilities are available to the proposed project and the surrounding area is not considered environmentally sensitive.

2. Section 15314 "Minor Additions to Schools" - Class 14 consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less. The addition of portable classrooms is included in this exemption.

The approval of the Conditional (Public) Use Permit (CUP 08-0214) would allow for the construction of an additional 8,148 square feet of classrooms and administrative facilities to the existing nursery school for a total of six buildings and 16,145 square feet. The improvements will add three classrooms to the existing two classrooms for a total of five classrooms for the nursery school and will allow for smaller class sizes.

Therefore, the project is eligible for a Class 3 and Class 14 Categorical Exemption from the California Environmental Quality Act and the Planning Director recommends that the Commission approve the categorical exemptions for this project.

ALTERNATIVES:

1. Deny the Applications
2. Provide Staff with Further Direction

ATTACHMENTS:

- A. Resolution Approving Conditional Use Permit 08-0214
Exhibit A – Conditions of Approval
- B. Location Map
- C. Site Plan
- D. Elevations

Approved by:

David Hogan
Assistant Planning Director

ATTACHMENT A

RESOLUTION NO. 09-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR APPROVING CONDITIONAL (PUBLIC) USE PERMIT 08-0214 FOR THE EXPANSION OF AN EXISTING NURSERY SCHOOL LOCATED AT 21776 PALOMAR STREET, KNOWN AS ASSESSOR'S PARCEL NO. 380-050-005

WHEREAS, an application for Conditional (Public) Use Permit 08-0214 to allow the addition of 8,148 square feet of floor area to an existing facility, including the addition of three new classrooms and other minor facilities, and the conversion of existing space to create a new multipurpose room and new administrative facilities located at 21776 Palomar Street has been duly filed by:

Applicant's Name: Anne Sullivan Nursery School

Applicant's Address: 21776 Palomar Street, Wildomar, CA 92595

Project Location/Street References: 21776 Palomar Street

Assessor's Parcel No(s): 380-050-005

Lot Area: 9.16 (gross) acres

WHEREAS, the Planning Commission has the authority per Chapter 17.200 of the Wildomar Municipal Code to take action on Conditional (Public) Use Permit 08-0214 to allow the addition of 8,148 square feet of floor area to an existing facility, including the addition of three new classrooms and other minor facilities, and the conversion of existing space to create a new multipurpose room and new administrative facilities located at 21776 Palomar Street; and

WHEREAS, on July 4, 2009 the City gave public notice by all of the methods prescribed the Municipal Code, including publication of the notice in The California and mailing to property owners within 300 feet, announcing the holding of a public hearing at which the project would be considered; and

WHEREAS, on July 15, 2009 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Conditional (Public) Use Permit and at which the Planning Commission considered the Conditional (Public) Use Permit; and

WHEREAS, the Planning Director has reviewed the project's potential effects on the environment and has recommended that the project is categorically exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines (Section 15303, Class 3(c) "New Construction of Conversion of Small Structures" and Section 15314, Class 14 "Minor Additions to Schools"), and that the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 are not applicable to the project ; and

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, the recommendation of the Planning Director as provided in the Staff Report dated July 15, 2009 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

A. California Environmental Quality Act (CEQA): A review of the project indicates that the project meets the definition of Section 15303, Class 3(c) "New Construction of Conversion of Small Structures" and Section 15314, Class 14 "Minor Additions to Schools" and is eligible for a categorical exemption pursuant to the CEQA Guidelines. Per CEQA Guidelines Section 15303, Class 3(c) and Section 15314, the proposed project meets the following criteria:

1. Section 15303 "New Construction of Conversion of Small Structures" – Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new structures and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel specifically subsection (c) Includes a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

The approval of the Conditional (Public) Use Permit (CUP 08-0214) would allow for the construction of an additional 8,148 square feet of classrooms and administrative facilities to the existing nursery school for a total of six buildings and 16,145 square feet. The nursery school is located in a fully urbanized area with land uses such as a senior housing community to the north and single family residential units to the south and east of the lot. The proposed improvements will not exceed 10,000 square feet in floor area. The proposed construction of classrooms and administrative facilities for an existing nursery school will not involving the use of significant amounts of hazardous substances. The necessary public services and facilities are available to the proposed project and the surrounding area is not considered environmentally sensitive.

2. Section 15314 "Minor Additions to Schools" - Class 14 consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less. The addition of portable classrooms is included in this exemption.

The approval of the Conditional (Public) Use Permit (CUP 08-0214) would allow for the construction of an additional 8,148 square feet of classrooms and administrative facilities to the existing nursery school for a total of six buildings and 16,145 square feet. The improvements will add three classrooms to the existing two classrooms for a total of five classrooms for the nursery school.

3. None of the exceptions to the use of categorical exemption contained in CEQA Guidelines Section 15300.2 prevent CEQA Guidelines Section 15303 and Section 15314 from exempting the project for the following reasons:

(a) The project will not have a significant impact on an environmental resource that has been designated, precisely mapped, and officially adopted pursuant to law by a federal, state or local agency as being a resource of hazardous or critical concern.

The Environmental Impact Report for the City's General Plan shows no resources in the project area have been precisely mapped and officially designated as being of hazardous or critical concern by the City, the State, or the Federal government.

(b) The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time.

The project is limited to the construction of an additional 8,148 square feet of classrooms and administrative facilities to an existing nursery school. The applicant is applying for a Conditional Use Permit to allow for this type of use in the Rural Residential (R-R) Zone. Currently, there are no other nursery schools in the surrounding community and the expansion of the existing nursery school will address the increasing demand for pre-school and kindergarten classes in Riverside County.

(c) There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment.

The project is limited to the construction of an additional 8,148 square feet of classrooms and administrative facilities to an existing nursery school on a developed lot in a fully urbanized area. The applicant is applying for a Conditional Use Permit to allow for the improvements to the existing facility and use in the Rural Residential (R-R) Zone. No unusual circumstances have been identified with the proposed project to have a significant affect on the environment.

(d) The project will not result in damage to scenic resources within a designated state scenic highway.

There is no designated state scenic highway in the project area.

(e) The project site has not been listed as a hazardous waste and substance facility or site by the Department of Toxic Substances Control pursuant to California Government Code Section 659625.

The project site has not been listed as a hazardous waste and substance facility or site by the Department of Toxic Substances Control pursuant to California Government Code Section 659625.

(f) The project will not cause a substantial adverse change to the significance of a historical resource.

The project is limited to the construction of an additional 8,148 square feet of classrooms and administrative facilities to an existing nursery school. No historical resource or its immediate surroundings will not be demolished, destroyed, relocated, or altered such that the significance of the historical resource would be materially impaired.

B. Multi-species Habitat Conservation Plan (MSHCP). 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 2. CONDITIONAL (PUBLIC) USE PERMIT. Pursuant to Wildomar Municipal Code Section 17.200 and in light of the record before it including the staff report dated July 15, 2009 and all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds as follows:

A. That the proposed location, use and operation of the conditional use is in accord with the purposes of the zone in which the site is located, is consistent with the General Plan and complies with other relevant city regulations, policies and guidelines.

The approval of the Conditional (Public) Use Permit would allow for the construction of an additional 8,148 square feet of classrooms and administrative facilities to the existing nursery school for a total of six buildings and 16,145 square feet within the Rural Residential (R-R) zone. The current General Plan Land Use Designation for the site is Medium Density Residential (MDR). The proposed project and use will be in conformance with the land use designation of the City of Wildomar General Plan and City of Wildomar Zoning Code. The design and layout of the site, the site access and circulation, as well as the required street and drainage improvements have been configured to accommodate the additional development on site and impacts to adjacent parcels surrounding the project site.

B. The proposed use will not be detrimental to the health, safety, or general welfare of the community.

The site has been designed to meet all of the development standards of the Rural Residential (R-R) zone as illustrated in the Development Standards section of the Staff Report relative to setbacks, lot coverage, building heights and parking such that it will not be detrimental to the public health, safety or welfare. The additional 8,148 square feet of classrooms and administrative facilities to the existing nursery school will comply standards as illustrated in the Development Standards section of the Staff Report.

SECTION 3. PLANNING COMMISSION ACTION. The Planning Commission hereby takes the following actions:

A. Notice of Exemption. In accordance with Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062 the Planning Commission hereby approves a categorical exemption for the project under CEQA Guidelines Section 15303, Class 3(c) "New Construction of Conversion of Small Structures" and Section 15314, Class 14 "Minor Additions to Schools" and directs the Planning Director to prepare and file with the Clerk for the County of Riverside a notice of exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062.

B. Approve Conditional Use Permit. Revised Conditional Use Permit 08-214 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A.

PASSED, APPROVED AND ADOPTED this 15th day of July, 2009, by the following
vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

ATTEST:

Robert Devine, Chairman

David Hogan, Assistant Planning Director

APPROVED AS TO FORM:

Thomas Jex, Assistant City Attorney

EXHIBIT A
CITY OF WILDOMAR
CONDITIONS OF APPROVAL

Planning Application Number: Revised Conditional (Pubic) Use Permit 08-0214	
Project Description: Anne Sullivan Nursery School – the addition of 8,148 square feet of floor area to an existing facility, including the addition of three new classrooms and other minor facilities, and the conversion of existing space to create a new multipurpose room and new administrative facilities located at 21776 Palomar Street.	
Assessor's Parcel Number(s): 380-050-005	
Approval Date: July 15, 2009	Expiration Date: July 15, 2011

Within 48 Hours of the Approval of This Project

1. The Applicant/Developer shall deliver to the Planning Department a cashier's check or money order made payable to the County Clerk in the amount of Sixty-Four Dollars (\$64.00) for the County administrative fee, to enable the City to file the Notice of Exemption as provided under Public Resources Code Section 21152 and California Code of Regulations Section 15075. If within said 48-hour period the Applicant/Developer has not delivered to the Planning Department the check as required above, the approval for the project granted shall be void due to failure of condition [Fish and Game Code Section 711.4(c)].
2. The Applicant shall review and sign the Acceptance of Conditions of Approval document that will be provided by the Planning Department staff and return the document with an original signature to the Planning Department.

General Requirements

3. 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, Code 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.

4. The development of the premises shall substantially conform to the approved site plan and elevations contained on file with the Planning Department dated May 7, 2009.
5. The Applicant 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.)
6. 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.
7. The Conditions of Approval specified in this resolution, to the extent specific items, materials, equipment, techniques, finishes or similar matters are specified, shall be deemed satisfied by staff's prior approval of the use or utilization of an item, material, equipment, finish or technique that City staff determines to be the substantial equivalent of that required by the Conditions of Approval. Staff may elect to reject the request to substitute, in which case the real party in interest may appeal, after payment of the regular cost of an appeal, the decision to the Planning Commission for its decision.

