



CITY OF WILDOMAR

PLANNING COMMISSION

Commission Members

Chairman Robert Devine · Vice-Chairman Harv Dykstra

Gary Andre · Scott Nowak · Miguel Casillas

REGULAR MEETING

WEDNESDAY, AUGUST 5, 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 July 15, 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:

None.

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 USE PERMIT NO. 09-0462: The project proposes the installation and operation of a Charter School in an existing commercial office space in the Renaissance Plaza shopping center at 32326 Clinton Keith Road, APN: 380-130-015 and 380-130-016.

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

5.2 CONDITIONAL USE PERMIT NO. 09-0478: The project proposes to permit the sale of alcoholic beverages at Barons, The Marketplace, a proposed grocery store to be located in the Renaissance Plaza shopping center at 32310 Clinton Keith Road, APN: 380-130-015 and 380-130-016.

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

5.3 Zoning Code Amendment 09-01: Consideration of zoning code amendments to make modifications relating to approval procedures, streamlining, second dwelling units, trash enclosures, fence materials, and compact parking spaces.

6.0 GENERAL BUSINESS ITEMS:

None.

7.0 ADMINISTRATIVE HEARINGS REPORT:

7.1 Report on actions taken at the July 22, 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 Appointment of new Director of Planning.

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 19, 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 31, 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.

**REGULAR MEETING
CITY OF WILDOMAR
PLANNING COMMISSION
July 15, 2009**

1.0 CALL TO ORDER

The regular meeting of the Wildomar Planning Commission was called to order by Planning Commission Chairman Devine at 7:05 P.M. at Wildomar City Hall, Council Chambers.

1.1 ROLL CALL OF PLANNING COMMISSION

Present: Robert Devine, Chairman
 Miguel Casillas, Commissioner
 Gary Andre, Commissioner
 Scott Nowak, Commissioner

Absent: Harv Dykstra, Vice-Chairman

Staff Present: David Hogan, Assistant Planning Director
 Thomas Jex, Assistant City Attorney
 Jon Crawford, Supervising Engineer
 Alia Kanani, Planner
 Sean del Solar, Planner

1.2 PLEDGE OF ALLEGIANCE:

Commissioner Nowak led the flag salute.

2.0 COMMUNICATIONS FROM THE PUBLIC:

None.

3.0 APPROVAL OF MINUTES:

Commissioner Andre moved to approve the Minutes of June 3, 2009. The motion was seconded by Commissioner Casillas. Motion carried, the following vote resulted:

AYES: Devine, Nowak, Casillas, and Andre.
NOES: None.
ABSENT: Dykstra.
ABSTAIN: None.

4.0 CONTINUED PUBLIC HEARING ITEMS:

4.1 PARCEL MAP NO. 32257, CONDITIONAL USE PERMIT (3403) AND VARIANCE (1757), 08-0179.

Applicant:	Bundy I-15, LP
Location:	Southeast corner of Bundy Canyon Road and Interstate 15 (APNs: 367-100-019 & 367-100-020).
Proposals:	Construct retail space and subdivide 6.64 acres into 7 commercial lots.
Environmental Action:	In accordance with the California Environmental Quality Act (CEQA), a mitigated negative declaration has been recommended for approval.

Assistant Planning Director Hogan made the staff report.

Assistant Planning Director Hogan concluded his staff report by referencing comment letters received from the California Department of Fish and Game, the County Solid Waste Department and the Santa Ana Regional Water Quality Control Board.

Chairman Devine asked if the Planning Commission had any questions for Staff.

Commissioner Andre asked if staff had reviewed the Walmart Conditions of Approval.

Assistant Planning Director Hogan responded that the Walmart Conditions of Approval were not reviewed because the two projects were different.

Commissioner Andre stated that there were flooding issues raised at the County Hearing for the Walmart project and that County staff was directed to create a flood control map of the area. Mr. Andre went on to describe past flooding events that affected Elsinore High School and noted that no actions have been taken to correct the flooding problems. Commissioner Andre concluded by stating that it would not have an impact on this project.

Chairman Devine asked Commissioner Andre if the Walmart project and the current project were reviewed together at the County. Commissioner Andre responded that they were, and in the original proposal that the County reviewed, the Walmart project and the current project shared stormwater infrastructure. Commissioner Andre also noted that because the Walmart was not a part of the current project, the original stormwater issues had changed and stated that flooding issues in the community need to be addressed in the future.

Commissioner Nowak asked if the commission could take an action without the applicant verifying whether or not there was a Jurisdictional waterway on the property, and if the drainage from the proposed project had been reviewed.

Assistant Planning Director Hogan replied in the affirmative and went on to explain that runoff from the site would be treated on site and that stormwater currently flowing through the site would be collected and piped under the site discharging in the same place it does currently. He went on to explain that runoff created by the proposed project was evaluated in the WQMP and the project had sufficient treatment measures and facilities to accommodate stormwater runoff generated by the site. Mr. Hogan then discussed the letters received from the resource agencies. He stated that in the original letters, there was confusion about the location of the project site, but that staff had added a condition of approval which would address jurisdictional water issues on the project site. Mr. Hogan then concluded by stating that if the Commission was comfortable with the condition of approval created to address this issue, then staff recommends the approval of the environmental document for this project.

Commissioner Casillas suggested that further study may be required.

Chairman Devine asked how the conditions of approval would be implemented.

Assistant Planning Director Hogan responded that they would be attached to the project so grading could not be conducted until the jurisdictional water issue had been adequately addressed.

Chairman Devine opened the Public Hearing.

Applicant Jack Kofsarali thanked staff and the Commission and discussed his business and the project. Mr. Kofsarali then discussed the sign variance which he had requested, citing several unique challenges posed by the site limiting visibility from the south bound lanes of Interstate 15.

Commissioner Andre asked about the base elevation of the sign and whether relocating it could remedy the visibility challenges.

The Applicant responded that because of the significant structure of the sign, they wanted to locate it in the rear of the property to minimize the visual impact from the ground level and maximize visibility from the freeway level.

Assistant Planning Director Hogan added that the proposed location of the sign was at an elevation of 1,387 feet, and that the building pad was at an elevation of 1,405 feet.

Commissioner Andre clarified the flooding issues for the applicant by explaining that they were not created by the project site but in the area east of the project site, however the floodwaters did pass through the project site.

The applicant responded that when the project is complete, it will collect all the stormwater runoff from the site and detain it, effectively eliminating the stormwater runoff from the project site.

Commissioner Nowak stated that he liked the placement of the sign in the rear of the property.

Chairman Devine asked if the Applicant had received the conditions of approval and if they agreed to them.

The applicant indicated that they did agree to the conditions but had questions pertaining to bonding for the completion of the map.

Supervising Engineer Crawford responded that the Subdivision Map Act allows for bonding in lieu of construction for securing the street improvements, but then providing improvements prior to occupancy.

The applicant responded that he understood and was in agreement with the conditions.

Commissioner Casillas asked about the design of the sign.

The applicant responded that it would be similar to the Stater Brothers sign on Clinton Keith and Interstate 15.

Assistant Planning Director Hogan added that the total sign area would be in conformance with the municipal code.

Resident Martha Bridges addressed the Commission. Ms. Bridges referenced a letter she had distributed to the Commission and then discussed her concerns, beginning with the lack of an Environmental Impact Report and the use of an environmental document prepared by Riverside County. She also expressed concern that the environmental document was not posted with the agenda and she had to request to request a copy. In addition, Ms. Bridges stated that the 20 days provided for public review was not adequate. She concluded by recommending that the Commission delay their decision.

Civil Engineer for the applicant Andrew Koltavary addressed the Commission and described the stormwater runoff capture and detention systems utilized by the project.

Commission Andre asked about how the water would drain to under the freeway.

Applicant Engineer Koltavary described how the project would capture water from Sellers Road and discharge it in the same place it is currently.

Commissioner Andre reiterated his concern that the water that will flow under the freeway, flow across the field and then onto Orange Street where it will flood homes near the High School.

Resident Jeanne Weiler addressed the Commission. She stated that while although the project would not contribute to the flooding problems it may be a good opportunity to try and correct the flooding problems. She then expressed concern over the addition of 3 more drive-through restaurants.

Resident Dana Martin addressed the Commission. He expressed concerns with stormwater issues and the development along the 3 thoroughfares in the City, citing a desire for unique and quality projects in Wildomar.

Applicant Jack Kofsarali again addressed the Commission. He stated that the development of the project would be consistent with all rules and regulations and reiterated the fact the application was under review for 5 years with the County. Mr. Kofsarali also agreed with resident's desires for sit-down restaurants; however he could only provide what the market could support. He then described the hardship the development process had created in attracting tenants for the project.

Chairman Devine closed the Public Hearing.

Assistant Planning Director Hogan responded to concerns raised in the Public Hearing. He began by stating that the City prepared the Environmental Document for the project and that it was available in the lobby of City Hall during the review period. The review process was consistent with State regulations and that the adoption of the document would be lawful.

Supervising Engineer Crawford responded to concerns raised in the Public Hearing. He distributed flood maps to the Commission and discussed the map. After discussing the drainage patterns in the area, Mr. Crawford explained that the stormwater from Sellers Road would be collected in the northeast corner of the project and discharged in the same place on the west side of the project adjacent to the Bundy Canyon off ramp. He went on to explain that while although major improvements to the system at large are needed, there must be a nexus and the proposed project is making improvements to the system at large.

Chairman Devine asked if the flooding issues would continue to occur if the project is not built.

Supervising Engineer Crawford responded in the affirmative.

Chairman Devine then asked if the flooding issues would be improved if the project was built.

Supervising Engineer Crawford responded that if flooding issues improved, it would be minimal. He explained that the project would only eliminate stormwater runoff created by the site. Mr. Crawford went on to describe the Sedco drainage basin system.

Chairman Devine asked about the blue line channel which is located near Wesley Street.

Supervising Engineer Crawford responded that the channel in question was not a part of this watershed, but rather in the Santa Margarita Watershed.

Commissioner Andre again described the flooding problems which occur near the High School.

Chairman Devine begged the question if the project was built, would it change the issues being described.

Commissioner Andre responded in the affirmative, adding that it would divert drainage to the west side of the property.

Commissioner Nowak asked for confirmation that the stormwater created by the project would be retained on the site.

Supervising Engineer Crawford responded in the affirmative.

Commissioner Nowak then asked if the diversion of water from a trench along Bundy Canyon into a pipeline under the project would change the direction, quantity or velocity of the water.

Supervising Engineer Crawford responded that it would not change the point of crossing under the freeway, the volume of water, nor the constituents contained in the water when it enters the project site from Sellers Road.

Commissioner Nowak then asked for confirmation that the point at which the water enters the project site on the east, the outlet point from the project site, and the quantity would all be the same.

Supervising Engineer Crawford replied in the affirmative.

Commissioner Andre disagreed.

Commissioner Nowak asked if the proposed project should be required to correct the area's flooding problems.

Commissioner Andre described flooding problems in the area and the lack of proper maintenance of flood control devices and suggested that if the project is approved, there needs to be a major flood plan developed to address flooding issues in the area.