Materials & Locations

Colors

Primary Wall Stucco- Buildings Two, Four, Five and Six	To match existing nursery school buildings
Asphalt Roof Shingle- Buildings Two, Four, Five and Six	To match existing nursery school buildings
Stone Veneer Wainscot- Buildings Two, Four and Six	Eldorado Stone – Cognac County Rubble
Cementitious Fiber Board Sidings- Buildings Two, Four and Six	Sherwin-Williams - Blond Lace
Cementitious Shingle Siding Scalloped and Wood Detail Buildings Two, Four and Six	Sherwin-Williams - Stagecoach
Decorative Bard Board and Wood Details - Buildings Two, Four and Six	Sherwin-Williams - Cogswell Cedar
Decorative Bard Board and Wood Details- Buildings Two, Four and Six	Sherwin-Williams - Coastal Sand
Wood Fascia Trim and Barge Board – Building Five	To match existing nursery school buildings

8. The Applicant shall submit to the Planning Department for the permanent files 8" X 10" glossy photographic color prints of the approved color and materials board and the colored architectural elevations. All labels on the color and materials board and elevations shall be readable on the photographic prints.
9. If construction is phased, a construction staging area plan or phasing plan for construction equipment and trash shall be approved the Planning Director and City Engineer.
10. No grading shall be performed without the prior issuance of a grading permit by the City.
11. All technical submittals must be stamped and signed by a registered Civil Engineer.
12. 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 Codes, California Electrical Code, California Administrative Code, and all appropriate City of Wildomar Standards and Codes.
13. 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 Codes, and ADA requirements and to the satisfaction of the City Engineer.
14. Any additional building signage is subject to the approval of a sign permit.
15. 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.
16. Minimum required fire flow shall be 1500 GPM for two (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 VB construction per the 2007 CBC and Building(s) having a fire sprinkler system.
17. A combination of on-site and off-site super fire hydrant(s) (6" x 4" x 2 ½ " x 2 ½ ") will be located not less than 5 feet or more than 165 feet from any portion of the building as measured along approved vehicular travel ways. The required fire flow shall be available from any adjacent hydrant(s) in the system.
18. Gate entrances shall be at least two feet wider than the width of the traffic lane(s) serving that gate. Any gate providing access from a road to a driveway shall be located at least 35 feet from the roadway and shall open to allow vehicles to stop without obstructing traffic on the road. Where a one-way road with a single traffic lane provides access to a gate entrance, a 40 foot turning radius shall be used.
19. Gate(s) shall be automatic or manual operated, minimum 20 feet width, with a setback of 35 feet from face of curb/flow line. Gate access shall be equipped with a rapid entry system. Plans shall be submitted to the Fire Department for approval prior to installation. Automatic/manual gate pins shall be rated with shear pin force, not to exceed 30 foot pounds. Automatic gates shall be equipped with emergency backup power. Gates

activated by the rapid entry system shall remain open until closed by the rapid entry system.

20. This approval shall not be valid until all outstanding permit and application processing fee balances are paid in full.

Prior to Issuance of Grading Permit(s)

21. All grading shall conform to the 2007 California Building Code, Ordinance 457, and all other relevant laws, rules, and regulations governing grading in City of Wildomar and prior to commencing any grading which includes 50 or more cubic yards, the applicant shall obtain a grading permit from the Building Department.
22. Ordinance 457 requires a grading permit prior to clearing, grubbing, or any top soil disturbances related to construction grading.
23. Prior to issuance of any grading or construction permits, whichever comes first the Applicant shall provide the Building Department evidence of compliance with the following: "Effective March 10, 2003 owner operators of grading or construction projects are required to comply with the N.P.D.E.S. (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of "ONE" acre or larger. The owner operator can comply by submitting a "Notice of Intent" (NOI), develop and implement a Storm Water Pollution Prevention Program (SWPPP) and a monitoring program and reporting plan for the construction site. For additional information and to obtain a copy of the NPDES State Construction Permit contact the SWRCB at (916) 657-1146. Additionally, at the time the City of Wildomar adopts, as part of any ordinance, regulations specific to the N.P.D.E.S., this project (or subdivision) shall comply with them.
24. All necessary measures to control dust shall be implemented by the Applicant during grading.
25. Minimum drainage grade shall be 1% except on portland cement concrete where 0.35% shall be the minimum.
26. Prior to the issuance of a grading permit, the Applicant shall provide a grading/improvement plan at the time of submittal that is coordinated with the WQMP design requirements for the grass lined bio-swale , and the infiltration basin.
27. Prior to the issuance of a grading permit, it shall be the sole responsibility of the Applicant to obtain any and all easements and/or permissions necessary to perform the grading required for the project. A notarized letter of permission from all affected property owners or easement holders, or encroachment permit, is required for all off-site grading.
28. If human remains are encountered, State 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 Public Resource 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

29. If cultural resources are discovered during the project construction (inadvertent discoveries), all work in the area of the find shall cease, and a qualified archaeologist and representatives of the Pechanga Tribe shall be retained by the project sponsor to investigate the find, and make recommendations as to treatment and mitigation.
30. 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.
31. Prior to the issuance of a grading permit, the Applicant shall submit, and the City review and approve, a Final Water Quality Management Plan (WQMP) in conformance with the requirements of the San Diego Regional Water Quality Control Board.
32. Prior to the issuance of a grading permit, proposed grading in excess of 199 cubic yards will require performance security to be posted with the City Engineering.
33. Geotechnical soils reports, required in order to obtain a grading permit shall be submitted to the City Engineer for review and approval prior to issuance of grading permit. All grading shall be in conformance with the recommendations of the geotechnical/soils reports as approved by City of Wildomar. The geotechnical/soils, compaction and inspection reports will be reviewed in accordance with the City of Wildomar Geotechnical Guidelines For Review Geotechnical and Geologic Reports.
34. Landscape plans required for manufactured slopes greater than 3 feet in vertical height, are to be signed by a registered landscape architect and bonded per the requirements of Ordinance 457 (refer to dept. form 284-47).
35. Improvements such as grading, filling, over excavation and re-compaction, and base or paving which require a grading permit are subject to the included Building Department conditions of approval.
36. All of the foregoing conditions shall be complied with prior to the issuance of a grading permit.

Prior to Issuance of Building Permit(s)

37. Prior to the issuance of a building permit, precise grading plans shall be consistent with the approved rough grading plans including all structural setback measurements.
38. Prior to the issuance of a building permit, the Applicant shall provide a copy of the underground water and electrical plans for verification of proper placement of transformers(s) and double detector checks to final agreement with the utility companies.

39. Prior to the issuance of a building permit, the Applicant shall demonstrate compliance with the California Title 24.
40. Prior to the issuance of a building permit, the Applicant shall pay the appropriate impact mitigation fee applicable to Zone A of the Southwest Road and Bridge Benefit District.
41. Prior to the issuance of a building permit the Applicant will be required to provide a "cash in-lieu" payment for future curb, gutter, and sidewalk improvements along Palomar road frontage.
42. Prior to the issuance of a building permit, the Applicant shall dedicate, design and construct/secure all improvements in accordance with City of Wildomar Improvement Plan Check Policies, City of Wildomar Road Improvement Standards and Specification, Improvement Plan Check Policies and Guidelines and to the satisfaction of The City Engineer.
43. Prior to issuance of a building permit improvement plans for items within the public right of way shall be approved by The City Engineer.
44. Prior to issuance of a building permit, the Applicant shall either 1) obtain a final form "will serve" letter from the Elsinore Valley Municipal Water District for potable water and sanitary service, or 2) obtain approval from the Riverside County Department of Environmental Health for onsite waste water treatment.
45. Three copies of Construction Landscaping and Irrigation Plans shall be submitted to the Planning Department for approval. These plans shall conform to the approved conceptual landscape plan, or as amended by these conditions. The location, number, genus, species, and container size of the plants shall be shown. The plans shall be consistent with the requirements of the water efficient landscape ordinance. The plans shall be accompanied by the appropriate filing deposit (per the City of Wildomar Fee Schedule at time of submittal) and one copy of the approved grading plan.
46. The Applicant shall submit landscaping and irrigation plans within the public right of way to Planning and the City Engineer concurrently. These plans shall include water usage calculations, estimate of irrigation and the location of all existing trees that will remain. All plans and calculations shall be designed and calculated per the City of Wildomar Road Improvement Standards and Specification, Improvement Plan Check Policies and Guidelines, City Codes and to the satisfaction of the City Engineer.
47. All Water Quality Management Plan (WQMP) treatment devices to be located in the landscaped areas shall be shown on the construction landscape plans. If revisions are made to the WQMP design that result in any changes to the conceptual landscape plans after entitlement, the revisions will be shown on the construction landscape plans, subject to the approval of the Planning Director.
48. Prior to issuance of a building permit, the Applicant shall have a licensed professional clearly delineate on maps and in the field any portions of the property, which are located within the "Fault Hazard Zone". No structures or any part thereof shall be located in those areas.

49. Prior to issuance of building permit, the plans shall demonstrate slope setbacks from buildings and property lines per the 2007 California Building Code as amended by Ordinance 457.
50. Building construction plans shall include detailed outdoor areas (including but not limited to trellises, decorative furniture, fountains, hardscape (choose or add to as appropriate) to match the style of the building subject to the approval of the Planning Director.
51. Building plans have been reviewed, however, a separate plan check deposit based fee of \$212.00-\$1,056.00 made payable to the Riverside County Fire Department, in the form of a check or money order only, must be submitted to the Fire Department. Permit number must be referenced with payment.
52. Applicant shall separately submit two (2) sets of water system plans to the Fire Department for review. Plans must be signed by a registered Civil Engineer and/or water purveyor prior to Fire Department review and approval. Mylars will be signed by the Fire Department after review and approval. Two (2) copies of the signed and approved water plans shall be returned to the Fire Department before release of a building permit.
53. All of the foregoing conditions shall be complied with prior to the issuance of a building permit.

Prior to Release of Power, Building Occupancy or Any Use Allowed by This Permit

For this section, the terms final inspection, release of power, and building occupancy are used interchangeably to signify compliance with all conditions of approval, applicable codes and requirements necessary for the safe and lawful occupation or use of a structure or site.

54. Prior to certificate of occupancy, the applicant shall pay all necessary impact and mitigation fees required. These fees include, but are not limited to, fees associated with the Transportation Uniform Mitigation Fee (TUMF), Quimby (parkland in-lieu) Fee, and Development Impact Fees (DIF).
55. Prior to certificate of occupancy, the applicant shall complete the construction and installation of all improvements within the public right of way to the satisfaction of the City Engineer.
56. Prior to certificate of occupancy, the Applicant shall install new automatic Knox fire access gates for all three driveway access points off of South Pasadena and Palomar Street.
57. A UL 300 hood/duct fire extinguishing system must be installed over the cooking equipment as required by the California Fire Code, California Mechanical Code and adopted standards. The extinguishing system must automatically shutdown gas and/or electricity to all cooking appliances upon activation. A C-16 licensed contractor must submit plans, along with the current \$215.00 deposit based fee, to the Fire Department for review and approval prior to installation. Alarm system supervision is only required if the building has an existing fire alarm system.
58. Install a complete fire sprinkler system designed in accordance with California Building Code, California Fire Code and adopted standards. Sprinkler systems with pipe sizes

larger than 4 inches in diameter will require the Engineer or Architect of Record certification with details and calculations with "wet signature" that the building structural system is designed to support the seismic and gravity loads for the support the additional weight of the sprinkler system. The PIV and FDC shall be located to the front of the building in an approved location, unobstructed and within 50 feet of an approved road or driveway, within 200 feet of a hydrant. A C-16 licensed contractor must submit plans, along with the current \$307.00 deposit based fee, to the Fire Department for review and approval prior to installation.

59. Install an alarm monitoring system for fire sprinkler system(s) with 20 or more heads. Valve monitoring, water-flow alarm and trouble signals shall be automatically transmitted to an approved central station, remote station or proprietary monitoring station in accordance with California Building Code, California Fire Code and adopted standards. An approved audible sprinkler flow alarm shall be provided on the exterior in an approved location. A C-10 licensed contractor must submit plans designed in accordance with adopted standards, along with the current \$192.00 deposit based fee, to the Fire Department for review and approval prior to installation.
60. Install a manual and/or automatic fire alarm system as required by the California Building Code, California Fire Code and designed in accordance with adopted standards. A C-10 licensed contractor must submit plans, along with the current \$627.00 deposit based fee, to the Fire Department for review and approval prior to installation. Guideline handouts are available from the Fire Department.
61. Applicant shall prepare a site plans designating required fire lanes with appropriate lane paintings and/or signs. Plans must be submitted along with the current \$212.00 deposit based fee to the Fire Department for review and approval.
62. Install a portable fire extinguisher, with a minimum rating of 2A-10BC, for every 3,000 square feet and/or 75 feet of travel distance. Fire extinguishers shall be mounted no higher than 6 feet above finished floor, measured to the top of the extinguisher. Where not readily visible, signs shall be posted above all extinguishers to indicate their locations. Extinguishers must have current CSFM service tags affixed; or within one year of from the date of month and year of manufacture. (NOTE: If only a year of manufacture is indicated, maintenance shall be due January 1st of the year following,.)
63. Display boards will be as follows: Each complex shall have an illuminated diagrammatic representation of the actual layout showing the name of each complex, all streets, building designators, unit numbers, and fire hydrant locations. These directories shall be a minimum 4'x4' dimension and located next to the roadway access point(s). Plans must be submitted to the Fire Department for review and approval.
64. Applicant must submit an emergency evacuation plan to the Fire Department for review and approval prior to installation. Evacuation plan(s) must be posted in the building at locations approved by the Fire Department.
65. Each parking space reserved for the handicapped shall be identified by a permanently affixed reflectorized sign constructed of porcelain on steel, beaded text or equal, displaying the International Symbol of Accessibility. The sign shall not be smaller than 70 square inches in area and shall be centered at the interior end of the parking space at a minimum height of 80 inches from the bottom of the sign to the parking space finished

grade, or centered at a minimum height of 36 inches from the parking space finished grade, ground, or sidewalk. A sign shall also be posted in a conspicuous place, at each entrance to the off-street parking facility, not less than 17 inches by 22 inches, clearly and conspicuously stating the following:

"Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for persons with disabilities may be towed away at owner's expense. Towed vehicles may be reclaimed by telephoning (951) 245-3300"

In addition to the above requirements, the surface of each parking place shall have a surface identification sign duplicating the Symbol of Accessibility in blue paint of at least three square feet in size.

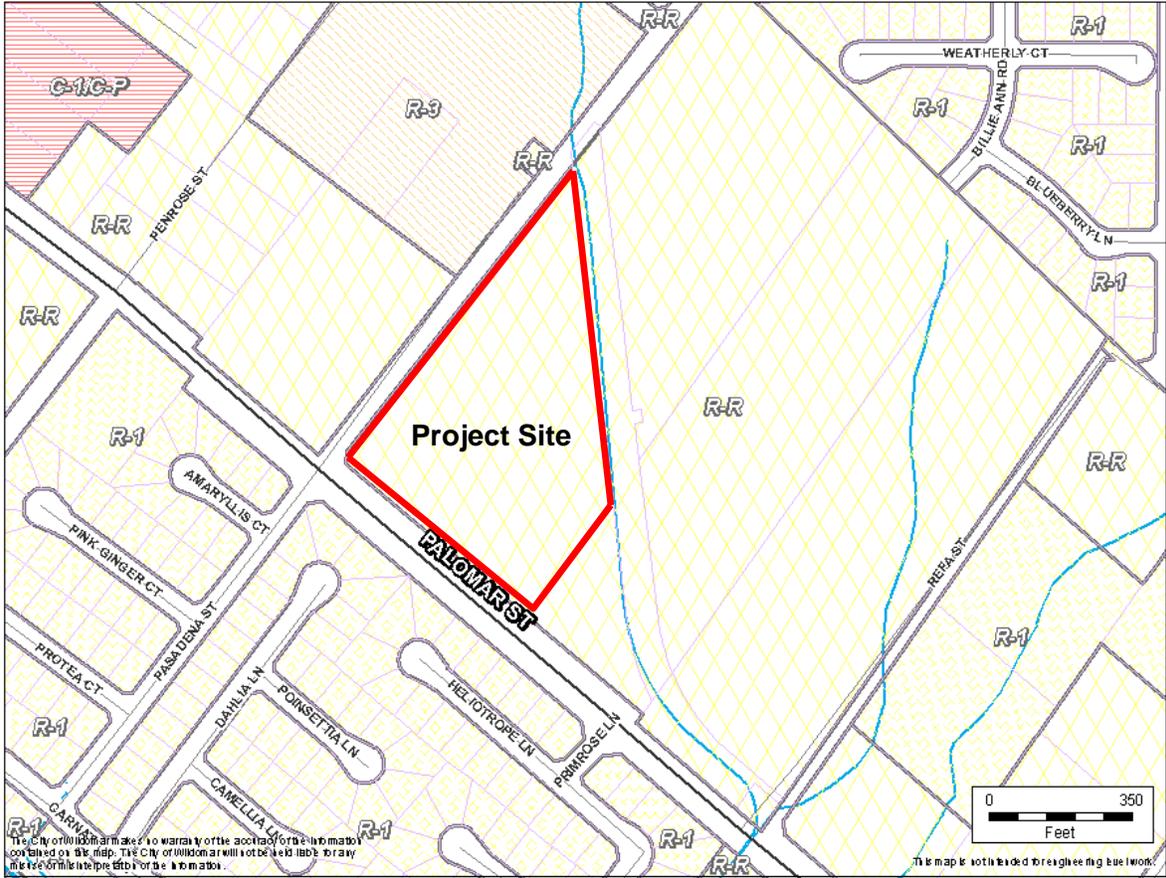
66. All site improvements including but not limited to parking areas and striping shall be installed.
67. All off-street parking areas which are conditioned to be paved shall conform to Ordinance 457 base and paving design and inspection requirements.
68. The Applicant shall obtain and comply with all the requirements of clearance letters from appropriate agencies to the satisfaction of the City Engineer for any signage located within an easement, including a Public Utility Easement.
69. At all street intersections adjacent to the project, public or private, the Applicant shall install and/or replace street name signs in accordance with the City of Wildomar Standard Details.
70. The Applicant shall comply with all applicable provisions of the Uniform Building Code and other structural and life safety codes and ordinances.
71. All of the foregoing conditions shall be complied with prior to occupancy or any use allowed by this permit.

OUTSIDE AGENCIES REQUIREMENTS:

72. Flood protection shall be provided in accordance with the Riverside County Flood Control District's development standards. The fee is made payable to the Riverside County Flood Control Water District by either a cashier's check or money order, prior to the issuance of a grading permit (unless deferred to a later date by the District), based upon the prevailing area drainage plan fee.