Chairman Devine asked if there would be a difference in the flow through the property if the proposed project was not built.

Supervising Engineer Crawford responded that there would be no change. Mr. Crawford also explained that the position of staff was based upon the information provided in the preliminary plans created for this project. Staff would continue to review the information as more detailed plans were created by the applicant.

Commissioner Nowak asked if there were easements for the drainage shown on the flood map provided to the Commission.

Supervising Engineer Crawford responded that there were no easements and that the drainage patterns shown on the map were all naturally occurring drainages across private properties. Mr. Crawford went on to explain some of the challenges of the stormwater drainage system in the community.

Assistant City Attorney Jex clarified that the City has the ability to require the applicant to deal with the water which comes onto its property. The City does not have the ability to require this project to address flooding problems not on the property; those issues must be addressed by those property owners.

Commissioner Nowak asked if the applicant needed to get permission from property owners downstream before development of the project could occur.

Assistant City Attorney Jex responded that the applicant did not because the project would not change the amount or direction of the water as it currently interacts with the project site.

Commissioner Nowak asked when the last study occurred on the drainage basin.

Supervising Engineer Crawford responded that the map given to the Commission was from 1956.

Chairman Devine asked about the involvement of outside agencies in the preparation of the environmental document.

Assistant Planning Director Hogan responded that the City of Wildomar was the lead agency in the creation of the document. The California Environmental Quality Act establishes guidelines for the creation of environmental documents but the implementation of the act is left to communities. Mr. Hogan went on to describe the role of CEQA documents in the public decision making process.

Commissioner Nowak asked if County Flood Control would be consulted when the City approved the street improvement plans.

Supervising Engineer Crawford responded that County Flood Control is consulted whenever pipes in excess of 48 inches are used and would be consulted for this project.

MOTION: Commissioner Nowak motioned to adopt mitigated negative declaration 08-0179 with resolution PC09-007. The motion was seconded by Commissioner Casillas. Motion carried, the following vote resulted:

AYES: Devine, Nowak, and Casillas.
NOES: Andre.
ABSENT: Dykstra.
ABSTAIN: None.

MOTION: Commissioner Casillas motioned to approve Conditional Use Permit number 08-0179, a request to construct and operated a commercial retail center on a 6.64 acre site with resolution PC09-008. The motion was seconded by Commissioner Andre. Motion carried, the following vote resulted:

AYES: Devine, Andre, Nowak, and Casillas.
NOES: None.
ABSENT: Dykstra.
ABSTAIN: None.

MOTION: Commissioner Andre motioned to approve Tentative Parcel Map number 32257, a request to subdivide a 6.64 acre site into 6 parcels with resolution PC09-009. The motion was seconded by Commissioner Nowak. Motion carried, the following vote resulted:

AYES: Devine, Andre, Nowak, and Casillas.
NOES: None.
ABSENT: Dykstra.
ABSTAIN: None.

Commissioner Nowak discussed postponing the decision on the variance until more information could be made available on the proposal.

Assistant Planning Director Hogan clarified the information the Commission wanted and also obtained authorization from the Commission to work with Commissioner Nowak to ensure that sufficient information would be provided.

MOTION: Commissioner Nowak motioned to continue Variance number 08-0179 to the August 19, 2009 Planning Commission meeting and to authorize staff to work with Commissioner Nowak on a complete submittal. The motion was seconded by Commissioner Andre. Motion carried, the following vote resulted:

AYES: Devine, Andre, Nowak, and Casillas.
NOES: None.
ABSENT: Dykstra.
ABSTAIN: None.

5.0 PUBLIC HEARING ITEMS:

5.1 CONDITIONAL (PUBLIC) USE PERMIT NO. 08-0214.

Applicant: Ann Sullivan Nursery School
Location: 21776 Palomar Street (APN: 380-050-005).
Proposals: 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.

Environmental
Action: In accordance with the California Environmental Quality Act (CEQA), a categorical exemption has been recommended for approval.

Chairman Devine made a statement that he lived next to the School for 18 years prior to recently moving.

Commissioner Andre also made a statement that he had met with the applicants and visited the site.

Planner Alia Kanani made the staff report.

Commissioner Andre read a letter received from the project Architect Christopher Campbell which discussed the inclusion of a multiuse trail in the project.

Chairman Devine opened the Public Hearing.

Applicant Walt Allen addressed the Commission. Mr. Allen raised questions about conditions of approval numbers 41 & 42 and asked staff for clarification.

Supervising Engineer Crawford explained that condition of approval number 41 addressed improvements to the parkway. Mr. Crawford went on to explain that because the school had already completed some street improvements, they had met the requirements for the street portion of the improvements but that parkway improvements were different. He also explained that condition of approval number 42 is a standard fail safe condition.

Applicant Allen indicated that he understood the purpose of the conditions.

Commissioner Andre stated that the trail runs on the northeast side of Palomar Street from Corydon Street to the Creek bed, and then the trail switches sides.

Resident Gina Castanon addressed the Commission. She stated that she was in favor of the proposed project.

Chairman Devine closed the Public Hearing.

Commissioner Andre stated his support for the project.

Chairman Devine expressed content with the project.

MOTION: Commissioner Nowak motioned to approve Conditional Use Permit number 08-0214, a request to construct and operated a nursery school expansion with resolution PC09-010. The motion was seconded by Commissioner Casillas. Motion carried, the following vote resulted:

AYES:	Devine, Andre, Nowak, and Casillas.
NOES:	None.
ABSENT:	Dykstra.
ABSTAIN:	None.

5.2 CONDITIONAL USE PERMIT NO. 09-0374.

Applicant: Andonian Investments/Discount Tire
Location: 23885 Clinton Keith Road (APN: 380-240-046).
Proposals: The project proposes the installation and operation of a tire sales and repair facility in an existing commercial space designed for an automotive use.

Environmental
Action: In accordance with the California Environmental Quality Act (CEQA), a categorical exemption has been recommended for approval.

Assistant Planning Director Hogan made the staff report.

Chairman Devine opened the Public Hearing.

Applicant Steve Warfield addressed the Commission.

Commissioner Nowak noted the presence of a message clinic adjacent to the proposed tire store and asked the applicant what was being done to address potential sounds that would emanate from the tire store.

Applicant Warfield explained that in addition to insulation, the facility was originally designed to place the office in between the repair bays and wall of the message clinic to minimize any nuisance sound.

Commissioner Andre stated he spoke with the applicant.

Business Owner Larry Ferguson addressed the Commission. He described the operations of the Message Clinic and also requested that the doors between the repair bays and the office could remain closed to minimize sound. Mr. Ferguson also asked where used tires would be stored.

Commissioner Andre described building materials that could be used to dampen sound.

Applicant Warfield agreed that the office door would be kept closed. He also stated that the storage of all tires would be within the tenant space.

Commissioner Andre asked if a pneumatic gun could be tested in the space to determine if the sound would be a problem.

Applicant Warfield explained that keeping both tenants happy was in his best interest and that he would be working with both tenants to ensure compatibility.

Chairman Devine closed the Public Hearing.

Commissioner Andre stated that he wanted to ensure that Message Envy was satisfied with the Project.

Assistant Planning Director Hogan noted that there is a condition of approval which would allow staff to reopen the conditional use permit should there be any problems.

MOTION: Commissioner Casillas motioned to approve Conditional Use Permit number 08-0374, a request to construct and operated a tire sales facility in the Oak Creek Shopping Center with resolution PC09-011. The motion was seconded by Commissioner Nowak. Motion carried, the following vote resulted:

AYES: Devine, Andre, Nowak, and Casillas.
NOES: None.
ABSENT: Dykstra.
ABSTAIN: None.

6.0 GENERAL BUSINESS ITEMS:

None.

7.0 ADMINISTRATIVE HEARINGS REPORT:

7.1 REPORT ON ACTIONS TAKEN AT DIRECTORS HEARING

Assistant Planning Director Hogan reported on the approval of Extension of Time No. 2 for application number 09-0344 at a Director Hearing on July 1, 2009.

8.0 PLANNING DIRECTOR'S REPORT:

8.1 REPORT ON GENERAL PLAN UPDATE STATUS

Assistant Planning Director Hogan informed the Commission that the City Council would like to proceed with a General Plan update; however the Council cited a lack of funds inhibiting work on an update. Mr. Hogan went on to report that the Council provided direction to staff to explore grant and funding opportunities which could pay for an update.

Chairman Devine asked where funding may come from for the work.

Assistant Planning Director Hogan explained that there are agencies and foundations which provide funding for several elements of the general plan. He went on to state that the Council understood the importance of an update and wanted to move forward.

8.2 PLANNING COMMISSION CONFLICT OF INTEREST RADIUS MAPS

Assistant City Attorney Jex explained that the maps contained a 500 foot radius around each of the commissioners' homes and that the maps were provided to help Commissioners decide if an item up for a decision could pose a conflict of interest.

9.0 PLANNING COMMISSION COMMENTS:

Commissioner Andre asked if local contractors could review projects taking place in the City so that they could bid on them.

Chairman Devine asked the City Attorney if it would be possible to list Contractors.

Commissioner Nowak asked when a permit would become public record so a potential contractor could bid on a private project.

Supervising Engineer Crawford responded that the Planning Commission agendas are the best sources of information on upcoming private building projects.

Commissioner Andre noted that in 1987, the County had a trailer located in Murrieta that contractors could go and view plans and collect information.

10.0 ADJOURNMENT:

The July 15, 2009 regular meeting of the Wildomar Planning Commission adjourned at 8:30 P.M.

Respectfully submitted:

David Hogan
Commission Secretary

CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item 5.1
PUBLIC HEARING
Meeting Date: August 5, 2009

TO: Chairman Devine, Members of the Planning Commission
FROM: Sean del Solar, Planner
SUBJECT: Sycamore Academy Charter School

Conditional Use Permit 09-0462 – to authorize the establishment and operation of a Charter School within Renaissance Plaza located westerly of Stable Lanes Road, southerly of Clinton Keith Road and easterly of Palomar Street in Wildomar, California.

APN: 380-130-015 & 380-130-016.

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 09-0462 TO TEMPORARILY OPERATE A CHARTER SCHOOL WITHIN IN THE RENAISSANCE PLAZA SHOPPING CENTER, KNOWN AS ASSESSOR’S PARCEL NO. 380-130-015 AND 380-130-016”

BACKGROUND:

Conditional Use Permit 09-0462 is a request to authorize the operation of a Charter School within the Renaissance Plaza Shopping Center located at 32326 Clinton Keith Road, east of Palomar Street and west of Stable Lanes Road. The proposed charter school would occupy both the first and second levels of Building “H.”

The application was submitted on July 20, 2009, and determined to be complete on July 27, 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)	General Commercial (C-1/C-P)
North	Residential	Commercial Retail (CR)	Rural Residential (R-R)
South	Residential & Vacant	Medium Density Residential (MDR)	One Family Residential (R-1)
East	Vacant	Commercial Retail (CR)	Rural Residential (R-R)
West	Commercial	Commercial Retail (CR)	General Commercial (C-1/C-P)

DISCUSSION:

The proposed school will occupy both the first and second floors of Building “H,” in a space consisting of 20,076 gross square feet, of which approximately 14,166 square feet will be used for 13 classrooms and 5,910 square feet would be used for administrative offices and storage. In addition to interior space, a small portion of the parking lot behind the building, approximately 3,755 square feet would be fenced and used exclusively by the school as a play area for active recreation by students.

The school is scheduled to open on September 8, 2009 and have a capacity of 342 students in 7 grades (K-6) in the first two years, with plans to expand to 373 students in year 3 (by the addition of a 30 student, 6th grade class). In addition to students, the school will have a staff of 19 employees. Classes will begin at 8:00 AM Monday through Thursday for all grade levels. Kindergarten would end at 1:00 PM while all other grade levels (1-6) would end at 3:30 PM. On Fridays, all grade levels would end class at 1:00 PM. At the current time, the school has no plans for either morning or after school programs for students. During lunch time and during recess, students will have access to classrooms and the outdoor play area, but will not be allowed to leave the school facilities (Building “H”). Additional information on the operations of the school can be found in Attachment “B.”

While tenant improvements will change the occupancy of the building and convert retail and office spaces into classrooms, no exterior modifications are proposed. Building elevations and conceptual floor plans are included as Attachment “C.” Furthermore, the temporary loss of 8 parking spaces behind Building “H” to create a play area is not of concern to staff because the proposed school use is expected to decrease the parking requirements from 110 spaces to 13 (by converting 20,076 square feet of retail space into educational/institutional use).

Renaissance Plaza is currently only accessed from Clinton Keith Road, an urban arterial connecting the Cities of Wildomar and Murrieta. Renaissance Plaza has two

driveways to Clinton Keith Road, one entrance on the west with a stoplight (scheduled to be installed in September of this year), and the other entrance on the east, with limited right-turn only access. Future access would be created from Stable Lanes Road, when the eastern property at Stable Lanes Road and Clinton Keith is developed. Both points of access from Clinton Keith Road, parking and landscape improvements have been installed. Currently two building pads (Pads D & E) and the parcel in the northwestern corner (previously approved with Plot Plan 08-0027, an application proposing to construct a Kentucky Fried Chicken-Long John Silver eatery and Lenny Dykstra Carwash) remain undeveloped. The Renaissance Plaza commercial center site plan can be seen in Attachment "D."

Staff recommends that the Planning Commission approve the requested Conditional Use Permit 09-0462, 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 Charter School use (Sycamore Academy) 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.

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 Charter School 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 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 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. Statement of Operations
- C. Elevations & Conceptual Floor Plan
- D. Site Plan

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 09-0462 TO TEMPORARILY OPERATE A CHARTER SCHOOL WITHIN IN THE RENAISSANCE PLAZA SHOPPING CENTER, KNOWN AS ASSESSOR'S PARCEL NO. 380-130-015 AND 380-130-016

WHEREAS, an application for to allow the establishment and operation of a Charter School use in an existing shopping center located southerly of Clinton Keith Road, westerly of Stable Lanes Road, and easterly of Palomar Street has been filed by:

Applicant/Owner: Sycamore Academy

Authorized Agent: James Bach, MDMG

Project Location: 32326 Clinton Keith Road, Wildomar, California 92595.

APN Number: 380-130-015 & 380-0130-016

WHEREAS, the Planning Commission has the authority per Chapter 17.200 of the Wildomar Municipal Code to take action on Conditional Use Permit No. 09-0462 to operate a Charter School in an existing space within a substantially completed shopping center; and

WHEREAS, on July 25, 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 August 5, 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 August 5, 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 August 5, 2009 and all evidence and testimony heard at the public hearing of Conditional Use Permit 09-0462, 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 Charter School use (Sycamore Academy) 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.

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 charter school 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 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 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 09-0462 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A.

PASSED, APPROVED AND ADOPTED this 5th day of August 2009.

Robert Devine
Chairman

APPROVED AS TO FORM:

ATTEST:

Thomas Jex
Assistant City Attorney

David Hogan
Planning Commission Secretary

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)

I, David Hogan, Planning Commission Secretary of the City of Wildomar, California, do hereby certify that the foregoing Resolution No. PC09-____ was duly adopted at a regular meeting held on August 5, 2009, by the Planning Commission of the City of Wildomar, California, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

David Hogan
Planning Commission Secretary
City of Wildomar

EXHIBIT A
CITY OF WILDOMAR
CONDITIONS OF APPROVAL

Planning Application Number: Conditional Use Permit 09-0462	
Project Description: Sycamore Academy, the operation of a 12,000 square foot 12 classroom facility with 2,500 square feet of offices in first and second floors of Building "H" of the Renaissance Plaza Shopping Center located at 32326 Clinton Keith Road.	
Assessor's Parcel Number(s): 380-130-015 & 380-130-016	
Approval Date: August 5, 2009	Expiration Date: August 5, 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 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 use established with this conditional use permit shall expire on September 1, 2014 and all school operations shall cease by 5 PM on the aforementioned date. An extension of the term of the use must be filed with the Department of Planning a minimum of 90 days prior to the expiration date of the conditional use permit. A one-time extension of up to 12 months can be granted by the Director of Planning. An additional extension of up to 60 months can be granted by the Planning Commission.
6. The development of the premises and the exterior colors and materials shall substantially conform to the approved site plan and elevations for the Renaissance Plaza and 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. 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.
9. 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.
10. 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.
11. 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

12. 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.
13. The operation of the school shall conform with the operating characteristics contained in the statement of operations.

14. In conformance with the MS4 guidelines established by the San Diego Water Quality Control Board for the Santa Margarita watershed, no carwashes can be conducted within the parking lot of the site, located at 32326 Clinton Keith Road without the use of stormwater pollution prevention BMPs and the written approval of the Public Works Department.
15. This Conditional Use Permit may be revoked pursuant to Chapter 17.200 of the Wildomar Municipal Code.
16. 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)

17. Prior to the issuance of a building permit, the Developer shall demonstrate compliance with the California Title 24.
18. A student pick-up and drop off plan must be submitted to the Planning Department for approval. The plan shall also include a narrative describing how the plan will be implemented.
19. 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.
20. Prior to issuance of a building permit, the developer shall submit Fire Alarm System Plans and sprinkler plans to the Fire Department for approval.
21. 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.

22. Prior to release of occupancy, the Applicant shall demonstrate that all development impact and mitigation fees have been paid.

23. Prior to certificate of occupancy, the developer shall install the manual and automatic Fire Alarm System to the satisfaction of the Fire Department.
24. 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.
25. All of the foregoing conditions shall be complied with prior to occupancy or any use allowed by this permit.

OUTSIDE AGENCIES REQUIREMENTS:

26. None.

ATTACHMENT B

Sycamore Academy of Science and Cultural Arts

23905 Clinton Keith Rd. #114-325, Wildomar, CA 92595
(951) 239-0976 www.RRCSA.org

**Use of Facilities: Renaissance Plaza - 32326 Clinton Keith Rd., Building H,
Wildomar, CA 92595**

The Ronald Reagan Charter School Alliance, a California non-profit, will operate the Sycamore Academy of Science and Cultural Arts (SASCA) in the proposed facility for a lease term of three (3) years with 2- one (1) year options to extend.

SASCA is a K-6th grade public charter school, approved by the Lake Elsinore Unified School District on June 25th for a term of five (5) years.

Operating Summary:

Hours of Operation: 7 a.m. to 4 p.m. Monday thru Friday

Class times:

Kinder	M-F	8 AM – 1 PM
1 st -6 th	M-Th	8 AM – 3:30 PM
	Friday	8 AM – 1 PM

Above stated times apply to regular school hours and do not include activities which may occur such as staff development, special events, open house, parent teacher conferences, teacher prep time, meetings, or common school activities.

The staff calendar year runs from August 17, 2009 thru (approx) June 28, 2009

The student calendar year runs from September 8, 2009 thru (approx) June 18, 2009

There are no summer sessions or activities planned at this time, however, the administrator and staff may be present in the facility during the summer break.

The 2010-2011 and 2011-2012 calendars are TBD.

There will be 13 classrooms and grade levels as follows:

Kindergarten	2 classrooms	24:1 student/teacher ratio per class
1 st Grade	2 classrooms	24:1 student/teacher ratio per class
2 nd Grade	2 classrooms	24:1 student/teacher ratio per class
3 rd Grade	2 classrooms	24:1 student/teacher ratio per class
4 th Grade	2 classrooms	30:1 student/teacher ratio per class
5 th Grade	2 classrooms	30:1 student/teacher ratio per class
6 th Grade	1 classroom	30:1 student/teacher ratio per class

The proposed student capacity for year one (1) and year (2) will be 342 total students. Year three (3) may include an additional 6th grade class, increasing above student count by 30 students.

SASCA will employ 13 teachers, 1 administrator/director, 1 office manager, and 4 classified employees. 16 of these employees will be hired as full-time employees and 3 will be hired as part-time employees.

As of this time, there are no plans to operate before or afterschool care.

Food services will not be provided for students at SASCA. There are no plans to add or modify the facility to incorporate a food preparation area at this time. Lunch is to be provided by parents daily. Students will eat lunch in the classroom at the designated tables and will follow with recess in the playground area. The lunch schedule shall be established by the SASCA administration based on the development of a staggered daily schedule, which is typically executed by grade level.

Transportation services will not be provided for students to and from the facility and we will not be purchasing any vehicles to transport students or staff. Should any activities, such as field trips, require utilization of transportation, SASCA will charter service from a third party and will not house vehicles on the property. There are no plans to purchase vehicles or provide transportation services in the future.

SASCA will utilize 3,755 sq. ft. of space in the rear of the building for a playground. The area will be isolated with permanent fencing and will also have entry/exit gates.

SASCA will establish a drop-off and pick-up procedure that will be provided to parents during a pre-opening orientation. SASCA employees shall be involved in the flow of traffic and curbside “valet”. SASCA shall provide all handheld STOP signs, cones, and safety vests necessary to staff members that are scheduled for morning and afternoon duties. Traffic flow shall be diverted in one direction so as to have the students exit curbside directly in front of the school site without the need to pass between any vehicles. We will also make every effort to minimize interruption to neighboring businesses.

SASCA anticipates the heaviest traffic times to be from:

7:30a.m.- 8:00a.m. on Monday thru Friday for arrivals

2:45p.m. – 3:15p.m. Monday thru Thursday for departures, and

12:45p.m – 1:15p.m. Friday for departures

There is no weekend disruption anticipated.

ATTACHMENT C

SITE PLAN

ATTACHMENT D

ELEVATIONS AND CONCEPTUAL FLOOR PLAN

CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item 5.2
PUBLIC HEARING
Meeting Date: August 5, 2009

TO: Chairman Devine, Members of the Planning Commission
FROM: Sean del Solar, Planner
SUBJECT: Barons, The Marketplace Alcohol Sales CUP

Conditional Use Permit 09-0478 – to authorize the sale of alcohol at Barons, The Marketplace within Renaissance Plaza located westerly of Stable Lanes Road, southerly of Clinton Keith Road and easterly of Palomar Street in Wildomar, California.