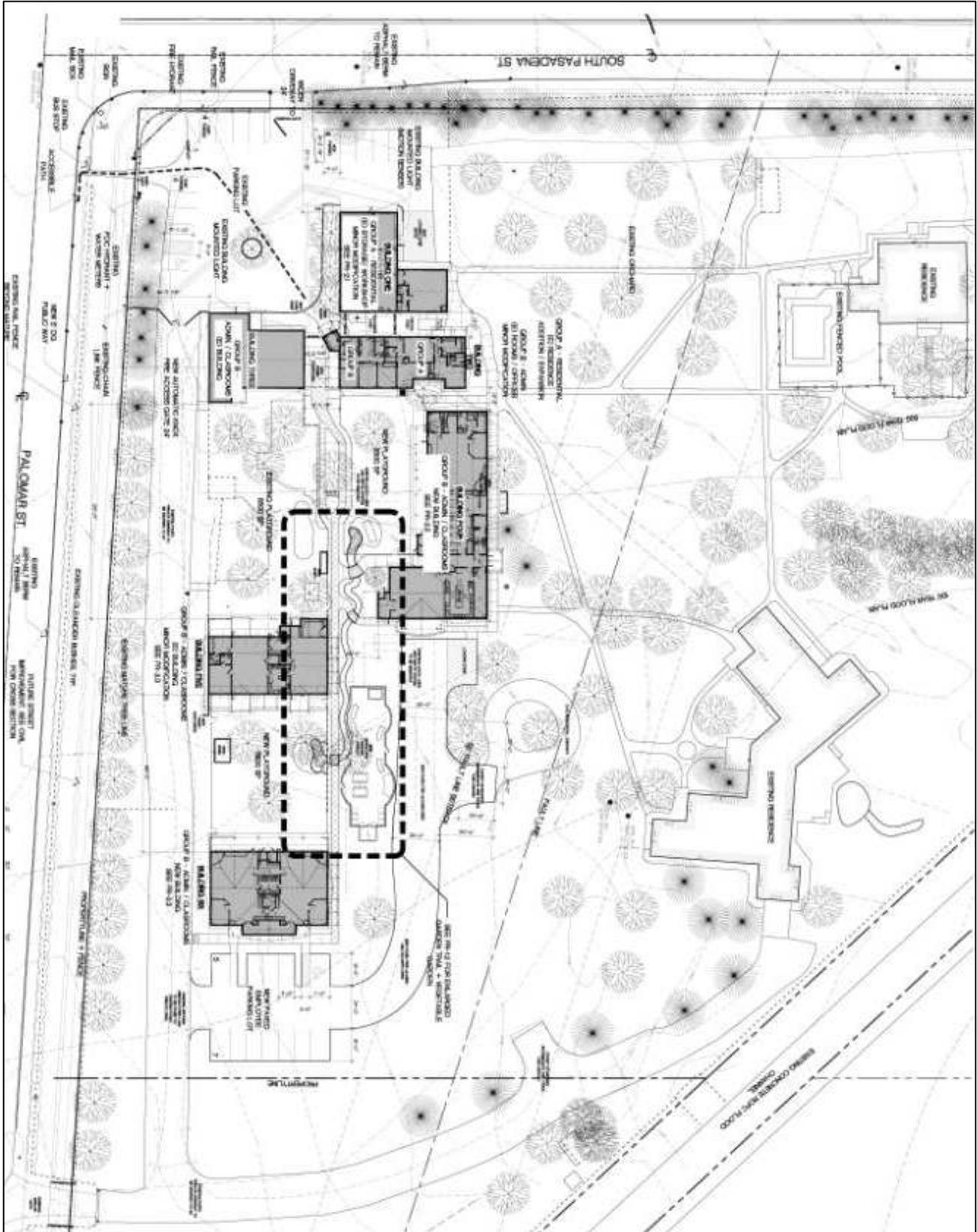
ATTACHMENT B

LOCATION MAP



ATTACHMENT C

SITE PLAN

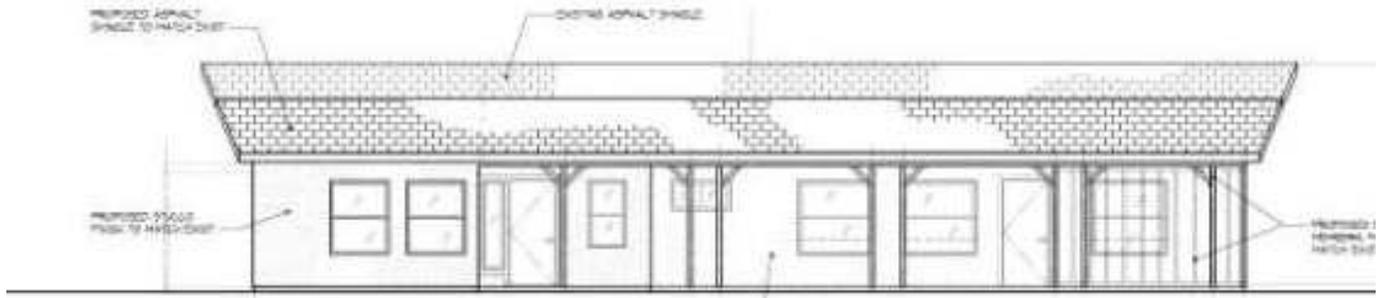


ATTACHMENT D

Building Four (New)



Building Five (Addition)



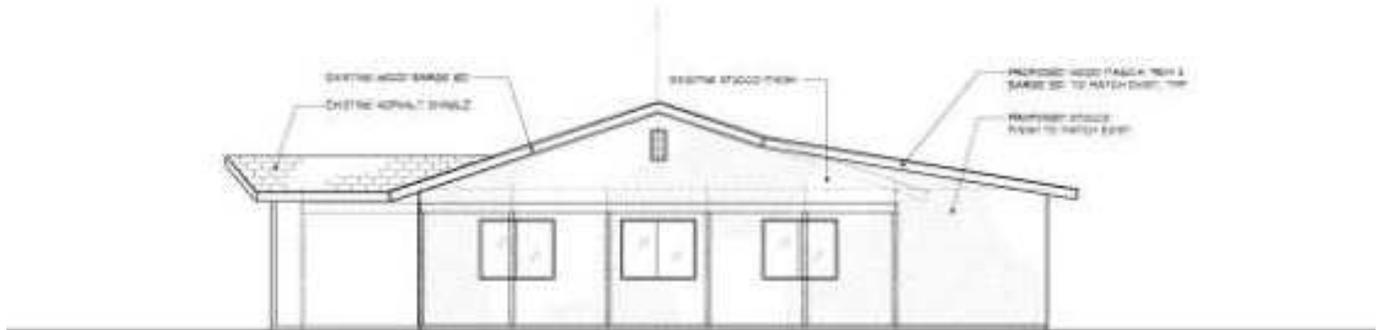
⊙ BUILDING FIVE ELEVATION - VIEW FROM EXISTING DRIVEWAY
0' 0" 30' 0"



⊙ BUILDING FIVE ELEVATION - VIEW FROM EXISTING STREET
0' 0" 30' 0"

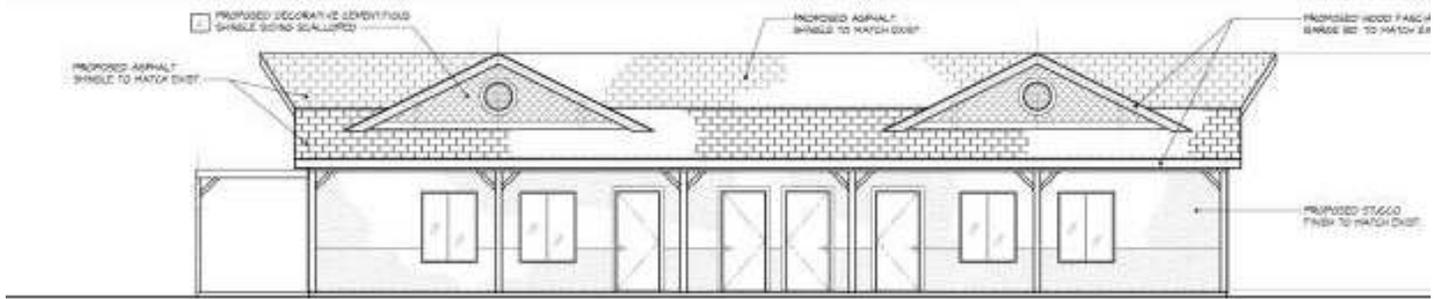


⊙ BUILDING FIVE ELEVATION - VIEW FROM EXISTING DRIVEWAY
0' 0" 30' 0"

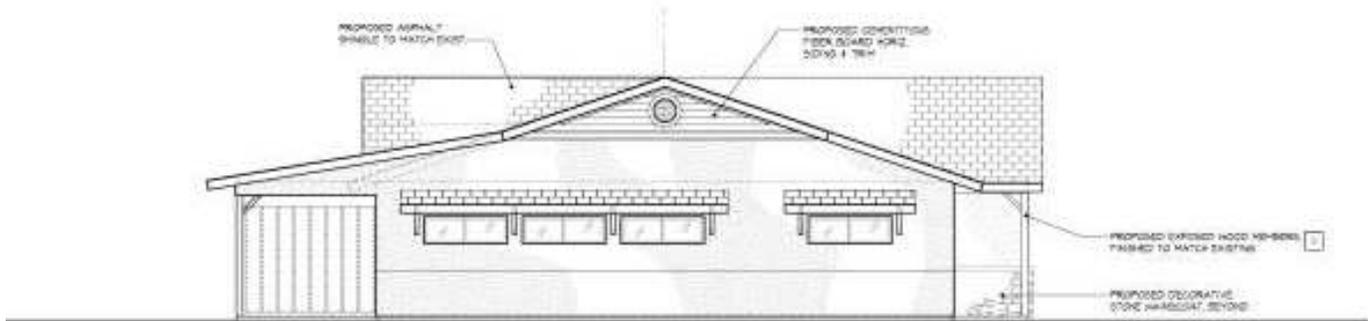


⊙ BUILDING FIVE ELEVATION - VIEW FROM EXISTING OPEN YARD
0' 0" 30' 0"

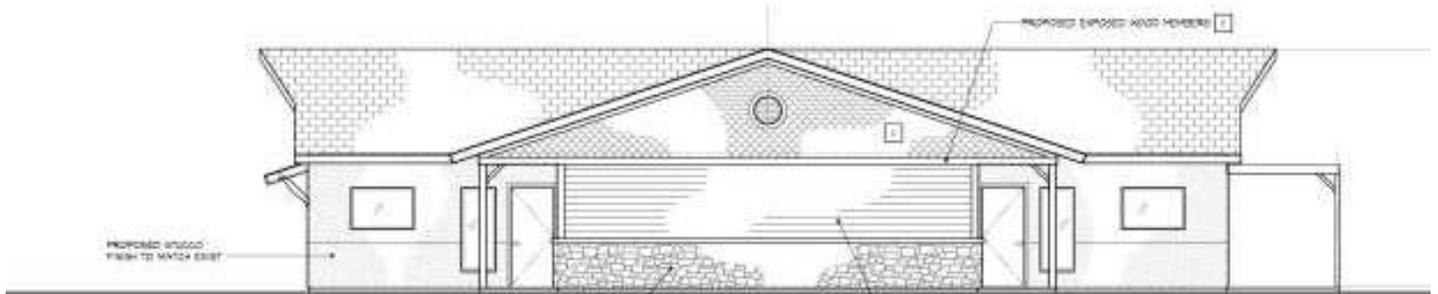
Building Six (New)



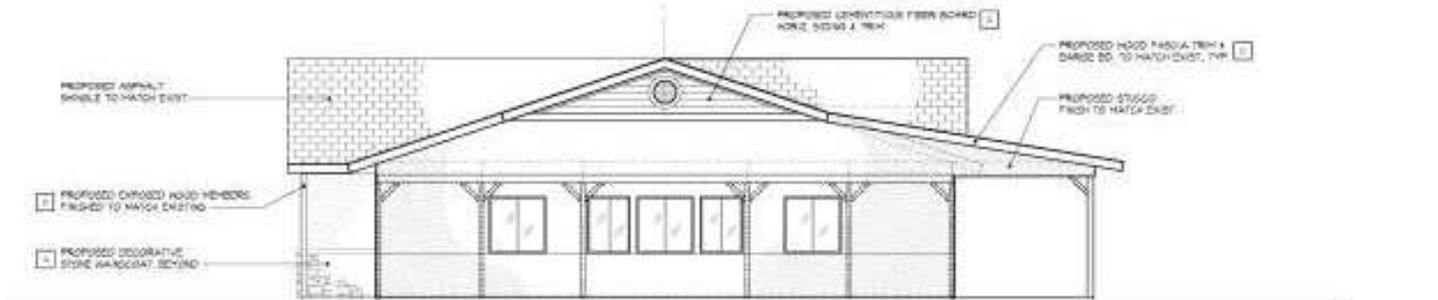
A BUILDING SIX ELEVATION - VIEW FROM NEW PLAYGROUND
SCALE: 1/8" = 1'-0"



B BUILDING SIX ELEVATION - VIEW FROM FALGOUT STREET
SCALE: 1/8" = 1'-0"



C BUILDING SIX ELEVATION - VIEW FROM EMPLOYEE PARKING LOT
SCALE: 1/8" = 1'-0"



D BUILDING SIX ELEVATION - VIEW FROM EXISTING OPEN YARD
SCALE: 1/8" = 1'-0"

CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item 5.2
PUBLIC HEARING
Meeting Date: July 15, 2009

TO: Chairman Devine, Members of the Planning Commission
FROM: David Hogan, Assistant Planning Director
SUBJECT: Discount Tire

Conditional Use Permit 09-0374 – to authorize the establishment of a tire sales, installation and minor car maintenance facility in an existing commercial space (Suite H-5) within the Oak Creek II Center located at the southeastern corner of Clinton Keith Road and Interstate 15.

APN: 380-240-046

RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution entitled:

“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR APPROVING CONDITIONAL USE PERMIT 09-0374 TO OPERATE A TIRE SALES AND MINOR AUTOMOTIVE REPAIR FACILITY WITHIN SUITE H-5 IN THE OAK CREEK II SHOPPING CENTER, KNOWN AS ASSESSOR’S PARCEL NO. 380-240-046”

BACKGROUND:

Conditional Use Permit 09-0374 is a request to authorize the operation of a tire sales/installation and automotive maintenance business within the Oak Creek II Shopping Center located on the southside of Clinton Keith Road, east of Interstate 15. The proposed site is adjacent to Shopping Center Drive (the east side access for the Center). The location of the project is provided in Attachment B.