APN: 380-130-015 & 380-130-016.

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 09-0478 TO AUTHORIZE BARONS, THE MARKETPLACE TO SELL ALCOHOLIC BEVERAGES IN THE RENAISSANCE PLAZA SHOPPING CENTER AT 32310 CLINTON KEITH ROAD, KNOWN AS ASSESSOR’S PARCEL NO. 380-130-015 AND 380-130-016”

BACKGROUND:

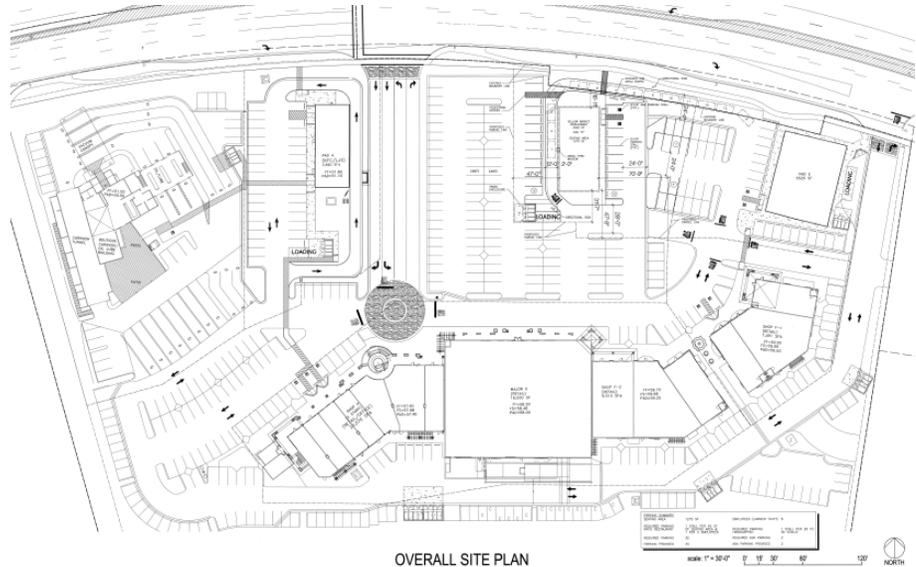
Conditional Use Permit 09-0478 is a request to authorize the sale of alcoholic beverages for both onsite and offsite consumption at Barons, The Marketplace in the Renaissance Plaza Shopping Center located at 32310 Clinton Keith Road, in Wildomar, California.

The application was submitted on July 16, 2009, and determined to be complete on July 28, 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)	General Commercial (C-1/C-P)
North	Residential	Commercial Retail (CR)	Rural Residential (R-R)
South	Residential & Vacant	Medium Density Residential (MDR)	One Family Residential (R-1)
East	Vacant	Commercial Retail (CR)	Rural Residential (R-R)
West	Commercial	Commercial Retail (CR)	General Commercial (C-1/C-P)

DISCUSSION:

The Barons, The Marketplace will be located within the Renaissance Plaza Commercial Center located at 32310 Clinton Keith Road. Clinton Keith Road is an urban arterial connecting the Cities of Wildomar and Murrieta. Renaissance Plaza is currently accessed from Clinton Keith Road via two driveways, one entrance on the west with a stoplight (to be installed in September of this year), and the other entrance on the east, with limited right-turn only access. Future access would be created from Stable Lanes Road to the shopping center when the eastern property at Stable Lanes Road and Clinton Keith is developed. Both points of access from Clinton Keith Road, parking and landscape improvements have been installed. Currently two building pads (Pads D & E) and the parcel in the northwestern corner (previously approved with Plot Plan 08-0027, an application proposing to construct a Kentucky Fried Chicken-Long John Silver eatery and Lenny Dykstra Carwash) remain undeveloped. The Renaissance Plaza commercial center site plan can be seen above.



In the statement of operations, Barons, the Marketplace describes themselves as “a unique and exciting natural and specialty neighborhood market.” The store planned for Wildomar would have the following amenities/departments: produce, grocery, bakery,

dairy, meat & seafood, deli & cheese, soup bar, salad-olive-antipasto bar, frozen food, kosher foods, bulk foods, supplements & personal care, pet food & pet care supplies, general merchandise and alcoholic beverages (if CUP 09-0478 is approved). The Barons will occupy the Major Tenant "G" space in the Renaissance Plaza commercial retail center, a space of 18,000 gross square feet and the largest tenant space in Renaissance Plaza.

While although the sale of groceries is a permitted use within the General Commercial (C-1/C-P) Zone, the sale of alcoholic beverage in conjunction with the operation of a grocery store in a facility less than 20,000 square feet requires a conditional use permit (section 17.248.030.B. WMC). In addition to sales intended for offsite consumption, Barons also plans to provide a small tasting room in the rear of the store where customers could learn more about alcoholic products sold in the store and taste beer and wine.

Due in large part to the fact the project site is located adjacent to the proposed Sycamore Academy Charter School, several conditions of approval have been added to help mitigate any incompatibility between the two uses. Among the conditions added are the following:

- The area permitted for the sale of alcoholic beverages is limited to 10% of the gross floor area. The space occupied by Barons, The Marketplace would be 18,000 square feet, thus no more than 1,800 square feet can be utilized for the sale of alcoholic beverages. (COA 10)
- No displays of beer, wine or other alcoholic beverages shall be located within five (5) feet of any building entrance or checkout counter. (COA 11)
- Cold alcoholic beverages shall be sold from, or displayed in, the main, permanently affixed electrical coolers only. (COA 12)

The Riverside County Sheriff's Department has also reviewed the project and provided a letter of support than can be seen in Attachment "B."

The State of California regulates alcohol sales through the Department of Alcoholic Beverage Control (ABC). The ABC monitors and limits the number of licenses issued in a geographical area using census tracts as the unit of measure. While census tracts are a reliable method to gather statistical information, they do not always logically divide a geographic area and will often not reflect local jurisdictional delineations; such is the case for conditional use permit 09-0478. The ABC has found that the census tract which the Barons is located within is currently "over concentrated" and requires a finding of public convenience and necessity by the City. As seen in Attachment "C," the census tract in question (outlined in green) is primarily comprised of land in Murrieta City Limits, and only two (2) of the licenses issued in the census tract are located within the City of Wildomar. If the conditional use permit is approved by the Planning Commission, the Planning Director will make a finding of public convenience and necessity enabling the ABC to consider the license request.

Staff recommends that the Planning Commission approve the requested Conditional Use Permit 09-0478 subject to the attached conditions of approval.

FINDINGS:

Conditional Use Permit

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 sale of alcoholic beverages in association with a primary use of the sale groceries (Barons, The Marketplace) 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.

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 would allow alcoholic beverage sales as an accessory use to operation of a grocery store 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 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 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 09-0478
Exhibit A – Conditions of Approval
- B. Letter of Support from the Riverside County Sheriffs Department
- C. Area Map
- D. Floor Plan

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 09-0478 TO AUTHORIZE BARONS, THE MARKETPLACE TO SELL ALCOHOLIC BEVERAGES IN THE RENAISSANCE PLAZA SHOPPING CENTER AT 32310 CLINTON KEITH ROAD, KNOWN AS ASSESSOR'S PARCEL NO. 380-130-015 AND 380-130-016.

WHEREAS, an application for to permit the sale of alcoholic beverages in conjunction with a grocery store use that is less than 20,000 square feet in an existing shopping center located southerly of Clinton Keith Road, westerly of Stable Lanes Road, and easterly of Palomar Street has been filed by:

Applicant/Owner: Barons, The Marketplace

Authorized Agent: James Bach, MDMG

Project Location: 32310 Clinton Keith Road, Wildomar, California 92595.

APN Number: 380-130-015 & 380-0130-016

WHEREAS, the Planning Commission has the authority per Chapter 17.200 of the Wildomar Municipal Code to take action on Conditional Use Permit No. 09-0478 which would permit the sale alcoholic beverages at Barons, The Marketplace in an existing space within a substantially completed shopping center; and

WHEREAS, on July 25, 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 August 5, 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 August 5, 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 August 5, 2009 and all evidence and testimony heard at the public hearing of Conditional Use Permit 09-0478, 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 accessory use, the sale alcoholic beverage, 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.

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 accessory use of alcoholic beverage sales in a grocery store within an existing developed commercial center would be community serving commercial. 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 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 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 09-0462 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A.

PASSED, APPROVED AND ADOPTED this 5th day of August 2009.

Robert Devine
Chairman

APPROVED AS TO FORM:

ATTEST:

Thomas Jex
Assistant City Attorney

David Hogan
Planning Commission Secretary

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)

I, David Hogan, Planning Commission Secretary of the City of Wildomar, California, do hereby certify that the foregoing Resolution No. PC09-____ was duly adopted at a regular meeting held on August 5, 2009, by the Planning Commission of the City of Wildomar, California, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

David Hogan
Planning Commission Secretary
City of Wildomar

EXHIBIT A
CITY OF WILDOMAR
CONDITIONS OF APPROVAL

Planning Application Number: Conditional Use Permit 09-0478	
Project Description: The Barons Alcoholic Beverage Sales CUP allows the sale of alcoholic beverages at Barons, The Marketplace located in Renaissance Plaza, at 32326 Clinton Keith Road.	
Assessor's Parcel Number(s): 380-130-015 & 380-130-016	
Approval Date: August 5, 2009	Expiration Date: August 5, 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 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 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.
6. 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.
7. 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.
8. 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

9. 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.
10. The area permitted for the sale of alcoholic beverages is limited to 10% of the gross floor area. The space occupied by Barons, The Marketplace would be 18,000 square feet, thus no more than 1,800 square feet can be utilized for the sale of alcoholic beverages.
11. No displays of beer, wine or other alcoholic beverages shall be located within five (5) feet of any building entrance or checkout counter.
12. Cold alcoholic beverages shall be sold from, or displayed in, the main, permanently affixed electrical coolers only.
13. This Conditional Use Permit may be revoked pursuant to Chapter 17.200 of the Wildomar Municipal Code.
14. 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 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.

15. All of the foregoing conditions shall be complied with prior to occupancy or any use allowed by this permit.

OUTSIDE AGENCIES REQUIREMENTS:

16. None.

ATTACHMENT B

RIVERSIDE COUNTY

STANLEY SNIFF, SHERIFF-CORONER



Sheriff

LAKE ELSINORE SHERIFF'S STATION

333 LIMITED AVENUE • LAKE ELSINORE, CA 92530
(951) 245-3300

July 30, 2009

Barbara Heatley
Alcoholic Beverage Control Board
3737 Main Street, Suite 900
Riverside, CA. 92501

RECEIVED

JUL 30 2009

CITY OF WILDOMAR

Dear Ms. Heatley,

This letter serves to notify you that the Riverside County Sheriff's Department has been contacted by the listed party/applicant, requesting an ABC License, to sell beer and wine, daily, between the hours of 8:00 a.m. – 9:00 p.m. The Sheriff's Department does not oppose the conditional use permit, nor the issuance of an ABC License, based on the following conditions:

- All ABC requirements are met prior to the issuance of any conditional use permits.

ORGANIZATION: Baron's Market
LOCATION: 32310 Clinton Keith Road, Wildomar, CA. 92595
REPRESENTATIVE: James Bach, MDMG
SPECIAL NOTE: The Riverside County Sheriff's Department concurs with the City Of Wildomar's staff report, and has no further suggestions at this time.

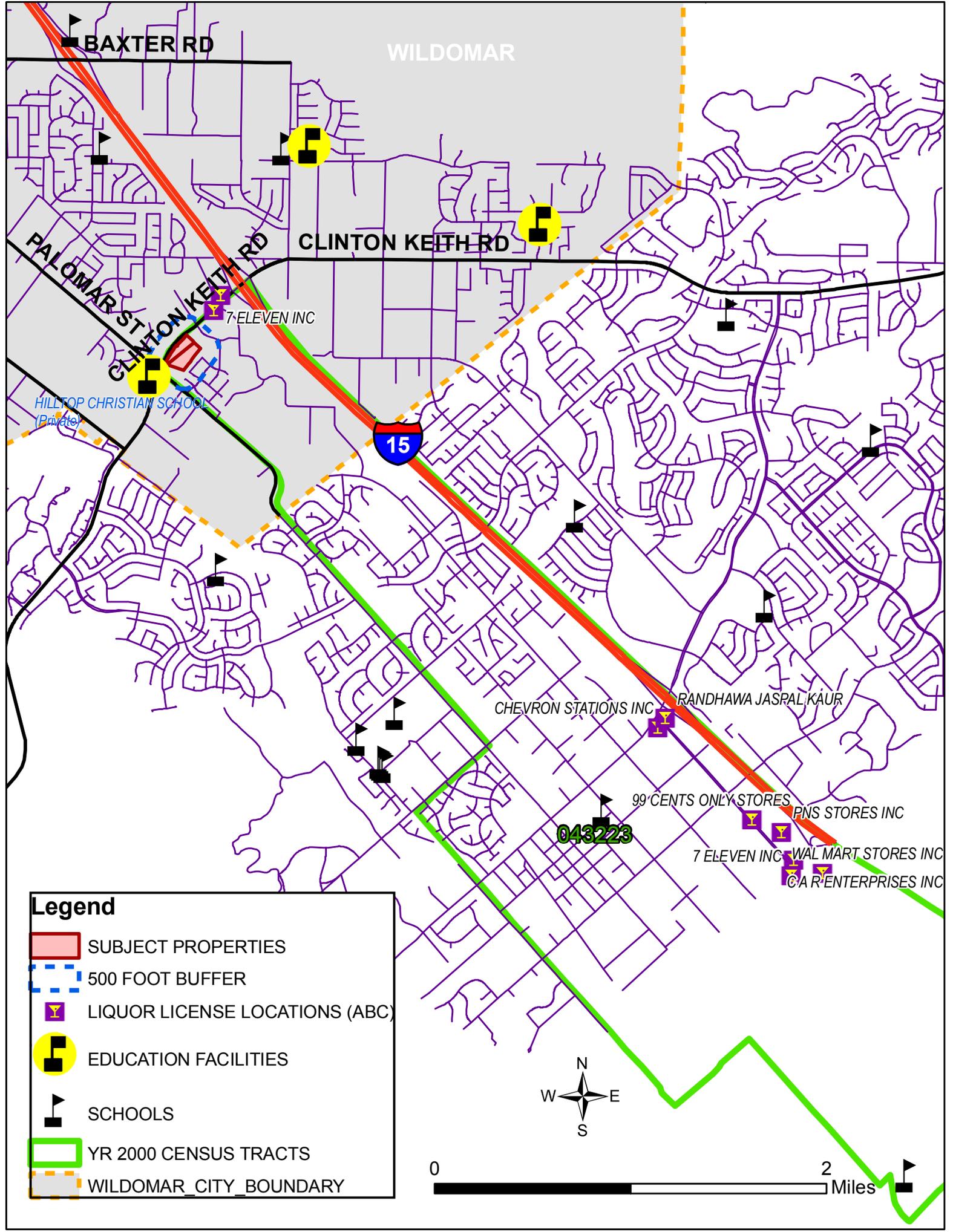
Please contact Deputy Morales at the Lake Elsinore Sheriff's Station at (951) 245-3384, if you require additional information or assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Cleary", with the number "1259" written to the right of the signature.

Captain Joseph Cleary
Riverside County Sheriff's Department
Lake Elsinore Station

ATTACHMENT C



Legend

- SUBJECT PROPERTIES
- 500 FOOT BUFFER
- LIQUOR LICENSE LOCATIONS (ABC)
- EDUCATION FACILITIES
- SCHOOLS
- YR 2000 CENSUS TRACTS
- WILDOMAR_CITY_BOUNDARY



BAXTER RD

WILDOMAR

CLINTON KEITH RD

PALOMAR ST
CLINTON KEITH RD

15

7-ELEVEN INC

HILLTOP CHRISTIAN SCHOOL
(Private)

CHEVRON STATIONS INC

RANDHAWA JASPAL KAUR

99 CENTS ONLY STORES

043223

PNS STORES INC

7 ELEVEN INC

WAL MART STORES INC

CA R ENTERPRISES INC

ATTACHMENT D

CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item #5.3
PUBLIC HEARING
Meeting Date: August 5, 2009

TO: Members of the Planning Commission
FROM: David Hogan, Assistant Planning Director
SUBJECT: Zoning Ordinance Amendment 09-01

RECOMMENDATION:

The Planning Department recommends that the Planning Commission adopt a resolution entitled:

“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ENTITLED “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR CALIFORNIA, AMENDING PORTIONS OF ZONING ORDINANCE OF THE CITY OF WILDOMAR PERTAINING TO DECISIONS, APPEAL AUTHORITIES, COMPACT PARKING SPACES, AND OTHER MINOR MODIFICATIONS (ZONING CODE AMENDMENT 09-01)” ”

BACKGROUND:

During the start up process period for the City, staff has identified a number of potential zoning ordinance amendments. Staff feels that these potential amendments would make parts of Title 17 – Zoning more appropriate to local conditions. These provisions relate to streamlining the application completion process, modifying some of the requirements for second dwelling units, clarifying the processing of public use permits, establishing standards for trash enclosures, restricting the use of certain fencing materials, and restricting the use of compact parking spaces. Each of these issues is discussed below.

Process Streamlining

Because of the size of the County and the number of employees, the County zoning code requires that all approvals be automatically shown to the Board of Supervisors (as a receive and file). If the Board has concerns with the project, it is then appealed to a later Board meeting for consideration. While this process may be necessary at a county level, staff does not consider it to be necessary at a local level. As a result, staff is recommending that two sections of the zoning code be amended to eliminate the following provisions: (1) Section 17.192.060 which states that once a project is

approved it must be filed with the Clerk of the Board of Supervisors and put on the Board of Supervisors meeting agenda, and (2) Section 17.192.070 which states that no approval is valid until it has been shown on a Board of Supervisors meeting agenda. The proposed changes would do the following:

- (1) Make project approvals by the Planning Commission and Director Hearings effective without City Council review.
- (2) Specify the City's appeal hierarchy; Director Hearing to Planning Commission and Planning Commission to City Council.

The proposed changes to Chapter 17.192 of the Zoning Ordinance are shown below. The additional text is shown with underlining while the deleted text shown with ~~strikethrough~~.

17.192.060. HEARING AND NOTICE OF DECISION.

The hearing body shall hear relevant testimony from interested persons and make its decision within a reasonable time after the close of the public hearing. ~~Notice of the decision shall be filed by the Planning Director with the Clerk of the Board of Supervisors, together with a report of the proceedings, not more than 15 days after the decision.~~ A copy of the notice of decision shall be mailed to the applicant and to any person who has made a written request for a copy of the decision. ~~If the hearing body is unable to make a decision, that fact shall be filed with the Clerk of the Board in the same manner for reporting decisions and shall be considered as a notice of denial of the application by the hearing body. The Clerk of the Board shall place the notice of the decision on the next agenda of the Board of Supervisors held five or more days after the Clerk receives the notice from the Planning Director.~~

17.192.070. APPEAL - PROCEEDINGS BEFORE THE APPEAL AUTHORITY PROCEEDING BEFORE THE BOARD OF SUPERVISORS.

The decision of the hearing body is considered final ~~and no action by the Board of Supervisors is required~~ unless, within ten days after the notice of decision ~~appears on the Board's agenda~~, the applicant or an interested person files an appeal, accompanied by the fee set forth in County Ordinance No. 671, with the City Clerk. ~~Clerk of the Board or unless the Board assumes jurisdiction by ordering the matter set for public hearing.~~

- A. The following actions may be appealed to Planning Commission as the appeal authority: all decisions by the Director of Planning on development permits.
- B. The following actions may be appealed to City Council as the appeal authority: all decisions of the Planning Commission.
- C. If a timely appeal is filed ~~or the Board assumes jurisdiction~~, the City Clerk ~~of the Board~~ shall set the matter for public hearing before the

Board before the appeal authority, not less than 13 nor more than 60 days thereafter and shall give notice of the time and place of the hearing in the same manner as notice was given of the hearing before the hearing body.

A copy of the current zoning code requirements and the proposed future code requirements are shown in Attachment B-1. Staff is recommending that this cumbersome and unnecessary process be eliminated and this code sections be modified to establish a clear process as well as establish a clear “appeal hierarchy”. The recommended appeal hierarchy this code amendment would formalize is as follows: Planning Director decisions to the Planning Commission, and Planning Commission decisions to the City Council.

Lot Sizes for Second Dwelling Units

Second dwelling units (a second house on the same residential lot) are allowed by State Law. In the City Zoning Ordinance there are zoning district/lot size restrictions on the placement of a second dwelling unit. The current ordinance contains minimum lot zoning area requirements that prohibits second dwelling units on residential lots with zoning smaller than 14,440 square feet, as well as for lots zoned for half-acre zoning (20,000 square feet) minimum lot sizes. Lots with one-acre minimum lot size zoning are allowed to have second dwelling units. While restricting second dwelling units on lots smaller than 14,440 square feet is probably reasonable, the half-acre acre zoning prohibition is probably not justifiable since it seems to prohibit second units in many of the rural residentially zoning property in the City.

Staff is recommending that the zoning ordinance be amended to shift from a minimum zoning standard to an existing lot size standard. Staff feels that this better correlates to the key issue for second units, the actual size of the property rather than the zoning of the property. Notwithstanding this, staff is also concerned that sufficient outdoor activity area and open space be maintained on the property. As a result, staff is suggesting that a general requirement be incorporated into the zoning ordinance to remind the community and City staff that single family residential properties should not be covered with buildings.

The proposed changes to Subsection 17.204.040.A.4 of the Zoning Ordinance are shown below. The additional text is shown with underlining while the deleted text shown with ~~strikethrough~~.

“Sufficient useable yard area shall be provided for both the primary and secondary units to ensure adequate light and air, and on-site recreational/activity opportunities. The proposed second unit shall comply with the following ~~zoning, lot size and unit size~~ requirements.