The application was submitted on April 22, 2009, and determined to be complete on June 17, 2009. 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 (CR)	Scenic Highway Commercial (C-P-S)
North	Commercial	Commercial Retail (CR)	Scenic Highway Commercial (C-P-S)
South	Commercial	Commercial Retail (CR)	Rural Residential (R-R)
East	Vacant	Very High Density Residential (VHDR)	Specific Plan (SP)
West	Commercial	Commercial Retail (CR)	Scenic Highway Commercial (C-P-S)

DISCUSSION:

The proposed Discount Tire use will be located within the existing Oak Creek II Shopping Center adjacent to Interstate 15 and Clinton Keith Road. Clinton Keith Road is a major regional arterial connecting the Cities of Wildomar and Murrieta. The Oak Creek II Center is accessed off of Clinton Keith Road via two driveways and one existing street (Shopping Center Drive). All of the existing access, parking and landscape improvements have already been installed within the Oak Creek II Shopping Center, except for the southern most building pad in the center which is still vacant. The location of the proposed business location is shown on Attachment C.

The proposed use will occupy a currently vacant 5,020 square foot suite within existing Building “H”. Suite H-5 was originally designed for a three-service bay automotive use. The proposed floor plan is contained in Attachment D. Suite H-5 is located adjacent to an existing parking area adjacent to Shopping Center Drive which currently receives very little use as well as the other parking spaces located near the proposed customer entrance. With these two parking areas, the project is not expected to adversely impact the parking conditions within the Center.

No changes are proposed to the facade of the building, except for the proposed wall signage. The north and east elevations for Building “H” are contained in Attachment E. Elevation E-1 shows the front of the Discount Tire facility. Elevation E-2 shows the east side of the building as will be seen from Shopping Center Drive. Suite H-5 is not visible from the south or west sides (since it is located behind existing businesses).

The proposed business signage will be located on the northern and eastern wall surfaces, on Monument “D” (located in the middle of the center), and potentially on one of the freestanding signs located along Clinton Keith Road. All of this signage will comply with the approved sign program for Oak Creek II Center.

According to the business plan for Discount Tires, the business will involve the sales, installation, and repair of tires as well as oil changes, fluid changes, brake pad replacement, shocks, struts, and regular maintenance items related to vehicle suspension. The business plan does not include the repair or removal of engines. Discount Tires has existing contracts with 'Asbury Environmental' to pick up and properly dispose of engine oils and fluids, and with 'Mac Clanahans Tire Recycling' for the tire casings. Both of these firms have regular pick up schedules, are registered with the State of California Department of Waste Management, and have all necessary certifications. The project will be conditioned to operate in a manner consistent with the business practices described above. Any significant expansion to the proposed business operation would require a revision to the conditional use permit.

The proposed use is located in an area of Building "H" that was originally intended for an automotive use and the use will not alter the exterior of the building. The use will be conditioned to ensure compliance with the applicable waste disposal requirements, and the use is allowable with a conditional use permit by the zoning ordinance. As a result, staff recommends that the Planning Commission approve the requested Conditional Use Permit 09-0374 subject to the attached conditions of approval.

FINDINGS:

Conditional Use Permit (including Site Layout)

1. That the proposed location, use and operation of the conditional use is in accord with the purposes of the zone in which the site is located, is consistent with the General Plan and complies with other relevant city regulations, policies and guidelines.

The proposed tire sales/installation and minor automotive repair use (Discount Tire) is allowed in the Scenic Highway Commercial (C-P-S) zone subject to the approval of a conditional use permit. The project is consistent with the intent of the Zoning Ordinance since it meets and/or exceeds the minimum development standards of the C-P-S zone.

The General Plan land use designation for the site is Commercial Retail. The intent of the Commercial Retail Land Use Designation is to enable the establishment and operation of community serving commercial, service, and office businesses. The project consists of a tire sales/installation and minor automotive repair within an existing developed commercial center. The design and layout of the center, the access and circulation have been configured to accommodate future development on adjacent parcels surrounding the project site. 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.

2. The proposed use will not be detrimental to the health, safety, or general welfare of the community.

The site has been designed to meet all of the development standards of the Scenic Highway Commercial (C-P-S) zone as illustrated in the Development Standards section of the Staff Report relative to setbacks, lot coverage, building heights and parking such that it will not be detrimental to the public health, safety or welfare. The location of the building will not conflict with the existing parking area or with on-site circulation since the existing parking spaces and drive aisles meet the minimum standards established in the zoning ordinance. In addition, the proposed use will comply with the applicable waste collection and disposal requirements and does not contain any natural or physical hazards which would cause the project to be detrimental to the health, safety, or general welfare.

ENVIRONMENTAL ASSESSMENT:

The Planning Director has reviewed the project's potential effects on the environment and is recommending that the Planning Commission find that the project is categorically exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures. The proposed project is also not affected by the categorical exemption exceptions (e.g. a cumulative or significant impact, effecting a scenic highway or historic site, or containing a designated hazardous waste site) described in CEQA Guidelines Section 15300.2 that would prevent the use of a categorical exemption to meet the review requirements of CEQA. As a result, the Director recommends that the Planning Commission approves a categorical exemption for the project under the provisions of CEQA Guidelines Section 15303.

ATTACHMENTS:

- A. Resolution of Approval for Conditional Use Permit 09-0374
Exhibit A – Conditions of Approval
- B. Location Map
- C. Site Plan
- D. Floor Plan
- E. Elevations

Approved by:

David Hogan
Assistant Planning Director

ATTACHMENT A

RESOLUTION NO. 09-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR APPROVING CONDITIONAL USE PERMIT 09-0374 TO OPERATE A TIRE SALES AND MINOR AUTOMOTIVE REPAIR FACILITY WITHIN SUITE H- IN THE OAK CREEK VILLAGE SHOPPING CENTER, KNOWN AS ASSESSOR'S PARCEL NO. 380-240-046

WHEREAS, an application for to allow the establishment and operation of a tire sales/installation and minor automotive repair use in an existing shopping center located at the southeast corner of Clinton Keith Road and Interstate 15 has been filed by:

Applicant/Owner: Andonian Investments/Discount Tire
Authorized Agent: Joe Seitz
Project Location: Southeast corner of Clinton Keith Road and Interstate 15
APN Number: 380-240-046

WHEREAS, the Planning Commission has the authority per Chapter 17.200 of the Wildomar Municipal Code to take action on Conditional Use Permit No. 09-0374 to operate a tire sales/installation and minor automotive repair facility in an existing space within a substantially completed shopping center; and

WHEREAS, on July 4, 2009, the City gave public notice by mailing to adjacent property owners and by placing an advertisement in a newspaper local circulation of the holding of a public hearing at which the project would be considered; and

WHEREAS, on July 15, 2009 the Planning Commission held a noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Conditional Use Permit and at which the Planning Commission considered the Conditional Use Permit; and

WHEREAS, the Planning Director has reviewed the project's potential effects on the environment and has recommended that the project is categorically exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15303, and that the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 are not applicable to the project ; and

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, the recommendation of the Planning Director as provided in the Staff Report dated July 15, 2009, and documents incorporated therein by reference, and any other evidence (within the meaning of Public

Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

A. CEQA: The project is exempt from CEQA under CEQA Guidelines Section 15303 in that the project involves the occupation of existing commercial space originally designed for this type of use in an existing commercial center. In addition, the project will not be affected by any of the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 as described below.

1. The project will not have a significant impact on an environmental resource that has been designated, precisely mapped, and officially adopted pursuant to law by a federal, state or local agency as being a resource of hazardous or critical concern in the adopted General Plan or in the Environmental Impact Report prepared for the City's General Plan.

2. The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. The proposed project is located within an existing commercial center, in a suite intended for this type of business in an area identified for commercial uses on the General Plan Land Use Map. The project will not result in a significantly cumulative impact.

3. There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment. The proposed use is a typical commercial business found in urban, suburban and rural areas. The business is located within an existing commercial center, in a suite intended for this type of business. Therefore, there are no unusual circumstances that would result in a significant impact on the environment.

4. The project will not result in damage to scenic resources within a designated state scenic highway. The project is located within an existing shopping center. The design of the shopping center took into consideration its location and setting when the site was originally prepared. The business is located within an existing commercial center, in a suite intended for this type of business. In addition, there are no designated state scenic highways adjacent to proposed project.

5. The project site has not been listed as a hazardous waste and substance facility or site by the Department of Toxic Substances Control pursuant to California Government Code Section 659625.

6. The project will not cause a substantial adverse change to the significance of a historical resource since no historic resources are located on or adjacent to the site or in the existing shopping center. As a result, the project will not affect any historical resource.

B. Multiple Species Habitat Conservation Plan (MSHCP). The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria cell area and mitigation was provided through payment of the MSHCP Mitigation Fee.

SECTION 2. REQUIRED FINDINGS.

Pursuant to Wildomar Municipal Code, and in light of the record before it including the staff report dated July 15, 2009 and all evidence and testimony heard at the public hearing of Conditional Use Permit 09-0374, the Planning Commission hereby finds as follows.

A. That the proposed location, use and operation of the conditional use is in accord with the purposes of the zone in which the site is located, is consistent with the General Plan and complies with other relevant city regulations, policies and guidelines.

The proposed tire sales/installation and minor automotive repair use (Discount Tire) is allowed in the Scenic Highway Commercial (C-P-S) zone subject to the approval of a conditional use permit. The project is consistent with the intent of the Zoning Ordinance since it meets and/or exceeds the minimum development standards of the C-P-S zone.

The General Plan land use designation for the site is Commercial Retail. The intent of the Commercial Retail Land Use Designation is to enable the establishment and operation of community serving commercial, service, and office businesses. The project consists of a tire sales/installation and minor automotive repair within an existing developed commercial center. The design and layout of the center, the access and circulation have been configured to accommodate future development on adjacent parcels surrounding the project site. 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.

B. The proposed use will not be detrimental to the health, safety, or general welfare of the community.

The site has been designed to meet all of the development standards of the Scenic Highway Commercial (C-P-S) zone as illustrated in the Development Standards section of the Staff Report relative to setbacks, lot coverage, building heights and parking such that it will not be detrimental to the public health, safety or welfare. The location of the building will not conflict with the existing parking area or with on-site circulation since the existing parking spaces and drive aisles meet the minimum standards established in the zoning ordinance. In addition, the proposed use will comply with the applicable waste collection and disposal requirements and does not contain any natural or physical hazards which would cause the project to be detrimental to the health, safety, or general welfare.

SECTION 3. PLANNING COMMISSION ACTIONS.

A. Notice of Exemption. In accordance with Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062 the Planning Commission hereby approves a categorical exemption for the project under CEQA Guidelines Section 15303 and directs the Planning Director to prepare and file with the Clerk for the County of Riverside a notice of exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062.