Lot Size	Second Unit Permits Requirements
14,200 sq. ft. to 19,999 sq. ft.	Maximum Lot Size: 14,440 sq. ft. Minimum Unit Size: 750 square feet Maximum Unit Size: 1,200 square feet
20,000 sq. ft. to 1.99 acre	Maximum Lot Size: 1 acre Minimum Unit Size: 750 square feet Maximum Unit Size: 1,500 square feet
2 acres and larger	Maximum Lot Size: 2 acres Minimum Unit Size: 750 square feet Maximum Unit Size: 1,800 square feet”

The existing code and the proposed code provisions are contained in Attachment B-2.

Public Use Permits

When the City incorporated in 2008, the County was in the process of amending their zoning ordinance to integrate the public use permit (PUP) process into the conditional use permit process. Staff feels that this consolidation makes sense given that the review processes are virtually identical and the differentiation does not seem to accomplish anything. However, the complete elimination of the PUP would require a comprehensive amendment of the zoning ordinance since religious institutions, schools, and other similar uses are not identified in the permitted use tables in the zoning ordinance (even though they are allowed almost everywhere). As an interim measure staff is recommending that we shift the processing of PUPs to the requirements for a CUP while retaining Section 17.208.010 to indicate that these similar uses could be located almost anywhere (subject to the approval of a conditional use permit). As demonstrated below, the operative sections between the PUP and CUP Zoning Ordinance chapters are equivalent (except for sections 010 which address different provisions).

Public Use Permit Chapter 17.208	Conditional Use Permit Chapter 17.200	Comparison/Remarks
Section 020, Application	Section 020, Application	Sections are equivalent.
Section 030, Additional Information	---	This section applies to CUPs for mobile home parks; no equivalent PUP requirements.
Section 040, Public Hearing	Section 030, Public Hearing	Sections are equivalent.
Section 050, Conditions	Section 040, Conditions	Sections are equivalent.
Section 060, Use of Permit	Section 050, Use of Permit	Sections are equivalent.
Section 070, Revocation of Permit	Section 060, Revocation of Permit	Sections are equivalent.

The proposed changes to Chapter 17.208 of the Zoning Ordinance are shown below. The additional text is shown with underlining while the deleted text shown with ~~strikethrough~~.

“CHAPTER 17.208 PUBLIC USE PERMITS

17.208.010. PERMITTED USES.

Notwithstanding any other provisions of this ordinance, the following uses may be permitted in any zone classification provided that a public use permit is granted pursuant to the provisions of this section:

- (A) Educational institutions.
- (B) Government uses.
- (C) Any hospital or other facility that is licensed by the California Department of Public Health, or by the California Department of Mental Hygiene, not including a family care, foster home or group home that serves six or fewer persons.
- (D) Any home or other facility for the aged or children that is licensed by the California Department of Social Services, or by the Riverside County Department of Public Social Services, not including a home or facility that serves six or fewer children or aged persons, nor a large family day care home that serves seven to twelve children. Said facilities shall be developed in accordance with the standards set forth in Sections 17.272.010 and 17.272.020 of this ordinance.
- (E) Half way house.
- (F) Public utilities.

17.208.015 APPLICATION PROCESSING.

Except for the permitted uses described in Section 17.208.010 which shall remain in effect, all applications for a public use permit, or revisions thereof, shall comply with the application processing provisions contained in Chapter 17.200.

17.208.020 APPLICATION.

~~Every application for a public use permit shall be made in writing to the Planning Director on the forms provided by the Planning Department, shall be accompanied by a filing fee as set forth in County Ordinance No. 671, and shall include the following information:~~

- ~~(A) Name and address of the applicant.~~
- ~~(B) Evidence that he is the owner of the premises involved or that he has written permission of the owner to make such application.~~
- ~~(C) A plot and development plan drawn in sufficient detail to clearly describe the following:
 - ~~1. Physical dimensions of property and structures.~~
 - ~~2. Location of existing and proposed structures.~~
 - ~~3. Setbacks.~~
 - ~~4. Methods of circulation.~~
 - ~~5. Ingress and egress.~~~~

~~6. Utilization of property under the requested permit.~~

~~(D) Such additional information as shall be required by the application form.~~

~~17.208.020 PUBLIC HEARING.~~

~~A public hearing shall be held on the application for a public use permit in accordance with the provisions of Chapter 17.192 of this ordinance and all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing.~~

~~17.208.020 CONDITIONS.~~

~~A public use permit shall not be granted unless the applicant demonstrates that the proposed use will not be detrimental to the health, safety or general welfare of the community. Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community.~~

~~17.208.020 USE OF PERMIT.~~

~~Any public use permit that is granted shall be used within one year from the effective date thereof, or within such additional time as may be set into the conditions of approval, which shall not exceed a total of three years; otherwise, the permit shall be null and void. Notwithstanding the foregoing, if a permit is required to be used within less than three years, the permittee may, prior to its expiration, request an extension of time in which to use the permit. A request for extension of time shall be made to the Board of Supervisors, on forms provided by the Planning Department and shall be filed with the Planning Director, accompanied by a fee as set forth in County Ordinance No. 671. Within 30 days following the filing of a request for an extension, the Planning Director shall review the application, make a recommendation thereon, and forward the matter to the Clerk of the Board, who shall place the matter on the regular agenda of the Board. An extension of time may be granted by the Board upon a determination that valid reason exists for permittee not using the permit within the required period of time. If an extension is granted, the total time allowed for use of the permit shall not exceed a period of three years, calculated from the effective date of the issuance of the permit. The term "use" shall mean the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion, or the actual occupancy of existing buildings or land under the terms of the authorized use. The effective date of a permit shall be determined pursuant to Chapter 17.192 of this ordinance.~~

~~17.208.020 REVOCATION OF PERMIT.~~

~~Any public use permit granted may be revoked upon the findings and procedure contained in Chapter 17.220 of this ordinance."~~

The existing code and the proposed code provisions are contained in Attachment B-3.

Trash Enclosures

The current zoning ordinance does not require that commercial, industrial, and multiple family residential project provide a trash enclosure. In addition, there are no standards or materials requirements for its construction. The presence of durable trash enclosures can improve the visual condition and character of new development. As a result staff is recommending that the following requirements be added to the Zoning Ordinance.

“17.172.085 Trash enclosures.

All commercial, industrial, and multiple family residential developments (with centralized trash collection facilities) shall provide a masonry, or equivalent material, trash enclosure. The trash enclosure shall be sufficiently sized to accommodate the number of trash and recyclable enclosures proposed for the development and shall include a sturdy gate.”

Fence Materials

The current zoning ordinance does not limit the use of barbed and razor wire within the community. Staff is concerned that the overuse of these materials can give the impression of blight and deterioration. As a result staff is recommending that Subsection 17.172.205.C be added to the Zoning Ordinance to read as follows:

“C. Prohibited materials. Fences and walls shall not be topped with barbed wire, razor wire, or other similar materials except as provided herein. In circumstances where high security is required and appropriate, the Planning Director may authorize, in writing, the use of these otherwise prohibited materials. In rural and agricultural settings, pasture and crop perimeter fences composed of several strands of barbed wire are allowed.”

Compact Parking Spaces

Compact parking spaces were originally envisioned to meet parking requirements on less land area to accommodate smaller vehicles. However, the reductions in vehicle sizes have not occurred as originally envisioned. The Zoning Ordinance currently allows compact parking spaces to be used for up to 20% of the total required parking. Because in many communities, the smaller compact parking spaces have created problematic parking lot configurations with smaller spaces (often occupied by larger vehicles) and narrower drive aisles. Staff is recommending that the Planning Commission reconsider the use of compact parking spaces.

In its evaluation, staff believes that there are three different options/approaches that the Commission should consider. The different options are as follows.

1. Allow compact parking spaces to provide up to 20% of the required parking. [The current ordinance provisions.]
2. Prohibit compact parking spaces for the required parking but allow the use of compact parking spaces for all parking above the required amounts. [Staff's recommendation.]
3. Prohibit compact parking spaces completely.

Staff's recommended changes to Section 17.188.030 of the Zoning Ordinance are shown below. The additional text is shown with underlining while the deleted text shown with ~~strikethrough~~. The changes to the second bullet item located after the table titled "Dimensions of Parking/Stacking Spaces and Aisles" in Section 17.188.030.B.7.b is hereby replaced with the following:

- ~~• Up to 20 percent of the total required parking may be sized for compact cars. Compact car parking spaces shall be clearly marked "COMPACT CARS ONLY." Compact car parking spaces may be reduced (from the dimensions listed in the table) in width by no more than one-half foot, and in length by no more than two feet. When an entire section of the parking area is restricted to compact car parking, and the parking spaces are at a 90 degree angle to the aisle, the aisle width may be reduced to 23 feet. Compact car parking sections shall be located so as to minimize the distance between them and the uses to be served. For all new projects, compact parking spaces may not be used to provide the required off-street parking specified by the provisions of Section 17.188.030.B.2. The Planning Director may allow compact parking spaces in off-street parking areas as supplemental parking (beyond the minimum amount required in Section 17.188.030.B.2). The size of compact parking spaces may be as small as 8½ feet wide by 16 feet long. Existing compact parking spaces are allowed to remain until such time as the existing project site is replaced with new development.~~

The existing and proposed code provisions are contained in Attachment B-4. If the Planning Commission believes that Option 3 (prohibition of compact parking spaces) is the appropriate recommendation to the City Council. Staff recommends that the underlined text above be modified to read as follows: "Compact parking spaces may not be used to provide off-street parking. Existing compact parking spaces are allowed to remain until such time as the existing project site is replaced with new development."

Amendments to the Zoning Ordinance require a recommendation from the Planning Commission and approval by the City Council. As the planning body for the City of Wildomar, it is the Planning Commission's function to use their own judgment in making their recommendation to the Council. If the Planning Commission feels that some of these suggested code amendment modifications are unnecessary or inappropriate, staff recommends that the Commission provide the appropriate direction. Staff recommends

that the Planning Commission review the proposed amendments and make their recommendation action for the City Council's consideration.

FINDINGS:

- A. The proposed amendment to the Zoning Ordinance is consistent with the City of Wildomar General Plan.

The proposed amendments to the Zoning Ordinance are consistent with and do not conflict with the provisions of the General Plan. The proposed amendments can be divided into two general categories, one procedural and the other physical design. The efficient processing and approval of project applications will further the implementation of the General Plan as described in the implementation programs and Administration Element. The physical design amendments will further the implement Land Use Policy 4.1 which requires that new developments be located and designed to visually enhance, not degrade the character of the surrounding area through consideration of the following concepts: (a) Compliance with the design standards of the appropriate area plan land use category; and (l) Mitigate noise, odor, lighting, and other impacts on surrounding properties. The code amendment will further the implementation of these provisions by requiring a more appropriate quality/character of development. These enhancements will improve the visual quality and community design by reducing the potential for blight typified by the use of barbed wire, razor wire, and unscreened trash enclosures.

ENVIRONMENTAL ASSESSMENT:

A review of the potential environmental impacts was conducted for the proposed zoning ordinance amendments. This evaluation indicated no potential for impacts on the environment. As a result, the Planning Department recommends that the Planning Commission make a determination that the proposed zoning ordinance amendment has no potential to impact to the environment, and that the proposed ordinance is exempt from CEQA review pursuant to Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed zoning ordinance amendments to do not affect the development potential of property and do not allow for uses or activities that are not otherwise allowed, the proposed amendments have no potential to adversely impact the environment.

ALTERNATIVES:

- 1. Deny the project.
- 2. Provide direction to staff.

ATTACHMENTS:

- A. Resolution Recommending City Council Approval
Exhibit A - Ordinance
- B. Code Change Comparisons
 - B-1 Process Streamlining
 - B-2 Second Dwelling Units
 - B-3 Public Use Permits
 - B-4 Compact Parking Spaces

ATTACHMENT A
PLANNING COMMISSION RESOLUTION

RESOLUTION NO. PC09-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ENTITLED “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR CALIFORNIA, AMENDING PORTIONS OF ZONING ORDINANCE OF THE CITY OF WILDOMAR PERTAINING TO DECISIONS, APPEAL AUTHORITIES, COMPACT PARKING SPACES, AND OTHER MINOR MODIFICATIONS (ZONING CODE AMENDMENT 09-01)”

WHEREAS, the City of Wildomar incorporated on July 1, 2009; and

WHEREAS, the City Council of the City of Wildomar adopted the County of Riverside General Plan in effect on July 1, 2009; and

WHEREAS, the City Council of the City of Wildomar adopted the existing County of Riverside Zoning Ordinance in effect on July 1, 2009 to implement the General Plan; and

WHEREAS, on May 9, 2009 the City gave public notice by the methods prescribed the Municipal Code announcing the holding of a public hearing at which the project would be considered; and

WHEREAS, on August 5, 2009 the Planning Commission, during a regularly scheduled meeting, considered possible amendments to the Zoning Ordinance; 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 August 5, 2009, 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 that the project consists of a number of zoning ordinance amendments that do not affect the development potential of property and do not allow for uses or activities that are not otherwise allowed, and consequently, the proposed amendments have no potential to adversely impact the environment. Consequently, the proposed ordinance is exempt from CEQA review pursuant to Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 2. FINDINGS. The Planning Commission hereby finds that these amendments to the Zoning Ordinance are consistent with, and do not conflict with the provisions of the General Plan. The proposed amendments can be divided into two general categories, one procedural and the other physical design. The efficient processing and approval of project applications will further the implementation of the General Plan as described in the implementation programs and Administration Element. The physical design amendments will further the implementation of Land Use Policy 4.1 which requires that new developments be located and designed to visually enhance, not degrade the character of the surrounding area through consideration of

the following concepts: (a) Compliance with the design standards of the appropriate area plan land use category; and (l) Mitigate noise, odor, lighting, and other impacts on surrounding properties. The code amendment will further the implementation these provisions by requiring a more appropriate quality/character of development. These enhancements will improve the visual quality and community design by reducing the potential for blight typified by the use of barbed wire, razor wire, and unscreened trash enclosures.

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

A. Recommended Approval of Exemption. The Planning Commission hereby recommends that the City Council make a determination that the project is exempt from environmental review in accordance with the provisions of CEQA Guidelines Section 15061(b)(3).

B. Recommend Approval of Ordinance. The Planning Commission recommends that the City Council approve Zoning Code Amendment 09-01 as attached hereto and incorporated herein by reference as Exhibit A.

PASSED, APPROVED AND ADOPTED this 5th day of August 2009.

Robert Devine
Chairman

APPROVED AS TO FORM:

ATTEST:

Thomas Jex
Assistant City Attorney

David Hogan
Planning Commission Secretary

EXHIBIT A
DRAFT COUNCIL ORDINANCE

Exhibit A

ORDINANCE NO. 2009-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR CALIFORNIA, AMENDING PORTIONS OF ZONING ORDINANCE OF THE CITY OF WILDOMAR PERTAINING TO DECISIONS, APPEAL AUTHORITIES, COMPACT PARKING SPACES, AND OTHER MINOR MODIFICATIONS (ZONING (ZONING CODE AMENDMENT 09-01)

THE CITY COUNCIL OF THE CITY OF WILDOMAR DOES ORDAIN AS FOLLOWS:

SECTION 1. Purpose and Authority

The purpose of this Ordinance is to amend Zoning Ordinance provisions relating to project approval and appeals, second dwelling units, compact parking spaces, and other minor zoning code modifications.

SECTION 2. Findings

A. Compliance with the California Environmental Quality Act

A review of the potential environmental impacts was conducted for the proposed zoning ordinance amendments. This evaluation indicated no potential for impacts on the environment. As a result, the Planning Department recommends that the Planning Commission make a determination that the proposed zoning ordinance amendment has no potential to impact the environment, and that the proposed ordinance is exempt from CEQA review pursuant to Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed zoning ordinance amendments to do not affect the development potential of property and do not allow for uses or activities that are not otherwise allowed, the proposed amendments have no potential to adversely impact the environment.

B Consistency with the General Plan

These amendments to the Zoning Ordinance are consistent with, and do not conflict with the provisions of the General Plan. The proposed amendments can be divided into two general categories, one procedural and the other physical design. The efficient processing and approval of project applications will further the implementation of the General Plan as described in the implementation programs and Administration Element. The physical design amendments will further the implementation of Land Use Policy 4.1 which requires that new developments be located and designed to visually enhance, not degrade the character of the surrounding area through consideration of the following concepts: (a) Compliance with the design standards of the appropriate area plan land use category; and (l) Mitigate noise, odor, lighting, and other impacts on surrounding properties. The code amendment will further the implementation these provisions by requiring a more appropriate quality/character of development. These enhancements will improve the visual quality and community design by reducing the potential for blight typified by the use of barbed wire,

razor wire, and unscreened trash enclosures. The proposed modifications to the zoning ordinance are consistent with and further implement the provisions of General Plan, and will not create problems detrimental to the public health, safety and general welfare of the residents of Wildomar.

SECTION 3. Amendments to the Zoning Ordinance

The Zoning Ordinance for the City of Wildomar is hereby amended as described below.

- A. Section 17.192.060 is hereby amended to read as follows:

“17.192.060 Hearing and notice of decision.

The hearing body shall hear relevant testimony from interested persons and make its decision within a reasonable time after the close of the public hearing. A notice of the decision shall be mailed to the applicant and to any person who has made a written request for a copy of the decision.”

- B. Section 17.192.070 is hereby amended to read as follows:

“17.192.070 Appeal - proceedings before the appeal authority.

The decision of the hearing body is considered final unless within ten days after the notice of decision is provided to the project applicant or an interested person files an appeal, accompanied by the fee set forth in County Ordinance No. 671, with the City Clerk.

- A. The following actions may be appealed to Planning Commission as the appeal authority: all decisions by the Director of Planning on development permits.
- B. The following actions may be appealed to City Council as the appeal authority: all decisions of the Planning Commission.
- C. If a timely appeal is filed with the City Clerk, the matter shall be set for a public hearing before the appeal authority not less than 13 nor more than 60 days thereafter and shall give notice of the time and place of the hearing in the same manner as notice was given of the hearing before the hearing body.”

- C. Subsection 17.204.040.A.4 is hereby amended to read as follows:

“Sufficient useable yard area shall be provided for both the primary and secondary units to ensure adequate light and air, and on-site recreational/activity opportunities. The proposed second unit shall comply with the following requirements.

Existing Lot Size	Second Unit Size Requirements
14,400 sq. ft. to 19,999 sq. ft.	Minimum Unit Size: 750 square feet Maximum Unit Size: 1,200 square feet
20,000 sq. ft. to 1.99 acre	Minimum Unit Size: 750 square feet Maximum Unit Size: 1,500 square feet
2 acres and larger	Minimum Unit Size: 750 square feet Maximum Unit Size: 1,800 square feet”

D. Section 17.208.015 is hereby added of the Zoning Ordinance to read as follows:

“17.208.015 Application processing.

Except for the permitted uses described in Section 17.208.010 which shall remain in effect, all applications for a public use permit, or revisions thereof, shall comply with the application processing provisions contained in Chapter 17.200.”

E. Sections 17.208.020, 17.208.030, 17.208.040, 17.208.050, and 17.208.060 are hereby repealed.

F. Section 17.172.085 is hereby added to read as follows:

“17.172.085 Trash enclosures.

All commercial, industrial, and multiple family residential developments (with centralized trash collection facilities) shall provide a masonry, or equivalent material, trash enclosure. The trash and recyclable enclosure shall be sufficiently sized to accommodate the number of trash enclosures proposed for the development and shall include a sturdy gate.“

G. Section 17.172.205.C is hereby added to read as follows:

“C. Prohibited materials. Fences and walls shall not be topped with barbed wire, razor wire, or other similar materials except as provided herein. In circumstances where high security is required and appropriate, the Planning Director may authorize, in writing, the use of these otherwise prohibited materials. In rural and agricultural settings, pasture and crop perimeter fences composed of several strands of barbed wire are allowed.“

H. Section 17.188.030.B.7.b, second bullet point located after the table titled “Dimensions of Parking/Stacking Spaces and Aisles” is hereby replaced with the following:

“● For all new projects, compact parking spaces may not be used to provide the required off-street parking specified by the provisions of Section 17.188.030.B.2. The Planning Director may allow compact parking spaces in off-street parking areas as supplemental parking (beyond the minimum amount required in Section 17.188.030.B.2). The size of compact parking spaces may be as small as 8½ feet wide by 16 feet long. Existing compact parking spaces are allowed to remain until such time as the existing project site is replaced with new development.”

SECTION 4. Severability

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. Certification and Publication

The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California law.

SECTION 6. Effective Date

This ordinance shall take effect thirty (30) days after its enactment in accordance with California law.

Scott Farnam, Mayor

ATTEST:

Debby Lee, City Clerk

APPROVED AS TO FORM:

Julie Hayward Biggs, City Attorney

EXHIBIT B
CODE CHANGE COMPARISONS

ATTACHMENT B-1 PROCESS STREAMLINING

Current Code Provisions

17.192.060. HEARING AND NOTICE OF DECISION.

The hearing body shall hear relevant testimony from interested persons and make its decision within a reasonable time after the close of the public hearing. Notice of the decision shall be filed by the Planning Director with the Clerk of the Board of Supervisors, together with a report of the proceedings, not more than 15 days after the decision. A copy of the notice of decision shall be mailed to the applicant and to any person who has made a written request for a copy of the decision. If the hearing body is unable to make a decision, that fact shall be filed with the Clerk of the Board in the same manner for reporting decisions and shall be considered as a notice of denial of the application by the hearing body. The Clerk of the Board shall place the notice of the decision on the next agenda of the Board of Supervisors held five or more days after the Clerk receives the notice from the Planning Director.