B. Approve Conditional Use Permit. Conditional Use Permit 09-0374 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A.

PASSED, APPROVED AND ADOPTED this 15th day of July, 2009, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

ATTEST:

Robert Devine, Chairman

David Hogan, Minutes Secretary

APPROVED AS TO FORM:

Thomas Jex, Assistant City Attorney

EXHIBIT A
CITY OF WILDOMAR
CONDITIONS OF APPROVAL

Planning Application Number: Conditional Use Permit 09-0374	
Project Description: Discount Tire, the operation of a 5,020 square foot tire sales/installation and minor automotive repair business (including in sales, installation, and repair of tires as well as oil changes, fluid changes, brake pad replacement, shocks, struts, and regular maintenance items related to the vehicle's suspension) in Suite H-5 of the Oak Creek Center.	
Assessor's Parcel Number(s): 380-240-046	
Approval Date: July 15, 2009	Expiration Date: July 15, 2012

Within 48 Hours of the Approval of This Project

1. The applicant/developer shall deliver to the Planning Department a cashier's check or money order made payable to the County Clerk in the amount of Sixty-Four Dollars (\$64.00) for the County administrative fee, to enable the City to file the Notice of Exemption as provided under Public Resources Code Section 21152 and California Code of Regulations Section 15075. If within said 48-hour period the applicant/developer has not delivered to the Planning Department the check as required above, the approval for the project granted shall be void due to failure of condition [Fish and Game Code Section 711.4(c)].
2. The applicant shall review and sign the Acceptance of Conditions of Approval document that will be provided by the Planning Department staff and return the document with an original signature to the Planning Department.

General Requirements

3. 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, Code 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.

4. The approval of the conditional use permit/plot plan shall comply with the provisions of Title 17 – Zoning (Ordinance 348), unless modified by the conditions listed herein. This approval shall expire in three (3) years unless an application for an extension is filed at least 30 days prior to the expiration date. The City, for good cause, may grant up to two (2) one-year extensions of time, one year at a time.
5. The development of the premises and the exterior colors and materials shall substantially conform to the approved site plan and elevations for the Oak Creek II Center and contained on file with the Planning Department.
6. 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.
7. Parking shall be shared across the site, including parking spaces in all lots that are a part of the project. If the project involves multiple lots, the applicant shall submit to the City a copy of a recorded Reciprocal Use Agreement, which provides for cross-lot access and parking across all lots.
8. 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 Codes, California Electrical Code, California Administrative Code, and all appropriate City of Wildomar Standards and Codes.
9. 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 Codes, and ADA requirements and to the satisfaction of the City Engineer.
10. This approval shall not be valid until all outstanding permit and application processing fee balances are paid in full. No extensions of time shall be granted unless all fee balances have been paid in full.

Conditional Use Permit (Convenience Market, Service Station and Carwash)

11. The development of the premises shall substantially conform to the approved site plan and elevations contained on file with the Planning Department, unless superseded by these Conditions of Approval.
12. The applicant shall provide the Planning Director with written evidence that all used automotive fluids and discarded tire components will be properly collected and disposed of. The applicant shall notify the Planning Director whenever changes are made to the firms collecting and disposing of these potentially hazardous materials.
13. No engine repairs shall be performed.

14. This Conditional Use Permit may be revoked pursuant to Chapter 17.200 of the Wildomar Municipal Code.
15. The City, its Planning Director, Planning Commission, and City Council retain and reserve the right and jurisdiction to review and modify this Conditional Use Permit (including the Conditions of Approval) based on changed circumstances. Changed circumstances include, but are not limited to, a modification of business, a change in scope, emphasis, size or nature of the business, and the expansion, alteration, reconfiguration or change of use. The reservation of right to review any Conditional Use Permit granted or approved or conditionally approved hereunder by the City, its Planning Director, Planning Commission and City Council is in addition to, and not in-lieu of, the right of the City, its Planning Director, Planning Commission, and City Council to review, revoke or modify any Conditional Use Permit approved or conditionally approved hereunder for any violations of the conditions imposed on such Conditional Use Permit or for the maintenance of any nuisance condition or other code violation thereon.

Prior to Issuance of Building Permit(s)

16. Prior to the issuance of a building permit, the Developer shall demonstrate compliance with the California Title 24.
17. Prior to the issuance of a building permit, building plans shall be reviewed by the Riverside County Fire Department. A separate plan check deposit based fee of \$212 - \$1,056 made payable to the Riverside County Fire Department, in the form of a check or money order only, must be submitted directly to the Fire Department. A permit number must be referenced with the payment.
18. Prior to issuance of a building permit, the developer shall submit Fire Alarm System Plans and sprinkler plans to the Fire Department for approval.
19. All of the foregoing conditions shall be complied with prior to the issuance of a building permit.

Prior to Release of Power, Building Occupancy, or Any Use Allowed by This Permit

For this section, the terms final inspection, release of power, and building occupancy are used interchangeably to signify compliance with all conditions of approval, applicable codes and requirements necessary for the safe and lawful occupation or use of a structure or site.

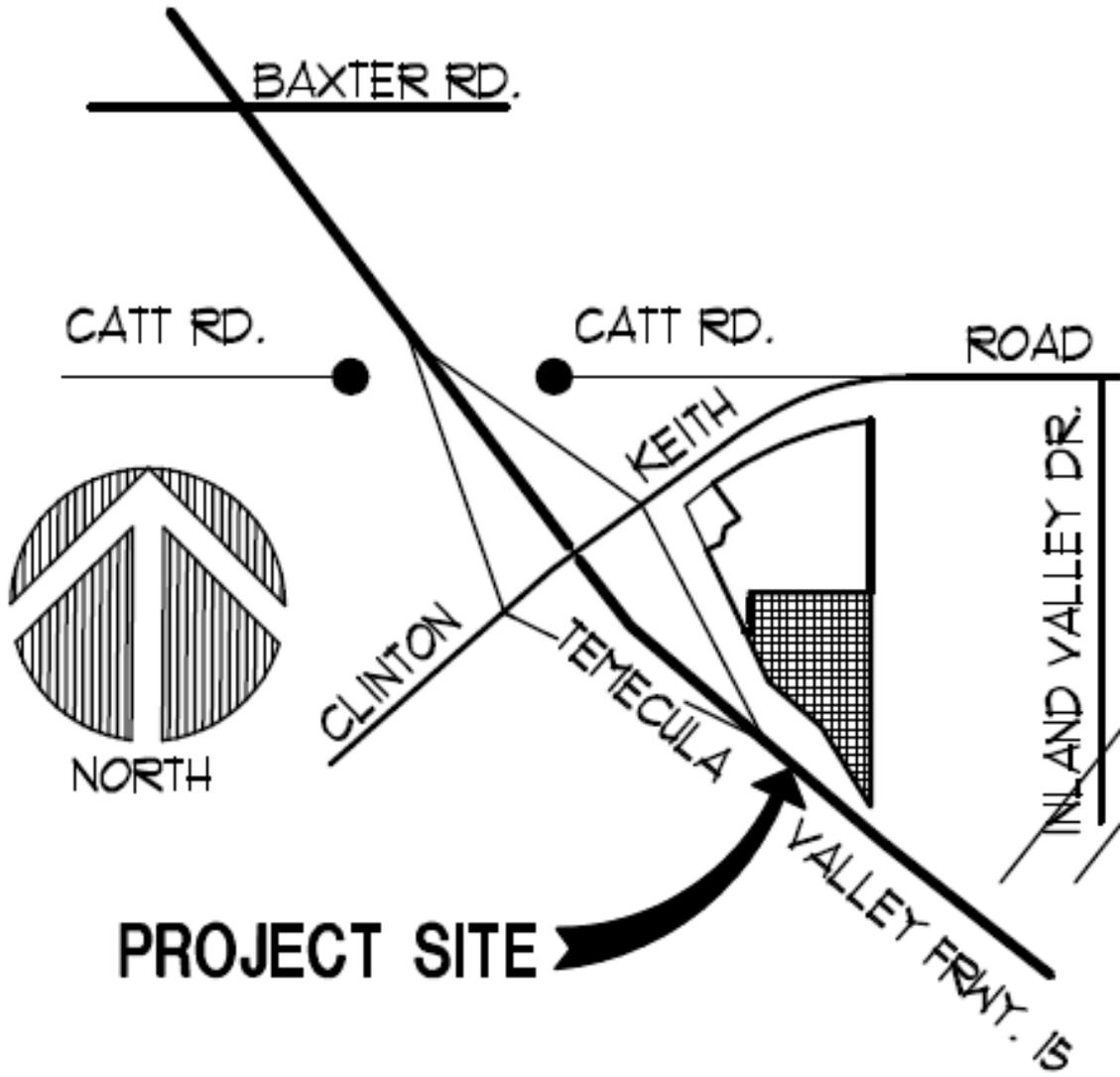
20. Prior to release of occupancy, the Applicant shall demonstrate that all development impact and mitigation fees have been paid.
21. Prior to certificate of occupancy, the developer shall install the manual and automatic Fire Alarm System to the satisfaction of the Fire Department.
22. Install portable fire extinguishers with a minimum rating of 2A-10BC and appropriate signage. Fire Extinguishers located in public areas shall be in recessed cabinets mounted 48" (inches) to center above floor level with maximum 4" projection from the wall. Contact Fire Department for proper placement of equipment prior to installation.
23. All of the foregoing conditions shall be complied with prior to occupancy or any use allowed by this permit.

OUTSIDE AGENCIES REQUIREMENTS:

24. None.

ATTACHMENT B

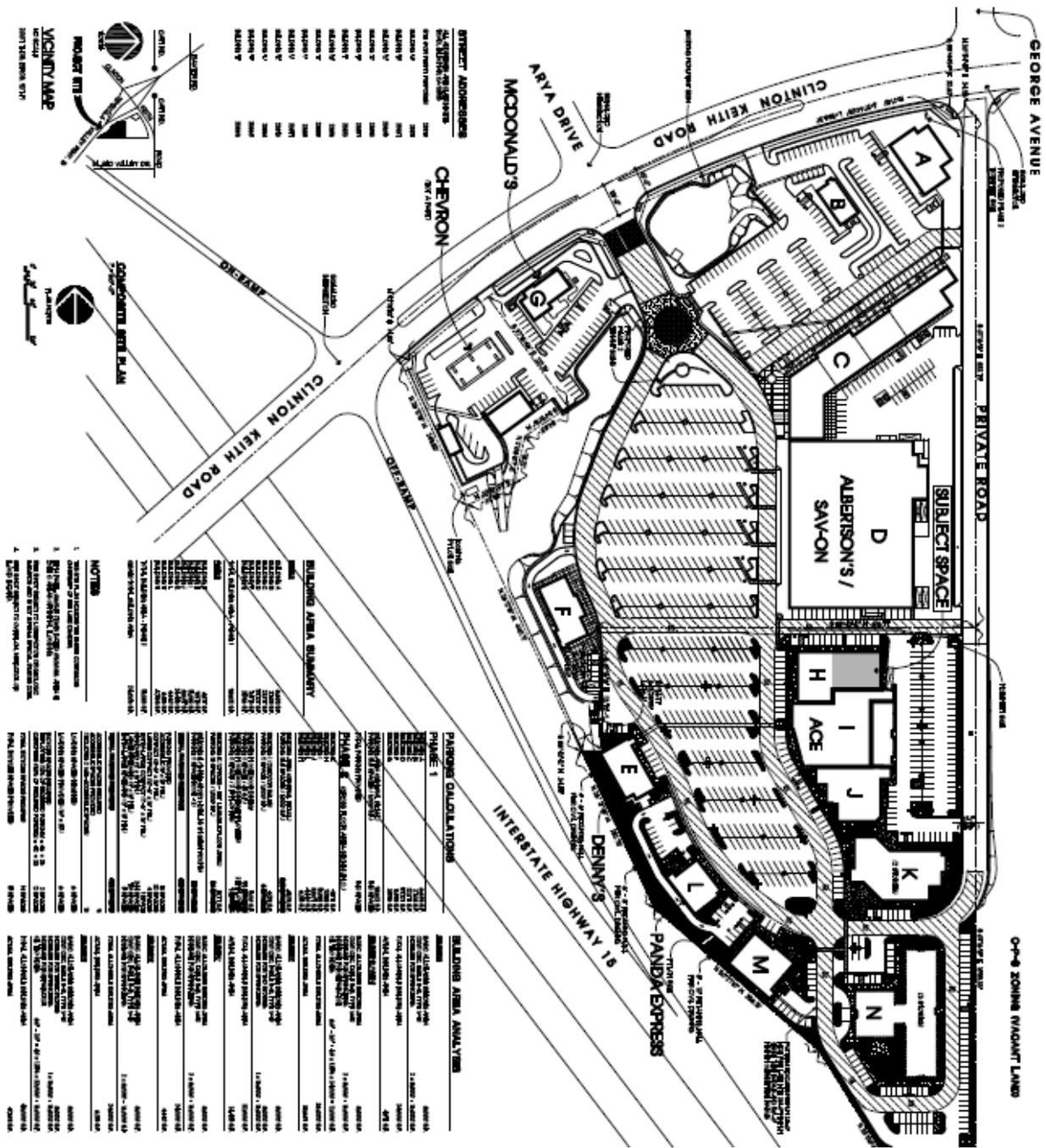
VICINITY MAP



ATTACHMENT C

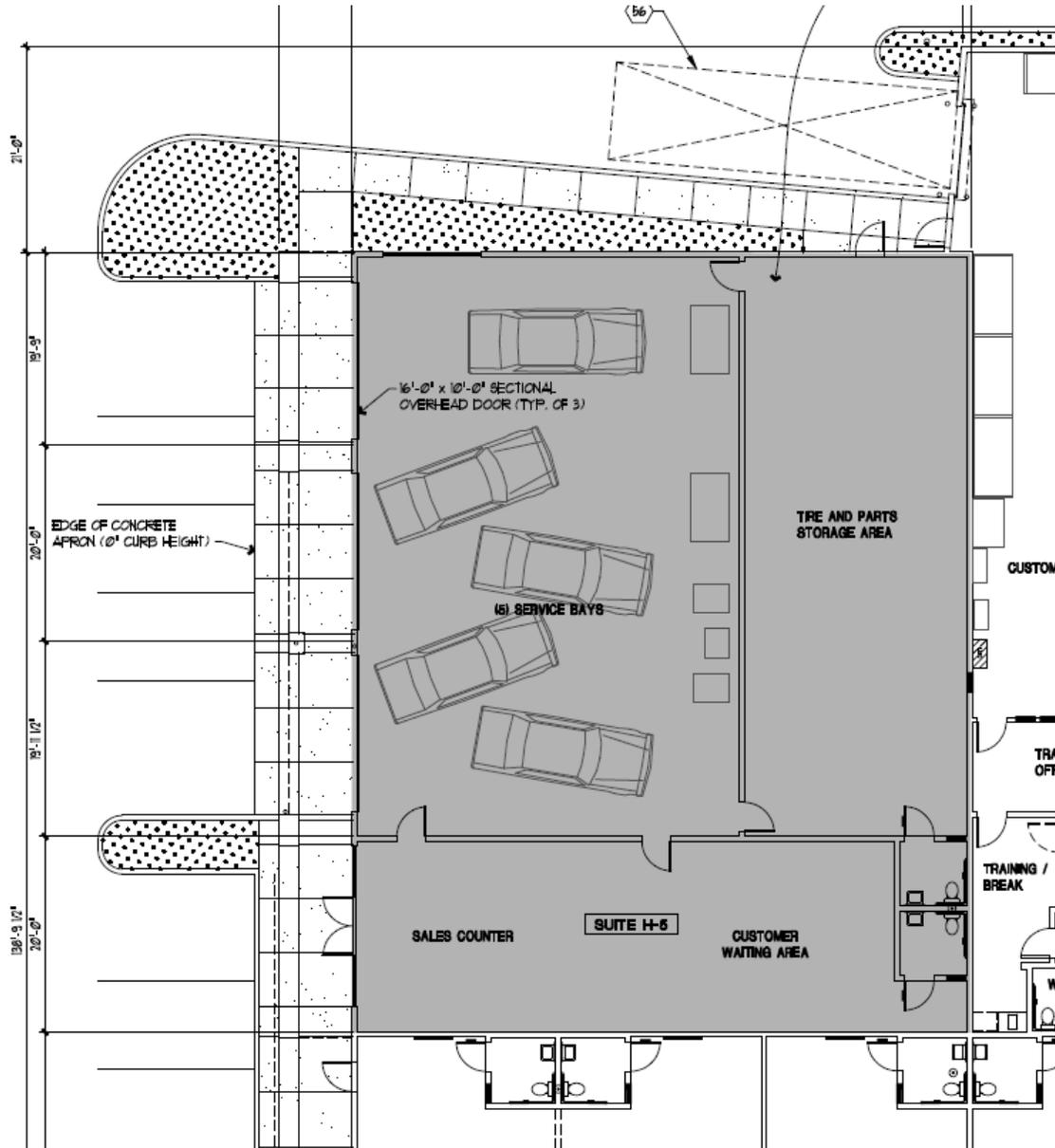
LOCATION MAP

(Project Location is Shown in Gray)



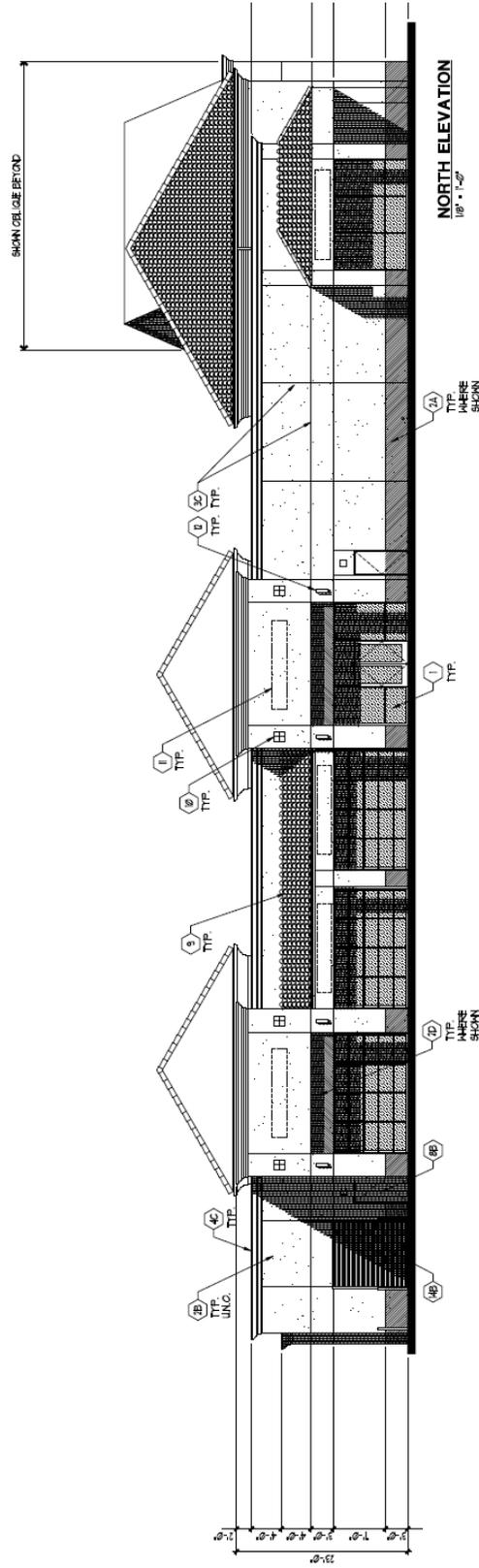
ATTACHMENT D

Floor Plan

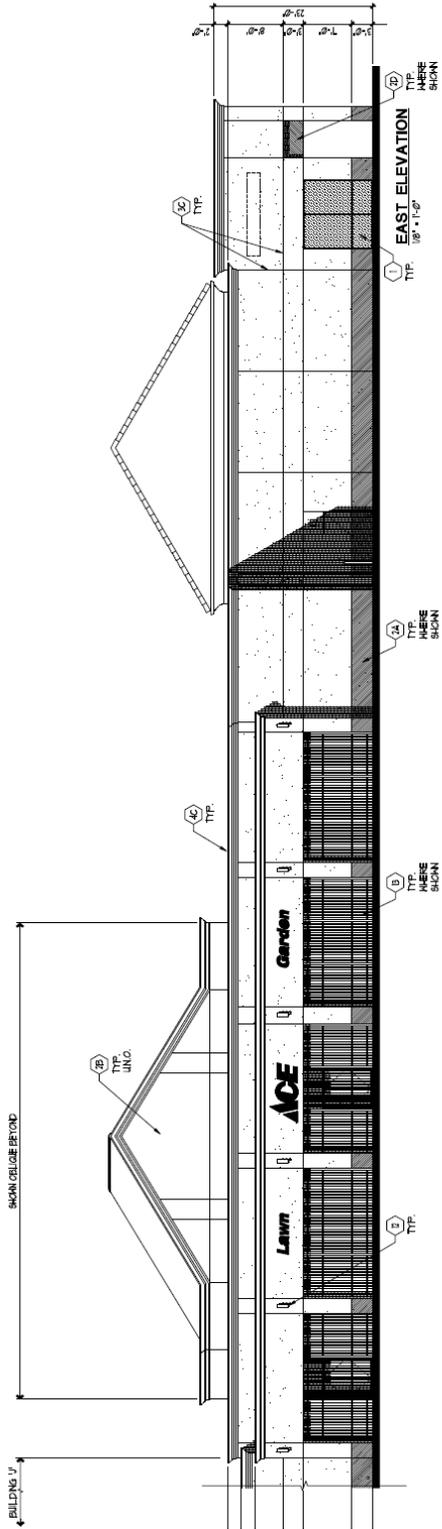


ATTACHMENT E

Elevation E-1



Elevation E-2



CITY OF WILDOMAR – COUNCIL
Agenda Item #3D
BUSINESS ITEM
Meeting Date: July 8, 2009

TO: Honorable Mayor Farnam, Members of the City Council
FROM: David Hogan, Assistant Planning Director
SUBJECT: Evaluation of the General Plan

RECOMMENDATION:

The Planning Department recommends that the City Council consider the information contained in this Staff Report and provide direction to proceed with updating of the General Plan.