17.192.070. PROCEEDING BEFORE THE BOARD OF SUPERVISORS.

The decision of the hearing body is considered final and no action by the Board of Supervisors is required unless, within ten days after the notice of decision appears on the Board's agenda, the applicant or an interested person files an appeal, accompanied by the fee set forth in County Ordinance No. 671, with the Clerk of the Board or unless the Board assumes jurisdiction by ordering the matter set for public hearing. If a timely appeal is filed or the Board assumes jurisdiction, the Clerk of the Board shall set the matter for public hearing before the Board not less than 13 nor more than 60 days thereafter and shall give notice of the time and place of the hearing in the same manner as notice was given of the hearing before the hearing body.

Proposed Code Revisions

17.192.060 Hearing and notice of decision.

The hearing body shall hear relevant testimony from interested persons and make its decision within a reasonable time after the close of the public hearing. A notice of the decision shall be mailed to the applicant and to any person who has made a written request for a copy of the decision.

17.192.070 Appeal - proceedings before the appeal authority.

The decision of the hearing body is considered final unless within ten days after the notice of decision is provided to the project applicant, the applicant or an interested person files an appeal, accompanied by the fee set forth in County Ordinance No. 671, with the City Clerk.

- A. The following actions may be appealed to Planning Commission as the appeal authority: all decisions by the Director of Planning on development permits.
- B. The following actions may be appealed to City Council as the appeal authority: all decisions of the Planning Commission.
- C. If a timely appeal is filed with the City Clerk, the matter shall be set for a public hearing before appeal authority not less than 13 nor more than 60 days thereafter and shall give notice of the time and place of the hearing in the same manner as notice was given of the hearing before the hearing body.

ATTACHMENT B-2 SECOND DWELLING UNIT LOT SIZES

Current Code Provisions

4. The proposed second unit meets the following zoning, lot size and unit size standards:

Minimum Lot Size per Zoning*	Standard Second Unit Permit**
7,200 sq. ft. to 19,999 sq. ft.	Maximum Lot Size: 14,440 sq. ft. Minimum Unit Size: 750 square feet Maximum Unit Size: 1,200 square feet
20,000 sq. ft. to 1.99 acre	Maximum Lot Size: 1 acre Minimum Unit Size: 750 square feet Maximum Unit Size: 1,500 square feet
2 acres and larger	Maximum Lot Size: 2 acres Minimum Unit Size: 750 square feet Maximum Unit Size: 1,800 square feet"
* "Minimum lot size per zoning" refers to the minimum lot size required by the zoning designation for the parcel in question	
** "Standard" second unit permit refers to a second unit which is attached to or detached from the principal dwelling unit, It can be occupied by family members or rented to anyone for residential use.	

Proposed Code Revisions

4. Sufficient useable yard area shall be provided for both the primary and secondary units to ensure adequate light and air, and on-site recreational/activity opportunities. The proposed second unit shall comply with the following requirements.

Existing Lot Size	Second Unit Size Requirements
14,400 sq. ft. to 19,999 sq. ft.	Minimum Unit Size: 750 square feet Maximum Unit Size: 1,200 square feet
20,000 sq. ft. to 1.99 acre	Minimum Unit Size: 750 square feet Maximum Unit Size: 1,500 square feet
2 acres and larger	Minimum Unit Size: 750 square feet Maximum Unit Size: 1,800 square feet

ATTACHMENT B-3 PUBLIC USE PERMITS

Current Code Provisions

17.208.010. PERMITTED USES.

Notwithstanding any other provisions of this ordinance, the following uses may be permitted in any zone classification provided that a public use permit is granted pursuant to the provisions of this section:

- (A) Educational institutions.
- (B) Government uses.
- (C) Any hospital or other facility that is licensed by the California Department of Public Health, or by the California Department of Mental Hygiene, not including a family care, foster home or group home that serves six or fewer persons.
- (D) Any home or other facility for the aged or children that is licensed by the California Department of Social Services, or by the Riverside County Department of Public Social Services, not including a home or facility that serves six or fewer children or aged persons, nor a large family day care home that serves seven to twelve children. Said facilities shall be developed in accordance with the standards set forth in Sections 17.272.010 and 17.272.020 of this ordinance.
- (E) Half way house.
- (F) Public utilities.

17.208.020 APPLICATION.

Every application for a public use permit shall be made in writing to the Planning Director on the forms provided by the Planning Department, shall be accompanied by a filing fee as set forth in County Ordinance No. 671, and shall include the following information:

- (A) Name and address of the applicant.
- (B) Evidence that he is the owner of the premises involved or that he has written permission of the owner to make such application.
- (C) A plot and development plan drawn in sufficient detail to clearly describe the following:
 - 1. Physical dimensions of property and structures.
 - 2. Location of existing and proposed structures.
 - 3. Setbacks.
 - 4. Methods of circulation.
 - 5. Ingress and egress.
 - 6. Utilization of property under the requested permit.
- (D) Such additional information as shall be required by the application form.

17.208.020 PUBLIC HEARING.

A public hearing shall be held on the application for a public use permit in accordance with the provisions of Chapter 17.192 of this ordinance and all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing.

17.208.020 CONDITIONS.

A public use permit shall not be granted unless the applicant demonstrates that the proposed use will not be detrimental to the health, safety or general welfare of the community. Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community.

17.208.020 USE OF PERMIT.

Any public use permit that is granted shall be used within one year from the effective date thereof, or within such additional time as may be set into the conditions of approval, which shall

not exceed a total of three years; otherwise, the permit shall be null and void. Notwithstanding the foregoing, if a permit is required to be used within less than three years, the permittee may, prior to its expiration, request an extension of time in which to use the permit. A request for extension of time shall be made to the Board of Supervisors, on forms provided by the Planning Department and shall be filed with the Planning Director, accompanied by a fee as set forth in County Ordinance No. 671. Within 30 days following the filing of a request for an extension, the Planning Director shall review the application, make a recommendation thereon, and forward the matter to the Clerk of the Board, who shall place the matter on the regular agenda of the Board. An extension of time may be granted by the Board upon a determination that valid reason exists for permittee not using the permit within the required period of time. If an extension is granted, the total time allowed for use of the permit shall not exceed a period of three years, calculated from the effective date of the issuance of the permit. The term "use" shall mean the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion, or the actual occupancy of existing buildings or land under the terms of the authorized use. The effective date of a permit shall be determined pursuant to Chapter 17.192 of this ordinance.

17.208.020 REVOCATION OF PERMIT.

Any public use permit granted may be revoked upon the findings and procedure contained in Chapter 17.220 of this ordinance.

Proposed Code Revisions

17.208.010. Permitted Uses.

Notwithstanding any other provisions of this ordinance, the following uses may be permitted in any zone classification provided that a public use permit is granted pursuant to the provisions of this section:

- (A) Educational institutions.
- (B) Government uses.
- (C) Any hospital or other facility that is licensed by the California Department of Public Health, or by the California Department of Mental Hygiene, not including a family care, foster home or group home that serves six or fewer persons.
- (D) Any home or other facility for the aged or children that is licensed by the California Department of Social Services, or by the Riverside County Department of Public Social Services, not including a home or facility that serves six or fewer children or aged persons, nor a large family day care home that serves seven to twelve children. Said facilities shall be developed in accordance with the standards set forth in Sections 17.272.010 and 17.272.020 of this ordinance.
- (E) Half way house.
- (F) Public utilities.

17.208.015 Application processing.

Except for the permitted uses described in Section 17.208.010 which shall remain in effect, all applications for a public use permit, or revision thereof, shall comply with the application processing provisions contained in Chapter 17.200.

Section 17.208.020 - Repealed

Section 17.208.030 – Repealed

Section 17.208.040 – Repealed

Section 17.208.050 – Repealed

Section 17.208.060 - Repealed

ATTACHMENT B-4 COMPACT PARKING SPACES

Current Code Provisions

- Up to 20 percent of the total required parking may be sized for compact cars. Compact car parking spaces shall be clearly marked "COMPACT CARS ONLY." Compact car parking spaces may be reduced (from the dimensions listed in the table) in width by no more than one-half foot, and in length by no more than two feet. When an entire section of the parking area is restricted to compact car parking, and the parking spaces are at a 90 degree angle to the aisle, the aisle width may be reduced to 23 feet. Compact car parking sections shall be located so as to minimize the distance between them and the uses to be served.

Proposed Code Revisions

- For all new projects, compact parking spaces may not be used to provide the required off-street parking specified by the provisions of Section 17.188.030.B.2. The Planning Director may allow compact parking spaces in off-street parking areas as supplemental parking (beyond the minimum amount required in Section 17.188.030.B.2). The size of compact parking spaces may be as small as 8½ feet wide by 16 feet long. Existing compact parking spaces are allowed to remain until such time as the existing project site is replaced with new development.



CITY OF WILDOMAR

DIRECTOR'S HEARING

David Hogan · Director of Planning

WEDNESDAY, JULY 22, 2009 AT 1:30 P.M.

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

MEETING MINUTES

1.0 CALL TO ORDER The Director's Hearing was called to order by Planning Director David Hogan at 1:33 P.M. at the Wildomar City Hall, Council Chambers.

Staff Present: David Hogan, Planning Director
Sean del Solar, Planner

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

2.1 Extension of Time Request 09-0270 for TTM 25122

Planner del Solar made the staff report.

Planning Director Hogan opened the Public Hearing.

Applicant Steve Howard addressed the Director.

Resident Gina Castanon addressed the Director. Ms. Castanon inquired about the conditions of approval for the project. She then requested denial of the project because the property is unkempt and a fire hazard. Ms. Castanon also stated that she is holding the property owner and city liable should a fire occur and effect her property. She went on to discuss the project's incompatibility with the existing land uses of the surrounding area.

Planning Director Hogan recommended that Ms. Castanon contact the City's Code Enforcement Officer about some of the property maintenance issues she raised. Ms. Castanon indicated that she had and would also follow-up with Code Enforcement.

Resident Ruben Castanon addressed the Director on behalf of his parents whom reside northeast McVicor and Palomar Streets. Mr. Castanon raised questions about flooding

that occurs along Palomar Street and suggested that the placement of dirt or movement of soils on the subject site would augment the area flooding problems.

Applicant Steve Howard responded to concerns raised during the public hearing. Mr. Howard discussed grading BMPs in place to mitigate flooding and erosion at the site. He also stated that he would be working with Code Enforcement to address property maintenance concerns.

Ms. Castanon asked Planning Director Hogan if the Planning Commission would hear the item. Mr. Hogan responded that at a Directors Hearing the Planning Director decided on the matters, however if appealed, the Planning Commission would then hear the item.

Planning Director Hogan closed the Public Hearing.

Planning Director Hogan stated that he recognized the some of the faults with the general plan land uses, however it is the adopted general plan and the project is consistent with it. Mr. Hogan also recognized the fire and flooding issues and stated that should the project be constructed, the flooding issues created by the project would be addressed by the project. Planning Director Hogan then made a decision.

Planning Director Hogan approved Extension of Time number 09-0270, a request for a fourth and fifth Extension of Time requests for Tentative Tract 25122.

3.0 ADJOURNMENT

The Director's Hearing was adjourned at 1:48 PM by Planning Director Hogan.