BACKGROUND:

Adoption of the Wildomar General Plan

When the City of Wildomar incorporated on July 1, 2008, the City Council adopted the County General Plan to provide long term policy guidance and direction as required by state law. With that action, the County General Plan became the City of Wildomar General Plan. However, because it has not yet been revised, the General Plan still includes policies and information covering the entire area of Riverside County; as noted below, the “tailoring” of the plan to focus on Wildomar is proposed to be completed by staff in the coming months.

The Wildomar General Plan contains two separate volumes:

- Volume 1 provides countywide discussion, policies and programs.¹
- Volume 2 provides information and policies on the Elsinore Plan Area, which includes Wildomar.

Updating the General Plan

In April, the City Council conducted a Norming Session to discuss the General Plan. At that meeting, the Council expressed a desire to retain the basic General Plan, but to

¹ As noted earlier, the Wildomar General Plan contains references to areas outside the city because it has not yet been revised to eliminate these discussions and focus on local issues.

tailor the document by making some changes in policy and focusing the document to better relate to Wildomar. In summary, Council's direction included the following:

- Revise the Circulation Element to look at the functionality of the road network (additional freeway crossings and new connections between the various arterial roadways).
- Update the Plan to address the latest state requirements for General Plans (which have changed since the document was last revised by the County).
- Include policies and programs related to climate change (also a topic which is subject to state requirements that have changed since the Plan was last revised).

Review of the Current General Plan

As directed by the City Council, Planning staff have reviewed the General Plan to evaluate the applicability and appropriateness of the information. An evaluation of each General Plan Element is provided below, along with recommendations for changes to each to reflect the Council's direction.

In prioritizing how the General Plan can be updated, staff has grouped the various elements into two activity phases based upon the fact that some of the Elements need updating much more than others (though eventually all of the elements should be converted to City-specific documents).

In addition to the two phases, many of the Elements have optional work activities that could be undertaken instead of revising the entire Element. The options allow the City Council to take on high priority activities while minimizing overall costs. The projected costs provided at the end of the staff report are estimates provided for planning purposes only.

No work will be undertaken without a careful understanding of the costs and time frames associated with the specific elements to be updated as well as any necessary technical studies.

CHAPTER 1 - INTRODUCTION

The Foundation and Strategic Vision for the City is very similar to the County's. The vision is very generic: quality of life, community identity form, focus, choice, refining and redefining the development process, incentives, including stakeholders, collaboration etc. The discussion of the processes, technical studies, and plan development sections should be redone to fit Wildomar's processes. Much of the existing text in this section can be reused with few or minor changes.

Recommendation: Update the Introduction to the General Plan as part of Phase 1.

CHAPTER 2 - VISION STATEMENT

The current Vision statements provide an overall direction and an overview description of the long term goals for the County of Riverside. Updating the Vision Statement with the comprehensive update of other elements is strongly recommended to reflect the issues important to the City of Wildomar.

Recommendation: Update the General Plan Vision Statement as part of Phase 1.

CHAPTER 3 - LAND USE ELEMENT

While many of the policies contained in the General Plan will be included in the updated Land Use Element, many existing policies are not relevant to Wildomar. As a result, the Land Use Element will need to be reorganized to delete unneeded policies.

In addition, the Council may wish to consider the following land use issues:

- The identification of a future Town Center,
- Reviewing the amount of commercial development planned for Wildomar (the current map may include far more land than is needed for local needs)
- The boundaries the Suburban, Ranch, and Rural Development areas,
- The provisions and boundaries for a “Ranch Overlay” area,
- The provisions and boundaries for a “Historic Overlay” area (if appropriate).

The update of the Land Use Element commonly involves discussions with the City Council and the community, as well as property owner outreach. A careful review of the Land Use Map is also of importance for the updating of the Circulation Element, since the roadway system must be designed to support planned land uses. An incorrect Land Use Map could result in undersized (and congested) or oversized (and expensive) roadways.

Recommendations: Update the Land Use Element as part of Phase 1.

Options:

1. Review the Land Use Map’s designation for commercial land uses.
2. Review the areas designated for Suburban, Ranch, and Rural Development to ensure that this is consistent with the Council’s vision for the future of Wildomar.
3. Consider adopting the standards which would be included in a “Ranch Overlay,” and where they would be applied.
4. Consider adopting standards to implement a “Historic District Overlay” and determine where they would be applied.

CHAPTER 4 - CIRCULATION ELEMENT

While many of the policies contained in the Circulation Element should be retained, a number of existing policies do not relate to Wildomar and should be revised or deleted. If the Land Use Map is updated as noted above, an updated computerized traffic model will be needed to ensure compatibility between the planned land uses and the road network. The traffic model will also be needed for the environmental analysis of the updated General Plan.

Recommendation: Update the Circulation Element as part of Phase 1.

Option: If the Circulation Element is not revised while the updating of the Land Use Map, a reduced project option could include the preparation of a new traffic model and traffic analysis for the new Land Use Plan.

CHAPTER 5 – MULTI-PURPOSE OPEN SPACE ELEMENT

The Multi-Purpose Open Space Element addresses open space and conservation issues in and around the community. Most of the generic discussions and policies can be retained from this element. Policies relating to oil exploration and SMARA could be eliminated, as can a number of maps that show only areas outside the city. Updating the Element will allow the City to develop its own detailed city-wide open space plan with linkages and view analysis and protection.

Recommendation: Update the Multipurpose Open Space Element as part of Phase 2.

Option: Develop a city-wide open space plan and related policies while leaving the rest of the Element largely unchanged.

CHAPTER 6 - SAFETY ELEMENT

The Safety Element discusses environmental and other conditions that could adversely effect the public health and safety. Typical examples of the hazards discussed in the safety element include industrial accidents, wild fires, flooding, and seismic issues. While updating the Safety Element could be helpful, it is probably not vital at this time. To make the element locally appropriate, would involve complete changes to the many graphical exhibits commonly found in this element.

Recommendation: Update the Safety Element as part of Phase 2.

CHAPTER 7 - NOISE ELEMENT

The Noise Element discusses how noise will impact the community. Changes to the Noise Element would be relatively minor, although changes to the noise contour maps would require a special study to determine future road noise levels. The task should include an updated Noise Study (based on the new traffic model from the Circulation Element task) to identify future road noise levels.

Recommendation: Update the Safety Element as part of Phase 2.

CHAPTER 8 - HOUSING ELEMENT

Unlike the other elements of the general plan, the Housing Element is a medium-range housing policy plan intended to demonstrate how the City will work to implement regional housing unit targets. Housing elements are generally prepared on a region-by-region cycle. The regional cycle for the SCAG areas of southern California is from 2006 to 2014. The current Housing Element is a very large document containing 260 pages. Much of the information in the Element was gathered during the housing bubble of the early 2000's. This element would need to be updated to reflect current market conditions. A major part of the work effort would involve the gathering and updating of existing housing data. However, there is also a lot of good statistical and policy information in this section that forms a good foundation for a new Housing Element.

Doing a mid-cycle update of the housing element would involve negotiations with the County of Riverside to determine how much of their regional housing need targets (by income group) would be given to the City of Wildomar to provide the foundation for an updated housing element. If the City and County could not agree, the negotiations would expand to into the Southern California Association of Governments. Even if the Housing Element were updated, it would be completed about the time that the new regional housing unit need targets were be developed and the City would be to the Housing Element all over again.

Recommendation: Do not update the Housing Element at this time; wait until the regional housing needs/housing element cycle starts again in about 2012.

CHAPTER 9 AIR QUALITY ELEMENT

Much of the existing Air Quality Element accurately addresses air quality issues. However, new State requirements on addressing air quality have been enacted since the policies in the current Air Quality Element were written. These new requirements would require a revision to the current element as well as the preparation of a greenhouse gas inventory and climate action plan. This activity would include a greenhouse gas audit and Climate Action Plan as required by the State.

Recommendation: Update the Air Quality Element as part of Phase 1.

ENVIRONMENTAL IMPACT REPORT

The update of several elements of the General Plan will require the preparation of an environmental impact report. The total cost of the environmental analysis will depend on the number of elements being updated and how many special studies are required to prepare the EIR.

ESTIMATED COSTS

The estimated costs for the various plan updating activities are provided below.

General Plan Chapter	Phase 1	Phase 2	Optional Activities
Chapter 1 - Introduction	\$5,000	-	-
Chapter 2 - Vision Statement	\$5,000	-	-
Chapter 3 - Land Use Element	\$25,000	-	Review the Land Use Map's designation for commercial land uses. \$20,000
			Review the Land Use Map areas designated for Suburban, Ranch, and Rural Development to ensure that this is consistent with the Council's vision for the future of Wildomar. \$20,000
			Consider adopting the standards which would be included in a "Ranch Overlay," and where they would be applied. \$15,000
			Consider adopting standards to implement a "Historic District Overlay" and determine where they would be applied. \$15,000
Chapter 4 - Circulation Element	\$25,000	-	Updated traffic model only; no updates in Phase 1. (The Phase 1 costs would shift to Phase 2). \$75,000
Chapter 5 - Multi-Purpose Open Space Element	-	\$20,000	Develop a city-wide open space plan and related policies while leaving the rest of the Element largely unchanged. \$35,000
Chapter 6 - Safety Element	-	\$10,000	-
Chapter 7 - Noise Element (including a Noise Analysis)	-	\$15,000	-
Chapter 8 - Housing Element	<i>Not proposed at this time.</i>		
Chapter 9 - Air Quality Element	\$90,000 (includes greenhouse gas inventory and climate action plan)	-	-
Environmental Impact Analysis	\$100,000	\$75,000*	-
TOTALS:	\$250,000	\$120,000	\$180,000
* Assumes that the Phase 2 environmental review is based upon Phase 1 environmental review document.			

FISCAL IMPACT:

Updating the entire Wildomar General Plan could cost the City up to \$500,000 involved depending on how many elements are involved and which optional items are included. While General Plan updates are often funded through the general fund, there are other funding sources that should be investigated to identify additional funding sources that could help defray some of the expenses. Some of these other sources could include a variety of potential grants that would need to be further examined to determine whether or not the general plan update would qualify.

ALTERNATIVES:

1. Postpone updating the General Plan until the next Housing Element cycle. No costs at this time, but the General Plan would not be updated as desired by the Council.
2. Update only the Land Use and Circulation Elements at this time. (The estimated cost would be between \$125,000 to \$160,000, depending on which optional tasks are included.)
3. Provide other direction to staff.

Submitted by:

David Hogan
Assistant Planning Director